

STATE OF ALABAMA,

Petitioner

V.

Bill Baker

Ralph W. Darby, Jr;

; Billy Dave

Earnest, Sarah Ellen Earnest,

First National Bank of

Childersburg, a national

banking association;

F. D. Riddle, Wilma Riddle,

Renol Walton, Hilda Walton;

Martha Ann Motel Corporation,

Renol Walton, Hilda Walton;

Jerry R. Hill, Linda Hill;

any and all unknown party or

parties, corporations or

partnerships, claiming any

right, title or interest in or

to any portion of the real

estate described in this

Application for Order of

Condemnation; and ANNETTE D.

SKINNER, Tax Collector,

Respondents.

IN THE PROBATE COURT FOR
SHELBY COUNTY, ALABAMA

CASE NUMBER:

23-214

Inst # 1992-23358

10/13/1992-23358
03:50 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE
009 HCB 26.50

APPLICATION FOR ORDER OF CONDEMNATION

Now comes the State of Alabama as Petitioner in the above styled cause and files this, its Application in the Probate Court of Shelby County, Alabama, for an Order of Condemnation of the lands and interest in lands described below, and as a basis for the relief prayed for shows unto the Court as follows:

1. Petitioner is authorized by the Constitution and Laws of the State of Alabama to institute and prosecute this proceeding for the purposes stated, and is not required to give bond for security for costs under the provisions of law.

2. Prior to the commencement of this action, the Highway Director of the State of Alabama found, ascertained and determined that the hereinafter described lands are necessary for use for public road or highway purposes and has authorized and directed the institution and prosecution of this property to condemn said lands. The property when condemned will be devoted to the public purposes specified.

3. Petitioner seeks to condemn the fee title, unless otherwise noted, to the following described parcels of property for public road or highway purposes, with the right to remove all improvements, trees, undergrowth and other obstructions situated on said lands, the right to prevent any person from placing or maintaining

I certify this to be a true and
correct copy *[Signature]*

6/25/92 Probate Judge
Shelby County

any obstruction on said lands, and also the right to enter upon said lands for the purpose of constructing, maintaining, and repairing the public improvements constructed or installed thereon, thereover or thereunder.

4. Your Petitioner avers that all of the respondents who are individuals herein named are over the age of nineteen years and under no legal disability unless otherwise specifically recited. Your Petitioner further avers that the designated tract numbers, owners and real estate sought to be acquired are as follows:

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BOOK

A temporary easement to a strip of land necessary for drainage and being more fully described as follows: Beginning at a point that is 110 feet southwesterly of and at right angles to the centerline of Project No. F-248(17) at Station 1135+85; thence N 54° 09' 45" W, parallel with the centerline of said project a distance of 50 feet; thence turn an angle of 90° 00' to the right and run a distance of 28 feet, more or less, to the north property line; thence easterly along said north property line a distance of 37 feet, more or less, to the present southwest right-of-way line of U.S. Highway No. 280; thence southeasterly along said present southwest right-of-way line a distance of 20 feet, more or less, to a point that is southwesterly of and at right angles to the centerline of said project at Station 1135+85; thence southwesterly and at right angles to the centerline of said project a distance of 50 feet, more or less, to the point of beginning.

Respondents:

Martha Ann Motel Corporation
P. O. Box 267
Harpersville, AL 35078

Renol Walton
P. O. Box 96
Harpersville, AL 35078

Hilda Walton
P. O. Box 96
Harpersville, AL 35078

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BOOK

113 C.

TRACT NO. 39 of PROJECT NO. F-248(17) of the State of Alabama Highway Department, Shelby County, Alabama, being more particularly described as follows:

Commencing at the southwest corner of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 28, T-19-S, R-2-E; thence easterly along the south line of said SW $\frac{1}{4}$ of SE $\frac{1}{4}$ a distance of 138 feet, more or less, to the present southeast right-of-way line of Alabama Highway No. 25; thence northeasterly along said present southeast right-of-way line a distance of 362 feet, more or less, to the south line of the property herein to be conveyed and the point of beginning; thence continuing northeasterly along said present southeast right-of-way line a distance of 80 feet, more or less, to a flare connecting said Alabama Highway No. 25 with U.S. Highway No. 280; thence northeasterly along said flare a distance of 48 feet, more or less, to a point that is 60 feet southeasterly of and at right angles to the centerline of said Alabama Highway No. 25; thence southwesterly along a curve to the left (concave southeasterly) having a radius of 1577.02 feet, parallel with the centerline of said highway, a distance of 99 feet, more or less, to the south property line; thence westerly along said south property line a distance of 34 feet, more or less, to the point of beginning.

Respondents:

Bill Baker
Rt. 1 Box 15
Harpersville, AL 35078

BOOK 56 925

TRACT NO. 45-H of PROJECT NO. F-248(17) of the State of Alabama
Highway Department, Shelby County, Alabama, being more particularly
described as follows:

A temporary easement to a strip of land necessary for drive-
way construction and being more fully described as follows: Beginning
at a point on the present northeast right-of-way line of U.S.
Highway No. 280 that is northeasterly of and at right angles to
the centerline of Project No. F-248(17) at Station 1162+60; thence
northeasterly and at right angles to the centerline of said project
a distance of 30 feet; thence turn an angle of 90 degrees to the
right and run a distance of 30 feet; thence turn an angle of 90
degrees to the right and run a distance of 30 feet to the present
northeast right-of-way line of said highway; thence northwesterly
along said present northeast right-of-way line a distance of 30
feet to the point of beginning.

Respondents:

Billy Dave Earnest
P. O. Box 125
Harpersville, AL 35078

Sarah Ellen Earnest
P. O. Box 125
Harpersville, AL 35078

First National Bank of Childersburg
P. O. Box 329
Childersburg, AL 35044

TRACT NO. 40 of PROJECT NO. F-248(17) of the State of Alabama Highway Department, Shelby County, Alabama, being more particularly described as follows:

Commencing at the southwest corner of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 28, T-19-S, R-2-E; thence easterly along the south line of said SW $\frac{1}{4}$ of SE $\frac{1}{4}$ a distance of 138 feet, more or less, to the present southeast right-of-way line of Alabama Highway No. 25; thence northeasterly along said present southeast right-of-way line a distance of 132 feet, more or less, to the present north right-of-way line of a paved county road and the point of beginning of the property herein to be conveyed; thence continuing northeasterly along said present southeast right-of-way line a distance of 230 feet, more or less, to the north property line; thence easterly along said north property line a distance of 34 feet, more or less, to a point that is 60 feet southeasterly of and at right angles to the centerline of said highway; thence southwesterly along a curve to the left (concave southeasterly) having a radius of 1577.02 feet, parallel with the centerline of said highway, a distance of 238 feet, more or less, to the present north right-of-way line of a paved road; thence westerly along said present north right-of-way line a distance of 30 feet, more or less, to the point of beginning.

Respondents:

Ralph W. Darby, Jr.
Rt. 1 Box 15
Harpersville, AL 35078

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TRACT NO. 49 of PROJECT NO. F-248(17) of the State of Alabama Highway Department, Shelby County, Alabama, being more particularly described as follows:

Commencing at the southeast corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 34, T-19-S, R-2-E; thence northerly along the east line of said SW $\frac{1}{4}$ of NW $\frac{1}{4}$ a distance of 391 feet, more or less, to the present northeast right-of-way line of a paved county road; thence northwesterly along said present northeast right-of-way line a distance of 290 feet, more or less, to a point that is northeasterly of and at right angles to the Traverse of said paved county road at Station 25+25 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 70 feet, more or less, to the northwest property line; thence northeasterly along said northwest property line a distance of 102 feet, more or less, to the present southwest right-of-way line of U.S. Highway No. 280; thence, southeasterly along said present southwest right-of-way line a distance of 79 feet, more or less, to a point that is southwesterly of and at right angles to the centerline of Project No. F-248(17) at Station 1160+25; thence southwesterly along a line a distance of 133 feet, more or less, to the point of beginning.

Respondents:

R. D. Riddle
(address unknown)

Wilma Riddle
(address unknown)

Renol Walton
P. O. Box 96
Harpersville, AL 35078

Hilda Walton
P. O. Box 96
Harpersville, AL 35078

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TRACE NO. 43-B of PROJECT NO. F-248(17) of the State of Alabama
Highway Department, Shelby County, Alabama, being more particularly
described as follows:

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A temporary easement to a strip of land necessary for
drainage and being more fully described as follows: Beginning
at a point on the present southwest right-of-way line of U.S.
Highway No. 280 that is southwesterly of and at right angles
to the centerline of Project No. F-248(17) at Station 1135+35;
thence southwesterly and at right angles to the centerline of
said project a distance of 23 feet, more or less, to the south
property line; thence easterly along said south property line
a distance of 37 feet, more or less, to the present southwest
right-of-way line of said highway; thence northwesterly along
said present southwest right-of-way line a distance of 30 feet,
more or less, to the point of beginning.

Respondents:

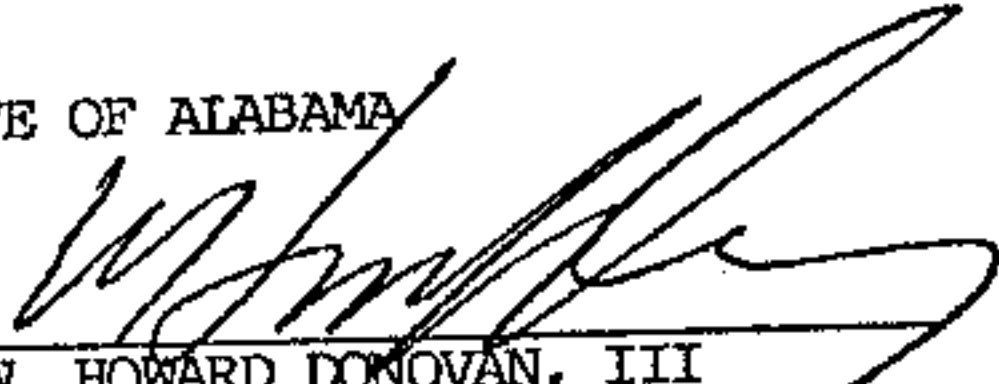
Jerry R. Hill
P. O. Box 334
Harpersville, AL 35078

Linda Hill
P. O. Box 334
Harpersville, AL 35078

WHEREFORE PREMISES CONSIDERED, Petitioner prays that this Court will make and enter an order appointing the day for hearing of this petition and will cause notice of this petition and notice of the day set for hearing hereof to be issued to the above name respondents, all as provided by law and the rules of this Honorable Court, and that upon final hearing of this petition, this Court will order and decree that the petitioner is entitled to acquire said lands or interest in lands for the public purposes herein set forth; and that this Court will appoint appraisers to ascertain and report the damages occasioned by such taking, and the compensation to be allowed the respondents for such taking; and will make and enter in this cause, all such other and further orders and decrees as it deems necessary in the premises.

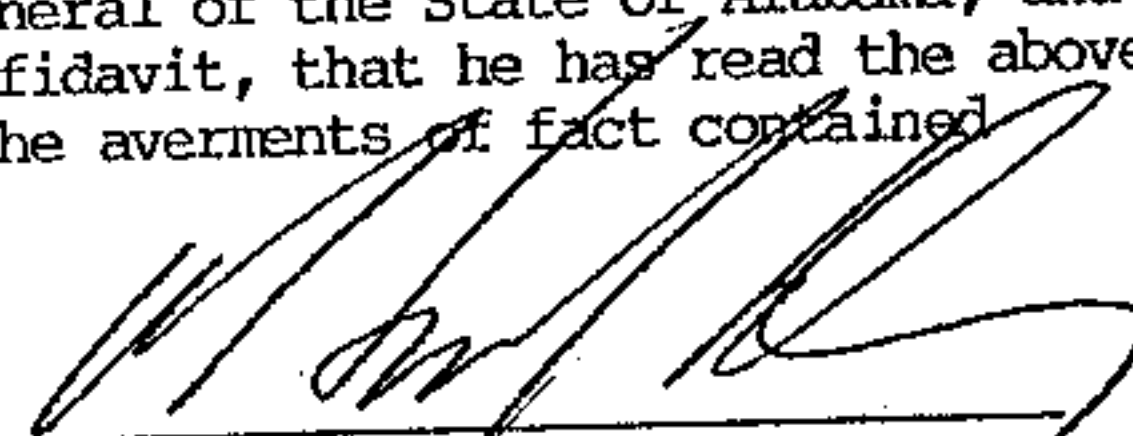
STATE OF ALABAMA

By


W. HOWARD DONOVAN, III
Special Assistant Attorney
General for the State of Alabama

STATE OF ALABAMA)
JEFFERSON COUNTY)

Before me, the undersigned authority in and for said County in said State, personally appeared W. HOWARD DONOVAN, III, who is known to me and who, being by me first duly sworn, deposes and says that he is a Special Assistant Attorney General of the State of Alabama, and as such is authorized to make this affidavit, that he has read the above and foregoing petition, and that the averments of fact contained therein are true and correct.


W. HOWARD DONOVAN, III

Subscribed and sworn to before
me this 7 day of April,
1983


Notary Public
My Commission Expires: 7-8-85

[Seal]

Filed this 4 day of April 1983
THOMAS A. SNOWDEN JR.
Judge of Probate
Inst. # 1992-23358

10/13/1992-23358
03:50 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE

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