

9

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2000 067446

2000 SEP 15 AM 10:11

MAIL TAX BILLS TO:
Gary New Century, LLC
400 Renaissance Center
Suite 200
Detroit, MI 48243-1668

MORRIS W. CARTER
Part of RECORDER 40-0137-0001
TAX KEY Nos. 40-0138-0015
40-0140-0004
40-0144-0001
40-0173-0001

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH that **Lehigh Portland Cement Company**, a Pennsylvania corporation (GRANTOR), CONVEYS AND WARRANTS to **Gary New Century, LLC**, an Indiana limited liability company, for and in consideration in the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the following Real Estate in Lake County in the State of Indiana, to wit ("the Real Estate"):

DESCRIPTION
Parcel 1

A parcel of land in the Southeast Quarter of Fractional Section 23, the Southwest Quarter of Fractional Section 24, the Northwest Quarter of Fractional Section 25, and the Northeast Quarter of Section 26, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of Gary, Lake County, Indiana, said parcel consisting of a part of those lands conveyed to Lehigh Portland Cement Company as recorded in Lake County Document 707259, said parcel being more particularly described as follows:

Commencing at a capped iron rod at the Southwest corner of the Northwest Quarter of said Section 23; thence North 00°23'05" West (said bearing being relative to the Indiana State Plane Coordinate System West Zone, NAD83), 492.62 feet to the Northeasterly right-of-way line of the Elgin, Joliet & Eastern Railway Company (formerly the Indiana Harbor Railroad Company) as recorded in Lake County Deed Record 117, Page 10; thence South 46°59'40" East, 228.30 feet along said Northeasterly right-of-way line; thence 1404.64 feet along an arc on said Northeasterly right-of-way line, said arc being convex to the Southwest, having radius of 11309.20 feet, and subtended by a long chord bearing South 50°33'09" East, 1403.74 feet; thence South 54°06'39" East, 2971.64 feet along said Northeasterly right-of-way line to the Southerly corner of Parcel 1 conveyed to Buffington Harbor Riverboats, L.L.C. as recorded in Lake County Document 95067683, said corner

<p>Record to the Tax on the of Real Estate</p> <p>Meridian Title/ Lehigh Portland Cement Co.</p> <p>9/15/00</p> <p>300,000.00</p> <p>438929</p> <p>County</p>	<p>FILED FOR TAXATION SUBJECT LOCAL ACCEPTANCE FOR TRANSFER</p> <p>SEP 15 2000</p> <p>PETER BENJAMIN LAKE COUNTY AUDITOR</p>
---	--

2000 30.00
2240

being the POINT OF BEGINNING of this description;

- 1) thence North 35°53'21" East, 626.90 feet along the Southeasterly line of said Parcel 1;
- 2) thence North 54°06'39" West, 289.37 feet along a Northeasterly line of said Parcel 1 to the Northwesterly line of a parcel of patented land recorded in Lake County Deed Record 392, Page 312;
- 3) thence North 35°53'21" East, 127.20 feet along the Northwesterly line of said patented land to the Northwest corner of a parcel of patented land recorded in Lake County Deed Record 473, Page 29;
- 4) thence South 54°06'39" East, 700.00 feet along the Northeasterly line of said patented land to the Easterly corner of said land;
- 5) thence North 55°53'21" East, 1755.89 feet to the Northerly corner of patented land as recorded in Lake County Deed Record 392, Page 312;
- 6) thence South 34°06'39" East, 105.25 feet along the Northeasterly line of said patented land to the Northeasterly line of parcel G-1 conveyed to Marblehead Lime Company as recorded in Lake County Document 91065414.
- 7) thence South 63°50'37" West, 61.96 feet along the Northwesterly line of said parcel;
- 8) thence South 34°08'14" East 1160.29 feet along a Southwesterly line of said parcel;
- 9) thence South 32°44'01" West, 198.96 feet along a Westerly line of said parcel;
- 10) thence South 55°34'16" West 402.27 feet along a Northwesterly line of said parcel;
- 11) thence South 34°48'19" East 562.17 feet along a Southwesterly line of said parcel;
- 12) thence South 35°28'01" West, 106.16 feet along a Northwesterly line of said parcel;
- 13) thence South 69°27'32" East, 80.97 feet along a Southwesterly line of said parcel to the Northwesterly line of land conveyed to Northern Indiana Public Service Company as recorded in Lake County Deed Record 973, Page 505;
- 14) thence South 35°53'21" West, 984.02 feet along said Northwesterly line to the Northerly corner of parcel G-3 conveyed to Marblehead Lime Company as recorded in Lake County Document 91065414;
- 15) thence continuing South 35°53'21" West, 85.00 feet along the Northwesterly line of said parcel to the Northeasterly right-of-way line of the E. J. & E. Railway as recorded in Lake County Deed Record 117, Page 10;
- 16) thence North 54°06'39" West, 539.09 feet along said right-of-way to the West line of said Section 25;
- 17) thence continuing North 54°06'39" West, 2117.34 feet along said right-of-way line to the POINT OF BEGINNING, containing 99.337 acres, more or less;

Excluding therefrom, a parcel of land described as Parcel G-2 in Lake County Document 91065414, said exclusion being more particularly described as follows:

Commencing at a rail monument at the Southwest corner of the Northwest Quarter of said Section 25; thence North 00°52'39" West along the West line of said Section 25, a distance of 1868.43 feet to the Northeasterly right-of-way of said Elgin, Joliet, and Eastern Railway Company; thence South 54°06'39" East along said Northeasterly right-of-way line, 539.09 feet; thence North 35°53'21" East, 85.00 feet; thence continuing North 35°53'21" East, 984.02 feet; thence North 69°27'32" West, 80.97 feet; thence North 29° 45'28" East, 755.30 feet (755.22 feet measured); thence North 34°08'14"

West, 974.99 feet (962.34 feet measured); thence South 55°51'46" West, 57.00 feet to the POINT OF BEGINNING;

- E1) thence South 55°47'24" West, 31.99 feet;
- E2) thence South 55°41'21" West, 137.64 feet;
- E3) thence North 62°05'20" West, 63.63 feet;
- E4) thence South 83°56'18", West 213.78 feet;
- E5) thence North 73°24'52" West, 199.25 feet;
- E6) thence North 34°07'05" West, 268.74 feet (268.94 feet measured);
- E7) thence North 55°53'21" East, 514.90 feet (514.15 feet measured) parallel with and 47.00 feet distant from the Buffington Harbor dock wall;
- E8) thence South 34°08'14" East, 579.31 feet parallel with and 57.00 feet distant from a Southwesterly line of Parcel G-1 as recorded in Lake County Document 91065414, to the POINT OF BEGINNING, said exception containing 5.687 acres, more or less, for a total remaining acreage of 93.650 acres, more or less;

Document is NOT Official!
This document is the property of the Lake County Recorder!

DESCRIPTION

Parcel 2

A parcel of land in the Southeast Quarter of Fractional Section 23, the North Half of Section 26, and the West Half of Fractional Section 25, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of Gary, Lake County, Indiana, (said parcel consisting of a part of the Thirty-three Acre Parcel and a part of the Second Parcel as described in Lake County Deed Record 308, Page 22), being more particularly described as follows:

Commencing at a capped iron rod at the Southwest corner of the Northwest Quarter of said Section 23; thence North 00°23'05" West (said bearing being relative to the Indiana State Plane Coordinate System West Zone, NAD83), 79.78 feet along the West line of said Section to the Southwesterly corner of Parcel 2 conveyed to Buffington Harbor RiverBoats, L.L.C. as described in Lake County Document 95067683; thence South 32°06'05" East, 1079.86 feet along Southwesterly line of said Parcel 2; thence South 40°16'57" East, 738.04 feet along said Southwesterly line; thence along said Southwesterly line 565.04 feet along a curve to the left having a radius of 17088.80 feet and subtended by a long chord bearing South 41°13'47" East, 565.02 feet; thence South 43°05'41" West 7.87 feet along a Northwesterly line of said Parcel 2 to a corner of said parcel, (said corner being the point of beginning of said Thirty-three Acre Parcel); thence South 46°54'19" East 1691.49 feet along the Southwesterly line of said Parcel 2 to a corner of said parcel, said corner being the POINT OF BEGINNING of this description;

- 1) thence North 43°27'47" East, 102.53 feet along the Southeasterly line of said Parcel 2;
- 2) thence North 36°30'36" East, 207.34 feet along said Southeasterly line;
- 3) thence North 34°13'33" East, 186.02 feet along said line;
- 4) thence North 30°46'03" East, 203.32 feet along said line;
- 5) thence North 36°00'21" East, 185.08 feet along said line to the Southwesterly line of the former Chicago Lake Shore & Eastern Railway Company as recorded in Lake County Deed Record 282, Page 248, Fourth Parcel;

- 6) thence South 54°06'39" East, 2730.42 feet along said Southwesterly line to the East line of said Section 26;
- 7) thence South 00°52'39" East, 31.21 feet along said Section line to the Southwesterly line of the Elgin, Joliet and Eastern Railway Company (formerly the Chicago Lake Shore & Eastern Railway Company) as recorded in Lake County Deed Record 282, Page 248, Third Parcel;
- 8) thence South 54°06'39" East, 1929.25 feet along said Southwesterly line to an iron rail at a corner of said Third Parcel;
- 9) thence South 00°52'39" East, 398.64 feet along a Westerly line of said Third Parcel to an iron rail at a corner of said parcel;
- 10) thence North 60°34'39" West, 1790.00 feet to an iron rail at a corner of said Third parcel on the East line of said Section 26;
- 11) thence South 00°52'39" East, 489.61 feet along said Section line to the Northeasterly line of the Elgin, Joliet and Eastern Railway Company (formerly the Chicago Lakeshore & Eastern Railway Company) as recorded in Lake County Deed Record 282, Page 248, Second Parcel;
- 12) thence along the Northeasterly line of said Second Parcel 2692.61 feet along the arc of a curve to the right having a radius of 17108.80 feet and subtended by a long chord bearing North 54°54'09" West, 2689.83 feet to the Southeasterly corner of said Thirty-three Acre Parcel;
- 13) thence North 46°54'19" West, 740.26 feet along the Northeasterly line of said Second Parcel to the POINT OF BEGINNING, containing 87.860 acres, more or less.

DESCRIPTION
Parcel 3

A parcel of land in the Southwest Quarter of Section 25, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of Gary, Lake County, Indiana, said parcel having been conveyed from Gary Land Company to Universal Atlas Cement Company as recorded in Lake County Deed Record 658, Page 271, Parcel 1, said parcel being more particularly described as follows:

Commencing at an iron rail monument at the Northwest corner of the Southwest Quarter of said Section 25, thence South 00°52'39" East (Indiana State Plane NAD83 grid bearing) a distance of 634.21 feet to the southerly line of the right-of-way conveyed by Gary Land Company to Baltimore and Ohio Chicago Terminal Railroad Company (now CSX Railroad) as recorded in Lake County Deed Record Book 437, Page 298; thence South 88°40'09" East along said southerly line a distance of 1254.10 feet to the southerly line of the 100 foot right-of-way conveyed by Gary Land Company to Baltimore and Ohio and Chicago Railroad Company (now CSX Railroad) as recorded in Lake County Deed Record Book 221, Page 4; Thence South 64°25'16" East along said southerly line a distance of 296.23 feet to a point where said southerly line intersects the westerly line of the 150 foot right-of-way conveyed by Gary Land Company to Chicago, Lake Shore and Eastern Railway Company (now Elgin, Joliet and Eastern Railway Company) as recorded in Lake County Deed

Record 179, Page 350, said point being the POINT OF BEGINNING of this description;

thence South 59°58'44" West along the westerly line of said 150 foot right-of-way a distance of 647.00 feet to the northerly line of the 100 foot right-of-way conveyed by George T. Cline to the Wabash Railroad Company as recorded in Lake County Deed Record Book 68, Pages 139 to 142;

thence North 43°34'57" West along said northerly line a distance of 4.89 feet to a point of tangent curve;

thence 845.11 feet along a curve to the left on said northerly line, said curve having a radius of 1977.00 feet and subtended by a long chord bearing North 55°49'43" West, a distance of 838.69 feet to a point on the southerly line of the right-of-way conveyed to Baltimore and Ohio Chicago Terminal Railroad (now CSX Railroad) as recorded in Lake County Deed Record Book 437, Page 298;

thence South 88°40'09" East along said southerly line a distance of 780 feet (801.34 feet measured) to the westerly corner of a triangular parcel containing 0.265 acres which was conveyed by Gary Land Company to Baltimore and Ohio and Chicago Railroad Company (now CSX Railroad) as recorded in Lake County Deed Record Book 221, Page 4;

thence South 73°50'00" East along the southerly line of said 0.265 acre parcel, a distance of 475.13 feet to the POINT OF BEGINNING, containing 6.173 acres, more or less.

Together with Grantor's interest in the following appurtenant easements:

CENTER ROAD TUNNEL EASEMENT

Perpetual, non-exclusive easement for the benefit of Parcels 1 and 2 for ingress and egress of vehicles and pedestrians as contained in certain limited grants of easement in Easement Agreement dated June 30, 1995 and recorded July 7, 1995 as Document Number 95038222, by and between Lehigh Portland Cement Company and Trump Indiana, Inc.

NIPSCO EASEMENT DESCRIPTION

An easement over the following land as provided in document number 91065413 recorded in the office of the Lake County Recorder recorded on December 24, 1991.

A strip of land thirty (30) feet wide, lying fifteen (15) feet wide on each side of a center line produced, in the North Half and Southeast Quarter of Section 25, Township 37 North, Range 9 West of the Second Principal Meridian, in the County of Lake, State of Indiana, said center line being described as follows:

Commencing at a rail monument at the Southwest corner of the Northwest Quarter of said Section 25; thence North 00°03'26" West along the West line of said Section 25, 1868.43 feet to the Northeasterly Right-of-Way line of the Elgin, Joliet, and Eastern Railway Company (formerly the

Chicago, Indiana and Southern Railroad); thence South 53°17'26" East (said bearing taken from a description of a parcel of land conveyed by United States Steel Corporation to Northern Indiana Public Service Company by deed dated August 18, 1954 and recorded in Deed Record 973, page 505 and all subsequent bearings are related thereto) along said Northeasterly Right-of-Way line, 2202 feet to the Southwesterly corner of land conveyed as Parcel No. 1 by United States Steel Corporation to Northern Indiana Public Service Company by Deed dated October 24, 1960 and recorded in Deed Record Book 1160, Page 361; thence along the Northwesterly line of land so conveyed North 36°42'34" East, 65 feet to the Point of Beginning of the easement;

- 1) thence South 53°17'26" East, 469.82 feet to a Point of Curve;
- 2) thence by curve deflecting to the left having a radius of 1432.66 feet, the chord of which bears South 61°41'56" East, 418.98 feet to a Point of Tangency;
- 3) thence South 70°06'25" East, 419.28 feet to a Point of Curve;
- 4) thence by curve deflecting to the right having a radius of 228.33 feet, the chord of which bears South 45°21'14" East, 191.21 feet to the Point of Tangency;
- 5) thence South 20°36'03" East, 36.13 feet to a Point of Curve;
- 6) thence by curve deflecting to the left having a radius of 713.60 feet, the chord of which bears South 38°05'51" East, 429.09 feet to a Point of Compound Curvature;
- 7) thence by curve deflecting to the right having a radius of 5594.65 feet; the chord of which bears South 59°35'56" East, 781.37 feet to a Point of Tangency;
- 8) thence South 63°36'11" East, 1254.39 feet to a Point of Curve;
- 9) thence by curve deflecting to the right having a radius of 75.00 feet, the chord of which bears South 31°34'11" East, 79.56 feet to a Point of Tangency;
- 10) thence South 0°27'49" West, 47.59 feet to the Northeasterly Right-of-Way line of the Elgin, Joliet and Eastern Railway Company (Formerly the Chicago, Indiana and Southern Railroad).

USX EASEMENT
DESCRIPTION

An easement over the following land as provided in document number 91064457 recorded in the office of the Lake County Recorder recorded on December 17, 1991.

A parcel of land in the Northwest Quarter of Section 25, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of Gary, Lake County, Indiana described as follows:

Commencing at a rail monument at the Southwest corner of the Northwest Quarter of said Section 25; thence North 00°03'26" West along the West line of said Section 25, 1868.43 feet to the Northeasterly Right-of-Way line of the Elgin, Joliet and Eastern Railway Company (formerly the Chicago, Indiana and Southern Railroad); thence South 53°17'26" East along said Northeasterly Right-of-Way line, 539.09 feet to a 1 inch rebar, and the Point of Beginning of said parcel;

- 1) thence continuing South 53°17'26" East along said Northeasterly Right-of-Way line a distance of 1662.91 feet to the Southwesterly corner of property of Northern Indiana Public Service Company conveyed as Parcel No. 1 by United States Steel Corporation to Northern Indiana Public Service Company by Deed dated October 24, 1960 and recorded November 1, 1960, in Deed Record 1160, Page 361, as Document No. 289248;

- 2) thence North 36°42'34" East along the Westerly line of said Parcel No. 1, a distance of 85.00 feet to a rail monument at the Southeasterly corner of a 100-acre tract of land conveyed by Universal Atlas Cement Company to Northern Indiana Public Service Company by Deed dated August 18, 1954 and recorded August 24, 1954, in Deed Record 973, Page 505, as Document No. 777431;
- 3) thence North 53°17'26" West along the southerly line of said 100-acre tract of land a distance of 1662.91 feet to the southwesterly corner of said tract;
- 4) thence South 36°42'34" West a distance of 85.00 feet to the Point of Beginning.

OTHER EASEMENTS/APPURTENANCES

All other easements and appurtenances of record or otherwise.

SUBJECT, NEVERTHELESS, TO THE FOLLOWING:

1. Real estate taxes for 2000 payable in 2001, and all years thereafter.
2. Covenants, Restrictions and Easements of record.
3. Applicable building codes and zoning ordinances.
4. Terms and provisions of Agreements listed on Attachment A, attached hereto and incorporated herein.
5. Matters and interests disclosed by the DLZ survey of the Real Estate, certified on September 12, 2000.
6. Interests created, suffered, assumed or agreed to by Grantee, and those claiming under Grantee.
7. Interests of which the Grantee has actual knowledge.

The undersigned persons executing this deed represent and certify on behalf of the Grantor that each of the undersigned is a duly elected officer of the Grantor and has been fully empowered by proper resolution or the By-Laws of the Grantor to execute and deliver this deed; that the Grantor is a corporation in good standing in the state of its origin and, where required, in the state where the subject real estate is situated; the Grantor has full corporate capacity to convey the real estate described; and that all necessary corporate action for the making of this conveyance has been duly taken.

IN WITNESS WHEREOF, the Grantor has caused this Corporate Warranty Deed to be executed this 14th day of September, 2000.

LEHIGH PORTLAND CEMENT COMPANY

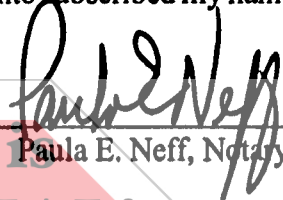
BY: Jeffrey H. Brozyna
Jeffrey H. Brozyna,
ITS: Vice President

ATTEST:

Mary E. Werge
Mary E. Werge, Assistant Secretary

STATE OF INDIANA)
)
) SS:
COUNTY OF LAKE)

Before me, the undersigned, a Notary in and for said County and State, this 14th day of September, 2000, personally appeared Jeffrey H. Brozyna, Vice President, and Mary E. Werge, Assistant Secretary, of Lehigh Portland Cement Company, a Pennsylvania Corporation, doing business in the State of Indiana, who acknowledged the execution of the foregoing Corporate Warranty Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true. In witness whereof, I have hereunto subscribed my name and affixed my official seal.



Document Paula E. Neff, Notary Public

My Commission Expires: April 12, 2008
County of Residence: LAKE



This instrument was prepared by: Paula E. Neff
BURKE COSTANZA & CUPPY
8585 Broadway, Suite 600
Merrillville, Indiana 46410

9/14/00

Exhibit A to Corporate Warranty Deed

- a.) Unrecorded Agreements between Chicago Lake Shore & Eastern Railway Co. and Universal Portland Cement Co. 1-14-26, and between Chicago Lake Shore & Eastern Railway Co. and Universal Atlas Cement Co. 3-8-31 for track crossing.
- b.) Unrecorded Easement Agreement between Chicago Lake Shore and Eastern Railway Co. and Universal Portland Cement Co. dated January 14, 1926 for sewers, pipelines, electric conduits, concrete roadway, and a belt conveyor.
- c.) Unrecorded Easement Agreement between Elgin, Joliet, and Eastern Railway Company and Universal Portland Cement Company dated September 11, 1916 for reinforced concrete sewer and water pipes.
- d.) Unrecorded Easement Agreement between Elgin, Joliet, and Eastern Railway Company and Universal Atlas Cement Division of United States Steel Corp. dated August 7, 1958 for a cement transport line and an electric conduit line.
- e.) Unrecorded Easement Agreement between Elgin, Joliet, and Eastern Railway Company and Universal Atlas Cement Division of United States Steel Corp. dated April 10, 1974 for a 12" pipeline to carry cement.
- f.) Unrecorded easement between Elgin, Joliet, and Eastern Railway Company and Universal Atlas Cement Company dated October 31, 1956 for an 8" water carrier pipe.
- g.) Unrecorded Easement Agreement between Gary-Hobart Water Corporation and Lehigh Portland Cement Company, Marblehead Lime Company, Northern Indiana Public Service Company, and USX Corporation dated September 27, 1994 for an 8" private water line.
- h.) Unrecorded easement agreement between Elgin, Joliet, and Eastern Railway Company and Lehigh Portland Cement Company dated May 1, 1998 for railway track segments.
- i.) Unrecorded agreements between Chicago Lake Shore and Eastern Railway Co. and Universal Portland Cement Co. dated January 14, 1926, and between Chicago Lake Shore & Eastern Railway Co. and Universal Atlas Cement Co. dated March 8, 1931, for track crossing.
- j.) Unrecorded easement agreement between Chicago Lake Shore and Eastern Railway Company and Universal Portland Cement Company dated October 27, 1920 for an 8" water pipe, as shown on survey No. 0042PS1A last revised July 31, 2000 by DZL Indiana, Inc.
- k.) Unrecorded easement agreement between Elgin, Joliet, and Eastern Railway Company and Lehigh Portland Cement Company dated May 1, 1998 for railway track segments, as shown on survey No. 0042PS1A last revised July 31, 2000 by DZL Indiana, Inc.



Official Stamp

Document Mail Back to Information Sheet

This is where you want the recorded document sent back to when it has completed the recording process.

Name Meridian Title

Address One Professional Center Ste 215

City St Zip Crown Point IN 46307

Telephone 219-663-0560

Signature Printed

Kathryn D. Glor

Signature Written

Kathryn D. Glor

Date of Signature

9-15-00

Check Number

2240

Check Amount

Office Use Only

Check Equals Amount Due Yes No

Total _____

Initials _____

*Fast with Meridian
Recording*