

# 500 00

Source of Title:

Instrument # 20110408000109730

**EASEMENT -- DISTRIBUTION FACILITIES**

STATE OF ALABAMA

COUNTY OF SHELBY


W.E. No. A6170-16-A412

APCO Parcel No. 70251106

Transformer No. S1794

This instrument prepared by: Dean Fritz

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

  
20121016000396770 1/4 \$21.50  
Shelby Cnty Judge of Probate, AL  
10/16/2012 09:24:09 AM FILED/CERT

KNOW ALL MEN BY THESE PRESENTS, That Rushmore Lee Branch, LLC

as grantor(s), (the "Grantor", whether one or more) for and in consideration of One and No/100 Dollar (\$1.00) and other good and valuable consideration paid to Grantor in hand 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 below.

**Overhead and/or Underground.** The right from time to time to construct, install, operate and maintain, upon, over, under and across the Property described below, all poles, towers, wires, conduits, fiber optics, cables, communication lines, translosures, 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 communications, along a route selected by the Company, as generally shown on the Company's drawing attached hereto and made a part hereof, but which is to be determined by the actual location(s) in which the Company's facilities are installed. The width of the Company's easement will depend on whether the Facilities are underground or overhead: for underground, the easement will extend five (5) feet on each side of said Facilities as and where installed; for overhead Facilities, the easement will extend fifteen (15) feet on each side of the centerline of said Facilities as and where installed. The Company is granted the right to clear, and keep clear, all trees, undergrowth and other obstructions on a strip of land extending five (5) feet from each side of said underground Facilities, and to clear, and keep clear, all trees, undergrowth and other obstructions on a strip of land extending fifteen (15) feet from each side of the centerline of said overhead Facilities and the right in the future to install intermediate poles and facilities on said strip. Further, with respect to overhead Facilities, the Company is also granted the right to trim and cut, and keep trimmed and cut, all dead, weak, leaning or dangerous trees or limbs outside of the thirty (30) foot strip that, in the sole opinion of the Company, may now or hereafter endanger, interfere with, or fall upon any of said overhead 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 said 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, as applicable.

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" attached hereto and made a part hereof..

In the event it becomes necessary or desirable for the Company from time to time 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 said 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 said Grantor, has caused this instrument to be executed by

its authorized representative, as of the 2<sup>nd</sup> day of October, 2012.

ATTEST (if required) or WITNESS:

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

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

Rushmore Lee Branch, LLC

(Grantor - Name of Corporation/Partnership/LLC)

By:  (SEAL)

Its: authorized signatory  
(Indicate: President, General Partner, Member, etc.)



All facilities on Grantor:

Station to Station: Sta 1+15 to Sta 2+00 (OH)  
Also Sta 2+00 to Sta 2+95 (UG)

CORPORATION NOTARY

STATE OF ALABAMA

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public, in and for said County in said State, hereby certify that  
\_\_\_\_\_, whose name as \_\_\_\_\_ of  
\_\_\_\_\_, a corporation, 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 this instrument, he/she, as such officer and with full authority, executed the same  
voluntarily for and as the act of said Corporation.

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

[SEAL]

Notary Public

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

CORPORATION/PARTNERSHIP/LLC NOTARY

STATE OF ~~ALABAMA~~ Illinois

COUNTY OF Cook

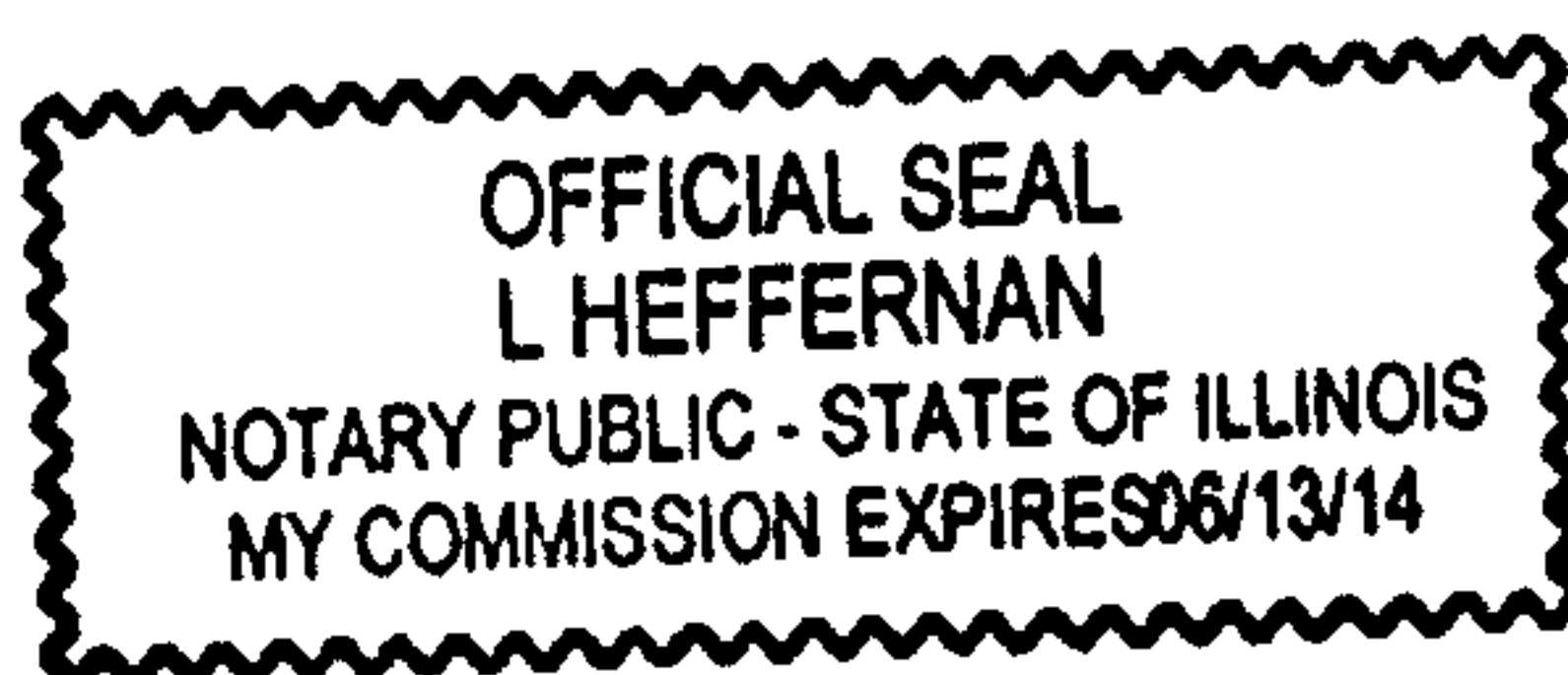
I, Laure Heffernan, a Notary Public in and for said County in said State, hereby certify that Marc  
Reinisch, whose name as authorized signatory of  
Rushmore Lee Branch LLC, a limited liability company, [acting in its capacity as  
authorized signatory of Rushmore Lee Branch LLC a limited  
liability company] 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 authorized signatory and with full authority, executed the  
same voluntarily, for and as the act of said limited liability company [acting in such capacity as aforesaid].

Given under my hand and official seal this the 2<sup>nd</sup> day of October, 2012.

[SEAL]

Notary Public

My commission expires: 6/13/14



20121016000396770 2/4 \$21.50  
Shelby Cnty Judge of Probate, AL  
10/16/2012 09:24:09 AM FILED/CERT

Shelby County, AL 10/16/2012  
State of Alabama  
Deed Tax: \$.50


WE # A6170-16-A412

Parcel # 70251106

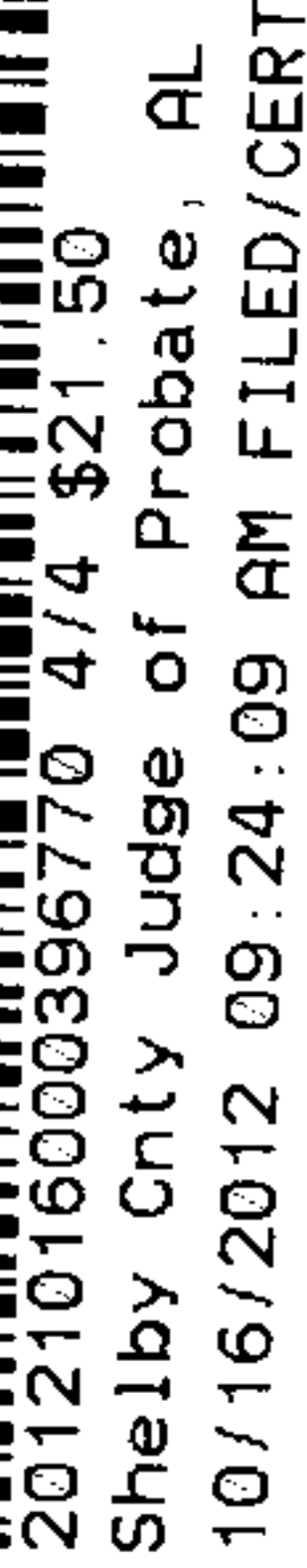
"EXHIBIT A"

A parcel of land located in the NE¼ of the SW¼ of Section 5, Township 19 South, Range 1 West, more particularly described in that certain instrument recorded in Instrument # 20110408000109730, in the office of the Judge of Probate of Shelby County, Alabama, being more particularly described as follows:

Commencing at a found 2" capped pipe purported to be the Northwest corner of the Southeast Quarter of the Southwest Quarter of Section 5, Township 19 South, Range 1 West, Shelby County, Alabama, said point lying on the Easterly line of Lot 11 of Eagle Trace -Phase 1 as recorded in Map Book 29, Page 142 in the office of the Judge of Probate of said county, said point also being the Southwest corner of a Resubdivision of the Village at Lee Branch as recorded in Map Book 31, Page 130A and 130B in the office of the Judge of Probate of said county; thence proceed along the North line of said quarter-quarter section and the South line of a Resubdivision of the Village at Lee Branch for 666.78 feet to an iron pin set at the Northeast corner of the Northwest Quarter of the Southeast Quarter of the Southwest Quarter of Section 5, Township 19 South, Range 1 West, said point being the Point of Beginning of herein described parcel; thence continuing Easterly along said North line of said Northwest Quarter of the Southeast Quarter of the Southwest Quarter of Section 5, Township 19 South, Range 1 West and said South line of a Resubdivision of the Village at Lee Branch for 333.28 feet to an iron pin set; thence leaving said North line of said quarter-quarter with a deflection angle of right of 90 degrees 36'53" proceed Southerly for 658.78 feet to an iron pin set on the South line of said quarter-quarter; thence with a deflection right of 89 degrees 29'33" proceed Westerly along said South line of said quarter-quarter for 332.53 feet to an iron pin set, said point being the Southeast corner of the Southeast corner of the Northwest Quarter of the Southeast Quarter of the Southwest Quarter of said section, township and range; thence with a deflection angle right of 90 degrees 26'33" proceed Northerly along the East line of said quarter-quarter for 658.15 feet to a point, said point being the Point of Beginning.

  
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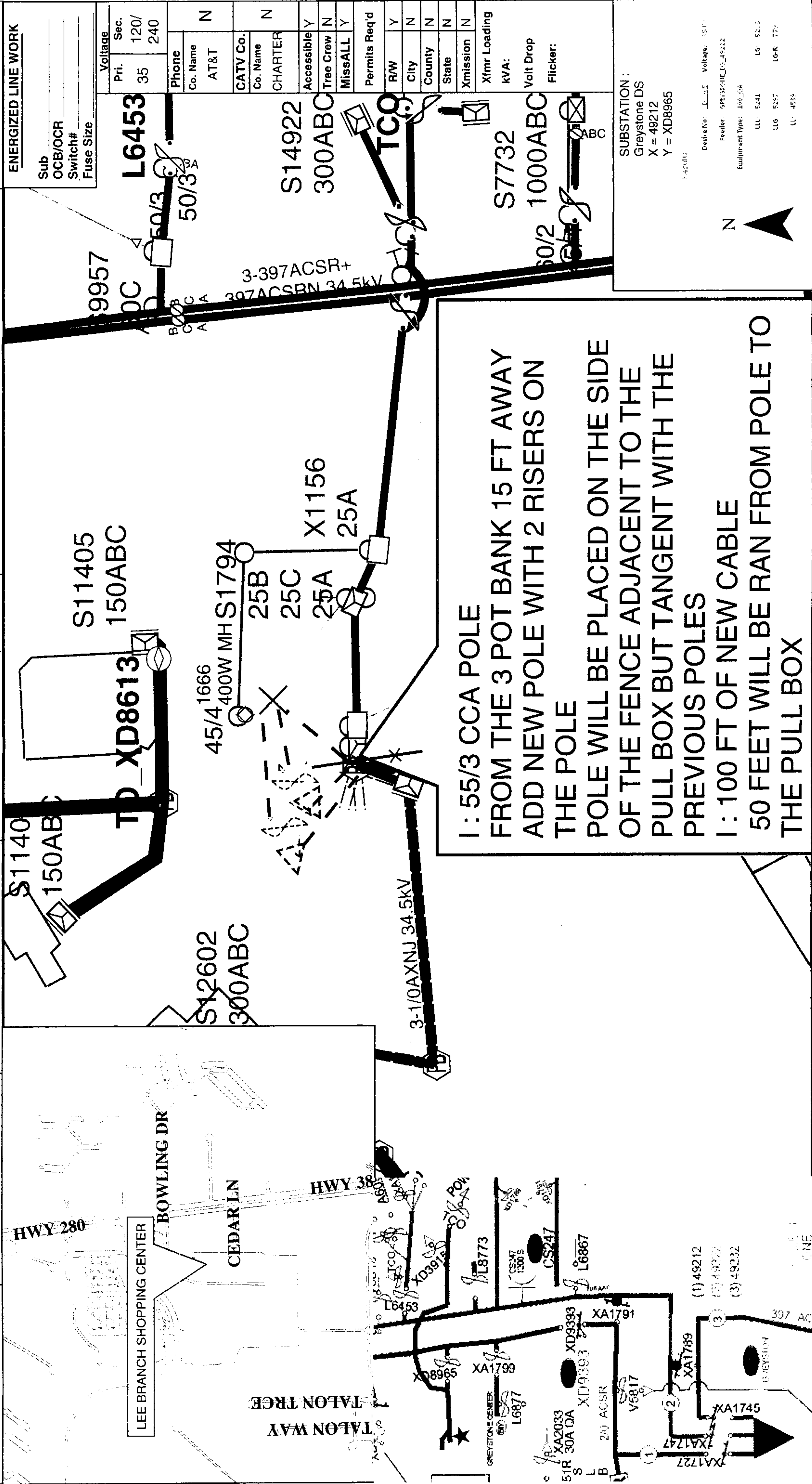


RW Agent Dean Fritz  
Date Assigned 9-14-12  
Date Cleared 10-3-12  
Parcel # 70251106

**SKETCH OF PROPOSED WORK - SIMPLIFIED W.E.**

<b>Customer</b> APCO	<b>Location</b> LEE BRANCH SHOPPING CENTER	<b>Cmtd. Svc Date</b>	<b>County</b> SHELBY	<b>Section</b> 5	<b>Township</b> 19S	<b>Range</b> 01W	<b>Estimate No.</b> A6170 - 16 - A412	<b>Missall No.</b> <b>Work Date</b> <b>Time</b> <b>Update</b>
<b>Division</b> BIRMINGHAM	<b>District</b> SOUTH VARNONS	<b>Town</b> BIRMINGHAM	<b>UserID</b> caby	<b>Created:</b> 9/14/2012	<b>Substation</b> GREYSTONE DS	<b>X-</b> 49212	<b>Y-</b> XD8965	

**1 inch = 100 feet**



SUBSTATION :  
Greystone DS  
X = 49212  
Y = XD8965

Device No:	FE-55	Voltage:	55.0
Feeder:	SP557HE_05_45222		
Equipment Type:	100_00A		
LL1:	5241	LG:	52.3
LL6:	5257	LG-R:	77.9
LL7:	4559		

**Foreman:**

**Cnst Completed By:**

Date:

ENGINEER: ABY LINC: