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8/1/2019 10:26 AM  
58-CV-2018-000103.00  
CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA  
MARY HARRIS, CLERK

**IN THE CIRCUIT COURT OF SHELBY COUNT**

**SHELBY COUNTY, ALABAMA,**

**Plaintiff,**

**v.**

**CASE NO. CV 2018-000103**

**MIDLAND VALLEYDALE, LLC; US  
BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR MORGAN STANLEY  
CAPITAL I INC., COMMERCIAL  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2012-CT;  
WAL-MART STORES EAST, LP;  
DONALD ARMSTRONG, in his official  
capacity as Property Tax Commissioner  
of Shelby County, Alabama; et al.,**

**Defendants.**

**CONSENT JUDGMENT**

The Plaintiff, Shelby County, Alabama, and Defendant, Midland Valleydale, LLC having filed a Joint Motion for Consent Judgment, and Defendants US Bank National Association, as Trustee for Morgan Stanley Capital I Inc., Commercial Mortgage Pass-Through Certificates, Series 2012-CT, and Wal-Mart Stores East, LP, having consented to the motion, the Court finds that the motion is due to be granted. The Court hereby enters a Consent Judgment a Consent Judgment as follows:

1. The above styled cause is an appeal filed by the Defendant, Midland Valleydale, LLC, on a complaint for condemnation filed by Shelby County, Alabama in the Probate Court of Shelby County, Alabama in Case No.: PR-2017-000536 for the Valleydale Road widening from Caldwell Mill Road to Inverness Center Drive in Shelby County, Alabama, with the official name of "Project No. STPBH-9802(905)" (hereafter the "Project"), with the specific Midland Valleydale, LLC portion of the referenced project named "Project STPBH-9802(905) City of



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Shelby Cnty Judge of Probate, AL  
08/19/2019 01:29:35 PM FILED/CERT

Hoover -Tract 11 Revised" (hereafter "Valleydale Project") and on the land further described, to wit:

A part of the SW ¼ of the NW ¼, Section 15, Township 19 South, Range 2 West, identified as Tract No. 11 on Project No. STPBH-9802 (905) in Shelby County, Alabama, and being more fully described as follows:

Parcel 1 of 1

Commencing at the Northeast corner of the SW ¼ of the NW ¼ of Section 15, Township 19 South, Range 2 West:

run thence S 00° 10' 05" E a distance of 114.07 feet, more or less, to a point on the south right-of-way line of Valleydale Road being the Point of Beginning;

run thence S 00° 13' 12" W a distance of 33.09 feet, more or less, to a point on the acquired right of way line;

run thence along the acquired right of way line S 50° 59' 48" W a distance of 238.81 feet, more or less, to a point offset 65 feet, more or less, to the right of the proposed centerline of Valleydale Rd. at a station of 105+95.28;

run thence along an arc 109.16 feet, more or less, to the right, having a radius of 2365.00 feet, the chord of which is S 52° 19' 08" W for a distance of 109.15 feet, more or less, to a point on the grantor's property line;

run thence along the grantor's property line N 41° 33' 12" W a distance of 28.63 feet, more or less, to a point on the south right-of-way line of Valleydale Rd.;

run thence along an arc 155.52 feet, more or less, to the left, having a radius of 2913.72 feet, the chord of which is N 52° 09' 48" E for a distance of 155.50 feet, more or less, to a point on the south right of way line of Valleydale Rd.; run thence N 51° 36' 52" E a distance of 214.67 feet, more or less, to the Point of Beginning; Containing 0.226 acres, more or less.

See Exhibit "A". The above legal description in Exhibit "A" replaces the legal description for the fee simple taking used in the Probate Court proceeding. The Plaintiff, Shelby County, Alabama, and the Defendant, Midland Valleydale, LLC, agree that the fee simple title to the above described property granted to Shelby County in the Probate Court proceeding, as modified in this Motion, is affirmed.



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2. Shelby County, Alabama, is modifying Valleydale Road and the above-described part of the Defendant's real property also known as the Valleydale Shopping Center will be used for the modification of Valleydale Road.

3. The Probate Court of Shelby County, Alabama awarded \$132,000.00 to the Defendants for damages in taking of the property. Further, part of this award was for a Temporary Construction Easement on Midland Valleydale, LLC's real property. The Probate Court order did not set a specific time when the Temporary Construction Easement would begin or when the temporary construction easement would terminate, although the complaint for condemnation specified that the Temporary Construction Easement would continue for a period of three years or until completion of the Project, whichever is later.

4. The Plaintiff, Shelby County, Alabama, and the Defendant Midland Valleydale, LLC, have agreed that the Temporary Construction Easement will be for a period of three (3) years or until completion of the Project, whichever is later. Further, Plaintiff Shelby County, Alabama and Defendant Midland Valleydale, LLC agree that the Temporary Construction Easement granted to Shelby County in the Probate Court proceeding, as modified in this Motion, is affirmed. The new description is as follows, to wit:

TEMPORARY CONSTRUCTION EASEMENT NO. 1 OF 1:

A part of the SW 1/4 of the NW 1/4 of Section 15, Township 19 South, Range 2 West, in Shelby County, Alabama, identified as Tract No. 11 on Project No. STPBH-9802 (905) and being more fully described as follows:

Commencing at the Northeast corner of the SW 1/4 of the NW 1/4 of Section 15, Township 19 South, Range 2 West: run thence S 00° 04' 51" E a distance of 147.17 feet, more or less, to a point on the grantor's property line being the Point of Beginning; run thence along the grantor's property line S 00° 13' 12" W a distance of 12.91 feet, more or less, to a point on the temporary construction easement line; run thence along the temporary construction easement line S 50° 59' 48" W a distance of 230.65 feet, more or less, to a point on the temporary construction easement line offset 75 feet more or less, to the right at a station of



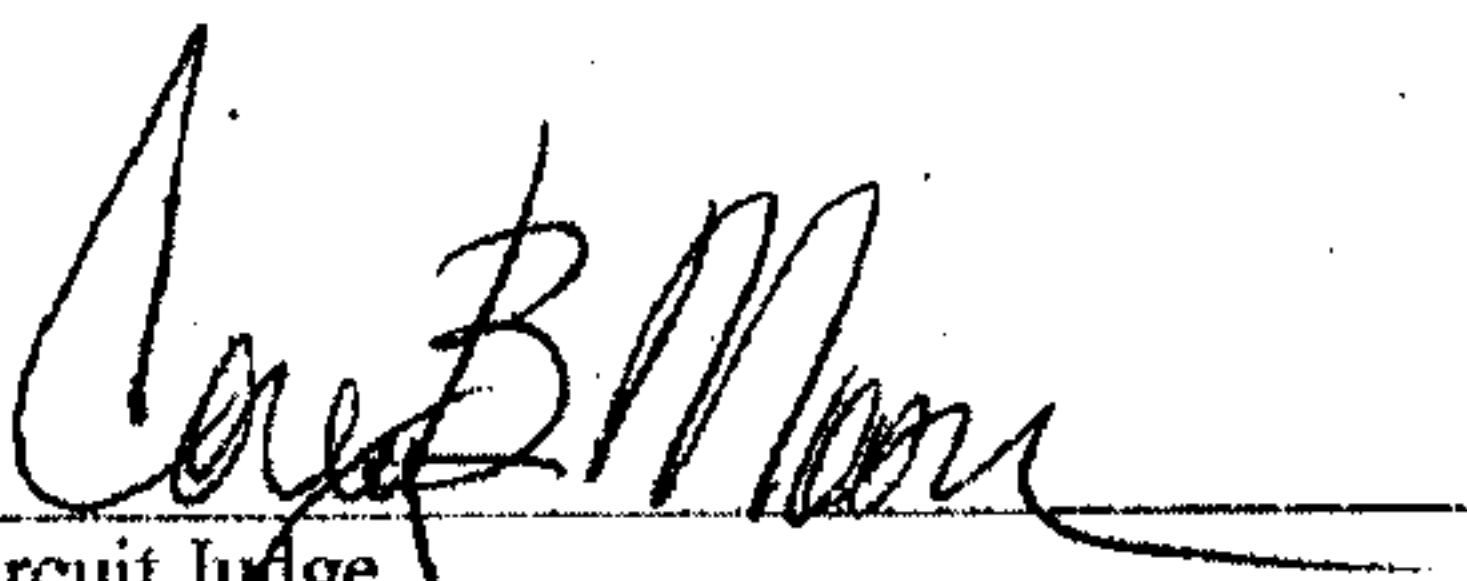
105+95.28; run thence along the temporary construction easement line S 72° 18' 33" W a distance of 27.91 feet, more or less, to a point on the acquired right of way line offset 65 feet, more or less, to the right at a station of 105+70.00; run thence along the acquired right of way line and along an arc 26.00 feet, more or less, to the left, having a radius of 2365.00 feet, the chord of which is N 51° 18' 42" E for a distance of 26.00 feet, more or less, to a point on the acquired right of way line offset 65 feet, more or less, to the right at a station of 105+95.28; run thence along the acquired right of way line N 50° 59' 48" E a distance of 238.81 feet, more or less, to the Point of Beginning; Containing 0.057 acres, more or less.

See Exhibit "B". The above legal description in Exhibit "B" replaces the legal description for the Temporary Construction Easement that the Plaintiff used in the Probate Court of Shelby County, Alabama.


5. The Plaintiff, Shelby County, Alabama, and the Defendant Midland Valleydale, LLC, have agreed that the overall \$132,000.00 amount awarded to the Defendant and paid into the Probate Court as reflected in the Order on Filing Report of Commissioners dated February 9, 2018, and Order on Payment of Award dated February 23, 2018, Case No. PR-2017-000536 shall remain unchanged. Further, disbursement of this award and any accumulated interest thereon shall be made to the Defendant Midland Valleydale, LLC within 30 days of an Order issued by this Court granting this Motion.


Costs are taxed to the Plaintiff.

This the 1st day of August, 2019.

  
Circuit Judge

Certified a true and correct copy  
Date: 8-19-19

  
Mary H. Harris Circuit Clerk  
Shelby County, Alabama

  
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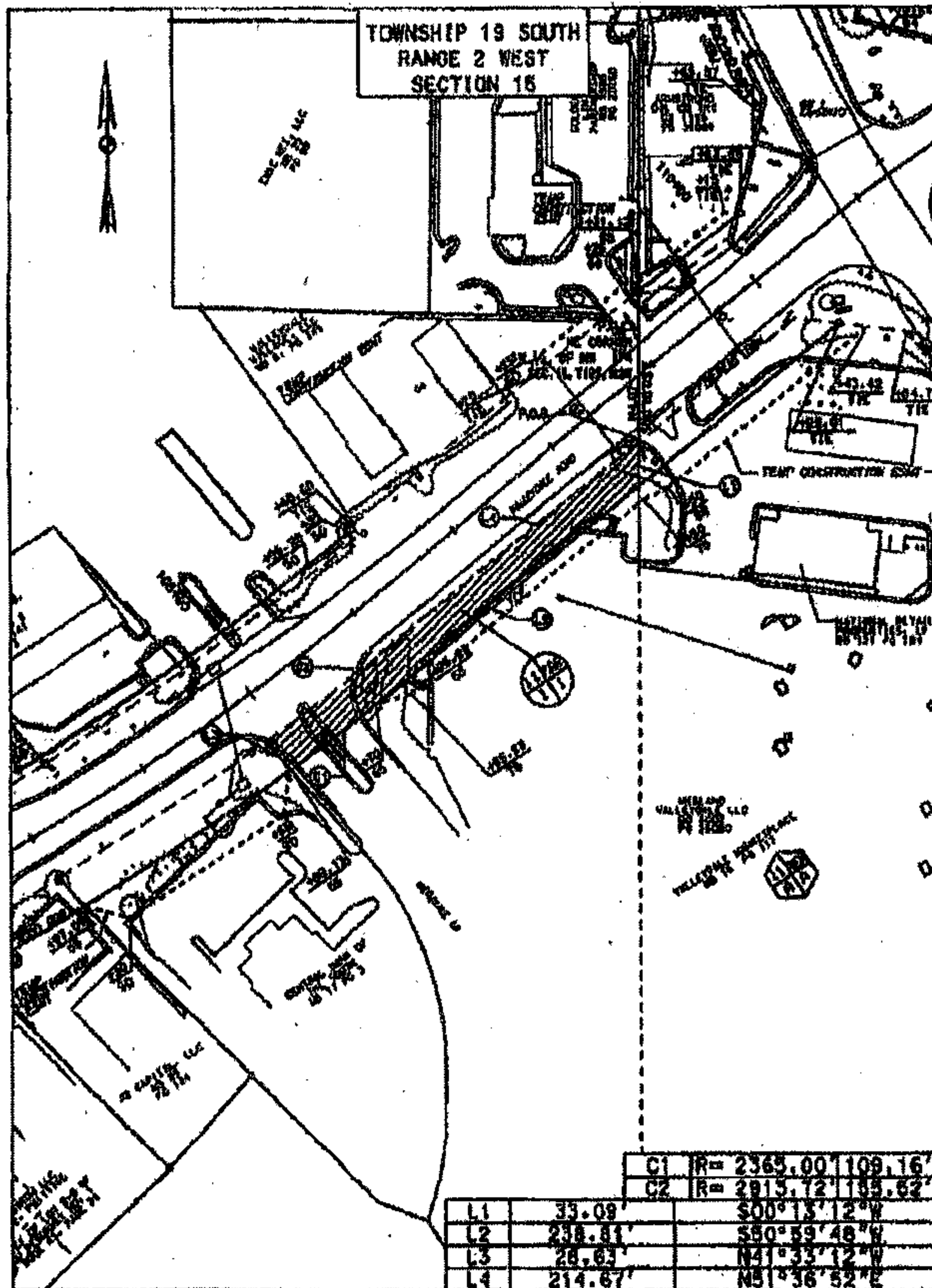
**EXHIBIT**

**A**



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## SHELBY COUNTY, ALABAMA



THIS IS NOT A  
BOUNDARY SURVEY

## VALLEYDALE ROAD FROM CALDWELL MILL ROAD TO INVERNESS CENTER DRIVE

PROJECT NO.	STPRH-9802(9051)	SCALE:	1" = 100'
COUNTY	SHELBY	TOTAL ACREAGE	8.540
TRACT NO.	11 - ROW 1	ROW REQUIRED	0.226
OWNER	MIDLAND VALLEYDALE LLC	REMAINDER	8.314
PARCEL NO.	10-5-15-0-001-052.002	ACQD CONST EASE	0.057

DRAWN BY: J. J. JONES

PLOTTED BY: J. J. JONES



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**EXHIBIT**

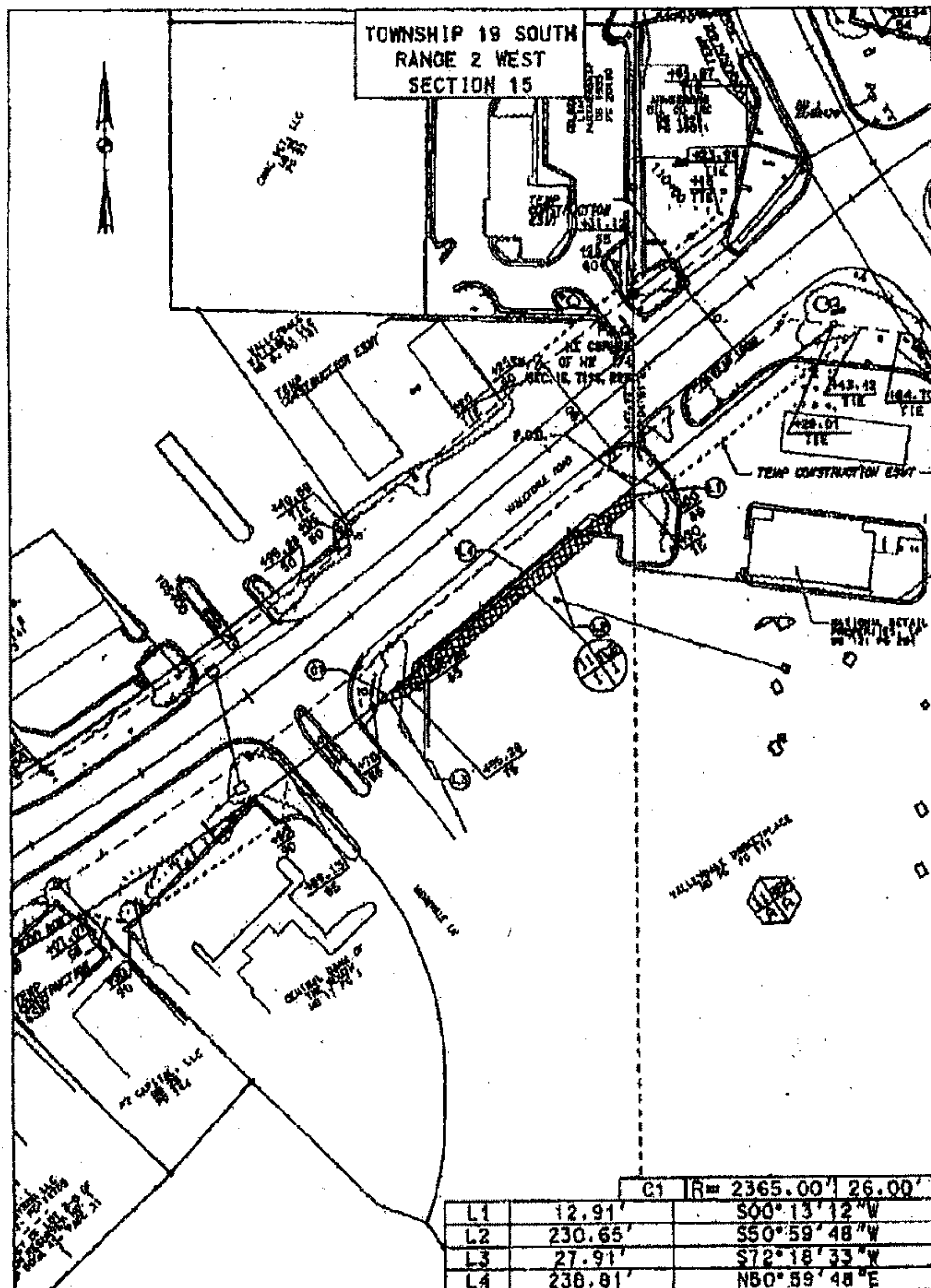
**B**



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## SHELBY COUNTY, ALABAMA



TRACT SHEET 11 - EASEMENT 1

THIS IS NOT A  
BOUNDARY SURVEY

VALLEYDALE ROAD FROM CALDWELL MILL ROAD TO INVERNESS CENTER DRIVE

PROJECT NO.	STPBH-9802(908)	SCALE:	1" = 100'
COUNTY	SHELBY	TOTAL ACREAGE	8.540
TRACT NO.	11 - EASEMENT 1	ROW REQUIRED	0.226
OWNER	MIDLAND VALLEYDALE LLC	REMAINDER	8.314
PARCEL NO.	10-5-15-0-001-052.002	ACOD CONST EASE	0.057

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