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Book 1036 Page 0674

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STANLY COUNTY NC  
12/23/2004 8:32 AM  
CECIL ALMOND  
Register Of Deeds

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(ABOVE THIS LINE FOR REGISTER OF DEEDS ONLY)

✓ Prepared by and Return to: Clinton C. Hicks, Assistant Attorney General,  
N.C. DOT, Attorney General's Office, 1505 Mail Service Center, Raleigh, N. C. 27699

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

STANLY COUNTY

02 CVS 397

DEPARTMENT OF TRANSPORTATION, )  
Plaintiff, )

BY 

04 DEC 13 PM 2:24  
STANLY COUNTY, C.S.C.

FILED

v. )

CONSENT JUDGMENT  
(CNDM)

JOHN M. GODWIN and wife, JUDY C. GODWIN, )  
Defendants. )

THIS CAUSE coming on to be heard and being heard before the undersigned Judge of the Superior Court and it appearing to the Court and the Court finding as fact:

That this action was duly instituted on the 20th day of March, 2002, by the issuance of Summons, filing of a Complaint and Declaration of Taking and Notice of Deposit and by the deposit of TWENTY ONE THOUSAND THREE HUNDRED FIFTY DOLLARS (\$21,350.00) as estimated just compensation. That Summons was duly served on the defendants together with a copy of the Complaint and Declaration of Taking and Notice of Deposit. That the defendants, JOHN M. GODWIN and wife, JUDY C. GODWIN, are the only parties who have or claim to have an interest in the property described in the Complaint and Declaration of Taking and the title to the property is not in dispute. That the property described in the Complaint and Declaration of Taking is subject only to such liens and encumbrances as are set forth in Exhibit "A" of the Complaint and Declaration of Taking. That the defendants filed an Answer to the Complaint within the time permitted by law. That all parties who are necessary to the determination of this action are properly before the Court; and that the defendants are under no legal disability;



That now, the defendants and the plaintiff have reached an agreement whereby the plaintiff has agreed to pay and the said defendants have agreed to accept the additional sum of THIRTY THREE THOUSAND SIX HUNDRED FIFTY DOLLARS (\$33,650.00), which includes any claim for interest and all costs as full and just compensation for the appropriation of the interests and areas as set forth in the Complaint and Declaration of Taking and as hereinafter more particularly described; for any and all damages caused by the acquisition by the Department of Transportation for Project 6.689001B(WBS# 34355.2.2), I.D.# R-0967CA, Stanly County; and for the past and future use thereof by the Department of Transportation, its successors and assigns, for all purposes for which the Department is authorized by law to subject the same.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

1. That the Department of Transportation, plaintiff herein, was entitled to acquire and did acquire on the 20th day of March, 2002, by the filing of a Complaint and Declaration of Taking and Notice of Deposit, together with the deposit of TWENTY ONE THOUSAND THREE HUNDRED FIFTY DOLLARS (\$21,350.00), those certain interests or estates and areas, hereinafter more particularly described, in, over, upon and across the property of defendants; and that said property of defendants is described as follows:

Being all of that tract of land more particularly described in that certain MEMORANDUM OF ACTION captioned "DEPARTMENT OF TRANSPORTATION, Plaintiff, V. JOHN M. GODWIN and wife, JUDY C. GODWIN, Defendants", recorded in the Office of the Register of Deeds for Stanly County in Book 0847, Page 0504, reference to which MEMORANDUM OF ACTION is made for a more particular description of said property of the defendants.

2. The interests described hereinbelow represent a change from those described in the Complaint filed on March 20, 2002. On or about September 15, 2003, it was determined that the permanent drainage easement set forth in the Complaint should be enlarged. On or about October 2, 2003, the enlarged permanent drainage easement was converted into a permanent right of way. The defendants have reviewed, discussed and accepted the changes as set forth more fully hereinbelow in a metes and bound description of the final taking. It is specifically agreed between the plaintiff and the defendants that the interests or estates acquired in, over, upon and across the hereinabove described property of defendants are described as follows:

Fee simple title to right of way and a slope easement for providing lateral support to the highway, or land adjacent thereto, which area will revert to the owners at such time as said owners lower or raise the elevation of the land adjacent to said highway to the extent that such lateral support is no longer needed and, in addition, a temporary construction easement to continue until the completion of the project, at which time said temporary construction easement area will revert to the owners, and also, in addition, an easement, in perpetuity for drainage for all purposes for which the plaintiff is authorized by law to subject the same.

3. It is specifically agreed, further, between the plaintiff and the defendants that the

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areas acquired in, over, upon and across the hereinabove described property are accurately shown upon a revised map dated October 30, 2003, entitled "PROPERTY DESCRIBED IN CIVIL ACTION ENTITLED STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION VS JOHN M. GODWIN, ET UX, STANLY COUNTY, 02-CVS-397", filed by the plaintiff contemporaneously with the filing of this Consent Judgment and are described by metes and bounds as follows:

**AREAS TAKEN:**

**NEW RIGHT OF WAY #1:**

Beginning at a point lying North 06° 58' 38" East 30.07 feet from Survey Station 16+66.135 in Survey Line -L- of Highway Project# 6.689001B(WBS# 34355.2.2), being designated as point "A" upon the aforementioned map filed herein; running thence with points designated on said map as follows: North 06° 58' 38" East 137.63 feet to point "B"; thence South 86° 52' 49" East 257.30 feet to point "C"; thence South 03° 07' 11" West 68.90 feet to point "D"; thence South 71° 21' 22" East 61.29 feet to point "E"; thence South 52° 42' 05" East 55.48 feet to point "F"; thence South 86° 52' 49" East 451.52 feet to point "G"; thence South 08° 35' 49" West 20.95 feet to point "H" thence North 86° 52' 49" West 821.04 feet to point "A" to the point of beginning, containing 50,592 square feet.

**NEW RIGHT OF WAY #2:**

Beginning at a point lying South 08° 32' 34" West 25.11 feet from Survey Station 16+66.135 in Survey Line -L- of Highway Project# 6.689001B (WBS# 34355.2.2), being designated as point "J" upon the aforementioned map filed herein; running thence with points designated on said map as follows: South 86° 52' 49" East 253.04 feet to point "K"; thence South 08° 25' 32" West 25.96 feet to point "M"; thence North 86° 52' 49" West 253.09 feet to point "N"; thence North 08° 32' 34" East 25.97 feet to point "J" to point of beginning, containing 6,542 square feet.

**PERMANENT DRAINAGE EASEMENT:**

Beginning at a point lying South 08° 25' 32" West 51.07 feet from Survey Station 17+43.245 in Survey Line -L- of Highway Project# 6.689001B (WBS# 34355.2.2), being designated as point "M" upon the aforementioned map filed herein; running thence with points designated on said maps as follows: South 08° 25' 32" West 17.05 feet to point "e"; thence North 77° 59' 58" West 14.36 feet to point "f"; thence South 78° 40' 33" West 22.36 feet to point "g"; thence North 03° 07' 11" East 20.34 feet to point "h"; thence South 86° 52' 49" East 37.42 feet to point "M" to the point of beginning, containing 619 square feet.

**SLOPE EASEMENT:**

Beginning at a point lying South 08° 32' 34" West 51.08 feet from Survey Station 16+66.135 in Survey Line -L- of Highway Project# 6.689001B (WBS# 34355.2.2),

being designated as point "N" upon the aforementioned map filed herein; running thence with points designated on said maps as follows: South 86° 52' 49" East 215.67 feet to point "h"; thence South 87° 54' 41" West 34.26 feet to point "j"; thence North 88° 37' 26" West 65.65 feet to point "k"; thence North 84° 51' 07" West 65.66 feet to point "m"; thence North 83° 42' 47" West 50.39 feet to point "N" to the point of beginning, containing 652 square feet.

**TEMPORARY CONSTRUCTION EASEMENT #1:**

Beginning at a point lying South 08° 32' 34" West 51.08 feet from Survey Station 16+66.135 in Survey Line -L- of Highway Project# 6.689001B(WBS# 34355.2.2), being designated as point "N" upon the aforementioned map filed herein; running thence with points designated on said map as follows: South 83° 42' 47" East 50.39 feet to point "m"; thence South 84° 51' 07" East 65.66 feet to point "k"; thence South 88° 37' 26" East 65.65 feet to point "j"; thence North 87° 54' 41" East 34.26 feet to point "h"; thence South 03° 07' 11" West 20.34 feet to point "g"; thence North 86° 28' 41" West 217.46 feet to point "n"; thence North 08° 32' 34" East 18.90 feet to point "N" to the point of beginning, containing 3,589 square feet.

**TEMPORARY CONSTRUCTION EASEMENT # 2:**

Beginning at point lying North 03° 07' 11" East 50.85 feet from Survey Station 17+79.990 in Survey Line -L- of Highway Project# 6.689001B(WBS# 34355.2.2), being designated as point "F" upon the aforementioned map filed herein; running thence with points designated on said maps as follows: South 89° 07' 56" East 197.03 feet to point "p"; thence South 83° 15' 36" East 122.62 feet to point "q"; thence North 86° 52' 49" West 319.26 feet to point "F" to the point of beginning, containing 1,236 square feet.

**TEMPORARY CONSTRUCTION EASEMENT # 3:**

Beginning at point lying North 08° 35' 49" East 51.09 feet from Survey Station 19+16.127 in Survey Line -L- of Highway Project# 6.689001B(WBS# 34355.2.2), being designated as point "G" upon the aforementioned map filed herein; running thence with points designated on said maps as follows: North 86° 52' 49" West 47.58 feet to point "r"; thence North 03° 07' 11" East 4.59 feet to point "s"; thence South 88° 12' 38" East 48.14 feet to point "t"; thence South 08° 35' 49" West 5.74 feet to point "G" to the point of beginning, containing 246 square feet.

4. That the Department of Transportation, plaintiff herein, pay into Court the additional sum of THIRTY THREE THOUSAND SIX HUNDRED FIFTY DOLLARS (\$33,650.00), and that said sum, together with the original deposit made by the plaintiff in this action unless heretofore disbursed by order of the Court, be disbursed to the defendants as their interests may appear.

5. That the sum of FIFTY FIVE THOUSAND DOLLARS (\$55,000.00), said sum being the total amount of the original deposit plus said additional amount, and including any claim for interest

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and all costs, is the full, fair and adequate value of and represents just compensation for the taking of the hereinabove described interests and areas by the Department of Transportation; for any and all damages caused by the acquisition by the Department of Transportation for Project 6.689001b(WBS# 34355.2.2), I.D.# R-0967CA, Stanly County; and for the past and future use thereof by the Department of Transportation, its successors and assigns for all purposes for which the said Department is authorized by law to subject the same.

6. That a copy of this Judgment be certified by the Clerk of Superior Court of Stanly County to the Register of Deeds, who shall record the same among the land records of said County.

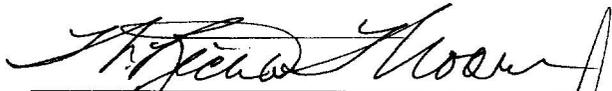
7. That the plaintiff, Department of Transportation, pay the costs of this action.

This the 23 day of November 2004.

  
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JUDGE OF SUPERIOR COURT

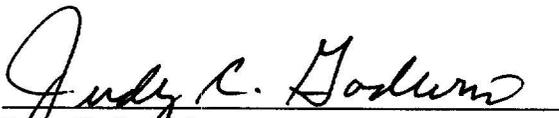
APPROVED AND CONSENTED TO:

ROY COOPER  
Attorney General

  
\_\_\_\_\_  
W. Richard Moore  
Special Deputy Attorney General

  
\_\_\_\_\_  
Clinton C. Hicks  
Assistant Attorney General

  
\_\_\_\_\_  
John M. Godwin

  
\_\_\_\_\_  
Judy C. Godwin

  
\_\_\_\_\_  
W. Timothy Moreau, Attorney for defendants