

IN THE SPECIAL COURT OF EMINENT DOMAIN
DESOTO COUNTY, MISSISSIPPI

DESOTO COUNTY REGIONAL UTILITY AUTHORITY

PETITIONER

VS.

CIVIL ACTION NO. 2009-1732

DORIS L. REDDITTE; VERNICE W. DORSEY;
CLIFTON L. WASHINGTON; ROBERT L. WASHINGTON;
HERMAN WASHINGTON; ELEANOR L. WASHINGTON;
LARRY G RAY, JR.; MARIO RAY; WILLIAM O. WASHINGTON;
CONELIOUS S. WASHINGTON DECEASED (ALL KNOWN AND
UNKNOWN HEIRS); CHARLES E. WASHINGTON; TOMMY L.
WASHINGTON

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 Petitioner, DeSoto County Regional Utility Authority, for an order granting said Petitioner the right of immediate title and possession and entry upon the land sought to be condemned as described in Exhibit "A" attached hereto and incorporated herein, and it appearing that the report of the appraiser has been filed with the Clerk of this Court showing the sum of \$11,230.00 as total compensation and damages for the taking of the Defendants' land, proper notice of said appraisal reports having been given to the Court and to the Defendants as required by law, the Court has reviewed the appraisal and considered the same, finds said motion is well taken and that Petitioner is entitled to immediate title to and possession and entry upon the land described in Exhibit "A" attached hereto.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Petitioner, DeSoto County Regional Utility Authority, 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 petition filed herein, provided only that said Petitioner first deposit with the Clerk of this Court not less than eighty-five percent (85%) of the amount of compensation and damages

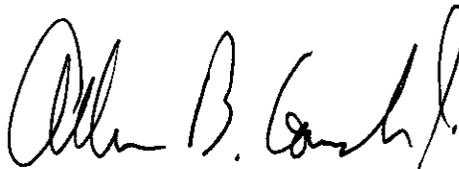
FILED

DEC 01 2009

DALE K. THOMPSON, CIRCUIT CLERK
DESOTO COUNTY, MISSISSIPPI
MINUTE BOOK _____ PAGE _____

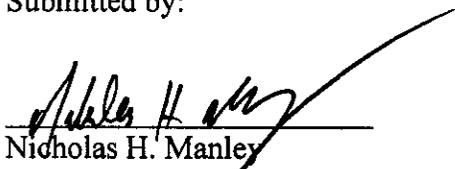
as determined by said Court-appointed appraisal, as provided by Section 11-27-85, as amended, Mississippi Code of 1972 Annotated.

SO ORDERED AND ADJUDGED on this the 1st day of December, A.D., 2009.



JUDGE, SPECIAL COURT OF EMINENT DOMAIN

Submitted by:



Nicholas H. Manley
Butler, Snow, O'Mara, Stevens & Cannada, PLLC
6075 Poplar Avenue, Suite 500
Memphis, TN 38119
(901) 680-7200

Jackson 4544270v1

LEGAL DESCRIPTION

PARCEL NUMBER LF-05 - UTILITY EASEMENT

TAX PARCEL NUMBER: 2091-0200.0-00020.00

PERMANENT UTILITY EASEMENT AND TWO TEMPORARY CONSTRUCTION EASEMENTS

BEING A LEGAL DESCRIPTION OF A PROPOSED FIFTY (50) FOOT WIDE PERMANENT UTILITY EASEMENT ACROSS PART OF THE WILLIAM O. WASHINGTON, CONELIUS S. WASHINGTON, CHARLES E. WASHINGTON, TOMMY L. WASHINGTON, DORIS L. REDDITTE, VERNICE W. DORSEY, CLIFTON L. WASHINGTON, ROBERT L. WASHINGTON, HERMAN WASHINGTON, AND ELEANOR L. WASHINGTON [WASHINGTON, ET AL] PROPERTY OF RECORD IN WARRANTY DEED AT BOOK 297 – PAGE 259 AT THE OFFICE OF THE CHANCERY CLERK OF DESOTO COUNTY, MISSISSIPPI, SAID PROPOSED EASEMENT TO BE DESCRIBED BY CENTERLINE AND TO BE KNOWN FOR THE PURPOSES OF THIS DESCRIPTION AS "PARCEL NUMBER LF-05", SAID PARCEL NUMBER LF-05 BEING DESCRIBED AS:

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 9 WEST, ALL IN DESOTO COUNTY, MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS:

A PERMANENT UTILITY EASEMENT, TWENTY-FIVE FEET EITHER SIDE OF AND PARALLEL TO THE FOLLOWING DESCRIBED PROPOSED CENTERLINE: COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 2 (CALCULATED, NOT RECOVERED), SAID WEST QUARTER CORNER BEING 42.23 FEET NORTH OF A FOUND T POST AT THE INTERSECTION OF "TWO OLD FENCES AND HEDGEROWS" (AS MEASURED AND CALLED FOR IN BOOK 145 – PAGE 497) , SAID POINT OF COMMENCEMENT LYING AT MISSISSIPPI STATE PLANE GRID COORDINATES OF NORTHING OF 1,979,362.89 FEET AND EASTING OF 2,357,102.83 FEET (SEE COORDINATE NOTE BELOW); THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST – 2605.75 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST – 307.16 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION, SAID POINT OF BEGINNING LYING IN THE NORTHERLY RIGHT OF WAY LINE OF CHURCH ROAD (PUBLIC, PAVED ROAD - 53 FEET TO CENTERLINE, NO DEED FURNISHED), SAID POINT OF BEGINNING LYING AT MISSISSIPPI STATE PLANE GRID COORDINATES OF NORTHING OF 1,976,757.67 FEET AND EASTING OF 2,357,410.10 FEET (SEE COORDINATE NOTE BELOW); THENCE ALONG THE CENTERLINE OF SAID PARCEL NUMBER LF-05 THE FOLLOWING BEARINGS AND DISTANCES: NORTH 00 DEGREES 16 MINUTES 47 SECONDS WEST (LEAVING SAID NORTHERLY RIGHT OF WAY LINE OF CHURCH ROAD) - 148.80 FEET TO AN ANGLE POINT; THENCE NORTH 43 DEGREES 40 MINUTES 02 SECONDS EAST - 262.23 FEET TO AN ANGLE POINT; THENCE NORTH 09 DEGREES 38 MINUTES 27 SECONDS EAST - 441.11 FEET TO AN ANGLE POINT; THENCE NORTH 69 DEGREES 26 MINUTES 49 SECONDS EAST - 481.68 FEET TO THE POINT OF TERMINATION, SAID POINT OF TERMINATION LYING IN THE EASTERLY DEED LINE OF THE TOMMY L. WASHINGTON PROPERTY OF RECORD IN WARRANTY (GIFT) DEED OF RECORD AT BOOK 0354 – PAGE 0237, SAID POINT OF TERMINATION LYING AT MISSISSIPPI STATE PLANE GRID COORDINATES OF NORTHING OF 1,977,700.13 FEET AND EASTING OF 2,358,115.32 FEET (SEE COORDINATE NOTE BELOW).

PARCEL LF-05 CONTAINING 1.531 ACRES OR 66,690 SQUARE FEET MORE OR LESS, SUBJECT TO RIGHT OF WAY IN ANY PUBLIC ROADS AND PUBLIC AND/OR PRIVATE EASEMENTS.

PAGE TWO

ALSO, AN EASEMENT (WIDTH VARIES), TO BE KNOWN FOR THE PURPOSES OF THIS DESCRIPTION AS TEMPORARY CONSTRUCTION EASEMENT "A", TO BE SITUATED ADJACENT TO AND PARALLEL TO THE WESTERLY LINE AND ADJACENT TO AND PARALLEL TO THE NORTHWESTERLY LINE OF SAID PARCEL LF-05, SAID TEMPORARY CONSTRUCTION EASEMENT "A" BEING MORE PARTICULARLY DESCRIBED BY BEARINGS AND DISTANCES TO WIT: BEGINNING AT THE INTERSECTION OF ABOVE SAID NORTHERLY RIGHT OF WAY LINE OF CHURCH ROAD AND THE WESTERLY LINE OF ABOVE DESCRIBED PERMANENT UTILITY EASEMENT PARCEL LF05, SAID POINT OF BEGINNING LYING AT MISSISSIPPI STATE PLANE GRID COORDINATES OF NORTHING OF 1,976,757.49 FEET AND EASTING OF 2,357,385.10 FEET (SEE COORDINATE NOTE BELOW); THENCE SOUTH 89 DEGREES 35 MINUTES 11 SECONDS WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF CHURCH ROAD - 25.00 FEET; THENCE PARALLEL TO SAID PERMANENT UTILITY EASEMENT PARCEL LF05 THE FOLLOWING BEARINGS AND DISTANCES: NORTH 00 DEGREES 16 MINUTES 47 SECONDS WEST - 205.11 FEET TO AN ANGLE POINT; THENCE NORTH 43 DEGREES 40 MINUTES 02 SECONDS EAST - 233.52 FEET TO AN ANGLE POINT; THENCE NORTH 09 DEGREES 38 MINUTES 27 SECONDS EAST - 461.29 FEET TO AN ANGLE POINT; THENCE NORTH 69 DEGREES 26 MINUTES 49 SECONDS EAST - 536.87 FEET TO AN ANGLE POINT; THENCE NORTH 59 DEGREES 54 MINUTES 29 SECONDS EAST - 16.59 FEET TO THE ABOVE SAID EASTERLY DEED LINE OF THE TOMMY L. WASHINGTON PROPERTY; THENCE SOUTH 00 DEGREES 28 MINUTES 09 SECONDS EAST ALONG SAID EASTERLY DEED LINE OF THE TOMMY L. WASHINGTON PROPERTY - 56.16 FEET TO THE SOUTHEASTERLY LINE OF THE ABOVE DESCRIBED PERMANENT UTILITY EASEMENT PARCEL LF05; THENCE ALONG SAID SOUTHEASTERLY AND EASTERLY LINE OF PERMANENT UTILITY EASEMENT PARCEL LF05 THE FOLLOWING BEARINGS AND DISTANCES: SOUTH 69 DEGREES 26 MINUTES 49 SECONDS WEST - 505.19 FEET TO AN ANGLE POINT; THENCE SOUTH 09 DEGREES 38 MINUTES 27 SECONDS WEST - 447.83 FEET TO AN ANGLE POINT; THENCE SOUTH 43 DEGREES 40 MINUTES 02 SECONDS WEST - 264.67 FEET TO AN ANGLE POINT; THENCE SOUTH 00 DEGREES 16 MINUTES 47 SECONDS EAST - 158.95 FEET TO THE POINT OF BEGINNING SAID TEMPORARY CONSTRUCTION EASEMENT "A" CONTAINING 66,190 SQUARE FEET OR 1.520 ACRES.

ALSO, A TWENTY-FIVE (25) FOOT WIDE EASEMENT, TO BE KNOWN FOR THE PURPOSES OF THIS DESCRIPTION AS TEMPORARY CONSTRUCTION EASEMENT "B", TO BE SITUATED ADJACENT TO AND PARALLEL TO THE EASTERLY LINE AND ADJACENT TO AND PARALLEL TO THE SOUTHEASTERLY LINE OF SAID PARCEL LF-05, SAID TEMPORARY CONSTRUCTION EASEMENT "B" CONTAINING 0.729 ACRES OR 31,739 SQUARE FEET MORE OR LESS.

BY GRAPHIC DETERMINATION PART OF PARCEL LF-05 LIES WITHIN THE LIMITS OF THE SPECIAL FLOOD HAZARD AREA ZONE AE, INUNDATED BY 100 YEAR FLOOD, PER FIRM/FEMA MAP NUMBER 28033C00042G, REVISED JUNE 4, 2007.

ALL REFERENCES TO GRID BEARINGS AND MISSISSIPPI STATE PLANE GRID COORDINATES AS INDICATED IN THIS LEGAL DESCRIPTION AND ON THE ACCOMPANYING SURVEY EXHIBIT ARE UNADJUSTED, NAD 83 - WEST ZONE, SURVEY FEET, WITH A CONVERGENCE ANGLE OF 00 DEGREES 06 MINUTES 56 SECONDS AND A COMBINED FACTOR OF 0.999942107 AT THE POINT OF COMMENCEMENT OF LEGAL DESCRIPTION. GRID COORDINATE VALUES WERE DETERMINED BY GLOBAL POSITIONING SURVEY (GPS) OBSERVATION AND OPUS SOLUTION.

ALL MATTERS OF PUBLIC RECORD ARE RECORDED AT THE OFFICE OF THE CHANCERY CLERK OF DESOTO COUNTY, MISSISSIPPI.

THIS LEGAL DESCRIPTION AND ITS ACCOMPANYING EXHIBIT ARE DERIVED FROM AN ACTUAL ON THE GROUND SURVEY ACROSS THE ABOVE DESCRIBED PARCEL NUMBER LF-05 AND ALL MEET THE MINIMUM ACCURACY REQUIREMENTS FOR A MISSISSIPPI CLASS "A" SURVEY.