

IN THE SPECIAL COURT OF EMINENT DOMAIN
DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION
STATE DIST. DESOTO CO.
FILED

PETITIONER

VS.

MAR 30 10 05 AM '95

CIVIL ACTION NO. CO-94-0105

JAMES G. DAVIS, JR., ET AL

BK 283 PG 445
W.E. DAVIS JR. CLK.
By: P. Stanley

DEFENDANTS

THIRD AMENDED ORDER GRANTING PETITIONER
RIGHT OF IMMEDIATE TITLE AND POSSESSION

This day this cause came on to be heard on motion *ore tenus* and agreement of the parties for entry of an agreed Third Amended Order Granting Petitioner Right of Immediate Title and Possession and entry upon land sought to be condemned and described in Exhibit "A" attached hereto and incorporated herein, and it appearing unto the court that the parties have agreed to a Third Amended Order Granting Petitioner Right of Immediate Title and Possession pursuant to which the Commission will deposit into Court additional sums for the taking of the temporary easement, and the Court having been advised that the parties agree to deposit of a total sum of \$410,450.00 as total compensation and damages for the taking of Defendants' land on quick take. Pursuant to the agreement of the parties, the Court finds that Petitioner is entitled to immediate title to and possession and entry upon the land described in Exhibit "A", attached hereto and further finds that this Order shall be effective, *nunc pro tunc*, October 14, 1994. The purpose of this Order is to correct an error in the Second Amended Order Granting Petitioner Right of Immediate Title and Possession.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Petitioner, Mississippi Transportation Commission, be and it is hereby granted the right of immediate title and possession and entry upon the lands sought to be condemned as described in Exhibit "A" attached hereto and

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in the third amended petition for special court of eminent domain, the Commission having already deposited with the Court the sum of \$379,050.00. The Commission, is, therefore ordered to deposit into Court the balance due in the sum of \$31,400.00.

THUS, ORDERED AND ADJUDGED this the 3rd day of March, 1995.

Mills Barbee
JUDGE, SPECIAL COURT OF EMINENT DOMAIN

INSTRUCTIONS TO RECORDER:

Record in Southeast Quarter of Southeast Quarter of Section 26, Township 1 South, Range 6 West, and the Northeast Quarter of the Southeast Quarter of said Section 26, under the name of the signatory, Mills Barbee and the property owners, James C. Davis, Jr. and Emily D. Davis.

PREPARED BY AND RETURN TO:

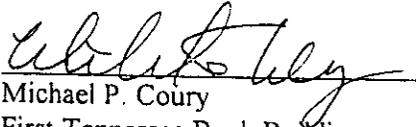
Pauline Shuler Lewis
Lewis & Lewis, P.A.
P. O. Box 1600
Clarksdale, MS 38614
(601) 627-4477

STATE OF MISSISSIPPI
DESOTO COUNTY
I, Jeanette B. Martin, Clerk of the Circuit Court in and for said County and State, hereby certify that the foregoing is a true and correct copy of the Order as same appears in file or of record in Book Page of the records of DeSoto County, Mississippi.
I have personally hand and official seal this the 9th day of March, 1995
Jeanette B. Martin
Circuit Clerk, DeSoto County, Mississippi

APPROVED AS TO FORM AND ENTRY:



Michael T. Lewis
Lewis & Lewis, P.A.
P. O. Box 1600
Clarksdale, MS 38614
(601) 627-4477
Attorney for Plaintiff



Michael P. Coury
First Tennessee Bank Building
165 Madison Avenue, Suite 2200
Memphis, TN 38103
(901) 523-8088
Attorney for Defendants

IN THE SPECIAL COURT OF EMINENT DOMAIN
DESO TO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION

PETITIONER

VS.

CIVIL ACTION NO. CO-94-011

JAMES G. DAVIS, JR., ET AL

DEFENDANTS

AMENDED EXHIBIT "A"

All of the following excepting and excluding therefrom all oil and gas and other minerals which may be produced through a well bore.

TOWNSHIP 1 SOUTH, RANGE 6 WEST, DESOTO COUNTY, MISSISSIPPI,

PARCEL NO. 1

Section 26:

Begin at the point of intersection of a Western line of Defendants property with the centerline of survey of a proposed highway project, being known and designated as Federal Aid Project No. 87-0021-01-012-10, said point of intersection is 194.012 feet North of and 854.596 feet West of the Southeast corner of Section 26, Township 1 South, Range 6 West; from said point of beginning run thence North 00° 03' 25" West along said Western property line, a distance of 35.91 feet; thence North 89° 57' 29" East along a Northern line of Defendants property, a distance of 119.46 feet; thence North 00° 01' 42" East along a Western line of Defendants property, a distance of 37.91 feet to the proposed Northern right-of-way line of the above mentioned proposed highway project; thence Southeasterly along said proposed right-of-way line and along the circumference of a circle to the left having a radius of 3694.72 feet, an arc distance of 361.57 feet (said arc having a chord bearing South 62° 10' 49" East for a distance of 361.42 feet); thence North 89° 03' 50" East along said proposed right-of-way line, a distance of 198.94 feet to a point hereby designated as Point "A" for future reference; thence South 85° 10' 11" East, a distance of 60.01 feet; thence North 04° 49' 32" East, a distance of 27.63 feet; thence South 85° 10' 33" East, a distance of

EXHIBIT
1

60.00 feet; thence South $53^{\circ} 45' 26''$ East, a distance of 67.26 feet to the present Western right-of-way line of Bethel Road; thence South $00^{\circ} 23' 10''$ West along the said present Western right-of-way line of Bethel Road, a distance of 39.47 feet to the present Northern right-of-way line of Mississippi Highway No. 302; thence South $89^{\circ} 53' 30''$ West along said present Northern right-of-way line, a distance of 798.36 feet to the proposed Southern right-of-way line of the above mentioned proposed highway project; thence Northwesterly along said proposed Southern right-of-way line and along the circumference of a circle to the right having a radius of 3944.72 feet, an arc distance of 17.49 feet (said arc having a chord bearing North $59^{\circ} 38' 22''$ West for a distance of 17.49 feet) to a Western line of Defendants property; thence North $00^{\circ} 03' 25''$ West along said Western property line, a distance of 145.98 feet to the point of beginning of this Parcel No. 1, containing 2.10 acres, more or less.

All of the above Parcel No. 1 being situated in and a part of the Southeast $1/4$ of the Southeast $1/4$.

PARCEL NO. 2

Section 26:

Begin at Point "A" as it is designated in Parcel No. 1 above; from said point of beginning run thence North $04^{\circ} 49' 51''$ East along the proposed right-of-way line of the above mentioned highway project, a distance of 99.06 feet; thence Northerly along said proposed right-of-way line and along the circumference of a circle to the right having a radius of 2924.79 feet, an arc distance of 116.40 feet, (said arc having a chord bearing North $05^{\circ} 57' 50''$ East for a distance of 116.39 feet) to a point hereby designated Point "B" for use in describing Parcel No. 4; thence Northerly along said proposed right-of-way line and along the circumference of a circle to the right having a radius of 2924.79 feet, an arc distance of 109.95 feet (said arc having a chord bearing North $08^{\circ} 10' 51''$ East for a distance of 109.95 feet); thence North $09^{\circ} 15' 35''$ East along said proposed right-of-way line, a distance of 570.47 feet; thence Northerly along said proposed right-of-way line and along the circumference of a circle to the left having a radius of 2804.78 feet, an arc distance of 435.82 feet (said arc having a chord bearing North $04^{\circ} 48' 30''$ East for a distance of 435.38 feet); thence North $00^{\circ} 21' 25''$ East along said proposed right-of-way line, a distance of 50.00 feet; thence South $89^{\circ} 26' 03''$ East along said proposed right-of-way line, a distance of 20.85 feet to the

present Western right-of-way line of Bethel Road; thence South $00^{\circ} 23' 10''$ West along said present Western right-of-way line of Bethel Road, a distance of 913.55 feet to the proposed right-of-way line of the above mentioned proposed highway project; thence South $09^{\circ} 15' 35''$ West along said proposed right-of-way line, a distance of 154.46 feet; thence Southerly along said proposed right-of-way line and along the circumference of a circle to the left having a radius of 2804.79 feet, an arc distance of 217.07 feet (said arc having a chord bearing South $07^{\circ} 02' 33''$ West for a distance of 217.01 feet); thence South $04^{\circ} 49' 32''$ West along said proposed right-of-way line, a distance of 71.44 feet; thence North $85^{\circ} 10' 33''$ West, a distance of 60.00 feet; thence South $04^{\circ} 49' 32''$ West, a distance of 27.63 feet; thence North $83^{\circ} 10' 11''$ West, a distance of 60.01 feet to Point "A" and the point of beginning of this Parcel No. 2, containing 2.46 acres, more or less.

All of the above Parcel No. 2 being situated in and a part of the Southeast $1/4$ of the Southeast $1/4$, and the Northeast $1/4$ of the Southeast $1/4$.

An easement of use, over, on and across two parcels of land to be used for the purpose of highway construction, said easement being temporary in nature, the use of which is not to extend beyond the completion of the construction of the above mentioned proposed highway project, said easement being designated as Parcel No. 3 and Parcel No. 4.

PARCEL NO. 3
TEMPORARY EASEMENT
FOR HIGHWAY CONSTRUCTION

Section 26:

Begin at Point "A" as it is designated in Parcel No. 1 above; from said point of beginning run thence South $89^{\circ} 03' 50''$ West, a distance of 198.94 feet; thence Northwesterly along the proposed Northern right-of-way line of the above mentioned proposed highway project and along the circumference of a circle to the right having a radius of 3594.72 feet, an arc distance of 282.68 feet (said arc having a chord bearing North $62^{\circ} 47' 31''$ West for a distance of 282.61 feet); thence South $74^{\circ} 22' 15''$ East, a distance of 467.55 feet to Point "A" and the point of beginning of this Parcel No. 3, containing 0.32 acres, more or less.

All of the above Parcel No. 3 being situated in and a part of the Southeast $1/4$ of the Southeast $1/4$.

PARCEL NO. 4
TEMPORARY EASEMENT
FOR HIGHWAY CONSTRUCTION

Section 26:

Begin at Point "B" as it is designated in Parcel No. 2 above; from said point of beginning run thence North 82° 53' 40" West, a distance of 25.00 feet; thence North 08° 06' 20" East, a distance of 102.96 feet; thence South 80° 53' 40" East, a distance of 25.00 feet; thence Southerly along the proposed right-of-way line of the above mentioned proposed highway project and along the circumference of a circle to the left having a radius of 2924.79 feet, an arc distance of 102.09 feet (said arc having a chord bearing south 08° 05' 20" West for a distance of 102.09 feet) to Point "B" and the point of beginning of this Parcel No. 4, containing 0.06 acres, more or less.

All of the above Parcel No. 4 being situated in and a part of the Southeast 1/4 of the Southeast 1/4. Parcel Nos. 1 thru 4 contain an aggregate of 4.94 acres, more or less.

Together with any and all abutters rights of access, if any, in, to, over, on and across the land described in Parcel No. 1 above.

Including in its entirety the improvements located partially on the land hereinabove described and partially on the Defendants remaining land; the Petitioner herein, its agents, and assigns are hereby granted the right of ingress and egress on Defendants remaining land solely for the purpose of removing or demolishing the aforesaid improvements and the judgement rendered herein is in full payment of all said improvements.

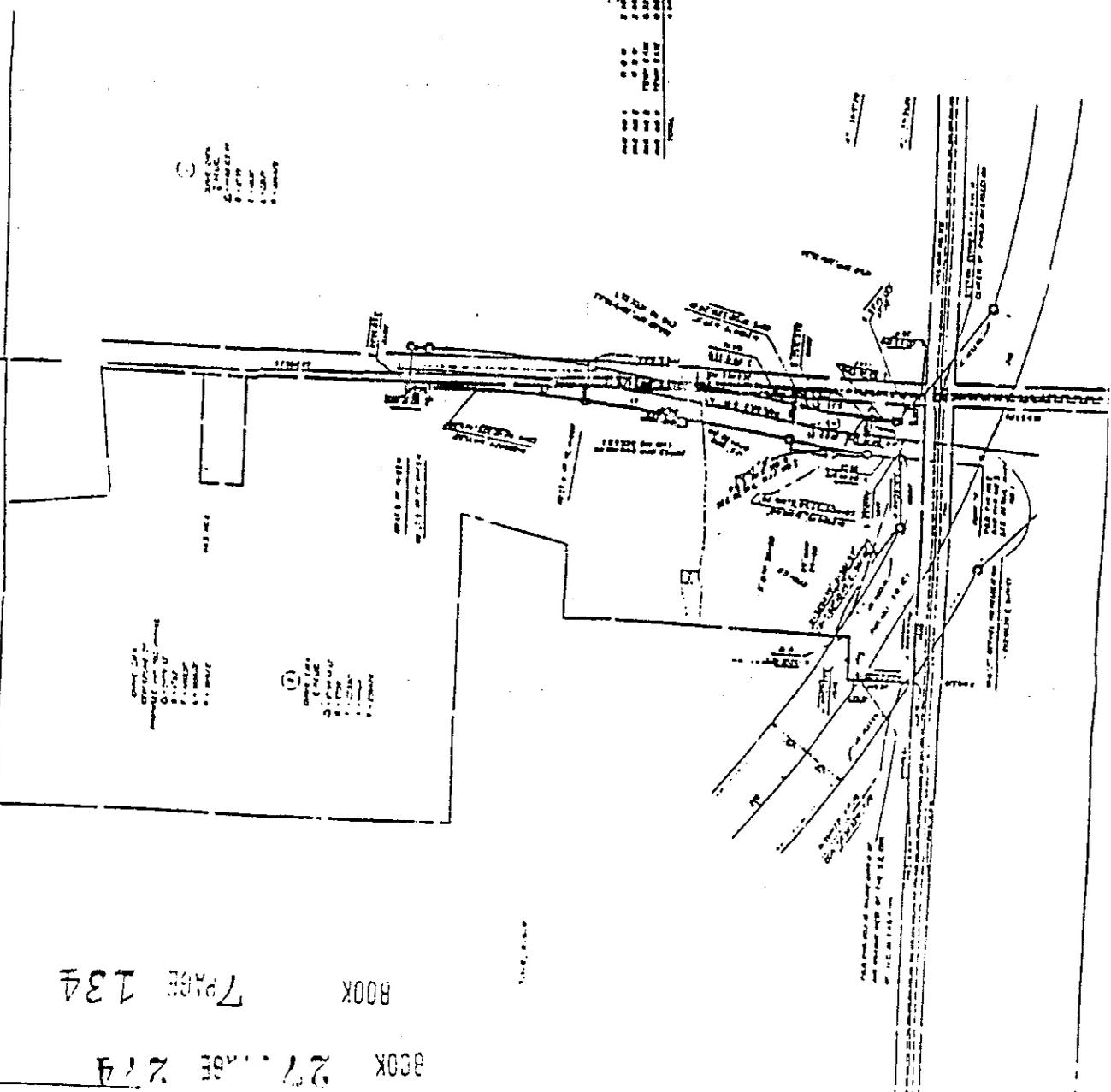
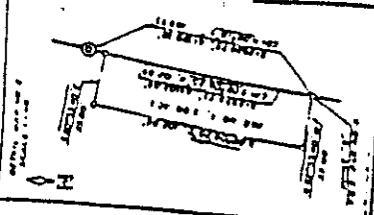
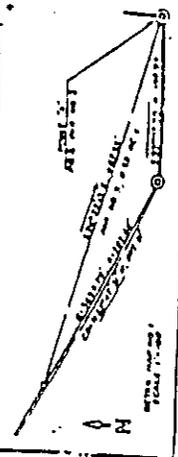
DE SOTO COUNTY
SCALE: 1" = 200'

PROPERTY TO BE ACQUIRED
FROM
JAMES C. DAVIS, JR. ET AL
OS-0-00-W-B 013-0-00-T
BY
FEDERAL AID PROJECT NO. 87-0021-01-10
MISS. HWY. NO. 302

STATE OF MISSISSIPPI
DE SOTO COUNTY

I, Clarence E. Clark, Clerk of the Circuit Court in and for said County and Parish, have from the original in a true and correct copy of the said Amended Order and the signature in file of the order in Court and have caused the records of De Soto County, Mississippi, to be

Witness my hand and seal this 21st day of February, 1955
Jeanette B. Moore
Circuit Clerk, De Soto County, Mississippi



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BOOK 7 PAGE 134