

ORDER AND DECREE OF CONDEMNATION

STATE OF ALABAMA, )  
PETITIONER, ) IN THE CIRCUIT COURT OF SHELBY  
 ) COUNTY, ALABAMA.  
-vs- )  
 ) ON APPEAL FROM THE PROBATE  
W. E. ATCHISON, AND )  
BERNICE ATCHISON, ) COURT OF SHELBY COUNTY,  
RESPONDENTS. ) ALABAMA.  
 )  
NO. 382

On this, the 14th day of April, 1959, came into open court the petitioner, State of Alabama, by its attorneys of record, and also came the respondents, in their own person and by their attorneys of record.

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 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 lands, and also the right to enter upon said lands for the purpose of construction, 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 or designated as a controlled access highway or road 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

Certified a true and complete copy

*Dan Reeves*  
Register of Shelby County

A tract of land designated as Tract No. 36, as shown of 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:

PARCEL NO. 1: Beginning at a point on the east line of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 5, T-22-S, R-2-W, that is 150 feet southwesterly of and at right angles to the center line of Project NO. I-202-2(7); thence N 55° 45' W, a distance of 300 feet, more or less, to a point that is 150 feet southwesterly of and at right angles to the center line of said project at Station 323+00; thence southwesterly along a straight line a distance of 300 feet, more or less, to a point that is 90 feet southeasterly of and at right angles to the center line of Dargin Road at Station 42+10; thence southwesterly parallel to the center line of Dargin Road, along a curve to the right (concave northwesterly) having a radius of 5819.58 feet, a distance of 599.27 feet to a point that is 90 feet southeasterly of and at right angles to the center line of Dargin Road at Station 48+00; thence westerly along a straight line a distance of 110 feet, more or less, to a point on the present southeast right of way line of Dargin Road that is southeasterly of and at right angles to the center line of said road at Station 49+00; thence in a northeasterly direction along said present southeast right of way line a distance of 830 feet, more or less, to the north line of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 5, T-22-S, R-2-W; thence east along said south line a distance of 500 feet more or less, to the east line of said SE $\frac{1}{4}$  of NE $\frac{1}{4}$ ; thence south along said east line a distance of 220 feet, more or less, to the point of beginning; lying in the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 5, T-22-S, R-2-W, and containing 1.09 acres, more or less.

The acquiring herein is for the purpose of a controlled access facility and adjacent service road or roads, and the State of Alabama herein acquires from the owners to this cause any and all abutters' rights appurtenant to the said owners remaining property in and to said controlled access facility, provided however, that there is hereby reserved along a line (described as commencing at a point that is 150 feet southwesterly of and at right angles to the center line of Project

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No. I-202-2(7) at Station 323/00; thence southwesterly along a straight line a distance of 300 feet, more or less, to a point that is 90 feet southeasterly of and at right angles to the center line of Dargin Road at Station 42/10; thence southwesterly parallel to the center line of Dargin Road, along a curve to the right (concave northwesterly) having a radius of 5819.58 feet, a distance of 690 feet, more or less, to a point that is 90 feet southeasterly of and at right angles to the center line of Dargin Road at Station 48/00; thence westerly along a straight line a distance of 110 feet to the present southeast right of way line of Dargin road and the point of ending) the right of ingress to and egress from such remaining property to and from said service road or roads which will be accessible to the controlled access facility only at such points as may be established by public authority.

PARCEL NO. 2: Beginning at the southwest corner of NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 4, T-22-S, R-2-W; thence east along the south line of said NW $\frac{1}{4}$  of NW $\frac{1}{4}$  a distance of 200 feet, more or less, to a point that is 150 feet northeasterly of and at right angles to the center line of Project NO. I-202-2(1); thence N 55° 45' W, a distance of 195 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 Station 321/65; thence northeasterly along a straight line a distance of 175 feet, more or less, to a point that is 120 feet southeasterly of and at right angles to the center line of Dargin Road at Station 33/80; thence northeasterly parallel to the center line of Dargin Road a distance of 730 feet to a point that is 120 feet northeasterly of and at right angles to the center line of Dargin Road at Station 26/50; thence northeasterly along a straightline (which if extended northeasterly would pass through a point on the existing line of Dargin Road is southeasterly of and at right angles to the center line of said road at Station 25/50) a distance of 40 feet, more or less, to the northeast property line; thence northwesterly along said northeast line a distance of 50 feet, more or less, to the existing southeast right of way line of Dargin Road; thence southwesterly along said existing right of way line a distance of 890 feet, more or less, to the west line of said NW $\frac{1}{4}$  of NW $\frac{1}{4}$ ; thence south along said west line a distance of 295 feet, more or less, to point of beginning; lying in the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 4, T-22-S, R-2-W, and containing 2.01 acres, more or less.

The acquiring herein is for the purpose of a controlled access facility and adjacent service road or roads, and the State of Alabama herein acquires from the owners to this cause any and all abutters' rights appurtenant to the said owners remaining property in and to said controlled access facility, provided however, that there is hereby reserved along a line (described as commencing at a point that is 150 feet northeasterly and at right angles to the center line of Project No. I-202-2(7) at Station 321/65; thence northeasterly along a straight line a distance of 175 feet, more or less, to a point that is 120 feet southeasterly of and at right angles to the center line of Dargin Road at Station 33/80; thence northeasterly, parallel to the center line of said road a distance of 730 feet to a point that is 120 feet northeasterly of and at right angles to the center line of Dargin Road at Station 26/50; thence northeasterly along a straightline, which if extended northeasterly would pass through a point on the existing southeast line of Dargin Road that is southeasterly of and at right angles to the center line of said road at Station 25/50, a distance of 40 feet, more or less, to the northeast property line and the point of ending) the right of ingress to and egress from such remaining property to and from said service road or roads which will be accessible to the controlled access facility only at such points as may be established by public authority.

DONE and ORDERED this 27th day of April, 1959.

A. L. Hardegree  
Circuit Judge

No. 352  
Order and Decree of Condemnation  
Filed in office this 27 day of April, 1959.  
L.G. Fulton, Clerk of the Circuit Court of  
Shelby County, Ala.

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