

IN THE CIRCUIT COURT FOR ROANE COUNTY, TENNESSEE

CITY OF HARRIMAN, TENNESSEE, a
Municipal Corporation
Petitioner

VS.

NO. 13-CV-169

SHADOWBLUFF, L.P., LAWYERS TITLE
INSURANCE CORPORATION, TRUSTEE;
and UNITED FARM FAMILY LIFE
INSURANCE COMPANY;
Defendants

ORDER OF POSSESSION

This case came on to be heard before the Honorable Russell E. Simmons, Jr., holding the Circuit Court for Roane County, Tennessee, at Kingston, upon the Petition for Condemnation of certain property rights in real estate for public purposes; the Notice of the filing of the Petition for Condemnation, a copy thereof having been properly executed and served upon the defendants as required by law; the request of the petitioner to be granted the right to take possession of the property rights sought to be condemned in the real estate set-out and described in said Petition for Condemnation pursuant to Tennessee Code Annotated, Section 29-17-903(d); and it appearing to the Court that no timely objection has been filed by the defendants, or any of them, contesting or challenging petitioner's right to condemn and take the interests sought in said real estate; and it further appearing to the Court that the petitioner, under law, is entitled to possession of the property rights in the real estate sought to be acquired in this proceeding.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED the petitioner, City of Harriman, Tennessee, is hereby granted a non-exclusive permanent easement interest in, under, on, below, over and across the land of defendants, the same being the real property described below, for the purpose of placing, constructing, operating, repairing, maintaining, removing and replacing on

I, Kim R. Nelson, do certify that this is a true and perfect copy as the same appears of record in my office.

This 20 day of December 2013

KIM R. NELSON
ROANE COUNTY CIRCUIT COURT CLERK

by Kim R. Nelson P.C.

ENTERED

DATE 12-20-13

TIME 10:00 AM

BY: Kim R. Nelson

the easement tract utilities and related equipment and facilities, which utilities include, but are not limited to, electric, gas, sewer and water, all of which are public utilities that are owned and/or licensed by the City of Harriman and/or the Harriman Utility Board. Further, the petitioner is hereby granted a non-exclusive permanent easement for ingress and egress to the easement tract and a temporary construction easement as required and necessary to install, replace and maintain the facilities and lines beyond the boundaries of the real property described below. Finally, the petitioner shall be put into possession of the property rights described herein in the real property described below and, if necessary, on application of the petitioner, the Clerk shall issue a Writ of Possession to put the petitioner in full and complete possession of the property rights described herein in the real estate described below.

It is further **ORDERED, ADJUDGED AND DECREED** the real property subject to the non-exclusive permanent easements and temporary construction easement granted above is described as follows, to-wit:

Situated, lying and being in the First Civil District of Roane County, Tennessee, and within the corporate limits of the City of Harriman, Tennessee, and being located on the easterly side of Ruritan Road (Tennessee Highway 29), along the northerly side of State Street, reference being made to Map No. 036B, Group J, and a part of Parcel No. 001.00, as shown on the Tax Maps in the Property Assessor's Office for Roane County, Tennessee, and more particularly described as follows, to-wit:

Beginning on an unmonumented point in the easterly right of way line for Ruritan Road (Tennessee Highway 29) at the intersection of a fillet for the intersection of State Street, said point being located at 46.0 feet from the survey center line of the new relocation for Ruritan Road (Tennessee Highway 29), and said beginning being defined as located at Tennessee Lambert Grid Position North = 580,734.85 and East = 2,394,128.04; Thence, with the easterly right of way line for Ruritan Road (Tennessee Highway 29) as follows: 1.) with a curve to the right, along a radius of 864.51 feet for an arc length of 83.25 feet and having a chord of North 25deg 51min 03sec West 83.21 feet to an unmonumented point; 2.) with a tangent, North 21deg 28min 38sec West 128.32 feet to an unmonumented point; 3.) with a curve to the right, along a radius of 150.00 feet for an arc length of 157.70 feet and having

a chord of North 08deg 38min 43sec East 150.54 feet to an unmonumented point; Thence, with line(s) interior to Shadowbluff, L.P. (X-20/164) as follows: 1.) South 17deg 08min 00sec West 93.02 feet to an unmonumented point; 2.) South 14deg 15min 56sec East 99.61 feet to an unmonumented point; 3.) South 31deg 40min 19sec East 192.59 feet to an unmonumented point; 4.) North 73deg 00min 03sec East 167.56 feet to an unmonumented point; 5.) North 68deg 56min 01sec East 147.86 feet to an unmonumented point; 6.) North 83deg 31min 08sec East 29.23 feet to an unmonumented point at the intersection of the westerly margin of Russell Avenue with the northerly line of State Street; Thence, with line of fillet at the intersection of the westerly margin of Russell Avenue with the northerly line of State Street, South 23deg 09min 55sec West 16.47 feet to an unmonumented point; Thence, along the northerly line of State Street as follows: 1.) South 65deg 42min 56sec West 89.51 feet to an unmonumented point; 2.) South 72deg 07min 59sec West 105.90 feet to an unmonumented point; 3.) South 76deg 02min 58sec West 101.90 feet to an unmonumented point; 4.) South 77deg 47min 58sec West 38.34 feet to an unmonumented point; Thence, with a line of fillet at the intersection of the northerly line of State Street with the easterly line of Ruritan Road, North 65deg 43min 21sec West 43.50 feet to the point of beginning, containing 0.272 Acre (more or less).

This being the same property as shown on a plat of survey by Lackey and Associates, Inc. of 214 Main Street, Oliver Springs, TN 37840, dated July 23, 2012 and designated as Drawing Number 12-329 with bearings being referenced to Tennessee Lambert Grid North and position being referenced to Tennessee Lambert Grid Position (NAD 1983-95) datum adjusted (extended) by a factor of 1.00009.

Being a part of the same property owned by Shadowbluff, L.P. under a Warranty Deed recorded in Deed Book X, Series 20, Page 164, with exception of a Warranty Deed in favor of the State of Tennessee recorded in Deed Book 1467, Page 266, both of which are in the Office of the Register of Deeds for Roane County, Tennessee.

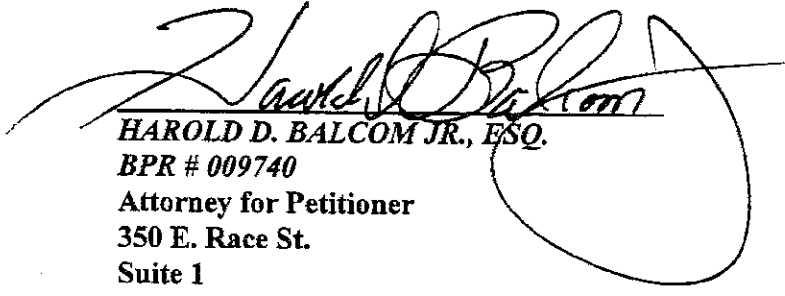
It is further **ORDERED, ADJUDGED AND DECREED** this Order shall constitute a muniment of title for the purposes contained herein and shall be recorded in the Roane County Register's Office.

It is further **ORDERED, ADJUDGED AND DECREED** that all remaining issues, including just compensation to defendants for the condemnation, are reserved for future determination.

ENTER this 18 day of December, 2013.


HON. RUSSELL E. SIMMONS, JR.
CIRCUIT COURT JUDGE

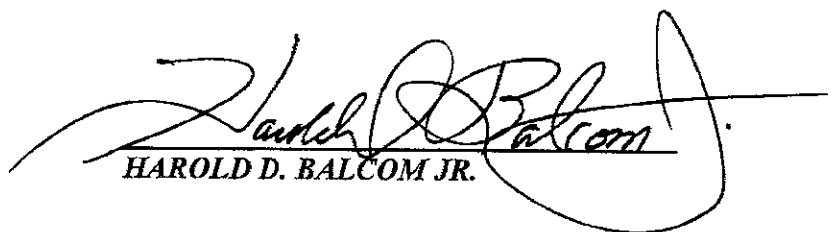
APPROVED FOR ENTRY:


HAROLD D. BALCOM JR., ESQ.
BPR # 009740
Attorney for Petitioner
350 E. Race St.
Suite 1
P. O. Box 487
Kingston, TN 37763-0487
(865) 376-5593

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Order of Possession has been forwarded to Shadowbluff, L.P., defendant, c/o Bert T. Lyles, 2110 Blair Blvd., Nashville, TN 37212-4902; Lawyers Title Insurance Corporation, defendant, c/o CT Corporation System, 4701 Cox Rd., Suite 301, Glen Allen, VA 23060; and United Farm Life Family Insurance Company, defendant, c/o Donald B. Villwock, 225 S. East St., Indianapolis, IN 46202, by placing same in the U.S. Mail with sufficient postage thereon to carry the same to its destination.

This 17th day of December, 2013.


HAROLD D. BALCOM JR.

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BK/PG: 1490/743-746
14000131

4 PGS:AL-ORDER	
DENISE BATCH 103450	01/08/2014 - 12:30 PM
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	20.00
ARCHIVE FEE	0.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	22.00

STATE OF TENNESSEE, ROANE COUNTY
SHARON BRACKETT
REGISTER OF DEEDS