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R-53209  
# 8-0064508-00

GRANT OF EASEMENT FOR DETENTION POND

WHEREAS, Lake County Trust Company, as Trustee under Trust No. 2821, is the owner of three parcels of real estate, hereinafter referred to as Lots A, B and C, legally described as follows:

LOT "A"

A parcel of land in the Northeast Quarter of Section 5, Township 34 North, Range 8 West of the 2nd P.M., Lake County, Indiana, more particularly described as follows: Commencing at a point on the West line of the Northeast 1/4 of said Section 5, said point being 1068.10 feet North of the Southwest corner of the Northeast 1/4 of said Section 5; thence East at right angles to said West line of the Northeast 1/4 of said Section 5, a distance of 20.00 feet to the point of beginning; thence North 0° 04' 00" East, 142.0 feet along a line parallel with the said West line of the Northeast 1/4 of said Section 5; thence South 89° 56' 00" East, 65.0 feet to the beginning of a 135.0 foot radius curve, the center of which bears North 0° 04' 00" East; thence Northeast 68.66 feet along the arc of said curve through a central angle of 29° 08' 30"; thence North 60° 55' 30" East, 4.0 feet to the beginning of a 20.0 foot radius curve, the center of which bears South 29° 04' 30" East; thence Southeast 31.42 feet along the arc of said curve through a central angle of 90° 00' 00"; thence South 29° 04' 30" East, 293.34 feet to the North Right-of-Way line of the Northern Indiana Public Service Company Easement as recorded in Miscellaneous Record 619, Page 542 in the Office of the Recorder, Lake County, Indiana; thence South 81° 27' West, 190.35 feet along the North Right-of-Way line of said easement; thence North 0° 04' 00" East, 131.27 feet; thence North 89° 56' 00" West, 116.09 feet to the Point of Beginning, containing 1.14 acres, more or less.

LOT "B"

A parcel of land in the Northeast Quarter of Section 5, Township 34 North, Range 8 West of the 2nd P.M., Lake County, Indiana, more particularly described as follows: Commencing at a point on this West line of the Northeast 1/4 of said Section 5, said point being 916.21 feet North of the Southwest corner of the Northeast 1/4 of said Section 5; thence North 81° 27' 00" East, 134.02 feet to the Point of Beginning; thence continuing North 81° 27' 00" East, 193.97 feet along the North Right-of-Way line of the Northern Indiana Public Service Company Easement as recorded in Miscellaneous Record 619, Page 542 in the Office of the Recorder, Lake County, Indiana; thence South 29° 04' 30" East, 24.0 feet to the beginning of a 95 foot radius curve, the center of which bears North 60° 55' 30" East; thence Southeast 99.48 feet along the arc of said curve through a central angle of 60° 00' 00"; thence South 89° 04' 30" East, 88.22 feet to the beginning of a 20 foot radius curve, the center of which bears South 0° 55' 30" West; thence Southeast 27.93 feet along the arc of said curve through a central angle of 80° 00' 00"; thence South 9° 04' 30" East, 103.22 feet to the beginning of a 138.53 foot radius curve, the center of which bears North 80° 55' 30" East;

CHICAGO TITLE INSURANCE COMPANY  
INDIANA DIVISION

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD  
FEB 17 1 26 PM '83  
WILLIAM BIELSKI JR  
RECORDER

**FILED**

EXHIBIT "D"

FEB 16 1983

*John O. Trust*  
AUDITOR LAKE COUNTY

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thence Southeast 194.21 feet along the arc of said curve through a central angle of  $80^{\circ} 19' 30''$ ; thence South  $0^{\circ} 36' 00''$  West, 4.80 feet; thence North  $89^{\circ} 24' 00''$  West, 547.41 feet to a point that is 129.59 feet East of the West line of the Northeast 1/4 of said Section 5 as measured along the prolongation of said last mentioned course; thence North  $0^{\circ} 04' 00''$  East, 150.04 feet along a line parallel with the West line of the Northeast 1/4 of said Section 5; thence North  $81^{\circ} 27' 00''$  East, 2.91 feet; thence North  $0^{\circ} 04' 00''$  East, 126.42 feet to the Point of Beginning, containing 2.61 acres, more or less, subject to an Easement granted to Northern Indiana Public Service Company as recorded in Miscellaneous Record 619, Page 542 in the Office of the Recorder of Lake County, Indiana.

LOT "C"

A parcel of land in the Northeast Quarter of Section 5, Township 34 North, Range 8 West of the 2nd P.M., Lake County, Indiana, more particularly described as follows: Commencing at a point on the West line of the Northeast 1/4 of said Section 5, said point being 723.88 feet North of the Southwest corner of the Northeast 1/4 of said Section 5; thence South  $89^{\circ} 24' 00''$  East, 886.69 feet to the West Right-of-Way line of Merrillville Road; thence North  $19^{\circ} 37' 00''$  East along said West Right-of-Way line, 47.39 feet to the Point of Beginning; thence continuing North  $19^{\circ} 37' 00''$  East, 142.61 feet; thence North  $70^{\circ} 23' 00''$  West, 20.00 feet to the beginning of a 55.0 foot radius curve, the center of which bears North  $19^{\circ} 37' 00''$  East; thence Northwest 46.08 feet along the arc of said curve through a central angle of  $48^{\circ} 00' 00''$ ; thence North  $22^{\circ} 23' 00''$  West, 146.10 feet to the beginning of a 20 foot radius curve, the center of which bears South  $67^{\circ} 37' 00''$  West; thence Northwest 23.39 feet along the arc of said curve through a central angle of  $67^{\circ} 01' 00''$ ; thence North  $89^{\circ} 24' 00''$  West, 258.29 feet to the beginning of a 20 foot radius curve, the center of which bears South  $0^{\circ} 36' 00''$  West; thence Southwest 34.79 feet along the arc of said curve through a central angle of  $99^{\circ} 40' 30''$ ; thence South  $9^{\circ} 04' 30''$  East, 216.30 feet to the beginning of a 98.53 feet radius curve, the center of which bears North  $80^{\circ} 55' 30''$  East; thence Southeast 138.13 feet along the arc of said curve through a central angle of  $80^{\circ} 19' 30''$ ; thence South  $89^{\circ} 24' 00''$  East, 225.13 feet to the Point of Beginning containing 2.38 acres, more or less. Subject to an easement granted to Northern Indiana Public Service Company as recorded in Miscellaneous Record 619, Page 542 in the Office of the Recorder of Lake County, Indiana.

and,

WHEREAS, Lake County Trust Company, as Trustee under Trust No. 2696, is the owner of certain real estate adjoining Lots A, B and C in the City of Crown Point, County of Lake, State of Indiana, hereafter referred to as "Market Place", and legally described as follows:

A parcel of land in the Northeast quarter of Section 5, Township 34 North, Range 8 West of the Second Principal Meridian, more particularly described as follows: Commencing at the Southwest corner of the Northeast Quarter of said Section 5; thence North  $0^{\circ} 04' 00''$  East, 1250.10 feet along the

West line of the Northeast Quarter of said Section 5 to the Point of Beginning; thence South  $89^{\circ} 56' 00''$  East, 85.0 feet to the beginning of a 95.0 foot radius curve, the center of which bears North  $0^{\circ} 04' 00''$  East; thence Easterly 48.32 feet along the arc of said curve through a central angle of  $29^{\circ} 08' 30''$ ; thence North  $60^{\circ} 55' 30''$  East, 64.0 feet; thence South  $29^{\circ} 04' 30''$  East, 377.34 feet to the beginning of a 55.0 foot radius curve, the center of which bears North  $60^{\circ} 55' 30''$  East; thence Southeasterly 57.59 feet along the arc of said curve through a central angle of  $60^{\circ} 00' 00''$ ; thence South  $89^{\circ} 04' 30''$  East, 138.57 feet; thence North  $9^{\circ} 04' 30''$  West, 62.73 feet to the beginning of a 20.0 foot radius curve, the center of which bears North  $80^{\circ} 55' 30''$  East; thence Northeasterly 34.79 feet along the arc of said curve through a central angle of  $99^{\circ} 40' 30''$ ; thence South  $89^{\circ} 24' 00''$  East, 258.29 feet to the beginning of a 20.0 foot radius curve, the center of which bears South  $0^{\circ} 36' 00''$  West; thence Southeasterly 23.39 feet along the arc of said curve through a central angle of  $67^{\circ} 01' 00''$ ; thence South  $22^{\circ} 23' 00''$  East, 146.10 feet to the beginning of a 55.0 foot radius curve, the center of which bears North  $67^{\circ} 37' 00''$  East; thence Southeasterly 46.08 feet along the arc of said curve through a central angle of  $48^{\circ} 00' 00''$ ; thence South  $70^{\circ} 23' 00''$  East, 20.0 feet to the West Right-of-Way line of Merrillville Road; thence North  $19^{\circ} 37' 00''$  East, 126.32 feet along said West Right-of-Way line to the Westerly Right-of-Way line of the Erie Western Railroad; thence North  $28^{\circ} 59' 30''$  West, 1175.04 feet along said Westerly Right-of-Way line to the North line of Lot 9 in Smith's Addition of Outlots to the Town (now City) of Crown Point; thence North  $89^{\circ} 22'$  West along said North line, 192.20 feet; thence South  $0^{\circ} 04'$  West, 125.0 feet; thence North  $89^{\circ} 22'$  West, 229.59 feet to the West line of the Northeast Quarter of said Section 5; thence South  $0^{\circ} 04'$  West along said West line, 606.89 feet to the Point of Beginning.

Also including the following road Right-of-Way: A parcel of land in the Northeast Quarter of Section 5, Township 34 North, Range 8 West of the 2nd P.M., in Lake County, Indiana, more particularly described as follows: Commencing at the Southwest corner of the Northeast 1/4 of said Section 5; thence North  $0^{\circ} 04' 00''$  East 1,210.10 feet along the West line of the Northeast 1/4 of said Section 5, to the Point of Beginning; thence North  $0^{\circ} 04' 00''$  East 40.0 feet along the West line of the Northeast 1/4 of said Section 5; thence South  $89^{\circ} 56' 00''$  East 85.0 feet to the beginning of a 95 foot radius curve, the center of which bears North  $0^{\circ} 04' 00''$  East; thence Easterly 48.32 feet along the arc of said curve through a central angle of  $29^{\circ} 08' 30''$ ; thence North  $60^{\circ} 55' 30''$  East 64.00 feet; thence South  $29^{\circ} 04' 30''$  East 377.34 feet to the beginning of a 55 foot radius curve, the center of which bears North  $60^{\circ} 55' 30''$  East; thence Southeasterly and Easterly 57.59 feet along the arc of said curve through a central angle of  $60^{\circ} 00' 00''$ ; thence South  $89^{\circ} 04' 30''$  East 138.57 feet; thence South  $9^{\circ} 04' 30''$  East 153.57 ft. to the beginning of a 98.53 foot radius curve, the center of which bears North  $80^{\circ} 55' 30''$  East; thence Southeasterly and Easterly 138.13 feet along the arc of said curve through a central angle of  $80^{\circ} 19' 30''$ ; thence South  $89^{\circ} 24' 00''$  East 225.13 feet to the Westerly Right of-Way of Merrillville Road; thence South  $19^{\circ} 37' 00''$  West 47.39 feet;

thence North 89° 24' 00" West 209.69 feet; thence North at right angles to said last mentioned course bearing North 0° 36' 00" East 4.80 feet to the beginning of a 138.53 foot radius non-tangent curve, the center of which bears North 0° 36' 00" East; thence Northwesterly 194.21 feet along the arc of said curve through a central angle of 80° 19' 30"; thence North 9° 04' 30" West 103.22 feet to the beginning of a 20.00 foot radius curve, the center of which bears South 80° 55' 30" West; thence Northwesterly and West 27.93 feet along the arc of said curve through a central angle of 80° 00' 00"; thence North 89° 04' 30" West 88.22 feet to the beginning of a 95 foot radius curve, the center of which bears North 0° 55' 30" East; thence Northwesterly 49.48 feet along the arc of said curve through a central angle of 60° 00' 00"; thence North 29° 04' 30" West 317.34 feet to the beginning of a 20.00 foot radius curve, the center of which bears South 60° 55' 30" West; thence Northwesterly, Westerly and Southwesterly 31.42 feet along the arc of said curve through a central angle of 90° 00' 00"; thence South 60° 55' 30" West 4.0 feet to the beginning of a 135 foot radius curve, the center of which bears North 29° 04' 30" West; thence Southwesterly and West 68.66 feet along the arc of said curve through a central angle of 29° 08' 30"; thence North 89° 56' 00" West 85.0 feet to the Point of Beginning, excepting from the above described parcel and road right-of-way the West 20 feet thereof which lies within the right-of-way of Indiana Highway #55 (also known as Main Street).

and,

WHEREAS, Lake County Trust Company, as Trustee under Trust No. 2821, desires to create a permanent easement on Lot C for the purpose of a detention pond, for the benefit of Market Place and Lots A, B and C above described, which easement is legally described as follows:

A parcel of land in the Northeast Quarter of Section 5, Township 34 North, Range 8 West of the 2nd P.M., Lake County, Indiana, more particularly described as follows: Commencing at a point on the West line of the Northeast Quarter of said Section 5, said point being 723.88 feet North of the Southwest corner of the Northeast Quarter of said Section 5; thence South 89° 24' 00" East, 886.69 feet to the West Right-of-way line of Merrillville Road; thence North 19° 37' 00" East along said West Right-of-way line, 304.89 feet; thence South 81° 26' 35" West, 113.22 feet; thence North 22° 23' 00" West 25.75 feet to the Point of Beginning; thence North 22° 23' 00" West, 48.25 feet; thence North 89° 24' 00" West, 301.57 feet; thence South 9° 04' 30" East 94.85 feet; thence North 81° 26' 35" East 308.39 feet to the Point of Beginning. Subject to an easement granted to Northern Indiana Public Service Company as recorded in Miscellaneous Record 619, Page 542 in the Office of the Recorder, Lake County, Indiana.

NOW, THEREFORE, in consideration of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Lake County Trust Company, as Trustee under Trust No. 2821, hereby grants to Lake County Trust

Company, as Trustee under Trust No. 2696, as owner of the real estate above described and referred to as Market Place, and retains for itself, as the owner of Lots A, B and C a perpetual easement for a detention pond located on Lot C as above described upon the following terms and conditions:

1. Said easement for a detention pond shall run with the land and shall be for the benefit and use of the owners of Market Place, Lots A, B and C, their successors and assigns, for use as an easement for a detention pond for drainage for the real estate described above and referred to as Market Place and Lots A, B and C.

2. The Grantor, for itself, its successors and assigns, reserves the use of the above described easement in any manner not inconsistent with this grant, but no buildings or structures of any type nor any parking lot shall be placed on said easement by the Grantor, its successors or assigns.

3. Maintenance of said detention pond shall be as provided for in that certain "Declaration of Use and Maintenance Agreement for Market Place, A Neighborhood Shopping Center and Adjacent Lots A, B, and C" recorded in the Office of the Recorder of Lake County, Indiana the 26th day of September, 1979, as Document No. 551909.

Dated this 16th day of February, ~~1980~~ 1983.

LAKE COUNTY TRUST COMPANY, AS TRUSTEE  
UNDER TRUST NO. 2821

BY: SEE SIGNATURE PAGE ATTACHED  
TRUST OFFICER  
Donna L. Campbell

ATTEST:

BY: SEE SIGNATURE PAGE ATTACHED  
ASSISTANT SECRETARY  
Charlotte L. Keilman

LAKE COUNTY TRUST COMPANY, AS TRUSTEE  
UNDER TRUST NO. 2696

BY: SEE SIGNATURE PAGE ATTACHED  
TRUST OFFICER  
Donna L. Campbell

ATTEST:

BY: SEE SIGNATURE PAGE ATTACHED  
ASSISTANT SECRETARY  
Charlotte L. Keilman

STATE OF INDIANA        )  
                              )SS:  
COUNTY OF LAKE        )

Before me, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_ and \_\_\_\_\_, Trust Officer and Assistant Secretary, respectively, of Lake County Trust Company, and acknowledged the execution of the foregoing Grant of Easement for Detention Pond.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal this \_\_\_\_\_ day of \_\_\_\_\_, 1980.

**SEE SIGNATURE PAGE ATTACHED**

\_\_\_\_\_  
Notary Public  
Resident of \_\_\_\_\_ County

My Commission Expires:  
\_\_\_\_\_

This document prepared by Bruce E. Sayers and Gail Oosterhof, Attorneys at Law, 5525 Broadway, Gary, Indiana 46410.

4-27-80  
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It is expressly understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the representations, covenants, undertakings and agreements herein made on the part of the Trustee while in form purporting to be the representations, covenants, undertakings and agreements of said Trustee are nevertheless each and every one of them, made and intended not as personal representations, covenants, undertakings and agreements by the Trustee or for the purpose or with the intention of binding said Trustee personally but are made and intended for the purpose of binding only that portion of the trust property specifically described herein, and this instrument is executed and delivered by said Trustee not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee; and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against the Trust Company, because of this instrument or as a result of any representation, covenant, undertaking or agreement of the said Trustee in this instrument contained, either express or implied, all such personal liability, if any, being expressly waived and released.

IN WITNESS WHEREOF, LAKE COUNTY TRUST COMPANY, not personally but as Trustee as aforesaid, has caused these presents to be signed by its Trust Officer \_\_\_\_\_ and attested by its Assistant Secretary this 16th day of February, 1983.

GRANTOR:

LAKE COUNTY TRUST COMPANY, not personally but as Trustee under the provisions of a Trust Agreement dated June 6, 1980 and July 22, 1980 and known as Trust No. 2821.

By: Donna L. Campbell  
Donna L. Campbell, Trust Officer

ATTEST:

By: Charlotte L. Keilman  
Charlotte L. Keilman, Assistant Secretary

GRANTEE:

LAKE COUNTY TRUST COMPANY, not personally but as Trustee under the provisions of a Trust Agreement dated June 6, 1978 and known as Trust No. 2696.

BY: Donna L. Campbell  
Donna L. Campbell, Trust Officer

ATTEST:

BY: Charlotte L. Keilman  
Charlotte L. Keilman, Assistant Secretary

STATE OF INDIANA )  
                          )SS:  
COUNTY OF LAKE )

Before me, the undersigned, a Notary Public in and for said County and State personally appeared the within named Donna L. Campbell, as Trust Officer and Charlotte L. Keilman, as Assistant Secretary of the Lake County Trust Company, who acknowledge the execution of the foregoing instrument as the free and voluntary act of said corporation, and as their free and voluntary act acting for such corporation, as Trustee.

Witness my hand and seal this 16th day of February, 1983.

Michele M. Myers  
Michele M. Myers, Notary Public

My Commission Expires:  
July 11, 1986

Resident: Lake County, Indiana