

Planning Department

166 Lincolnway Valparaiso, IN 46383 Phone: (219) 462-1161 Fax: (219) 464-4273

www.valpo.us

AGENDA

VALPARAISO PLAN COMMISSION

Tuesday - November 12th, 2019

7:00 PM - Valparaiso City Hall, 166 Lincolnway

- I. Pledge of Allegiance
- II. Roll Call
- III. Minutes of the September 10th, 2019 Meeting
- IV. Old Business
- V. New Business

SP19-002 - A petition filed by UHV, LLC c/o Todd A. Leeth, Hoeppner Wagner & Evans LLP, 103 E. Lincolnway, Valparaiso, IN o46383. The petitioner requests approval of a secondary plat of the Resubdivision of Lot 2 of Family Express Subdivision.

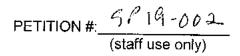
PP19-003 - A public hearing on a petition filed by Downtown Valparaiso Partners LLC c/o Todd A. Leeth, Hoeppner Wagner & Evans LLP, 103 E. Lincolnway, Valparaiso, IN 46383. The petitioner requests approval of a primary plat for a sixteen (16) lot subdivision to be known as Calkin's Hill.

PP19-004 - A public hearing on a petition filed by IRC Valparaiso Walk, LLC c/o Pam Sullins, 814 Commerce Drive, Suite 300, Oak Brook, IL 60523. The petitioner requests approval of a primary plat for a four (4) lot subdivision to be known as Valparaiso Walk Shopping Center.

VI. Adjournment

NEXT REGULAR PLAN COMMISSION MEETING: DECEMBER 10^{TH} , 2019 - 7:00 PM – VALPARAISO CITY HALL 166 LINCOLNWAY

**Requests for alternate formats please contact Tyler Kent at tkent@valpo.us or 219-462-1161. **





OCT 18 2019

VALPARAISO PLAN COMMISSION PETITION FOR PUBLIC HEARING

Sharon Green Suchant

PETITION FOR PUBLIC HEARING

Clerk-Treasurer

L # 49033

The undersigned applicant respectfully petitions the City of Valparaiso Plan Commission: 86 # 101305

CHECK ALL THAT APPLY) PUBLIC HEARING REQUIRED – See Items #8 and #9 in Application Checklist	•	, ,		and a real of the minimum of the	-60
	(CHECK ALL THAT APPLY)				
To approve a Primary Plat To approve a Major Planned Unit Development (PUD) To approve a Major Planned Unit Development Amendment To annex property into the City of Valparaiso, Indiana – Checklist item #10 To vacate alley To appeal the decision of the Plat Committee NO PUBLIC HEARING REQUIRED To approve a Minor Subdivision (Lot Split) X. To approve a Final Plat	PUBLIC HEARING REQUIRED	D – See Items #8 a	and #9 in Applicati	on Checklist	
To approve a Minor Subdivision (Lot Split) X. To approve a Final Plat To approve a Plat Amendment Design/Architectural Approval inOverlay District Please provide the following information: (print or type) UHV LLC (brint or type) UHV LLC	To approve a Primary PlaiTo approve a Planned UniTo approve a Major PlannTo annex property into theTo vacate alley	t it Development (Pt led Unit Developm e City of Valparaiso	UD) ent Amendment o, Indiana – Checl		
X_To approve a Final PlatTo approve a Plat AmendmentDesign/Architectural Approval inOverlay District Please provide the following information: (print or type) UHV LLC c/o Todd A. Leeth Hoeppner Wagner & Evans LLP 103 E. Lincolnway Valparaiso, Indiana 46383 Owner of property Address Phone Todd A Leeth Contact person Phone Email Applicant is (check one): _X_Sole OwnerJoint OwnerTenant Agent Other Same as Owner Petitioner Address Phone Address or description of location of property: _2502 Cumberland Drive, _Valparaiso, Indiana	NO PUBLIC HEARING REQUI	RED			
(print or type) UHV LLC c/o Todd A. Leeth Hoeppner Wagner & Evans LLP 103 E. Lincolnway Valparaiso, Indiana 46383 Owner of property Address Phone Todd A Leeth Contact person Phone Applicant is (check one): _X_Sole OwnerJoint OwnerTenant Agent Other Same as Owner Petitioner Address or description of location of property: _2502 Cumberland Drive, _Valparaiso, Indiana 16383	X To approve a Final Plat To approve a Plat Amendr	ment		Overlay District	
Owner of property Address Phone Todd A Leeth Contact person Phone Email Applicant is (check one): _X_Sole OwnerJoint OwnerTenant Agent Other Same as Owner Petitioner Address Phone Address or description of location of property: _2502 Cumberland Drive, Valparaiso, Indiana 16383	(print or type) UHV LLC c/o Todd A. Leeth Hoeppner Wagner & Evans LLF 103 E. Lincolnway			210 464 4061	
Contact person Phone Email Applicant is (check one): X_Sole OwnerJoint OwnerTenantAgentOther Same as Owner Petitioner Address Phone Address or description of location of property: 2502 Cumberland Drive, Valparaiso, Indiana 146383	Owner of property	Address	······································		—
Applicant is (check one): X_Sole OwnerJoint OwnerTenantAgentOther Same as Owner Petitioner Address Phone Address or description of location of property: 2502 Cumberland Drive, Valparaiso, Indiana 16383	Todd A Leeth		tle	eth@hwelaw.com	
Petitioner Address Phone Address or description of location of property: 2502 Cumberland Drive, Valparaiso, Indiana	Contact person	Phone			
Petitioner Address Phone Address or description of location of property: 2502 Cumberland Drive, Valparaiso, Indiana		ole OwnerJoint (OwnerTenant	Agent Other	
Address or description of location of property: 2502 Cumberland Drive, Valparaiso, Indiana	same as Owner				
10000	Petitioner	Address		Phone	
	10303			l Drive, Valparaiso, In	<u>diana</u>

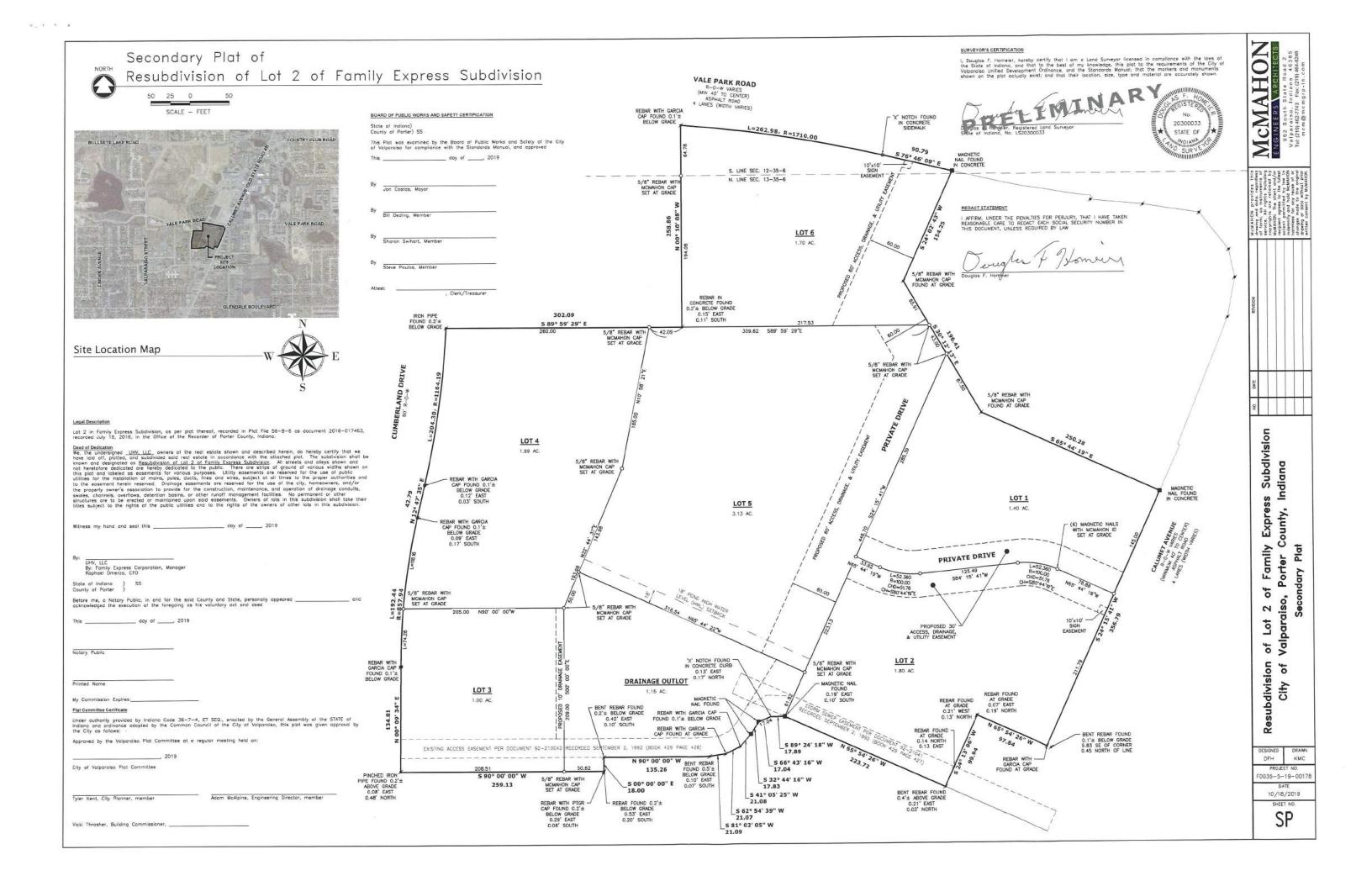
Last updated 1/09/18

Subdivision (if Applicable) Resubdivision of Lot 2 in the Family Express Subdivision
This property is located on the <u>East</u> side of <u>Cumberland Dr.</u> Street/Road
between (streets) Vale Park Rd. and Wall Street
Current Zoning of Property Commercial General (CG) District Proposed Zoning of Property
Zoning of Adjacent Properties: North - CG-Commercial, General and UR-Urban Residential South – CG – Commercial, General East – CG-Commercial, General West – BP – Business Park Other
Other information:
Dimensions of property: Frontage Irregular Depth
Property Area (sq. ft./acres) 12.6 Acres
Present use of property:
Vacant
Proposed use of property:
Unknown
Proposed Variances or Waivers (PUD or Subdivision Plats)
Legal description for property: (Exhibit #)
Lot 2 in the Family Express Subdivision as per plat there of recorded as Plat File 56-B-6 as Document Number 2016-017463 in the Office of the Recorder of Porter County, Indiana.

ALL OWNERS OF RECORD OF THE ABOVE-REFERENCED PROPERTY MUST SIGN THE PETITION FOR PUBLIC HEARING. The owner(s), by signing this Petition for Public Hearing, represent to the City of Valparaiso – Plan Commission, that he/she/it has the necessary legal authority to request action to be taken on the above-referenced property. If the name of the Petitioner is different from the property owner, the Plan Commission shall accept the requests and representations of the Petitioner and the property owner shall be bound by such requests and representations via the Attached Affidavit of Consent of Property Owner.

PETITION FEES (CHECK ALL THAT APPL	_Y)
Rezoning: Subdivision Primary Plat: Subdivision Amendment Planned Unit Development (PUD): Major PUD Amendment Minor Subdivision (Lot Split) X Subdivision Final Plat Minor PUD Amendment Annexation: Design/Architectural Approval Overlay District Special Meeting Fee Text Amendment Comprehensive Plan Amendment Vacation Plat Committee Appeal	\$150 \$150 + \$10 per lot Lots X \$10 = \$100 + \$5 per lot Lots X \$5 = \$500 + \$10 per lot Lots X \$10 = \$250 + \$5 per lot Lots X \$5 = \$150 \$100 + \$5 per lot6 Lots X \$5 = \$130.00 \$150 \$500 + Cost of Fiscal Plan*** \$150 \$250 \$250 \$250 \$250 \$250 \$200
TOTAL FEE _\$	
approved by the Planning Department. The preparation of the fiscal plan. The fiscal plan	cal plans be prepared by a municipal advisor firm applicant is solely responsible for the cost of the n must be submitted together with the applicant's nust comply with the requirements of Ind. Code § 36-
Todd A. Leeth, Attorney for Petitioner	
Printed name	-
Subscribed and sworn to before me this Notary Public	KIMBERLY S. WERNER Notary Public, State of Indiana Laporte County Commission # 685608 Accommission Expires
My Commission Expires:	May 20, 2024

STAFF USE ONLY	
Date received:	
Names and addresses of property ownersPlot Plan attachedLegal Description providedPetition filled out completely	within 300 feet provided
Date approved for public hearing: Date legal notice mailed: Date property owner notices mailed: Additional information:	Date of public hearing: Date to be published:



PETITION #: 60 10 - 603
(staff use only)



OCT 1 8 2019

VALPARAISO PLAN COMMISSION PETITION FOR PUBLIC HEARING

The undersigned applica	nt respectfully petitions the City	of Valparaiso Plantommission
(CHECK ALL THAT APP	LY)	Clerk-Treasu
PUBLIC HEARING REQ	UIRED – See Items #8 and #9 i	in Application Checklist
X To approve a Prima To approve a Planno To approve a Major To annex property ir To vacate alley	erty from thezoning dis ry Plat ed Unit Development (PUD) Planned Unit Development Am- nto the City of Valparaiso, Indian on of the Plat Committee	endment
NO PUBLIC HEARING R	EQUIRED	
To approve a MinorTo approve a Final PTo approve a Plat AiDesign/Architectural	lat	Overlay District
Please provide the followi (print or type) Downtown Valparaiso Par c/o Todd A. Leeth Hoeppner Wagner & Evar 103 E. Lincolnway Valparaiso, Indiana 46383	rtners LLC	
		219-464-4961
Owner of property	Address	Phone
Todd A Leeth		
Contact person	Phone	tleeth@hwelaw.com
•	X Sole OwnerJoint Owner	EmailTenant Agent Other
Petitioner	Address	Phone
Address or description of I Parcel/Tax Duplicate Num	ocation of property: <u>303 Jeffers</u> ber: <u>64-09-24-337-001.000-00</u>	on St. & 308 Chicago Street 14 and 64-09-24-337.003.000-004
Subdivision (if Applicable) Last updated 1/09/18	Calkins' Hill	· · · · · · · · · · · · · · · · · · ·

This property is located on the <u>East</u> side of Street/Road <u>Morgan Blvd.</u>
between (streets) Jefferson Street and Chicago Street
Current Zoning of Property Residential Transition (RT) Zoning District Proposed Zoning of Property
Zoning of Adjacent Properties: North – NC 60-Neighborhood Conservation South – CBD – Central Business District East – NC 60-Neighborhood Conservation West – CBD – Central Business District Other
Other information:
Dimensions of property: Frontage Irregular Depth
Property Area (sq. ft./acres) Approximately 1.1 acres
Present use of property: Vacant
Proposed use of property:
Single family home and duplex structures creating a subdivision
Proposed Variances or Waivers (PUD or Subdivision Plats)
Legal description for property: (Exhibit #) See Attached

ALL OWNERS OF RECORD OF THE ABOVE-REFERENCED PROPERTY MUST SIGN THE PETITION FOR PUBLIC HEARING. The owner(s), by signing this Petition for Public Hearing, represent to the City of Valparaiso – Plan Commission, that he/she/it has the necessary legal Last updated 1/09/18

authority to request action to be taken on the above-referenced property. If the name of the Petitioner is different from the property owner, the Plan Commission shall accept the requests and representations of the Petitioner and the property owner shall be bound by such requests and representations via the Attached Affidavit of Consent of Property Owner.

PETITION FEES (CHECK ALL THAT APPLY)

Rezoning: X Subdivision Primary Plat: Subdivision Amendment Planned Unit Development (PUD): Major PUD Amendment Minor Subdivision (Lot Split) Subdivision Final Plat Minor PUD Amendment Annexation: Design/Architectural Approval Overlay District	\$150 \$150 + \$10 per lot 14 Lots X \$10 = 290. 00 \$100 + \$5 per lot Lots X \$5 = \$500 + \$10 per lot Lots X \$10 = \$250 + \$5 per lot Lots X \$5 = \$150 \$100 + \$5 per lot Lots X \$5 = \$ \$150 \$500 + Cost of Fiscal Plan***
Special Meeting Fee	\$1500
Text Amendment	\$250
Comprehensive Plan Amendment	\$250
Vacation	\$100
Plat Committee Appeal	\$200
preparation of the fiscal plan. The fiscal plan	cal plans be prepared by a municipal advisor firm applicant is solely responsible for the cost of the must be submitted together with the applicant's lust comply with the requirements of Ind. Code § 36-
ladel C. IN	10/15/19
Signature of owner/Petitioner	
Todd A. Leeth, Attorney for Petitioner Printed name	
Subscribed and sworn to before me this Notary Public	KIMBERLY S. WERNER Notary Public, State of Indiana Laporte County Commission # 685608
My Commission Expires:	May 20, 2024

STAFF USE ONLY	
Date received:	-
Names and addresses of property owPlot Plan attachedLegal Description providedPetition filled out completely	vners within 300 feet provided
Date approved for public hearing: Date legal notice mailed: Date property owner notices mailed: Additional information:	Date of public hearing: Date to be published:

205 Jefferson LLC	301 Lincolnway LLC	Terry L Abner
205 Jefferson St	1933 S Dearborn St	401 E Lincolnway
Valparaiso IN 46383	Chicago IL 60616	Valparaiso IN 46383
Sandra Antolick	Michael A & Jane E Bianco	Gail A Bickel Living Trust Lif Est
103 Morgan Blvd	201 Jefferson St	206 Erie St
Valparaiso IN 46383	Valparaiso IN 46383	Valparaiso IN 46383
Kostis Christodoulakis Living Trust	Colin Cogan	Joseph M Corrado
217 E Lincolnway	5915 Emerald Pointe Dr	305 Chicago St
Valparaiso IN 46383	Plainfield IL 60586	Valparaiso IN 46383
Manuel & Maria Del Real	Shawn & Emily Dickt	Michael R Dohner
205 Valparaiso St	306 Erie St	402 Jefferson St
Valparaiso IN 46383	Valparaiso IN 46383	Valparaiso IN 46383
Dennis J & Sherese M Enright	Donald J Ii & Kathleen V Evans	Aaron S & Niemeyer Katelyn Fletcher
106 Michigan Ave	208 Chicago St	405 Chicago St
Valparaiso IN 46383	Valparaiso IN 46383	Valparaiso IN 46383
Keith S & Charlotte L Friedlund	Good Rentals LLC	Ruth M Hall & Berner Karl W
205 Locust St	424 Lane St	105 Locust St
Valparaiso IN 46383	North Judson IN 46366	Valparaiso IN 46383
Homevolve LLC	Edward G & Holly L Howe	Freddy & Mary J Jaime
1 Oxford Ct	402 Chicago St	202 Michigan Ave
Branchburg NJ 08876	Valparaiso IN 46383	Valparaiso IN 46383
Larry S & Kim Kathleen Mari Jarrett	Jefferson Financial Center LLC	JM2 Webdesigners LLC
434 N 325 E	2655 Lois	609-2 N 70 E
Valparaiso IN 46383	Valparaiso IN 46385	Valparaiso IN 46383
Charles J Kieman	Andrew R & Veronica L Klemp	Frederick L & Eva B Koselke
207 Morgan Blvd	408 Chicago St	206 Chicago St
Valparaiso IN 46383	Valparaiso IN 46383	Valparaiso IN 46383
Todd A Kuruda	Katherine M & Leath Jill A Leath	Kevin M & Lauren E Loughery
308 Jefferson St	406 Erie St	403 Chicago St
Valparaiso IN 46383	Valparaiso IN 46383	Valparaiso IN 46383

Joseph C & Hay Sean M Markovich	Jeremy R & Debra J Nelson	Christopher Ochmanek
205 Chicago St	PO Box 1476	308 Erie St
Valparaiso IN 46383	Valparaiso IN 46384	Valparaiso IN 46383
One D Girl LLC	Jeffery D Osterhout	Susan A Parker
204 E Jefferson St	303 Chicago St	404 Chicago St
Valparaiso IN 46383	Valparaiso IN 46383	Valparaiso IN 46383
Kathleen A Pivarnik	Phoebe P Pollack	Ronald & Susan Raab
361 S 100 W	6 Morgan Blvd	208 Erie St
Valparaiso IN 46385	Valparaiso IN 46383	Valparaiso IN 46383
Thomas J & Randall R Raynor	Wanda L Rice	Cody R & Andrea Richart
387 15th St W #136	408 Jefferson St	401 Chicago St
Dickinson ND 58601	Valparaiso IN 46383	Valparaiso IN 46383
Fahey Wayne & Mary H Riley	Jeremy Robinson	Spencer A Schafer
406 Jefferson S	307 Lincolnway	404 Erie St
t Valparaiso IN 46383	Valparaiso IN 46383	Valparaiso IN 46383
Rocco & Brooksine I Schiralli	Daniel J Schulz	Karen Shaw
104 Michigan Ave	407 Jefferson St	1005 Calumet Ave
Valparaiso IN 46383	Valparaiso IN 46383	Valparaiso IN 46383
Sky Blue Properties LLC	Brooke K Smith	Jesse & Melissa Holmes-Smith Smith
701 Elmhurst Ave	925 Beechwood Dr	401 Jefferson St
Valparaiso IN 46385	Valparaiso IN 46383	Valparaiso IN 46383
Hector R & Kristi R Soto	Amy Stanley	Lynne E Sundwall
406 Chicago St	405 Jefferson St	404 Jefferson St
Valparaiso IN 46383	Valparaiso IN 46383	Valparaiso IN 46383
Talking Numbers LLC	The VIC LLC	Cory J Upton
203 Jefferson St	111 W Taylor St Ofc	606 N Morgan
Valparaiso IN 46383	Chesterton IN 46304	Valparaiso IN 46383
Valparaiso City Of	Viers Personal Trust& Nimtz Thomas	Nola J Wegman
166 Lincolnway	8 Morgan Blvd	304 Erie St
Valparaiso IN 46383	Valparaiso IN 46383	Valparaiso IN 46383

Matthew J & Erin E Wells 206 Morgan Blvd Valparaiso IN 46383 Winter Acquisitions LLC 888 N 1st Ave Apt 515 Phoenix AZ 85003 Jayne M Yohe 203 Morgan Blvd Valparaiso IN 46383 **DESCRIPTION:** (Chicago Title Insurance Company File No.: T8V16002472, Effective Date: December 22, 2017)

PARCEL 1: A PARCEL OF LAND IN OUT LOT TWO IN THE ORIGINAL ADDITION OF OUT LOTS TO THE TOWN, NOW CITY, OF VALPARAISO, DESCRIBED AS: COMMENCING AT A POINT 33 FEET SOUTH OF THE NORTHWEST CORNER OF SAID OUT LOT AS SHOWN ON PLAT, SAID POINT OF COMMENCEMENT BEING THE INTERSECTION OF THE EAST LINE OF MORGAN BOULEVARD AND THE SOUTH LINE OF CHICAGO STREET IN SAID CITY OF VALPARAISO; THENCE EAST 130.02 FEET TO A POINT 84.48 FEET WEST OF THE EAST LINE OF SAID OUT LOT 2; THENCE SOUTH 65 FEET; THENCE SOUTH 45 DEGREES 43 MINUTES EAST, 27.21 FEET; THENCE EAST 65 FEET TO THE EAST LINE OF SAID OUT LOT, BEING THE WEST LINE OF VALPARAISO STREET THENCE SOUTH 114.75 FEET; THENCE WEST 84.48 FEET; THENCE SOUTH 81.75 FEET TO THE NORTH LINE OF JEFFERSON STREET; THENCE WEST 75.02 FEET; THENCE NORTH 100 FEET THENCE WEST 55 FEET TO THE EAST LINE OF MORGAN BOULEVARD; THENCE NORTH 180.50 FEET TO THE POINT OF COMMENCEMENT, AS PER PLAT THEREOF; RECORDED IN DEED RECORD "A". PAGE 621, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA.

PARCEL 2: COMMENCING AT A POINT 11 RODS AND 15 FEET NORTH OF THE SOUTHEAST CORNER OF OUT LOT 2 OF THE ORIGINAL ADDITION OF OUT LOTS TO THE TOWN, NOW CITY. OF VALPARAISO, THENCE RUNNING WEST 65 FEET THENCE NORTHWESTERLY TO A POINT 13 RODS AND 1 FOOT NORTH AND 5 RODS AND 3 LINKS WEST OF THE SOUTHEAST CORNER OF SAID OUT LOT 2; THENCE NORTH TO THE SOUTH LINE OF CHICAGO STREET THENCE EAST 5 RODS AND 3 LINKS TO THE EAST LINE OF OUT LOT 2; THENCE SOUTH TO THE PLACE OF BEGINNING, AS PER PLAT THEREOF, RECORDED IN DEED RECORD "A", PAGE 621, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA.

SAID PARCELS 1 AND 2 ALSO DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN OUT LOT TWO IN THE ORIGINAL ADDITION TO OUT LOTS TO THE TOWN, NOW CITY, OF VALPARAISO, DESCRIBED AS BEGINNING AT A POINT 33 FEET SOUTH OF THE NORTHWEST CORNER OF SAID OUT LOTS AS SHOWN ON PLAT, SAID POINT OF BEGINNING BEING THE INTERSECTION OF THE EAST LINE OF MORGAN BOULEVARD AND THE SOUTH LINE OF CHICAGO STREET IN SAID CITY OF VALPARAISO; THENCE EAST 214.5 FEET ALONG THE SOUTH RIGHT-OF-WAY OF CHICAGO STREET TO THE EAST LINE OF OUT LOT TWO; THENCE SOUTH ALONG SAID EAST LINE OF OUT LOT TWO, A DISTANCE OF 198.75 FEET THENCE WEST 84.48 FEET; THENCE SOUTH 81.75 FEET TO THE NORTH LINE OF JEFFERSON STREET; THENCE WEST 75.02 FEET; THENCE NORTH 100 FEET; THENCE WEST 55 FEET OF THE EAST LINE OF MORGAN BOULEVARD; THENCE NORTH 180.5 FEET TO THE POINT OF BEGINNING, AS PER PLAT THEREOF; RECORDED IN DEED RECORD "A", PAGE 621, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA.

Chicago Street - 66' R/W 30' asphalt surface B,C, to B,C 2006 2279.4 S.F. 0.052 Ac. 2145,5 S.F. 0.049 Ac. 2145.6 S.F. 0.049 AL 2393.4 S.F. 0.055 Ac. Street - 33' .99 Valparaiso Morgan Blvd -2256,8 5,F. 0,052 Ac. 2223.0 S.F. 0.051 Ac. O.S.-1 10098.2 S.F. 0.232 Ac. COMMON SPACE, ACCESS, LITILITY & DRAINAGE EASEMEN 100 2173.6 S.F. 0.050 Ac. 2223.0 S.F. 0.051 Ac. 10' UTILITY EASEMENT ZONING: Residential 5240,1 S.F. 0.120 At. Transition (RT) District ZE BUILDING SETBACK LINE 2175.6 S.F. 0.050 Ac. N88°52'33"W 55.00" 5 BUILDING SETBACK LINE Thomas J. Raynor & Randall R. Raynor Rec. Inst. No. 97-22381 Survey by Peller dated June 17, 1957 ZONING: Residential ZONING: Residential Transition (RT) District #305 Jefferson Street - 66' R/W 31" asphalt surface B.C. to B.C. ONE WAY

Calkin's Hill

Part of Outlot 2, Original Town of Valparaiso City of Valparaiso, Center Township, Porter County, Indiana S.W. 1/4 Section 24, Township 35 North, Range 6 West

DESCRIPTION: (Chicago Title Insurance Company File No.: T8V16002472, Effective Date, December 22, 2017)

PARCEL 1: A PARCEL OF LAND IN OUT LOT TWO IN THE ORIGINAL ADDITION OF OUT LOTS TO THE PARCEL 1: A PARCEL OF LAND IN DUTLOT TWO IN THE ORIGINAL ADDITION OF OUT LOTS TO THE TOWN, NOW CITY, OF VALPARAISO, DESCRIBED AS COMMENCING AT A POINT 33 FEET SOUTH OF THE NORTHWEST CORNER OF SAID CUTLOT AS SHOWN ON PLAT, SAID POINT OF COMMENCEMENT BEING THE INTERSECTION OF THE EAST LINE OF SAID CUTLOT. AS SHOWN ON PLAT, SAID POINT OF COMMENCEMENT OF CHICAGO STREET IN SAID CITY OF VALPARAISO, THENCE EAST 130.02 FEET TO A POINT 84.48 FEET WEST OF THE EAST LINE OF SAID CUTLOTS. THENCE SOUTH 55 FEET, THENCE SOUTH 45 DEGREES AS MINUTES EAST, 27.21 FEET, THENCE EAST 85 FEET TO THE EAST LINE OF SAID OUT LOT, BEING THE WEST LINE OF VALPARAISO STREET THENCE SOUTH 114.75 FEET, THENCE WEST 44.6 FEET, THENCE SOUTH SITE OF SAID OUT LOT, BEING THENCE WORTH 10.75 FEET THENCE WEST 46.6 FEET, THENCE WEST 55.02 FEET. THENCE WORTH 10.75 FEET THENCE WEST 55.02 FEET. THENCE WORTH 10.75 FEET THENCE WEST 55.02 FEET. THENCE WORTH 10.75 FEET THENCE WEST 55.02 FEET. THENCE WEST 55.02 FEET. TO THE CAST LINE OF MORGAN BOULDARD, THENCE MORTH 10.75 FEET TO THE POINT OF COMMENCEMENT, AS PER PLAT THEREOF, RECORDED IN DEED RECORD TA', PAGE 621. IN THE OFFICE OF THE RECORDER OF PORTER COUNTY. INDIANA.

PARCEL 2: COMMENCING AT A POINT 11 RODS AND 15 FEET NORTH OF THE SOUTHEAST CORNER OF OUT LOT 2 OF THE ORIGINAL ADDITION OF DUT LOTS TO THE TOWN, NOW CITY, OF VALPARAISO, THENCE RUINNING WEST 65 FEET THENCE NORTH-MESTERLY TO A POINT 13 RODS AND 1 FOOT NORTH AND 5 RODS AND 3 LINKS WEST OF THE SOUTHEAST CORNER OF SAID OUT LOT 2 THENCE NORTH TO THE SOUTH UNE OF CHICAGO STREET THENCE EAST 5 RODS AND 3 LINKS 10 THE EAST LINE CF CUT LOT 2. THENCE SOUTH TO THE FLACE OF DEGINNING, AS PER PLAT THEREOE. RECORDED IN DEED RECORD "A", PAGE 521, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY.

SAID PARCELS 1 AND 2 ALSO DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN QUIT LOT TWO IN THE ORIGINAL ADDITION TO QUIT LOTS TO THE TOWN, NOW CITY OF VALPARAISO, DESCRIBED AS BEGINNING AT A POINT 3S FEET SOUTH OF THE NORTHWEST CORNER OF SAID QUIT LOTS AS SHOWN ON PLAT, SAID POINT OF BEGINNING BEING THE INTERSECTION OF THE EAST LINE OF MORGAN BOULEVARD AND THE SOUTH LINE OF CHICAGO STREET IN SAID CITY OF VALPARAISO, THENCE EAST 214.5 FEET ALONG THE SOUTH RIGHT-OF-WAY OF CHICAGO STREET OF THE EAST LINE OF QUIT LOT TWO. THENCE SOUTH ALONS SAID EAST LINE OF OUT LOT TWO. A DISTANCE OF 198.75 FEET THENCE WEST \$4.48 FEET, THENCE SOUTH 81.75 FEET TO THE NORTH LINE OF JEFFERSON STREET, THENCE WEST 75.02 FEET, THENCE NORTH 100 FEET, THENCE WEST 55 FEET OF THE EAST LINE OF MORGAN BOULEVARD, THENCE NORTH 180.5 FEET TO THE POINT OF BEGINNING, AS PER PLAT THEREOF, RECORDED IN DEED RECORD "A", PAGE 51. IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANAIN 621, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA

Surveyor

Marbach-Palm. Inc. 8888 E. U.S. Hwy. 20 New Carlisle, IN 46552 (547) 654-3450

Subdivider

Fangel Builders, LLC P.O. Box 1270 Batavia, IL 50510

Downtown Valparaise Partners, LLC 212 Uncolnway Valparaise. IN 46383

The boundary survey of this subdivision is shown on a ALTA/NSPS Land Title Survey by Marbach-Palm, Inc. with drawing number of A-42821.

The subject property lies within Zone X, area of minimal flood hazard, as shown on FEMA Flood Insurance Rate Map, Community Panel No. 18127C0210D, effective date 09/30/2015.

This project lies within the the Valparaiso Community School Corporation boundaries.

Zoning The lots in this subdivision will conform to Residential Transition (RT) District as outlined in the City of Valparaiso Unified Development Ordinance,

Development Standard Variances

Downtown Valparaiso Partners LLC Approved September 17, 2019

Linited and Special Use Standards Single - Farmly Attached - Bulk Code: 3-E Units Per Building Proposed: 2 Units Per Building

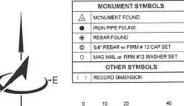
62.506(C)(3)

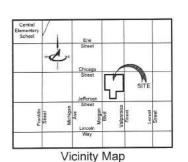
Table 3.501

Standard Development - Lot Size Bingle Family Attached 2,500 sq. ft. Varies - Mini

\$11,202 §3.301 and Table 3.301,A

Table 3.503







CADFILE

JOE NUMBER

10/16/2019



Preliminary Drawing - Not for Construction

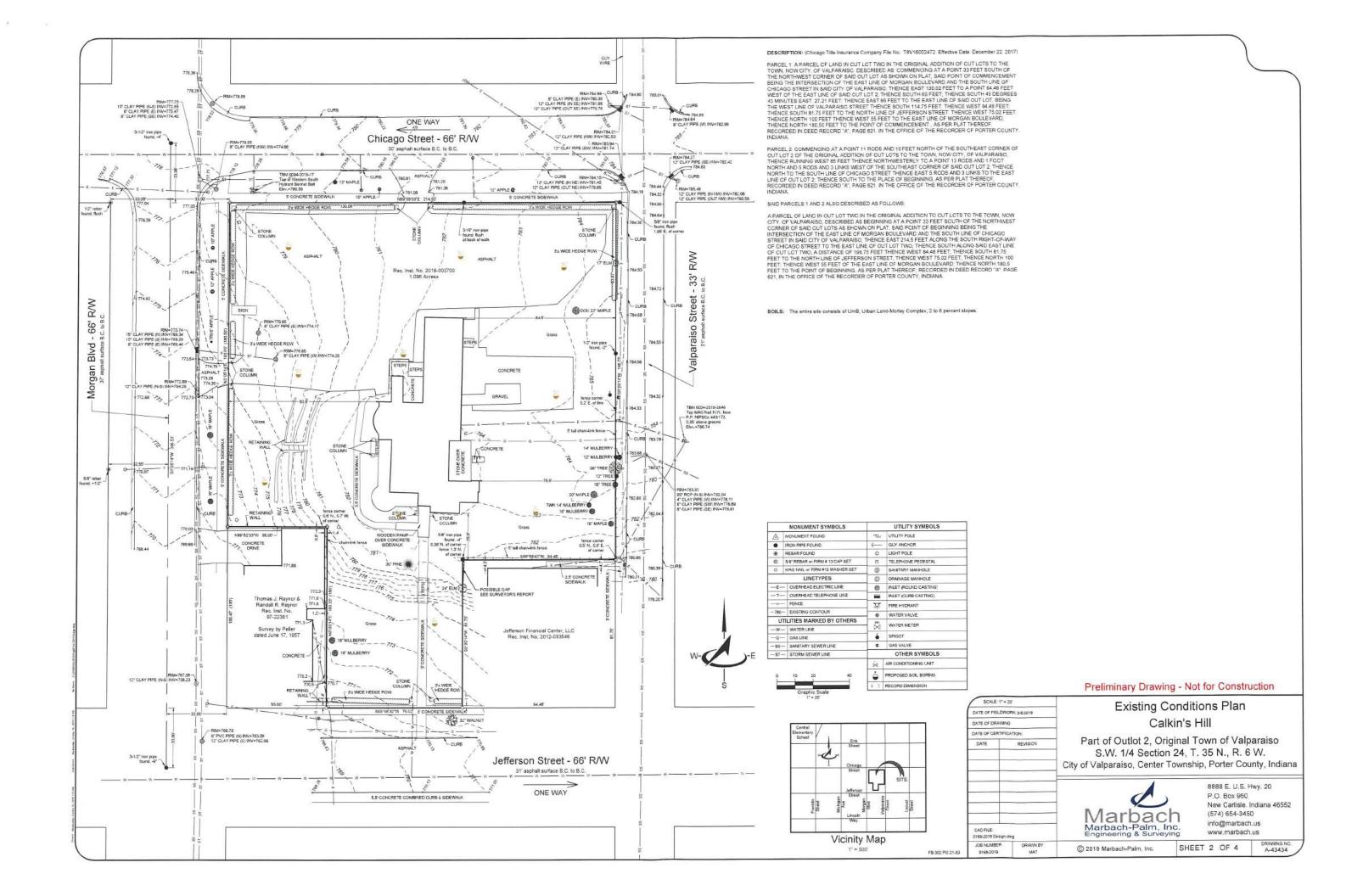
SCALE: 1	* = 207	Primary Plat
DATE OF FIELDWORK: 9/8/2019 DATE OF DRAWING: 9/16/2019 DATE OF CERTIFICATION:		T
		Calkin's Hill
		Part of Outlot 2, Original Town
DATE	REVISION	S.W. 1/4 Section 24, T. 35

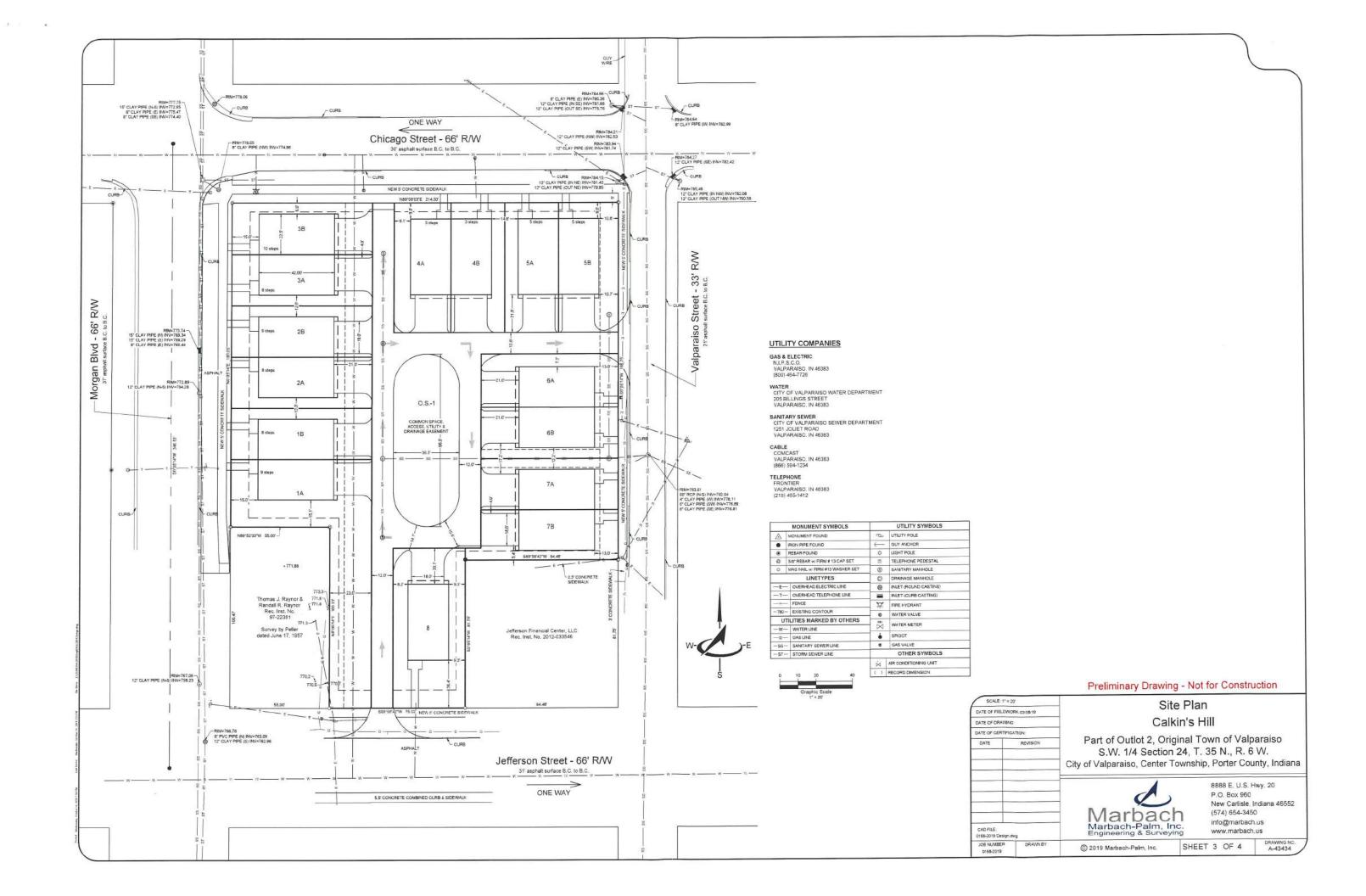
own of Valparaiso 35 N., R. 6 W. City of Valparaiso, Center Township, Porter County, Indiana

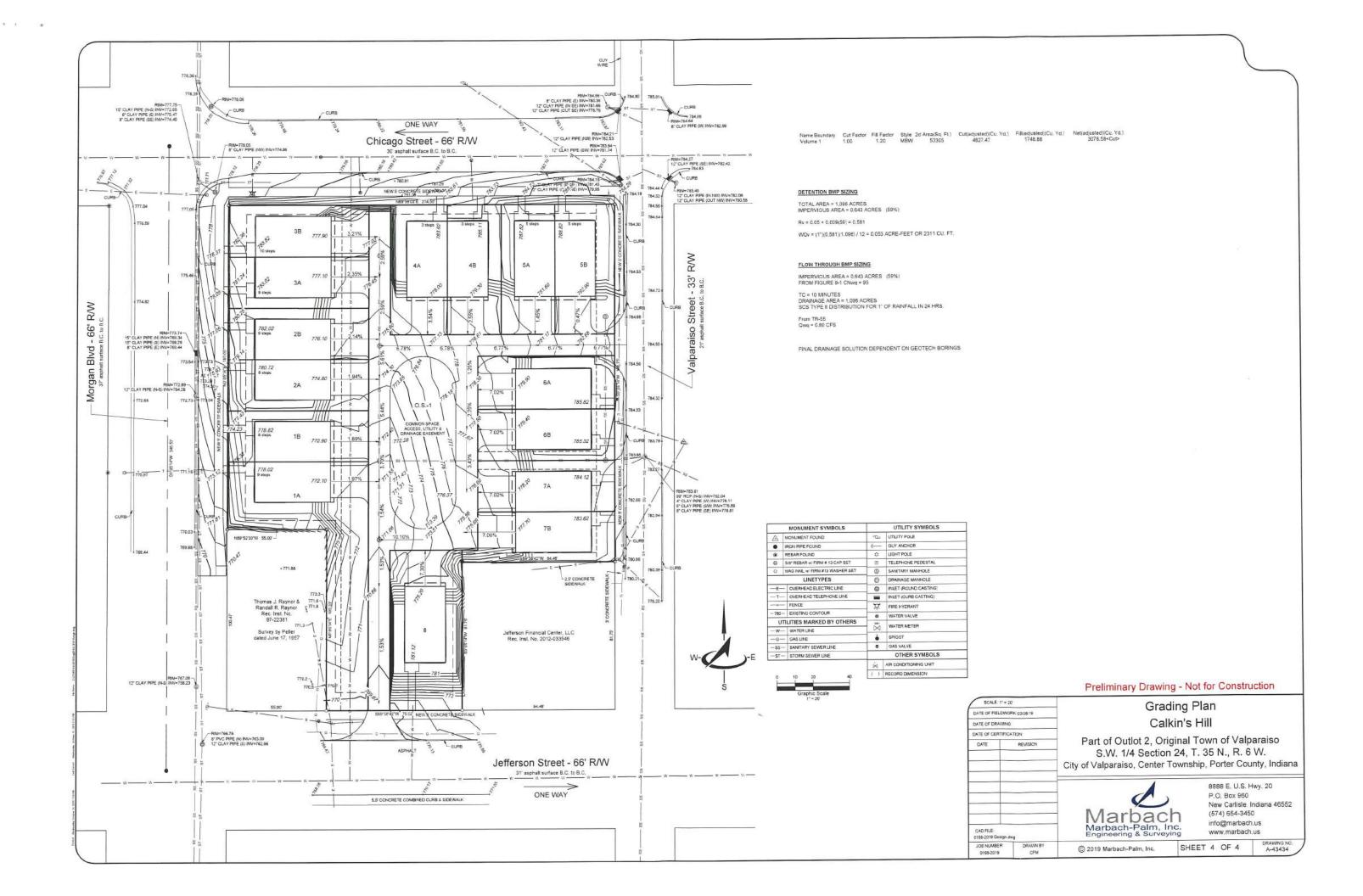


8888 E. U.S. Hwy. 20 P.O. Box 960 New Carlisle, Indiana 46552 (574) 654-3450 info@marbach.us www.marbach.us

SHEET 1 OF 4







PETITION #: CP 19 - D 14
(staff use only)

Last updated 1/09/18

VALPARAISO PLAN COMMISSION PETITION FOR PUBLIC HEARING

The undersigned applicant respectfully petitions the City of Valparaiso Plan Commission: (CHECK ALL THAT APPLY) PUBLIC HEARING REQUIRED - See Items #8 and #9 in Application Checklist _To rezone said property from the ____zoning district to ___zoning district √ To approve a Primary Plat To approve a Planned Unit Development (PUD) To approve a Major Planned Unit Development Amendment To annex property into the City of Valparaiso, Indiana - Checklist item #10 To vacate alley _To appeal the decision of the Plat Committee NO PUBLIC HEARING REQUIRED To approve a Minor Subdivision (Lot Split) To approve a Final Plat To approve a Plat Amendment Design/Architectural Approval in _____ Overlay District Please provide the following information: (print or type) 814 COMMERCE DRIVE, SUITE 300 IRC VALPARAISO WALK LLC OAK BROOK, IL 60523 (877) 206-5656 Owner of property Address Phone (877) 206-5656 PAM SULLINS SULLINS@IRCRETAILCENTERS.COM Contact person Phone Email Applicant is (check one): Sole Owner __Joint Owner __Tenant __ Agent __ Other 814 COMMERCE DRIVE, SUITE 300 PAM SULLINS OAK BROOK, IL 60523 (877) 206-5656 Petitioner Address Phone VALPARAISO WALK SHOPPING CENTER Address or description of location of property: 61-91 SILHAVY ROAD Parcel/Tax Duplicate Number 64-10-20-303-003.000-029 Subdivision (if Applicable) This property is located on the EAST side of SILHAVY Stree*/Road

between (streets)	LAPORTE AVENUE	and	BOILERMAKER COUF	₹T
Current Zoning of Pro	pertyCG	Proposed Zo	ning of PropertyC	G
Zoning of Adjacent Pr				
	East _	CG Wes	t <u>CG</u> Other_	
Other information:				
Dimensions of propert	y: Frontage <u>760 FE</u>	ET Depth_	861.34 FEET	
Property Area (sq. ft./a	acres)16.89 AC	-		
Present use of propert	y:			
VALPARAISO WALK SH	IOPPING CENTER			
Proposed use of prope	erty:			
VALPARAISO WALK SE	IOPPING CENTER	*		
<u></u>				
Proposed Variances or	Waivers (PUD or Su	ıbdivision Plats)	
SUBDIVISION OF EXIS	TING SHOPPING CEN	ITER INTO FOU	R (4) LOTS	
Legal description for pr	operty: (Exhibit #			
(SEE ATTACHED)				
	· 			
		 -		

ALL OWNERS OF RECORD OF THE ABOVE-REFERENCED PROPERTY MUST SIGN THE PETITION FOR PUBLIC HEARING. The owner(s), by signing this Petition for Public Hearing, represent to the City of Valparaiso – Plan Commission, that he/she/it has the necessary legal authority to request action to be taken on the above-referenced property. If the name of the Petitioner is different from the property owner, the Plan Commission shall accept the requests and representations of the Petitioner and the property owner shall be bound by such requests and representations via the Attached Affidavit of Consent of Property Owner.

PETITION FEES (CHECK ALL THAT APPLY)

Rezoning: Subdivision Primary Plat: Subdivision Amendment Planned Unit Development (PUD): Major PUD Amendment Minor Subdivision (Lot Split) Subdivision Final Plat Minor PUD Amendment Annexation: Design/Architectural Approval Overlay District Special Meeting Fee Text Amendment Comprehensive Plan Amendment Vacation	\$150 \$150 + \$10 per lot
Plat Committee Appeal	\$200
firm approved by the Planning Department. cost of the preparation of the fiscal plan. The applicant's petition for public hearing. Trequirements of Ind. Code § 36-4-3-13(d).	ne fiscal plan must be submitted together with
Signature of owner/Petitioner	tate
PAM SULLINS AS representative Printed name for DRC Retain Valparaiso Was Subscribed and sworn to before me this	Centers ElK, UC
Dense L. Lunan	
Notary Public My Commission Expires: lo 15 2023	OFFICIAL SEAL DENISE E GRAHAM NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES:06/15/23

STAFF USE ONLY	
Date received:	
Names and addresses of property ownersPlot Plan attachedLegal Description providedPetition filled out completely	within 300 feet provided
Date approved for public hearing: Date legal notice mailed: Date property owner notices mailed: Additional information:	Date of public hearing: Date to be published:



VICINITY MAP

VALPARAISO WALK SHOPPING CENTER

VALPARAISO PLAN COMMISSION APPLICATION WRITTEN DESCRIPTION OF PROJECT

REV: 10/17/2019

PROJECT NAME: VALPARAISO WALK SHOPPING CENTER SUBDIVISION

PROJECT ADDRESS: 61-91 SILHAVY ROAD

PROJECT DESCRIPTION:

IRC Valparaiso Walk LLC, owner of the existing Valparaiso Walk Shopping Center, is proposing to subdivide the center into four (4) distinct lots. Lot lines have been drawn to follow existing lease lines and the curbs surrounding the relocated access drive, recently completed by the City.

Lot 1 will be the anchor lot, encompassing the strip mall at the rear of the property. This lot will be approximately 13.25 acres, with 127,646 SF of building space and 619 parking spaces. The lot will provide a landscape space ratio of 0.19 and a parking ratio of 4.85 spaces/1,000 SF.

Lot 2 will be at the northwest corner of the property, between the Aldi access drive and shopping center access drive. Lot 2 is currently occupied by parking area, but is proposed to be developed as a restaurant with drive-thru use. This lot will be approximately 1.14 acres, with 4,990 SF of building space and 49 parking spaces. The lot will provide a landscape ratio of 0.19 and a parking ratio of 9.82 space/1,000 SF. Approvals for this development will follow in a separate application.

Lot 3 will be along the center of the frontage, encompassing the existing strip mall along Silhavy Road. This lot will be approximately 1.69 acres, with 12,742 SF of building space and 117 parking spaces. The lot will provide a landscape space ratio of 0.14 and a parking ratio of 9.18 spaces/1,000 SF.

Lot 4 will be at the southwest corner of the property, encompassing the existing T.G.I. Friday's restaurant. This lot will be approximately 0.81 acres, with 5,145 SF of building space and 36 parking spaces. The lot will provide a landscape space ratio of 0.33 and a parking ratio of 7.00 spaces/1,000 SF.

The existing shopping center was approved by the Valparaiso Board of Zoning appeals in 2003 and reapproved in 2006 for the T.G.I. Friday's development. The BZA approved a maximum site coverage of 82% (landscape space ratio of 18% minimum) and an overall parking count of 845 spaces. The overall shopping center (after Lot 2 development) will provide a landscape space ratio of 0.19 and 821 parking spaces. The center meets the approved landscape space ratio but is short of the parking count by 24 spaces. The owner states that the lack of 24 spaces shall not cause undue hardship on shoppers, as there are cross-access and cross-parking agreements in place, and the center is composed of complimentary uses.

2019-020651
STATE OF INDIANA
PORTER COUNTY
FILED FOR RECORD
09/19/2019 12:31 PM
CHUCK HARRIS, RECORDER

REC FEE: 25.00 PAGES: 7

PINS:

(IRC Parcel and Outlot Parcels) 64-10-20-303-003.000-029
(Menard Parcel Retention and Access Drive) 64-10-20-351-001.000-029
(Menard Parcel) 64-10-20-351-004.000-029

FIRST AMENDMENT TO DECLARATION OF RECIPROCAL EASEMENTS AND RESTRICTIVE COVENANTS

FOR

VALPARAISO WALK
VALPARAISO, INDIANA

THIS DOCUMENT PREPAIRED BY AND AFTER RECORDING RETURN TO:

William Pridmore, Esq IRC Retail Centers LLC 814 Commerce Dr, Ste 300 Oak Brook, IL 60523

FIRST AMENDMENT TO DECLARATION OF RECIPROCAL EASEMENTS AND RESTRICTIVE COVENANTS

This FIRST AMENDMENT TO DECLARATION OF RECIPROCAL EASEMENTS AND RESTRICTIVE COVENANTS, hereinafter the "Amendment", is made an entered into as of this 30tm day of July 2019, by MENARD, INC., a Wisconsin corporation, having its principal place of business at 5101 Menard Dr, Eau Claire, Wisconsin 54703 (hereinafter "Menard"), and IRC VALPARAISO WALK, L.L.C., a Delaware limited liability company, f/k/a Inland Valparaiso Walk, L.L.C., having its principal place of business c/o IRC Retail Centers LLC, 814 Commerce Dr, Ste 300, Oak Brook, Illinois 60523 (hereinafter "IRC").

RECITALS

WHEREAS, Menard and IRC's predecessor in interest, IBT Valparaiso LLC, an illinois limited liability company, entered into that certain Declaration of Reciprocal Easements and Restrictive Covenants dated as of January 27, 2004, and recorded in the Porter County Recorder's Office in Porter Count, Indiana on February 6, 2004 as Document No. 2004-003975 (the "Declaration");

WHEREAS, the City of Valparaiso, Indiana removed that certain Menard Sign referenced under the Declaration;

WHEREAS, the Declaration created a Menard Sign Easement for the Menard Sign;

WHEREAS, Menard and IRC now desire to amend the Declaration to eliminate the Menard Sign Easement as the Menard Sign no longer exists.

NOW, THEREFORE, for and in consideration of and for the foregoing, the covenants and declaration as hereafter set forth, the sufficiency of which is hereby acknowledged, Menard and IRC DECLARE:

<u>ARTICLE I</u>

- 1) The foregoing recitals are hereby incorporated into this Amendment by reference.
- 2) Any reference to "IBT" under the Declaration shall be replaced with "IRC".
- 3) Section 2.01(B)(o), which prohibited any health spa, fitness center, or athletic facility in excess of 10,000 sq. ft., is hereby deleted.
- 4) Section 2.06 is hereby amended such that the Article II restrictions shall run with the land for a period of twenty five (25) years from the Effective Date (as defined in the Declaration), or February 6, 2029, whichever is later.
- 5) Section 5.03 and all reference to the Menard Sign and Menard Sign Easement are hereby deleted in their entirety.

- 6) Menard hereby approves of the changes to the IRC Parcel and Outlots Parcels as shown on the attached Exhibit A.
- 7) Section 9.15 Notices shall be revised and addressed as follows, as to:

Menard:

Menard, Inc. Attn: Properties 5101 Menard Dr Eau Claire, WI 54703

IRC:

IRC Valparaiso Walk, L.L.C. c/o IRC Retail Centers LLC Attn: General Counsel 814 Commerce Dr, Ste 300 Oak Brook, IL 60523

The Outlot Parcels:

IRC Valparaiso Walk, L.L.C. c/o IRC Retail Centers LLC Attn: General Counsel 814 Commerce Dr, Ste 300 Oak Brook, IL 60523

- 8) <u>Definitions: Captions</u>. Any capitalized term used in this Amendment but not otherwise defined herein have the meaning ascribed to such term in the Declaration. The captions set forth herein are for convenience only and are not a part of this Amendment.
- 9) <u>Conflict; Ratification</u>. If there is a conflict between the terms and provisions of this Amendment and the terms and provisions of the Declaration, the terms and provisions of this Amendment will control.
- 10) <u>Full Force and Effect</u>. Except as specifically modified in this Amendment, the Declaration remains unchanged and in full force and effect.
- Authority; Approvals. Menard represents and warrants that (i) it is the sole approving party for the Menard Parcel, (ii) it holds the entire fee simple interest in the Menard Parcel, (iii) it has the full capacity, right, power, and authority to execute, deliver and perform, this Amendment and all required actions, consents, and approvals therefor have been duly taken and obtained, and (iv) upon full execution of this Amendment, the Declaration as amended by this Amendment, is binding on all parties (including the holder of any mortgagee's interest) with any interest in the Menard Parcel. IRC represents and warrants that (i) it is the sole approving party for the IRC Parcel and Outlot Parcels, (ii) it holds the entire fee simple interest in the portion of the IRC Parcel and Outlot Parcels; (iii) it has the full capacity, right, power, and authority to execute, deliver and perform, this Amendment and all required actions, consents, and approvals therefor have been duly taken and obtained; and (iv)

upon full execution of this Amendment, the Declaration as amended by this Amendment, is binding on all parties (including the holder of any mortgagee's interest) with any interest in the IRC Parcel and Outlot Parcels.

- 12) <u>Entire Agreement</u>. This Amendment constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes any prior written or oral agreements pertaining thereto.
- 13) Terminology. Whenever required by the context of this Amendment the use of the words "including", "such as", or words of similar import, when following any general term, statement or matter shall not be construed to limit such statement, term or matter to specific items, whether or not language of non-limitation, such as "without limitation", or "but not limited to", are used with reference thereto, but rather shall be deemed to refer to all other items or matters that could reasonably fall within the broadest scope of such statement, term or matter. The use of the words "and/or" shall mean each of the items listed whether together, in partial combination or alone.
- 14) <u>Counterpart Execution</u>. This Amendment may be executed in one or more counterparts, each of which will be deemed an original and all of which, when taken together, will constitute one and the same instrument.

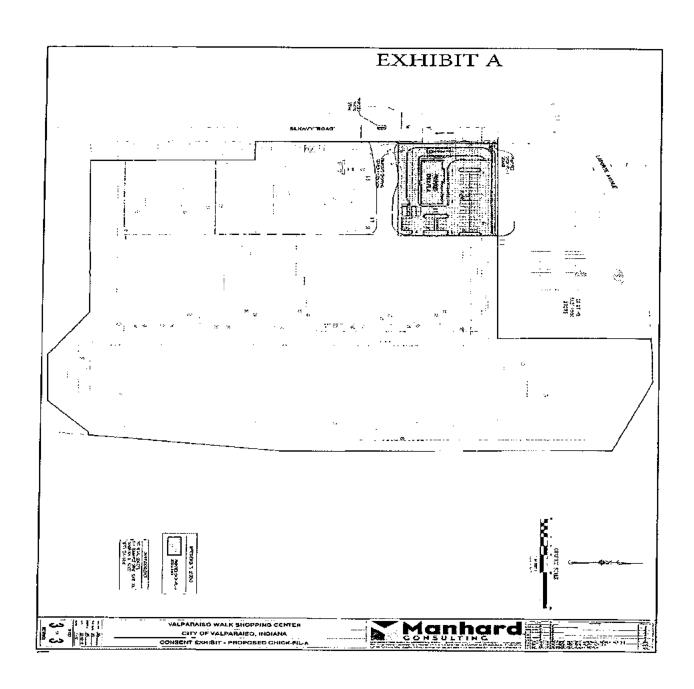
[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, THE UNDERSIGNED HAS EXECUTED THIS FIRST AMENDMENT TO DECLARATION OF RECIPROCAL EASEMENTS AND RESTRICTIVE COVENANTS.

Executed on:			LPARAISO WALK, L.L.C	
This 30 day of July	_, 2019	a Delaw	are limited liability compan	y,
		-	RETAIL CENTERS LLC, are limited liability compan	
		By: _/ Name: Its;	Kristi Rankin Chief Operating Officer	_
STATE OF ILLINOIS)			
) SS.			
COUNTY OF DUPAGE) .			
I, the undersigned, a HEREBY CERTIFY, that _ to be the same person whose his day in person and acknowled free and voluntary actions.	Enish We name is subs wledged that	cribed to the he/she signe	foregoing instrument, apped and delivered the said ins	known to me eared before me strument as
GIVEN under my ha	nd and notaria	al seal this _	30th day of Jul	,
(SEAL)		Notary P	ublic: Whi	TIL
"OFFICIAL William Frey P Notary Public, State	SEAL" ridmore of Illinois		0(<i>)</i>

IN WITNESS WHEREOF, THE UNDERSIGNED HAS EXECUTED THIS FIRST AMENDMENT TO DECLARATION OF RECIPROCAL EASEMENTS AND RESTRICTIVE COVENANTS.

Executed on: This Z ¹² day of August, 2019	MENARD, INC.,			
This 2 Gay of August, 2019	a Wisconsin corporation,			
	By:			
STATE OF WISCONSIN)				
) SS.				
COUNTY OF EAU CLAIRE)				
,				
and State, personally appeared Theron sworn did say that he is the Real Estate foregoing instrument, and that this inst	019, before me a Notary Public within and for this County J. Berg to me personally known, who, being by me duly e Manager of Menard, Inc., the corporation named in the trument was signed on behalf of the corporation by that Theron J. Berg as Real Estate Manager acknowledged eed of Menard, Inc.			
GIVEN under my hand and notarial seal this day of August 2019.				
(SEAL)	Notary Public: Lingth Euce			
HOTARA PUBLIC STREET	My Commission is Permanent			



2019-021198

STATE OF INDIANA
PORTER COUNTY
FILED FOR RECORD
09/25/2019 08:32 AM
CHUCK HARRIS, RECORDER
REC FEE: 25.00

PAGES: 15

AMENDED AND RESTATED GRANT OF EASEMENTS

THIS AMENDED AND RESTATED GRANT OF EASEMENTS, dated this left day of September. 2019 made by IRC Valparaiso Walk, L.L.C., a Delaware limited liability company (formerly known as Inland Valparaiso Walk, L.L.C., a Delaware limited liability company), having an address c/o IRC Retail Centers LLC, 814 Commerce Dr. Ste 300, Oak Brook, IL 60523, (hereinafter referred to as "IRC") and Menard, Inc., a Wisconsin corporation, having an address at 5101 Menard Drive, Fau Claire, Wisconsin 54703 (hereinafter referred to as "Menard") to and for the benefit of Aldi (Indiana) L.P., an Indiana limited partnership, having a mailing address at Post Office Box 1398, Valparaiso, Indiana 46384 (hereinafter referred to as "Aldi").

WITNESSETH

WHEREAS, Menard, as predecessor in interest to IRC, granted that certain Easement for ingress, egress, and sanitary sewer utility easement, in favor of Aldi, dated March 6, 2001, and recorded March 8, 2001, as Document No. 2001-005680 (the "Original Easement") across the "Owner's Parcel" as defined therein, which was subsequently developed and a portion of which was conveyed to IRC's predecessor (the "IRC Parcel") and a portion was retained by Menard and depicted on the attached Exhibit A.

WHEREAS, the IRC is the fee simple owner of the following described real estate constituting the IRC Parcel which is a portion of Owner's Parcel:

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 20; THENCE NORTH 00 DEGREES 12 MINUTES 15 SECONDS WEST (AN ASSUMED BEARING) 1001.02 FEET, ALONG THE WEST LINE OF SAID SECTION 20; THENCE NORTH 89 DEGREES 47 MINUTES 54 SECONDS EAST, 92 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 47 MINUTES 54 SECONDS EAST, 426.42 FEET; THENCE SOUTH 57 DEGREES 25 MINUTES 24 SECONDS EAST, 138.53 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 54 SECONDS EAST, 130.0 FEET; THENCE NORTH 49 DEGREES 31 MINUTES 35 SECONDS EAST 116.02 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 54 SECONDS EAST 8.0 FEET TO THE WEST RIGHT OF WAY LINE OF STATE ROAD 49; THENCE ON THE FOLLOWING 2 COURSES, ALONG

1

DULY ENTERED FOR TAXATION SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER

Sep 25 2019

Vicki Urbanik

AUDITOR PORTER COUNTY

NC NO GIS

THE WEST RIGHT OF WAY LINE OF SAID STATE ROAD 49: (1) NORTH 07 DEGREES 06 MINUTES 37 SECONDS EAST 361.02 FEET, (2) NORTH 00 DEGREES 21 MINUTES 08 SECONDS WEST 616.99 FEET TO THE SOUTH RIGHT OF WAY LINE OF STATE ROAD 2; THENCE ON THE FOLLOWING TWO COURSES, ALONG THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 2: (1) NORTH 68 DEGREES 34 MINUTES 53. SECONDS WEST, 206,41 FEET, (2) WESTERLY, ALONG THE ARC OF A 1809.86 FOOT RADIUS CURVE TO THE LEFT, SUBTENDED BY A CHORD BEARING SOUTH 88 DEGREES 10 MINUTES 31 SECONDS WEST, 122.37 FEET; THENCE SOUTH 00 DEGREES 12 MINUTES 15 SECONDS EAST, 287.66 FEET, ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID SECTION 20; THENCE SOUTH 89 DEGREES 47 MINUTES 54 SECONDS WEST, 551.58 FEET TO THE EAST RIGHT OF WAY LINE OF SILHAVY ROAD; THENCE SOUTH 00 DEGREES 12 MINUTES 15 SECONDS EAST, 453.62 FEET, ALONG THE EAST RIGHT OF WAY LINE OF SILHAVY ROAD; THENCE NORTH 89 DEGREES 47 MINUTES 45 SECONDS EAST, 52.00 FEET; THENCE SOUTH 00 DEGREES 12 MINUTES 15 SECONDS EAST, 306.38 FEET TO THE POINT OF BEGINNING,

EXCEPTING THEREFROM THAT PART DEEDED TO THE CITY OF VALPARAISO, INDIANA BY WARRANTY DEED RECORDED AS DOCUMENT NO. 2018-000790 DESCRIBED AS FOLLOWS:

A PART OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 35 NORTH, RANGE 5 WEST, IN THE CITY OF VALPARAISO, WASHINGTON TOWNSHIP, PORTER 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: COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION DESIGNATED AS POINT "200" ON SAID PARCEL PLAT; THENCE NORTH 0 DEGREES 24 MINUTES 32 SECONDS WEST 1,760,72 FEET ALONG THE WEST LINE OF SAID QUARTER SECTION TO THE WESTERLY PROLONGATION OF A NORTH LINE OF THE GRANTOR(S) LAND AND THE POINT OF BEGINNING OF THIS DESCRIPTION: THENCE NORTH 89 DEGREES 35 MINUTES 31 SECONDS EAST 45.00 FEET ALONG SAID PROLONGATION AND SAID NORTH LINE; THENCE SOUTH 0 DEGREES 24 MINUTES 32 SECONDS EAST 141.66 FEET TO THE POINT DESIGNATED 1029 ON SAID PARCEL PLAT; THENCE SOUTH 89 DEGREES 35 MINUTES 28 SECONDS WEST 45.00 FEET TO THE WEST LINE OF SAID QUARTER SECTION; THENCE NORTH 0 DEGREES 24 MINUTES 32 SECONDS WEST 141.66 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING AND CONTAINING 0.146 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT-OF-WAY WHICH CONTAINS 0.098 ACRES, MORE OR LESS.

WHEREAS, Menard is the fee simple owner of the following described real estate (hereinafter referred to as the "Menard Parcel") which is a portion of Owner's Parcel:

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 35 NORTH, RANGE 5 TO THE SECOND PRINCIPAL MERIDIAN, PORTER COUNTY, INDIANA; THENCE NORTH 00 DEGREES 12 MINUTES 15 SECONDS WEST (AN ASSUMED BEARING) 1001.02 FEET ALONG THE WEST LINE OF SAID SECTION 20; THENCE NORTH 89 DEGREES 47 MINUTES 54 SECONDS EAST 40.0 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SILHAVY ROAD AND THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 12 MINUTES 13 SECONDS WEST, 50.0 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SILHAVY ROAD; THENCE NORTH 89 DEGREES 47 MINUTES 45 SECONDS EAST 52.00 FEET; THENCE SOUTH 00 DEGREES 12 MINUTE 15 SECONDS EAST 50.00 FEET; THENCE SOUTH 89 DEGREES 47 MINUTES 45 SECONDS WEST 52.00 FEET TO THE POINT OF BEGINNING.

WHEREAS, the IRC is the fee simple owner of the following described real estate (hereinafter referred to as the "Easement Parcel") which is a portion of Owner's Parcel:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN CITY OF VALPARAISO, IN PORTER COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 20; THENCE NORTH 00 DEGREES 24 MINUTES 30 SECONDS WEST (RECORD NORTH 00 DEGREES 12 MINUTES 15 SECONDS WEST), ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1761.02 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE NORTH LINE OF VALPARAISO WALK SHOPPING CENTER AS DESCRIBED IN DOCUMENT 2012-033817; THENCE NORTH 89 DEGREES 35 MINUTES 39 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 302.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89 DEGREES 35 MINUTES 39 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 36.55 FEET; THENCE SOUTH 00 DEGREES 26 MINUTES 23 SECONDS EAST, A DISTANCE OF 50.10 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE SOUTHWESTERLY, ALONG A CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 10.00 FEET,

AN ARC DISTANCE OF 14.76 FEET, A CHORD BEARING SOUTH 42 DEGREES 06 MINUTES 28 SECONDS WEST, AND A CHORD DISTANCE OF 13.46 FEET; THENCE SOUTH 00 DEGREES 10 MINUTES 57 SECONDS EAST, A DISTANCE OF 167.41 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 142.79 FEET TO A POINT OF CURVATURE; THENCE WESTERLY, ALONG A CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 585.00 FEET, AN ARC DISTANCE OF 69.67 FEET, A CHORD BEARING SOUTH 86 DEGREES 35 MINUTES 18 SECONDS WEST, AND A CHORD DISTANCE OF 69.63 FEET TO A POINT OF TANGENCY; THENCE SOUTH 83 DEGREES 10 MINUTES 36 SECONDS WEST, A DISTANCE OF 61.76 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY, ALONG A CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 27.00 FEET, AN ARC DISTANCE OF 16.88 FEET, A CHORD BEARING SOUTH 65 DEGREES 15 MINUTES 49 SECONDS WEST, AND A CHORD DISTANCE OF 16.61 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SILHAVY ROAD, BEING A LINE 40.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 24 MINUTES 30 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 60.41 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE EASTERLY, ALONG A CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 32.00 FEET, AN ARC DISTANCE OF 29.83 FEET, A CHORD BEARING SOUTH 70 DEGREES 07 MINUTES 18 SECONDS EAST, AND A CHORD DISTANCE OF 28.76 FEET; THENCE NORTH 83 DEGREES 10 MINUTES 36 SECONDS EAST, A DISTANCE OF 57.81 FEET TO A POINT OF CURVATURE; THENCE EASTERLY, ALONG A CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 125.00 FEET, AN ARC DISTANCE OF 40.78 FEET, A CHORD BEARING SOUTH 87 DEGREES 28 MINUTES 40 SECONDS EAST, AND A CHORD DISTANCE OF 40.60 FEET TO A POINT OF TANGENCY; THENCE SOUTH 78 DEGREES 07 MINUTES 55 SECONDS EAST, A DISTANCE OF 25.32 FEET TO A POINT OF CURVATURE; THENCE EASTERLY, ALONG A CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 97.00 FEET, AN ARC DISTANCE OF 20.09 FEET, A CHORD BEARING SOUTH 84 DEGREES 03 MINUTES 58 SECONDS EAST, AND A CHORD DISTANCE OF 20.06 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 60.14 FEET TO A POINT OF CURVATURE: THENCE NORTHEASTERLY, ALONG A CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 32.00 FEET, AN ARC DISTANCE OF 50.49 FEET, A CHORD BEARING NORTH 44 DEGREES 47 MINUTES 45 SECONDS EAST, AND A CHORD DISTANCE OF 45.42 FEET TO A POINT OF TANGENCY: THENCE NORTH 00 DEGREES 24 MINUTES 30 SECONDS WEST, A DISTANCE OF 165.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 16,495 SQUARE FEET (0.379 ACRES) MORE OR LESS.

WHEREAS, Aldi is the fee simple owner of the following described real estate (hereinafter referred to as the "Aldi Parcel"):

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 35 NORTH, RANGE 5 WEST, CITY OF VALPARAISO, PORTER COUNTY, INDIANA, DESCRIBED AS: BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 20 THAT IS 788.73 FEET SOUTH 00 DEGREES 12 MINUTES 15 SECONDS EAST OF THE WEST QUARTER CORNER OF SAID SECTION 20; THENCE NORTH 89 DEGREES 47 MINUTES 45 SECONDS EAST, PERPENDICULAR TO SAID WEST SECTION LINE, 20.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF INDIANA STATE ROAD 2; THENCE NORTH 32 DEGREES 48 MINUTES 19 SECONDS EAST, ON SAID SOUTHERLY RIGHT OF WAY LINE, 82.12 FEET TO A SET 1/3" REBAR AND CAP #890032; THENCE NORTH 70 DEGREES 17 MINUTES 45 SECONDS EAST (DEEDED NORTH 70 DEGREES 18 MINUTES 45 SECONDS EAST), ON SAID SOUTHERLY RIGHT OF WAY LINE, 37.70 FEET; THENCE NORTHEASTERLY, ON SAID SOUTHERLY RIGHT OF WAY LINE, 503.02 FEET ON A 1809.86 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 78 DEGREES 16 MINUTES 41 SECONDS EAST 501.40 FEET TO A FOUND REBAR AND CAP #890027; THENCE SOUTH 00 DEGREES 12 MINUTES 15 SECONDS EAST, PARALLEL WITH SAID WEST SECTION LINE, 287.66 FEET TO A FOUND UNCAPPED REBAR; THENCE SOUTH 89 DEGREES 47 MINUTES 54 SECONDS WEST 591.58 FEET (DEEDED 571.75 FEET) TO SAID WEST SECTION LINE; THENCE NORTH 00 DEGREES 12 MINUTES 15 SECONDS WEST, ON SAID WEST SECTION LINE, 106.07 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM:

A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 35 NORTH, RANGE 5 WEST, IN THE CITY OF VALPARAISO, WASHINGTON TOWNSHIP, PORTER COUNTY, INDIANA AND BEING THAT PART OF THE GRANTOR(S) LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE RIGHT-OF-WAY PARCEL PLAT, MARKED EXHIBIT "B" TO THAT CERTAIN AGREED CONDEMNATION JUDGMENT FILED FEBRUARY 23, 2018 AND RECORDED MARCH 28, 2018 IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA AS DOCUMENT NO. 2018-006433, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID HALF-QUARTER SECTION DESIGNATED AS POINT "201" ON SAID PARCEL PLAT, THENCE SOUTH 0 DEGREES 24 MINUTES 32 SECONDS EAST 894.80 FEET ALONG THE WEST LINE OF SAID HALF-QUARTER SECTION TO THE WESTERLY PROLONGATION OF THE SOUTH LINE OF THE GRANTOR(S) LAND: THENCE NORTH 89 DEGREES 35 MINUTES 37 SECONDS EAST 40.00 FEET ALONG SAID WESTERLY PROLONGATION TO THE EAST BOUNDARY OF SILHAVY ROAD AS DESCRIBED IN INSTRUMENT NUMBER 2001-022720, THE SOUTHWEST CORNER OF THE GRANTOR(S) LAND AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 0 DEGREES 24 MINUTES 32 SECONDS WEST 136.86 FEET ALONG SAID EAST BOUNDARY TO THE

INTERSECTION OF SAID EAST BOUNDARY AND THE SOUTHERN BOUNDARY OF LAPORTE AVENUE; THENCE NORTH 32 DEGREES 35 MINUTES 58 SECONDS EAST 45.41 FEET ALONG SAID SOUTHERN BOUNDARY, THENCE NORTH 70 DEGREES 05 MINUTES 28 SECONDS EAST 37.70 FEET ALONG SAID SOUTHERN BOUNDARY; THENCE EASTERLY ALONG SAID SOUTHERN BOUNDARY 286.63 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 1,809.86 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 74 DEGREES 38 MINUTES 54 SECONDS EAST AND A LENGTH OF 286.33 FEET TO THE POINT DESIGNATED "1037" ON SAID PARCEL PLAT; THENCE SOUTH 65 DEGREES 14 MINUTES 18 SECONDS WEST 158.11 FEET TO THE POINT DESIGNATED "1036" ON SAID PARCEL PLAT; THENCE SOUTH 86 DEGREES 58 MINUTES 45 SECONDS WEST 38.44 FEET TO THE POINT DESIGNATED "1035" ON SAID PARCEL PLAT; THENCE SOUTH 61 DEGREES 38 MINUTES 11 SECONDS WEST 38,04 FEET TO THE POINT DESIGNATED "1034" ON SAID PARCEL PLAT; THENCE SOUTH 28 DEGREES 52 MINUTES 04 SECONDS WEST 25.18 FEET TO THE POINT DESIGNATED "1033" ON SAID PARCEL PLAT; THENCE SOUTH 70 DEGREES 13 MINUTES 50 SECONDS WEST 62.17 FEET TO THE POINT DESIGNATED "1032" ON SAID PARCEL PLAT; THENCE SOUTH 36 DEGREES 06 MINUTES 38 SECONDS WEST 75.48 FEET TO THE POINT DESIGNATED "1031" ON SAID PARCEL PLAT; THENCE SOUTH 0 DEGREES 24 MINUTES 32 SECONDS EAST 73.34 FEET TO THE SOUTH LINE OF THE GRANTOR(S) LAND; THENCE SOUTH 89 DEGREES 35 MINUTES 37 SECONDS WEST 5.00 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING AND CONTAINING 0,267 ACRES, MORE OR LESS.

WHEREAS, the Aldi Parcel is adjacent to and north of the Easement Parcel and Aldi has the need for an easement for ingress and egress over and across the Easement Parcel and the ring road located on the IRC Parcel and Menard Parcel; and

WHEREAS, the parties hereto agree to provide to Aldi a perpetual easement for the use of the Easement Parcel subject to the terms and limitations of this grant.

WIIEARAS, the parties desire to amend and restate the Original Easement in its entirety, to reflect the development of the Owner's Parcel, planned improvements thereto, and planned work by the City of Valparaiso, Indiana and the Indiana Department of Transportation.

NOW THEREFORE, the undersigned, in consideration of the mutual covenants and promises made herein, the receipt and sufficiency of which is hereby acknowledged, do hereby agree as follows:

1. <u>Incorporation of Recitals.</u> The foregoing recitals and hereby incorporated by reference and made a part hereof.

- 2. IRC Grant of Ingress and Egress Easement. IRC, its successors, assigns and during any applicable tenancy, its tenants and subtenants do hereby grant and convey a nonexclusive perpetual common right and easement for ingress and egress together with the full and free right for Aldi, or its successors and assigns, invitees, vendors or licensees in common with all others having like right, at all times hereafter with or without automobile or other vehicles (including semi-trucks for deliveries) or on foot, for the purpose of ingress and egress to and from the Aldi Parcel or any portion thereof and to pass and repass on, over and across the Easement Parcel described herein and the entire ring road located on the IRC Parcel and depicted on the attached Exhibit A attached hereto and incorporated herein by reference. In the event that the IRC desire to reconfigure the ring road, or any portion thereof, which is subject to the rights of Aldi hereunder, the ingress and egress easement on, over and across the ring road located on the IRC's Parcel shall be terminated and extinguished and automatically reestablished and granted as to the reconfigured roadway system upon the IRC's Parcel; provided that (a) the reconfiguration shall not materially interfere with Aldi's access to Silhavy Road as existing at the time that this instrument is placed in the public records of the Recorder of Porter County, Indiana; and (b) the reconfiguration or redesign of the ring road does not alter the ring road or roadway currently established in the Easement Parcel, except as expressly requested by the City of Valparaiso. In the event that the City of Valparaiso requests a reconfiguration of the ring road or roadway, including that portion located within the Easement Parcel, IRC shall give Aldi thirty (30) days advance written notice, but IRC need not secure the approval or consent of Aldi for changes or modifications to the ring road including that portion within the Easement Parcel required by the City of Valparaiso.
- 3. Menard Grant of Ingress and Egress Easement. Menard, its successors, assigns and during any applicable tenancy, its tenants and subtenants do hereby grant and convey a nonexclusive perpetual common right and easement for ingress and egress together with the full and free right for Aldi, or its successors and assigns, invitees, vendors or licensees in common with all others having like right, at all times hereafter with or without automobile or other vehicles (including semi-trucks for deliveries) or on foot, for the purpose of ingress and egress to and from the Aldi Parcel or any portion thereof and to pass and repass on, over and across the ring road located on the Menard Parcel and depicted on the attached Exhibit A attached hereto and incorporated herein by reference. In the event that Menard desires to reconfigure the ring road, or any portion thereof, which is subject to the rights of Aldi hereunder, the ingress and egress easement on, over and across the ring road located on the Menard Parcel shall be terminated and extinguished and automatically reestablished and granted as to the reconfigured roadway system upon the Menard Parcel; provided that (a) the reconfiguration shall not materially interfere with Aldi's access to Silhavy Road as existing at the time that this instrument is placed in the public records of the Recorder of Porter County, Indiana; and (b) the reconfiguration or redesign of the ring road does not alter the ring road or roadway currently established, except as expressly requested by the City of Valparaiso. In the event that the City of Valparaiso requests a reconfiguration of the ring road or roadway over the Menard Parcel, Menard shall give Aldi thirty (30) days advance written notice,

but Menard need not secure the approval or consent of Aldi for changes or modifications to the ring road required by the City of Valparaiso.

- 4. Grant of Sanitary Sewer Utility Easement. IRC, its successors, assigns and during any applicable tenancy, its tenants and subtenants do hereby grant and convey a nonexclusive perpetual common right and easement to install, repair and maintain sanitary sewer lines and access to existing sanitary sewer utility facilities located on, over and across the real estate depicted on Exhibit A attached hereto and incorporated herein by reference (hereinafter referred to as the "Utility Parcel"). Aldi shall restore the surface of the real estate to the same condition as it was prior to the entry and disturbance thereof. Aldi shall not close or prohibit vehicular traffic through the Easement Parcel during normal business hours for IRC's business. All work associated with Aldi's use of the rights granted herein shall not unreasonably interfere with the use, occupation or enjoyment of the IRC's Parcel.
- 5. <u>Consideration</u>. The grant of the easements made herein is conditioned upon the one-time payment by Aldi to Menard of the sum of Ten Dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged by Menard, and the creation of a new access drive in the Easement Parcel.
- 6. Maintenance. IRC, or the then owner of the Easement Parcel, shall maintain, repair, and clean the areas of ingress and egress located within the Easement Parcel (hereinafter referred to as "Maintenance"). Maintenance shall include but not be limited to the following:
 - a. Maintaining and replacing the asphalt surfaces in a level, smooth and evenly covered condition with the type of surfacing material originally installed or such substitute as shall in all respects be equal or superior in quality, use or durability.
 - b. Removing ice, snow, papers, debris, filth and refuse, as soon as practically possible, and sweeping to the extent reasonably necessary to keep it in a clean and orderly condition.
 - c. Placing, keeping in repair and replacing any necessary appropriate directional signs, markers and lines.

7. Cost of Maintenance.

- a. All costs and expenses in connection with the Maintenance (including snow plowing) of the Easement Parcel and the ring road shall be allocated and shall be the responsibility of the owners of the respective parcels benefitted by the Easement Parcel and ring road in the following percentages:
 - i. IRC Parcel, seventy percent (85%)

- ii. Aldi Parcel, fifteen percent (15%)
- b. The benefitted owners of each parcel shall be billed in an amount yearly for their pro rata share (based on the above percentages) of all expenses incurred by IRC in performing the Maintenance with the billing date being the first day of January or determined by IRC. The proportionate share of the total Maintenance expenses to be borne by each parcel owner for any year shall be paid to IRC within thirty (30) days after receipt of a billing, together with copies of such documents as may reasonably be required to substitute the billing.
- c. In addition to the cost and expenses incurred by IRC in performing Maintenance, each parcel owner shall pay to IRC an additional ten percent (10%) as an administration fee.
- 8. <u>Barriers and Obstructions</u>. There shall be no structures, barriers or obstructions permitted within the Easement Parcel. Notwithstanding the preceding sentence, temporary barriers may be put in place as reasonably necessary in the event of an emergency, or to perform maintenance within the Easement Parcel.
- 9. Easements to Run with the Land. The easements granted, conveyed and created herein along with all covenants, promises and agreements shall run with the land and be binding upon and inure to the benefit of the parties hereto and their successors and assigns, and all persons holding under or through the parties hereto, their respective mortgagees (and any party claiming by, through or under such mortgagee and any purchaser at any foreclosure sale), lessees, sublessees and their employees, agents, customers, licensees and invitees.
- 10. Not a Public Dedication. Nothing contained in this instrument will be deemed to be a gift or dedication of any portion of the Easement Parcel to any third party or for the general public or for any public purpose whatsoever, it being the intention of the parties that this instrument will be strictly limited to and for the purpose expressed herein. However, the IRC may, at any time, dedicate the Easement Parcel to the appropriate local government having jurisdiction for the use, occupation and maintenance of the Easement Parcel as a public street. Upon the effective date of said dedication and acceptance thereof by the local government, the IRC's obligation of performing Maintenance shall be fully released.

11. Indemnification and Insurance.

a. The parties hereto each indemnify and save the other harmless from any and all liability, damage, expense, cause of action, suit, claim, and/or judgment arising from personal injury, death, or property damage and occurring on or from its own parcel, except if caused by the willful act or negligence of the other party.

- b. The parties each agree to indemnify and hold the other and the other's parcel harmless from liens or claims for work or labor done or to be done or for materials furnished or to be furnished with respect to its activities on its parcel. In the event any claims, action or lien is filed against either party in connection with another's activities, the first party shall furnish to the other a copy of any and all papers served or delivered to it in connection therewith and the other shall defend such claim or action, and, in the case of a lien filed against the parcel of the first party in connection therewith, the other shall cause such lien to be removed therefrom, by bonding or otherwise, within thirty (30) days after receiving notice from the first party of such lien.
- 12. Ownership of Easement Parcel. IRC represents and warrants that IRC is the holder of the fee simple title to the Easement Parcel and the Utility Parcel and that the Easement Parcel and Utility Parcel are not encumbered with any contract purchase, lease, mortgage, tenant farmer, or any other interest inconsistent with the grant of easements made herein.
- 13. <u>Severability</u>. If any clause, sentence, or other portion of the terms, conditions, covenants, and restrictions of this instrument becomes or is illegal, null, or void for any reason, or be held by any court of competent jurisdiction to be so, the remaining portions will remain in full force and effect.
- 14. <u>Title to Real Estate</u>. In accordance with Indiana Code 32-5-2-2, IRC is seized of the fee simple title to the Easement Parcel described herein by virtue of a deed placed of record in the Office of the Recorder of Porter County, Indiana on December 31, 2012 as Document No. 2012-033817.
- Entire Agreement. This Agreement, including all exhibits and appendices hereto, embodies the entire agreement and understanding of the parties hereto in respect of the transactions contemplated by this Agreement and supersedes all prior agreements, contracts, representations, warranties, promises, covenants, arrangements, communications, and understandings, oral or written, express or implied, between or among the parties with respect to the subject matter hereof, including, without limitation, the Original Agreement, which Original Agreement shall be deemed null and void, and of no further force or effect whatsoever following the date hereof.

IN WITNESS WHEREOF, the parties have executed this Grant of Easements on the date first written above.

MENARD, INC.

a Wisconsin corporation

y: Name: Theron J. Berg

Title: Real Estate Manager

STATE OF WISCONSIN)
SS:
COUNTY OF EAU CLAIRE

On this 2 day of August, 2019 appeared Theron J. Berg to me personally known, who, being by me duly sworn did say that he is the Real Estate Manager of Menard, Inc., the corporation named in the foregoing instrument, and that this instrument was signed on behalf of the corporation by authority of its Board of Directors and that Theron J. Berg as Real Estate Manager acknowledged this instrument to be the free act and deed of Menard, Inc.

GIVEN under my hand and notarial seal this 2 day of August, 2019.

(SEAL)

Notary Public:

My Commission is Permanent

IN WITNESS WHEREOF, the parties have executed this Grant of Easements on the date first written above.

IRC VALPARAISO WALK, L.L.C..

 $IN\ WITNESS\ WHEREOF_i$ the parties have executed this Grant of Easements on the date first written above.

IRC VALPARAISO WALK, L.L.C.. By: IRC Retail Centers LLC, its sole member Name: Chief Operating Officer Title: STATE OF ILLINOIS) SS: COUNTY OF DUPAGE Before me, a Notary Public, in and for said County and State, this 30 day of July, 2019, personally appeared Krish Rankon, the COO and of IRC Retail Centers LLC, and acknowledged the execution of the foregoing instrument to be their free and voluntary act, on behalf of such corporation. (Stamp_ iam Frey Pridmore

Notary Public, State of Illinois
On Commission Expires September 15, 2828

ACCEPTANCE AND AGREEMENT

Aldí (Indiana) L.P. does hereby accept the foregoing easements subject to all conditions, duties and obligations including the payment of its pro rata share of the cost and expense of Maintenance of the Easement Parcel and ring road.

Aldi (Indiana) L.P.

By Aldi (Indiana) LLC

Its General Phrtiter

By:

Its Manager

STATE OF INDIANA

)SS:

COUNTY OF PORTER

Before me, a Notary Public in and for said county and state, do hereby certify that David Zalunardo, personally known to me to be the person whose name is subscribed in the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his free and voluntary act and deed and for the purposes therein set forth.

Given under my hand and notarial scal this 24 day of July 2019.

Notary Public Kathlein J. Elwin Printed: Kathlein J. Elwin Extin

My Commission Expires: 3/14/2022

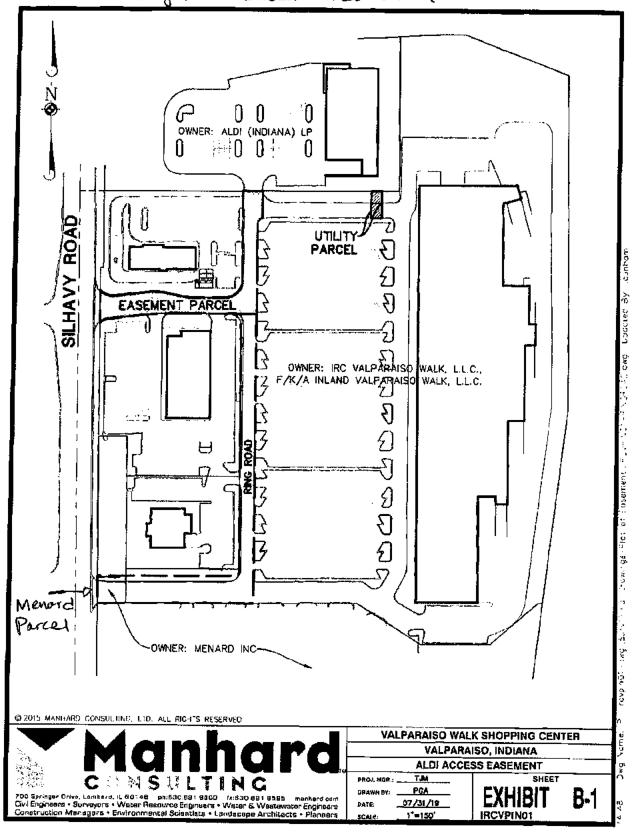
KATHLEEN J. ERWIN Notary Public - Seal State of Indiana Porter County My Commission Expires Mar 14, 2022

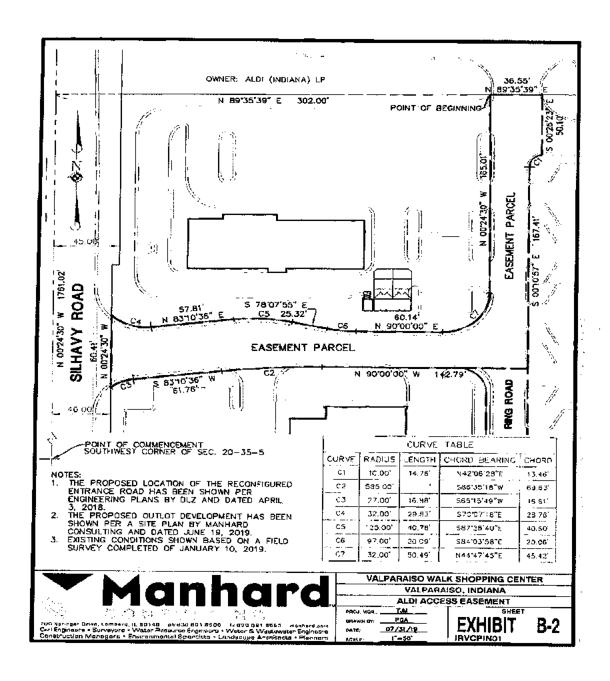
This Instrument Prepared By: William Pridmore, Esq. IRC Retail Centers LLC 814 Commerce Dr. Ste 300 Oak Brook, IL 60523 (877) 206-5656

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

Kathleen J. Erwin

Exhibit"A"
Ring Road Easement Location





PROPOSED VALPARAISO WALK SHOPPING CENTER SUBDIVISION LEGAL DESCRIPTION 10/17/2019

PARCEL 1:

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 20; THENCE NORTH 00 DEGREES 12 MINUTES 15 SECONDS WEST (AN ASSUMED BEARING) 1001.02 FEET, ALONG THE WEST LINE OF SAID SECTION 20; THENCE NORTH 89 DEGREES 47 MINUTES 54 SECONDS EAST, 92 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 47 MINUTES 54 SECONDS EAST, 426.42 FEET; THENCE SOUTH 57 DEGREES 25 MINUTES 24 SECONDS EAST, 138.53 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 54 SECONDS EAST, 130.0 FEET; THENCE NORTH 49 DEGREES 31 MINUTES 35 SECONDS EAST 116.02 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 54 SECONDS EAST 8.0 FEET TO THE WEST RIGHT OF WAY LINE OF STATE ROAD 49; THENCE ON THE FOLLOWING 2 COURSES, ALONG THE WEST RIGHT OF WAY LINE OF SAID STATE ROAD 49: (1) NORTH 07 DEGREES 06 MINUTES 37 SECONDS EAST 361.02 FEET. (2) NORTH 00 DEGREES 21 MINUTES 08 SECONDS WEST 616.99 FEET TO THE SOUTH RIGHT OF WAY LINE OF STATE ROAD 2; THENCE ON THE FOLLOWING TWO COURSES, ALONG THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 2: (1) NORTH 68 DEGREES 34 MINUTES 53 SECONDS WEST, 206.41 FEET, (2) WESTERLY, ALONG THE ARC OF A 1809.86 FOOT RADIUS CURVE TO THE LEFT, SUBTENDED BY A CHORD BEARING SOUTH 88 DEGREES 10 MINUTES 31 SECONDS WEST, 122.37 FEET; THENCE SOUTH 00 DEGREES 12 MINUTES 15 SECONDS EAST, 287.66 FEET, ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID SECTION 20; THENCE SOUTH 89 DEGREES 47 MINUTES 54 SECONDS WEST, 551.58 FEET TO THE EAST RIGHT OF WAY LINE OF SILHAVY ROAD; THENCE SOUTH 00 DEGREES 12 MINUTES 15 SECONDS EAST, 453.62 FEET, ALONG THE EAST RIGHT OF WAY LINE OF SILHAVY ROAD; THENCE NORTH 89 DEGREES 47 MINUTES 45 SECONDS EAST, 52:00 FEET; THENCE SOUTH 00 DEGREES 12 MINUTES 15 SECONDS EAST. 306.38 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PART DEEDED TO THE CITY OF VALPARAISO, INDIANA BY WARRANTY DEED RECORDED AS DOCUMENT NO. 2018-000790 DESCRIBED AS FOLLOWS:

A PART OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 35 NORTH, RANGE 5 WEST, IN THE CITY OF VALPARAISO, WASHINGTON TOWNSHIP, PORTER 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: COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION DESIGNATED AS POINT "200" ON SAID PARCEL PLAT; THENCE NORTH 0 DEGREES 24 MINUTES 32 SECONDS WEST 1,760,72 FEET ALONG THE WEST LINE OF SAID QUARTER SECTION TO THE WESTERLY PROLONGATION OF A NORTH LINE OF THE GRANTOR(S) LAND AND THE POINT OF BEGINNING OF THIS DESCRIPTION: THENCE NORTH 89 DEGREES 35 MINUTES 31 SECONDS EAST 45.00 FEET ALONG SAID PROLONGATION AND SAID NORTH LINE; THENCE SOUTH 0 DEGREES 24 MINUTES 32 SECONDS EAST 141.66 FEET TO THE POINT DESIGNATED 1029 ON SAID PARCEL PLAT; THENCE SOUTH 89 DEGREES 35 MINUTES 28 SECONDS WEST 45.00 FEET TO THE WEST LINE OF SAID QUARTER SECTION; THENCE NORTH 0 DEGREES 24 MINUTES 32 SECONDS WEST 141.66 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING AND CONTAINING 0.146 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT-OF-WAY WHICH CONTAINS 0.098 ACRES, MORE OR LESS.

SURROUNDING PROPERTY OWNER LIST

List the name the address of all property owners who have received notification below (Use Additional Sheets if necessary):

(Please print)

<u>Name</u>	<u>Address</u>		
OWNER	Mailing Address	Valpo Address	
Aldi (Indiana) Lp	197 E Division Rd Valparaiso IN 46383	2906 LAPORTE AVE VALPARAISO IN 46383	
Valparaíso li Llc	4711 Golf Rd Ste 1000 Skokie IL 60076	2710 LAPORTE AVE VALPARAISO IN 46383	
Wispo Llc	2181 S Oneida St Ste 1 Green Bay WI 54304	150 SILHAVY RD VALPARAISO IN 46383	
Target Corporation T-1286 Attn :Tax	PO Box 9456 Minneapolis MN 55440	2420 LAPORTE AVE VALPARAISO IN 46383	
Schumacher Interests IncERJ #517	3309 Collins Ln Louisville KY 40245	250 SILHAVY RD VALPARAISO IN 46383	
Kohls Indiana Ł P	<u>PO Box 2148</u> <u>Milwaukee WI 53201</u>	350 SILHAVY RD VALPARAISO IN 46383	
Menard Inc	4777 Menard Dr Eau Claire WI 54703	351 SILHAVY RD VALPARAISO IN 46383	
Menard Inc	4777 Menard Dr Eau Claire WI 54703	51 SILHAVY VALPARAISO IN 46383	
Valert Properties LLC	2300 Cline Ave Suite 204 Schererville IN 46375	3004 JOHN HOWELL DR VALPARAISO IN 46383	
CFT NV Developments LLC	1683 Walnut Grove Ave Rosemead CA 91770	2904 John Howell Dr Valparaiso, IN 46385	
Family Express Corp	213 S State Road 49 Valparaiso IN 46383	204 Silhavy Road VALPARAISO IN 46383	

Affidavit of Consent of Property Owner

(To be presented with application for Plan Commission Action)

PAM SULLI	NS , being du	illy sworn upon	his/her oath, being of	sound mind
and legal age de	poses and states:	, ,,,,,,	g c.	
1.	attached notice which	ase indicate) of h an application	oner PAM SULLINS f the property describe n for a Plan Commissi sion of the City of Valp	on action has
Petitione Michael	h Sullui Fitzgerald 4 Vice Gresident		10/15/19 Date 10/15/19	
Subscribe	d and sworn to before	e me this 15%	Jay of October	. 2019.
Notary Pul My Comm	ission Expires:	- Connection of the Connection	OFFICIAL SEAL DENISE E GRAHAM NOTARY PUBLIC - STATE OF ILLI MY COMMISSION EXPIRES:06/1	NOIS 5/23

Affidavit of Consent of Property Owner

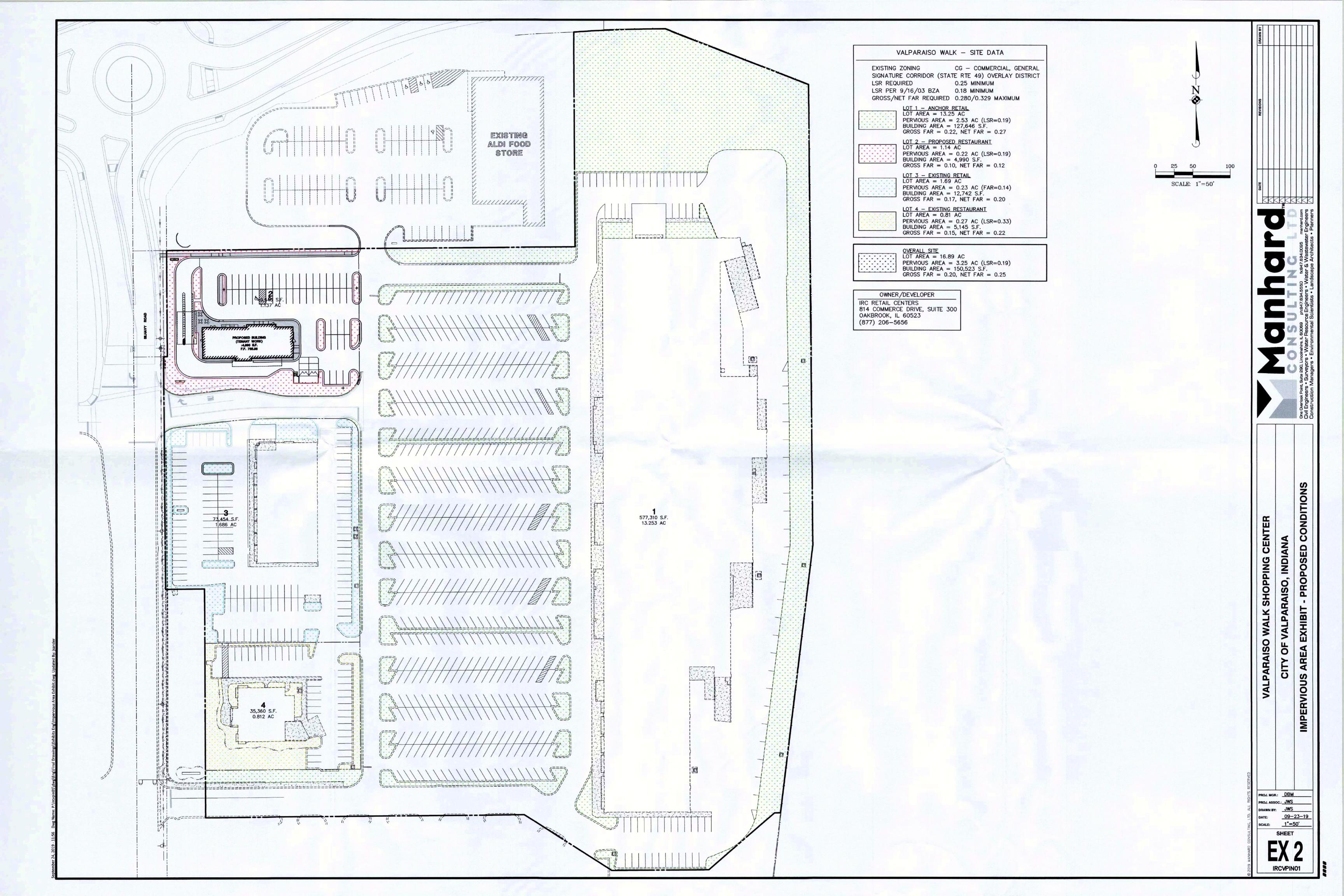
(To be presented with application for Plan Commission)

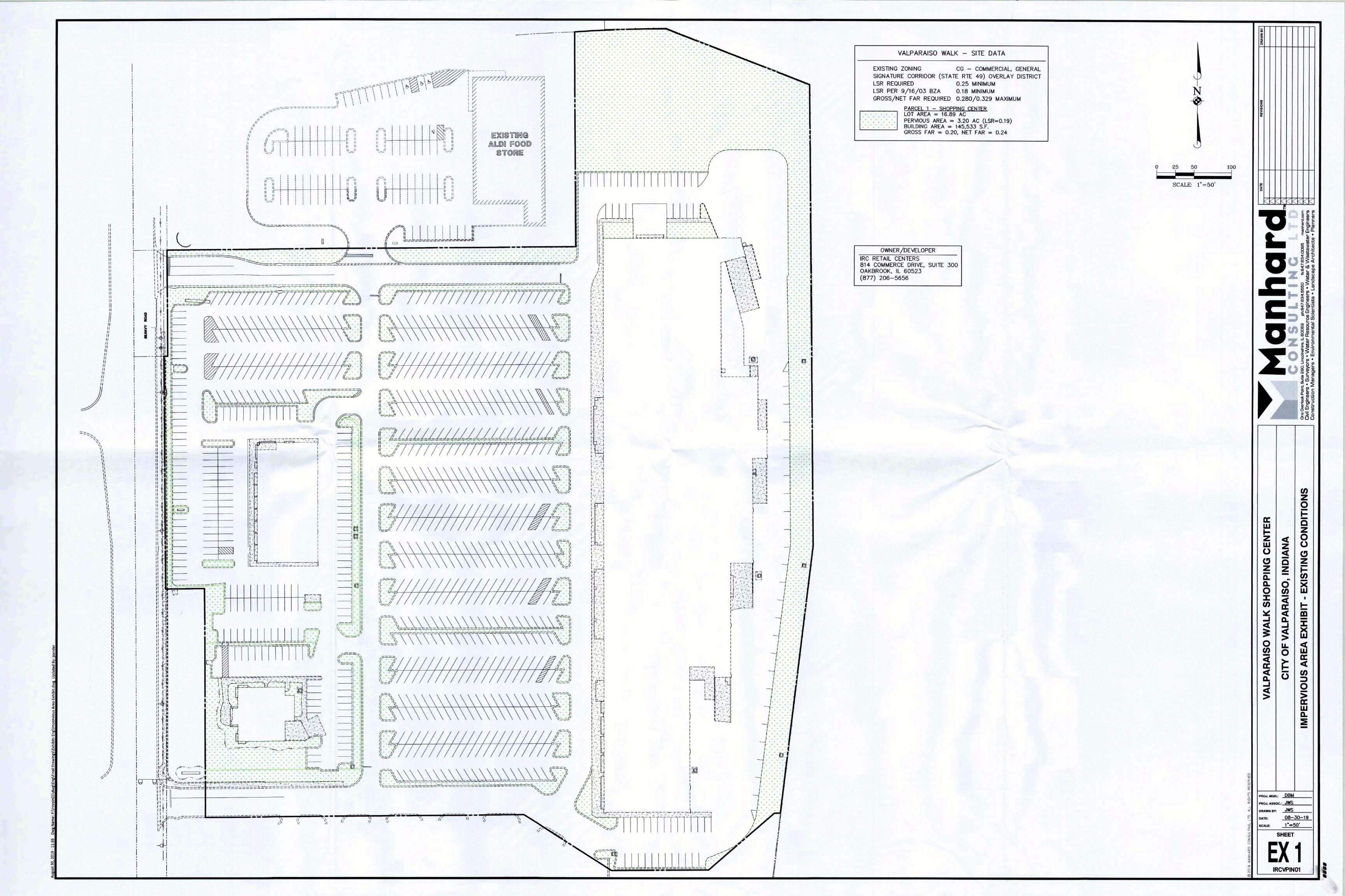
MICHAEL FITZ GERAL being duly	sworn upon his/her oath, being of sound
mind and legal age deposes and states	s:
That IRC VALPARAISO WALK owner(s) of real property that is Commission.	LLC ("Owner") (is/are) the legal the subject of a Petition before the Plan
z. That Owner additionizes	sullins ("Petitioner") ion filed before the Plan Commission. mmit to any reasonable restriction or proposed by the Petitioner.
IRC VALPARAISO WALK LLC	
Property Owner	Date
Michael Fitzgerald	10/15/19
Proplexiscutiva exice President	Date
Subscribed and sworn to before me this 20_19	15th day of October.
Wenne & Drohan	^^^^
Notary Public	OFFICIAL SEAL
My Commission Expires:	DENISE E GRAHAM NOTARY PUBLIC - STATE OF ILLINOIS
6/15/2023	MY COMMISSION EXPIRES:08/15/23
Date	

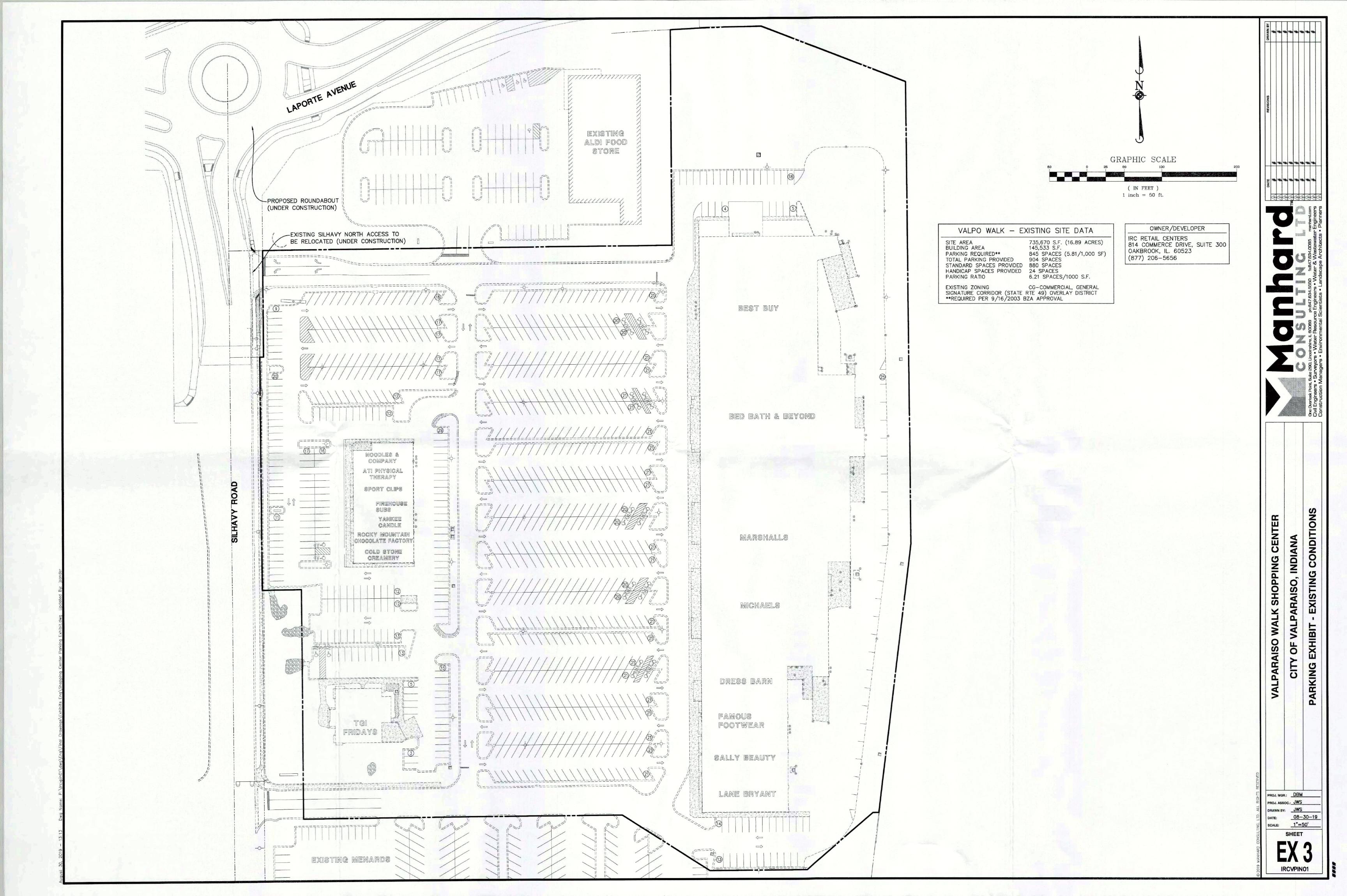
Affidavit of Consent of Property Owner

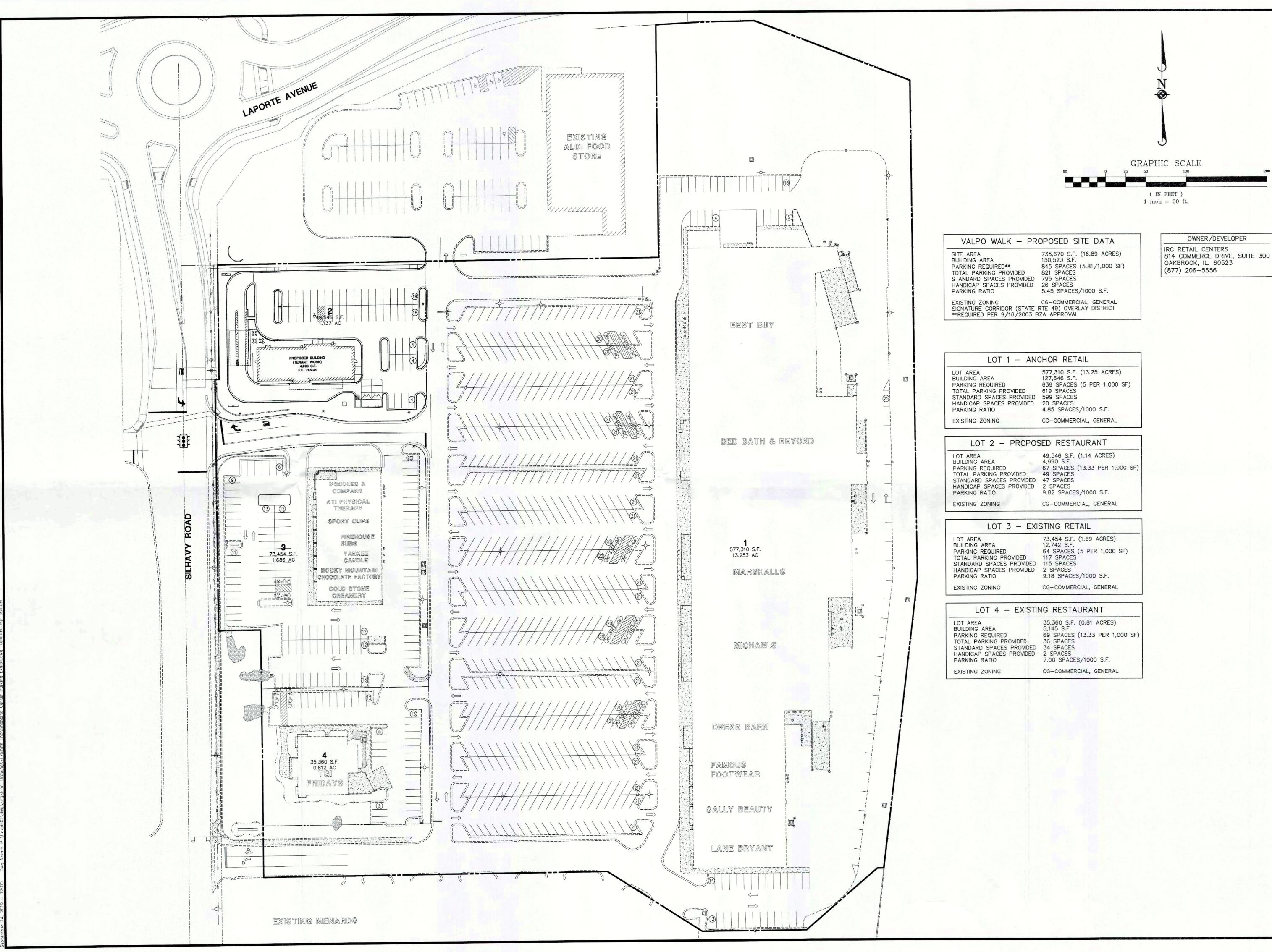
(To be presented with application for Plan Commission Action)

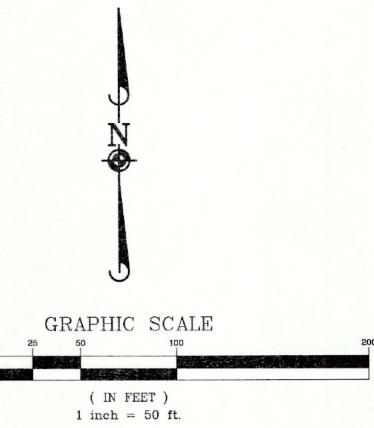
PAM SUL	LINS	being dully sw	vorn upon h	is/her oath, being	of sound mind
and legal age of				g	
1.	attorney, ot attached no	her – Please ir stice which an	ndicate) of t application	ner PAM SULLINS the property descri for a Plan Commis on of the City of Va	bed in the ssion action has
Petition	n Juli	is		10/15/19	
IRC Valpa	M/Mlle Retail Centrais wall	wters k UC			
Subscrib	ed and sworn	to before me	this <u>/5 ^H</u> da	iy of <u>October</u>	, 2019
<u>Nanua</u> Notary P		hápu	~	OFFICIAL SEAL DENISE E GRAHA	·····j
My Comr 	mission Expire	əs:	£.	NOTARY PUBLIC - STATE OF MY COMMISSION EXPIRES:	ILLINOIS 06/15/23







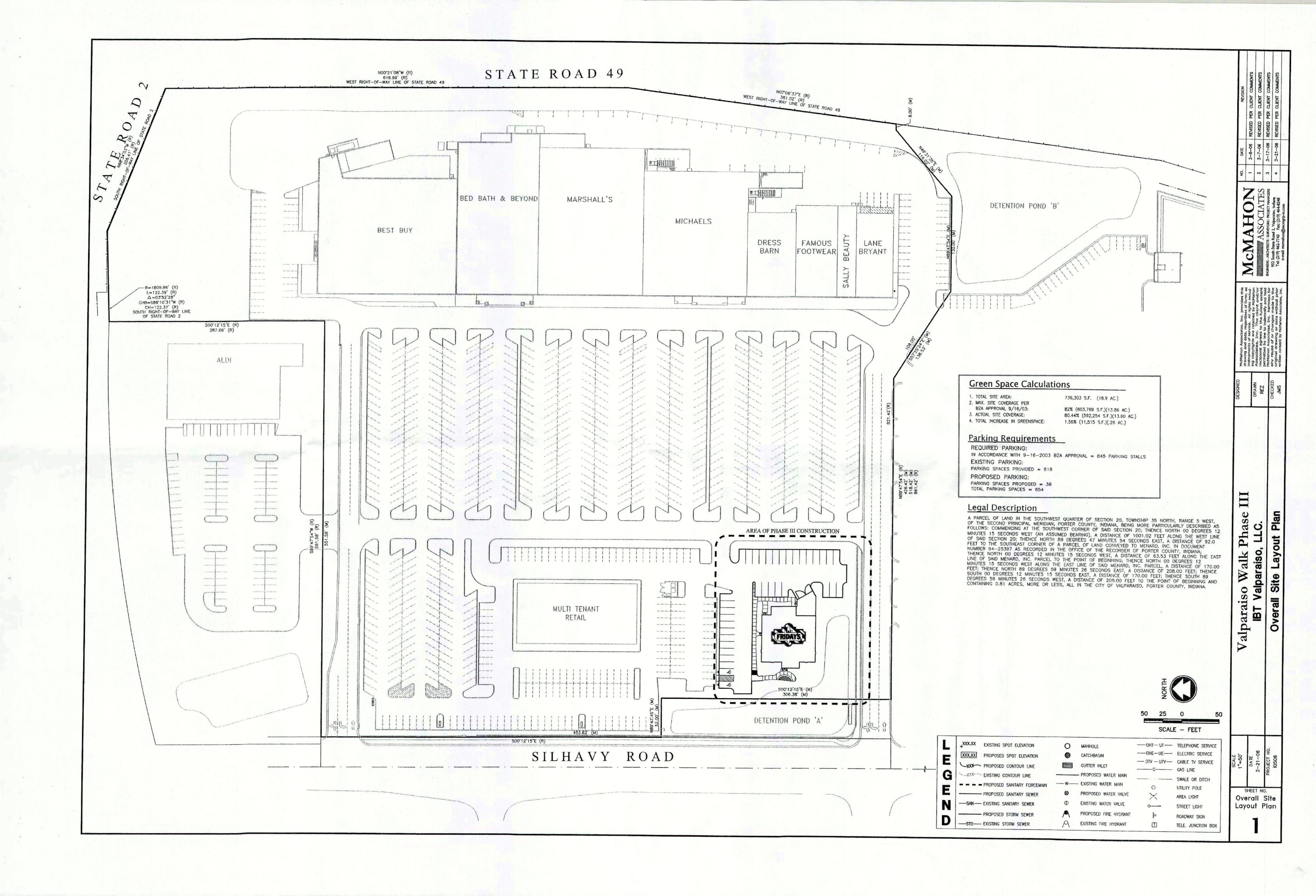


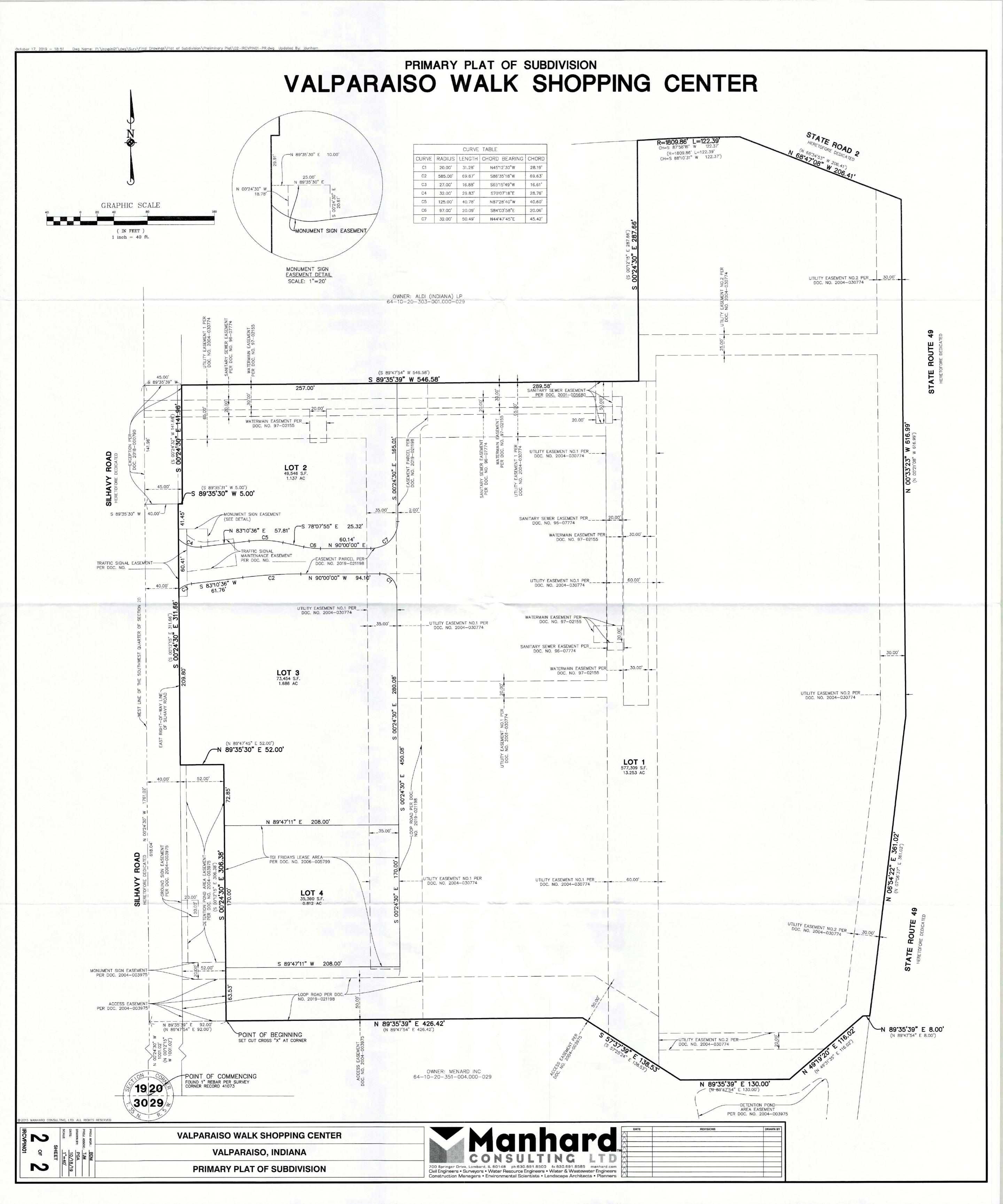


CITY OF VALPARAISO, INDIANA

ARKING EXHIBIT - PROPOSED CONDITIONS

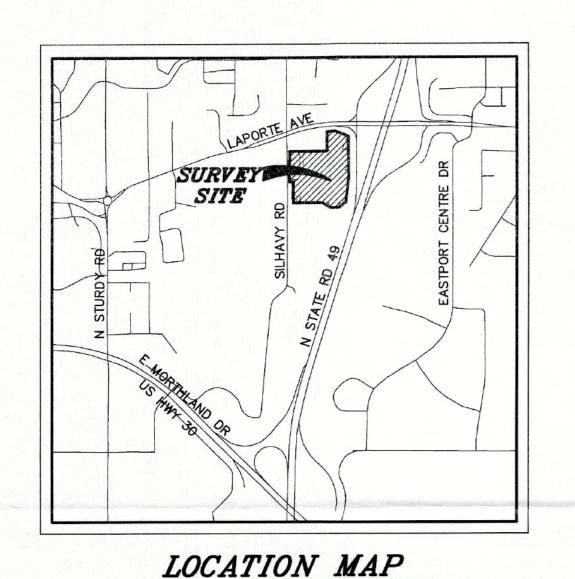
PROJ. MGR.: DBM PROJ. ASSOC .: JWS DRAWN BY: JWS 09-23-19 1"=50" SCALE: SHEET





PRIMARY PLAT OF SUBDIVISION VALPARAISO WALK SHOPPING CENTER

BEING A SUBDIVISION OF THAT PART OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA.



ctober 17, 2019 - 18:53 Dwg Name: P:\Ircvpin01\dwg\Surv\Final Drawings\Plat of Subdivision\Preliminary Plat\01-IRCVPIN01-PR.dwg Updated By: idunha

LEGAL DESCRIPTION

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 35

NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY,

NOT TO SCALE

INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 20; THENCE NORTH 00 DEGREES 12 MINUTES 15 SECONDS WEST (AN ASSUMED BEARING) 1001.02 FEET, ALONG THE WEST LINE OF SAID SECTION 20; THENCE NORTH 89 DEGREES 47 MINUTES 54 SECONDS EAST, 92 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 47 MINUTES 54 SECONDS EAST, 426.42 FEET; THENCE SOUTH 57 DEGREES 25 MINUTES 24 SECONDS EAST, 138.53 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 54 SECONDS EAST, 130.0 FEET; THENCE NORTH 49 DEGREES 31 MINUTES 35 SECONDS EAST 116.02 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 54 SECONDS EAST 8.0 FEET TO THE WEST RIGHT OF WAY LINE OF STATE ROAD 49; THENCE ON THE FOLLOWING 2 COURSES, ALONG THE WEST RIGHT OF WAY LINE OF SAID STATE ROAD 49: (1) NORTH 07 DEGREES 06 MINUTES 37 SECONDS EAST 361.02 FEET, (2) NORTH 00 DEGREES 21 MINUTES 08 SECONDS WEST 616.99 FEET TO THE SOUTH RIGHT OF WAY LINE OF STATE ROAD 2; THENCE ON THE FOLLOWING TWO COURSES, ALONG THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 2: (1) NORTH 68 DEGREES 34 MINUTES 53 SECONDS WEST, 206.41 FEET, (2) WESTERLY, ALONG THE ARC OF A 1809.86 FOOT RADIUS CURVE TO THE LEFT, SUBTENDED BY A CHORD BEARING SOUTH 88 DEGREES 10 MINUTES 31 SECONDS WEST, 122.37 FEET; THENCE SOUTH 00 DEGREES 12 MINUTES 15 SECONDS EAST, 287.66 FEET, ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID SECTION 20; THENCE SOUTH 89 DEGREES 47 MINUTES 54 SECONDS WEST, 551.58 FEET TO THE EAST RIGHT OF WAY LINE OF SILHAVY ROAD; THENCE SOUTH 00 DEGREES 12 MINUTES 15 SECONDS EAST, 453.62 FEET, ALONG THE EAST RIGHT OF WAY LINE OF SILHAVY ROAD; THENCE NORTH 89 DEGREES 47 MINUTES 45 SECONDS EAST, 52.00 FEET; THENCE SOUTH 00 DEGREES

EXCEPTING THEREFROM THAT PART DEEDED TO THE CITY OF VALPARAISO, INDIANA BY WARRANTY DEED RECORDED AS DOCUMENT NO. 2018-000790 DESCRIBED AS

12 MINUTES 15 SECONDS EAST, 306.38 FEET TO THE POINT OF BEGINNING,

A PART OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 35 NORTH, RANGE 5 WEST, IN THE CITY OF VALPARAISO, WASHINGTON TOWNSHIP, PORTER 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: COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION DESIGNATED AS POINT "200" ON SAID PARCEL PLAT; THENCE NORTH 00 DEGREES 24 MINUTES 32 SECONDS WEST 1,760.72 FEE ALONG THE WEST LINE OF SAID QUARTER SECTION TO THE WESTERLY PROLONGATION OF A NORTH LINE OF THE GRANTOR(S) LAND AND THE POINT OF BEGINNING OF THIS DESCRIPTION: THENCE NORTH 89 DEGRÉES 35 MINUTES 31 SECONDS EAST 45.00 FEET ALONG SAID PROLONGATION AND SAID NORTH LINE; THENCE SOUTH 0 DEGREES 24 MINUTES 32 SECONDS EAST 141.66 FEET TO THE POINT DESIGNATED 1029 ON SAID PARCEL PLAT; THENCE SOUTH 89 DEGREES 35 MINUTES 28 SECONDS WEST 45.00 FEET TO THE WEST LINE OF SAID QUARTER SECTION; THENCE NORTH 00 DEGREES 24 MINUTES 32 SECONDS WEST 141.66 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING AND CONTAINING 0.146 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT-OF-WAY WHICH CONTAINS 0.098 ACRES, MORE OR LESS.

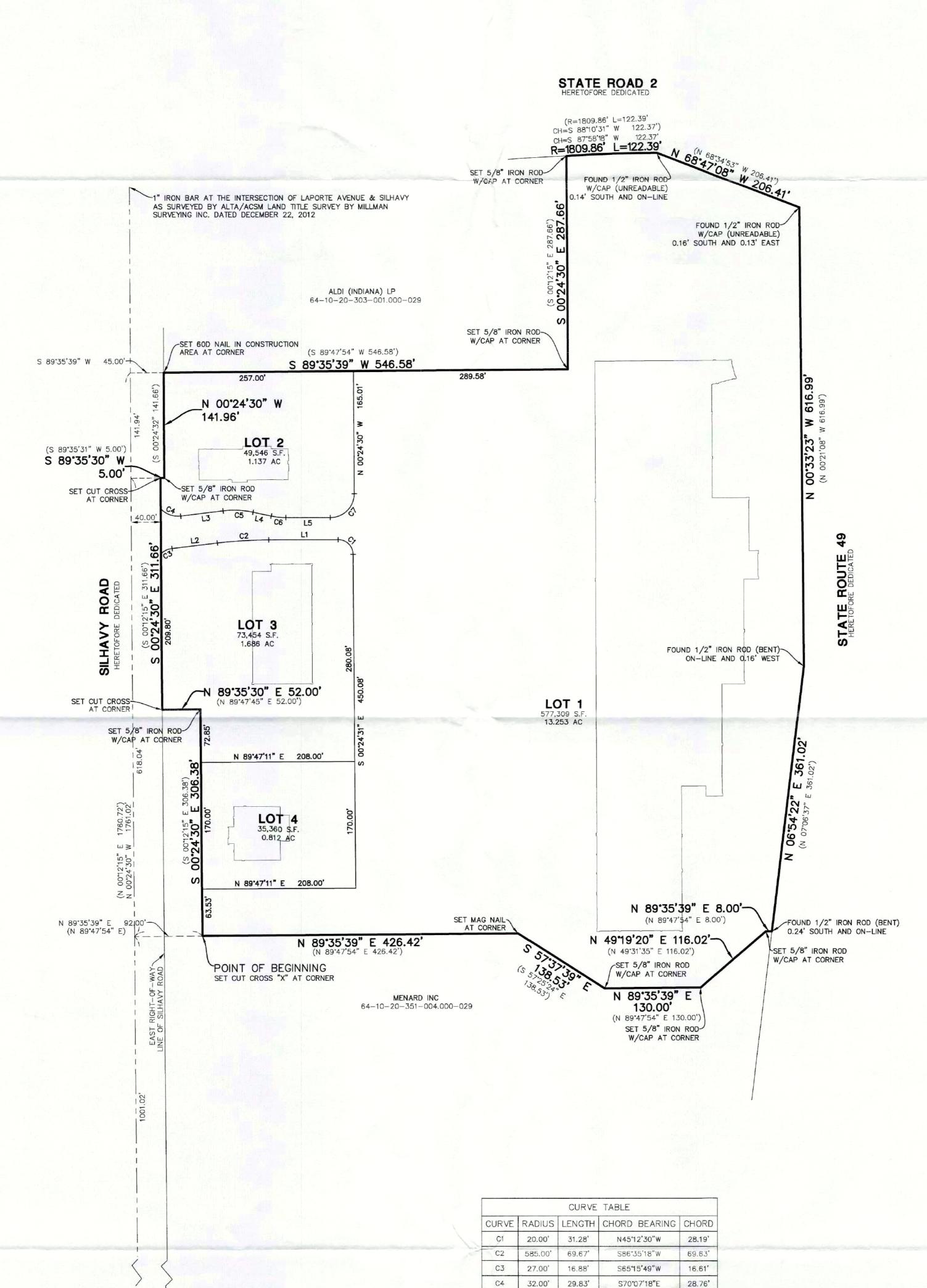
DEED OF DEDICATION

WE, THE UNDERSIGNED INLAND VALPARAISO WALK, LLC. OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OFF, PLATTED, AND SUBDIVIDED SAID REAL ESTATE IN ACCORDANCE WITH THE ATTACHED PLAT. THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS VALPARAISO WALK SHOPPING CENTER. ALL STREETS, CROSSWALKS AND PUBLIC WAYS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE CITY OF VALPARAISO FOR USE BY THE PUBLIC IN GENERAL.

OPERATION AND MAINTENANCE OF OPEN SPACES, COMMON AREAS, REAR OR SIDE YARD SWALES, DETENTION FACILITIES, REAR OR SIDE YARD STORM SEWERS AND OUTLOTS SHALL BE BY THE PROPERTY OWNERS' ASSOCIATION ("ASSOCIATION"). IN THE EVENT OF AN EMERGENCY WHERE PROPERTY DAMAGE OR PERSONAL INJURY MAY RESULT FROM THE ASSOCIATION'S FAILURE TO MAINTAIN OR REPAIR SAID FACILITIES, THE CITY SHALL HAVE THE RIGHT TO ENTER UPON THE PROPERTY, MAKE ANY NECESSARY CORRECTIONS TO REMEDY THE SITUATION AND THEN RECOVER ALL ADMINISTRATIVE, LEGAL, ENGINEERING, AND CONSTRUCTION COSTS FOR SAID WORK FROM THE ASSOCIATION OR BY SPECIAL ASSESSMENT OF THE BENEFITED PROPERTY OWNERS.

MONUMENT SIGN EASEMENT PROVISIONS

A NON-EXCLUSIVE EASEMENT IS HEREBY GRANTED TO THE PROPERTY OWNERS' ASSOCIATION ("ASSOCIATION") AS DEPICTED ON THE PLAT OF SUBDIVISION FOR VALPARAISO WALK SHOPPING CENTER AND DESIGNATED AS "MONUMENT SIGN EASEMENT". THE ASSOCIATION SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, REPAIR AND REPLACE THE SIGN AND ASSOCIATED FACILITIES INCLUDING ANY LANDSCAPING WITHIN THOSE AREAS DESIGNATED ON THE PLAT.



C5

C6

125.00'

97.00

32.00

20.09'

LINE TABLE

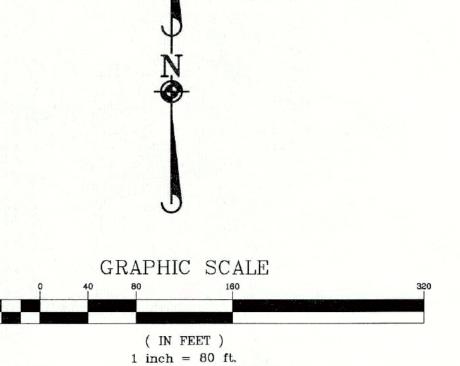
LINE | BEARING | LENGTH

L1 N90°00'00"W

L3 N83*10'36"E

L4 S78'07'55"E

L5 N90'00'00"E



BASIS OF BEARINGS

BEARINGS ARE BASED UPON THE INDIANA STATE PLANE COORDINATE SYSTEM, WEST ZONE (NAD 83), ADJUSTED TO GROUND VALUES, AS ESTABLISHED BY A REAL—TIME KINEMATIC (RTK) GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) UTILIZING THE TRIMBLE VRS NOW NETWORK.

OWNER/DEVELOPER

INLAND VALPARAISO WALK, L.L.C. 2901 BUTTERFIELD ROAD OAK BROOK, ILLINOIS 60523

TAX KEY NO.

64-10-20-303-003.000-029

PROPERTY AREA

LOT 1 = 577,309 SQUARE FEET (13.253 ACRES) LOT 2 = 49,456 SQUARE FEET (1.137 ACRES) LOT 3 = 73,454 SQUARE FEET (1.686 ACRES) LOT 4 = 35,360 SQUARE FEET (0.812 ACRES) TOTAL = 735,579 SQUARE FEET (16.888 ACRES)

SURVEYOR'S NOTES

THIS SUBDIVISION CONSISTS OF 4 LOTS.

2. DISTANCES ARE MARKED IN FEET AND DECIMAL PLACES THEREOF. NO DIMENSION SHALL BE ASSUMED BY SCALE MEASUREMENT HEREON. DISTANCES AND/OR BEARINGS SHOWN IN PARENTHESIS (456.67') ARE RECORD OR DEED VALUES.)

3. THIS SUBDIVISION MAY BE SUBJECT TO MATTERS OF TITLE, WHICH MAY BE REVEALED BY A CURRENT TITLE REPORT. PRE-EXISTING EASEMENTS, SETBACKS AND OTHER RESTRICTIONS WHICH MAY BE FOUND IN A CURRENT TITLE REPORT, LOCAL ORDINANCES, DEEDS OR OTHER INSTRUMENTS OF RECORD MAY NOT BE SHOWN.

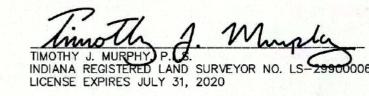
4. CROSS REFERENCE IS HEREBY MADE TO AN ALTA/NSPS LAND TITLE SURVEY PREPARED BY MILLIMAN SURVEYING INC., DATED DECEMBER 22, 2012.

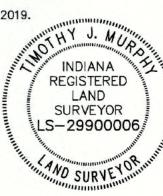
SURVEYOR CERTIFICATE

STATE OF ILLINOIS

I, TIMOTHY J. MURPHY, HEREBY CERTIFY THAT I AM A LAND SURVEYOR LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, AND THAT TO THE BEST OF MY KNOWLEDGE, THIS PLAT CONFORMS TO THE REQUIREMENTS OF THE CITY OF VALPARAISO UNIFIED DEVELOPMENT ORDINANCE, AND THE STANDARDS MANUAL; THAT THE MARKERS AND MONUMENTS SHOWN ON THE PLAT ACTUALLY EXIST; AND THAT

THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE ACCURATELY SHOWN.
WITNESS MY HAND AND SEAL THIS 18TH DAY OF OCTOBER, 2019.





PROJ. MGR.: BDM
PROJ. ASSOC: TJM
DRAWN BY: PGA
DATE: 10/18/19
SCALE: 1"=80'
SHEET
SHEET
GF
1RCVPINO1

VALPARAISO WALK SHOPPING CENTER

POINT OF COMMENCING

19 20 FOUND 1" REBAR PER SURVEY CORNER RECORD 41073

VALPARAISO, INDIANA

PRIMARY PLAT OF SUBDIVISION



N87'28'40"W

S84'03'58"E

N44'47'45"E

25.32

40.60

20.06

45.42