

STATE OF ALABAMA

Petitioner,

-vs-

ADDIE ELIZABETH R. FANCHER, et als,

RESPONDENTS.

IN THE CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA  
ON APPEAL FROM THE PROBATE  
COURT OF SHELBY COUNTY,

NO. 482

ORDER AND DECREE OF CONDEMNATION

On this, the 2nd day of November, 1959, being the day set for the trial of this cause, and said cause being regularly reached on the docket for trial, came into open court the petitioner, State of Alabama, by its attorney of record, and also came the respondent, Addie Elizabeth R. Fancher, by her attorney of record, Handy Ellis.

And it appearing to the satisfaction of the Court that Ruben Fancher and L. W. Reynolds, Respondents to this said cause, have filed in this said cause on this same day an instrument in writing disclaiming any and all interest in said Respondents in the property involved in these proceedings.

THEREUPON, the Court proceeded to hear the allegations of the application for 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 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 of the State of Alabama 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, and the right to prevent any persons from placing or maintaining any obstruction on said land, 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, on the 3rd day of November, 1959, a jury of good and lawful men, to-wit; Charles Gray, Foreman, and eleven others, who being duly impaneled and sworn according to law, upon their oaths do say:

"We, the jury assess and fix the damages and compensation to the owners of the property described in Paragraph 3, Parcel 6, of the application for condemnation filed in the Office of the Judge of Probate of Shelby County, Alabama on the 19th day of May, 1959, at \$8,000.00.

S/ Charles Gray  
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 Six Thousand Nine Hundred Seventy Dollars (\$6,970.00), as damages and compensation for the condemnation of the lands and interest in lands hereinafter described, which said sum the Judge of the Probate Court of Shelby County, Alabama, has heretofore delivered and paid over to the Clerk of the Circuit Court of Shelby County, Alabama.

It is hereby ORDERED, ADJUDGED and DECREED by the Court that the petitioner pay to the Clerk of this Court the additional sum of One Thousand Thirty dollars (\$1,030), as damages and compensation to the respondents for the land taken and condemned in this cause, and, further, that the costs of these proceedings, be, and the same hereby are, taxed against the petitioner. It is further ORDERED, ADJUDGED and DECREED by the Court that the respondents, Addie Elizabeth R. Fancher and The First Bank of Alabaster, a corporation, are entitled to have and receive of the Clerk the sum of Eight Thousand Dollars (\$8,000.00).

It is further ORDERED, ADJUDGED and DECREED by the Court that upon payment of the total sum of Eight Thousand dollars (\$8,000.00) by the petitioner in this cause, plus the costs of court, the hereinafter described lands and properties are hereby condemned and awarded to the petitioner.

It is further ORDERED, ADJUDGED, and DECREED by the Court that the petitioner, the State of Alabama, be, and it 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 wherein described.

Certified a true and complete copy

Dan Reeves, Jr.  
Register of Circuit Court

hereinafter described, for the purposes sought by Petitioner in its said application for condemnation, as amended, heretofore filed in this cause, hereby is divested out of the respondents and hereby is vested in the petitioner, the State of Alabama, together with all easements or rights of access between the right-of-way hereinafter described and the abutting property on each side of said right-of-way. Said property is particularly described as follows:

A tract of land designated as Tract No. 58, 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 approximate Station 590+00 where the center line of Project No. I-65-2(7) intersects the south property line; thence westerly along said south property line a distance of 190 feet more or less, to a point that is 165 feet southwesterly of and at right angles to the center line of said project; thence northwesterly along a curve to the right (concave northeasterly) having a radius of 11,624.16 feet, parallel to the center line of said project, a distance of 1170 feet more or less, to a point that is 165 feet southwesterly of and at right angles to the center line of said project at P. T. Station 602+52/0; thence N 29 deg. 03 min W, parallel to the center line of said project, a distance of 190 feet, more or less, to the north line of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 12, T-21-S., R-3-W, the north property line; thence easterly along said north property line (crossing the center line of said project at approximate Station 603+40) a distance of 320 feet, more or less, to the northwest property line; thence northeasterly along said northwest property line a distance of 50 feet, more or less, to a point that is 150 feet northeasterly of and at right angles to the center line of said project; thence S 29 deg. 03 min. E, parallel to the center line of said Project, a distance of 55 feet, more or less, to a point that is 150 feet northeasterly of and at right angles to the center line of said Project at P. T. Station 602+52/0; thence southeasterly along a curve to the left (concave northeasterly) having a radius of 11,300.16 feet, parallel to the center line of said project, a distance of 1330 feet, more or less, to the south property line; thence westerly along said south property line a distance of 190 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  and the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 12, T-21-S., R-3-W and containing 9.26 acres, more or less.

Also, all existing 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, and all of the respondents' 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 or are connected thereto by other parcels owned by the respondents.

Done and ordered this 3rd day of November, 1959.

A. L. Hardegree  
Circuit Judge 1993-10142  
Inst #

No. 482  
ORDER AND DECREE OF CONDEMNATION  
Filed in office Dec. 2, 1959.  
L.G.Fulton, Clerk.

04/13/1993-10142  
03:24 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 HCD 9.00