

I certify this to be a true and  
correct copy

Probate Judge  
Shelby County

6-25-92

16

STATE OF ALABAMA

Plaintiff,

vs.

MRS. GORDON ABELE, ET AL

Defendants.

Tract No. 33-A, Parcel No. 1  
Mrs. Gordon Abele  
Rt. 2, Box 885  
Alabaster, Alabama ✓

Tract No. 43-B, Parcel No. 2  
D. W. Humphries  
3408 Lorna Lane  
Hoover, Alabama ✓

Jimmie Humphries  
3408 Lorna Lane  
Hoover, Alabama ✓

Tract No. 43-D, Parcel No. 3  
Industrial Development Board-  
City of Pelham  
Pelham, Alabama ✓

Tract No. 23-A, Parcel No. 4  
Mike Lorino  
5001 Clairmont Avenue  
Birmingham, Alabama

Mary Ann Lorino  
5001 Clairmont Avenue  
Birmingham, Alabama

AS TO ALL TRACTS  
Fay Quick  
Tax Collector  
Shelby County Courthouse  
Columbiana, Alabama

Tommy Snowden  
Tax Assessor  
Shelby County Courthouse  
Columbiana, Alabama

IN THE PROBATE COURT

OF SHELBY COUNTY,

ALABAMA

CASE NO: 19-286

Project No. I-65-2(37)

Tracts: 33-A, 43-B, 43-D  
and 23-A

Inst # 1992-29570

12/09/1992-29570  
03:52 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
G16 MCD 44.00

BOOK 42 PAGE 590

STATE OF ALABAMA

Plaintiff,

vs.

MRS. GORDON ABELE, ET AL

Defendant (s)

) IN THE PROBATE COURT

) OF SHELBY COUNTY,

) ALABAMA

) CASE NO: 19-286

NOTICE OF HEARING TO LAND OWNERS

You will take notice that on the 10 day of August, 1976, an Application or Petition was filed in the Probate Court of Shelby County, Alabama, by the State of Alabama, setting forth it's desire to condemn for certain purposes therein stated certain lands belonging to:

591 Mrs. Gordon Abele, D. W. Humphries, Jimmie Humphries, Industrial  
PAGE Development Board-City of Pelham, Mike Lorino, and Mary Ann Lorino

42  
BOOK

A description of said lands is specifically set forth in said Application or Petition filed in this Court and said application and petition prays that this Court will make and enter an Order appointing a day for hearing of said application and for such other and further Orders and procedures as may be necessary. You will take further notice that the Court has appointed the 22 day of September, 1976, at 10:30 o'clock AM to hear said application or petition, at which time you may appear and contest the same if you so desire to do so.

WITNESS My hand this the 10 day of August, 1976.

Conrad M. Fowler  
PROBATE JUDGE

TO THE HONORABLE CONRAD M. FOWLER JUDGE OF PROBATE COURT OF  
SHELBY COUNTY, ALABAMA

Now comes the State of Alabama, as Plaintiff, and files this, it's 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 Honorable Court as follows:

1. Petitioner is authorized by the Constitution and the Laws of the State of Alabama, to institute and prosecute this proceeding in it's own name for the purposes herein stated: That the places of residence or post office addresses of the person or entities against whom this application is filed each reside at the address set opposite his or her name, and are of sound mind and who are residents of the State of Alabama. Petitioner avers that the lands set out and described herein are owned by the defendant set out underneath the description of the said lands, and avers that each of the individual defendants are over the age of 21 years, and under no legal disability, unless otherwise specifically recited. Petitioner further avers that the corporate defendant named, if any, are incorporated or qualified to do business in the State of Alabama, unless otherwise indicated.

2. That the State of Alabama is now engaged in the planning or construction of a certain public road or highway, said public road or highway to be known or designated as State of Alabama Highway Department Project No. I-65-2(37); 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' real property, if any, as is more specifically described and set out in Paragraph Three (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 tract(s) 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 is necessary to effect said public road or highway as a road, or highway, are more particularly described or designated as the following separate paragraph(s), or "Parcel(s)", and that the names and residences of the owners and other parties who claim or who hold any right, title or interest in said "Parcel(s)" are stated, where known, immediately following each said "Parcel(s)", as follows, to-wit:

PARCEL NO. 1:

SHELBY

TRACT NO. 33-A, REV.

Shelby

and as shown on the right-of-way map of Project No. I-65-2(37) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

**PARCEL NO. 1:** Commencing at the northeast corner of the NW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 7, T-20-S, R-2-W; thence westerly along the north line of said NW $\frac{1}{4}$  of NE $\frac{1}{4}$ , a distance of 170 feet, more or less, to a point that is 75 feet northeasterly of and at right angles to the centerline of the relocation of Oak Mountain Park Road and the point of beginning of the property herein to be conveyed; thence southeasterly, parallel to the centerline of said relocation, a distance of 130 feet, more or less, to a point that is 75 feet northeasterly of and at right angles to the centerline of said relocation at Station 15+00; thence turn an angle of 90° 00' to the right and run a distance of 25 feet; thence northwesterly, parallel to the centerline of said relocation, a distance of 200 feet; thence northerly along a straight line, a distance of 56 feet, more or less, to a point that is 75 feet northeasterly of and at right angles to the centerline of said relocation at Station 17+50; thence southeasterly along a curve to the right (concave southwesterly) having a radius of 1029.93 feet, parallel to the centerline of said relocation, a distance of 28 feet, more or less, to a point that is 75 feet northeasterly of and at right angles to the centerline of said relocation at Station 17+23.7; thence southeasterly, parallel to the centerline of said relocation, a distance of 96 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 7, and the SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 6, T-20-S, R-2-W and containing 0.07 acres, more or less.



PARCEL NO. 2: Commencing at the southwest corner of the NW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 5, T-20-S, R-2-W; thence easterly along the south line of said SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , a distance of 195 feet, more or less, to a point that is 70 feet southeasterly of and at right angles to the centerline of the relocation of Oak Mountain Park Road; thence northeasterly, parallel to the centerline of said relocation, a distance of 50 feet, more or less, to the present southeast edge of Oak Mountain Park Road and the point of beginning of the property herein to be conveyed; thence northeasterly along the southeast edge of said road, a distance of 60 feet, more or less, to a point that is 50 feet southeasterly of and at right angles to the centerline of said relocation; thence northeasterly, parallel to the centerline of said relocation, a distance of 252 feet, more or less, to a point that is 30 feet southeasterly of and at right angles to the centerline of said relocation at Station 36+27.4; thence southwesterly along a straight line, a distance of 228 feet, more or less, to a point that is 70 feet southeasterly of and at right angles to the centerline of said relocation at Station 34+00; thence southwesterly, parallel to the centerline of said relocation, a distance of 85 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 5, T-20-S, R-2-W and containing 2.29 acres, more or less.

PARCEL NO. 3: Commencing at the southwest corner of the SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 5, T-20-S, R-2-W; thence easterly along the south line of said SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , a distance of 170 feet, more or less, to a point that is 50 feet southeasterly of and at right angles to the centerline of the relocation of Oak Mountain Park Road and the point of beginning of the property herein to be conveyed; thence northeasterly, parallel to the centerline of said relocation, a distance of 60 feet, more or less, to the present west edge of Oak Mountain Park Road; thence southerly along the present west edge of said road, a distance of 50 feet, more or less, to a point that is 70 feet southeasterly of and at right angles to the centerline of said relocation; thence southwesterly, parallel to the centerline of said relocation, a distance of 170 feet, more or less, to a point that is 70 feet southeasterly of and at right angles to the centerline of said relocation at Station 31+00; thence southwesterly along a straight line, a distance of 133 feet, more or less, to a point that is 35 feet southeasterly of and at right angles to the centerline of said relocation at Station 30+00; thence southwesterly 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 relocation at Station 38+50) a distance of 123 feet, more or less, to the west line of the NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , said Section 5, the west property line; thence northerly along said west property line, a distance of 80 feet, more or less, to a point that is 50 feet southeasterly of and at right angles to the centerline of said relocation; thence northeasterly, parallel to the centerline of said relocation, a distance of 300 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  and the SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 5, T-20-S, R-2-W and containing 2.16 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 northwest corner of the NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 6, T-20-S, R-2-W; thence easterly along the north line of said NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , a distance of 195 feet, more or less, to a point that is 70 feet southeasterly of and at right angles to the centerline of the relocation of Oak Mountain Park Road; thence southwesterly, parallel to the centerline of said relocation, a distance of 40 feet, more or less, to a point that is 70 feet southeasterly of and at right angles to the centerline of said relocation at Station 52+25 and the point of beginning of the property herein to be conveyed; thence turn an angle of 90° 00' to the left and run a distance of 50 feet; thence turn an angle of 90° 00' to the right and run a distance of 50 feet; thence turn an angle of 90° 00' to the right and run a distance of 50 feet; thence turn an angle of 90° 00' to the right and run a distance of 50 feet to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 6, T-20-S, R-2-W and containing 0.06 acres, more or less, including that part occupied by Oak Mountain Park Road.

THE OWNERS OF PARCEL NO. 1 ARE AS FOLLOWS:

Mrs. Gordon Abele

Gordon Abele  
Tract No. 33-A, Rev.  
May 11, 1976

Shelby

and as shown on the right-of-way map of Project No. I-63-2(37) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

Commencing at the northeast corner of the NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , section 37, T-19-S, R-2-W; thence westerly along the north line of said NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , the north property line, a distance of 17 feet, more or less, to a point on a line which extends from a point that is 405 feet southeasterly of and at right angles to the centerline of Project No. I-63-2(37) at Station 330+00 to a point that is 475 feet southeasterly of and at right angles to the centerline of said project at Station 327+00; thence southeasterly along said line, a distance of 123 feet, more or less, to said point that is 475 feet southeasterly of and at right angles to the centerline of said project at Station 327+00 and the point of beginning of the property herein to be conveyed; thence southwesterly along a straight line, a distance of 297 feet, more or less, to a point that is 435 feet southeasterly of and at right angles to the centerline of said project at Station 324+00; thence southwesterly along a straight line (which if extended would intersect a point that is 285 feet southeasterly of and at right angles to the centerline of said project at Station 320+35) a distance of 211 feet, more or less, to a point on a line which extends from a point that is 190 feet easterly of and at right angles to the centerline of said project at Station 306+00 to a point that is 350 feet southeasterly of and at right angles to the centerline of said project at Station 322+00; thence northeasterly along said line, a distance of 1 foot, more or less, to said point that is 350 feet southeasterly of and at right angles to the centerline of said project at Station 322+00; thence northeasterly along a straight line, a distance of 300 feet, more or less, to the point of beginning.

BOOK 42 PAGE 597



Said strip of land lying in the NE4 of T24, Section 22,  
T-19-S, R-2-W and containing 0.19 acres, 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 rights of access between the right of way of the public way identified as Project No. I-65-2(37), 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.

THE OWNERS OF PARCEL NO. 2 ARE AS FOLLOWS:

D. W. Humphries, Jimmie Humphries

BOOK 42 PAGE 598

Dolphus W. Humphries  
Tract No. 43-B  
April 19, 1976

PARCEL NO. 3

SHELBY

TRACT NO. 43-D

BOOK 42 PAGE 599

Shelby

and as shown on the right-of-way map of Project No. I-65-2(37) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

Commencing at the southeast corner of the NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 30, T-19-S, R-2-W; thence northerly along the east line of said NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , a distance of 990 feet, more or less, to a point that is 110 feet southeasterly of and at right angles to the centerline of Shelby County Road No. 17; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 11,569.16 feet, parallel to the centerline of said road, a distance of 105 feet, more or less, to the east line of the property herein to be conveyed and the point of beginning; thence continuing southwesterly along said curve to the right (concave northwesterly) having a radius of 11,569.16 feet, parallel to the centerline of said road, a distance of 175 feet, more or less, to the west property line; thence northerly along said west property line, a distance of 96 feet, more or less, to the present southeast right-of-way line of said road; thence northeasterly along said present southeast right-of-way line, a distance of 127 feet, more or less, to the east property line; thence southerly along said east property line, a distance of 72 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 30,  
T-19-S, R-2-W and containing 0.23 acres, more or less.

THE OWNERS OF PARCEL NO. 3 ARE AS FOLLOWS:  
Industrial Development Board-City of Pelham

BOOK 42 PAGE 580

BOOK 42 PAGE 600

Pelham Industrial Development Board  
Tract No. 43-D

May 26, 1976

SHELBY

TRACT NO. 23-A

Shelby

and as shown on the right-of-way map of Project No. I-63-2(37) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

Commencing at the southwest corner of the SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 7, T-20-S, R-2-W; thence easterly along the south line of said SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , a distance of 915 feet, more or less, to the present southeast right-of-way line of Shelby County Road No. 33, the northwest line of the property herein to be conveyed and the point of beginning; thence northeasterly along the northwest property line, a distance of 370 feet, more or less, to a point that is 150 feet northwesterly of and at right angles to the centerline of the left lane of Project No. I-63-2(37); thence southwesterly along a curve to the right (concave northwesterly) having a radius of 3659.72 feet, parallel to the centerline of said project, a distance of 360 feet, more or less, to the south property line; thence westerly along said south property line, a distance of 88 feet, more or less, to the present southeast right-of-way line of Shelby County Road No. 33; thence northeasterly along said present southeast right-of-way line, a distance of 30 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  and the SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 7, T-20-S, R-2-W and containing 0.96 acres, more or less.

THE OWNERS OF PARCEL NO. 4 ARE AS FOLLOWS:

Mike Lorino, Mary Ann Lorino

BOOK 42 PAGE 602

Mike Lorino  
Tract No. 23-A  
April 5, 1976



4. That Petitioner further shows that diligent search has been made of the records in the Office of the Judge of Probate, 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 defendants in this proceeding and as set forth in Paragraph 3 above, and by no others. That all of said parties named as defendants are each over the age of 21 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.

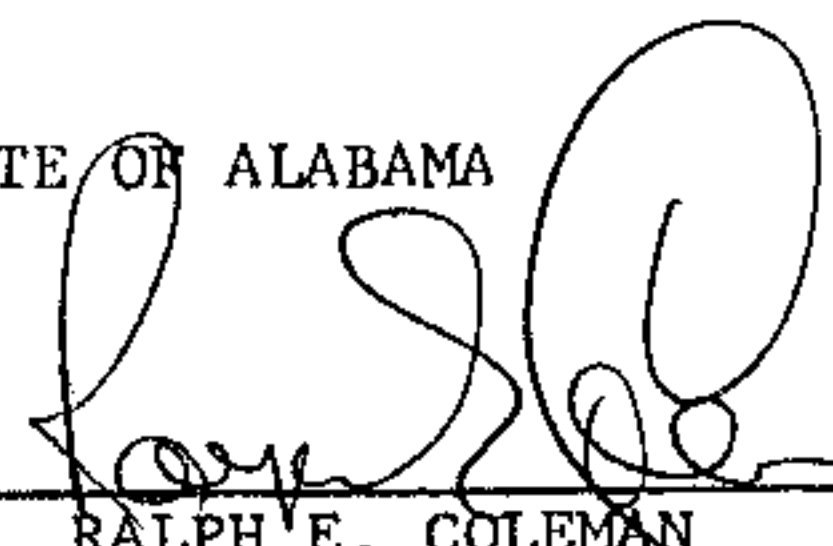
5. Petitioner further shows that the said rights of way which are sought to be condemned over each of said separate tracts of land described or designated as Parcel No. 1, [through and including Parcel No. 4], is now located and staked out on the ground and is otherwise shown and described by a map or 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.

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 Parcel No. 1, [through and including Parcel No. 4] of Paragraph 3 above, as to the damage and compensation to be allowed and paid for said lands and properties herein sought to be condemned, and Petitioner has failed to

come to any such agreement with said owners and claimants, the defendants 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 defendants of the day set for the hearing of said Petition, and of the filing of said Petition, all as provided by Law, and that a guardian ad litem be appointed to represent and defend the interest of any defendant 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 defendants for such taking, as provided by Law, and that upon payment into the 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 Parcel No. 1 [through and including Parcel No. 4], 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

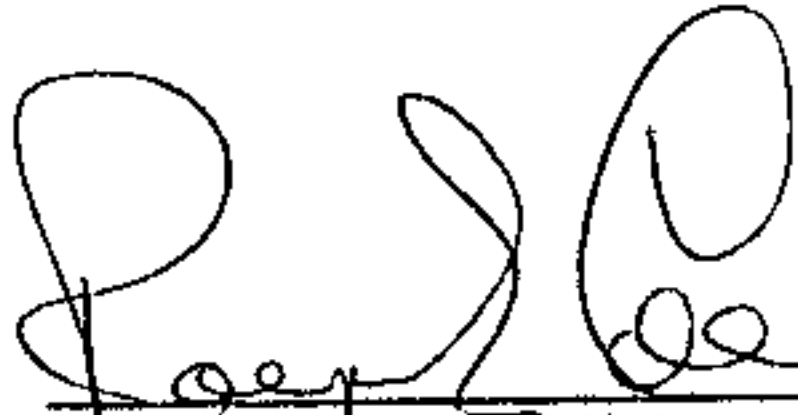
BY: 

RALPH E. COLEMAN


Special Assistant Attorney General  
State of Alabama

STATE OF ALABAMA  
SHELBY COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared RALPH E. COLEMAN, 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 Orders of Condemnation and that affiant is informed and believes and upon such information and belief says that the averments contained therein are true.

  
RALPH E. COLEMAN

Sworn to and subscribed to before me, this the 10th day of Aug, 1976.

  
NOTARY PUBLIC

Inst. # 1992-29570

12/09/1992-29570  
03:52 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
016 MCD 44.00

BOOK 42 PAGE 605