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STATE OF INDIANA )  
 ) SS: IN THE LAKE SUPERIOR/CIRCUIT COURT  
COUNTY OF LAKE ) SITTING AT GARY  
LAKE COUNTY, INDIANA

CITY OF CROWN POINT, INDIANA, )  
 )  
 ) Plaintiff, )

vs. )

LAKE COUNTY TRUST COMPANY, )  
AS TRUSTEE UNDER THE )  
PROVISIONS OF A TRUST )  
AGREEMENT DATED THE 4<sup>TH</sup> OF )  
AUGUST, 1975, KNOWN AS TRUST )  
NUMBER 2247; and CHICAGO )  
SKYLINE PARTNERS, LLC n/k/a )  
WATERSIDE CROSSING, LLC, an )  
Indiana limited liability company, )  
 ) Defendants. )

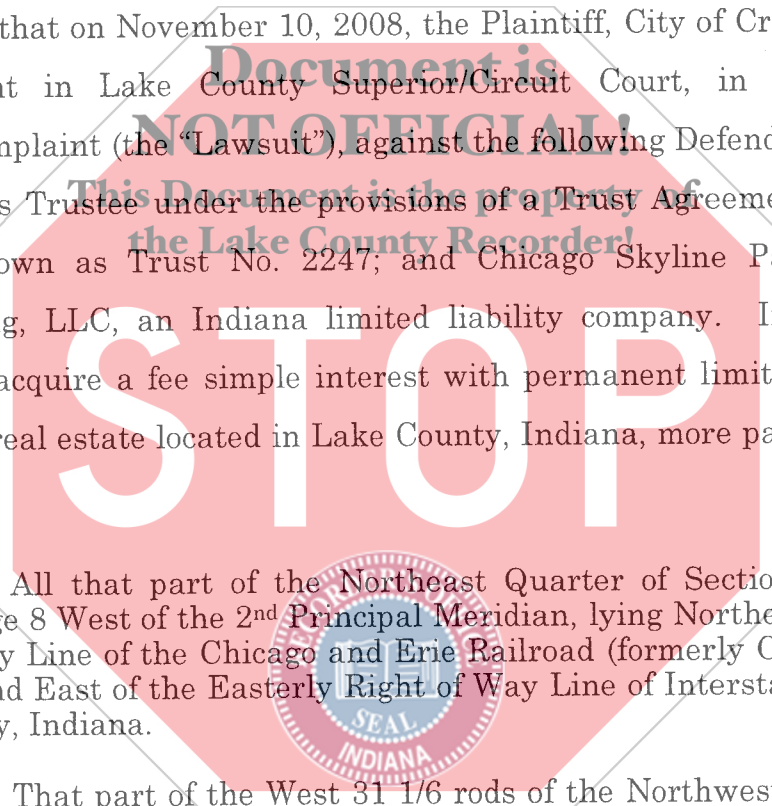
CAUSE NO. 45004081 P L 00 : 10

CLERK LAKE COUNTY COURT  
NOV 10 PM 3 57

2008 076938

**LIS PENDENS NOTICE**

Take notice that on November 10, 2008, the Plaintiff, City of Crown Point, Indiana, filed its complaint in Lake County Superior/Circuit Court, in an action entitled Condemnation Complaint (the "Lawsuit"), against the following Defendants: Lake County Trust Company, as Trustee under the provisions of a Trust Agreement dated the 4<sup>th</sup> of August, 1975, known as Trust No. 2247; and Chicago Skyline Partners, LLC n/k/a Waterside Crossing, LLC, an Indiana limited liability company. In the Lawsuit, the Plaintiff seeks to acquire a fee simple interest with permanent limitation of access in a portion of certain real estate located in Lake County, Indiana, more particularly described as follows:



2008 NOV 12 AM 11:03  
MICHAEL BOWEN  
RECORDER

PARCEL 1: All that part of the Northeast Quarter of Section 10, Township 34 North, Range 8 West of the 2<sup>nd</sup> Principal Meridian, lying Northerly of the Northerly Right of Way Line of the Chicago and Erie Railroad (formerly Chicago and Atlantic Railroad) and East of the Easterly Right of Way Line of Interstate Highway #65, in Lake County, Indiana.

PARCEL 2: That part of the West 31 1/6 rods of the Northwest Quarter of Section 11, Township 34 North, Range 8 West of the 2<sup>nd</sup> Principal Meridian, Lying Northerly of the Northerly Right of Way Line of the Chicago and Erie Railroad (formerly Chicago and Atlantic Railroad) in Lake County, Indiana.

PARCEL 3: The North Half of the original Chicago and Atlantic Railway Right-of-Way lying south of and adjacent and parallel to the following tract of land:

2000  
15095  
PB

All that part of the Northeast Quarter of Section 10, Township 34 North, Range 8 West of the Second Principal Meridian, in Lake County, Indiana, Lying Northerly of the Northerly Right-of-Way Line of the Chicago and Erie Railroad (formerly the Chicago and Atlantic Railroad) and East of the Easterly Right-of-Way Line of Interstate Highway No. 65.

Also that part of the West 31 1/6 rods of the Northwest Quarter of Section 11, Township 34 North, Range 8 West of the Second Principal Meridian, in Lake County, Indiana, Lying Northerly of the Northerly Right-of-Way Line of the Chicago and Erie Railroad (formerly the Chicago and Atlantic Railroad).


In order to make improvements to I-65 at 109<sup>th</sup> Avenue, it is necessary and proper that Plaintiff appropriate a fee simple interest with permanent limitation of access in the real estate described on **Exhibit A** and **Exhibit B** attached hereto.

The Plaintiff seeks to acquire a fee simple interest with permanent limitation of access in the above-described real estate for improvements to I-65 at 109<sup>th</sup> Avenue, by its use of the power of eminent domain.

Respectfully submitted,

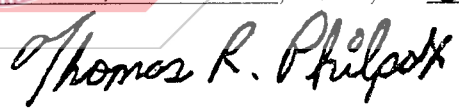

**Document is NOT OFFICIAL**  
HODGES & DAVIS, P.C.  
ATTORNEYS FOR PLAINTIFF  
CITY OF CROWN POINT, INDIANA  
**This Document is the property of the Lake County Recorder!**

By:

  
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Indiana Attorney No. 1898-45  
ALEXANDER KUTANOVSKI  
Indiana Attorney No. 27213-45  
8700 Broadway  
Merrillville, Indiana 46410  
Phone: (219) 641-8700

59987.1  
17452-4

Filed and recorded this 10<sup>th</sup> day of November, 2008, at 3 51p.m.

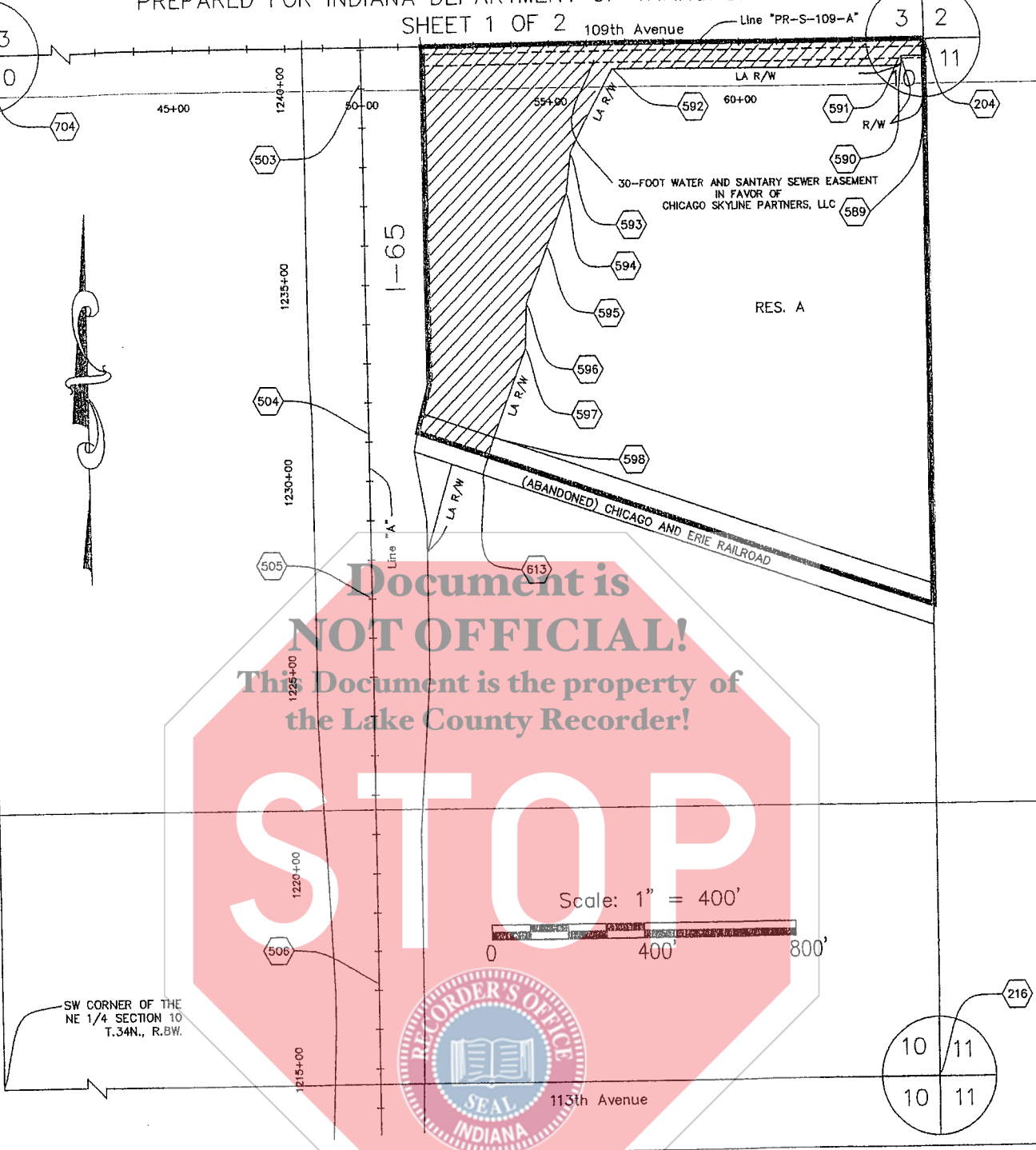
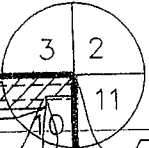
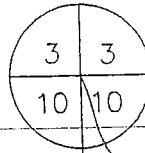
  
CLERK, Lake County Superior/Circuit Court  


## EXHIBIT A

A part of the Northeast Quarter of Section 10, Township 34 North, Range 8 West, Lake County, Indiana, and being 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 the northeast corner of said quarter section, designated as point "204" on said parcel plat; thence South 0 degrees 16 minutes 36 seconds West 43.26 feet along the east line of said quarter section to point "589" designated on said parcel plat; thence North 89 degrees 58 minutes 44 seconds West 59.65 feet to point "590" designated on said parcel plat; thence South 0 degrees 01 minute 18 seconds West 25.00 feet to point "591" designated on said parcel plat; thence North 89 degrees 58 minutes 42 seconds West 760.00 feet to point "592" designated on said parcel plat; thence South 28 degrees 29 minutes 31 seconds West 241.30 feet to point "593" designated on said parcel plat; thence South 6 degrees 48 minutes 08 seconds West 102.46 feet to point "594" designated on said parcel plat; thence South 21 degrees 39 minutes 00 seconds West 145.84 feet to point "595" designated on said parcel plat; thence South 25 degrees 54 minutes 12 seconds West 158.56 feet to point "596" designated on said parcel plat; thence South 2 degrees 27 minutes 28 seconds East 115.11 feet to point "597" designated on said parcel plat; thence South 20 degrees 19 minutes 05 seconds West 242.25 feet to point "598" designated on said parcel plat, said point being on the northern boundary of the (abandoned) Chicago and Erie Railroad (formerly the Chicago and Atlantic Railroad); thence South 18 degrees 20 minutes 28 seconds West 49.50 feet to the centerline of said abandoned railroad; thence North 71 degrees 17 minutes 06 seconds West 201.05 feet along said centerline to the east boundary of I-65; thence North 11 degrees 35 minutes 45 seconds East 49.88 feet along the boundary of said I-65 to the northern boundary of the (abandoned) Chicago and Erie Railroad (formerly the Chicago and Atlantic Railroad); thence North 18 degrees 15 minutes 15 seconds East 79.95 feet along said boundary; thence North 0 degrees 08 minutes 06 seconds West 858.93 feet along said boundary to the north line of said quarter section; thence North 89 degrees 57 minutes 42 seconds East 1,322.32 feet along said north line to the point of beginning and containing 9.006 acres, more or less, inclusive of the presently existing right of way, which contains 0.306 acres, more or less.

Together with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the limited access facility (to be known as 109<sup>th</sup> Avenue and I-65 and as Project 109<sup>th</sup> Avenue and I-65 Interchange) to and from the owner's abutting lands, along the lines described as follows: The 49.50-foot, the 242.25-foot, the 115.11-foot, the 158.56-foot, the 145.84-foot, the 102.46-foot, the 78.26-foot, the 163.10-foot, and the 760.00-foot courses described above. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

EXHIBIT B  
 RIGHT-OF-WAY PARCEL PLAT  
 PREPARED FOR INDIANA DEPARTMENT OF TRANSPORTATION  
 SHEET 1 OF 2



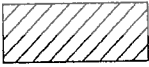
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**STOP**

Scale: 1" = 400'



SW CORNER OF THE  
 NE 1/4 SECTION 10  
 T.34N., R.B.W.



HATCHED AREA IS THE APPROXIMATE TAKING

OWNER LAKE COUNTY TRUST COMPANY; TRUST NO. 2247  
 PARCEL 4  
 PROJECT 109TH AVENUE AND I-65 INTERCHANGE  
 ROAD I-65 AND 109TH AVENUE  
 COUNTY LAKE  
 SECTION 10  
 TOWNSHIP 34 NORTH  
 RANGE 8 WEST

CODE NO.: 5112  
 DRAWN BY: D.L. WITTE  
 CHECKED BY: D.E. LAUER

INSTRUMENT NO. 313620 DATED 08-21-1975  
 INSTRUMENT NO. 2002-035519, DATED 02-26-2002

DIMENSIONS SHOWN ARE FROM THE ABOVE LISTED RECORD DOCUMENTS



EXHIBIT B  
RIGHT-OF-WAY PARCEL PLAT  
PREPARED FOR INDIANA DEPARTMENT OF TRANSPORTATION  
SHEET 2 OF 2

PARCEL COORDINATE CHART (FEET)					
POINT	Q	STATION	OFFSET	NORTH	EAST
204	*	*	*	*	*
216	*	*	*	*	*
503	*	*	*	*	*
504	*	*	*	*	*
505	*	*	*	*	*
506	*	*	*	*	*
704	*	*	*	*	*
589	PR-S-109-A	+PL(64+84.65)	40' RT	2248135.2395	2888923.8906
590	PR-S-109-A	64+25	40' RT	2248135.2616	2888864.2435
591	PR-S-109-A	64+25	65' RT	2248110.2616	2888864.2341
592	PR-S-109-A	56+65	65' RT	2248110.5475	2888104.2342
593	A	1238+30	550' RT	2247898.4737	2887989.1254
594	A	1237+28.25	537.92' RT	2247796.7304	2887976.9892
595	A	1235+92.67	484.19' RT	2247661.1801	2887923.1843
596	A	1234+50	415' RT	2247518.5484	2887853.9154
597	A	1233+35	420' RT	2247403.6456	2887858.8518
598	A	+PL(+1231+07.78)	R/W(336.01' RT)	2247176.3720	2887774.7366
613	A	+PL(1230+13.79)	R/W(304.91' RT)	2247082.3992	2887743.5832
*	SEE LOCATION CONTROL ROUTE SURVEY PLAT				

*Stations & offsets from Location Control Route Survey are to control over North & East Coordinates & over Bearings & Distances. Dimensions shown are from the referenced record documents.*

I, David E. Lauer, affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

OWNER: LAKE COUNTY TRUST COMPANY; TRUST NO. 2247  
 PARCEL: 4  
 PROJECT: 109TH AVENUE AND I-65 INTERCHANGE  
 ROAD: I-65 AND 109TH AVENUE  
 COUNTY: LAKE



**SURVEYOR STATEMENT**

To the best of my knowledge and belief, this plat, together with the Location Control Route Survey Plat recorded on July 23, 2007 as Instrument NO. 2007-059896 in the Office of the Recorder of Lake County, Indiana (incorporated and made a part hereof by reference) comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12, ("Rule 12").

*Certified this 19th day of December, 2007.*

URS CORPORATION

David E. Lauer, LS  
 Registered Land Surveyor No. LS29800021  
 State of Indiana

