



Morris W. Carter

Recorder of Deeds

Lake County Indiana
2293 North Main Street
Crown Point, In 46307
219-755-3730
fax: 219-648-6028

Certification Letter

State of Indiana)
County of Lake) SS

This is to certify that I, Morris W. Carter, Recorder of Deeds of Lake County, Indiana am the custodian of the records of this office, and that the foregoing is a full, true and complete copy of a

DECLARATION OF RESTRICTIONS

as recorded as **DOC# 95052256**

as this said document was present for the recordation when **Sam Orlich**

was Recorder at the time of filing of said document

Dated this **3RD** day of **August**, 2004

Patricia Lewis

Deputy Recorder

Morris W. Carter

Morris W. Carter, Recorder of Deeds
Lake County Indiana

Form # 0023 Revised 5/2002

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Nelvin Reagins
2126 Taft St.
Gary In. 46407

102-1700-16427
JAN 29

DECLARATION OF RESTRICTION ON USE OF REAL PROPERTY

The record owner, Nelvin Reagins, hereby declares and imposes the following restrictions on the real property owned by record owner identified to be a portion of the Lake Sandy In Superfund site, the City of Gary, State of Indiana, located at 3517 W. 25th Avenue, more particularly described as follows:

Tract 25, Block 3, Tolleston Club Property, Tract 26, south half of Tract 27, and Tracts 28 and Tract 29, Block 3, Tolleston Club Property Located within the Northeast Quarter of the Southwest Quarter of Section 18, Township 36 North, Range 8 West of the 2nd Principal Meridian

RECITALS

WHEREAS, the United States Environmental Protection Agency (U.S. EPA) has issued a Record of Decision adopting a remedial action plan which requires remedial action to be undertaken on the property and further institutional controls to assure that the remedy is protective of human health and the environment;

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SEP 6 1995

NOW, THEREFORE, by this instrument there are created, declared and established at

**SAM OFLICH
AUDITOR LAKE COUNTY**

the property the following restrictive covenants and requirements, which shall, unless amended, run with land and remain in full force and effect in perpetuity from the date hereof, irrespective of any sale, conveyance, alienation, or other transfer of any interest or estate in such property.

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STATE OF INDIANA
LAKE COUNTY
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RESTRICTIONS APPLICABLE TO THE PROPERTY

The following restrictions shall apply to the property described above:

1. There shall be no use of the groundwater underlying the property which might endanger human health through ingestion or dermal contact or endanger the environment; use of the groundwater requires the express written approval of U.S. EPA, or any successor federal government department or agency.
2. There shall be no use of, or activity at, the property performed at the property, or any activity which may damage any remedial action component constructed for or installed by the U.S. EPA or otherwise impaired unless prior written approval is obtained from U.S. EPA.
3. There shall be no residential use of the property within the existing boundaries of the fence line.
4. There shall be no excavation, installation, construction, removal or use of any buildings, wells, pipes, roads, ditches or any other structures at the property without the express prior written approval of U.S. EPA as consistent with the Record of Decisions and any other response by U.S. EPA or IDEM.

All the restrictions specified above shall continue in full force and effect until it has been determined by U.S. EPA that the site no longer poses a threat to human health and the environment.

COPY OF RESTRICTIONS

A copy of these restrictions shall be provided by the owners of the property to all respective successors, assigns and transferees of the property.

PETITION TO MODIFY OR TERMINATE DEED RESTRICTIONS

After the U.S. EPA has made the determination consistent with the Record of Decision, the owner(s), of the property may petition the Regional Administrator of the U.S. EPA,

Region V, or his delegate, to modify or terminate the deed restrictions. Any petition for modification or termination shall state the specific provision sought to be modified or terminated and any proposed additional uses of the property. Any proposed modification or terminations must not be inconsistent with the requirements to maintain existing components of the remedy.

SEVERABILITY

If any provision of this Declaration of Restriction on Use of Real Property is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provisions hereof. All such other provisions shall continue unimpaired in full force and effect.

CONFLICT LAWS

If any provision of this Declaration of Restrictions on Use of Real Property is also the subject of any law or regulation established by any federal, state or local government, the stricter of the two standards shall prevail.

HARMONIOUS CONSTRUCTION

No provision of this Declaration of Restriction on Use of real Property shall be construed so as to violate any applicable zoning laws, regulations or ordinances. If any such

conflict does arise, the applicable zoning laws, regulations or ordinances shall prevail, unless they are inconsistent with CERCLA.

The undersigned persons executing this Declaration of Restrictions on Use of Real Property on behalf of the owner(s) of the property represent and certify that they are duly authorized and have been fully empowered to execute this Declaration.

IN WITNESS WHEREOF, the owner(s) of the property have caused this Declaration of Restrictions On Use of Real Property to be executed on this 6 day of September, 1995.

PROPERTY OWNER

Nelvin Reagins
Maxine Reagins

BY:

Nelvin Reagins
NELVIN REAGINS

BY:

Maxine Reagins
MAXINE REAGINS