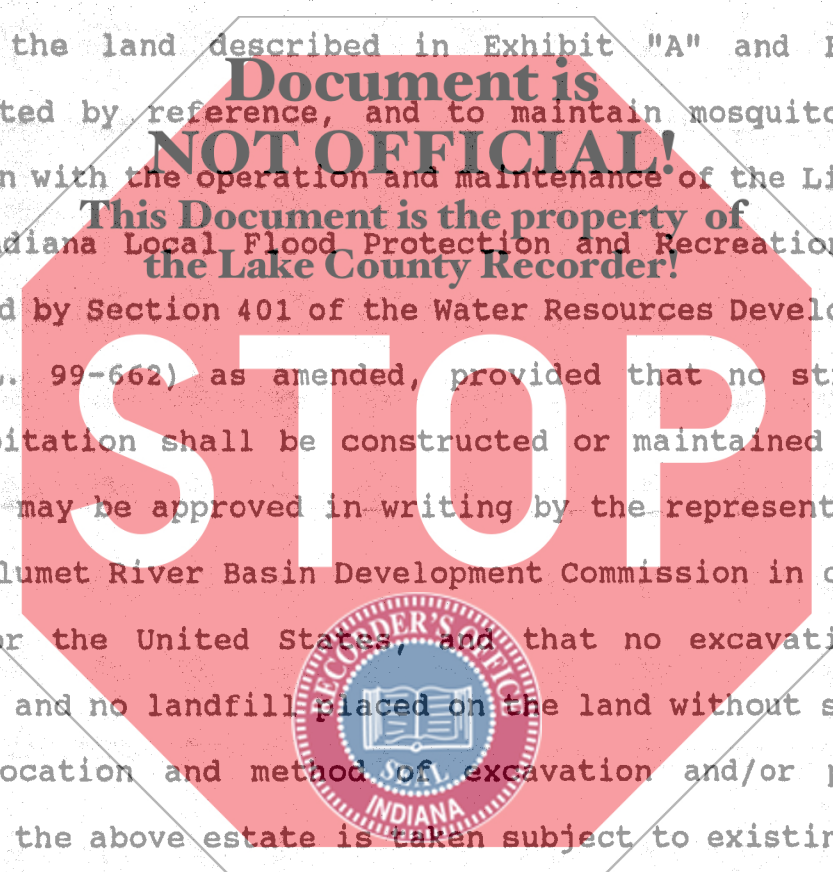


4
RETURN TO: SANBY MOROUZ
LITTLE CALUMET RIVER FLOOD PROJECT
6100 SOUTHPIKE ROAD
PORTAGE, IN 46348

STATE OF INDIANA
DEPARTMENT OF TRANSPORTATION
PERMIT
STAGE II - PHASE 4
FLOWAGE PERMIT (OCCASIONAL FLOODING)

The State of Indiana Department of Transportation, hereinafter referred to as the "STATE", hereby grants the Little Calumet River Basin Development Commission, a public body corporate and politic, duly organized, created and existing under the laws of the State of Indiana, hereinafter referred to as the "COMMISSION", and its successors and assigns, the assignable permit described as follows; to-wit:

A perpetual permit occasionally to overflow, flood and submerge the land described in Exhibit "A" and Exhibit "B", incorporated by reference, and to maintain mosquito control in connection with the operation and maintenance of the Little Calumet River, Indiana Local Flood Protection and Recreation Project as authorized by Section 401 of the Water Resources Development Act of 1986 (P.L. 99-662) as amended, provided that no structures for human habitation shall be constructed or maintained on the land except as may be approved in writing by the representative of the Little Calumet River Basin Development Commission in charge of the project or the United States, and that no excavation shall be conducted and no landfill placed on the land without such approval as the location and method of excavation and/or placement to landfill; the above estate is taken subject to existing easements, if any, for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used and enjoyed without interfering with the use of the project for the purposes authorized by Congress or abridging the rights and easement hereby acquired; provided further that any use of the land shall be subject to Federal and State laws with respect to pollution.



95064437

MARGARET OLIVER
RECORDER

95 OCT 25 AM 10:05

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

FILED

OCT 24 1995

SAM ORLICH
AUDITOR LAKE COUNTY

001499

CK# 004432

JK
1995

The COMMISSION, its successors and assigns agree, in consideration of the granting of the above described permits, as follows:

(A) In the event that any changes which affect the operation or safety of I-80/94 are proposed in the plans and specifications marked "Little Calumet River, Indiana, Local Flood Protection, Stage II Phase 4 Levee, Broadway to Martin Luther King Drive", the COMMISSION or its assignee (U.S. Army Corps of Engineers) must notify the STATE. After notification of changes as set out above, the STATE must submit its comments and/or objections in writing to the COMMISSION and the U.S. Army Corps of Engineers within ten (10) working days of said notification. Resolution of disputes pertaining to any such comments and/or objections shall be made by the Indiana Department of Transportation Chief Engineer or his designee and the U.S. Army Corps of Engineers Contracting Officer or his designee within three (3) days thereafter. Disputes that cannot be resolved by the Chief Engineer of the Indiana Department of Transportation or his designee and the Contracting Officer of the U.S. Army Corps of Engineers or his designee shall be remedied through enforcement in the appropriate Court of Law.

(B) The COMMISSION shall assume full responsibility to indemnify and hold harmless the STATE from any and all claims, actions, damages, lawsuits, or liability arising from or as a result of any of the work and/or activities conducted pursuant to this permit, unless caused by the negligence of the STATE. The COMMISSION, its successor or assignee shall cause the contractor or contractors working upon the premises, which is the subject of this permit to provide liability insurance, workmen's compensation insurance and such other insurance as outlined in the plans and specifications which are a part of this Agreement naming the STATE as co-insured and providing a Certificate of Insurance to the STATE as proof of said insurance. The indemnification and hold harmless Agreement herein shall apply only to losses or expenses incurred by the STATE in excess of the insurance provided the STATE by the COMMISSION or its assignee's contractors.

(C) If traffic control plans for the restriction of traffic on I-80/94 are not submitted with the original plans, such plans shall be submitted to the STATE at least forty-five (45) days before the desired date to restrict traffic; such traffic control plan shall not be implemented unless and until it is approved by the STATE.

(D) The COMMISSION and its Assignees shall comply with the following conditions while performing work on STATE right-of-way.

1. Traffic control shall be in accordance with the current edition of the Indiana Manual on Uniform Traffic Control Devices;
2. Work shall be restricted to daylight hours;
3. No vehicles shall be stored on the STATE's right-of-way;
4. At least one week advance notice shall be given to the STATE's LaPorte District Director prior commencing work on STATE right-of-way;
5. When the permanent fence is down, a temporary fence shall be installed around the work area on STATE right-of-way. In no event shall a temporary fence be installed within the "clear zone" as the term is defined by the American Association of State Highway and Transportation Officials' "A Policy on Geometric Design of Highways and Streets";
6. Plans for highway sign removal and replacement shall be submitted to the STATE for review and be approved by the STATE thirty (30) days prior to work on any highway sign. The LaPorte District Traffic Engineer shall be notified seven (7) days before removal and again before replacement of any highway sign;
7. The STATE reserves the right to further restrict the hours during which the work may be performed, if such is needed to provide for the safe flow of traffic on I-80/94.

(E) The Project which is the subject of this permit shall be at no cost to the STATE except for the cost of the STATE inspection.

(F) The COMMISSION shall be responsible for closing and locking all gates, if any, in the fence constructed in accordance with the plans and specifications.

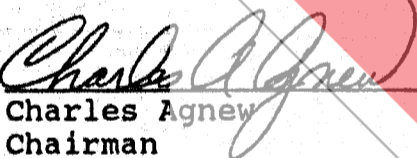
(G) Pursuant to I.C. 22-9-1-10, the COMMISSION shall not discriminate against any employee or applicant for employment, to be employed in the performance of work under this contract, with respect to hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of race, color, religion, sex handicap, national origin or ancestry. Breach of this covenant may be regarded as a material breach of this contract.

(H) In no event shall equipment or materials be stored in the "clear zone" as it is defined by the American Association of State Highway Transportation Officials.

In Witness Whereof, the Parties, through their respective officials, have executed this permit this 7th day of September, 1995 which is effective as of this date.

Little Calumet River Basin
Development Commission

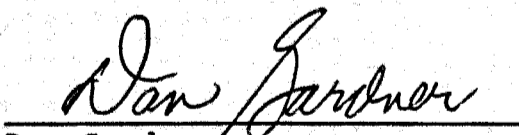
State of Indiana,
Indiana Department of
Transportation


Charles Agnew
Chairman

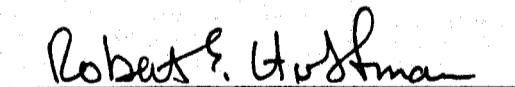


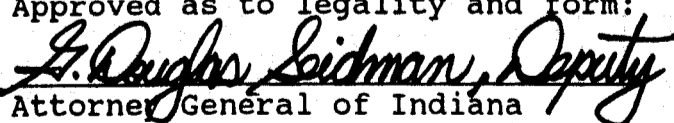

Stan Smith
Commissioner

ATTEST:


Dan Gardner
Executive Director

ATTEST:



Approved as to legality and form:

Attorney General of Indiana

8-8-95

EXHIBIT "A"

INDIANA DEPARTMENT OF TRANSPORTATION

PERMANENT FLOWAGE PERMIT
STAGE II - PHASE 4

Part of the East 1/2 of the Southeast Quarter Sec. 15 T36N R8W in the city of Gary,
County of Lake, Indiana, more precisely described as:

Lots in Liberty Farmettes Subdivision of Gary, Indiana as shown and described in the
Lake County Recorder's Record Book 26 Page 77 in the Lake County Recorder's Office:

Lots 34 through 45, Block 13
North 1/2 of Lot 33, Block 13
W1/2 of Lots 33 and 34, Block 9

Key# 45-419-33 to 45

45-415-33 & 34

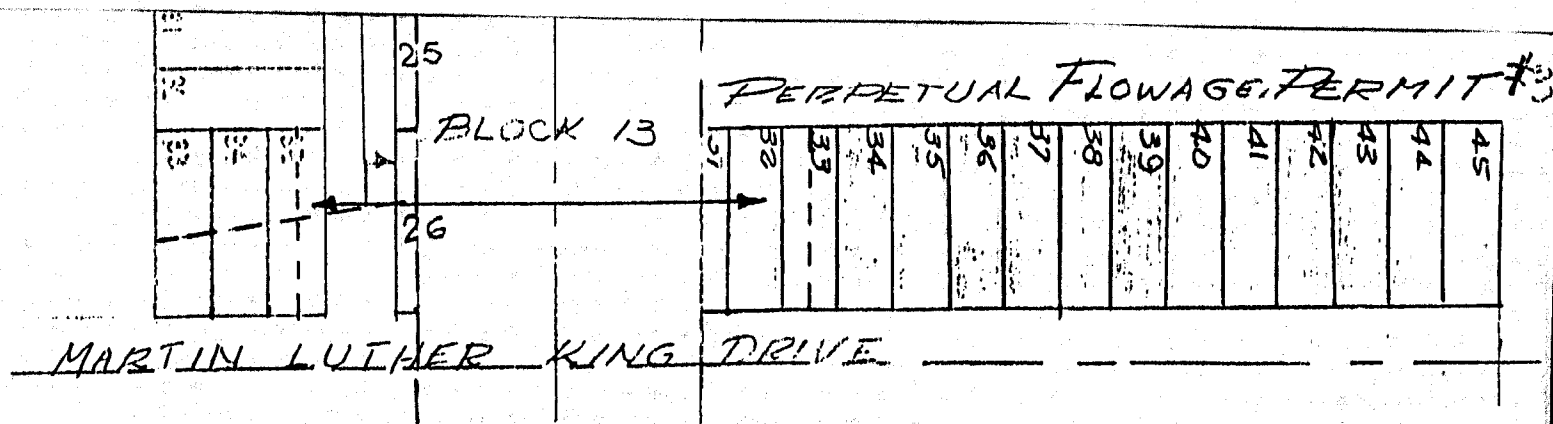
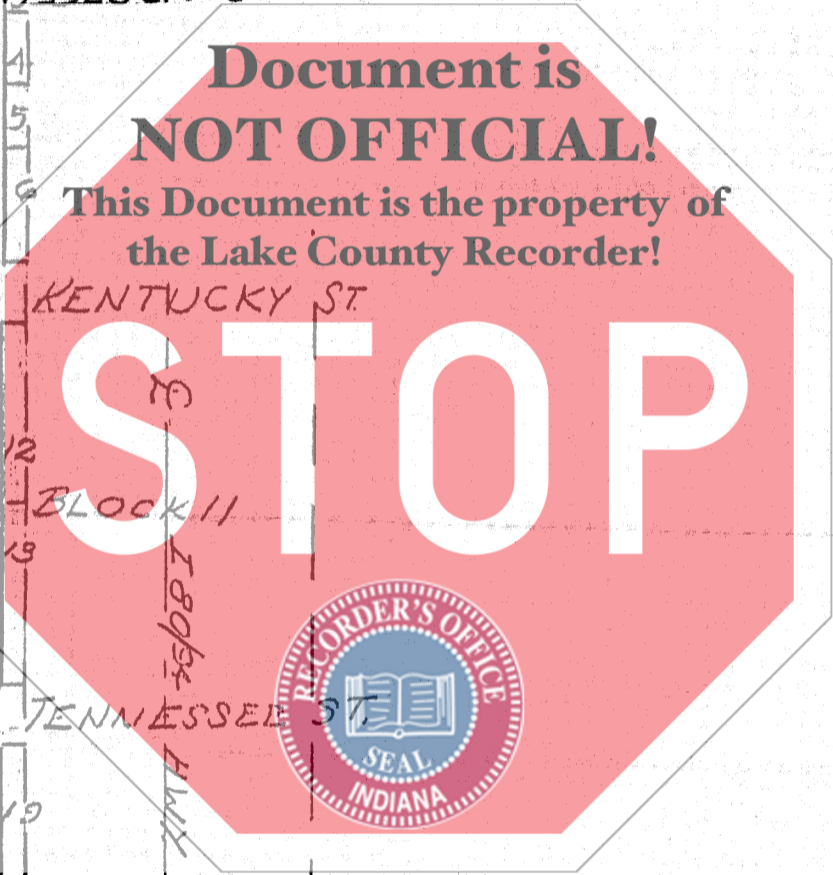
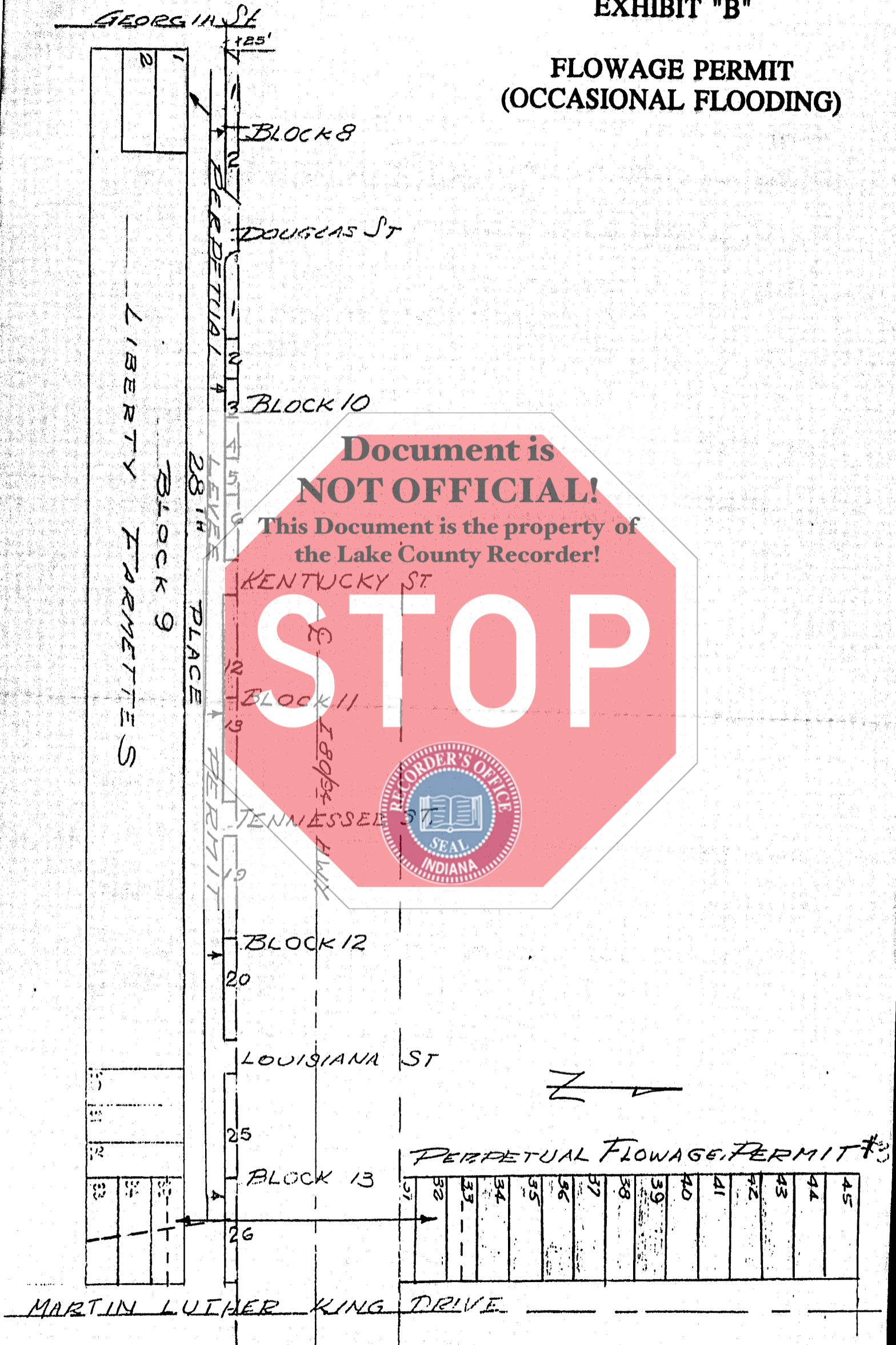


EXHIBIT "B"

FLOWAGE PERMIT
(OCCASIONAL FLOODING)



PERPETUAL FLOWAGE PERMIT #3

31	32	33	34	35	36	37	38	39	40	41	42	43	44	45
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ACKNOWLEDGMENT

State of Indiana County of Marion SS:

Before me, the undersigned Notary Public in and for said County personally appeared

Stan Smith, Commissioner, IN Dept. of Transportation
(name of signers, their official capacity and firm name)

and each acknowledged the execution of the foregoing contract on this 26th day of
July, 1995.

Witness my hand and seal the said last named date.

My Commission Expires

April 12, 1998

Adeline D. Parkinson
Notary Public

Marion
County of Residence

Adeline D. Parkinson
Print or Type Name

Document is
NOT OFFICIAL

This Document is the property of
the Lake County Recorder!

STOP
ACKNOWLEDGMENT

State of INDIANA County of LAKE SS:

Before me, the undersigned Notary Public in and for said County personally appeared

(name of signers, their official capacity and firm name)

and each acknowledged the execution of the foregoing contract on this 7th day of
September, 1995.

Witness my hand and seal the said last named date.

My Commission Expires

MARCH 24, 1999

Darlene Iwinski
Notary Public

LAKE Co. INDIANA
County of Residence

DARLENE IWINSKI
Print or Type Name

DARLENE IWINSKI
NOTARY PUBLIC STATE OF INDIANA
LAKE COUNTY
MY COMMISSION EXP. MAR. 24, 1999