

20/65

2009-062145

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# PLAT OF SURVEY

## PART OF THE E. 1/2, S.W. 1/4, SEC. 36-34-10 "KLAASVILLE", CEDAR LAKE, LAKE COUNTY, INDIANA

2009 062145

**PLAT REFERENCES:**

- GOVERNMENT NOTES OF TOWNSHIP 34 NORTH, PAGES 429-431, DATED MAY 1834.
- PLAT OF SURVEY OF PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 36-34-10, KLAASVILLE, FOR JOHN SCHMIDT BY F.L. KNIGHT AND SONS, DATED 8/31/1928.
- PLAT OF SURVEY OF SECTION 36-34-10 THAT WAS USED TO ESTABLISH A POINT ON THE EAST LINE OF THE S.W. QUARTER OF SECTION 36-34-10 BY RAY TAPPAN, LAST REVISED 6/19/1974.
- PLAT OF SURVEY OF THE CEMETERY PARCEL (NORTHWEST ADJONER) BY RAY TAPPAN, DATED 6/7/1874.
- PLAT OF TOPOGRAPHIC SURVEY OF THE PARCELS NORTH OF SUBJECT PARCEL BY DONALD SHAPIRO, SHAPIRO AND ASSOCIATES, JOB NO. 89-4821, DATED 2/23/1990.
- PLAT OF SURVEY OF THE CEMETERY PARCEL BY MICHAEL W. GERBERICK, TRI-COUNTY SURVEYING, DRAWING NO. 223338, DATION 3/20/1995.
- PLAT OF SURVEY OF PART OF THE SOUTHEAST QUARTER OF SECTION 36-34-10 BY PLUMB, TUCKETT AND ASSOCIATES, INC., JOB NO. S07130, DATED 7/17/2007 AND RECORDED IN SURVEYOR BOOK 17, PAGE 60, DOC. NO. 2007 080492.
- PLAT OF SURVEY OF PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 36-34-10 (SOUTH ADJONER) BY KEVIN L. SAYERS, TURNING POINT SURVEYING, INC., JOB. NO. 79-209, 79-209, LAST REVISED 6/10/2009.

**SURVEYOR'S REPORT:**

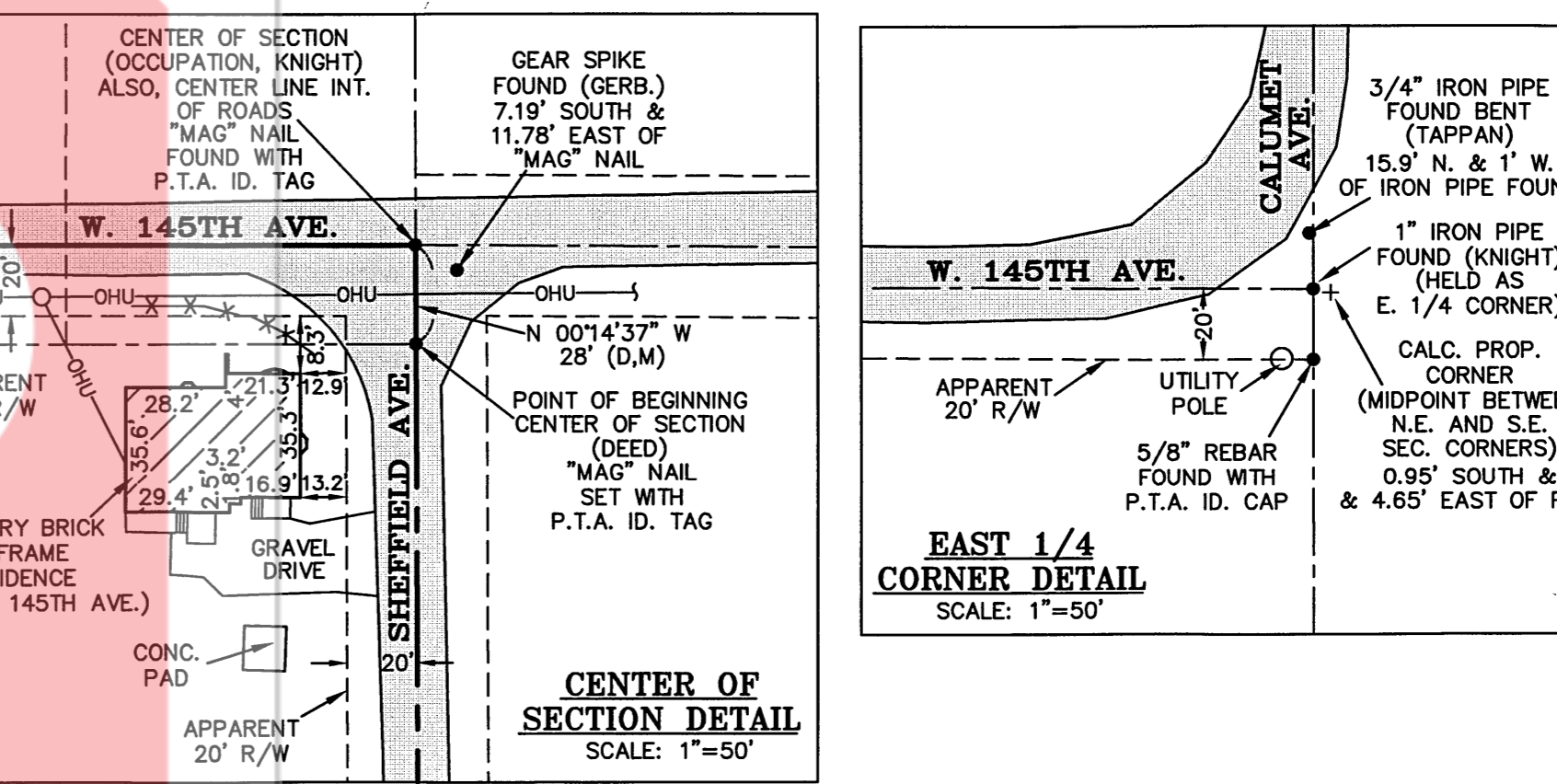
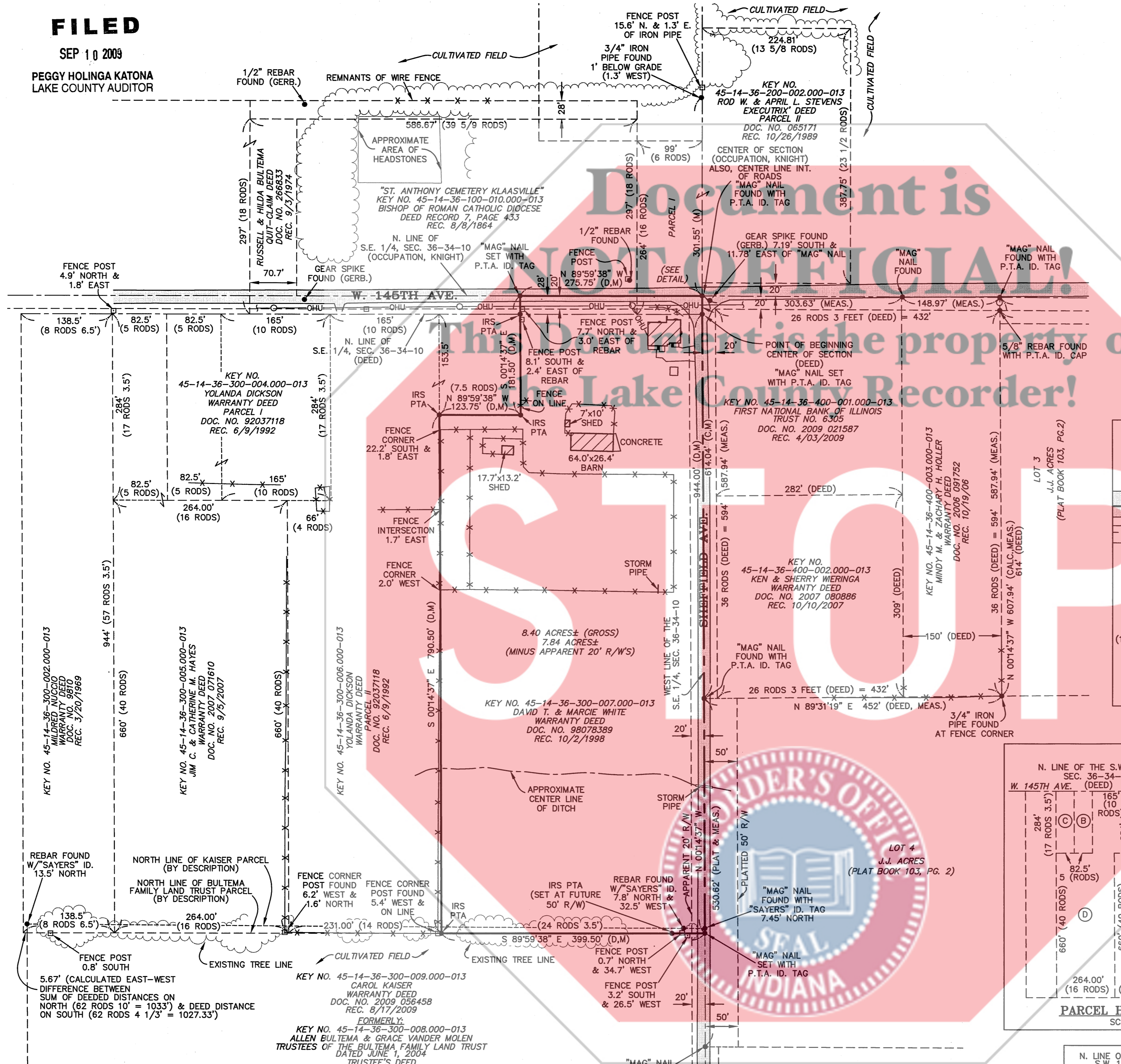
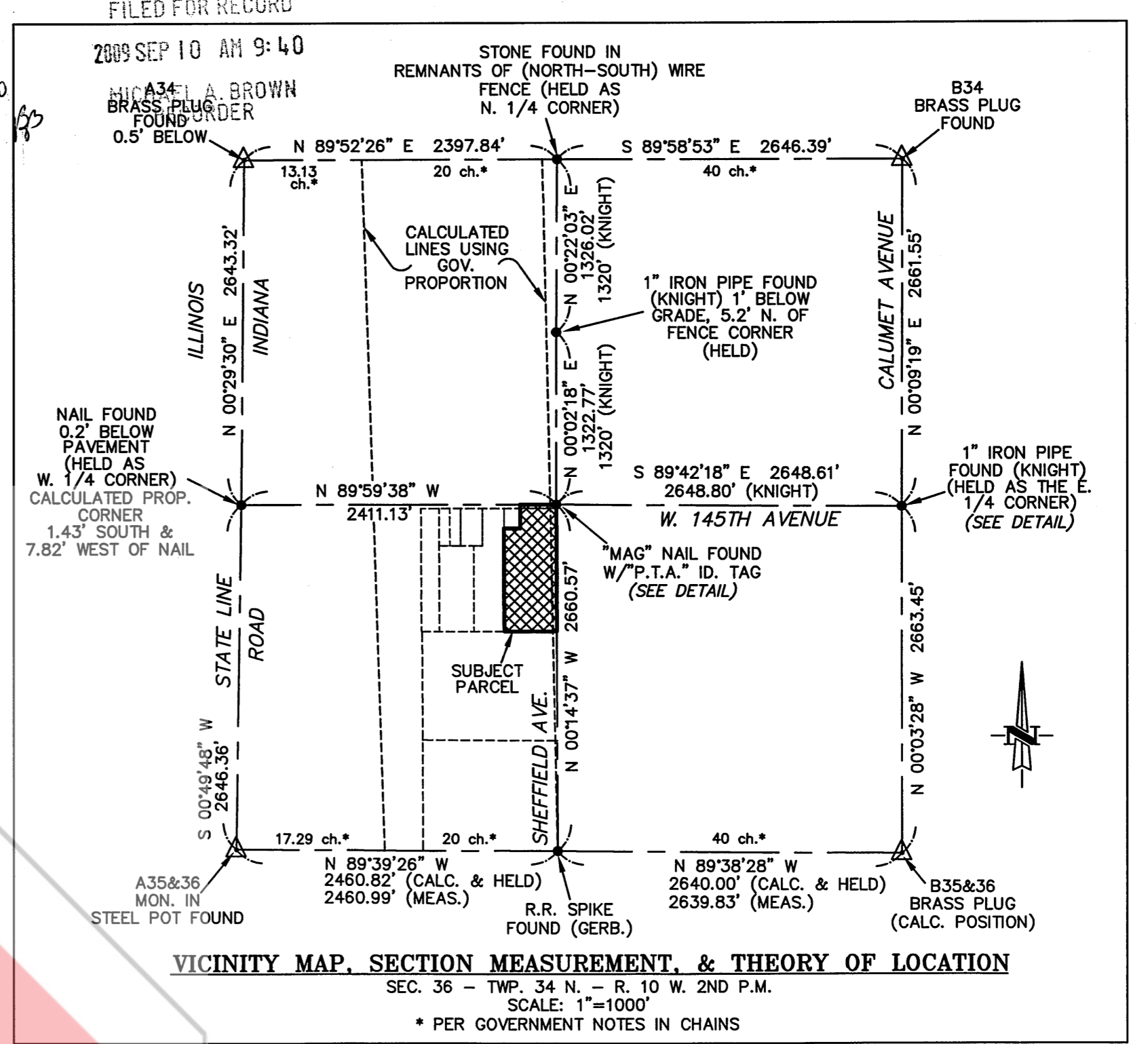
THIS PLAT REPRESENTS A RETRACEMENT SURVEY OF A PARCEL OF LAND DESCRIBED IN DOCUMENT NUMBER 98078389, RECORDED ON 10/02/1998 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

**THEORY OF LOCATION:** THE SUBJECT PARCEL LINES AND CORNERS WERE ESTABLISHED AS FOLLOWS: PREVIOUS SECTION MEASUREMENT (PER PLAT REFERENCE 7) WAS USED AND VERIFIED THIS SURVEY ON SECTION CORNER MONUMENTS FOUND, SAID MONUMENTS MATCHED DESCRIPTIONS AND WITNESS TIES AS SHOWN ON THE SECTION CORNER INDEX CARDS PREPARED AND MAINTAINED BY THE LAKE COUNTY SURVEYOR'S OFFICE. SAID SURVEYOR'S OFFICE DID NOT HAVE ANY RECORDS FOR QUARTER CORNERS OR THE CENTER OF SECTION FOR THIS SECTION. A 1-INCH IRON PIPE WAS FOUND AT THE EAST QUARTER CORNER, A 1-INCH IRON PIPE WAS FOUND AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER, AND A STONE WAS FOUND AT THE NORTH QUARTER CORNER. ALL THREE MONUMENTS APPEAR TO BE THE SAME AS SHOWN ON PLAT REFERENCE 2 (GIRCA 1928) AND THEIR POSITIONS WERE HELD FIXED FOR THE QUARTER LINES THIS SURVEY. A RAILROAD SPIKE WAS FOUND AT THE SOUTH QUARTER CORNER AND APPEARS TO HAVE BEEN SET BY PLAT REFERENCE 6. A NAIL (UNKNOWN ORIGIN) WAS FOUND AT THE WEST QUARTER CORNER AND HELD FIXED THIS SURVEY. A "MAG" NAIL WITH P.T.A. IDENTIFICATION TAG (SET PER PLAT REFERENCE 7) WAS FOUND AT THE INTERSECTION OF THE CENTER LINES OF WEST 145TH AVENUE AND SHEFFIELD AVENUE AND HELD AS THE CENTER OF SECTION. (SEE CENTER OF SECTION PARAGRAPH BELOW IN THIS REPORT.) A PORTION WAS APPLIED TO CALCULATE THE POSITION OF THE QUARTER LINES USING THE GOVERNMENT NOTES (PLAT REFERENCE 1), THE PRORATED CHAIN DISTANCE OF 13.13 CHAINS AT THE NORTHWEST CORNER OF THE SECTION SEVERELY PULLED FROM THE QUARTER LINES WEST AND DISAGREED WITH OCCUPATION AND CHAIN. THIS IS ALSO EVIDENCED BY THE TAPPAN PLATS (PLAT REFERENCE 3 AND 4) WHICH DEPICT THE DIFFERENCES BETWEEN OCCUPATION AND THE SECTION BREAKDOWN USING GOVERNMENT PRORATION. THE CALCULATED PROPORTION WAS NOT USED BASED ON HOW BADLY IT FIT WITH OCCUPATION AND FOUND MONUMENTS. THE RESULTING SECTION MEASUREMENT USED FOR THIS SURVEY IS SHOWN HEREON.

20 PAGE 65  
 FILED  
 SEP 10 2009  
 PEGGY HOLINGA KATONA  
 LAKE COUNTY AUDITOR

**LEGAL DESCRIPTION:** (PER WARRANTY DEED, DOC. NO. 98078389, REC. 10/2/1998)

PART OF THE WEST HALF OF SECTION 36, TOWNSHIP 34 NORTH, RANGE 10 WEST OF THE SECOND PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION AND RUNNING THENCE NORTH 28 FEET TO THE CENTER OF THE PUBLIC HIGHWAY AS NOW WORKED AND TRAVELED; THENCE WEST 275 3/4 FEET ALONG THE CENTER OF SAID PUBLIC HIGHWAY; THENCE SOUTH 181 1/2 FEET; THENCE WEST 123 3/4 FEET; THENCE SOUTH 790 1/2 FEET; THENCE EAST 399 1/2 FEET TO THE CENTER LINE OF SAID SECTION; THENCE NORTH 944 FEET TO THE PLACE OF BEGINNING, IN LAKE COUNTY, INDIANA, SUBJECT TO EASEMENTS OF HIGHWAYS, STREETS, ALLEYS, SEWERS, TILES, DRAINS, AND PUBLIC UTILITIES.



**PARCEL HISTORY**

THE FOLLOWING IS A GENERAL OVERVIEW OF THE HISTORY OF TRANSFERS THAT OCCURRED IN THE N. HALF OF THE E. HALF OF THE S.W. QUARTER OF SECTION 36-34-10. (SEE NOTE 4.) THIS INFORMATION WAS USED IN DETERMINING THE LOCATION OF THE CENTER OF SECTION. (SEE SURVEYOR'S REPORT.)

DEED DATE	RECORDED DATE	GRANTOR	GRANTEE	BOOK	PAGE
ALL OF S.W. 1/4	11/24/1856	LASE SEN, HENRY	KLAAS, HENRY J.	2	289
	9/25/1865	9/25/1865	KLAAS, HENRY J.	12	216-219
	3/24/1874	3/10/1874	LANGE, FREDERICK BERG, JOHN	21	241
A	6/11/1874	9/10/1874	BERG, JOHN	21	242
B	6/11/1874	9/10/1874	BERG, JOHN	21	243
C	6/11/1874	9/10/1874	BERG, JOHN	21	244
D	6/10/1874	9/10/1874	BERG, JOHN	21	246
F	11/25/1886	12/07/1886	KLAAS, AUGUST WACHTER, PETER	41	383
H	10/14/1887	2/21/1888	JOSTES, JOHN DAHLKE, JOSEPH	43	541
	9/25/1895	9/25/1895	DAHLKE, JOSEPH MOENWICKES, JOSEPH	76	158
	11/07/1904	11/14/1904	MOENWICKES, JOSEPH RASCHER, JAMES	114	142
	11/27/1974	11/27/1974	RASCHER ESTATE RASCHER HEIRS	DOC. 278774	
	2/20/1976	3/31/1976	RASCHER HEIRS MULVHILL		
	8/6/1981	8/7/1981	MULVHILL		
	6/29/1989	7/21/1989	MULVHILL RAY, KEVIN P.		
	10/03/1997	11/10/1997	RAY, KEVIN P. MIKULY, M.J.		
	9/28/1998	10/2/1998	MIKULY, M.J. WHITE, DAVID T. & MARGIE	DOC. 98078389	

\* CREATION OF SUBJECT PARCEL DESCRIPTION AS IT EXISTS TODAY.

**THEORY OF LOCATION:** THE SUBJECT PARCEL LINES AND CORNERS WERE ESTABLISHED AS FOLLOWS: PREVIOUS SECTION MEASUREMENT (PER PLAT REFERENCE 7) WAS USED AND VERIFIED THIS SURVEY ON SECTION CORNER MONUMENTS FOUND, SAID MONUMENTS MATCHED DESCRIPTIONS AND WITNESS TIES AS SHOWN ON THE SECTION CORNER INDEX CARDS PREPARED AND MAINTAINED BY THE LAKE COUNTY SURVEYOR'S OFFICE. SAID SURVEYOR'S OFFICE DID NOT HAVE ANY RECORDS FOR QUARTER CORNERS OR THE CENTER OF SECTION FOR THIS SECTION. A 1-INCH IRON PIPE WAS FOUND AT THE EAST QUARTER CORNER, A 1-INCH IRON PIPE WAS FOUND AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER, AND A STONE WAS FOUND AT THE NORTH QUARTER CORNER. ALL THREE MONUMENTS APPEAR TO BE THE SAME AS SHOWN ON PLAT REFERENCE 2 (GIRCA 1928) AND THEIR POSITIONS WERE HELD FIXED FOR THE QUARTER LINES THIS SURVEY. A RAILROAD SPIKE WAS FOUND AT THE SOUTH QUARTER CORNER AND APPEARS TO HAVE BEEN SET BY PLAT REFERENCE 6. A NAIL (UNKNOWN ORIGIN) WAS FOUND AT THE WEST QUARTER CORNER AND HELD FIXED THIS SURVEY. A "MAG" NAIL WITH P.T.A. IDENTIFICATION TAG (SET PER PLAT REFERENCE 7) WAS FOUND AT THE INTERSECTION OF THE CENTER LINES OF WEST 145TH AVENUE AND SHEFFIELD AVENUE AND HELD AS THE CENTER OF SECTION. (SEE CENTER OF SECTION PARAGRAPH BELOW IN THIS REPORT.) A PORTION WAS APPLIED TO CALCULATE THE POSITION OF THE QUARTER LINES USING THE GOVERNMENT NOTES (PLAT REFERENCE 1), THE PRORATED CHAIN DISTANCE OF 13.13 CHAINS AT THE NORTHWEST CORNER OF THE SECTION SEVERELY PULLED FROM THE QUARTER LINES WEST AND DISAGREED WITH OCCUPATION AND CHAIN. THIS IS ALSO EVIDENCED BY THE TAPPAN PLATS (PLAT REFERENCE 3 AND 4) WHICH DEPICT THE DIFFERENCES BETWEEN OCCUPATION AND THE SECTION BREAKDOWN USING GOVERNMENT PRORATION. THE CALCULATED PROPORTION WAS NOT USED BASED ON HOW BADLY IT FIT WITH OCCUPATION AND FOUND MONUMENTS. THE RESULTING SECTION MEASUREMENT USED FOR THIS SURVEY IS SHOWN HEREON.

**A. AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS:** UNLESS OTHERWISE STATED ON THIS PLAT, FOUND MONUMENTS WERE UNDISTURBED, AT OR NEAR GRADE, IN GOOD CONDITION, AND OF UNKNOWN ORIGIN. UNCERTAINTIES IN THE LOCATION OF FOUND MONUMENTATION WAS UP TO 7" IN A NORTH-SOUTH DIRECTION AND UP TO 12" IN AN EAST-WEST DIRECTION.

**B. UNCERTAINTIES RESULTED DUE TO SUBSTANTIAL OBSERVED OCCUPATION OR POSSESSION LINES WERE AS FOLLOWS:** SEVERAL WOODEN FENCE POSTS ALONG WITH FENCE WERE LOCATED AND SHOWN WITH RESPECT TO PARCELS LINE HEREON.

**C. APPARENT UNCERTAINTY RESULTING FROM RECORD DESCRIPTIONS IS AS FOLLOWS:** THE SUBJECT PARCEL DEED DESCRIBES THE CENTER OF SECTION AS BEING A POINT THAT IS 28 FEET SOUTH OF THE INTERSECTION OF THE CENTER LINES OF THE ROADS WHICH CONFLICTS WITH WHERE THE CENTER OF SECTION IS BEING HELD TODAY. THE SUBJECT PARCEL DEED DESCRIPTION WAS TRACED BACK TO ITS CREATION (SHOWN IN THE PARCEL HISTORY SECTION HEREON) TO TRY AND DETERMINE WHY SAID POINT WAS DESCRIBED AS THE CENTER OF SECTION. IN 1874, JOHN BERG ACQUIRED ALL THE LAND IN THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SECTION. HE THEN SPLIT OFF FIVE PARCELS ON 6/10/1874 WITH WHAT IS NOW THE SUBJECT PARCEL. THE SUBJECT PARCEL DEPTH (NORTH-SOUTH) WAS DESCRIBED AS 57 RODS, 3.5 FEET (944 FEET). THE SOUTHERN ADJONER'S DEED DESCRIPTION (WHEN IT WAS THE BULTEMA FAMILY LAND TRUST) DEPTH (NORTH-SOUTH) WAS DESCRIBED PER DOCUMENT NO. 2004 088816 AS 85 RODS 94 FEET SOUTH OF THE CENTER OF SECTION AND THENCE SOUTH 102 RODS, 13 FEET (1696 FEET) TO THE SOUTH LINE OF THE SECTION. THE TOTAL DISTANCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER PER THE TWO DESCRIPTIONS IS 2840 FEET (57 RODS, 3.5 FEET SOUTH OF THE CENTER OF SECTION). THE 2840 FEET (EXACTLY A HALF MILE) IS SIGNIFICANT BECAUSE IT REPRESENTS THE LENGTH OF A QUARTER IN A THEORETICALLY PERFECT SECTION. THIS SECTION, THIS SECTION, THIS SECTION, THE DESCRIPTIONS WERE MOST LIKELY CREATED ON PAPER WITHOUT THE BENEFIT OF ACTUALLY MEASURING IT ON THE GROUND. IT IS THEORIZED THAT WEST 145TH AVENUE DID NOT EXIST AT THE TIME THAT JOSTES BOUGHT THE LAND FROM BERG AND THAT SOMETIME BETWEEN 6/10/1874 AND 11/26/1886, JOSTES DESCRIBED THAT THERE WAS AN ADDITIONAL 28 FEET OF LAND BETWEEN HIS DEEDED NORTH LINE AND THE CENTERLINE OF THE ROAD (WEST 145TH AVENUE). THIS IS EVIDENCED BY A SUBSEQUENT DEED TO JOSTES FROM AUGUST KLAAS ON 11/26/1886 WHICH DESCRIBES A 28 FOOT WIDE PARCEL OF LAND THAT RUNS ALONG THE ENTIRE NORTH LINE OF THE JOSTES PARCEL AND ALSO A QUIT CLAIM DEED FROM PETER WACHTER TO JOSTES ON 10/20/1887 WHICH DESCRIBES A 28 FEET WIDE PARCEL THAT RUNS 115.5 FEET WEST FROM THE CENTER OF SECTION ALONG THE NORTH LINE OF THE JOSTES PARCEL. ON 10/14/1887, JOSTES TRANSFERRED TO JOSEPH DAHLKE ALL THAT HE ACQUIRED FROM BERG AND ALSO THE ADDITIONAL 28 FEET HE ACQUIRED FROM KLAAS AND WACHTER, WHILE RESERVING A HALF ACRE PIECE TO HIMSELF ON THE NORTHWEST PORTION OF THE LAND. THE RESULTING DESCRIPTION CONTAINED ON THAT DEED IS THE SAME AS IT EXISTS TODAY FOR THE SUBJECT PARCEL. OCCUPATION (FENCE, FENCE POSTS, AND TREE LINE) LOCATED ALONG THE SOUTH LINES OF THE SUBJECT PARCEL AND THE THREE WEST ADJONERS WERE LOCATED 972 FEET SOUTH OF THE EXISTING CENTER LINE OF WEST 145TH AVENUE (WHICH IS CONSISTENT WITH THE 944 FEET PLUS 28 FEET). ADDITIONAL DEEDS OF THE NORTH ADJONERS ARE CONSISTENT WITH EXCEPTING THE SOUTH 28 FEET. HOWEVER, OCCUPATION FOR THOSE PARCELS INVOLVING THE CEMETERY ARE CONSISTENT IN USING THE CENTER LINE OF THE ROAD AS THE QUARTER LINE. THUS, THERE IS A 28 FOOT UNCERTAINTY (NORTH-SOUTH) AS TO THE LOCATION OF THE QUARTER LINE AND THE CENTER OF SECTION BY DESCRIPTION. THIS SECTION, THIS SECTION, THIS SECTION, THE CEMETERY PROPERTY ISSUED BY CHICAGO TITLE INSURANCE COMPANY, NO. 320307, EFFECTIVE DATE JULY 18, 1874, NOTES IN SPECIAL EXEMPTION ITEM 11 THE EXISTENCE OF THE 28 FOOT PROBLEM IN TITLE.

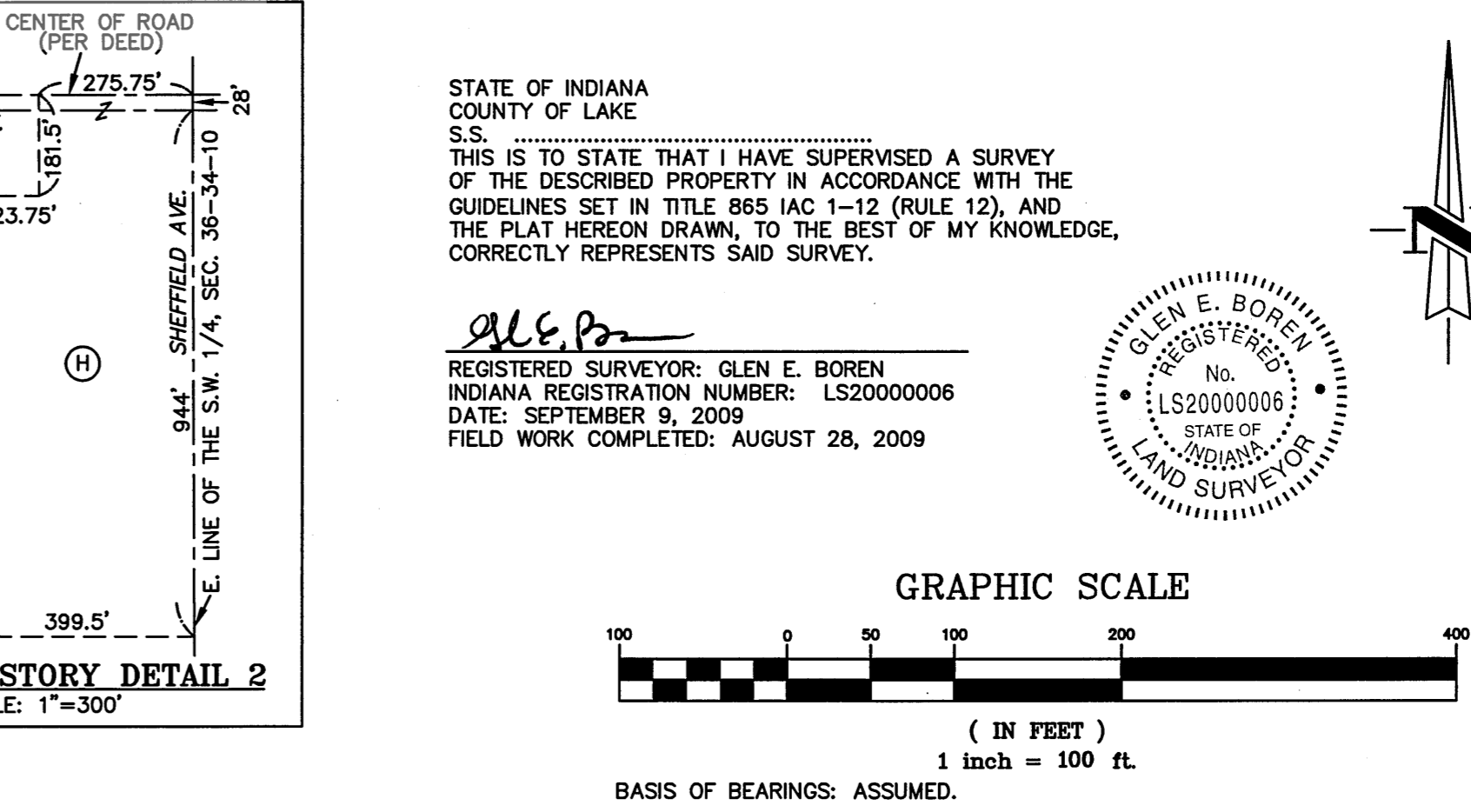
**D. THE RELATIVE POSITIONAL ACCURACY (DUE TO ROUND ERRORS IN MEASUREMENTS) FOR THIS SURVEY, BASED ON EQUIPMENT AND PROCEDURES USED, WAS WITHIN THE ALLOWABLE (0.26 FEET PLUS 200 PARTS PER MILLION) FOR A RURAL SURVEY, PER 865 IAC 1-12-7.**

**NOTES:**

- EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE:
  - EASEMENTS, OTHER THAN THE POSSIBILITY OF EASEMENTS WHICH WERE VISIBLE BY PHYSICAL EVIDENCE AT THE TIME OF THIS SURVEY, OR AS SHOWN ON THE RECORD PLAT.
  - BUILDING SETBACK LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING OR OTHER LAND-USE REGULATIONS, OTHER THAN THAT SHOWN ON THE RECORD PLAT.
  - ANY FACTS, WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
  - OWNERSHIP OR TITLE.
- NO ABSTRACT OF TITLE, OR TITLE COMMITMENT, OR RESULTS OF A TITLE SEARCH WERE FURNISHED THE SURVEYOR BY THE PURCHASER OF THIS SURVEY.
- THERE MAY EXIST OTHER DOCUMENTS OF RECORD, WHICH WOULD AFFECT THIS PARCEL.
- PARCELS IDENTIFIED BY TITLE DESCRIPTION OR RECORD REFERENCES AS PER 865 IAC 1-12-13-(11) ARE OBTAINED FROM COUNTY AUDITOR'S OFFICE AND OR RECORDER'S OFFICE AND ARE NOT CERTIFIED. THE INFORMATION MAY OR MAY NOT REFERENCE THE MOST CURRENT DEED OF RECORD OR THE MOST CURRENT STATUS OR TITLE FOR THAT PARCEL. A TITLE COMMITMENT OR ABSTRACT MAY BE NECESSARY.
- NO ATTEMPT HAS BEEN MADE AS A PART OF THIS SURVEY TO OBTAIN DATA CONCERNING LOCATION OF UNDERGROUND UTILITIES AND/OR SIZE, DEPTH, CONDITION, CAPACITY OF ANY UTILITIES LOCATED WITHIN THE PARCEL SURVEYED OR SERVING THE PARCEL. NO UTILITY COMPANIES OR LOCATE SERVICES WERE CONTACTED. ONLY SUBSTANTIAL VISIBLE UTILITIES WERE LOCATED AND SHOWN.

**LEGEND**

- OHU - OVERHEAD UTILITY WIRES
- F - FENCE
- U - UTILITY POLE
- P - FENCE POST
- AT - APPROXIMATE TREE LINE
- AS - ASPHALT PAVEMENT
- OW - OWNERSHIP TITLE
- S - SAYERS' - KEVIN L. SAYERS, R.L.S.
- K - KNIGHT - F.L. KNIGHT AND SONS
- G - GERB. - MICHAEL W. GERBERICK, R.L.S.
- T - TAPPAN - RAY TAPPAN, R.L.S.
- P.T.A. - PLUMB, TUCKETT AND ASSOCIATES, INC.
- ID - IDENTIFICATION DOCUMENT
- REC - RECORDED
- R/W - RIGHT OF WAY
- C OR CALC - CALCULATED DIMENSION
- M OR MEAS - MEASURED DIMENSION
- D OR DEED - PER RECORD DEED
- 1 ROD = 16.5 FEET
- IRS PTA - 5/8" REBAR SET WITH P.T.A. ID. CAP
- R.L.S. - REGISTERED LAND SURVEYOR



STATE OF INDIANA  
 LAKE COUNTY  
 FILED FOR RECORD  
 2009 SEP 10 AM 9:40

REVISIONS

DATE: 9/2/09  
 CHECKED BY: G.B.  
 DATE: 9/2/09

DRAWN BY: G.B.  
 DATE: 9/2/09

PLAT OF SURVEY  
 PT. E. 1/2, S.W. 1/4, SEC. 36-34-10  
 15315 W. 145TH AVE.  
 CEDAR LAKE, INDIANA  
 REF. NAME: WHITE

PLUMB, TUCKETT & ASSOCIATES  
 SURVEYORS • ENGINEERS • ARCHITECTS  
 64 West 67th Place, Merrillville, IN 46410  
 (317) 736-0555 • FAX (317) 769-0176  
 www.plumbtucket.com

PLOT SCALE: 1"=100'

PLAT OF SURVEY  
 PT. E. 1/2, S.W. 1/4, SEC. 36-34-10  
 "KLAASVILLE"  
 CEDAR LAKE, IN

DRAWING NUMBER  
 1

SHEET: 1 OF 1

JOB NO. 509169  
 SECTION: 36-34-10