

DEED DRAWER

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CARD 7725

1999R00021922

06-30-1999 2:38 PM

RECORDING FEE: 0.00  
PAGES: 5

**GRANT OF PUBLIC RIGHT-OF-WAY**

THIS INDENTURE WITNESSETH THAT, **SOUTHERN INDIANA PROPERTIES, INC.**, an Indiana corporation of Vanderburgh County, State of Indiana, (hereinafter "SIPI") for itself, its successors and assigns, does hereby quitclaim, grant and convey (subject to the terms, conditions, and limitations hereinafter set forth) to **VANDERBURGH COUNTY**, a political subdivision of the State of Indiana, a permanent easement for a public right-of-way in and over the following described real estate in Vanderburgh County, Indiana, to-wit:

Part of the Northwest Quarter of Section 5, Township 5 South, Range 10 West in Vanderburgh County, Indiana, and more particularly described as follows:

Commencing at the Southeast corner of said Quarter section; thence along the south line thereof and along the north line of a tract of land conveyed to Matrixx Group, Inc. in Deed Drawer 11, Card 119 in the office of the Recorder of Vanderburgh County, Indiana, North 89 degrees 47 minutes 27 seconds West 127.20 feet to a point on the West 90 foot right-of-way line of US 41, said point being the true point of beginning; thence continue along the south line of said Quarter section and the north line of said Matrixx tract North 89 degrees 47 minutes 27 seconds West 90.00 feet to a point located 90 feet west of and perpendicular to said west right-of-way line of US 41; thence parallel with and 90 feet west of the west right-of-way line of US 41, North 00 degrees 08 minutes 00 seconds East 348.03 feet; thence continue parallel with said west right-of-way line of US 41, North 05 degrees 41 minutes 35 seconds West 98.51 feet; thence continue parallel with said west right-of-way line of US 41, North 00 degrees 08 minutes 00 seconds East 929.14 feet to a point on the north line of the Southeast Quarter of the Northwest Quarter of said section; thence along the north line of said Quarter Section South 89 degrees 41 minutes 05 seconds East 5.00 feet to a point located 90 feet west of and perpendicular to the west right-of-way line of US 41; thence parallel with and 90 feet west of the west right-of-way line of US 41, North 00 degrees 08 minutes 00 seconds East 132.18 feet to a point on the south line of a tract of land conveyed to Gruma Corporation, d/b/a Azteca Milling Co. in Deed Drawer 10, Card 5977, in the office of said Recorder; thence along the south line of said Azteca tract South 89 degrees 55 minutes 43 seconds East 90.00 feet to a point on the west 95 foot right-of-way line of US 41; thence along

JULY ENTERED FOR TAXATION SUBJECT  
TO FINAL ACCEPTANCE FOR TRANSFER.

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*Suzanne M. Conner*  
AUDITOR

said right-of-way line South 00 degrees 08 minutes 00 seconds West 132.57 feet to a point on the north line of the Southeast Quarter of the Northwest Quarter of said section; thence along the north line of said Quarter Quarter Section and along the west right-of-way line of US 41, North 89 degrees 41 minutes 05 seconds West 5.00 feet to a point on the west 100 foot right-of-way line of US 41; thence along said west right-of-way line South 00 degrees 08 minutes 00 seconds West 924.27 feet; thence continue along the west right-of-way line of US 41, South 05 degrees 41 minutes 35 seconds East 98.51 feet to a point on the west 90 foot right-of-way line of US 41; thence along said west right-of-way line South 00 degrees 08 minutes 00 seconds West 352.73 feet to the true point of beginning and containing 135,717 square feet (3.116 acres).

Subject to the Limited Access Rights for US 41, along the entire east side of the above described parcel as recorded in Deed Book 683, Page 465 in the office of said Recorder.

Also, subject to a 25 foot sanitary sewer easement in favor of the City of Evansville, along the entire east side of the above described parcel as recorded in Deed Book 622, Page 453 and Deed Book 669, page 122 in the office of said Recorder

Also, subject to an additional 15-foot sanitary sewer easement in favor of the City of Evansville, which lies west of and adjacent to the west line of the two previously described 25 foot sanitary sewer easements as recorded in Deed Drawer 1, Card 59 and Deed Draw 1, Card 60 in the office of said Recorder.

Also, subject to all other easements and rights-of-way of record.

The Public Right-of-Way in the foregoing described real estate is hereinafter referred to as the "Easement Real Estate."

This Grant of Public Right-of-Way is made on the express condition that the Easement Real Estate shall be used only for the construction, maintenance, and improvement of a public roadway, and that Vanderburgh County shall never sell or convey to other parties any of their rights or interests in the Easement Real Estate .

This indenture shall be binding until specifically vacated by legally constituted authority. Upon such vacation, in whole or in part, the portion thereof so vacated shall revert to the owner of the fee simple title thereof, subject to the rights of public utilities having facilities within the Easement Real Estate and all other rights thereto pertaining of record.

SIPI reserves unto itself, its successors and assigns, the rights of ingress and egress along, over, and upon the Easement Real Estate to and from the real estate now owned by SIPI and contiguous thereto as described in Deed Drawer 11, Card 119, and Deed Drawer 3, Card 10039, in

the office of the Recorder of Vanderburgh County, Indiana, and all other real estate which SIPI may now or hereafter own in or contiguous to the Northwest quarter of Section 5, Township 5 South, Range 10 West in Vanderburgh County, Indiana. SIPI further reserves the right to place, or grant to others the right to place, utilities and utility facilities in, upon, over and through the Easement Real Estate, so long as such utilities and utility facilities do not interfere with the Easement Real Estate as a public right-of-way, or result in any cost or expense to Vanderburgh County.

Vanderburgh County agrees that SIPI shall not be required to improve the Easement Real Estate. This grant and conveyance is made on the express condition that Vanderburgh County shall undertake to improve and maintain a public thoroughfare within the boundaries of the real estate from general tax revenues, and no part of such improvement and maintenance shall be assessed against any property abutting the Easement Real Estate.

This Grant of Public Right-of-Way is made without warranty and is subject to all existing mortgages; leases; easements; rights-of-way; public roadways; restrictions; covenants; conditions; prior leases, conveyances or reservations of the oil, gas, coal, or other minerals of whatsoever kind or nature; municipal, city, county and state zoning laws, and other resolutions, ordinances, regulations, and restrictions, including statutes applicable to or enforceable against the Easement Real Estate and all other matters of record.

This Grant of Public Right-of-Way is made subject to all rights of Southern Indiana Gas and Electric Company in, over, under and to the Easement Real Estate, including without limitation to the foregoing, all easements or rights-of-way whether or not of public record and Vanderburgh County, its successors and assigns shall not interfere with any rights or privileged of Southern Indiana Gas and Electric Company in or to the Easement Real Estate.

Vanderburgh County agrees that the Easement Real Estate shall not be assessed for real property taxes for so long as held as a public right-of-way.

Vanderburgh County, by acceptance of this Grant of Public Right-of-Way agrees to be responsible for the release, relocation, restructure or movement of existing public utility facilities or other equipment or structures, but none other, necessitated by reason of the construction of any public roadway or facilities associated therewith within the easement or right-of-way granted hereby. Vanderburgh County further agrees to defend, indemnify, and hold SIPI, its successors and assigns, harmless from all actions, causes of action, claims or demands of whatsoever kind or nature arising from or in any way associated with this Grant of Public Right-of-Way and the construction of the roadway or any facilities associated therewith.

The last deed of record for the real estate in which this easement for public right-of-way is granted is recorded in Deed Drawer 3, Card 5977 and Deed Drawer 3, Card 10039.

IN WITNESS WHEREOF, SIPI has executed this Grant of Public Right-of-Way this  
25<sup>th</sup> day of June, 1999.

**SOUTHERN INDIANA PROPERTIES, INC.**

BY: *Glenn Jungen*  
ITS: President

STATE OF INDIANA                     )  
   )     SS:  
COUNTY OF VANDERBURGH         )

Before me, the undersigned, a Notary Public within and for said County and State, came **SOUTHERN INDIANA PROPERTIES, INC.**, by Glenn Jungen, its President, who, as such officer for and on behalf of said corporation, acknowledged the execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this 25<sup>th</sup> day of June, 1999.

My County of Residence is  
Vanderburgh County,  
State of Indiana, and  
My Commission Expires:  
March 2, 2000

*Debra A. Somers*  
Notary Public

*Debra A. Somers*  
(Printed)

**(ACCEPTANCE AND PREPARATION CLAUSE NEXT PAGE)**

**ACCEPTANCE OF GRANT OF PUBLIC RIGHT-OF-WAY**

The foregoing Grant of Public Right-of-Way and the terms, obligations, limitations and conditions thereof are accepted by Vanderburgh County, Indiana, this 28<sup>th</sup> day of June, 1999.

VANDERBURGH COUNTY, INDIANA

By: Betty Lou Ferrel  
Betty Lou Ferrel  
Richard Mourdock  
Richard Mourdock  
Pat Tulley  
Pat Tulley

Approved:

Joseph H. Harrison, Jr.  
Joseph H. Harrison, Jr.  
Vanderburgh County Attorney

THIS INSTRUMENT prepared by S. Brent Almon, Bamberger, Foreman, Oswald & Hahn, LLP,  
P.O. Box 657, Evansville, Indiana 47704.

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