

State of Alabama,  
Petitioner

vs.

Z. S. Cowart, Jr.  
Sara Cowart  
C. O. Chambliss,  
Owners

Condemnation

Appealed from Probate Court

No. 396

Inst # 1993-10145

04/13/1993-10145

03:24 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE  
002 MCS

On this the 19th day of March, 1959, it is ordered, adjudged, and decreed by the Court that the motion of the State remanding transcript or file in case as sent up by Probate Court, back to said Probate Court for revision and completion, sending up proceedings in said matter in the Probate Court to this Court as provided by law, be and the same is hereby granted, and case continued.

On this the 2nd day of November, 1959, the following order and decree of condemnation was rendered by the court, to-wit:

STATE OF ALABAMA,

(Petitioner),

-vs-

Z. S. COWART, JR., et als

IN THE CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA  
ON APPEAL FROM THE PROBATE  
COURT OF SHELBY COUNTY,

NO. 396

#### ORDER AND DECREE OF CONDEMNATION

On this, the 2nd day of November, 1959, being the day set for the trial of this cause, and said cause being regularly reached on the docket for trial, came into open court the petitioner, State of Alabama, by its attorney of record, and also came the respondent Z. S. Cowart, Jr., and the other respondents being now called came not either in their own person or by attorney, but each wholly make default.

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 said application of 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 of the State of Alabama 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, and the right to prevent any persons from placing or maintaining any obstruction on said land, 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 respondents remaining after the appropriation of said easement and right-of-way described in the petition, be and the same hereby is granted and allowed.

THEREUPON, on the 2nd day of November, 1959, a jury of good and lawful men, to-wit, J. W. Watson, Foreman, and eleven others, who being duly impaneled and sworn according to law, upon their oaths do say:

"We, the jury assess and fix the damages and compensation to the owners of the property described in Paragraph 3, Parcel 29, of the application for condemnation filed in the Office of the Judge of Probate of Shelby County, Alabama on the 5th day of November, 1958, at \$1,292.00.

S/ J. W. Watson  
Foreman"

Certified a true and complete copy  
Dan Reeves, Jr.  
Register of Circuit Court

And now comes the petitioner, by its attorney, and shows unto the Court that it has heretofore deposited with the Judge of the Probate Court of Shelby County, Alabama, the sum of One Thousand Two Hundred Ninety-Two Dollars, (\$1,292.00), as damages and compensation for the condemnation of the lands and interest in lands hereinafter described, which said sum the Judge of the Probate Court of Shelby County, Alabama, has heretofore delivered and paid over to the Clerk of the Circuit Court of Shelby County, Alabama.

It is hereby ORDERED, ADJUDGED and DECREED by the Court that the Clerk of this Court hereby is authorized and directed to pay to said respondents the sum of One Thousand Two Hundred Ninety-Two Dollars (\$1,292.00), and that the costs of court are hereby taxed against the petitioner.

It is further ORDERED, ADJUDGED, and DECREED by the Court that the petitioner, the State of Alabama, be, and it hereby is, given and awarded a right-of-way and easement 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, 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, street, avenue or highway for which said land is sought to be and hereby is condemned, and for the uses and purposes sought in the petition or application; together with all existing, future and potential easements of access between the said right-of-way of the public way hereinafter described and all of the real property of the respondents remaining after appropriation of said easement and right-of-way herein described.

It is further ORDERED, ADJUDGED AND DECREED that title to the property hereinafter described, for the purposes sought by Petitioner in its said application for condemnation, as amended, heretofore filed in this cause, hereby is divested out of the respondents and hereby is vested in the petitioner,

the State of Alabama, together with all easements or rights of access between the right-of-way hereinafter described and the abutting property on each side of said right-of-way. Said property is particularly described as follows:

A tract of land designated as Tract Number 20, as shown on the Alabama State Highway Department Right-of-way Map, Project No. I-202-2(7), August, 1957, as recorded in the Office of the Judge of Probate of Shelby County, Alabama, being more particularly described as follows:

Beginning at Station 176/35 where the center line of Project No. I-202-2(7) intersects the south line of SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 15, T 22 S, R 2 W, the south property line; thence N 10 deg. 07 min W, a distance of 1354 feet to the point of ending at Station 189/89 where said center line intersects the north line of said SW $\frac{1}{4}$  of NW $\frac{1}{4}$ , the north property line.

Said strip of land being 185 feet wide on the southwest side of the center line of said project and 150 feet wide on the northeast side of said center line from Station 176/35 to Station 189/00, 150 feet wide increasing uniformly to 160 feet wide on the northeast side of said center line from Station 189/00 to Station 189/89; lying in the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of section 15, T 22 S, R 2 W, and containing 10.38 acres, more or less.

Also, all existing future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. I-202-2(7) County of Shelby, and all of the respondents' remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property described above or are connected thereto by other parcels owned by said above respondents.

Done and Ordered this 2nd day of November, 1959.

A. L. Hardegree  
Circuit Judge.

NO. 396  
DECREE OF CONDEMNATION  
Filed in office this 2nd day of November, 1959.  
L.G. Fulton, Clerk.

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