

SS:

COUNTY OF LAKE

APR 13 1994

94028726 AMENDED CLERK'S AVIGATION EASEMENT

Anna N. Anton
AUDITOR LAKE COUNTY

3

Instrument No. 93078396

I, Robert T. Antich, Clerk of the Lake Superior Court, pursuant to proceedings had in the cause of Gary Regional Airport Authority District vs. Millard F. and Norma J. Smith in Cause No. 45D03-9302-CP-00419, in said Court, effective as of July 7, 1993, do hereby grant to Gary Regional Airport Authority District an avigation easement subject to all non-delinquent taxes and assessments executed at Gary, Indiana, this 3rd day of August, 1993, but effective as of July 7, 1993, by the undersigned Clerk of the Lake Superior Court, pursuant to the order of said Court entered on the 28th day of July, 1993, in the above described proceedings.

The Grantors do hereby grant unto the Grantee, its successors and assigns, a perpetual and assignable easement over the parcel of land which the **DEFENDANT** own in fee simple, designated and referred to hereafter as Parcel CA-1-75, 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:

Lot 7 in Block "G" in the Corrected Plat of the Perfect Addition to Gary and the Resubdivision of the Perfect Addition to Gary, as per plat thereof, recorded in Plat Book 25, page 78, 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 640 ft. mean sea level which is approximately 47 ft. above ground level.

The Grantors agree that they, their 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 640 mean sea level (MSL) on Parcel CA-1-75.

The Grantors further agree 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-1-75, 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 640 feet MSL. Grantors 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

STATE OF INDIANA
LAKE COUNTY
FILED
APR 15 12 45 PM '94
S.A. RECORDER

1100
1100

Return to :

PHYLLIS J. SENEGAL
504 BROADWAY, SUITE 707
GARY, IN 46402

Key # 46-504-7

00724

shall be borne by Grantee only if approved beforehand. If Grantors do 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 640 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-1-75 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-1-75 shall be the servient tenement and said Gary Regional Airport shall be the dominant tenement.

Grantors warrant they are title holders to the property lying hereunder of the avigation easement.

Robert C. Antel

CLERK, LAKE SUPERIOR COURT
GARY, INDIANA

BY: *Michelle Udell*

DEPUTY

APPROVED: *[Signature]*

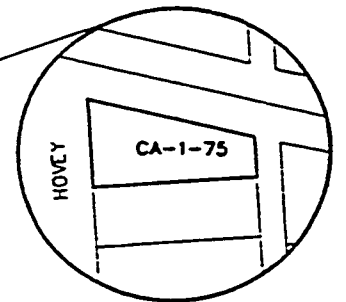
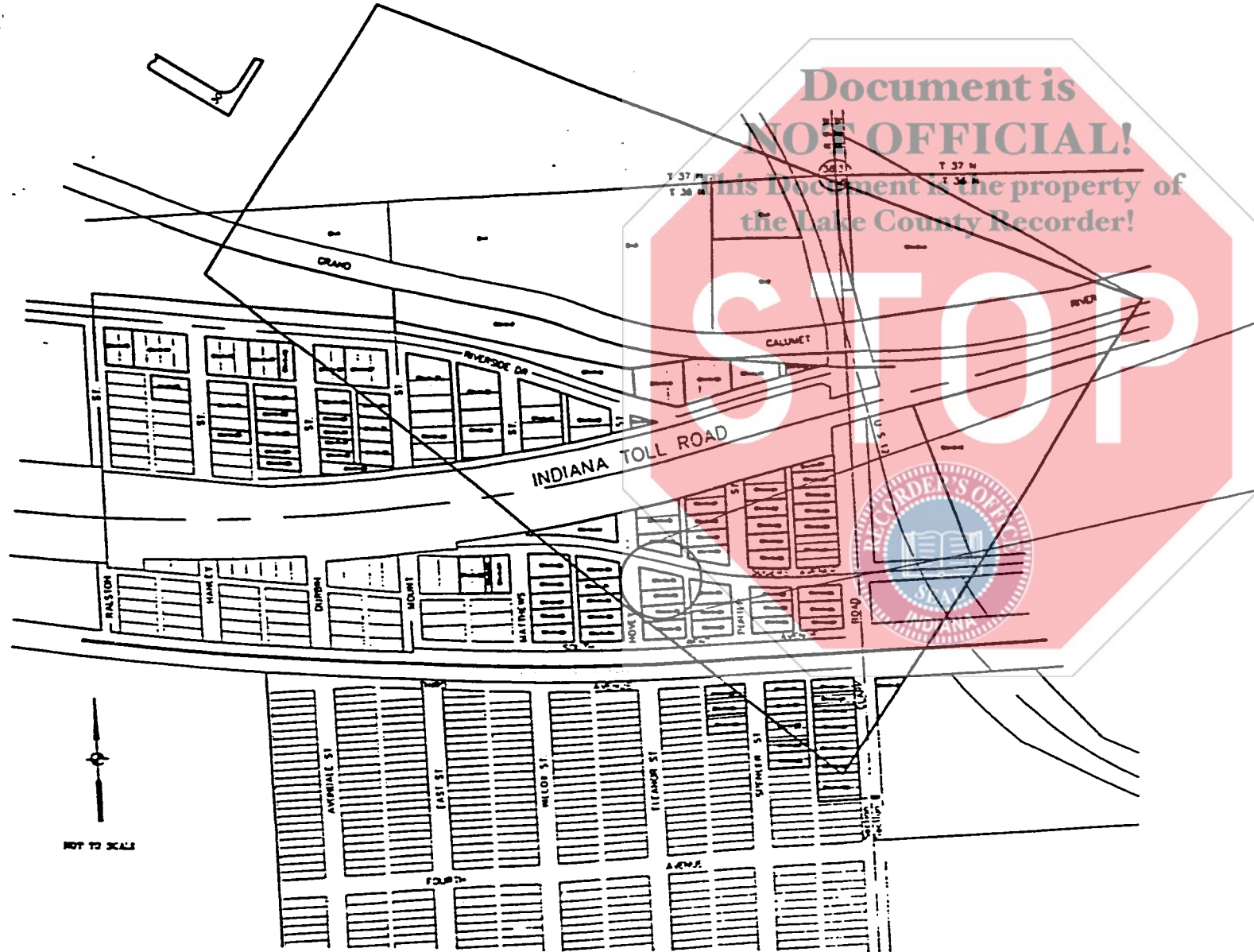
JUDGE



GARY REGIONAL AIRPORT

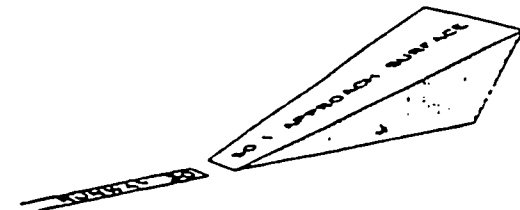
PARCEL CA-1-75
(INSTRUMENT #257858)

Lot 7 in Block "G" in the Corrected Plat of the Perfect Addition to Gary and the Resubdivision of the Perfect Addition to Gary, as per plat thereof, recorded in Plat Book 25, page 78, in the Office of the Recorder of Lake County, Indiana.



Avigation Easement required for
34 ft. above ground level

RUNWAY PROTECTION ZONE



NOT TO SCALE