

EASEMENT - DISTRIBUTION FACILITIES  
(Notes and Bounds)

TO BE RECORDED: YES NO

This instrument prepared by:

STATE OF ALABAMA }  
COUNTY OF Shelby }  
TAX ID # \_\_\_\_\_

W.E. No. 61700-00-01825  
Parcel No. 70157269  
Transformer No. S-13522

Jeff J. Callicott  
Alabama Power Company  
P. O. Box 2641  
Birmingham, Alabama 35291

A. GRANT KNOW ALL MEN BY THESE PRESENTS, That Aliant Bank

as grantors (s), (the "Grantor", whether one or more) for and in consideration of One and No/100 (\$1.00) and other good and valuable consideration, to Grantor in hand paid by Alabama Power Company, a corporation, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to Alabama Power Company, its successors and assigns (the "Company"), the easements, rights and privileges described and designated in Section B below.

B. RIGHTS The easements, rights and privileges granted hereby are as follows:

1. ☒ **Overhead and/or Underground.** The right from time to time to construct, install, operate and maintain, upon, over, under and across the Property described in Section C below, along a route to be selected by the Company which is generally shown on the Company's final location drawing (which shows the general location of underground Facilities, if any, by cross-hatching indicating an area not greater than ten feet (10') in width), all poles, towers, wires, conduits, fiber optics, cables, trans closures, transformers, anchors, guy wires and other Facilities useful or necessary in connection therewith (collectively, "Facilities"), for the overhead and/or underground transmission and distribution of electric power, and also the right to clear and keep clear a strip of land extending five feet (5') to either side of the center line of underground Facilities and fifteen feet (15') to either side of the center line of overhead Facilities; further, the right in the future to install and utilize intermediate poles in line for overhead Facilities and the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the thirty foot (30') strip for overhead Facilities that, in the sole opinion of the Company, might now or may hereafter endanger, interfere with or fall upon any of the overhead Facilities.
2. **Line Clearing.** The right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs that, in the sole opinion of the Company, might now or may hereafter endanger, interfere with or fall upon the electric transmission or distribution lines, poles, towers or other Facilities now or hereafter located adjacent to the Property described in Section C below along a route to be selected by the Company generally shown on the Company's final location drawing, and also the right to clear and keep clear all trees, undergrowth, and other obstructions on property in which Grantor has an interest within fifteen feet (15') of the center line of the lines of such poles, towers or other Facilities.
3. **Guy Wires and Anchors.** The right to implant, install and maintain anchor(s) of concrete, metal or other material on and under the Property described in Section C below, and to construct, extend and maintain guy wires from such anchor(s) to structures now or hereafter erected adjacent to such Property or property adjacent thereto (collectively, "Guy Wire Facilities") along a route to be selected by the Company generally shown on the Company's final location drawing; and also the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs that, in the sole opinion of the Company, might now or may hereafter endanger, interfere with or fall upon any of the Guy Wire Facilities.

Grantor hereby grants to the Company all easements, rights and privileges necessary or convenient for the full enjoyment and use thereof, including without limitation the right of ingress and egress to and from the Facilities and Guy Wire Facilities, as applicable, and the right to excavate for installation, replacement, repair and removal thereof; and also the right to cut, remove and otherwise keep clear any and all structures, obstructions or obstacles of whatever character, on, under and above said Facilities and Guy Wire Facilities, as applicable.

C. **PROPERTY DESCRIPTION** The easements, rights and privileges granted hereby shall apply to, and the word "Property" as used in this instrument shall mean, the following described real property situated in Shelby County, Alabama (the "Property"):

For legal description, see Exhibit "A" attached hereto and made a part hereof.



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Shelby Cnty Judge of Probate, AL  
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D. **ADDITIONAL PROVISIONS.** In the event it becomes necessary or desirable for the Company to move any of the Facilities in connection with the construction or improvement of any public road or highway in proximity to the Facilities, Grantor hereby grants to the Company the right to relocate the Facilities and, as to such relocated Facilities, to exercise the rights granted above; provided, however, the Company shall not relocate the Facilities on the Property at a distance greater than ten feet (10') outside the boundary of the right of way of any such public road or highway as established or re-established from time to time. This grant and agreement shall be binding upon and shall inure to the benefit of Grantor, the Company and each of their respective heirs, personal representatives, successors and assigns and the words "Company" and "Grantor" as used in this instrument shall be deemed to include the heirs, personal representatives, successors and assigns of such parties.

TO HAVE AND TO HOLD the same to the Company, its successors and assigns, forever.

IN WITNESS WHEREOF, the undersigned Grantor(s) has/have set his/her/their hand(s) and seal(s) this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Witness

[Signature]

Witness

Witness

[Signature] (SEAL)  
(Grantor)

Aliant Bank (SEAL)  
(Grantor)

By: Jack Varamora (SEAL)

As: President, Birmingham Region

Shelby County, AL 08/01/2005  
State of Alabama

Deed Tax: \$.50



IN WITNESS WHEREOF, the said Grantor, has caused this instrument to be executed by \_\_\_\_\_ its authorized representative, as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST (if corporation) or WITNESS:

\_\_\_\_\_  
(Grantor - Name of Corporation/Partnership/LLC)

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_ (SEAL)  
Its: \_\_\_\_\_

[indicate President, General Partner, Member, etc.]

**INDIVIDUAL NOTARIES**

STATE OF ALABAMA }  
COUNTY OF \_\_\_\_\_ }


I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that \_\_\_\_\_ whose name(s) is/are signed to the foregoing instrument and who is/are known to me, acknowledged before me on this day that being informed of the contents of the instrument, he/she/they executed the same voluntarily, on the day the same bears date.

Given under my hand and official seal this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

[SEAL]

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

STATE OF ALABAMA }  
COUNTY OF \_\_\_\_\_ }

  
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I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that \_\_\_\_\_ whose name(s) is/are signed to the foregoing instrument and who is/are known to me, acknowledged before me on this day that being informed of the contents of the instrument, he/she/they executed the same voluntarily, on the day the same bears date.

Given under my hand and official seal this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

[SEAL]

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

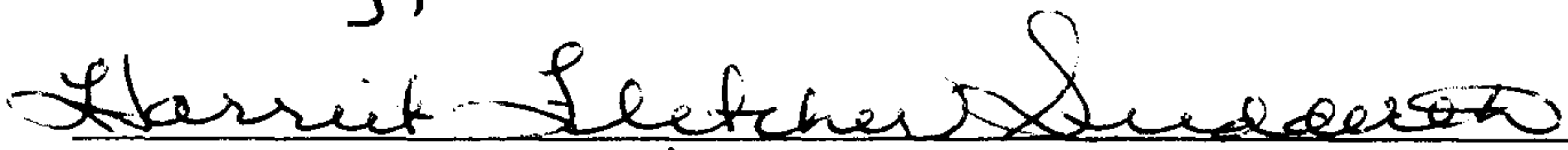
**TRUSTEE/CORPORATION/PARTNERSHIP/LLC NOTARY**

STATE OF ALABAMA }  
COUNTY OF Shelby }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that Jack Naramore whose name as President, Birmingham Region of Aiant Bank a \_\_\_\_\_ [as \_\_\_\_\_], is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that being informed of the contents of the instrument, he/she, as such Jack Naramore and with full authority, executed the same voluntarily for and as the act of said \_\_\_\_\_ [acting in such capacity as aforesaid].

Given under my hand and official seal, this the 13<sup>th</sup> day of July, 2005.

[SEAL]

  
\_\_\_\_\_  
Notary Public  
My commission expires: April 29, 2009

**NOTARY PUBLIC STATE OF ALABAMA AT LARGE**  
**MY COMMISSION EXPIRES: Apr 29, 2009**  
**BONDED THRU NOTARY PUBLIC UNDERWRITERS**

For Alabama Power Company Corporate Real Estate Department Use Only

All facilities on Grantor: ☒

Station to Station: \_\_\_\_\_



20050408000155500 3/4 \$1032.00  
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**EXHIBIT "A"**

A parcel of land situated in the Southwest 1/4 of the Southeast 1/4 of Section 1, Township 21 South, Range 3 West, Shelby County, Alabama being more particularly described as follows:

Commence at the Southeast corner of Section 1, Township 21 South, Range 3 West; thence in a Westerly direction along the South line of said Section 1 a distance of 2337.92 feet to a point at the intersection of said Section line and the Northeasterly Right-of-Way line of U.S. Highway No. 31; thence  $37^{\circ}21'23''$  to the right in a Northwesterly direction along said Right-of-Way line a distance of 24.34 feet to the POINT OF BEGINNING of the parcel described herein; thence continue along the last described course and along said Right-of-Way line a distance of 215.59 feet to a point at the intersection of said U.S. Highway No. 31 Right-of-Way line and the Southeasterly Right-of-Way line of a proposed road, said point lying on a curve to the left having a radius of 112.00 feet and a central angle of  $12^{\circ}50'47''$ ; thence  $83^{\circ}26'29''$  to the right (angle measured to tangent) in a Northeasterly direction (leaving said U.S. Highway No. 31 Right-of-Way) along the arc of said curve and along the Southeasterly Right-of-Way line of said proposed road a distance of 25.11 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Northeasterly direction along said Right-of-Way line a distance of 72.60 feet to the P.C. (point of curve) of a curve to the right having a radius of 175.00 feet and a central angle of  $45^{\circ}33'32''$ ; thence in a Northeasterly direction along the arc of said curve and along said Right-of-Way line a distance of 139.15 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Northeasterly direction along said Right-of-Way line a distance of 78.51 feet to a point, said point lying on a curve to the right having a radius of 250.00 feet and a central angle of  $16^{\circ}42'31''$ ; thence  $92^{\circ}44'33''$  to the right (angle measured to tangent) in a Southerly direction (leaving said Right-of-Way line) along the arc of said curve a distance of 72.91 to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southerly direction a distance of 173.03 feet to a point; thence  $34^{\circ}03'58''$  to the right in a Southwesterly direction a distance of 133.19 feet to the POINT OF BEGINNING.

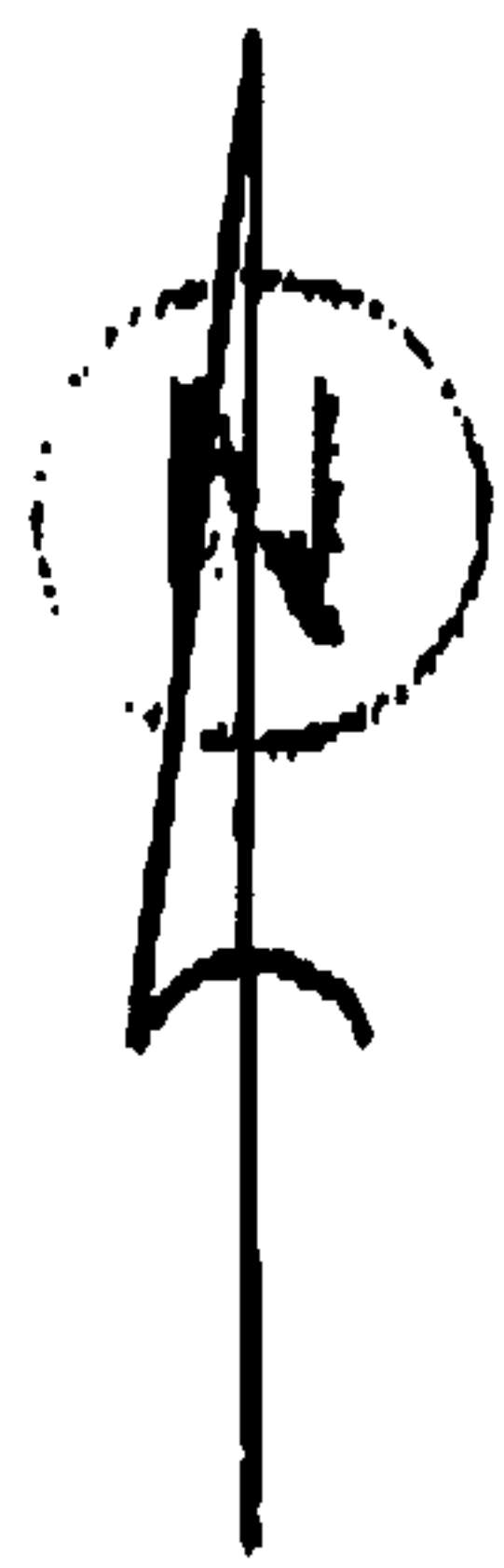
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## SKETCH OF PROPOSED WORK — SIMPLIFIED W. E.

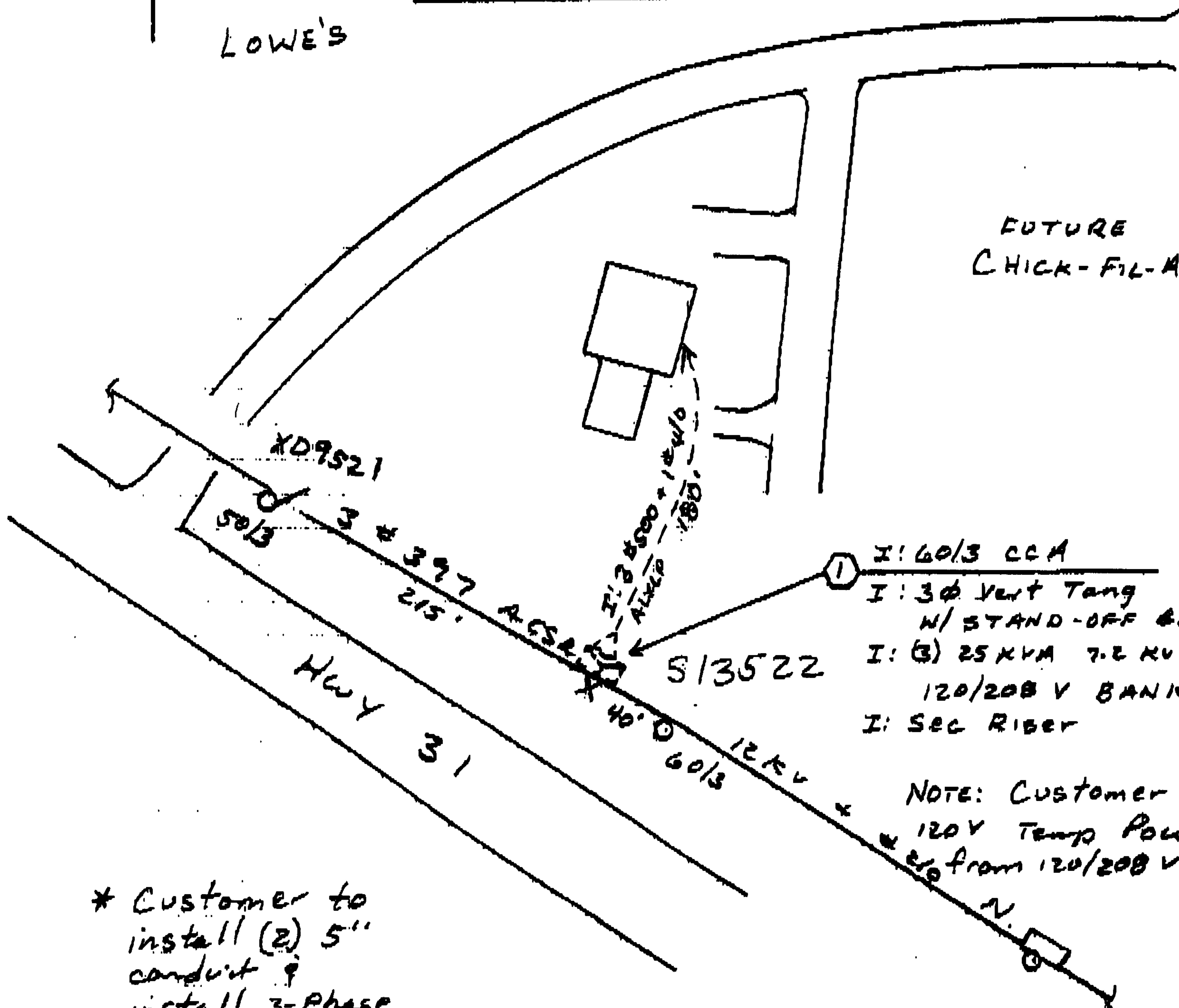
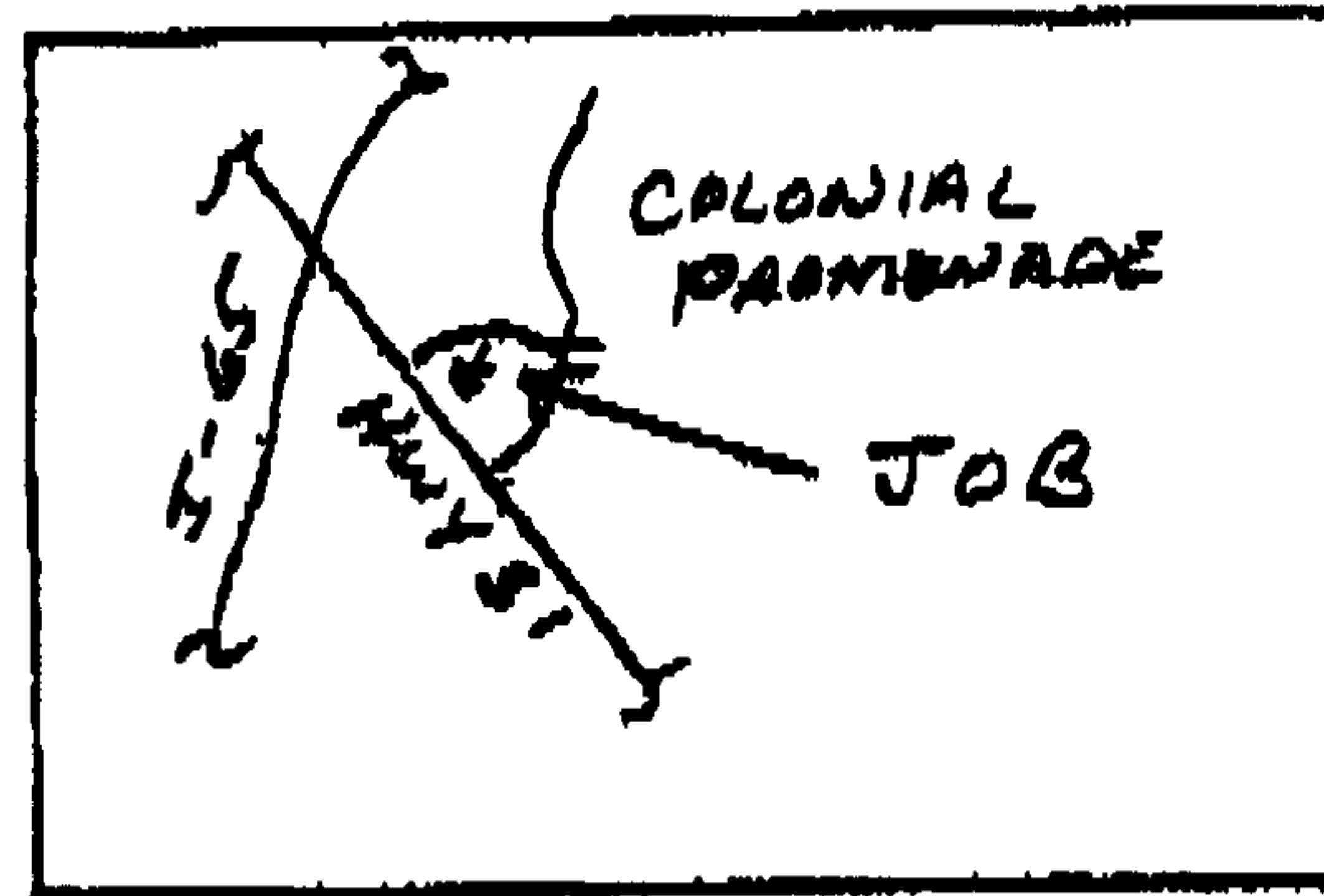
Sheet 1 of 2



Customer <b>Aliant Bank</b>	Location <b>Colonial Promenade Pkwy Lot 1</b>	Agreed Serv. Date <b>11/15/05</b>	Estimate No. <b>61700-00-01825</b>
Division <b>Birmingham</b>	District <b>Metro-South</b>	Town <b>Alabaster</b>	Drawn by <b>G. Belcher</b>
County <b>Shelby</b>	Section <b>1</b>	Township <b>21 S</b>	Range <b>3 W</b>
Acquisition Agent	Date R/W Assigned	Date R/W Cleared	Map Reference
			LOC <b>X 24702</b>
			Transformer Loading <b>Y XD9521</b>



LOWE'S



\* Customer to install (2) 5" conduit & install 3-Phase Transocket

Est Load = 72 KVA

Voltage	
Pr	Sec.
12	120
KV	208
PHONE CO.	
Co. Name	
CATV CO.	
Co. Name	
ACCESSIBLE	
TREE CREW	
ROCK HOLE	
PERMITS REQ'D	
R/W	
CITY	
COUNTY	
STATE	
MISSALL #	
OTHER	
SCALE	
NTS	
Fl. Per inch	



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Cnet. Completed By

Date