

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

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

PLAINTIFF

v.

CIVIL ACTION NO. 1:15-cv-00019-GHD-DAS

AN EASEMENT AND RIGHT-OF-WAY
OVER 3.28 ACRES OF LAND, MORE
OR LESS, IN LEE COUNTY,
MISSISSIPPI; and FREEDOM TD
PRODUCTS, INC. f/k/a Mac's Tire
Recyclers, Inc.; LIBERTY TIRE
RECYCLING, LLC; and DON B.
CANNADA, trustee

DEFENDANTS

JUDGMENT AND ORDER DISBURSING FUNDS

This action came on to be considered, and it appears to the Court, as evidenced by the disclaimers filed on behalf of Defendants Don B. Cannada [16] and Liberty Tire Recycling, LLC [55], and the signatures below, that Plaintiff the United States, on behalf of the Tennessee Valley Authority, and Defendant Freedom TD Products, Inc. have agreed to resolve this action as hereinafter provided.

The Court therefore ORDERS and ADJUDGES the following:

1. Defendant Freedom TD Products, Inc. shall recover of the Plaintiff the United States, on behalf of the Tennessee Valley Authority, \$25,000.00, as the full and final amount of just compensation for the taking of the easement and right-of-way herein condemned, which amount has been deposited by Plaintiff the United States, on behalf of the Tennessee Valley Authority, 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 \$25,000.00, plus any accrued interest thereon less the applicable registry fee, payable to "Freedom TD Products, Inc.," in full satisfaction of this Judgment and Order Disbursing Funds (Judgment), and to mail said check to James L. Halford, Esq., Brunini, Grantham, Grower & Hewes, PLLC, The Pinnacle Building, 190 East Capitol Street, Suite 100, Jackson, Mississippi 39201.

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 filed herein on January 22, 2015 [2], is hereby fully and finally confirmed with respect to the easements and rights-of-way and additional structure rights described below, said descriptions being the same as in Attachment 1 to the Declaration of Taking filed herein [2]:

Permanent easement and right-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, in, on, over, and across said right-of-way, together with the right to clear said right-of-way and keep the same clear of all trees, brush, buildings, signboards, billboards, 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 the construction and maintenance forces of the Tennessee Valley Authority in and about the erection and maintenance thereof, all upon, under, over, and across the described land.

TRACT NO. UT-61

A parcel of land located in the SW 1/4 of Section 4, Township 8 South, Range 6 East, Lee County, State of Mississippi, as shown on a map entitled "Union-Tupelo No. 3 Transmission Line," drawing LW-8828, sheet P3, R.4, a reduced scale copy of which is attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

Commencing at a calculated point at the section corner between Sections 4, 5, 8 and 9, Township 8 South, Range 6 East; thence leaving said corner with the said section line between Sections 4 and 5, N. 00° 02' 30" W., 845.16 feet to a point on the centerline of the Union-Tupelo Transmission Line location at survey station 626+84.66; thence leaving said section line and with the centerline of the location S. 66° 48' 56" E., 396.45 feet to a point on the eastern right-of-way of Highway 145/Bit Road said point being located at survey station 630+81.11 and being the Point of Beginning.

Thence leaving the Point of Beginning and the centerline of the location with the eastern right-of-way of Highway 145/Bit Road in a north-eastwardly direction 50.06 feet to a point on the northern right-of-way of the location, said point being 50 feet left of the centerline of the location at survey station 630+78.57; thence leaving said road right-of-way and with the northern right-of-way of the location S. 66° 48' 56" E., 1,410.55 feet to a point on the western right-of-way of the Kansas City Railway Company right-of-way, Tract UT-62, said point being 50 feet left of the centerline of the location at survey station 644+89.11; thence leaving said northern right-of-way of the location and with the western right-of-way of the Kansas City Railway Company right-of-way in a southwardly direction 53.46 feet to a point on the centerline of the location at survey station 645+08.03; thence leaving the centerline of the location and continuing along said railroad right-of-way in a southwardly direction 53.68 feet to a point on the southern right-of-way of the location, said point being 50 feet right of the centerline of the location at survey station 645+27.56; thence leaving said railroad right-of-way and with the southern right-of-way of the location N. 66° 48' 56" W., 1,443.90 feet to a point on the eastern right-of-way of Highway 145/Bit Road, said point being 50 feet right of the centerline of the location at survey station 630+83.66; thence leaving said southern right-of-way of the location and with the eastern right-of-way of the said road in a northeastwardly direction 50.06 feet to the Point of Beginning and containing 3.28 acres, more or less.

The above-described parcel of land is lying entirely in the SW 1/4 of Section 4, Township 8 South, Range 6 East, Lee County, State of Mississippi.

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 UT-60, Lee County, Mississippi (Highway 145), the adjoining road 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 UT-62 the adjoining railroad right-of-way shown on the map referenced above.

4. The Clerk of this Court shall furnish to Plaintiff the United States, on behalf of the Tennessee Valley Authority, a certified copy of this Judgment which shall serve as a muniment of title.

SO ORDERED, this, the 17th day of May, 2017.



SENIOR U.S. DISTRICT JUDGE

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

s/David D. Ayliffe

David D. Ayliffe (TN BPR 024297)
TVA GENERAL COUNSEL'S OFFICE
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1401
Telephone 865.632.8964
Email ddayliffe@tva.gov

Attorney for Plaintiff

s/James L. Halford (by permission)

James L. Halford (MS No. 2111)
Brunini, Grantham, Grower & Hewes, PLLC
The Pinnacle Building
190 East Capitol Street, Suite 100
Jackson, Mississippi 39201
Telephone 601.960.6868
Email jhalford@brunini.com

Attorney for Defendant
Freedom TD Products, Inc.