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**FILED**

FEB 24 2005

STEPHEN R. STIGLICH  
LAKE COUNTY AUDITOR

DECLARATION OF RESTRICTION  
ON LAND-USE

MICHAEL A. BROWN  
RECORDER

THIS DECLARATION is made this Wednesday, December 1, 2004  
by Little Calumet River Basin Commission, 6100 Southport Road,  
Portage, IN 46368 (herein referred to as "Owner").

Owner is the title holder of certain property located in Section  
24 of T366N, R9W, Lake County, Gary Indiana, described on attached  
Exhibit "A" and which property is referred to herein as the  
"Property."

The Property contains areas which have been identified as "waters  
of the United States, including wetlands," as defined in regulations  
promulgated pursuant to Section 404 of the Clean  
Water Act (33 CFR 328.3(b)), and

Owner desires to dedicate use of a portion of the Property  
by constructing a wetland mitigation area to compensate and mitigate  
for the wetlands lost under the Army permit, Detroit  
District, File Number 92-075-012-1. The location of the mitigation  
area is shown on the sketch attached hereto as Exhibit "B," and

Owner has agreed to voluntarily restrict any activities in the  
mitigation area on the Property, as shown on the sketch attached, and  
depicted thereon as "Preserved Area", after the mitigation area has  
been successfully constructed, and

Owner has agreed to minimize detriments to aquatic and natural  
resources in the Preserved Area as a condition of authorization of the  
improvements by the Department of the Army, United States of America,  
Corps of Engineers ("Corps").

Owner hereby declares and covenants that no discharging of  
dredged or fill material, dredging, or other altering, modification or  
development of the Preserved Area shall be undertaken, and Lake County Highway  
will ensure, to the best of their ability, that the vegetation, soils,  
and hydrology of the Preserved area shall remain in an unaltered,  
natural condition.

The restriction and covenant created herein shall be perpetual,  
and shall be binding upon the Owner and their legal representatives,  
heirs, and assigns. The Corps and its  
successors and designees, shall have the right to enforce any of the  
provisions contained herein against the Owner and their legal  
representatives, heirs, and assigns.

001917

JP  
M/c

IN WITNESS WHEREOF, the undersigned, being the Owner herein, have executed this instrument on the day set forth above.

WITNESSES:

Robert E. Hoffman [Signature]  
(Print Name)

DAN GARDNER [Signature]  
(Print Name)

Little Calumet River Basin Development Commission

BY:

Arlene D. Colvin  
(Print Name and Title)

[Signature]  
Signature

STATE OF INDIANA )

COUNTY OF LAKE ) ss.

On Wednesday, December 1, 20 04 before me, a notary public in and for said county, personally appeared to be the same person described in and made oaths that they executed the within Declaration of Restriction on Land Use of their own free act and deed. My Commission Expires:

SANDRA J MORDUS  
NOTARY PUBLIC STATE OF INDIANA  
LAKE COUNTY  
MY COMMISSION EXP. APR. 14, 2008

[Signature]  
Notary Public  
Lake County, IN

This Statement was Prepared By: Duane A. Alverson P.E. Date: 1/5/2004  
(Print Name)

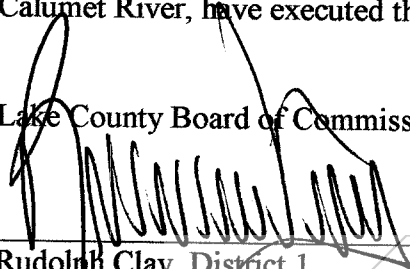
**Declaration of Restriction on Land-Use**

THIS DECLARATION is made this Wednesday, January 19, 2005 by the Lake County Board of Commissioners, 2293 North Main Street, Crown Point, Indiana 46307 (herein referred to as "Responsible Party for Maintenance").

IN WITNESS WHEREOF, the undersigned, being the Responsible Party for Maintenance herein, in accordance with the permit issued to Lake County for Wetland Mitigation, under the Department of the Army permit, Detroit District, File Number 92-075-012-1, for the replacement of Lake County Bridge #218, Burr Street over the Little Calumet River, have executed this instrument on the day set forth above.

Lake County Board of Commissioners

Approved as to form and Legality

  
Rudolph Clay, District 1

  
Attorney Mark Thiros  
Assistant Lake County Attorney

  
Gerry J. Scheub, District 2

Frances DuPey, District 3

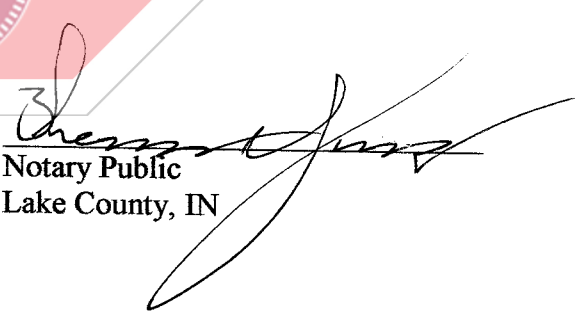
STATE OF INDIANA )

COUNTY OF LAKE ) ss.

On WEDNESDAY, JANUARY 19, 2005 before me, a notary public in and for said county, personally appeared to be the same person described in and made oaths that they executed the within Declaration of Restriction on Land Use of their own free act and deed.

My Commission Expires:

**THOMAS YANCY**  
Notary Public - State of Indiana  
Lake County  
My Commission Exp. Mar. 24, 2007

  
Notary Public  
Lake County, IN

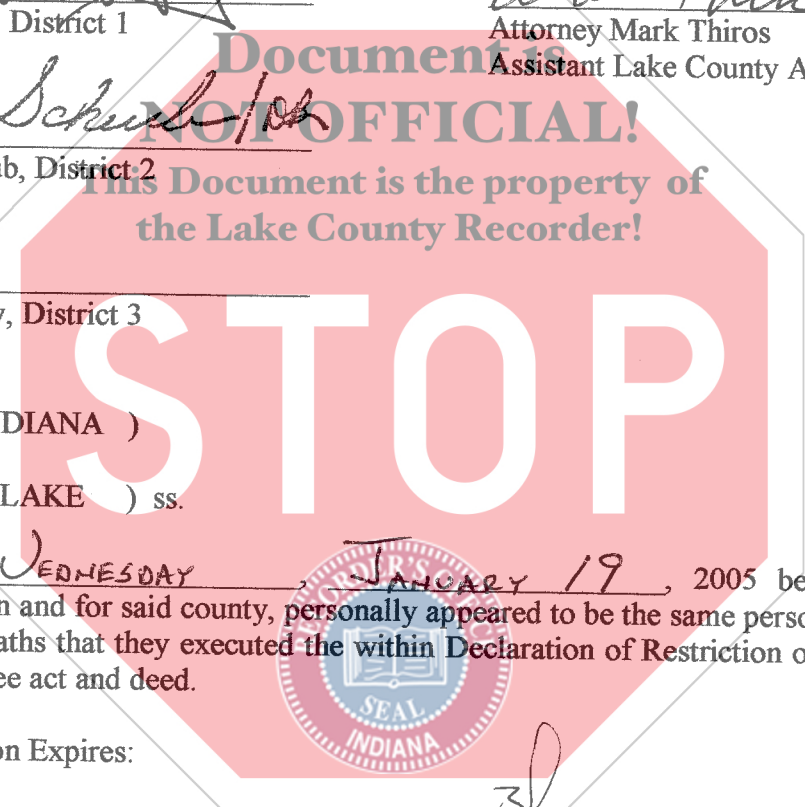


Exhibit "A"

**DESCRIPTION OF WETLAND MITIGATION SITE**

Commencing at a point, said point being the ½ Section point lying on the East line of Section 24, Township 36 North, Range 9 West, of the 2<sup>nd</sup> P.M. Thence from said point, North along said Section Line a distance of 30 ± Feet to a point, said point lying on the South line of the easement granted to the Northern Indiana Public Service Company (NIPSCO) for overhead high tension wires, thence westerly along said south easement line a distance of 987 ± feet to a point of beginning.

Thence from the point of beginning easterly along the said southerly easement line granted to NIPSCO a distance of 329 ± feet to a point. Thence southerly a distance of 985 ± feet to a point, said point lying on the northerly right of way line of the Norfolk and Southern Railroad Co. easement. Thence Northwesterly along said right of way line a distance of 383 ± feet to a point. Thence Northerly a distance of 788 ± feet to the Point of Beginning. All in the County of Lake State of Indiana.

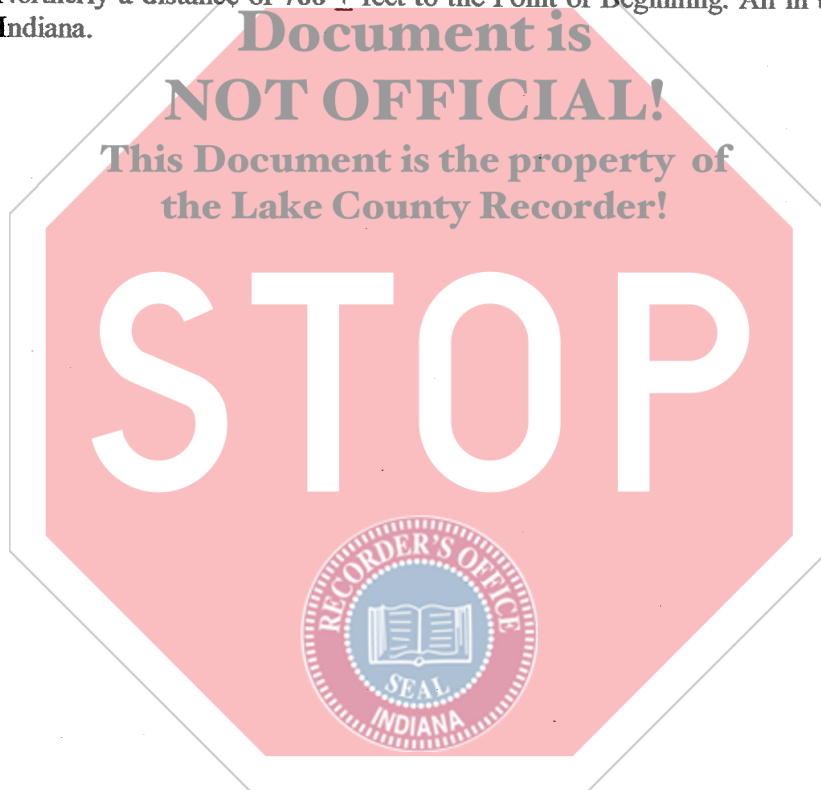
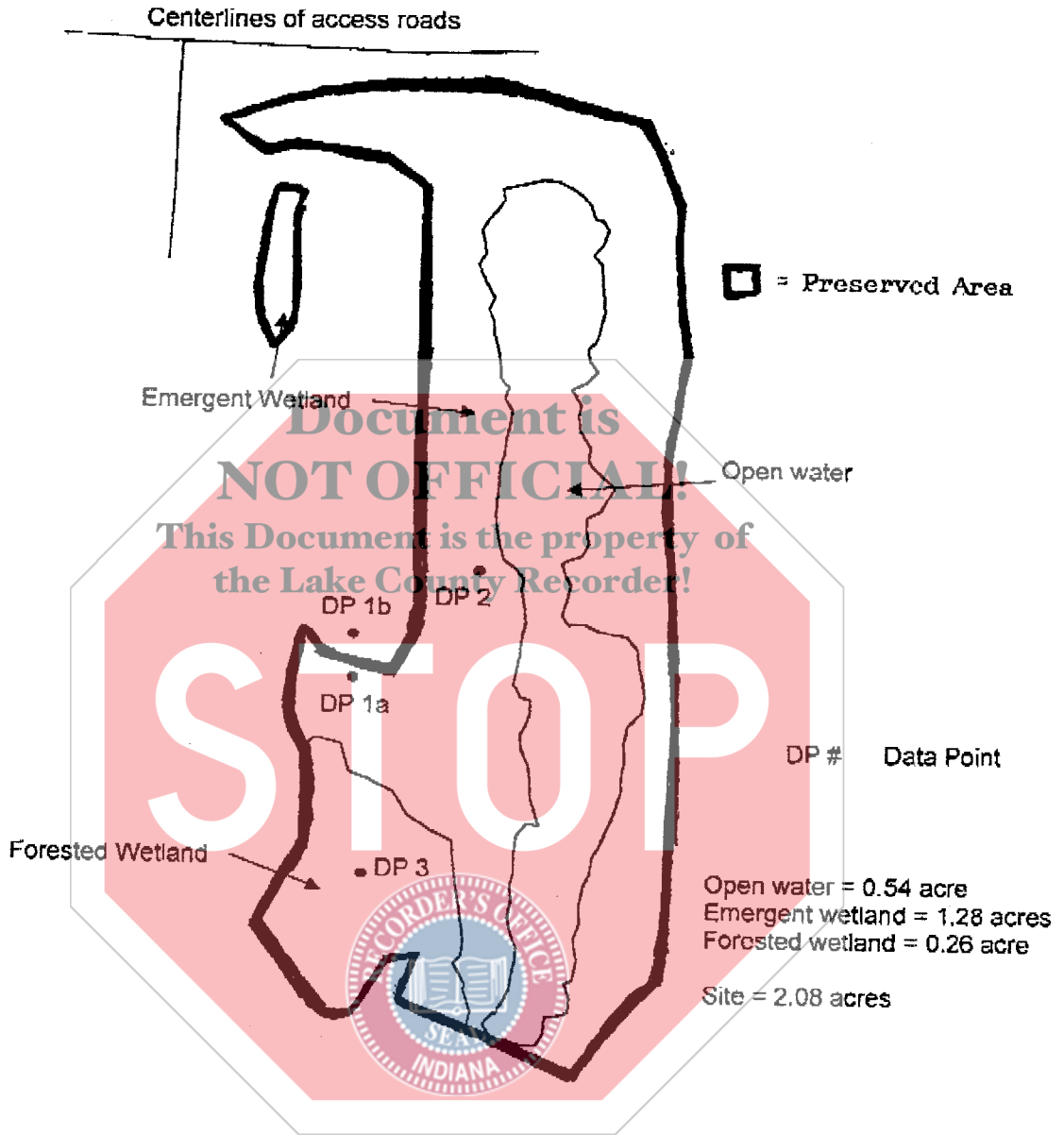


EXHIBIT "B"  
PRESERVED AREA



Wetland Delineation  
 Lake County Highway Engineers  
 Burr Street Bridge Mitigation Wetland  
 Lake County, Indiana



Scale: 1" = 100'  
 JFNew #93-08-01M2



**JFNew**

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