

STATE OF ALABAMA,

Petitioner

V.

Winston M. Henderson, Alline
Henderson; Jimmie Wilson
Partridge; James E. Lynn, Norma
Jean Lynn, Lula Gambell
Kimbrough, City Bank of
Childersburg; Carl Elton Bender
and Maybelle Bender; Edward P.
Evans and Margaret L. Evans;
any and all unknown party or
parties, corporations or
partnerships, claiming any
right, title or interest in or
to any portion of the real
estate described in this
Application for Order of
Condemnation; and FAYE QUICK,
Tax Collector,

Respondents.

IN THE PROBATE COURT FOR
SHELBY COUNTY, ALABAMA

CASE NUMBER:

23-89

APPLICATION FOR ORDER OF CONDEMNATION

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

1. Petitioner is authorized by the Constitution and Laws of
the State of Alabama to institute and prosecute this proceeding for the

I certify this to be a true and
correct copy *Thomas A. Henderson*
6/25/92 Probate Judge
Shelby County

Inst # 1993-03104

02/02/1993-03104
03:23 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE

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purposes stated, and is not required to give bond for security for costs under the provisions of law.

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

3. Petitioner seeks to condemn the fee title, unless otherwise noted, to the following described parcels of property for public road or highway purposes, with the right to remove all improvements, trees, undergrowth and other obstructions situated on said lands, the right to prevent any person from placing or maintaining any obstruction on said lands, and also the right to enter upon said lands for the purpose of constructing, maintaining, and repairing the public improvements constructed or installed thereon, thereover or thereunder.

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

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BOOK

TRACT NO. 52 of PROJECT NO. F-248(17) of the State of Alabama Highway Department, Shelby County, Alabama, being more particularly described as follows:

Commencing at the southeast corner of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 34, T-19-S, R-2-E; thence westerly along the south line of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$ a distance of 230 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 190 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 northeast right-of-way line a distance of 50 feet, more or less, to the northwest property line; thence northeasterly along said northwest property line a distance of 22 feet, more or less, to a point that is 80 feet northeasterly of and at right angles to the centerline of Project No. F-248(17); thence southeasterly along a curve to the left (concave northeasterly) having a radius of 34,297.47 feet parallel with the centerline of said project a distance of 50 feet, more or less, to the southeast property line; thence southwesterly along said southeast property line a distance of 23 feet, more or less, to the point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 34, T-19-S, R-2-E and containing 0.02 acres, more or less.

Respondents:

Winston M. Henderson
Rt. 1 Box 278
Harpersville, AL 35078

Alline Henderson
Rt. 1 Box 278
Harpersville, AL 35078

TRACT NO. 54 of PROJECT NO. F-248(17) of the State of Alabama Highway Department, Shelby County, Alabama, being more particularly described as follows:

Commencing at the northeast corner of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 34, T-19-S, R-2-E; thence southerly along the east line of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$, the east property line a distance of 130 feet, more or less, to a point that is 80 feet northeasterly of and at right angles to the centerline of Project No. F-248(17) and the point of beginning of the property herein to be conveyed; thence continuing southerly along said east property line a distance of 38 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 270 feet, more or less, to the northwest property line; thence northeasterly along said northwest property line a distance of 28 feet, more or less, to a point that is 80 feet northeasterly of and at right angles to the centerline of said project; thence southeasterly along a curve to the left (concave northeasterly) having a radius of 34,297.47 feet parallel with the centerline of said project a distance of 250 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 34, T-19-S, R-2-E and containing 0.17 acres, more or less.

Respondents:

Jimmie Wilson Partridge
Rt. 1 Box 312
Harpersville, AL 35078

TRACT NO. 57 of PROJECT NO. F-248(17) of the State of Alabama Highway Department, Shelby County, Alabama, being more particularly described as follows:

PARCEL NO. 1: Commencing at the southeast corner of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 34, T-19-S, R-2-E; thence westerly along the south line of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, the south property line a distance of 850 feet, more or less, to a point that is 150 feet northeasterly of and at right angles to the centerline of Project No. F-248(17) and the point of beginning of the property herein to be conveyed; thence continuing westerly along said south property line a distance of 211 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 120 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 a point that is 150 feet northeasterly of and at right angles to the centerline of said project; thence S-54° 07' 00" E, parallel with the centerline of said project a distance of 305 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 34, T-19-S, R-2-E and containing 0.62 acres, more or less.

PARCEL NO. 2: Commencing at the northwest corner of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 35, T-19-S, R-2-E; thence southerly along the west line of said SW $\frac{1}{4}$ of SW $\frac{1}{4}$ a distance of 652 feet, more or less to a point that is 150 feet northeasterly of and at right angles to the centerline of project No. F-248(17) and the point of beginning of the property herein to be conveyed; thence S 54° 07' 00" parallel with the centerline of said project a distance of 721 feet, more or less, to the southeast property line; thence southwesterly along said southeast property line a distance of 140 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 579 feet, more or less, to the west line of said SW $\frac{1}{4}$ of SW $\frac{1}{4}$, the west property line; thence northerly along said west property line a distance of 162 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 35, T-19-S, R-2-E and containing 1.89 acres, more or less.

Respondents:

James E. Lynn
P. O. Box 215
Harpersville, AL 35078

City National Bank of Childersburg
201 8th Avenue SW
Childersburg, AL 35044

Norma Jean Lynn
P. O. Box 215
Harpersville, AL 35078

Lula Gambell Kimbrough
Next Door to Old Kimbrough Store
Harpersville, AL 35078

TRACT NO. 58 of PROJECT NO. F-248(17) of the State of Alabama Highway Department, Shelby County, Alabama, being more particularly described as follows:

Commencing at the southeast corner of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 35, T-19-S, R-2-E; thence westerly along the south line of said SW $\frac{1}{4}$ of SW $\frac{1}{4}$ a distance of 700 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 210 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 northeast right-of-way line a distance of 115 feet, more or less, to the northwest property line; thence northeasterly along said northwest property line a distance of 140 feet, more or less, to a point that is 150 feet northeasterly of and at right angles to the centerline of Project No. F-248(17); thence S 54° 07' 00" E, parallel with the centerline of said Project; a distance of 118 feet, more or less, to the southeast property line; thence southwesterly along said southeast property line a distance of 140 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 35, T-19-S, R-2-E and containing 0.40 acres, more or less.

Respondents:

Carl Elton Pender
P. O. Box 117
Harpersville, AL 35078

Maybelle Pender
P. O. Box 117
Harpersville, AL 35078

TRACT NO. 68 of PROJECT NO. F-248(17) of the State of Alabama Highway Department, Shelby County, Alabama, being more particularly described as follows:

Commencing at the northwest corner of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 1, T-20-S, R-2-E; thence southerly along the west line of said SE $\frac{1}{4}$ of SW $\frac{1}{4}$ a distance of 265 feet, more or less, to a point that is 150 feet northeasterly of and at right angles to the centerline of Project No. F-248(17); thence S-54°07' E, parallel with the centerline of said project a distance of 470 feet, more or less, to the west line of the property herein to be conveyed and the point of beginning; thence continuing S 54°07' E, parallel with the centerline of said project a distance of 413 feet, more or less, to a point that is 150 feet northeasterly of and at right angles to the centerline of said Project at Station 1299+00; thence northeasterly along a line a distance of 144 feet, more or less, to a point on the present northwest right-of-way line of a county road that is northwesterly of and at right angles to the Traverse of said road at Station 2+50; thence southwesterly along said present northwest right-of-way line a distance of 235 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 390 feet, more or less, to the west property line; thence northerly along said west property line a distance of 160 feet, more or less, to the point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 1, T-20-S, R-2-E and containing 1.43 acres, more or less.

The above described area includes a present 100 foot wide easement granted to the Alabama Power Company the centerline of which crosses the centerline of said project at approximate Station 1297+60.

Respondents:

Edward P. Evans and
Margaret R. Evans
Rt. 1 Box 338
Harpersville, AL 35078

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

STATE OF ALABAMA

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

STATE OF ALABAMA)
SHELBY COUNTY)

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

W. Howard Donovan, III
W. HOWARD DONOVAN, III

Subscribed and sworn to before
me this 8 day of Sept.
1982
Carol Schubert
Notary Public

Filed this 8th day of Sept. 1982
THOMAS A. SNOW
Judge of Probate

Inst. # 1993-03104

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