

STATE OF ALABAMA,
Plaintiff

vs.

SARAH C. MARBURY, MIKE C. MILOUSKI)
WINSTON MILONSKI, CARL C. BRIGHT)
CAROLINE BRIGHT, et al)
Defendants)

IN THE CIRCUIT COURT FOR
SHELBY COUNTY, ALABAMA

CONSENT ORDER AND DECREE OF CONDEMNATION

THIS CAUSE came on for settlement order on this, the 24th day of April, 1975, 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 and entered an unqualified appearance. The Court is of the opinion and finds that it has jurisdiction of the cause and the parties.

THEREUPON, the State of Alabama, in Open Court, withdrew its 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

Certified a true and complete copy

Dan Reeves *ds*
Register of Circuit Court

1993-04657

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SHELBY COUNTY JUDGE OF PROBATE
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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 land, the right to prevent any person from placing or maintaining any obstruction on said lands, 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.

WHEREAS, now comes the Plaintiff, by its attorney, and shows unto the Court that it has heretofore deposited with the Judge of Probate of Shelby County, Alabama, the sum of TEN THOUSAND TWO HUNDRED FORTY AND NO/100 (\$10,240.00) 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, 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 EIGHT THOUSAND AND NO/100 (\$8,000.00) DOLLARS, and

WHEREAS, the Court finds that the fair market value of the property and the rights being taken is the sum of EIGHT THOUSAND AND NO/100 (\$8,000.00) DOLLARS, and

WHEREAS, the Defendants, in Open Court, did waive any and all sums of money to which they may be entitled as interest.

It is, therefore, 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 EIGHT THOUSAND AND NO/100 (\$8,000.00) DOLLARS, which is the amount of the award in this cause, and that the balance presently being held by the Clerk, less the costs of Court in this cause, which are hereby taxed against the plaintiff, be refunded and repaid by the Clerk to the plaintiff.

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 purpose 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. _____

A tract of land designated as Tract No. 49, 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:

Commencing at the southeast corner of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 30, T-19-S, R-2-E; thence northerly along the east line of said SW $\frac{1}{4}$ of NE $\frac{1}{4}$, the east property line, a distance of 320 feet, more or less, to a point that is 150 feet southwesterly 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 northwesterly along a curve to the left (concave southwesterly) having a radius of 22,768.31 feet, parallel to the centerline of said project, a distance of 285 feet, more or less, to a point that is 150 feet southwesterly of and at right angles to the centerline of said project at Station 1014+01.44; thence N 81° 21' 23" W, parallel to the centerline of said project, a distance of 701.44 feet; thence southwesterly along a straight line, a distance of 185 feet, more or less, to a point that is 220 feet southwesterly of and at right angles to the centerline of said project at Station 1005+27.77; thence northwesterly along a curve to the right (concave northeasterly) having a radius of 7859.44 feet, parallel to the centerline of said project, a distance of 118 feet, more or less, to the west line of said SW $\frac{1}{4}$ of NE $\frac{1}{4}$, the property line; thence northerly along said west property line (crossing the centerline of said project at approximate Station 1003+72) a distance of 430 feet, more or less, to a point that is 200 feet northeasterly of and at right angles to the center line of said project; thence southeasterly along a curve to the left (concave northeasterly) having a radius of 7489.44 feet, parallel to the centerline of said project, a distance of 15 feet, more or less, to a point that is 200 feet north-easterly of and at right angles to the centerline of said project at Station 1003+50; thence southeasterly along a straight line, a distance of 180 feet, more or less, to a point that is 150 feet northeasterly of and at right angles to the centerline of said project at Station 1005+27.77; thence S 81° 21' 23" E, parallel to the centerline of said project, a distance of 242.23 feet; thence northwesterly along a straight line, a distance of 187 feet, more or less, to a point that is 80 feet southwesterly of and at right angles to the centerline of U. S. Highway No. 280 tie-in at Station 15+11.66; thence northwesterly along a straight line, a distance of 118 feet, more or less, to a point on the present southwest right-of-way line of U. S. Highway No. 280 that is southwesterly of and at right angles to the centerline of said tie-in Station 14+00; thence southeasterly along said present southwest right-of-way line (crossing the centerline of said tie-in at approximate Station 16+95) a distance of 450 feet, more or less, to a point that is southwesterly of and at right angles to the centerline of said highway at Station 481+50; thence southeasterly along a straight line, a distance of 112 feet, more or less, to a point that is 150 feet northeasterly of and at right angles to the centerline of said project at Station 1010+50; thence S 81° 21' 23" E, parallel to the centerline of said project, a distance of 351.44 feet; thence southeasterly along a curve to the right (concave southwesterly) having a radius of 23,068.31 feet, parallel to the centerline of said project, a distance of 70 feet, more or less, to the present southwest right-of-way line of U. S. Highway No. 280; thence southeasterly along said present southwest right-of-way line, a distance of 180 feet, more or less, to the east line of said SW $\frac{1}{4}$ of NE $\frac{1}{4}$, the east property line; thence southerly along said east property line (crossing the centerline of said project at approximate Station 1016+67) a distance of 365 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 30, T-19-S, R-2-E and containing 10.24 acres, more or less.

OWNERS OF PARCEL NO. _____ ARE AS FOLLOWS: **Inst # 1993-04657**

Sarah C. Marbury, Mike C. Milonski,
Winston Milonski, Carl C. Bright,
Caroline Bright

02/17/1993-04657

DONE and ORDERED this the 24th day of April, 1975.

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SHELBY COUNTY JUDGE OF PROBATE

s/ James H. ^{003 MCD} Sharbutt 11.50
CIRCUIT JUDGE, SHELBY COUNTY, ALABAMA