

This Instrument prepared by:
State of Tennessee
Department of Transportation
Region III - 6601 Centennial Blvd.
Nashville, TN 37243

Project No. 19046-2214-14, SPT-112(6)
Tract No. 38
Davidson County
Inventory No. _____

FIRST AMENDMENT TO LICENSE AGREEMENT

THIS FIRST AMENDMENT TO LICENSE AGREEMENT is made and entered into by and between the State of Tennessee, acting through the Commissioner of the Department of Transportation (hereinafter "STATE") and The Metropolitan Government of Nashville and Davidson County, Tennessee (hereinafter "LICENSEE"),

WITNESSETH:

WHEREAS, the STATE and LICENSEE have heretofore entered into that certain License Agreement dated July 1, 2013 ("License") relating to certain licensed premises specifically described in the License (hereinafter "Licensed Premises") operated as a multi-use pedestrian greenway in Nashville, Davidson County, Tennessee; and

WHEREAS, the STATE and LICENSEE desire to amend the said License, in all relevant provisions, to add to the said Licensed Premises additional property acquired by the STATE as additional right-of-way for State Route 112 (Highway Project 19046-2214-14, SPT-112(6), Tract 38).

NOW, THEREFORE, the STATE and LICENSEE each acting for and on behalf of itself, its personal representatives, successors in interest and assigns, as part of the consideration hereof and of the License, do hereby covenant and agree as follows:

1. The Licensed Premises under the License, described in Exhibit "A" and depicted on Exhibit "B" thereto, is hereby amended to include the additional real property located in Davidson County, Tennessee acquired by the STATE in fee simple under deed of record at Instrument No. _____ in the Register's Office of Davidson County, Tennessee, and being more particularly described as follows and on Exhibit "A-1" attached hereto and incorporated herein by reference ("Additional Property"):

Beginning at a point being 65.79 feet right of State Route 112 proposed centerline station 132+42.70, thence with the present right of way N.11° 36' 51" E 71.81 feet to a point being 64.85 feet right of proposed centerline station 133+16.17, thence with the herein described conservation easement easterly 83 feet, more or less, to the proposed right of way line; thence along the proposed right of way line S 20° 53' 53" W 78.25 feet to a point being 136.08 feet right of proposed centerline station 132+36.46, thence with the northern property line of Richard H. Parrish and wife Julie E.

EXHIBIT

A

Parrish (State Project 19046-2214-14, Tract 30) N 73° 49' 48" W
70.54 feet to the point of beginning, containing 5,730 square feet.

2. Exhibit "A" to the License is hereby amended by adding to it Exhibit "A-1" hereto.

3. The STATE, for and in consideration of the covenants and agreements contained in the License, as amended herein, and subject to the terms and conditions thereof, does hereby (i) confirm its license of the Licensed Premises, as re-described herein, and (ii) license to the LICENSEE the Additional Property which shall be considered part of the Licensed Premises for all purposes under the License.

4. The STATE and LICENSEE hereby confirm that all provisions of the License, as amended herein, remain in full force and effect and shall apply to the Licensed Premises, as revised herein and including the Additional Property, from and after the date hereof.

IN WITNESS WHEREOF, the parties have executed this First Amendment to License Agreement as of this _____ day of _____, 2018.

LICENSEE:

**THE METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON
COUNTY, TENNESSEE**

DATE: _____

APPROVED AS TO FORM
AND LEGALITY:

DATE: _____

Attorney for LICENSEE

STATE OF TENNESSEE

DATE: _____

John C. Schroer
Commissioner
Tennessee Department of Transportation

APPROVED AS TO FORM
AND LEGALITY:

DATE: _____

John Reinbold, General Counsel
Tennessee Department of Transportation

EXHIBIT A-1
to
FIRST AMENDMENT TO LICENSE AGREEMENT

AMENDING
LICENSE AGREEMENT
dated July 1, 2013

The Additional Property to be added to and made a part of the Licensed Premises is more particularly described as follows:

Beginning at a point being 65.79 feet right of State Route 112 proposed centerline station 132+42.70, thence with the present right of way N 11° 36' 51" E 71.81 feet to a point being 64.85 feet right of proposed centerline station 133+16.17, thence with the herein described conservation easement easterly 83 feet, more or less, to the proposed right of way line; thence along the proposed right of way line S 20° 53' 53" W 78.25 feet to a point being 136.08 feet right of proposed centerline station 132+36.46, thence with the northern property line of Richard H. Parrish and wife Julie E. Parrish (State Project 19046-2214-14, Tract 30) N 73° 49' 48" W 70.54 feet to the point of beginning, containing 5,730 square feet.

DRAFT

AMENDMENT TO EASEMENT FOR CONSERVATION GREENWAY

This amendment to Easement for Conservation Greenway is entered into between the Metropolitan Government of Nashville and Davidson County and William G. Hitt, as Trustee for the William G. Hitt GST-Exempt Trust, this 6th day of Sept, 2018.

WHEREAS, by agreement date September 19, 2005, of record as Instrument Number 20050923-0114519, RODC, John E. Ingram granted an easement (the "Easement") to the Metropolitan Government for use in developing the Whites Creek Greenway; and

WHEREAS, the property subject to the Easement has been conveyed to William G. Hitt, as Trustee for the William G. Hitt GST-Exempt Trust; and

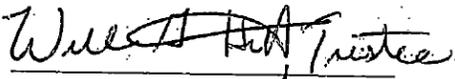
WHEREAS, in order to accommodate a project to be undertaken by the State of Tennessee to improve a bridge over Whites Creek that also passes over the Greenway, the parties propose to amend the Easement by modifying the description of the property subject to the Easement.

Now therefore, the parties agree as follows:

1. Except as specifically modified herein the Easement shall remain in full force and effect.
2. Exhibits A and B, attached hereto, shall be substituted for Exhibits A and B attached to the original Easement.

In witness whereof, we have caused this instrument to be executed this ____ day of ____, 2018.

Grantor:



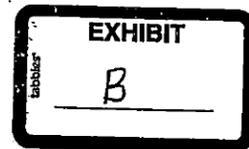
William G. Hitt, Trustee,
William G. Hitt GST- Exempt Trust

Accepted:

The Metropolitan Government of Nashville
and Davidson County

Monique Odom, Director
Department of Parks and Recreation

(N0224473.1)



**WHITES CREEK GREENWAY
CONSERVATION GREENWAY EASEMENT VOIDED**

BEING A CONSERVATION EASEMENT LOCATED IN THE 1ST CIVIL DISTRICT OF NASHVILLE, DAVIDSON COUNTY, TENNESSEE, SAID EASEMENT BEING LOCATED EAST OF AND ADJACENT TO CLARKSVILLE PIKE, (STATE ROUTE 112, U.S. HIGHWAY 41A), NORTH OF AND ADJACENT TO WHITES CREEK AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EXISTING EAST RIGHT OF WAY OF CLARKSVILLE PIKE, (STATE ROUTE 112, U.S. HIGHWAY 41-A), SAID POINT ALSO BEING THE NORTHWEST CORNER OF HEREIN DESCRIBED EASEMENT:

THENCE LEAVING SAID EXISTING RIGHT OF WAY, SOUTH 78 DEGREES 15 MINUTES 24 SECONDS EAST, 83.45 FEET TO A POINT IN PROPOSED RIGHT OF WAY OF CLARKSVILLE PIKE, (STATE ROUTE 112, U.S. HIGHWAY 41-A), SAID POINT BEING THE NORTHEAST CORNER OF SAID HEREIN DESCRIBED EASEMENT;

THENCE WITH PROPOSED RIGHT OF WAY, SOUTH 20 DEGREES 53 MINUTES 53 SECONDS WEST, 77.14 FEET TO A POINT IN SAID WHITES CREEK, SAID POINT BEING THE SOUTHEAST CORNER OF SAID HEREIN DESCRIBED EASEMENT;

THENCE LEAVING PROPOSED RIGHT OF WAY AND WITH WHITES CREEK, NORTH 73 DEGREES 48 MINUTES 56 SECONDS WEST, 71.65 FEET TO A POINT IN EXISTING RIGHT OF WAY OF CLARKSVILLE PIKE, (STATE ROUTE 112, U.S. HIGHWAY 41-A), SAID POINT ALSO BEING THE SOUTHWEST CORNER OF HEREIN DESCRIBED EASEMENT;

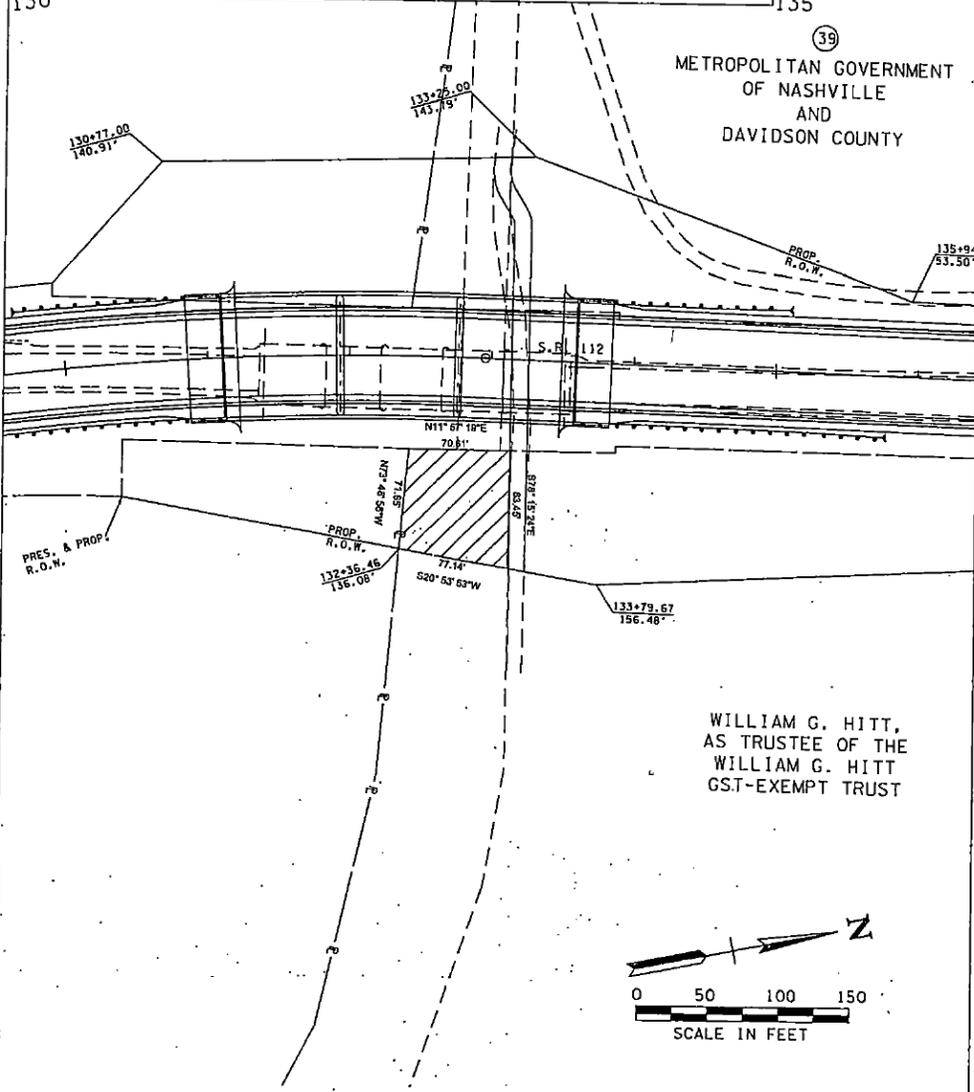
THENCE WITH SAID EXISTING RIGHT OF WAY, NORTH 11 DEGREES 57 MINUTES 19 SECONDS EAST, 70.61 FEET TO THE POINT OF BEGINNING AND CONTAINING 5,700.22 SQUARE FEET OR 0.13 ACRES MORE OR LESS.

WHITES CREEK GREENWAY
CONSERVATION EASEMENT VOIDED

130

135

(39)
METROPOLITAN GOVERNMENT
OF NASHVILLE
AND
DAVIDSON COUNTY



WILLIAM G. HITT,
AS TRUSTEE OF THE
WILLIAM G. HITT
GST-EXEMPT TRUST

AREA IMPACT TABLE

VOIDED CONSERVATION EASEMENT AREA	5,700.22 S.F. 0.13 AC.
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DATE: 05/18/18

**WHITES CREEK GREENWAY
CONSERVATION GREENWAY EASEMENT
A PORTION OF THE JOHN E. INGRAM PROPERTY**

BEING A CONSERVATION EASEMENT LOCATED IN THE 1ST CIVIL DISTRICT OF NASHVILLE, DAVIDSON COUNTY, TENNESSEE, AND BEING WITHIN A PORTION OF THE JOHN E. INGRAM PROPERTY AS RECORDED IN INSTRUMENT NO. 20140124-0006756, REGISTER'S OFFICE FOR DAVIDSON COUNTY TENNESSEE, SAID EASEMENT BEING LOCATED EAST OF AND ADJACENT TO CLARKSVILLE PIKE, (STATE ROUTE 112, U.S. HIGHWAY 41-A), NORTH OF AND ADJACENT TO WHITES CREEK AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE PROPOSED EAST RIGHT OF WAY OF CLARKSVILLE PIKE, (STATE ROUTE 112, U.S. HIGHWAY 41-A), SAID POINT ALSO BEING THE NORTHWEST CORNER OF HEREIN DESCRIBED EASEMENT:

THENCE LEAVING SAID CLARKSVILLE PIKE, (STATE ROUTE 112, U.S. HIGHWAY 41-A), AND RUNNING THRU A PORTION OF THE JOHN E. INGRAM PROPERTY FOR THE NEXT (13) CALLS:

SOUTH 78 DEGREES 15 MINUTES 24 SECONDS EAST, 142.00 FEET TO A POINT;

SOUTH 69 DEGREES 00 MINUTES 20 SECONDS EAST, 83.33 FEET TO A POINT;

SOUTH 59 DEGREES 45 MINUTES 16 SECONDS EAST, 152.88 FEET TO A POINT;

SOUTH 45 DEGREES 36 MINUTES 03 SECONDS EAST, 32.90 FEET TO A POINT;

SOUTH 50 DEGREES 09 MINUTES 28 SECONDS EAST, 77.07 FEET TO A POINT;

SOUTH 59 DEGREES 16 MINUTES 19 SECONDS EAST, 77.07 FEET TO A POINT;

SOUTH 63 DEGREES 49 MINUTES 44 SECONDS EAST, 164.93 FEET TO A POINT;

SOUTH 72 DEGREES 31 MINUTES 18 SECONDS EAST, 61.96 FEET TO A POINT;

SOUTH 89 DEGREES 54 MINUTES 15 SECONDS EAST, 61.96 FEET TO A POINT;

NORTH 81 DEGREES 24 MINUTES 15 SECONDS EAST, 115.81 FEET TO A POINT;

NORTH 58 DEGREES 31 MINUTES 58 SECONDS EAST, 49.94 FEET TO A POINT;

NORTH 48 DEGREES 40 MINUTES 04 SECONDS EAST, 74.60 FEET TO A POINT;
SAID POINT BEING THE NORTHEAST CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE SOUTH 41 DEGREES 19 MINUTES 56 SECONDS EAST, 103.71 FEET TO A POINT IN WHITES CREEK, SAID POINT BEING THE SOUTHEAST CORNER OF HEREIN DESCRIBED EASEMENT;

THENCE WITH WHITES CREEK FOR THE NEXT (9) CALLS:

SOUTH 48 DEGREES 56 MINUTES 05 SECONDS WEST, 55.62 FEET TO A POINT;

SOUTH 58 DEGREES 41 MINUTES 05 SECONDS WEST, 100.00 FEET TO A POINT;

SOUTH 69 DEGREES 26 MINUTES 05 SECONDS WEST, 100.00 FEET TO A POINT;

SOUTH 84 DEGREES 44 MINUTES 07 SECONDS WEST, 112.15 FEET TO A POINT;

NORTH 65 DEGREES 13 MINUTES 39 SECONDS WEST, 87.42 FEET TO A POINT;

NORTH 57 DEGREES 50 MINUTES 33 SECONDS WEST, 301.76 FEET TO A POINT;

NORTH 51 DEGREES 52 MINUTES 27 SECONDS WEST, 112.03 FEET TO A POINT;

NORTH 65 DEGREES 43 MINUTES 32 SECONDS WEST, 182.14 FEET TO A POINT;

NORTH 73 DEGREES 48 MINUTES 56 SECONDS WEST, 160.73 FEET TO A POINT IN THE PROPOSED EAST RIGHT OF WAY OF SAID CLARKSVILLE PIKE, (STATE ROUTE 112, U.S. HIGHWAY 41-A), SAID POINT ALSO BEING THE SOUTHWEST CORNER OF HEREIN DESCRIBED EASEMENT;

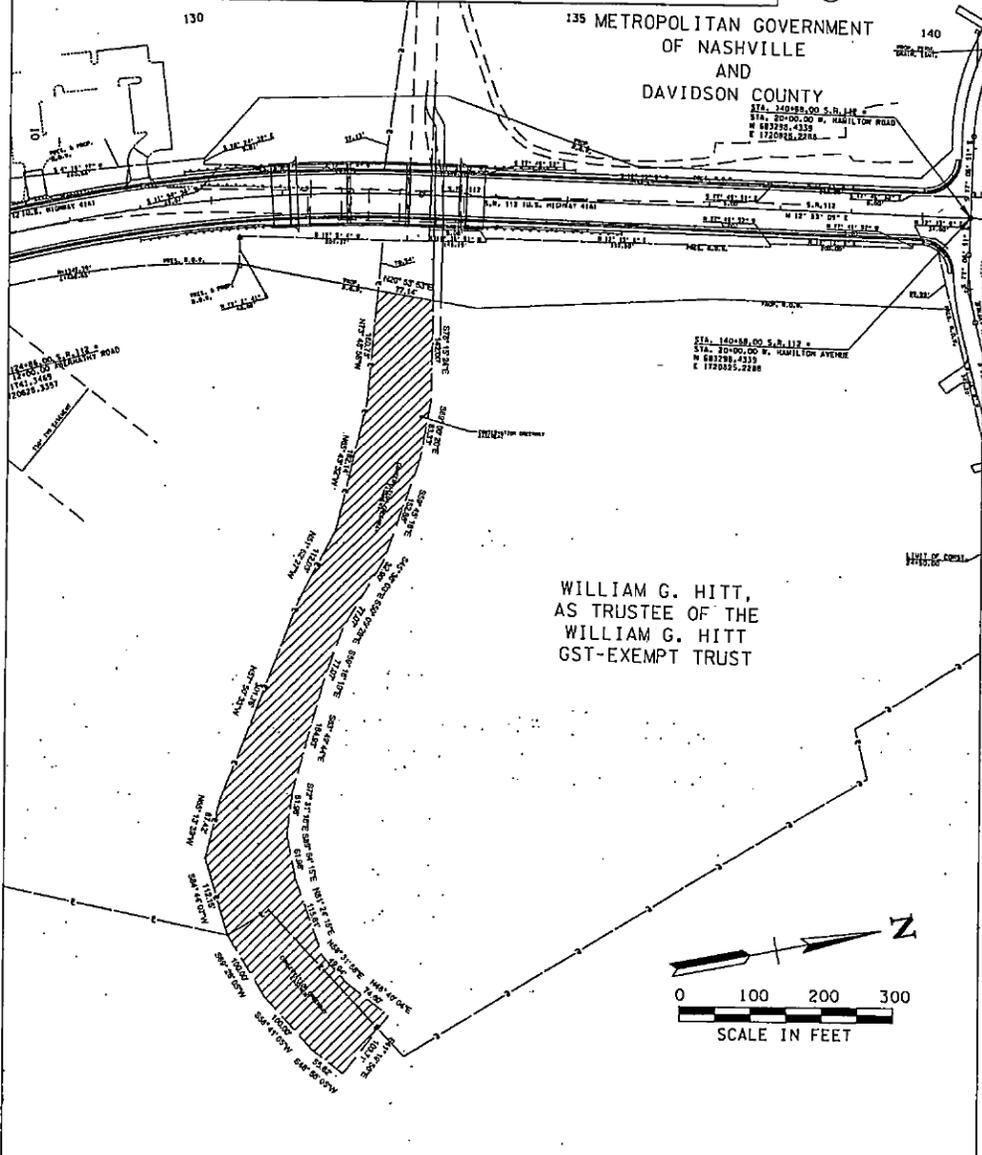
THENCE WITH SAID RIGHT OF WAY OF CLARKSVILLE PIKE, (STATE ROUTE 112, U.S. HIGHWAY 41-A), NORTH 20 DEGREES 53 MINUTES 53 SECONDS EAST 77.14 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINING 103,646.83 SQUARE FEET OR 2.37 ACRES MORE OR LESS.

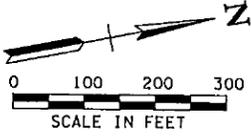
WHITES CREEK GREENWAY CONSERVATION EASEMENT AMENDED

(39)

135 METROPOLITAN GOVERNMENT
OF NASHVILLE
AND
DAVIDSON COUNTY



WILLIAM G. HITT,
AS TRUSTEE OF THE
WILLIAM G. HITT
GST-EXEMPT TRUST



AREA IMPACT TABLE	
AMENDED CONSERVATION EASEMENT AREA	103,646.83 S.F.
	2.37 AC.
DATE: 05/18/18	