

Grant of Easement in Land for an Underground Subdivision**THE COVE AT HELENA**

STATE OF ALABAMA

COUNTY OF **SHELBY**This instrument prepared by: **S HOPKINS**

Alabama Power Company
Corporate Real Estate
2 Industrial Park Drive
Pelham, AL 35124

**20190108000007470****01/08/2019 08:48:05 AM****ESMTAROW 1/7**

KNOW ALL MEN BY THESE PRESENTS, That the undersigned NEWCASTLE DEVELOPMENT LLC (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, trans closures, 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 3rd day of January, 2019.

Witness Signature (non-relative)

Print Name

Witness Signature (non-relative)

Print Name

[Signature]
(Grantor)

Glenn Siddle
Print Name

(Grantor)

Print Name

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2/7

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

W.E. # A6170-08-AL18 Transformer # _____ All facilities on Grantor: YES ¼, ¼ STR & LOC to LOC 20S-3W-28 SE/NE,NE/NE

STATE OF Alabama

COUNTY OF Shelby

I, Stephanie Bishop, a Notary Public, in and for said County in said State, hereby certify that _____

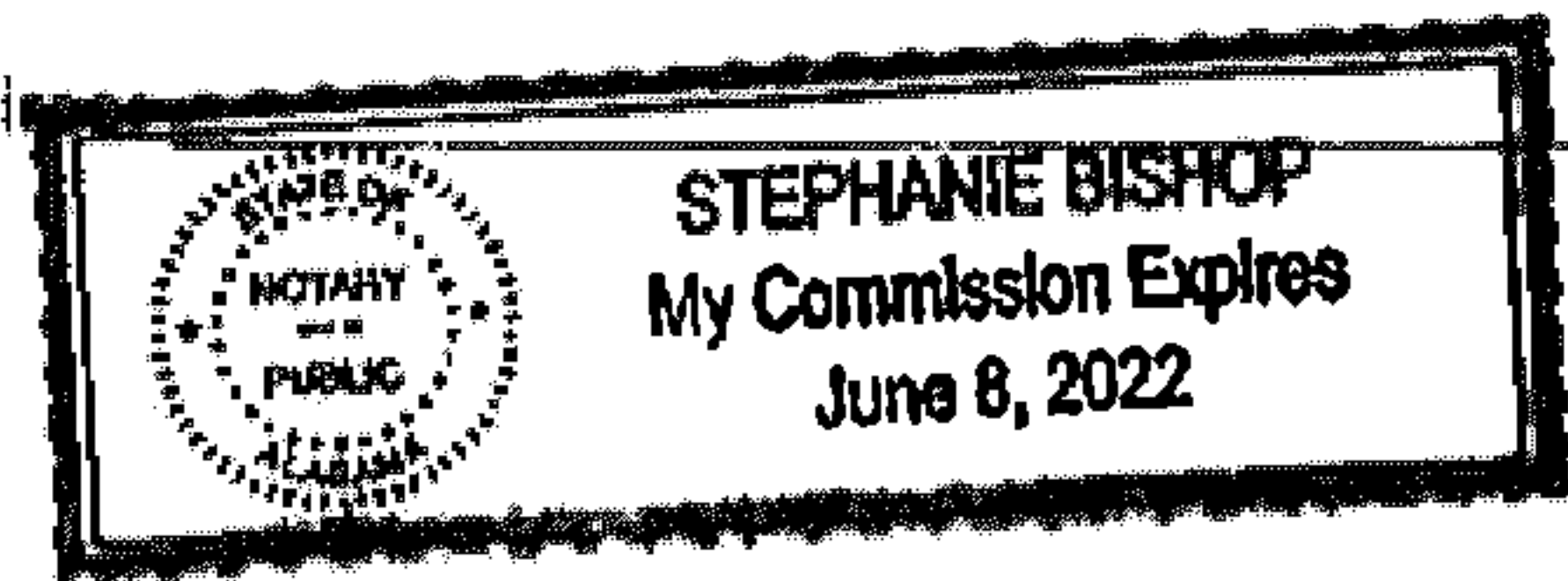
Glenn Siddle whose name(s) [as President] is/are
signed to the foregoing instrument and who is/are known to me, acknowledged before me on this day that being informed of the contents of the instrument,
he/she/they [in such capacity as aforesaid] executed the same voluntarily.

Given under my hand and official seal this the 3rd day of January, 2019.

Stephanie Bishop
Notary Public

[SEAL]

My commission expires



STATE OF _____

COUNTY OF _____

I, _____, a Notary Public, in and for said County in said State, hereby certify that _____

_____ whose name(s) [as _____] 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 [in such capacity as aforesaid] executed the same voluntarily.

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

Notary Public

[SEAL]

My commission expires: _____

EXHIBIT A
LEGAL DESCRIPTION

Parcel 1:

A parcel of land situated in the Northeast Quarter of the Northeast Quarter of Section 28, Township 20 South, Range 3 West and the Southeast Quarter of the Northeast Quarter of said Section 28, Shelby County, Alabama, said parcel being more particularly described as follows:

Commence at the Northeast corner of Section 28, Township 20 South, Range 3 West, Shelby County, Alabama; thence run South 00 degrees 21 minutes 10 seconds West along the East line of said Section line for a distance of 887.52 feet to a found one inch crimp pipe marking the Southeast corner of Lot 12, Kingridge Subdivision as recorded in Map Book 6, Page 87 in the Probate Office of Shelby County, Alabama; thence run North 88 degrees 43 minutes 16 seconds West along the South line of Lots 12 and 13 of said Kingridge Subdivision for a distance of 188.65 feet to a point, said point being the POINT OF BEGINNING of the parcel herein described; thence leaving said Lot lines run South 03 degrees 32 minutes 34 seconds West for a distance of 515.00 feet to a point; thence run North 88 degrees 43 minutes 15 seconds West for a distance of 693.00 feet to a point; thence run North 03 degrees 32 minutes 34 seconds East for a distance of 515.00 feet to a found capped rebar, said point lying on the South line of Lot 20 of said Kingridge Subdivision; thence run South 88 degrees 43 minutes 16 seconds East along the South line of Lots 13 through 20 for a distance of 693.00 feet to the POINT OF BEGINNING.

Parcel 2:

A parcel of land situated in the Northeast Quarter of the Northeast Quarter of Section 28, Township 20 South, Range 3 West and the Southeast Quarter of the Northeast Quarter of said Section 28, Shelby County, Alabama, said parcel being more particularly described as follows:

Commence at the Northeast corner of Section 28, Township 20 South, Range 3 West, Shelby County, Alabama; thence run South 00 degrees 21 minutes 10 seconds West along the East line of said Section line for a distance of 887.52 feet to a found one inch crimp pipe marking the Southeast corner of Lot 12, Kingridge Subdivision as recorded in Map Book 6, Page 87 in the Probate Office of Shelby County, Alabama, said point also lying on the West line of Lot 3, Fox Haven First Sector as recorded in Map Book 7, Page 35 in the Probate Office of Shelby County, Alabama, said point being the POINT OF BEGINNING of the parcel herein described; thence run South 00 degrees 17 minutes 35 seconds West along the West line of lots 3 through 14 of said subdivision and along the East Line of said Section for a distance of 888.47 feet to a found capped rebar stamped RC FARMER, said point marking the Northeast corner of Lot 35, Rocky Ridge Phase 2 as recorded in Map Book 27, Page 16 in the Probate Office of Shelby County, Alabama; thence leaving said Section line and said Fox Haven First Sector Lot line run North 88 degrees 40 minutes 45 seconds West along the North line of Lots 20, 21, 34 and 35, Rocky Ridge Phase 2 as recorded in Map Book 27, Page 16 and along the North line of Lots 9 through 22, Breckenridge Park, Block 2 as recorded in Map Book 9, Page 110 in the Probate Office of Shelby County, Alabama for a distance of 1053.28 feet to a point; thence leaving said Lot line run North 01 degrees 19 minutes 15 seconds East for a distance of 25.00 feet to a set 5/8 inch capped rebar stamped CA-560LS; thence run South 88 degrees 40 minutes 45 seconds East for a distance of 163.14 feet to a set 5/8 inch capped rebar stamped CA-560LS; thence run North 00 degrees 13 minutes 10 seconds East for a distance of 348.15 feet to a set 5/8 inch capped rebar stamped CA-560LS; thence run South 88 degrees 43 minutes 15 seconds East for a distance of 672.28 feet to a set 5/8 inch capped rebar stamped CA-560LS; thence run North 03 degrees 32 minutes 34 seconds East for a distance of 515.00 feet to a set 5/8 inch capped rebar stamped CA-560LS, said point lying on the South line of Lot 13, Kingridge Subdivision as recorded in Map Book 6, Page 87 in the Probate Office of Shelby County, Alabama; thence run South 88 degrees 43 minutes 16 seconds East along the South line of Lots 12 and 13 of said subdivision for a distance of 188.65 feet to the POINT OF BEGINNING.

Parcel 3:

A parcel of land situated in the Northeast Quarter of the Northeast Quarter of Section 28, Township 20 South, Range 3 West and the Southeast Quarter of the Northeast Quarter of said Section 28, Shelby County, Alabama, said parcel being more particularly described as follows:

Commence at the Northeast corner of Section 28, Township 20 South, Range 3 West, Shelby County, Alabama; thence run South 00 degrees 21 minutes 10 seconds West along the East line of said Section line for a distance of 887.52 feet to a found one inch crimp pipe marking the Southeast corner of Lot 12, Kingridge Subdivision as recorded in Map Book 6, Page 87 in the Probate Office of Shelby County, Alabama, said point also lying on the West line of Lot 3, Fox Haven First Sector as recorded in Map Book 7, Page 35 in the Probate Office of Shelby County, Alabama; thence run South 00 degrees 17 minutes 35 seconds West along the West line of lots 3 through 14 of said subdivision and along the East Line of said Section for a distance of 888.47 feet to a found capped rebar stamped RC FARMER, said point marking the Northeast corner of Lot 35, Rocky Ridge Phase 2 as recorded in Map Book 27, Page 16 in the Probate Office of Shelby County, Alabama; thence leaving said Section line and said Fox Haven First Sector Lot line run North 88 degrees 40 minutes 45 seconds West along the North line of Lots 20, 21, 34 and 35, Rocky Ridge Phase 2 as recorded in Map Book 27, Page 16 and along the North line of Lots 9 through 22, Breckenridge Park, Block 2 as recorded in Map Book 9, Page 110 in the Probate Office of Shelby County, Alabama for a distance of 1053.28 feet to a point; thence leaving said Lot line run North 01 degrees 19 minutes 15 seconds East for a distance of 25.00 feet to a set 5/8 inch capped rebar stamped CA-560LS; thence run South 88 degrees 40 minutes 45 seconds East for a distance of 163.14 feet to a set 5/8 inch capped rebar stamped CA-560LS; thence run North 00 degrees 13 minutes 10 seconds East for a distance of 348.15 feet to a set 5/8 inch capped rebar stamped CA-560LS; thence run North 88 degrees 43 minutes 15 seconds West for a distance of 20.72 feet to a set 5/8 inch capped rebar stamped CA-560LS; thence run North 03 degrees 32 minutes 34 seconds East for a distance of 1.29 feet to a set 5/8 inch capped rebar stamped CA-560LS, said point being the POINT OF BEGINNING of the parcel herein described, said point lying on a curve to the right, said curve having a radius of 1525.56 feet, a central angle of 06 degrees 13 minutes 45 seconds, a chord bearing of North 82 degrees 20 minutes 58 seconds West, and a chord distance of 165.78 feet; thence run along the arc of said curve for a distance of 165.86 feet to a set 5/8 inch capped rebar stamped CA-560LS; thence run North 79 degrees 14 minutes 01 seconds West for a distance of 177.98 feet to a set 5/8 inch capped rebar stamped CA-560LS, said point lying on the Eastern Right of Way of Alabama Highway 17 (AKA Montgomery Road 80' R.O.W.); thence run North 10 degrees 45 minutes 59 seconds East along said Right of Way for a distance of 50.00 feet to a set 5/8 inch capped rebar stamped CA-560LS; thence leaving said Right of Way run South 79 degrees 14 minutes 01 seconds East for a distance of 177.98 feet to a set 5/8 inch capped rebar stamped CA-560LS, said point lying on a curve to the left, said curve having a radius of 1475.28 feet, a central angle of 06 degrees 11 minutes 48 seconds, a chord bearing of South 82 degrees 19 minutes 57 seconds East, and a chord distance of 159.48; thence run along the arc of said curve for a distance of 159.56 feet to a set 5/8 inch capped rebar stamped CA-560LS; thence run South 03 degrees 32 minutes 34 seconds West for a distance of 50.00 feet to the POINT OF BEGINNING.

Easement 1:

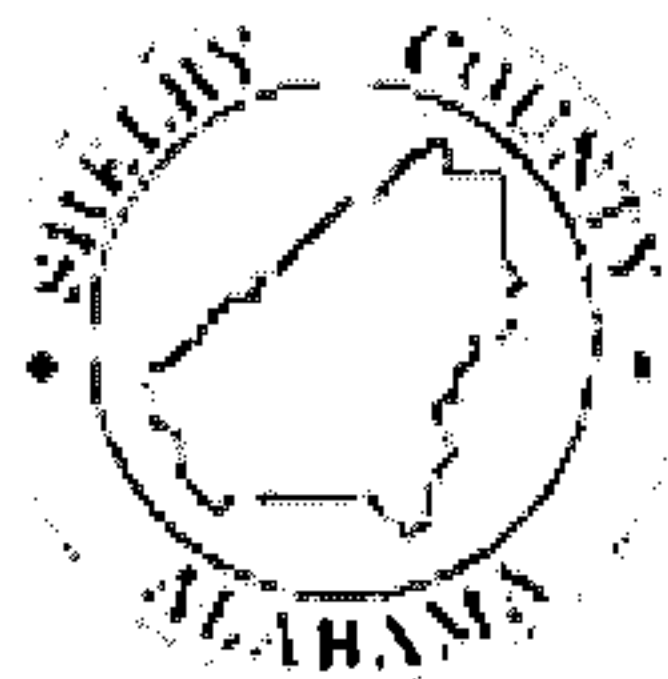
An easement over and across a parcel of land situated in the Northeast Quarter of the Northeast Quarter of Section 28, Township 20 South, Range 3 West and the Southeast Quarter of the Northeast Quarter of said Section 28, Shelby County, Alabama, said parcel being more particularly described as follows:

Commence at the Northeast corner of Section 28, Township 20 South, Range 3 West, Shelby County, Alabama; thence run South 00 degrees 21 minutes 10 seconds West along the East line of said Section line for a distance of 887.52 feet to a found one inch crimp pipe marking the Southeast corner of Lot 12, Kingridge Subdivision as recorded in Map Book 6, Page 87 in the Probate Office of Shelby County, Alabama, said point also lying on the West line of Lot 3, Fox Haven First Sector as recorded in Map Book 7, Page 35 in the Probate Office of Shelby County, Alabama; thence run South 00 degrees 17 minutes 35 seconds West along the West line of lots 3 through 14 of said subdivision and along the East Line of said Section for a distance of 888.47 feet to a found capped rebar stamped RC FARMER, said point marking the Northeast corner of Lot 35, Rocky Ridge Phase 2 as recorded in Map Book 27, Page 16 in the Probate Office of Shelby County, Alabama; thence leaving said Section line and said Fox Haven First Sector Lot line run North 88 degrees 40 minutes 45 seconds West along the North line of Lots 20, 21, 34 and 35, Rocky Ridge Phase 2 as recorded in Map Book 27, Page 16 and along the North line of Lots 1 through 22, Breckenridge Park, Blocks 2 and 7, as recorded in Map

Book 9, Page 110 in the Probate Office of Shelby County, Alabama for a distance of 1328.02 feet to a found capped rebar stamped CA-560LS, said point lying on the Eastern Right of Way of Alabama Highway 17 (AKA Montgomery Road (80' R.O.W.)); thence run North 10 degrees 45 minutes 59 seconds East along said Right of Way for a distance of 817.34 feet to a found concrete monument, said point lying on a curve to the left, said curve having a radius of 5769.58 feet, a central angle of 00 degrees 48 minutes 59 seconds, a chord bearing of North 10 degrees 12 minutes 16 seconds East and a chord distance of 82.21 feet; thence run along the arc of said curve for a distance of 82.21 feet to a found one inch crimped pipe, said point marking the Southwest corner of Lot 22, Kingridge Subdivision as recorded in Map Book 6, Page 87 in the Probate Office of Shelby County, Alabama; thence leaving said Right of Way run South 88 degrees 43 minutes 16 seconds East along said Lot line for a distance of 20.22 feet to a point, said point lying on a curve to the right, said curve having a radius of 5789.58 feet, a central angle of 00 degrees 50 minutes 47 seconds, a chord bearing of South 10 degrees 11 minutes 23 seconds West, and a chord distance of 85.51 feet; thence leaving said Lot line run along the arc of said curve for a distance of 85.52 feet to a point; thence run South 10 degrees 45 minutes 59 seconds West for a distance of 814.04 feet to a point, said point lying on the North line of Lot 1 of said Breckenridge Park, Block 7, thence run North 88 degrees 40 minutes 45 seconds West for a distance of 20.27 feet to the POINT OF BEGINNING.

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Filed and Recorded
Official Public Records
Judge James W. Fuhrmeister, Probate Judge,
County Clerk
Shelby County, AL
11/01/2017 04:03:16 PM
\$31.00 JESSICA
20171101000396780

A handwritten signature in black ink, appearing to read "James W. Fuhrmeister", is written over the official text.

All facilities covered by R/W acquired from:

Job: 4670-08-AL18

Parcel No. 12242064-001

RECORD THIS DRAWING!