

EASEMENT - DISTRIBUTION FACILITIES

STATE OF ALABAMA }  
COUNTY OF Shelby }  
W.E. No. A6170-05-BG-09  
APCO Parcel No. 70225448  
Transformer No. \_\_\_\_\_

This instrument prepared by: Larry D. Gravitt

Alabama Power Company  
P. O. Box 2641  
Birmingham, Alabama 35291

# 500.00

20090923000363770 1/5 \$23.50  
Shelby Cnty Judge of Probate, AL  
09/23/2009 02:18:58 PM FILED/CERT

Shelby County, AL 09/23/2009

State of Alabama

Deed Tax : \$.50

A. **GRANT** KNOW ALL MEN BY THESE PRESENTS, That Dunn Construction Co. Inc.  
Lessee

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 selected by the Company which is generally shown on the Company's drawing, attached hereto and made a part hereof, (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 each side of the center line of underground Facilities and fifteen feet (15') to each 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 said route as selected by the Company generally shown on said 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 said route selected by the Company generally shown on said 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"):

A parcel of land in the West 1/2 of Section 17, Township 21 South,  
Range 2 West, Shelby County, Alabama. See EXHIBIT "A" attached  
hereto and made a part hereof for a legal description of the  
property involved.

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 14th day of August, 2009.

Witness

Witness

Witness

(Grantor)

Dunn Construction Co. Inc.

(Grantor)

By:

As:

HUGH H. HARRIS  
Vice President Bus. Development

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

All facilities on Grantor: X

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



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:

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

\_\_\_\_\_  
(Grantor - Name of Corporation/Partnership/LLC)  
By: \_\_\_\_\_ (SEAL)  
Its: \_\_\_\_\_  
[indicate President, General Partner, Member, etc.]

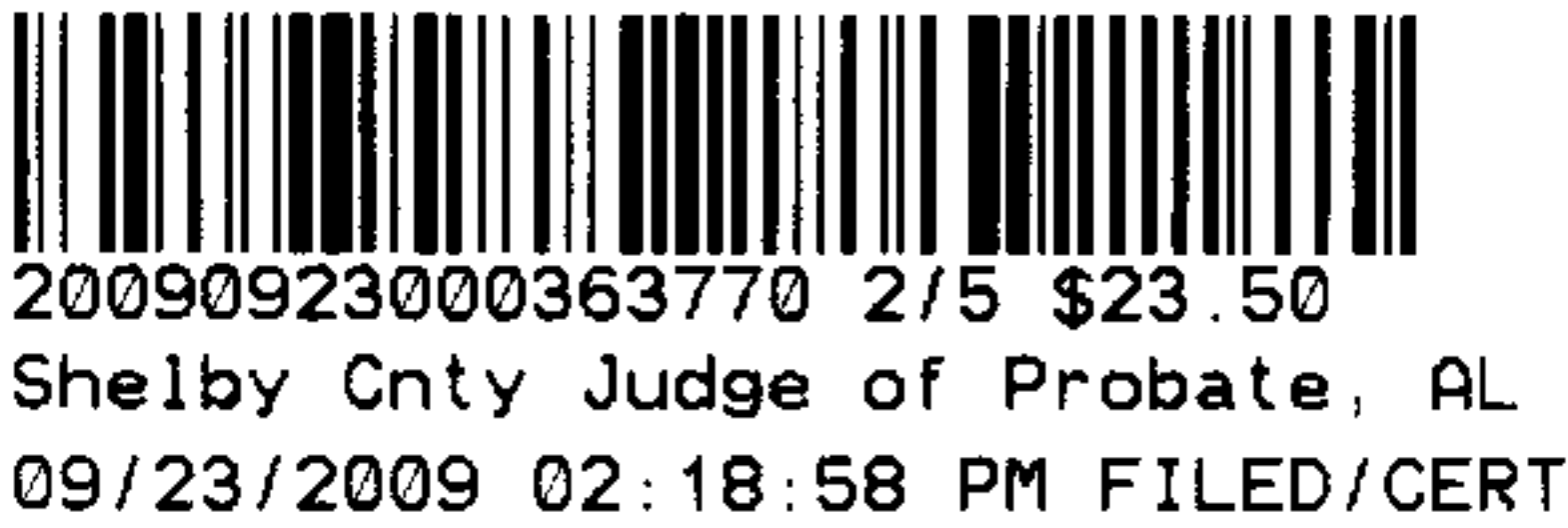
INDIVIDUAL NOTARIES

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 \_\_\_\_\_ }

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 Hugh H. Good Vice President - Business Development of Dunn Construction Co. Inc. a \_\_\_\_\_, 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 Vice President - Business Development and with full authority, executed the same voluntarily for and as the act of said Dunn Construction Co. Inc. [acting in such capacity as aforesaid].  
Given under my hand and official seal, this the 14<sup>th</sup> day of August, 2009.

[SEAL]

Larry D. Grant  
\_\_\_\_\_  
Notary Public  
My commission expires: 2-6-10

EXHIBIT A.  
Sheet 1

  
20090923000363770 3/5 \$23.50  
Shelby Cnty Judge of Probate, AL  
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Legal Description,  
Lease Parcel:

A parcel of land situated in the West one-half of Section 17, Township 21 South, Range 2 West Shelby County, Alabama being more particularly described as follows:

Commence at the Northeast corner of the Southwest one quarter of said Section 17 and run South along the East line thereof for a distance of 528.20 feet; thence leaving said East line turn an interior angle to the left of 88 degrees 45 minutes 50 seconds and run in a Westerly direction for a distance of 538.75 feet to the POINT OF BEGINNING of the property herein described; thence turn an interior angle to the right of 80 degrees 44 minutes 28 seconds and run in a Southerly direction for a distance of 67.03 feet; thence turn an interior angle to the left of 188 degrees 24 minutes 52 seconds and run in a Southerly direction for a distance of 119.47 feet; thence turn an interior angle to the left of 174 degrees 09 minutes 28 seconds and run in Southerly direction for distance of 122.65 feet; thence turn an interior angle to the left of 188 degrees 26 minutes 01 seconds and run in a Southerly direction for a distance of 699.01 feet; thence turn an interior angle to the left of 94 degrees 54 minutes 04 seconds and run in a southwesterly direction for a distance of 167.12 feet; thence turn an interior angle to the left of 135 degrees 34 minutes 01 seconds and run in a Northwesterly direction for a distance of 202.21 feet; thence turn an interior angle to the left of 216 degrees 22 minutes 14 seconds and run in a Southwesterly direction for a distance of 344.56 feet; thence turn an interior angle to the left of 270 degrees 00 minutes 00 seconds and run in a Southeasterly direction for a distance of 66.91 feet; thence turn an interior angle to the left of 91 degrees 31 minutes 33 seconds and run in a Southwesterly direction for a distance of 56.62 feet; thence turn an exterior angle to the right of 187 degrees 19 minutes 36 seconds and run in a Westerly direction for a distance of 61.99 feet; thence turn an exterior angle to the right of 176 degrees 53 minutes 23 seconds and run in a Southwesterly direction for a distance of 24.68 feet; thence turn an exterior angle to the right of 161 degrees 45 minutes 24 seconds and run in a Southwesterly direction for a distance of 175.86 feet; thence turn an interior angle to the left of 164 degrees 35 minutes 06 seconds and run in a Southwesterly direction for a distance of 496.67 feet to a point on the Eastern-most right of way of U.S. Highway 31; thence turn an interior angle to the left of 110 degrees 09 minutes 18 seconds and run in a Northwesterly direction along said right of way for a distance of 450.52 feet; thence leaving said right of way turn an interior angle to the left of 169 degrees 03 minutes 58 seconds and run in a Northwesterly direction along a fence line for a distance of 490.26 feet to a found capped rebar stamped Corley; thence turn an interior angle to the left of 89 degrees 53 minutes 27 seconds and run in a Northeasterly direction for a distance of 253.91 feet to a found open top iron; thence turn an interior angle to the left of 270 degrees 05 minutes 44 seconds and run in a Northwesterly direction for a distance of 394.70 feet to a found capped rebar stamped Corley, said point being on a fence line running Northeast; thence turn an interior angle to the left of 72 degrees 31 minutes 00 seconds and run in a Northeasterly direction along said fence line for a distance of 62.39 feet; thence turn an interior angle to the left of 179 degrees 43 minutes 27 seconds and run in a Northeasterly direction along said fence line for a distance of 250.56 feet; thence turn an interior angle to the left of 180 degrees 25 minutes 06 seconds

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EXHIBIT "A"  
sheet 2



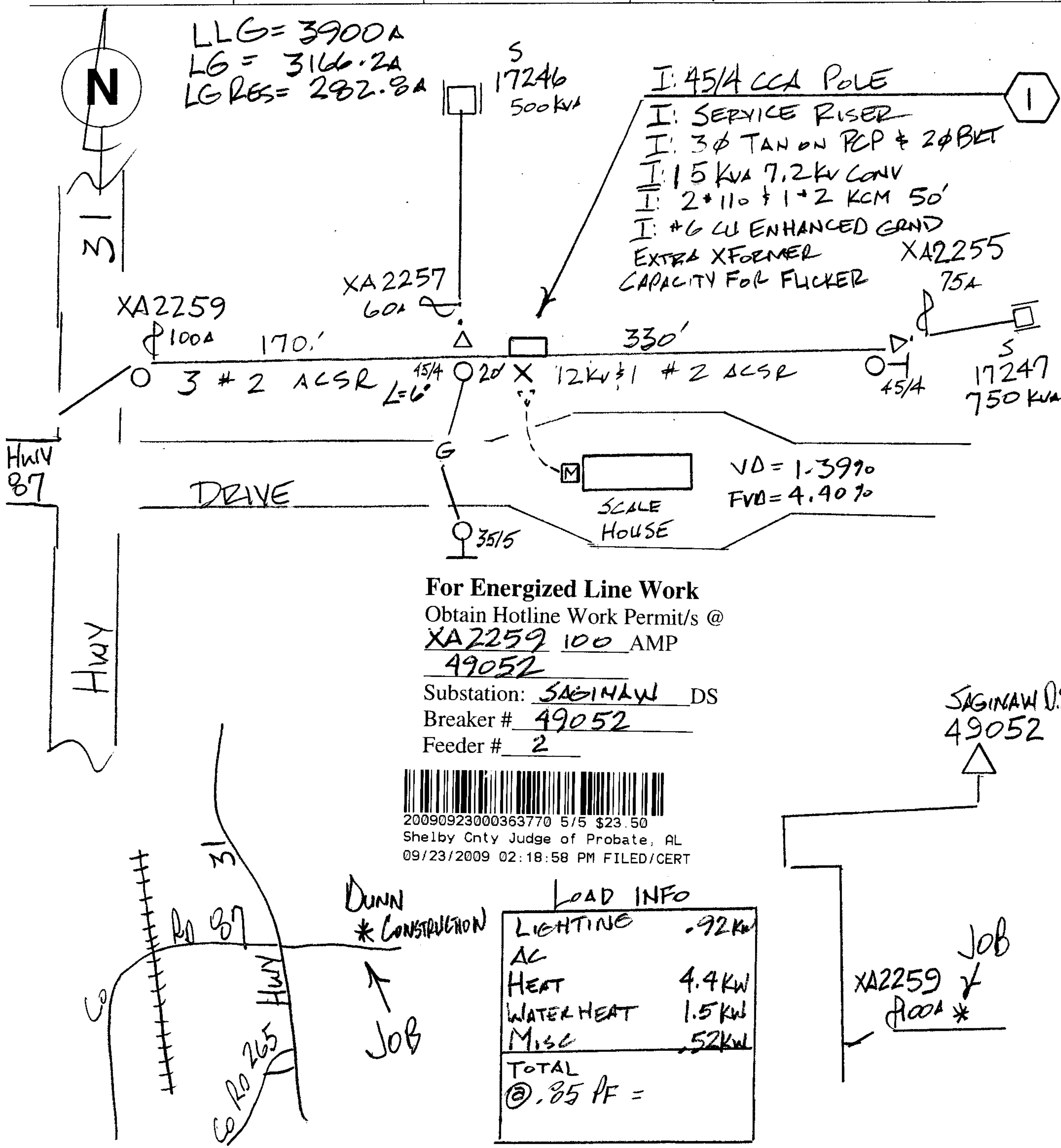
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and run in a Northeasterly direction along said fence line for a distance of 113.05 feet; thence turn an interior angle to the left of 184 degrees 31 minutes 49 seconds and run in a Northeasterly direction for a distance of 80.25 feet; thence turn an interior angle to the left of 277 degrees 39 minutes 32 seconds and run in a Northwesterly direction for a distance of 6.45 feet; thence turn an interior angle to the left of 82 degrees 08 minutes 18 seconds and run in a Northeasterly direction for a distance of 319.34 feet to a point on the South line of the Clarence and Carol Dean Property as recorded in Instrument 2001-41653 in the Office of the Judge of Probate Shelby County, Alabama; thence turn an interior angle to the left of 158 degrees 08 minutes 15 seconds and run in a Easterly direction along said South line for a distance of 125.43 feet; thence turn an interior angle to the left of 188 degrees 14 minutes 58 seconds and run in a Easterly direction along said South line for a distance of 277.99 feet to a point on the Eastern-most line of the afore mentioned Dean Property; thence turn an interior angle to the left of 259 degrees 57 minutes 37 seconds and run in a Northerly direction along the East line of said Dean Property for a distance of 567.22 feet to a point on the Northern-most right of way of Mellow Lane (20' R.O.W.); thence turn an interior angle to the left of 278 degrees 10 minutes 39 seconds and run in a Westerly direction along said right of way for a distance of 250.85 feet; thence leaving said right of way turn an interior angle to the left of 93 degrees 37 minutes 14 seconds and run in a Northerly direction for a distance of 150.89 feet; thence turn an interior angle to the left of 86 degrees 28 minutes 07 seconds and run in an Easterly direction for a distance of 316.62 feet; thence turn an interior angle to the left of 98 degrees 00 minutes 10 seconds and run in a Southerly direction for a distance of 285.76 feet; thence turn an interior angle to the left of 192 degrees 50 minutes 47 seconds and run in a Southerly direction for a distance of 235.65 feet; thence turn an interior angle to the left of 200 degrees 18 minutes 18 seconds and run in a Southerly direction for a distance of 47.45 feet; thence turn an interior angle to the left of 150 degrees 11 minutes 36 seconds and run in a Southerly direction for a distance of 167.30 feet to the POINT OF BEGINNING. Said parcel contains 2,007,026 square feet or 46.07 acres more or less.

70225 448

# Sketch of Proposed Work

Customer <b>DUNN CONSTRUCTION</b>		Location <b>991 HWY 31</b>		Committed Svc. Date <b>12-31-2009</b>		Work Order No. <b>A6170-05-B609</b>	
Division <b>BHAM</b>		District <b>SHELBY</b>		Town <b>SAGINAW</b>		Drawn By <b>BRASHER</b>	
County <b>SHELBY</b>		Section <b>17</b>		Township <b>21-S</b>		Range <b>2W</b>	
Add'l Info		Map Reference		Substation Name <b>SAGINAW</b>			
Account #		Meter #		Feeder # <b>49052 (2)</b>		Switch # <b>XA2259</b>	
Reading		Date Meter Set		Set By		Primary Volt <b>12 KV</b>	
						Sec. Volt <b>120/240</b>	



**For Energized Line Work**  
Obtain Hotline Work Permit/s @  
**XA2259 100 AMP**  
**49052**  
Substation: **SAGINAW** DS  
Breaker # **49052**  
Feeder # **2**

20090923000363770 5/5 \$23.50  
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LOAD INFO	
LIGHTING	.92KW
AC	
HEAT	4.4KW
WATER HEAT	1.5KW
MISC	.52KW
TOTAL	
@ .85 PF =	

PHONE CO.	
Co. Name	N
CATV CO.	
ACCESSIBLE	Y
TREE CREW	N
ROCK HOLE	N
PERMITS	
CITY	N
COUNTY	N
STATE	N
ONE-CALL	
REF #	
GOOD ON	
GOOD THROUGH	
UPDATE ON	
Scale	N.T.S.