

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA
upon the relation and for the use of the
TENNESSEE VALLEY AUTHORITY,
Plaintiff,

v.

No. 1:18-CV-00281

A TEMPORARY RIGHT TO ENTER
UPON LAND IN MEIGS COUNTY,
TENNESSEE, and
GREG A. VITAL,
Defendants.

MOTION FOR ENTRY OF AN ORDER OF IMMEDIATE POSSESSION

Plaintiff, the United States of America upon the relation and for the use of the Tennessee Valley Authority (TVA), moves the Court, pursuant to the Declaration of Taking Act, 40 U.S.C. §§ 3114-3118 (2012) (formerly codified at 40 U.S.C. §§ 258a-258e-1), for entry of an order vesting in Plaintiff's agent, TVA, the right to immediate possession of the temporary right condemned herein for the purposes of conducting surveys, core drilling, title investigations, and related antecedent activities for the acquisition of a permanent easement and right-of-way for the erection, operation, and maintenance of electric power transmission and communication circuits.

As grounds for this motion, Plaintiff states that the TVA Act of 1933, *as amended*, 16 U.S.C. §§ 831-831ee (2012), provides that the Declaration of Taking Act is applicable to condemnations such as this under the TVA Act (*see* 16 U.S.C. § 831c(i)); the Declaration of Taking Act authorizes the deposit with the Court of the funds tendered by Plaintiff; and, upon acceptance and deposit of the funds tendered by Plaintiff, all requirements of the Declaration of Taking Act will have been fulfilled and Plaintiff will be entitled to an order of immediate possession pursuant to 40 U.S.C. § 3114(d)(1).

A proposed order for immediate possession of the property rights condemned is submitted herewith.

Respectfully submitted,

s/James S. Chase

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CERTIFICATE OF SERVICE

I certify that the foregoing Motion for Entry of an Order of Immediate Possession was filed electronically through the Court's ECF system on the date shown in the document's ECF footer. Notice of this filing will be sent by operation of the Court's ECF system to all parties as indicated on the electronic filing receipt (parties may access this filing through the Court's ECF system). A copy is also being sent thereof by certified and regular U.S. mail to the following non-ECF participants as indicated:

Mr. Greg A. Vital
Harrison, Tennessee

s/James S. Chase
James S. Chase (TN BAR 020578)
Attorney for Plaintiff

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