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STATE OF ALABAMA

Plaintiff,

vs.

EARL MORGAN ESTATE,  
ET AL

Defendants.

Tract No. 36, Parcel No. 1  
Earl Morgan Estate  
SERVE EXECUTORS OF ESTATE:  
Neal C. Morgan  
1008 37th Street East ✓  
Tuscaloosa, Alabama

First National Bank of  
Tuscaloosa  
2330 University Blvd. ✓  
Tuscaloosa, Alabama

Tract No. 36-B, Parcel No. 2  
Neal C. Morgan  
1008 37th Street East ✓  
Tuscaloosa, Alabama

AS TO ALL TRACTS  
Fay Quick, Tax Collector  
Shelby County Courthouse  
Columbiana, Alabama

Tommy Snowden, Tax Assessor  
Shelby County Courthouse  
Columbiana, Alabama

IN THE PROBATE COURT

OF SHELBY COUNTY,

ALABAMA

CASE NO: 19-300

Project No. I-65-2(37)

Tracts: 36, 36-B

APPLICATION FOR ORDER OF CONDEMNATION

I certify this to be a true and  
correct copy

4/25/92

Probate Judge  
Shelby County

Inst # 1993-03431

02/04/1993-03431  
03:25 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
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Sept 4,

TO THE HONORABLE CONRAD M. FOWLER JUDGE OF PROBATE COURT OF  
SHELBY COUNTY, ALABAMA

Now comes the State of Alabama, as Plaintiff, 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 Honorable 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 or post office addresses 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. Petitioner avers that the lands set out and described herein are owned by the defendant 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.

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:

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PARCEL NO. 1

PARCEL NO. 1: Commencing at the southwest corner of the NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 6, T-20-S, R-2-W; thence easterly along the south line of said NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , a distance of 175 feet, more or less, to a point that is 180 feet northwesterly of and at right angles to the centerline of the left lane of Project No. I-65-2(37) 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 3639.72 feet, parallel to the centerline of said left lane, a distance of 498 feet, more or less, to a point that is 180 feet northwesterly of and at right angles to the centerline of said left lane at Station 239+00; thence northwesterly along a straight line (which if extended would intersect a point that is 310 feet northwesterly of and at right angles to the centerline of said left lane at Station 239+00) a distance of 65 feet, more or less, to the present southeast edge of Oak Mountain Park Road; thence northeasterly along the present southeast edge of said road, a distance of 445 feet, more or less, to the east property line; thence southerly along said east property line (crossing the centerline of the left lane of said project at approximate Station 240+22 and the centerline of the right lane of said project at approximate Station 236+90) a distance of 825 feet, more or less, to the south line of said NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , the south property line; thence westerly along said south property line (crossing the centerline of the right lane of said project at approximate Station 234+20 and the centerline of said left lane at approximate Station 234+98) a distance of 486 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 6, T-20-S, R-2-W and containing 4.70 acres, more or less.

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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.

PARCEL NO. 2: Commencing at the northwest corner of the NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 6, T-20-S, R-2-W; thence easterly along the north line of said NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , a distance of 708 feet, more or less, to the east property line; thence southerly along said east property line, a distance of 138 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 230 feet northwesterly of and at right angles to the centerline of the left lane of Project No. I-65-2(37) at Station 249+00 to a point that is 310 feet northwesterly of and at right angles to the centerline of said left lane at Station 239+00; thence southwesterly along said line, a distance of 745 feet, more or less, to said point that is 310 feet northwesterly of and at right angles to the centerline of said left lane at Station 239+00; thence southeasterly along a straight line (which if extended would intersect a point that is 180 feet northwesterly of and at right angles to the centerline of said left lane at Station 239+00) a distance of 48 feet, more or less, to the present northwest edge of Oak Mountain Park Road; thence northeasterly along the present northwest edge of said road, a distance of 470 feet, more or less, to the east property line; thence northerly along said east property line, a distance of 318 feet, more or less, to the point of beginning.

Said strip of land lying in the NW 1/4 of NE 1/4, Section 6,  
T-29-S, R-2-W and containing 1.50 acres, more or less.

THE OWNERS OF PARCEL NO. 1 ARE AS FOLLOWS:

Earl Morgan Estate; Neal C. Morgan-Executor Estate of Earl Morgan;  
First National Bank of Tuscaloosa-Executor Estate of Earl Morgan;

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Earle Morgan Est.  
Tract No. 36, Rev. 2  
August 10, 1976

PARCEL NO. 2

Commencing at the southwest corner of the NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 31, T-19-S, R-2-W; thence easterly along the south line of said NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , a distance of 340 feet, more or less, to a point that is 100 feet northwesterly 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 northeasterly, parallel to the centerline of said highway, a distance of 418 feet, more or less, to the northeast property line; thence southeasterly along said northeast property line, a distance of 60 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 698 feet, more or less, to a point that is northwesterly of and at right angles to the centerline of said highway at Station 27+00; thence northeasterly 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 28+00; thence northeasterly, parallel to the centerline of said highway, a distance of 180 feet, more or less, to the point of beginning.

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Said strip of land lying in the NW 1/4 of Section 11,  
T-10-S, R-2-E and containing 0.12 acres, more or less.

THE OWNERS OF PARCEL NO. 2 ARE AS FOLLOWS:

Neal C. Morgan

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Neal C. Morgan  
Tract No. 36-0  
August 9, 1976

4. That Petitioner further shows that diligent search has been made of the records in the Office of the Judge of Probate, \_\_\_\_\_ 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. 2], 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. 2] 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. 2], 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:

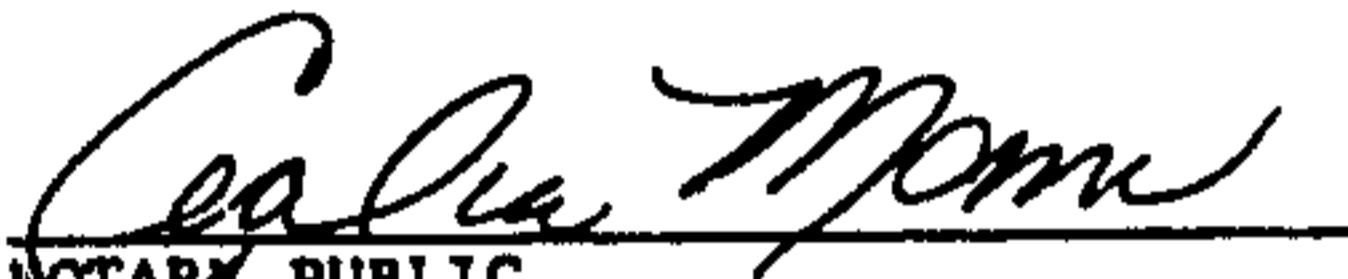
RALPH E. COLEMAN  
Special Assistant Attorney General  
State of Alabama

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 7th day of Sept, 1976.

  
NOTARY PUBLIC

Inst • 1993-03431

02/04/1993-03431  
03:25 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
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