

SURVEYOR'S OFFICE
Hamilton County

Kenton C. Ward, Surveyor

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Suite 146

One Hamilton County Square

Noblesville, Indiana 46060-2230

TO: Hamilton County Drainage Board
One Hamilton County Square
Noblesville, Indiana 46060

May 24, 1999

RE: Report on Indiana Department of Transportation, Petition For Removal of
Obstruction of Private Drainage

As requested during the April 26, 1999 Hamilton County Drainage Board Meeting, an investigation as to whether the flow of the water north of 266th Street on the east side of US31 has ever been directed to the south under 266th Street.

A complete investigation of the drainage, past and present, in the area of US31 and 266th street has uncovered a substantial amount of information that greatly affects the INDOT Petition For Removal of Obstruction of Private Drainage which has been filed with the Hamilton County Drainage Board.

The following items were found during the investigation to determine the history of the drainage in the area.

- Item 1.** Commissioner's Court Document dated November 12, 1894 referring to an existing ditch which is shown on an 1899 map.
- Item 2.** County Regulated Drain Map dated July 15, 1899. A line indicating the ditch running north along the east side of the road and then east along the south side of 266th Street can be seen on the map.
- Item 3.** County Regulated Drain Map dated 1923 indicating the ditch running north along the east side of the road and then east along the south side of 266th Street.
- Item 4.** County Regulated Drain Map dated 1931 indicating the ditch running north along the east side of the road and then east along the south side of 266th Street.

Item 5. Indiana State Highway plans dated 9-4-58 for US 31 at the intersection of US31 & 266th Street. The plans show the flow of water along the east side of US31 flowing north and then turning east along the south side of 266th Street. The plans are for the realignment / relocation of 266th Street to the current location. Shown on the plans is 80' of 24" pipe to be placed under US31 to allow water from the west side of the road to flow to the east side of the road. The flow from this pipe is shown to discharge into the ditch on the east side of US31 and flow north.

Item 6. Instructions to the State of Indiana from Hamilton Circuit Court Cause # B-2958, State v. Grinstead. The Grinstead's were contesting a number of issues with the State of Indiana in conjunction with the condemnation of their property for widening of US31 and the realignment / relocation of 266th Street to the current location. Court's Instruction NO. 4 to the State of Indiana calls for the State to construct an **additional ditch** along the northwest side of the Grinstead's land. (This would be along the south side of the relocated 266th Street.)

Item 7. Indiana State Highway plans dated 11-28-72 for US 31 at the intersection of US31 & 266th Street. The plans show an additional 18' of 24" pipe and a 45-degree bend added to the 24" pipe from the west side of US31. The 45-degree bend was placed to channel the water to the north along the east side of US31.

Item 8. Indiana State Highway plans dated 1992 for US 31 at the intersection of US31 & 266th Street. The plans show 120' of 24" pipe, a 12" inlet structure, 12" x 24" x 24" tee and 2 30-degree bends added to the 24" pipe from the west side of US31. The inlet and tee were added to allow for increased drainage from the median area of US31. The additional 24" pipe and elbows were added to route the water from the median and the west side of US31, to the south under 266th Street into the open ditch south of 266th Street.

Item 9. Property Deed, recorded March 5 1985, in Deed Record Book 347, Page 697 through Page 700, Hamilton County Recorder's Office. On Page 700, Book 347, under section labeled "EXHIBIT B to LIMITED WARRANTY DEED",

"2. Rights of way for drainage ditches, feeders, laterals, and underground tiles, if any.

3. Rights-of-way for drainage, flow, and maintenance of Isaac Jones Dredge Ditch, as set forth in I.C. 36-9-27-33 and shown on the survey by L.D. Miller, Land Surveyor, dated March 13, 1978, and February 1985.

5. Possible easements for public utilities as disclosed by telephone lines and hydrant depicted on survey dated February 1985, prepared by Leland D. Miller, Jr."

Item 10. Copy of survey prepared by Leland D. Miller, Jr. dated February 22, 1985. This is the survey referred to in the deed referenced in Item 9. This survey shows the location of the legal drain, the 75' statutory easement limits, and the direction of flow in the ditch. The direction of flow as shown on the survey is north along the east side of US31 and then to the east along the north side of the property.

Item 11. Deed for Willoughby property, Instrument # 9609647611, Hamilton County Recorder' Office. " Subject to easements, restrictions, covenants, and agreements of record."

In addition to the above Items, a survey of the area was made to determine to capacity of the ditch and the quantity of fill material in the ditch.

The determination of the capacity of the ditch was based on the most restrictive downstream structure (before fill was placed in the ditch). Using the most restrictive downstream structure to determine capacity is standard procedure in the Hamilton County Surveyor's Office in reviewing plans and designing drainage for county regulated drains.

The down stream structure under 266th Street is a 2.6' x 4' oval corrugated pipe arch. The capacity of this pipe at 0.5% grade is 64 cfs.

Capacity of 1 - 42" RCP = 71 CFS
Capacity of 2 - 33" RCP = 74.8 CFS
Capacity of 3 - 27" RCP = 66 CFS
Capacity of 4 - 24" RCP = 64 CFS

42" RCP - \$ 57.25 per foot
33" RCP - \$ 34.25 per foot
27" RCP - \$ 29.15 per foot
24" RCP - \$ 18.90 per foot

Approximately 630 cubic yards of fill material needs to be removed from the ditch to open it up to the design on the plans.

Excavation costs drawn from the LICA 1998 Contractors Price Survey varied from \$2.00 to \$2.25 per cubic yard. This price does not include hauling of the material.

Summary

1. The ditch filled in on the Willoughby property is a Regulated Drain.
 - a. No documentation can be found that it has been abandoned.
 - b. Instruction #4 to the State Of Indiana in Circuit Court Cause B-2958 calls for an *additional* ditch to be constructed in addition to the existing open drain. This ditch was not designed to replace the existing ditch along the north side of the Willoughby property.
 - c. 1985 survey by Leland D. Miller, Jr. shows regulated drain location and statutory easement limits. The direction of the flow of water in the ditch is shown.
2. The flow of the ditch has been to the north along the east side of the road that is now US31, then turning and flowing east. This direction of flow can be documented for over 100 years. The open ditch along the north side of the Willoughby property was not constructed by INDOT.
3. Indiana Department of Transportation (INDOT) has never designed for the flow of water along the east side of US31 to the south and then under 266th Street. It should be noted that when INDOT added an additional water inlet from the median of US31, it directed the additional flow from the median, along with the existing flow from the west side of the road, south under 266th Street to the open ditch.
4. The flow of water to the east along the north side of the Willoughby property must be restored. The capacity of the ditch should be a minimum 64 CFS.
5. Statement on the deed to the Willoughby property (Item #9) for rights of way for drainage ditches, feeders, laterals, and underground tiles, if any. Clearly this addresses the need to keep drainage on this property open regardless if it is a regulated drain or a private drain.



Andrew D. Conover

COST ESTIMATE FOR 266TH & U.S.31

Time:	3 days	27 hours
Equipment:	Excavator @ \$75.00 per hour	\$2025.00
Labor:	2 men @ \$25.00 per hour	\$1350.00
Materials:	grass seed & fertilizer @ \$2.00 per pound	<u>\$ 100.00</u>
Cost:		\$3475.00

This estimate is based on an open ditch. The concrete being buried onsite and the Highway Department hauling away the spoils. The Highway Departments ability to keep trucks available and the amount of concrete could increase or decrease this cost.

Hauling of spoils by Ward Construction or placement of any pipe would be an added cost.

The Surveyor's Office recommends the open ditch.

Should the placement of pipe be required, this would be at a cost of \$57.25 per ft. for the pipe **Plus installation.**

Taken to Drainage Board on June 14, 99.

Board voted to place 150' of 42" RCP ..
SAB.

ORDER TO VIEW ^{Ditch} ROAD.

THE STATE OF INDIANA,

COMMISSIONER'S COURT,

Hamilton County, ss: *October Special* Term, 189*4*

To *Eli Brooks George Wheeler Hamilton Metzger & J. S. Coynor*

You are hereby notified that you were appointed by the Board of Commissioners of said County, at their *October Special* Term, 189*4*, to view a proposed ^{Ditch} Highway, as follows, to-wit;

Commencing at ~~the or near~~ ^{the} north west Corner of the south west quarter of the southwest quarter of Section 13 in Township 20 north of range 3 east thence in a south easterly direction running through the lands of William Haughy Wilber Philip and Asa Wiles terminating 55 rods east of the northwest Corner of the North west quarter of the south east quarter of Section 24 Town 20 north of range 3 said main Ditch running over and along the Perry Bennett Ditch from the North west Corner last mentioned. (Branch No 1)

Commencing at the North west Corner of the North west Quarter of Section 24 Township 20 North of range 3 east thence in a south easterly direction until it intersects the Main Line of Ditch. (Branch No 2)

Commencing at the North east Corner of the Northwest Quarter of Section 24 Township 20 north of range 3 east and run south until it intersects the Main line of Ditch

and, if said proposed ^{Ditch} highway will be of public utility, mark and lay out the same, in the manner prescribed by law, ~~to the width of~~ ^{feet.}

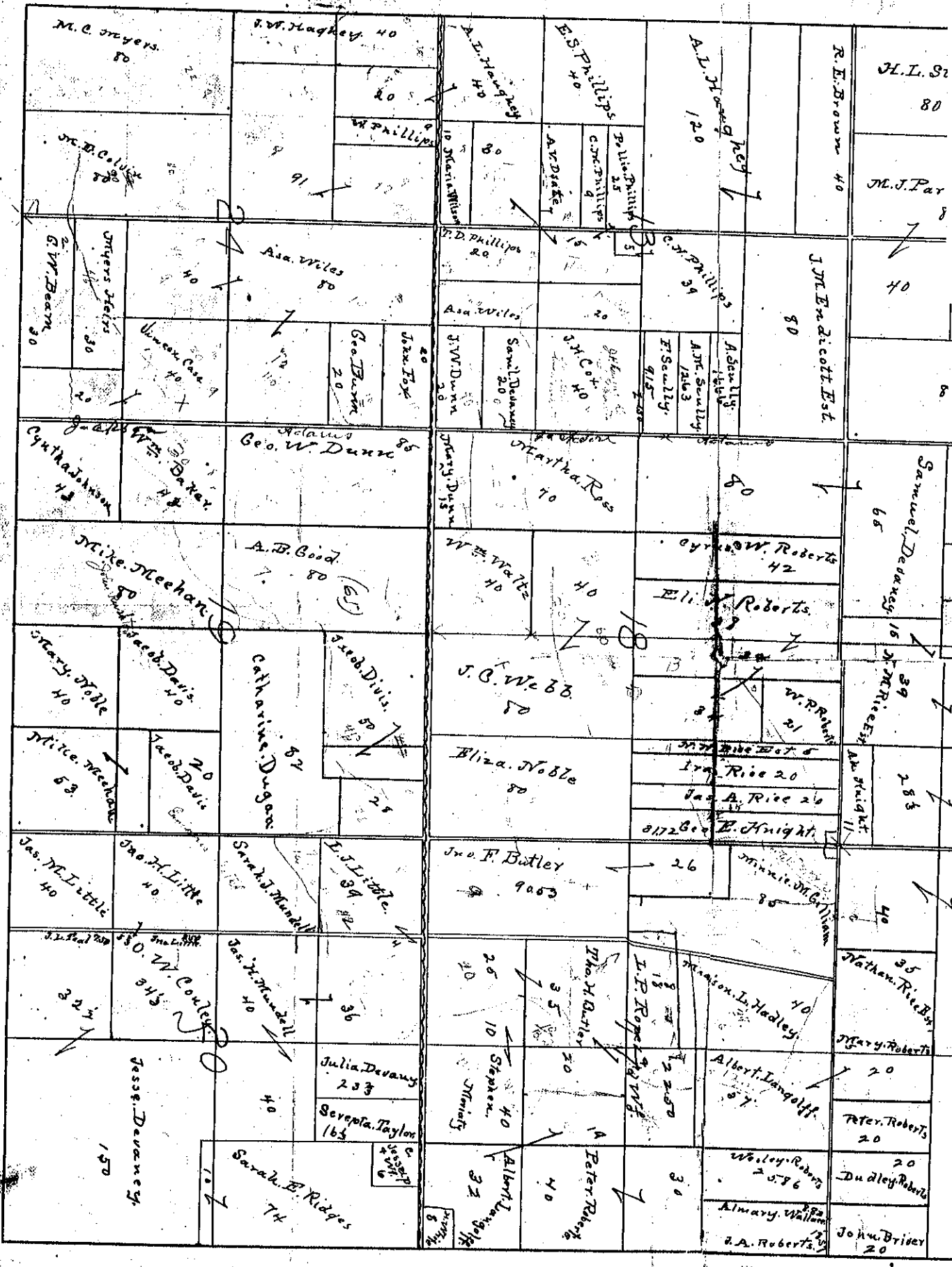
You will meet ~~at the office of~~ ^{on} line of said proposed ^{Ditch} who resides *Ditch*

on *Monday* the *12th* day of *November* 189*4* at 9 o'clock, A. M., and, after being duly qualified, proceed to make said view, and report at the next regular term of said Board.

I certify the foregoing to be a true copy of the order of the Board in relation to said proposed highway. Witness my hand and official seal, this *24th* day of *October* 189*4*

A. Jucker Auditor.

I Tenth 2



ITEM # 4

W. B. BENNETT PATCH

year 1931

Township 2.0 N

Adams Township
Range 3 East

Jackson Township
Range 4 East

Creek

J.P. Wallace
22.50A
1914

Ross Hinshaw
88A

Ella Morgan
30A

J.A. Rice
60.89A

Minnie Gilchrist
85.89A
85

Susie Bartz
104A

L. Sowers
26A
26

Helen Wagner
Stahl
40A

Lonie Haughey
79.60A

Chas Noble
61.50A

Leona & Emma
Hemfield
40A

40

40

45

H.C. Gott
40A
30

Raymond Noble
29A
20

43

40A
40

40

40

45

R.R. Phillips
20A
20

Alvin F. Olden
80A
70

Chas Noble
80A
40

J.F. Butler
50A
45

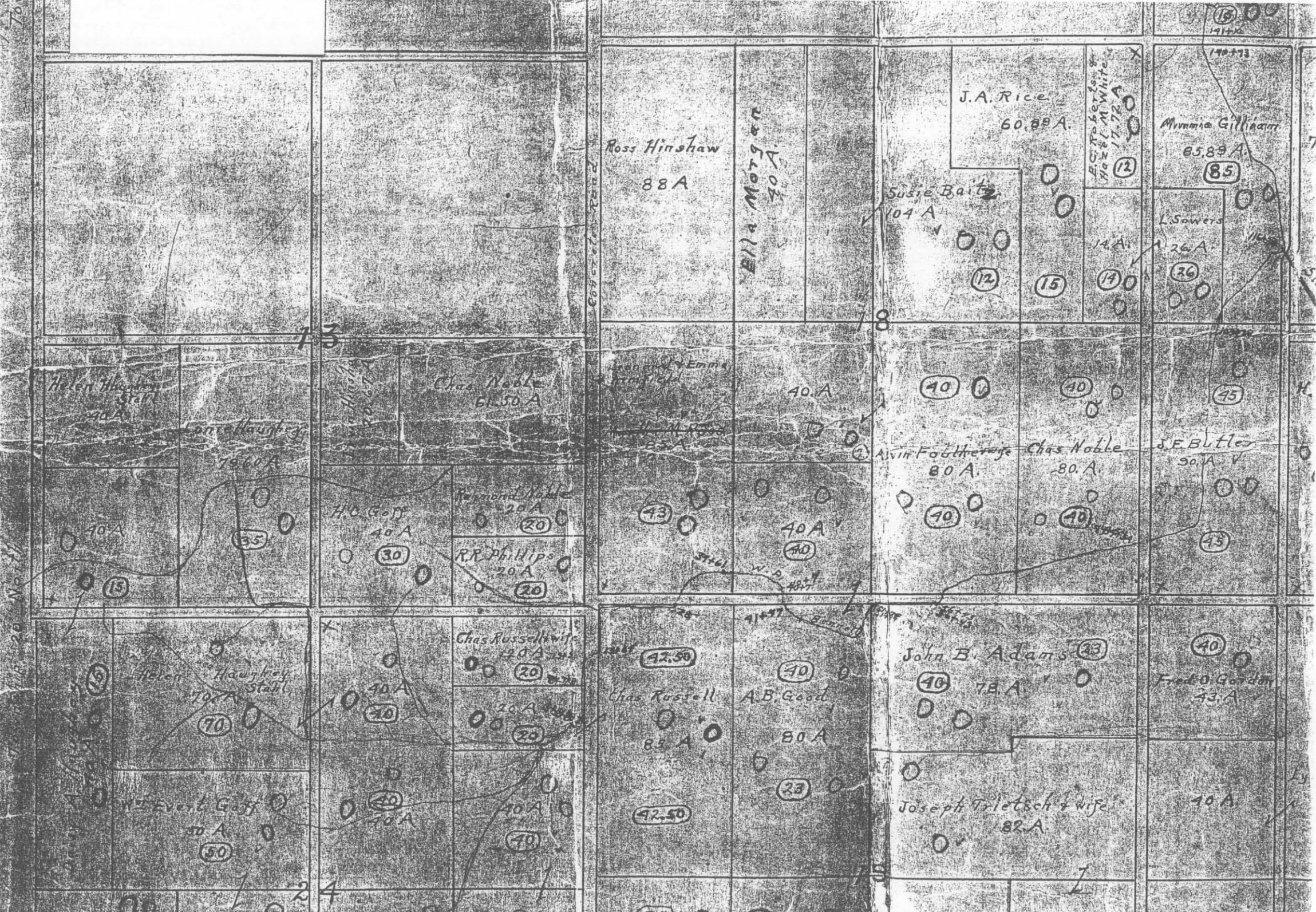
Chas Russell
20A
20

42.50

40

John B. Adams
78A
40

Frank Gordon
43A
40



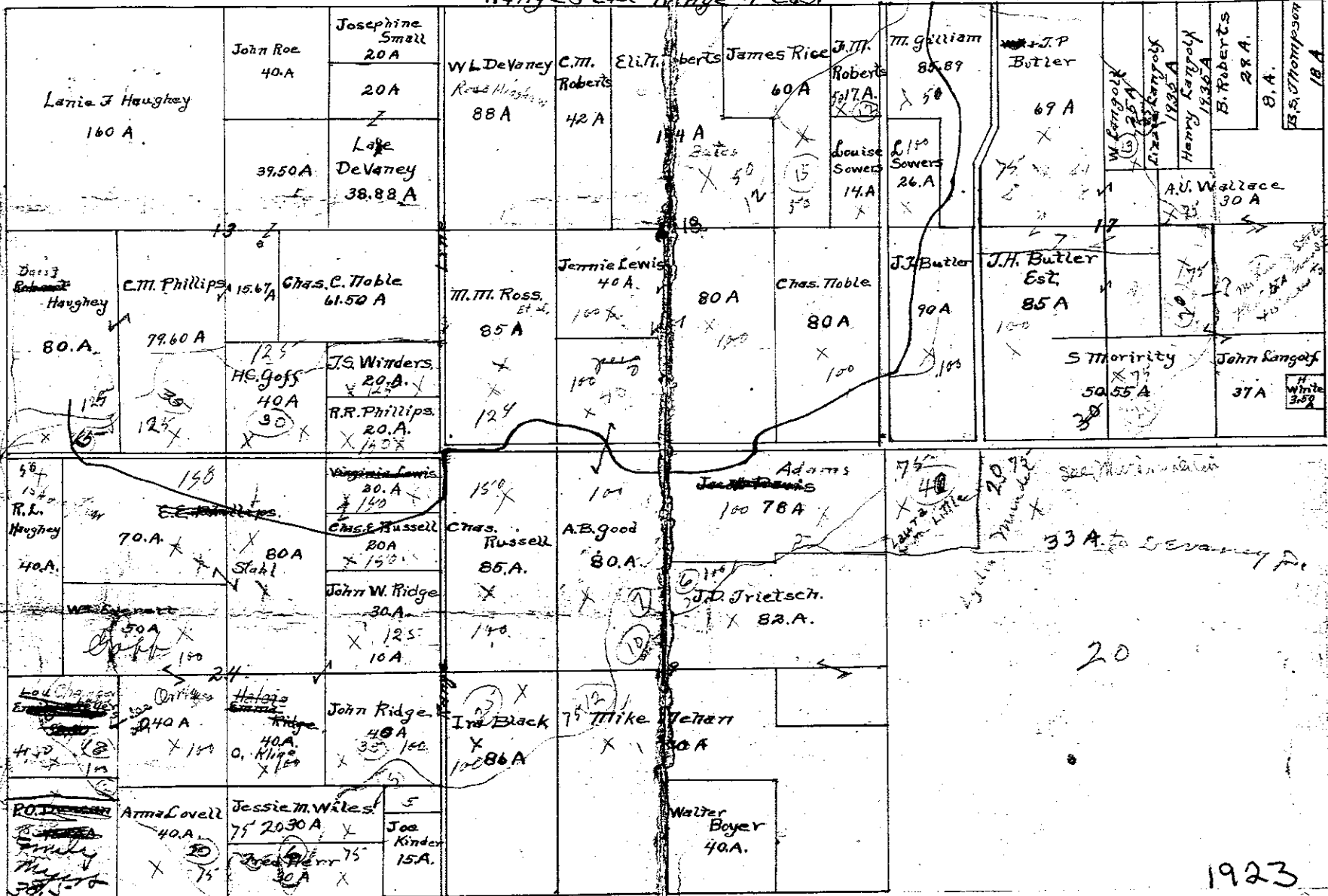
ITEM #3

Lizzie L... 2
13

W.P. Bennett Drain Jackson + Adams Tps

Sec 13+24 + Sec 17, 18, 19, 20.
Tp 20 Sp. 20
Range 3 East Range 4 East

J.P. Wallace
50



20

33 A. to E. Vanney Jr.

1923

Adams Tp.

Jackson Tp.

ITEM #5

PUBLIC ROAD CROSSING REQ'D.
STA. 1194+50.9 M=50'

1195

1200

Sta. 1194+50 to 1209+40
Drs. 40 Ac. Lt. C=0.2

STRUCTURE NO. 52
Std. Inlet Type F-7 &
80' of 6" Class I Pipe
and One Headwall Req'd.
Extend Pipe in Place on Rt.
Remove 4' of Pipe in Place.

STRUCTURE NO. 56
15' Conc. Pipe, 6" & 8"
Sewer Pipe in Place.
No Changes Req'd.

STRUCTURE NO. 58
10" & 8" Drain Tile &
6" Sewer Pipe in Place.
No Changes Req'd.

Approx. Loc. 6' FT.
(Depth Unknown)

P.O.T. 1197+61.4
P.O.T. 5+00.0'S-25-N'

Sta. 1179+55 to 1202+40
Drs. 350 Ac. Lt. C=0.2
STRUCTURE NO. 29
8" x 6" Sto. R.O. Box Culv. Req'd.
L=72' Wings W/
Extend Box Culv. in Place on Rt.
See Details on Sheet No. 11742

SECT. 24 T20N R3E
ADAMS TWP.
STRUCTURE NO. 51
18' of 10" Sewer Pipe Req'd.

SECT. 15 T20N R3E
ADAMS TWP.

P.O.T. 1183+00.0
45.0'

+50.25.0'
Section Plug

P.O.T. 1194+50.9
P.O.T. 5+00.0'S-24-N'
P.O.T. 0+00.0'S-25-N REV'

P.O.T. 1197+61.4
P.O.T. 5+00.0'S-25-N'

STRUCTURE NO. 28
Std. Inlet Type E-7 &
80' of 12" Class I Pipe Req'd.
Connect to Str. No. 19

LLOYD J. GRINSTEAD
(Posture)

STRUCTURE NO. 50
Std. Inlet Type E-7 &
80' of 12" Class I Pipe Req'd.
Connect to Str. No. 29

NOTE: Self-Superelevation to
Used for This Curve.

SECT. 19 T20N R4E
JACKSON TWP.
4+52.5.60'
15-N REV'

CHANNEL CHANGE
REQ'D. ON RT.

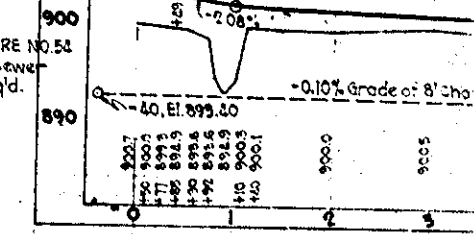
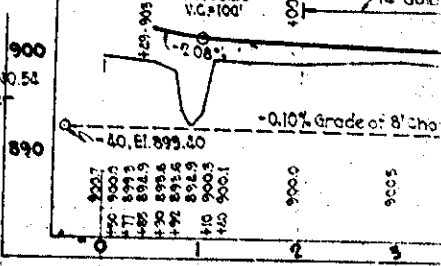
SECT. 18 T20N R4E
JACKSON TWP.

STRUCTURE NO. 59
22' of 36" Class I Pipe Req'd.
Construct Inlet Ditch

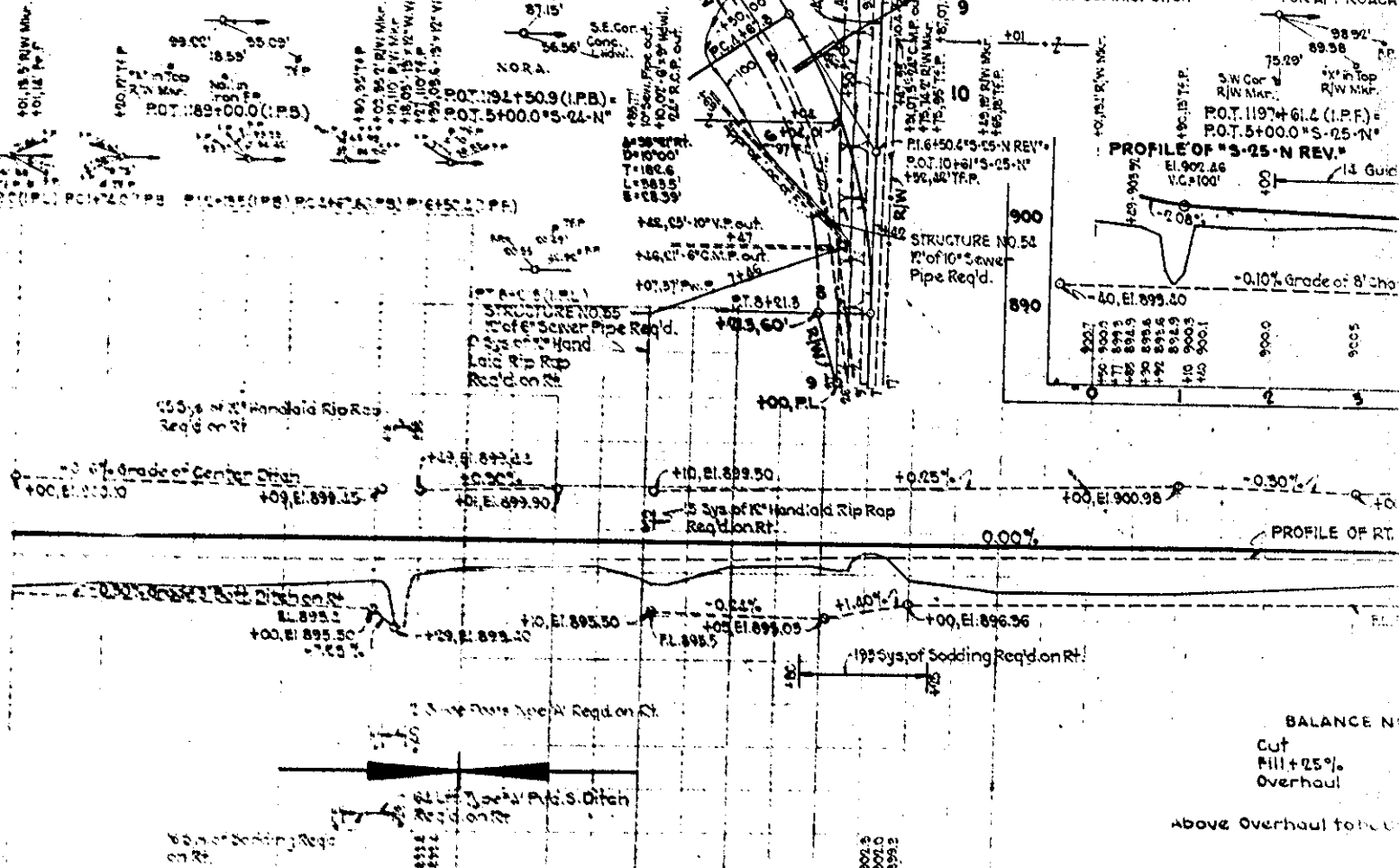
STA. 0+25 TO STA. 1+364
CYS. OF SALV.
FOR APPROACH

TYPE 'B' ROAD APPROACH REQ'D
RT. OF STA. 1194+50.9

PROFILE OF "S-25-N REV."



PROFILE OF RT.



BALANCE N'
Cut
Fill +25%
Overhaul

Above Overhaul to be

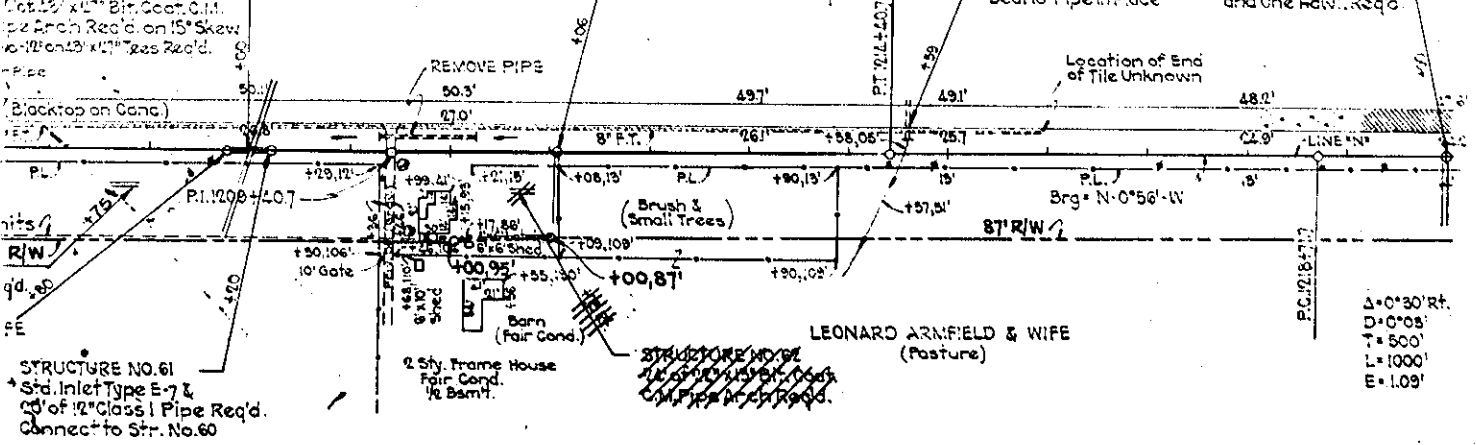
STRUCTURE NO. 60
 Std. Inlet Type E-7 &
 7 1/2" of 12" Class 1 Pipe
 and One Headwall Req'd.

STRUCTURE NO. 61
 Std. Inlet Type E-7 &
 10" of 12" Class 1 Pipe Req'd.
 Connect to Str. No. 60

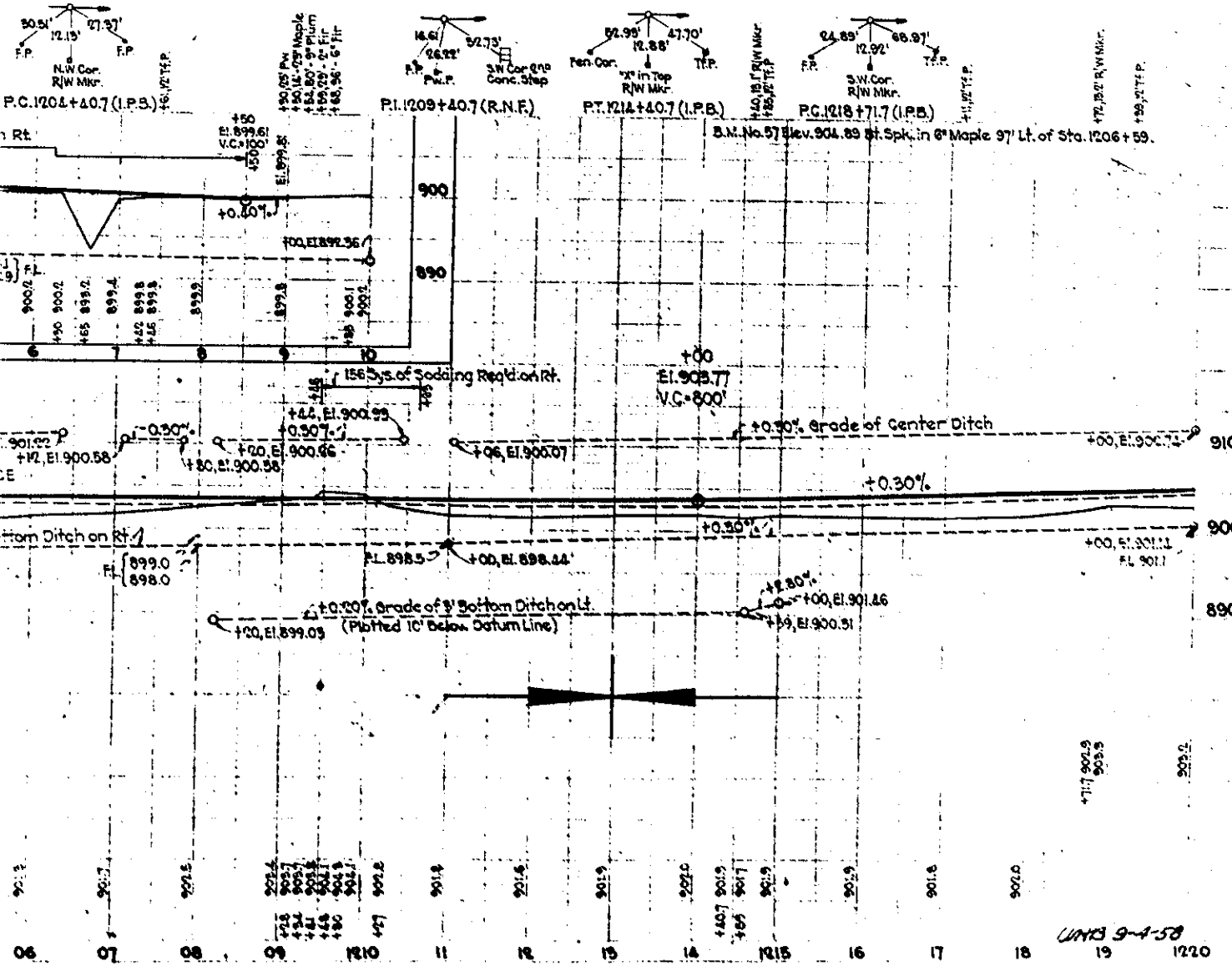
Δ = 0°30' Rt.
 D = 6"08"
 L = 1000'
 E = 1.09'

STRUCTURE NO. 62
 Std. Inlet Type E-7 &
 7 1/2" of 12" Class 1 Pipe
 and One Headwall Req'd.

STRUCTURE NO. 63
 Std. Inlet Type E-7 &
 10" of 12" Class 1 Pipe
 and One Headwall Req'd.



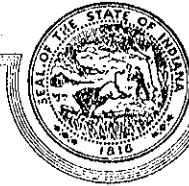
ALL R/W ON THIS SHEET TO BE AS SHOWN



UNB 9-4-58
 19 1220

ITEM #6

STATE OF INDIANA



INDIANAPOLIS 4

OFFICES OF ATTORNEY GENERAL
EDWIN K. STEERS, ATTORNEY GENERAL
219 STATE HOUSE

January 8, 1962

Clerk
Hamilton Circuit Court
Noblesville, Indiana

Re: State v. Grinstead
Hamilton Circuit Court
Cause No. B-2958
Project No. F-24-13
Parcels 6, 6A S.R. 31

Dear Sir:

Enclosed is a state warrant in the amount of \$30.13 to supplement the amount previously deposited so as to equal the judgment in the above-captioned condemnation action. Please furnish for our files your official receipt for this amount.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Fred Croner".

Fred B. Croner, Jr.
Deputy Attorney General

FBC:dkb

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

IN THE HAMILTON CIRCUIT COURT
OCTOBER TERM, 1959

STATE OF INDIANA

VS.

CAUSE NO. B 2958

JOHN W. GRINSTEAD, and
DOROTHY GRINSTEAD, Husband
and Wife

MOTION TO SET ASIDE REPORT OF THE APPRAISERS

Comes now the Defendants, John W. and Dorothy Grinstead, and move to set aside the Report of the Appraisers heretofore filed in the above captioned case and in support of said Motion allege and say:

1. That said Appraisers were not properly appointed.
2. That said Appraisers were not sworn according to law prior to performing their duties. — *sworn* —
3. That the Plaintiff used undue influence over said Appraisers in the following particulars:

A. That a representative of the Plaintiff went to the place where the Appraisers were performing their duties and put said Appraisers in a State owned car and proceeded to drive said Appraisers over and along the premises of the defendants and made statements and allegations to said Appraisers concerning what the State of Indiana proposed to do with various parts of the farm.

B. That the Plaintiff through its representative exhibited to the Appraisers certain blueprints and plans which were not a part of the case, and which were in exact variance with Exhibit A of the Plaintiff's Complaint heretofore filed.

C. That the Plaintiff by and through its Representative advised the Appraisers that a crossover would be placed between the defendants' land on the East side of the State Road #31 and the defendants' land on the West side of State Road #31, and also misinformed said Appraisers regarding entrance to a triangle of land left by the State of Indiana in their condemnation.

D. That the State of Indiana by and through its Representative, an Engineer for the State Highway Department, used undue influence over said Appraisers in order to keep the amount of damages assessed by said Appraisers at an extremely low figure.

E. That the report of the Appraisers clearly shows that they did not assess any damages for Outbuilding #1 and #2 taken, or any damages to the chicken house or to the well located immediately South of the Crib, or to any other buildings or the drainage on the farm.

F. That the Report of the Appraisers is improper, the amounts of damage are improperly computed, and added in the said Report.

G. That said Report on its face shows that the Appraisers did not properly perform their duties in accordance with the Court's instructions.

WHEREFORE, the defendants pray that the Report of the Appraisers heretofore filed be set aside, and that new Appraisers be appointed in accordance with law.

CAMPBELL, CAMPBELL, MALAN & KYLE

BY 
Attorneys for Defendants

THE COURT'S INSTRUCTION NO. 5

You are instructed that the defendants have a garage and crib building approximately 38 x 32 feet located immediately east of the right-of-way taken. Said garage is entered into from the west and you are instructed that you may consider whether or not any damage will result to said building by the proposed right-of-way taken by the State of Indiana. In considering said damage you may consider whether or not the defendants can have means of egress and ingress from the west side of said building without trespassing upon the State of Indiana's right-of-way. If you find that they will not, then you may compensate them for the damages to this building.

Given by the court upon its own motion.

Judge

THE COURT'S INSTRUCTION NO. 6

You are instructed that the defendants are entitled to be compensated for all improvements taken, including all fence located on the land taken by the plaintiff, together with all gates.

Given by the court upon its own motion.

Judge

THE COURT'S INSTRUCTION NO. 4

You are instructed that the proposed construction of the highway by the State of Indiana may call for the joining of the two T-roads now located at the north edge of the defendant's property in a single crossover said highway. You are further instructed that if this is done in order to do this it will be necessary for the State of Indiana to move the open ditch which now crosses said highway and to construct an additional open ditch all the way along the northwest side of the defendant's land taken. If you find that said ditch, if constructed, would render the land immediately adjacent to said ditch useless for building sites and if you further find that said land at the time of taking at its highest and best use was for building site purposes, then you should so compensate the defendants for the installation of said open ditch by the State of Indiana.

Given by the court on its own motion.

Judge

THE COURT'S INSTRUCTION NO. 7

If you find that the State of Indiana by this condemnation proceeding will have rendered useless to the defendants any other structure or improvements beyond those actually taken, then the defendants are entitled to be compensated in full for the other building or improvements that is rendered useless.

Given by the court upon its own motion.

Judge

THE COURT'S INSTRUCTION NO. 8

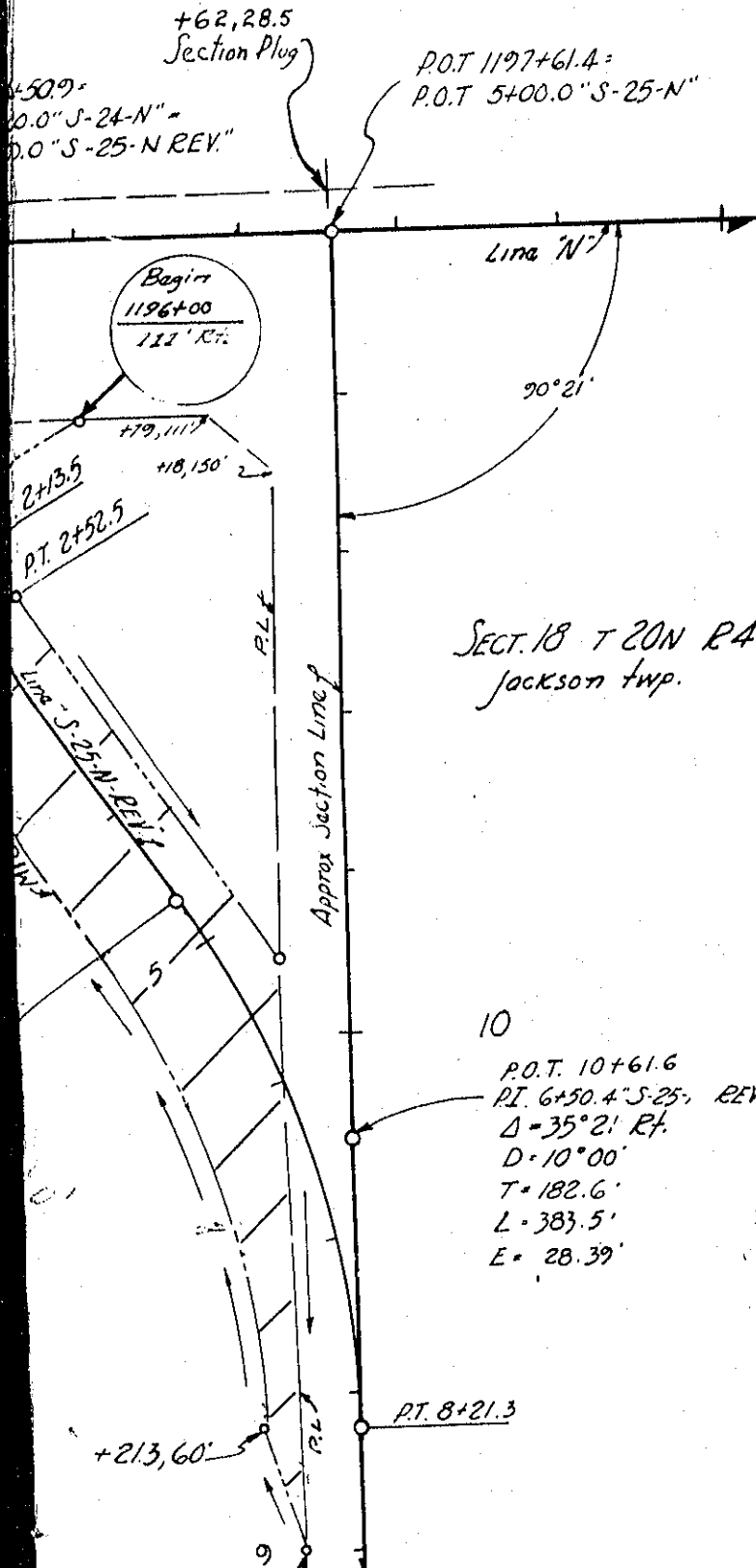
You are instructed that you may consider the fact that although the State of Indiana has certain plans now prepared for the use of said land sought to be condemned, there is nothing binding upon the State of Indiana to construct said highway or to use said lands in the manner in which they propose. You are further instructed that the State of Indiana in the construction may at any time change the width of the highway, direction that the highways run, the number of crossovers or any other matters that are pertinent thereto.

Given by the court upon its own motion.

Judge

PLAN SHEET 8#9
 Parcel No. 6 & 6A, 6T
 Sheet 1 of 1 6T

SECT. 13 T 20N R 3E
 ADAMS TWP



SECT. 18 T 20N R 4E
 JACKSON TWP.

1190

SECT. 24 T 20N R3E
ADAMS TWP

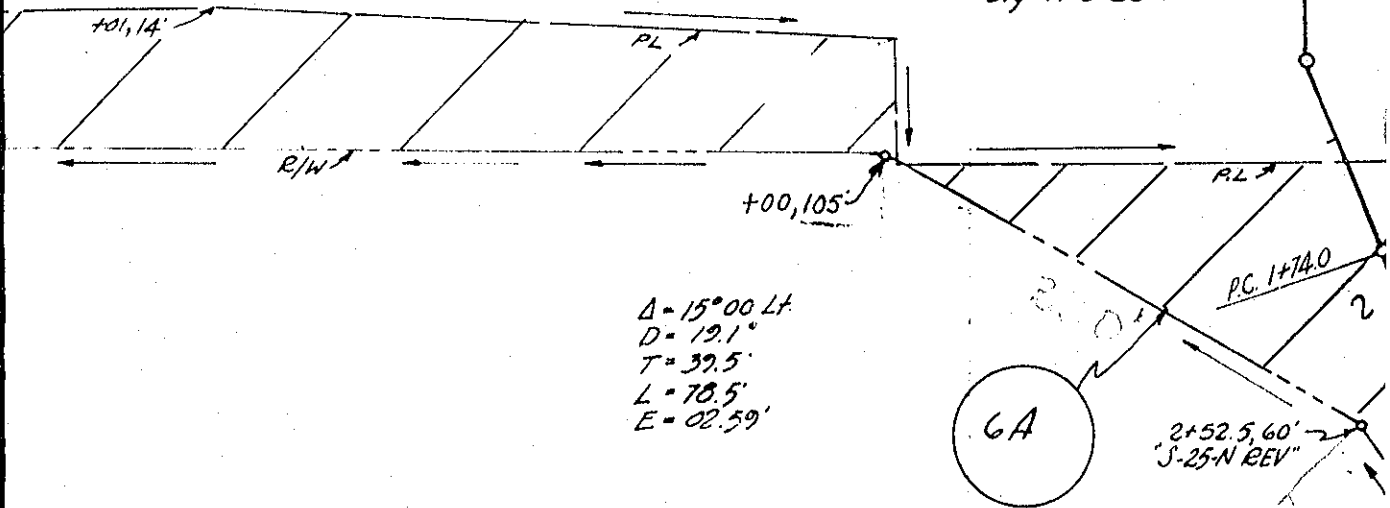
1195

Approx. Section Line

+50,25.2'
Section Plug

P.I.
P.I.
P.I.

Brg = N-0°26'-W



$\Delta = 15^\circ 00' \text{ Lt.}$
 $D = 19.1'$
 $T = 39.5'$
 $L = 78.5'$
 $E = 02.59'$

SECT. 19 T 20N R4E
JACKSON TWP

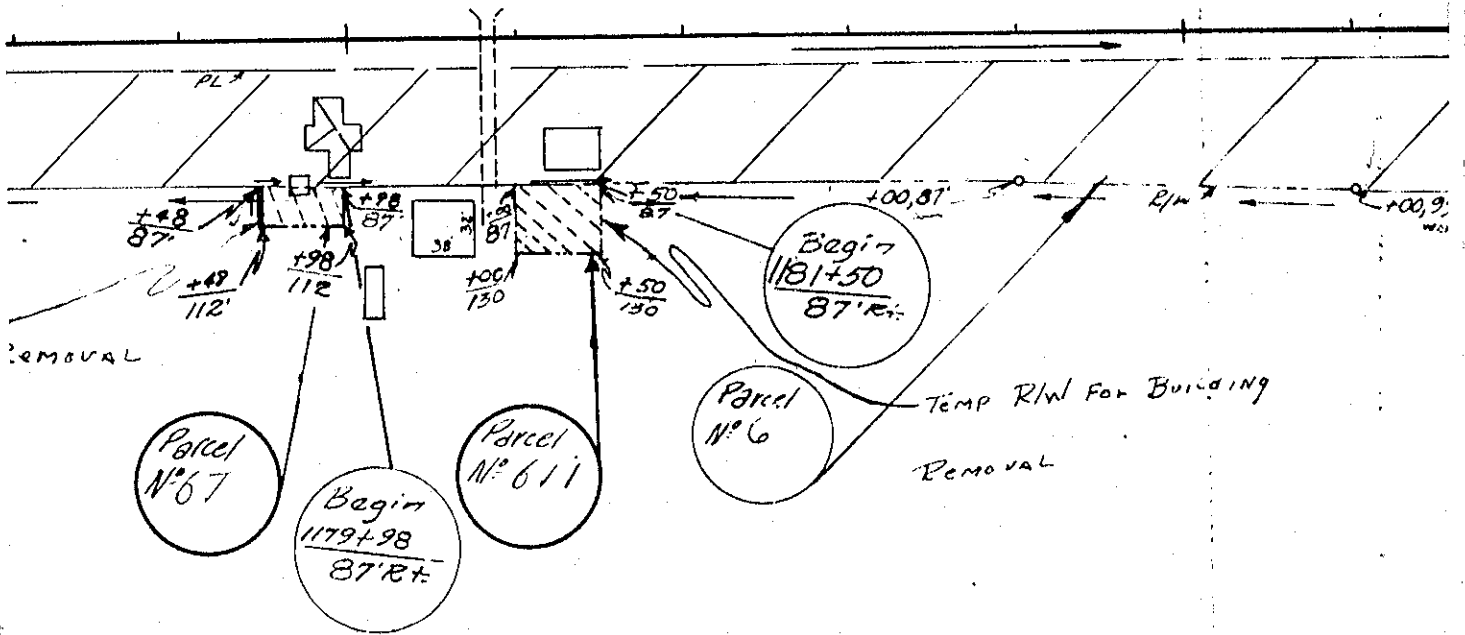
P.C.

Perm.	R/W 6	3.693
"	R/W 6A	1.576
Temp.	R/W 6T	0.029
"	R/W 6T	0.049
Total R/W		5.347 Acres

F-24(13) Hamilton
 U.S. 31 Jackson Twp.
 JOHN & DOROTHY GRINSTEAD
 19 20N 4E
 CONTAINING Tot. 5.347
 7 14 52

1180

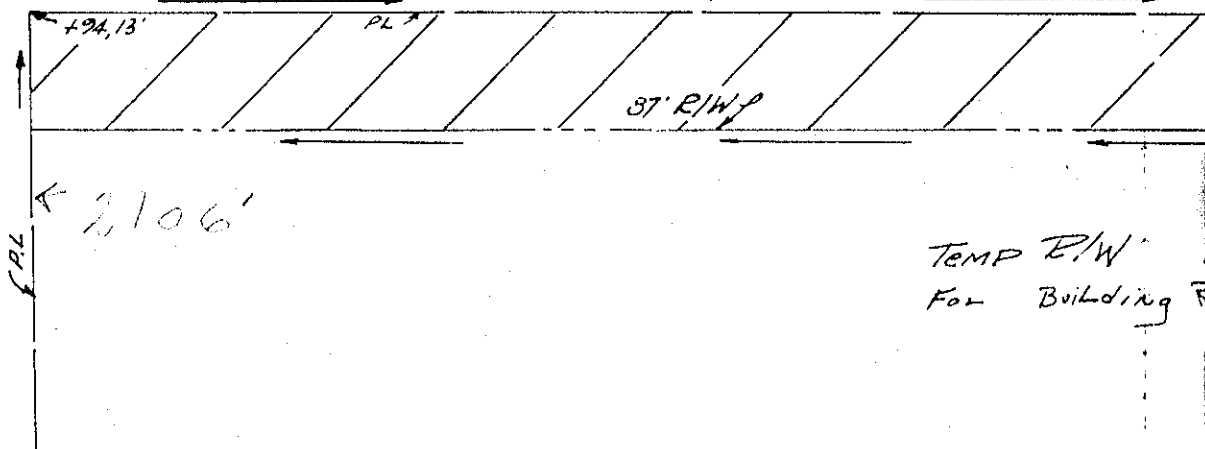
1185



1170

1175

Scale 1"=100'



Turn Lane & Taper Req'd on Rt.
Sta 1188+00 to Sta 1194+00 Remove
exist curbs in median cross-over.
See Detail on Sheet No. 16

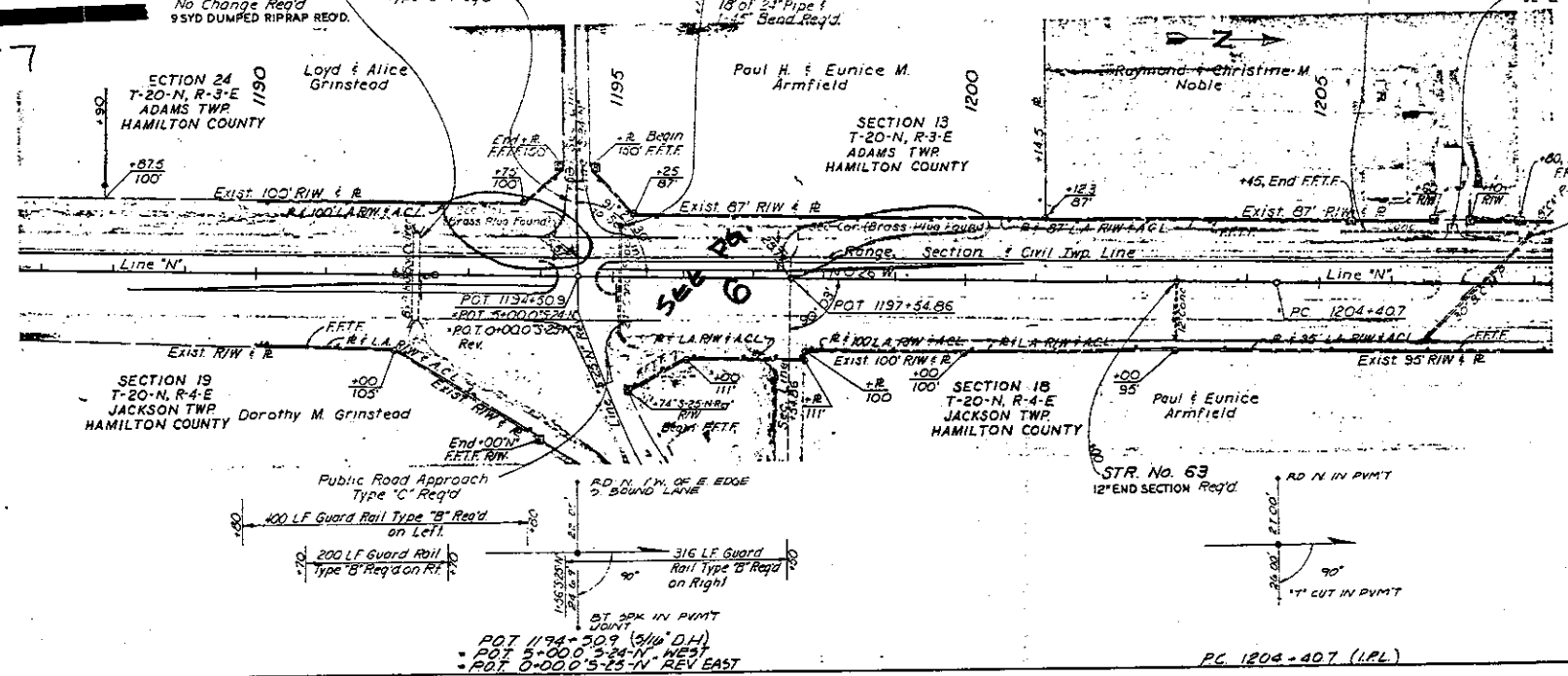
STR. No. 61
Box Culvert in Place
No Change Req'd
9.5YD DUMPED RIPRAP REQ'D.

Turn Lane & Taper Req'd on Lt.
Sta 1198+01 to Sta 1201+01 Remove
exist curbs in median cross-over.
See Detail on Sheet No. 16

STR. No. 64
Pipe in Place.

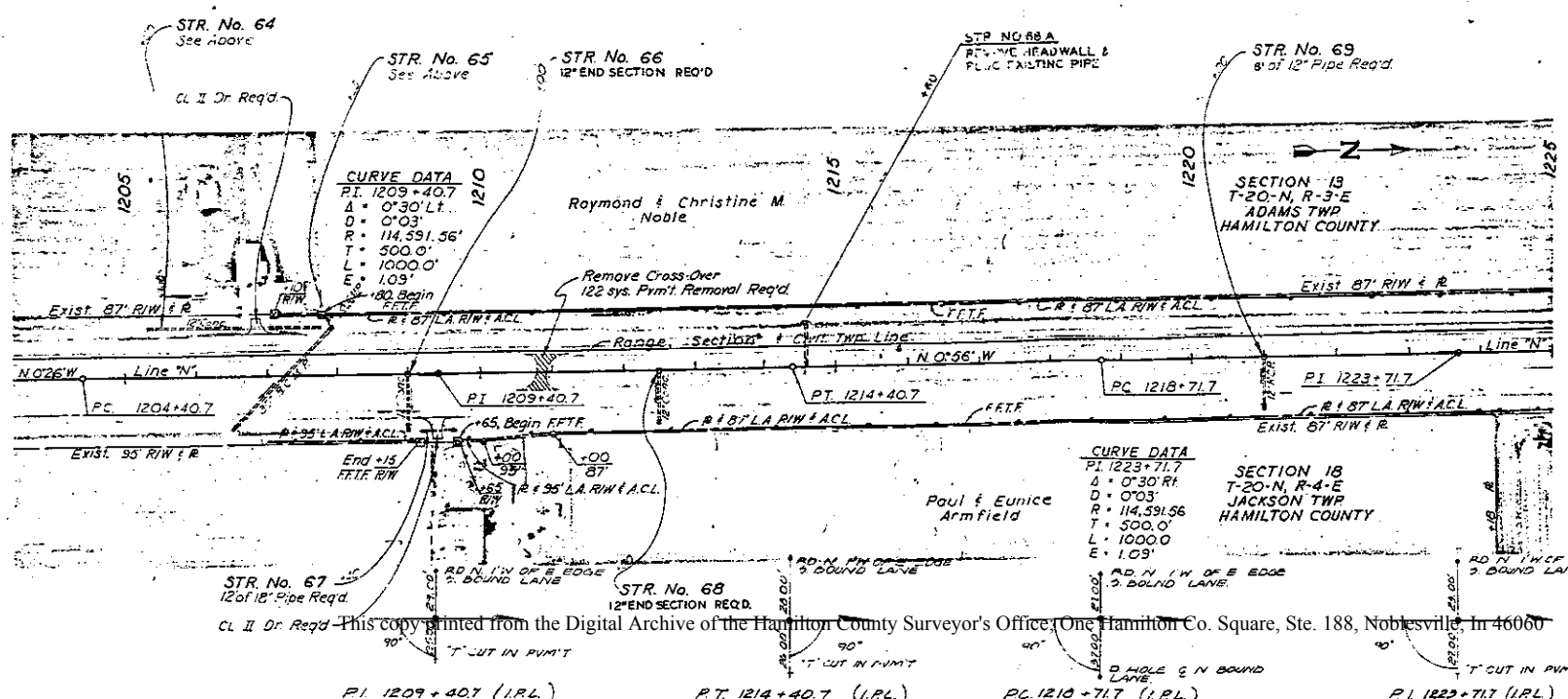
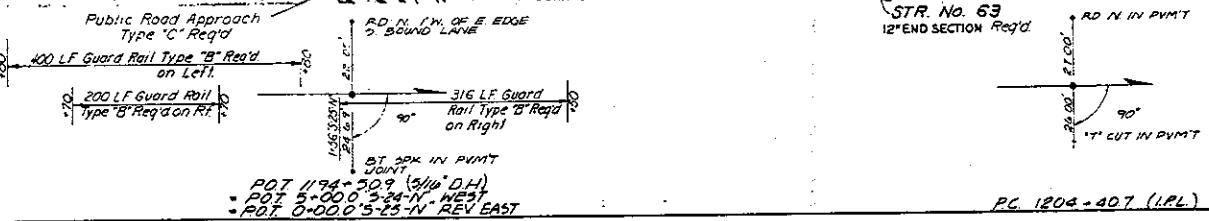
FEDERAL ROAD DISTRICT NO.	STATE	PROJECT NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
5	IND.	F-24(28)		9	52

ITEM # 7



ALL RIGHT-OF-WAY ON THIS SHEET TO BE AS SHOWN. LIMITED ACCESS PROVISIONS TO APPLY WHERE INDICATED. ALL R/W DESCRIBED FROM LINE "N" EXCEPT AS SHOWN. POINTS OF ACCESS TO BE ALLOWED AS FOLLOWS:

Location	Class or Type
Sta 1194+30.9 N.W. LT.	Public Road
Sta 1194+30.9 N.W. RT.	Public Road
Sta 1206+85 N.W. LT.	Class II Drive
Sta 1209+40 N.W. RT.	Class II Drive



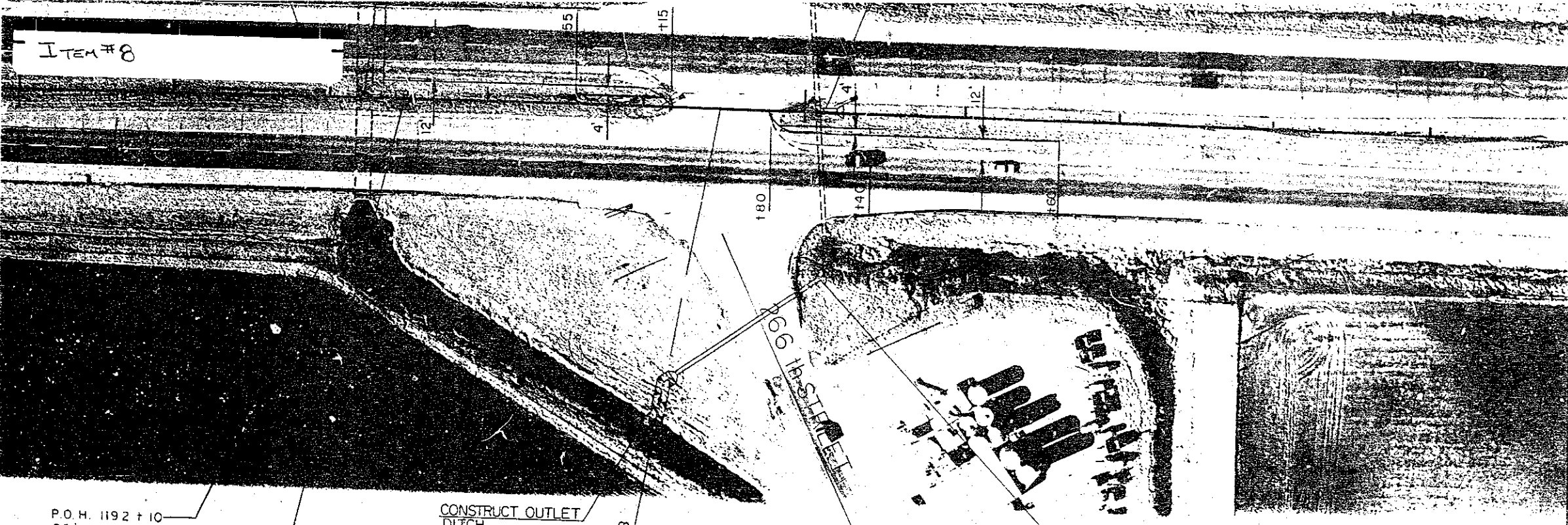
- R/W LEGEND**
- ⊕ Begin L.A. R/W, A.C.L. & F.E.T.E.
 - ⊖ End L.A. R/W, A.C.L. & F.E.T.E.
 - ⊞ F.E.T.E. & Begin CL.T.F.
 - ⊟ End L.A. R/W, A.C.L. & CL.T.F.
 - ⊞ Begin L.A. R/W, A.C.L. & CL.T.F.
 - ⊟ End CL.T.F. & Begin F.E.T.E.

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P.I. 1209+40.7 (I.P.L.) P.T. 1214+40.7 (I.P.L.) P.C. 1218+71.7 (I.P.L.) P.I. 1223+71.7 (I.P.L.)

ITEM #8



P.O.H. 1192 +10
28' FROM E.O.P.

CONSTRUCT OUTLET
DITCH

CROSSOVER
TYPE 'S'

PUBLIC RD. APPR.
TYPE 'B'

STRUCTURE NO. 450

EXIST. INLET E-7 & PIPE
INSTALL CASTING TYPE 7 &
APRON

REMOVE 295 LFT. EXIST. GUARD RAIL SHOULDER

REMOVE 200 LFT. EXIST. GUARD RAIL SHOULDER

26 PANELS of 6'-3" LOCATE 12' FROM EP.
POST "P"

3 PANELS of 1'-6 3/4"
SPECIAL POST

6 PANELS of 1'-6 3/4"

8 PANELS of 3'-1 1/2"

8 PANELS of 6'-3"

CURVED TERMINAL
END SECTION

FOR LEGEND SEE SHEET NO. 6

SECTION A-A
MEDIAN CROSSOVER

10:1 MAX. SLOPE

12" GROUP "A"

P.E.S.

EXIST. PIPE

24" x 12" TEE

STR. 452

2-30° ELBOWS

STRUCTURE NO. 452

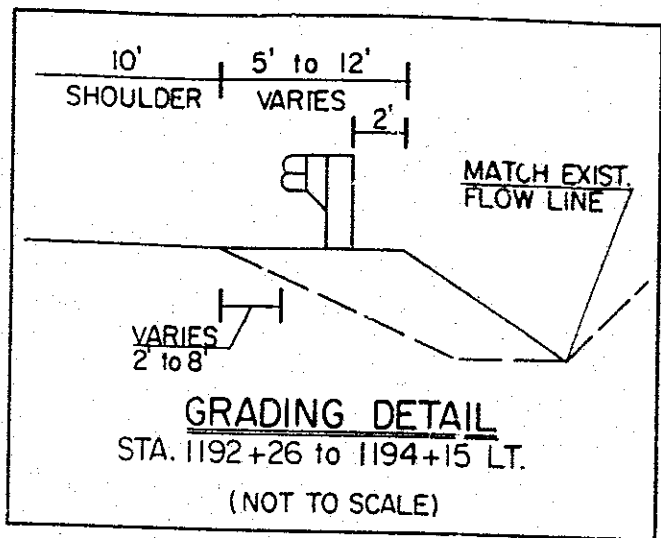
120 LFT. 24" GROUP "A" PIPE
2-30° ELBOWS & P.E.S. REOD
CONNECT TO STR 451

NO SCALE

PROJECT NO.	LINE	SHEET NO.	TOTAL SHEETS	FILE

E.O.P. +51
 TAPER 12' TO 18'
 FROM E.O.P.

PANELS at 1'-6 3/4"
 SPECIAL POST



FEDERAL ROAD DISTRICT NO.	STATE	PROJECT NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
5	IND.	NH-153-2(25)	1992	18	107

+51 | +76 | +63
 14 PANELS at 6'-3"
 TAPER 12' to 18'
 FROM E.O.P.
 G.R.E.T. "OS"

POST "P"

T.B.M. 3
 W. SIDE STR. 449
 ELEV. 100.00 (ASSUMED)

+60
 STRUCTURE NO. 449
 EXIST. 8' X 6' BOX CULVERT

P.O.H. 1192 +30
 25' FROM E.O.P.

1195

148
 PUBLIC RD. APPR.
 TYPE 'B'

STRUCTURE NO. 451
 EXIST. 24" PIPE & INLET TYPE F-7
 REMOVE INLET INSTALL 10' OF 12" PIPE.
 GROUP A, 1-24" X 12" TEE & 1 P.E.S.

6538.

85 2820

AFFIDAVIT
(~~XXXXXXX~~ Indiana)
Arcadia,

STATE OF CALIFORNIA)
) ss.
COUNTY OF ALAMEDA)

BOOK 347 PAGE 690

DEED 347

Howard M. Nelson, being duly sworn, hereby deposes and states:

1. That he is the Senior Vice President of Kaiser Aluminum & Chemical Corporation.

2. That the real property located in Hamilton County, State of Indiana, and more particularly described in the attached Exhibit A was acquired pursuant to deed dated July 21, 1978, as recorded on July 21, 1978 in the records of the Recorder of Hamilton County in Book 305, Page 797, in which the legal name of the grantee was incorrectly identified as Kaiser Aluminum Chemical Sales, Inc.

3. That the correct legal name of said grantee and the party to which the conveyance described in said deed was intended to be made was Kaiser Aluminum & Chemical Sales, Inc., a California Corporation.

4. That affiant makes this Affidavit for purposes of evidencing certain facts concerning the ownership of the real property described above.

Executed at Oakland, California, on February 21, 1985.

I declare under penalty of perjury and under the laws of the State of California, that the foregoing is true and correct.

This Instrument Recorded March 5 1985
Mary L. Clark, Recorder, Hamilton County, Ind.

Howard M. Nelson
Howard M. Nelson

DULY ENTERED FOR TAXATION

5 day March 1985

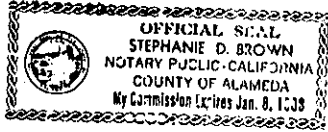
Polly Pearce Auditor
Hamilton County

Parcel # 02-19-00-00-00.1.001

RECEIVED
MAR 5 3 13 PM '85
MARY L. CLARK
RECORDER
HAMILTON CO. IN

690

SUBSCRIBED AND SWORN to before me, a Notary
Public for the County of Alameda, State of California,
this 21st day of February, 1985



Stephanie D. Brown
Notary Public

DEED 347

691

A part of the Northwest Quarter of Section 19, Township 20 North, Range 4 East, located in Jackson Township, Hamilton County, Indiana, being more specifically described as follows: Beginning at a point on the North line of the Northwest Quarter of Section 19, Township 20 North, Range 4 East, said Point of Beginning being South 89 degrees 28 minutes 03 seconds East (assumed bearing) 176.38 feet from the Northwest corner of said Northwest Quarter, said Point of Beginning also being on the Easterly right-of-way line of U. S. Highway Number Thirty One (#31), Project F-24 (14); thence South 89 degrees 28 minutes 03 seconds East 303.73 feet on and along the North line of said Northwest Quarter to a point on the Northerly right-of-way line of relocated 266th Street, Project F - 24 (13), the next Six Courses are on and along said Northerly right-of-way line; thence South 00 degrees 31 minutes 57 seconds West 43.52 feet; thence South 56 degrees 06 minutes 17 seconds West 286.15 feet; thence South 58 degrees 30 minutes 17 seconds West 24.66 feet; thence South 68 degrees 30 minutes 37 seconds West 22.50 feet; thence South 68 degrees 23 minutes 34 seconds West 23.50 feet; thence North 29 degrees 09 minutes 19 seconds West 90.29 feet to the Easterly right-of-way line of U. S. Highway Number Thirty One (#31), Project F - 24 (14), the next three courses are on and along said Easterly right of way line, thence North 00 degrees 53 minutes 14 seconds East 79.00 feet; thence North 45 degrees 53 minutes 14 seconds East 55.15 feet; thence North 00 degrees 31 minutes 57 seconds East 41.26 feet to the POINT OF BEGINNING. Containing 1.14 acres, more or less.

This Instrument Recorded March 5 1985
Mary L. Clark, Recorder, Hamilton County, Ind.

DEED 347

692

50

6538

85 2821

CORPORATE DEED (Quit Claim)
(Gibbsstead, Indiana)
Arcadia,

BOOK 347 PAGE 693

DEED 347

THIS INDENTURE WITNESSETH, THAT, KAISER ALUMINUM & CHEMICAL CORPORATION, a corporation organized and existing under the laws of the State of Delaware ("Grantor"), and KAISER AGRICULTURAL CHEMICALS CORPORATION, a corporation organized and existing under the laws of the State of Delaware ("Grantee"), of Decatur County, in the State of Georgia;

WITNESSETH:

WHEREAS, by conveyancing document, dated as of January 1, 1983, Kaiser Aluminum & Chemical Sales, Inc., a corporation organized and existing under the laws of the State of California, sold, assigned, conveyed and transferred to Grantee, all of its right, title and interest in and to all of the real property of Kaiser Aluminum & Chemical Sales, Inc., wherever situate (except those specifically excluded therein, the property hereinafter described not being so excluded) (the "Omnibus Deed");

WHEREAS, by statutory merger, effective January 29, 1983, Kaiser Aluminum & Chemical Sales, Inc. merged with and into Grantor; and

WHEREAS, Grantee requires confirmation, in form suitable for recording, that the Omnibus Deed transferred and conveyed to Grantee all right, title and interest in and to certain real property located in Hamilton County, State of Indiana;

NOW, THEREFORE, Grantor RELEASES AND QUIT CLAIMS to Grantee in consideration of TEN DOLLARS, the receipt of which is hereby acknowledged, that certain real property in the State of Indiana, described in Exhibit A attached hereto and made a part hereof.

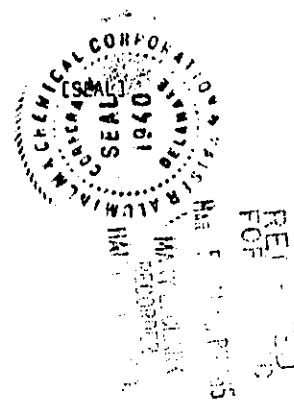
The undersigned persons executing this deed represent and certify on behalf of the Grantor, that each of the undersigned is a duly elected officer of the Grantor and has been fully empowered by proper resolution, or the by-laws of the Grantor, to execute and deliver this deed; that the Grantor is a corporation in good standing in the State of its origin; that the Grantor has full corporate capacity to convey the real estate described; and that all necessary corporate action for the making of this conveyance has been duly taken.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 21st day of February, 1985

KAISER ALUMINUM & CHEMICAL CORPORATION

By: Howard M. Nelson
Howard M. Nelson, Senior Vice President

By: David L. Perry
David L. Perry, Vice President



This Instrument Recorded March 5 1985
Mary L. Clark, Recorder, Hamilton County, Ind.

DULY ENTERED FOR TAXATION

5 day March 1985

Polly Pearce Auditor
Hamilton County

Parcel # 02-19-00-00-001.001

693

DEED 347

694

STATE OF CALIFORNIA)
) ss.
COUNTY OF ALAMEDA)

BOOK 347 PAGE 694

Before me, a Notary Public in and for said County and State, personally appeared Howard M. Nelson and David L. Perry, a Senior Vice President and a Vice President, respectively, of Kaiser Aluminum & Chemical Corporation, who acknowledged execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 21 day of February, 1985.

[Notary Seal]

Ellen L. Corey
_____, Notary Public



My Commission Expires: 10-10-87
Resident of Alameda County, California

This instrument prepared by:
Gerald M. Lester, Esq.
Thelen, Marrin, Johnson & Bridges
Two Embarcadero Center
Suite 2200
San Francisco, CA 94111

Mail to:
Stephen M. Dorfman, Esq.
Alzheimer & Gray
Suite 2600
333 West Wacker Drive
Chicago, IL 60606

DEED 347

EXHIBIT A

to

QUIT CLAIM DEED
(Arcadia, Indiana)

BOOK 347 PAGE 695

A part of the Northwest Quarter of Section 19, Township 20 North, Range 4 East, located in Jackson Township, Hamilton County, Indiana, being more specifically described as follows:

Beginning at a point on the North line of the Northwest Quarter of Section 19, Township 20 North, Range 4 East, said Point of Beginning being South 89 degrees 28 minutes 03 seconds East (assumed bearing) 176.38 feet from the Northwest corner of said Northwest Quarter, said Point of Beginning also being on the Easterly right-of-way line of U. S. Highway Number Thirty One (#31), Project F-24 (14); thence South 89 degrees 28 minutes 03 seconds East 303.73 feet on and along the North line of said Northwest Quarter to a point on the Northerly right-of-way line of relocated 266th Street, Project F-24 (13), the next Six Courses are on and along said Northerly right-of-way line; thence South 00 degrees 31 minutes 57 seconds West 43.52 feet; thence South 56 degrees 06 m/utes 17 seconds West 286.15 feet; thence South 58 degrees 30 minutes 17 seconds West 24.66 feet; thence South 63 degrees 30 minutes 37 seconds West 22.50 feet; thence South 68 degrees 23 minutes 34 seconds West 23.50 feet; thence North 29 degrees 09 minutes 19 seconds West 90.29 feet to the Easterly right-of-way line of U. S. Highway Number Thirty One (#31), Project F-24 (14), the next three courses are on and along said Easterly right of way line, thence North 00 degrees 53 minutes 14 seconds East 79.00 feet; thence North 45 degrees 53 minutes 14 seconds East 55.15 feet; thence North 00 degrees 31 minutes 57 seconds East 41.26 feet to the POINT OF BEGINNING. Containing 1.14 acres, more or less.

Being the same parcel conveyed to Kaiser Aluminum Chemical Sales, Incorporated, by Dorothy M. Grinstead by deed dated July 21, 1978 and recorded July 21, 1978 in the Office of the Recorder of Hamilton County in Deed Record 305, at page 797.

Grantee Address:

Kaiser Agricultural Chemicals Corporation
Highway 21
Port Wentworth, Georgia 31408

695

DEED 347

696

50

Crinstead (Hamilton) Co

State of California
County of Alameda

BOOK 347 PAGE 696

I, Howard M. Nelson, being first duly sworn, on oath
depose and say that the following is true:

With regard to that certain Quit Claim Deed dated as
of even date herewith executed by Kaiser Aluminum & Chemical
Corporation, a Delaware corporation, for the purpose of evi-
dencing the transfer of certain real property located in
Hamilton County, state of Indiana, as more particularly
described in the attached Exhibit A, to Kaiser Agricultural
Chemicals Corporation, a Delaware corporation and wholly-owned
subsidiary of Kaiser Aluminum & Chemical Corporation:

1. No consideration is being paid by Kaiser
Agricultural Chemicals Corporation for the transfer of such
real property pursuant to such Quit Claim Deed.
2. Accordingly, no gross income tax is due and
payable on such transfer.

Dated: February 21, 1985

This Instrument Recorded March 5 1985
Mary L. Clark, Recorder, Hamilton County, Ind.

KAISER ALUMINUM & CHEMICAL
CORPORATION

By: Howard M. Nelson
Howard M. Nelson
Senior Vice President

Sworn to me and subscribed
before me this 21 day of
February, 1985.

Ellen I. Corey
Notary Public



ITEM #9

52 63

2

Mail tax bills to:

S & P Investments Corp.
Highway 21
Port Wentworth, Georgia 31408

BOOK 347 PAGE 697

85 2822

DEED 347

CORPORATE DEED (Limited Warranty)

(~~Greensboro~~, Indiana)
Arcadia,

THIS INDENTURE ~~+~~ NESSETH, that KAISER AGRICULTURAL CHEMICALS CORPORATION ("Grantor"), a corporation organized and existing under the laws of the State of Delaware, CONVEYS AND WARRANTS to S & P INVESTMENTS CORP., a corporation organized and existing under the laws of the State of Delaware, of Decatur County, in the State of Georgia, in consideration of TEN DOLLARS and other good and valuable consideration, the receipt of which is hereby acknowledged, that certain real property in Hamilton County, in the State of Indiana, and described in Exhibit A attached hereto and made a part hereof;

SUBJECT to any restrictions, reservations, easements, liens and encumbrances as set forth in Exhibit B attached hereto and made a part hereof;

The undersigned persons executing this deed represent and certify on behalf of the Grantor, that each of the undersigned is a duly elected officer of the Grantor, and has been fully empowered by proper resolution, or the by-laws of the Grantor, to execute and deliver this deed; that the Grantor is a corporation in good standing in the State of its origin; that the Grantor has full corporate capacity to convey the real estate described; and that all necessary corporate action for the making of this conveyance has been duly taken.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 21st day of February, 1985

KAISER AGRICULTURAL CHEMICALS CORPORATION

By Howard M. Nelson
Howard M. Nelson, Vice President

By David L. Perry
David L. Perry, Vice President



Indiana Gross Income Tax on
Sale of Real Estate
Paid by Harold Agricultural Chemicals
Date Paid 2-5-85
Amount Paid \$ 140.46
Treasurer Receipt # 432155
Hamilton County

This Instrument Recorded March 5 1985
Mary L. Clark, Recorder, Hamilton County, Ind.

DULY ENTERED FOR TAXATION
5 day March 1985
Polly Pearce Auditor
Hamilton County
Parcel # 02-19-00-00-00100P

RECORDED
MARCH 1985

697

DEED 347

STATE OF CALIFORNIA)
) ss.
COUNTY OF ALAMEDA)

BOOK 347 PAGE 698

Before me, a Notary Public in and for said County and State, personally appeared Howard M. Nelson and David L. Perry, both Vice Presidents of Kaiser Agricultural Chemicals Corporation, who acknowledged execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 21 day of February 1985.

[Notary Seal]



Ellen L. Corey, Notary Public

My Commission Expires: 10-10-87
Resident of Alameda County, California

This instrument prepared by:

Gerald M. Lester, Esq.
Thelen, Marrin, Johnson & Bridges
Two Embarcadero Center
Suite 2200
San Francisco, CA 94111

Mail to:

Stephen M. Dorfman Esq.
Altheimer & Gray
Suite 2600
333 West Wacker Drive
Chicago, IL 60606

698

DEED 347

699

EXHIBIT A

to

LIMITED WARRANTY DEED
(Arcadia, Indiana)

BOOK 347 PAGE 699

A part of the Northwest Quarter of Section 19, Township 20 North, Range 4 East, located in Jackson Township, Hamilton County, Indiana, being more specifically described as follows:

Beginning at a point on the North line of the Northwest Quarter of Section 19, Township 20 North, Range 4 East, said Point of Beginning being South 89 degrees 28 minutes 03 seconds East (assumed bearing) 176.38 feet from the Northwest corner of said Northwest Quarter, said Point of Beginning also being on the Easterly right-of-way line of U. S. Highway Number Thirty One (#31), Project F-24 (14); thence South 89 degrees 28 minutes 03 seconds East 303.73 feet on and along the North line of said Northwest Quarter to a point on the Northerly right-of-way line of relocated 266th Street, Project F-24 (13), the next Six Courses are on and along said Northerly right-of-way line; thence South 00 degrees 31 minutes 57 seconds West 43.52 feet; thence South 56 degrees 06 minutes 17 seconds West 286.15 feet; thence South 58 degrees 30 minutes 17 seconds West 24.66 feet; thence South 63 degrees 30 minutes 37 seconds West 22.50 feet; thence South 68 degrees 23 minutes 34 seconds West 23.50 feet; thence North 29 degrees 09 minutes 19 seconds West 90.29 feet to the Easterly right-of-way line of U. S. Highway Number Thirty One (#31), Project F-24 (14), the next three courses are on and along said Easterly right of way line, thence North 00 degrees 53 minutes 14 seconds East 79.00 feet; thence North 45 degrees 53 minutes 14 seconds East 55.15 feet; thence North 00 degrees 31 minutes 57 seconds East 41.26 feet to the POINT OF BEGINNING. Containing 1.14 acres, more or less.

Being the same parcel conveyed to Kaiser Agricultural Chemicals Corporation by Kaiser Aluminum & Chemical Corporation by deed to be recorded in the Office of the Recorder of Hamilton County.

Grantee Address:

S & P Investments Corp.
Highway 21
Port Wentworth, Georgia 31408

EXHIBIT B

to

BOOK 347 PAGE 700

LIMITED WARRANTY DEED
(Arcadia, Indiana)

DEED 347

1. Lien of taxes for the years 1984 and 1985 not yet due and payable.
2. Rights of way for drainage ditches, feeders, laterals, and underground tiles, if any.
3. Rights-of-way for drainage, flow, and maintenance of Isaac Jones Dredge Ditch, as set forth in T. C. 35-9-27-33 and shown on the survey by L. D. Miller, Land Surveyor, dated March 13, 1978, and February, 1985.
4. Lack of access onto U. S. Highway Number 31 from the West side of the premises.
5. Possible easements for public utilities as disclosed by telephone lines and hydrant depicted on survey dated February, 1985, prepared by Leland D. Miller, Jr.

This Instrument Recorded March 5 1985
Mary L. Clark, Recorder, Hamilton County, Ind.

700

3182

THIS INDENTURE WITNESSETH, That Dorothy M. Grinstead of Hamilton County, in the State of Indiana, Conveys and Warrants to Kaiser Aluminum Chemical Sales, Incorporated, a California corporation, of Boone County, in the State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Hamilton County in the State of Indiana, to-wit:

A part of the Northwest Quarter of Section 19, Township 20 North, Range 4 East, located in Jackson Township, Hamilton County, Indiana, being more specifically described as follows:

BEGINNING at a point on the North line of the Northwest Quarter of Section 19, Township 20 North, Range 4 East, said Point Of Beginning being South 89 degrees 28 minutes 03 seconds East (assumed bearing) 176.38 feet from the Northwest corner of said Northwest Quarter, said Point Of Beginning also being on the Easterly right-of-way line of U. S. Highway Number Thirty One (#31), Project F - 24 (14); thence South 89 degrees 28 minutes 03 seconds East 303.73 feet on and along the North line of said Northwest Quarter to a point on the Northerly right-of-way line of relocated 266th Street, Project F - 24 (13), the next Six Courses are on and along said Northerly right-of-way line; thence South 00 degrees 31 minutes 57 seconds West 43.52 feet; thence South 56 degrees 06 minutes 17 seconds West 286.15 feet; thence South 58 degrees 30 minutes 17 seconds West 24.66 feet; thence South 63 degrees 30 minutes 37 seconds West 22.50 feet; thence South 68 degrees 23 minutes 34 seconds West 23.50 feet; thence North 29 degrees 09 minutes 19 seconds West 90.29 feet to the Easterly right-of-way line of U. S. Highway Number Thirty One (#31), Project F - 24 (14), the next three courses are on and along said Easterly right-of-way line; thence North 00 degrees 53 minutes 14 seconds East 79.00 feet; thence North 45 degrees 53 minutes 14 seconds East 55.15 feet; thence North 00 degrees 31 minutes 57 seconds East 41.26 feet to the POINT OF BEGINNING. Containing 1.14 acres, more or less, being subject to the easement for the Isaac Jones Dredge Ditch (a legal drain) and all other applicable easements and rights-of-way of record.

This Instrument Recorded July 21
JUNE M HEDGES, RECORDER, HAMILTON COUNTY.

IN WITNESS WHEREOF, the said Grantor, Dorothy M. Grinstead, has hereunto affixed her name and seal, this 21st day of

DULY ENTERED FOR TAXATION

21 day July 19 78
Barbara J. Jennings Auditor
Hamilton County

EXHIBIT "A"
LEGAL DESCRIPTION

A part of the Northwest Quarter of Section 19, Township 20 North, Range 4 East, located in Jackson Township, Hamilton County, Indiana, being more specifically described as follows:

Beginning at a point on the North line of the Northwest Quarter of Section 19, Township 20 North, Range 4 East, said Point of Beginning being South 89 degrees 28 minutes 03 seconds East (assumed bearing) 176.38 feet from the Northwest corner of said Northwest Quarter, said Point of Beginning also being on the Easterly right-of-way line of U.S. Highway Number Thirty One (31), Project F-24 (14); thence South 89 degrees 28 minutes 03 seconds East 303.73 feet on and along the North line of said Northwest Quarter to a point on the Northerly right-of-way line of relocated 266th Street, Project F-24 (13), the next six courses are on and along said Northerly right-of-way line; thence South 00 degrees 31 minutes 57 seconds West 43.52 feet; thence South 56 degrees 06 minutes 17 seconds West 286.15 feet; thence South 58 degrees 30 minutes 37 seconds West 22.50 feet; thence South 68 degrees 23 minutes 34 seconds West 23.50 feet; thence North 29 degrees 09 minutes 19 seconds West 90.29 feet to the Easterly right-of-way line of U.S. Highway Number Thirty One (31), Project F-24 (14), the next three courses are on and along said Easterly right of way line; thence North 00 degrees 53 minutes 14 seconds East 79.00 feet; thence North 45 degrees 53 minutes 14 seconds East 55.15 feet; thence North 00 degrees 31 minutes 57 seconds East 41.26 feet to the Point of Beginning. Containing 1.14 acres, more or less.

NOTE: Acreage in the legal description of the subject real estate is solely for the purposes of identifying and describing the insured land and should not be construed as insuring the quantity of land as set forth in said description.

96-6596

9609647611
Filed for Record in
HAMILTON COUNTY, INDIANA
MARY L CLARK
On 11-08-1996 At 02:18 pm.
CWD 12.00

CORPORATE WARRANTY DEED Instrument 9609647611

THIS INDENTURE WITNESSETH, That S. & P. Investments Corp. now known as VIGORO INDUSTRIES, INC.

("Grantor"), a corporation organized and existing under the laws of the State of Delaware CONVEYS AND WARRANTS to Willoughby, Inc.

of Hamilton County, in the State of Indiana, for the sum of -Ten and 00/100- Dollars (\$ 10.00)

and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Hamilton County, in the State of Indiana:

Legal Description Per Exhibit "A" Attached Hereto and Incorporated Herein.

Subject to taxes for the second half of 1995 payable in November 1996, and subject to taxes payable thereafter.

Subject to easements, restrictions, covenants and agreements of record.

GRANTOR STATES THAT THERE IS NO INDIANA GROSS INCOME TAX DUE AS A RESULT OF THIS CONVEYANCE.

Parcel Number: 03-02-19-00-00-001.001

Grantor S. & P. Investments Corp. further states that it acquired title as S. & P. Investments Corp.; that on or about March 5, 1985 it filed a Certificate of amendment with the Secretary of State of Delaware changing it's Corporate name to VIGORO INDUSTRIES, INC.; that S. & P. Investments Corp. and VIGORO INDUSTRIES, INC. are one and the same.

The undersigned persons executing this deed on behalf of Grantor represent and certify that they are duly elected officers of Grantor and have been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 1ST

day of August, 1996 S. & P. Investments Corp. now known as

(SEAL) ATTEST:

(Name of Corporation)
VIGORO INDUSTRIES, INC.

By Joel F. Dunbar
Signature

By Robert M. Van Patton
Signature

Joel F. Dunbar - Vice President
Printed Name, and Office

Robert M. Van Patton President
Printed Name, and Office

STATE OF INDIANA

SS:

COUNTY OF Hamilton

Before me, a Notary Public in and for said County and State, personally appeared ROBERT M VAN PATTON

and JOEL F. DUNBAR

PRESIDENT and VICE PRESIDENT

S. & P. Investments Corp. now known as VIGORO INDUSTRIES, INC.

execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 1 day of OCTOBER, 1996

My Commission Expires

12/19/96

Signature Steven Jacobson

Printed STEVEN JACOBSON, Notary Public

Residing in St. Clair County, Indiana

This instrument was prepared by Michael J. Curry, 3888-49 attorney at law.

BEST POSSIBLE IMAGE

Printed From Archive on 04-27-1999 by ADC

2 Point Lane
Noblesville, IN 46060

CITY ENTERED FOR TAXATION
Subject to final acceptance for transfer
day of NOV 1996

Parcel # 03-02-19-00-00-001.001
the 1st day of NOV 1996
Auditor Steven Jacobson
Hamilton County

ILLINOIS

WILLOUGHBY, INC B. 964 P 7611

DOT 11-08-96 #9647611

GRANTOR - SEP INVESTMENTS CORP

VICORO INDUSTRIES INC NK

INST. DATE 10-1-96

DATE FILED 11-8-96

DOT 3-5-85 P 698
B 347 P 687 P 700

→ 3-5-85 B 347 - P 693 - 696 ✓

→ 3-5-83 B 347 - 690 - 692

→ 7-21-78 B 305 - P 797

TG900I 20 T29 BRC-ISD Tax System
TAXPAYER SEQUENCE

Parcel Inquiry
INQ

Parcel Number 03-02-19-00-00-001.001

Year 1999

Tax Codes District 0003
Twn Sch Spec
03 25 4
1 2 3 4 5 6 7 8 9
User Codes T
Book/Page 964 7611

Taxpayer 113008
WILLOUGHBY INC
2 POINT LN

ARCADIA IN 46030

Property Address
U S 31
ARCADIA 46030

Legal Description
SECT-19 TWP- 20 RANGE- 04
1.14 AC
3/5/85 347-697-700 UDA
7/21/78 305-797
3/5/85 347-690-700
11/8/96 FR S&P INVEST 9647611

LEGL-2, VALU-3, DED-4, SUM-5

Action ? 3

EXHIBIT "A"
LEGAL DESCRIPTION

A part of the Northwest Quarter of Section 19, Township 20 North, Range 4 East, located in Jackson Township, Hamilton County, Indiana, being more specifically described as follows:

Beginning at a point on the North line of the Northwest Quarter of Section 19, Township 20 North, Range 4 East, said Point of Beginning being South 89 degrees 28 minutes 03 seconds East (assumed bearing) 176.38 feet from the Northwest corner of said Northwest Quarter, said Point of Beginning also being on the Easterly right-of-way line of U.S. Highway Number Thirty One (31), Project F-24 (14); thence South 89 degrees 28 minutes 03 seconds East 303.73 feet on and along the North line of said Northwest Quarter to a point on the Northerly right-of-way line of relocated 266th Street, Project F-24 (13), the next six courses are on and along said Northerly right-of-way line; thence South 00 degrees 31 minutes 57 seconds West 43.52 feet; thence South 56 degrees 06 minutes 17 seconds West 286.15 feet; thence South 58 degrees 30 minutes 17 seconds West 24.66 feet; thence South 63 degrees 30 minutes 37 seconds West 22.50 feet; thence South 68 degrees 23 minutes 34 seconds West 23.50 feet; thence North 29 degrees 09 minutes 19 seconds West 90.29 feet to the Easterly right-of-way line of U.S. Highway Number Thirty One (31), Project F-24 (14), the next three courses are on and along said Easterly right of way line; thence North 00 degrees 53 minutes 14 seconds East 79.00 feet; thence North 45 degrees 53 minutes 14 seconds East 55.15 feet; thence North 00 degrees 31 minutes 57 seconds East 41.26 feet to the Point of Beginning. Containing 1.14 acres, more or less.

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96-6596

9609647611
Filed for Record in
HAMILTON COUNTY, INDIANA
MARY L CLARK
On 11-08-1996 At 02:18 pm.
CWD 12.00

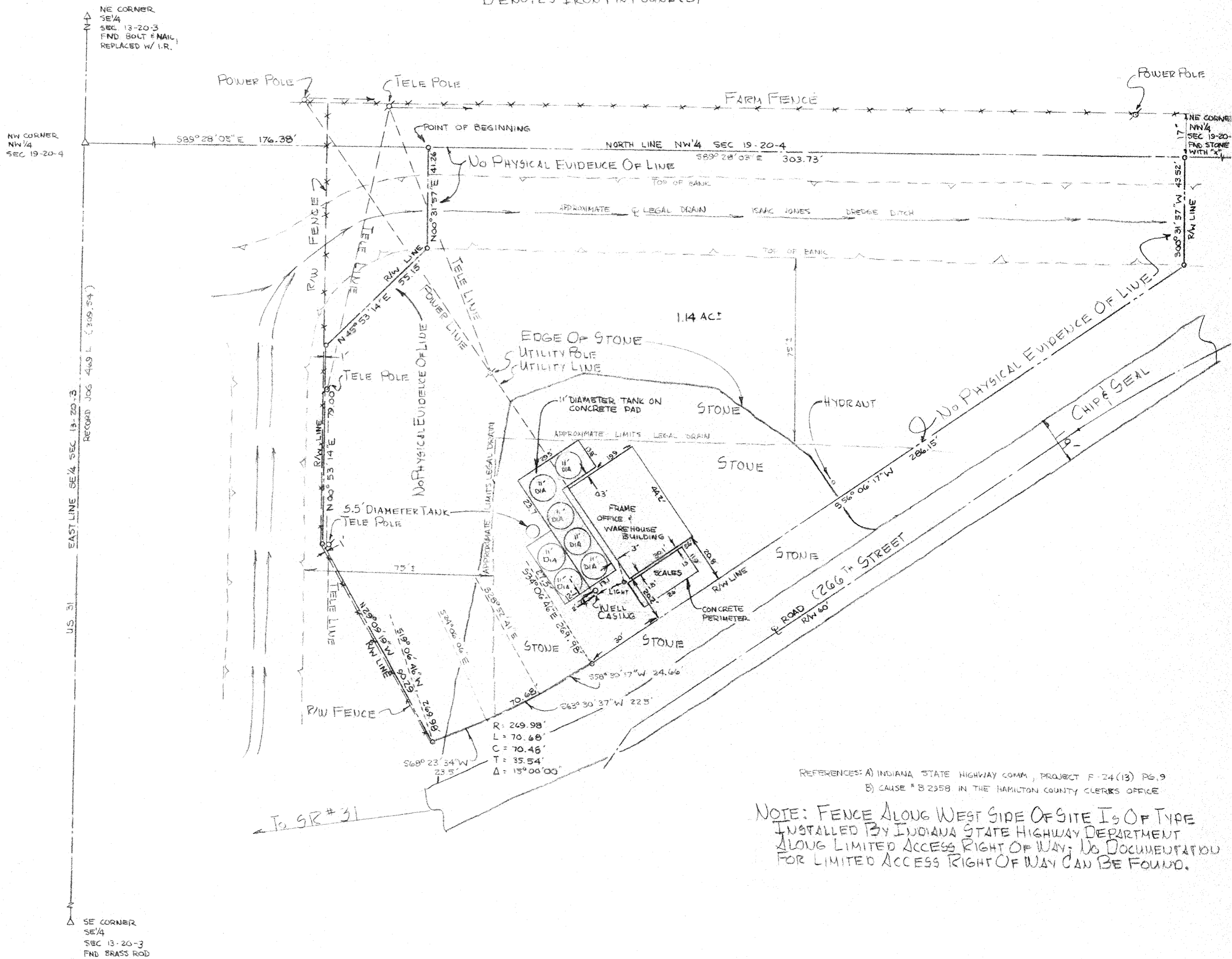
SCALE 1" = 30'
FB 186

FB 108, PG 55
PG. 7-11

JOB # 01246
09290

INDIANA LAND TITLE SURVEY

° DENOTES IRON PIN FOUND (B)



REFERENCES: A) INDIANA STATE HIGHWAY COMM, PROJECT F-24(13) PG. 9
B) CAUSE # B 2358 IN THE HAMILTON COUNTY CLERK'S OFFICE

NOTE: FENCE ALONG WEST SIDE OF SITE IS OF TYPE INSTALLED BY INDIANA STATE HIGHWAY DEPARTMENT ALONG LIMITED ACCESS RIGHT OF WAY; NO DOCUMENTATION FOR LIMITED ACCESS RIGHT OF WAY CAN BE FOUND.

A Survey of a part of the Northwest Quarter of Section 19, Township 20 North, Range 4 East, located in Jackson Township, Hamilton County, Indiana, being more specifically described as follows:

BEGINNING at a point on the North line of the Northwest Quarter of Section 19, Township 20 North, Range 4 East, said Point Of Beginning being South 89 degrees 28 minutes 03 seconds East (assumed bearing) 176.38 feet from the Northwest corner of said Northwest Quarter, said Point Of Beginning also being on the Easterly right-of-way line of U. S. Highway Number Thirty One (#31), Project F - 24 (14); thence South 89 degrees 28 minutes 03 seconds East 303.73 feet on and along the North line of said Northwest Quarter to a point on the Northerly right-of-way line of relocated 266th. Street, Project F - 24 (13), the next Six Courses are on and along said Northerly right-of-way line; thence South 00 degrees 31 minutes 57 seconds West 43.52 feet; thence South 56 degrees 06 minutes 17 seconds West 286.15 feet; thence South 58 degrees 30 minutes 17 seconds West 24.66 feet; thence South 63 degrees 30 minutes 37 seconds West 22.50 feet; thence South 68 degrees 23 minutes 34 seconds West 23.50 feet; thence North 29 degrees 09 minutes 19 seconds West 90.29 feet to the Easterly right-of-way line of U. S. Highway Number Thirty One (#31), Project F - 24 (13), the next three courses are on and along said Easterly right-of-way line; thence North 00 degrees 53 minutes 14 seconds East 79.00 feet; thence North 00 degrees 53 minutes 14 seconds East 59.15 feet; thence North 00 degrees 31 minutes 57 seconds West 43.52 feet to the POINT OF BEGINNING. Containing 1.14 acres, more or less, together with all easements and rights-of-way of record.

This plat of an INDIANA LAND TITLE SURVEY represents a survey made under my supervision with corners and locations as shown and is true and correct to the best of my knowledge.

The attached CERTIFICATE OF SURVEY is hereby being made a part hereof.

This document is not valid unless imprinted with an embossed Surveyor's Seal.

Registered Land Surveyor
February 22, 1985
For: Althelmer & Gray

Willoughby, Inc Deed

FROM S&P INSTRUMENTS

RATE WARRANTY DEED

Instrument 9609647611

ITEM # 11

THIS INDENTURE WITNESSETH, That S. & P. Investments Corp. now known as VIGORO INDUSTRIES, INC.

("Grantor"), a corporation organized and existing under the laws of the State of Delaware CONVEYS AND WARRANTS to Willoughby, Inc.

of Hamilton County, in the State of Indiana, for the

sum of -Ten and 00/100- Dollars (\$ 10.00)

and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Hamilton County, in the State of Indiana:

Legal Description Per Exhibit "A" Attached Hereto and Incorporated Herein.

Subject to taxes for the second half of 1995 payable in November 1996, and subject to taxes payable thereafter.

Subject to easements, restrictions, covenants and agreements of record.

GRANTOR STATES THAT THERE IS NO INDIANA GROSS INCOME TAX DUE AS A RESULT OF THIS CONVEYANCE.

Parcel Number: 03-02-19-00-00-001.001

Grantor S. & P. Investments Corp. further states that it acquired title as S. & P. Investments Corp.; that on or about March 5, 1985 it filed a Certificate of amendment with the Secretary of State of Delaware changing it's Corporate name to VIGORO INDUSTRIES, INC.; that S. & P. Investments Corp. and VIGORO INDUSTRIES, INC. are one and the same.

The undersigned persons executing this deed on behalf of Grantor represent and certify that they are duly elected officers of Grantor and have been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 1ST

day of August, 1996 S. & P. Investments Corp. now known as

(Name of Corporation) VIGORO INDUSTRIES, INC.

(SEAL) ATTEST:

By Joel F. Dunbar Signature

By Robert M. Van Patton Signature

Joel F. Dunbar - Vice President Printed Name, and Office

Robert M. Van Patton President Printed Name, and Office

STATE OF INDIANA

SS:

COUNTY OF Hamilton

Before me, a Notary Public in and for said County and State, personally appeared Robert M. Van Patton

and Joel F. Dunbar

and Vice President, respectively of

S. & P. Investments Corp. now known as VIGORO INDUSTRIES, INC., who acknowledged

execution of the foregoing and for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 1 day of October, 1996

My Commission Expires 12/19/96

Signature: Steven Scott Johnston, Notary Public, Residing in St. Clair County, Indiana

2 Point Lane, Mooresville, IN 46059

NOTARY PUBLIC FOR INDIANA, signed to final acceptance for filing day of NOV 1996

American Land Title Association

Owner's Policy
Revised 10/17/92
Section II-2

NATIONAL ATTORNEYS' TITLE ASSURANCE FUND, INC.

Schedule B

Serial No. 919149
Policy # 271802
Member # 29.09
Order No. 96-6596

Exceptions from Coverage

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Rights or claims of parties in possession not shown by the public records.
 2. Easements, or claims of easements, not shown by the public records.
 3. Encroachments, overlaps, boundary line disputes, and other matters which would be disclosed by an accurate survey or inspection of the premises.
 4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
 5. Taxes or special assessments which are not shown as existing liens by the public records.
 6. Zoning, restrictions, and prohibitions imposed by governmental authority, and any violations thereof.
 7. Taxes for 1996 payable 1997 now a lien, not yet due and payable.
 8. Possible future assessments for the Isaac Jones Dredge Ditch.
 9. Set-back and use restrictions, possible maintenance and reconstruction assessments; and all rights of other entitle to the continued uninterrupted flow of the water through Isaac Jones Dredge Ditch.
 10. Terms and provisions of Electric Line Easement over a strip of land twenty (20) feet in width lying ten (10) feet wide on both sides of the centerline, granted to Public Service Company of Indiana, Inc., by Vigoro Industries, Inc., dated November 20, 1987 and recorded February 16, 1988 as Instrument No. 88-2743, in the Office of the Recorder of Hamilton County, Indiana, more particularly described as follows: Beginning at a point on the west property line of the land of grantor which is approximately eighty (80) feet south and approximately thirty-five (35) feet west of the northwest property corner of the land of grantor; thence in a southerly direction for a distance of approximately one hundred twenty-five (125) feet to the point of terminus.
 11. Possible easements for ditches and/or tile drains.
 12. Possible municipal assessments and/or sewer use charges levied by the Town of Arcadia.
- (Continued)

NATAF, INC.
Revised 8/1/95

(continued)

13. Right of Way for U.S. 31 along the West side of tract.

(END OF SCHEDULE B)

Serial No. 919149
Member's No. 29.09
Order No. 96-6596

LEGAL DESCRIPTION

(continued)

A part of the Northwest Quarter of Section 19, Township 20 North, Range 4 East, located in Jackson Township, Hamilton County, Indiana, being more specifically described as follows:

Beginning at a point on the North line of the Northwest Quarter of Section 19, Township 20 North, Range 4 East, said Point of Beginning being South 89 degrees 28 minutes 03 seconds East (assumed bearing) 176.38 feet from the Northwest corner of said Northwest Quarter, said Point of Beginning also being on the Easterly right-of-way line of U.S. Highway Number Thirty One (31), Project F-24 (14); thence South 89 degrees 28 minutes 03 seconds East 303.73 feet on and along the North line of said Northwest Quarter to a point on the Northerly right-of-way line of relocated 266th Street, Project F-24 (13), the next six courses are on and along said Northerly right-of-way line; thence South 00 degrees 31 minutes 57 seconds West 43.52 feet; thence South 56 degrees 06 minutes 17 seconds West 286.15 feet; thence South 58 degrees 30 minutes 17 seconds West 24.66 feet; thence South 63 degrees 30 minutes 37 seconds West 22.50 feet; thence South 68 degrees 23 minutes 34 seconds West 23.50 feet; thence North 29 degrees 09 minutes 19 seconds West 90.29 feet to the Easterly right-of-way line of U.S. Highway Number Thirty One (31), Project F-24 (14), the next three courses are on and along said Easterly right of way line; thence North 00 degrees 53 minutes 14 seconds East 79.00 feet; thence North 45 degrees 53 minutes 14 seconds East 55.15 feet; thence North 00 degrees 31 minutes 57 seconds East 41.26 feet to the Point of Beginning. Containing 1.14 acres, more or less.

NOTE: Acreage in the legal description of the subject real estate is solely for the purposes of identifying and describing the insured land and should not be construed as insuring the quantity of land as set forth in said description.

(END OF SCHEDULE A)