

0

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2015 065488

2015 SEP 22 PM 3:12

MICHAEL B. BROWN
RECORDER

MUTUAL EASEMENT AGREEMENT

This Mutual Easement Agreement ("Agreement") is dated effective the 21st day of September, 2015, by and between **D & L PROPERTIES, LLC**, as owner of a certain parcel of property located in Crown Point, Indiana (the "Lot 2 Owner"), and **D & L PROPERTIES, LLC**, as owner of a certain acre parcel of property located in Crown Point, Indiana (the "Lot 1 Owner").

WITNESSETH

WHEREAS, the Lot 1 Owner is the owner of record of a parcel of real estate located in the City of Crown Point, Lake County, Indiana, being Lot 1 in the D & L Industrial Park, an Addition to the City of Crown Point, Lake County, Indiana, the plat thereof to be recorded immediately following the recording of this Agreement (the "Industrial Park") and more particularly depicted on the attached "Exhibit 1" ("Lot 1"); and,

WHEREAS, the Lot 2 Owner is the owner of record of a parcel of real estate located in the City of Crown Point, Lake County, Indiana, in the Industrial Park more particularly depicted on the attached "Exhibit 1" ("Lot 2"); and

WHEREAS, Lot 1 and Lot 2 are contiguous to each other; and,

WHEREAS, the Lot 1 Owner and the Lot 2 Owner are willing to enter into this Agreement to allow for ingress and egress over each other's property.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby expressly acknowledged, the parties hereto agree as follows:

1. Grant of Easement to Lot 1. The Lot 2 Owner hereby grants and conveys to the Lot 1 Owner, its successors and assigns, a perpetual and non-exclusive easement in and across that portion of Lot 2 consisting of a 25x30' area in the Southeast corner of Lot 2, and more particularly depicted and identified as "Area A Ingress/Egress Easement" (hereinafter "Area A"), to use for vehicular and pedestrian ingress and egress to and from Indiana Avenue. This Easement is limited to passage on or over areas designated for passage and does not permit



NO SALES DISCLOSURE NEEDED **015592**

Approved Assessor's Office

By: _____ *mk* _____

*\$21.00
M.E
#1183*

FILED

SEP 22 2015

JOHN E. PETALAS
LAKE COUNTY AUDITOR

parking and/or loading/unloading areas. The use for which this easement is granted is for the limited purpose of vehicular or pedestrian traffic of customers, employees, officers, invitees, guests and licensees of Lot 1 Owner, the tenants or owners of any portion of Lot 1, and is further limited to purposes connected with or incidental to any use then being made of the property by the Lot 1 Owner.

2. Grant of Easement to Lot 2. The Lot 1 Owner hereby grants and conveys to the Lot 2 Owner, its successors and assigns, a perpetual and non-exclusive easement in and across that portion of Lot 1 consisting of a 25'x35' area in the Northeast corner of Lot 1, more particularly depicted and identified as "Area B Ingress/Egress Easement" (hereinafter "Area B") to use for vehicular or pedestrian ingress and egress to and from Indiana Avenue. This Easement is limited to passage on or over areas designated for passage and does not permit parking and/or loading/unloading areas. The use for which this easement is granted is for the limited purpose of vehicular or pedestrian traffic of customers, employees, officers, invitees, guests and licensees of Lot 2 Owner, the tenants or owners of any portion of Lot 2, and is further limited to purposes connected with or incidental to any use then being made of the property by the Lot 2 Owner.

3. No Passage Obstructions. No fence or other barrier which would prevent or obstruct the passage of vehicular travel for the purposes herein permitted shall be erected or permitted within or across Area A and/or Area B, provided, however, that the foregoing provision shall not prohibit the installation of convenience facilities (such as mail-boxes, public telephones, benches, trash deposit enclosures, light posts, containers, and transformers), of landscaping, berms or planters, nor of limited curbing and other forms of traffic controls, so long as such convenience facilities, infrastructure or landscaping does not interfere with vehicular travel.

4. Modification or Redesign. Within the separate areas of Lot 1 and Lot 2, such owner from time to time shall have the right, within said owner's parcel, to designate, withdraw, and redesignate as vehicular and pedestrian passageway, motor vehicle parking or building areas such locations as it will select from time to time, provided that within such parcels, there will not be any change to the size or location of Area A or Area B except as mutually agreed by the parties, evidenced by an amendment hereto, recorded in the Office of the Recorder of Lake County, Indiana.

5. Maintenance. The Lot 2 Owner agrees to keep and maintain paved and/or graveled areas on Area A in Lot 2 in adequate condition so that the passage of vehicular or pedestrian traffic can occur in a usual and customary manner. The Lot 1 Owner agrees to keep and maintain paved and/or graveled areas on Area B in Lot 1 in adequate condition so that the passage of vehicular or pedestrian traffic can occur in a usual and customary manner. In the event that Area A and Area B in need of repair or gravel/concrete installation/repairs, the parties agree that the cost and expense shall be split equally between the Lot 1 Owner and the Lot 2 Owner.

6. Taxes. The Lot 1 Owner shall be responsible for real estate taxes assessed against Lot 1 and Area B. The Lot 2 Owner shall be responsible for real estate taxes assessed against Lot 2 and Area A.

7. No Dedication to Public; No Implied Easements. Nothing contained in this Agreement shall be deemed to be a gift or dedication of any portion of Area A or Area B to the general public or for any public use or purpose whatsoever, it being the intention of the parties hereto that this Agreement be for the benefit of the Lot 1 Owner and Lot 2 Owner, present and future, their heirs, personal representatives, successors and assigns. No easements, except those expressly set forth herein, shall be implied by this Agreement.

8. Successors. The parties acknowledge and agree that the rights, easements, and obligations contained in this Agreement shall be covenants running with Lot 1 and Lot 2, respectively, and shall inure to the benefit of and be binding upon Lot 1 and Lot 2 and upon the parties hereto, their successors and assigns, and all subsequent owners or other persons having an interest in all or any part of Lot 1 or Lot 2.

9. Authority. The undersigned Member and authorized signatory represents that it is authorized and empowered to execute this Agreement as binding on both the Lot 1 Owner and the Lot 2 Owner.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed effective as of the day and year first above written, either personally or by their duly authorized representative.

LOT 1 OWNER:

D & L PROPERTIES, LLC
By: Robert C. Ligda Revocable Trust u/t/d September 30, 2009, Sole Member

By: [Signature]
Robert C. Ligda, Authorized Co-Trustee

STATE OF INDIANA

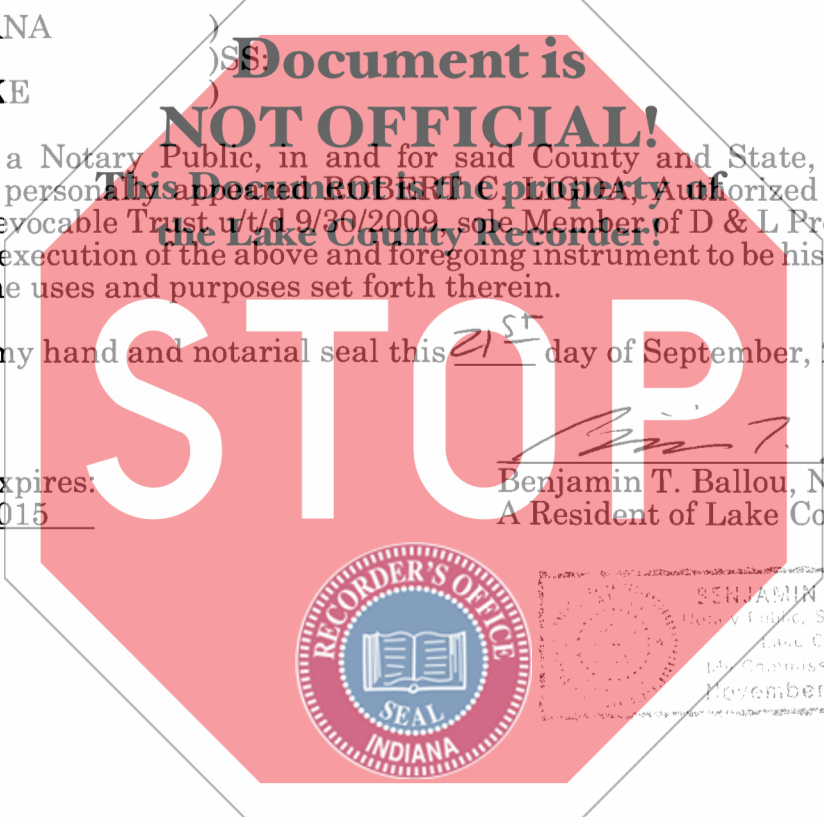
COUNTY OF LAKE

Before me, a Notary Public, in and for said County and State, this 21st day of September, 2015, personally appeared ROBERT C. LIGDA, Authorized Co-Trustee of the Robert C. Ligda Revocable Trust u/t/d 9/30/2009, sole Member of D & L Properties, LLC, and acknowledged the execution of the above and foregoing instrument to be his free and voluntary act and deed for the uses and purposes set forth therein.

WITNESS my hand and notarial seal this 21st day of September, 2015.

My Commission Expires:
November 21, 2015

[Signature]
Benjamin T. Ballou, Notary Public
A Resident of Lake County



LOT 2 OWNER:

D & L PROPERTIES, LLC
Robert C. Ligda Revocable Trust u/t/d September
30, 2009, Sole Member

By: 
Robert C. Ligda, Authorized Co-Trustee

STATE OF INDIANA)
)SS:
COUNTY OF LAKE)

Before me, a Notary Public, in and for said County and State, this 21st day of September, 2015, personally appeared ROBERT C. LIGDA, Authorized Co-Trustee of the Robert C. Ligda Revocable Trust u/t/d 9/30/2009, sole Member of D & L Properties, LLC, and acknowledged the execution of the above and foregoing instrument to be his free and voluntary act and deed for the uses and purposes set forth therein.

WITNESS my hand and notarial seal this 21st day of September, 2015.

My Commission Expires:
November 21, 2015

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

Benjamin T. Ballou, Notary Public
A Resident of Lake County



This instrument prepared by: Benjamin T. Ballou, Attorney at Law
8700 Broadway, Merrillville, IN 46410

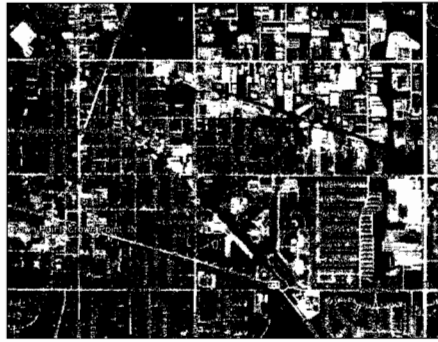
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.




Benjamin T. Ballou

SECONDARY PLAT

D & L INDUSTRIAL PARK
AN ADDITION TO THE CITY OF
CROWN POINT, LAKE COUNTY, INDIANA



VICINITY MAP

PROPERTY ADDRESS:
618 N. Indiana Avenue
Crown Point, IN 46307

PARCEL I:

PART OF THE EAST HALF OF THE NORTHEAST QUARTER, OF THE SOUTHWEST QUARTER OF SECTION FIVE (5), TOWNSHIP THIRTY-FOUR (34) NORTH, RANGE EIGHT (8) WEST OF THE 2ND P.M., LAKE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT ON THE EAST LINE OF SAID SECTION 5 AND 1,654.48 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SECTION 5, THENCE SOUTH 89°40'30" WEST 30.0 FEET TO THE WEST LINE OF INDIANA AVE. AND THE POINT OF BEGINNING, THENCE CONTINUE SOUTH 89°40'30" WEST, 584.76 FEET TO THE EAST LINE OF THOMAS STREET, 5.06 CHAINS NORTH OF THE CENTER OF MONITOR STREET; THENCE NORTH 00°37'34" WEST ALONG SAID EAST LINE, 411.41 FEET TO AN IRON PIPE FOUND AT THE SOUTH LINE OF LANDS CONVEYED TO PETER SERAMUR AND LINA B. SERAMUR HIS WIFE BY WARRANTY DEED DATED AUGUST 1, 1944 AND RECORDED ALONG WITH 1944, IN DEED RECORD BOOK PAGE 365; THENCE SOUTH 88°25'01" EAST, 211.37 FEET TO AN IRON BAR, THENCE NORTH 18°19'16" EAST TO AN IRON PIPE FOUND THENCE SOUTHEASTERLY ALONG A LINE OF OCCUPATION BY THE NORTH ADJACENT PROPERTY THE FOLLOWING TWO COURSES: SOUTH 62°20'00" EAST, 30.00 FEET AND SOUTH 64°20'00" EAST, 30.00 FEET; THENCE SOUTH 67°03'13" EAST, 482.28 FEET TO THE WEST LINE OF INDIANA AVENUE, THENCE SOUTH 00°42'09" EAST ALONG SAID WEST LINE, 321.22 FEET, TO THE POINT OF BEGINNING, CONTAINING 5.406 ACRES, MORE OR LESS.

PARCEL II:

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 34 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN IN THE CITY OF CROWN POINT, LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WEST SIDE OF THE HIGHWAY, 198 FEET NORTH OF THE NORTHEAST CORNER OF LOT 5, IN BLOCK 21 OF RAILROAD ADDITION TO THE TOWN OF CROWN POINT, SAID POINT BEING 185.0 FEET NORTH AND 30.0 FEET WEST OF THE SOUTHWEST CORNER OF SAID NORTH-EAST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 00°47'09" WEST PARALLEL WITH THE EAST LINE OF SAID NORTH-EAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 55.0 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°42'09" WEST PARALLEL WITH THE EAST LINE OF SAID NORTH-EAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 114.11 FEET TO AN IRON ROD FOUND WITH GERBERICK I.D. CAP; THENCE SOUTH 89°40'30" WEST A DISTANCE OF 447.58 FEET TO AN IRON ROD FOUND WITH GERBERICK I.D. CAP, SAID POINT BEING THE NORTHEAST CORNER OF LOT 1 FOX'S ADDITION AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 23 PAGE 45 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY; THENCE SOUTH 00°57'54" EAST A DISTANCE OF 168.96 FEET TO AN IRON ROD FOUND WITH GERBERICK I.D. CAP; THENCE NORTH 89°40'30" EAST, A DISTANCE OF 202.68 FEET; THENCE NORTH 00°57'54" WEST A DISTANCE OF 53.00 FEET; THENCE NORTH 89°40'30" EAST A DISTANCE OF 243.37 FEET TO THE PLACE OF BEGINNING, CONTAINING 1.428 ACRES MORE OR LESS.

DEFINITION STATEMENT

D & L PROPERTIES, LLC, the undersigned, owners of the real estate shown and described hereon, does hereby certify that we have had plat, filed and subdivided said real estate in accordance with the plat hereon drawn. This subdivision shall be known and designated as D & L INDUSTRIAL PARK, and shall be subject to all applicable laws and regulations of the public. There shall be no building setback lines on this plat between which lines and the property lines of the streets there shall be erected or maintained no building or structure.

NOTICE: This plat is being signed by the City of Crown Point and the D & L Industrial Park Property Owners Association as a utility and drainage easement for the purpose of providing water, sewer, gas, electric, and other utilities to the property. The City of Crown Point and the Property Owners Association shall be responsible for the operation and maintenance of the Storm Water Infrastructure System, the Property Owners Association shall grant D & L a right of easement for its maintenance to the City of Crown Point and the Property Owners Association.

NOTICE: This plat is being signed by the City of Crown Point and the D & L Industrial Park Property Owners Association as a utility and drainage easement for the purpose of providing water, sewer, gas, electric, and other utilities to the property. The City of Crown Point and the Property Owners Association shall be responsible for the operation and maintenance of the Storm Water Infrastructure System, the Property Owners Association shall grant D & L a right of easement for its maintenance to the City of Crown Point and the Property Owners Association.

UTILITY EASEMENT: An easement is hereby granted to the City of Crown Point and all public utility companies including American and Northern Indiana Public Service Company, severally and their respective successors, assigns, in, over, under, along and across the property shown and described hereon for the purpose of providing the public with water, sewer, gas, electric, and other utilities. The easement shall be subject to all applicable laws and regulations of the public. There shall be no building setback lines on this plat between which lines and the property lines of the streets there shall be erected or maintained no building or structure.

DRAINAGE & ACCESS EASEMENT: An easement is hereby granted to the City of Crown Point and the D & L Industrial Park Property Owners Association for access to and installation and maintenance of drainage, ditches, dikes or waterways upon and along the parcels or strips of land designated "DRAINAGE & ACCESS EASEMENT" for the purpose of storm, handling and transporting the storm water runoff.

Dr. Glenn H. Kracht, hereby certify that I am a Professional Land Surveyor licensed in compliance with the laws of the State of Indiana, that I have surveyed the real estate described hereon and subdivided the same in accordance with the plat hereon drawn, and that all dimensions are accurately shown and that all monuments actually exist at their location, size and type are accurately shown.

Dated this _____ day of _____, 2015.

Glenn H. Kracht
IN Reg. Surveyor No. 25400001

STATE OF INDIANA)
COUNTY OF LAKE) SS:
I, _____, County Engineer, Crown Point

STATE OF INDIANA)
COUNTY OF LAKE) SS:
I, Glenn H. Kracht, hereby certify that I am a Professional Land Surveyor licensed in compliance with the laws of the State of Indiana, that I have surveyed the real estate described hereon and subdivided the same in accordance with the plat hereon drawn, and that all dimensions are accurately shown and that all monuments actually exist at their location, size and type are accurately shown.

Dated this _____ day of _____, 2015.

Glenn H. Kracht
IN Reg. Surveyor No. 25400001

STATE OF INDIANA)
COUNTY OF LAKE) SS:
I, _____, County Engineer, Crown Point

STATE OF INDIANA)
COUNTY OF LAKE) SS:
I, Glenn H. Kracht, hereby certify that I am a Professional Land Surveyor licensed in compliance with the laws of the State of Indiana, that I have surveyed the real estate described hereon and subdivided the same in accordance with the plat hereon drawn, and that all dimensions are accurately shown and that all monuments actually exist at their location, size and type are accurately shown.

Dated this _____ day of _____, 2015.

Glenn H. Kracht
IN Reg. Surveyor No. 25400001

STATE OF INDIANA)
COUNTY OF LAKE) SS:
I, _____, County Engineer, Crown Point

STATE OF INDIANA)
COUNTY OF LAKE) SS:
I, Glenn H. Kracht, hereby certify that I am a Professional Land Surveyor licensed in compliance with the laws of the State of Indiana, that I have surveyed the real estate described hereon and subdivided the same in accordance with the plat hereon drawn, and that all dimensions are accurately shown and that all monuments actually exist at their location, size and type are accurately shown.

Dated this _____ day of _____, 2015.

Glenn H. Kracht
IN Reg. Surveyor No. 25400001

STATE OF INDIANA)
COUNTY OF LAKE) SS:
I, _____, County Engineer, Crown Point

STATE OF INDIANA)
COUNTY OF LAKE) SS:
I, Glenn H. Kracht, hereby certify that I am a Professional Land Surveyor licensed in compliance with the laws of the State of Indiana, that I have surveyed the real estate described hereon and subdivided the same in accordance with the plat hereon drawn, and that all dimensions are accurately shown and that all monuments actually exist at their location, size and type are accurately shown.

Dated this _____ day of _____, 2015.

Glenn H. Kracht
IN Reg. Surveyor No. 25400001

STATE OF INDIANA)
COUNTY OF LAKE) SS:
I, _____, County Engineer, Crown Point

STATE OF INDIANA)
COUNTY OF LAKE) SS:
I, Glenn H. Kracht, hereby certify that I am a Professional Land Surveyor licensed in compliance with the laws of the State of Indiana, that I have surveyed the real estate described hereon and subdivided the same in accordance with the plat hereon drawn, and that all dimensions are accurately shown and that all monuments actually exist at their location, size and type are accurately shown.

Dated this _____ day of _____, 2015.

Glenn H. Kracht
IN Reg. Surveyor No. 25400001

STATE OF INDIANA)
COUNTY OF LAKE) SS:
I, _____, County Engineer, Crown Point

STATE OF INDIANA)
COUNTY OF LAKE) SS:
I, Glenn H. Kracht, hereby certify that I am a Professional Land Surveyor licensed in compliance with the laws of the State of Indiana, that I have surveyed the real estate described hereon and subdivided the same in accordance with the plat hereon drawn, and that all dimensions are accurately shown and that all monuments actually exist at their location, size and type are accurately shown.

Dated this _____ day of _____, 2015.

Glenn H. Kracht
IN Reg. Surveyor No. 25400001

STATE OF INDIANA)
COUNTY OF LAKE) SS:
I, _____, County Engineer, Crown Point

STATE OF INDIANA)
COUNTY OF LAKE) SS:
I, Glenn H. Kracht, hereby certify that I am a Professional Land Surveyor licensed in compliance with the laws of the State of Indiana, that I have surveyed the real estate described hereon and subdivided the same in accordance with the plat hereon drawn, and that all dimensions are accurately shown and that all monuments actually exist at their location, size and type are accurately shown.

Dated this _____ day of _____, 2015.

Glenn H. Kracht
IN Reg. Surveyor No. 25400001

STATE OF INDIANA)
COUNTY OF LAKE) SS:
I, _____, County Engineer, Crown Point

STATE OF INDIANA)
COUNTY OF LAKE) SS:
I, Glenn H. Kracht, hereby certify that I am a Professional Land Surveyor licensed in compliance with the laws of the State of Indiana, that I have surveyed the real estate described hereon and subdivided the same in accordance with the plat hereon drawn, and that all dimensions are accurately shown and that all monuments actually exist at their location, size and type are accurately shown.

Dated this _____ day of _____, 2015.

Glenn H. Kracht
IN Reg. Surveyor No. 25400001

STATE OF INDIANA)
COUNTY OF LAKE) SS:
I, _____, County Engineer, Crown Point

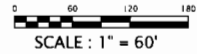
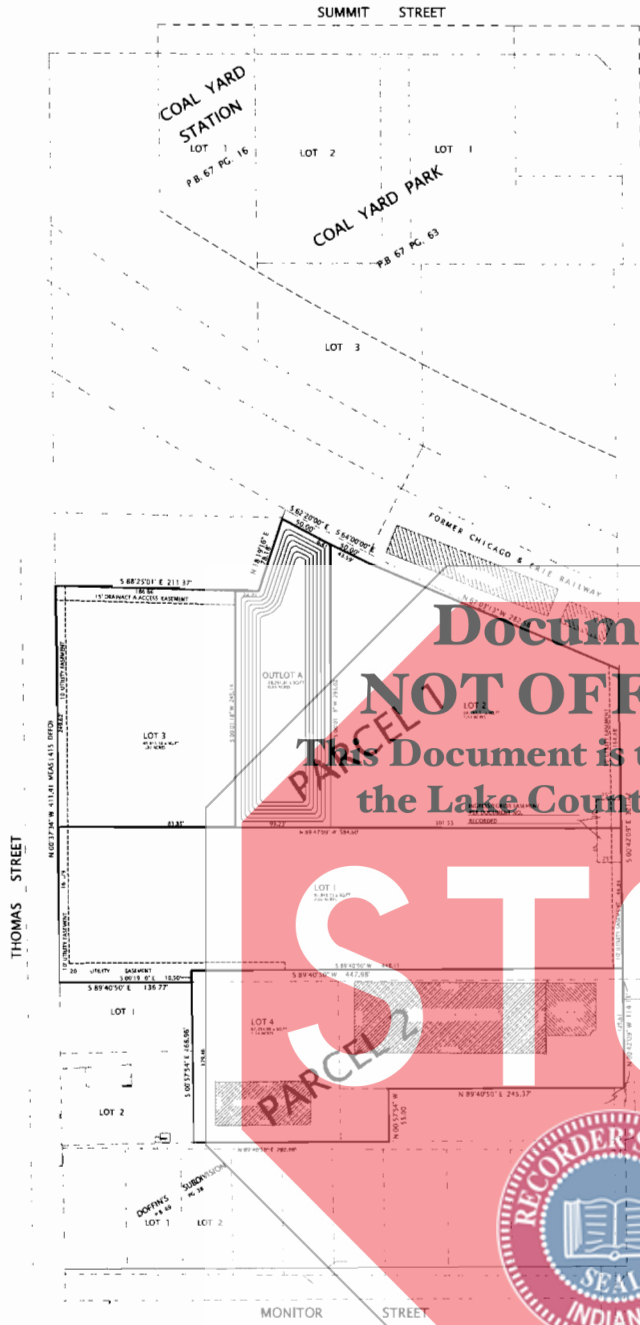
STATE OF INDIANA)
COUNTY OF LAKE) SS:
I, Glenn H. Kracht, hereby certify that I am a Professional Land Surveyor licensed in compliance with the laws of the State of Indiana, that I have surveyed the real estate described hereon and subdivided the same in accordance with the plat hereon drawn, and that all dimensions are accurately shown and that all monuments actually exist at their location, size and type are accurately shown.

Dated this _____ day of _____, 2015.

Glenn H. Kracht
IN Reg. Surveyor No. 25400001

STATE OF INDIANA)
COUNTY OF LAKE) SS:
I, _____, County Engineer, Crown Point

STATE OF INDIANA)
COUNTY OF LAKE) SS:
I, Glenn H. Kracht, hereby certify that I am a Professional Land Surveyor licensed in compliance with the laws of the State of Indiana, that I have surveyed the real estate described hereon and subdivided the same in accordance with the plat hereon drawn, and that all dimensions are accurately shown and that all monuments actually exist at their location, size and type are accurately shown.



DATE:
JUNE 20, 2015
JULY 08, 2015
AUG. 20, 2015
AUG. 28, 2015
SEPT. 10, 2015
SEPT. 17, 2015
SEPT. 21, 2015
JOB NO.: 152045
SHEET 1 OF 1

SECONDARY PLAT
PART of EAST 1/2 of N.E. 1/4
of S.E. 1/4 of SEC. 2 - 34 - 8
CENTER TOWNSHIP
LAKE COUNTY, INDIANA

PREPARED FOR:
D & L PROPERTIES L.L.C.
615 N. INDIANA AVENUE
CROWN POINT, IN 46307

GKA GLENN KRACHT
ASSOCIATES
314 FAIRFIELD DRIVE
CROWN POINT, IN 46307
PHONE: 219/663-8623 FAX: 219/663-8945 EMAIL: GKACRACHT@COMCAST.NET

EXHIBIT 1