

**Grant of Easement in Land for an Overhead Subdivision**

STATE OF ALABAMA

COUNTY OF SHELBY

20200318000106070

03/18/2020 08:34:51 AM

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This instrument prepared by: S. HOPKINS

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

**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 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, poles, cables, transformers, switchgear, light poles and associated fixtures, and all other facilities useful or necessary in connection therewith (collectively, "Facilities"), for the transmission and distribution of electric service, and also for 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. Distribution Line Easement: An easement for the Company's electric distribution and communication Facilities, which shall be thirty (30) feet wide, and shall extend fifteen (15) feet on all sides of said Facilities, as and where now or hereafter installed by the Company; the right to install, maintain, and use anchor and guy wires on land adjacent to said right of way; and also 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.
- B. 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 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.
- C. 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.B 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.



APC Document # 72251057-001

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 4TH day of JANUARY, 2020.

ATTEST (if required) or WITNESS:

By: Clay Donah  
Its: DEVELOPER

Clay Donah  
(Grantor)  
By: [Signature]  
Its: PRESIDENT

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

W.E. # A6170-08-AV19 Transformer # T01B86, T01B87, T01B88, T01B89, T01B8A, T01B8B, T01B8C, XA5651

All facilities on Grantor: YES ¼, ¼ STR & LOC to LOC 20S-03W-21 SW/NW

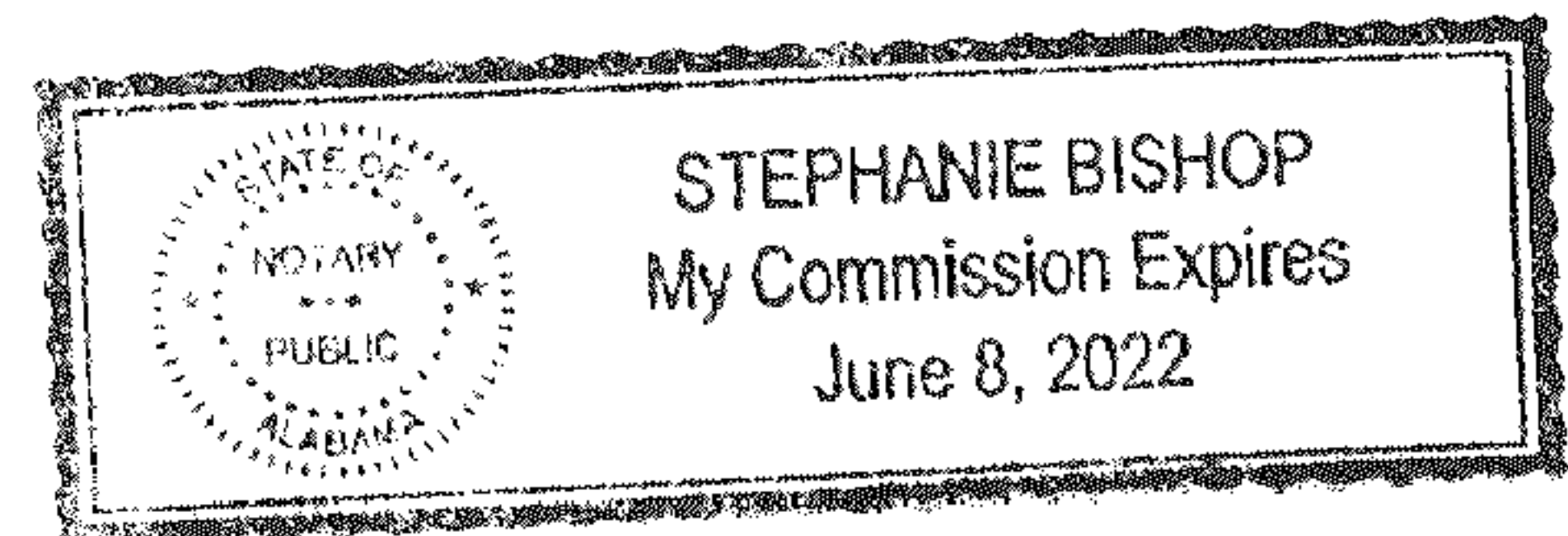
CORPORATION NOTARY

STATE OF AlabamaCOUNTY OF ShelbyI, Stephanie Bishop, a Notary Public, in and for said County in said State,hereby certify that Shawn Arterburn, whosename as President of Newcastle Development a corporation, 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 this instrument, he/she, as such officer and with full authority, executed the same voluntarily for and as the act of said Corporation.Given under my hand and official seal, this the 9th day of January, 2020.

[SEAL]

Notary Public: [Signature]

My commission expires: \_\_\_\_\_



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

W.E. # A6170-08-AV19 Transformer # T01B86, T01B87, T01B88, T01B89, T01B8A, T01B8B, T01B8C, XA5651All facilities on Grantor: YES 1/4, 1/4 STR & LOC to LOC 20S-03W-21 SW/NW

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Exhibit "A"

A parcel of land located in the SW ¼ of the NW ¼ of Section 21, Township 20S, Range 03W, more particularly described in that certain instrument recorded in Instrument #20180629000233810, in the office of the Judge of Probate of said County.

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

W.E. # A6170-08-AV19 Transformer # T01B86, T01B87, T01B88, T01B89, T01B8A, T01B8B, T01B8C, XA5651

All facilities on Grantor: YES ¼, ¼ STR & LOC to LOC 20S-03W-21 SW/NW

HENLEY SUBDIVISION - PHASE 1 LOTS 1-45



SKETCH OF PROPOSED WORK - SIMPLIFIED W.E.

Map Center UTM: 12081973

Map Center Lat/lon: 33.282136 -86.86548

1 inch = 167 feet

Alabama Power

Customer	Location	Created, Svc Date	County	Section	Township	Range	Add'l Info	Estimate No.
HENLEY S/D	HILLSBORO PKWY		Shelby	21	20N	6W		4070-08-AM9
Division	District	Town	UserID	Created:	Substation	X- Y-		MISSALL#
BIRMINGHAM	METRO SOUTH	HELENA	shelby	1/7/2020				

ENERGIZED LINE WORK

Sub \_\_\_\_\_  
OCB/OCR \_\_\_\_\_  
Switch# \_\_\_\_\_  
Fuse Size \_\_\_\_\_

Loc	Transformer Loading

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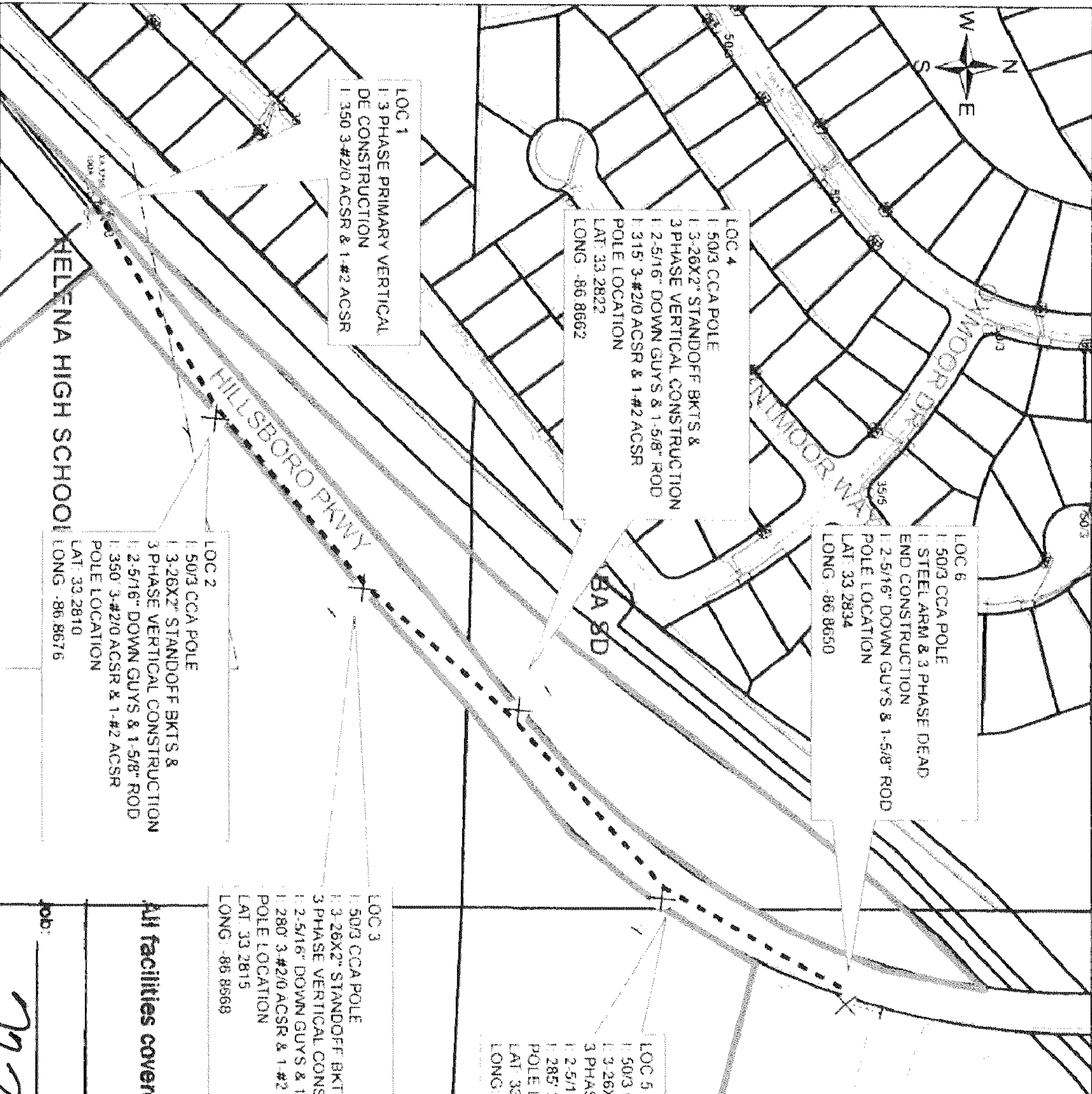
ST CHARLES PLACE

See S. Byrl

Filed and Recorded  
Official Public Records  
Judge of Probate, Shelby County Alabama, County Clerk  
Shelby County, AL  
03/18/2020 08:34:51 AM  
\$35.00 CHERRY  
20200318000106070



Voltage	Pri	Sec
34.5KV		
Phone Co.		
Cable Co.		
Accessible		
Tree Crew		
Rock Hole		
Permits		
R/W		
CITY		
COUNTY		
STATE		
OTHER NTS		



LOC 3  
1 50/3 CCA POLE  
1 3-26X2" STANDOFF BKTS &  
3 PHASE VERTICAL CONSTRUCTION  
1 2-5/16" DOWN GUYS & 1-5/8" ROD  
1 280' 3-#2/0 ACSR & 1-#2 ACSR  
POLE LOCATION  
LAT 33.2815  
LONG -86.8668

LOC 5  
1 50/3 CCA POLE  
1 3-26X2" STANDOFF BKTS &  
3 PHASE VERTICAL CONSTRUCTION  
1 2-5/16" DOWN GUYS & 1-5/8" ROD  
1 285' 3-#2/0 ACSR & 1-#2 ACSR  
POLE LOCATION  
LAT 33.2827  
LONG -86.8654

LOC 6  
1 50/3 CCA POLE  
1 STEEL ARM & 3 PHASE DEAD  
END CONSTRUCTION  
1 2-5/16" DOWN GUYS & 1-5/8" ROD  
POLE LOCATION  
LAT 33.2834  
LONG -86.8650

LOC 4  
1 50/3 CCA POLE  
1 3-26X2" STANDOFF BKTS &  
3 PHASE VERTICAL CONSTRUCTION  
1 2-5/16" DOWN GUYS & 1-5/8" ROD  
1 315' 3-#2/0 ACSR & 1-#2 ACSR  
POLE LOCATION  
LAT 33.2822  
LONG -86.8662

LOC 1  
1 3 PHASE PRIMARY VERTICAL  
DE CONSTRUCTION  
1 350' 3-#2/0 ACSR & 1-#2 ACSR

LOC 2  
1 50/3 CCA POLE  
1 3-26X2" STANDOFF BKTS &  
3 PHASE VERTICAL CONSTRUCTION  
1 2-5/16" DOWN GUYS & 1-5/8" ROD  
1 350' 3-#2/0 ACSR & 1-#2 ACSR  
POLE LOCATION  
LAT 33.2810  
LONG -86.8676

All facilities covered by R/W acquired from:

- INSTALL NEW POLE
- INSTALL NEW ANCHOR
- INSTALL NEW OH PRIMARY
- EXISTING POLE
- USS PROPERTY LINE

Parcel No. 792251057-001

RECORD THIS DRAWING!