# Exhibit "A"

STATE O	F ALABAMA,	)	IN	THE	CIRCUIT	COURT OF
	Plaintiff,	(	BA	LDWIN	COUNTY,	, ALABAMA
	Vs.	)			AT LAW	
B. R. W Tract N	ILLIAMSON and o. 13,	)		CASI	E NUMBER	6190
en. Terrenda en	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:

Commencing at the NW corner of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 6, T5S, R4E; thence southerly along the West boundary of said  $\frac{1}{4}$  of  $\frac{1}{4}$  section, the West property line, a distance of 100 feet to the point of beginning at Sta. 638+78 on the centerline of the Right Lane of Project No. I-10-1(11)44; thence southerly along said West property line a distance of 162 feet, more or less, to a point; thence N80°-09'-52"E a distance of 50 feet, more or less, to a point that is 125 feet southwesterly of and at right angles to the centerline of said Right Lane; thence  $869^{\circ}-50'-08"E$ , parallel to the centerline of said Right Lane, a distance of 370 feet, more or less, to a point that is 125 feet southwesterly of and at right angles to the centerline of said Right Lane at P.C. Sta. 643+53.02; thence south-easterly, parallel to the centerline of said Right Lane, along a curve to the left (concave northeasterly) having a radius of 11,584.15 feet, a distance of 940 feet, more or less, to a point on the East boundary of said  $\frac{1}{4}$  of  $\frac{1}{4}$  section, the East property line; thence northerly along said East property line a distance of 677 feet, more or less, to a point on said West property line; thence westerly along said North property line; thence westerly along said North property line a distance of 1290 feet, more or less, to a point on said West property line; thence southerly along said West property line a distance of 100 feet, more or less, to the point of beginning.

Said strip of land lying in the  $NN_4^{\frac{1}{4}}$  of the  $NN_4^{\frac{1}{4}}$  of Section 6, T5S, R4E, and containing 13.90 acres, more or less, lying 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.

This the 17 day of March, 1965.

RICHMOND FLOWERS ATTORNEY GENERAL

Special Assistant Attorney General

BK-48- p. 426 E

6190

STATE OF ALABAMA,		I	
	Petitioner,	I	
vs.		I	IN THE PROBATE COUPT OF
	AL., Respondents	I	BALDWIN COUNTY, ALABAMA
RAYMOND DYSON, ET AL		I	SALDWIN COONTY, ALABAMA
RAIMOND DISON, ET AL		I	CASE NO. 5256
	Respondencs	I	
rien i 1855 grangspronnen amerikansk filma som i fra 1888 i 1885 grandsk filmatik	special and the second sec	<b>I</b>	Mengania sasa ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) (
		I	

#### FINAL ORDER OF CONDEMNATION:

On the 21st day of July, 1964, MASS, came JAMES D. STAPLETO
FRED GRIFFIN and LEON GIBSON ,
Commissioners heretofore appointed by this Court to assess and as-
certain the damages and compensation to which the owners and other
parties interested in the tracts of land set forth in the application
for condemnation of lands heretofore filed in this cause are entitled
and filed their report in writing and under oath, setting forth that
they awarded compensation and damages to the said owners and other
parties interested in Rexposeds No. 8 , 9 , 10 and , 13 ,
Tract   Trac
for Parcel No, \$, for Parcel No,
\$, for Parcel No; and \$, for Parcel
No
It is therefore, ORDERED, ADJUDGED AND DECREED by the
Court that the said report of Commissioners be filed in this Court
and recorded.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the property described in the application for condemnation heretofore filed in this cause be, and the same is hereby condemned for the purposes set forth in said application for condemnation upon the payment of the damages and compensation so ascertained, assessed and reported, or the deposit of the same in Court as provided in Section 16 of Title 19 of the Code of Alabama, 1940.

It is FURTHER ORDERED by the Court that said Petitioner

pay all costs of the proceeding.

Done this 27th day of August , k96%. 1964.

STATE OF ALABAMA, : IN THE CIRCUIT COURT

Plaintiff, : OF BALDWIN COUNTY,

VS. : ALABAMA

A. BERTOLLA & SONS, et al, : AT LAW

Defendants : NO. 6191

## FINAL JUDGMENT

This cause coming on to be heard by the Court without a jury, the Plaintiff having withdrawn its demand for a trial by jury, on this the 5th day of December, 1966, 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 of record in this cause, that on the 30th day of June, 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, 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

landowners are 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 the Court having considered all 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 the sum hereinafter stated; it is therefore

ORDERED, ADJUDGED AND DECREED by the Court as follows:

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 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-ofway 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, subject however to the reservations by the landowners, to-wit, A. Bertolla & Sons, a partnership composed of John P. Bertolla, Alex S. Bertolla, Angelo F. Bertolla and Rudolph F. Bertolla, of all oil, gas and mineral rights in and to all of the lands of said interstate highway and easements condemned, and that certain permit executed by the State Highway Department of the State of Alabama on the 17th day of March, 1966, in favor of Defendant landowners, and which is by reference made a part hereof as though fully set forth herein, and which shall be and is hereby incorporated herein as Exhibit "B", upon the payment by the State of Alabama of the sum of \$13,000.00 as compensat ion for the land, rights and construction, and in addition thereto

the sum of \$22,000.00 as damages, making the total payments in money for compensation and damages to be paid to the Defendant landowners herein the amount of \$35,000.00. And it is further

ORDERED, ADJUDGED AND DECREED by the Court that the aforesaid Permit, and all its terms and conditions as contained therein, shall be binding on the said State Highway Department of
the State of Alabama. And it is further

ORDERED, ADJUDGED AND DECREED by the Court that upon the
payment of the above said amount of \$35,000.00 by the State of
Alabama to the said landowners, the condemnation of the lands
hereinabove described shall become effective.

Dated this 5th day of December, 1966.

J. Jar J. Madleburg Circuit Judge Baldwin County, Alabama

> DEC 22 1966 DEC 22 1966 CLEAK REGISTER

#### EXHIBIT "A"

STATE OF ALABAMA,

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Dedendents.

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Combs now the Plaintiff State of Alabama and emends the petition and application for condemnation filed baroin so that the description of the property and the rights . sought to be condemned shall read as follows:

Introdi No. I: Commonding of the SW corner of the NAS of the SW of Section 35, T & S, T & S; thence northerly along the loat boundary of paids of S section, the West property line, a distance of 280 feet to the polation beginning at Ste. SS: / Se on the conterline of Smoject Wo. I-10-1 (11) West thence mortherly along said West property line a distance of 285 feet to a point that is 285 feet mortherly of and at right surface to the content income 8 200  to the centerline of said Left Lame, a distance of SSS feet, more or kess, to a point on the East benedary of the SSS of the SSS of the SSS property Line at this point; themse southers; along said Best property Line at this point; themse southers; along said Best property Line (or said; the centerline of said Left Lame at SSA, 610 4 80) a distance of 480 deet, more or lead, to a point that is LES feet southwesterly of and at right engles to the centerline of the light Lame of said project; thence westerly, poralicate to the left (concerv contactly) having a radius of 11,524, 13 feet, a distance of 5740 feet, more or leas, to a point that is 164 feet southerly of and at right angles to the centerline of said project at Sta. 573 4 70.78; thence M SCS-457-51" M, parallel to the combonline of said project at Sta. 573 4 70.78; thence M SCS-457-51" M, parallel to the combonline of said project at Sta. 573 and a point; thence of 5740 feet, more or loop, to a point; thence of 500-457-51" M, parallel to the combonline of said project at Sta. 500 A 75.3; thence M SCS-457-51" M, parallel to the combonline of said project; a distance of 500 feet, more or lose, to a point that is 175 feet, more or lose, to a point that is 175 feet southerly of and at right angles to the contactline of said project, a distance of 185 feet, more or lose, to a point that is 175 feet southerly of and at right angles to the contactline of said project, a distance of 185 feet, more or lose, to a point on the West property line; there or lose, to a point on the West property line; there or lose, nor or lose, to a point on the point of beginning.

Said strip of land lying in the Si of Section 25 (and in the SW of Section 25 (and in the SW of Section 25), 7 4 S. E 2 E, and containing 68.40 acros, more or love, and being in Enlivin County, Alabama.

This teking includes relinquishment by the defendant property ements to the eschence State of Alabama of all emisting, future, or potential common law or stateday, future, or potential common law or stateday, future, or potential common law or stateday rights of accountations as Project No. I-10-1 (11), County of Paidwin, and all of the defendant property emers resulting real property consisting of all parcols contiguous one to another, whether acquired by separate conveyances or otherward, all of which parcels either adjoin the real property and right of way seems to be taked or commond in mand Remed 1 horoid, or are commented thereto by other parcels event by defendant property current provided, however, that there is expressly entated from this taking and last to defendant property current along a lime described as commented to the Part Death Land described as commented at a point on the Part Land described as commented for the County of and at right engles to the contential of Traject No. I-10-1 (11) dir thouse of Traject No. I-10-1 (11) dir thouse of a read; to the contentials of soid project, a distance of 50 feet, more or less, to a point on the contentials of a read; the resulting of out and at right angles to the contentials of soid project, the defendant lying morth of soid project, the contentials of and the resulting property of the defendant lying morth of soid right of the contentials from the contential at an above sould be and from said somewher the the contentials as above reads to be constructed at or near the line as above described to and from said somewher the the controlled accorded to the desirity only at such points no may be established

lor public amiltoning.

and the second

Parcel Ho. 2: Commending at the III corner of the SIS of the SIS of Section, I de S. R 3 B: themse westerly, along the North Leadery Line of said i of Section, the Rorth property Line, a distance of 40 feet, to a point; things sawherly, perpendicular to said North property line, a distance of 50 feet; themse enstorly, parallel to said North property line, a distance of 40 feet to a point on the East property Line; a distance of 50 feet include the property line; the property line; a distance of 50 feet to the point of hegisping.

Said strip of land lying in the SDJ or the SDJ of Section SO, T A S. M & E. amb containing O.03 seres, note or leas, and being in Buldrin County, Alabama.

Moreover's for Produces: Communicated at the SW corner of the NAS wi the SAS of Saction SS, T & S. R & B; thereo Herthorly along the Soot housedory line of endd is or i mentions, a distance of Nas Soct, more or less, to a point on the Earth Digit of Nay line of Project I-le-1 (11) 63; thence explestly along the sold Digit of Nay line a distance of Sas Soct, more or less, to a point that is like feat mentionly of out point of Nay line a distance of St. 74 No. 65; the point Digit of Vay line a distance of ST. 74 No. 6; house or less, to a point; thence westerly end parallel to said North Right of Nay line, a distance of ST. 74 No. 6; house or less, to a point; thence westerly end parallel to said North Right of Day line, a distance of ST. 74 No. 6; house or less, to a point; thence to stance of ST. 74 No. 6; house or less, to a point; thence to ST. 40° -40° -40° -40° and for the point of beginning.

Said strip of load lying in the 18% of the 51% of Section 26, T 4 8, R 5 E. and ecotofining 0.17 screen, more or less, and being in Baldwin Covery, Alabama.

Nacement for Brainage: The harein decoribed property, a strip of imad 50 feet in length, to be used for the purpose of a drainage ditch, extending 175 feet northerly of each at right angles to the North boundary line of the Dight of May for Project No. 1-10-1 (il) 64 from Sta. 535 f 75 to Sto. 503 f 25 on the Leit Lane of said project.

Road strip of load lying in the NVA of the SVA of Section St. T 4 S. R 8 B. and combaining C.20 newer, more or less, and being in Buldwin County, Alchest.

Temporary Construction Descript for Hock Disposal: The best of hereta described property, a strip of hand 200 feet in width and 500 feet in length, to be tood for the purpose of a finch Disposal Aros, entending 200 feet portherly of and at right Disposal from State Name at the Right of toy for Froject No. 2-20-3 (21) 44 from State 549 / 00 to State 651 / 00.

Daid strip of land lying in the Lip of the SW of Section IS T & S, D & L, and combelming 2.30 seres, more or less, and being in Daidwin County, Alphane.

Temporary Complyaction Essenset for Mark Disposal: The hereim described proposity, two straigs of land, each 180 feet is width and 200 feet in length, to be used for the purpose of Mark Disposal frame, evidending 180 feet mortherly of and at might angles to the entanding 180 feet powlerly of and at might engles to the South boundary line (and entanding 180 feet powlerly of and at might engles to the South boundary line) of the Hight of For for Fraject No. 1-10-1 (11) 44 from Sta. 838 A 00 to 210. 563 AG.

Said strips of land lying in the V  $\frac{1}{2}$  of the SH $\frac{1}{2}$  of Section 25, T 4 S, R 3 H, and seminiming S.45 mores, were or less, and being in Relaxin County, Alabama.

Manyarany Construction Manement for Muck Dispensi: The herein described proporty, two sivings of land, each 150 foot in Respit, to be need for the purpose of Muck Dispensi Areac, extending 150 feet northerly of and at right angles to the Morth beardary line (and extending 150 feet nearly of and at right angles to the Death Death Death Troject the Death beardary Line; to the Death Of Tay for Project No. 1-10-1 (11) 44 from Sta. 570 / 00 to Sta. 575 /400.

Said strips of long lying to the Sig of Section 35, T 4 5, R 3 E, and contabulay 8.45 cores, now or less, and being in Baldwin County, Alokans.

Said temperary construction communic for much disposal vill be permanerally received and abandened upon completion of said bightery construction project, or Junuary 1, 1987, whichever light apours.

724: the <u>7-44</u> of March, 1985.

RECEICED BLOUDERS , STREET OF ALREAGE

Bod-S. Notick

Sarvice is hereby escepted on behalf of the defendants on the 1/8 day of Barols, 1985.

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KNOW ALL MEN BY THESE PRESENTS, that WHEREAS the

State Highway Department of the State of Alabama (hereinafter

referred to for convenience as the "State") has heretofore

instituted and commenced condemnation proceedings in the

Courts of Baldwin County, Alabama, for a right of way and

easements over, across and along certain lands in Baldwin

County, Alabama, owned by Alex S. Bertolla, Angelo F. Bertolla,

John P. Bertolla and Rudolph F. Bertolla, individually and

d/b/a A. Bertolla & Sons (hereinafter referred to for

convenience as A. Bertolla & Sons), said condemnation

proceeding being styled or entitled State of Alabama v.

A. Bertolla & Sons, et al, as to Tract No. 10, Project

No. I-10-1 (II), in the Circuit Court of Baldwin County,

Alabama, at law, case number 6191; and

WHEREAS said right of way and easements are being condemned for a limited access interstate highway; and

WHEREAS there is being constructed a twelve (12) foot by ten (10) foot drainage underpass beneath said interstate highway at a point where it crosses subject property of said A. Bertolla & Sons at approximately Station 571  $\neq$  00, as shown on the Alabama Highway Department map of Project I-10-1 (11) as recorded in the Office of the Judge of Probate, Baldwin County, Alabama, said crossing being in Section 35, T4S, R3E, Baldwin County, Alabama; and

WHEREAS there is being constructed a ten (10) foot by six (6) foot drainage underpass beneath said interstate highway at a point where it crosses subject property of said A. Bertolla & Sons at approximately Station 552  $\neq$  70, as shown on the Alabama Highway Department map of Project

I-10-1 (11) as recorded in the office of the Judge of Probate,
Baldwin County, Alabama, said crossing being in Section 35,
TAS, R3E, Baldwin County, Alabama; and

NOW THEREFORE the State does hereby make and execute the following agreement and permit:

1. For and in consideration of the premises hereinabove stated and of other good and valuable consideration, the State does hereby covenant and agree that it shall construct drainage underpasses beneath said interstate highway of the dimensions and at the locations hereinabove stated; and that said A. Bertolla & Sons, their authorized representatives, heirs and assignees, are hereby granted permission to utilize said drainage underpasses for access and ingress and egress through same, and the right and authority to transport equipment, livestock, feed, supplies, seed, and related items through same; with the exception that no materials or equipment or any item whatsoever is to be stored within said drainage underpasses or within the right of way acquired for said interstate project; that such access as herein granted will be utilized or employed in such manner as not to endanger the interstate structure or traffic thereon; that such access as herein granted is not to be construed in any manner whatsoever as permission to enter upon said interstate highway or the right of way thereof; other than as otherwise allowed or provided by law or regulation; and that the rights of access and ingress and egress herein granted A. Bertolla & Sons beneath said interstate highway and through said drainage underpasses will be terminated if carried on in such a manner as to provide a hazard to the safety of the traveling public along said interstate highway, provided however

that such rights of access and of ingress and egress will not be terminated if the hazardous use of said drainage underpasses is corrected or ceased within 10 days after receipt by said A. Bertolla & Sons from the State of written notice as to the hazardous use or employment complained of.

- 2. This agreement and permit shall be binding upon the State; and A. Bertolla & Sons may assign and convey any or all of the rights or permits given them by this agreement in any legal way.
- 3. This agreement has been executed in four counterparts, each of which is an original.

IN WITNESS WHEREOF, the State of Alabama, acting through its agency, the State Highway Department, has hereunto affixed the respective names of the State of Alabama and of the State Highway Department, the Governor of Alabama hereinbelow approving the aforesaid agreement, as of the day of March, 1966.

STATE OF ALABAMA STATE HIGHWAY DEPARTMENT

BY <u>58860</u>

APPROVED:

ATTEST:

Covernor of Alabama

STATE OF ALABAMA S

COUNTY OF

I, the undersigned Notary Public, in and for said State and County, do hereby certify that H. L. Nelson, whose name as Director of the State Highway Department, an agency of the State of Alabama, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer and with full authority executed the same voluntarily for and as the act of said Department.

GIVEN under my hand and official seal this the  $12^{\text{TL}}$  day of March, 1966.

Robert Mater (SEAL)
NOTARY PUBLIC, COUNTY & ALABAMA
That at Auge

# STATE OF ALABAMA S

COUNTY OF

I, the undersigned Notary Public in and for said State and County, hereby certify that the Honorable George C. Wallace, whose name as Governor of the State of Alabama, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument he, in his capacity as Governor of the State of Alabama, approved the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal this the  $\gamma\gamma^{\prime\prime}$  day of March, 1966.

NOTARY PUBLIC, COUNTY, ALABAM

STATE OF ALABAMA,

IN THE CIRCUIT COURT

Plaintiff,

OF BALDWIN COUNTY,

VS.

ALABAMA

A. BERTOLLA & SONS, et al.

AT LAW

Defendants

NO. 6191

## FINAL JUDGMENT

This cause coming on to be heard by the Court without a jury, the Plaintiff having withdrawn its demand for a trial by jury, on this the 5th day of December, 1966, 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 of record in this cause, that on the 30th day of June, 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, 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

landowners are 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 the Court having considered all the above is of the opinion and judgment that an order of condemnation should be here enter
ed conditioned upon the payment by the State of Alabama to the
Clerk of this Court for the use and benefit of the Defendant landowners the sum hereinafter stated; it is therefore

ORDERED, ADJUDGED AND DECREED by the Court as follows:

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 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-ofway 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, subject however to the reservations by the landowners, to-wit, A. Bertolla & Sons, a partnership composed of John P. Bertolla, Alex S. Bertolla, Angelo F. Bertolla and Rudolph F. Bertolla, of all oil, gas and mineral rights in and to all of the lands of said interstate highway and easements condemned, and that certain permit executed by the State Highway Department of the State of Alabama on the 17th day of March, 1966, in favor of Defendant landowners, and which is by reference made a part hereof as though fully set forth herein, and which shall be and is hereby incorporated herein as Exhibit "B", upon the payment by the State of Alabama of the sum of \$13,000.00 as compensat ion for the land, rights and construction, and in addition thereto

the sum of \$22,000.00 as damages, making the total payments in money for compensation and damages to be paid to the Defendant landowners herein the amount of \$35,000.00. And it is further

ORDERED, ADJUDGED AND DECREED by the Court that the aforesaid Permit, and all its terms and conditions as contained therein, shall be binding on the said State Highway Department of the State of Alabama. And it is further ORDERED, ADJUDGED AND DECREED by the Court that upon the payment of the above said amount of \$35,000.00 by the State of Alabama to the said landowners, the condemnation of the lands hereinabove described shall become effective.

 $5^{\cancel{L}_{1}}$  day of December, 1966.

Ćj⁄rcuit Judge Baldwin County, Alabama

t, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do increasy consider the foregoing is a correct copy of the Original decreasy and here a replace the Circuit Court in above stated cause, which care is also is open it and enrowed in my office. WITNESS MY HAND AND SEAL THE THE 1 TOP OF 1-16. 1967

DEC 22 1966 ALLE I DUCK REGISTER

STATE OF ALABAMA, BALDWIN COUNTY I certify that this instrument was filed on

FEB 2 1967 🕰

and that no tax was collected. Recorded in Well Lie 50/2 16 y D'oline

STATE OF ALABAMA,

: IN THE CIRCUIT COURT OF

- Plaintiff,

f Maldwin County, Alabama

AT LAW

A: BERTOLLA & SONS, ot al,

Defendants.

-: (100: 3/9/

# A section of the sect

Comes now the Plaintiff State of Alabama and amends its potition and application for condemnation filed heroin so that the description of the property and the rights sought to be condemned shall read as follows:

Parcel No. 1: Commencing at the SW corner of the NW% of the SW% of Section SS, T & S, D S E; thence northerly along the heat boundary of saids of 3 section, the West property line, a distance of SSO feet to the point of brokens of SSO feet to the point West property line, a distance of 350 lest to the police of beginning at Sta. SSS / 85 on the centerline of Project No. 1-10-1 (11) A4; thence northerly clong said West property line a distance of 235 feet to a point that is 235 feet mortherly of and at right angles to the centerline of said project; thence S 890 - 43:-31" E, parallel to the centerline of said project, a distance of 30 feet, more or loss, to a point on the centerline of a road; thence neutherly, along the centerline of a read; themse poutherly, along the conterline of said road a distance of 60 feet, more or less, to a point that is 175 feet northerly of and at right angles to the centerline of said project; thence 8 800-48'-81" H, parallel to the centerline of said project, a distance of 60 feet more or less, to a point; thence 8 500-48'-81" H a distance of 50 feet, more or less, to a point that is 160 feet northerly of and at right angles to the centerline of said project; thence 8 380-43'-81" H, parallel to the centerline of said project; thence 9 380-43'-81" H, parallel to the centerline of said project, a distance of 3888.8 feet, more or less, to a point; thence M 600-16'-20" H a distance of 66 feet, more or less, to a point that is 164 feet northerly of and at right angles to the centerline of said project; thence 8 800-43'-01" H a distance of 1802.85 feet, more or less, to a point that is 185 feet northerly of and at right angles. a point that is 185 feet northerly of and at right angles to the centerline of the Left Lane of said project at P. C. Sta. 501 /4 92.85; thence easterly, parallel to the centerline of said Left Lane, slong a curve to the conterline of said Left Lane, should a curve to the right (concave southerly) having a radius of 8719.87 feet, a distance of 1828 feet, nore or less, to a point on the East boundary of the NYS of the SY) of Section 36, T 4 5, that M, the Mast property line at this point; thence southerely, along said hast property line (crossing the conterline of said Left Lane at Sta. 807 / 28.4) a distance of 905 feet, more or less, to a point on the North boundary of the SNS of the SYS of said Section 36, the Earth property line at this point; thence easterly, along Mosth proporty line at this point; thence ensterly, along said North proporty line (crossing the contorline of said left hame at Sta. 601 / 60.5) a distance of 980 feet, more or less, to a point that is 140 feet northeasterly of and at right angles to the contential of said Loft Land at P. T. Sta. 600 / 67.23; thence 2 709-131-01 H, pandlol

to the contextine of said Left Lone, a distance of 585 feet, more or less, to a point on the East boundary of the 25% of the 50% of said Section 56, the East property line at this point; themee southerly along said East property line (eroscing the contextine of said Left Lane at 5tm. 610 # 60) a distance of 400 feet, more or less, to a point that is 125 feet southwesterly of and at right engles to the contextine of said project; thence weeterly, remailed to the contextine of said Eight to the contorline of the hight Lane of sold project; then westerly, paralled to the centerline of sold Right Lane, along a curve to the left (centere southerly) having a radius of li,524, li feet, a distance of 5740 feet, more or less, to a point that is 164 feet southerly of and at right angles to the centerline of sold project at Sta. 578 / 78.79; there a 500-45'-31" N, parallel to the centerline of sold project at the centerline of sold project, a distance of 570.8 feet, more or less, to a point; these, to a point that is the conterline of suid project, a distance of STG.E feet, more or loca, to a point; themso N SSG-43'-31" E a distance of SW feet, name or less, to a point that is led foot conthorly of cod at right angles to the conterline of suid project at Sts. 560 / 75.8; themse N SSG-48'-31" N, contable to the conterline of suid project, a distance of SSG.5 feet, more or less, to a point; themse S SGG-16'-36" W a distance of SG feet, more or less, to a point that is 175 feet conterly of and at right angles to the senterline of said project at Sta. 531 / 40; themse N SGG-43'-31" N, parallel to the conterline of said project, a distance of life feet, more where less, to a point on the West boundary of the NW of the SW of said section 55; the West property line; thence northerly along said west property line a distance of 175 feet, more or less, to the point of beginning. to the point of beginning.

Said atrip of land lying in the Si of Soction 25 (and in the SWi of Section 36), W 4 S. R 2 B. and containing 68.40 deres, more or loss, and being in Baldwin County, Alabama.

This toking includes relinquishment by the defendant property owners to the condensor State of Alaboma of all emisting, future, or potential common law or statutory rights of access between the right of vay of the public way identified as Project No. I-10-1 (11), County of Daldwin, and all of the Cofendant property sweers remaining real accessive consisting of all pareols remaining real property consisting of all parcols contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcols either to be a conveyence. adjoin the real property and right of vey sought to be taken or condemned in note Fures! I herein, or are takes or condensed in soid Parcel I berein, or are commoved thereto by other parcels owned by defendant property owners; provided, however, that there is expressly emitted from this taking and left to defendant property emices along a line described as commonding at a point on the West boundary line of the Wit of the Swi of Section 35, % 4 5, % 2 5, which is 235 feet nertherly of and at right angles to the centerline of Project No. I-10-1 (II) 26; themse 80°-48'-31" is parallel to the contextine or said project, a distance of 50 feet, more or less, to a point on the centerline of a read; themse southerly, along the centerline of said read; a distance of 60 feet, more or less, to a point that is 175 feet northerly of and at right angles to the centerline of said project, the right of ingress to and egress from the remaining property of the defendants lying sorth of said right of may (chutting and adjoining a service road or reads to be constructed at or hear the line as above or reads to be constructed at or near the line as above deserthed) to and from said service read or reads, with said service read or reads, with said service read to the controlled accose facility only at such points as may be established

by public authority.

Parect No. 2: Occasion at the NA corner of the Sai of the Sai the Sai of the Sai of Section 25, 2 4 5, 3 3; thence westerly, along the North Decembery line of said tof to testion, the North property line, a distance of 40 feet, to a point; thence southerly, perpendicular to said North property line, a distance of 30 feet; thence easterly, parallel to said North property line, a distance of 40 feet to a point on the Nast December line of said tof the section, the East property line; a distance of said tof the East property line; a distance of the point of beginning.

Said strip of land lying in the SD or the ST of Section SS, T 4 S, R 3 R, and containing 0.03 acres, more or less, and being in Raldvin County, Alabama.

Essence for Braisage: Commencing at the SW correr of the NRA of the SEA of Section SB. TAS, RS E; there of the SEA of the SEA of Section SB. TAS, RS E; there of cotion, a distance of SCO feet, more or loss, to a point on the Morth Right of Way line of Project I-lo-1 (ll) day the more or loss, to a point of the Morth Right of Way line a distance of SSA feet, more or loss, to a point that is distance of SSA feet, more or loss, to a point that is like feet newtherly of and perpendicular to the contextine Sta. STS A TS.OS, the point of beginning; there easterly and parallel to said North Right of Vay line a dispance of ST.T4 feet, more or less, to a point; there we story was praised to said North Right of Way line, a distance of ST.T4 feet, more or less, to a point; thence westerly and parallel to said North Right of Way line, a distance of ST.T4 feet, more or less, to a point; thence S SS -45 -51 TB a distance of lSO feet to the point of beginning.

Said strip of land lying in the Mod of the 52% of Section 28, 7 & 8, 3 8 8, and accomining 0.17 cores, more or less, and being in Baldwin Coraty, Alchama.

Resonant for Droinego: The horein described property, a strip of land 50 feet in whith and 175 feet in longth, to be used for the purpose of a drainage ditch, extending 175 feet northerly of and at right angles to the North boundary line of the Right of May for Project No. 2-10-1 (11) for from Sta. 585 # 75 to 580. 588 # 25 on the Left Lane of end mailton. of said project.

Said strip of land lying in the NUA of the SUA of Section 50, T 4 S, R 8 B, and containing 0.20 acres, more or less, and being in Baldwin County, Alabama.

Temporary Construction Resonant for Muck Disposal: The Assuperary Consummental Largement for Euch Disposal: The Assurein described property, a strip of land 200 feet in width and 500 feet in Length, to be used for the purpose of a Mach Disposal Area, entending 200 feet northerly of and at right angles to the Morth boundary line of the Right of right are Frederic No. 1-10-1 (11) 44 from Sta. 549 / 00 to sch. cal / 60.

Baid strip of land lying in the Hi of the SWi of Section is T & S, R O H, and containing 2.30 acres, more or loss, and being in Daidwin County, Alabama.

Temporary Construction Hosement for Much Disposal: The horoth, described property, two strips of land, head lot 100 feet in length, to be used for the surpect of Much Edgesth Areas, estending 150 feet northerly of and at night angles to the Horth boundary line (and extending 150 feet northerly of and at might angles to the South boundary line; to the South boundary line; of the Right of May for Project No. 1-10-1 (11) 44 from Sta. 538 / 88 to 826. 533 /60.

Said strips of land lying in the V & of the Sit of Scotion 35, T 4 5, R 3 H, and comtaining 8.45 acres, now or loss, and boing in Baldwin County, Alabana.

Temperary Construction Engineers for Euck Dioposal: The horoin described proposty, two strips of land, each 150 feet in whith and 500 feet in length, to be used for the purpuse of Mack Disposal Arcas, outcading 150 feet northerly of and at right angles to the Morth boundary line (and extending 150 feet northerly of and at right angles to the South boundary line) of the South boundary line) of the Right of Way for Project No. 1-10-1 (11) 44 from Sta. 570 / 00 to Sta. 575 /00.

Said strips of land lying is the Siz of Section 35, T 4 S, R 3 R, and ecusaiming S.45 acres, more or less, and being to Baldwin County, Alabama.

Said temporery construction executate for much disposal will be permanently uncated and abandened upon completion of said highway construction project, or January 1, 1967, whichever first opens.

1 44 of March, 1835. This the

MIGHIGID FLOWERS, STATE OF ALABAMA ATTORNEY CHARGAL,

Service is hereby accepted on behalf of the defendants on the  $\frac{18}{100}$  day of linear, 1985.

accommon for the Bosondance

STATE OF ALABAMA S EXHIBIT "B"
COUNTY OF MOBILE S

KNOW ALL MEN BY THESE PRESENTS, that WHEREAS the

State Highway Department of the State of Alabama (hereinafter referred to for convenience as the "State") has heretofore instituted and commenced condemnation proceedings in the

Courts of Baldwin County, Alabama, for a right of way and easements over, across and along certain lands in Baldwin

County, Alabama, owned by Alex S. Bertolla, Angelo F. Bertolla, John P. Bertolla and Rudolph F. Bertolla, individually and d/b/a A. Bertolla & Sons (hereinafter referred to for convenience as A. Bertolla & Sons), said condemnation proceeding being styled or entitled State of Alabama v.

A. Bertolla & Sons, et al, as to Tract No. 10, Project

No. I-10-1 (11), in the Circuit Court of Baldwin County,

Alabama, at law, case number 6191; and

WHEREAS said right of way and easements are being condemmed for a limited access interstate highway; and

WHEREAS there is being constructed a twelve (12) foot by ten (10) foot drainage underpass beneath said interstate highway at a point where it crosses subject property of said A. Bertolla & Sons at approximately Station 571  $\neq$  00, as shown on the Alabama Highway Department map of Project I-10-1 (11) as recorded in the Office of the Judge of Probate, Baldwin County, Alabama, said crossing being in Section 35, T4S, R3E, Baldwin County, Alabama; and

WHEREAS there is being constructed a ten (10) foot by six (6) foot drainage underpass beneath said interstate highway at a point where it crosses subject property of said A. Bertolla & Sons at approximately Station 552  $\neq$  70, as shown on the Alabama Highway Department map of Project

I-10-1 (11) as recorded in the office of the Judge of Probate,
Baldwin County, Alabama, said crossing being in Section 35,
T4S, R3E, Baldwin County, Alabama; and

NOW THEREFORE the State does hereby make and execute the following agreement and permit:

1. For and in consideration of the premises hereinabove stated and of other good and valuable consideration, the State does hereby covenant and agree that it shall construct drainage underpasses beneath said interstate highway of the dimensions and at the locations hereinabove stated; and that said A. Bertolla & Sons, their authorized representatives, heirs and assignees, are hereby granted permission to utilize said drainage underpasses for access and ingress and egress through same, and the right and authority to transport equipment, livestock, feed, supplies, seed, and related items through same; with the exception that no materials or equipment or any item whatsoever is to be stored within said drainage underpasses or within the right of way acquired for said interstate project; that such access as herein granted will be utilized or employed in such manner as not to endanger the interstate structure or traffic thereon; that such access as herein granted is not to be construed in any manner whatsoever as permission to enter upon said interstate highway or the right of way thereof; other than as otherwise allowed or provided by law or regulation; and that the rights of access and ingress and egress herein granted A. Bertolla & Sons beneath said interstate highway and through said drainage underpasses will be terminated if carried on in such a manner as to provide a hazard to the safety of the traveling public along said interstate highway, provided however

that such rights of access and of ingress and egress will not be terminated if the hazardous use of said drainage underpasses is corrected or ceased within 10 days after receipt by said A. Bertolla & Sons from the State of written notice as to the hazardous use or employment complained of.

- 2. This agreement and permit shall be binding upon the State; and A. Bertolla & Sons may assign and convey any or all of the rights or permits given them by this agreement in any legal way.
- 3. This agreement has been executed in four counterparts, each of which is an original.

IN WITNESS WHEREOF, the State of Alabama, acting through its agency, the State Highway Department, has hereunto affixed the respective names of the State of Alabama and of the State Highway Department, the Governor of Alabama hereinbelow approving the aforesaid agreement, as of the 17 day of March, 1966.

STATE OF ALABAMA STATE HIGHWAY DEPARTMENT

BY Steel

APPROVED:

ATTEST:

Governor of Alabama

Secretary of State

STATE OF ALABAMA §

COUNTY OF

I, the undersigned Notary Public, in and for said State and County, do hereby certify that H. L. Nelson, whose name as Director of the State Highway Department, an agency of the State of Alabama, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer and with full authority executed the same voluntarily for and as the act of said Department.

GIVEN under my hand and official seal this the 17 th day of March, 1966.

Rotal Martin (SEAL NOTARY PUBLIC, COUNTY) ALABAMA

STATE OF ALABAMA §

COUNTY OF

I, the undersigned Notary Public in and for said State and County, hereby certify that the Honorable George C. Wallace, whose name as Governor of the State of Alabama, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument he, in his capacity as Governor of the State of Alabama, approved the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal this the  $//^{\prime\prime}$  day of March, 1966.

NOTARY PUBLIC,

TY. ALABAMA

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
Petitioner,	)	BALDWIN COUNTY, ALABAMA
vs.	)	CASE NUMBER 6190
B. R. WILLIAMSON and Tract No. 13,	)	
Respondent.	)	

## STIPULATION:

It is hereby stipulated by and between the Petitioner (appellant), and B. R. Williamson, (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 30th day of June, 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 27 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.
- 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, 30 June, 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, 27 August, 1964.

Attorney For Petitioner

Attorney For Respondent

MAR INDIVINEGISTER