

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

UTILITIES BOARD OF THE
CITY OF HELENA,

Plaintiff,

vs.

CASE NO. 37-086

CSX TRANSPORTATION, INC.,

Defendant.

CONSENT FINAL ORDER OF CONDEMNATION

This cause coming on to be heard on June 11, 1998 at 9:00 a.m., being the day appointed for hearing the Application for Order of Condemnation filed by the Utilities Board of the City of Helena, Plaintiff, to condemn certain properties or interests therein, more particularly described or designated in said Application for the uses and purposes therein stated;

And it appearing to the satisfaction of the Court that the following named Defendant(s) named in said Application, were served with notice of these proceedings and the date and time set for the hearing thereon and the purposes thereof, as required by law, viz:

CSX Transportation, Inc., the owner of and person, firm or corporation holding record title to said property.

And the parties being present in open court advised that they have entered into an agreed settlement of the issues involved in these proceedings and have agreed that the Utilities Board of the City of Helena will be entitled by consent judgment rendered herein to condemnation and acquisition of the lands, rights, easements, ways and rights of ways sought to be condemned as described by the Application in this cause for the agreed sum of Five Hundred and No/100 Dollars (\$500.00), to be assessed as damages and compensation to said Defendant(s);

And it further appearing to the Court that the Plaintiff should be now allowed to proceed to final judgment as against the Defendant, CSX Transportation, Inc., and it appearing to the satisfaction of the Court that the averments of said Application for Order of Condemnation are true and correct and that Plaintiff is entitled to acquire the lands, interests and properties herein sought to be condemned for the public purpose set forth in said Application; and it further appearing to the satisfaction of the Court that the Application for Order of Condemnation prayed for by Plaintiff should be granted by the Court against the said Defendant, CSX Transportation, Inc., and against all of the properties or interests therein designated or described in said Application for Order of Condemnation:

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IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED and DECREED BY THE COURT AS FOLLOWS:

1. That the said Application for Order of Condemnation heretofore filed in said cause by the Plaintiff be and the same is hereby granted.

2. That it is further ordered, adjudged and decreed by the Court that Applicant, Utilities Board of the City of Helena, pay all court costs in this cause.

3. That it is the further order of this Court that the Plaintiff shall pay to said Defendant, CSX Transportation, Inc., by consent and agreement of all parties, the total sum of Five Hundred and No/100 Dollars (\$500.00) which said amount is hereby assessed as damages to the real property described herein and as compensation therefor, which said sum shall be paid into this Court for distribution to the Defendant, CSX Transportation, Inc., or other persons, firms or corporations entitled thereto.

4. That it is further ordered, adjudged and decreed by the Court that the lands, rights, easements, ways and rights of way sought to be condemned on, across and over the land described in said Application for Condemnation heretofore filed in this cause by the Utilities Board of the City of Helena, and all rights and interests therein described be condemned, granted and awarded to applicant, Utilities Board of the City of Helena, a body corporate, and with the rights and for the use and purposes set forth in said Application, and that all right, title and interest prayed for in said Application, which is now condemned, granted and awarded to the Applicant in and by this decree, be and the same is hereby divested out of the said CSX Transportation, Inc. and the Defendant(s) named in this cause and invested in Applicant, Utilities Board of the City of Helena, a body corporate; and it is further ordered, adjudged and decreed by the Court that Applicant be and is hereby granted, as to the parties and land named and described in the Application, the relief, rights, interest, title, property, right of possession, easements and privileges set out and described and prayed for in said Application.

Done this the 15 day of June, 1998.


Judge of Probate

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