

STATE OF ALABAMA

Plaintiff,

vs.

FIRST NATIONAL BANK
OF COLUMBIANA, a banking
corporation,

Defendant.

IN THE PROBATE COURT

OF SHELBY COUNTY,

ALABAMA

CASE NO: 20-94

Inst # 1993-03111

02/02/1993-03111

03:23 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

DOE MCD 24.00

Parcel No. 1-Tract No. 43-E

Project No. I-65-2(37)

Tract No. 43-E

First National Bank
of Columbiana, a banking
corporation
East College Street
Columbiana, Alabama

TAX COLLECTION-SHELBY COUNTY COURTHOUSE, COLUMBIANA, ALABAMA
TAX ASSESSOR-SHELBY COUNTY COURTHOUSE, COLUMBIANA, ALABAMA

APPLICATION FOR ORDER OF CONDEMNATION

I certify this to be a true and
correct copy

6/25/92 *Thomas A. Browning*
Probate Judge
Shelby County

STATE OF ALABAMA
SHELBY COUNTY

IN THE PROBATE COURT OF SHELBY
COUNTY, ALABAMA

TO THE HONORABLE THOMAS A. SNOWDEN, JR., JUDGE OF SAID COURT:

Now comes the State of Alabama, as Petitioner, 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 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 of the person or entities against whom this application is filed reside at the address opposite the name. Petitioner avers that the lands set out and described herein are owned by the defendant as set out underneath the description of said lands. Petitioner further avers that the corporate defendant names is incorporated and qualified to do business in the State of Alabama.

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 owner's rights and easements of access between the said public road or highway right of way and the said property owner's 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 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 as easement or right of way in, over, upon, or across for said public road or highway purposes, and which Petitioner seeks to condemn as 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 or parcel and that the name and address of the owner and other parties who claim or who hold any right, title or interest in said parcel is stated, where known, immediately following each said parcel as follows:

PARCEL NO. 1

A part of Lot 6-B according to Riverchase East First Sector, Second Amendment, a Subdivision of Riverchase, the map or plat of which is recorded in Map Book 6, Page 99 in the Office of the Judge of Probate of Shelby County, Alabama and being more fully described as follows: Commencing at the northwest corner of said Lot 6-B; thence southeasterly along the southwest line of said lot, a distance of 250 feet, more or less, to a point that is 110 feet northwesterly 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 southeasterly along the southwest line of said lot, a distance of 70 feet, more or less, to the present northwest right-of-way line of said County Road No. 17; thence northeasterly along said present northwest right-of-way line, a distance of 338.00 feet to the present southwest right-of-way line of Riverchase Parkway; thence northwesterly along said present southwest right-of-way line, a distance of 120 feet, more or less, to a point that is 160

feet northwesterly of and at right angles to the centerline of Shelby County Road No. 17 at Station 34+00; thence southwesterly along a straight line, a distance of 89 feet, more or less, to a point that is 110 feet northwesterly of and at right angles to the centerline of said county road at Station 33+25; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 11,349.16 feet, parallel to the centerline of said county road, a distance of 198 feet, more or less, to a point that is 110 feet northwesterly of and at right angles to the centerline of said county road at Station 31+23.59; thence southwesterly, parallel to the centerline of said county road, a distance of 65 feet, more or less, to the point of beginning and containing 0.59 acres, more or less.

THE OWNERS OF PARCEL NO. 1, ARE AS FOLLOWS:

The First National Bank of Columbiana, a banking corporation.

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 defendant in this proceeding and as set forth in paragraph 3 above, and by no others. 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 the tract of land described or designated as Parcel No. 1, 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, 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 defendant of the day set for the hearing of said petition, and of the filing of said petition, all as provided by Law, and that upon a 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 as easement or right of way, in, over, upon, or across the tract of land described or designated as Parcel No. 1, 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

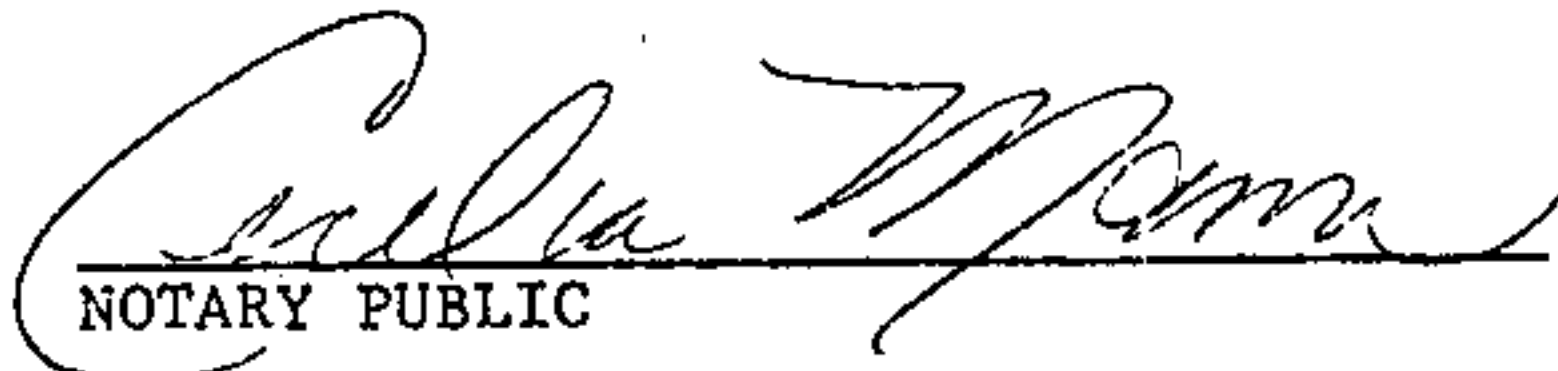
Suite 1723 2121 Building
Birmingham, Alabama 35203
Phone: (205) 328-5790

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

Subscribed to and sworn to before me, this the 31st day of March, 1977.


NOTARY PUBLIC

Filed this 1 day of April 1977
THOMAS A. SNOWDEN JR.
Judge of Probate

Inst. # 1993-03111

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