INDOT

Acquisition
Document

9DSE9

Scan Key	**377726**
LA Code	3777
Parcel No.	26
Owner	JOHNSON, JACK L.

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

APR 02 2004

VIGO COUNTY AUDITOR

RAYMOND WATTS
VIGO County Recorder IN
IN 2004005504 WD
04/02/2004 09:04:45 4 PGS
Filing Fee: $0.00

Form WL-2
8/98

WARRANTY DEED
WITH PARTIAL LIMITATION OF ACCESS

Project: STP-291-1(002)
Code: 3777
Parcel: 26
Page: 1of 2

THIS INDENTURE WITNESSETH, That JACK L. JOHNSON

the Grantor(s), of VIGO County, State of INDIANA Convey(s) and Warrant(s) to the **STATE OF INDIANA**, the Grantee, for and in consideration of the sum of SIXTY TWO THOUSAND AND NO/100 Dollars ($ 62,000.00) (of which said sum $ 62,000.00 represents land and improvements acquired and $ — represents damages) and other valuable consideration, the receipt of which is hereby acknowledged, certain Real Estate situated in the County of Vigo, State of Indiana, and which is more particularly described in the legal description attached hereto as Exhibit "A" of which exhibit is incorporated herein by reference.

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from and across the highway facility known as U.S.R. 641 and as Project STP-291-1(002) to and from the Grantor(s) remaining lands along the line or lines specifically described in the said exhibits. This restriction is a covenant running with the land and shall be binding on the Grantor(s) and on all successors in title to the said abutting lands.

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

The Grantor(s) hereby specifically acknowledge(s) and agree(s) that the Real Estate conveyed herein is conveyed in fee simple and that no reversionary rights whatsoever shall remain with the Grantor(s), or any successors in title to the abutting lands of the Grantor(s), notwithstanding any subsequent abandonment, vacation, disuse, nonuse, change of use, conveyance, lease and/or transfer by the Grantee or its successors in title, of a portion or all of the said Real Estate or any right of way, roadway or roadway appurtenances established thereupon. This acknowledgement and agreement is a covenant running with the land and shall be binding upon the Grantor(s) and all successors and assigns.

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

This Instrument Prepared By ANNE M. O'CONNOR ATTORNEY AT LAW
Attorney at Law

THE GRANTOR ASSUMES AND AGREES TO PAY THE 2003 PAYABLE 2004 REAL ESTATE TAXES ON THE ABOVE DESCRIBED REAL ESTATE.

TRANSACTION EXEMPT FROM SALES DISCLOSURE REQUIREMENTS UNDER IC6-1-1-5-5

DB

2

Project: STP-291-1(002)
Code: 3777
Parcel: 26
Page: 2 of 2

IN WITNESS WHEREOF, the said Grantor(s) has executed this instrument this 8 day of JANUARY, 2004.

_____(Seal)	Jack L Johnson (Seal)
Signature	Signature
_____	JACK L. JOHNSON
Printed Name	Printed Name
_____(Seal)	_____(Seal)
Signature	Signature
_____	_____
Printed Name	Printed Name

STATE OF INDIANA :

SS:

COUNTY OF VIGO :

Before me, a Notary Public in and for said State and County, personally appeared JACK L. JOHNSON, the Grantor(s) in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be HIS voluntary act and deed and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this 8 day of JANUARY, 2004.

David B Patterson

Printed Name

DAVID B. PATTERSON
Parke County
My Commission Expires
June 20, 2007

My Commission expires _____.

I am a resident of _____ County.

EXHIBIT "A"

Project STP-291-1(002) Sheet 1 of 1
Code 3777
Parcel 26 Fee with Full Limitation of Access (Excess Land included)

Commencing at the Northwest corner Section 13, Township 11 North, Range 9 West, Honey Creek Township, Vigo County, Indiana, thence South along and with the West line said Section 13, 2672.0 feet to the centerline of the McDaniel Road, South 62 degrees 20 minutes East along and with centerline said road 356.50 feet to the centerline of Little Honey Creek, the place of beginning, thence South 62 degrees 20 minutes East along and with centerline said road 350.50 feet; South 27 degrees 40 minutes West 735.0 feet to the centerline Honey Creek, North 39 degrees 26 minutes 36 seconds West along centerline Honey Creek 189.57 feet to the centerline Little Honey Creek; thence along centerline said creek the next two courses and distances; North 08 degrees 10 minutes 10 seconds East 270.72 feet, North 15 degrees 46 minutes 30 seconds East 414.97 feet to the place of beginning.

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the above-described real estate, excepting on any parts of said real estate which is not utilized in the limited access portion of the above-designated project.

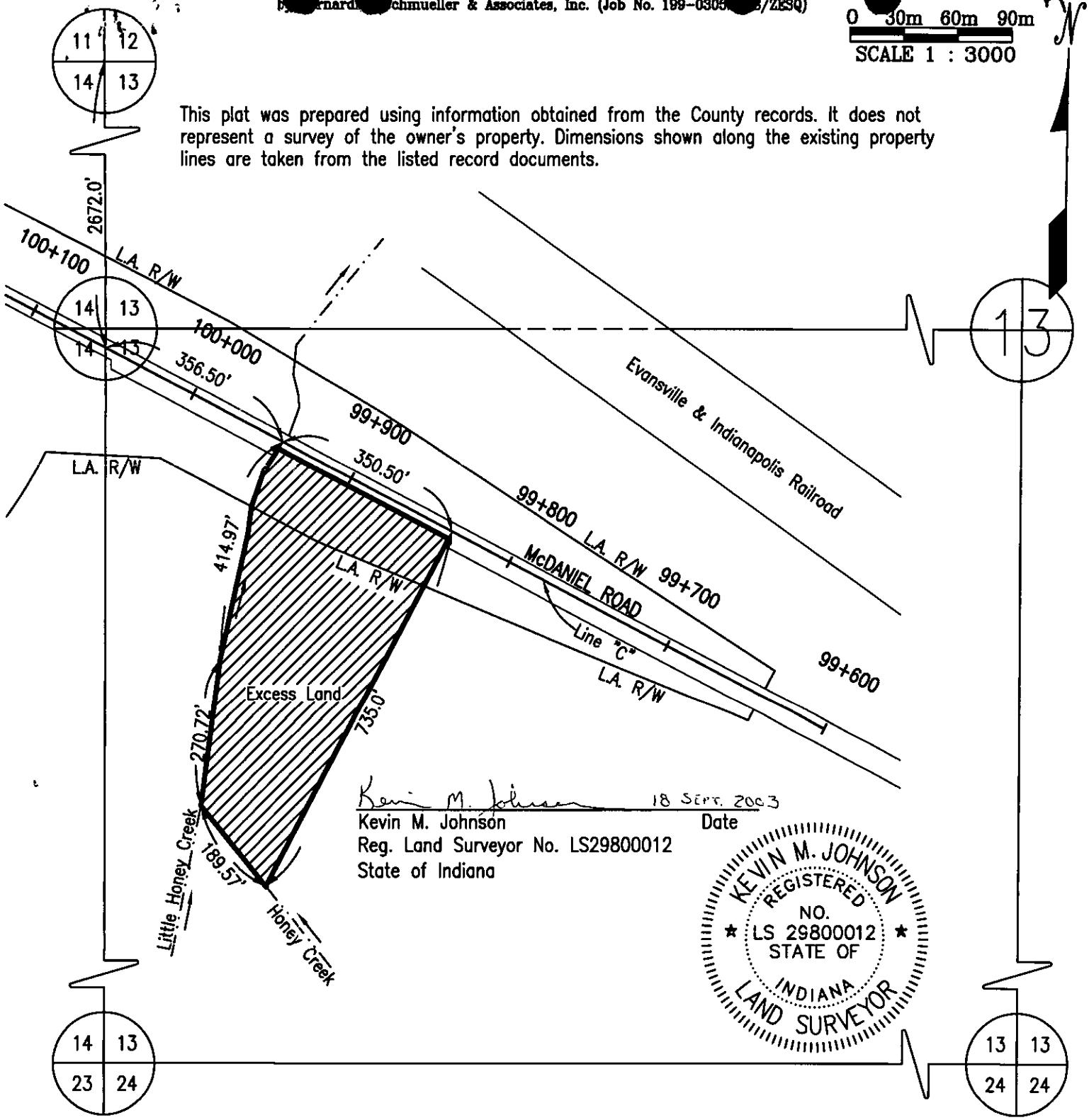
RIGHT-OF-WAY PARCEL PLAT

[redacted]ared for Indiana Department of Transportation
b[redacted]rnard[redacted]chmueller & Associates, Inc. (Job No. 199-0305[redacted]/ZESQ)

SHEET 1 OF 1

0 30m 60m 90m
SCALE 1 : 3000

This plat was prepared using information obtained from the County records. It does not represent a survey of the owner's property. Dimensions shown along the existing property lines are taken from the listed record documents.



Kevin M. Johnson 18 SEPT. 2003
Kevin M. Johnson — Date
Reg. Land Surveyor No. LS29800012
State of Indiana

KEVIN M. JOHNSON
REGISTERED
NO.
LS 29800012
STATE OF
INDIANA
LAND SURVEYOR

Rev. 9/18/2003 Changed parcel to a total take with excess land K.M. Johnson

PARCEL:	26	OWNER: Johnson, Jack L.	DRAWN BY: K.M. Johnson 6/20/2002
CODE:	3777		CHECKED BY: R.F. Lewis 7/1/2002
PROJECT:	STP-291-1(002)		DES. NO.: 9138220
ROAD:	U.S.R. 641	HATCHED AREA IS THE APPROXIMATE TAKING	DEED RECORD 425 ,PAGE 555 ,DATED 12/10/90
COUNTY:	Vigo		
SECTION:	13		
TOWNSHIP:	11 N.	NOTE: PROPERTY LINE DIMENSIONS ARE SHOWN IN ENGLISH	
RANGE:	9 W.		

Indiana Dept transportation EVP

RAYMOND WATTS
VIGO County Recorder IN
IN 2004012373 RE
05/25/2004 09:59:55 2 PGS
Filing Fee: $0.00

RAYMOND WATTS
VIGO County Recorder IN
IN 2004009430 RE
04/27/2004 09:36:05 2 PGS
Filing Fee: $12.00

RELEASE OF MORTGAGE

FIRST NATIONAL BANK & TRUST
Kokomo, Indiana

This certifies that the debt secured by a certain Mortgage executed by:

JACK L JOHNSON

To FIRST BANK & TRUST n/k/a First National Bank & Trust, Kokomo, Indiana under date of 12/5/1990, securing the payment of the principal sum of $50,000.00, as shown of record in ~~Mortgage Record Number 13776, page BK-96 PG 013,~~ of the records of VIGO County, Indiana, has been fully paid and satisfied, and such Mortgage is hereby released.
BK 20, PG. 701
Witness the hand and corporate seal of said Mortgagee, at Kokomo, Indiana this date of March 30, 2004.

First National Bank & Trust

By Linda Grawcock
Linda Grawcock, Vice President

STATE OF INDIANA, COUNTY OF HOWARD, SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Linda Grawcock, Vice President of First National Bank & Trust and acknowledged the execution of the foregoing Release of Mortgage as his voluntary act and deed, as such officer, and for and in behalf of said Bank.

Witness my hand and Notarial Seal, this date of

Sandra M McQuinn
SANDRA M MCQUINN, Notary Public, a Resident of HOWARD County.

My commission expires 8/7/2009.

This instrument was prepared by NORMA CRIPPEN.

3777 #26

2

EXHIBIT "A"

Project STP-291-1(002) Sheet 1 of 1
Code 3777
Parcel 26 Fee with Full Limitation of Access (Excess Land included)

Commencing at the Northwest corner Section 13, Township 11 North, Range 9 West, Honey Creek Township, Vigo County, Indiana, thence South along and with the West line said Section 13, 2672.0 feet to the centerline of the McDaniel Road, South 62 degrees 20 minutes East along and with centerline said road 356.50 feet to the centerline of Little Honey Creek, the place of beginning, thence South 62 degrees 20 minutes East along and with centerline said road 350.50 feet; South 27 degrees 40 minutes West 735.0 feet to the centerline Honey Creek, North 39 degrees 26 minutes 36 seconds West along centerline Honey Creek 189.57 feet to the centerline Little Honey Creek; thence along centerline said creek the next two courses and distances; North 08 degrees 10 minutes 10 seconds East 270.72 feet, North 15 degrees 46 minutes 30 seconds East 414.97 feet to the place of beginning.

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the above-described real estate, excepting on any parts of said real estate which is not utilized in the limited access portion of the above-designated project.

Ind Dept of Transportation

Indpls

(Env)

RELEASE OF MORTGAGE

FIRST NATIONAL BANK & TRUST
Kokomo, Indiana

This certifies that the debt secured by a certain Mortgage executed by:

JACK L JOHNSON

To FIRST BANK & TRUST n/k/a First National Bank & Trust, Kokomo, Indiana under date of 12/5/1990, securing the payment of the principal sum of $50,000.00, as shown of record in Mortgage Record Number 13776, page BK 96 PG 013, of the records of VIGO County, Indiana, has been fully paid and satisfied, and such Mortgage is hereby released.

Witness the hand and corporate seal of said Mortgagee, at Kokomo, Indiana this date of March 30, 2004.

First National Bank & Trust

By Linda Grawcock

Linda Grawcock, Vice President

STATE OF INDIANA, COUNTY OF HOWARD, SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Linda Grawcock, Vice President of First National Bank & Trust and acknowledged the execution of the foregoing Release of Mortgage as his voluntary act and deed, as such officer, and for and in behalf of said Bank.

Witness my hand and Notarial Seal, this date of

Sandra M McQuinn

SANDRA M MCQUINN, Notary Public, a Resident of HOWARD County.

My commission expires 8/7/2009.

This instrument was prepared by NORMA CRIPPEN.

3777 #26

Indiana Department of Transportation

Land Acquisition Division
100 North Senate Avenue, Room N955
Indianapolis, Indiana 46204-2219
FAX: (317)233-3055 - Writer's Direct Phone: 317-232-5007

March 23, 2004

Jack Johnson
5767 McDaniel Rd
Terre Haute IN

Code No.: **3777**
Parcel No.: **26**
County: Vigo

919

The Indiana Department of Transportation has acquired the property, generally located at:

Address or Location: 5767 McDaniel Rd Terre Haute IN

In order to comply with State and Federal regulations, it is our responsibility to notify you that the item(s) which you agreed to move, must be removed from the right-of-way within thirty (30) days.

Items in the Right-of-Way: Personal Property (from Dwelling & Outbuilding)

In some instances, you may have been compensated for the loss of items that will be addressed by the construction contractor. (Ex. **RELOCATING** electric lines or sewer lines; **REMOVAL** of septic systems or fingers; etc). In these situations, this notification will alert you to take any necessary action to avoid interrupted utility of these items. (Ex. **INSTALL** new septic system, new septic fingers, new electric lines; etc.)

Please consider this letter as your notification to vacate the acquired right-of-way and remove all personal property no later than: **04/29/2004**.

Be aware that any items left in the right-of-way after the specified date, will remain at your risk. Contractors will be authorized to remove these items and you may be charged for the expense, if you were paid to remove them. In order to ensure that the construction phase of this project goes smoothly for you, as well as the contractor, please feel free to contact me if questions arise or if verification is needed.

Respectfully,

Jackie Wright

Jackie Wright
Property Management

KF:kf
cc: Records

STATE OF INDIANA)
)SS:
COUNTY OF VIGO)

IN THE VIGO CIRCUIT COURT

CAUSE NO. 84C01-0409-PL-0116

STATE OF INDIANA,

Plaintiff,

v.

JACK L. JOHNSON,

Defendant.

FILED
VIGO CIRCUIT COURT
SEP 02 2004
Patricia R. Munsel
CLERK

COMPLAINT FOR EJECTMENT

Plaintiff, State of Indiana, by counsel, Steve Carter, Attorney General of Indiana, and Malik Swift, Deputy Attorney General, states the following:

1. Defendant, Jack Johnson is a resident of Vigo County, Indiana, currently residing at 5767 McDaniel Road, Terre Haute, Indiana, 47802-8660.

2. Plaintiff is the owner in fee simple of the following described real estate located in Vigo County, Indiana (hereinafter the "State's Property"):

> Commencing at the Northwest comer Section 13, Township 11 North, Range 9 West, Honey Creek Township, Vigo County, Indiana, thence South along and with the West line said Section 13, 2672.0 feet to the centerline of the McDaniel Road, South 62 degrees 20 minutes East along and with centerline said road 356.50 feet to the centerline of Little Honey Creek, the place of beginning, thence South 62 degrees 20 minutes East along and with centerline said road 350.50 feet; South 27 degrees 40 minutes West 735.0 feet to the centerline Honey Creek, North 39 degrees 26 minutes 36 seconds West along centerline Honey Creek 189.57 feet to the centerline Little Honey Creek; thence along centerline said creek the next two courses and distances; North 08 degrees 10 minutes 10 seconds East 270.72 feet, North 15 degrees 46 minutes 30 seconds East 414.97 feet to the place of beginning.
>
> TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the above-described real estate, excepting on any parts of said real estate which is not utilized

in the limited access portion of the Indiana Department of Transportation Highway Project STP-291-1 (002).

3. Plaintiff obtained title to the State's property by warranty deed executed by the previous owner, Jack L. Johnson on January 8, 2004.

4. Said warranty deed was recorded April 2, 2004, in the Office of the Vigo County Recorder. A copy of said warranty deed is hereto attached as Exhibit A.

5. On March 10, 2004, the State issued Warrant #1859791 in the sum of Sixty Thousand Three Hundred Sixty-Eight Dollars and Eighty-Seven Cents ($60,368.87), made payable to Jack L. Johnson and First National Bank and Trust. Additionally, On March 16, 2004, the State issued Warrant #18606340 in the sum of One Thousand Six Hundred Thirty-One Dollars and Thirteen Cents ($1,631.13) made payable to Jack L. Johnson. Said warrants were accepted as full payment for the real estate located at 5767 McDaniel Road, Terre Haute, Indiana.

6. Jack L. Johnson, was in possession of the property located at 5767 McDaniel Road, Terre Haute, Indiana, when the State purchased the land Jack L. Johnson on January 8, 2004. A copy of the purchase agreement is attached hereto as Exhibit B.

7. On March 23, 2004, the State notified Jack L. Johnson that he would be required to vacate the premises located at 5767 McDaniel Road, Terre Haute, Indiana by April 29, 2004. An affidavit is attached hereto as Exhibit C.

8. As of September 1, 2004, Jack L. Johnson still has not vacated the premises located 5767 McDaniel Road, Terre Haute, Indiana.

9. Jack L. Johnson had over five months to vacate the subject real estate and yet he remains in possession of the real estate.

10. The State will incur irreparable harm if the condemned real estate is not vacated.

11. The refusal of Jack L. Johnson to vacate the condemned real estate could delay the State's highway improvement project, which would be costly to taxpayers.

12. Plaintiff is entitled to immediate possession of the State's property, but Jack L. Johnson wrongfully and unlawfully continues to retain possession thereof.

WHEREFORE, Plaintiff, State of Indiana, request judgment against defendant as follows:

A. Order possession of the condemned premises to Plaintiff.

B. Order Defendant to show cause why the order of possession in favor of Plaintiff should not be issued by this court.

C. In the event Defendant refuses to return possession of the condemned premises to Plaintiff, order the Sheriff of Vigo County, Indiana to remove the Defendant, and any person in possession thereof, from the condemned premises.

Respectfully submitted,

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

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

Office of the Attorney General
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
Telephone: (317) 232-4839
Attorneys for Plaintiff
180056

Code: 3777
Parcel: 26

STATE OF INDIANA
INDIANA DEPARTMENT OF TRANSPORTATION
INDIANAPOLIS, INDIANA

ORDER OF DEPARTMENT OF TRANSPORTATION

FOR: ORDER OF DEPARTMENT OF TRANSPORTATION DETERMINING NECESSITY OF ACQUISITION OF REAL ESTATE AND AUTHORITY FOR THE STATE TO INSTITUTE CONDEMNATION PROCEEDINGS.

WHEREAS, the carrying out of the construction and improvements by the Indiana Department of Transportation of Project No. STP-291-1(002) in Vigo County, Indiana, requires construction, reconstruction, relocation or maintenance and repair of a public highway in said County, which highway forms a part of a State Highway designated in the records and files of the Indiana Department of Transportation as Road No. U.S.R. 641 and

WHEREAS, it has been determined by the Department of Transportation that it is necessary in making said improvement to acquire interests in real estate owned by Jack L. Johnson; Vigo County Auditor and Vigo County Treasurer, and

WHEREAS, said interests in real estate are to be taken for the reason that public interest will be best served and economy effected, and

WHEREAS, the Indiana Department of Transportation has made an offer to said owner(s) for the purchase of said interest, but has been unable to agree with said owner(s) upon the amount to be paid said owner(s) by reason of the taking thereof for the purpose aforesaid, and

WHEREAS, the failure to obtain said interest in Real Estate for said purposes is delaying work of said highway improvement.

BE IT ORDERED, that condemnation proceedings be instituted by the Attorney General in the name of the State of Indiana in a court of appropriate jurisdiction for the land hereinafter described, the same being in Vigo County, Indiana, and to be used as right-of-way for said transportation improvement, and being necessary for such purposes, which land is shown in a right-of-way plat attached hereto as Exhibit A and is further specifically described in Exhibit B attached hereto.

THEREFORE, the Indiana Department of Transportation has considered and adopted this order on the 16th day of January, 2004.

BE IT FURTHER ORDERED, that a copy of this order be referred to the Attorney General of Indiana.

INDIANA DEPARTMENT OF TRANSPORTATION

_____

Kevan L. McClure, Chief
Division of Land Acquisition