

STATE OF INDIANA )  
COUNTY OF MARION ) SS:

IN THE MARION CIRCUIT COURT  
CAUSE NO. C75-935

STATE OF INDIANA,  
Plaintiff,

-vs-

ALBERT HAZEN and BETTY HAZEN,  
husband and wife; AUDITOR OF  
MARION COUNTY; TREASURER OF  
MARION COUNTY,

Defendants.

Code 0536  
parcel 596

FINDING AND JUDGMENT

Comes now the plaintiff, State of Indiana, by THEODORE L. SENDAK, Attorney General, by and through Douglas W. Meyer, Deputy Attorney General, and come now the defendants, Albert Hazen and Betty Hazen, by their attorney of record herein, William Levy, and defendants, Auditor and Treasurer of Marion County, by their attorney of record herein, William R. Richards, and plaintiff now withdraws its request for a jury trial, defendants consenting thereto, and this cause is now submitted to the Court upon the issues formed by the exceptions heretofore filed by the plaintiff, and the Court being duly advised finds as follows:

1. That the plaintiff, State of Indiana, filed its complaint for the appropriation of the fee simple title of defendants' real estate on the 30th day of July, 1975, which complaint is in words and figures as follows:

(H.I.)

and the defendants were properly served with notice as provided by statute prior to the hearing in this cause.

2. That on the 3rd day of September, 1975, being the day set for the hearing of the cause, an order was entered upon the record of the Marion Circuit Court, signed by J. Patrick Endsley, Judge, showing that the fee simple title of defendants' real estate was condemned for the uses and purposes described in said complaint.

SHEET 1 OF 1

PROJECT I-70-3(52)77

PARCEL 596

LOT 82 IN MCKERNAN AND PIERCE'S SUBDIVISION OF THE MIDDLE PART OF OUT LOT 121 OF THE DONATION LANDS OF THE CITY OF INDIANAPOLIS, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 2 PAGE 94 IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA.

CM 5-14-75

3. That by said order the Court also appointed three disinterested freeholders of Marion County to assess the damages and benefits to the defendants caused by the appropriation.

4. That on the 5th day of September, 1975, said court-appointed appraisers returned their report to the Court showing total damages in the sum of Six Thousand Seven Hundred Dollars (\$6,700.00), and the Court ordered the appraisers' fees set at Two Hundred Fifty Dollars (\$250.00) each.

5. That the plaintiff, State of Indiana, paid the award of the appraisers together with the fees for the services of said appraisers to the Clerk of the Court on the 17th day of October, 1975, and the defendants, Albert Hazen and Betty Hazen, subsequently withdrew Four Thousand Eight Hundred Dollars (\$4,800.00) of said award in October, 1975.

6. That the plaintiff, State of Indiana, filed exceptions to the court-appointed appraisers' report on the 24th day of September, 1975.

7. That the total value of the fee simple title of defendants' real estate taken and the damages to the remaining land of the defendants is Six Thousand Two Hundred Dollars (\$6,200.00), which sum includes any interest to which the defendants may be entitled, and that the defendants, Albert Hazen and Betty Hazen, and Auditor and Treasurer of Marion County, should recover from the plaintiff, State of Indiana, total damages in the sum of Six Thousand Two Hundred Dollars (\$6,200.00).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the order of appropriation entered herein on the 3rd day of September, 1975, be, and the same is hereby confirmed and the fee simple title of defendants' real estate described in plaintiff's complaint be, and the same is appropriated, said fee simple title being more particularly described as follows:

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the defendants, Albert Hazen and Betty Hazen, Auditor and Treasurer of Marion County, have and recover from the State of Indiana as final and total damages the sum of Six Thousand Two Hundred Dollars (\$6,200.00), which sum includes any interest to which the defendants may be entitled, and that the Clerk of the Court pay said amount to the defendants, which said amount has already been partially paid the defendants, Albert Hazen and Betty Hazen herein when they withdrew part of the court-appointed appraisers' award of Four Thousand Eight Hundred Dollars (\$4,800.00).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Clerk of the Court pay to the plaintiff, State of Indiana, the sum of Five Hundred Dollars (\$500.00), which amount when added to the amount paid to the defendants as set out above, equals the amount of the court-appointed appraisers' award.

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge of Marion Circuit Court

Approved:

\_\_\_\_\_  
Attorney for the Defendants Hazen

\_\_\_\_\_  
Attorney for the Defendants Auditor  
and Treasurer of Marion County

\_\_\_\_\_  
Deputy Attorney General  
Attorney for the Plaintiff  
State of Indiana

SETTLEMENT ANALYSIS

DEPUTY Douglas W. Meyer TRIAL DATE February 3, 1975  
 STATE VS. ALBERT HAZEN, et al. FILED July 30, 1975  
 COURT Marion Circuit CAUSE NO. C-75-935  
 PROJECT I-70-3(52) PARCEL NO. 596 ROAD I-70

GENERAL DESCRIPTION AND LOCATION OF SUBJECT PROPERTY: The subject property is a 30' x 90' lot with a two bedroom home located in the 800 block of South Capitol avenue.

IMPROVEMENTS: The property is improved with a single family dwelling, containing 847 square feet of living space with two bedrooms. The house has aluminum siding and awnings.

DESCRIPTION OF TAKE: (Attach sketch)  
 Total take

AREA OF TAKING 2,700 square feet AREA OF REMAINDER -0-  
 OFFER PRIOR TO CONDEMNATION \$ 4,800.00 COURT AWARD \$ 6,700.00  
 DEFENDANTS' ATTORNEY William Levy  
 COURT APPRAISERS' REPORT - DATE FILED September 17, 1975  
 EXCEPTIONS - STATE X DATE 9-24-75 DEFENDANTS \_\_\_\_\_ DATE \_\_\_\_\_  
 REVIEW APPRAISERS: William White

REVIEWERS NAME & DATE	LAND TAKEN	IMPROVEMENTS TAKEN	RESIDUE DAMAGE	OTHER DAMAGE OR BENEFITS	TOTAL COMPENSATION
White	\$600.00	\$4,200.00	-0-	-0-	\$4,800.00

SUMMARY PROPOSED SETTLEMENT:

Review Appraisers' Amount	\$ <u>4,800.00</u>	REFUND DUE STATE from Deposit with Court:
Adjustments (See Memo)	\$ <u>1,400.00</u>	\$ <u>500.00</u>
Court Costs: (See Memo) Additional Appraisals	\$ <u>250.00</u>	ADDITIONAL AMOUNT to Pay into Court:
Witness Fees	\$ <u>450.00</u>	\$ _____
Local Counsel Fees	\$ _____	SETTLEMENT AT:
Jury Costs	\$ <u>300.00</u>	\$ <u>6,200.00</u>
Miscellaneous Costs	\$ _____	
TOTAL .....	\$ <u>7,200.00</u>	

RANGE OF STATE'S APPRAISALS:

APPRAISERS NAME & DATE	LAND TAKEN	IMPROVEMENTS TAKEN	RESIDUE DAMAGE	OTHER DAMAGE OR BENEFITS	TOTAL COMPENSATION
Dobrota	\$600.00	\$4,200.00			\$4,800.00
Lewellen	\$810.00	\$4,390.00			\$5,200.00

RANGE OF DEFENDANTS' APPRAISALS:

Magnuson	\$2,700.00	\$4,000.00			\$6,700.00
Hazen					\$8,500.00

BREAKDOWN OF COURT APPRAISERS' AWARD:

	\$2,700.00	\$4,000.00			\$6,700.00
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COURT APPRAISERS' AWARD:

Deposited (date) 10-17-75 Withdrawn: No Yes & Date 12/75  
 Amount Withdrawn \$ 4,800.00 by \_\_\_\_\_  
 \$ \_\_\_\_\_ by \_\_\_\_\_

EXPLANATION - Any increase over Review Appraisers' determination including adjustments, court costs and interest, on separate memo and attach. (Use Attachment 1 to Section 4, Chapter 2, Volume 7 of FHPM, as a guide.)  
EXPLAIN FULLY.

DATE: 1/22/76

We concur in the above settlement:

JAN 28 1976

Date: 2-2-76

PREPARED AND SUBMITTED BY:

Douglas W. Meyer  
 Deputy Attorney General  
 Douglas W. Meyer

THEODORE L. SENDAK  
 Attorney General of Indiana

By Theodore L. Sendak

Title Attorney General of Indiana  
 Indiana State Highway Commission

By John W. B...

Title: Chief, Division of Land Acquisition

MEMORANDUM

RE: State v. Albert Hazen, et al.  
Marion Circuit Court  
Cause No. C-75-935

For the following reasons, the preceeding adjustments are felt justified.

The subject property is zoned C-5 commercial, but is presently being used as a single family residence. The location is only 2 miles south of the center of Indianapolis and if the jury determines the highest and best use is commercial, they will assign a value to the land substantially higher than the \$600.00 allowed by the State. Claude Magnuson, court appointed appraiser, will be called by the defendant, and he assigned a value of \$2,700.00 to the land, alone.

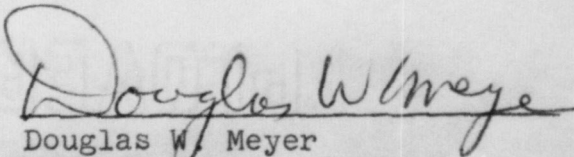
The landowner will testify as to a value of \$8,500.00, or \$3,700.00 above the suggested settlement. The landowner will also testify to having put aluminum siding on the house at the cost of \$1,900.00, and of installing a new furnance at a cost of \$900.00. The fact that we are taking a complete residence with recent improvements of \$2,800.00, will probably have a significant impact on the jury.

The State's appraisal by Doug Lewellan of \$5,200.00 is only \$1,000.00 below the suggested settlement. The settlement is financially justified, since the cost of witness fees, jury cost and court costs to the State will amount to \$1,000. Settlement is justified at \$6,200.00 even under the assumption that the jury would return a verdict at our evidence of \$5,200. Verdicts at the State's evidence are rare.

The State's offer prior to condemnation was \$4,800.00. The average verdict in Marion County is 194% of that figure. That percentage projected against the offer is \$9,312, or about \$2,900.00 above the settlement figure suggested herein.

Settlement at the suggested figure would result in \$500 being returned to the State.


Date: 1/26/75

  
Douglas W. Meyer  
Deputy Attorney General

PARCEL NO. 596  
 PROJECT NO. I-70-3(52)  
 ROAD NO. I-70  
 COUNTY : MARION  
 SECTION : 11  
 TOWNSHIP : 15 N.  
 RANGE : 3 E.

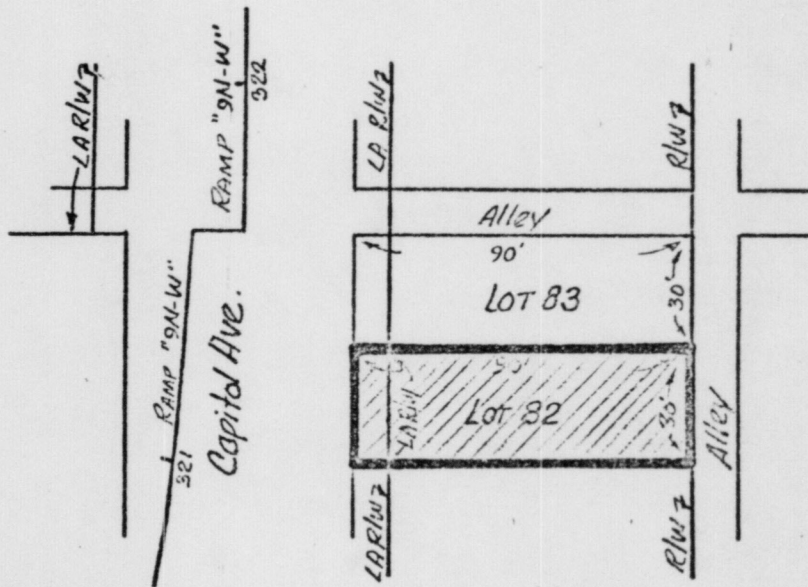
OWNER: HAZEN, ALBERT ET UX.  
 DEED RECORD ,PAGE ,DATED  
 INSTRUMENT #67-32995 " 7-17-67

DRAWN BY: K.J. Payton 5-9-75  
 CHECKED BY: H.J. HICKSON, 5-14-75

 HATCHED AREA IS THE APPROXIMATE TAKING

SCALE: 1" = 50'

LOT 82 IN MCKERNAN AND PIERCE'S SUBDIVISION  
 OF THE MIDDLE PART OF OUT LOT 121 OF THE  
 DONATION LANDS OF THE CITY OF INDIANAPOLIS



TOTAL AREA = 2,700 SF  
 R/W EXISTING = 0,000  
 NET TOTAL AREA = 2,700 SF



## INDIANA STATE HIGHWAY COMMISSION

Division of Land Acquisition  
 ROOM 1105 — 100 NORTH SENATE AVENUE  
 INDIANAPOLIS, INDIANA 46209

0534

November 10, 1975

To Ora Daniel &  
 Roger M. Daniel  
 1125 S. Capitol  
 Indianapolis, Indiana

GENTLEMEN:

We enclose State Warrant No. 229766 Oct. 22, 19 75  
 in settlement of the following vouchers: #76-213

Description	Amount
For <u>Rental Repl. Housing</u> on State Road No. <u>I-70</u> in <u>Marion</u> County, Project <u>I-70-3-(52)</u> Parcel No. <u>596</u> as per Grant/Warranty Deed, Dated <u>September 30, 1975</u>	\$720. 00

PLEASE RECEIPT AND RETURN (Do not detach)

Payment Received: By Mr. Roger Daniel  
 Date Nov. 11, 1975

**INDIANA STATE HIGHWAY COMMISSION**

Division of Land Acquisition

ROOM 1105 — 100 NORTH SENATE AVENUE

INDIANAPOLIS, INDIANA 46209

*0536*

6-9- 19 75

To ROGER M. & ORA DANIEL  
905 S. CAPITOL  
INDIANAPOLIS, INDIANA

GENTLEMEN:

We enclose State Warrant No. 330599 5-20 19 75  
in settlement of the following vouchers: 75-733

Description	Amount
For <u>RELO.-DISLO.</u> on State Road No. _____ in <u>MARION</u> County, Project <u>I-70-3 (52)</u> Parcel No. <u>596</u> as per Grant/Warranty Deed, Dated <u>4-25-75</u>	395. 00

*selfypher 9-2-75*

*Recorded*

PLEASE RECEIPT AND RETURN (Do not detach)

Payment Received: By Oral Daniel

Date 9-2-75

*beets*

Warrant  
No.

PAYEE'S NAME AND ADDRESS

**Clerk of Marion Circuit Court  
City-County Building  
Indianapolis, Indiana 46204**

**STATE AGENCY FILL IN.** This form may be used only for claims chargeable to Purchase of Right of Way.

Account Number: 400-861.611-  
State Agency: State Highway Commission 800  
Appr. Name: Construction  
State Share: \$ \_\_\_\_\_  
Federal Share: \$ \_\_\_\_\_  
Total Amt. of Check: \$ \_\_\_\_\_

**DISTRIBUTION**

DATE	8	20	75	Project Number	I	703	52
	Month	Day	Year		Prefix	Road	Section
LOCATION CODE	5	0	0	Federal Code 1 or 2	Cost Account	Dr. Cr.	Amount
FUNCTION CODE	3	5					
OBJECT CODE							
PARCEL NO.		5	9				
COUNTY NAME & NO.	MARION		4				
							Total \$7,450.00

Purpose of This Payment:

Appraisers' Award \$6,700.00  
Appraisers' Fees \$750.00

State vs. Albert Hazen, et al.  
Cause No. C-75-935

Check Delivery Instructions: Yes  (See reverse side) Send when ready

**CLAIMANTS**

Pursuant to the provisions and penalties of Chapter 155 Acts of 1953, as amended:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid. I also authorize payment to be made as indicated above.

X Marion County Circuit Court Clerk  
(If a firm or corporation, give name)  
X By Hugh M. Small Deputy  
Personal Signature Title

X \_\_\_\_\_  
Signature if individual  
X **INTERNAL REVIEW, L.A. DIV.**  
DATE: SEP 29 1975  
INITIALS: WAB  
Signature if individual

Recommended Approval:  
Robert A. Wade  
Deputy Chief, Gen.  
Date 9-25-75

Approved:  
William H. Belkey  
ACTING Chief, Division of Land Acquisition  
Date SEP 29 1975

**LIENHOLDERS**

I hereby sign this claim voucher as a lienholder and only certify to the extent of my interest therein and authorize payment to be made as indicated above.

X \_\_\_\_\_  
(If a firm or corporation, give name)

X By \_\_\_\_\_  
Personal Signature Title

Grant Approved as to Form and Parcel Abstract Checked, Excepting Real Estate Description.

Deputy Attorney General \_\_\_\_\_ Date \_\_\_\_\_

Payment Approved as to Account No. and Funds Available.

Controller \_\_\_\_\_ Date \_\_\_\_\_

Approved:

Member, Indiana State Highway Commission \_\_\_\_\_ Date \_\_\_\_\_

Vice Chairman, Indiana State Highway Commission \_\_\_\_\_

Approved \_\_\_\_\_

Chairman, Indiana State Hwy. Comm. \_\_\_\_\_ Date \_\_\_\_\_

**BJW**

CONTROL

CERTIFICATE OF REVIEW APPRAISER AND CONCLUSION OF FAIR MARKET VALUE

Indiana State Highway Commission - Division of Land Acquisition

0536

Project I-70-3-52 Road I-70 County MARION Owner ALBERT HAZEN Parcel # 596

	1st APPRAISAL	2nd APPRAISAL	3rd APPRAISAL	4th APPRAISAL	REVIEWER'S
APPRaiser	DOBROTA				VALUE IF DIFFERENT FROM APPRAISAL
FEE (F), STAFF (S), OWNER (O)	5				
DATE OF APPRAISAL	1-8-75				
BEFORE VALUE	4,800-				
AFTER VALUE	—				
DIFFERENCE	4,800-				
LAND &/OR IMPROVEMENTS	4,800-				
LOSS IN VALUE TO REMAINDER	—				
ESTIMATED COMPENSATION (DUE PROPERTY OWNER)	4,800-				
NON-COMPENSABLE ITEM	0				
CHECK (✓) IF APPROVED AS IS	✓				

REVIEWERS COMMENTS AND/OR CORRELATION (SEE ATTACHED SHEET)

I, the undersigned, certify that I have made a visual inspection of the subject and that I have inspected the comparables used in the appraisal (s). I also certify that I have no direct or indirect present or contemplated future personal interest in the subject property or in any benefit from its acquisition; and that my estimate of fair market value has been reached independently, based on appraisals and other factual data of record without collaboration or direction. Items compensable under State law, but not eligible for Federal reimbursement, if any, are set out in this review.

It is my understanding that the value estimate may be used in connection with a Federal-Aid highway project. I estimate the fair market value of the part taken, plus loss in value to the remainder (if any), as of 1-8-75 is \$ 4,800-.

DATE 3-20-75 SIGNED William D. White DATE \_\_\_\_\_ SIGNED \_\_\_\_\_  
 1st REVIEW APPRAISER 2nd REVIEW APPRAISER

DATE \_\_\_\_\_ APPROVED \_\_\_\_\_  
 CHIEF REVIEW APPRAISER

APPROVED APPRAISAL AMT. FOR 2,700 S.F. REQUIRED R/W \$ 4,800-  
 (AREA SIZE)

APPROVED APPRAISAL AMT. FOR \_\_\_\_\_ EXCESS LAND \$ \_\_\_\_\_  
 (AREA SIZE)

I certify that the above tabulation contains all appraisals made and no changes or alterations have been made therein since the reviewer's determination of value was established, except as documented above, and with the knowledge of the original reviewer. This certification is prepared and submitted in accordance with Federal Highway Administration PPM-80-1, Section 5, Paragraph 3c.

SIGNED: Donald B. Gordon  
 TITLE: ASSISTANT CHIEF APPRAISER  
 MAR 21 1975 INDIANA STATE HIGHWAY COMMISSION

HISTORIC DATA

6	APPRaiser'S NAME	APPRAISED AMOUNT			DATE OF APPRAISAL			DATE OF APPR REVIEW			AMOUNT PAID FOR BUILDINGS			PROPERTY USE	L.A. CODE				
		26	29	32	35	37	39	41	43	45	47	50	53			56	75	79	
	MIKE DOBROTA	0	004	800	00	0	11	08	75	0	11	08	75	0	004	000	000	RES	053671

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

IN THE CIRCUIT COURT  
OF MARION COUNTY, INDIANA

**FILED**

STATE OF INDIANA, )  
 ) Plaintiff SEP 5 1975  
 )

vs. )

*Thomas A. O'Brien*  
 )  
 ) CLERK  
 )

CAUSE NO. C-75-935

ALBERT HAZEN, et al.

REPORT OF APPRAISERS

The undersigned appraisers after being duly sworn and instructed by the Court as to their duties as appraisers, proceeded in a body to view said real estate that will be affected by said appropriation and to assess and appraise the damages sustained and resulting to each of said defendants by reason of the appropriation thereof, and said appraisers now report the damages and benefits to said defendants to be as follows:

The value of the land sought to be appropriated as described in the Court's order and warrant hereto attached, the appraisers find to be the sum of Two thousand seven hundred and no/100---Dollars (\$ 2,700.00 ).

The value of improvements, if any, on said realty sought to be appropriated, we find to be the sum of Four thousand and no/100-----Dollars (\$ 4,000.00 ).

The total damages we find to be the sum of \$ Six thousand seven hundred dollars (\$6,700.00)

Dated: September 5, 1975

Jack H. Heathon  
Claude R. Magnuson  
M. C. Morton

SEP 5 1975



AGH-3A

NUMBER 2

That the defendants Albert Hazen and Betty Hazen,  
husband and wife,  
are the owners of certain real estate in said county in which is included the  
real estate hereby sought to be appropriated and condemned.  
Defendants' said real estate is described as follows:

Lot 82 in McKernan and Pierce's Subdivision of the middle part of Out Lot 121 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 2 page 94 in the Office of the Recorder of Marion County, Indiana.

Plaintiff is informed and verily believes that the de-  
fendant(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

claims and asserts an interest in and to the real estate described  
in Paragraph 2.

Plaintiff further is informed and verily believes that the  
defendants, County Auditor of Marion County, and  
County Treasurer of Marion County has and holds a  
first, prior and existing lien on the real estate described in  
Paragraph 2 for any and all delinquent, current and future taxes,  
legally assessed against said property.

Plaintiff alleges that ownership of the fee in and to the real  
estate is set forth in Rhetorical Paragraph 2 and said defendants  
last above mentioned are made a party hereto, to answer as to any  
right, title or interest they may have in and to the real estate  
set forth in said Rhetorical Paragraph 2.



AGH-3B

NUMBER 4

That for the purpose of improving said highway, it is necessary and proper that plaintiff take and appropriate under the powers vested in it by the General Assembly of the State of Indiana, the fee simple title to all of said tract of real estate described in Paragraph 2 herein. The part so sought to be appropriated and condemned is described as follows:

A blue-print sketch plat of the above described real estate sought to be appropriated and identified by means of cross-hatched lines is attached hereto and made a part hereof and designated as Exhibit "A".

PROJECT I-70-3(52)77

PARCEL 596

LOT 82 IN MCKERNAN AND PIERCE'S SUBDIVISION OF THE MIDDLE PART OF OUT LOT 121 OF THE DONATION LANDS OF THE CITY OF INDIANAPOLIS, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 2 PAGE 94 IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA.

CM 5-14-75

NUMBER \_\_\_\_\_

That the residue of said real estate described in Paragraph 2, and owned by the above-named defendants, will be benefitted by said ~~proposed~~ improvement of said road as alleged herein.

NUMBER 5

That prior to the bringing of this action, the plaintiff, through the said Indiana State Highway Commission, made a effort to purchase said real estate described in Paragraph 4 from the above-named owners, but that the plaintiff and said owners have been unable to agree as to the purchase price thereof, or as to the amount of damages, if any, sustained by said defendants by reason of the appropriation of said real estate for the use hereinbefore stated.

NUMBER 6

That prior to the bringing of this action, the said Indiana State Highway Commission adopted a resolution setting forth the description of said real estate sought to be acquired by it, as above set forth, which said resolution alleged and set forth that said real estate herein sought to be condemned was necessary for the carrying out of said highway improvement project and directed that condemnation proceedings therefore be instituted by the Attorney General in the name of the State of Indiana.

NUMBER 7

That said highway so to be improved extends from a point approximately 900 feet north of the south line and approximately 1,620 feet east of the west line of Section 11, T 15 N, R 3 E, and extending in the easterly direction for a distance of 5,354.03 feet to a point approximately 550 feet north of the south line and approximately 2,700 feet west of the east line of Section 12, T 15 N, R 3 E, all in the City of Indianapolis,

in Marion County, State of Indiana, and said right of way is to be 400 feet wide, excepting where additional width may be required for construction purposes.

NUMBER 8

That the plaintiff, through said Indiana State Highway Commission, intends to use the real estate herein sought to be condemned for the purpose of the improvement of said highway and the widening thereof, and said real estate as herein described is necessary and proper for the carrying out of said work, and said real estate when obtained will be used for such purpose.

NUMBER 9

WHEREFORE, the plaintiff prays that three disinterested freeholders of said county be appointed to appraise the value of the real estate sought to be condemned, and to fix the amount of benefits and damages, if any, and that such appraisers be ordered to report their appraisal, as by law provided, and that all other steps be taken and all proceedings had necessary for the Indiana State Highway Commission to acquire, by the right of eminent domain, the real estate so sought to be condemned for the purpose aforesaid.


Respectfully submitted,

THEODORE L. SENDAK  
Attorney General of IndianaBy: \_\_\_\_\_  
Deputy Attorney General  
Attorneys for PlaintiffRoom 219  
State House  
Indianapolis, Indiana  
633-6431

PARCEL NO. 596  
 PROJECT NO. I-70-3(32)  
 ROAD NO. I-70  
 COUNTY : MARION  
 SECTION : II  
 TOWNSHIP : 15 N.  
 RANGE : 3 E.

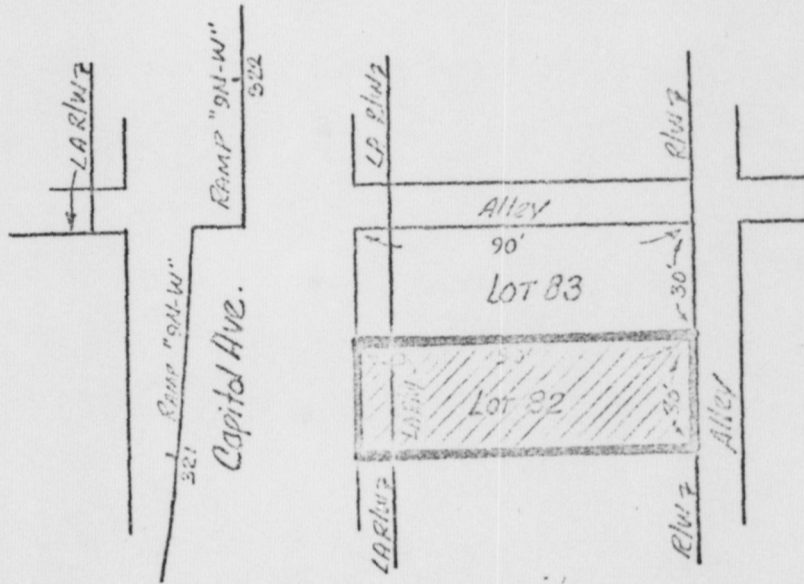
OWNER: HAZEN, ALBERT ET UX.  
 DEED RECORD , PAGE , DATED  
 INSTRUMENT #67-32995 " 7-17-67

DRAWN BY: K.J. Payton 5-9-75  
 CHECKED BY: H.J. HICKSON, 5-14-75

 HATCHED AREA IS THE APPROXIMATE TAKING

SCALE: 1" = 50'

LOT 82 IN MCKERNAN AND PIERCE'S SUBDIVISION  
 OF THE MIDDLE PART OF OUT LOT 121 OF THE  
 DONATION LANDS OF THE CITY OF INDIANAPOLIS



TOTAL AREA = 2,700 SF  
 R/W EXISTING = 0,000  
 NET TOTAL AREA = 2,700 SF

EXHIBIT "A"

R E S O L U T I O N

WHEREAS, the carrying out of the construction and improvement by the Indiana State Highway Commission of Project No. I-70-3(52) in Marion County, Indiana requires construction, reconstruction, relocation or maintenance and repair of a public highway in said County, locally known as the \_\_\_\_\_ Road, which highway forms a part of a State Highway designated in the records and files of the Indiana State Highway Commission as Road No. I-70 which extends from the Indiana-Illinois boundary west of Terre Haute in a Northeasterly direction through Indianapolis to the Indiana-Ohio boundary east of Richmond in Wayne County,

the general width of the right of way for said project is 400 feet, which proposed construction project necessitates acquisition of right of way as provided in the plans of said project on file in the offices of the Indiana State Highway Commission at Indianapolis, Indiana, and which highway is to be constructed and improved as a "limited access facility", subject to regulations as proved in Chapter 245 of the Acts of the General Assembly of 1945, the general route, location and termini thereof being as follows:

Beginning at a point approximately 900 feet north of the south line and approximately 1,620 feet east of the west line of Section 11, T 15 N, R 3 E, and extending in the easterly direction for a distance of 5,354.03 feet to a point approximately 550 feet north of the south line and approximately 2,700 feet west of the east line of Section 12, T 15 N, R 3 E, all in the City of Indianapolis, Marion County.

AND WHEREAS it is necessary in making said improvement to acquire a right of way as hereinafter described over the land of Albert Hazen and Betty Hazen, husband and wife; Auditor of Marion County; Treasurer of Marion County

\_\_\_\_\_, and,

WHEREAS, that the fee to the said land hereinafter described, is to be taken for the reason that the public interest will be best served and economy effected, and,

WHEREAS, the Indiana State Highway Commission has made an offer to said owner(s) for the purchase of said land, but has been unable to agree with said owner(s) upon purchase price, thereof, or upon the amount of damages sustained by said owner(s), by reason of the taking thereof for the purpose aforesaid, and,

WHEREAS, the failure to obtain said land for said purpose is delaying the work of said highway improvement.

BE IT RESOLVED, 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 in fee, the same being in Marion County, Indiana, and to be used as a right of way for said highway improvement as a limited access facility, and being necessary for such purposes, which land is specifically described as follows to-wit:

PROJECT I-70-3(52)77

PARCEL 596

LOT 82 IN MCKERNAN AND PIERCE'S SUBDIVISION OF THE MIDDLE PART OF OUT LOT 121 OF THE DONATION LANDS OF THE CITY OF INDIANAPOLIS, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 2 PAGE 94 IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA.

CM 5-14-75

AGH-1B  
Rev. 6-68

Resolution (cont.)

and a Right of Way Plat as shown in attached exhibit and marked "Exhibit A."

WHEREAS this matter was considered and adopted by voice vote by a quorum of members of the Indiana State Highway Commission present at a regular meeting held in the office of the Indiana State Highway Commission in Indianapolis, Indiana on the 24 day of April, 1975.

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

INDIANA STATE HIGHWAY COMMISSION



Offices of the Indiana State Highway Commission of Indiana,  
Indianapolis, Indiana.

This is to certify that the attached and foregoing is a full,  
true and complete copy of a Resolution with Right of Way map  
attached affecting the lands of Albert Hazen and Betty Hazen,  
husband and wife; 3600 Delmar Road, Indianapolis, Indiana; Auditor  
of Marion County, City-County Building, Indianapolis, Indiana;  
Treasurer of Marion County, City-County Building, Indianapolis,  
Indiana,

in Marion County, Indiana, as the same appears on  
records in the files of said Commission in the State Office Building  
in the City of Indianapolis, Indiana.

IN WITNESS WHEREOF, I Jack N. Smitherman, Secretary of the  
Indiana State Highway Commission of Indiana, hereto place my hand  
and seal of said Commission on this 1st day of August,  
1975.



*Jack N. Smitherman*  
Secretary

SEAL:

INDIANA STATE HIGHWAY COMMISSION  
Land Acquisition Division (Rev. 11-74)

PROJECT NO. I-70-3(52)77

COUNTY MARION

PARCEL NO. 596

NAME & ADDRESS OF OWNER ALBERT HAZEN and BETTY HAZEN

#c)) 3600 Delmar Road, Indianapolis, Indiana <sup>46220</sup> PHONE 251-2705

NAME & ADDRESS OF PERSON CONTACTED S.A.A.

S.A.A. PHONE S.A.A.

(List other interested parties on reverse side including nature of their interest)

DATE ASSIGNED 3/24/75 DATE OF CONTACT 4/9/75 TIME OF CONTACT 5:00 p.m.

OFFER \$ 4,800.00 TYPE OF CONTACT: (X)-PERSONAL VISIT, ( )-TELEPHONE CALL  
Write, YES, NO or NA (for Not Applicable), as appropriate, in each numbered blank space:

- |   |   |
|---|---|
| 1. <u>Yes</u> Checked Abstract with owner?      | 12. <u>N/A</u> Secured driveway Right-of-Entry?       |
| 2. <u>No</u> Any affidavits taken?              | 13. <u>A</u> Sent Daily Notice to Relocation Section? |
| 3. <u>No</u> Any mortgage(s)?                   |   |
| 4. <u>No</u> Any other liens, judgements, etc.? | LEFT FOLLOWING PAPERS WITH OWNERS:                    |
| 5. <u>Yes</u> Showed plans? Explained take?     | 14. <u>Yes</u> Written offer?                         |
| 6. <u>Yes</u> Explained about retentions?       | 15. <u>N/A</u> Retention Letter?                      |
| 7. <u>N/A</u> Any major item retained?          | 16. <u>Yes</u> Statement of Just Compensation?        |
| 8. <u>A</u> Any minor items retained?           | 17. <u>A</u> Tax memo (interim period)?               |
| 9. <u>No</u> Walked over property?              | 18. <u>A</u> Receipt of Deed?                         |
| 10. <u>N/A</u> Arranged for owner to pay taxes? | 19. <u>A</u> Copy of Deed?                            |
| 11. <u>A</u> Secured Right-of-Entry?            | 20. <u>Yes</u> Private appraisal letter?              |
|   | 21. <u>Yes</u> Brochure, "Relocation & You"?          |

REMARKS: I met with the owners at their residence, showed the plans and explained that South Capitol Avenue on the North Side of I-70 is to become an entrance ramp onto Interstate 70 and that the Street will become a portion of the limited access Interstate system. I pointed out the location on the plans of the owners' lot and stated that the access would be limited about ten feet east of the West property line (Capitol Avenue). I showed where the Chain Link Fence would be erected at the L.A. C. L. and stated that the property would have very limited access (alley on east side of the property) after construction. I explained that the appraiser had determined the best course to follow was to purchase the whole property. I gave the firm offer letter, the Statement for the Basis for ~~XXXX~~ Just Compensation, and Relocation and Your. ALUMINUM SIDING ALMOST \$1,900 IN '67. FURNACE INSTALLED FOR \$900 - 2 YRS. AGO. (COMMENTS OF OWNER) ABOVE. MR. AND MRS. HAZEN WERE VERY UNHAPPY WITH THE OFFER. MR. HAZEN SAID HE HAD EXPECTED NOT LESS THAN \$5,500. MRS. HAZEN SAID SHE WOULD NOT SELL FOR LESS THAN \$6,500 (SEE PAGE 2)

Status of Parcel: ( )-Secured, ( )-Condemned, (X)-Other (Explain): Firm Offer Call  
 Distribution Made  
 (X) Parcel (X) Weekly Summary  
 (X) Owner ( ) Attorney  
 ( ) Broker ( ) Other, Specify  
Larry D. Whisler  
 (Signature)

## REMARKS (Continued)

The HAZENS ASKED WHAT VALUE WAS SHOWN <sup>ON</sup> THE TITLE REPORT FOR THE ASSESSED VALUE. I SHOWED THE TITLE REPORT. MR. HAZEN CALLED HIS BOOK KEEPER AND VERIFIED THE ANNUAL TAXES.

MR. AND MRS. HAZEN SAID THEY WOULD NOT ACCEPT THE OFFER.

MRS. HAZEN ASKED THAT I TELL THE APPRAISER THAT IF HE CAN FIND ANOTHER PROPERTY IN AS GOOD CONDITION FOR \$4,800, SHE WILL BE HAPPY TO SELL.

WILL CALL OWNERS EARLY NEXT WEEK FOR DECISION.

A. H.

Larry D. Whisler 4/9/75  
Signature Date

PROJECT NO. I-70-3(52)77

COUNTY MARION PARCEL NO. 596

NAME & ADDRESS OF OWNER ALBERT HAZEN and BETTY HAZEN

3600 Delmar Road, Indianapolis, Indiana 46220 PHONE 251-2705

NAME & ADDRESS OF PERSON CONTACTED Mrs. Roger Daniel (Ora)

905 South Capitol Avenue, Indianapolis, Ind. PHONE 635-4285

(List other interested parties on reverse side including nature of their interest)

DATE ASSIGNED 3/24/75 DATE OF CONTACT 4/16/75 TIME OF CONTACT 4:00 p.m.

OFFER \$ 4,800 TYPE OF CONTACT: ( )-PERSONAL VISIT, (X)-TELEPHONE CALL  
Write, YES, NO or NA (for Not Applicable), as appropriate, in each numbered blank space:

- |  |   |
|--|---|
| 1. <u>N</u> / <u>  </u> Checked Abstract with owner?   | 12. <u>N</u> / <u>  </u> Secured driveway Right-of-Entry?         |
| 2. <u>  </u> / <u>  </u> Any affidavits taken?   | 13. <u>  </u> / <u>A</u> Sent Daily Notice to Relocation Section? |
| 3. <u>  </u> / <u>  </u> Any mortgage(s)?  |   |
| 4. <u>  </u> / <u>  </u> Any other liens, judgements, etc.? LEFT FOLLOWING PAPERS WITH OWNERS: |   |
| 5. <u>  </u> / <u>  </u> Showed plans? Explained take?   | 14. <u>N</u> / <u>  </u> Written offer?                           |
| 6. <u>  </u> / <u>  </u> Explained about retentions?   | 15. <u>  </u> / <u>  </u> Retention Letter?                       |
| 7. <u>  </u> / <u>  </u> Any major item retained?  | 16. <u>  </u> / <u>  </u> Statement of Just Compensation?         |
| 8. <u>  </u> / <u>  </u> Any minor items retained?   | 17. <u>  </u> / <u>  </u> Tax memo (interim period)?              |
| 9. <u>  </u> / <u>  </u> Walked over property?   | 18. <u>  </u> / <u>  </u> Receipt of Deed?                        |
| 10. <u>  </u> / <u>  </u> Arranged for owner to pay taxes?                                     | 19. <u>  </u> / <u>  </u> Copy of Deed?                           |
| 11. <u>  </u> / <u>A</u> Secured Right-of-Entry?   | 20. <u>  </u> / <u>  </u> Private appraisal letter?               |
|  | 21. <u>  </u> / <u>?A</u> Brochure, "Relocation & You"?           |

REMARKS: I called the residence and Mrs. Daniel identified herself as Roger Daniel's wife. I explained that the State was acquiring property in the area for the Interstate system and that I had contacted Mr. and Mrs. Hazen to attempt to purchase the property. I said that we had not been able to reach agreement with the owners to purchase the property and that it is part of my work to notify all parties of interest. I explained there is no need to move out or to become alarmed and that there should be State Highway Commission Relocation representatives contact the renters to inform them of any benefits they may have. Mrs. Daniel asked if they would be paid money to move. I explained that the Relocation Agent would advise her of any benefits the family may have. She indicated she understood the reason for my call and the discussion was ended. NOTE: During the conversation, Mrs. Daniel asked how long the family might be allowed to live at the residence and I said I did not know but that the family should not be alarmed by my notice as they would be notified in plenty of time to move.

Status of Parcel: ( )-Secured, (X)-Condemned, (X)-Other (Explain): Notifying other interest.

- Distribution Made
- |            |                    |
|------------|--------------------|
| (X) Parcel | (X) Weekly Summary |
| ( ) Owner  | ( ) Attorney       |
| ( ) Broker | ( ) Other, Specify |
- Mrs. DANIEL

Larry D. Goshier  
(Signature)

PROJECT NO. I-70-3(52)77

COUNTY MARION PARCEL NO. 596

NAME & ADDRESS OF OWNER ALBERT HAZEN and BETTY HAZEN

3600 Delmar Road, Indianapolis, Indiana 46220 PHONE 251-2705

NAME & ADDRESS OF PERSON CONTACTED Mr. William Levy, Attorney

5055 East tenth Street, Indianapolis, Indiana 46201 PHONE 357-8465

(List other interested parties on reverse side including nature of their interest)

DATE ASSIGNED 3/24/75 DATE OF CONTACT 4/16/75 TIME OF CONTACT 4:05 p.m.

OFFER \$ 4,800 TYPE OF CONTACT: ( )-PERSONAL VISIT, (X)-TELEPHONE CALL  
Write, YES, NO or NA (for Not Applicable), as appropriate, in each numbered blank space:

- |                |                                    |                                    |  |
|----------------|------------------------------------|------------------------------------|--|
| 1. <u>N</u> /  | Checked Abstract with owner?       | 12. <u>N</u> /                     | Secured driveway Right-of-Entry?         |
| 2. /           | Any affidavits taken?              | 13. / <u>A</u>                     | Sent Daily Notice to Relocation Section? |
| 3. /           | Any mortgage(s)?                   |                                    |  |
| 4. /           | Any other liens, judgements, etc.? | LEFT FOLLOWING PAPERS WITH OWNERS: |  |
| 5. /           | Shown plans? Explained take?       | 14. <u>N</u> /                     | Written offer?                           |
| 6. /           | Explained about retentions?        | 15. /                              | Retention Letter?                        |
| 7. /           | Any major item retained?           | 16. /                              | Statement of Just Compensation?          |
| 8. /           | Any minor items retained?          | 17. /                              | Tax memo (interim period)?               |
| 9. /           | Walked over property?              | 18. /                              | Receipt of Deed?                         |
| 10. /          | Arranged for owner to pay taxes?   | 19. /                              | Copy of Deed?                            |
| 11. / <u>A</u> | Secured Right-of-Entry?            | 20. /                              | Private appraisal letter?                |
|                |                                    | 21. / <u>A</u>                     | Brochure, "Relocation & You"?            |

REMARKS: I called Mr. Levy and acknowledged receipt of his letter. He asked who had made the appraisal and whether he was a staff or fee appraiser. I advised that the file was not in front of me at the minute and I did not remember the information requested. He asked when construction would begin and I advised present "target" date for the completion of acquisition was in December. Mr. Levy asked if there was any way the appraisal could be increased to \$6,000 and I advised that the amount of the appraisal had been offered. I told Mr. Levy I would proceed with the eminent domain ~~initiation~~.initiation.

Status of Parcel: ( )-Secured, ( )-Condemned, (X)-Other (Explain): Contact with attorney.

Distribution Made

- |                          |                               |
|--------------------------|-------------------------------|
| (X) Parcel               | (X) Weekly Summary            |
| ( <del>NA</del> ) Owner  | (X) Attorney Mr. Levy by Mail |
| ( <del>NA</del> ) Broker | ( ) Other, Specify            |

Raymond D. Whisler  
(Signature)

PROJECT NO. I-70-3(52)27

COUNTY MARION PARCEL NO. 596

NAME & ADDRESS OF OWNER ALBERT HAZEN and BETTY HAZEN

3600 Delmar Road, Indianapolis, Indiana 46220 PHONE 251-2705

NAME & ADDRESS OF PERSON CONTACTED Mr. William Levy, Attorney

5055 East tenth Street, Indianapolis, Indiana 46201 PHONE 357-8465

(List other interested parties on reverse side including nature of their interest)

DATE ASSIGNED 3/24/75 DATE OF CONTACT 4/16/75 TIME OF CONTACT 4:05 p.m.

OFFER \$ 4,800 TYPE OF CONTACT: ( )-PERSONAL VISIT, (X)-TELEPHONE CALL  
Write, YES, NO or NA (for Not Applicable), as appropriate, in each numbered blank space:

- |   |   |
|---|---|
| 1. <u>N</u> / <u>  </u> Checked Abstract with owner?        | 12. <u>N</u> / <u>  </u> Secured driveway Right-of-Entry?         |
| 2. <u>  </u> / <u>  </u> Any affidavits taken?              | 13. <u>  </u> / <u>A</u> Sent Daily Notice to Relocation Section? |
| 3. <u>  </u> / <u>  </u> Any mortgage(s)?                   |   |
| 4. <u>  </u> / <u>  </u> Any other liens, judgements, etc.? | LEFT FOLLOWING PAPERS WITH OWNERS:                                |
| 5. <u>  </u> / <u>  </u> Showed plans? Explained take?      | 14. <u>N</u> / <u>  </u> Written offer?                           |
| 6. <u>  </u> / <u>  </u> Explained about retentions?        | 15. <u>  </u> / <u>  </u> Retention Letter?                       |
| 7. <u>  </u> / <u>  </u> Any major item retained?           | 16. <u>  </u> / <u>  </u> Statement of Just Compensation?         |
| 8. <u>  </u> / <u>  </u> Any minor items retained?          | 17. <u>  </u> / <u>  </u> Tax memo (interim period)?              |
| 9. <u>  </u> / <u>  </u> Walked over property?              | 18. <u>  </u> / <u>  </u> Receipt of Deed?                        |
| 10. <u>  </u> / <u>  </u> Arranged for owner to pay taxes?  | 19. <u>  </u> / <u>  </u> Copy of Deed?                           |
| 11. <u>  </u> / <u>A</u> Secured Right-of-Entry?            | 20. <u>  </u> / <u>  </u> Private appraisal letter?               |
|   | 21. <u>  </u> / <u>A</u> Brochure, "Relocation & You"?            |

REMARKS: I called Mr. Levy and acknowledged receipt of his letter. He asked who had made the appraisal and whether he was a staff or fee appraiser. I advised that the file was not in front of me at the minute and I did not remember the information requested. He asked when construction would begin and I advised present "target" date for the completion of acquisition was in December. Mr. Levy asked if there was any way the appraisal could be increased to \$6,000 and I advised that the amount of the appraisal had been offered. I told Mr. Levy I would proceed with the eminent domain ~~process~~ initiation.

Status of Parcel: ( )-Secured, ( )-Condemned, (X)-Other (Explain): Contact with attorney.

Distribution Made

- |                         |                               |
|-------------------------|-------------------------------|
| (X) Parcel              | (X) Weekly Summary            |
| ( <del>X</del> ) Owner  | (X) Attorney Mr. Levy by Mail |
| ( <del>X</del> ) Broker | ( ) Other, Specify            |

Armed. W. Miller  
(Signature)

PROJECT NO. I-70-3(52)77

COUNTY MARION PARCEL NO. 596

NAME & ADDRESS OF OWNER ALBERT HAZEN and BETTY HAZEN

#c)) 3600 Delmar Road, Indianapolis, Indiana <sup>46220</sup> PHONE 251-2705

NAME & ADDRESS OF PERSON CONTACTED S.A.A.

S.A.A. PHONE S.A.A.

(List other interested parties on reverse side including nature of their interest)

DATE ASSIGNED 3/24/75 DATE OF CONTACT 4/9/75 TIME OF CONTACT 5:00 p.m.

OFFER \$ 4,800.00 TYPE OF CONTACT: (X)-PERSONAL VISIT, ( )-TELEPHONE CALL  
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- |   |   |
|---|---|
| 1. <u>Yes</u> Checked Abstract with owner?      | 12. <u>N/A</u> Secured driveway Right-of-Entry?       |
| 2. <u>No</u> Any affidavits taken?              | 13. <u>A</u> Sent Daily Notice to Relocation Section? |
| 3. <u>No</u> Any mortgage(s)?                   |   |
| 4. <u>No</u> Any other liens, judgements, etc.? | LEFT FOLLOWING PAPERS WITH OWNERS:                    |
| 5. <u>Yes</u> Showed plans? Explained take?     | 14. <u>Yes</u> Written offer?                         |
| 6. <u>Yes</u> Explained about retentions?       | 15. <u>N/A</u> Retention Letter?                      |
| 7. <u>N/A</u> Any major item retained?          | 16. <u>Yes</u> Statement of Just Compensation?        |
| 8. <u>A</u> Any minor items retained?           | 17. <u>N/A</u> Tax memo (interim period)?             |
| 9. <u>No</u> Walked over property?              | 18. <u>A</u> Receipt of Deed?                         |
| 10. <u>N/A</u> Arranged for owner to pay taxes? | 19. <u>A</u> Copy of Deed?                            |
| 11. <u>A</u> Secured Right-of-Entry?            | 20. <u>Yes</u> Private appraisal letter?              |
|   | 21. <u>Yes</u> Brochure, "Relocation & You"?          |

REMARKS: I met with the owners at their residence, showed the plans and explained that South Capitol Avenue on the North Side of I-70 is to become an entrance ramp onto Interstate 70 and that the Street will become a portion of the limited access Interstate system. I pointed out the location on the plans of the owners' lot and stated that the access would be limited about ten feet east of the West property line (Capitol Avenue). I showed where the Chain Link Fence would be erected at the L.A. C. L. and stated that the property would have very limited access (alley on east side of the property) after construction. I explained that the appraiser had determined the best course to follow was to purchase the whole property. I gave the firm offer letter, the Statement for the Basis for ~~EMBED~~ Just Compensation, and Relocation and Your. ALUMINUM SIDING ALMOST \$1,900 IN '67. FURNACE INSTALLED FOR \$900 - 2 YRS. AGO. (COMMENTS OF OWNER) ABOVE. MR. AND MRS. HAZEN WERE VERY UNHAPPY WITH THE OFFER. MR. HAZEN SAID HE HAD EXPECTED NOT LESS THAN \$5,500. MRS. HAZEN SAID SHE WOULD NOT SELL FOR LESS THAN \$6,500 (SEE PAGE 2)

Status of Parcel: ( )-Secured, ( )-Condemned, (X)-Other (Explain): Firm Offer Call

Distribution Made

- |            |                    |
|------------|--------------------|
| (X) Parcel | (X) Weekly Summary |
| (X) Owner  | ( ) Attorney       |
| ( ) Broker | ( ) Other, Specify |

Larry D. Whisler  
(Signature)

## REMARKS (Continued)

The HAZENS ASKED WHAT VALUE WAS SHOWN ON THE TITLE REPORT FOR THE ASSESSED VALUE. I SHOWED THE TITLE REPORT. MR. HAZEN CALLED HIS BOOK KEEPER AND VERIFIED THE ANNUAL TAXES.

MR. AND MRS. HAZEN SAID THEY WOULD NOT ACCEPT THE OFFER.

MRS. HAZEN ASKED THAT I TELL THE APPRAISER THAT IF HE CAN FIND ANOTHER PROPERTY IN AS GOOD CONDITION FOR \$4,800, SHE WILL BE HAPPY TO SELL.

WE WILL CALL OWNERS EARLY NEXT WEEK FOR DECISION.

A. H.

Larry D. Whisler 4/9/75  
Signature Date



BR-1

BUYER'S REPORT

INDIANA STATE HIGHWAY COMMISSION  
Land Acquisition Division (Rev. 11-74)

PROJECT NO. I-70-3(52)77

COUNTY MARION PARCEL NO. 596

NAME & ADDRESS OF OWNER ALBERT HAZEN and BETTY HAZEN  
3600 Delmar Road, Indianapolis, Indiana 46220 PHONE 251-2705

NAME & ADDRESS OF PERSON CONTACTED Mrs. Roger Daniel (Ora)  
905 South Capitol Avenue, Indianapolis, Ind. PHONE 635-4285  
(List other interested parties on reverse side including nature of their interest)

DATE ASSIGNED 3/24/75 DATE OF CONTACT 4/16/75 TIME OF CONTACT 4:00 p.m.

OFFER \$ 4,800 TYPE OF CONTACT: ( )-PERSONAL VISIT, (X)-TELEPHONE CALL  
Write, YES, NO or NA (for Not Applicable), as appropriate, in each numbered blank space:

- |   |  |
|---|--|
| 1. <u>N</u> / <u>/</u> Checked Abstract with owner?       | 12. <u>N</u> / <u>/</u> Secured driveway Right-of-Entry?         |
| 2. <u>/</u> / <u>/</u> Any affidavits taken?              | 13. <u>/</u> / <u>A</u> Sent Daily Notice to Relocation Section? |
| 3. <u>/</u> / <u>/</u> Any mortgage(s)?                   |  |
| 4. <u>/</u> / <u>/</u> Any other liens, judgements, etc.? | LEFT FOLLOWING PAPERS WITH OWNERS:                               |
| 5. <u>/</u> / <u>/</u> Showed plans? Explained take?      | 14. <u>N</u> / <u>/</u> Written offer?                           |
| 6. <u>/</u> / <u>/</u> Explained about retentions?        | 15. <u>/</u> / <u>/</u> Retention Letter?                        |
| 7. <u>/</u> / <u>/</u> Any major item retained?           | 16. <u>/</u> / <u>/</u> Statement of Just Compensation?          |
| 8. <u>/</u> / <u>/</u> Any minor items retained?          | 17. <u>/</u> / <u>/</u> Tax memo (interim period)?               |
| 9. <u>/</u> / <u>/</u> Walked over property?              | 18. <u>/</u> / <u>/</u> Receipt of Deed?                         |
| 10. <u>/</u> / <u>/</u> Arranged for owner to pay taxes?  | 19. <u>/</u> / <u>/</u> Copy of Deed?                            |
| 11. <u>/</u> / <u>A</u> Secured Right-of-Entry?           | 20. <u>/</u> / <u>/</u> Private appraisal letter?                |
|   | 21. <u>/</u> / <u>?A</u> Brochure, "Relocation & You"?           |

REMARKS: I called the residence and Mrs. Daniel identified herself as Roger Daniel's wife. I explained that the State was acquiring property in the area for the interstate system and that I had contacted Mr. and Mrs. Hazen to attempt to purchase the property. I said that we had not been able to reach agreement with the owners to purchase the property and that it is part of my work to notify all parties of interest. I explained there is no need to move out or to become alarmed and that there should be State Highway Commission Relocation representatives contact the renters to inform them of any benefits they may have. Mrs. Daniel asked if they would be paid money to move. I explained that the Relocation Agent would advise her of any benefits the family may have. She indicated she understood the reason for my call and the discussion was ended. NOTE: During the conversation, Mrs. Daniel asked how long the family might be allowed to live at the residence and I said I did not know but that the family should not be alarmed by my notice as they would be notified in plenty of time to move.

Status of Parcel: ( )-Secured, (X)-Condemned, (X)-Other (Explain): Notifying other  
Distribution Made interests.  
(X) Parcel (X) Weekly Summary  
(X) Owner (X) Attorney  
(X) Broker (X) Other, Specify Mrs. Daniel

Larry D. Wheeler  
(Signature)

Parcel 594

QUITCLAIM DEED

THIS INDENTURE WITNESSETH that the State of Indiana, in consideration of the sum of One Thousand Six Hundred Fifty Dollars (\$1,650.00), the receipt of which is hereby acknowledged, hereby quitclaims to Waymon Clark and Jessie May Clark, of Marion County, Indiana, the following described real estate situated in Marion County, State of Indiana, to wit:

PROJECT I-70-3(52)77

PARCELS 593 THRU 606 INCLUSIVE AND  
PARCEL 619

AUG 6 1950 2 07 PM  
RECORDED  
MARION COUNTY INDIANA

A part of Lots 84 thru 92 inclusive in McKernan and Pierce's Subdivision of the middle part of Out Lot 121 in the City of Indianapolis, as per plat thereof recorded in Plat Book 2, page 94, in the Office of the Recorder of Marion County, Indiana, described as follows:

Beginning at the northeast corner of said Lot 92; thence South 0°-28'-15" E 270.00 feet along the east line of said lots to the southeast corner of said Lot 84; thence North 88°-15'-45" W 80.00 feet along the south line of said Lot 84 to the east boundary of I-70; thence N 0°-28'-15" W 270.00 feet along the boundary of said I-70 to the north line of said Lot 92; thence South 88°-15'-45" East 80.00 feet along the north line of said Lot 92 to the point of beginning and containing 21,584 square feet or 0.496 acres, more or less.

Also, a part of Lots 79 thru 83 inclusive in McKernan and Pierce's Subdivision of the middle part of Out Lot 121 in the City of Indianapolis, as per plat thereof, Recorded in Plat Book 2, page 94, in the Office of the Recorder of Marion County, Indiana, described as follows:

Beginning at the northeast corner of said Lot 83; thence South 0°-28'-15" East 135.00 feet; thence North 88°-15'-45" West 90.00 feet to the west line of said Lot 79; thence N 0°-28'-15" W 15.00 feet along said west line to the northwest corner of said Lot 79; thence North 18°-10'-29" East 31.26 to the north line of said Lot 80; thence North 0°-28'-15" West 90.00 feet to the north line of said Lot 83; thence South 88°-15'-45" East 80.00 feet along said north line to the point of beginning and containing 11,092 square feet or 0.255 acres, more or less.

Excepting and reserving unto the State of Indiana any and all rights of Ingress to and Egress from the land herein conveyed over and across the following described line; Beginning at the northwest corner of Lot 92 in McKernan and Pierce's Subdivision of part of Out Lot 121 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 2, page 94, in the Office of the Recorder of Marion County, Indiana, said corner being on the north boundary of I-70; thence South 88 degrees 15 minutes 45 seconds East 10.00 feet along the north line of said lot and the boundary of said I-70; thence South 0 degrees 28 minutes 15 seconds East 372.00 feet along said boundary to the south line of Lot 81 in said subdivision; thence South 18 degrees 10 minutes 29 seconds West 31.26 feet along said boundary to the terminus. It is the purpose of this exception and reservation to provide that no easement of access shall attach or be appurtenant to the real estate herein conveyed by reason of the fact that the same abuts upon I-70, a limited access facility.

WHEREAS, the fee simple title to the real estate hereinabove described was acquired by the State of Indiana through the Indiana Department of Highways in the acquisition of real estate for Project I-70-3(52)77, and properly recorded in the Office of the Recorder of Marion County, State of Indiana; and

WHEREAS, the Indiana Department of Highways, by Order of the Director, has determined that the above described real estate will not be needed for highway purpose or purposes incidental thereto within a reasonable time in the future; and

WHEREAS, the requestor has paid the full purchase price.

NOW THEREFORE this Quitclaim Deed is executed by the State of Indiana in conformity with the I.C. 8-13-2-7.

IN WITNESS THEREOF, the State of Indiana has hereunto set its hand by the Governor of the State of Indiana, attested to by the Auditor of the State of Indiana and attached the Corporate Seal of the State of Indiana, August 2<sup>nd</sup>, 1985.  
(DATE)



STATE OF INDIANA

John M. Mutz  
JOHN M. MUTZ Lt. Governor acting in behalf  
of ROBERT D. ORR Governor

ATTEST:

Otis E. Cox  
Otis E. Cox, Auditor  
State of Indiana

Approved as to form and legality by:

Linley E. Pearson JUL 31 1985  
Linley E. Pearson, Attorney General  
J. Gordon Gibbs, Chief Council-Departments  
State of Indiana

This Instrument Prepared By:

John W. Brossart, Chief  
Division of Land Acquisition

STATE OF INDIANA)  
)  
COUNTY OF MARION)

Before me, the undersigned, A Notary Public in and for said County, personally appeared this 2<sup>nd</sup> day of August, 1985, JOHN MUTZ Lt. Governor acting in behalf of ROBERT D. ORR Governor, he being thereunto duly authorized, and acknowledged the execution of the foregoing Quitclaim Deed for and on behalf of the State of Indiana.

Witness my hand and seal.

John A. Price  
Notary Public GARNAG, PRICE

My Commission Expires: 8-7-87

County of Residence: Marion

STATE OF INDIANA)  
)  
COUNTY OF MARION)

Before me, the undersigned, a Notary Public in and for said County, personally appeared this 7<sup>th</sup> day of August, 1985, Otis E. Cox, Auditor of State, he being thereunto duly authorized, and acknowledged the execution of the foregoing Quitclaim Deed for and on behalf of the State of Indiana.

Witness my hand and seal.

Thomas M. Casey  
Notary Public

My Commission Expires: 1-19-87

County of Residence: Marion

INTERIM CERTIFICATE OF TITLE

Plat. 596

Pioneer National Title Insurance Company

155 E. MARKET STREET, INDIANAPOLIS, INDIANA 46204

S.R.	PROJECT	COUNTY	PNTIC #
	I-70-3 (52)	Marion	74-7572-6

Name on Plans \_\_\_\_\_

Name of Fee Owner ALBERT HAZEN AND BETTY HAZEN, husband and wife

PIONEER NATIONAL TITLE INSURANCE COMPANY, a California corporation, in consideration of premium paid, hereby certifies that a search of the records from October 11, 1974 8A.M. to and including April 21, 1975 8A.M. reveals no changes as to the real estate described under PNTIC # 74-7472-G/C except:

- Taxes for 19 74 payable 19 75 in name of Albert and Betty Hazen  
 Duplicate # 5233176 Parcel # 1008391 Township I-Center Code # 1-01  
 May \$ 52.60 (~~paid~~) (unpaid); November \$ 52.60 (~~paid~~) (unpaid)  
 Taxes for 19 75 payable 19 76 now a lien., in name of Albert and Betty Hazen  
 Assessed Valuation:  
 Land: \$260.00 Improvements: \$790.00 Exemptions: None

IN WITNESS WHEREOF, PIONEER NATIONAL TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereto affixed by its duly authorized officers.

ATTEST:

PIONEER NATIONAL TITLE INSURANCE COMPANY

*H. R. Quiff*

Assistant Vice President

*Robert A. Davenport*

Vice President

Countersigned and validated as of the 24th day of April, 19 75.

*Jose L. Dicen*  
 Authorized Signatory

Jose L. Dicen, Title Officer

596

**GUARANTY OF TITLE**

**Pioneer National Title Insurance Company**

155 E. MARKET STREET, INDIANAPOLIS, INDIANA 46204

S.R.	PROJECT	COUNTY	PNTIC #
	I-70-3 (52)	Marion	74-7572-G/C

Names on Plans \_\_\_\_\_

PIONEER NATIONAL TITLE INSURANCE COMPANY, a California corporation, in consideration of premium paid, hereby guarantees that as of the 11th day of October, 1974, 8A.M.

ALBERT HAZEN AND BETTY HAZEN, husband and wife

are the Record Owner or Owners of the property described in Schedule "A" as disclosed by a search of the Public Record for a twenty-year period immediately prior to the effective date of this Guaranty, and that said search disclosed no defects or liens or encumbrances in the title to said property except those shown in or referred to in Schedule "B".

This Guaranty is issued for the use and benefit of the State of Indiana DIVISION OF LAND ACQUISITION

The maximum liability of the undersigned under this Guaranty is limited to the sum of \$5,000.00.

IN WITNESS WHEREOF, PIONEER NATIONAL TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereto affixed by its duly authorized officers.

ATTEST:

PIONEER NATIONAL TITLE INSURANCE COMPANY

*H. L. Cavitt*

Assistant Vice President

*Robert H. Davenport*

Vice President

Countersigned and validated as of the 18th day of Oct., 1974.

*Jose L. Dicen*  
Authorized Signatory

JOSE L. DICEN, TITLE OFFICER

**SCHEDULE "A"**

The property covered by this Guaranty is situated in the County of Marion in the State of Indiana and is described as follows:

Lot 82 in McKernan and Pierce's Subdivision of the Middle part of Out Lot 121 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 2 page 94 in the Office of the Recorder of Marion County, Indiana.

The Record Owner or Owners disclosed above acquired title by

Warranty deed from Grant Meyers and Eva Meyers (formerly known as Eva Neely) husband and wife, dated July 17, 1967 recorded July 21, 1967 as instrument #67-32995 in the Office of the Recorder of Marion County, Indiana.

U.S.R.-None shown

SCHEDULE "B"

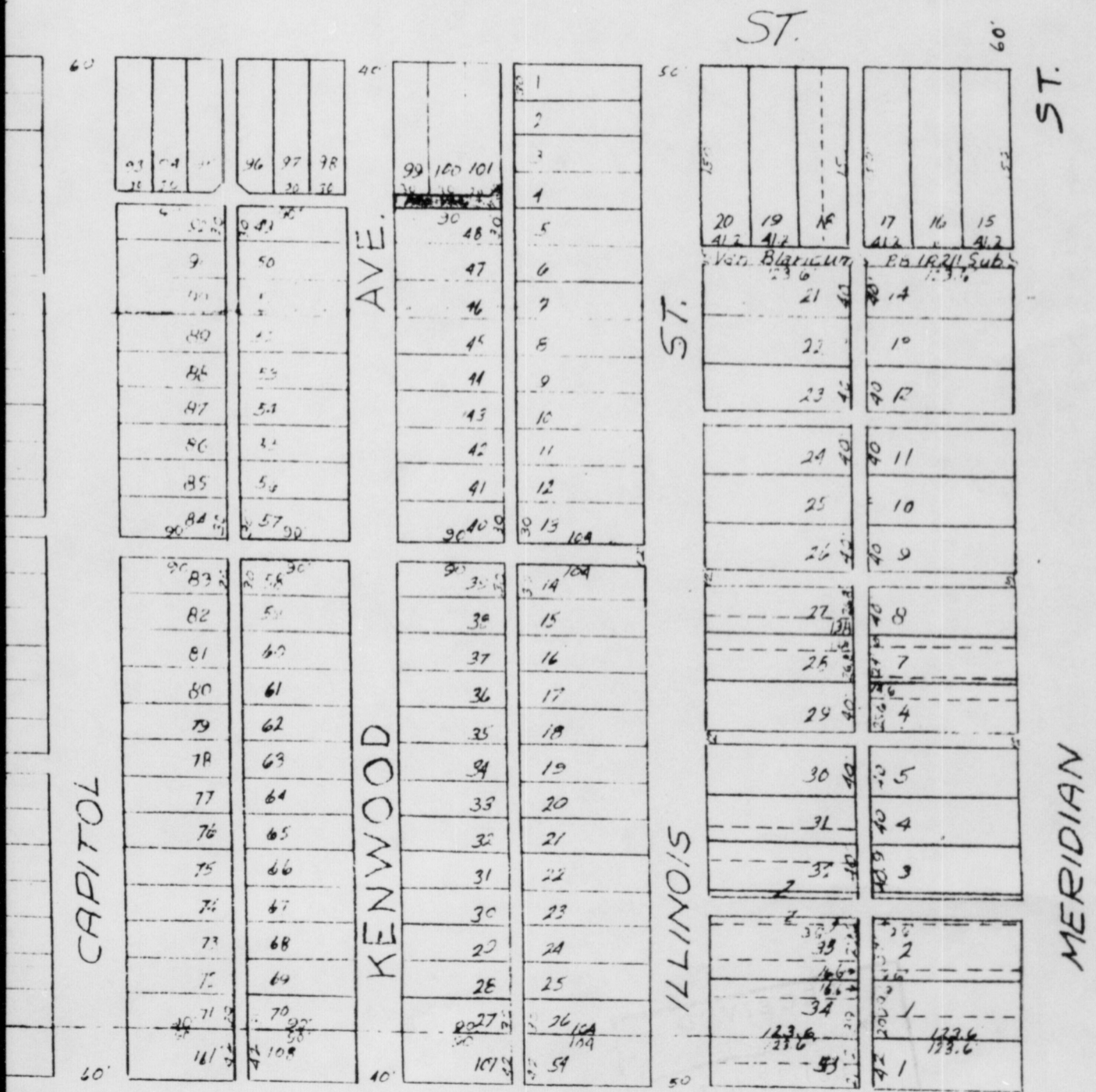
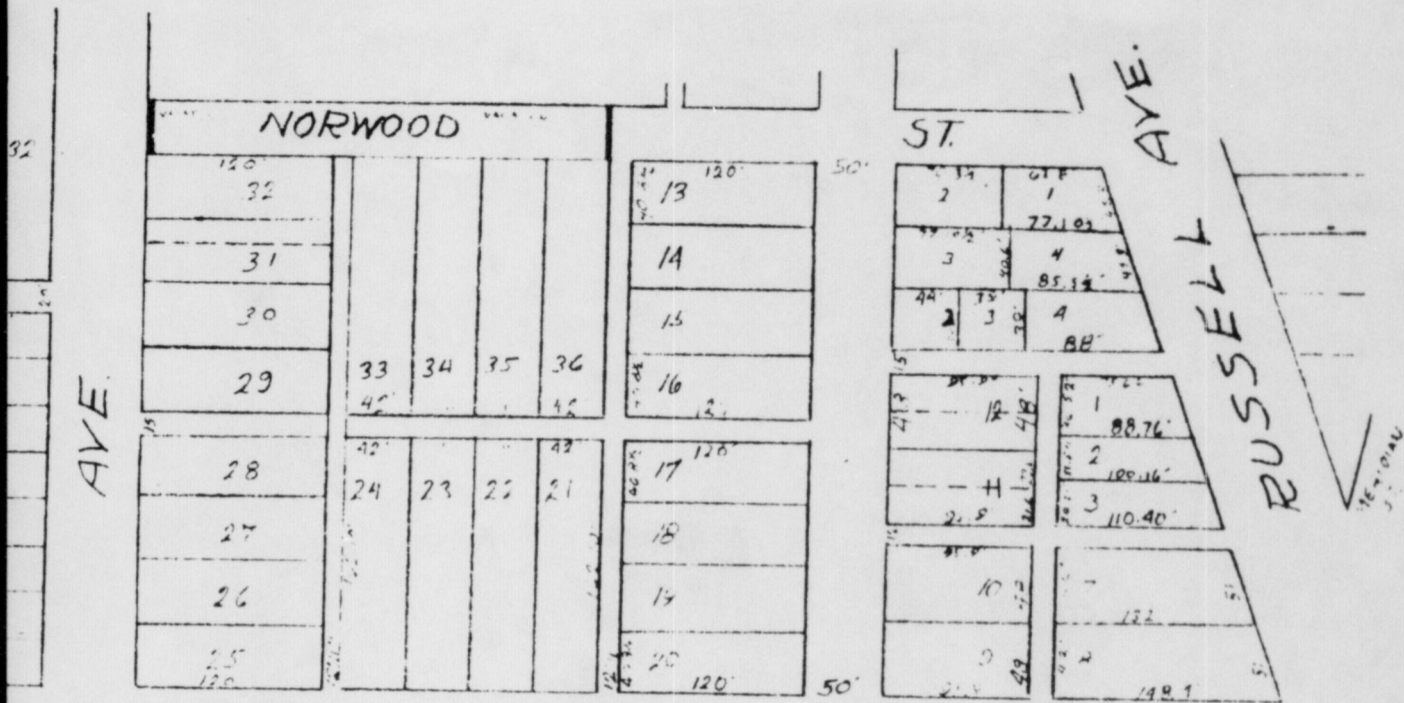
This certificate is a guarantee of Record Ownership only and as such does not purport to cover nor disclose:

1. the rights of parties in possession
2. matters that might be disclosed by an accurate survey
3. statutory liens for labor or materials unless filed of record
4. ordinances, laws or regulations enacted by governmental authority

The search of the record of the property described in Schedule "A" discloses the following liens, encumbrances or defects in the title of the Record Owner or Owners.

5. Taxes for 19 73 payable 1974 in name of Albert and Betty Hazen  
Duplicate # 4232047 Parcel # 1008391 Township I- Center Code # 1-01  
May \$ 52.44 (paid) (~~unpaid~~); November \$ 52.44 (~~paid~~) (unpaid)  
Taxes for 19 74 payable 1975 now a lien, in name of Albert and Betty Hazen.  
Assessed Valuation:  
Land: \$260.00 Improvements: \$790.00 Exemptions: None

1/2 SE. 1/4 SEC. 11-15-3



DR. 17-70