

RETURN TO: LITTLE CALUMET RIVER BASIN  
DEVELOPMENT COMMISSION  
6100 SOUTHPORT ROAD  
PORTAGE, IN 46368

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**FILED**

NORTHERN INDIANA PUBLIC SERVICE COMPANY  
FLOWAGE EASEMENT (OCCASIONAL FLOODING)

FEB 13 1996

STAGE II PHASE 4

96009691

**SAM ORLICH  
AUDITOR LAKE COUNTY**

This Agreement, made and entered into by and between Northern Indiana Public Service Company, an Indiana Corporation, hereinafter called "NIPSCO" and the Little Calumet River Basin Development Commission, hereinafter called "Commission":

WITNESSETH:

WHEREAS, an easement deed for a flowage easement for occasional flooding easement, over lands described in Exhibit "A", in conjunction with the Little Calumet River, Indiana Local Flood Protection and Recreation project has been executed by these parties;

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD  
96 FEB 13 AM 10:55  
MARSHALL  
REC'D

NOW, THEREFORE, the parties agree upon the following terms and conditions:

The Commission, being the local sponsor for the Little Calumet River, Indiana Local Flood Protection and Recreation Project, shall cause to implement the terms and conditions as set out herein.

NIPSCO, of the county of Lake, state of Indiana, hereby grants, transfers, conveys and warrants to the Commission, for One Dollar (\$1.00) and other Good and Valuable Consideration, the receipt and sufficiency of which is hereby acknowledged, a perpetual and assignable right, power, privilege and easement occasionally to overflow, flood and submerge the land described in Exhibit "A" and Exhibit "B" 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, described as follows:

See Exhibit "A" and "B"

together with all right, title and interest in and to the structures and improvements now situate on the land, except fencing; provided that no structures for human habitation shall be constructed or maintained on the land except as may be approved in writing by the

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1700  
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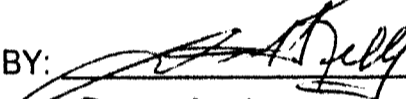
representative of the Commission in charge of the project or the United States, and that no excavation shall be conducted and no landfill placed on the land without such approval as the location and method of excavation and/or placement to landfill; the above estate is taken subject to existing easements 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.

The easement hereby created, or any lesser estate therein, shall be assignable by the Commission without the grantor's consent.

IN WITNESS WHEREOF, the parties hereto have executed this agreement this 1st day of February, 1995.

NORTHERN INDIANA PUBLIC SERVICE COMPANY

BY:

  
David A. Kelly, Vice President


ATTEST:



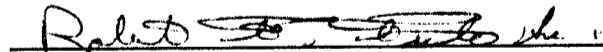
Richard M. Schumacher, Assistant Secretary

LITTLE CALUMET RIVER BASIN DEVELOPMENT  
COMMISSION

BY:

  
William S. Tanke

ATTEST:



Robert E. Trelo Sr.

STATE OF INDIANA )  
 )SS:  
COUNTY OF LAKE )

Before me, a Notary Public in and for said County and State, on this 29<sup>th</sup> day of December, 1995, came David A. Kelly and Richard M. Schumacher the Vice President and Assistant Secretary, respectively, of the Northern Indiana Public Service Company, and acknowledged the execution of the foregoing instrument.

Witness my Hand Notarial Seals.

My Commission Expires:

\_\_\_\_\_  
Resident of: \_\_\_\_\_, IN

John R. Henry  
NOTARY PUBLIC

John R. Henry  
Notary Public, State of Indiana  
Lake County  
My Commission Expires 06/30/99

STATE OF INDIANA )  
 )SS:  
COUNTY OF LAKE )

Before me, a Notary Public in and for said County and State, on this 1st day of February, 1995, came William S. Tanke and Robert E. Trelo, the Chairman and Secretary, respectively, of the Little Calumet River Basin Development Commission, and acknowledged the execution of the foregoing instrument.

Witness my Hand and Notarial Seals.

My Commission Expires:

March 24, 1999

Resident of: LAKE Co., IN

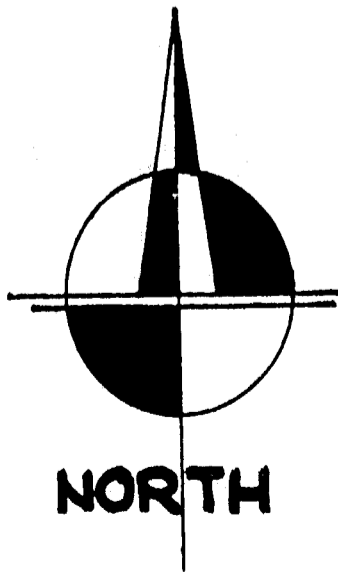
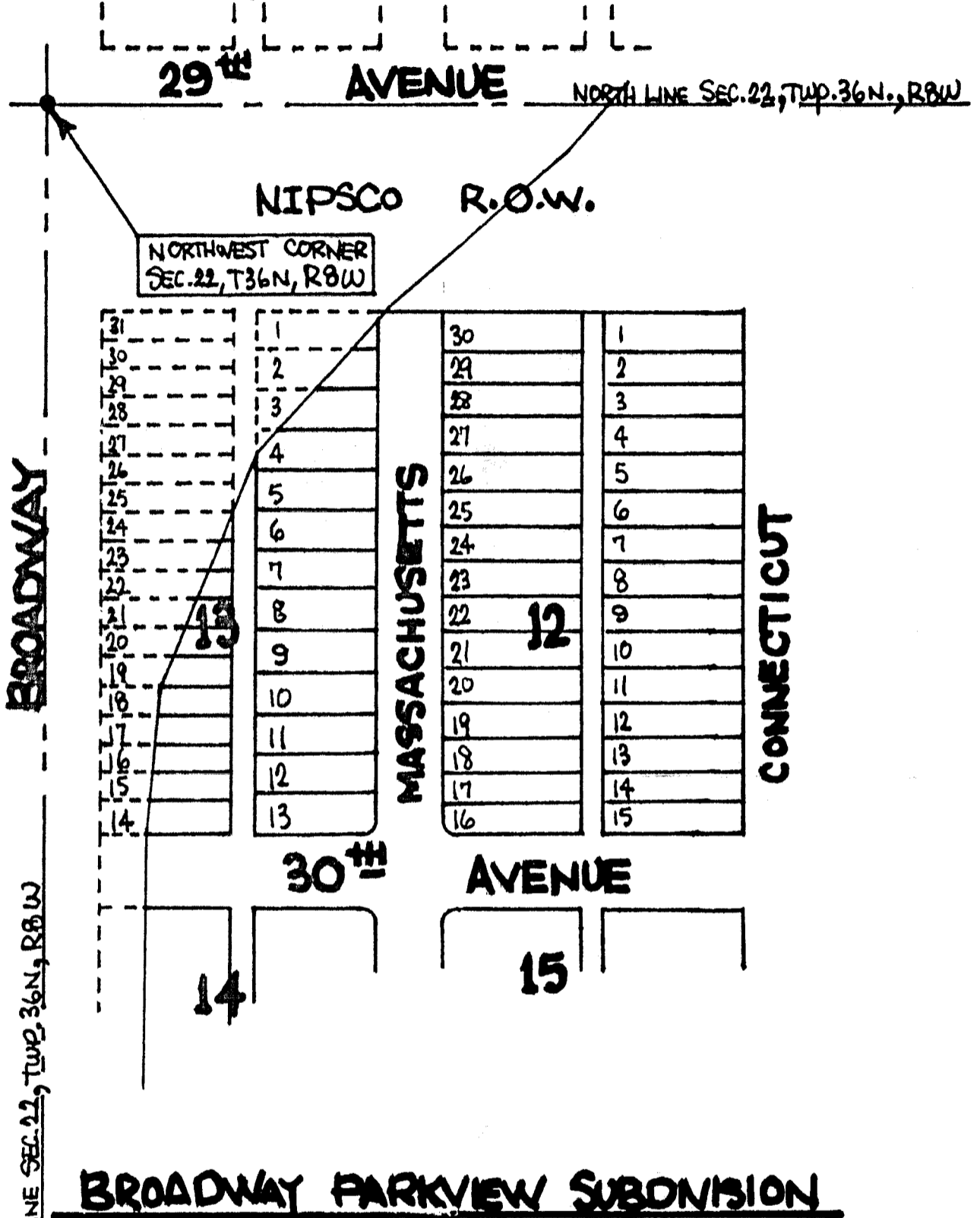
Darlene Iwinski  
NOTARY PUBLIC

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

# EXHIBIT "B"

NORTHERN INDIANA PUBLIC SERVICE COMPANY

- FLOWAGE EASEMENT (OCCASIONAL FLOODING) -  
(STAGE II - PHASE 4)



NORTH

EXHIBIT "A"

NORTHERN INDIANA PUBLIC SERVICE COMPANY

FLOWAGE EASEMENT (OCCASIONAL FLOODING)  
STAGE II PHASE 4

Part of the West 1/2 of the Northwest Quarter of Section 22, Township 36N, Range 8W of the Broadway Parkview Subdivision, in the City of Gary, County of Lake, and State of Indiana, more precisely described as follows:

Key # 41-192-5 to 11, 32, 33

The East 2/3 of Lots 16, 17, and 18 in Block 13

The East 1/2 of Lots 19 and 20 in Block 13

The East 1/3 of Lot 21 in Block 13

The East 1/4 of Lots 22 and 23 in Block 13

The East 1/8 of Lot 24 in Block 13

Part of the Southeast corner of Lot 25 in Block 13

Lots 5, 6, 7, 8, 9, 10, and 11 in Block 13

The East 7/8 of Lot 4 in Block 13

The East 2/3 of Lot 3 in Block 13

The East 1/2 of Lot 2 in Block 13

Part of the Southeast corner of Lot 1 in Block 13

Lots 1, 2, 26, 27, 28, 29, 30 in Block 12

Key # 41-191-1, 2, 26 to 30