Davidson County ORDER
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Fees:47.00 Taxes:0.00
20030929-0143462

IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

FILED
2003 SEP 26 PM 12:11
RICHARD R. ROOKER, CLERK
D.C.

HARPETH VALLEY UTILITIES DISTRICT OF DAVIDSON AND WILLIAMSON COUNTIES, TENNESSEE,	)	
Petitioner,	)	
v.	)	**DOCKET NO. 03C2717**
	)	**Map 156 Parcel 47**
THE ENSWORTH SCHOOL	)	**Field Book 09D49300**
Respondent.	)	

AGREED DEED, ORDER OF POSSESSION AND FINAL ORDER

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

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Petitioner have and does hereby receive title to and immediate possession of a parcel of real property for all purposes, including but not limited to the construction, operation, maintenance, repair, replacement and inspection of a pump station, utility lines and appurtenances thereto. The parcel is described below:

Parcel Description

A portion of the lands of The Ensworth School, being a portion of Parcel 47 of Tax Map 156 as recorded in Deed Instrument #200209160112912 Registers Office Davidson County (RODC), bounded on the north by Right-of-Way (ROW) of Highway 100 (ROW varies), on the east, south and west by the lands of Ensworth School as mentioned previously. Said parcel being depicted on page 1 of attached Exhibit A and more particularly described as follows:

POINT OF COMMENCEMENT being the northeast corner of Parcel 47 as referenced above, said point being a railroad spike and lying on the southerly ROW margin of Highway 100, said point also being the intersection of the centerline of Hicks Road and the southerly ROW margin of Highway 100:

1. thence with said ROW of Highway 100, with a curve to the left having a radius of 2831.79 feet, a central angle of 2°21'15", a chord bearing and distance of S60°08'05"W 116.35 feet along the total curve distance of 116.35 feet to the POINT OF BEGINNING,

2. Thence leaving said right-of-way and continuing on a line S02°39'32"W 44.02 feet to a point,

3. Thence along a line S31°19'55"E 66.83 feet to a point,

4. Thence along a water main easement line S05°20'17"W 23.07 feet to a point,

5. Thence leaving said easement along a line S57°23'26"W 51.24 feet to a point,

6. Thence along a line N31°19'55"W 85.02 feet to a point,

7. Thence along a line N01°51'42"E 44.85 feet to a point in the southerly ROW margin of Highway 100,

8. Thence with said ROW of Highway 100, with a curve to the right having a radius of 2831.79 feet, a central angle of 1°18'55", a chord bearing and distance of N58°18'0"E 65.00 feet along the total curve distance of 65.00 feet to the POINT OF BEGINNING.

Containing 7,791 square feet or 0.18 acres, more or less, as calculated by the above courses.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petitioner have and does hereby receive title to and immediate possession of an easement for access to above-described parcel, including access to any improvements constructed or to be constructed thereon, which easement is described as follows:

Access Easement Description

Being an easement for vehicular and pedestrian access to the above-described Parcel running on, over and across the lands of The Ensworth School, being a portion of Parcel 47 of Tax Map 156 as recorded in Deed Instrument #200209160112912 Registers Office Davidson County (RODC), bounded on the north by Right-of-Way (ROW) of Highway 100 (ROW varies), on the east, south and west by the lands of Ensworth School as mentioned previously.

Said Easement being depicted on page 2 of Exhibit A and generally described as the entrance drive and exit drive of Ensworth High School, varying in width from 24' minimum to 33' maximum and being more specifically described as follows:

POINT OF COMMENCEMENT being the northeast corner of parcel 47 of Tax Map 156 Registers Office Davidson County (RODC), said point being a railroad spike and lying on the southerly Right-of-Way (ROW) margin of Highway 100, said point also being the intersection of the centerline of Hicks Road and the southerly ROW margin of Highway 100;

1. Thence with said ROW margin of Highway 100, with a curve to the left having a radius of 2831.79 feet, a central angle of 3°55'16", a chord bearing and distance of S59°21'04"W 193.76 feet along the total curve distance of 193.80 feet to a point,

2. Continuing with the southerly right-of-way line of Highway 100, and continuing on a line S57°23'26"W 24.12 feet to the POINT OF BEGINNING, also being the centerline of said Access Easement,

3. Thence leaving said right-of-way and running with the centerline of said Access Easement, being approximately 24 feet wide, as defined by a centerline S31°19'55"E 94.14 feet to point,

4. Thence along a curve with a radius of 250.00 feet, a central angle of 36°40'12",a chord bearing and distance of S12°59'49"E 157.29 feet along the total curve distance of 160.00 feet to a point,

5. Thence along on a line S05°20'17"W 81.11 feet to a point,

6. Thence along a curve with a radius of 100.00 feet, a central angle of 37°10'57",a chord bearing and distance of S23°55'46"W 63.76 feet along the total curve distance of 64.90 feet to a point,

7. Thence along on a line S42°31'14"W 19.59 feet to a point,

8. Thence along a curve with a radius of 170.00 feet, a central angle of 52°57'34",a chord bearing and distance of N75°11'33"W 151.60 feet along the total curve distance of 157.13 feet to a point,

9. Thence along on a line S78°19'40"W 213.14 feet to a point,

10. Thence along a curve with a radius of 102.00 feet, a central angle of 54°45'22",a chord bearing and distance of N74°17'40"W 93.81 feet along the total curve distance of 97.48 feet, said access easement width varying from 24 feet to 33 feet along curve, to a point,

11. Thence along on a line N46°54'59"W 42.78 feet, said access easement being approximately 33 feet wide, to a point,

12. Thence along a curve with a radius of 54.50 feet, a central angle of 14°26'06", a chord bearing and distance of N39°41'56"W 13.69 feet along the total curve distance of 13.73 feet to a point,

13. Thence along on a line N32°28'52"W 26.53 feet to the point of termination of said access easement on the southerly right-of-way line of Highway 100.

Containing 24,661 square feet or 0.57 acres, more or less, as calculated by the above courses.

Diagrams of the above-described parcel and easement acquired by the Harpeth Valley Utilities District are attached hereto as collective Exhibit A.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the property over and on which the above easement acquired by the Harpeth Valley Utilities District pursuant to this Order is located (as opposed to the Parcel acquired herein) is to remain the property of the Respondent, and may be used for any lawful purpose or purposes desired, provided, that in the opinion of the Board of Commissioners of the Harpeth Valley Utilities District of Davidson and Williamson Counties, Tennessee, such uses do not interfere with the Petitioner's access to the above-described parcel or any improvements constructed thereon.

The Respondent represents that it is the true and lawful owner of the property from which the above parcel, and on, over and through which the above easement, were obtained. The Respondent warrants the grant made herein and will defend the title against the lawful claims of all persons, except for the encumbrances and other matters described in the Petition for Condemnation. The Respondent will defend the Petitioner against the claims of all persons claiming any compensation in connection with the acquisition of the parcel or the easement., including but not limited to any tenants on the property.

The Respondent will construct and maintain paved roadway improvements over and on which the Easement is located. The improvements shall be constructed to meet the specification requirements of the Metropolitan Government of Nashville and Davidson County, Tennessee for subdivision streets, and shall be designed to an AASHTO HS 20-44 standard. The Petitioner shall

not operate any vehicle or equipment on the Easement that exceeds the design load for such streets which is AASHTO HS 20-44. Except for emergency situations that threaten immediate damage to property or person, the Petitioner shall coordinate its use of the Easement with the Respondent so as not to interfere unreasonably with the Respondent's use of the Easement. Upon the request of the Respondent, the Petitioner shall promptly remove any dirt or debris and repair any damage to the Easement (including the paved improvements) resulting from or caused by the Petitioner's use.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that 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.

It is further ORDERED, ADJUDGED AND DECREED that all matters at issue in the cause have been resolved and that this shall constitute a final order.

Costs are taxed to the Petitioner for which let execution issue, if necessary.

ENTERED this 26th day of September, 2003.

JUDGE

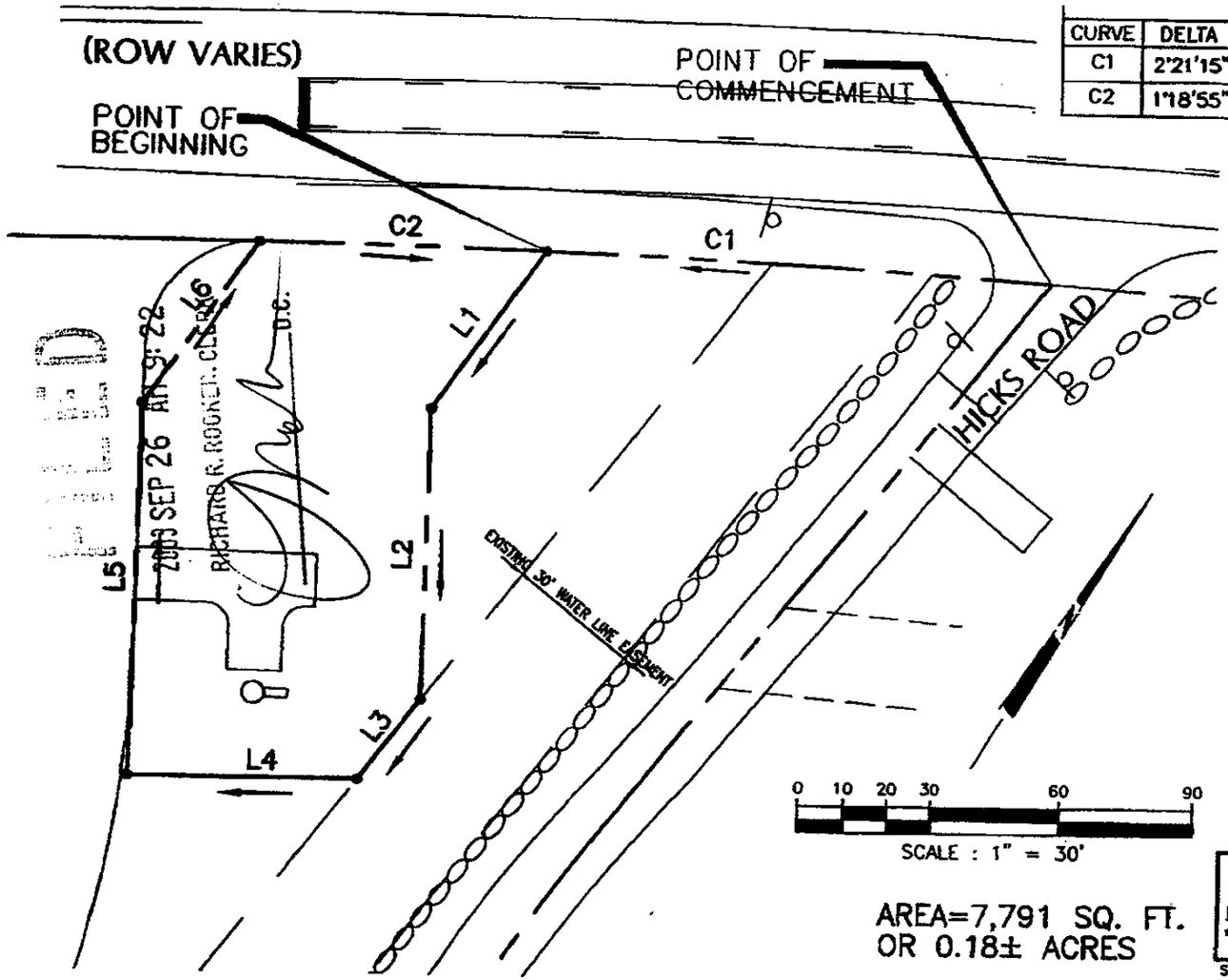
APPROVED FOR ENTRY:

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BASS, BERRY & SIMS

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Nashville, Tennessee 37238-3001
Attorneys for Respondent The Ensworth School



CURVE TABLE						
CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD	CH. BEARING
C1	2°21'15"	2831.79	58.19	116.35	116.35	S60°08'05"W
C2	1°18'55"	2831.79	32.50	65.00	65.00	N58°18'00"E

LINE TABLE		
LINE	LENGTH	BEARING
L1	44.02	S02°39'32"W
L2	66.83	S31°19'55"E
L3	23.07	S05°20'17"W
L4	51.24	S57°23'26"W
L5	85.02	N31°19'55"W
L6	44.85	N01°51'42"E

EXHIBIT A Page 1

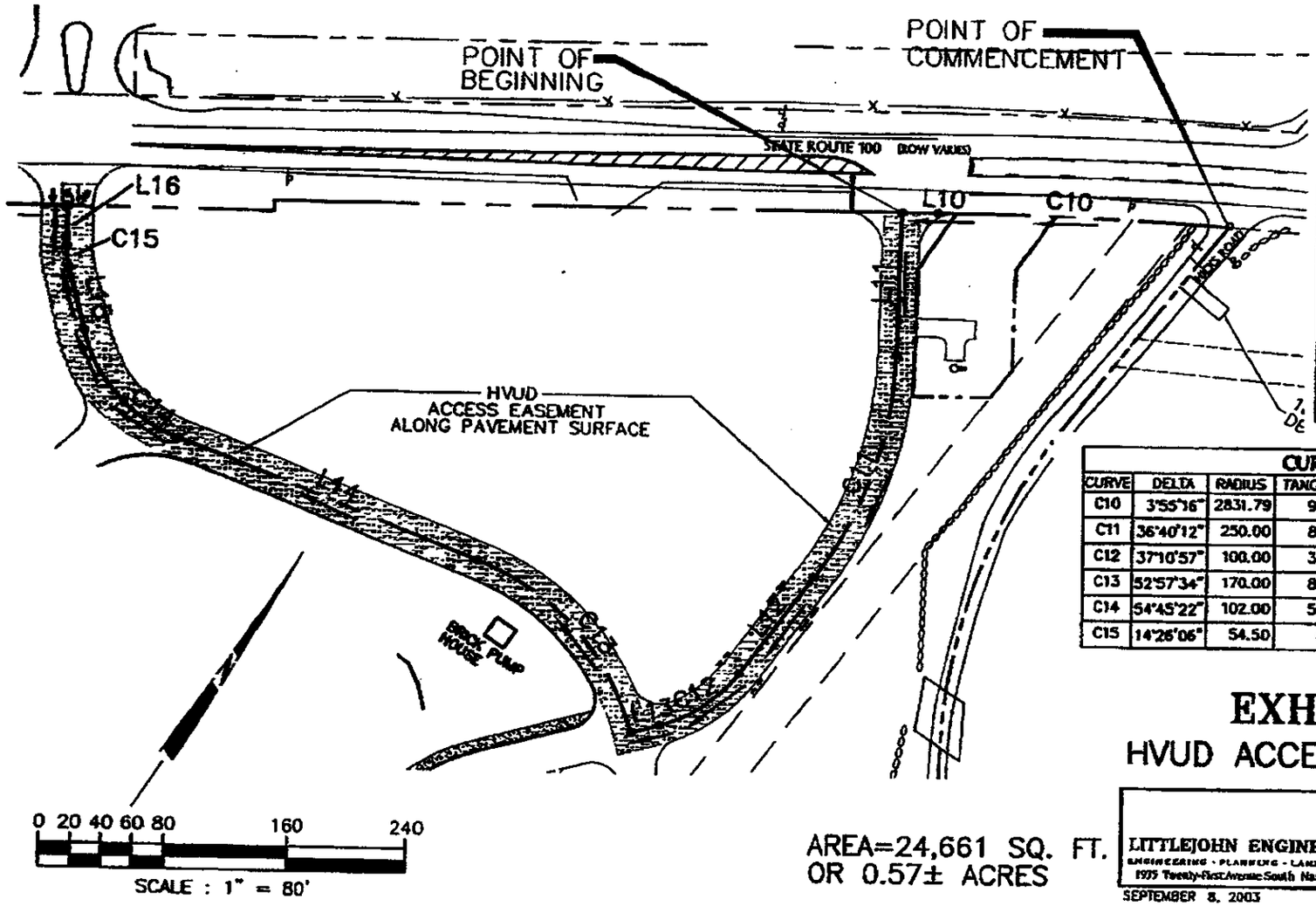
EXHIBIT

HVUD AREA OF CONDEMNATION

AREA=7,791 SQ. FT.
OR 0.18± ACRES

LITTLEJOHN ENGINEERING ASSOCIATES, INC.
ENGINEERING · PLANNING · LANDSCAPE ARCHITECTURE · LAND SURVEYING
1935 Twenty-First Avenue South Nashville, Tennessee 37212 Phone 615-385-4144

SEPTEMBER 8, 2003 1178C-OSS-PROP-DESC.DWG.dwg



LINE TABLE		
LINE	LENGTH	BEARING
L10	24.12	S57°23'26"W
L11	94.14	S31°19'55"E
L12	81.11	S05°20'17"W
L13	19.59	S42°31'14"W
L14	213.14	S78°19'40"W
L15	42.78	N46°54'59"W
L16	26.53	N32°28'52"W

CURVE TABLE						
CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD	CH. BEARING
C10	3°55'16"	2831.79	96.94	193.80	193.76	S59°21'04"W
C11	36°40'12"	250.00	82.85	160.00	157.29	S12°59'49"E
C12	37°10'57"	100.00	33.64	64.90	63.76	S23°55'46"W
C13	52°57'34"	170.00	84.68	157.13	151.60	N75°11'33"W
C14	54°45'22"	102.00	52.82	97.48	93.81	N74°17'40"W
C15	14°26'06"	54.50	6.90	13.73	13.69	N39°41'56"W

EXHIBIT

HVUD ACCESS EAS

AREA=24,661 SQ. FT.
OR 0.57± ACRES

LITTLEJOHN ENGINEERING ASSO
ENGINEERING - PLANNING - LANDSCAPE ARCHITECTU
1979 Twenty-First Avenue South Nashville, Tennessee 3721

SEPTEMBER 8, 2003 1178C-0SS-

EXHIBIT A Page 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 FIRST Circuit Court for Davidson County, Tennessee, on the 26 day of SEPTEMBER , 2003 , in the Case Number 03C2717 between HARPETH VALLEY UTILITIES DISTRICT OF DAVIDSON AND WILLIAMSON COUNTIES, TENN ENSWORTH SCHOOL (THE) Defendant, as same remains of record in Vol. 5501 , Page 1260593 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 26 day of SEPTEMBER in the year two thousand three and in the 227th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

