

Beginning at a point on the east-west one-sixteenth line of the NE $\frac{1}{4}$ of said Section 4, 150 feet left of Survey Station 213+94.78; thence along said east-west one-sixteenth line of the NE $\frac{1}{4}$ of Section 4 to a point 268.11 feet left of Survey Station 213+19.73; thence to a point 470 feet left of Survey Station 217+00; thence to a point 270 feet left of Survey Station 221+00; thence to a point 280 feet left of Survey Station 223+00; thence to a point on the east-west one-quarter line of said Section 4, 477.97 feet left of Survey Station 227+90.95; thence along said east-west one-quarter line of said Section 4 to a point 150 feet left of Survey Station 229+27.78; thence along the right of way line for a distance of 1485.56 feet, more or less, to the point of beginning, containing 5.28 acres, more or less.

Temporary easement for cutslopes and fillslopes, more particularly described as follows:

Beginning at a point on the east-west one-sixteenth line of the NE $\frac{1}{4}$ of said Section 4, 150 feet right of Survey Station 215+97.20; thence along said east-west one-sixteenth line of the NE $\frac{1}{4}$ of Section 4 to a point 183.59 feet right of Survey Station 216+18.31; thence to a point 220 feet right of Survey Station 218+00; thence to a point 240 feet right of Survey Station 224+00; thence to a point 170 feet right of Survey Station 226+00; thence to a point on the east-west one-quarter line of said Section 4, 192.63 feet right of Survey Station 230+39.17; thence along said east-west one-quarter line of Section 4 to a point 150 feet right of Survey Station 230+27.88; thence along the right of way line for a distance of 1465.39 feet, more or less, to the point of beginning, containing 1.83 acres, more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that there shall be excepted from this action, as a covenant running with the land, the right to use for purposes of ingress and egress that portion of the highway right of way lying within Section 4, Township 122, Range 51 West of the 5th Principal Meridian commencing at Station 199 and ending at Station 217 Right, Project 208, a twenty foot lane parallel to the highway surface on the fence berm.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendants have deficiency judgment against the State of South

Dakota for the difference between Fourteen Thousand Dollars (\$14,000.00), determined as just compensation, and Four Thousand Six Hundred Fifty Dollars (\$4,650.00), having been deposited with the Court for the use of the Defendants, being in the amount of Nine Thousand Three Hundred Fifty Dollars (\$9,350.00), plus interest pursuant to law, for all damages, taking and appropriation of the herein described property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that of the \$14,000.00, \$2,688.75 is designated as payment for land taken and \$11,311.25 is designated as damages to the remainder.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of Courts of Roberts County, South Dakota, release the said \$4,650.00 now on deposit to the Defendants.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendants shall gravel the driving surface of the above described access lane at his own expense.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party bear its own costs.

Dated this 22nd day of October, 1976.

BY THE COURT:

S/Chris Hall
CIRCUIT COURT JUDGE



W. J. Hove
CLERK OF COURTS

(SEAL)

STATE OF SOUTH DAKOTA } ss. 52237
ROBERTS COUNTY

Filed for record on the 26 day of October
1976 at 4:45 o'clock P.M. and recorded in Book

11-41 page 706-708 of misc
W. J. Hove Deputy Register of Deeds
Deputy Fee \$4.00

State of South Dakota)
County of Roberts)
I, the undersigned,
do hereby certify
a full, true and
correct copy of the
instrument, as the
same appears on file
in my office.
IN WITNESS
whereof, I have hereunto
set my hand and seal
of office, at
Spearfish, South Dakota,
this 26 day of October,
1976.