

STATE OF ALABAMA ) IN THE CIRCUIT COURT OF  
 PETITIONER )  
 ) SHELBY COUNTY  
 VS. )  
 ) ALABAMA  
 TRACT NO. 30-A )  
 PROJECT NO. S 1359-C ) AT LAW  
 RICHARD HALL, ET AL )  
 CONDEMNNESS ) CASE NO. 1439  
 )

ORDER AND DECREE OF CONDEMNATION

THIS CAUSE, came on for trial on the 27th day of October, 1969, on appeal from the order of condemnation made and entered in the Probate Court of this County on the 10th day of October, 1968. 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 the 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 of right of way, in fee simple, 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 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 be, and the same hereby are, condemned for the uses and purposes set out in said petition or application for order of condemnation.

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 Condemnees 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 27th day of October, 1969, a jury of good and lawful men, to-wit J. F. Yessick, Foreman and eleven others, who, being duly impaneled and sworn according to law, upon their oath do say:

"We, the Jury, find in favor of the defendants and assess their damage at \$4,000.00."

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 \$250.00 as damages and compensation for the condemnation of the lands and interests in lands hereinafter described. That the Judge of the Probate Court has paid to the property owners the sum of \$250.00 leaving a balance of \$3750.00, which said sum is hereby ordered to be transferred and delivered by the Judge of the Probate Court of Shelby County, Alabama, to the Clerk of this Court.

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 Condemnees the sum of \$4,000.00, which is the amount of the award in this cause less the amount previously paid to the condemnnees by the Judge of the Probate Court, and that the balance in the amount of \$ which will remain in the hands of 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 hereinafter described lands and interest in lands are hereby condemned and awarded to the Petitioner in fee simple.

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 fee simple, 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, avenues 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.

Certified a true and complete copy

Dan Reeves, pb  
 Register of Circuit Court

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

TRACT NO. 30-A:

Commencing at the southeast corner of SE $\frac{1}{4}$  of SW $\frac{1}{4}$  Section 14, T-21-S, R-1-E; thence westerly along the south line of said SE $\frac{1}{4}$  of SW $\frac{1}{4}$ , the south property line, a distance of 932 feet, more or less, to a point that is 100 feet southeasterly of and at right angles to the centerline of Project No. S-1359-C and the point of beginning of the property herein to be conveyed; thence continuing westerly along said south property line (crossing the centerline of said project at approximate Station 615±24) a distance of 208 feet, more or less, to a point that is 100 feet northwesterly of and at right angles to the centerline of said project; thence N 10° 37' 15" E, parallel to the centerline of said project a distance of 1372 feet, more or less, to a point that is 100 feet northwesterly of and at right angles to the centerline of said Project at Station 629±74.1; thence northeasterly along a curve to the right (concave southeasterly) having a radius of 3919.72 feet, parallel to the centerline of said project, a distance of 810 feet, more or less, to the present Southeast right of way line of County Road No. 61, the northwest property line thence northeasterly along said northwest property line (crossing the centerline of said Project at approximate Station 639±84) a distance of 753 feet, more or less, to the east line of the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 14, the east property line; thence southerly along said east property line a distance of 40 feet, more or less, to a point that is 100 feet southeasterly of and at right angles to the centerline of said project; thence southwesterly along a curve to the left (concave southeasterly) having a radius of 3719.72 feet, parallel to the centerline of said project a distance of 1440 feet, more or less, to a point that is 100 feet southeasterly of and at right angles to the centerline of said project at Station 628±74.2; thence S 10° 37' 15" W, parallel to the centerline of said Project a distance of 1322 feet, more or less, to the point of beginning. Said strip of land lying in the E $\frac{1}{2}$  of the SW $\frac{1}{4}$  Section 14, T-21-S, R-1-E, and containing 11.68 acres, more or less.

This the 27 day of October, 1969.

Kenneth F. Ingram  
Circuit Judge

FILED IN OFFICE

This 27 day of October, 1969  
L. G. Fulton, Clerk of the

Circuit Court of Shelby County, Ala.

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