

RECORDED

003 6964 12/16/91  
003 6964 12/16/91

JAN 14 10 56 AM '91

*Berrien County*  
REGISTERED  
BERRIEN COUNTY, MICHIGAN

CONDEMNATION

CONTROL 11057 56th

### DECLARATION OF TAKING

A STATEMENT OF NECESSITY HAVING BEEN MADE BY THE MICHIGAN DEPARTMENT OF TRANSPORTATION SETTING FORTH THAT THE laying out, establishing and opening OF Highway US-31 IN AND THROUGH Berrien COUNTY, MICHIGAN, IS NECESSARY, THAT AS A RESULT IT IS NECESSARY TO ACQUIRE CERTAIN PROPERTY FOR PUBLIC HIGHWAY PURPOSES AND THAT A GOOD FAITH WRITTEN OFFER TO PURCHASE SAID PROPERTY HAS HERETOFORE BEEN MADE,

NOW, THEREFORE, BY VIRTURE OF THE AUTHORITY VESTED IN THE MICHIGAN DEPARTMENT OF TRANSPORTATION BY 1966 PA 295, MCLA 213.361, MSA 8.261(1); 1964 PA 286, MCLA 247.801, MSA 9.216(1); 1965 PA 380, MCLA 16.101, MSA 3.29(1); AND PURSUANT TO 1980 PA 87, MCLA 213.51, MSA 8.265(1), IT IS NOW DECLARED THAT BY FILING OF THE COMPLAINT AND THIS DECLARATION IN THE CIRCUIT COURT FOR THE COUNTY OF Berrien TITLE TO THE PROPERTY HEREINAFTER DESCRIBED IS TAKEN IN THE NAME OF THE DEPARTMENT OF TRANSPORTATION FOR PUBLIC HIGHWAY PURPOSES.

A DESCRIPTION OF THE PROPERTY TAKEN, SUFFICIENT FOR ITS IDENTIFICATION, THE NAMES OF THE PERSONS INTERESTED IN SAID PROPERTY, SO FAR AS KNOWN, A STATEMENT OF THE ESTATE OF INTEREST BEING TAKEN, AND STATEMENT OF THE SUM OF MONEY ESTIMATED BY COMPLAINANT TO BE JUST COMPENSATION FOR THE PROPERTY TO BE TAKEN AS FOLLOWS:

Please return to:  
MAGT/ATTY GENERAL  
4th FL TRANSP. BLDG.  
P.O. BOX 33039  
LANSING, MICH. 48239

LIBER 1445 PAGE 633

84-05 11-15-0011-0021-28-5

Station 908 + 00 to 910 + 90  
Partial Take

11057 56th  
Parcel C-216

FJ563 - F-0311-314  
Job #29512B

Title in fee simple, including all structures, trees and other improvements to: All that part of the following described Tract "A" which lies Northeasterly of a line described as: Commencing at the West corner of Section 11, Township 6 South, Range 18 West, Township of Oronoko, Berrien County, Michigan; thence North  $1^{\circ} 04'54''$  East, along the West line of said Section 11, a distance of 99.23 feet; thence South  $58^{\circ} 41'24''$  East, 123.19 feet; thence South  $57^{\circ} 50' 28''$  East, along the survey line of existing US-31, a distance of 2647.2 feet; thence South  $32^{\circ} 09' 32''$  West, a distance of 150 feet to the point of beginning; thence North  $68^{\circ} 29' 30''$  West, a distance of 541.07 feet to the point of ending.

Together with all rights of ingress and egress, if any there be, to, from and between the highway to be constructed on the lands above described to the remainder of said Tract "A".

The lands described above in fee contain 37,146 square feet, more or less of which 6,930 square feet, more or less, is subject to an existing right-of-way.

Tract "A": That part of the Southwest Quarter of Section 11, Township 6 South, Range 18 West, described as follows: Commencing at the South Quarter post of said Section 11, thence North along the North and South Quarter line of said Section 11, 1179.4 feet to the centerline of Highway U.S. 31, thence North  $59^{\circ} 13' 00''$  West along the centerline of said highway 383.0 feet to the place of beginning of the parcel of land herein described, thence North  $59^{\circ} 13' 00''$  West along said highway 381.20 feet, thence South  $00^{\circ} 01' 20''$  East 525.0 feet, thence South  $59^{\circ} 12' 32''$  East 112.33 feet, thence North  $30^{\circ} 47' 00''$  East 450.95 feet to the place of beginning.

EXCEPTING THEREFROM Beginning at the South Quarter post of said Section 11, thence North along the North and South Quarter line 1179.40 feet to the centerline of U.S. Highway 31-33 thence North  $59^{\circ} 13'$  West along said centerline 592.70 feet to the place of beginning of the land herein described, thence continuing North  $59^{\circ} 13'$  West along said centerline 171.50 feet, thence South  $00^{\circ} 01' 20''$  East 334.90 feet, thence North  $30^{\circ} 47'$  East 287.65 feet to the place of beginning.

(Page 1 of 2)

C-216

CONTINUED

11057 56th  
Parcel C-216

Interested Parties: Richard B. Streelman and  
Debra S. Streelman,  
Husband and Wife  
5975 Daniel Boone Trail  
Berrien Springs, MI. 49103

NBD E&M Bank, N.A.  
Formerly Farmers and  
Merchants National Bank  
400 Riverview Drive  
Benton Harbor, MI. 49022

L. Noel Fillman and Jinnie V. Fillman,  
Husband and Wife  
501 Windsong  
Augusta, GA. 30907

Gold Mine Car Wash  
8690 US-31  
Berrien Springs, MI. 49103

Subject to delinquent taxes in accordance with Act 270 of 1931 and the proration of  
real property taxes in accordance with the provisions of Act 288 of 1966.

Estimated Just Compensation -\$132,305.00

C-216

(PAGE 2 of 2)

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND ON THIS 30<sup>th</sup>  
DAY OF July A.D. 1990, AT LANSING,  
MICHIGAN.

MICHIGAN DEPARTMENT OF TRANSPORTATION

BY

William J. MacCreery  
WILLIAM J. MACCREERY  
DEPUTY DIRECTOR - HIGHWAYS

STATE OF MICHIGAN )  
                          )SS.  
COUNTY OF INGHAM )

ON THIS 30<sup>th</sup> DAY OF July, 1990,  
BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED WILLIAM J. MACCREERY,  
TO ME KNOWN TO BE SAID PERSON WHO SIGNED THE ATTACHED DECLARATION OF TAKING  
AS DEPUTY DIRECTOR - HIGHWAYS, MICHIGAN DEPARTMENT OF TRANSPORTATION.

Mary P. Levine  
NOTARY PUBLIC

MARY P. LEVINE  
Notary Public, Ingham County, MI  
My Commission Expires Mar. 4, 1991

CONDEMNATION

CONTROL 11057 56th

STATEMENT OF NECESSITY

WHEREAS, PRESENT CONDITIONS IN Berrien COUNTY,  
THE Township OF Oronoko  
IN THE STATE OF MICHIGAN, NECESSITATE THE Construction  
OF Highway US-31 THROUGH  
AND Oronoko Township

WHEREAS, DETAILED PLANS SHOWING SUCH IMPROVEMENT HAVE BEEN PREPARED  
AND ARE NOW ON FILE IN THE OFFICE OF THE MICHIGAN DEPARTMENT OF  
TRANSPORTATION,

NOW, THEREFORE, BY VIRTUE OF THE AUTHORITY VESTED IN THE MICHIGAN  
DEPARTMENT OF TRANSPORTATION BY LAW, IT IS HEREBY DECLARED AND  
DETERMINED THAT IT IS NECESSARY TO layout, establish and open Highway US-31  
IN AND THROUGH Oronoko Township, Berrien County, Michigan, as a limited access  
highway with necessary grade separations, extending from the St. Joseph River  
located approximately 3/4 mile Westerly of Range Line Road, Northerly to a point  
of ending located approximately 3/4 mile Northerly of Edgewood and 1/2 mile  
Westerly of the St. Joseph River,

AND SAID IMPROVEMENT IS NECESSARY FOR THE USE AND BENEFIT OF THE PUBLIC,  
AND

LIBER 1445 PAGE 637

IT IS FURTHER DECLARED AND DETERMINED THAT IT IS NECESSARY TO

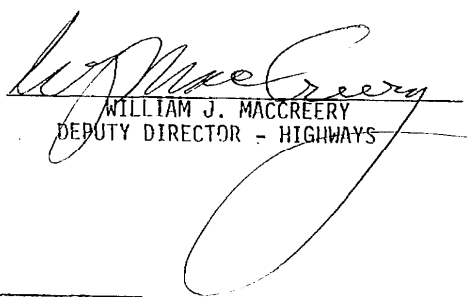
OTHER PROPERTY, AND CERTAIN ACCESS RIGHTS TO CERTAIN PARCELS OF LAND  
LOCATED IN Berrien COUNTY, MICHIGAN, AND MORE FULLY  
DESCRIBED IN THE DECLARATION OF TAKING ATTACHED HERETO, WITHOUT THE  
CONSENT OF THE OWNERS THEREOF, FOR THE PURPOSE OF laying out, establishing and  
opening OF SAID Highway US-31  
AS ABOVE DESCRIBED, THAT SAID PARCELS ARE NECESSARY FOR THE USE AND BENEFIT  
OF THE PUBLIC, AND THAT A GOOD FAITH WRITTEN OFFER TO PURCHASE SAID PARCELS  
OF LAND HAS BEEN MADE.

WHEREFORE, THE ATTORNEY GENERAL IN AND FOR THE STATE OF MICHIGAN IS  
HEREBY DIRECTED TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST THE OWNERS  
AND OTHER PARTIES OF INTEREST IN SAID PRIVATE PROPERTY NECESSARY FOR THE  
laying out, establishing and opening OF  
Highway US-31 AS HEREINBEFORE DESCRIBED.

IN WITNESS OF THE FOREGOING, I HAVE HEREUNTO SET MY HAND ON THIS  
30th DAY OF July, 1990, AT LANSING,  
MICHIGAN.

MICHIGAN DEPARTMENT OF TRANSPORTATION

BY

  
WILLIAM J. MACCREERY  
DEPUTY DIRECTOR - HIGHWAYS

DRAFTED BY: MARIE LEWIS  
MICHIGAN DEPARTMENT OF TRANSPORTATION  
P.O. BOX 30050  
LANSING, MICHIGAN 48909

LIBER 1445 PAGE 638

STATE OF MICHIGAN )  
COUNTY OF INGHAM ) SS.

ON THIS 30<sup>th</sup> DAY OF July, 19 90,

BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED WILLIAM J. MACCREERY, TO  
ME KNOWN TO BE SAID PERSON WHO SIGNED THE ATTACHED STATEMENT OF NECESSITY  
AS DEPUTY DIRECTOR - HIGHWAYS, MICHIGAN DEPARTMENT OF TRANSPORTATION.

Mary P. Levine  
NOTARY PUBLIC

MARY P. LEVINE  
Notary Public, Ingham County, MI  
My Commission Expires Mar. 4, 1991