

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. \_\_\_\_\_

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

**COMPLAINT**

1. This is an action of a civil nature brought by the United States of America upon the relation and for the use of the Tennessee Valley Authority for the taking of a temporary right under the power of eminent domain and for the ascertainment and award of just compensation to the owners and parties in interest.

2. The authority for the taking is the Tennessee Valley Authority Act of 1933, *as amended*, 16 U.S.C. §§ 831-831ee (2012).

3. The public use for which the temporary property right is taken is the conducting of surveys, core drilling, appraisals, title investigations, and related activities for the acquisition of an easement and right-of-way for the erection, operation, and maintenance of electric power transmission circuits and communication circuits.

4. The right to be acquired is a temporary right to enter upon land designated in the records of the Tennessee Valley Authority as tract number ECG-1002-TE for the purpose of conducting surveys, core drilling, appraisals, title investigations, and related activities to

determine what portion of said land or interest therein is necessary for the erection, operation, and maintenance of electric power transmission circuits, the Plaintiff to remain liable for damage to annual crops and other actual property damage resulting directly from the operations of Plaintiff's forces in the conduct of such activities upon said land.

5. The land affected by the temporary right herein condemned is located in Meigs County, Tennessee, identified as parcel 087 on tax map 001.02, in the office of the Tax Assessor of said county and state, and described in a deed recorded in Deed Book T5, page 343, in the office of the Register of Meigs County, Tennessee, which description is incorporated herein by reference and made a part hereof.

6. Greg A. Vital owns the property in fee simple by virtue of said deed.

7. A Declaration of Taking is being filed contemporaneously herewith.

WHEREFORE, the Plaintiff demands that:

(1) An Order be issued putting the Tennessee Valley Authority as agent of the United States of America into immediate possession of the property condemned.

(2) Just compensation for the temporary property right taken be ascertained in accordance with Rule 71.1(h) of the Federal Rules of Civil Procedure.

(3) A Judgment be entered confirming the vesting of title to the interests sought to be condemned in the United States of America by virtue of the Declaration of Taking filed herewith.

(4) The Plaintiff have such other relief as may be lawful and proper.

Respectfully submitted,

*s/James S. Chase*

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James S. Chase (TN BAR 020578)  
TVA GENERAL COUNSEL'S OFFICE  
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Email jschase@tva.gov

Attorney for Plaintiff

80029650

# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**  
**UNITED STATES OF AMERICA**  
upon the relation and for the use of the  
**TENNESSEE VALLEY AUTHORITY**

**(b)** County of Residence of First Listed Plaintiff \_\_\_\_\_  
*(EXCEPT IN U.S. PLAINTIFF CASES)*

**(c)** Attorneys *(Firm Name, Address, and Telephone Number)*  
See page 2

**DEFENDANTS**  
**A Temporary Right to Enter upon Land in Meigs County,**  
**Tennessee, and Greg A. Vital**

County of Residence of First Listed Defendant **Meigs**  
*(IN U.S. PLAINTIFF CASES ONLY)*

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

**II. BASIS OF JURISDICTION** *(Place an "X" in One Box Only)*

1 U.S. Government Plaintiff

2 U.S. Government Defendant

3 Federal Question *(U.S. Government Not a Party)*

4 Diversity *(Indicate Citizenship of Parties in Item III)*

**III. CITIZENSHIP OF PRINCIPAL PARTIES** *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** *(Place an "X" in One Box Only)*

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans <i>(Excludes Veterans)</i> <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	FEDERAL TAX SUITS
<input checked="" type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

**V. ORIGIN** *(Place an "X" in One Box Only)*

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from Another District *(specify)*

6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*  
**TVA Act, as amended, 16 U.S.C. §§ 831-831ee (2012)**

Brief description of cause:  
**Condemnation of a temporary easement.**

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$** \_\_\_\_\_

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY** *(See instructions):*

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: 11/20/2018 SIGNATURE OF ATTORNEY OF RECORD: s/James S. Chase

CIVIL COVER SHEET PAGE 2

United States ex rel. TVA v. A Temporary Right to Enter upon Land in Meigs County,  
Tennessee, and Greg A. Vital

Attorney for Plaintiff

James S. Chase (TN BPR 020578)  
TVA GENERAL COUNSEL'S OFFICE  
400 West Summit Hill Drive  
Knoxville, Tennessee 37902-1401  
Telephone 865.632.4239  
Facsimile 865.632.2422  
Email jschase@tva.gov

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EASTERN DISTRICT OF TENNESSEE  
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GREG A. VITAL,  
Defendants.

**DECLARATION OF TAKING**

The Tennessee Valley Authority, the authority empowered by law to acquire in the name of the United States of America the temporary right described in the Complaint of similar title filed in this Court, hereby files this Declaration of Taking pursuant to 40 U.S.C. §§ 3114-3118 (2012) and declares that said property is hereby taken for the use of the United States of America acting by and through its agent, the Tennessee Valley Authority, and further declares that:

1. The property taken in this action is the temporary right to enter upon land identified below and designated in the records of the Tennessee Valley Authority as tract number ECG-1002-TE for the purpose of conducting surveys, core drilling, title investigations, and related activities for the acquisition of an easement and right-of-way for the erection, operation, and maintenance of electric power transmission circuits and communication circuits, the Plaintiff to remain liable for damage to annual crops and other actual property damage resulting directly from the operations of Plaintiff's forces in the conduct of said activities upon said property. The land affected by the temporary right herein condemned is located in Meigs County, Tennessee, identified as parcel 087 on tax map 001.02, in the office of the Tax Assessor of said county and

state, and described in a deed recorded in Deed Book T5, page 343, in the office of the Register of Meigs County, Tennessee, which description is incorporated herein by reference and made a part hereof.

2. One Dollar (\$1) is the amount estimated by the Tennessee Valley Authority to be just and liberal compensation for the temporary right taken. This amount will be tendered into Court for the use of the persons entitled thereto.

3. Attached hereto is an aerial photograph that shows the land affected by the taking of the temporary right. A more detailed and specific map is not available since the Defendant has not permitted the Tennessee Valley Authority, its officers, agents, and employees to enter upon the land for the purpose of making a survey.

4. The authority under which the temporary right is taken is the Tennessee Valley Authority Act of 1933, *as amended*, 16 U.S.C. §§ 831-831ee (2012).

5. The Tennessee Valley Authority is of the opinion that the ultimate award probably will be within any limits prescribed by Congress on the price to be paid.

TENNESSEE VALLEY AUTHORITY

Respectfully submitted,

*s/James S. Chase*

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

80030895

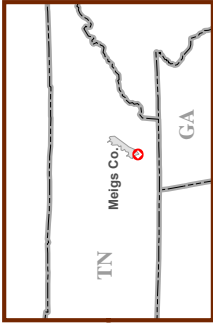




**Greg A. Vital – ECG-1002-TE  
Meigs County, TN (Tax Map 087, Parcel 001.02)**



- Legend**
- Parcel Boundary
  - State Highways



Location Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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Defendants.

**NOTICE OF CONDEMNATION**

TO: Greg A. Vital, Harrison, Tennessee

Pursuant to Federal Rule of Civil Procedure 71.1(d)(2), you are hereby notified that the Plaintiff has commenced the above-entitled action in the United States District Court for the Eastern District of Tennessee to condemn a temporary right to enter upon land in which you have or claim an interest for the use of the Tennessee Valley Tennessee Valley Authority in conducting surveys, core drilling, appraisals, title investigations, and related activities in connection with the erection, operation, and maintenance of electric power transmission circuits and communication circuits. The land affected by the temporary right herein condemned is designated in the records of the Tennessee Valley Authority as tract number ECG-1002-TE, located in Meigs County, Tennessee, identified as parcel 087 on tax map 001.02, in the office of the Tax Assessor of said county and state, and described in a deed recorded in Deed Book T5, page 343, in the office of the Register of Meigs County, Tennessee, which description is incorporated herein by reference and made a part hereof.

The authority for the taking is the Tennessee Valley Authority Act of 1933, *as amended*, 16 U.S.C. §§ 831-831ee (2012).

You are further notified that if you desire to present any objection or defense to the taking of the temporary right herein condemned, you are required to file your answer with the Clerk of the Court and to serve it on the Plaintiff's attorneys within 21 days after service of this notice upon you. Your answer shall identify the property in which you claim to have an interest, state the nature and extent of the interest you claim, and state all of your objections and defenses to the taking. Your failure to file and serve an answer constitutes a consent to the taking and to the jurisdiction of the Court to proceed to hear the action and to fix the compensation.

If you have no objection or defense to the taking of the temporary right to enter, you need not file an answer but may instead file with the Clerk of Court and serve on the Plaintiff's attorneys a notice of appearance designating the property in which you claim to be interested. Thereafter you will receive notice of all proceedings in this action affecting the property. In the event of a trial of the issue of just compensation, whether or not you have previously appeared or answered, you may present evidence as to the amount of the compensation to be paid for your property, and you may share in the distribution of the award.

Federal Rule of Civil Procedure 71.1(d)(2)(B) requires that an address be provided within the district in which this action is brought where the Plaintiff's attorneys may be served. Such an address is James S. Chase, Attorney, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1401.

Respectfully submitted,

*s/James S. Chase*

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79810870