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JUL 29 2010

James W. Fuhrmeister
Judge of Probate

NOTICE OF LIS PENDENS

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

SHELBY COUNTY, ALABAMA, a
political subdivision of the State of
Alabama,

Plaintiff,

v.

CASE NO. PR 2010- 000474

**HARRY D. LACEY, SR.,
DIANNE D. LACEY,
FIFTH THIRD MORTGAGE COMPANY,
CAPITAL ONE BANK,
STATE FARM MUTUAL AUTO INS., and
DONALD ARMSTRONG**, in his official capacity
as Property Tax Commissioner of Shelby County, Alabama,

Defendants.

TO THE HON. JAMES W. FUHRMEISTER, JUDGE OF PROBATE OF SHELBY COUNTY,
ALABAMA:

Comes now Shelby County, Alabama, a political subdivision of the State of Alabama, by its attorney, and files herewith notice to all persons concerned that on the 29th day of July, 2010, condemnation proceedings were commenced in the Probate Court of Shelby County, Alabama, whereby said Shelby County, Alabama, a political subdivision of the State of Alabama, seeks to obtain certain ownership to real property, easements, and public rights-of-way and other rights, 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): Harry D. Lacey, Sr., Dianne D. Lacey, Fifth Third Mortgage Company, Capital One Bank, State Farm Mutual Auto Ins., and Donald Armstrong, in his official capacity as Property Tax Commissioner of Shelby County, Alabama.

Project Number STPAA-7112(604)
Required Right-of-Way / Permanent Easement
Tract 4A - Parcel 2

Commence at the Southeast corner of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 9, Township 21 South, Range 3 West and run N 00 degrees 52 minutes 28 seconds E along the East line of said $\frac{1}{4}$ - $\frac{1}{4}$ a distance of 541.81 feet; thence run N 89 degrees 07 minutes 32 seconds W a distance of 369.89 feet to a point on the existing right-of-way centerline of Project Number SACP-460A, Centerline Station 460+87.78, said station is the Point of Beginning; thence run N 75 degrees 25 minutes 33 seconds W a distance of 40.00 feet to Station 460+87.78 being 40.00 feet left of said existing right-of-way centerline; thence run N 14 degrees 34 minutes 27 seconds E a distance of 171.53 feet to Station 462+60.08 being 40.00 feet left of said existing right-of-way centerline and also on a curve to the left having a radius of 676.16 feet, a delta angle of 00 degrees 29 minutes 42 seconds and a chord distance of 5.84 feet; thence with a chord bearing of N 14 degrees 23 minutes 27 seconds E and run along the arc of said curve a distance of 5.84 feet to Station 462+65.46 being 40.00 feet left of said existing right-of-way centerline; thence run S 75 degrees 51 minutes 24 seconds E a distance of 40.00 feet to a point on the existing right-of-way centerline at Station 462+65.46 said point also being on a curve to the right having a radius of 716.16 feet, a delta angle of 00 degrees 29 minutes 42 seconds and a chord distance of 6.19 feet; thence with a chord bearing of S 14 degrees 23 minutes 27 seconds W and run along the arc of said curve and said existing right-of-way centerline a distance of 6.19 feet to Station 462+59.27; thence run S 14 degrees 34 minutes 27 seconds W along said right-of-way centerline a distance of 171.49 feet to the Point of Beginning. Containing 7,107 square feet or 0.163 acre +/-.

Less and Except all rights-of-way currently held by prescription or deed adjacent to this parcel of land.

Project Number STPAA-7112(604)
Required Right-of-Way / Permanent Easement
Tract 4B - Parcel 2

Commence at the Southeast corner of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 9, Township 21 South, Range 3 West and run N 00 degrees 52 minutes 28 seconds E along the East line of said $\frac{1}{4}$ - $\frac{1}{4}$ a distance of 714.43 feet; thence run N 89 degrees 07 minutes 32 seconds W a distance of 327.83 feet to a point on the existing right-of-way centerline of Project Number SACP-460A, Centerline Station 462+65.46, said station is the Point of Beginning; thence run N 75 degrees 51 minutes 24 seconds W a distance of 40.00 feet to Station 462+65.46 being 40.00 feet left of said existing right-of-way centerline, said station being on a curve to the left having a radius of 676.16 feet, a delta angle of 01 degrees 57 minutes 50 seconds and a chord distance of 23.17 feet; thence with a chord bearing of N 13 degrees 09 minutes 42 seconds E

and run along the arc of said curve a distance of 23.18 feet to Station 462+90.00 being 40.00 feet left of said existing right-of-way centerline; thence run N 77 degrees 49 minutes 13 seconds W a distance of 20.00 feet to Station 462+90.00 being 60.00 feet left of said existing right-of-way centerline, said station being on a curve to the left having a radius of 656.16 feet, a delta angle of 08 degrees 48 minutes 00 seconds and a chord distance of 100.68 feet; thence with a chord bearing of N 07 degrees 46 minutes 46 seconds E and run along the arc of said curve a distance of 100.78 feet to Station 464+00.00 being 60.00 feet left of said existing right-of-way centerline; thence run S 86 degrees 37 minutes 14 seconds E a distance of 20.00 feet to Station 464+00.00 being 40.00 feet left of said existing right-of-way centerline, said station being on a curve to the left having a radius of 676.16 feet, a delta angle of 01 degrees 09 minutes 53 seconds and a chord distance of 13.75 feet; thence with a chord bearing of N 02 degrees 47 minutes 49 seconds E and run along the arc of said curve a distance of 13.75 feet to Station 464+15.07 being 40.00 feet left of said existing right-of-way centerline; thence run N 02 degrees 10 minutes 26 seconds E a distance of 464.55 feet to Station 468+79.14 being 40.00 feet left of said existing right-of-way centerline; thence run S 87 degrees 49 minutes 33 seconds E a distance of 40.00 feet to said existing right-of-way centerline at Station 468+79.14; thence run S 02 degrees 10 minutes 27 seconds W along said existing right-of-way centerline a distance of 464.58 feet to Station 464+14.56, said station being on a curve to the right having a radius of 716.16 feet, a delta angle of 11 degrees 55 minutes 44 seconds and a chord distance of 148.83 feet; thence with a chord bearing of S 08 degrees 10 minutes 45 seconds W and run along the arc of said curve and said existing right-of-way centerline a distance of 149.10 feet to the Point of Beginning. Containing 24,380 square feet or 0.560 acre +/-.

Less and Except all rights-of-way currently held by prescription or deed adjacent to this parcel of land.

Project No. STPAA-7112(604)
Temporary Construction Easement
Tract 4A - Parcel 1

Commence at the Southeast corner of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 9, Township 21 South, Range 3 West and run N 00 degrees 52 minutes 28 seconds E along the East line of said $\frac{1}{4}$ - $\frac{1}{4}$ a distance of 580.84 feet; thence run N 89 degrees 07 minutes 32 seconds W a distance of 364.67 feet to a point on the Construction Centerline of Project No. STPAA-7112(604), Centerline Station 461+25; thence run N 74 degrees 39 minutes 09 seconds W a distance of 35.83 feet to Station 461+25 being 35.83 feet left of said Construction Centerline, said station is the Point of Beginning; thence run N 14 degrees 21 minutes 32 seconds E a distance of 132.65 feet to Station 462+59.18 being 37.04 feet left of said Construction Centerline; said station being on a curve to the left having a radius of 676.16 feet, a delta angle of 0 degrees 24 minutes 59 seconds and a chord distance of 5.08 feet; thence with a chord

bearing of N 14 degrees 21 minutes 06 seconds E and run along the arc of said curve a distance of 5.08 feet to Station 462+64.54 being 36.89 feet left of said Construction Centerline; thence run N 78 degrees 32 minutes 47 seconds W a distance of 53.17 feet to Station 462+63.38 being 90.05 feet left of said Construction Centerline; thence run N 55 degrees 36 minutes 22 seconds W a distance of 70.58 feet to Station 462+96.61 being 155.00 feet left of said Construction Centerline; thence run S 12 degrees 14 minutes 25 seconds W a distance of 44.47 feet to Station 462+40 being 155.00 feet left of said Construction Centerline; thence run S 54 degrees 41 minutes 16 seconds E a distance of 37.30 feet to Station 462+25.00 being 120.00 feet left of said Construction Centerline; thence run S 33 degrees 31 minutes 52 seconds E a distance of 83.63 feet to Station 461+70.00 being 57.00 feet left of said Construction Centerline; thence run S 01 degrees 24 minutes 09 seconds W a distance of 46.37 feet to Station 461+25.00 being 45.83 feet left of said Construction Centerline; thence run S 74 degrees 39 minutes 09 seconds E a distance of 10.00 feet to Station 461+25.00 being 35.83 feet left of said Construction Centerline, said station is the Point of Beginning. Containing 8,183 Sq. Ft. or 0.19 Ac. +/-

Project No. STPAA-7112(604)
Temporary Construction Easement
Tract 4B - Parcel 1

Commence at the Southeast corner of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 9, Township 21 South, Range 3 West and run N 00 degrees 52 minutes 28 seconds E along the East line of said $\frac{1}{4}$ - $\frac{1}{4}$ a distance of 716.15 feet; thence run N 89 degrees 07 minutes 32 seconds W a distance of 330.63 feet to a point on the Construction Centerline of Project No. STPAA-7112(604), Centerline Station 462+64.54; thence run N 77 degrees 27 minutes 07 seconds W a distance of 36.89 feet to Station 462+64.54 being 36.89 feet left of said Construction Centerline, said station is the Point of Beginning; said station being on a curve to the left having a radius of 297.58 feet, a delta angle of 04 degrees 27 minutes 43 seconds and a chord distance of 23.17 feet; thence with a chord bearing of N 12 degrees 35 minutes 22 seconds E and run along the arc of said curve a distance of 23.17 feet to Station 462+88.95 being 36.25 feet left of said Construction Centerline; thence run N 77 degrees 49 minutes 13 seconds W a distance of 20.00 feet to Station 462+89.55 being 56.24 feet left of said Construction Centerline, said station being on a curve to the left having a radius of 585.57 feet, a delta angle of 09 degrees 50 minutes 50 seconds and a chord distance of 100.52 feet; thence with a chord bearing of N 07 degrees 47 minutes 13 seconds E and run along the arc of said curve a distance of 100.64 feet to Station 463+96.76 being 53.77 feet left of said Construction Centerline; thence run S 86 degrees 36 minutes 21 seconds E a distance of 20.00 feet to Station 463+96.85 being 33.77 feet left of said Construction Centerline, said station being on a curve to the left having a radius of 187.98 feet, a delta angle of 04 degrees 22 minutes 45 seconds and a chord distance of 14.40 feet; thence with a chord bearing of N 03 degrees 41 minutes 48 seconds E and run along the arc of said curve a distance of 14.37 feet to Station

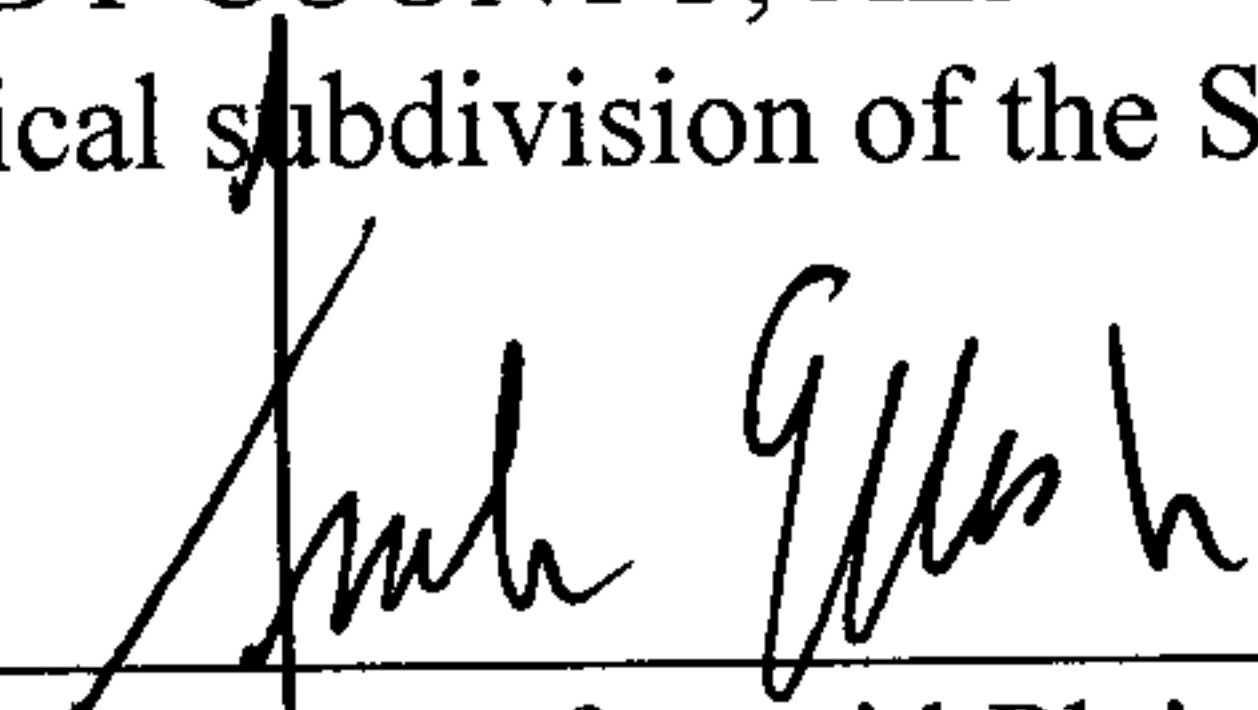
464+11.22 being 33.76 feet left of said Construction Centerline; thence run N 02 degrees 10 minutes 27 seconds E a distance of 198.81 feet to Station 466+10.00 being 39.13 feet left of said Construction Centerline; thence run N 86 degrees 20 minutes 49 seconds W a distance of 80.87 feet to Station 466+10.00 being 120.00 feet left of said Construction Centerline; thence run S 48 degrees 39 minutes 46 seconds W a distance of 42.43 feet to Station 465+80.00 being 150.00 feet left of said Construction Centerline; thence run S 44 degrees 43 minutes 04 seconds E a distance of 60.21 feet to Station 465+40.00 being 105.00 feet left of said Construction Centerline; thence run S 04 degrees 33 minutes 59 seconds W a distance of 228.78 feet to Station 463+00.00 being 105.00 feet left of said Construction Centerline; thence run N 80 degrees 17 minutes 21 seconds W a distance of 49.77 feet to Station 463+00.00 being 155.00 feet left of said Construction Centerline; thence run S 10 degrees 32 minutes 04 seconds W a distance of 2.66 feet to Station 462+96.59 being 155.00 feet left of said Construction Centerline; thence run S 55 degrees 42 minutes 44 seconds E a distance of 70.56 feet to Station 462+63.38 being 90.05 feet left of said Construction Centerline; thence run S 78 degrees 32 minutes 47 seconds E a distance of 53.17 feet to the Point of Beginning. Containing 19,700 Sq. Ft. or 0.45 Ac. +/-.

Description of above property is taken from right of way map of said project on file in the office of the County Engineer of Shelby County, Alabama, located at 506 Highway 70, Columbiana, Alabama 35051, and 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.

SHELBY COUNTY, ALABAMA,
a political subdivision of the State of Alabama

By


Attorney for said Plaintiff




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Shelby Cnty Judge of Probate, AL
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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 _____ day of _____, 2010, at _____ o'clock _____ .m. and duly recorded as Instrument No. _____, and examined.

Judge of Probate


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Shelby Cnty Judge of Probate, AL
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