

9

DRAINAGE POND EASEMENT

This Drainage Pond Easement is granted and conveyed this 18 day of September, ~~2015~~²⁰¹⁵ by and between WOLF INVESTMENT PROPERTIES, LLC and KENNETH GOLDBERG hereinafter collectively "Wolf" and THE CITY OF CROWN POINT, INDIANA, hereinafter "City".

WHEREAS, the Wolf is the owner of certain real estate in Lake County, Indiana, commonly known as 1301 N. Indiana Avenue, Crown Point, Indiana (hereinafter referred to as the "Wolf Easement Tract");

WHEREAS, the City is the owner of certain real estate in Lake County, Indiana, commonly known as 1324 N. Indiana Avenue, Crown Point, Indiana (hereinafter referred to as the "City Easement Tract");

WHEREAS, City needs an easement to construct, operate, ingress, egress and maintain a drainage pond over, under and across the Wolf Easement Tract;

WHEREAS, Wolf needs an easement to drain storm water over, under and across the City Easement Tract;

NOW, THEREFORE, in consideration of the covenants contained herein and other good and valuable consideration, the parties agree as follows:

1. Grant of Easement. Wolf, hereby grants, conveys, and warrants, subject to all other existing easements, to City, its successors and assigns, the right privilege, easement and authority to construct, operate, ingress, egress and maintain a drainage pond upon, over, under and across the Wolf Easement Tract, as more specifically described in "Exhibit A" attached hereto and incorporated herein by reference. City, hereby grants, conveys, and warrants, subject to all other existing easements, to Wolf, its successors and assigns, the right privilege, easement and authority to drain storm water upon, over, under and across the City Easement Tract, as more specifically described in "Exhibit B" attached hereto and incorporated herein by reference.

2. Reservation of Use. The parties hereby reserve the right to continue to use the easement tracts consistent, and not in interference with, the easements granted herein.

3. Scope of Improvements. City shall construct, maintain, repair and replace the drainage pond in the easement tracts at the City's sole cost and expense and continue to maintain the drainage pond as deemed reasonably necessary by the City's Public Works and Engineering Departments. City will be responsible for obtaining all necessary permits and authority for the construction of the drainage pond.

4. Non-Exclusive Easement. The easements granted herein are perpetual and non-exclusive easements to be utilized by the parties.

5. Warranty of No Liens. The parties hereby warrant and agree that they will not



2015 070281

2015 OCT 15 PM 2:39

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

MICHAEL B. SIMON
RECORDER

FILED

OCT 15 2015

JOHN E. PETALAS
LAKE COUNTY AUDITOR

CASH
\$28.00
NON-COM
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permit or suffer to be permitted any liens of any type whatsoever upon the other party's property for any materials, labor or claims of any nature or kind arising out of the use of the easements.

6. Binding Effect. The easements shall run with the land and shall inure to the benefit of and be binding upon the parties hereto and their respective successors, administrators, executors and assigns.

7. Easement Limited to Easement Area. The easements granted herein, permission for only the easement areas, and shall not be deemed or construed as granting permission for any other or further use of the remaining real estate of the parties. Further, the easement granted herein, are applicable to only the foregoing described easement tracts, and no additional rights of ingress and/or egress other than those specifically described above shall be used without first obtaining written approval from other party.

8. Modification of Easement. This Pond Drainage Easement may not be amended or modified, except in writing signed by the parties. Should any provision of this Pond Drainage Easement be declared invalid by a legislative, administrative or judicial body of competent jurisdiction, then the other provisions contained herein shall remain in full force and effect and shall be unaffected by such declaration.

9. Mutual Cooperation. Wolf and City shall cooperate with each other with respect to monitoring the Easement Tracts for any unauthorized entry or trespass, and with respect to any lawful actions taken by the parties to prevent, or enforce its rights against any person committing, such unauthorized entry or trespass.

10. Attorney Fees. If any action of law or in equity shall be brought to recover for any damages under this Pond Drainage Easement, or for or on account of any breach of, or to enforce or interpret any of the covenants, terms, or conditions of this Pond Drainage Easement, each party shall be responsible for its own attorney's fees and shall not seek attorney's fees from the other party.

11. Governing Law. This Easement shall be construed in accordance with the laws of the State of Indiana.

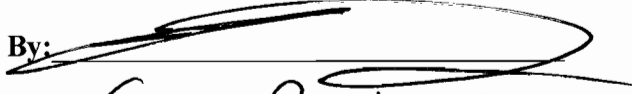
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IN WITNESS WHEREOF, the parties have executed this Pond Drainage Easement on the date set forth above.

WOLF:

Wolf Investment Properties, LLC

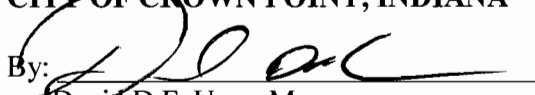
By: 

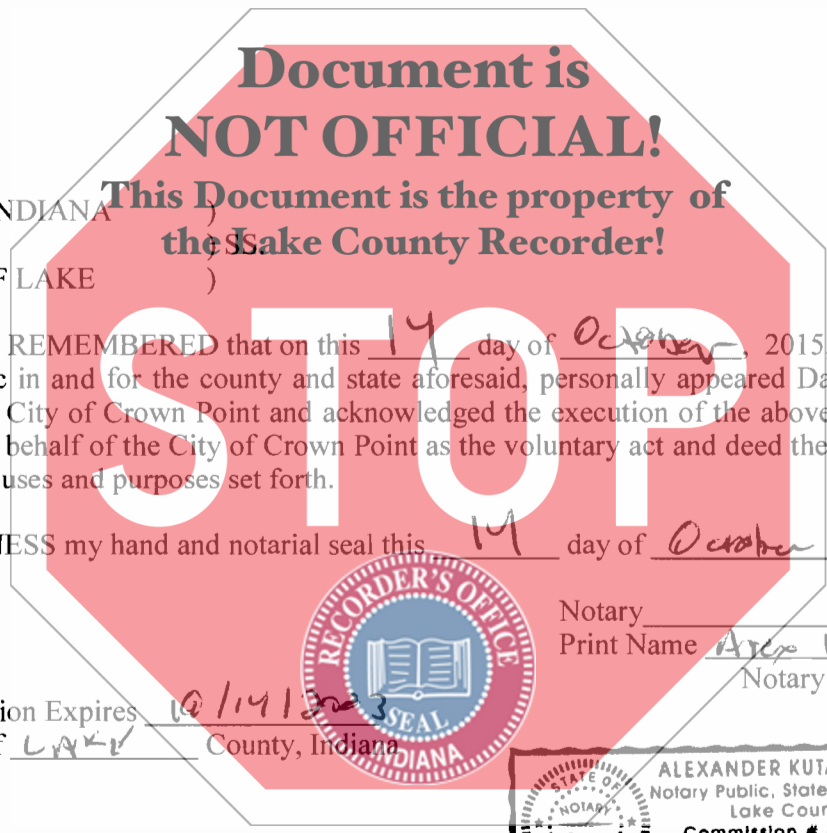
Its: Greg Berkowitz, manager

Kenneth Goldberg by Kimberly Jones MS
KENNETH GOLDBERG Attorney in fact

CITY:

CITY OF CROWN POINT, INDIANA

By: 
David D.F. Uran, Mayor



STATE OF INDIANA)
COUNTY OF LAKE)

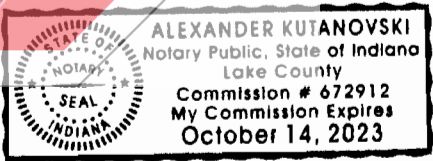
BE IT REMEMBERED that on this 14 day of October, 2015, before me, a Notary Public in and for the county and state aforesaid, personally appeared David D.F. Uran, Mayor of the City of Crown Point and acknowledged the execution of the above and foregoing instrument in behalf of the City of Crown Point as the voluntary act and deed the City of Crown Point, for the uses and purposes set forth.

WITNESS my hand and notarial seal this 14 day of October, 2015.



Notary
Print Name Alex Kutanovski
Notary Public

My Commission Expires 10/14/2023
A Resident of LAKE County, Indiana



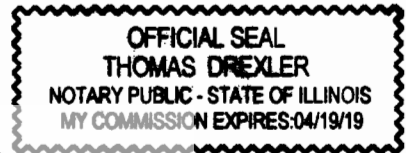
ILLINOIS
STATE OF INDIANA)
 DUPAGE) SS.
COUNTY OF LAKE)

BE IT REMEMBERED that on this 18th day of September, 2015, before me, a Notary Public in and for the county and state aforesaid, personally appeared KIMBERLY SUMMERS, acknowledged the execution of the above and foregoing instrument on behalf of KENNETH GOODRICH under Power of Attorney as his voluntary act and deed ..., for the uses and purposes set forth.

WITNESS my hand and notarial seal this 18th day of September, 2015.

Notary [Signature]
Print Name THOMAS DREXLER
Notary Public

My Commission Expires _____
A Resident of DuPage County, Illinois



188-73



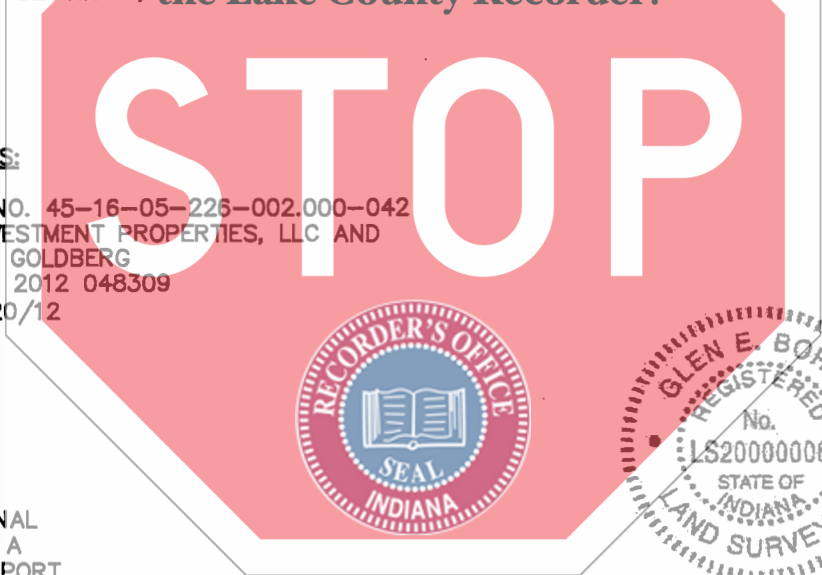
PLAT OF DESCRIPTION
SHEET 1 OF 2

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING PART OF LOTS 12 AND 13 IN SMITH'S ADDITION OF OUTLOTS SHOWN IN MISCELLANEOUS RECORD "A", PAGE 290 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA, SAID PARCEL LYING IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 34 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN THE CITY OF CROWN POINT, INDIANA DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE SOUTH 00 DEGREES 09 MINUTES 00 SECONDS WEST, 579.84 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER ALSO BEING THE EAST LINE OF SAID LOT 13 TO THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED TO WOLF INVESTMENT PROPERTIES, LLC AND KENNETH GOLDBERG IN DOCUMENT NUMBER 2012 048309 RECORDED ON JULY 20, 2012 IN SAID RECORDER'S OFFICE AND THE POINT OF BEGINNING; THENCE THE FOLLOWING FOUR COURSES AND DISTANCES ALONG THE NORTH AND WEST LINES OF SAID WOLF INVESTMENT AND GOLDBERG PARCEL:

- 1.) NORTH 89 DEGREES 51 MINUTES 00 SECONDS WEST, 30.00 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTH, HAVING A RADIUS OF 1314.58 FEET AND A CHORD THAT BEARS SOUTH 85 DEGREES 48 MINUTES 00 SECONDS WEST, 199.42 FEET;
- 2.) THENCE WEST 199.62 FEET (CALCULATED, 199.61 PER DEED) ALONG SAID CURVE;
- 3.) THENCE SOUTH 81 DEGREES 27 MINUTES 00 SECONDS WEST, 434.71 FEET;
- 4.) THENCE SOUTH 00 DEGREES 07 MINUTES 45 SECONDS WEST, 62.65 FEET; THENCE SOUTH 66 DEGREES 33 MINUTES 17 SECONDS EAST, 84.82 FEET; THENCE SOUTH 37 DEGREES 42 MINUTES 04 SECONDS EAST, 27.52 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTH, HAVING A RADIUS OF 50.00 FEET AND A CHORD THAT BEARS SOUTH 84 DEGREES 33 MINUTES 57 SECONDS EAST, 72.97 FEET; THENCE EAST 81.79 FEET EAST ALONG LAST SAID CURVE; THENCE NORTH 48 DEGREES 34 MINUTES 09 SECONDS EAST, 66.17 FEET; THENCE NORTH 71 DEGREES 06 MINUTES 25 SECONDS EAST, 86.67 FEET; THENCE NORTH 57 DEGREES 50 MINUTES 19 SECONDS EAST, 85.51 FEET; THENCE NORTH 64 DEGREES 59 MINUTES 54 SECONDS EAST, 258.48 FEET; THENCE SOUTH 89 DEGREES 51 MINUTES 00 SECONDS EAST, 30.00 FEET TO SAID EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 09 MINUTES 00 SECONDS EAST, 64.45 FEET ALONG LAST SAID EAST LINE TO THE POINT OF BEGINNING, CONTAINING 1.63 ACRES MORE OR LESS!

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GRANTORS:

TAX ID. NO. 45-16-05-226-002.000-042
WOLF INVESTMENT PROPERTIES, LLC AND
KENNETH GOLDBERG
DOC. NO. 2012 048309
REC. 7/20/12

THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, OR A SURVEYOR LOCATION REPORT.

Reference Name: D.V.G. INC.
Survey Job No: S15585
Scale: 1"=100'
Drawn By: G.B.
Date: 6/23/15
/15585/POD.DWG
Sec. 5-34-8

"A"

Glen E. Boren
plumbtucket.com
Plumb Tuckett & Associates
64 West 67th Place • Merrillville, IN 46410
Phone:(219) 736-0555 Fax:(219) 769-0178

PLAT OF DESCRIPTION
SHEET 2 OF 2

101ST AVE.

POINT OF COMMENCEMENT
N.E. CORNER, N.E. 1/4
SEC. 5-34-8

E. LINE OF N.E. 1/4,
SEC. 5-34-8
ALSO E. LINE OF LOT 13

S 00°09'00" W 579.84'
POINT OF BEGINNING
N.E. CORNER OF DOC. 2012 048309

LOT 13
SMITH'S ADDITION TO OUTLOTS
MISC. REC. "A", PG. 290

TAX ID. NO. 45-16-05-226-005.000-042
CITY OF CROWN POINT
DOC. NO. 2007 094662
REC. 12/3/07

NORTH LINE OF
DOC. 2012 048309

N 89°51'00" W 30.00'
L=199.62'
R=1314.58'
CH.=S 85°48'00" W 199.42'

LOT 14
W. LINE LOT 13
WEST LINE OF S 00°07'45" W 62.65'
DOC. 2012 048309
LOT 11
W. LINE LOT 12

S 81°27'00" W 434.71'

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N 84°59'54" E 258.48'
S. LINE LOT 13 S 89°51'00" E 30.00'
N. LINE LOT 12

S 66°33'17" E 84.82'
S 57°42'04" E 27.52'
L=81.79'
R=50.00'
S 84°33'57" E 72.97'

TAX ID. NO. 45-16-05-226-002.000-042
WOLF INVESTMENT PROPERTIES LLC
& KENNETH GOLDBERG
DOC. NO. 2012 048309
REC. 7/20/12

LOT 12

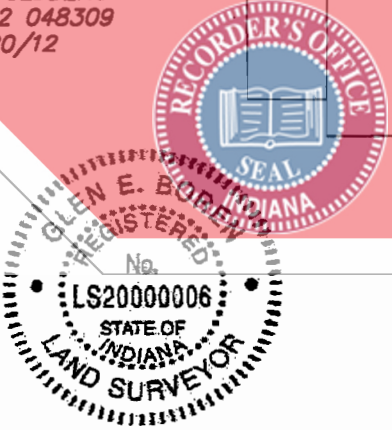
(1301 N. INDIANA AVE.)

N. INDIANA AVENUE

N 00°09'00" E 64.45'

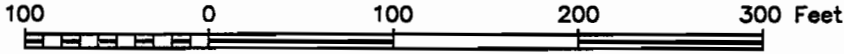
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G.E. Bureau

plumbtuckett.com  **Plumb Tuckett & Associates**
64 West 67th Place • Merrillville, IN 46410
Phone:(219) 736-0555 Fax:(219) 769-0178



PLAT OF DESCRIPTION

SHEET 1 OF 2

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- 1.) NORTH 89 DEGREES 51 MINUTES 00 SECONDS WEST, 30.00 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTH, HAVING A RADIUS OF 1314.58 FEET AND A CHORD THAT BEARS SOUTH 85 DEGREES 48 MINUTES 00 SECONDS WEST, 199.42 FEET;
- 2.) THENCE WEST 199.62 FEET ALONG SAID CURVE;
- 3.) THENCE SOUTH 81 DEGREES 27 MINUTES 00 SECONDS WEST, 434.71 FEET;
- 4.) THENCE NORTH 00 DEGREES 07 MINUTES 45 SECONDS EAST, 81.25 FEET; THENCE SOUTH 89 DEGREES 32 MINUTES 33 SECONDS EAST, 350.61 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 130.00 FEET AND A CHORD THAT BEARS NORTH 62 DEGREES 52 MINUTES 29 SECONDS EAST, 120.39 FEET; THENCE NORTHEASTERLY 125.17 FEET ALONG LAST SAID CURVE; THENCE NORTH 35 DEGREES 17 MINUTES 31 SECONDS EAST, 37.99 FEET; THENCE SOUTH 87 DEGREES 56 MINUTES 07 SECONDS EAST, 149.20 FEET; THENCE SOUTH 89 DEGREES 51 MINUTES 00 SECONDS EAST, 30.00 FEET TO SAID EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 00 DEGREES 09 MINUTES 00 SECONDS WEST, 79.74 FEET ALONG LAST SAID EAST LINE TO THE POINT OF BEGINNING, CONTAINING 0.90 ACRES MORE OR LESS.

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GRANTORS:

TAX ID. NO. 45-16-05-226-005.000-042
THE CITY OF CROWN POINT
DOC. NO. 2007 094662
REC. 12/3/07

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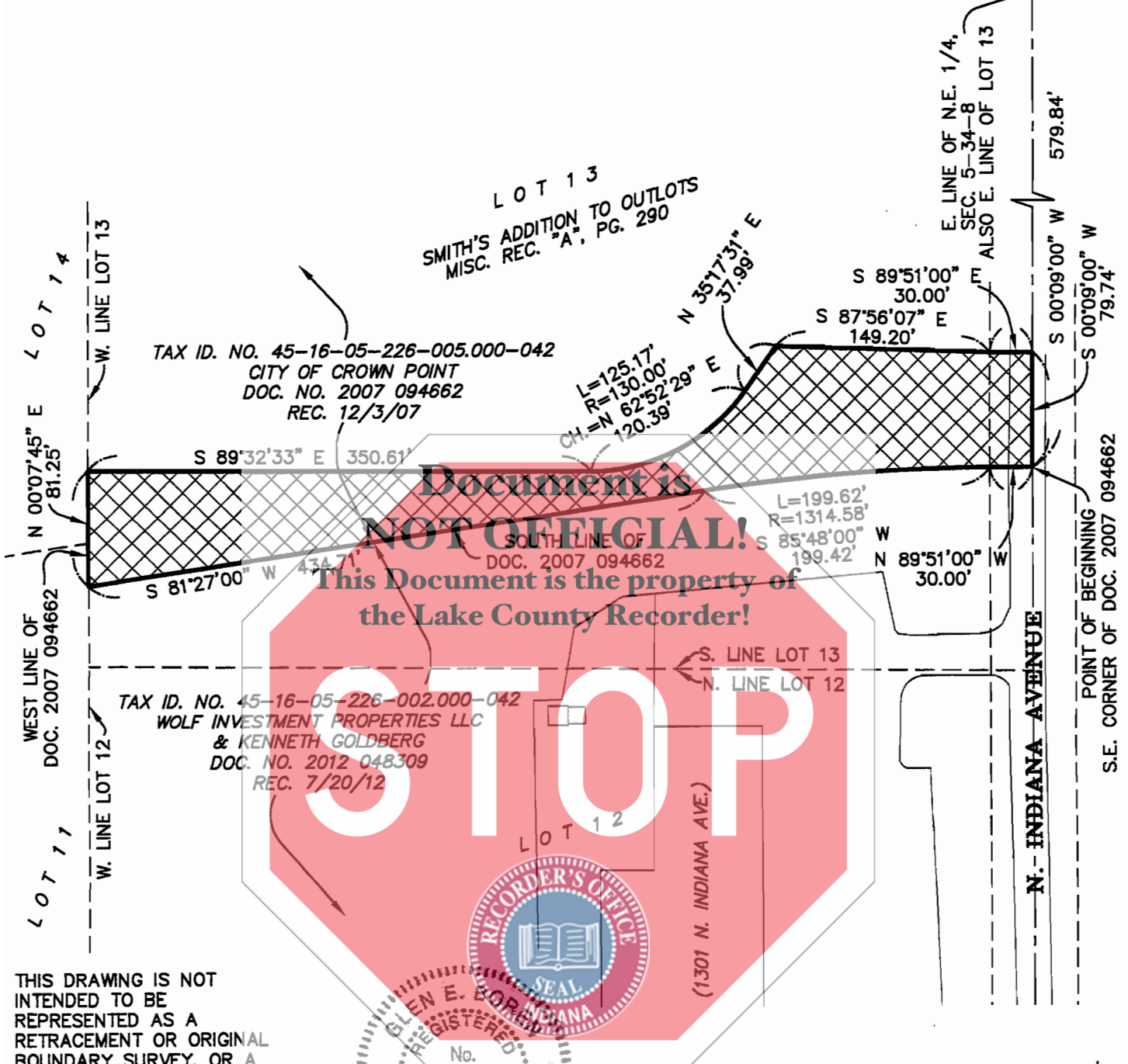
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 POINT OF COMMENCEMENT
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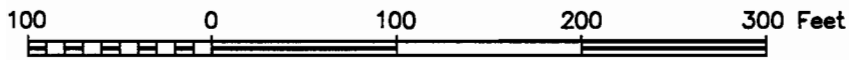


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Glen E. Borek




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