

970

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

STATE OF ALABAMA, as  
applicant,

Plaintiff,

VS.

DON C. REYNOLDS and BESSIE REYNOLDS)  
as record owners in fee simple )  
of certain designated real estate, )  
and ANNETTE SKINNER, in her )  
official capacity as Tax )  
Collector of Shelby County, )

Defendants.

CASE NO. 29-116

NOTICE OF PENDING ACTION

Notice is hereby given that the State of Alabama as  
plaintiff has entered into condemnation proceedings against the  
following described properties situated in Shelby County,

Alabama, styled the State of Alabama VS. Don C. Reynolds and  
Bessie Reynolds, record owners in fee simple of certain

designated real estate; and Annette Skinner in her official

capacity as Tax Collector of Shelby County, Alabama, and filed

with the Probate Court of Shelby County, Case Number 29-116

on 8-13 1990. Said property is to be used as  
right-of-way for the construction and maintenance of a public  
road as shown by the Right-of-Way Map of Project No.

OLB-059-025-001 filed in the office of the Judge of Probate of  
Shelby County, Alabama, the designated tract numbers, owners and  
descriptions of the real estate sought to be acquired in  
aforesaid condemnation proceedings are as follows:

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BOOK 305 PAGE 71

TRACT NO. 35

Commencing at the northeast corner of the SE 1/4 of NE 1/4 Section 2, T-24-N, R-12-E; thence southerly along the east line of said SE 1/4 of NE 1/4 a distance of 1265 feet, more or less, to the centerline of Project No. OLB-059-025-001; thence N 86° 32' 49" E along the centerline of said Project a distance of 890 feet, more or less, to Station 124+00; thence turn an angle of 90° 00' to the left and run a distance of 50 feet to the point of beginning of the property herein to be conveyed; thence southwesterly along a line (which if extended would intersect a point that is 40 feet northwesterly of and at right angles to the centerline of said Project at Station 123+00) a distance of 45 feet, more or less, to the west property line; thence southerly along said west property line a distance of 20 feet, more or less, to the present northwest right-of-way line of Alabama Highway No. 25; thence northeasterly along said present northwest right-of-way line a distance of 440 feet more or less, to the east property line thence northerly along said east property line a distance of 25 feet, more or less, to a point that is 50 feet northwesterly of and at right angles to the centerline of said Project; thence S 86° 32' 49" W, parallel with the centerline of said Project; a distance of 395 feet, more or less to the point of beginning.

Said strip of land lying in the North Half of Fraction "B" of Fractional Section 1, T-24-N, R-12-E and containing 0.23 acre, more or less.

Also a temporary easement to a strip of land necessary for construction and being more fully described as follows: Beginning at a point that is 50 feet northwesterly of and at right angles to the centerline of Project No. OLB-059-025-001 at Station 126+20; thence N 41° 32' 49" E a distance of 80 feet; thence turn an angle of 90° 00' to the right and run a distance of 20 feet; thence S 41° 32' 49" W a distance of 60 feet to a point that is 50 feet northwesterly of and at right angles to the centerline of said Project; thence S 86° 32' 49" W, parallel with the centerline of said project a distance of 28 feet, more or less, to the point of beginning.

Said strip of land lying in the North half of Fraction "B" of Fractional Section 1, T-24-N, R-12-E and containing 0.03 acre, more or less.

It is expressly understood that all rights, title and interest to the above described easements shall revert to grantor upon completion of said project.

6. Plaintiff seeks by this Application to acquire fee simple interest and title to the above described property.

7. Plaintiff also seeks the right to enter onto the remaining land of defendants in order to remove the structure or

structures, if any, located partially thereon.

8. Plaintiff avers that a diligent search has been made of the records of the Office of Judge of Probate of Shelby County, Alabama, affecting title to the above described real estate, and each portion thereof, and, if there are any other persons, partnerships, corporations, or other legal entities, who own or claim an interest in the above described real estate, or any portion thereof, the same are unknown to your plaintiff.

9. Plaintiff has caused the property to be appraised pursuant to Section 18-1A-21 of the 1975 Code of Alabama, as last amended.

10. Plaintiff has established an amount based on an appraisal which it believes to be just compensation and has submitted to the owner of said real estate an offer to acquire the property for the full amount so established. Said offer included a written statement and summary, showing the basis for the amount it established as just compensation for the property. A copy of the offer is attached to this Petition as Exhibit "A" and is incorporated herein by reference as if fully set forth.

11. A copy of a map or diagram portraying the property sought to be taken and the remainder, if any, is attached to this Petition as Exhibit "B" and incorporated herein by reference as if fully set forth.


WHEREFORE, PREMISES CONSIDERED, plaintiff prays and demands judgment of this Honorable Court as follows:

A. That this Honorable Court will make and enter an Order appointing a date for the hearing of this Application or Petition;

B. That this Honorable Court will cause notice of the filing of this application or Petition for Condemnation to be served upon all parties pursuant to the provisions of law made and provided in such cases, said service to be accomplished at least thirty (30) days before the day appointed for the hearing of this Application and Petition;

C. That upon a hearing of said Application or Petition, plaintiff prays that this Honorable Court will make and enter an Order granting the said Application or Petition for Condemnation, appointing commissioners to assess and determine compensation and damages to be awarded the owner of said property, and that this Honorable Court will make and enter all such other orders, decrees and judgments as shall be necessary, appropriate and proper to vest fee simple title in plaintiff to the herein above described real property; and

D. Plaintiff prays for such other, further and different relief as it shall be entitled, and will forever pray.

  
HELEN SHORES LEE, Esquire  
Special Assistant Attorney General  
of and for the State of Alabama,  
Petitioner.

SHORES AND LEE  
1728-Third Avenue, North  
Suite 500  
Birmingham, Alabama 35203

SERVE THE DEFENDANTS AT:

Don C. Reynolds  
Route 2 Box 169  
Montevallo, Alabama 35115

Bessie Reynolds  
Route 2 Box 169  
Montevallo, Alabama 35115

Annette Skinner  
Tax Collector  
Shelby County Courthouse  
Columbiana, Alabama 35051

STATE OF ALABAMA )

COUNTY OF JEFFERSON )

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared Helen Shores Lee, who is known to me, and who being by me first duly sworn, deposes and says that the statements made in the foregoing Application for Order of Condemnation are true and correct.

Helen Shores Lee  
Helen Shores Lee

Sworn to and subscribed to before me this the 9th day of August, 1990.

Glenda L. Finch  
Notary Public  
My Commission Expires June 15, 1992  
My Commission Expires: \_\_\_\_\_

BOOK 305 PAGE 75

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
90 AUG 13 PM 3:14

James L. Cunningham Jr.  
JUDGE OF PROBATE

12.50
3.00
1.00
16.50

