STATE OF ALABAMA,

Petitioner,

Vs.

CASE NUMBER 5952

THE FIRST NATIONAL BANK OF
MOBILE, a National Banking
Association, Trustee, as
to Tract Number 26,

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 land 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. 26......\$6,500.00."

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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:

- demnation 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 \$6,500.00, 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.



710-2 Joseph Judge Circuit Judge

## Exhibit "A"

STATE OF ALABAMA,	<b>)</b>	IN THE CIRCUIT COURT OF
Plaintiff,	) 	BALDWIN COUNTY, ALABAMA
Vs.	· · · · · · · · · · · · · · · · · · ·	AT LAW
THE FIRST NATIONAL BAMOBILE, a National Bamassociation, Trustee, to Tract Number 26,	nking	CASE NUMBER 5952
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 southeast corner of SWa of Section 27, T1N, R4E; thence N89° 09'W along the south line of said SWa of SW4, the south property line, a distance of 1,221 feet, more or less, to a point that is 125 feet southeasterly of and at right angles to the centerline of the northbound lame of Project No. I-65-1(28) and the point of beginning; thence continuing N89° 09'W along the said south property line a distance of 105 feet, more or less, to the southwest corner of Section 27, T1N, R4E; thence northerly along the west line of said Section 27, the west property line (crossing the centerline of said northbound lane at Station 1220+41) a distance of 596 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 Sation 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 a distance of 330 feet, more or less, to the said point that is 368 feet northwesterly of and at right angles to the centerline of said northbound lane at Station 1227+00; thence northeasterly along a straight line (which if extended would intersect a point that is 230 feet northwesterly of and at right angles to the centerline of said northbound lane at Station 1242+00) a distance of 1245 feet, more or less, to a point on the east line of way of Swa of Section 27, T1N, R4E, the east property line, that is northwesterly of and at right angles to the centerline of said northbound lane at Station 1237+31.5) a distance of 491 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 S51° 25'W, parallel to the centerline of said northbound lane; thence S51° 25'W, parallel to the centerline of said northbound lane; a distance of 190 feet, more or less, to a point that is 125 feet southeasterly of and at right angles to the centerline of

Said strip of land lying in the  $W_2^1$  of  $SW_4^1$  of Section 27, T1N, R4E and containing 17.36 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. 2: 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 west line of Section 27, TIN, R4E, the west property line, that is northwesterly of and at right angles to the centerline of the northbound lane of Project No. I-65-1(28); thence N58 34'E along a straight line a distance of 160 feet, more or less, to a point that is northwesterly of and at right angles to the centerline of said northbound lane at Station 1226+00; thence southeasterly along a straight line a distance of 100 feet to a point on a line which extends from a point that is 368 feet northwesterly of and at right angles to the centerline of the said northbound lane 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 northbound lane at Station 1206+42) a distance of 235 feet, more or less, to the west line of Section 27, T1N, R4E, the west property line; thence northerly along said west property line a distance of 120 feet, more or less, to the point of beginning.

Said strip of land lying in the  $SW_{4}^{1}$  of  $SW_{4}^{1}$  of Section 27, T1N, R4E and containing 0.45 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. 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 that is 200 feet southeasterly of and at right angles to the centerline of the northbound lane of Project No. I-65-1(28) at Station 1227+00; 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 525 feet, more or less, to the south line of Section 27, TlN, R4E, the south property line; thence N89° 09'W along said south property line a distance of 95 feet, more or less, to a point that is southeasterly of and at right angles to the centerline of said northbound lane at Station 1221+00; thence northwesterly along a straight line a distance of 20 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 said Station 1221+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 600 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 1227+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  $SW_{2}^{1}$  of  $SW_{2}^{1}$  of Section 27, T1N, R4E and containing 0.98 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. 4: 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 southeast corner of  $SW_4^1$  of  $SW_4^1$  of Section 27, T1N, R4E; thence N89° 09'W, along the south line of said  $SW_4^1$  of  $SW_4^1$  a distance of 1,190 feet, more or less, to a point that is southeasterly of and at right angles to the centerline of the northbound lane of Project No. I-65-1(28) at Station 1221+00 and the point of beginning; thence continuing N89° 09'W, along the

said south property line 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; thence northeasterly along a curve to the left (concave northwesterly) having a radius of 86,068.67 feet, parallel to the centerline of said Project, a distance of 20 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 1221+90; thence turn an angle of 90° 00' to the right and run a distance of 20 feet, more or less, to the point of beginning.

Said strip of land lying in the  $SW_4^1$  of  $SW_4^1$  of Section 27, T1N, R4E and containing 0.01 acres, more or less, and all of aforesaid parcels lying in Baldwin County, Alabama, and the said parcels being shown on the right of way map of Alabama Highway Project I-65-1(28) as recorded in the Office of Judge of Probate of Baldwin County, Alabama.

This the  $\sqrt{5}$  day of March, 1965.

RICHMOND FLOWERS ATTORNEY GENERAL

MAR 12 1965

ALITE I DUCK CLERK REGISTER

710-0

No.\_\_\_\_\_ & 5952 THE STATE OF ALABAMA \_\_\_\_\_County. BALDWIN \_\_\_\_\_County, in and for said State and Court of Baldwin 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 MORFIE, A National Banking Associaton TRUSTEE, as to TRACT NO. 26. 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 15th BALDWIN \_\_\_\_County is hereto affixed, this the \_\_\_\_\_15th June , 19**65** day of\_\_\_ Ulice franch Clerk of the Circuit Court of BALDWIN \_\_\_\_County, Alabama.

(Code 1940, Title 7, Sec. 767)

\_DIV. NO.\_\_\_\_

STATE OF ALABAMA,	)	THE THE CINCIUM COURS OF
Petitioner,	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
THE FIRST NATIONAL BANK OF MOBILE, a National Banking	)	CASE NUMBER 5952.
Association , TRUSTEE, as to TRACT NUMBER 26.	)	Grow Horabac 5552.
Respondent.	)	
10000011001	)	

#### 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:

- l. 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 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 its appearance in this court.

BK-47 p.710-I

- 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.

Attorney for Petitioner.

Attorneys for Respondent.

Filed 3-15-45 allieg J- weight

STATE OF ALABAMA,	*	IN THE CIRCUIT COURT OF
Petitioner, VS	*	BALDWIN COUNTY, ALABAMA
THE FIRST NATIONAL BANK OF MOBILE, A National Banking Association,	* ) *	AT LAW
TRUSTEE, as to TRACT NO. 26,	) *	CASE NO. 5952
Respondent.	)	010L NO. 3932

#### 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 overruled by a judgment of the trial court on to-wit, the 15th day of March, 1965.

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

Special Assistant Attorney General

Attorney For Respondent:

Chason, Stone & 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 \_\_\_\_\_\_\_ day of June, 1965.

Clerk Circuit Court, Baldwin County, Alabama

Filed: June 14, 1965

Alice J. Duck, Clerk

STATE OF ALABAMA,	*	IN THE CIRCUIT COURT OF
•	)	
Petitioner,	*	BALDWIN COUNTY, ALABAMA
	)	
VS	* \	AT LAW
THE FIRST NATIONAL BANK	./ ★	
OF MOBILE, A National	)	
Banking Association,	<b>7</b> ′	CASE NO. 5952
TRUSTEE, as to TRACT NO. 26,	)	services and the service of the serv
79.	*	
Respondent.	)	

## 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.

Attorney For Petitioner

Attorneys for Respondent:

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

FALED

AUG 10 1965 AUG 1 MPK, CLERK REGISTER

## THE STATE OF ALABAMA--JUDICIAL DEPARTMENT

## THE SUPREME COURT OF ALABAMA

October Term, 19 65-66

To the	Clerk	of the	Circuit	Cou	rt of
	Ва	ldwin	County, Gr	eeting:	
Wher	eas, the Record a	nd Proceedings of t	the Circuit	C	Court
of said c	ounty, in a certa	ain cause lately p	pending in said	Court betw	reen
		<u>State o</u>	f Alabama	************************	
* **********			_and		
First detc.	National Ban	k of Mobile,	a National	Banking	Association Appellee
wherein t	y said Court, it w	as considered adv	ersely to said ap	pellant,	were brought before our
Supreme	Court, by appeal	taken, pursuant to	law, on behalf o	f said appella	ant
Now,	it is hereby certi	fied, That it was t	hereupon consid	ered, ordered	d and adjudged
:	by our Su	oreme Court on the	21 day of	March	19 66,
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			Deputy Clerk	k of the Supr	reme Court of Alabama.

## THE SUPREME COURT OF ALABAMA

October Term, 19 65-66	=
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State of Alabama	
AND DESIGNATION OF PROPERTY OF THE PROPERTY OF	
Appellant,	
<b>v.</b>	
First National Bank of Mobile	. <b>.</b>
A National Banking Association etc. Appellee.	n,
From Baldwin Circuit Cou	rt.
#5952 CERTIFICATE OF DISMISSAL	<del>-</del>
The State of Alabama, Balanon County.	led
this day of 19	
148 28 1 <b>986</b>	
NUCE ). DISSY, GLESSES	

# THE STATE OF ALABAMA Baldwin County - Circuit Court

## TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

ix 15th day of March, 1965  x Monday in x , 196x , i	
Plaintiff, and The First National Bank of Mobitional Banking Association, Trustee, as to Tract No. 26,  Defendant, a judgement was rendered again	
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aving been given by the said Kenneth Cooper, Attorney for Petitioner	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
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Now, You Are Hereby Commanded, without delay, to cite the said First National Trustee, as to Tract No. 26,	al Banl
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Now, You Are Hereby Commanded, without delay, to cite the said First National Trustee, as to Tract No. 26, obile, a National Banking Association, or Chason, Stone & Chason, attorneys to appear at the next Term and Supreme Court, to defend against the said Appeal, if they think proper	al Banl
Trustee, as to Tract No. 26, obile, a National Banking Association, or Chason, Stone & Chason  , attorneys to appear at the next  aid Supreme Court, to defend against the said Appeal, if they think proper	al Bank

Attest:

Alice I Much, Clerk.

17 day of June 65
18 day of Line 65
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TAMLOR WILKINS, STORY BY W. G. Joll A

## CIRCUIT COURT Baldwin County, Alabama

STATE OF ALABAMA,

Vs. Citation in Appeal

THE FIRST NATIONAL BANK OF MOBILE, A National Banking Association, TRUSTEE, as to TRACT NO. 26,

Issued 15th day of June, 1965,

serve: Chason, Stone & Chason

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jury list- spring sassion- march 15, 1965
     -tgazeon, J.W., Chiesetzane, Bey Minorce
                       Martin K., Ball Telephone—Bay-Minette
  Sauer, Randel, Telephone Oper, Daphne
6 Baumann, Fred, Civil Service, Elberta
               John, Talesman, Robertsdale
   /Bishop, Clarence, Farmer, Fairhope
  9. Brewton, Aubrey, Bookkeeper, Fairhope
 10 Bryars, C.H., Jr., Farmer, Bay Minette
 <u>lik-Bryere, Rudolph H., Brookley Eleld, Bay Minette</u>
 12. Callaway, John, Fisherman, Foley
                       <u>Fishermen, Gulf Shores</u>
 13. Calloway, J.W.
 do. Carlton, Thomas F., Laborer, Bay Minette
 15. Chandler, Jack, Newport, Bay Mineste
16. Childre, L.J., Manufacturer, Foley
 17. Glay, Ray, Farmer, Fairhope
 <del>18. Co</del>leman, John E., Brookley-Field, Bay Minette
 is Cooper, Gilbert Permur;
                                  -Roointon
 <del>90__Cox,_Percy_B.,__Permar,__Stockton</del>
 25. Davison, John L., Ins. Salesman, Robertsdale
22. Dickman, Jos. P.O. Employes, Bay Minette
23. Durvant, Roy H., Civil Service, Lillian
 25. Pett, William H. J., C. P. A., Bay Minecto
 26 Godwin, Wilkiam F., Jr., Mechanic, Bay Minette
 27 Good, Joe, Farmer, Elberta
Z8_Gottler, John P., Postmaster, Elberta...
 29. Guenther, Paul O., Civil Service, Foley
 30. Homen, Milford, Truck Driver, Bay Minette
 31. Howard, Oscar, Merchant, Bay Minette
 32. Jackson, Thomas K., Farmer, Daphne
 33. Jacobs, Adolph B., - - - Montrose
 Jarkins, Albert E., Farmer, Stapleton
 35. Jones, Chester, Western Auto, Robertsdate
St. Jorden, Green, Merchant, Bay Minette
 9<del>6. Jordan, Creen,</del>...
 37. Lamberth, Jack Ogal, Farmer, Bay Minette
 38. Langham, Tommy M., Merchant, Bay Minette
39. Lunsford, Albert A., Teacher, Foley
40. Malone, Lawrence L., Auto Dealer, Bay Minette
 41. Mays, William E., Merchant, Foley
 42. McClain, Cecil E., Elec. Co., Robertsdale
 43 McGill, Reece, Brookley Field, Perdido
 44 McKenzie, Albert J., Shipyard Worker, Robertsdale
 46, Mund, Thos. C., Fisherman, Gulf Shores
 47. Nickelson, Aberham, Brookley Field, Loxley
 48. Nolte, Emmett, Jr., Farmer, Fairhope
 49- Noonan, Edward D., Jr., Newport, Bay Minette
 50./Norrell, Lamar, Clerk, Foley
 51. Pacey, Paul G., Farmer, Fairhope
52. Rayborn, Cecil, Farm Laborer, Robertsdale
53. Sawyer, William H., Farmer, Stapleton
 54. Singleton, Art, Public, Rosiaton
 55 Spencer, W.V., Millman, Sto ton
56 Stallworth, F.W., Pair - Commerdale
57. Steele, Ira, Mail Clerk, Fairhope
 58. Strickland, Marvin, Laborer, Bay Minette
 59. Stucki, Alfred, Locken Dlant Mgr., Elberta
 60. Sturges, Frank, 111, ALCOA, Passenger Division, Spanish Fort
 61. Taylor, Jack D., Merchant, Gulf Shores
 62. Teel, Daniel L., Farmer, Robertsdale
 63. Todd, Gaston, Laborer, Foley
 50- Velsie, William: Daphne Pottery, Daphne 5
 65 Verdicchia, Peter, Fisherman, Gulf Shores
 66. Walter, W.D., Farmer, Robertsdale
 68. Weeks, Harry J., Nurseryman, Gulf Shores
69. White, Buford, Clerk, Bay Minette
70. Woolf, George, Limberman, Tensaw
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