

APC Document #: 72282431-001

**EASEMENT – DISTRIBUTION 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 **Cahaba Pointe, 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:

**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 (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 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, 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 burden the "Easement Area", which is located within the real property more generally described in Instrument #20220524000209880, 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 ALLEN HAWKINS, its authorized representative, as of the 24<sup>TH</sup> of APRIL, 2023

ATTEST (if required) or WITNESS:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Cahaba Pointe, LLC, an Alabama limited liability company  
GRANTOR:

  
Signature

MANAGER  
Title

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

W.E. #: A6173-06-AP23

Tax ID #: 03 9 31 0 002 008.000

¼, ¼ STR: SE ¼ of the SE ¼ of Section 31, Township 18 South, Range 1 West

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

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## CORPORATION NOTARY

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public, in and for said County in said State, hereby certify that \_\_\_\_\_, whose name as \_\_\_\_\_ of Cahaba Pointe, 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[SEAL]

Notary Public

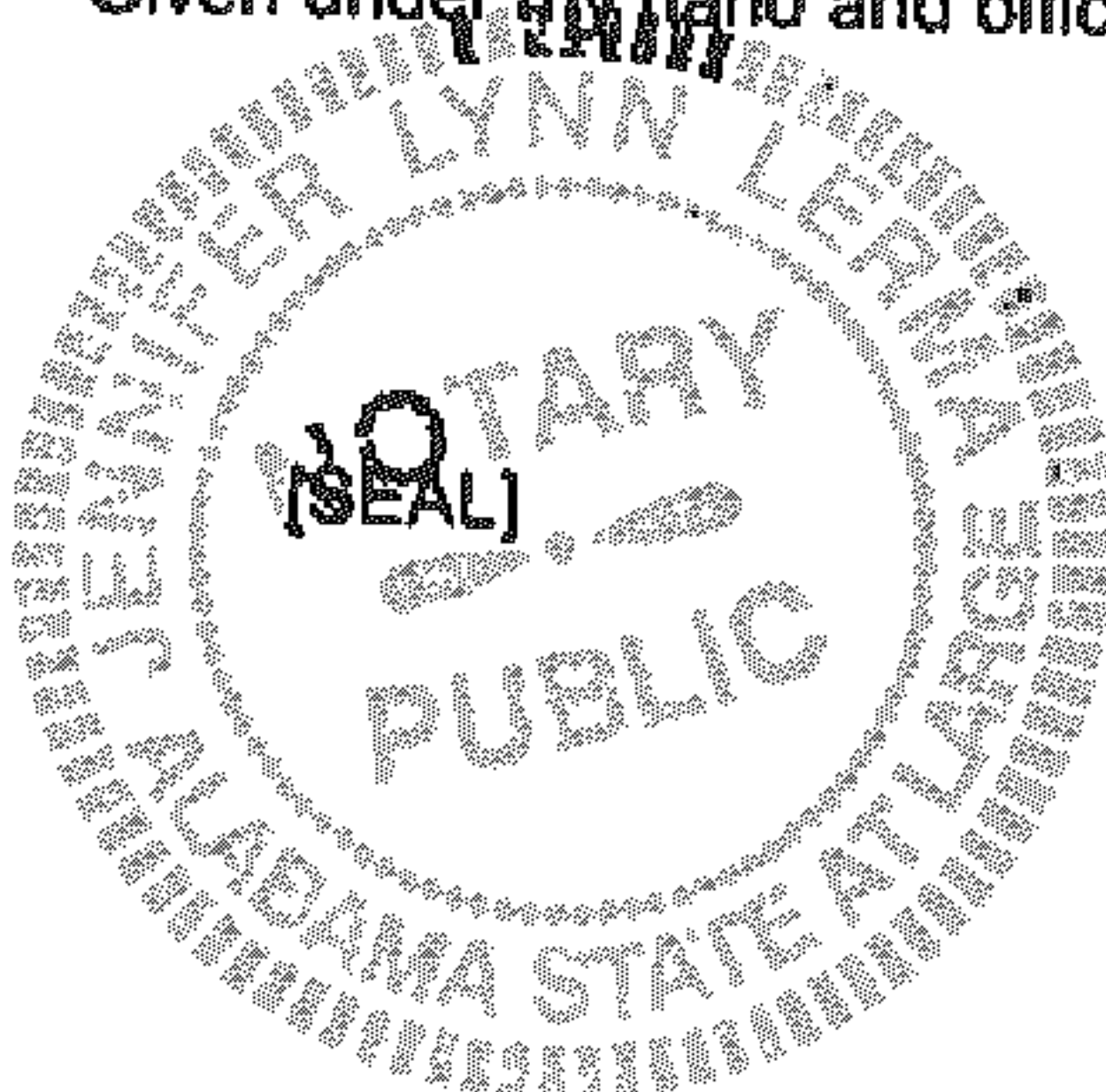
My commission expires: \_\_\_\_\_

## CORPORATION/PARTNERSHIP/LLC NOTARY

STATE OF AlabamaCOUNTY OF Jefferson

I, Jennifer L Lerna, a Notary Public in and for said County in said State, hereby certify that Allen W Hawkins III, whose name as manager of Cahaba Pointe, LLC, an Alabama limited liability co, acting in its capacity as \_\_\_\_\_ of \_\_\_\_\_, 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 the instrument, he/she, as such manager and with full authority, executed the same voluntarily, for and as the act of said limited liability company acting in such capacity as aforesaid.

Given under my hand and official seal this the 24<sup>th</sup> day of April, 2023



Jennifer L. Lerna  
Notary Public  
My commission expires: 9-15-2024



Filed and Recorded  
Official Public Records  
Judge of Probate, Shelby County Alabama, County  
Clerk  
Shelby County, AL  
05/12/2023 09:41:00 AM  
\$26.00 JOANN  
20230512000140260

Allen S. Bayal