

ORDER AND DECREE OF CONDEMNATION

On this, the 11th day of August, 1959, came into open court the petitioner, State of Alabama, by its attorneys of record, Oliver P. Head, Esq., and Maurice F. Bishop, Esq. and also came Paul O. Luck, Claifce W. Luck, Harris M. Gordon, Ruth L. Gordon, the respondents, by their attorney of record, Harris M. Gordon, Esq.,

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, and by agreement and stipulation of the parties made and entered in open court, it is the opinion and judgment of the Court that the said application of the petition 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 obstructions 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, 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 11th day of August, 1959, a jury of good and lawfulmen, to-wit; Earl W. McGaughy, 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 owner or owners of the property described in Parcel No. 58, Tract No. 33, of the application for condemnation filed in the office of the Judge of Probate of Shelby County, Alabama, on the 5th day of November, 1958, at \$650.00.

s/ Earl W. McGaughy  
Foreman"

And now comes the petitioner by its attorneys and shows unto the Court that it has heretofore deposited with the Judge of the Probate Court of Shelby County, Alabama, the sum of Eight Hundred Thirty-five Dollars (\$835.00), 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 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 said respondents the sum of Six Hundred Fifty Dollars (\$650.00) and that the balance in the amount of One Hundred Eighty-five Dollars (\$185.00), presently being held by the Clerk, less the costs of court, which are hereby taxed against the petitioner, be refunded and repaid by the Clerk 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 herein described.

It is further **ORDERED, ADJUDGED and DECREED** that title to the property hereinafter described 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 Number 33, as shown on the Alabama State Highway Department Right-of-way Map, Project No. I-202-2(7), August, 1957, as recorded in the Office of the Judge of Probate of Shelby County, Alabama, being more particularly described as follows:

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 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 Number 33, as shown on the Alabama State Highway Department Right-of-way Map, Project No. I-202-2(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 288 plus 85 where the centerline of Project No. I-202-2(7) intersects the South property line; thence Westerly along

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Dan Reeves, Jr.  
Register of Circuit Court

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said South property line a distance of 245 feet, more or less, to a point that is 150 feet Southwesterly of and at right angles to the centerline of said project; thence N 55° 45' W, parallel to the centerline of said project, a distance of 355 feet, more or less, to the West property line; thence Northerly along said West property line (crossing the centerline of said project at approximate Station 295 plus 40) a distance of 380 feet, more or less, to a point that is 150 feet Northeastly of and at right angles to the centerline of said project; thence S 55° 45' E, parallel to the centerline of said project, a distance of 910 feet, more or less, to the East line of NE $\frac{1}{4}$  of Section 4, T 22 S, R 2 W, the East property line; thence Southerly along said East property line a distance of 40 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 NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 4, T 22 S, R 2 W, and containing 4.51 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-202-2(7) County of Shelby, Alabama, 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 above or are connected thereto by other parcels owned by said respondents.

DONE AND ORDERED this 11th day of August, 1959.

A. L. Hardegree  
Circuit Judge.

No. 394  
Order and Decree of Condemnation  
Filed in office this 11th day of August,  
1959.  
L.G. Fulton, Clerk of The Circuit Court of  
Shelby County, Alabama.

Inst # 1993-10150

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