

I certify this to be a true and
correct copy

8

STATE OF ALABAMA *4/25/92* Probate Judge
PLAINTIFF Shelby County IN THE PROBATE COURT OF
SHELBY COUNTY, ALABAMA

VS.

ALABAMA EDUCATION FOUNDATION,
a corporation, et al,

DEFENDANTS

CASE NO. 20-105

DECREE OF CONDEMNATION

This cause was submitted to the Court for a Decree confirming the report of Commissioners heretofore appointed in said cause and for an Order of Condemnation as to the lands described in the Commissioner's Report and in the original petition filed in this cause by the State of Alabama, and as subsequently amended by Amendment To Petition For Order of Condemnation filed in this cause on the 3rd day of August, 1977, and it appearing to the Court that on the 3rd day of August, 1977, this Court heard the allegations of the Petition, as amended, filed by the State of Alabama in this cause and all other legal evidence presented by any interested party and on the 1st day of September, 1977, the Court made an order granting said Petition for the condemnation of the property described as Tract No. 43, REV, Project No. I-65-2 (37), as subsequently amended, a copy of the description of said property being attached hereto as Exhibit "A" and by reference hereto being made a part hereof;

And it further appearing that the Court, as a part of said Order of September 1, 1977, granting said Petition for condemnation of said property appointed Shirley Lemley, Charles Seale, and J. P. Graham, each being citizens of Shelby County, Alabama, in which the lands sought to be condemned are situated, who are disinterested and who possess the qualification of jurors to assess the damages and compensation to which the defendants in this cause are entitled;

And it further appearing to the Court that notice of the appointment of said Commissioners was issued by this Court to the Sheriff of Shelby County and by said Sheriff served on them as required by law; that said Commissioners were sworn and did view the property sought to be condemned and thereafter received all legal evidence offered by the parties relative to the

Inst # 1993-03109
02/02/1993-03109
03:23 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
DOB NCD 24.00

BOOK 44 PAGE 328


amount of damages the owners of said property will sustain and the amount of compensation to which they are entitled; that the Commissioners did, on, to-wit, the 8th day of September, 1977, make their report in writing to this Court stating that the amount of damages and compensation ascertained and assessed by them for the owners of said tract of land, or persons injured and other parties interested therein, is the sum of Five Hundred Two Thousand One Hundred Seventy Five and No/100 (\$502,175.00) Dollars, this to be the amount of damages and compensation assessed by them for the taking and condemnation of said property, and it further appearing to the Court that said Commissioners filed a certificate along with their award stating none of them has ever been consulted, advised with or approached by any person in reference to the value of the property or the proceedings to condemn the same prior to the assessment of damages and that they knew nothing of the same prior to their appointment, and the Court having considered and understood all of the hereinabove stated matters, it is hereby;

ORDERED, ADJUDGED, AND DECREED by the Court that Applicant, The State of Alabama, pay all costs incurred in this cause;

And it further appearing to the Court that the damages and compensation so ascertained and assessed by said Commissioners for the defendant, named in the above styled cause, have not been deposited in this Court;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that, upon the payment of the damages and compensation so ascertained and reported or the deposit of the same in Court, the property sought to be condemned by said Petitioner will be condemned, granted, and awarded to the Applicant or Plaintiff, the State of Alabama, and all right, title, and interest ^{in said property} prayed for in said petition as amended will be then condemned, granted, and awarded to the Plaintiff in and by this Decree, and will be then divested out of the Defendants and vested in the Plaintiff, the State of Alabama.

DONE AND ORDERED this 21 day of October, 1977.


Judge of Probate of Shelby County, Alabama

Filed this 21 day of Oct 1977
THOMAS A. SNOWDEN JR.
Judge of Probate

SHELBY

TRACT NO. 43, 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 southeast corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 32, T-19-S, R-2-W; thence northerly along the east line of said SW $\frac{1}{4}$ of NW $\frac{1}{4}$, a distance of 1117 feet, more or less, to a point that is 100 feet southeasterly-of and at right angles to the centerline of Alabama Highway No. 119 and the point of beginning of the property herein to be conveyed; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 3919.72 feet, parallel to the centerline of said highway, a distance of 547 feet, more or less, to a point that is 100 feet southeasterly of and at right angles to the centerline of said highway at Station 67+24.30; thence southwesterly, parallel to the centerline of said highway, a distance of 224.30 feet; thence southwesterly along a straight line, a distance of 527 feet, more or less, to a point that is 125 feet southeasterly of and at right angles to the centerline of said highway at Station 59+75.68; thence southwesterly along a straight line, a distance of 405 feet, more or less, to a point that is 123 feet southeasterly of and at right angles to the centerline of said highway at Station 55+05; thence southwesterly along a straight line, a distance of 366 feet, more or less, to a point that is 170 feet southeasterly of and at right angles to the centerline of said highway at Station 53+00; thence southerly along a straight line (which if extended would intersect a point that is 270 feet northeasterly of and at right angles to the centerline of Project No. I-65-2(37) at Station 263+90) a distance of 163 feet, more or less, to the southwest property line; thence northwesterly along said southwest property line, a distance of 277 feet, more or less, to the present southeast right-of-way line of Alabama Highway No. 119; thence northeasterly along said present southeast right-of-way line, a distance of 2265 feet, more or less, to a point that is southeasterly of and at right angles to the centerline of said highway at Station 74+00; thence southwesterly along a straight line, a distance of 120 feet, more or less, to a point that is 100 feet southeasterly of and at right angles to the centerline of said highway at Station 73+00; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 3919.72 feet, parallel to the centerline of said highway, a distance of 43 feet, more or less, to the point of beginning.

BOOK
44 PAGE 330

Said strip of land lying in the S $\frac{1}{4}$ of NW $\frac{1}{4}$, the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 32, and the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 31, T-19-S, R-2-W and containing 4.12 acres, more or less.

This conveyance is made for the purpose of a controlled access facility and adjacent service road or roads and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights appurtenant to grantor's remaining property in and to said controlled access facility, provided however, that there is hereby reserved along a line (described as beginning at a point on the present southeast right-of-way line of Alabama Highway No. 119 that is southeasterly of and at right angles to the centerline of said highway at Station 74+00; thence southwesterly along a straight line, a distance of 120 feet, more or less, to a point that is 100 feet southeasterly of and at right angles to the centerline of said highway at Station 73+00; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 3919.72 feet, parallel to the centerline of said highway, a distance of 590 feet, more or less, to a point that is 100 feet southeasterly of and at right angles to the centerline of said highway at Station 67+24.30; thence southwesterly, parallel to the centerline of said highway, a distance of 224.30 feet; thence southwesterly along a straight line, a distance of 527 feet, more or less, to a point that is 125 feet southeasterly of and at right angles to the centerline of said highway at Station 59+75.68; thence southwesterly along a straight line (which if extended would intersect a point that is 128 feet southeasterly of and at right angles to the centerline of said highway at Station 55+85) a distance of 197 feet, more or less, to a point that is southeasterly of and at right angles to the centerline of said highway at Station 57+25 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. 2: Commencing at the northwest corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 32, T-19-S, R-2-W; thence southerly along the west line of said SW $\frac{1}{4}$ of NW $\frac{1}{4}$, a distance of 1237 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 150 feet northwesterly of and at right angles to the centerline of Alabama Highway No. 119 at Station 54+65 to a point that is 125 feet northwesterly of and at right angles to the centerline of said highway at Station 59+75.68; thence northeasterly along said line, a distance of 367 feet, more or less, to said point that is 125 feet northwesterly of and at right angles to the centerline of said highway at Station 59+75.68; thence northeasterly along a straight line, a distance of 527 feet, more or less, to a point that is 100 feet northwesterly of and at right angles to the centerline of said highway at Station 65+00; thence northeasterly, parallel to the centerline of said highway, a distance of 224.30 feet; thence northeasterly along a curve to the left (concave northwesterly) having a radius of 3719.72 feet, parallel to the centerline of said highway, a distance of 563 feet, more or less, to a point that is 100 feet northwesterly of and at right angles to the centerline of said highway at Station 73+00; thence northeasterly along a straight line, a distance of 116 feet, more or less, 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 74+00; thence southwesterly along said present northwest right-of-way line, a distance of 1856 feet, more or less, to the southwest property line; thence northwesterly along said southwest property line, a distance of 113 feet, more or less, to a point on a line which extends from a point that is 150 feet northwesterly of and at right angles to the centerline of said highway at Station 54+65 to a point that is 125 feet

-3-

northwesterly of and at right angles to the centerline of said highway at Station 59+75.68; thence northeasterly along said line (which if extended would intersect said point that is 125 feet northwesterly of and at right angles to the centerline of said highway at Station 59+75.68) a distance of 60 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$, the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 32, the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 31, T-19-S, R-2-W and containing 3.08 acres, more or less.

This conveyance is made for the purpose of a controlled access facility and adjacent service road or roads and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights appurtenant to grantor's remaining property in and to said controlled access facility, provided however, that there is hereby reserved along a line (described as beginning at a point on the present northwest right-of-way line of Alabama Highway No. 119 that is northwesterly of and at right angles to the centerline of said highway at Station 74+00, thence southwesterly along a straight line, a distance of 116 feet, more or less, to a point that is 100 feet northwesterly of and at right angles to the centerline of said highway at Station 73+00; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 3719.72 feet, parallel to the centerline of said highway, a distance of 563 feet, more or less, to a point that is 100 feet northwesterly of and at right angles to the centerline of said highway at Station 67+24.39; thence southwesterly, parallel to the centerline of said highway, a distance of 224.39 feet; thence southwesterly along a straight line, a distance of 527 feet, more or less, to a point that is 125 feet northwesterly of and at right angles to the centerline of said highway at Station 59+75.68; thence southwesterly along a straight line (which if extended would intersect a point that is 150 feet northwesterly of and at right angles to the centerline of said highway at Station 54+65) a distance of 133 feet, more or less, to a point that is northwesterly of and at right angles to the centerline of said highway at Station 57+95 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. 3: Commencing at the northeast corner of Section 31, T-19-S, R-2-W; thence westerly along the north line of said Section 31, a distance of 452 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 175 feet northeasterly of and at right angles to the centerline of Project No. I-55-2(37) at Station 304+00 to a point that is 210 feet northeasterly of and at right angles to the centerline of said project at Station 299+17.3; thence southeasterly along said line, a distance of 188 feet, more or less, to said point that is 210 feet northeasterly of and at right angles to the centerline of said project at Station 299+17.3; thence S 4° 43' 15" E, parallel to the centerline of said project, a distance of 817.3 feet; thence southeasterly along a straight line, a distance of 402 feet, more or less, to a point that is 220 feet northeasterly of and at right angles to the centerline of said project at Station 287+00; thence southeasterly along a straight line, a distance of 404 feet, more or less, to a point that is 275 feet northeasterly of and at right angles to the centerline of said project at Station 283+00; thence southeasterly along a straight line (which if extended would intersect a point that is 150 feet northwesterly of and at right angles to the centerline of Alabama Highway No. 119 at Station 54+65) a distance of 751 feet, more or less, to the southwest property line; thence

northwesterly along said southwest property line (crossing the centerline of said project at approximate Station 280+00) a distance of 916 feet, more or less, to a point that is 210 feet southwesterly of and at right angles to the centerline of said project; thence $N 4^{\circ} 43' 15" W$, parallel to the centerline of said project, a distance of 1008 feet, more or less, to a point that is 210 feet southwesterly of and at right angles to the centerline of said project at Station 293+00; thence northwesterly along a straight line, a distance of 408 feet, more or less, to a point that is 250 feet southwesterly of and at right angles to the centerline of said project at Station 297+00; thence northerly along a straight line, a distance of 101 feet, more or less, to a point that is 240 feet southwesterly of and at right angles to the centerline of said project at Station 298+00; thence northeasterly along a straight line, a distance of 119 feet, more or less, to a point that is 210 feet southwesterly of and at right angles to the centerline of said project at Station 299+17.3; thence northwesterly along a straight line, a distance of 592 feet, more or less, to a point that is 230 feet southwesterly of and at right angles to the centerline of said project at Station 305+00; thence northwesterly along a straight line, a distance of 315 feet, more or less, to a point that is 290 feet westerly of and at right angles to the centerline of said project at Station 309+00; thence northwesterly along a straight line, a distance of 412 feet, more or less, to a point that is 320 feet westerly of and at right angles to the centerline of said project at Station 312+00; thence northwesterly along a straight line, a distance of 268 feet, more or less, to a point that is 490 feet westerly of and at right angles to the centerline of said project at Station 314+00; thence northwesterly along a straight line, a distance of 208 feet, more or less, to a point that is 515 feet westerly of and at right angles to the centerline of said project at Station 316+00; thence northwesterly along a straight line, a distance of 529 feet, more or less, to a point that is 439 feet westerly of and at right angles to the centerline of said project at Station 321+00; thence northeasterly along a straight line, a distance of 644 feet, more or less, to a point that is 195 feet northwesterly of and at right angles to the centerline of said project at Station 326+85; thence northeasterly along a curve to the right (concave southeasterly) having a radius of 11,634.16 feet, parallel to the centerline of said project, a distance of 62 feet, more or less, to the north line of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 30, T-19-S, R-2-W, the northernmost property line; thence easterly along said northernmost property line (crossing the centerline of said project at approximate Station 327+67) a distance of 644 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 said project 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; thence southwesterly along a straight line, a distance of 500 feet, more or less, to a point that is 350 feet southeasterly of and at right angles to the centerline of said project at Station 322+00; thence southwesterly along a straight line (which if extended would intersect a point that is 190 feet easterly of and at right angles to the centerline of said project at Station 306+00) a distance of 1 foot, more or less, to a point on a line which extends from a point that is 435 feet southeasterly of and at right angles to the centerline of said project at Station 324+00 to a point that is 285 feet southeasterly of and at right angles to the centerline of said project at Station 320+55; thence southwesterly along said line, a distance of 150 feet, more or less, to said point that is 285 feet southeasterly of and at right angles to the centerline of said project at Station 320+55; thence southerly along a straight line (which if extended would intersect a point that is

305 feet easterly of and at right angles to the centerline of said project at Station 312+00) a distance of 562 feet, more or less, to a point on a line which extends from a point that is 330 feet southeasterly of and at right angles to the centerline of said project at Station 322+00 to a point that is 190 feet easterly of and at right angles to the centerline of said project at Station 305+00; thence southwesterly along said line, a distance of 269 feet, more or less, to said point that is 190 feet easterly of and at right angles to the centerline of said project at Station 305+00; thence southwesterly along a straight line, a distance of 107 feet, more or less, to a point that is 130 feet easterly of and at right angles to the centerline of said project at Station 305+00; thence southerly along a curve to the left (concave easterly) having a radius of 11,309.16 feet, parallel to the centerline of said project, a distance of 391 feet, more or less, to the north line of said Section 31, the north property line; thence easterly along said north property line, a distance of 49 feet, more or less, to the point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 31, and the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 30, T-19-S, R-2-W and containing 63.60 acres, more or less.

The above described area includes a present 40 foot wide easement granted to the Alabama Power Company, the centerline of which crosses the centerline of said project at approximate Station 301+95. Also a present 30 foot wide easement granted to the Alabama Gas Company which lies 435 feet easterly of the centerline of said project at approximate Station 328+00.

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(32), 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.

~~PARCEL NO. 4: Commencing at the southwest corner of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 30, T-19-S, R-2-W; thence northerly along the west line of said NE $\frac{1}{4}$ 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 and the point of beginning of the property herein to be conveyed; thence continuing northerly along the west line of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, the west property line, a distance of 97 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 391 feet, more or less, to the north line of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, the north property line; thence easterly along said north property line, a distance of 111 feet, more or less, to a point that is 110 feet southeasterly of and at right angles to the centerline of said road; thence southwesterly, parallel to the centerline of said road, a distance of 310 feet, more or less, to a point that is 110 feet southeasterly of and at right angles to the centerline of said road at Station 39+63.53; 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 212 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 30, T-19-S, R-2-W and containing 2.73 acres, more or less.

This conveyance is made for the purpose of a controlled access facility and adjacent service road or roads and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights appurtenant to grantor's remaining property in and to said controlled access facility, provided however, that there is hereby reserved along a line (described as beginning at a point on the west line of the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 30, T-19-S, R-2-W, the west property line, that is 110 feet southeasterly of and at right angles to the centerline of Shelby County Road No. 17: thence northeasterly along a curve to the left (concave northwesterly) having a radius of 11,569.16 feet, parallel to the centerline of said road, a distance of 212 feet, more or less, to a point that is 110 feet southeasterly of and at right angles to the centerline of said road at Station 39+63.59 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.

THE OWNERS OF PARCEL NO. 1 ARE AS FOLLOWS:

Alabama Education Foundation, a corporation;
1st National Bank of Birmingham, As Trustees Under the Will of
H. G. Woodward, Deceased;

44 PAGE 335

BOOK

Inst # 1993-03109

02/02/1993-03109
03:23 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
24.00
008 MJD

Alabama Educational Foundation
First National Bank of Birmingham (Trustees)
Tract No. 43, Rev.

July 14, 1976