

FILED

APR 2 1998

**SAM ORLICH
AUDITOR LAKE COUNTY**

Judith Compas
TOWN OF ST. JOHN
10955 W. 93rd STREET
ST. JOHN, INDIANA 46373-9701

GRANT OF RIGHT TO INSTALL WATER LINES,
CONNECT TO THE WATER UTILITY SYSTEM OF
THE TOWN OF ST. JOHN, AND WAIVER OF RIGHT
TO REMONSTRATE AGAINST ANNEXATION

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This mutual agreement made this 19th day of February 1998
between the Town of St. John and/or the St. John Waterworks
District pursuant to motion made, seconded, and duly approved by
the St. John Waterworks District on the 18th day of February, 1997
and the Town of St. John on the 30th day of January, 1998, as
Grantor (hereinafter "The Town") and JAMES WITHAM and VIRGINIA
WITHAM, Husband and Wife, Grantee (hereinafter "The Grantee").

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

WITNESSETH, that for and in consideration of the sum of
Twenty-Five Dollars (\$25.00), which sum shall be used to defray the
administrative costs of processing this grant by the Waterworks
District of the Town of St. John, and other good and valuable
consideration, the receipt of which is hereby acknowledged, as more
particularly set forth hereinafter, the parties hereby agree as
follows:

1. The Town gives and grants to the Grantee, the right to
construct watermains and appurtenances in accordance with plans and
specifications to be approved by the St. John Waterworks District
in accordance with the standards set forth in paragraph 2
following, in and along public rights-of-way and/or easements,
owned, dedicated or to be granted to the Town of St. John.

2. The Town of St. John will accept such watermains and
appurtenances, except local connections, as and for public water
mains and will undertake the obligation of maintenance for said
watermains upon inspection and proof of compliance with the laws
and statutes of the State of Indiana, including but not limited to
the issuance of no objection letter issued by Indiana Department of
Environmental Management, if required and unless waived by the

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STATE OF INDIANA
LAKE COUNTY
FILED & RECORDED

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Board of Directors of the Waterworks District of the Town of St. John, in its sole discretion, and such testing as the superintendent of public works of the Town of St. John may require to insure compliance with the standards of the Town of St. John concerning exfiltration/infiltration, quality of pipe, bedding, water tight condition, inspection, and other requirements of the Town of St. John as more particularly set forth in Ordinance No. 433 of the Town of St. John, Lake County, Indiana adopted the 9th day of February, 1976, as it may from time to time be amended and the recommended standards for water works, 1982 edition as adopted by the Great-Lakes Upper Mississippi Board of State Sanitary Engineers and the Indiana Department of Environmental Management, or any supplement thereto.

3. The Grantee agrees to pay all charges for capacity and connection pursuant to the provisions of Ordinance No. 454 of the Town of St. John, Lake County, Indiana and all user rates prescribed therein as amended.

4. In the event the Board of Directors of the St. John Waterworks District, in their sole discretion, determine that an engineering review of the plans and specifications is required, the grantee shall pay the direct costs and charges for such review by the municipal engineer, using the schedule of rates and charges approved by the Town of St. John and/or the Plan Commission of the Town of St. John for similar engineering services.

5. Pursuant to the provisions of I.C. 1971, 8-1.5-4-3 the real estate described in Exhibit "A", attached hereto and made a part hereof (H.I.), (hereinafter "The Real Estate") shall become, upon recordation of this agreement with the recorder of Lake County, a part of the Waterworks District of the Town of St. John, Lake County, Indiana and the Grantees hereby agree to pay any and all ad valorem taxes imposed by the Waterworks District of the Town of St. John, Lake County, Indiana and certified by the State Board

of Tax Commissioners as the lawful tax rate for said district.

6. The Grantees hereby agree for themselves, their executors, administrators, heirs, devisees, grantees, successors, and assigns that they will:

- (A) Neither object to nor file a remonstrance against the proposed annexation of the above-described real estate by the Waterworks District of the Town of St. John within the boundaries of the district
- (B) Neither object to nor file a remonstrance against the proposed annexation of the above-described real estate by the Town of St. John
- (C) Not appeal from any order or judgment annexing the above-described real estate to the Town of St. John;
- (D) Not file a complaint or action against any annexation proceedings brought by either the Town of St. John or its Waterworks District.

7. That the grantees have provided current evidence of title to the real estate in the form of a commitment for title insurance and/or a policy of title insurance dated as of the 25th day of July, 1996, and hereby certify that grantee has not executed, or permitted anyone in grantee's behalf to execute, any conveyance, or lease of the Real Estate, which is now outstanding or enforceable against the real estate. Grantee has made no contract to sell all or a part of the Real Estate to any person other than the grantee. Grantee has not given to any person an option, which is presently exercisable, to purchase all or any part of the Real Estate. Grantee represents that the Real Estate is now in the possession of JAMES WITHAM and VIRGINIA WITHAM, Husband and Wife as owners, and no other person has a right to possession or claims possession of all or any part of the Real Estate.

In witness whereof the parties have hereunto set their hands and seals this 5th day of December, 1997.

James Witham
JAMES WITHAM

Virginia M. Witham
VIRGINIA WITHAM

"Grantee(s) "

STATE OF INDIANA)
)SS
COUNTY OF LAKE)

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared JAMES WITHAM and VIRGINIA WITHAM and who acknowledged the execution of the foregoing agreement to be their voluntary act and deed.

Witness my hand and notarial seal this 5th day of December, 1997.

Denise M. Walsh
Denise M. Walsh, Notary Public

My Commission Expires: 6/15/98
County of Residence: Lake

ATTEST:

Judith L. Companik
JUDITH L. COMPANIK
CLERK/TREASURER



Kenneth Johnston
KENNETH JOHNSTON
KIM NORRIS, PRESIDENT
BOARD OF WATERWORKS
COMMISSIONERS
TOWN OF ST. JOHN

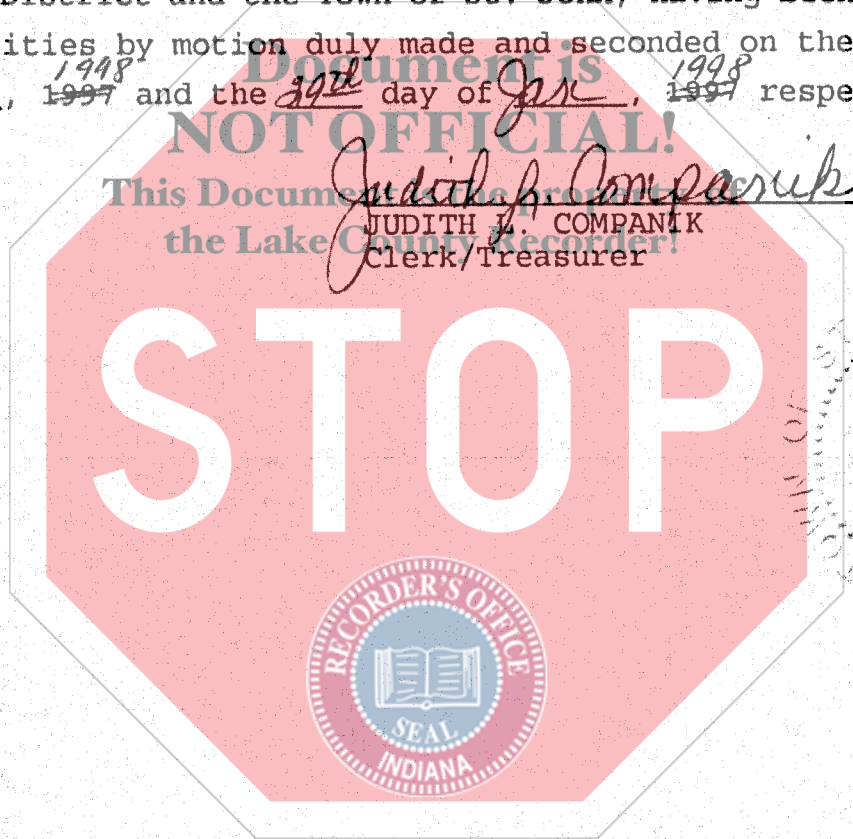
ATTEST:

Judith L. Companik
JUDITH L. COMPANIK
Clerk/Treasurer

John R. Taylor
JOHN R. TAYLOR, PRESIDENT
BOARD OF TRUSTEES
TOWN OF ST. JOHN

CERTIFICATION

I, Judith L. Companik hereby certify that I am the duly elected, qualified, and acting Clerk-Treasurer of the Town of St. John, Lake County, Indiana, a municipal corporation and that the above and foregoing grant of right to install water lines, connect to the Waterworks system of the Town of St. John, and waiver of right to remonstrate against annexation is a true and accurate copy of such document as it appears in the records of the St. John Waterworks District and the Town of St. John, having been approved by said entities by motion duly made and seconded on the 19th day of Feb, ¹⁹⁹⁸~~1997~~ and the 29th day of Jan, ¹⁹⁹⁸~~1997~~ respectively.



This Instrument Prepared By:

Michael L. Muenich
Attorney at Law
3235 - 45th Street
Highland, Indiana 46322
219/922-4141

stjohn\witham.wtr

Mail tax bills to: MR. JAMES WITHAM
9504 WITTEDAK
MUNSTER, IN
46321

Tax Key No: 6-200-9

Uw,
AS

WARRANTY DEED

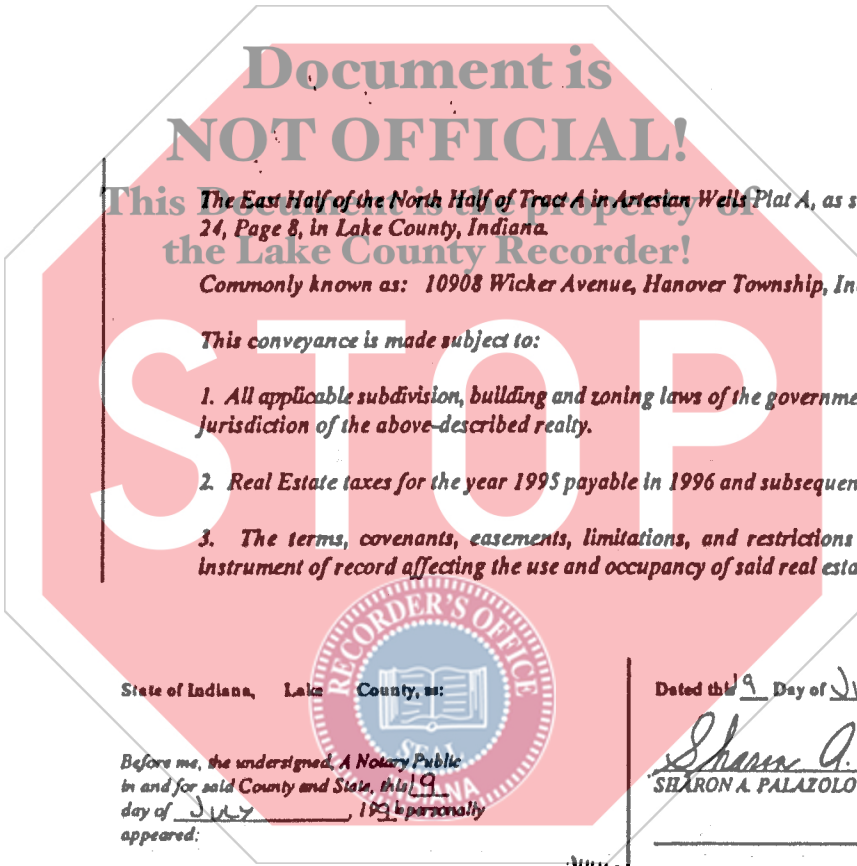
This indenture witnesseth that **SHARON A. PALAZOLO**

of **LAKE** County in the State of **INDIANA**

Conveys and warrants to **JAMES WITHAM and VIRGINIA WITHAM,
Husband and Wife**

of **LAKE** County in the State of **INDIANA**

for and in consideration of Ten (\$10.00) dollars and other valuable consideration the receipt whereof is hereby acknowledged, the following Real Estate in **LAKE** County in the State of Indiana, to wit:



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State of Indiana, **LAKE** County, ss:

Dated this 19 Day of JULY, 1996.

Before me, the undersigned, A Notary Public in and for said County and State, this 19 day of JULY, 1996 personally appeared:

Sharon A. Palazolo
SHARON A. PALAZOLO

SHARON A. PALAZOLO

JULY ENTERED FOR TAXATION SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER.

JUL 23 1996

SAMUEL H. ...
AUDITOR

and acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires:

8-16, 1996
Howard O. Cyrus
Notary Public Howard O. Cyrus

Resident of LAKE County.

Exhibit "A"

10.00 x 5" CT