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STATE OF INDIANA) IN THE LAKE SUPERIOR COURT
) SS:
 COUNTY OF LAKE) CAUSE NO. 45D10-0108-CP-832
 STATE OF INDIANA,)
)
 Plaintiff,)
)
 v.)
)
 NORFOLK SOUTHERN RAILWAY COMPANY,)
 and LAKE COUNTY, INDIANA,)
)
 Defendants.)

2202 001106

Filed in Open Court

DEC 27 2001

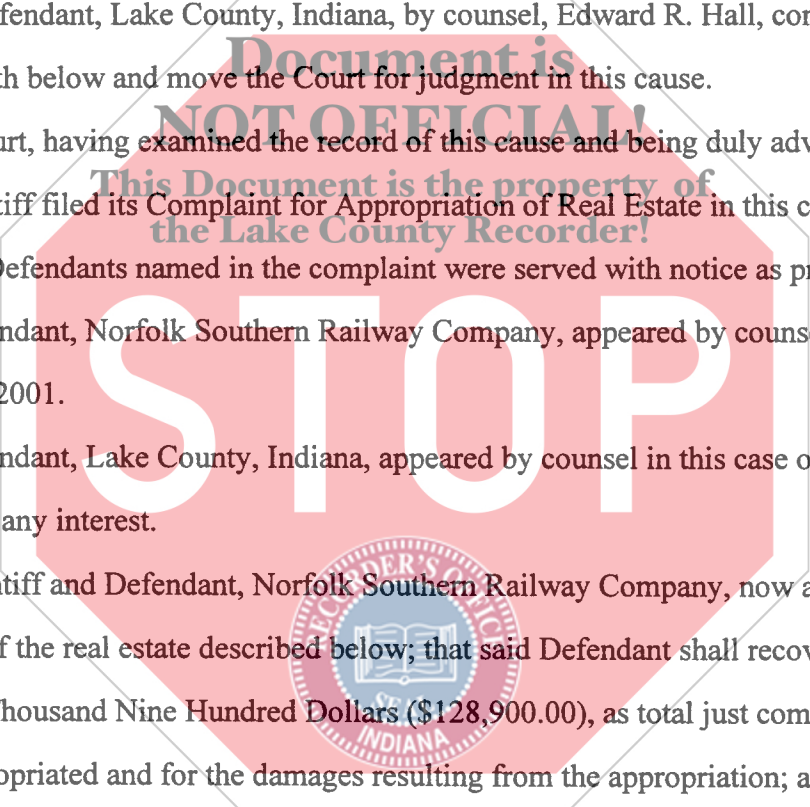
Anna M. Anton
CLERK LAKE SUPERIOR COURT

AGREED FINDING AND JUDGMENT

Plaintiff, State of Indiana, by Steve Carter, Attorney General of Indiana, and Malik Swift, Deputy Attorney General; Defendant, Norfolk Southern Railway Company, by counsel, John C. Duffey; and Defendant, Lake County, Indiana, by counsel, Edward R. Hall, concur in the findings set forth below and move the Court for judgment in this cause.

The Court, having examined the record of this cause and being duly advised, now finds:

1. Plaintiff filed its Complaint for Appropriation of Real Estate in this cause on August 23, 2001, and Defendants named in the complaint were served with notice as provided by statute.
2. Defendant, Norfolk Southern Railway Company, appeared by counsel in this case on September 11, 2001.
3. Defendant, Lake County, Indiana, appeared by counsel in this case on October 8, 2001 and disclaimed any interest.
4. Plaintiff and Defendant, Norfolk Southern Railway Company, now agree to Plaintiff's appropriation of the real estate described below; that said Defendant shall recover One Hundred Twenty-eight Thousand Nine Hundred Dollars (\$128,900.00), as total just compensation for the real estate appropriated and for the damages resulting from the appropriation; and agree that no other Defendants are entitled to recover any damages due to Plaintiff's acquisition.
5. All parties who requested a jury trial now withdraw their request.



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mail TO
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Anna Anton

N.C.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff, State of Indiana, now holds fee simple title, including all rights of possession, to the real estate described as:

A part of Section 1, Township 36 North, Range 8 West, Lake County, Indiana, described as follows: Beginning on the south line of said section North 89 degrees 53 minutes 08 seconds East 269.300 meters (883.53 feet) from the southwest corner of said section; thence North 77 degrees 35 minutes 01 second West 176.123 meters (577.83 feet) to the south boundary of U.S.R. 12 and U.S.R. 20; thence North 0 degrees 00 minutes 22 seconds West 3.499 meters (11.48 feet) to the north line of the owner's land; thence South 89 degrees 22 minutes 07 seconds East 410.501 meters (1,346.79 feet) along said north line to the west boundary of Utah Street; thence South 0 degrees 06 minutes 52 seconds East 36.369 meters (119.32 feet) along the boundary of said Utah Street to the south line of said section; thence South 89 degrees 53 minutes 08 seconds West 238.545 meters (782.63 feet) along said south line to the point of beginning and containing 1.2740 hectares (3.148 acres), more or less, inclusive of the presently existing right-of-way which contains 0.0608 hectares (0.150 acres), more or less. The portion of the above-described real estate which is not already embraced within the presently existing right-of-way contains 1.2132 hectares (2.998 acres), more or less.

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A part of Section 1, Township 36 North, Range 8 West, Lake County, Indiana, described as follows: Beginning at the southwest corner of the Southeast Quarter of said section; thence South 89 degrees 53 minutes 08 seconds West 294.193 meters (965.20 feet) along the south line of said section to the east boundary of Utah Street; thence North 0 degrees 06 minutes 52 seconds West 36.131 meters (118.54 feet) along the boundary of said Utah Street to a north line of the owner's land; thence South 89 degrees 22 minutes 07 seconds East 293.845 meters (964.06 feet) along said north line to the west line of said quarter section; thence North 0 degrees 46 minutes 33 seconds West 0.183 meters (0.60 feet) along said west line to a corner of the owner's land; thence North 89 degrees 53 minutes 38 seconds East 335.059 meters (1,099.28 feet) along a north line of the owner's land to a corner of the owner's land; thence South 0 degrees 14 minutes 33 seconds East 5.583 meters (18.32 feet) along an east line of the owner's land; thence South 74 degrees 04 minutes 45 seconds West 96.621 meters (317.00 feet) to the south line of said section; thence South 89 degrees 45 minutes 27 seconds West 241.730 meters (793.08 feet) along said south line to the point of beginning and containing 1.9593 hectares (4.842 acres), more or less, inclusive of the presently existing right-of-way which contains 0.3118 hectares (0.770 acres), more or less. The portion of the above-described real estate which is not already embraced within the presently existing right-of-way contains 1.6475 hectares (4.072 acres), more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Defendant, Norfolk Southern Railway Company, shall recover One Hundred Twenty-eight Thousand Nine Hundred Dollars (\$128,900.00); that the Clerk shall immediately pay upon receipt of said funds to Defendant, Norfolk Southern Railway Company, One Hundred Twenty-eight Thousand Nine Hundred Dollars (\$128,900.00), in full satisfaction of this judgment and any and all of Defendants' claims in this cause.

IT IS FURTHER ORDERED that the Clerk of the Court shall promptly send a certified copy of this Agreed Finding and Judgment to the Auditor and Recorder of Lake County, Indiana; that the Auditor shall remove the above-described fee simple real estate from the tax records and rolls of the county and cancel all 2001 and subsequent years' taxes thereon; that the Recorder shall, pursuant to IC 8-23-7-31 and without payment of fee, record the transfer of the above described real estate to the State of Indiana; and that the Recorder shall submit evidence of this recorded transfer, by United States mail, to the Office of the Attorney General of Indiana, 402 West Washington Street, Indianapolis, Indiana 46204-2770.



AGREED TO AND APPROVED BY:

STEVE CARTER
Attorney General of Indiana
Attorney Reg. No. 4150-64

J. Duffey
John C. Duffey, Attorney for Defendant,
Norfolk Southern Railway Company
Atty. No. 4756-79

By: Malik Swift
Malik Swift
Deputy Attorney General
Attorney Reg. No. 19953-49

Norfolk Southern Railway Company

State of Indiana, Plaintiff

By: J. Duffey
Printed Name: John C. Duffey
Title: Attorney

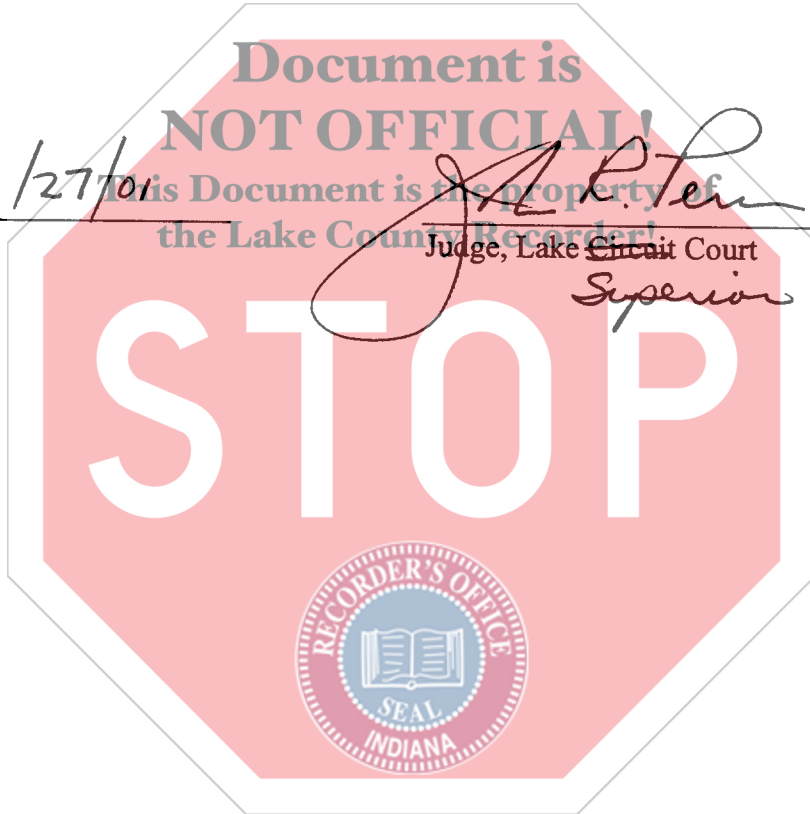
By: Kevan L. McClure
Kevan L. McClure, Chief
Division of Land Acquisition
Indiana Department of Transportation

Date: 12/27/01

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A. P. Ten
Judge, Lake Circuit Court
Superior



Copies to:

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John C. Duffey
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The Honorable Peter Benjamin
Auditor, Lake County, Indiana
Government Center
2293 N. Main Street
Crown Point, IN 46307

The Honorable Morris Carter
Recorder, Lake County, Indiana
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