140A-347

IN THE THIRD CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE, ON RELATION OF THE COMMISSIONER, DEPARTMENT OF FINANCE AND ADMINISTRATION, FOR AND ON BEHALF OF SAID DEPARTMENT, Petitioner, v. JERRY CARROLL and Wife, BARBARA CARROLL; SOVRAN BANK/ CENTRAL SOUTH; SCOTT C. WILLIAMS, Trustee; METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE, Defendants.	91 APR -8 AM 10:25 Docket No. 89C-2952 BOOK 8332 PAGE 448

CONSENT JUDGMENT AND FINAL DECREE

It appearing to the Court from the respective signatures of the counsel for the Commissioner of Finance and Administration for the State of Tennessee and of the signatures 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 FOUR MILLION THREE HUNDRED SIXTY THOUSAND DOLLARS AND NO/CENTS ($4,360,000.00) was made on September 20, 1989.

An Order of Possession was entered by this Court on October 5, 1989, and it further appears that Petitioner has deposited at or about the time of the entry of this Judgment an additional sum of THREE HUNDRED NINETY THOUSAND DOLLARS AND NO/CENTS ($390,000.00) with the Clerk of the Circuit Court in this cause for a total sum of FOUR MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS AND NO/CENTS for the purchase of any and all property rights taken by virtue of the acquisition, 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, its successors and assigns, to

have and to hold for the use and benefit of the State of Tennessee. Further, Defendant property owners warrant that there are no outstanding liens or claims against the property. It further appears 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 FOUR MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS AND NO/CENTS ($4,750,000.00), interest free, for the property rights and interests taken; the sum of FOUR MILLION THREE HUNDRED SIXTY THOUSAND DOLLARS AND NO/CENTS heretofore deposited by the State be credited against the Judgment in favor of said Defendants in addition to the sum of THREE HUNDRED NINETY THOUSAND DOLLARS AND NO/CENTS ($390,000.00) that was deposited at or about the time of the entry of this Judgment so Defendants shall have and recover a total of FOUR MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS AND NO/CENTS without interest to be charged to the Petitioner, State of Tennessee.

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, its successors and assigns, to have and to hold for the use and benefit of the State of Tennessee, said property being in Davidson County, Tennessee, and being more particularily described in Exhibit "A" which is attached hereunto and incorporated by reference.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the FOUR MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS AND NO/CENTS ($4,750,000.00) 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, including full settlement of all claims for compensation of any nature due the defendants because

of the design or construction of the project for which this condemnation was necessary.

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 12 day of April, 1991.

JUDGE

APPROVED FOR ENTRY:

C. SCOTT JACKSON (#11005)
Assistant Attorney General
450 James Robertson Parkway
Nashville, Tennessee 37243-0485
(615) 741-3523

JAMES F. NEAL (#2701)
JAMES F. SANDERS (#5267)
Attorneys for Defendants, Jerry L. Carroll and Wife, Barbara Carroll
NEAL & HARWELL
2000 One Nashville Place
150 Fourth Avenue North
Nashville, TN 37219-2417
(615) 244-1713

PHILIP D. BALTZ (#5315)
Metropolitan Legal Department
204 Metropolitan Courthouse
Nashville, TN 37201
(615) 862-6370

With Permission

LEGAL DESCRIPTION

TRACT 1

Land in Davidson County, Tennessee, being Block "G" on the Revised Subdivision Plat of the Capitol Hill Redevelopment Project, as of record in Plat Book 2663, Pages 120 and 121, Register's Office for Davidson County, Tennessee, and described according to a copy of a survey dated on May 30, 1986, updated October 28, 1986, and last updated on September 28, 1988, by Michael V. Holmes & Associates, Inc., as follows:

Beginning at a concrete monument in the westerly margin of Sixth Avenue North, said point being the northeast corner of said Block "G",

Thence with said westerly right of way of Sixth Avenue North South 27 degrees 31 minutes 00 seconds East 118.60 feet to a concrete monument.

Thence with a curve to the right (having a central angle of 92 degrees 17 minutes 03 seconds and a radius of 20.00 feet) a distance of 32.21 feet to a point in the westerly right of way of James Robertson Parkway.

Thence with a curve to the left (having a central angle of 12 degrees 57 minutes 10 seconds and a radius of 1,398.00 feet) a distance of 316.04 feet to a point.

Thence with a curve to the right (having a central angle of 100 degrees 29 minutes 12 seconds and a radius of 20.00 feet) a distance of 35.08 feet to a point in the easterly right of way of Seventh Avenue North.

Thence with the right of way of said Seventh Avenue North, North 27 degrees 29 minutes 31 seconds West 100.50 feet to a point.

Thence North 56 degrees 12 minutes 16 seconds East 333.57 feet to a point.

Thence with a curve to the right (having a central angle of 01 degrees 24 minutes 37 seconds and a radius of 1,122.80 feet) a distance of 27.64 feet to the point of beginning containing 44,506.64 square feet or 1.021 acres.

TRACT 2

Land in Davidson County, Tennessee, being Block "H" on the Revised Subdivision Plat of the Capitol Hill Redevelopment Project, as of record in Plat Book 2663, pages 120 and 121, Register's Office for Davidson County, Tennessee, and described according to a copy of a survey dated May 30, 1986, updated October 28, 1986, and last updated September 28, 1988, by Michael V. Holmes & Associates, Inc., as follows:

Beginning at a concrete monument in the westerly margin of Seventh Avenue North, said point being in the northeast corner of said Block "H",

Thence with westerly right of way of Seventh Avenue North South 27 degrees 24 minutes 26 seconds East 105.86 feet to a point.

Thence with a curve to the right (having a central angle of 75 degrees 18 minutes 00 seconds and a radius of 20.00 feet) a distance of 26.29 feet to a point of compound curvature in the northerly right of way of James Robertson Parkway, thence with a curve to the left (having a central angle of 02 degrees 55 minutes 00 seconds and a radius of 1365.00 feet) a distance of 69.49 feet to a point of compound curvature, thence continuing with a curve to the left (having a central angle of 11 degrees 37 minutes 00 seconds and a radius of 625.00 feet) a distance of 126.72 feet to a point.

Thence South 33 degrees 21 minutes 34 seconds West 23.52 feet to a point.

Thence with a curve to the right (having a central angle of 119 degrees 11 minutes 00 seconds and a radius of 56.80 feet) a distance of 118.15 feet to a point in the easterly right of way of Eighth Avenue North.

Thence with said of way of Eighth Avenue North, North 27 degrees 27 minutes 26 seconds West 121.69 feet to a point.

Thence leaving said right of way of Eighth Avenue North, North 55 degrees 58 minutes 54 seconds East 304.93 feet to the point of beginning containing 46,304.00 square feet or 1.063 acres.

Tracts 1 and 2 herein described are the same property conveyed to Jerry L. Carroll by Special Warranty Deed from Nashville I, Ltd., a California limited partnership, of record in Book 7692, page 623, Register's Office for Davidson County, Tennessee.

TRACT 1

Map No. 93-01, Parcel No. 35, Field Book No. 04W11870

TRACT 2

Map No. 93-01, Parcel No. 36, Field Book No. 04W11860

EXHIBIT "A"

909002BL.LEG

BOOK 8332 PAGE 453

IDENTIFICATION REFERENCE

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STATE OF TENNESSEE

I, **GEORGE L. ROOKER,** *Clerk of the Circuit Court for Davidson County, in the State aforesaid, do hereby certify that the foregoing is a true and correct copy of the Order heretofore entered in the* Third *Circuit Court for Davidson County, Tennessee, on the* 8th *day of* April, 1991, *in Case Number* 89C-2952 *between* State of Tennessee *Plaintiff, and* Jerry Carroll, et al *Defendant, as same remains of record in Book* 140A, *Page* 347 *of the Minutes of said Court.*

IN TESTIMONY WHEREOF, *I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the* 17th *day of* April *in the year one thousand nine hundred and* ninety-one *and in the* 215th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By _____, *D.C.*

Form #GR-117