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FEB 24 2010

**NOTICE OF LIS PENDENS**

James W. Fuhrmeister  
Judge of Probate

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

**CITY OF HELENA, ALABAMA**, a  
municipal corporation and municipal  
political subdivision of the State of Alabama,

Plaintiff,

vs.

**CASE NO. PR-2010-** 000119

**PATRICIA ANN POWELL PRAYTOR;  
TERRY OWEN POWELL; JOSEPH S.  
POWELL, JR.; DONALD ARMSTRONG**  
in his official capacity as Property Tax  
Commissioner of Shelby County, Alabama; A,  
B, C, D, E, F, and G, 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. JAMES W. FUHRMEISTER, JUDGE OF PROBATE OF SHELBY COUNTY,  
ALABAMA:

Comes now the City of Helena, Alabama, a municipal corporation and municipal political subdivision of the State of Alabama, by its attorney, and files herewith notice to all persons concerned that on the 24 day of **February, 2010**, condemnation proceedings were commenced in the Probate Court of Shelby County, Alabama, whereby said City of Helena, Alabama, a municipal corporation, seeks to obtain certain easements to real property and public rights of way and other rights, and said proceedings are now pending in said Court.

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

Property Owner(s): Patricia Ann Powell Praytor, Terry Owen Powell, Joseph S. Powell, Jr., and Donald Armstrong, in his official capacity as Property Tax Commissioner of Shelby County, Alabama.

Property described as Parcels 1, 2, and 6 on Exhibit "A" attached hereto and made part and parcel hereof as fully as if set out herein, said Exhibit "A" consisting of five pages.

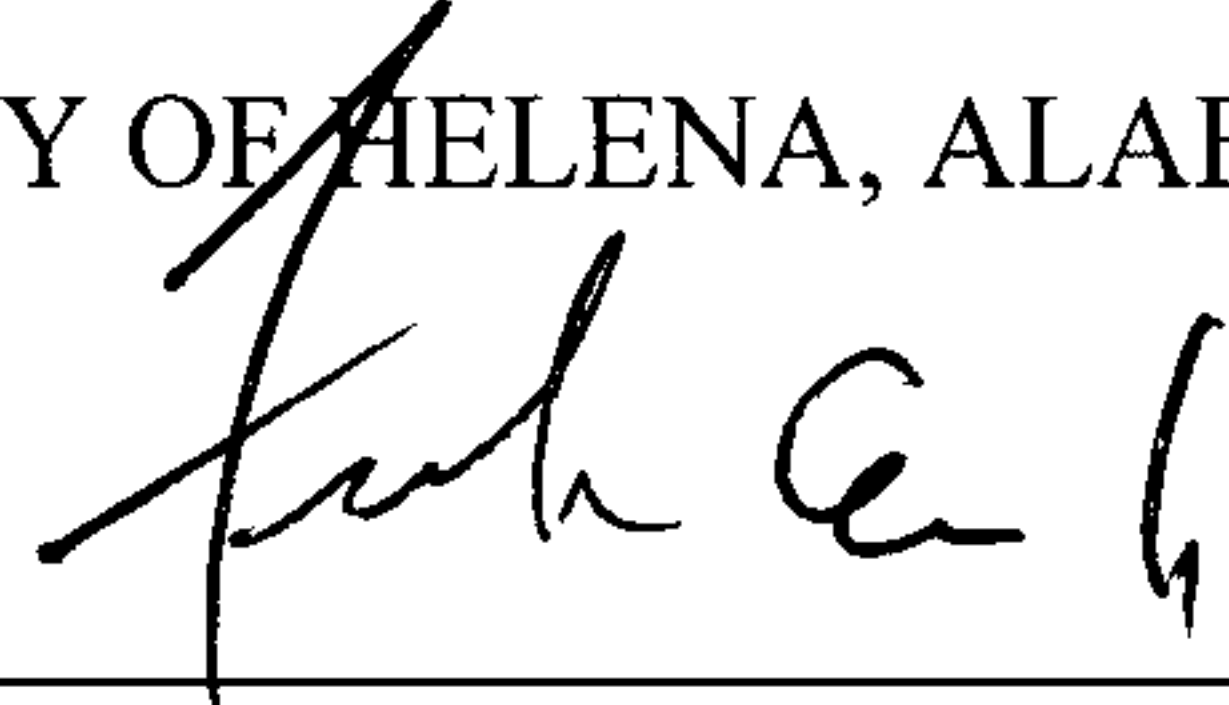
  
20100224000056020 1/7 \$29.00  
Shelby Cnty Judge of Probate, AL  
02/24/2010 04:16:27 PM FILED/CERT

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, and on file in the Office of the City Clerk of the City of Helena at City Hall, 816 Highway 52 East, Helena, Alabama 35080.

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

CITY OF HELENA, ALABAMA,

By

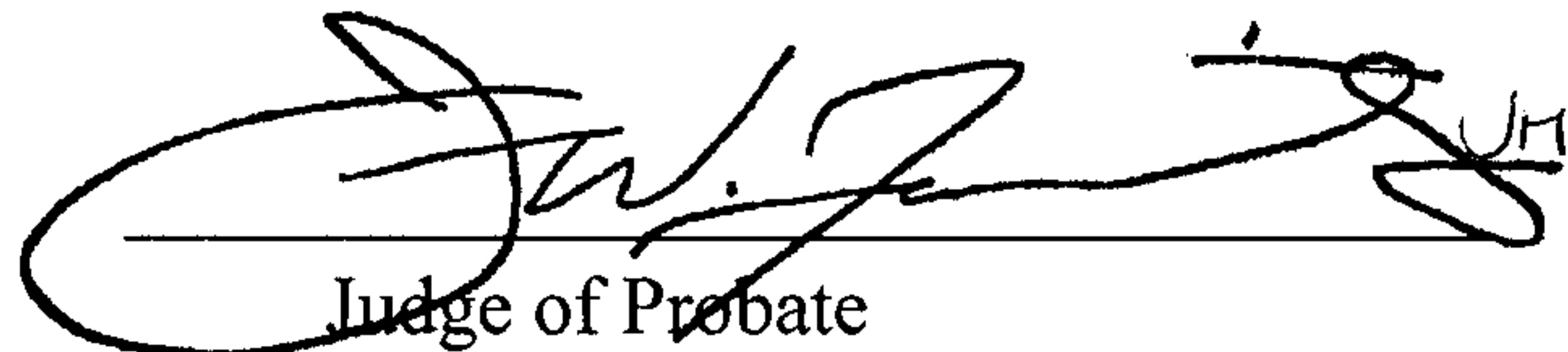


Attorney for said Plaintiff

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 24<sup>th</sup> day of February, 2010, at 4 o'clock 16 .m. and duly recorded as Instrument No. 20100224000056020, and examined.



Judge of Probate



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Shelby Cnty Judge of Probate, AL  
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Parcel 1

Lot 1A, Lot 1B and part of Lot 1, Block 13, Squire's Map of Helena, as recorded in the Office of the Judge of Probate, Shelby County, Alabama (MB 3, PG 121), and being more particularly described as follows:

Begin at the SW corner of the NW  $\frac{1}{4}$  of Section 15, Township 20 South, Range 3 West, Shelby County, Alabama; thence run Easterly 200.97' to a point on the Westerly right of way of Fourth Street; thence turn an interior angle to the right of 105°06'30" and run along said right of way 99.12'; thence turn an interior angle to the right of 188°57'18" and continue along said right of way 287.13' to a point on the Southerly right of way of Railroad Avenue, said point being on the Southerly bank of Buck Creek; thence run Southwesterly along Buck Creek 355.09' more or less to a point on the West line of Section 15; thence run South along said Section line 308.70' to the Point of Beginning. Said parcel containing 2.01 acres, more or less.

Parcel 2

A part of Block 12, Squire's Map of Helena, as recorded in the Office of the Judge of Probate, Shelby County, Alabama (MB 3, PG 121), and being more particularly described as follows:

Begin at the NW corner of Block 12, Squire's Map of Helena, as recorded in the Office of the Judge of Probate, Shelby County, Alabama (MB 3, PG 121), said point being on the Southerly right of way of Railroad Avenue; thence run Southeasterly along said right of way 99.99'; thence turn an interior angle to the left of 180°56'35" and continue along said right of way 50.02' to a point on the Westerly right of way of Third Street; thence turn an interior angle to the left of 103°35'43" and run along said right of way 170.28'; thence turn an interior angle to the left of 121°37'04" and run 170.52'; thence turn an interior angle to the left of 146°56'59" and run 6.67'; thence turn an interior angle to the right of 178°52'23" and run 12.44'; thence turn an interior angle to the left of 90°00'00" and run 30.00'; thence turn an interior angle to the right of 91°07'13" and run 108.00' to a point on the Easterly right of way of Fourth Street; thence turn an interior angle to the left of 65°45'05" and run along said right of way 292.49' to the Point of Beginning. Said parcel containing 1.18 acres, more or less.

Parcel 3

Lot 1, Lot 2, Lot 3 and the North half of Lot 4, Block 7, according to Squire's Map of Helena, as recorded in the Office of the Judge of Probate, Shelby County, Alabama (MB 3, PG 121). Said parcel containing 0.62 acres, more or less.

Parcel 4

Lot 1A, Block 7, according to Squire's Map of Helena, as recorded in the Office of the Judge of Probate, Shelby County, Alabama (MB 3, PG 121). Said parcel containing 924.26 square feet, more or less.

Parcel 5

A part of Lot 1, Block 6, Squire's Map of Helena, as recorded in the Office of the Judge of Probate, Shelby County, Alabama (MB 3, PG 121), and being more particularly described as follows:

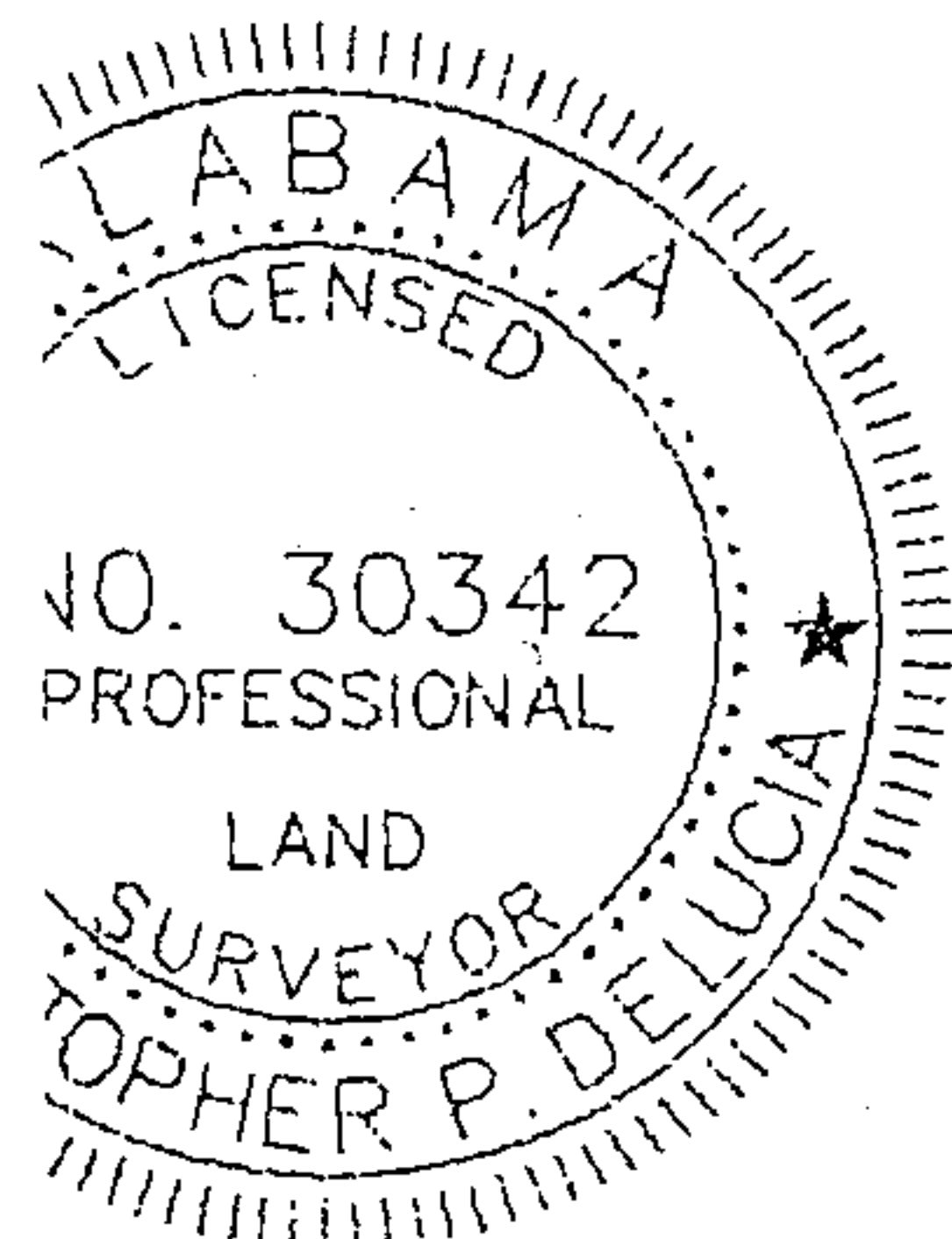
Begin at the NW corner of Lot 1, Block 6, Squire's Map of Helena, as recorded in the Office of the Judge of Probate, Shelby County, Alabama (MB 3, PG 121), said point being on the Southerly right of way of Railroad Avenue; thence run Southeasterly along said right of way 137.00'; thence turn an interior angle to the left of 90°00'00" and run 50.00'; thence turn an interior angle to the left of 90°00'00" and run 106.48' to a point on the Easterly right of way of Branch Alley; thence turn an interior angle to the left of 121°24'03" and run along said right of way 58.58' to the Point of Beginning.

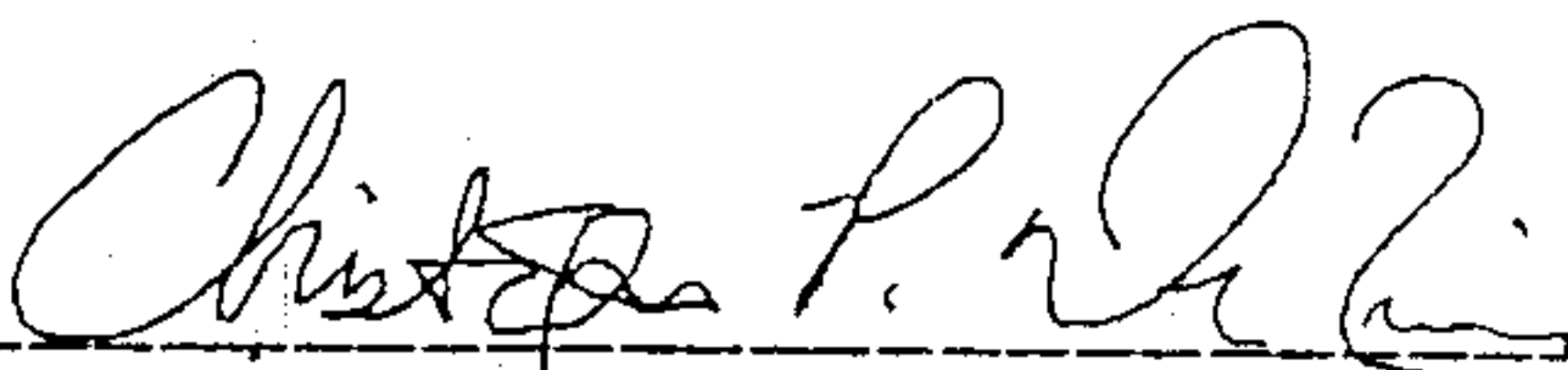
Said parcel containing 0.14 acres, more or less.

Parcel 6

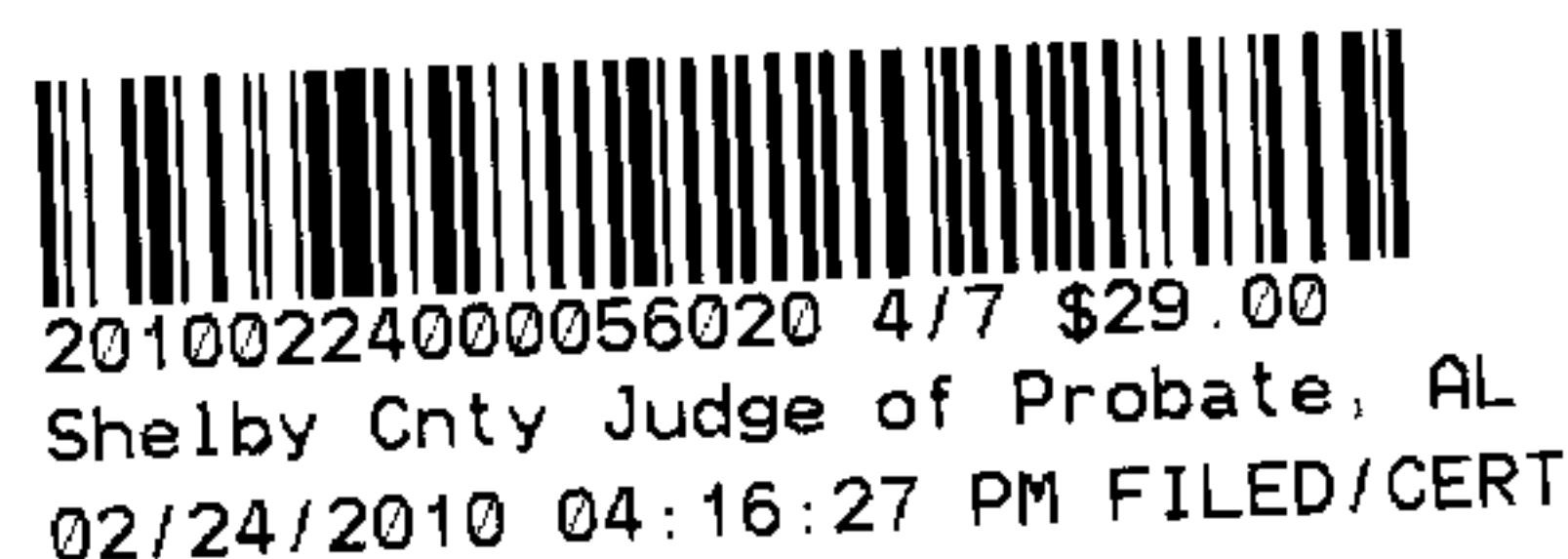
Lot 6, Block 18, according to Squire's Map of Helena, as recorded in the Office of the Judge of Probate, Shelby County, Alabama (MB 3, PG 121). Said parcel containing 1,419.23 square feet, more or less.

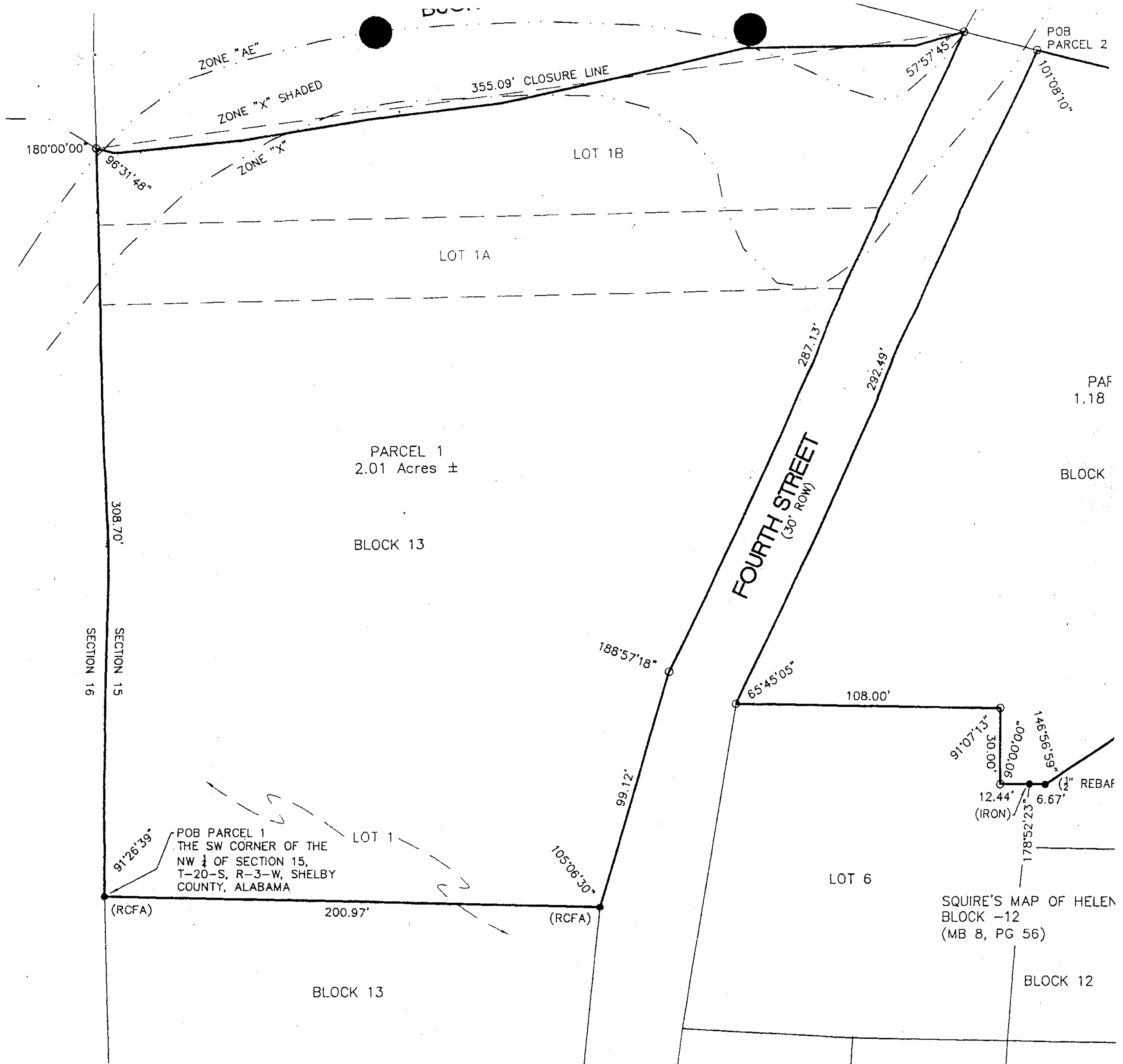
I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for surveying in the State of Alabama, to the best of my knowledge, information and belief.



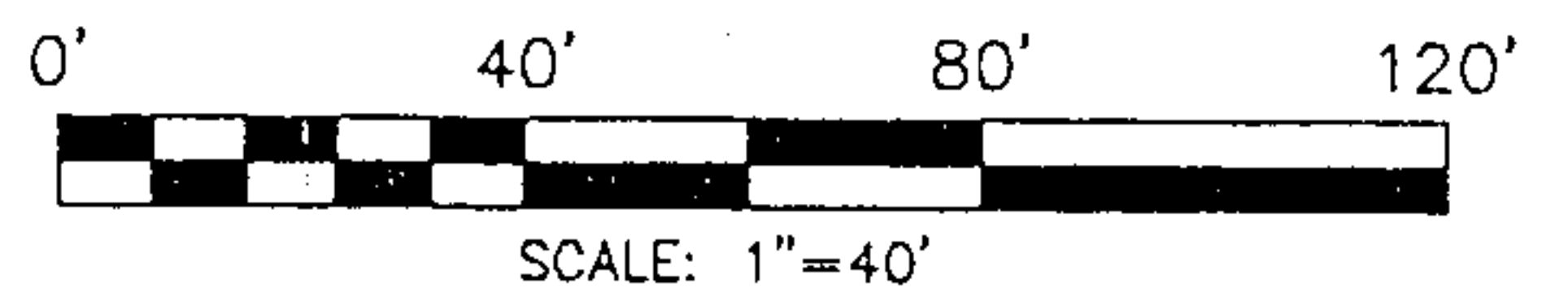
  
Christopher P. DeLucia, PLS  
AL Reg. No. 30342

Date 12-20-2009





LEGEND	
● - IRON PIN FOUND	CONCRETE.
○ - 1/2" REBAR SET WITH CAP STAMPED.	(M) - MEASURED
▲ - CALCULATED POINT	(R) - RECORDED
⊙ - UTILITY POLE.	- NOT TO SCALE.
ROW - RIGHT OF WAY.	AC. - ACRES.
-op- - OVERHEAD UTILITY LINE(S).	C/L - CENTERLINE
- - - FENCE	MB - MAP BOOK
-G- - GAS LINE	PG - PAGE
	POC - POINT OF COMMENCEMENT
	POB - POINT OF BEGINNING



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BUCK CREEK

66.99' CLOSURE LINE

58°38'04"

56°22'54"

63.00'

LOT 6  
BLOCK 18  
PARCEL 6

1,419.23 Sq. Ft. ±

50.27'

65°33'57"

11.24'

180°34'49"

SIDE TRAC  
(20')

ZONE "AE"

ZONE "X" SHADED

ZONE "X"

CSX TRANSPORTATION  
(100' ROW)

RAILROAD AVENUE  
(20' ROW)

POB  
PARCEL 2

99.99'

101°08'10"

50.02'

180°56'35"

103°35'43"

PARCEL 4  
924.26 Sq. Ft. ±  
LOT 1A  
BLOCK 7

37.00'

51.40'

16°24'17"

40°06'12"

21.9004'

63°29'31"

55.83'

106.41'

34.95'

121°2'

LOT 1

PARCEL 2  
1.18 Acres ±

BLOCK 12

THIRD STREET  
(30' ROW)

170.28'

121°37'04"

(1" REBAR)

170.52'

140.47'

LOT 2

PARCEL 3  
0.62 Acres ±

BLOCK 7

LOT 3

Exhibit "A"

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