

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

UNITED STATES OF AMERICA
upon the relation and for the use of the
TENNESSEE VALLEY AUTHORITY
Plaintiff

v.

No. 1:10-cv-00094-SA-JAD

EASEMENTS AND RIGHTS-OF-WAY
OVER 5.99 ACRES OF LAND, MORE
OR LESS, IN ALCORN COUNTY,
MISSISSIPPI, and
ROY OAKS
Defendants

JUDGMENT AND ORDER DISBURSING FUNDS

This action came on to be considered, and it appears to the Court, as evidenced by the signatures below, that the parties have agreed to resolve this action as hereinafter provided;

It is, therefore, Ordered and Adjudged that:

1. The Defendant shall recover of Plaintiff \$40,000 as full compensation for the taking of the easements and rights-of-way herein condemned, which amount has been deposited by Plaintiff with the registry of this Court in this action, the disbursement of which is provided for in paragraph 2 below.

2. The Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this Court in the amount of \$40,000 payable to Roy Oaks, in full satisfaction of this Judgment, and to mail said check to Roy Oaks, 924 County Road 400, Corinth, Mississippi 38834.

3. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking (DN 2) filed herein on April 22, 2010, is hereby fully and finally confirmed with respect to the following-described easements and rights-of-way, said description being the same as in Attachment 1 to the Declaration of Taking (DN 2) filed herein:

Permanent easements and rights-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with sufficient wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, including guy wires, in, on, over, and across said rights-of-way, together with the right to clear said rights-of-way and keep the same clear of all trees, brush, buildings, signboards, billboards, stored personal property, and fire hazards, to destroy or otherwise dispose of such trees and brush, and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Tennessee Valley Authority to remain liable for any direct physical damage to the land, annual crops, fences, and roads resulting directly from the operations of its construction and maintenance forces in the exercise of said rights.

TRACT NO. CBIG-10A DESCRIPTION:

A parcel of land located in the NE 1/4 of the NE 1/4 of Section 25, Township 2 South, Range 7 East, Alcorn County, State of Mississippi, as shown on a map entitled "Corinth-Biggersville Transmission Line," drawing LW-8691, sheet P1, R.2, the portion of said map which shows said parcel of land being attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

Commencing at a point which is the northeast corner of Section 25, the said point being common to Sections 25, 24, 19, and 30; thence leaving the said section corner and with the line between Sections 25 and 24 S. 89° 17' 17" W., 1,003.13 feet to a point which is a common corner in the lands of Roy Oaks, Jackie Faye Nelms, and Kansas City Southern Railroad, the said point being on the southwest right-of-way line of the said railroad and being 5.60 feet left of the centerline of the transmission line location at survey station 97+67.00, the said point also being the POINT OF BEGINNING.

Thence leaving the point of beginning, the said common corner, and the said section line and with the meanders of the said railroad right-of-way line and northeast property line of Roy Oaks in a southeasterly direction 48.33 feet to a point which is a common corner in the lands of Roy Oaks, Kansas City Southern Railroad, and Alcorn, Mississippi (Danville Road), the said point being on the north right-of-way line of the said road and being 35.46 feet left of the centerline of the location at survey station 98+05.00; thence leaving the said common corner, the said railroad right-of-way line, and the said property line and with the meanders of the said road right-of-way line and the south property line of Roy Oaks in westerly direction 91.23 feet, crossing the centerline of the location at survey station 98+18.32 (37.88 feet), to a point on the northwest right-of-way line of the location, the said point being 50 feet right of the centerline of the location at survey station 98+36.92; thence leaving the said road right-of-way line and the said property line and with the said northwest right-of-way line of the location N. 17° 01' 39" E., 52.13 feet to a point on the property line between Roy Oaks and Jackie Faye Nelms, the said point being on the aforementioned line between Sections 25 and 24 and being 50 feet right of the centerline of the location at survey station 97+84.79; thence leaving the said northwest right-of-way line of the location and with the said property line and the said section line N. 89° 17' 17" E., 58.37 feet, crossing the centerline of the location at survey station 97+68.8 (52.50 feet), to the point of beginning and containing 0.08 acre, more or less.

Furthermore, the above-described easement rights are acquired with respect to such appurtenant right, title, and interest as the owner of the above-described land may have in Tract CBIG-9, the adjoining railroad right-of-way shown on the map referenced above.

Furthermore, the above-described easement rights are acquired with respect to such appurtenant right, title, and interest as the owner of the above-described land may have in Tract CBIG-11, Alcorn County, State of Mississippi (Danville Road), the adjoining road right-of-way shown on the map referenced above.

The above-described parcel of land is lying entirely in the NE 1/4 of the NE 1/4 of Section 25, Township 2 South, Range 7 East, Alcorn County, State of Mississippi.

TRACT NO. CBIG-12 DESCRIPTION:

A parcel of land located in the North 1/2 of the NE 1/4 and the SW 1/4 of the NE 1/4 of Section 25, Township 2 South, Range 7 East, Alcorn County, State of Mississippi, as shown on a map entitled "Corinth-

Biggersville Transmission Line,” drawing LW-8691, sheet P1, R.2, the portion of said map which shows said parcel of land being attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

Commencing at a point which is the northeast corner of Section 25, the said point being common to Sections 25, 24, 19, and 30; thence leaving the said section corner and with the line between Sections 25 and 24 S. $89^{\circ} 17' 17''$ W., 1,003.13 feet to a point which is a common corner in the lands of Roy Oaks (TVA Tract No. CBIG-10A), Jackie Faye Nelms, and Kansas City Southern Railroad, the said point being on the southwest right-of-way line of the said railroad and being 5.60 feet left of the centerline of the transmission line location at survey station 97+67.00; thence leaving the said common corner and the said railroad right-of-way line and with the property line between Roy Oaks (TVA Tract No. CBIG-10A) and Jackie Faye Nelms and the said section line S. $89^{\circ} 17' 17''$ W., 5.87 feet to a point on the centerline of the location at survey station 97+68.8; thence leaving the said property line and the said section line and with the centerline of the location S. $17^{\circ} 01' 39''$ W., 102.89 feet to a point on the south right-of-way line of Alcorn County, Mississippi (Danville Road) and the north property line of Roy Oaks (TVA Tract No. CBIG-12) at survey station 98+71.69, the said point being the POINT OF BEGINNING.

Thence leaving the point of beginning and the centerline of the location and with the meanders of the said road right-of-way line and the said property line in an easterly direction 53.39 feet to a point on the southeast right-of-way line of the location, the said point being 50 feet left of the centerline of the location at survey station 98+52.95; thence leaving the said road right-of-way line and the said property line and with the said southeast right-of-way line of the location S. $17^{\circ} 01' 39''$ W., 1,056.53 feet to a point diametrically opposite an angle point in the centerline of the location at survey station 108+93.31; thence continuing with the said southeast right-of-way line of the location S. $52^{\circ} 52' 42''$ W., 1,606.81 feet to a point on the east right-of-way line of Alcorn County, Mississippi (Old Danville Road) and the west property line of Roy Oaks (TVA Tract No. CBIG-12), the said point being 50 feet left of the centerline of the location at survey station 124+83.95; thence leaving the said southeast right-of-way line of the location and with the meanders of the said road right-of-way line and the said property line in a northerly direction 124.14 feet, crossing the centerline of the location at survey station 124+47.17 (62.07 feet), to a point on the northwest right-of-way line of the location, the said point being 50 feet right of the centerline of the

location at survey station 124+10.39; thence leaving the said road right-of-way line and the said property line and with the said northwest right-of-way line of the location N. 52° 52' 42" E., 1,500.91 feet to a point diametrically opposite an angle point in the centerline of the location at survey station 108+93.31; thence continuing with the said northwest right-of-way line of the location N. 17° 01' 39" E., 986.88 feet to a point on the aforementioned south right-of-way line of Alcorn County, Mississippi (Danville Road) and north property line of Roy Oaks (TVA Tract No. CBIG-12), the said point being 50 feet right of the centerline of the location at survey station 98+90.26; thence leaving the said northwest right-of-way line of the location and with the meanders of the said road right-of-way line and the said property line in an easterly direction 53.34 feet to the point of beginning and containing 5.91 acres, more or less.

Furthermore, the permanent easement rights include the perpetual right to install, maintain, and replace guy wires and necessary appurtenances outside the right-of-way for the transmission line structure located at survey station 108+93.31.

Furthermore, the above-described easement rights are acquired with respect to such appurtenant right, title, and interest as the owner of the above-described land may have in Tract CBIG-11, Alcorn County, State of Mississippi (Danville Road), and Tract CBIG-13, Alcorn County, State of Mississippi (Old Danville Road), the adjoining road right-of-way shown on the map referenced above.

The above-described parcel of land is lying partially in the North 1/2 of the NE 1/4 and partially in the SW 1/4 of the NE 1/4 of Section 25, Township 2 South, Range 7 East, Alcorn County, State of Mississippi.

Recording Information: Record landowner as of the date of the filing of the Declaration of Taking — Roy Oaks (Deed Book 2007, pages 5153-5159)

4. The Clerk of this Court shall furnish to the Plaintiff a certified copy of this

Judgment which shall serve as a muniment of title.

SO ORDERED AND ADJUDGED this 14th day of July, 2010.


SHARION AYCOCK
UNITED STATES DISTRICT JUDGE

We hereby approve and consent to the entry of this Judgment:

s/Thomas A. Robins
Thomas A. Robins
Senior Attorney
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1401
Telephone 865-632-7034
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Email tarobins@tva.gov

Attorney for Plaintiff

s/Roy Oaks
Roy Oaks
924 County Road 400
Corinth, Mississippi 38834

Defendant