

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. 61700-00-0388-700  
Parcel No. 70212963  
Transformer No. \_\_\_\_\_

Larry D. Bryant  
Alabama Power Company  
P. O. Box 2641  
Birmingham, Alabama 35291

A. GRANT KNOW ALL MEN BY THESE PRESENTS, That CVS 467 AL, L.L.C.

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:

- 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 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.
- 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.
- 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"):

See EXHIBIT "A" sheets 1 thru 6 attached hereto and made a part  
hereof for a legal description of the property involved. Also,  
See EXHIBIT "B" attached hereto and made a part hereof for an  
engineering sketch of the only work allowed by this permit.

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 18<sup>th</sup> day of March, 2008.

Witness

(Grantor)

DONALD E. FIERZ (SEAL)

Witness

(Grantor)

CVS 467 AL, L.L.C. (SEAL)

Witness

By: EXECUTIVE VP DEVELOPMENT (SEAL)

As:

HALSTEAD LLC  
AGENT FOR CVS 467 AL LLC



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: \_\_\_\_\_

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

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

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 \_\_\_\_\_ }

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 Donn E. Fizer, whose name as Executive Vice President Development of Halstead LLC Agent for COS 467 AL LLC 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 Executive Vice President Development 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 18th day of March, 2008.

[SEAL]

Notary Public

My commission expires: 2610

For Alabama Power Company Corporate Real Estate Department Use Only

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

Station to Station: Stat 2100 to Stat 1100

Stat 4100 to Stat 5100 (W-)



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**EXHIBIT A**

Sheet "1"

**Description of Real Property**

The following described property situated in Shelby County, Alabama:

**Parcel 1**

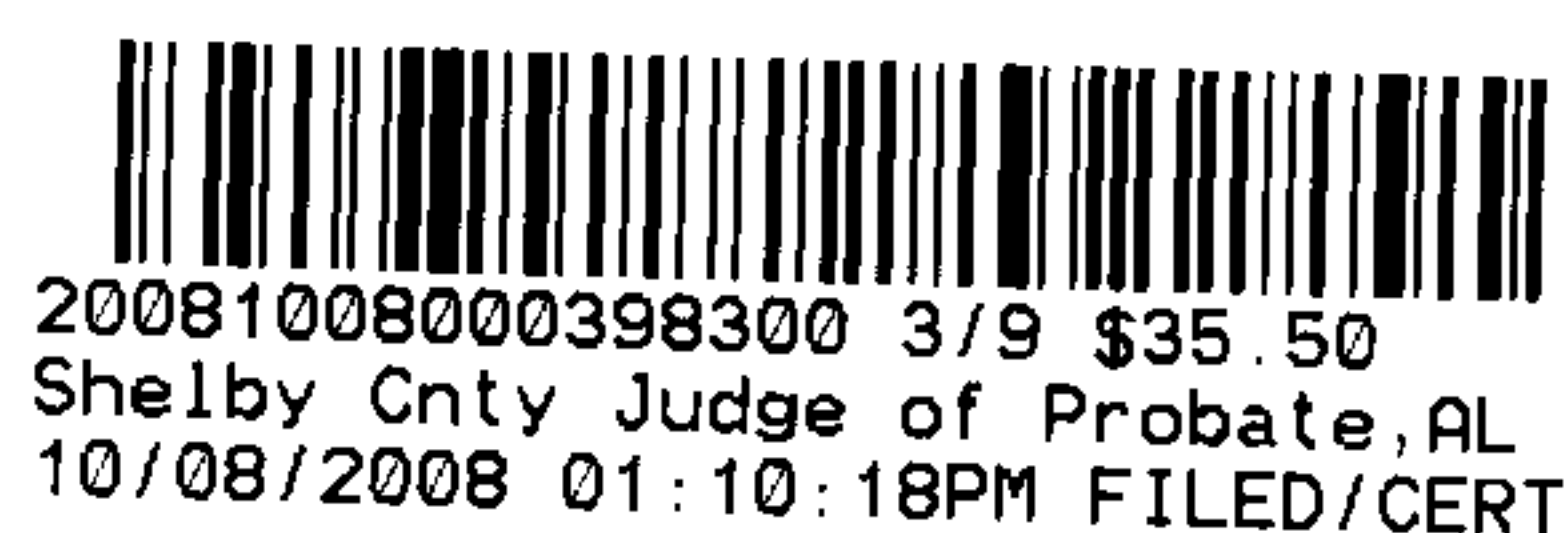
A part of Lot 4, and all of Lots 5, 6, 7, 8 and 9, Block 3, according to the Survey of Dunstan's Map of the Town of Calera, situated in Shelby County, Alabama, together with a vacated alley recorded in Miscellaneous Volume 42, page 404, recorded in the Probate Office of Shelby County, Alabama, more particularly described as follows: From the Northern boundary of Alabama State Highway No. 25, also designated as Eighteenth Avenue, run North along the centerline of an alley 181.31 feet, said alley running North and South between Lots 4, 5, 6 and 7, 8, 9 of Block 3, according to the Dunstan's Map of the Town of Calera, situated in Shelby County, Alabama; said parcel, including said vacated alley, being more particularly described as:

A parcel of land situated in the Southwest Quarter of Section 21 Township 22 South Range 2 West; being more particularly described as follows, **Commence** at the Southeast corner of lot 6 block 3 According to Dunstan Survey of Calera dated 1886 also being an IPF and the **Point of Beginning**; thence run North  $88^{\circ} 26' 21''$  West for a distance of 248.04 feet to an IPF; thence run North  $01^{\circ} 47' 41''$  East for a distance of 179.98 feet to an IPF; thence run South  $88^{\circ} 26' 44''$  East for a distance of 115.08 feet to a Nail found; thence run South  $01^{\circ} 59' 48''$  West for a distance of 18.10 feet to a Cross Cut found; thence run South  $88^{\circ} 27' 56''$  East for a distance of 133.02 feet to an IPF; thence run South  $01^{\circ} 47' 27''$  West for a distance of 161.95 feet; **Back to the Point of Beginning**, containing 42,239.714 square feet 0.97(+ - ) Acres.

**AND ALSO****Parcel 3**

A part of Lot 2, and all of Lot 3, Block 3, according to the Survey of Dunstan's Map of the Town of Calera, situated in Shelby County, Alabama, more particularly described as:


A parcel of land situated in the Southwest Quarter of Section 21 Township 22 South Range 2 West; being more particularly described as follows, **Commence** at the Southeast corner of lot 6 block 3 According to Dunstan Survey of Calera dated 1886; thence run North  $01^{\circ} 46' 44''$  East for a distance of 200.00 feet to the **Point of Beginning** also being an IPS; thence run North  $88^{\circ} 26' 13''$  West for a distance of 133.01 feet to a Nail found; thence run North  $01^{\circ} 47' 08''$  East for a distance of 120.01 feet to an IPS; thence run South  $88^{\circ} 25' 51''$  East for a distance of 133.00 feet to an IPF; thence run South  $01^{\circ} 46' 44''$  West for a distance of 120.00 feet; **Back to the Point of Beginning**, containing 15,961.6926 square feet 0.36 (+ - ) Acres.



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EXHIBIT "A"  
Sheet "2"


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AND ALSO

Parcel 5


Lots 2, 3, 4, 5, part of 6 and the East 25 feet of Lots 7 and 8, Block 2, according to the Survey of Dunstan's Map of the Town of Calera, situated in Shelby County, Alabama more particularly described as:

A parcel of land situated in the Southwest Quarter of Section 21 Township 22 South Range 2 West being more particularly described as follows: **Commence** at the Southeast Corner of Lot 2 Block 2 according to Dunstan's Survey of Calera dated 1886 also being the **Point of Beginning** and a capped iron found; thence run North 88° 35' 30" West for a distance of 150.04 feet to a capped iron found; thence run North 01° 40' 53" East for a distance of 75.03 feet to a capped iron found; thence run South 88° 36' 27" East for a distance of 34.99 feet to a capped iron found; thence run North 01° 37' 20" East for a distance of 150.07 feet to a capped iron found; thence run North 88° 36' 02" West for a distance of 10.00 feet to an iron pin set; thence run North 01° 38' 21" East for a distance of 99.98 feet to a capped iron found; thence run South 88° 34' 50" East for a distance of 125.03 feet to a capped iron found; thence run South 01° 38' 19" West for a distance of 74.93 feet to an iron pin set; thence run North 88° 36' 00" West for a distance of 100.00 feet to an iron pin set; thence run South 01° 36' 35" West for a distance of 25.00 feet to a 3/4" rebar found; thence run South 88° 36' 00" East for a distance of 99.98 feet to a 1" crimp found; thence run South 01° 38' 19" West for a distance of 225.13 feet to the **Point of Beginning**; said described tract containing 38516 Square Feet (0.88 Acres) more or less.

And, also, all of Grantor's right, title and interest, if any in and to the following described alleys adjacent to or abutting the foregoing Parcels 1, 3 and 5:

Alley 1


A parcel of land situated in the Southwest Quarter of Section 21, Township 22 South, Range 2 West, being more particularly described as follows: Commence at the Southeast corner of lot 6 block 3 according to Dunstan Survey of Calera dated 1886, also being an IPF; thence run North 88 degrees 26 minutes 21 seconds West for a distance of 248.04 feet to an IPF; thence run North 01 degrees 47 minutes 41 seconds East for a distance of 179.98 feet to an IPF and the Point of Beginning; thence run North 01 degrees 47 minutes 40 seconds East for a distance of 20.00 feet to an IPF; thence run South 88 degrees 27 minutes 18 seconds East for a distance of 100.00 feet to an IPF; thence run South 88 degrees 27 minutes 18 seconds East for a distance of 14.97 feet to a Nail found; thence run South 88 degrees 26 minutes 13 seconds East for a distance of 133.01 feet to an IPF; thence run South 01 degrees 43 minutes 41 seconds West for a distance of 20.06 feet to an IPF; thence run North 88 degrees 25 minutes 16 seconds West for a distance of 132.93 feet to a Nail found; thence run North 88 degrees 26 minutes 44 seconds West for a distance of 115.08 feet; back to the Point of Beginning.



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Alley 2

A parcel of land situated in the Southwest Quarter of Section 21, Township 22 South, Range 2 West; being more particularly described as follows: Commence at the Southeast corner of lot 6 block 3 according to Dunstan Survey of Calera dated 1886, also being an IPF; thence run North 88 degrees 26 minutes 21 seconds West for a distance of 248.04 feet to an IPF; thence run North 01 degrees 47 minutes 41 seconds East for a distance of 179.98 feet to an IPF; thence run North 01 degrees 47 minutes 40 seconds East for a distance of 20.00 feet to an IPF; thence run South 88 degrees 27 minutes 18 seconds East for a distance of 100.00 feet to an IPF and the Point of Beginning; thence run North 01 degrees 47 minutes 40 seconds East for a distance of 120.02 feet; thence run South 88 degrees 25 minutes 51 seconds East for a distance of 14.95 feet to an IPF; thence run South 01 degrees 47 minutes 08 seconds West for a distance of 120.01 feet to a Nail found; thence run North 88 degrees 27 minutes 18 seconds West for a distance of 14.97 feet to an IPF; back to the Point of Beginning.

  
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**EXHIBIT A**  
**Sheet "4"**  
**Description of Real Property**

The following described property situated in Shelby County, Alabama:

Lots 10, 11 and 12, Block 3, according to J. H. Dunstan's Map and Survey of the Town of Calera, and being further described as follows:

A parcel of land situated in the Southwest Quarter of Section 21 Township 22 South Range 2 West; being more particularly described as follows, **Commence** at the Southeast corner of lot 6 block 3 According to Dunstan Survey of Calera dated 1886; thence run North 01° 46' 44" for a distance of 200.00 feet to an IPS; thence run North 88° 26' 20 West for a distance of 147.99 feet to the **Point of Beginning** also being an IPS; thence run North 88° 27' 18" West for a distance of 100.00 feet to an IPS; thence run North 01° 47' 41" East for a distance of 180.00 feet to an IPS; thence run South 88° 32' 35" East for a distance of 100.00 feet to an IPS; thence run South 01° 47' 40" West for a distance of 180.15 feet; **Back to the Point of Beginning**, containing 18,007.4475 square feet 0.41 ( + - ) Acres.

And, also, all of Grantor's right, title and interest, if any, in and to the following described alleys adjacent to or abutting the foregoing parcel, but subject to the reservation for utilities and utility facilities in Resolution No. R-2006-40 of the City of Calera:

**Alley 1**

A parcel of land situated in the Southwest Quarter of Section 21, Township 22 South, Range 2 West, being more particularly described as follows: Commence at the Southeast corner of lot 6 block 3 according to Dunstan Survey of Calera dated 1886, also being an IPF; thence run North 88 degrees 26 minutes 21 seconds West for a distance of 248.04 feet to an IPF; thence run North 01 degrees 47 minutes 41 seconds East for a distance of 179.98 feet to an IPF and the Point of Beginning; thence run North 01 degrees 47 minutes 40 seconds East for a distance of 20.00 feet to an IPF; thence run South 88 degrees 27 minutes 18 seconds East for a distance of 100.00 feet to an IPF; thence run South 88 degrees 27 minutes 18 seconds East for a distance of 14.97 feet to a Nail found; thence run South 88 degrees 26 minutes 13 seconds East for a distance of 133.01 feet to an IPF; thence run South 01 degrees 43 minutes 41 seconds West for a distance of 20.06 feet to an IPF; thence run North 88 degrees 25 minutes 16 seconds West for a distance of 132.93 feet to a Nail found; thence run North 88 degrees 26 minutes 44 seconds West for a distance of 115.08 feet; back to the Point of Beginning.

**Alley 2**

A parcel of land situated in the Southwest Quarter of Section 21, Township 22 South, Range 2 West; being more particularly described as follows: Commence at the Southeast corner of lot 6 block 3 according to Dunstan Survey of Calera dated 1886, also being an IPF; thence run North 88 degrees 26 minutes 21 seconds West for a distance of 248.04 feet to an IPF; thence run North 01 degrees 47 minutes 41 seconds East for a distance of 179.98 feet to an IPF; thence run North 01 degrees 47 minutes 40 seconds East for a distance of 20.00 feet to an IPF; thence run South 88 degrees 27 minutes 18 seconds East for a distance of 100.00 feet to an IPF and the Point of Beginning; thence run North 01 degrees 47 minutes 40 seconds East for a distance of 120.02 feet; thence run South 88

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degrees 25 minutes 51 seconds East for a distance of 14.95 feet to an IPF; thence run South 01 degrees 47 minutes 08 seconds West for a distance of 120.01 feet to a Nail found; thence run North 88 degrees 27 minutes 18 seconds West for a distance of 14.97 feet to an IPF; back to the Point of Beginning.



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EXHIBIT A  
Sheet "6"  
Description of Real Property

The following described property situated in Shelby County, Alabama:

The North 18 feet of Lot 4, Block 3, according to the Survey of Dunstan's Map of the Town of Calera, in the Probate Office of Shelby County, Alabama, and being further described as follows:

A parcel of land situated in the Southwest Quarter of Section 21 Township 22 South Range 2 West; being more particularly described as follows, Commence at the Southeast corner of lot 6 block 3 According to Dunstan Survey of Calera dated 1886; thence run North 01° 47' 27" East for a distance of 161.95 to the Point of Beginning also being an IPF; thence run North 88° 27' 56" West for a distance of 133.02 feet cross cut found; thence run North 01° 59' 48" East for a distance of 18.10 feet; thence run South 88° 25' 16" East for a distance of 132.93 feet to a IPS; thence run South 01° 43' 41" West for a distance of 18.00 feet; Back to the Point of Beginning containing 2,400.4381 square feet 0.05( + - ) Acres.

And, also, all of Grantor's right, title and interest, if any, in and to the following described alley adjacent to or abutting the foregoing Parcel:

Alley 1

A parcel of land situated in the Southwest Quarter of Section 21, Township 22 South, Range 2 West, being more particularly described as follows: Commence at the Southeast corner of lot 6 block 3 according to Dunstan Survey of Calera dated 1886, also being an IPF; thence run North 88 degrees 26 minutes 21 seconds West for a distance of 248.04 feet to an IPF; thence run North 01 degrees 47 minutes 41 seconds East for a distance of 179.98 feet to an IPF and the Point of Beginning; thence run North 01 degrees 47 minutes 40 seconds East for a distance of 20.00 feet to an IPF; thence run South 88 degrees 27 minutes 18 seconds East for a distance of 100.00 feet to an IPF; thence run South 88 degrees 27 minutes 18 seconds East for a distance of 14.97 feet to a Nail found; thence run South 88 degrees 26 minutes 13 seconds East for a distance of 133.01 feet to an IPF; thence run South 01 degrees 43 minutes 41 seconds West for a distance of 20.06 feet to an IPF; thence run North 88 degrees 25 minutes 16 seconds West for a distance of 132.93 feet to a Nail found; thence run North 88 degrees 26 minutes 44 seconds West for a distance of 115.08 feet; back to the Point of Beginning.



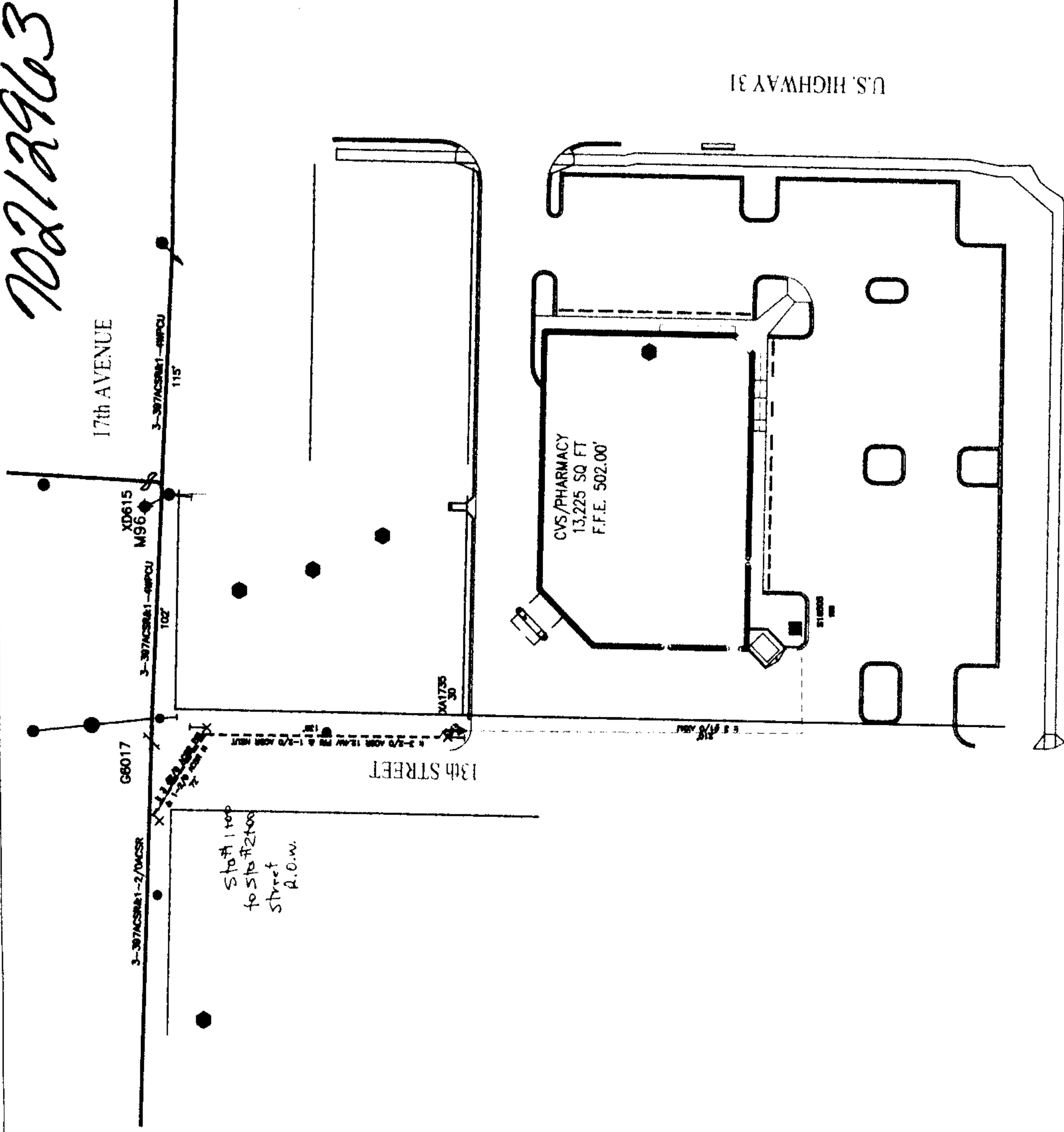
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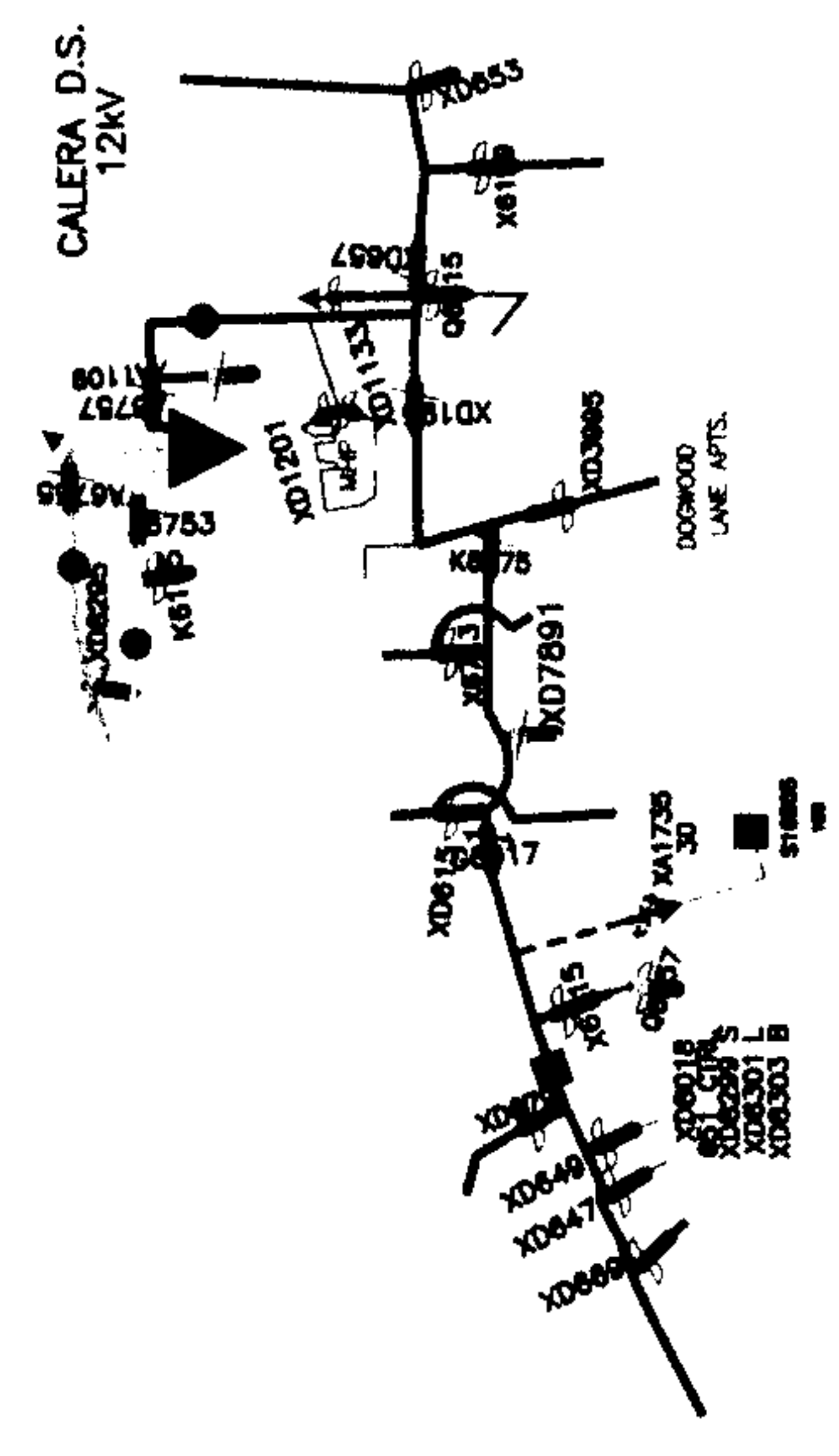
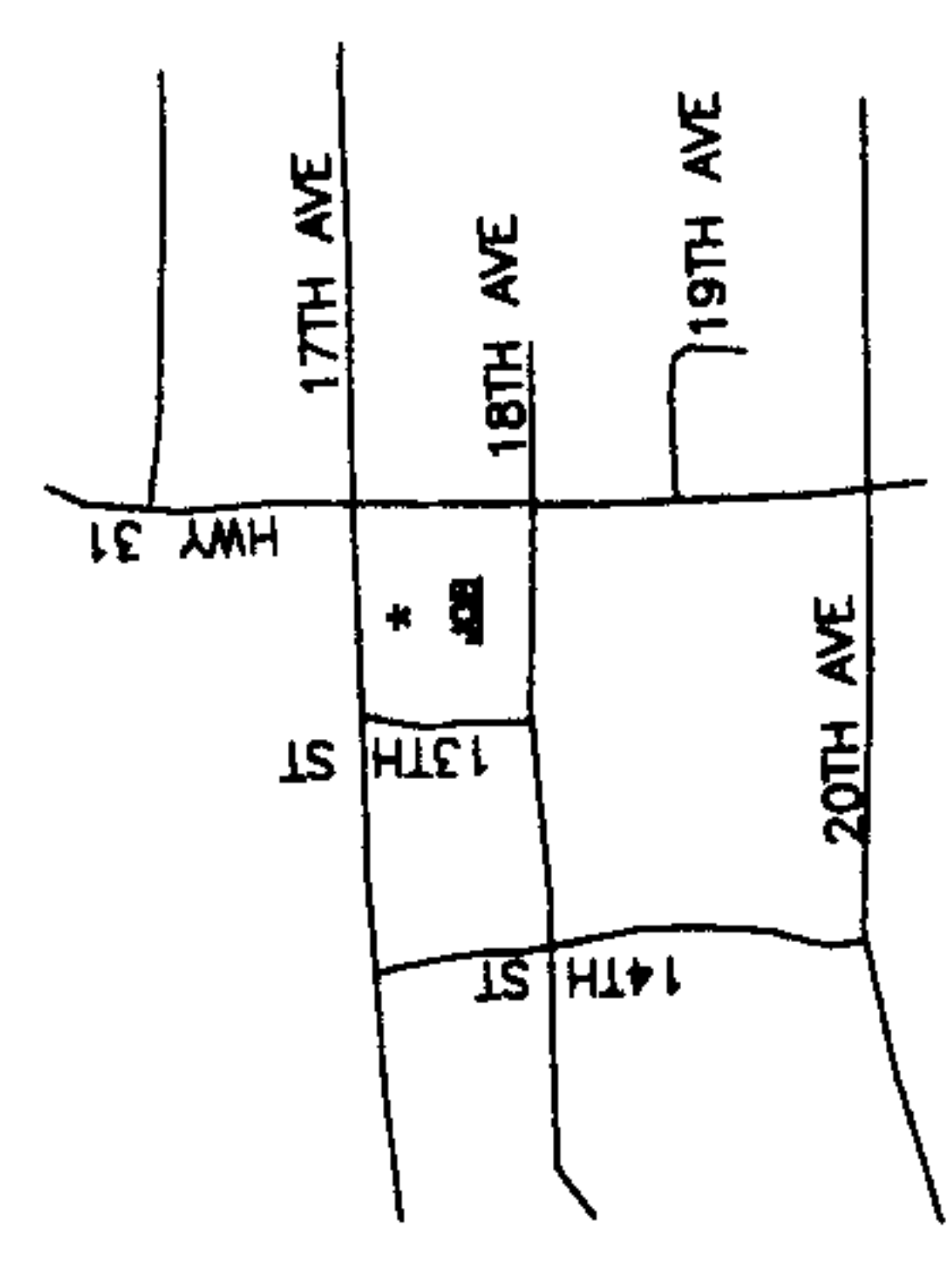


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NOTES

1. CUSTOMER TO PERFORM ALL TRENCHING AND INSTALL ALL CONDUIT W/PULL CORD.
2. CUSTOMER TO INSTALL 5' SCHEDULE 40 CONDUIT 4" BELOW GRADE FOR 1" TRANSFORMER.
3. CUSTOMER TO YOUR TRENCHING PADS PER APC SPECIFICATIONS.
4. CUSTOMER TO HAVE ALL TRENCHING AND TRANSFORMER CABLES INSPECTED BY THE APC'S ENGINEER.



CONTACT COMP: SAIN ASSOC.  
CONTACT NAME: KEVIN HUNTER  
(205) 263-2188

CONSTRUCTION COMPLETE:

DATE: \_\_\_\_\_

**ANY CONSTRUCTION FIELD CHANGES**  
**ARE SHOWN IN RED ON THIS PRINT.**

REVISOR: 09/27/97	DATE	BY: SLJ
REVISOR: 09/26/97	DATE	BY: SLJ
REVISOR: 09/24/97	DATE	BY: SLJ

TOWN: CALERA COUNTY: SHELBY MAP REF:		PLAN SCALE 	
JOB: METRO SOUTH - VARNONS DETAIL: OVS PHARMACY CYS HNT 25 & HWY 31		SCALE: 1" = 30' PLOTTED: 09-27-07	
DRAWN: SLJ ENGR: K. McDANIEL DATE: 08/28/07		SHEET: 1 OF 1 SUPERSEDES:	
APPROVED:		C-61700-00-03667	

AUTOMATED DRAWING - MAKE NO MANUAL REVISIONS  
 ALABAMA POWER COMPANY

ENGINEER: KEEVON McDANIEL  
 s:\work\transVAPC Birmingham Division\Mainline\Cardiac\2007\617000\3887.dwg, 7/29/2008 12:20:30 PM, 55551614.193, 3/2/2010



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