

I certify this to be a true and  
correct copy

Probate Judge  
Shelby County

6-25-92

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STATE OF ALABAMA  
SHELBY COUNTY

IN THE PROBATE COURT OF SHELBY  
COUNTY, ALABAMA

TO THE HONORABLE CONRAD M. FOWLER, JUDGE OF SAID COURT:

Now comes the State of Alabama, as Petitioner, and files this, it's application in the Probate Court of Shelby County, Alabama, for an order of condemnation of the lands and properties hereinafter described for public roads and highway purposes, and, as a basis for the relief sought, shows unto the Court as follows:

1. Petitioner is authorized by the Constitution and 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: Dorville B. Buff, Rt. 2, Box 1145, Alabaster, Ala. 35007; Kathleen R. Buff, Rt. 2, Box 1145, Alabaster, Ala. 35007; Robert A. Hodges, Rt. 2, Box 1178, Alabaster, Alabama 35007; Helen Viars Hodges, Rt. 2, Box 1178, Alabaster, Ala. 35007; Eugene M. McLain, 492 Central Bank Bldg, P.O., Box 2209, Huntsville, Ala. 35804; Geraldine P. McLain, P.O. Box 2209, Huntsville, Ala. 35804; Charles E. Sillery, P.O. Box 176, Siluria, Ala. 35144; Doris Louise Sillery, P.O. Box 176, Siluria, Ala. 35144; James M. Coates, Rt. 2, Box 1190, Pelham, Ala.; Claudelle Coates, Rt. 2, Box 1190, Pelham, Ala.; Cobbs, Allen & Hall Mortgage Co., Inc., a corporation; 2119 6th Avenue North, Birmingham, Alabama 35203; Birmingham Federal Savings and Loan Association, 511 20th Street, Birmingham, Alabama 35203;

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that the following persons and entities against whom this application is filed are over the age of 21 years, are of sound mind and non-residents of the State of Alabama, residing at the addresses hereinafter shown: United States of America: Serve United States Attorney-Waymon Sherrer, 253 Federal Courthouse, Birmingham, Alabama; also serve the Attorney General, United States of America: Edward Levi, Washington, D.C.

2. That the State of Alabama is now engaged in the planning or construction of a certain public road or highway, to-wit, leading from Pelham to Cahaba River, in Shelby County, Alabama, said public road or highway to be know 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' remaining real property, if any, as is more specifically described and set out in Paragraph 3 below; that said public road or highway is, or will be, a part of the designated National System of Interstate Highways and will on completion be available for use by the public; that the acquisition of the lands and properties hereinafter described 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 hereinafter 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. 5; 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. 6

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 136 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 805 feet, more or less, to the north property line; thence easterly along said north property line, a distance of 130 feet, more or less, to a point that is 75 feet southwesterly of and at right angles to the centerline of a service road on Project No. I-65-2(37) and the point of beginning of the property herein to be conveyed; thence continuing easterly along said north property line (crossing the centerline of said service road at approximate Station 25+30) a distance of 118 feet, more or less, to the southeast property line; thence southwesterly along said southeast property line (crossing the centerline of said project at approximate Station 25+00) a distance of 119 feet, more or less, to a point that is 75 feet southwesterly of and at right angles to the centerline of said service road; thence northwesterly, parallel to the centerline of said service road, a distance of 110 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 0.13 acres, more or less.

OWNERS OF PARCEL NO. 1 ARE AS FOLLOWS:

Dorville B. Buff, Kathleen R. Buff, United States of America-Veteran's  
Administration.

PARCEL NO. 2

SHELBY

TRACT NO. 8

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 Section 24, T-20-S, R-3-W; thence easterly along the north line of said Section 24 a distance of 1148 feet, more or less, to the centerline of the right lane of Project No. I-65-2(37); thence southwesterly along a curve to the left (concave southeasterly) having a radius of 5729.58 feet along the centerline of said right lane a distance of 457 feet, more or less, to the northwest line of the property herein to be conveyed and the point of beginning; thence northeasterly along the northwest property line a distance of 355 feet, more or less, to a point on a line which extends from a point that is 125 feet southeasterly of and at right angles to the centerline of said right lane at Station 73+84 to a point on the present southeast right of way line of Shelby County Road No. 35 that is 525 feet easterly of and at right angles to the centerline of said right lane; thence southeasterly along said line (which if extended would intersect said point on the present southeast right of way line of Shelby County Road No. 35 that is 525 feet easterly of and at right angles to the centerline of said right lane) a distance of 531 feet, more or less, to the south property line; thence westerly along said south property line (crossing the centerline of said right lane at approximate Station 68+31) a distance of 479 feet, more or less, to the west line of the NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , said Section 24; thence northerly along the west line of said NE $\frac{1}{4}$  of NE $\frac{1}{4}$  a distance of 67 feet, more or less, to the northwest property line; thence northeasterly along said northwest property line a distance of 170 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 3.07 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.

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PARCEL NO. 2: Commencing at the southeast corner of Section 13, T-20-S, R-3-W; thence westerly along the south line of said Section 13 a distance of 1022 feet, more or less, to a point that is 125 feet southeasterly 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 continuing westerly along the south line of said Section 13 (crossing the centerline of said right lane at approximate Station 75+01 and the left lane of said project at approximate Station 75+10) a distance of 333 feet, more or less, to the northwest property line; thence northeasterly along said northwest property line (crossing the centerline of said left lane at approximate Station 75+61) a distance of 315 feet, more or less, to the north property line; thence easterly along said north property line (crossing the centerline of said right lane at approximate Station 77+88) a distance of 259 feet, more or less, to a point that is 125 feet southeasterly of and at right angles to the centerline of said right lane; thence southwesterly along a curve to the left (concave southeasterly) having a radius of 5604.58 feet, parallel to the centerline of said right lane a distance of 289 feet, more or less, to the point of beginning.

Said strip of land lying in the S $\frac{1}{2}$  of SE $\frac{1}{4}$ , Section 13, T-20-S, R-3-W and containing 2.25 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 30 feet wide easement granted to the Alabama Power Company, lying southeasterly of the right lane of Project No. I-65-2(37) and extends from the south line of the SE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 13, T-20-S, R-3-W to the north property line.

OWNERS OF PARCEL NO. 2 ARE AS FOLLOWS:

Robert A. Hodges; Helen Viars Hodges; Cobbs, Allen & Hall Mortgage Co., Inc., a corporation; Jones, J. L. & Co.; Birmingham Federal Savings and Loan Association.

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## Shelby

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

Commencing at the northwest corner of the SE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 13, T-20-S, R-3-W; thence southerly along the west line of said SE $\frac{1}{4}$  of SE $\frac{1}{4}$ , a distance of 328 feet, more or less, to the northernmost property line; thence easterly along said northernmost property line, a distance of 87 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-55-2(37) and the point of beginning of the property herein to be conveyed; thence continuing easterly along said northernmost property line (crossing the centerline of said left lane at approximate Station 85+28 and the centerline of the right lane of said project at approximate Station 85+22) a distance of 521 feet, more or less, to a point that is 125 feet southeasterly of and at right angles to the centerline of said right lane; thence S 22° 17' 30" W, parallel to the centerline of said right lane, a distance of 70 feet, more or less, to a point that is 125 feet southeasterly of and at right angles to the centerline of said right lane at Station 85+02.5; thence southwesterly along a curve to the left (concave southeasterly) having a radius of 5604.58 feet, parallel to the centerline of said right lane, a distance of 671 feet, more or less, to the south property line; thence westerly along said south property line (crossing the centerline of said right lane at approximate Station 77+90) a distance of 259 feet, more or less, to the southeast property line; thence southwesterly along said southeast property line (crossing the centerline of the left lane of said project at approximate Station 75+65) a distance of 315 feet, more or less, to the north line of the NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 24, T-20-S, R-3-W, the north property line; thence easterly along said north property line (crossing the centerline of the left lane of said project at approximate Station 75+12 and the centerline of the right lane of said project at approximate Station 75+01)

a distance of 338 feet, more or less, to a point that is 125 feet southeasterly of and at right angles to the centerline of said right lane; thence southwesterly along a curve to the left (concave southeasterly) having a radius of 5604.58 feet, parallel to the centerline of said right lane, a distance of 139 feet, more or less, to a point that is 125 feet southeasterly of and at right angles to the centerline of said right lane at Station 73+84; thence southeasterly along a straight line (which if extended would intersect a point on the present southeast right-of-way line of Shelby County Road No. 35 that is 525 feet southeasterly of and at right angles to the centerline of said right lane) a distance of 31 feet, more or less, to the center of a paved road, the southeasternmost property line; thence southwesterly along said southeasternmost property line (crossing the centerline of the right lane of said project at approximate Station 70+45) a distance of 587 feet, more or less, to the southernmost property line; thence westerly along said southernmost property line (crossing the centerline of the left lane of said project at approximate Station 68+40) a distance of 189 feet, more or less, to a point that is 125 feet westerly of and at right angles to the centerline of said left lane; thence northeasterly along a curve to the right (concave southeasterly) having a radius of 5854.58 feet, parallel to the centerline of said left lane, a distance of 1690 feet, more or less, to the point of beginning.

Said strip of land lying in the  $N\frac{1}{4}$  of  $NE\frac{1}{4}$ , Section 24 and the  $S\frac{1}{4}$  of  $SE\frac{1}{4}$ , Section 13, T-20-S, R-3-W and containing 14.01 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 30 foot easement granted to the Plantation Pipeline, the centerline of which crosses the centerline of the left lane of Project No. I-65-2(37) at approximate Station 81+09 and the right lane of said project at approximate Station 81+00. Also a present 30 foot wide easement granted to the Alabama Power Company, the centerline of which crosses the centerline of the left lane of said project at approximate Station 85+00. Also a present 30 foot wide easement granted to the Alabama Power Company, the centerline of which crosses the centerline of the right lane of said project at approximate Station 72+90.

OWNERS OF PARCEL NO. 3 ARE AS FOLLOWS:

Eugene M. McLain; Geraldine P. McLain; Robert A. Hodges

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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 the NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 13, T-20-S, R-3-W; thence westerly along the north line of said NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , a distance of 122 feet, more or less, to the present northwest right-of-way line of Shelby County Road No. 35 and the point of beginning of the property herein to be conveyed; thence southwesterly along said present northwest right-of-way line, a distance of 262 feet, more or less, to a point that is 125 feet southeasterly of and at right angles to the centerline of the right lane of Project No. I-65-2(37); thence S 22° 17' 30" W, parallel to the centerline of said right lane, a distance of 1123 feet, more or less, to the south line of said NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , the south property line; thence westerly along said south property line (crossing the centerline of said right lane at Station 88+78.6 and the centerline of the left lane of said project at approximate Station 88+71) a distance of 533 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 said project; thence northeasterly along a curve to the right (concave southeasterly) having a radius of 5854.58 feet, parallel to the centerline of said left lane, a distance of 145 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 89+69.7; thence N 23° 08' 30" E, parallel to the centerline of said left lane, a distance of 1238 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 said left lane at approximate Station 102+62 and the right lane of said project at Station 102+73) a distance of 460 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 13, T-20-S, R-3-W and containing 15.74 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.

OWNERS OF PARCEL NO. 4 ARE AS FOLLOWS:

Charles E. Sillery; Doris Louise Sillery



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 the SW $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 18, T-20-S, R-2-W; thence westerly along the north line of said SW $\frac{1}{4}$  of NW $\frac{1}{4}$ , a distance of 246 feet, more or less, to a point that is 125 feet southeasterly 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 S 22° 17' 30" W, parallel to the centerline of said right lane, a distance of 1050 feet, more or less, to the southeast property line; thence southwesterly along said southeast property line, a distance of 95 feet, more or less, to the east line of the SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 13, T-20-S, R-3-W, the east property line; thence southerly along said east property line, a distance of 73 feet, more or less, to the present northwest right-of-way line of Shelby County Road No. 35; thence southwesterly along said present northwest right-of-way line, a distance of 292 feet, more or less, to the south line of said SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , the south property line; thence westerly along said south property line (crossing the centerline of said right lane at Station 102+73 and the centerline of the left lane of said project at approximate Station 102+62) a distance of 460 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 1442 feet, more or less, to the north line of the SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , said Section 13; thence easterly along the north line of said SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , and the north line of the SW $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 18, T-20-S, R-2-W, the north property line (crossing the centerline of said left lane at approximate Station 117+11 and the centerline of the right lane of said project at Station 117+15) a distance of 502 feet, more or less, to the point of beginning.



Said strip of land lying in the SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 13, T-20-S, R-3-W and the SW $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 18, T-20-S, R-2-W and containing 15.32 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 wither adjoin the property conveyed by this instrument or are connected thereto by other parcels owned by the grantor.

OWNERS OF PARCEL NO. 5 ARE AS FOLLOWS:

James M. Coates; Claudelle Coates

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 twenty-one 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. 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, at page 115 et. seq. of Right-Of-Way Map Book No. 4, Office of the Judge of Probate, 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 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 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, As Special Assistant  
Attorney General for the State of Ala.

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 before me this 12<sup>th</sup> day of

June, 1975.

  
AS NOTARY PUBLIC

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