

Key No. : 164-05500-0065  
State ID. No.: 79 06-12-226 003.000-026

PROJECT: Cumberland Ave. Reconstruction Phase I  
PARCEL: 3  
COUNTY: Tippecanoe  
OWNER: Purdue Research Foundation

### **TEMPORARY RIGHT OF WAY**

**THIS INDENTURE WITNESSETH THAT** Purdue Research Foundation, an Indiana corporation (formed and existing under the Indiana Foundation or Holding Companies Act, Acts of 1921, ch. 246), of Tippecanoe County in the State of Indiana gives, conveys, and grants to CITY OF WEST LAFAYETTE of the State of Indiana, for use as temporary right of way for the purpose of yard grading and drive construction, the following Real Estate in Tippecanoe County in the State of Indiana.

PARCEL: 3 TEMP  
PROJECT: Cumberland Ave. Reconstruction Phase 1

**DESCRIPTION:** SEE EXHIBIT "A" (the "Real Estate").

This Temporary Right-of-Way is subject to all easements, rights-of-way, and restrictions of record.

The Real Estate used for the temporary right of way automatically reverts back to the grantor at the completion of the project, but in any event on or before \_\_\_\_\_.

Upon completion of the grantee's Work, the grantee shall be responsible for any and all cost and expense to restore the Real Estate and the adjoining lands of the grantor disturbed by the grantee to the condition it was immediately prior to being disturbed by grantee. Such restoration may include, but is not limited to, grading, seeding, and mulching the property disturbed, closing all excavations with proper backfill and compaction, and replacing, with similar quality or better, any and all then existing improvements, landscaping, irrigation systems, drainage systems and facilities, driveways, parking lots, paths, sidewalks, drainage tiles, utility lines, and other appurtenances on, under, through, or over the Real Estate and the adjoining lands of the grantor disturbed by the grantee.

The grantee shall and will indemnify and save the grantor harmless from and against any and all damage, injuries, losses, claims, demands, or costs resulting from the grantee's work in the Real Estate and the adjoining lands of the grantor by the grantee, its agents, representatives, employees, contractors, or invitees.

This is a NON-EXCLUSIVE easement, and the grantor reserves the right to grant similar easements to parties other than the grantee so long as the use of the Real Estate by the Grantee as permitted hereunder is not unreasonably restricted.

The grantor reserves the full use and enjoyment of the Real Estate not inconsistent herewith. The grantor may, as a courtesy, advise the grantee regarding improvements in the Real Estate and when other "uses" in the Real Estate are approved by the grantor.

This Temporary Right-of-Way may be executed in one or more counterparts, each of which will be deemed an original copy of this Temporary Right-of-Way, and all of which, when taken together, will be deemed to constitute one and the same agreement. The signature of any party on a fax document shall be considered to have the same binding legal effects as a signature on an original document.

The undersigned persons executing this Temporary Right-of-Way on behalf of the grantor represent and certify that the undersigned are duly elected officers of the grantor, and have been fully empowered by proper Resolution or the By-Laws of the grantor to execute and deliver this Temporary Right-of-Way; that the grantor has full corporate capacity to make this Temporary Right-of-Way; and that all necessary corporate action for the making of this Temporary Right-of-Way has been duly taken.

IN WITNESS WHEREOF, the above-named grantor, PURDUE RESEARCH FOUNDATION, an Indiana corporation (formed and existing under the Indiana Foundation or Holding Companies Act, Acts of 1921, ch. 246), has caused this Temporary Right-of-Way to be executed by its duly authorized officers, this 20<sup>th</sup> day of January, 2010.

GRANTOR:

PURDUE RESEARCH FOUNDATION  
an Indiana corporation (formed and existing under the Indiana Foundation or Holding Companies Act, Acts of 1921, ch. 246)

By: [Signature]  
Joseph B. Hornett  
Senior Vice President, Treasurer, and Chief Operating Officer

ATTEST:

By: [Signature]  
Judith A. Hall  
Corporate Secretary

STATE OF INDIANA            )  
  ) SS:  
COUNTY OF TIPPECANOE    )

Before me, the undersigned, a Notary Public in and for said County and State, this 20<sup>th</sup> day of January, 2010, personally appeared PURDUE RESEARCH FOUNDATION, an Indiana corporation (formed and existing under the Indiana Foundation or Holding Companies Act, Acts of 1921, ch. 246), by Joseph B. Hornett and Judith A. Hall, its Senior Vice President, Treasurer, and Chief Operating Officer, and Corporate Secretary, respectively, who acknowledged the execution of the foregoing document for and on behalf of said grantor, and who, having been duly sworn, stated that the representations therein contained are true.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

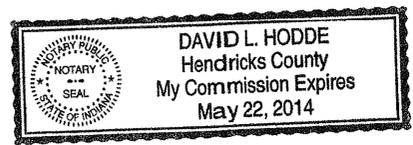
Signature: [Signature]

Printed Name: \_\_\_\_\_

Notary Public

County of Residence: Hendricks

My Commission Expires: 22 May 2014



**ACCEPTED: CITY OF WEST LAFAYETTE  
BOARD OF PUBLIC WORKS AND SAFETY**

\_\_\_\_\_  
John R. Dennis, Mayor

\_\_\_\_\_  
Sana G. Booker, Member

\_\_\_\_\_  
Bradley W. Marley, Member

\_\_\_\_\_  
Jonathan C. Speaker, Member

\_\_\_\_\_  
Elizabeth M. Stull, Member

STATE OF INDIANA        }  
                                  } SS:  
COUNTY OF TIPPECANOE }

Before me, the undersigned, a Notary Public in and for said County and State, this \_\_\_\_ day of \_\_\_\_\_, 2010 personally appeared Mayor John R. Dennis, Bradley W. Marley, Sana G. Booker, Jonathan C. Speaker and Elizabeth M. Stull of the West Lafayette Board of Public Works and Safety, and acknowledge the execution of the above release, for the uses and purposes herein mentioned.

Witness my hand and Notarial Seal this \_\_\_\_ day of \_\_\_\_\_, 2010.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Notary Public

County of Residence: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

This instrument prepared by: Eric H. Burns, of the firm of WITHERED BURNS & PERSIN, LLP, 8 N. 3<sup>rd</sup> Street, Suite 401, P.O. Box 499, Lafayette, Indiana 47901. Telephone: (765) 742-1988  
*I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law (Eric H. Burns).*

**NOTE: THE FILING OF A SALES DISCLOSURE FORM 46021 (R 8/7/08) IS NOT REQUIRED IN ORDER TO RECORD THIS INSTRUMENT BECAUSE THIS IS A GIFT, CONVEYANCE, GRANT, AND/OR ASSIGNMENT OF AN INTEREST IN REAL PROPERTY FOR NO CONSIDERATION BEYOND NOMINAL CONSIDERATION RECITED IN THIS DOCUMENT.**

## Exhibit "A"

Designation:  
Parcel: 3A & B Temporary R/W  
Form: WD-1

Sheet 1 of 1  
Code: N/A

### Parcel 3A

A Part of Lot 5, McClure Park Subdivision Part 2 as recorded in Plat Book 8 at Page 46 in the Office of the Tippecanoe County Recorder located in the Northeast Quarter of Section 12, Township 23 North, Range 5 West, City of West Lafayette, Tippecanoe County, Indiana, more particularly described as follows:

Commencing at the Northeast Corner of the said Northeast Quarter; thence South 89 degrees 17 minutes 55 seconds West along the North Line of said Northeast Quarter a distance of 1340.52 feet; thence South 00 degrees 42 minutes 05 seconds East perpendicular to the North Line of said Northeast Quarter a distance of 50.00 feet to the South Right-Of-Way Line of Cumberland Avenue and the Point of Beginning; thence South 00 degrees 42 minutes 05 seconds East a distance of 15.00 feet; thence South 89 degrees 17 minutes 55 seconds West parallel with said Right-Of-Way Line a distance of 145.00 feet; thence South 45 degrees 15 minutes 12 seconds West a distance of 49.40 feet; thence South 04 degrees 48 minutes 0 seconds East a distance of 33.54 feet to the Southwesterly Line of Lot 5; thence North 31 degrees 22 minutes 35 seconds West along said Southwesterly Line a distance of 30.00 feet; thence North 39 degrees 38 minutes 28 seconds East a distance of 74.78 feet to the North Line of Lot 5 and said South Right-Of-Way Line; thence North 89 degrees 17 minutes 55 seconds East along said Lines a distance of 145.00 feet to the Point of Beginning, containing 0.065 acres of land, more or less.

### Parcel 3B

A Part of Lot 5, McClure Park Subdivision Part 2 as recorded in Plat Book 8 at Page 46 in the Office of the Tippecanoe County Recorder located in the Northeast Quarter of Section 12, Township 23 North, Range 5 West, City of West Lafayette, Tippecanoe County, Indiana, more particularly described as follows:

Commencing at the Northeast Corner of the said Northeast Quarter; thence South 89 degrees 17 minutes 55 seconds West along the North Line of said Northeast Quarter a distance of 1049.12 feet; thence South 00 degrees 42 minutes 05 seconds East perpendicular to the North Line of said Northeast Quarter a distance of 50.00 feet to the South Right-Of-Way Line of Cumberland Avenue, the North Line of Lot 5 and the Point of Beginning; thence South 00 degrees 06 minutes 06 seconds East a distance of 5.00 feet; thence South 89 degrees 17 minutes 55 seconds West parallel with said North Lot Line a distance of 16.35 feet; thence North 00 degrees 42 minutes 05 seconds West a distance of 5.00 feet to said North Lot Line; thence North 89 degrees 17 minutes 55 seconds East along said North Lot Line; a distance of 16.40 feet to the Point of Beginning, containing 82 Square Feet (0.002 acres) of land, more or less.

NOTE: The land description hereon is based on the Cumberland Avenue Phase 1 Route Survey for the City of West Lafayette dated January 27, 2009 and recorded in Instrument Number 200909016190 in the Office of the Tippecanoe County Recorder. (See attached Survey)