

93042401

TOWN OF HIGHLAND
Resolution No. 93-20

A Resolution Authorizing, Accepting and Approving an Easement Agreement with Alice V. Novotny as Grantor and the Town of Highland as Grantee

WHEREAS, Alice V. Novotny (hereinafter sometimes described as Grantor) owns and has title to certain real property located in the Town of Highland, Lake County, Indiana, which is legally described as follows:

PARCEL 1 DESCRIPTION: The North 10.0 feet of the West 180.0 feet of the East 480.0 feet of the following described parcel: Beginning at a point on the East line of the West Half of Section 28, Township 36 North, Range 9 West of the Second Principal Meridian, that is 2291.50 feet North of the South line of said Section 28; thence North 89 degrees 56 minutes West a distance of 1322.98 feet, more or less, to the East line of the Right of Way of the Chicago, Indiana and Southern Railway; thence North of the East line of said Railroad Right of Way, a distance of 60.00 feet to a point that lies 135.0 feet South of the Southwest corner of High School Addition to the Town of Highland, as shown in Plat Book 32; page 83 in the Recorder's Office of Lake County, Indiana; thence South 89 degrees 56 minutes East, parallel to the South line of said High School Addition, a distance of 1322.94 feet, more or less, to the East line of said West half of Section 28; thence South on said East line of 60.00 feet to the point of beginning.

PARCEL 2 DESCRIPTION: The East 10 feet of the West 180.0 feet of the East 480.0 feet of the following described parcel: Beginning at a point on the East line of the West Half of Section 28, Township 36 North, Range 9 West of the Second Principal Meridian, that is 2291.50 feet North of the South line of said Section 28; thence North 89 degrees 56 minutes West, a distance of 1322.98 feet, more or less, to the East line of the Right of Way of the Chicago, Indiana and Southern Railway Company, thence North on the East line of said Railroad Right of Way, a distance of 60.00 feet to a point that lies 135.0 feet South of the Southwest corner of High School Addition to the Town of Highland, as shown in Plat Book 32, page 82 in the Recorder's Office of Lake County, Indiana; thence South 89 degrees 56 minutes East, parallel to the South line of said High School Addition, a distance of 1322.94 feet, more or less, to the East line of said West Half of Section 28; thence South on said East line a distance of 60.00 feet to the point of beginning.

WHEREAS, the Town of Highland, through its Town Council (hereinafter sometimes referred to as Grantee); has determined that a utility easement for water service and water mains in, under, over and across the above described real estate would be of great public benefit;

WHEREAS, Grantor wishes to grant to Grantee by and through its Town Council, a utility easement water service and water mains;

NOW, THEREFORE, BE IT RESOLVED, that the Utility Easement between Alice V. Novotny, as Grantor, and the Town of Highland, as Grantee, is hereby approved and ratified in each and every respect.

BE IT FURTHER RESOLVED that the Town Council Members are authorized to execute with their signatures the Utility Easement Agreement.

DULY ADOPTED by the Town Council of the Town of Highland this 14th day of June, 1993. Having been approved by a vote of 4 in favor and 0 opposed.

Town of Highland, Indiana
By its Town Council:

FILED

JUN 30 1993

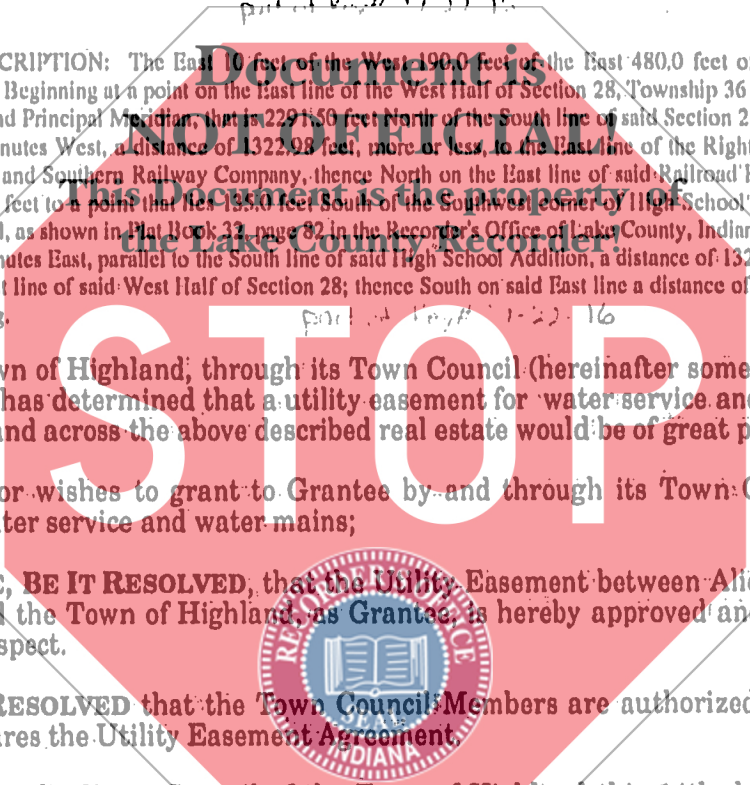
Alice N. Antos
AUDITOR LAKE COUNTY

Rance E. ...
...
...
...

Attest:
Michael W. ...
Clerk-Treasurer

02153
H00

STATE OF INDIANA/S.S.M.C.
LAKE COUNTY
FILED FOR RECORD



EASEMENT AGREEMENT

This **EASEMENT AGREEMENT** is made and entered into this 14th day of June, 1993, by and between Alice-V. Novotny (hereinafter sometimes referred to as "Grantor") and the Town of Highland, Lake County, Indiana, by and through its Town Council, (hereinafter sometimes referred to as "Grantee").

WITNESSETH THAT:

WHEREAS, Grantor owns and has title to certain real estate located in Lake County, Indiana, which is legally described as follows: (Attached)

WHEREAS, Grantor wishes to grant to Grantee by and through its Town Council, a utility easement for water service and water mains.

NOW, THEREFORE, for good and valuable consideration, the receipt which is acknowledged, it is mutually agreed by and between the parties hereto as follows:

1. **Easement.** Grantor does hereby grant, assign, convey and set over to the Grantee an easement for water service and water mains, in, under, over and across the following legally described real estate: (Attached)
2. **Uses.** Grantee is granted a perpetual easement for the installation, construction and utilization of water services and water mains. Grantee shall also have a continuing easement in, under, over, above and across said easement parcel to inspect, maintain, and/or repair any such water service and water mains installed in said easement.
3. **Non-Exclusive Easement.** This easement granted to the grantee herein is not exclusive; Grantor reserves the right to use the easement for its purposes and/or to grant additional easements over the same property to other public utilities or private parties, provided said purposes and grants do not interfere with the rights herein granted to the grantee.
4. **Term.** Grantee shall have and hold said easement for utility purposes in perpetuity so long as said easement is used for the purposes set forth herein.
5. **Repair and Maintenance.** Grantee shall be solely responsible for all water lines and water mains located in, on, under, over, across, and through the easement area.

6. **Indemnification.** Grantee agrees to indemnify and save the Grantor harmless from and against any and all damages, losses, claims, demands, or costs proximately caused by the default, culpability, or negligence of said Grantee in the use, maintenance, operation, repair, renewal, or removal of such water lines and water mains.

7. **Covenant Running with the Land.** The easement hereby granted, the restrictions herein imposed, and the agreements herein contained shall be an easement, restrictions, and covenants running with the land and shall insure to the benefit, and be binding upon, the parties hereto and their respective heirs, successors, assigns, and transferees, including but in limitation, to all subsequent owners of said real estate and all persons claiming under them.

IN WITNESS WHEREOF, the parties have duly executed this Easement Agreement the day and year appearing beneath the signatures of the respective parties.

Grantor: Alice V. Novotny

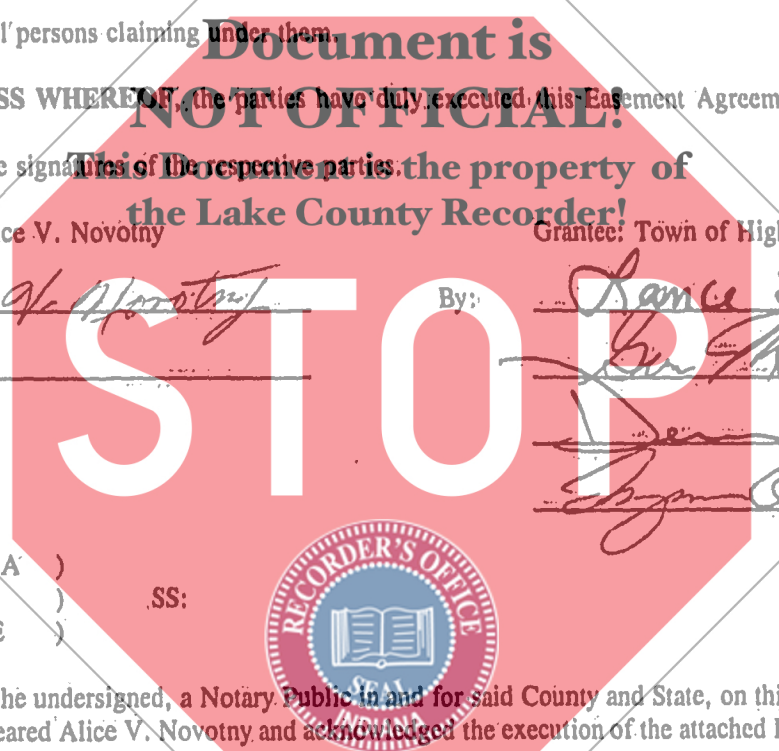
Grantee: Town of Highland

By:

Alice V. Novotny

By:

Dance E. Rykamp
Ken P. Smith
John R. ...



STATE OF INDIANA)
COUNTY OF LAKE)

SS:



Before me, the undersigned, a Notary Public in and for said County and State, on this 14th day of June, 1993, personally appeared Alice V. Novotny and acknowledged the execution of the attached Easement Agreement.

IN WITNESS WHEREOF, I have subscribed my name and affixed my official seal on this 14th day of June, 1993.

Carol L. Morrison
Notary Public

My commission expires: 2-10-95
County of Residence: Lake

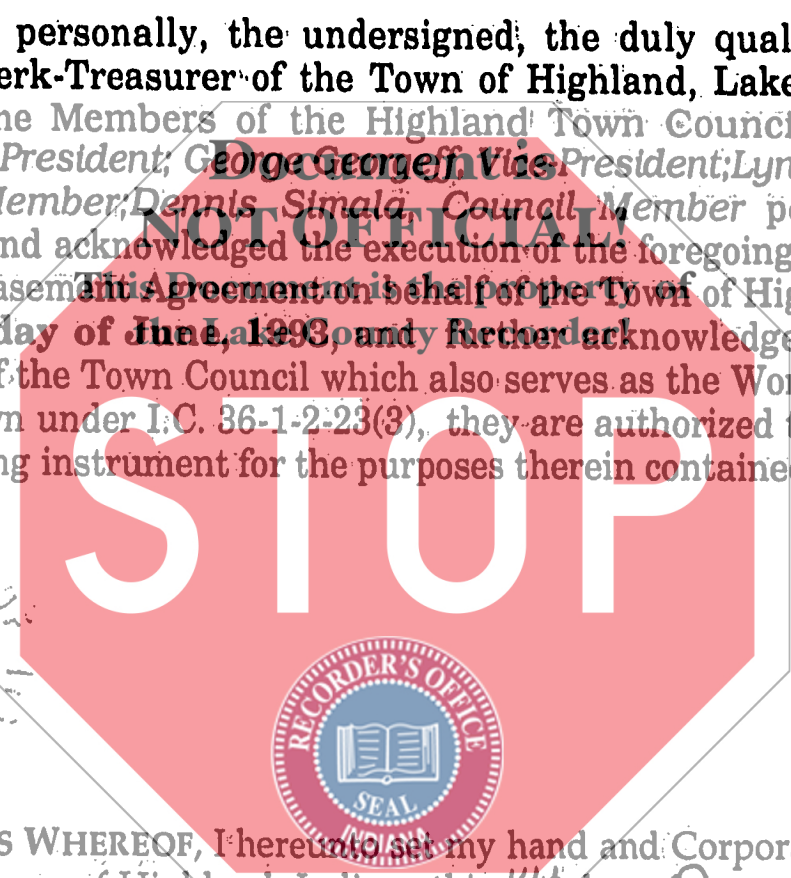
EASEMENT.DOC

CERTIFICATE OF THE CLERK-TREASURER

State of Indiana)
) SS:
County of Lake)

Certificate of Acknowledgment

Before me personally, the undersigned, the duly qualified and serving Clerk-Treasurer of the Town of Highland, Lake County, Indiana, the Members of the Highland Town Council, ~~Lance Ryskamp, President; George Georgeff, Vice President; Lynn Powell, Council Member; Dennis Simala, Council Member~~ personally appeared and acknowledged the execution of the foregoing/attached annexed ~~Easement Agreement on behalf of the Town of Highland~~ on the ~~14th day of June, 1993~~, and further acknowledged that as members of the Town Council which also serves as the Works Board for the Town under I.C. 36-1-2-23(3), they are authorized to execute the foregoing instrument for the purposes therein contained.



1700
1700
1700
(seal)

IN WITNESS WHEREOF, I hereunto set my hand and Corporate seal of the Town of Highland, Indiana this ~~14th~~ day of June, 1993. I certify that I am the duly elected, qualified and serving Clerk-Treasurer for the Town of Highland, and as such empowered pursuant to IC. 33-16-4-1; IC 36-5-6-5 to make acknowledgments.

Authority Expiration: Lake Circuit Court Clerk Certified the Election of November 5, 1991 officially November 12, 1991. I was qualified to office upon my oath administered January 1, 1992, to serve for a term of four years from that date and until a successor is elected and qualified. IC 36-5-6-2(b)

Michael W. Griffin
Michael W. Griffin, Clerk-Treasurer

OFFSITE WATERMAIN EASEMENT FOR SARA'S ADDITION

PARCEL 1

DESCRIPTION: The North 10.0 feet of the West 180.0 feet of the East 480.0 feet of the following described parcel: Beginning at a point on the East line of the West Half of Section 28, Township 36 North, Range 9 West of the Second Principal Meridian, that is 2291.50 feet North of the South line of said Section 28; thence North 89° 56' West a distance of 1322.98 feet, more or less, to the East line of the Right of Way of the Chicago, Indiana and Southern Railway Company; thence North on the East line of said Railroad Right of Way, a distance of 60.00 feet to a point that lies 135.0 feet South of the Southwest corner of High School Addition to the Town of Highland, as shown in Plat Book 32, page 82 in the Recorder's Office of Lake County, Indiana; thence South 89° 56' East, parallel to the South line of said High School Addition, a distance of 1322.94 feet, more or less to the East line of said West Half of Section 28; thence South on said East line a distance of 60.0 feet to the point of beginning.

PARCEL 2

DESCRIPTION: The East 10 feet of the West 190.0 feet of the East 480.0 feet of the following described parcel: Beginning at a point on the East line of the West Half of Section 28, Township 36 North, Range 9 West of the Second Principal Meridian, that is 2291.50 feet North of the South line of said Section 28; thence North 89° 56' West, a distance of 1322.98 feet, more or less, to the East line of the Right of Way of the Chicago, Indiana and Southern Railway Company; thence North on the East line of said Railroad Right of Way, a distance of 60.00 feet to a point that lies 135.0 feet South of the Southwest corner of High School Addition to the Town of Highland, as shown in Plat Book 32, page 82 in the Recorder's Office of Lake County, Indiana; thence South 89° 56' East, parallel to the South line of said High School Addition, a distance of 1322.94 feet, more or less, to the East line of said West Half of section 28; thence South on said East line a distance of 60.0 feet to the point of beginning.

PREPARED FOR: John Bach
PREPARED BY : Douglas M. Rettig, P.E.
JOB ORDER : No. 14-93