

STATE OF ALABAMA,)	
Petitioner,	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
A. V. CAMPBELL, JR., as)	
to TRACT NUMBER 19-A,	)	CASE NUMBER 6169
Respondent.)	

STIPULATION:

It is hereby stipulated by and between the Petitioner (appellant), and A. V. Campbell, Jr., (appellee) parties to the above styled cause, through their respective attorneys of record, each acting with full authority as follows:

1. That the petitioner is authorized to institute and prosecute this proceeding to acquire the property or interest for order of condemnation filed in the Probate Court of Baldwin County, Alabama, on the 28th day of April, 1964, for the public purposes stated in said application or petition.

2. That all proceedings in the Probate Court of Baldwin County, Alabama, in this cause were regular, and an appeal has been duly and properly perfected within the time allowed and entered in said Probate Court in this cause on the 20th day of August, 1964, in this Court and trial by jury on the issue of valuation has been properly demanded.

3. That the application or petition for order of condemnation correctly sets out the uses and purposes for which the property and rights herein sought is to be devoted, used or applied and the petitioner has the right to obtain said property in this proceeding for the purposes stated.

4. That the respondent herein is the only party known to either petitioner or respondent who has or asserts any right, title or interest in or to the lands or interest therein sought to be acquired.

5. That the respondent has had due notice of this trial and all proceedings herein and expressly enters his appearance in this court.

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6. That the only issue in this proceeding is the damages and compensation, if any, to which the respondent is entitled for the lands and interest in lands sought to be acquired by the petitioner for the uses and purposes stated.

7. That the time of taking in this proceeding is the date on which the application for order of condemnation was filed in the Probate Court, to-wit, April 28, 1964, and the valuation of said property was constant between that date and the date on which the order of condemnation was entered, to-wit, July 23, 1964.

Kenneth Cooper
Attorney for Petitioner.

William M. Brantley
Attorney for Respondent.

Filed 3-17-65
J. J. French
Clerk

144-B

STATE OF ALABAMA,

Condemnor

Vs.

A. V. CAMPBELL, JR.

Condemnee

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 6169

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:

Salmon Brantley
Attorneys for the Condemnee

FILED

SEP 10 1964

ALICE J. DUCK, CLERK
REGISTER

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
Petitioner,	)	BALDWIN COUNTY, ALABAMA
Vs.	)	CASE NUMBER 6169
A. V. CAMPBELL, JR., as)	
to Tract Number 19-A,)	
Respondent.)	

FINAL JUDGMENT

This cause coming on to be heard by the Court on this the 17th day of March, 1965, now come the parties and their respective attorneys of record and it appearing to the Court from the stipulation of the parties made and entered into on this date and filed in this cause, that on the 28th day of April, 1964, an application was filed in the Probate Court of Baldwin County, Alabama, by the State of Alabama, seeking to condemn certain lands therein described for the uses and purposes therein averred, and that subsequent thereto proceedings were had in the Probate Court of Baldwin County, Alabama, and that the necessary action to properly effect the appeal from the Probate Court of Baldwin County, Alabama, in accordance with all the statutes and laws in such cases made and provided, to the Circuit Court of Baldwin County, Alabama, were made, and that said Court did enter an order of condemnation of the lands described in said application and which are hereinafter described, and that on the 27th day of August, 1964, the State of Alabama, appealed from said order of condemnation to this Court and demanded a trial by jury; and it further appearing to the Court from the stipulation of the parties hereinabove referred to that the only issue in this proceeding is the damages and compensation, if any, to which the Defendant landowner is entitled and that an order of condemnation should be here entered condemning the lands hereinafter described for the uses and purposes set forth in the application, which is now on file in this Court.

And now comes a jury of twelve good and lawful men, to-wit, E. D. Noonan, Jr., and eleven others, and the issue of the amount of damages and compensation, if any, to which the landowner is entitled

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having been submitted to them, did return a verdict in words and figures as follows:

"We the jury assess the damages and compensation to which the property owner of Tract 19-A is entitled at \$5,000.00."

E. D. Noonan, Jr.
Foreman

And the Court having considered all of the above is of the opinion and judgment that an order or judgment 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 landowner of the sum aforesaid; 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, rights and construction, hereinafter described be, and the same are hereby granted, and that the property described in Exhibit "A" attached hereto, and by reference made a part thereof 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 landowner and into the State of Alabama, upon the payment by the State of Alabama of the sum hereinafter ordered and decreed to be paid.

2. That the damages and compensation to which the Defendant landowner in this case, A. V. Campbell, is entitled is hereby fixed at the sum of \$5,000.00, which said sum is hereby ordered to be paid by the State of Alabama to said Defendant landowner; and that upon the payment of said amount by the State of Alabama to said landowner 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 17th day of March, 1965.

FILED

MAR 17 1965

WILLIAM I. DICK, CLERK
REGISTER

144-D

Joseph M. ...
Circuit Judge

Exhibit "A"

STATE OF ALABAMA	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
Vs.	)	AT LAW
A. V. CAMPBELL, JR., as	)	CASE NUMBER 6169
to Tract Number 19-A,)	
Defendant.)	

Comes now the Plaintiff, State of Alabama, and amends its petition and application for condemnation so that the description of the property and the rights sought to be condemned in the above-styled cause shall read as follows:

Beginning at the northwest corner of $SE\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 4, T5S, R4E; thence easterly along the north line of said $\frac{1}{4}$ of $\frac{1}{4}$, the north property line, (crossing the centerline of the right lane of Project No. I-10-1(11) at Station 766+73) a distance of 1317 feet, more or less, to the northeast corner of the $SE\frac{1}{4}$ of $SW\frac{1}{4}$ of said Section 4; thence southerly along the east line of said $SE\frac{1}{4}$ of $SW\frac{1}{4}$, the east property line (crossing the centerline of said right lane at Station 778+56.23) a distance of 1337 feet, more or less, to a point on the south boundary line of said $SE\frac{1}{4}$ of $SW\frac{1}{4}$, the south property line; thence westerly along said south property line, a distance of 170 feet; thence northerly perpendicular to said south property line, a distance of 40 feet; thence $N45^{\circ} 00'E$ a distance of 141 feet, more or less, to a point that is 70 feet westerly of and at right angles to said east property line; thence northerly parallel to said east property line, a distance of 927 feet, more or less, to a point that is 175 feet southerly of and at right angles to the centerline of the right lane of said project; thence $N85^{\circ} 20' 12"W$, parallel to the centerline of said right lane, a distance of 515 feet, more or less, to a point that is 175 feet southerly of and at right angles to the centerline of said right lane at Station 773+00; thence $N55^{\circ} 20' 12"W$, a distance of 100 feet, more or less, to a point that is 125 feet southerly of and at right angles to the centerline of said right lane at Station 772+00; thence $N85^{\circ} 20' 12"W$, parallel to the centerline of said right lane a distance of 650 feet, more or less, to a point that is 125 feet southerly of and at right angles to the centerline of right lane of said project; thence northerly along the west line of said $\frac{1}{4}$ of $\frac{1}{4}$, a distance of 115 feet, more or less, to the point of beginning.

Said strip of land lying in the $SE\frac{1}{4}$ of the $SW\frac{1}{4}$ of Section 4, T5S, R4E, and containing 7.56 acres, more or less, being in Baldwin County, Alabama.

This condemnation for above Parcel No. 1 is made for the purpose of a controlled access facility, and any and all rights of ingress and egress or other abutter's rights relative to the right of way sought to be condemned as above described, are hereby expressly taken and included in Plaintiff's said application of condemnation so that the above described right of way shall be a controlled access facility, provided however, that there is hereby reserved along a line (described as beginning at a point on the south boundary line of the $SE\frac{1}{4}$ of the $SW\frac{1}{4}$ of Section 4, T5S, R4E, said point being 170 feet westerly of the southeast corner of said $SE\frac{1}{4}$ of $SW\frac{1}{4}$; thence northerly

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perpendicular to the south boundary line of said SE $\frac{1}{4}$ of SW $\frac{1}{4}$, a distance of 40 feet; thence N45° 00'E a distance of 141 feet, more or less, to a point that is 70 feet westerly of and at right angles to the east boundary line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4, T5S, R4E, the east property line, thence northerly, parallel to said east property line, a distance of 927 feet, more or less, to a point that is 175 feet southwesterly of and at right angles to the centerline of the right lane of Project No. I-10-1(11) at Station 787+95 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.

Temporary Easement for Detour Road: Beginning at a point that is 125 feet southerly of and at right angles to the centerline of the right lane of Project No. I-10-1(11) at Station 769+00, thence S85° 20' 12"E, a distance of 300 feet; thence S55° 20' 12"E, a distance of 100 feet, more or less, to a point that is 175 feet southerly of and at right angles to the centerline of said right lane at Station 773+00; thence S85° 20' 12"E, a distance of 515 feet, more or less, to a point on the west right of way of Brady Road; thence southerly along the said right of way line a distance of 927 feet, more or less, to a point that is 70 feet westerly of and at right angles to the centerline of said Road; thence S45° 00'W, a distance of 84.85 feet to a point; thence northerly and parallel to the said west right of way line, a distance of 940 feet to a point that is 60 feet southerly of and at right angles to the south right of way line of the right lane of Project No. I-10-1(11); thence N85° 20' 12"W, a distance of 470 feet, more or less, to a point that is 60 feet southerly of and at right angles to the said south right of way line; thence N55° 20' 12"W to a point that is 60 feet southerly of and at right angles to the said south right of way line; thence north 85° 20' 12"W, a distance of 280 feet, more or less, to a point that is 60 feet southerly of and at right angles to said south right of way line; thence north 04° 39' 48"E, a distance of 60 feet to the point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4, T5S, R4E, and containing 2.61 acres, more or less, being in Baldwin County, Alabama.

It being understood and agreed that upon completion of said Project all rights granted herein for temporary easement shall cease and terminate.

This the 17 day of March, 1965.

RICHMOND FLOWERS
ATTORNEY GENERAL

By: Kenneth Cope
Special Assistant Attorney General

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State of New York
D. V. Campbell
TRY LIST - SPRING 1935

- ~~1. Jones, Chester, Western Auto, Robertsdale~~
- ~~2. Stallworth, F.W., Painter, Summerdale~~
- ~~3. Steele, Ira, Mail Clerk, Fairhope~~
- ~~4. Howard, Oscar, Merchant, Bay Minette~~
- ~~5. Woolf, George, Timberman, Fensaw~~
- ~~6. Davison, John L., Insurance Salesman, Robertsdale~~
- ~~7. Dickman, Joe, P.O. Employee, Bay Minette~~
- ~~8. Lunsford, Albert A., Teacher, Foley~~
- ~~9. McClain, Cecil E., Elec. Co., Robertsdale~~
- ~~10. Mund, Thos. C., Fisherman, Gulf Shores~~
- ~~11. Baldwin, M.W., Farmer, Robertsdale~~
- ~~12. Bateman, Martin K., Bell Telephone, Bay Minette~~
- ~~13. Epperson, Edwin, Civil Service, Foley~~
- ~~14. Coleman, John E., Brookley Field, Bay Minette~~
- ~~15. McKenzie, Albert J., Shipyard Worker, Robertsdale~~
- ~~16. Chandler, Jack, Newport, Bay Minette~~
- ~~17. Childre, L.J., Jr., Manufacturer, Foley~~
- ~~18. Cooper, Gilbert, Farmer, Rosinton~~
- ~~19. Survant, Roy H., Civil Service, Billian~~
- ~~20. Callaway, John, Fisherman, Foley~~
- ~~21. Langham, Tommy M., Merchant, Bay Minette~~
- ~~22. Baumann, Fred, Civil Service, Elberta~~
- ~~23. Biship, Clarence, Farmer, Fairhope~~
- ~~24. Bryars, Rudolph H., Brookley Field, Bay Minette~~
- ~~25. Norrell, Lamar, Clerk, Foley~~
- ~~26. Pacey, Paul G., Farmer, Fairhope~~
- ~~27. Singleton, Art, Public, Robinton~~
- ~~28. Strickland, Marvin, Laborer, Bay Minette~~
- ~~29. Jordan, Green, Merchant, Bay Minette~~
- ~~30. Agerton, J.W., Chthstrand, Bay Minette~~
- ~~31. Aylin, E. Mack, International Paper, Bay Minette~~
- ~~32. Moorer, Uhle S., Laborer, Bay Minette~~
- ~~33. Good, Joe, Farmer, Elberta~~
- ~~34. Walters, W.D., Farmer, Robertsdale~~
- ~~35. Cox, Percy B., Farmer, Stockton~~
- ~~36. Bauer, Randel, Telephone Oper., Daphne~~
- ~~37. Jacobs, Adolph B., Montrose~~
- ~~38. Jerkins, Albert E., Farmer, Stapleton~~
- ~~39. Valrie, William, Daphne Potter, Daphne~~
- ~~40. Beverly, John, Salesman, Robertsdale~~
- ~~41. Washington, Milmer, Brookley Field, Daphne~~
- ~~42. Noonan, Edward D., Jr., Newport, Bay Minette~~
- ~~43. Fail, William H., C.P.A., Bay Minette~~
- ~~44. Branton, Aubrey, Bookkeeper, Fairhope~~

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S XXXXX XXXXX XXXXX

D XXXXX XXXXX XXXXX

State of Ala -
vs.
A. V. Campbell

3/17/65

We the jury assess
the damages and compensation
to which the property owner
of Tract 19-A is entitled at \$5000.00

E. H. Woodard
Foreman