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STATE OF ALABAMA

Plaintiff,

vs.

ROSCOE L. PARKER, ET AL

Defendants.

(Tract No. 14) (Parcel No. 1)
Roscoe L. Parker
Rt. 6, Box 899
Leeds, Alabama

Myrtle Parker
Rt. 6, Box 899
Leeds, Alabama

(Tract No. 17) (Parcel No. 2)
Huddleston Land and
✓ Timber Company, a
corporation
SERVE: John Huddleston,
President - 540 South
Perry Street
Montgomery, Alabama

(Tract No. 34) (Parcel No. 3)
Dewitt Hill, Jr.
Rt. 1, U. S. 280
Leeds, Alabama

Marie W. Hill
Rt. 1, U. S. 280
Leeds, 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: 19-237

Project No. RF-214(19)

Tracts: 14, 17, 34

Inst # 1993-03738

02/08/1993-03738
03:04 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE
013 MCD 36.50

I certify this to be a true and
correct copy *Thomas A. Fowler*
Probate Judge
Shelby County
6-28-92

APPLICATION FOR ORDER OF CONDEMNATION

Filed this 22 day of April 19 76
CONRAD A. FOWLER
Judge of Probate

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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 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 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 defendants set out underneath the description of said lands, and avers that each of the individual defendants are over the age of 19 years, and under no legal disability, unless otherwise specifically recited. Petitioner furthers avers that the corporate defendants named 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. RF-214(19); that said public road or highway will be a highway, and that part of the property herein sought to be condemned is the respective property owner's rights and easements of access between the said public road or highway right of way and the said property owners' remaining real property, if any, as is more specifically described and set out in Paragraph

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 herein-after described in Paragraph 3 below is in the public interest.

3. That the tracts 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 are necessary to effect said public road or highway as a road or highway, are more particularly described or designated as the following separate paragraphs or "Parcels" beginning with Parcel No. 1 and continuing through and including Parcel No. 3; and that the names and residences of the owners and other parties who claim or who hold any right, title or interest in each separate "Parcel" are stated, where known, immediately following each said separate "Parcel" as follows, to-wit:

PARCEL NO. 1

SHELBY

TRACT NO. 14

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Commencing at the northeast corner of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 5, T-19-S, R-1-W; thence westerly along the north line of said SW $\frac{1}{4}$ of SE $\frac{1}{4}$, a distance of 642 feet, more or less, to a point that is 150 feet northeasterly of and at right angles to the centerline of Project No. F-214(19) and the point of beginning of the property herein to be conveyed; thence S 7° 26' 41" E, parallel to the centerline of said project, a distance of 380 feet, more or less, to the south property line; thence westerly along said south property line (crossing the centerline of said project at approximate Station 249+09) a distance of 165 feet, more or less, to the present northeast right-of-way line of U. S. Highway No. 280; thence northwesterly along said present northeast right-of-way line, a distance of 300 feet, more or less, to the north line of said SW $\frac{1}{4}$ of SE $\frac{1}{4}$, the north property line; thence easterly along said north property line (crossing the centerline of said project at Station 245+26.8) a distance of 165 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section
5, T-19-S, R-1-W and containing 1.41 acres, more or less.

THE OWNERS OF PARCEL NO. 1 ARE AS FOLLOWS:

Roscoe L. Parker
Rt. 6, Box 899
Leeds, Alabama

Myrtle Parker
Rt. 6, Box 899
Leeds, Alabama

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PARCEL NO. 2

TRACT NO. 17

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PARCEL NO. 1: Commencing at the northeast corner of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 8, T-19-S, R-1-W; thence westerly along the north line of said NW $\frac{1}{4}$ of NE $\frac{1}{4}$, a distance of 515 feet, more or less, to a point on a line which extends from a point that is 150 feet easterly of and at right angles to the centerline of Project No. F-214(19) at Station 257+00 to a point that is 200 feet southeasterly of and at right angles to the centerline of said project at Station 260+83.67 and the point of beginning of the property herein to be conveyed; thence southerly along said line, a distance of 273 feet, more or less, to said point that is 200 feet southeasterly of and at right angles to the centerline of said project at Station 260+83.67; thence S 11° 38' 49" W, parallel to the centerline of said project, a distance of 1616.33 feet; thence southwesterly along a straight line, a distance of 103 feet, more or less, to a point that is 180 feet southeasterly of and at right angles to the centerline of said project at Station 278+00; thence S 11° 38' 49" W, parallel to the centerline of said project, a distance of 666.10 feet; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 3044.79 feet, parallel to the centerline of said project, a distance of 703 feet, more or less, to a point that is 180 feet southeasterly of and at right angles to the centerline of said

project at Station 291+25.48; thence S 24° 50' 04" W, parallel to the centerline of said project, a distance of 674.52 feet; thence southwesterly along a straight line, a distance of 171 feet, more or less, to a point on the present northeast right-of-way line of Oak Mountain Rest Area that is 150 feet southeasterly of and at right angles to the centerline of said project; thence northwesterly along said present northeast right-of-way line, a distance of 60 feet, more or less, to the present southeast right-of-way line of U. S. Highway No. 280; thence northwesterly along said present southeast right-of-way line, a distance of 4320 feet, more or less, to the north property line; thence easterly along said north property line, a distance a distance of 148 feet, more or less, to a point on a line which extends from a point that is 150 feet easterly of and at right angles to the centerline of said project at Station 257+00 to a point that is 200 feet southeasterly of and at right angles to the centerline of said project at Station 260+83.67; thence southerly along said line (which if extended would intersect said point that is 200 feet southeasterly of and at right angles to the centerline of said project at Station 260+83.67) a distance of 140 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 5, the W $\frac{1}{2}$ of NE $\frac{1}{4}$, the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and the E $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 8, T-19-S, R-1-W and containing 14.85 acres, more or less.

PARCEL NO. 2: A part of Lot 10, Block 1 according to the Survey of Sunrise Subdivision, the map or plat of which is recorded in Map Book 3, Page 67 in the Office of the Judge of Probate of Shelby County, Alabama and being more fully described as follows: Commencing at the northeast corner of said Lot 10; thence westerly along the north line of said lot, a distance of 79 feet, more or less, to a point that is 150 feet northeasterly of and at right angles to the centerline of

Project No. F-214(19) 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 2714.79 feet, parallel to the centerline of said project, a distance of 96 feet, more or less, to the south line of said lot; thence westerly along the south line of said lot, a distance of 109 feet, more or less, to the present east right-of-way line of U. S. Highway No. 280; thence northerly along said present east right-of-way line, a distance of 100 feet to the north line of said lot; thence easterly along the north line of said lot, a distance of 112 feet, more or less, to the point of beginning and containing 0.25 acres, more or less.

THE OWNERS OF PARCEL NO. 2 ARE AS FOLLOWS:

Huddleston Land and Timber Company, a corporation

PARCEL NO. 3

SHELBY

TRACT NO. 34 Rev.

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Commencing at the southwest corner of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 17, T-19-S, R-1-W; thence easterly along the south line of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$, a distance of 900 feet, more or less, to a point that is 190 feet southwesterly of and at right angles to the centerline of Project No. F-214(19) and the point of beginning of the property herein to be conveyed; thence northwesterly along a curve to the right (concave northeasterly) having a radius of 3464.04 feet, parallel to the centerline of said project, a distance of 355 feet, more or less, to the present southeast right-of-way line of a county road; thence northeasterly along said present southeast right-of-way line (crossing the centerline of said project at approximate Station 350+70) a distance of 350 feet, more or less, to the present northwest right-of-way line of U.S. Highway No. 280; thence southwesterly along said present northwest right-of-way line, a distance of 490 feet, more or less, to the south line of said NE $\frac{1}{4}$ 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 355+02) a distance of 236 feet, more or less, to the point of beginning.

Said strip of land lying in the NE¼ of SW¼, Section 17,
T-19-S, R-1-W and containing 2.71 acres, more or less.

THE OWNERS OF PARCEL NO. 3 ARE AS FOLLOWS:

Dewitt Hill, Jr.
Rt. 1, U. S. 280
Leeds, Alabama

Marie W. Hill
Rt. 1, U. S. 280
Leeds, Alabama

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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, and that all of said parties named as defendants are each over the age of 19 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.

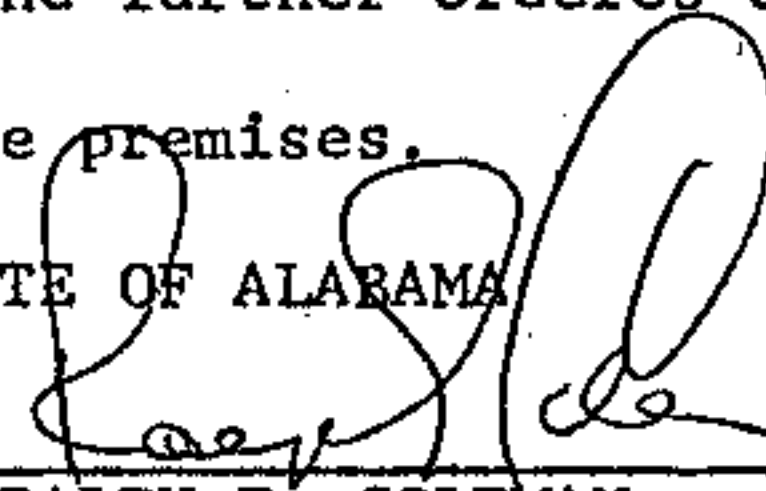
5. Petitioner further shows that the said rights of way which are sought to be condemned over each of said separate tracts of land described or designated as Parcels No. 1 through and including Parcel No. 3, of Paragraph 3 above, are now located and staked out on the ground and are otherwise shown and 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 Parcels No. 1 through and including Parcel No. 3 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 that 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 set out in Paragraph 3 above of the filing of said Petition and of the day set for the hearing thereof, 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 as easement or right of way in, over, upon or across each of said separate tracts of land described or designated as Parcels No. 1 through and including Parcel No. 3 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

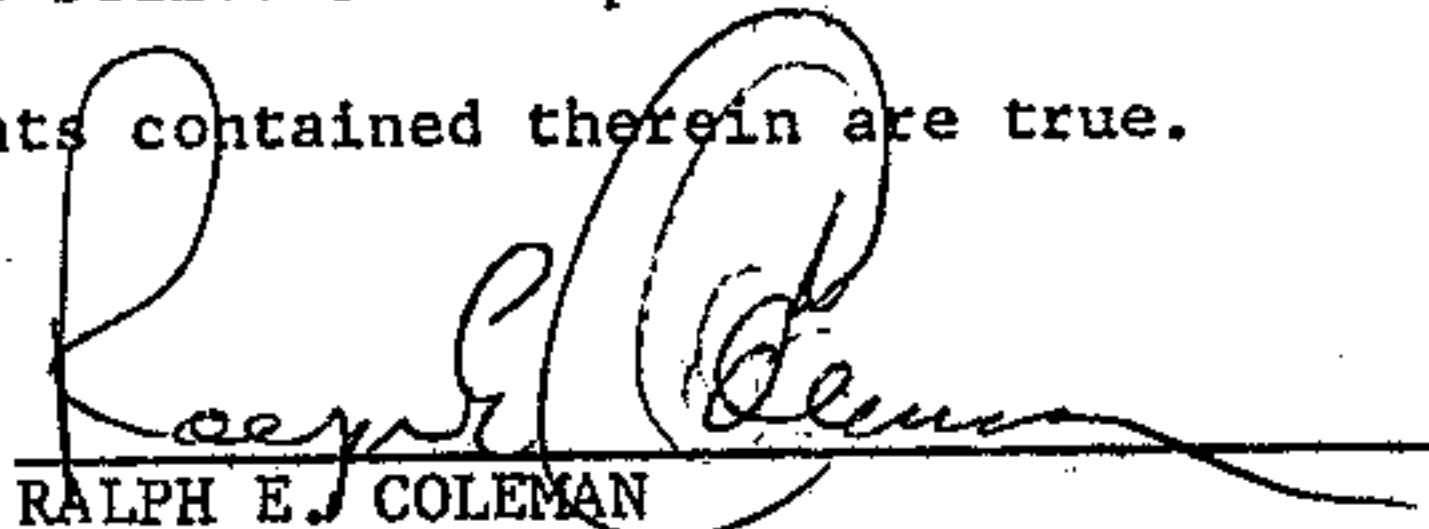
BY: 

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 19th day
of April, 1976.


NOTARY PUBLIC

Inst # 1993-03738

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SHELBY COUNTY JUDGE OF PROBATE
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