

PERPETUAL HIGHWAY EASEMENT

Form PHE-1
Revised 07/2014

Project: 0300446
Code: 5786
Parcel: 1
Page: 1 of ____

THIS INDENTURE WITNESSETH, That THE STATE OF INDIANA FOR THE USE OF THE STATE ARMORY BOARD, the Grantor, of Greene County, State of Indiana, Conveys and Warrants to the STATE OF INDIANA, **BY AND THROUGH THE INDIANA DEPARTMENT OF TRANSPORTATION**, the Grantee, for and in consideration of the sum of One and No/100 Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, a perpetual easement and right of way in, under and upon certain Real Estate situated in the County of Greene, State of Indiana, and being more particularly described in the legal description attached hereto as Exhibit "A" and depicted upon the Right of Way Parcel Plat attached hereto as Exhibit "B", both of which exhibits are incorporated herein by reference, for the purpose of the construction, reconstruction, maintenance, operation and repair thereupon of a highway facility and appurtenances thereto, which said appurtenances may include but are not limited to ditches and drainage facilities, slopes, rip rap, culverts, and like features necessary for the said highway facility. The proposed edge of paved shoulder under Project 0300446 (the "Project") shall remain inside the surveyed existing edge of pavement for the entire length of the property owned by Grantor, as shown on the attached Exhibit "C", which exhibit is incorporated herein by reference. This instrument is not intended to, and does not, entitle Grantee to widen the existing roadway beyond the surveyed existing pavement for the entire length of the property owned by Grantor as part of the Project.

This conveyance is subject to any and all easements, conditions and restrictions of record.

Interests in land acquired by the Indiana
Department of Transportation
Grantee mailing address:
100 North Senate Avenue, N642
Indianapolis, IN 46204-2219
I.C. 8-23-7-31

The undersigned represents and warrants that he has full authority to sign and execute this instrument on behalf of the State Armory Board and that said authority has not been revoked, and that he is therefore, fully authorized and empowered to convey to the State of Indiana by and through the Indiana Department of Transportation, real estate held by the State Armory Board, and that on the date of execution of this instrument he had full authority to so act.

Grantee, its employees, agents, contractors, subcontractors and assigns shall have the right to enter in, under, over, along and upon the area of the said right of way conveyed herein at will to construct, reconstruct, maintain, and continue to operate the highway facility and appurtenances thereon and to remove from the said area any encroaching trees or other vegetation, buildings or other obstructions to the free and unobstructed use of the said right of way, and to make such alterations and improvements to the highway facility and appurtenances as the Grantee may deem necessary or useful. The Grantee may also, without further permission of the Grantor or the Grantor's successors in title, bargain, convey or otherwise permit the use and/or occupancy of the area of the said right of way to place, replace, repair or maintain utility facilities.

Grantor and its successors in title covenant and agree not to erect, maintain or allow to continue within the area of the said right of way any building, structure, fence, plantings or other obstruction to the Grantee's free and unobstructed use of the said right of way, highway facilities or appurtenances thereto without the prior express written permission of the Grantee. Such permission shall not be effective unless and until recorded.

Grantor warrants that it is the owner in fee simple of the Real Estate, lawfully seized thereof and has a good right to grant and convey the foregoing easement, warrant the quiet use and enjoyment thereof; warrant that said Real Estate is free from all encumbrances inconsistent with the Grant contained herein, and warrant that it will defend Grantee's title in said easement and right of way against all claims. This easement and right of way granted herein, and its associated benefits and obligations, shall run with the said Real Estate. This indenture shall bind and inure to the benefit of the successors and assigns of the Grantee.

IN WITNESS WHEREOF, the said Grantor has executed this instrument this day of November, 2014.

INDIANA STATE ARMORY BOARD

X 

Major General (Ret.) Richard L. Chastain, President

STATE OF INDIANA)
)
COUNTY OF MARION) SS:

Before me, a Notary Public in and for said County and State, personally appeared Major General (Ret.) Richard L. Chastain, as President of the State Armory Board, who acknowledged the execution of the foregoing instrument, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 25th day of NOVEMBER 2014.

My Commission Expires:
10/10/2015

Signature:
Kami L. Woods

My County Residence:
MARION

Printed:
KAMI L. WOODS

This instrument prepared by:
Michelle L. Kossmann, Attorney at Law,
Deputy Attorney General
Attorney No. 22898-49A
Office of Attorney General
302 W. Washington St. 5th Floor
Indianapolis, IN 46204-2770

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Michelle L. Kossmann

EXHIBIT "A"

Project: 0300446
Code: 5786
Parcel: 1 Fee
Key No. 28-06-13-000-031.000-017
Form: WD-1

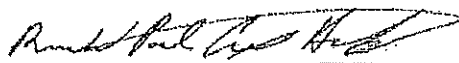
Sheet 1 of 1

Part of the Southwest quarter (SW 1/4) of the Southeast quarter (SE 1/4) of Section Thirteen (13), Township Seven (7) North, Range Seven (7) West and more particularly described as follows, Commencing at point Five Hundred Twenty-Six (526) feet East of the Northwest corner of the Southwest quarter (SW 1/4) of the Southeast quarter (SE 1/4), Section Thirteen (13), Township Seven (7) North, Range Seven (7) West, running thence East Five Hundred Fifty (550) feet; thence South One Thousand Two Hundred Eighteen (1218) feet, to the center line of State Highway No. 54, (*the preceding portion of this description was copied from Book No. 140, Page No. 108-9*), said point being the southeast corner of the lands described in said Book, and the Point of Beginning; thence along said center line as defined by the points designated "504" and "503" on the Location Control Route Survey recorded as Instrument # 201100002791 (*Basis of Bearings*) in the Office of the Recorder of Greene County and also being the south line of said lands, North 84 Degrees 09 Minutes 04 Seconds West, a distance of 379.65 feet more or less to a point on the line formed between the points designated "746" and "741" on the attached Parcel Plat marked *EXHIBIT "B"*; thence North 05 Degrees 50 Minutes 56 Seconds East, a distance of 40.00 feet to the point designated "741" on said Plat; thence South 84 Degrees 09 Minutes 04 Seconds East, a distance of 340.00 feet to the point designated "704" on said Plat; thence North 05 Degrees 50 Minutes 56 Seconds East, a distance of 15.00 feet to the point designated "705" on said Plat; thence South 84 Degrees 33 Minutes 25 Seconds East, a distance of 33.84 feet more or less along the line formed between the points designated "705" and "753" on said Plat to the east line of the lands described in said Book No. 140, Page No. 108-9; thence along the east line of said lands, South 00 Degrees 09 Minutes 26 Seconds East, a distance of 55.54 feet to the POINT OF BEGINNING; said described tract containing 0.359 Acres (15,626 Square Feet), more or less, inclusive of the presently existing right of way which contains 0.104 Acres (4,548 Square Feet), more or less.

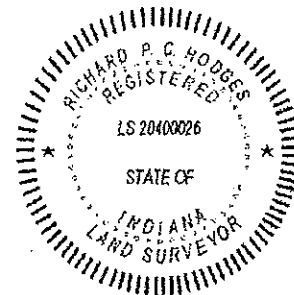
[This description is subject to any and all easements, rights of way, covenants, or restrictions; recorded or observable.]

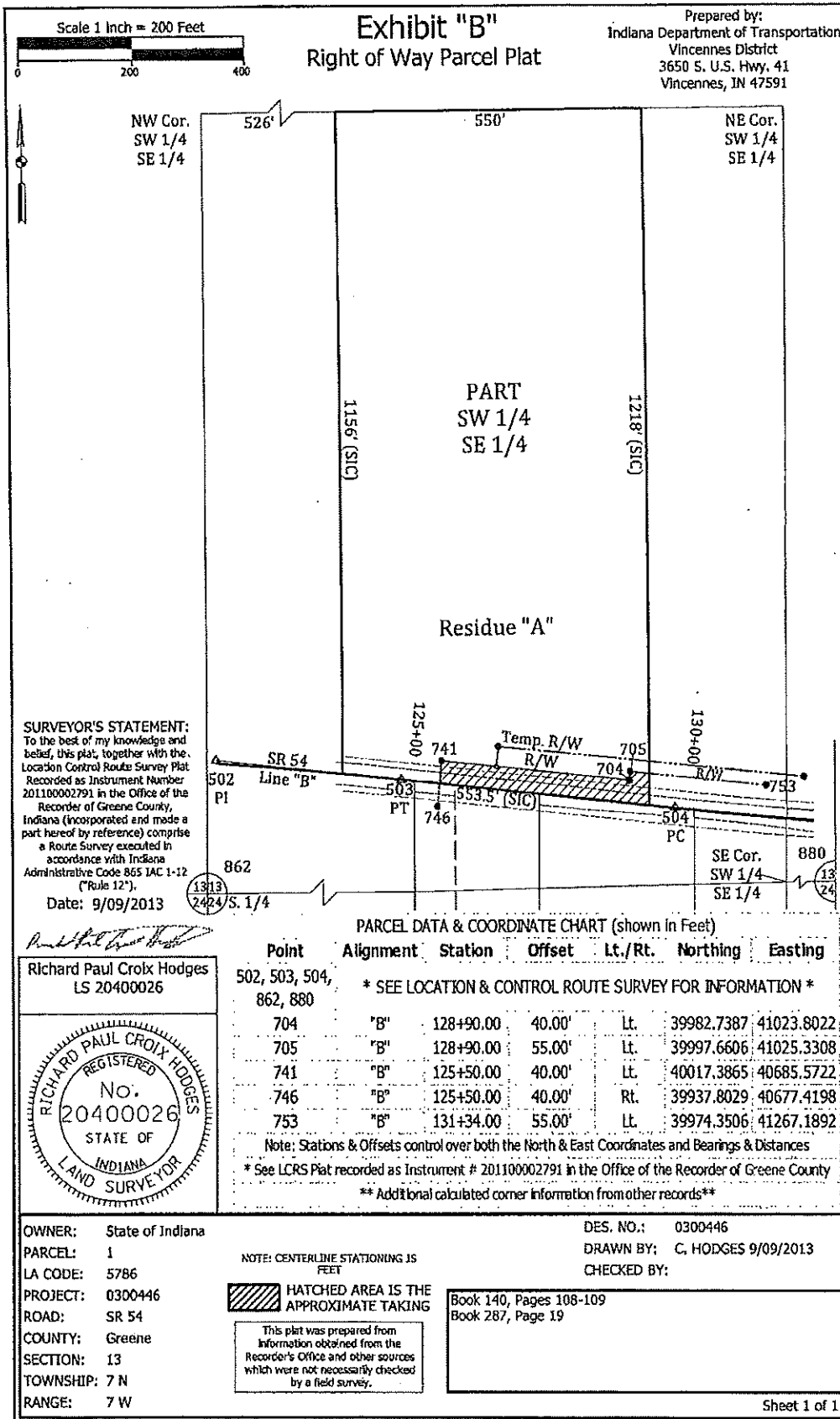
This description was prepared from information obtained from the Recorder's Office and other sources which were not necessarily checked by a field survey.

This description was prepared for the Indiana Department of Transportation by Richard Paul Croix Hodges, Indiana RLS # 20400026 this 5th day of September, 2013.



Richard Paul Croix Hodges, 9/05/2013





TEMPORARY HIGHWAY EASEMENT GRANT
(GENERAL)

Form T-3
Revised 07/2014

Project:	<u>0300446</u>
Code:	<u>5786</u>
Parcel:	<u>1A</u>
Page:	<u>1 of 4</u>

THIS INDENTURE WITNESSETH, That The State of Indiana For The Use Of The State Armory Board, the Grantor(s) of Greene County, State of Indiana Grant(s) to the **STATE OF INDIANA**, the Grantee, for and in consideration of the sum of One Dollar Dollars (\$1.00) (of which said sum \$0.00 represents land improvements acquired and \$1.00 represents land temporarily encumbered and damages) and other valuable consideration, the receipt of which is hereby acknowledged, a temporary easement to enter upon and have possession of the Real Estate of the Grantor(s) for the purpose of Maintenance of Traffic, which said work is incidental to the construction of the highway facility known as SR 54 and as Project 0300446, which said Real Estate situated in the County of Greene, State of Indiana, and which is more particularly described in the legal description(s) attached hereto as Exhibit "A" which is incorporated herein by reference, which said temporary easement shall be extinguished, become void and revert to the Grantor(s) and/or the Grantor(s) successor(s) in title upon completion of the said Project. Said extinguishment shall be evidenced by a release document, which shall be executed and recorded by the Grantee, at no cost to the Grantor(s).

Interests in land acquired by the Indiana
Department of Transportation
Grantee mailing address:
100 North Senate Avenue N642
Indianapolis, IN 46204-2219
I.C. 8-23-7-31

Form T-3
Revised 07/2014

Project:	<u>0300446</u>
Code:	<u>5786</u>
Parcel:	<u>1A</u>
Page:	<u>2 of 4</u>

Any and all timber, shrubbery, fences, buildings and any other improvements situated within the area of the temporary easement granted herein shall become the property of the State of Indiana except:

N/A

The said Grantor(s) acknowledge(s) that all provisions of this grant of temporary easement are as stated and set forth herein and that no verbal agreements or promises exist with respect thereto.

This temporary conveyance is subject to any and all easements, conditions and restrictions of record. However, the said Grantor(s), for the purpose of inducing the State of Indiana to accept this grant and to pay the hereinbefore referenced consideration, represent(s) that the Grantor(s) are the owner(s) in fee simple of the Real Estate and that there exist no encumbrances, conditions, restrictions, leases, liens (except current real estate taxes and assessments) of any kind or character which would be inconsistent with the temporary rights granted herein.

Form T-3
Revised 07/2014

Project: 0300446
Code: 5786
Parcel: 1A
Page: 3 of 4

IN WITNESS WHEREOF, the said Grantor(s) have executed this instrument
this 25th day of November, 2014.

STATE OF INDIANA FOR THE USE OF THE STATE ARMORY BOARD, BY ITS: MAJOR GENERAL

X Richard L. Chastain (Seal) _____ (Seal)
Signature Signature
Major General (Ret.), Richard L. Chastain, President
Printed Name Printed Name

Signature (Seal) Signature (Seal)
Printed Name Printed Name

STATE OF: Indiana :
COUNTY OF MARION : SS:

Before me, a Notary Public in and for said State and County, personally appeared
Major General (ret.) Richard L. Chastain for The Indiana State Armory Board, the
Grantor(s) in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be their voluntary act
and deed and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this 25th day of NOVEMBER, 2014.

Signature Kami L. Woods
Printed Name KAMI L. WOODS

My Commission expires 10/10/2015

I am a resident of MARION County.

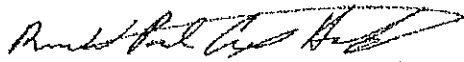
EXHIBIT "A"

Project: 0300446
Code: 5786
Parcel: 1A Temporary Right of Way (for Maintenance of Traffic)
Key No. 28-06-13-000-031.000-017
Form: T-3

Sheet 1 of 1

Part of the Southwest quarter (SW 1/4) of the Southeast quarter (SE 1/4) of Section Thirteen (13), Township Seven (7) North, Range Seven (7) West and more particularly described as follows, Commencing at point Five Hundred Twenty-Six (526) feet East of the Northwest corner of the Southwest quarter (SW 1/4) of the Southeast quarter (SE 1/4), Section Thirteen (13), Township Seven (7) North, Range Seven (7) West, running thence East Five Hundred Fifty (550) feet, thence South One Thousand Two Hundred Eighteen (1218) feet to the center line of State Highway No. 54, (*the preceding portion of this description was copied from Book No. 140, Page No. 108-9*), said point being the southeast corner of the lands described in said *Book*; thence along the east line of said lands (*the following Basis of Bearings are based upon the Location Control Route Survey recorded as Instrument # 201100002791 in the Office of the Recorder of Greene County*), North 00 Degrees 09 Minutes 26 Seconds West, a distance of 55.54 feet to the POINT OF BEGINNING; thence North 84 Degrees 33 Minutes 25 Seconds West, a distance of 33.84 feet; thence South 05 Degrees 50 Minutes 56 Seconds West, a distance of 15.00 feet; thence North 84 Degrees 09 Minutes 04 Seconds West, a distance of 240.00 feet; thence North 05 Degrees 50 Minutes 56 Seconds East, a distance of 35.00 feet; thence South 84 Degrees 27 Minutes 21 Seconds East, a distance of 271.61 feet more or less to the east side of said lands; thence along said east line South 00 Degrees 09 Minutes 26 Seconds East, a distance of 21.32 feet to the POINT OF BEGINNING; said described tract containing 0.212 Acres, more or less.

This description was prepared for the Indiana Department
of Transportation by Richard Paul Croix Hodges,
Indiana RLS # 20400026 this 5th day of September, 2013.



Richard Paul Croix Hodges, 9/05/2013

