

213140

REAL 2890 PAGE 959

469
IN THE PROBATE COURT
OF JEFFERSON COUNTY, ALABAMA

THE WATER WORKS BOARD OF
THE CITY OF BIRMINGHAM,
a public corporation,

Applicant

vs.

DOROTHY M. WATSON;
DOROTHY M. WATSON, AS
TRUSTEE OF THE TESTAMENTARY
TRUST UNDER THE WILL OF
STEVEN D. WATSON, DECEASED;
O. Z. HALL, TAX COLLECTOR
OF JEFFERSON COUNTY,
ALABAMA,

Defendants.

CASE NO. 118332

ORDER CONFIRMING REPORT OF COMMISSIONERS
AND CONDEMNING LAND UPON PAYMENT OF AWARD

BOOK 094 PAGE 46
This cause coming on to be heard for a decree
confirming the report of the commissioners ("report")
heretofore appointed in this cause and for an order of
condemnation as to the lands described in said report and
in the Application For Condemnation filed in this cause by
the Applicant ("the Land").

It appearing to the Court that the Applicant in
this cause having filed in this Court on December 11, 1985
its Application For Condemnation ("Application") to con-
demn the fee simple title to the Land (which Land is

✓
Caldress, Johnston

2.

owned by the defendants or in which the defendants claim some right, title or interest) to protect and preserve the Applicant's watershed and the purity of its supply of water;

And the Court having made an order on January 8, 1986 granting the Application for the condemnation of the Land, after due and legal notice of the filing of the Application and of the setting of a date for hearing this cause had been given to all owners and other persons alleged to have any interest in the Land, and after the Court at a hearing held on January 8, 1986, had heard the allegations of the Application and all legal evidence offered by the parties concerning the same;

And the Court in its order of January 8, 1986 having appointed Roy Bragg, Charles O. Parrish, and Julian T. Skinner, III, all citizens of Jefferson County, Alabama who have the qualifications of jurors and who are disinterested, as commissioners to assess the damages and compensation to which the owners of, and other parties interested in, the Land are entitled;

And it further appearing to the Court that notices of the appointment of said three named persons as commissioners were duly issued by this Court and service of notice was accepted by each commissioner;

And it further appearing to the Court that said commissioners, before entering upon the discharge of their duties in this cause, were sworn as jurors are sworn;

BOOK 094 PAGE 47

2890 950

3.

And it further appearing to the Court that the commissioners on February 17, 1986 filed in this Court their written report stating that they viewed the lands described in the Application, received all legal evidence offered by the parties touching the amount of damages the owners of the Land will sustain, and the amount of compensation they are entitled to receive;

And it further appearing to the Court that in their report the commissioners stated that the owners of the Land and other parties interested therein are entitled to receive compensation in the amount of \$1,395,600.00 for the Land, which is described as follows:

PARCEL 1

The East 1/2 of NW 1/4 of Section 15, Township 18 South, Range 1 West, situated in Jefferson County, Alabama, less and except the following described parcel of land which was conveyed to the Trustees of M. E. Church South:

Commence at the one-half mile stake on the north boundary line of Section 15, Township 18 South, Range 1 West, Jefferson County, Alabama, thence run South 2 degrees 45 minutes East for a distance of 274 feet; thence on the same bearing run a distance of 4.18 feet; thence North 48 degrees 30 minutes West for a distance of 290 feet; thence North 41 degrees 30 minutes East for a distance of 296 feet to initial point, being a part of the northeast quarter of northwest quarter of Section 15, Township 18 South, Range 1 West, Jefferson County, Alabama.

PARCEL 2

A part of the SW 1/4 of NW 1/4, NE 1/4 of SW 1/4, part of NW 1/4 of SW 1/4, part of NW 1/4 of SE 1/4, part of SW 1/4 of SE 1/4, part of SE 1/4 of

BOOK 094 PAGE 48

2021-2022
2800
1986-1987

SE 1/4 and part of SE 1/4 of SW 1/4 of Section 15, Township 18 South, Range 1 West, situated partly in Jefferson County and partly in Shelby County, Alabama, and more particularly described as follows:

Start at NW corner of the SW 1/4 of said Section 15, Township 18 South, Range 1 West, run thence east 30 feet to the center of the Montevallo and Ashville public road, thence along the center of said road in a north-easterly direction 250 feet, thence north 11 degrees 19 minutes east 714.1 feet, thence north 51 degrees 37 minutes east 797.27 feet to the north boundary of the said SW 1/4 of NW 1/4 of Section 15, thence east 320 feet to the NE corner of said SW 1/4 of NW 1/4 of Section 15, thence south to the south line running east and west through the center of Section 15, thence east 1,320 feet to the center of said Section 15, thence in a diagonal line running straight toward the SE corner of Section 15 for 2,955 feet, thence west 3,375 feet to a point 30 feet east of the west line of said SE 1/4 of SW 1/4 of Section 15, thence north 777.2 feet to a point 30 feet east of the NW corner of the SE 1/4 of SW 1/4 of Section 15, thence in a northwesterly direction straight to the point of beginning, less and except the portion thereof which is located in the E 1/2 of the SE 1/4 of said Section 15.

And it further appearing to the Court that the defendants, Dorothy M. Watson, Dorothy M. Watson, as trustee of the testamentary trust under the will of Steven D. Watson, deceased, and O.Z. Hall, tax collector of Jefferson County, Alabama, are entitled to receive said award in the amount of \$1,395,600.00.

And it further appearing to the Court that the commissioners also filed a certificate with their award stating that none of them has ever been consulted, advised with, or approached by any person in reference to the

5.

value of the Land or these proceedings prior to their assessment of damages and further stating that they knew nothing of the same prior to their appointment;

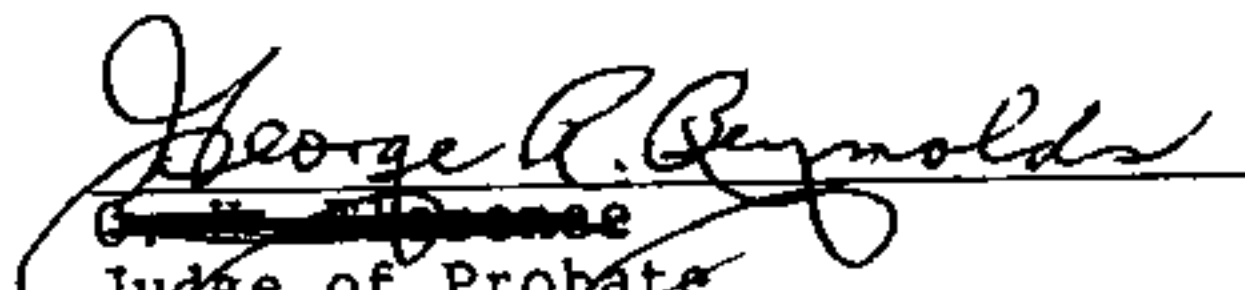
And it further appearing to the Court's satisfaction that Applicant is entitled to have the Land condemned for the uses and purposes stated in the Application;

It is, therefore, ordered, adjudged and decreed by the Court that said report of the commissioners be and the same is hereby ordered to be recorded, together with said Application and all the orders and decrees made in this cause and the pleadings filed herein.

It is further ordered, adjudged and decreed by the Court that the fee simple title to the Land be and the same is hereby condemned, granted and awarded to the Applicant and that the fee simple title to the Land is divested out of said defendants and vested in the Applicant, such condemnation to be effective upon the payment of the damages and compensation so assessed and reported by said commissioners or the payment of the same in Court.

It is further ordered, adjudged and decreed by the Court that the Applicant pay all costs incurred in this cause.

Done this 1st day of ~~March~~ ^{April}, 1986.


George R. Reynolds
Judge of Probate
Jefferson County, Alabama

THIS INSTRUMENT PREPARED BY,
FRANK C. GALLOWAY, JR.
CARLIS, JOHNSTON, GARDNER, DUMAS AND O'NEAL
1900 First National-Southern Natural Bldg.
Birmingham, Alabama 35203

2890 PAGE 963

BOOK 094 PAGE 50

CERTIFICATE TO COPIES

PROBATE

The State of Alabama
JEFFERSON COUNTY

PROBATE COURT

REAL 2890 PAGE 964

I, Peggy A. Proctor, Chief Clerk of the Court of Probate,

in and for said County in said State hereby certify that the foregoing contains a full, true and correct copy of the

ORDER CONFIRMING REPORT OF COMMISSIONERS

AND CONDEMNING LAND UPON PAYMENT OF AWARD

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1986 OCT -6 AM 8:37

STATE OF ALA. JEFFERSON CO.
I CERTIFY THIS INSTRUMENT
WAS FILED
1986 APR 11 PM 1:19
RECORDED
\$5.00
\$1.00
\$16.00
JUDGE OF PROBATE
MIG. TAX
\$5.00
\$1.00
\$16.00

in the matter of CONDEMNATION OF THE WATER WORKS BOARD OF
THE CITY OF BIRMINGHAM
VS DOROTHY M. WATSON, et al

as the same appears on file and of record in this office.

Given under my hand and seal of said Court, this
the 1st day of April, 19 86

Peggy A. Proctor

Chief Clerk

BOOK 51
PAGE 994