

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

MISSISSIPPI TRANSPORTATION COMMISSION

PETITIONER

VS.

CIVIL ACTION NO. CO-2007-0603

WILLIAM L. ANDERSON, ET AL

DEFENDANTS

**ORDER GRANTING PETITIONER
RIGHT OF IMMEDIATE TITLE AND POSSESSION**

This day this Cause having come on to be heard on the motion of the Plaintiff, Mississippi Transportation Commission, for an order granting said Plaintiff the right of immediate title and possession and entry upon the land sought to be condemned and as described in Exhibit "A" attached hereto and incorporated herein, and it appearing that the report of the Court-appointed appraiser has been filed with the Clerk of this Court showing the sum of \$170,000.00 as total compensation and damages for the taking of the Defendants' land, proper notice of said appraisal report having been given to the Court and to the Defendants as required by law, the Court has reviewed the Court-appointed appraiser's appraisal and considered the same, finds said motion is well taken and that Plaintiff is entitled to immediate title and possession and entry upon the land described in Exhibit "A" attached hereto.

The Court further considered Motion *ore tenus* of the Petitioner for the payment of the Appraiser's fee of One Thousand Dollars to Gene Norwood, Court Appointed Appraiser, who was appointed by Order of this Court dated the 29th day of May 2007.

The Court finds that said Appraiser has filed with this Court and the Clerk of Court the requisite number of copies of the Appraisal Report herein, which has been, or is subject to the

FILED

JUN 27 2007

DAVID J. ... JUN, CIRCUIT CLERK
DESOTO COUNTY, MISSISSIPPI
MINUTE BOOK _____ PAGE _____

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review of, this Court; and further, that said fee for such services is reasonable and is hereby approved for payment.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Plaintiff, 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 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 said Court-appointed appraisal, as provided by Section 11-27-85, as amended, Mississippi Code of 1972 Annotated.

IT IS, FURTHER ORDERED AND ADJUDGED that the Clerk tax as costs herein and the Petitioner pay unto Gene Norwood, for services as Court Appointed Appraiser, the sum of \$1,000.00

SO ORDERED AND ADJUDGED on this the 27th day of June, 2007.

Allen B. Conely

JUDGE, SPECIAL COURT OF EMINENT DOMAIN

APPROVED AS TO FORM AND ENTRY:

Hollaman M. Raney
HOLLAMAN M. RANEY
Attorney for Plaintiff
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Post Office Box 1480
Oxford, MS 38655
(662) 236-4001
MSB #4628

STATE OF MISS., DESOTO COUNTY
CERTIFIED A TRUE COPY

JUN 27 2007

DALE K. THOMPSON, CIRCUIT CLERK
BY *L. Burns* D.C.

005-2-00-W/T; 005-1-01-T/Q; 005-1-03-T/Q; 005-1-04-T/Q

IN THE SPECIAL COURT OF EMINENT DOMAIN
DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION

PLAINTIFF

VS.

CIVIL ACTION NO. CO-2007-0603

WILLIAM L. ANDERSON, ET AL

DEFENDANTS

EXHIBIT "A"INDEXING INSTRUCTION: NORTHWEST 1/4 AND SOUTHWEST 1/4
OF SECTION 10, TOWNSHIP 3 SOUTH,
RANGE 6 WEST, DESOTO COUNTY, MISSISSIPPI

The following description is based on the Mississippi State Plane Coordinate System, West Zone (2302), NAD 83 (93) grid values, U.S. Survey Feet, using a combined factor of 0.99996896 and a convergence angle of plus (+) 00 degrees 17 minutes 49 seconds as developed by the Mississippi Department of Transportation for State Project No. BR-0031-01(018) [103318-202000]. It is the intent of this description to convey that portion of Defendants property lying between the existing highway right-of-way line and the new right-of-way line as defined by said project:

PARCEL NO. 1
RIGHT-OF-WAY

Commence at the northwest corner of Section 10, Township 3 South, Range 6 West, DeSoto County, Mississippi, said corner being marked by a 1/2" rebar found, and being defined as N 1945240.234, E 2447482.622 on the above referenced coordinate system: thence South 00 degrees 10 minutes 00 seconds East a distance of 62.44 feet to a 1/2" rebar set at the intersection of the western line of Defendants property with the present southern right-of-way line of "Vaiden Road", said intersection being the TRUE POINT OF BEGINNING of the herein described parcel; thence, along said southern right-of-way line, proceed northeasterly 94.67 feet along the arc of a non-tangent curve to the left, said curve having a radius of 1411.98 feet, a chord bearing of North 74 degrees 17 minutes 57 seconds East and a chord distance of 94.65 feet, to a 1/2" rebar set at the intersection of the present southern right-of-way line of "Vaiden Road" with the present western right-of-way line of Mississippi Highway No. 305; thence, along the present western right-of-way line of Mississippi Highway No. 305, the following courses:

Southeasterly 72.19 feet along the arc of a non-tangent curve to the left, said curve having a radius of 625.34 feet, a chord bearing of South 40 degrees 37 minutes 56 seconds East and a chord distance of 72.15 feet, to a 1/2" rebar set;

South 43 degrees 56 minutes 23 seconds East a distance of 1526.00 feet to a concrete right-of-way monument found;

Southeasterly 381.96 feet along the arc of a curve to the right, said curve having a radius of 522.79 feet, a chord bearing of South 23 degrees 00 minutes 31 seconds East and a chord distance of 373.52 feet, to a 1/2" rebar set;

South 02 degrees 04 minutes 40 seconds East a distance of 752.45 feet to a 1/2" rebar set;

Southeasterly 262.51 feet along the arc of a curve to the left, said curve having a radius of 1001.12 feet, a chord bearing of South 09 degrees 35 minutes 23 seconds East and a chord distance of 261.76 feet, to a 1/2" rebar set;

South 17 degrees 06 minutes 37 seconds East a distance of 2079.20 feet to a concrete right-of-way monument found;

South 72 degrees 40 minutes 34 seconds West a distance of 75.14 feet to a concrete right-of-way monument found;

South 16 degrees 41 minutes 14 seconds East a distance of 427.27 feet to a 1/2" rebar set at the intersection of the present western right-of-way line of Mississippi Highway No. 305 with the proposed western right-of-way line of the above referenced highway project;

Thence, along the proposed western right-of-way line of the above referenced highway project, the following courses:

North 25 degrees 12 minutes 51 seconds West a distance of 333.54 feet to a 1/2" rebar set, said rebar being located 175.00 feet westerly of and perpendicular to the centerline of the above referenced highway project at Station 500+69.48;

North 17 degrees 06 minutes 06 seconds West a distance of 568.79 feet to a 1/2" rebar set, said rebar being located 175.00 feet westerly of and perpendicular to the centerline of the above referenced highway project at Station 495+00.00;

North 17 degrees 06 minutes 06 seconds West a distance of 999.97 feet to a 1/2" rebar set, said rebar being located 175.00 feet westerly of and perpendicular to the centerline of the above referenced highway project at Station 485+00.00;

North 38 degrees 54 minutes 11 seconds West a distance of 161.55 feet to a 1/2" rebar set, said rebar being located 235.00 feet westerly of and perpendicular to the centerline of the above referenced highway project at Station 483+50.00;

North 17 degrees 06 minutes 06 seconds West a distance of 150.00 feet to a 1/2" rebar set, said rebar being located 235.00 feet westerly of and perpendicular to the centerline of the above referenced highway project at Station 482+00.00;

North 11 degrees 23 minutes 28 seconds West a distance of 301.49 feet to a 1/2" rebar set, said rebar being located 205.00 feet westerly of and perpendicular to the centerline of the above referenced highway project at Station 479+00.00;

North 02 degrees 11 minutes 16 seconds East a distance of 317.83 feet to a 1/2" rebar set, said rebar being located 100.00 feet westerly of and perpendicular to the centerline of the above referenced highway project at Station 476+00.00;

North 17 degrees 06 minutes 05 seconds West a distance of 676.72 feet to a 1/2" rebar set, said rebar being located 100.00 feet westerly of and perpendicular to the centerline of the above referenced highway project at Station 469+23.28;

Northwesterly 596.05 feet along the arc of a curve to the left, said curve having a radius of 2191.82 feet, a chord bearing of North 24 degrees 53 minutes 32 seconds West and a chord distance of 594.22 feet, to a 1/2" rebar set, said rebar being located 100.00 feet westerly of and perpendicular to the centerline of the above referenced highway project at Station 463+00.00;

North 39 degrees 31 minutes 33 seconds West a distance of 209.44 feet to a 1/2" rebar set, said rebar being located 115.00 feet westerly of and perpendicular to the centerline of the above referenced highway project at Station 460+80.73;

North 38 degrees 09 minutes 52 seconds West a distance of 470.22 feet to a 1/2" rebar set, said rebar being located 115.00 feet westerly of and perpendicular to the centerline of the above referenced highway project at Station 456+10.50;

Northwesterly 394.33 feet along the arc of a curve to the right, said curve having a radius of 2406.73 feet, a chord bearing of North 33 degrees 28 minutes 15 seconds West and a chord distance of 393.89 feet, to a 1/2" rebar set, said rebar being located 115.00 feet westerly of and perpendicular to the centerline of the above referenced highway project at Station 452+35.00; (A point hereby designated as Point "E" for future reference is located on the above described proposed western right-of-way line, as measured southeasterly along the arc of the above described curve, a distance of 257.29 feet from the above described offset Station 452+35.00);

North 54 degrees 24 minutes 15 seconds West a distance of 233.50 feet to a 1/2" rebar set at the intersection of the proposed western right-of-way line of the above referenced highway project with the western line of Defendants property; said intersection being hereby designated as Point "F" for future reference;

North 00 degrees 10 minutes 00 seconds West a distance of 35.72 feet to the TRUE POINT OF BEGINNING of the herein described parcel, containing 18.47 acres, more or less, and being located in the Northwest Quarter, and in the Southwest Quarter, of Section 10, Township 3 South, Range 6 West, DeSoto County, Mississippi.

Together with any and all abutter's rights of access, if any, in, to, over, on, and across the above described PARCEL NO. 1 between Point "E" and Point "F".

PARCEL NO. 2
RIGHT-OF-WAY

Commence at the northwest corner of Section 10, Township 3 South, Range 6 West, DeSoto County, Mississippi, said corner being marked by a 1/2" rebar found, and being defined as N 1945240.234, E 2447482.622 on the above referenced coordinate system: thence South 89 degrees 50 minutes 36 seconds East a distance of 190.55 feet to a 1/2" rebar set at the intersection of Defendants northern property line with the present eastern right-of-way line of Mississippi Highway No. 305, said intersection being the TRUE POINT OF BEGINNING of the herein described parcel; thence South 89 degrees 50 minutes 36 seconds East a distance of 105.76 feet along Defendants northern property line to a 1/2" rebar set at the intersection of said line with the proposed eastern right-of-way line of the above

referenced highway project; thence, along said proposed eastern right-of-way line, proceed southeasterly 289.47 feet along the arc of a non-tangent curve to the left, said curve having a radius of 2206.73 feet, a chord bearing of South 28 degrees 32 minutes 57 seconds East and a chord distance of 289.26 feet, to a 1/2" rebar set at the intersection of said line with the present eastern right-of-way line of Mississippi Highway No. 305; thence North 43 degrees 56 minutes 23 seconds West a distance of 323.17 feet along said present eastern right-of-way line to a concrete right-of-way monument found; thence, along said present eastern right-of-way line, proceed northwesterly 29.33 feet along the arc of a curve to the right, said curve having a radius of 525.34 feet, a chord bearing of 42 degrees 20 minutes 26 seconds West and a chord bearing of 29.32 feet, to the TRUE POINT OF BEGINNING of the herein described parcel, containing 0.29 acres, more or less, and being located in the Northwest Quarter of Section 10, Township 3 South, Range 6 West, DeSoto County, Mississippi.

PARCEL NO. 3
RIGHT-OF-WAY

Commence at the northwest corner of Section 10, Township 3 South, Range 6 West, DeSoto County, Mississippi, said corner being marked by a 1/2" rebar found, and being defined as N 1945240.234, E 2447482.622 on the above referenced coordinate system: thence South 89 degrees 50 minutes 36 seconds East a distance of 296.31 feet to a 1/2" rebar set at the intersection of Defendants northern property line with the proposed eastern right-of-way line of the above referenced highway project; thence, along said proposed eastern right-of-way line, proceed southeasterly 289.47 feet along the arc of a non-tangent curve to the left, said curve having a radius of 2206.73 feet, a chord bearing of South 28 degrees 32 minutes 57 seconds East and a chord distance of 289.26 feet, to a 1/2" rebar set at the intersection of said line with the present eastern right-of-way line of Mississippi Highway No. 305; thence South 43 degrees 56 minutes 23 seconds East a distance of 576.55 feet; thence South 57 degrees 41 minutes 38 seconds East a distance of 138.71 feet to a 1/2" rebar set at the TRUE POINT OF BEGINNING of the herein described parcel, said point of beginning being located 200.00 feet northeasterly of and perpendicular to the centerline of the above referenced highway project at Station 460+80.73; thence South 37 degrees 29 minutes 49 seconds East a distance of 293.90 feet along the proposed eastern right-of-way line of the above referenced highway project to a 1/2" rebar set at the intersection of said line with the present eastern right-of-way line of Mississippi Highway No. 305, said intersection being located 213.86 feet northeasterly of and perpendicular to the centerline of the above referenced highway project at Station 463+50.00; thence North 43 degrees 56 minutes 23 seconds West a distance of 426.77 feet along said present eastern right-of-way line to a 1/2" rebar set at the intersection of said line with the proposed eastern right-of-way line of the above referenced highway project said intersection being located 153.63 feet northeasterly of and perpendicular to the centerline of the above referenced highway project at Station 459+50.00; thence South 57 degrees 41 minutes 38 seconds East a distance of 138.71 feet along said proposed eastern right-of-way line to the TRUE POINT OF BEGINNING of the herein described parcel, containing 0.16 acres, more or less, and being located in the Northwest Quarter of Section 10, Township 3 South, Range 6 West, DeSoto County, Mississippi.

And an easement of use, over, on and across a parcel 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 is hereby designated as PARCEL NO. 4 and PARCEL NO. 5.

PARCEL NO. 4
TEMPORARY EASEMENT

Commence at a point located 100.00 feet westerly of and radial to the centerline of the above referenced highway project at Station 465+10.00, said point being marked by a 1/2" rebar set, and being the TRUE POINT OF BEGINNING of the herein described temporary easement; thence, along the proposed western right-of-way line of the above referenced highway project, proceed southeasterly 71.97 feet along the arc of a curve to the right, said curve having a radius of 2191.82 feet, a chord bearing of South 26 degrees 30 minutes 23 seconds East and a chord distance of 71.97 feet, to a 1/2" rebar set, said rebar being located 100.00 feet westerly of and radial to the centerline of the above referenced highway project at Station 465+85.00; thence North 63 degrees 56 minutes 07 seconds West a distance of 24.30 feet to a 1/2" rebar set, said rebar being located 115.00 feet westerly of and radial to the centerline of the above referenced highway project at Station 465+65.00; thence northwesterly 28.59 feet along the arc of a non-tangent curve to the left, said curve having a radius of 2176.82 feet, a chord bearing of North 26 degrees 26 minutes 37 seconds West and a chord distance of 28.59 feet, to a 1/2" rebar set, said rebar being located 115.00 feet westerly of and radial to the centerline of the above referenced highway project at Station 465+35.00; thence North 04 degrees 57 minutes 32 seconds East a distance of 28.23 feet to the TRUE POINT OF BEGINNING of the herein described temporary easement, containing 0.02 acres, more or less, and being located in the Northwest Quarter of Section 10, Township 3 South, Range 6 West, DeSoto County, Mississippi.

PARCEL NO. 5
TEMPORARY EASEMENT

Commence at a point located 100.00 feet westerly of and perpendicular to the centerline of the above referenced highway project at Station 476+00.00, said point being marked by a 1/2" rebar set, and being the TRUE POINT OF BEGINNING of the herein described temporary easement; thence South 02 degrees 11 minutes 16 seconds West a distance of 68.86 feet along the proposed western right-of-way line of the above referenced highway project to a 1/2" rebar set, said rebar being located 100.00 feet westerly of and perpendicular to the centerline of the above referenced highway project at Station 476+65.00; thence North 53 degrees 02 minutes 05 seconds West a distance of 12.35 feet to a 1/2" rebar set, said rebar being located 130.00 feet westerly of and perpendicular to the centerline of the above referenced highway project at Station 476+55.00; thence North 17 degrees 06 minutes 06 seconds West a distance of 25.00 feet to a 1/2" rebar set, said rebar being located 130.00 feet westerly of and perpendicular to the centerline of the above referenced highway project at Station 476+30.00; thence North 27 degrees 53 minutes 43 seconds East a distance of 42.42 feet to the TRUE POINT OF BEGINNING of the herein described temporary easement, containing 0.02 acres, more or less, and being located in the Northwest Quarter of Section 10, Township 3 South, Range 6 West, DeSoto County, Mississippi.

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