

IN THE PROBATE COURT OF MOBILE COUNTY, ALABAMA

IN THE MATTER OF : CASE NO. 2018-2280
STATE OF ALABAMA, : DATE: JANUARY 31, 2019
Plaintiff, :
-VS- :
BENTON LAND COMPANY, LLC, et. al., : TRACT 7
Defendants.

Inst. # 2019005417 Pages: 1 of 10 Doc: ORDR
I certify this instrument filed on 2/1/2019 3:25 PM
Don Davis, Judge of Probate
Mobile County, AL. Rec: \$28.00

Condemnation of Land

Clerk: TMCCAFFERTY

PAYMENT OF AWARD INTO COURT

Pursuant to the Consent Judgment For Condemnation Order entered in the above entitled matter on to-wit, January 10, 2019, heretofore came the State of Alabama and paid into this Court the settlement amount the State and Owner consented and agreed to situated in the County of Mobile, State of Alabama, to-wit:

EXHIBIT "A"
LEGAL DESCRIPTION AND PARTIES OF INTEREST IN TRACT NUMBER 7

A part of Section 26, Township 4-S, Range 1-W, identified as Tract No. 7 on Project No. ST-049-110-006 in Mobile County, Alabama and being more fully described as follows:

Parcel 1 of 2:

Commencing at a found capped iron at the intersection of the present North R/W line of N. Carolina Street and the present West R/W line of Virginia Street;

thence westerly and along said present North R/W line of N. Carolina Street a distance of 240 feet, more or less, to a point on said present R/W line (said point also on the acquired R/W line and offset 827.30' RT of the centerline of project), which is the point of BEGINNING,

thence following the curvature thereof an arc distance of 59.88 feet and along said present R/W line to a point on said present R/W line (said arc having a chord bearing of N 89°11'4" W, a clockwise direction, a chord distance of 59.73 feet and a radius of 241.00 feet);

thence N 81°48'30" W and along said present R/W line a distance of 154.68 feet to a point on the grantor's North property line;

thence following the curvature thereof an arc distance of 248.03 feet and along grantor's said property line to a point on the grantor's said property line (said arc having a chord bearing of N 49°41'49" E, a clockwise direction, a chord distance of 247.72 feet and a radius of 1432.41 feet);

thence N 59°3'52" E and along the grantor's said property line a distance of 5.82 feet to a point on the acquired R/W line (said point tied to the present west R/W line of Main Line Street and offset 706.93' RT of the centerline of project);

thence S 5°48'7" E and along the acquired R/W line a distance of 187.07 feet to the point and place of BEGINNING, containing 0.49 acre(s), more or less.

Parcel 2 of 2:

Parcel 2 of 2 has been deleted.

Also condemned are all existing, future, or potential common law or statutory rights of access between the right of way of the public way identified on; Project No. ST-049-110-006, County of Mobile, Alabama and all of the grantor's remaining property consisting of

all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the property conveyed by this instrument or are connected thereto by other parcels owned by the grantor.

And as shown on the right of way map of record in the 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.

EQUIPMENT OR FIXTURES TO BE ACQUIRED:

Site improvements (including chain-link security fencing, light poles, and gravel parking area.

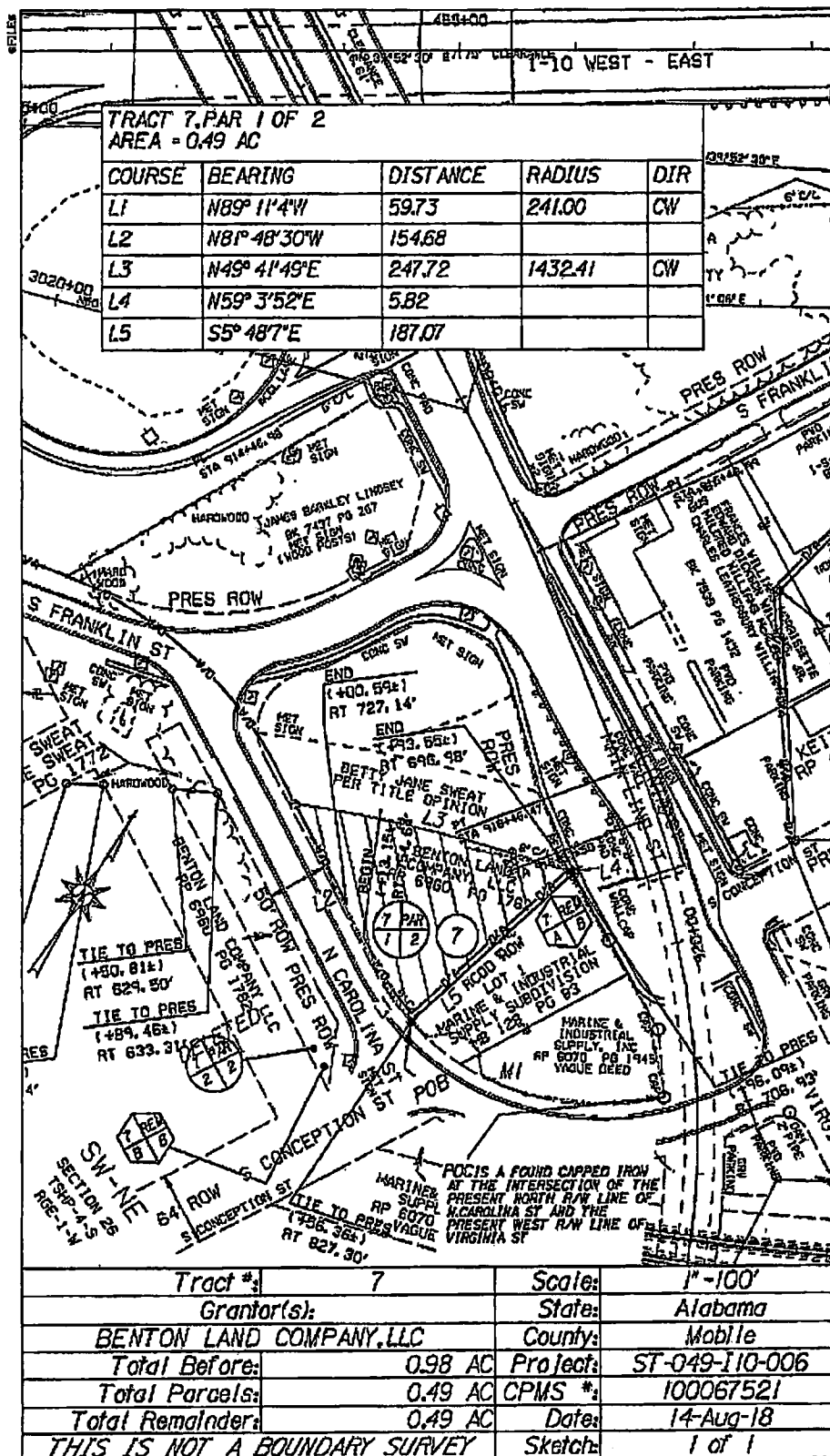
Damages – Remaining land.

OWNERS AND PARTIES OF INTEREST:

Benton Land Company, LLC (Owner)
c/o Warren C. Herlong, Jr., Esq., its attorney
150 Government Street, Suite 2000
Mobile, AL 36602

Kim Hastie
Revenue Commissioner
P.O. Box 1169
Mobile, AL 36633-1169

Please serve the above named defendants by certified mail, return receipt requested.

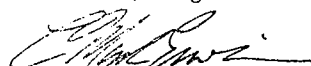


It is **ORDERED** that the said award be accepted and deposited with the Court.



Don Davis, Judge of Probate

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

Signature 
C. Mark Erwin, Chief Clerk

Date 1 February 2019

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 \$229,750.00. Upon such deposit the property and rights described below shall be condemned in favor of the State, and fee simple title in the parcel of land described below comprising approximately .49 acres, together with ownership of all improvements located thereon, 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. 7 on Project No. ST-049-I10-006 in Mobile County, Alabama and being more fully described as follows:

Parcel 1 of 2:

Commencing at a found capped iron at the intersection of the present North R/W line of N. Carolina Street and the present West R/W line of Virginia Street;

thence westerly and along said present North R/W line of N. Carolina Street a distance of 240 feet, more or less, to a point on said present R/W line (said point also on the acquired R/W line and offset 827.30' RT of the centerline of project), which is the point of BEGINNING,

thence following the curvature thereof an arc distance of 59.88 feet and along said present R/W line to a point on said present R/W line (said arc having a chord bearing of N 89°11'4" W, a clockwise direction, a chord distance of 59.73 feet and a radius of 241.00 feet);

thence N 81°48'30" W and along said present R/W line a distance of 154.68 feet to a point on the grantor's North property line;

thence following the curvature thereof an arc distance of 248.03 feet and along grantor's said property line to a point on the grantor's said property line (said arc having a chord bearing of N 49°41'49" E, a clockwise direction, a chord distance of 247.72 feet and a radius of 1432.41 feet);

thence N 59°3'52" E and along the grantor's said property line a distance of 5.82 feet to a point on the acquired R/W line (said point tied to the present west R/W line of Main Line Street and offset 706.93' RT of the centerline of project);

thence S 5°48'7" E and along the acquired R/W line a distance of 187.07 feet to the point and place of BEGINNING, containing 0.49 acre(s), more or less.

Parcel 2 of 2:

Parcel 2 of 2 has been deleted from the project and is not being condemned.

Also condemned are all existing, future, or potential common law or statutory rights of access between the right of way of the public identified as Project No. ST-049-110-006, County of Mobile, Alabama and all of the grantor's remaining property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the property condemned or are connected thereto by other parcels owned by the grantor.

And as shown on the right of way map of record in the 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 and denial of access described above, and all improvements on such land including without limitation chain-link security fencing, light poles, and gravel parking.

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.

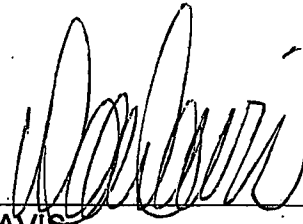
4. In order to give effect to the settlement and this judgement, the Accounting Clerk of the Court is hereby **DIRECTED**, upon deposit of the agreed compensation of

\$229,750.00 by the State, to disburse the same by check made payable to "Warren C. Herlong, Jr. (line 2- as attorney for Benton Land Company, LLC)," and mailed to attorney Herlong at P.O. Box 2767, Mobile, AL 36652.

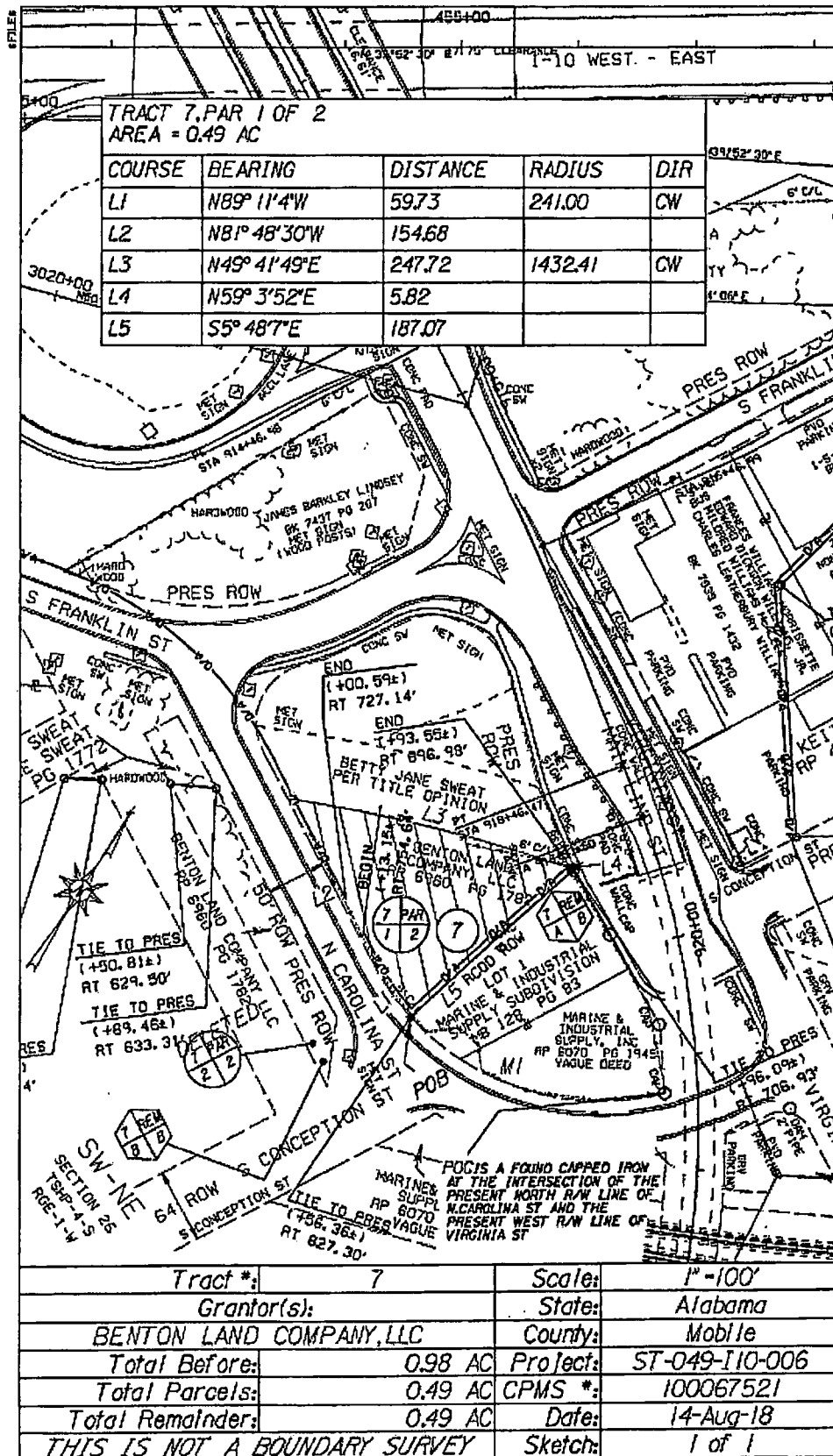
5. The costs of this action are taxed against the Plaintiff.

It is so **ORDERED**.

DONE this 10th day of January, 2019.

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

DON DAVIS
JUDGE OF PROBATE



(MB326739.1)

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

Signature

C. Mark Erwin, Chief Clerk

Date

1 February 2019