



Kay Ivey  
GOVERNOR

# ALABAMA DEPARTMENT OF TRANSPORTATION

SOUTHWEST REGION  
OFFICE OF REGION ENGINEER  
1701 I-65 WEST SERVICE ROAD NORTH  
MOBILE, ALABAMA 36618-1109  
TELEPHONE: (251) 470-8200  
FAX: (251) 473-3624



John R. Cooper  
TRANSPORTATION DIRECTOR

## MEMORANDUM

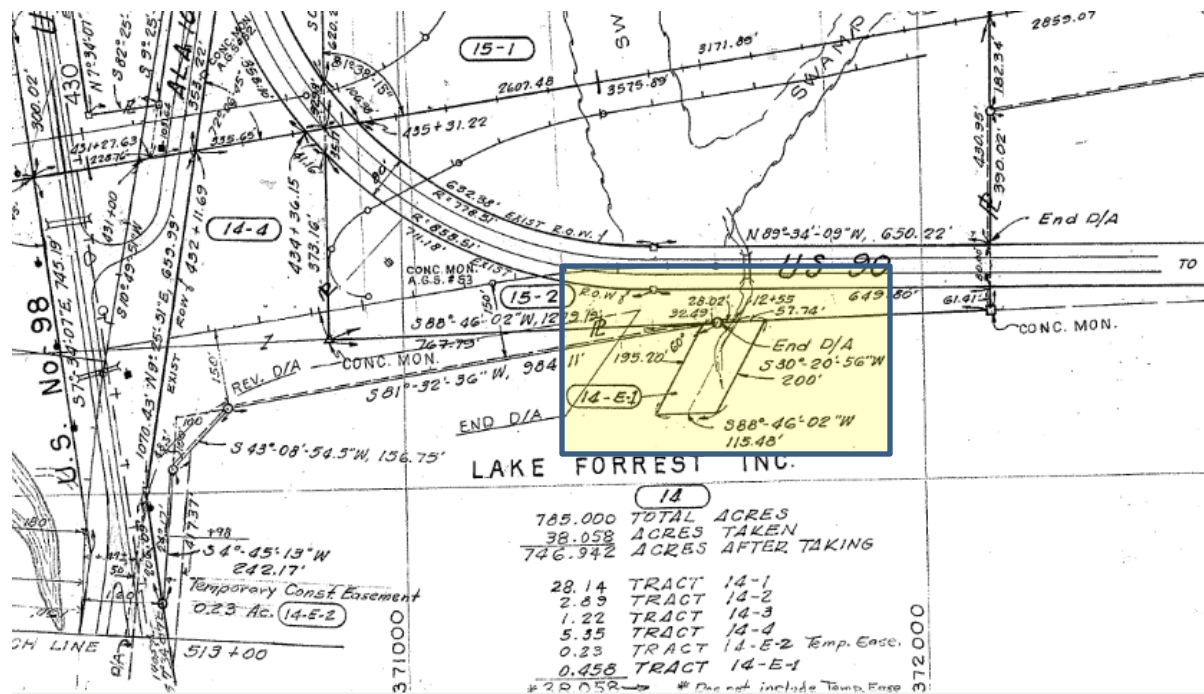
DATE: November 28, 2018

TO: Proposing Teams

FROM: ALDOT

RE: Drainage Easement – Eastern Shore

A culvert crossing I-10 just East of the Eastern Shore Interchange has an outfall that is located off ALDOT ROW. ALDOT has obtained an easement (see attached) for this culvert; see below image for the easement location.



MJE/ADW/sad  
Cc: File

STATE OF ALABAMA,

Petitioner

-VS-

LAKE FOREST, INC., an Alabama  
Corporation, Daphne, Alabama,  
[Claimant of Tract 14,  
Project I-10-1(19)] and  
BALDWIN COUNTY, ALABAMA, a  
Political Subdivision of the  
State of Alabama,

Respondents

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 10,310

FINAL SETTLEMENT BY CONSENT

This cause coming on to be heard by the Court, 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 March 31, 1972, and filed in this cause, that on the fourteenth day of March, 1968, the State of Alabama entered into possession of the lands hereinafter described for the uses and purposes therein averred and that all acts and proceedings required to be done or held had been performed, and that this cause was set for trial only on and as to the valuation issue, the just compensation, if any, to be paid by the petitioner, the State of Alabama, to the respondent, Lake Forest, Inc., an Alabama Corporation, for the lands or interest in lands sought to be acquired in this proceeding, and that an order of condemnation should be entered condemning the fee title to the lands hereinafter described for the uses and purposes set forth in the application for condemnation which is now on file in this Court.

And now come the attorneys for the respective parties hereto, to wit: Kenneth Cooper for the State of Alabama and Ben H. Kilborn and T. K. Jackson, III for the respondent Lake Forest, Inc., an Alabama Corporation, and each attorney agrees and consents that a fair and reasonable amount to be paid by the petitioner to the respondent for the lands involved in this

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proceeding is the sum of Thirty-five Thousand Seven Hundred Thirty-nine (\$35,739.00) Dollars, which said sum includes land value, damages and interest to the date of this decree. And each of said attorneys has indicated his consent hereto by his following signature, to wit:

ATTORNEY FOR PETITIONER

Kenneth Cooper  
Kenneth Cooper

ATTORNEYS FOR RESPONDENT  
LAKE FOREST, INC.

Don H. Kilborn  
Don H. Kilborn

T. K. Jackson, III  
T. K. Jackson, III

And the Court having considered all of the above, is of the opinion and judgment that an order or judgment of condemnation should be entered conditioned upon the payment by the State of Alabama to the Clerk of this Court for the use and benefit of the respondent landowner; it is, therefore,

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, as follows, to wit:

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 hereof as though fully set forth herein, be and the same is hereby condemned in fee for the use by the State of Alabama as a right-of-way for a public road of limited access 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 sums hereinafter ordered and decreed to be paid.

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2. That the respondent landowner, Lake Forest, Inc., an Alabama Corporation, is entitled to damages in this cause, which said sum is hereby fixed at Thirty-five Thousand Seven Hundred Thirty-nine (\$35,739.00) Dollars, which includes all interest on the said sum; and that upon the payment of said amount by the State of Alabama to the said landowner, the condemnation of the lands hereinabove described shall be and become effective to pass fee simple title to the said lands to the State of Alabama.

3. That the State of Alabama pay the costs of this proceeding.

DONE this 3<sup>rd</sup> day of April, 1972.

Julius A. Masbury  
Circuit Judge  
20th Judicial Circuit

I, Eunice B. Blackmon, Clerk of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a true and correct copy of the Judge's Decree entered in the above styled cause and same appears on record in this office.

Witness my hand and seal this 3rd day of April, 1972.



Eunice B. Blackmon  
Clerk of the Circuit Court  
of Baldwin County, Alabama

STATE OF ALABAMA,  
BALDWIN COUNTY  
I certify that this instrument was filed on

APR 12 1972/0304m

deed

and that no tax was collected. Recorded in  
Book 427 by James P. Dine  
Page 626 Judge of Probate  
By 631

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EXHIBIT "A"

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 14-1: Commencing at the northeast corner of irregular Section 31, T-4-S, R-2-E; thence S 1° 34' 23" W, a distance of 1821.95 feet to the centerline of Project No. I-10-1(19) at Station 460+70.76; thence S 81° 32' 36" W a distance of 3171.09 feet to the point of beginning at Station 428+98.87 on the westerly right-of-way line of U. S. 98 Highway; thence S 7° 34' 07" E, along said right-of-way line a distance of 745.19 feet; thence S 9° 25' 51" W, a distance of 55 feet, more or less, to a point that is easterly of and at right angles to the centerline of Interstate 10 connection at Station 514+00; thence northwesterly along a straight line (crossing the centerline of Interstate 10 connection at Station 514+00) a distance of 187 feet, more or less, to a point that is 180 feet westerly of and at right angles to the centerline of Interstate 10 connection at Station 514+00; thence N 4° 45' 13" E, a distance of 140.41 feet; thence N 38° 22' 37.5" W, a distance of 145.96 feet; thence N 81° 30' 28" W, a distance of 1007.0 feet; thence S 89° 09' 25" W, a distance of 403.79 feet; thence westerly along a curve to the right which has a radius of 11,659.15 feet an arc distance of 749.80 feet to a point on the east bank of the West Fork of D'Olive Creek, which is 200 feet southerly of and at right angles to the centerline of said project at Station 405+37; thence northerly along the meanders of said bank a distance of 205 feet, more or less, to the centerline at said project at Station 405+22; thence continue northerly along the meanders of said bank a distance of 203 feet to a point which is 200 feet northerly of and at right angles to the centerline of said project at Station 405+20; thence easterly along a curve to the left which has a radius of 11,259.15 feet, an arc distance of 1949 feet to a point which is 200 feet northwesterly of and at right angles to the centerline of said project at Station 424+68.96 Back = Station 424+94.87 Ahead; thence N 81° 32' 36" E, a distance of 307.10 feet; thence N 37° 01' 13.5" E, a distance of 142.59 feet to the westerly right-of-way line of U. S. 98 Highway; thence S 7° 34' 07" E, along said right-of-way line a distance of 300.02 feet to the point of beginning.

Said tract of land lying in irregular Sections 31 and 37, T-4-S, R-2-E and Section 36, T-4-S, R-1-E, Baldwin County, Alabama, and containing 28.14 acres, more or less.

As a part of the condemnation hereinabove described, 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 Condemnee's remaining real property consisting of all parcels contiguous one to another, whether acquired by separate condemnation or otherwise, all of which parcels either adjoin the real property condemned by this condemnation proceeding or are connected thereto by other parcels owned by the Condemnee.

Tract 14-2: Commencing at the northeast corner of irregular Section 31, T-4-S, R-2-E; thence S 1° 34' 23" W, a distance of 1821.95 feet to the centerline of Project No. I-10-1(19) at Station 460+70.76; thence S 81° 32' 36" W, a distance of 2943.13 feet to Centerline Station 431+27.63; thence N 9° 25' 51" E, a distance of 103.64 feet to the point of beginning; thence S 82° 25' 53" W, a distance of 139.23 feet to the easterly right-of-way line of U. S. Highway No. 98; thence N 7° 34' 07" W, along said right-of-way line a distance of 563.34 feet; thence N 82° 25' 53" E, along said right-of-way line a distance of 35 feet; thence N 7° 34' 07" W, along said right-of-way line a distance of 26.55 feet; thence S 89° 33' 29" E, a distance of 275.48 feet to the westerly right-of-way line of

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Alabama Highway No. 104; thence S 9° 25' 51" W, along said right-of-way a distance of 576.87 feet to the point of beginning.

Said tract of land lying in irregular Section 31, T-4-S, R-2-E, Baldwin County, Alabama and containing 2.89 acres, more or less.

As a part of the condemnation hereinabove described, 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 Condemnee's remaining real property consisting of all parcels contiguous one to another, whether acquired by separate condemnation or otherwise, all of which parcels either adjoin the real property condemned by this condemnation proceeding or are connected thereto by other parcels owned by the condemnee.

Tract 14-3: Commencing at the northeast corner of irregular Section 31, T-4-S, R-2-E; thence S 1° 34' 23" W, a distance of 1821.95 feet to the centerline of Project No. I-10-1(19) at Station 460+70.76; thence S 81° 32' 36" W, a distance of 2607.48 feet; to Centerline Station 434+62.28; thence N 0° 05' 39" W, a distance of 92.98 feet to the point of beginning which is on the easterly right-of-way line of U. S. Highway No. 90; thence northerly along said right-of-way and a curve to the right which has a radius of 778.51 feet, an arc distance of 557.83 feet; thence S 89° 33' 29" E, a distance of 136.74 feet; thence S 0° 05' 39" E, a distance of 527.30 feet to the point of beginning.

Said tract of land lying in irregular Section 31, T-4-S, R-2-E, Baldwin County, Alabama and containing 1.22 acre, more or less.

As a part of the condemnation hereinabove described, 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 Condemnee's remaining real property consisting of all parcels contiguous one to another, whether acquired by separate condemnation or otherwise, all of which parcels either adjoin the real property condemned by this condemnation proceeding or are connected thereto by other parcels owned by the Condemnee.

Tract 14-4: Commencing at the northeast corner of Irregular Section 31, T-4-S, R-2-E; thence S 1° 34' 23" W, a distance of 1821.95 feet to the centerline of Project No. I-10-1(19) at Station 460+70.76; thence S 81° 32' 36" W, a distance of 2607.48 feet to Centerline Station 434+63.28; thence S 0° 05' 39" E, a distance of 35.17 feet to the point of beginning; thence continue S 0° 05' 39" E, a distance of 373.16 feet; thence N 88° 46' 02" E, a distance of 767.79 feet; thence S 81° 32' 36" W, a distance of 984.11 feet; thence S 43° 08' 54.5" W, a distance of 156.75 feet; thence S 4° 45' 13" W, a distance of 242.17 feet to the easterly right-of-way line of U. S. 98 Highway; thence N 7° 34' 07" W, along said right-of-way line a distance of 206.09 feet to the easterly right-of-way line of Alabama Highway No. 104; thence N 9° 25' 51" E, along said right-of-way line a distance of 659.99 feet to the centerline of said project at Station 432+11.69; thence continue N 9° 25' 51" E, along said right-of-way line a distance of 353.22 feet to the westerly right-of-way line of U. S. Highway No. 90; thence southeasterly along a curve to the left which has a radius of 858.51 feet an arc

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distance of 358.10 feet to the centerline of said project at Station 434+36.15; thence continue along a curve to the left which has a radius of 858.51 feet, an arc distance of 41.16 feet to the point of beginning.

Said tract of land lying in irregular sections 31 and 37, T-4-S, R-2-E, Baldwin County, Alabama and containing 5.35 acres, more or less.

As a part of the condemnation hereinabove described, 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. 1-10-1(19), County of Baldwin, and all of Condemnee's remaining real property consisting of all parcels contiguous one to another, whether acquired by separate condemnation or otherwise, all of which parcels either adjoin the real property condemned by this condemnation proceeding or are connected thereto by other parcels owned by the Condemnee.

Tract 14-E: Easement for Drainage: The herein described property a tract of land to be used for the purpose of a drainage ditch, more particularly described as: Beginning at a point which is 120.95 feet southwesterly of and at right angles to the centerline of U. S. 90 Connection East at Station 12+55; thence N 88° 46' 02" E, a distance of 57.74 feet; thence S 30° 20' 56" W, a distance of 200 feet; thence S 88° 46' 02" W, a distance of 115.48 feet; thence N 30° 20' 56" E, a distance of 195.20 feet; thence N 81° 32' 36" E, a distance of 32.49 feet; thence N 88° 46' 02" E, a distance of 28.02 feet to the point of beginning. *and 0.0458 ac*

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Said tract of land lying in irregular Section 37, T-4-S, R-2-E, Baldwin County, Alabama and containing 0.458 acre, more or less.

TRACT 14-E-2: Temporary Easement: The herein described property to be used for the purpose of a temporary detour road being more particularly described as: Commencing at Station 432+11.69 of Project No. 1-10-1(19), said point being the intersection of the easterly right of way line of Alabama Highway No. 104 and the centerline of subject project; thence south 90° 25' 51" West along the said right of way line a distance of 659.99 feet more or less to a point on the east right of way line of U. S. 98. Thence south 70° 34' 07" East along said right of way line a distance of 206.09 feet, more or less, to the point of beginning; thence south 70° 34' 07" East along said right of way line a distance of 140.57 feet, more or less, to a point; thence N 40° 45' 13" East a distance of 417.37 feet, more or less, to a point on the right of way line of subject project; thence south 43° 08' 54.5" West a distance of 48.30 feet, more or less, to a point; thence S 40° 45' 13" West a distance of 242.17 feet, more or less, to the easterly right of way line of U. S. 98 and the point of beginning.

Said tract of land lying in irregular section 37, T-4-S, R-3-E, Baldwin County, Alabama, and containing 0.22 acres, more or less.

It is hereby agreed that upon completion of the above mentioned project all rights granted herein to the said parcels of land covered by temporary easement lying outside the right of way shall cease and terminate and revert to the grantor.