

Source of Title:

Instrument #20160226000058740

Grant of Easement in Land for  
an Underground Subdivision

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STATE OF ALABAMA

COUNTY OF JEFFERSON & SHELBY

W.E. No. A6173-08-AL16

APCO Parcel No. 72224115-001

This instrument prepared by: Dean Fritz

Alabama Power Company  
2 Industrial Park Drive  
Pelham, AL 35124

KNOW ALL MEN BY THESE PRESENTS, That P. R. Wilborn, LLC, a Delaware limited liability company as grantor(s), (the "Grantor", whether one or more) is the owner of record of the real estate in Jefferson County and in Shelby County, Alabama which Grantor intends to subdivide- Jefferson County: located in the SW ¼ of the SW ¼ as well as the SE ¼ of the SW ¼ of Section 33, Township 20 South, Range 3 West; in the SE ¼ of the SE ¼ of Section 32, Township 20 South, Range 3 West. Shelby County: All of the NW ¼ of Section 4, Township 20 South, Range 3 West and the East ½ of the NE ¼ of Section 5, Township 20 South, Range 3 West and more particularly described on Exhibit "A", attached hereto and made a part hereof hereinafter "the Property"); and

WHEREAS, Grantor desires to have Alabama Power Company (the "Company") construct, operate and maintain underground electric distribution and service facilities to provide electric service to houses or other improvements to be constructed upon the Property, and therefore is willing to grant to the Company rights, easements and rights-of-way for the construction, operation and maintenance of such electric facilities.

NOW, THEREFORE, for and in consideration of One and No/100 Dollars (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor does hereby agree and covenant with the Company as follows:

1. Grantor does hereby grant to the Company, its successors and assigns, the following rights, easements and rights-of-way for the purposes of constructing, operating, maintaining, repairing and replacing in, over and under the surface of the Property, conductors, riser poles, guy wires and anchors at those places where the Company's facilities enter and leave any subdivision, conduits, cables, transformers, switchgear, transclosers, and all other facilities useful or necessary in connection therewith, for the underground transmission and distribution of electric service, and also for underground communication service, along routes and in areas to be selected by the Company as provided herein, together with the right of ingress and egress to and from the easement areas and all other rights and privileges necessary or convenient for the full use and enjoyment thereof:
  - A. Underground Distribution Line Easement. An easement and right-of-way for the Company's underground electric distribution and communication facilities, which shall be ten (10) feet wide, and shall extend five (5) feet on each side of the center lines of the underground conduits and conductors, as and where now or hereafter installed by the Company; together with the right to excavate the soil within said strips of land, and remove any trees, rocks and other obstructions, as necessary or convenient for the construction, maintenance, repair, replacement, safety or operation of said line or lines, and also the right to keep the easement strips clear of trees, roots, shrubs, brush, undergrowth, buildings, fences and other structures and other obstructions or any condition which may, in the sole opinion of the Company, endanger the safety of, interfere with, or threaten to endanger the operation and maintenance of, the Company's facilities, and also to prevent the surface elevation over said facilities from being reduced by more than six (6) inches, unless permitted in writing by the Company in each instance.
  - B. Easement for Above-Ground Facilities Associated with Underground Distribution Lines: An easement and right-of-way for the Company's above-ground facilities necessary or useful for providing underground service to buildings or other improvements, including riser poles, guy wires and anchors at those places where the Company's facilities enter and leave any subdivision and all pad-mounted equipment, which shall include any and all portions of the Property on which such facilities are constructed or installed, and shall also extend fifteen (15) feet in all directions from the outer perimeter of such poles and five (5) feet in all directions from the outer perimeter of such pads, anchors and other facilities and five (5) feet to each side of such guy wires, as and where now or hereafter installed by the Company and the right to clear, and keep clear, such areas of trees, roots, shrubs, brush, undergrowth, buildings, fences and other structures and other obstructions or any condition which may, in the sole opinion of the Company, endanger the safety of, interfere with, or threaten to endanger the operation and maintenance of the Company's facilities and the right to cut

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and trim and keep cut and trimmed all dead, weak, leaning or dangerous trees and limbs outside of such areas that, in the sole opinion of the Company, might now or may hereafter endanger, interfere with or fall upon any such riser poles or overhead conductors or guys attached thereto.

- C. Underground Service Easement: An easement and right-of-way for the Company's service facilities to each house or other improvement, now or hereafter constructed on each subdivided lot on the Property. Such service easement shall extend five (5) feet on each side of the center line of the underground electric service conduit or line running to the service entrance for each house or other improvement, as and where now or hereafter installed by the Company; together with the right to excavate for installation, replacement, repair and removal thereof; and also the right to clear, and keep clear, such areas of trees, roots, shrubs, brush, undergrowth, buildings, fences and other structures and other obstructions or any condition which may endanger the safety of, or interfere with, or threaten to endanger the operation and maintenance of the Company's facilities, and also to prevent the surface elevation over said facilities from being reduced by more than six (6) inches, unless permitted in writing by the Company in each instance.
- D. Easement Locations. As provided above, the particular areas to be covered by the easements granted herein are to be determined by the locations at which the Company installs its various facilities. Unless the right is granted pursuant to a separate instrument, and except with respect to facilities described in paragraph 1.C above, the Company agrees that it will only install its facilities within the following described areas to be determined by subdivision plat(s) to be recorded in the Probate Office records in the County in which the Property is located:
- (i) within road rights-of-way;
  - (ii) within ten (10) feet of the boundaries of road rights-of-way;
  - (iii) within ten (10) feet of any front and rear property lines of the lots shown on the subdivision plat(s);
  - (iv) within five (5) feet of any side property lines of the lots shown on said plat(s);
  - (v) within any area shown or described on said plat(s) as an area for electric utility facilities or utility facilities in general; and

To the extent that any lot line abuts a lot line of another lot in the same subdivision, it shall be deemed a side lot line. All other lot lines shall be deemed front or rear lot lines. The dimensions of the particular easement areas are described in paragraphs 1.A, 1.B and 1.C and the locations are to be determined by the locations at which such facilities are installed.

In the event it becomes necessary or desirable for the Company to move any of its facilities in connection with the construction or improvement of any public road or highway in proximity to its facilities, the Company is hereby granted the right to relocate its said facilities and, as to such relocated facilities, to exercise the rights granted above; provided, however, the Company shall not relocate its facilities on the Property at a distance greater than ten (10) feet outside the boundary of the right of way of any such public road or highway as established or re-established from time to time.

2. The Company shall not be liable for any damages to or destruction of any shrubs, trees, roots, flowers, grass or other plants caused by the equipment or employees of the Company or its contractors engaged in the construction, operation, maintenance, repair, replacement or removal of the Company's facilities. Appropriate meter locations must be obtained from the Company prior to installing or relocating service entrance facilities.
3. The Company will retain title to all facilities installed by the Company or its contractors, including but not limited to the service lateral and outdoor metering socket serving each house or other improvement and said service entrance facilities provided by the 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 the Company and will be subject to removal by the Company in accordance with applicable Rules and Regulations filed with and approved by the Alabama Public Service Commission.

TO HAVE AND TO HOLD the foregoing easements, rights and privileges to the Company, its successors and assigns, forever.

IN WITNESS WHEREOF, this instrument has been executed this the 2<sup>nd</sup> day of December, 2016.

GRANTOR:

P. R. Wilborn, LLC, a Delaware liability company  
Name of Individual/Company/Partnership/LLC

[Signature]  
Signature of Individual/Officer/Partner

For Alabama Power Company Corporate Real Estate Department Use Only

Parcel No: 72224115-001 All facilities on Grantor: ☒ Pole to Pole: \_\_\_\_\_

CORPORATION/PARTNERSHIP/LLC NOTARY

STATE OF ALABAMA }

COUNTY OF JEFFERSON }

I, GARY JONES, a Notary Public in and for said County in said State, hereby certify that SCOTT RANSER whose name as V.P. Sales & Marketing of P.R. Wilborn, LLC a LLC [acting in its capacity as \_\_\_\_\_ of \_\_\_\_\_]

\_\_\_\_\_ 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 V.P. Sales & Marketing and with full authority, executed the same voluntarily, for and as the act of said LLC [acting in such capacity as aforesaid].

Given under my hand and official seal this the 28 day of December 2016

[Signature]  
Notary Public

My commission expires: 4-5-2020

[SEAL]

GARY JONES  
NOTARY PUBLIC, STATE OF ALABAMA  
ALABAMA STATE AT LARGE  
MY COMMISSION EXPIRES  
APRIL 05, 2020

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**EXHIBIT A****Legal Description**

A tract of land located in Sections 32 and 33, Township 19 South, Range 3 West, Jefferson County, Alabama and Sections 4, 5, and 9, Township 20 South, Range 3 West, Shelby County, Alabama, more particularly described as follows:

Commence at the Southwest Section corner of said Section 33, Township 19 South, Range 3 West and run North 00 degrees, 29 minutes, 20 seconds West along the West line of said Section 33 for a distance of 200.00 feet to the **POINT OF BEGINNING**; thence run North 69 degrees, 30 minutes, 40 seconds East for a distance of 903.68 feet to the Southwest boundary of an Alabama Power Company transmission lines corridor; thence South 35 degrees, 05 minutes, 14 seconds East along said transmission lines corridor for a distance of 655.60 feet to an iron pin set with SSI cap on the South line of said Section 33; thence run South 89 degrees, 03 minutes, 17 seconds East along the South line of said Section 33 a distance of 95.07 feet to an iron pin found with Coleman cap at the Southeast corner of the Southwest Quarter of the Southwest Quarter of said Section 33; thence run South 89 degrees, 01 minutes, 19 seconds East along the South line of the Southeast Quarter of the Southwest Quarter of said Section 33 for a distance of 1172.77 feet to an iron pin set with SSI cap on the Eastern right-of-way line of a public road (Stadium Trace Parkway) being also on a curve to the right having a central angle of 02 degrees, 47 minutes, 26 seconds, a radius of 813.94 feet and a chord bearing of South 51 degrees, 22 minutes, 26 seconds West; thence run in a Southwesterly direction along the arc of said curve for a distance of 39.64 feet to an iron pin set with SSI cap at the intersection of said Eastern right-of-way line with the center line of a sanitary sewer easement granted to Jefferson County, Alabama by United States Steel Corporation by document dated April 13, 2006; thence Run South 35 degrees, 53 minutes, 07 seconds East along said center line for a distance of 380.36 feet to an iron pin set with SSI cap at the intersection of said center line with a tract of land conveyed to the Hoover Board of Education (School Tract) by United States Steel Corporation by document dated February 28, 2006; thence run South 54 degrees, 01 minutes, 38 seconds West along said School Tract for a distance of 221.12 feet to an iron pin set with SSI cap at the Western most point of said School Tract; thence run South 24 degrees, 03 minutes, 52 seconds East along said School Tract a distance of 314.36 feet to an iron pin found with GSA cap; thence run South 03 degrees, 46 minutes, 21 seconds West along said School Tract a distance of 733.20 feet to an iron pin found with GSA cap at the Northeast boundary of an Alabama Power Company transmission lines corridor; thence run South 35 degrees, 04 minutes, 09 seconds East along said School Tract and also along said transmission lines corridor boundary a distance of 426.40 feet to an iron pin found with GSA cap; thence run South 35 degrees, 04 minutes, 47 seconds East along said transmission lines corridor boundary a distance of 1001.08 feet to an iron pin found with Paragon cap on the South line of the Southwest Quarter of the Northeast Quarter of Section 4, Township 20 South, Range 3 West; thence run North 89 degrees, 11 minutes, 56 seconds West along the South line of said Quarter Quarter Section for a distance of 308.55 feet to the Southwest boundary of said transmission lines corridor; thence run South 35 degrees, 04 minutes, 47 seconds East along said transmission lines corridor boundary for a distance of 1678.16 feet to the center line of the Cahaba River; thence run (downstream) along the meanders of said Cahaba river center line the following bearings and distances; South 67 degrees, 15 minutes, 14 seconds West, 863.00 feet; South 79 degrees, 02 minutes, 56 seconds West, 571.85

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feet; South 80 degrees, 01 minutes, 19 seconds West, 670.49 feet; South 31 degrees, 52 minutes, 21 seconds West, 482.35 feet; South 20 degrees, 21 minutes, 48 seconds West, 295.04 feet; South 27 degrees, 34 minutes, 58 seconds West, 351.87 feet; South 20 degrees, 28 minutes, 49 seconds West, 250.07 feet; South 02 degrees, 50 minutes, 06 seconds West, 242.25 feet; South 08 degrees, 50 minutes, 51 seconds East, 409.51 feet; South 55 degrees, 00 minutes, 12 seconds East, 271.73 feet; North 67 degrees, 36 minutes, 25 seconds East, 329.35 feet; South 79 degrees, 12 minutes, 18 seconds East, 214.42 feet; South 63 degrees, 26 minutes, 37 seconds East, 145.79 feet; North 80 degrees, 59 minutes, 59 seconds East, 291.14 feet; South 76 degrees, 19 minutes, 21 seconds East, 346.20 feet; South 30 degrees, 53 minutes, 09 seconds East, 236.88 feet; South 28 degrees, 01 minutes, 41 seconds West, 154.48 feet; South 41 degrees, 31 minutes, 05 seconds West, 144.15 feet; South 26 degrees, 21 minutes, 16 seconds West, 476.92 feet; South 52 degrees, 54 minutes, 09 seconds West, 490.01 feet; South 39 degrees, 21 minutes, 57 seconds West, 221.06 feet; South 48 degrees, 31 minutes, 42 seconds West, 332.63 feet; South 27 degrees, 45 minutes, 19 seconds West, 233.19 feet; South 09 degrees, 40 minutes, 09 seconds West, 274.61 feet; South 44 degrees, 20 minutes, 04 seconds West, 268.77 feet to the Eastern boundary of a CSX Transportation Company right-of-way line; thence run North 41 degrees, 21 minutes, 27 seconds West along said Eastern right-of-way line for a distance of 396.64 feet to an iron pin set with SSI cap at a point on a curve to the right having a central angle of 34 degrees, 50 minutes, 36 seconds, a radius of 1472.00 feet and a chord bearing of North 23 degrees, 56 minutes, 09 seconds West; thence run in a Northwesterly direction along the arc of said curve and also along said Eastern right-of-way line for a distance of 895.17 feet to an iron pin set with SSI cap; thence run North 06 degrees, 30 minutes, 51 seconds West along said Eastern right-of-way line for a distance of 1829.93 feet to an iron pin set with SSI cap at a point on a curve to the left having a central angle of 14 degrees, 04 minutes, 07 seconds, a radius of 2888.00 feet and a chord bearing of North 13 degrees, 32 minutes, 54.5 seconds West; thence run in a Northwesterly direction along the arc of said curve and also along said Eastern right-of-way line for a distance of 709.13 feet to an iron pin set with SSI cap on the South line of the Southwest Quarter of the Southwest Quarter of said Section 4; thence run South 89 degrees, 17 minutes, 28 seconds East along said South line for a distance of 12.92 feet to an iron pin set with SSI cap at a point on a curve to the right having a central angle of 11 degrees, 05 minutes, 34 seconds, a radius of 1183.94 feet and a chord bearing of North 29 degrees, 04 minutes, 26 seconds West; thence run in a Northwesterly direction along the arc of said curve and also along said Eastern right-of-way line for a distance of 229.22 feet to an iron pin set with SSI cap; thence run North 23 degrees, 31 minutes, 40 seconds West along said Eastern right-of-way line for a distance of 1231.72 feet to an iron pin set with SSI cap on the North line of the Southeast Quarter of the Southeast Quarter of Section 5, Township 20 South, Range 3 West; thence run South 89 degrees, 04 minutes, 47 seconds East along said North line for a distance of 43.94 feet to an iron pin set with SSI cap; thence run North 23 degrees, 35 minutes, 54 seconds West along said Eastern right-of-way line for a distance of 473.22 feet to an iron pin set with SSI cap on a curve to the left having a central angle of 19 degrees, 39 minutes, 33 seconds, a radius of 2954.79 feet and a chord bearing of North 34 degrees, 20 minutes, 50.5 seconds West; thence run in a Northwesterly direction along the arc of said curve and also along said Eastern right-of-way line for a distance of 1013.84 feet to a PK nail set; thence run North 44 degrees, 50 minutes, 04 seconds West along said Eastern right-of-way line for a distance of 95.16 feet to a PK nail set on the South line of the Southeast Quarter of the Northeast Quarter of said Section 5; thence run North 89 degrees, 03 minutes, 04 seconds West along said South line for a distance of 36.02 feet to an iron pin set with SSI cap; thence run North 45 degrees, 10 minutes, 01 seconds West along

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said Eastern right-of-way line for a distance of 673.62 feet to an iron pin set with SSI cap on the West line of the Southeast Quarter of the Northeast Quarter of said Section 5; thence run North 01 degrees, 03 minutes, 17 seconds West along said East line for a distance of 300.0 feet to an iron pin set with SSI cap; thence run North 14 degrees, 56 minutes, 43 seconds East for a distance of 624.00 feet to an iron pin set with SSI cap; thence run North 28 degrees, 56 minutes, 43 seconds East for a distance of 731.00 feet to an iron pin set with SSI cap; thence run North 34 degrees, 56 minutes, 43 seconds East for a distance of 843.00 feet to an iron pin set with SSI cap; thence run North 67 degrees, 28 minutes, 22 seconds East for a distance of 313.57 feet to the **POINT OF BEGINNING**. Said tract containing 515.69 acres, more or less.

*J. W. Frost*