

Grant of Easement in Land for an Underground Subdivision

Lake Wilborn Phase 3

STATE OF ALABAMA

COUNTY OF SHELBY

This instrument prepared by: Jeff J. Callicott

Alabama Power Company
Attn: Corporate Real Estate
2 Industrial Park Drive
Pelham, Alabama 35214

A6173-08-A518

500.00

20180628000230480

06/28/2018 10:40:57 AM

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KNOW ALL MEN BY THESE PRESENTS, That the undersigned P.R. Wilborn, LLC, a Delaware limited liability (hereinafter known as "Grantor", whether one or more) is the owner of record of the real estate in the above named County, Alabama which Grantor intends to subdivide, as described on Exhibit "A", attached hereto and made a part hereof (hereinafter "the Property"); and

WHEREAS, Grantor desires to have Alabama Power Company and/or its successors and assigns (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 easements, rights, and privileges 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 easements, rights, and privileges 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, conduits, cables, transformers, switchgear, translosures, pad-mounted equipment, light poles and associated fixtures, and all other facilities useful or necessary in connection therewith (collectively, "Facilities"), for the underground transmission and distribution of electric service, and also for underground communication service, at those places where the Company's facilities enter and leave any subdivision, 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 for the Company's underground Facilities, which shall be ten (10) feet wide, and shall extend the greater of five (5) feet from road right-of-way or five (5) feet from all sides 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 easement, and remove any trees, rocks and other obstructions, as necessary or convenient, for the construction, maintenance, repair, replacement, safety or operation of Company Facilities, and also the right to cut, remove, and otherwise keep clear any and all trees, undergrowth, structures, obstructions, or obstacles of whatever character, on, under and above said easement which, in the opinion of the Company, may now or hereafter endanger, 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 four (4) inches, unless permitted in writing by the Company in each instance.
 - B. Easement for Above-Ground Facilities Associated with Underground Distribution Lines: An easement for the Company's above-ground Facilities necessary or useful for providing underground service to buildings or other improvements, specifically including riser poles, guy wires and anchors at those places where the Company's Facilities enter and leave any subdivision, light poles and associated fixtures, and all pad-mounted equipment which shall include any and all portions of the Property on which such Facilities are constructed or installed. The width of the Company's above-ground easement will depend on the type of equipment: for poles, the right of way will extend fifteen (15) feet on all sides of such poles as where now or hereafter installed; for all other overhead Facilities, the right of ways shall extend five (5) feet on all sides as and where now or hereafter installed by the Company. Further, with respect to overhead Facilities, the Company is also granted the right to install and use anchor(s) and guy wires on land adjacent to said right of way, the right to clear, and keep clear, any and all trees, undergrowth, structures, obstructions, or obstacles of whatever character, on, under, and above said easement which, in the opinion of the Company, may now or hereafter endanger, interfere with, or threaten to endanger the operation and maintenance of, the Company's Facilities, and also the right to trim and cut, and keep trimmed and cut, all dead, weak, leaning or dangerous trees or limbs outside of the aforementioned right of way that, in the opinion of the Company, may now or hereafter endanger, interfere with, or fall upon any of said overhead Facilities.

- C. **Underground Service Easement:** An easement 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 all sides of said Facilities 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 the soil within said easement, and remove any trees, rocks and other obstructions, as necessary or convenient for the construction, maintenance, repair, replacement, safety or operation of the Company's Facilities, and also the right to cut, remove, and otherwise keep clear any and all trees, undergrowth, structures, obstructions, or obstacles of whatever character, on, under and above said easement which, in the opinion of the Company, may now or hereafter endanger, 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 four (4) 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.

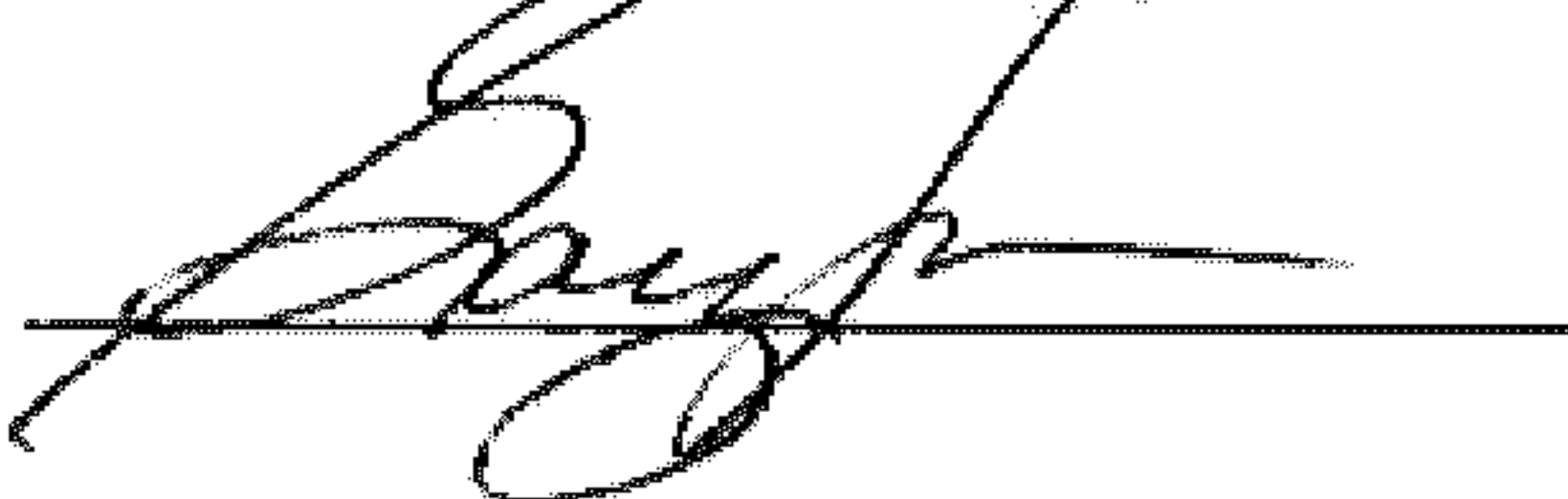
In the event it becomes necessary or desirable for the Company from time to time to move any of its Facilities in connection with the construction or improvement of any public road or highway in proximity to its Facilities, the Company is hereby granted the right to relocate its said Facilities and, 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. This grant and agreement shall be binding upon and shall inure to the benefit of Grantors, the Company and each of their respective heirs, personal representatives, successors and assigns and the words "Company" and "Grantors" as used in this instrument shall be deemed to include the heirs, personal representatives, successors and assigns of such parties.

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 to the same to the Company, its successors and assigns, forever.

IN WITNESS WHEREOF, this instrument has been executed this the 6 day of June, 2018.

WITNESS/ATTEST



GRANTOR:

P.R. Wilborn, LLC, a Delaware limited liability
(Name of Individual/Company/Partnership/LLC)



Signature of Individual/Officer/Partner

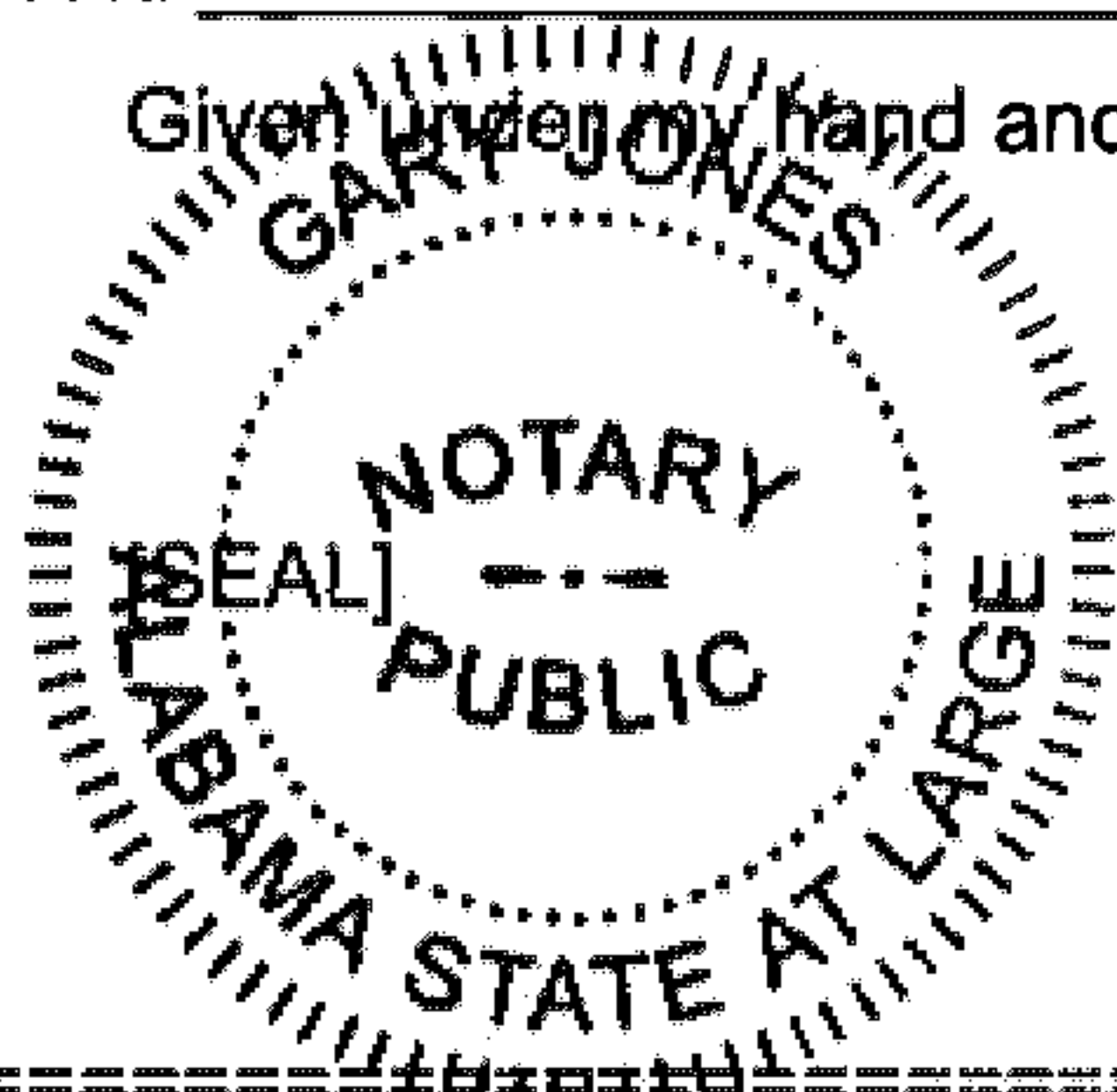
72236375-001

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 ROHRER whose name as VP of PR Wilborn, LLC, a [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 and with full authority, executed the same voluntarily, for and as the act of said [acting in such capacity as aforesaid].



Notary Public

My commission expires: 4-5-2020**INDIVIDUAL ACKNOWLEDGMENT**

STATE OF ALABAMA }

COUNTY OF ✓ }

I, _____, 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 date that, being informed of the contents of the agreement, (has/have) executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the _____ day of _____, 20____.

Notary Public

My commission expires: _____

For Alabama Power Company Corporate Real Estate Department Use Only

All facilities on Grantor: Yes

The NE ¼ of the NW ¼ and the SE ¼ of the NW ¼, and the SW ¼ of the NE ¼, all in Section 4, Township 20S, Range 3W

W.E. No. A6173-08-A518

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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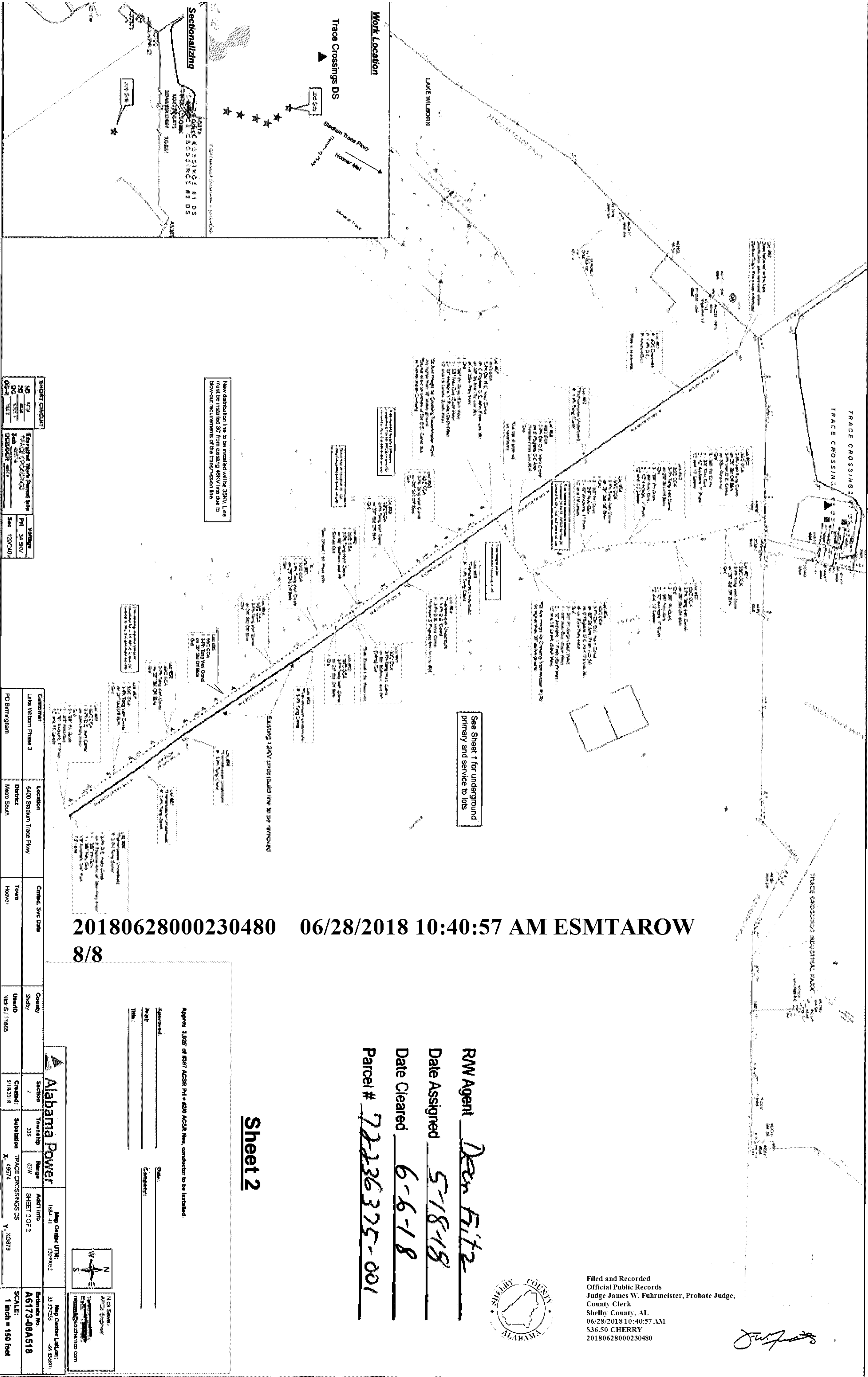
feet; South 80 degrees, 01 minutes, 19 seconds West, 670.49 feet; South 31 degrees, 52 minutes, 21 seconds West, 482.35 feet; South 20 degrees, 21 minutes, 48 seconds West, 295.04 feet; South 27 degrees, 34 minutes, 58 seconds West, 351.87 feet; South 20 degrees, 28 minutes, 49 seconds West, 250.07 feet; 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

Acres # 72236375-001

WE# 16173-08-A518

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.

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SHEET CHECKLIST	
30	45KV
20	33KV
10	20KV
05	12KV
01	05KV
00	00KV

Customer	Location	Circuit, Svc Data
Lake Wilborn Phase 3	6400 Stadium Trace Pkwy	
District	Maricopa	
PD Birmingham		

County	Shelby	Used	Map S 11-665
Section	205	Created	5/18/2016
Township	03W	Substation	K-49574
Range	03W	ADDITION	Y-50573
ADDITION			
Scale			1 inch = 150 feet

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Sheet 2

RW Agent Dea Fite
Date Assigned 5-18-18
Date Cleared 6-6-18
Parcel # 72236375-001



Filed and Recorded
Official Public Records
Judge James W. Fuhrmeister, Probate Judge,
County Clerk
Shelby County, AL
06/28/2018 10:40:57 AM
536.50 CHERRY
20180628000230480

Signature

Approx. 1.025' of R/W ACIR PI + 20' ACIR New, conductor to be installed.
Approved: _____
Permit: _____
Title: _____
Date: _____
Company: _____

