

Parnos + Mendel

3

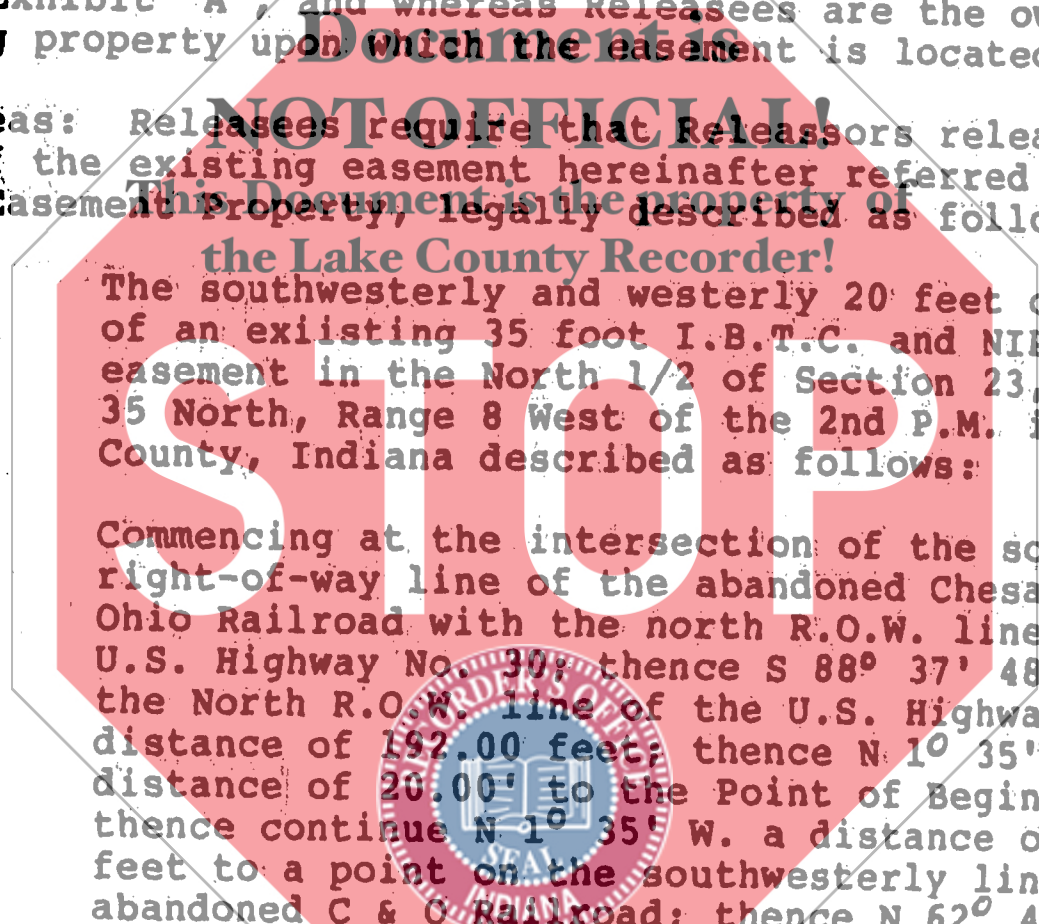
104643

AGREEMENT

This indenture made the 16th day of May, 1990 between Northern Indiana Public Service Company, (N.I.P.S.C.O.) an Indiana Corporation hereinafter called "Releasor" and Bank One Merrillville, N.A., as Trustee under trust dated August 1, 1988 numbered 96373054, and Bank One Merrillville, N.A. as Trustee under trust dated January 5, 1989 numbered 963850-54 and the First National Realty and Development Company, an Illinois Corporation hereinafter collectively called "Releasees";

Whereas: Releasor is the owner of a utility easement granted to it under a Ross Plaza easement agreement recorded in Plat Book 51, page 10, Lake County, Indiana on August 7, 1979, the location of which is described as a 35' easement on the attached Exhibit "A", and whereas Releasees are the owners of the underlying property upon which the easement is located; and

Whereas: Releasees require that Releasors release that portion of the existing easement hereinafter referred to as Released Easement Property, legally described as follows:



The southwesterly and westerly 20 feet of a portion of an existing 35 foot I.B.T.C. and NIPSCO utility easement in the North 1/2 of Section 23, Township 35 North, Range 8 West of the 2nd P.M. in Lake County, Indiana described as follows:

Commencing at the intersection of the southwesterly right-of-way line of the abandoned Chesapeake & Ohio Railroad with the north R.O.W. line of the U.S. Highway No. 30; thence S 88° 37' 48" W along the North R.O.W. line of the U.S. Highway No. 30 a distance of 192.00 feet; thence N 1° 35' W a distance of 20.00' to the Point of Beginning; thence continue N 1° 35' W. a distance of 85.20 feet to a point on the southwesterly line of the abandoned C & O Railroad; thence N 62° 42' W along said southwesterly line a distance of 1322.80 feet, thence S 27° 18' W. a distance of 35.00 feet; thence S 62° 42' E a distance of 1302.14 feet; thence S 1° 35' E a distance of 64.41 feet; thence N 88° 37' 48" E a distance of 35.00 feet to the Point of Beginning, said easement as shown on Plat of Easements Ross Plaza Easement Exhibit A recorded on August 7, 1989 in Book 51, page 10 in Lake County, Indiana.

and marked in yellow on Exhibit "A".

Therefore in consideration of the sum of \$1.00 paid by Releasees to Releasors, and other good and valuable consideration the receipt of which is hereby acknowledged, Releasors hereby releases, quit claims, and abandons unto Releasees any claim,

STATE OF INDIANA
LAKE COUNTY
FILED IN RECORD

*7/22
ck*

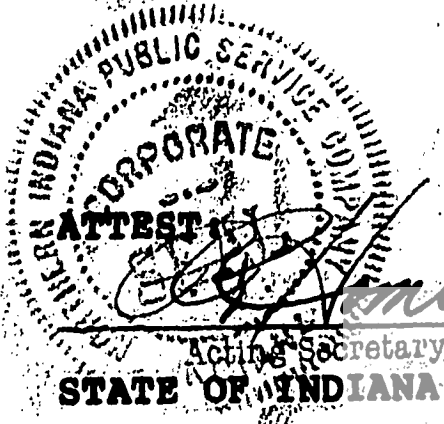
easement, license, lease or other claim of any type it has to the Released Easement property.

IN WITNESS WHEREOF, the parties hereto have executed this easement this 16 day of MAY, 1990.

NORTHERN INDIANA PUBLIC SERVICE COMPANY

By: [Signature]

S. P. ADIK



Acting Secretary
STATE OF INDIANA

COUNTY OF LAKE

Document is NOT OFFICIAL!

BE IT REMEMBERED that on this 16th day of MAY, 1990, before me, a notary public in and for the County and State aforesaid, personally appeared S. P. ADIK, and P. R. Hemrich, respectively, of Northern Indiana Public Service Company, 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 therein set forth.

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

My County of Residence:

LABORTE

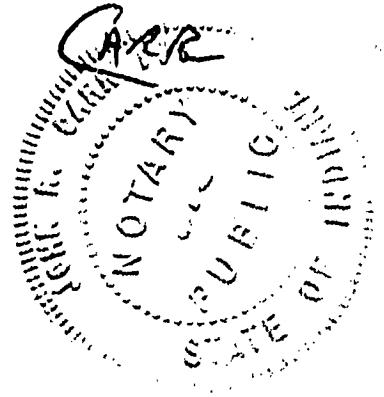
My Commission Expires:

MAY 2, 1991



[Signature], Notary Public

John P. Carr



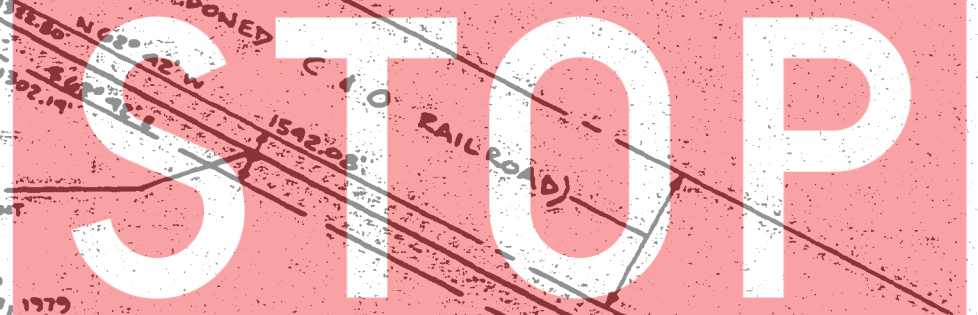
LEGAL DESCRIPTION OF PORTION OF EXISTING EASEMENT TO BE VACATED

The southwesterly and westerly 20 feet of a portion of an existing 35 foot I. B. T. C. and NIPSCO utility easement in the North 1/2 of Section 23, Township 35 North, Range 8 West of the 2nd P. M. in Lake County, Indiana described as follows:

Commencing at the intersection of the southwesterly right of way line of the abandoned Chesapeake & Ohio Railroad with the north R. O. W. line of U. S. Highway No. 30; thence S 88° 37' 48" W along the North R. O. W. line of U. S. Highway No. 30 a distance of 192.00 feet; thence N 1° 35' W a distance of 20.00' to the Point of Beginning; thence continue N 1° 35' W a distance of 85.20 feet to a point on the southwesterly line of the abandoned C & O Railroad; thence N 62° 42' W along said southwesterly line a distance of 1322.80 feet; thence S 27° 12' W a distance of 95.00 feet; thence S 62° 42' E a distance of 1302.14 feet; thence S 1° 35' E a distance of 64.41 feet; thence N 88° 37' 48" E a distance of 35.00 feet to the Point of Beginning, said easement as shown on Plat of Easements, Ross Plaza Easement Exhibit A of the City of Ellettsville, Indiana, recorded in Book 51, Page 10 in Lake County, Indiana.

SCALE: 1" = 100'

Document is NOT OFFICIAL
This Document is the property of the Lake County Recorder!



EXISTING 35' I.B.T.C. & NIPSCO UTILITY EASEMENT PER ROSS PLAZA EASEMENT EXHIBIT A PREPARED BY W.T. MAMELSON ENGINEERING DATED JUNE 14, 1979 RECORDED IN PLAT BOOK 51 PAGE 10 LAKE COUNTY, INDIANA ON AUGUST 7, 1979

PORTION OF EXISTING EASEMENT TO BE VACATED

EXISTING 20' I.B.T.C. & NIPSCO UTILITY EASEMENT

N 88° 37' 48" E NORTH R.O.W. LINE U.S. HWY. NO. 30

EXHIBIT A