DEPOSITIONS, INC.

2121 South Twenty-second Street
Terre Haute, IN 47802

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OFFICE OF HEARINGS
INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

April 5, 1993

Judge James M. Garrettson
Indiana Dept. of Environmental Management
P.O. Box 6015
Indianapolis, IN 46204-6015

Re: Public hearing for the Formation of the Crown Hill Regional Sewer District

Dear Judge Garrettson:

Enclosed is your statement and the original transcript of the public hearing held at the Municipal Building in Clinton, Indiana, on the 23rd day of March 1993.

I have as of this date mailed a copy of same to Mr. Joe Beardsley for his files. There is a service at no charge.

Sincerely,

DEPOSITIONS, INC.

Carol

Carol Pinkston
Court Reporter

BEFORE THE INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

STATE OF INDIANA)
)SS:
COUNTY OF MARION)

IN THE MATTER OF:

THE FORMATION OF THE)
CROWN HILL REGIONAL SEWER)CAUSE NO. 92-W-J-765
DISTRICT)

The public hearing for the formation of the Crown Hill Regional Sewer District was held in the Municipal Building, Clinton, Vermillion County, Indiana, on the 23rd day of March 1993, at seven p.m.

Carol J. Pinkston, Notary

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Since 1969

THE FORMATION OF THE CROWN HILL

REGIONAL SEWER DISTRICT

MARCH 23, 1993

7 P.M.

JUDGE JAMES M. GARRETTSON PRESIDING

JUDGE GARRETTSON:

It's seven. I guess we're all set. I hope everyone is here that's coming. If you can hear me. This is a public hearing before the Indiana Department of Environmental Management for the purpose of accepting public comments on the Crown Hill Regional Sewer District. I'm afraid I'm not a good person to ask any questions of because, frankly, I don't know much about the Crown Regional Sewer District except what came in through the application. But the way that the State works these things is that they require someone like me to come out and take

your public comments and to get a court reporter to write down your public comments. We'll take those back to Indianapolis where the Commissioner will review those, along with the application, and make her decision on whether or not to create the Crown Hill Regional Sewer District. After we've got the public comments on the record, I think we have some people here who can probably answer any questions that you have. If you want to receive a copy of the Commissioner's Order on this, I'm going to get your names and addresses. I've got a sheet of paper up here to get those on. But meanwhile if you'll just raise your hands, I'll call on you and you can make your public comments. Then after you're through, if you want to get a copy of the Commissioner's

Order, if you'll simply sign your name and address on this sheet I'll have up here in front, I'll see it gets to you. Any questions about all that?

MR. BEARDSLEY:

No, I just wanted to make a comment when you were ready, Judge.

JUDGE GARRETTSON:

Okay, if there are no questions, who wants to make comments? Joe Beardsley.

MR. BEARDSLEY:

Judge Garrettson, I think it might be helpful if I made a few comments about the history of this project, as much as for the benefit of the Judge as for the benefit of people here who haven't been involved.

Many months ago some of the owners of the commercial property out at the intersection of State Road 63 and 163

talked to some members of Clinton Industrial Development Corporation about maybe some assistance, not financial assistance, just maybe some guidance on how to get a sewer out to that area. Some informal meetings were organized with the landowners out there with the members of Clinton Industrial Development, and then the concept was developed that the landowners out there would either pay for or underwrite the furnishing of a sewer to that area. There was some concern because that area, as all of us know who live here, is not really conducive to septic systems. They were worried about the existing businesses out there, how long they could exist under the present, and they were concerned that there could be no further development out there because of the problems with the type

clay soil. The landowners had some meetings. Then we met with Mayor Colombo asking, if the landowners and their organization provided the sewer, piped it to the city, whether the city would be willing to treat the sewage, for a fee naturally. The mayor looked at this, talked to his engineers about the capacity of the Clinton Sewage Treatment plant. I guess he found there was ample capacity to do this, met with his board of works and they agreed that they would treat the sewage if this entity were formed. The next step, landowners and representatives met with the Clinton Advisory Board, Clinton Township Trustee, because the law required that there be a sponsoring agency for this proceeding, met with them and they agreed to sponsor the filing of this

petition. The advisory board passed a resolution and Domenic Natale, the township trustee, signed the petition to organize this sewage district. The filing was then made with the Department of Environmental Management, and here we are tonight. Now, the initial district was set to be just really the commercial district, say, from Shepards on west to State Road 63. That would be generally, and if you saw the ad in the paper, if you saw the legal descriptions there on the land, you'd have to be a surveyor or a lawyer that deals with legal descriptions or you couldn't figure where in the devil you were talking about. Those descriptions were taken from the descriptions of the land owned by the interested landowners. Generally the interested landowners are the Shew

family, Jack Rumpza, Wal-Mart, Jack Hayman who owns land there between Wal-Mart and the food store, REMS Foods, Inc., Don Lewis, John Ream, Tom and Tory Cloyd, Dale and Margaret Ann Shepard, Scott Oil, Inc. and Dump Trucks, Inc. It is contemplated that the initial district would only encompass the land owned by these landowners. When the district is formed, or maybe I should say if the district is formed, then there will be a board of trustees appointed to govern the district. The board of trustees will be comprised of seven members, one will be appointed by the Mayor of the City of Clinton, one will be appointed by the Vermillion County Commissioners, one will be appointed by the Vermillion County Council, two will be appointed by the Clinton Township Trustee and two will

be appointed by the Clinton Township Advisory Board. The sewer line that's going to be running out there will be sized so it can take care of much more that the initial district. It's contemplated that, by at least the people who are looking at this now, if additional areas want to be included at a later date, if the people want to be included, and it's financially feasible, that they would be added. In fact, that process could start fairly quickly. The landowners have contributed enough money so there's been some initial engineering studies done, in fact, maybe even more than initial engineering studies by Hurst-Rosche. Approval of those plans, of course, will be made by this board of trustees once they're appointed. That's where it stands right now. If

anybody has any questions after this is over, we'll try to answer them. Thank you, Judge Garrettson.

JUDGE GARRETTSON:

Thank you.

Would anyone else like to make any comments?

The first gentleman.

MR. McKAY:

I'm Tom McKay. I'm a landowner out there. I have a question here. Is this a proposal to form a district only for commercial purposes?

JUDGE GARRETTSON:

Again, this portion of the hearing is simply to receive public comments. I frankly don't have any answers. After we get the public comments on the record, I'm sure there are people here who can answer questions. I frankly can't.

MR. McKAY:

Well, I mean is this just for commercial purposes? That's all I'm asking.

JUDGE GARRETTSON:

To the extent I can answer that, no, there is nothing within this that restricts it simply to commercial purposes.

MR. McKAY:

Nothing that restricts it?

JUDGE GARRETTSON:

No.

MR. McKAY:

Is there anything to restrict it to expand the area?

JUDGE GARRETTSON:

Did anything restrict it from expanding?

MR. McKAY:

Yes.

JUDGE GARRETTSON:

No.

MR. McKAY:

With the same deal now, not waiting for future dates where we would have to apply for an additional loan from the Farm Loan Administration or from the governor or something like that?

JUDGE GARRETTSON:

Nothing in the establishment of a regional sewer district restricts the regional sewer district from expanding.

MR. McKAY:

With the present plan, I just seen a plan today, cuts it about seven hundred feet from my property, and I'd like to know if I could get into it, and Shepards themselves informed me they would be interested, and I know my neighbors would be interested, and I know several of my neighbors all in that given area of four or five hundred feet one way or

another would be interested.

JUDGE GARRETTSON:

Again, this isn't something I'm an expert in, and I think you can get some more specific questions answered after the public hearing period. There's nothing that restricts it from being expanded, and I expect that if it were created and if a sewer line were extended out there, that the people who were funding the sewer line would be happy as heck to have more people involved in it.

MR. McKAY:

Well, I agree with that. I just wondered though if this is the time to ask for an additional thing or just leave it go through as it is now proposed and wait for a later date, but I'd like to see it go through altogether, where you're just going to avoid future meetings and future

complications with other people. If we get it done the first time right, we won't have to have three or four meetings.

JUDGE GARRETTSON:

The regional sewer district can probably be expanded without a need for future public hearings. The major purpose of this is simply to decide if a regional sewer district ought to be established in the first place. Once it is established it can probably be expanded and additional hookups could probably be created simply by negotiation between the people who would like to hook up and the eventually formed regional sewer district board.

MR. McKAY:

Then the next question to ask, what do we do tonight, do we say go?

JUDGE GARRETTSON:

Or no.

MR. McKAY:

I mean I'm ready to say go.

JUDGE GARRETTSON:

Say it.

MR. McKAY:

I mean I'm not here to object. I just want to get more information.

JUDGE GARRETTSON:

Okay. Again, after we get through the public comment period, I'm sure that Mr. Beardsley and I would guess there are some other people here who can answer more specific questions than I'm able to, okay?

MR. McKAY:

Thank you.

JUDGE GARRETTSON:

Anybody else?

The gentleman in the sunglasses.

MR. OUSKY:

I'm John Ousky, retired, have no

stake in any of this other than to see everything develop, whatever is necessary. I think I'm going to say something I hate to say. I think the future of Clinton is over the hill, up and away from our decadent main street, shouldn't be. Got three new banks here, firehouse, city office, hospital, everything pretty well congested in three or four, five blocks. Everything seems to be moving that way. Of course, Main Street will be decadent in ten years. There's many properties here on Main Street that have no value to their owner, but anyhow, I'd like to see the sewer line encompass everything, go up 63 past Poncho's house, and I know Dr. Cloyd, it will pass your place, wouldn't it? And I know there's a lot of things involved there. A man told me that seemed to

have some knowledge, there's no sewer on Crompton Hill, is that right?

UNIDENTIFIED:

That's right.

MR. OUSKY:

What the heck, it's solid businesses and homes. Why not encompass the whole area? If we're going to do it, do it right. But that is not my big purpose being here. In 1988 they came up with a big sewer problem in this town. Consequently, they raised our water rates a hundred and fifty per cent to take care of our sewage work that was necessary. To my knowledge, there is very little of that sewer work ever been completed, very little. They bought new equipment. They're working in different spots and the like. But anyhow, they raised our water rate a hundred and fifty per cent. I don't

know how many hundreds of dollars that has cost me, most everybody else has probably forgotten about it already. It will be five years in November. So, here's the bottom line. You put in that sewer. Now who's going to pay for it? We've not even got...who's going to pay for this big sewer? Are you going to put it on the people in Clinton that's already absorbed a hundred and fifty per cent increase or who is going to pay for it? What's the bottom line? Can you answer that, Joe, or anybody.

MR. BEARDSLEY:

The people out there, the people whose names I read are going to pay for it, not the City of Clinton.

MR. OUSKY:

It won't be involved with the City of Clinton?

MR. BEARDSLEY:

Not at all, not at all, John.

MR. OUSKY:

I'm glad to hear that.

MR. BEARDSLEY:

This sewage district will pay for it.

MR. OUSKY:

I'm glad to hear that.

You can't stop progress, but as I say, I don't know why they don't fill these voids in Clinton with a nice condo or something here and there. My gosh, as I say, the instrumental things for life are here, hospital, couple of nursing homes, everything down here. You'd have to come over the hill to the banks and to the firehouse or the city office. Anyhow, I'm for all this sewer work, let her go. I'd even be part of putting up my share if it was going to improve Clinton, but I'm not sure it will. This 1988 situation has

never satisfied me at all. Like I say, I've spent hundreds of dollars, I keep track of it, and I've got all my bills. I had to revise my sanitary system, especially my flush tank and all that, new facilities to eliminate the amount of water that was coming through. You don't need the old-fashioned facilities to flush your tank, your stool with two and a half gallons of water, you can very systematically flush it with one gallon of water. I've got a little knowledge of this, understand. My big thing was, I didn't want to dump this new sewer and I'd like to see it even extended, let's go up Crompton Hill and then go down these streets, Poncho Street, come up past all the facilities on 163, let's go, let's do it right. The first thing you know they'll do a little bit and then

they'll see that they did it wrong. But I know a little bit about sewer work, and there's nobody anywhere that knows much about sewer work because you can't see it. If you can't see something, you don't know what to do. I'm even talking about engineers and I heard some deplorable things here this morning. I was here then. But, anyhow, if citizens are absolved that have already picked up more that their fair share, then let her go. I'm for it. I'd like to see everybody...I know there's problems in Avenatti West. I understand the soil is not conducive to drainage or whatever, and there's some beautiful homes out there. Those kind of places we have to take care of. I don't know who is responsible for it, nothing like that. I'm just a plain soul that just retired, just thought

I'd walk in and say hello. Thank you.

JUDGE GARRETTSON:

Anybody else?

Sir, in blue.

MR. WEST:

Is this going to be private? I heard just certain companies are going to put the money up for this or is it going to go through an FHA loan?

JUDGE GARRETTSON:

My understanding from the application is it's privately financed.

MR. WEST:

It's not going to go through the government loan?

JUDGE GARRETTSON:

That's my understanding at this point.

MR. WEST:

It's going to be privately paid for?

JUDGE GARRETTSON:

That's my understanding, yes.

MR. WEST:

I'd ask people, if us taxpayers out around there paying for something we can't use. I want to be sure we can use it, comes to our property line where we can use it.

I used to have a trailer park on Crompton Hill. At that time I tried my best to get a sewer there, but they wouldn't touch us. Now we got some people that's got a little money interested, now they can get it done, but I don't want these taxpayers to pay for it.

JUDGE GARRETTSON:

Okay. Thanks.

Sir.

MR. RETHINGER:

Yes, my name is Bob Rethinger. I'm one of the landowners. I'm the R of REMS Foods, Inc. We own the Sav-A-

Lot store out on the hill. I also live in Avenatti West, so I'm kind of speaking for both sides. I guess, first of all, as a homeowner I'd like to see it because I know a lot of my neighbors have problems with their septic system. I think it would be good for people in the neighborhood and the adjoining areas. Also, as a landowner there who has made a sizable investment in our building and equipment and inventory and everything in there, we'd like to see the area grow out there. That's the reason that we went out there. We figured that Wal-Mart was there and they must know what they're doing because they do a lot of things right. So, we decided to go out next to them. So far it's worked out well for us. Fortunately, we haven't had problems with our septic system, but

I think in time that could change. I know Wal-mart has problems with theirs and some of the other people out there have problems, but we've been lucky, we haven't. I think to see that area grow, we need a sewer. I think if that area grows, Clinton is going to grow. We talk about Main Street, well, I think Main Street can exist along with the area out there. I think they can both grow together. But I think we need to pull people into the area. Once we get them close, we can get them down to Main Street, too. We have another store down at the bottom of the hill, and we'd like to pull them in and bring them on down the hill, too. I think it's good for the whole city, not just the area out there. As far as making the investment in it, I think we've got some people that are

committed to invest the money. I know we've already had some people put some money into it, and that was kind of a gamble, but several people have decided to gamble. I guess we want to get it past the gamble stage and let's make it a reality. I think it's going to be good for everybody.

JUDGE GARRETTSON:

Anyone else?

Sir.

DR. CLOYD:

Yes, my name is Tom Cloyd. I'm a general dentist. My office is located across from the Wal-Mart store, close to the intersection of 163 and 63. I think we're very, very fortunate to have that intersection there. It's an important one. It's a very busy one. It is easy to see that it's growing commercially. I think it has reached a point where

not only those who are there are having some difficulty with their septic systems, as Joe has said, it's not good soil and you need a lot of area if you are going to put your IDEM approved septic system in today. I myself have the office and some property around the office. I was approached about two years ago by Prudential Insurance Company. This was the Chicago offices, this wasn't just locally, and they saw the economic activity there. They approached me, and I'm not a developer, but they wanted to build a building, and they chose that as a good location for it. I was able to build a building and had enough land for the septic system. However, that's all that can be done. I have others approach me and want to grow, want to make this area grow and

prosper, and it just can't be done without a sewer system. There is no room for septic systems. I think we have an opportunity here in this community to grow, and there are those here who want to commit to that and want to take an economic risk to commit to that. I think that's good and I would highly support it.

JUDGE GARRETTSON:

Thanks.

Anyone else?

Sir.

MR. CARTY:

Mr. name is Michael Carty. I'm president of First Citizens State Bank here in town. I've been involved with the project since its inception or whatever. We put a lot of time and thought into this project. The City of Clinton, as the gentleman indicated earlier, the

sewage rates, that's not going to change until the city grows. The city has locked itself in. Costs are going to continue to go up. That cost is going to continue to be going out to the same people. Without expansion, that cost will always get higher. By expanding out, allowing new people to come in to using a sanitary district to pay for this service, you're, in fact, allowing your cost to be spread out farther. So, the City of Clinton will benefit. The mayor has been very farsighted in indicating that he wants to cooperate with this sanitary district, but he also wants it to be planned in a way that will benefit the city and the current users as is. As far as economic growth out on the hill, there's no question about it. We have been contacted. The banks have

been contacted. We've been told of other people that want to participate out there. The amount of traffic going up and down 63 on a day-in, day-out basis with nothing between Terre Haute and Kentland or actually north of Kentland of any consequence, it's just an ideal place to have some growth out there. The tax base would be helped, the whole thing. As far as the questions about expansion, the project, you can look at it and everybody can come up with where it should be. It would be a lot more cost, a lot of additional cost. Then we get to arguing and hassling back and forth as to who is going to pay for it, whether it's going to be the city or whether it's going to be the county and so on and so forth. Nothing is going to happen. As a matter of fact, this argument has

been going on for approximately twenty years. Who is going to pay for this? Right now we have a group of individuals who have a need and financial backing to get it done. It's the first step, but it probably is the most important step and I think that we'll see the next steps will logically follow. It should be done in a systematic pattern so that everybody gets to be heard, so that nobody gets to be heard. I think this allows us that opportunity. I think from the banking community, and I personally feel that this is a very important thing for us to do. I'm very much in favor of the project.

JUDGE GARRETTSON:

Anyone else?

Anybody else have any comments they'd like to make on this? Going once. Going twice. Sold.

STATE OF INDIANA)

)SS:

COUNTY OF VIGO)

I, Carol J. Pinkston, a notary public in and for the State of Indiana, do hereby certify that the foregoing document is a complete and accurate transcript of the public hearing, In Re: The Formation of the Crown Hill Regional Sewer District. That the foregoing hearing was conducted in the Municipal Building, Clinton, Vermillion County, Indiana, on the 23rd day of March 1993, between the hours of seven o'clock p.m. and seven thirty p.m. That said document was taken down by means of recording and afterwards reduced to typewriting by me. That Judge James M. Garrettson presided.

I do further certify that this transcript was mailed to Judge James M. Garrettson, Indiana Department of Environmental Management, 105 South Meridian, P.O. Box 6015, Indianapolis, IN 46206-6015, and to Mr. Joe E. Beardsley, II, 320 South Main Street, Clinton,

Indiana 47842.

I do further certify that I am a disinterested person in this cause of action, that I am not a relative or attorney of any party, or otherwise interested in the event of this action and am not in the employ of the attorneys for the respective parties.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 5th day of April 1993.

Carol J. Pinkston

CAROL J. PINKSTON, NOTARY PUBLIC
VIGO COUNTY, INDIANA

My commission expires:
February 14, 1995

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

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Environmental Helpline 1-800-451-6027

MARCH 1, 1993

Clinton Clintonian
P. O. Box 309
422 South Main Street
Clinton, Indiana 47842

A NOTICE OF PUBLIC HEARING regarding the formation of the Clinton Township Vermillion County Regional Sewer District is enclosed for publication in your newspaper.

This NOTICE is to be published the week of March 8 to 12, 1993, and the week of March 15 to 19, 1993.

Under Indiana law, each newspaper publishing legal advertising must submit proofs of publication and a claim for payment on each legal advertisement published. Please furnish three (3) copies of proof of publication. Send the billing to my attention.

Sincerely,

James M. Garrettson
Administrative Law Judge
Office of Hearings
Room 111
105 South Meridian Street
Indianapolis, Indiana 46225

Enclosure

NOTICE

Notice is hereby given that the Clinton Township Trustee of Vermillion County has petitioned the Commissioner of the Indiana Department of Environmental Management for an Order establishing a Regional Sewer District in said Township and County.

The area proposed to be included in said District is as follows:

A five acre tract in the northwest corner of the Southeast Quarter of Section Seventeen (17), Township Fourteen (14) North, Range Nine (9) West, more particularly described as follows, to wit: Beginning at a stake in the south right-of-way line of State Road No. 163, as now located, eighty and seventeen hundredths (80.17) feet south and nine hundred seventy-four and thirty-eight hundredths (974.38) feet east of the northwest corner of the said Southeast Quarter of Section Seventeen (17) and run thence south four hundred seventy-seven and sixty-six hundredths (477.66) feet to an iron pipe; thence west four hundred eighty-four and eighty-three hundredths (484.83) feet to an iron pipe in the east right-of-way line of State Road No. 63, as now located; thence in a northeasterly direction along the said east right-of-way line of five hundred eighty-five and one-tenth (585.1) feet to its intersection with the south right-of-way line of said State Road No. 163, thence in a Southeasterly direction along said south right-of-way line three hundred (300) feet, more or less, to the place of beginning, containing five (5) acres, more or less.

A tract of land being part of the Southeast Quarter of Section 17, Township 14 North, Range 9 West of the Second Principal Meridian, Vermillion County, Indiana, more particularly described, to wit:

Commencing at the Northwest corner of the Southeast Quarter of Section 17, Township 14 North, Range 9 West of the Second Principal Meridian; thence South 76 degrees 19 minutes East 1,354.12 feet to a concrete right-of-way marker on the South right-of-way line of Indiana State Highway 163 and being highway station 294 + 24.9; thence along said South right-of-way 54 degrees 10 minutes East 35.60 feet to a concrete monument with an iron rod at its center being the Northeast corner of a tract of land now or formerly owned by the Public Service of Indiana and a point of beginning of the tract of land herein described, thence South 54 degrees 10 minutes East 638.60 feet to a concrete right-of-way marker on the same South right-of-way line; thence South 54 degrees 10 minutes East 41.40 feet to a set iron rod; thence South 02 degrees 14 minutes West 665.00 feet to a set iron rod; thence North 54 degrees 10 minutes West 680.00 feet to a set

iron rod; thence North 02 degrees 14 minutes East 200.67 feet to a concrete monument with an iron rod at its center being the Southeast corner of the same tract of land now or formerly owned by the Public Service of Indiana; thence North 02 degrees 14 minutes East 464.33 feet to the point of beginning. (8.65) acres

A tract of land located in the Southeast Quarter (SE 1/4) of Section 17, Township 14 North, Range 9 West, more particularly described as follows:

Beginning at a point in the South right-of-way line of Indiana State Road No. 163, as now (1980) located, said point being eighty and seventeen hundredths (80.17) feet South and nine hundred seventy-four and thirty-eight hundredths (974.38) feet East of the Northwest corner of the Southeast Quarter (SE 1/4) of Section 17, Township 14 North, Range 9 West; thence South 02 degrees 14' 13" West (adjacent Deed Calls South) for a distance of six hundred seventy-five (675.00) feet to a point; thence East, parallel to the South line of said quarter section for a distance of three hundred ninety-eight (398.00) feet to a point; thence North 02 degrees 14' 13" East for a distance of four hundred sixty-five (465.00) feet to a point in the Southerly right-of-way line of said State Road 163; thence in a Northwesterly direction along the Southerly right-of-way line if said State Road for a distance of four hundred forty-eight and twenty-five hundredths (448.25) feet to the place of beginning, and containing in said tract of ground 5.325 acres, more or less.

A tract of land being part of the Southeast Quarter Section 17, Township 14 North, Range 9 West of the 2nd P.M. Vermillion County Indiana and more particularly described to wit:

Commencing at the Northwest corner of the Southeast Quarter of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana; thence South 76 degrees 19 minutes East 1354.12 feet to a concrete right-of-way marker on the South 35 foot right-of-way line of Indiana State Highway 163 at Station 294 + 24.9; thence along and with the South right-of-way line south 54 degrees 10 minutes East 765.60 feet to an iron pin, the place of beginning; South 54 degrees 10 minutes East 277.54 feet along said right-of-way; South 2 degrees 14 minutes West 665 feet; North 54 degrees 10 minutes West 327.54 feet; North 2 degrees 14 minutes East 465 feet; South 87 degrees 46 minutes East 35 feet; North 4 degrees 26 minutes 40 seconds East 172.46 feet to the Place of Beginning and containing 4.00 acres, more or less.

Subject to the following:

1) A Utility Easement to Indiana Bell Telephone Company by an instrument dated April 13th, 1978 and recorded April 19, 1978 in Deed Record 129, Page 342, Records of the Recorder of Vermillion County, Indiana.

2) A reservation of all coal, mineral, oil and gas rights and rights of ingress and egress over the real estate to prospect and remove same.

3) A Storm Sewer Eastment to Wal-Mart Properties, Inc., a Delaware Corporation by an instrument dated July 2, 1986 and recorded July 9, 1986 in Deed Record 143, Page 255 in the Recorder's Office Vermillion County, Indiana.

4) Rights-of-way for drainage, tiles, ditches, feeders and laterals.

5) All easements, restrictions and protective covenants of record.

Commencing at the Southeast corner of the R.E.M.S. Foods, Inc., property and then running in a Southeasterly direction parallel to the line of State Road 163 to County Road 300 East; thence North on County Road 300 East to State Road 163; thence in a Northwesterly direction on State Road 163 to the Northeast corner of the R.E.M.S. Foods, Inc., property; thence Southerly to the place of beginning.

A tract of land in the Northeast Quarter of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana, more particularly described as follows, to wit:

Beginning at a point on the east and west half section line of said Section 17, 669 feet east of the southwest corner of said Northeast Quarter, said point being the intersection of the east right-of-way line of new State Road No. 63 and the said east and west half section line and running east 1601.7 feet; thence north 60 feet; thence east 400 feet; thence north 1269 feet; thence west 1341 feet; thence north 365 feet, more or less to the east right-of-way line of said State Road No. 63; thence in a southwesterly direction along the said east right-of-way line 1839 feet, more or less to the place of beginning containing 55 acres, more or less.

Subject to any and all reservations, easements and right-of-way grants of record.

EXCEPT FOR THE TRACT HERETOFORE CONVEYED TO PARADISE BOWL, INC.

Commencing at the Southwest corner of the Northeast Quarter of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana. North 88 degrees 04 minutes East, along and with the South line of said Northeast Quarter 965.15 feet to an iron pin. North 18 degrees 04 minutes East 87.67 feet; North 71 degrees 56 minutes West 175.14 feet to the place of beginning. South 17 degrees 40 minutes 47 seconds West 138.49 feet to the North right-of-way line of Indiana State Road #163; thence along said right-of-way, Right on a curve to the left (radius 1467.50 feet) an arc distance of 116.24 feet, with a chord bearing North 83 degrees 09 minutes 18 seconds West 116.21 feet to the East line of the Limited Access Right-of-way of Indiana State Road #163; thence along and with said Limited Access Right-of-way the next 2 courses and distances. North 07 degrees 06 minutes 50 seconds West 104.63 feet to the point 100.00 feet right of Station 883+00; thence Right on a curve Right, (Radius 8490.70 feet) 226.07 feet, with a chord bearing North 17 degrees 40 minutes 47 seconds East 226.06 feet; South 72 degrees 19 minutes 13 seconds East 158.00 feet; South 17 degrees 40 minutes 47 seconds West 160.71 feet; to the place of beginning, and containing 1.090 acres, more or less.

A strip of land in the Southeast Quarter (SE 1/4) of Section 17, Township 14 North, Range 9 West, formerly used as a wagon road from the Indiana State Highway No. 163 to the Crown Hill Mine No. 2, in Clinton Township, Vermillion County, Indiana, and described as follows, to wit: Begin at the Northeast corner of the John and Norma Bonacorsi 0.66 acre tract (Deed Record 96, Page 63, Recorder's Office, Vermillion County, Indiana), said point being 40.98 feet East of the Northwest corner of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 17, Township 14 North, Range 9 West, and run thence East along the East and West Center of said Section 17, 26.87 feet to the Northwest corner of the John and Orma Bonacorsi 2.12 acre tract (Deed Record 97, page 424, Recorder's Office, Vermillion County, Indiana); thence South along the West line of said tract 260 feet, more or less to the North right-of-way line of Indiana State Road No. 63; thence Northwesterly along said right-of-way line 30 feet, more or less to the Southeast corner of said 0.66 acre tract; thence North along the East line of said tract 248.33 feet, more or less, to the place of beginning, and containing 0.156 acres, more or less. Subject to all coal and mineral rights heretofore excepted from said lands.

Commencing at the Northeast Corner of the Southeast Quarter of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana; South 88 Degrees 4 Minutes 30 Sections West along and with the North line said Southeast Quarter 1267.5 feet; South 0 Degrees 14 Minutes 30 Seconds East 73.01 feet; South 54 degrees 44 Minutes 52 Seconds East 212.48 feet to the place of beginning; South 56 degrees 16 Minutes East 180.0 feet; South 33 degrees 42 minutes 22 seconds West 149.55 feet to the North Right-of-way Indiana State Road 163, North 56 degrees 16 minutes West along and with said right-of-way 180.0 feet, North 33 degrees 42 minutes 22 seconds East 149.55 feet to the place of beginning containing 0.618 acres more or less.

Commencing at the northeast corner of the SE 1/4 of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana; thence S 88 degrees 04' 30" W along and with the north line of the SE 1/4 of said Section 17 a distance of 966.45 feet to the place of beginning; thence S 37 degrees 27' E. a distance of 1212.76 feet to the north right-of-way line of Indiana State Road No. 163; thence N 56 degrees 16' W along and with the north right-of-way line of said road a distance of 204.62 feet; thence N 37 degrees 27' W a distance of 1066.19 feet to the north line of said SE 1/4; thence N 88 degrees 04' 30" E, a distance of 81.09 feet to the place of beginning and containing 1.726 acres, more or less; and being a part of the same property acquired by the Chicago and Eastern Illinois Railroad Company by deed dated March 18, 1902, recorded in Deed Book 48, page 288, and acquired by the Louisville and Nashville Railroad Company by deed dated June 6, 1969, recorded in Deed Book 110, page 622, as Document No. 1150, and acquired by the Seaboard Coast Line Railroad Company through merger between that company and the Louisville and Nashville Railroad Company, effective December 29, 1982, and name of the surviving company changed to Seaboard System Railroad, Inc. by virtue of name change effective December 29, 1982, both recorded in Inc. Record 5, page 456, Public Records of Vermillion County, Indiana.

Commencing at the Northeast corner of the Southeast Quarter of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana; South 88 degrees 4 minutes 30 seconds West along and with the North line said Southeast Quarter 1267.5 feet to the place of beginning; North 88 degrees 4 minutes 30 seconds East 219.96 feet to the West right-of-way of the C & EI Railroad; thence South 37 degrees 27 minutes East along and with said Railroad Right-of-Way 1066.19 feet to the North right-of-way line, Indiana State Road 163; North 56 degrees 16 minutes West along and with said right-of-way 754.68 feet, North 33 degrees 42 minutes 22 seconds East 149.55 feet, North 56 degrees 16 minutes West 180.0 feet; North 54 degrees 44

minutes 52 seconds West 212.48 feet; North 0 degrees 14 minutes 30 seconds West 73.01 feet to the place of beginning containing 3.511 acres, more or less.

Subject to an easement 4.92 feet wide off the West side, hereby reserved. Also, Grant an Easement for Ingress and Egress over 0.029 as described to wit: Commencing at the Northeast corner of the Southeast Quarter of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana; South 88 degrees 4 minutes 30 seconds West along and with North line of said Southeast Quarter 1267.5 feet; South 0 degrees, 14 minutes 30 seconds East 73.01 feet to the place of beginning; thence South 54 degrees 44 minutes 52 seconds East 6.03 feet to the West line of a tract heretofore conveyed by Deed Reed 99, page 244; said point being 16 feet East of the centerline of an 8 foot concrete road running from State Road 163 to Crown Hill Number 2 Mine; South 1 degree 23 minutes East parallel to and 16 feet distant of said centerline 189.53 feet to the North right-of-way line State Road 163; North 55 degrees 58 minutes West along and with said Right-of-Way 10.53 feet; North 0 degrees 14 minutes 30 seconds West 187.06 feet to the place of beginning containing 0.029 acres, more or less.

Part of the Southeast Quarter of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana. Commencing at the Northwest corner of the Southeast Quarter of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana; thence North 88 degrees 04 minutes, East 965.15 feet to an iron pin, and the place of beginning; thence South 18 degrees 04 minutes, West 20.33 feet, thence left, on a curve to the left (radius 25 feet) 14.87 feet, (with a chord bearing South 01 degree 02 minutes 20 seconds, West 14.64 feet) to the North right-of-way line (35 feet measured perpendicularly to the centerline thereof) of Indiana State Road #163; thence left on a curve to the left 24.41 feet (chord bearing South 43 degrees 57 minutes 40 seconds, East 23.45 feet) to a point 24 feet (measured perpendicularly to the centerline thereof) of Indiana State road #163; thence South 18 degrees 04 minutes, west 24 feet to the centerline of said Indiana State Road #163; thence right on a curve to the left (radius 1432.5 feet) to the North line of said Southeast Quarter; thence North 88 degrees 04 minutes, East to the place of beginning.

Subject to an easement of 35 feet off the south side thereof for Indiana State Road #163

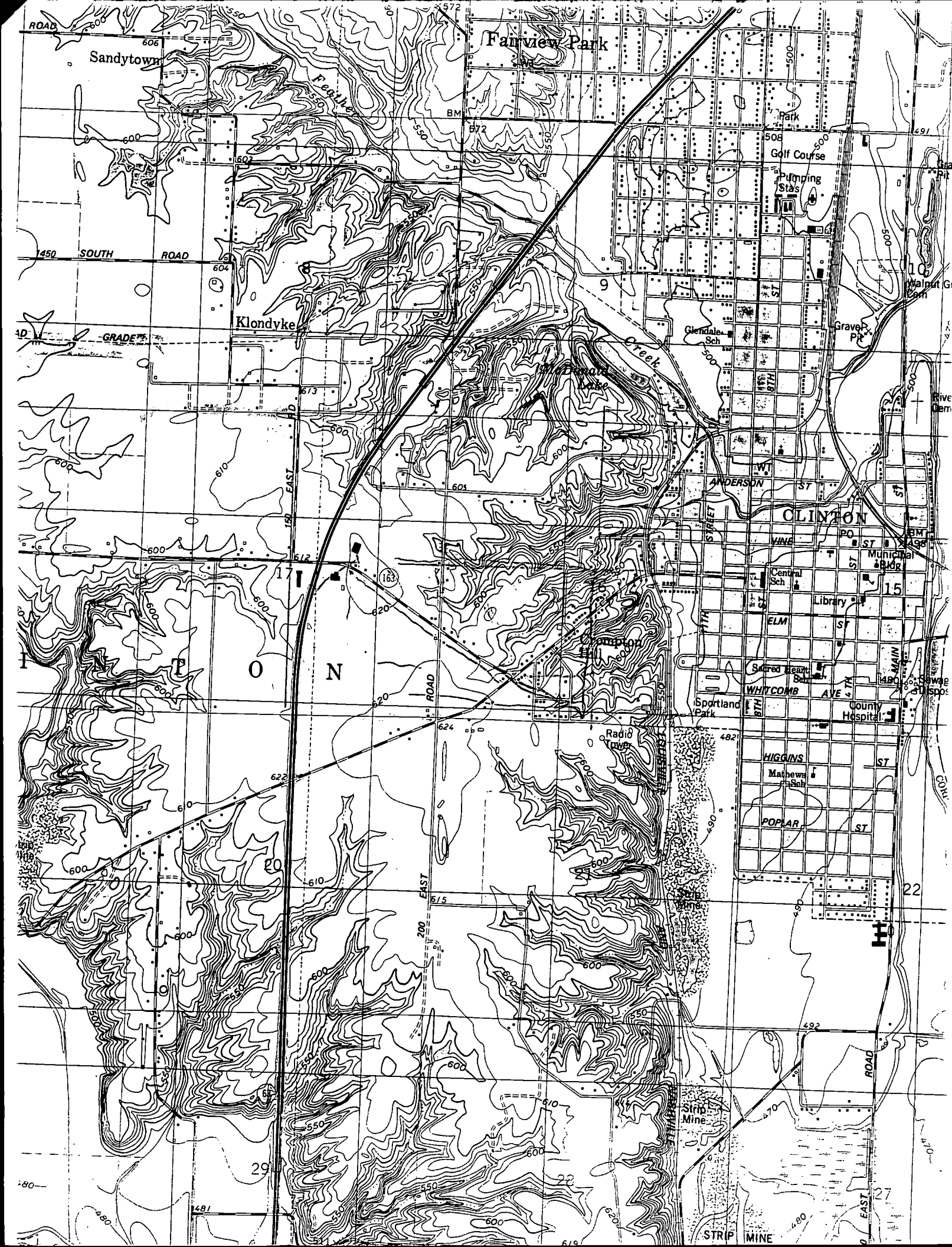
Beginning at a point Six Hundred Forty-nine (649) feet South and Fourteen (14) feet West of the Northeast corner of the Southeast Quarter of Section Seventeen (17), Township Fourteen (14) North, Range Nine (9) West; thence West One Hundred Fifty-seven and ten hundredths (157.10) feet; thence

South Four Hundred Sixteen (416) feet to the center of the road; thence in a Southeasterly direction parallel with the center of the road One Hundred Ninety (190) feet so as to be Fourteen (14) feet West of the Section line between Sections Sixteen (16) and Seventeen (17), Township Fourteen North, Range Nine (9) West; thence North Five Hundred eleven and thirty-seven hundredths (511.37) feet to the place of beginning, containing one and sixty-seven hundredths (1.67) _____, more or less.

All coal and other mineral's underlying the above-described real estate are exempt from this deed.

A public hearing will be held on March 23, 1993, at 7:00 p.m. at the Clinton City Hall, 259 Vine Street, Clinton, Indiana 47842 for the purpose of receiving comments on said Petition.

James M. Garrettson
Administrative Law Judge
Office of Hearings
Indiana Department of
Environmental Management
105 South Meridian Street
Indianapolis, Indiana 46225


Fairview Park
Sandytown
Feather
Golf Course
Pumping Sta.
1450 SOUTH ROAD
Klondyke
GRADE
Creek
Glendale Sch
Gravel Pit
Walnut Grove Cem
Lake
EAST
CLINTON
ANDERSON ST
VINE ST
Municipal Bldg.
Central Sch
Library
ELM ST
Compton Hill
Sacred Heart Sch.
WHITCOMB AVE
4TH
MAIN
Sportland Park
County Hospital
Radio Tower
HIGGINS ST
Mathews Sch
POPLAR ST
Strip Mine
ROAD
STRIP MINE