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# DECLARATION OF UTILITY EASEMENT

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NOTARIAL PUBLIC  
RECORDED

## 10' SANITARY SEWER EASEMENT

Chicago Title Insurance Company

This declaration of Utility Easement (the "Easement") is made and granted as of the 18<sup>th</sup> day of February, 2002, by BANK ONE TRUST CO., successor in interest to Lowell National Bank & Trust Company,, Trust #375 Dated November 19<sup>th</sup>, 1990 (Grantor"). Grantor hereby grants to Apple Valley Utilities, Inc., an Indiana corporation ("Grantee"), a perpetual, non-exclusive easement for utilities in, over, and across certain property located in Lake County, Indiana as described in the attached Exhibit A which is incorporated herein by reference (the "Easement Property").

This Declaration is executed for the sole and only purpose of conveying to Grantee a perpetual, non-exclusive easement in, under, over, and across the Easement Property for the use, construction, operation, maintenance, installation, inspection, removal, relocation (within the Easement Property), repair, and renewal of sewer lines, equipment, facilities, and markers now or hereafter located in, under, over, and across the Easement Property.

Grantor reserves the right to use the Easement Property for any use not inconsistent with the rights granted herein. Grantee shall be obligated hereunder to promptly repair and restore any damage to (i) any improvements including other utility facilities, or (ii) landscaped areas to the condition which existed immediately preceding such damage.

This Easement shall be binding upon each of the parties hereto, their successors, and assigns. This Easement shall be governed in accordance with the laws of the State of Indiana.

IN WITNESS WHEREOF, the undersigned has executed this Declaration on behalf of Grantor on this 18<sup>th</sup> day of February 2002.

PREPARED BY  
R. Z. FIDINS BEITLER

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**BANK ONE TRUST CO., successor in interest  
To Lowell National Bank & Trust Company,  
Trust #375 dated November 19, 1990.**

By: *Alexander J. Koleff*

Its: *Assistant Vice President*

*Carol Bief*

**Document is  
NOT OFFICIAL!**

**This Document is the property of  
the Lake County Recorder!**

Before me the undersigned, a notary public,  
came Alexander A. Koleff and acknowledge the  
execution of the forgoing easement.

**STOP**



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EXHIBIT 'A'

**LEGAL DESCRIPTION -10' SANITARY SEWER EASEMENT**

A PARCEL OF REAL ESTATE LOCATED IN SE ¼ OF SECTION 22, TOWNSHIP 33 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN IN LAKE COUNTY, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SAID SECTION 22;

THENCE: N 00° 58' 38" W, ALONG THE EAST LINE OF SAID SE ¼ OF SECTION 22, A DISTANCE OF 830.00 FEET;

THENCE: S 89° 01' 22" W A DISTANCE OF 20.00 FEET TO A POINT OF BEGINNING;

THENCE: S 89° 01' 22" W A DISTANCE OF 10.00 FEET;

THENCE: S 00° 58' 38" W A DISTANCE OF 138.81 FEET;

THENCE: S 89° 25' 55" E A DISTANCE OF 10.00 FEET;

THENCE: S 00° 58' 38" E A DISTANCE OF 138.54 FEET TO A POINT OF BEGINNING;

CONTAINING 0.03 ACRES, MORE OR LESS

