

FILED

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

JAN 3 1995

95000346

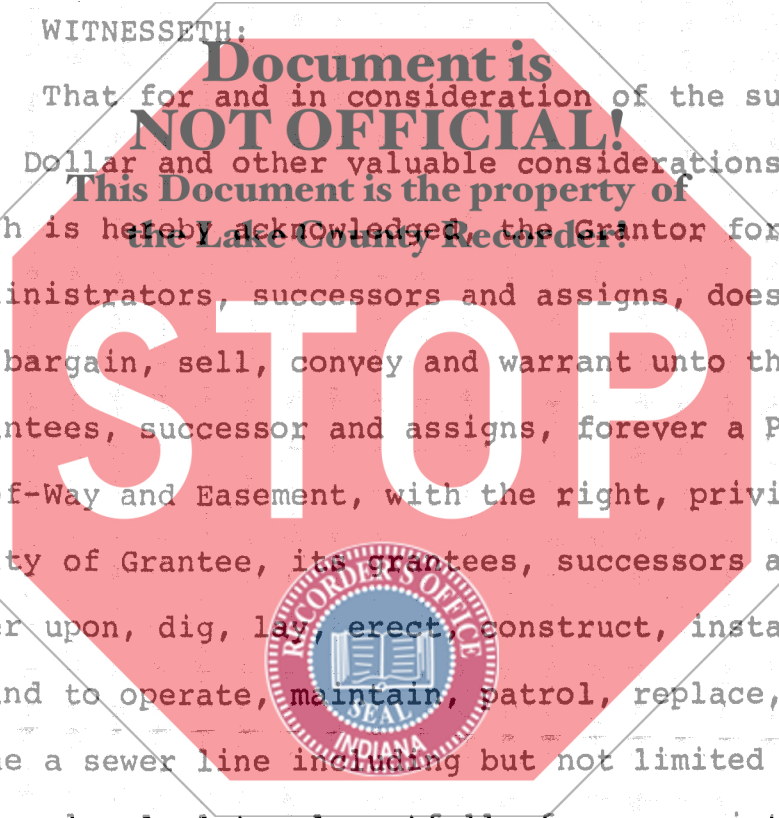
95 JAN -3 PM 3:02
AMASA G. COLBY
CHIEF DEP. RECORDER

GRANT OF PERPETUAL EASEMENT

THIS INDENTURE, made and entered into this 2nd day of July, 1993, by and between LAKE COUNTY TRUST COMPANY, AS TRUSTEE, UNDER TRUST NO. 3844, hereinafter called "GRANTOR", and MERRILLVILLE CONSERVANCY DISTRICT by its Board of Directors, County of Lake, State of Indiana, hereinafter called "GRANTEE";

WITNESSETH:

That for and in consideration of the sum of One (\$1.00) Dollar and other valuable considerations, the receipt of which is hereby acknowledged, the Grantor for itself and its administrators, successors and assigns, does hereby grant, bargain, sell, convey and warrant unto the Grantee, its grantees, successor and assigns, forever a Perpetual Right-of-Way and Easement, with the right, privileges and authority of Grantee, its grantees, successors and assigns, to enter upon, dig, lay, erect, construct, install, reconstruct, renew and to operate, maintain, patrol, replace, repair and continue a sewer line including but not limited to the main, sub-main, local, lateral, outfall, force, an interceptor sewer, or other necessary materials and lines, as a part of the Grantee's system and works for the collection, carriage, treatment and disposal of the waste, sewage, garbage and refuse of said District, as shall be hereafter located and constructed into, under, upon, over and across the following



000066

1900

described real estate and premises owned by the Grantor and situated in the County of Lake, State of Indiana, to-wit:

Part of the Northwest Quarter of Section 23, Township 35 North, Range 8 West, Second Principal Meridian, Ross Township, Lake County, Indiana, being a strip of ground 20.00 feet in width, lying 10.00 feet on each side of the following described centerline:

Commencing at the northwest corner of the Northwest Quarter of said Section 23, thence South 02 degrees 42 minutes East (basis of bearings) along the west line of said Section 23 and along the center of Mississippi Street, 1248.66 feet; thence North 87 degrees 18 minutes East, perpendicular with said west line, 727.50 feet; thence North 89 degrees 23 minutes 49 seconds East 149.71 feet to the south-westerly line of the owner's land and the Point of Beginning; thence continuing North 89 degrees 23 minutes 49 seconds East 1702.29 feet and there ending.

ALSO, an easement for a sanitary sewer and lift station described as follows:

Beginning at the end point of the above described easement: thence North 00 degrees 36 minutes 11 seconds West 24.00 feet; thence North 89 degrees 23 minutes 49 seconds East 73.38 feet; thence South 07 degrees 43 minutes 05 seconds East 375.18 feet to the south line of the owner's land; thence South 88 degrees 37 minutes 48 seconds West along the south line of the owner's land 25.15 feet; thence North 07 degrees 43 minutes 05 seconds West 341.26 feet; thence South 89 degrees 23 minutes 47 seconds West 52.43 feet; thence North 00 degrees 36 minutes 11 seconds West 10.00 feet to the point of beginning.

That a diagram showing the approximate route, courses and distances through the above premises and lands and width of the Right-of-Way is attached hereto and made a part of this Indenture by reference as Exhibit A.

That Grantee, its successors and assigns, shall have the right to enter along, over and upon said Easement to repair, relocate, service and maintain such sewers, at will, and to make such alterations and improvements in the facilities thereof as may be necessary or useful, and to remove from the extent of the Right-of-Way any encroaching trees, buildings or other obstructions to the free and unobstructed use of such Easement, and to build and maintain all necessary intakes, catch basins, and other devices incident to such sewers, and shall have the right of ingress and egress only over adjoining premises and lands when necessary and without doing damage to such adjoining lands, and only for temporary periods, and shall not otherwise enter upon lands adjoining said Easement.

That Grantee covenants that, in the installation, maintenance or operation of its sewer and appurtenances under, upon, over and across said tract of land in which Perpetual Easement is hereby granted, it will restore the area disturbed by its works to as near the original condition as is practicable.

The Grantor herein covenants for itself, its grantees, successors and assigns that it will not erect or maintain any building or other structure or obstruction on or over said sewer and appurtenances under said tract of land in which Perpetual Right-of-Way and Easement is hereby granted, except

by express permission from the Grantee, in writing, and in accordance with the terms thereof, and which permission when in writing and recorded, shall run with the real estate.

That Grantee shall and will indemnify and save the Grantor, its grantees, successors and assigns, harmless from and against any and all damage, injuries, losses, claims, demands or costs proximately caused by the fault, culpability, or negligence of the Grantee in the construction, erection, maintenance, operation, repair or renewal of said line or lines and the structures and appurtenances connected therewith.

That Grantor hereby covenants that it is the owner in fee simple of said real estate, is lawfully seized thereof and has a good right to grant and convey the foregoing Easement therein; that it guarantees the quiet possession thereof, that said real estate is free from any and all encumbrances except the following

1. Current taxes, and that Grantor will warrant and defend Grantees title to said Easement against all lawful claims.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal this day, month and year, as first above written.

SEE ATTACHED SIGNATURE PAGE

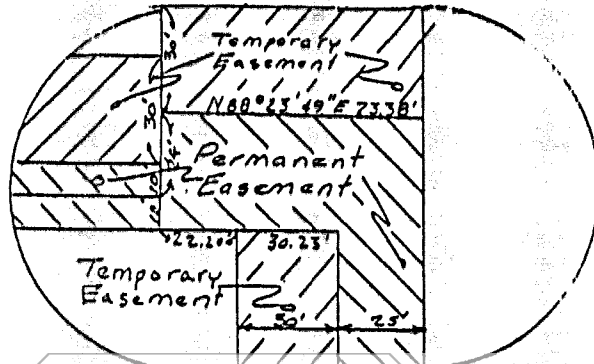
Prepared by:

MARTIN H. KINNEY, Attorney
500 East 86th Avenue
Merrillville, In. 46410

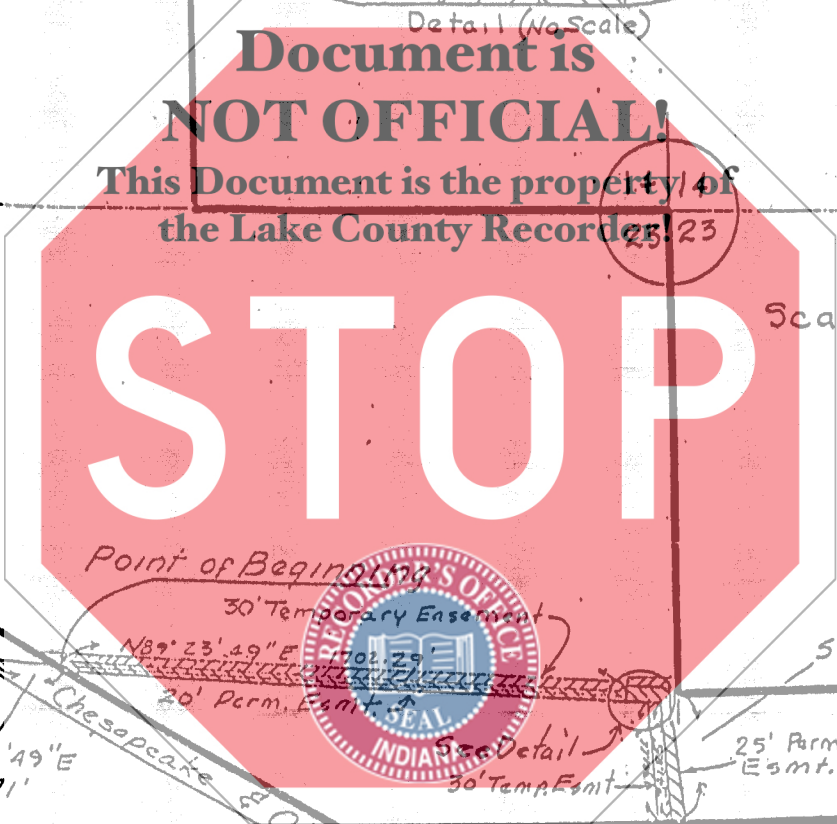


SKETCH

Sanitary Sewer Easement

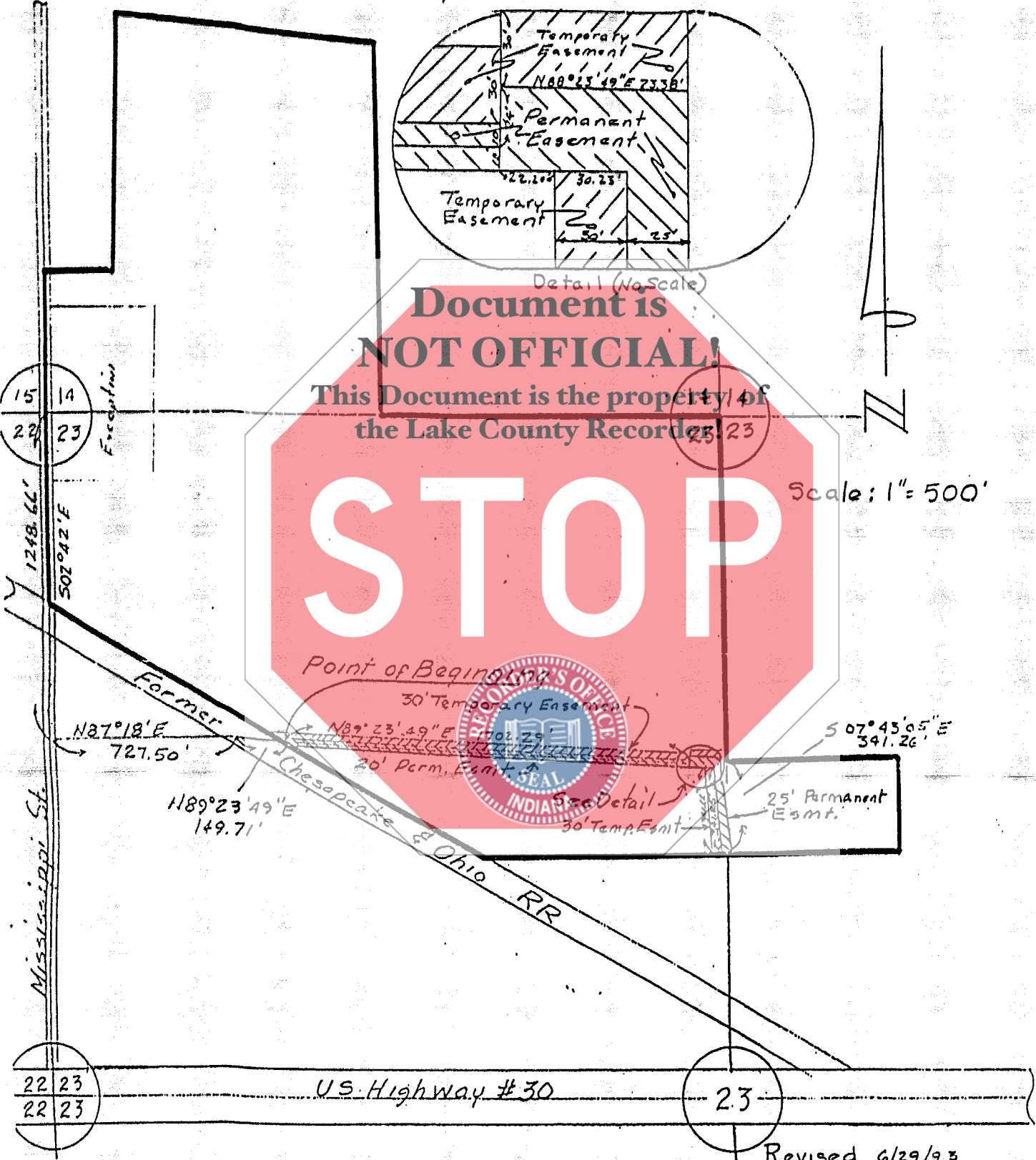


Detail (No Scale)



Document is NOT OFFICIAL!
 This Document is the property of the Lake County Recorder

Scale: 1" = 500'



Revised 6/29/93
 Previous Versions Void