

I certify this to be a true and correct copy

Probate Judge  
Shelby County

10

State of Alabama

Petitioner

vs.

C. R. Crim and wife, Helen  
L. Crim, Fay F. Quick, Tax  
Collector, and any and all party or  
parties claiming any right, title  
or interest in and to Tract No. 2.

RESPONDENTS

IN THE

PROBATE COURT OF

SHELBY COUNTY

ALABAMA

CASE NO. 16-275

PETITION TO CONDEMN

Your Petitioner, the State of Alabama, would respectfully represent and show unto the Court as follows:

1. The State of Alabama has the right of Eminent Domain pursuant to the provisions of Chapter 1, Title 19, Code of Alabama 1940, as amended, to acquire by condemnation property for public use when the acquisition of such property is in the public interest.

2. The State of Alabama Highway Department has deemed the acquisition of the hereinafter described real estate to be in the public interest and necessary for public use as a right of way for the construction and maintenance of a public road as shown by the Right of Way Map of Project No. S 5915(101) filed in the Office of the Judge of Probate of Shelby County, Alabama, and by written direction of the Governor of the State of Alabama and the Attorney General of the State of Alabama, Edward H. Brogden, for the State of Alabama Highway Department, is the Attorney of Record for the State of Alabama and authorized to prosecute this action for condemnation of the property hereinafter described.

3. The designated tract number, owners and descriptions of the real estate sought to be acquired in this proceeding are as follows:

10/13/1992-23350  
10/13/1992-23350  
03:50 PM CERTIFIED  
Filed this 18 day of OCTOBER 1992  
CONRAD M. FOWLER  
010 Judge of Probate

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TRACT NO. 2

As shown on the right of way map of Project No. S-5915(101) as recorded in the Office of the Judge of Probate of Shelby County:

PARCEL NO. 1: Commencing at the southwest corner of the SW 1/4 of SW 1/4 of Section 29, T-21-S, R-2-W, thence easterly along the south line of said SW 1/4 of SW 1/4, the south property line, a distance of 463 feet, more or less, to a point that is 80 feet southwesterly of and at right angles to the centerline of a County Road and the point of beginning of the property herein to be conveyed; thence northwesterly parallel to the centerline of said County Road, a distance of 712 feet, more or less, to a point that is 80 feet southwesterly of and at right angles to the centerline of said County Road at Station 18+49.90; thence northwesterly along a curve to the right (concave northeasterly) having a radius of 2,944.79 feet, parallel to the centerline of said County Road, a distance of 52 feet, more or less, to a point that is 80 feet southwesterly of and at right angles to the centerline of said County Road at Station 19+00; thence northeasterly along a straight line a distance of 55 feet, more or less, to a point that is 60 feet southwesterly of and at right angles to the centerline of said County Road at Station 19+50; thence northwesterly along a curve to the right (concave northeasterly) having a radius of 2,924.79 feet, parallel to the centerline of said County Road, a distance of 207 feet, more or less, to a point that is 60 feet southwesterly of and at right angles to the centerline of said County Road at Station 21+49.90; thence northwesterly, parallel to the centerline of said County Road, a distance of 82 feet, more or less, to the north property line; thence easterly along said north property line a distance of 22 feet, more or less, to the present southwest right of way line of said County Road; thence southeasterly along said present southwest right of way line a distance of 1,118 feet, more or less, to the south line of said SW 1/4 of SW 1/4, the south property line; thence westerly along said south property line a distance of 45 feet, more or less, to the point of beginning.

Said strip of land lying in the SW 1/4 of SW 1/4, Section 29, T-21-S, R-2-W, and containing 0.84 acres, more or less.

This conveyance is made for the purpose of a controlled access facility and adjacent service road or roads and the grantor hereby releases and relinquishes to the grantee and all abutter's rights appurtenant to grantor's remaining property, provided however, that there is hereby reserved along a line (described as beginning at a point that is 80 feet southwesterly of and at right angles to the centerline of a County Road at Station 19+00; thence northeasterly along a straight line a distance of 55 feet, more or less, to a point that is 60 feet southwesterly of and at right angles to the centerline of said County Road at Station 19+50; thence northwesterly along a curve to the right (concave northeasterly) having a radius of 2,924.79 feet, parallel to the centerline of said County Road, a distance of 207 feet, more or less, to a point that is 60 feet southwesterly of and at right angles to the centerline of said County Road at Station 21+49.90; thence northwesterly, parallel to the centerline of said County Road, a distance of 82 feet, more or less; to the north property line and the point of ending) the right of ingress to and egress from such remaining property to and from said service road or roads which will be accessible to the controlled access facility only at such points as may be established by public authority.

Tract No. 2 Continued

PARCEL NO. 2: Commencing at the southwest corner of the SW 1/4 of SW 1/4, Section 29, T-21-S, R-2-W, thence easterly along the south line of said SW 1/4 of SW 1/4 a distance of 598 feet, more or less, to the present northeast right of way line of a County Road, the southwest line of the property herein to be conveyed and the point of beginning; thence northwesterly along said present northeast right of way line a distance of 1,120 feet, more or less, to the north property line; thence easterly along said north property line a distance of 22 feet, more or less, to a point that is 60 feet northeasterly of and at right angles to the centerline of said County Road; thence southeasterly, parallel to the centerline of said County Road, a distance of 38 feet, more or less, to a point that is 60 feet northeasterly of and at right angles to the centerline of said County Road at Station 21+49.90; thence southeasterly along a curve to the left (concave northeasterly) having a radius of 2,804.79 feet, parallel to the centerline of said County Road, a distance of 200 feet, more or less, to a point that is 60 feet northeasterly of and at right angles to the centerline of said County Road at Station 19+50; thence southeasterly along a straight line a distance of 54 feet, more or less, to a point that is 80 feet northeasterly of and at right angles to the centerline of said County Road at Station 19+00; thence southeasterly along a curve to the left (concave northeasterly) having a radius of 2,784.79 feet parallel to the centerline of said County Road, a distance of 47 feet, more or less, to a point that is 80 feet northeasterly of and at right angles to the centerline of said County Road at Station 19+49.90 thence southeasterly, parallel to the centerline of said County Road, a distance of 249.9 feet; thence northeasterly along a straight line a distance of 78 feet, more or less, to a point that is 200 feet southwesterly of and at right angles to the centerline of the southbound lane of Project No. S-5915 (101) at Station 412+10; thence northwesterly along a straight line a distance of 142 feet, more or less, to a point that is 170 feet southwesterly of and at right angles to the centerline of said southbound lane at Station 413+50; thence northwesterly along a curve to the right (concave northeasterly) having a radius of 21,655.92 feet, parallel to the centerline of said southbound lane, a distance of 153 feet, more or less, to a point that is 170 feet southwesterly of and at right angles to the centerline of said southbound lane at Station 415+00; thence northwesterly along a straight line (which if extended would intersect a point that is 130 feet southwesterly of and at right angles to the centerline of said southbound lane at Station 417+00) a distance of 173 feet, more or less, to the north property line; thence easterly along said north property line a distance of 27 feet, more or less, to the present southwest right of way line of Interstate Highway No. 65; thence southeasterly along said present southwest right of way line a distance of 1,112 feet, more or less, to the south line of said SW 1/4 of SW 1/4, the south property line; thence westerly along said south property line a distance of 58 feet, more or less, to a point on a line which extends from a point on the present southwest right of way line of said highway that is 150 feet southwesterly of and at right angles to the centerline of said project at Station 400+00 to a point that is 210 feet southwesterly of and at right angles to the centerline of said project at Station 406+90; thence northwesterly along said line a distance of 110 feet, more or less, to said point that is 210 feet southwesterly of and at right angles to the centerline of said project at Station 406+90; thence southwesterly

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Judge of Probate

along a straight line a distance of 68 feet, more or less, to a point that is 80 feet northeasterly of and at right angles to the centerline of a county road at Station 11+20; thence southeasterly, parallel to the centerline of said County Road, a distance of 20.63 feet to a point that is 80 feet northeasterly of and at right angles to the centerline of said County Road at Station 10+99.37 "Ahead" which equals Station 20+00.13 "Back"; thence southwesterly along a curve to the right (concave westerly) having a radius of 1,512.39 feet, parallel to the centerline of said County Road, a distance of 48 feet, more or less, to the south line of said SW 1/4 of SW 1/4, the south property line; thence westerly along said south property line a distance of 48 feet, more or less, to the point of beginning.

Said strip of land lying in the SW 1/4 of SW 1/4, Section 29, T-21-S, R-2-W and containing 3.25 acres, more or less.

This conveyance is made for the purpose of a controlled access facility and adjacent service road or roads and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights appurtenant to grantor's remaining property in and to said controlled access facility, provided however, that there is hereby reserved along a line (described as beginning at a point that is 80 feet northeasterly of and at right angles to the centerline of a County Road at Station 19+00; thence northwesterly along a straight line a distance of 54 feet, more or less, to a point that is 60 feet northeasterly of and at right angles to the centerline of said County Road at Station 19+50; thence northwesterly along a curve to the right (concave northeasterly) having a radius of 2,804.79 feet, parallel to the centerline of said County Road, a distance of 200 feet, more or less, to a point that is 60 feet northeasterly of and at right angles to the centerline of said County Road at Station 21+49.90; thence northwesterly, parallel to the centerline of said County Road, a distance of 38 feet, more or less, to the north property line and the point of ending) the right of ingress to and egress from such remaining property to and from said service road or roads which will be accessible to the controlled access facility only at such points as may be established by public authority.

Tract No. 2 Continued

**PARCEL NO. 3:** Commencing at the southeast corner of the SW 1/4 of SW 1/4, Section 29, T-21-S, R-2-W; thence westerly along the south line of said SW 1/4 of SW 1/4 a distance of 238 feet, more or less, to the present northeast right of way line of Interstate Highway No. 65; thence northwesterly along said present northeast right of way line a distance of 298 feet, more or less, to a point that is 150 feet northeasterly of and at right angles to the centerline of Project No. S 5915 (101) at Station 407+00 and the point of beginning of the property herein to be conveyed; thence continuing northwesterly along said present northeast right of way line a distance of 832 feet, more or less, to the north property line; thence easterly along said north property line (crossing the centerline of Ramp "M" of said project at approximate Station 415+32) a distance of 139 feet, more or less, to a point that is 80 feet easterly of and at right angles to the centerline of said ramp; thence southerly, parallel to the centerline of said ramp, a distance of 175 feet, more or less, to a point that is 80 feet easterly of and at right angles to the centerline of said ramp at Station 413+54.44; thence southeasterly along a straight line a distance of 128 feet, more or less, to a point that is 180 feet northeasterly of and at right angles to the centerline of the northbound lane of said project at Station 412+00; thence southeasterly along a curve to the left (concave northeasterly) having a radius of 21,305.92 feet, parallel to the centerline of said northbound lane, a distance of 298 feet, more or less, to a point that is 180 feet northeasterly of and at right angles to the centerline of said northbound lane at Station 409+00; thence southeasterly along a straight line a distance of 202 feet, more or less, to the point of beginning.

Said strip of land lying in the SW 1/4 of SW 1/4, Section 29, T-21-S, R-2-W and containing 0.83 acre, more less.

As a part of the consideration hereinabove stated there is also bargained, sold, conveyed and relinquished to the grantee all existing, future, or potential common law or statutory right of access between the right of way of the public way identified as Project No. S 5915 (101), County of Shelby, and all of the grantor's remaining property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the property conveyed by this instrument or are connected thereto by other parcels owned by the grantor.

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Filed this 18 day of Nov 1969  
CONRAD M. FOWLER  
Judge of Probate

Tract No. 2 Continued

PARCEL NO. 4: Commencing at the southeast corner of the NW 1/4 of SW 1/4, Section 29, T-21-S, R-2-W, thence westerly along the south line of said NW 1/4 of SW 1/4, the south property line, a distance of 490 feet, more or less, to a point that is 130 feet easterly of and at right angles to the centerline of Ramp "M" of Project No. S 5915 (101) and the point of beginning of the property herein to be conveyed; thence continuing westerly along said south property line (crossing the centerline of said ramp at approximate Station 418+47) a distance of 246 feet, more or less, to the northeast side of a present access easement, thence northwesterly along said northeast side a distance of 165 feet, more or less, to the present southeast right of way line of a County Road; thence northeasterly along said present southeast right of way line and northwesterly along the present northeast right of way line of said County Road (crossing the centerline of the relocation of said County Road at approximate Stations 33+42 and 42+98) a distance of 1,356 feet, more or less, to a point that is 40 feet northeasterly of and at right angles to the centerline of said County Road at Station 37+75; thence southeasterly along a straight line a distance of 25 feet, more or less, to a point that is 50 feet northeasterly of and at right angles to the centerline of said County Road at Station 37+48.90 "Ahead" said point also being 50 feet northeasterly of and at right angles to the centerline of the relocation of said County Road at Station 46+25.43 "Back"; thence southeasterly along a curve to the left (concave northeasterly) having a radius of 666.2 feet, parallel to the centerline of said relocation, a distance of 403 feet, more or less, to a point that is 50 feet northeasterly of and at right angles to the centerline of said relocation at Station 41+99.18; thence easterly along a straight line a distance of 52 feet, more or less, to a point that is 60 feet northeasterly of and at right angles to the centerline of said relocation at Station 41+50; thence southeasterly, parallel to the centerline of said relocation, a distance of 163.28 feet; thence southeasterly along a straight line a distance of 62 feet, more or less, to a point that is 80 feet northeasterly of and at right angles to the centerline of said relocation at Station 39+50; thence southwesterly along a curve to the right (concave westerly) having a radius of 323.81 feet, parallel to the centerline of said relocation a distance of 269 feet, more or less, to a point that is 80 feet northeasterly of and at right angles to the centerline of said relocation at Station 37+35; thence turn an angle of 90° 00' to the left and run a distance of 50 feet, thence southwesterly along a curve to the right (concave westerly) having a radius of 373.81 feet, parallel to the centerline of said relocation, a distance of 335 feet, more or less, to a point that is 130 feet southeasterly of and at right angles to the said relocation at Station 35+24.49; thence southwesterly along a straight line a distance of 252 feet, more or less, to a point that is 130 feet easterly of and at right angles to the centerline of Ramp "M" of said project at Station 420+00; thence southerly, parallel to the centerline of said ramp, a distance of 157 feet, more or less, to the point of beginning.

Said strip of land lying in the NW 1/4 of SW 1/4, Section 29, T-21-S, R-2-W, and containing 6.25 acres, more or less.

Tract No. 2 Continued

Parcel No. 4 Continued

This conveyance is made for the purpose of a controlled access facility and adjacent service road or roads and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights appurtenant to grantor's remaining property in and to said controlled access facility, provided however, that there is hereby reserved the right of ingress to and egress from such remaining property to and from said service road or roads which will be accessible to the controlled access facility only at such points as may be established by public authority.

PARCEL NO. 5: Commencing at the southeast corner of the NW 1/4 of SW 1/4, Section 29, T-21-S, R-2-W, thence westerly along the south line of said NW 1/4 of SW 1/4 a distance of 1,128 feet, more or less, to the present southwest right of way line of Interstate Highway No. 65, and the point of beginning of the property herein to be conveyed; thence northwesterly along said present southwest right of way line a distance of 59 feet, more or less, to the present southeast right of way line of a County Road; thence southwesterly along said present southeast right of way line a distance of 20 feet, more or less, to a point that is 130 feet southwesterly of and at right angles to the centerline of the southbound lane of project No. S 5915 (101); thence southeasterly along a curve to the left (concave northeasterly) having a radius of 21,615.92 feet, parallel to the centerline of said southbound lane, a distance of 50 feet, more or less, to the south line of said NW 1/4 of SW 1/4, the south property line; thence easterly along said south property line a distance of 21 feet, more or less, to the point of beginning.

Said strip of land lying in the NW 1/4 of SW 1/4, Section 29, T-21-S, R-2-W and containing 0.02 acre, more or less.

Also, beginning at the intersection of the south line of the NW 1/4 of SW 1/4, Section 29, T-21-S, R-2-W and the present northeast right of way line of Interstate Highway No. 65; thence northwesterly along said present northeast right of way line a distance of 140 feet, more or less, to the present southeast right of way line of a County Road; thence northeasterly along said present southeast right of way line a distance of 60 feet; thence southeasterly, parallel to the present northeast right of way line of Interstate Highway No. 65, a distance of 165 feet, more or less, to the south line of said NW 1/4 of SW 1/4; thence westerly along the south line of said NW 1/4 of SW 1/4 a distance of 64 feet, more or less, to the point of beginning.

Said strip of land lying in the NW 1/4 of SW 1/4, Section 29, T-21-S, R-2-W, and containing 0.21 acre, more or less.

As a part of the consideration hereinabove stated there is also bargained sold, conveyed and relinquished to the grantee all existing, future, or potential common law or statutory right of access between the right of way of the public way identified as Project No. S 5915(101), County of Shelby, and all of the grantor's remaining property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the property conveyed by this instrument or are connected thereto by other parcels owned by the grantor.

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Filed this 18 day of Nov 1969

CONRAD M. FOWLER  
Judge of Probate

Tract No. 2  
Project S 5915 (101)

Shelby County

C. R. Crim  
1933 Merryvale Road  
Birmingham, Alabama

Helen L. Crim  
1933 Merryvale Road  
Birmingham, Alabama

Fay F. Quick  
Tax Collector  
Shelby County  
Columbiana, Alabama

4. Petitioner avers that a diligent search has been made of the records in the Office of the Judge of Probate of Shelby County, Alabama, affecting title to the herein described real estate and if there are other persons, or corporations who own or claim an interest in the said real estate, the same are unknown to your Petitioner.

5. Petitioner further avers that it is necessary to acquire a right of way easement in fee simple over, upon and across the herein described real estate for the purpose of constructing and maintaining the said Project No. S 5915 (101).

WHEREFORE, THE PREMISES CONSIDERED, your Petitioner prays as follows:

1. That the Court will make and enter an Order setting the hearing of this Petition and appointing a guardian ad litem to represent the interest of any and all unknown persons, minors and persons of unsound mind, firms, associations, and corporations and any persons who are in the Armed Forces of the United States, who may claim or hold any right, title or interest in the herein described real estate.

2. That the Court will cause a copy of this Petition to be served upon all parties residing in the State of Alabama who claim or hold any right, title or interest in the herein described real estate by the Sheriff of Shelby County, Alabama, at least ten days before the day appointed for said hearing.

3. That the Court will cause notice of this Petition and the Order setting the same for hearing to be published in a newspaper in Shelby County, Alabama, for three (3) consecutive weeks prior to the date of said hearing.

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Filed this 18 day of Nov 1969  
CONRAD M. FOWLER  
Judge of Probate

4. That upon a hearing of said Petition, your Petitioner prays that the Court will make and enter an Order granting the said Petition for Condemnation, appointing Commissioners to assess and determine the damages and compensation to be awarded the owners of said property, and that the Court will make and enter all such other Orders and Decrees as shall be necessary and appropriate to vest fee simple title in your Petitioner to the above described property for the uses and purposes herein mentioned.

Edward H. Brogden

STATE OF ALABAMA

SHELBY COUNTY

Before me, John C. Sanders, A Notary Public in and for the State of Alabama at large, personally appeared Edward H. Brogden who is known to me and who being by me first duly sworn, deposes and says that he is the authorized attorney to prosecute the action on behalf of the State of Alabama and that the allegations contained in the foregoing Petition are true and correct according to his knowledge, information and belief.

Edward H. Brogden

Sworn to and Subscribed before me this the 17th day of November 19 69.

(Seal)

Inst. # 1992-23350

John C. Sanders  
Notary Public

10/13/1992-23350  
03:50 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
010 MCD 29.00