

Exhibit "A"

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
Vs.	)	AT LAW
B. R. WILLIAMSON and	)	CASE NUMBER 6190
Tract No. 13,	)	
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 S69°-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 southeasterly, 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 the North boundary of said  $\frac{1}{4}$  of  $\frac{1}{4}$  section, the 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 NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  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

By: Kenneth Cooper  
Special Assistant Attorney General

BK-48 - P. 426 E

6190

STATE OF ALABAMA, I  
Petitioner, I  
vs. I IN THE PROBATE COURT OF  
I  
I BALDWIN COUNTY, ALABAMA  
RAYMOND DYSON, ET AL., I  
Respondents I CASE NO. 5256  
I  
I  
I

FINAL ORDER OF CONDEMNATION:

On the 21st day of July, 1964, ~~1963~~, came JAMES D. STAPLETON  
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 <sup>Tracts</sup> ~~Parcels~~ No. 8, 9, 10 and 13,  
I-10-1(11), Tract No. 8, in the amount of \$ 8,000.00, for ~~Parcel~~ Tract No. 8;  
\$ 40,000.00, for ~~Parcel~~ Tract No. 9, \$ 75,000.00, for ~~Parcel~~ Tract No. 10,  
\$ 5,600.00, for ~~Parcel~~ Tract No. 13, \$ \_\_\_\_\_,  
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 here-  
tofore 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

0+4

pay all costs of the proceeding.

Done this 27th day of August, ~~1963~~ 1964.



~~W. R. Stewart~~, Judge of Probate.  
L. D. Owen, Jr.

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 herein-after 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:

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 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, 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 compensation 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 afore-said 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 5<sup>th</sup> day of December, 1966.

Julius A. Madelbourn  
Circuit Judge  
Baldwin County, Alabama

FILED

DEC 22 1966

W. E. DICK, CLERK  
REGISTER

EXHIBIT "A"

STATE OF ALABAMA, : IN THE CIRCUIT COURT OF  
 Plaintiff, : BALDWIN COUNTY, ALABAMA  
 VS. :  
 AS-BERIONIA & SONS, et al, :  
 Defendants. : NO: 6/19/

ASSIGNMENT

Combs now the Plaintiff State of Alabama and amends  
 its petition and application for condemnation filed herein  
 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 $\frac{1}{4}$  of  
 the SW $\frac{1}{4}$  of Section 35, T 4 S, R 3 E; thence northerly  
 along the West boundary of said  $\frac{1}{4}$  section, the  
 West property line, a distance of 530 feet to the point  
 of beginning at Sta. 555 / 55 on the centerline of  
 Project No. 1-10-1 (21) 44; thence northerly along  
 said West property line a distance of 235 feet to  
 a point that is 235 feet northerly of and at right  
 angles to the centerline of said project; thence S 29°  
 43'-31" E, parallel to the centerline of said project,  
 a distance of 50 feet, more or less, to a point on the  
 centerline of a road; thence southerly, along the  
 centerline 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 S 89°-43'-31" E, parallel to the centerline of  
 said project, a distance of 60 feet more or less, to  
 a point; thence E 89°-43'-31" S a distance of 60 feet, more  
 or less, to a point that is 150 feet northerly of and  
 at right angles to the centerline of said project; thence  
 S 89°-43'-31" E, parallel to the centerline of said  
 project, a distance of 552.5 feet, more or less, to a  
 point; thence E 89°-43'-31" S a distance of 60 feet, more  
 or less, to a point that is 154 feet northerly of and  
 at right angles to the centerline of said project; thence  
 S 89°-43'-31" E a distance of 1352.85 feet, more or less, to  
 a point that is 155 feet northerly of and at right angles  
 to the centerline of the West lane of said project at  
 P. C. Sta. 551 / 52.55; thence easterly, parallel to the  
 centerline of said West lane, along a curve to the  
 right (concave southerly) having a radius of 5719.37 feet,  
 a distance of 1425 feet, more or less, to a point on the  
 East property line at this point; thence  
 southerly, along said West property line (crossing the  
 centerline of said West lane at Sta. 507 / 28.4) a distance  
 of 208 feet, more or less, to a point on the North  
 boundary of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 35, the  
 North property line at this point; thence easterly, along  
 said North property line (crossing the centerline of said  
 West lane at Sta. 501 / 10.5) a distance of 560 feet,  
 more or less, to a point that is 140 feet northeasterly of  
 and at right angles to the centerline of said West lane  
 at P. T. Sta. 506 / 57.25; thence S 73°-15'-31" E, parallel

to the centerline of said left lane, a distance of 385 feet, more or less, to a point on the East boundary of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 36, the East property line at this point; thence southerly along said East property line (crossing the centerline of said left lane at Sta. 610 + 00) a distance of 400 feet, more or less, to a point that is 126 feet southwesterly of and at right angles to the centerline of the right lane of said project; thence westerly, parallel to the centerline of said right lane, along a curve to the left (concave southerly) having a radius of 11,324.15 feet, a distance of 3740 feet, more or less, to a point that is 164 feet southerly of and at right angles to the centerline of said project at Sta. 573 + 70.75; thence N 88°-43'-31" W, parallel to the centerline of said project, a distance of 370.8 feet, more or less, to a point; thence N 88°-43'-31" E a distance of 30 feet, more or less, to a point that is 158 feet southerly of and at right angles to the centerline of said project at Sta. 503 + 75.8; thence N 88°-43'-31" W, parallel to the centerline of said project, a distance of 3632.5 feet, more or less, to a point; thence S 88°-16'-28" W a distance of 30 feet, more or less, to a point that is 176 feet southerly of and at right angles to the centerline of said project at Sta. 531 + 00; thence N 88°-43'-31" W, parallel to the centerline of said project, a distance of 116 feet, more or less, to a point on the West boundary of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said section 36; the West property line; thence northerly along said West property line a distance of 176 feet, more or less, to the point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$  of Section 36 (and in the SW $\frac{1}{4}$  of Section 36), T 4 S, R 3 E, and containing 68.60 acres, more or less, and being in Baldwin County, Alabama.

This taking includes relinquishment by the defendant property owners to the condoning State of Alabama of all existing, future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. 1-10-1 (11), County of Baldwin, and all of the defendant property owners' remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property and right of way sought to be taken or condemned in said Parcel 1 herein, or are connected thereto by other parcels owned by defendant property owners; provided, however, that there is expressly omitted from this taking and left to defendant property owners along a line described as commencing at a point on the West boundary line of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 36, T 4 S, R 3 E, which is 226 feet northerly of and at right angles to the centerline of Project No. 1-10-1 (11) at Sta. 573 + 70.75 parallel to the centerline of said project, a distance of 50 feet, more or less, to a point on the centerline of a road; thence southerly, along the centerline of said road, a distance of 60 feet, more or less, to a point that is 176 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 north of said right of way (including and adjoining a service road or roads to be constructed at or near the line as above described) to and from said service road or roads, with said service road or roads being accessible to the controlled access facility only at such points as may be established



by public authority.

Parcel No. 2: Commencing at the NE corner of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 35, T 4 S, R 3 E; thence westerly, along the North boundary line of said  $\frac{1}{4}$  of  $\frac{1}{4}$  section, the North property line, a distance of 40 feet, to a point; thence southerly, perpendicular to said North property line, a distance of 33 feet; thence easterly, parallel to said North property line, a distance of 40 feet to a point on the East boundary line of said  $\frac{1}{4}$  of  $\frac{1}{4}$  section, the East property line; thence northerly, along said East property line, a distance of 33 feet to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 35, T 4 S, R 3 E, and containing 0.03 acres, more or less, and being in Baldwin County, Alabama.

Easement for Drainage: Commencing at the SE corner of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 35, T 4 S, R 3 E; thence Northerly along the West boundary line of said  $\frac{1}{4}$  of  $\frac{1}{4}$  section, a distance of 333 feet, more or less, to a point on the North Right of Way line of Project I-10-1 (11) 44; thence easterly along the said Right of Way line a distance of 333 feet, more or less, to a point that is 128 feet northerly of and perpendicular to the centerline Sta. 578 + 73.83, the point of beginning; thence easterly and parallel to said North Right of Way line a distance of 57.74 feet, more or less, to a point; thence S 20°-43' -01" E a distance of 150 feet to a point; thence westerly and parallel to said North Right of Way line, a distance of 57.74 feet, more or less, to a point; thence S 20°-43' -01" W a distance of 150 feet to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 35, T 4 S, R 3 E, and containing 0.17 acres, more or less, and being in Baldwin County, Alabama.

Easement for Drainage: The herein described property, a strip of land 50 feet in width and 175 feet in length, 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 Way for Project No. I-10-1 (11) 44 from Sta. 525 + 75 to Sta. 503 + 25 on the left lane of said project.

Said strip of land lying in the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 35, T 4 S, R 3 E, and containing 0.20 acres, more or less, and being in Baldwin County, Alabama.

Temporary Construction Easement for Rock Disposal: The herein described property, a strip of land 300 feet in width and 500 feet in length, to be used for the purpose of a Rock Disposal Area, extending 300 feet northerly of and at right angles to the North boundary line of the Right of Way for Project No. I-10-1 (11) 44 from Sta. 549 + 00 to Sta. 551 + 00.

Said strip of land lying in the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 35 T 4 S, R 3 E, and containing 2.54 acres, more or less, and being in Baldwin County, Alabama.

Temporary Construction Easement for Rock Disposal: The herein described property, two strips of land, each 150 feet in width and 500 feet in length, to be used for the purpose of Rock Disposal Areas, extending 150 feet northerly of and at right angles to the North boundary line (and extending 150 feet southerly of and at right angles to the South boundary line) of the Right of Way for Project No. I-10-1 (11) 44 from Sta. 533 + 00 to Sta. 533 + 00.

Said strips of land lying in the  $\frac{1}{2}$  of the  $\frac{1}{2}$  of Section 35, T 4 S, R 3 E, and containing 3.45 acres, more or less, and being in Baldwin County, Alabama.

Temporary Construction Easement for Truck Disposal: The herein described property, two strips of land, each 150 feet in width and 300 feet in length, to be used for the purpose of Truck Disposal Areas, extending 150 feet northerly of and at right angles to the North boundary line (and extending 150 feet southerly of and at right angles to 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 in the  $\frac{1}{2}$  of Section 35, T 4 S, R 3 E, and containing 3.45 acres, more or less, and being in Baldwin County, Alabama.

Said temporary construction easements for truck disposal will be permanently vacated and abandoned upon completion of said highway construction project, on January 1, 1967, whichever event occurs.

This the 17<sup>th</sup> day of March, 1966.

ROBERT FLOWERS, STATE OF ALABAMA  
JUDICIAL COUNCIL

27

Robert S. Nott

Service is hereby accepted on behalf of the defendants on the 17 day of March, 1966.

\_\_\_\_\_  
Attorney for the Defendants

STATE OF ALABAMA §

EXHIBIT "B"

COUNTY OF MOBILE §

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 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 ~~+~~ 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 ~~+~~ 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 7<sup>th</sup> day of March, 1966.

STATE OF ALABAMA  
STATE HIGHWAY DEPARTMENT

BY *H. L. Nelson*  
Director

APPROVED:

ATTEST:

*George C. Wallace* *Mr. Angus B. Bayliff*  
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<sup>th</sup> day of March, 1966.

*Robert W. Kester Montgomery* (SEAL)  
NOTARY PUBLIC, COUNTY, ALABAMA  
*State at Large*

COUNTY OF

GIVEN under my hand and official seal this the 27<sup>th</sup>  
day of March, 1966.

William P. Thomas (SEAL)  
NOTARY PUBLIC, COUNTY, ALABAMA

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 herein-after 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

BOOK 16 PAGE 507

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:

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 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, 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 compensation 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 afore-said 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 5<sup>th</sup> day of December, 1966.

J. J. Madhura  
Circuit Judge  
Baldwin County, Alabama

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree of the Circuit Court in above stated cause, which said decree is on file and entered in my office.  
WITNESS MY HAND AND SEAL THIS THE 1<sup>st</sup> day of Feb, 1967

Alice J. Duck  
Register of Circuit Court, in Equity

FILED

DEC 22 1966

ALICE J. DUCK, CLERK  
REGISTER

STATE OF ALABAMA,  
BALDWIN COUNTY

I certify that this instrument was filed on

FEB 2 1967 12 P M

and that no tax was collected. Recorded in Estlin  
Book 16  
Page 507-17 Harry Doline  
Judge of Probate  
By 22

EXHIBIT "A"

STATE OF ALABAMA, : IN THE CIRCUIT COURT OF  
Plaintiff, : BALDWIN COUNTY, ALABAMA  
VS. :  
A. BERTOLLA & SONS, et al, : AT LAW  
Defendants. : NO: 6191

AMENDMENT

Comes now the Plaintiff State of Alabama and amends its petition and application for condemnation filed herein 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 $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 35, T 4 S, R 3 E; thence northerly along the West boundary of said  $\frac{1}{4}$  section, the West property line, a distance of 230 feet to the point of beginning at Sta. 522 + 85 on the centerline of Project No. 1-10-1 (11) 24; thence northerly along said West property line a distance of 235 feet to a point that is 235 feet northerly of and at right angles to the centerline of said project; thence S 89°-43'-31" E, parallel to the centerline of said project, a distance of 50 feet, more or less, to a point on the centerline of said road; thence southerly, along the centerline 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 S 89°-43'-31" E, parallel to the centerline of said project, a distance of 60 feet more or less, to a point; thence S 89°-43'-31" E a distance of 50 feet, more or less, to a point that is 150 feet northerly of and at right angles to the centerline of said project; thence S 89°-43'-31" E, parallel to the centerline of said project, a distance of 3332.5 feet, more or less, to a point; thence N 60°-16'-29" E a distance of 23 feet, more or less, to a point that is 164 feet northerly of and at right angles to the centerline of said project; thence S 89°-43'-31" E a distance of 1192.85 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 said project at P. C. Sta. 501 + 92.85; thence easterly, parallel to the centerline of said Left Lane, along a curve to the right (concave southerly) having a radius of 3719.37 feet, a distance of 1525 feet, more or less, to a point on the East boundary of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 26, T 4 S, R 3 E, the East property line at this point; thence southerly, along said East property line (crossing the centerline of said Left Lane at Sta. 507 + 29.4) a distance of 205 feet, more or less, to a point on the North boundary of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 26, the North property line at this point; thence easterly, along said North property line (crossing the centerline of said Left Lane at Sta. 501 + 06.5) a distance of 930 feet, more or less, to a point that is 140 feet northeasterly of and at right angles to the centerline of said Left Lane at P. T. Sta. 506 + 07.15; thence S 70°-13'-31" E, parallel

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to the centerline of said Left Lane, a distance of 335 feet, more or less, to a point on the East boundary of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 36, the East property line at this point; thence southerly along said East property line (crossing the centerline of said Left Lane at Sta. 610 + 80) a distance of 400 feet, more or less, to a point that is 125 feet southwesterly of and at right angles to the centerline of the Right Lane of said project; thence westerly, parallel to the centerline of said Right Lane, along a curve to the left (concave southerly) having a radius of 11,524.15 feet, a distance of 3740 feet, more or less, to a point that is 164 feet southerly of and at right angles to the centerline of said project at Sta. 578 + 73.79; thence N 89°-43'-31" W, parallel to the centerline of said project, a distance of 370.8 feet, more or less, to a point; thence N 89°-43'-31" E a distance of 30 feet, more or less, to a point that is 150 feet southerly of and at right angles to the centerline of said project at Sta. 580 + 75.3; thence N 89°-43'-31" W, parallel to the centerline of said project, a distance of 3332.5 feet, more or less, to a point; thence S 00°-16'-20" W a distance of 50 feet, more or less, to a point that is 175 feet southerly of and at right angles to the centerline of said project at Sta. 581 + 80; thence N 89°-43'-31" W, parallel to the centerline of said project, a distance of 115 feet, more or less, to a point on the West boundary of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said section 36; the West property line; thence northerly along said West property line a distance of 175 feet, more or less, to the point of beginning.

Said strip of land lying in the S $\frac{1}{2}$  of Section 35 (and in the SW $\frac{1}{4}$  of Section 36), T 4 S, R 3 E, and containing 69.40 acres, more or less, and being in Baldwin County, Alabama.

This taking includes relinquishment by the defendant property owners to the condemnor State of Alabama of all existing, future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. 1-10-1 (II), County of Baldwin, and all of the defendant property owners' remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property and right of way sought to be taken or condemned in said Parcel 1 herein, or are connected thereto by other parcels owned by defendant property owners; provided, however, that there is expressly omitted from this taking and left to defendant property owners along a line described as commencing at a point on the West boundary line of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 36, T 4 S, R 3 E, which is 235 feet northerly of and at right angles to the centerline of Project No. 1-10-1 (II) 44; thence S 89°-43'-31" E parallel to the centerline of said project, a distance of 50 feet, more or less, to a point on the centerline of a road; thence southerly, along the centerline 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, the right of ingress to and egress from the remaining property of the defendants lying north of said right of way (abutting and adjoining a service road or roads to be constructed at or near the line as above described) to and from said service road or roads, with said service road or roads being accessible to the controlled access facility only at such points as may be established

by public authority.

Parcel No. 2: Commencing at the NE corner of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 36, T 4 S, R 3 E; thence westerly, along the North boundary line of said  $\frac{1}{4}$  of  $\frac{1}{4}$  section, 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 East boundary line of said  $\frac{1}{4}$  of  $\frac{1}{4}$  section, the East property line; thence northerly, along said East property line, a distance of 30 feet to the point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$  or the SW $\frac{1}{4}$  of Section 36, T 4 S, R 3 E, and containing 0.03 acres, more or less, and being in Baldwin County, Alabama.

Easement for Drainage: Commencing at the SW corner of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 36, T 4 S, R 3 E; thence northerly along the West boundary line of said  $\frac{1}{4}$  or  $\frac{1}{4}$  section, a distance of 300 feet, more or less, to a point on the North Right of Way line of Project I-10-1 (11) 44; thence easterly along the said Right of Way line a distance of 882 feet, more or less, to a point that is 126 feet northerly of and perpendicular to the centerline Sta. 578 + 78.03, the point of beginning; thence easterly and parallel to said North Right of Way line a distance of 57.74 feet, more or less, to a point; thence N 20°-43'-31" W a distance of 150 feet to a point; thence westerly and parallel to said North Right of Way line, a distance of 57.74 feet, more or less, to a point; thence S 20°-43'-31" E a distance of 150 feet to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 36, T 4 S, R 3 E, and containing 0.17 acres, more or less, and being in Baldwin County, Alabama.

Easement for Drainage: The herein described property, a strip of land 50 feet in width and 175 feet in length, 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 Way for Project No. I-10-1 (11) 44 from Sta. 585 + 75 to Sta. 585 + 25 on the left lane of said project.

Said strip of land lying in the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 36, T 4 S, R 3 E, and containing 0.20 acres, more or less, and being in Baldwin County, Alabama.

Temporary Construction Easement for Muck Disposal: The herein described property, a strip of land 200 feet in width and 300 feet in length, to be used for the purpose of a Muck Disposal Area, extending 200 feet northerly of and at right angles to the North boundary line of the Right of Way for Project No. I-10-1 (11) 44 from Sta. 549 + 00 to Sta. 551 + 00.

Said strip of land lying in the E $\frac{1}{2}$  of the SW $\frac{1}{4}$  of Section 36 T 4 S, R 3 E, and containing 2.83 acres, more or less, and being in Baldwin County, Alabama.

Temporary Construction Easement for Muck Disposal: The herein described property, two strips of land, each 150 feet in width and 300 feet in length, to be used for the purpose of Muck Disposal Areas, extending 150 feet northerly of and at right angles to the North boundary line (and extending 150 feet southerly of and at right angles to the South boundary line) of the Right of Way for Project No. I-10-1 (11) 44 from Sta. 535 + 00 to Sta. 535 + 00.

Said strips of land lying in the W  $\frac{1}{2}$  of the SE $\frac{1}{4}$  of Section 35, T 4 S, R 3 E, and containing 3.45 acres, more or less, and being in Baldwin County, Alabama.

Temporary Construction Easement for Muck Disposal: The herein described property, two strips of land, each 150 feet in width and 500 feet in length, to be used for the purpose of Muck Disposal Areas, extending 150 feet northerly of and at right angles to the North boundary line (and extending 150 feet southerly of and at right angles to the South boundary line) of the Right of Way for Project No. I-10-1 (11) 44 from Sta. 570 + 00 to Sta. 575 + 00.

Said strips of land lying in the SE $\frac{1}{4}$  of Section 35, T 4 S, R 3 E, and containing 3.45 acres, more or less, and being in Baldwin County, Alabama.

Said temporary construction easements for muck disposal will be permanently vacated and abandoned upon completion of said highway construction project, or January 1, 1967, whichever first occurs.

This the 17 day of March, 1965.

RICHMOND FLOWERS, STATE OF ALABAMA  
ATTORNEY GENERAL

BY \_\_\_\_\_

Robert S. Noble

Service is hereby accepted on behalf of the defendants on the 17 day of March, 1965.

\_\_\_\_\_  
Attorney for the Defendants

STATE OF ALABAMA §  
COUNTY OF MOBILE §

EXHIBIT "B"

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 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 + 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 + 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<sup>th</sup> day of March, 1966.

STATE OF ALABAMA  
STATE HIGHWAY DEPARTMENT

BY *H. L. Nelson*  
Director

APPROVED:

ATTEST:

*George C. Wallace*  
Governor of Alabama

*Miss Agnes Bayliff*  
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<sup>th</sup> day of March, 1966.

*Robert W. Lester* (SEAL)  
NOTARY PUBLIC, COUNTY, ALABAMA  
*State at Large*

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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 17<sup>th</sup> day of March, 1966.

William P. K. L... (SEAL)  
NOTARY PUBLIC, COUNTY, ALABAMA

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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.

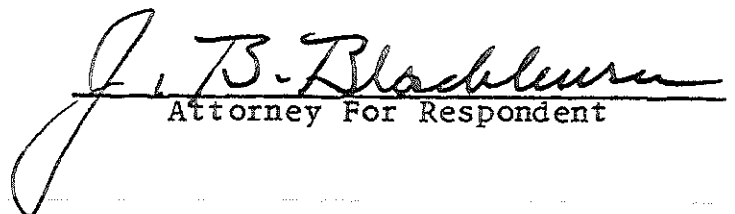
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5. That the respondent has had due notice of this trial and all proceedings herein and expressly enters his appearance in this court.

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

FILED

MAR 17 1965

ALICE I. DUCK, CLERK  
REGISTER