STATE OF SOUTH DAKOTA)

COUNTY OF ROBERTS)

IN CIRCUIT COURT
FIFTH JUDICIAL CIRCUIT

THE STATE OF SOUTH DAKOTA, Acting by and through the Department of Transportation and the Board of Transportation for the Division of Highways,

Plaintiff,

J U D.G M E N T

-Vs-

TOLLY MAX BEAVER and DORENE BEAVER.

Defendants.

The above entitled action having been settled among the parties, pursuant to Stipulation, now, therefore

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiff have judgment against the above named Defendants by virtue of this condemnation action and is hereby vested with, for highway right of way purposes, all right and use, as set out in Plaintiff's Petition filed herein, including the right to control access to the right of way in accordance with Chapter 31-7 of the 1967 South Dakota Compiled Laws and amendments thereto, to the following described property:

PARCEL NO. 28

Lots H-2, H-3 and H-4 in the South Half of the Northeast Quarter (S\ NE\) of Section 4, Township 122 North, Range 51 West of the 5th Principal Meridian in Roberts County, South Dakota. Said Lot H-2 contains 10.16 acres, more or less. Said Lot H-3 contains 0.98 acre, more or less. Said Lot H-4 contains 0.81 acre, more or less.

Temporary easements forccutslopes more particularly described as follows:

Beginning at a point 100 feet right of Crossroad Survey Station 30+00; thence to a point 230 feet right of Crossroad Survey Station 30+00; thence to a point 230 feet right of Crossroad Survey Station 35+00; thence to a point 100 feet right of Crossroad Survey Station 35+00; thence along the right of way line for a distance of 500 feet, more or less, to the point of beginning, containing 1.49 acres, more or less.

TRACT 2

Beginning at a point on the east-west onesixteenth line of the NEk of said Section
4, 150 feet left of Survey Station 213+94.78;
thence along said east-west one-sixteenth
line of the NEk 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 eastwest 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 onesixteenth line of the NE\$ of said Section
4, 150 feet right of Survey Station
215+97.20; thence along said east-west
one-sixteenth line of the NE\$ 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 onequarter 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.

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 210 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

1. Property of

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 22 nd day of October , 1976.

BY THE COURT:

CIRCUIT COURT JUDGE

ATTEST:

CLERK OF COURTS

(SEAL)

Courty of Research

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