

STATE OF ALABAMA

Plaintiff,

vs.

DR. CECIL LANEY, ET AL

Defendants.

Parcel No. 1-Tract No. 41
 Dr. Cecil Laney
 2172 Highland Avenue ✓
 Birmingham, Alabama

Joyce H. Laney
 Indian Crest Drive ✓
 Birmingham, Alabama

Parcel No. 2-Tract No. 42
 David H. Kirksey
 344 Parkland Way
 Jonesboro, Georgia 30236

Juanita Kirksey
 344 Parkland Way
 Jonesboro, Georgia 30236

Parcel No. 3-Tract No. 43-C
 Harbert Construction Corporation
 SERVE: Still Hunter
 2 Metroplex Drive ✓
 Birmingham, Alabama

Parcel No. 4-Tract No. 44 and 50
 Harbert Construction Corporation
 and The Equitable Life Assurance
 Society of the United States
 SERVE: Still Hunter ✓
 3412-A Lorna Lane
 Birmingham, Alabama

IN THE PROBATE COURT

OF SHELBY COUNTY

ALABAMA

Project No. I-65-2(37)
 Tract Nos. 41, 42, 43-C
 44 and 50

APPLICATION FOR ORDER OF CONDEMNATION

I certify this to be a true and
 correct copy

Thomas A. Howland
 Probate Judge
 Shelby County

Inst # 1993-03116

02/02/1993-03116
 03:23 PM CERTIFIED
 SHELBY COUNTY JUDGE OF PROBATE
 020 MCD 54.00

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STATE OF ALABAMA

Plaintiff,

vs.

DR. CECIL LANEY, ET AL

Defendant (s)

IN THE PROBATE COURT

OF SHELBY COUNTY,

ALABAMA

CASE NO: 20-20

NOTICE OF HEARING TO LAND OWNERS

You will take notice that on the 5 day of November, 1976, an Application or Petition was filed in the Probate Court of Shelby County, Alabama, by the State of Alabama, setting forth it's desire to condemn for certain purposes therein stated certain lands belonging to:

Dr. Cecil Laney, Joyce H. Laney, David H. Kirksey, Juanita Kirksey, Harbert Construction Corporation, Harbert Construction Corporation and The Equitable Life Assurance Society of the United States

A description of said lands is specifically set forth in said Application or Petition filed in this Court and said application and petition prays that this Court will make and enter an Order appointing a day for hearing of said application and for such other and further Orders and procedures as may be necessary. You will take further notice that the Court has appointed the 24 day of November, 1976, at 10:00 o'clock, A.M to hear said application or petition, at which time you may appear and contest the same if you so desire to do so.

WITNESS My hand this the 5 day of November, 1976.

Conrad M. Fowler
PROBATE JUDGE

STATE OF ALABAMA
SHELBY COUNTY

IN THE PROBATE COURT OF SHELBY
COUNTY, ALABAMA

TO THE HONORABLE CONRAD M. FOWLER, 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 each reside at the address set opposite his or her name, and are of sound mind and who are residents of the State of Alabama, other than those hereinafter stated. Petitioner avers that the lands set out and described herein are owned by the defendants set out underneath the description of the said lands, and avers that each of the individual defendants are over the age of 21 years, and under no legal disability, unless otherwise specifically recited. Petitioner further avers that the corporate defendant named, if any, are incorporated or qualified to do business in the State of Alabama, unless otherwise indicated.

That the following persons against whom this application is filed are over the age of 21 years, are of sound mind and non-residents of the State of Alabama, residing at the addresses hereinafter shown: David H. Kirksey, 344 Parkland Way, Jonesboro, Georgia 30236; Juanita Kirksey, 344 Parkland Way, Jonesboro, Georgia 30236.

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 owners' rights and easements of access between the said public road or highway right of way and the said property owners' 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(s) 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 an 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 (s), or "Parcel(s)", and that the names and residences of the owners and other parties who claim or who hold any right, title or interest in said "Parcel(s)" are stated, where known, immediately following each said "Parcel(s)" as follows, to-wit:

PARCEL NO. 1

SHELBY

TRACT NO. 41, REV. 3

Shelby

and as shown on the right-of-way map of Project No. O-65-2(37) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

PARCEL NO. 1: Commencing at the northwest corner of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 31, T-19-S, R-2-W; thence easterly along the north line of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, a distance of 626 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 215 feet northwesterly of and at right angles to the centerline of Alabama Highway No. 119 at Station 46+55 to a point that is 295 feet southwesterly of and at right angles to the centerline of Project No. I-65-2(37) at Station 277+03; thence northeasterly along said line (which if extended would intersect said point that is 295 feet southwesterly of and at right angles to the centerline of said project at Station 277+03) a distance of 70 feet, more or less, to the northeast property line; thence southeasterly along said northeast property line, a distance of 522 feet, more or less, to the present northwest right-of-way line of said highway; thence southwesterly along said present northwest right-of-way line, a distance of 364 feet, more or less, to the southwest property line; thence northwesterly along said southwest property line, a distance of 168 feet, more or less, to a point on a line which extends from a point that is 185 feet northwesterly of and at right angles to the centerline of said highway at Station 42+40 to a point that is 215 feet northwesterly of and at right angles to the centerline of said highway at Station 46+55; thence northeasterly along said line, a distance of 142 feet, more or less, to said point that is 215 feet northwesterly of and at right angles to the centerline of said highway at Station 46+55; thence northeasterly along a straight line (which if extended would intersect a point that is 295 feet southwesterly of and at right angles to the centerline of Project No. I-65-2(37) at Station 277+03) a distance of 363 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, and the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 31, T-19-S, R-2-W and containing 2.61 acres, more or less.

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BOOK

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 the right of ingress to and egress from such remaining property to and from said service road or roads 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 NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 31, T-19-S, R-2-W; thence easterly along the north line of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, a distance of 626 feet, more or less, to a point on a line which extends from a point that is 215 feet northwesterly of and at right angles to the centerline of Alabama Highway No. 112 at Station 46+55 to a point that is 295 feet southwesterly of and at right angles to the centerline of Project No. I-65-2(37) at Station 277+03; thence northeasterly along said line (which if extended would intersect said point that is 295 feet southwesterly of and at right angles to the centerline of said project at Station 277+03) a distance of 86 feet, more or less, to the southeast line of the property herein to be conveyed and the point of beginning; thence continuing northeasterly along said line (which if extended would intersect said point that is 295 feet southwesterly of and at right angles to the centerline of said project at Station 277+03) a distance of 120 feet, more or less, to the northeast property line; thence southeasterly along said northeast property line, a distance of 94 feet, more or less, to the southeast property line; thence southwesterly along said southeast property line, a distance of 75 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, T-19-S, R-2-W and containing 0.09 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 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:

Dr. Cecil Laney, 2172 Highland Avenue; Joyce H. Laney

Cecil Laney
Tract No. 41, Rev. 3
July 29, 1976

BOOK 42 PAGE 678

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:

Commencing at the northwest corner of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 31, T-19-S, R-2-W; thence easterly along the north line of said SE $\frac{1}{4}$ of NE $\frac{1}{4}$, the north property line, a distance of 200 feet, more or less, to the northeast property line; thence southeasterly along said northeast property line, a distance of 715 feet, more or less, to a point that is 210 feet southwesterly 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 southeasterly along said northeast property line (crossing the centerline of said project at approximate Station 280+00) a distance of 915 feet, more or less, to a point on a line which extends from a point that is 275 feet, northeasterly and at right angles to the centerline of said project at Station 283+00 to a point that is 150 feet northwesterly of and at right angles to the centerline of Alabama Highway 119 at Station 54+65; thence southeasterly along said line, a distance of 109 feet, more or less, to said point that is 150 feet northwesterly of and at right angles to the centerline of said highway at Station 54+65; thence northeasterly along a straight line (which if extended would intersect a 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 58 feet, more or less, to the northeast property line; thence southeasterly along said northeast property line, a distance of 113 feet, more or less, to the present northwest right-of-way line of said highway; thence southwesterly along said present northwest right-of-way line (crossing the centerline of said project at approximate Station 271+42) a distance of 603 feet, more or less, to the southwesternmost property line; thence northwesterly along said southwesternmost property line, a distance of 522 feet, more or less, to a point on a line which extends from a point that is 215 feet northwesterly of and at right angles to the centerline of Alabama Highway No. 119 at Station 46+55 to a point that is 295 feet southwesterly of and at right angles to the centerline of said project at Station 277+03; thence northeasterly along said line (which if extended would intersect said point that is 295 feet southwesterly of and at right angles to the centerline of said project at Station 277+03) a distance of 15 feet, more or less, to the northwest property line; thence northeasterly along said northwest property line) a distance

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of 73 feet, more or less, to the southwest property line; thence northwesterly along said southwest property line, a distance of 94 feet, more or less, to a point on a line which extends from a point that is 215 feet northwesterly of and at right angles to the centerline of Alabama Highway No. 119 at Station 46+55 to a point that is 295 feet southwesterly of and at right angles to the centerline of said project at Station 277+03; thence north-easterly along said line, a distance of 1 foot, more or less, to said point that is 295 feet southwesterly of and at right angles to the centerline of said project at Station 277+03; thence northeasterly along a straight line, a distance of 65 feet to a point that is 239 feet southwesterly of and at right angles to the centerline of said project at Station 277+03; thence northeasterly along a straight line, a distance of 100 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 278+00; thence N 4° 43' 15" W, parallel to the centerline of said project, a distance of 488 feet, more or less, to the point of beginning.

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THE OWNERS OF PARCEL NO. 2 ARE AS FOLLOWS:

David F. & Juanita W. Kirksey
Tract No. 42, Rev. 3
July 27, 1976

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 980 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 west 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 said 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+23.50; 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 NW¹ of SE⁴, Section 20, T-19-S, R-2-W and containing 1.78 acres, more or less.

THE OWNERS OF PARCEL NO. 3 ARE AS FOLLOWS:

Harbert Construction Corporation

Harbert Construction Corporation
Tract No. 43-C
July 12, 1976

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 30, 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 17 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+50) 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 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 30, T-19-S, R-2-W and containing 4.540 acres, more or less.

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 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 southwesterly along a curve to the right (concave northwesterly) having a radius of 11,349.16 feet, parallel to the centerline of said 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 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 road, a distance of 1344 feet, more or less, to the northeast property line; thence northwesterly along said northeast property line, a distance of 800 feet, more or less, to a point on a line which extends from 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 to a point that is 170 feet northwesterly of and at right angles to the centerline of Shelby County Road No. 17 at Station 41+00; thence southwesterly along said line, a distance of 1004 feet, more or less, to said point that is 170 feet northwesterly of and at right angles to the centerline of said road at Station 41+00; thence southwesterly along a straight line, a distance of 117 feet, more or less, to a point that is 110 feet northwesterly of and at right angles to the centerline of said road at Station 40+00; thence southwesterly, parallel to the centerline of said road, a distance of 36.41 feet; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 11,349.16 feet, parallel to the centerline of said road, a distance of 48 feet, more or less, to the point of beginning.

Said strip of land lying in the N $\frac{1}{4}$ of SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 30, T-19-S, R-2-W and containing 9.826 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 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 easterly 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 road at Station 36+00; thence northeasterly along a curve to the left (concave northwesterly) having a radius of 11,349.16 feet, parallel to the centerline of said road, a distance of 355 feet, more or less, to a point that is 110 feet northwesterly 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.

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 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 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 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 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 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 road at Station 31+23.59; thence southwesterly, parallel to the centerline of said 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 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 southwesterly 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;

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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 $\frac{1}{4}$, the south property line; thence westerly along said 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 886 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 120 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 354+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.

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.

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 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 southeasterly along a curve to the right (concave northwesterly) having a radius of 11,349.16 feet, parallel to the centerline of said road, a distance of 61 feet, more or less, to a point that is 110 feet northwesterly of and at right angles to the centerline of said road at Station 38+50; thence northwesterly along a straight line, a distance of 66 feet, more or less, to a point that is 170 feet northwesterly of and at right angles to the centerline of said road at Station 38+75; thence northeasterly along a curve to the left (concave northwesterly) having a radius of 11,289.16 feet, parallel to the centerline of said road, a distance of 48 feet, more or less, to a point that is 170 feet northwesterly of and at right angles to the centerline of said road at Station 39+25; thence southeasterly along a straight line, a distance of 66 feet, more or less, to a point that is 110 feet northwesterly of and at right angles to the centerline of said road at Station 39+50; thence southeasterly along a curve to the right (concave northwesterly) having a radius of 11,349.16 feet, parallel to the centerline of said road, a distance of 39 feet, more or less, to the point of beginning.

Said strip of land lying in the N $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 30,
T-19-S, R-2-W and containing 0.103 acres, more or less.

THE OWNERS OF PARCEL NO. 4 ARE AS FOLLOWS:

Harbert Construction Corporation and The Equitable Life Assurance
Society of the United States;

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BOOK

Harbert-Equitable Joint Venture
Tract No. 44&50, Rev. 2
September 24, 1976

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 defendants in this proceeding and as set forth in Paragraph 3 above, and by no others. That all of said parties named as defendants are each over the age of 21 years and are each under no legal disability unless and except as stated specifically in said Paragraph 3; 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.

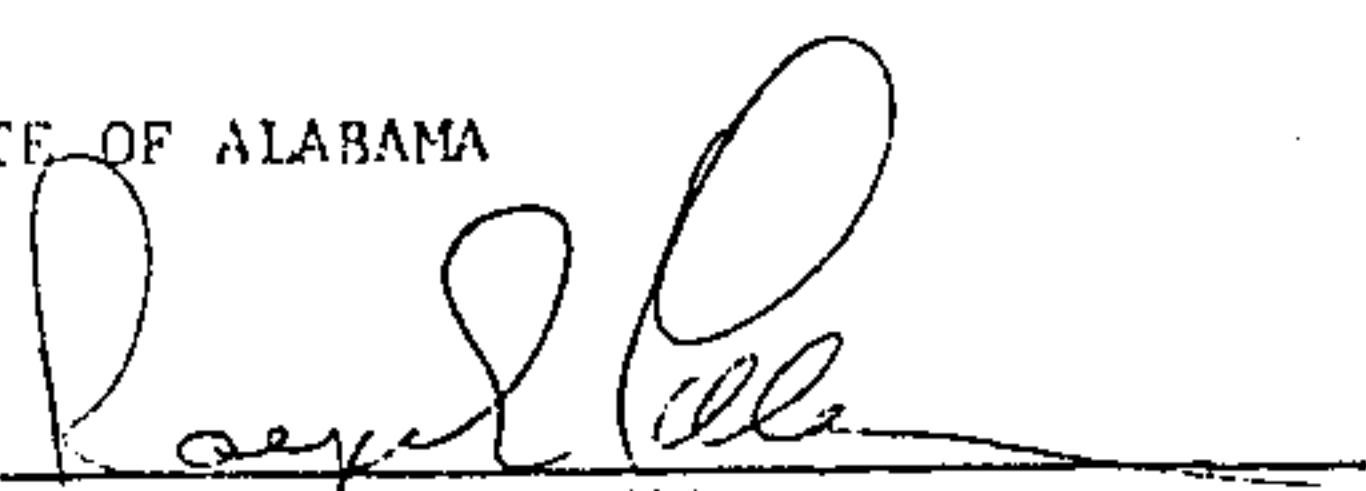
5. Petitioner further shows that the said rights of way which are sought to be condemned over each of said separate tracts of land described or designated as Parcel No. 1, [through and including Parcel No. 4], is now located and staked out on the ground and is otherwise shown and described by a map or 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, [through and including Parcel No. 4] of Paragraph 3 above, 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 defendants of the day set for the hearing of said Petition, and of the filing of said Petition, all as provided by Law, and that a guardian ad litem be appointed to represent and defend the interest of any defendant hereto who may be under legal disability, as required by Law, and that, upon 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 an easement or right of way in, over, upon, or across each of said separate tracts of land described or designated as Parcel No. 1 [through and including Parcel No. 4], of Paragraph 3 above, 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


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

Sworn to and subscribed to before me, this the 4th day of

Nov., 1976.


NOTARY PUBLIC

Inst # 1993-03116
02/02/1993-03116
03:23 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
020 MCD 54.00

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