

APC Document # 72305673-001

**EASEMENT – SECONDARY FACILITIES**

STATE OF ALABAMA

COUNTY OF SHELBY

This instrument prepared by: Dean Fritz

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

**KNOW ALL MEN BY THESE PRESENTS**, That the undersigned, **The Water Works Board of the City of Birmingham**, (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, over, under and across a route to be selected by the Company, as determined by the actual location(s) in which the Company's facilities are to be installed, all poles, wires, conduits, anchors, guy wires, and other appliances and facilities useful or necessary in connection therewith (collectively "Facilities"), for the distribution of communications and secondary voltages. The width of the Company's right of way will extend five (5) feet on all sides of said Facilities as and where installed, whether the Facilities are located underground or overhead.

The easements, rights and privileges granted hereby shall apply to, and the word "Property" as used in this instrument shall mean a portion of the real property more particularly described in Instrument #19980903000343871 and #20010227000067801, recorded in the Office of the Judge of Probate of the above-mentioned County in Alabama.

The Company is further granted all rights and privileges necessary or convenient for the full enjoyment or use thereof, including the right of ingress and egress to and from said Facilities, the right to install, maintain, and use anchors and guy wires on land adjacent to said right of way, 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; and 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 Company, may now or hereafter endanger, interfere with, or fall upon any of said overhead facilities.

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 Grantors have caused this instrument to be executed as of the 23<sup>RD</sup> of DECEMBER, 2024

ATTEST (if required) or WITNESS:

Amitra Clark  
Signature

CORPORATE GOVERNANCE SPECIALIST  
Title

The Water Works Board of the City of Birmingham  
GRANTOR

Darryl R. Jones  
Signature

INTERIM GENERAL MANAGER  
Title

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

W.E. # A6173-05-AF24

Tax ID#: 03 4 17 0 000 002.000

¼, ¼ STR & LOC to LOC: SW ¼ of the SW ¼ of Section 17, Township 17 South, Range 1 West

All Facilities on Grantor: [Yes] Electronically Filed: [ ]

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## CORPORATION/LLC NOTARY

STATE OF ALABAMACOUNTY OF JEFFERSON

I, ANITRA CLARK, a Notary Public, in and for said County in said State, hereby  
 certify that DARRYL R. JONES, whose name as INTERIM GENERAL MANAGER  
 of The Water Works Board of the City of Birmingham, 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 Board.

Given under my hand and official seal, this the 23<sup>RD</sup> day of DECEMBER, 20 24.

[SEAL]

Anitra Clark  
 Notary Public

My commission expires: MARCH 24, 2028



Filed and Recorded  
 Official Public Records  
 Judge of Probate, Shelby County Alabama, County  
 Clerk  
 Shelby County, AL  
 01/13/2025 09:37:59 AM  
 \$26.00 CHARITY  
 20250113000011150

Allie S. Bayl