

204361

711

IN THE PROBATE COURT
OF JEFFERSON COUNTY, ALABAMA

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

Applicant

vs.

CAROLE WATSON BURTON,
JO ANN W. BECK,
O. Z. HALL, TAX COLLECTOR
OF JEFFERSON COUNTY,
ALABAMA,

Defendants.

CASE NO. 118343

ORDER CONFIRMING REPORT OF
COMMISSIONERS AND CONDEMNING LAND

183 PAGE 701
DOCK
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 12, 1985
its Application For Condemnation ("Application") to con-
demn the fee simple title to the Land (which Land is 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;

✓ P.O. Box C-110
Bham AL 35283
c/o Calvin Butler

And the Court having made an order on February 5, 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 February 5, 1986 had heard the allegations of the Application and all legal evidence offered by the parties concerning the same;

BOOK 183 PAGE 702
And the Court in its order of February 5, 1986 having appointed Roy Bragg, Charles O. Parrish, and T. Julian Skinner, III, all citizens of Jefferson County, Alabama who have the qualification 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, which commissioners were reappointed by the Court by its orders dated February 25, 1986, March 17, 1986, April 7, 1986, April 29, 1986, May 21, 1986, June 10, 1986, June 30, 1986 and July 21, 1986;

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;

And it further appearing to the Court that the commissioners on August 21, 1986 filed in this Court their written report stating that that 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 \$151,800.00 for the Land, which is described as follows:

PARCEL 1

Commence at the Northwest corner of the Southwest Quarter of the Southeast Quarter of Section 10, Township 18 South, Range 1 West; and run North 87° 0' East along land line 420 feet; thence South 3° 0' East 150 feet; thence South 3° 0' East 2,512 feet, more or less, to South boundary line of the Northwest Quarter of the Northeast Quarter of Section 15, Township 18 South, Range 1 West, thence South 3° 0' East 104 feet to the point of beginning; thence South 87° 0' West 420 feet; thence South 3° 0' East 1,227 feet, more or less, to the Southwest corner of the Southwest Quarter of the Northeast Quarter of said Section 15; thence North 87° 0' East 662 feet; thence North 3° 0' West 1,227 feet, thence in a Westerly direction 242 feet to the point of beginning; said property being situated in Jefferson County, Alabama.

PARCEL 2

Commence at the Northwest corner of the Northwest Quarter of the Southeast Quarter of Section 15, Township 18 South, Range 1 West, for the point of beginning. From said point of beginning run

South 48° 0' East along diagonal line 1,080 feet; thence North 3° 0' West 764 feet; thence South 87° West 764 feet to the point of beginning, containing 6.7 acres and being part of the Northwest Quarter of the Southeast Quarter of Section 15, Township 18 South, Range 1 West, situated in Shelby County, Alabama.

And it further appearing to the Court that the defendants, Carole Watson Burton, Jo Ann W. Beck and O. Z. Hall, tax collector of Jefferson County, Alabama, are entitled to receive said award in the amount of \$151,800.00;

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 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 that the compensation ascertained and assessed by the commissioners, in the amount of \$151,800.00, has been deposited in this Court by the Applicant, and it further appearing to the Court that all things necessary and required by the laws of the State of Alabama have been done and performed by the Applicant;

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;

3039 PAGE 846

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.

It is further ordered, adjudged and decreed by the Court that Applicant be and it is hereby granted all the relief, rights, title and interests set out, described and prayed for in said Application.

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

Done this 24th day of November, 1986.

George R. Reynolds
Judge of Probate
Jefferson County, Alabama

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

88 MAY 10 AM 10:27

Thomas W. Shivers, Jr.
JUDGE OF PROBATE

Rec 12.50
Ind. 1.00
13.50