

STATE OF INDIANA

LAKE SUPERIOR COURT ROOM NO. 7

COUNTY OF LAKE

CROWN POINT, INDIANA

CITY OF HOBART,

Plaintiff

vs.

NICHOLAS J. SCHIRALLI,  
S & T FEDERAL CREDIT UNION &  
LAKE COUNTY, INDIANA  
Defendants

*Filed in Open Court*  
NOV 22 2006

*Thomas R. Philpott*  
CLERK LAKE SUPERIOR COURT

CAUSE NO. 45D11-0510-PL-00126  
SPECIAL JUDGE ROGER V. BRADFORD

**NON-TAXABLE**

**RECEIVED**

DEC 04 2006

NOV 22 2006

PEGGY HOLINGA KATONA  
LAKE COUNTY AUDITOR

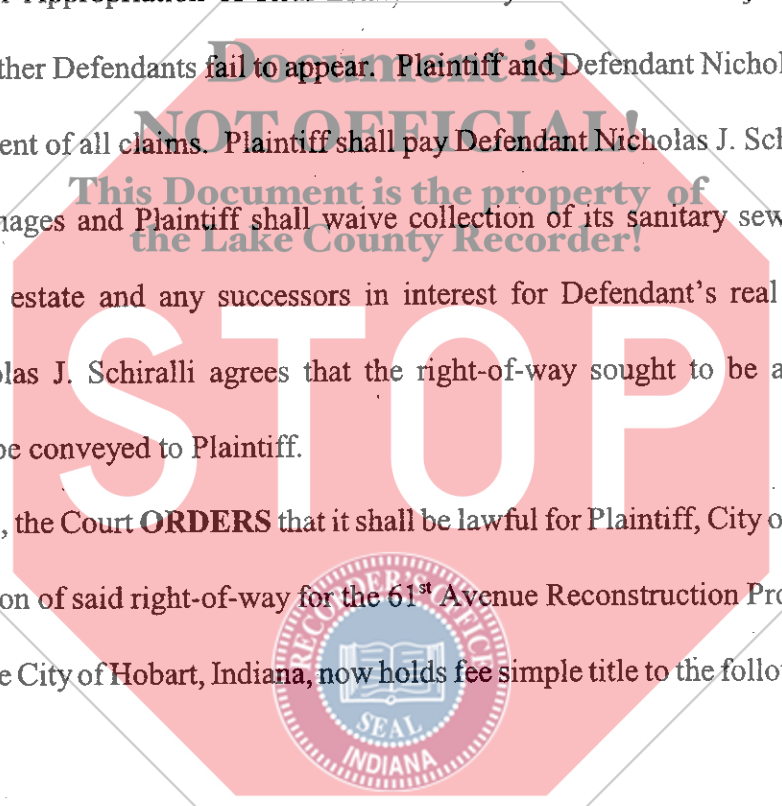
AGREED ORDER

*Thomas R. Philpott*  
CLERK LAKE SUPERIOR COURT

Comes now Plaintiff, by counsel, and Defendant Nicholas J. Schiralli, by counsel, for hearing on Complaint for Appropriation of Real Estate filed by Plaintiff and Objections filed by said Defendant. All other Defendants fail to appear. Plaintiff and Defendant Nicholas J. Schiralli have reached a settlement of all claims. Plaintiff shall pay Defendant Nicholas J. Schiralli the total sum of \$6,000 as damages and Plaintiff shall waive collection of its sanitary sewage tap-in fee for Defendant's real estate and any successors in interest for Defendant's real estate. Defendant Nicholas J. Schiralli agrees that the right-of-way sought to be appropriated in the Complaint shall be conveyed to Plaintiff.

Therefore, the Court **ORDERS** that it shall be lawful for Plaintiff, City of Hobart, to take all rights of possession of said right-of-way for the 61<sup>st</sup> Avenue Reconstruction Project, and the Court **ORDERS** that the City of Hobart, Indiana, now holds fee simple title to the following described real estate:

A part of the North Half of the Northeast Quarter of the Northeast Quarter of Section 11, Township 35 North, Range 8 West, Lake County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked "EXHIBIT B", described as follows: Beginning at a point on the North line of the



STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD  
MICHAEL A. BROWN  
RECORDER  
2006 DEC 4 AM 10:31

000473 N/C

South half of the North Half of the East Half of the Northeast Quarter of said Section 11 (the foregoing portion of this description beginning with the words "the North line" is quoted from Instrument Number 2000-015609) North 89 degrees 17 minutes 34 seconds West (bearings based on the Location Control Route Survey Plat, Project CM-9945, as recorded in Instrument Number 2004-015849 in the Office of the Recorder of said county) 25.00 feet from the east line of said Northeast Quarter, which point of beginning is on the west boundary of Colorado Street: thence North 89 degrees 17 minutes 34 seconds West 15.01 feet along said north line; thence North 0 degrees 06 minutes 10 seconds East 197.97 feet to the north line of the grantor's land; thence South 89 degrees 17 minutes 34 seconds East 15.01 feet along the north line of the grantor's land to the west boundary of said Colorado Street; thence South 0 degrees 06 minutes 05 seconds West 197.97 feet along the boundary of said Colorado Street to the point of beginning and containing 0.068 acres, more or less.

and

Temporary Right of Way for Drive Construction for the following described real estate:

A part of the North Half of the Northeast Quarter of the Northeast Quarter of Section 11, Township 35 North, Range 8 West, Lake County, Indiana, described as follows: Commencing at the point of intersection of the North line of the South half of the North Half of the East Half of the Northeast Quarter of said Section 11, with the East line of said Northeast Quarter (the foregoing portion of this description beginning with the words "at the point" is quoted from Instrument Number 2000-015609); thence North 89 degrees 17 minutes 34 seconds West 40.01 feet along said north line; thence North 0 degrees 06 minutes 10 seconds East 180.07 feet to the point of beginning of this description: thence South 89 degrees 21 minutes 15 seconds West 13.39 feet; thence North 0 degrees 38 minutes 45 seconds West 18.22 feet to the north line of the grantor's land; thence South 89 degrees 17 minutes 34 seconds East 13.63 feet along the north line of the grantor's land; thence South 0 degrees 06 minutes 10 seconds West 17.90 feet to the point of beginning and containing 0.006 acres, more or less.

which real estate is so appropriated for the use stated in the Complaint.

Plaintiff City of Hobart, shall immediately pay to the Clerk of the Court the additional sum of \$4,000 as damages in addition to the sum of \$2,000 previously paid to the Clerk of the Court on March 9, 2006. Upon receipt of said additional payment, the Clerk of the Court is **ORDERED** to release the total sum of \$6,000 to Defendant Nicholas J. Schiralli or his attorney.

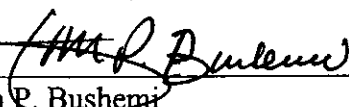
The Auditor of Lake County is **ORDERED** to transfer said real estate to the City of Hobart, Indiana, on the tax records of the county and shall list said real estate as **non-taxable**.

The Clerk of the Court is **ORDERED** to send copies of this Order to the Auditor of Lake County and all parties or their attorneys of record by certified mail.

APPROVED AS TO FORM:

City of Hobart, Plaintiff

Nicholas J. Schiralli, Defendant

  
John P. Bushemi

  
Christian J. Gielow

ORDERED:

  
ROGER V. BRADFORD, SPECIAL JUDGE

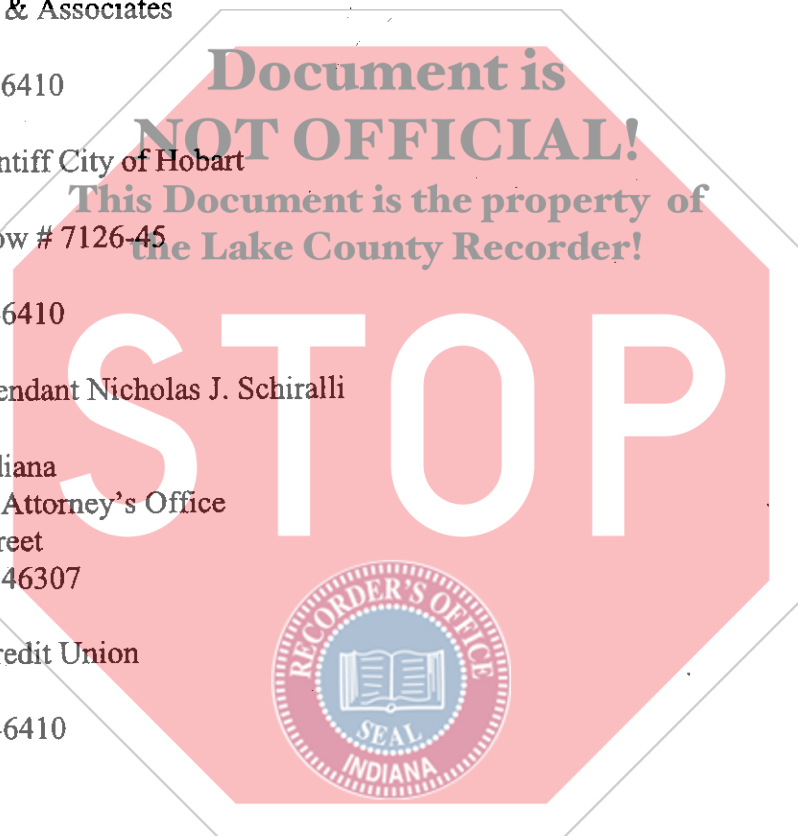
Distribution List

John P. Bushemi # 3042-45  
John P. Bushemi & Associates  
8959 Broadway  
Merrillville, IN 46410  
(219) 769-8100  
Attorney for Plaintiff City of Hobart

Christian J. Gielow # 7126-45  
5655 Broadway  
Merrillville, IN 46410  
(219) 981-2426  
Attorney for Defendant Nicholas J. Schiralli

Lake County, Indiana  
c/o Lake County Attorney's Office  
2293 N. Main Street  
Crown Point, IN 46307

S & T Federal Credit Union  
8400 Broadway  
Merrillville, IN 46410



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**STOP**



**CERTIFICATION OF CLERK**

As legal custodian I hereby certify that the above and foregoing is a true and complete copy of the original on file with this office in the office stated thereon.

Witness my hand and seal of the court this  
27th day of November 2006.

Thomas R. Philpat  
Clerk of the Lake Circuit and Superior Courts

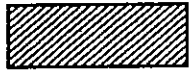
By: Sandra M. Sawyer  
Deputy Clerk

PARCEL: 26  
PROJECT: CM-9945  
ROAD: 61st Avenue  
COUNTY: LAKE  
SECTION: 11  
TOWNSHIP: 35 N.  
RANGE: 8 W.  
TAX KEY NO.: 43-53-0007-0017

OWNER: NICHOLAS J. SCHIRALLI

DRAWN BY: NAG 03/02/04  
CHECKED BY: JAM 03/03/04  
SHEET 1 OF 2

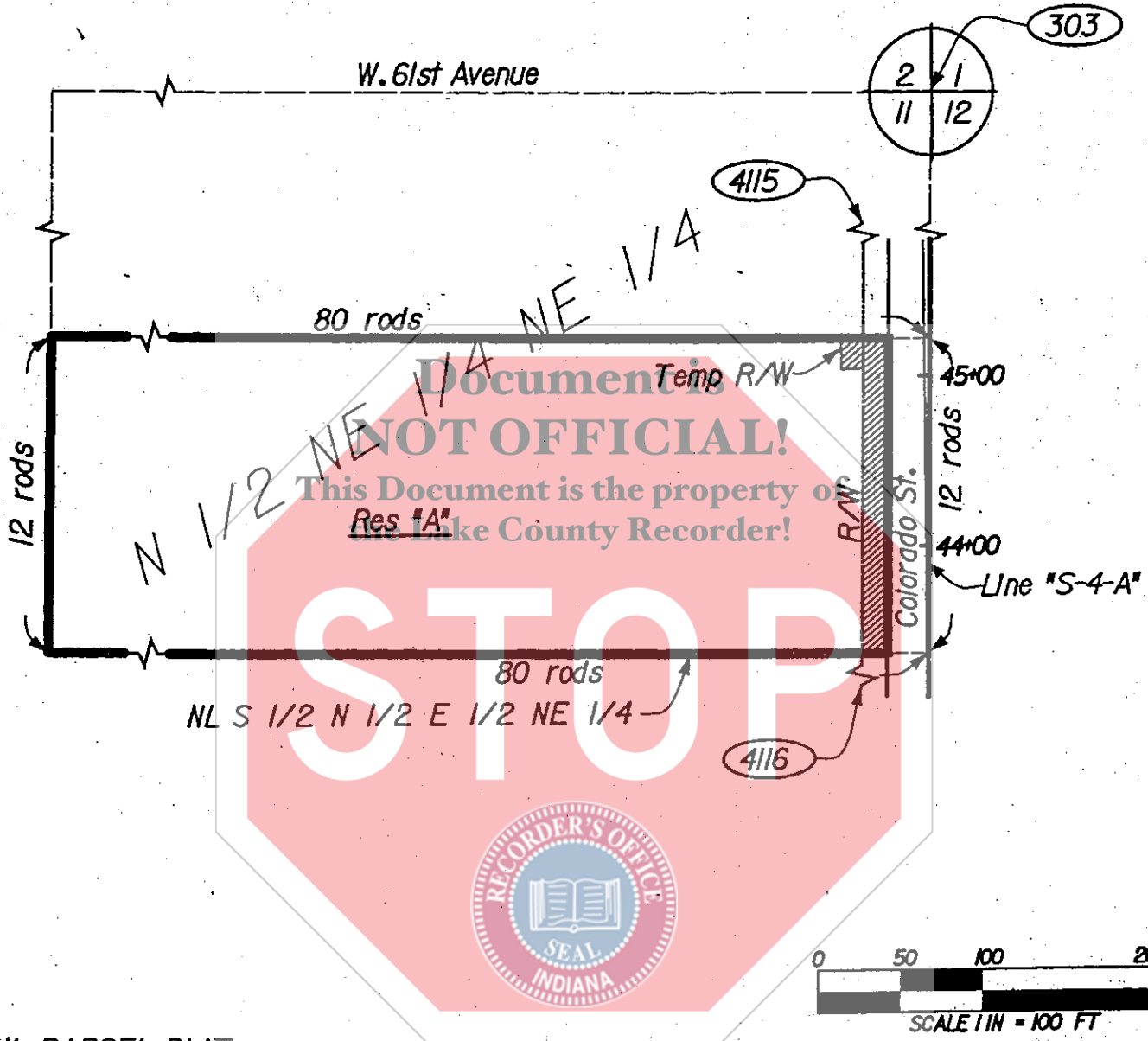
INSTRUMENT NO. 2000-015609, DATED: 03/06/00



HATCHED AREA IS THE APPROXIMATE TAKING

THIS PLAT WAS PREPARED FROM INFORMATION OBTAINED FROM THE RECORDER'S OFFICE AND OTHER SOURCES WHICH WERE NOT CHECKED BY A FIELD SURVEY.

EXHIBIT "B"



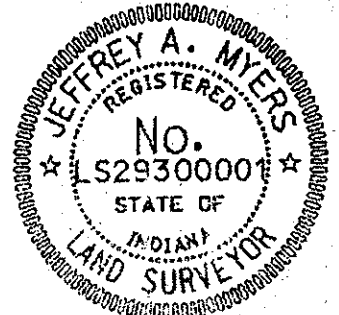
R/W PARCEL PLAT  
Prepared for the City  
of Hobart, Indiana

**HNTB**

111 Monument Circle  
Suite 1200  
Indianapolis, IN 46204  
(317) 636-4682  
FAX (317) 917-5211

Certified this 17<sup>th</sup> day of March, 2004

Jeffrey A. Myers, PLS  
Professional Land Surveyor No. 29300001  
State of Indiana



PARCEL: 26  
 PROJECT: CM-9945  
 ROAD: 61st Avenue  
 COUNTY: LAKE  
 SECTION: 11  
 TOWNSHIP: 35 N.  
 RANGE: 8 W.  
 TAX KEY NO.: 43-53-0007-0017

OWNER: NICHOLAS J. SCHIRALLI

DRAWN BY: NAG 03/02/04  
 CHECKED BY: JAM 03/03/04

INSTRUMENT NO. 2000-015609, DATED: 03/06/00

SHEET 2 OF 2

EXHIBIT "B"

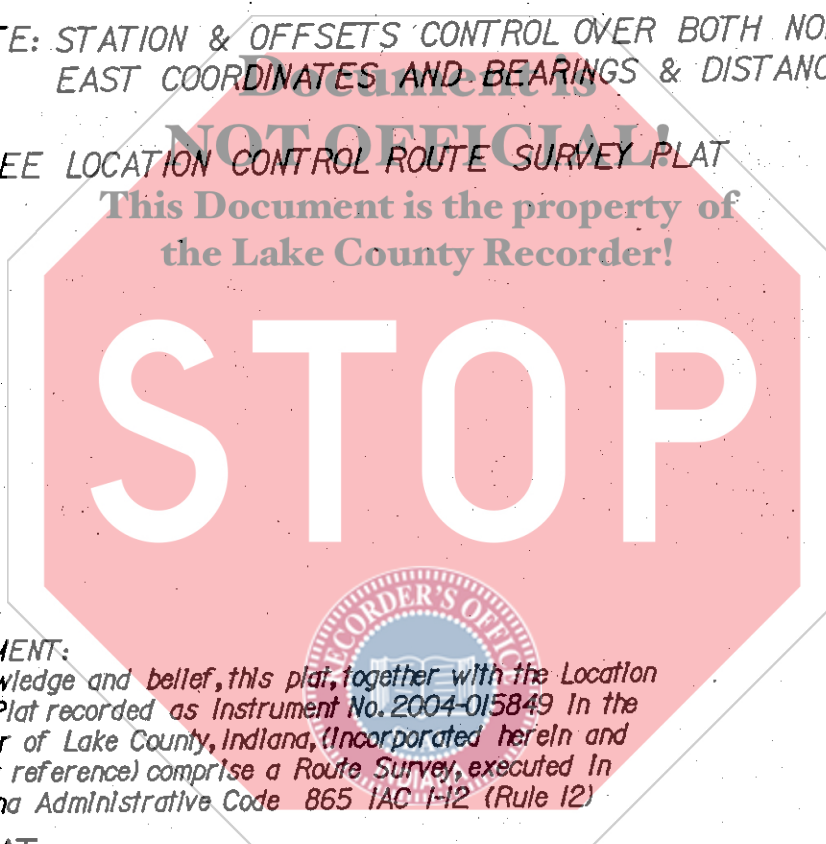
PARCEL COORDINATE CHART

Point	Northing	Easting	Centerline	Station	Offset
303*	N/A	N/A	N/A	N/A	N/A
4115	2279741.503	2894125.952	"S-4-A"	48+60.00	34.00L
4116	2279126.309	2894124.849	"S-4-A"	42+45.29	40.00L

NOTE: STATION & OFFSETS CONTROL OVER BOTH NORTH & EAST COORDINATES AND BEARINGS & DISTANCES.

\* SEE LOCATION CONTROL ROUTE SURVEY PLAT

This Document is the property of the Lake County Recorder!



SURVEYOR'S STATEMENT:

To the best of my knowledge and belief, this plat, together with the Location Control Route Survey Plat recorded as Instrument No. 2004-015849 in the Office of the Recorder of Lake County, Indiana, (Incorporated herein and made a part hereof by reference) comprise a Route Survey, executed in accordance with Indiana Administrative Code 865 IAC 1-12 (Rule 12)

R/W PARCEL PLAT

Prepared for the City of Hobart, Indiana

**HNTB**

111 Monument Circle  
 Suite 1200  
 Indianapolis, IN 46204  
 (317) 636-4682  
 FAX (317) 917-5211

Certified this 17th day of March, 2004

*Jeffrey A. Myers*

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 State of Indiana

