

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.

Edward Cunningham
Signature of Owner

Larry E. Carter
Acquiring Official

511
PRELIMINARY ACQUISITION NOTICE

Date Jan. 12, 1989

Name Mr. Edward Cunningham
Address P.O. Box 152
Helena, AL. 35080

Parcel #22 BIK. C
(Cunningham Dr.)
TAX MAP # 58-13-05-15-1

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: Edward Cunningham

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 22, Block C, 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, Edmund Cunningham

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

22 Block C

STATE OF ALABAMA

SHELBY COUNTY

X
X
X

EDWARD CUNNINGHAM

PO BOX 158

HELENA, AL 35000

THIS INDENTURE made and entered into on this the 12
day of January, 19 89, by and between CITY OF HELENA, ALABAMA
Edward Cunningham
hereinafter called Grantors; and the Edward Cunningham
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.

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CITY OF HELENA

Mayor
Charles W. "Sonny" Penhale
Clerk
Frances Parrish

Post Office Box 262
Helena, Alabama 35080
Phone: (205) 663-2161

January 19, 1989

Council Members
Jane Holmes
E. W. Fulgham
Gordy Wilson
Johnny Dondar
Herman Jenkins, Jr.
Frederick D. Ard
John L. Bearden, Jr.
James E. Lovelady
Wayne Gentry
Jerry D. Pale

Mr. Edward Cunningham
P.O. Box 158
Helena, AL 35080

RE: PARCEL # 22 BIK. C
TAX MAP # 58-13.05-15.1

In exchange for a 10' wide permanent easement and a 20' wide temporary construction easement running parallel to and along the West line of said parcel and the East right-of-way of Cunningham Drive (Washington Street), we are offering you a free Sewer tap (normally \$503.00) if and when you build on said property.

Thank you,

Charles W. Penhale

Charles W. "Sonny" Penhale
Chairman - Helena Utility Board

Gary E. Carter

Gary E. Carter

City Administrator

SO

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Ray E. Carter
(Witness)

Edward Cunningham (SEAL)

(Witness)

(SEAL)

(Witness)

(SEAL)

(Witness)

(SEAL)

(Witness)

(SEAL)

(Witness)

(SEAL)

STATE OF ALABAMA
Shelby COUNTY

X
X
X

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I, the undersigned Notary Public, in and for, said County in said State, hereby certify that Edward Cunningham

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, he executed the same voluntarily on the day the same bears date.

GIVEN under my hand this the 12 day of January, 1989.

Francis Pinner
NOTARY PUBLIC

MY COMMISSION EXPIRES MAY 13, 1992

(SEAL)

20' X 20'

PUMP STATION

GAS LINE

10' 20' R.R.

MR. CUNNINGHAM

R.R. R.O.W

12.23-88

Mr. Edward Cunningham
came by the office and
is willing to give a
10' EASEMENT IF WE
put the lift station
across the gas line
and pipe some of the
storm drain that comes
from under Lowley St.

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

90 DEC 10 PM 12:47

JUDGE OF PROBATE

1. Deed Tax	\$
2. Adm. Tax	\$
3. Recording Fee	\$ 24.00
4. Indexing Fee	\$ 3.00
5. No Tax Fee	\$
6. Certified Fee	\$ 1.00
Total	\$ 24.00



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City Administrator

so