

STATE OF ALABAMA
Plaintiff
VS.
BILL BAKER,
Defendant.

CIVIL CASE NO. CV-83-200

CONDEMNATION

On this the 17th day of October, 1983, Pretrial Conference. Plaintiff will prepare pretrial order. Case set for trial on 11/28/83.

s/ K. Ingram

On this the 28th day of November, 1983, Settled. Order to be subsequently filed.

s/ K. Ingram, J.

On this the 30th day of July, 1984, Parties announce case settled. Order to be filed by plaintiff's attorney.

s/ R. Armstrong

On this the 13th day of August, 1984, Settlement and Order of Condemnation as shown by separate paper this day filed.

s/ R. Armstrong, Judge

SETTLEMENT AND ORDER OF CONDEMNATION

THIS CAUSE being set for trial came on for pre-trial and settlement on the 7th day of October, 1983 and came into Court the Applicant, State of Alabama, by its Attorney, W. Howard Donovan, III, and also came the Defendant, Bill Baker, by his attorney, Hewitt L. Corwill.

THEREUPON it was made known to the Court that the parties had reached a settlement of this case to all issues contained in the Application for Order of Condemnation heretofore filed by the State of Alabama; and, further, that Two Thousand Three Hundred Fifty Dollars (\$2,350.00) was agreed upon as the amount of damages to which the Defendant is entitled, plus delivery of the executed easement to Defendant in the form attached hereto as Exhibit "A".

NOW, THEREFORE, on Motion of the Applicant, State of Alabama, and the Defendants being in agreement, it is ORDERED, ADJUDGED and DECREED, and it is a Judgment of the Court that the lands sought by the Applicant, State of Alabama, to be condemned in fee simple, to-wit:

(See Attached Exhibit "B")

for public road purposes and use be and the same is hereby condemned, granted and awarded Applicant upon payment of the sum of Two Thousand Three Hundred Fifty Dollars (\$2,350.00) and costs to the Clerk of this Court and delivery of the properly executed Easement in the form attached as Exhibit "B" to the Defendant, and said lands and all interest therein sought to be acquired herein be and the same are hereby condemned, granted and awarded in fee simple to the Applicant, State of Alabama as conditioned above, together with the right and authority to clear and remove from said lands any and all improvements situated thereon, and the right and authority to exercise complete use and control of said lands.

IT IS FURTHER ORDERED, ADJUDGED and DECREED and it is the judgment of the Court that the costs of Court in this cause incurred be and the same is hereby taxed against the Applicant, State of Alabama, for which let execution issue.

Done and Ordered this the 13 day of Aug., 1984.

s/ Robert R. Armstrong, Jr.
CIRCUIT JUDGE

GRANT OF EASEMENT

THIS GRANT OF EASEMENT, dated as of the _____ day of _____, 1984, from the STATE OF ALABAMA, HIGHWAY DEPARTMENT (hereinafter called "State") as the grantor hereunder, to BILL BAKER (hereinafter referred to as "Baker", as the grantee hereunder.

WITNESSETH

State is the owner of the following described real property (which is herein referred to as "Tract 39") situated at or near U.S. Highway 280 within the corporate limits of the City of Harpersville, in Shelby County, Alabama:

(All of the real property described on the attached Exhibit "A", which Exhibit "A" is incorporated herein by reference as if the same were fully set out).

Baker is the owner of the following described real property (which is herein referred to as "Tract B Property") which is adjacent to Tract 39 and within the corporate limits of the City of Harpersville in Shelby County, Alabama:

(All of the real property described on the attached Exhibit "B", which is incorporated herein by reference as if the same was fully set out).

Tract 39 was formerly part of the real property described on Exhibit "B", which Tract 39 was the subject of a condemnation proceeding filed on behalf of the State of Alabama in the Probate Court of Shelby County, Alabama, and which was ordered condemned for the use of the State on June 17, 1983, being case number 23-214, Probate Court, Shelby County, Alabama. The part remaining (Tract B) Baker leases to the United State of America, for use as a Post Office. The purpose of this easement is to allow patrons of the Post Office to use Tract 39 for the parking of vehicles and for ingress and egress over and across Tract 39 for use of the Post Office structure, which is located immediately adjacent to Tract 39 on Tract B. The State is willing to grant this easement for as long as all or any portion of Tract B is used as a Post Office for the government and people of the United States of America.

TRACT NO. 39 of PROJECT NO. F-248(17) of the State of Alabama Highway Department, Shelby County, Alabama, being more particularly described as follows:

Commencing at the south east corner of the SW 1/4 of SE 1/4, Section 28, T-19-S, R-2-E; thence easterly along the south line of said SW 1/4 of SE 1/4 a distance of 138 feet, more or less, to the present southeast right-of-way line of Alabama Highway No. 25; thence northeasterly along said present southeast right-of-way line a distance of 362 feet, more or less, to the south line of the property herein to be conveyed and the point of beginning; thence continuing

Certified a true and complete copy

Don Reeves, Jr.
Register of Circuit Court

1983-05444

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SHELBY COUNTY JUDGE OF PROBATE
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280; thence northeasterly along said flare a distance of 48 feet, more or less, to a point that is 60 feet southeasterly of and at right angles to the centerline of said Alabama Highway No. 25; thence south westerly along a curve to the left (concave southeasterly) having a radius of 1577.02 feet, parallel with the centerline of said highway, a distance of 99 feet, more or less, to the south property line; thence westerly along said south property line a distance of 34 feet, more or less, to the point of beginning.

Respondents:

Bill Baker
Rt. 1, Box 15
Harpersville, Al 35078

Commence at the southwest corner of the SW 1/4 of the SE 1/4 of Section 28, Township 19 So. Range 2 East, thence run north 35 deg. 37 min. East a distance of 479.20 feet to a point on the east right of way line of Ala. Highway No. 25, and the point of beginning thence turn an angle of 56 deg. 03 min. to the right and run a distance of 189.95 feet then turn an angle of 11 deg. 17 min. to the left and run a distance of 101.24 feet thence turn an angle of 90 deg. 56 min. to the left and run a distance of 143.66 feet to the east right of way line of Ala. Highway No. 25; thence turn an angle of 41 deg. 01 min. to the left and run a distance of 44.85 feet to the point of beginning; situated in the SW 1/4 of the SE 1/4 of Section 28, Township 19 South, Range 2 East.

less and except

Commencing at the southwest corner of the SW 1/4 of SE 1/4, Section 28, T-19-S, R-2-E; thence easterly along the south line of said SW 1/4 of SE 1/4 a distance of 138 feet, more or less, to the present southeast right-of-way line of Alabama Highway No. 25; thence northeasterly along said present southeast right-of-way line a distance of 362 feet, more or less, to the south line of the property herein to be conveyed and the point of beginning; thence continuing northeasterly along said present southeast right-of-way line a distance of 80 feet, more or less, to a flare connection said Alabama Highway No. 25 with U.S. Highway No. 280; thence northeasterly along said flare a distance of 48 feet, more or less, to a point that is 60 feet southeasterly of and at right angles to the centerline of said Alabama Highway No. 25; thence southwesterly along a curve to the left (concave southeasterly) having a radius of 1577.02 feet, parallel with the centerline of said highway, a distance of 99 feet, more or less, to the south property line; thence westerly along said south property line a distance of 34 feet, more or less, to the point of beginning.

NOW THEREFORE, the premises considered, the State of Alabama does hereby grant, bargain sell and convey unto Baker the following easement and right of way:

An easement for ingress and egress over, upon and across that certain parking lot which is situated on Tract 39, for the purpose of vehicle traffic to and from the United States Post Office, which is situated immediately adjacent to Tract 39. Provided, however, this easement shall terminate and be of no longer any force or effect at such time as no structure located on Tract B is used as a United States Post Office.

TO HAVE AND TO HOLD unto the said Bill Baker, his heirs, successors, and assigns forever. Subject to the conditions subsequent as set forth here and above. The said easement and right of way shall be a covenant running with the land, and shall accrue to the benefit not only of Baker, but also for the benefit of his heirs and assigns, and to his successors in title to Tract B and after the date hereof subject to the conditions subsequent set forth herein relating to the use of Tract B as a Post Office of the government of the United States of Alabama.

IN WITNESS WHEREOF, the State of Alabama, by its governor, George C. Wallace, who is authorized to execute this conveyance, has hereinto set his hand and seal, and has caused this instrument to be dated 16th day of February, 1984.

STATE OF ALABAMA

APPROVED AS TO FORM:

s/ Jack F. Norton
Chief Counsel
Alabama Highway Department

By George C. Wallace
George C. Wallace, Governor

ATTEST:

s/ Don Seigelman
Secretary of State

APPROVED:

s/ Ray D. Bass
Highway Director

State of Alabama)
Montgomery County)

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that George C. Wallace, whose name as Governor of the State of Alabama, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, in his capacity as governor of the State of Alabama, executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal this 16th day of February, 1984.

s/ Linda S. Oliver
Notary Public
My Commission expires; 4/26/87

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a distance of 48 feet, more or less, to a point that is 60 feet southeasterly of and at right angles to the centerline of said Alabama Highway No. 25; thence southwesterly along a curve to the left (Concave southeasterly) having a radius of 1577.02 feet, parallel with the centerline of said highway, a distance of 1577.02 feet, more or less, to the south property line; thence westerly along said south property line a distance of 34 feet, more or less, to the point of beginning.

Respondents:

Bill Baker
Rt. 1, Box 15
Harpersville, Al 35078

Inst # 1993-05444

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