

10

STATE OF ALABAMA

Plaintiff,

vs

DR. CECIL LANEY, ET AL

Defendants.

IN THE PROBATE COURT
OF SHELBY COUNTY,
ALABAMA

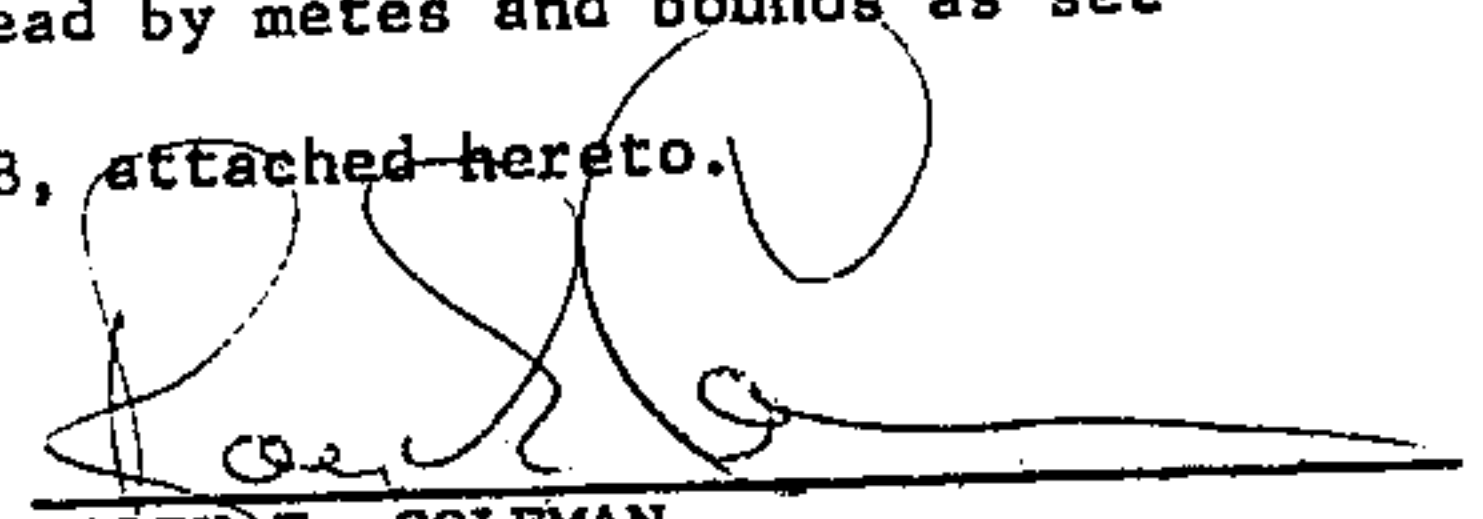
CASE NO: 20-20

Inst # 1993-03113

02/02/1993-03113
03:23 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
\$29.00

AMENDMENT

Comes the State of Alabama, Plaintiff, by and through Ralph E. Coleman, Special Assistant Attorney General for the State of Alabama, and amends the State's Petition for Condemnation to cause the legal descriptions of the property to be condemned and previously described as Parcel No. 3-Tract No. 43-C; and Parcel No. 4-Tract No. 44 and 50, to read by metes and bounds as set forth in Exhibit A and Exhibit B, attached hereto.

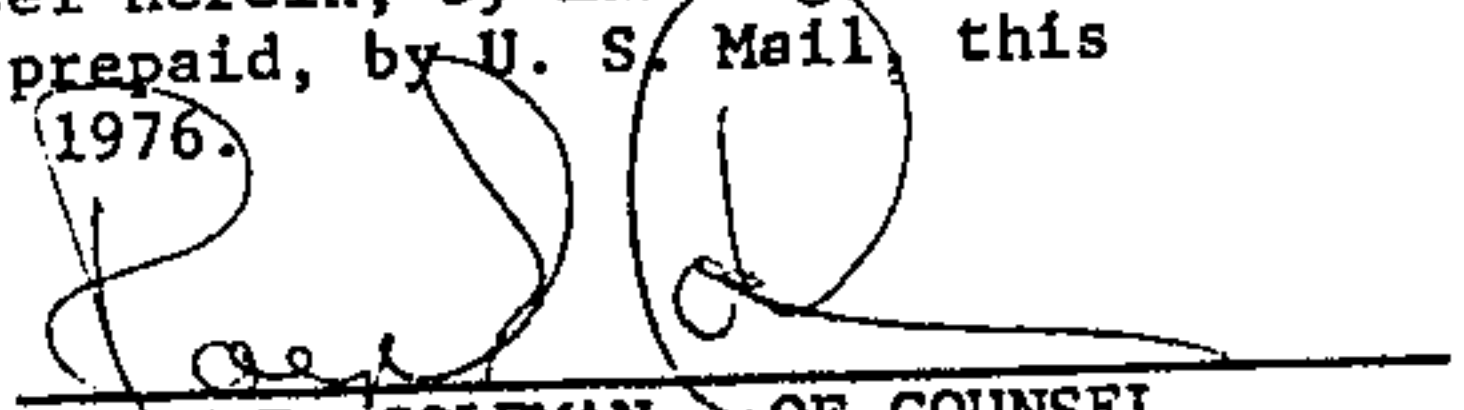

RALPH E. COLEMAN
Special Assistant Attorney General
State of Alabama

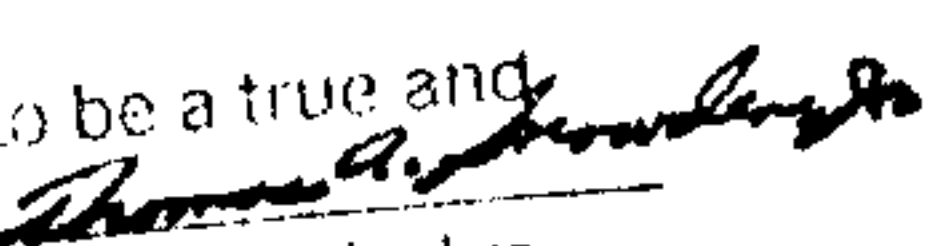
The foregoing Motion to Amend having been presented to me, the same is set for hearing on the _____ day of _____, 197____ at _____ o'clock.

JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been served upon all other counsel herein, by mailing same to their office addresses, postage prepaid, by U. S. Mail, this the _____ day of December _____, 1976.


RALPH E. COLEMAN - OF COUNSEL

I certify this to be a true and correct copy 
Probate Judge
Shelby County

Filed this 9 day of Dec 19 76
CONRAD M. KOWSER
Clerk of Court

42 PAGE 719
930K

EXHIBIT A

SHELBY

TRACT NO. 43-C, REV.

42 PAGE 720
BOOK

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 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 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 11,569.16 feet, parallel to the centerline of said county road, a distance of 105 feet, more or less, to the southwest property line; thence northwesterly along said southwest property line, a distance of 72 feet, more or less, to the present southeast right-of-way line of said county road; thence northeasterly along said present southeast right-of-way line, a distance of 149 feet, more or less, to the east line of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$, the east property line; thence southerly along said east property line, a distance of 87 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 0.21 acres, more or less.

PARCEL NO. 2: 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 1077 feet, more or less, to the present southeast right-of-way line of Shelby County Road No. 17; thence southwesterly along said present southeast right-of-way line, a distance of 276 feet, more or less, to the east line of the property herein to be conveyed and the point of beginning; thence southerly along the east property line, a distance of 96 feet, more or less, to a point that is 110 feet southeasterly of and at right angles to the centerline of said county road; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 11,569.16 feet, parallel to the centerline of said county road, a distance of 350 feet, more or less, to a point that is 110 feet southeasterly of and at right angles to the centerline of said county road at Station 31+23.59; thence southwesterly along a straight line, a distance of 726 feet, more or less, to a point that is 100 feet

southeasterly of and at right angles to the centerline of said county road at Station 24+00; thence southwesterly along a straight line, a distance of 115 feet, more or less, to a point on the present southeast right-of-way line of Shelby County Road No. 17 that is southeasterly of and at right angles to the centerline of said county road at Station 23+00; thence northeasterly along said present southeast right-of-way line, a distance of 1227 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 1.78 acres, more or less.

PARCEL NO. 3: Commencing at the northwest corner of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 30, T-19-S, R-2-W; thence southerly along the west line of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, a distance of 57 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 northeasterly along a curve to the left (concave northwesterly) having a radius of 11,349.16 feet, parallel to the centerline of said county road, a distance of 50 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 39+63.59; thence northeasterly, parallel to the centerline of said county road, a distance of 36.41 feet; thence northeasterly along a straight line (which if extended would intersect a point that is 170 feet northwesterly of and at right angles to the centerline of said county road at Station 41+00) a distance of 5 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 108 feet, more or less, to the present northwest right-of-way line of said county Road No. 17; thence southwesterly along said present northwest right-of-way line, a distance of 225 feet, more or less, to the west line of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, the west property line; thence northerly along said west property line, a distance of 92 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 0.24 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 grantees 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 that is 110 feet northwesterly of and at right angles to the centerline of Shelby County Road No. 17 at Station 39+63.59; 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 50 feet, more or less, to the west line of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 30, T-19-S, R-2-W, the west property line 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.

721 PAGE 42

BOOK

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 NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 30, T-19-S, R-2-W; thence southerly along the west line of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, a distance of 20 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 170 feet northwesterly of and at right angles to the centerline of Shelby County Road No. 17 at Station 39+25 to a point that is 110 feet northwesterly of and at right angles to the centerline of said county road at Station 39+50; thence southeasterly along said line, a distance of 35 feet, more or less, to said point that is 110 feet northwesterly of and at right angles to the centerline of said county road at Station 39+50; 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 38 feet, more or less, to the west line of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, the west property line; thence northerly along said west property line, a distance of 37 feet, more or less, to the point of beginning.

BOOK 42 PAGE 722

Said strip of land lying in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 20,
T-19-S, R-2-W and containing 0.01 acres, more or less.

42 PAGE 723

BOOK

Harbert Construction Corporation
Tract No. 43-C, Rev.
November 29, 1976

EXHIBIT B

SHELBY

TRACT NO. 44 & 50, REV. 3

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 SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 37, T-19-S, R-2-W; thence westerly along the south line of said SE $\frac{1}{4}$ of NE $\frac{1}{4}$, the south property line, a distance of 15 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 475 feet southeasterly of and at right angles to the centerline of Project No. I-65-2(37) at Station 327+00 to a point that is 405 feet southeasterly of and at right angles to the centerline of said project at Station 330+00; thence northwesterly along said line (which if extended would intersect said point that is 405 feet southeasterly of and at right angles to the centerline of said project at Station 330+00) a distance of 15 feet, more or less, to the northeast property line; thence northwesterly along said northeast property line (crossing the centerline of said project at approximate Station 331+60) a distance of 625 feet, more or less, to the present southeast right-of-way line of Shelby County Road No. 17; thence southwesterly along said present southeast right-of-way line, a distance of 697 feet, more or less, to the south line of said SE $\frac{1}{4}$ of NE $\frac{1}{4}$, the south property line; thence easterly along said south property line, a distance of 110 feet, more or less, to a point that is 110 feet southeasterly of and at right angles to the centerline of said road; thence northeasterly, parallel to the centerline of said county road, a distance of 345 feet, more or less, to a point that is 195 feet northwesterly of and at right angles to the centerline of said project; thence southwesterly along a curve to the left (concave southeasterly) having a radius of 11,654.16 feet, parallel to the centerline of said project, a distance of 221 feet, more or less, to the south line of said SE $\frac{1}{4}$ of NE $\frac{1}{4}$, the south property line; thence easterly, along said south property line (crossing the centerline of said project at approximate Station 327+67) a distance of 643 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 37, T-19-S, R-2-W and containing 4.540 acres, more or less.

12 PAGE 724

BOOK

-2-

The above described area includes a present 30 foot wide easement granted to the Alabama Gas Company, which lies 430 feet southeasterly of the centerline of said project at approximate Station 328+40.

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.

PARCEL NO. 2: Commencing at the southwest corner of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 30, T-19-S, R-2-W; thence easterly along the south line of said SE $\frac{1}{4}$ of NE $\frac{1}{4}$, a distance of 73 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 110 feet northwesterly of and at right angles to the centerline of Shelby County Road No. 17 at Station 40+00 to a point that is 170 feet northwesterly of and at right angles to the centerline of said county road at Station 41+00; thence northeasterly along said line, a distance of 113 feet, more or less, to said point that is 170 feet northwesterly of and at right angles to the centerline of said county road at Station 41+00; thence northeasterly along a straight line (which if extended would intersect a point that is 890 feet northwesterly of and at right angles to the centerline of Project No. I-65-2(37) at Station 337+50) a distance of 1004 feet, more or less, to the northeast property line; thence southeasterly along said northeast property line, a distance of 890 feet, more or less, to the present northwest right-of-way line of said County Road No. 17; thence southwesterly along said present northwest right-of-way line, a distance of 783 feet, more or less, to the south line of said SE $\frac{1}{4}$ of NE $\frac{1}{4}$, the south property line; thence westerly along said south property line, a distance of 108 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 30, T-19-S, R-2-W and containing 8.974 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.

PARCEL NO. 3: Commencing at the northwest corner of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 30, T-19-S, R-2-W; thence southerly along the west line of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$, a distance of 1110 feet, more or less, to the present northwest right-of-way line of Shelby County Road No. 17; thence northeasterly along the present northwest right-of-way line of said county road, a distance of 45 feet, more or less, to a point that is northwesterly of and at right angles to the centerline of said county road at Station 23+00 and the point of beginning of the property herein to be conveyed; thence continuing northeasterly along the present northwest right-of-way line of said county road, a distance of 1096 feet, more or less, to the present southwest right-of-way line of River Chase Parkway; thence northwesterly along the present southwest right-of-way line of said parkway, 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 323.59 feet; thence southwesterly along a straight line, a distance of 403 feet, more or less, to a point that is 70 feet northwesterly of and at right angles to the centerline of said county road at Station 24+00; thence southwesterly along a straight line, a distance of 105 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 1.501 acres, more or less.

PARCEL NO. 4: Commencing at the northwest corner of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 20, T-19-S, R-2-W; thence easterly along the north line of said SW $\frac{1}{4}$ of SW $\frac{1}{4}$, the north property line, a distance of 230 feet, more or less, to a point that is 325 feet northwesterly of and at right angles to the centerline of Project No. I-65-2(37) and the point of beginning of the property herein to be conveyed; thence continuing easterly along said north property line (crossing the centerline of said project at approximate Station 368+09) a distance of 595 feet, more or less, to a point on a line which extends from a point that is 280 feet southeasterly of and at right angles to the centerline of said project at Station 370+00 to a point that is 250 feet southeasterly of and at right angles to the centerline of said project at Station 367+00; thence southwesterly along said line, a distance of 160 feet, more or less, to said point that is 250 feet southeasterly of and at right angles to the centerline of said project at Station 367+00; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 4069.72 feet, parallel to the centerline of said project, a distance of 312 feet, more or less, to a point that is 250 feet southeasterly of and at right angles to the centerline of said project at Station 364+06.3; thence S 16° 00' 15" W, parallel to the centerline of said project, a distance of 886 feet, more or less, to the south line of said SW $\frac{1}{4}$ of SW $\frac{1}{4}$; thence westerly along the south line of said SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 20, and the south line of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 19, T-19-S, R-2-W, the south property line (crossing the centerline of said project at approximate Station 354+56) a distance of 505 feet, more or less, to a point that is 240 feet northwesterly of and at right angles to the centerline of said project; thence N 16° 00' 15" E, parallel to the centerline of said project, a distance of 806 feet, more or less, to a point that is 240 feet northwesterly of and at right angles to the centerline of said project at Station 362+00; thence northwesterly along a straight line, a distance of 220 feet, more or less, to a point that is 325 feet northwesterly of and at right angles to the centerline of said project at Station 364+06.3; thence northeasterly along a curve to the left (concave northwesterly) having a radius of 3494.72 feet, parallel to the centerline of said project, a distance of 311 feet, more or less, to the point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 19 and the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 20, T-19-S, R-2-W and containing 16.080 acres, more or less.

The above described area includes a present 30 foot wide easement granted to the Alabama Gas Company which lies approximately 250 feet northwesterly of Station 355+00.

42 PAGE 726

BOOK

As a part of the consideration hereinabove stated there is also bargained, sold, conveyed and relinquished to the grantees 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.

171 PAGE 27 BOOK

PARCEL NO. 5: Commencing at the Northeast corner of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 30, T-19-S, R-2-W; thence southerly along the east line of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$, a distance of 57 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 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 307 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 36+00; thence westerly along a straight line, a distance of 89 feet, more or less, to a point on the present northeast right-of-way line of River Chase Parkway that is 160 feet northwesterly of and at right angles to the centerline of Shelby County Road No. 17 at Station 35+25; thence southeasterly along the present northeast right-of-way line of said parkway, a distance of 120 feet, more or less, to the present northwest right-of-way line of Shelby County Road No. 17; thence northeasterly along the present northwest right-of-way line of said county road, a distance of 328 feet, more or less, to the east line of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$, the east property line; thence northerly along said east property line, a distance of 92 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 0.612 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 northeast corner of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 30, T-19-S, R-2-W; thence southerly along the east line of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$, a distance of 20 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 110 feet northwesterly of and at right angles to the centerline of Shelby County Road No. 17 at Station 39+50 to a point that is 170 feet northwesterly of and at right angles to the centerline of said county road at Station 39+25; thence northwesterly along said line, a distance of 31 feet, more or less, to said point that is 170 feet northwesterly of and at right angles to the centerline of said county road at Station 39+25; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 11,289.16 feet, parallel to the centerline of said county road, a distance of 49 feet, more or less, to a point that is 170 feet northwesterly of and at right angles to the centerline of said county road at Station 38+75; thence southeasterly along a straight line, a distance of 65 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 38+50; thence northeasterly along a curve to the left (concave northwesterly) having a radius of 11,349.16 feet, parallel to the centerline of said county road, a distance of 60 feet, more or less, to the east line of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$, the east property line; thence northerly along said east property line, a distance of 37 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 0.093 acres, more or less.

BOOK 42 PAGE 728

Inst # 1993-03113

02/02/1993-03113
03:23 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
010 MCD 29.00

Harbert-Equitable Joint Venture
Tract No. 44&50, Rev. 3
November 24, 1976