IN THE 2nd CIRCUIT COURT FOR DAVIDSON COUNTY AT NASHVILLE

1290/2132

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D.C.

STATE OF TENNESSEE, ON RELATION OF THE COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION, FOR AND ON BEHALF OF SAID DEPARTMENT

Petitioner

vs.

PHILLIPS AND BUTTORFF MANUFACTURING COMPANY: FIRST AMERICAN NATIONAL BANK OF NASHVILLE; WILLIAM K. BEASLEY, Trustee; C.I.T. CORPORATION; ERNEST WILLIAMS, III, Trustee; ROBERT C. LIDDON, JR., Trustee; METROPOLITAN GOVERNMENT OF NASHVILLE & DAVIDSON COUNTY, TENNESSEE

Defendants

Docket 83C-2731

Project 19033-2207-54
M-447(1)

Tract 39

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CONSENT JUDGMENT AND FINAL DECREE

It appearing to the Court from the respective signatures of the counsel for the Commissioner of Transportation for the State of Tennessee and of the signature of the defendants and/or their counsel below that all matters and things in controversy between the parties have been compromised and settled, and that a Consent Judgment and Final Decree should be entered in this cause, further; an initial tender of $71,800.00 was made on September 28, 1983. An Order of Possession will be entered simultaneously with the filing of this order. It further appears that petitioner is depositing an additional sum of $53,200.00 with the Clerk of the Circuit Court in this cause for a total sum of $125,000.00 for the purchase of any and all property rights taken by virtue of the acquisition, including any incidental damages to the remainder, and that all of the rights and interest of the defendants in and to the tract of land described hereinafter be decreed and appropriated to the petitioner, the State of Tennessee, Department of Transportation, its successors and assigns, to have and to hold for the use and benefit of the said department. Further Phillips and Buttorff, et al warrant that

there are no outstanding liens or claims against the property. It further appearing that there are no city or county taxes due on the subject tract.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendants have and recover of the State of Tennessee, the sum of $125,000.00, interest free for the interest taken and for all incidental damages to the remainder; the sum of $71,800.00 heretofore deposited by the State be credited against the Judgment in favor of said defendants.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that the right, title, claim, and interest of all defendants in and to the condemned property hereinafter described, to the extent and in the manner indicated in said description, be, and it is hereby, divested out of them, and each one of them, and vested in the State Of Tennessee, On Relation Of The Commissioner Of The Department of Transportation, For And On Behalf Of The State Of Tennessee, its successors and assigns, to have and to hold for the use and benefit of the said department, said property being in the Civil District of Davidson County, Tennessee, and being more particularly described in Exhibit "A" as attached to this Consent Judgment and which is hereby incorporated by reference.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the $125,000.00 paid by the petitioner is the total damages the defendants are entitled to recover in this cause and includes all damages for the property taken together with any and all incidental damages to the remainder of the tract of land, including full settlement of all claims for compensation of any nature due the defendants because of the construction of the roadway project for which this condemnation was necessary.

LEGAL DESCRIPTION

DAVIDSON COUNTY, TENNESSEE

FEE SIMPLE

Beginning at the point of intersection of the westerly margin of 12th Avenue North and the northerly right-of-way of L & N Railroad; thence with the said northerly right-of-way South 63 degrees 00 minutes West 300 feet more or less to a point; thence with the proposed right-of-way (1) with a 512.47 foot radius curve right and westwardly 180 feet more or less to a point; (2) North 71 degrees 50 minutes West 203.93 feet to a point; (3) southeasterly 190 feet more or less to a point; (4) westerly 5 feet more or less to a point; thence with the easterly margin of 14th Avenue North; north northwesterly 287 feet more or less to a point; thence with the proposed right-of-way (1) with a curve right and southeastwardly 75 feet more or less to a point; (2) South 71 degrees 50 minutes East 195.89 feet to a point; (3) with a 442.47 radius curve left and eastwardly 304.65 feet to a point; (4) eastwardly 131 feet more or less to the point of beginning and containing 37,875 square feet or 0.869 acres more or less and being part of the property vested in Phillips and Buttorff Manufacturing Company, in Davidson County, Tennessee.

This property is improved and is located between L & N Railroad and Herman Street, between 12th Avenue North and 14th Avenue North in the City of Nashville, Davidson County, Tennessee.

The above described property is hereby condemned in fee simple and the lien for property taxes against the same is to be removed as provided for in Section 67-5-203, Tennessee Code Annotated.

The following easement is to be retained by Phillips and Buttorff Manufacturing Company its successors and assigns for the purpose of truck and vehicle access onto 14th Avenue North.

Beginning at the point of intersection of the east margin of 14th Avenue North and the proposed north right-of-way of Nashville and Ashland City Railroad connector track with Louisville and Nashville Railroad; thence with the said proposed north right-of-way with a 512.47 foot radius curve right and eastwardly 25 feet, more or less to a point; thence south 62 degrees 20 minutes west 20 feet, more or less to a point; thence with the said east margin north 27 degrees 40 minutes west 15 feet, more or less to the point of beginning and containing 150 square feet, more or less.

The consideration mentioned herein includes payment for the property taken, also payment of incidental damages to the remainder compensable under eminent domain.

EXHIBIT "A"

The Clerk of this Court will make out and certify to the State of Tennessee a copy of this Judgment, together with a costs bill for the lawful costs of this cause, for payment by the State of Tennessee.

ENTERED this 6 day of July, 1984.

CIRCUIT JUDGE

AGREED TO AND APPROVED FOR ENTRY:

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DONALD L. CORLEW
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C.I.T. CORPORATION
c/o C.T. Corporation System
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ERNEST WILLIAMS, III, Trustee
2020 First Tennessee Building
165 Madison Avenue
Memphis, Tennessee 38103

METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY,
TENNESSEE
Donald W. Jones, Director of Law
Attention: James L. Murphy III
204 Metropolitan Courthouse
Nashville, Tennessee 37219

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IDENTIF. REFERENCE

SEP 5 9 10 AM '84

REGISTER
DAVIDSON COUNTY, TN

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STATE OF TENNESSEE

I, GEORGE L. ROOKER, *Clerk of the Circuit Court for the County of Davidson, in the State aforesaid, do certify that the foregoing is a* ~~xxxxxxxxxxxx~~ true copy *of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* State of Tennessee *Plaintiff, and* Phillips and Buttorff Manufacturing Company, et al *Defendant, as same remain of record in said Court.*

IN TESTIMONY WHEREOF, *I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the* 1st *day of* August *in the year one thousand nine hundred and* eighty-four *and in the* 209th *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By Vicky Allen, *D. C.*

Form #GR-117

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