

1993-03981  
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SHELBY COUNTY JUDGE OF PROBATE

STATE OF ALABAMA  
SHELBY COUNTY

IN THE CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA  
AT LAW, CASE NO. 1122

STATE OF ALABAMA,  
PETITIONER  
VS.  
T. C. RUSH, SR., et al,  
DEFENDANTS

JUDGMENT OF CONDEMNATION AND ASSESSMENT  
OF COMPENSATION ON VERDICT OF JURY

On the 8th day of December, 1965, the State of Alabama duly filed in the Probate Court of Shelby County, Alabama, its application for the condemnation for public use a right-of-way and easement for the construction and maintenance of a public control access facility over certain private lands described in said application.

In the Probate Court due and appropriate proceedings, as required by law were had, resulting in an order of condemnation of said right-of-way and easement over said lands by the Probate Court of Shelby County, Alabama, on the 28th day of February, 1966.

Thereupon in the manner and form as prescribed by law, and within the time required by law, the Defendants in said proceedings appealed to the Circuit Court of Shelby County, Alabama, from said order of condemnation, the Defendants demanding trial by jury; and the Court now proceeds to hear said matter, trying the cause de novo as required by law. The Court, being of opinion that the said The State of Alabama is entitled to have the lands described in its said application condemned for use as a right-of-way and easement for the construction and maintenance of a public ~~control access~~ <sup>Highway</sup> facility, it is, therefore,

CONSIDERED, ORDERED, ~~ADJUDGED~~ <sup>ADJUDGED</sup> AND DECREED by the Court that a right-of-way and easement for the construction and maintenance of a public ~~control access~~ <sup>Highway</sup> facility over the following described lands lying within Shelby County, Alabama, to-wit:

Certified a true and complete copy  
Dan Reeves  
Register of Circuit Court

Commence at the southeast corner of NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 26, T-21-S, R-1-W; thence westerly along the south line of said NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , a distance of 315 feet, more or less, to approximate Station 169+10 on the centerline of Project No. S-1360-A; thence N 24° 09' 15" E, along the centerline of said project, a distance of 400 feet, more or less, to the west line of the property herein to be conveyed and the point of beginning; thence northerly along the west property line a distance of 135 feet, more or less, to the north property line; thence easterly along the said north property line (crossing the centerline of said project at approximate Station 174+65) a distance of 130 feet, more or less, to a point that is 60 feet southeasterly of and at right angles to the centerline of said project; thence S 24° 09' 15" W, parallel to the centerline of said project a distance of 151 feet, more or less, to a point that is 60 feet southeasterly of and at right angles to the centerline of said project at Station 173+50; thence southeasterly along a straight line a distance of 105 feet, more or less, to a point on the present north right-of-way line of Alabama Highway No. 70, that is 30 feet northerly of and at right angles to the centerline of said Highway at Station 51+85; thence westerly along the south property line a distance of 130 feet, more or less, to the west property line; thence northerly along said west property line a distance of 73 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 26, T-21-S, R-1-W, and containing 0.51 acres, more or less.

is hereby condemned for the purposes set forth in the application filed in the Probate Court in this cause.

Thereupon the Court proceeds to have assessed by a jury the damages and compensation to which T. C. Rush, Sr. is entitled for the condemnation of said property for use as a right-of-way and easement for the construction and maintenance of a public control access facility.

Thereupon on the 12th day of April, 1966 came a jury of good and lawful men, to-wit: Henry Francis Blake, and eleven others, who, being duly empaneled and sworn according to law, upon their oaths, do say: "We the jury, hereby assess and fix the damages and compensation to the owners of the property described in Exhibit "B", Item 2, Tract 18 of the Application for Condemnation filed in the office of the Probate Judge of Shelby County, Alabama on August 26, 1965 at Thirty Five Hundred (\$3,500.00) Dollars.

Dated April 12, 1966.

/s/ Henry Francis Blake  
Jury Foreman

And now comes the applicant by its Attorney of Record and shows unto the Court that it has heretofore deposited with the Judge of Probate Court, Shelby County, Alabama, the sum of \$1,300.00 in money for such defendants as damages and compensation for the condemnation of the lands described in Item II of Exhibit "B" of said application.

AND IT IS NOW, THEREFORE,

CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court that the defendants are entitled to have and receive of the money held by the said Probate Judge of Shelby County, Alabama the sum of \$1,300.00 and that the defendants are entitled to have and receive the further sum of \$2,200.00, from the applicant. The Judge of the Probate Court of Shelby County, Alabama shall pay over to the Clerk of the Circuit Clerk of the Circuit Court of Shelby County, Alabama the said sum of \$1,300.00 for disbursement to the parties as hereinabove set forth.

AND IT IS NOW, THEREFORE,

CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court, and it is the judgment of the Court, that the damages and compensation to which T. C. Rush, Sr. is entitled in this cause as just compensation for the condemnation of said right-of-way and easement over said lands be, and the same is hereby, fixed at the sum of Thirty Five Hundred (\$3,500.00) Dollars.

CONSIDERED, ORDERED, ADJUDGED AND DECREED further that the said T. C. Rush, Sr. does have and recovers of said The State of Alabama the sum of Thirty Five Hundred

(\$3,500.00) Dollars, together with the costs of this cause for which let execution issue.

Dated this 14<sup>th</sup> day of April, 1966.

T. F. Harbinger  
Judge of the Circuit Court of Shelby  
County, Alabama

Filed in the Office of the Circuit  
Clerk this the 14 day of April,  
1966.

L. G. Fultz  
Circuit Clerk

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