

STATE OF ALABAMA

Plaintiff

vs.

C. E. GARDNER; RUBY
GARDNER; ET. AL.,

Defendants

CASE NO. L-81-73

CONSENT ORDER AND DECREE
OF CONDEMNATION

THIS CAUSE came on for trial on this, the 2nd day of December, 1974, on appeal from the Order of Condemnation made and entered in the Probate Court of this County on the 27th day of September, 1973. 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 Defendants, in open court, withdrew their demand for a trial by jury in this cause.

THEREUPON, the Court proceeded to hear the allegations of the application or petition for Order of Condemnation, and upon consideration of said application and the testimony introduced in support thereof, it is the opinion and judgment of the Court that the allegations of the said petition are true and that it is necessary that the property hereinafter described be condemned for the uses and purposes stated in said petition and that the said application of the Plaintiff 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 the fee title to the following described parcels of property, for public road or highway purposes, with the right to remove all improvements, trees, undergrowth and other obstructions situated on said lands, the right to prevent any person from placing or maintaining any obstruction 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 thereon, thereover, or thereunder, be and the same hereby is granted and allowed, and the lands and all interest in lands 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.

Certified a true and complete copy

Dan Reeves, sb

Register of Circuit Court

Inst # 1993-04113
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SHELBY COUNTY JUDGE OF PROBATE
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WHEREAS, the Plaintiff, by its attorney, showed unto the Court that it heretofore deposited with the Judge of Probate of Shelby County, Alabama, the sum of TWENTY-TWO THOUSAND SEVEN HUNDRED SIXTY AND NO/100 DOLLARS, as damages and compensation for the condemnation of the lands and interest in lands hereinafter described which said sum was 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, and

WHEREAS, all of the parties, in open Court, did consent and agree that the fair market value of the properties described in the application for order of condemnation in this cause is the sum of TWENTY-TWO THOUSAND FIVE HUNDRED AND NO/100 (\$22,500.00) DOLLARS, and

WHEREAS, the Court finds that the fair market value of the property and rights being taken is the sum of TWENTY-TWO THOUSAND FIVE HUNDRED AND NO/100 (\$22,500.00) DOLLARS, and

WHEREAS, the Court finds that the sum of NINE THOUSAND TWO HUNDRED EIGHTY AND NO/100 (\$9,280.00) DOLLARS was previously paid to the Defendants, C. E. Gardner and Ruby Gardner, by the Clerk of the Court for the lands taken and condemned in this cause, and

WHEREAS, the Court finds that the difference between the agreed fair market value, as herein set out, and the amount previously withdrawn by the Defendants, as herein set out, is the sum of THIRTEEN THOUSAND TWO HUNDRED TWENTY AND NO/100 (\$13,220.00) DOLLARS, and

WHEREAS, the Court finds that the Defendants are entitled to interest in the sum of NINE HUNDRED THIRTY-SIX AND 63/100 (\$936.63) DOLLARS, and

WHEREAS, the Court finds that the total amount remaining to be paid to the Defendants is the sum of FOURTEEN THOUSAND ONE HUNDRED FIFTY-SIX AND 63/100 (\$14,156.63) DOLLARS.

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that Plaintiff pay to the Clerk of this Court the sum of SIX HUNDRED SEVENTY-SIX AND 63/100 (\$676.63) DOLLARS and all cost of Court which are hereby taxed to Plaintiff.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Clerk of this Court is hereby authorized and directed to pay to the Defendants the sum of FOURTEEN THOUSAND ONE HUNDRED FIFTY-SIX AND 63/100 (\$14,156.63) DOLLARS, which is the amount of the award in this cause, plus interest, less the amount previously withdrawn by the Defendants.

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

It is further ORDERED, ADJUDGED and DECREED by the Court that the Plaintiff, State of Alabama, be and it is hereby given and awarded a fee title to the following described parcels of property, for public road or highway purposes, with the right to remove all improvements, trees, undergrowth and other obstructions situated on said lands, the right to prevent any person from placing or maintaining any obstruction on said lands, and also the right to enter upon said lands for the purposes of constructing, maintaining and repairing the public improvements constructed or installed thereon, thereover, or thereunder, 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 be and the same hereby is divested out of the Defendants and hereby is vested in the Plaintiff, State of Alabama, said property being particularly described in Exhibit "A" attached hereto and made a part hereof.

PARCEL NO. 15

A Tract of land designated as Tract No. 34, in the hereinafter described Right-Of-Way Map.

following described property, lying and being

in Shelby County, Alabama, and more particularly described as follows: and as shown on the right-of-way map of Project No. F-214(20) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

PARCEL NO. 1: Commencing at the northeast corner of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 28, T-19-S, R-1-E; thence westerly along the north line of said SE $\frac{1}{4}$ of NE $\frac{1}{4}$, a distance of 66 feet, more or less, to the present southeast right-of-way line of Shelby County Road No. 55; thence southwesterly along said present southeast right-of-way line, a distance of 419 feet, more or less, to a point that is southeasterly of and at right angles to the centerline of said county road at Station 15+00 and the point of beginning of the property herein to be conveyed; thence continuing southwesterly along said present southeast right-of-way line, a distance of 75 feet, more or less, to the south property line, thence easterly along said south property line, a distance of 35 feet, more or less, to a point that is 75 feet southeasterly of and at right angles to the centerline of said county road; thence northeasterly, parallel to the centerline of said county road, a distance of 75 feet, more or less, to a point that is 75 feet southeasterly of and at right angles to the centerline of said county road at Station 15+00; thence turn an angle of 90° 00' to the left and run a distance of 35 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 28, T-19-S, R-1-E and containing 0.06 acres, more or less.

PARCEL NO. 2: Commencing at the northwest corner of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 27, T-19-S, R-1-E; thence easterly along the north line of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$, a distance of 907 feet, more or less, to a point that is 150 feet northwesterly of and at right angles to the centerline of Project No. F-214(20) and the point of beginning of the property herein to be conveyed; thence easterly along the north line of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and the north line of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 27, the north property line (crossing the centerline of said project at approximate Station 837+88) a distance of 555 feet, more or less, to the center of Muddy Prong Creek, the northeast property line; thence southeasterly along said northeast property line, a distance of 163 feet, more or less, to a point that is 150 feet southeasterly of and at right angles to the centerline of said project; thence S 71° 13' 07" W, parallel to the centerline of said project, a distance of 1058 feet, more or less, to a point that is 150 feet southeasterly of and at right angles to the centerline of said project at Station 828+50; thence southwesterly along a straight line, a distance of 102 feet, more or less, to a point that is 170 feet southeasterly of and at right angles to the centerline of said project at Station 827+50; thence S 71° 13' 07" W, parallel to the centerline of said project, a distance of 150 feet; thence southwesterly along a straight line, a distance of 102 feet, more or less, to a point that is 150 feet southeasterly of and at right angles to the centerline of said project at Station 825+00; thence S 71° 13' 07" W, parallel to the centerline of said project, a distance of 680.79 feet; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 8744.37 feet, parallel to the centerline of said project, a distance of 661 feet, more or less, to the west property line; thence northerly along said west property line, a distance of 58 feet, more or less, to the south property line; thence westerly along said south property line, a distance of 240 feet, more or less, to the west line of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 27, the westernmost property line; thence northerly along said westernmost property line (crossing the centerline of said project at approximate Station 809+60) a distance of 188 feet, more or less, to a point that is 150 feet northwesterly of and at right angles to the centerline of said project; thence northeasterly along a curve to the left (concave northwesterly) having a radius of 8444.37 feet, parallel to the centerline of said project, a distance of 808 feet, more or less, to a point that is 150 feet northwesterly of and at right angles to the centerline of said project at Station 818+19.21; thence N 71° 13' 07" E, parallel to the centerline of said project, a distance of 1525 feet, more or less, to the point of beginning.

Said strip of land lying in the S $\frac{1}{4}$ of NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 27, T-19-S, R-1-E and containing 18.50 acres, more or less.

OWNERS OF PARCEL NO. 15 ARE AS FOLLOWS:

C. E. Gardner, Ruby Gardner

DONE AND ORDERED this 31st day of December, 1974.

FILED IN OFFICE: 12-31-74.

s/ James H. Sharbutt
CIRCUIT JUDGE, SHELBY COUNTY, ALABAMA

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