

**RESOLUTION NO. 206**  
**A RESOLUTION OF THE SOUTH BEND REDEVELOPMENT AUTHORITY**  
**ACCEPTING THE TRANSFER OF REAL PROPERTY FROM**  
**THE CITY OF SOUTH BEND, INDIANA, BOARD OF PUBLIC WORKS**

WHEREAS, the South Bend Redevelopment Authority (the "Authority") was created pursuant to I.C. 36-7-14.5 (the "Act") as a separate body corporate and politic serving as an instrumentality of the City of South Bend, Indiana (the "City"), to finance local public improvements for lease to the South Bend Redevelopment Commission (the "Commission") and which is permitted by the Act to acquire real property in order to accomplish the purposes of the Authority under the Act; and

WHEREAS, the City of South Bend, Indiana, Board of Public Works (the "Board") exists pursuant to Indiana Code Section 36-4-9-5, holds real property owned by the City of South Bend, Indiana (the "City") pursuant to Indiana Code Section 36-9-6-3, and is authorized to transfer such property to another governmental entity pursuant to Indiana Code Section 36-1-11-8; and

WHEREAS, the Board owns certain real property in the City commonly known as Cleveland Road from its intersection with Portage Avenue to its intersection with Ameritech Drive, as more particularly described on Exhibit A (the "Property"); and

WHEREAS, pursuant to declaratory resolutions previously adopted and amended from time to time, the Commission has declared a certain area of the City known as the "River West Development Area" (the "Area") as a redevelopment area and an allocation area under the Act and approved an economic development plan for the Area; and

WHEREAS, the City and the Commission have agreed to share the cost of certain improvements to the South Shore Line with St. Joseph County, pursuant to a Memorandum of Understanding dated September 26, 2019 entered into between the parties (the "MOU"), including the addition of a second track through congested areas along the South Shore Line (the "Double Tracking Project"), which improvements benefit the Area; and

WHEREAS, on October 10, 2019, at a duly advertised and noticed public meeting, the Authority adopted Resolution No. 205, whereby the Authority (a) stated its intent to issue its South Bend Redevelopment Authority Lease Rental Revenue Bonds of 2019 (Double Tracking Project) in an aggregate principal amount not to exceed Eleven Million Dollars (\$11,000,000) (the "Bonds"), to finance the City's obligation pursuant to the MOU which will be used to pay for a portion of the cost of the Double Tracking Project; (ii) fund a debt service reserve fund, if necessary in connection with the issuance of the Bonds; and (iii) pay costs incurred in connection with the issuance of the Bonds and (b) approved a proposed form of lease (the "Lease") between the Authority and the Commission for the lease of a portion of the Property; and

WHEREAS, the Commission adopted Resolution No. 3508, wherein it approved the Lease, pursuant to Section 25.2 of the Act, at a duly advertised and noticed public meeting on October 10, 2019; and

WHEREAS, the Common Council of the City adopted Resolution 4820-19 on October 28, 2019, approving of the execution of the Lease by the Commission and the Authority, as well as the issuance of the Bonds by the Authority; and

WHEREAS, the City, as the owner of the Property, seeks and concurs in the transfer of the interests in the Property to the Authority for Ten Dollars (\$10.00), and, on November 12, 2019, the Board approved such transfer pursuant to Resolution No. 41-2019, which is substantially similar to this Resolution; and

WHEREAS, the Authority seeks to acquire an interest in the Property in connection with the Lease to the Commission and wishes to accept the transfer of the Property.


NOW, THEREFORE, BE IT RESOLVED BY THE SOUTH BEND REDEVELOPMENT AUTHORITY AS FOLLOWS:

1. The Authority hereby accepts the transfer of the Property from the Board in accordance with Indiana Code Section 36-1-11-8 and the Act pursuant to a quit claim deed in a form substantially similar to the document attached hereto as Exhibit B, conveying all of the Board's right, title, and interest in the Property to the Authority.
2. The Authority authorizes David Relos or Andrew Netter of the City's Department of Community Investment to execute any other document necessary to affect the Authority's acceptance of the Property from the Board.
3. This Resolution will be in full force and effect upon its adoption by the Authority.

*Signature Page Follows*

ADOPTED at a meeting of the South Bend Redevelopment Authority held on November 14, 2019.

SOUTH BEND REDEVELOPMENT AUTHORITY

  
\_\_\_\_\_  
Anthony Fitts, Vice President

ATTEST:

  
\_\_\_\_\_  
Richard Klee, Secretary/Treasurer

## EXHIBIT A

### **Legal Description**

That part of Sections 18, 19, 20, 21, 22 and 27 all in Township 38 North, Range 2 East, City of South Bend, German Township, St. Joseph County, Indiana which is described as: Beginning at the point of intersection of the West Right-of-way line of Ameritech Drive and the North Right-of-way line of Cleveland Road, said point being the Southeast corner of Lot # 4A of the Plat of "U.S. 31 Industrial Park, Third Replat" as recorded in the records of the St. Joseph County, Indiana Recorder's Office; thence S.  $82^{\circ}14'41''$  E. (all bearings assumed) a distance of 60.60 feet more or less to the Southwest corner of the Plat of "U.S. 31 Industrial Park, Section One, Second Replat" as recorded in the records of said County, thence along the South line of said Plat and the Northerly Right-of-way line of said Cleveland Road for the next two (2) courses, S.  $82^{\circ}14'41''$  E. a distance of 200.68 feet more or less and S.  $89^{\circ}57'04''$  E. a distance of 511.29 feet more or less to the Southeast corner of said Plat and a point on the West line of the Plat of "Daugherty Minor Subdivision" as recorded in the records of said County; thence South along the West line of said Plat and the Northerly Right-of-way of Cleveland Road, a distance of 80 feet more or less to the Southwest corner of said Plat and the North line of said Section 18; thence East along said North line and the assumed Northerly Right-of-way line of Cleveland Road 205 feet more or less to the Northwest corner of the Plat of "Kiskowski 2<sup>nd</sup> Minor Subdivision" as recorded in the records of said County; thence continuing along the assumed Northerly Right-of-way line of said Cleveland Road, and the West line of said Plat, S.  $00^{\circ}44'26''$  E., a distance of 152.91 feet more or less the Southwest corner of said Plat; thence continuing along the Southerly line of said Plat and the Northerly Right-of-way line of said Cleveland Road for the next three (3) courses, along a 1054.93 foot more or less radius curve to the right an arc distance of 276.42 feet more or less, and S.  $34^{\circ}52'30''$  E., a distance of 230.31 feet more or less, and along a 1332.39 foot more or less radius curve to the left an arc distance of 23.00 feet more or less to the Southeast corner of said Plat; said Southeast corner also being the Southwest corner of the Plat of "Crossroads Industrial Complex Phase II, First Replat" as recorded in the records of said County; thence continuing along the Northerly Right-of-way line of said Cleveland Road along said 1332.39 foot more or less radius curve to the left an arc distance of 280.00 feet more or less to the Southeast corner of said Plat, said Southeast corner also being the Southwest corner of the Plat of "Crossroads Industrial Complex Phase II, Section 1" as recorded in the records of said County, thence continuing along the Northerly Right-of-way line of said Cleveland Road and the Southerly line of said Plat and the Plat of "Crossroads Industrial Complex Phase II, Section 2" as recorded in the records of said County for the next two (2) courses, along said 1332.39 foot more or less radius curve to the left an arc distance of 672.69 feet more or less and S.  $77^{\circ}33'56''$  E., a distance of 555.47 feet more or less to the Southeast corner of said Plat for Section 2; said Southeast corner also being the Southwest corner of the Plat of "Mayflower Crossing Minor First Replat" as recorded in the records of said County; thence continuing along said Northerly Right-of-way line of Cleveland Road and the Southerly line of said Plat for the next two (2) courses, S.  $77^{\circ}34'00''$  E., a distance of 539.40 feet and N.  $68^{\circ}51'29''$  E., a distance of 79.92 feet more or less to the Southeast corner of said Plat, said Southeast corner also being on the West Right-of-way line of Mayflower Road; thence Southeasterly a distance of 62 feet more or less to a point of intersection with the Southerly line of the Plat of "Hutsfield Square Major Subdivision" as recorded in the records of said County; thence continuing along the Northerly

Right-of-way of said Cleveland Road and the Southerly line of said Plat for the next two (2) courses, S. 39°21'27" E., a distance of 94.26 feet more or less and S. 77°06'04" E., a distance of 1248.82 feet more or less to the Southeast corner of said Plat; thence continuing along said Northerly Right-of-way line of said Cleveland Road and the East line of said Plat, N. 00°24'13" E., a distance of 50 feet more or less, to the South line of a parcel of ground identified by Tax Key Number 025-1012-019955 in the records of the St. Joseph County, Indiana Auditor's Office; thence continuing along the Northerly Right-of-way line of said Cleveland Road and the Southerly line of said Tax Key Number and the Southerly line of parcel of ground identified by Tax Key Number 025-1012-019937 in the records of said Auditor's Office S. 77°06'04" E., a distance of 1429.03 feet more or less to the Southwest corner of the Plat of "Trans Tech Properties Minor Subdivision First Replat" as recorded in the records of said County; thence continuing along said Northerly Right-of-way line of said Cleveland Road and the Southerly line of said Plat S. 76°41'25" E., a distance of 577.18 feet more or less to the Southeast corner of said Plat; thence continuing along said Northerly Right-of-way line of said Cleveland Road and the Southerly line of a parcel of ground identified by Tax Key Number 025-1013-020704, S. 77°34'00" E., a distance of 563 feet more or less to the Southwest corner of the Plat of "West Cleveland Road Industrial Park, First Minor Subdivision" as recorded in the records of said County; thence continuing along said Northerly Right-of-way of said Cleveland Road and the Southerly line of said Plat, S. 77°34'00" E., a distance of 101.96 feet more or less and along a 4718.66 foot more or less radius curve to the right an arc distance of 272.47 feet more or less, to a point of intersection with the West Right-of-way line of Meghan Beeler Drive; thence continuing along the Northerly Right-of-way line of said Cleveland Road and the Southerly line of the Plat of "West Cleveland Road Industrial Park, Section One" as recorded in the records of said County, along a 4718.66 foot more or less radius curve to the right an arc distance of 463.29 feet more or less to the Southwest corner of the Plat of "Shively's Industrial Park Phase One" as recorded in the records of said County; thence continuing along said Northerly Right-of-way line of said Cleveland Road and the Southerly line of said Plat along a 4718.66 foot more or less radius curve to the right an arc distance of 730.08 feet more or less to the Southeast corner of said Plat; said Southeast corner also being the Southwest corner of the Plat of "Ralph Jones Minor Subdivision First Replat" as recorded in the records of said County; thence continuing along said Northerly Right-of-way line of Cleveland Road and the Southerly line of said Plat for the next two (2) courses, along a 4703.66 foot more or less radius curve to the right an arc distance of 870.52 feet more or less and S. 51°05'06" E., a distance of 70.46 feet more or less to a point of intersection with the West Right-of-way line of Ralph Jones Drive and the Westerly line of the Plat of "Toll Road Industrial Park, Section One" as recorded in the records of said County; thence continuing along said Northerly line of Cleveland Road and the Southerly line of said Plat, Southeasterly a distance of 1444.51 feet more or less to the Southeast corner of said Plat and the Southwest corner of the Plat of "Gainey Minor Subdivision" as recorded in the records of said County, also being the intersection of the East Right-of-way line of Deahl Court with the Northerly Right-of-way line of said Cleveland Road; thence continuing along said Northerly line of Cleveland Road Right-of-way line and the Southerly line of said Plat, S. 88°44'15" E. Southeasterly a distance of 591.39 feet more or less to the Southeast corner of said Plat, said Southeast corner also being the Southwest corner of a parcel of ground identified by Tax Key Number 025-1014-024002 in the records of said Auditor's Office; thence continuing along said Northerly Right-of-way of Cleveland Road and the Southerly line of said parcel in a Southeasterly direction a distance of 763.26 feet more or less to the Southeast corner of said

parcel and the Southwest corner of a parcel of ground identified by Tax Key Number 025-1014-024003 in the records of said Auditor's Office; thence continuing along said Northerly Right-of-way line of Cleveland Road and the Southerly line of said parcel for the next two (2) courses, Southeasterly a distance of 148.13 feet more or less and Northeasterly a distance of 96.2 feet more or less to a point of intersection with the Westerly Right-of line of Bendix Drive (A.K.A. Maple Road); thence Southeasterly, a distance of 101 feet more or less to a point of intersection with the Easterly Right-of-way line of said Bendix Drive (A.K.A. Maple Road) and the Northerly Right-of-way line of Cleveland Road, said intersection point also being on the Southerly line of the Plat of "GMS Realty's Bendix Drive Minor Subdivision" as recorded in the records of said County; thence continuing along said Northerly Right-of-way line of said Cleveland Road and the Southerly line of said Plat for the next two (2) courses, S. 08°22'55" E., a distance of 56.99 feet more or less and S. 67°24'22" E., a distance of 381.06 feet more or less to the Southeast corner of said Plat and to a point on the West line of the Plat of "GMS Realty's Portage Road Minor Subdivision" as recorded in the records of said County; thence continuing along said Northerly Right-of-way line of said Cleveland Road for the next five (5) courses, S. 00°02'25" E., a distance of 28 feet more or less, and S. 67°05'20" E., a distance of 151.59 feet more or less and S. 78°28'21" E., a distance of 437.66 feet more or less and N. 79°27'30" E., a distance of 111.69 feet more or less and N. 24°34'09" E., a distance of 22.59 feet more or less to a point of intersection with the Westerly Right-of-way line of Portage Road; thence S. 23°16'25" E., a distance of 181 feet more or less to a point of intersection with the Southerly Right-of-way line of said Cleveland Road; thence along said Southerly Right-of-way line a distance of 361 feet more or less to the Easterly line of the Plat of "MFB Minor Subdivision" as recorded in the records of said County; thence along the Easterly, Northerly and Westerly lines of said Plat also being assumed to be the Southerly Right-of-way line of said Cleveland Road for the next eight (8) courses, N. 07°31'14" E., a distance of 4.69 feet more or less, and along a 1091.74 foot more or less radius curve to the right, an arc distance of 297.40 feet more or less, and N. 67°09'33" W., a distance of 552.74 feet more or less, and S. 73°29'35" E., a distance of 66.72 feet more or less, and S. 72°43'30" W., a distance of 40.00 feet more or less, and S. 42°43'30" W., a distance of 60.00 feet more or less, and S. 58°39'20" W., a distance of 40.00 feet more or less, and along a 756.20 foot more or less radius curve to the right, an arc distance of 128.59 feet to the Southwest corner of Lot # 1 of said Plat; thence continuing along said Southerly Right-of-way line of said Cleveland Road and the Northerly right-of-way line of the Indiana East-West Toll Road, along a 4433.66 foot more less radius curve to the right, an arc distance of 1620 feet more or less; thence continuing along said Southerly Right-of-way line of Cleveland Road and the Northerly Right-of-way line of the Indiana East-West Toll Road, along a 4418.66 foot more or less radius curve to the left an arc distance of 5051 feet more or less to a point of intersection with the East line of said Section 20; thence continuing along said Southerly Right-of-way line of said Cleveland Road and the Northerly Right-of-way line of the Indiana East-West Toll Road, West, a distance of 1320 feet more or less to the East line of the West Half of the Northeast Quarter of said Section 20; thence continuing along said Right-of-way line for both Cleveland Road and the Indiana East-West Toll Road, N. 00°10'23" W., a distance of 80 feet more or less to the Southeast corner of the Plat of "Shively's Cleveland Road Minor Subdivision" as recorded in the records of said County; thence continuing along the Southerly Right-of-way line of said Cleveland Road and the East line of said Plat, N. 00°10'23" W., a distance of 350.85 feet more or less to the Northeast corner of said Plat, said point also being on the Southerly Right-of-way line of said Cleveland Road; thence continuing along said Southerly Right-of-way line of said

Cleveland Road and the Northerly line of said Plat for the next three (3) courses, N. 76°47'16" W., a distance of 1248.43 feet more or less and S. 53°45'33" W., a distance of 77.01 feet more or less and S. 89°58'33" W., a distance of 30.00 feet more or less to the Northwest corner of said Plat and the Centerline of Mayflower Road; thence continuing along the Southerly Right-of-way line of said Cleveland Road, S. 89°58'33" W., a distance of 30.00 feet more or less to a point of intersection of the Southerly Right-of-way line of said Cleveland Road and the West Right-of-way line of Mayflower Road, said point also being on the Northerly line of the Plat of "USF Holland Cleveland Road Minor 1<sup>st</sup> Replat" as recorded in the records of said County; thence along said Southerly Right-of-way line of Cleveland Road and the Northerly line of said Plat for the next four (4) courses, N. 39°09'52" W., a distance of 115.08 feet more or less and N. 77°34'00" W., a distance of 1144.87 feet more or less and along a 1532.05 foot more or less radius curve to the right, an arc distance of 528.07 feet more or less, and S. 89°33'38" W., a distance of 257.96 feet more or less to the Northwest corner of said Plat, said point also being on the East line of the Plat of "AT & T Minor Subdivision" as recorded in the records of said County; thence continuing along the Southerly Right-of-way line of said Cleveland Road and the Northerly line of said Plat for the next nine (9) courses, N. 00°36'22" E., a distance of 206 feet more or less, and along a 1532.40 foot more or less radius curve to the right, a distance of 313.76 feet more or less, and N. 34°53'52" W., a distance of 230.30 feet more or less, and along a 854.93 foot more or less radius curve to the left, a distance of 492.99 feet more or less, and N. 68°04'17" W., a distance of 180.98 feet more or less, and N. 81°40'06" W., a distance of 154.30 feet more or less, and S. 89°53'36" W., a distance of 202.68 feet more or less, and S. 74°19'23" W., a distance of 155.56 feet more or less, and S. 00°49'22" E., a distance of 35.00 feet more or less; thence continuing along the Southerly Right-of-way line of said Cleveland Road S. 84°29'01" W., a distance of 58.06 feet more or less to a point with the West Right-of-way line of Project Drive; thence Northeasterly a distance of 257 feet more or less to the point of beginning. Containing 88.91 Acres more or less.

**EXHIBIT B**

**Form of Quit Claim Deed**



**QUIT CLAIM DEED**

THIS INDENTURE WITNESSETH THAT the Civil City of South Bend, Indiana, acting by and through its Board of Public Works (the "Grantor") CONVEYS AND QUIT CLAIMS TO the South Bend Redevelopment Authority (the "Grantee"), for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the real estate located in St. Joseph County, Indiana, commonly known as Cleveland Road from its intersection with Portage Avenue to its intersection with Ameritech Drive, which is more particularly described on Exhibit A (the "Property").

Grantor hereby conveys the Property subject to all covenants, restrictions, easements, and other matters of record.

The undersigned persons executing this Quit Claim Deed on behalf of the Grantor represent and certify that each has been fully empowered and authorized to execute this Quit Claim Deed and that all action necessary to complete this conveyance on Grantor's behalf has been duly taken.

[Signature page follows.]

Dated this 14 day of November 2019.

GRANTOR:

Civil City of South Bend, Indiana

By: \_\_\_\_\_  
Printed: DAWN M. Jones  
Title: City of South Bend Clerk

ATTEST:

Dawn M. Jones  
Dawn M. Jones, Clerk

STATE OF INDIANA            )  
  ) SS:  
ST. JOSEPH COUNTY         )

Before me, the undersigned, a Notary Public for and in said County and State this 14 day of November 2019, personally appeared Cap and Dawn M. Jones, known to me to be, respectively, as the \_\_\_\_\_ and the Clerk of the Civil City of South Bend, Indiana, the Grantor, and acknowledged the execution of the foregoing Quit Claim Deed.

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



MaryC Brazinsky  
MARYC BRAZINSKY, Notary Public  
Resident of St. Joseph County, Indiana  
Commission expires: 12-12-2024

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. Sandra L. Kennedy

Prepared by Sandra L. Kennedy, Assistant City Attorney, 1200 S. County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana 46601

## EXHIBIT A

### Legal Description

That part of Sections 18, 19, 20, 21, 22 and 27 all in Township 38 North, Range 2 East, City of South Bend, German Township, St. Joseph County, Indiana which is described as: Beginning at the point of intersection of the West Right-of-way line of Ameritech Drive and the North Right-of-way line of Cleveland Road, said point being the Southeast corner of Lot # 4A of the Plat of "U.S. 31 Industrial Park, Third Replat" as recorded in the records of the St. Joseph County, Indiana Recorder's Office; thence S.  $82^{\circ}14'41''$  E. (all bearings assumed) a distance of 60.60 feet more or less to the Southwest corner of the Plat of "U.S. 31 Industrial Park, Section One, Second Replat" as recorded in the records of said County, thence along the South line of said Plat and the Northerly Right-of-way line of said Cleveland Road for the next two (2) courses, S.  $82^{\circ}14'41''$  E. a distance of 200.68 feet more or less and S.  $89^{\circ}57'04''$  E. a distance of 511.29 feet more or less to the Southeast corner of said Plat and a point on the West line of the Plat of "Daugherty Minor Subdivision" as recorded in the records of said County; thence South along the West line of said Plat and the Northerly Right-of-way of Cleveland Road, a distance of 80 feet more or less to the Southwest corner of said Plat and the North line of said Section 18; thence East along said North line and the assumed Northerly Right-of-way line of Cleveland Road 205 feet more or less to the Northwest corner of the Plat of "Kiskowski 2<sup>nd</sup> Minor Subdivision" as recorded in the records of said County; thence continuing along the assumed Northerly Right-of-way line of said Cleveland Road, and the West line of said Plat, S.  $00^{\circ}44'26''$  E., a distance of 152.91 feet more or less the Southwest corner of said Plat; thence continuing along the Southerly line of said Plat and the Northerly Right-of-way line of said Cleveland Road for the next three (3) courses, along a 1054.93 foot more or less radius curve to the right an arc distance of 276.42 feet more or less, and S.  $34^{\circ}52'30''$  E., a distance of 230.31 feet more or less, and along a 1332.39 foot more or less radius curve to the left an arc distance of 23.00 feet more or less to the Southeast corner of said Plat; said Southeast corner also being the Southwest corner of the Plat of "Crossroads Industrial Complex Phase II, First Replat" as recorded in the records of said County; thence continuing along the Northerly Right-of-way line of said Cleveland Road along said 1332.39 foot more or less radius curve to the left an arc distance of 280.00 feet more or less to the Southeast corner of said Plat, said Southeast corner also being the Southwest corner of the Plat of "Crossroads Industrial Complex Phase II, Section 1" as recorded in the records of said County, thence continuing along the Northerly Right-of-way line of said Cleveland Road and the Southerly line of said Plat and the Plat of "Crossroads Industrial Complex Phase II, Section 2" as recorded in the records of said County for the next two (2) courses, along said 1332.39 foot more or less radius curve to the left an arc distance of 672.69 feet more or less and S.  $77^{\circ}33'56''$  E., a distance of 555.47 feet more or less to the Southeast corner of said Plat for Section 2; said Southeast corner also being the Southwest corner of the Plat of "Mayflower Crossing Minor First Replat" as recorded in the records of said County; thence continuing along said Northerly Right-of-way line of Cleveland Road and the Southerly line of said Plat for the next two (2) courses, S.  $77^{\circ}34'00''$  E., a distance of 539.40 feet and N.  $68^{\circ}51'29''$  E., a distance of 79.92 feet more or less to the Southeast corner of said Plat, said Southeast corner also being on the West Right-of-way line of Mayflower Road; thence Southeasterly a distance of 62 feet more or less to a point of intersection with the Southerly line of the Plat of "Hutsfield Square Major Subdivision" as recorded in the records of said County; thence continuing along the Northerly

Right-of-way of said Cleveland Road and the Southerly line of said Plat for the next two (2) courses, S. 39°21'27" E., a distance of 94.26 feet more or less and S. 77°06'04" E., a distance of 1248.82 feet more or less to the Southeast corner of said Plat; thence continuing along said Northerly Right-of-way line of said Cleveland Road and the East line of said Plat, N. 00°24'13" E., a distance of 50 feet more or less, to the South line of a parcel of ground identified by Tax Key Number 025-1012-019955 in the records of the St. Joseph County, Indiana Auditor's Office; thence continuing along the Northerly Right-of-way line of said Cleveland Road and the Southerly line of said Tax Key Number and the Southerly line of parcel of ground identified by Tax Key Number 025-1012-019937 in the records of said Auditor's Office S. 77°06'04" E., a distance of 1429.03 feet more or less to the Southwest corner of the Plat of "Trans Tech Properties Minor Subdivision First Replat" as recorded in the records of said County; thence continuing along said Northerly Right-of-way line of said Cleveland Road and the Southerly line of said Plat S. 76°41'25" E., a distance of 577.18 feet more or less to the Southeast corner of said Plat; thence continuing along said Northerly Right-of-way line of said Cleveland Road and the Southerly line of a parcel of ground identified by Tax Key Number 025-1013-020704, S. 77°34'00" E., a distance of 563 feet more or less to the Southwest corner of the Plat of "West Cleveland Road Industrial Park, First Minor Subdivision" as recorded in the records of said County; thence continuing along said Northerly Right-of-way of said Cleveland Road and the Southerly line of said Plat, S. 77°34'00" E., a distance of 101.96 feet more or less and along a 4718.66 foot more or less radius curve to the right an arc distance of 272.47 feet more or less, to a point of intersection with the West Right-of-way line of Meghan Beeler Drive; thence continuing along the Northerly Right-of-way line of said Cleveland Road and the Southerly line of the Plat of "West Cleveland Road Industrial Park, Section One" as recorded in the records of said County, along a 4718.66 foot more or less radius curve to the right an arc distance of 463.29 feet more or less to the Southwest corner of the Plat of "Shively's Industrial Park Phase One" as recorded in the records of said County; thence continuing along said Northerly Right-of-way line of said Cleveland Road and the Southerly line of said Plat along a 4718.66 foot more or less radius curve to the right an arc distance of 730.08 feet more or less to the Southeast corner of said Plat; said Southeast corner also being the Southwest corner of the Plat of "Ralph Jones Minor Subdivision First Replat" as recorded in the records of said County; thence continuing along said Northerly Right-of-way line of Cleveland Road and the Southerly line of said Plat for the next two (2) courses, along a 4703.66 foot more or less radius curve to the right an arc distance of 870.52 feet more or less and S. 51°05'06" E., a distance of 70.46 feet more or less to a point of intersection with the West Right-of-way line of Ralph Jones Drive and the Westerly line of the Plat of "Toll Road Industrial Park, Section One" as recorded in the records of said County; thence continuing along said Northerly line of Cleveland Road and the Southerly line of said Plat, Southeasterly a distance of 1444.51 feet more or less to the Southeast corner of said Plat and the Southwest corner of the Plat of "Gainey Minor Subdivision" as recorded in the records of said County, also being the intersection of the East Right-of-way line of Deahl Court with the Northerly Right-of-way line of said Cleveland Road; thence continuing along said Northerly line of Cleveland Road Right-of-way line and the Southerly line of said Plat, S. 88°44'15" E. Southeasterly a distance of 591.39 feet more or less to the Southeast corner of said Plat, said Southeast corner also being the Southwest corner of a parcel of ground identified by Tax Key Number 025-1014-024002 in the records of said Auditor's Office; thence continuing along said Northerly Right-of-way of Cleveland Road and the Southerly line of said parcel in a Southeasterly direction a distance of 763.26 feet more or less to the Southeast corner of said

parcel and the Southwest corner of a parcel of ground identified by Tax Key Number 025-1014-024003 in the records of said Auditor's Office; thence continuing along said Northerly Right-of-way line of Cleveland Road and the Southerly line of said parcel for the next two (2) courses, Southeasterly a distance of 148.13 feet more or less and Northeasterly a distance of 96.2 feet more or less to a point of intersection with the Westerly Right-of line of Bendix Drive (A.K.A. Maple Road); thence Southeasterly, a distance of 101 feet more or less to a point of intersection with the Easterly Right-of-way line of said Bendix Drive (A.K.A. Maple Road) and the Northerly Right-of-way line of Cleveland Road, said intersection point also being on the Southerly line of the Plat of "GMS Realty's Bendix Drive Minor Subdivision" as recorded in the records of said County; thence continuing along said Northerly Right-of-way line of said Cleveland Road and the Southerly line of said Plat for the next two (2) courses, S. 08°22'55" E., a distance of 56.99 feet more or less and S. 67°24'22" E., a distance of 381.06 feet more or less to the Southeast corner of said Plat and to a point on the West line of the Plat of "GMS Realty's Portage Road Minor Subdivision" as recorded in the records of said County; thence continuing along said Northerly Right-of-way line of said Cleveland Road for the next five (5) courses, S. 00°02'25" E., a distance of 28 feet more or less, and S. 67°05'20" E., a distance of 151.59 feet more or less and S. 78°28'21" E., a distance of 437.66 feet more or less and N. 79°27'30" E., a distance of 111.69 feet more or less and N. 24°34'09" E., a distance of 22.59 feet more or less to a point of intersection with the Westerly Right-of-way line of Portage Road; thence S. 23°16'25" E., a distance of 181 feet more or less to a point of intersection with the Southerly Right-of-way line of said Cleveland Road; thence along said Southerly Right-of-way line a distance of 361 feet more or less to the Easterly line of the Plat of "MFB Minor Subdivision" as recorded in the records of said County; thence along the Easterly, Northerly and Westerly lines of said Plat also being assumed to be the Southerly Right-of-way line of said Cleveland Road for the next eight (8) courses, N. 07°31'14" E., a distance of 4.69 feet more or less, and along a 1091.74 foot more or less radius curve to the right, an arc distance of 297.40 feet more or less, and N. 67°09'33" W., a distance of 552.74 feet more or less, and S. 73°29'35" E., a distance of 66.72 feet more or less, and S. 72°43'30" W., a distance of 40.00 feet more or less, and S. 42°43'30" W., a distance of 60.00 feet more or less, and S. 58°39'20" W., a distance of 40.00 feet more or less, and along a 756.20 foot more or less radius curve to the right, an arc distance of 128.59 feet to the Southwest corner of Lot # 1 of said Plat; thence continuing along said Southerly Right-of-way line of said Cleveland Road and the Northerly right-of-way line of the Indiana East-West Toll Road, along a 4433.66 foot more less radius curve to the right, an arc distance of 1620 feet more or less; thence continuing along said Southerly Right-of-way line of Cleveland Road and the Northerly Right-of-way line of the Indiana East-West Toll Road, along a 4418.66 foot more or less radius curve to the left an arc distance of 5051 feet more or less to a point of intersection with the East line of said Section 20; thence continuing along said Southerly Right-of-way line of said Cleveland Road and the Northerly Right-of-way line of the Indiana East-West Toll Road, West, a distance of 1320 feet more or less to the East line of the West Half of the Northeast Quarter of said Section 20; thence continuing along said Right-of-way line for both Cleveland Road and the Indiana East-West Toll Road, N. 00°10'23" W., a distance of 80 feet more or less to the Southeast corner of the Plat of "Shively's Cleveland Road Minor Subdivision" as recorded in the records of said County; thence continuing along the Southerly Right-of-way line of said Cleveland Road and the East line of said Plat, N. 00°10'23" W., a distance of 350.85 feet more or less to the Northeast corner of said Plat, said point also being on the Southerly Right-of-way line of said Cleveland Road; thence continuing along said Southerly Right-of-way line of said

Cleveland Road and the Northerly line of said Plat for the next three (3) courses, N.  $76^{\circ}47'16''$  W., a distance of 1248.43 feet more or less and S.  $53^{\circ}45'33''$  W., a distance of 77.01 feet more or less and S.  $89^{\circ}58'33''$  W., a distance of 30.00 feet more or less to the Northwest corner of said Plat and the Centerline of Mayflower Road; thence continuing along the Southerly Right-of-way line of said Cleveland Road, S.  $89^{\circ}58'33''$  W., a distance of 30.00 feet more or less to a point of intersection of the Southerly Right-of-way line of said Cleveland Road and the West Right-of-way line of Mayflower Road, said point also being on the Northerly line of the Plat of "USF Holland Cleveland Road Minor 1<sup>st</sup> Replat" as recorded in the records of said County; thence along said Southerly Right-of-way line of Cleveland Road and the Northerly line of said Plat for the next four (4) courses, N.  $39^{\circ}09'52''$  W., a distance of 115.08 feet more or less and N.  $77^{\circ}34'00''$  W., a distance of 1144.87 feet more or less and along a 1532.05 foot more or less radius curve to the right, an arc distance of 528.07 feet more or less, and S.  $89^{\circ}33'38''$  W., a distance of 257.96 feet more or less to the Northwest corner of said Plat, said point also being on the East line of the Plat of "AT & T Minor Subdivision" as recorded in the records of said County; thence continuing along the Southerly Right-of-way line of said Cleveland Road and the Northerly line of said Plat for the next nine (9) courses, N.  $00^{\circ}36'22''$  E., a distance of 206 feet more or less, and along a 1532.40 foot more or less radius curve to the right, a distance of 313.76 feet more or less, and N.  $34^{\circ}53'52''$  W., a distance of 230.30 feet more or less, and along a 854.93 foot more or less radius curve to the left, a distance of 492.99 feet more or less, and N.  $68^{\circ}04'17''$  W., a distance of 180.98 feet more or less, and N.  $81^{\circ}40'06''$  W., a distance of 154.30 feet more or less, and S.  $89^{\circ}53'36''$  W., a distance of 202.68 feet more or less, and S.  $74^{\circ}19'23''$  W., a distance of 155.56 feet more or less, and S.  $00^{\circ}49'22''$  E., a distance of 35.00 feet more or less; thence continuing along the Southerly Right-of-way line of said Cleveland Road S.  $84^{\circ}29'01''$  W., a distance of 58.06 feet more or less to a point with the West Right-of-way line of Project Drive; thence Northeasterly a distance of 257 feet more or less to the point of beginning. Containing 88.91 Acres more or less.