FILED
2015 AUG -7 AM 9:02
RICHARD R. ROOKER, CLERK
D.C

IN THE FIFTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

HARPETH VALLEY UTILITIES DISTRICT OF DAVIDSON AND WILLIAMSON COUNTIES, TENNESSEE,	**DOCKET NO. 06C-684**
Petitioner,	**MAP 101, PARCEL 95**
v.	**FIELD BOOK 28600**
GARY L. HESS and THOMAS W. HESS,	
Respondents.	

BILL GARRETT, Davidson County
Trans:T20150065567 ORDER
Recvd: 08/07/15 09:33 8 pgs
Fees:42.00 Taxes:0.00
20150807-0078784

DEED AND AGREED ORDER OF POSSESSION OF TRACT OF LAND AND TEMPORARY INGRESS AND EGRESS EASEMENT AND FINAL ORDER

It appears to the Court, as evidenced by the signatures of counsel for the parties below, that all matters between the parties, including the Petitioner's claims for eminent domain and the Respondents' claims for damages, have been resolved according to the terms of this order.

It is therefore ORDERED that in addition to the easements acquired by the Petitioner pursuant to that Deed and Agreed Order of Possession entered April 24, 2006, and recorded in the Register of Deeds Office for Davidson County, Tennessee, as instrument number 20060510-0055070, that pursuant to the agreement of the parties, that the Respondents hereby convey to the Petitioner and the Petitioner has and does hereby receive title to and immediate possession of the following real property:

A tract of land in the 35th Councilmanic District of Metropolitan Nashville and Davidson County, Tennessee, lying along the westerly margin of River Road Pike and being a portion of the property conveyed to Gary L. Hess and Thomas W. Hess and being more particularly described as follows:

Beginning at an iron rod (set) on the westerly right-of-way line of said River Road Pike, a 90-foot public right-of-way at the most southeasterly property corner of a tract of land conveyed to Gary L. Hess and Thomas W. Hess as of record in deed book 9623, page 985, Register's Office for Davidson County, Tennessee; said iron rod also being the northeasterly property corner of a

tract of land conveyed to Janet Echols and Ray P. Stansel as of record in instrument no. 20100518-0038288, Register's office for Davidson County, Tennessee; thence,

1. Leaving the westerly right-of-way line of said River Road Pike, and with the common property line between said Gary L. Hess and Thomas W. Hess property and Janet Echols and Ray P. Stansel property, north 53 degrees 36 minutes 02 seconds west, 457.09 feet to an iron rod (set); thence,

2. Leaving said common property line and with a new severance line through the Gary L. Hess and Thomas W. Hess property, which this tract is a part of, in part, north 80 degrees 02 minutes 03 seconds east, 276.57 feet to an iron rod (set) on the westerly right-of-way line of said River Road Pike; thence,

3. In a southeastwardly direction with a curve to the left having a radius of 1413.69-feet, a central angle of 13 degrees 31 minutes 54 seconds, for an arc length of 333.87 feet to the point of beginning; said curve has a chord bearing and distance of south 16 degrees 39 minutes 51 seconds east, 333.10 feet.

The above described tract contains 43,560 square feet or 1.000 acres, more or less, as calculated by the above courses and distances.

Being a portion of the same property conveyed to Gary L. Hess and Thomas W. Hess as of record in deed book 9623, page 985, Register's Office for Davidson County, Tennessee.

A survey drawing of the above described tract is attached hereto as Exhibit A.

It is further ORDERED that in addition to the above referenced easements and the above described tract that pursuant to the agreement of the parties, that the Respondents hereby convey to the Petitioner and the Petitioner has and does hereby receive nonexclusive title to and immediate possession of the following temporary easement across Respondents' real property for ingress and egress:

Being a 30-foot wide ingress and egress easement situated in the 35th Councilmanic District of Metropolitan Nashville and Davidson County, Tennessee, lying across a portion of the Gary L. Hess and Thomas W. Hess property as of record in deed book 9623, page 985, Register's Office for Davidson County, Tennessee and the centerline of said easement being more particularly described as follows:

Commencing at a point in an offset of the westerly right-of-way line of River Road Pike, being 90-feet wide at said offset point, at the most southeasterly property corner of the aforementioned Gary L. Hess and Thomas W. Hess property; said point also being the northeasterly property

corner of a tract of land conveyed to Janet Echols and Ray P. Stansel as of record in instrument no. 20100518-0038288, Register's Office for Davidson County, Tennessee; thence,
A. In a northwestwardly direction with a curve to the right having a radius of 1413.69-feet, a central angle of 13 degrees 31 minutes 54 seconds, for an arc length of 333.87 feet to a point; said curve has a chord bearing and distance of north 16 degrees 39 minutes 51 seconds west, 333.10 feet; thence,

B. Continuing in a northwestwardly direction with a curve to the right having a radius of 1413.69-feet, a central angle of 16 degrees 44 minutes 03 seconds, for an arc length of 412.89 feet to a point; said curve has a chord bearing and distance of north 01 degrees 31 minutes 53 seconds west, 411.42 feet; thence,

C. With an offset in the westerly right-of-way line of said river road pike, south 83 degrees 09 minutes 51 seconds east, 15.00 feet to a point; thence,

D. In a northwestwardly direction with a curve to the right having a radius of 1398.69-feet, a central angle of 06 degrees 51 minutes 11 seconds, for an arc length of 167.30 feet to the point of beginning of the herein described 30-foot wide ingress and egress easement; said curve has a chord bearing and distance of north 10 degrees 15 minutes 44 seconds east, 167.20 feet; thence,

1. Leaving the westerly right-of-way line of said River Road Pike, and with the centerline of the 30-foot wide ingress and egress easement, north 76 degrees 38 minutes 49 seconds west, 3.57 feet to a point; thence,

2. In a northwestwardly direction with a curve to the left having a radius of 85.00-feet, a central angle of 22 degrees 38 minutes 27 seconds, for an arc length of 33.59 feet to a point; said curve has a chord bearing and distance of north 87 degrees 58 minutes 03 seconds west, 33.37 feet; thence,

3. South 80 degrees 42 minutes 44 seconds west, 31.82 feet to a point; thence,

4. In a southwestwardly direction with a curve to the left having a radius of 65.00-feet, a central angle of 54 degrees 12 minutes 58 seconds, for an arc length of 61.51 feet to a point; said curve has a chord bearing and distance of south 53 degrees 36 minutes 15 seconds west, 59.24 feet; thence,

5. South 26 degrees 29 minutes 45 seconds west, 65.52 feet to a point; thence,

6. In a southwestwardly direction with a curve to the left having a radius of 735.00-feet, a central angle of 04 degrees 17 minutes 27 seconds, for an arc length of 55.04 feet to a point; said curve

has a chord bearing and distance of south 24 degrees 21 minutes 02 seconds west, 55.03 feet; thence,

7. South 22 degrees 12 minutes 19 seconds west, 65.09 feet to a point; thence,

8. In a southwestwardly direction with a curve to the left having a radius of 235.00-feet, a central angle of 24 degrees 28 minutes 51 seconds, for an arc length of 100.41 feet to a point; said curve has a chord bearing and distance of south 09 degrees 57 minutes 54 seconds west, 99.65 feet; thence,

9. South 02 degrees 16 minutes 32 seconds east, 29.21 feet to a point; thence,

10. In a southeastwardly direction with a curve to the left having a radius of 115.00-feet, a central angle of 16 degrees 11 minutes 43 seconds, for an arc length of 32.51 feet to a point; said curve has a chord bearing and distance of south 10 degrees 22 minutes 23 seconds east, 32.40 feet; thence,

11. South 18 degrees 28 minutes 15 seconds east, 125.91 feet to a point; thence,

12. In a southeastwardly direction with a curve to the right having a radius of 115.00-feet, a central angle of 25 degrees 22 minutes 31 seconds, for an arc length of 50.93 feet to a point; said curve has a chord bearing and distance of south 05 degrees 46 minutes 59 seconds east, 50.52 feet; thence,

13. South 06 degrees 54 minutes 16 seconds west, 61.35 feet to a point, being the southerly terminus of the aforementioned 30-foot wide ingress and egress easement.

The above described easement contains 21,494 square feet or 0.493 acres, more or less.

Being a portion of the same property conveyed to Gary L. Hess and Thomas W. Hess as of record in deed book 9623, page 985, Register's Office for Davidson County, Tennessee.

A survey drawing of the above described ingress and egress easement is attached hereto as Exhibit A.

The above described ingress and egress easement is a temporary easement, and shall expire one year from the date of the recording of this order.

It is further ORDERED that the Petitioner shall maintain and repair the area over which the temporary ingress and egress easements runs, and upon completion of the use of same at the

time of expiration of the easement as provided above, shall restore the land to the condition existing before the acquisition of the temporary ingress and egress easement, or as near thereto as reasonably possible.

It is further ORDERED that the Respondents warrant the grant of the tract of real property and the ingress and egress easement to the Petitioner.

It is further ORDERED that the Petitioner shall pay the Respondents Twenty Five Thousand and No/100s Dollars ($25,000) for the above described tract, and One Thousand and No/100s Dollars ($1,000) for the above described temporary ingress and egress easement, and that upon said payments, no further amounts shall be due and owing to the Respondents in connection with this cause, the Petitioner's acquisition of the above referenced or described easements and tract, the Petitioner's installation of utility lines and appurtenances, or any claims filed or that could have been filed by the Respondents in the cause or in connection with the Petitioner's acquisition of land and easements or the Petitioner's installation of utilities, including the claims set forth in the Answer/Counterclaim filed by the Respondents.

It is further ORDERED that the Circuit Court Clerk shall return all amounts placed on deposit with the Circuit Court Clerk by Petitioner together with any accrued interest, if any, to counsel for Petitioner at the address stated below.

It is further ORDERED that this order resolves all matters between the parties and that this is a final order, that the parties shall bear their own respective discretionary costs, if any, and that Petitioner shall pay the court costs, for which execution shall issue, if necessary.

Entered this ____ day of _____, 2015.

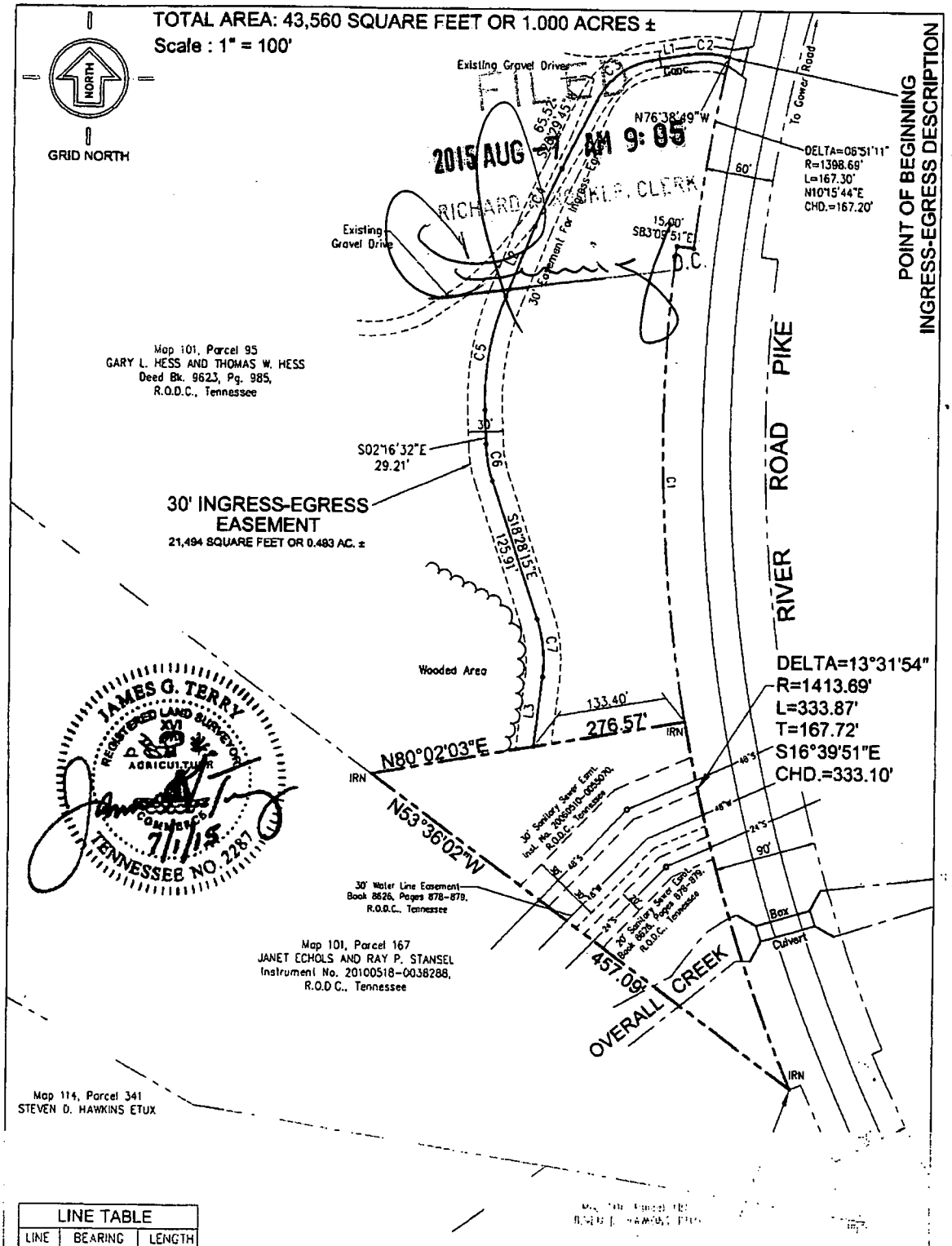
CIRCUIT COURT JUDGE

APPROVED FOR ENTRY:

PARKER, LAWRENCE, CANTRELL & SMITH

L. Marshall Albritton (13515)
201 Fourth Avenue North
Suite 1700
Nashville, Tennessee 37219
(615) 255-7500
Attorneys for Petitioner

Elizabeth L. Murphy (20905)
1102 17th Avenue South, Suite 401
Nashville, TN 37212
(615) 327-0404
(615) 320-1344 *fax*
Attorney for Respondents



LINE TABLE		
LINE	BEARING	LENGTH
L1	S80°42'44"W	31.82
L2	S22°12'19"W	65.09
L3	S06°54'16"W	61.35

CURVE TABLE					
NO	DELTA	RADIUS	LENGTH	CHD. BEARING	CHD.
C1	16°44'03"	1413.69	412.89	N01°31'53"W	411.42
C2	22°38'27"	85.00	33.59	N87°58'03"W	33.37
C3	54°12'58"	65.00	61.51	S53°36'15"W	59.24
C4	4°17'27"	735.00	55.04	S24°21'02"W	55.03
C5	24°28'51"	235.00	100.41	S09°57'54"W	99.65
C6	16°11'43"	115.00	32.51	S10°22'23"E	32.40
C7	25°22'31"	115.00	50.93	S05°46'59"E	50.52

POINT OF BEGINNING
PROPERTY DESCRIPTION
AND
POINT OF COMMENCEMENT
INGRESS-EGRESS DESCRIPTION

EXHIBIT
tabbies
A

JAMES TERRY & ASSOCIATES
2526 MEADOWOOD DRIVE
NASHVILLE, TENNESSEE 37214
PHONE: (615) 883-2918

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 DEED & AGREED ORDER OF POSSESSION OF TRACT OF LAND AND TEMPORARY INGRESS AND EGRESS EASEMENT AND FINAL ORDER heretofore filed in the FOURTH Circuit Court for Davidson County, Tennessee, on the 07 day of AUGUST, 2015, in Docket Number 06D684 between MCCONNELL, CHERI SUSAN, Plaintiff, and MCCONNELL, CAREY DON, 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 07 day of AUGUST in the year two thousand fifteen and in the 239 year of American Independence.

RICHARD R. ROOKER, Clerk,

By: _____
Deputy Clerk

[SEAL]

