

15
GRANT OF RIGHT TO INSTALL SEWER LINES,
CONNECT TO THE SANITARY SEWER SYSTEM OF
THE TOWN OF ST. JOHN, AND WAIVER OF RIGHT
TO REMONSTRATE AGAINST ANNEXATION

2003

This mutual agreement made this 27th day of August, 2003 between the St. John Sanitary Sewer District pursuant to motion made, seconded, and duly approved by the St. John Sanitary Sewer District on the 7th day of July, 2003 as Grantor (hereinafter "The Sanitary District") and Margaret Rybarski as Trustee of the Margaret Rybarski Trust dated August 9, 2000 and Tram Development Group, Inc. by its agent, Richard Wolf, Grantees (hereinafter "The Grantee").

WITNESSETH, that for and in consideration of the sum of Twenty-Five Dollars (\$25.00), which sum shall be used to defray the administrative costs of processing this grant by the Sanitary District of the Town of St. John, and other good and valuable consideration, the receipt of which is hereby acknowledged, as more particularly set forth hereinafter, the parties hereby agree as follows:

1. The Sanitary District gives and grants to the Grantee, the right to construct sanitary sewer lines in accordance with the general subdivision design and layout by Torrenga Engineering dated April 9, 2003, a copy of which is attached hereto, made a part hereof and marked as Exhibit "A", the specific plans and specifications for sewer lines for such subdivision to be submitted to and approved by the St. John Sanitary District in and along public right-of-way and/or easements, owned, dedicated or to be granted to the Town of St. John, which plans and specifications are incorporated by reference as if fully set out herein.

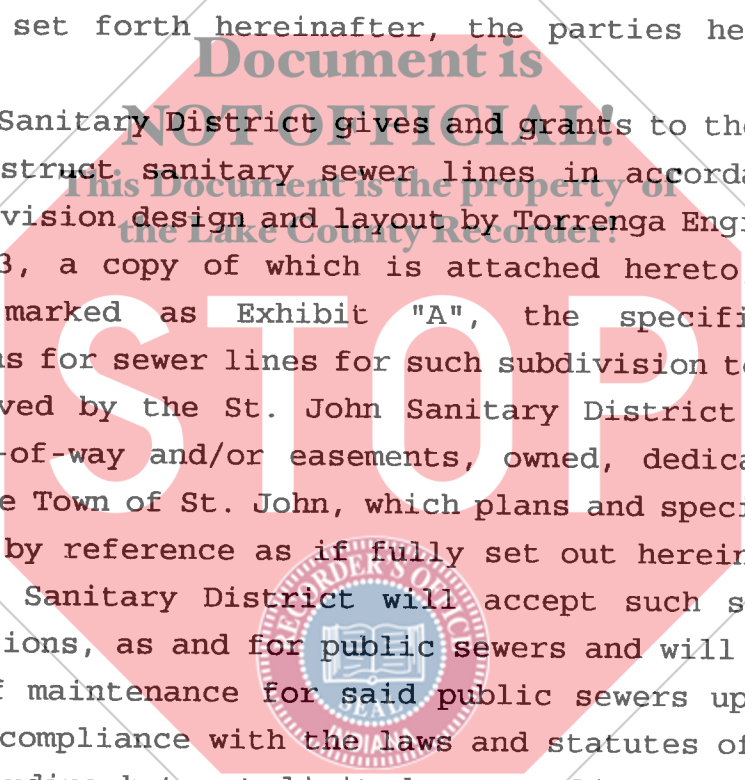
2. The Sanitary District will accept such sewers, except local connections, as and for public sewers and will undertake the obligation of maintenance for said public sewers upon inspection and proof of compliance with the laws and statutes of the State of Indiana, including but not limited to compliance with 327 IAC 3-2.1-3, unless waived by the Board of Commissioners of the Sanitary District of the Town of St. John, in its sole discretion, and upon

FILED 20030859

OCT 9 2003

STEPHEN R. STIGLICH
LAKE COUNTY AUDITOR

STATE OF INDIANA
LAKE COUNTY
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MORGAN TOWN



38.
1376

testing as the superintendent of public works of the Town of St. John may require to insure compliance with the standards of the Town of St. John concerning exfiltration/infiltration, quality of pipe, bedding, water tight condition, inspection, and other requirements of the Town of St. John as more particularly set forth in Ordinance No. ____ of the Town of St. John, Lake County, Indiana adopted the ____ day of _____, 2002, the Recommended Standards for Sewage Works, 1997 edition as adopted by the Great-Lakes Upper Mississippi Board of State Sanitary Engineers and the Indiana Department of Environmental Management, or any supplement thereto, and the specifications for the construction of sanitary sewerage systems adopted by the St. John Sanitary District on March 1, 199____, as it may from time to time be amended.

3. The Grantee agrees to pay all charges for capacity and connection pursuant to the provisions of Ordinance No. 537 of the Town of St. John, Lake County, Indiana and all user rates prescribed therein as amended.

4. In the event the Board of Sanitary Commissioners of the St. John Sanitary District, in their sole discretion, determine that an engineering review of the plans and specifications is required, the grantee shall pay the direct costs and charges for such review by the municipal engineer, using the schedule of rates and charges approved by the Town of St. John and/or the Plan Commission of the Town of St. John for similar engineering services.

5. Pursuant to the provisions of I.C. 1971, 36-9-25-14(f), the real estate described in Exhibit "B", attached hereto and made a part hereof (H.I.), (hereinafter "The Real Estate") shall become upon recordation of this agreement with the recorder of Lake County, a part of the Sanitary District of the Town of St. John, Lake County, Indiana and the Grantees hereby agree to pay any and all ad valorem taxes imposed by the Sanitary District of the Town of St. John, Lake County, Indiana and certified by the State Board of Tax Commissioners as the lawful tax rate for said district.

6. Pursuant to the provisions of I.C. 1971, 36-9-25-14(g) the Grantees hereby agree for themselves, their executors,

administrators, heirs, devisees, grantees, successors, and assigns that they will:

- (A) Neither object to nor file a remonstrance against the proposed annexation of the above-described real estate by the Sanitary District of the Town of St. John within the boundaries of the district
- (B) Neither object to nor file a remonstrance against the proposed annexation of the above-described real estate by the Town of St. John
- (C) Not appeal from any order or judgment annexing the above-described real estate to the Town of St. John;
- (D) Not file a complaint or action against any annexation proceedings brought by either the Town of St. John or its Sanitary District.

7. That the grantees have provided current evidence of title to the real estate in the form of a commitment for title insurance and/or a policy of title insurance dated as of the 26th day of January, 2003 and hereby certify that grantee has not executed, or permitted anyone in grantee's behalf to execute, any conveyance, or lease of the Real Estate, which is now outstanding or enforceable against the real estate. Grantee has made no contract to sell all or a part of the Real Estate to any person other than the grantee. Grantee has not given to any person an option, which is presently exercisable, to purchase all or any part of the Real Estate. Grantee represents that the Real Estate is now in the possession of Margaret Rybarski, as Trustee of the Margaret Rybarski Trust dated August 9, 2000 and no other person has a right to possession or claims possession of all or any part of the Real Estate.

IN WITNESS WHEREOF the parties have hereunto set their hands

and seals this 8 day of ~~August~~ ^{October}, 2003.

Margaret Rybarski
Margaret Rybarski, as Trustee
of the Margaret Rybarski Trust
dated August 9, 2000

STATE OF INDIANA)
) SS
COUNTY OF LAKE)

By Richard Wolf under Limited
Power of Attorney Dated
April 5, 2003

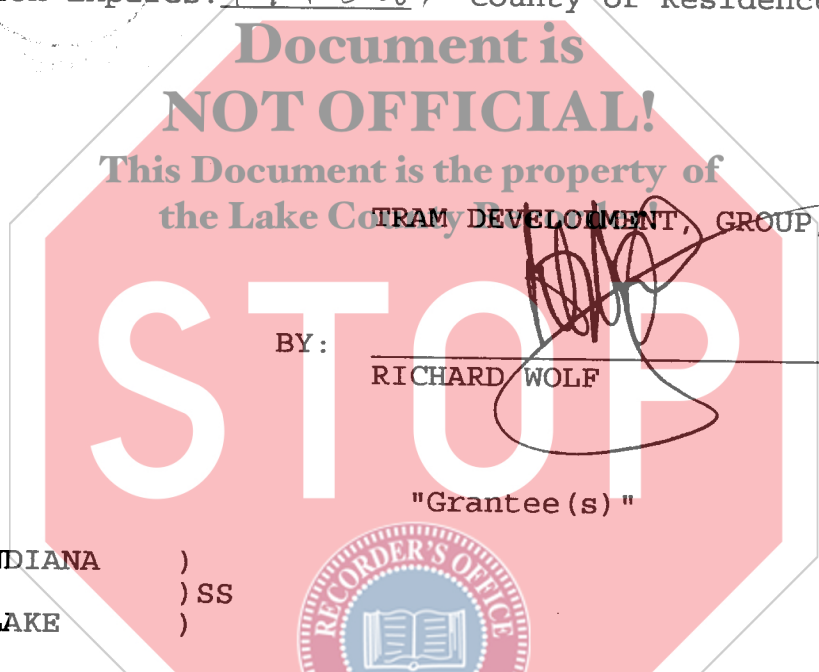
Before me, the undersigned, a Notary Public, in and for said
County and State, personally appeared Margaret Rybarski as Trustee
of the Margaret Rybarski Trust dated August 9, 2000, who
acknowledged the execution of the foregoing agreement to be her
voluntary act and deed.

By Richard Wolf

Witness my hand and notarial seal this 8 day of ~~August~~ ^{October},
2003.

[Signature]
Notary Public

My Commission Expires: 9-17-2007 County of Residence: Lake

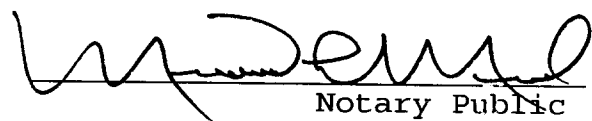


STATE OF INDIANA)
) SS
COUNTY OF LAKE)

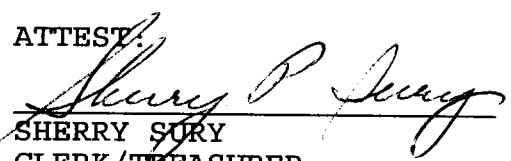



Before me, the undersigned, a Notary Public, in and for said
County and State, personally appeared Tram Development Group, Inc.
by its agent, Richard Wolf, who acknowledged the execution of the
foregoing agreement to be their voluntary act and deed.

Witness my hand and notarial seal this 8 day of October,
2003.


Notary Public

My Commission Expires: 9-17-2007
County of Residence: Lake

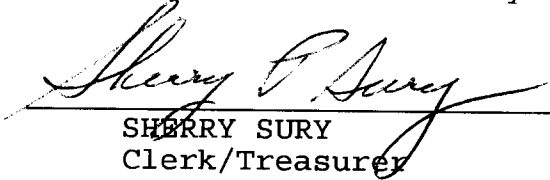
ATTEST:

SHERRY SORY
CLERK/TREASURER

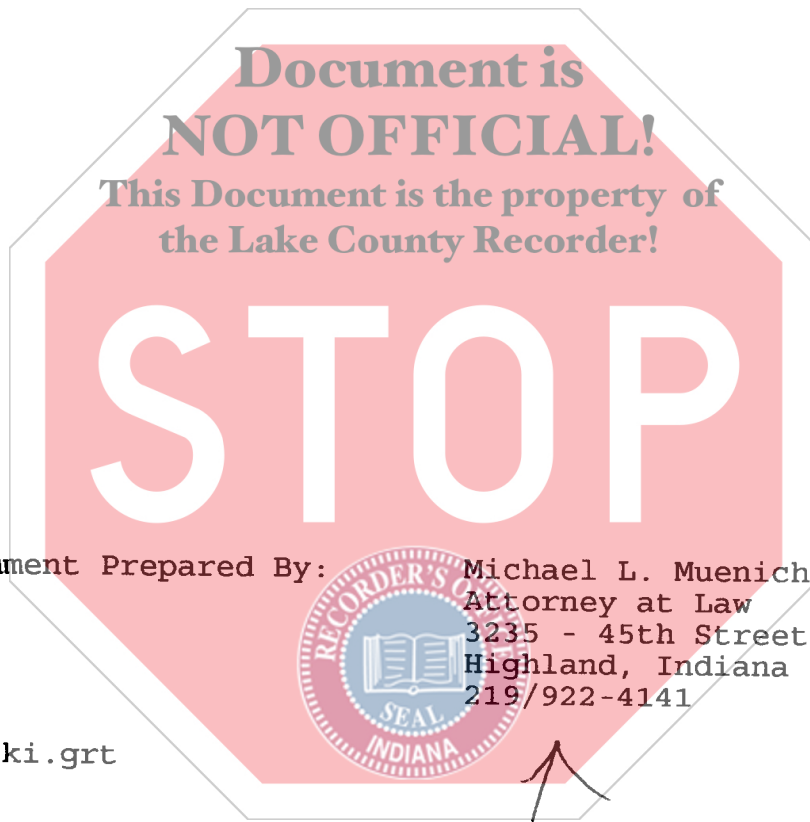

PRESIDENT
BOARD OF SANITARY COMMISSIONERS
TOWN OF ST. JOHN



CERTIFICATION

I, Sherry Sury hereby certify that I am the duly elected, qualified, and acting Clerk-Treasurer of the Town of St. John, Lake County, Indiana, a municipal corporation and that the above and foregoing grant of right to install sewer lines, connect to the Sanitary Sewer system of the Town of St. John, and waiver of right to remonstrate against annexation is a true and accurate copy of such document as it appears in the records of the St. John Sanitary District and the Town of St. John, having been approved by said entities by motion duly made and seconded on the 7th day of July, 2003.

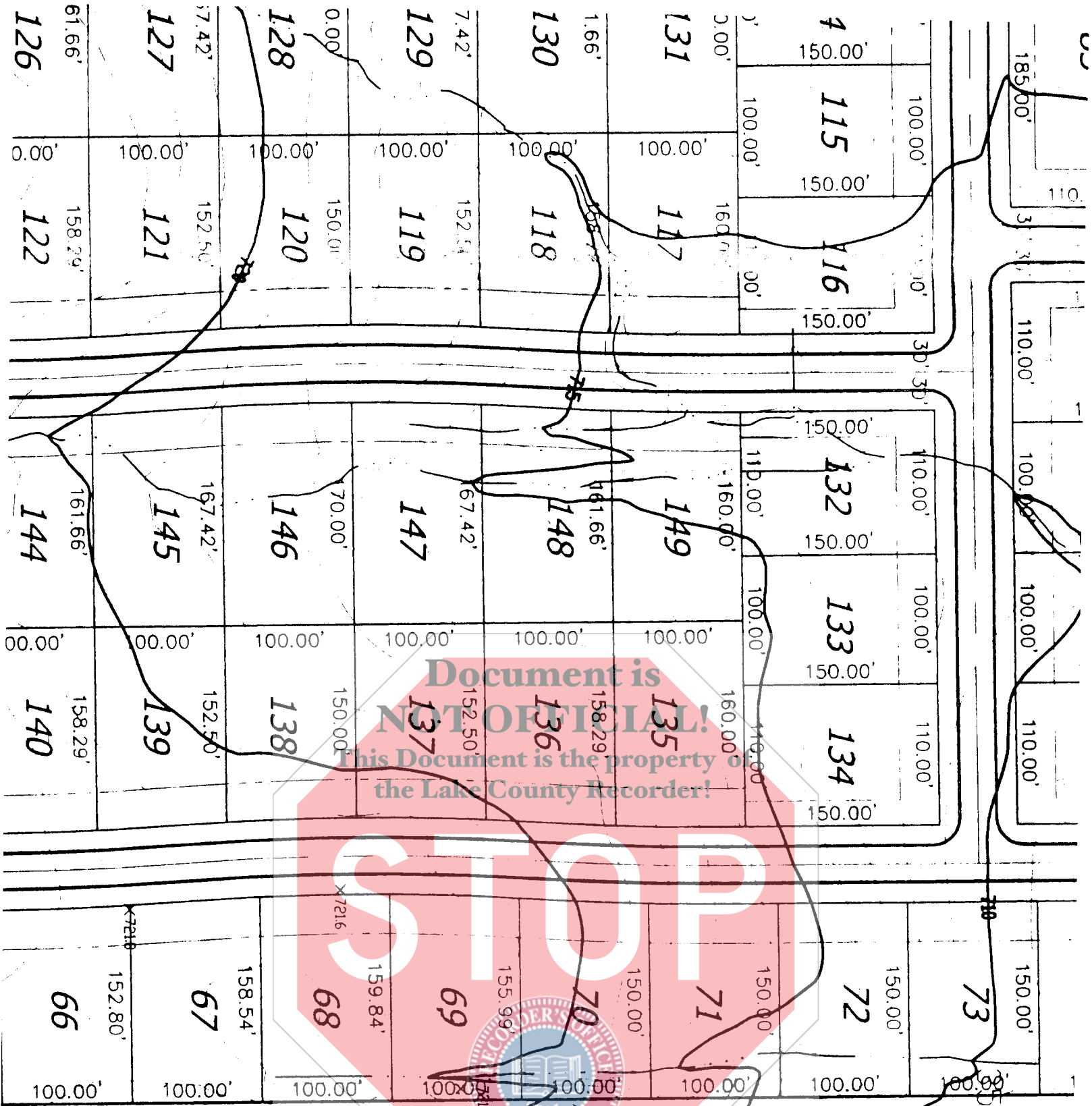

SHERRY SURY
Clerk/Treasurer



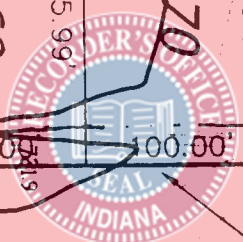
This Instrument Prepared By: Michael L. Muenich
Attorney at Law
3235 - 45th Street
Highland, Indiana 46322
219/922-4141

misc\rybarski.grt

NORTH



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EAST LINE W. 1/2, E. 1/2, SEC. 27-3'

~2639.64'

X 7185

X 7216

X 7210

715

710

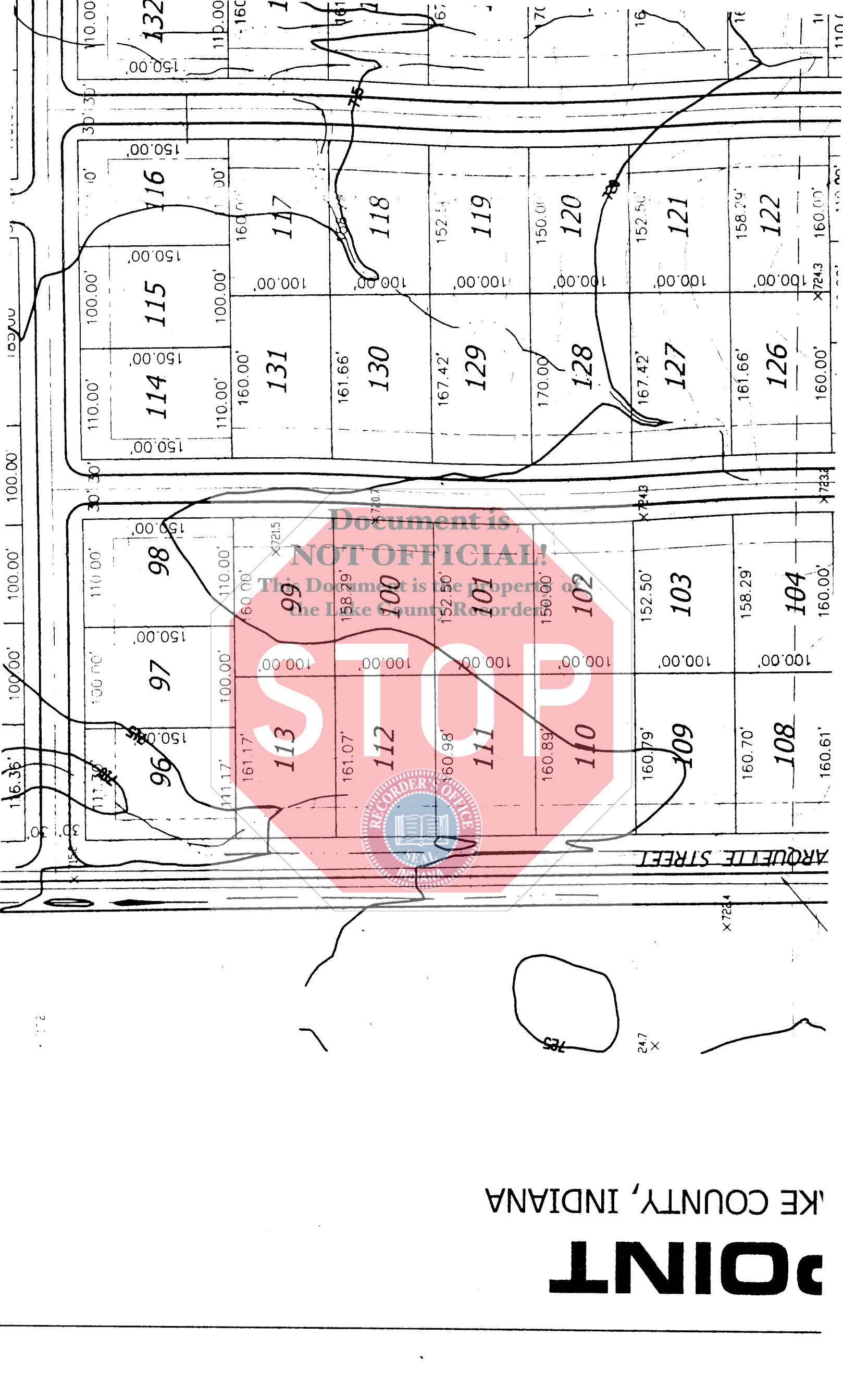
710

707

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POINT

LAKE COUNTY, INDIANA

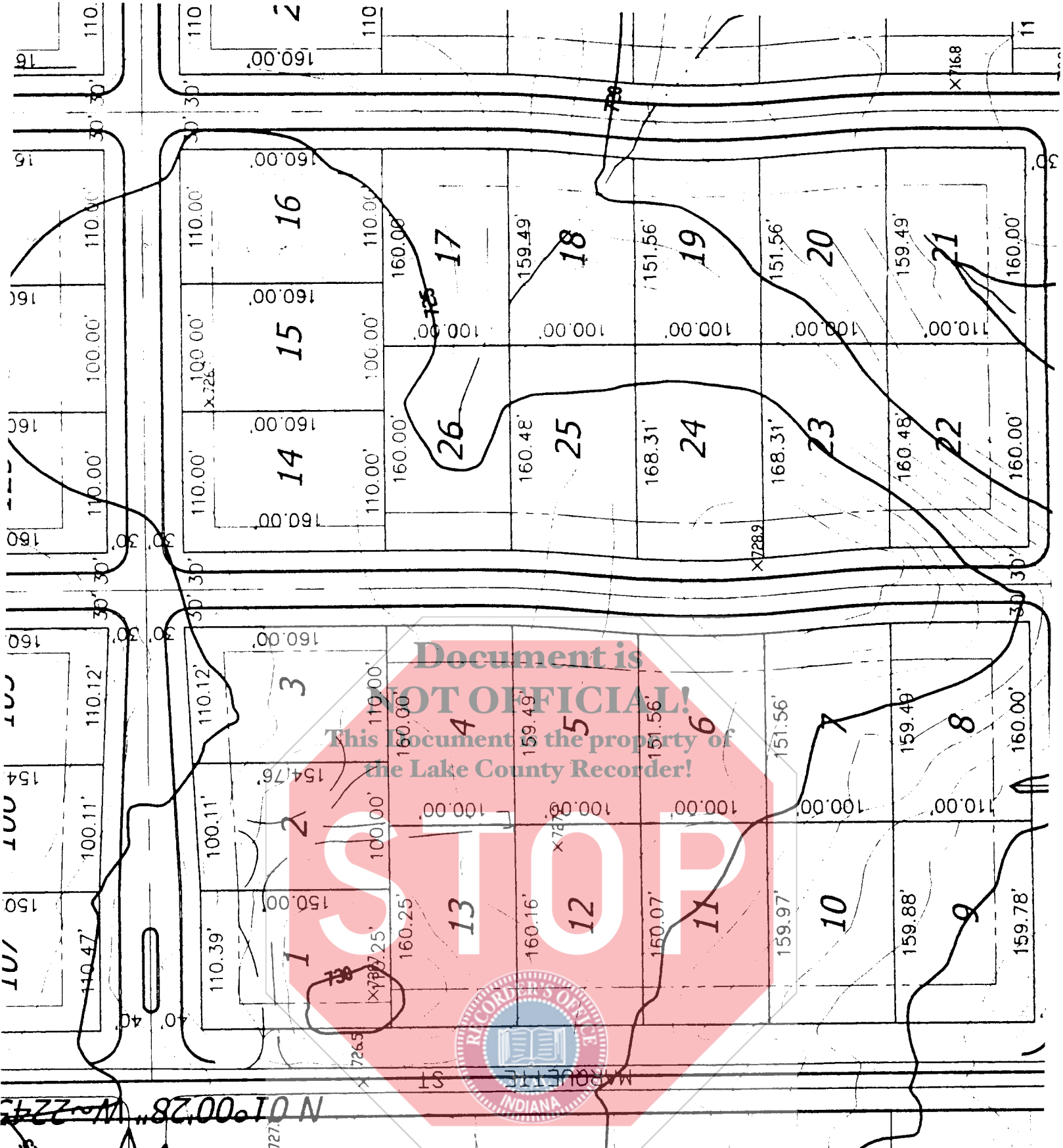


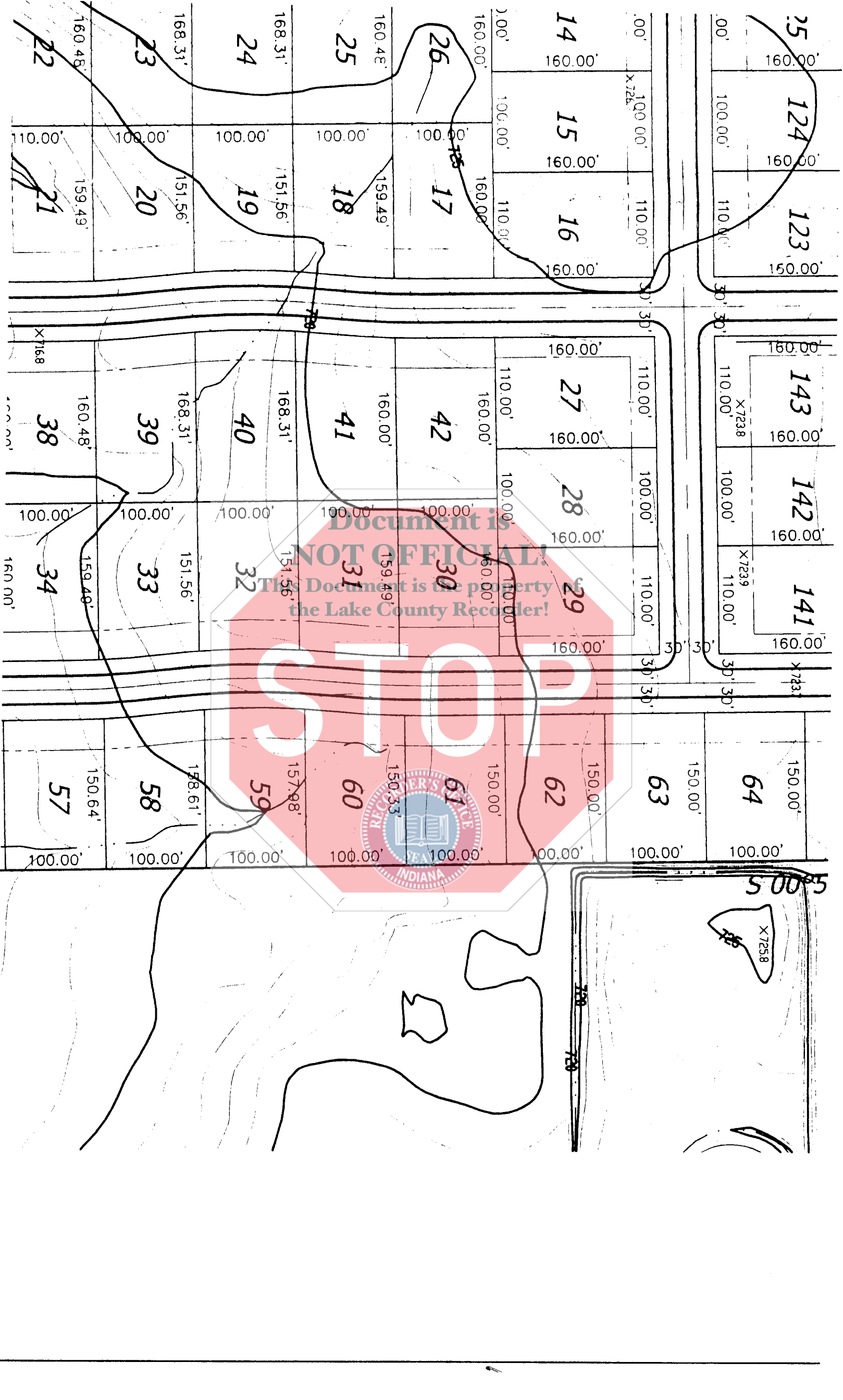
NORTH

TO THE TOWN OF ST. JOH

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD
2003 OCT -9 PM 12:46
MORRIS W. CARTER
RECORDER

LANCER ESTATES FOURTH ADDITION
(P.B.#7, 105)
NORTH-SOUTH CENTER LINE, SEC. 27-
89TH AVE. N 01°00'28" W 224.5'





25

124

123

143

142

141

64

5

100.00'

100.00'

110.00'

110.00'

100.00'

110.00'

150.00'

100.00'

100.00'

100.00'

110.00'

110.00'

100.00'

110.00'

150.00'

100.00'

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150.00'

100.00'

160.48'

100.00'

159.49'

160.48'

100.00'

159.49'

150.64'

100.00'

168.31'

100.00'

151.56'

168.31'

100.00'

151.56'

157.98'

100.00'

168.31'

100.00'

151.56'

168.31'

100.00'

151.56'

158.61'

100.00'

168.31'

100.00'

151.56'

168.31'

100.00'

151.56'

158.61'

100.00'

160.48'

110.00'

159.49'

160.48'

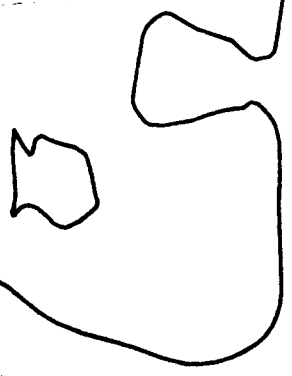
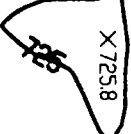
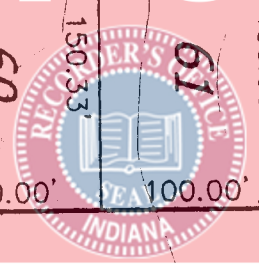
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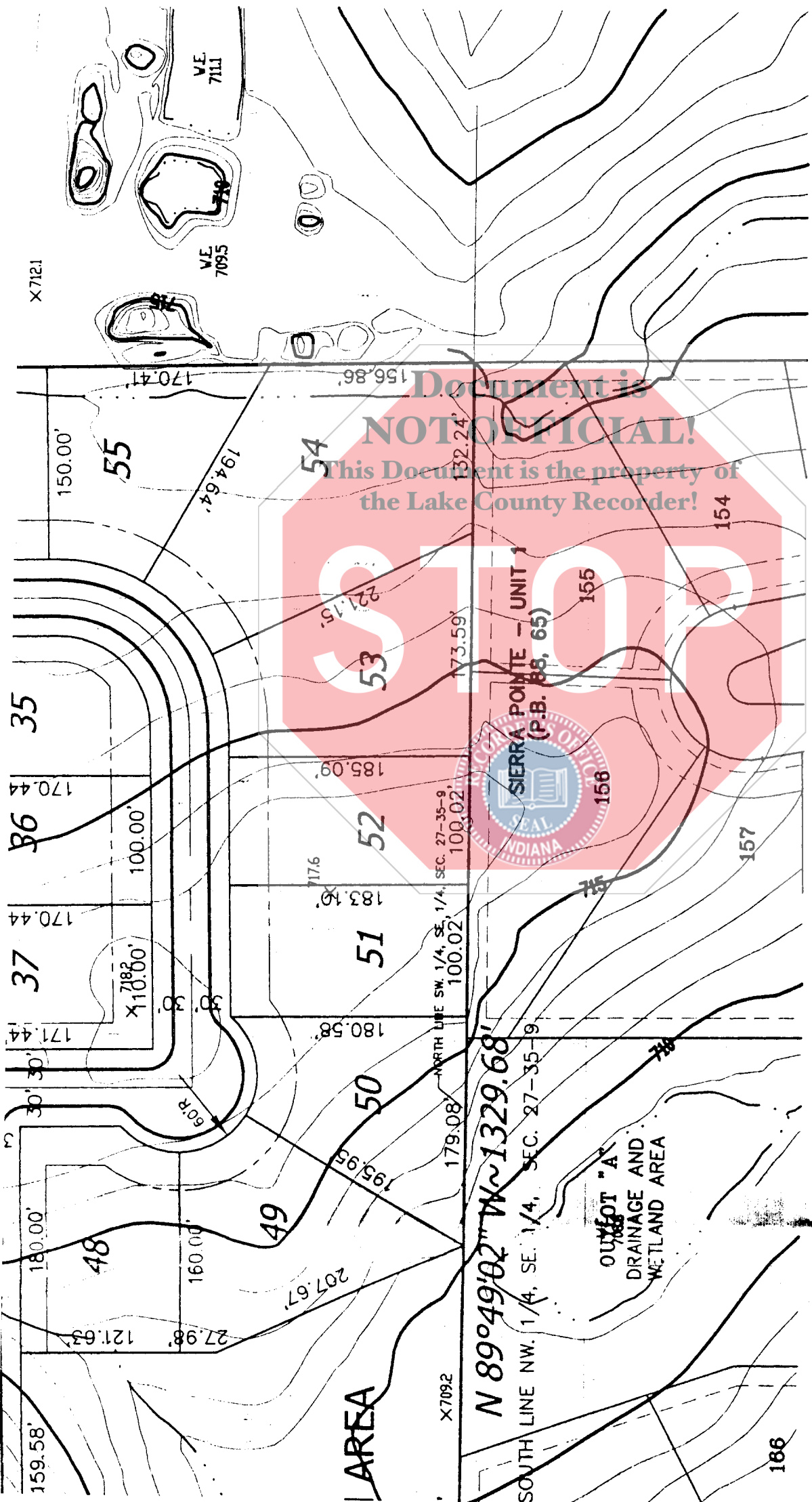
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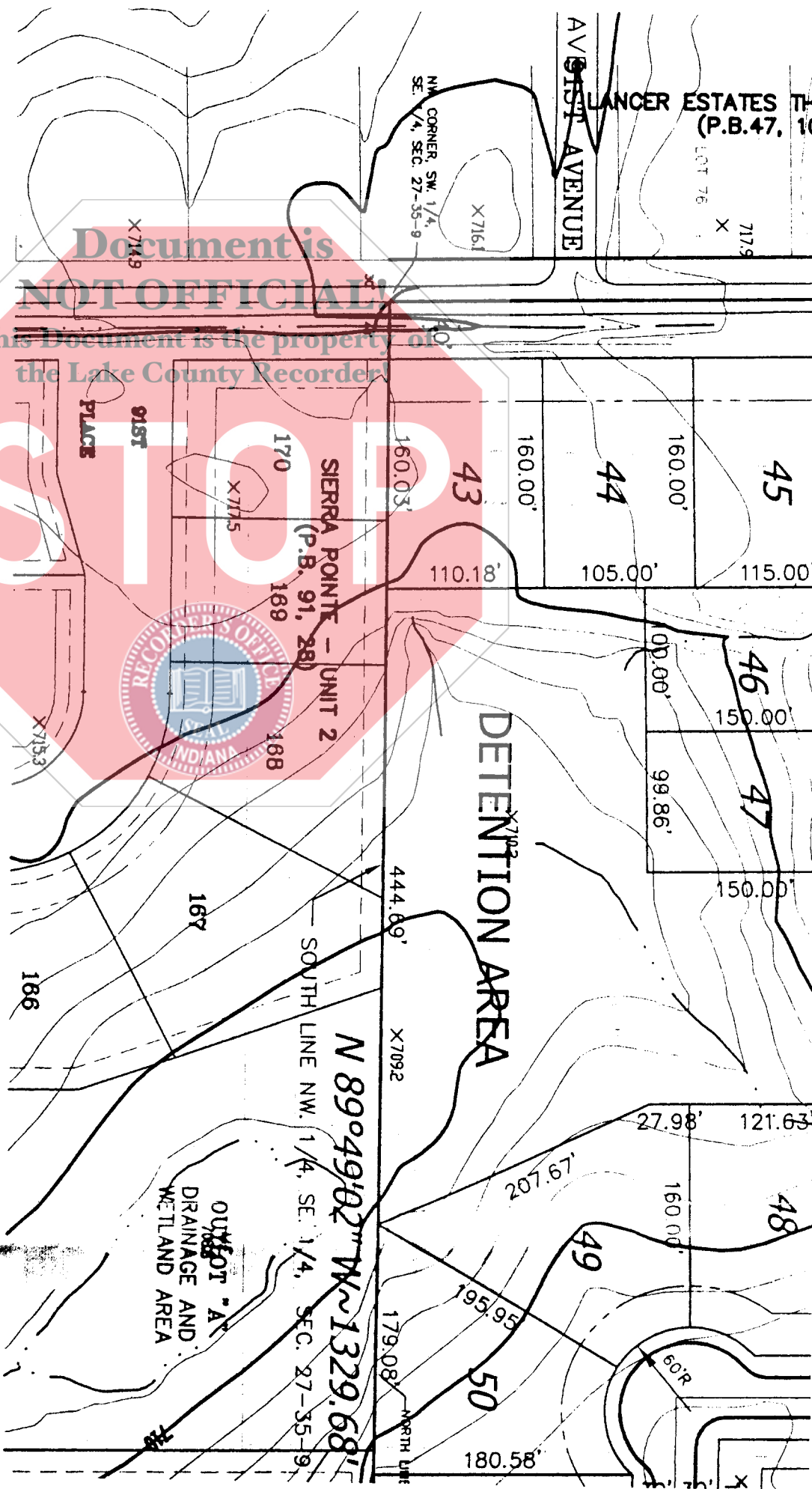
150.64'

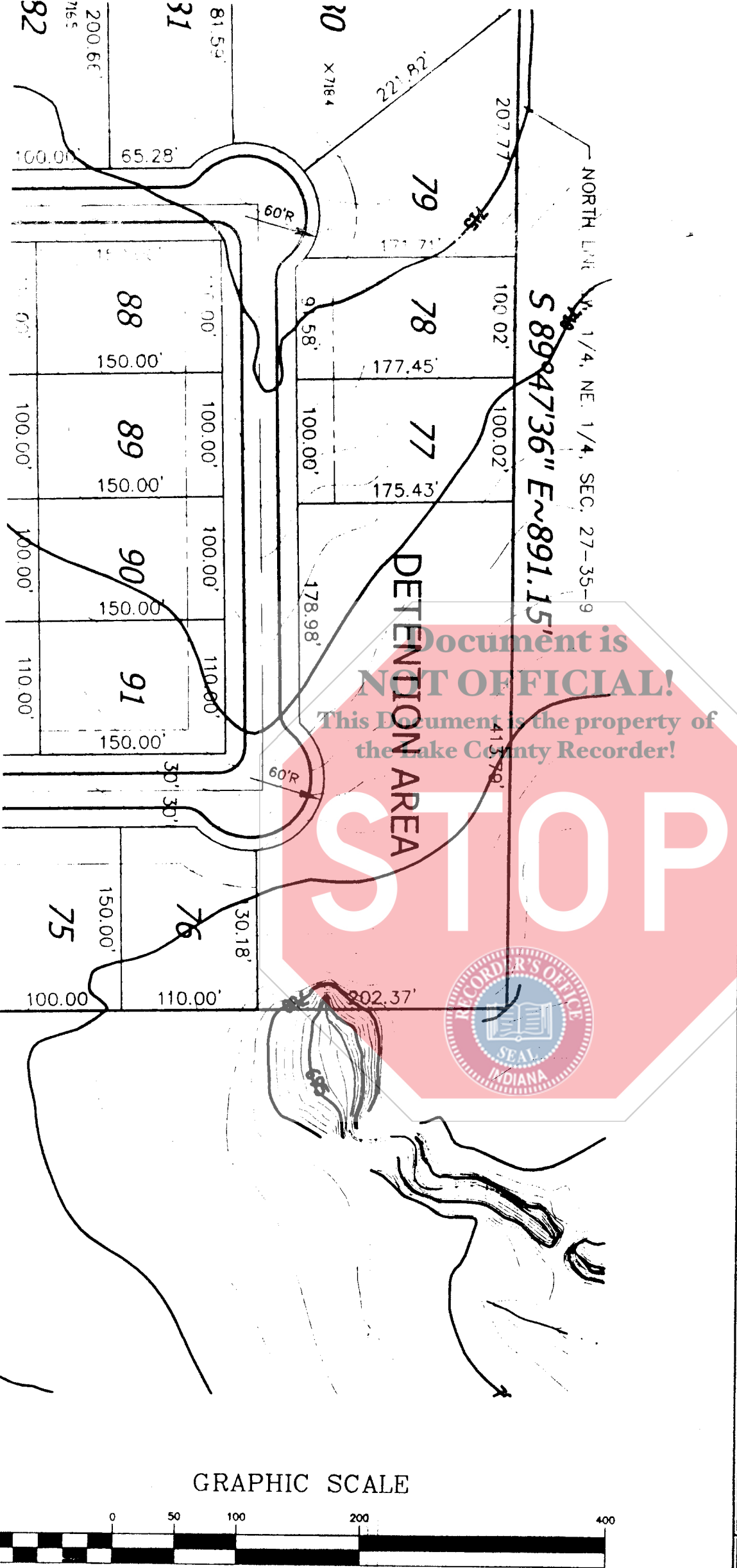
100.00'

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GRAPHIC SCALE

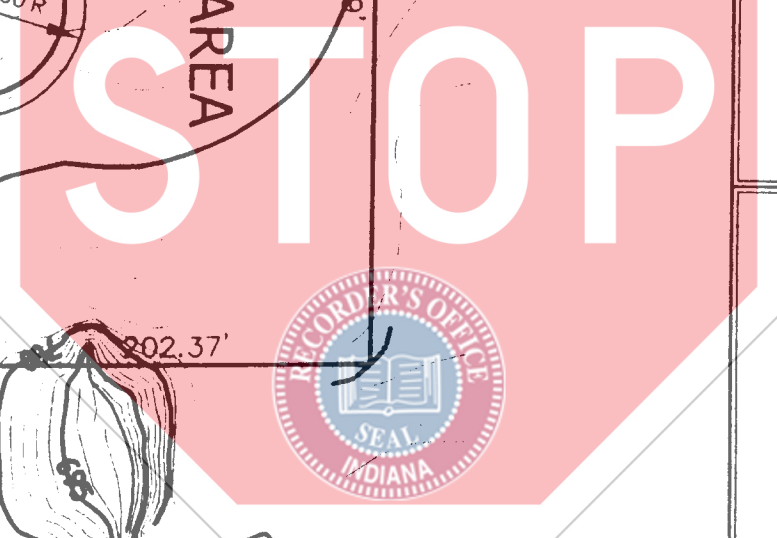


(IN FEET)
1 inch = 100 ft.

TORR
CC 91
Tel. No.: (219)

NORTH POINT
PRELIMINARY LOT LAYOUT
TO THE TOWN OF ST. JOHN,
LAKE COUNTY, INDIANA

This Document is the property of
the Lake County Recorder!



CLIENT:
TRAM DEVELOPMENT

JOB NO: 5047-03

SCALE: 1" = 100'

REVISIONS:
DATE: 04-09-2003

SHEET
1 OF 1

Part of the West 1/2 of the East 1/2 of Section 27, Township 35 North, Range 9 West of the 2nd P.M. in Lake County, Indiana, described as follows: Beginning at the Southwest corner of the Northwest 1/4 of the Southeast 1/4 of said Section 27; thence North 01 degrees 00 minutes 28 seconds West, along the North-South center line of said Section 27, 2245.14 feet to a point 395.10 feet South of the Northwest corner of the Southwest 1/4 of said Section 27; thence South 89 degrees 47 minutes 36 seconds East, parallel to the North line of said Southwest 1/4 of the Northeast 1/4, 441.00 feet; thence North 01 degrees 00 minutes 28 seconds West, parallel to said North-South center line, 396.10 feet to the North line of said Southwest 1/4 of the Northeast 1/4; thence South 89 degrees 47 minutes 36 seconds East, along said North line, 891.15 feet to the East line of the West 1/2 of the East 1/2 of said Section 27; thence South 00 degrees 67 minutes 16 seconds East, along said East line, 2839.64 feet to the South line of the Northeast 1/4 of the Southeast 1/4 of said Section 27; thence North 89 degrees 49 minutes 02 seconds West, along said South line, 1329.66 feet to the point of beginning.

