

5265 Highway
106 numbered 46325

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659377

EASEMENT FOR UNDERGROUND ELECTRICAL LINES

KNOW ALL MEN, That THE M. W. KELLOGG COMPANY, a Delaware Corporation, formerly known as PULLMAN INCORPORATED, herein called "Grantor", in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, in hand paid to the Grantor, hereby grants to NORTHERN INDIANA PUBLIC SERVICE COMPANY, an Indiana corporation, herein called "Grantee", and to its successors, an easement, right and authority, from time to time, to install, construct, maintain, operate, repair, replace, renew and remove: (a) underground ducts and conduits, (b) underground wires, cables, conductors, manholes and other necessary appurtenances, in such underground ducts and conduits, (c) pads for transformers, with transformers located thereon, where reasonably necessary in the sole judgment and discretion of Grantee herein together with all the rights and privileges necessary or convenient for the full enjoyment or use thereof, for the purposes herein described, including the right of ingress and egress to and from the strip of easement land, over adjoining lands of Grantor, and the right to trim, or at Grantee's option, to cut down and remove from the premises hereinafter described and from the adjoining lands of Grantor any trees or undergrowth, which may, in the sole judgment of Grantee, endanger the safety of, or interfere with the use or enjoyment of, any of Grantee's facilities arising from the

FILED trees or underground root system, including the right to clear and keep cleared such obstructions from the surface and subsurface as may be necessary for the installation and maintenance of such facilities in, upon, along and over a strip of land

FEB 16 1982

Lucie O. Thoms
AUDITOR

of way situated in Section 5, Township 36 North, Range 9W of the Second Principal Meridian, in the County of Lake, State of Indiana, described as follows:

37-13-13

A strip of land in the Southeast Quarter of the Southwest Quarter of said Section 5, Township 36 North, Range 9 West of the 2nd P.M., being 30 feet wide, lying 15 feet on each side of said centerline and said centerline produced, said centerline being described as follows:

Beginning at a point of the North right-of-way line of 165th Street said point being 30 feet North of and 60 feet West of the intersection of the centerline of Indianapolis Boulevard and 165th Street, Hammond, Indiana, thence North and parallel to the centerline of Indianapolis Boulevard a distance of 67 feet, to the point of termination, in the City of Hammond, Lake County, Indiana,

to operate by means thereof one or more line or lines for the transmission, distribution and delivery of electrical energy to the public in general to be used for light, heat, power, telephone and other purposes.

STATE OF INDIANA, S. NO
LAKE COUNTY
FILED FOR RECORD
FEB 16 1982
WILLIAM BRECKENRIDGE JR
RECORDER

453
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Any underground facilities of the Grantee shall be at least 24 inches below the surface of the soil, as the surface now exists.

The Grantor reserves the use of the above described land not inconsistent with this grant, but no buildings or structures shall be placed on the right of way by Grantor.

The Grantee shall and will indemnify and save the Grantor harmless from and against any and all liability, damage, injuries, losses, claims, demands or costs or expenses, including reasonable attorneys fees, proximately caused by the fault, culpability, or negligence of the Grantee in the construction, erection, maintenance, operation, repair or renewal of said line or lines, underground ducts or conduits, pads for transformers and transformers thereon, and the structures and appurtenances connected therewith.

The undersigned Grantor hereby covenants that as of the date of this grant it is the owner in fee simple of said real estate, lawfully seized thereof, with good right to grant and convey said easement herein, and that the said real estate is subject to that certain perpetual easement created by Declaration of Taking filed by the Secretary of War, United States of America, on October 28, 1944 and amended Declaration of Taking filed February 28, 1945, Cause No. 43 Civil Docket, United States District Court of the Northern District of Indiana, Hammond Division.

IN WITNESS WHEREOF, the Grantor has duly executed this instrument this 4th day of February, 1982, and the Grantee has accepted and agreed to the terms hereof on the 12th day of February, 1982.

Attest:

[Signature] (SEAL)
Not. Secy.

Grantor
The M. W. Kellogg Company

By [Signature] (SEAL)
Vice President

Attest:

[Signature] (SEAL)
Secretary

Grantee
Northern Indiana Public Service Company

By [Signature] (SEAL)
Vice President

[Signature]

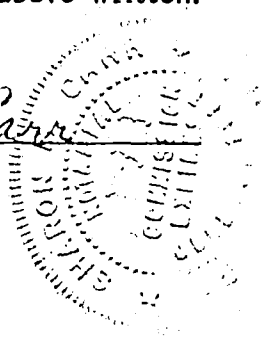
STATE OF *New Hampshire*)
COUNTY OF *Rockingham*) SS

BE IT REMEMBERED that on this *4th* day of *February*, 1982, before me, a Notary Public in and for the County and State aforesaid, personally appeared *William U. Buccella* Vice President, and *Betty Borin* Assistant Secretary of The M. W. Kellogg Company, as aforesaid and each acknowledged the execution of the above and foregoing instrument in behalf of said corporation, as the voluntary act and deed of said corporation and of said officials for said corporation for the uses and purposes set forth.

WITNESS my hand and notarial seal the day and year first above written.

Sharon M. Carter
Notary Public

My Commission expires: *June 23, 1983*



STATE OF INDIANA)
COUNTY OF *Lake*) SS

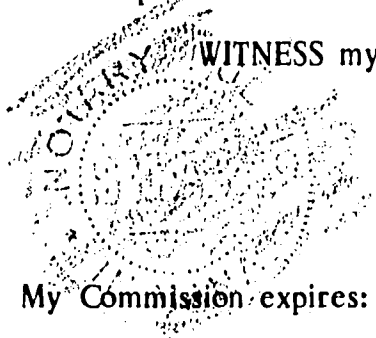
BE IT REMEMBERED that on this *12th* day of *February*, 1982, before me, a Notary Public in and for the County and State aforesaid, personally appeared **J. E. NICKOLOFF** Vice President, and **M. J. MIKULAS** Secretary of Northern Indiana Public Service Company as aforesaid and each acknowledged the execution of the above and foregoing instrument in behalf of said corporation, as the voluntary act and deed of said corporation and of said officials for said corporation for the uses and purposes set forth.

WITNESS my hand and notarial seal the day and year first above written.

Catherine L. Allegretti
Notary Public

My Commission expires: **April 13, 1984**

Catherine L. Allegretti
Resident of **Lake County, Indiana**



Checked by *Barclay J. Oles, JR.*
Date *2-15-82*
District *Hammond*
Contract File No. *34399*
Charge Acct. No. *5345-1*