



20200605000227480 1/4 \$31.00
Shelby Cnty Judge of Probate, AL
06/05/2020 01:38:23 PM FILED/CERT

Marty B. Handlon
Mayor



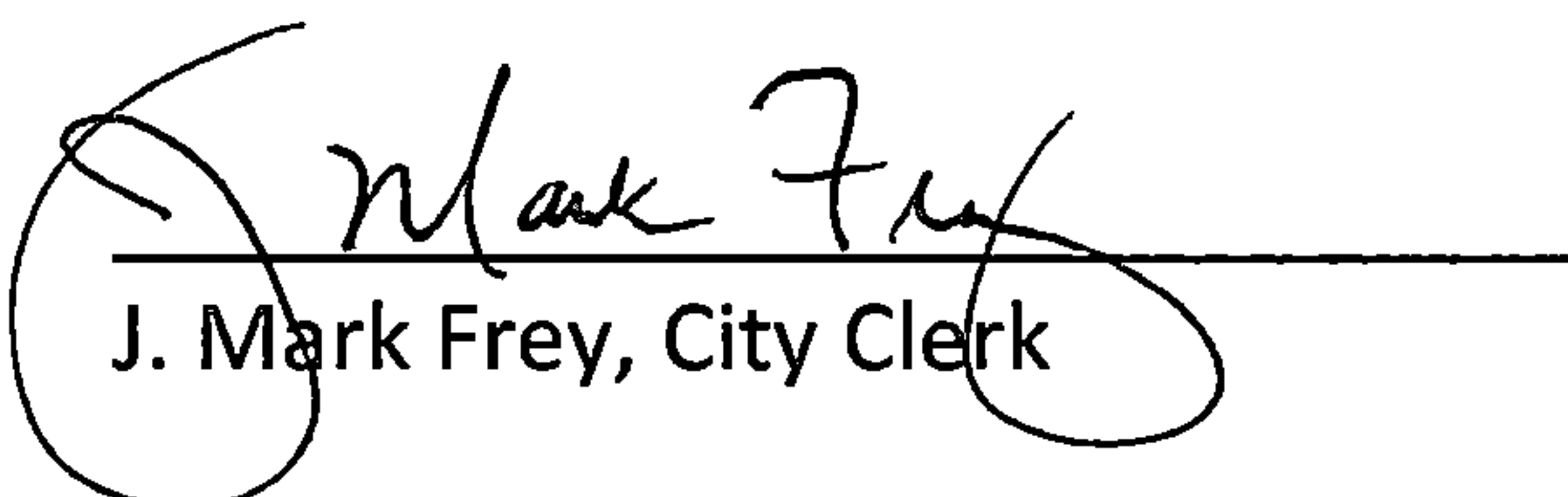
J. Mark Frey
City Clerk

Administration

June 2, 2020

I, J. Mark Frey, as the undersigned qualified Clerk for the City of Alabaster, Alabama, and by State Law, the custodian of all records of the City of Alabaster, Alabama, do hereby certify that the attached, **Resolution 060120-B Grant Utility Easement To Alabama Power At Walmart Alabaster**, also attached hereto, is a true correct copy of the original documents on file in the permanent records of the Clerk's office at City Hall within the corporate limits of the City of Alabaster, Alabama, kept in the ordinary course of business for the City.

In witness whereof, these documents are true and accurate, and I have hereunto set my hand and affixed the official seal of the City of Alabaster, Alabama on this the 2nd day of June 2020.


J. Mark Frey, City Clerk

EASEMENT – DISTRIBUTION FACILITIES

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



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KNOW ALL MEN BY THESE PRESENTS That the undersigned **CITY OF ALABASTER** (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:

Overhead and/or Underground. The right from time to time to construct, install, operate and maintain, upon, over, under and across the Property described below, all poles, towers, wires, conduits, fiber optics, cables, communication lines, trans closures, transformers, anchors, guy wires, and other facilities useful or necessary in connection therewith (collectively, "Facilities"), for the overhead and/or 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 width of the Company's right of way will depend on whether the Facilities are underground or overhead: for underground, the right of way will extend five (5) feet on all sides of said Facilities as and where installed; for overhead Facilities, the right of way will extend fifteen (15) feet on all sides of said Facilities as and where installed.

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, the right in the future to install intermediate poles and facilities on said right of way, the right to install, maintain, and use anchors and guy wires on land adjacent to said right of way, 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 right of way, as applicable. Further, with respect to overhead Facilities, the Company is also granted 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.

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 #20040507000243240** in the Office of the Judge of Probate of the above named County.

The location of the right of way conveyed herein is generally shown on the Company's drawing attached hereto and made a part hereof but shall be more precisely determined by the actual location(s) as installed.

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 said Grantors have caused this instrument to be executed by **MARTY B. HANDLON**, its authorized representative, as of the **1st** of **JUNE**, 20**20**.

ATTEST (if required) or WITNESS:

By: **Mark Fry**
Its: **City Clerk**

Marty B. Handlon
(Grantor)
By: **MARTY B. HANDLON** (SEAL)
Its: **MAYOR**

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

W.E. # **A6170-06-A020** Transformer # **XA4241** All facilities on Grantor: **NO** ¼, ¼ STR & LOC to LOC **21S-03W-01 SW/NE, NW/SE**

CORPORATION NOTARY

STATE OF AlabamaCOUNTY OF ShelbyI, JOHN MARK FREY, a Notary Public, in and for said County in said State,hereby certify that MARTY B. HANDLON, whosename as MAYOR of ALABASTER, 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 1st day of JUNE, 2020.

[SEAL]

Notary Public:

My commission expires:

JANUARY 3, 202220200605000227480 3/4 \$31.00
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06-02-2020
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Smt

Council Member RAKESTRAW introduced the following Resolution, which was
seconded by Council Member MARTIN.



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RESOLUTION 060120-B

**GRANT UTILITY EASEMENT TO ALABAMA POWER AT
WALMART ALABASTER**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALABASTER, ALABAMA AS FOLLOWS:

WHEREAS, Alabama Power services city residents, providing a valuable public service including power for electric vehicles; and

WHEREAS, 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 #20040507000243240 in the Office of the Judge of Probate of Shelby County.

WHEREAS, the purpose of the requested easement is to provide approval to cross the City of Alabaster property at the Walmart in the Colonnade Promenade in Alabaster to install electric vehicle charging stations.; and

WHEREAS, it is in the best interests of the public to grant such Easement.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALABASTER, AS FOLLOWS:

1. The Council hereby finds that the requested Easement will not interfere with the rights and enjoyment of citizens in the area of Walmart.
2. The Easement attached as "Exhibit A" is hereby authorized to be executed by the Mayor and attested by the City Clerk and recorded as required by law.

ADOPTED AND APPROVED THIS 1ST DAY OF JUNE 2020.

ATTEST:

CITY OF ALABASTER, ALABAMA


J. Mark Frey, City Clerk


By: Scott Brakefield, Council President

APPROVED:


Marty B. Handlon, Mayor