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STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2010 061221

2010 OCT 21 AM 8:58

After Recording, Return to:

Bed Bath & Beyond Inc. K  
650 Liberty Avenue  
Union, NJ 07083  
Attention: Katherine Sloss, Esq.

MICHELLE R. FAJMAN  
RECORDER

(The Above Space for Recorder's Use Only)

**AMENDED MEMORANDUM OF LEASE**

THIS AMENDED MEMORANDUM OF LEASE, as of August 27, 2010 by and between Crossings At Hobart - I, LLC, an Ohio limited liability company ("**Landlord**"), having an office at c/o Schottenstein Property Group, 1800 Moler Road, Columbus, OH 43207, and BED BATH & BEYOND INC., a New York corporation, having an office at 650 Liberty Avenue, Union, New Jersey 07083 ("**Tenant**").

Preliminary Statement

Landlord is the fee owner of certain real property commonly known as Crossing At Hobart, located in Merrillville, Indiana, as more particularly described on Exhibit A hereto annexed, together with improvements constructed thereon (the "**Shopping Center**"). Landlord's predecessor-in-interest, Jubilee Limited Partnership, and Tenant's predecessor in interest, Bed Bath & Beyond of Hobart, Inc., entered into a lease dated June 15, 1995 (the "**Lease**") demising a portion of the Shopping Center as more particularly described therein (the "**Premises**") to Tenant. A Memorandum of Lease dated June 15, 1995 ("**MOL**") evidencing the Lease was recorded on November 22, 1996 in the Clerk's Office of Lake County, Indiana, as Instrument No. 96077419. Landlord and Tenant have entered into a First Amendment to Lease dated of even date herewith ("**First Amendment**"). Pursuant to the First Amendment, the original term of the Lease has been extended for ten (10) years, commencing February 1, 2011 and expiring on January 31, 2021. Tenant has three (3) remaining separate renewal periods of five (5) years each pursuant to the Lease. In connection therewith, the parties have entered into this Amended Memorandum of Lease to reflect the new term of the Lease.

NOW, THEREFORE, the parties state as follows:

1. All capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Lease.

2. Under the terms of the First Amendment, Landlord and Tenant have extended the original Term of the Lease for ten (10) years, commencing February 1, 2011 and expiring on January 31, 2021. The term of the Lease may be further extended for three (3) separate and additional periods ("**Renewal Periods**") of five (5) years each after the expiration of the original Term, subject to all the terms and conditions of the Lease.

AMOUNT \$ 38<sup>00</sup>  
CASH \_\_\_\_\_ CHARGE \_\_\_\_\_  
CHECK # 4122484  
OVERAGE \_\_\_\_\_  
COPY \_\_\_\_\_  
NON-COM \_\_\_\_\_  
CLERK BP

3. Except as expressly amended herein, all other terms and conditions of the MOL shall remain in full force and effect and are hereby ratified and confirmed by the parties hereto.


4. This Amended Memorandum of Lease shall be binding upon the parties hereto, their respective successors and assigns.

5. This Amended Memorandum of Lease is executed for the purpose of recordation in order to give notice of all of the terms, provisions and conditions of the Lease and is not intended, and shall not be construed, to define, limit or modify the Lease. The Lease contains numerous other terms, covenants and conditions which likewise affect not only the Premises but also the Shopping Center, and notice is hereby given that reference should be had to the Lease directly with respect to the details of such terms, covenants and conditions. The Lease and exhibits thereto are hereby incorporated by reference in this Amended Memorandum of Lease and the parties hereby ratify and confirm the Lease. In the event of any conflict between the provisions of this instrument and the Lease, the provisions of the Lease shall control.

[Signature Page to Follow]

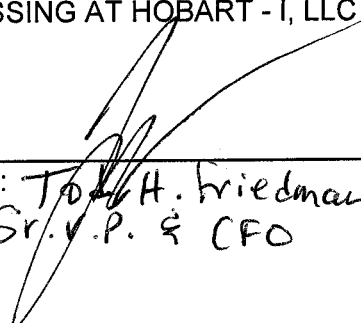
**IN WITNESS WHEREOF**, the parties hereto have executed this Amended Memorandum of Lease as of the day and year first-above written.

Signed, sealed and delivered in the presence of:


  
Witness Rebecca A. Rhoades

**LANDLORD:**

CROSSING AT HOBART - I, LLC

By:   
Name: Tom H. Friedman  
Title: Sr. V.P. & CFO

Signed, sealed and delivered in the presence of:

  
Witness Katherine Sloss

**TENANT:**

BED BATH & BEYOND INC., a New York corporation

By:   
Name: Steven H. Temares  
Title: Chief Executive Officer

STATE OF NEW JERSEY )  
 ) ss:  
COUNTY OF UNION )

BEFORE ME, a Notary Public in and for said County and State, personally appeared Steven H. Temares, known to me to be the Chief Executive Officer of BED BATH & BEYOND INC., the corporation which executed the foregoing instrument, who acknowledged that he did sign the foregoing instrument for and on behalf of said corporation being thereunto duly authorized by its Board of Directors and that the same is his free act and deed as such officer and the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Union, New Jersey this 7<sup>th</sup> day of August, 2010.

Antonia M. Cronin  
Notary Public

My Commission Expires:

**ANTONIA M. CROWN**  
**NOTARY PUBLIC OF NEW JERSEY**  
**COMMISSION EXPIRES 6/07/2012**

STATE OF Ohio )  
 ) ss. :  
COUNTY OF Franklin )

On this 27 day of August, 2010, before me, the undersigned, a Notary Public in and for said state, personally appeared Joe H. Friedman, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

Carrie Sendykar  
Notary Public

My Commission Expires:



**CARRIE SENDYKAR**  
Notary Public - State of Ohio  
My Commission Expires 11-27-2010

Exhibit "A "

PARCEL I: (FEE SIMPLE)

PART OF THE NORTH 1/2, SECTION 23, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND P.M., IN LAKE COUNTY, INDIANA, DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23, THENCE SOUTH 02° 42' 00" EAST ALONG THE WEST LINE OF SAID SECTION 23 A DISTANCE OF 842.20 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE CHESAPEAKE AND OHIO RAILROAD, THENCE SOUTH 62° 42' 00" EAST ALONG SAID SOUTH LINE 1615.41 FEET, THENCE SOUTH 27° 18' 00" WEST, 748.26 FEET, THENCE SOUTH 88° 25' 00" WEST, 134.54 FEET TO THE POINT OF BEGINNING OF THIS DESCRIBED PARCEL THENCE CONTINUING SOUTH 88° 25' 00" WEST, 326.65 FEET, THENCE SOUTH 01° 35' 00" EAST, 193.56 FEET TO THE NORTHERLY LINE OF U.S. HIGHWAY #30, THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID HIGHWAY, 309.65 FEET, THENCE NORTH 01° 35' 00" WEST, 43.06 FEET, THENCE NORTH 88° 25' 00" EAST, 17.0 FEET; THENCE NORTH 01° 35' 00" WEST, 150 FEET TO THE POINT OF BEGINNING. EXCEPT THAT PART CONVEYED TO THE STATE OF INDIANA BY WARRANTY DEED RECORDED SEPTEMBER 19, 1978 AS DOCUMENT NO. 491229 DESCRIBED AS FOLLOWS: A PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 35 NORTH, RANGE 8 WEST, LAKE COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION, THENCE SOUTH 0° 01' 00" WEST 2,287.90 FEET ALONG THE WEST LINE OF SAID SECTION TO THE SOUTHWEST CORNER OF THE OWNER'S LAND, THENCE SOUTH 89° 59' 00" EAST 350.00 FEET TO THE CORNER OF THE OWNER'S LAND, THENCE SOUTH 0° 01' 00" WEST 196.90 FEET ALONG THE WEST LINE OF THE OWNER'S LAND TO THE NORTH BOUNDARY OF U.S.R. 30, THENCE ALONG THE BOUNDARY OF SAID U.S.R. 30 EASTERLY 463.51 FEET ALONG AN ARC TO THE RIGHT AND HAVING A RADIUS OF 53,814.79 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 89° 02' 50" EAST AND A LENGTH OF 463.51 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE NORTH 1° 11' 58" EAST 10.00 FEET, THENCE SOUTH 88° 46' 26" EAST 50.01 FEET, THENCE SOUTH 1° 15' 10" WEST 10.00 FEET TO THE NORTH BOUNDARY OF U.S.R. 30, THENCE ALONG THE BOUNDARY OF SAID U.S.R. 30 WESTERLY 50.00 FEET ALONG AN ARC TO THE LEFT AND HAVING A RADIUS OF 53,814.79 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 88° 46' 26" WEST AND A LENGTH OF 50.00 FEET TO THE POINT OF BEGINNING.

PARCEL II: (FEE SIMPLE)

PART OF THE NORTH 1/2 SECTION 23, TOWNSHIP 35 NORTH RANGE 8 WEST OF THE 2ND P.M., IN LAKE COUNTY, INDIANA, DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23, THENCE SOUTH 02° 42' 00" EAST ALONG THE WEST LINE OF SAID SECTION 23 A DISTANCE OF 842.20 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE CHESAPEAKE AND OHIO RAILROAD, THENCE SOUTH 62° 42' 00" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY 1845.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIBED PARCEL, THENCE SOUTH 27° 18' 00" WEST, 274.33 FEET; THENCE SOUTH 62° 42' 00" EAST, 4.0 FEET; THENCE SOUTH 27° 18' 00" WEST, 80.00 FEET; THENCE SOUTH 62° 42' 00" EAST, 26.41 FEET; THENCE SOUTH 27° 18' 00" WEST 275.00 FEET; THENCE NORTH 62° 42' 00" WEST, 260.0 FEET; THENCE SOUTH 27° 18' 00" WEST, 339.51 FEET MORE OR LESS TO THE NORTHERLY LINE OF U.S. HIGHWAY #30; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 53,817.23 FEET A DISTANCE OF 87.67 FEET TO THE POINT OF CURVE; THENCE NORTH 88° 37' 48" EAST ALONG THE NORTHERLY LINE OF SAID HIGHWAY A DISTANCE OF 1931.83 FEET TO THE SOUTHERLY LINE OF THE CHESAPEAKE AND OHIO RAILROAD; THENCE NORTH 62° 42' 00" WEST, 1542.08 FEET TO THE POINT OF BEGINNING. EXCEPT THAT PART CONVEYED TO THE STATE OF INDIANA BY WARRANTY DEED RECORDED SEPTEMBER 19, 1978 AS DOCUMENT NO. 491229 DESCRIBED AS FOLLOWS: PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 35 NORTH RANGE 8 WEST, LAKE COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION; THENCE SOUTH 0° 01' 00" WEST 2,287.90 FEET ALONG THE WEST LINE OF SAID SECTION; THENCE SOUTH 89° 59' 00" EAST 350.00 FEET; THENCE SOUTH 0° 01' 00" WEST 196.90 FEET TO THE

NORTH BOUNDARY OF U.S.R. 30; THENCE ALONG THE BOUNDARY OF SAID U.S.R. 30 EASTERLY 651.76 FEET ALONG AN ARC TO THE RIGHT AND HAVING A RADIUS OF 53,814.79 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 88° 56' 49" EAST AND A LENGTH OF 651.76 FEET; THENCE SOUTH 88° 36' 00" EAST 688.03 FEET ALONG SAID BOUNDARY TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 1° 24' 00" EAST 10.00 FEET; THENCE SOUTH 88° 36' 00" EAST 40.00 FEET; THENCE SOUTH 1° 24' 00" WEST 10.00 FEET TO THE NORTH BOUNDARY OF U.S.R. 30; THENCE NORTH 88° 36' 00" WEST 40.00 FEET ALONG THE BOUNDARY OF SAID U.S.R. 30 TO THE POINT OF BEGINNING.

PARCEL III: (NON-EXCLUSIVE EASEMENT RIGHTS FOR PARKING LOT, UTILITY CROSSEVERS AND DRIVEWAYS SET OUT IN DOCUMENT RECORDED SEPTEMBER 15, 1989 AS DOCUMENT NO. 058076 AND AS AMENDED BY AMENDMENT TO PARKING LOT, UTILITY CROSSEVERS AND DRIVEWAYS EASEMENT AGREEMENT, RECORDED JUNE 7, 1990 AS INSTRUMENT NO. 104644, AS AMENDED BY AMENDMENT RECORDED SEPTEMBER 30, 1994 AS INSTRUMENT NO. 94067966; AND CORRECTED BY SCRIVENER'S ERROR MODIFICATION RECORDED MARCH 22, 1995 AS INSTRUMENT NO. 95014687 OVER, UPON AND ACROSS THE FOLLOWING DESCRIBED TRACT: ALSO KNOWN AS NORTHERN INDIANA PUBLIC SERVICE COMPANY PARCEL)

PART OF THE NORTH 1/2, SECTION 23, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND PRINCIPAL MERIDIAN, IN ROSS TOWNSHIP, LAKE COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY #30 AND THE NORTHEASTERN RIGHT-OF-WAY OF THE ABANDONED C & O RAILROAD, THENCE NORTH 59° 57' 30" WEST ALONG SAID NORTHEASTERN RAILROAD RIGHT OF WAY, 1724.96 FEET; THENCE SOUTH 30° 02' 30" WEST, 100 FEET THENCE SOUTH 59° 57' 30" EAST ALONG THE SOUTHWESTERN RIGHT-OF-WAY OF SAID ABANDONED RAILROAD RIGHT-OF-WAY, 1542.08 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY #30; THENCE SOUTH 88° 37' 42" EAST, 208.44 FEET TO THE POINT OF BEGINNING.

NOTE: THE INSTRUMENTS CREATING SAID EASEMENTS PROVIDE THAT IT IS "TO BE USED FOR PARKING, INGRESS AND EGRESS BY GRANTEE'S EMPLOYEES, AGENTS, REPRESENTATIVES, SUBCONTRACTORS, LESSEES, AND BUSINESS INVITEES AND OTHERS USING THE PARKING LOT AS PART OF THE BUSINESS PURPOSE RELATED TO THE CONSTRUCTION AND USE OF THE SHOPPING MALLS BEING BUILT BY GRANTEE ON LAND ADJACENT TO SAID EASEMENT PROPERTIES" AND RUN TO THE BENEFIT OF THE PARTIES THERETO AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS.

PARCEL IV: (NON-EXCLUSIVE EASEMENT RIGHTS FOR COMMON FACILITIES AND COMMON UTILITY FACILITIES AS SET OUT IN DECLARATION OF EASEMENTS, COVENANTS AND CONDITIONS RECORDED JANUARY 30, 1979 AS DOCUMENT NO. 513561, AND AS AMENDED BY SUPPLEMENTAL AGREEMENT RECORDED JANUARY 30, 1979 AS DOCUMENT NO. 513565; BY AMENDMENT TO DECLARATION OF EASEMENTS, COVENANTS AND CONDITIONS RECORDED MARCH 20, 1987 AS DOCUMENT NO. 907788, AND BY SUPPLEMENTAL AGREEMENT RECORDED MARCH 20, 1987 AS DOCUMENT NO. 907791, OVER, UPON AND ACROSS THE FOLLOWING DESCRIBED TRACT, ALSO KNOWN AS: TOYS "R" US PARCEL.) PART OF THE NORTH HALF OF SECTION 23, TOWNSHIP 35 NORTH RANGE 8 WEST OF THE 2ND P.M., LAKE COUNTY, INDIANA, DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23; THENCE SOUTH 02° 42' 00" EAST ALONG THE WEST LINE OF SAID SECTION 23, 842.20 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE CHESAPEAKE AND OHIO RAILROAD, THENCE SOUTH 62° 42' 00" EAST ALONG SAID SOUTH LINE, 1652.33 FEET TO THE PLACE OF BEGINNING; THENCE CONTINUING SOUTH 62° 42' 00" EAST ALONG SAID SOUTH LINE, 192.67 FEET; THENCE SOUTH 27° 18' 00" WEST, 274.33 FEET, THENCE SOUTH 62° 42' 00" EAST 4.00 FEET; THENCE SOUTH 27° 18' 00" WEST, 80.00 FEET; THENCE SOUTH 62° 42' 00" EAST, 26.41 FEET; THENCE SOUTH 27° 18' 00" WEST, 275.00 FEET; THENCE NORTH 62° 42' 00" WEST, 260.00 FEET; THENCE NORTH 27° 18' 00" EAST, 275.00 FEET; THENCE SOUTH 62° 42' 00" EAST, 36.92 FEET; THENCE NORTH 27° 18' 00" EAST, 354.33 FEET TO THE PLACE OF BEGINNING. (SAID EASEMENT BENEFITS ALL PARCELS DESCRIBED IN SCHEDULE A HEREOF.)

PARCEL V: (NON-EXCLUSIVE EASEMENT RIGHTS FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS, PARKING AND DRAINAGE AS SET OUT IN DEDICATION OF EASEMENTS, COVENANTS AND CONDITIONS RECORDED JANUARY 30, 1979 AS DOCUMENT NO. 513561, AND AS AMENDED BY SUPPLEMENTAL AGREEMENT RECORDED JANUARY 30, 1979 AS DOCUMENT NO. 513565 BY AMENDMENT TO DECLARATION OF EASEMENTS, COVENANTS AND CONDITIONS RECORDED MARCH

20, 1987 AS DOCUMENT NO. 907788 AND BY SUPPLEMENTAL AGREEMENT RECORDED MARCH 20, 1987 AS DOCUMENT NO. 907791 AND AMENDED BY SECOND AMENDMENT RECORDED AUGUST 17, 1994 AS INSTRUMENT NO. 94059148, OVER, UPON AND ACROSS THE FOLLOWING DESCRIBED TRACT, ALSO KNOWN AS MERRILLVILLE PLAZA ASSOCIATES PARCEL.)

PART OF THE NORTH 1/2 OF SECTION 23, TOWNSHIP 35 NORTH RANGE 8 WEST OF THE 2ND PRINCIPAL MERIDIAN OF THE ROSS TOWNSHIP, LAKE COUNTY, INDIANA, LYING SOUTHWESTERLY OF THE 100 FOOT RIGHT-OF-WAY OF THE CHESAPEAKE AND OHIO RAILROAD AND NORTH OF THE 200 FOOT RIGHT-OF-WAY OF U.S. HIGHWAY NO. 30, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23; THENCE SOUTH 02° 42' 00" EAST ALONG THE WEST LINE OF SAID SECTION 23 A DISTANCE OF 1,258.66 FEET TO THE POINT OF BEGINNING OF THIS DESCRIBED PARCEL; THENCE NORTH 87° 18' 00" EAST, 721.33 FEET MORE OR LESS TO THE SOUTH LINE OF SAID 100 FOOT WIDE CHESAPEAKE AND OHIO RAILROAD RIGHT-OF-WAY, THENCE SOUTH 62° 42' 00" EAST ALONG SAID SOUTH RIGHT-OF-WAY, 819.41 FEET TO A POINT, 1,652.33 FEET SOUTH 62° 42' 00" EAST FROM THE WEST LINE OF SAID SECTION 23 AND MEASURED ALONG THE SOUTH LINE OF SAID RAILROAD RIGHT-OF-WAY; THENCE SOUTH 27° 18' 00" WEST, 354.33 FEET; THENCE NORTH 62° 42' 00" WEST, 36.92 FEET; THENCE SOUTH 27° 18' 00" WEST, 614.54 FEET MORE OR LESS TO THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #30; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID HIGHWAY, 44.97 FEET; THENCE NORTH 01° 35' 00" WEST 43.06 FEET; THENCE NORTH 88° 25' 00" EAST, 17.0 FEET; THENCE NORTH 01° 35' 00" WEST, 150 FEET; THENCE SOUTH 88° 25' 00" WEST, 326.65 FEET; THENCE SOUTH 01° 35' 00" EAST, 193.56 FEET TO THE NORTHERLY RIGHT-OF-WAY OF U.S. HIGHWAY NO. 30; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID HIGHWAY, 210 FEET TO THE EAST LINE OF THE AMERICAN OIL PROPERTY DESCRIBED IN DEED RECORDED IN DEED RECORD 1288, PAGE 199, THENCE NORTH 02° 42' 00" WEST, 191.812 FEET ALONG SAID EAST LINE, THENCE SOUTH 87° 18' 00" WEST, 350 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 23, THAT IS 2,287.90 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SECTION 23, THENCE NORTH 02° 42' 00" WEST, 1,029.24 FEET TO THE POINT OF BEGINNING. (EASEMENTS BENEFIT ALL PARCELS DESCRIBED IN SCHEDULE A HEREOF, EXCEPT DRAINAGE EASEMENT WHICH BENEFITS ONLY PARCELS I, II AND IV.)

PARCEL VI: (INTENTIONALLY OMITTED.)

PARCEL VII: (FEE SIMPLE)

PART OF THE NORTH 1/2, SECTION 23, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND PRINCIPAL MERIDIAN, IN ROSS TOWNSHIP, LAKE COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 30 AND THE EAST LINE OF THE WEST 1/2, WEST 1/2, NORTHEAST 1/4 OF SAID SECTION 23, THENCE SOUTH 88° 37' 48" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID HIGHWAY A DISTANCE OF 178.62 FEET MORE OR LESS TO THE NORTHEASTERN RIGHT-OF-WAY LINE OF THE ABANDONED C & O RAILROAD; THENCE NORTH 62° 42' WEST ALONG SAID RAILROAD RIGHT-OF-WAY, 1724.96 FEET; THENCE NORTH 27° 18' EAST 20.00 FEET; THENCE NORTH 88° 37' 48" EAST, 1661.95 FEET MORE OR LESS TO THE EAST LINE OF THE WEST 1/2, WEST 1/2, NORTHEAST 1/4 OF SAID SECTION 23; THENCE SOUTH 02° 45' 46" EAST 845.37 FEET MORE OR LESS TO THE POINT OF BEGINNING.

PARCEL VIII: (FEE SIMPLE)

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 35 NORTH RANGE 8 WEST OF THE 2ND P.M., AND THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 35 NORTH RANGE 8 WEST OF THE 2ND P.M. LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 30 EXCEPTING THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF THE U.S. HIGHWAY #30 WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23; THENCE WEST ALONG THE NORTH LINE OF U.S. HIGHWAY NO. 30, A DISTANCE OF 180 FEET; THENCE NORTH PARALLEL TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 150 FEET; THENCE EAST PARALLEL TO THE NORTH LINE OF U.S. HIGHWAY NO. 30, A DISTANCE OF 180 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 150 FEET TO THE POINT OF BEGINNING, IN LAKE COUNTY, INDIANA.

ALSO EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 30 WITH THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, THENCE NORTH 2° 48' 02" WEST ON THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, A DISTANCE OF 150.0 FEET; THENCE WEST PARALLEL TO THE NORTH LINE OF U.S. HIGHWAY 30, A DISTANCE OF 60.01 FEET TO A POINT ON A LINE 60.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED TRACT; THENCE CONTINUING WEST ON A LINE PARALLEL TO THE NORTH LINE OF U.S. HIGHWAY 30, A DISTANCE OF 140.0 FEET TO A POINT; THENCE NORTH 2° 48' 02" WEST ON A LINE PARALLEL TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, A DISTANCE OF 95.17 FEET; THENCE SOUTH 88° 37' 48" WEST, A DISTANCE OF 166.44 FEET TO A POINT, THENCE SOUTH 1° 22' 12" EAST, A DISTANCE OF 246.32 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 30, THENCE WESTERLY ON THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 30, A DISTANCE OF 233.50 FEET ON THE ARC OF A CIRCLE WHOSE CHORD HAS A BEARING OF SOUTH 88° 20' 00" WEST, A CHORD LENGTH OF 233.50 FEET AND A RADIUS OF 98117.96 FEET TO A POINT; THENCE NORTH 1° 22' 12" WEST, A DISTANCE OF 762.53 FEET TO A POINT; THENCE NORTH 88° 37' 48" EAST, A DISTANCE OF 28.64 FEET TO A POINT; THENCE NORTH 1° 22' 12" WEST, A DISTANCE OF 282.84 FEET TO A POINT; THENCE SOUTH 88° 37' 48" WEST, A DISTANCE OF 50.00 FEET TO A POINT; THENCE NORTH 1° 22' 12" WEST, A DISTANCE OF 160.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23, THENCE NORTH 87° 54' 56" EAST ON THE LAST DESCRIBED LINE, A DISTANCE OF 537.27 FEET TO A POINT ON A LINE 60.0 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23; THENCE SOUTH 2° 48' 02" EAST ON A LINE 60.0 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, A DISTANCE OF 1058.72 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 30 WITH THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, THENCE NORTH 2° 48' 02" WEST ON THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, A DISTANCE OF 150.0 FEET; THENCE WEST PARALLEL TO THE NORTH LINE OF U.S. HIGHWAY 30, A DISTANCE OF 50.01 FEET TO A POINT ON A LINE 50.0 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, THENCE CONTINUING WEST ON A LINE PARALLEL TO THE NORTH LINE OF U.S. HIGHWAY 30, A DISTANCE OF 150.0 FEET TO A POINT; SAID POINT BEING THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED TRACT; THENCE NORTH 2° 48' 02" WEST ON A LINE PARALLEL TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, A DISTANCE OF 95.17 FEET; THENCE SOUTH 88° 37' 48" WEST, A DISTANCE OF 166.44 FEET TO A POINT; THENCE SOUTH 1° 22' 12" EAST, A DISTANCE OF 246.32 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 30, THENCE EASTERLY ON THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 30, A DISTANCE OF 172.56 FEET ON THE ARC OF A CIRCLE WHOSE CHORD HAS A BEARING OF NORTH 88° 12' 53" EAST, A CHORD LENGTH OF 172.56 FEET AND A RADIUS OF 98117.96 FEET TO A POINT; THENCE NORTH 2° 48' 02" WEST, A DISTANCE OF 149.98 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

THAT PART OF THE SOUTH EAST 1/4 OF THE NORTH EAST 1/4 OF SECTION 23, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND PRINCIPAL MERIDIAN LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 30 BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 30 WITH THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, THENCE NORTH 2° 48' 02" WEST ON THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, A DISTANCE OF 150.0 FEET; THENCE WEST PARALLEL TO THE NORTH LINE OF U.S. HIGHWAY 30, (SAID PARALLEL LINE HAVING A BEARING OF SOUTH 88° 06' 00" WEST) A DISTANCE OF 180.0 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88° 06' 00" WEST ON SAID LINE PARALLEL TO THE NORTH LINE OF U.S. HIGHWAY 30, A DISTANCE OF 20.01 FEET TO A POINT; THENCE SOUTH 2° 48' 02" EAST ON A LINE PARALLEL TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, A DISTANCE OF 149.98



FEET; TO A POINT ON THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 30, THENCE EASTERLY ON THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 30, A DISTANCE OF 20.01 FEET ON THE ARC OF A CIRCLE WHOSE CHORD HAS A BEARING OF NORTH 88° 09' 31" EAST, A CHORD LENGTH OF 20.01 FEET AND A RADIUS OF 98117.96 FEET TO A POINT; THENCE NORTH 2° 48' 02" WEST ON A LINE PARALLEL TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING. ALL IN LAKE COUNTY, INDIANA.

ALSO EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

THAT PART OF THE SOUTHEAST 1/4 OF THE NORTH EAST 1/4 OF SECTION 23, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND PRINCIPAL MERIDIAN LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 30 BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH RIGHT OF WAY OF U.S. HIGHWAY NO. 30 WITH THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, THENCE NORTH 2° 48' 02" WEST ON THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, A DISTANCE OF 150.0 FEET TO THE POINT OF BEGINNING; THENCE WEST PARALLEL TO THE NORTH LINE OF U.S. HIGHWAY 30, A DISTANCE OF 60.01 FEET TO A POINT ON A LINE 60.0 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23; THENCE NORTH 2° 48' 02" WEST ON A LINE PARALLEL TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, A DISTANCE OF 1058.72 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23, THENCE NORTH 87° 54' 56" EAST OF THE LAST DESCRIBED LINE, A DISTANCE OF 60.01 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23; THENCE SOUTH 2° 48' 02" EAST ON THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, A DISTANCE OF 1058.91 FEET TO THE POINT OF BEGINNING. ALL IN LAKE COUNTY, INDIANA.

PARCEL IX: (NON-EXCLUSIVE EASEMENT RIGHTS APPURTENANT FOR ROADWAYS, WALKWAYS, INGRESS AND EGRESS AND PARKING FACILITIES AS CREATED BY EASEMENT DOCUMENT DATED MAY 17, 1990, RECORDED AUGUST 1, 1990 AS DOCUMENT NO. 114786 AND ALSO RECORDED OCTOBER 10, 1990 AS DOCUMENT NO. 128474 AND AS AMENDED BY FIRST AMENDMENT RECORDED DECEMBER 7, 2001 AS INSTRUMENT NO. 2001 100199 OVER THE FOLLOWING DESCRIBED LAND:)

THAT PART OF THE SOUTH EAST 1/4 OF THE NORTH EAST 1/4 OF SECTION 23, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND PRINCIPAL MERIDIAN LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 30 BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 30 WITH THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, THENCE NORTH 2° 48' 02" WEST ON THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, A DISTANCE OF 150.0 FEET; THENCE WEST PARALLEL TO THE NORTH LINE OF U.S. HIGHWAY 30, A DISTANCE OF 50.01 FEET TO THE POINT ON A LINE 50.0 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED TRACT; THENCE CONTINUING WEST ON A LINE PARALLEL TO THE NORTH LINE OF U.S. HIGHWAY 30, A DISTANCE OF 150.0 FEET TO A POINT; THENCE NORTH 2° 48' 02" WEST ON A LINE PARALLEL TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, A DISTANCE OF 95.17 FEET; THENCE SOUTH 88° 37' 48" WEST, A DISTANCE OF 166.44 FEET TO A POINT, THENCE SOUTH 1° 22' 12" EAST, A DISTANCE OF 246.32 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 30, THENCE WESTERLY ON THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 30, A DISTANCE OF 233.50 FEET ON THE ARC OF A CIRCLE WHOSE CHORD HAS A BEARING OF SOUTH 88° 20' 00" WEST, A CHORD LENGTH OF 233.50 FEET AND A RADIUS OF 98117.96 FEET TO A POINT; THENCE NORTH 1° 22' 12" WEST, A DISTANCE OF 762.53 FEET TO A POINT; THENCE NORTH 88° 37' 48" EAST, A DISTANCE OF 28.64 FEET TO A POINT; THENCE NORTH 1° 22' 12" WEST, A DISTANCE OF 282.84 FEET TO A POINT; THENCE SOUTH 88° 37' 48" WEST, A DISTANCE OF 50.00 FEET TO A POINT; THENCE NORTH 1° 22' 12" WEST, A DISTANCE OF 160.0 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23, THENCE NORTH 87° 54' 56" EAST ON THE LAST DESCRIBED LINE, A DISTANCE OF 547.27 FEET TO A POINT ON A LINE 50.0 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23; THENCE SOUTH 2° 48' 02" EAST ON A LINE 50.0 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, A DISTANCE OF 1058.75 FEET TO THE POINT OF BEGINNING, ALL IN LAKE COUNTY, INDIANA. (SAID EASEMENT BENEFITS PARCEL VIII.)

PARCEL X: (FEE SIMPLE)

THAT PART OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY #30 WITH THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23; THENCE NORTH 02 DEGREES 45 MINUTES 46 SECONDS WEST ALONG SAID WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 845.37 FEET TO THE POINT OF BEGINNING OF THE DESCRIBED PARCEL; THENCE SOUTH 88 DEGREES 37 MINUTES 48 SECONDS WEST A DISTANCE OF 190.00 FEET; THENCE NORTH 02 DEGREES 45 MINUTES 46 SECONDS WEST A DISTANCE OF 341.37 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 23; THENCE NORTH 87 DEGREES 54 MINUTES 56 SECONDS EAST ALONG SAID NORTH LINE A DISTANCE OF 189.96 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 02 DEGREES 45 MINUTES 46 SECONDS EAST ALONG SAID WEST LINE A DISTANCE OF 343.74 FEET TO THE POINT OF BEGINNING, CONTAINING 1.494 ACRES, MORE OR LESS.

PARCEL XI

A NON-EXCLUSIVE EASEMENT AS CREATED BY A GRANT OF NON-EXCLUSIVE EASEMENT AND USE OF REAL PROPERTY RECORDED NOVEMBER 4, 1999 AS INSTRUMENT NO. 99091387 FOR THE BENEFIT OF PARCEL X.

THE ABOVE FEE PARCELS HAVE NOW BEEN DESCRIBED BY MODERNIZED PERIMETER LEGAL DESCRIPTIONS DESIGNATED PARCEL A, PARCEL B AND PARCEL C AS CREATED WITHIN A SURVEY BY OLD REPUBLIC SITE MANAGEMENT SERVICES PROJECT NO. 2006-12-0037 DATED JANUARY 25, 2007 AND LAST REVISED FEBRUARY 12, 2007 AND MERLYN J. JENKINS & ASSOCIATES INC., THE CROSSINGS AT HOBART DATED JANUARY 25, 2007 AND LAST REVISED FEBRUARY 12, 2007, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE CROSSINGS AT HOBART

PARCEL "A"

ALL THAT CERTAIN LOT OR PARCEL OF GROUND SITUATE IN HOBART, COUNTY OF LAKE, STATE OF INDIANA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE NORTH RIGHT-OF-WAY LINE OF U.S. ROUTE 30, SAID POINT BEING SITUATE NORTH EIGHTY-EIGHT DEGREES TWO MINUTES AND FIFTY-FOUR SECONDS EAST (N 88 DEGREES 02'54" E) A DISTANCE OF FIVE HUNDRED SIXTY AND THREE HUNDREDTHS FEET (560.03') FROM A POINT LOCATED AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF MISSISSIPPI STREET WITH THE AFOREMENTIONED NORTH RIGHT-OF-WAY LINE OF U.S. ROUTE 30; THENCE FROM THE PLACE OF BEGINNING, NORTH ONE DEGREE THIRTY-FIVE MINUTES AND NO SECONDS WEST (N 1 DEGREE 35'00" W) FOR A DISTANCE OF ONE HUNDRED NINETY-THREE AND FIFTY-SIX HUNDREDTHS FEET (193.56') TO A POINT; THENCE, NORTH EIGHTY-EIGHT DEGREES TWENTY-FIVE MINUTES AND NO SECONDS EAST (N 88 DEGREES 25'00" E) FOR A DISTANCE OF THREE HUNDRED TWENTY-SIX AND SIXTY-FIVE HUNDREDTHS FEET (326.65') TO A POINT; THENCE, SOUTH ONE DEGREE THIRTY-FIVE MINUTES AND NO SECONDS EAST (S 1 DEGREES 35'00" E) FOR A DISTANCE OF ONE HUNDRED FIFTY AND NO HUNDREDTHS FEET (150.00') TO A POINT; THENCE, SOUTH EIGHTY-EIGHT DEGREES TWENTY-FIVE MINUTES AND NO SECONDS WEST (S 88 DEGREES 25'00" W) FOR A DISTANCE OF SEVENTEEN AND NO HUNDREDTHS FEET (17.00') TO A POINT; THENCE, SOUTH ONE DEGREE THIRTY-FIVE MINUTES AND NO SECONDS EAST (S 1 DEGREE 35'00" E) FOR A DISTANCE OF FORTY-THREE AND SIX HUNDREDTHS FEET (43.06') TO A POINT; THENCE ALONG THE AFOREMENTIONED NORTH RIGHT-OF-WAY LINE OF U.S. ROUTE 30, SOUTH EIGHTY-EIGHT DEGREES NINETEEN MINUTES AND TWENTY-SEVEN SECONDS WEST (S 88 DEGREES 19'27" W) FOR A DISTANCE OF THREE HUNDRED NINE AND SIXTY-FIVE HUNDREDTHS FEET (309.65') TO THE PLACE OF

BEGINNING.  
CONTAINING 62,408.44 SQUARE FEET (1.433 ACRES).

PARCEL "B"

ALL THAT CERTAIN LOT OR PARCEL OF GROUND SITUATE IN HOBART, COUNTY OF LAKE, STATE OF INDIANA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE NORTH RIGHT-OF-WAY LINE OF U.S. ROUTE 30, SAID POINT BEING SITUATE NORTH EIGHTY-EIGHT DEGREES TWO MINUTES AND FIFTY-FOUR SECONDS EAST (N 88 DEGREES 02'54" E) A DISTANCE OF FIVE HUNDRED SIXTY AND THREE HUNDREDTHS FEET (560.03'), NORTH EIGHTY-EIGHT DEGREES NINETEEN MINUTES AND TWENTY-SEVEN SECONDS EAST (N 88 DEGREES 19'27" E) A DISTANCE OF THREE HUNDRED NINE AND SIXTY-FIVE HUNDREDTHS FEET (309.65') AND NORTH EIGHTY-EIGHT DEGREES THIRTY-ONE MINUTES AND ELEVEN SECONDS EAST (N 88 DEGREES 31'11" E) A DISTANCE OF FORTY-FOUR AND NINETY-NINE HUNDREDTHS FEET (44.99') FROM A POINT LOCATED AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF MISSISSIPPI STREET WITH THE AFOREMENTIONED NORTH RIGHT-OF-WAY LINE OF U.S. ROUTE 30; THENCE FROM THE PLACE OF BEGINNING, NORTH TWENTY-SEVEN DEGREES EIGHTEEN MINUTES AND NO SECONDS EAST (N 27 DEGREES 18'00" E) FOR A DISTANCE OF THREE HUNDRED THIRTY-NINE AND FIFTY-ONE HUNDREDTHS FEET (339.51') TO A POINT; THENCE, SOUTH SIXTY-TWO DEGREES FORTY-TWO MINUTES AND NO SECONDS EAST (S 62 DEGREES 42'00" E) FOR A DISTANCE OF TWO HUNDRED SIXTY AND NO HUNDREDTHS FEET (260.00') TO A POINT; THENCE, NORTH TWENTY-SEVEN DEGREES EIGHTEEN MINUTES AND NO SECONDS EAST (N 27 DEGREES 18'00" E) FOR A DISTANCE OF TWO HUNDRED SEVENTY-FIVE AND NO HUNDREDTHS FEET (275.00') TO A POINT; THENCE, NORTH SIXTY-TWO DEGREES FORTY-TWO MINUTES AND NO SECONDS WEST (N 62 DEGREES 42'00" W) FOR A DISTANCE OF TWENTY-SIX AND FORTY-ONE HUNDREDTHS FEET (26.41') TO A POINT; THENCE, NORTH TWENTY-SEVEN DEGREES EIGHTEEN MINUTES AND NO SECONDS EAST (N 27 DEGREES 18'00" E) FOR A DISTANCE OF EIGHTY AND NO HUNDREDTHS FEET (80.00') TO A POINT; THENCE, NORTH SIXTY-TWO DEGREES FORTY-TWO MINUTES AND NO SECONDS WEST (N 62 DEGREES 42'00" W) FOR A DISTANCE OF FOUR AND NO HUNDREDTHS FEET (4.00') TO A POINT; THENCE, NORTH TWENTY-SEVEN DEGREES EIGHTEEN MINUTES AND NO SECONDS EAST (N 27 DEGREES 18'00" E) FOR A DISTANCE OF TWO HUNDRED SEVENTY-FOUR AND THIRTY-THREE HUNDREDTHS FEET (274.33') TO A POINT; THENCE, SOUTH SIXTY-TWO DEGREES FORTY-TWO MINUTES AND NO SECONDS EAST (S 62 DEGREES 42'00" E) FOR A DISTANCE OF ONE THOUSAND FIVE HUNDRED FORTY-TWO AND EIGHT HUNDREDTHS FEET (1,542.08') TO A POINT; THENCE ALONG THE AFOREMENTIONED NORTH RIGHT-OF-WAY LINE OF U.S. ROUTE 30, SOUTH EIGHTY-EIGHT DEGREES THIRTY-SEVEN MINUTES AND FORTY-EIGHT SECONDS WEST (S 88 DEGREES 37'48" W) FOR A DISTANCE OF ONE THOUSAND NINE HUNDRED THIRTY-ONE AND EIGHTY-THREE HUNDREDTHS FEET (1,931.83') TO A POINT; THENCE FURTHER ALONG THE SAME, AROUND A CURVE HAVING AN ANGLE OF ZERO DEGREES FIVE MINUTES AND THIRTY-FIVE SECONDS (00 DEGREES 05'35"), A RADIUS OF FIFTY-THREE THOUSAND EIGHT HUNDRED SEVENTEEN AND TWENTY-THREE HUNDREDTHS FEET (53,817.23'), A TANGENT OF FORTY-THREE AND SEVENTY-TWO HUNDREDTHS FEET (43.72'), AN ARC OF EIGHTY-SEVEN AND FORTY-FOUR HUNDREDTHS FEET (87.44'), FOR A CHORD COURSE OF SOUTH EIGHTY-EIGHT DEGREES THIRTY-FOUR MINUTES AND FIFTY-THREE SECONDS WEST (S 88 DEGREES 34'53" W) FOR A CHORD DISTANCE OF EIGHTY-SEVEN AND FORTY-FOUR HUNDREDTHS FEET (87.44') TO THE PLACE OF BEGINNING. CONTAINING 704,989.23 SQUARE FEET (16.184 ACRES).

PARCEL "C"

ALL THAT CERTAIN LOT OR PARCEL OF GROUND SITUATE IN HOBART, COUNTY OF LAKE, STATE OF INDIANA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE NORTH RIGHT-OF-WAY LINE OF U.S. ROUTE 30, SAID POINT BEING SITUATE NORTH EIGHTY-EIGHT DEGREES TWO MINUTES AND FIFTY-FOUR SECONDS EAST (N 88 DEGREES 02'54" E) A DISTANCE OF FIVE HUNDRED SIXTY AND THREE HUNDREDTHS FEET (560.03'), NORTH EIGHTY-EIGHT DEGREES NINETEEN MINUTES AND TWENTY-SEVEN SECONDS EAST (N 88 DEGREES 19'27" E) A DISTANCE OF THREE HUNDRED NINE AND SIXTY-FIVE HUNDREDTHS FEET (309.65'), NORTH EIGHTY-EIGHT DEGREES THIRTY-ONE MINUTES AND ELEVEN SECONDS EAST (N 88 DEGREES 31'11" E) A DISTANCE OF FORTY-FOUR AND NINETY-NINE HUNDREDTHS FEET (44.99'),

NORTH EIGHTY-EIGHT DEGREES THIRTY-FOUR MINUTES AND FIFTY-THREE SECONDS EAST (N 88 DEGREES 34'53" E) A DISTANCE OF EIGHTY-SEVEN AND FORTY-FOUR HUNDREDTHS FEET (87.44') AND NORTH EIGHTY-EIGHT DEGREES THIRTY-SEVEN MINUTES AND FORTY-EIGHT SECONDS EAST (N 88 DEGREES 37'48" E) A DISTANCE OF TWO THOUSAND ONE HUNDRED FORTY AND TWENTY-SEVEN HUNDREDTHS FEET (2,140.27') FROM A POINT LOCATED AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF MISSISSIPPI STREET WITH THE AFOREMENTIONED NORTH RIGHT-OF-WAY LINE OF U.S. ROUTE 30; THENCE FROM THE PLACE OF BEGINNING, NORTH SIXTY-TWO DEGREES FORTY-TWO MINUTES AND NO SECONDS WEST (N 62 DEGREES 42'00" W) FOR A DISTANCE OF ONE THOUSAND SEVEN HUNDRED TWENTY-FOUR AND NINETY-SIX HUNDREDTHS FEET (1,724.96') TO A POINT; THENCE, NORTH TWENTY-SEVEN DEGREES EIGHTEEN MINUTES AND NO SECONDS EAST (N 27 DEGREES 18'00" E) FOR A DISTANCE OF TWENTY AND NO HUNDREDTHS FEET (20.00') TO A POINT; THENCE, NORTH EIGHTY-EIGHT DEGREES THIRTY-SEVEN MINUTES AND FORTY-EIGHT SECONDS EAST (N 88 DEGREES 37'48" E) FOR A DISTANCE OF ONE THOUSAND FOUR HUNDRED SEVENTY-ONE AND NINETY-FIVE HUNDREDTHS FEET (1,471.95') TO A POINT; THENCE, NORTH TWO DEGREES FORTY-FIVE MINUTES AND FORTY-SIX SECONDS WEST (N 2 DEGREES 45'46" W) FOR A DISTANCE OF THREE HUNDRED FORTY-ONE AND THIRTY-SEVEN HUNDREDTHS FEET (341.37') TO A POINT; THENCE, NORTH EIGHTY-SEVEN DEGREES FIFTY-FOUR MINUTES AND FIFTY-SIX SECONDS EAST (N 87 DEGREES 54'56" E) FOR A DISTANCE OF ONE THOUSAND FIVE HUNDRED EIGHTY-FOUR AND SEVENTEEN HUNDREDTHS FEET (1,584.17') TO A POINT; THENCE, SOUTH ONE DEGREE TWENTY-TWO MINUTES AND TWELVE SECONDS EAST (S 1 DEGREE 22'12" E) FOR A DISTANCE OF ONE HUNDRED SIXTY AND NO HUNDREDTHS FEET (160.00') TO A POINT; THENCE, NORTH EIGHTY-EIGHT DEGREES THIRTY-SEVEN MINUTES AND FORTY-EIGHT SECONDS EAST (N 88 DEGREES 37'48" E) FOR A DISTANCE OF FIFTY AND NO HUNDREDTHS FEET (50.00') TO A POINT; THENCE, SOUTH ONE DEGREE TWENTY-TWO MINUTES AND TWELVE SECONDS EAST (S 1 DEGREE 22'12" E) FOR A DISTANCE OF TWO HUNDRED EIGHTY-TWO AND EIGHTY-FOUR HUNDREDTHS FEET (282.84') TO A POINT; THENCE, SOUTH EIGHTY-EIGHT DEGREES THIRTY-SEVEN MINUTES AND FORTY-EIGHT SECONDS WEST (S 88 DEGREES 37'48" W) FOR A DISTANCE OF TWENTY-EIGHT AND SIXTY-FOUR HUNDREDTHS FEET (28.64') TO A POINT; THENCE, SOUTH ONE DEGREE TWENTY-TWO MINUTES AND TWELVE SECONDS EAST (S 1 DEGREE 22'12" E) FOR A DISTANCE OF SEVEN HUNDRED SIXTY-TWO AND FIFTY-THREE HUNDREDTHS FEET (762.53') TO A POINT; THENCE ALONG THE AFOREMENTIONED NORTH RIGHT-OF-WAY LINE OF U.S. ROUTE 30, AROUND A CURVE HAVING AN ANGLE OF ZERO DEGREES TWELVE MINUTES AND TWENTY-FIVE SECONDS (00 DEGREES 12'25"), A RADIUS OF NINETY-EIGHT THOUSAND ONE HUNDRED SEVENTEEN AND NINETY-SIX HUNDREDTHS FEET (98,117.96'), A TANGENT OF ONE HUNDRED SEVENTY-SEVEN AND TWELVE HUNDREDTHS FEET (177.12'), AN ARC OF THREE HUNDRED FIFTY-FOUR AND TWENTY-FOUR HUNDREDTHS FEET (354.24'), FOR A CHORD COURSE OF SOUTH EIGHTY-EIGHT DEGREES THIRTY MINUTES AND EIGHTEEN SECONDS WEST (S 88 DEGREES 30'18" W) FOR A CHORD DISTANCE OF THREE HUNDRED FIFTY-FOUR AND TWENTY-FOUR HUNDREDTHS FEET (354.24') TO A POINT; THENCE FURTHER ALONG THE SAME, SOUTH EIGHTY-EIGHT DEGREES THIRTY-SEVEN MINUTES AND FORTY-EIGHT SECONDS WEST (S 88 DEGREES 37'48" W) FOR A DISTANCE OF ONE THOUSAND TWO HUNDRED TEN AND NINETY-FOUR HUNDREDTHS FEET (1,210.94') TO THE PLACE OF BEGINNING.  
CONTAINING 2,542,604.27 SQUARE FEET (58.370 ACRES).

PARCEL D: (NON-EXCLUSIVE EASEMENT RIGHTS FOR PARKING LOT, UTILITY CROSSOVERS AND DRIVEWAYS SET OUT IN DOCUMENT RECORDED SEPTEMBER 15, 1989 AS DOCUMENT NO. 058076 AND AS AMENDED BY AMENDMENT TO PARKING LOT, UTILITY CROSSOVERS AND DRIVEWAYS EASEMENT AGREEMENT, RECORDED JUNE 7, 1990 AS INSTRUMENT NO. 104644, AS AMENDED BY AMENDMENT RECORDED SEPTEMBER 30, 1994 AS INSTRUMENT NO. 94067966; AND CORRECTED BY SCRIVENER'S ERROR MODIFICATION RECORDED MARCH 22, 1995 AS INSTRUMENT NO. 95014687 OVER, UPON AND ACROSS THE FOLLOWING DESCRIBED TRACT: ALSO KNOWN AS NORTHERN INDIANA PUBLIC SERVICE COMPANY PARCEL)

PART OF THE NORTH 1/2, SECTION 23, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND PRINCIPAL MERIDIAN, IN ROSS TOWNSHIP, LAKE COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY #30 AND THE NORTHEASTERN RIGHT-OF-WAY OF THE ABANDONED C & O RAILROAD, THENCE NORTH 59° 57' 30" WEST ALONG SAID NORTHEASTERN RAILROAD RIGHT OF WAY, 1724.96 FEET; THENCE SOUTH 30° 02' 30" WEST, 100 FEET THENCE SOUTH 59° 57' 30" EAST ALONG THE SOUTHWESTERN RIGHT-OF-WAY OF SAID ABANDONED RAILROAD RIGHT-OF-WAY, 1542.08 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY #30; THENCE SOUTH 88° 37' 42" EAST, 208.44 FEET TO THE POINT OF BEGINNING.

NOTE: THE INSTRUMENTS CREATING SAID EASEMENTS PROVIDE THAT IT IS "TO BE USED FOR PARKING, INGRESS AND EGRESS BY GRANTEE'S EMPLOYEES, AGENTS, REPRESENTATIVES, SUBCONTRACTORS, LESSEES, AND BUSINESS INVITEES AND OTHERS USING THE PARKING LOT AS PART OF THE BUSINESS PURPOSE RELATED TO THE CONSTRUCTION AND USE OF THE SHOPPING MALLS BEING BUILT BY GRANTEE ON LAND ADJACENT TO SAID EASEMENT PROPERTIES" AND RUN TO THE BENEFIT OF THE PARTIES THERETO AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS.

PARCEL E: (NON-EXCLUSIVE EASEMENT RIGHTS FOR COMMON FACILITIES AND COMMON UTILITY FACILITIES AS SET OUT IN DECLARATION OF EASEMENTS, COVENANTS AND CONDITIONS RECORDED JANUARY 30, 1979 AS DOCUMENT NO. 513561, AND AS AMENDED BY SUPPLEMENTAL AGREEMENT RECORDED JANUARY 30, 1979 AS DOCUMENT NO. 513565; BY AMENDMENT TO DECLARATION OF EASEMENTS, COVENANTS AND CONDITIONS RECORDED MARCH 20, 1987 AS DOCUMENT NO. 907788, AND BY SUPPLEMENTAL AGREEMENT RECORDED MARCH 20, 1987 AS DOCUMENT NO. 907791, OVER, UPON AND ACROSS THE FOLLOWING DESCRIBED TRACT, ALSO KNOWN AS: TOYS "R" US PARCEL.) PART OF THE NORTH HALF OF SECTION 23, TOWNSHIP 35 NORTH RANGE 8 WEST OF THE 2ND P.M., LAKE COUNTY, INDIANA, DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23; THENCE SOUTH 02° 42' 00" EAST ALONG THE WEST LINE OF SAID SECTION 23, 842.20 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE CHESAPEAKE AND OHIO RAILROAD, THENCE SOUTH 62° 42' 00" EAST ALONG SAID SOUTH LINE, 1652.33 FEET TO THE PLACE OF BEGINNING; THENCE CONTINUING SOUTH 62° 42' 00" EAST ALONG SAID SOUTH LINE, 192.67 FEET; THENCE SOUTH 27° 18' 00" WEST, 274.33 FEET, THENCE SOUTH 62° 42' 00" EAST 4.00 FEET; THENCE SOUTH 27° 18' 00" WEST, 80.00 FEET; THENCE SOUTH 62° 42' 00" EAST, 26.41 FEET; THENCE SOUTH 27° 18' 00" WEST, 275.00 FEET; THENCE NORTH 62° 42' 00" WEST, 260.00 FEET; THENCE NORTH 27° 18' 00" EAST, 275.00 FEET; THENCE SOUTH 62° 42' 00" EAST, 36.92 FEET; THENCE NORTH 27° 18' 00" EAST, 354.33 FEET TO THE PLACE OF BEGINNING. (SAID EASEMENT BENEFITS ALL PARCELS DESCRIBED IN SCHEDULE A HEREOF.)

PARCEL F: (NON-EXCLUSIVE EASEMENT RIGHTS FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS, PARKING AND DRAINAGE AS SET OUT IN DEDICATION OF EASEMENTS, COVENANTS AND CONDITIONS RECORDED JANUARY 30, 1979 AS DOCUMENT NO. 513561, AND AS AMENDED BY SUPPLEMENTAL AGREEMENT RECORDED JANUARY 30, 1979 AS DOCUMENT NO. 513565 BY AMENDMENT TO DECLARATION OF EASEMENTS, COVENANTS AND CONDITIONS RECORDED MARCH 20, 1987 AS DOCUMENT NO. 907788 AND BY SUPPLEMENTAL AGREEMENT RECORDED MARCH 20, 1987 AS DOCUMENT NO. 907791 AND AMENDED BY SECOND AMENDMENT RECORDED AUGUST 17, 1994 AS INSTRUMENT NO. 94059148, OVER, UPON AND ACROSS THE FOLLOWING DESCRIBED TRACT, ALSO KNOWN AS MERRILLVILLE PLAZA ASSOCIATES PARCEL.) PART OF THE NORTH 1/2 OF SECTION 23, TOWNSHIP 35 NORTH RANGE 8 WEST OF THE 2ND PRINCIPAL MERIDIAN OF THE ROSS TOWNSHIP, LAKE COUNTY, INDIANA, LYING SOUTHWESTERLY OF THE 100 FOOT RIGHT-OF-WAY OF THE CHESAPEAKE AND OHIO RAILROAD AND NORTH OF THE 200 FOOT RIGHT-OF-WAY OF U.S. HIGHWAY NO. 30, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23; THENCE SOUTH 02° 42' 00" EAST ALONG THE WEST LINE OF SAID SECTION 23 A DISTANCE OF 1,258.66 FEET TO THE POINT OF BEGINNING OF THIS DESCRIBED PARCEL; THENCE NORTH 87° 18' 00" EAST, 721.33 FEET MORE OR LESS TO THE SOUTH LINE OF SAID 100 FOOT WIDE CHESAPEAKE AND OHIO RAILROAD RIGHT-OF-WAY, THENCE SOUTH 62° 42' 00" EAST ALONG SAID SOUTH RIGHT-OF-WAY, 819.41 FEET TO A POINT, 1,652.33 FEET SOUTH 62° 42' 00" EAST FROM THE WEST LINE OF SAID SECTION 23 AND MEASURED ALONG THE SOUTH LINE OF SAID RAILROAD RIGHT-OF-WAY; THENCE SOUTH 27° 18' 00" WEST, 354.33 FEET; THENCE NORTH 62° 42' 00" WEST, 36.92 FEET; THENCE SOUTH 27° 18' 00" WEST, 614.54 FEET MORE OR LESS TO THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #30; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID HIGHWAY, 44.97 FEET; THENCE NORTH 01° 35' 00" WEST 43.06 FEET; THENCE NORTH 88° 25' 00" EAST, 17.0 FEET; THENCE NORTH 01° 35' 00" WEST, 150 FEET; THENCE SOUTH 88° 25' 00" WEST, 326.65 FEET; THENCE SOUTH 01° 35' 00" EAST, 193.56 FEET TO THE NORTHERLY RIGHT-OF-WAY OF U.S. HIGHWAY NO. 30; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID HIGHWAY, 210 FEET TO THE EAST LINE OF THE AMERICAN OIL PROPERTY DESCRIBED IN DEED RECORDED IN DEED RECORD 1288, PAGE 199, THENCE NORTH 02° 42' 00" WEST, 191.812 FEET ALONG SAID EAST LINE, THENCE SOUTH 87° 18' 00" WEST, 350 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 23, THAT IS 2,287.90 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SECTION 23, THENCE NORTH 02° 42' 00" WEST, 1,029.24 FEET TO THE POINT OF BEGINNING. (EASEMENTS BENEFIT ALL PARCELS DESCRIBED IN SCHEDULE A HEREOF, EXCEPT DRAINAGE EASEMENT WHICH BENEFITS ONLY PARCELS I, II AND IV.)

PARCEL G: (NON-EXCLUSIVE EASEMENT RIGHTS APPURTENANT FOR ROADWAYS, WALKWAYS, INGRESS AND EGRESS AND PARKING FACILITIES AS CREATED BY EASEMENT DOCUMENT DATED MAY 17, 1990, RECORDED AUGUST 1, 1990 AS DOCUMENT NO. 114786 AND ALSO RECORDED OCTOBER 10, 1990 AS DOCUMENT NO. 128474 AND AS AMENDED BY FIRST AMENDMENT RECORDED DECEMBER 7, 2001 AS INSTRUMENT NO. 2001 100199 OVER THE FOLLOWING DESCRIBED LAND:) THAT PART OF THE SOUTH EAST 1/4 OF THE NORTH EAST 1/4 OF SECTION 23, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND PRINCIPAL MERIDIAN LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 30 BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 30 WITH THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, THENCE NORTH 2° 48' 02" WEST ON THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, A DISTANCE OF 150.0 FEET; THENCE WEST PARALLEL TO THE NORTH LINE OF U.S. HIGHWAY 30, A DISTANCE OF 50.01 FEET TO THE POINT ON A LINE 50.0 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED TRACT; THENCE CONTINUING WEST ON A LINE PARALLEL TO THE NORTH LINE OF U.S. HIGHWAY 30, A DISTANCE OF 150.0 FEET TO A POINT; THENCE NORTH 2° 48' 02" WEST ON A LINE PARALLEL TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, A DISTANCE OF 95.17 FEET; THENCE SOUTH 88° 37' 48" WEST, A DISTANCE OF 166.44 FEET TO A POINT, THENCE SOUTH 1° 22' 12" EAST, A DISTANCE OF 246.32 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 30, THENCE WESTERLY ON THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 30, A DISTANCE OF 233.50 FEET ON THE ARC OF A CIRCLE WHOSE CHORD HAS A BEARING OF SOUTH 88° 20' 00" WEST, A CHORD LENGTH OF 233.50 FEET AND A RADIUS OF 98117.96 FEET TO A POINT; THENCE NORTH 1° 22' 12" WEST, A DISTANCE OF 762.53 FEET TO A POINT; THENCE NORTH 88° 37' 48" EAST, A DISTANCE OF 28.64 FEET TO A POINT; THENCE NORTH 1° 22' 12" WEST, A DISTANCE OF 282.84 FEET TO A POINT; THENCE SOUTH 88° 37' 48" WEST, A DISTANCE OF 50.00 FEET TO A POINT; THENCE NORTH 1° 22' 12" WEST, A DISTANCE OF 160.0 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23, THENCE NORTH 87° 54' 56" EAST ON THE LAST DESCRIBED LINE, A DISTANCE OF 547.27 FEET TO A POINT ON A LINE 50.0 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23; THENCE SOUTH 2° 48' 02" EAST ON A LINE 50.0 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23, A DISTANCE OF 1058.75 FEET TO THE POINT OF BEGINNING, ALL IN LAKE COUNTY, INDIANA. (SAID EASEMENT BENEFITS PARCEL VIII.)

PARCEL H: A NON-EXCLUSIVE EASEMENT AS CREATED BY A GRANT OF NON-EXCLUSIVE EASEMENT AND USE OF REAL PROPERTY RECORDED NOVEMBER 4, 1999 AS INSTRUMENT NO. 99091387.