

2013 089316

2013 DEC -4 PM 1:36

MICHAEL B. BROWN  
RECORDER

**GRANT OF PERPETUAL EASEMENT**

THIS INDENTURE, made and entered into this 2<sup>nd</sup> day of December, 20 13, by and between **NORFOLK SOUTHERN RAILWAY COMPANY**, a corporation organized and existing under the laws of the Commonwealth of Virginia, having its principal office in Norfolk, Virginia, registered with the Secretary of State in the State of Indiana, "GRANTOR", and **THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA**, A Municipal Corporation, "GRANTEE":

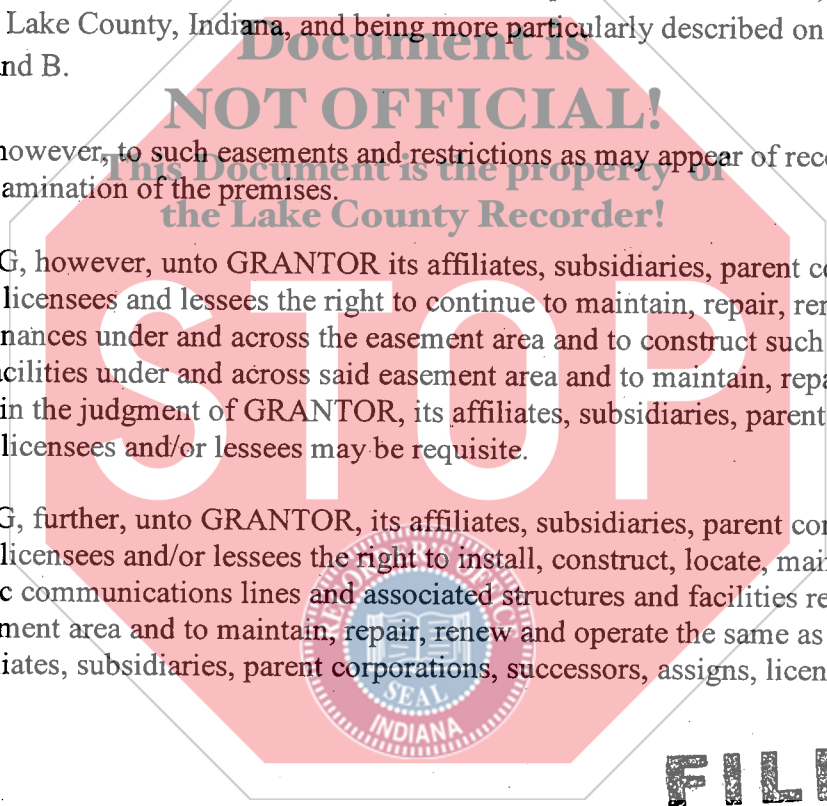
WITNESSETH: That the said Grantor, for and in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00), and other valuable consideration, paid by GRANTEE to GRANTOR, the receipt whereof is hereby acknowledged, does by these presents, GRANT unto GRANTEE, a Perpetual Easement for the construction, relocation, and maintenance of public transportation improvements over and across the land hereinafter described, being situated in Cedar Lake, Lake County, Indiana, to wit:

A PERPETUAL EASEMENT over, upon and across a parcel of land situate, lying and being in Cedar Lake, Lake County, Indiana, and being more particularly described on the attached Exhibits A and B.

SUBJECT, however, to such easements and restrictions as may appear of record or as may be apparent from an examination of the premises.

RESERVING, however, unto GRANTOR its affiliates, subsidiaries, parent corporations, successors, assigns, licensees and lessees the right to continue to maintain, repair, renew and operate a railroad and appurtenances under and across the easement area and to construct such additional track(s) and other railroad facilities under and across said easement area and to maintain, repair, renew and operate the same as in the judgment of GRANTOR, its affiliates, subsidiaries, parent corporations, successors, assigns, licensees and/or lessees may be requisite.

RESERVING, further, unto GRANTOR, its affiliates, subsidiaries, parent corporations, successors, assigns, licensees and/or lessees the right to install, construct, locate, maintain, repair and renew any fiber optic communications lines and associated structures and facilities related thereto under and across said easement area and to maintain, repair, renew and operate the same as in the judgment of GRANTOR, its affiliates, subsidiaries, parent corporations, successors, assigns, licensees and/or lessees may be requisite.



**FILED**

DEC 04 2013

PEGGY HOLINGA KATONA  
LAKE COUNTY AUDITOR

# 39  
CS  
G

16784

15

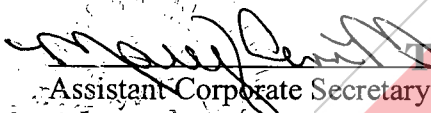
TO HAVE AND TO HOLD the above described easement unto GRANTEE, its successors and assigns, so long as it or they may require the same for the purposes granted; PROVIDED, however, that this conveyance is made by GRANTOR upon the conditions, (a) that Grantor shall not be required to assume any expense in connection with or incident to any construction, maintenance, use or repair of any facilities located within said easement area and shall be exempt from any and all charges, costs or assessments of any kind or character on account of the construction, maintenance, use or repair of any facilities located within said easement area under and across the aforesaid parcel of land or adjacent property of GRANTOR; (b) if, at any time, the easement herein granted or any part thereof, shall no longer be used or required by GRANTEE, its successors or assigns, for the purposes which granted, the same shall terminate and GRANTEE, its successors or assigns, shall execute such instruments as now provided or as may be hereinafter provided by law to clear title to the aforesaid property; and (c) upon termination of the easement for any reason, GRANTEE shall remove all facilities placed within the easement area and restore the property to a condition acceptable to GRANTOR's chief engineering officer.

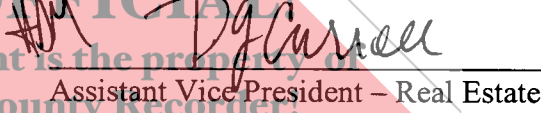
IN WITNESS WHEREOF, the said GRANTOR has caused these presents to be signed by its Real Estate Manager and its corporate seal attested by its Assistant Corporate Secretary, to be hereunto affixed the day and year first above written.

ATTEST:

NORFOLK SOUTHERN RAILWAY  
COMPANY

By

  
Assistant Corporate Secretary

  
Assistant Vice President - Real Estate

Document is  
NOT OFFICIAL!  
This document is the property of  
the Lake County Recorder!



This instrument approved by:

Howard McFadden  
General Attorney - Real Estate  
Norfolk Southern Corporation  
1200 Peachtree Street, NE  
Atlanta, Georgia 30309-3579

STATE OF GEORGIA        )  
                                      ) SS:  
COUNTY OF FULTON     )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named P. G. Carroll and Mary Ann Mullady known to me to be the Assistant Vice President – Real Estate and Assistant Corporate Secretary, respectively, of NORFOLK SOUTHERN RAILWAY COMPANY, a Virginia corporation, and acknowledged the execution of the foregoing deed for and in the name of and on behalf of said corporation as their free and voluntary act and deed and as the voluntary act and deed of said corporation.

WITNESS my hand and seal, this 2<sup>nd</sup> day of December, 20 13.

My commission expires: 12-30-2016



This instrument approved by:  
  
Howard McFadden  
General Attorney – Real Estate  
Norfolk Southern Corporation  
1200 Peachtree Street, NE  
Atlanta, Georgia 30309-3579

**Acceptance and Acknowledgement by Town:**

This conveyance and GRANT OF PERPETUAL EASEMENT is accepted by the Town of Cedar Lake, Lake County, Indiana, a Municipal Corporation, after action at a public meeting of the Town Council of the Town of Cedar Lake, Lake County, Indiana, and whereby the Town Council President and Town Clerk-Treasurer, respectively, were duly authorized to execute and attest this Acceptance and Acknowledgment.

TOWN OF CEDAR LAKE,  
LAKE COUNTY, INDIANA,  
a Municipal Corporation

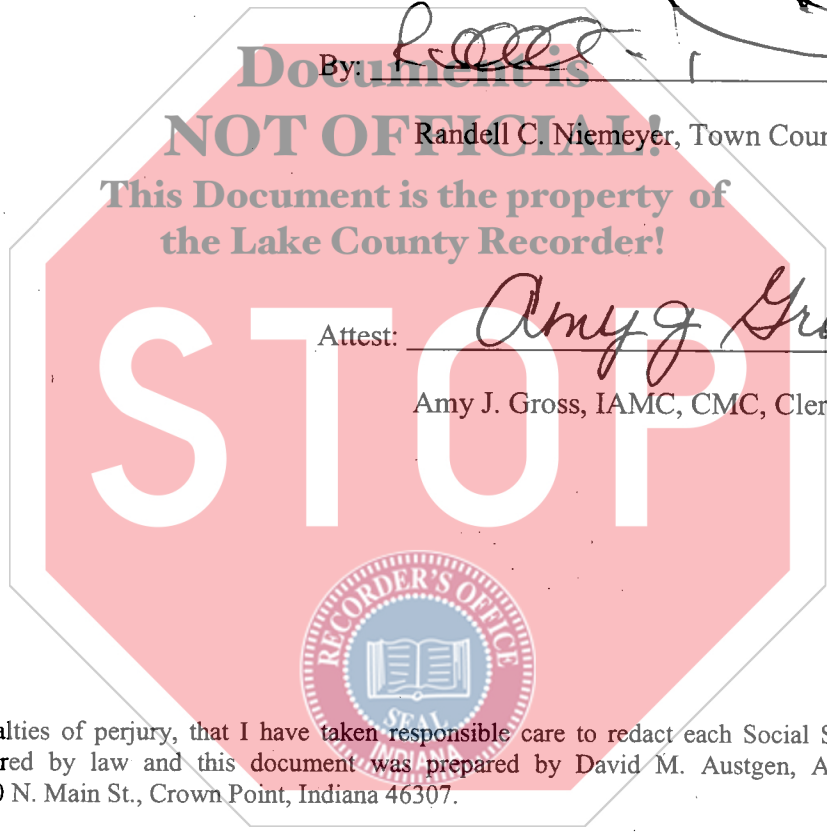
By: 

Randell C. Niemeyer, Town Council President

**This Document is the property of  
the Lake County Recorder!**

Attest: 

Amy J. Gross, IAMC, CMC, Clerk-Treasurer



I affirm, under the penalties of perjury, that I have taken responsible care to redact each Social Security number in this document, unless required by law and this document was prepared by David M. Austgen, AUSTGEN KUIPER & ASSOCIATES P.C., 130 N. Main St., Crown Point, Indiana 46307.

# Exhibit "A"

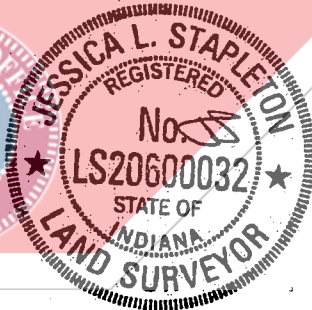
Project: 0200739  
Parcel: 27 Permanent Highway Easement  
Key No.: 45-15-28-505-001.000-013

Sheet 1 of 2

A part of the Northwest Quarter of Section 28, Township 34 North, Range 9 West, Lake County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat, marked EXHIBIT "B", described as follows: Beginning at a point on the north line of said section North 89 degrees 19 minutes 12 seconds West 814.74 feet from the northeast corner of said quarter section, said northeast corner being designated as point "504" on said plat, which point of beginning is on the eastern boundary of the Norfolk Southern Railway; thence South 4 degrees 57 minutes 27 seconds East 40.19 feet along the boundary of said Norfolk Southern Railway to point "651" designated on said plat; thence North 89 degrees 19 minutes 12 seconds West 185.19 feet to a point on the west boundary of said Norfolk Southern Railway designated as point "650" on said plat; thence North 0 degrees 10 minutes 44 seconds West 40.00 feet along the boundary of said Norfolk Southern Railway to the north line of said section; thence South 89 degrees 19 minutes 12 seconds East 182.26 feet along said north line to the point of beginning and containing 0.169 acres, more or less, inclusive of the presently existing right-of-way which includes 0.084 acres, more or less.

This description was prepared for the Town of Cedar Lake by Jessica L. Stapleton, Indiana Registered Land Surveyor, License Number LS20600032, on August 21, 2013.

*Jessica L. Stapleton*





## Exhibit "A"

Project: 0200739  
Parcel: 27A Permanent Highway Easement  
Key No.: 45-15-21-505-002.000-014

Sheet 2 of 2

A part of the Southwest Quarter of Section 21, Township 34 North, Range 9 West, Lake County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat, marked EXHIBIT "B", described as follows: Beginning at a point on the south line of said section North 89 degrees 19 minutes 12 seconds West 814.74 feet from the southeast corner of said quarter section, said southeast corner being designated as point "504" on said plat, which point of beginning is on the eastern boundary of the Norfolk Southern Railway; thence North 89 degrees 19 minutes 12 seconds West 100.49 feet along said south line to the western boundary of said Norfolk Southern Railway; thence North 4 degrees 57 minutes 27 seconds West 35.17 feet along the boundary of said Norfolk Southern Railway to point "639" designated on said plat; thence South 89 degrees 19 minutes 12 seconds East 100.49 feet to a point on the eastern boundary of said Norfolk Southern Railway designated as point "640" on said plat; thence South 4 degrees 57 minutes 27 seconds East 35.17 feet along the boundary of said Norfolk Southern Railway to the point of beginning and containing 0.081 acres, more or less, inclusive of the presently existing right-of-way which includes 0.046 acres, more or less.

This description was prepared for the Town of Cedar Lake by Jessica L. Stapleton, Indiana Registered Land Surveyor, License Number LS20600032, on August 21, 2013.

*Jessica L. Stapleton*



EXHIBIT "B"  
 RIGHT-OF-WAY PARCEL PLAT

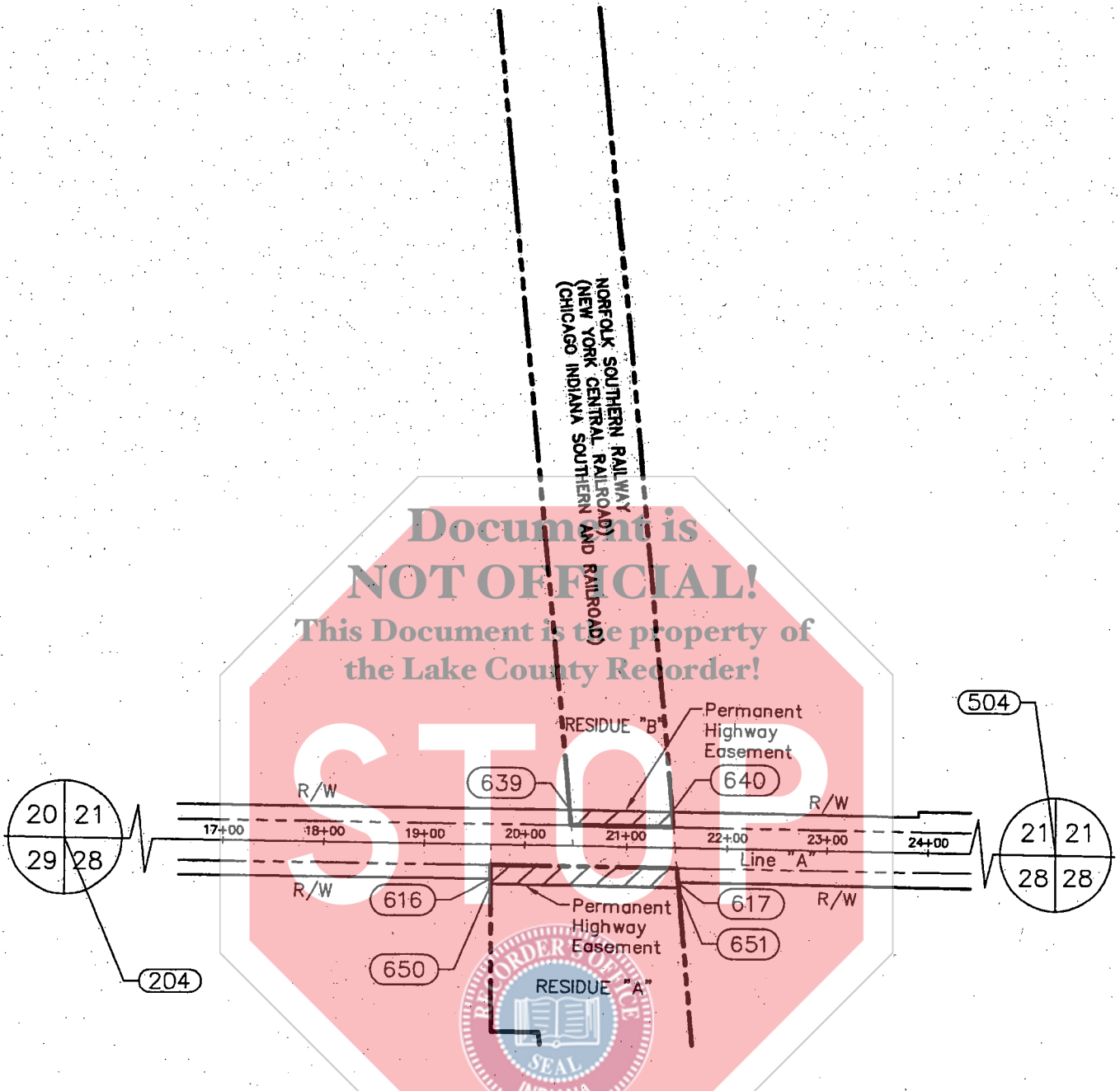
Prepared For Town of Cedar Lake

by: AMERICAN

**STRUCTUREPOINT**  
 INC.

SHEET 1 OF 2

0 75' 150'  
 SCALE: 1"=150'



 HATCHED AREA IS THE APPROXIMATE TAKING

OWNER: NORFOLK SOUTHERN RAILWAY COMPANY	DRAWN BY: JLS
PARCEL: 27	CHECKED BY: JLS
PROJECT: 0200739	DES. NO.: 0200739
ROAD: 133RD AVENUE	
COUNTY: LAKE	
SECTION: 21 & 28	
TOWNSHIP: 34 NORTH	
RANGE: 9 WEST	

THIS PLAT WAS PREPARED FROM PUBLIC DOCUMENTS AND NOT CHECKED BY A FIELD SURVEY.

**RIGHT-OF-WAY PARCEL PLAT**

Prepared For Town of Cedar Lake

by: AMERICAN

**STRUCTUREPOINT**  
INC.

**POINT REFERENCE CHART (Feet)**

Point	North	East	Station	Offset	℄
204	SEE LOCATION CONTROL ROUTE SURVEY PLAT				
504					
616	32680.4376	48293.7725	+PL(19+66.56)	35' Rt.	LINE A
617	32678.2394	48478.9452	+PL(21+51.74)	35' Rt.	LINE A
639	32749.5093	48372.3878	+PL(20+44.35)	35' Lt.	LINE A
640	32748.3165	48472.8667	+PL(21+44.83)	35' Lt.	LINE A
650	32675.4370	48293.7881	+PL(19+66.63)	40' Rt.	LINE A
651	32673.2339	48479.3793	+PL(21+52.24)	40' Rt.	LINE A



**SURVEYOR'S STATEMENT**

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey" recorded as Inst. No. 2011-016510 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").

*Jessica L. Stapleton* 8/21/2013  
 Jessica L. Stapleton Date  
 Reg. Land Surveyor No. LS20600032  
 State of Indiana



NOTE: STATIONS AND OFFSETS ARE TO CONTROL OVER NORTH AND EAST COORDINATES.

OWNER: NORFOLK SOUTHERN RAILWAY COMPANY  
 PARCEL: 27

DRAWN BY: JLS  
 CHECKED BY: JLS  
 DES. NO.: 0200739

PROJECT: 0200739  
 ROAD: 133rd Avenue  
 COUNTY: Lake  
 SECTION: 21 & 28  
 TOWNSHIP: 34 NORTH  
 RANGE: 9 WEST

AMERICAN STRUCTUREPOINT, INC PROJECT NO. 2009.01556

THIS PLAT WAS PREPARED FROM PUBLIC DOCUMENTS AND NOT CHECKED BY A FIELD SURVEY.





**PARCEL LISTING FOR LAND ACQUISITION CODE SHEET (L10)  
MASTER SHEET**

RW CODE:	PARCEL: 27	SUFFIX: *	SHEET# 1 of 2
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GRANTOR: NORFOLK SOUTHERN RAILWAY COMPANY
-------------------------------------------

BRIDGE:	TOTAL AREA:	RW EXISTING:	UNITS: *	INSTRUMENT: *	LT / RT: *
	UNKNOWN	0.130	AC	SP	L/R

ENVIRONMENT COMMENTS:
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PARCEL COMMENTS:
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CENTERLINE:	FROM STATION:	TO STATION:	PLAN SHEETS:	NATURE: *
A	19+66	21+52	19+31	SP

LAND ACQUIRED:	UNITS: *	RIGHTS ACQUIRED: *	BUILDING:	ELIMINATED DATE:
0.085	AC			

RESIDUE:	RESIDUE AREA:	UNITS: *	RESIDUE:	RESIDUE AREA:	UNITS: *
A	UNKNOWN		B	UNKNOWN	

RESIDUE:	RESIDUE AREA:	UNITS: *	RESIDUE:	RESIDUE AREA:	UNITS: *
C			D		

RESIDUE:	RESIDUE AREA:	UNITS: *	RESIDUE:	RESIDUE AREA:	UNITS: *
E			F		

* CODES & DEFINITIONS:	
<u>SUFFIX:</u> SA-SZ : SIGNS S1-S9 : FEE OWNER SUPPLEMENT XA-XZ: CORRECTION DEED YA-YZ: INVERSE CONDEMNATION  <u>UNITS:</u> HA HECTARES SM SQUARE METERS AC ACRES SF SQUARE FEET  <u>INSTRUMENT:</u> WD WARRANTY DEED QD QUITCLAIM DEED GT GRANT SP SPECIAL	<u>LT / RT:</u> L LEFT R RIGHT L/R LEFT & RIGHT  <u>NATURE:</u> SP SPECIAL INSTRUMENT FS FEE SIMPLE TE TEMPORARY RW PV PROVISIONAL RW IN INVERSE CONDEMNATION IT INTERDEPARTMENTAL  <u>RIGHTS ACQUIRED:</u> ACCESS RTS: ACCESS RIGHTS EASMNT RTS: EASEMENT RIGHTS CLEAR RESV: CLEAR OF RESERVATION MINERALS: MINERALS LEASEHOLD: LEASEHOLD TENANCY: TENANCY CONTR. SALE: CONTRACT SALES SURF. RTS: SURFACE RIGHTS CLEARANCE: CLEARANCE

CODER: J.L. Stapleton	DATE: 8/17/2013
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CHECKER: J.L. Stapleton	DATE: 8/17/2013
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REVISED:	DATE:
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DATA ENTERED BY:	DATE:
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**PARCEL LISTING FOR LAND ACQUISITION CODE SHEET (L10)  
SECONDARY SHEET**

RW CODE:		PARCEL:	27	SUFFIX:	*	A	SHEET#	2 of 2
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CENTERLINE:	FROM STATION:	TO STATION:	PLAN SHEETS:	NATURE:	*
A	20+44	21+48	19+31	SP	

LAND ACQUIRED:	UNITS:	*	RIGHTS ACQUIRED:	*	BUILDING:	ELIMINATED DATE:
0.035	AC					

RW CODE:		PARCEL:		SUFFIX:	*
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CENTERLINE:	FROM STATION:	TO STATION:	PLAN SHEETS:	NATURE:	*

LAND ACQUIRED:	UNITS:	*	RIGHTS ACQUIRED:	*	BUILDING:	ELIMINATED DATE:

RW CODE:		PARCEL:		SUFFIX:	*
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CENTERLINE:	FROM STATION:	TO STATION:	PLAN SHEETS:	NATURE:	*

LAND ACQUIRED:	UNITS:	*	RIGHTS ACQUIRED:	*	BUILDING:	ELIMINATED DATE:

RW CODE:		PARCEL:		SUFFIX:	*
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CENTERLINE:	FROM STATION:	TO STATION:	PLAN SHEETS:	NATURE:	*

LAND ACQUIRED:	UNITS:	*	RIGHTS ACQUIRED:	*	BUILDING:	ELIMINATED DATE:

RW CODE:		PARCEL:		SUFFIX:	*
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CENTERLINE:	FROM STATION:	TO STATION:	PLAN SHEETS:	NATURE:	*

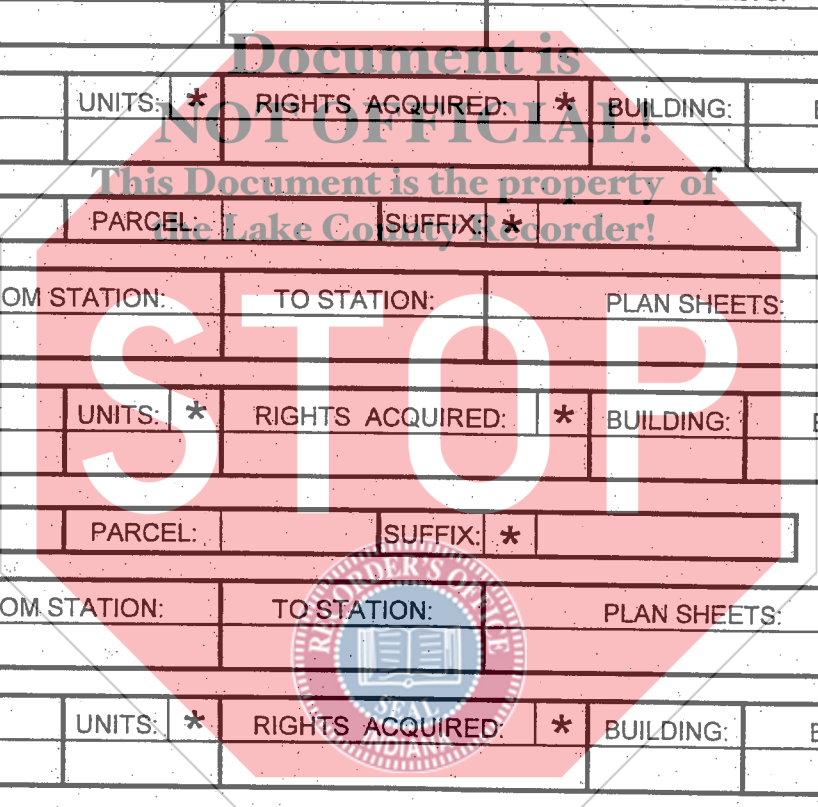
LAND ACQUIRED:	UNITS:	*	RIGHTS ACQUIRED:	*	BUILDING:	ELIMINATED DATE:

CODER:	J.L. Stapleton	DATE:	08/17/13
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CHECKER:	J.L. Stapleton	DATE:	08/17/13
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REVISER:		DATE:	
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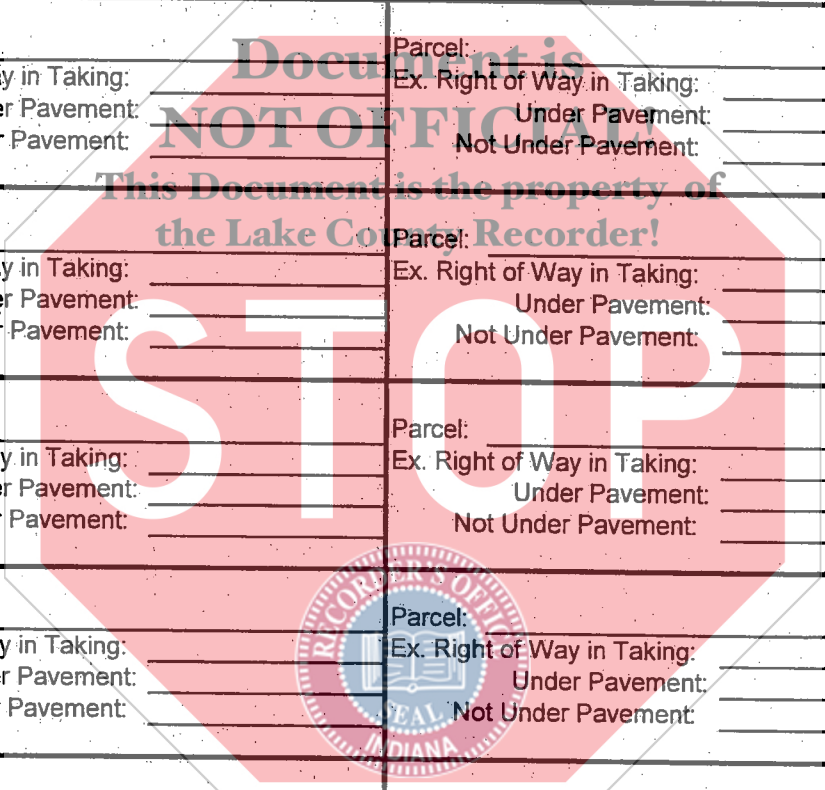
DATA ENTERED BY:		DATE:	
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**MEMO TO FILE APPRAISERS, BUYERS AND ALL WORKING WITH THIS PARCEL**  
 Division of Area of Fee Taking

Parcel: 27  
 Project: 0200739  
 County: Lake  
 Road: 133rd Avenue  
 Code: N/A

Parcel: <u>27</u> Ex. Right of Way in Taking: <u>0.084 Ac.</u> Under Pavement: <u>0.084 Ac.</u> Not Under Pavement: <u>0</u>	Parcel: <u>27A</u> Ex. Right of Way in Taking: <u>0.046 Ac.</u> Under Pavement: <u>0.046 Ac.</u> Not Under Pavement: <u>0</u>
Parcel: _____ Ex. Right of Way in Taking: _____ Under Pavement: _____ Not Under Pavement: _____	Parcel: _____ Ex. Right of Way in Taking: _____ Under Pavement: _____ Not Under Pavement: _____
Parcel: _____ Ex. Right of Way in Taking: _____ Under Pavement: _____ Not Under Pavement: _____	Parcel: _____ Ex. Right of Way in Taking: _____ Under Pavement: _____ Not Under Pavement: _____
Parcel: _____ Ex. Right of Way in Taking: _____ Under Pavement: _____ Not Under Pavement: _____	Parcel: _____ Ex. Right of Way in Taking: _____ Under Pavement: _____ Not Under Pavement: _____
Parcel: _____ Ex. Right of Way in Taking: _____ Under Pavement: _____ Not Under Pavement: _____	Parcel: _____ Ex. Right of Way in Taking: _____ Under Pavement: _____ Not Under Pavement: _____
Parcel: _____ Ex. Right of Way in Taking: _____ Under Pavement: _____ Not Under Pavement: _____	Parcel: _____ Ex. Right of Way in Taking: _____ Under Pavement: _____ Not Under Pavement: _____
Parcel: _____ Ex. Right of Way in Taking: _____ Under Pavement: _____ Not Under Pavement: _____	Parcel: _____ Ex. Right of Way in Taking: _____ Under Pavement: _____ Not Under Pavement: _____



Project: 0200739  
Des. No: 0200739  
County: Lake  
Road: 133<sup>rd</sup> Avenue  
Parcel: 27

**Parcel 27 - Entry**

North: 32703.6070' East: 49290.5930'  
Line Course: N89° 19' 12"W Length: 814.74'  
North: 32713.2763' East: 48475.9104'

**Parcel 27 - Permanent Highway Easement (Key No. 45-15-28-505-001.000-013)**

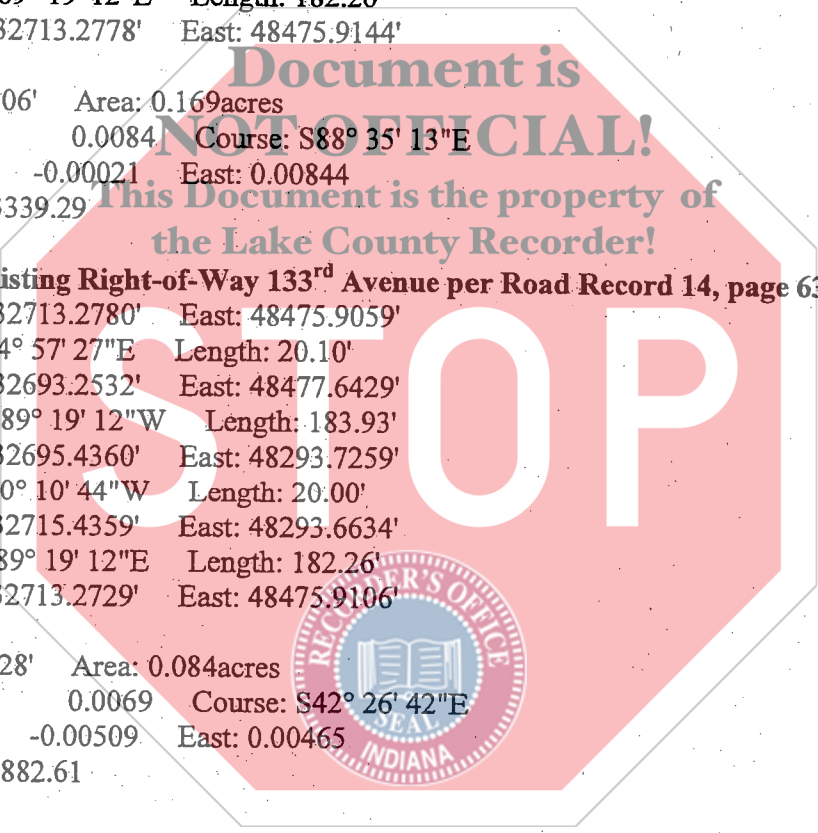
North: 32713.2780' East: 48475.9059'  
Line Course: S4° 57' 27"E Length: 40.19'  
North: 32673.2383' East: 48479.3790'  
Line Course: N89° 19' 12"W Length: 185.60'  
North: 32675.4410' East: 48293.7921'  
Line Course: N0° 10' 44"W Length: 40.00'  
North: 32715.4408' East: 48293.6672'  
Line Course: S89° 19' 12"E Length: 182.26'  
North: 32713.2778' East: 48475.9144'

Perimeter: 448.06' Area: 0.169acres  
Error Closure: 0.0084 Course: S88° 35' 13"E  
Error North: -0.00021 East: 0.00844  
Precision 1: 53339.29

**Parcel 27 - Existing Right-of-Way 133<sup>rd</sup> Avenue per Road Record 14, page 63**

North: 32713.2780' East: 48475.9059'  
Line Course: S4° 57' 27"E Length: 20.10'  
North: 32693.2532' East: 48477.6429'  
Line Course: N89° 19' 12"W Length: 183.93'  
North: 32695.4360' East: 48293.7259'  
Line Course: N0° 10' 44"W Length: 20.00'  
North: 32715.4359' East: 48293.6634'  
Line Course: S89° 19' 12"E Length: 182.26'  
North: 32713.2729' East: 48475.9106'

Perimeter: 406.28' Area: 0.084acres  
Error Closure: 0.0069 Course: S42° 26' 42"E  
Error North: -0.00509 East: 0.00465  
Precision 1: 58882.61





**Parcel 27A – Entry**

North: 32703.6070' East: 49290.5930'  
Line Course: N89° 19' 12"W Length: 814.74'  
North: 32713.2763' East: 48475.9104'

**Parcel 27A – Permanent Highway Easement (Key No. 45-15-21-505-002.000-014)**

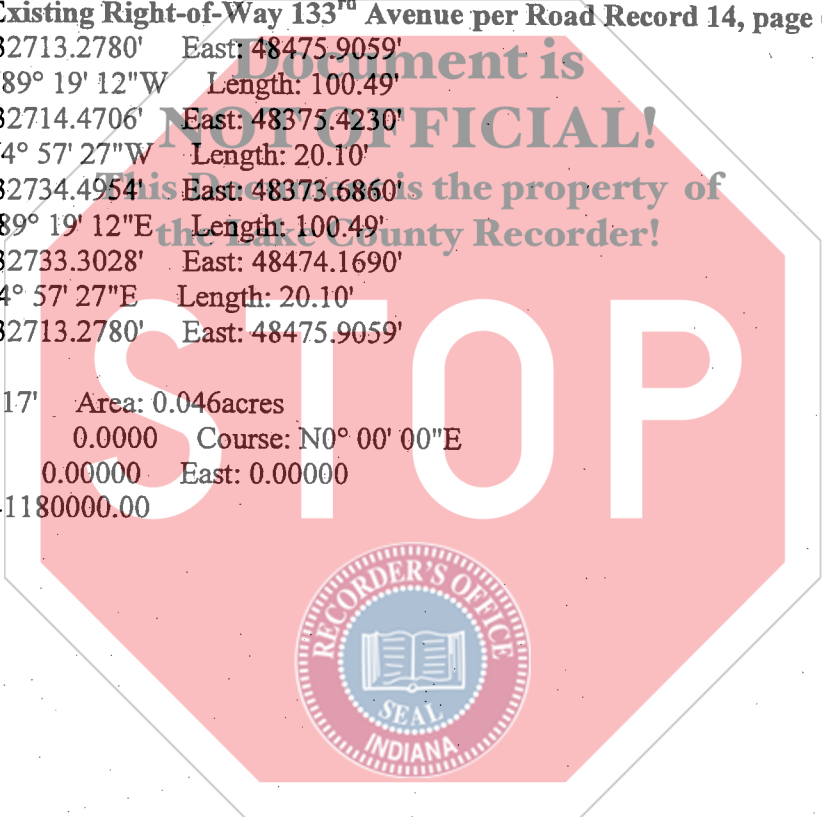
North: 32713.2780' East: 48475.9059'  
Line Course: N89° 19' 12"W Length: 100.49'  
North: 32714.4706' East: 48375.4230'  
Line Course: N4° 57' 27"W Length: 35.17'  
North: 32749.5090' East: 48372.3837'  
Line Course: S89° 19' 12"E Length: 100.49'  
North: 32748.3164' East: 48472.8667'  
Line Course: S4° 57' 27"E Length: 35.17'  
North: 32713.2780' East: 48475.9059'

Perimeter: 271.31' Area: 0.081acres  
Error Closure: 0.0000 Course: N0° 00' 00"E  
Error North: 0.00000 East: 0.00000  
Precision 1: 271320000.00

**Parcel 27A – Existing Right-of-Way 133<sup>rd</sup> Avenue per Road Record 14, page 63**

North: 32713.2780' East: 48475.9059'  
Line Course: N89° 19' 12"W Length: 100.49'  
North: 32714.4706' East: 48375.4230'  
Line Course: N4° 57' 27"W Length: 20.10'  
North: 32734.4954' East: 48373.6860'  
Line Course: S89° 19' 12"E Length: 100.49'  
North: 32733.3028' East: 48474.1690'  
Line Course: S4° 57' 27"E Length: 20.10'  
North: 32713.2780' East: 48475.9059'

Perimeter: 241.17' Area: 0.046acres  
Error Closure: 0.0000 Course: N0° 00' 00"E  
Error North: 0.00000 East: 0.00000  
Precision 1: 241180000.00



**Parcel Documentation**

Parcel: 27  
Road: 133<sup>rd</sup> Avenue  
Date: August 17, 2013

**Location Control Route Survey Plat**

The Location Control Route Survey Plat for this project is recorded as Instrument No. 2011-016510, in the Office of the Recorder of Lake County, Indiana. The located section corners applicable to each parcel will be shown on the individual R/W Parcel Plats.

**Existing Right-of-Way**

A road record for 133<sup>rd</sup> Avenue (Crown Point & Brunswick Road) was found in the Lake County Surveyor's Office. Road Record 14, page 63, Order 14, dated 1906 established a total right-of-way width of 40-feet for 133<sup>rd</sup> Avenue in the vicinity of the project.

This road record was used to establish the existing right-of-way for 133<sup>rd</sup> Avenue.

The right-of-way for the Norfolk Southern Railway Company was established per deeded and topographic information in conjunction with the Right-of-Way and Track Map for New York Central Railroad dated June 30, 1917. The information was taken from sheet 8 of valuation section 250 of the New York Central Railroad. The total right-of-way width north of 133<sup>rd</sup> Avenue is 100-feet. The right-of-way south of 133<sup>rd</sup> Avenue is a variable width.

A title and encumbrance report has not been completed on the railroad parcel at this time. Therefore, no deed was available for the railroad when these documents were prepared.

**Property Lines**

Deeded information, platted information and existing topo were used to establish the property lines.

**State Plane Coordinates (Indiana West Zone)**

The State Plane Coordinates for the points shown on the Right-of-Way Parcel Plat are listed below.

<u>Point</u>	<u>Northing</u>	<u>Easting</u>
616	2232680.4376	2848293.7725
617	2232678.2394	2848478.9452
639	2232749.5093	2848372.3878
640	2232748.3165	2848472.8667
650	2232675.4370	2848293.7881
651	2232673.2339	2848479.3793

Jessica L. Stapleton  
American Structurepoint, Inc.

