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DC 604

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

STATE OF INDIANA
LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
99 OCT 14 10 53 AM
LICENSE AND PERMIT

99081900

The State of Indiana, Little Calumet River Basin Development Commission, hereinafter referred to as the "COMMISSION," hereby grants to Richard Kortenhoven d/b/a Kortenhoven Builders, Inc. located at 1240 Birch Avenue, Schererville, Indiana, hereinafter referred to as the "LICENSEE" and his successors and assigns, a license and permit described as follows; to-wit:

A license and permit to construct, substantially in accordance with the plans and specifications approved by the COMMISSION, a flood protection levee, including all appurtenances thereto, within the area legally described in Exhibit "A," attached hereto.

In consideration for the issuance of the permit by COMMISSION to LICENSEE and in consideration of LICENSEE to build the levee, the Town of Griffith, its successors, assigns, agree to maintain, repair and, if destroyed, rebuild the flood protection levee, including all appurtenances within the area legally described in Exhibit "A," attached hereto.

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

The LICENSEE shall assume full responsibility to indemnify and hold harmless the COMMISSION and the Town of Griffith 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. The LICENSEE, its successor or assignee, shall provide liability insurance insuring the COMMISSION and the Town of Griffith in the amount of 2,000,000.00 per occurrence from liability arising or the result of the operation of this license/permit, naming the COMMISSION and the Town of Griffith, as co-insured and providing a Certificate of Insurance to the COMMISSION and the Town of Griffith as proof of said insurance. The LICENSEE shall provide Workmen's Compensation insurance in the statutory amount.

The Project, which is the subject of this license/permit, shall be at no cost to the

PETER BENJAMIN
LAKE COUNTY AUDITOR

000272

Return to:
Little Calumet River Basin
Development Commission
6100 Southport Road
Portage, IN 46368

NOT-TAXABLE

OCT 15 1999

Handwritten initials and numbers: "JHO", "240", and "#000281".

COMMISSION. The LICENSEE shall obtain all permits and comply with all regulations and statutes pertaining to the Project at no cost to COMMISSION.

The LICENSEE shall not discriminate against any employee or applicant for employment, to be employed in the performance or work under this contract, with respect to hire, tenure, terms, conditions or privileges of employment of 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.

In the event that the COMMISSION brings legal action to enforce this Agreement it shall be entitled to such damages as are granted plus attorney's fees and expenses.

In Witness Whereof, the parties, through their respective officials, have executed this permit this 7TH day of SEPT., 1999 which is effective as of this date.

Kortenhoven Builders, Inc.

State of Indiana, Little Calumet River
Basin Development Commission

Richard J. Kortenhoven
By: Richard J. Kortenhoven, President

Emerson Delaney
By Emerson Delaney, Chairman

Attest: [Signature]



Attest: [Signature]
Dan Gardner
Executive Director

The Town of Griffith

Wayne Govert
By: Wayne Govert
Town Council President

Attest: [Signature]
Ronald J. Szafarczyk
Clerk-Treasurer

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

BEFORE ME, the undersigned, a notary public for Porter County, State of Indiana, personally appeared Richard J. Kortenhoven, the President of Kortenhoven Builders, Inc., and acknowledged the execution of the foregoing instrument.

WITNESS my hand and notarial seal this 7th day of Sept,
1999.

My Commission expires: April 1, 2007


Robert M. Schwerd, Notary Public

County of Residence: Porter

NOT OFFICIAL!

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the Lake County Recorder!

STOP

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

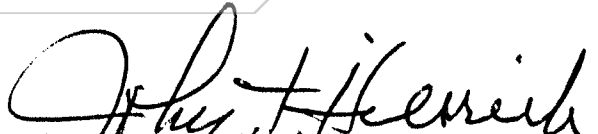
BEFORE ME, the undersigned, a notary public in and for said County and State, personally appeared Wayne Govert, Town Council President for the Town of Griffith, and acknowledged the execution of the foregoing instrument.

WITNESS my hand and notarial seal this 7th day of Sept.,
1999.

My Commission expires:

3/16/00

County of Residence:


John F. Hilbrich, Notary Public

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

BEFORE ME, the undersigned, a notary public in and for said County and State, personally appeared Emerson Delaney and Dan Gardner, the Chairman and Executive Director, respectively, of the Little Calumet River Basin Development Commission, and acknowledge the execution of the foregoing instrument.

WITNESS my hand and notarial seal this 10th day of September, 1999.

My Commission expires:

APRIL 14, 2000

County of Residence: LAKE

Document is
NOT OPENED
Sandra J. Mardus
Sandra J. Mardus, Notary Public

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the Lake County Recorder!

STOP



PREPARED BY:
LOUIS M. CASALE
ATTORNEY-AT-LAW
LUCAS, HOLCOMB & MEDREA
300 EAST 90TH DRIVE
MERRILLVILLE IN 46410

Torrenge Engineering, Inc.

REGISTERED PROFESSIONAL ENGINEERS & LAND SURVEYORS

907 RIDGE ROAD

MUNSTER, INDIANA 46321

Office (219) 836-8918

Fax (219) 836-1138

PERMANENT LEVEE EASEMENT

DESCRIPTION: The South 30 feet of the East Half of the Northwest Quarter of Section 23, Township 36 North, Range 9 West of the Second Principal Meridian, excepting therefrom the East 100 feet by parallel lines, containing 0.8447 acres, more or less, all in the Town of Griffith, Lake County, Indiana.

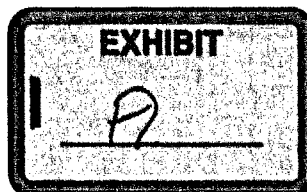
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the Lake County Recorder!**

PREPARED FOR: Mr. Richard Kortenhoven
Kortenhoven Builders
8721 Alexander
Schererville, IN 46375

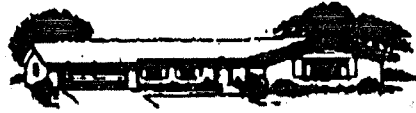
PREPARED BY: Donald C. Torrenge, P.E.
Torrenge Engineering, Inc.
907 Ridge Road
Munster, IN 46321

DATE: September 3, 1999

Don Lovesink



Kortenhoven Builders, Inc.



Kortenhoven Builders, Inc.
1240 Birch Drive
Schererville, Indiana 46375
219-865-3600 • 365-1515 • fax: 865-3701

RECEIVED

SEP 03 1999

HILBRICH, CUNNINGHAM
& SCHWERT

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Date: 9-3-99

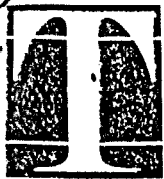
To: ROBERT SCHWERT

Attention: _____

Total number of pages, including this page: 3

Our fax number: 219 - 865 - 3701





**THE
TROYER
GROUP, INC.**

Planning, Design and Management Services
for the Built Environment

Mishawaka, Indiana • Harrisonburg, Virginia

Robert Schuler

99032.10

RECEIVED

JAN 19 99

HILBRICH, CUNNINGHAM
& SCHWERD
A

January 15, 1999

Mr. James E. Pokrajac, Agent
Engineering/Land Management
Little Calumet River Basin Development Commission
6100 Southport Road
Portage, IN 46368

RE: Town of Griffith - River Road Levee Construction
Cline Avenue to EJ&E Railroad

Dear Mr. Pokrajac:

During our project coordination meeting on Friday, January 8, 1999 we discussed the status of the proposed levee projects on both sides of the EJ&E Railroad near River Road in the Town of Griffith. Mr. Ken Hay requested additional information for the levee construction on the west side of the railroad embankment. Enclosed you will find the following information:

- A. Plan and profile drawing of the proposed levee construction
- B. Two sheets of cross-sections showing existing and proposed grades
- C. A copy of the May 29, 1998 letter to the Indiana Department of Natural Resources, Division of Water and portions of the appendices which may be of interest.
- D. Sections 201 (Clearing and Grubbing) and 203 (Excavation and Embankment) of the Indiana Department of Transportation's Standard Specifications (1995 Edition) which will pertain to the construction for this project.

For your information, Richard Kortenhoven has already lined up a Contractor and the source of fill for the levee construction. Samples of the clay material to be used were taken to K&S Engineers, Inc. of Highland, Indiana for testing and recommendation for the soil strength parameters to be used in the slope stability analysis. The results of the testing and slope stability analysis are included with the May 29, 1998 letter referenced in item C above. The proposed embankment section and fill material resulted in acceptable factors of safety for slope stability. The INDOT specifications will dictate that the site be cleared and grubbed, all unsuitable subgrade materials be removed, that the fill material be compacted based on maximum dry densities unless otherwise specified or directed and that the railroad embankment be deeply scarified or benched prior to construction.

Please review the enclosed attachments and let me know if you need any further information. As we discussed in the meeting, it was decided that this information would be forwarded to you for copying and distribution to the EJ&E Railroad and the Army Corps of Engineers and any other