

**EASEMENT - UNDERGROUND**

STATE OF ALABAMA

COUNTY OF SHELBY *DSUB*

This instrument prepared by: **S. HOPKINS**

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

**20191115000425510**

**11/15/2019 03:43:18 PM**

**ESMTAROW 1/4**

**KNOW ALL MEN BY THESE PRESENTS**, That the undersigned JOHN T MERKL, a married man, JENNY B MERKL, a married woman, JOHN W MERKL, a married man and ABIGAIL H MERKL, a married woman, (hereinafter known as "Grantors", whether one or more) for and in consideration of One and No/100 Dollar (\$1.00) and other good and valuable consideration paid to Grantors in hand by Alabama Power Company, a corporation, the receipt and sufficiency of which are hereby acknowledged, do hereby grant to said Alabama Power Company, its successors and assigns (hereinafter the "Company"), the following easements, rights, and privileges:

The right from time to time to construct, install, operate, and maintain, upon, under, and across the Property described below, all wires, conduits, cables, translosures, transformers, fiber optics, communication lines, and other facilities useful or necessary in connection therewith (collectively, "Facilities"), for the underground transmission and distribution of electric power and communications, along a route selected by the Company, as determined by the location(s) in which the Company's facilities are to be installed. The Company's right of way will extend five (5) feet on all sides of said Facilities as and where installed, and shall include the right to clear and keep clear said right of way.

The Company is further granted all the rights or privileges necessary or convenient for the full enjoyment and use of said right of way for the purposes above described, including, without limitation, the right of ingress and egress to and from said Facilities, as applicable, the right to excavate for installation, replacement, repair and removal of said Facilities, and also the right to cut, remove, and otherwise keep clear any and all structures, obstructions, or obstacles of whatever character, on, under, adjacent to, and above said Facilities.

The easements, rights and privileges granted hereby shall apply to, and the word "Property" as used in this instrument shall mean the real property more particularly described in that certain instrument recorded in INSTRUMENT # 20190305000070140, in the Office of the Judge of Probate of the above named County.

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, Grantors hereby grant 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 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.

TO HAVE AND TO HOLD the same to the Company, its successors and assigns, forever.

IN WITNESS WHEREOF, the undersigned Grantors have executed this instrument on this the 14<sup>th</sup> day of October, 2019.

Debra Uguetast Merkl  
Witness Signature (non-relative)

Debra Uguetast Merkl  
Print Name

Enchanted Brown  
Witness Signature (non-relative)

Enchanted Brown  
Print Name

Enchanted Brown  
Witness Signature (non-relative)

Enchanted Brown  
Print Name

J. Owens  
Witness Signature (non-relative)

Joslynn Owens  
Print Name

John T Merkl  
(Grantor) JOHN T MERKL

JOHN T MERKL  
Print Name

Jenny B Merkl  
(Grantor) JENNY B MERKL

Jenny B. Merkl  
Print Name

John W Merkl  
(Grantor) JOHN W MERKL

John W. Merkl  
Print Name

Abigail H. Merkl  
(Grantor) ABIGAIL H MERKL

Abigail H. Merkl  
Print Name

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

W.E. # A6170-00-F519

Transformer # T01BA5, T01BA7

All facilities on Grantor: YES

¼, ¼ STR & LOC to LOC: 20S-01E-19 SE/SW; LESS AND EXCEPT 80' ROAD ROW

STATE OF Alabama

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COUNTY OF Shelby

I, Debra Unguent McBarr, a Notary Public, in and for said County in said State, hereby certify that \_\_\_\_\_

John T Hertl 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 14<sup>th</sup> day of October, 2019.

Debra Unguent McBarr  
Notary Public

My commission expires: 4/1/23

[SEAL]

STATE OF Alabama

COUNTY OF Shelby

I, Debra Unguent McBarr, a Notary Public, in and for said County in said State, hereby certify that \_\_\_\_\_

Jenny B. Hertl 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 14<sup>th</sup> day of October, 2019.

Debra Unguent McBarr  
Notary Public

My commission expires: 4/1/23

[SEAL]

STATE OF Alabama

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COUNTY OF Shelby

I, Debra Ugochukwu McGarr, a Notary Public, in and for said County in said State, hereby certify that \_\_\_\_\_

John W. Merkel 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 14<sup>th</sup> day of October, 2019.

Debra Ugochukwu McGarr  
Notary Public

My commission expires: 4/1/23

STATE OF Alabama

COUNTY OF Shelby

I, Debra Ugochukwu McGarr, a Notary Public, in and for said County in said State, hereby certify that \_\_\_\_\_

Abigail H. Merkel 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 14<sup>th</sup> day of October, 2019.

Debra Ugochukwu McGarr  
Notary Public

My commission expires: 4/1/23

