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DECLARATION OF LAND USE
RESTRICTION OF REAL PROPERTY

American Chemical Services, Inc., an Indiana Corporation, owner in fee simple of the real estate described below, hereby imposes restrictions on the described real estate located at or about 420 South Colfax Avenue in Griffith, Indiana more particularly described in attached Exhibit A.

WHEREAS, American Chemical Service, Inc. ("ACS") is the owner of certain real property described in Exhibit A which comprises a portion of the U.S.EPA defined American Chemical Service, Inc. Superfund Site ("ACS Site").

WHEREAS, the U.S. EPA has determined that there have been actual or threatened releases of hazardous substances as defined in Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. Section 9601 (14) (1991) (CERCLA) from the ACS Site.

WHEREAS, a Remedial Investigation (RI) has been conducted at the ACS Site to determine the nature and the extent of any release or threatened release of hazardous substances, pollutants, or contaminants and a Feasibility Study (FS) has been performed to identify and to evaluate alternatives for the appropriate remedial action necessary to prevent or to mitigate the migration or the release or threatened release of hazardous substances, pollutants or contaminants at or from the ACS Site.

WHEREAS, The U.S. EPA has issued a Record of Decision ("ROD") to address the actual and threatened releases of hazardous substances to and from the ACS Site.

WHEREAS, the American Chemical Service, Inc. desires to restrict the use of its property within the ACS Site so as to reduce the potential of any harm whatsoever arising

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AUDITOR LAKE COUNTY

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from any actual or threatened releases of hazardous substances from the ACS Site, to protect public health and the environment and to prevent interference with remedial action and maintenance work at their property.

NOW, THEREFORE, by this instrument there is created, declared and established for the American Chemical Service, Inc. property within the ACS Site described on Exhibit A the following land use restriction, which shall run with the land and remain in full force and effect in perpetuity from the date hereof, irrespective of any sale, conveyance, alienation or other transfer of any interest or estate in that property as described in Exhibit A.

I. LAND USE RESTRICTION

A. American Chemical Service, Inc. hereby covenants and encumbers its property described in Exhibit A so that no use of the ground water from beneath the property as a drinking water source or for other domestic uses shall be made or allowed.

B. American Chemical Service, Inc. further hereby covenants and encumbers its property described in Exhibit A so that no use of the ground water from beneath that property for irrigation shall be made or allowed.

II. NOTICE AND RECORDATION OF THE LAND USE RESTRICTION

This Declaration shall be recorded in the Office of the Recorder, Lake County, Indiana in the chain of title of the American Chemical Service, Inc. property described in Exhibit A, and by so doing shall constitute notice to the public and to all heirs, successors and assigns of that property.

III. TERMINATION

The Declaration of Land Use Restriction shall be construed as a covenant running with the land and binding upon all parties having any right, title or interest in the American Chemical Service, Inc. property described in Exhibit A or any part thereof, and on their heirs, successors and assigns or persons acting under their direction or control. The Declaration of Land Use Restriction shall be terminated only upon the occurrence of the following:

- A. The U.S. EPA or its successor agency or assigns with jurisdiction over such matters, notifies the owner(s) of the American Chemical Service, Inc. property described in Exhibit A in writing that an environmental cleanup has been completed to its satisfaction rendering the ACS Site suitable for all uses whatsoever or until such time as the U.S.EPA determines that the ACS Site poses no unacceptable risk for residential use.
- B. The Indiana Department of Environmental Management or its successor agency or assigns with jurisdiction over such matters, notifies the owner(s) of the property described in Exhibit A that an environmental cleanup has been completed to its satisfaction rendering the property suitable for all uses whatsoever or until such

time as the Department of Environmental Management determines that the ACS Site poses no unacceptable risk for residential use.

- c. The procedure for clearing the title of this encumbrance, upon the occurrence of the above event shall be that the owner(s) of the encumbered property may record an affidavit terminating this restrictive covenant and shall attach thereto the written determination or notification described herein as the pre-requisite for termination.

IV. SEVERABILITY

If any provision of this Declaration of Land Use Restriction is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provisions. All such other provisions shall continue unimpaired in full force and effect.

V. CERTIFICATION

The undersigned persons executing the Declaration of Land Use Restriction on behalf of American Chemical Service, Inc. represent and certify that they are duly authorized and have been fully empowered to execute and to deliver this Land Use Restriction.

IN WITNESS THEREOF, the said owner(s) of record of the real property subject to this Declaration of Land Use Restriction, American Chemical Service, Inc., acting through its duly authorized representatives, have caused the Declaration of Land Use Restriction to be executed this 2 day of DECEMBER 1997.

American Chemical Service, Inc.

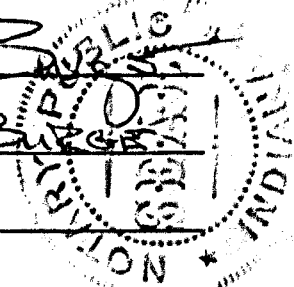
By: James Terpo
Title: President

By: James Murphy
Title: VP

STATE OF INDIANA)
)
COUNTY OF LAKE)

The foregoing instrument was acknowledged before me this 2 day of Dec, 1997 by James Terpo and James Murphy as duly authorized representatives of American Chemical Service, Inc.

Michael D. Burgess
Notary Public
MICHAEL D. BURGESS
Printed Name
LAKE
County of Residence



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EXHIBIT A

Property owned by American Chemical Service, Inc. for which the proceeding deed restrictions apply:

1. Knott Brothers Addition, Part of Lots 19 thru 24.
Unit 15, Key number 26 0093 0068
2. Knott Brothers Addition, Southwesterly part of Lots 78 thru 82 and all of Lot 83
Unit 15, Key number 26 0093 0066
3. 420 S. Colfax, Griffith, IN 46319
Colfax Chemical Sub.
(8.74 acres) Lot 1, except North 160 ft. of West 272 ft.
Unit 15, Key number 26 0341 0001
4. Pt. 100 ft. R/W N.W.¼, S.W.¼
S. 1 T. 35 R.9
0.093 acre
Unit 39, Key number 51 0001 0070
5. Knott Brothers Addition, Southwesterly part of lots 84 & 85
Unit 15, Key Number 26 0093 0065
6. 420 S. Colfax, Griffith, IN 46319
Pt. N.½, S.E. Westerly of Colfax Ave.
Northeasterly of C & ERR S. 2, T. 35, R.9
Conl'g 6 Acre M/L
Unit 15, Key Number 26 0003 0026
7. Approx. 421 Avenue D, Griffith, IN 46319
Pt. S½, SW½, NE¼
S.2, T.35, R.9
1.6 Acre
Unit 15, Key Number 26 0001 0089
8. 420 S. Colfax, Griffith, IN 46319
Colfax Chemical Sub
N 160 Ft. of W. 272ft.
S.2, T.35 R.9
Unit 15, Key Number 26 0341 0002