

2023003941 EASE \$25.00
12/08/2023 11:43:35A 4 PGS
Mary Dorsett Kilgore
Jennings County Recorder IN
Recorded as Presented



FILED

DEC 08 2023 *WV*

Laura J. Abel
AUDITOR JENNINGS COUNTY

PERPETUAL TRAIL EASEMENT and RIGHT OF WAY

THIS INDENTURE WITNESSETH, That EUGENE R. LILLY and EVELYN M. LILLY, Trustees, or their successors in trust, under the EUGENE R. LILLY LIVING TRUST, dated May 31 1997 and EVELYN M. LILLY and EUGENE R. LILLY, Trustees, or their successors in trust, under the EVELYN M. LILLY LIVING TRUST, dated May 31, 1997, husband and wife, the Grantor(s) of Floyd County, State of INDIANA Convey(s) and Warrant(s) to the THE TOWN OF VERNON, INDIANA, the Grantee, for and in consideration of the sum of ONE THOUSAND FOUR HUNDRED THIRY DOLLARS (\$1,430.00) (of which said sum \$1,430.00 represents land encumbered and improvements acquired and \$0.00 represents damages) and other valuable consideration, the receipt of which is hereby acknowledged, a perpetual easement and right of way in, under and upon certain Real Estate situated in the County of JENNINGS, State of Indiana, and being more particularly described in the legal description attached hereto as Page 2 of 2 of Exhibit "A" and depicted upon the Parcel Plat attached hereto as Page 1 of 2 of Exhibit "A", both of which exhibits are incorporated herein by reference, for the purpose of the construction, reconstruction, maintenance, operation and repair thereupon of a trail and appurtenances thereto, which said appurtenances may include but are not limited to, ditches and drainage facilities, slopes, rip rap, culverts, and like features necessary for the said facility.

WHEREAS the easement area herein described was acquired under the State of Indiana's Next Level Trails program. The intent of the Next Level Trails program is to preserve and develop important recreational trail resources throughout the State of Indiana for the use and enjoyment of the citizens of the State and others. Property rights acquired with these funds will be used solely for recreational trail purposes in perpetuity

This conveyance is subject to any and all easements, conditions and restrictions of record.

Grantee, its employees, agents, contractors, subcontractors and assigns shall have the right to enter in, under, over, along and upon the area of the said easement and right of way conveyed herein at will to construct, reconstruct, maintain, and continue to operate the facility and appurtenances thereon and to remove from the said area any encroaching trees or other vegetation, buildings or other obstructions to the free and unobstructed use of the said easement and right of way, and to make such alteration and improvements to the trail facility and appurtenances as the Grantee may deem necessary or useful.

Grantor(s) and their successors in title, covenant(s) and agree(s) not to erect, maintain or allow to continue within the area of the said easement and right of way any building, structure, fence, plantings or other obstruction to the Grantee's free and unobstructed use of the said facilities or appurtenances thereto without the prior express written permission of the Grantee. Such permission shall not be effective unless and until recorded.

Grantor(s) warrant(s) that they are, the owner(s) in fee simple of said Real Estate, lawfully seized thereof and have a good right to grant and convey the foregoing easement and right of way; warrant(s) the quiet use and enjoyment thereof; warrant(s) that said Real Estate is free from all encumbrances inconsistent with the Grant contained herein; and warrant(s) that they will defend Grantee's title in said easement and right of way against all claims. This easement and right of way granted herein, and its associated benefits and obligations, shall run with said Real Estate. This indenture shall bind and inure to the benefit of the successors and assigns of the Grantee.

NO SALES DISC. FORM
REQUIRED

DEC 08 2023

IN WITNESS WHEREOF, the said Grantor(s) have executed this instrument this 2nd day of December, 2023

_____ (Seal)	_____ (Seal)
Signature	Signature
EVELYN M. LILLY	_____
Printed Name	Printed Name
<i>Evelyn M. Lilly</i> _____ (Seal)	_____ (Seal)
Signature	Signature
_____	_____
Printed Name	Printed Name

STATE OF: Indiana:

SS:

COUNTY OF Floyd:

Before me, a Notary Public in and for said State and County, personally appeared Evelyn M. Lilly, the Grantor(s) 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 any representations contained therein are true.

Witness my hand and Notarial Seal this 2nd day of December, 2023

Signature *Beverly Ann Stout*
 Printed Name Beverly Ann Stout

My Commission Number NP0722999

My Commission expires October 16, 2027

I am a resident of Morgan County.

BEVERLY ANN STOUT
NOTARY PUBLIC
SEAL
 MORGAN COUNTY, STATE OF INDIANA
 MY COMMISSION EXPIRES OCTOBER 16, 2027
 COMMISSION NUMBER NP0722999

SEAL

Prepared by Bradley Kage, Attorney, PO Box 328, 624 S State St, North Vernon, IN 47265

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.

Parcel: 5
 Project: Vernon Trail
 Road: n/a
 County: JENNINGS
 Section: 3
 Township: 6N
 Range: 8E

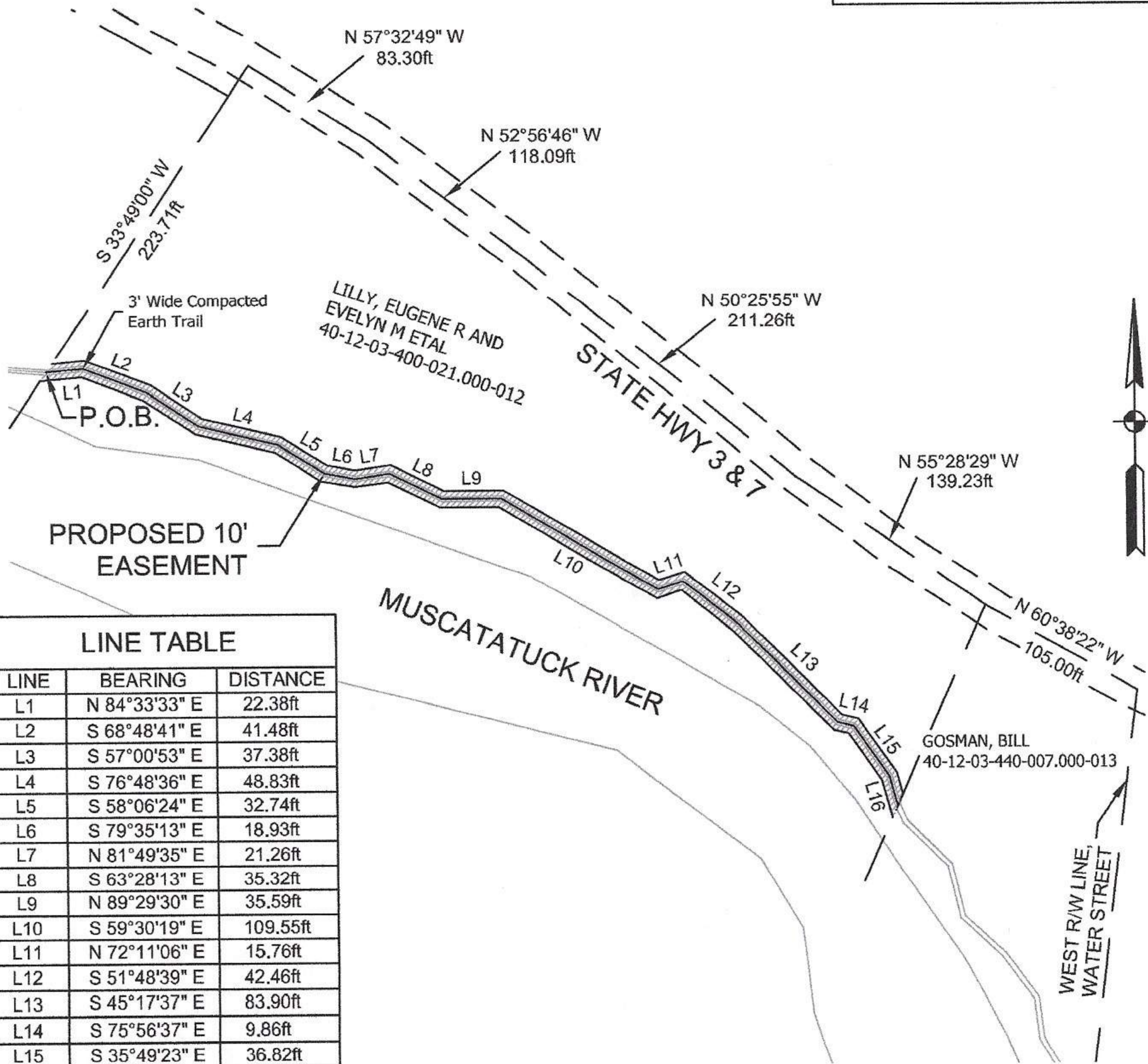
Owner: Lilly, Eugene R. & Evelyn M. ETAL
 Instrument Number: 2010001811
 Tax Bill ID: 40-12-03-400-021.000-012
 Dated: June 15, 2010

Drawn By: CRE
 Checked By: ARC
 Scale: 1" = 100'



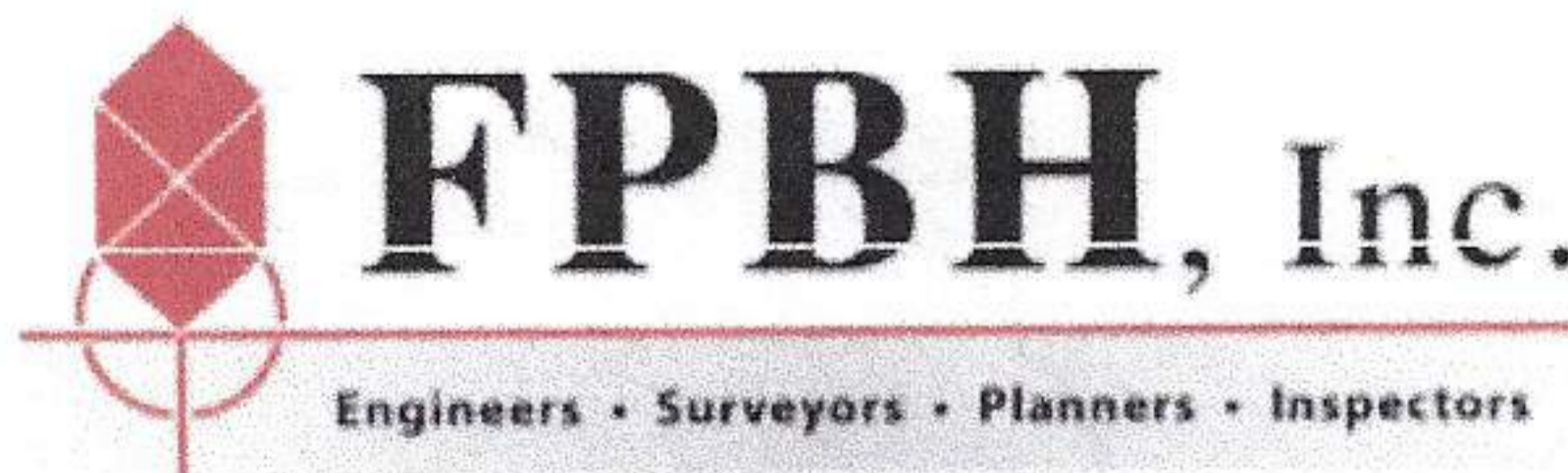
Hatched area is the approximate acquisition.

This plat was prepared from information obtained from the recorder's office and other sources which were not necessarily checked by a field survey.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 84°33'33" E	22.38ft
L2	S 68°48'41" E	41.48ft
L3	S 57°00'53" E	37.38ft
L4	S 76°48'36" E	48.83ft
L5	S 58°06'24" E	32.74ft
L6	S 79°35'13" E	18.93ft
L7	N 81°49'35" E	21.26ft
L8	S 63°28'13" E	35.32ft
L9	N 89°29'30" E	35.59ft
L10	S 59°30'19" E	109.55ft
L11	N 72°11'06" E	15.76ft
L12	S 51°48'39" E	42.46ft
L13	S 45°17'37" E	83.90ft
L14	S 75°56'37" E	9.86ft
L15	S 35°49'23" E	36.82ft
L16	S 15°23'17" E	18.45ft

Prepared By:



72 Henry Street, PO Box 47, North Vernon, Indiana 47265
 P: (812) 346-2045 F: (812) 346-8045
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6-9-2023

File Number: 23-12939
 Date: JUNE 9, 2023
 Sheet: 1 of 2

EXHIBIT "A"

PARCEL NO. 5 EASEMENT

TAX ID: 40-12-03-400-021.000-012

OWNER: LILLY, EUGENE R. & EVELYN M. ETAL – Instrument Number 2010001811

PART of the Southeast Quarter of Section 3, Township 6 North, Range 8 East, Center Township, Jennings County, Indiana, and more particularly described as follows:

COMMENCING at a point where the centerline of State Highways 3 & 7 intersects the West right of way line of Water Street in the Town of Vernon, Indiana; thence the following five (5) calls along the centerline of State Highways 3 & 7: 1) North 60 degrees 38 minutes 22 seconds West 105.00 feet; 2) North 55 degrees 28 minutes 29 seconds West 139.23 feet; 3) North 50 degrees 25 minutes 55 seconds West 211.26 feet; 4) North 52 degrees 56 minutes 46 seconds West 118.09 feet; 5) North 57 degrees 32 minutes 49 seconds West 83.30 feet; thence South 33 degrees 49 minutes 00 seconds West 223.71 feet along the West line of the Grantor's land to the center of a trail and the POINT OF BEGINNING of this easement; thence 5.00 feet of even width on each side of the following sixteen (16) calls along the center of the trail as constructed, improved and maintained: 1) North 84 degrees 33 minutes 33 seconds East 22.38 feet; 2) South 68 degrees 48 minutes 41 seconds East 41.48 feet; 3) South 57 degrees 00 minutes 53 seconds East 37.38 feet; 4) South 76 degrees 48 minutes 36 seconds East 48.83 feet; 5) South 58 degrees 06 minutes 24 seconds East 32.74 feet; 6) South 79 degrees 35 minutes 13 seconds East 18.93 feet; 7) North 81 degrees 49 minutes 35 seconds East 21.26 feet; 8) South 63 degrees 28 minutes 13 seconds East 35.32 feet; 9) North 89 degrees 29 minutes 30 seconds East 35.59 feet; 10) South 59 degrees 30 minutes 19 seconds East 109.55 feet; 11) North 72 degrees 11 minutes 06 seconds East 15.76 feet; 12) South 51 degrees 48 minutes 39 seconds East 42.46 feet; 13) South 45 degrees 17 minutes 37 seconds East 83.90 feet; 14) South 75 degrees 56 minutes 37 seconds East 9.86 feet; 15) South 35 degrees 49 minutes 23 seconds East 36.82 feet; 16) South 15 degrees 23 minutes 17 seconds East 18.45 feet to the East line of the Grantor's land and the point of terminus of this easement, the side lines to be shortened or lengthened as needed to form a closed geometric figure.

This description was prepared for the Town of Vernon, Indiana by Charles R. Ebinger, Indiana Registered Land Surveyor, License Number 20400024, on the 9th day of June, 2023.

Charles R. Ebinger

