

On this the 27th day of September, 1976, Motion to dismiss is denied. Defendant allowed 30 days to file answer.

s/ James H. Sharbutt, Circuit Judge

On this the 1st day of November, 1976, Continued for settlement.

s/ K. Ingram, J.

On this the 13th day of December, 1976, Settled between the parties, dismissed with prejudice and costs have been paid.

s/ James H. Sharbutt, Circuit Judge

STATE OF ALABAMA

Plaintiff

vs.

CLAUDELLE COATES

Defendant

CONDEMNATION

CASE NO. L-655-

On this the 12th day of December, 1975, Dismissed as to defendant, James M. Coates, who is deceased.

s/ James H. Sharbutt, Judge

On this the 5th day of April, 1976, Motion for Order Compelling Plaintiff to answer Interrogatories is granted in that plaintiff shall answer said interrogatories within 21 days.

s/ K. Ingram

On this the 5th day of April, 1976, Motion for Order Compelling Defendant to answer Interrogatories is granted in that defendant shall answer interrogatories within 21 days.

s/ K. Ingram

On this the 7th day of June, 1976, Case set for pre-trial conference at 1:30 P.M. on June 23, 1976.

s/ James H. Sharbutt, Circuit Judge

On this the 14th day of June, 1976, Pre-trial conference re-set to June 21, 1976 at 11:00 a.m.

s/ James H. Sharbutt, Circuit Judge

Certified a true and complete copy

Dan Reenes, Jr.

Register of Circuit Court

Inst # 1993-04648
02/17/1998-04648
03:31 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
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On this the 23rd day of June, 1976, Pre-trial Order to be filed within 10 days. Continued to next court term.

s/ James H. Sharbutt, Circuit Judge

On this the 1st day of November, 1976, Plaintiff will provide Pre-trial Order in this case.

s/ James H. Sharbutt, Circuit Judge

On this the 2nd day of November, 1976, Set for trial November 29, 1976 at 9:00 a.m.

s/ James H. Sharbutt, Circuit Judge

On this the 10th day of November, 1976, Order on Pre-trial hearing this day filed.

s/ K. Ingram, J.

On this the 3rd day of December, 1976, Jury and verdict "We, the Jury, hereby assess and fix the damages and compensation to the Defendant and owner of the property, described in the application for condemnation, filed in the office of the Judge of Probate of Shelby County, Alabama, on June 18, 1976, at \$80,000.00 Dollars."

s/ J. M. Rochester, Foreman

s/ James H. Sharbutt, Judge

ORDER AND DECREE OF CONDEMNATION

This cause came on for trial on the 29th day of November, 1976, on appeal from the order of condemnation made and entered in the Probate Court of this County on the 31st day of October, 1975. The parties to this proceeding came into open Court in their own persons and by their attorneys of record, entered an unqualified appearances, and all parties announced ready for trial. The Court is of the opinion and finds that it has jurisdiction of the cause and the parties.

THEREUPON, The Court proceeded to hear the allegations of the application or petition for order of condemnation, and, upon consideration of said application and the testimony introduced in support thereof, it is the opinion and judgment of the Court that the allegations of said petition are true, and that it is necessary that the property hereinafter described be condemned for the uses and purposes stated in said petition, and that the application for the petitioner for order of condemnation should be granted. It is, therefore, CONSIDERED, ORDERED, ADJUDGED AND DECREED, By the Court, and it is the judgment of the Court, that the application or petition for the condemnation of an easement or right of way in over, on and upon the hereinafter described lands, together with the right to remove all improvements, trees, undergrowth and other obstructions situated on said lands, the right to prevent any persons from placing or maintaining any obstruction on said lands, and also the right to enter upon said lands for the purpose of constructing, maintaining and repairing the public improvements constructed or installed thereon or thereover; together with all existing, future and potential easements of access between the right of way of the public way described in said petition and all the real property of the Defendant remaining after the appropriation of said easements and right of way described in the petition, be, and the same is, granted and allowed.

THEREUPON, a jury having been legally demanded in said cause, the Court proceeds to have assessed by a jury the damages and compensation to which the Defendant owner is entitled for the condemnation of the parcel of property set out and described in said petition or application for condemnation and as hereinafter described.

THEREUPON, on the 3rd day of December, 1976, a jury of good and lawful men, to-wit, J. M. Rochester, Foreman, and eleven others, who, being impaneled and sworn according to law, upon their oaths do say:

"We, the Jury, hereby assess and fix the damages and compensation to the Defendant and owner of the property, described in the application for condemnation, filed in the Office of the Judge of Probate of Shelby County, Alabama, on June 18, 1973, at \$80,000.00 Dollars.

J. M. Rochester, Foreman"

And now comes the petitioner by its attorney and shown unto the Court that it has heretofore deposited with the Judge of Probate Court of Shelby County, Alabama, the sum of Fifty Two Thousand Nine Hundred and Sixty and No/100 (\$52,960.00) Dollars, as damages and compensation for the condemnation of the lands and interest in lands hereinafter described, which said sum has been transferred and delivered by the Judge of the Probate Court of Shelby County, Alabama, to the Clerk of this Court, who has heretofore paid said sum of the Defendant, Claudelle Coates, pursuant to an order of this Court entered in this cause on December 9, 1975.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Court that the Petitioner pay the additional sum of Twenty Seven Thousand Forty and No/100 (\$27,040.00) Dollars, being the difference between said sum of Eighty Thousand and No/100 Dollars (\$80,000.00) Dollars and said sum of Fifty Two Thousand Nine Hundred Sixty and No/100 (\$52,960.00) Dollars, and, in accordance with the stipulation of the parties made in open Court, the sum of One Thousand Seven Hundred Seventy-three and 53/100 (\$1,773.53) Dollars, which sum is for accrued interest owing to the Defendant, or a total sum of Twenty Eight Thousand Eight Hundred Thirteen and 53/100 (\$28,813.53) Dollars, as damages and compensation to the Defendant for the land taken and condemned in this cause, and, further, that the costs of this proceeding be, and the same are hereby, taxed against the Petitioner. It is further ORDERED AND ADJUDGED by the Court that the Defendant is entitled to have and receive of the Clerk said sum of Twenty-Eight Thousand Eight Hundred Thirteen and 53/100 Dollars as damages and compensation in this cause, upon payment into Court thereof by the Petitioner.

Upon payment of the award and costs in this proceeding by the Petitioner in this cause, the hereinafter described lands and interest in lands are hereby condemned and awarded to the Petitioner.

IT IS FURTHER ORDERED AND ADJUDGED by the Court that the Petitioner, State of Alabama, be and hereby is given and awarded the hereinafter described lands, together with the right to remove all improvements, trees, undergrowth and other obstructions situated on said lands and the right to prevent any persons from placing or maintaining any obstructions on or upon said lands and also the right to enter upon said lands for the purpose of constructing, maintaining and repairing the public road or highway for which said land is sought in the petition or application; together with all existing, future and potential easements of access between the said property hereinafter described and all of the real property of the defendant remaining after appropriation of said property to the extent that said easements of access are shown to be condemned on the current right of way map of the State of Alabama.

IT IS FURTHER ORDERED AND DECREED that title to the property hereinafter described be and the same hereby is divested out of the Defendants and hereby is vested in the Petitioner, State of Alabama, said property being particularly described as follows:

A tract of land designated as Tract No. 13, REV., together with a temporary easement being attached hereto as Exhibit "A" and by reference hereto being made a part hereof.

DONE AND ORDERED this 13 day of December, 1976.

s/ James H. Sharbutt
Circuit Judge

"EXHIBIT A"

SHELBY TRACT NO. 13, REV.

Shelby

And as shown on the right-of-way map of Project No. I-65-2(37) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

Commencing at the northeast corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 18, T-20-S, R-2-W; thence westerly along the north line of said SW $\frac{1}{4}$ of NW $\frac{1}{4}$, a distance of 846 feet, more or less, to a point that is 125 feet southeasterly of and at right angles to the centerline of the right lane of Project No. I-65-2(37) and the point of beginning of the property herein to be conveyed; thence S 22° 17' 30" W, parallel to the centerline of said right lane, a distance of 1050 feet, more or less, to the southeast property line; thence southwesterly along said southeast property line, a distance of 95 feet, more or less, to the east line of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 13, T-20-S, R-3-W, the east property line; thence southerly along said east property line, a distance of 73 feet, more or less, to the present northwest right-of-way line of Shelby County Road No. 35; thence southwesterly along said present northwest right-of-way line, a distance of 292 feet, more or less, to the south line of said SE $\frac{1}{4}$ of NE $\frac{1}{4}$, the south property line; thence westerly along said south property line (crossing the centerline of said right of way lane at Station 102+73 and the centerline of the left lane of said project at approximate Station 102+62) a distance of 460 feet, more or less, to a point that is 125 feet northwesterly of and at right angles to the centerline of said left lane; thence N 23° 08' 30" E, parallel to the centerline of said left lane, a distance of 840 feet more or less to a point that is 125 feet northwesterly of and at right angles to the centerline of said left lane at Station 110+50; thence northeasterly along a straight line a distance of 102 feet more or less, to a point that is 135 feet northwesterly of and at right angles to the centerline of said left lane at Station 111+50; thence N 23° 08' 30" E, parallel to the centerline of said left lane a distance of 250 feet; thence northeasterly along a straight line a distance of 102 feet more or less, to a point that is 125 feet northwesterly of and at right angles to the centerline of said left lane at Station 115+00; thence N 23° 08' 30" E, parallel to the centerline of said left lane a distance of 152 feet, more or less, to the north line of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, said Section 13; thence easterly along the north line of said SE $\frac{1}{4}$ of NE $\frac{1}{4}$, and the north line of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 18, T-20-S, R-2-W, the north property line (crossing the centerline of said left lane at approximate Station 117+11 and the centerline of the right lane of said project at Station 117+15) a distance of 502 feet, more or less, to the point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 13, T-20-S, R-3-W and the SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 18, T-20-S, R-2-W and containing 15.40 acres, more or less.

As a part of the consideration hereinabove stated there is also bargained, sold, conveyed and relinquished to the grantee all existing, future or potential common law or statutory rights of access between the right of way of the public way identified at Project No. I-65-2(37), County of Shelby, and all of the grantor's remaining property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the property conveyed by this instrument or are connected thereto by other parcels owned by the grantor.

Also a temporary easement to a strip of land necessary for the drainage and filling of ponds, and being more fully described as follows: Beginning at a point that is 125 feet northwesterly of and at right angles to the centerline of the left lane of Project No. I-65-2(37) at Station 115+50; thence S 23° 08' 30" W, parallel to the centerline of said left lane a distance of 50 feet; thence southwesterly along a straight line a distance of 102 feet more or less, to a point that is 135 feet northwesterly of and at right angles to the centerline of said left lane at Station 114+00; thence S 23° 08' 30" W, parallel to the centerline of said left lane a distance of 250 feet; thence southwesterly along a straight line a distance of 102 feet more or less, to a point that is 125 feet northwesterly of and at right angles to the centerline of said left lane at Station 110+50; thence S 23° 08' 30" W, parallel to the centerline of said left lane a distance of 300 feet; thence turn an angle of 90 degrees to the right and run a distance of 100 feet; thence N 23° 08' 30" E, parallel to the centerline of said left lane a distance of 800 feet, thence turn an angle of 90 degrees to the right and run a distance of 100 feet to the point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 13, T-20-S, R-3-W and containing 1.76 acres, more or less.

It is expressly understood that all rights, title and interest to the above described area shall revert to the Defendant upon completion of said project.

Inst # 1993-04648

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