

3.

UTILITY AND DRAINAGE EASEMENTS

THIS AGREEMENT WITNESSETH THAT CYPRESS/MERRILLVILLE I LTD, ("Grantor") GRANTS TO THE TOWN OF MERRILLVILLE OF THE STATE OF INDIANA and to ALL PUBLIC UTILITY COMPANIES INCLUDING AMERITECH AND NISOURCE, severally, and private utility companies where they have a certificate of territorial authority to render service, and their respective successors and assigns, a non-exclusive perpetual easement to install, place and maintain sewers, water mains, gas mains, conduits, cables, poles and wires, underground with all necessary braces, guys, anchors, and other appliances in, upon or along the Real Estate hereinafter described as Parcel 1 and Parcel 2.

In addition, **THE TOWN OF MERRILLVILLE**, County of Lake, is hereby granted a non-exclusive perpetual easement for the installation of a drainage pipe or ditch or waterway upon or along the property hereinafter described as Parcel 2.

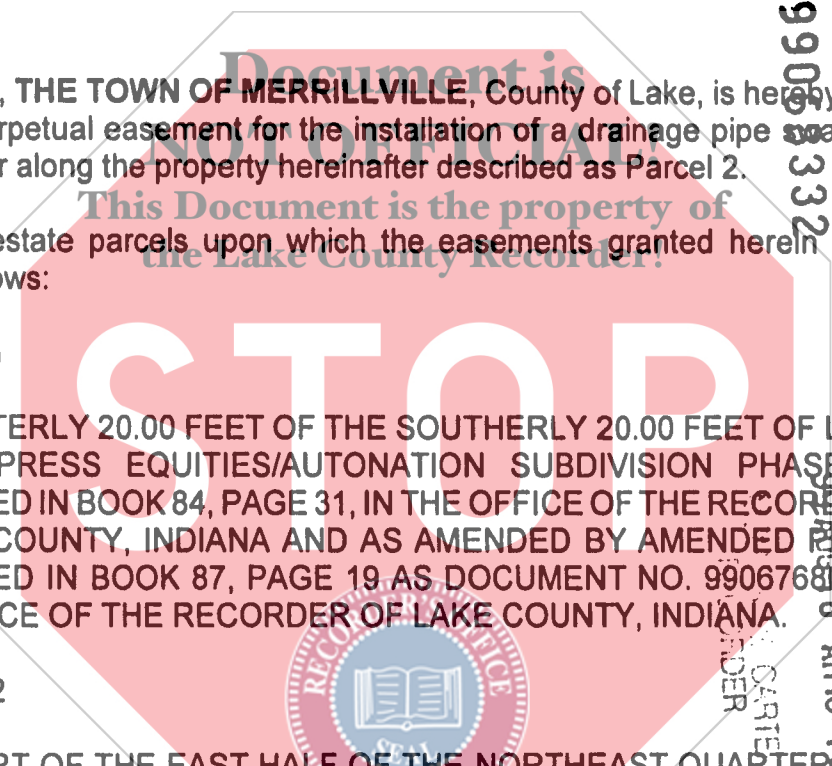
The real estate parcels upon which the easements granted herein are legally described as follows:

PARCEL 1

THE EASTERLY 20.00 FEET OF THE SOUTHERLY 20.00 FEET OF LOT 4 IN CYPRESS EQUITIES/AUTONATION SUBDIVISION PHASE 1 RECORDED IN BOOK 84, PAGE 31, IN THE OFFICE OF THE RECORDER IN LAKE COUNTY, INDIANA AND AS AMENDED BY AMENDED DEED RECORDED IN BOOK 87, PAGE 19 AS DOCUMENT NO. 99067680 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

PARCEL 2

THAT PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE THIRD PRINCIPAL MERIDIAN, BEING A STRIP OF LAND 20.00 FEET IN WIDTH DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST EASTERLY CORNER OF OUTLOT "A" IN CYPRESS EQUITIES/AUTONATION SUBDIVISION PHASE 1 RECORDED IN BOOK 84 PAGE 31, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA, SAID POINT ALSO BEING ON A SOUTHWESTERLY LINE OF THE CHESAPEAKE AND OHIO RAILROAD RIGHT-OF-WAY; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE 156.60 FEET TO A POINT ON A LINE PARALLEL TO AND 25.00 FEET WESTERLY OF THE WESTERLY LINE OF MISSISSIPPI STREET PER PLEASANT DALE RECORDED IN BOOK 25, PAGE 58, IN SAID OFFICE OF THE RECORDER, THENCE SOUTHERLY 23.10 FEET ALONG SAID PARALLEL LINE TO A POINT ON A LINE PARALLEL TO AND 20.00 FEET SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF THE CHESAPEAKE AND OHIO RAILROAD RIGHT-OF-WAY; THENCE NORTHWESTERLY 203.04 FEET TO BEING SAID



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STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

PETER BERG SAID
LAKE COUNTY AUDITOR

1149

14.00
P.P.
1260

PARALLEL LINE TO A POINT ON A SOUTHERLY LINE OF SAID OUTLOT "A"; THENCE EASTERLY ALONG SAID SOUTHERLY LINE 40.20 FEET TO THE POINT OF BEGINNING, ALL IN LAKE COUNTY, INDIANA.

Said easements are for the purpose of serving the public in general with sewer, water, gas, electric and telephone service and drainage, together with the right to enter upon the said easements for public utilities at all times for any and all of the purposes aforesaid and to trim and keep trimmed any trees, shrubs, or saplings that interfere with any such utility equipment. No permanent buildings shall be placed on said easement, but same may be used for purposes which do not interfere with the use of said easements for such public utility purposes.

The undersigned person executing this Utility and Drainage Easement represents and certifies on behalf of the Grantor that the undersigned has been fully empowered and authorized to execute and deliver this Utility and Drainage Easement; that Grantor has full legal capacity to grant the easements described herein; and that all necessary legal action for the making of this agreement has been duly taken.

DATED this 17th day of June, 1999.

CYPRESS/MERRILLVILLE I LTD.

By: Christopher Maguire

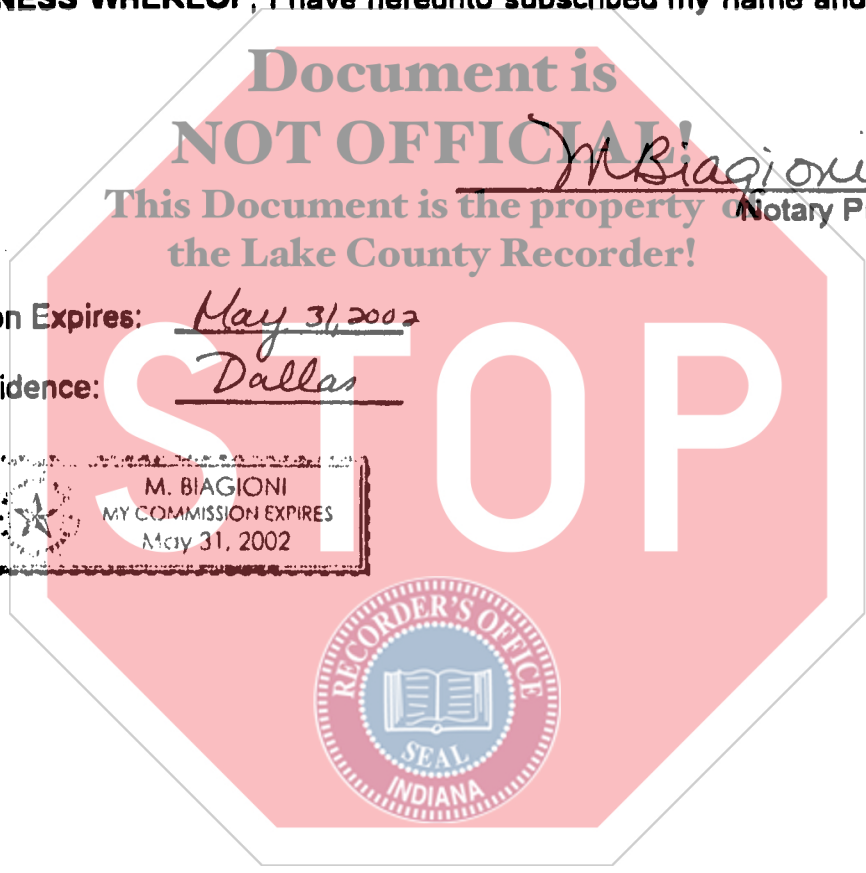
Christopher Maguire
President



STATE OF Texas)
COUNTY OF Dallas) SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 17th day of June, 1999, personally appeared Christopher Maguire as President of Cypress/Merrillville I Ltd., and acknowledged the execution of the foregoing Deed of Dedication and Utility and Drainage Easements.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.



My Commission Expires: May 31, 2002
County of Residence: Dallas

This instrument prepared by Richard E. Anderson, #2408-45
Anderson & Tauber, P.C.
Barrister Court
9211 Broadway
Merrillville, IN 46410
(219) 769-1892

