

STATE OF ALABAMA

Plaintiff,

vs.

DAVID H. KIRKSEY and
JUANITA KIRKSEY

Defendants.

) IN THE CIRCUIT COURT
)
) OF SHELBY COUNTY,
)
) ALABAMA
)
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CASE NO: CV 77 18

CONSENT JUDGMENT OF CONDEMNATION

This cause, coming on to be heard on this day for an Order of Condemnation pursuant to the Petition for Condemnation heretofore filed in said cause, and it appearing to the Court that the parties are in agreement as to the amount of damages due the defendants, and the parties mutually agree that Plaintiff, State of Alabama, may withdraw its jury demand heretofore requested, the parties mutually agree as follows:

A. That the State of Alabama is authorized to institute and prosecute this proceeding to acquire from the defendants the property and interests therein, hereinafter described and designated as Tract No. 42, according to Project No. I-65-2(37), of the State of Alabama Highway Department, Shelby County, Alabama, for the public purposes stated in the petition.

SEE PROPERTY DESCRIPTION ATTACHED HERETO

B. The parties mutually agree that the issue of damages and compensation due the defendants is Ninety Thousand (\$90,000.00) Dollars for the interests in that portion of the property taken by the State of Alabama from the defendants; plus the sum of One Thousand Four Hundred Twenty Six and 44/100 (\$1,426.44) Dollars, accrued interests to which defendants are entitled.

C. The parties mutually agree that the State of Alabama has heretofore paid into Court the sum of One Hundred Six Thousand Nine Hundred (\$106,900.00) Dollars.

Certified a true and complete copy

Dan Kuevas, sb
Register of Circuit Court

1993-03971

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SHELBY COUNTY JUDGE OF PROBATE
006 MCD 19.00

WHEREFORE, Upon payment to the defendants of the sum of Thirty Three Thousand Nine Hundred Twenty Six and 44/100 (\$33,926.44) Dollars; being Ninety Thousand (\$90,000.00) Dollars for the interests of defendants in that portion of the property taken by the State of Alabama, less Fifty Seven Thousand Five Hundred (\$57,500.00) Dollars previously paid to the defendants, plus One Thousand Four Hundred Twenty Six and 44/100 (\$1,426.44) Dollars accrued interest; by the Clerk of this Court, The State of Alabama hereby is given and awarded the fee simple title to the property heretofore described, together with all existing, future and potential easements of access between the said right of way of the public way heretofore described and all of the real property of the defendants remaining after appropriate of said easement and right of way herein described.

It is ORDERED, ADJUDGED AND DECREED That the Clerk of this Court is hereby authorized and directed to pay to the defendants or their Attorney of Record, Roy G. Landrum, the sum of Thirty Three Thousand Nine Hundred Twenty Six and 44/100 (\$33,926.44) Dollars. It is further ordered, adjudged and decreed by the Court that the plaintiff, The State of Alabama, shall pay the costs of this proceeding, for which let execution issue.

It is further ORDERED, ADJUDGED AND DECREED That upon payment of the award and costs in this proceeding by the Plaintiff in this cause, title to the property and access rights heretofore described hereby are divested out of the defendants and hereby are vested in the Plaintiff, The State of Alabama.

The Defendants herein are ordered to pay to Fay Quick, Tax Collector, any sums found due for taxes on the property herein described.

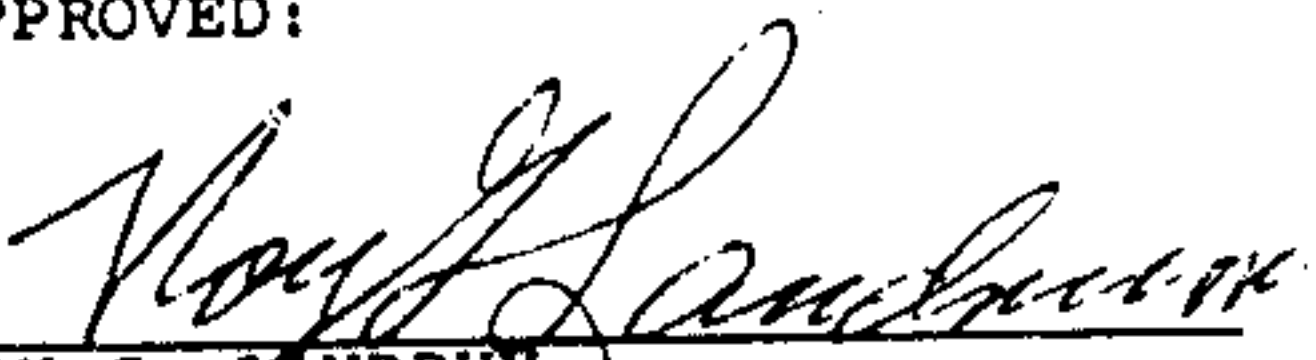
ORDERED, ADJUDGED AND DECREE BY THE COURT THIS THE 4th
DAY OF October, 1977.

FILED IN OFFICE THIS THE 4th DAY
OF Oct. 1977

James H. Sharbutt
JUDGE, CIRCUIT COURT

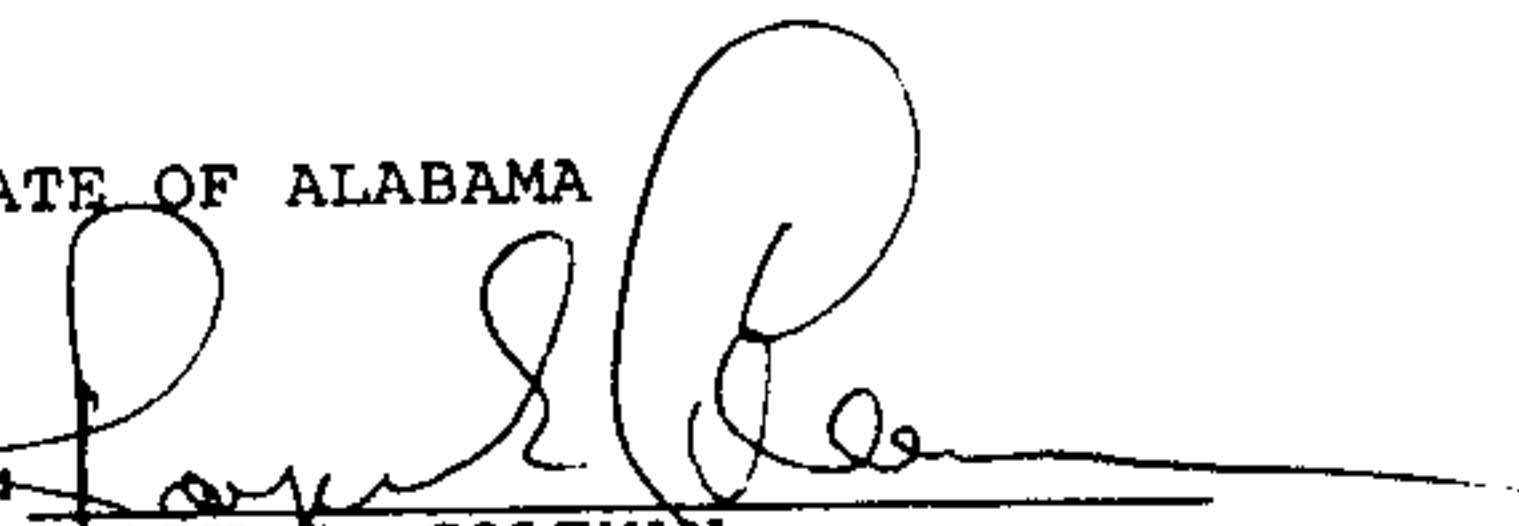
Kyle Sanford

APPROVED:



ROY G. LANDRUM
Attorney for Defendants

STATE OF ALABAMA

BY: 

RALPH E. COLEMAN
Special Assistant Attorney General
State of Alabama

SHELBY

TRACT NO. 42, REV. 3

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 NW $\frac{1}{4}$, Section 31, T-19-S, R-2-W; thence easterly along the north line of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$, the north property line, a distance of 200 feet, more or less, to the northeast property line; thence southeasterly along said northeast property line, a distance of 715 feet, more or less, to a point that is 210 feet southwesterly of and at right angles to the centerline of Project No. I-65-2(37) and the point of beginning of the property herein to be conveyed; thence continuing southeasterly along said northeast property line (crossing the centerline of said project at approximate Station 280+00) a distance of 915 feet, more or less, to a point on a line which extends from a point that is 275 feet, northeasterly and at right angles to the centerline of said project at Station 283+00 to a point that is 150 feet northwesterly of and at right angles to the centerline of Alabama Highway 119 at Station 54+65; thence southeasterly along said line, a distance of 109 feet, more or less, to said point that is 150 feet northwesterly of and at right angles to the centerline of said highway at Station 54+65; thence northeasterly along a straight line (which if extended would intersect a point that is 125 feet northwesterly of and at right angles to the centerline of said highway at Station 59+75.68) a distance of 58 feet, more or less, to the northeast property line; thence southeasterly along said northeast property line, a distance of 113 feet, more or less, to the present northwest right-of-way line of said highway; thence southwesterly along said present northwest right-of-way line (crossing the centerline of said project at approximate Station 271+42) a distance of 608 feet, more or less, to the southwesternmost property line; thence northwesterly along said southwesternmost property line, a distance of 522 feet, more or less, to a point on a line which extends from a point that is 215 feet northwesterly of and at right angles to the centerline of Alabama Highway No. 119 at Station 46+55 to a point that is 295 feet southwesterly of and at right angles to the centerline of said project at Station 277+03; thence northeasterly along said line (which if extended would intersect said point that is 225 southwesterly of and at right angles to the centerline of said project at Station 277+03) a distance of 15 feet, more or less, to the northwest property line; thence northeasterly along said northwest property line) a distance

of 1 foot, more or less, to the southwest property line; thence
northwesterly along said southwest property line, a distance of
94 feet, more or less, to a point on a line which extends from
a point that is 215 feet northwesterly of and at right angles to
the centerline of Alabama Highway No. 119 at Station 46+55 to a
point that is 295 feet southwesterly of and at right angles to
the centerline of said project at Station 277+03; thence north-
easterly along said line, a distance of 1 foot, more or less,
to said point that is 295 feet southwesterly of and at right
angles to the centerline of said project at Station 277+03;
thence northeasterly along a straight line, a distance of 65
feet to a point that is 230 feet southwesterly of and at right
angles to the centerline of said project at Station 277+03;
thence northeasterly along a straight line, a distance of 100
feet, more or less, to a point that is 210 feet southwesterly
of and at right angles to the centerline of said project at
Station 278+00; thence N 4° 43' 15" W, parallel to the centerline
of said project, a distance of 488 feet, more or less, to the
point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 31, and the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 32, T-19-S, R-2-W and containing 9.590 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 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.

THE OWNERS OF PARCEL NO. 2 ARE AS FOLLOWS:

David H. Kirksey, Juanita Kirksey;

Inst # 1993-03971

02/10/1993-03971

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SHELBY COUNTY JUDGE OF PROBATE

David P. & Juanita W. Kirksey

Tract No. 42, Rev. 3

July 27, 1976