

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

IN THE LAKE SUPERIOR COURT NO. 4
CAUSE NO. 45D04-9502-CP-00192

STATE OF INDIANA,)
)
Plaintiff,)

NOT-TAXABLE

Filed in Open Court

v.

)
) DEC 16 1997

OCT 31 1997

SOFOKLES DRES, TENIA DRES
and LAKE COUNTY, INDIANA,

)
) SAM ORLICH
) AUDITOR LAKE COUNTY

Russell H. Avetianoff
JUDGE
SUPERIOR COURT OF LAKE COUNTY

Defendants.)

AGREED FINDINGS AND JUDGMENT

The Plaintiff, State of Indiana, by Jeffrey A. Modisett, Attorney General of Indiana, and Janet L. Parsanko, Deputy Attorney General, and Defendants, Sofokles Dres and Tenia Dres, by counsel, Steve H. Tokarski, jointly move the Court for judgment in this case. In support of this motion, the parties make the following representations to the Court. The Court, having examined the record and being duly advised, now FINDS:

1. Plaintiff filed its Complaint for Appropriation of Real Estate on February 21, 1995, and all Defendants were served with notice as provided by statute.
2. Defendants, Sofokles Dres and Tenia Dres, appeared by counsel, Steve H. Tokarski, on or about July 3, 1995.
3. Defendant, Lake County, Indiana, appeared by counsel in this case.
4. On December 13, 1995, the court entered an appropriation order regarding the real estate interests described in paragraph IV of Plaintiff's complaint and appointed appraisers to assess the damages and benefits, if any, resulting from Plaintiff's appropriation.
5. On January 25, 1996, the court-appointed appraisers reported to the Court that, in their opinion, total damages as a result of Plaintiff's appropriation amount to twelve thousand, seven hundred and forty-one dollars (\$12,741.00).
6. Plaintiff filed timely Exceptions to the Report of Appraisers on February 8, 1996.

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7. On March 12, 1996, Plaintiff made payment to the Clerk of the Court for the court-appointed appraisers' fees and the amount reflected in the court-appointed appraisers' report.

8. On May 27, 1997, Defendant, Lake County, Indiana, was dismissed from this case.

9. Plaintiff, State of Indiana, has amended the description of the temporary acquisition contained in paragraph IV of the State's complaint. This judgment contains the amended description.

10. Plaintiff and Defendants, Sofokles Dres and Tenia Dres, agree to Plaintiff's appropriation of the real estate interests described below and further agree that Defendants, Sofokles Dres and Tenia Dres, shall recover, for the real estate interests acquired by Plaintiff and any and all damages resulting from that acquisition, total just compensation of ten thousand dollars (\$10,000.00).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that there is no just reason for delay in entry of judgment upon the terms contained herein and that Plaintiff, State of Indiana, now holds fee simple title, including all rights of immediate possession, to the real estate interests described as:

15-428-18

A part of Lot 3 in the Old Airport Addition, a subdivision in the Southwest Quarter of Section 3, Township 35 North, Range 8 West, the plat of which subdivision is recorded in Plat Book 38, page 99, in the Office of the Recorder of Lake County, Indiana, described as follows: Beginning on the west line of said lot North 0 degrees 00 minutes 00 seconds East 11.00 feet from the southwest corner of said lot, which point is also the intersection of the north boundary of 61st Avenue and the east boundary of State Route 53 (also known as Broadway Street); thence continuing North 0 degrees 00 minutes 00 seconds East 18.59 feet along said west line; thence South 44 degrees 28 minutes 12 seconds East 26.20 feet to the north boundary of said 61st Avenue; thence North 89 degrees 40 minutes 07 seconds West 18.35 feet along the boundary of said 61st Avenue to the point of beginning and containing 171 square feet, more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff, State of Indiana, has acquired a temporary right-of-way, which will revert to the owners on December 31, 2001. The temporary right-of-way, as amended, is described as:

The following described right-of-way is temporary right-of-way for the purpose of constructing driveways for service to the owners' private property and will revert to the owners on December 31, 2001. A part of Lot 3 in the Old Airport Addition, a subdivision in the Southwest Quarter of Section 3, Township 35 North, Range 8 West, the plat of which subdivision is recorded in Plat Book 38, Page 99, in the Office of the Recorder of Lake County, Indiana, described as follows: Beginning at a point on the east line of said lot, North 0 degrees 00 minutes 00 seconds East 9.54 feet from the southeast corner of said lot, which point of beginning is on the north boundary of 61st Avenue; thence North 87 degrees 15 minutes 30 seconds West 34.69 feet along the boundary of said 61st Avenue; thence North 89 degrees 40 minutes 07 seconds West 122.00 feet along said boundary; thence North 44 degrees 28 minutes 12 seconds West 5.64 feet; thence South 89 degrees 40 minutes 07 seconds East 160.60 feet to the east line of said lot; thence South 0 degrees 00 minutes 00 seconds East 5.46 feet along said east line to the point of beginning and containing 660 square feet, more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants, Sofokles Dres and Tenia Dres, shall recover, as total just compensation for the State's appropriations in this case, ten thousand dollars (\$10,000.00).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of the Court shall pay ten thousand dollars (\$10,000.00), from the State's previous deposit, to the Defendants, Sofokles Dres and Tenia Dres, and that the State's total payment of ten thousand dollars (\$10,000.00) shall be in full satisfaction of this judgment and any and all of Defendants' claims in this case.

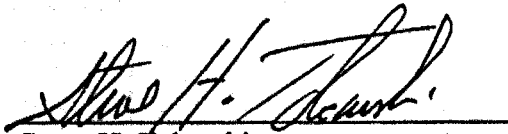
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk shall refund to the State, two thousand, seven hundred and forty-one dollars (\$2,741.00), which is the difference between the amount of the court-appointed appraisers' award deposited by the State and the judgment.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk of this Court shall promptly send a certified copy of this Agreed Findings and Judgment to the Auditor of Lake County, Indiana, and that the Auditor shall remove the above-described real estate interests from the tax records and rolls of Lake County, Indiana, and cancel all 1996 and subsequent years' taxes thereon.


IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk of this Court shall promptly send a certified copy of this Agreed Findings and Judgment to the Recorder of Lake County, Indiana; that the Recorder shall, pursuant to Ind. Code § 8-23-7-31 and without payment of fee, record the transfer of the above-described real estate interest to the State of Indiana; and that the Recorder shall submit evidence of that recordation, by United States mail, to the undersigned Deputy Attorney General at the Office of the Attorney General; Indiana Government Center South, Fifth Floor; 402 West Washington Street; Indianapolis, Indiana 46204.

AGREED TO AND APPROVED BY:


JEFFREY A. MODISETT
Attorney General of Indiana
Atty. No. 14704-49

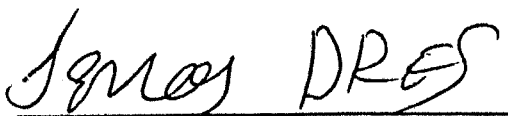

Steve H. Tokarski
Atty. No. 862-45
Attorney for Defendants,
Sofokles Dres and Tenia Dres

By:


Janet L. Parsanko
Deputy Attorney General
Atty. No. 17095-53
Attorneys for Plaintiff,
State of Indiana


Sofokles Dres, Defendant



Jay D. Marks, Chief
Division of Land Acquisition
Indiana Department of Transportation


Tenia Dres, Defendant

APPROVED AND SO ORDERED this 31st day of October, 1997.

Dated: OCT 31 1997

(Distribution list attached)


GERALD N. SVETANOFF, JUDGE
Superior Court of Lake County
Civil Division, Room No. Four
15 W. 4th Avenue
Gary, IN 46402 ↑

The United States of America



STATE OF INDIANA, COUNTY OF LAKE, ss:

ANNA N. ANTON, Clerk of the Lake Circuit and Superior Courts of Lake County, Indiana, and the keeper of the records and files thereof, does hereby certify that the above and foregoing is a full, true, correct and complete copy of the Order of court dated the 31st day of Oct, 19 97, in the case of _____
STATE OF INDIANA VS SOFOKLES DRES, TENIA DRES AND
LAKE COUNTY, INDIANA
in cause number 45 D04-9502-CP-00192, as fully as the same appears of record in the office of the Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at my office in GARY in the County of Lake this 1ST day of DEC, 199 7.

ANNA N. ANTON
CLERK OF THE LAKE CIRCUIT AND SUPERIOR COURTS

By: _____

Deputy Clerk