

515

PRELIMINARY ACQUISITION NOTICE

Date May 23, 1989

Name Johnny + Rosanna Deviner  
Address Hwy. 261  
Helena, AL 36880

(PARCEL 16)  
TAX MAP # 58-13-05-15-2 ①  
AL 261  
T20 S R3W  
SECTION 15  
SHELBY COUNTY

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*  
Sonny Penhale  
Mayor

Enclosed: "When A Public Agency Acquires Your Property"

Received BY:

*X Johnny Deviner*  
*Mrs. Rosanna Deviner*

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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)

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.

John Deviner & Mrs. Rosanna Deviner  
Signature of Owner

Jay E. Carter  
Acquiring Official

STATE OF ALABAMA

SHELBY COUNTY

X  
X  
X

Johnny & Rosanna Deviner  
May 26  
Helena, AL. 35080  
PARCEL # 17  
SB-13-05-15-2 ①  
SECTION 15 T20S R3W  
(AL. 261)

THIS INDENTURE made and entered into on this the 23  
day of May, 19 89, by and between CITY OF HELENA, ALABAMA  
Johnny & Rosanna Deviner  
hereinafter called Grantors; and the Johnny & Rosanna Deviner  
hereinafter called the Grantee; City of Helena

WITNESSETH:

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.

LEGAL DESCRIPTION

A parcel of land being more particularly described as follows:

A 10.0' x 10.0' easement located from the center of the installed sewage pump station, and a 10.0' easement lying 5.0' either side and running the entire length of any and all service lines on pressure mains, as constructed.

As located on Parcel 16, Block ①, Shelby County  
Tax Map No. 58-13-05-15-2.

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TO HAVE AND TO HOLD the above described right, privilege, and easements unto the CITY OF HELENA, ALABAMA 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, Johnny DeVincent  
Reanna DeVincent

have hereunto set our hands and seals on this the day and year first above written.

Larry E. Carter  
(Witness)

Larry E. Carter  
(Witness)

(Witness)

(Witness)

(Witness)

(Witness)

X Johnny Becker (SEAL)

X Mrs. Rosanna Deiner (SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF ALABAMA

SHELBY COUNTY

X  
X  
X

I, the undersigned Notary Public, in and for said County in said State, hereby certify that Johnny Deiner &

Rosanna Deiner

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 23 day of May,

19 89.

Francis Parrish  
NOTARY PUBLIC

MY COMMISSION EXPIRES MAY 13, 1992

(SEAL)

90 DEC 10 PM 12:49

1. Deed Tax	\$	
2. Mfg. Tax	\$	
3. Recording Fee	\$	IMAGE OF PROBATE
4. Indexing Fee	\$	15.00
5. Not Tax Fee	\$	3.00
6. Certified Fee	\$	1.00
<b>Total</b>	\$	<b>19.00</b>

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①

**"CONFLICT"**  
**22.11**  
**18**

BLOCK 15

JOSEPH SQUIRE'S MAP OF HELENA

32  
13 AC 9

BLOCK 6 26

MAILING  
RCW  
FLOCK 1A  
RCW VARIETIES