

STATE OF ALABAMA,)	IN THE CIRCUIT COURT OF
	*	
PETITIONER,)	BALDWIN COUNTY, ALABAMA
	*	
VS.)	CASE NO. 7010
	*	
CLARENCE DRYER, a/k/a)	
C. V. DRYER, and BALDWIN	*	
COUNTY, ALA., A POLITICAL)	
SUBD. OF THE STATE OF ALA.,	*	
)	
RESPONDENTS.	*	

AMENDMENT TO APPLICATION FOR CONDEMNATION

Comes now the State of Alabama, Appellant, (Petitioner) in above-styled cause, and amends its Application For Condemnation heretofore filed in this cause in the Probate Court of Baldwin County, Alabama, on 2 March, 1966, by adding the attached EXHIBIT "A"-1 to EXHIBIT "A" of the said Application For Condemnation.

In all other respects the said Application For Condemnation remains unchanged.

FILED

SEP 15 1966

ALICE I. DICK, CLERK
REGISTERED

STATE OF ALABAMA

RICHMOND M. FLOWERS
ATTORNEY GENERAL
STATE OF ALABAMA

BY:

Kenneth Cooper
DULY APPOINTED SPECIAL
ASSISTANT ATTORNEY GENERAL
STATE OF ALABAMA

E X H I B I T "A"-1

A drainage easement being described as follows: Commencing at a point 150 feet easterly of and at right angles to Station 260 + 75 of Project S-635(2); thence south 29° 42' east a distance of 95.1 feet more or less to the north property line and the point of beginning; thence continue south 29° 42' east a distance of 299.2 feet to the east property line; thence northerly along said property line a distance of 121.8 feet; thence north 29° 42' west a distance of 159.8 feet to the north property line; thence westerly along said north property line a distance of 68.7 feet more or less to the point of beginning.

Said strip of land lying in the Northeast Quarter of the Northwest Quarter of Section 29, Township 5 South, Range 2 East and containing 0.32 acres, more or less.

A drainage easement described as follows: Commencing at a point 120 feet easterly of and at right angles to Station 248 + 25 of Project No. S-635(2); thence north 65° 30' east a distance of 330 feet to a point; thence north 24° 30' west a distance of 27 feet, more or less, to a point on the south property line which is the point of beginning; thence westerly along the south property line a distance of 81.4 feet to a point; thence north 24° 30' east a distance of 74.4 feet to a point; thence south 24° 30' east a distance of 33.0 feet to the point of beginning.

Said parcel of land lying in the Southeast Quarter of the Northwest Quarter of Section 29, Township 5 South, Range 2 East, and containing 0.03 acres, more or less.

FILED
JUN 12 1968
CLERK
U.S. DIST. COURT
S.D. IND.

Filed 9/12/66

STATE OF ALABAMA,)	IN THE CIRCUIT COURT OF
	*	
PETITIONER,)	BALDWIN COUNTY, ALABAMA
	*	
VS.)	CASE NO. 7010
	*	
CLARENCE DRYER,)	
et al.,	*	
)	
RESPONDENTS.	*	

STIPULATION

It is hereby stipulated by and between the Petitioner (appellant), and Clarence Dryer, et al., (appellees), 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 2nd day of March, 1966, 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 26th day of May, 1966, 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 respondents herein is the only parties known to either petitioner or respondents who have or assert any right, title or interest in or to the lands or interest therein sought to be acquired.


5. That the respondents have had due notice of this trial

and all proceedings herein and expressly enter their appearance in this court.

6. That the only issue in this proceeding is the damages and compensation, if any, to which the respondents are entitled.

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, the 2nd day of March, 1966, and the valuation of said property was constant between that date and the date on which the order of condemnation was entered, to-wit, the 28th day of April, 1966.


ATTORNEY FOR PETITIONER.


ATTORNEY FOR RESPONDENTS.

Filed 9-12-66

Aerie French
clerk

STATE OF ALABAMA,)	IN THE CIRCUIT COURT OF
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PETITIONER,)	BALDWIN COUNTY, ALABAMA
	*	
VS.)	CASE NO. 7010
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CLARENCE DRYER, a/k/a)	
C. V. DRYER, and BALDWIN	*	
COUNTY, ALA., A POLITICAL)	
SUBD. OF THE STATE OF ALA.,	*	
)	
RESPONDENTS.	*	

FINAL JUDGMENT

This cause coming on to be heard by the Court on this the 13th day of September, 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 in this cause, that on the 2nd day of March, 1966, 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 26th day of May, 1966, 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, Roht R. Hairston, Jr. 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, find for the Respondent and assess his damages at \$8,500.00."

Roht R. Hairston, Jr.
Foreman

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

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

1. That the application of the State of Alabama for the condemnation of the lands, rights and construction, hereinafter described be, and the same are hereby granted, and that the property described in Exhibit "A" attached hereto, and by reference made a part thereof as though fully set forth herein, be, and the same is hereby condemned for the use by the State of Alabama as a right of way for a public road 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, Clarence Dryer, is entitled is hereby fixed at the sum of \$8,500.00, which said sum is hereby ordered to be paid by the State of Alabama to said Defendant landowner; and that upon payment of said amount by the State of Alabama to said landowner the condemnation of the lands hereinabove described shall be, and become effective.

DATED THIS 13th day of September, 1966.

FILED

SEP 26 1964

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-19-2008 BY 60322
REDACTED

E X H I B I T "A"

The following described property, lying and being in Baldwin County, Alabama, and more particularly described as follows:

and as shown on the right of way map of Project No. S-635(2) as recorded in the office of the Judge of Probate of Baldwin County.

Beginning at Station 259 + 76 the north property line; thence westerly along said north property line a distance of 140.8 feet to a point; thence south $05^{\circ} 17' 57''$ west parallel with and 140 feet distant in a westerly direction from the centerline of said project a distance of 378.7 feet to a point which is 140 feet westerly of and at right angles to Equation Station 255 + 4164 back equals 255 + 8273 ahead; thence along the arc of a curve to the left having a radius of 8734.37 feet in a southerly direction a distance of 489.1 feet to the south property line; thence easterly along said south property line a distance of 232.1 feet to a corner; thence southerly along the property line a distance of 96 feet to the south property line; thence easterly along said south property line a distance of 25.11 feet to a point; thence along the arc of a curve to the right having a radius of 8474.37 feet in a northerly direction a distance of 548.1 feet to a point which is 120 feet easterly of and at right angles to Equation Station 255 + 4164 back equals Station 255 + 82.73 ahead; thence north $05^{\circ} 17' 57''$ east a distance of 405.5 feet more or less to the north property line; thence westerly along said north property line a distance of 120.6 feet more or less to the point of beginning.

Said strip of land lying in the Northwest Quarter of Section 29, Township 5 South, Range 2 East and containing an area of 5.16 acres, more or less.

A drainage easement being described as follows: Commencing at a point 150 feet easterly of and at right angles to Station 260 + 75 of Project S-635(2); thence south $29^{\circ} 42'$ east a distance of 95.1 feet more or less to the north property line and the point of beginning; thence continue south $29^{\circ} 42'$ east a distance of 299.2 feet to the east property line; thence northerly along said property line a distance of 121.8 feet; thence north $29^{\circ} 42'$ west a distance of 159.8 feet to the north property line; thence westerly along said north property line a distance of 68.7 feet more or less to the point of beginning.

Said strip of land lying in the Northeast Quarter of the Northwest Quarter of Section 29, Township 5 South, Range 2 East and containing 0.32 acres, more or less.

A drainage easement described as follows: Commencing at a point 120 feet easterly of and at right angles to Station 248 + 25 of Project No. S-635(2); thence north $65^{\circ} 30'$ east a distance of 330 feet to a point; thence north $24^{\circ} 30'$ west a distance of 27 feet, more or less, to a point on the south property line which is the point of beginning; thence westerly along the south property line a distance of 81.4 feet to a point; thence north $24^{\circ} 30'$ east a distance of 33.0 feet to the point of beginning.

Said parcel of land lying in the Southeast Quarter of the Northwest Quarter of Section 29, Township 5 South, Range 2 East, and containing 0.03 acres, more or less.

We the Jury find for the
Respondent ^{ie} Assess his
Damages at \$ 8500.00

Ray P. Hairston Jr
Foreman

State of Ala
C. V. Wagon et al
JURY LIST - SEPTEMBER 12, 1966

- ~~1. McCants, Joe, Brookley Field, Fairhope~~
- ~~2. Nelson, William J., Produce Man, Fairhope~~
- ~~3. Northcutt, Murrell, Farmer, Rosinton~~
- ~~4. Pilgrim, H. E., Farmer, Elberta~~
- ~~5. Jones, Allen, Retired, Daphne~~
- ~~6. Kichler, Steve, Poultry Dealer, Elberta~~
- ~~7. Kinsey, Daniel, Insurance, Foley~~
- ~~8. Klein, Raymond, Farmer, Fairhope~~
- ~~9. Kostelecky, Jerry, Farmer, Silverhill~~
- ~~10. Krieger, Andrew J., Jr., Farmer, Billian~~
- ~~11. Pittman, Hubert, Public Works, Robertsdale~~
- ~~12. Ray, Harry, Farmer, Robertsdale~~
- ~~13. Resmondo, Noah, Farmer, Summerdale~~
- ~~14. Robinson, John B., Mfg., Foley~~
- ~~15. Roley, Charlie N., Farmer, Perdido~~
- ~~16. Schaff, George, Farmer, Elberta~~
- ~~17. Sibley, Robert, Civil Service, Stapleton~~
- ~~18. Singleton, Homer C., Salesman, Foley~~
- ~~19. Sopr, Joseph, Farmer, Silverhill~~
- ~~20. Stapleton, Albert L., Clerk, Bay Minette~~
- ~~21. Teamer, Richard, Banker, Fairhope~~
- ~~22. Thieme, W. H., Foreman, Foley~~
- ~~23. James, Willie Lewis, Mill Worker, Stockton~~
- ~~24. Wallace, Jimmy R., Feed Mill, Robertsdale~~
- ~~25. Wrenn, Walter P., Fleet, Bay Minette~~
- ~~26. Weeks, Stanley, Farmer, Magnolia Springs~~
- ~~27. Hare, William E., Farmer, Gateswood~~
- ~~28. Head, Hannis, Civil Service, Stapleton~~
- ~~29. Guttler, John P., Postmaster, Elberta~~
- ~~30. Conway, Chas., Brookley Field, Bay Minette~~
- ~~31. Bodenhamer, O. L., Contractor, Foley~~
- ~~32. Boone, Clayton Woodward, Farmer, Little River~~
- ~~33. Sanca, James A., Farmer, Robertsdale~~
- ~~34. Gilhart, Leo, Farmer, Fairhope~~
- ~~35. Gurisco, Anthony, Farmer, Daphne~~
- ~~36. Hairston, Robert R., Salesman, Elberta~~
- ~~37. Dickenson, Sidney, Farmer, Summerdale~~
- ~~38. Deck, Robert S., Nursery Mgr., Loxley~~
- ~~39. Faircloth, Grady, Merchant, Magnolia Springs~~
- ~~40. Gates, Carl E., Farmer, Robertsdale~~
- ~~41. Lipscomb, Ira, Farmer, Magnolia Springs~~

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S- XXXXX XXX

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