

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.: 1:17-cv-135-SA-DAS

EASEMENTS AND RIGHTS-OF-WAY
OVER A TOTAL OF 0.19 ACRE OF LAND,
MORE OR LESS, IN OKTIBBEHA COUNTY,
MISSISSIPPI, and
HOWARD ROBERTSON,
UNKNOWN HEIRS OF NELSON HALL,
UNKNOWN OWNERS,

Defendants.

JUDGMENT AND ORDER DISBURSING FUNDS

This action is before the Court on Plaintiff's Motion for Entry of a Consent Judgment and Order Disbursing Funds. Having considered the motion, being advised that Plaintiff and Defendant Howard Robertson have agreed to resolve this action and that no unknown heirs or owners have been identified despite completion of notice by publication, and for good cause shown, this Court finds that the Motion is well-taken and should be granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED that:

1. Defendant Howard Robertson, shall recover from Plaintiff \$1,500 as the full and final amount of just compensation for the taking of the easements and rights-of-way condemned in this action, which amount has been deposited by Plaintiff with the registry of this Court and 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 \$1,500, plus any accrued interest thereon less any applicable registry fee, payable to "Howard Robertson" in full satisfaction of this Judgment and Order Disbursing Funds (Judgment), and to mail said check to Mr. Robertson.

3. Plaintiff is granted immediate possession of the condemned property and is hereby put into immediate possession of the property described below in Paragraph 4 to the extent necessary to permit the Tennessee Valley Authority to carry on any of its operations described in the pleadings filed herein, and that the Defendant surrenders possession of said property to the Tennessee Valley Authority.

4. 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 in this action on August 22, 2017 (Doc. No. 2), is hereby fully and finally confirmed with respect to the easements and rights-of-way described below, said description being the same as in Attachment 1 to the Declaration of Taking filed herein (Doc. No. 2-1):

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, 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, 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 rights-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 following-described land:

TRACT NO. SPHTB-30

A parcel of land located in Section 23, Township 18 North, Range 13 East, of Oktibbeha County, State of Mississippi, as shown on a map entitled "Starkville-Philadelphia 161kV Transmission Line Tap to Bluefield," drawing LW-5579, sheet 5C, R.1, 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 found t-post at the northeast corner of Section 23, Township 18, Range 13 East and the southeast corner of Section 14, Township 18 North, Range 13 East, said corner being in the west road right-of-way of the land of the State of Mississippi (Highway 12 West), said point being 40.82 feet right of survey station 236+80.77; thence leaving said corner and with the north property line of the land of Nelson Hall Heirs (SPHTB-32) and the south property line of the land of Lavell W. Brown, III, et ux., said property line being the south line of Section 14, Township 18 North, Range 13 East and the north line of Section 23, Township 18 North, Range 13 East S. $89^{\circ} 45' 59''$ W., 141.24 feet to a point, said point being the northeast property corner of the land of Lisa D. Wilson and the northwest property corner of the land of Nelson Hall Heirs (SPHTB-32), said point being 40.94 feet right of survey station 235+39.53; thence leaving said point and continuing with the south property line of the land of Lavell W. Brown, III, et ux., and with the north property line of the land of Lisa D. Wilson, said property line being the south line of Section 14, Township 18 North, Range 13 East and the north line of Section 23, Township 18 North, Range 13 East S. $89^{\circ} 45' 59''$ W., 29.60 feet to a point, said point being the northeast property corner of the land of Nelson Hall Heirs and the northwest property corner of the land of Lisa D. Wilson, said point being 40.96 feet right of survey station 235+09.93, said point being the Point of Beginning.

Thence from the Point of Beginning and with the common property line between the land of Nelson Hall Heirs and the land of Lisa D. Wilson S. $57^{\circ} 15' 47''$ W., 16.80 feet to a point, said point being in the south right-of-way line of the said location; thence leaving said point and with the said right-of-way line S. $89^{\circ} 48' 46''$ W., 801.58 feet to a point, said point being in the west property line of the land of Nelson Hall Heirs and the east property line of the land of Whitefield District Association; thence leaving said point and with the said property line N. $00^{\circ} 12' 18''$ W., 8.37 feet to a found 1/2" iron rod, said point being the northwest property corner of the land of Nelson Hall Heirs and the northeast property corner of the land of Whitefield District Association, the said point being 41.63 feet right of survey station 226+94.18; thence leaving said point and with the north property line of the land of Nelson Hall Heirs and the south property line of the land of Lavell W. Brown, III, et ux., said property line being the north line of Section 23, Township 18 North, Range 13 East and the south line of

Section 14, Township 18 North, Range 13 East N. $89^{\circ} 45' 59''$ E., 815.74 feet to the Point of Beginning and containing 0.16 acre, more or less.

The above-described parcel of land is lying entirely in the northeast 1/4 of the northeast 1/4 of Section 23, Township 18 North, Range 13 East of Oktibbeha County, State of Mississippi.

TRACT NO. SPHTB-32

A parcel of land located in Section 23, Township 18 North, Range 13 East of Oktibbeha County, State of Mississippi, as shown on a map entitled "Starkville-Philadelphia 161kV Transmission Line Tap to Bluefield," drawing LW-5579, sheet 5C, R.1, 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 found t-post at the northeast corner of Section 23, Township 18 North, Range 13 East and the southeast corner of Section 14, Township 18 North, Range 13 East, said corner being in the west road right-of-way of the land of the State of Mississippi (Highway 12 West), said point being 40.82 feet right of survey station 236+80.77, said point being the Point of Beginning.

Thence from the Point of Beginning and with the said road right-of-way-line S. $57^{\circ} 08' 31''$ W., 17 feet to a point, said point being in the south right-of-way line of the said location; thence leaving said point and with said right-of-way line S. $89^{\circ} 48' 46''$ W., 121.15 feet to a point, said point being in the property line common between the lands of Nelson Hall Heirs and Lisa D. Wilson; thence leaving said point and with said property line N. $32^{\circ} 44' 13''$ W., 10.75 feet to a point, said point being a property corner common between the lands of Nelson Hall Heirs and Lisa D. Wilson, said point being in the north line of Section 23, Township 18 North, Range 13 East and the south line of Section 14, Township 18 North, Range 13 East, said point being 40.94 feet right of survey station 235+39.53; thence leaving said point and with the property line common between the lands of Nelson Hall Heirs, Lavell W. Brown, III, et ux., and said section line N. $89^{\circ} 45' 59''$ E., 141.24 feet to the Point of Beginning and containing 0.03 acre, more or less.

The above described parcel of land is lying entirely in the northeast 1/4 of the northeast 1/4 of Section 23, Township 18 North, Range 13 East of Oktibbeha County, State of Mississippi.

5. The Clerk of this Court shall furnish to Plaintiff a certified copy of this Judgment

which shall serve as a muniment of title.

SO ORDERED, this, the 7th day of February, 2017.

Sharon Aycock
United States District Judge

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

/s/Nakimuli Davis-Primer

Nakimuli Davis-Primer (MSB# 103320)

**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC**

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Attorneys for Plaintiff

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Howard Robertson
Irondale, Alabama

Defendant

STATE OF ALABAMA)
) SS
COUNTY OF Jefferson)

Before me personally appeared HOWARD ROBERTSON, known to be the person above and who executed the foregoing document after first being duly sworn deposes and says that he has signed this document as his free act and deed on the day and year herein mentioned below.

Witness my hand and official seal this the 23 day of October, 2017.

Jennifer Hargraves
Notary Public

My commission expires: 03/08/2020

