

STATE OF ALABAMA,

Petitioner

v.

MARY ANN JONES; CHRISTINE
WILLIAMSON JONES; ROGER WALLIS
and BRENDA WALLIS; JAMES W.
DUKE and MARY JOYCE DUKE; NETTIE
BELL DARBY MARSTON; O.L. BAKER
and THERESA BAKER; COOSA VALLEY
PRODUCTION CREDIT ASSOCIATION;
REAL ESTATE FINANCING, INC.;
ANNETTE SKINNER, Tax Assessor;
SHELBY COUNTY HIGHWAY DEPARTMENT;
D.E. MORRIS; FAY BAKER PAYNE;
CAROLYN BAKER OWENS; CLARENCE
RAYMOND BAKER, JR.; and JACK C.
BRUMBAUGH; ALABAMA POWER COMPANY;
Respondents.

IN THE

PROBATE COURT

OF

SHELBY COUNTY, ALABAMA

CASE NO. 23-163

Inst # 1992-29564

12/09/1992-29564
03:52 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
19.00

AMENDED
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. F-214(29) filed in the
office of the Judge of Probate of Shelby County Alabama,
by written direction of the Governor of the State of Alabama
and the Attorney General of the State of Alabama,
Honorable John E. Medaris for the State

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 numbers, owners, and descriptions
of the real estate sought to be acquired in this proceeding are
as follows:

I certify this to be a true and
correct copy Thomas A. Bowles, Jr.
Probate Judge
Shelby County

4/25/92

- 50 801 800K
- a. Tract Number 34, Christine Williamson Jones, Mary Ann Jones, Roger Wallis and Brenda Wallis, James W. Duke and Mary Joyce Duke, Real Estate Financing, Inc., Shelby County Highway Department
Legal description, to-wit: and as shown on the right-of-way map of Project F-214(29) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

Commencing at the northwest corner of the SW 1/4 of SE 1/4, Section 28, T-19-S, R-2-E; thence easterly along the north line of said SW 1/4 of SE 1/4 a distance of 840 feet, more or less, to the present northwest right-of-way line of U. S. Highway No. 231; thence southwesterly along said present northwest right-of-way line a distance of 472 feet, more or less, to the northeast line of the property herein to be conveyed and the point of beginning; thence continuing southwesterly along said present northwest right-of-way line a distance of 72 feet, more or less, to the southwest property line; thence northwesterly along said southwest property line a distance of 4 feet, more or less, to a point on a line, which extends from a point on a flare connecting said U. S. Highway No. 231 and U. S. Highway No. 280 that is 46 feet northwesterly of and at right angles to the Traverse of said U. S. Highway 231 to a point on the present northwest right-of-way line of said U. S. Highway No. 231 that is northwesterly of and at right angles to said Traverse at Station 16+00; thence northeasterly along said line (which if extended would intersect said point on the present northwest right-of-way line of U. S. Highway 231 that is northwesterly of and at right angles to said Traverse at Station 16+00) a distance of 73 feet, more or less, to the northeast property line; thence southeasterly along said northeast property line a distance of 1 foot, more or less, to the point of beginning. Said strip of land lying in the SW 1/4 of SE 1/4, Section 28, T-19-S, R-2-E and containing 0.004 acres, more or less

- b. Tract No. 29, Nettie Bell Darby Marston, D. E. Morris, Fay Baker Payne, Carolyn Baker Owens, Clarence Raymond Baker, Jr., Jack C. Brumbaugh
Legal description, to-wit: and as shown on the right-of-way map of Project F-214(29) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

PARCEL NO. 1: Commencing at the southeast corner of the SE 1/4 of SW 1/4, Section 28, T-19-S, R-2-E; thence northerly along the east line of said SE 1/4 of SW 1/4 a distance of 228 feet, more or less, to the present southwest right-of-way line of U. S. Highway No. 280; thence northwesterly along said present southwest right-of-way line a distance of 80 feet, more or less, to the southeast line of the property herein to be conveyed and the point of beginning; thence continuing northwesterly along said present southwest right-of-way line a distance of 392 feet, more or less, to the west property line; thence southerly along said west property line a distance of 51 feet, more or less, to a point that is 100 feet southwesterly of and at right angles to the centerline of Project No. F-214(29); thence S 76° 51' 30" E, parallel with the centerline of said project a distance of 101 feet, more or less, to a point that is 100 feet southwesterly of and at right angles to the centerline of said project at Station 1109+00; thence easterly along a line (which if extended would intersect a point on the present southwest right-of-way line of said highway that is southwesterly of and at right angles to the centerline of said project at Station 1112+00) a distance of 272 feet, more or less, to the southeast property line; thence northeasterly along said southeast property line a distance of 5 feet, more or less, to the point of beginning.

Said strip of land lying in the SE 1/4 of SW 1/4, Section 28, T-19-S, R-2-E and containing 0.30 acre, 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 southwest corner of the SW 1/4 of SE 1/4, Section 28, T-19-S, R-2-E; thence northerly along the west line of said SW 1/4 of SE 1/4 a distance of 58 feet, more or less, to the south property line; thence easterly along said south property line a distance of 15 feet, more or less, to the point of beginning of the property herein to be conveyed, said point of beginning being on a line which extends from a point that is 105 feet northwesterly of and at right angles to the centerline of Alabama Highway No. 25 at Station 26+04 to a point on the present northwest right-of-way line of said highway that is northwesterly of and at right angles to the centerline of said highway at Station 25+04; thence northeasterly along said line (which if extended would intersect a point on said present northwest right-of-way line that is northwesterly of and at right angles to the centerline of said highway at Station 25+04) a distance of 50 feet, more or less, to the northeast property line; thence southeasterly along said northeast property line a distance of 31 feet, more or less, to a point on a line, which extends from a point on the present northwest right-of-way line of said highway that is northwesterly of and at right angles to the centerline of said highway at Station 25+60 to a point that is 80 feet northwesterly of and at right angles to the centerline of said highway at Station 26+22; thence southwesterly along said line a distance of 28 feet, more or less, to the south line of said SW 1/4 of SE 1/4, the south property line; thence westerly along said south property line a distance of 43 feet more or less, to the point of beginning.

Said strip of land lying in the SW 1/4 of SE 1/4, Section 28, T-19-S, R-2-E and containing 0.03 acre, more or less.

- c. Tract No. 23, O. L. Baker and Theresa Baker, Coosa Valley Production Credit Association, Alabama Power Company
Legal description, to-wit: and as shown on the right-of-way map of Project No. F-214(29) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

Commencing at the southeast corner of the SW 1/4 of SW 1/4, Section 28, T-19-S, R-2-E; thence northerly along the east line of said SW 1/4 of SW 1/4 a distance of 911 feet, more or less, to a point that is 100 feet southwesterly of and at right angles to the centerline of Project No. F-214(29) and the point of beginning of the property herein to be conveyed; thence N 76° 51' 30" W, parallel with the centerline of said project a distance of 57 feet, more or less, to the northwest property line; thence northeasterly along said northwest property line a distance of 64 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 450 feet, more or less, to the east property line; thence southerly along said east property line a distance of 59 feet, more or less, to a point that is 100 feet southwesterly of and at right angles to the centerline of said project; thence N 76° 51' 30" W, parallel with the centerline of said project a distance of 410 feet, more or less, to the point of beginning.

Said strip of land lying in the S 1/2 of SW 1/4, Section 28, T-19-S, R-2-E and containing 0.63 acres, more or less.

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 in fee simple over, upon and across the herein described real estate for the purpose of constructing and maintaining the said Project No. F-214(29).

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 and the Order setting the same for hearing 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.

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.

John E. Medaris

STATE OF ALABAMA X
____ COUNTY X

Before me, J. Michael Campbell, a Notary Public in and for the State of Alabama at Large, personally appeared John E. Medaris 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.

John E. Medaris

BOOK 804 50
... to and Subscribed before me this the 15 day of March, 19 83.

(SEAL)

Filed this 15th day of March 1983
THOMAS A. SNOWDEN JR.
Judge of Probate

J. Michael Campbell
Notary Public

The said Petitioner prays that this Court will make and enter an order appointing a day for the hearing of said Petition, and for such other and further orders and proceedings as may be necessary.

You will take further notice that the Court has appointed the 7th day of April, 10:30 AM., 19 83, to hear said

Petition, at which time you may appear and contest the same if you desire to do so.

Witness my hand this the 15th day of March,
1983.

Thomas A. Snowden, Jr.
JUDGE OF PROBATE

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