

IN THE DISTRICT COURT OF THE STATE OF MONTANA
WITHIN AND FOR THE COUNTY OF SHERIDAN, STATE OF MONTANA

CITY OF SHERIDAN, a municipal
corporation,

Plaintiff,

-vs-

MINNIE M. MOORE; LINCOLN A.
MORRISON and NELL MORRISON;
JAMES P. EVANGELINE and LUDINE
Z. EVANGELINE, and MAURICE
DEAN MARSHALL and MARY BERNICE
MARSHALL; BANK OF COMMERCE, A
corporation; RUSSELL YORK and
WILLA E. YORK; WALTER O. BENSON,
LAVERNE V. BENSON and GERTRUDE
SIMMONS,

Defendants.

SEPARATE JUDGMENT AS TO THE DEFENDANTS MINNIE M. MOORE,
WALTER O. BENSON, LAVERNE V. BENSON and GERTRUDE SIMMONS

The above entitled matter coming on this day, and it ap-
pearing to the Court, and the Court so finding, that heretofore,
to-wit: on the 13th day of April, 1965, this Court made and entered
its preliminary Order of Condemnation in the above entitled pro-
ceedings, and that thereafter, following the Report and Appraisal
of the Commissioners appointed for that purpose, and there being no
exceptions filed thereto, as said Order pertained to the Defendants
Minnie M. Moore, Walter O. Benson and Laverne V. Benson and Gertrude
Simmons, this Court did on the 21st day of June, 1965, make and
enter its Order confirming the Commissioners' Report and Assessment;
as to said separate Defendants; and both of which orders are hereby
referred to. It further appearing to the Court, and the Court so
finding, that pursuant to law, and to said preliminary Orders of
condemnation and confirmation, the Plaintiff has paid to the Defendants
the full amounts assessed in these proceedings as the value of the
property taken and condemned therein, to-wit:

Minnie M. Moore, a total award of \$14,000.00; Walter
O. Benson and Laverne V. Benson, a total award of
\$10,000.00; and Gertrude Simmons, a total award of
\$5,000.00.

IT IS ORDERED, ADJUDGED AND DECREED, in favor of the
Plaintiff and against the Defendants Minnie M. Moore, Walter O. Benson

68
and Lawrence V. Smeeth and Charles J. Smeeth, who own the land, and the personal property thereon, and the same has been lawfully taken and condemned for the use of the City of Sheridan, as set forth in Plaintiff's Complaint, that in so doing, the use of Plaintiff, City of Sheridan, a municipality, for flood control right-of-way purposes, to control and regulate the channel of Little Goose Creek in the City and County of Sheridan, Wyoming, said use being a public use authorized by law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this Order and Judgment be filed in the Office of the County Clerk and Recorder of Sheridan County, Wyoming, and thereupon the property hereinafter described, and the title thereto, shall vest in the Plaintiff, the City of Sheridan, in fee simple absolute.

The following is the description of the property belonging to the Defendant Minnie M. Moore as ordered to be taken and condemned in fee simple absolute as hereinabove provided, to-wit:

A tract of land situated in the NE1/4 and SW1/4 of Section 35, T. 36 N., R. 94 W. of the 6th P.M. described as follows: Beginning at a point on the northerly line of Aveca Avenue which is S. 24°32' W., 480.1 feet from the center of said Section 35; thence N. 30°36' E. 104.0 feet to the point of curvature of a curve to the left having a radius of 223.82 feet; thence along said curve for a distance of 4.4 feet to a point; thence N. 60°26' W., 20.0 feet along a radial line of said curve to a point; thence continuing along said curve, the radius of which is 223.82 feet, for a distance of 106.1 feet to a point; thence S. 57°38' E. 30.0 feet along a radial line of said curve; to a point; thence continuing along said curve the radius of which is 253.52 feet, for a distance of 214.3 feet to a point; thence N. 46°04' W., 12.4 feet to the point of curvature of a curve to the right having a radius of 158.73 feet; thence along said curve for a distance of 210.3 feet to a point; thence N. 32°17' E. 11.2 feet to a point; thence N. 29°55' E., 219.6 feet to a point on the westerly right of way line of U. S. Highway 27; thence northwesterly along said highway right of way line for a distance of 98 feet more or less to the center of the channel of Little Goose Creek; thence up stream along the center of the channel of Little Goose Creek 264 feet more or less to a point in the center of the channel of said creek; thence S. 32°17' W., 26 feet more or less to a point from which the center of said Section 35 bears S. 45°21' E., 461.0 feet; thence S. 57°43' E., 10.0 feet to a point; thence S. 32°17' W., 66.0 feet to a point; thence S. 14°36' W., 159.8 feet to a point on a curve to the left,

the radius point of which bears S. 84°25' E., 313.73 feet; thence along said curve to the left for a distance of 183 feet, more or less, to a point in the center of the channel of Little Goose Creek; thence up stream along the center of the channel of Little Goose Creek 410 feet, more or less, to a point on the northerly line of Aveca Avenue; thence S. 54°40' E., 97 feet, more or less, to the point of beginning. The above described tract contains 2.7 acres, more or less,

and further, for temporary construction purposes during the actual construction period of said flood control project, a temporary construction easement, for the purpose of depositing and leveling fill dirt therein, up and along that portion of the abandoned channel of Little Goose Creek and the area immediately adjacent thereto, owned or controlled by the Defendant, Minnie M. Moore.

That the personal property belonging to the Defendant Walter O. Benson and LaVerne V. Benson, damaged and affected by condemnation proceedings is a leasehold interest for tourist court purposes upon the lands of the said Minnie M. Moore; and the personal property of the Defendant Gertrude Simmons taken and affected by said condemnation proceedings is a 2-unit log tourist court building also situate upon the lands of the said Defendant, Minnie M. Moore.

DONE IN OPEN COURT this 4th day of October, 1965.

John P. Hocking
District Judge

CLERK OF COURT'S CERTIFICATE

THE STATE OF KENTUCKY
COUNTY OF LARRENDALE

SS:

IN THE DISTRICT COURT
FOURTH JUDICIAL DISTRICT

I do hereby certify the foregoing to be a true and complete copy of
in Case No. 12722 the same appears of record in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my hand and affixed
the official seal of the above entitled Court, this 4 day of Oct, 1965.

ETHEL BROCKMAN

Clerk of the District Court

By: Lucille H. Hocking Deputy.

