

IN THE SPECIAL COURT OF EMINENT DOMAIN,
DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION PLAINTIFF
VS. CIVIL CAUSE NO. CO-95-0019
LAKE CORMORANT DRAINAGE DISTRICT, OWNER, ET AL DEFENDANTS

AGREED JUDGMENT

In this case, the Plaintiff, Mississippi Transportation Commission brought a Complaint to condemn certain lands named in the Complaint as described in Exhibit "A" attached hereto and incorporated herein, and the landowner Lake Cormorant Drainage District entered its appearance by its attorney William P. Dulaney. This Agreed Judgment is submitted by William P. Dulaney, attorney for Lake Cormorant Drainage District along with J. Walker Sims, attorney for the Mississippi Transportation Commission.

This cause having been set for trial in the Special Court of Eminent Domain on the 1st day of July, 1996, and the Court being advised by counsel for the Plaintiff and the Defendant, Lake Cormorant Drainage District that they have agreed to settle the case for an amount of Four Thousand Two Hundred Twenty-Five Dollars (\$4,225.00) as the total compensation for the fair market value of the land described as Exhibit "A". Further, the parties hereto, by and through their respective counsel, have specifically waived the impaneling of a jury, and are presenting an agreement in the form of an Agreed Judgment to the Court for consideration, the Defendant, landowner acknowledges to the Court that the Four

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Thousand Two Hundred Twenty-Five Dollars (\$4,225.00) constitutes the total compensation due to the Defendant and is in complete settlement of all issues resulting from the condemnation described in the Complaint filed herein.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this Agreed Judgment shall be entered in this cause; that the impaneling of a jury is waived by all parties; that the Mississippi Transportation Commission is hereby awarded title and possession of the lands described in Exhibit "A" attached hereto upon the payment of Four Thousand Two Hundred Twenty-Five Dollars (\$4,225.00); that the Mississippi Transportation Commission having previously acquired immediate title and possession of the condemned property by order of this Court dated April 11, 1995, and filed in book 283, at Page 759 in the office of the Chancery Clerk of DeSoto County, Mississippi, after which on the 13th day of April, 1995, the Mississippi Transportation Commission tendered into Court the sum of Three Thousand Three Hundred Twenty-Five Dollars (\$3,325.00), the Mississippi Transportation Commission is hereby allowed credit for said sum so deposited against the amount of this Agreed Judgment in this cause; that no interest is now or will hereafter be due Defendant on the amount of money being paid in this cause; that the Circuit Court Clerk shall disburse those funds already deposited by the Mississippi Transportation Commission and those additional funds to be deposited to satisfy the remaining amount of this judgment to the Defendant, landowner, the Lake Cormorant Drainage District; that this Agreed Judgment is in lieu of trial by

jury, and the parties shall be bound by this Agreed Judgment the same as if there had been a jury trial and a decision rendered accordingly; that this Agreed Judgment shall be duly recorded in the Land Deed Records of DeSoto County, Mississippi, confirming title to said lands to the Mississippi Transportation Commission; and all costs of court are assessed to the Plaintiff.

SO ORDERED AND ADJUDGED on this, the 6th day of June, 1996.

William S. Baker
JUDGE, SPECIAL COURT OF EMINENT DOMAIN

AGREED:

J. Walker Sims
J. Walker Sims,
Special Counsel for the
Mississippi Transportation
Commission

William P. Dulaney
William P. Dulaney
Attorney for
Lake Cormorant Drainage
District

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STATE OF MISSISSIPPI
DESOTO COUNTY
I, Jeanette B. Montie, Clerk of the Circuit Court in and for said County and State, hereby certify that this is a true and correct copy of the _____ as same appears on file or of record in Book: _____ of the Records of DeSoto County, Mississippi, this _____ day of _____ Witness my hand and official seal this _____ day of _____ 1996

Clerk of the Circuit Court, DeSoto County, Mississippi

IN THE SPECIAL COURT OF EMINENT DOMAIN
DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION

PLAINTIFF

VS.

CIVIL ACTION NO. CO-95-00

LAKE CORMORANT DRAINAGE DISTRICT, ET AL

DEFENDANTS

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 9 WEST, DESOTO COUNTY,
MISSISSIPPI

SECTION 34:

PARCEL NO. 1

Begin at the point of intersection of a Northern line of Defendants property with the centerline of a proposed highway project, being known and designated as State Project No. 94-0009-06-019-10, being a segment of U.S. Highway No. 61, said point of intersection is 2,433.9 feet North of and 1,916.2 feet East of the Southwest corner of Section 34, Township 1 South, Range 9 West; from said point of beginning run thence North 81° 00' East along said Northern property line, a distance of 144.9 feet to a point on the proposed Eastern right-of-way line of the above mentioned proposed highway project, said point is hereby designated as Point "A" for use in describing Parcel No. 2; thence Southerly along a line that is parallel with and 130 feet Easterly of the centerline of the above mentioned proposed highway project and along the circumference of a circle to the right having a radius of 5,859.58 feet, an arc distance of 312.6 feet (said arc having a chord bearing South 18° 28' West for a distance of 312.6 feet) to a Southern line of Defendants property; thence South 85° 45' West along said Southern property line, a distance of 220.0 feet to a Western line of Defendants property; thence North

04° 15' West along said Western property line, a distance of 60.0 feet to a Southern line of Defendants property; thence South 85° 45' West along said Southern property line, a distance of 32.8 feet to a point on the proposed Western right-of-way line of the above mentioned proposed highway project, said point is hereby designated as Point "B" for use in describing Parcel No. 3; thence Northerly along said proposed Western right-of-way line and along the circumference of a circle to the left having a radius of 5,604.58 feet, an arc distance of 223.4 feet (said arc having a chord bearing North 19° 21' East for a distance of 223.4 feet) to the Northern line of Defendants property; thence North 81° 00' East along said Northern property line, a distance of 140.1 feet to the point of beginning of this Parcel No. 1, containing 1.70 acres, more or less.

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

PARCEL NO. 2
RIGHT OF WAY

Begin at Point "A" as it is designated in Parcel No. 1 above; from said point of beginning run thence North 81° 00' East along the Northern line of Defendants property, a distance of 55.5 feet to the proposed Eastern right-of-way line of the above mentioned proposed highway project; thence run Southerly along said proposed Eastern right-of-way line and along the circumference of a circle to the right having a radius of 5,909.58 feet, an arc distance of 317.1 feet (said arc having a chord bearing South 18° 14' West for a distance of 317.0 feet) to a Southern line of Defendants property; thence South 85° 45' West along said Southern property line, a distance of 54.8 feet to the Eastern boundary of Parcel No. 1 above; thence Northerly along said Eastern boundary of Parcel No. 1 and along the circumference of a circle to the left having a radius of 5,859.58 feet, an arc distance of 312.6 feet (said arc having a chord bearing North 18° 28' East for a distance of 312.6 feet) to Point "A" and the point of beginning of this Parcel No. 2 containing 0.36 acres, more or less.

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

PARCEL NO. 3

Begin at Point "B" as it is designated in Parcel No. 1 above; from said point of beginning run thence South 85° 45' West along a Southern line of Defendants property, a distance of 55.1 feet; thence Northerly along the proposed Western 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 5,554.58 feet, an arc distance of 155.2 feet (said arc having a chord bearing North 19° 56' East for a distance of 155.2 feet) to a Northern line of Defendants property; thence North 85° 45' East along said Northern property line, a distance of 43.1 feet to a Western line of Defendants property; thence North 04° 15' West along said Western property line, a distance of 60.0 feet to a Northern line of Defendants property; thence North 81° 00' East along said Northern property line, a distance of 38.1 feet; thence Southerly along a line that is parallel with and 125 feet Westerly of the centerline of the above mentioned proposed highway project and along the circumference of a circle to the right having a radius of 5,604.58 feet, an arc distance of 223.4 feet (said arc having a chord bearing South 19° 21' West for a distance of 223.4 feet) to Point "B" and the point of beginning of this Parcel No. 3 containing 0.21 acres, more or less.

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

Parcel Nos. 1, 2 and 3, contain an aggregate of 2.27 acres, more or less.

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