

PERPETUAL DRAINAGE EASEMENT

Project: 61st Avenue & Marcella
Code: N/A
Parcel: 8A
Page: 1 of 3

THIS INDENTURE WITNESSETH, That PK Properties, LLC an Indiana Limited Liability company, the Grantor(s) of Lake County, Indiana Convey(s) and Warrant(s) to the **CITY OF HOBART, INDIANA**, the Grantee, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, a non-exclusive perpetual easement including but limited to road Easement and utility facilities Easement in, on, through, above and below and across certain Real Estate situated in County of Lake, State of Indiana, and being more particularly described in the legal description(s) attached hereto as Exhibit "A" and depicted upon the Right of Way Parcel Plat attached hereto as Exhibit "B", both of which are incorporated herein by reference, for the purpose of the construction, reconstruction, installation, maintenance, operation and repair thereupon of drainage facilities, and appurtenances thereto, which said appurtenances may include but are not limited to, storm facilities, ditches and drainage facilities, slopes, rip rap, culverts, and like features necessary for the said highway and utility facilities.

This conveyance is subject to any and all easements, conditions and restrictions of record.

FILED

OCT 06 2023

Interests in land acquired by the City of Hobart, Indiana
Grantee Tax & mailing address:
414 Main Street
Hobart, IN 46342
I.C. 8-23-7-31

PEGGY HOLINGA KATONA
LAKE COUNTY AUDITOR

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6683
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Grantee, its employees, agents, contractors, subcontractors and assigns shall have the right to enter in, under, over, along and upon the area of the said Easement conveyed herein at will to construct, reconstruct, maintain, and continue to operate the easement facility and appurtenances thereon and to remove from the said area any encroaching trees or other vegetation, buildings or other obstructions to the free and unobstructed use of the said Easement, and to make such alteration and improvements to the highway facility and appurtenances as the Grantee may deem necessary or useful. The Grantee may also, without further permission of the Grantor(s) or the Grantor(s) successors in title, bargain, convey or otherwise permit the use and/or occupancy of the area of the said Easement to place, repair or maintain utility facilities.

Grantor(s) and their successors in title, covenant(s) and agree(s) not to erect, maintain or allow to continue within the area of the said Easement any building, structure, fence, plantings or other obstruction to the Grantee's free and unobstructed use of the said Easement, highway facilities or appurtenances thereto without the prior express written permission of the Grantee. Such permission shall not be effective unless and until recorded.

Grantor(s) warrant(s) that he is the owner(s) in fee simple of said Real Estate, lawfully seized thereof and has a good right to grant and convey the foregoing easement; warrant(s) the quiet use and enjoyment thereof; warrant(s) that said Real Estate is free from all encumbrances inconsistent with the Grant contained herein; and warrant(s) that he will defend Grantee's title in said easement and Easement against all claims. This easement and Easement granted herein, and its associated benefits and obligations shall run with said Real Estate. This indenture shall bind and inure to the benefit of the successors and assigns of the Grantee.

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IN WITNESS WHEREOF, the said Grantor(s) has executed this instrument
this 18th day of September, 2023.

PK Properties, LLC an Indiana limited liability company


Signature

Phil Potocki, Manager
Printed Name

STATE OF INDIANA

SS:

COUNTY OF LAKE

Before me, a Notary Public in and for said State and County, personally appeared Phil Potocki, manager of PK Properties, LLC, the Grantor(s) in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be his voluntary act and deed and who, being sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this 18th day of September, 2023.


Signature

Karl E. Hand
Printed Name

My Commission expires 11-10-2025

I am a resident of Lake County.

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

This instrument prepared by: Nicolas Harris, Attorney for Plaintiff
David W. Westland, Westland & Bennett P.C.
2929 Carlson Drive, Suite 300
Hammond, IN 46323

Grantee's mailing and tax bill address:

414 Main Street
Hobart, IN 46342

Legal Description prepared by Butler, Fairman & Seufert, INC

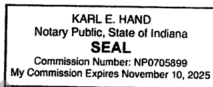


EXHIBIT "A"

Sheet 1 of 1

Project: 1902707
61st Ave. at Marcella Blvd.
Parcel: 8A Perpetual Drainage Easement
Parcel ID: 45-12-02-352-007.000-018

A part of Lot 1 in Omega Plaza, a subdivision in the Southwest Quarter of the Southwest Quarter of Section 2, Township 35 North, Range 8 West, Lake County, Indiana, the plat of which subdivision is recorded in Plat Book 86, page 57, and a Certificate of Correction recorded in Instrument 99053962, and being that part of the grantor's land lying within the perpetual easement lines depicted on the attached Right-of-Way Parcel Plat, marked Exhibit "B", described as follows: Beginning on the west line of said lot at a point North 00 degrees 11 minutes 42 seconds West (bearing based on the Location Control Route Survey Plat recorded in Instrument 2021-034177) 200.02 feet from the southwest corner of said lot, which point of beginning is designated as point "613" on said Parcel Plat; thence continuing thence North 00 degrees 11 minutes 42 seconds West 199.02 feet along the west line of said lot; thence North 89 degrees 51 minutes 43 seconds East 36.53 feet to point "621" designated on said Parcel Plat; thence South 00 degrees 08 minutes 17 seconds East 199.52 feet to a south line of said lot and point "614" designated on said Parcel Plat; thence North 89 degrees 21 minutes 11 seconds West 36.33 feet along the said south line to the point of beginning and containing 0.167 acres, more or less.



This description was prepared for the
City of Hobart, IN
on the 29th day of November, 2021

Kelly D. Marley
Kelly D. Marley
Indiana Registered Land Surveyor
License Number LS20400016



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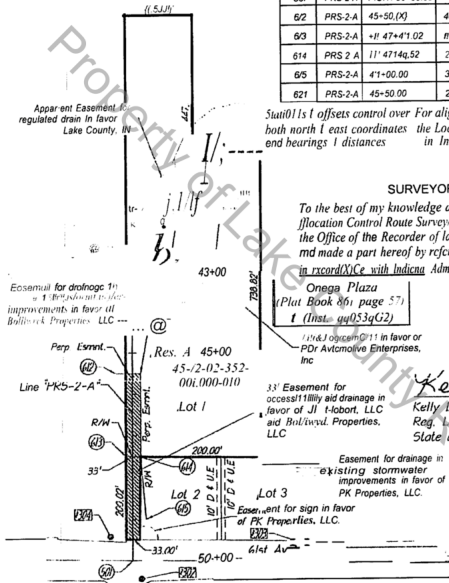
J(ql 50' 00" 2'
SCALE 1" = 200'

EXHIBIT "B" RIGHT-OF-WAY PARCEL PLAT

SHEET 1 OF 1

Prepared for the City of Hobart, IN
by US! consultants, Inc. (Job #2021-0245)

Parcel Coordinate Chart (feet)					
Point	Line	Station	Offset	Northing	Easting
500	PRS-2-A	P.O.T 41+00.00		42176.6620	80124.0041
501	PRS-2-A	P.O.T 50+00.00		412276.6620	80445.6123
62	PRS-2-A	45+50.00	40.00' RL	412276.5642	80884.6077
63	PRS-2-A	+11 47+41.02	11 16.33' RL	42527.8002	80946.7580
614	PRS 2 A	11' 4714q.52	20.00' LI	412527.8000	801A.5.0615
65	PRS-2-A	41+00.00	33.00' LI	412376.7412	801458.4512
621	PRS-2-A	45+50.00	20.00' LI	412276.7000	80444.6075



Station 11 offsets control over For alignments and points described in the Location Control Route Survey recorded in Instrument 2021-034/11 both north and east coordinates and bearings and distances in Instrument 2021-034/11

SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the Location Control Route Survey recorded in Instrument 2021-034/11 and 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).
Omega Plaza
(Plat Book 86, page 57)
I (Instr. 2021-034/11)

Kelly D. Marley
Kelly D. Marley Dated 11-29-2021
Reg. Land Surveyor No. LB20400016
State of Indiana



PARCEL: 8 OWNER: PK PROPERTIES, LLC
PROJECT: 1902101
ROAD: 61st Ave.
COUNTY: Lake
SECTION: 2
TOWNSHIP: 35 N.
RANGE: 8 N.



DRAWN BY: K.T. SOLLARS 11-15-2021
CHECKED BY: K.D. MARLEY 11-29-2021
DES. NO.: 1902107

INSTR. m4015673 , DATED 11-01-2024

DIMENSIONS SHOWN ARE FROM THE ABOVE LISTED RECORD DOCUMENTS