

2645

CITY OF FAIRHOPE, ALABAMA

IN THE PROBATE COURT OF

VS

ROBERT R. NAHRGANG

BALDWIN COUNTY, ALABAMA.

MAY 7, 1955.

In the matter of the petition to condemn certain lands  
for rights of way for street purposes;

This being the day appointed by the Court for hearing the application heretofore filed in this court praying that this court condemn certain land described in said application for the purposes set forth therein, now come the parties by their attorneys of record, the court proceeds to hear said application, together with all legal evidence touching the same; and it appearing to the court that notice has been given to the defendants in this cause as required by law, and that the allegations of said petition are true, and that Robert R. Nahrgang is the owner of said land and that it is necessary that the said land be condemned for the purposes mentioned in said application, and the same being considered by this court, the court is of the opinion that the petition should be granted; it is therefore ordered, adjudged and decreed by the court that the petition be and the same is hereby granted.

And it appearing to the court that CARL L. Bloxham, HAROLD McKEAN and JOHN McREAVY are three citizens of the county possessing the qualifications of jurors, and who are disinterested, and that the said above named citizens are proper and competent persons to act as Commissioners to view the land described in said application, and after hearing all evidence offered to assess the damages and compensation to which Robert R. Nahrgang is entitled, they are hereby appointed commissioners for the purposes aforesaid. And the said Commissioners will report their doings to this court.

W. R. Stuart  
Judge of Probate

STATE OF ALABAMA, BALDWIN COUNTY  
Recorded Pro Min book 6 page 412  
W. R. Stuart  
Judge of Probate 112

CITY OF FAIRHOPE, a Municipal  
Corporation,

APPELLEE,

VS

ROBERT R. NAHRGANG,

APPELLANT.

IN THE CIRCUIT COURT OF

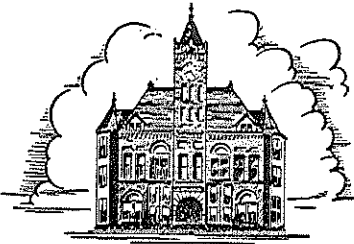
BALDWIN COUNTY, ALABAMA

AT LAW

Case No. 2645.

This cause being on appeal from the Probate Court of Baldwin County, Alabama, wherein lands of the appellant were ordered by said court to be condemned to the use of the appellee for a public street and the said cause having been set for trial March 15, 1956, and on said date the same being called for trial and the appellant not appearing, the appeal was ordered dismissed.

The appeal of this cause by Robert R. Nahrgang, appellant, from the Probate Court of Baldwin County, Alabama, be and the same is hereby dismissed and the cost of such appeal is hereby taxed against the appellant, Robert R. Nahrgang, for which let execution issue.



# Baldwin County

BAY MINETTE, ALA.

ALICE J. DUCK, Register And Clerk Of The Circuit Court

CITY OF FAIRHOPE

VS

ROBERT NAHRGANG

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 1964.

I, Alice J. Duck, Clerk of Circuit Court, Baldwin County, Alabama, do hereby certify that the above styled cause was dismissed out of this court on the 13th. day of September, 1954, and costs paid.

Witness my hand and seal this 26th. day of April, 1955.

Alice J. Duck  
Clerk of Circuit Court --ALICE J. DUCK

C. B. NIEMEYER, CITY MANAGER

MARIE MOORE, CLERK

FLOYD PHILLIPS, CHIEF OF POLICE

# CITY OF FAIRHOPE

PHONE 4791

E. B. OVERTON, MAYOR

ALDERMEN:

M. O. BERGLIN

L. E. BLATCHFORD

R. H. BROWN

R. C. "DICK" MACON

J. DUPREE MASON

FAIRHOPE, ALABAMA

*"On Beautiful Mobile Bay"*

C O P Y

WATER AND SEWER BOARD

R. ROY MOYERS, CHAIRMAN

L. A. BERGLIN, SR.

ARTHUR MANNICH

J. E. GOODEN

WILLIAM RUFFLES

GEORGE DYSON, SUPT.

August 25, 1953

Hon. Ed. Overton  
Fairhope, Alabama

Dear Mr. Overton:

Re: City of Fairhope  
vs  
Robert R. Nahrgang

In reference to the above named condemnation suit I request that the said suit be dismissed by the said Plaintiff under the following condition: That I, the Defendant, agree to accept a location as to be defined by the Fairhope Planning Board at its pleasure of an eastwardly-westwardly access street between the two known areas in question.

To the above condition I hereby agree.

Upon dismissal of said suit and in consideration of such dismissal this letter is to be considered as a contract of agreement.

Yours very truly,  
s/ Robert R Nahrgang  
Robert R. Nahrgang

Rightway herein by Planning Board to be deeded to the City at a consideration of \$1.00.

s/ Robert R. Nahrgang

C O P Y

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, that WHEREAS the City of Fairhope, Alabama, did on the 4th day of April, 1955, file its petition in the Probate Court of Baldwin County, Alabama, for the condemnation of certain lands described in its said petition as the property of Robert R. Nahrgang, and the said Court acting on the report of the appraisers did on the 23rd day of May, 1955, enter an order granting the said petition and assessing the damages for the said Robert R. Nahrgang at \$75.00, which said sum the said applicant did pay into the Probate Court on the 23rd day of May, 1955, and the said Robert R. Nahrgang did appeal to the Circuit Court of Baldwin County, Alabama, from the said judgment of condemnation and assessment of damages on the 26th day of MAY, 1955, and the said applicant desires and proposes to enter upon the said lands and proceed with the improvement for which the said lands were sought by condemnation;

NOW THEREFORE, THE CITY OF FAIRHOPE, ALABAMA, as principal, and M O Burghier and J D Mosson, as sureties, are held and firmly bound to the said Robert R. Nahrgang in the penal sum of \$150.00, the payment of which the said principal and sureties well and truly bind themselves, their successors, heirs and assigns.

The condition of the above obligation is such that if the said City of Fairhope, Alabama, shall pay such damages as the said Robert R. Nahrgang, owner, may sustain then this obligation shall be null and void, otherwise to remain in full force and effect.

WITNESS our hands and seals this the \_\_\_\_\_ day of \_\_\_\_\_, 1955.

CITY OF FAIRHOPE, ALABAMA

BY E B Downton (SEAL)

M O Burghier (SEAL)

J D Mosson (SEAL)

CITY OF FAIRHOPE, ALABAMA

VS

ROBERT R. NAHRGANG

IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA.

TO THE SHERIFF OF BALDWIN COUNTY, ALABAMA:

You are hereby commanded to notify CARL L. BLOXHAM,

HAROLD McKEAN

and

JOHN M. McREAVY

that, by order of the Probate Court of Baldwin County, Alabama, made and entered on the 7<sup>th</sup> day of MAY, 1955, they were appointed commissioners to ascertain and report to this court, in writing, within twenty days from this date the amount of damages and compensation 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 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;

Now these are therefore the commissioners, the said

CARL L. BLOXHAM

HAROLD McKEAN

and

JOHN M. McREAVY

, so that they may enter upon

the discharge of their duties as such commissioners as soon as they shall be directed as prescribed by the statutes in such cases made and provided.

You will execute this notice within five days from the date hereof and make due return of the action thereon.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said court on this the 7<sup>th</sup> day of MAY, 1955.

W. R. Stewart  
Judge of Probate