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PERPETUAL HIGHWAY EASEMENT

Project: Lake Bridge #255 ✓
Des#: 0600751
Parcel: 4 ✓
Page: 1 of 3.

THIS INDENTURE WITNESSETH: That Willey L. Cuttino and Elaine Pitts Cuttino, husband and wife

("GRANTOR(S)") of Lake, County, Indiana, Convey(s) and Warrant(s) to the **BOARD OF COMMISSIONERS OF LAKE COUNTY, INDIANA** ("GRANTEE"), for and in consideration of the sum of Eight Hundred Fifty and NO/00 Dollars (\$850.00) (of which said sum \$850.00 represents land encumbered and improvements acquired and \$0.00 represents damages), and other valuable consideration, the receipt of which is hereby acknowledged, a perpetual easement and right of way ("Right of Way") in, under, upon and across certain real property ("Real Estate") situated in Lake County, Indiana, more particularly described upon Exhibit "A" attached hereto and depicted upon the Right of Way Parcel Plat attached hereto as Exhibit "B" (both of which exhibits are incorporated herein by reference), for the purpose of the construction, reconstruction, maintenance, operation and repair thereupon of a highway facility and appurtenances thereto, which said appurtenances may include but are not limited to, ditches and drainage facilities, slopes, rip rap, culverts, and like features necessary for the said highway facility.

This conveyance ("Grant") is subject to any and all easements, conditions and restrictions of record.

GRANTEE, its employees, agents, contractors, subcontractors and assigns shall have the right to enter in, under, over, along, upon and across the area of the Right of Way at will to construct, reconstruct, maintain, and continue to operate the highway facility and appurtenances thereon and to remove from the said area any encroaching trees or other vegetation, buildings or other obstructions to the free and unobstructed use of the Right of Way, and to make such alteration and improvements to the highway facility and appurtenances as the GRANTEE may deem necessary or useful. The GRANTEE may also, without further permission of the GRANTOR(S) or the GRANTOR(S)' successors in interest or title, bargain, convey or otherwise permit the use and/or occupancy of the area of the Right of Way to place, replace, repair or maintain utility facilities.

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PEGGY HOLINGA KATONA
LAKE COUNTY AUDITOR

GRANTOR(S) covenant(s) and agree(s) not to erect, maintain or allow to continue within the area of the Right of Way any building, structure, fence, plantings or other obstruction to the GRANTEE's free and unobstructed use of the Right of Way, highway facilities or appurtenances thereto without the prior express written permission of the GRANTEE. Such permission shall not be effective unless and until recorded.

GRANTOR(S) represent(s) and warrant(s) that the undersigned, is/are the owner(s) of the Real Estate in fee simple, lawfully seized thereof and has/have a good right to grant and convey the foregoing easement and Right of Way; warrant(s) the quiet use and enjoyment thereof; warrant(s) that the Real Estate is free from all encumbrances inconsistent with the Grant; and warrant(s) that the undersigned will defend GRANTEE's title in said easement and Right of Way against all claims. This Grant and its associated benefits and obligations shall run with title to the Real Estate. This Indenture shall bind and inure to the benefit of the successors and assigns of the GRANTEE.

IN WITNESS WHEREOF, the GRANTOR(S) (has) (have) executed this Indenture this 8th day of December, 2009.

Wiley L. Cuttino
Signature

Wiley L. Cuttino, husband
Printed

Elaine Pitts Cuttino
Signature

Elaine Pitts Cuttino, wife
Printed

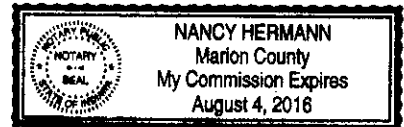
STATE OF Indiana :
COUNTY OF Lake : SS:

Before me, a Notary Public in and for said state and county, personally appeared Wiley L. Cuttino and Elaine Pitts Cuttino, husband and wife, the GRANTOR(S) in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be their (*his, her, their*) voluntary act and deed and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this 8th day of December, 2009.

Nancy Hermann
Signature

Nancy Hermann
Printed



My Commission Expires August 4, 2016

I am a resident of Marion County.

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, Nancy E. Hermann.

The foregoing instrument was prepared by: William C. Jones, Attorney at Law
Address: 1001 N. Shelby, Gary, Indiana 46403
Preparation and attachment of any exhibits hereto are as stated thereon.

NO RECORDING FEE SHALL BE CHARGED PURSUANT TO IC 8-23-23-1.
TRANSACTION EXEMPT FROM SALES DISCLOSURE REQUIREMENTS UNDER IC 6-1.1-5.5.

EXHIBIT "A"

Project: 68th Place Over Branch of Turkey Creek
Parcel: 4 Permanent Storm Sewer Easement

Sheet 1 of 1

A part of the East Half of the Southeast Quarter of Section 9, Township 35 North, Range 8 West, Lake County, Indiana, and being all that part of the grantors' land depicted on the attached Right-of-Way Parcel Plat, marked Exhibit "B", described as follows: Commencing at a point 975 feet West of and 220 feet North of the Southeast corner of said Section 9 (The foregoing portion of this description beginning with the words "at a point" is quoted from Instrument No. 99099267), which point is at the intersection of 68th Place and Jefferson Street; thence North 89 degrees 28 minutes 17 seconds West 131.08 feet along the north boundary of said 68th Place to the POINT OF BEGINNING of this description: thence continuing North 89 degrees 28 minutes 17 seconds West 13.92 feet along the said boundary to southwest corner of the grantors' land; thence North 0 degrees 02 minutes 56 seconds West 8.19 feet along the west line of the grantors' land; thence South 89 degrees 53 minutes 17 seconds East 13.94 feet; thence South 0 degrees 06 minutes 43 seconds West 8.29 feet to the point of beginning and containing 115 square feet, more or less.

This description was prepared for the
Commissioners of Lake County, Indiana
on the 19th Day of December, 2008.

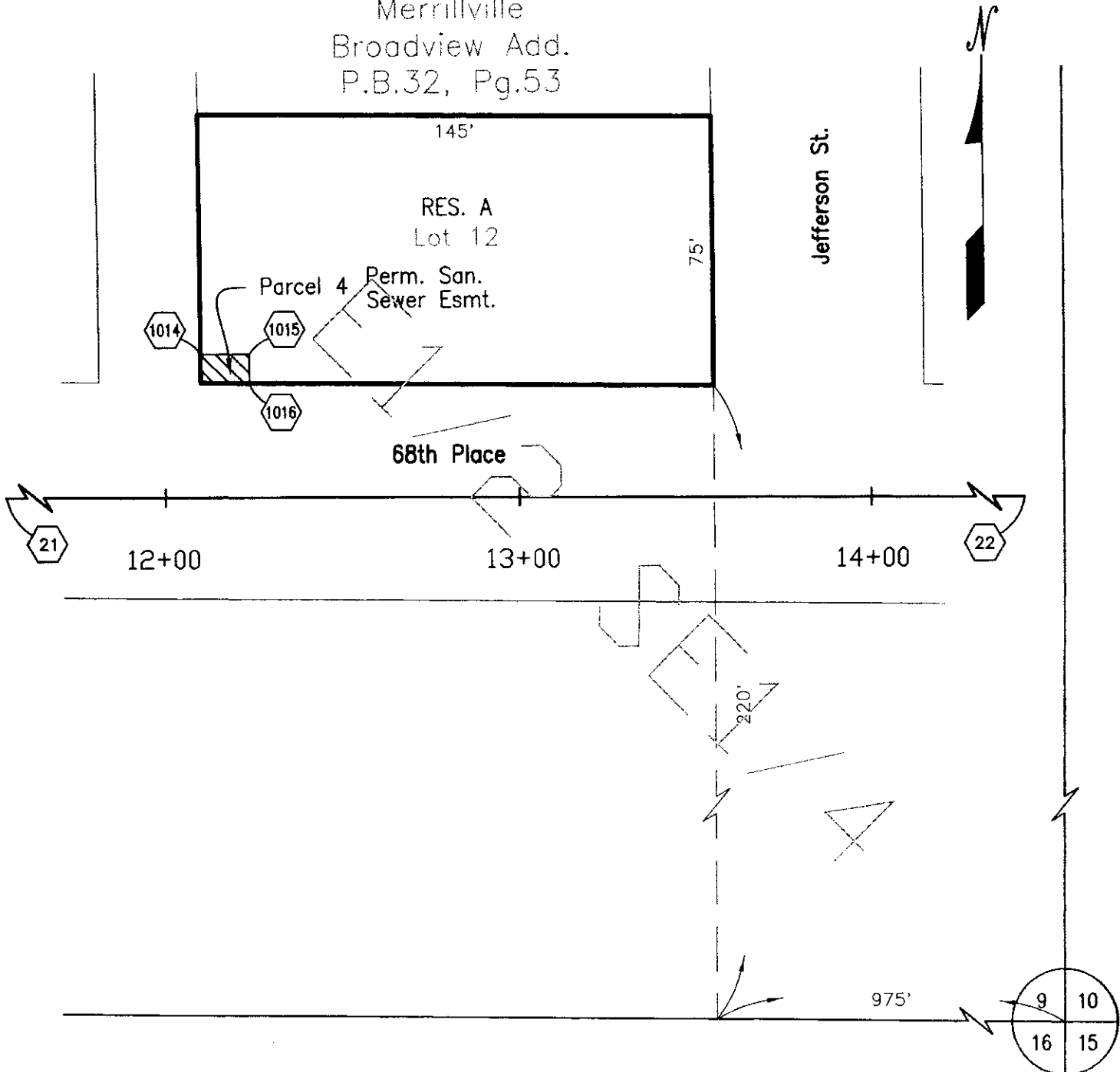
by _____
Stuart A. Hein
Indiana Registered Land Surveyor
License Number LS80920007


RIGHT-OF-WAY PARCEL PLAT

Prepared for the Evansville, Indiana Water Department
by Bernardin Lochmueller & Associates, Inc. (Job No. 108-0018-OED-ZE01)

0 10 20 40
SCALE 1" = 40ft.

Merrillville
Broadview Add.
P.B.32, Pg.53



PARCEL: 4 OWNER: Cuttino, Wiley L. Et Ux. PROJECT: 68th Place Over Branch of Turkey Creek ROAD: 68th Place COUNTY: Lake SECTION: 9 TOWNSHIP: 35 N. RANGE: 8 W.	DRAWN BY: S.A. Hein 12/22/08 CHECKED BY: R.F. Lewis 12/22/08
 HATCHED AREA IS THE APPROX. PERM. ESMT.	INSTR. NO.: 99099267 DATED: 11/29/99

NOTE: PROPERTY LINE DIMENSIONS ARE SHOWN IN ENGLISH

PARCEL COORDINATE CHART (shown in feet)

Point	Centerline	Station	Offset	Northing	Easting
21*					
22*					
1014	"A"	+R(12+10.06)	40ft	5039.5892	1210.1388
1015	"A"	12+24	40ft	5039.5619	1224.0778
1016	"A"	12+24	R(31.71ft)	5031.2695	1224.0616

NOTE: STATIONS & OFFSETS CONTROL OVER BOTH NORTH & EAST COORDINATES AND BEARINGS & DISTANCES.


* SEE LOCATION CONTROL ROUTE SURVEY PLAT. THE ROAD IMPROVEMENT PROJECT, CMQ-9982, WAS A METRIC SYSTEM PROJECT. STATIONS AND OFFSETS HAVE BEEN CONVERTED TO THE ENGLISH SYSTEM FOR THIS WATERLINE PROJECT.

SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey" recorded in Instrument No. 2008xxxxxxx in the Office of the Recorder of Lake County, Indiana, (incorporated and made a part hereof by reference) comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12, ("Rule 12"). This plat was prepared using information obtained from the County records. It does not represent a survey of the owner's property. Dimensions shown along the existing property lines are taken from the listed record documents.



Stuart A. Hein Date
 Reg. Land Surveyor No. LS80920007
 State of Indiana

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 BERNARDIN LOCHMUELLER & ASSOC., INC. 7830 Rockville Road, Suite C Indianapolis, IN 46214 (317) 209-1130	