

STATE OF INDIANA)
)
COUNTY OF PORTER)

IN THE PORTER SUPERIOR COURT,
SITTING AT VALPARAISO,
PORTER COUNTY, INDIANA

NOT-TAXABLE

TOWN OF MERRILLVILLE,)

MAY 16 2004

Plaintiff,)

STEPHEN R. STIGLICH
LAKE COUNTY AUDITOR

vs.)

FILED CAUSE NO. 64D06-9903-CP-162

IRVIN LUEBCKE and
EDNA LUEBCKE,
HILDA LUEBCKE, TRUSTEE
and LAKE COUNTY,

IN COURT
NOV 18 1999

Defendants.)

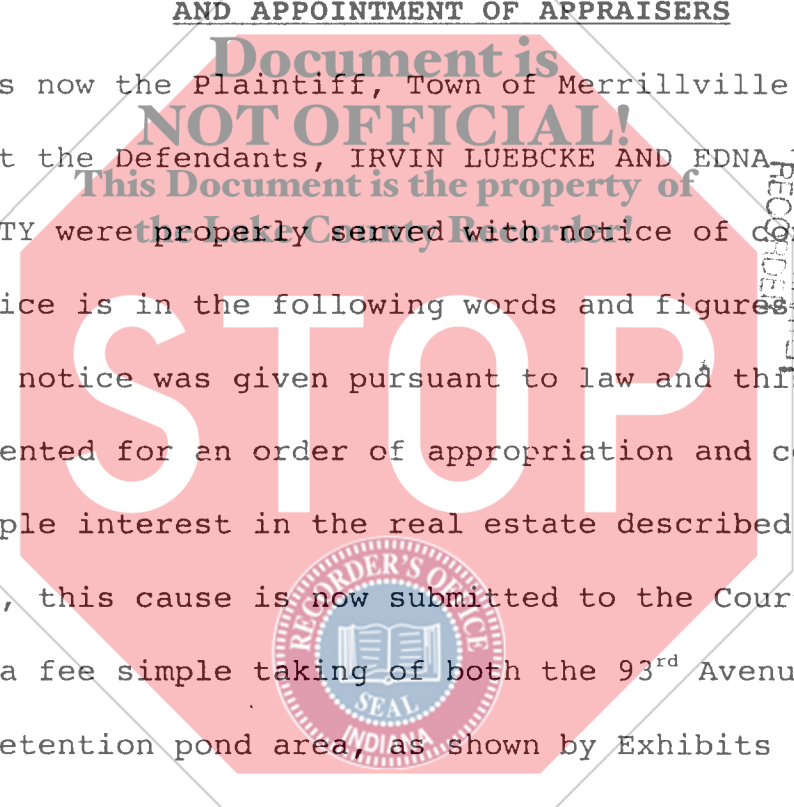
JUDGE PORTER S. SUPERIOR COURT

2004 050307

Parcel 11

**ORDER OF APPROPRIATION AND CONDEMNATION
AND APPOINTMENT OF APPRAISERS**

Comes now the Plaintiff, Town of Merrillville, and shows the Court that the Defendants, IRVIN LUEBCKE AND EDNA LUEBCKE, and LAKE COUNTY were properly served with notice of condemnation which notice is in the following words and figures (H.I.) that said notice was given pursuant to law and this cause having been presented for an order of appropriation and condemnation of a fee simple interest in the real estate described in Plaintiff's Complaint, this cause is now submitted to the Court. The parties agree to a fee simple taking of both the 93rd Avenue right-of-way and the retention pond area, as shown by Exhibits "A" and "B" attached to the Plaintiff's amended complaint. The Town of



RECORDER'S OFFICE
LAKE COUNTY
INDIANA
FILED FOR RECORD
2004 JUN 18 AM 9:40

Edna Luebcke
1215 E Greenwood
Crown Point, IN 46307

001290

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CC
CASH

Merrillville represents that it will not use the drainage system, constructed via this proceeding, to drain any additional water from private property than is presently being drained. The parties agree that during the construction of 93rd Avenue and the retention pond, the contractors and/or builders will not enter onto other lands of the landowners. Entry into the landowners property for the construction of the retention pond shall only be at the 24' wide entrance point at the Northwest corner of the property. Additionally, the Town of Merrillville represents to the Court and the landowners that the existing drainage existing on the landowners' remaining lands will not be impaired by the construction and completion of the retention pond. The parties further agree to allow the filing of the Plaintiff's amended complaint and for such complaint to be further amended to show fee simple taking of all property. Further, the landowner waives any right to object to the condemnation, but reserves all rights to challenge the amount of the court appointed appraisers' award.

And the Court, having examined the Count I of the Amended Complaint, having considered the agreement of the parties, and being duly advised in the premises, NOW FINDS THAT the Plaintiff's Amended Complaint is proved and true and that Plaintiff is entitled to condemn and appropriate a fee simple

interest in the said real estate for the purpose of acquiring land for public purposes, including, but not limited to, the reconstruction of 93rd Avenue and the construction of a retention pond; that the acquisition of said real estate is necessary and proper as alleged in the Complaint; and that three (3) disinterested freeholders of Lake County, Indiana, should be appointed as appraisers to view the said real estate and assess the damages to which the Defendants may be entitled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the easement described as follows:

FEE SIMPLE INTEREST FOR ROAD CONSTRUCTION

See attached Exhibit "A" (93rd Avenue right-of-way) and "B" (retention pond area) should be and hereby is condemned and appropriated for the uses and purpose described in Plaintiff's Amended Complaint, and that Richard Weiss, 8145 Kennedy Avenue, Highland, IN 46322; Howard Cyrus, Cyrus & Associates, 9723 Prairie Avenue, Highland, IN 46322 and Dan Jordan, 1388 Lehman Drive, Crown Point, IN 46307, three (3) disinterested freeholders of Lake County, Indiana, are now appointed to assess the damages which Defendants (Irvin and Edna Luebcke) herein may sustain by reason of the condemnation and appropriation of the fee simple interest in said real estate under Count I of the Amended Complaint, and said appraisers are

now ordered and directed to appear before this Court on November 23, 1999 at the hour of 9:00 A.M., and after being first duly sworn upon oath and after being duly instructed by the Court as to their duties, to proceed in a body to the premises of said Defendants and to view the land condemned and appropriated, as hereinbefore described and to file their joint report and appraisal with the Clerk of this Court as to the amount of damages resulting to the Defendants by reason of said condemnation and appropriation of the fee simple interest in the aforesaid real estate.

AND IT IS FURTHER ORDERED that the Clerk shall issue to the said appraisers a certified copy of this Order, which shall be their warrant and upon which they shall proceed to assess said damage and to report back to said Clerk on or before

December 23, 1999.

ALL OF WHICH IS ORDERED, ADJUDGED AND DECREED THIS 18 TH DAY OF Nov, 1999.



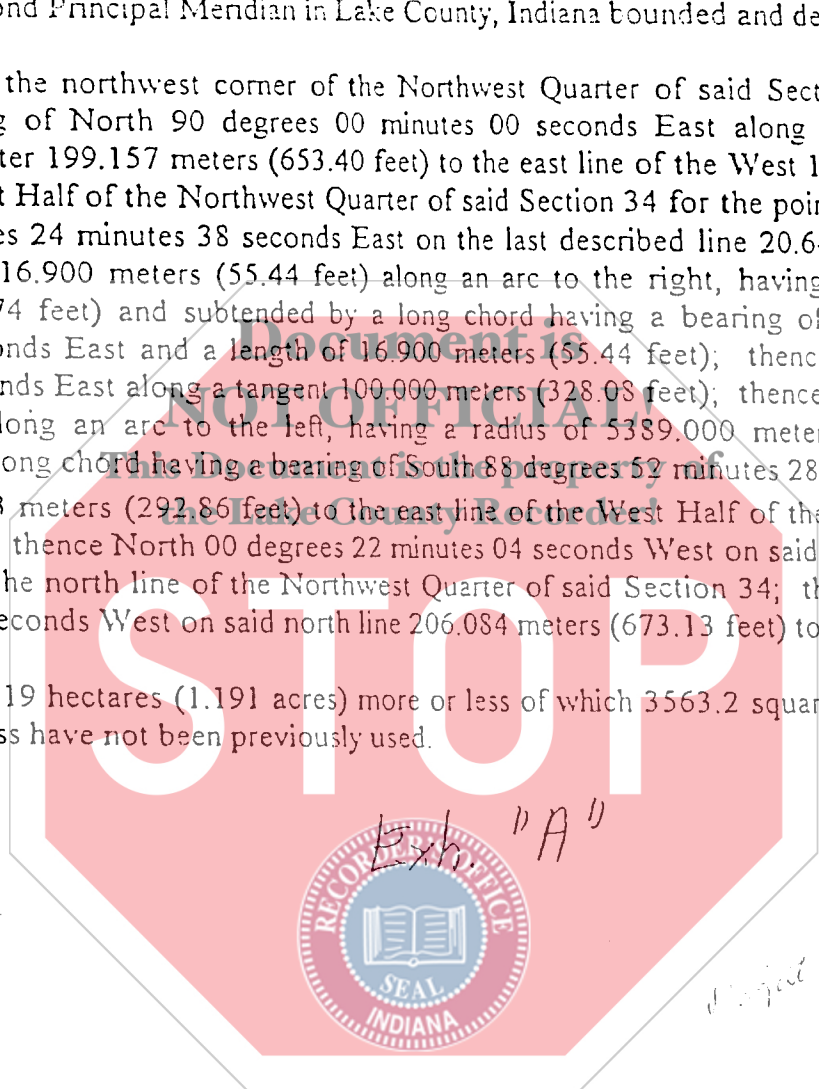
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JUDGE, PORTER SUPERIOR COURT

That part of the West Half of the Northwest Quarter of Section 34, Township 35 North, Range 8 West of the Second Principal Meridian in Lake County, Indiana bounded and described as follows:

Commencing at the northwest corner of the Northwest Quarter of said Section 34; thence on an assumed bearing of North 90 degrees 00 minutes 00 seconds East along the north line of said Northwest Quarter 199.157 meters (653.40 feet) to the east line of the West 199.157 meters (653.40 feet) of the West Half of the Northwest Quarter of said Section 34 for the point of beginning; thence South 00 degrees 24 minutes 38 seconds East on the last described line 20.642 meters (67.72 feet); thence easterly 16.900 meters (55.44 feet) along an arc to the right, having a radius of 5351.000 meters (17555.74 feet) and subtended by a long chord having a bearing of South 88 degrees 29 minutes 26 seconds East and a length of 16.900 meters (55.44 feet); thence South 88 degrees 24 minutes 00 seconds East along a tangent 100.000 meters (328.08 feet); thence easterly 89.264 meters (292.86 feet) along an arc to the left, having a radius of 5389.000 meters (17680.41 feet) and subtended by a long chord having a bearing of South 88 degrees 52 minutes 28 seconds East and a length of 89.263 meters (292.86 feet) to the east line of the West Half of the Northwest Quarter of said Section 34; thence North 00 degrees 22 minutes 04 seconds West on said east line 25.632 meters (84.10 feet) to the north line of the Northwest Quarter of said Section 34; thence South 90 degrees 00 minutes 00 seconds West on said north line 206.084 meters (673.13 feet) to the point of beginning;

Containing 0.4819 hectares (1.191 acres) more or less of which 3563.2 square meters (38354 square feet) more or less have not been previously used.



Northerly portion of easement for Parcel 11:
Irvin Leubcke and Edna Leubcke

That part of the West Half of the Northwest Quarter of Section 34, Township 35 North, Range 8 West of the Second Principal Meridian in Lake County, Indiana bounded and described as follows:

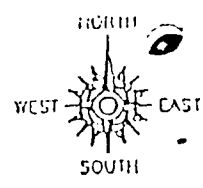
Commencing at the northwest corner of the Northwest Quarter of said Section 34; thence on an assumed bearing of North 90 degrees 00 minutes 00 seconds East along the North line of said Northwest Quarter 199.157 meters (653.40 feet) to the East line of the West 199.157 meters (653.40 feet) of the West Half of the Northwest Quarter of said Section 34; thence South 00 degrees 24 minutes 38 seconds East on said East line 20.642 meters (67.72 feet) to the point of beginning; thence easterly 1.899 meters (6.23 feet) along an arc to the right, having a radius of 5351.000 meters (17555.74 feet) and subtended by a long chord having a bearing of South 88 degrees 34 minutes 15 seconds East and a length of 1.899 meters (6.23 feet); thence South 08 degrees 00 minutes 37 seconds East 88.059 meters (288.91 feet); thence South 00 degrees 58 minutes 17 seconds West 98.236 meters (322.30 feet); thence South 00 degrees 23 minutes 14 seconds West 39.720 meters (130.31 feet) to the North line of the South 558.608 meters (1832.70 feet), as measured along the West line of said Northwest Quarter; thence North 89 degrees 51 minutes 38 seconds West, along said North line, a distance of 45.720 meters (150.00 feet); thence North 00 degrees 23 minutes 14 seconds East, a distance of 40.150 meters (131.73 feet); thence North 00 degrees 58 minutes 17 seconds East, a distance of 83.663 meters (274.48 feet), to the South line of the North 121.920 meters (400.00 feet); thence North 90 degrees 00 minutes 00 seconds, along said South line, a distance of 32.521 meters (106.70 feet) to the East line of the West 199.157 meters (653.40 feet); thence North 00 degrees 24 minutes 38 seconds West, along said East line, a distance of 101.279 meters (332.28 feet) to the point of beginning.

Containing 0.6524 hectares (1.612 acres) more or less.



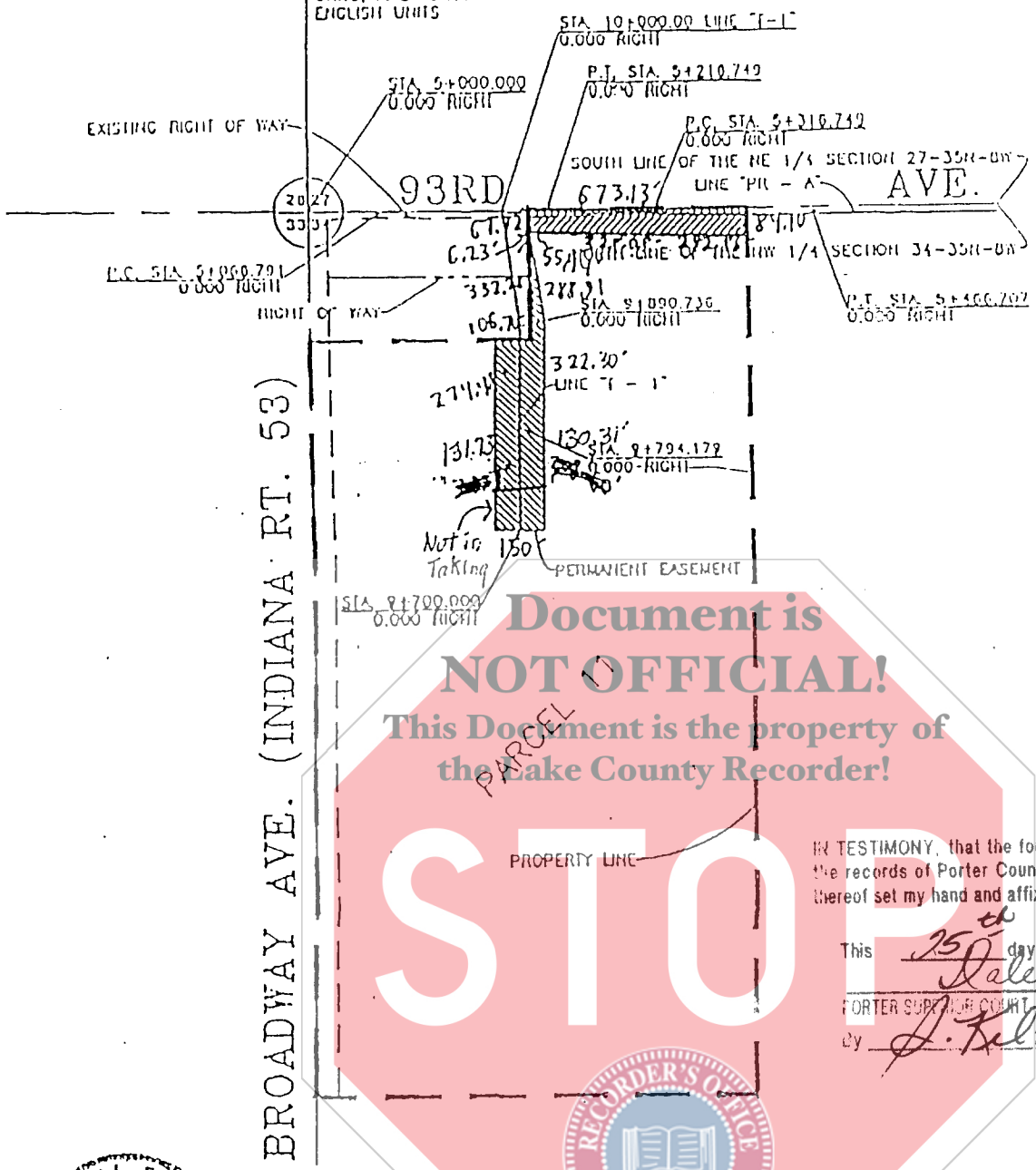
100-0035(1)
 13RD AVENUE
 CITY LAKE
 TOWNSHIP: 35 NORTH
 RANGE: 8 WEST

NORTH I
 EDNA
 LEUGNE



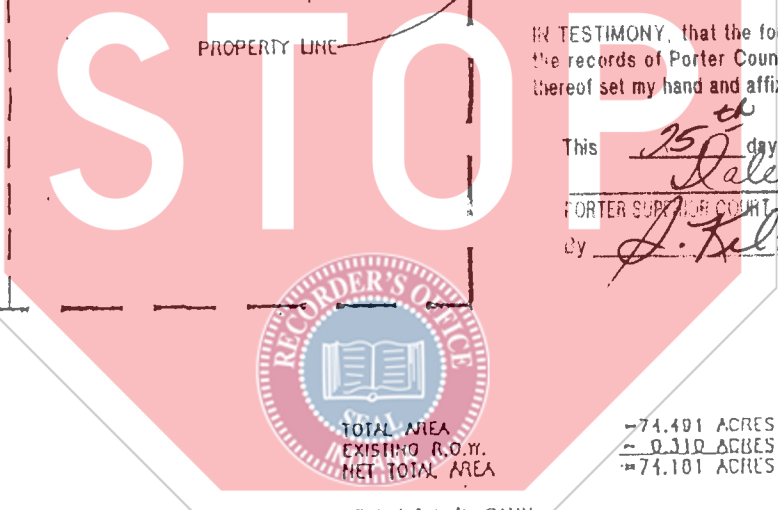
Hatched area in yellow
 delineates
 approximate taking

NOTE: STATIONS SHOWN IN METRIC
 UNITS; AREA SHOWN IN STANDARD
 ENGLISH UNITS



BROADWAY AVE. (INDIANA RT. 53)

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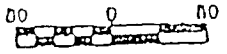
IN TESTIMONY, that the foregoing is a true copy taken from
 the records of Porter County Court No. 1 Dale Brewer, Clerk
 thereof set my hand and affix Seal of Said Court.

This 25th day of July 2094
 Dale Brewer
 CLERK
 PORTER SUPERIOR COURT, COUNTY OF PORTER COUNTY
 By J. Felmer Deputy Clerk



TOTAL AREA - 74.491 ACRES
 EXISTING R.O.W. - 0.310 ACRES
 NET TOTAL AREA - 74.181 ACRES

DRAWN BY: R. GAIN
 CHECKED BY: R. GAIN
 CODE: 9300950 / 9300951
 SCALE 1:1000



RANDALL E. GAIN
 EXPIRATION DATE: 07/31/98

ROBLISON ENGINEERING, LTD.
 CONSULTING ENGINEERS, ARCHITECTS
 AND LAND SURVEYORS
 200 N. 10th Street - 2nd Floor - South Milwaukee, WI 53158
 Tel: 414.224.1100 Fax: 414.224.1101