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I, Robert T. Antich, Clerk of the Lake Superior Court, pursuant to *Cause No. Antich* proceedings had in the cause of Gary Regional Airport Authority District vs. *LAKE COUNTY TRUST #1551* in Cause No. 45D03-9302-CP-00415, in said Court, effective as of June 11, 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 11th day of June, 1993, but effective as of July 2, 1993, by the undersigned Clerk of the Lake Superior Court, pursuant to the order of said Court entered on the 11th day of June, 1993, in the above described proceedings.

The Grantor does hereby grant unto the Grantee, its successors and assigns, a perpetual and assignable easement over the parcel of land which the **DEFENDANT** owns in fee simple, designated and referred to hereafter as Parcel CA-6-3, 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:

A part of the Northwest Quarter of Section 6, Township 36 North, Range 8 West of the Second Principal Meridian, more fully described as follows: Beginning at the intersection of the south line of the Chicago, South Shore and South Bend Railroad as recorded in Deed Record 405, page 184, Office of the Recorder, with the east line of Clark Street, said point being a deeded distance of 1213.20 feet North of the center of Fifth Street (Instrument No. 40139, Office of the Recorder); thence North 85 degrees, 14 minutes, 15 seconds East (Basis of Bearings) along the aforesaid south line 93.12 feet; thence South 30 degrees 00 minutes, 00 seconds West 165.46 feet to a point on the aforesaid east line of Clark Street; thence North 04 degrees, 14 minutes, 45 seconds West along said east line of 135.93 feet to the point of beginning containing 0.145 acres, more or less. 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 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 640 mean sea level (MSL) on Parcel CA-6-3.

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-6-3, 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.

Instrument No. 93078393

STATE OF INDIANA
LAKE COUNTY
FILED
APR 15 1994
4:45 PM
RECORDER

Handwritten initials and signature

Return to:

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. 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 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 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-6-3 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 Grantor and that for the purpose of this instrument, Parcel CA-6-3 shall be the servient tenement and said Gary Regional Airport shall be the dominant tenement.

Grantor warrants it is title holder to the property lying hereunder of the avigation easement.

Robert C. Antz

CLERK, LAKE SUPERIOR COURT
GARY, INDIANA

BY: *Michelle Wolke*
DEPUTY

APPROVED: *James Sanchez*
JUDGE



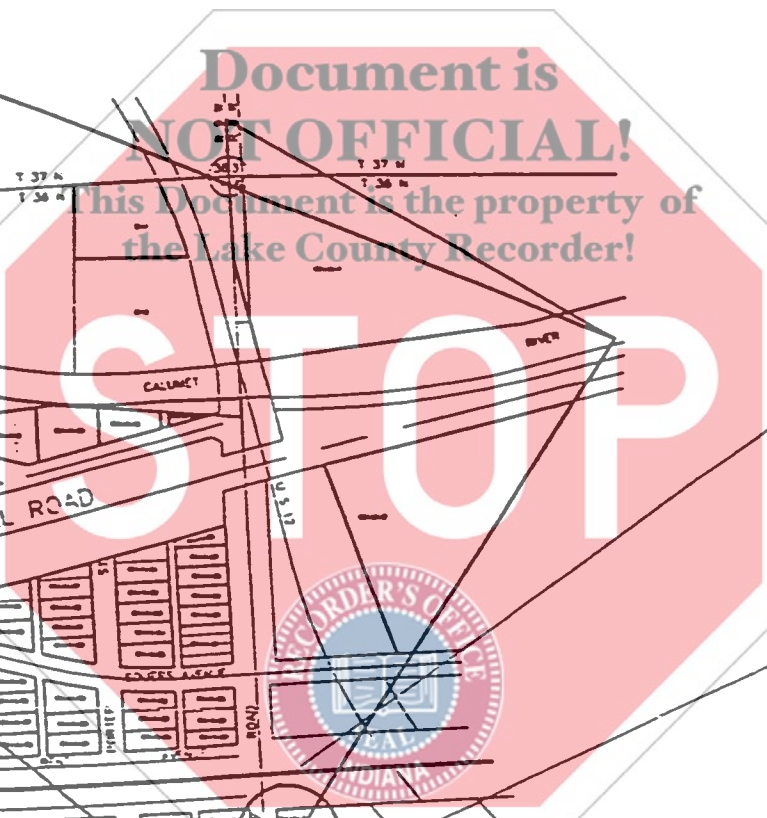
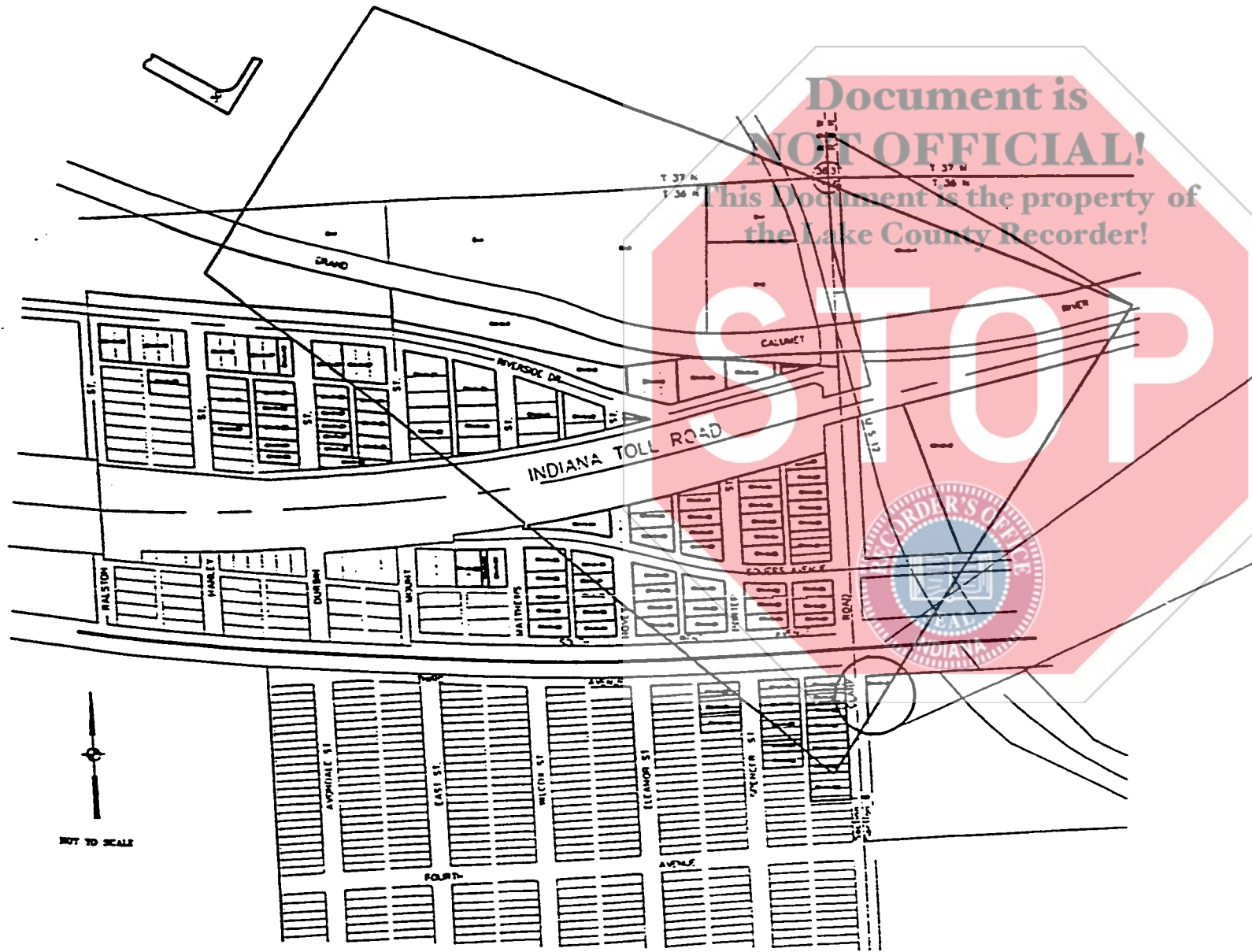


GARY REGIONAL AIRPORT

PARCEL CA-6-3
(INSTRUMENT #40139)

A part of the Northwest Quarter of Section 6, Township 36 North, Range B West of the Second Principal Meridian, more fully described as follows:

Beginning at the intersection of the south line of the Chicago, South Shore and South Bend Railroad as recorded in Deed Record 405, page 184, Office of Recorder, with the east line of Clark Street, said point being a measured distance of 1213.20 feet North of the center of Fifth Street (Instrument No. 40139, Office of Recorder); thence North 85 degrees 14 minutes 15 seconds East (Basis of Bearings) along the aforesaid south line 93.12 feet; thence South 30 degrees 00 minutes 00 seconds West 165.46 feet to a point on the aforesaid east line of Clark Street; thence North 04 degrees 14 minutes 45 seconds West along said east line 135.93 feet to the point of beginning, containing 0.145 acres, more or less.



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Avigation Easement required for 47 ft. above ground level.

RUNWAY PROTECTION ZONE

