

STATE OF ALABAMA

Petitioner

vs.

H. M. GORDON AND RUTH GORDON  
ET ALS.

Respondents

IN THE CIRCUIT COURT  
SHELBY COUNTY

ALABAMA

CASE NO. 1168

ORDER AND DECREE OF CONDEMNATION

THIS CAUSE coming on to be heard by agreement of the parties on this 30th day of Aug, 1967, on appeal from the Order of Condemnation made and entered in the Probate Court of this County on the 21st day of October, 1967. The parties in this cause appearing by their respective attorneys of record, and announcing ready for trial; The Court is of opinion and finds that it has jurisdiction of the cause and of the parties:

THEREUPON, the Court proceeds to consider the petition in this cause, and it is the opinion and judgment of this Court and this Court finds that the property interest sought by the State of Alabama in this proceeding is the property of H. M. Gordon and Ruth Gordon;

It is considered, ORDERED, ADJUDGED AND DECREED that this cause be and the same is hereby revived in the name of H. M. Gordon and Ruth Gordon and said parties appearing by and through their attorney of record the Court finds that the allegations of the said petition are true, and it is necessary that the property hereinafter described by condemned for the uses and purposes stated in said petition and that the said 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 an easement or right-of-way in, over, on and upon the hereinafter described lands, together with the right to remove all improvements, trees, undergrowth and other obstructions situated on said lands, the right to prevent any persons from placing or maintaining any obstructions on said lands, and also the right to enter upon said lands 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 hereby is granted and allowed, and the lands and all interest in lands sought to be acquired by and the same hereby are condemned for the uses and purposes set out in said petition or application for Order of Condemnation.

Certified a true and complete copy

Dan Reeves, Jr.

Register of Circuit Court

And now comes the petitioner by its attorney and shows unto the Court that he has heretofore deposited with the Judge of Probate of Shelby County, Alabama, the sum of Twelve Hundred and Fifty Dollars, as damages and compensation for the condemnation of the lands and interest in lands 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.

It is hereby ORDERED, ADJUDGED AND DECREED by the Court that the Clerk of this Court is hereby authorized and directed to pay to the Respondents the sum of Seventeen Hundred + Fifty + No/100 ~~11,750~~<sup>06</sup> Dollars, which is the amount of the award in this cause, and that the balance, if any, presently being held by the Clerk, less the costs of Court in this cause, which are hereby taxed against the Petitioner, be refunded and repaid by the Clerk to the Petitioner.

Upon payment of the award and costs in this proceeding by the Petitioner in this cause, the following described lands and interests in lands are hereby condemned and awarded to the Petitioner.

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 and easement in, over, on and upon the hereinafter described lands, together with the right to remove all improvements, trees, undergrowth and other obstructions situated on said lands, and the right to prevent any person from placing or maintaining any obstructions on or upon said lands, and also the right to enter upon said lands 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 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 particularly described in Exhibit "A" attached hereto and made a part hereof.

Done in office this 30<sup>th</sup> day of August, 1967.

A. L. Hardagee  
Circuit Judge

FILED IN OFFICE

This 30 day of August 19 67

L. J. Fulk

Clerk of The Circuit Court  
of Shelby County, Ala.

EXHIBIT "A"

Tract No. 38  
Project No. S-1360-A

PARCEL NO. 1: Commencing at the southeast corner of the NE-1/4 of SE-1/4 of Section 23, T-21-S, R-1-W; thence northerly, along the east line of said NE-1/4 of SE-1/4, a distance of 280 feet, more or less, to Station 212+70 on the centerline of Project No. S-1360-A; thence S 64° 04' 52" W, along the centerline of said project, a distance of 271 feet to the north line of the property herein to be conveyed and the point of beginning; thence easterly along the north property line, a distance of 114 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 64° 04' 52" W, parallel to the centerline of said project, a distance of 258 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 208+37; thence southwesterly, along a straight line, a distance of 86 feet, more or less, to the present east right-of-way line of County Road No. 47, the west property line; thence northerly, along the said west property line (crossing the centerline of said project at approximate Station 208+17) a distance of 213 feet, more or less, to the north property line; thence easterly, along the said north property line, a distance of 164 feet, more or less, to the point of beginning.

Said strip of land lying in the E-1/2 of SE-1/4 of Section 23, T-21-S, R-1-W, and containing 0.54 acres, more or less.

PARCEL NO. 2: Commencing at the southwest corner of the NW-1/4 of SW-1/4 of Section 24, T-21-S, R-1-W; thence northerly, along the west line of said NW-1/4 of SW-1/4, a distance of 212 feet, more or less, to a point that is 60 feet southeasterly of and at right angles to the centerline of Project No. S-1360-A and the point of beginning of the property herein to be conveyed; thence continuing northerly along said line (crossing the centerline of said project at Station 212+70) a distance of 112 feet, more or less, to the north property line; thence easterly, along the said north property line (crossing the centerline of said project at Station 213+88) a distance of 300 feet, more or less, to the west property line; thence northerly along the said west property line (crossing the centerline of said project at approximate Station 216+17) a distance of 183 feet, more or less, to a point that is 90 feet northwesterly of and at right angles to the centerline of said project; thence N 62° 04' 52" E, parallel to the centerline of said project, a distance of 242 feet, more or less, to a point that is 90 feet northwesterly of and at right angles to the centerline of said project at Station 219+00; thence easterly, along a straight line, a distance of 58 feet, more or less, to a point that is 60 feet northwesterly of and at right angles to the centerline of said project at Station 219+50; thence N 62° 04' 52" E, parallel to the centerline of said project, a distance of 550 feet; thence northeasterly, along a straight line, a distance of 53 feet, more or less, to a point that is 80 feet northwesterly of and at right angles to the centerline of said project at Station 225+50; thence N 62° 04' 52" E, parallel to the centerline of

said project, a distance of 200 feet; thence easterly, along a straight line (which if extended would intersect a point that is 60 feet northwesterly of and at right angles to the centerline of said project at Station 228+00) a distance of 30 feet, more or less, to the east line of the NW-1/4 of SW-1/4 of Section 24, T-21-S, R-1-W, the east property line; thence southerly, along said east property line (crossing the centerline of said project at Station 227+44) a distance of 154 feet, more or less, to a point that is 70 feet southeasterly of and at right angles to the centerline of said project; thence S 62° 04' 52" W, parallel to the centerline of said project, a distance of 65 feet, more or less, to a point that is 70 feet southeasterly of and at right angles to the centerline of said project at Station 226+50; thence southwesterly, along a straight line, a distance of 51 feet, more or less, to a point that is 80 feet southeasterly of and at right angles to the centerline of said project at Station 226+00; thence S 62° 04' 52" W, parallel to the centerline of said project, a distance of 550 feet; thence southwesterly along a straight line, a distance of 52 feet, more or less, to a point that is 85 feet southeasterly of and at right angles to the centerline of said project at Station 220+00; thence S 62° 04' 52" W, parallel to the centerline of said project, a distance of 200 feet; thence southwesterly along a straight line, a distance of 51 feet, more or less, to a point that is 80 feet southeasterly of and at right angles to the centerline of said project at Station 217+50; thence S 62° 04' 52" E, parallel to the centerline of said project, a distance of 300 feet; thence southwesterly, along a straight line, a distance of 53 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 214+00; thence S 62° 04' 52" W, parallel to the centerline of said project, a distance of 158 feet, more or less, to the point of beginning.

Said strip of land lying in the NW-1/4 of SW-1/4 of Section 24, T-21-S, R-1-W, and containing 4.32 acres, more or less.

FILED IN OFFICE

This 30 day of Aug 1967

*L. G. Fulk*  
Clerk of The Circuit Court  
of Shelby County, Ala.

Inst # 1993-03992

02/10/1993-03992

02:50 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

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004 MCD 14.00