IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

2002 NOV -6 PM 4:03
RICHARD R. ROONEY, CLERK
W. Cipps D.C.

HARPETH VALLEY UTILITIES DISTRICT OF DAVIDSON AND WILLIAMSON COUNTIES, TENNESSEE,	)	
Petitioner,	)	
v.	)	**DOCKET NO. 02C-2798**
HODGES & SON, INC. AND , AMSOUTH BANK,	)	**Map 128, Parcel 45** **Field Book 09D 05855**
Respondents.	)	

Davidson County ORDER
Recvd: 11/07/02 09:36 7pgs
Fees:37.00 Taxes:0.00
20021107-0137083

DEED AND AGREED ORDER OF POSSESSION

It appears to the Court, as evidenced by the signatures of the parties and/or their counsel below, and upon consideration of the Petition for Condemnation of a parcel of real property and easements as described in the Petition and the Notice of Condemnation to the Respondents of the filing of the Petition for Condemnation that the Petitioner's request for title to and immediate possession of easements and a parcel of real property should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Petitioner have and does hereby receive title to and immediate possession of the following parcel of real property for all purposes, including but not limited to a water tank and appurtenances (including but not limited to a pump station) to same:

Water Tank Site

Being a parcel of land in the Second Civil District of Nashville, Davidson County, Tennessee located east of Sawyer Brown Road being a portion of the property of Hodges & Son, Inc., and beginning at an iron pin in the northeast corner of the herein described tract, said pin being the northwest corner of R. Hutton Buchanan, et ux., of record in Book 5353, Page 270, Register's Office of Davidson County, Tennessee;

THENCE, with the west line of said Buchanan, S 12° 34' 01" W, 588.27 feet to an iron pin;

THENCE, leaving said Buchanan and severing subject property the following calls:

N 87° 35' 26" W, 515.60 feet to an iron pin,
N 37° 36' 20" W, 178.02 feet to an iron pin,
S 51° 34' 41" W, 15.43 feet to an iron pin,
N 35° 23' 55" W, 173.31 feet to an iron pin,
N 01° 14' 59" E, 317.90 feet to an iron pin in the southerly line of Old Hickory, Ltd., of record in Book 6565, Page 676, Register's Office of Davidson County, Tennessee;

THENCE, with said Old Hickory, Ltd., S 87° 27' 35" E, 858.16 feet to the Point of Beginning.

Containing 434,986 square feet or 9.99 acres, more or less.

Attached hereto as Exhibit A and made a part of this Order by reference is a diagram showing the parcel acquired by the Harpeth Valley Utilities District.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petitioner have and does hereby receive title to and immediate possession of the easements for all purposes related to the construction, operation, maintenance, repair, replacement and inspection of transmission pipelines and appurtenances thereto and access to the above-described parcel of property, which easements are described as follows:

Easement One

A 40-foot permanent easement for access, the centerline of which begins at a point in the southerly boundary of subject property, said point being 25 feet, more or less, from a common corner of the Hutton Buchanan property, Clunan Heights Section Four property and a corner of subject property, also said point of beginning further described as being approximately 110 feet northeast of the northerly terminus of Holt Valley Road;

THENCE, N 10° 15' 41" E, 118 feet, more or less, to a point;

THENCE, N 00° 31' 25" W, 97 feet, more or less, to a point;

THENCE, N 80° 09' 15" E, 482 feet, more or less, to a point;

THENCE, N 51° 33' 43" E, 81 feet, more or less, to a point, said point being in a proposed westerly boundary of the site to be acquired by the Harpeth Valley Utilities District for a water tank and appurtenances.

Easement Two

A 20-foot permanent easement for access, being adjacent and parallel to a proposed southerly boundary of the site to be acquired by the Harpeth Valley Utilities District for a water tank and appurtenances.

Beginning at the easterly end of Easement One;

THENCE, N 51° 34' 41" E, 15 feet, more or less, to a proposed westerly boundary of the site to be acquired by the Harpeth Valley Utilities District for a water tank and appurtenances.

Easement Three

A permanent easement, being 58 feet wide, more or less, as measured along the southerly boundary of subject property and 58 feet wide, more or less, as measured along an east/west severance line for subject property. Said easement being adjacent to the westerly side of the existing easement as recorded in Book 5222, Pages 745, 746 and 747 of the Register's Office of Davidson County, Tennessee.

Beginning at the southerly boundary of subject property and extending northerly 198 feet, more or less, to the severance line for subject property.

A 30-foot temporary construction easement being adjacent and parallel to the westerly side of the permanent easement is included. A 10-foot temporary construction easement being adjacent and parallel to the easterly side of the existing easement is included where applicable.

Attached hereto as Exhibit B and made a part of this Order by reference is a diagram showing the permanent easements acquired by the Harpeth Valley Utilities District.

The property over and on which the above easements acquired by the Harpeth Valley Utilities District pursuant to this Order are located is to remain the property of the Respondents, and may be used for any lawful purpose or purposes desired after the construction of all the improvements, provided, that in the opinion of the Board of Commissioners of the Harpeth Valley Utilities District of Davidson and Williamson Counties, Tennessee (which opinion shall not be arbitrary, capricious and without any rational basis), such uses do not destroy, weaken, or damage the easements or the transmission pipelines and appurtenances thereto or interfere with the use, operation, maintenance, repair, replacement and inspection thereof.

On application of the Petitioner, the Clerk shall issue a writ of possession, if necessary, to put the Petitioner in full and complete possession of the parcel and easements described in this Order.

All further matters, including the consideration due Respondents, are reserved.

This Order shall take effect from the date of signing hereof.

ENTERED this 6 day of November, 2002.

JUDGE

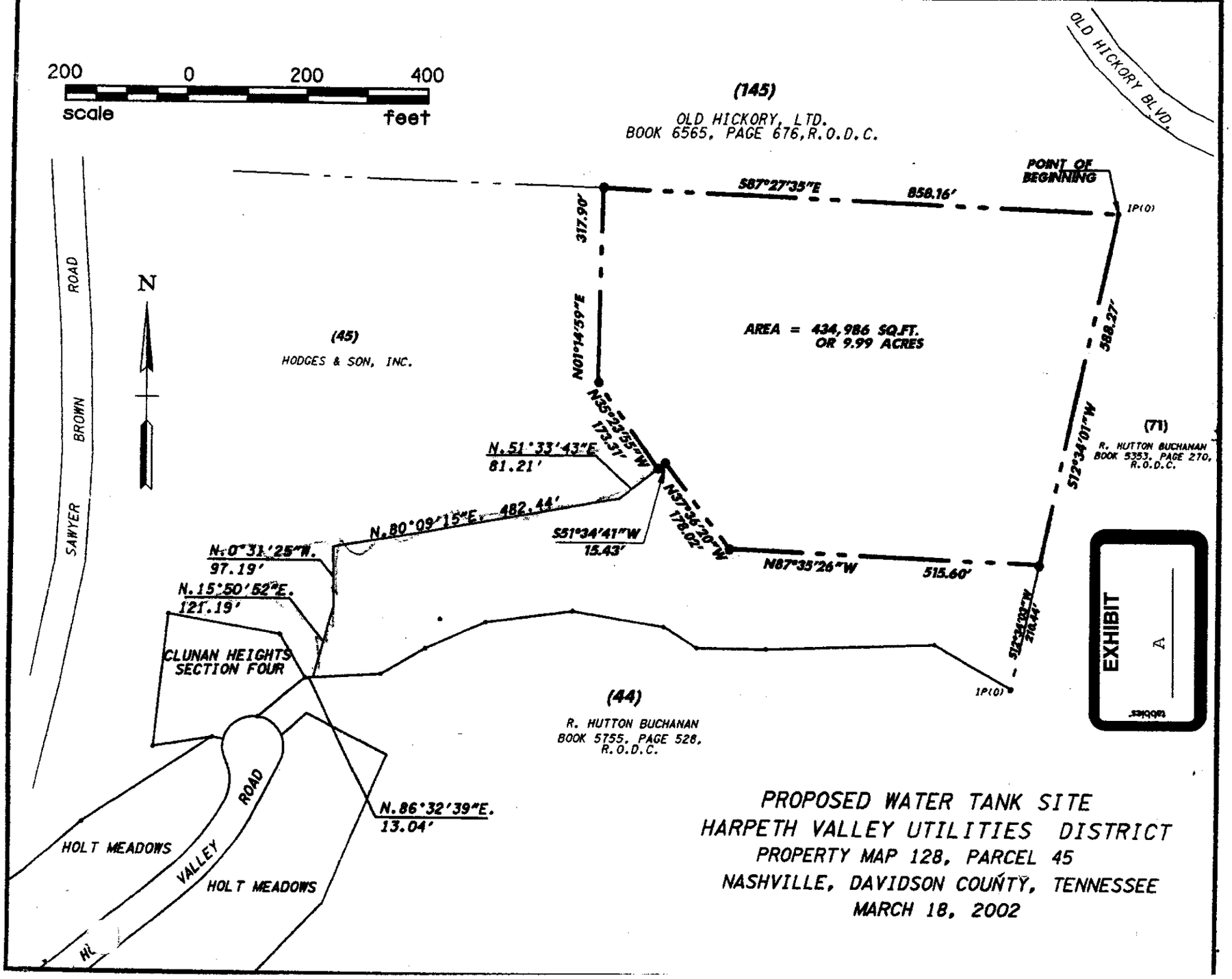
APPROVED FOR ENTRY:

PARKER, LAWRENCE, CANTRELL & DEAN

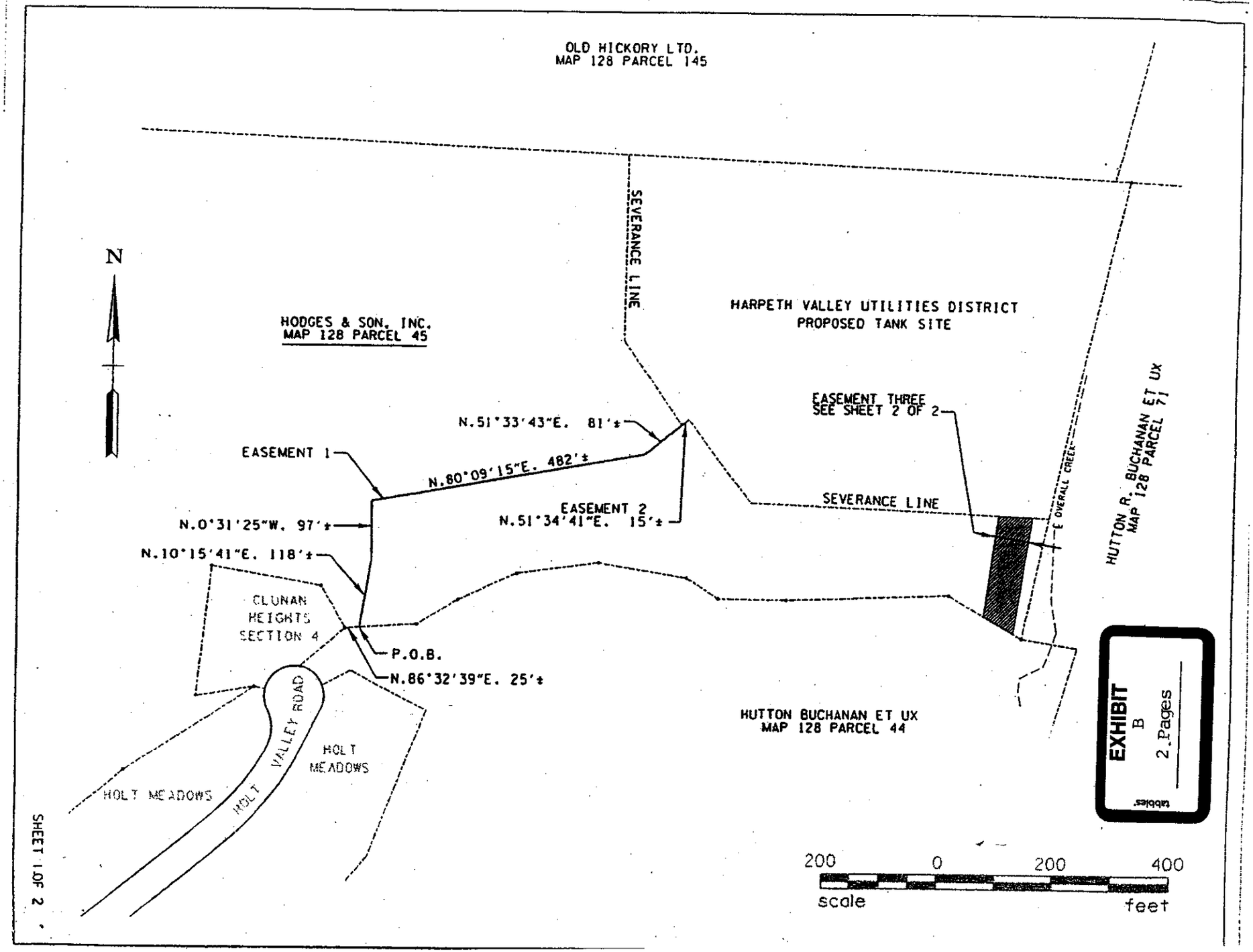
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Attorneys for Petitioner Harpeth Valley Utilities District

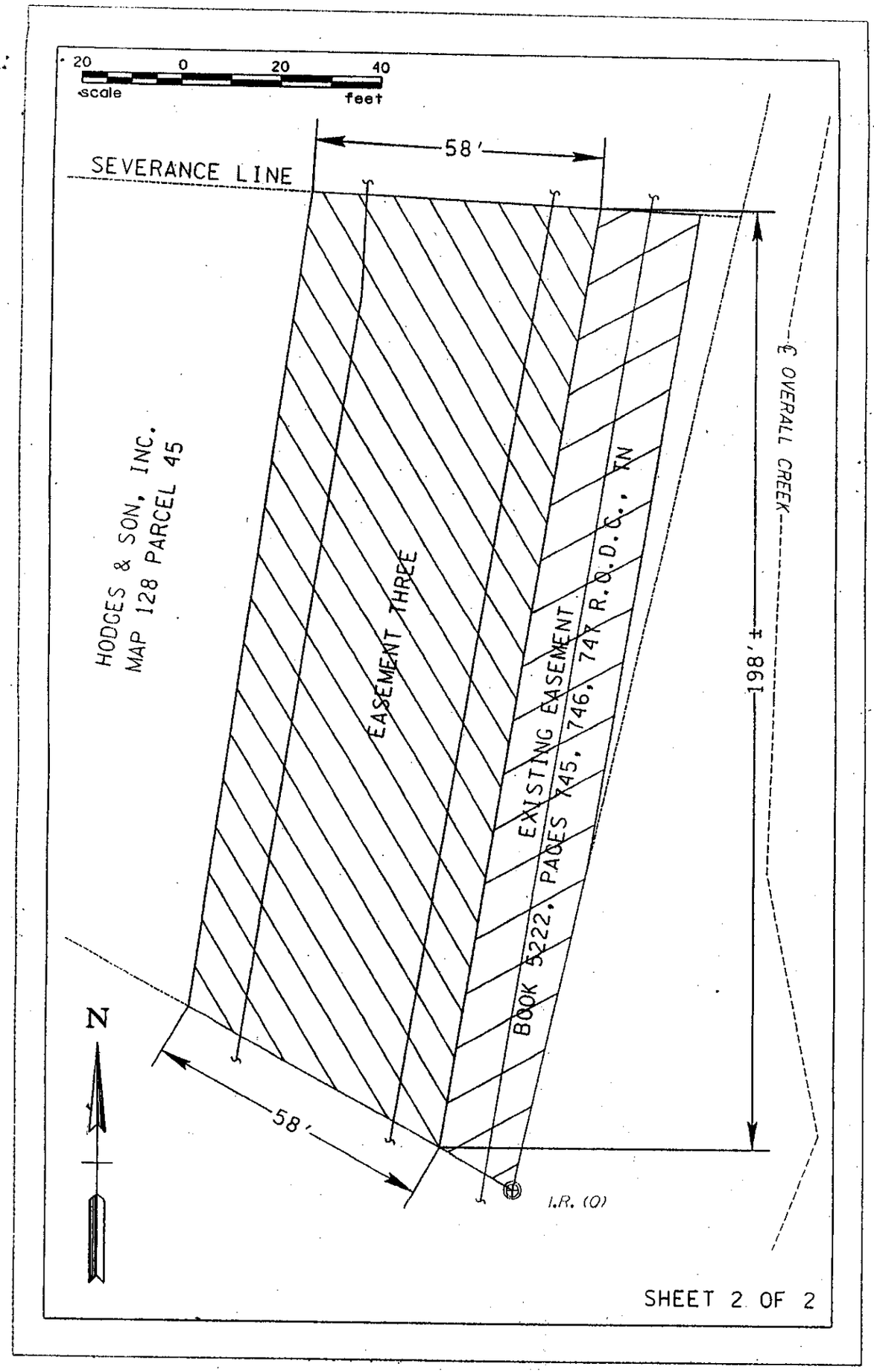
CHERNAU, CHAFFIN & BURNSED, PLLC

R. Garry Chaffin (6618)
SunTrust Financial Center
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Nashville, TN 37219-2305
(615) 244-5480
Attorneys for Respondent Hodges & Son, Inc.



PROPOSED WATER TANK SITE
HARPETH VALLEY UTILITIES DISTRICT
PROPERTY MAP 128, PARCEL 45
NASHVILLE, DAVIDSON COUNTY, TENNESSEE
MARCH 18, 2002


OLD HICKORY LTD.
MAP 128 PARCEL 145
SEVERANCE LINE
HARPETH VALLEY UTILITIES DISTRICT
PROPOSED TANK SITE
N
HODGES & SON, INC.
MAP 128 PARCEL 45
EASEMENT THREE
SEE SHEET 2 OF 2
N.51°33'43"E. 81'±
EASEMENT 1
N.80°09'15"E. 482'±
EASEMENT 2
N.51°34'41"E. 15'±
SEVERANCE LINE
N.0°31'25"W. 97'±
N.10°15'41"E. 118'±
E OVERALL CREEK
HUTTON R. BUCHANAN ET UX
MAP 128 PARCEL 71
CLUNAN
HEIGHTS
SECTION 4
P.O.B.
N.86°32'39"E. 25'±
HUTTON BUCHANAN ET UX
MAP 128 PARCEL 44
HOLT VALLEY ROAD
HOLT
MEADOWS
HOLT MEADOWS
EXHIBIT
B
2 Pages
200 0 200 400
scale
feet
SHEET 1 OF 2


20 0 20 40
scale
feet
SEVERANCE LINE
58'
HODGES & SON, INC.
MAP 128 PARCEL 45
EASEMENT THREE
EXISTING EASEMENT
BOOK 5222, PAGES 745, 746, 747 R.O.D.C., TN
℄ OVERALL CREEK
198'±
58'
I.R. (O)
N

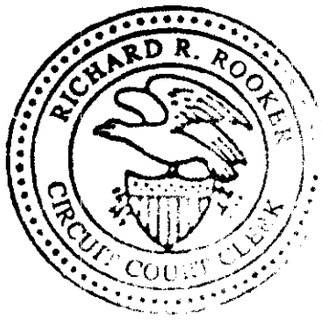
SHEET 2 OF 2

STATE OF TENNESSEE

I, RICHARD R. 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 EIGHTH Circuit Court for Davidson County, Tennessee, on the 06 day of NOVEMBER , 2002 , in the Case Number 02C2798 between HARPETH VALLEY UTILITIES DISTRICT OF DAVIDSON AND WILLIAMSON COUNTIES, TENNESSEE Plaintiff, and HODGES & SON, INC. ET.AL Defendant, as same remains of record in Vol. 4979 , Page 927938 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 06 day of NOVEMBER in the year two thousand two and in the 226th year of American Independence.

SEAL



RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk