

JAMES M. HELDROMB  
300 EAST 42ND DR

MUNSTER, IN. 46340  
↑  
610410

300 EAST 42ND DR

93041216

CONSENT TO ENCROACH

This indenture executed this 20<sup>th</sup> day of April,  
1993.

WITNESSETH:

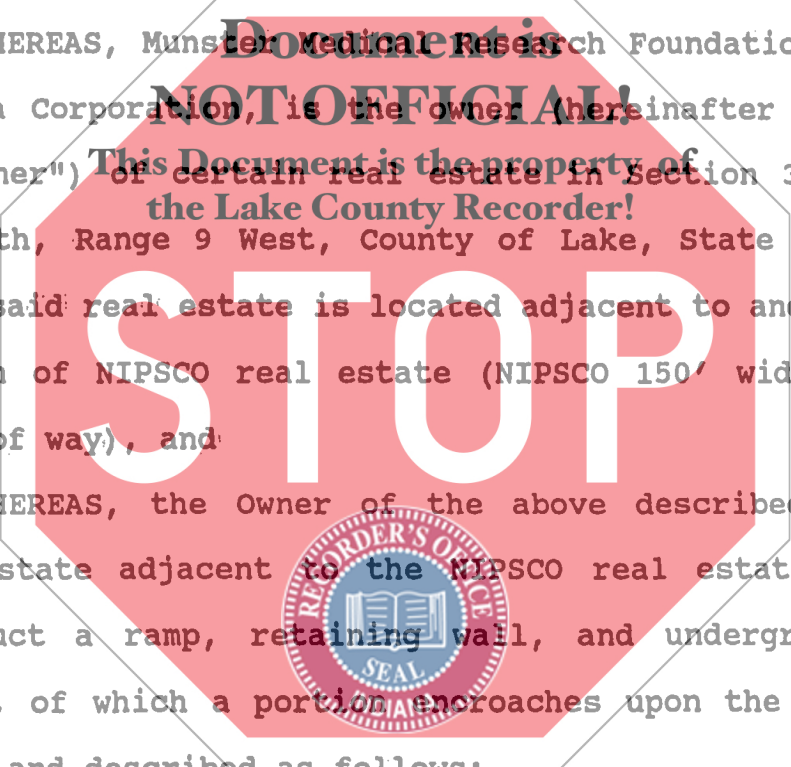
WHEREAS, Northern Indiana Public Service Company (NIPSCO) is the owner of certain real estate in Lake County, Indiana, which is described in a certain deed dated July 13, 1925, and recorded in the Recorder's Office of Lake County, Indiana, on July 24, 1925, in Book 356, pages 131-4, which NIPSCO uses for utility purposes for the distribution and transmission of gas and electric, such lands hereinafter referred to as "NIPSCO real estate", and

WHEREAS, Munster Medical Research Foundation, Inc., an Indiana Corporation, is the owner (hereinafter referred to as "Owner") of certain real estate in Section 30, Township 28 North, Range 9 West, County of Lake, State of Indiana; which said real estate is located adjacent to and is a portion of NIPSCO real estate (NIPSCO 150' wide right of way), and

WHEREAS, the Owner of the above described parcel of real estate adjacent to the NIPSCO real estate wishes to construct a ramp, retaining wall, and underground access tunnel, of which a portion encroaches upon the NIPSCO real estate and described as follows:

Commencing at an iron pipe at the intersection of the Westerly Line of Fairmeadow Eleventh Addition, also known as the West Line of Columbia Avenue and the North Line of the Community Hospital First Addition to the Town of Munster; thence North 89° 58' 28" West along said North Line of Community Hospital First Addition for a distance of 596.06' to the point of beginning; thence North 71° 28' 28" West for a distance of 16.50 feet; thence 89° 58' 28" West for a distance of 50.43 feet; thence North 71° 28' 28" West for a distance of 14.5 feet; thence South 18° 31' 32" West for a distance of 10.00 feet; thence South 89° 58' 28" East for a distance of 83.17 feet to the point of beginning.

WHEREAS, said ramp, retaining wall, and underground access tunnel will not interfere with NIPSCO's use of its NIPSCO real estate.



28-12-3  
TOWNSHIP  
28 N  
RANGE  
9 W  
LAKE COUNTY  
INDIANA  
RECORDER

STATE OF INDIANA/S.S.NO.  
LAKE COUNTY  
FILED FOR RECORD

FILED

JUN 25 1993

*Anna M. Anton*  
AUDITOR LAKE COUNTY

01573

12-02  
ck

NOW THEREFORE, NIPSCO hereby grants, only to the extent that its title permits it to do so, unto said Owner, its heirs, administrators, executors, successors and assigns, its consent to the encroachment as previously described.

The execution of this consent by the undersigned is not to be construed in any manner as a license or permission for any further encroachment on NIPSCO real estate.

The encroachment herein permitted is at all times subject and subordinate to the paramount rights of NIPSCO to use the NIPSCO real estate, including that portion subject to the encroachment, for all public utility and corporate purposes, all without any liability whatsoever on the part of NIPSCO to said Owner, their heirs, administrators, executors, successors and assigns for damage of any kind or nature.

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**STOP**  
This Document is the property of the Lake County Recorder!  
Munster Medical Research Foundation, Inc., as the owner of the above described parcel of real estate, for itself, its heirs, administrators, executors, successors and assigns, does hereby release and waive any right they may have or acquired against NIPSCO, its agents, servants and employees for any claim for any damage of any kind or nature to the property of owners or their successors located upon said NIPSCO real estate, regardless of the cause thereof and further agrees to indemnify and save harmless NIPSCO against and from any and all damage and loss to the equipment or any property owned or used by it and from and against any and all legal or other expenses, claims, costs, losses, suits, judgment for damages for injuries or death or property damage on the subject NIPSCO real estate arising from or in any way related to said encroachment.

The covenants and undertakings herein described associated with said encroachment shall be considered as covenants running with the land and binding upon all successors in title to said encroaching structure so long as said encroachment shall continue.

In the event the encroachment herein provided for is destroyed or removed, this agreement shall not be construed to permit the reconstruction of said encroachment; but rather, said reconstruction is hereby expressly prohibited.

This consent is not intended to relieve the owner of said above described parcel of real estate, their heirs, administrators, executors, successors and assigns, from complying with the restrictions, if any, to which said real estate is made subject by deed, applicable zoning ordinances, Master Zoning Plans or otherwise.

IN WITNESS WHEREOF, the parties have caused this document to be executed as of the day and year first above written.

Document is  
NORTHERN INDIANA PUBLIC SERVICE COMPANY  
**NOT OFFICIAL**  
By: Stepher P. Adis

This Document is the property of the President  
the Lake County Recorder!

ATTEST:  
Nina M. Rausch  
Nina M. Rausch, Secretary

MUNSTER MEDICAL RESEARCH FOUNDATION, INC.  
Donald A. Rausch  
President

ATTEST:  
Edna Rausch  
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 Stephen P. Adik, Vice President, and Nina M. Rausch, Secretary of said Corporation and acknowledged the execution of the foregoing instrument for and on behalf of said Corporation and by its authority.

Witness, my hand and notarial seal this 20<sup>th</sup> day of April, 1993.

John R. Henry  
Notary Public John R. Henry  
A Resident of Lake County

My Commission Expires:

April 5, 1995

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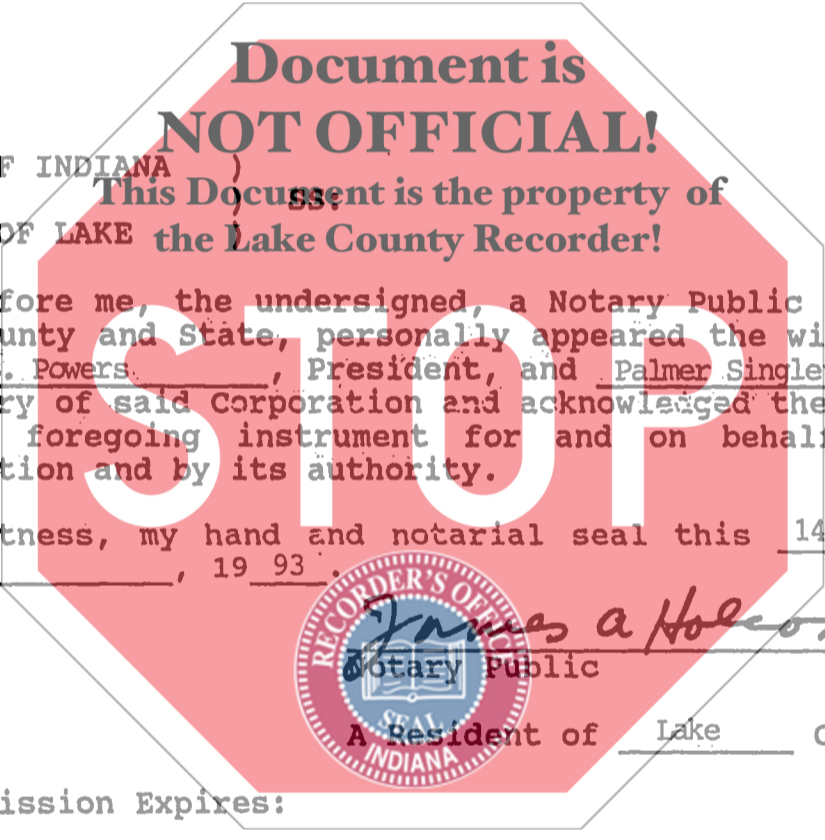
STATE OF INDIANA )  
 )  
COUNTY OF LAKE )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Donald S. Powers, President, and Palmer Singleton, Jr., Secretary of said Corporation and acknowledged the execution of the foregoing instrument for and on behalf of said Corporation and by its authority.

Witness, my hand and notarial seal this 14th day of April, 1993.

James A. Holcomb  
Notary Public  
A Resident of Lake County

My Commission Expires:  
March 10, 1997



This document prepared by: John R. Henry  
Cardinal Property Management, Inc.