

5178.27

CITY OF MONTEVALLO,  
PLAINTIFF

VS

LEON HARRIS, et al.,  
DEFENDANTS

1895  
IN THE CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA  
CIVIL ACTION NUMBER  
CV-89-208

ORDER

In 1988, a Condemnation Complaint was filed in the Probate Court of Shelby County, Alabama, by the City of Montevallo, with an Amendment which was filed on September 16, 1988, seeking to condemn certain private land therein described for the purpose of adding said land to an adjoining city park to use for public recreation and allied purposes.

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Upon the filing of the said Complaint with the Amendment thereto, appropriate proceedings, as required by law, were had in the Probate Court resulting on the 10th day of March, 1989, in a Judgment of Condemnation of the land described in said Complaint.

Within the time required by law, the Defendants appealed from said order of condemnation to the Circuit Court of Shelby County, Alabama, demanding a trial by jury of said cause.

The matter of condemnation came on to be heard in the Circuit Court on the 23rd day of April, 1991, and present in open Court were: the City of Montevallo, represented by the Honorable Steven Sears; Leon Harris and Mildred Harris, represented by the Honorable Rodger M. Smitherman; Dorothy Lilly Woods and Eileen Woods, represented by the Honorable Bill Powers; and the Honorable Mike Joiner, who represented the interests of all heirs of the subject

✓ Steven Sears

land whose names are known, but whose whereabouts are unknown and also all unknown heirs.

Thereupon, the Court proceeded to hear the allegations of said Complaint filed by the City of Montevallo, and to try said matter de novo, as required by law, and upon consideration of said Complaint and the testimony introduced in support thereof, it is the opinion and judgment of this Court that the allegations of the said Complaint are true in regards to their prayer for condemnation, and that it is necessary that the property hereinafter described be condemned for the uses and purposes stated in said Complaint, and that the prayer by the City of Montevallo for Order of Condemnation should be granted. It is, therefore,

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CONSIDERED, ORDERED, ADJUDGED and DECREED by the Court and it is the judgment of the Court, that the City of Montevallo's Petition for Condemnation of Land be and is hereby granted and allowed, and that the land and all interests therein be and the same is hereby condemned for the uses and purposes set out in the said Complaint for Condemnation.

THEREUPON, a jury having been legally demanded in said cause, the Court proceeded to have assessed by a jury the damages and compensation to which the Defendants are entitled for the condemnation of the said land set out and described in said Complaint and as hereinafter described.

THEREUPON, on the 24th day of April, 1991, a jury of good and lawful people, to-wit, Sherri Ann Strange, foreperson, and eleven other jurors, who being duly empaneled and sworn according to the

law, upon their oaths did say:

We, the jury, hereby assess and fix the damages and compensation to the owners of the property which is the subject of this action and which is described in the Application for Condemnation at Five Thousand Two Hundred Seventy-eight Dollars and seventy-seven cents (\$5,278.77).

Accordingly, it is ORDERED, ADJUDGED and DECREED by the Court that the Defendants in this cause recover from the City of Montevallo, Alabama the sum of \$5,278.77.

It is further ORDERED, ADJUDGED and DECREED by the Court that upon the payment of the aforesaid sum that the City of Montevallo, Alabama, have and be vested with fee simple title to the land described in its Complaint in this cause without lien or restriction of any kind, said land being located in Shelby County, Alabama, and being more particularly described as follows:

All that land N of the present city park, S of the Atchison property located at 524 Island Street, W of the former Walnut Grove Subdivision, and SE of the Robert H. Hodges lot at 171 Island Street, more particularly: Commence at the NW corner of Lot 1, Walnut Grove subdivision, a map of which is recorded at map book 4, page 92 of the Probate Records of Shelby County; and proceed southwesterly and parallel with Island Street more or less 170 feet; thence angle south-southwesterly and continue more or less 52 feet; thence easterly along the edge of Orr Park more or less 220 feet to the W edge of lot 4 of Walnut Grove Subdivision; thence northeasterly more or less 30 feet to the western most intersection of lots 3 and 4 of said Walnut Grove Subdivision, thence northwesterly along the W boundary of said subdivision more or less 165 feet to the point of beginning. It has been assigned property tax numbers 27 5 21 3 002 099 and 27 5 21 3 002 005.

It is further ORDERED, ADJUDGED and DECREED that upon the aforesaid payment that title to the property described above be and

the same is divested out of the Defendants.

It is further ORDERED that a hearing be conducted by this Court on May 24, 1991, at 1:00 P.M. and that all parties be given notice thereof, said hearing to be conducted for the purpose of considering the claims of the various Defendants in and to the sums of money paid into the Court as a result of this condemnation proceeding. At that time, the issue of Guardian ad Litem's fees will also be taken up as well as the taxing of costs in this cause.

All DONE and ORDERED this 25th day of April, 1991.

*D. Al Crowson*

D. Al Crowson  
Circuit Judge

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I CERTIFY THIS  
INSTRUMENT WAS FILED

91 APR 25 PM 3:44

CLERK OF COURSE

1. Deed Tax	0
2. Misc. Fee	0
3. Recording Fee	10.00
4. Litem Fee	3.00
5. Notary Fee	0
6. Attorney Fee	1.00
Total	14.00