

State of Alabama, )  
 Plaintiff, )  
 vs. ) Condemnation  
 E. C. Wooten, et al, )  
 Parcel #9, )  
 Respondents. )

No. 487

On this the 16th day of March, 1960, came the parties to this cause into open court with their attorneys and this cause coming on for the settling of the pleadings therein, and came the defendant, E. C. Wooten, and filed demurrers to the State's petition to condemn and demurrers being heard and understood by the court, it is ordered, adjudged, and decreed by the court that said demurrers be and they are hereby overruled. Came the defendant and joins in petition to condemn and case set for trial at the next term of said court.

THIS CAUSE came on for trial on this the 18th day of April, 1960, on appeal from the order of condemnation made and entered in the Probate Court of this County on the 26th day of June, 1959. 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 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 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 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 or thereover, together with all existing, future and potential easements of access between the right-of-way of the public way described in said petition and all the real property of the respondents remaining after the appropriation of said easement and right-of-way described in the petition, be and the same hereby is granted and allowed.

THEREUPON, a jury having been legally demanded in said cause, the Court proceeds to have assessed by a jury the damages and compensation to which the several respondents are entitled for the condemnation of the parcel of property set out and described in said petition or application for condemnation and as hereinafter described.

THEREUPON, on the 18th day of April, 1960, a jury of good and lawful men, to-wit: Mark W. Bentley, Foreman, and eleven others, who being duly impaneled 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 property described in Tract No. 61, of the petition or application for condemnation filed in the Office of the Probate Judge of Shelby County, Alabama, on the 19th day of May, 1959, in this cause, and owned by the respondents involved in this appeal at the sum of Six Thousand Eight Hundred Seventy-Five and no/100-- Dollars (\$6,875.00).

S/ Mark W. Bentley (Foreman)

And now comes the petitioner by its attorney and shows unto the Court that it has heretofore deposited with the Judge of the Probate Court of Shelby County, Alabama, the sum of Seven Thousand One Hundred Twenty-Five & no/100 -----Dollars (\$7,125.00), as damages and compensation for the condemnation of the lands and interests in lands hereinafter described, which said sum has been transferred and delivered by the Judge of the Probate Court 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 hereby is authorized and directed to pay to the respondents the sum of Six Thousand Eight Hundred Seventy-Five and no/100-----Dollars (\$6,875.00), which is the amount of the award in this cause, and that the balance in the amount of Two Hundred Fifty and no/100-----Dollars (\$ 250.00), 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 interest 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 hereby is 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 persons 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; together with all existing, future and potential easements of access between the said right-of-way of the public way hereinafter described

Certified a true and complete copy

Dan Reeves, Jr.  
 Register of Circuit Court

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SHELBY COUNTY JUDGE OF PROBATE

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and all of the real property of the respondents remaining after appropriation of said easement and right-of-way herein described.

It is further ORDERED, ADJUDGED and DECREED that title to the property hereinafter described 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 as follows:

A tract of land designated as Tract No. 61, as shown on the Alabama State Highway Department Right-of-Way Map, Project No. I-202-2(7), August, 1957, as recorded in the office of the Judge of Probate of Shelby County, Alabama, being more particularly described as follows:

PARCEL NO. 1: Beginning at a point where the west property line intersects the existing northeast right of way line of U. S. Highway No. 31; thence southeasterly along said existing northeast right of way line a distance of 30 feet, more or less, to the southeast property line; thence northeasterly along said southeast line a distance of 160 feet, more or less, to the northeast property line; thence northwesterly along said northeast line a distance of 90 feet, more or less, to the west property line; thence southerly along said west line a distance of 190 feet, more or less, to the point of beginning; being all of that land now or formerly owned by respondents; lying in the NW 1/4 of SE-1/4 of Section 12, T.21 S, R. 3 W, and containing 0.20 acres, more or less.

PARCEL NO. 2: Beginning at a point where the east property line intersects the existing northeast right of way line of U. S. Highway No. 31; thence northwesterly along said existing right of way line a distance of 120 feet, more or less, to the West property line; thence north along said west line a distance of 210 feet, more or less, to the northeast property line; thence southeasterly along said northeast line a distance of 120 feet, more or less, to the east property line; thence south along said east line a distance of 210 feet, more or less, to the point of beginning, being all of that property now or formerly owned by respondents; lying in the NW-1/4 of SE-1/4, of Section 12, T. 21 S, R. 3 W, and containing 0.41 acres, more or less.

DONE AND ORDERED THIS 18th day of April, 1960.

A.L. Hardegree  
Circuit Judge.

Filed in office This 18  
day of April, 1960  
L.G. Fulton  
Clerk of The Circuit Court of  
Shelby County, Ala.

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