

2644

CITY OF FAIRHOPE

PLAINTIFF

VS

ROBERT R. NAHRCANG

DEFENDANT

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

NOTICE OF APPEAL

Comes Robert R. Nahrgang in the above entitled cause, and prays for and takes an appeal to the Circuit Court of Baldwin County, Alabama, from the order of condemnation entered in said cause on the 23RD day of May, 1955, insofar as said order of condemnation relates to the lands described in said petition as set forth in the application filed in said cause.

Robert R. Nahrgang does herewith file in the Court of Probate of Baldwin County, Alabama, the court rendering such order of condemnation, this his written notice of said appeal.

This the 23rd day of May, 1955.

C. L. Davis Thompson
Attorney for Defendant

Appellant demands a trial by jury.

C. L. Davis Thompson
Attorney for Defendant

TO W. C. BEEBE, ATTORNEY FOR THE CITY OF FAIRHOPE, ALABAMA, AND E. B. OVERTON, AS AGENT OF SAID CITY OF FAIRHOPE, ALABAMA:

You are hereby notified that the above notice of appeal was filed in the office of the Judge of the Court of Probate of Baldwin County, Alabama, on the 26th day of May, 1955.

Witness my hand this the 26th day of May, 1955.

W. R. Smith
Judge of the Court of Probate of Baldwin County, Alabama.

STATE OF ALABAMA
BALDWIN COUNTY

Notice of the above appeal is hereby accepted on behalf of the City of Fairhope.

Witness my hand this the 30 day of May, 1955.

W. C. Beebe
Attorney

CITY OF FAIRHOPE, ALABAMA

IN THE PROBATE COURT OF

VS

ROBERT R. NAHRGANG

BALDWIN COUNTY, ALABAMA.

TO THE HONORABLE W. R. STUART, JUDGE OF PROBATE OF BALDWIN
COUNTY, ALABAMA:The undersigned Carl L. Bloxham,John M. McReavy

and

Harold G. McKean,

who were heretofore appointed by said court as Commissioners to assess the damages and compensation to which Robert R. Nahrgang is entitled to on the application of the City of Fairhope, Alabama, for an order of condemnation of the following described land situated in Baldwin County, Alabama, to-wit:

Beginning at the Northwest corner of the Northeast quarter of Section 17, Township 6 South, Range 2 East, run North 25 feet and South 89° 59' West 170 feet, for a point of beginning; thence run South 86° 31' West, 345.2 feet to the Southeast corner of Block 13 of Volanta Sub-Division, according to map thereof recorded in Misc. Book 1, page 341, Probate Records, Baldwin County, Alabama; thence run South 50.1 feet; thence run North 86° 31' East 345.2 feet; thence run North 50 feet to the point of beginning; Being a strip of land fifty feet in width across lands of Robert R. Nahrgang;

respectfully report that pursuant to said commission we viewed said parcel of land after having been duly sworn as jurors are sworn, and thereafter we proceeded to assess the damages and compensation to which the said Robert R. Nahrgang is entitled by reason of the taking of the parcel above described as belonging to him, and they, each of them separately, assessed the damages and compensation to be as follows: to Robert R. Nahrgang, the owner of the above-described parcel of land we do hereby assess the damages and compensation at the sum of \$ 75.00.

We further certify that neither of us have been consulted, advised or approached by any person in reference to the sale of land or the proceedings to condemn the same, prior to the assessment of damages, and that we knew nothing of the same prior to our appointment.

STATE OF ALABAMA

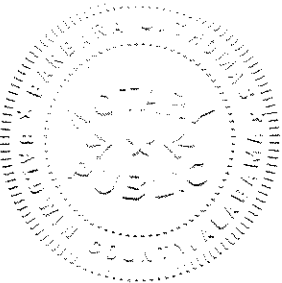
BALDWIN COUNTY

We and each of us do solemnly swear that none of us have been consulted, advised with, or approached by any person in reference to the value of the lands, or the proceedings to condemn the same prior to the assessment of damages, and that we knew nothing of the same prior to our appointment, and that we possess the qualifications of jurors.

Carl P. Bligh
John M. McReavy
Harold E. McLean

Sworn to and subscribed before me this the 19th day of

May, 1955.



Barbara J. Thomas
 xxxxxxxxxxxxxxxxx, Baldwin Co., Ala.
 Notary Public,

Barbara J. Thomas - Notary Public
 Baldwin County
 My commission expires Feb. 11, 1959

STATE OF ALABAMA, BALDWIN COUNTY

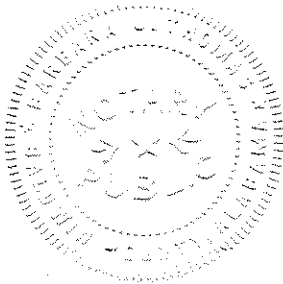
Filed May 20, 1955 MRecorded Pro. J. M. Stuart book 6 page 413

W. R. Stuart
 Judge of Probate

IN WITNESS WHEREOF, we have hereunto set our hands this
the 19th day of May, 1955.

Gene L. Thomas
John M. McReavy
Harold B. McLean

Sworn to and subscribed before me this the 19 day of
May, 1955.



Barbara J. Thomas
~~xxxxxxxxxxxxxx~~, Baldwin Co., Ala.
Notary Public,

Barbara J. Thomas - Notary Public
Baldwin County
My commission expires Feb. 11, 1959

CITY OF FAIRHOPE, ALABAMA

IN THE PROBATE COURT OF

VS

ROBERT R. NAHRGANG

BALDWIN COUNTY, ALABAMA

This cause coming on to be heard and it appearing to the court that the commissioners heretofore appointed on the 7th day of MAY, 1955, in this cause to assess the damages and compensation which Robert R. Nahrgang should receive for the condemnation of the lands described in said petition, as owned by him, or in which he has an interest, and the commissioners having reported to this court their assessment of the compensation and damages which he should receive as follows: to Robert R. Nahrgang, the sum of \$ 75⁰⁰, as the owner of the following described land situated in Baldwin County, Alabama to-wit:

Beginning at the Northwest corner of the North-east quarter of Section 17, Township 6 South, Range 2 East, run North 25 feet and South 89° 59' West 170 feet, for a point of beginning; thence run South 86° 31' West, 345.2 feet to the Southeast corner of Block 13 of Volanta Sub-division, according to map thereof recorded in Misc. Book 1, page 341, Probate Records, Baldwin County, Alabama; thence run South 50.1 feet; thence run North 86° 31' East 345.2 feet; thence run North 50 feet to the point of beginning; Being a strip of land fifty feet in width across lands of Robert R. Nahrgang;

And it appearing that the City of Fairhope, Alabama, the petitioner in this cause has paid into this court the sum of \$ 75⁰⁰, the sum total of the awards made by the said commissioners in their report of the assessment of compensation and damages to which the said defendant is entitled for the condemnation of the said lands for the purposes stated in said petition, the said report of the said commissioners ought to be approved and confirmed;

It is therefore ordered, adjudged and decreed by the court that the report of said commissioners be recorded and that the same is hereby approved and confirmed and the lands above described be and the same are hereby condemned for the use of the City of Fairhope,

Alabama, as a public road way as prayed for in its petition filed in this court on the 4th day of April, 1955, by virtue of which the City of Fairhope, Alabama, and its successors may construct and perpetually maintain a public roadway over the said lands and each parcel thereof as hereinabove described without further liability to the said named respective owners thereof.

Done this 23RD day of MAY, 1955.

W R Stuart
Judge of Probate

STATE OF ALABAMA, BALDWIN COUNTY

Record & Pro Min book 6 page 416

W R Stuart
Judge of Probate

CITY OF FAIRHOPE, ALABAMA,
A Municipal Corporation,
Plaintiff

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW.

vs

ROBERT R. WAHRGANG
Defendant

We, Robert R. Wahrgang, as principal and the undersigned as sureties
acknowledge ourselves security for the costs of appeal to the Circuit
Court of Baldwin County, Alabama, of the above styled case, by Robert R.
Wahrgang, the Defendant against whom a judgment was rendered in the Probate
Court of Baldwin County, Alabama on the ____ day of ____, 19__.

Robert R Wahrgang (SEAL)
Herbert Frosting (SEAL)
W. F. Goff (SEAL)
H. B. Rice

Taken and approved this the 26th day of MAY, 1955.

W. R. Stuart
Judge of Probate

STATE OF ALABAMA, BALDWIN COUNTY
Filed May 26, 1955 M
Recorded Pro & Min book 6 page 419
W. R. Stuart
Judge of Probate HS

CITY OF FAIRHOPE

PLAINTIFF

VS

ROBERT R. NAHRGANG

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

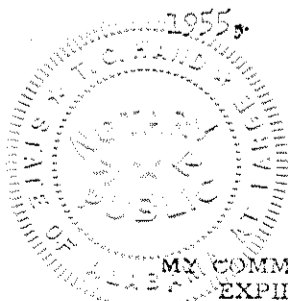
AT LAW

Comes the Defendant Robert R. Nahrgang by C. LeMoine Thompson, his attorney of record and for plea and abatement to this cause, that this cause should be abated for: That on to-wit the 13th day of September 1954 there was dismissed from the docket of the Circuit Court of Baldwin County, Alabama by the Circuit Judge thereof, the cause of the City of Fairhope VS Robert R. Nahrgang being docket number 1964, a condemnation proceeding by the City of Fairhope against Robert R. Nahrgang for the same property described in the petition in the present cause and other properties thereto.

Which cause docket number 1964 was an appeal from the Probate Court of Baldwin County, Alabama to the Circuit Court of Baldwin County, Alabama, wherein as noted the same parties, subject matter and cause of action was involved, whereof said Defendant prays the judgment of this court that said condemnation proceeding in the instant cause be quashed and said cause be abated and an additional cause for such motion being that the original condemnation proceeding having been adjudicated in the Probate Court of Baldwin County, Alabama was appealed to the Circuit Court of Baldwin County, Alabama and there dismissed by the Circuit Judge, presiding; as noted on the attached certificate which is made a part hereof.

C. LeMoine Thompson
Attorney for Defendant.

Sworn to and subscribed before me this the 28 day of April,



MY COMMISSION AS A NOTARY PUBLIC
EXPIRES 21st of Jan 1956

C. LeMoine Thompson
Notary Public, Baldwin County, Ala.

STATE OF ALABAMA, BALDWIN COUNTY

Filed April 19, 1955 M.

Recorded Prothonotary book 6 page 408

W. R. Stuart

Judge of Probate *HS*

204

CITY OF FAIRHOPE, ALABAMA

IN THE PROBATE COURT OF

VS

ROBERT R. NAHRGANG

BALDWIN COUNTY, ALABAMA.

In the matter of the application to condemn land for right of way for construction of a street;

This day came the City of Fairhope, a municipal corporation by E. B. Overton, its Mayor, duly qualified and authorized thereto, and filed its application to have condemned for public street purposes those lands belonging to Robert R. Nahrgang, the owner of the said lands described as follows, to-wit:

Beginning at the Northwest corner of the Northeast quarter of Section 17, Township 6 South, Range 2 East, run North 25 feet and South 89° 59' West 170 feet, for a point of beginning; thence run South 86° 31' West, 345.2 feet to the Southeast corner of Block 13 of Volanta Subdivision, according to map thereof recorded in Misc. Book 1, page 341, Probate Records, Baldwin County, Alabama; thence run South 50.1 feet; thence run North 86° 31' East 345.2 feet; thence run North 50 feet to the point of beginning; Being a strip of land fifty feet in width across lands of Robert R. Nahrgang;

And in said petition the City of Fairhope alleges that it is necessary and proper and to the interest of the City of Fairhope that the City have and own in fee simple the said lands for the purpose of a right of way for a street and the petitioner desires to have said lands condemned in fee simple and as a street for the use of the said city as a right of way for a public street; and praying that this Honorable Court will make an order appointing a day for the hearing of this petition; that due and legal notice of the same be given to Robert R. Nahrgang, the owner of the said lands, in the manner and for the time required by law, and that such other, further and general orders and decrees be made in the premises as may be necessary and proper for the acquirement by the petitioner of the property herein described for the purposes herein stated.

It is therefore ordered by the court that the 19th day of April, 1955, ^{at 10:00 A.M.} be and the same is hereby appointed for hearing said application, and it is further ordered that notice be given Robert R. Nahrgang, whose residence is Fairhope, Alabama, by personal service.

W. R. Stuart
Judge

STATE OF ALABAMA, BALDWIN COUNTY

Recorded Pro. & Min. book 6 page 404

W. R. Stuart
Judge of Probate

STATE OF ALABAMA
BALDWIN COUNTY

IN THE PROBATE COURT OF
BALDWIN COUNTY, ALABAMA.

TO: ROBERT R. NAHRGANG, Fairhope, Alabama

You will take notice that on the 4th day of April, 1955, petition was filed in this court by the City of Fairhope, Alabama, by E. B. Overton, its mayor, setting forth that it desires to have condemned for a right of way for a public street, certain lands which are specifically set forth and described in said petition as follows, to-wit:

Beginning at the Northwest corner of the Northeast quarter of Section 17, Township 6 South, Range 2 East, run North 25 feet and South 89° 59' West 170 feet, for a point of beginning; thence run South 86° 31' West, 345.2 feet to the Southeast corner of Block 13 of Volanta Subdivision, according to map thereof recorded in Misc. Book 1, page 341, Probate Records, Baldwin County, Alabama; thence run South 50.1 feet; thence run North 86° 31' East 345.2 feet; thence run North 50 feet to the point of beginning, Being a strip of land fifty feet in width across lands of Robert R. Nahrgang.

And the said petitioner prays this court appoint a day for hearing of said petition and for such orders and decrees as may be necessary and proper for the acquirement by the said petitioner, for public street purposes, the fee simple title to the property herein described for the purposes therein stated.

You will please take notice that the court has appointed the 19th day of April, 1955/^{AT 10: A.M.} as a suitable day upon which to hear said petition, at which time you may appear and contest the same if you choose to do so.

Done this the 4th day of April, 1955.

W R Stunt
Judge

The State of Alabama, Baldwin County


PROBATE COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA—Greeting:

You are hereby commanded to summon Ed Overton, Fairhope, Ala.
to appear in and before the Probate Court of said County on the 2nd day of May, 1955,
at 2: P.M.
to give evidence in a certain matter now pending in said Court wherein City of Fairhope
has filed a condemnation proceeding against
~~to be the last will and testament of~~ Robert R. Nahrgang, deceased, ~~x~~
and the same has been contested by Robert R. Nahrgang, this
subpoena being issued on the application of the proponent
~~contestant~~

And this you shall in nowise omit, under the penalty prescribed by law. Herein fail not, and have you then and there this writ at the office of the Judge of said Court.

Witness my hand, this the 30th day of April, 1955.


Probate Judge

The State of Alabama, Baldwin County

PROBATE COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA—Greeting:

You are hereby commanded to summon Cecil Pittman, Fairhope, Ala.

to appear in and before the Probate Court of said County on the 2nd day of May, 1955.

to give evidence in a certain matter now pending in said Court wherein City of Fairhope
has filed a condemnation proceeding against
for probate an instrument or writing purporting to

XXXXXX Robert R. Nahrgang, deceased,
to be the last will and testament of

and the same has been contested by Robert R. Nahrgang, this

subpoena being issued on the application of the proponent
contestant.

And this you shall in nowise omit, under the penalty prescribed by law. Herein fail not, and have you then and there this writ at the office of the Judge of said Court.

Witness my hand, this the 30th day of April, 1955.

Probate Judge

City of Fairhope

Robert R. Nohringang / Probate Court
Baldwin County
Alabama

comes the ~~def~~ Petitioner
in the above styled Cause
and moves this Court strike
the defendants plea and as grounds
therefor says:

1. The said plea sets up no matters showing that the question has been adjudicated by a Court.
2. The said plea does not set up matters constituting a defense to petitioners petition.
3. For aught that appears in said plea this subject matter of this petition is not the same as in the alleged action.

W. R. B. C.
for petitioner

STATE OF ALABAMA, BALDWIN COUNTY
Filed April 19, 1955 M
Recorded Prob & Misc book 6 page 410
W. R. Stewart
Judge of Probate

CITY OF FAIRHOPE

PLAINTIFF

VS

ROBERT R. NAHRCANG

DEFENDANT

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

Comes the Defendant in the matter of application by the Town of Fairhope to condemn right of way for a street, and shows unto this Honorable Court as follows:

1.

That the said petition should be denied.

2.

That there is no justification for said petition.

3.

That said petition is frivolous.

4.

That the said property is an exclusive, residential district, and that the City of Fairhope has accepted a deed to an alternate route from Green Street over Fairwood Boulevard to section street which deed was executed on March 3, 1955 and recorded on April 11, 1955 in deed book 22 NS page 274-5 in the office of the Judge of Probate of Baldwin County, Alabama.

5.

That the deed executed on March 3, 1955 as noted above provided a safe means of egress and ingress between section street via the Fairhope High School and Fairhope Armory over Green Street to Greene Road for transportation of school children.

6.

That the entrance of Gayfer Street into section street which is also Alabama Highway numbered 89 and U. S. Highway numbered 98 is unsafe for an entrance to a highway under standards established by the State Highway Department of Alabama and under the standards established by U. S. Bureau of Public Roads.

7.

That the extention of Gayfer Street to receive through traffic of any kind creates a hazard to the public at the intersection of Gayfer Street and section street.

That the intersection of Gayfer Street with Section Street does not meet the requirements of the State Highway Department of Alabama for an intersection with a State Highway in that visiability is limited to less than two hundred feet.

9.

The entrance of Gayfer Street into Section Street is in violation of the regulation of the U. S. Bureau of Public Roads in that visiability at the point of entrance for two hundred feet instead of eight hundred feet.

10.

That the granting of the condemnation prayed for by the plaintiff herein would create a traffic hazard endangering lives and property of users of the intersection of Gayfer Street and Section Street.

11.

That a judgment of condemnation as prayed for by the plaintiff should be denied on the grounds that the shortest route from Greenco Street over Green Street to the Fairhope High School was provided for by conveyance between the Defendant and wife herein to the City of Fairhope on March 3, 1955 and recorded in deed book 220 WS page 274-5.

12.

That judgment for the Plaintiff herein should be denied in that the routing of traffic from Greenco Street over Green Street to Gayfer Street would create a hazard and endanger school children being transported to the Fairhope High School over this route but requiring such traffic to enter Section Street with less than two hundred feet of visiability, cross North bound traffic and to approach the proper side of Section Street then cross South bound traffic in order to enter the school turn off.

13.

Another basis for denying said condemnation being that the Fairwood subdivision is a restricted subdivision and that said restriction would be injured to the detriment and loss of property values to the lands owner therein by opening a truck traffic street through or adjacent to such property, and that such loss would not be compensated by an award for the property taken.

14.

It is further shown to this Honorable Court that the alternate Contour Route which is available to the town of Fairhope would provide a safer entrance into Section Street and would eliminate a traffic hazard by providing an

entrance into Section Street for the North bound traffic toward Mobile separate and apart from South bound traffic toward downtown Fairhope, Alabama.

15.

That the said Plaintiff is not authorized under the applicable sections of the Code of Alabama on eminent domain to condemn property for the creation of a right of way to an intersection which intersection does not meet the requirements for visibility of the State Highway Department of Alabama.

16.

That the said Plaintiff is not authorized under the applicable sections of the Code of Alabama on eminent domain to condemn property for the creation of a right of way to an intersection which intersection does not meet the requirements for visibility of the U. S. Department of Public Roads.

17.

That said judgment ought to be denied on the grounds that the said condemnation is not filed in accordance with Title 37 Section 793 of the Code of Alabama of 1940 as amended.

18.

That the said judgment of condemnation ought to be denied on the grounds that no public hearing has been held as provided by Title 37 Section 793 of the Code of Alabama of 1940 as amended.

19.

That the said judgment of condemnation ought to be denied on the grounds that the said condemnation is not authorized as provided by law.

20.

Wherefore your defendant petitions this Honorable Court to deny said condemnation proceeding as petitioned by the town of Fairhope.

C. L. G. Thompson
Solicitor for Defendant.

STATE OF ALABAMA, BALDWIN COUNTY
Filed April 19, 1955 M
Recorded Pro. T. Min. book 6 page 405
W. R. Stuart
Judge of Probate *WRS*

The State of Alabama, BALDWIN County

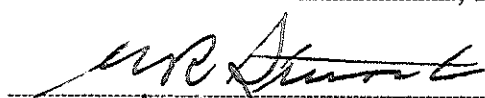
PROBATE COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA—Greeting:

You are hereby commanded to summon P.B. Day, Bay Minette, Alabama
to appear in and before the Probate Court of said County on the 28th day of April, 1955,
at 10 A.M.
to give evidence in a certain matter now pending in said Court wherein City of Fairhope
has filed a condemnation proceeding against
to be the last will and testament of Robert R. Nahrgang, ~~wherein~~
and the same has been contested by Robert R. Nahrgang, this
subpoena being issued on the application of the ~~proponent~~
contestant.

And this you shall in nowise omit, under the penalty prescribed by law. Herein fail not, and have you then and there this writ at the office of the Judge of said Court.

Witness my hand, this the 23rd day of April, 1955.


Probate Judge

The State of Alabama, Baldwin County

PROBATE COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA—Greeting:

You are hereby commanded to summon J. J. Huffman, Fairhope, Ala.
to appear in and before the Probate Court of said County on the 2nd day of May, 1955,
to give evidence in a certain matter now pending in said Court wherein City of Fairhope
has filed ~~by probate an instrument of writing purporting to be~~ a condemnation proceeding against
~~the last will and testament of~~ Robert R. Nahrgang, deceased,
and the same has been contested by Robert R. Nahrgang, this
subpoena being issued on the application of the proponent ~~contestant~~

And this you shall in nowise omit, under the penalty prescribed by law. Herein fail not, and have you then and there this writ at the office of the Judge of said Court.

Witness my hand, this the 30th day of April, 1955.

W. R. Stearns
Probate Judge

The State of Alabama, Baldwin County

PROBATE COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA—Greeting:

You are hereby commanded to summon Mrs. Rose Kamper, Fairhope, Ala.
to appear in and before the Probate Court of said County on the 2nd day of May, 1955,
at 2 P.M.
to give evidence in a certain matter now pending in said Court wherein City of Fairhope
has filed a condemnation proceeding against
for probate an instrument of writing purporting
to be the last will and testament of Robert R. Mahrgang, deceased,
and the same has been contested by Robert E. Mahrgang, this
subpoena being issued on the application of the proponent
contestant.

And this you shall in nowise omit, under the penalty prescribed by law. Herein fail not, and have you
then and there this writ at the office of the Judge of said Court.

Witness my hand, this the 30th day of April, 1955.

Probate Judge

The State of Alabama, Baldwin County

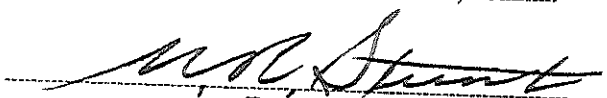
PROBATE COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA—Greeting:

You are hereby commanded to summon Brad Neihmeir, Fairhope, Ala.
to appear in and before the Probate Court of said County on the 2nd day of May, 1955,
at 2: P.M.
to give evidence in a certain matter now pending in said Court wherein City of Fairhope
has filed a condemnation proceeding against
~~to be the last will and testament of~~ Robert R. Nehrang ~~for probate an instrument of writing purporting~~
and the same has been contested by Robert R. Nehrang ~~deceased~~, this
subpoena being issued on the application of the proponent
~~contestant~~

And this you shall in nowise omit, under the penalty prescribed by law. Herein fail not, and have you
then and there this writ at the office of the Judge of said Court.

Witness my hand, this the 30th day of April, 1955.


Probate Judge

The State of Alabama, Baldwin County

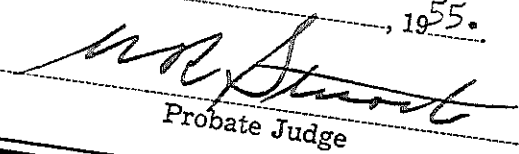
PROBATE COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA—Greeting:

You are hereby commanded to summon Claude Arnold, Fairhope, Ala.
to appear in and before the Probate Court of said County on the 2nd day of May, 1955,
at 2: P. M.
to give evidence in a certain matter now pending in said Court wherein City of Fairhope
has filed a condemnation proceeding against
~~to be the last will and testament of~~ Robert R. Nahrgang ~~an instrument purporting to~~
and the same has been contested by Robert R. Nahrgang, deceased,
subpoena being issued on the application of the ~~proper~~ contestant, this

And this you shall in nowise omit, under the penalty prescribed by law. Herein fail not, and have you
then and there this writ at the office of the Judge of said Court.

Witness my hand, this the 30th day of April, 1955.


Probate Judge

STATE OF ALABAMA

I IN THE PROBATE COURT OF

BALDWIN COUNTY

I BALDWIN COUNTY, ALABAMA.

TO THE HONORABLE W. R. STUART, JUDGE OF PROBATE OF BALDWIN COUNTY,
ALABAMA:

Your petitioner, the City of Fairhope, a municipal corporation, by E. B. Overton, its mayor, duly qualified and authorized hereto respectfully shows unto your Honor as follows:

FIRST: That under the laws of the State of Alabama, your petitioner, the City of Fairhope, Alabama, is charged with the duty of providing rights of way for streets constructed within said city; that the said City of Fairhope proposes to construct a public street over and across the lands hereinafter described and the said lands are needed and desired by the City for public purposes, namely, as a right of way for a public street; that it is necessary and proper and to the best interest of said city that the city acquire the fee simple title for a right of way for public street purposes to the following described lands, to-wit:

Beginning at the Northwest corner of the Northeast quarter of Section 17, Township 6 South, Range 2 East, run North 25 feet and South 89° 59' West 170 feet, for a point of beginning; thence run South 86° 31' West 345.2 feet to the Southeast corner of Block 13 of Volanta Subdivision, according to the map thereof recorded in Misc. Book 1, page 341, Probate Records Baldwin County, Alabama; thence run South 50.1 feet; thence run North 86° 31' East 345.2 feet; thence run North 50 feet to the point of beginning, being a strip of land fifty feet in width across lands of Robert R. Nahrgang.

SECOND: That Robert R. Nahrgang, who is over the age of twenty-one years, and whose residence and post office address is Fairhope, Alabama is the owner of and is in the peaceable possession and control of the lands described above.

THIRD: That the said City of Fairhope further alleges that it is necessary and proper and to the interest of the City of Fairhope that it have and own the said lands for the purpose of a right of way for a street and this petitioner desires to have said lands condemned for and as a right of way for a public street for the said city.

PREMISES considered, your petitioner prays this Honorable Court will make an order appointing a day for the hearing of this petition; that due and legal notice of the same be given to the said Robert R. Narghang and that such other, further and general orders and decrees be made in the premises as may be necessary and proper for the acquirement by the petitioner of the property herein described for the purposes herein stated.

City of Fairhope

by E. B. Overton

Mayor

STATE OF ALABAMA

BALDWIN COUNTY

Personally appeared before me Marie Moore a Notary Public in and for said State and County, E. B. Overton, who being by me first duly sworn upon oath, says that he is Mayor of the City of Fairhope, a municipal corporation, duly qualified and authorized; that he has carefully read and understands the facts alleged in the foregoing petition and knows that the facts alleged therein are true.

Marie Moore

Sworn to and subscribed before me this the 31st day of March, 1955.

Marie Moore
Notary Public, Baldwin Co., Ala.

STATE OF ALABAMA, BALDWIN COUNTY

Filed April 4, 1955 M

Recorded Pro. T. M. book 6 page 401

W. R. Stuart

Judge of Probate