

IN THE CIRCUIT COURT OF SHELBY COUNTY ALABAMA

STATE OF ALABAMA,

Plaintiff,

vs.

WILLIAM L. LAWLER, JR., et al

Defendants.

CV 90-789

CV-90-790

ORDER AND DECREE OF CONDEMNATION

*guc*  
*4.8.1*  
This cause was commenced on August 30, 1990, in the Probate Court of Shelby County, Alabama, by the filing of an Application to Condemn the property hereinafter described under and pursuant to Section 23 of the constitution of Alabama, Title 18, Chapter 1, and Title 23-1-45 and Title 23-3-5 of the Code of Alabama, 1975. This case was set be heard on the 18th day of November, 1991, on appeal from the Order of Condemnation made and entered in the Probate Court of Shelby County, Alabama, on the 10th day of October, 1990. The parties to this proceeding came to Court in their own person and by their attorneys of record and 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 of the parties. All of the parties to this cause withdrew the demands for jury trial with the consent of the Court and agreed that (1) An order of Condemnation may be entered in the Circuit Court of Shelby County, Alabama, in this cause granting the Application for Order to Condemn the property therein described as prayed in said application, and fixing the just compensation at the sum of *Seven* Thousand Dollars (\$ 7,000.00), (2) all costs shall be taxed to plaintiff, (3) that Annette Skinner, as Tax Collector of Shelby County, Alabama, is hereby permitted to intervene in and be a party defendant in this proceeding, and (4) that the parties having a right, title, and interest in and to said property are W.L. Lawler, Jr., and Annette Skinner, in her official capacity as Tax Collector of Shelby County, Alabama.

Thereupon, the Court proceeded to hear the allegations of the Application for Order of Condemnation, and upon consideration of said application and the testimony introduced in support thereof, and with the consent and agreement of the parties and for good cause shown, it is the opinion and judgment of the Court that it is necessary that the property hereinafter described be condemned to which defendants are entitled for the condemnation of the property hereinafter described at the sum of Seven Thousand Dollars (\$7,000.00).

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Now comes the plaintiff by and through its attorney of record, and shows into the Court that it has heretofore in said cause deposited with the Judge of Probate, Six Thousand Two Hundred Dollars (\$6,200.00) as damages and compensation for the condemnation of said lands and interest in lands hereinafter described, which said sum has been transferred and delivered by the said Judge of Probate of Shelby County, Alabama, to the clerk of this Court, who now has possession of said funds.

Prior to this hearing, upon the defendant's Motion for Partial and Investment of the balance, the parties agreed to the entry of a Consent Order whereby the Circuit Court of Shelby County, Alabama, ordered the clerk of the Court to pay the sum of One Thousand Eight Hundred Dollars Fifty (\$1,850.00) to the defendant, W.L. Lawler, Jr., and for said Circuit Clerk to Invest the balance of Six Thousand Two Hundred Dollars (\$6,200.00) pending the final orders of this Court for the uses and purposes stated in said Application, and that the said Application are true, and that it is necessary that the property hereinafter described be condemned for the uses and purposes stated in said Application, and that the said Application of Plaintiff for Order of Condemnation should be granted. It is, therefore,

ORDERED, ADJUDGED and DECREED by the Court, and it is the judgment of the Court, that the Application for the condemnation of the hereinafter described lands be, and the same is hereby granted and allowed.

Thereupon, the Court proceeded to the assessment and determination of the damages and just compensation to which the defendants are entitled for the condemnation of the property set out and described in said Application for Order of Condemnation and as hereinafter described. The parties stipulated and agreed that the damages and just compensation to which the defendants are entitled in this cause should be and is the sum of Seven Thousand Dollars and (\$7,000.00). Accordingly, on the basis of said agreement and stipulation and for good cause shown, the Court determines and fixes the damages and just compensation.

This Court further finds that the defendants are entitled to have and receive the sum of Six Thousand Two Hundred Dollars (\$6,200.00) stipulated to be the just compensation due in this cause and the clerk of this Court is hereby directed to pay to the defendant, W.L. Lawler, Jr., the sum of Four Thousand Three Hundred Fifty Dollars (\$4,350.00) plus any accumulated interest earned from that amount pending the entry of this final judgment. Said funds being held under case number 90-789. The remaining sum of One Thousand Eight Hundred Dollars (\$1,850.00) is to be paid to the defendant by the plaintiff. N.D.X.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that the Plaintiff, the State of Alabama, be and is hereby given and awarded, and there is hereby transferred and conveyed unto the



Plaintiff, the State of Alabama, the interest in the following described lands sought in the Application for Order of Condemnation, for the uses and purposes set forth therein. The said lands being condemned and awarded to the plaintiff, the State of Alabama are described as: See Attachment "A"

DEFENDANTS:

W.L. Lawler, Jr.  
Route 2, Box 172  
Montevallo, AL 35115

William Phillip Lawler  
Route 2 Box 176  
Montevallo, AL 35115

Wayne Keith Lawler  
Route 2 Box 176  
Montevallo, AL 35115

Annette Skinner  
Tax Collector  
Shelby County Courthouse  
Columbiana, AL 35051

Diane Lawler Andree  
Route 2 Box 176  
Montevallo, AL 35115

Ann D. Lawler  
Route 2 Box 176  
Montevallo, AL 35115

IT IS FURTHER ORDERED, ADJUDGED and DECREED by the Court that the Court cost in this cause be and is hereby taxed against plaintiff, the State of Alabama, for which let execution issue.

DONE and ORDERED this the 20<sup>th</sup> day of December, 1991.

J. Al Cowan  
Circuit Judge

CONSENTED TO AND APPROVED BY:

Helen Shores Lee  
Helen Shores Lee  
Attorney for Plaintiff

Frank Ellis, Jr.  
Frank Ellis, Jr.  
Attorney for Defendant

ATTACHMENT "A"

described as follows: and as shown on the right-of-way map of the State of Alabama Highway Department as Project No. OLB-059-025-001 recorded in the Office of the Judge of Probate of Shelby County, Alabama and as shown on the Property Plat attached hereto and made a part hereof:

PARCEL NO. 1 OF 4: Commencing at the northeast corner of the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 2, T-24-N, R-12-E; thence southerly along the east line of said SE $\frac{1}{4}$  of NE $\frac{1}{4}$  a distance of 1265 feet, more or less, to the centerline of Project No. OLB-059-025-001; thence N 86° 32' 49" E along the centerline of said project a distance of 2490 feet, more or less, to Station 140+00; thence turn an angle of 90° 00' to the left and run a distance of 45 feet to the point of beginning of the property herein to be conveyed; thence N 86° 32' 49" E, parallel with the centerline of said project a distance of 548 feet, more or less, to the east property line; thence southerly along said east property line a distance of 18 feet, more or less, to the present northwest right-of-way line of Alabama Highway No. 25; thence southwesterly along said present northwest right-of-way line a distance of 1762 feet, more or less, to the west property line; thence northerly along said west property line a distance of 25 feet, more or less, to a point that is 50 feet northwesterly of and at right angles to the centerline of said project; thence N 86° 32' 49" E, parallel with the centerline of said project, a distance of 1115 feet, more or less, to a point that is 50 feet northwesterly of and at right angles to the centerline of said project at Station 139+00; thence easterly along a line a distance of 100 feet, more or less, to the point of beginning.

Said strip of land lying in the North Half of Fraction "B" of Fractional Section 1, T-24-N, R-12-E and the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  Section 6, T-24-N, R-13-E and containing 0.77 acre, more or less.

PARCEL NO. 2 OF 4: Commencing at the northwest corner of the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 6, T-24-N, R-13-E; thence easterly along the north line of said SW $\frac{1}{4}$  of NE $\frac{1}{4}$  a distance of 260 feet, more or less, to the west property line; thence southerly along said west property line a distance of 525 feet, more or less, to a point that is 50 feet northwesterly of and at right angles to the centerline of Project No. OLB-059-025-001 and the point of beginning of the property herein to be conveyed; thence N 84° 57' 30" E, parallel with the centerline of said project, a distance of 397 feet, more or less, to a point that is 50 feet northwesterly of and at right angles to the centerline of said project at Station 164+50; thence southeasterly along a line a distance of 50 feet, more or less, to a point that is 35 feet northwesterly of and at



right angles to the centerline of said project at Station 165+00; thence N 84° 57' 30" E, parallel with the centerline of said project, a distance of 18 feet, more or less, to the east property line; thence southerly along said east property line a distance of 9 feet, more or less, to the present northwest right-of-way line of Alabama Highway No. 25; thence southwesterly along said present northwest right-of-way line a distance of 462 feet, more or less, to the west property line; thence northerly along said west property line a distance of 25 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 6, T-24-N, R-13-E and containing 0.24 acre, more or less.

PARCEL NO. 3 OF 4: Commencing at the northeast corner of the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 6, T-24-N, R-13-E; thence southerly along the east line of said NE $\frac{1}{4}$  of SE $\frac{1}{4}$  a distance of 372 feet, more or less, to a point that is 45 feet northwesterly of and at right angles to the centerline of Project No. OLB-059-025-001 and the point of beginning of the property herein to be conveyed; thence N 84° 57' 30" E, parallel with the centerline of said project, a distance of 220 feet, more or less, to a point that is 45 feet northwesterly of and at right angles to the centerline of said project at Station 185+00; thence northeasterly along a line a distance of 121 feet, more or less, to a point on the present west right-of-way line of the Southern Railway Spur line that is 60 feet northwesterly of and at right angles to the centerline of said project; thence southerly along said present west right-of-way line a distance of 35 feet, more or less, to the present northwest right-of-way line of Alabama Highway No. 25; thence southwesterly along said present northwest right-of-way line a distance of 1789 feet, more or less, to the west property line; thence northerly along said west property line a distance of 18 feet, more or less, to a point on a line which extends from a point that is 35 feet northwesterly of and at right angles to the centerline of said project at Station 167+00 to a point that is 45 feet northwesterly of and at right angles to the centerline of said project at Station 168+50; thence northeasterly along said line a distance of 13 feet, more or less, to said point that is 45 feet northwesterly of and at right angles to the centerline of said project at Station 168+50; thence N 84° 57' 30" E, parallel with the centerline of said project a distance of 1430 feet, more or less, to the point of beginning.

Said strip of land lying in the S $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 6, T-24-N, R-13-E and containing 0.66 acre, more or less.

PARCEL NO. 4 OF 4: Commencing at the southwest corner of the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 6, T-24-N, R-13-E; thence northerly along the west line of said SE $\frac{1}{4}$  of NE $\frac{1}{4}$  a distance of 769 feet, more or less, to a point that is 45 feet southeasterly of and at right angles to the centerline of Project No. OLB-059-025-001 and the point of beginning of the property herein to be conveyed; thence continuing northerly along said west line a distance of 20 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 791 feet, more or less, to the east property line; thence southerly along said east property line a distance of 20 feet, more or less, to a point that is 45 feet southeasterly of and at right angles to the centerline of said project; thence S 84° 57' 30" W, parallel with the centerline of said project a distance of 791 feet, more or less, to the point of beginning.

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Said strip of land lying in the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 6, T-24-N, R-13-E and containing 0.36 acre, more or less.

TEMP. EASE. 1 OF 3 Also a temporary easement to a strip of land necessary for construction and being more fully described as follows: Beginning at a point that is 95 feet northwesterly of and at right angles to the centerline of Project No. OLB-059-025-001 at Station 145+20; thence N 86° 32' 49" E, parallel with the centerline of said project, a distance of 26 feet, more or less, to the east property line; thence southerly along said east property line a distance of 50 feet, more or less, to a point that is 45 feet northwesterly of and at right angles to the centerline of said project; thence S 86° 32' 49" W, parallel with the centerline of said project a distance of 27 feet, more or less, to a point that is 45 feet northwesterly of and at right angles to the centerline of said project at Station 145+20; thence turn an angle of 90° 00' to the right and run a distance of 50 feet to the point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  Section 6, T-24-N, R-13-E and containing 0.03 acre, more or less.

It is expressly understood that all rights, title and interest to the above described easement shall revert to the grantor upon completion of said project.

EASEMENT NO. 2 OF 3: A temporary easement to a strip of land necessary for construction and being more fully described as follows: Beginning at a point that is 70 feet northwesterly of and at right angles to the centerline of Project No. OLB-059-025-001 at Station 160+85; thence N 84° 57' 30" E, parallel with the centerline of said project a distance of 30 feet; thence turn an angle of 90° 00' to the right and run a distance of 20 feet; thence S 84° 57' 30" W, parallel with the centerline of said project a distance of 30 feet; thence turn an angle of 90° 00' to the right and run a distance of 20 feet to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 6, T-24-N, R-13-E and containing 0.01 acre, more or less.

It is expressly understood that all rights, title and interest to the above described easement shall revert to the grantor upon completion of said project.

EASEMENT NO. 3 OF 3: A temporary easement to a strip of land necessary for construction and being more fully described as follows: Beginning at a point that is 75 feet northwesterly of and at right angles to the centerline of Project No. OLB-059-025-001 at Station 177+30; thence N 84° 57' 30" E, parallel with the centerline of said project, a distance of 30 feet; thence turn an angle of 90° 00' to the right and run a distance of 30 feet; thence S 84° 57' 30" W, parallel with the centerline of said project a distance of 30 feet; thence turn an angle of 90° 00' to the right and run a distance of 30 feet to the point of beginning.

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Dan Renna, Jr.

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