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IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

THE STATE OF ALABAMA,  
Plaintiff,

CASE NO. 29-149

VS.

INDUSTRIAL DEVELOPMENT BOARD, City  
of Montevallo owners in fee simple of  
certain designated real estate; CENTRAL  
BANK of the South, in its capacity as  
mortgagee of certain designated real  
estate; WATER WORKS BOARD, City of  
Montevallo, holder of an easement;  
METROCK PROPERTIES, in its capacity as  
owner of a leasehold interest in certain  
designated real estate; METROCK STEEL and  
WIRE COMPANY, INC. in its capacity as  
owner of a leasehold interest in certain  
designated real estate; and ANNETTE SKINNER  
Tax Collector, Shelby County  
Defendants.

DECREE OF CONDEMNATION

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

The Plaintiff in this cause having filed in this Court a  
Complaint to condemn for use as a right-of-way, certain lands  
owned by Industrial Development Board, City of Montevallo;  
Central Bank of the South; Water Works Board, City of Montevallo;  
Metrock Properties; Metrock Steel and Wire Company, Inc. and  
Annette Skinner, Tax Collector as owners.

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

Further, the Court having in its order made on the 10<sup>th</sup> day  
of October, 1990, appointed Charles Seals, Henry Caton,  
and J.D. Faulkner, Commissioners to assess and appraise the  
damages and compensation to which the owners of said land are  
entitled. Further, the Commissioners having filed in this Court  
their report showing that after having first been sworn as jurors  
are required to be sworn, they proceeded to assess the damages  
and compensation to which the owners of the several tracts of  
land described in said report and in the original Complaint, in

Attn. A. J. Taylor - Leg. Sec.  
Shirley Lee

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this cause, for use as rights-of-way for public road or highway purposes and for such other purposes as are stated in said Complaint 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. Further, that Commissioners have reported that the amount of damages and compensation awarded to defendants named in Report of Commissioners dated 10/26/90 on account of the lands described in the original Complaint and said report of said Commissioners, being required by the State for rights-of-way, identified in the Complaint for Order of Condemnation and being more particularly described as follows, to wit:

See Exhibit "A"

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 a right-of-way for public roads and highway purposes and condemned for the uses and purposes stated in the application, in this cause, and that Plaintiff is entitled to have said lands condemned for the purpose of acquiring the easement as stated in the Complaint in this cause.

And it appearing to the satisfaction of the Court that Plaintiff has already paid into the 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 Complaint to condemn, in this cause, and has also paid all the court costs in this cause. It is therefore,

ORDERED, ADJUDGED AND DECREED by the Court that the lands described herein and in the Complaint filed herein be and the same is hereby condemned for the use of right-of-way and such other uses as set out in the original Complaint filed herein and that the lands and to subject said lands for uses and purposes set forth in the original Complaint herein and said lands are condemned for the uses and purposes herein and above stated as against all parties having an interest therein especially condemned against the interest of Industrial Development Board, City of Montevallo; Central Bank of the South; Water Works Board, City of Montevallo; Metrock Properties; Metrock Steel and Wire Company, Inc. and Annette Skinner, Tax Collector. It is further

ORDERED, ADJUDGED AND DECREED by the Court that the Commissioner's Report is approved and adopted and the compensation due the Defendants is as stated in said Report. It is further

ORDERED by the Court that all papers on this proceeding be recorded.

DONE this 13<sup>th</sup> day of November, 1990.

Thomas A. Shouder, Jr.  
Judge of Probate

in Shelby County, Alabama, and more particularly described as

follows: and as shown on the right-of-way map of the State of Alabama Highway Department as Project No. OLB-059-025-001 recorded in the Office of the Judge of Probate of Shelby County, Alabama and as shown on the Property Plat attached hereto and made a part hereof:

Commencing at the northeast corner of the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  Section 6, T-24-N, R-13-E; thence southerly along the east line of said SE $\frac{1}{4}$  of NW $\frac{1}{4}$  a distance of 547 feet, more or less, to a point that is 50 feet northwesterly of and at right angles to the centerline of Project No. OLB-059-025-001 and the point of beginning of the property herein to be conveyed; thence N 84° 57' 30" E, parallel with the centerline of said Project a distance of 300 feet, more or less, to the east property line; thence southerly along said east property line a distance of 25 feet, more or less, to the present northwest right-of-way line of Alabama Highway No. 25; thence southwesterly along said present northwest right-of-way line a distance of 1510 feet, more or less, to the west property line; thence northerly along said west property line a distance of 18 feet, more or less, to a point that is 45 feet northwesterly of and at right angles to the centerline of said Project; thence N 86° 32' 49" E, parallel with the centerline of said Project, a distance of 153 feet, more or less, to a point that is 45 feet northwesterly of and at right angles to the centerline of said Project at Station 147+00; thence northeasterly along a line a distance of 100 feet, more or less, to a point that is 50 feet northwesterly of and at right angles to the centerline of said Project at Station 148+00; thence N 86° 32' 49" E, parallel with the centerline of said project a distance of 724.15 feet; thence northeasterly along a curve to the left (concave northwesterly) having a radius of 5679.58 feet, parallel with the centerline of said Project, a distance of 158 feet, more or less, to a point that is 50 feet northwesterly of and at right angles to the centerline of said Project at Station 156+83.01; thence N 84° 57' 30" E, parallel with the centerline of said Project a distance of 72 feet, more or less, to the point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  and the SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 6, T-24-N, R-13-E and containing 0.769 acre, more or less.

Also a temporary construction easement to a strip of land being more fully described as follows: Beginning at a point, on the west property line that is 45 feet northwesterly of and at right angles to the centerline of Project No. OLB-059-025-001; thence northerly along said west property line a distance of 50 feet, more or less, to a point that is 95 feet northwesterly of and at right angles to the centerline of said Project; thence N 86° 32' 49" E, parallel with the centerline of said Project, a distance of 24 feet, more or less, to a point that is 95 feet northwesterly of and at right angles to the centerline of said Project at Station 145+70; thence turn an angle of 90° 00' to the right and run a distance of 50 feet; thence S 86° 32' 49" W, parallel with the centerline of said Project, a distance of 23 feet, more or less, to the point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  Section 6, T-24-N, R-13-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 the grantor upon completion of said project.

1. Deed Tax	_____
2. Mfg. Tax	_____
3. Recording Fee	10.00
4. Indexing Fee	8.00
5. No Tax Fee	_____
6. Certified Fee	1.00
Total	19.00

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

91 OCT -7 PM 1:04

*[Signature]*  
JUDGE OF PROBATE