

**EXHIBIT “E”**  
**CONDITIONS PRECEDENT**

Following clarifies the **Conditions Precedent** to the conveyance of a Warranty Deed from NIPSCO to the Town of Munster for the Phase 1A Fisher Street Extension (**“Phase 1A Roadway Improvements”**) and the **Ongoing Work Requirements** after such conveyance. The Phase 1A Roadway Improvements are being completed in accordance with the Phase 1A Development Agreement executed between the Town of Munster and SPIN Munster, LLC.

**A. Pre-Construction Work - Phase 1A Fisher Street Extension**

The Phase 1A Fisher Street Extension through the NIPSCO Right-of-Way (new **“Fisher Street Right-of-Way”**) is fully defined in **Exhibits “C-1”, “C-2”, “C-3”, and “C-4”**. Once the following Conditions Precent are satisfied, NIPSCO shall convey the Warranty Deed to the Town of Munster:

- A.1 Execution of the Phase 1A Development Agreement between Saxon and the Town.
- A.2 Update of full engineering design drawings and specifications for all proposed roadway and utility crossings to Town of Munster Standards (**“Phase 1A Drawings and Specifications”**) submitted to NIPSCO for review and approval.
- A.3 Confirmation that all roadway cuts have been minimized.
- A.4 Confirmation that all drainage in the Phase 1A Right-of-Way will be channeled into the existing lake north of the NIPSCO Right-of-Way or held on the Property in new detention basins. A stormwater drainage report prepared by the Engineer of Record for the Phase 1A Fisher Street Extension shall demonstrate that drainage characteristics in the Phase 1A Right-of-Way will not be compromised by the Roadway Improvements.
- A.5 GPR and LIDAR surveying shall be completed to verify as-built location and elevation of all NIPSCO utility assets in the proposed Town of Munster ROW crossing. The Phase 1A Plans and Specifications shall include detailed profile elevations of all utility crossings in the Phase 1A Right-of-Way.
- A.6 All environmental clearances, including acceptable Phase 1 Environmental Site Assessments, limited Phase 2 Environmental Site Assessments when justified, and all jurisdictional wetland delineation and mitigation.
- A.7 Confirmation from NIPSCO for the intended new service routing for electricity (3,600 kW) and natural gas (180 therms) serving the site.
- A.8 Updated engineering details showing the exact elevation of proposed utility crossings in the vicinity of high-pressure natural gas lines after work is completed as described in Items A.7 and A.9 above.
- A.9 Agreement between NIPSCO and Saxon on the proposed underground routing of overhead electrical service in the area of the Roadway Improvements, as updated in the Phase 1A Plans and Specifications.
- A.10 A form of Warranty Deed granted from NIPSCO to the Town of Munster acceptable to the Town of Munster.

## **B. Ongoing Work Requirements - Phase 1A Fisher Street Extension**

Once the Warranty Deed has been conveyed, the following conditions shall be met during construction and through final completion of the Phase 1A Roadway Improvements:

- B.1 Protective measures for all Roadway Improvements are to be outlined prior to construction. A detailed work plan and site-specific safety plan shall be included in the Phase 1A Drawings and Specifications for approval by NIPSCO prior to the start of construction. Timber matting shall be used for all equipment access in the NIPSCO Right-of-Way.
- B.2 Full access shall be provided to NIPSCO personnel and NIPSCO contractors to the Stateline Natural Gas Facility (**“Stateline Station”**) at all times during construction and shall include a secure, temporary gate to block public access. An approved design of the permanent access to the Stateline Station from the new Fisher Street Extension will be included in the Phase 1A Drawings and Specifications, including unrestricted access north of the Stateline Station to the Illinois Stateline as current exists. Accessibility by semi tractor trailers with safe turning radii will be provided.
- B.3 Certificates of insurance naming NIPSCO and the Town of Munster for all contractors doing work in the Phase 1A Right-of-Way with limits of coverage acceptable to NIPSCO and the Town of Munster.
- B.4 Building permits to be issued by the Town of Munster
- B.5 Strict adherence by the General Contractor for the Phase 1A Roadway Improvements to the Work Plan and Site-Specific Safety Plan that will be part of the Contract Documents for the Roadway Improvements.
- B.6 Strict adherence by the General Contractor for the Phase 1A Roadway Improvements to the Contract Documents
- B.7 Certified monthly progress and final Applications for Payment by the Engineer of Record for the Roadway Improvements with partial and final releases of lien from all contractors and subcontractors performing work.
- B.8 Progress inspections and final inspections by the Town of Munster.
- B.9 As-built drawings for all work on utilities and Roadway Improvements to be delivered to NIPSCO and the Town of Munster in hard copy, pdf, and CAD format.