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SHELBY COUNTY, ALABAMA, a Political  
Subdivision of the State of Alabama,

PLAINTIFF

VS.

ARTHUR CLINE, J. C. CLINE, MARGARET  
BAKER, JOHN BULLOCK, and GARY CLINE,

DEFENDANTS

IN THE CIRCUIT COURT OF

SHELBY COUNTY, ALABAMA



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Shelby Cnty Judge of Probate, AL  
05/14/1979 12:00:00 AM FILED/CERT

CIVIL ACTION NO. CV-78-210

FINAL JUDGMENT

This cause coming on to be heard was submitted to the Court for Final Judgment upon the Complaint, as Amended, upon the Answers of the Defendants, and the other pleadings filed in this cause, and upon the testimony taken ore tenus in open Court, and upon the several Exhibits received into evidence in connection with such testimony, and the Court, having considered and understood the same, is of the opinion that the Plaintiff is entitled to the relief prayed for in said Complaint, as Amended.

The Court finds from the evidence in this cause as follows:

1. That the Plaintiff, Shelby County, Alabama, through its governing body, has general superintendence of the public roads which are situated in Shelby County, Alabama, and is charged by law with the responsibility of rendering travel over such public roads as safe and convenient as practicable.

2. That the Defendants, or some of them, are in possession of or otherwise control certain real estate situated in Shelby County, Alabama, located in Section 24, Township 18 South, Range 1 East, said real estate being crossed by an old established road which is more particularly described as follows, viz.:

Beginning at a point on the south right of way line of County Highway 45.(northwest of Sterrett, Alabama) and commencing at said point being approximately 1700 feet, more or less, northwest of the point of intersection of County Highway 45 with County Highway 462; thence proceeding southwesterly and southeasterly along an unpaved road for a distance of approximately 1800 feet, more or less, to the point of ending with the intersection of the south boundary of the northwest quarter of the southwest quarter, Section 24, Township 18 South, Range 1 East,

and that said road has an approximate uniform width of eighteen (18) feet, as alleged in the Amended Complaint.

3. That said road more particularly described above in Paragraph No. 2 has existed in its present location and has been used by the general public

for more than twenty consecutive and continuous uninterrupted years next preceding the filing of the Complaint in this cause and has over such period of more than twenty years served several households and residences and several separate parcels of property continuously and without interruption during all of said more than twenty year period; that the general public has acquired/<sup>an</sup> easement and right to use and enjoy said road by prescription, and that said road had acquired such status of being a public road by prescription prior to the time when the Plaintiff made certain maintenance improvements thereon, to-wit, in March or April, 1975, such maintenance improvements including approximately two days backhoe work, installing a drainage pipe, approximately one and a half days road patrol work in shaping the road, and hauling approximately thirty loads of chert to fill in low places and otherwise improve said road.

4. That prior to the time when said/<sup>aforesaid</sup> maintenance improvements were accomplished on said road during, to-wit, March or April, 1975, the Defendants, or some of them, had specifically requested the Plaintiff to improve and maintain said road, but that, subsequently, said Defendants, or some of them, have denied the general public the use said road, contending that said road is in fact a private road, and have placed over and across said road certain gates and other obstructions, thereby blocking the free and uninterrupted use of said road by the public, and causing an unlawful interference with the right of the public to use said road and to have the free and uninterrupted use thereof.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED, AND DECREED by the Court as follows:

A. That the road which is more particularly described above in Paragraph No. 2 is a public road, to a full uniform width of eighteen (18) feet--including the traveled roadway, shoulders, embankment cuts, and drainage ditches on the sides of such traveled roadway-- and that the Plaintiff and members of the general public have the right to the free and uninterrupted use of such road, and the right to maintain said road as a public road, without let or hinderence on the part of the Defendants.

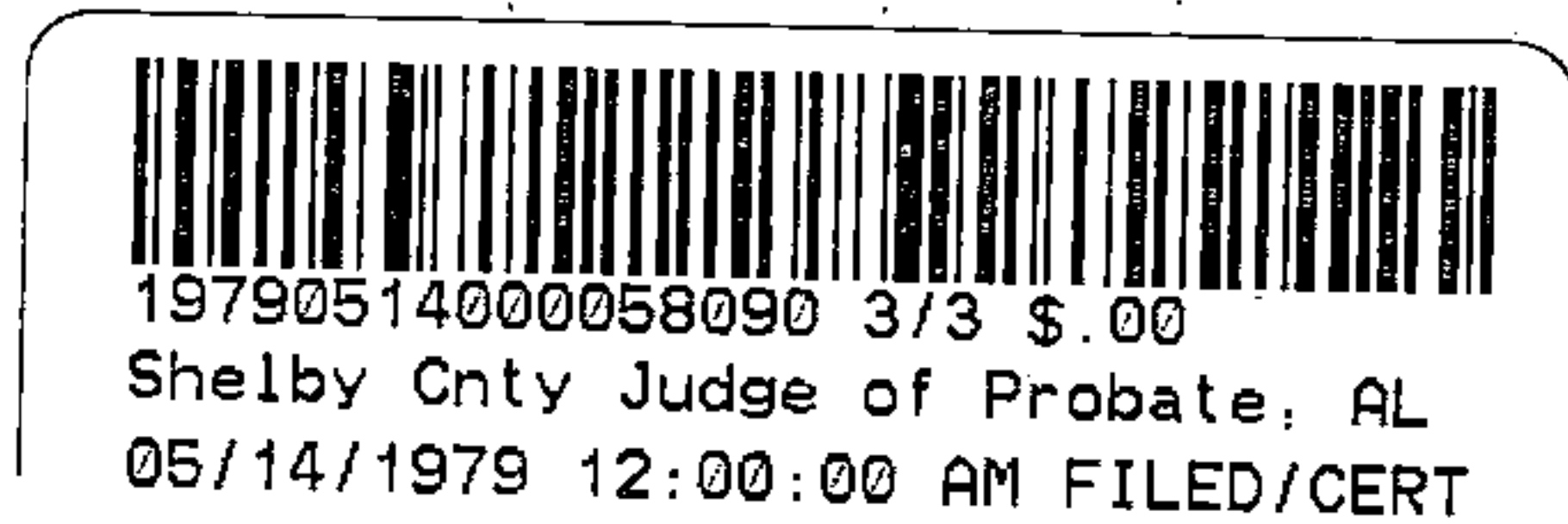
B. That the Defendants are hereby perpetually restrained and enjoined from closing, blocking, or otherwise obstructing the said road more particularly described above in Paragraph No. 2, in any manner whatsoever hereafter, and from interfering in any wise with the use, maintenance, or enjoyment of said road by the Plaintiff or any other person, and that said Defendants, Arthur Cline, J. C. Clind, and Gary Cline, are hereby ordered and directed to remove all gates or other obstructions from said road within seven days from this date, and in the event such gates and obstructions are not removed within said seven day period, the Plaintiff shall have the right, duty, and responsibility to remove all of such obstructions so that said road may be used freely by the general public.

C. That a copy of this decree, certified by the Register of this Court as being true and correct, be recorded by the Register in the Office of the Judge of Probate of Shelby County, Alabama, and that it be indexed in the names of the Plaintiff and the Defendants in this cause, on both the direct and indirect indexes.

D. That the costs of Court in this cause accruing be, and the same are hereby, taxed against the Defendants, for which let execution issue.

DONE AND ORDERED this 11 day of May, 1979.

*Harold E. Walden*  
Circuit Judge



STATE OF ALA. SHELBY CO.  
FILED

MAY 14 AM 11:02

Rec. 6.00  
Ind. 1.00  
7.00

*Thomas A. Shanderson, Jr.*  
JUDGE OF PROBATE

FILED IN OFFICE THIS THE 11<sup>th</sup> DAY  
OF May 1979

*Kyle Langford*

Clerk of Circuit Court  
Shelby County, Alabama

5-14-79

Certified a true and complete copy

*Kyle Langford*  
Clerk of Circuit Court