

APPLICATION FOR ORDER OF CONDEMNATION

STATE OF ALABAMA

Plaintiff,

vs.

DR. RHETT G. BARNES, SR.,  
ET AL

Defendants.

Tract No. 21 & 2-X, Parcel No. 1

Dr. Rhett G. Barnes  
Rt. 2, Box 154 ✓  
Pelham, Alabama

Frances Barnes  
Rt. 2, Box 154 ✓  
Pelham, Alabama

Rhett G. Barnes, Jr.  
Rt. 2, Box 248-A ✓  
Monroeville, Alabama

Peggy Barnes  
Rt. 2, Box 248-A ✓  
Monroeville, Alabama

Lindell Wright ✓  
4638 Old Loney Mill Road  
Birmingham, Alabama

Betty B. Wright  
4638 Old Loney Mill Road ✓  
Birmingham, Alabama

Tract No. 1-A, Parcel No. 2

Rhett G. Barnes, Jr.  
Rt. 2, Box 248-A ✓  
Monroeville, Alabama

Peggy Barnes.  
Rt. 2, Box 248-A ✓  
Monroeville, Alabama

Lindell Wright  
4638 Old Loney Mill Road  
Birmingham, Alabama

Betty B. Wright  
4638 Old Loney Mill Road  
Birmingham, Alabama

Tract No. 7, Parcel No. 3

Lillie Bell Gentry  
Rt. 3, Box 1136 ✓  
Alabaster, Alabama 663 3173  
Pelham

Eugene Gentry  
Rt. 3, Box 1136 *deceased*  
Alabaster, Alabama

Tract No. 14, Parcel No. 4

Edna Dunaway ✓  
Rt. 2, Box 763, Alabaster, Al.  
663 0267 Pelham

IN THE PROBATE COURT OF

SHELBY COUNTY, ALABAMA

(28)

CASE NO: 19-278

Project No. I-65-2(37) I-65-2(11)

Tracts: 21 & 2-X, 1-A, 7, 14,  
17-A, 51-B, 3 & 26

Tract No. 17-A, Parcel No. 5  
Frances Driver, & Frans' Cafe ✓  
Highway 31, Pelham, Alabama

W. E. Driver, & Frans' Cafe ✓  
Highway 31, Pelham, Alabama

Tract No. 51-B, Parcel No. 6  
Marion Rutherford  
Rt. 2, Helena, Alabama ✓  
*RT 19, Box 167 Alham*

Tract No. 3 & 26, Parcel No. 7  
Mary Grace Bearden ✓  
Rt. 2, Alabaster, Alabama  
*Box 1269 663-6201*

AS TO ALL TRACTS:

Fay Quick, Tax Collector,  
Shelby County Courthouse  
Columbiana, Alabama 35051

Tommy Snowden, Tax Assessor ✓  
Shelby County Courthouse  
Columbiana, Alabama 35051

I certify this to be a true and  
correct copy *Thomas G. Snowden*  
6/25/92 Probate Judge  
Shelby County

Filed this 30 day of July 1976  
CONRAD M. FOWLER  
Judge of Probate

Inst # 1993-03442  
02/04/1993-03442  
03:37 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
DPS REC 71.00

STATE OF ALABAMA

Plaintiff,

vs.

DR. RHETT G. BARNES, SR.,  
et al

Defendant (s)

IN THE PROBATE COURT

OF SHELBY COUNTY,

ALABAMA

CASE NO: 19-278

NOTICE OF HEARING TO LAND OWNERS

You will take notice that on the 30 day of July, 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. Rhett G. Barnes, Sr., Frances Barnes, Rhett Barnes, Jr., Peggy Barnes, Lindell Wright, Betty B. Wright, Lillie Bell Gentry, Eugene Gentry, Edna Dunaway, Frances Driver, W. E. Driver, Marion Rutherford, and Mary Grace Bearden.

2  
BOOK 42 PAGE

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 August, 1976, at 10:00 o'clock, AM 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 30 day of July, 1976.

Conrad M. Fowler  
PROBATE JUDGE

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  
its 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 its 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. Petition-  
er 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 High-  
way 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

BOOK 42 PAGE 3

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:

4  
PAGE 26  
BOOK

SHELBY

TRACT NO. 2142-X, REV.

Shelby

and as shown on the right-of-way map of Projects No. I-65-2(11) and 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 Section 24, T-20-S, R-3-W; thence westerly along the south line of said Section 24, the southernmost property line, a distance of 794 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 165 feet north-easterly of and at right angles to the centerline of Project No. I-65-2(11) at Station 811+00 to a point that is 150 feet northerly of and at right angles to the centerline of said project at Station 810+00; thence continuing westerly along said southernmost property line (crossing the centerline of said project at approximate Station 810+32) a distance of 304 feet, more or less, to a point that is 150 feet southwesterly of and at right angles to the centerline of said project; thence northwesterly along a curve to the left (concave southwesterly) having a radius of 28,497.89 feet, parallel to the centerline of said project, a distance of 1351 feet, more or less, to a point that is 150 feet southwesterly of and at right angles to the centerline of said project at Station 824+00; thence northwesterly along a straight line, a distance of 225 feet, more or less, to a point on the present northeast right-of-way line of the Atlantic Coast Line Railroad that is southwesterly of and at right angles to the centerline of said project at Station 825+25; thence northwesterly along said present northeast right-of-way line, a distance of 1055 feet, more or less, to a point that is southwesterly of and at right angles to the centerline of said project at Station 47+37; thence northwesterly along a straight line, a distance of 410 feet, more or less, to a point that is 100 feet southwesterly of and at right angles to the centerline of Shelby County Road No. 52 at Station 27+50; thence northwesterly along a curve to the left (concave southwesterly) having a radius of 5629.58 feet, parallel to the centerline of said County Road No. 52, a distance of 233 feet, more or less, to the present northeast right-of-way line of the

5  
BOOK 42 PAGE

Atlantic Coast Line Railroad; thence northwesterly along said present northeast right-of-way line, a distance of 280 feet, more or less, to the present southwest right-of-way line of said County Road No. 52; thence southeasterly along said present southwest right-of-way line (crossing the centerline of said project at approximate Station 48+61) a distance of 1140 feet, more or less, to the south line of the NE $\frac{1}{4}$  of said Section 24, the south property line; thence westerly along said south property line (crossing the centerline of said project at Station 48+39.9) a distance of 420 feet, more or less, to the northeast property line; thence southeasterly along said northeast property line (crossing the centerline of said project at Station 45+69.4) a distance of 722 feet, more or less, to the northwest property line; thence northeasterly along said northwest property line, a distance of 377 feet, more or less, to the present southwest right-of-way line of Shelby County Road No. 52; thence southeasterly along said present southwest right-of-way line, a distance of 1003 feet, more or less, to the east line of the NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , said Section 24, the east property line; thence southerly along said east property line, a distance of 125 feet, more or less, to a point that is 150 feet southwesterly of and at right angles to the centerline of said County Road No. 52; thence northwesterly, parallel to the centerline of said County Road No. 52, a distance of 220 feet, more or less, to a point that is 150 feet southwesterly of and at right angles to the centerline of said County Road No. 52 at Station 45+00; thence northwesterly along a straight line, a distance of 465 feet, more or less, to a point that is 110 feet southwesterly of and at right angles to the centerline of said County Road No. 52 at Station 40+35; thence northwesterly along a straight line, a distance of 110 feet, more or less, to a point that is 135 feet southwesterly of and at right angles to the centerline of said County Road No. 52 at Station 39+28; thence southwesterly along a straight line, a distance of 892 feet, more or less, to a point that is 300 feet northeasterly of and at right angles to the centerline of said project at Station 823+00; thence southwesterly along a straight line, a distance of 210 feet, more or less, to a point that is 230 feet northeasterly of and at right angles to the centerline of said project at Station 823+00; thence southerly along a straight line, a distance of 505 feet, more or less, to a point that is 200 feet northeasterly of and at right angles to the centerline of said project at Station 818+00; thence southwesterly along a straight line, a distance of 155 feet, more or less, to a point that is 165 feet northeasterly of and at right angles to the centerline of said project at Station 816+50; thence southeasterly along a curve to the right (concave southwesterly) having a radius of 28,812.89 feet, parallel to the centerline of said project, a distance of 557 feet, more or less, to a point that is 165 feet northeasterly of and at right angles to the centerline of said project at Station 811+00; thence southwesterly along a straight line (which if extended would intersect a point that is 150 feet northeasterly of and at right angles to the centerline of said project at Station 810+00) a distance of 74 feet, more or less, to the point of beginning.

Said State of land lying in the E $\frac{1}{4}$  of SE $\frac{1}{4}$ , the NE $\frac{1}{4}$  of

6

300 275 300



This conveyance is made for the purpose of a controlled access facility, provided.

... that there is hereby reserved (along a line described as beginning at a point on the east line of the NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 24, T-20-S, R-3-W that is 150 feet southwesterly of and at right angles to the centerline of Shelby County Road No. 52; thence northwesterly, parallel to the centerline of said County Road No. 52, a distance of 228 feet, more or less, to a point that is 150 feet southwesterly of and at right angles to the centerline of said County Road No. 52 at Station 45+70; thence northwesterly along a straight line (which if extended would intersect a point that is 110 feet southwesterly of and at right angles to the centerline of said County Road No. 52 at Station 47+35) a distance of 165 feet, more or less, to a point that is southwesterly of and at right angles to the centerline of said project at Station 43+35 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 southeast corner of the NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 24, T-20-S, R-3-W; thence northerly along the east line of said NE $\frac{1}{4}$  of SE $\frac{1}{4}$  (crossing the centerline of Shelby County Road No. 52 at approximate Station 46+58) a distance of 883 feet, more or less, to the present northeast right-of-way line of said County Road No. 52 and the point of beginning herein to be conveyed; thence northwesterly along said present northeast right-of-way line (crossing the centerline of a service road at approximate Station 0+43) a distance of 1070 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 364 feet, more or less, to a point that is 190 feet north-easterly of and at right angles to the centerline of said County Road No. 52; thence southeasterly, parallel to the centerline of said County Road No. 52, a distance of 300 feet, more or less, to a point that is 190 feet north-easterly of and at right angles to the centerline of said County Road No. 52 at Station 42+00; thence northeasterly along a straight line, a distance of 145 feet, more or less, to a point that is 120 feet northwesterly of and at right angles to the centerline of a service road at Station 3+00; thence northeasterly along a straight line (which if extended would intersect a point that is 90 feet northwesterly of and at right angles to the centerline of said service road at Station 5+00) a distance of 89 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 (crossing the centerline of a service road at approximate Station 4+22) a distance of 150 feet, more or less, to the east line of said NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , the east property line; thence southerly along said east property line, a distance of 438 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 24, T-22S, R-3-W and containing 4.10 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 that is 190 feet northeasterly of and at right angles to the centerline of Shelby County Road No. 92 at Station 42+00; thence northeasterly along a straight line, a distance of 145 feet, more or less, to a point that is 120 feet northwesterly of and at right angles to the centerline of a service road at Station 3+00; thence northeasterly along a straight line (which if extended would intersect a point that is 90 feet northwesterly of and at right angles to the centerline of said service road at Station 5+00) a distance of 89 feet, more or less, to the north line of the NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 24, T-20-S, R-3-W 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.

Also a temporary easement to a strip of land necessary for the construction of a drainage ditch and being more fully described as follows: Beginning at a point that is 150 feet southwesterly of and at right angles to the centerline of Project No. 1-65-2(11) at Station 816+25; thence southeasterly along a curve to the right (concave southwesterly) having a radius of 20,497.89 feet, parallel to the centerline of said project, a distance of 149 feet, more or less, to a point that is 150 feet southwesterly of and at right angles to the centerline of said project at Station 814+75; thence southwesterly along a straight line, a distance of 50 feet to a point that is 200 feet southwesterly of and at right angles to the centerline of said project at Station 814+78; thence northwesterly along a curve to the left (concave southwesterly) having a radius of 28,447.09 feet, parallel to the centerline of said project, a distance of 149 feet, more or less, to a point that is 200 feet southwesterly of and at right angles to the centerline of said project at Station 816+25; thence northeasterly along a straight line, a distance of 50 feet to the point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 24, T-20-S, R-3-W and containing 0.17 acres, more or less.

It is expressly understood that all rights title and interest to the above described easement shall revert to the grantor upon completion of said project.

00  
IN  
42  
BOX



Also a temporary construction easement to a strip of land and being more fully described as follows: Beginning at a point that is 135 feet southwesterly of and at right angles to the centerline of Shelby County Road No. 52 at Station 39+20; thence southerly along a straight line (which if extended would intersect a point that is 300 feet north-easterly of and at right angles to the centerline of Project No. I-65-2(11) at Station 823+00) a distance of 31 feet, more or less, to a point that is 165 feet southwesterly of and at right angles to the centerline of said road; thence southeasterly along a straight line, a distance of 262 feet, more or less, to a point that is 200 feet southwesterly of and at right angles to the centerline of said road at Station 42+00; thence southeasterly, parallel to the centerline of said road, a distance of 551 feet, more or less, to the east line of the NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 24, T-20-S, R-3-W, the east property line; thence northerly along said east property line, a distance of 55 feet, more or less, to a point that is 150 feet southwesterly of and at right angles to the centerline of said road; thence northwesterly, parallel to the centerline of said road, a distance of 220 feet, more or less, to a point that is 150 feet southwesterly of and at right angles to the centerline of said project at Station 45+00; thence northwesterly along a straight line, a distance of 465 feet, more or less, to a point that is 110 feet southwesterly of and at right angles to the centerline of said road at Station 40+35; thence northwesterly along a straight line, a distance of 110 feet, more or less, to the point of beginning.

9

BOOK 42 PAGE



Said strip of land lying in the NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 24,  
T-20-S, R-3-W and containing 1.09 acres, more or less.

It is expressly understood that all rights, title and  
interest to the above described easement shall revert to  
the grantor upon completion of said project.

THE OWNERS OF PARCEL NO. 1 ARE AS FOLLOWS:

Dr. Rhett G. Barnes, Frances Barnes,  
Rhett G. Barnes, Jr., Peggy Barnes,  
Lindell Wright, Betty B. Wright,

BOOK 42 PAGE 10

Dr. Rhett G. Barnes

SHELBY

TRACT NO. 1-A, REV. 2

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 northeast corner of the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 24, T-27-S, R-3-W; thence westerly along the north line of said  $\frac{1}{4}$  of the  $\frac{1}{4}$  of NE $\frac{1}{4}$ , a distance of 416 feet, more or less, to a point that is 210 feet northeasterly of and at right angles to the centerline of the right lane of Project No. I-65-2(37) and the point of beginning of the property herein to be conveyed; thence southeasterly along a curve to the left (concave northeasterly) having a radius of 5519.58 feet, parallel to the centerline of said right lane, a distance of 528 feet, more or less, to a point that is 210 feet, northeasterly of and at right angles to the centerline of said right lane at Station 55+75.8, said point also being 249 feet northeasterly of and at right angles to the centerline of said project at Station 55+75.8; thence southeasterly along a straight line, a distance of 592 feet, more or less, to a point that is 493 feet northeasterly of and at right angles to the centerline of said project at Station 50+38; thence southeasterly along a straight line, a distance of 225 feet, more or less, to a point that is 190 feet northeasterly of and at right angles to the centerline of Shelby County Road No. 52 at Station 38+00; thence southeasterly, parallel to the centerline of said County Road No. 52, a distance of 31 feet, more or less, to the east line of said  $\frac{1}{4}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , the east property line; thence southerly along said east property line, a distance of 28 feet, more or less, to the south line of said  $\frac{1}{4}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , the south property line; thence westerly along said south property line, a distance of 303 feet, more or less, to the present northeast right-of-way line of said County Road No. 52; thence northwesterly along said present northeast right-of-way line (crossing the centerline of said project at approximate Station 49+59) a distance of 570 feet, more or less, to the present southeast right-of-way line of Shelby County Road No. 35; thence northeasterly along said present

11  
42  
BOX

southeast right-of-way line (crossing the centerline of the right lane of said project at approximate Station 57+60) a distance of 1168 feet, more or less, to a point that is 210 feet northeasterly of and at right angles to the centerline of said right lane; thence southeasterly along a curve to the left (concave northeasterly) having a radius of 5519.38 feet, parallel to the centerline of said right lane, a distance of 47 feet, more or less, to the point of beginning.

Said strip of land lying in the S $\frac{1}{4}$  of NE $\frac{1}{4}$  and the NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 24, T-20-S, R-3-W and containing 10.71 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.

The above described area includes a present 50 foot wide easement granted to the Colonial Pipeline Company, the centerline of which crosses the centerline of said project at approximate Station 54+28.

PARCEL NO. 2: Commencing at the northeast corner of Section 24, T-20-S, R-3-W; thence southerly along the east line of said Section 24, a distance of 675 feet, more or less, to the north property line; thence westerly along said north property line, a distance of 260 feet, more or less, to a point that is 115 feet northeasterly of and at right angles to the centerline of a service road and the point of beginning of the property herein to be conveyed; thence southeasterly, parallel to the centerline of said service road, a distance of 565 feet, more or less, to a point that is 115 feet northeasterly of and at right angles to the centerline of said service road at Station 19+00; thence southeasterly along a straight line (which if extended would intersect a point that is 90 feet northeasterly of and at right angles to the centerline of said service road at Station 16+84.75) a distance of 29 feet, more or less, to the east line of said Section 24, the east property line; thence southerly along said east property line, a distance of 131 feet, more or less, to the south line of the NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , said Section 24, the south property line; thence westerly along said south property line (crossing the centerline of said service road at approximate Station 17+08) a distance of 175 feet, more or less, to a point on a line, (which extends from a point that is 90 feet southwesterly of and at right angles to the centerline of said service road at Station 18+00 to a point that is 130 feet southwesterly of and at right angles to the centerline of said service road at Station 19+00; thence northwesterly along said line, a distance of 71 feet, more or less, to said point that is 130 feet southwesterly of and at right angles to the centerline of said service road at Station 19+00;

Box 42 Page 12

thence northwesterly, parallel to the centerline of said  
service road, a distance of 122 feet; thence northerly

to the centerline of said service road at  
station 24+00; thence northwesterly, parallel to the center-  
line of said service road, a distance of 352 feet, more or  
less, to the northwest property line; thence northeasterly  
along said northwest property line (crossing the centerline  
of said service road at approximate station 24+99) a dis-  
tance of 122 feet, more or less, to the north property line;  
thence easterly along said north property line, a distance  
of 100 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  
24, T-20-S, R-3-W and containing 3.32 acres, more or less.

THE OWNERS OF PARCEL NO. 2 ARE AS FOLLOWS:

Rhett G. Barnes, Jr., and Peggy Barnes,  
Lindell Wright and Betty B. Wright

13  
42  
box

Rhett G. Barnes, et al  
Tract No. 1-A, Rev. 2  
March 19, 1976

SHELBY

TRACT NO. 7

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 northeast corner of Section 24, T-20-S, R-3-W; thence westerly along the north line of said Section 24, a distance of 135 feet, more or less, to the present southeast right-of-way line of Shelby County Road No. 35; thence southwesterly along said present southeast right-of-way line, a distance of 410 feet, more or less, to a point that is 163 feet northeasterly of and at right angles to the centerline of a service road and the point of beginning of the property herein to be conveyed; thence southerly along a straight line, a distance of 122 feet, more or less, to a point that is 113 feet northeasterly of and at right angles to the centerline of said service road at Station 27+25; thence southeasterly, parallel to the centerline of said service road, a distance of 258 feet, more or less, to the south property line; thence westerly along said south property line (crossing the centerline of said service road at approximate Station 25+30) a distance of 342 feet, more or less, to the present southeast right-of-way line of said County Road No. 35; thence northeasterly along said present southeast right-of-way line (crossing the centerline of said service road at approximate Station 27+37) a distance of 395 feet, more or less, to the point of beginning.

BOOK 42 PAGE 14



S 10 strip of land lying in the NE<sup>1</sup>/<sub>4</sub> of NE<sup>1</sup>/<sub>4</sub>, Section 24,  
T-20-3, R-3-W and containing 1.16 acres, more or less.

THE OWNERS OF PARCEL NO. 3 ARE AS FOLLOWS:  
Lillie Bell Gentry and Eugene Gentry

BOOK 42 PAGE

Mrs. Eugene Gentry  
Tract No. 7  
March 22, 1976

PARCEL NO. 4

TRACT NO. 14

SHELBY

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 Northeast corner of Section 13, T-20-S, R-3-W; thence Southerly along the east line of said Section 13, a distance of 1345 feet, more or less, to a point that is 125 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 continuing Southerly along the east line of said Section 13, the east property line, a distance of 42 feet, more or less, to the South line of the NE 1/4 of NE 1/4, said Section 13, the South property line; thence westerly along said south property line, a distance of 20 feet, more or less, to a point that is 125 feet northwesterly of and at right angles to the centerline of said left lane; thence N 23° 08' 30" E, parallel to the centerline of said left lane, a distance of 12 feet, more or less, to a point that is 125 feet northwesterly of and at right angles to the centerline of said left lane at Station 16+67.9; thence northeasterly along a curve to the left (concave southeasterly) having a radius of 11584.16 feet, parallel to the centerline of said left lane a distance of 39 feet, more or less, to the point of beginning.

Said strip of land lying in the NE 1/4 of NE 1/4, Section 13, T-20-S, R-3-W and containing 0.01 acres, more or less.

16

42

100

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.

THE OWNER OF PARCEL NO. 4 IS AS FOLLOWS:

Edna Dunaway

BOOK 42 PAGE 17

EDNA DUNAWAY  
TRACT NO. 14  
JULY 24, 1974

PARCEL NO. 5

SHELBY

TRACT NO. 17-A

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:

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 Section 18, T-20-S, R-2-W; thence southerly along the west line of said Section 18, a distance of 345 feet, more or less, to the south property line; thence easterly along said south property line, a distance of 362 feet, more or less, to a point that is 225 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 right (concave southeasterly) having a radius of 11,684.16 feet, parallel to the centerline of said left lane, a distance of 24 feet, more or less, to a point that is 225 feet northwesterly of and at right angles to the centerline of said left lane at Station 127+65; thence southeasterly along a straight line (which if extended would intersect the centerline of said left lane at Station 127+65) a distance of 41 feet, more or less, to the south property line; thence westerly along said south property line, a distance of 48 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 16,  
T-20-S, R-2-W and containing 7.31 acres, more or less.

THE OWNERS OF PARCEL NO. 5 ARE AS FOLLOWS:

Frances Driver, W. E. Driver

BOOK 42 PAGE 19

Frances D. Driver  
Tract No. 17-A

March 26, 1976

PARCEL NO. 6

SHELBY

TRACT NO. 51-B

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 southeast corner of the SE $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 20, T-19-S, R-2-W; thence westerly along the south line of said SE $\frac{1}{4}$  of SW $\frac{1}{4}$ , the south property line, a distance of 320 feet, more or less, to a point that is 135 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 westerly along said south property line, a distance of 170 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 388 feet, more or less, to the northeast property line; thence southeasterly along said northeast property line, a distance of 100 feet, more or less, to a point that is 135 feet southeasterly of and at right angles to the centerline of said road; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 8864.58 feet, parallel to the centerline of said road, a distance of 238 feet, more or less, to the point of beginning.

02

42 PM

NOV



Said strip of land lying in the SE $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 20,  
T-19-S, R-2-W and containing 0.67 acres, more or less.

THE OWNERS OF PARCEL NO. 6 ARE AS FOLLOWS:

Marion Rutherford

BOOK 42 PAGE 21

Marion Rutherford  
Tract No. 51-B  
Shelby County

PARCEL NO. 7

SHELBY

TRACT NO. 2683, REV. #2

GHELBV

and as shown on the right-of-way map of Projects No. I-65-2(11) and I-65-2(37) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

PARCEL NO. 1 - (I-65-2(37)): Commencing at the northeast corner of the NW $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 19, T-20-S, R-2-W; thence westerly along the north line of said NW $\frac{1}{4}$  of SW $\frac{1}{4}$ , a distance of 1234 feet, more or less, to a point that is 120 feet southeasterly of and at right angles to the centerline of a service road and the point of beginning of the property herein to be conveyed; thence southwesterly, parallel to the centerline of said service road, a distance of 210 feet, more or less, to a point that is 120 feet southeasterly of and at right angles to the centerline of said service road at Station 2+50; thence southeasterly along a straight line, a distance of 140 feet, more or less, to a point that is 160 feet northeasterly of and at right angles to the centerline of Shelby County Road No. 32 at Station 46+50; thence southeasterly, parallel to the centerline of said road, a distance of 23.67 feet; thence southeasterly along a curve to the right (concave southwesterly) having a radius of 3024.79 feet, parallel to the centerline of said county road, a distance of 28 feet, more or less, to a point that is 160 feet northeasterly of and at right angles to the centerline of said county road at Station 48+00; thence southeasterly along a straight line, a distance of 230 feet, more or less, to a point that is 60 feet northeasterly of and at right angles to the centerline of said county road at Station 50+00; thence southeasterly along a curve to the right (concave southwesterly) having a radius of 2924.79 feet, parallel to the centerline of said county road, a distance of 371 feet, more or less, to a point that is 60 feet northeasterly of and at right angles to the centerline of said county road at Station 53+61.17; thence southeasterly, parallel to the centerline of said county road, a distance of 88.83 feet; thence turn an angle of 90° 00' to the right and run a distance of 20 feet, more or less, to the present northeast right-of-way line of said county road; thence northwesterly along said present northeast right-of-way line, a distance of 820 feet

BOOK 42 PAGE 22

then at right angles to the centerline of said service road, thence northeasterly along a curve to the left (concave northeasterly) having a radius of 1103.24 feet, parallel to the centerline of said service road, a distance of 122 feet, more or less, to the north property line; thence easterly along said north property line (coinciding the centerline of said service road at approximate Station 10+05) a distance of 100 feet, more or less, to a point that is 90 feet easterly of and at right angles to the centerline of said service road; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 1363.24 feet, parallel to the centerline of said service road, a distance of 129 feet, more or less, to a point that is 90 feet southeasterly of and at right angles to the centerline of said service road at Station 7+06.90; thence southwesterly along a straight line, a distance of 210 feet, more or less, to a point that is 120 feet southeasterly of and at right angles to the centerline of said service road at Station 5+00; thence southwesterly, parallel to the centerline of said service road, a distance of 38 feet, more or less, to the point of beginning.

Said strip of land lying in the NW<sup>4</sup> of SW<sup>4</sup> and the SW<sup>4</sup> of NW<sup>4</sup>, Section 19, T-20-S, R-2-W and containing 3.34 acres, more or less.

PARCEL NO. 2 - (I-65-2(11)): Commencing at the southwest corner of the NW<sup>4</sup> of SW<sup>4</sup>, Section 19, T-20-S, R-2-W; thence northerly along the west line of said NW<sup>4</sup> of SW<sup>4</sup>, a distance of 670 feet, more or less, to a point that is 150 feet southwesterly of and at right angles to the centerline of Shelby County Road No. 32 and the point of beginning of the property herein to be conveyed; thence continuing northerly along the west line of said NW<sup>4</sup> of SW<sup>4</sup>, the west property line, a distance of 125 feet, more or less, to the present southwest right-of-way line of said county road; thence southeasterly along said present southwest right-of-way line, a distance of 429 feet, more or less, to the southeast property line; thence southwesterly along said southeast property line a distance of 65 feet, more or less, to a point on a line, which extends from a point on the present southwest right-of-way line of said County Road that is southwesterly of and at right angles to the centerline of said County Road at Station 55+00 to a point that is 85 feet southwesterly of and at right angles to the centerline of said County Road at Station 49+50; thence northwesterly along said line a distance of 102 feet, more or less, to said point that is 85 feet southwesterly of and at right angles to the centerline of said county road at Station 49+50; thence westerly along a straight line, a distance of 160 feet, more or less, to a point that is 150 feet southwesterly of and at right angles to the centerline of said county road at Station 48+00; thence northwesterly along a curve to the left (concave southwesterly) having a radius of 2714.79 feet, parallel to the centerline of said county road, a distance of 32 feet, more or less, to a point that is 150 feet southwesterly of and at right angles to the centerline of said county road at Station 47+73.67; thence northwesterly, parallel to the centerline of said county road, a distance of 38 feet, more or less, to the point of beginning.

Said strip of land lying in the NW<sup>1</sup> of SW<sup>1</sup>, Section 19, T-20-S, R-2-W and containing 0.65 acres, more or less.

Also a temporary construction easement to a strip of land and being more fully described as follows: Beginning at a point that is 150 feet southwesterly of and at right angles to the centerline of Shelby County Road No. 52 at Station 47+73.67; thence southeasterly along a curve to the right (concave southwesterly) having a radius of 2714.79 feet, parallel to the centerline of said county road, a distance of 12 feet, more or less, to a point that is 150 feet southwesterly of and at right angles to the centerline of said county road at Station 48+00; thence easterly along a straight line, a distance of 160 feet, more or less, to a point that is 85 feet southwesterly of and at right angles to the centerline of said county road at Station 49+30; thence southeasterly along a straight line (which if extended would intersect a point on the present southwest right-of-way line of said County Road that is southwesterly of and at right angles to the centerline of said County Road at Station 55+00) a distance of 102 feet, more or less, to the southeast property line; thence southwesterly along said southeast property line, a distance of 120 feet, more or less, to a point on a line, which extends from a point that is 100 feet southwesterly of and at right angles to the centerline of said county road at Station 52+00 to a point that is 200 feet southwesterly of and at right angles to the centerline of said county road at Station 47+73.67; thence northwesterly along said line, a distance of 180 feet, more or less, to said point that is 200 feet southwesterly of and at right angles to the centerline of said county road at Station 47+73.67; thence northwesterly, parallel to the centerline of said county road, a distance of 19 feet, more or less, to the west line of the NW<sup>1</sup> of SW<sup>1</sup>, Section 19, T-20-S, R-2-W, the west property line; thence northerly along said west property line, a distance of 55 feet, more or less, to a point that is 150 feet southwesterly of and at right angles to the centerline of said county road; thence southeasterly, parallel to the centerline of said county road, a distance of 38 feet, more or less, to the point of beginning.

24

42

BOOK

Said strip of land lying in the NW 1/4 of SW 1/4,  
Section 19, T-20-S, R-2-W and containing 0.38 acres,  
more or less.

It is expressly understood that all rights,  
title and interest to the above described easement shall  
revert to the grantor upon completion of said project.

THE OWNERS OF PARCEL NO. 7 ARE AS FOLLOWS:

Mary Grace Bearden

25

FILE

42

BOOK

Mary Grace Bearden  
Tract No. 2641-Rev. 02  
June 15, 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.

26  
42  
BOOK 42 PAGE 26  
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. 7], 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. 7] 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 as-

certain and report the damages occasioned by such taking, and the

compensation to be allowed the defendants for such taking, as pro-

vided by law, and that upon payment into the Court of the compen-

sation assessed by said Commissioners, a judgment or decree be

rendered condemning for public road or highway purposes an eas-

ement or right of way in, over, upon, or across each of said separ-

ate tracts of land described or designated as Parcel No. 1 [through

and including Parcel No. 7], 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 proceed-

ing all such other and further orders and decrees as may be necessary

or proper in the premises.

STATE OF ALABAMA

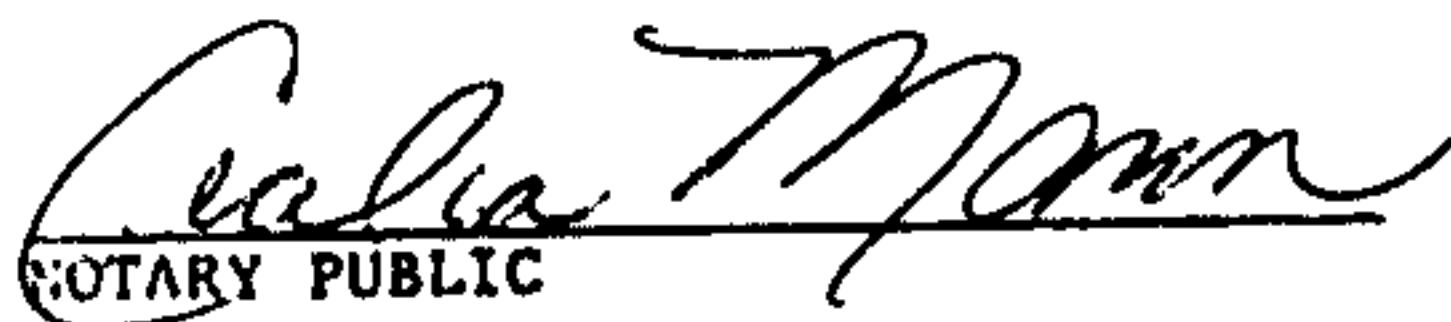
State of Alabama

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 20th day of  
July, 1976.

  
NOTARY PUBLIC

Inst • 1993-03442

02/04/1993-03442  
03:37 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
029 REC 74.00