

safe operation and maintenance of the pipeline. Construction activities shall not commence until such time as Grantor and Grantee have mutually agreed upon the construction plans.

Grantee may, at its sole discretion, elect to have a representative on site during Grantor's excavation or construction activities in close proximity to Grantee's Easement and Grantor herein acknowledges that Grantee's representative shall have full authority to stop any of Grantor's excavation or construction related activities in close proximity to Grantee's Easement if Grantee's representative, in his/her sole discretion, feels Grantor's activities could result in damage to Grantee's pipeline.

Grantor shall not commence with any excavation or construction on or near the Easement without first contacting the local "One-Call" utility locating service at least 48 hours (two working days) prior to initiating any excavation or construction activities so Grantee can arrange to have a representative present when Grantor or their contractor are working in close proximity to the Easement.

It is agreed that any payment hereunder may be made directly to said Grantor and payment so made will be deemed and considered as payment to said Grantor.

The pipeline or pipelines constructed under this grant shall be buried at the time of original construction not less than thirty-six (36) inches below the surface, except it shall be buried not less than twenty-four (24) inches through rock. Whenever Grantee removes rocks from the trench during the excavation of the trench, Grantee shall replace such rocks in the trench at least two (2) feet below the surface elevation of said land at the time of construction, or to a level not shallower than rock in the immediate area, or, at its sole discretion, Grantee may either remove such rocks from said land or deposit such rocks on said land at an adjacent place which may be designated by Grantor. Rock as herein defined, shall not include sand or gravel or rocks less than two (2) inches in diameter. Grantor shall not reduce, nor allow a third party to reduce the cover over the pipeline at any time. Further, Grantor shall not add, nor allow a third party to add more than two (2) feet of cover over the pipeline, other than for roads or crossings across and over, but not along the length thereof. Such additional cover shall not be added without prior written consent of Grantee. Such consent shall not be unreasonably withheld.

After periods of construction, re-construction or maintenance of the pipeline, Grantee shall restore the Easement area to the condition that existed before commencement of said activities or to such lesser condition as may be approved by Grantor.

The terms, conditions, and provisions of this Easement shall extend to and be binding upon the heirs, executors, administrators, personal representatives, successors and assigns of the parties hereto. The Easement and rights herein granted may be leased or assigned, in whole or in part.

TO HAVE AND TO HOLD, said Easement, rights, estates and privileges unto Grantee, its successors and assigns.

IN WITNESS WHEREOF, Grantor has executed this instrument this 10th day of July, 2012.



MICHAEL J. MIKULY

EXHIBIT "A"

THE WEST 105 FEET OF LOT 1 IN KENNEDY ACRES, IN THE TOWN OF SCHERERVILLE AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 24 PAGE 4, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

EXCEPT:

A PART OF LOTS 1 AND 2 IN KENNEDY ACRES, AN ADDITION TO THE TOWN OF SCHERERVILLE, INDIANA, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 24, PAGE 4 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING ON THE EAST LINE OF SAID LOT 2 SOUTH 0 DEGREES 49 MINUTES 50 SECONDS EAST 40.01 FEET FROM THE NORTHEAST CORNER OF SAID LOT 2 WHICH POINT OF BEGINNING IS ALSO ON THE SOUTH BOUNDARY OF MAIN STREET; THENCE SOUTH 60 DEGREES 14 MINUTES 00 SECONDS WEST 39.62 FEET; THENCE NORTH 89 DEGREES 26 MINUTES 45 SECONDS WEST 359.99 FEET PARALLEL WITH THE NORTH LINE OF SAID LOTS TO THE WEST LINE OF SAID LOT 1; THENCE NORTH 0 DEGREES 49 MINUTES 50 SECONDS WEST 20.00 FEET ALONG SAID WEST LINE TO THE SOUTH BOUNDARY OF SAID MAIN STREET; THENCE SOUTH 89 DEGREES 26 MINUTES 45 SECONDS EAST 394.43 FEET ALONG THE BOUNDARY OF SAID MAIN STREET TO THE POINT OF BEGINNING AND CONTAINING 0.173 ACRES, MORE OR LESS.

Property Address: 529 W. Main St., Schererville, IN 46375

