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2014 NOV 13 PM 12:04
RICHARD R. ROOKER, CLERK
D.C.

IN THE FIFTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE,	)	
Petitioner,	)	
v.	)	CASE NO. 14C4162
JAMES A. CROSSMAN,	)	JURY DEMAND
Respondent.	)	

AGREED ORDER OF CONDEMNATION AND POSSESSION

This matter is before the Court upon the parties' submission of an Agreed Order of Condemnation and Possession. It appears to the Court by the signatures of Counsel for Petitioner and Respondent that there is no opposition to Petitioner's right to take the property and property rights sough in the Petition for Condemnation ("Petition") or the Petitioner being granted possession of the property and all property rights sought in the Petition. It further appears that Respondent have filed an Answer taking exception to the amount deposited with the Clerk of the Court by Petitioner and Respondent have demanded a jury of view to determine just compensation for the property and property rights being taken.

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 a writ of possession should issue if necessary; and that Respondent have agreed to Petitioner's immediate possession of the property without waiving

BILL GARRETT, Davidson County
Trans:T20140092867 ORDER
Recvd: 12/11/14 14:53 8 pgs
Fees:42.00 Taxes:0.00
20141211-0113642

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their right to a jury of view to determine just compensation for the property and property rights being taken.

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 further **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 in fee simple, are more fully identified, as follows:

Right-Of-Way Acquisition—Fee Simple

> Land in Davidson County, Tennessee, being Lots Nos. 1 thru 7 in the Henry Bloods Subdivision of Lots Nos. 118 and 119 and other lots in the Barrow Grove Plan, as of record in Book "S," Page 279, Register's Office for said County, described as follows:
>
> SAID Lot Nos. 1 thru 7 front together 210 feet on the northerly margin of Ash Street and extend back between parallel lines with the easterly side of 6th Avenue South and westerly side of an alley 110 feet to the alley in the rear.
>
> Being the same property conveyed to James Alvin Crossman and wife, Mary B. Crossman by deed of record in Deed Book 6521, Page 367 and further conveyed to James A. Crossman by Quitclaim Deed of record in Instrument Number 20121016-0094841 in the Registers Office for Davidson County, Tennessee.

This is improved property known as 518 Ash Street, Nashville, Tennessee 37203. *See also* Right-Of-Way Exhibit and Description attached hereto as Exhibit A.

It is further **ORDERED** 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.

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

It is further **ORDERED** that this Agreed Order of Condemnation and Possession is entered without prejudice to the Respondent's right to seek additional just compensation from the Petitioner.

The Court reserves ruling on the taxing of court costs until all issues have been resolved in this case. This Order shall be deemed entered as of the date indicated by the Circuit Court Clerk's Office file stamp at the top of the first page.

JOE P. BINKLEY, JR.
CIRCUIT COURT JUDGE

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APPROVED FOR ENTRY:

THE DEPARTMENT OF LAW OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
SAUL SOLOMON, #11689
DIRECTOR OF LAW

By: _____

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LASSITER, TIDWELL & DAVIS, PLLC

By: Clark H. Tidwell by permission AMC

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Phone: (615) 259-9344
Facsimile: (615) 242-4214
Email: ctidwell@lassiterlaw.com

Attorneys for Respondent, James A. Crossman

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent on this the 12 day of November, 2014 via U.S. Mail, postage prepaid to the following:

Clark H. Tidwell, Esq.
150 Fourth Avenue, North, Suite 1850
Nashville, TN 37219-2408

Andrew D. McClanahan, #23772
Assistant Metropolitan Attorney

Copy

Map and Parcel Number:
Map 93-14
Parcel 455
518 Ash Street

Legal Description

Land in Davidson County, Tennessee, being Lots Nos. 1 thru 7 in the Henry Bloods Subdivision of Lots Nos. 118 and 119 and other lots in the Barrow Grove Plan, as of record in Book "S", Page 279, Register's Office for said County, described as follows:

SAID Lot Nos. 1 thru 7 front together 210 feet on the northerly margin of Ash Street and extend back between parallel lines with the easterly side of 6th Avenue South and westerly side of an alley 110 feet to the alley in the rear.

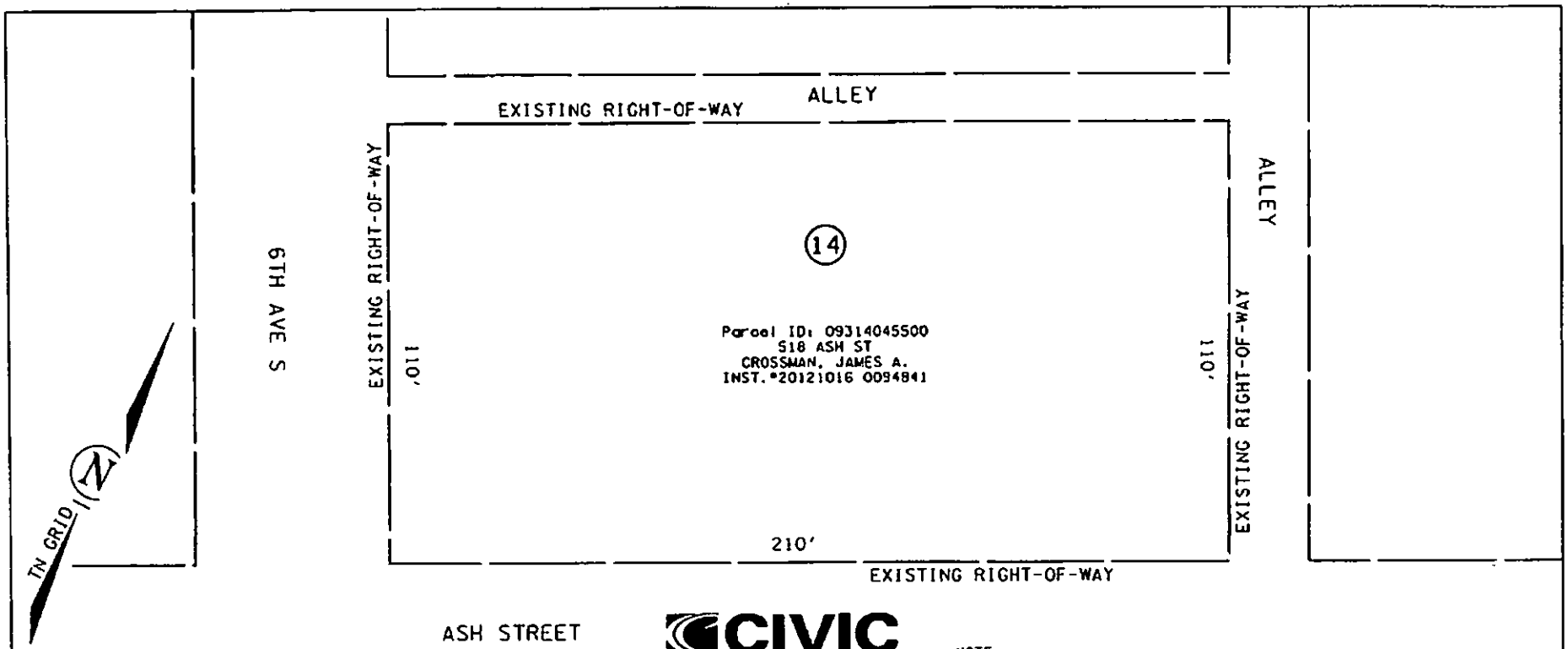
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This is improved property known as 518 Ash Street, Nashville, Tennessee 37203.

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EXHIBIT
A

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CIVIC
EXPERIENCE | TECHNOLOGY | PROGRESS
25 LINDSLEY AVENUE
NASHVILLE, TENNESSEE 37210
(615) 425-2000

NOTE:
A BOUNDARY SURVEY WAS NOT PERFORMED BY CIVIC, INC. FOR THE PURPOSE OF THIS EXHIBIT. THIS EXHIBIT WAS DONE UNDER THE AUTHORITY OF T.C.A. 62-18-126 AND THIS EXHIBIT IS NOT A GENERAL PROPERTY SURVEY AS DEFINED UNDER RULE 0820-3-07.

RIGHT-OF-WAY EXHIBIT

DIVISION ST. EXTENSION - FROM 8TH AVE. S TO APPROXIMATELY 350' EAST OF LAFAYETTE ST.

SCALE: 1"=30'	DATE: 02-5-14	PROJECT TRACT 14

METROPOLITAN GOVERNMENT
OF NASHVILLE & DAVIDSON COUNTY, TENNESSEE

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

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 FIFTH Circuit Court for Davidson County, Tennessee, on the 13 day of NOVEMBER, 2014, in Docket Number 14C4162 between THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY TENNESSEE, Plaintiff, and CROSSMAN, JAMES A., 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 02 day of DECEMBER in the year two thousand fourteen and in the 238th year of American Independence.

RICHARD R. ROOKER, Clerk,

By: _____
Deputy Clerk

