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IN THE THIRD CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED
2011 OCT 21 AM 7:28
RICHARD R. ROOKER, CLERK
D.C.

THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY,	)	
Petitioner,	)	
v.	)	Case No. 11C-3578
BURNICE WINFREY and JUDY ALICE WINFREY,	)	
Respondents.	)	

BILL GARRETT, Davidson County
Trans:T20120020346 ORDER
Recvd: 03/21/12 10:21 9 pgs
Fees:47.00 Taxes:0.00
20120321-0023899

AGREED ORDER OF CONDEMNATION AND POSSESSION

This cause came to be heard on the 18th day of October, 2011 to determine whether the Petitioner should be granted possession of the Respondents' property as described in Exhibit A to the Petition. It appears to the Court by the signatures of Counsel for petitioner and Respondent that there is no opposition to petitioner being granted possession of the Respondent's property. It further appears that Respondent has filed an answer taking exception to the amount deposited with the Clerk of the Court by Petitioner and has demanded that a trial be set before a petit jury as in other civil actions pursuant to T.C.A.§ 29-17-905 to determine the fair cash market value of the property.

Based upon the pleadings, exhibits, as well as the entire record, the Court finds that under the applicable laws of the State of Tennessee, the Petitioner has the right to condemn the property and the property rights described in the Petition for the public purposes set forth therein; that this cause is a lawful exercise of the power of eminent domain by the Petitioner; that the Petitioner is entitled to immediate possession of the property and all rights, title and interest as described in the Petition by the exercise of eminent domain; that

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a writ of possession should issue if necessary; and that Respondent has agreed to Petitioner's immediate possession of the property without waiving her right to a jury trial to determine the fair cash market value of the property.

It is therefore ORDERED by the Court that this cause be sustained as a lawful exercise of the power of eminent domain by the Petitioner and the property and property rights described in the Petition for Condemnation previously filed in this cause be condemned as of the date this Agreed Order is entered under the eminent domain laws of the State of Tennessee.

It is therefore ORDERED by the Court that all rights, title, and interest in fee simple of the property and property rights sought in the Petition are hereby appropriated to the Petitioner, said property and property rights being more particularly described as follows:

FEE SIMPLE **MAP & PARCEL NO.: 06900007900**

Real Property Located in Nashville and Davidson County, the legal description which is **attached hereto as Exhibit A**, being the same property that was conveyed to the Respondents, the deed for which is of record in Instrument No. DB-00028790000019 in the Register of Deed's Office for Davidson County, Tennessee.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Petitioner shall have immediate legal possession of the property and property rights, and that a writ of possession issue, if necessary, in order to put Petitioner in possession of said property and property rights.

It is further ORDERED, ADJUDGED and DECREED that this matter be referred to the Clerk of the Court to determine past due and unpaid real property taxes which are a lien upon said property.

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JUDGE BARBARA HAYNES

APPROVED FOR ENTRY:

THE DEPARTMENT OF LAW OF THE
METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY
WM. MICHAEL SAFLEY, #6690
DEPUTY DIRECTOR OF LAW

Andrew D. McClanahan, # 023772
James E. Robinson, # 024680
R. Alex Dickerson, # 027184
Assistant Metropolitan Attorneys
Suite 108 Metropolitan Courthouse
Post Office Box 196300
Nashville, Tennessee 37219-6300
615.862.6341 - Telephone

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.

Joe A. Conner by permission ADM

Joe A. Conner, # 0012031
Attorney for Respondent
1800 Republic Centre
633 Chestnut Street
Chattanooga, TN 37450
413-756-2010 – Telephone

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent to Joe A. Conner, attorney for the respondent, at 1800 Republic Centre, 633 Chestnut Street, Chattanooga, TN 37450, on this the 17th day of October, 2011.

Andrew D. McClanahan, #23722
Assistant Metropolitan Attorney

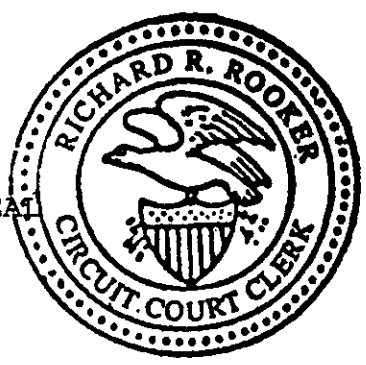
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STATE OF TENNESSEE

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 THIRD Circuit Court for Davidson County, Tennessee, on the 21 day of OCTOBER , 2011 , in the Case Number 11C3578 between THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY Plaintiff, and WINFREY, BURNICE ET.AL Defendant,
as same remains of record in 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 16 day of MARCH in the year two thousand twelve and in the 235th year of American Independence.

SEAL



RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

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FILED

IN THE THIRD CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

2011 OCT 18 PM 4:04

RICHARD R. ROOKER, CLERK

D.C.

THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY,

Petitioner,

v.

Case No. 11C-3578

BURNICE WINFREY and JUDY ALICE WINFREY,

Respondents.

NOTICE OF FILING

The Metropolitan Government of Nashville and Davidson County hereby gives notice of filing Exhibit A referenced in the Agreed Order of Condemnation and Possession filed on October 17, 2011.

Respectfully submitted,

DEPARTMENT OF LAW OF THE
METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY
WM. MICHAEL SAFLEY, #6690
DEPUTY DIRECTOR OF LAW

Andrew D. McClanahan, #023772
James E. Robinson, #024680
R. Alex Dickerson, #027184
Assistant Metropolitan Attorneys
Metropolitan Courthouse, Suite 108
Post Office Box 196300
Nashville, Tennessee 37219-6300
(615) 862-6341

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent by U.S. Mail, postage pre-paid, to:

Joe A. Conner
1800 Republic Centre
633 Chestnut Street
Chattanooga TN, 37450

on this the 18th day of October, 2011.

Andrew D. McClanahan, #23772
Assistant Metropolitan Attorney

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FILED

2011 OCT 18 PM 4:04

RICHARD R. ROOT, CLERK

D.C.

EXHIBIT A: LEGAL DESCRIPTION

A tract of land in the 13th, formerly the 23rd Civil District of Davidson County, Tennessee, partially described by a survey made by John Wilkes, Civil Engineer, January 8, 1927, and partially by a survey made by Geo. W. Watkins, Surveyor, October 19, 1947, as follows:

BEGINNING at a point in the center of the Tennessee Central Railroad right-of way at the intersection of the center line of said right-of-way and the northerly margin of a 25 foot lane if extended running from the said right-of-way to the Hydes Ferry Pike, said point being 1316 feet southwesterly from the center of said Hydes Ferry Pike; thence with said right-of-way, north 27 degrees west 552 feet to a point; thence south 66 degrees west 660 feet to the center of Whites Creek; thence with the center of said Whites Creek, south 49 degrees east 172 feet to a point; south 31 degrees east 100 feet to a point, south 9 degrees east 118 feet to a point, south 1 1/4 degrees east 435 feet to a point, and south 7 1/2 degrees west 198 feet to a point; thence north 80 1/2 degrees east 241 feet to a point; thence south 9 1/2 degrees west 385 feet to a point; thence south 88 degrees east 841.4 feet to the center of said right-of-way; thence with the center of said right-of-way in a 3 degree curve, northwardly 804 feet to a point; thence continuing with said right-of-way, north 27 degrees 30 minutes west 300 feet to the beginning, containing 23 acres, more or less.

Being the same property conveyed to Burnice Winfrey and wife, Judy Alice Winfrey by deed from Cleophus Driver and wife, as of record in Book 2879, page 19, said Register's Office.

The following portion was conveyed to Metropolitan Government of Nashville and Davidson County by deed of record in Book 4004, page 488, Register's Office for Davidson County and is excluded from the above description:

Land in the 13th Civil District of Davidson County, Tennessee, formerly the 23rd District and described as follows:

BEGINNING at a point in the Westerly right-of-way line of the Tennessee Central Railroad; said point also being in the Southerly property line of the Winfrey lands; thence Westerly along the Winfrey's Southerly property line 475 feet to a point; thence Northerly 100 feet to a point; thence Easterly 250 feet to a point; thence Southerly 50 feet to a point; thence Easterly 225 feet, more or less to a point in the Westerly right-of-way line of the Tennessee Central Railroad; thence Southerly along the Westerly right-of-way line of the Tennessee Central Railroad 50 feet, more or less to the point of beginning containing 0.83 acres, more or less.

Being part of the property conveyed to Burnice Winfrey and wife, Judy Alice Winfrey by deed from Cleophus Driver and wife, as of record in Book 2879, page 19, said Register's Office.

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 THIRD Circuit Court for Davidson County, Tennessee, on the _ day of _ , _ , in the Case Number 11C3578 between THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY Plaintiff, and WINFREY, BURNICE ET.AL Defendant, as same remains of record in 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 20 day of MARCH in the year two thousand twelve and in the 235th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

