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Tax ID Nos: Lot 3: 45-11-33-352-004-000-035
Lot 4: 45-11-33-352-003-000-035 2010 002372

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2010 JAN 14 AM 9:14

**FIRST AMENDMENT
TO
EASEMENT AGREEMENT**

CAROLYN J. POLLARD
ACTING RECORDER

8 This First Amendment to Easement Agreement ("**Amendment**") is made as of December 8, 2009, by and between Aldi (Indiana) L.P., an Indiana limited partnership (successor-in-interest to St. John Land, LLC, an Indiana limited liability company), having a notice address at 197 E. Division Road, Valparaiso, Indiana 46383, its successors and assigns ("**Grantor**"), and TSC/St. John, LLC, a Kentucky limited liability company, having a notice address at c/o Paul Hemmer Company, 250 Grandview Drive, Suite 400, Fort Mitchell, Kentucky 41017, its successors and assigns ("**Grantee**").

WHEREAS, Grantor is the current fee simple owner of the real property known as Lot 4 of the St. John Square retail development as shown and depicted on the recorded plat thereof at Plat Book 99, Page 42 of the Lake County records, Tax ID No.: 45-11-33-352-003.000-035 commonly known as 9921 Earl Drive, St. John, Indiana 46373, containing approximately 2.290 acres as described on attached Exhibit A and incorporated herein by reference ("**Servient Estate**"); and


WHEREAS, Grantee is the current fee simple owner of the real property known as Lot 3 of the St. John Square retail development as shown and depicted on the recorded plat thereof at Plat Book 99, Page 42 of the Lake County records, Tax ID No.: 45-11-33-352-004-000-035, commonly known as 9957 Earl Drive, St. John, Indiana 46373, containing approximately 3.622 acres as described on attached Exhibit B and incorporated herein by reference ("**Dominant Estate**"); and

WHEREAS, Grantor and Grantee previously signed and recorded that certain Easement Agreement dated August 4, 2008, and recorded as Instrument No. 2008-055987 in the Lake County Recorder's office ("**Easement**"); and

WHEREAS, Grantor and Grantee desire to expand the foundation wall footer easement from 1 ft. to 2 ft.; and

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor and Grantee hereby amend the Easement as follows:

1. The first sentence of Section 3 of the Easement is hereby deleted in its entirety, and the following sentence shall be substituted in lieu thereof:

"Grantor hereby declares, grants, establishes and creates for the benefit of any current and future owners and occupants of the Dominant Estate, and any part thereof, and their tenants, licensees, and agents, an irrevocable and perpetual easement in, under and 

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PEGGY HOLINGA KATONA
LAKE COUNTY AUDITOR

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through Easement #3 located on the Servient Estate, being approximately 2 feet wide by 210.38 feet in length, as more particularly described in attached Exhibit C, for the purpose of structural support of the improvements located on the Dominant Estate through the foundation footers extending in, under and through Easement #3 located on the Servient Estate.”

2. The original Exhibit C attached to the Easement is hereby deleted in its entirety, and the Exhibit C attached to this Amendment shall be substituted in lieu thereof.

3. Exhibit D attached to this Amendment is hereby added to the Easement and incorporated by reference therein, setting forth the legal descriptions of all easements granted pursuant to the Easement.

3. Except as modified herein, all term and provisions of the Easement shall remain in full force and effect, legally binding upon the parties hereto.

IN WITNESS WHEREOF, the undersigned Grantor and Grantee have executed this Agreement as of the date first above written.

GRANTOR:

Aldi (Indiana) L.P.

By: Aldi (Indiana) LLC
Its General Partner

By: Michael J. Jessen
Michael J. Jessen
Its: Manager

GRANTEE:

TSC/St. John, LLC
A Kentucky limited liability company

By: Paul Hemmer Development
Company IV, LLC
Its Manager and Sole Member

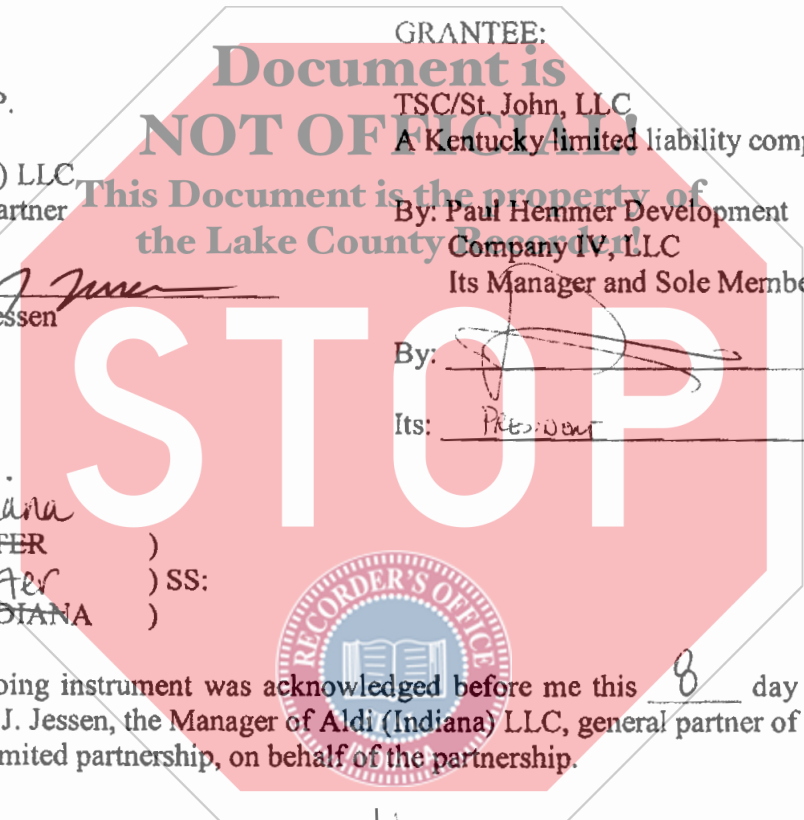
By: [Signature]
Its: President

Indiana
STATE OF ~~PORTER~~)
Porter) SS:
COUNTY OF INDIANA)

The foregoing instrument was acknowledged before me this 8 day of December, 2009, by Michael J. Jessen, the Manager of Aldi (Indiana) LLC, general partner of Aldi (Indiana) L.P., an Indiana limited partnership, on behalf of the partnership.

Wendy Mang
Notary Public Seal State of Indiana
Porter County
My Commission Expires 12/20/2012

Wendy Mang
Notary Public
My commission expires: 12-20-12



[acknowledgment follows]

STATE OF KENTUCKY)
) SS:
COUNTY OF KENTON)

The foregoing instrument was acknowledged before me this 10th day of December, 2009, by PAUL W. HEMMER, the PRESIDENT of Paul Hemmer Development Company IV, LLC, the manager and sole member of TSC/St. John, LLC, a Kentucky limited liability company, on behalf of the limited liability company.

Heather S. Carnes
Notary Public

My commission expires: 4/3/13



Document is
NOT OFFICIAL!

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.

This Document is the property of
the Lake County Recorder!

Tim Lynch
Tim Lynch - Preparer

This instrument prepared by
and after recording return to:

Tim Lynch
Tim Lynch, Esq.
Hemmer Pangburn DeFrank PLLC
250 Grandview Drive, Suite 200
Fort Mitchell, KY 41017
(859) 344-1188



EXHIBIT A

Description of Servient Estate

Lot 4 in St. John Square, an Addition to the Town of St. John,
as per plat thereof, recorded in Plat Book 99, Page 42, in the
Office of the Recorder of Lake County, Indiana.



EXHIBIT B

Description of Dominant Estate

Lot 3 in St. John Square, an Addition to the Town of St. John,
as per plat thereof, recorded in Plat Book 99, Page 42, in the
Office of the Recorder of Lake County, Indiana. ~~144~~



EXHIBIT C

Plat of Easement Descriptions – REVISED

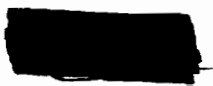
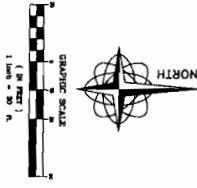
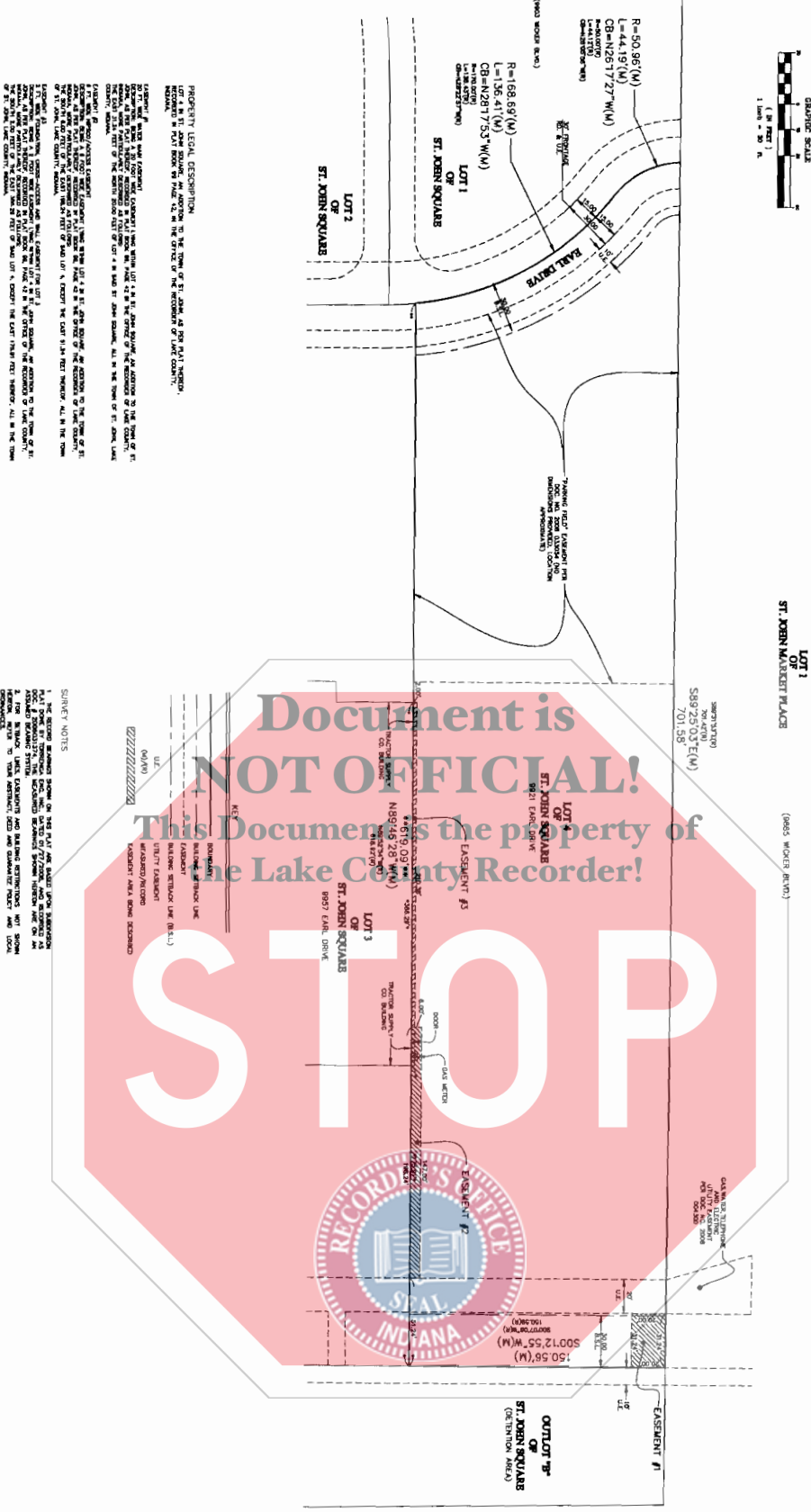


EXHIBIT C



"PLAT OF EASEMENT DESCRIPTION"
 FOR LOT 4 IN ST. JOHN SQUARE, IN THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 35 NORTH, RANGE 9 WEST, AN ADDITION TO THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.



PROPERTY LEGAL DESCRIPTION:
 LOT 4 IN ST. JOHN SQUARE, AN ADDITION TO THE TOWN OF ST. JOHN, IN ST. JOHN SQUARE, AN ADDITION TO THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, BEING THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 35 NORTH, RANGE 9 WEST, AS SHOWN ON PLAT NO. 122 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

PROPERTY LEGAL DESCRIPTION:
 LOT 1, 2, 3 AND OUTLOT OF ST. JOHN SQUARE, AN ADDITION TO THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, BEING THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 35 NORTH, RANGE 9 WEST, AS SHOWN ON PLAT NO. 122 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

PROPERTY LEGAL DESCRIPTION:
 LOT 1, 2, 3 AND OUTLOT OF ST. JOHN SQUARE, AN ADDITION TO THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, BEING THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 35 NORTH, RANGE 9 WEST, AS SHOWN ON PLAT NO. 122 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

SURVEY NOTES:
 1. THE RECORD DRAWING SHOWN ON THIS PLAT AND ALL OTHER SUBSEQUENT RECORD DRAWINGS ARE TO BE CONSIDERED AS THE FINAL RECORD DRAWING FOR THIS PROJECT. ALL OTHER RECORD DRAWINGS ARE TO BE CONSIDERED VOID AND OF NO EFFECT.
 2. THE SURVEYOR HAS REVIEWED THE RECORD DRAWING AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE RECORD DRAWING ACT AND ALL OTHER APPLICABLE LAWS.
 3. ALL DIMENSIONS SHOWN HEREON ARE DIMENSIONS AS SHOWN ON THE RECORD DRAWING UNLESS OTHERWISE NOTED.

DATE	05/14/20
SCALE	1" = 20'-0"
DRAWN BY	CPM
CHECKED BY	APPROVED BY

ALDI INC.
 197 E. DIVISION ST., P.O. BOX 1398 VALPARAISO, IN 46384
 821 EARL DRIVE ST. JOHN, INDIANA ST. JOHN, INDIANA

WEAVER BOOS CONSULTANTS
 4085 MEDIAN BEECHER COURT SOUTH BEND, IN 46628
 (574) 271-3447 FAX (574) 271-3343
 WEBSITE: WEAVERBOOS.COM

NO.	1	REV. EASEMENT 3 PER FIELD LOCATION OF FOOTING	DATE	10/07/09
DESCRIPTION			BY	

EXHIBIT D

Easement Descriptions

EASEMENT #1

20 FT. WIDE WATER MAIN EASEMENT

DESCRIPTION: BEING A 20 FOOT WIDE EASEMENT LYING WITHIN LOT 4 IN ST. JOHN SQUARE, AN ADDITION TO THE TOWN OF ST. JOHN, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 99, PAGE 42 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE EAST 31.24 FEET OF THE NORTH 20.00 FEET OF LOT 4 IN SAID ST. JOHN SQUARE, ALL IN THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.

EASEMENT #2

6 FT. WIDE NIPSCO/ACCESS EASEMENT

DESCRIPTION: BEING A 6 FOOT WIDE EASEMENT LYING WITHIN LOT 4 IN ST. JOHN SQUARE, AN ADDITION TO THE TOWN OF ST. JOHN, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 99, PAGE 42 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH 6.00 FEET OF THE EAST 198.24 FEET OF SAID LOT 4, EXCEPT THE EAST 51.24 FEET THEREOF, ALL IN THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.

EASEMENT #3

2 FT. WIDE FOUNDATION, CROSS-ACCESS AND WALL EASEMENT FOR LOT 3

DESCRIPTION: BEING A 2 FOOT WIDE EASEMENT LYING WITHIN LOT 4 IN ST. JOHN SQUARE, AN ADDITION TO THE TOWN OF ST. JOHN, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 99, PAGE 42 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH 2.00 FEET OF THE EAST 386.29 FEET OF SAID LOT 4, EXCEPT THE EAST 175.91 FEET THEREOF, ALL IN THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA. ~~_____~~

