

RECORDED

Instrument:

(a) Grantee may construct and maintain Facilities over the afore-described easement, at its expense, in such manner as will not interfere with operations of Grantor or Southern Railway Company, or endanger persons or property of Grantor, and in accordance with applicable regulations prescribed by statute or by Governmental authority. Grantee will construct Facilities at such elevations as may be necessary to accommodate the operation of trains, engines and cars beneath said Facilities as mentioned in paragraph (c) hereof.

(b) Grantor, for the consideration aforesaid, further grants to Grantee (1) the right at any time to clear said strip of land and keep said strip clear of any and all structures, trees, fire hazards, or other objects of any nature except as hereinafter reserved in paragraph (c) hereof; (2) the right at any time to make relocations, changes, renewals and substitutions on or to said Facilities within said strip of land in accordance with regulations and specifications as hereinbefore mentioned in Article (a); (3) the right from time to time to trim, fell, and clear away any trees on the property of the Grantor outside of said strip of land which now or hereafter may be a hazard to said Facilities or a source of the danger of falling thereon;

(c) Grantor reserves for itself and Southern Railway Company all other rights to said strip of land not inconsistent with the rights and easement herein contained, including but not limited to the right to operate and maintain the existing railroad tracks or such other railroad facilities as are necessary for the operation and maintenance of said railroad tracks under, over, upon and across said easement or right of way, and to construct and maintain upon the same additional tracks and such other railroad facilities as are necessary for the operation and maintenance of the railroad tracks; Grantor hereby agrees that it will not construct or erect any buildings or other facilities that would endanger the use, operation or maintenance of Grantee's Facilities upon said premises.

(d) In the event future rail tracks, now and control of tracks and

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