

State of Alabama,

Petitioner,

-v-

C. H. FULTON, et al,

Respondents.

Condemnation

No. 485

Certified a true and complete copy

*Wan Reeves, Jr.*  
Register of Circuit Court

On this the 16th day of March, 1960, came the parties to this cause into open court with their attorneys of record and this cause coming on for the settling of the pleadings and came the defendant and joines issue on State's Petition to condemn and case set for trial at the next term of said court to-wit: April 14th, 1960, on which date said cause was continued to the 18th day of April, 1960:

THIS CASE 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 hereafter 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. 67, 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 hundred Fifty Dollars (\$650.00).

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 Hundred Ten and no/100-----Dollars (\$ 710.00), 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 Hundred Fifty and no/100-----Dollars (\$650.00), which is the amount of the award in this cause, and that the balance in the amount of Sixty Dollars.

(\$60.00), 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 inlands 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

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. 67, as shown on the Alabama State Highway Department right-of-way map, Project No. I-65-2(7), August, 1957, as recorded in the office of the Judge of Probate of Shelby County, Alabama, being more particularly described as follows:

Beginning at Station 617/88 where the centerline of Project No. I-65-2(7) intersects the South line of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 12, T 21 S, R 3 W, the South property line; thence Westerly along said South property line a distance of 60 feet, more or less, to the Southwest corner of said quarter-quarter section; thence Northerly along the West line of said quarter-quarter section, the West property line (crossing the centerline of said project at approximate Station 619/30) a distance of 665 feet, more or less, to a point that is 230 feet Northeasterly of and at right angles to the centerline of said project; thence South 29 degrees 03 minutes East, parallel to the centerline of said project, a distance of 585 feet, more or less, to a point that is 230 feet Northeasterly of and at right angles to the centerline of said project at Station 618/20; thence wouthwesterly along a straight line a distance of 95 feet, more or less, to a point (on the South line of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 12 T 21 S, R 3 W, the South property line) that is 150 feet Northeasterly of and at right angles to the centerline of said project; thence Westerly along said South property line a distance of 170 feet, more or less, to the point of beginning.

Said strip of land lying in the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 12, T 21 S, R 3 W, and containing 2.25 acres, more or less.

Also, all future, or potential common law or statutory rights of access between the right-of-way of the public way identified as Project No. I-65-2(7), County of Shelby, Alabama, and all of the named owners' remaining real property, consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property described above or are connected thereto by other parcels owned by said named owners.

DONE and ORDERED this 18th day of April, 1960.

s/ 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, Alabama.

Inst # 1993-10135

04/13/1993-10135  
03:24 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 MCD 9.00