

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

SHELBY COUNTY, ALABAMA,
a political subdivision of the State of
Alabama,

Plaintiff,

vs.

CASE NO. CV 2001-934

VIRGINIA MADDOX, RICHARD MADDOX,
LARRY MADDOX, et al.,

Defendants.

CONSENT FINAL ORDER GRANTING CONDEMNATION

This cause coming on to be heard on the Application for Order of Condemnation heretofore filed by Shelby County, Alabama, a political subdivision of the State of Alabama, Plaintiff, to condemn certain properties in fee simple, more particularly described or designated in said Application, and said Application as amended, for the uses and purposes therein stated, and all parties being present in open court by and through their respective attorneys of record, the Court is advised by the Plaintiff and the Defendants that the parties have reached an agreement that this Court should enter this Consent Final Order Granting Condemnation, and upon due consideration thereof, the Court is of the opinion that the Plaintiff, Shelby County, Alabama, is entitled to the relief prayed for in said Application, and said Application as amended, and the Court therefore renders its findings of fact and of law and finds and orders as follows:

FINDINGS OF FACT AND LAW

1. That the Plaintiff is a political subdivision of the State of Alabama duly formed and existing under the laws of the State of Alabama whose principal address is in Shelby County, Alabama, at: Shelby County Commission, P. O. Box 467, Columbiana, Alabama 35051.
2. That the Plaintiff has full power and authority to acquire real property by condemnation or eminent domain proceedings pursuant to provisions of Section 11-80-1 of the Code of Alabama 1975, as last amended, and by general provision of the laws of the State of Alabama.
3. That the Applicant, said Shelby County, Alabama, is vested under the laws of the State of Alabama, with power and capacity, among other things, to construct and maintain public buildings and to provide parking and other accommodations therefor, and to condemn land in

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fee simple for public building sites or additions thereto, or for enlargements of sites; that Shelby County is now engaged in purchasing and acquiring property in said County for the purpose of constructing and maintaining public building sites, parking, and providing public services for the Shelby County Courthouse located in Columbiana, Alabama, and adjacent properties, and for the purpose of constructing and maintaining the necessary public improvements thereon and for other legal public purposes.

4. That in order to construct, maintain, and improve said public improvements, it is necessary to condemn in fee simple a parcel of land situated in the City of Columbiana, Alabama, which is more particularly described as follows:

Described on Exhibit "A" attached hereto and made part and parcel hereof as fully as if set out herein.

The Application is made to this Court for a decree and order of condemnation of fee simple title in the above said property and investing all such right, title, interest, and estate therein in Shelby County, Alabama, for public building sites or addition thereto or for enlargement of sites already owned by Shelby county and for other lawful public use.

5. That improvements on said property will be constructed and maintained by Shelby County for use by the public.

6. That there are named as Defendants herein all persons, firms, or corporations are owners of or have any claim or interest in the property sought to be taken, and the nature of each said Defendant's interest is as stated herein:

(a) That the Defendant, Larry Maddox, is over the age of nineteen years and is a bona fide resident citizen of the State of Alabama; that said Defendant represents and warrants to the Plaintiff and to this Court, and the Court so finds, that he is the owner or one of the owners of the property described on Exhibit "A" attached hereto and made part and parcel hereof as fully as if set out herein, which said property is otherwise shown on the map attached hereto and made part and parcel hereof.

(b) That the Defendant, Richard Maddox, is over the age of nineteen years and is a bona fide resident citizen of the State of Alabama; that said Defendant represents and warrants to the Plaintiff and to this Court, and the Court so finds, that he is the owner or one of the owners of the property described on Exhibit "A" attached hereto and made part and parcel hereof as fully as if set out herein or may claim some right, title, or interest therein, which said property is otherwise shown on the map attached hereto and made part and parcel hereof.

(c) That the Defendant, Virginia Maddox, and the Defendants Larry Maddox and Richard Maddox, represent to this Court, and the Court so finds, that the said Virginia Maddox has heretofore conveyed to the Defendants, Larry Maddox and Richard Maddox, all of her right, title, and interest in and to said property above described; that the Defendant, Walter C. Maddox,

has heretofore deceased and did not own any interest in said property at the time of his death.

(d) That the Defendants, Larry Maddox, Virginia Maddox, and Richard Maddox, all represent and warrants to the Plaintiff and to this Court that they are the current owners of the land described in the Application for Condemnation and all of the right, title, and interest therein.

ORDER

It is, therefore, CONSIDERED, ORDERED, ADJUDGED, and DECREED by this Court as follows:

1. That fee simple title to the property, lands, and interest therein sought to be condemned which is described in said Application heretofore filed in said cause by the Plaintiff, and all rights and interest therein described, be and the same are hereby condemned, granted, and awarded to Plaintiff, Shelby County, Alabama, a political subdivision of the State of Alabama, and that all right, title, and fee simple interest prayed for in said Application is now condemned, granted, and awarded to Shelby County, Alabama, in and by this Order, and title thereto is hereby divested out of the Defendants, Virginia Maddox, Walter C. Maddox, his heirs, devisees, and successors, Paul L. Vines, Mary W. Vines, Steel City Heating & Air, Inc., Larry Maddox, and Richard Maddox, and invested in Plaintiff, Shelby County, Alabama; and it is further ORDERED, ADJUDGED, and DECREED by this Court that Plaintiff be and it is hereby granted, as to the parties and land named and described in the Application, and Application as amended, the relief, rights, interest, title, property, right of possession and privileges set out and described and prayed for in said Application, as amended.

2. The Order of Condemnation heretofore entered in this cause by the Probate Court of Shelby County, Alabama entitled "Decree Granting Condemnation And Appointing Commissioners" dated June 7, 2001, and the Order entered by the Probate Court of Shelby County, Alabama entitled Order On Filing Report Of Commissioners" dated July 31, 2001, in this cause are hereby reinstated, separately and severally, in all aspects not specifically inconsistent with the other remaining terms, provisions, and conditions of this Order.

3. The total compensation and damages to be awarded to all the Defendants in said cause and all the owners of said property and/or the owners of any interest in or lien or encumbrance on said property shall be One Hundred Eighteen Thousand Two Hundred Fifty-five and 83/100 Dollars (\$118,255.83) from which will be subtracted the sum of Ninety-one Thousand Seven Hundred Eighty-five and 33/100 Dollars (\$91,785.33), which is on deposit with the Clerk of this Court, leaving a balance due of Twenty-six Thousand Four Hundred Seventy and 50/100 Dollars (\$26,470.50) to be paid by the Plaintiff to the Defendants in this cause and said owners and/or the owners of any interest in or lien or encumbrance on said property. All obligations of the Plaintiff to the Defendants, or any of them, or any owner of any interest in or lien or encumbrance on said property shall be discharged upon the payment of the aforesaid sum of Twenty-six Thousand Four Hundred Seventy and 50/100 Dollars (\$26,470.50) to the Clerk



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Shelby Cnty Judge of Probate, AL
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of this Court.

Costs of court are hereby taxed against the Plaintiff for which let execution issue after the expiration of thirty (30) days from the date hereof.

DONE this 23rd day of May, 2005.

Dan Reeves, Circuit Judge

Certified a true and correct copy

Date: 9/29/06

**Mary H. Harris, Circuit Clerk
Shelby County, Alabama**

EXHIBIT "A"

Commencing at the point of intersection of the East right of way line of the Louisville and Nashville Railroad Company with the Westerly right of way line of the paved highway extending in a Westerly direction, and being a continuation of West College Street in the Town of Columbiana, Alabama, and said public road being known as the Saginaw Cut-Off public road, marked by an iron pin; run thence South 64 degrees and 24 minutes East 109.85 feet to a concrete marker with brass disk in top; run thence North 25 degrees and 26 minutes East, a distance of 29.40 feet to the Westerly line of West College Street; run thence South 63 degrees and 29 minutes East along back of said curb of said West College Street a distance of 119.45 feet to an iron pin driven in the ground for a point of beginning of the lot herein described; run thence South 63 degrees and 29 minutes East along the back curb on the South side of West College Street, a distance of 89.82 feet to a cross chiseled into concrete drive; run thence South 17 degrees and 19 minutes West a distance of 175 feet to an iron pipe driven in the ground; run thence North 51 degrees and 07 minutes West a distance of 93.78 feet to an iron pin driven in the ground; run thence North 16 degrees and 45 minutes East a distance of 155 feet to the point of beginning, and being a part of the South Half of the Northeast Quarter of Section 26, Township 21, South, Range 1 West, and situated on the Southwest side of West College Street in the Town of Columbiana, County of Shelby, Alabama.

also further described as:

Commence at the southwest corner intersection of Depot Street and Lester Street and run in a southwesterly direction along the easterly right of way line of Lester Street a distance of 442.63 feet to a point on the southerly right of way line of West College Street; thence turn an angle to the left of 78 degrees 38 minutes 08 seconds and run in a southeasterly direction of 9.30 feet to the Point of Beginning; of Virginia Maddox Property as recorded in Deed Book 291, Page 329; thence turn an angle to the right of 81 degrees 58 minutes 25 seconds and run in a southwesterly direction a distance of 176.83 feet; thence turn an angle to the right of 111 degrees 30 minutes 30 seconds and run in a northwesterly direction a distance of 93.78 feet; thence turn an angle to the right of 67 degrees 52 minutes 00 seconds and run in a northeasterly direction a distance of 155.00 feet to a point, said point being on said right of way line; thence turn an angle to the right of 98 degrees 39 minutes 05 seconds and run along said right of way in a southeasterly direction a distance of 89.82 feet to the Point of Beginning. Said parcel containing 14,596 square feet or 0.34 acres more or less.