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IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

ALABASTER WATER & GAS BOARD)

PLAINTIFF)

VS.)

CASE NO. 28-197

KIMBERLY CLARK CORPORATION)
ANNETTE SKINNER, Tax Collector)
for Shelby County, Alabama)

TRACT 1 AND 2

DEFENDANT.)

DECREE OF CONDEMNATION BY PROBATE COURT

This cause coming on to be heard on report of Charles Seales, Henry Caton, and J.D. Falkner, Commissioners in this cause.

And Plaintiff in this cause having filed in this Court its application to condemn for use in the construction and maintenance of water tanks and reservoirs and for such other purposes as are stated in said application, certain lands owned by Kimberly Clark Corporation, lienholders, lessees, and mortgages.

And the Court having heretofore made an order granting said application and said order having been made only after due and legal notice of the filing of said application of the appointment of a day for hearing the same had been given to all owners, lienholders, lessees, and mortgage and other persons alleged to have any interest in the lands described in this application and said order having been made after the proof by legal and competent evidence of the averments of said application.

And the Court having in its order made on the 14th day of November, 1989, appointed Charles Seales, Henry Caton, and J.D. Falkner, Commissioners to assess and appraise the damages and compensation to which the owners of the several tracts of land described in said report and in the original application, in this cause, for use in the construction and maintenance of water tanks and reservoirs and for such other purposes as are stated in said application and that after they had viewed said lands and had received all evidence offered touching the amount of damages and compensation to which said owners are entitled: And it further appearing from said report that the amount of damages and compensation awarded to: Kimberly Clark Corporation on account of the lands described in the original application and said report of said Commissioners, being required by the Alabaster Water and Gas Board for use in the construction and maintenance of water tanks and reservoirs, designated as Tract No. 1 and Tract No. 2 identified in the Condemnation application as Tract No. 1 and Tract No. 2 and being more particularly described as follows:

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Tract I

A parcel of land situated in the SE 1/4 of the NE 1/4 of Section 21, Township 21 South, Range 3 West being more particularly described as follows:

Commence at the Northeast corner of the SE 1/4 of the NE 1/4 of Section 21, Township 21 South, Range 3 West and run in a southerly direction and along the easterly line of said 1/4 - 1/4 section for a distance of 226.46 feet to its intersection with the southeasterly right of way line of County Highway No. 12; thence turn an angle to the right of 68 deg. 05 min. 50 sec. and run in a southwesterly direction and along said southeasterly right of way line of County Highway No. 12 for a distance of 300.38 feet to the point of beginning of the parcel of land herein described; thence continue along the last stated course for a distance of 200.00 feet to a point; thence turn an angle of 90 deg. 00 min to the left and run in a southeasterly direction for a distance of 200.00 feet to a point; thence turn an angle of 90 deg. 00 min. to the left and run in a northeasterly direction for a distance of 200.00 feet to a point; thence turn an angle of 90 deg. 00 min. to the left and run in a northwesterly direction for a distance of 200.00 feet to the point of beginning of the parcel herein described. Containing 40,000.00 square feet or 0.9183 acres.

Tract II

A parcel of land situated in the NE 1/4 of the SE 1/4 of Section 21, Township 21 South, Range 3 West being more particularly described as follows:

Commence at the northeast corner of the SE 1/4 of the NE 1/4 of Section 21, Township 21 South, Range 3 West and run in a southerly direction and along the easterly line of said 1/4-1/4 section for a distance of 226.46 feet to its intersection with the southeasterly right of way line of County Highway No 12; thence turn an angle of 20 deg. 53 mins. 12 seconds to the right and run in a southwesterly direction for a distance of 1642.29 feet to the point of beginning of the parcel of land herein described; thence turn an angle of 46 deg. 09 mins. 38 seconds to the right and run in a southwesterly direction for a distance of 203.40 feet to a point on the easterly right of way line of County Highway no. 80; thence turn an angle of 93 deg. 53 mins. 39 seconds (angle measured to tangent) to the left and run in a southerly direction and along said easterly right of way line of County Highway No. 80 in the arc of a curve to the right, having a radius of 1472.53 feet and a central angle of 6 deg. 39 mins. 33 seconds for a distance of 171.14 feet to the P.T. (point of tangent) of said curve; thence run in a southerly direction in the tangent to said curve and along said easterly right of way line of County Highway No. 80 for a distance of 29.00 feet to a point; thence turn an angle of 92 deg. 45 mins. 53 seconds to the left and run in a northeasterly direction for a distance of 203.11 feet to a point; thence turn an angle of 90 deg. 00 mins. to the left and run in a northwesterly direction for a distance of 200.00 feet to the point of beginning of the parcel herein described. Containing 40,650 square feet more or less or 0.9332 acres more or less.

And it further appearing to the Satisfaction of the Court that Plaintiff is entitled to have all of the lands described in said report condemned for in the construction and maintenance of water tanks and reservoirs and related uses, and that Plaintiff is entitled to have said lands condemned for the purpose as stated in the application in this cause.

And it appearing to the satisfaction of the Court that Plaintiff has already paid into Court the amount of money awarded by said Commissioners to said owners, which said awards are subject to all outstanding valid claims, liens, and leases for the condemnation of the lands described in said report of said Commissioners and described in the original application to condemn, in this cause.

It Is Therefore, Ordered, Adjudged, and Decreed by the Court that the lands described herein and in the application filed herein be and the same is hereby condemned for the use in the construction and maintenance of water tanks and reservoirs and related uses and such other uses as are set out in the original application filed herein and that the Plaintiff shall have the right to immediate possession and right of entry in and to said lands and to subject said lands for uses and purposes set forth in the original application herein and said lands are condemned for the uses and purposes herein and above stated as against all parties having an interest therein and especially condemned against the interest of: Kimberly Clark Corporation.

It Is Further Ordered by the Court that all papers on this proceeding be recorded.

Done this the 16th day of January, 1990.

Thomas A. Snowden, Jr.
Judge of Probate
Shelby County, Alabama

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

90 JAN 16 PM 2:50

Thomas A. Snowden, Jr.
JUDGE OF PROBATE

1. Bond Tax	\$	
2. Court Fee	\$	7.50
3. Recording Fee	\$	3.00
4. Notary Fee	\$	
5. Sheriff's Fee	\$	1.00
Total	\$	11.50

Filed this 16th day of Jan, 1990
THOMAS A. SNOWDEN JR.
Judge of Probate

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