

FILED

AVIGATION EASEMENT

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This indenture made this 13 day of December, 1993 between Phyllis J. Senegal Department of Housing and Urban Development, hereinafter referred to as the Grantor and the Gary Regional Airport Authority, organized and existing under the laws of the State of Indiana, hereinafter referred to as the Grantee.

The Grantor, for and in consideration of Eight Hundred and Seventy-five Dollars (\$875.00) and other good and valuable consideration, paid by the Grantee to the Grantor, the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto the Grantee, its successors and assigns, a perpetual and assignable easement over the parcel of land which the Grantor owns in fee simple, designated and referred to hereafter as Parcel CA-1-90, situated in the County of Lake, State of Indiana, and described and delineated on the Exhibit "A" attached hereto and made a part hereof. The legal description for this parcel is as follows:

Lots 26 and 27 and the South 10 feet of Lot 24 in Block 11 in Brunswick Addition to Gary, as per plat thereof, recorded in Plat Book 11, page 34, in the Office of the Recorder of Lake County, Indiana. This avigation easement will limit objects on this described land parcel to an elevation no greater than 639 ft. mean sea level which is approximately 46 ft. above ground level.

41-227-24

Said property is designated on the Airport property map as Parcel CA-1-90.

The Grantor agrees that it, its heirs, successors and assigns shall not hereafter erect, or permit the erection of any structure, or growth of any tree or other object to an elevation greater than 639 ft. mean sea level (MSL) on Parcel CA-1-90.

The Grantor further agrees that the easement and rights hereby granted to the Grantee shall include, but not be limited to the following:

1. For the use and benefit of the Public, the right of flight for the passage of aircraft in the airspace above Parcel CA-1-90, together with the right to cause in said airspace such noise and such incidence of flight as may be inherent in the operation of aircraft, now known or hereafter used for navigation or of flight in air, using said airspace taking off from, landing at or operating on Gary Regional Airport.
2. The continuing and perpetual right to cut to a specified level and remove trees, bushes, shrubs, or any other perennial growth or undergrowth extending into, or which in the future could infringe upon or extend above 639 feet MSL. Grantor shall have the option, within thirty (30) days of notification by Grantee, of cutting natural foliage to the specific level. Cost of cutting foliage to the specific level shall be borne by Grantee only if approved beforehand. If Grantor

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STATE RECORDER
LAKE COUNTY

STATE OF INDIANA
LAKE COUNTY
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GRA

Return to:
PHYLLIS J. SENEGAL
504 BROADWAY, SUITE 207
GARY, IN 46402

Key # 41-227-24

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- does not comply with Grantee's notification within thirty (30) days, Grantee may enter the property to cut and remove such growth.
3. The right to remove, raze or destroy those portions of buildings, or other structures infringing upon or extending above 639 feet MSL, together with the right to prohibit the future erection of buildings or other structures which would infringe upon or extend into said surface.
 4. The right to mark and light as obstructions to air navigation, any and all structures, trees or other objects that may at any time project or extend above said surface.
 5. The right of ingress to the egress from, and passage over Parcel CA-1-90 for the above purposes.

TO HAVE AND TO HOLD said easement and all rights appertaining thereto unto the Grantee, its successors and assigns, until said Gary Regional Airport shall be abandoned and shall cease to be use for public airport purposes.

IT IS UNDERSTOOD AND AGREED that these covenants and agreements shall run with the land and shall be binding upon the heirs, administrations, executors, successors and assigns of the Grantors and that for the purpose of this instrument, Parcel CA-1-90 shall be the servient tenement and said Gary Regional Airport shall be the dominant tenement.

Grantor warrant it is title holder to the property lying hereunder of the aviation easement.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal this 13th day of December, 1993.



Henry Reverendowicz

STATE OF INDIANA

SS:

COUNTY OF LAKE

BEFORE ME, the undersigned, a Notary Public in and for said County and State, this 13 day of Dec, 1993, personally appeared Henry Reverendowicz and acknowledged the execution of the foregoing document as HIS free and voluntary act.

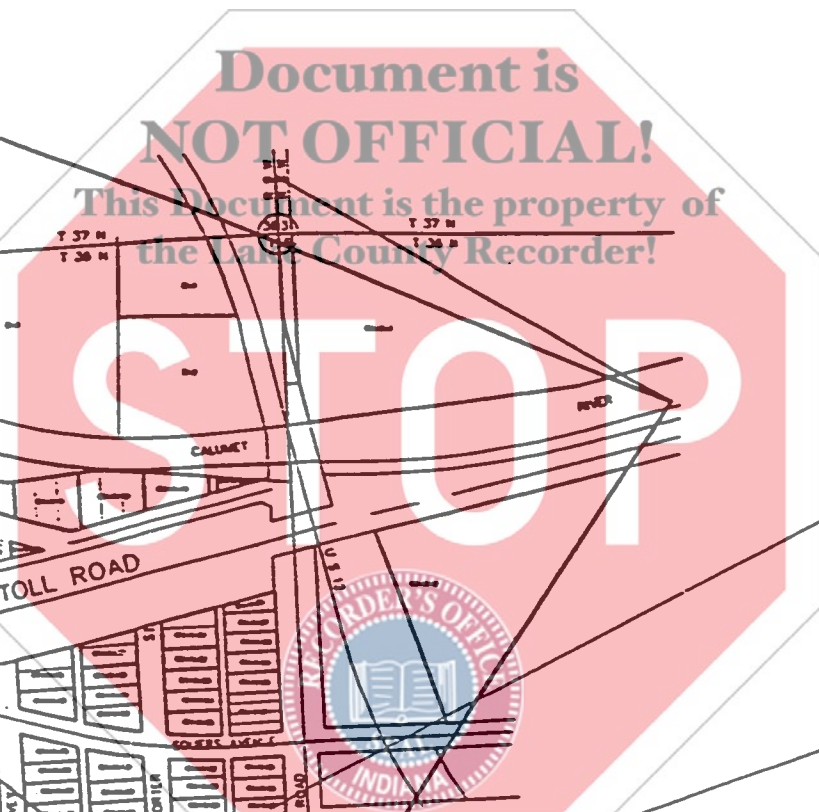
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

Phyllis J. Gray
Notary

My Commission expires: 2-17-93
LAKE County Resident

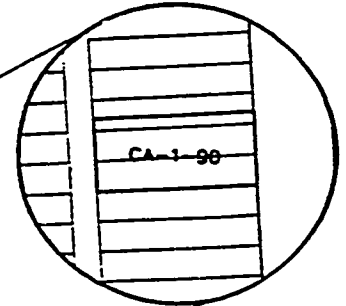


GARY REGIONAL AIRPORT



PARCEL CA-1-90
(INSTRUMENT #60720)

Lots 26 and 27 and the South 10 feet of Lot 24 in Block 11 in Brunswick Addition to Gary, as per plat thereof, recorded in Plat Book 11, page 34, in the Office of the Recorder of Lake County, Indiana.



Avigation Easement required for
46 ft. above ground level.

RUNWAY PROTECTION ZONE

