

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-145-GHD-DAS

AN EASEMENT AND RIGHT-OF-WAY
OVER 0.38 ACRE OF LAND,
MORE OR LESS, IN OKTIBBEHA COUNTY,
MISSISSIPPI, and
GLENN E. MULLINS,
NANCY J. MULLINS, his wife,

Defendants.

JUDGMENT AND ORDER DISBURSING FUNDS

This action is before the Court on Plaintiff's Motion for Entry of a Judgment and Order Disbursing Funds. Having considered the motion, being advised that Plaintiff and Defendants Glenn E. Mullins and Nancy J. Mullins have agreed to resolve this action, acknowledging that said Defendants have executed a proposed Order to Settle Interest and Disburse Funds before a notary demonstrating their desire to resolve this case, 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. Defendants Glenn E. Mullins and Nancy J. Mullins shall recover from Plaintiff \$14,325 as the full and final amount of just compensation for the taking of the easement and

right-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 \$14,325, plus any accrued interest thereon less any applicable registry fee, payable to "Glenn E. Mullins and Nancy J. Mullins" in full satisfaction of this Judgment and Order Disbursing Funds (Judgment), and to mail said check to the Mullins.

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 in this action on September 12, 2017 (Doc. No. 2), is hereby fully and finally confirmed with respect to the easement and right-of-way described below, said description being the same as in Attachment 1 to the Declaration of Taking filed herein (Doc. No. 2-1):

A 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 perpetual right to clear said right-of-way and keep the same clear of structures (including but not limited to flagpoles, solar panels, buildings, signboards, billboards), trees, brush, stored personal property, and fire hazards, to destroy or otherwise dispose of such trees and brush; to prevent the drilling or sinking of wells within the right-of-way; 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 and annual growing crops resulting directly from the operations of the construction and maintenance forces of its agents and employees in the erection and maintenance of or in exercising a right of ingress and egress to said transmission line structures, all upon, under, over, and across the following-described land:

TRACT NO. SPHTB-36

A parcel of land located in Section 24, Township 18 North, Range 13 East, Oktibbeha County, State of Mississippi, as shown on a map entitled "Starkville – Philadelphia 161-kV 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 northwest corner of Section 24, Township 18 North, Range 13 East and the southwest corner of Section 13, Township 18 North, Range 13 East, said corner being in the west right-of-way line of the land of the State of Mississippi (Highway 12 West); thence leaving said corner and with the west line of Section 13, Township 18 North, Range 13 East and the east line of Section 14, Township 18 North, Range 13 East N. $0^{\circ} 00' 00''$ E., 40.82 feet to a point, said point being on the centerline of the said location at survey station 236+80.90; thence leaving said point and with the said centerline N. $89^{\circ} 48' 46''$ E., 429.4 feet to a point, said point being in the east right-of-way line of the land of Kansas City Southern Railway Co., said point being on said centerline at survey station 241+10.30; thence leaving said point and with said right-of-way line S. $57^{\circ} 34' 43''$ W., 59.75 feet to a point, said point being a property corner common between the lands of Glenn E. Mullins, et ux., Kansas City Southern Railway Co., and Woodward Land Company, LLC., said point being 31.87 feet right of survey station 240+59.76, said point being the Point of Beginning.

Thence from the Point of Beginning and with a property line common between the lands of Glenn E. Mullins, et ux., and Woodward Land Company, LLC., N. $89^{\circ} 51' 00''$ E., 910.39 feet to a point, said point being a property corner common between the lands of Glenn E. Mullins, et ux., and Woodward Land Company, LLC., said point being 32.46 feet right of survey station 249+70.15; thence leaving said point and with a property line common between the lands of Glenn E. Mullins, et ux., and Woodward Land Company, LLC., said property line being a north-south 1/4 section line of Section 24, Township 18 North, Range 13 East S. $0^{\circ} 28' 00''$ E., 17.54 feet to a point, said point being in the south right-of-way line of said location; thence leaving said point and with the said right-of-way line S. $89^{\circ} 48' 46''$ W., 939.23 feet to a point, said point being in the east right-of-way line of the land of Kansas City Southern Railway Co.; thence leaving said point and with the right-of-way line N. $57^{\circ} 34' 43''$ E., 34 feet to the Point of Beginning and containing 0.38 acre, more or less.

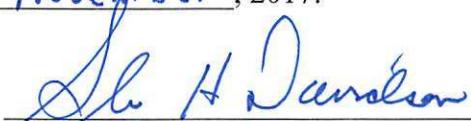
Furthermore, the above-described easement rights are acquired with respect to such appurtenant right, title and interest as the owners of the above-described land may have in Tract SPHTB-34, Kansas City Southern Railway Co., the adjoining railroad right-of-way shown on the map referenced above.

The above-described parcel of land is lying entirely in the northwest 1/4 of the northwest 1/4 of Section 24, Township 18 North, Range 13 East, all in Oktibbeha County, State of Mississippi.

4. The Clerk of this Court shall furnish to Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

5. This Judgment resolves all pending claims in and closes this case.

SO ORDERED, this, the 29^{Nov} day of November, 2017.



United States District Judge

Submitted by:

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