

STATE OF ALABAMA,)	IN THE CIRCUIT COURT OF
PETITIONER,)	BALDWIN COUNTY, ALABAMA
VS.)	CASE NO. <u>7273</u>
HOOPER BROTHERS, A Partnership,)	
and CAMELLA N. HOOPER, LEONARD)	
J. HOOPER, WILLIAM J. HOOPER,)	
GLEN S. HOOPER and THOMAS N.)	
HOOPER, and TRACT NO. 5, PRO-)	
JECT S-60-E,)	
RESPONDENTS.		

FINAL JUDGMENT

This cause coming on to be heard by the Court on this the 8th 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 for record in this cause, that on the 12th day of August, 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 21st day of October, 1966, the Respondent landowners, Hooper Brothers, et al, appealed from said order of condemnation to this Court and demanded a trial by jury; and that on the said date the Petitioner, State of Alabama, did file a cross-appeal in said cause and demanded a trial by jury; and it 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 here be entered condemning

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E X H I B I T "A"

TRACT NO. 5, as shown on the right-of-way map of Project No. S-60-E as recorded in the Office of the Judge of Probate of Baldwin County:

Commencing at the southwest corner of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 21, T-2-S, R-3-E; thence easterly along the south line of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$, a distance of 1251 feet, more or less, to the centerline of Project No. S-60-E; thence N 01° 46' 30" W, along the centerline of said Project a distance of 331 feet, more or less, to Station 487+34 where the centerline of said Project intersects the south line of the property herein to be conveyed and the point of beginning; thence westerly along the south property line a distance of 83 feet, more or less, to a point that is 82 feet westerly of and at right angles to the centerline of said Project; thence N 01° 46' 30" W, parallel to the centerline of said Project a distance of 640 feet, more or less, to the north property line; thence easterly along said north property line (crossing the centerline of said Project at Station 493+75) a distance of 106 feet, more or less, to the present west right-of-way line of U. S. Highway No. 31; thence southerly along said present west right-of-way line a distance of 643 feet, more or less, to the south property line; thence westerly along said south property line a distance of 25 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 21, T-2-S, R-3-E and containing 1.56 acres, more or less.

Also 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 the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 21, T-2-S, R-3-W; thence southerly along the south line of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$, a distance of 1252 feet, more or less, to the centerline of Project No. S-60-E; thence N 01° 46' 30" W along the centerline of said Project a distance of 418 feet, more or less, to Station 88+31.07; thence turn an angle of 90° 00' to the left and run a distance of 82 feet to the point of beginning of the property herein to be conveyed; thence S 43° 13' 30" W along a straight line a distance of 106.07 feet; thence S 01° 46' 30" W parallel to the centerline of said Project a distance of 18 feet, more or less, to the south property line; thence easterly along the said south property line a distance of 75 feet, more or less, to a point that is 82 feet southwesterly of and at right angles to the centerline of said Project; thence N 01° 46' 30" W, parallel to the centerline of said Project a distance of 85 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 21, T-2-S, R-3-E and containing 0.08 acres, more or less.

FILED
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STIPULATION:

It is hereby stipulated by and between the Petitioner (appellant), and Hooper Brothers, A Partnership, Camella N. Hooper, Leonard J. Hooper, William J. Hooper, Glen S. Hooper and Thomas N. Hooper, (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 12th day of August, 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 12th day of October, 1966, to 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 are the only parties known to either petitioner or respondents who have or asserts 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 enters their appearance in this Court thru their attorney of record, Hon. Wilson Hayes.

6. That the only issue in this proceeding is the damages and compensation, if any, to which the respondents are 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, 12 August, 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, 21 September, 1966.

Kenneth Lopez
ATTORNEY FOR PETITIONER

FILED
Dec 21 1966
CLERK
REGISTER

Wilson Hayes
ATTORNEY FOR RESPONDENTS