

Clerk: BFRANKS

IN THE PROBATE COURT OF MOBILE COUNTY, ALABAMA

**STATE OF ALABAMA, ex rel JOHN R.
COOPER, Director of the Alabama
Department of Transportation,**

Plaintiff,

v.

CASE NO. 2018-1995

**BETTY JANE SWEAT, JOHN C.
GREENE, LINDA S. FRANCH,
UNKNOWN CLAIMANTS, and KIM
HASTIE as Revenue Commissioner of
Mobile County Alabama (Tract 25),**

Defendants.

CONSENT JUDGMENT FOR CONDEMNATION

This matter is before the Court on the Joint Motion for Entry of Judgment by Consent filed by Plaintiff, the State of Alabama, ex rel John R. Cooper, Director of the Alabama Department of Transportation ("State"), and Defendant, Betty Jane Sweat ("Owner"). In this condemnation action the State seeks to acquire fee simple title in the land made the subject of this action, comprising approximately .73 acres as described below, and ownership of all improvements located thereon, if any, collectively designated as Tract 25 on the project giving rise to this condemnation and owned by Owner. The State and Owner they have reached a settlement under which the State will pay a total of \$189,000 as full compensation for the subject property, and the parties have requested that the Court enter this Consent Judgment for Condemnation to effect that settlement.

It appearing that the State has the authority and right to condemn the subject property pursuant to law, and the State and Owner having consented and agreed to the

entry of this Consent Judgment for Condemnation, it is therefore ORDERED, ADJUDGED, and DECREED as follows:

1. The State shall promptly pay into court the agreed compensation in the amount of \$189,000. Upon such deposit the property shall be condemned in favor of the State, and fee simple title in the parcel of land described below comprising approximately .73 acres, together with ownership of all improvements located thereon, if any, shall vest in the State, to wit (as used herein "grantor" refers to Owner):

A part of Section 26, Township 4-S, Range 1-W, identified as Tract No. 25 on Project No. ST-049-I10-006 in Mobile County, Alabama and being more fully described as follows:

Parcel 1 of 3:

COMMENCING at a found cap and rebar at the intersection of the present south R/W line of Virginia St. and the present north R/W line of N. Carolina St.;

thence northwesterly and along the present south R/W line of Virginia St. a distance of 58 feet, more or less, to a point on said present R/W line;

thence westerly and continuing along said present R/W line a distance of 151 feet, more or less, to a point on the grantor's south property line {point also on the acquired R/W line (said point offset 706.93' RT and perpendicular to the centerline of I-10 West-East alignment at station 455+96.09)}, which is the point and place of BEGINNING;

thence S 50°29'40" W and along the grantor's said property line a distance of 6.75 feet to a point on the grantor's south property line;

thence following the curvature thereof an arc distance of 248.03 feet and along the grantor's said property line to a point on the present north R/W line of N. Carolina St. (said arc having a chord bearing of S 49°41'16" W, a counterclockwise direction, a chord distance of 247.72 feet and a radius of 1432.39 feet);

thence N 81°49'3" W and along said present R/W line a distance of 59.17 feet to a point on the present northeast R/W taper to S. Franklin St.;

thence N 36°54'58" W and along said present R/W taper a distance of 40.23 feet to a point on the present east R/W line of S. Franklin St.;

thence N 8°0'9" E and along said present R/W line a distance of 111.24 feet to a point on the present northeast R/W taper to Virginia St.;

thence N 47°14'36" E and along said present R/W taper a distance of 57.20 feet to a point on the present south R/W line of Virginia St.;

thence S 83°29'35" E and along said present R/W line a distance of 220.77 feet to the point and place of BEGINNING, containing 0.68 acre(s), more or less.

Parcel 2 of 3:

COMMENCING at the intersection of the present south R/W line of N. Carolina St. and the present northwest R/W taper of S. Conception St.;

thence westerly and along the present south R/W line of N. Carolina St. a distance of 222 feet, more or less, to a point on the grantor's south property line {point also on the acquired R/W line (said point offset 633.96' RT and perpendicular to the centerline of I-10 West-East alignment at station 452+88.37)}, which is the point and place of BEGINNING;

thence S 41°32'0" W and along the acquired R/W line a distance of 37.33 feet to a point on the grantor's south property line;

thence following the curvature thereof an arc distance of 60.01 feet and along the grantor's said property line to a point on the grantor's west property line (said arc having a chord bearing of S 39°35'11" W, a counterclockwise direction, a chord distance of 60.01 feet and a radius of 1432.39 feet);

thence N 8°0'9" E and along the grantor's said property line a distance of 82.53 feet to a point on the present south R/W line of N Carolina St.;

thence S 81°40'50" E and along said present R/W line a distance of 52.05 feet to the point and place of BEGINNING, containing 0.05 acre(s), more or less.

Parcel 3 of 3:

PARCEL DELETED

And as shown on the right of way map of record in the State of Alabama Department of Transportation a copy of which is also deposited in the office of the Judge of Probate as an aid to persons and entities interested therein and as shown on the Property Sketch attached hereto and made a part hereof.

2. This condemnation includes the land described above, and all improvements on such land, if any.

3. In accordance with Ala. Code § 18-1A-214(d), Kim Hastie, as Revenue Commissioner of Mobile County, has effected the filing of a disclaimer to any portion of the award. Accordingly, there shall be no deduction for taxes.

4. In accordance with Ala. Code § 18-1A-214(c) the Clerk shall give notice of this judgment to Defendants John C. Greene and Linda S. Franch by First Class Mail within 30 days of the State's deposit. Said Defendants shall file any claim to any portion of the award within 30 days of the date of such notice as specified therein. In the event either of such Defendants file a claim the Court shall conduct further proceedings. In the event neither of such Defendants file a claim, the Clerk shall promptly disburse the deposited funds to Owner by check made payable to "Warren C. Herlong, Jr. as attorney for Betty Jane Sweat," and mailed to attorney Herlong at P.O. Box 2767, Mobile, AL 36652.

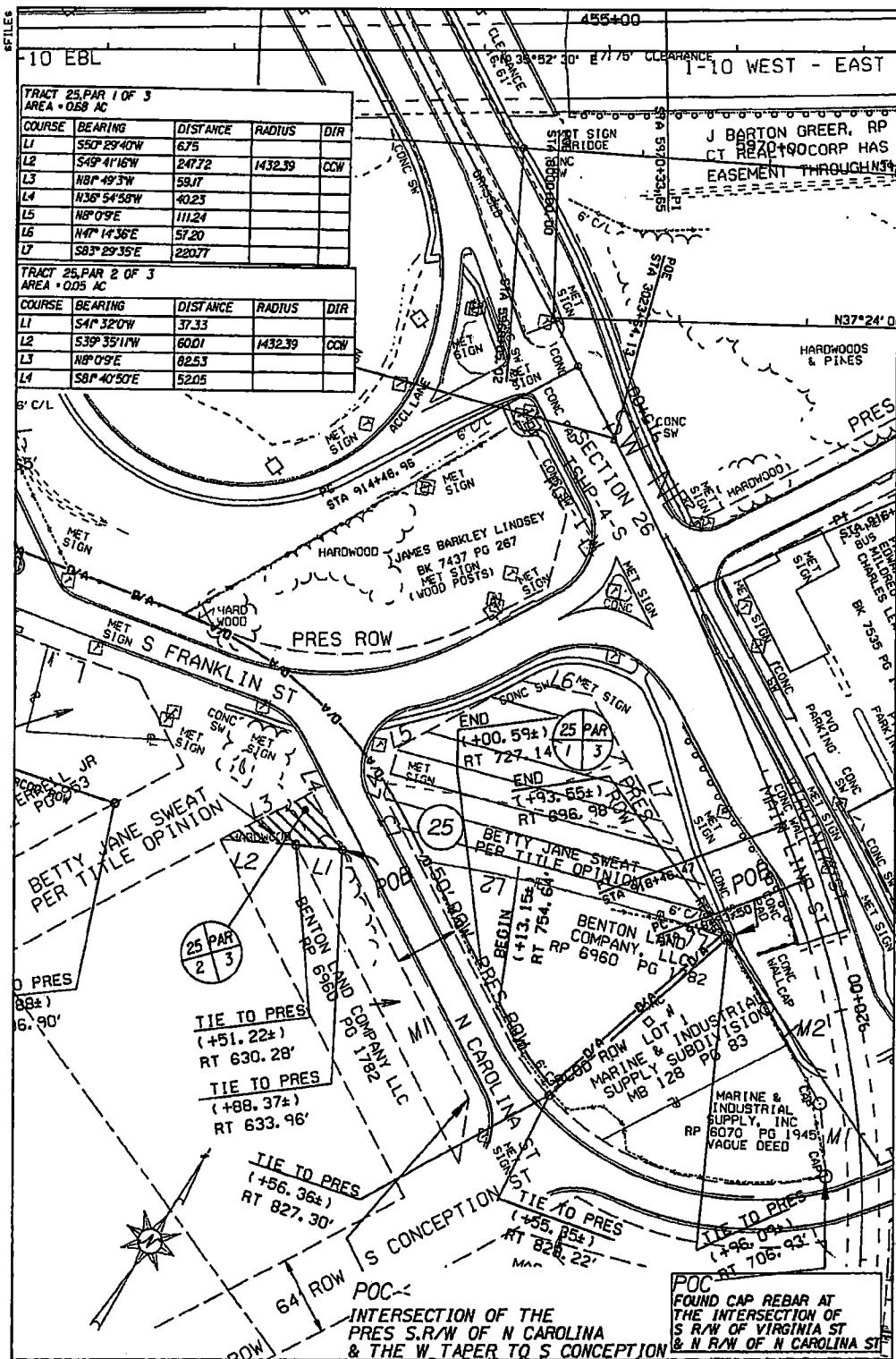
5. The costs of this action are taxed against the State.

It is so ORDERED.

DONE this 28th day of February, 2019.



DON DAVIS
JUDGE OF PROBATE



Tract #:	25	Scale:	1"=100'
Grantor(s)	BETTY JANE SWEAT	State:	Alabama
Total Before:	0.73 AC	County:	Mobile
Total Acquired:	0.73 AC	Project:	ST-049-I10-006
Total Remainder:	0.00 AC	CPMS #:	100067521
THIS IS NOT A BOUNDARY SURVEY		Date:	10-Dec-18
		Sketch:	1 of 1

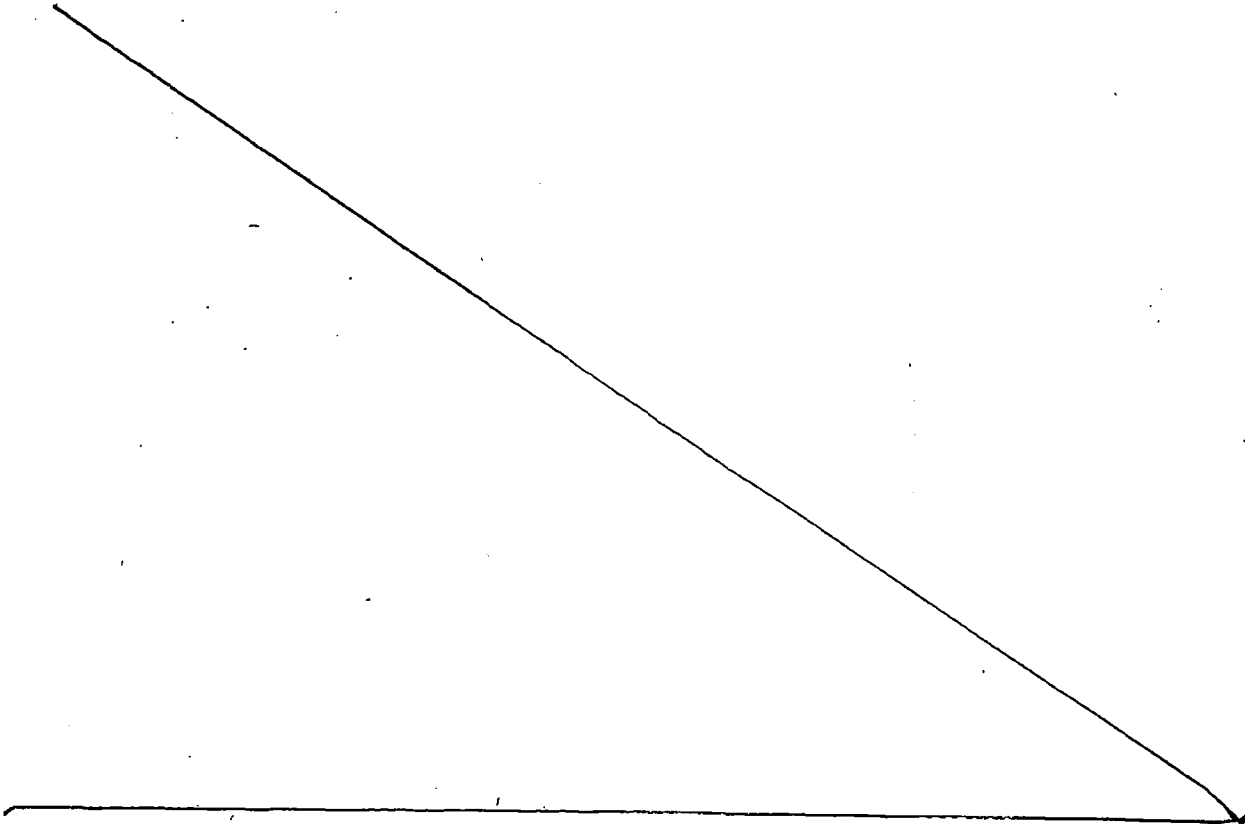
IN THE PROBATE COURT OF MOBILE COUNTY, ALABAMA

IN THE MATTER OF	:	CASE NO. 2018-1995
STATE OF ALABAMA,	:	DATE: April 3, 2019
Plaintiff,	:	
-VS-	:	
BETTY JANE SWEAT, et. al.,	:	Tract 25
Defendants.	:	
	:	

Condemnation of Land

AMENDED
PAYMENT OF AWARD INTO COURT

Pursuant to the Consent Judgment for Condemnation entered in the above entitled matter on to-wit, February 8, 2019, heretofore came the State of Alabama and paid into this Court the amount of damages assessed and awarded by the Commissioners to the persons named as owners, or holders of interest in the following described lands, situated in the County of Mobile, State of Alabama, to-wit:



A part of Section 26, Township 4-S, Range 1-W, identified as Tract No. 25 on Project No. ST-049-I10-006 in Mobile County, Alabama and being more fully described as follows:

Parcel 1 of 3:

COMMENCING at a found cap and rebar at the intersection of the present south R/W line of Virginia St. and the present north R/W line of N. Carolina St.;

thence northwesterly and along the present south R/W line of Virginia St. a distance of 58 feet, more or less, to a point on said present R/W line;

thence westerly and continuing along said present R/W line a distance of 151 feet, more or less, to a point on the grantor's south property line {point also on the acquired R/W line (said point offset 706.93' RT and perpendicular to the centerline of I-10 West-East alignment at station 455+96.09)}, which is the point and place of BEGINNING;

thence S 50°29'40" W and along the grantor's said property line a distance of 6.75 feet to a point on the grantor's south property line;

thence following the curvature thereof an arc distance of 248.03 feet and along the grantor's said property line to a point on the present north R/W line of N. Carolina St. (said arc having a chord bearing of S 49°41'16" W, a counterclockwise direction, a chord distance of 247.72 feet and a radius of 1432.39 feet);

thence N 81°49'3" W and along said present R/W line a distance of 59.17 feet to a point on the present northeast R/W-taper to S. Franklin St.;

thence N 36°54'58" W and along said present R/W taper a distance of 40.23 feet to a point on the present east R/W line of S. Franklin St.;

thence N 8°0'9" E and along said present R/W line a distance of 111.24 feet to a point on the present northeast R/W taper to Virginia St.;

thence N 47°14'36" E and along said present R/W taper a distance of 57.20 feet to a point on the present south R/W line of Virginia St.;

thence S 83°29'35" E and along said present R/W line a distance of 220.77 feet to the point and place of BEGINNING, containing 0.68 acre(s), more or less.

Parcel 2 of 3:

COMMENCING at the intersection of the present south R/W line of N. Carolina St. and the present northwest R/W taper of S. Conception St.;

thence westerly and along the present south R/W line of N. Carolina St. a distance of 222 feet, more or less, to a point on the grantor's south property line {point also on the acquired R/W line (said point offset 633.96' RT and perpendicular to the centerline of I-10 West-East alignment at station 452+88.37)}, which is the point and place of BEGINNING;

thence S 41°32'0" W and along the acquired R/W line a distance of 37.33 feet to a point on the grantor's south property line;

thence following the curvature thereof an arc distance of 60.01 feet and along the grantor's said property line to a point on the grantor's west property line (said arc having a chord bearing of S 39°35'11" W, a counterclockwise direction, a chord distance of 60.01 feet and a radius of 1432.39 feet);

thence N 8°0'9" E and along the grantor's said property line a distance of 82.53 feet to a point on the present south R/W line of N Carolina St.;

thence S 81°40'50" E and along said present R/W line a distance of 52.05 feet to the point and place of BEGINNING, containing 0.05 acre(s), more or less.

Parcel 3 of 3:

PARCEL DELETED

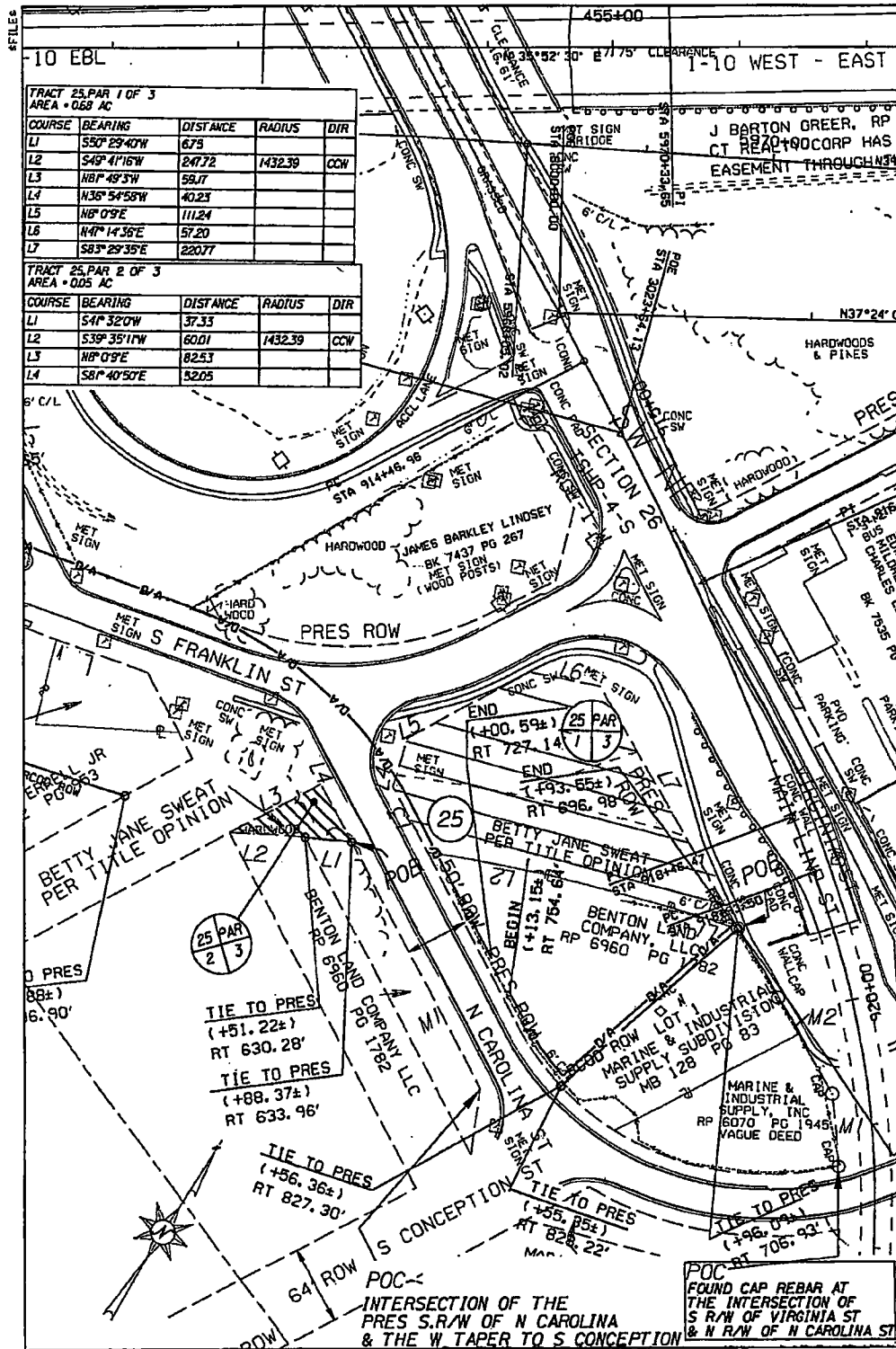
And as shown on the right of way map of record in the State of Alabama Department of Transportation a copy of which is also deposited in the office of the Judge of Probate as an aid to persons and entities interested therein and as shown on the Property Sketch attached hereto and made a part hereof.

It is **ORDERED** that the said award be accepted and deposited with the Court.

If an interested party seeks payment of all or a portion of the award now held by the Court, reference should be made to Ala. Code § 18-1A- 214 (1975).

A handwritten signature in cursive script, appearing to read "Don Davis", is written over a horizontal line.

DON DAVIS, Judge of Probate



Tract #:	25	Scale:	1"=100'
Grantor(s)	BETTY JANE SWEAT	State:	Alabama
Total Before:	0.73 AC	County:	Mobile
Total Acquired:	0.73 AC	Project:	ST-049-110-006
Total Remainder:	0.00 AC	CPMS #:	100067521
THIS IS NOT A BOUNDARY SURVEY		Date:	10-Dec-18
		Sketch:	1 of 1

To All Interested Parties:

This will serve as OFFICIAL NOTICE to you, pursuant to Ala. Code §18-1A-282 (1975), that by order of the Probate Court of Mobile County, a copy of which is attached hereto, certain property in which you may have an interest has been condemned by the Plaintiff upon payment or deposit of damages and compensation assessed by the commissioners.

NOTICE OF APPEAL. Please be further notified of the following Ala Code §18-1A-283. Appeal from order of condemnation. Any of the parties may appeal from the order of condemnation to the Circuit Court of the county within 30 days from the making of the order of condemnation by filing in the Probate Court rendering that judgment a written notice of appeal, a copy of which shall be served on the opposite party or his attorney, and on such appeal, the trial shall be de novo, and it shall be necessary to send up the proceedings only as to the parties appealing or against whom an appeal is taken (Acts 1985, No. 85-548, p. 802, §§1614).

If you have any question or if this Court may be of any assistance in the matter, please do not hesitate to contact us.

Probate Court of Mobile County

Note: Copy of notice and order forwarded to all defendants and counsel of record.



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

March 25, 2019

Mobile County Probate Court
Attn: The Honorable Judge Don Davis
151 Government Street
Mobile, AL 36602

Dear Judge Davis:

Re: PROJECT NO. ST-049-I10-006
R/W CPMS# 100067521
I-10 MOBILE RIVER BRIDGE AND BAYWAY
CORRIDOR PRESERVATION
MOBILE COUNTY
PROBATE CASE NO. 2018-1995 (TRACT 25)

Please find attached hereto State Warrant 1090278001 dated March 20, 2019 in the amount of \$189,000.00 along with a copy of the Order relative to the subject case. This warrant represents the agreed upon amount of just compensation by all parties in the matter for the subject tract.

Sincerely,

Edwin L. Perry III, P.E.
Pre-Construction Engineer

By Marvin E. Waller (22)
Marvin E. Waller, SR/WA, EI
Right-of-Way Acquisition Manager

ELP/MEW/pjg
Attachment
cc: File (3)

The foregoing is a
CERTIFIED TRUE COPY
Probate Court of Mobile Co., AL
Don Davis, Judge

Signature C. Mark Erwin
C. Mark Erwin, Chief Clerk

Date 04 April 2019

FILED MAR 25 19 PM 03:54 PCTHOBAL