IN THE FIRST CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE, ON RELATION OF THE COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION, FOR AND ON BEHALF OF SAID DEPARTMENT,	Candy Rucker
Petitioner,	Docket No. 84C-3100
v.	Project No. 19074-2213-04
MITCHELL S. MAGID and BERNARD D. MINTZ, Trustees; METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE,	Tract No. 1
Defendants.	

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 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 THIRTY-SEVEN THOUSAND SEVEN HUNDRED DOLLARS AND NO/CENTS ($37,700.00) was made on December 12, 1984.

An Order of Possession was entered by this Court on January 4, 1985, and it further appears that Petitioner has deposited at or about the time of entry of this Judgment an additional sum of TEN THOUSAND THREE HUNDRED DOLLARS AND NO/CENTS ($10,300.00) with the Clerk of the Circuit Court in this cause, for a total sum of FORTY-EIGHT THOUSAND DOLLARS AND NO/CENTS ($48,000.00) for the purpose of acquiring any and all property rights taken by virtue of this acquisition, including any incidental damages to the remainder, and that all of the rights and interests of the Defendants in and to the tract of land described should hereinafter be decreed and appropriated to the Petitioner, 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 FORTY-EIGHT THOUSAND DOLLARS AND NO/CENTS ($48,000.00), interest free, for the rights and interests taken and for all incidental damages to the remainder; the sum of THIRTY-SEVEN THOUSAND SEVEN HUNDRED DOLLARS AND NO/CENTS ($37,700.00) heretofore deposited by the State be credited against the Judgment in favor of said Defendants in addition to the sum of TEN THOUSAND THREE HUNDRED DOLLARS AND NO/CENTS ($10,300.00) that was deposited at or about the time of entry of this Judgment, so Defendants shall have and recover a total of FORTY-EIGHT THOUSAND DOLLARS AND NO/CENTS ($48,000.00) without interest to be charged to the Petitioner, State.

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 vested in the State of Tennessee, said property being in Davidson County, Tennessee and being more particularly described in Exhibit "A" which is attached hereunto and incorporated by reference.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the FORTY-EIGHT THOUSAND DOLLARS AND NO/CENTS ($48,000.00) 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 or design of

the roadway 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 21st day of Sept, 1992.

CIRCUIT JUDGE

APPROVED BY:

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C. Scott Jackson
with permission

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* FIRST *Circuit Court for Davidson County, Tennessee, on the* TWENTY - FIRST *day of* SEPTEMBER, *19* 92, *in Case Number* 84C-3100 *between* STATE OF TN, ET AL *Plaintiff, and* MITCHELL MAGID, ET AL *Defendant, as same remains of record in Book* 180A, *Page* 233 *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* 22nd *day of* SEPTEMBER *in the year one thousand nine hundred and* NINETY-TWO *and in the* 217th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By Candy Rucker *D.C.*

Form #GR-117

BOOK 8757 PAGE 464

LEGAL DESCRIPTION

Thirteenth Civil District
Davidson County, Tennessee BOOK 8757 PAGE 485

FEE SIMPLE

Beginning at a point in the southeasterly boundary of the Albert J. Sheffield, Sr. property said point being 95.56 feet right at station 162+28.52; thence with the proposed right of way (1) south 2 degrees 24 minutes 57 seconds west 392.47 feet to a point, (2) south 13 degrees 40 minutes 50 seconds west 277.04 feet to a point, (3) south 30 degrees 45 minutes 58 seconds west 443.59 feet to a point, (4) south 43 degrees 07 minutes 10 seconds west 359.06 feet to a point, (5) south 44 degrees 42 minutes 37 seconds west 493.0 feet to a point in the easterly edge of the Cumberland River; thence with the westerly boundary of this property and being the easterly edge of said river, northwesterly 1,050 feet more or less to a point; thence with the said southeasterly boundary of Albert J. Sheffield, Sr. north 62 degrees 01 minutes east 1,500 feet more or less to the point of beginning and containing 23.977 acres and is part of the property conveyed by Harry Lightman to Mitchell S. Magid and Bernard D. Mintz, Trustees of record in Deed Book 3277, page 208, Register's Office for Davidson County, Tennessee.

The above described property is hereby condemned in fee simple and all right of ingress and egress to, from and across the same and to and from abutting lands is hereby conveyed, and the lien for property taxes against the same is to be removed as provided for in Section 67-5-203, Tennessee Code Annotated.

PERMANENT DRAINAGE EASEMENT

Beginning at a point in the proposed right of way described above and being 155 feet right at station 143+82, more or less and being in the east bank of Cumberland River' thence with the said proposed right of way north 44 degrees 42 minutes 37 seconds east 397 feet, more or less to a point; thence following the meander of a cut slope line southwardly 510 feet more or less to a point in the east bank; thence with the said east bank northwardly 160 feet more or less and containing 1,148 acres.

The land upon which the drainage facility is to be constructed is to remain the property of the property owners and may be used for any purpose desired, provided such use does not interfere with the use or maintenance of the drainage facility.

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

Map 80 Parcel 20

Exhibit "A"

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RECEIVED FOR REFERENCE
92 JUL 15 10:44 AM
Davidson County, TN
MAP 080 07/15/92 01 03CHECK 20.00