


STATE OF ALABAMA                     )  
  :  
COUNTY OF SHELBY                    )

  
20181207000428960 1/9 \$39.00  
Shelby Cnty Judge of Probate, AL  
12/07/2018 03:25:37 PM FILED/CERT

**FIRST AMENDMENT TO  
NON-EXCLUSIVE ACCESS AND UTILITY  
EASEMENT AGREEMENT (CELL TOWER)**

**THIS FIRST AMENDMENT TO NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT AGREEMENT** (this "Amendment") is made and entered into as of the 28<sup>th</sup> day of NOVEMBER, 2018 by and between **BLACKRIDGE PARTNERS, LLC**, an Alabama limited liability company ("Grantor"), and **SOUTHERN TOWERS, LP**, a Delaware limited partnership ("Grantee").

**R E C I T A L S:**

Grantor and Grantee have previously entered into a Non-Exclusive Access and Utility Easement Agreement dated June 14, 2017 (the "Agreement") which has been recorded as Instrument 20170615000211180 in the Office of the Judge of Probate of Shelby County, Alabama. *Capitalized terms not otherwise expressly defined herein shall have the same meanings given to them in the Agreement.*

The Agreement was entered into by Grantor and Grantee contemporaneously with the conveyance by Grantor to Grantee of the Benefitted Parcel.

The parties desire to amend the Agreement in order to: (a) modify and amend the legal description of the Burdened Parcel, (b) acknowledge and agree that any the access easements reflected on certain subdivision plats for the Benefitted Parcel are no longer applicable to the Benefitted Parcel and (c) reflect the grant by Grantor to Grantee of an additional 20-foot wide utility easement over, across, through, under and upon the Additional 20' Utility Easement Property, as hereinafter defined.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee do hereby agree as follows:

1. Legal Description of Burdened Property and Easement Area. The Agreement is hereby amended by deleting Exhibit "A" and Exhibit "C" attached to the Agreement and by substituting in lieu thereof Exhibits A-1 and C-1 attached to and incorporated into this Amendment. From and after the date hereof, any and all references in the Agreement to (a) the "Burdened Property" shall mean and refer to the real property described in Exhibit A-1 hereto, (b) Exhibit "A" or Exhibit A shall mean and refer to Exhibit A-1 attached hereto, (c) the "Easement Area" shall mean and refer to the real property described and shown in Exhibit C-1 hereto and, with respect to Paragraphs 2 through 5, inclusive, of the Agreement, the Additional

20' Utility Easement Property, and (d) Exhibit "C" shall mean and refer to Exhibit C-1 attached hereto.

2. Acknowledgment of Termination of Certain Easement Rights. Grantee acknowledges and agrees that the "30' Access & Utility Easement" shown on the Blackridge-Tower Lot subdivision plat recorded in Map Book 47, Page 27 in the Office of the Judge of Probate of Shelby County, Alabama and which is also referenced as a "30' Access Easement recorded in M.B. 47, P.G.27" on the Final Plat of the Subdivision of Blackridge Phase 1A, as recorded in Map Book 48, Pages 83A and 83B in the Office of the Judge of Probate of Shelby County, Alabama, are no longer applicable and Grantee does hereby disclaim any right, title or interest in the same.

3. Grant of Additional 20' Utility Easement. The Agreement is amended by adding the following thereto as Paragraph 1(d) of the Agreement:

"(d) Additional 20' Utility Easement. Grantor does hereby grant to Grantee a permanent, perpetual and non-exclusive easement over, across, through, under and upon that certain real property (the "Additional 20' Utility Easement Property") which is more particularly described in Exhibit D attached hereto and incorporated herein by reference (and is also shown on Exhibit E attached hereto and incorporated herein by reference) for the purposes of allowing Grantee, its successors and assigns in ownership of the Benefitted Parcel, and others authorized by such parties, the right, but not the obligation, to construct, install, erect, maintain, use, repair, replace and connect to utilities, wires, cables, conduit, lines and equipment for telephone, cable, electrical, water, gas and other utilities to provide utility services to the Benefitted Parcel; provided, however, that any and all such utility improvements shall be located below ground. Grantor hereby expressly reserves the right, at any time, to shift, alter or relocate the location of the Additional 20' Utility Easement Area by notification to the Grantee at the address set forth below and by the filing of an amendment to this Agreement in the Office of the Judge of Probate of Shelby County, Alabama. Upon the exercise of such right by Grantor, the easement over, under, and across the Additional 20' Utility Easement Area shall cease and Grantee shall cease to have any right, title or interest in that property.

4. Full Force and Effect. Except as expressly modified and amended herein, all of the terms and provisions of the Agreement shall remain in full force and effect.



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IN WITNESS WHEREOF, Grantor and Grantee have caused this Amendment to be executed as of the day and year first above written.

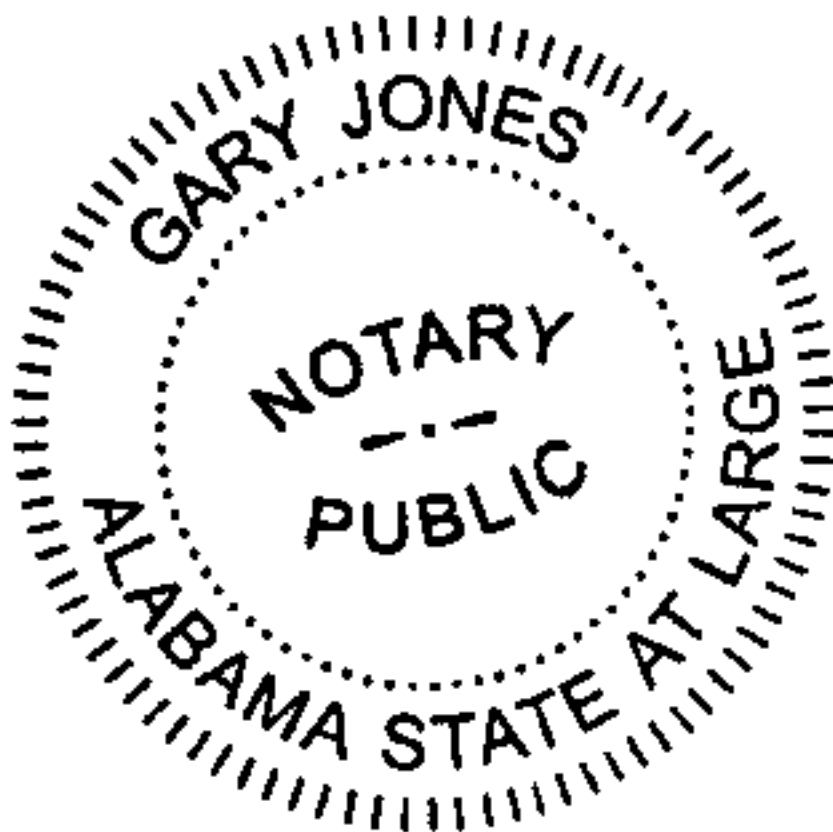
**BLACKRIDGE PARTNERS, LLC**, an Alabama limited liability company

By: [Signature]  
Printed Name: Scott Rohrer  
Title: Vice President

STATE OF ALABAMA                    )  
  :  
COUNTY OF JEFFERSON            )


I, the undersigned, a Notary Public in and for said county, in said state, hereby certify that Scott Rohrer whose name as Vice President of Blackridge Partners, LLC, an Alabama 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 said instrument, he, as such Vice President and with full authority, executed the same voluntarily for and as the act of such limited liability company.

Given under my hand and official seal this the 29<sup>th</sup> day of November, 2018.



[Signature]  
Notary Public  
My Commission Expires: 4-5-2020

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

  
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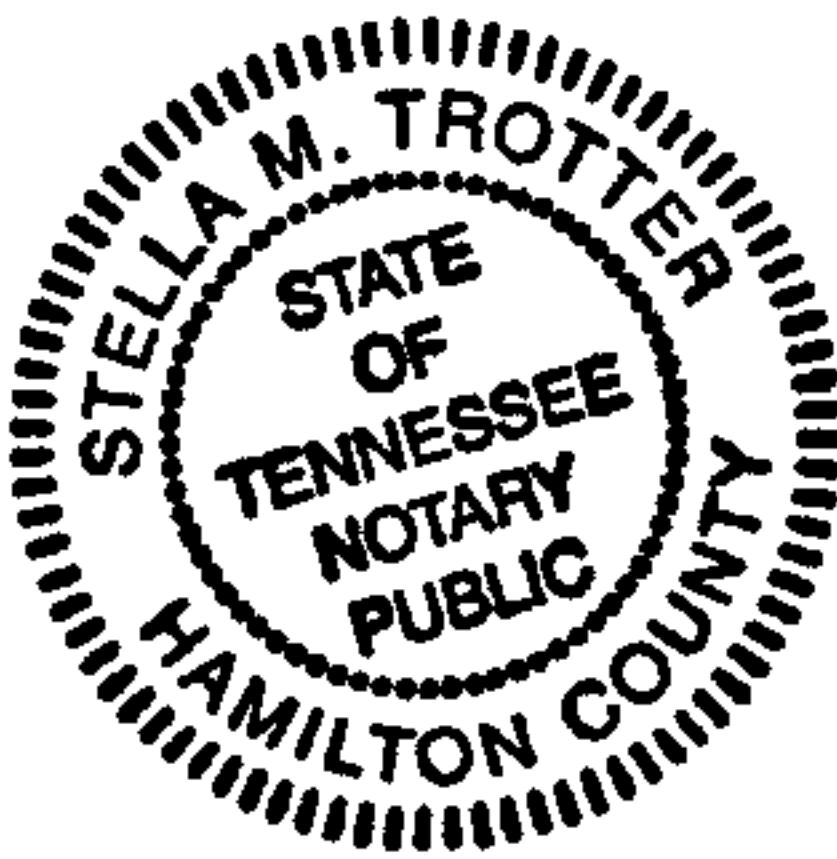
SOUTHERN TOWERS, LP, a Tennessee limited partnership

By: Sean G. Caskey  
Printed Name: SEAN G. CASKEY  
Title: MANAGING PARTNER

STATE OF TENNESSEE )  
COUNTY OF HAMILTON )

I, the undersigned, a Notary Public in and for said county, in said state, hereby certify that Sean G. Caskey whose name as Managing Partner of Southern Towers, LP, a Delaware limited partnership, 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 said instrument, he, as such Managing Partner and with full authority, executed the same voluntarily for and as the act of such limited partnership company.

Given under my hand and official seal this the 28<sup>th</sup> day of November, 2018.



Stella M. Trotter  
Notary Public

My Commission Expires: May 23, 2022

This instrument prepared by  
Stephen R. Monk, Esq.  
Bradley Arant Rose & White LLP  
One Federal Place  
1819 Fifth Avenue North  
Birmingham, AL 35203-2104  
(205) 521-8000

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## EXHIBIT A-1

### Legal Description of Burdened Property

The Burdened Property is shown as a "30' Wide Access and Utility Easement Created by this Plat" on the Final Plat of the Subdivision of Blackridge Phase 1A, as recorded in Map Book 48, Pages 83A and 83B in the Office of the Judge of Probate of Shelby County, Alabama.

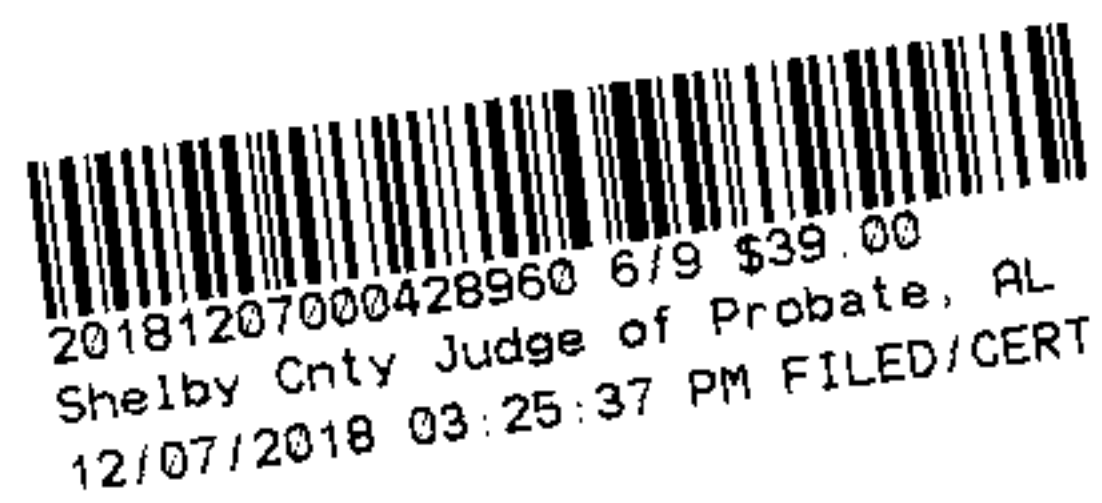
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## **EXHIBIT C-1**

### **30' Easement Area Exhibit**

See "30' Wide Access and Utility Easement Created by this Plat" on the Final Plat of the Subdivision of Blackridge Phase 1A, as recorded in Map Book 48, Pages 83A and 83B in the Office of the Judge of Probate of Shelby County, Alabama.



## EXHIBIT D

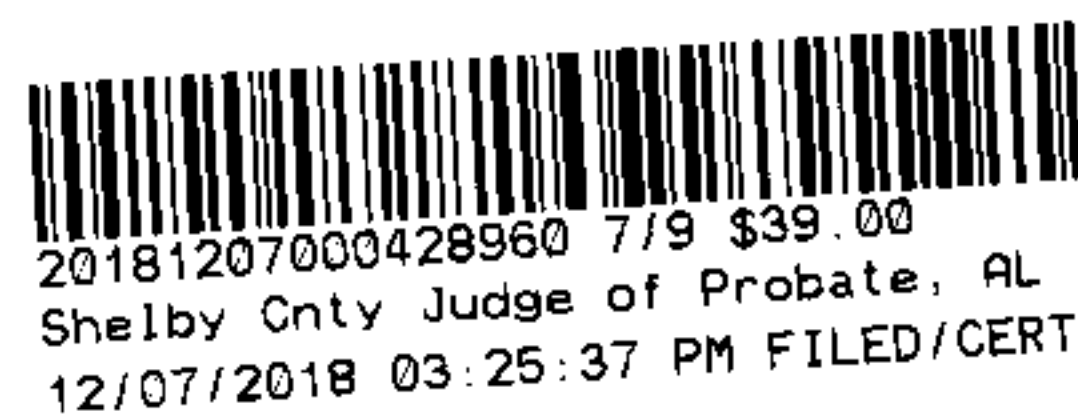
### Legal Description of Additional 20' Utility Easement Property

Property located in the northeast quarter of the southeast quarter of Section 5, Township 20 South, Range 3 West, Shelby County, Alabama. Being a twenty foot wide utility easement, at all times being ten feet wide each side of and parallel with the following described centerline:

Beginning at a point located at Alabama State Plane (West Zone) NAD 83 Grid Coordinate North 1,209,375.65, East 2,161,935.27 being North 31 degrees 14 minutes 30 seconds West, 415.69 feet from a capped "AL Eng." iron pin found at the northeast corner of "Blackridge Tower Lot – Lot 1", of record in Map Book 48, Page 83A, of the Probate Court Clerk's Office of Shelby County, Alabama;

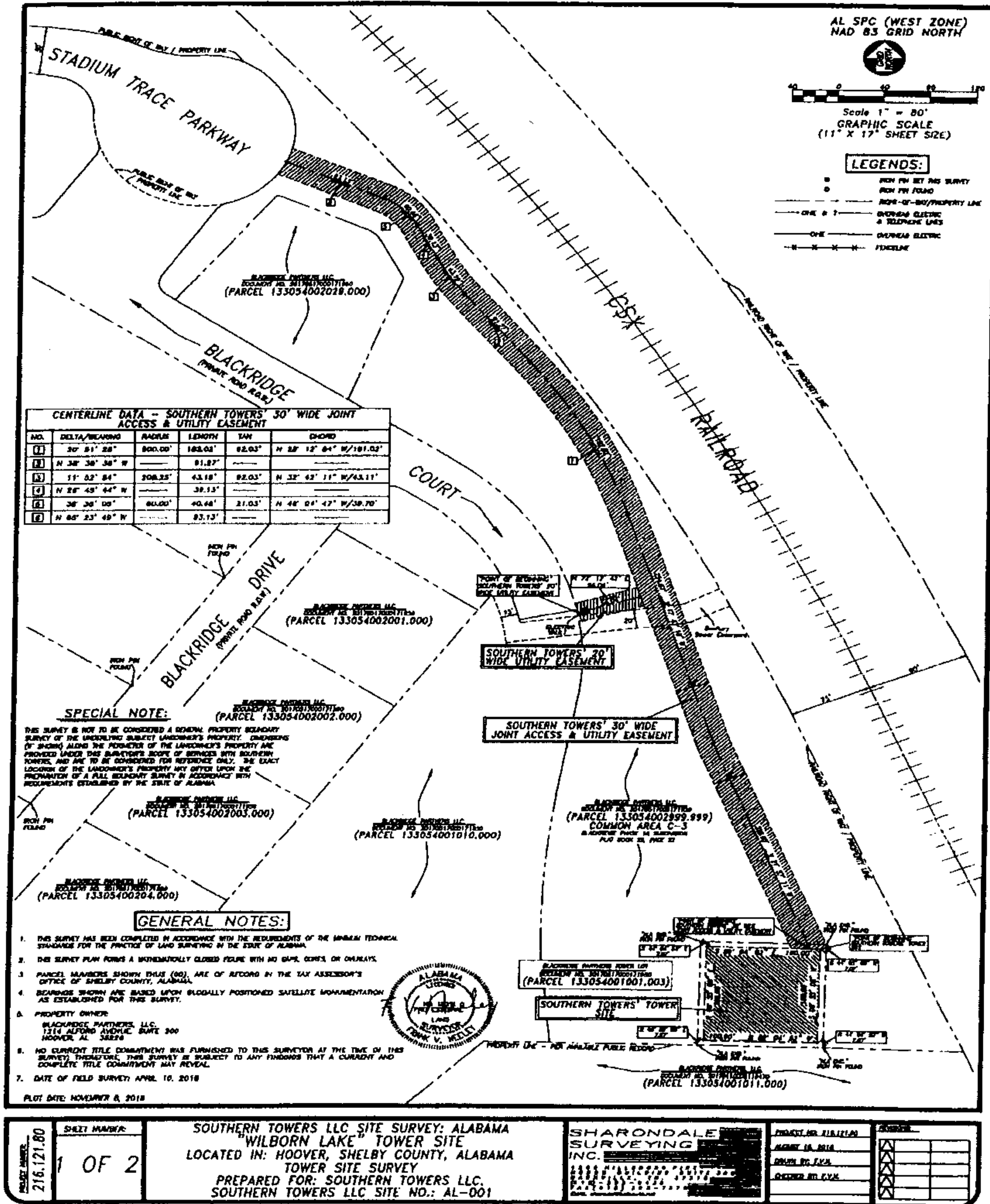
Thence, North 72 degrees 12 minutes 42 seconds East, 56.04 feet to a point in the southwest margin of Southern Towers' thirty foot wide joint access and utility easement, containing 1,121 square feet (0.001 acres).

Being a portion of the property conveyed to Blackridge Partners LLC, of record in Document No. 20170517000171950, of the Probate Court Clerk's Office of Shelby County, Alabama.



# EXHIBIT E

## Drawing Indicating Location of Additional 20' Utility Easement Property





**SOUTHERN TOWERS' TOWER SITE DESCRIPTION**

Property located in the northeast quarter of the southeast quarter of Section 5, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Beginning at a capped "AL PLS #18381" set the northeast corner of Southern Towers' tower site located at Alabama State Plane (West Zone) NAD 83 Grid Coordinate North 1,208,020.24, East 2,162,150.87, said iron pin being South 44 degrees 55 minutes 08 seconds West, 7.07 feet from a capped "AL Eng." iron pin found at the northeast corner of "Blackridge Tower Lot - Lot 1", of record in Map Book 48, Page 83A, of the Probate Court Clerk's Office of Shelby County, Alabama;

Thence, South 00 degrees 55 minutes 08 seconds West, 100.00 feet to a capped "AL PLS #18381" iron pin set at the southwest corner of Southern Towers' tower site;

Thence, North 88 degrees 04 minutes 52 seconds West, 100.00 feet to a capped "AL PLS #18381" iron pin set at the southwest corner of Southern Towers' tower site;

Thence, North 00 degrees 55 minutes 08 seconds East, 100.00 feet to a capped "AL PLS #18381" iron pin set at the northwest corner of Southern Towers' tower site;

Thence, South 88 degrees 04 minutes 52 seconds East, 100.00 feet to the point of beginning, containing 10,000 square feet, (0.23 acres).

Being a portion of the property conveyed to Blackridge Partners LLC, of record in Document No. 20170517000171950, of the Probate Court Clerk's Office of Shelby County, Alabama.

**SOUTHERN TOWERS' 30' WIDE JOINT ACCESS & UTILITY EASEMENT AREA DESCRIPTION**

Property located in the northeast quarter of the southeast quarter of Section 5, Township 20 South, Range 3 West, Shelby County, Alabama. Being a thirty foot wide joint access and utility easement, of all lines being fifteen feet wide each side of and parallel with the following described centerline:

Beginning at a point in the north margin of Southern Towers' tower site located at Alabama State Plane (West Zone) NAD 83 Grid Coordinate North 1,208,025.42, East 2,162,138.87, said iron pin being South 44 degrees 55 minutes 08 seconds West, 7.07 feet from a capped "AL Eng." iron pin found at the northeast corner of "Blackridge Tower Lot - Lot 1", of record in Map Book 48, Page 83A, of the Probate Court Clerk's Office of Shelby County, Alabama;

Thence, leaving the north margin of Southern Towers' tower site, North 21 degrees 57 minutes 11 seconds West, 228.80 feet to a point;

Thence, North 17 degrees 47 minutes 10 seconds West, 254.87 feet to a point;

Thence, along a curve to the left with a central angle of 20 degrees 51 minutes 28 seconds, a radius of 500.00 feet, and a chord bearing of North 28 degrees 12 minutes 54 seconds West, 181.02 feet, a total distance of 182.02 feet to a point;

Thence, North 38 degrees 38 minutes 38 seconds West, 81.27 feet to a point;

Thence, along a curve to the right with a central angle of 11 degrees 52 minutes 54 seconds, a radius of 208.25 feet, and a chord bearing of North 32 degrees 42 minutes 11 seconds West, 43.11 feet, a total distance of 43.19 feet to a point;

Thence, North 26 degrees 45 minutes 44 seconds West, 38.13 feet to a point;

Thence, along a curve to the left with a central angle of 38 degrees 38 minutes 05 seconds, a radius of 80.00 feet, and a chord bearing of North 46 degrees 04 minutes 47 seconds West, 38.70 feet, a total distance of 40.46 feet to a point;

Thence, North 85 degrees 23 minutes 48 seconds West, 83.13 feet to the point of termination in the southeast terminus of Stadium Truss Parkway, containing 23,174 square feet, (0.530 acres).

Being a portion of the property conveyed to Blackridge Partners LLC, of record in Document No. 20170517000171950, of the Probate Court Clerk's Office of Shelby County, Alabama.

**SOUTHERN TOWERS' 20' WIDE UTILITY EASEMENT AREA DESCRIPTION**

Property located in the northeast quarter of the southeast quarter of Section 5, Township 20 South, Range 3 West, Shelby County, Alabama. Being a twenty foot wide utility easement, of all lines being ten feet wide each side of and parallel with the following described centerline:

Beginning at a point located at Alabama State Plane (West Zone) NAD 83 Grid Coordinate North 1,208,375.85, East 2,161,835.27 being North 31 degrees 14 minutes 30 seconds West, 415.88 feet from a capped "AL Eng." iron pin found at the northeast corner of "Blackridge Tower Lot - Lot 1", of record in Map Book 48, Page 83A, of the Probate Court Clerk's Office of Shelby County, Alabama;

Thence, North 72 degrees 12 minutes 42 seconds East, 86.04 feet to a point in the southeast margin of Southern Towers' thirty foot wide joint access and utility easement, containing 1,121 square feet, (0.001 acres).

Being a portion of the property conveyed to Blackridge Partners LLC, of record in Document No. 20170517000171950, of the Probate Court Clerk's Office of Shelby County, Alabama.

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PLOT DATE: NOVEMBER 8, 2018

PROJECT NUMBER: <b>216.121.80</b>	SHEET NUMBER: <b>2 OF 2</b>	<b>SOUTHERN TOWERS LLC SITE SURVEY: ALABAMA</b> <b>"WILBORN LAKE" TOWER SITE</b> <b>LOCATED IN: HOOVER, SHELBY COUNTY, ALABAMA</b> <b>TOWER SITE SURVEY</b> <b>PREPARED FOR: SOUTHERN TOWERS LLC.</b> <b>SOUTHERN TOWERS LLC SITE NO.: AL-001</b>	<b>SHARONDALE SURVEYING INC.</b> 4202 HILLSBORO PIKE SUITE 300 HAVENVILLE, TN 37318 PHONE: 615-288-2658 FAX: 615-288-7676 WWW.SHARONDALESURVEYING.COM	PROJECT NO: <b>216.121.80</b>	RECORD <table border="1"> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> </table>										
		DATED: <b>11/16/2018</b> DRAWN BY: <b>F.V.M.</b> CHECKED BY: <b>F.V.M.</b>													