

STATE OF ALABAMA,

Petitioner

v.

T.W. SNYDER and DOROTHY DEAN
SNYDER; STERRETT CHURCH OF
CHRIST; BERNIECE DONAHOO; CLYDE
M. WYATT and MARGARET L. WYATT;
WALTER M. McCRANIE and NELLIE
GRACE McCRANIE; and ~~FAY QUICK~~
TAX COLLECTOR *Annette Skinner*
Respondents.

IN THE
PROBATE COURT
OF

SHELBY COUNTY, ALABAMA

CASE NO. 23-93

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,
and 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 *[Signature]*
6/25/92 Probate Judge
Shelby County

Inst # 1993-02979

02/01/1993-02979
03:02 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
007 HJS 21.50

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- a. Tract No. 1, T.W. Snyder and Dorothy Dean Snyder
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 northeast corner of the NE1/4 of SW1/4, Section 29, T-19-S, R-2-E; thence westerly along the north line of said NE1/4 of SW1/4, a distance of 1,180 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 40 feet easterly of and at right angles of the Traverse of Shelby County Road No. 62 at Station 18+48 to a point that is 150 feet northeasterly of and at right angles to the centerline of Project No. F-214(29) at Station 1045+00; thence southeasterly along said line a distance of 49 feet, more or less, to said point that is 150 feet northeasterly of and at right angles to the centerline of said project at Station 1045+00; thence S 75° 45' 00" E, parallel with the centerline of said project a distance of 305 feet, more or less, to the east property line; thence southerly along said east property line a distance of 52 feet, more or less, to the present northeast right-of-way line of U.S. Highway No. 280; thence northwesterly along said present northeast right-of-way line a distance of 318 feet, more or less, to a flare connecting said U.S. Highway No. 280 to Shelby County Road No. 62; thence northwesterly along said flare a distance of 139 feet, more or less, to a point that is 40 feet easterly of and at right angles to the Traverse of said county road at Station 18+48; thence southeasterly along a line (which if extended would intersect a point that is 150 feet northeasterly of and at right angles to the centerline of said project at Station 1045+00) a distance of 60 feet, more or less, to the point of beginning.

Said strip of land lying in the SE1/4 of NW1/4 and the NE1/4 of SW1/4, Section 29, T-19-S, R-2-E and containing 0.41 acres, more or less.

- b. Tract No. 3-A, Sterrett Church of Christ
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 southwest corner of the NE1/4 of SW1/4, Section 29, T-19-S, R-2-E; thence easterly along the south line of said NE1/4 of SW1/4 a distance of 5 feet, more or less, to the present east right-of-way line of a distance road; thence northerly along said present east right-of-way line a distance of 841 feet, more or less, to a point that is easterly of and at right angles to the Traverse of said road at Station 24+00 and the point of beginning of the property herein to be conveyed; thence continuing northerly along said present east right-of-way line a distance of 332 feet, more or less, to the present southwest right-of-way line of U.S. Highway No. 280; thence southeasterly along said present right-of-way line a distance of 405 feet, more or less, to the east property line; thence southerly along said east property line a distance of 135 feet, more or less, to a point that is 150 feet southwesterly of and at right angles to the centerline of Project No. F-214(29); thence N 75° 45' 00" W, parallel with the centerline of said project a distance of 265, more or less, to a point that is 150 feet southwesterly of and at right angles to the centerline of said project at Station 1046 too; thence southwesterly along a line a distance of 128 feet, more or less, to a point that is 40 feet easterly of and at right angles to the Traverse of said dirt road at Station 23+00; thence southerly parallel with said Traverse a distance of 100 feet; thence turn an angle of 90 degrees to the right and run a distance of 26 feet, more or less, to the point of beginning.

Said strip of land lying in the NE1/4 of SW1/4, Section 29, T-19-S, R-2-E and containing 1.44 acres, more or less.

- c. Tract No. 11, Berniece Donahoo
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 NW1/4 of SE1/4, Section 29, T-19-S, R-2-E; thence northerly along the east line of said NW1/4 of SE1/4 a distance of 426 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 68 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 130 feet, more or less, to a point that is 150 feet southwesterly of and at right angles to the centerline of Project No. F-214(29); thence N 75° 45' 00" W, parallel with the centerline of said project a distance of 150 feet, more or less, to the northwest property line; thence northeasterly along said northwest property line a distance of 130 feet, more or less, to the present southwest right-of-way line of said Highway; thence southeasterly along said present southwest right-of-way line a distance of 150 feet, more or less, to the point of beginning.

Said strip of land lying in the NW1/4 of SE1/4, Section 29, T-19-S, R-2-E and containing 0.45 acres, more or less.

- d. Tract No. 12, Clyde M. Wyatt and Margaret L. Wyatt
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:

PARCEL NO. 1: Commencing at the southeast corner of Section 29, T-19-S, R-2-E; thence northerly along the east line of said Section 29 a distance of 1350 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 30 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 105 feet, more or less, to the southwest property line; thence northwesterly along said southwest property line a distance of 185 feet, more or less, to the present southeast right-of-way line of a paved county road; thence northeasterly along said present southeast right-of-way line a distance of 103 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 178 feet, more or less, to the point of beginning.

Said strip of land lying in the E1/2 of SE1/4, Section 29, T-19-S, R-2-E and containing 0.43 acre, more or less.

PARCEL NO. 2: Commencing at the northeast corner of the SE1/4 of SW1/4, Section 28, T-19-S, R-2-E; thence southerly along the east line of said SE1/4 of SW1/4 a distance of 540 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 70 feet northeasterly of and at right angles to the centerline of Project No. F-214(29) at Station 1113+00 to a point that is 80 feet northeasterly of and at right angles to the centerline of said project at Station 1111+40.90; thence northwesterly along said line a distance of 69 feet, more or less, to said point that is 80 feet northeasterly of and at right angles to the centerline of said project at Station 1111+40.90; thence northwesterly along a line (which if extended would intersect a point that is 110 feet northeasterly of and at right angles to the centerline of said project at Station 1107+75) a distance of 47 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 present northeast right-of-way line of U.S. Highway No. 280; thence southeasterly along said present northeast right-of-way line a distance of 115 feet, more or less, to the east line of said SE1/4 of SW1/4, the east property line; thence northerly along said east property

line a distance of 15 feet, more or less, to the point of beginning.

Said strip of land lying in the SE1/4 of SW1/4, Section 28, T-19-S, R-2-E and containing 0.05 acre, more or less.

- e. Tract No. 16, Walter M. McCranie and Nellie Grace McCranie
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 northwest corner of the NW1/4 of SW1/4, Section 28, T-19-S, R-2-E; thence southerly along the west line of said NW1/4 of SW1/4 a distance of 1,115 feet, more or less, to a point that is 150 feet northeasterly 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 S 75° 45' 00" E, parallel with the centerline of said project a distance of 302 feet, more or less, to the east property line; thence southerly along said east property line a distance of 51 feet, more or less, to the present northeast right-of-way line of U.S. Highway No. 280; thence northwesterly along said present northeast right-of-way line a distance of 302 feet, more or less, to the west line of said NW1/4 of SW1/4, the west property line; thence northerly along said west property line a distance of 51 feet, more or less, to the point of beginning.

Said strip of land lying in the NW1/4 of SW1/4, Section 28, T-19-S, R-2-E and containing 0.35 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
JOHN E. MEDARIS

STATE OF ALABAMA X

_____ COUNTY X

Before me, 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

Sworn to and Subscribed before me this the 13 day of September, 19 82.



Filed this 13 day of Sept, 1982
THOMAS A. SHERIDAN JR.
Judge of Probate

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

1st day of February, 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 23 day of November,
19 82.

Thomas C. Shewden Jr.
JUDGE OF PROBATE

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Filed this 23 day of Nov. 1982
THOMAS C. SHERDEN JR.
Judge of Probate

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02/01/1993-02979
03:02 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
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