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22/30

#20
CK#1699
CAX

FILED
MAR 14 2011
PEGGY HOLINGA KATONA
LAKE COUNTY AUDITOR
45-15-29-426-004.000-013

2011 014108

STATE OF INDIANA
LAKE COUNT.
FILED FOR RECORD
2011 MAR 14 AM 9:47
MICHAEL B. BRIAN
RECORDER

2011-014108

Plat of Survey

ADDRESS: 13650 WICKER AVENUE, CEDAR LAKE, IN

GRAPHIC SCALE 40 0 40

PROFESSIONAL LAND SURVEYING P.C.
7348 TAYLOR STREET
SCHERERVILLE, INDIANA 46375
(219) 730-8623
RWDPLSPC@YAHOO.COM

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NOTE:
1) ALL UTILITIES ARE NOT SHOWN HEREON.
2) ALL EASEMENTS AND RESTRICTIONS ARE PER INFORMATION AVAILABLE.
3) COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE. FOR RESTRICTIONS NOT SHOWN HEREON, REFER TO YOUR ABSTRACT, DEED CONTRACT OR ZONING ORDINANCE.
4) DISTANCES ARE MARKED IN FEET AND DECIMALS. A ROD =16.5 FEET.
5) BASIS OF BEARING = STATE PLAN COORDS INDIANA WEST ZONE[NAD 83]
6) THIS SURVEY WAS UPDATED PER ADDITIONAL INFORMATION AND WOULD SUPERCEDE SURVEY DATED:2-4-11[NOT RECORDED].

LEGEND

——— X ——— - FENCE
M. =MEASURE
R. =RECORD
——— OH ——— - OVERHEAD ELECTRIC

LEGAL DESCRIPTION PER PER NORTHWEST TITLE COMMITMENT 11-18655[DATED 11-30-2010]
RECORD DOC#2006 042102 ESSENTIALLY DESCRIBES THE SAME WITH SLIGHTLY DIFFERENT WORDING AND INCLUDING A RELATED INGRESS AND EGRESS EASEMENT

PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION TWENTY-NINE (29), TOWNSHIP THIRTY-FOUR (34) NORTH, RANGE NINE (9) WEST OF THE 2ND P.M., COMMENCING AT A POINT 30 RODS NORTH OF THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, THENCE WEST 80 RODS TO THE WEST SIDE OF SAID LOT, THENCE NORTH 25 RODS, THENCE EAST TO THE EAST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER TO A POINT 15 RODS SOUTH OF THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE SOUTH 35 RODS TO THE PLACE OF BEGINNING, IN LAKE COUNTY, INDIANA, EXCEPT THE EAST 2 ACRES OF THE FOLLOWING TRACT OF LAND DESCRIBED AS BEGINNING AT A POINT 571 FEET WEST AND 777 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29 TOWNSHIP 34 NORTH RANGE 9 WEST OF THE 2ND P.M., THENCE WEST TO THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, THENCE NORTH 130.5 FEET; THENCE NORTHEASTERLY TO A POINT DIRECTLY NORTH OF AND 262 FEET FROM PLACE OF BEGINNING, THENCE SOUTH TO THE POINT OF BEGINNING,

AREA=15.17 ACRES BEFORE CUT OUTS
-2.01 ACRE EXCEPTION
-1.07 ACRE ROW AREA
TOTAL=12.09 ACRES REMAINING

PREPARED FOR: ELIZABETH CANTY AND STEWART CLARK

SURVEYORS' REPORT

A: AVAILABILITY AND CONDITION OF REFERENCED MONUMENTS

A BREAKDOWN OF SECTION 29-34-9 WAS COMPLETED. THE SECTION CORNER MONUMENTS WERE FOUND AS REFERENCED BY THE LAKE COUNTY SURVEYORS OFFICE.
SEVERAL MONUMENTS WERE FOUND ALONG THE WEST LINE OF MUIR WOODS. THEY FIT WITHIN 0.2' EAST-WEST AND WITHIN 0.3' NORTH-SOUTH COMPARED TO AN ALIQUOT PARTS BREAKDOWN.
TWO ROW MARKERS WERE FOUND AND USED FOR THE EAST LINE OF THE PROPERTY AS THE WEST LINE OF ROUTE 41. OBTAINED STATE DRAWINGS THAT APPEARED CONSISTENT WITH THESE MONUMENTS POSITION. THEY INDICATE A FLAT CURVE IN THE ROW[11792' RADIUS]. FIT TIE ON RELATED DOC#578466 OF 75.22 FIT WITHIN A HALF FOOT OF ROW WIDTH AT SOUTH END OF PROPERTY. THE PROVIDED HIGHWAY DRAWINGS WERE DIFFICULT TO UNDERSTAND/INTERPRET. MISC. RECORD BOOK 608 PAGE 426 IDENTIFIES A GRANT OF 95' LEFT OF CENTERLINE TO STATE FOR ROW. RD CENTERLINE IS NOT THE SAME AS SECTION LINE[SEE PREVIOUS NOTE ABOUT RELATED PLANS].

B: OCCUPATION OR POSSESSION LINES:

FENCES DO NOT FOLLOW LAND LINES AS PLOTTED FROM RECORD INFORMATION AND RELATED GROUND SURVEYING[SEE PLAT]. I SPOKE WITH ALLEN SABERNIAK ON JANUARY 24, 2011 ON THIS SITE. HE IS THE SON OF EDITH AND JAMES SABERNIAK. HE INFORMED ME THAT THE TWO ACRE CUT OUT WAS FOR HIS SISTER. HE ALSO LET ME KNOW THAT HE AND HIS FATHER REBUILT THE AREA FENCES IN THE 1960s IN THEIR PREVIOUS LOCATIONS AND NEVER HAD THE PROPERTY SURVEYED TO HIS KNOWLEDGE. IT APPEARS THESE FENCES MAY HAVE ADVERSE POSSESSION AND OR UNWRITTEN RIGHTS.

TWO FRAME BUILDINGS BEING USED BY 2 ACRE EXCEPTION PARCEL ARE ON CURRENTLY PLOTTED PROPERTY[SEE SURVEY]. THEY APPEAR TO HAVE BEEN BUILT INSIDE FENCES THAT APPEAR TO HAVE BEEN INTENDED PROPERTY LINES. THESE FENCES MAY HAVE UNWRITTEN RIGHTS[SEE EARLIER STATEMENT PER ALLEN SABERNIAK].

OVERHEAD ELECTRIC DOES NOT FALL IN NIPSCO EASEMENT NEAR SOUTH LINE OF PROPERTY PER DOC#791595[SEE SURVEY].
ALSO, OVERHEAD ELECTRIC SERVING 2 ACRE PARCEL OVER SUBJECT PROPERTY DOES NOT APPEAR TO BE COVERED IN AN EASEMENT EITHER.
12 DRIVEWAY EASEMENT [IDENTIFIED IN BK. 744 PG 431 DOES NOT FIT PHYSICAL ROAD PER PLOTTED DISTANCES FROM ADJOINER'S DOCUMENT[SEE SURVEY].
IT APPEARS THIS EASEMENT COULD REFLECT THE SAME POSITION AS NIPSCO EASEMENT ALONG THE SOUTH LINE. HOWEVER, THE 7 FOOT POTENTIAL GAP IDENTIFIED AT 8E CORNER CHANGES THERE POSITIONS PER LEGAL DESCRIPTION. ALTHOUGH SEVERAL RELATED LEGAL DESCRIPTIONS CLEARLY IDENTIFY INTENT OF THIS ROADWAY EASEMENT TO SERVE THE 2 ACRE PARCEL, IT DOES NOT COVER PHYSICAL ROAD. IT APPEARS THIS DRIVEWAY MAY HAVE BEEN CONSTRUCTED WITH THE INTENT TO USE RECORD DISTANCE BUT WAS MISTAKENLY MEASURED FROM THE ROW LINE, NOT THE CORRECT SECTION LINE.

IN MY OPINION, DOC#578466 RESTRICTS ANY INGRESS/EGRESS TO 41 OVER THE AREA IN THE ROW NORTH OF THIS SOUTH 50'. SEE RELATED HEAVY HATCHED LINE ON SURVEY. THIS DOCUMENT WAS OF POOR QUALITY AND DIFFICULT TO READ/INTERPRET TOO.

C: CLARITY OR AMBIGUITY OF THE RECORD DESCRIPTION USE/OR ADJOINERS DESCRIPTION.

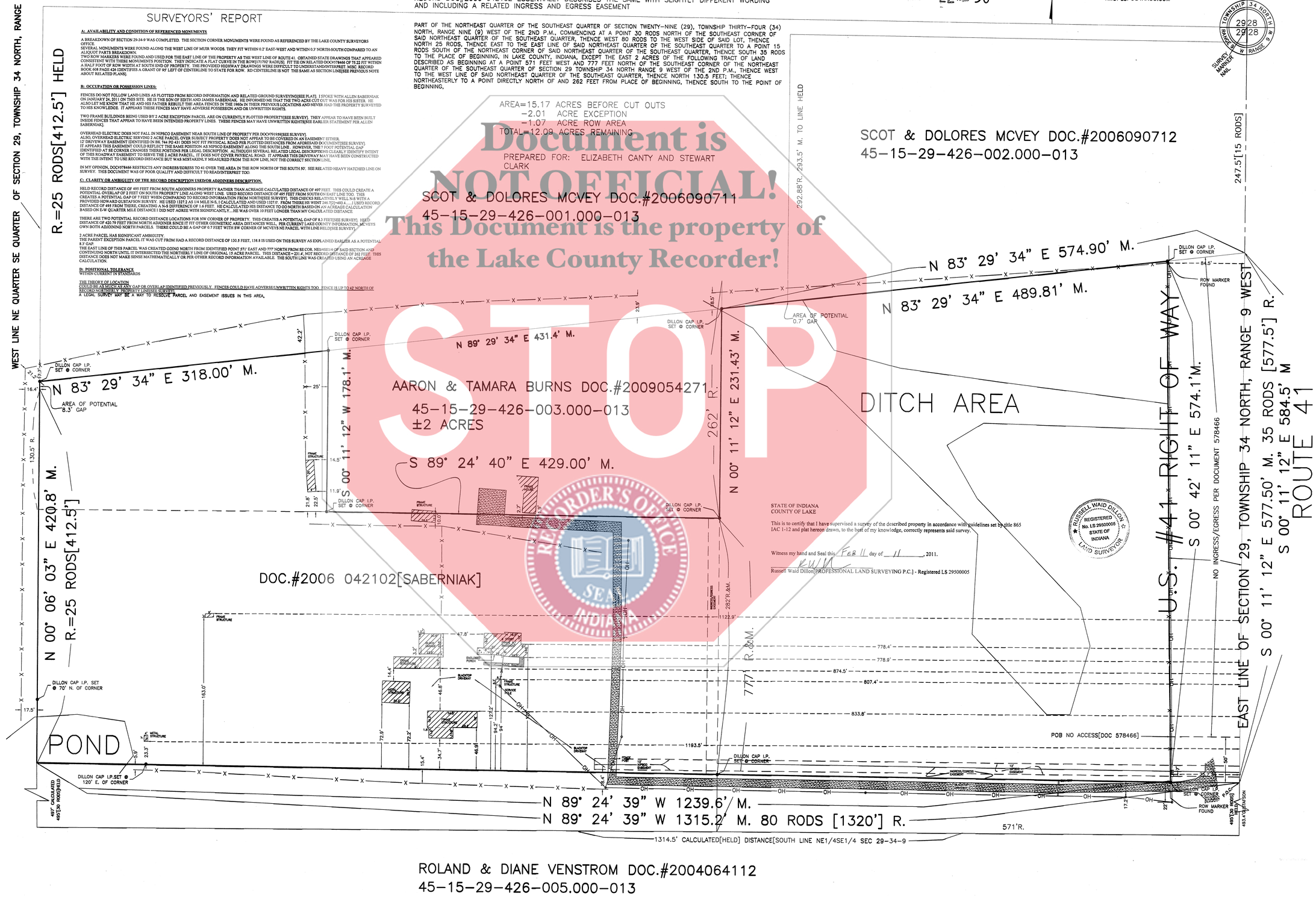
HELD RECORD DISTANCE OF 495 FEET FROM SOUTH ADJOINERS PROPERTY RATHER THAN ACREAGE CALCULATED DISTANCE OF 497 FEET. THIS COULD CREATE A POTENTIAL OVERLAP OF 2 FEET ON SOUTH PROPERTY LINE ALONG WEST LINE. USED RECORD DISTANCE OF 495 FEET FROM SOUTH ON EAST LINE TOO. THIS CREATES A POTENTIAL GAP OF 7 FEET WHEN COMPARING TO RECORD INFORMATION FROM NORTH[SEE SURVEY]. THIS CHECKS RELATIVELY WELL N-S WITH A PROVIDED HOWARD GUSTAFSON SURVEY. HE USED 1327.2 AS 1/4 MILE N-S, I CALCULATED AND USED 1327.0'. FROM THERE HE WENT 246.72]+403.4.....I USED RECORD DISTANCE OF 495 FROM THERE, CREATING A N-S DIFFERENCE OF 1.6 FEET. HE CALCULATED HIS DISTANCE TO GO NORTH BASED ON AN ACREAGE CALCULATION BASED ON E/W QUARTER MILE DISTANCE I DID NOT AGREE WITH SIGNIFICANTLY....HE WAS OVER 10 FEET LONGER THAN MY CALCULATED DISTANCE.

THERE ARE TWO POTENTIAL RECORD DISTANCE LOCATIONS FOR NW CORNER OF PROPERTY. THIS CREATES A POTENTIAL GAP OF 8.3 FEET[SEE SURVEY]. HELD DISTANCE OF 420.79 FEET FROM NORTH ADJOINER SINCE IT FIT OTHER GEOMETRIC AREA DISTANCES WELL. PER CURRENT LAKE COUNTY INFORMATION, MCVEYS OWN BOTH ADJOINING NORTH PARCELS. THERE COULD BE A GAP OF 0.7 FEET WITH SW CORNER OF MCVEYS NE PARCEL WITH LINE HELD[SEE SURVEY].

2 ACRE PARCEL HAS SIGNIFICANT AMBIGUITY.
THE PARENT EXCEPTION PARCEL IT WAS CUT FROM HAD A RECORD DISTANCE OF 130.5 FEET, 138.8 IS USED ON THIS SURVEY AS EXPLAINED EARLIER AS A POTENTIAL 8.3' GAP.
THE EAST LINE OF THIS PARCEL WAS CREATED GOING NORTH FROM IDENTIFIED POINT 571' EAST AND 777' NORTH FROM SE COR. NE1/4SE1/4 OF SAID SECTION AND CONTINUING NORTH UNTIL IT INTERSECTED THE NORTHERLY LINE ORIGINAL 15 ACRE PARCEL. THIS DISTANCE=231.4', NOT RECORD DISTANCE OF 262 FEET. THIS DISTANCE DOES NOT MAKE SENSE MATHEMATICALLY OR PER OTHER RECORD INFORMATION AVAILABLE. THE SOUTH LINE WAS CREATED USING AN ACRIAGE CALCULATION.

D: POSITIONAL TOLERANCE
WITHIN CURRENT IN STANDARDS

THE THEORY OF LOCATION
COULD BE AS MUCH AS ANY GAP OR OVERLAP IDENTIFIED PREVIOUSLY. FENCES COULD HAVE ADVERSE/UNWRITTEN RIGHTS TOO. FENCE IS UP TO 45' NORTH OF RECORD NORTHERLY PROPERTY LINE[SEE SURVEY].
A LEGAL SURVEY MAY BE A WAY TO RESOLVE PARCEL AND EASEMENT ISSUES IN THIS AREA.



STATE OF INDIANA
COUNTY OF LAKE

This is to certify that I have supervised a survey of the described property in accordance with guidelines set by title 865 IAC 1-12 and plat hereon drawn, to the best of my knowledge, correctly represents said survey.

Witness my hand and Seal this Feb 11 day of 11, 2011.

Russell Waid Dillon PROFESSIONAL LAND SURVEYING P.C.] - Registered LS 29500005

RUSSELL WAID DILLON REGISTERED No. LS 29500005 STATE OF INDIANA LAND SURVEYOR

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