

PERPETUAL ROADWAY EASEMENT

2004 033079

Page: 1 of 2

THIS INDENTURE, made this 2nd day of April, 2004, by and between STATE OF INDIANA whose address is 100 North Senate Avenue, Indianapolis, Indiana 46204 (hereinafter called the "Grantor") and LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION, (hereinafter called the "Grantee"), for and in consideration, but no monetary consideration, the receipt of which is hereby acknowledged, a perpetual easement and right of way in, under and upon certain Real Estate situated in the County of Lake, State of Indiana, and which is more particularly described in the legal description attached hereto as Exhibit "B-1" and depicted upon the Right of Way Parcel Plat attached hereto as Exhibit "B", both of which exhibits are incorporated herein by reference, for the purpose of the location, construction, reconstruction, maintenance, operation and repair the thereupon of roadway and appurtenances thereto.

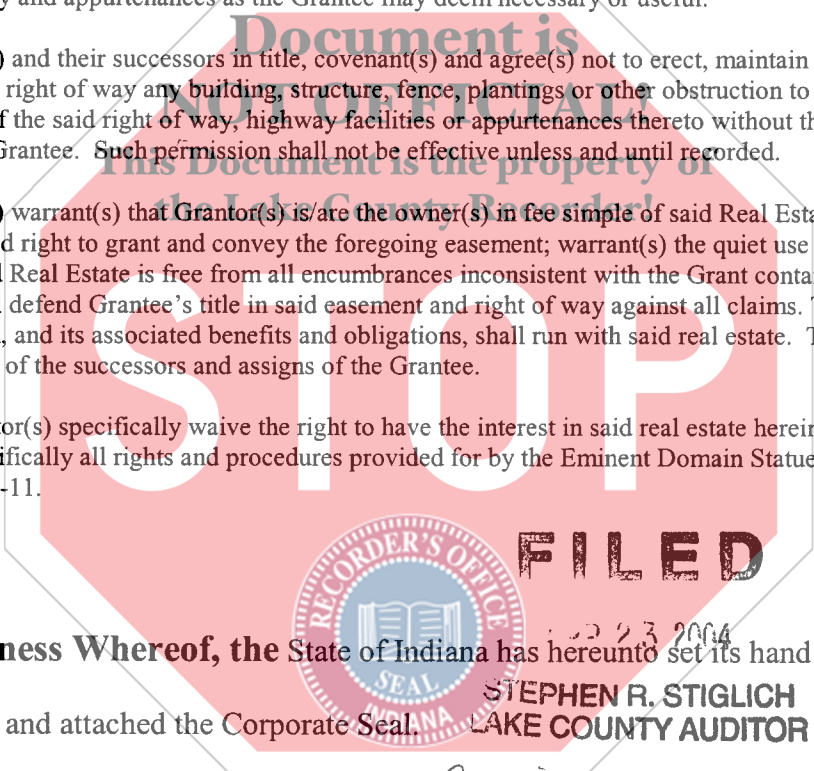
This conveyance is subject to any and all easements, conditions and restrictions of record.

Grantee, its employees, agents, contractors, subcontractors and assigns shall have the right to enter in, under, over, along and upon the area of the said easement conveyed herein at will to construct, reconstruct, maintain, and continue to operate the roadway and appurtenances thereon and to remove from the said area any encroaching trees or other vegetation, or other obstructions to the free and unobstructed use of the said easement, and to make such alteration and improvements to the roadway facility and appurtenances as the Grantee may deem necessary or useful.

Grantor(s) and their successors in title, covenant(s) and agree(s) not to erect, maintain or allow to continue within the area of the said right of way any building, structure, fence, plantings or other obstruction to the Grantee's free and unobstructed use of the said right of way, highway facilities or appurtenances thereto without the prior express written permission of the Grantee. Such permission shall not be effective unless and until recorded.

Grantor(s) warrant(s) that Grantor(s) is/are the owner(s) in fee simple of said Real Estate, lawfully seized thereof and has/have a good right to grant and convey the foregoing easement; warrant(s) the quiet use and enjoyment thereof; warrant(s) that said Real Estate is free from all encumbrances inconsistent with the Grant contained herein; and warrant(s) that Grantor(s) will defend Grantee's title in said easement and right of way against all claims. This easement and right of way granted herein, and its associated benefits and obligations, shall run with said real estate. This indenture shall bind and inure to the benefit of the successors and assigns of the Grantee.

The Grantor(s) specifically waive the right to have the interest in said real estate hereinabove conveyed to be appraised and specifically all rights and procedures provided for by the Eminent Domain Statute to the State of Indiana, found in Indiana Code 32-11.



In Witness Whereof, the State of Indiana has hereunto set its hand by the Governor of the State of Indiana and attached the Corporate Seal. **STEPHEN R. STIGLICH**
LAKE COUNTY AUDITOR

This Easement is signed as of the 2nd day of April, 2004.

Please Return to:
 Little Calumet River Basin
 Development Commission
 6100 Southport Road
 Portage, IN 46368

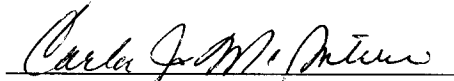
Joseph E. Kernan
 Joseph E. Kernan, Governor
 State of Indiana

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STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, the undersigned, a Notary Public in and for said County and State, this 2nd day of April, 2004, Joseph E. Kernan, Governor of the State of Indiana, he being thereunto duly authorized, and acknowledged the execution of the foregoing Easement Grant for and on behalf of the State of Indiana.

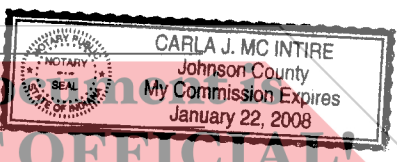
Witness my hand and seal.


Notary Public (Signature)

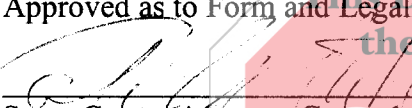
Notary Public (Printed Name)

My Commission expires: _____

County of Residence: _____

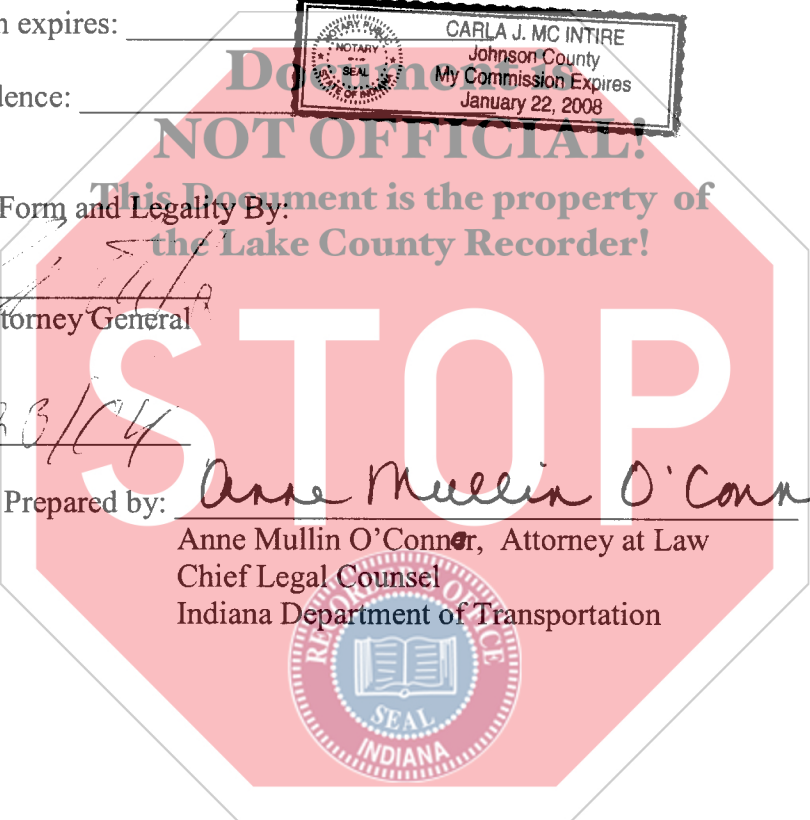


Approved as to Form and Legality By: _____


Steve Carter, Attorney General
State of Indiana

Date: 3/23/04

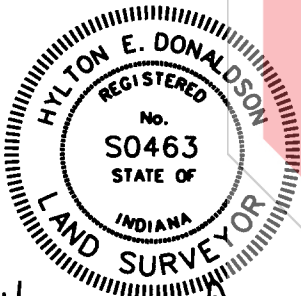
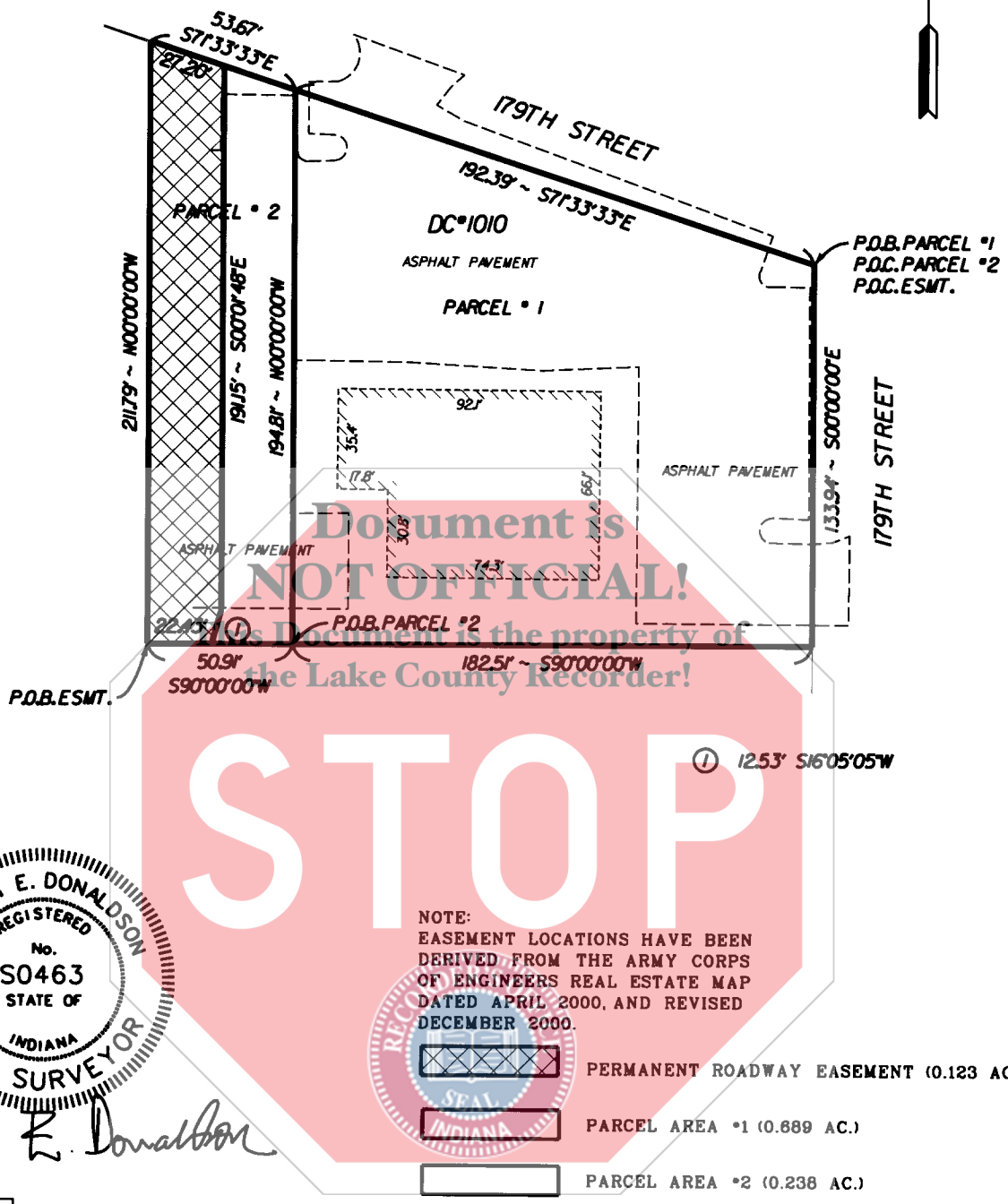
This Instrument Prepared by: Anne Mullin O'Connor
Anne Mullin O'Connor, Attorney at Law
Chief Legal Counsel
Indiana Department of Transportation



OWNER: State of Indiana




COUNTY: LAKE
SECTION: 15
TOWNSHIP: 36 NORTH
RANGE: 9 WEST

PERMANENT ROADWAY EASEMENT



Hylton E. Donaldson

NOTE:
EASEMENT LOCATIONS HAVE BEEN DERIVED FROM THE ARMY CORPS OF ENGINEERS REAL ESTATE MAP DATED APRIL 2000, AND REVISED DECEMBER 2000.

-  PERMANENT ROADWAY EASEMENT (0.123 AC.)
-  PARCEL AREA #1 (0.889 AC.)
-  PARCEL AREA #2 (0.238 AC.)

GLE Garcia LE & Associates, L.L.C.
Consulting Engineers

4527 Columbia Avenue, Hammond, IN 46327 219.933.1954

LC Little Calumet River Basin
Development Commission

6100 Southport Road Portage, Indiana 46368

LITTLE CALUMET RIVER, INDIANA LOCAL FLOOD PROTECTION	
SHEET 1 OF 2	SCALE: 1" = 60'
DATE: 03/24/2003	LCRBDC1010

COUNTY: LAKE
SECTION: 15
TOWNSHIP: 36 NORTH
RANGE: 9 WEST

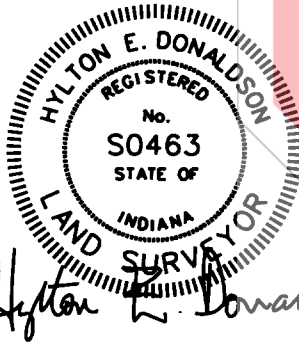
OWNER: State of Indiana

PERMANENT ROADWAY EASEMENT

PERMANENT ROADWAY EASEMENT

Part of Lot 7 in Kennedy Industrial Park Addition, in the City of Hammond, as per plat thereof, recorded in Plat Book 36, page 55, in the Office of the Recorder of Lake County, Indiana, described as follows:

COMMENCING at the Northeast Corner of Lot 7; thence South along the East line of said lot a distance of 133.94 feet; thence proceed West at right angle to said East line a distance of 182.51; thence continuing West along the aforesaid line a distance of 50.91 feet, to the POINT OF BEGINNING; thence North 00 degrees 00 minutes 00 seconds West, a distance of 211.79 feet, more or less, to the Northerly line of Lot 7; thence South 71 degrees 33 minutes 33 seconds East, a distance of 27.20 feet; thence South 00 degrees 01 minute 48 seconds East, a distance of 191.15 feet; thence South 90 degrees 00 minutes 00 seconds West, a distance of 22.43 feet, to the POINT OF BEGINNING, containing 0.123 acres, more or less.



Garcia LE & Associates, L.L.C.
Consulting Engineers

4527 Columbia Avenue, Hammond, IN 46327 219.933.1954



Little Calumet River Basin
Development Commission

6100 Southport Road Portage, Indiana 46368

LITTLE CALUMET RIVER, INDIANA
LOCAL FLOOD PROTECTION

SHEET 2 OF 2

SCALE:

DATE: 03/24/2003

LCRBDC1010

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EXHIBIT B-1