

TEMPORARY GRANT OF EASEMENT

Project: 5954.002
Cumberland Ave
Parcel: 34
Key No. 164-05200-0101
State ID No. 79-07-07-126-001.000-026

THIS INDENTURE WITNESSETH, That **TRILOGY REAL ESTATE INDIANA II, a Kentucky limited liability company**, the Grantor, GRANTS to the **CITY OF WEST LAFAYETTE, INDIANA**, the Grantee, for and in consideration of the sum of Ten and NO/100 Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, a temporary easement to enter upon and have possession of the Real Estate of the Grantor for the purpose of Drive Construction and Grading, which said work is incidental to the construction of the road facility known as Cumberland Avenue and as Project 5954.002, which said Real Estate is situated in the City of West Lafayette, State of Indiana, and which is more particularly described in the legal description attached hereto as Exhibits "A" and "B" and depicted upon the Temporary Right of Way Parcel Plat attached hereto as Exhibits "C" and "D," which exhibits are incorporated herein by reference. Said temporary easement shall be extinguished, become void and revert to the Grantor and/or the Grantor's successor(s) in title upon completion of the said Project. The said extinguishment shall be evidenced by a release document which shall be executed and recorded by the Grantee at no cost to the Grantor.

Any and all timber, shrubbery, fences, buildings and any other improvements situated within the area of the temporary easement granted herein shall become the property of the City of West Lafayette, Indiana, except: N/A

The Grantor acknowledges that all provisions of this grant of temporary easement are as stated and set forth herein and that no verbal agreements or promises exist with respect thereto.

This temporary conveyance is subject to any and all easements, conditions and restrictions of record. However, the Grantor, for the purpose of inducing the City of West Lafayette, Indiana, to accept this grant and to pay the hereinbefore referenced consideration, represents that the Grantor is the owner in fee simple of the Real Estate and that there exist no encumbrances, conditions, restrictions, leases, liens

(except current real estate taxes and assessments) of any kind or character which would be inconsistent with the temporary rights granted herein.

The undersigned persons executing this temporary grant of easement represent and certify on behalf of the Grantor, that they are authorized by the company and have full authority to sign and execute documents on its behalf, and that their authority has not been revoked; that they are, therefore, fully authorized and empowered to grant to the City of West Lafayette, Indiana, the real estate of Grantor and to execute all necessary instruments in connection therewith.

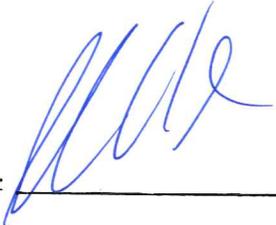
IN WITNESS WHEREOF, the Grantor has executed this instrument this 14th day of Nov, 2011.

TRILOGY REAL ESTATE INDIANA II, LLC
a Kentucky limited liability company

By: _____

Printed: _____

Title: _____

By:  _____

Printed: Steven A. VanCamp

Title: Chief Financial Officer

COMMONWEALTH OF KENTUCKY)
) SS:
COUNTY OF Jefferson)

Before me, a Notary Public in and for said Commonwealth and County, personally appeared Steven A. VanCamp, and CFO for Trilogy, managers of the Grantor in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be their voluntary act and deed and who, being duly sworn, stated that that any representations contained therein are true.

Witness my hand and Notarial Seal this 14 day of November, 2011.

 _____

NOTARY PUBLIC

I am a resident of Jefferson County.

My commission expires: 9-24-2015

I affirm under the penalties of perjury that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Thomas L. Brooks, Jr.

This instrument prepared by: Thomas L. Brooks, Jr. of the firm Mayfield and Brooks, LLC, 8 N. Third St., Suite 405, P.O. Box 650, Lafayette, IN 47902, Telephone (765) 423-5454

EXHIBIT "A"

A part of Property described as Instrument Number 200909005229 as recorded in the Office of the Tippecanoe County Recorder located in the Northwest Quarter of Section 7, Township 23 North, Range 4 West, City of West Lafayette, Tippecanoe County, Indiana, more particularly described as follows:

Commencing at the Northeast Corner of said Northwest Quarter; thence North 88 degrees 55 minutes 37 seconds West along the North Line of said Northwest Quarter a distance of 768.73 feet; thence South 01 degrees 04 minutes 23 seconds West a distance of 60.00 feet to the Point of Beginning; thence South 73 degrees 44 minutes 08 seconds East a distance of 42.56 feet; thence North 85 degrees 35 minutes 58 seconds West a distance of 86.15 feet; thence South 01 degrees 04 minutes 23 seconds West a distance of 10.00 feet; thence North 88 degrees 55 minutes 37 seconds West a distance of 100.00 feet; thence North 62 degrees 21 minutes 43 seconds West a distance of 22.36 feet; thence North 87 degrees 50 minutes 39 seconds West a distance of 238.63 feet; thence North 01 degrees 04 minutes 23 seconds East a distance of 1.64 feet to a point 60 feet south of the north line of the Northwest Quarter; thence South 88 degrees 55 minutes 37 seconds East parallel with said north line a distance of 403.52 feet to the Point of Beginning, containing 0.075 acres of land, more or less.

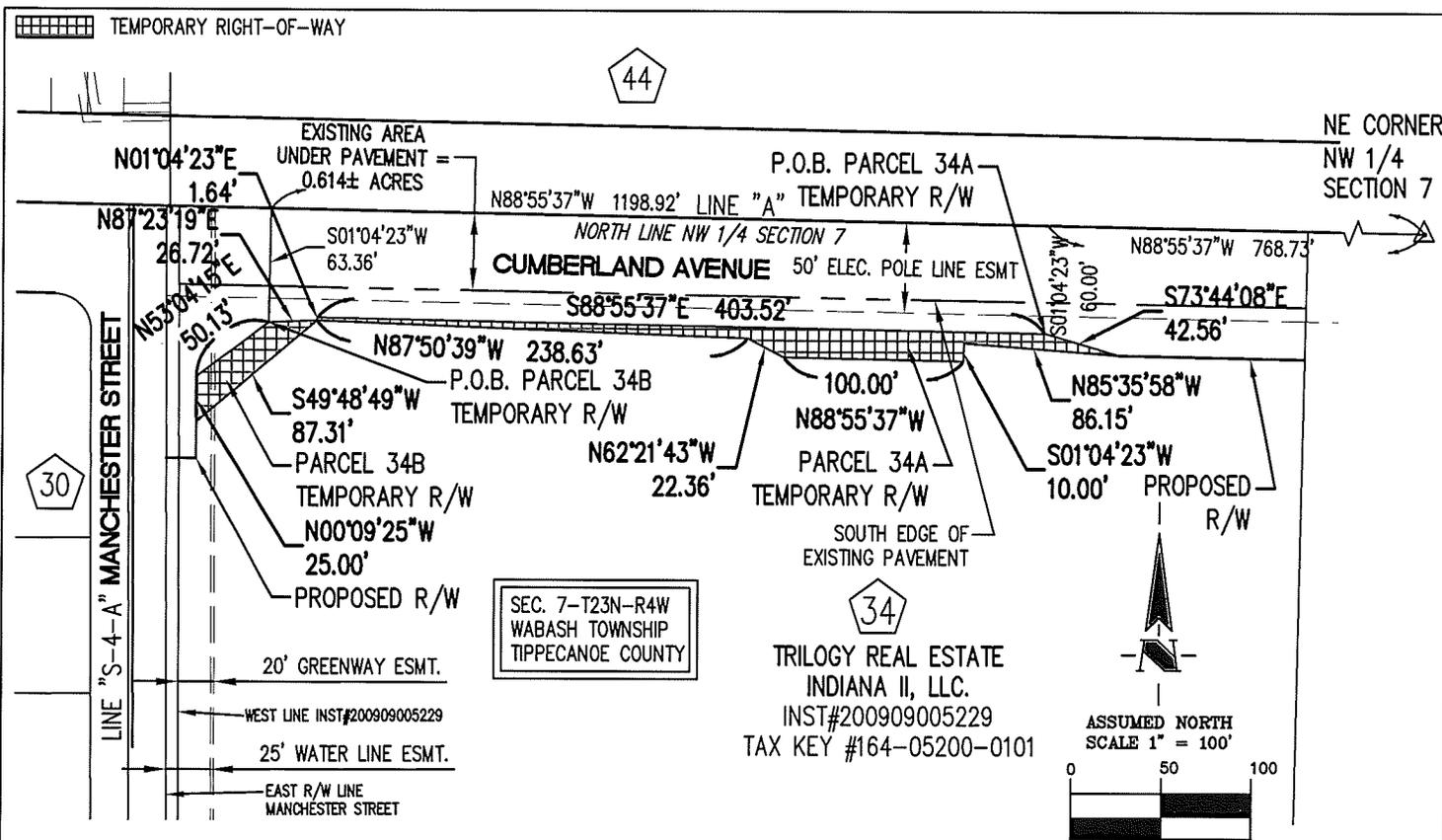
Note: The land description shown hereon is based on the Cumberland Avenue Phase 2 Route Survey for the City of West Lafayette dated January 19, 2010 and recorded at Instrument Number 201111004572 in the Office of the Tippecanoe County Recorder.

EXHIBIT "B"

A part of Property described as Instrument Number 200909005229 as recorded in the Office of the Tippecanoe County Recorder located in the Northwest Quarter of Section 7, Township 23 North, Range 4 West, City of West Lafayette, Tippecanoe County, Indiana, more particularly described as follows:

Commencing at the Northeast Corner of said Northwest Quarter; thence North 88 degrees 55 minutes 37 seconds West along the North Line of said Northwest Quarter a distance of 1198.92 feet; thence South 01 degrees 04 minutes 23 seconds West a distance of 63.36 feet to the Point of Beginning; thence North 87 degrees 23 minutes 19 seconds East a distance of 26.72 feet; thence South 49 degrees 48 minutes 49 seconds West a distance of 87.31 feet; thence North 00 degrees 09 minutes 25 seconds West a distance of 25.00 feet; thence North 53 degrees 04 minutes 15 seconds East a distance of 50.13 feet to the Point of Beginning, containing 0.028 square acres of land, more or less.

Note: The land description shown hereon is based on the Cumberland Avenue Phase 2 Route Survey for the City of West Lafayette dated January 19, 2010 and recorded at Instrument Number 201111004572 in the Office of the Tippecanoe County Recorder.



Parcel 34A Temporary Right-of-Way Description

A part of Property described as Instrument Number 200909005229 as recorded in the Office of the Tippecanoe County Recorder located in the Northwest Quarter of Section 7, Township 23 North, Range 4 West, City of West Lafayette, Tippecanoe County, Indiana, more particularly described as follows:

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Richard G. Rayback
 Richard G. Rayback
 Registered Land Surveyor No. 870015
 March 17, 2011

Historic Fort Harrison
 8901 Otis Avenue
 Indianapolis, Indiana 46216-1037
 317-826-7100
 317-826-7110 FAX

Note: The land description shown hereon is based on the Cumberland Avenue Phase 2 Route Survey for the City of West Lafayette dated January 19, 2010 and recorded at Instrument Number 201111004572 in the Office of the Tippecanoe County Recorder.

Engineering
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 Landscape Architecture
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