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01/28/2021 08:08 AM
KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER
FEE: \$ 35.00
PAGES: 8
By: ER

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01/27/2021 02:19 PM
KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER
FEE: \$ 35.00
PAGES: 8
By: ER

This Waiver of First Right of Refusal is being re-recorded to correct a clerical error in the witness attestation and to make the notary stamps more legible.

Cross Reference: 1998-0221554
A201300114530
A201500133525

WAIVER OF FIRST RIGHT OF REFUSAL

METROPOLITAN SCHOOL DISTRICT OF WASHINGTON TOWNSHIP, MARION COUNTY, INDIANA (“Holder”) makes this Waiver of First Right of Refusal (“**Waiver**”) as of the Effective Date noted below.

RECITALS

- A. Holder is the holder of a Right of First Refusal (the “**Right**”) to purchase easements over the real estate described on Exhibit A attached hereto and made a part hereof (collectively, the “**Tower Easement**”).
- B. The Right arises from a Corporate Warranty Deed from Holder in favor of Washington Township, Marion County, Indiana (“**Washington Township**”), dated November 24, 1998, and recorded on December 15, 1998, in the office of the Marion County Recorder as Instrument No. 1998-0221554, pursuant to which Holder conveyed fee simple interest in the real estate described on Exhibit B (“**Underlying Real Estate**”) to Washington Township while reserving the Right.
- C. Washington Township subsequently conveyed the Underlying Real Estate to the City of Indianapolis and Marion County via a Quitclaim Deed dated September 17, 2013, and recorded September 19, 2013 in the office of the Marion County Recorder as Instrument No. A201300114530. Pursuant to the Quitclaim Deed, Washington Township reserved its rights to the Tower Easement and affirmed Holder’s Right, both as to the Underlying Real Estate and the Tower Easement.
- D. Washington Township and the City of Indianapolis and Marion County amended the Tower Easement pursuant to An Amendment to Easement by Reservation Per Quitclaim Deed dated December 23, 2015, and recorded December 28, 2015 in the Office of the Marion County Recorder as Instrument No. A201500133525, which is now accurately described after such amendment on Exhibit A.
- E. Washington Township now desires to sell its interest in the Tower Easement to a third party (“**Prospective Buyer**”).

NOW THEREFORE, Holder hereby makes and delivers this Waiver to Washington Township understanding that the same may be relied upon by the Prospective Buyer.

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1. Holder hereby waives the Right with respect to the sale of the Tower Easement to the Prospective Buyer pursuant to an Assignment and Assumption of Easements and Lease(s) agreement, by and between Washington Township and the Prospective Buyer (“**Conveyance**”).
2. In accordance with the Right, Holder was offered the opportunity to purchase the Tower Easement on the terms specified in the Corporate Warranty Deed and the Quitclaim Deed, and Holder declined to do so.
3. Holder acknowledges and agrees that upon Prospective Buyer closing its purchase of the Tower Easement from Washington Township and upon the execution and recording of the Conveyance, that Holder will have no further right, title, or interest in the Tower Easement and the Right will not apply to the Tower Easement in any respect in the future.
4. Until the Prospective Buyer closes on its purchase of the Tower Easement from Washington Township and the Conveyance is executed and recorded, then the Right shall continue in full force and effect with respect to any sale of the Tower Easement between Washington Township and any third party.

DATED this 27th day of January, 2021 (“**Effective Date**”)

[Signature and Witness Attestation Appear on the Following Pages]

Cross Reference: 1998-0221554
A201300114530
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**METROPOLITAN SCHOOL DISTRICT OF
WASHINGTON TOWNSHIP, MARION COUNTY, INDIANA**

By: Dr. Nikki Woodson
Printed: Dr. Nikki Woodson
Title: Superintendent



STATE OF INDIANA)
) ss.
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Dr. Nikki Woodson, the Superintendent of the METROPOLITAN SCHOOL DISTRICT OF WASHINGTON TOWNSHIP, MARION COUNTY, INDIANA, who acknowledged the execution of the foregoing instrument, acting for and on behalf of such entity.

WITNESS my hand and Notarial Seal this 27th day of January, 2021.

My Commission Expires:
8/20/21

My County of Residence:
Hamilton

Melissa K Wilson
(Signature)
Melissa K Wilson
(printed name) Notary Public

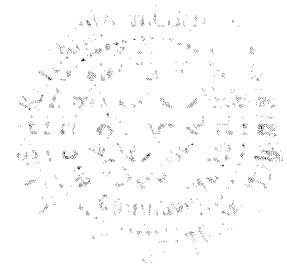
WITNESS ATTESTATION

EXECUTED AND DELIVERED in my presence:

Witness Signature: Rebecca Smith

Witness Printed Name: Rebecca Smith

STATE OF Indiana)
) SS:
COUNTY OF Hamilton)



Before me, a Notary Public in and for said County and State, personally appeared Rebecca Smith, being known or proved to me to be the person whose name is subscribed as a witness to the foregoing instrument, who, being duly sworn by me, deposes and says that the foregoing instrument was executed and delivered by Dr. Nikki Woodson, in her capacity as the Superintendent of the METROPOLITAN SCHOOL DISTRICT OF WASHINGTON TOWNSHIP, MARION COUNTY, INDIANA, in the foregoing subscribing witness' presence.

Witness my hand and Notarial Seal this 27th day of January, 2021.

My Commission Expires:
8/20/21

My County of Residence:
Hamilton

Melissa K. Wilson
Print Name: Melissa K. Wilson
Notary Public in and for said
County and State

This instrument was prepared by Jonathan L. Mayes, Bose McKinney & Evans LLP, 111 Monument Circle, Suite 2700, Indianapolis, IN 46204.

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. Jonathan L. Mayes, Bose McKinney & Evans LLP, 111 Monument Circle, Suite 2700, Indianapolis, IN 46204.

EXHIBIT A

Tower Easement Area:

Part of the Northwest Quarter of the Northeast Quarter of Section 24, Township 17 North, Range 3 East, Marion County, more particularly described as follows:

Commencing at a PK Nail found at the Northeast corner of the Northwest Quarter of the Northeast Quarter of said Section 24; thence North 89 degrees 15 minutes 35 seconds West (all bearings in this description are based on Geodetic North) on the North line of said Northeast Quarter, 352.70 feet to the Northwest corner of real estate described in Deed Volume 1736, page 264 in the Office of the Recorder of Marion County, thence South 00 degrees 03 minutes 28 seconds East and parallel with the East line of said Northwest Quarter of the Northeast Quarter, on the west line of said real estate in Deed Volume 1736, page 264, a distance of 299.43 feet to the Point of Beginning; thence South 89 degrees 32 minutes 01 second East 39.14 feet; thence South 00 degrees 27 minutes 59 seconds West 2.00 feet; thence South 89 degrees 32 minutes 01 second East 18.00 feet to the Northwest corner of the existing Washington Township School Administrative building; thence South 00 degrees 27 minutes 59 seconds West on the West face of said building, 44.18 feet to the Southwest corner thereof; thence North 89 degrees 32 minutes 01 second West 56.81 feet to the West line of said real estate in Deed Volume 1736, page 264; thence North 00 degrees 03 minutes 28 seconds West on said West line 46.18 feet to the Point of Beginning, containing 0.06 acre, more or less.

Tower Utility Easement:

Part of the Northwest Quarter of the Northeast Quarter of Section 24, Township 17 North, Range 3 East of the Second Principal Meridian in Washington Township of Marion County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Northwest Quarter of the Northeast Quarter of said Section 24; thence North 89 degrees 15 minutes 35 seconds West (Assumed Bearing) along the North line of said Northeast Quarter, 352.70 feet to the Northwest corner of the real estate described in Deed Volume 1736, page 264 in the Office of the Recorder of Marion County, Indiana; thence South 00 degrees 03 minutes 28 seconds East along the West line of said real estate in Deed Volume 1736, page 264, a distance of 42.41 feet to the Northwest corner of Instrument No. A201300114530, also being the Southwest corner of Instrument No. 870093014, both found in said Recorder's Office and the Point of Beginning of the following described Easement;

Thence continue South 00 degrees 03 minutes 28 seconds East along the west line of said real estate in Deed Volume 1736, page 264 and Instrument No. A201300114530, a distance of 308.66 feet to the Southwest corner thereof; thence North 89 degrees 15 minutes 35 seconds West along the westerly projection of the south line of said real estate, a distance of 25.00 feet; thence North 00 degrees 03 degrees 28 minutes West 320.31 feet to the South right of way line of East 86th Street; thence South 64 degrees 22 minutes 52 seconds East along said South right of way line, 27.74 feet to the Point of Beginning, containing 0.18 acres, more or less.

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Tower Access Easement:

A perpetual and non-exclusive easement in gross in, on, over, through and across all driveways, access ways, entrances, exits and curb cuts now or hereafter located on the real estate described on Exhibit B.

EXHIBIT B

Part of the Northwest Quarter of the Northeast Quarter of Section 24, Township 17 North, Range 3 East and further being a part of land recorded and described in Instrument Number 1998-0221554 in the name of Washington Township AND Instrument Number 47467 in Deed Volume 1714, Page 490 in the Office of the Recorder of Marion County, Indiana, described as follows:

Beginning on the North line of said North West Quarter of the North East Quarter, at a point distant 30.00 feet West of the North East corner of said Quarter-Quarter Section Line; thence parallel with the East line of the aforesaid Quarter-Quarter Section Line South 00 Degrees 47 Minutes 27 second East 20.37 feet (measured) to the south right of way of 86th Street; thence on and along said right of way South 89 Degrees 14 Minutes 24 Seconds West 176.56 feet to the Point of Beginning of this description; thence parallel with the East line of the aforesaid Quarter-Quarter Section Line South 00 Degrees 47 Minutes 27 Seconds East 105.91 feet; thence South 40 Degrees 12 Minutes 06 Seconds East 71.84 feet; thence South 78 Degrees 32 Minutes 54 Seconds East 93.56 feet on and along the prolongation from an existing curb line from the southeast to the deflection in said curb line; thence on and along said curb line South 89 Degrees 45 Minutes 22 Seconds East 38.55 feet to a point 30.00 feet West of said Quarter-Quarter Section Line; thence parallel with the East line of the aforesaid Quarter-Quarter Section Line South 00 Degrees 47 Minutes 27 Seconds East 153.16 feet; thence South 90 Degrees 00 Minutes 00 Seconds West parallel with the North line of said Northeast Quarter 116.68 feet; thence parallel with the East line of the aforesaid Quarter-Quarter Section Line South 00 Degrees 47 Minutes 27 Seconds East 36.85 feet to the South line of real estate conveyed to The Metropolitan School District of Washington Township by a Warranty Deed recorded as Instrument Number 7891 in Deed Record 1736, Page 264-265 in the Office of the Recorder of said County; thence on and along the South line and parallel with the North line of said Northeast Quarter South 90 Degrees 00 Minutes 00 Seconds West 110.63 feet; thence North 45 Degrees 13 Minutes 15 Seconds West 58.38 feet; thence parallel with the North line of said Northeast Quarter North 90 Degrees 00 Minutes 00 Seconds West 54.02 feet (measured) to the West line of said Washington Township real estate; thence parallel with the East line of the aforesaid Quarter-Quarter Section Line North 00 Degrees 47 Minutes 27 Seconds West on said West line 308.66 feet to the South Line of land described in Instrument Number 870093014 conveyed to the City of Indianapolis; thence on and along the southerly boundary of said land the following five (5) measured distances: thence South 66 Degrees 08 Minutes 25 Seconds East 23.75 feet; thence South 00 Degrees 47 Minutes 01 Seconds East 25.00 feet; thence North 62 Degrees 39 Minutes 05 Seconds East 44.72 feet; thence North 00 Degrees 47 Minutes 01 Seconds West 5.00 feet; thence North 57 Degrees 23 Minutes 33 Seconds East 52.96 feet to the south right of way of 86th Street; thence on and along said right of way North 89 Degrees 14 Minutes 24 Seconds East 40.52 feet to the Point of Beginning containing 1.846 acres, more or less,

Excepting the following: A perpetual ten foot wide easement for purposes of the installation, repair, maintenance, construction, reconstruction, upkeep and operation of a water service main in, under, across and within a part of the Northwest Quarter of the Northeast Quarter of Section 24, Township 17 North, Range 3 East in Marion County, Indiana, the centerline of said easement being more particularly described as follows: Beginning on the North line of the Northwest Quarter of the Northeast Quarter of Section 24, Township 17 North, Range 3 East 340.00 feet

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North 90 Degrees 00 Minutes 00 Seconds West (Assumed Bearing) of the Northeast Corner thereof; thence South 01 Degrees 09 Minutes 04 Seconds East 320.21 feet; thence South 45 Degrees 17 Minutes 30 Seconds East 44.34 feet to the end of the easement herein described, on a south line of the grantee's real estate.

Also excepting the following: Land as described in a certain deed to the Consolidated City of Indianapolis, as recorded in Instrument Number 870093014, in the Office of the Recorder of Marion County, Indiana, being described as follows:

Part of the Northwest Quarter of the Northeast Quarter of Section 24, Township 17 North, Range 3 East, Marion County, Indiana, described as follows:

Commencing at the Northeast corner of said Quarter Quarter Section; thence North 89 degrees 15 minutes 46 seconds West 352.70 feet along the North line of said Section to the Northwest corner of the owner' land; thence South 00 degrees 13 minutes 51 seconds East 24.65 feet along the West line of the owner's land to the South boundary of 86th Street and the point of beginning of this description; thence North 89 degrees 48 minutes 00 seconds East 102.01 feet along the boundary of said 86th Street; thence along said boundary Easterly 4.58 feet along an arc to the right and having a radius of 98,171.34 feet and subtended by a long chord having a bearing of North 89 degrees 48 minutes 05 seconds east and a length of 4.58 feet; thence South 58 degrees 07 minutes 49 seconds West 52.96 feet; thence South 00 degrees 02 minutes 45 seconds East 5.00 feet; thence South 63 degrees 23 minutes 21 seconds West 44.72 feet; thence North 00 degrees 02 minutes 45 seconds West 25.00 feet; thence North 65 degrees 23 minutes 34 seconds West 23.68 feet to the West line of the owner's land; thence North 00 degrees 13 minutes 51 seconds West 17.76 feet along said West line to the point of beginning and containing 0.065 acres, more or less.