

EASEMENT - DISTRIBUTION FACILITIES  
(Metes and Bounds)

TO BE RECORDED: YES X NO     

This instrument prepared by:

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

W.E. No. 61700-00-02387  
Parcel No. 70196553  
Transformer No. S16262

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

A. GRANT KNOW ALL MEN BY THESE PRESENTS, That \_\_\_\_\_ Commercial Development Authority of the City of Alabaster, Alabama

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, 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.

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/has set his/her/their hand(s) and seal(s) this the 17th day of July, 2007

Witness

Witness

Witness

(Grantor)

Commercial Development Authority of the City of Alabaster, Alabama (SEAL)  
(Grantor)

By: Dennis Rother (SEAL)

As:

CHAIRMAN

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Shelby Cnty Judge of Probate, AL  
10/29/2007 12:55:05PM FILED/CERT



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: \_\_\_\_\_

  
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Shelby Cnty Judge of Probate, AL  
10/29/2007 12:55:05PM FILED/CERT

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: \_\_\_\_\_

**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 Dennis whose name as Chairman of Commercial Development Authority a Corp. [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 \_\_\_\_\_ 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 17th day of July, 2007

[SEAL]

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

MY COMMISSION EXPIRES NOV. 5, 2007

**For Alabama Power Company Corporate Real Estate Department Use Only**

All facilities on Grantor: \_\_\_\_\_

Station to Station: STA 1+00 To STA 2+00

Shelby County, AL 10/29/2007  
State of Alabama

Deed Tax: \$.50





20070703000312800 5/7 \$956.50  
Shelby Cnty Judge of Probate, AL  
07/03/2007 11:04:11AM FILED/CERT

Exhibit "A-1"

PREMISES LEGAL DESCRIPTION

A parcel of land situated in the Northwest one-quarter of the Northeast one-quarter of Section 12, Township 21 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southeast corner of the Southwest one-quarter of the Northeast one-quarter of said Section; thence run North 02 degrees 27 minutes 46 seconds West for a distance of 36.91 feet; thence run North 41 degrees 36 minutes 27 seconds East for a distance of 23.06 feet; thence run North 14 degrees 14 minutes 05 seconds East for a distance of 196.57 feet to a point on the Westernmost right of way line of U.S. Highway 31 (right of way varies) and a point on a curve to the right, said curve having a radius of 2411.83 feet, a central angle of 10 degrees 42 minutes 14 seconds, a chord bearing of North 30 degrees 13 minutes 11 seconds West for a chord distance of 449.92 feet; thence run along arc of said curve and along said right of way for a distance of 450.57 feet; thence run North 68 degrees 29 minutes 48 seconds East for a distance of 9.96 feet to the point of commencement of a curve to the right, said curve having a radius of 2401.83 feet, a central angle of 04 degrees 34 minutes 11 seconds, a chord bearing of North 24 degrees 09 minutes 33 seconds West for a chord distance of 191.51 feet; thence run along arc of said curve and along said right of way for a distance of 191.57 feet to the point of commencement of a spiral curve; thence run North 21 degrees 04 minutes 52 seconds West for a chord distance of 71.75 feet to a point on a spiral curve; thence run North 19 degrees 05 minutes 03 seconds West for a chord distance of 182.06 feet to a point on a spiral curve; thence run North 18 degrees 10 minutes 10 seconds West for a chord distance of 53.16 feet; thence leaving said spiral curve, run North 20 degrees 02 minutes 14 seconds West along said right of way for a distance of 197.87 feet; thence run North 20 degrees 02 minutes 14 seconds West along said right of way for a distance of 92.77 feet; thence run North 20 degrees 39 minutes 53 seconds West along said right of way for a distance of 127.40 feet; thence run along last described course along said right of way for a distance of 100.00 feet; thence run North 20 degrees 39 minutes 53 seconds West along said right of way for a distance of 90.21 feet; thence run South 64 degrees 12 minutes 56 seconds West along said right of way for a distance of 28.61 feet to the point of commencement of a curve to the left, said curve having a radius of 2162.01 feet, a central angle of 09 degrees 55 minutes 58 seconds, a chord bearing of North 28 degrees 40 minutes 35 seconds West for a chord distance of 374.33 feet; thence run along arc of said curve and along said right of way for a distance of 374.80 feet; thence run North 56 degrees 37 minutes 09 seconds East along said right of way for a distance of 29.99 feet to the point of commencement of a curve to the left, said curve having a radius of 2192.01 feet, a central angle of 09 degrees 23 minutes 24 seconds, a chord bearing of North 38 degrees 16 minutes 53 seconds West for a chord distance of 358.84 feet; thence run along arc of said curve and along said right of way for a distance of 359.24 feet to the POINT OF BEGINNING said point also being the point of commencement of a curve to the

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Shelby Cnty Judge of Probate, AL  
07/03/2007 11:04:11AM FILED/CERT

right, said curve having a radius of 20.00 feet, a central angle of 80 degrees 42 minutes 17 seconds, a chord bearing of North 02 degrees 37 minutes 27 seconds West for a chord distance of 25.90 feet; thence run along arc of said curve for a distance of 28.17 feet to the point of commencement of a curve to the left, said curve having a radius of 277.00 feet, a central angle of 18 degrees 42 minutes 39 seconds, a chord bearing of South 28 degrees 22 minutes 22 seconds West for a chord distance of 90.06 feet; thence run along arc of said curve for a distance of 90.46 feet; thence run South 86 degrees 40 minutes 50 seconds West for a distance of 114.63 feet; thence run North 03 degrees 19 minutes 10 seconds West for a distance of 23.96 feet; thence run South 86 degrees 40 minutes 50 seconds West for a distance of 209.99 feet; thence run North 00 degrees 28 minutes 59 seconds East for a distance of 418.41 feet to a point on the Westernmost right of way line of U.S. Highway 31 (right of way varies); thence run South 50 degrees 58 minutes 28 seconds East along said right of way for a distance of 290.23 feet to the point of commencement of a curve to the right, said curve having a radius of 2192.01 feet, a central angle of 05 degrees 03 minutes 40 seconds, a chord bearing of South 45 degrees 30 minutes 26 seconds East for a chord distance of 193.57 feet; thence run along arc of said curve for a distance of 193.63 feet to the POINT OF BEGINNING.

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EXHIBIT "A-2"

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07/03/2007 11:04:11AM FILED/CERT

PROTECTED AREA



Architecture / Development  
Parkway Plaza I  
1410 Dallas Parkway  
Suite 100  
Dallas, Texas 75240  
Ph: (972) 288-9944  
Fax: (972) 288-9944

Section 1st No.

0060018

Date

06/08/06

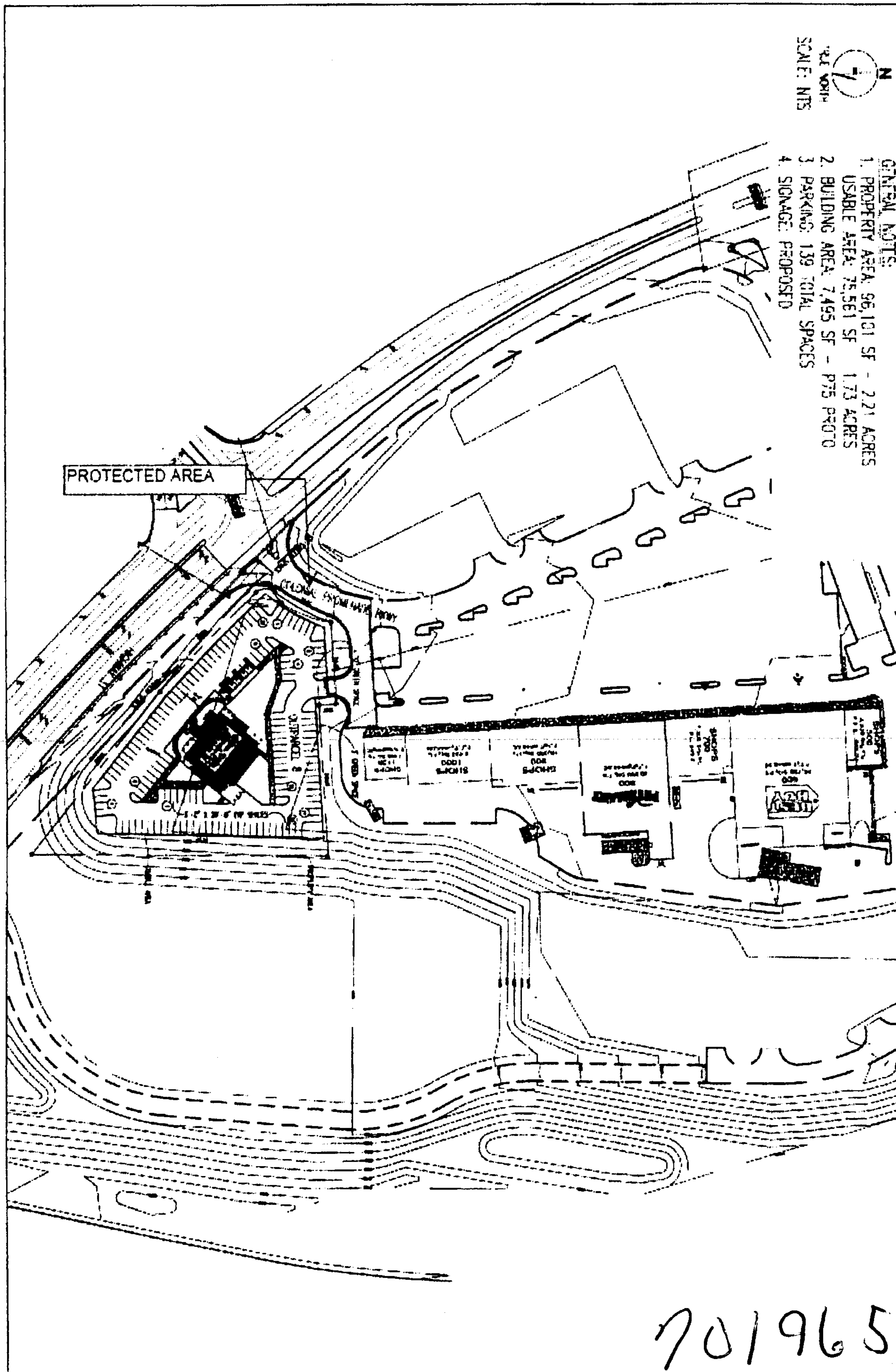
Sheet No.

SCHEME 3A

Project

OLIVE GARDEN

HIGHWAY 31  
ALABASTER, AL



GENERAL NOTES:  
1. PROPERTY AREA: 96,101 SF - 2.21 ACRES  
USABLE AREA: 75,561 SF - 1.73 ACRES  
2. BUILDING AREA: 7,495 SF - P75 PROTO  
3. PARKING: 139 TOTAL SPACES  
4. SIGNAGE: PROPOSED

70196553

Shelby County, AL 07/03/2007  
State of Alabama

Deed Tax: \$927.50

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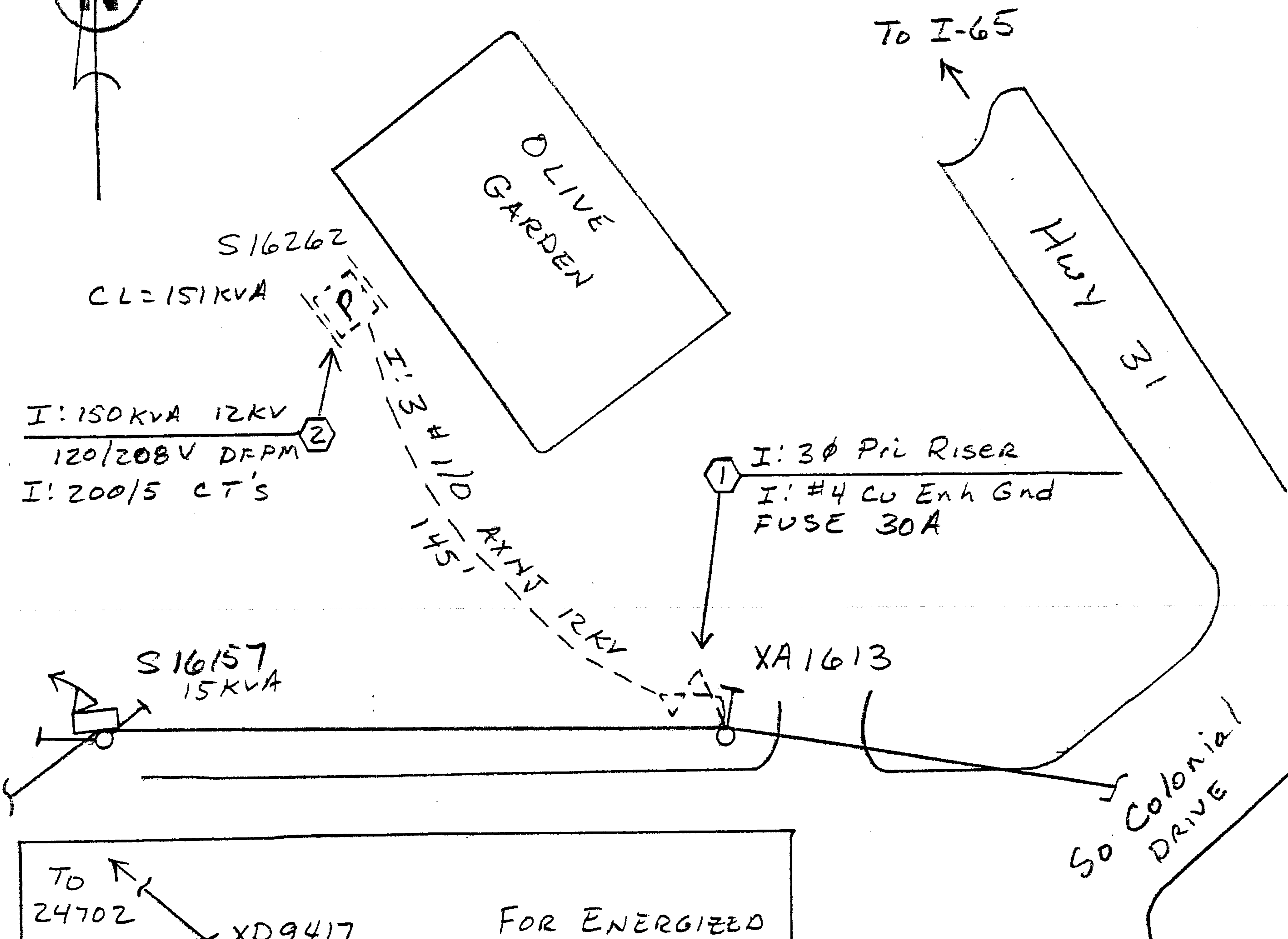
# SKETCH OF PROPOSED WORK — SIMPLIFIED W. E.

Sh 1 of 1

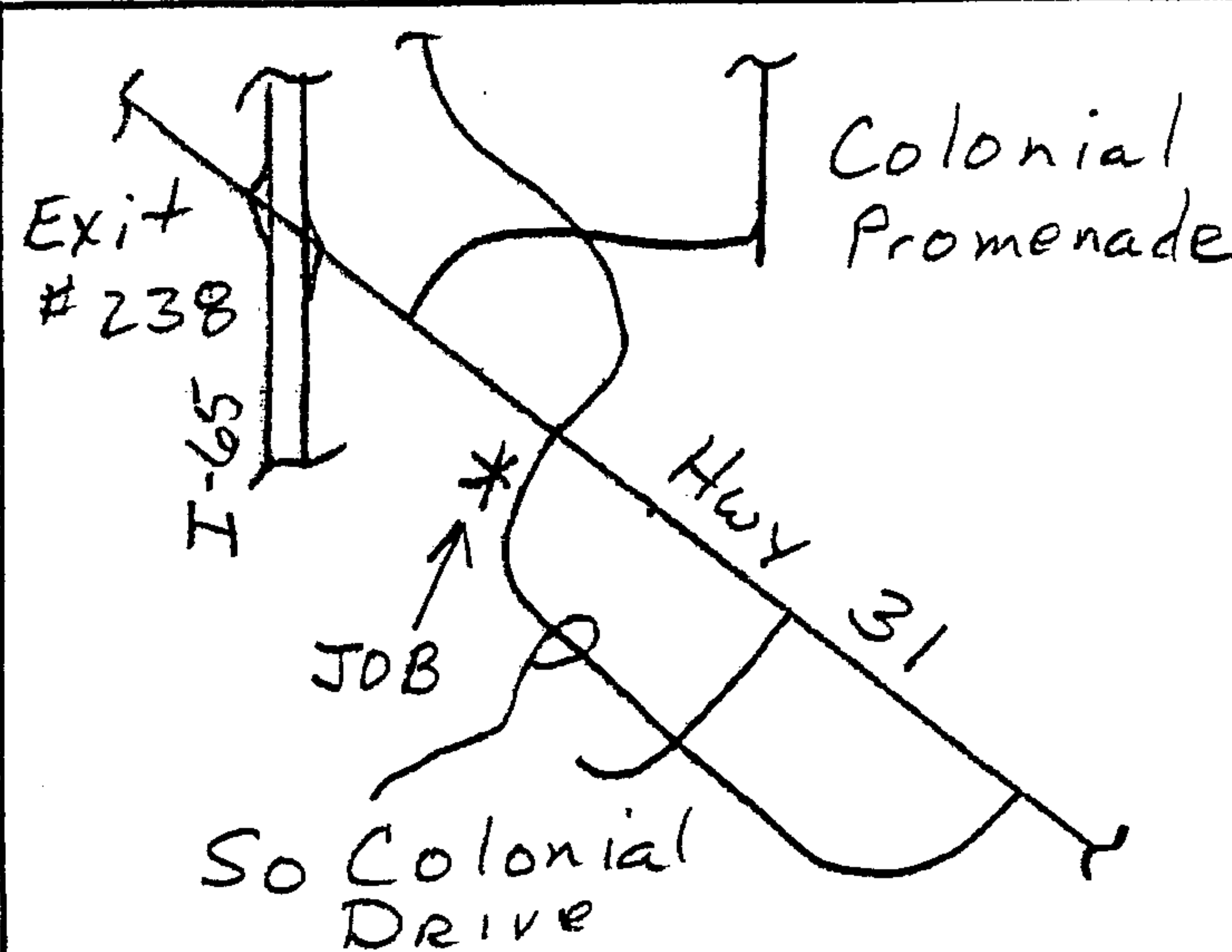
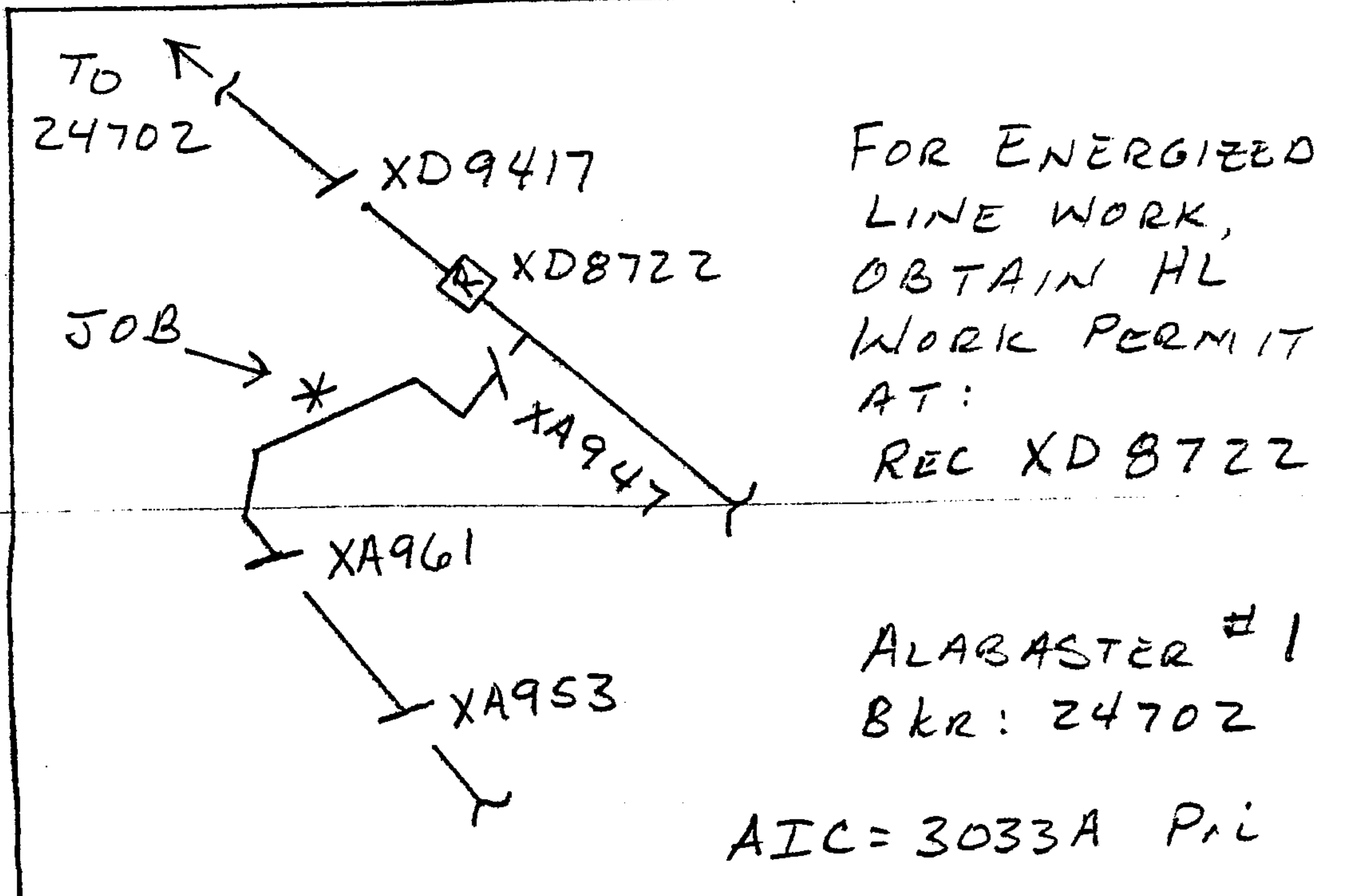
Customer <b>OLIVE GARDEN</b>		Location <b>20 So Colonial Dr</b>		Agreed Serv. Date <b>12-30-07</b>		Estimate No. <b>61700-00-02387</b>	
Division <b>B'ham</b>		District <b>Metro-So</b>		Town <b>Alabaster</b>		Drawn by <b>G. Belcher</b>	
County <b>Shelby</b>		Section <b>12</b>		Township <b>21S</b>		Range <b>3W</b>	
Acquisition Agent		Date R/W Assigned		Date R/W Cleared		Map Reference	
						Add'l Info <b>George Mavety 386-561-7384</b>	
						LOG	
						Transformer Loading	

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Shelby Cnty Judge of Probate, AL  
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X 24702  
Y XA947



Voltage	
Pri	Sec.
12KV	120/208
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	
Ft. Per Inch	



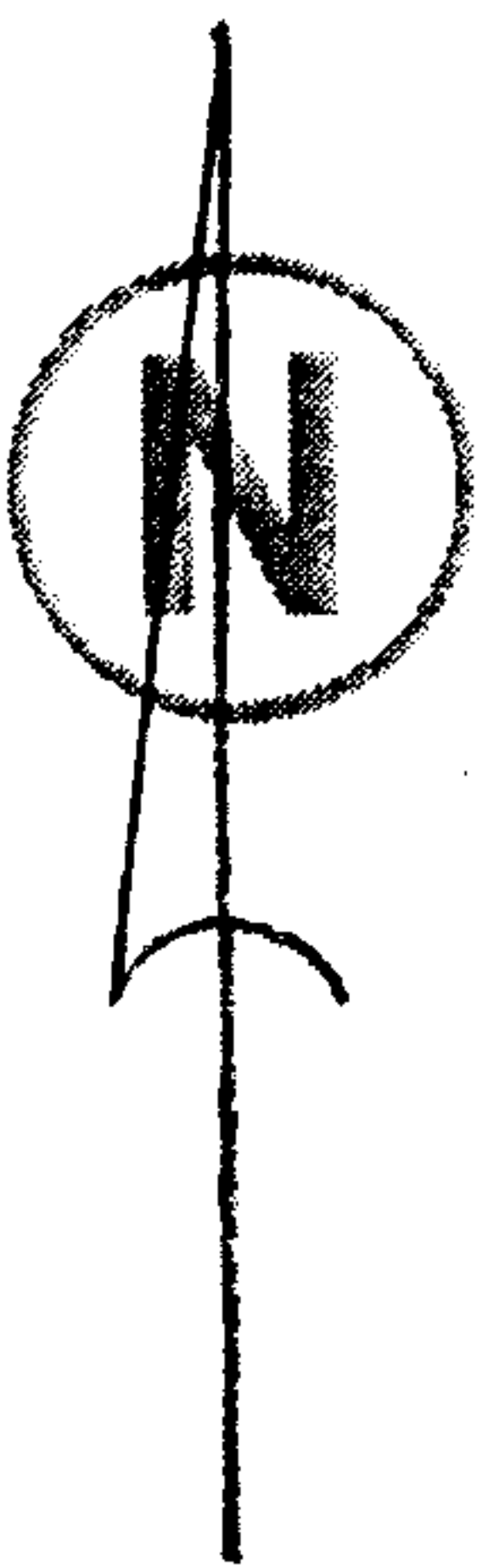
Cnst. Completed By	Date
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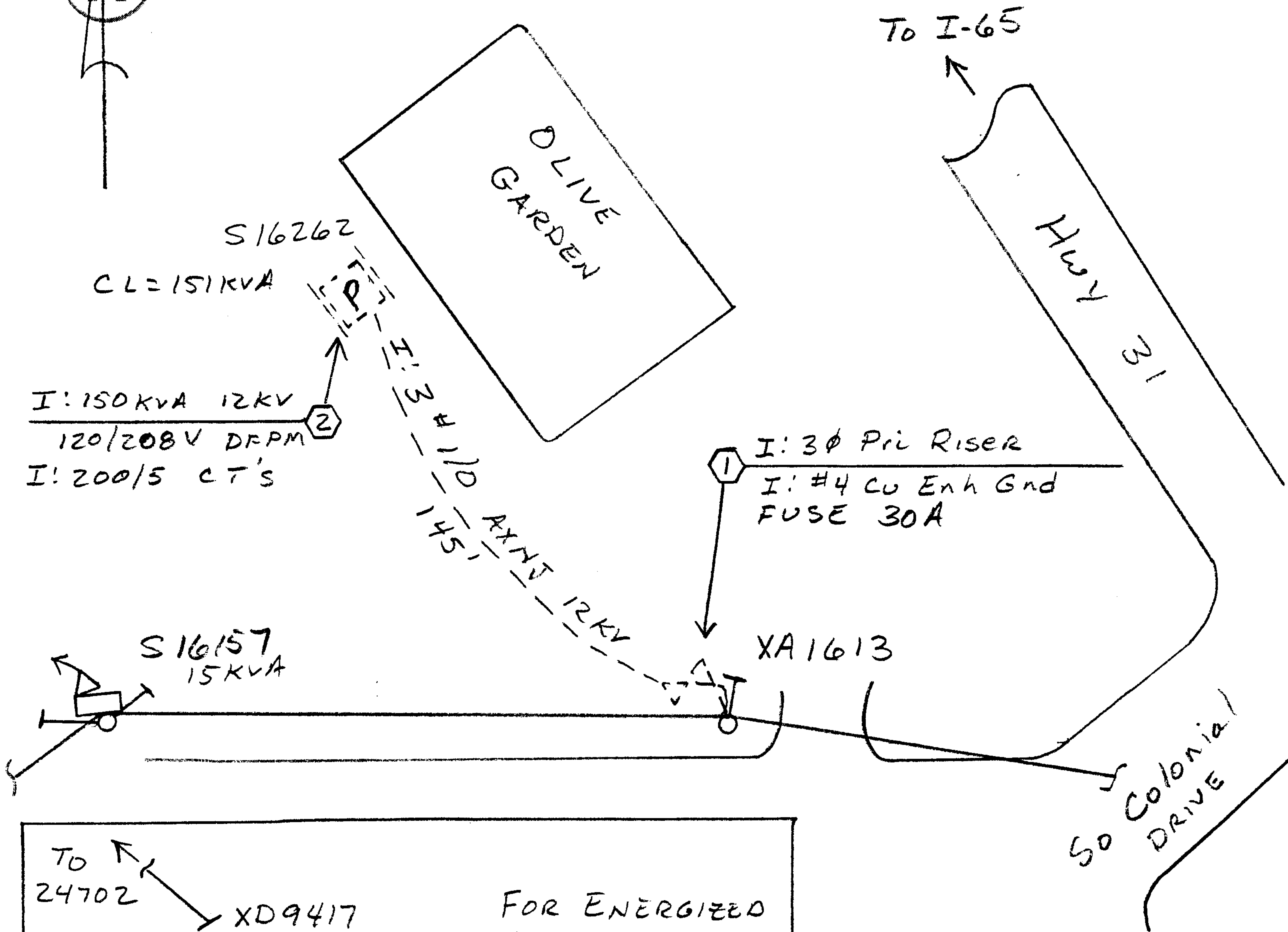
**SKETCH OF PROPOSED WORK — SIMPLIFIED W. E.**

SH 1 of 1

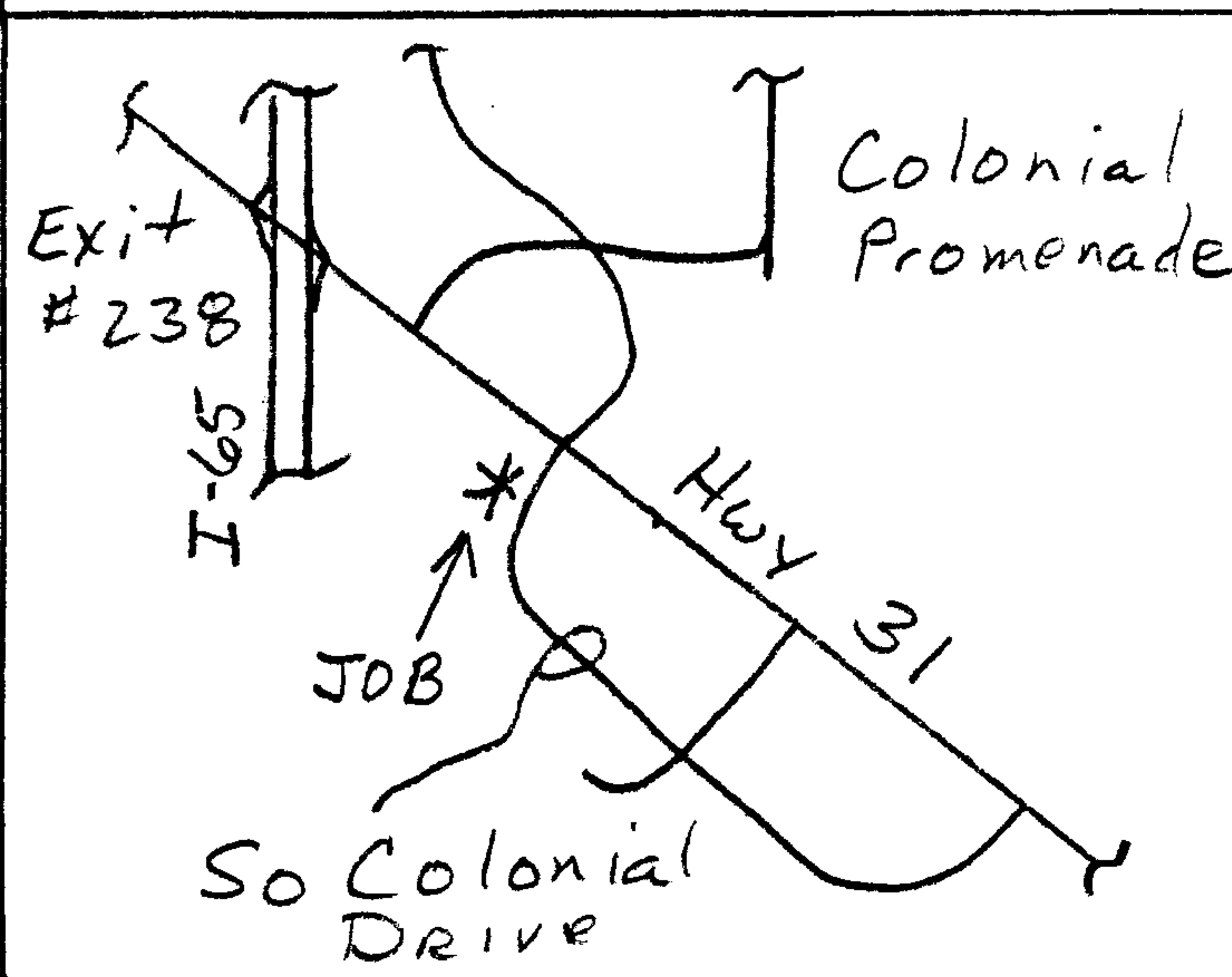
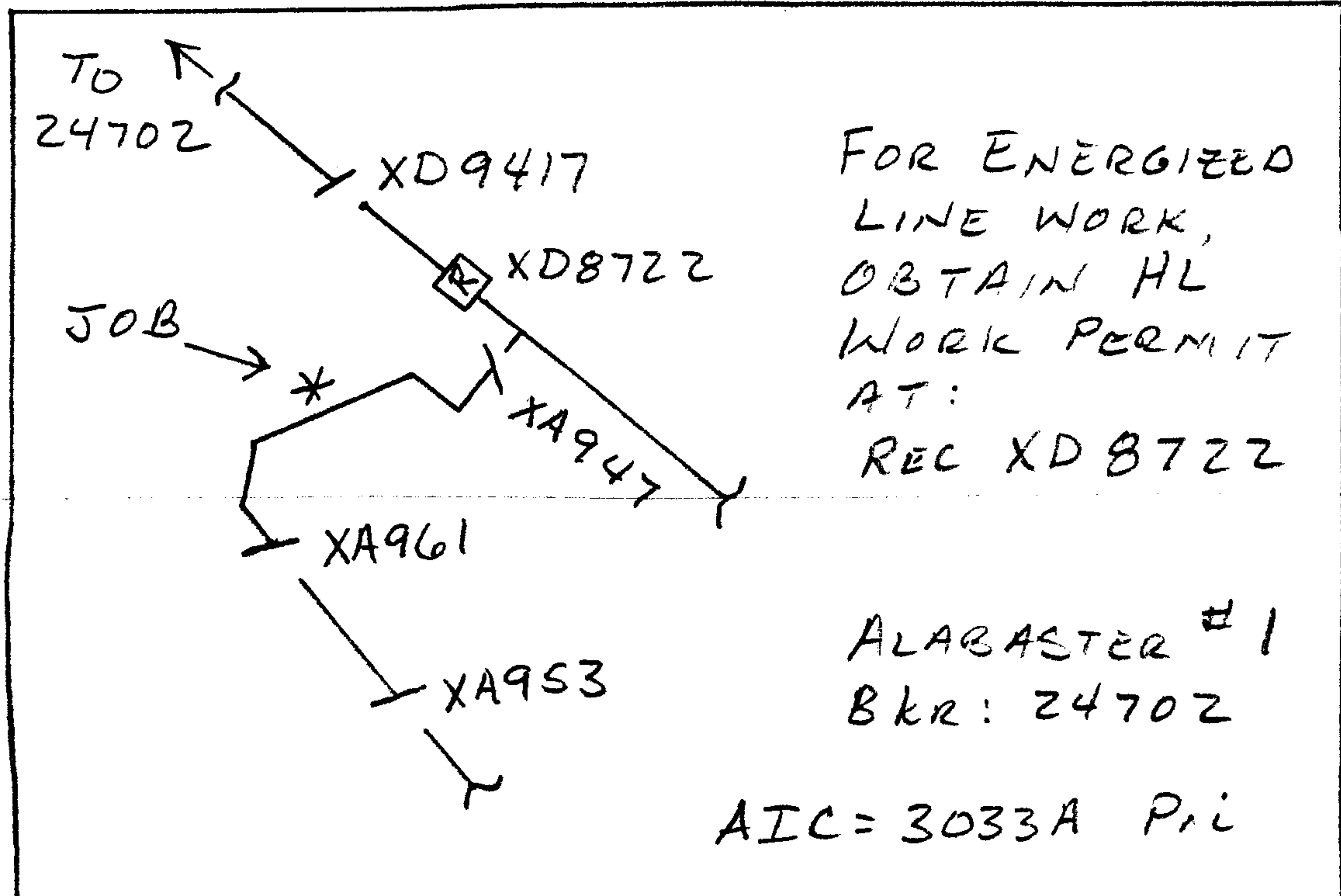
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County <b>Shelby</b>		Section <b>12</b>		Township <b>21S</b>		Range <b>3W</b>	
Acquisition Agent		Date R/W Assigned		Date R/W Cleared		Map Reference	
						Add'l Info <b>George Mavety 386-561-7384</b>	
						LOC	Transformer Loading
						X	24702
						Y	XA947



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Shelby Cnty Judge of Probate, AL  
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Voltage	
Pri	Sec.
12 KV	120/208
PHONE CO.	
Co. Name	
CATV CO.	
Co. Name	
ACCESSIBLE	X
TREE CREW	
ROCK HOLE	
PERMITS REQ'D	
RW	X
CITY	
COUNTY	
STATE	
MISSALL #	
OTHER	



Cnst. Completed By	<b>70196552-70196553</b>	Date
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