

I certify this to be a true and
correct copy

Probate Judge, 2592

Shelby County PROBATE COURT OF SHELBY
COUNTY, ALABAMA

STATE OF ALABAMA
SHELBY COUNTY

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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 Consitution 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 or post office addresses of the persons or entities against whom this application is filed are of sound mind and who are residents of the State of Alabama, are as follows: Denny E. Barrow, 3325 Culloden Way, Birmingham, Alabama 35243; Pamela Barrow, 3325 Culloden Way, Birmingham, Alabama 35243; B. J. Harris, Rt. 1, Box 306-B, Helena, Alabama 35080; Nancy N. Harris, Rt. 1, Box 306-B, Helena, Alabama 35080; E. F. Kendrick, Rt. 1, Box 657, Leeds, Alabama 34094; Hazel G. Kendrick, Rt. 1, Box 657, Leeds, Alabama 35094; William Elliot, Rt. 1, Box 675, Leeds, Alabama 35094; Ruth Elliot, Rt. 1, Box 675, Leeds, Alabama 35094; Theodore Brasher, Rt. 1, Box 717, Leeds, Alabama 35094; Fleecy Brasher, Rt. 1, Box 717, Leeds, Alabama 35094; Mrs. Henry Brasher, Rt. 1, Box 693, Leeds, Alabama 35094; Denver Brasher, Rt. 1, Sterrett, Alabama 35147; Ronald H. Brasher, Rt. 1, Box 693 Leeds, Alabama 35094; Jimmy Jerome Brasher, Rt. 1, Box 693, Jemison, Alabama 35085; Michael H. Brasher, Rt. 1, Box 693, Leeds, Alabama 35094;

Inst # 1993-03753

02/08/1993-03753
03:30 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
019 MCD 51.50

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✓
Herman Lewis Brasher, Rt. 1, Box 693, % Mrs. Henry Brasher,
Leeds, Alabama 35094; Julia Seals, Rt. 1, Box 693, % Mrs.
Henry Brasher, Leeds, Alabama 35094

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That the following persons and entities against whom this application is filed are over the age of nineteen years, are of sound mind and non-residents of the State of Alabama, residing at the addresses hereinafter shown:

Lillie Hodges, 7127 South Brook Drive, Austin, Texas ✓
Mrs. J. C. Harold, 7006 Terry Drive, Knoxville, Tenn. ✓

Mrs. Clifford Brasher, (ADDRESS UNKNOWN) ✓

2. The State of Alabama Highway Department has deemed the acquisition of the hereinafter described real estate to be in the public interest and necessary for public use as a right of way for the construction and maintenance of a public road as shown by the right of way map of Project No: RF-214(19), filed in the Office of the Judge of Probate of Shelby County, Alabama, and by written direction of the Governor of the State of Alabama, and the Attorney General of the State of Alabama, Ralph E. Coleman, for the State Highway Department is the Attorney of Record for the State of Alabama and authorized to prosecute this action for condemnation of the property hereinafter described, and that said lands and property 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 property hereinafter described in Paragraph 3 below is in the public interest.

3. The designated tract numbers, owners, and description of the real estate sought to be acquired in this proceeding for use by Petitioner as a right of way for said public road or highway purposes, and which Petition seeks to condemn for fee simple title an easement or right of way in, over, upon or across for said public road or highway purposes; are as follows:

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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, of 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 nineteen 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 forthin herein.

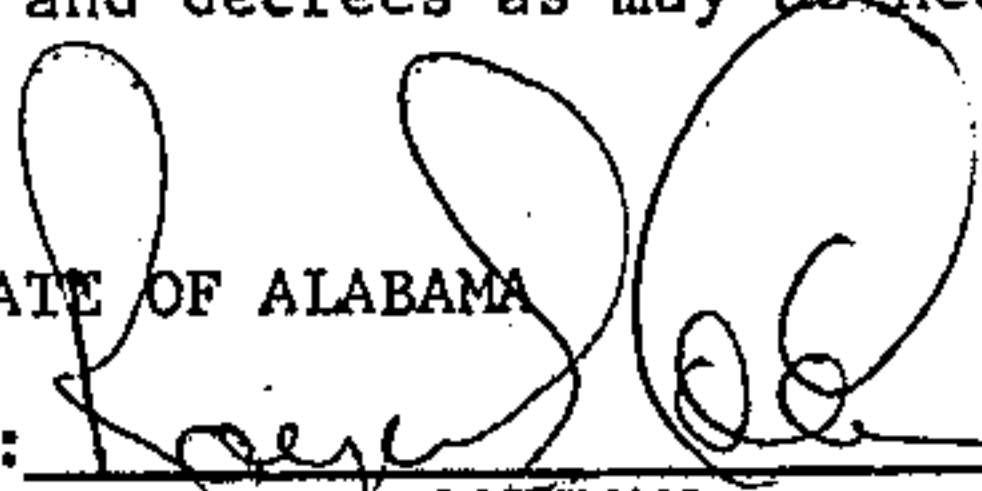
5. Petitioner further shows that the said rights-of-way which are sought to be condemned over each of said separate tracts of land described or designated as Parcels No. 1 through and including Parcel No. 5, of Paragraph 3 above, are now located and staked out on the ground and are otherwise shown and 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, being by reference hereto made a part hereof.

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. 5 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 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 Parcels No. 1 through and including Parcel No. 5 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.

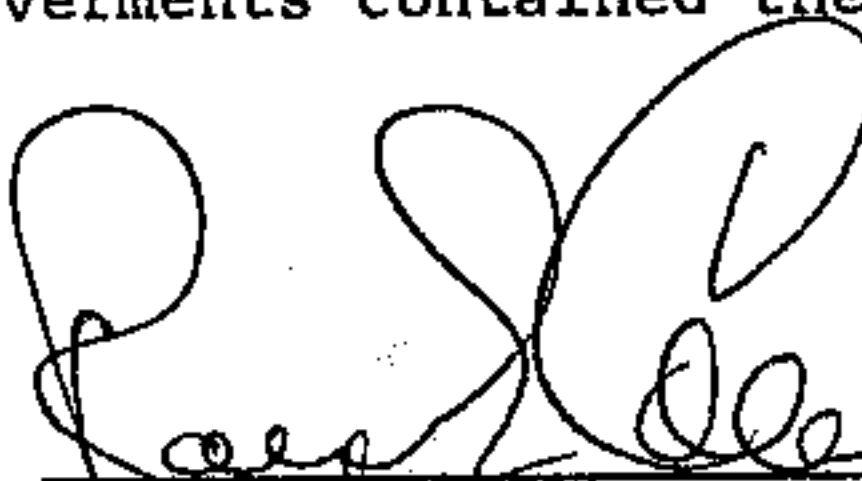
STATE OF ALABAMA

BY: 

RALPH E. COLEMAN
SPECIAL ASSISTANT ATTORNEY GENERAL
FOR THE 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



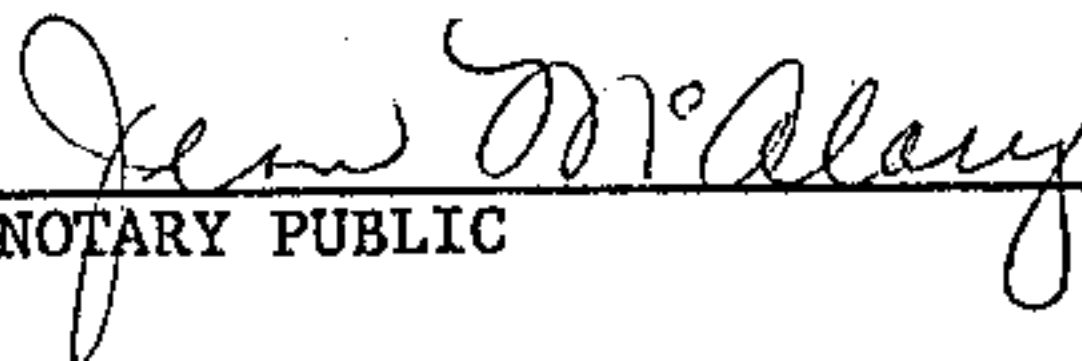
RALPH E. COLEMAN

As Special Assistant Attorney General

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Sworn to and subscribed before me this the 2nd day of

Jan 1976.



AS NOTARY PUBLIC

STATE OF ALABAMA
SHELBY COUNTY

Before me, personally appeared Ralph E. Coleman, Special Assistant Attorney General for the State of Alabama, for the condemnation of lands for public use on file in the Office of the Judge of Probate, in Shelby County, Alabama. And after being duly sworn, deposes and says as follows:

He has made diligent inquiry to ascertain the owners of all real property contained in the petition on file, State Highway Project No: RF-214(19). That he has been unable to ascertain the addresses of all parties herein and request publication as notice to the parties regarding property contained in the Map on file in the Office of the Judge of Probate, for State Highway Project No: RF-214(19).


RALPH E. COLEMAN

Sworn to and subscribed to before me, this the 2nd day
of June, 1975.


NOTARY PUBLIC

PARCEL NO: 1

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Commencing at the northeast corner of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 5, T-19-S, R-1-W; thence southerly along the east line of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$, a distance of 30 feet, more or less, to the north property line; thence westerly along said north property line, a distance of 650 feet, more or less, to a point that is southerly of and at right angles to the traverse of county road at Station 17+00 and the point of beginning of the property herein to be conveyed; thence southerly along a straight line, a distance of 28 feet, more or less, to a point that is 50 feet southerly of and at right angles to said traverse at Station 17+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 Project No. F-214(19) at Station 232+95) a distance of 139 feet, more or less, to the west property line, thence northerly along said west property line, a distance of 22 feet, more or less, to the south property line; thence easterly along said south property line (crossing the centerline of said project at approximate Station 232+57) a distance of 180 feet, more or less, to the present northeast right-of-way line of U.S. Highway 280; thence northwesterly along said present northeast right-of-way line, a distance of 28 feet, more or less, to the north property line; thence easterly along said north property line (crossing the centerline of said project at approximate Station 232+27) a distance of 327 feet, more or less, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of 32 $\frac{1}{2}$, Section 5, T-19-S, R-1-W and containing 0.40 acres, more or less.

Also a temporary easement to a strip of land necessary for the drainage of a pond and being more fully described as follows: Beginning at a point on the south property line that is 250 feet northeasterly of and at right angles to the centerline of Project No. F-214(19); thence westerly along said south property line, a distance of 90 feet, more or less, to the west property line; thence northerly along said west property line, a distance of 161 feet, more or less, to a point on a line which extends from a point that is 150 feet northeasterly of and at right angles to the centerline of said project at Station 232+95 to a point that is 50 feet southerly of and at right angles to the traverse of a county road at Station 17+00; thence northeasterly along said line (which if extended would intersect said point that is 50 feet southerly of and at right angles to the traverse of a county road at Station 17+00) a distance of 93 feet, more or less, to a point that is 250 feet northeasterly of and at right angles to the centerline of said project; thence S 7° 26' 41" E, parallel to the centerline of said project, a distance of 179 feet, more or less, to the point of beginning.

T-19-S, R-1-W and containing 0.36 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.

OWNERS OF PARCEL NO. 1 ARE AS FOLLOWS:

Denny E. Barrow, Pamela Barrow, B. J. Harris, Nancy N. Harris

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PARCEL NO: 2

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Commencing at the northwest corner of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 5, T-19-S, R-1-W; thence southerly along the west line of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$, a distance of 380 feet, more or less, to the north property line; thence easterly along said north property line, a distance of 249 feet, more or less, to a point that is 170 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 continuing easterly along said north property line, a distance of 65 feet, more or less, to the present southwest right-of-way line of U. S. Highway No. 280; thence southeasterly along said present southwest right-of-way line, a distance of 280 feet, more or less, to the south property line; thence westerly along said south property line, a distance of 120 feet, more or less, to a point that is 225 feet southwesterly of and at right angles to the centerline of said project; thence northwesterly along a straight line, a distance of 70 feet, more or less, to a point that is 170 feet southwesterly of and at right angles to the centerline of said project at Station 237+90; thence N 7° 26' 41" W, parallel to the centerline of said project, a distance of 230 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 5,
T-19-S, R-1-W and containing 0.44 acres, more or less.

THE OWNERS OF PARCEL NO. 2 ARE AS FOLLOWS:

E. F. Kendrick, Hazel G. Kendrick

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A part of Lots 1 through 5, 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 1; thence westerly along the north line of said Lot 1, a distance of 332 feet, more or less, to a point that is 150 feet southeasterly of and at right angles to the centerline of Project No. P-214(12) and the point of beginning of the property herein to be conveyed; thence southerly along a curve to the left (concave easterly) having a radius of

2714.79 feet, parallel to the centerline of said project, a distance of 305 feet, more or less, to the south line of said Lot 5; thence easterly along the south line of said Lot 5, a distance of 100 feet, more or less, to the present southeast right-of-way line of U. S. Highway No. 280; thence northeasterly along said present southeast right-of-way line, a distance of 500 feet to the north line of said Lot 1; thence easterly along the north line of said Lot 1, a distance of 20 feet, more or less, to the point of beginning and containing 0.65 acres, more or less.

OWNERS OF PARCEL NO: 3 ARE AS FOLLOWS:

William Elliot, Ruth Elliot

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Commencing at the northwest corner of the SE $\frac{1}{4}$ or NW $\frac{1}{4}$, Section 17, T-19-S, R-1-W; thence easterly along the north line of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$, a distance of 450 feet to the east property line; thence southerly along said east property line, a distance of 250 feet, more or less, to the north property line; thence easterly along said north property line, a distance of 102 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 150 feet southwesterly of and at right angles to the centerline of Project No. F-214(19) at Station 322+00.41 to a point that is 210 feet southwesterly of and at right angles to the centerline of said project at Station 331+30; thence southerly along said line, a distance of 85 feet, more or less, to said point that is 210 feet southwesterly of and at right angles to the centerline of said project at Station 331+30; thence southeasterly along a straight line (which if extended would intersect a point that is 150 feet southwesterly of and at right angles to the centerline of said project at Station 331+30) a distance of 40 feet, more or less, to the southeast property line; thence northeasterly along said southeast property line, a distance of 240 feet, more or less, to the present southwest right-of-way line of

U. S. Highway No. 280; thence northwesterly along said present southwest right-of-way line, a distance of 28 feet, more or less, to the northwest property line; thence southwesterly along said northwest property line, a distance of 152 feet, more or less, to the north property line; thence westerly along said north property line, a distance of 72 feet, more or less, to the point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 17, T-19-S, R-1-W and containing 0.23 acres, more or less.

OWNERS OF PARCEL NO. 4 ARE AS FOLLOWS:

Mrs. Henry Brasher, Denver Brasher, Ronald H. Brasher, Jimmy Jerome Brasher, Michael H. Brasher, ~~Herman Lewis Brasher~~, Julia Seals, Lillie Hodges, ~~Maxxxxxx Cxxxxx Harold~~ Mrs. Clifford Brasher, Lewis K. Brasher, Mrs. J. C. Harrell, Melinda Vowell, Melissa Thompson, Dana Brasher Perdue

PARCEL NO: 5

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Commencing at the northwest corner of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 17, T-19-S, R-1-W; thence southerly along the west line of said SE $\frac{1}{4}$ of SW $\frac{1}{4}$, a distance of 560 feet, more or less, to the south property line; thence easterly along said south property line, a distance of 1130 feet, more or less, to a point that is 150 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 3424.04 feet, parallel to the centerline of said project, a distance of 359 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 357+00; thence northwesterly along a straight line, a distance of 112 feet, more or less, to a point that is 190 feet southwesterly of and at right angles to the centerline of said project at Station 356+00; 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 109 feet, more or less, to the north property line; thence easterly along said north property line (crossing the centerline of said project at approximate Station 355+43) a distance of 223 feet, more or less, to the present west right-of-way line of U.S. Highway No. 280; thence southerly along said present west right-of-way line (crossing the centerline of said project at approximate Station 356+32) a distance of 532 feet, more or less, to the south property line; thence westerly along said south property line, a distance of 34 feet, more or less, to the point of beginning of the property herein to be conveyed.

more or less, (the point of beginning. (

Said strip of land lying in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 17,
T-19-S, R-1-W and containing 1.32 acres, more or less.

OWNERS OF PARCEL NO. 5 ARE AS FOLLOWS:

Theodore Brasher, Fleecy Brasher

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STATE OF ALABAMA

Plaintiff,

vs.

DENNY E. BARROW,
ET AL

Defendants.

) IN THE PROBATE COURT
)
) OF SHELBY COUNTY,
)
) ALABAMA
)
)
)
)
)
)

AMENDMENT

Comes the State of Alabama, Petitioner, by and through
Ralph E. Coleman, Special Assistant Attorney General for the
State of Alabama; and ask the Court to serve the following
parties, as per the Rules of this Honorable Court, by registered
mail and/or publication: APPLIES TO PARCEL 4

Melinda Vowell
1321 Plum Tree Trail, Apartment B
Birmingham, Alabama 35226

Melissa Thompson
4729 9th Terrace North ✓
Birmingham, Alabama 35212

103
411 60th Street South ✓
Gulf Port, Florida

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RALPH E. COLEMAN
Special Assistant Attorney General
State of Alabama

Filed this 14 day of Jan 1976
Inst # 1993-03753
COURT CLERK
Judge of Probate

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