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STATE OF INDIANA)
) SS:
COUNTY OF MONTGOMERY)

IN THE MONTGOMERY CIRCUIT COURT
CAUSE NO.: 54C01-9406-CP-0187

PAM LEWELLEN,
JERRY HOWARD, LINDA K. HOWARD,
DALE REMLEY, DORIS M. REMLEY,
NOLA PARKER,
CHARLES STEPHEN ROUDEBUSH,
and all others similarly situated,

Plaintiffs,

vs.

CONSOLIDATED RAIL
CORPORATION, INC.,
WEST CENTRAL INDIANA RAILROAD
RECREATION, INC.,

Defendant.

COPY

FILED
JAN 25 2005
JEFF DOSSETT
CLERK MONTGOMERY CIRCUIT COURT

2009-01-26

DECLARATORY JUDGMENT FOR THE COUNTY OF LAKE

On October 8, 2004, the Court preliminarily approved a Settlement of this Class Action brought on behalf of "all Indiana landowners who, on the effective date of the Settlement Agreement, own property adjoining Settlement Corridors in the State of Indiana consisting of land formerly used by Conrail for railroad purposes and subsequently abandoned for such use." "Settlement Corridors" are defined in the Settlement Agreement as the railroad corridors in Indiana formerly used by Conrail for railroad purposes and subsequently abandoned for such use.

There are approximately 620 miles of railroad corridor property in the state of Indiana which has been abandoned by the Defendant Consolidated Rail Corporation, Inc. ("Conrail").

After Notice by Publication of the Settlement Agreement (the "Agreement"), and being duly advised, the Court conducted a Fairness Hearing on January 13, 2005. On January 18, 2005, the

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PEGGY HOLINGA KATONA
LAKE COUNTY AUDITOR

Court issued its Final Order and Judgment in which it finally approved the Agreement and held that it was fair, reasonable and adequate pursuant to Ind. T.R. 23 (E).

In accordance with the terms of the Agreement, the Court issues this Declaratory Judgment.

On this 18 day of January, 2005, it is hereby ORDERED, ADJUDGED AND DECREED that:

1. With respect to claims of title asserted by Conrail and its past or present officers, directors, agents, servants, attorneys, employees, predecessors-in-interest, successors, shareholders, subsidiaries, parents, affiliates, and assigns in the abandoned railroad corridor property formerly operated by Conrail which is located in Lake County and which is further identified in Exhibit A, this Court declares that Conrail has disclaimed all right, title, and interest in such corridor which it may have as of October 8, 2004, the effective date of the Settlement Agreement, including its rights to any structures, ballast or tracks thereon.


2. Insofar as title to the Settlement Corridors or to portions thereof in which Conrail held fee title has not passed to other persons or entities prior to October 8, 2004 through (a) sales of such property, (b) prior adjudications of title in a court of law, or (c) eminent domain proceedings, then, pursuant to I.C. 32-23-11-10, this Court declares and adjudges that the title held by Settlement Class Members to adjoining Settlement Corridor property is superior to any interest held by Conrail in the same property.

3. The Court further finds that it is not within the scope of this Declaratory Judgment to resolve title disputes between individuals resulting from prior sales of portions of the Settlement Corridors and that such disputes, to the extent any have arisen or may arise, must be resolved in the appropriate venue by the individual parties concerned.

4. Attached as Exhibit A are the Conrail Descriptions and Maps which depict the location of the Settlement Corridor in Lake County. Pursuant to paragraph 2, Class Members may record a claim of title to adjoining Settlement Corridor property in their individual property records and may reference this Declaratory Judgment, including the Exhibit A.

5. Where a Class Member records a claim of title to adjoining Settlement Corridor Property, that title is subject to existing lawful telecommunication occupancies and all other lawfully existing occupancies pursuant to I. C. 32-23-11-11.

Dated: 1-18-05



JUDGE, Montgomery Circuit Court

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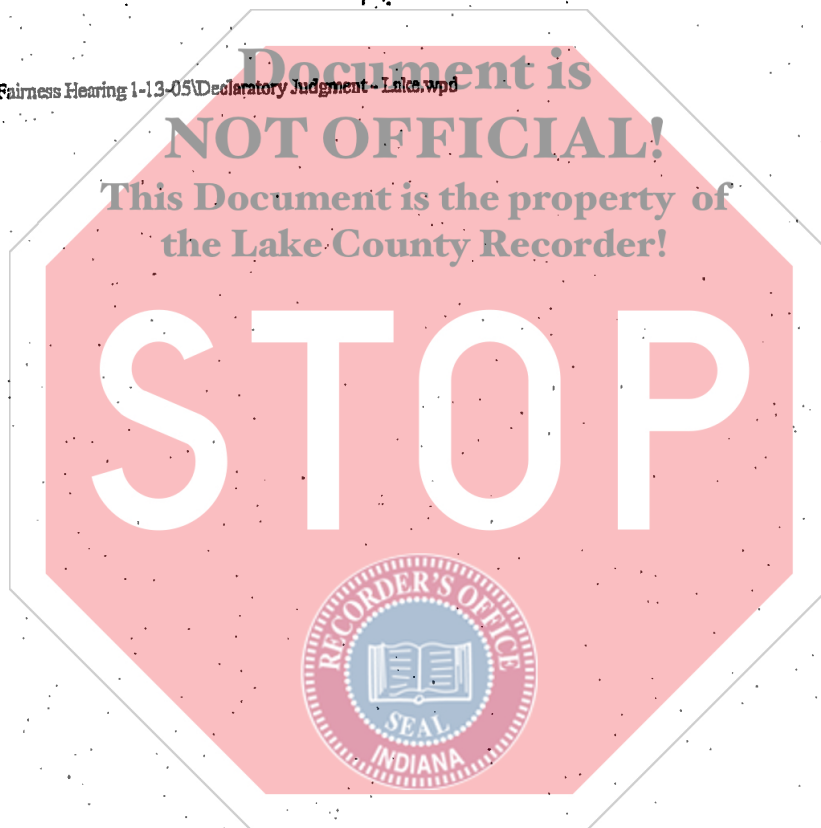


EXHIBIT A

Lake County, Indiana

Corridor 1 of 5 - Page 1 of 2

ALL THAT certain line of railroad situate in the County of Lake, State of Indiana, and being part of the Philadelphia, Baltimore and Washington Railroad Company's line of railroad known as the Penn Central Columbus-Chicago Main Line (former Pennsylvania Railroad). Such line enters the County near Leroy, Winfield Township, passes through Crown Point, Schererville and Hartsdale, and leaves the County at the Maynard, Munster Corp. in North Township. The line of railroad described herein is identified as Line Code 3107, 3207 in the records of the United States Railway Association.

Said line of railroad was acquired by Consolidated Rail Corporation (Conrail) through Conveyance Document PB&W-CRC-RP-34, deed by and between John C. Kohl, as Trustee of the Property of the Philadelphia, Baltimore and Washington Railroad Company, Debtor and Consolidated Rail Corporation, dated March 29, 1976, which was recorded on October 17, 1978 in the Recorder's Office of Lake County, Indiana in Deed Book 49 at Page 76.

Subsequent to said deed, portions of the said line were abandoned through Application to the Interstate Commerce Commission under ICC Docket AB 167 (Sub Nos. 309, 529, 760, 870, and 844), being further described as follows:

Sub No. 309, known as the Logansport Secondary Track, beginning at the common boundary line between Porter County, Boone Township on the east and Lake County, Winfield Township on the west at approximate railroad Mile Post 263.90 and extending in a general northwesterly direction to a point southeasterly of Crown Point in Center Township; being approximately 898 feet northwesterly, measured along the railroad right of way from the common boundary line between Sections 9 and 16, Township 34 North, Range 8 West at approximate railroad Mile Post 272.00, all as generally indicated on map attached hereto as Page 7 of 18 of Exhibit A.

Sub No. 529, known as the Logansport Secondary Track, beginning at a point southeasterly of Crown Point in Center Township, being approximately 898 feet northwesterly, measured along the railroad right of way from the common boundary line between Sections 9 and 16, Township 34 North, Range 8 West at approximate railroad Mile Post 272.00 and extending in a general northwesterly direction through Crown Point to a point being approximately 1400 feet easterly from Austin Avenue in Schererville, at approximate railroad Mile Post 279.60, all as generally indicated on map attached hereto as Page 8 of 18 of Exhibit A.

Sub No. 760, known as the Logansport Secondary Track, beginning at a point being approximately 1400 feet easterly from Austin Avenue, at approximate railroad Mile Post 279.60 and extending in a general northwesterly direction to a point approximately 2300 feet westerly of Wilhelm Road at approximate railroad Mile Post 280.40, all at Schererville, and all as generally indicated on map attached hereto as Page 9 of 18 of Exhibit A.

EXHIBIT A

Lake County, Indiana

Corridor 1 of 5 (Page 2 of 2)

Sub. No. 870, known as the South Chicago and Southern Branch, beginning in Schererville at the southwest right of way line of the now or former EJ&E Railroad near U.S. Route 41 at approximate railroad Mile Post 281.70 and extending in a general northwesterly direction to the connection to the now or former Louisville and Nashville Railroad in Munster, North Township at Railroad Station 15072+00, also being approximate railroad Mile Post 285.4, all as generally indicated on map attached hereto as Page 10 of 18 of Exhibit A.

Sub No. 844, known as the South Chicago and Southern Track, beginning at the connection to the now or former Louisville and Nashville Railroad in Munster, North Township at Railroad Station 15072+00, at approximate railroad Mile Post 285.40 and extending in a general northwesterly direction to the Indiana/Illinois State Line, being south of 186th Street at Wentworth Avenue in Lansing, Illinois at approximate railroad Mile Post 286.02, all as generally indicated on map attached hereto as Page 11 of 18 of Exhibit A.

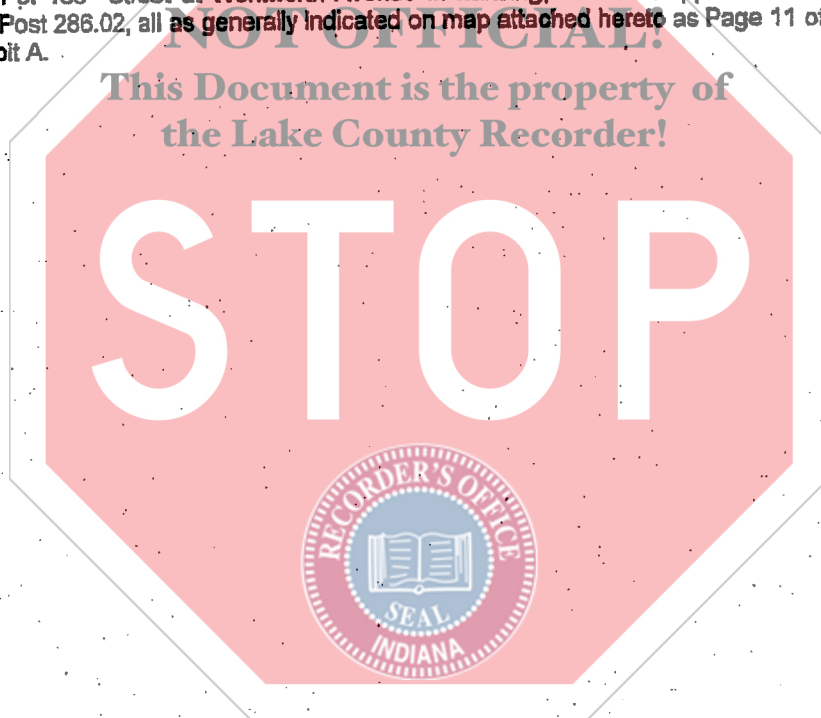


EXHIBIT A

Lake County, Indiana

Corridor 2 of 5

ALL THAT certain line of railroad situate in the County of Lake, State of Indiana, and being part of the Pittsburgh, Fort Wayne and Chicago Railway Company's line of railroad known as the Penn Central Pittsburgh-Chicago Main Line (former Pennsylvania Railroad). Such line enters the County near Hobart Township, passes through Hobart, Gary and East Chicago, Indiana and leaves the County near Hammond. The line of railroad described herein is identified as Line Code 3202 in the records of the United States Railway Association.

Said line of railroad was acquired by Consolidated Rail Corporation (Conrail) through Conveyance Document PFTW&C-CRC-RP-4, deed by and between Robert W. Valimont, as Trustee of the Property of the Pittsburgh, Fort Wayne and Chicago Railway Company, Debtor and Consolidated Rail Corporation, dated March 31, 1976, which was recorded on October 17, 1978 in the Recorder's Office of Lake County, Indiana in Deed Book 49 at Page 66.

Subsequent to said deed, portions of the said line were abandoned through Application to the Interstate Commerce Commission under ICC Docket AB 167 (Sub No. 1109X and 1138X), being further described as follows:

Sub No. 1109X, known as the Fort Wayne (Valpo-Gary), beginning at the common boundary line between Porter County, Portage Township and Lake County, Porter Township, at approximate railroad Mile Post 433.03 and extending in a general northwesterly direction to a point at or near the crossing of former Conrail's Porter Branch, Line Code 3232, near the former Tolleston Station, at approximate railroad Mile Post 441.80, all as generally indicated on map attached hereto as Page 12 of 18 of Exhibit A.

Sub No. 1138X, known as the Whiting Industrial Track, beginning at or near the centerline of Riley Road in East Chicago at approximate railroad Mile Post 448.89, also being Railroad Station 23730+49, and extending in a general northwesterly direction to a point at or near the Corporation Line between East Chicago and Whiting at approximate railroad Mile Post 449.60, also being approximate Railroad Station 23767+76, all as generally indicated on map attached hereto as Page 13 of 18 of Exhibit A.

EXHIBIT A

Lake County, Indiana

Corridor 3 of 5

ALL THAT certain line of railroad situate in the County of Lake, State of Indiana, and being part of the Penn Central Transportation Company's line of railroad known as the Danville Branch. Such line originates in the County near Indiana Harbor, passes through Gibson, Hartsdale, Cook and North Hayden and leaves the County at a crossing of the Kankakee River south of Schneider. The line of railroad described herein is identified as Line Code 3250, 8431 in the records of the United States Railway Association.

Said line of railroad was acquired by Consolidated Rail Corporation (Conrail) through Conveyance Document PC-CRC-RP-74, deed by and between Robert W. Blanchette, Richard C. Bond and John H. McArthur, as Trustees of the Property of the Penn Central Transportation Company, Debtor and Consolidated Rail Corporation, dated March 30, 1976, which was recorded on October 17, 1978 in the Recorder's Office of Lake County, Indiana in Deed Book 49 at Page 53.

Subsequent to said deed, portions of the said line were abandoned through Application to the Interstate Commerce Commission under ICC Docket AB 167 (Sub No. 888 and 886), being further described as follows:

Sub No. 888, known as the Baldwin Lead, beginning at the south side of the Michigan Avenue Yard Tracks north of 145th Street at approximate railroad Mile Post 0.00 and extending in a general southerly then easterly direction to the end of the line at the east side of Parrish Street, North Township in the Metropolitan Chicago area at approximate railroad Mile Post 0.74, all as generally indicated on map attached hereto as Page 14 of 18 of Exhibit A.

Sub No. 886, known as the Osborne Pullman Lead, beginning from the south side of 165th Street and the east side of Indianapolis Boulevard at approximate railroad Mile Post 0.87 and extending in a general westerly direction to the end of the line being approximately 700 feet from the east side of Columbia Avenue and including track required to serve n/f Pullman Standard, all in East Chicago at approximate railroad Mile Post 1.83, all as generally indicated on map attached hereto as Page 15 of 18 of Exhibit A.

EXHIBIT A

Lake County, Indiana

Corridor 4 of 5

ALL THAT certain line of railroad situate in the County of Lake, State of Indiana, and being part of the Joliet and Northern Indiana Railroad Company's line of railroad known as the Penn Central Joliet Branch. Such line originates in the County near East Gary at a connection with The Michigan Central's Ivanhoe Branch, passes through Griffith and Hartsdale and leaves the County at the State Line. The line of railroad described herein is identified as Line Code 3233 in the records of the United States Railway Association.

BEING a portion of the same premises which the Joliet and Northern Indiana Railroad Company, by Conveyance Document No. J&NI-CRC-RPI-2 issued pursuant to the Regional Rail Reorganization Act of 1973, as amended (P.L. 93-236, H.R. 9142), the Final System Plan of the United States Railway Association and Special Court (Washington, D.C.) Misc. Order No. 75-3, dated March 25, 1976 and March 31, 1976, in the Matter of Regional Rail Reorganization Proceedings, granted and conveyed certain property, easements, interest and rights unto Consolidated Rail Corporation and which Conveyance Document was recorded on October 17, 1978 in the Recorder's Office of Lake County, Indiana in Record Book at page 81 &c.,

Subsequent to said deed, portions of the said line were abandoned through Application to the Interstate Commerce Commission under ICC Docket AB 167 (Sub No. 961 and 761), being further described as follows:

Sub No. 961, known as the Hartsdale Branch, beginning at Griffiths, at an Estate Lateral Cut Line at Railroad Station 554+03, also being at approximate railroad Mile Post 10.50 and extending in a general southwesterly direction to a point approximately 4900 feet east, measured along the railroad right of way from Kennedy Avenue, being approximate railroad Mile Post 11.25, all in St. Johns Township, all as generally indicated on map attached hereto as Page 16 of 18 of Exhibit A.

Sub No. 761, known as the Hartsdale Branch, beginning at the connection to the Kankakee Secondary west of Kennedy Avenue Crossing in Schererville at approximate railroad Mile Post 12.10 and extending in a general southwesterly direction to the Indiana/Illinois State Line in Dyer at approximate railroad Mile Post 15.65, all as generally indicated on map attached hereto as Page 17 of 18 of Exhibit A.

EXHIBIT A

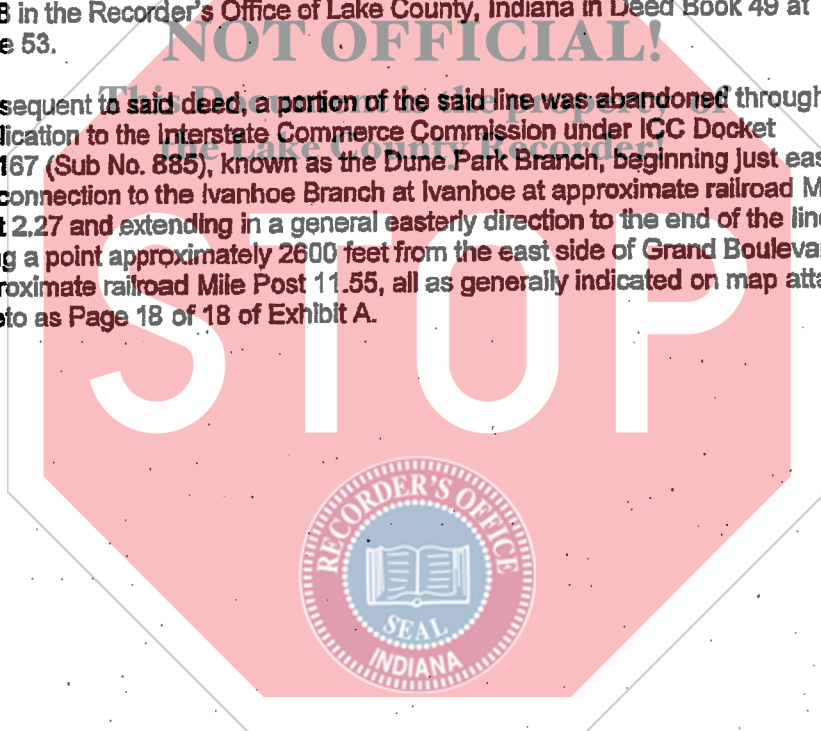
Lake County, Indiana

Corridor 5 of 5

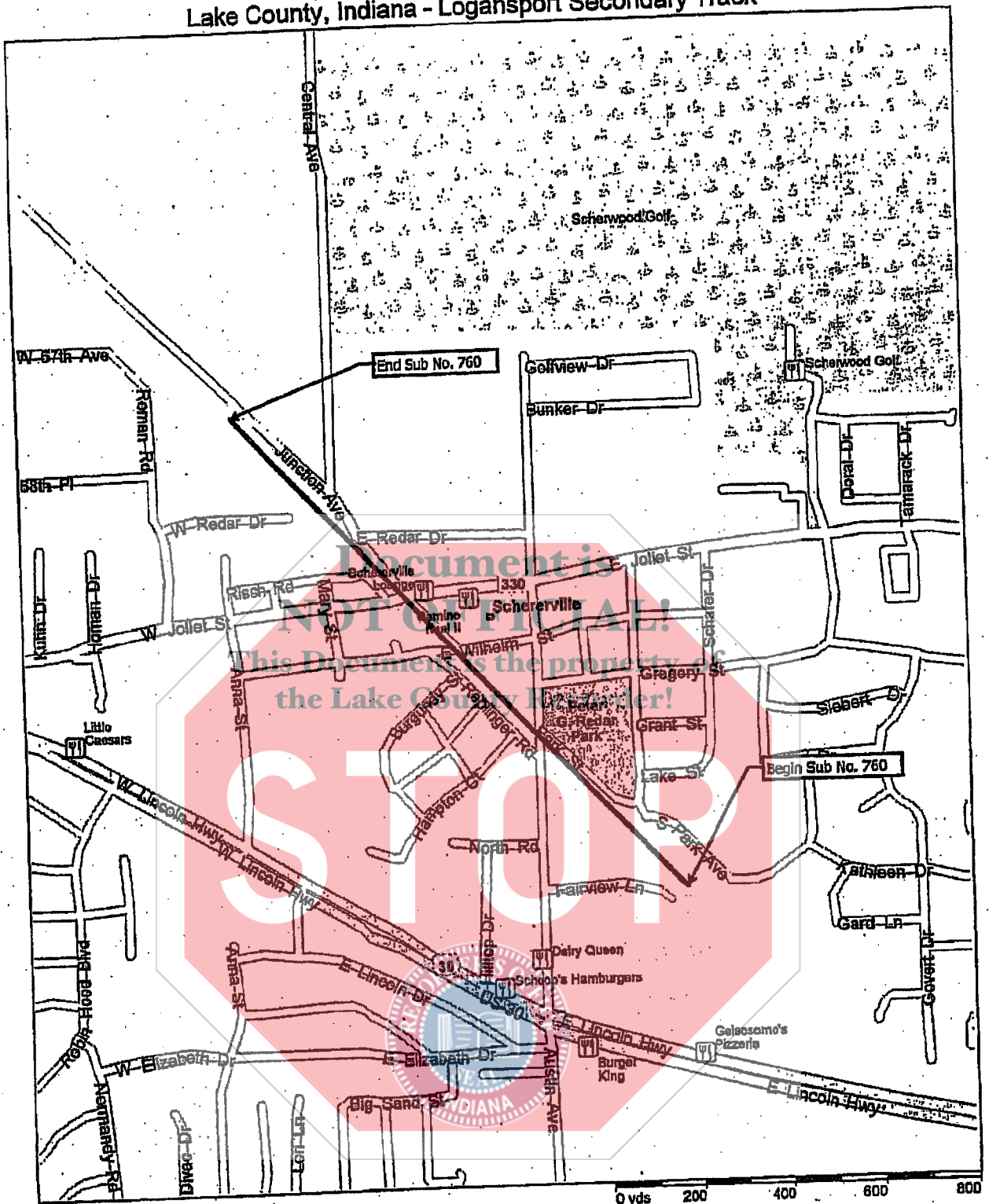
ALL THAT certain line of railroad situate in the County of Lake, State of Indiana, and being part of the Penn Central Transportation Company's line of railroad known as the Gibson to County Line Road Secondary Track. Such line originates in the County near Gibson, connecting to another line of railroad known as the Danville Branch, passes through Ivanhoe, Tolleston, and Gary and terminates near the Portage County Line in East Gary. The line of railroad described herein is identified as Line Code 3257 in the records of the United States Railway Association.

Said line of railroad was acquired by Consolidated Rail Corporation (Conrail) through Conveyance Document PC-CRC-RP-74, deed by and between Robert W. Blanchette, Richard C. Bond and John H. McArthur, as Trustees of the Property of the Penn Central Transportation Company, Debtor and Consolidated Rail Corporation, dated March 30, 1976, which was recorded on October 17, 1978 in the Recorder's Office of Lake County, Indiana in Deed Book 49 at Page 53.

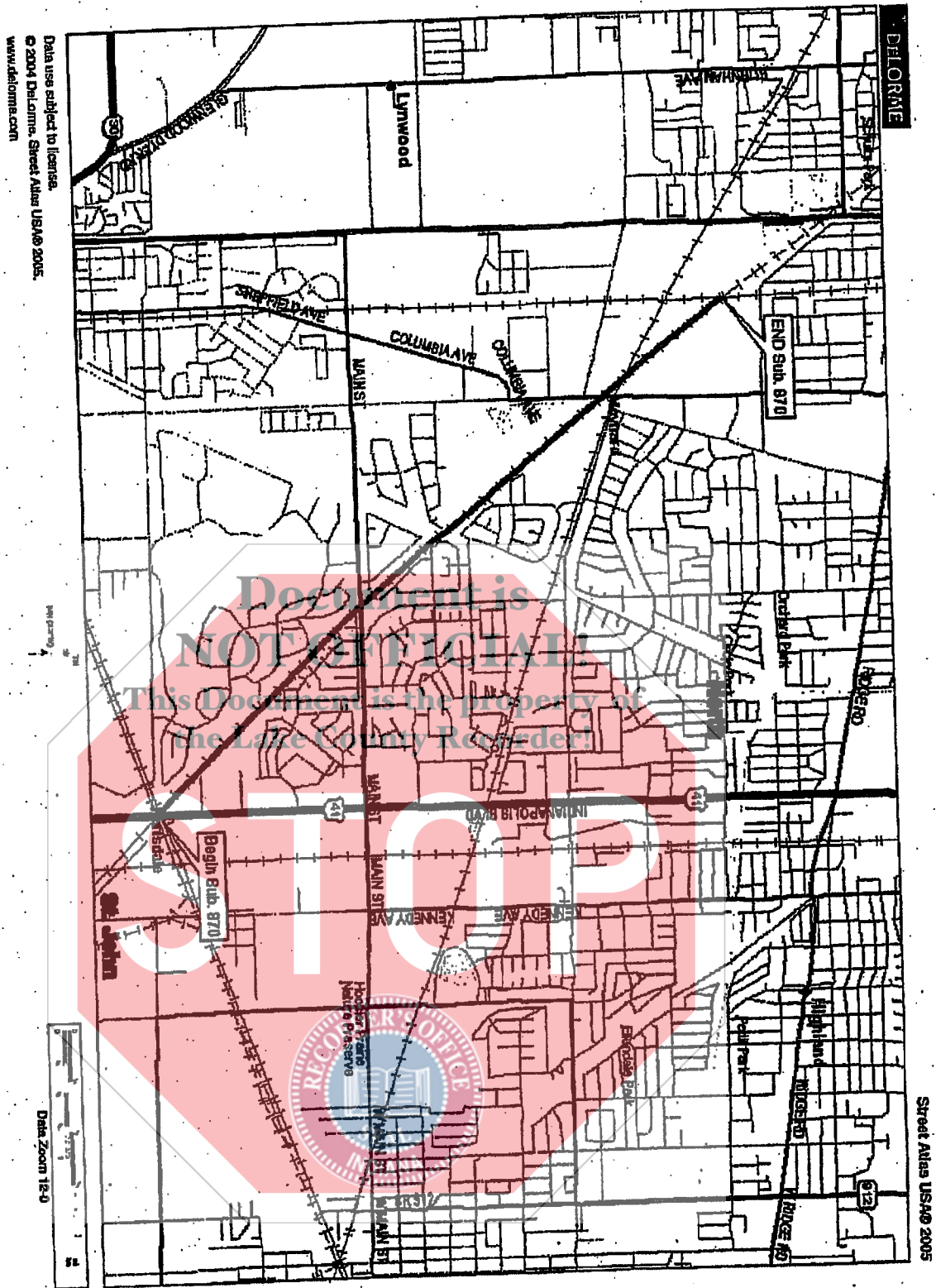
Subsequent to said deed, a portion of the said line was abandoned through Application to the Interstate Commerce Commission under ICC Docket AB 167 (Sub No. 885), known as the Dune Park Branch, beginning just east of the connection to the Ivanhoe Branch at Ivanhoe at approximate railroad Mile Post 2.27 and extending in a general easterly direction to the end of the line, being a point approximately 2600 feet from the east side of Grand Boulevard at approximate railroad Mile Post 11.55, all as generally indicated on map attached hereto as Page 18 of 18 of Exhibit A.



Lake County, Indiana - Logansport Secondary Track



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Exhibit A, Page 10 of 18

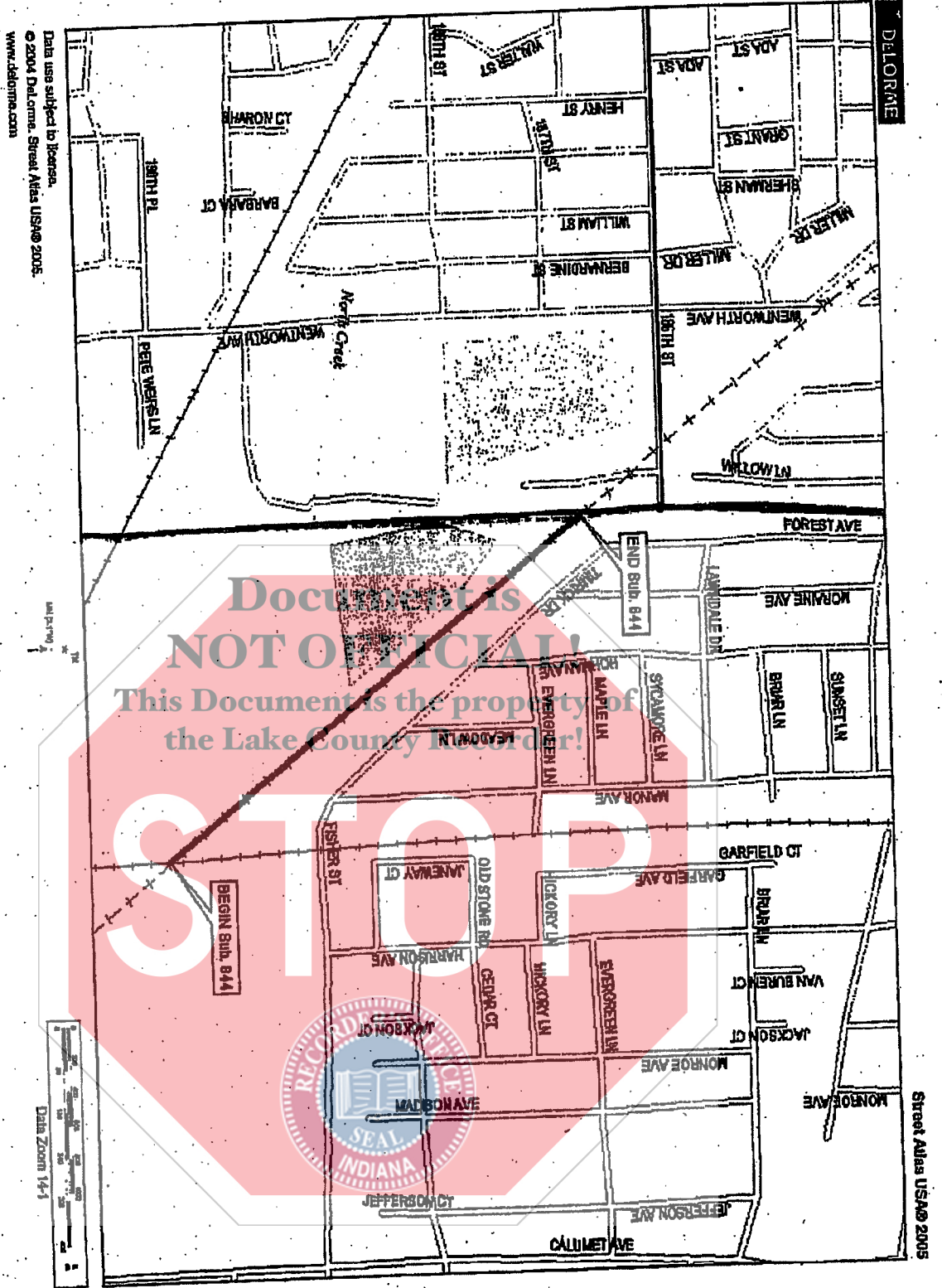
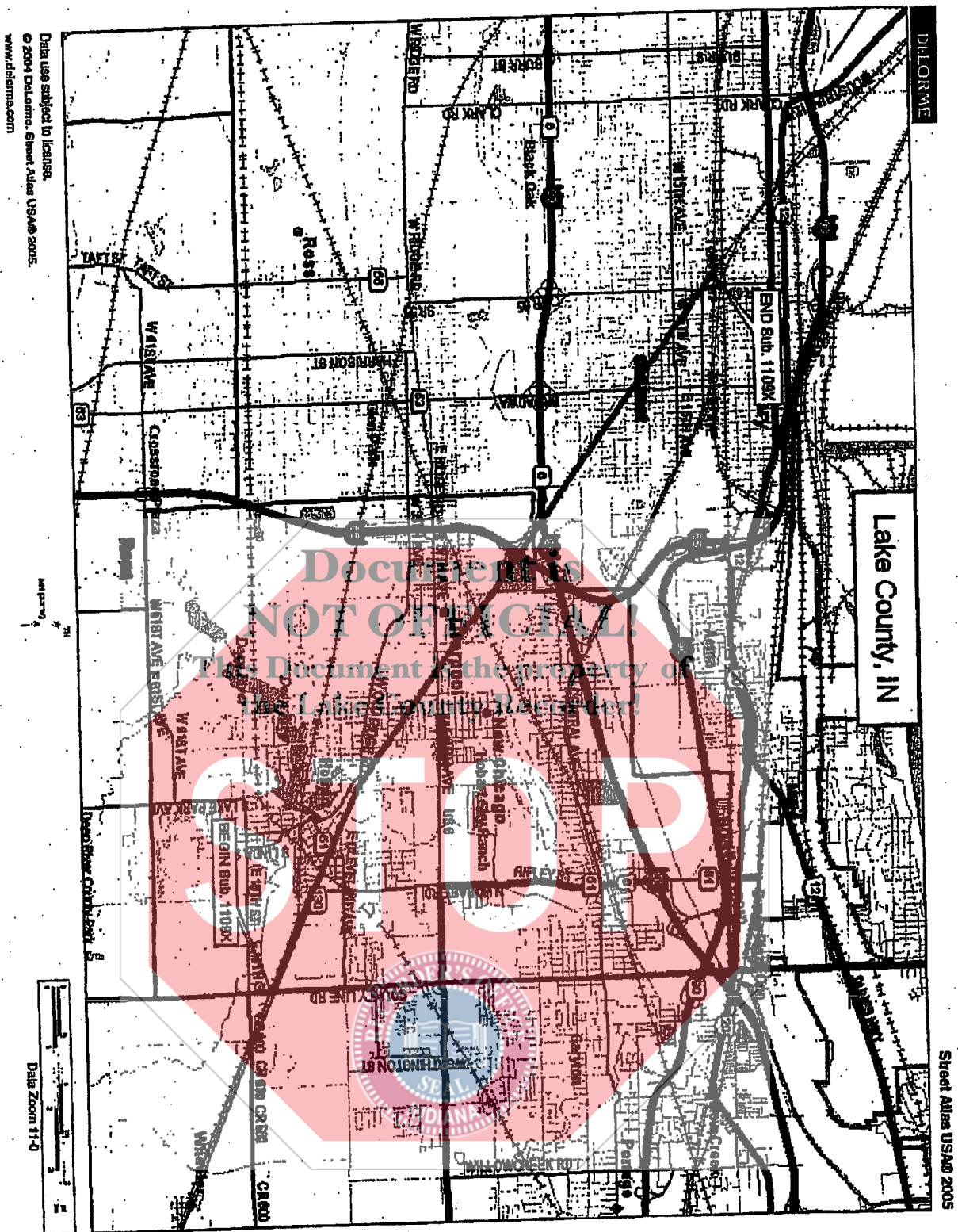


Exhibit A, Page 11 of 18



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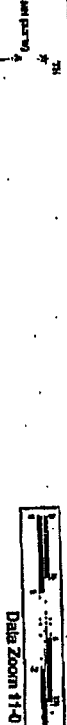


Exhibit A, Page 12 of 18

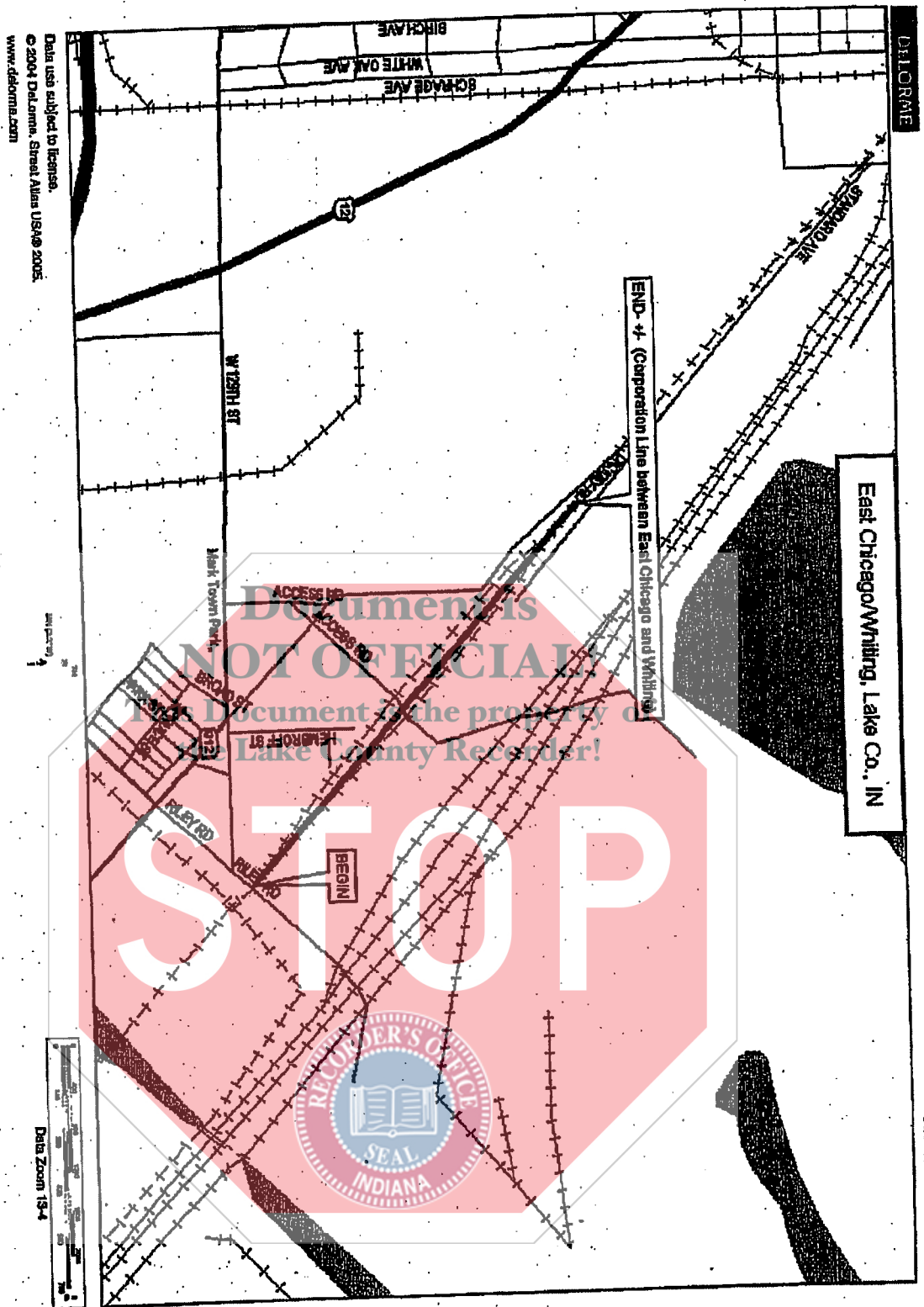
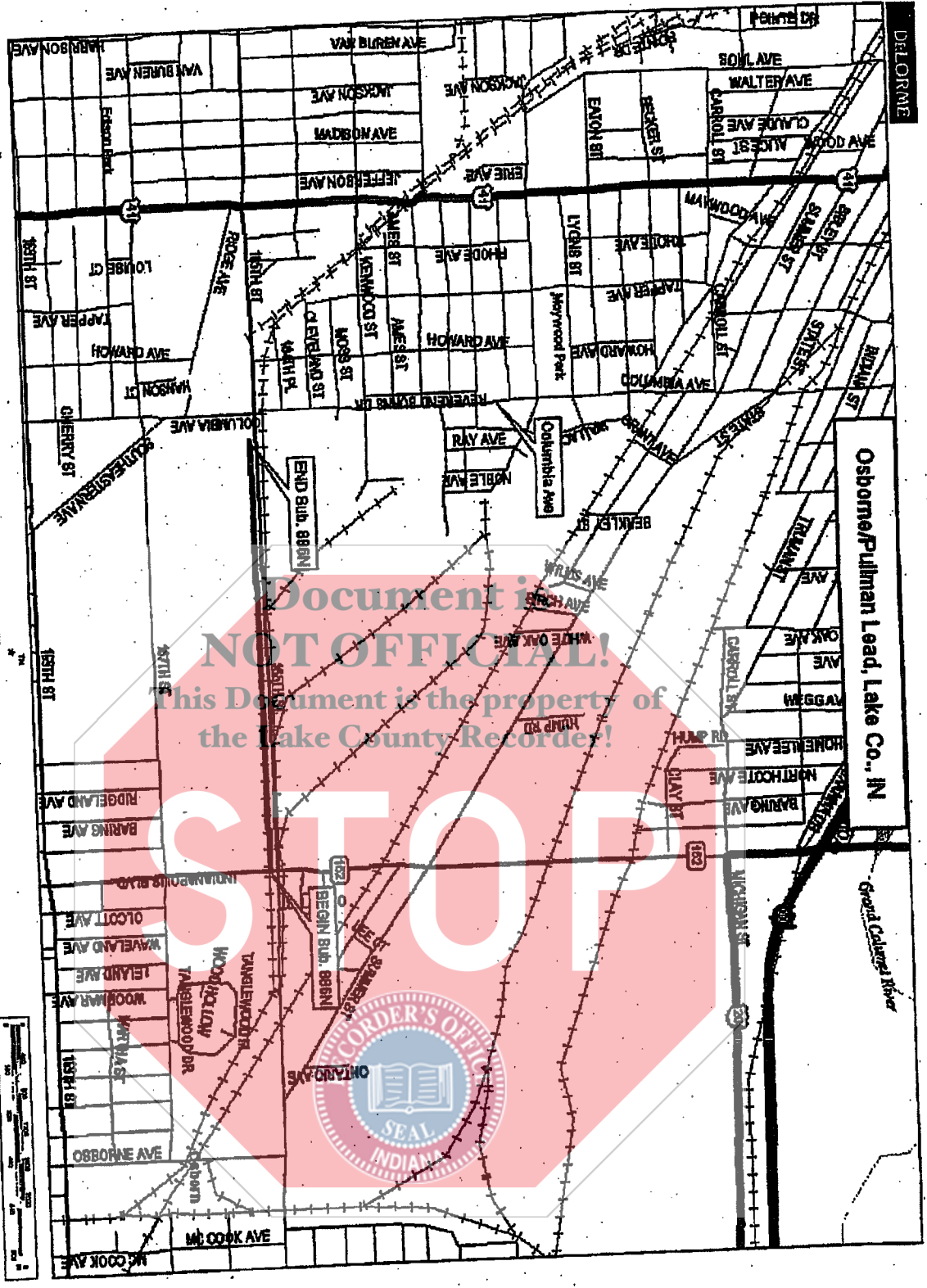


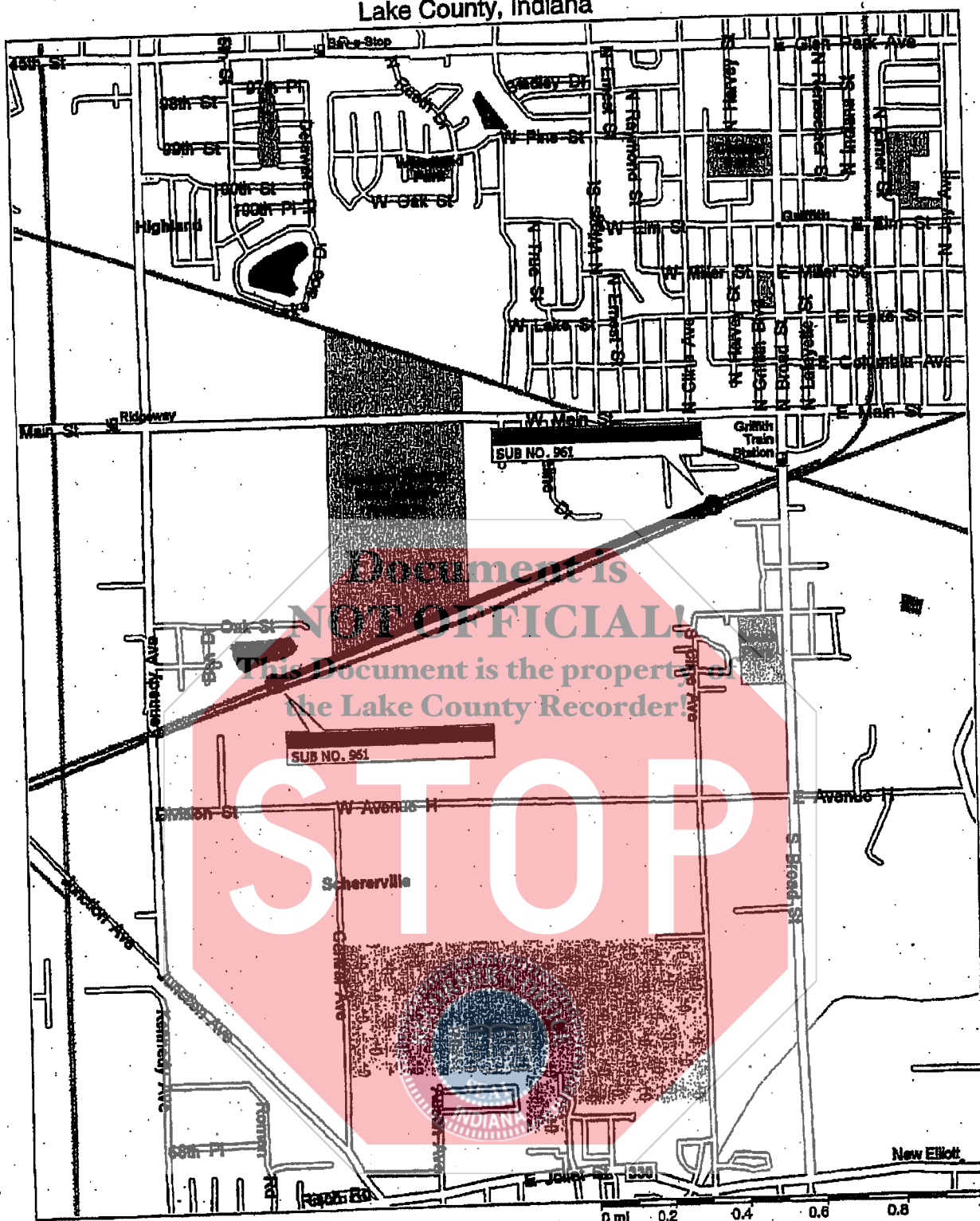
Exhibit A, Page 13 of 18

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Lake County, Indiana

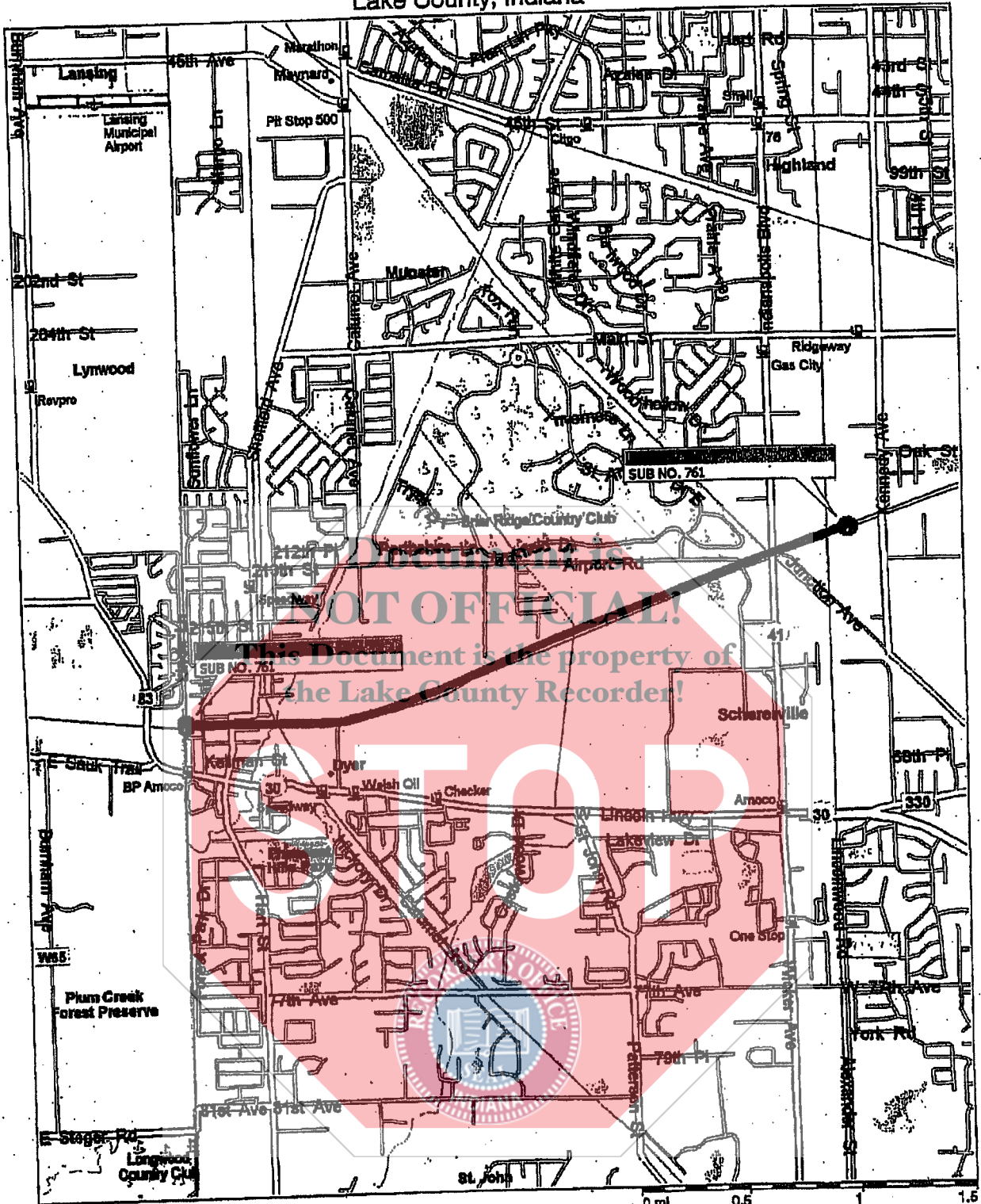


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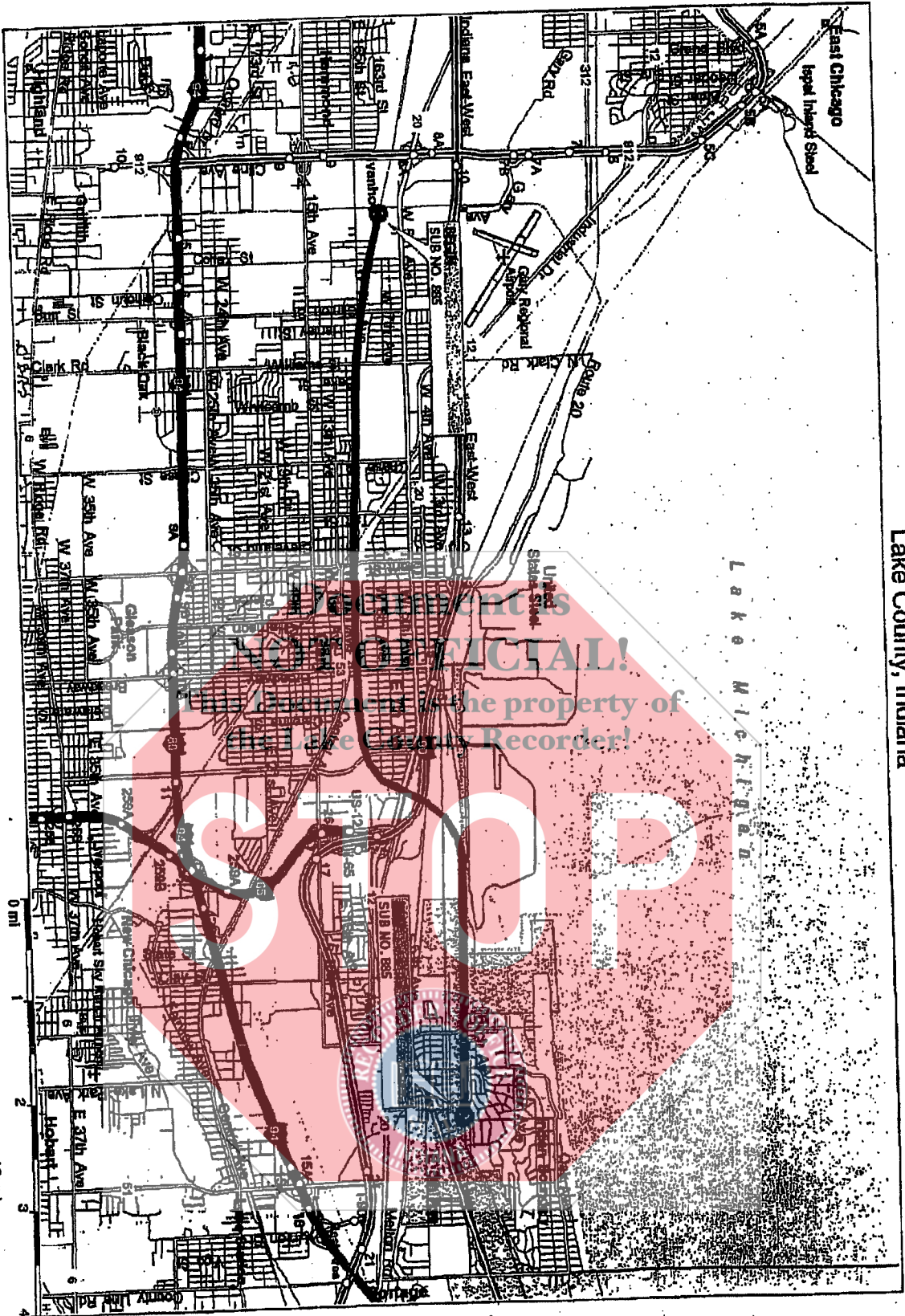
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Lake County, Indiana



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Lake County, Indiana



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Exhibit A, Page 18 of 18.