

2004 094924

2004 NOV -8 AM 8:46

MORRIS W. CARTER
RECORDER

GRANT OF SBC INDIANA EXCLUSIVE EASEMENT

CROSS REFERENCE TO: Instrument #99036590

UNDERTAKING 5359137 EASEMENT 194497

R/W REQUEST NUMBER 34826

For a valuable consideration of one dollar (\$1.00), receipt of which is hereby acknowledged, the undersigned Purdue Research Foundation, an Indiana nonprofit corporation ("Grantor") hereby grants and conveys to Indiana Bell Telephone Company, Incorporated dba SBC Indiana, an Indiana Corporation, and its affiliates and licensees, successors and assigns (collectively "Grantees") an exclusive easement in, under, and through the Easement Area (described below), for the purposes of and in order to construct, reconstruct, modify, supplement, maintain, operate and/or remove facilities for the transmission of signals used in the provision of communication, video and/or information services ("Communication Facilities") and/or any other services or uses for which such Communication Facilities may be used including, but not limited to, cables, wires, pedestals, a pad mounted cross box, a controlled environmental vault or other above or below ground cable or wire enclosures, marker posts and signs, and other related or useful equipment, fixtures, appurtenances and facilities provided all are placed below ground, together with the right to have commercial electrical service extended across the Property (described below) and Easement Area to provide service to such Communication Facilities and the right of ingress and egress across the Property and the Easement Area for the purpose of access to and use of the Easement Area granted pursuant to this Grant of SBC Indiana Exclusive Easement ("Easement").

The "Property" is legally described as:

The West 1/2 of the Southwest 1/4 of Section 34, Township 35 North, Range 8 West of the 2nd Principal Meridian, Lake County, Indiana, except therefrom the South 349.58 feet of the West 324.98 feet thereof.

(This description is quoted from Instrument #99036590, in the Office of the Recorder of Lake County, Indiana).

FILED
NOV 8 2004
STEPHEN R. STIGLICH
LAKE COUNTY AUDITOR

The "Easement Area" is legally described as:

An Exclusive Easement situated in the Southwest Quarter of Section 34, Township 35 North, Range 8 West of the Second Principal Meridian, Lake County, Indiana, being more particularly described as follows:

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CS DG

Commencing at the southwest corner of said Southwest Quarter; thence North 00 degrees 10 minutes 19 seconds West (recorded basis of bearings) along the west line of said Southwest Quarter, 1796.45 feet; thence North 89 degrees 39 minutes 49 seconds East along the centerline of 98th Avenue, 589.20 feet to the center of a common space; thence South 73 degrees 23 minutes 16 seconds East along said centerline of 98th Avenue, 442.66 feet; thence North 16 degrees 36 minutes 44 seconds East, 30.00 feet to the north right of way being the POINT OF BEGINNING; thence North 16 degrees 36 minutes 44 seconds East, 50.00 feet; thence South 73 degrees 23 minutes 16 seconds East parallel with the north line of said 98th Avenue, 40.00 feet; thence South 16 degrees 36 minutes 44 seconds West, 50.00 feet to the north right of way of said 98th Avenue; thence North 73 degrees 23 minutes 16 seconds West along said north line, 40.00 feet to the point of beginning. Containing 2000.00 square feet (0.05 acre), more or less.

Subject to all easements, rights of way and restrictions of record.

The Grantor represents and warrants to the Grantee that Grantor is the true and lawful owner of the Property and has full right and power to grant and convey the rights conveyed herein.

Upon completion of construction of the Communication Facilities or any subsequent reconstruction, modification, supplementation, maintenance, operation, and/or removal of the Communication Facilities, Grantee shall restore the Easement Area and any other areas of the Property disturbed by Grantee. Grantee shall grade, seed, and mulch the same, closing all excavations with proper backfill and compaction, and replacing, with similar quality or better, any and all then existing improvements, landscaping, driveways, parking lots, sidewalks, drainage tiles, utility lines, and other appurtenances on, under, through, or over the Easement Area at no expense to the Grantor.

The Grantee shall and will indemnify and save the Grantor harmless from and against any and all damage, injuries, losses, claims, demands or costs resulting from the construction, reconstruction, modification, supplementation, maintenance, operation, and/or removal of said Communication Facilities, over and across the Easement Area by Grantee, its agents, representatives, employees, contractors, or invitees.

Grantee shall have the right to remove or trim such trees and brush in the Easement Area as is necessary to exercise the rights conveyed herein.

Grantor reserves the full use and enjoyment of the Easement Area not inconsistent herewith. Grantor reserves the right to construct landscaping, signage, sidewalks, parking areas, and structures across, over and along the Easement Area. Neither party may erect or place any buildings across or over the Easement Area, or change the finish grade of the Easement Area without the consent of the other party.

The Grantor agrees that, due to the exclusive nature of the Easement herein conveyed, no other use of the Easement Area shall be made by anyone, including Grantor, without the consent of the Grantee, except for such uses permitted under this Easement (e.g., landscaping, signage, sidewalks, parking areas, and structures).

This Easement is binding upon and shall inure to the benefit of the heirs, successors, assigns, and licensees of the parties hereto.

With our hands this 29th day of OCTOBER, 2004, at TIPPECANOE County, Indiana

GRANTOR:

PURDUE RESEARCH FOUNDATION
an Indiana nonprofit corporation

By: *Joseph B. Hornett*
Joseph B. Hornett
Senior Vice President and Treasurer

ATTEST:

By: *Bruce L. Pershing*
Bruce L. Pershing
Investment Officer and Corporate Secretary

STATE OF INDIANA)

COUNTY OF TIPPECANOE)

SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 29th day of OCT, 2004, personally PURDUE RESEARCH FOUNDATION, an Indiana nonprofit corporation, by Joseph B. Hornett and Bruce L. Pershing, its Senior Vice President and Treasurer and Investment Officer and Corporate Secretary respectively, who acknowledged the execution of the foregoing Easement for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

Signature: *Debbie K. Hicks*

Printed Name: DEBBIE K. HICKS

Notary Public

County of Residence: TIPPECANOE

My Commission Expires: JUNE 24, 2012

This document was drafted by the
SBC Indiana Right-of-Way Department,
Scott Ostermeier
220 N. Meridian St., Rm. 303
Indianapolis, Indiana 46204

Address of Grantee:

SBC Indiana
Right-of-Way Department
220 N. Meridian St., Rm. 303
Indianapolis, Indiana 46204

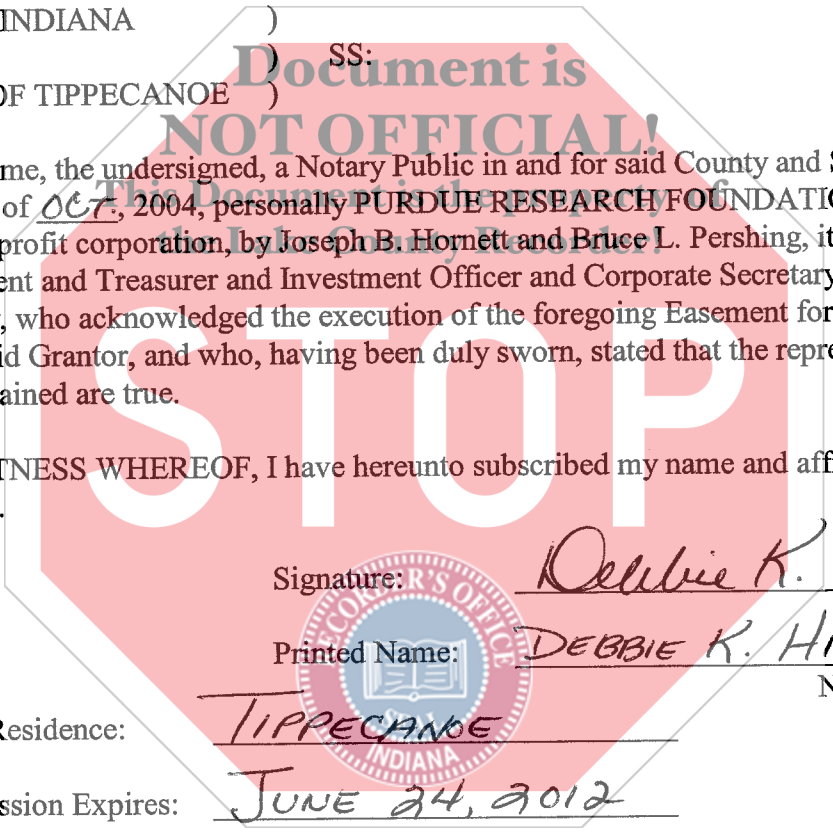


EXHIBIT "A"
PROPOSED EASEMENT

LEGEND:

- IPF 80# IRON PIPE FOUND
- OD OUTSIDE DIAMETER
- ST 80# IRON STRIKE/CLIP FOUND
- RS 1/2" REBAR SET/CLIP
- R RECORDED
- M MEASURED
- RC REFERENCE CORNER
- RL REFERENCE LINE
- DR DEED RECORD
- PC PAGE

AREA = 2000.00 SQ. FT. (0.05 AC. ±)
DATE: SEPTEMBER 1, 2004

THIS PLAN WAS PREPARED FROM DOCUMENTATION RECORDED AT THE RECORDERS OFFICE OF LAKE COUNTY, INDIANA AND MEASURED BY FIELD SURVEY.

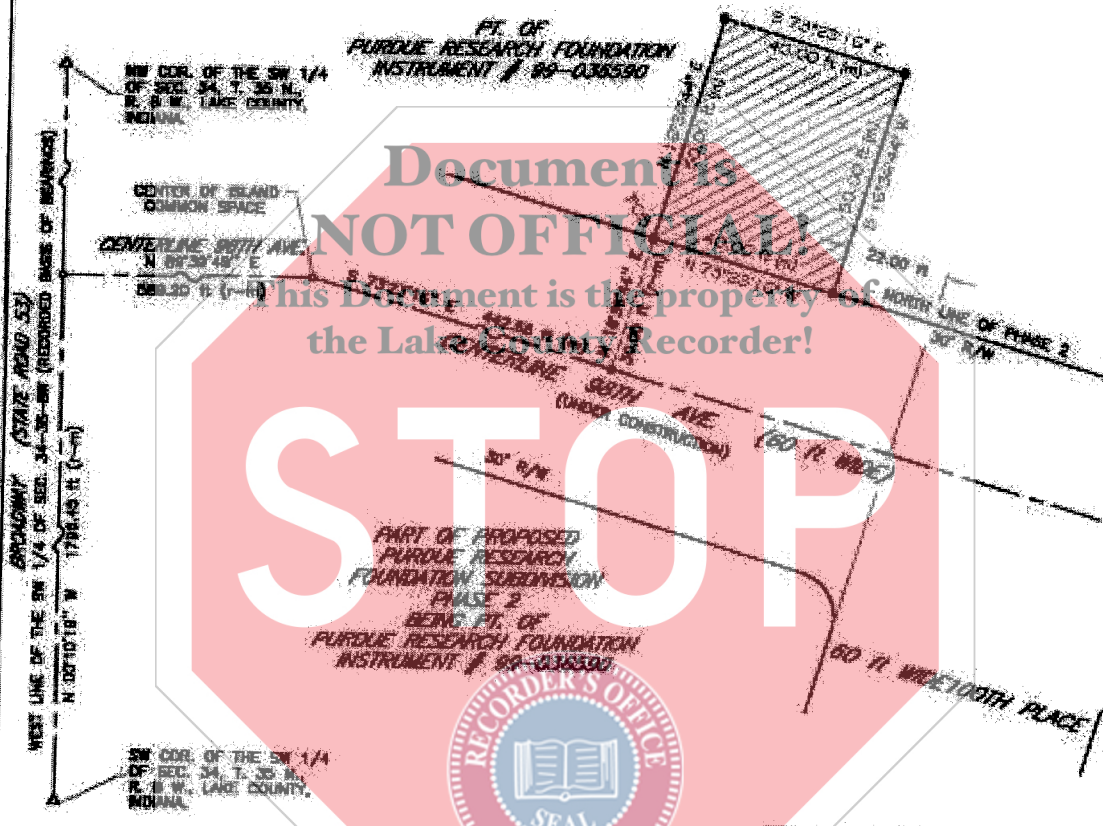
NOTES:

- 80# IRON DIAMETER REBAR STAKE SET WITH ORANGE CLIP STAMPED SBC EASEMENT (EASE)

DESCRIPTION: An Exclusive Easement situated in the Southwest Quarter of Section 34, Township 35 North, Range 8 West of the Second Principal Meridian, Lake County, Indiana, being more particularly described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence North 00 degrees 10 minutes 15 seconds West (recorded basis of bearings) along the west line of said Southwest Quarter, 1728.45 feet; thence North 89 degrees 39 minutes 40 seconds East along the centerline of 98th Avenue, 508.20 feet to the center of a common space; thence South 73 degrees 23 minutes 18 seconds East along said centerline of 98th Avenue, 442.65 feet; thence North 18 degrees 36 minutes 44 seconds East, 30.00 feet to the north right of way being the POINT OF BEGINNING; thence North 18 degrees 36 minutes 44 seconds East, 50.00 feet; thence South 73 degrees 23 minutes 18 seconds East parallel with the north line of said 98th Avenue, 40.00 feet; thence South 18 degrees 36 minutes 44 seconds West, 50.00 feet to the north right of way of said 98th Avenue; thence North 73 degrees 23 minutes 18 seconds West along said north line, 40.00 feet to the point of beginning. Containing 2000.00 square feet (0.05 acre), more or less.

Subject to all easements, rights of way and restrictions of record.



SURVEYOR'S STATEMENT

This survey is to the best of my knowledge, information, and belief, made according to the necessities of 865-IAC 1-12 for a CLASS C (0.50%) survey. The entire survey was completed by myself on the 1st day of August, 2004.

WILLIAM LEE MADRICK
INDIANA L.S. No. 00040067
DATE: SEPTEMBER 1, 2004

PREPARED BY:
KAMTEL, INC.
321 19th STREET SOUTH
WISCONSIN RAPIDS, WI 54484
PHONE: (262) 644 7820
FAX: (262) 644 0017

PREPARED FOR:
SBC AMERITECH
WORK ORDER: # 5359137
EXCH. # N421G2 MERRILLVILLE, IN.