

STATE HIGHWAY DEPARTMENT OF INDIANA  
STATE HOUSE ANNEX  
INDIANAPOLIS 9, INDIANA

FUND. FI  
PROJECT No. 69  
SECTION (28)  
STR. No. \_\_\_\_\_

Louise M. Eligah

RIGHT OF WAY GRANT

This indenture witnesseth that the undersigned, as grantors and sole owners of land in Newton County, Indiana, more definitely described below, through, over and upon which will pass a public highway which it is proposed by the State of Indiana to improve, hereby grant, bargain, warrant and convey to the State of Indiana, for Right of Way, lands as described below and located by surveys and shown on plans on file in the office of the State Highway Department of Indiana. The description from said plans of said right of way hereby granted is as follows:

(NAME) U.S. 41 ROAD, FROM Kentland, Ind. TO Schneider, Ind.  
PLANS ON SR. No. 41 SEC. \_\_\_\_\_, FI PROJ. No. 69 SEC. (28) DATED 1953  
SEC. 22, T. 29 N, R. 9 W 11.25 ACRES, MORE OR LESS, ACQUIRED

Descriptions are of parcels of land lying between the plan centerline and the plan right of way line on the above designated project.

Measured distances along plan centerline are indicated by Station Number and plus.

Widths of parcels are indicated in feet, measured at a right angle from plan centerline at designated Station Number and plus; however, when Station Number and plus is followed by the letters P.L.; F.L.; F.D.; L.L. or C/L.S. (indicating property line, Fence Line, Field Division, Lot Line and Centerline of Stream respectively) or other identifying notations, it shall mean that the boundary line follows said identified line from plan centerline to plan right of way line.

FROM STATION to STATION ON CENTERLINE (C/L) B	LEFT SIDE OF CENTERLINE	RIGHT SIDE OF CENTERLINE
1095+80 PL to 1097+00	200 to 87 feet	200 to 87 feet
1097+00 to 1121+00	feet	87 feet
1121+00 to 1122+66 PL	feet	87 to 175 feet
1097+00 to 1120+00	87 feet	feet
1120+00 to 1122+00	87 to 90 feet	feet
1122+00 to 1122+66 PL	90 to 190 feet	feet
to	feet	feet

The above and foregoing grant is made in consideration of payment of the sum of

Twelve Thousand, Five Hundred and no/hundreds Dollars (\$ 12,500.00 ),  
which sum shall be paid to the order of

NAME Louise M. Elijah

ADDRESS R # 2 Morocco, Indiana

It is further understood and agreed that this conveyance transfers only the right to make, construct and maintain such highway on said lands and to use any material lying within the above described limits suitable for use in constructing and maintaining said highway and does not convey any rights to any minerals or other substances underneath the surface, except as it may be used for the construction or maintenance of such improved highways.

Any and all timber, shrubbery, fences, buildings and all other physical improvements on the above granted right of way, not specifically reserved by special provision stated above, shall become the property of the State of Indiana.

When, by special provisions as stated above, any trees and/or shrubs are to be left standing on said right of way, it is mutually agreed and understood by grantor and grantee, that such special provision is only for such period as the excepted trees and/or shrubs shall not constitute an obstruction to future construction or hazard to power lines or traffic as shall be determined from time to time by the State Highway Department of Indiana through its authorized representatives.

It is understood and agreed that all provisions of this grant are stated above and that no verbal agreements or promises are binding.

It is also mutually agreed by grantor and grantee that this is a permanent easement for Highway purposes and shall be binding until specifically vacated by resolution by the State Highway Department of Indiana.

The undersigned Grantors being duly sworn, says that he, she (is) or they (are) the sole owner(s) of the above described property, and said grantors further represent that there are no encumbrances, leases, liens or options of any kind or character on said lands as conveyed, except as shown below, and that they make this representation for the purpose of inducing the State Highway Department of Indiana to pay them the amount herein stipulated.

Mortgagee: NONE

This grant is to be and become effective and binding from and after its approval by the Chairman of the State Highway Department of Indiana.

Louise M. Elijah (Grantor) X  
Barbara E. Hoss (Grantor)  
\_\_\_\_\_  
(Grantor)

**FILED**  
MAY 11 1954  
**JOHN M. CONNELL**  
County Auditor (Grantor)

Dated MARCH 5, 1954

CHECKED WITH PROJECT  
PLANS DATED \_\_\_\_\_  
BY \_\_\_\_\_

AMOUNT APPROVED APR 7 '54  
BY W. J. Teverbaugh

THE ABOVE GRANT IS HEREBY ACCEPTED.  
STATE OF INDIANA  
BY Albert J. Wedeking  
Chairman, STATE HIGHWAY DEPARTMENT OF INDIANA  
DATE 4/25 1954

DESCRIPTION APR 2 1954  
& FORM OK'D  
BY S. C. Skaltsas

PAID BY  
WARRANT No. A530853  
DATED April 22, 1954

APR 2 1954

My Commission expires \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
Witness my hand and official seal.  
Notary Public.

release the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
above named and duly acknowledged the execution of the above  
Personally appeared before me \_\_\_\_\_  
State of \_\_\_\_\_ ss: \_\_\_\_\_  
County of \_\_\_\_\_  
\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
(Seal) \_\_\_\_\_  
(Seal) \_\_\_\_\_

The undersigned owner of a mortgage and/or lien on the land of which the right of way described in the attached grant, is conveyed, hereby releases from said mortgage and/or lien said granted right of way, and do hereby consent to the payment of the consideration therefor as directed in said grant, this  
My Commission expires \_\_\_\_\_  
Witness my hand and official seal.  
Facts therein are true, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
and acknowledged the execution of the above agreement, and being duly sworn, upon their oath stated the

State of Indiana, County of \_\_\_\_\_  
Personally appeared before me \_\_\_\_\_  
and acknowledged the execution of the above agreement, and being duly sworn, upon their oath stated the  
Facts therein are true, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
Witness my hand and official seal.  
My Commission expires \_\_\_\_\_  
RECEIVED FOR RECORD  
At 10:00 o'clock A.M. Recorded  
In Record No. 84 Page 452-453  
MAY 14 1954  
CLARICE HUFTY  
Recorder, Newton County, Indiana  
ss: \_\_\_\_\_  
Notary Public.

State of Indiana, County of \_\_\_\_\_  
Personally appeared before me \_\_\_\_\_  
and acknowledged the execution of the above agreement, and being duly sworn, upon their oath stated the  
Facts therein are true, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
Witness my hand and official seal.  
My Commission expires \_\_\_\_\_  
Notary Public.

State of Indiana, County of \_\_\_\_\_  
Personally appeared before me \_\_\_\_\_  
and acknowledged the execution of the above agreement, and being duly sworn, upon their oath stated the  
Facts therein are true, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
Witness my hand and official seal.  
My Commission expires \_\_\_\_\_  
Frank C. Zimmerman  
DECATUR COUNTY  
ss: \_\_\_\_\_  
Notary Public.

State of Indiana, County of \_\_\_\_\_  
Personally appeared before me \_\_\_\_\_  
and acknowledged the execution of the above agreement, and being duly sworn, upon their oath stated the  
Facts therein are true, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
Witness my hand and official seal.  
My Commission expires Feb. 16, 1958  
Herman M. Highley  
Grant  
Notary Public.  
Louise M. Eljah (WIDOW)  
March 5 day of \_\_\_\_\_, 1954  
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STATE HIGHWAY COMMISSION OF INDIANA  
3rd FLOOR STATE HOUSE ANNEX  
INDIANAPOLIS, INDIANA

April 22, 19 54

To Louise M. Elijah  
R. # 2  
Morocco, Indiana

GENTLEMEN:

We enclose State Warrant No. A530853 April 22, 19 54  
in settlement of the following vouchers:

DESCRIPTION	AMOUNT	
<i>For the purchase of Right of Way on State Road No. 41 in Newton County FI Project 69 Section 28 as per Grant dated March 5, 1954</i>	12,500	00

PLEASE RECEIPT AND RETURN

Yours truly,  
*Louise M. Elijah*  
CONTROLLER

Received Payment: *April 24 19 54*

# TITLE AND ENCUMBRANCE REPORT



RIGHT OF WAY DEPARTMENT

STATE HIGHWAY DEPARTMENT OF INDIANA

S.R. 4541 PROJ. PI 69 SEC. (28) Beaver TWP. Newton CO.

Name on Plans Arch Elijah

Name in Trans. Book \_\_\_\_\_

DESCRIPTION OR ADDITION	SEC.	TWP.	RGE.	ACREAGE	ASSESSED VAL.	
	BLK.	LOT	LOT	TOWN	LAND	IMP.
<u>Pt. of S. E. 1/4</u>	<u>22</u>	<u>28N</u>	<u>9W</u>	<u>21.48</u>	<u>10530</u>	<u>1620</u>

DEED RECORD:

DEED RECORD 68 P. 276 Recorded 11-21-1934 War Deed.

To Arch Elijah estate

From Dairy Tuggle and James Tuggle H. & W.

Subject to \_\_\_\_\_

Probate DEED RECORD 16 P. 416 Recorded 9-2-53 Deed.

To Laurie M. Elijah, is appointed admr. There is a

From Daughter Barbara S. Hess, the only child I can find on

Subject to record.

DEED RECORD \_\_\_\_\_ P. \_\_\_\_\_ Recorded \_\_\_\_\_ Deed.

To \_\_\_\_\_

From \_\_\_\_\_

Subject to \_\_\_\_\_

*Handwritten note:* Conveyance  
made in  
and had  
knowledge  
that loan  
not  
all  
with

MORTGAGE RECORD:

MORTGAGE RECORD \_\_\_\_\_ P. \_\_\_\_\_ Amount \_\_\_\_\_ Date \_\_\_\_\_

Mortgagor \_\_\_\_\_

Mortgagee \_\_\_\_\_

Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ County \_\_\_\_\_

MORTGAGE RECORD \_\_\_\_\_ P. \_\_\_\_\_ Amount \_\_\_\_\_ Date \_\_\_\_\_

Mortgagor \_\_\_\_\_

Mortgagee \_\_\_\_\_

Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ County \_\_\_\_\_

JUDGMENT RECORD:

JUDGMENT DOCKET \_\_\_\_\_ P. \_\_\_\_\_ Amount \_\_\_\_\_ Rendered \_\_\_\_\_

Judg. Defendant \_\_\_\_\_ Cause No. \_\_\_\_\_

Judg. Plaintiff \_\_\_\_\_ O. B. \_\_\_\_\_ P. \_\_\_\_\_

MISCELLANEOUS RECORD:

Record \_\_\_\_\_ P. \_\_\_\_\_ Amount \_\_\_\_\_ Date \_\_\_\_\_

TAXES:

TAXES PAID \_\_\_\_\_ Taxes Delinquent Year \_\_\_\_\_ Amount \_\_\_\_\_

(See reverse of sheet for deed description, mortgage description, explanations, etc.)

Title checked by Morris Angus Jr Date 2-15-1954

The S.E. 1/4 of Section 28, Containing 160 acres more or less.

Part to of the E.W. 1/4 of Sec. 28, except the right

of way of the Indiana Harbor Railroad Company as

described in deed record 576. also except

the following tract; commencing at the S.W. corner

of the S.E. 1/4 of said section, and running the

line to right of way of the Chicago, Indiana and Eastern

Railroad Company, thence north along the right of way of

said railroad 1352.6 feet; thence west 50 feet; thence

north along said right of way a distance of 660.8 feet;

thence west 1344.5 feet; thence south to the place of

beginning, as shown by deed record 61 at page 108

thereby is said tract 572.48 acres more or less.

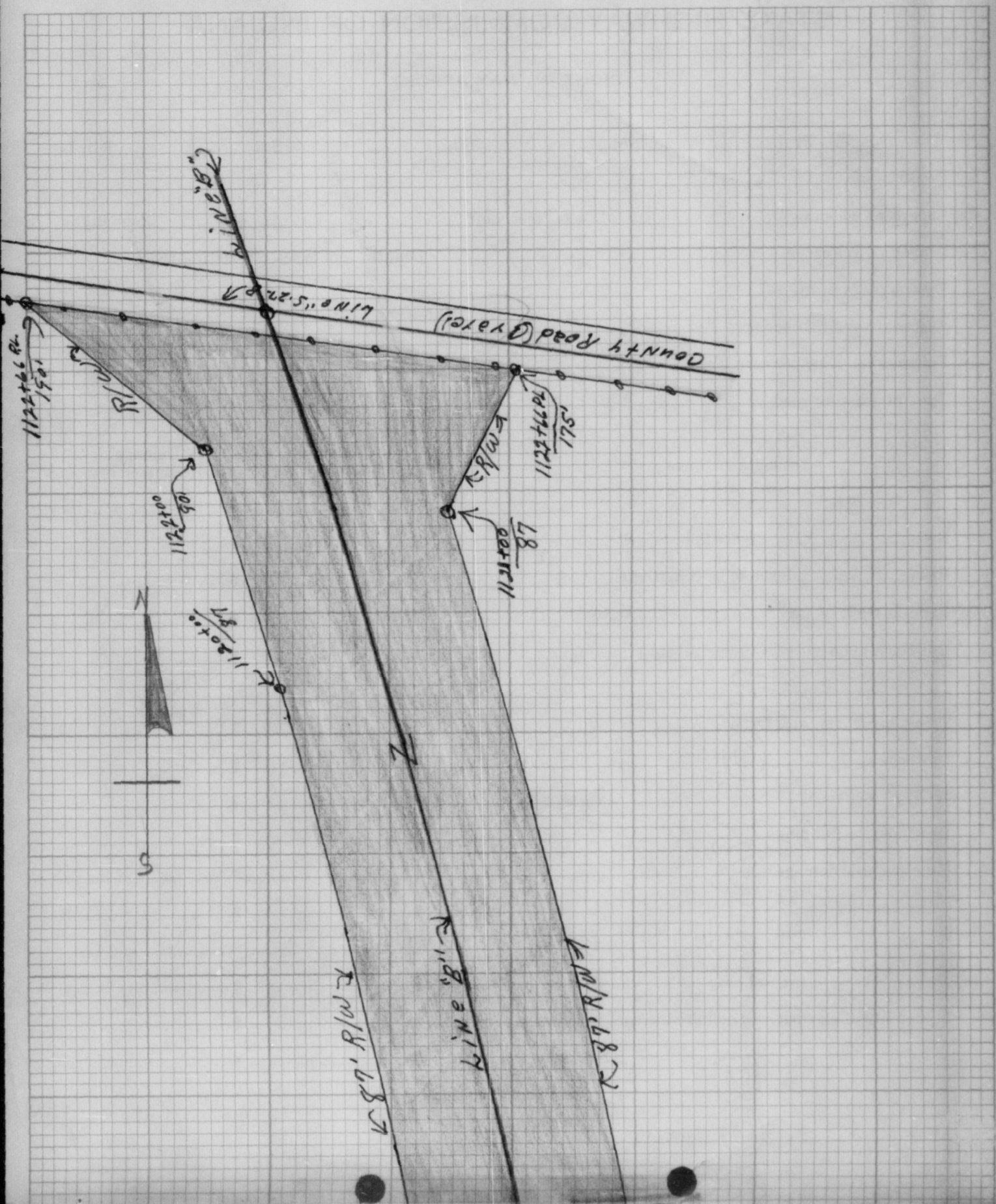
## STATE HIGHWAY COMMISSION OF INDIANA

## RIGHT OF WAY REPORT

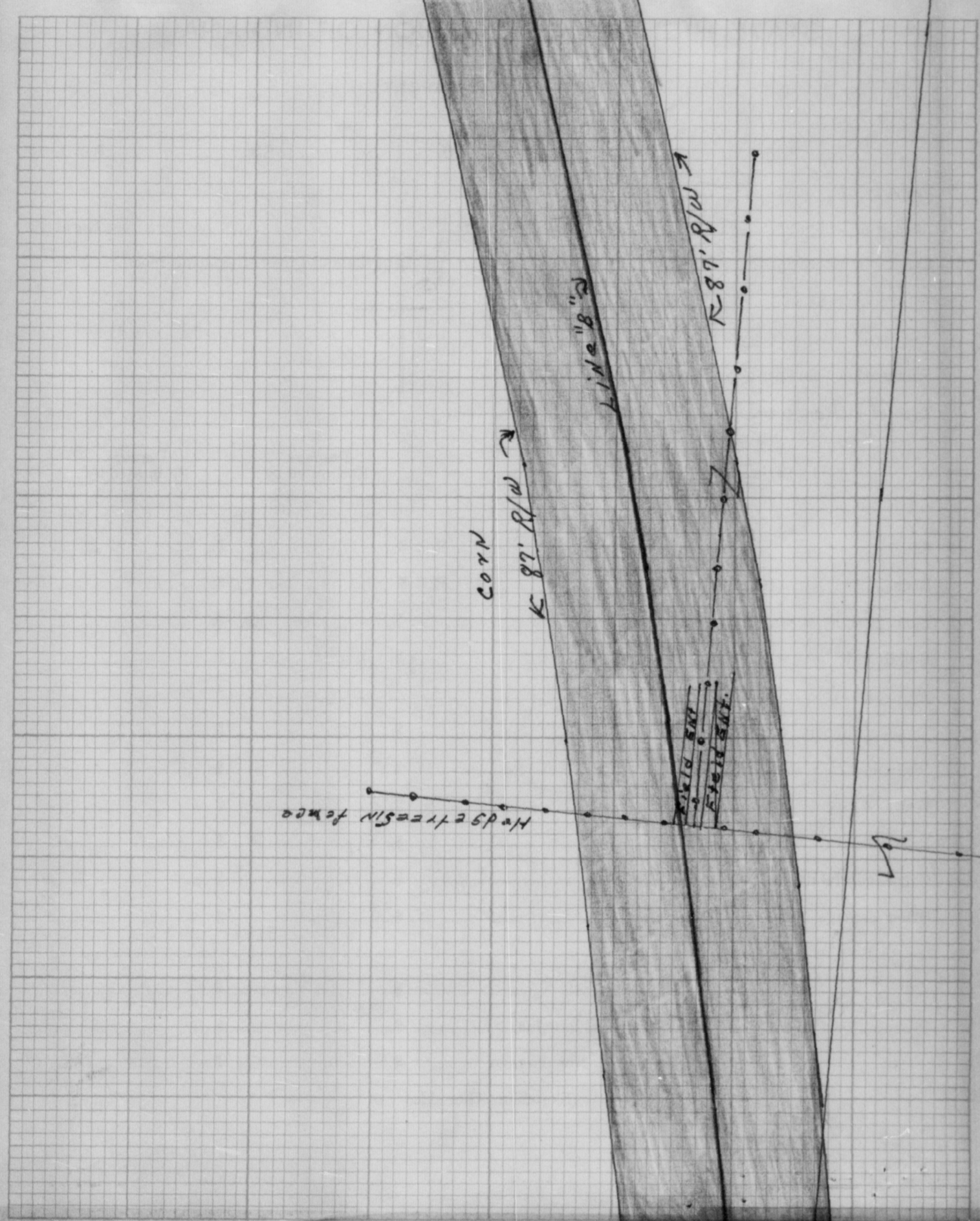
U.S. 41 Proj. F. I. 69 Sec. (28) Sta. 1095+80 to Sta. 1122+66 <sup>&</sup> ~~Right~~ L  
 Property of Louise M. Elijah  
 Length of widening 2686 feet Left 2686 feet Right  
 Length of relocation Lengths and types of existing fence  
 Total acres in farm 212.48 none  
 Assessed valuation per acre  
 Fair market value per acre \$300.00  
 Type of existing road none

Estimate of Damage	Damage Estimated by	Damage Estimated by
	<u>Rust-Highley-Konnersman</u>	
Rods fence to be moved	Rod \$	\$
Rods 350 fence to be constructed at 4.00	Rod \$ 1,400.00	\$
Land in right of way 11.25 acres	\$ 3,300.00	\$
Buildings to be moved (kind, size, etc.) none	\$	\$
14 corner posts at \$15.00 per post	210.00	
Trees, shrubbery, etc. (kind) 7 Trees, 20" Maples	\$ 140.00	\$
Drainage	\$	\$
Well	\$	\$
Proximity to buildings	\$	\$
Consequential damage due to Separation	\$ 7,370.00	\$
Other damage 4 Gates at \$20.00 per gate	\$ 80.00	\$
<b>Total</b>	<b>\$ 12,500.00</b>	<b>\$</b>
Probability of an early and definite increase in value	\$	\$
<b>Net damage</b>	<b>\$ 12,500.00</b>	<b>\$</b>
(Sketch on other side)	<i>N. T.</i>	

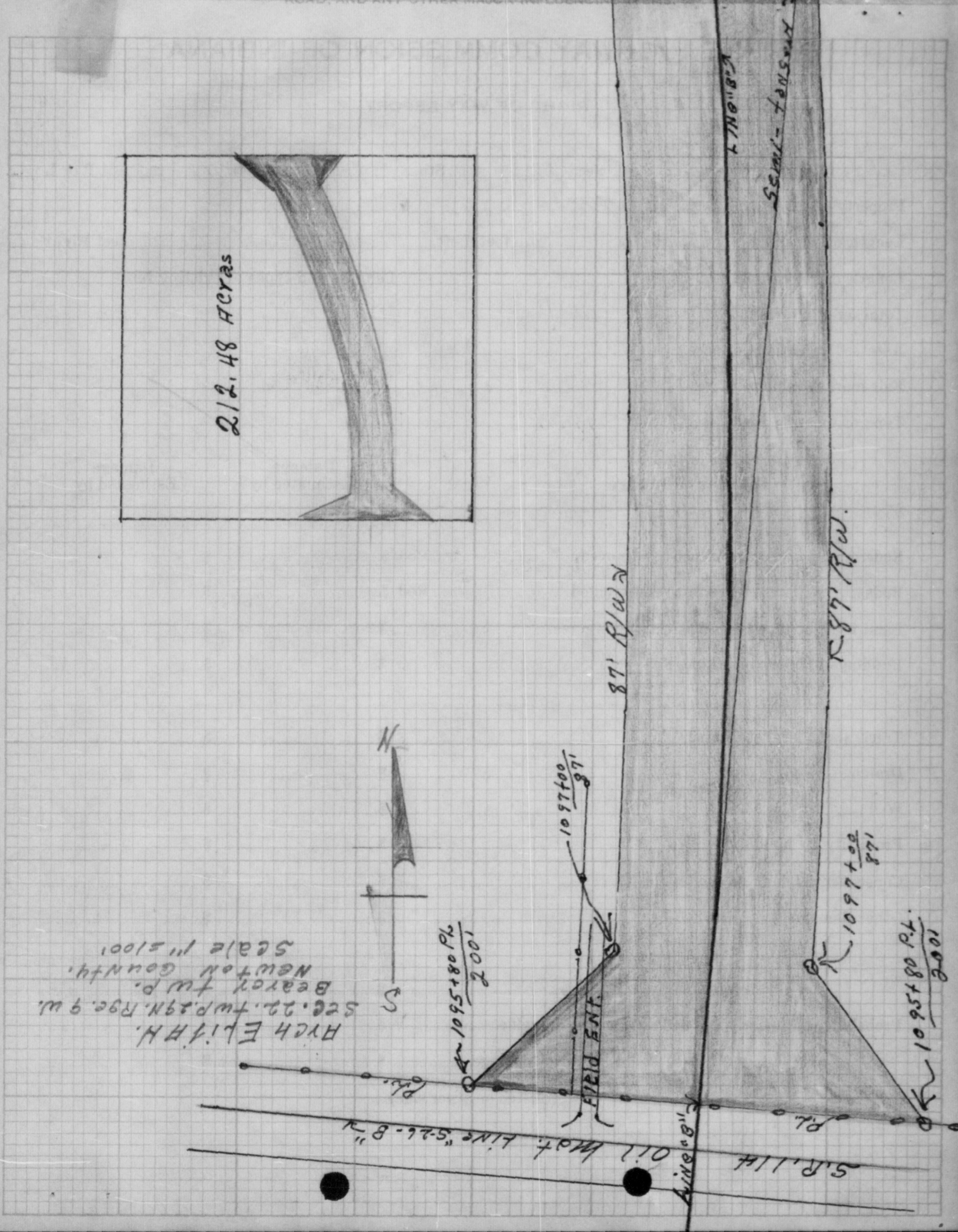
SKETCH OF THE ENTIRE FARM OR PLAT OF GROUND TO SCALE SHOWING SIZE AND SHAPE, LOCATION OF BUILDINGS, EXISTING ROADS, AND NEW ROAD, AND ANY OTHER MAJOR INFLUENCING ITEMS.



SKETCH OF THE ENTIRE FARM OR PLAT OF GROUND TO SCALE SHOWING SIZE AND SHAPE, LOCATION OF BUILDINGS, EXISTING ROADS, AND NEW ROAD, AND ANY OTHER MAJOR INFLUENCING ITEMS.



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Arch. El. H.H.  
 Sec. 22, Twp. 29 N, Rge. 9 W.  
 Baxter Co., Mo.  
 Scale 1" = 500'

