

State of Alabama,

PETITIONER

vs.

Mildred L. Wald and Edna J. Wald,
et al. (Parcel No. B)

Respondents

IN THE CIRCUIT COURT

EIGHTEENTH JUDICIAL

CIRCUIT OF ALABAMA

CASE NO. 1467

ORDER AND DECREE OF CONDEMNATION

THIS CAUSE came on for trial on this, the 30th day of September, 1969, on appeal from the Order of Condemnation made and entered in the Probate Court of Shelby County, Alabama, heretofore entered in that Court. The parties to this proceeding came into open court in their own persons and by their attorneys of record, entered an unqualified appearance and all parties announced ready for trial. The Court is of the opinion and finds that it has jurisdiction of the cause and the parties.

THEREUPON, the State of Alabama and all of the Respondents, in open court, withdrew their demand for a trial by jury in this cause and the parties requested that the Court enter a consent judgment herein.

The Court finds in this cause that it is necessary that the property hereinafter described be condemned for the uses and purposes stated in the Petition and that the Application of the Petitioner for Order of Condemnation should be granted. It is, therefore, CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court, and it is the judgment of the Court, that the Application or Petition for the condemnation of a right-of-way in, over, on and upon the herein-after described land, together with the right to remove all improvements, trees, undergrowth and other obstructions situated on said land, the right to prevent any persons from placing or maintaining any obstructions on said land, and also the right to enter upon said land for the purpose of constructing, maintaining and repairing the public improvements constructed or installed or to be constructed or placed thereon or thereover, be and the same is hereby granted and allowed, and the land and all interest in land sought to be acquired be and the same hereby are condemned for the uses and purposes set out in said Petition or Application for Order of Condemnation.

And now comes the Petitioner by its attorney and shows unto the Court that it has heretofore deposited with the Judge of Probate of Shelby County, Alabama, the sum of Eleven thousand four hundred forty and no/100 (~~\$11,440.00~~) (\$11,440.00) DOLLARS, as damages and compensation for the condemnation of the land and interest in land hereinafter described, which said sum has been transferred and delivered by the Judge of Probate of Shelby County, Alabama, to the Clerk of this Court, who now has possession of said fund.

Certified a true and complete copy

Dan Reeves 06
Register of Circuit Court

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SHELBY COUNTY JUDGE OF PROBATE
006 MCD 19.00

It is hereby ORDERED, ADJUDGED AND DECREED by the Court that the amount of just compensation and damages to be awarded in this cause is the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS.

Upon payment of the award and costs in this proceeding by the Petitioner in this cause, the following described land and interest in land are hereby condemned and awarded to the Petitioner. Any balance remaining or held by the Clerk in this cause, less the amount of just compensation awarded in the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS shall be refunded to the State of Alabama, after payment of the costs of court in said cause.

It is further ordered, ADJUDGED AND DECREED by the Court that the Petitioner, State of Alabama, be and it is hereby given and awarded a right-of-way in, over, on and upon the hereinafter described land, together with the right to remove all improvements, trees, undergrowth and other obstructions situated on said land, and the right to prevent any person from placing or maintaining any obstructions on or upon said land, and also the right to enter upon said land for the purpose of constructing, maintaining and repairing the public road, street, avenue or highway for which said land is sought to be and hereby is condemned and for the uses and purposes sought in the Petition or Application.

It is further ORDERED, ADJUDGED AND DECREED that title to the property hereinafter described to the extent and interest claimed in the Petition be and the same hereby is divested out of the Respondents and hereby is vested in the Petitioner, State of Alabama, said property being more particularly described as follows:

PARCEL NO. B

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Parcel No. 1: Commencing at the northwest corner of the NE-1/4 of SE-1/4, Section 36, T-18-S, R-2-W; thence southerly along the west line of said NE-1/4 of SE-1/4, a distance of 592 feet, more or less, to a point that is 90 feet northeasterly of and at right angles to the centerline of Project No. F-214(15) and the point of beginning of the property herein to be conveyed; thence S 61° 17' 47" E, parallel to the centerline of said project a distance of 435 feet, more or less, to a point that is 90 feet northeasterly of and at right angles to the centerline of said project at Station 110+26; thence northeasterly along a straight line a distance of 140 feet, more or less, to a point on the present northwest right-of-way line of Shelby County Road No. 17 that is northwesterly of and at right angles to the centerline of said County Road at Station 13+08; thence southwesterly along the said present northwest right-of-way line (crossing the centerline of said Project at approximate Station 111+28) a distance of 250 feet, more or less, to the present northeast right-of-way line of U. S. Highway No. 280; thence northwesterly along the said present northeast right-of-way line a distance of 1218 feet, more or less, to the northwest property line; thence northeasterly along the said northwest property line (crossing the centerline of said project at Station 99+17) a distance of 155 feet, more or less, to a point that is 90 feet northeasterly of and at right angles to the centerline of said project; thence S 61° 17' 47" E, parallel to the centerline of said project a distance of 680 feet, more or less, to the point of beginning.

Said strip of land lying in the N-1/2 of SE-1/4 of Section 36, T-18-S, R-2-W, and containing 4.35 acres, more or less.

PARCEL NO. 2: Commencing at the southwest corner of the NE-1/4 of SE-1/4, Section 36, T-18-S, R-2-W; thence northerly along the west line of said NE-1/4 of SE-1/4, a distance of 470 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(15) and the point of beginning of the property herein to be conveyed; thence N 61° 17' 47" W, parallel to the centerline of said project a distance of 437 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 103+00; thence northwesterly along a straight line a distance of 202 feet, more or less, to a point on the present southwest right-of-way line of U. S. Highway No. 280 that is southwesterly of and at right angles to the centerline of said project at Station 101+00; thence southeasterly along the said present southwest right-of-way line a distance of 980 feet, more or less, to a point that is 170 feet southwesterly of and at right angles to the centerline of said project; thence N 61° 17' 47" W, parallel to the centerline of said project a distance of 340 feet, more or less, to the point of beginning.

Said strip of land lying in the N-1/2 of SE-1/4, Section 36, T-18-S, R-2-W, and containing 0.50 acres, more or less.

PARCEL NO. 3: Commencing at the northeast corner of the SE-1/4, Section 36, T-18-S, R-2-W; thence southerly along the east line of said SE-1/4, the east property line, a distance of 1208 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(15) and the point of beginning of the property herein to be conveyed; thence continuing southerly along the said east property line (crossing the centerline of said project at Station 121+34) a distance of 385 feet, more or less, to a point that is 200 feet southwesterly of and at right angles to the centerline of said project; thence northwesterly along a curve to the right (concave northerly) having a radius of 3474.05 feet, parallel to the centerline of said project a distance of 140 feet, more or less, to the present northeast right-of-way line of U. S. Highway No. 280; thence northwesterly along the said present northeast right-of-way line a distance of 983 feet, more or less, to the present southeast right-of-way line of Shelby County Road No. 17; thence northeasterly along the said present southeast right-of-way line (crossing the centerline of said project at approximate Station 111+88) a distance of 362 feet, more or less, to a point that is southeasterly of and at right angles to the centerline of said County Road at Station 11+50; thence southeasterly along a straight line, a distance of 20 feet, more or less, to a point that is 50 feet southeasterly of and at right angles to the centerline of said County Road at Station 11+50; thence southwesterly, parallel to the centerline of said County Road a distance of 98 feet; thence southeasterly along a straight line a distance of 142 feet, more or less, to a point that is 150 feet northeasterly of and at right angles to the centerline of said project at Station 113+00; thence S 61° 17' 47" E, parallel to the centerline of said project a distance of 619.6 feet; thence northeasterly along a curve to the left (concave northerly) having a radius of 3124.05 feet, parallel to the centerline of said project a distance of 142 feet, more or less, to the point of beginning.

Said strip of land lying in the E-1/2 of SE-1/4, Section 36, T-18-S, R-2-W, and containing 5.22 acres, more or less.

DONE this the 30th day of September, 1969.

Kenneth D. Ingram
CIRCUIT JUDGE

FILED IN OFFICE
This 30 day of Sept 1969
J. J. Smith
Clerk of The Circuit Court
of Shelby County, Ala.

Inst # 1993-03978

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