

653089

DRAINAGE EASEMENT

THIS INDENTURE WITNESSETH that BANK OF INDIANA NATIONAL ASSOCIATION, as Trustee under Trust dated 10/14/68 and known as Trust No. 5619 hereinafter called "Grantor", for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant the TOWN OF MERRILLVILLE, hereinafter called "Grantee", the perpetual right to enter upon the following described real estate owned by Grantor for Drainage Purposes:

The East 15 feet of the North 275 feet of the South 906.35 feet of the NW 1/4 of the NW 1/4 of Section 21, T 35 N, R 8 W of the 2nd P.M., Lake County, Indiana.

Grantor hereby conveys this easement for a perpetual term, and such easement shall include the right of the Grantee to enter upon, dig, lay, erect, construct, install, renew and to operate, maintain, replace and repair such drainage as is necessary to fulfill the purposes of this easement.

Grantee covenants that it will restore, if necessary, any area disturbed by its work to as near the original condition as is practicable. Such restoration shall include, if necessary, reseeding and the replacement of shrubbery. Grantor expressly reserves the right to the full use and enjoyment of the real estate, except to the extent of the use granted by this easement.

Grantee will indemnify and hold harmless the Grantor against loss, damage or injury resulting from any act of Grantee arising out of the exercise of the easement granted to the Grantee.

Grantor hereby covenants that it is the owner in fee simple of said real estate and is lawfully seized thereof, and has a good right to grant and convey the foregoing easement. This easement shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, beneficiaries, personal representatives, successors and assigns.

EXECUTED and delivered by Grantor this 8th day of December, 1981.

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD  
DEC 8 1 22 PM '81  
WILLIAM BIBBS  
RECORDER

**FILED**

DEC 8 1981

*Lucas O. ...*  
AUDITOR LAKE COUNTY

ATTEST:

BY: \_\_\_\_\_

Title \_\_\_\_\_

BANK OF INDIANA NATIONAL ASSOCIATION,  
as Trustee under Trust dated 10/14/68  
and known as Trust No. 5619

BY: BANK OF INDIANA, National Association  
as Trustee under the provisions of a Trust  
agreement dated 10/14/68 and known  
as Trust # 5619

For signatures see page attached hereto.

*[Handwritten signature]*  
653089

ATTACHMENT TO DRAINAGE EASEMENT DATED DECEMBER 8, 1981

THIS INSTRUMENT is executed by the undersigned Trustee, not personally but solely as Trustee under the terms of that certain agreement dated the 14th day of October, A.D. 19 68, creating Trust # 5619; and it is expressly understood and agreed by the parties hereto, anything herein to the contrary notwithstanding, that each and all of the covenants, undertakings, representations and agreements herein made are made and intended, not as personal covenants, undertakings, representations and agreements of the Trustee, individually, or for the purpose of binding it personally, but this instrument is executed and delivered by the BANK OF INDIANA, NATIONAL ASSOCIATION, as Trustee, solely in the exercise of the powers conferred upon it as such Trustee under said agreement and no personal liability or personal responsibility is assumed by, nor shall at any time be asserted or enforced against the BANK OF INDIANA, NATIONAL ASSOCIATION, on account hereof, or on account of any covenant, undertaking, representation, warranty or agreement herein contained, either expressed or implied, all such personal liability, if any, being hereby expressly waived and released by the parties hereto or holder hereof, and by all persons claiming by or through or under said parties or holder hereof.

IN WITNESS WHEREOF, the BANK OF INDIANA, NATIONAL ASSOCIATION, as Trustee has caused these presents to be signed by its Vice President and Trust Officer attested by its Vice President and its corporate seal to be hereto affixed as and for the act and deed of said corporation, this 8th day of December, 1981.

ATTEST:

By

David A. Tonk  
 Title David A. Tonk  
 Vice President

BANK OF INDIANA, NATIONAL ASSOCIATION  
 as Trustee aforesaid and not personally,

By

D.H. Brubeck  
 Title D.H. Brubeck  
 Vice President & Trust Officer

STATE OF INDIANA )  
 ) SS:  
 COUNTY OF LAKE )

I, Joan C. Tuttle, a Notary Public in and for said County and State, do hereby certify that D.H. Brubeck and David A. Tonk, personally known to me to be the Vice President & Trust Officer and Vice President, respectively of the BANK OF INDIANA, NATIONAL ASSOCIATION, as Trustee, are personally known by me to be the same persons whose names are subscribed to the foregoing instrument and appeared before me this 8th day of December, 1981 in person, and severally acknowledged that as such said officers they signed and delivered the foregoing instrument and caused the corporate seal of BANK OF INDIANA, NATIONAL ASSOCIATION, to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation, as their free and voluntary act and deed and as the free and voluntary act and deed of said corporation for the uses and purposes therein set forth.

WITNESS my hand and official seal

My Commission Expires:

February 13, 1982

Joan C. Tuttle  
 Joan C. Tuttle Notary Public  
 resident of Lake County