

6

GRANT OF PERPETUAL EASEMENT  
2002 044538

THIS INDENTURE, made and entered into this 3<sup>rd</sup> day of May, 2002, by and between BANK OF HIGHLAND, now known as SAND RIDGE BANK, AS TRUSTEE OF BANK OF HIGHLAND, now known as SAND RIDGE BANK, LAND TRUST NO. 1104, hereinafter called "GRANTOR", and MERRILLVILLE CONSERVANCY DISTRICT by its Board of Directors, County of Lake, State of Indiana, hereinafter called "GRANTEE";

WITNESSETH:

That for and in consideration of the sum of One Dollar and other valuable considerations, the receipt of which is hereby acknowledged, the Grantor for themselves and their administrators, successors and assigns, do hereby grant, bargain, sell, convey and warrant unto the Grantee, its grantees, successors and assigns, forever a Perpetual Right-of-Way and Easement, with the right, privileges and authority of Grantee, its grantees, successors and assigns, to enter upon, dig, lay, erect, construct, install, reconstruct, renew and to operate, maintain, patrol, replace, repair and continue a sewer line including but not limited to the main, sub-main, local, lateral, outfall, force main, interceptor sewer, or other necessary materials and lines, as a part of the Grantee's system and works for the collection, carriage, treatment and disposal of the waste, sewage, garbage and refuse of said district, as shall be hereafter located and constructed into, under, upon, over and across the following legally described real estate and premises legally owned by the Grantor and situated in the County of Lake, State of Indiana, to-wit:

A 32.5 foot wide strip of land being part of a tract of land described to Bank of Highland, now known as Sand Ridge Bank, Land Trust No. 1104, as Document 076438, recorded on December 28, 1989, in the Office of the Recorder of Lake County, Indiana, said 32.5 foot strip being described more particularly as follows: Beginning at the Northeast corner of said Bank of Highland, now known as Sand Ridge Bank, Tract, said Northeast corner also being on the West line of Cleveland Street (Indiana State Road No. 55), thence South 248 feet along said West line to the point of beginning; thence West, 32.5 feet perpendicular to said west line of Cleveland Street; thence South 200.2 feet more or less parallel with said West line of Cleveland Street to the North line of 57th Avenue; thence Southeast 35.5 feet along said North line of 57th Avenue to said West line of Cleveland Street; thence North, 214.5 feet more or less along said West line of Cleveland Street to the point of beginning.

**FILED**

MAY 13 2002

PETER BENJAMIN  
LAKE COUNTY AUDITOR

001100

18-  
N.A  
7218

See also, attached copy of "Permanent Easement Description" and Diagram marked as Exhibit A showing the approximate route, courses and distances through the above premises and lands and width of the right-of-way is attached hereto and made a part of this indenture by reference.

That Grantee, its successors and assigns shall have the right, after prior written notice to Grantor, to enter along, over and upon said easement to repair, relocate, service and maintain such sewers, at will, and to make such alterations and improvements in the facilities thereof as may be necessary or useful, and to remove from the extent of the right-of-way any encroaching trees, buildings or other obstructions to the free and unobstructed use of such easement, and to build and maintain all necessary intakes, catch basins, and other devices incident to such sewers, and shall have the right of ingress and egress only over adjoining premises and lands when necessary and without doing damage to such adjoining lands, and only for temporary periods, and shall not otherwise enter upon lands adjoining said easement.

That Grantee covenants that, in the installation, maintenance or operation of its sewer and appurtenances under, upon, over and across said tract of land in which perpetual easement is hereby granted, it will restore the area disturbed by its works to as near the original condition as is practicable.

The Grantor herein covenants for themselves, their grantees, successors and assigns that they will not erect or maintain any building or other structure or obstruction on or over said sewer and appurtenances under said tract of land in which perpetual right-of-way and easement is hereby granted, except by express permission from the Grantee, in writing, and in accordance with the terms thereof, and which permission when in writing and recorded, shall run with the real estate.

That Grantee shall and will indemnify and save the Grantor, their tenants, grantees, successors and assigns, harmless from and against any and all damage, injuries, losses, claims, demands or costs proximately caused by the fault, culpability, or negligence of the Grantee, or its contractor, in the construction erection maintenance operation, repair or renewal of said line or lines and the structures and appurtenances connected therewith.

During the construction period and during any future repairs which may be necessary, neither the Grantee nor its agents or employees shall restrict the Grantor from reasonable ingress and egress to the premises. The Grantee will indemnify and hold harmless the Grantor from any and all liens which the contractor or its subcontractors might place upon Grantor's property during any period of construction.



# PERMANENT EASEMENT DESCRIPTION

N.E. CORNER  
BANK OF HIGHLAND  
LAND TRUST NO. 1104  
DOC. NO. 076438  
REC. 12/28/89

KEY. NO.  
15-19-11

W. LINE OF CLEVELAND STREET

248'

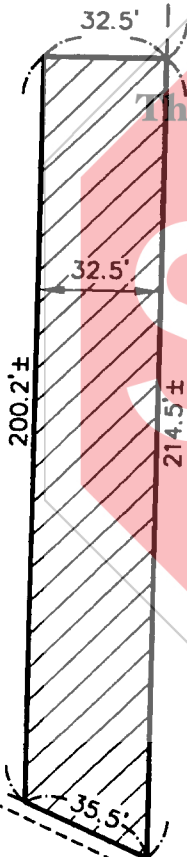
GRANTORS: BANK OF HIGHLAND LAND TRUST NO. 1104

KEY NO. 15-19-111

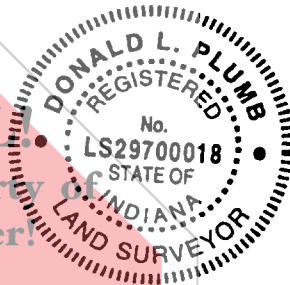
TRUSTEE'S DEED, DOC. NO. 076438, RECORDED 12/28/89

PERMANENT EASEMENT (STA 51+14 TO STA 52+96)

A 32.5 FOOT WIDE STRIP OF LAND BEING PART OF A TRACT OF LAND DESCRIBED TO BANK OF HIGHLAND LAND TRUST NO. 1104 AS DOCUMENT 076438 RECORDED ON DECEMBER 28, 1989, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA, SAID 32.5 FOOT STRIP BEING DESCRIBED MORE PARTICULARLY AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID BANK OF HIGHLAND TRACT, SAID NORTHEAST CORNER ALSO BEING ON THE WEST LINE OF CLEVELAND STREET (INDIANA STATE ROAD NO. 55), THENCE SOUTH, 248 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING; THENCE WEST, 32.5 FEET PERPENDICULAR TO SAID WEST LINE OF CLEVELAND STREET; THENCE SOUTH, 200.2 FEET MORE OR LESS PARALLEL WITH SAID WEST LINE OF CLEVELAND STREET TO THE NORTH LINE OF 57TH AVENUE; THENCE SOUTHEAST, 35.5 FEET ALONG SAID NORTH LINE OF 57TH AVENUE TO SAID WEST LINE OF CLEVELAND STREET; THENCE NORTH, 214.5 FEET MORE OR LESS ALONG SAID WEST LINE OF CLEVELAND STREET TO THE POINT OF BEGINNING.



Document is  
**NOT OFFICIAL**  
This Document is the property  
of the Lake County Recorder!



*Donald L. Plumb*

IND. STATE ROAD NO. 55

CLEVELAND STREET



Job No.: S01705-14

Drawn By: G.B.

File Name: /2001/705/14.DWG

Date: 12-18-01

Sec.: 5-35-8

Scale: 1"=50'



**Plumb  
Tuckett  
& Associates**

120 East 90th Drive • Merrillville, IN 46410  
Phone: (219) 736-0555

EXHIBIT A

N. LINE OF 57TH AVE.  
57TH AVENUE



