## THE TOWN OF HIGHLAND ORDER of the WORKS BOARD NO. 2010-30

An Order Authorizing, Approving and Accepting a Storm Sewer Utility Easement Agreement with Mr. And Mrs. Steven D. and Diane L. Neel, as Grantor and the Town of Highland as Grantee

WHEREAS, Mr. And Mrs. Steven D. and Diane L. Neel, (hereinafter sometimes described as Grantor) have a real property interest in certain real property located in the Town of Highland, Lake County, Indiana, which is legally described as follows:

Lot 21 of Block 1 in the Fifth Street Estates First addition to the Town of Highland, Lake County, Indiana as recorded in Plat Book 31, page 57, in the Office of the Recorder, Lake County, Indiana.

WHEREAS. The Grantor wishes to grant to the Grantee, the Town of Highland, governed by and through its Town Council as the Works Board of the Town, a utility easement for the purpose of installing a storm sewer, which is legally described as follows:

The west five feet (5') of Lot 21 of Block 1 in the Fifth Street Estates First addition to the Town of Highland, Lake County, Indiana as recorded in Plat Book 31, page 57, in the Office of the Recorder, Lake County, Indiana

WHEREAS, The Town of Highland, through its Town Council, acting as the Works Board (hereinafter sometimes referred to as Grantee), has determined that a utility easement for this storm sewer and all other appurtenances in, under, over and across the above described real estate would be of great public benefit and utility;

NOW, THEREFORE, BE IT HEREBY ORDERED, that the Utility Easement Agreement between Mr. And Mrs. Steven D. and Diane L. Neel, as Grantor, and the Town of Highland, as Grantee, incorporated herein by reference, is hereby approved and ratified in each and every respect.

FURTHER ORDERED that the Town Council President is hereby authorized to execute the Agreement by his signature as thereto attested by the Clerk-Treasurer.

Be it So Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 19th day of July 2010 having passed by a in favor and <u>O</u> opposed.

HIÇHLAND, INDIANA

TOWN COUNCIL of the TOWN of

Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA

Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

NON-TAXABLE

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PEGGY HOLINGA KATONA LAKE COUNTY AUDITOR

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## **EASEMENT AGREEMENT**

This **Easement Agreement** is made and entered into this 2<sup>nd</sup> day of <u>July</u>, 2010, by and between **Steven D Neel and Diane L Neel** (hereinafter sometimes referred to as "Grantor") and the **Town of Highland**, **Lake County Indiana**, by and through its Town Council, (hereinafter sometimes referred to as "Grantee").

## WITNESSETH THAT:

**WHEREAS**, Grantor owns and has title to certain real estate located in Lake County, Indiana, which is legally described as follows:

Lot 21 of Block 1 in the Fifth Street Estates First Addition to the Town of Highland, Lake County, Indiana as recorded in Plat Book 31, Page 57, in the Office of the Recorder, Lake County, Indiana.

WHEREAS, Grantor wishes to grant to Grantee, a utility easement for the purpose of installing a storm sewer.

**NOW, THEREFORE,** for good and valuable consideration, the receipt which is acknowledged, it is mutually agreed by and between the parties hereto as follows:

1. **Easement.** Grantor does hereby grant, assign, convey and set over to Grantee an easement for a storm sewer, in under, over, above and across the following described real estate:

The west five (5') feet of Lot 21 of Block 1 in the Fifth Street Estates First Addition to the Town of Highland, Lake County, Indiana as recorded in Plat Book 31, Page 57, in the Office of the Recorder, Lake County, Indiana.

- 2. Uses. Grantee is granted a perpetual easement for the installation, construction, and utilization of storm sewers. Grantee shall also have a continuing easement in, under, over, above, and across said easement parcel to inspect, maintain, and/or repair any such storm sewer installed in said easement.
- 3. **Exclusive Easement.** This easement granted to the grantee herein is exclusive to the benefit of the Grantee and the Grantor shall not grant additional easements over the same property to other utilities or private parties.
- 4. **Term.** Grantee shall have and hold said easement for utility purposes in perpetuity so long as said easement is used for the purposes set forth herein.
- 5. **Repair and Maintenance.** Grantee shall be solely responsible for the storm sewer located in, on, under, over, across, and through the easement area.

- 6. **Indemnification.** Grantee agrees to indemnify and save the Grantor harmless from and against any and all damages, losses, claims, demands, or costs proximately caused by the default, culpability, or negligence of said Grantee in the use, maintenance, operation, repair, renewal, or removal of such sewer lines.
- 7. Covenant Running with the Land. The easement hereby granted, the restrictions herein imposed, and the agreements herein contained shall be an easement, restrictions, and covenants running with the land and shall insure to the benefit, and be binding upon, the parties hereto and their respective heir, successors, assigns, and transferees, including but in limitation, to all subsequent owners of said real estate and all persons claiming under them.

IN WITNESS WHEREOF, the parties have duly executed this Easement Agreement the day and year appearing beneath the signatures of the respective parties.

Grantee:

Town of Highland

Steven D Neel and Diane L Neel

Grantor:

By: Much Steven D Neel	Neef .	By:	Town Council Real
Diane L Neel	D. lu	Attest: _	Mark Herak, President
Diane E Neer		N.	Aichael W Griffing Clerk Treasurer OF HIGH
State of Indiana	) ) SS:		SEAL 1910
County of Lake	)		* NOIANA.
<u>12th</u> day of July	e Undersigned, a Notary I y, 2010, personally appea ecution of the attached Eas	ared Steven	l for said County and State, on this D Neel and Diane L Neel and
In Witness V 12th day of July, 2	<b>VHEREOF,</b> I have subscribe 2010.	d my name	and affixed manuficial so I on this
		Notary P	ublid **
My commission expir	res: 1/12/15		NOI AN AMARITA
County of Residence:	Lake		