

INDOT

Acquisition
Document

9DSE9

Scan Key **5272223**

LA Code **5272**

Parcel No. **223**

Owner **TEACHERS CREDIT UNION**

Cross Reference 4651

109/103
13
Mail
Att
General



Transfer 109
Taxing Unit SB Centre
Date 1-8-15

1500548
RECORDED AS PRESENTED ON
01/08/2015 10:10:54AM
PHILLIP G. DOTSON
ST. JOSEPH COUNTY
RECORDER
PGS: 13 FEES: \$0.00

STATE OF INDIANA) IN THE ST. JOSEPH SUPERIOR COURT
) SS:
COUNTY OF ST. JOSEPH) CAUSE NO. 71D05-1103-PL-0061

STATE OF INDIANA,)
))
) Plaintiff,)
))
) v.)
))
TEACHERS CREDIT UNION,)
AND ST. JOSEPH COUNTY, INDIANA,)
))
) Defendants.)

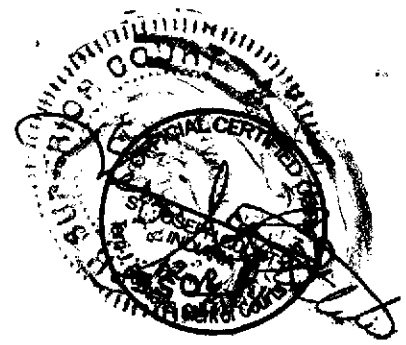
FILED
OCT 27 2015
St. Joseph County Court

AGREED FINDING AND JUDGMENT

Plaintiff, State of Indiana, by counsel, Howard L. Stevenson; Defendant, Teachers Credit Union, by counsel, Edward A. Sullivan; and Defendant, St. Joseph County, Indiana, by counsel, Mitchell Heppenheimer, now jointly move the Court for judgment in this case. The Court, having examined the pleadings and being duly advised, now finds:

1. Plaintiff filed its Complaint for Appropriation of Real Estate on March 2, 2011.
2. Defendant, Teachers Credit Union, appeared by counsel in this case on April 7, 2011.
3. Defendant, St. Joseph County, Indiana, appeared by counsel in this case on March 16, 2011
4. On June 23, 2011, those real estate interests described herein were condemned and appraisers were appointed to assess the benefits and damages, if any, resulting from the Plaintiff's appropriation.

DULY ENTERED FOR TAXATION
ST. JOSEPH CO. INDIANA



Tm 11-01944

5. On August 25, 2011, the court-appointed appraisers reported to the Court that the Defendants were entitled to total just compensation of Five Hundred Ten Thousand Five Hundred Dollars (\$510,500.00) due to the Plaintiff's appropriation.

6. Plaintiff has deposited the court-appointed appraisers' fees and the court-appointed appraisers' award of Five Hundred Ten Thousand Five Hundred Dollars (\$510,500.00) with the Clerk of the Court.

7. Plaintiff and Defendants, Teachers Credit Union and St. Joseph County, Indiana, agree to Plaintiff's appropriation of the real estate interests described below and further agree that the damages resulting from the acquisition by Plaintiff of the real estate and total just compensation therefore is Four Hundred Thirty-two Thousand Five Hundred Dollars (\$432,500.00).

8. All parties who requested trial by jury withdraw their requests.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court 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, excess land, access rights, and a temporary right of way, including all rights of possession to the real estate interests acquired herein, free and clear of the interests of the named defendants, that is further described in the attached Exhibit A. A sketch illustrating the real estate acquired is attached hereto as Exhibit B.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Defendant, Teachers Credit Union, by agreement shall have and recover total just compensation, for the State's appropriation in this case the amount of Four Hundred Thirty-two Thousand Five Hundred Dollars (\$432,500.00) 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 of this Court shall return Seventy-eight Thousand Dollars (\$78,000.00) plus any and all prejudgment interest accrued to the date of distribution on the Five Hundred Ten Thousand Five Hundred Dollars (\$510,500.00) previously deposited with the Clerk of the Court to the Indiana Department of Transportation (in care of the undersigned counsel, Howard L. Stevenson, at Coleman Stevenson & Montel, LLP, 9101 Wesleyan Road, Suite 100, Indianapolis, IN 46268).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of this Court shall promptly send a certified copy of this Agreed Finding and Judgment to the Auditor and Recorder of St. Joseph County, Indiana; that said Auditor shall remove the above-described fee simple interest in real estate from the assessment records and rolls of said County and cancel all 2011 taxes owed and subsequent years' taxes thereon; that said Recorder, pursuant to IC 8-23-7-31 and without payment of fee, shall record the transfer of the above-described real estate, and that said Recorder shall submit evidence of that recordation, by United States mail, to the undersigned counsel at Coleman Stevenson & Montel, LLP, 9101 Wesleyan Road, Suite 100, Indianapolis, IN 46268.

EXHIBIT "A"

Project: 0710755
Code: 5272
Form: WL-1
Key No.: 71-13-02-251-001.000-002
Parcel: 223 Fee with Full Limitation of Access

Sheet 1 of 2

A part of the Northeast Quarter of Section 2, Township 36 North, Range 2 East, St. Joseph County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked EXHIBIT "B", described as follows: Commencing at the northwest corner of said quarter section, designated as point "0942" on said plat; thence South 88 degrees 54 minutes 17 seconds East 1,187.59 feet along the north line of said section to the northeast corner of the grantor's land; thence South 1 degree 16 minutes 29 seconds West 501.72 feet along the east line of the grantor's land to the point of beginning of this description; thence continuing South 1 degree 16 minutes 29 seconds West 757.28 feet along said east line to point "2087" designated on said plat; thence South 28 degrees 38 minutes 53 seconds West 695.32 feet to the south line of the grantor's land; thence North 88 degrees 55 minutes 27 seconds West 460.07 feet along said south line; thence North 24 degrees 32 minutes 35 seconds East 84.67 feet to point "22210" designated on said plat; thence North 12 degrees 36 minutes 27 seconds East 104.40 feet to point "22211" designated on said plat; thence North 38 degrees 23 minutes 49 seconds East 126.59 feet to point "22301" designated on said plat; thence North 32 degrees 41 minutes 53 seconds East 676.18 feet to point "22304" designated on said plat; thence North 27 degrees 09 minutes 33 seconds East 21.46 feet to the south line of the tract of land described in Instrument No. 0524565 in the Office of the St. Joseph County Recorder; thence South 88 degrees 38 minutes 42 seconds East 44.87 feet along said south line to the southeast corner of said tract; thence North 0 degrees 33 minutes 05 seconds East 90.20 feet along the east line of said tract; thence North 27 degrees 09 minutes 33 seconds East 278.64 feet to point "22302" designated on said plat; thence North 20 degrees 46 minutes 33

EXHIBIT "A"

Project: 0710755
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Sheet 2 of 2

seconds East 101.12 feet to point "22309" designated on said plat; thence North 55 degrees 52 minutes 18 seconds East 108.41 feet to the point of beginning and containing 10.646 acres, more or less.

This description was prepared for the Indiana Department of Transportation by

Timothy J. Coomes, Indiana Registered Land Surveyor, License Number 20600004, on the

15th day of APRIL, 2010.

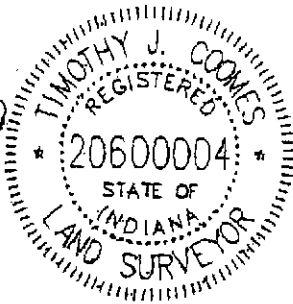


EXHIBIT "A"

Project: 0710755
Code: 5272
Form: WD-1
Key No.: 71-13-02-251-001.000-002
Parcel: 223 Excess Land (1)

A part of the Northeast Quarter of Section 2, Township 36 North, Range 2 East, St. Joseph County, Indiana, described as follows: Commencing at the northwest corner of said quarter section; thence South 88 degrees 54 minutes 17 seconds East 1,187.59 feet along the north line of said section to the northeast corner of the grantor's land; thence South 1 degree 16 minutes 29 seconds West 1,259.00 feet along the east line of the grantor's land to the point of beginning of this description: thence continuing South 1 degree 16 minutes 29 seconds West 314.99 feet along said east line to the north line of Lot 1 in Landon-Zimmer Minor Subdivision as shown on the recorded plat in the Office of the Recorder of St. Joseph County, Indiana; thence North 89 degrees 28 minutes 22 seconds West 18.36 feet along said north line to the northwest corner of said Lot 1; thence South 1 degree 21 minutes 34 seconds West 301.19 feet (302.18 feet by Instrument No. 0222713) along the west line of said Lot 1 to the southeast corner of the grantor's land; thence North 88 degrees 55 minutes 27 seconds West 300.90 feet along the south line of the grantor's land; thence North 28 degrees 38 minutes 53 seconds East 695.32 feet to the point of beginning and containing 2.133 acres, more or less.

This description was prepared for the Indiana Department of Transportation by

Timothy J. Coomes, Indiana Registered Land Surveyor, License Number 20600004, on the

15th day of April, 2010.

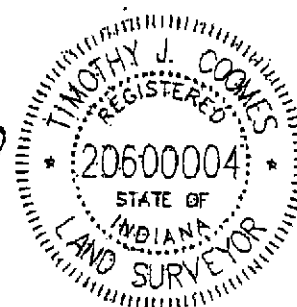


EXHIBIT "A"

Project: 0710755
Code: 5272
Form: WD-1
Key No.: 71-13-02-251-001.000-002
Parcel: 223 Excess land (2)

A part of the Northeast Quarter of Section 2, Township 36 North, Range 2 East, St. Joseph County, Indiana, described as follows: Commencing at the northwest corner of said quarter section; thence South 88 degrees 54 minutes 17 seconds East 1,187.59 feet along the north line of said section to the northeast corner of the grantor's land; thence South 1 degree 16 minutes 29 seconds West 72.87 feet along the east line of the grantor's land to the point of beginning of this description; thence continuing South 1 degree 16 minutes 29 seconds West 428.85 feet along said east line; thence South 55 degrees 52 minutes 18 seconds West 108.41 feet; thence South 20 degrees 46 minutes 33 seconds West 101.12 feet; thence South 27 degrees 09 minutes 33 seconds West 278.64 feet to a west line of the grantor's land; thence North 0 degrees 33 minutes 05 seconds East 854.33 feet along said west line; thence South 85 degrees 44 minutes 22 seconds East 222.58 feet; thence South 79 degrees 53 minutes 35 seconds East 32.66 feet to the point of beginning and containing 3.499 acres, more or less.

This description was prepared for the Indiana Department of Transportation by
Timothy J. Coomes, Indiana Registered Land Surveyor, License Number 20600004, on the
15th day of April, 2010.



EXHIBIT "A"

Project: 0710755
Code: 5272
Form: WL-1
Key No.: 71-13-02-251-001.000-002
Parcel: 223A Fee with Full Limitation of Access

A part of the Northeast Quarter of Section 2, Township 36 North, Range 2 East, St. Joseph County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked EXHIBIT "B", described as follows: Commencing at the northwest corner of said quarter section, designated as point "0942" on said plat; thence South 88 degrees 54 minutes 17 seconds East 932.34 feet along the north line of said section to a northwest corner of the grantor's land and the point of beginning of this description; thence continuing South 88 degrees 54 minutes 17 seconds East 255.25 feet along said north line to the northeast corner of the grantor's land; thence South 1 degree 16 minutes 29 seconds West 6.85 feet along the east line of the grantor's land to the south boundary of Kern Road; thence continuing South 1 degree 16 minutes 29 seconds West 66.02 feet along said east line; thence North 79 degrees 53 minutes 35 seconds West 32.66 feet to point "22306" designated on said plat; thence North 85 degrees 44 minutes 22 seconds West 222.58 feet to a west line of the grantor's land; thence North 0 degrees 33 minutes 05 seconds East 46.10 feet along said west line to the south boundary of said Kern Road; thence continuing North 0 degrees 33 minutes 05 seconds East 9.36 feet along said west line to the point of beginning and containing 0.367 acres, more or less, inclusive of the presently existing right-of-way which contains 0.047 acres, more or less.

This description was prepared for the Indiana Department of Transportation by

Timothy J. Coomes, Indiana Registered Land Surveyor, License Number 20600004, on the

15th day of APRIL, 2010.

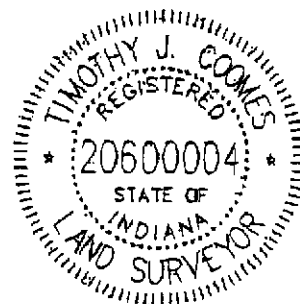


EXHIBIT "A"

Project: 0710755
Code: 5272
Form: T-1
Key No.: 71-13-02-251-001.000-002
Parcel: 223B Temporary Right of Way for Drive Construction

A part of the Northeast Quarter of Section 2, Township 36 North, Range 2 East, St. Joseph County, Indiana, described as follows: Commencing at the northwest corner of said quarter section; thence South 0 degrees 11 minutes 12 seconds West 1,569.92 feet along the west line of said quarter section to the point of beginning of this description: thence North 89 degrees 50 minutes 18 seconds East 10.54 feet; thence Northeasterly 41.41 feet along an arc to the left and having a radius of 70.00 feet and subtended by a long chord having a bearing of North 72 degrees 53 minutes 25 seconds East and a length of 40.81 feet; thence North 55 degrees 56 minutes 32 seconds East 82.46 feet; thence South 34 degrees 03 minutes 28 seconds East 60.00 feet; thence South 55 degrees 56 minutes 32 seconds West 82.46 feet; thence Southwesterly 76.91 feet along an arc to the right and having a radius of 130.00 feet and subtended by a long chord having a bearing of South 72 degrees 53 minutes 25 seconds West and a length of 75.79 feet; thence South 89 degrees 50 minutes 18 seconds West 10.90 feet to the west line of said quarter section; thence North 0 degrees 11 minutes 12 seconds East 60.00 feet along said west line to the point of beginning and containing 0.210 acres, more or less.

This description was prepared for the Indiana Department of Transportation by

Timothy J. Coomes, Indiana Registered Land Surveyor, License Number 20600004, on the

15th day of APRIL, 2010.

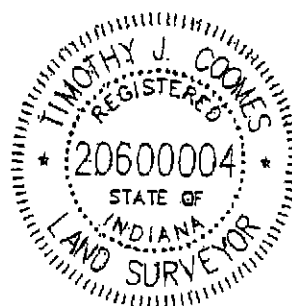



EXHIBIT "B"

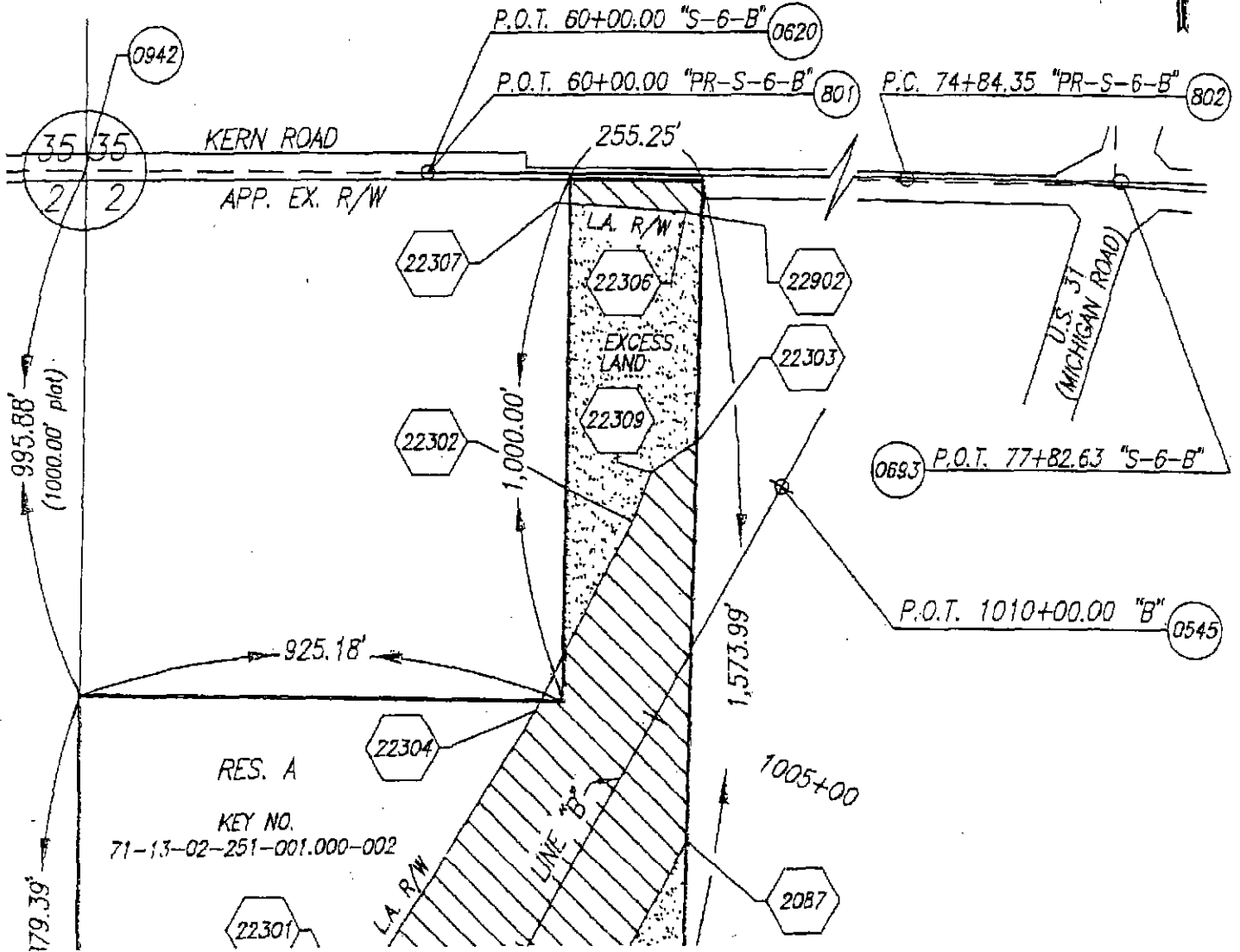
RIGHT-OF-WAY PARCEL PLAT

Prepared for The Indiana Department of Transportation
by United Consulting (Job No. 07-431-88)

SHEET 1 OF 2



SCALE: 1" = 300'



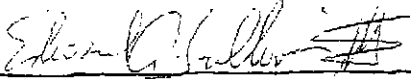
PARCEL COORDINATE CHART

Point	Line	Station	Offset	NORTH	EAST
0541*	N/A	----	----	----	----
0545*	N/A	----	----	----	----
0620*	N/A	----	----	----	----
0693*	N/A	----	----	----	----
0942*	N/A	----	----	----	----
801	"PR-S-6-B"	60+00.00	----	97721.8546	61675.7728
802	"PR-S-6-B"	P.C.(74+84.35)	----	97700.4318	63159.9712
2087	"B"	+ 1003 +28.52)	169.38' RT.	96453.0782	62180.4768
21716	"B"	989+00.00	185.00' LT.	95380.8540	61172.2163
22014	"B"	981+00.00	195.00' RT.	94497.2402	61111.9837
22210	"B"	995+00.00	235.00' LT.	95928.5355	61422.3062
22211	"B"	996+00.00	265.00' LT.	96030.4213	61445.0942
22301	"B"	997+25.00	245.00' LT.	96129.6331	61523.7200
22302	"B"	1008+00.00	220.00' LT.	97054.8092	62071.7156
22303	"B"	1010+00.00	185.00' LT.	97212.0797	62200.1329
22304	"B"	1004+00.00	205.00' LT.	96698.6620	61889.0022
22306	"PR-S-6-B"	65+00.00	70.00' RT.	97644.6456	62174.7104
22307	"PR-S-6-B"	62+50.00	55.00' RT.	97663.2522	61924.9530
22309	"B"	1009+00.00	235.00' LT.	97149.3527	62107.5839
22902	"PR-S-6-B"	66+53.00	95.00' RT.	97617.4401	62327.3337

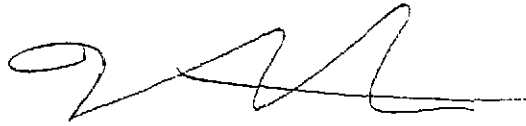
NOTE: STATIONS & OFFSETS CONTROL OVER BOTH NORTH & EAST
COORDINATES AND BEARINGS & DISTANCES.

* SEE LOCATION CONTROL ROUTE SURVEY PLAT.

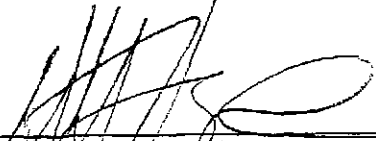
AGREED TO AND APPROVED BY:



Edward A. Sullivan III, Attorney for
Defendant, Teachers Credit Union
Attorney Reg. No. 17577-71

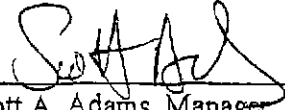


Howard L. Stevenson, Attorney for
Plaintiff, State of Indiana
Attorney Reg. No. 17570-49



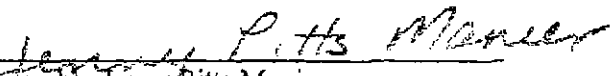
Mitchell R. Heppenheimer, Attorney for
Defendant, St. Joseph County, Indiana
Attorney Reg. No. 7679-71

State of Indiana, Plaintiff



By: Scott A. Adams, Manager
Office of Real Estate
Indiana Department of Transportation

ALL HEREBY ORDERED THIS 1 DAY OF Oct., 2012


Honorable Jenny Pitts Manier
JUDGE, ST. JOSEPH SUPERIOR COURT

Copies to:

Howard L. Stevenson
COLEMAN STEVENSON & MONTEL, LLP
9101 Wesleyan Road, Suite 100
Indianapolis, Indiana 46268

Edward A. Sullivan III, Esq.
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South Bend, Indiana 46601

Mitchell R. Heppenheimer
704 W. Washington Street
South Bend, IN 46601

Auditor of St. Joseph County, Indiana
City-County Building, 2nd Floor
227 W. Jefferson Street
South Bend, IN 46601

Recorder of St. Joseph County, Indiana
City-County Building, 3rd Floor
227 W. Jefferson Street
South Bend, IN 46601

RECEIVED

JAN 12 2015

**ATTORNEY GENERAL'S OFFICE
REGISTRATION PRACTICE GROUP**