

STATE OF ALABAMA

VS:

L. I. Rhodes et al

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW, CASE NO. 7987

We, the Jury, find for the landowners and assess the damages and
compensation at \$22,500.00

Chas L. Canney
Foreman

STATE OF ALABAMA,	§	IN THE CIRCUIT COURT OF
PETITIONER,	§	BALDWIN COUNTY, ALABAMA
VS.	§	CASE NO. 7987
L. T. RHODES, ADMINISTRATOR,	§	
ESTATE J. S. LOWERY, DECEASED,	§	
ET AL.,	§	
RESPONDENTS.	§	

STIPULATION

It is hereby stipulated by and between the Petitioner (appellant), and L. T. Rhodes, Administrator, Estate J. S. Lowery, Deceased, 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 9th day of October, 1967, 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 30th day of December, 1967, 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 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 interests therein sought to be acquired.

5. That the respondents have 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 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, 9 October, 1967, and the valuation of said property was constant between that date and the date on which the order of condemnation was entered, to-wit, 7 December, 1967.

Kenneth Coon
ATTORNEY FOR PETITIONER

J. B. Blackburn
ATTORNEY FOR RESPONDENTS

*filed 6-10-68
Alice J. Buck
clerk*

State 15 L. L. Rhodes et al
70.7987

JURY LIST - JUNE 10, 1968 - CIRCUIT COURT - BALDWIN COUNTY

1. Abercrombie, Thomas V., Jr., Dry Cleaner, Robertsdale
2. ~~Alonzo, William, State of Alabama, Bay Minette~~
3. ~~Baskin, Herbert T., Civil Service, Bay Minette~~
4. Booth, Charley, Farmer, Fairhope
5. ~~Bosby, Eugene, Construction Worker, Fairhope~~
6. ~~Coleman, Maynard, Civil Service, Perdido~~
7. Conway, Clyde, Shipyard, Bay Minette
8. Cowles, Robert T., Printer, Fairhope
9. ~~Cumbe, Carol, Housewife, Little River~~
10. ~~Cumbe, Raymond, Construction Worker, Little River~~
11. Day, Charles W., Civil Service, Robertsdale
12. ~~Deen, Mary, Housewife, Perdido~~
13. Gabel, Ernest W., Jr., Farmer, Fairhope
14. ~~Hadley, Elzie, Farmer, Perdido~~
15. Hadley, Shomo, Self, Foley
16. ~~Hadley, Shomo, Restaurant Mgr., Foley~~
17. Helms, John R., Civil Service, Elberta
18. ~~Klasnich, George, Farmer, Perdido~~
19. Lowery, Edward, Civil Service, Summerdale
20. ~~McGill, G. T., Merchant, Perdido~~
21. ~~McVay, A. R., School Supervisor, Bay Minette~~
22. ~~Plovnick, Matthew, Reserve Fleet, Perdido~~
23. Power, James, Farmer, Summerdale
24. ~~Quinley, Lyman, Farmer, Bay Minette~~
25. ~~Rogers, Katherine, Housewife, Perdido~~
26. ~~White, Elaine, Beauty Operator, Perdido~~
27. ~~Wynn, J. G., Farmer, Summerdale~~
28. Abbott, Homer, Retired, Foley
29. Brackman, Jerry, Salesman, Summerdale
30. ~~Trinidad, Kendrick, Contractor, Bay Minette~~

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D XXXXX XXX

no. 7987

state

vs

L. J. Rhodes
et al

STATE OF ALABAMA,

PETITIONER,

VS.

L.T. RHODES, ADMINISTRATOR,
ESTATE J.S. LOWERY, DECEASED,
ET AL.,

RESPONDENTS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 7987

FINAL JUDGMENT

This cause coming on to be heard by the Court on this the 11 day of JUNE, 1968, 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 9th day of October, 1967, 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 30th day of December, 1967, 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 now comes a jury of twelve good and lawful men, to-wit, CLYDE L. CONWAY and eleven others, and the issue of the amount of damages and compensation, if any, to which the landowners are entitled having been submitted to them, did return a verdict in words and figures as follows:

We, the Jury, find for the landowners and assess the damages and compensation at \$22,500.00.

CLYDE L. CONWAY
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 landowners 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 landowners 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 landowners in this case, L.T. Rhodes, Administrator, Estate J.S. Lowery, Deceased, et al., are entitled is hereby fixed at the sum of \$22,500.00, which said sum is hereby ordered

to be paid by the State of Alabama to said Defendant landowners;
and that upon the payment of said amount by the State of Alabama
to said landowners 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 11 day of JUNE, 1968.

J. H. A. Mason
CIRCUIT JUDGE

FILED

JUN 13 1968

ALICE J. DUCK

CLERK
REGISTER

EXHIBIT "A"

TRACT NO. 13: The following described property, lying and being in Baldwin County, Alabama, and more particularly described as follows:

And as shown by the right of way map of Project No. I-10-1(19), as recorded in the Office of the Judge of Probate of Baldwin County:

Tract 13-1

Commencing at the Northeast corner of irregular Section 31, Township 4 South, Range 2 East; thence S 1°-34'-23" W, along the East line of said section a distance of 1821.95 feet to the center line of Project No. I-10-1(19) at Station 460+70.76, thence S 81°-32'-36" W, along said center line a distance of 2607.48 feet; thence N 0°-05'-39" W, a distance of 620.28 feet, thence N 89°-33'-29" W, a distance of 681.13 feet to the Westerly R.O.W. line of U. S. Highway No. 98 which is the point of beginning, thence N 37°-34'-07" W, a distance of 284 feet, thence N 7°-34'-07" W, a distance of 370.87 feet; thence S 89°-35'-09" E, a distance of 143.11 feet to said R.O.W. line; thence S 7°-34'-07" E, along said R.O.W. line, a distance of 599 feet to the point of beginning.

Said tract of land lying in irregular Section 31, Township 4 South, Range 2 East, Baldwin County, Alabama, and containing 1.61 acres, more or less.

This condemnation is made for the purpose of a controlled access facility and adjacent service road or roads and there is hereby condemned for the Condemnor any and all abutter's rights appurtenant to Condemnee's remaining property in and to said controlled access facility, provided, however, that there is hereby reserved along a line (described as beginning at a point which is 232 feet, Southwesterly of and at right angles to the center line of Project No. I-10-1(19) at Stations 532+25.66; thence N 7°-34'-07" W, a distance of 296.06 feet; thence S 89°-35'-09" E a distance of 143.11 feet to the end of line) the right of ingress to and egress from such remaining property to and from said service road or roads which will be accessible to the controlled access facility only at such points as may be established by public authority.

Tract 13-2

Commencing at the Northeast corner of irregular Section 31, Township 4 South, Range 2 East; thence S 1°-34'-23" W along the East line of said Section, a distance of 1821.95 feet to the center line of Project No. I-10-1(19) at Station 460+70.76; thence S 81°-32'-36" W, along said center line, a distance of 2607.48 feet; thence N 0°-05'-39" W, a distance of 620.28 feet; thence N 89°-33'-29" W, a distance of 219.21 feet to the Westerly R.O.W. line of U. S. Highway No. 90 which is the point of beginning; thence continue N 89°-33'-29" W, a distance of 275.48 feet to the Easterly R.O.W. line of U. S. Highway No. 98; thence N 7°-34'-07" W, along said R.O.W. a distance of 429.77 feet; thence N 82°-25'-53" E along said R.O.W. a distance of 20 feet; thence N 7°-34'-07" W, along said R.O.W. a distance of 130.54 feet; thence N 82°-25'-53" E, along said R.O.W. line a distance of 40 feet; thence N 7°-34'-07" W along said R.O.W. line a distance of 30.8 feet; thence S 89°-35'-09" E, a distance of 384.41 feet to the Westerly R.O.W. line of U. S. Highway No. 90; thence Southwesterly along said R.O.W. line which is along a curve to the right which has a radius of 2824.79 feet, an arc distance of 167.12 feet; thence S 9°-25'-

51" W along said R.O.W. line a distance of 434.56 feet to the point of beginning.

Said tract of land lying in irregular Section 31, Township 4 South, Range 2 East, Baldwin County, Alabama, and containing 4.89 acres, more or less.

As a part of the consideration hereinabove stated there is also condemned for the benefit of the Condemnor 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. I-10-1(19), County of Baldwin, and all of the Condemnee's 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 condemned by this instrument or are connected thereto by other parcels owned by the Condemnee.

Tract 13-3

Commencing at the Northeast corner of irregular Section 31, Township 4 South, Range 2 East; thence S 1°-34'-23" W along the East line of said Section a distance of 1821.95 feet to the center line of Project No. I-10-1(19) at Station 460+70.76; thence S 81°-32'-36" W, along said center line a distance of 2607.48 feet; thence N 0°-05'-39" W, a distance of 620.28 feet to the point of beginning; thence N 89°-33'-29" W, a distance of 136.74 feet to the Easterly R.O.W. line of U. S. Highway No. 90; thence Northeasterly along said R.O.W. line which is along a curve to the right which has a radius of 778.51 feet, an arc distance of 47.58 feet; thence N 9°-25'-51" E along said R.O.W. a distance of 374.12 feet; thence Northeasterly along said R.O.W. which is along a curve to the left which has a radius of 2904.79 feet an arc distance of 178.89 feet, thence S 89°-35'-09" E, a distance of 47.57 feet; thence S 0°-05'-39" E, a distance of 593.80 feet to the point of beginning.

Said tract of land lying in irregular Section 31, Township 4 South, Range 2 East, Baldwin County, Alabama, and containing 1.24 acres, more or less.

As a part of the consideration hereinabove stated there is also condemned for the benefit of the Condemnor 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. I-10-1(19), County of Baldwin, and all of the Condemnee's 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 condemned by this instrument or are connected thereto by other parcels owned by the Condemnee.

Tract 13-E

Easement For Drainage: The herein described property a strip of land 50 feet in width and 145 feet in length to be used for the purpose of a drainage ditch, more particularly described as:

Beginning at a point which is 200 feet Southwesterly of and at right angles to the center line of U. S. 98 connection West at Station 533+51; thence S 7°-34'-07" E, a distance of 25 feet; thence S 82°-25'-53" W, a distance of 155 feet more or

less to the East bank of the North Fork of D'Olive Creek, thence Northerly along the meanders of said creek 50 feet, more or less; thence N 82°-25'-53" E, a distance of 140 feet more or less, thence S 7°-34'-07" E, a distance of 25 feet to the point of beginning.

Said strip of land lying in irregular Section 31, Township 4 South, Range 2 East, Baldwin County, Alabama, and containing 0.169 acre, more or less.