

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2009 031966

2009 MAY 13 AM 10:15

MICHAEL A. BROWN  
RECORDER

Form PHE-1  
8/98

**PERPETUAL HIGHWAY EASEMENT**

Project: ITR – Project 2000  
Des. No.: 0100018  
Parcel: 1F  
Page: 1 of 3

**THIS INDENTURE WITNESSETH, That ELGIN, JOLIET AND EASTERN RAILWAY COMPANY**

the Grantor(s) of Will County, State of Illinois Convey(s) to the INDIANA FINANCE AUTHORITY on Behalf of the State of Indiana, pursuant to Indiana Code 8-15, et. seq. , the Grantee, for and in consideration of the sum of Twenty One Thousand Seven Hundred and 00/100 Dollars (\$ 21,700.00 ) (of which said sum \$ 21,700.00 represents land encumbered and improvements acquired and \$ 0.00 represents damages) and other valuable consideration, the receipt of which is hereby acknowledged, a perpetual easement and right of way in, under and upon certain Real Estate situated in the County of Lake State of Indiana, and which is more particularly described in the legal description attached hereto as Exhibit "A" and depicted upon the Right-of-Way Parcel Plat attached hereto as Exhibit "B," both of which exhibits are incorporated herein by reference, for the purpose of the construction, reconstruction, maintenance, operation and repair thereupon of a highway facility and appurtenances thereto, which said appurtenances may include but are not limited to pavement, bridges, ditches and drainage facilities, slopes, rip rap, culverts, and like features necessary for the said highway facility.

THIS TRANSFER OF THE ABOVE DESCRIBED REAL ESTATE IS MADE SUBJECT TO THE TERMS AND CONDITIONS SET OUT IN THE CONSTRUCTION/PROJECT AGREEMENT BY AND BETWEEN THE EJ & E RAILWAY, THE INDIANA TOLL ROAD CONCESSION COMPANY LLC (ITRCC LLC), AND THE INDIANA TOLL-ROADS CONTRACTORS, LLC DATED JULY 3, 2008 , WHICH IS INCORPORATED HEREIN BY REFERENCE.

This conveyance is subject to any and all easements, conditions and restrictions of record.



This Instrument Prepared By

Grantee mailing address:  
Indiana Department of Transportation  
100 North Senate Avenue  
Indianapolis, IN 46204-2219

Jeffrey A. Hunt  
Attorney at Law

20<sup>th</sup>  
MT  
RM  
**FILED**

**MAY 12 2009**

**PEGGY HOLINGA KATONA  
LAKE COUNTY AUDITOR**

**MERIDIAN TITLE CORPORATION  
HAS MADE AN ACCOMODATION  
RECORDING OF THIS DOCUMENT**

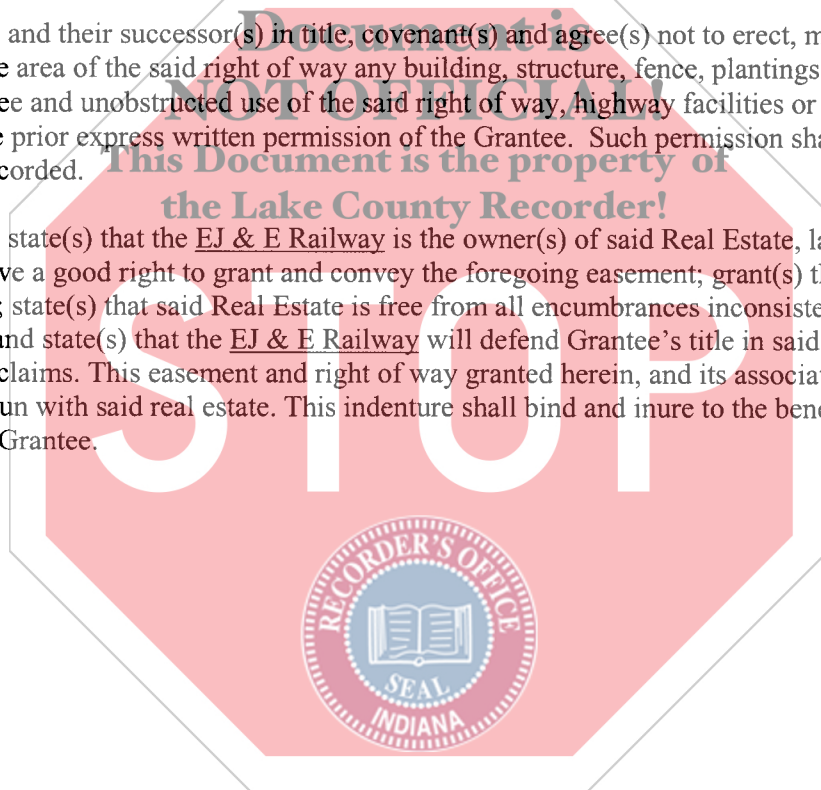
**003494**

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Grantee, its employees, agents, contractors, subcontractors and assigns shall have the right to enter in, under, over, along and upon the area of the said right of way conveyed herein only with prior written permission and approval of the Grantor(s) or the Grantor(s) successors to construct, reconstruct, maintain, and continue to operate the highway facility and appurtenances thereon and to remove from the said area any encroaching trees or other vegetation, buildings or other obstructions, except that no railroad tracks or related items belonging to the Grantor(s) shall be removed, to the free and unobstructed use of the said right of way, and to make such alteration and improvements to the highway facility and appurtenances as the Grantee may deem necessary or useful. The Grantee may also, only with prior written permission and approval of the Grantor(s) or the Grantor(s) successors, in title, bargain, convey or otherwise permit the use and/or occupancy of the area of the said right of way to place, replace, repair or maintain utility facilities thereon.

Grantor(s) and their successor(s) in title, covenant(s) and agree(s) not to erect, maintain or allow to continue within the area of the said right of way any building, structure, fence, plantings or other obstruction to the Grantee's free and unobstructed use of the said right of way, highway facilities or appurtenances thereto without the prior express written permission of the Grantee. Such permission shall not be effective unless and until recorded.

Grantor(s) state(s) that the EJ & E Railway is the owner(s) of said Real Estate, lawfully seized thereof and has/have a good right to grant and convey the foregoing easement; grant(s) the quiet use and enjoyment thereof; state(s) that said Real Estate is free from all encumbrances inconsistent with the Grant contained herein; and state(s) that the EJ & E Railway will defend Grantee's title in said easement and right of way against all claims. This easement and right of way granted herein, and its associated benefits and obligations, shall run with said real estate. This indenture shall bind and inure to the benefit of the successors and assigns of the Grantee.



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IN WITNESS WHEREOF, the said Grantor(s) ha S executed this instrument this  
21 day of July, 2008

John A. Yokim (Seal)  
Signature

John A. Yokim  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

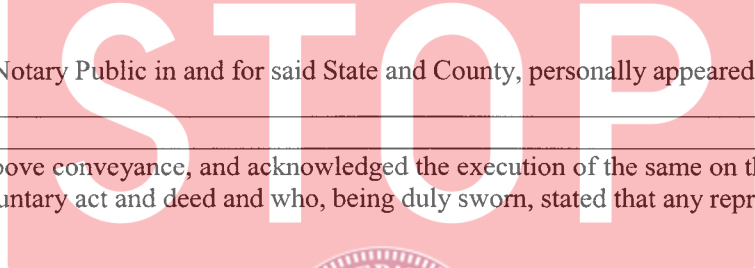
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

STATE OF PENNSYLVANIA :  
COUNTY OF ALLEGHENY :

Document is NOT OFFICIAL!

This Document is the property of the Lake County Recorder!



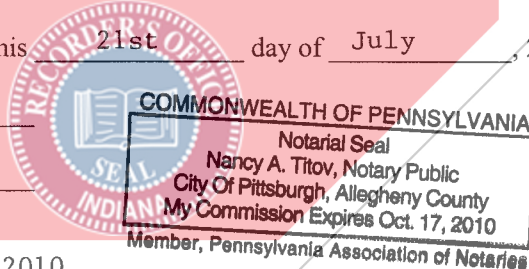
Before me, a Notary Public in and for said State and County, personally appeared  
John A. Yokim

the Grantor(s) in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be  
his voluntary act and deed and who, being duly sworn, stated that any representations contained  
therein are true.

Witness my hand and Notarial Seal this 21st day of July, 2008.

Nancy A. Titov  
Signature

Nancy A. Titov  
Printed Name



My Commission expires October 17, 2010

I am a resident of Allegheny County.

I 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. Jeffrey A. Hunt

EXHIBIT "A"

Project: ITR-PROJECT 2000

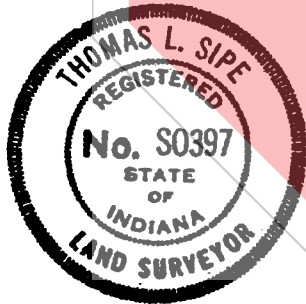
Sheet 1 of 1

Des. No.: 0100018

Form: QCD-2

Parcel: 1F Perpetual Highway Easement

A part of the Northwest Quarter of Section 3, Township 36 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: Commencing at the northwest corner of said quarter section; thence South 0 degrees 55 minutes 21 seconds East 1,209.20 feet along the west line of said quarter section to the centerline of the Indiana East-West Toll Road (a Centerline Survey Map of which is recorded in Plat book 30 1/2, pages 1 to 22, in the Office of the Recorder of Lake County, Indiana); thence Southeasterly 3,157.79 feet along said centerline to Station P.O.T. 1006+43.85 "ITR"; thence South 49 degrees 40 minutes 50 seconds East 29.12 feet to the point of beginning of this description; thence South 73 degrees 22 minutes 31 seconds East 123.32 feet; thence South 73 degrees 20 minutes 02 seconds East 384.51 feet; thence North 86 degrees 43 minutes 02 seconds West 252.17 feet; thence Northwesterly 87.09 feet along an arc to the right having a radius of 5,864.58 feet and subtended by a long chord having a bearing of North 86 degrees 17 minutes 30 seconds West and a length of 87.08 feet; thence North 49 degrees 40 minutes 50 seconds West 193.93 feet to the point of beginning and containing 0.456 acres, more or less.



This description was prepared for the  
Indiana Department of Transportation by  
*Thomas L. Sipe* Indiana Registered  
Land Surveyor, License Number 80040397  
on the 4<sup>th</sup> day of February, 2008.

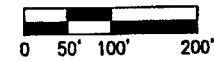
PARCEL: 1  
 PROJECT: ITR-PROJECT 2000  
 ROAD: INDIANA TOLL ROAD  
 COUNTY: LAKE  
 SECTION: 3 & 4  
 TOWNSHIP: 36N.  
 RANGE: 8W.

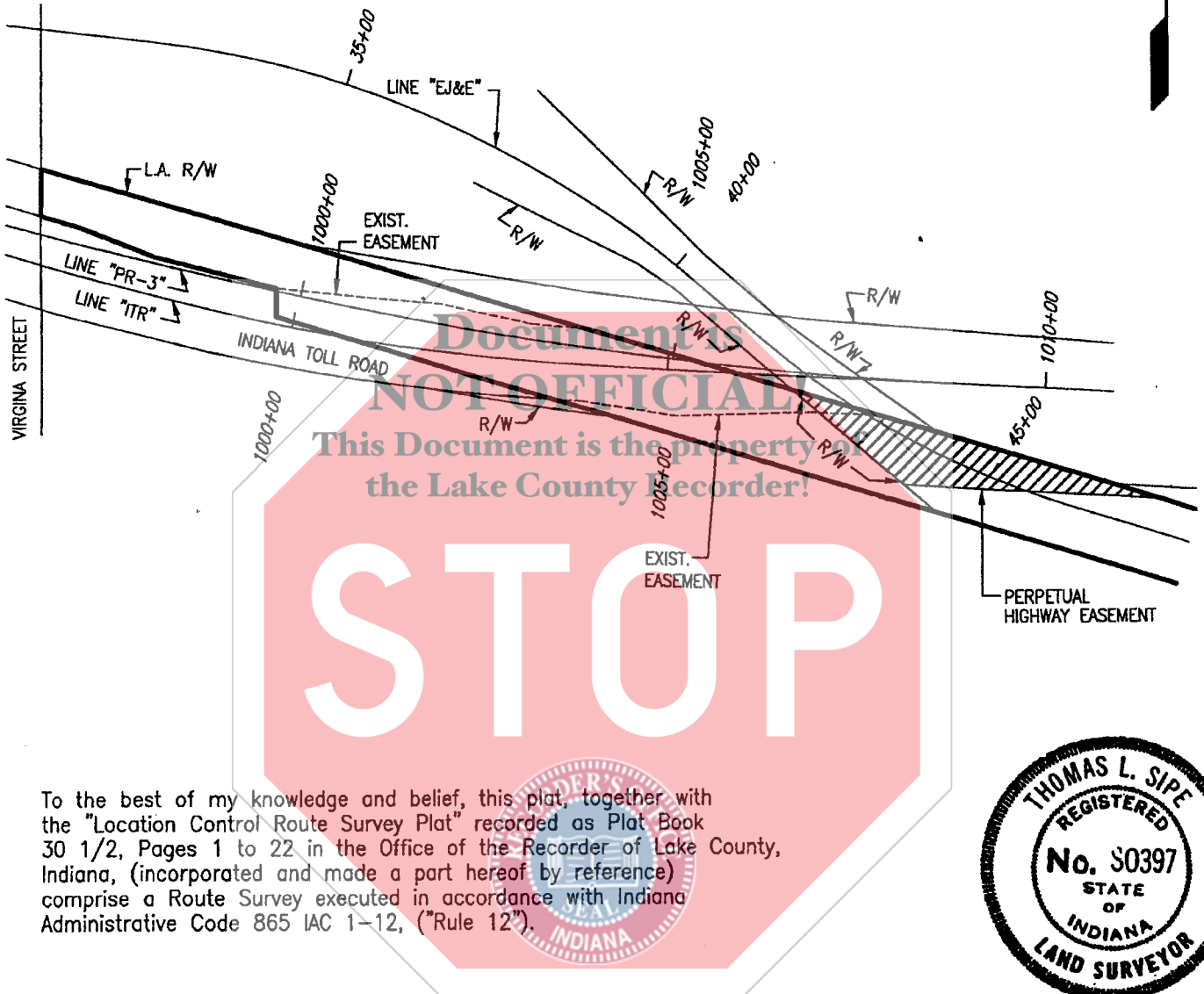
OWNER: E. J. & E. RAILROAD  
 DEED RECORD 274, PAGE 1, DATED 2/2/20

SHEET: 1 OF 1  
 DES. NO. 0100018  
 DRAWN BY: B. HAMILTON 4/5/06  
 CHECKED BY: R. WILSON 4/12/06

 HATCHED AREA IS THE APPROXIMATE TAKING

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

SCALE: 1" = 200'  




To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey Plat" recorded as Plat Book 30 1/2, Pages 1 to 22 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").



**EXHIBIT "B"**  
**RIGHT-OF-WAY PARCEL PLAT**  
 Prepared for Indiana Department of Transportation  
 by RQAW Corporation (Job #201-036.1/0001/02)

*Thomas L. Sipe*  
 Thomas L. Sipe  
 L.S. #80040397 2-4-08

REV. 10/27/06, RQAW; REV. 1/25/07; RQAW  
 REV. 1/24/08; RQAW