

## **NOTICE OF LIS PENDENS**

**IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA**

**CITY OF HELENA, ALABAMA**, a municipal corporation and municipal political subdivision of the State of Alabama; **THE UTILITIES BOARD OF THE CITY OF HELENA, ALABAMA**, a public corporation,

**Plaintiffs,**

vs.

**CASE NO. PR-2005-000531**

**NORFOLK SOUTHERN RAILWAY COMPANY, INC.**, a corporation; **A, B, and C**, the owners of the real property described in the complaint herein, all of whose names are otherwise unknown, but whose true names will be added by amendment when ascertained,

**Defendants.**

TO THE HON. PATRICIA YEAGER FUHRMEISTER, JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA:

Come now, separately and severally, the City of Helena, Alabama, a municipal corporation, and The Utilities Board of the City of Helena, Alabama, a public corporation, both formed pursuant to the provisions of the laws of the State of Alabama, by their attorney, and file herewith notice to all persons concerned that on the **5th** day of **October, 2005**, condemnation proceedings were commenced in the Probate Court of Shelby County, Alabama, whereby the above said plaintiffs seek to acquire a permanent and perpetual easement in and to said parcel of land for ways and rights-of-ways provided by law, and said proceedings are now pending.

The name of the property owner concerned together with the property sought to be condemned is as set forth below:

Property Owner(s): Norfolk Southern Railway Company, Inc.

Property described on Exhibit "A" attached hereto and made part and parcel hereof as fully as if set out herein.

10/14

Description of above property is taken from right of way map of said project on file in the Office of the Probate Judge of Shelby County, Alabama.

The title of the action and the case number thereof are as hereinabove designated.

**CITY OF HELENA, ALABAMA**

By

Frank C. Ellis, Jr., Its Attorney

**THE UTILITIES BOARD OF  
THE CITY OF HELENA, ALABAMA**

By

Frank C. Ellis, Jr., Its Attorney

WALLACE, ELLIS, FOWLER & HEAD  
P. O. Box 587  
Columbiana, Alabama 35051  
(205) 669-6783

STATE OF ALABAMA  
SHELBY COUNTY

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

I hereby certify that the within Lis Pendens was filed in this office for record on the 5th day of October, 2005, at \_\_\_\_\_ o'clock \_\_\_\_\_.m. and duly recorded as Instrument No. 2005\_\_\_\_\_, and examined.

Judge of Probate

# Exhibit "A"

An Easement lying in the SW 1/4 of the SE 1/4 of Section 14, Township 20 South, Range 4 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the SW Corner of the SW 1/4 of the SE 1/4 of said Section 14; thence N 01° 01' 17" W along the West line of said 1/4 - 1/4 section, a distance of 208.36 feet to a point lying on the southerly right of way line of Southern Railway (100' ROW), said point being the POINT OF BEGINNING; thence continue northerly along said line, a distance of 141.83 feet to the northern line of said right of way; thence N 43° 48' 50" E and along said right of way, a distance of 21.31 feet; thence S 46° 11' 10" E, a distance of 100.00 feet to the southern line of said right of way; thence S 43° 48' 50" W and along said right of way, a distance of 121.89 feet to the POINT OF BEGINNING. Containing 0.16 acres, more or less.