

STATE OF ALABAMA,)	
)	
Petitioner,)	IN THE CIRCUIT COURT OF
)	
vs.)	
)	BALDWIN COUNTY, ALABAMA
C. O. NIMS and BALDWIN COUNTY)	
SAVINGS AND LOAN ASSOCIATION,)	
a corporation, as to TRACT)	CASE NUMBER 6167.
NUMBER 16,)	
)	
Defendants.)	

DECREE OF CONDEMNATION:

This cause came on for trial on the 24th day of September, 1964, on appeal from the order of condemnation made and entered in the Probate Court of this County on the 23rd day of July, 1964, the parties to this proceeding came into open Court in their own person and by their attorneys of record, entered an unqualified appearance and the Court is of the opinion and finds that it has jurisdiction of this cause, and of the parties; and the parties, acting by and through their attorneys of record, having announced in open Court that they had entered into an agreement as follows:

That the Court does have jurisdiction of the parties and the lands in this cause; that the parties have agreed and consented that the demand for a jury trial in this cause be withdrawn; that it is necessary that the property hereinafter described be condemned for the uses and purposes stated in said petition; that the said application of the Petitioner for order of condemnation should be granted by this Court; and that the Petitioner, State of Alabama, should pay to the Defendant landowners, C. O. Nims and Baldwin County Savings and Loan Association, a corporation, the sum of Two Thousand Dollars (\$2,000.00) as a fair and just amount for compensation and damages for lands so taken; all of which being considered by the Court and the Court being of the opinion that said agreement is fair and just, both to the State of Alabama and to the Defendant landowners;

And the Court having considered all of the above is of the opinion and judgment that an order of condemnation should be here

entered conditioned upon the payment by the State of Alabama to the Clerk of this Court for the use and benefit of the Defendant landowners of the amount agreed upon; it is, therefore

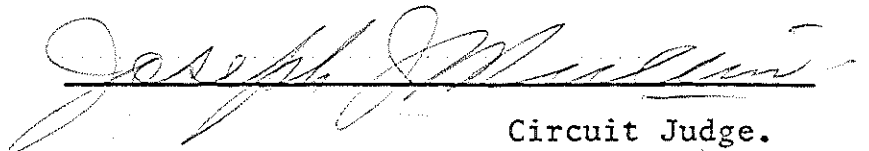
ORDERED, ADJUDGED AND DECREED by the Circuit Court of Baldwin County, Alabama, as follows:

1. That the application of the State of Alabama for the condemnation of the lands hereinafter described be, and the same is hereby granted, and that the property described in Exhibit "A" attached hereto, and by reference made a part hereof as though fully set forth herein, be, and the same is hereby condemned for the use by the State of Alabama as a right of way for a public road of limited access as set forth in the application aforesaid, and the rights therein are hereby divested out of the landowners and into the State of Alabama, upon the payment by the State of Alabama of the amount agreed upon by the parties hereto.

2. That the Clerk of this Court be, and she is hereby authorized and directed to pay to the Defendants, C. O. Nims and Baldwin County Savings and Loan Association, the sum of Two Thousand Dollars (\$2,000.00), which is the amount of the agreed settlement in this cause, and that upon the payment of said amount by the State of Alabama, to said landowners the condemnation of the lands hereinabove described shall be, and become effective.

3. That the State of Alabama pay the costs of this proceeding.

DATED this 24th day of September, 1964.


Circuit Judge.

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ALICE I. DUCK, CLERK
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in Baldwin County, Alabama, and more particularly described as follows: and as shown on the right-of-way map of Project No. I-10-1(11) as recorded in the Office of the Judge of Probate of Baldwin County:

Beginning at the northwest corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 6, T-5-S, R-4-E; thence easterly along the north boundary of the said NW $\frac{1}{4}$ of NE $\frac{1}{4}$, the north property line, a distance of 60 feet, more or less, to a point that is 60 feet easterly of and at right angles to the west boundary of said NW $\frac{1}{4}$ of NE $\frac{1}{4}$; thence southerly and parallel to said west boundary a distance of 415 feet, more or less, to a point that is 125 feet northerly of and at right angles to the centerline of the left lane of Project No. I-10-1(11) at Station 666+04; thence S 73° 13' 46" E, a distance of 530 feet, more or less, to a point; thence N 76° 46' 14" E, a distance of 30 feet to a point that is 140 feet northerly of said centerline at P. C. Station 671+58.95; thence southeasterly along a curve to the southeast (concave northeasterly) having a radius of 11,319.15 feet, a distance of 369 feet, more or less, to a point on the south boundary of said NW $\frac{1}{4}$ of NE $\frac{1}{4}$; thence westerly along the said south boundary of said NW $\frac{1}{4}$ of NE $\frac{1}{4}$, a distance of 970 feet, more or less, crossing the centerline of the left lane at Station 670+42, to a point on the west boundary of said NW $\frac{1}{4}$ of NE $\frac{1}{4}$ and the centerline of Brady Road; thence northerly along the said west boundary of the said NW $\frac{1}{4}$ of NE $\frac{1}{4}$ and the west boundary line of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ (also the centerline of said road), a distance of 658 feet, more or less, crossing the centerline of the left lane at Station 685+67.39, to the point of beginning.

Said strip of land lying in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 6, T-5-S, R-4-E, and containing 3.52 acres, more or less.

This conveyance is made for the purpose of a controlled access facility and adjacent service road or roads and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights appurtenant to the grantor's remaining property in and to said controlled access facility, provided however, that there is hereby reserved along a line described as (commencing at the northwest corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 6, T-5-S, R-4-E; thence easterly along the north boundary line of the said NW $\frac{1}{4}$ of NE $\frac{1}{4}$ a distance of 60 feet, more or less, to the point of beginning on the east right-of-way line of Brady Road; thence southerly along the said east right-of-way line a distance of 415 feet, more or less, to a point that is 125 feet northerly of and at right angles to the centerline of the left lane of Project No. I-10-1(11) 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.

STATE OF ALABAMA,	X	
Condemnor	X	IN THE CIRCUIT COURT OF
Vs.	X	BALDWIN COUNTY, ALABAMA
C. O. NIMS,	X	AT LAW
Condemnee	X	CASE NO. 6167

Comes now the Defendant in the above styled cause and joins issue with the Condemnor in the matters set out in its Appeal of this case.

WILTERS, BRANTLEY & NESBIT

BY:

Samuel M Brantley
Attorneys for the Condemnee

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