

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
Petitioner,	)	BALDWIN COUNTY, ALABAMA
Vs.	)	CASE NUMBER 5950
THE FIRST NATIONAL BANK OF)	
MOBILE, a National Banking)	
Association, TRUSTEE, as)	
to Tract Number 23,)	
Respondent.)	

FINAL JUDGMENT

This cause coming on to be heard by the Court on this the 15th day of March, 1965, now come the parties and their respective attorneys of record and it appearing to the Court from the stipulation of the parties made and entered into on this date and filed in this cause, that on the 30th day of October, 1963, an application was filed in the Probate Court of Baldwin County, Alabama, by the State of Alabama, seeking to condemn certain lands therein described for the uses and purposes therein averred, and that subsequent thereto proceedings were had in the Probate Court of Baldwin County, Alabama, and that the necessary action to properly effect the appeal from the Probate Court of Baldwin County, Alabama, in accordance with all the statutes and laws in such cases made and provided, to the Circuit Court of Baldwin County, Alabama, were made, and that said Court did enter an order of condemnation of the lands described in said application and which are hereinafter described, and that on the 27th day of August, 1964, the State of Alabama, appealed from said order of condemnation to this Court and demanded a trial by jury; and it further appearing to the Court from the stipulation of the parties hereinabove referred to that the only issue in this proceeding is the damages and compensation, if any, to which the Defendant landowner is entitled and that an order of condemnation should be here entered condemning the lands hereinafter described for the uses and purposes set forth in the application, which is now on file in this Court.

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

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

"We, the jury, assess the damages and compensation to which the landowner is entitled in this case as follows:

As to Tract No. 23.....\$11,000.00."

Clarence Bishop
Foreman

And the Court having considered all of the above is of the opinion and judgment that an order or judgment of condemnation should be here entered conditioned upon the payment by the State of Alabama to the Clerk of this Court for the use and benefit of the Defendant landowner of the sum aforesaid; it is, therefore

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

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

2. That the damages and compensation to which the Defendant landowner in this case, The First National Bank of Mobile, a National Banking Association, Trustee, is entitled is hereby fixed at the sum of \$11,000.00, which said sum is hereby ordered to be paid by the State of Alabama to said Defendant landowner; and that upon the payment of said amount by the State of Alabama to said landowner the condemnation of the lands hereinabove described shall be, and become effective.

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

DATED this 15th day of March, 1965.

FILED

MAR 15 1965

ALICE J. DUCK, CLERK
REGISTER

710-D

Joseph M. [Signature]
Circuit Judge

Exhibit "A"

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
Vs.	)	AT LAW
THE FIRST NATIONAL BANK OF	)	CASE NUMBER 5950
MOBILE, a National Banking)	
Association, TRUSTEE, as)	
to Tract Number 23,)	
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:

Parcel No. 1: Commencing at the southwest corner of Section 33, T1N, R4E; thence $N0^{\circ}-18'W$ along the west line of said Section, the west property line, a distance of 1,200 feet, more or less, to a point that is 125 feet southeasterly of and at right angles to the centerline of the northbound lane of Project No. I-65-1(28) and the point of beginning; thence continuing $N0^{\circ}-18'W$ along the said west property line a distance of 48 feet, more or less, to the northwest corner of $SW\frac{1}{4}$ of $SW\frac{1}{4}$ of said Section 33; thence $S88^{\circ}-11'E$ along the north line of said $SW\frac{1}{4}$ of $SW\frac{1}{4}$, the north property line a distance of 59 feet, more or less, to a point that is 125 feet southeasterly of and at right angles to the centerline of said northbound lane; thence southwesterly along a curve to the left (concave southeasterly) having a radius of 57,120.78 feet, parallel to the centerline of said northbound lane a distance of 80 feet, more or less, to the point of beginning.

Said strip of land lying in the $SW\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 33, T1N, R4E, and containing 0.03 acres, more or less, as recorded in the office of Judge of Probate, Baldwin County, Alabama, on the right of way map of Project I-65-1(28).

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.

Parcel No. 2: Commencing at the northwest corner of $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 33, T1N, R4E; thence $S87^{\circ}-40'E$ along the north line of said $NE\frac{1}{4}$ of $NE\frac{1}{4}$, the north property line, a distance of 415 feet, more or less, to a point on a line which extends from a point that is 580 feet northwesterly of and at right angles to the centerline of the northbound lane of Project No. I-65-1(28) at Station 1206+42 to a point that is 368 feet northwesterly of and at right angles to the centerline of said northbound lane at Station 1227+00 and the point of beginning; thence continuing $S87^{\circ}-40'E$ along the said north property line (crossing the centerline of said northbound lane at Station 1219+12) a distance of 935 feet, more or less, to the northeast corner of said Section 33; thence $S0^{\circ}-04'E$, along the east line of said Section 33, the east property line, a distance of 85 feet, more or less, to a point that is 125 feet southeasterly of and at

right angles to the centerline of said northbound lane; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 86,068.67 feet, parallel to the centerline of said northbound lane, a distance of 1,080 feet, more or less, to a point that is 125 feet southeasterly of and at right angles to the centerline of said Project at Station 1208+66.04; thence S53°-08'W, parallel to the centerline of said northbound lane a distance of 590 feet, more or less, to the west line of N.E. $\frac{1}{4}$ of N.E. $\frac{1}{4}$ of Section 33, T1N, R4E, the west property line; thence N0°-1'E along said west property line (crossing the centerline of said northbound lane at Station 1203+66) a distance of 858 feet, more or less, to a point on a line which extends from a point that is 580 feet northwesterly of and at right angles to the centerline of said northbound lane at Station 1206+42 to a point that is 368 feet northwesterly of and at right angles to the centerline of said northbound lane at Station 1227+00; thence N58°-34'E along said line (which if extended would intersect the said point that is 368 feet northwesterly of and at right angles to the centerline of said northbound lane at Station 1227+00) a distance of 485 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 33, T1N, R4E and containing 17.42 acres, more or less.

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.

Parcel No. 3: A temporary easement to a strip of land necessary for the disposal of muck and being more fully described as follows: Beginning at a point on the north line of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 33, T1N, R4E, the north property line, that is 125 feet southeasterly of and at right angles to the centerline of the northbound lane of Project No. I-65-1(28); thence S88°-11'E along the said north property line a distance of 160 feet, more or less, to a point that is 225 feet southeasterly of and at right angles to the centerline of said northbound lane; thence southwesterly along a curve to the left (concave southeasterly) having a radius of 57,070.78 feet, parallel to the centerline of said northbound lane, a distance of 210 feet, more or less, to a point that is 225 feet southeasterly of and at right angles to the centerline of said northbound lane at Station 1152+76; thence northerly along a straight line a distance of 125 feet, more or less, to a point that is 125 feet southeasterly of and at right angles to the centerline of said northbound lane; thence northeasterly along a curve to the right (concave southeasterly) having a radius of 57,170.78 feet, parallel to the centerline of said northbound lane a distance of 10 feet, more or less, to the point of beginning.

Said strip of land lying in the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 33, T1N, R4E, and containing 0.25 acres, more or less.

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

Parcel No. 4: A temporary easement to a strip of land necessary for the disposal of muck and being more fully described as follows: Beginning at a point where the north line of Section 33, T1N, R4E, the north property line, intersects a line which extends from a point that is 368 feet northwesterly of and at right angles to the centerline of the northbound lane of Project No. I-65-1(28) at Station 1227+00 to a point that is 580 feet northwesterly of and at right

angles to the centerline of said northbound lane at Station 1206+42; thence S58° 34'W along said line (which if extended would intersect the said point that is 580 feet northwesterly of and at right angles to the centerline of said Project at Station 1206+42) a distance of 265 feet; thence northwesterly along a straight line a distance of 100 feet; thence N58° 34'E along a straight line a distance of 125 feet, more or less, to the north line of said Section 33, the north property line; thence S87° 40'E along said north property line a distance of 190 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 33, T1N, R4E and containing 0.44 acres, more or less.

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

Parcel No. 5: A temporary easement to a strip of land necessary for the disposal of muck and being more fully described as follows: Beginning at a point that is 125 feet southeasterly of and at right angles to the centerline of the northbound lane of Project No. I*65-1(28) at Station 1210+00; thence northeasterly along a curve to the left (concave northwesterly) having a radius of 86,068.67 feet, parallel to the centerline of said northbound lane, a distance of 805 feet, more or less, to a point that is 125 feet southeasterly of and at right angles to the centerline of said northbound lane at Station 1218+07; thence southeasterly along a straight line a distance of 100 feet, more or less, to a point that is 200 feet southeasterly of and at right angles to the centerline of said northbound lane; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 86,143.67 feet, parallel to the centerline of said northbound lane a distance of 875 feet, more or less, to a point that is 200 feet southeasterly of and at right angles to the centerline of said northbound lane at Station 1210+00; thence turn an angle of 90° 00' to the right and run a distance of 75 feet to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 33, T1N, R4E and containing 1.92 acres, more or less.

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

Parcel No. 6: A temporary easement to a strip of land necessary for the disposal of muck and being more fully described as follows: Beginning at a point that is 125 feet southeasterly of and at right angles to the centerline of the northbound lane of Project No. I-65-1(28); thence southeasterly along a straight line a distance of 60 feet, more or less, to the east line of Section 33, T1N, R4E, the east property line; thence N0° 04'W, along said east property line a distance of 60 feet, more or less, to a point that is 125 feet southeasterly of and at right angles to the centerline of said northbound lane; thence southwesterly along a curve to the right (concave northwesterly) having a radius of 86,078.67 feet, parallel to the centerline of said northbound lane, a distance of 75 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 33, T1N, R4E, and containing 0.04 acres, more or less.

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

Parcel No. 7: An easement to a strip of land necessary for the construction and maintenance of a drainage ditch and being more fully described as follows: Commencing at the southwest corner of Section 33, T1N, R4E; thence $N0^{\circ} 18'W$ along the west line of said Section 33, the west property line a distance of 1,200 feet, more or less, to a point that is 125 feet southeasterly of and at right angles to the centerline of the northbound lane of Project No. I-65-1(28) at Station 1152+95; thence northeasterly along a curve to the right (concave southeasterly) having a radius of 57,170.78 feet, parallel to the centerline of said northbound lane, a distance of 30 feet, more or less, to a point that is 125 feet southeasterly of and at right angles to the centerline of said northbound lane at Station 1153+24.5 and the point of beginning; thence southerly along the centerline of said easement a distance of 162 feet to the point of ending.

Said strip of land making the right of way 25 feet wide on each side of the centerline of said easement from the point of beginning to the point of ending lying in the $SW\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 33, T1N, R4E and containing 0.17 acres, more or less.

Parcel No. 8: An easement to a strip of land necessary for the construction and maintenance of drainage ditch and being more fully described as follows: Commencing at the northwest corner of $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 33, T1N, R4E; thence $S87^{\circ} 40'E$ along the north line of said $NE\frac{1}{4}$ of $NE\frac{1}{4}$ a distance of 1,245 feet, more or less, to Station 1219+12 on the centerline of the northbound lane of Project No. I-65-1(28); thence southwesterly along a curve to the right (concave northwesterly) having a radius of 85,943.67 feet, along the centerline of said Project, a distance of 71 feet; thence turn an angle of $90^{\circ} 00'$ to the left and run a distance of 125 feet to the point of beginning; thence southeasterly along the centerline of said easement, a distance of 90 feet, more or less, to the point of ending where the centerline of said easement intersects the east line of Section 33, T1N, R4E, the east property line.

Said strip of land making the right of way 25 feet wide on each side of the centerline of said easement from the point of beginning to the east property line, lying in the $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 33, T1N, R4E and containing 0.10 acre, more or less; all of the foregoing parcels of land lying in Baldwin County, Alabama.

This the 15 day of March, 1965.

RICHMOND FLOWERS
ATTORNEY GENERAL

By:

Kenneth C. Gage
Special Assistant Attorney General

FILED

MAR 15 1965

ALICE J. DUCK, CLERK
REGISTER

State vs First National Bank of Mobile

We, the jury, assess the damages and compensation to which the landowner is entitled in this case as follows:

As to Tract No. 23 \$ 10,000.00

As to Tract No. 26 \$ 6,500.00

Clarence Bishop
As Foreman

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW
CASE NO. 5950

NOTICE OF WITHDRAWAL OF APPEAL

Comes now the Petitioner, State of Alabama (Condemnor) in the above-styled cause, by Kenneth Cooper, Attorney of Record, and withdraws its NOTICE OF APPEAL heretofore taken in this cause to the Supreme Court of Alabama, on, to-wit, 14 June, 1965, and moves that the appeal notice be dismissed, and that the cause be settled in accordance with the FINAL JUDGMENT in this cause rendered on 15 March, 1965.

Kenneth Cooper
Attorney For Petitioner.

Attorneys for Respondent:

Chason, Stone and Chason
Attorneys at Law
Bay Minette, Ala.

FILED

AUG 10 1960

ALICE L. DUNN CLERK
REGISTER

Respondent .

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 5950

NOTICE OF APPEAL

Comes now the Petitioner, State of Alabama (Condemnor) in the above-styled cause, and appeals to the Supreme Court of Alabama from the Final Judgment rendered in this cause in and by the Circuit Court of Baldwin County, Alabama, Law side, on, to-wit, the 15th day of March, 1965, and in which cause your Petitioner's Motion for New Trial was over-ruled by a judgment of the trial court on to-wit, the 15th day of May, 1965.

STATE OF ALABAMA
Richmond M. Flowers
Attorney General
State of Alabama

By =

Special Assistant
Attorney General

Attorney For Respondent:

Chason, Stone and Chason
Attorneys at Law
Bay Minette, Alabama

SECURITY FOR COSTS

I, the undersigned, do hereby acknowledge myself as security for costs of the appeal above taken by the State of Alabama (Condemnor) in this cause.

Attorney For Petitioner (Condemnor)

Taken and approved on this
14 day of June, 1965.

Clerk Circuit Court, Baldwin County, Alabama

Filed: June 14, 1965

Alice J. Duck, Clerk.

THE STATE OF ALABAMA
Baldwin County - Circuit Court

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the
15th day of March, 1965 ~~Monday~~ ~~xxx 196x~~, in a cer-

tain cause in said Court wherein State of Alabama

Plaintiff, and THE FIRST NATIONAL BANK OF MOBILE, A
National Banking Association, TRUSTEE, as to TRACT No. 23,

Defendant, a judgement was rendered against said

State of Alabama

to reverse which judgment, the said State of Alabama

applied for and obtained from this office an APPEAL, returnable to the next

Term of our Supreme Court of the State of Alabama, to be held at Montgomery, on

the day of , 196 next, and the necessary bond

having been given by the said Kenneth Cooper, Attorney for Petitioner

~~with~~

~~sureties~~

Now, You Are Hereby Commanded, without delay, to cite the said THE FIRST NATIONAL BANK
OF MOBILE, A National Banking Association, TRUSTEE, as to TRACT NO. 23

or Chason, Stone & Chason,

 , attorney~~s~~ to appear at the next Term of our

said Supreme Court, to defend against the said Appeal, if they think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 15th

day of June, A. D., 196 5.

Attest:

Alice J. Duck, Clerk.

received 17 day of June 1965

and on 18 day of June 1965

served a copy of the within Citation

First National Bank

of Mobile

service on John Chason Jr.

Chason, Stone & Chason

TAYLOR WILKINS, Sheriff

By W. A. Talbert

on

No. 5950
CASE ~~5950~~

CIRCUIT COURT
Baldwin County, Alabama

STATE OF ALABAMA,

PETITIONER,

Vs. } Citation in Appeal

THE FIRST NATIONAL BANK OF MOBILE,
A National Banking Association,
TRUSTEE, as to TRACT No. 23,

Issued 15th day of June, 1965

____DIV. NO.____

CERTIFICATE OF APPEAL. (Civil Cases.)

No. 5950

THE STATE OF ALABAMA

BALDWIN County.

I, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, in and for said State and County, hereby certify that the foregoing pages numbered from one to _____, both inclusive, contain a full, true and complete transcript of the record and proceedings of said Court in a certain cause lately therein pending wherein STATE OF ALABAMA

was plaintiff, and THE FIRST NATIONAL BANK OF MOBILE, A National Banking Association TRUSTEE, As to TRACT No. 23,

was Defendant, as fully and completely as the same appears of record in said Court.

And I further certify that the said State of Alabama did on the 14th day of June, 1965, pray for and obtain an appeal from the judgment of said Court to the Supreme Court of Alabama to reverse said judgment of said Court upon entering into bond with Kenneth Cooper, Attorney for Petitioner, as surety thereon, which said bond has been approved by me.

Witness my hand and the seal of said Circuit Court of Baldwin County is hereto affixed, this the 15th day of June, 1965

Alice J. Duck
Clerk of the Circuit Court of
Baldwin County, Alabama.

(Code 1940, Title 7, Sec. 767)

THE STATE OF ALABAMA--JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October Term, 19 65-66

To the Clerk of the Circuit Court of
Baldwin County, Greeting:

Whereas, the Record and Proceedings of the Circuit Court
of said county, in a certain cause lately pending in said Court between
State of Alabama, Appellant,
and

First National Bank of Mobile, a National Association, etc.

wherein by said Court, it was considered adversely to said appellant, were brought before our
Supreme Court, by appeal taken, pursuant to law, on behalf of said appellant.

Now, it is hereby certified, That it was thereupon considered, ordered and adjudged
by our Supreme Court on the 21 day of March 19 66,

for want of prosecution; that the said appeal be and stand
dismissed; and that it was further considered, ordered and adjudged
that the appellant, State of Alabama, and Kenneth Cooper, surety on the
appeal bond, pay

the costs accruing on said appeal in this Court and in the Court below, for which costs
let execution issue.

Richard W. Neal, Deputy
Witness, J/ ~~Roder Thomas~~ Clerk of the Supreme
Court of Alabama, at the Judicial Building,

this the 21 day of March 19 66

Richard W. Neal
Deputy Clerk of the Supreme Court of Alabama.

THE SUPREME COURT OF ALABAMA

October Term, 19 65-66

1 Div., No. 309

State of Alabama

Appellant,

v.

First National Bank of Mobile,
a National Bank Association,
etc. Appellee.

From Baldwin Circuit Court.
#5950

CERTIFICATE OF DISMISSAL

The State of Alabama,

Baldwin County. } Filed

this 23 day of March 19 66

W. J. R. R. R. R. R.

STATE OF ALABAMA,	0	
	)	IN THE CIRCUIT COURT OF
Petitioner,)	
vs.	)	BALDWIN COUNTY, ALABAMA
THE FIRST NATIONAL BANK OF)	
MOBILE, a National Banking	)	CASE NUMBER 5950.
Association, TRUSTEE, as)	
to TRACT NUMBER 23,)	
)	
Respondent.)	

STIPULATION:

It is hereby stipulated by and between the Petitioner (appellant), and The First National Bank of Mobile, a National Banking Association, Trustee, (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 October, 1963, 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 31st day of January, 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 petition 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 its 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; October 30, 1963, and the valuation of said property was constant between that date and the date on which the order of condemnation was entered, to-wit, January 22, 1964.

Kenneth Cooper
Attorney for Petitioner

John J. Stang

John Stang
Attorneys for Respondent.

Filed 3-15-65
Alice J. Duck
Clerk