

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2013 074812

2013 OCT 11 PH 3: 31

MICHAEL B. BROWN  
RECORDER

8

**RIGHT-OF-WAY EASEMENT**

STATE OF INDIANA  
COUNTY OF LAKE

§  
§  
§

**FILED**  
OCT 11 2013  
PEGGY HOLINGA KATONA  
LAKE COUNTY AUDITOR

**FOR AND IN THE FULL CONSIDERATION** of the sum of Ten Dollars (\$10.00) and other valuable consideration, in hand paid to **AMERICAN TERMINALS, INC.**, hereinafter called "Grantor" (whether one or more), whose mailing address is 3600 Canal Street, East Chicago, Indiana 46312, hereby grants, sells and conveys to **BP PIPELINES (NORTH AMERICA) INC.**, a Maine corporation, with offices located at 150 W. Warrenville Road, Naperville, Illinois 60563, its successors and assigns, hereinafter called "Grantee" an exclusive easement and right-of-way fifty (50) feet in width ("Easement") for the purpose, from time to time, of constructing, operating, inspecting, maintaining, protecting, marking, repairing, replacing, changing the size of, and removing a pipeline and appurtenances, equipment, and facilities useful or incidental to or for the operation or protection thereof, including, without limitation, corrosion control equipment, for the transportation of oil, gases, liquids, solids, or any mixtures thereof, upon and along a route to be selected by Grantee on, over and through the following described land located in Lake County, State of Indiana, to-wit:

Parcel 1: That part of the West Half of Section 21, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of East Chicago, described as follows: Beginning at the point of intersection of the Southwesterly line of the 15 foot right of way conveyed to the Chicago, Indiana and Southern Railroad Company by deed dated June 20, 1907 and recorded in Deed Record 128, page 219, in the Recorder's Office of Lake County, Indiana, with a line parallel to and 600.00 feet Southeasterly (at right angles) from the Southeasterly line of the 200 foot waterway conveyed to the United States of America by deed dated July 5, 1888 and recorded April 15, 1889 in Deed Record 44, pages 472 to 475 in the Recorder's Office of Lake County, Indiana; thence South 46 degrees 26 minutes 20 seconds West along said parallel line, 1561.3 feet to its intersection with the East line of the South extension of the 200 foot waterway conveyed to the United States of America by deed dated July 5, 1888 and recorded April 15, 1889 in Deed Record 44, pages 476 and 477 in the Recorder's Office of Lake County, Indiana; thence North along the East line of said waterway, being a line parallel with and 100 feet East of the West line of

25<sup>th</sup>  
CS  
RW

005805

said Section 21, 821.48 feet to the angle in said waterway; thence Northeasterly along the Southeasterly line of said waterway, 680.83 feet; thence Southeasterly on a line parallel with and 300.0 feet Southwesterly of the Southwesterly line of said 15 foot right of way of the Chicago, Indiana and Southern Railroad Company, 150.0 feet; thence North 46 degrees 26 minutes 20 seconds East on a line parallel with the Southeasterly line of said 200 foot waterway, 300.0 feet, to its intersection with the Southwesterly line of the 15 foot right of way of the Chicago, Indiana and Southern Railroad Company aforesaid; thence South 45 degrees 24 minutes 40 seconds East along said right of way line a distance of 450.31 feet to the point of beginning, excepting from the above and foregoing parcel of real estate the following described land and real estate: Part of the West Half of the Southwest Quarter of Section 21, Township 37 North, Range 9 West of the Second Principal Meridian, described as follows: Commencing at the point of intersection of the South line of said Section 21 with a line parallel to and 100 feet East of the West line thereof; thence North no degrees 28 minutes 50 seconds West on last mentioned line, being also the East line of waterway conveyed to the United States of America by deed dated July 5, 1888 and recorded April 15, 1889 in Book 44, pages 476 and 477 in the Recorder's Office of Lake County, Indiana, 1775.46 feet, more or less, to the point of beginning, said point being at the Southwest corner of the above described tract and also being an intersection with a line 600.00 feet Southeast (measured at right angles) of and parallel to the Southeast line of the waterway conveyed to the United States of America by deed dated July 5, 1888 and recorded April 15, 1889 in said Book 44, pages 472 to 475; thence North 46 degrees 26 minutes 20 seconds East along said last mentioned parallel line 136.91 feet to an intersection with a line 200 feet East of and parallel to the West line of said Southwest Quarter; thence North 20 degrees 16 minutes no seconds West 295.41 feet to an intersection with the line 100 feet East of and parallel to the West line of said Southwest Quarter of Section 21, said point being 450.0 feet South along said parallel line from the angle in said waterway; thence Southerly along said parallel line, 371.48 feet to the point of beginning.

Parcel 2: Part of the Northwest Quarter of Section 21, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of East Chicago, being a part of a tract of land deeded to the City of East Chicago, Indiana, by deed dated June 3, 1912 and recorded in Book 180, page 239, said part of said tract being more particularly described as follows: For the point of beginning, commence at the intersection of the Southwesterly line of a 15 foot right of way conveyed to the Chicago, Indiana and Southern Railroad Company by deed dated June 20, 1907 and recorded in Deed Record 128, page 219 of the Records of Lake County, Indiana, and the Southeasterly line of a waterway conveyed to the United States of America by deed dated July 5, 1888 and recorded April 15, 1889 in Deed Record 44, pages 472 to 475 of the Records of Lake County Indiana, and running thence Southwesterly along said Southeasterly line of said waterway 300 feet; thence Southeasterly along a line parallel to said Southwesterly railroad right of way line 7.7 feet to a point, and which point so located is the starting point of this description, beginning at the point so located continuing Southeasterly on last described line 142.3 feet;

thence Northeasterly on a line parallel to said Southeasterly line of the waterway 217.35 feet; thence Southwesterly on a curved line convex to the North and having a radius of 423.65 feet, a distance of 268.08 feet to the point of beginning.

Parcel 3: That part of the West Half of Section 21, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of East Chicago, described as follows: Beginning at a point in the Southwesterly line of the 15 foot right of way conveyed to the Chicago, Indiana and Southern Railroad Company by deed dated June 20, 1907 and recorded in Deed Record 128, page 219 in the Recorder's Office of Lake County, Indiana, said point being 600.31 feet Southeasterly from the Southeasterly line of the 200 foot waterway conveyed to the United States of America by deed dated July 5, 1888 and recorded April 15, 1889 in Record 44, pages 472 to 475 in the Recorder's Office of Lake County, Indiana, thence South 45 degrees 24 minutes 40 seconds East along said Railroad right of way line 450.0 feet to a point; thence South 46 degrees 26 minutes 20 seconds West, 55.03 feet; thence North 45 degrees 24 minutes 40 seconds West and parallel with said Railroad right of way 250.0 feet to a point; thence North 74 degrees 50 minutes 40 seconds West 233.9 feet to its intersection with a line parallel with the 600.0 feet Southeasterly (measured at right angles) from the Southeasterly line of the 200 foot waterway aforesaid thence North 46 degrees 26 minutes 20 seconds East along last described parallel line 170.0 feet to the point of beginning,

Excepting therefrom the following as in Miscellaneous Book 602, page 246:

Beginning at a point in the Southwesterly line of the 15 foot right of way conveyed to the Chicago, Indiana & Southern Railroad Company, by deed dated June 20, 1907 and recorded in Deed Record 128, page 219, in the Recorder's Office of Lake County Indiana, said point being 600.31 feet Southeasterly from the Southeasterly line of the 200 foot waterway conveyed to the United States of America by deed dated July 5, 1888 and recorded April 15, 1889 in Record 44, pages 472 to 475 in the Recorder's Office of Lake County, Indiana; thence 20 feet South 46 degrees 26 minutes 20 seconds West along a line parallel with and 600 feet Southeasterly (measured at right angles) from the Southeasterly line of the 200 foot waterway aforesaid to a point which is the point of beginning of the tract to be conveyed hereby; thence South 45 degrees 24 minutes 40 seconds East parallel to and 20 feet Southwesterly (measured at right angles) from said railroad right of way line, a distance of 450 feet to a point; thence South 46 degrees 26 minutes 20 seconds West, 35.03 feet; thence North 45 degrees 24 minutes 40 seconds West and parallel with said railroad right of way 250 feet to a point; thence North 74 degrees 50 minutes 40 seconds West, 233.9 feet on a line to its intersection with a line parallel with and 600 feet Southeasterly (measured at right angles) from the Southeasterly line of the 200 foot waterway aforesaid, thence North 46 degrees 26 minutes 20 seconds East along said last described parallel line 150 feet to the point of beginning.

Parcel 4: Part of the Northwest Quarter of Section 21, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of East Chicago, described as follows: Beginning at the point of intersection of the Southwesterly line of the 15 foot right of way conveyed to the Chicago, Indiana and Southern Railroad Company by deed dated June 20, 1907 and recorded September 4, 1907 in Deed Record 128, page 219 and the Southeasterly line of the waterway conveyed to the United States of America by deed dated July 5, 1888 and recorded April 15, 1889 in Book 44, pages 472 to 475; thence Southwesterly along the Southeasterly line of said waterway 300 feet; thence Southeasterly on a line parallel to the Southwesterly line of the 15 foot right of way aforesaid 150 feet; thence Northeasterly on a line parallel to the waterway aforesaid 300 feet to the Southwesterly line of the 15 foot right of way of the Chicago, Indiana and Southern Railroad Company aforesaid, thence Northwesterly on the last described line 150 feet to the point of beginning, except part of the Northwest Quarter of Section 21, Township 37 North, Range 9 West of the Second Principal Meridian, being a part of a tract of land deeded to the City of East Chicago, Indiana, by deed dated June 3, 1912 and recorded in Record Book 180, page 239, said part of said tract being more particularly described as follows: For a point beginning, commence at the intersection of the Southwesterly line of the 15 foot right of way conveyed to the Chicago, Indiana and Southern Railroad, by deed dated June 20, 1907 and recorded September 4, 1907 in Deed Record 128, page 219 of the records of Lake County, Indiana, and the Southeasterly line of the waterway conveyed to the United States of America by deed dated July 5, 1888 and recorded April 15, 1889 in Deed Record 44, pages 472 to 475 of the records of Lake County, Indiana, and running thence Southwesterly along said Southeasterly line of said waterway 300 feet; thence Southeasterly along a line parallel to said Southwesterly railroad right of way line 7.7 feet to a point and which point so located is the starting point of this description; beginning at the point so located, continuing Southeasterly on last described line 142.3 feet, thence Northeasterly on a line parallel to said Southeasterly line of the waterway 217.35 feet; thence Southwesterly on a curved line convex to the North and having a radius of 423.65 feet, a distance of 268.06 feet to the point of beginning, all in Lake County, Indiana.

With said fifty (50) foot Easement strip being more particularly described in Exhibit A, attached hereto and hereby made a part hereof as though fully set forth herein.

together with the right of reasonable access to said pipeline, and the right of ingress and egress on, over, and through the above-described land and adjacent land owned by the Grantor, for any and all purposes necessary and incident to the exercise by said Grantee of the rights granted hereunder with the further right to maintain the Easement herein granted clear of trees, undergrowth, brush, structures, and any other items, to the extent Grantee deems necessary in the exercise of the rights granted herein.

Any required maintenance or repair of Grantee's facilities outside of the Easement area described herein shall require written agreement by the Grantor.

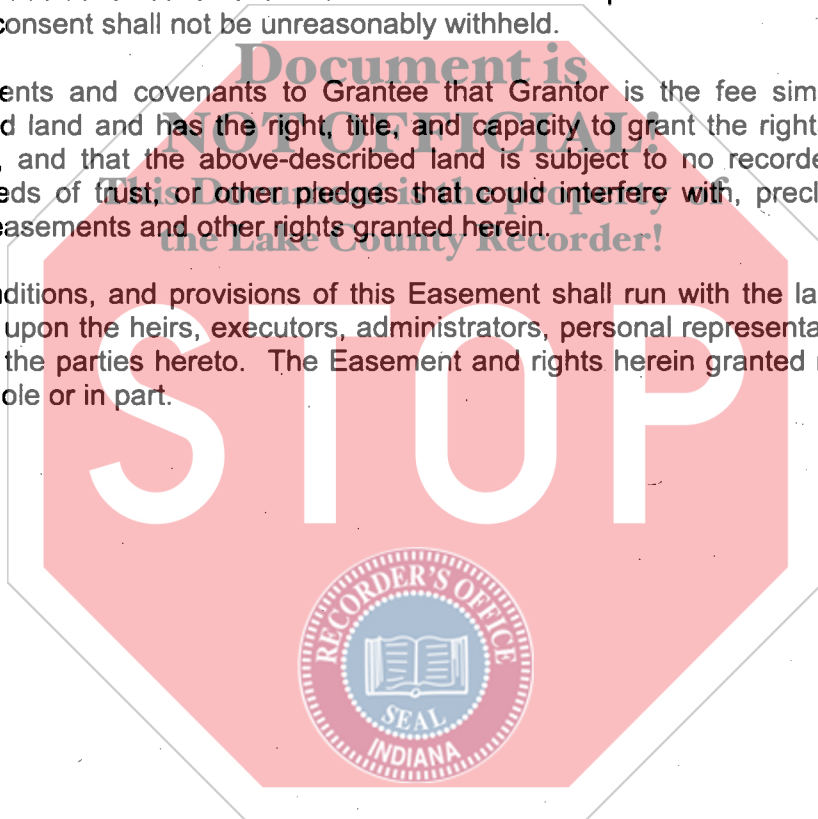
Grantor shall have the right to use and enjoy the above-described premises; provided however, Grantor shall not exercise such use and enjoyment in a manner that will impair or interfere with the Easement or the exercise by Grantee of any of the other rights herein granted. Grantor agrees not to build, create, construct, or permit to be built, created, or constructed, any obstruction, building, lake, engineering works, or any other type of structure over or on said Easement, unless otherwise specifically agreed to in writing by the parties. Grantee agrees to pay for actual damages to fences, drain tile, or buildings of Grantor immediately and directly resulting from the exercise of the rights herein granted; provided, however, that Grantee shall not be liable for damages caused on the Easement by keeping said Easement clear of trees, undergrowth, brush, structures, or any other obstructions.

Grantee agrees to indemnify, defend and hold harmless Grantor, its affiliates, employees, officers, directors, assigns and agents, from any and all losses or damages to property or injuries to or death of any person arising from Grantee's activity on the Easement unless such loss, damage, injury or death results from the negligence or willful misconduct of Grantor, its affiliates, employees, contractors, subcontractors, officers, directors, assigns or agents.

Unless otherwise specifically agreed to in writing by the parties Grantor shall neither reduce, nor allow a third party to reduce, the cover over a Grantee pipeline at any time. Further, Grantor shall neither add, nor allow a third party to add, more than two (2) feet of cover over a Grantee 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; provided such consent shall not be unreasonably withheld.

Grantor represents and covenants to Grantee that Grantor is the fee simple owner of the above-described land and has the right, title, and capacity to grant the rights and easements herein granted, and that the above-described land is subject to no recorded or unrecorded mortgages, deeds of trust, or other pledges that could interfere with, preclude or otherwise encumber the easements and other rights granted herein.

The terms, conditions, and provisions of this Easement shall run with the land and 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 11<sup>th</sup> day of October, 2013.

AMERICAN TERMINALS, INC.

By: John Sabol

Its: Vice President

**CORPORATE ACKNOWLEDGMENT**

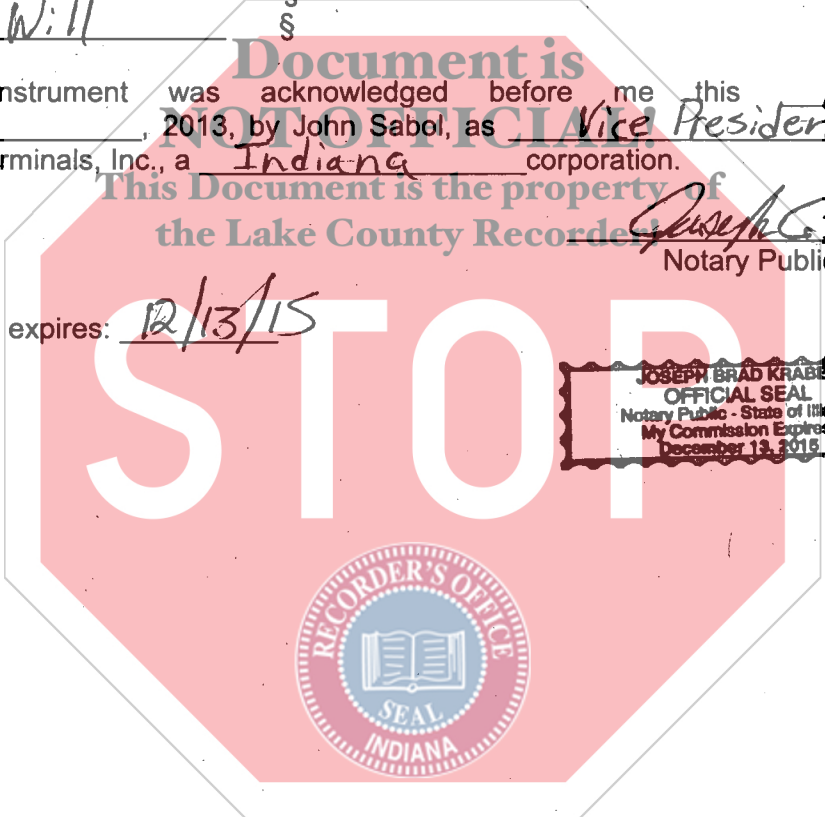
STATE OF Illinois §

COUNTY OF Will §

This instrument was acknowledged before me this 11<sup>th</sup> day of October, 2013, by John Sabol, as Vice President of American Terminals, Inc., a Indiana corporation.

This Document is the property of the Lake County Recorder. Joseph Brad Krabe  
Notary Public

My commission expires: 12/13/15

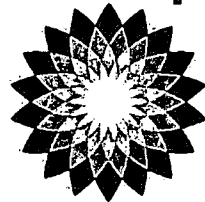




Historic Fort Harrison  
8901 Otis Avenue  
Indianapolis, IN 46216  
317-826-7100  
317-826-7110 FAX

Engineering  
Surveying  
Architecture  
GIS LIS  
Geology

bp

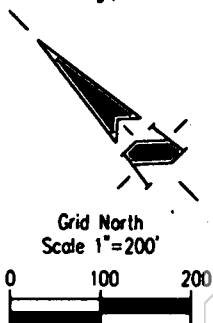


Permanent Easement  
Pt W 1/2 Sec 21-37N-9W  
North Township  
Lake County, Indiana

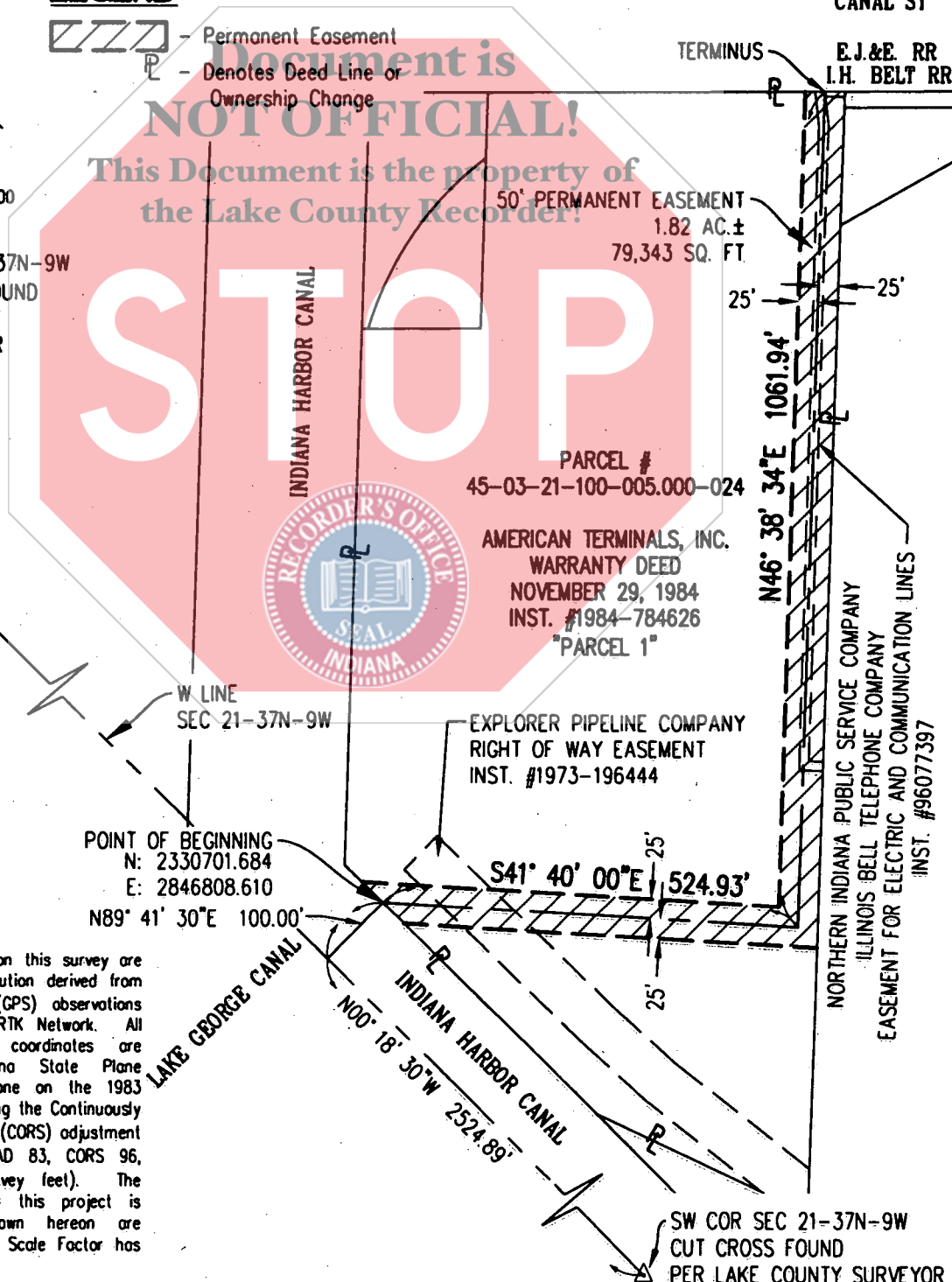
# Exhibit "A"

## LEGEND

-  Permanent Easement
-  Denotes Deed Line or Ownership Change



NW COR SEC 20-37N-9W  
3" BRASS DISK FOUND  
PER LAKE COUNTY  
SURVEYOR CORNER  
RECORD "D-12"  
N: 2333453.100  
E: 2846693.800



NOTE:  
The horizontal data shown on this survey are based upon a positional solution derived from Global Positioning System (GPS) observations processed by the Midwest RTK Network. All bearings, distances and coordinates are referred to the Indiana State Plane Coordinate System West Zone on the 1983 North American Datum utilizing the Continuously Operating Reference Stations (CORS) adjustment as determined by NGS (NAD 83, CORS 96, EPOCH 2002-000, US Survey feet). The Combined Scale Factor for this project is 0.99995662. Distances shown hereon are GROUND distances Combined Scale Factor has been applied.

Job No. 8841.001  
File No. T:\8k\8841\001\dwgs\esmt.dwg  
Date 07/17/2013 KKE

This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report



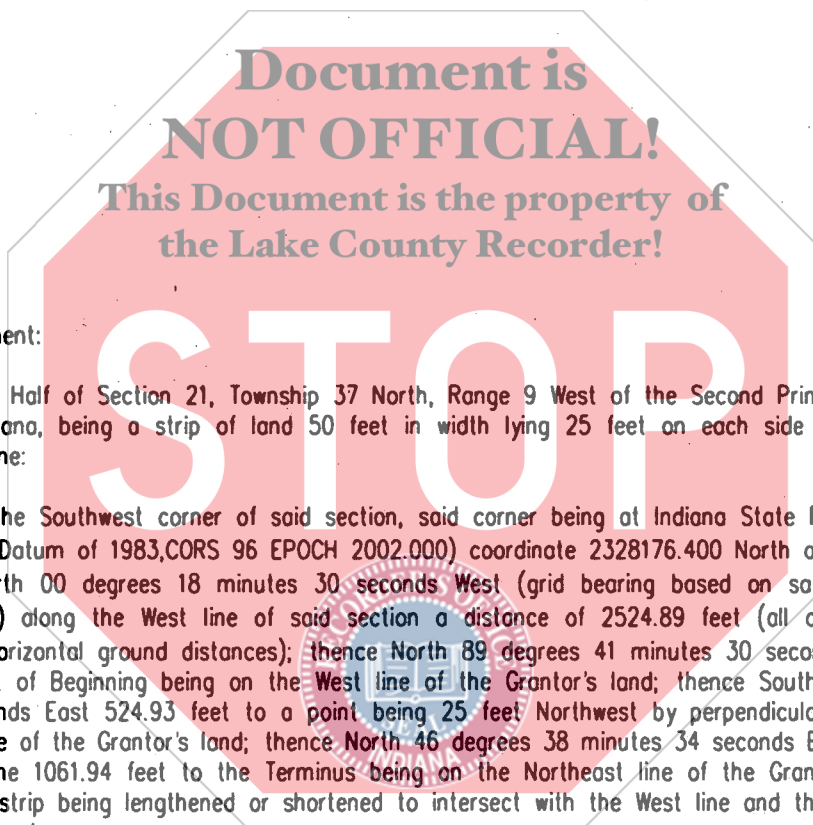
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Engineering  
Surveying  
Architecture  
GIS LIS  
Geology



Permanent Easement  
Pt W 1/2 Sec 21-37N-9W  
North Township  
Lake County, Indiana

## Exhibit "A"



Permanent Easement:

Part of the West Half of Section 21, Township 37 North, Range 9 West of the Second Principal Meridian in Lake County, Indiana, being a strip of land 50 feet in width lying 25 feet on each side of the following described centerline:

Commencing at the Southwest corner of said section, said corner being at Indiana State Plane West Zone (North American Datum of 1983, CORS 96 EPOCH 2002.000) coordinate 2328176.400 North and 2846722.200 East; thence North 00 degrees 18 minutes 30 seconds West (grid bearing based on said Indiana State Plane West Zone) along the West line of said section a distance of 2524.89 feet (all distances in this description are horizontal ground distances); thence North 89 degrees 41 minutes 30 seconds East 100.00 feet to the Point of Beginning being on the West line of the Grantor's land; thence South 41 degrees 40 minutes 00 seconds East 524.93 feet to a point being 25 feet Northwest by perpendicular measure from the Southeast line of the Grantor's land; thence North 46 degrees 38 minutes 34 seconds East parallel with said Southeast line 1061.94 feet to the Terminus being on the Northeast line of the Grantor's land. The sidelines of said strip being lengthened or shortened to intersect with the West line and the Northeast line of the Grantor's land.

*Kristopher K. Eichhorn*

Kristopher K. Eichhorn  
Registered Land Surveyor #21000230  
July 17, 2013

