

APC Document #: 72281072-001

EASEMENT – OVERHEAD FACILITIES

STATE OF ALABAMA

COUNTY OF SHELBY

This instrument prepared by: Dean Fritz

Alabama Power Company
2 Industrial Park Dr
Pelham, AL 35124

KNOW ALL MEN BY THESE PRESENTS, That the undersigned **K and M Aggregates, L.L.C.**, an Alabama limited liability company and **Western REI, LLC**, an Alabama limited liability company, (hereinafter known as "Grantor", whether one or more) for and in consideration of One and No/100 Dollar (\$1.00) and other good and valuable consideration paid to Grantor 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, over and across the Property described below, all poles, towers, wires, fiber optics, cables, communication lines, trans closures, transformers, anchors, guy wires and other facilities useful or necessary in connection therewith (collectively, the "Facilities") for the overhead 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 extend fifteen (15) feet on all sides of said Facilities as and where installed (hereinafter referred to as the "Easement Area").

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 to install, maintain, and use anchors and guy wires on land adjacent to said right of way, the right in the future to install and utilize intermediate poles and facilities on 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, 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 burden the "Easement Area", which is located within the real property more generally described in Instrument #20210727000361370, in the Office of the Judge of Probate of the above-named county in Alabama.

If, in connection with the construction or improvement of any public road or highway, it becomes necessary or desirable for the Company to move any of the Facilities, Grantor 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 Grantor, the Company and each of their respective heirs, personal representatives, successors and assigns and the words "Company" and "Grantor" 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 Grantor has caused this instrument to be executed by See Notary Page, its authorized representative, as of the 18th of April, 2023.

ATTEST (if required) or WITNESS:

Signature

Title

K and M Aggregates, L.L.C., an Alabama limited liability company
GRANTOR:

Signature

Title

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed by Jason Spinks, its authorized representative, as of the 23rd of March, 2023.

ATTEST (if required) or WITNESS:

Signature

Title

Western REI, LLC, an Alabama limited liability company
GRANTOR:

Signature

Title

APC Document #: 72281072-001

_____For Alabama Power Company Corporate Real Estate Department Use Only_____

W.E. #: A6170-GM-DP22

Tax ID #: 13 8 33 0 000 031.011

1/4, 1/4 STR: SE 1/4 of the SW 1/4 of Section 33, Township 20 South, Range 3 West

All Facilities on Grantor: [No] Electronically Filed: []

NOTARY PAGE FOLLOWS

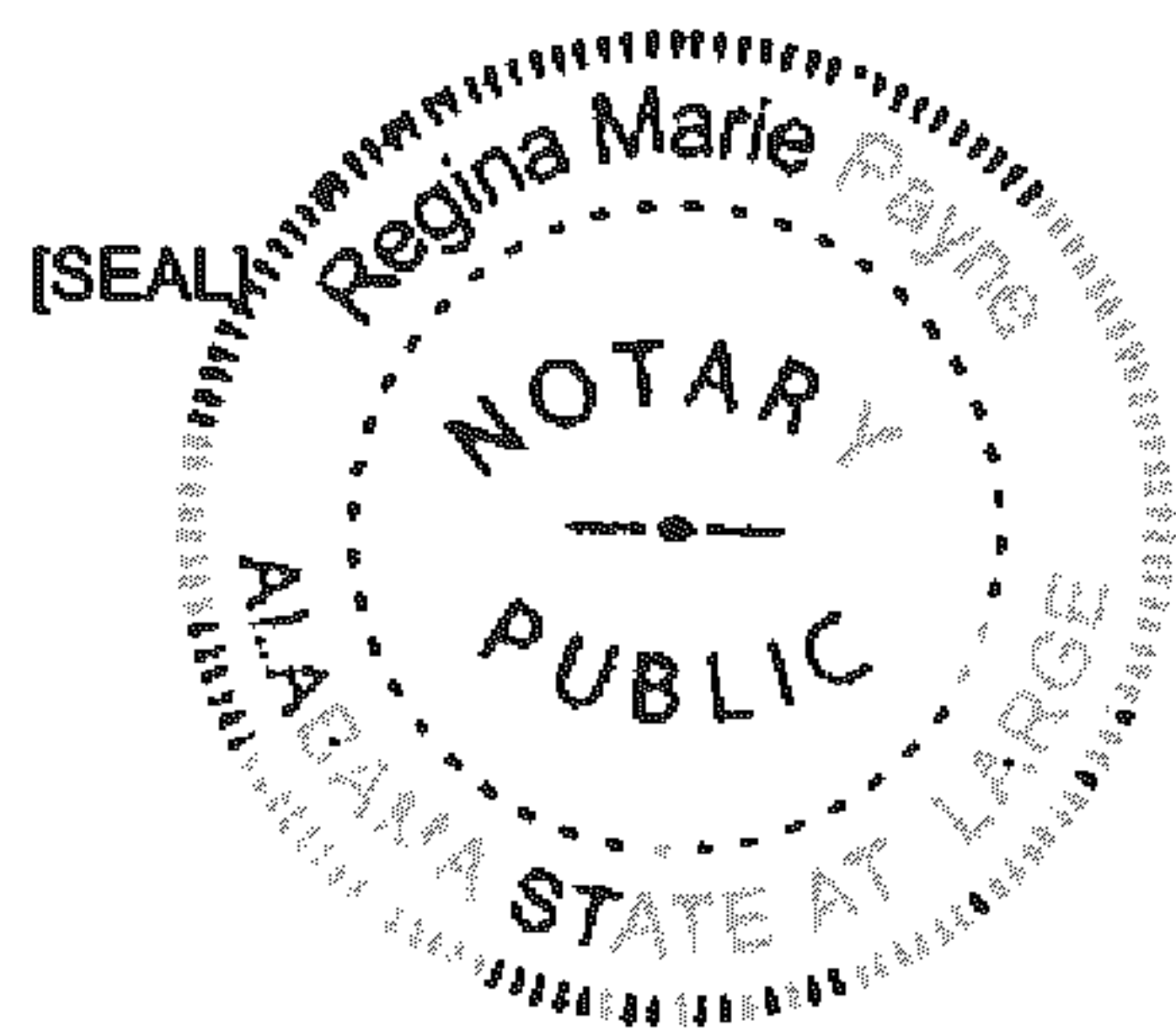
APC Document #: 72281072-001

CORPORATION/LLC/LLP NOTARY

STATE OF AlabamaCOUNTY OF Shelby

I, Regina Marie Payne, a Notary Public, in and for said County in said State, hereby certify that Kenneth Carter, whose name as Manager of K and M Aggregates, L.L.C., 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 this instrument, as such officer and with full authority executed the same voluntarily for and as the act of said L.L.C.

Given under my hand and official seal, this the 42 day of April, 2023.



Regina Marie Payne
Notary Public

My commission expires: 4-4-26

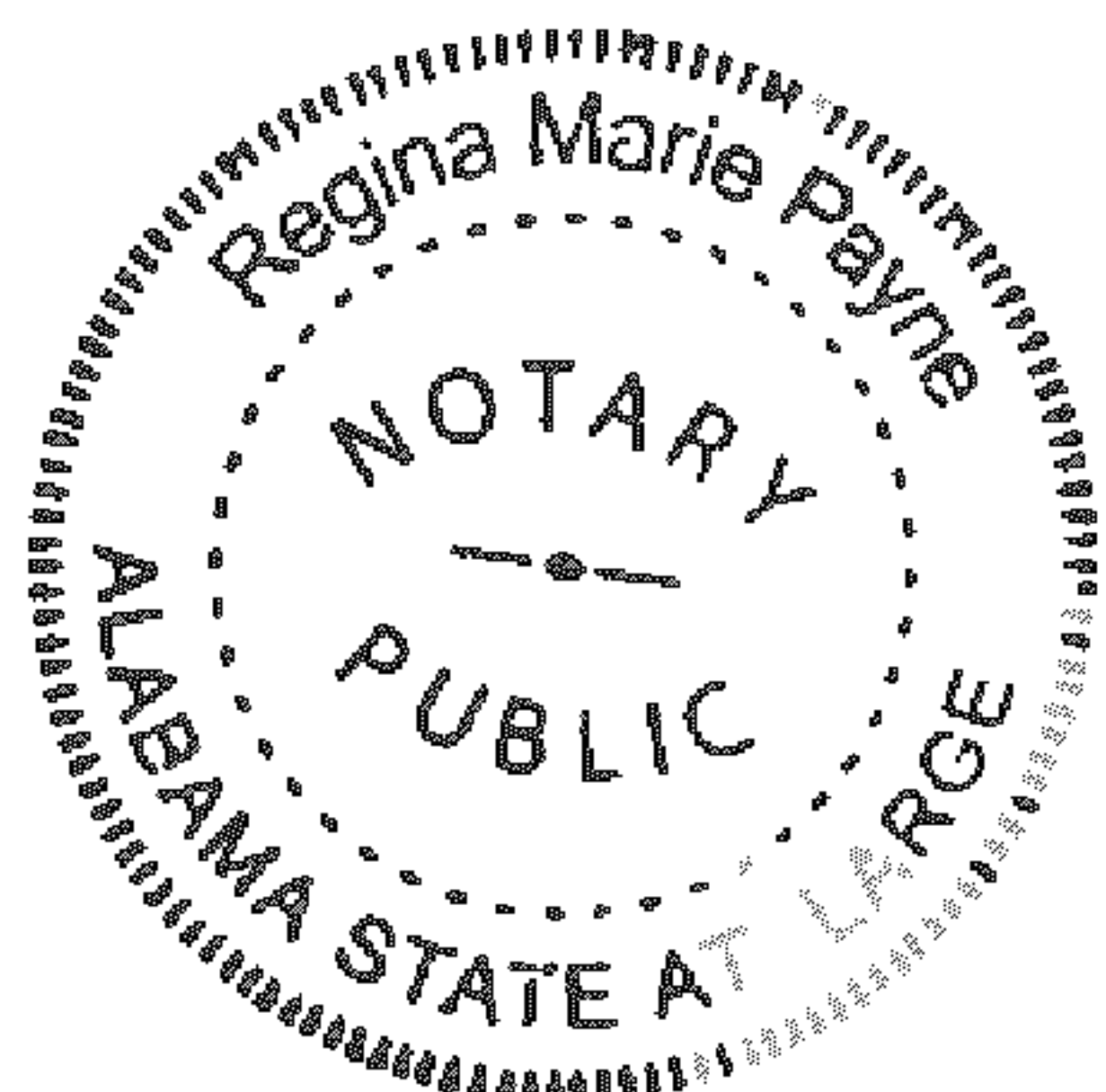
CORPORATION/LLC/LLP NOTARY

STATE OF AlabamaCOUNTY OF Shelby

I, Regina Marie Payne, a Notary Public, in and for said County in said State, hereby certify that Jason Spinks, whose name as Managing Member of Western REI, 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 this instrument, as such officer and with full authority executed the same voluntarily for and as the act of said LLC.

Given under my hand and official seal, this the 23rd day of March, 2023.

[SEAL]



Regina Marie Payne
Notary Public

My commission expires: 4-4-26



Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
04/20/2023 02:06:38 PM
\$29.00 PAYGE
20230420000114350

REV 03/02/23

Allen S. Bayl