

KENNETH COOPER
ATTORNEY AT LAW
109 EAST 1ST STREET
BAY MINETTE, ALABAMA 36507
TELEPHONE 937-7412

6 April, 1970

Mrs. Alice J. Duck
Clerk, Circuit Court
Bay Minette, Alabama 36507

Re: Project S-60-E
Tract No. 49 (A. B. and Ralphine
McDill, The Federal Land Bank of
New Orleans and Baldwin County
Bank), Circuit Court Case No. 9113

Dear Mrs. Duck:

Please be advised the State of Alabama, Petitioner in above-styled cause, accepts the jury's award of \$10,000.00 in said case, and will not appeal from the FINAL JUDGMENT in said cause.

You are therefore authorized to pay to Hon. Tolbert M. Brantley, Attorney for A. B. and Ralphine McDill, the above-said sum, provided the landowners do not appeal in the said cause.

You are DIRECTED to make this \$10,000.00 check payable to: A. B. McDill, Ralphine McDill, Baldwin County Bank, and The Federal Land Bank of New Orleans. The latter named institutions each have a mortgage on the McDill property.

Respectfully submitted,


Kenneth Cooper

KC/ap
cc: Hon. Tolbert M. Brantley
Mr. C. W. Coleman
The Federal Land Bank of New Orleans
Baldwin County Bank

- ~~1. Stevens, Marie B., Merchant, Bay Minette~~ 58
- ~~2. Ziglar, John, Farmer, Robertsdale~~ 59
- ~~3. Allegri, Angelo, Carpenter, Fairhope~~ 59
- ~~4. Bishop, George O., Merchant, Fairhope~~ 59
- ~~5. Duck, Fred, Laborer, Bay Minette~~ 59
- ~~6. Lee, Edward A., Stockton~~ 59
- ~~7. Lewis, William, Salesman, Fairhope~~ 59
- ~~8. Montgomery, Bessie, Bus Woman, Fairhope~~ 59
- ~~9. Norworthy, John C., Clerk, Bay Minette~~ 59
- ~~10. Ellis, Thomas, Paperwood Fleet, Loxley~~ 59
- ~~11. Harrison, Joseph M., Farmer, Fairhope~~ 59
- ~~12. Brock, L. B., Farmer, Robertsdale~~ 59
- ~~13. Maynard, Harold A., Fairhope~~ 59
- ~~14. Ebert, Charles J., Jr., Ins. Agt., Foley~~ 59
- ~~15. Kendrick, Rivers, Farmer, Robertsdale~~ 59
- ~~16. Prime, Julian G., Insurance, Bay Minette~~ 59
- ~~17. Ruegg, Jacob, Merchant, Foley~~ 59
- ~~18. Russell, Cecil, Filling Station, Robertsdale~~ 59
- ~~19. Hall, Origen, Club Operator, Bay Minette~~ 59
- ~~20. Gaston, Louise (Mrs. Jim, Jr.) housewife, Fairhope~~ 59
- ~~21. Stewart, Harold, Cleaners, Bay Minette~~ 59
- ~~22. Survant, Ray H., Civil Service, Lillian~~ 59
- ~~23. Urbanek, Steve, Mail Clerk, Fairhope~~ 59
- ~~24. Weston, Herbert R., Bookkeeper, Bay Minette~~ 59
- ~~25. Boone, W. A., Farmer, Little River~~ 59
- ~~26. Brantley, C. C., Contractor, Bay Minette~~ 59
- ~~27. Herman, Vera W., Fairhope~~ 59
- ~~28. Blackman, W. K., Farmer, Foley~~ 59
- ~~29. Brodbeck, Arnold, Jr., Brookley Field, Fairhope~~ 59
- ~~30. White, Rudolph P., Navy Yard, Robertsdale~~ 59
- ~~31. Cox, Young Ausphera, Merchant, Stockton~~ 59
- ~~32. Crook, Prince, Laborer, Bay Minette~~ 59
- ~~33. Duck, Davis, Farmer, Bay Minette~~ 59
- ~~34. Davis, Joe C., Self Employed, Bon Secour~~ 59
- ~~35. Day, Fred D., Stockton~~ 59
- ~~36. Sellers, James R., Chemstrand, Robertsdale~~ 59
- ~~37. Slaughter, Dupree, Farmer, Tensaw~~ 59
- ~~38. Smith, Orlie, Sr., Brookley Field, Daphne~~ 59

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State of Alabama

IN THE CIRCUIT COURT OF

VS:

BALDWIN COUNTY, ALABAMA

A.B. McDill & Ralphine McDill

AT LAW, CASE NO. 9112

"We the jury find in favor of the landowners, and assess the damages at

\$ 10,000.⁰⁰"

Joe C. Davis
Foreman.

STATE OF ALABAMA,

PETITIONER,

VS.

A. B. McDILL and
RALPHINE McDILL,
(Claimants to Tract
No. 49, Project S-
60-E)

RESPONDENTS.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 9113

FINAL JUDGMENT

This cause coming on to be heard by the Court on this the 9th day of March, 1970, 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 day and filed in this cause, that on the 7th day of November, 1969, 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 January, 1970, 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, which the Defendant landowners, together with The Federal Land Bank of New Orleans, at New Orleans, Louisiana, and the Baldwin County Bank, of Bay Minette, Alabama, 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, Joe C. Davis, 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 in favor of the landowners,
and assess the damages at \$10,000.00."

JOE C. DAVIS
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 landowners in this case, A. B. McDill and Ralphine McDill, together with the Federal Land Bank of New Orleans, at New Orleans, Louisiana, and the Baldwin County Bank, of Bay Minette, Alabama, are entitled is hereby fixed at the sum of \$10,000.00, which said sum is hereby

ordered to be paid by the State of Alabama to said Defendant land-owners, 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 ^{9th} ~~20th~~ day of March, 1970.

Julius G. Mable
CIRCUIT JUDGE

FILED

MAR 9 1970

ALICE J. DUCK CLERK
REGISTER

Exhibit "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-60-E as recorded in the Office of the Judge of Probate of Baldwin County:

Commencing at the northwest corner of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 5, T-2-S, R-3-E; thence southerly along the west line of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ a distance of 358 feet, more or less, to a point that is 50 feet northwesterly of and at right angles to the construction centerline of Project No. S-60-E and the point of beginning of the property herein to be conveyed; thence northeasterly along a curve to the right (concave southeasterly) having a radius of 3,324.05 feet, parallel to the construction centerline of said project, a distance of 615 feet, more or less, to a point that is 50 feet northwesterly of and at right angles to the construction centerline of said project at Station 703+54.04 "Back" said point also being 50 feet northwesterly of and at right angles to the survey centerline of said project at Station 704+28.15 "Ahead"; thence northeasterly along a straight line a distance of 127 feet, more or less, to a point on the present southwest right-of-way line of Alabama Highway Number 59 that is southwesterly of and at right angles to the centerline of said highway at Station 26+25; thence southeasterly along said present southwest right-of-way line (crossing the survey centerline of said project at approximate Station 705+10) a distance of 317 feet, more or less, to the point that is southwesterly of and at right angles to the centerline of said highway at Station 29+42; thence northwesterly along a straight line a distance of 130 feet, more or less, to a point that is 65 feet southeasterly of and at right angles to the survey centerline of said project at station 704+28.15 "Ahead" said point also being 65 feet southeasterly of and at right angles to the construction centerline of said project at Station 703+54.04 "Back"; thence southwesterly along a curve to the left (concave southeasterly) having a radius of 3,209.05 feet, parallel to the construction centerline of said project, a distance of 860 feet, more or less, to the present northeast right-of-way line of McMillan Avenue; thence northwesterly along said present northeast right-of-way line (crossing the construction centerline of said project at approximate Station 695+02) a distance of 122 feet, more or less, to a point that is 50 feet northwesterly of and at right angles to the construction centerline of said project; thence northeasterly along a curve to the right (concave southeasterly) having a radius of 3,224.05 feet, parallel to the construction centerline of said project, a distance of 248 feet, more or less, to the point of beginning.

Said strip of land lying in the N $\frac{1}{2}$ of NE $\frac{1}{4}$, Section 5, Township-2-South, Range-3-East and to SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 32, Township-1-South, Range-3-East and containing 2.65 acres, more or less.