

32

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2000 067447

2000 SEP 15 AM 10:12

MORRIS W. CARTER  
RECORDER

MAIL TAX BILLS TO:  
**Gary New Century, LLC**  
400 Renaissance Center  
Suite 2400  
Detroit, MI 48243-1668

### QUITCLAIM DEED

**THIS INDENTURE WITNESSETH, That LEHIGH PORTLAND CEMENT COMPANY, GRANTOR, a Pennsylvania corporation licensed to do business in the State of Indiana, QUIT CLAIMS to GARY NEW CENTURY, LLC, an Indiana limited liability corporation, in Lake County in the State of Indiana, GRANTEE, in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described harbor improvements:**

All docks, breakwaters, navigational aids, rip-rap or other harbor improvements, excluding the mooring barge and assembly owned by Buffington Harbor Riverboats, L.L.C. (BHR) at the south end of the harbor, located in the East One Half of Section 23 and the West One Half of Section 24, Township 37 North, Range 9 West of the Second Principal Meridian, City of Gary, Lake County, Indiana, as shown on the attached Exhibit A, which is a part of the survey dated and certified as of September 12, 2000, and further evidenced by the 1926 construction permits of the United States Department of War, the 1995 construction permit of the United States Army Corps of Engineers, and the 1995 construction permit of the Indiana Department of Natural Resources, all attached and marked as Exhibits B, C and D, respectively, (such harbor improvements being located in the harbor commonly known as Buffington Harbor).

NOT SUBJECT TO TAXATION SUBJECT TO RECORDING FEE

SEP 15 2000

01000

PETER BENJAMIN  
LAKE COUNTY AUDITOR

76-  
#2240

Meridian Title

Dated this 14<sup>th</sup> day of September, 2000.

LEHIGH PORTLAND CEMENT COMPANY

Document is NOT OFFICIAL!

By: Jeffry H. Brozyna

Jeffry H. Brozyna

Its: Vice President

ATTEST:

This Document is the property of the Lake County Recorder!

Mary E. Werge  
Mary E. Werge, Assistant Secretary

STATE OF INDIANA )  
                                  ) SS:  
COUNTY OF LAKE )

Before me, the undersigned, a Notary Public in and for said County and State, this 14<sup>th</sup> day of September, personally appeared Jeffry 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 Deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My commission expires: April 12, 2008

Signature

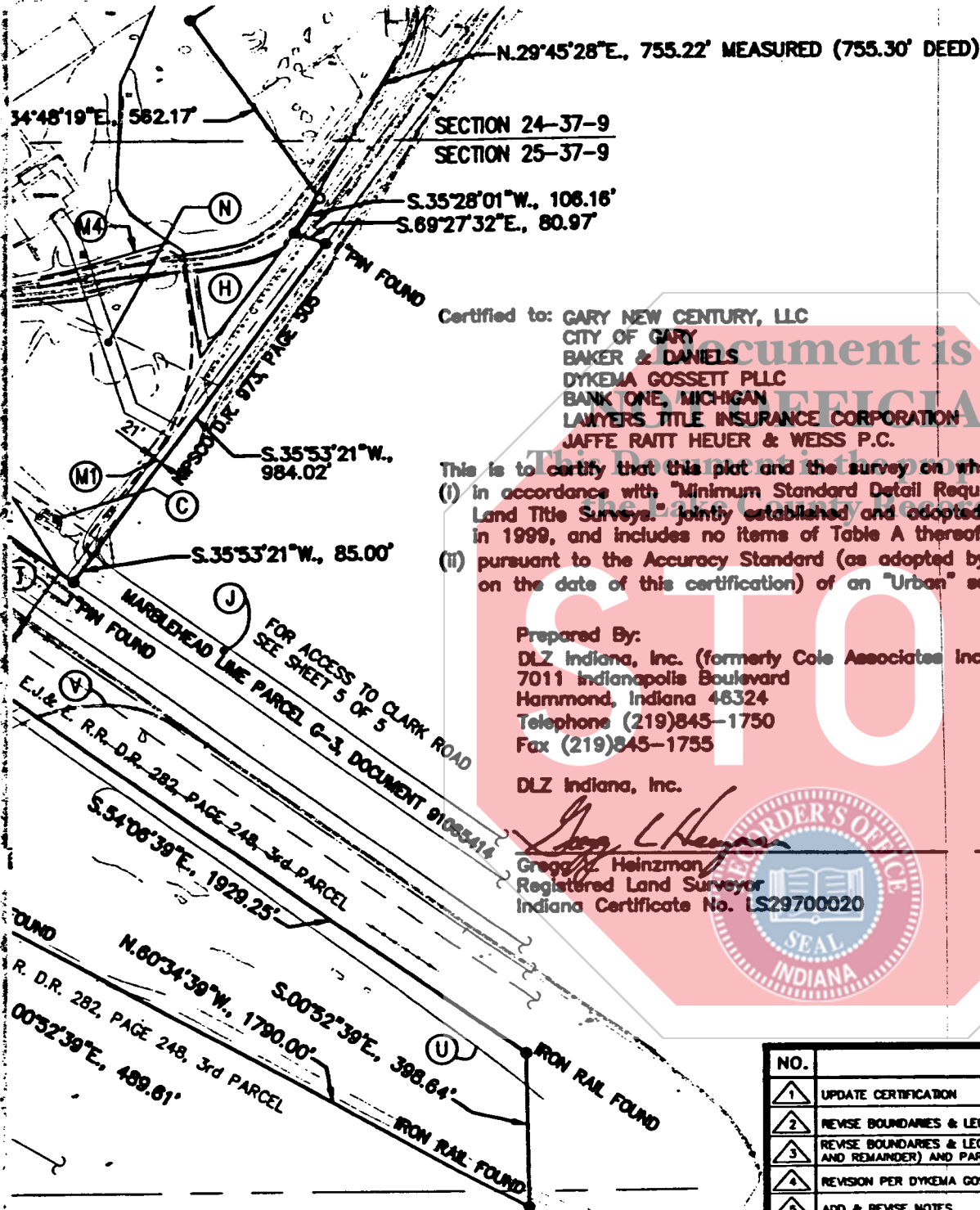
Paula E. Neff  
Paula E. Neff, Notary Public

Resident of Lake County



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

9-12-00

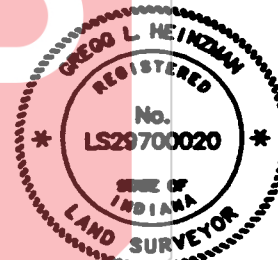


Certified to: GARY NEW CENTURY, LLC  
 CITY OF GARY  
 BAKER & DANIELS  
 DYKEMA GOSSETT PLLC  
 BANK ONE, MICHIGAN  
 LAWYERS TITLE INSURANCE CORPORATION  
 JAFFE RAITT HEUER & WEISS P.C.

This is to certify that this plat and the survey on which it is based were made  
 (i) in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM, and NSPS in 1999, and includes no items of Table A thereof, and  
 (ii) pursuant to the Accuracy Standard (as adopted by ALTA and ACSM and in effect on the date of this certification) of an "Urban" survey

Prepared By:  
 DLZ Indiana, Inc. (formerly Cole Associates Inc.)  
 7011 Indianapolis Boulevard  
 Hammond, Indiana 46324  
 Telephone (219)845-1750  
 Fax (219)845-1755

DLZ Indiana, Inc.  
*Gregg L. Heinzman*  
 Gregg L. Heinzman  
 Registered Land Surveyor  
 Indiana Certificate No. LS29700020



9-12-2000  
 Date

NO.	REVISION	BY	DATE
1	UPDATE CERTIFICATION	LMD	1/08/2000
2	REVISE BOUNDARIES & LEGALS	LMD	1/24/2000
3	REVISE BOUNDARIES & LEGALS FOR PARCEL 1 (OVERALL AND AND REMAINDER) AND PARCEL A	LMD	2/11/2000
4	REVISION PER DYKEMA GOSSETT COMMENTS	LMD	3/14/2000
5	ADD & REVISE NOTES	LMD	3/28/2000
6	ADD & REVISE NOTES	GLH	4/14/2000
7	SHOW LIMITS OF (A) & (B)	GLH	7/31/2000

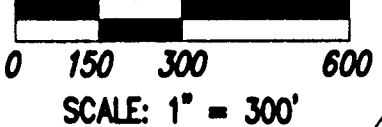
DRAWN LMD	CHK'D. GLH	PROJECT NUMBER <b>9964004290</b>
	DESIGNED LMD	
	APPR'D. GLH	
	DATE 03/28/2000	
INDIANA		FOR <b>GARY NEW CENTURY, LLC</b>
LEHIGH PROPERTY		
GARY		DRAWING NUMBER <b>0042PS1A</b>
ALTA/ACSM LAND TITLE SURVEY S23,24,25, & 26 T37N R9W, 2nd PM		

**EXHIBIT**  
 Quit-Claim  
 A  
 T or Z

SECTION 23-37  
SECTION 24-37

LAKE MICHIGAN

MEASURED (288.74' DEED)  
MEASURED (514.90' DEED)



Document is  
**NOT OFFICIAL!**  
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the Lake County Recorder!

GAN

**STOP**

DEED RECORD 392, PAGE 312  
(FILLED LAND)

DEED RECORD 473, PAGE 29

N.54°06'39"W., 289.37'

N.55°53'21"E., 1755.89'

S.54°06'39"E., 700.00'

N.55°53'21"E., 626.90'

POINT OF BEGINNING  
PARCEL 1

LEHIGH PORTLAND CEMENT  
DOCUMENT 707259

**PARCEL 1**  
99.337 Ac.  
- 5.687 Ac. EXCEPTION  
93.650 Ac.±

MARBLEHEAD LINE  
PARCEL G-2  
DOCUMENT 91085414  
5.687 ACRE EXCEPTION  
TO PARCEL 2

POINT OF BEGINNING  
EXCEPTION

S.32°44'01"W., 198.98

S.55°34'16"W., 402.27'

S.34°48'19"E., 582.17'

**EXHIBIT**  
Quit-Claim  
A  
2 of 2

25X

STATE OF INDIANA  
DEPARTMENT OF NATURAL RESOURCES

CERTIFICATE OF APPROVAL  
LAKE MICHIGAN

**APPLICATION #:** LM-96

**LAKE** : Lake Michigan

**APPLICANT** : Lehigh Portland Cement Company  
7660 Imperial Way  
Allentown PA 18195

**AGENT** : W.P. Baird and Associates Ltd.  
David Warren, Project Manager  
2981 Tarnoch Greenway  
Madison WI 53711

**AUTHORITY** : IC 14-29-1 with 310 IAC 21

**DESCRIPTION** : To accommodate drainage facilities for the going berths, the proposed project will include: construction of two new breakwaters, breakwater 1 (north breakwater) will extend from approximately 700 feet from the northeast breakwater, consisting of rubble mound and steel sheet piling construction. This structure will cover approximately 2.3 acres of lake bottom, and contain approximately cubic yards of wash stone fill. Breakwater 2 (east breakwater) will extend approximately 700 feet from the shoreline, consisting of steel sheet pile construction. This structure will cover approximately 0.7 acres of lake bottom, and contain approximately 20,000 cubic yards of clean granular fill. Also, reinforcing an existing rubble breakwater inside the harbor, construction of one floating boat dock with associated mooring structures and access bridges, construction of parking areas, temporary pavilions, and the installation of a portable wood main and pressure sanitary sewer main. Details of the project are shown on plans received at the Division of Water on June 18, 1994, July 18, 1994, March 20, 1995, July 3, 1995, July 26, 1995, July 27, 1995, August 22, 1995 and September 6, 1995.

**LOCATION** : Buffington Harbor, at Gary, Calumet Township, Lake County  
S&W, Section 23, T. 37N., R. 9E., existing quadrangle  
UTM Coordinate System = 4607900 North, 448200 East

**APPROVED BY** :   
David L. Herbst  
Deputy Director  
Department of Natural Resources

**APPROVED ON** : October 6, 1995

Attachments: Notice of Right To Administrative Review  
General Conditions  
Special Conditions  
Review List

EXHIBIT  
Quit-Claim  
B  
1 of 4

STATE OF INDIANA  
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF RIGHT TO ADMINISTRATIVE REVIEW

APPLICATION #: 134-96

This signed document constitutes the issuance of a permit by the Natural Resources Commission, or its designee, subject to the conditions and limitations stated on the pages entitled "General Conditions" and "Special Conditions".

The permit or any of the conditions or limitations which it contains may be appealed by applying for administrative review. Such review is governed by the Administrative Orders and Procedures Act, IC 4-21.5, and the Department's rules pertaining to adjudicative proceedings, 310 IAC 0.6.

In order to obtain a review, a written petition must be filed with the Division of Hearings within 18 days of the mailing date of this notice. The petition should be addressed to:

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the Lake County Recorder!

Mr. Stephen L. Lucas, Director  
Division of Hearings  
Room W272  
402 West Washington Street  
Indianapolis, Indiana 46204

The petition must contain specific reasons for the appeal and indicate the portion or portions of the permit to which the appeal pertains.

If an appeal is filed, the final agency determination will be made by the Natural Resources Commission following a legal proceeding conducted before an Administrative Law Judge. The Department of Natural Resources will be represented by legal counsel.



EXHIBIT

Quit-Claim

B

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STATE OF INDIANA  
DEPARTMENT OF NATURAL RESOURCES

GENERAL CONDITIONS

APPLICATION #: LM-96

- (1) If any archaeological artifacts or human remains are uncovered during construction, federal law and regulations (44 USC 430, 46 CFR 900.11, et al) and state law (IC 10-21-1) require that work must stop and that the discovery must be reported to the Division of Historic Preservation and Archaeology within 2 business days.

Division of Historic Preservation and Archaeology  
Room 1074  
402 West Washington Street  
Indianapolis, Indiana 46204  
Telephone: (317) 223-1646, FAX: (317) 223-6234

**STOP**  
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- (2) This permit must be posted and maintained at the project site until the project is completed.
- (3) This permit does not relieve the permittee of the responsibility for obtaining additional permits, approvals, consents, etc. as required by other federal, state, or local regulatory agencies. Those agencies include, but are not limited to:

AGENCY  
District District, U.S. Army Corps of Engineers  
Indiana Department of Environmental Management  
Local city or county planning or zoning administration

Telephone Number  
(317) 223-6234  
(317) 243-6005  
Check local directory

- (4) This permit must not be construed as a waiver of any local ordinance or other state or federal law.
- (5) This permit does not relieve the permittee of any liability for the effects which the project may have upon the safety of the life or property of others.
- (6) This permit may be revoked by the Department of Natural Resources for violation of any condition, limitation, or applicable statute or rule.
- (7) This permit shall not be assignable or transferable without the prior written approval of the Department of Natural Resources. To initiate a transfer contact:

Mr. John H. Clappan, DE, Director  
Division of Water  
Room 1004  
402 West Washington Street  
Indianapolis, Indiana 46204

Telephone: (317) 223-6160, FAX: (317) 223-6579

- (8) The Department of Natural Resources shall have the right to enter upon the site of the permitted activity for the purpose of inspecting the authorized work.
- (9) The receipt and acceptance of this permit by the applicant or authorized agent shall be considered as acceptance of the conditions and limitations stated on the pages entitled "General Conditions" and "Special Conditions".

EXHIBIT

Quit-Claim

B

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STATE OF INDIANA  
DEPARTMENT OF NATURAL RESOURCES  
SPECIAL CONDITIONS  
APPLICATION #: LM-96

**PERMIT VALIDITY:** This permit is valid for 60 months from the "Approved On" date shown on the first page. If work has not been initiated by October 6, 2000 the permit will become void and a new permit will be required in order to continue work on the project.

**COMPLIANCE:** In order that those measures necessary to satisfy the "General Conditions" and "Special Conditions", the project must conform to the information received by the Department of Natural Resources on: June 18, 1994, July 15, 1994, March 20, 1995, July 3, 1995, July 26, 1995, July 27, 1995, August 23, 1995 and September 6, 1995. Any deviation from the information must receive the prior written approval of the department.

**SPECIAL CONDITION**

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the Lake County Recorder!
- (1) Appropriately designed measures for controlling erosion and sediment shall be implemented to prevent sediment from entering the lake or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.
  - (2) Since the breakwalls are considered to be temporary, the walls should be removed when their intended purpose has ended, unless they can be incorporated into the future, permanent searing basin design for the Gary Searing Basin.
  - (3) If unexpected wave conditions occur as a result of this project, creating unsafe conditions for either the going logs or commercial traffic inside Burlington Harbor, the applicant should immediately contact Steve Davis, Lake Michigan Association at (219) 874-8376, with proposals to take steps to remedy the unsafe condition.
  - (4) Do not work in the water way from April 1 through May 31 without the prior written approval of the Division of Fish and Wildlife.



EXHIBIT  
Quit-Claim  
B  
4 of 4



\$6.19.

This is the original permit, dated May 1, 1925, for the construction of a harbor at Buffington for the Universal Portland Cement Company. This permit was superseded by a new permit, making slight changes in construction, dated August 3, 1926.



**EXHIBIT**  
Quit-Claim  
C  
1 of 18

#619

WAR DEPARTMENT

NOTE.—It is to be understood that this instrument does not give any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations, nor does it obviate the necessity of obtaining State assent to the work authorized. It MERELY EXPRESSES THE ASSENT OF THE FEDERAL GOVERNMENT SO FAR AS CONCERNS THE PUBLIC RIGHTS OF NAVIGATION. (See *Cummings v. Chicago*, 188 U. S., 410.)

3-2360

PERMIT

Chi.109/529

United States Engineer Office.  
Division Engineer, Lakes Division,  
Cleveland, Ohio, May 1, 1925.

750 (Universal Portland Cement Co.) 4/1

Universal Portland Cement Co.,  
210 South La Salle St.,  
CHICAGO, ILL.

Sirs:—

Referring to written request dated March 23, 1925, addressed to the District Engineer, U.S. Engineer Office, Chicago, Ill.,

I have to inform you that, upon the recommendation of the Chief of Engineers, and under the provisions of Section 10 of the Act of Congress approved Mar. 3, 1899, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," you are hereby authorized by the Secretary of War,

dredge a harbor and to construct on its northerly side a rubble mound breakwater, on its westerly side a rock-filled pile pier, on its southerly side a bulkhead faced with riprap incline, and on its easterly side a concrete wharf (or dock), the dredged material to be used to fill the area to the east of this wharf and between it and 2 temporary bulkheads, one of wooden piles and the other of steel mill slag, in Lake Michigan,

(Here to be named the river, harbor, or waterway concerned.)

at Buffington, Ind., 2.3 miles southeast of Indiana Harbor, and nearly 5 miles west and slightly north of Gary Harbor, Ind.,

(Here to be named the nearest well-known locality—preferably a town or city—and the distance in miles and tenths from some definite point in the same, stating whether above or below or giving direction by points of compass.)

in accordance with the plans shown on the drawings attached hereto marked - (Or drawings: give file number or other definite identification marks.)

Chicago, Illinois, To accompany application of Universal Portland Cement Co. for permit to construct a harbor in Lake Michigan at Buffington, (Gary) Indiana (in 6 sheets);

subject to the following conditions:

EXHIBIT  
Quit-Claim  
C  
2 of 18

#619

(a) That the work shall be subject to the supervision and approval of the District Engineer, Engineer Department at Large, in charge of the locality, who may temporarily suspend the work at any time, if in his judgment, the interests of navigation so require.

(b) That any material dredged in the prosecution of the work herein authorized shall be removed evenly, and no large reefs, piles, ridges across the bed of the waterway, or deep holes that may have a tendency to cause injury to navigable channels or to the banks of the waterway shall be left. If any pipe, wire, or cable hereby authorized is laid in a trench, the formation of permanent ridges across the bed of the waterway shall be avoided and the back filling shall be so done as not to increase the cost of future dredging for navigation. Any material to be deposited or dumped under this authorization, either in the waterway or on shore above high-water mark, shall be deposited or dumped at the locality shown on the drawing hereto attached, and, if so prescribed thereon, within or behind a good and substantial bulkhead or bulkheads, such as will prevent escape of the material into the waterway. ~~If the material to be deposited is in the harbor of New York or in its adjacent or tributary waters, or in Long Island Sound, a permit therefor must be previously obtained from the Supervisor of New York Harbor, Army Building, New York City.~~

(c) That there shall be no unreasonable interference with navigation by the work herein authorized.

(d) That if inspections or any other operations by the United States are necessary in the interests of navigation, all expenses connected therewith shall be borne by the permittee.

(e) That no attempt shall be made by the permittee or the owner to forbid the full and free use by the public of all navigable waters at or adjacent to the work or structure.

(f) That if future operations by the United States require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Secretary of War, it shall cause unreasonable obstruction to the free navigation of said water, the owner will be required, upon due notice from the Secretary of War, to remove or alter the structural work or obstructions caused thereby without expense to the United States, so as to render navigation reasonably free, easy, and unobstructed; and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners shall, without expense to the United States, and to such extent and in such time and manner as the Secretary of War may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable capacity of the watercourse. No claim shall be made against the United States on account of any such removal or alteration.

(g) That if the display of lights and signals on any work hereby authorized is not otherwise provided for by law, such lights and signals as may be prescribed by the Bureau of Lighthouses, Department of Commerce, shall be installed and maintained by and at the expense of the owner.

(h) That the permittee shall notify the said district engineer at what time the work will be commenced, and as far in advance of the time of commencement as the said district engineer may specify, and shall also notify him promptly, in writing, of the commencement of work, suspension of work, if for a period of more than one week, resumption of work, and its completion.

(i) That if the structure or work herein authorized is not completed on or before the <sup>31st</sup> day of ~~December~~ December, 1928, this permit, if not previously revoked or specifically extended, shall cease and be null and void.

(j) That no part of the proposed slag fill shall be placed until the plans for the containing bulkheads have been approved by the Chief of Engineers and the Secretary of War.



By authority of the Secretary of War:

*Spencer Cosby*  
Spencer Cosby,  
Colonel, Corps of Engineers,  
Division Engineer.

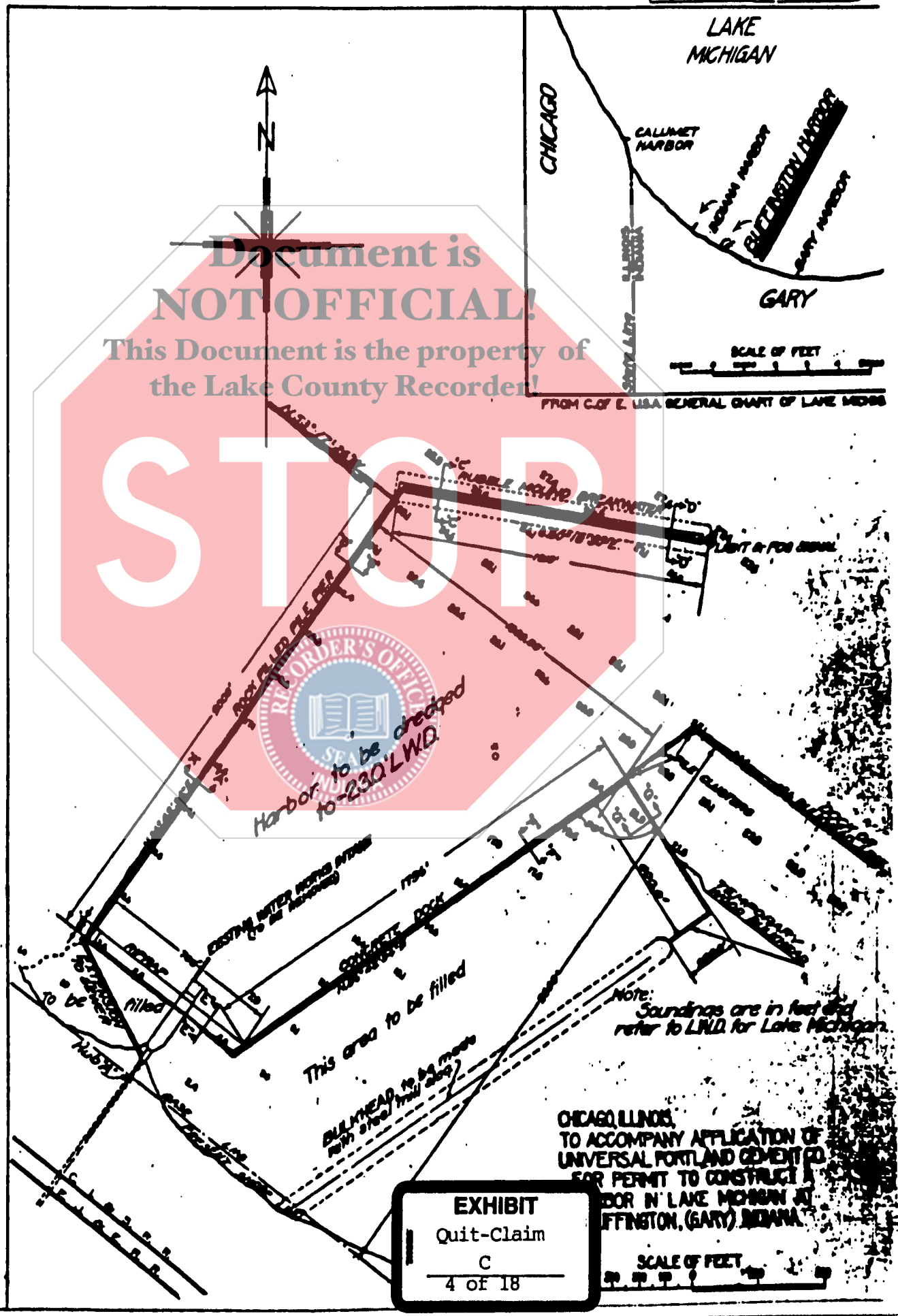
WAR DEPARTMENT  
U. S. OF E.  
Form No. 99  
Revised April 26, 1922  
3-8300

EXHIBIT  
Quit-Claim  
C  
3 of 18

#619

OFFICE LAKES DIV. APR 16 1925

RECEIVED  
MAR 24 1925  
U. S. ENGINEER OFFICE  
CHICAGO, ILL.



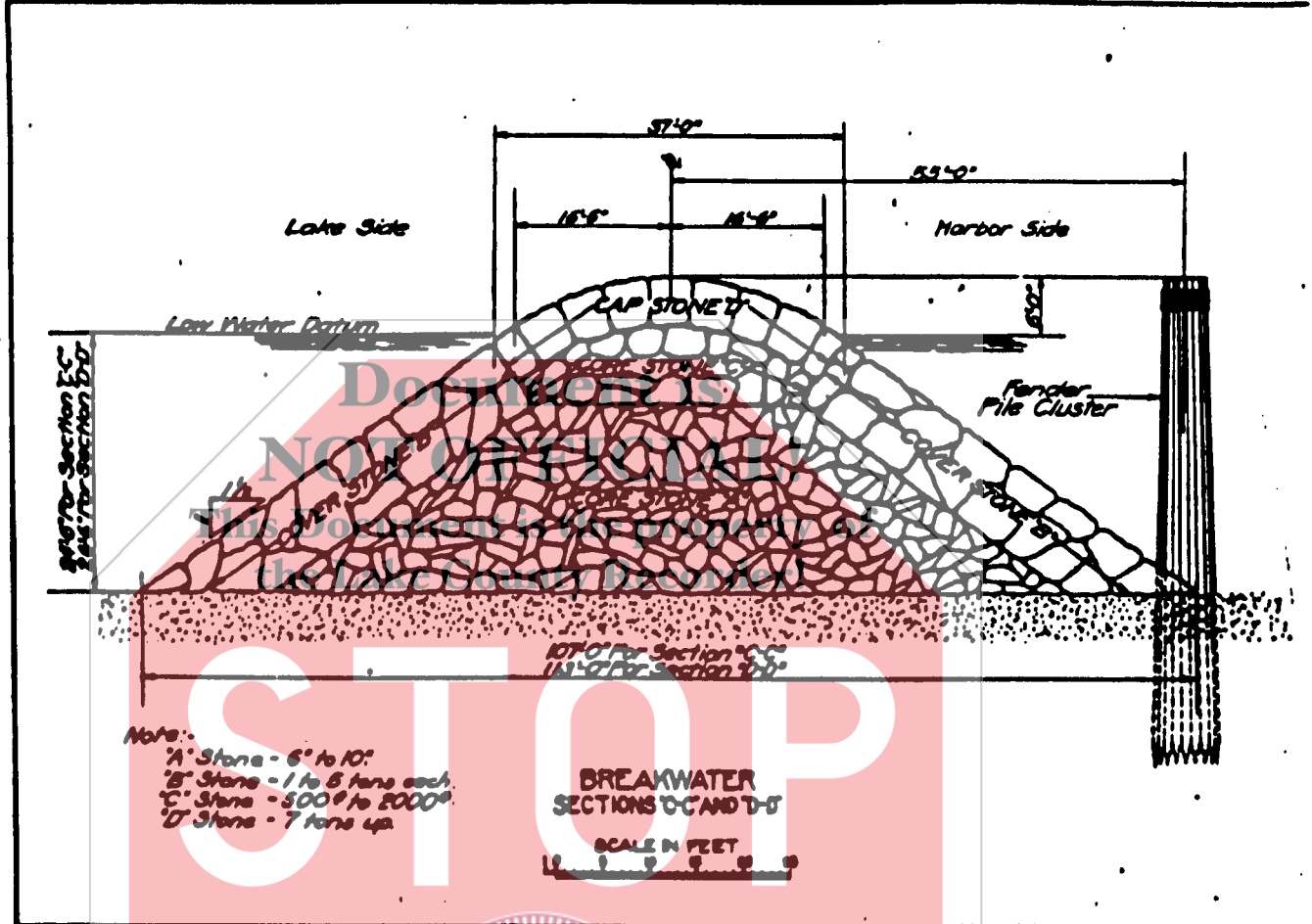
#619

OFFICE LAKES DIVN. APR. 8 1925

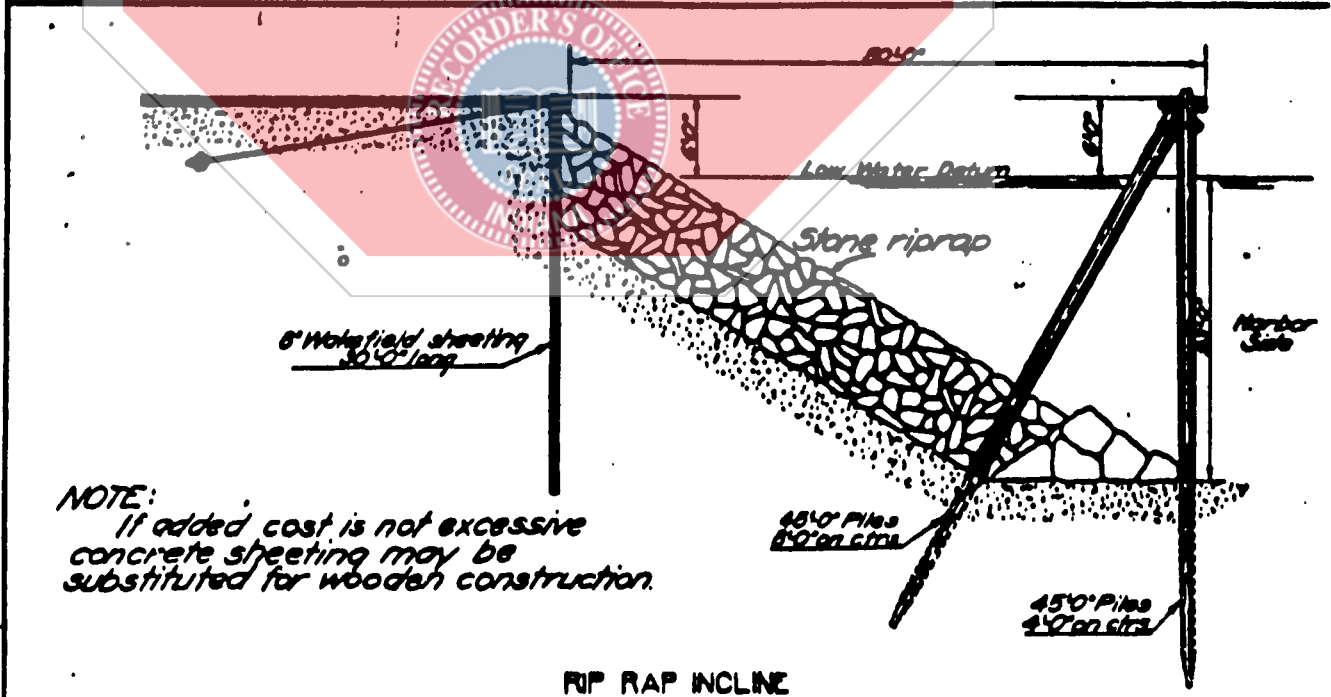
RECEIVED

MAR 24 1925

U. S. ENGINEER OFFICE  
CHICAGO, ILL.



Note:  
 'A' Stone - 6" to 10"  
 'B' Stone - 1 to 6 tons each  
 'C' Stone - 500# to 5000#  
 'D' Stone - 7 tons up



NOTE:  
 If added cost is not excessive  
 concrete sheeting may be  
 substituted for wooden construction.

**EXHIBIT**  
 Quit-Claim  
 C  
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CHICAGO, ILLINOIS  
 TO ACCOMPANY APPLICATION OF  
 UNIVERSAL PORTLAND CEMENT CO.  
 FOR PERMIT TO CONSTRUCT A  
 HARBOR IN LAKE MICHIGAN AT  
 BUFFINGTON, (GARY) INDIANA.

#614

OFFICE LAKES E.V.N. APR 18 1925

RECEIVED

MAR 24 1925

U. S. ENGINEER OFFICE  
CHICAGO, ILL.

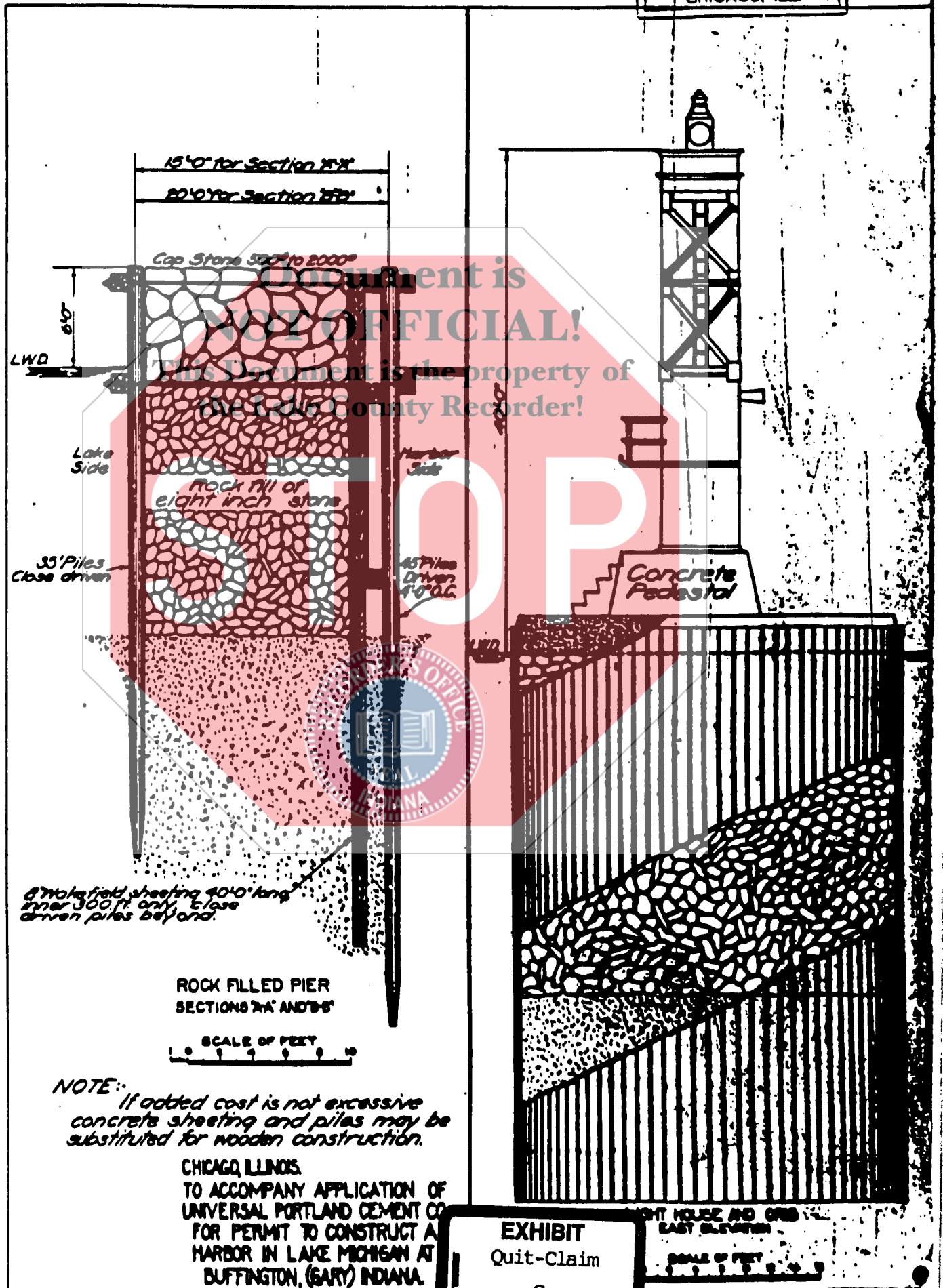


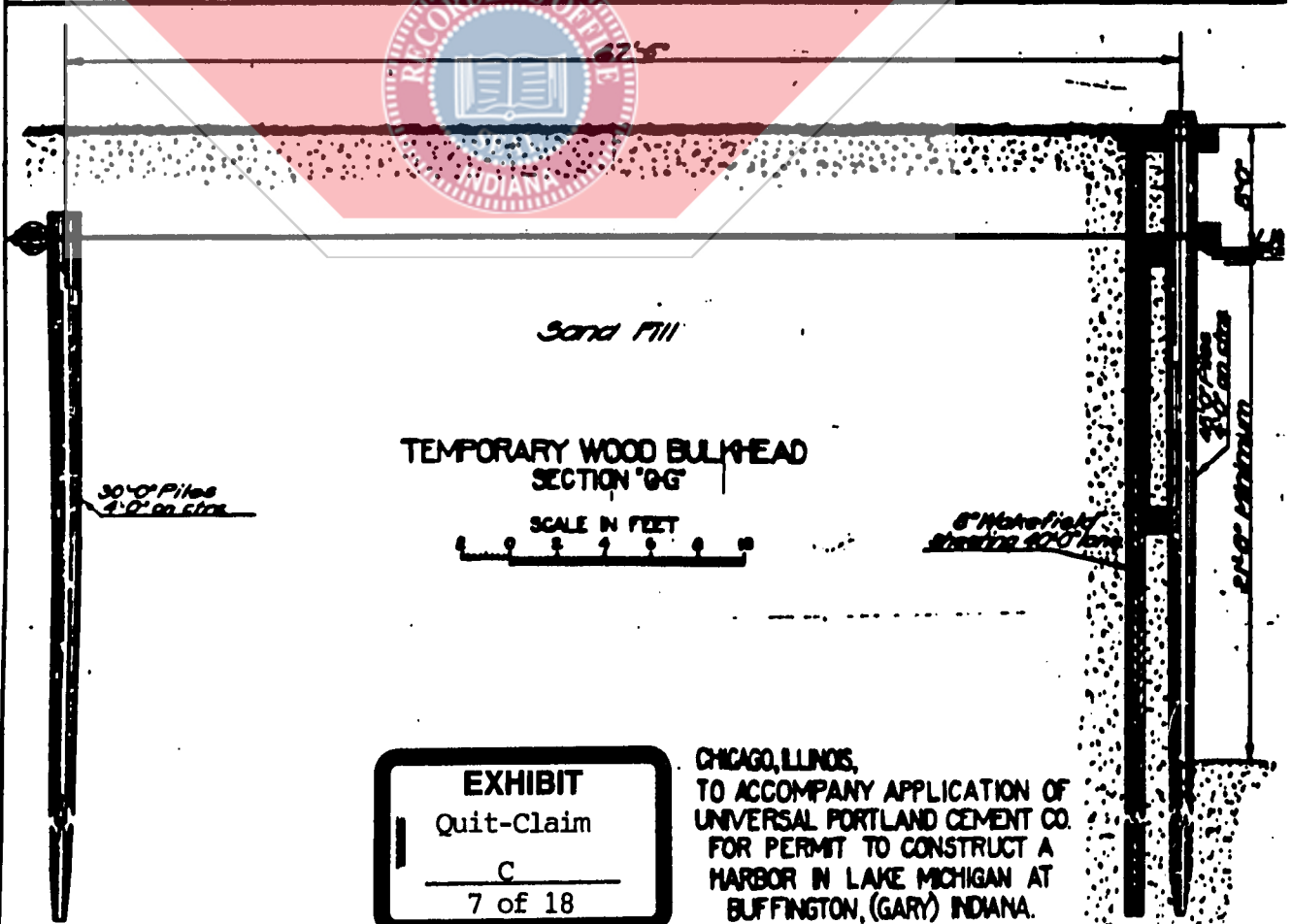
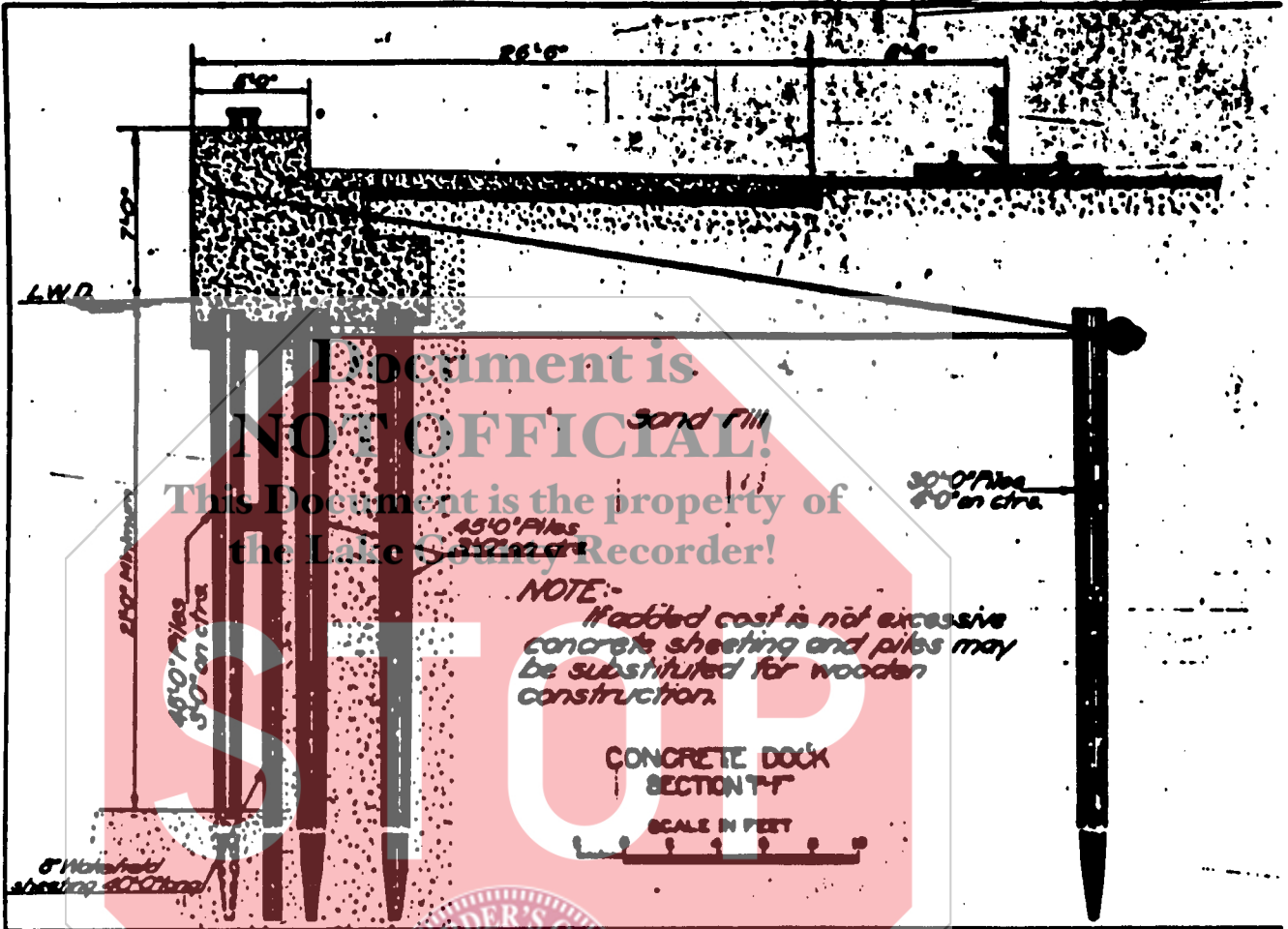
EXHIBIT  
Quit-Claim  
C  
6 of 18

OFFICE LAKES DIV. AF 18 1925

RECEIVED

MAR 24 1925

U.S. ENGINEER OFFICE  
CHICAGO, ILL.



**EXHIBIT**  
Quit-Claim  
C  
7 of 18

CHICAGO, ILLINOIS,  
TO ACCOMPANY APPLICATION OF  
UNIVERSAL PORTLAND CEMENT CO.  
FOR PERMIT TO CONSTRUCT A  
HARBOR IN LAKE MICHIGAN AT  
BUFFINGTON, (GARY) INDIANA.

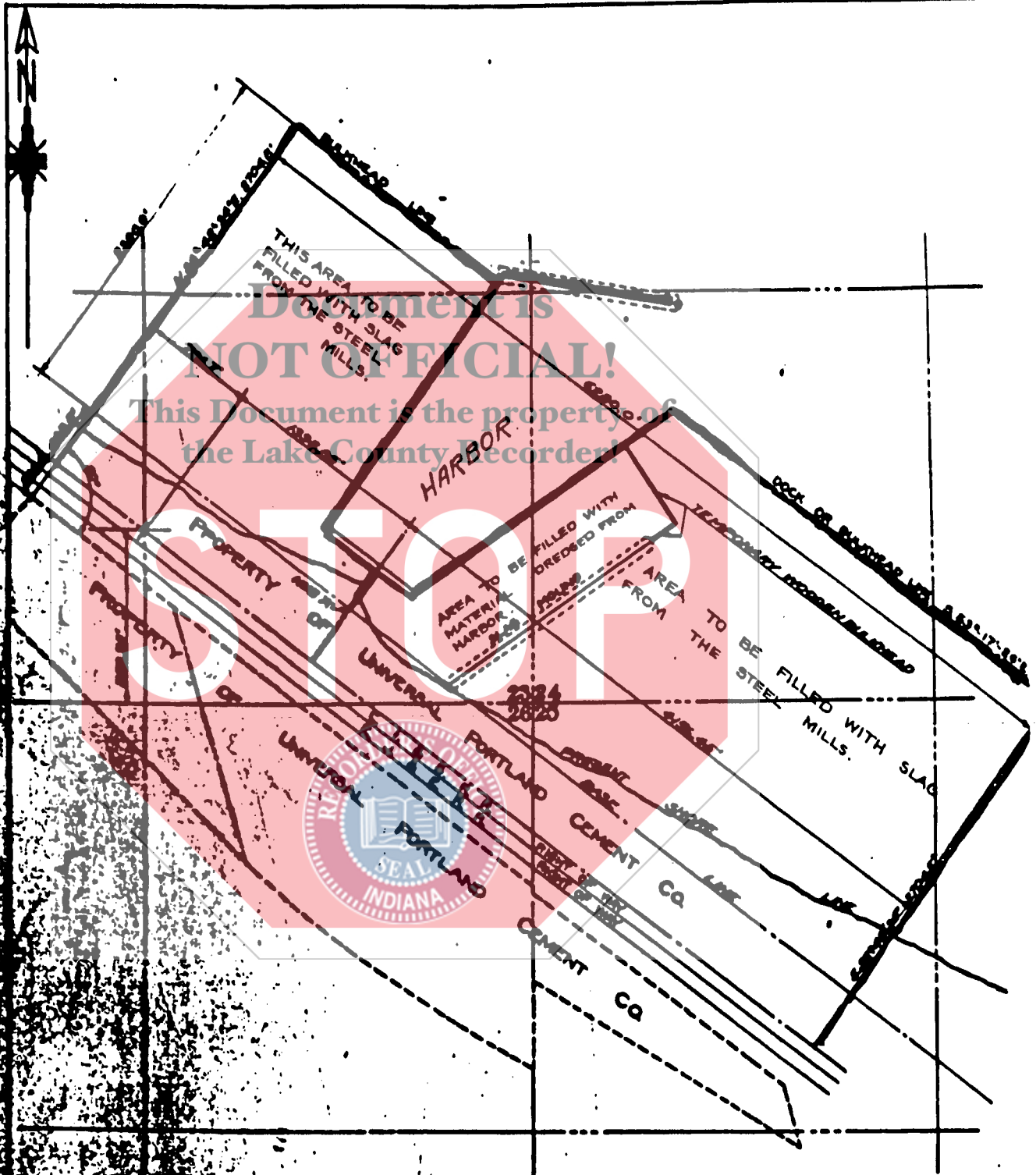
#611

OFFICE LAKES BYN. A. 18 1925

RECEIVED

MAR 24 1925

U. S. ENGINEER OFFICE  
CHICAGO, ILL.



**EXHIBIT**  
Quit-Claim  
C  
8 of 18

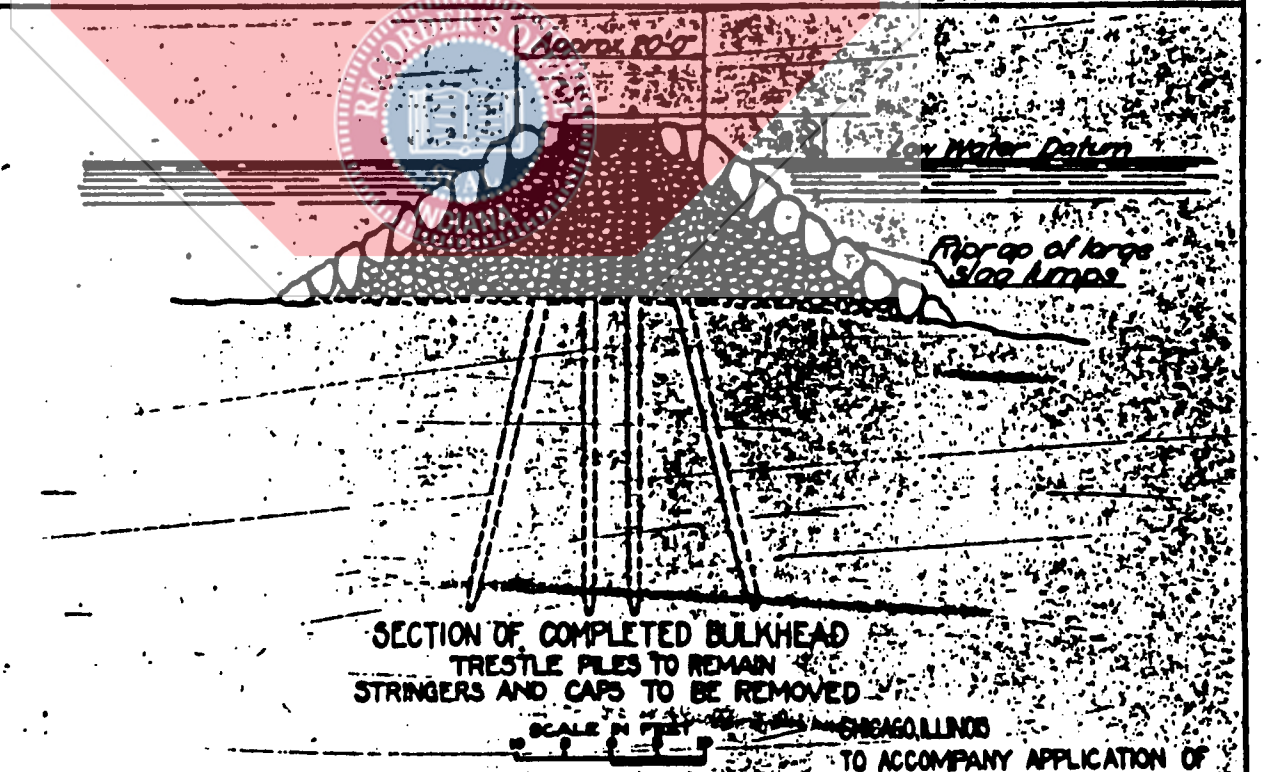
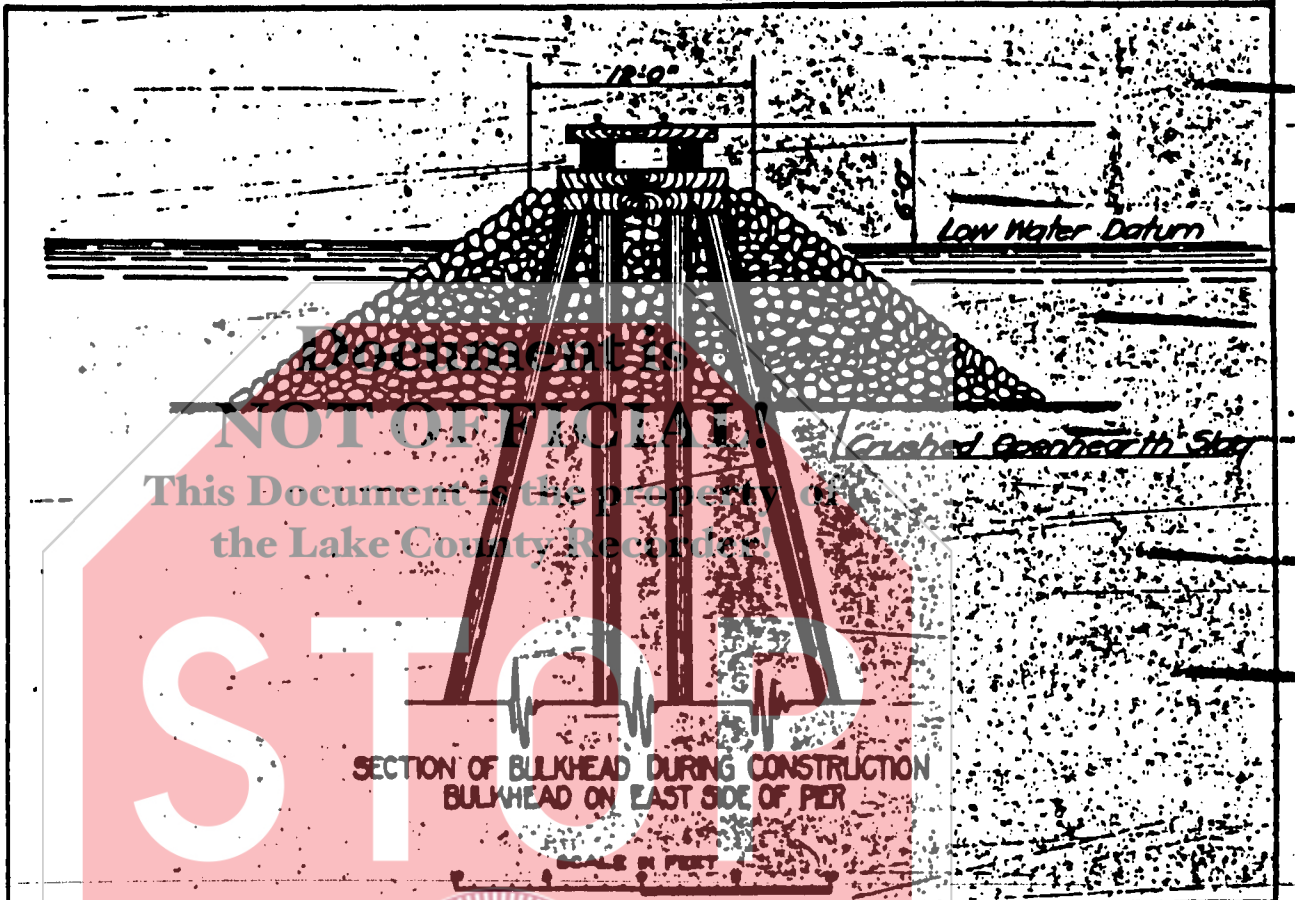
CHICAGO, ILLINOIS,  
TO ACCOMPANY APPLICATION OF  
UNIVERSAL PORTLAND CEMENT CO  
FOR PERMIT TO CONSTRUCT A  
HARBOR IN LAKE MICHIGAN AT  
BLUFFINGTON, (GARY), INDIANA

SCALE OF FEET



#619

OFFICE LAKES DIV. APR 18 1925



NOTICE

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the Lake County Records

STOP

RECORDS

CHICAGO, ILLINOIS

TO ACCOMPANY APPLICATION OF  
UNIVERSAL PORTLAND CEMENT CO.  
FOR PERMIT TO CONSTRUCT A  
HARBOR IN LAKE MICHIGAN AT  
BLUFFINGTON, (EARLY) INDIANA.

EXHIBIT  
Quit-Claim  
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#619

This is an amended or substitute permit, dated August 3, 1926, which takes the place of the permit dated May 1, 1925, for the construction of a harbor at Buffington for the Universal Portland Cement Company.



EXHIBIT  
Quit-Claim  
C  
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#617

WAR DEPARTMENT

NOTE.—It is to be understood that this instrument does not give any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations, nor does it obviate the necessity of obtaining State assent to the work authorized. It MERELY EXPRESSES THE ASSENT OF THE FEDERAL GOVERNMENT SO FAR AS CONCERNS THE PUBLIC RIGHTS OF NAVIGATION. (See *Cummings v. Chicago*, 188 U. S., 410.)

PERMIT

Chi.109/710

United States Engineer Office.  
Division Engineer, Lakes Division,  
Cleveland, Ohio, August 3, 1926.

Universal Portland Cement Co.,  
210 South La Salle St.,  
CHICAGO, ILL.

Sirs:

Referring to written request dated June 16, 1926, addressed to the District Engineer, U.S. Engineer's Office, Chicago, Ill.,

I have to inform you that, upon the recommendation of the Chief of Engineers, and under the provisions of Section 10 of the Act of Congress approved Mar. 3, 1899, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,"

you are hereby authorized by the Secretary of War, to dredge a harbor and to construct on its northerly side a rubble mound breakwater, on its westerly side a rock-filled pile pier, on its southerly side a bulkhead faced with riprap incline, and on its easterly side a concrete wharf (or dock), the dredged material to be used to fill an area to the east of this wharf, the fill to be confined on its southerly side by a temporary bulkhead of steel mill slag, and on its easterly end by a rock-filled pile pier, in Lake Michigan,

(Here to be named the river, harbor, or waterway concerned.)

at Buffington, Ind., 2.3 miles southeast of Indiana Harbor, and nearly 5 miles west and slightly north of Gary Harbor, Ind.,

in accordance with the plans shown on the drawings attached hereto marked -

(Or drawings: give file number or other definite identification marks.)

Chicago, Illinois. To accompany application of Universal Portland Cement Co. for permit to construct a harbor in Lake Michigan at Buffington, (Gary), Indiana (in 6 sheets)

subject to the following conditions:

EXHIBIT  
Quit-Claim  
C  
11 of 18

#619

(a) That the work shall be subject to the supervision and approval of the District Engineer, Engineer Department at Large, in charge of the locality, who may temporarily suspend the work at any time, if in his judgment, the interests of navigation so require.

(b) That any material dredged in the prosecution of the work herein authorized shall be removed evenly, and no large refuse piles, ridges across the bed of the waterway, or deep holes that may have a tendency to cause injury to navigable channels or to the banks of the waterway shall be left. If any pipe, wire, or cable hereby authorized is laid in a trench, the formation of permanent ridges across the bed of the waterway shall be avoided and the back filling shall be so done as not to increase the cost of future dredging for navigation. Any material to be deposited or dumped under this authorization, either in the waterway or on shore above high-water mark, shall be deposited or dumped at the locality shown on the drawing hereto attached, and, if so prescribed thereon, within or behind a good and substantial bulkhead or bulkheads, such as will prevent escape of the material into the waterway. ~~If the material is to be deposited in the harbor of New York, or in its adjacent tributary waters, or in Long Island Sound, a permit therefor must be previously obtained from the Supervisor of New York Harbor, Army Building, New York City.~~

(c) That there shall be no unreasonable interference with navigation by the work herein authorized.

(d) That if inspections or any other operations by the United States are necessary in the interests of navigation, all expenses connected therewith shall be borne by the permittee.

(e) That no attempt shall be made by the permittee or the owner to forbid the full and free use by the public of all navigable waters at or adjacent to the work or structure.

(f) That if future operations by the United States require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Secretary of War, it shall cause unreasonable obstruction to the free navigation of said water, the owner will be required, upon due notice from the Secretary of War, to remove or alter the structural work or obstructions caused thereby without expense to the United States, so as to render navigation reasonably free, easy, and unobstructed; and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners shall, without expense to the United States, and to such extent and in such time and manner as the Secretary of War may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable capacity of the watercourse. No claim shall be made against the United States on account of any such removal or alteration.

(g) That if the display of lights and signals on any work hereby authorized is not otherwise provided for by law, such lights and signals as may be prescribed by the Bureau of Lighthouses, Department of Commerce, shall be installed and maintained by and at the expense of the owner.


(h) That the permittee shall notify the said district engineer at what time the work will be commenced, and as far in advance of the time of commencement as the said district engineer may specify, and shall also notify him promptly, in writing, of the commencement of work, suspension of work, if for a period of more than one week, resumption of work, and its completion.

(i) That if the structure or work herein authorized is not completed on or before the 31st day of December, 1929, this permit, if not previously revoked or specifically extended, shall cease and be null and void.

(j) That no part of the proposed slag fill shall be placed until the plans for the containing bulkheads have been approved by the Chief of Engineers and the Secretary of War.

(k) That this authorization supersedes that granted by the Division Engineer, Cleveland, Ohio, in letter dated May 1, 1925, by authority of the Secretary of War, to "dredge a harbor and to construct on its northerly side a rubble mound breakwater, on its westerly side a rock-filled pile pier, on its southerly side a bulkhead faced with riprap incline, and on its easterly side a concrete wharf (or dock), the dredged material to be used to fill the area to the east of this wharf and between it and 2 temporary bulkheads, one of wooden piles and the other of steel mill slag, in Lake Michigan, at Buffington, Ind., 2.3 miles southeast of Indiana Harbor, and nearly 5 miles west and slightly north of Gary Harbor, Ind."

By authority of the Secretary of War:

  
Spencer Cosby,  
Colonel, Corps of Engineers,  
Division Engineer.

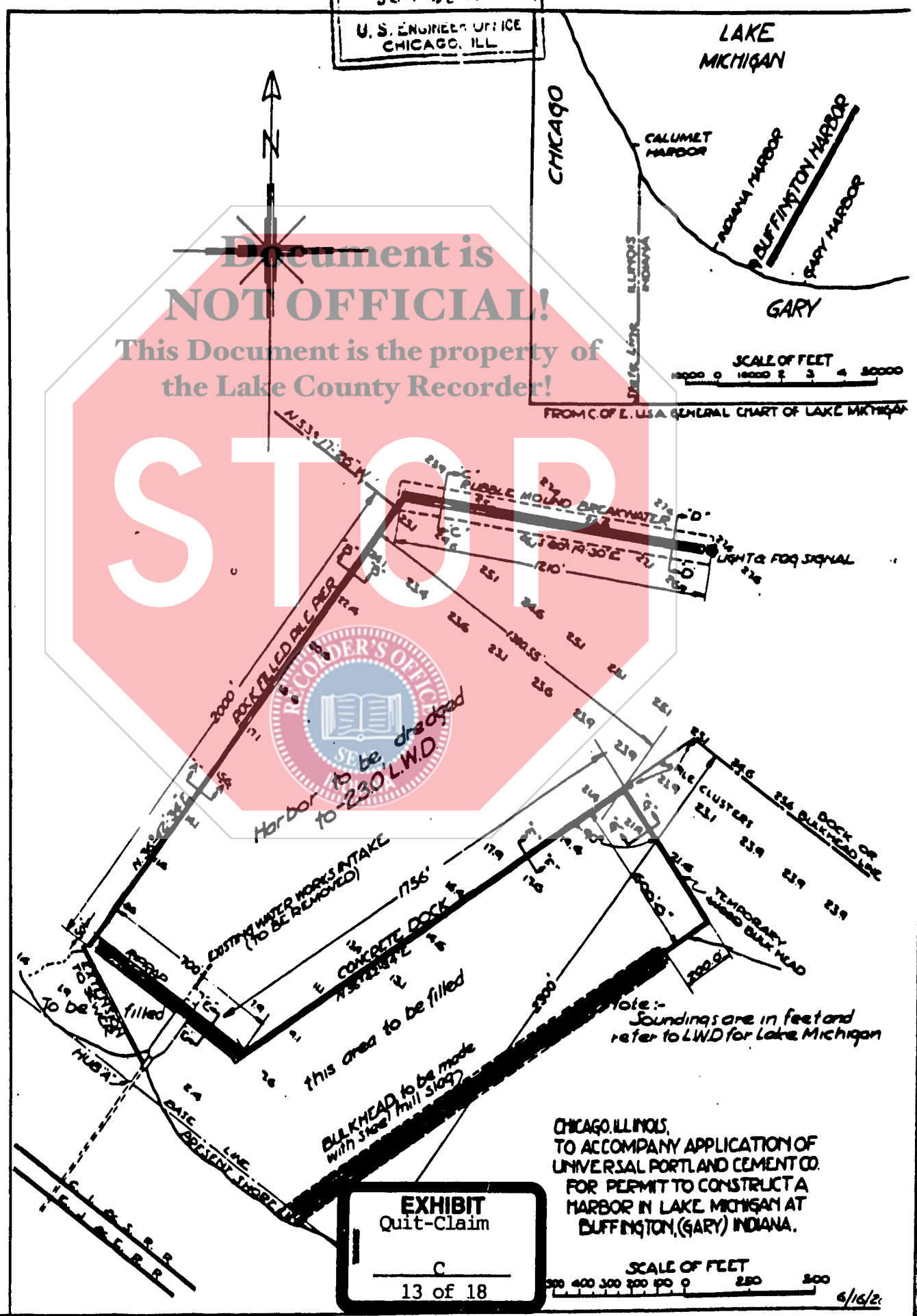
WAR DEPARTMENT  
O. C. OF E.  
FORM NO. 96  
Revised April 23, 1922  
3-2320

GOVERNMENT PRINTING OFFICE

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CHICAGO, ILL.



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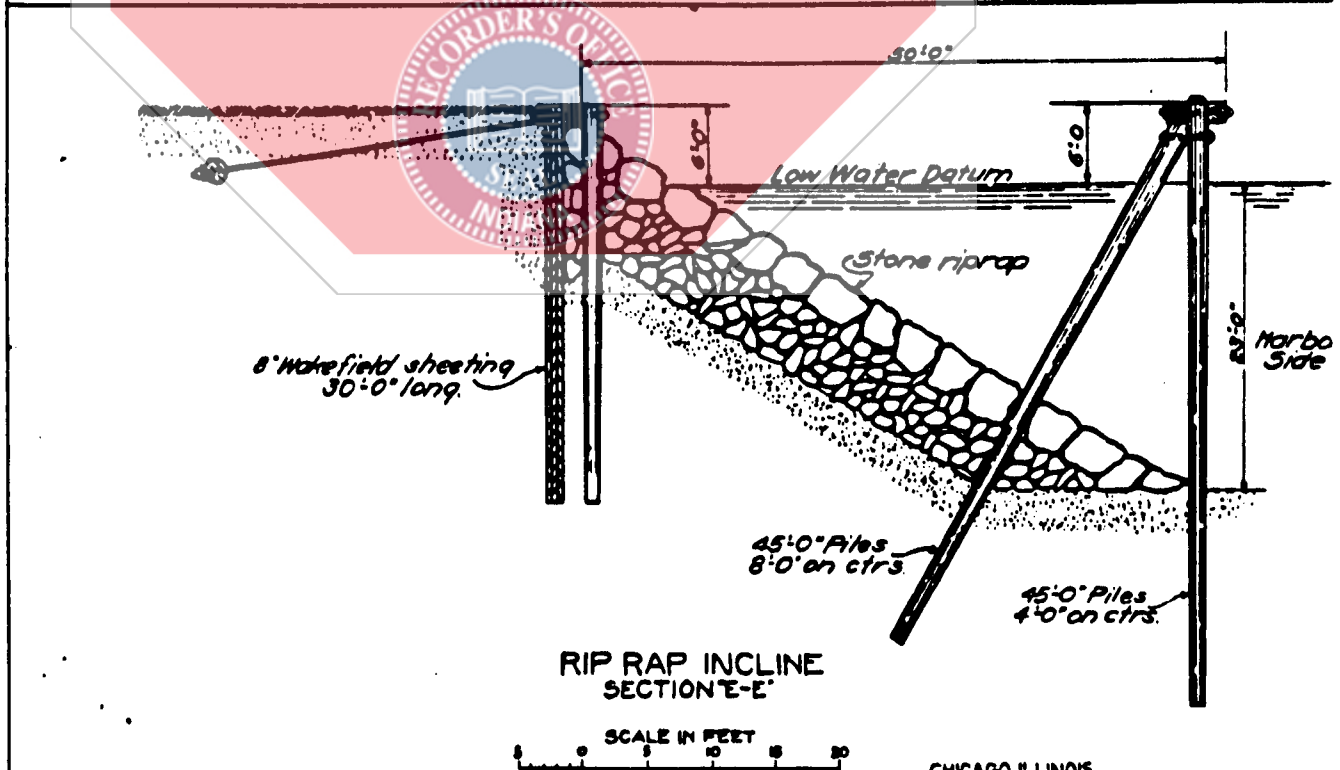
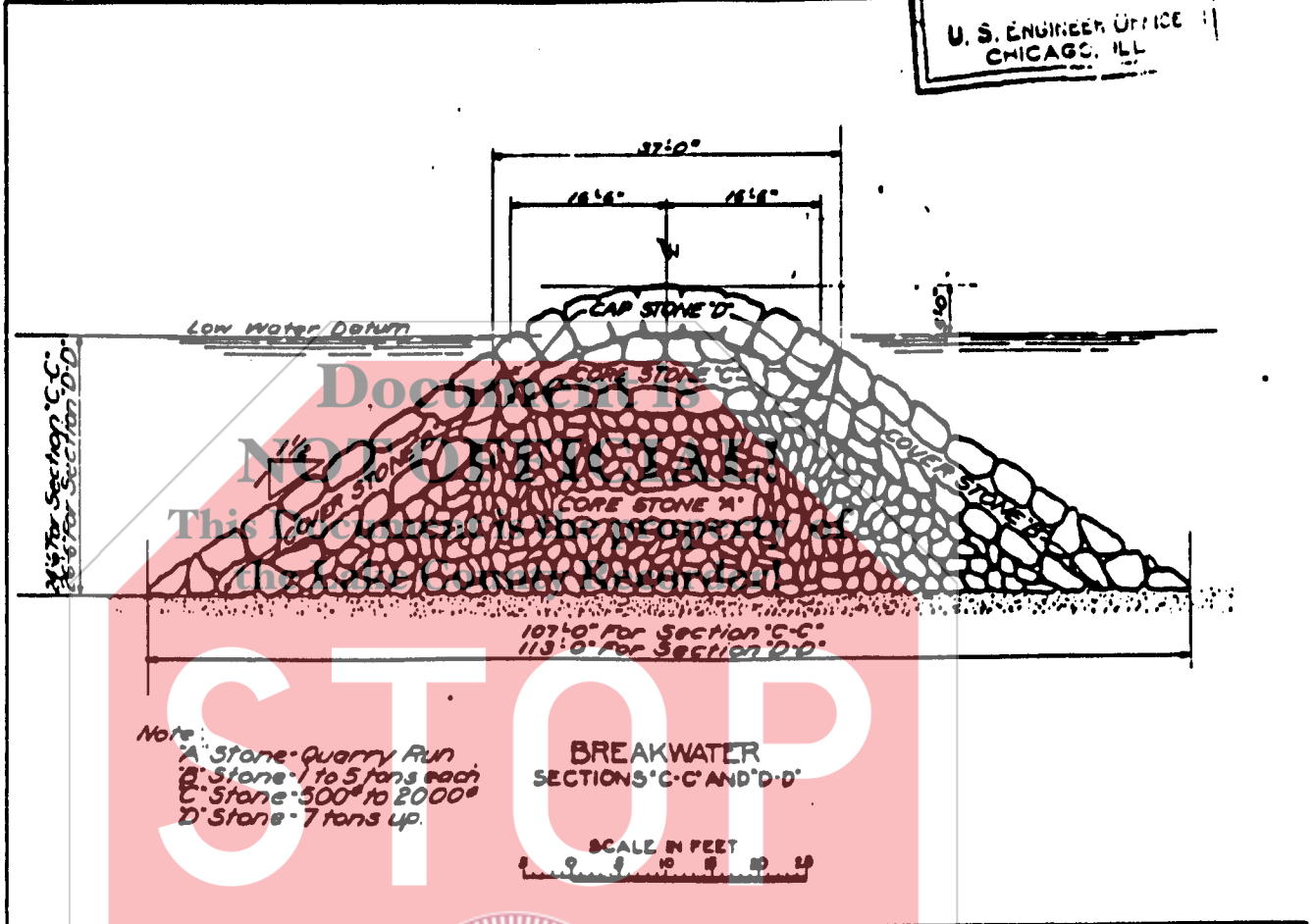
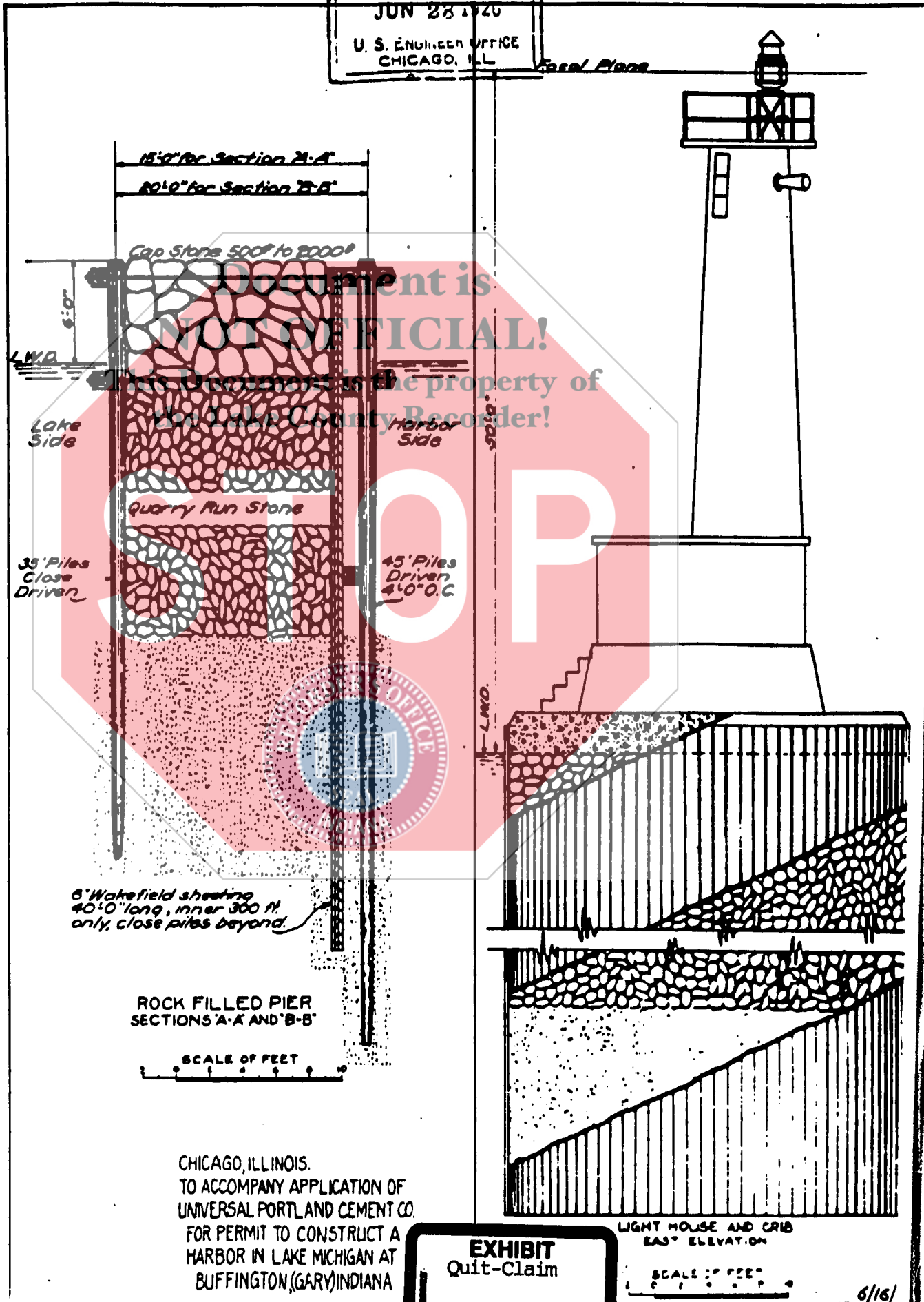


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CHICAGO, ILLINOIS  
TO ACCOMPANY APPLICATION OF  
UNIVERSAL PORTLAND CEMENT CO  
FOR PERMIT TO CONSTRUCT A  
HARBOR IN LAKE MICHIGAN AT  
BUFFINGTON (GARY) INDIANA 6/15/26

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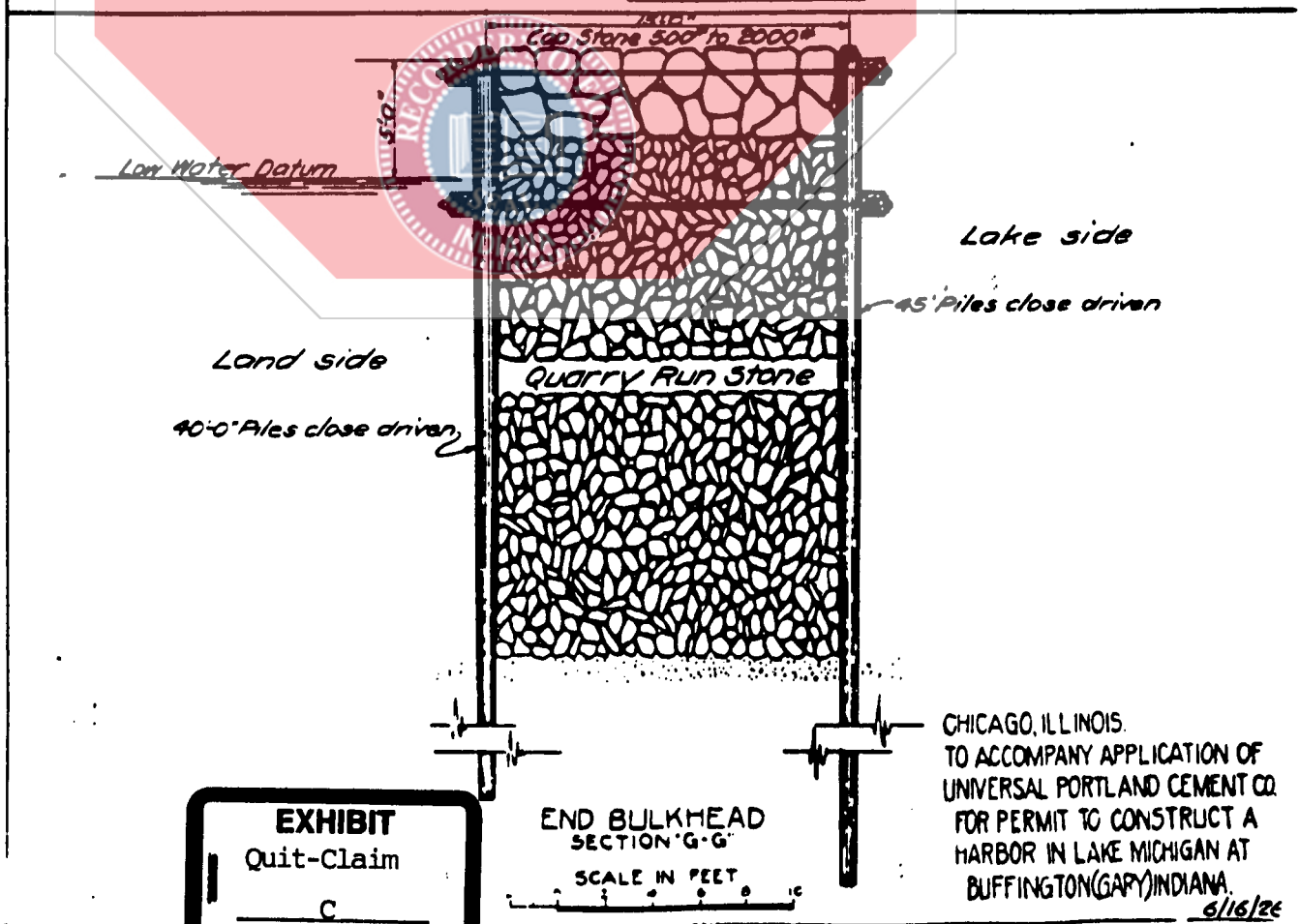
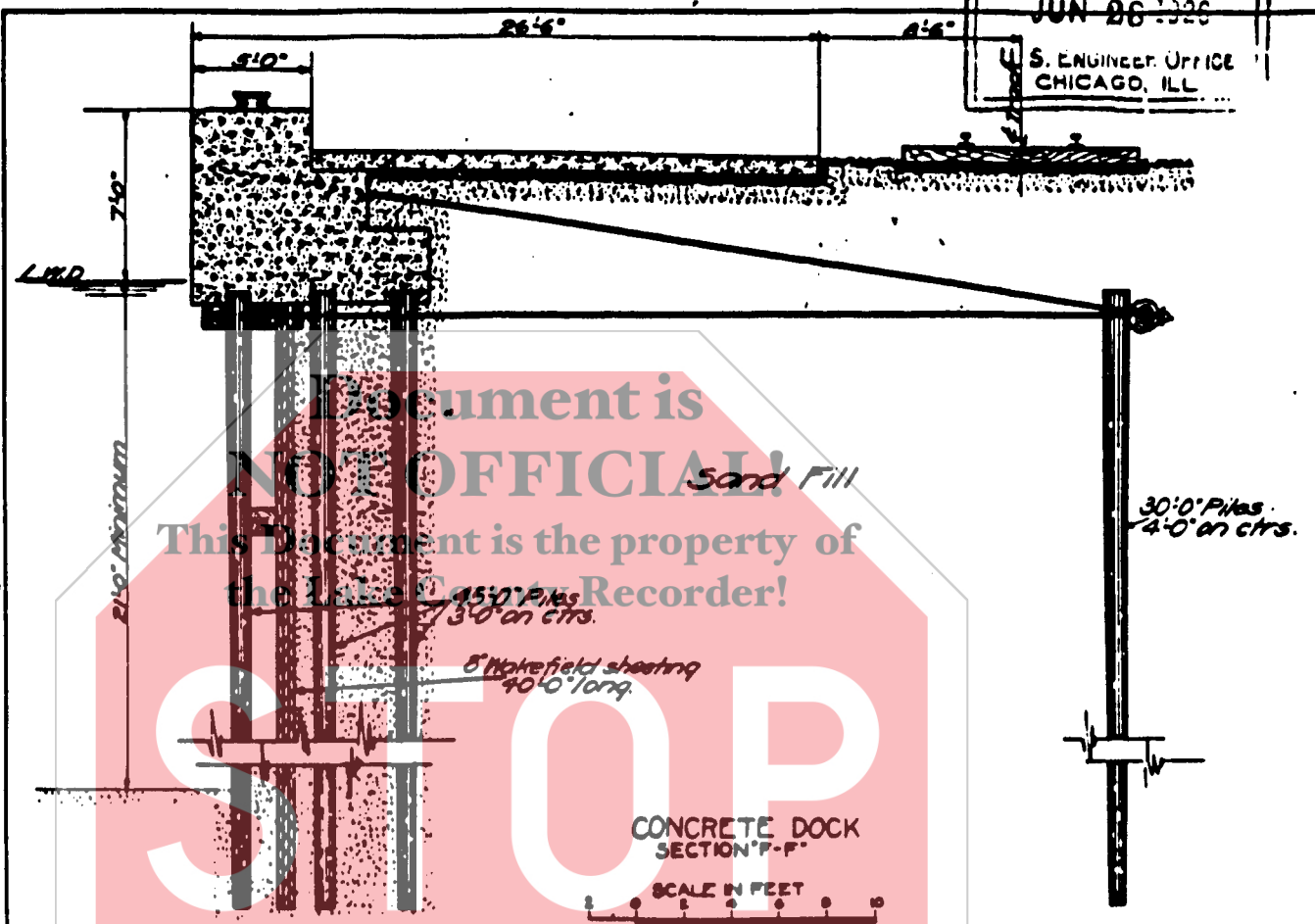


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CHICAGO, ILLINOIS.  
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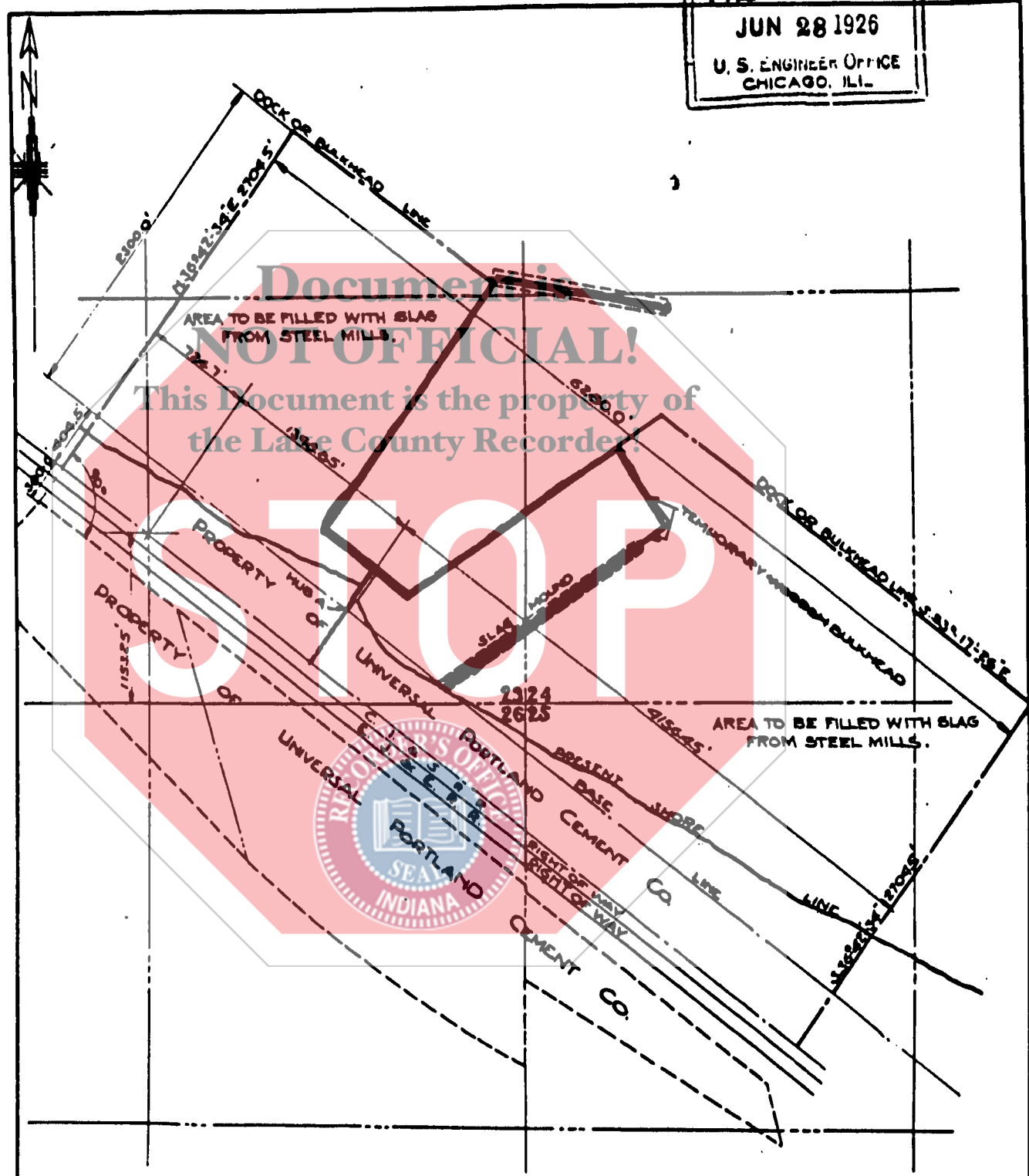


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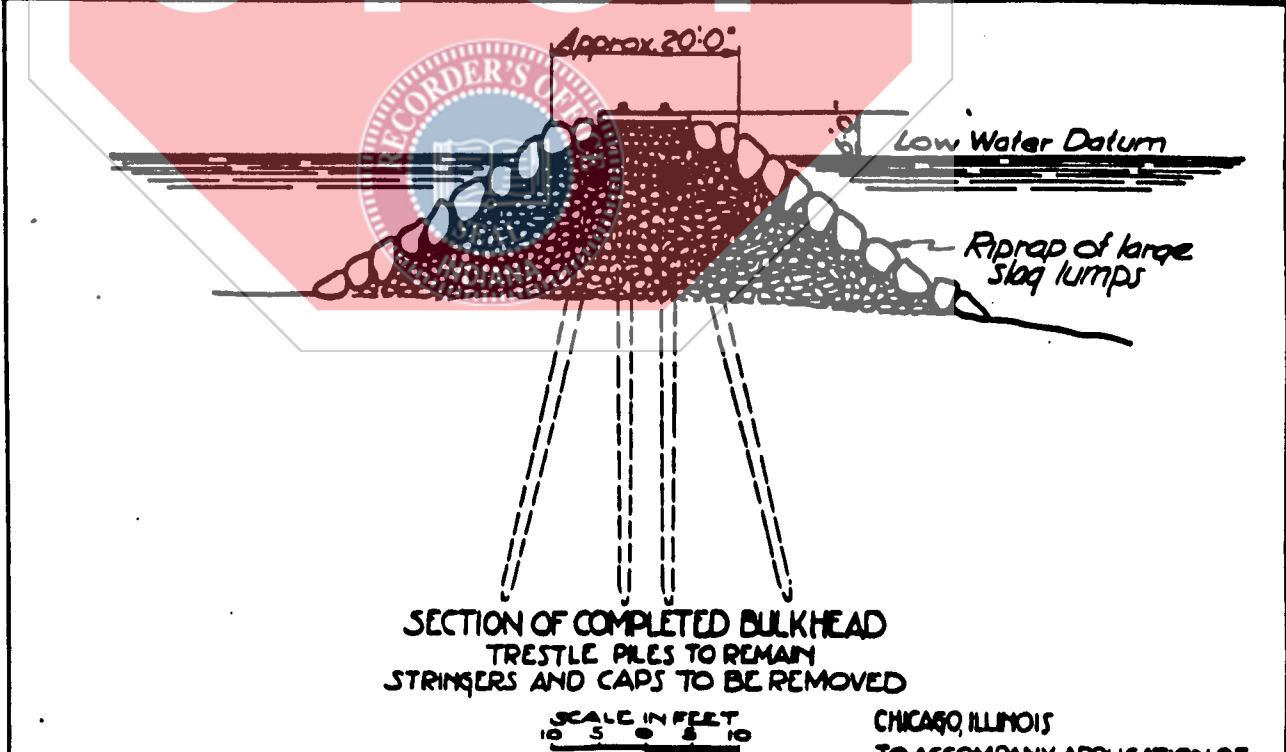
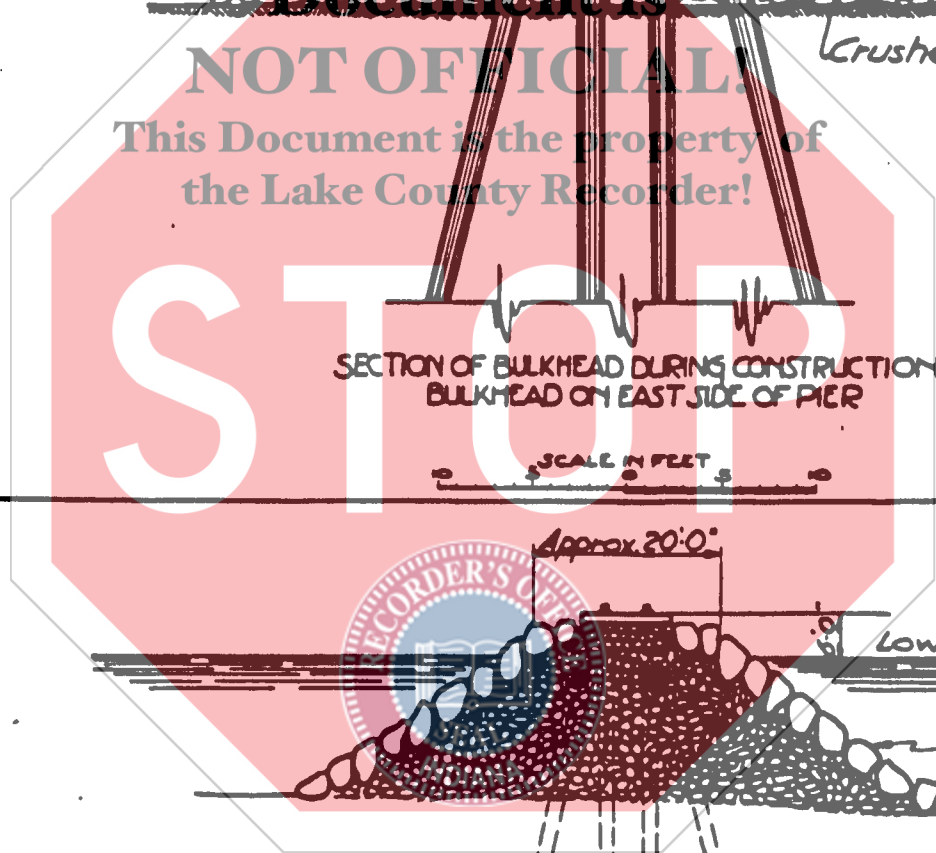
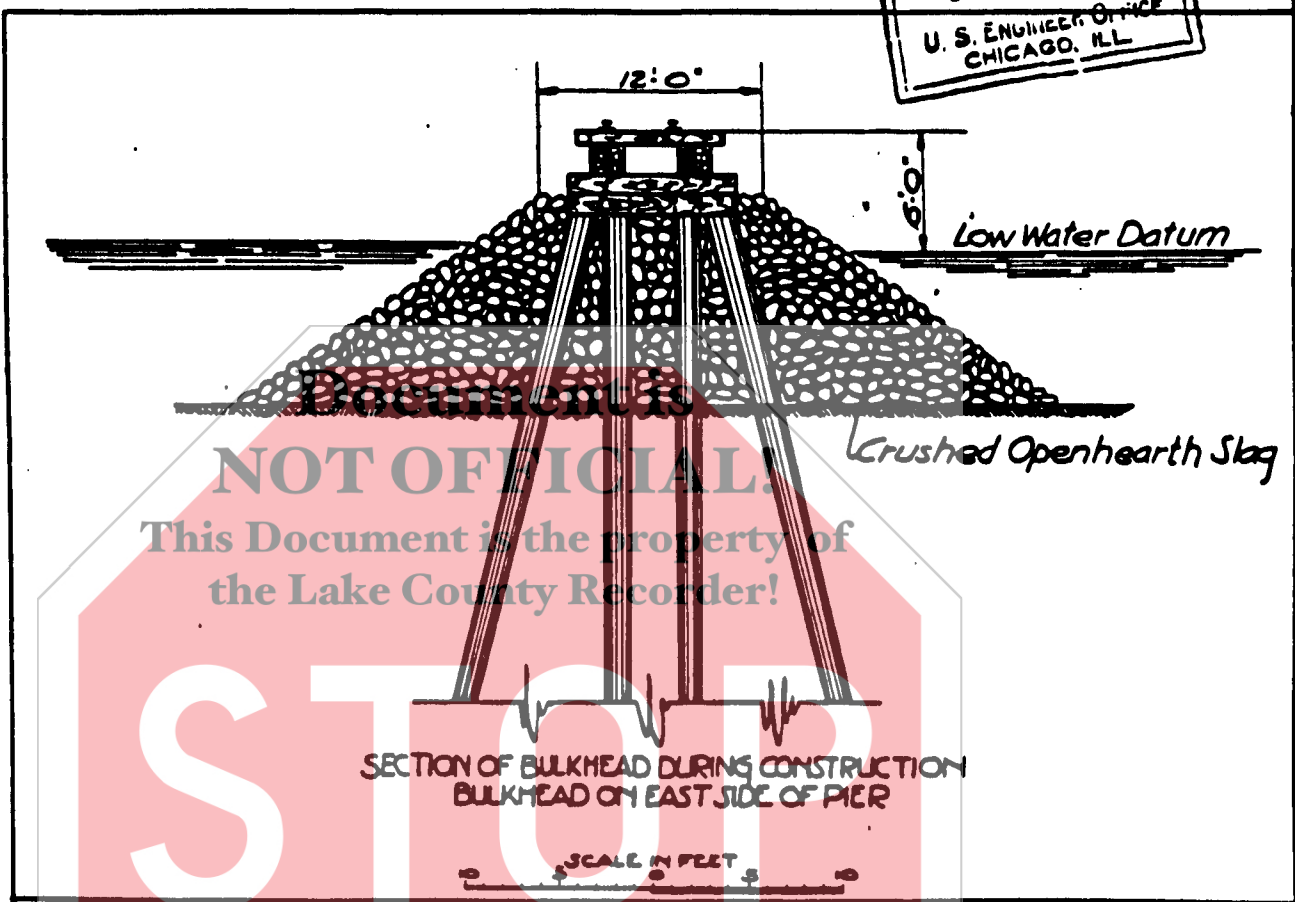
CHICAGO, ILLINOIS,  
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CHICAGO, ILLINOIS  
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FOR PERMIT TO CONSTRUCT A  
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6/16/26

DEPARTMENT OF THE ARMY PERMIT

Permittee Lehigh Portland Cement Company

Permit No. 93-056-074-2

Issuing Office U.S. Army Engineer District, Detroit

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

To construct a casino boat mooring facility within an existing harbor area.

a. The work would commence with the construction of two breakwaters within the confines of the existing harbor. The proposed north breakwater would extend from the existing west breakwater eastward for a distance of 700 feet. The western 380 feet of the breakwater will be a stone rubble structure with a top width of 19 feet and an average base width of 100 feet plus another 55 feet for scour protection. It will be constructed of an inner run-of-quarry core and bedding stone which will also extend in to the gaming basin side as the scour protection, a layer (4.5 feet) of filter stone (0.5 to 2 ton size) which will also extend out to the harbor side as the scour protection, and a single layer (5 feet) of armor stone on the gaming side and a double layer (10 feet) of armor stone on the harbor side (7.4 to 12.4 ton size). The eastern 320 feet of the breakwater will be steel sheet pile 40 feet wide, backfilled with granular stone material with a stone cap, plus another approximately 45 feet for scour protection. The scour protection will be core stone alone on the gaming basin side, and core stone topped with a 5 foot layer of 0.5 to 2 ton scour protection stone on the harbor side. The footprint for the north breakwater will cover approximately 2.1 acres of lake bottom, and contain about 60,000 cubic yards of clean stone fill. The top elevation will be 13.5 feet above the LWD of 577.4 feet IGLD-1985. A private aid to navigation will be located on the easternmost end of the breakwater. The east end of the breakwater will be a circular cell with fenders.

b. The proposed east breakwater would extend from the proposed south east revetment improvements northeastward for a distance of 670 feet, and be constructed of steel sheet piling 25 feet wide, backfilled with granular fill material and capped with concrete, plus another 30 feet of width for stone scour protection. The scour protection will be a 3 foot layer of core stone alone on both sides.

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The footprint for the east breakwater will cover approximately 0.85 acres of lake bottom, and contain about 20,000 cubic yards of fill. The top elevation will be 9.0 feet above LWD excluding ship mooring bollards. A private aid to navigation will be located on the northernmost end of the breakwater. The north end of the breakwater will be a circular cell with fenders.

c. To repair and modify the existing west breakwater by repairing the existing concrete cap and adding a parapet wall for a total increase of four feet of height to a top elevation of 11.5 feet above LWD. No new lake bottom fill is proposed.

d. To improve the existing south revetment by placing a maximum of 8,000 cubic yards of clean quarried stone fill on the face of the existing slope. At the west end of the revetment this will consist of a tapering layer of clean stone material topped with a 5 foot layer of armor stone (0.5 to 2 ton size). At the east end of the revetment this will consist of a minimum of two layers (7.5 feet total thickness) of armor stone (2 to 8 ton size). The fill footprint will cover approximately 0.45 acres of lake bottom. Top elevation will be 10.0 feet above LWD. Included in this work, will be the installation of a 48-inch diameter water intake pipeline in substitution for the existing perforated bulkhead which will be removed and replaced with a dike as part of the revetment work. The dike will continue in front of the old "City Services Building" and, with the removal of the existing perforated wave wall bulkheads and additional backfill, completely fill a small intake water lagoon. No dredging or excavation is proposed.

e. To construct and locate a loading facility for patrons using the gaming vessels. Two sheet pile filled gravity mooring structures, each 30 by 60 feet, will provide mooring points at each end of a 300 by 60 foot loading barge. An additional 30 foot diameter sheet pile mooring cell will be placed at the north end of the of the loading facility to aid in mooring of the gaming vessels. The footprint of the filled cells will occupy 0.12 acres of lake bottom, will contain 6,000 cubic yards of clean granular fill, and have a top elevation of 10 feet above LWD, excluding ship mooring bollards. The loading barge will be a floating two story structure with land connection by a pile supported access bridge or a span from land to the first mooring structure. Two gaming vessels, the first measuring 290 by 76 feet and the second measuring 305 by 65 feet, will be berthed at the loading facility.

f. To place three pile cluster mooring dolphins, each composed of 19 timber piles, along the west breakwater within the gaming harbor. Top elevation will be 15 feet above LWD.

**Project Location:**

In Lake Michigan, offshore property in Section 23, T37N, R9W, Gary,

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Indiana, located at the existing Buffington Harbor Facility, approximately 3000 feet north of US-12, 3000 feet east of Cline Avenue off private roads in Gary, Indiana.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 1998. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. Your signature, as permittee indicates that, as consideration for the issuance of this permit, you voluntarily accept and agree to comply with all of the terms and conditions of this permit. The permittee assumes full responsibility to ensure that all parties (e.g., City of Gary and gaming licensees) associated with the activities authorized under this permit likewise comply with all terms and conditions of this permit.
2. Should work equipment on the east end of the north breakwater, or on the east breakwater or south revetment interfere with freighter traffic, the work equipment will be moved long enough to allow the freighter to dock or depart.
3. The permittee agrees to ensure that the gaming vessels are equipped with a real-time weather information system for the vessel masters to determine conditions outside Buffington Harbor, and limitations of the vessel itself, prior to leaving the dock. This system shall be

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submitted to the Corps for review and approval by the U.S. Coast Guard prior to the vessels going on-line.

4. The permittee understands that the gaming licensees and the vessel masters must agree with the necessity to comply with all requirements and regulations of the U.S. Coast Guard and the Indiana Gaming Commission.

**Further Information:**

1. **Congressional Authorities:** You have been so authorized to undertake the activity described above pursuant to:

- (X) Section 10 of the Rivers and Harbors Act of 1889 (33 U.S.C. 403).
- (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
- ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. **Limits of this authorization.**

- a. This permit does not obviate the need to obtain Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

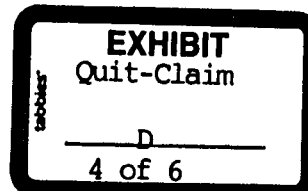
3. **Limits of Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modifications, suspension, or revocation of this permit.

4. **Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance of the information you provided.

5. **Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.

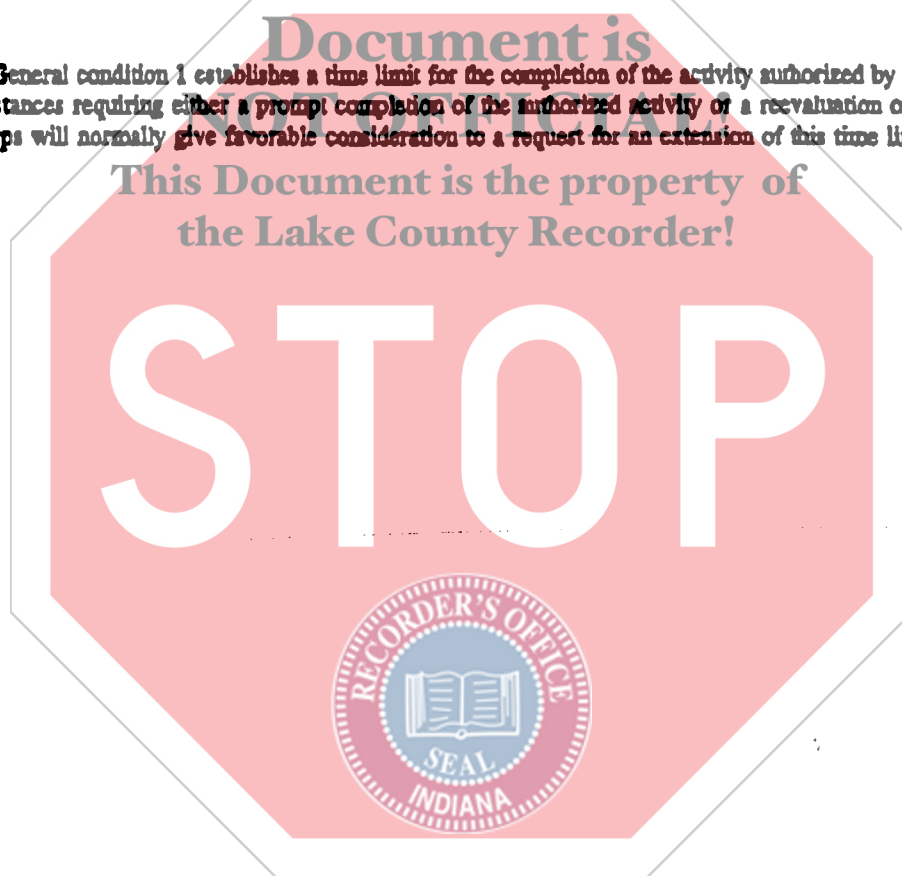


b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.



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Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Jeffrey A. Biogma Vice President  
(PERMITTEE) LEHIGH PORTLAND CEMENT COMPANY

OCTOBER 13, 1995  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Ray A. Martin  
(DISTRICT ENGINEER)  
Randolph O. Buck  
Colonel, U.S. Army

Oct. 17, 1995  
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEREE)

\_\_\_\_\_  
(DATE)



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