

IN THE SPECIAL COURT OF EMINENT DOMAIN  
DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION

PLAINTIFF

VERSUS

#CO2000-0375

WILLIAM E. GERBER

DEFENDANT

ORDER

Before the Court, and argued this day, are Plaintiff's Motion For Order Granting Plaintiff Right Of Immediate Title And Possession, etc., and Defendant's Objection To Entry, etc. And, having heard argument and being advised of the tried and tested law of eminent domain, the Court is of the opinion that Plaintiff's motion should be sustained and, therefore, entitled to immediate title, possession and entry upon the land described in Exhibit "A" attached hereto. Based on what is before the Court, the objections by Defendant to Plaintiff's motion are not well taken and should be overruled. The Court finds that payment of any amount at this time shall be based on the appraisal of Jerry Brewer, independent appraiser appointed by the Court whose appraisal was done for the Court, and being on file and reviewed by the parties.

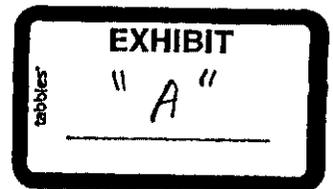
IT IS ORDERED that Plaintiff, Mississippi Transportation Commission, be, and is hereby, granted the right of immediate title and possession and entry upon the lands sought to be condemned as described in Exhibit "A" attached hereto and in the Complaint filed herein, provided only that said Plaintiff first deposit with the Clerk of this Court not less than eighty-five percent (85%) of the amount of compensation and damages as determined by Court-appointed appraiser Jerry Brewer, as provided by applicable eminent domain laws of Mississippi.

ORDERED this the 17<sup>th</sup> day of October, 2000.

William E. Bomber  
JUDGE OF THE SPECIAL COURT OF EMINENT DOMAIN  
DESOTO COUNTY, MISSISSIPPI

FILED 17 DAY OF Oct 2000  
Albert H. Morgan  
CIRCUIT COURT CLERK, DESOTO COUNTY, MISS.

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IN THE SPECIAL COURT OF EMINENT DOMAIN  
DeSOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION

PLAINTIFF

VS.

CIVIL ACTION NO. \_\_\_\_\_

WILLIAM E. GERBER

DEFENDANT

EXHIBIT "A"

INDEXING INSTRUCTIONS: SW 1/4 and the SE 1/4  
of Section 31,  
Township 2 South, Range 7 West,  
Desoto County, Mississippi

PARCEL NO. 1

Begin at the point of intersection of a Western line of Defendants property with the centerline of survey of Mississippi Highway No. 304 Relocation as shown on the right-of-way appraisal map for State Project No. 94-0029-02-007-10 (102552/001000); from said point of beginning run thence North 00° 13' 17" East along said Western property line a distance of 316.047 meters (1036.900 feet); thence run South 33° 19' 26" East, a distance of 140.779 meters (461.873 feet) to a point that is 25.000 meters (82.021 feet) Northerly of and measured radially to the centerline of survey of Ramp "C" at Station 1+400 as shown on the right-of-way appraisal map for said project; thence run South 64° 29' 46" East, a distance of 185.126 meters (607.369 feet) to a point that is 55.000 meters (180.446 feet) Northerly of and measured radially to the centerline of survey of Ramp "C" at Station 1+600 as shown on the right-of-way appraisal map for said project; thence run South 64° 59' 36" East, a distance of 90.838 meters (298.025 feet) to a point that is 43.000 meters (141.076 feet) Northerly of and measured radially to the centerline of survey of Ramp "C" at Station 1+700 as shown on the right-of-way appraisal map for said project; thence

run South  $87^{\circ} 28' 27''$  East, a distance of 143.047 meters (469.314 feet) to a point that is 74.000 meters (242.782 feet) Northerly of and perpendicular to the centerline of survey of said project at Station 33+500 as shown on the right-of-way appraisal map for said project; thence run North  $28^{\circ} 31' 23''$  East, a distance of 52.355 meters (171.768 feet) to a point that is 120.000 meters (393.701 feet) Northerly of and perpendicular to the centerline of survey at Station 33+525 as shown on the right-of-way appraisal map for said project; thence run South  $70^{\circ} 12' 04''$  East, a distance of 53.141 meters (174.347 feet) to a point that is 102.000 meters (334.646 feet) Northerly of and perpendicular to the centerline of survey of said project at Station 33+575 as shown on the right-of-way appraisal map for said project; thence run South  $87^{\circ} 27' 19''$  East, a distance of 225.222 meters (738.917 feet) to a point that is 92.000 meters (301.837 feet) Northerly of and perpendicular to centerline of survey of said project at Station 33+800 as shown on the right-of-way appraisal map for said project; thence run East along a line that is 92.000 meters (301.837 feet) Northerly of and parallel with the centerline of survey of said project, a distance of 225.000 meters (738.189 feet) to a point that is 92.000 meters (301.837 feet) Northerly of and perpendicular to the centerline of survey of said project at Station 34+025 as shown on the right-of-way appraisal map for said project; thence run South, a distance of 178.614 meters (586.004 feet) to a point on the present Northern right of way line of Green T Road that is 86.614 meters (284.167 feet) Southerly of and perpendicular to centerline of survey of said project at Station 34+025 as shown on the right-of-way appraisal map for said project; thence run South  $89^{\circ} 55' 17''$  West along said present Northern right of way line, a distance of 650.082 meters (2,132.815 feet); thence run North  $00^{\circ} 11' 38''$  West, along said Defendants Western property line a distance of 7.073 meters (23.205 feet); thence run North  $89^{\circ} 44' 58''$  West along said present Northern right of way line, a distance of 115.389 meters (378.573 feet); thence run along said present Northern right-of-way line and the circumference of a circle to the right having a radius of 560.173 meters (1837.838 feet), an arc distance of 36.633 meters (120.187 feet) [said arc having a chord bearing of N  $88^{\circ} 19' 13''$  W for a distance of 36.626 meters (120.164 feet)]; thence run North  $86^{\circ} 26' 49''$  West along said Northern right-of-way line, a distance of 40.144 meters (131.706 feet); thence run North  $86^{\circ} 26' 49''$  West along said Northern right-of-way line, a distance of 151.165 meters (495.948 feet); thence run North  $03^{\circ} 36' 00''$  East along the Western line of Defendants property, a distance of 9.144 meters (30.000 feet); thence run North  $86^{\circ} 39' 48''$  West along the Southern line of Defendants property, a distance of 3.634 meters (11.923 feet) to the

Western line of Defendants property; thence run North 00° 13' 17" East along said Western property line, a distance of 57.661 meters (189.177 feet) to the point of beginning, containing 19.915 hectares (49.211 acres), more or less, and being situated in and a part of the Southwest 1/4 and the Southeast 1/4, Section 31, Township 2 South, Range 7 West, Desoto County, Mississippi.

PARCEL NO. 2

Begin at a point that is 55.000 meters (180.446 feet) Northerly of and perpendicular to the centerline of survey of Ramp "C" at Station 1+600 as shown on the right-of-way appraisal map for State Project No. 94-0029-02-007-10 (102552/001000); from said point of beginning run thence North 23° 10' 59" East, a distance of 30.000 meters (98.425 feet) to a point that is 85.000 meters (278.871 feet) Northerly of and perpendicular to the centerline of survey of Ramp "C" at Station 1+600 as shown on the right-of-way appraisal map for said Project; thence run South 64° 27' 31" East, a distance of 76.152 meters (249.842 feet) to a point that is 75.000 meters (246.063 feet) Northerly of and perpendicular to the centerline of survey of Ramp "C" at Station 1+690; thence run South 03° 06' 47" East, a distance of 33.192 meters (108.898 feet) to a point that is 43.000 meters (141.076 feet) Northerly of and perpendicular to the centerline of survey of Ramp "C" at Station 1+700 as shown on the right-of-way appraisal map for said Project; thence run North 64° 59' 36" West, a distance of 90.838 meters (298.025 feet) to the point of beginning, containing 0.247 hectares (0.611 acres), more or less, and being situated in and a part of the Southwest 1/4, Section 31, Township 2 South, Range 7 West, Desoto County, Mississippi.

PARCEL NO. 3

Begin at a point that is 67.770 meters (222.343 feet) Northeasterly of and measured radially to the centerline of survey of Ramp "C" at Station 1+140 as shown on the right-of-way appraisal map for State Project No. 94-0029-02-007-10 (102552/001000); from said point of beginning run thence South 47° 03' 34" East, a distance of 43.916 meters (144.081 feet) to a point that is 90.000 meters (295.276 feet) Northeasterly of and measured radially to the centerline of survey of Ramp "C" at Station 1+185; thence run South 23° 03' 45" West, a distance of 83.118 meters (272.697 feet) to the Western line of Defendants property; thence run North 00° 13' 17" East along said Western property line, a distance of 106.393 meters (349.058 feet) to the point of beginning, containing 0.172 hectares (0.424 acres), more or less, and being situated in and a part of the Southwest 1/4, Section

STATE MS. - DESOTO CO.  
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31, Township 2 South, Range 7 West, Desoto County,  
Mississippi.

Parcels No. 1, 2, and 3 contain an aggregate of 20.334  
hectares (50.246 acres), more or less. BK 381 PG 634  
W.P. ... O.K.

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

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