

I certify this to be a true and  
STATE OF ALABAMA  
SHELBY COUNTY  
Probate Judge  
Shelby County 6-25-92  
IN THE PROBATE COURT OF SHELBY COUNTY,  
ALABAMA

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TO THE HONORABLE CONRAD M. FOWLER, JUDGE OF SAID COURT:

Now comes the State of Alabama, as Petitioner, and files this, its application in the Probate Court of Shelby County, Alabama, for an order of condemnation of the lands and properties hereinafter described for public roads and highway purposes, and, as a basis for the relief sought, 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 in its own name for the purposes herein stated, a copy of the written order from the State of Alabama Highway Department authorizing commencement of this proceeding, being hereto attached as Exhibit "A" and by reference hereto, made a part hereof; that the places of residence or post office addresses of the persons against whom this application is filed who are of sound mind and who are residents of the State of Alabama, are as follows: S. L. Harrison, P. O. Box 503, Alabaster, Alabama 35007; Vennie Harrison, P. O. Box 503, Alabaster, Alabama 35007; Clinton Kirkland, General Delivery, Saginaw, Alabama 35137; Johnnie Mixon, Rt. 2, Box 14, Calera, Alabama 35040; Pauline Mixon, Rt. 2, Box 14, Calera, Alabama 35040; Mary Underwood, Box 131, Alabaster, Alabama 35007; Lee Thomas, Saginaw, Alabama 35137; Carrie Thomas, Saginaw, Alabama 35137; Mattie Belle Frickett, General Delivery, Saginaw, Alabama 35137; Ed Norris, Rt. 1, Box 148-D, Siluria, Alabama 35144; Nettie Norris, Rt. 1, Box 148-D, Siluria, Alabama 35144; William D. Dobbins, Jr., 2804 Southwood Road, Birmingham, Alabama; Allen Wilson, Box 323, Pelham, Alabama 35124 and Lewis S. Wilson, Pelham, Alabama 35124; that the following persons against whom this application is filed are over the age of 21 years, are of sound mind and non-residents of the State of Alabama, residing at the addresses hereinafter shown: Mid-West Homes Acceptance Corporation, c/o Sam W. Schwartz, Box 334, Charleston, Illinois, 61920; Dorothy M. Kirkland, 6660 Catawba Street, Fontana, California 92335; Lottie B. Bishop, 619 Ivy Drive, Menlo Park, California 94025; Robert L. Mixon, 1670 Bay Road, Apartment 10, E. Palo Alto, California 94300; Julia A. Mixon, 901 E. 17th Street, 9th Avenue, Oakland, California 94600; Essie M. Caldwell, 1132 Moonlight Way, Milpitas, California 95035; Shirley Wayne Mixon, 2505 San Carlo Street, San Bernardino, California 92400; Arthur L. Mixon, 2505 San Carlo Street, San Bernardino, California 92400; Billy E. Mixon, General Delivery, Trona, California 93562; Melva Walker Mixon, 2522 Flores Street, San Bernardino, California 92405; Larry Mixon, 2522 Flores Street, San

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Bernardino, California 92405; Russel O. Beasley, 2864 N. Gardena Street, San Bernardino, California 92405; Ora D. Beasley, 2864 N. Gardena Street, San Bernardino, California 92405; Charles Nixon, 1301 Turrill Avenue, San Bernardino, California 92411; George Nixon, 1971 111 Street, Watts, California; Betsy Walker, 2331 Franklin Avenue, Apartment 2, Toledo, Ohio 43600; Watson E. Underwood, 3965 Boulder Park Drive, SW, Atlanta, Georgia 30331; Kathorine Underwood, 3965 Boulder Park Drive, SW, Atlanta, Georgia 30331 and Estella Mae Haniel, 3360 Darmouth, Detroit, Michigan 48200.

2. That the State of Alabama is now engaged in the planning or construction of a certain public road or highway, to-wit, leading from U. S. Highway 31 South in Alabaster to a point East of Pelham, in Shelby County, Alabama, said public road or highway to be known or designated as State of Alabama Highway Department Project No. I-65-2 (11); that said public road or highway will be a highway, and that part of the property herein sought to be condemned is the respective property-owners' rights and easements of access between the said public road or highway right of way and the said property-owners' remaining real property, if any, as is more specifically described and set out in Paragraph 3 below; that said public road or highway is, or will be, a part of the designated National System of Interstate Highways and will on completion be available for use by the public; that the acquisition of the lands and properties hereinafter described in Paragraph 3 below, including rights of access where applicable and where designated, is necessary to effect said public road or highway, and that said lands and properties will be used after the acquisition thereof to effect said public road or highway; that by reason of the foregoing, the acquisition of the lands and properties hereinafter described in Paragraph 3 below is in the public interest.

3. That the tracts of land necessary for use by Petitioner as a right of way for said public road or highway purposes, and which Petitioner seeks to condemn an easement or right of way in, over, upon, or across for said public road or highway purposes, together with other properties herein sought to be condemned which are necessary to effect said public road or highway as a road or highway, are more particularly described or designated as the following separate paragraphs or "Parcels", beginning with Parcel No. 1 and continuing through and including Parcel No. 10; and that the names and residences of the owners and other parties who claim or who hold any right, title, or interest in each separate "Parcel" are stated, where known, immediately following each said separate "Parcel", as follows, to-wit:

PARCEL NO. 1

A tract of land designated as Tract No. 1, as shown on the Alabama State Highway Department Right-Of-Way Map, Project No. I-65-2(11), July, 1958, as recorded in the Office of the Judge of Probate, of Shelby County, Alabama, being more particularly described as follows:

Commencing at the northwest corner of the NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 1, Township 21 South, Range 3 West; thence easterly along the north line of said NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , a distance of 1230 feet, more or less, to a point that is 260 feet northwesterly of and at right angles to the centerline of Project No. I-65-2(11); thence S 28 deg. 56 min. 30 sec. W, parallel to the centerline of said project, a distance of 462 feet, more or less, to the north line of the property herein to be conveyed and the point of beginning; thence continuing S 28 deg. 56 min. 30 sec. W, parallel to the centerline of said project, a distance of 103 feet, more or less, to the south property line; thence easterly along said south property line, a distance of 162 feet, more or less, to the east property line; thence northerly along said east property line, a distance of 105 feet, more or less, to the north property line; thence westerly along said north property line, a distance of 103 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 1, Township 21 South, Range 3 West and containing 0.27 acres, more or less.

This condemnation is for the purpose of a controlled access facility and adjacent service road or roads and all abutter's rights appurtenant to owner's remaining property in and to said controlled access facility, provided however, that there is hereby reserved to the owners 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.

Also, all existing future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. I-65-2(11), County of Shelby, and all of the named owners' remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property described above or are connected thereto by other parcels owned by said named owners.

Also, fee simple title to any house, building, or other structure, which may be located partly on the above described property and partly on the named owner's remaining real property together with rights of ingress and egress to the named owner's remaining real property necessary to effect the removal of any such house, building, or other structure.

OWNERS OF PARCEL NO. 1 ARE AS FOLLOWS: S. L. Harrison, Vennie Harrison, Mid-West Homes Acceptance Corporation, c/o Sam W. Schwartz

PARCEL NO. 2

A tract of land designated as Tract No. 1-C, as shown on the Alabama State Highway Department Right-Of-Way Map, Project No. I-65-2(11), July, 1958, as recorded in the Office of the Judge of Probate, of Shelby County, Alabama, being more particularly described as follows:

Commencing at the northwest corner of the NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 1, Township 21 South, Range 3 West; thence easterly along the north line of said NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , a distance of 1230 feet, more or less, to a point that is 260 feet northwesterly of and at right angles to the centerline of Project No. I-65-2(11); thence South 28 deg. 56 min. 30 sec. W, parallel to the centerline of said project, a distance of 560 feet, more or less, to the north line of the property herein to be conveyed and the point of beginning; thence continuing S 28 deg. 56 min. 30 sec. W, parallel to the centerline of said project, a distance of 115 feet, more or less, to the west property line; thence southerly along said west property line, a distance of 22 feet, more or less, to the south property line; thence easterly along said south property line, a distance of 208 feet, more or less, to the east property line; thence northerly along said east property line, a distance of 105 feet, more or less, to the north property line; thence westerly along said north property line, a distance of 162 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 1, Township 21 South, Range 3 West and containing 0.49 acres, more or less.

This condemnation is for the purpose of a controlled access facility and adjacent service road or roads and all abutter's rights appurtenant to owner's remaining property in and to said controlled access facility, provided however, that there is hereby reserved to the owner 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.

Also, all existing future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. I-65-2(11), County of Shelby, and all of the named owners' remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property described above or are connected thereto by other parcels owned by said named owners.

Also, fee simple title to any house, building, or other structure, which may be located partly on the above described property and partly on the named owner's remaining real property together with rights of ingress and egress to the named owner's remaining real property necessary to effect the removal of any such house, building, or other structure.

OWNERS OF PARCEL NO. 2 ARE AS FOLLOWS: Clinton Kirkland, and Mid-West Homes Acceptance Corporation, c/o Sam W. Schwartz

PARCEL NO. 3

A tract of land designated as Tract No. 2, as shown on the Alabama State Highway Department Right-Of-Way Map, Project No. I-65-2(11), July, 1958, as recorded in the Office of the Judge of Probate, of Shelby County, Alabama, being more particularly described as follows:

Commencing at the southeast corner of the NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 1, Township 21 South, Range 3 West; thence northerly along the east line of said NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , a distance of 792 feet, more or less, to the south line of the property herein to be conveyed and the point of beginning; thence westerly along the south property line (crossing the centerline of Project No. I-65-2(11) at approximate Station 668+05) a distance of 208 feet, more or less, to the west property line;



thence northerly along said west property line, a distance of 126 feet, more or less, to the north property line; thence easterly along said north property line (crossing the centerline of said project at approximate Station 669+58) a distance of 203 feet, more or less, to the east line of said NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , the east property line; thence southerly along said east property line, a distance of 126 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 1, Township 21 South, Range 3 West and containing 0.60 acres, more or less.

Also, all existing future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. I-65-2(11), County of Shelby, and all of the named owners' remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property described above or are connected thereto by other parcels owned by said named owners.

Also, fee simple title to any house, building, or other structure, which may be located partly on the above described property and partly on the named owner's remaining real property together with rights of ingress and egress to the named owner's remaining real property necessary to effect the removal of any such house, building, or other structure.

OWNERS OF PARCEL NO. 3 ARE AS FOLLOWS: Johnnie Mixon, Pauline Mixon, Dorothy M. Kirkland, Lottie B. Bishop, Robert L. Mixon, Julia A. Mixon, Essie M. Caldwell, Arthur L. Mixon, Shirley Wayne Mixon, Billy E. Mixon, Melva Walker Mixon, Larry Mixon, Russell O. Beasley, Ora D. Beasley, Charles Mixon and George Mixon

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PARCEL NO. 4

A tract of land designated as Tract No. 6, as shown on the Alabama State Highway Department Right-Of-Way Map, Project No. I-65-2(11), July, 1958, as recorded in the office of the Judge of Probate, of Shelby County, Alabama, being more particularly described as follows:

Commencing at the southeast corner of the SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 1, Township 21 South, Range 3 West; thence westerly along the south line of said SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , a distance of 1080 feet, more or less, to the east line of the property herein to be conveyed and the point of beginning; thence continuing westerly along the south line of said SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , the south property line (crossing the centerline of said project at approximate Station 674+10) a distance of 210 feet, more or less, to the west line of said SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , the west property line; thence northerly along said west property line, a distance of 210 feet, more or less, to the north property line; thence easterly along said north property line, a distance of 210 feet, more or less, to the east property line; thence southerly along said east property line (crossing the centerline of said project at approximate Station 674+40) a distance of 210 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 1, Township 21 South, Range 3 West, and containing 1.00 acres, more or less.

Also, all existing future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No.

I-65-2(11), County of Shelby, and all of the named owners' remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property described above or are connected thereto by other parcels owned by said named owners.

Also, fee simple title to any house, building, or other structure, which may be located partly on the above described property and partly on the named owner's remaining real property together with rights of ingress and egress to the named owner's remaining real property necessary to effect the removal of any such house, building, or other structure.

OWNERS OF PARCEL NO. 4 ARE AS FOLLOWS: Mary Underwood and Betsy Walker

PARCEL NO. 5

A tract of land designated as Tract No. 7-A, as shown on the Alabama State Highway Department Right-Of-Way Map, Project No. I-65-2(11), July, 1958, as recorded in the Office of the Judge of Probate, of Shelby County, Alabama, being more particularly described as follows:

Commencing at the northwest corner of the SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 1, Township 21 South, Range 3 West; thence southerly along the west line of said SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , a distance of 1021 feet, more or less, to the north property line; thence easterly along said north property line, a distance of 200 feet, more or less, to a point that is 150 feet northwesterly of and at right angles to the centerline of Project No. I-65-2(11) and the point of beginning of the property herein to be conveyed; thence S 28 deg. 56 min. 30 sec. W, parallel to the centerline of said project, a distance of 109 feet, more or less, to the south property line; thence easterly along said south property line, a distance of 70 feet, more or less, to the east property line, a distance of 100 feet, more or less, to the north property line; thence westerly along said north property line, a distance of 18 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 1, Township 21, South, Range 3 West and containing 0.09 acres, more or less.

Also all existing, future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. I-65-2(11), County of Shelby, and all of the owner'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 described above or are connected thereto by other parcels owned by the owners.

Also, fee simple title to any house, building, or other structure, which may be located partly on the above described property and partly on the named owner's remaining real property together with rights of ingress and egress to the named owner's remaining real property necessary to effect the removal of any such house, building or other structure.

OWNERS OF PARCEL NO. 5 ARE AS FOLLOWS: Watson E. Underwood and Katherine Underwood

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PARCEL NO. 6

A tract of land designated as Tract No. 8-A, as shown on the Alabama State Highway Department Right-Of-Way Map, Project No. I-65-2(11), July, 1958, as recorded in the Office of the Judge of Probate, of Shelby County, Alabama, being more particularly described as follows:

Commencing at the southeast corner of the SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 1, Township 21 South, Range 3 West; thence westerly along the south line of said SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , a distance of 585 feet, more or less, to the centerline of the relocation of a county road; thence N 5 deg. 49 min. W along the centerline of said relocation, a distance of 210 feet, more or less, to the south line of the property herein to be conveyed and the point of beginning; thence westerly along the south property line, a distance of 30 feet, more or less, to the southwest property line; thence northwesterly along said southwest property line, a distance of 50 feet, more or less, to a point that is 50 feet southwesterly of and at right angles to the centerline of said relocation; thence N 5 deg. 49 min. W, parallel to the centerline of said relocation, a distance of 20 feet, more or less, to the northwest property line; thence northeasterly along said northwest property line (crossing the centerline of said relocation at approximate Station 14+30) a distance of 105 feet, more or less, to a point that is 40 feet northeasterly of and at right angles to the centerline of said relocation; thence S 5 deg. 49 min. E, parallel to the centerline of said relocation, a distance of 115 feet, more or less, to the south property line; thence westerly along said south property line, a distance of 40 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 1, Township 21 South, Range 3 West and containing 0.169 acres, more or less.

The above described area includes a present 120 foot (more or less) wide easement granted to the Alabama Power Company, the centerline of which crosses the centerline of the relocation of a county road at approximate Station 12+50.

Also, all existing future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No.

I-65-2(11), County of Shelby, and all of the named owners' remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property described above or are connected thereto by other parcels owned by said named owners.

Also, fee simple title to any house, building, or other structure, which may be located partly on the above described property and partly on the named owner's remaining real property together with rights of ingress and egress to the named owner's remaining real property necessary to effect the removal of any such house, building, or other structure.

OWNERS OF PARCEL NO. 6 ARE AS FOLLOWS: Lee Thomas and Carrie Thomas

PARCEL NO. 7

A tract of land designated as Tract No. 8-B, as shown on the Alabama State Highway Department Right-Of-Way Map, Project No. I-65-2(11), July, 1958, as recorded in the Office of the Judge of Probate, of Shelby County, Alabama, being more particularly described as follows:

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Commencing at the southeast corner of the SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 1, Township 21 South, Range 3 West; thence westerly along the south line of said SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , a distance of 535 feet, more or less, to the centerline of the relocation of a county road; thence N 5 deg. 49 min. W along the centerline of said relocation, a distance of 300 feet, more or less, to the southeast line of the property herein to be conveyed and the point of beginning; thence southwesterly along the southeast property line, a distance of 60 feet, more or less, to a point that is 50 feet southwesterly of and at right angles to the centerline of said relocation; thence N 5 deg. 49 min. W, parallel to the centerline of said relocation, a distance of 95 feet, more or less, to the present northeast right-of-way line of the Alabama Power Company's easement; thence southeasterly along said present northeast right-of-way line, a distance of 28 feet, more or less, to a point that is 40 feet southwesterly of and at right angles to the centerline of said relocation; thence N 5 deg. 49 min. W, parallel to the centerline of said relocation, a distance of 58 feet, more or less, to the northwest property line; thence northeasterly along said northwest property line (crossing the centerline of said relocation at approximate Station 15+60) a distance of 92 feet, more or less, to a point that is 40 feet northeasterly of and at right angles to the centerline of said relocation; thence S 5 deg. 49 min. E, parallel to the centerline of said relocation, a distance of 125 feet, more or less, to the southeast property line; thence southwesterly along said southeast property line, a distance of 45 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 1, Township 21 South, Range 3 West and containing 0.28 acres, more or less.

The above described area includes a present 120 foot (more or less) wide easement granted to the Alabama Power Company, the centerline of which crosses the centerline of said relocation at approximate Station 12+50.

Also, all existing future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No.

I-65-2(11), County of Shelby, and all of the named owners' remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property described above or are connected thereto by other parcels owned by said named owners.

Also, fee simple title to any house, building, or other structure, which may be located partly on the above described property and partly on the named owner's remaining real property together with rights of ingress and egress to the named owner's remaining real property necessary to effect the removal of any such house, building, or other structure.

OWNERS OF PARCEL NO. 7 ARE AS FOLLOWS: Mattie Belle Prickett and Estella Mae Haniel  
PARCEL NO. 8

A tract of land designated as Tract No. 8-C, as shown on the Alabama State Highway Department Right-Of-Way Map, Project No. I-65-2(11), July, 1958, as recorded in the Office of the Judge of Probate, of Shelby County, Alabama, being more particularly described as follows:

Commencing at the southeast corner of the SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 1, Township 21 South, Range 3 West; thence westerly along the south line of said SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , a distance of 585 feet, more or less, to the centerline of the relocation of a county road; thence West 5 deg. 49 min. W along the centerline of said relocation, a distance



of 425 feet, more or less, to the southeast line of the property herein to be conveyed and the point of beginning; thence southwesterly along the southeast property line, a distance of 48 feet, more or less, to a point that is 40 feet southwesterly of and at right angles to the centerline of said relocation; thence North 5 deg. 49 min. W, parallel to the centerline of said relocation, a distance of 242 feet, more or less, to the northwest property line; thence northeasterly along said northwest property line, a distance of 12 feet, more or less, to the northeast property line; thence southeasterly along said northeast property line (crossing the centerline of said relocation at approximate Station 17+30) a distance of 145 feet, more or less, to a point that is 40 feet northeasterly of and at right angles to the centerline of said relocation; thence South 5 deg. 49 min. E, parallel to the centerline of said relocation, a distance of 78 feet, more or less, to the southeast property line; thence southwesterly along said southeast property line, a distance of 49 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section

1, Township 21 S, Range 3 West and containing 0.28 acres, more or less.

Also, all existing future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. I-65-2(11), County of Shelby, and all of the named owners' remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property described above or are connected thereto by other parcels owned by said named owners.

Also, fee simple title to any house, building, or other structure, which may be located partly on the above described property and partly on the named owner's remaining real property together with rights of ingress and egress to the named owner's remaining real property necessary to effect the removal of any such house, building, or other structure.

OWNERS OF PARCEL NO. 8 ARE AS FOLLOWS: Ed Morris and Nettie Morris

PARCEL NO. 9

A tract of land designated as Tract No. 15, as shown on the Alabama State Highway Department Right-Of-Way Map, Project No. I-65-2(11), July, 1958, as recorded in the Office of the Judge of Probate, of Shelby County, Alabama, being more particularly described as follows:

Parcel No. 9-a Commencing at the northeast corner of Section 36, Township 20 South, Range 3 West; thence westerly along the north line of said Section 36, a distance of 520 feet, more or less, to a point that is 214 feet easterly of and at right angles to the centerline of Project No. I-65-2(11) and the point of beginning of the property herein to be conveyed; thence South 2 deg. 15 min. 30 sec. East parallel to the centerline of said project, a distance of 100 feet, more or less, to a point that is 214 feet easterly of and at right angles to the centerline of said project at Station 756+23.8 "Ahead", said point also being 175 feet easterly of and at right angles to the centerline of the right lane of said project at Station 756+39.2 "Back"; thence South 2 deg. 15 min. 30 sec. E, parallel to the centerline of said right lane, a distance of 1239.2 feet; thence southwesterly along a straight line (which if extended would intersect a point that is 125 feet easterly of and at right angles to the centerline of said right lane at Station 743+00) a distance of 23 feet, more or less, to the south line of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 36, the south property line; thence westerly along said south property line (crossing the centerline of said right lane at Station 743+37) a distance of 173 feet, more or less, to the center of a creek, the west property line; thence northerly meandering said west property line (crossing the centerline of said right lane at approximate Stations 744+03, 745+30 and 753+13 and the centerline of the left lane of said project at approximate Stations 744+73 and 750+60) a distance of 1800 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 230 feet, more or less, to the present southwest right-of-way line of a road; thence southeasterly along said present southwest right-of-way line, a distance of 60 feet, more or less, to a point that

is 100 feet southeasterly of and at right angles to the centerline of said county road; thence South 49 deg. 39 min. 30 sec. W, parallel to the centerline of said county road, a distance of 105 feet, more or less, to a point that is 214 feet easterly of and at right angles to the centerline of said project; thence South 2 deg. 15 min. 30 sec. E, parallel to the centerline of said project, a distance of 270 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 36, and the SE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 25, Township 20 South, Range 3 West and containing 8.54 acres, more or less.

This condemnation is for the purpose of a controlled access facility and adjacent service road or roads and any and all abutter's rights appurtenant to owner's remaining property in and to said controlled access facility, provided however, that there is hereby reserved to the owners along a line (described as beginning at a point that is 214 feet southeasterly of and at right angles to the centerline of Project No. I-65-2(11) said point also being 100 feet southeasterly of and at right angles to the centerline of a county road; thence North 49 deg. 39 min. 30 sec. E, parallel to the centerline of said county road, a distance of 105 feet, more or less, to the present southwest right-of-way line of a road 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.

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a straight line, a distance of 30 feet, more or less, to a point that is 70 feet northwesterly of and at right angles to the centerline of said county road at Station 102+00; thence South 49 deg. 39 min. 30 sec. W, parallel to the centerline of said county road, a distance of 650 feet; thence westerly along a straight line, a distance of 68 feet, more or less, to a point that is 110 feet northwesterly of and at right angles to the centerline of said county road at Station 95+00; thence South 49 deg. 39 min. 30 sec. W, parallel to the centerline of said county road, a distance of 160 feet, more or less, to a point that is 214 feet easterly of and at right angles to the centerline of Project No. I-65-2(11) 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.

Parcel No. 9-c Commencing at the southeast corner of Section 25, Township 20 South, Range 3 West; thence northerly along the east line of said Section 25, a distance of 762 feet, more or less, to a point that is 70 feet southeasterly 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 South 49 deg. 39 min. 30 sec. W, parallel to the centerline of said county road, a distance of 90 feet, more or less, to a point that is 70 feet southeasterly of and at right angles to the centerline of said county road at Station 98+00; thence southwesterly along a straight line, a distance of 106 feet, more or less, to a point that is 115 feet southeasterly of and at right angles to the centerline of said county road at Station 97+00; thence southwesterly along a straight line, a distance of 375 feet, more or less, to a point on the present northeast right-of-way line of a road that is 150 feet southeasterly of and at right angles to the centerline of said county road; thence northwesterly along said present northeast right-of-way line, a distance of 112 feet, more or less, to the present southeast right-of-way line of said county road; thence northeasterly along said present southeast right-of-way line, a distance of 712 feet, more or less, to the northeast property line; thence southeasterly along said northeast property line, a distance of 30 feet, more or less, to a point that is 70 feet southeasterly of and at right angles to the centerline of said county road; thence South 49 deg. 39 min. 30 sec. W, parallel to the centerline of said county road, a distance of 165 feet, more or less, to the point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 25, the SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 30, Township 20 South, Range 3 West and containing 0.94 acres, more or less.

Also an easement to a strip of land necessary for the construction and maintenance of a drainage ditch and being more fully described as follows: Commencing at the northeast corner of the SE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 25, Township 20 South, Range 3 West; thence westerly along the north line of said SE $\frac{1}{4}$  of SE $\frac{1}{4}$ , a distance of 345 feet, more or less, to a point on a line which extends from a point on the present southwest right-of-way line of the Atlantic Coast Line Railroad that is 300 feet easterly of and at right angles to the centerline of Project No. I-65-2(11) to a point that is 444 feet easterly of and at right angles to the centerline of said project at Station 770+00 and the point of beginning of the property herein to be conveyed; thence southeasterly along said line, a distance of 50 feet, more or less, to said point that is 444 feet easterly of and at right angles to the centerline of said project at Station 770+00; thence westerly along a straight line, a distance of 230 feet to a point that is 214 feet easterly of and at right angles to the centerline of said project at Station 770+00; thence northeasterly along a straight line (which if extended would intersect a point that is 250 feet easterly of and at right angles to the centerline of said project at Station 771+00) a distance of 65 feet, more or less, to the north line of said SE $\frac{1}{4}$  of SE $\frac{1}{4}$ , the north property line; thence easterly along said north property line, a distance of 205 feet, more or less, to the point of beginning.

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Also, all existing future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. I-65-2(11), County of Shelby, and all of the named owners' remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property described above or are connected thereto by other parcels owned by said named owners.

Also, fee simple title to any house, building, or other structure, which may be located partly on the above described property and partly on the named owner's remaining real property together with rights of ingress and egress to the named owner's remaining real property necessary to effect the removal of any such house, building, or other structure.

OWNERS OF PARCEL NO. 9 ARE AS FOLLOWS: William D. Dobbins, Jr.

PARCEL NO. 10

A tract of land designated as Tract No. 16, as shown on the Alabama State Highway Department Right-Of-Way Map, Project No. I-65-2(11), July, 1958, as recorded in the Office of the Judge of Probate, of Shelby County, Alabama, being more particularly described as follows:

Parcel No. 10-a Commencing at the southwest corner of the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 36, Township 20 South, Range 3 West; thence easterly along the south line of said NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , a distance of 408 feet, more or less, to a point that is 125 feet northwesterly of and at right angles to the centerline of the left lane of Project No. I-65-2(11) and the point of beginning of the property herein to be conveyed; thence northeasterly along a curve to the left (concave northwesterly) having a radius of 11,334.16 feet, parallel to the centerline of said left lane, a distance of 1062 feet, more or less, to the north property line; thence easterly along said north property line, a distance of 32 feet, more or less, to the east property line; thence southerly along said east property line, a distance of 460 feet, more or less, to the northeast property line; thence southeasterly along said northeast property line, a distance of 55 feet, more or less, to the center of a creek the eastern-most property line; thence southerly meandering said eastern-most property line (crossing the centerline of said left lane at approximate Station 744+78 and the centerline of the right lane of said project at approximate Stations 745+30 and 744+03 a distance of 910 feet, more or less, to the south line of said NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , the south property line; thence westerly along said south property line (crossing the centerline of the left lane of said project at Station 742+43) a distance of 260 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 36, Township 20 South, Range 3 West and containing 1.72 acres, more or less.

Also all existing, future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. I-65-2(11), County of Shelby, and all of the owner'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 described above or are connected thereto by other parcels owned.

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Parcel No. 10-b Commencing at the southwest corner of the NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 36, Township 20 South, Range 3 West; thence northerly along the west line of said NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , a distance of 809 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 300 feet, more or less, to a point that is southeasterly of and at right angles to the centerline of said county road at Station 83+00; and the point of beginning of the property herein to be conveyed; thence northeasterly along a straight line (which if extended would intersect a point that is 110 feet southeasterly of and at right angles to the centerline of said county road at Station 85+00) a distance of 178 feet, more or less, to the north property line; thence westerly along said north property line, a distance of 66 feet, more or less, to said present southeast right-of-way line; thence southwesterly along said present southeast right-of-way line, a distance of 136 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 36, Township 20 South, Range 3 West and containing 0.08 acres, more or less.

Also, all existing future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No.

I-65-2(11), County of Shelby, and all of the named owners' remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property described above or are connected thereto by other parcels owned by said named owners.

Also, fee simple title to any house, building, or other structure, which may be located partly on the above described property and partly on the named owner's remaining real property together with rights of ingress and egress to the named owner's remaining real property necessary to effect the removal of any such house, building, or other structure.

OWNERS OF PARCEL NO. 10 ARE AS FOLLOWS: Allen Wilson and Lewis S. Wilson

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4. That Petitioner further shows that diligent search has been made of the records in the Office of the Judge of Probate of Shelby County, Alabama, and diligent inquiry has been made to ascertain the names, ages, and places of residence of the owners of the lands and properties herein sought to be condemned and of any other parties who claim or who hold any right, title, or interest therein, and according to the Petitioner's information, knowledge, and belief, the said lands and properties are owned, claimed, and held by the parties as are named Respondents in this proceeding and as set forth in Paragraph 3 above, and by no others, and that all of said parties named as Respondents are each over the age of twenty-one years and are each under no legal disability unless and except as stated specifically in said Paragraph 3; Petitioner further alleges that the lands and properties herein sought to be condemned will be devoted, when condemned, to the public road or highway purposes as set forth herein.

5. Petitioner further shows that the said rights-of-way which are sought to be condemned over each of said separate tracts of land described or designated as Parcels No. 1 through and including Parcel No. 10 of Paragraph 3 above are now located and staked out on the ground and are otherwise shown and described by a map or plat or survey made thereof by the State of Alabama Highway Department now on file in the Office of the Judge of Probate of Shelby County, Alabama, at page 58 of Right-Of-Way Map Book <sup>No. 4</sup>, said page 58 of Right-Of-Way Map Book, Office of the Judge of Probate of Shelby County, Alabama, being by reference hereto made a part hereof.

6. That Petitioner further shows that it has made bona fide efforts to agree with the owners and claimants of said lands and properties described or designated as Parcels No. 1 through and including Parcel No. 10 of Paragraph 3 above as to the damages and compensation to be allowed and paid for said lands and properties herein sought to be condemned, and that Petitioner has failed to come to any such agreement with said owners and claimants, the Respondents in this proceeding, and that Petitioner has heretofore taken all steps necessary and all proceedings required by law to initiate this proceeding.

THE PREMISES CONSIDERED, Petitioner prays that this Court will make and enter an order appointing a day for the hearing of this Petition and will cause issuance of notice to the Respondents set out in Paragraph 3 above of the filing of said Petition and of the day set for the hearing thereof, all as provided by law, and that a guardian ad litem be appointed to represent and defend the interest of any Respondent hereto who may be under legal disability, as required by law, and that, upon final hearing of this Petition, this Court will order and decree that Petitioner is entitled to acquire the lands and properties herein sought to be condemned for the public purpose as set out herein, and will appoint Commissioners to ascertain and report the damages occasioned by such taking, and the compensation to be allowed the Respondents for such taking, as provided by law; and that upon payment into Court of the compensation assessed by said Commissioners, a judgment or decree be rendered condemning for public road or highway purposes an easement or right-of-way in, over, upon or across each of said separate tracts of land described or designated as Parcels No. 1 through and including Parcel No. 10 of Paragraph 3 above, together with other properties therein specified, to effect said public road or highway, and that this Court will make and enter in this proceeding all such other and further orders and decrees as may be necessary or proper in the premises.

STATE OF ALABAMA

BY

*Karl C. Harrison*  
Karl C. Harrison, As Special Assistant

STATE OF ALABAMA  
SHELBY COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Karl C. Harrison, who is known to me and who, being by me first duly sworn, deposes and says on oath that he is a Special Assistant Attorney General for the State of Alabama and as such is authorized to make this affidavit; that affiant has read the above Application for Order of Condemnation, and that affiant is informed and believes, and upon such information and belief says that the averments contained therein are true.

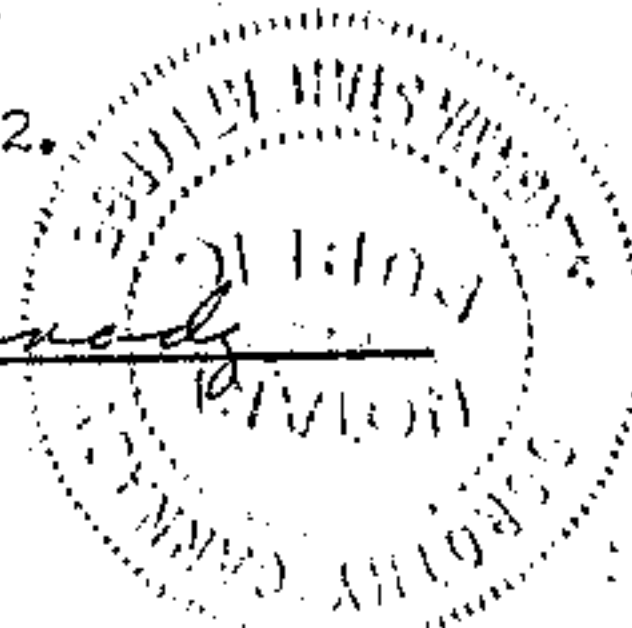
Karl C. Harrison

Karl C. Harrison

Sworn to and subscribed before me this 14th day of September, 1972.

Dorothy Cannady

As Notary Public



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SHELBY COUNTY JUDGE OF PROBATE  
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