PROJ. # 90-SC-1362 + 1364
M/P # 52-5-168
Format NO A-1

1468/1597

IN THE THIRD CIRCUIT COURT FOR DAVIDSON COUNTY
AT NASHVILLE

93 OCT -7 AM 8 55

RICHARD R. ROOKER, CLERK

D.C.

THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY)
)
vs.) No. 93C-2126
)
JOHN DANIEL BROADWAY, II)

93C2126 FILED

78046

IDENTIFICATION REFERENCE

AGREED FINAL ORDER BOOK 9127 PAGE 144

This Cause having been compromised and settled, as evidenced by the signatures of counsel for Petitioner and for the Respondent, and the Court being duly and sufficiently advised;

It is hereby ORDERED, ADJUDGED and DECREED by the Court that the Respondent have and recover the sum of $40,000.00, the same being the fair cash market value of the property described hereinbelow, Petitioner having heretofore paid into Court $10,175.00 at the time of filing the Petition for Condemnation.

It is further ORDERED, ADJUDGED and DECREED by the Court that all of the title to the property described hereinbelow be, and the same is hereby divested out of Respondent and all other persons claiming any adverse interest therein and hereby is vested in The Metropolitan Government of Nashville and Davidson County, in fee simple, said property being more particularly described as follows:

Easement A-1 Parcel No. 52-05-168

Easement No. 1

6135 10/26 0101 03CHECK 24.00

A 30 foot permanent easement across a portion of the John D. Broadway and Barbara N. Broadway property; the centerline of said easement being more particularly described as follows:

Beginning at a point in the northeasterly boundary of an existing permanent easement traversing the aforesaid property, said point being southeastwardly 87 feet, more or less, from the northerly corner of the aforesaid existing permanent easement; thence northeastwardly 182 feet, more or less, to a point in the aforesaid property; thence northwardly 343 feet, more or less, to a point in the aforesaid property; thence northwestwardly 130 feet, more or less, to a point in the aforesaid property; thence northwestwardly 202

feet, more or less, to a point in the aforesaid property; thence northwardly 190 feet, more or less, to a point in the aforesaid property; thence northwestwardly 312 feet, more or less, to a point in the northwesterly line of the aforesaid property, said point being northeastwardly 43 feet, more or less, from the westerly corner of the aforesaid property.

A 15 foot temporary construction easement on either side of and adjacent to the aforedescribed permanent easement, said temporary construction easement to be abandoned upon completion of construction.

Easement No. 2

A 30 foot permanent easement across a portion of the aforesaid property; the centerline of said easement being more particularly described as follows:

Beginning at a point in the northwesterly line of the aforesaid property, said point being northeastwardly 143 feet, more or less, from the northerly corner of an existing permanent easement traversing the aforesaid property; thence eastwardly 105 feet, more or less, to a point in the centerline of Manhole A-3.

A 15 foot temporary construction easement on either side of and adjacent to the aforedescribed permanent easement, said temporary construction easement to be abandoned upon completion of construction.

Easement No. 3

A 30 foot permanent easement across a portion of the aforesaid property; the centerline of said easement being more particularly described as follows:

Beginning at a point in the centerline of Manhole A-4; thence westwardly 50 feet, more or less, to a point in the easterly boundary of an existing permanent easement traversing the aforesaid property.

A 15 foot temporary construction easement on either side of and adjacent to the aforedescribed permanent easement, said temporary construction easement to be abandoned upon completion of construction.

Easement No. 4

A 10 foot permanent easement across a portion of the aforesaid property; the centerline of said easement being more particularly described as follows:

Beginning at a point in the centerline of the aforedescribed permanent easement No. 1, said point being northwardly 14 feet, more or less, from the centerline of Manhole A-5; thence westwardly 57 feet, more or less, to a point in the southeasterly boundary of an existing permanent easement traversing the aforesaid property.

Easement No. 5

A 10 foot permanent easement across a portion of the aforesaid property; the centerline of said easement being more particularly described as follows:

Beginning at a point in the southwesterly line of the aforesaid property, said point being southeastwardly 26 feet, more or less, from the westerly corner of the aforesaid property; thence northeastwardly 18 feet, more or less, to a point in the southwesterly boundary of the aforedescribed permanent easement No. 1.

FEE ACQUISITION

Land lying in the 9th councilmanic district of Nashville, Davidson County, Tennessee, and being more particularly described as follows:

Beginning at a concrete monument in the Northwest corner of H.B. Davis tract, as of record in Deed Book 1939, Page 369 R.O.D.C.,Tn., and as shown on Metro. Nashville and Davidson County Tax Map 52-5, Parcel 171 and the Southwesterly corner of H.B. Davis tract as of record in Deed Book 1939, Page 369 R.O.D.C. and as shown on Tax Map 52-5, Parcel 172. Thence South 27 30'00" East 745.04 feet, passing an iron pin at a distance of 199.23', said iron pin being the Southwesterly corner of the Mrs. Martha Tomlinson property as of record in Deed Book 1212, Page 134, to an iron pin in the Northeasterly corner of Metro. Government property as of record in Deed Book 0402, Page 327 R.O.D.C.; Thence with the Northerly line of the Metro. Government property, South 73 07'41" West 154.38 feet to an iron pin; Thence continuing with said line South 18 48'12" West passing a witness monument at 100.00', a total distance of 146.18 feet to a point; Thence North 62 00'00" West 373.94 feet to a point; Thence North 38 24'27" East passing a witness monument at 103.20 feet, a total distance of 404.46 feet to a concrete monument; Thence North 27 30'00" West 298.22 feet to a concrete monument; Thence North 37 46'09" East 110.10 feet to the Point-Of-Beginning and containing 3.962 acres more or less.

The above described tract is subject to the following easements: A 20 foot Sanitary Sewer Easement, Deed Book 3406, Page 110; An Ingress/Egress and/or Public Utility Easement, Deed Book 3406, Page 486; A Flowage Easement for the Corp. of Engineers, Deed Book 2200, Page 379.

Being part of the property conveyed to John Daniel Broadway, II, an unmarried person, by deed from John Daniel Broadway and wife, Barbara (Newby) Broadway, the deed for which is of record in Book 8640, Page 815, R.O.D.C., Tennessee.

Field Book No. 11D 77620
Map and Parcel No. 52-5/168

It further appearing to the Court that the property hereinabove described may be subject to a lien for taxes due, interest and penalty, if any, owing to The Metropolitan Government of Nashville and Davidson County and in accordance with Tennessee Code Annotated, Sections 26-5-108(b), the Clerk of the Court, prior to the payment of any part of the judgment to Respondents shall ascertain whether there are any taxes due and unpaid which are lien upon said property, and shall issue to each of the officials charged with the collection of any tax which might be a lien on said property a statement, giving the style and number of this Cause, a description of the property, and the name of the party out of whom title is divested; whereupon each of said officials shall certify to said Clerk an itemized statement of any taxes, interest and penalty, if any, which were a lien upon said land as of the date of Entry of the Order of Possession.

It is therefore, ORDERED, ADJUDGED and DECREED that the Clerk is directed to pay out the money deposited by the Petitioner any unpaid taxes that may be determined to be owing by the above references, and the Clerk shall pay any remaining funds to the Respondent.

It is further ORDERED by the Court that the costs in this Cause be and the same are hereby taxed against the Petitioner for which execution may issue if necessary.

The Clerk of this Court will make out and certify to the Metropolitan Government of Nashville and Davidson County (c/o the Department of Law), a copy of this judgment together with a cost bill for the lawful costs of this cause, for payment by the Metropolitan Government.

Entered this day of , 1993.

BARBARA N. HAYES, Judge

APPROVED FOR ENTRY:

STEVE NORTH
Attorney for Respondent

PHILIP D. BALTZ, #5315
Attorney for Petitioner
204 Metropolitan Courthoue
Nashville, Tennessee 37201
615/862-6341

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing ORDER has been mailed or delivered to Steve North, Attorney for Respondent, John D. Broadway, II, 144 Second Avenue, North, Suite 450, Nashville, Tennessee 37201, this 6th day of October, 1993.

PHILIP D. BALTZ

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* 7th. *day of* OCTOBER, *19* 93, *in Case Number* 93C-2126 *between* METROPOLITAN GOVERNMENT *Plaintiff, and* JOHN DANIEL BROADWAY, II *Defendant, as same remains of record in Book* 146B, *Page* 1597 *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* 8th. *day of* OCTOBER *in the year one thousand nine hundred and* NINETY-THREE *and in the* 217th. *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By P. Rucker *D.C.*

Form #GR-117