

41750  
GRANT OF LAND EASEMENT and  
RESTRICTIVE COVENANTS for  
Underground Facilities in Subdivision

DOCUMENT TO BE RECORDED

This instrument prepared by:

(NOTE: DO NOT RECORD WITHOUT  
ATTACHED PLAT OR DRAWING!)

Valerie J. Acocella

STATE OF ALABAMA }

W.E. No. 61700-08-01065

COUNTY OF SHELBY }

Parcel No. 70165782

Alabama Power Company  
Corporate Real Estate  
P. O. Box 2641  
Birmingham, Alabama 35291

KNOW ALL MEN BY THESE PRESENTS, THAT: WHEREAS, the "Grantor", (whether one or more) are owners of record of the following described real estate in Shelby County, Alabama, to wit: Waterford Cove, Sector 4 (the "Subdivision") as shown on the plat or drawing attached and incorporated herein by reference, which Grantor plans to record in the Office of the Judge of Probate, Shelby County, Alabama (the "Property") ( Southwest Quarter of the Northwest Quarter of Section 35, and the Southeast Quarter of the Northeast Quarter of Section 34, all being in Township 21 South, Range 2 West ).

WHEREAS, the said Grantor desires to grant to Alabama Power Company, (the "Company") an easement for underground electrical facilities and to establish and place the Subdivision under certain restrictive covenants to insure the use of the property for attractive residential purposes and thereby to secure to each lot owner the same advantages insured to other lot owners.

NOW, THEREFORE, The Grantor, for and in consideration of *One and No/100 Dollars (\$1.00)*, and other good and valuable consideration, to Grantor in hand paid by the Company, the receipt of which is hereby acknowledged, does hereby grant to Company, its successors and assigns, the right to construct, install, operate, maintain and replace, along a route to be selected by the Company (generally shown on the attached drawing), its successors or assigns, all conduits, cables, transformers, and other appliances and facilities (above ground and below ground) useful or necessary in connection therewith, for the underground transmission and distribution of electric power upon, under and across the Property.

Together with all the rights and privileges necessary or convenient for the full enjoyment or use thereof, including the right of ingress and egress to and from said facilities and the right to excavate for installation, replacement, repair and removal thereof; and also the right to cut and keep clear any and all obstructions or obstacles of whatever character on, under and above said facilities.

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

And, the undersigned Grantor further does hereby adopt the following conditions, restrictions, covenants and limitations which shall apply in their entirety to all lots in the said Subdivision and shall run with the title to said property, and which shall be included in any conveyance of title to any or all of said lots in said subdivision:

1. The owners of lots within the Subdivision will not erect or grant to any person, firm or corporation the right, license or privilege to erect or use or permit the use of overhead wires, poles or overhead facilities of any kind for electrical, telephone, or cable television service on said real estate (except such poles and overhead facilities as may be required at those places where distribution facilities enter and leave said subdivision, or existing and/or future overhead transmission or communication facilities on existing or future Alabama Power Company rights of way). Nothing herein shall be construed to prohibit overhead street lighting, or ornamental yard lighting, where serviced by underground wires or cables.

2. In order to beautify said Subdivision for the benefit of all lot owners and permit Alabama Power Company to install underground electric service to each house in said Subdivision for the mutual benefit of all lot owners therein, no owner of any lot within said Subdivision will commence construction of any house on any lot until such owner (1) notifies Alabama Power Company that such construction is proposed, (2) grants in writing to Alabama Power Company such rights and easements as Alabama Power Company deems necessary in connection with its construction, operation, maintenance, replacement and removal of underground service laterals of each lot, and (3) otherwise complies with the Rules and Regulations for Underground Residential Distribution on file with and approved by the Alabama Public Service Commission. Further, no plants, shrubs, fences, walls or other obstructions shall be placed in front of or within three (3) feet of any side of any pad-mounted equipment and Alabama Power Company shall not be liable for any damages to or destruction of any shrubs, trees, flowers, grass or other plants caused by the equipment or employees of the Company or its contractors engaged in the construction, operation, maintenance, replacement or removal of the Company's facilities. Appropriate meter locations must be obtained from Alabama Power Company prior to installing or relocating service entrance facilities and associated internal wiring. Owners must install meter sockets and service risers in accordance with the Company's specifications.

3. Alabama Power Company, its successors and assigns, will retain title to all underground facilities installed by the Company or its contractors, including but not limited to the service lateral serving each said house, and said service entrance facilities provided by Alabama Power Company will not in any way be considered a fixture or fixtures and thereby a part of said real estate, but will remain personal property belonging to Alabama Power Company, its successors and assigns, and will be subject to removal by Alabama Power Company, its successors and assigns, in accordance with applicable Rules and Regulations filed with and approved by the Alabama Public Service Commission.

4. These covenants and restrictions touch and concern and benefit the land and shall run with the land and shall be binding on Alabama Power Company, the undersigned, their respective heirs, successors and assigns. Invalidity of any one of the foregoing covenants and restrictions shall in no way affect any other provision contained herein.





All facilities on Grantor: ✓

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

THIS PERMIT COVERS ALL COMPANY FACILITIES  
LOCATED ALONG THE ROUTE SHOWN ON  
THE ATTACHED DRAWING WITHIN THE  
SUBDIVISION IDENTIFIED HEREIN.

IN WITNESS WHEREOF, this instrument has been executed this the 3<sup>rd</sup> day of Jan, 2006.

WITNESS/ATTEST

GRANTOR:

Waterford, LLC

Name of Individual/Company/Partnership/LLC

Signature of Individual/Officer/Partner

CORPORATE/PARTNERSHIP ACKNOWLEDGMENT

STATE OF ALABAMA }

County of SHELBY }

I, Elizabeth M. Bishop, a Notary Public, in and for said County in said State, hereby certify that, John G. Reamer Jr whose name as Member of Waterford, LLC, a corporation/partnership, 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 officer/partner/member and with full authority, executed the same voluntarily for and as the act of said corporation/partnership.

Given under my hand and official seal, this the 3<sup>rd</sup> day of JANUARY, 2006.

Elizabeth M. Bishop  
Notary Public

My commission expires: 10-7-09

INDIVIDUAL ACKNOWLEDGMENT

STATE OF ALABAMA }

County of \_\_\_\_\_ }

I, \_\_\_\_\_, 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 date that, being informed of the contents of the agreement, (has/have) executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public

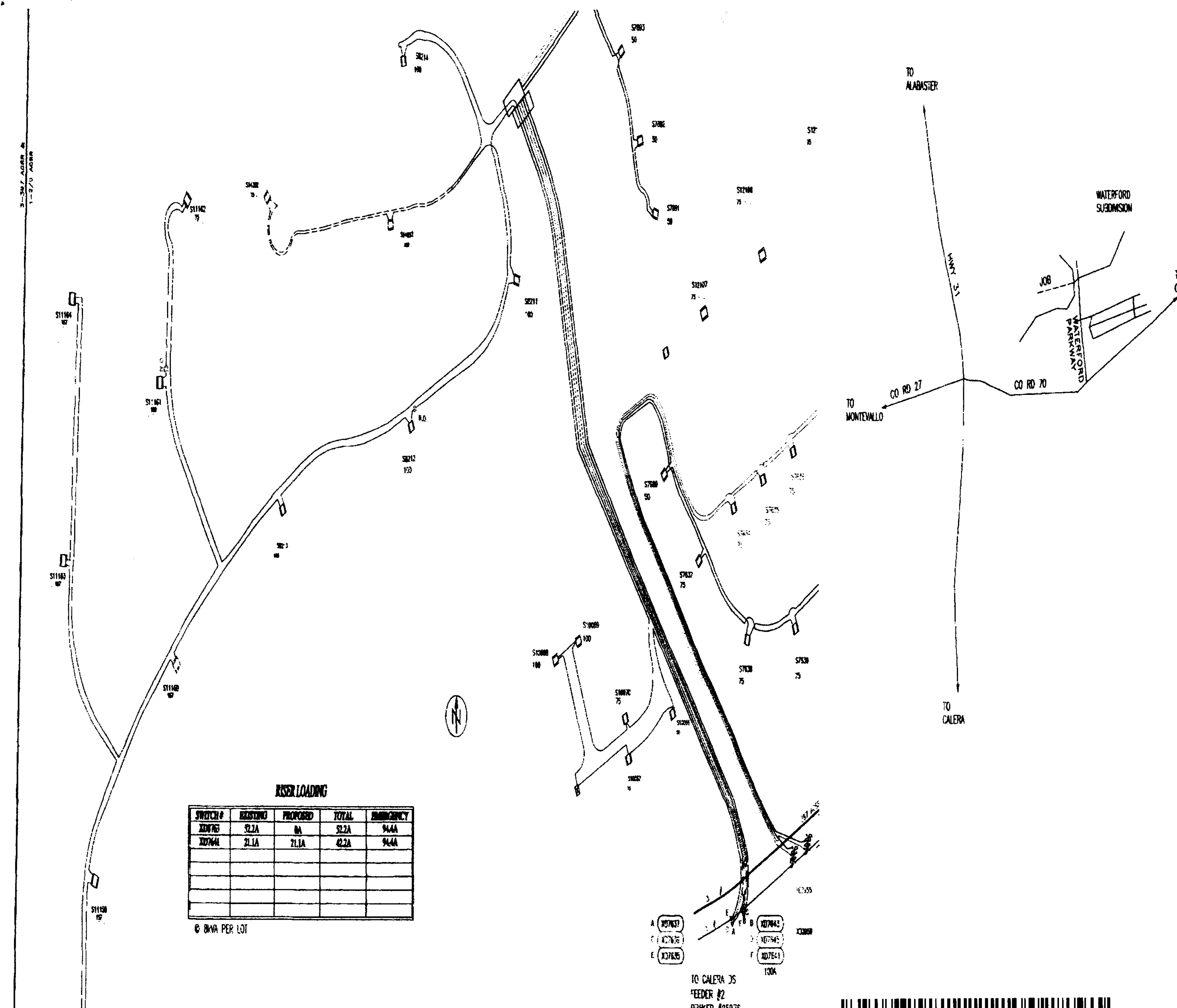
My commission expires: \_\_\_\_\_



20060201000052850 2/3 \$17.50  
Shelby Cnty Judge of Probate, AL  
02/01/2006 01:40:12PM FILED/CERT



70165782



| RISER LOADING |          |          |       |           |
|---------------|----------|----------|-------|-----------|
| SWITCH #      | EXISTING | PROPOSED | TOTAL | EMERGENCY |
| X0765         | 21.2A    | 0A       | 21.2A | 944A      |
| X0764         | 21.1A    | 21.1A    | 42.2A | 944A      |
|               |          |          |       |           |
|               |          |          |       |           |
|               |          |          |       |           |
|               |          |          |       |           |
|               |          |          |       |           |
|               |          |          |       |           |
|               |          |          |       |           |

© BKVA PER LOT

A X0763  
B X0762  
C X0761  
D X0760  
E X0759  
F X0758  
G X0757  
H X0756  
I X0755  
J X0754  
K X0753  
L X0752  
M X0751  
N X0750  
O X0749  
P X0748  
Q X0747  
R X0746  
S X0745  
T X0744  
U X0743  
V X0742  
W X0741  
X X0740  
Y X0739  
Z X0738  
AA X0737  
AB X0736  
AC X0735  
AD X0734  
AE X0733  
AF X0732  
AG X0731  
AH X0730  
AI X0729  
AJ X0728  
AK X0727  
AL X0726  
AM X0725  
AN X0724  
AO X0723  
AP X0722  
AQ X0721  
AR X0720  
AS X0719  
AT X0718  
AU X0717  
AV X0716  
AW X0715  
AX X0714  
AY X0713  
AZ X0712  
BA X0711  
BB X0710  
BC X0709  
BD X0708  
BE X0707  
BF X0706  
BG X0705  
BH X0704  
BI X0703  
BJ X0702  
BK X0701  
BL X0700  
BM X0699  
BN X0698  
BO X0697  
BP X0696  
BQ X0695  
BR X0694  
BS X0693  
BT X0692  
BU X0691  
BV X0690  
BW X0689  
BX X0688  
BY X0687  
BZ X0686  
CA X0685  
CB X0684  
CC X0683  
CD X0682  
CE X0681  
CF X0680  
CG X0679  
CH X0678  
CI X0677  
CJ X0676  
CK X0675  
CL X0674  
CM X0673  
CN X0672  
CO X0671  
CP X0670  
CQ X0669  
CR X0668  
CS X0667  
CT X0666  
CU X0665  
CV X0664  
CW X0663  
CX X0662  
CY X0661  
CZ X0660  
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DH X0652  
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DY X0635  
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EE X0629  
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EL X0622  
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EP X0618  
EQ X0617  
ER X0616  
ES X0615  
ET X0614  
EU X0613  
EV X0612  
EW X0611  
EX X0610  
EY X0609  
EZ X0608  
FA X0607  
FB X0606  
FC X0605  
FD X0604  
FE X0603  
FF X0602  
FG X0601  
FH X0600  
FI X0599  
FJ X0598  
FK X0597  
FL X0596  
FM X0595  
FN X0594  
FO X0593  
FP X0592  
FQ X0591  
FR X0590  
FS X0589  
FT X0588  
FU X0587  
FV X0586  
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HT X0536  
HU X0535  
HV X0534  
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YR X0102  
YS X0101  
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ZF X0088  
ZG X0087  
ZH X0086  
ZI X0085  
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ZP X0078  
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ZR X0076  
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ZV X0072  
ZW X0071  
ZX X0070  
ZY X0069  
ZZ X0068

20060201000052850 3/3 \$17.50  
Shelby Cnty Judge of Probate, AL  
02/01/2006 01:40:12PM FILED/CERT

- NOTES:
1. RISER LOADING BASED ON BKVA PER LOT.
  2. TRANSFORMER LOADING BASED ON L.F.R. 2.27 & 3.1 A/C.
  3. FLICKER CALCULATED ON A 3T A/C.
  4. PRIMARY CABLE TO BE #1/0 ALXN 35KV CABLE DIRECT BURIED 42" BELOW GROUND.
  5. ALL ROAD CROSSINGS WILL COMPLY WITH SHELBY COUNTY'S REQUIREMENTS.
  6. ALL SECONDARY FROM TRANSFORMER TO SECONDARY PEDESTALS TO BE 2 #250 AL & 1 #1/0 XLPE 600V CABLE.  
ALL OTHER SECONDARY TO BE 2 #4/0 & 1 #1/0 AL XLPE 600V CABLE.  
ALL SECONDARY CABLE TO BE BURIED 30" DEEP.
  7. MAXIMUM VOLTAGE DROP CALCULATED AT LOT 642 IS 3.78%.
  8. MAXIMUM FLICKER CALCULATED AT LOT 642 IS 3.28%.
  9. APCO CONTRACTOR TO PERFORM ALL TRENCHING, INSTALL ALL CABLE, CONDUITS, TRANSFORMER PADS AND GROUND RODS.

CONSTRUCTION COMPLETE:

DATE:

ANY CONSTRUCTION FIELD C  
ARE SHOWN IN RED ON THIS

0 100 200  
PLAN SCALE

| TOWN: CALERA      |  | COUNTY: SHELBY        |  |
|-------------------|--|-----------------------|--|
| MAP REF: 2W-21-3S |  | SEC-34, 35P-21S, R-2W |  |

ALABAMA POWER CO  
JOB: METRO SOUTH - VARNONS  
DETAIL: WATERFORD COVE (SECT  
WATERFORD COVE DRIVE