

504

WAIVER OF RIGHTS AND BENEFITS OF THE UNIFORM
RELOCATION ASSISTANCE AND REAL PROPERTY
ACQUISITION POLICIES ACT OF 1970 (42 U.S.C. 4601)

WHEREAS, the City of Helena, Alabama, has received Community Development funds from the Alabama Department of Economic and Community Affairs, and;

WHEREAS, one of the conditions imposed upon the use of such funds is compliance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601), hereafter referred to as the Uniform Act, and the regulations at 24 CFR Part 42 as revised February 27, 1986, and;

WHEREAS, the Uniform Act requires that real property shall be appraised before the initiation of negotiations, and;

WHEREAS, the Uniform Act requires that the City of Helena establish an amount it believes to be just compensation for the property to be acquired before the initiation of negotiations, and;

WHEREAS, as to the property specifically described as follows:

(Describe Property) (See Attached)

NOW, THEREFORE, let it be known that by signature hereon, I freely and without duress waive any and all rights and benefits accruing to me under the Uniform Act. Specifically, I have been advised by the City of Helena of my right to an appraisal and the payment of just compensation for the property to be acquired as described herein if I elect not to execute this waiver.

Lynula Smith
Signature of Owner

Jay E. Carter
Acquiring Official

PRELIMINARY ACQUISITION NOTICE

Date JAN. 12, 1989

Name Roland H. Smith
Address P.O. Box 9
HELENA, AL. 35080

PARCEL # 24.02 B1K. F
TAX MAP # 58-13-05-15.1
(Cunningham Dr.) Washington St.

Dear Sir:

The purpose of this letter is to formally notify you that the City of Helena is interested in acquiring a permanent easement and/or a temporary easement on a portion of your property described above. The City is interested in acquiring this easement so that a sanitary sewer system can be constructed to serve this neighborhood. A legal description of the easements to be acquired is attached.

Within a few days, Mr. Gary Carter or another representative of the City will be contacting you to advise you in more detail of the nature of the project. We have enclosed for your information a copy of the booklet "When a Public Agency Acquires Your Property" which helps explain the acquisition procedures.

Please note that this notice is PRELIMINARY IN NATURE AND IS NOT A NOTICE TO VACATE THE PROPERTY. It does not establish eligibility for relocation payments or other relocation assistance.

If you wish, you may donate the easement to the City. This will be discussed in more detail with you by a representative of the City. If you have any questions prior to being contacted again by the City, please call Mr. Gary Carter, at Helena City Hall. The phone number is (205) 663-2161.

Sincerely,

CITY OF HELENA


Sonny Penhale
Mayor

Enclosed: "When A Public Agency Acquires Your Property"

Received BY: Regina Smith

STATE OF ALABAMA

SHELBY COUNTY

X
X
X

24.02 Block
ROLAND H. SMITH SR.
PO BOX 9
HELENA, AL 35080

THIS INDENTURE made and entered into on this the 13
day of January, 19 89, by and between CITY OF HELENA, ALABAMA
Roland H. & Lynda Z. Smith
hereinafter called Grantors; and the Roland H. & Lynda Z. Smith
hereinafter called the Grantee; City of Helena

W I T N E S S E T H:

WHEREAS, it has been found to provide the necessary utilities to
certain areas lying within the THE CITY OF HELENA, ALABAMA
service area, SHELBY County, Alabama; that it has been found
necessary to cross certain lands owned by the Grantors for the purpose of
installing all necessary UTILITIES, and other such integral
parts of the UTILITY SYSTEM;

WHEREAS, it has been found advantageous and to the best interest
of Grantors and Grantee that an easement for such UTILITY be
conveyed to the THE CITY OF HELENA, ALABAMA

THEREFORE, in consideration of the sum of \$1.00
and the mutual benefits accruing to the Grantors and to the CITY OF HELENA
SHELBY County, Alabama, the
Grantors have this day bargained and conveyed and by these presents do hereby
grant and convey unto the CITY OF HELENA, SHELBY
County, Alabama, the following right, privilege and easement, in, to, along,
over, through, under and across the hereinafter described lands:

The right and privilege to construct, erect, install,
operate and maintain UTILITIES, on, upon, along,
over, through, under and across the hereinafter described
lands;

The right, privilege and easement to cut, trim and remove
any brush, trees, or other obstructions upon the hereinafter
described lands, together with the right of ingress and
egress to and from, over and above the hereinafter described
lands, for the purpose of the installation and upkeep of the
UTILITIES.

DESCRIPTION:

A PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A utility easement located in Sec. 15, Township 20 South, Range 3 West,
and being on Parcel 24.02, Block F, Shelby County Tax Map 58-13-05-15-1.
Said easement shall be a 10.0' wide permanent easement and a 20.0' wide
temporary construction easement running parallel to and along the West line of
of said Parcels and the East R.O.W. of Cunningham Street (Washington Street).

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TO HAVE AND TO HOLD the above described right, privilege, and
easements unto the City of Helena and to its assigns,
together with the right of entry and reentry from time to time as occasion
may require for the purpose of exercising its said rights, privileges and
easements, hereinabove described.

IN WITNESS WHEREOF, we, Roland H. Smith &
Lynnda J. Smith
have hereunto set our hands and seals on this the day and year first above
written.

Craig Bonnell
(Witness)
Craig Bonnell
(Witness)

Roland H. Smith (SEAL)
Lynda F. Smith (SEAL)

(Witness)

(SEAL)

(Witness)

(SEAL)

(Witness)

(SEAL)

(Witness)

(SEAL)

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STATE OF ALABAMA
Shelby COUNTY

X
X
X

I, the undersigned Notary Public, in and for said County in said State, hereby certify that Roland H. Smith and
Lynda F. Smith
whose names are signed to the foregoing Easement and who are known to me, acknowledged before me on this day, that being informed of the contents of this Easement, they executed the same voluntarily on the day the same bears date.

GIVEN under my hand this the 13 day of January,
19 89.

James Patrick
NOTARY PUBLIC

MY COMMISSION EXPIRES MAY 13, 1992
STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

90 DEC 10 PM 12:43

James Patrick
JUDGE OF PROBATE

(SEAL)

1. Deed Tax	-----	\$	-----
2. Mtg. Tax	-----	\$	-----
3. Recording Fee	-----	\$	12.50
4. Indexing Fee	-----	\$	3.00
5. No Tax Fee	-----	\$	-----
6. Certified Fee	-----	\$	1.00
Total	-----	\$	16.50