

This instrument prepared by  
or under the direction of:

**NOT-TAXABLE**

18089-005-999-MAS  
PS\299336B, KCY

096686

APR 23 1990

RICHARD C. KEENE  
SENIOR COUNSEL

Attorney for Grantor  
Business Address:  
500 Water Street  
Jacksonville, Florida 32202

*Ann N. Antos*  
AUDITOR LAKE COUNTY

THIS QUITCLAIM DEED, made this 22nd day of December,  
1989, between CSX TRANSPORTATION, INC., a Virginia corporation, whose  
mailing address is 500 Water Street, Jacksonville, Florida 32202, successor  
by Articles of Merger effective September 2, 1987 to The Chesapeake and  
Ohio Railway Company, in turn successor by Articles of Merger effective  
April 30, 1987 to The Baltimore and Ohio Railroad Company, hereinafter  
called "Grantor", and LAKE COUNTY PARKS AND RECREATION BOARD, whose mailing  
address is Crown Point, Indiana, hereinafter called "Grantee", and  
MANUFACTURERS HANOVER TRUST COMPANY and D. A. URSINI, JR., Trustees as  
hereinafter provided, WITNESSETH:

(Wherever used herein, the terms "Grantor" and  
"Grantee" may be construed in the singular or plural  
as the context may require or admit, and for  
purposes of exceptions, reservations and/or  
covenants, shall include the heirs, legal  
representatives and assigns of individuals or the  
successors and assigns of corporations.)

WHEREAS, Grantee is a public body duly authorized and empowered  
acquire, develop and maintain land in Lake County, Indiana, for park and  
recreation purposes; and

WHEREAS, in order to develop public park and recreation facilities,  
Grantee desired to acquire certain property (hereinafter, "Lakefront  
Property") owned by the predecessor of Grantor; and

WHEREAS, Grantee has filed an eminent domain proceeding in order to  
condemn the Lakefront Property for its purposes, which proceeding is  
captioned Lake County Parks and Recreation Board v. The B & O Railroad  
Company, et al., Cause No. C79-5206 in the Lake Circuit Court, Lake County,  
Indiana; and

WHEREAS, Grantor has resisted condemnation of said Lakefront Property;  
and

WHEREAS, the parties have discussed the issues between them and have  
jointly recognized the balance between the public's interest in development  
of the Lakefront Property and any resulting public safety hazards; and

WHEREAS, the parties have settled their differences, and desire to  
proceed with the safe and orderly development of the Lakefront Property;

STATE OF INDIANA/S.S. MC.  
LADY BURNETT  
FILED IN RECORD

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ROBERT W. BURNETT  
REGISTRAR



26.00  
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*Louis M Casale*  
8300 Miss. ✓  
Meriv 46510

WHEREAS, Grantee now desires to acquire from Grantor additional contiguous property and all Grantor's rights under a Permit to fill under the waters of Lake Michigan issued by the State of Indiana, and the property rights thereby creatable; and

NOW, THEREFORE, in consideration of the Premises above, and for and in consideration of the sum of FIVE HUNDRED SEVENTY SEVEN THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$577,400.00), to it in hand paid by Grantee, the receipt of which is hereby acknowledged, Grantor does hereby RELEASE, REMISE and forever QUITCLAIM unto Grantee, its successors and assigns, all right, title and interest in and to (A) those two (2) certain tracts or parcels of land situate, lying and being in Township 37 North, Range 9 West, Second Principal Meridian, County of Lake, State of Indiana, hereinafter designated "the Premises," more particularly described in Exhibit A, attached hereto and incorporated herein, and together containing 13.65 acres, more or less, and (B) all that certain land and/or property rights in the bed of Lake Michigan, situated in Sections 5 and 6, Township 37 North, Range 9 West and Section 31, Township 38 North, Range 9 West of the Second Principal Meridian in or north of the Cities of Hammond and Whiting, County of Lake, State of Indiana, as (hereinafter the "Submerged Land"), described on Exhibit B, attached hereto and incorporated herein.

TOGETHER WITH (A) all buildings, structures and improvements thereon, and all and singular the rights, alleys, ways, waters, privileges, hereditaments and appurtenances to said Premises belonging or in anyway incident or appertaining, and (B) any and all rights granted by instrument dated November 29, 1948 executed by Ralph F. Gates, then Governor of the State of Indiana, covering the rights to fill and improve the Submerged Land lying between the shore of Tract 1 of the Premises and the Lake Michigan Dock or Harbor Line, as more particularly described on said Exhibit B.

EXCEPTING unto Grantor the ownership in and to all Track(s) and other Appurtenant Rail Material and Facilities (including rails, ties, switches, signals, communication lines and poles, drainage structures, and ballast) within and on the Premises; and RESERVING unto Grantor (an) easement(s) twenty (20) feet in width, ten (10) feet in each direction from center of (each) track, for the continued location of said Appurtenant Rail Material and Facilities on the Premises, as more particularly described on Exhibit C, attached hereto and incorporated herein; TOGETHER WITH the right of ingress and egress to and from said Trackage and Appurtenant Rail Material and Facilities until removal. Said easement(s) shall automatically terminate and all title vest in Grantee upon removal of said Trackage and Appurtenant Rail Material and Facilities by Grantor.

TO HAVE AND TO HOLD the Premises and the Submerged Land, and all the estate, right, title, lien, interest and claim whatsoever of Grantor therein, either in law or equity (unless Reserved herein), and all improvements thereon and appurtenances thereto (unless Excepted herein), unto the proper use, benefit and enjoyment of Grantee, Grantee's successors and assigns, forever.

AND THIS DEED FURTHER WITNESSETH that Manufacturers Hanover Trust Company and D. A. Ursitti, Jr., Trustees under former The Baltimore and Ohio Railroad Company's Refunding and General Mortgage to Central Trust Company of New York (now Manufacturers Hanover Trust Company, successor by merger), and James N. Wallace, dated December 1, 1975, as amended, modified and supplemented, have executed this deed for the sole purpose of releasing and do hereby release all estate, right, title, lien and interest of the Trustee(s) under said Mortgage, in and to the property herein conveyed, or in and to the estate, right, title and interest herein quitclaimed, pursuant to the provisions of said Mortgage. This release is subject to any and all the same rights, reservations, exceptions, limitations and agreements herein specified on behalf of the Grantor, and is without covenant or warranty, express or implied, and without recourse against said Trustee(s) in any event, and recitals of fact herein are to be taken only as recitals of Grantor and not of Trustee(s).

IN WITNESS WHEREOF, CSX TRANSPORTATION, INC. and MANUFACTURERS HANOVER TRUST COMPANY (as one of the aforesaid Trustees), pursuant to due corporate authority, have caused their names to be signed hereto by their officers hereunto duly authorized and their corporate seals, duly attested, to be hereunto affixed, and D. A. Ursitti, Jr. (as the other of the aforesaid Trustees) has hereunto set his hand and seal.

Signed, sealed and delivered in the presence of:

G. J. Kelly, Jr.  
G. J. Kelly, Jr.

CSX TRANSPORTATION, INC.

By J. L. Kiesler  
J. L. Kiesler  
Vice President-Property Services  
CSX Rail Transport

Vonnie Willis  
Vonnie Willis



Attest David M. Yearwood (SEAL)  
Assistant Secretary  
David M. Yearwood

Apply as to Local Form

Signed, sealed and delivered in the presence of:

G. John Kirsch  
G. John Kirsch

MANUFACTURERS HANOVER TRUST COMPANY, as Trustee as aforesaid:

By T. C. Knight  
Assistant Vice President  
T. C. Knight

M. E. McGuire Jr.  
M. E. McGuire Jr.

Attest Michael Smith (SEAL)  
Assistant Secretary  
Michael Smith

Signed, sealed and delivered in the presence of:

G. John Kirsch  
G. John Kirsch

D. A. Ursitti, Jr. (L.S.)  
D. A. URSITTI, JR.

M. E. McGuire Jr.  
M. E. McGuire Jr.

STATE OF FLORIDA )  
 ) SS.  
COUNTY OF DUVAL )

I, \_\_\_\_\_, a Notary Public of the State of Florida and the County of Duval, do certify that, on the date below, before me in said County personally came J. L. Kiesler, to me known, and known to me to be the person whose name is subscribed to the above instrument, who, being by me first duly sworn, did depose, acknowledge and say that: he resides in Jacksonville, Duval County, Florida; he is Vice President-Property Services, CSX Rail Transport, of CSX Transportation, Inc., the corporation described in and which executed said instrument; he is fully informed of the contents of the instrument; he knows the seal of said corporation; the seal affixed to said instrument is such seal; it was so affixed by authority of the Board of Directors of said corporation; he signed his name thereto for said corporation pursuant to such authority; and instrument is the free act and deed of said corporation; and the conveyance herein is not part of a transaction, sale, lease, exchange or other transfer or conveyance of all or substantially all of the property and/or assets of the Grantor.

IN WITNESS WHEREOF, I hereunto set my hand and official seal, this 22nd day of December, 1989.

My commission expires on:

NOTARY PUBLIC, STATE OF FLORIDA  
My commission expires on \_\_\_\_\_  
Power, Fla. \_\_\_\_\_

Kathryn R. Casey (SEAL)  
Notary Public

STATE OF NEW YORK )  
 ) SS.  
CITY AND COUNTY OF NEW YORK )

I, Carolyn P. Baxter, a Notary Public of said City and County, do certify that on December 29, 89, before me in said City and County personally came T. C. KNIGHT, to me known, and known to me to be one of the persons whose name is subscribed to the above instrument, who, being by me first duly sworn, did depose, acknowledge and say that he resides at 288 WOODLAND RD., MADISON, N.J. 07940

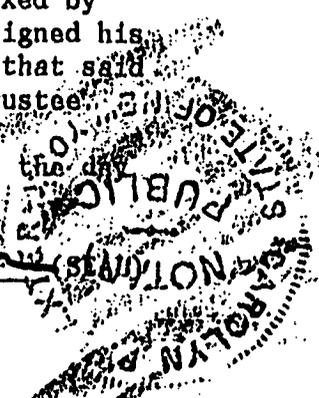
; that he is an Assistant Vice President of Manufacturers Hanover Trust Company, one of the corporations described in and which executed said instrument; that said corporation is a Trustee under the mortgage of The Baltimore and Ohio Railroad Company dated December 1, 1915, as amended, modified and supplemented; that he knows the seal of said corporation; that one of the seals affixed to said instrument is such seal; that it was so affixed by authority of the Board of Directors of said corporation; that he signed his name thereto for said corporation pursuant to such authority; and that said instrument is the free act and deed of said corporation as such Trustee.

IN WITNESS WHEREOF, I hereunto set my hand and official seal, the day and year written above.

My commission expires on:

CAROLYN P. BAXTER  
Notary Public, State of New York  
No. 41-4920070  
Qualified in Queens County  
Certificate filed in New York County  
Commission Expires February 18, 1990

Carolyn P. Baxter  
Notary Public



STATE OF NEW YORK )  
 ) SS.  
CITY AND COUNTY OF NEW YORK )

I, Carolyn P. Baxter, a Notary Public of said City and County, do certify that on December 29, 1989, before me in said City and County personally came D. A. Ursitti, Jr., to me known, and known to me to be one of the persons whose name, as a Trustee under the mortgage of The Baltimore and Ohio Railroad Company dated December 1, 1915, as amended, modified and supplemented, is subscribed to the above instrument, who, being by me first duly sworn, did depose, acknowledge and say that he resides at 26 Evergreen Lane, New Hyde Park, New York 11040; that he is a Trustee under the mortgage of The Baltimore and Ohio Railroad Company dated December 1, 1915, as amended, modified and supplemented; and that he executed said instrument as his free act and deed as such Trustee.

IN WITNESS WHEREOF, I hereunto set my hand and official seal, the day and year written above.

My commission expires on

**NOT OFFICIAL!**

This Document is the property of  
the Lake County Recorder!

Carolyn P. Baxter (SEAL)  
Notary Public

CAROLYN P. BAXTER  
Notary Public, State of New York  
No. 41-4920070  
Qualified in Queens County  
Certificate filed in New York County  
Commission Expires February 16, 1990

**STOP**



EXHIBIT A

Description of property at: Hammond, Indiana  
To: Lake County Parks and Recreation Board  
Deed File No.: 18089-005-999-MAS

Tract 1

Part of Government Lots 2 and 3, in the East Half (E-1/2) of the West Half (W-1/2) and the West Half (W-1/2) of the East Half (E-1/2) of Section 6, Township 37 North, Range 9 West of the Second Principal Meridian, described as follows:

Beginning at the intersection of the West line of U.S. Government Lot 2 and the North line of the 100-foot right-of-way of the Chicago, Lake Shore Railway (now Elgin, Joliet and Eastern Railroad) as located in said Lots 2 and 3; thence North on said West line of Lot 2 a distance of 173.20 feet; thence North 41 degrees 09 minutes 00 seconds (41 09'00") East, 92 feet, more or less, to the waters' edge of Lake Michigan; thence Southeasterly along said waters' edge to the East line of Government Lot 3 (the East line of the West Half (W-1/2) of the Southeast Quarter (SE-1/4) of Section 6, Township 37 North, Range 9 West of the Second Principal Meridian); thence Southerly along the East line of the West Half (W-1/2) of the Southeast Quarter (SE-1/4) of said Section 6 a distance of 252 feet, more or less, to the Northerly line of the Elgin, Joliet and Eastern Railroad; thence Northwesterly along the Northerly line of said railroad 3,222.07 feet, more or less, to the place of beginning, Lake County, Indiana; containing 12.02 acres of land as of March 22, 1979

BEING all or part of the same property acquired by Grantor, or its predecessor, by the following instruments, recorded among the Public Land Records of Lake County, Indiana:

<u>Acquired From</u>	<u>Date of Instrument</u>	<u>Book</u>	<u>Page</u>
City of Whiting, Indiana (Sheridan Avenue)	05-09-1932	Ordinance No.	809
Oliver O. Forsyth	01-08-1901	90	307
Mary A. Roberts and Amy J. Roberts	01-09-1901	90	308
City of Hammond, Indiana (East half of Lake Avenue)	08-02-1915	Resolution	

Tract 2

A parcel of land being 43.5 feet wide lying adjacent to and Northeast of the Elgin, Joliet and Eastern Railway property in the Southeast 1/4, Section 6, Township 37 North, Range 9 West of the Second Principal Meridian, Lake County, Indiana, described as commencing at the Southeast corner of Section 6; thence North 0° 48' 47" West along the East section line 89 feet more or less to the Northerly right-of-way line of the Elgin, Joliet and Eastern Railway being the POINT OF BEGINNING; thence North 53° 42' 30" West along said Northerly line 1634 feet more or less to the West line of the East 1/2 of the Southeast 1/4, Section 6; thence North 0° 42' 59" West along said West line 54.57 feet; thence South 53° 42' 30" East Parallel with and 43.5 feet from the Northern line of the Elgin, Joliet and Eastern Railway 1634 feet more or less to the East section line; thence South 0° 48' 47" East along said East line 54.54 feet to the Point of Beginning. Containing 1.63 acres and subject to all legal highways and easements.

BEING all or part of the same property acquired by Grantor, from the Chicago, Lake Shore & Eastern Railway Company, by deed dated July 8, 1919, recorded among the Public Land Records of Lake County, Indiana, in Book 260, Page 333.



EXHIBIT B

Description of Submerged Land, Lake Michigan, Whiting and  
Hammond, Indiana

Deed File No.: 18089-005-999-MAS

BEGINNING at the point of intersection of the westerly line of the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 6, Township 37 North, Range 9 West with the southwesterly shore line of Lake Michigan as indicated on Plat of Survey prepared by C. K. Wallace as aforesaid, said westerly line also being the westerly line of Lot 2 of said Section 6, in Lake Avenue, said point of intersection being 508.00 feet, measured northwardly along the westerly line of the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said Section 6 from the intersection thereof with the southerly line of Lot 1 of said Section 6, said point being also 170.88 feet, measured northwardly along the westerly line of the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said Section 6 from the intersection thereof with the southerly line of property acquired by Baltimore and Ohio and Chicago Railroad Company from Mary A. and Amy J. Roberts, Spinsters, by deed dated January 9, 1901, and recorded in Record 90, Page 308 of the Land Records of Lake County, Indiana;

thence N 41°09' E, 3,198.00 feet to a point;

thence S 48°12' E, 3,270.00 feet to a point;

thence S 41°09' W, 3,200.00 feet to the point of intersection of the easterly line of Lot 3 of said Section 6, Township 37 North, Range 9 West, in Sheridan Avenue, with the southwesterly shore line of Lake Michigan as indicated on Plat of Survey prepared by C. K. Wallace as aforesaid, which point is N 00°43' W, 146.82 feet, measured along said easterly line of Lot 3 from the intersection thereof with the southerly line of property acquired by Baltimore and Ohio and Chicago Railroad Company from Chicago, Lake Shore and Eastern Railway Company by indenture dated July 8, 1919, and recorded in Record 260, Page 333 of the Land Records of Lake County, Indiana, being a re-execution of the deed between the same parties, dated October 24, 1902 and referred to in the release from John Willcox Brown and James Bond, Trustees, dated January 12, 1903 and from New York Trust Company, Trustee, by indenture dated April 12, 1917 and recorded in Record 103, Page 404 of said Land Records;

thence along said southwesterly shore line of Lake Michigan to the POINT OF BEGINNING; containing 236 acres, more or less; shown on "Plat of Survey of the Shore Line of That Part of Lake Michigan, Northeasterly of Lots 2 and 3 of Section 6 - 37 - 9 of the Second Principal Meridian and to A Line Where the Water Does Not Exceed 26 Feet in Depth", prepared by C. K. Wallace, County Surveyor and Engineer, dated April 5, 1929 and revised according to available official data on hand by Samuel E. Brownsten, County Surveyor and Engineer on November 6, 1948.

BEING the land in the bed of Lake Michigan adjoining all those riparian rights as acquired by Baltimore and Ohio and Chicago Railroad Company from Mary A. and Amy J. Roberts, Spinsters, by deed dated January 9, 1901 as aforesaid and Oliver O. Forsyth, et al., by deed dated January 8, 1901, and recorded in Record 90, Page 309 of the Land Records of Lake County, Indiana.



EXHIBIT C

Description of track easement at:  
Retained by: CSX Transportation, Inc.  
Deed File No.: 18089-005-999-MAS

ALL that certain tract or parcel of land being 20 feet in width, 10 feet each side of centerline of Track Number 970-2, the centerline being more fully described as follows:

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COMMENCE at the southwest corner of property acquired by Grantor from Mary C. and Amy J. Roberts, Spinsters, by deed dated January 09, 1901, recorded in Deed Book 90, Page 308, said point also being in the east line of Lake Avenue; Thence with the east side of Lake Avenue in a northerly direction 10 feet, more or less, to the TRUE POINT OF BEGINNING for the description of said centerline; thence with said centerline the next five (5) Calls and Distances: (1) northeast on a curve to the right 130 feet, more or less, to the point of tangency; (2) southeasterly 3,070 feet, more or less, to point of curve; (3) southeasterly on a curve to the right 70 feet, more or less, to a reverse curve; (4) southeasterly on a curve to the left 60 feet, more or less, to the point of tangency; and (5) southeasterly 700 feet, more or less, to the ENDING POINT of this description; Containing 1.85 Acres, more or less; as illustrated on reduced fragment print of Grantor's Valuation Section 134.1, Map 11, marked Exhibit C-1, attached hereto.



1.913 Ac. and 0.277 Ac. of original areas acquired by instruments under Parcels No. 6, 12 and 26 respectively.

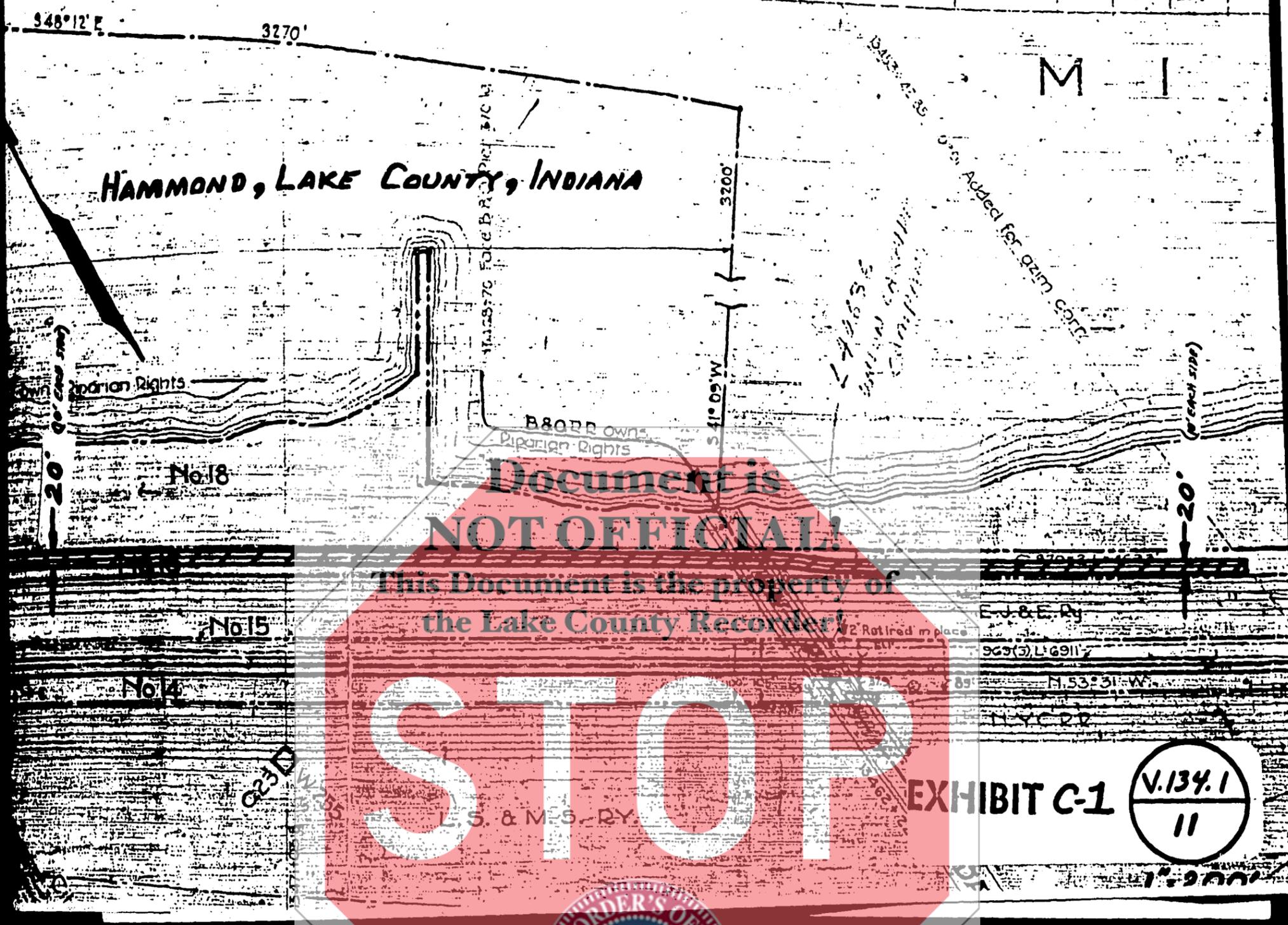


AFFIDAVIT CONCERNING INDIANA GROSS INCOME TAX

J. L. Kiesler, being first duly sworn, deposes and states as follows:

1. He is Vice-President - Property Services, CSX Rail Transport, of CSX Transportation, Inc., duly authorized and empowered to execute this affidavit for and on behalf of CSX Transportation, Inc.
2. By quit-claim deed dated December 22, 1989, CSX Transportation, Inc., has conveyed to Lake County Parks and Recreation Board certain real estate in Lake County, Indiana, consisting of certain riparian rights and lake fill permit rights to the settlement of an eminent domain proceeding in Lake County, Indiana.

19	887.5	War. Deed	Jan. 8 1901	O.O. Forsythe, et al	E&O&CRH	90	309	Jan. 15 1901	5.52
19	887	Cond. Suit	Jul. 14 1874	G.M. Roberts	BR&GRY.	B&O 3	493		3.53



HAMMOND, LAKE COUNTY, INDIANA

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STOP

EXHIBIT C-1

V.134.1  
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AFFIDAVIT CONCERNING INDIANA GROSS INCOME TAX

J. L. Kiesler, being first duly sworn, deposes and states as follows:

1. He is Vice-President - Property Services, CSX Rail Transport, of CSX Transportation, Inc., duly authorized and empowered to execute this affidavit for and on behalf of CSX Transportation, Inc.

2. By quit-claim deed dated December 22, 1989, CSX Transportation, Inc., has conveyed to Lake County Parks and Board certain real estate in Lake County, Indiana, rights and lake fill permit rights to the settlement of an eminent court, Lake County, and



**CERTIFICATE RE EXECUTION OF DOCUMENTS  
WITH RESPECT TO TRANSACTIONS  
INVOLVING REAL PROPERTY OR RIGHTS THEREIN**

I, PATRICIA J. AFTOORA, Corporate Secretary of CSX TRANSPORTATION, INC., do hereby certify that the attached excerpt marked Exhibit "A" from the minutes of the Board of Directors of this corporation held August 4, 1987, governing instructions with respect to transactions involving real property or rights therein to be true and correct and in force as of this date.

I do hereby further certify that J. L. Kiesler is the Vice-President - Property Services in the CSX Rail Transport business unit of CSX Transportation, Inc. and in this capacity is duly authorized to execute deeds, leases and other documents involving real property or rights therein in accordance with the resolutions referred to above, and pursuant to written authorization by the President - CSX Rail Transport as provided in Item (6) of said Exhibit.



*Patricia J. Aftoora*  
Corporate Secretary of  
CSX TRANSPORTATION, INC.

Baltimore, Maryland  
*April 18, 1990*

CSX TRANSPORTATION, INC.

Excerpt from minutes of meeting of Board of Directors held August 4, 1987

INSTRUCTIONS GOVERNING THE ACQUISITION, DISPOSITION, OR ENCUMBRANCE OF PROPERTY OR RIGHTS THEREIN, CAPITAL EXPENDITURES, AND THE EXECUTION OF DEEDS, LEASES, CONTRACTS, AND OTHER DOCUMENTS TO WHICH THIS CORPORATION MAY BE A PARTY

After discussion,

on motion, duly seconded, it was unanimously

RESOLVED, that, effective this date, the following instructions will apply to the acquisition, disposition, or encumbrance of property or rights therein, the authorization for capital expenditures, and the execution and custody of deeds, leases, contracts, and other documents to which this corporation, or a duly authorized agent of this corporation, may be a party:

(6) Unless prepared without deviation on standard forms previously approved by a member of the legal departments of this corporation for any of its three business units (Distribution, Equipment, and Transport) all deeds, leases, contracts, agreements, and other documents to which this corporation may be a party shall be submitted to that legal department for approval in advance of their execution, and such documents, except as otherwise provided herein, may be executed by the Chairman of the Board or by the President of Distribution, the President of Equipment, or the President of Transport, as said documents may relate to the specific areas of responsibility of each of the three business units, or any other person who has been so authorized by resolution of the Board of Directors, or in writing by the Chairman of the Board, the President of Distribution, or the President of Equipment, or the President of Transport, but only after they shall have had all required approvals; and further that all such letters of designation shall be filed with the Corporate Secretary of the corporation.

\* \* \* \* \*