



# PLAN COMMISSION STAFF REPORT

**To:** Members of the Plan Commission

**From:** Sergio Mendoza, Planning Director

**Meeting Date:** April 9, 2024

**Agenda Item:** PC 24-003

**Application Type:** Final Subdivision

**Hearing:** Continued Business

**Summary:** Lake Business Center is requesting a re-plat/resubdivide one Lot of Record into three Lots of Record for: LAKE BUSINESS CENTER SUBDIVISION, RESUBDIVISION, OF LOT 1. The re-plat/resubdivision proposed lots are: LOT 1, LOT 3, and OUTLOT A of SECOND RE-SUBDIVISION OF LOT 1 OF LAKE BUSINESS CENTER SUBDIVISION LOT 1, located at 9200 Calumet Avenue.

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**Applicant:** Jason Spain, HWC for Lake Business Center LBCOI Owner, c/o Phil Goldberg

**Property Address:** 9200 Calumet Avenue

**Current Zoning:** SD-PUD Planned Unit Development Special District

**Adjacent Zoning:** North: SD-PUD Planned Unit Development Special District  
South: SD-PUD Planned Unit Development Special District  
East: SD-PUD Planned Unit Development Special District  
West: SD-PUD Planned Unit Development Special District

**Applicant Requesting:** Final Plat Approval

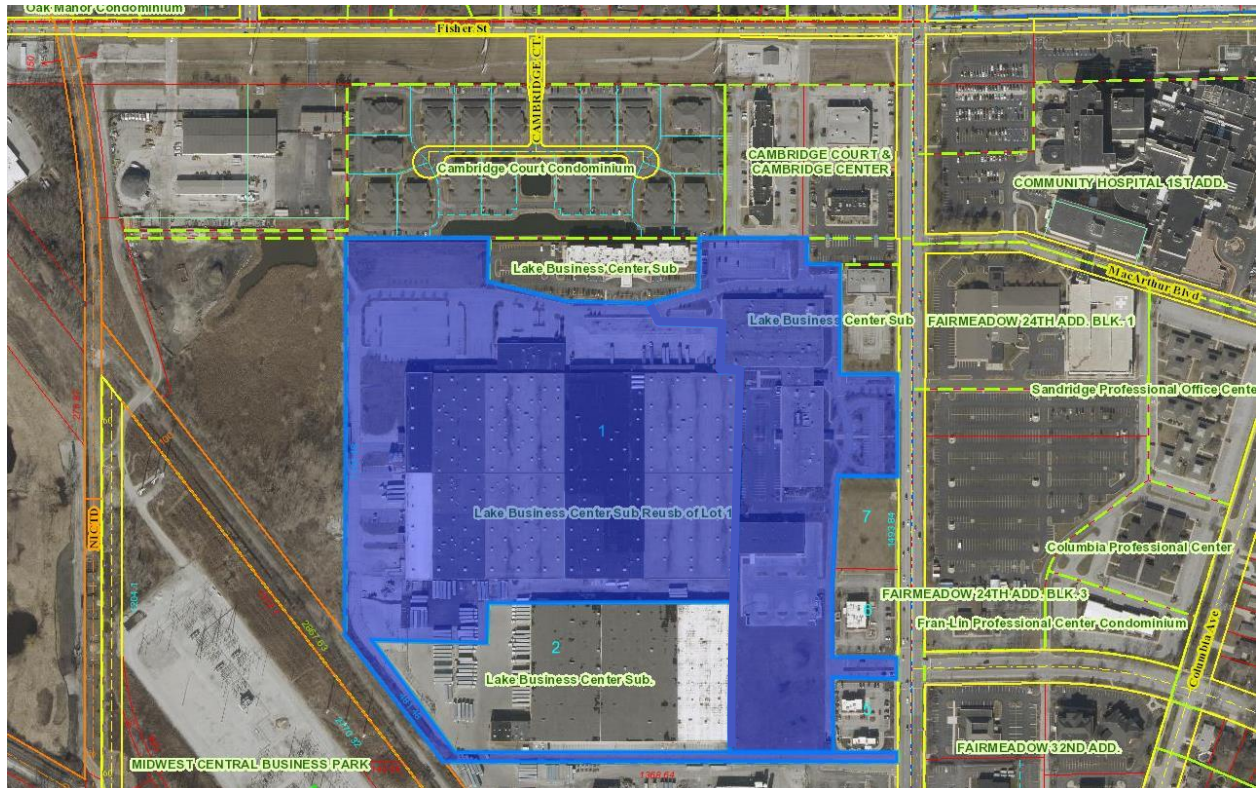
**Action Required:** APPROVE, DENY, or DEFER proposed Final Plat Review of Subdivision Code(s)

**Staff Recommendation:** Motion to grant Final Plat Approval

**Attachments:**

- 1 Final Subdivision Application, Exhibit A (pg 8)
2. Alta Survey, Exhibit B (pg 11)
3. Re-Subdivision/Replat, Exhibit C (pg 14)

### SITE LOCATION



**Image 1: Lake Business Center, Lot 1 - Subject property highlighted in blue.**

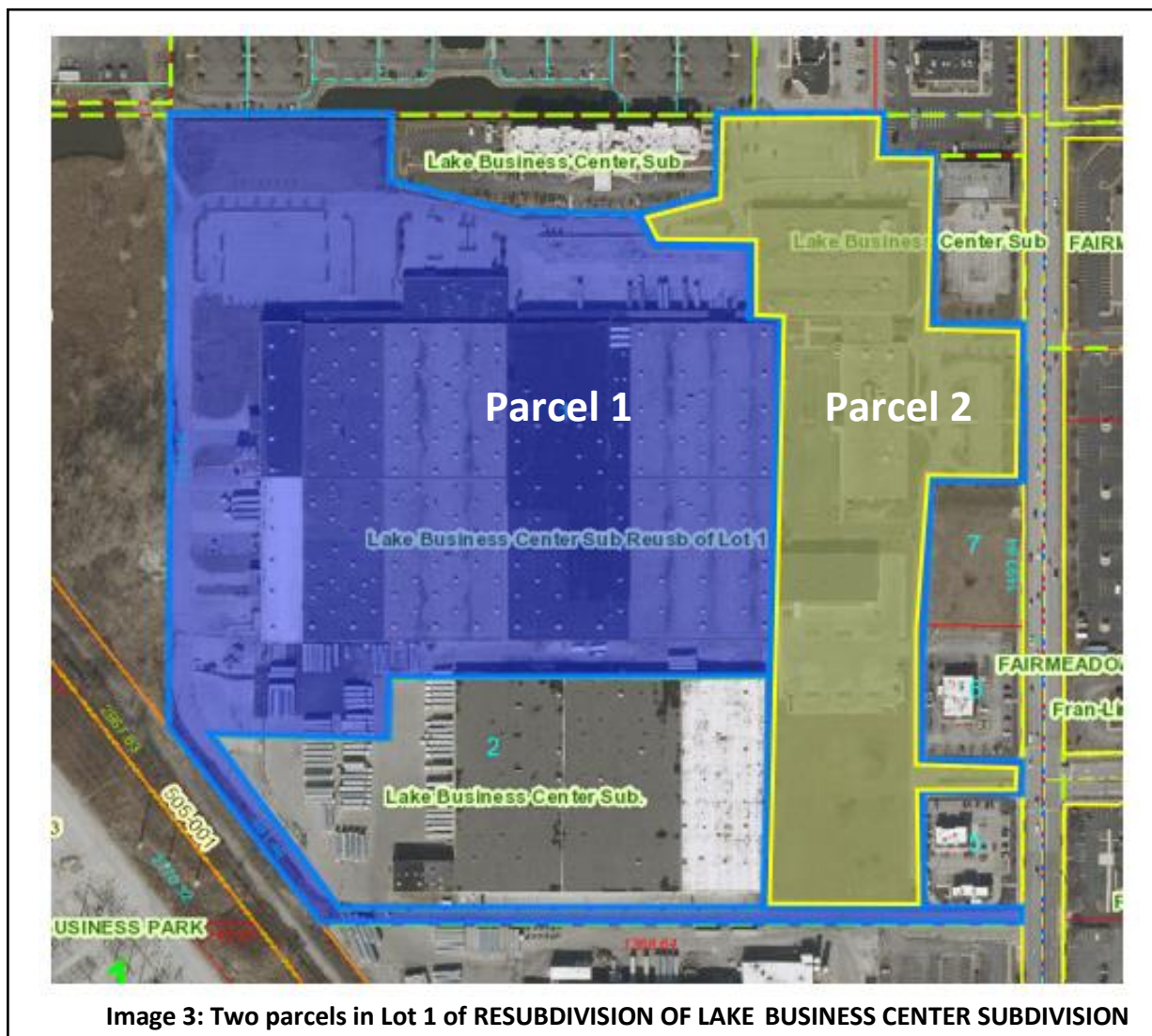
### PROJECT BRIEFING

The subject property is located at 9200 Calumet Avenue, Lake Business Center development, see Image 1. The site is approximately 41.5 acres of mixed warehouse, office, and medical uses. The plat was approved by the Munster Plan Commission as RE-SUBDIVISION OF LOT 1 FOR LAKE BUSINESS CENTER SUBDIVISION on August 22, 2023; DOC NO. 2013-063067, see Image 2. In 2021 said lot was split into two parcels (see Image 3) via a TAX DIVISION, RE-PRORIATION AND INDEMNITY AGREEMENT executed in September of 2021 and recorded on October 4, 2021; DOC NO. 2021-062103.



*"No plat or replat of a subdivision of land located within the territorial jurisdiction of the town plan commission shall be recorded until it shall have been approved by the plan commission and such approval shall have been entered in writing on the plat by the president and secretary of the commission."*





## PROJECT PROPOSAL

Jason Spain with HWC is representing LBCOI Owner, LLC and LBC Owner, LLC c/o Phil Goldberg for a proposed three lot subdivision, see Image 4. The proposed re-plot/resubdivision of LOT 1 of RESUBDIVISION OF LAKE BUSINESS CENTER SUBDIVISION would recognize three subdivided Lots of Record as: LOT 1, 29.90 acres; LOT 3, 13.32 acres; and OUTLOT A 1.48 acres of SECOND RE-SUBDIVISION OF LOT 1 OF LAKE BUSINESS CENTER SUBDIVISION LOT 1 SUBDIVISION. OUTLOT A is identified as a Stormwater Management Easement which currently has an underground stormwater detention system. LOT 1 is 26.90 acres and the primary use will continue to be warehouse and office. LOT 3 is 13.32 acres primary use is medical office. There are no modifications to existing bulk standards, alterations to design requirements, or changes/addition to the uses. The proposed subdivision may be found in Exhibit D (pg 19).

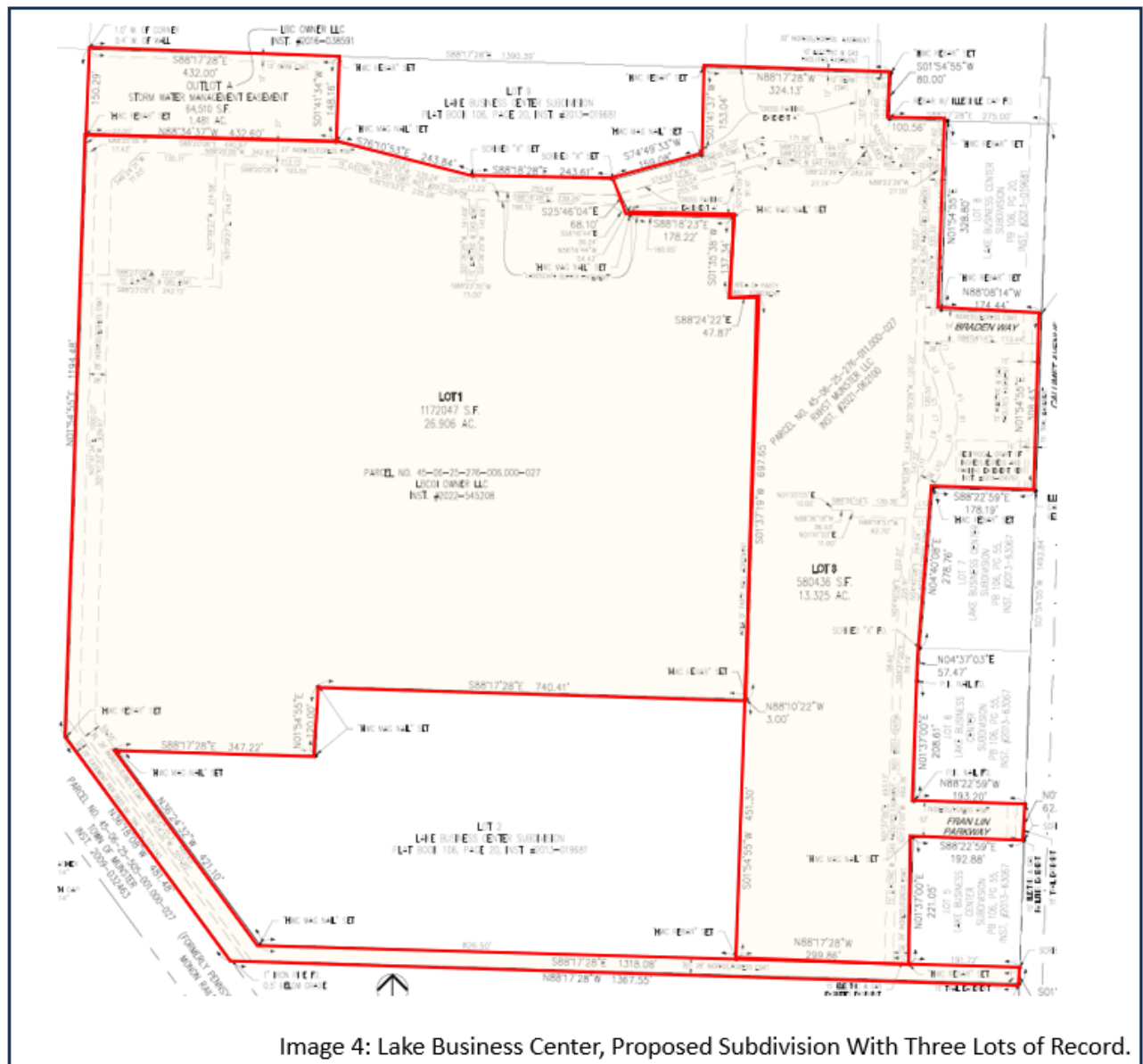


Image 4: Lake Business Center, Proposed Subdivision With Three Lots of Record.

**CODE REVIEW****TOWN OF MUNSTER CHAPTER 26 – LAND DEVELOPMENT CODE****ARTICLE V. SUBDIVISION****DIVISION 2. APPROVAL PROCEDURE****Subdivision III. Final Plat****Sec. 26-291. Required; submission.**

After approval of the preliminary plat of a subdivision and the fulfillment of the requirements of this article, one tracing of the final plat of the subdivision drawn with India ink on the best grade of tracing cloth, and one reproduction of the tracing cloth, shall be submitted to the commission, together with a tracing and one print of water lines and sewer lines with the planned location of the taps. Upon the secondary approval of the plat, the reproduction, after being recorded with the county auditor, shall become the property of the commission.

**Sec. 26-292. Contents.**

The final plat shall be prepared at the same scale as the preliminary plat and shall show:

- (1) The name of the subdivision.
- (2) The location by section, township, range or other legal description.
- (3) The name and certification of the registered professional engineer and/or land surveyor.
- (4) The scale shown graphically, the date and the north point.
- (5) The boundary of the plat based upon an accurate traverse with angular and linear dimensions.
- (6) The exact location, right-of-way width and the name of all streets within and adjoining the plat, and the exact location and right-of-way width of all private service roads.
- (7) The true courses and distances to the nearest established street lines or official monuments which shall accurately describe the location of the plat.
- (8) The city, town, township, county or section lines accurately tied to the lines of the subdivision by distances and courses.
- (9) The radii, internal angles, central angles, points of curvature and tangency, lengths of tangents and lengths of all arcs.
- (10) All easements for rights-of-way provided for installation and maintenance of public service needs, utilities and drainage systems.
- (11) All subdivision lot and block numbers and post office numbers. Blocks in numbered additions to subdivisions bearing the same name may be numbered consecutively through the several additions.
- (12) The dimensions and lines of all streets, with accurate dimensions in feet and hundredths, and angles to streets, service roads and lot lines.
- (13) The accurate location of all survey monuments.
- (14) The accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon and in the dedication, and any areas to be reserved by deed covenant for common use of all property owners.
- (15) Building setback lines accurately shown with dimensions. Corner lots shall have side yard setbacks identified for the side abutting the side street. If the rear of corner lots abuts the side yard of adjoining lots, side yard requirements on the side street shall also conform to section 26-406(3).

- (16) Existing and proposed grade elevations at each corner of each lot and curb elevations at the center of each lot, additional elevations as necessary to define and maintain a coordinated stormwater runoff system for the subdivision, and location of catchbasins if necessary as part of the runoff system.
- (17) A description of the property platted, which shall be the same as that recorded in the preceding transfer of the property or that portion of the transfer covered by the plat.
- (18) Restrictive covenants of all types which run with the land.
- (19) Water retention areas and elevations.
- (20) Flood control area limits.
- (21) Certificates for approval by the commission.

**Sec. 26-293. Completion of Improvements; guarantee of improvements.**

**Sec. 26-294. Action by plan commission.**

Within a reasonable time after application for secondary approval of the plat, the commission shall approve or disapprove the plat. If the commission approves the plat, it shall date it and affix the commission's seal upon the plat, together with the certifying signatures of its president and secretary. If the commission disapproves the plat, it shall set forth the reasons therefor in its records and provide the applicant with a copy of such findings. Recording of the plat with the county auditor is required prior to the town accepting the final plat as a legally executed plat.

**Sec. 26-295. Dedication of park lands and school sites.**

**STAFF FINDINGS AND RECOMMENDATION**

Staff finds the applicant and interested parties have properly submitted a complete Final Subdivision Application, supporting documents, including an affidavit, and all complies with the required submission outlined in Sec. 26-291, as well as with Sec. 26-292 of the Subdivision Control Ordinance (SCO); which reference contents of the Final Plat have been prepared the same as the Preliminary Plat.

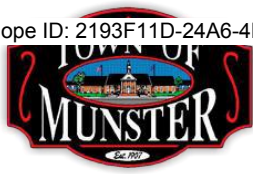
Staff also finds that the completion of improvements or guarantee of improvements as outlined in Sec. 26-293 of the SCO is not required as all improvements and installations to the subdivision have been completed in accordance via prior Subdivision and PUD Amendment approvals. Finally, staff finds the proposed Final Plat of Subdivision in not within a residential zoned real estate and finds no support in the Master Plan for the dedication of park lands, school sites, or contributions as outlined in Sec. 26-295 of the SCO for the proposed SECOND RE-SUBDIVISION OF LOT 1 OF LAKE BUSINESS CENTER SUBDIVISION LOT 1.

If the Commission finds all to be acceptable, staff requests that Final Plat Approval be granted contingent upon Town Council Adoption of the Lake Business Center PUD Amendment (PC24-001)

**MOTION**

Plan Commission may consider the following motion:

*Motion to grant Final Plat APPROVAL for PC 24-003, a proposed 3-Lot Subdivision at Lake Business Center contingent upon Town Council Approval of PC 24-001, a proposed Amendment to the Lake Business Center PUD, including all discussion and findings.*



# EXHIBIT A

 Petition PC 24 - 003

Date: \_\_\_\_\_

Application Fee: \$ \_\_\_\_\_

Sign Fee: \$ \_\_\_\_\_

## **Town of Munster** Plan Commission Petition Application

### **OWNER INFORMATION:**

LBCOI Owner, LLC and LBC Owner, LLC (see attached for additional owner information)	(708) 799-4900
Name of Owner	Phone Number
c/o Phil Goldberg, 1133 W 175th Street, Homewood, IL 60430	phil@simborg.com
Street address, City, ST, ZIP Code	Email address

### **APPLICANT OR PETITIONER INFORMATION (if different than above):**

LBCOI Owner, LLC	(708) 799-4900
Name of Applicant/Petitioner	Phone Number
c/o Phil Goldberg, 1133 W 175th Street, Homewood, IL 60430	phil@simborg.com
Street address, City, ST, ZIP Code	Email address

### **PROPERTY INFORMATION:**

Business or Development Name (if applicable)	
Lake Business Center See attached for legal description	
Address of Property or Legal Description	Current Zoning

### **APPLICATION INFORMATION:**

Please select what this Application is for:

- ☒ **Subdivision**      If yes, select one of the following:      ☐ **Preliminary Plat**      ☒ **Final Plat**  
☐ **Development Plan Review**  
☐ **Rezoning (including Planned Unit Development) – Proposed Zoning District**

### **Brief Description of Project:**

A portion of Lake Business Center was sold by LBC Owner, LLC to RXHST Munster, LLC, and the goal of the resubdivision is to divide the former lot 1, into separate legal lots, so there is no joint ownership of any legal lots.

Jason Spain, HWC Engineering

219-730-8722

Name of Registered Engineer, Architect or Land Surveyor  
 2929 Carlson Drive Ste. 305, Hammond, IN 46323

Phone Number  
 jspain@hwcengineering.com

Street address, City, ST, ZIP Code

Email address





Petition PC 24 - 003

***Town of Munster*** Plan Commission Application Signature Page

I hereby authorize Jason Spain to act on my behalf as my agent in this petition and to furnish, upon request, supplemental information in support of this petition application.

DocuSigned by:  
LBC Owner, LLC and LBC Owner, LLC

By: Phil Goldberg

1/22/24

**Signature of Owner**'s Authorized Signatory, Philip Goldberg

**Date**

DocuSigned by:  
LBC Owner, LLC

By: Phil Goldberg

1/22/24

**Signature of Applicant**'s Authorized Signatory, Philip Goldberg

**Date**

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Additional Owner Information:

RXHST Munster, LLC  
120 N. Racine Ave., Suite 110  
Chicago, IL 60607  
Phone: (312) 498-5617  
Email: RBrenner@rxhst.com

RXHST Munster, LLC

By: \_\_\_\_\_  
Name: Russell Brenner  
Title: Authorized Signatory  
Date: 1/22/24

**AFFIDAVIT**

The undersigned are the Owners of the property at 9200 Calumet Avenue, Munster, Indiana.

In connection with the Town of Munster Site Plan Review Application (the “**Application**”), the undersigned authorize Jason Spain of HWC Engineering to act as their Project representative in order to obtain municipal approval of the Replat of Subdivision attached to the Application, and attend the Village meeting on behalf of the Owners.

**OWNERS:**

LBCOI Owner, LLC

By: 

Name: Phil Goldberg

Title: Authorized Signatory

Date: 1/ /24

RXHST Munster, LLC

DocuSigned by:



F4728C5FBD20495...

By:

Name: Russell Brenner

Title: Authorized Signatory

Date: 1/ /24

LBCOI Owner, LLC

1133 W 175th Street

Homewood, IL 60430

Phone: (708) 799-4900

Email: [phil@simborg.com](mailto:phil@simborg.com)

RXHST Munster, LLC

120 N. Racine Ave., Suite 110

Chicago, IL 60607


Phone: (312) 498-5617

Email: [RBrenner@rxhst.com](mailto:RBrenner@rxhst.com)



REVISIONS

DATE	DESCRIPTION	BY



**HWC**  
ENGINEERING

INDIANAPOLIS - TERRE HAUTE  
LAFAYETTE - MUNICE - NEW ALBANY  
www.hwcengineering.com

LAKE BUSINESS CENTER  
ALTA/NSPS LAND TITLE RETRACEENT SURVEY  
LOCATION: 9200 CALUMET AVE., MUNSTER, IN  
CLIENT: LBC OWNER LLC

DRAWN BY AJS	CHECKED BY MGJ
DATE October 5, 2022	SCALE AS SHOWN
SHEET	JOB NUMBER 2022-276-S

S1.1

ALTA/NSPS BOUNDARY SURVEY

PAGE 1 of 3

© 2022

- TITLE COMMITMENT SCHEDULE BII ITEMS  
CHICAGO TITLE INSURANCE COMMITMENT NO. CCH2205970NT,  
DATED 8/15/22, REVISED 9/27/22
- Items 1-14. Items not shown by Public Record; Taxes; Assessments; Rights of the public for road purposes; Rights of way for drainage features; and Acreage contained in legal descriptions. **[NOT A SURVEY MATTER, NOTHING PLOTTED]**
- Item 15. Covenants, conditions, restrictions, easements and building lines set out on the Plat of Lake Business Center Subdivision, recorded as PB 106, PG 20, Inst. #2013-019681; Re-Subdivision of Lot 1 recorded as PB 106, PG 55, Inst. #2013-063067. **[EASEMENTS DEPICTED ON PLAT PLOTTED HERON, EASEMENT PROVISIONS ARE GENERAL OR BLANKET IN NATURE, NOT PLOTTABLE.]**
- Item 16. Easement in favor of Monon Railroad, recorded in Book 784, Pages 137-143. (affects Parcel 2) **[EASEMENT PLOTTED, 20' PARALLEL TO RAILROAD ALONG SOUTHWEST LINE OF SURVEYED TRACT.]**
- Item 17. Grant of Easement conveyed to the Town of Munster recorded as Inst. #98090848, re-recorded Inst. #99003407. (affects Parcels 1 & 2) **[EASEMENT FOR TRAIL ALONG CALUMET AVE., DOES NOT CROSS SURVEYED TRACT.]**
- Item 18. Ingress & Egress Easement conveyed to ATG Development Company, recorded as Inst. #2003-036836. Assigned to Cambridge Center Commercial Association, Inst. #2004-048018. (affects Parcel 2) **[EASEMENT CROSSES LOT 1 AND 8 OF LAKE BUSINESS SUBDIVISION, DOES NOT CROSS SURVEYED TRACT.]**
- Item 19. Berm Easement granted to ATG Development Company, recorded as Inst. #2003-036834. Assigned to Munster Inn, LLC, Inst. #2006-025984, amended by Inst. #2012-046437. (affects Parcel 2) **[INST. #2003-036834 CREATED AN 80 FOOT EASEMENT ALONG PART OF THE NORTH LINE OF LAKE BUSINESS CENTER SUBDIVISION. INST. #2012-046437 REDEFINES THE EASEMENT TO AN AREA "AS SHOWN ON THE SITE PLAN". THE RECORDED SITE PLAN IS ILLICIBLE. THE PRIOR SEE SURVEY AS WELL AS SUBDIVISION PLATS DEPICT THE EASEMENT 8 TO 12 FEET SOUTH OF THE NORTH LINE OF THE SUBDIVISION, AND IS PLOTTED BASED UPON THE PRIOR SEE SURVEY AND PLATS. THE EASEMENT RUNS ALONG A NORTH LINE OF THE SURVEYED TRACT.]**
- Item 20. Ingress & Egress Easement by and between Munster Development LLC and Town of Munster, recorded as Inst. #2012-046438. (affects Parcel 2) **[EXHIBIT C ACCESS EASEMENT DESCRIPTION PLOTTED, CROSSES SURVEYED TRACT, FALLS ON LOT 1 OF SUBDIVISION.]**
- Item 21. Covenants, conditions, restrictions, easements set out in Declaration of Easement and Restrictive Covenant by Munster Development LLC, Inst. #2021-062099. **[INGRESS/EGRESS EASEMENT B (SAME AS ITEM 20), CROSS PARKING EASEMENT (TOGETHER WITH); AND LANDSCAPE BUFFER EASEMENT PLOTTED. ALL EASEMENTS CROSS SURVEYED TRACT AND FALLS ON LOT 1 OF SUBDIVISION.]**
- Item 22. Covenants, conditions, restrictions, and easements set out in Declaration of Easements, Covenants, Conditions, and Restrictions by Munster Development LLC, Inst. #2013-081770. **[NO PLOTTABLE EASEMENTS. DOCUMENT APPEARS TO APPLY TO THE LAKE BUSINESS CENTER SUBDIVISION.]**
- Item 23. Financing and Covenant Agreement, Inst. #2011-046474, re-recorded as Inst. 2012-040598. **[NO PLOTTABLE EASEMENTS. DOCUMENT APPEARS TO APPLY TO THE LAKE BUSINESS CENTER SUBDIVISION.]**
- Item 24. Electric & Gas Facilities Easement granted to NIPSCO, Inst. #2017-024758. **[EASEMENT PLOTTED, CROSSING SURVEYED TRACT AND LOT 1.]**
- Item 25. Covenants, conditions, restrictions set out in Declaration of Restrictive Covenant, Inst. #2012-046439 **[NO PLOTTABLE EASEMENT, EXHIBIT A IS NORTH ADJOINER AND EXHIBIT B INCLUDES SURVEYED TRACT]**
- Item 26. Reciprocal Grant of Ingress/Egress and Parking Easement, recorded as Inst. #2018-016797. **[EASEMENT PLOTTED ALONG NORTH LINE OF LOT 7.]**
- Item 27. Declaration of Party Wall & Grant of Easements between LBC Owner LLC and CAHST Munster, LLC, recorded as Inst. #2021-062102. **[BUILDINGS ARE CONNECTED ON THE SURVEYED TRACT TO THE EAST ADJOINER. DOCUMENT CREATES AGREEMENTS ON SHARED USE ITEMS. NO PLOTTABLE EASEMENTS. DESCRIPTION A-1 IN DOCUMENT IS SAME AS TITLE COMMITMENT SCHEDULE A DESCRIPTION]**
- Item 28. Tax Division, Re-Proration and Indemnity Agreement between LBC Owner LLC and CAHST Munster, LLC, recorded as Inst. #2021-062103. **[DESCRIPTION IS OF EXCEPTION TRACT TO LOT 1, NO PLOTTABLE EASEMENTS]**
- Item 29. Rights of tenants in possession as tenants only under unrecorded leases. **[UNRECORDED LEASES ARE NOT A SURVEY MATTER, NOTHING PLOTTED]**
- Item 30. Mortgage, Assignment of Leases and Rents Security Agreement, Inst. 2021-062104. **[NO PLOTTABLE EASEMENTS. LEGAL DESCRIPTION SAME AS TITLE COMMITMENT SCHEDULE A DESCRIPTION]**
- Item 31. Assignment of Leases and Rents, Inst. 2021-062105. **[NO PLOTTABLE EASEMENTS. LEGAL DESCRIPTION SAME AS TITLE COMMITMENT SCHEDULE A DESCRIPTION]**
- Item 32. A judgment search has been made versus LBC Owner LLC, a Delaware limited liability company and none found. **[NOT A SURVEY MATTER, NOTHING PLOTTED]**

LAND DESCRIPTION – CHICAGO TITLE INSURANCE  
COMMITMENT NO. CCH2205970NT  
DATED 8/15/22, REVISED 9/27/22

Parcel 1:  
LOT 2 IN LAKE BUSINESS CENTER SUBDIVISION, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 106, PAGE 20 AS DOCUMENT NUMBER 2013-019681, IN THE OFFICE OF THE RECORDER, LAKE COUNTY, INDIANA.

Parcel 2:  
THAT PART OF LOT 1 IN THE RE-SUBDIVISION OF LOT 1 FOR LAKE BUSINESS CENTER SUBDIVISION, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 106, PAGE 55 AS DOCUMENT NUMBER 2013-063067, IN THE OFFICE OF THE RECORDER, LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE, N 88° 17' 28" W ALONG THE SOUTH LINE OF SAID LOT 1 FOR A DISTANCE OF 1367.55 FEET TO THE WEST OF LINE OF SAID LOT 1; THENCE, N 36° 18' 08" W FOR A DISTANCE OF 481.36 FEET; THENCE CONTINUING ALONG SAID WEST LINE N 01° 54' 44" E FOR A DISTANCE OF 1194.58 FEET TO THE NORTH LINE OF SAID LOT 1; THENCE ALONG SAID NORTH LINE, S 88° 17' 28" E FOR A DISTANCE OF 432.00 FEET TO THE NORTHWEST CORNER OF LOT 9 IN SAID LAKE BUSINESS CENTER; THENCE ALONG THE WEST LINE OF SAID LOT 9, S 01° 41' 34" W FOR A DISTANCE OF 148.14 FEET TO THE SOUTH LINE OF SAID LOT 9; THENCE ALONG SAID SOUTH LINE, S 76° 10' 49" E FOR A DISTANCE OF 243.96 FEET; THENCE CONTINUING ALONG SAID SOUTH LINE, S 88° 18' 23" E FOR A DISTANCE OF 243.42 FEET; THENCE, S 25° 46' 04" E FOR A DISTANCE OF 68.10 FEET; THENCE, S 88° 18' 23" E FOR A DISTANCE OF 178.22 FEET; THENCE, S 01° 35' 38" W FOR A DISTANCE OF 137.34 FEET; THENCE, S 88° 24' 22" E FOR A DISTANCE OF 47.87 FEET; THENCE, S 01° 37' 19" W FOR A DISTANCE OF 697.65 FEET; THENCE N 88° 10' 22" W FOR A DISTANCE OF 3.00 FEET; THENCE S 01° 54' 55" W FOR A DISTANCE OF 451.30 FEET; THENCE S 88° 17' 28" E FOR A DISTANCE OF 491.61 FEET TO THE EAST LINE OF SAID LOT 1; THENCE, S 01° 54' 38" W FOR A DISTANCE OF 28.00 FEET TO THE POINT OF BEGINNING.

Parcel 2 ('AS-SURVEYED') (MEASURED):  
THAT PART OF LOT 1 IN THE RE-SUBDIVISION OF LOT 1 FOR LAKE BUSINESS CENTER SUBDIVISION, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 106, PAGE 55 AS DOCUMENT NUMBER 2013-063067, IN THE OFFICE OF THE RECORDER, LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE, N 88° 17' 28" W ALONG THE SOUTH LINE OF SAID LOT 1 FOR A DISTANCE OF 1367.55 FEET TO THE WEST OF LINE OF SAID LOT 1; THENCE, N 36° 18' 08" W ALONG A WEST LINE OF SAID LOT 1 FOR A DISTANCE OF 481.48 FEET TO A WEST LINE OF SAID LOT 1; THENCE ALONG SAID WEST LINE N 01° 54' 55" E FOR A DISTANCE OF 1194.48 FEET TO THE NORTH LINE OF SAID LOT 1; THENCE ALONG SAID NORTH LINE, S 88° 17' 28" E FOR A DISTANCE OF 432.00 FEET TO THE NORTHWEST CORNER OF LOT 9 IN SAID LAKE BUSINESS CENTER; THENCE ALONG THE WEST LINE OF SAID LOT 9, S 01° 41' 34" W FOR A DISTANCE OF 148.16 FEET TO THE SOUTH LINE OF SAID LOT 9; THENCE ALONG SAID SOUTH LINE, S 76° 10' 53" E FOR A DISTANCE OF 243.84 FEET; THENCE CONTINUING ALONG SAID SOUTH LINE, S 88° 18' 28" E FOR A DISTANCE OF 178.22 FEET; (3) THENCE, S 01° 35' 38" W FOR A DISTANCE OF 137.34 FEET; (4) THENCE, S 88° 24' 22" E FOR A DISTANCE OF 47.87 FEET; (5) THENCE, S 01° 37' 19" W FOR A DISTANCE OF 697.65 FEET; (6) THENCE N 88° 10' 22" W FOR A DISTANCE OF 3.00 FEET TO THE NORTHEAST CORNER OF LOT 2 OF SAID SUBDIVISION; (7) THENCE S 01° 54' 55" W ALONG THE EAST LINE OF SAID LOT 2 FOR A DISTANCE OF 451.30 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE S 88° 17' 28" E ALONG A NORTH LINE OF THE INGRESS AND EGRESS EASEMENT PER SAID SUBDIVISION PLAT FOR A DISTANCE OF 491.58 FEET TO THE EAST LINE OF SAID LOT 1; THENCE, S 01° 54' 38" W ALONG SAID EAST LINE FOR A DISTANCE OF 28.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PART OF LOT 1 IN LAKE BUSINESS CENTER SUBDIVISION, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 106, PAGE 20 AS INSTRUMENT NUMBER 2013-019681 AND PART OF LOT 1 IN THE RE-SUBDIVISION OF LOT 1 FOR LAKE BUSINESS CENTER SUBDIVISION, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 106, PAGE 55 AS INSTRUMENT NUMBER 2013-063067, IN THE OFFICE OF THE RECORDER, LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 88 DEGREES 17 MINUTES 28 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 432.00 FEET TO THE NORTHWEST CORNER OF LOT 9 OF SAID PLOT; THENCE SOUTH 01 DEGREE 41 MINUTES 34 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 9 A DISTANCE OF 148.16 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 88 DEGREES 34 MINUTES 37 SECONDS WEST ALONG THE NORTH LINE OF ON INGRESS AND EGRESS EASEMENT AS DEPICTED ON SAID PLAT A DISTANCE OF 432.60 FEET TO THE WEST LINE OF AFORESAID LOT 1; THENCE NORTH 1 DEGREE 54 MINUTES 55 SECONDS EAST ALONG SAID WEST LINE A DISTANCE OF 150.29 FEET TO THE POINT OF BEGINNING, CONTAINING 1.48 ACRES, MORE OR LESS.

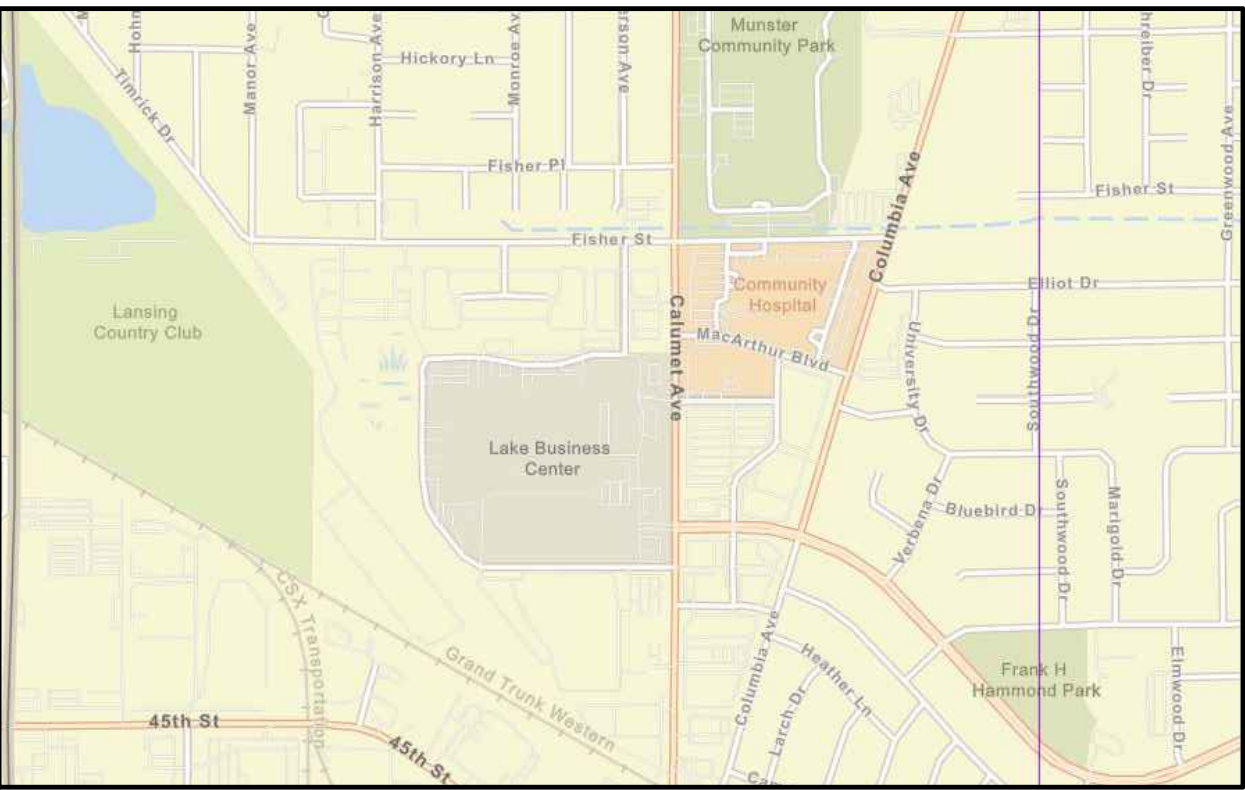
Parcel 3:  
A non-exclusive easement for the benefit of Parcels 1 and 2 for vehicular access, ingress, egress, cross-parking and landscaping as recited in Declaration of Easement and Restrictive Covenant by Munster Development LLC, recorded July 16, 2012 as Instrument No. 2012-046440 and amended by First Amendment to Declaration of Easements and Restrictive Covenant between LBC Owner LLC, Munster Development LLC and 37 Hotel Munster/MD LLC dated September 22, 2021 and recorded October 4, 2021 as Instrument No. 2021-062099.

Parcel 4:  
A non-exclusive easement for the benefit of Parcel 2 for ingress, egress and parking as recited in Reciprocal Grant of Ingress/Egress and Parking Easement recorded March 15, 2018 as Instrument Number 2018 016797.

Parcel 5:  
A non-exclusive easement for the benefit of Parcels 1 and 2 for party wall, garbage, and shared facilities as recited in Declaration of Party Wall & Grant of Easements Agreement between LBC Owner LLC and CAHST MUNSTER, LLC dated September 22, 2021 and recorded October 4, 2021 as Instrument Number 2021-062102.

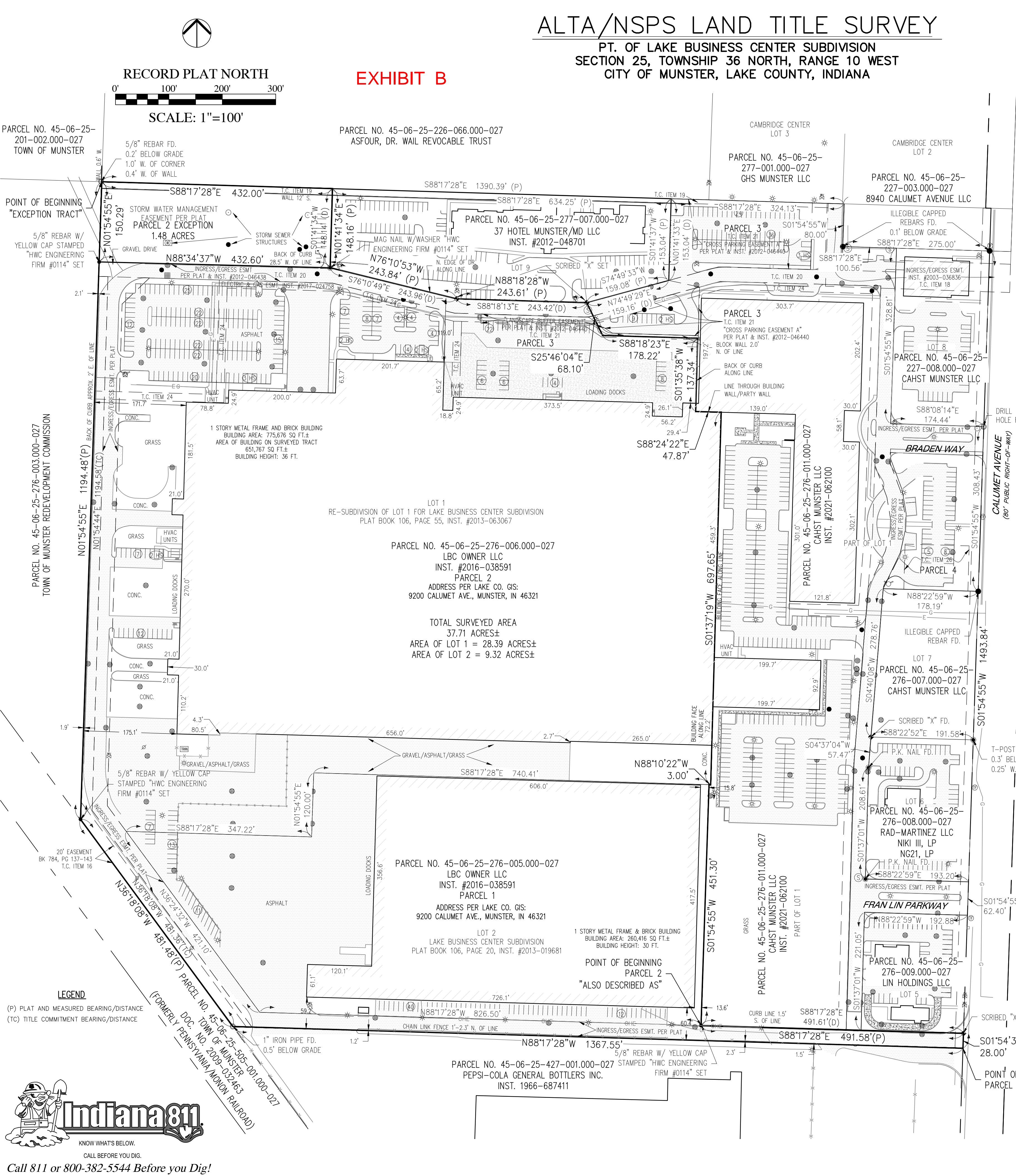
UTILITY NOTE  
This survey reflects above ground indications of utilities and information available from utility companies. Utility locations were requested from Indiana 811 on September 22, 2022 (reference ticket numbers 2209222877, 2209222882, 2209222886, 2209222889, 2209222923, 2209222927, 2209222933, and 2209222937). The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated, although he does certify that they are located as accurately as possible from the information available. The surveyor has not physically located the underground utilities.

- Member Utilities contacted during this project include:
- |  |                  |
|--|------------------|
| Comcast North                                  | - Cable TV       |
| Town of Munster                                | - Fiber Optic    |
| IN Fiber Network dba Intelligent Fiber Network | -Fiber Optic     |
| Munster Utility Department                     | - Sewer, Water   |
| Wolverine Pipeline                             | - Pipeline       |
| NIPSCO Gas (Hammond)                           | - Gas            |
| NIPSCO Electric (Hammond)                      | - Electric       |
| AT&T - Distribution                            | - Communications |



ALTA/NSPS LAND TITLE SURVEY  
PT. OF LAKE BUSINESS CENTER SUBDIVISION  
SECTION 25, TOWNSHIP 36 NORTH, RANGE 10 WEST  
CITY OF MUNSTER, LAKE COUNTY, INDIANA

EXHIBIT B



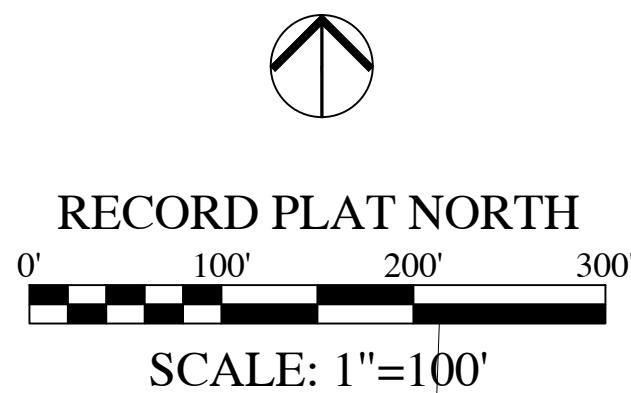
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Plot Time: 1:29pm  
Plot Date: Oct 05, 2022



Call 811 or 800-382-5544 Before you Dig!



NOTE  
BOUNDARY DIMENSIONS REMOVED FOR CLARITY PURPOSES



# ALTA/NSPS LAND TITLE SURVEY

PT. OF LAKE BUSINESS CENTER SUBDIVISION  
SECTION 25, TOWNSHIP 36 NORTH, RANGE 10 WEST  
CITY OF MUNSTER, LAKE COUNTY, INDIANA

## Surveyor's Report

General  
In accordance with Title 865, Article 1, Chapter 12 of the Indiana Administrative Code ("Rule 12"), the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established this survey as a result of uncertainties in reference monumentation; in record descriptions and plats; in lines of occupation; and as introduced by random errors in measurement ("Relative Positional Accuracy"). There may be unwritten rights associated with these uncertainties. The client should assume there is an amount of uncertainty along any line equal in magnitude to the discrepancy in the location of the lines and possession from the surveyed lines.

There may be differences of deed dimensions versus measured dimensions along the boundary lines shown hereon and, likewise, there may be found survey markers near, but not precisely at, some boundary corners. In cases where the magnitude of these differences are less than the Relative Positional Accuracy stated below and less than the uncertainty identified for the reference monumentation (discussed below), the differences may be considered insignificant and are shown only for purposes of mathematical closure. Such differences that are greater than the Relative Positional Accuracy and the uncertainty in reference monumentation should be considered worthy of notice and are therefore further discussed below.

This survey and report are based in part upon opinions formed in accordance with an Indiana Land Surveyor's responsibility to conduct a survey in accordance with "federal laws, state and local laws, and court precedent" (865) IAC 1-12-11(5), Rules of the Indiana State Board of Registration for Land Surveyors). Since Indiana has no statutes addressing how to resolve boundary lines, a solution based on principles derived from common law precedent must be relied upon as the basis for a boundary resolution.

Unless otherwise noted or depicted hereon, there is no evidence of occupation along the perimeter lines of the subject tract. All survey monuments set or found this survey are flush with existing grade unless otherwise noted.

The Relative Positional Accuracy (due to random errors in measurement) of this survey is within the specifications for an Urban Class Survey (0.07 feet plus 50 ppm) as defined in IAC 865.

## Purpose

The purpose of this survey is to perform an ALTA/NSPS Land Title retracement survey of part of Lot 1 of the Re-Subdivision of Lot 1 for Lake Business Center Subdivision and Lot 2 of Lake Business Center Subdivision, recorded as Instrument Number 2013-063067 and 2013-019681 in the office of the Recorder, Lake County, Indiana. The surveyed tract has been previously surveyed by SEH of Indiana, project number 161370, certified by Jason Spain, PS #21000202, and dated August 2, 2021.

The following are recorded surveys and plats made reference to in this survey:

- Re-Subdivision of Lot 1 for Lake Business Center Subdivision, Inst. 2013-063067; Plat Book 106, Page 55
- Final Plat of Subdivision for Lake Business Center Subdivision, Inst. 2013-019681; Plat Book 106, Page 20
- ALTA/NSPS Land Title Survey by SEH of Indiana, project number 161370, certified by Jason Spain, PS #21000202, and dated August 2, 2021.

## Basis of Bearings

The basis of bearings for this project is based upon the referenced record plats.

## Theory of Location

### Controlling Monumentation

Monuments found along the platted lines of the Lake Business Center Subdivision were held to establish the location of the boundary lines. A scribed "X" was found at the southeast corner of Lot 5. A PK nail was found at the southwest and west corners of Lot 6. A scribed "X" was found at the northwest corner of Lot 6. A rebar with an illegible cap was found at the northeast corner of Lot 7. A drill hole in concrete was found at the southeast corner of Lot 8. A rebar with an illegible cap was found at the northeast corner of Lot 8. A rebar with an illegible cap was found at a northeast corner of Lot 1 (south corner of 80.00-foot course). A 5/8-inch rebar was found 1.0 foot west of the northwest corner of Lot 1. A one-inch iron pipe was found at a southwest corner of Lot 1 (west corner of 1367.55-foot course).

## Record Descriptions

The descriptions provided in the Title Commitment match along the east lines of the surveyed tract. However, there are slight differences with the dimensions of the recorded Subdivision Plat. Those differences are generally less than 0.2 foot. It is the opinion of this surveyor that those differences were made in error and that the plat dimensions should have been utilized in the preparation of the metes and bounds descriptions. The differences are noted on the face of the survey.

There are no deed gaps or overlaps along the south, west, and north lines of the surveyed tract and the west and south adjoiners. There are no internal deed gaps or overlaps with the Lake Center Subdivision Plats.

## Occupation

The surveyed tract is part of a commercial subdivision. Along part of the west line of the surveyed tract, the back of curb of the drive is generally 2 feet east of the surveyed line. Along the south most line of the surveyed tract, a chain link fence is 1.0 to 2.3 feet north of the line. The south most line also crosses asphalt drives to the south adjainer. The east lines of the surveyed tract are established by the record description of the east adjainer. Some of these lines are generally along the east walls of the building that is on both tracts. The northeast lines of the surveyed tract run along features in the parking lot that prevent vehicular traffic (i.e. curb lines and a block wall). The two 243-foot courses run along the north edge of the drive running through the site. The parking lot of Lot 9 crosses the 148.16-foot course by 12.5 feet. There is a wall that runs 12 feet south of the north line of the surveyed tract. The wall runs along the length of the north line of the subdivision from 8 to 12 feet south.

There is a gravel drive crossing the northwest corner of the site that appears to provide access to the Town of Munster tract. No easement document was provided for this drive.

Access to the public right-of-way is via platted ingress and egress easements as well as record easements as noted.

## Notes

The accuracy of any flood hazard data shown on this report is subject to map scale uncertainty and to any other uncertainties in location or elevation on the referenced Flood Insurance Rate Map. The within described tract of land lies within Flood Hazard Zone "X" (unshaded) as said tract plots by scale on Map Number 18089C0117E of the Flood Insurance Rate Maps for Lake County, Indiana (maps dated January 18, 2012).

Ownership information indicated hereon is as identified in County or Township records or on title work provided by others.

The subject tract is zoned "SD-PUD" (Special District, Planned Unit Development) per the online zoning map of Munster (accessed online at <https://www.munster.org/egov/apps/document/center.egov?view=item&id=3555> on September 28, 2022). The setback requirements for "SD-PUD" zoning can be variable, transitional and subject to interpretation, therefore, setback lines are depicted based upon a zoning report by Howard Zoning Associates, LLC dated 9/30/2022.

Evidence of source of title for the Subject Tract was provided in the form of Chicago Title Insurance Company, Commitment No. CCH2205970NT, dated August 15, 2022 and revised September 27, 2022. Some of the items disclosed in Schedule B-II thereof may have been depicted on the survey and are identified by their recording data. Should any additional items need to be depicted on the survey, please advise and provide the appropriate documents.

No cemeteries or burial grounds were observed at time of survey.

The surveyor has no knowledge of wetlands being delineated or observed during the survey.

Table A Item Notes:

- 6. See Notes from Zoning Report.
- 16. No evidence of earth moving work and building additions was observed.
- 17. The surveyor was not made aware of proposed changes to the right-of-way of Calumet Avenue.

## ZONING INFORMATION PER REPORT BY HOWARD ZONING ASSOCIATES, LLC

DATED 9/30/2022, HZA REPORT NO. 9128

CURRENT ZONING DESIGNATION: SD-PUD (SPECIAL DISTRICT - PLANNED UNIT DEVELOPMENT)

SETBACKS: FRONT: REQUIRED: AS EXISTING PER SITE PLAN, EXISTING: EST. 505 FEET

SIDES: REQUIRED: AS EXISTING PER SITE PLAN [RECORDED PLATS DO NOT DEPICT SETBACKS]

REAR: REQUIRED: AS EXISTING PER SITE PLAN [RECORDED PLATS DO NOT DEPICT SETBACKS]

SITE AREA: NO REQUIREMENT

BUILDING HEIGHT: MAXIMUM HEIGHT: AS EXISTING PER SITE PLAN

DENSITY: REQUIREMENTS: AS EXISTING PER SITE PLAN

OFF-STREET PARKING: REQUIRED: 1,135 PARKING SPACES

(NOTE IN ZONING REPORT STATES THAT SITE IS CONFORMING)

## PARKING SPACE COUNT

ON PARCELS 1 AND 2:  
359 STANDARD PARKING SPACES  
7 HANDICAP SPACES

ON PARCEL 3:  
81 STANDARD PARKING SPACES  
5 HANDICAP SPACES

ON PARCEL 4:  
13 STANDARD PARKING SPACES

## REVISIONS

DATE	DESCRIPTION	BY
10/04/22	REV. PER COMMENT LETTER	AJB



## LAKE BUSINESS CENTER ALTA/NSPS LAND TITLE RETRACEMENT SURVEY

LOCATION: 9200 CALUMET AVE., MUNSTER, IN  
CLIENT: LBC OWNER LLC

## DRAWN BY

AJB

## CHECKED BY

MGJ

## DATE

October 5, 2022

## SCALE

AS SHOWN

## SHEET

# S1.2

ALTA/NSPS BOUNDARY SURVEY

PAGE 2 of 3

© 2022



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## REDACTION STATEMENT

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. Adam J. Beery

T	TELEPHONE (UNDERGROUND)	E	ELECTRIC (UNDERGROUND)
W	WATERLINE (UNDERGROUND)	ST	STORM SEWER
FO	FIBER OPTIC (UNDERGROUND)	S	SANITARY SEWER
G	GAS (UNDERGROUND)	OHE	OVERHEAD UTILITY (ELECTRIC/FIBER)

File Name: C:\Users\abeery\Documents\Munster Lake Business Center\18XXXSurvey\_LocalBearings.dwg, Layout: S1.2 By: abeery  
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Plot Date: Oct 05, 2022



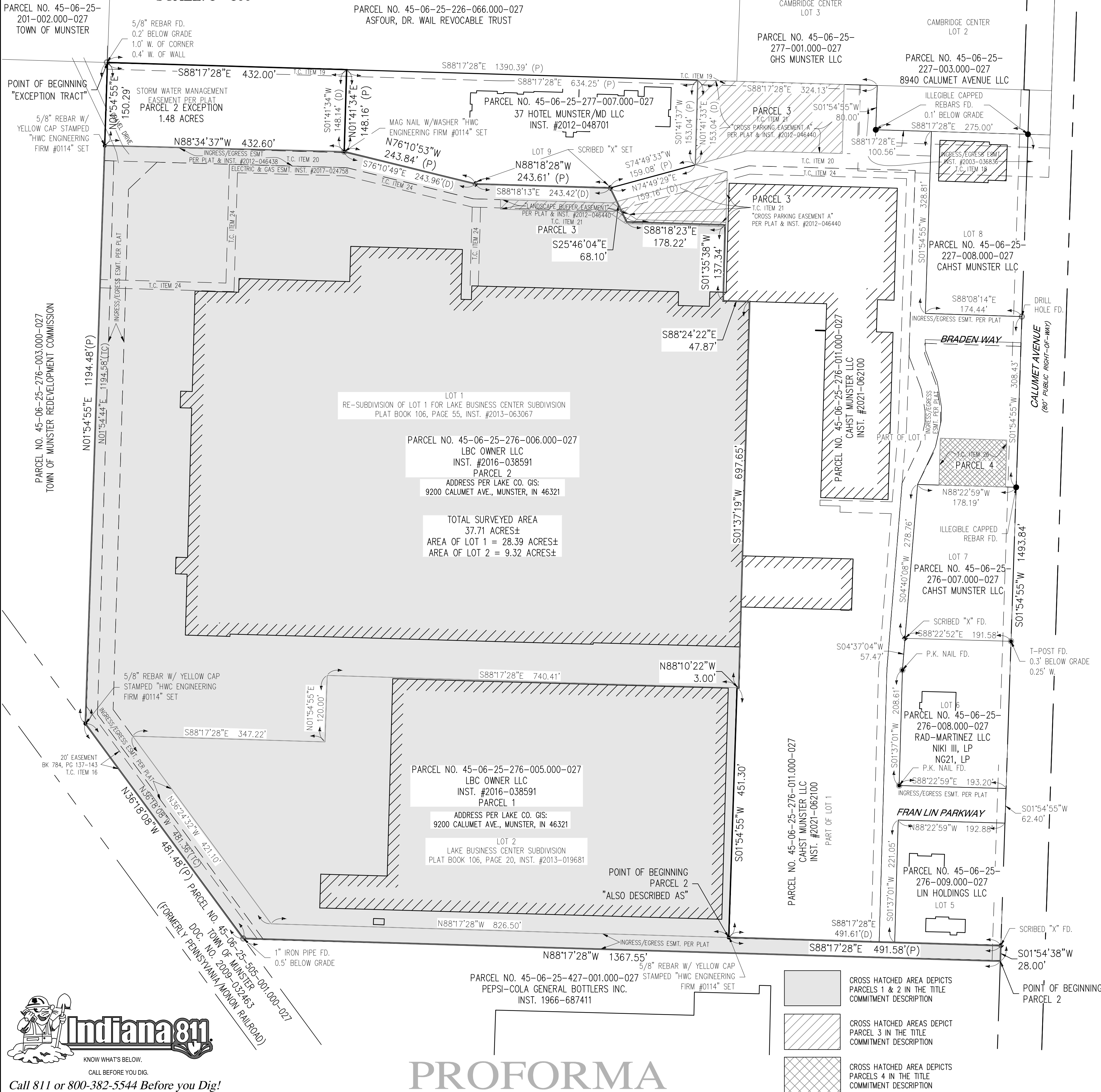
NOTE  
SITE IMPROVEMENTS REMOVED  
FOR CLARITY PURPOSES



RECORD PLAT NORTH  
0' 100' 200' 300'  
SCALE: 1"=100'

# ALTA/NSPS LAND TITLE SURVEY

PT. OF LAKE BUSINESS CENTER SUBDIVISION  
SECTION 25, TOWNSHIP 36 NORTH, RANGE 10 WEST  
CITY OF MUNSTER, LAKE COUNTY, INDIANA



LAND DESCRIPTION - CHICAGO TITLE INSURANCE  
COMMITMENT NO. CCHI2205970NT  
DATED 8/15/22, REVISED 9/27/22

Parcel 1:  
LOT 2 IN LAKE BUSINESS CENTER SUBDIVISION, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 106, PAGE 20 AS DOCUMENT NUMBER 2013-063067, IN THE OFFICE OF THE RECORDER, LAKE COUNTY, INDIANA.

Parcel 2:  
THAT PART OF LOT 1 IN THE RE-SUBDIVISION OF LOT 1 FOR LAKE BUSINESS CENTER SUBDIVISION, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 106, PAGE 55 AS DOCUMENT NUMBER 2013-063067, IN THE OFFICE OF THE RECORDER, LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE, N 88° 17' 28" W ALONG THE SOUTH LINE OF SAID LOT 1 FOR A DISTANCE OF 1367.55 FEET TO THE WEST OF LINE OF SAID LOT 1; THENCE, N 36° 18' 08" W FOR A DISTANCE OF 481.36 FEET; THENCE, CONTINUING ALONG SAID WEST LINE N 01° 54' 44" E FOR A DISTANCE OF 1194.58 FEET TO THE NORTH LINE OF SAID LOT 1; THENCE ALONG SAID NORTH LINE, S 88° 17' 28" E FOR A DISTANCE OF 432.00 FEET TO THE NORTHWEST CORNER OF LOT 9 IN SAID LAKE BUSINESS CENTER; THENCE ALONG THE WEST LINE OF SAID LOT 9, S 01° 41' 34" W FOR A DISTANCE OF 148.14 FEET TO THE SOUTH LINE OF SAID LOT 9; THENCE ALONG SAID SOUTH LINE, S 76° 10' 49" E FOR A DISTANCE OF 243.96 FEET; THENCE CONTINUING ALONG SAID SOUTH LINE, S 88° 18' 13" E FOR A DISTANCE OF 243.42 FEET; THENCE, S 25° 46' 04" E FOR A DISTANCE OF 68.10 FEET; THENCE, S 88° 18' 23" E FOR A DISTANCE OF 178.22 FEET; THENCE, S 01° 35' 38" W FOR A DISTANCE OF 137.34 FEET; THENCE, S 88° 24' 22" E FOR A DISTANCE OF 47.87 FEET; THENCE, S 01° 37' 19" W FOR A DISTANCE OF 697.65 FEET; THENCE N 88° 10' 22" W FOR A DISTANCE OF 3.00 FEET; THENCE S 01° 54' 55" W FOR A DISTANCE OF 451.30 FEET; THENCE S 88° 17' 28" E FOR A DISTANCE OF 491.61 FEET TO THE EAST LINE OF SAID LOT 1; THENCE, S 01° 54' 38" W FOR A DISTANCE OF 28.00 FEET TO THE POINT OF BEGINNING.

Parcel 2 ("AS-SURVEYED"/MEASURED):  
THAT PART OF LOT 1 IN THE RE-SUBDIVISION OF LOT 1 FOR LAKE BUSINESS CENTER SUBDIVISION, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 106, PAGE 55 AS DOCUMENT NUMBER 2013-063067, IN THE OFFICE OF THE RECORDER, LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE, N 88° 17' 28" W ALONG THE SOUTH LINE OF SAID LOT 1 FOR A DISTANCE OF 1367.55 FEET TO THE WEST OF LINE OF SAID LOT 1; THENCE, N 36° 18' 08" W ALONG A WEST LINE OF SAID LOT 1 FOR A DISTANCE OF 481.48 FEET TO A WEST LINE OF SAID LOT 1; THENCE ALONG SAID WEST LINE N 01° 54' 55" E FOR A DISTANCE OF 1194.48 FEET TO THE NORTH LINE OF SAID LOT 1; THENCE ALONG SAID NORTH LINE, S 88° 17' 28" E FOR A DISTANCE OF 432.00 FEET TO THE NORTHWEST CORNER OF LOT 9 IN SAID LAKE BUSINESS CENTER; THENCE ALONG THE WEST LINE OF SAID LOT 9, S 01° 41' 34" W FOR A DISTANCE OF 148.16 FEET TO THE SOUTH LINE OF SAID LOT 9; THENCE ALONG SAID SOUTH LINE, S 76° 10' 53" E FOR A DISTANCE OF 243.84 FEET; THENCE CONTINUING ALONG SAID SOUTH LINE, S 88° 18' 28" E FOR A DISTANCE OF 178.22 FEET; (3) THENCE, S 01° 35' 38" W FOR A DISTANCE OF 137.34 FEET; (4) THENCE, S 88° 24' 22" E FOR A DISTANCE OF 47.87 FEET; (5) THENCE, S 01° 37' 19" W FOR A DISTANCE OF 697.65 FEET; (6) THENCE N 88° 10' 22" W FOR A DISTANCE OF 3.00 FEET TO THE NORTHEAST CORNER OF LOT 2 OF SAID SUBDIVISION; (7) THENCE S 01° 54' 55" W ALONG THE EAST LINE OF SAID LOT 2 FOR A DISTANCE OF 451.30 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE S 88° 17' 28" E ALONG A NORTH LINE OF THE INGRESS AND EGRESS EASEMENT PER SAID SUBDIVISION PLAT FOR A DISTANCE OF 491.58 FEET TO THE EAST LINE OF SAID LOT 1; THENCE, S 01° 54' 38" W ALONG SAID EAST LINE FOR A DISTANCE OF 28.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PART OF LOT 1 IN LAKE BUSINESS CENTER SUBDIVISION, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 106, PAGE 20 AS INSTRUMENT NUMBER 2013-019681 AND PART OF LOT 1 IN THE RE-SUBDIVISION OF LOT 1 FOR LAKE BUSINESS CENTER SUBDIVISION, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 106, PAGE 55 AS INSTRUMENT NUMBER 2013-063067, IN THE OFFICE OF THE RECORDER, LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 88 DEGREES 17 MINUTES 28 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 432.00 FEET TO THE NORTHWEST CORNER OF LOT 9 OF SAID PLOT; THENCE SOUTH 01 DEGREE 41 MINUTES 34 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 9 A DISTANCE OF 148.16 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 88 DEGREES 34 MINUTES 37 SECONDS WEST ALONG THE NORTH LINE OF ON INGRESS AND EGRESS EASEMENT AS DEPICTED ON SAID PLAT A DISTANCE OF 432.60 FEET TO THE WEST LINE OF AFORESAID LOT 1; THENCE NORTH 1 DEGREE 54 MINUTES 55 SECONDS EAST ALONG SAID WEST LINE A DISTANCE OF 150.29 FEET TO THE POINT OF BEGINNING, CONTAINING 1.48 ACRES, MORE OR LESS.

Parcel 3:  
A non-exclusive easement for the benefit of Parcels 1 and 2 for vehicular access, ingress, egress, cross-parking and landscaping as recited in Declaration of Easement and Restrictive Covenant by Munster Development LLC, recorded July 16, 2012 as Instrument No. 2012-046440 and amended by First Amendment to Declaration of Easements and Restrictive Covenant between LBC Owner LLC, Munster Development LLC and 37 Hotel Munster/MD LLC dated September 22, 2021 and recorded October 4, 2021 as Instrument No. 2021-062099.

Parcel 4:  
A non-exclusive easement for the benefit of Parcel 2 for ingress, egress and parking as recited in Reciprocal Grant of Ingress/Egress and Parking Easement recorded March 15, 2018 as Instrument Number 2018 016797.

Parcel 5:  
A non-exclusive easement for the benefit of Parcels 1 and 2 for party wall, garbage, and shared facilities as recited in Declaration of Party Wall & Grant of Easements Agreement between LBC Owner LLC and CAHST MUNSTER, LLC dated September 22, 2021 and recorded October 4, 2021 as Instrument Number 2021-062102.

## SURVEY CERTIFICATION

### ALTA/NSPS Land Title Survey

To Citi Real Estate Funding Inc., a New York corporation, its successors and assigns and Hillcrest Finance, LLC and EquiTrust Life Insurance Company, and each of their successors, affiliates or assigns may rely upon this report in evaluating a request for an extension of credit to be secured by the property; LBCOI Owner LLC, a Delaware limited liability company; LBC Owner LLC, Freeborn and Peters LLP; and Chicago Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b), 7(c), 8, 9, 10, 11, 13, 14, 16, 17, 18, and 19 of Table A thereof. The fieldwork was completed September 28 and 29, 2022.

To the best of my knowledge and belief, the within plat represents a survey made under my supervision in accordance with Title 865, Article 1, Chapter 12 of the Indiana Administrative Code.

Adam J. Beery  
Adam J. Beery  
Professional Surveyor #20700069  
September 30, 2022  
E-Mail: abery@hwcengineering.com



This exhibit was prepared by Adam J. Beery

TITLE COMMITMENT SCHEDULE BII ITEMS  
CHICAGO TITLE INSURANCE COMMITMENT NO. CCHI2205970NT,  
DATED 8/15/22, REVISED 9/27/22

Items 1-14. Items not shown by Public Record; Taxes; Assessments; Rights of the public for road purposes; Rights of way for drainage features; and Acreage contained in legal descriptions. [NOT A SURVEY MATTER, NOTHING PLOTTED]

Item 15. Covenants, conditions, restrictions, easements and building lines set out on the Plat of Lake Business Center Subdivision, recorded as PB 106, PG 20, Inst. #2013-019681; Re-Subdivision of Lot 1 recorded as PB 106, PG 55, Inst. #2013-063067. [EASEMENTS DEPICTED ON PLAT PLOTTED HERON, EASEMENT PROVISIONS ARE GENERAL OR BLANKET IN NATURE, NOT PLOTTABLE.]

Item 16. Easement in favor of Monon Railroad, recorded in Book 784, Pages 137-143. (affects Parcel 2) [EASEMENT PLOTTED, 20' PARALLEL TO RAILROAD ALONG SOUTHWEST LINE OF SURVEYED TRACT.]

Item 17. Grant of Easement conveyed to the Town of Munster recorded as Inst. #98090848, re-recorded Inst. #99003407. (affects Parcels 1 & 2) [EASEMENT FOR TRAIL ALONG CALUMET AVE., DOES NOT CROSS SURVEYED TRACT.]

Item 18. Ingress & Egress Easement conveyed to ATG Development Company, recorded as Inst. #2003-036836. Assigned to Cambridge Center Commercial Association, Inst. #2004-048018. (affects Parcel 2) [EASEMENT CROSSES LOT 1 AND 8 OF LAKE BUSINESS SUBDIVISION, DOES NOT CROSS SURVEYED TRACT.]

Item 19. Berm Easement granted to ATG Development Company, recorded as Inst. #2003-036834. Assigned to Munster Inn, LLC, Inst. #2006-025984, amended by Inst. #2012-046437. (affects Parcel 2) [INST. #2003-036834 CREATED AN 80 FOOT EASEMENT ALONG PART OF THE NORTH LINE OF LAKE BUSINESS CENTER SUBDIVISION. INST. #2012-046437 REDEFINES THE EASEMENT TO AN AREA "AS SHOWN ON THE SITE PLAN". THE RECORDED SITE PLAN IS ILLIGIBLE. THE PRIOR SURVEY AS WELL AS SUBDIVISION PLATS DEPICT THE EASEMENT 8 TO 12 FEET SOUTH OF THE NORTH LINE OF THE SUBDIVISION, AND IS PLOTTED BASED UPON THE PRIOR SURVEY AND PLATS. THE EASEMENT RUNS ALONG A NORTH LINE OF THE SURVEYED TRACT.]

Item 20. Ingress & Egress Easement by and between Munster Development LLC and Town of Munster, recorded as Inst. #2012-046438. (affects Parcel 2) [EXHIBIT C ACCESS EASEMENT DESCRIPTION PLOTTED, CROSSES SURVEYED TRACT, FALLS ON LOT 1 OF SUBDIVISION.]

Item 21. Covenants, conditions, restrictions, easements set out in Declaration of Easement and Restrictive Covenant by Munster Development LLC, Inst. #2012-046440; First Amendment to Declaration, Inst. #2021-062099. [INGRESS/EGRESS EASEMENT B (SAME AS ITEM 20), CROSS PARKING EASEMENT (TOGETHER WITH), AND LANDSCAPE BUFFER EASEMENT PLOTTED, ALL EASEMENTS CROSSED SURVEYED TRACT AND FALLS ON LOT 1 OF SUBDIVISION.]

Item 22. Covenants, conditions, restrictions, and easements set out in Declaration of Easements, Covenants, Conditions, and Restrictions by Munster Development LLC, Inst. #2013-081770. [NO PLOTTABLE EASEMENTS, DOCUMENT APPEARS TO APPLY TO THE LAKE BUSINESS CENTER SUBDIVISION.]

Item 23. Financing and Covenant Agreement, Inst. #2011-046474, re-recorded as Inst. #2012-040598. [NO PLOTTABLE EASEMENTS, DOCUMENT APPEARS TO APPLY TO THE LAKE BUSINESS CENTER SUBDIVISION.]

Item 24. Electric & Gas Facilities Easement granted to NIPSCO, Inst. #2017-024758. [EASEMENT PLOTTED, CROSSING SURVEYED TRACT AND LOT 1.]

Item 25. Covenants, conditions, restrictions set out in Declaration of Restrictive Covenant, Inst. #2012-046439 [NO PLOTTABLE EASEMENT, EXHIBIT A IS NORTH ADJOINER AND EXHIBIT B INCLUDES SURVEYED TRACT]

Item 26. Reciprocal Grant of Ingress/Egress and Parking Easement, recorded as Inst. #2018-016797. [EASEMENT PLOTTED ALONG NORTH LINE OF LOT 7.]

Item 27. Declaration of Party Wall & Grant of Easements between LBC Owner LLC and CAHST Munster, LLC, recorded as Inst. #2021-062102. [BUILDINGS ARE CONNECTED ON THE SURVEYED TRACT TO THE EAST ADJOINER. DOCUMENT CREATES AGREEMENTS ON SHARED USE ITEMS. NO PLOTTABLE EASEMENTS. DESCRIPTION A-1 IN DOCUMENT IS SAME AS TITLE COMMITMENT SCHEDULE A DESCRIPTION]

Item 28. Tax Division, Re-Proration and Indemnity Agreement between LBC Owner LLC and CAHST Munster, LLC, recorded as Inst. #2021-062103. [DESCRIPTION IS OF EXCEPTION TRACT TO LOT 1, NO PLOTTABLE EASEMENTS]

Item 29. Rights of tenants in possession as tenants only under unrecorded leases. [UNRECORDED LEASES ARE NOT A SURVEY MATTER, NOTHING PLOTTED]

Item 30. Mortgage, Assignment of Leases and Rents Security Agreement, Inst. 2021-062104. [NO PLOTTABLE EASEMENTS, LEGAL DESCRIPTION SAME AS TITLE COMMITMENT SCHEDULE A DESCRIPTION]

Item 31. Assignment of Leases and Rents, Inst. 2021-062105. [NO PLOTTABLE EASEMENTS, LEGAL DESCRIPTION SAME AS TITLE COMMITMENT SCHEDULE A DESCRIPTION]

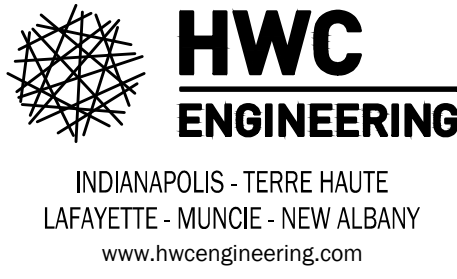
Item 32. A judgment search has been made versus LBC Owner LLC, a Delaware limited liability company and none found. [NOT A SURVEY MATTER, NOTHING PLOTTED]

## ACCESS NOTE

Access to the surveyed site from Calumet Avenue (dedicated public street) is provided by platted and recorded Ingress/Egress Easements via Braden Way and Fran Lin Pkwy as well as the unnamed drive along the south line of the surveyed site. A drive crosses the north line of the subdivision providing access to the north adjoiner (Cambridge Center). There is a gravel drive crossing the west line near the northwest corner of the site.

## REVISIONS

DATE	DESCRIPTION	BY



## LAKE BUSINESS CENTER

## ALTA/NSPS LAND TITLE RETRACEENT SURVEY

LOCATION: 9200 CALUMET AVE., MUNSTER, IN  
CLIENT: LBC OWNER LLC

DRAWN BY AJB	JOB NUMBER 2022-276-S
CHECKED BY MGJ	
DATE October 5, 2022	
SCALE AS SHOWN	
SHEET	

# S1.3

ALTA/NSPS BOUNDARY SURVEY

PAGE 3 of 3

©2022



SECOND RE-SUBDIVISION OF LOT 1

OF LAKE BUSINESS CENTER SUBDIVISION  
SECTION 25, TOWNSHIP 36 NORTH, RANGE 10 WEST  
TOWN OF MUNSTER, LAKE COUNTY, INDIANA

EXHIBIT C

DEDICATION CERTIFICATE

THE UNDERSIGNED, PHILIP GOLDBERG, LBCOI OWNER, LLC, A DELAWARE LIMITED LIABILITY COMPANY, BEING THE OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREON DOES HEREBY LAY OFF, PLAT AND SUBDIVIDE THE SAME IN ACCORDANCE WITH THE PLAT. THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS SECOND RE-SUBDIVISION OF LOT 1 FOR LAKE BUSINESS CENTER SUBDIVISION, AN ADDITION TO THE TOWN OF MUNSTER, LAKE COUNTY, INDIANA.

CERTIFICATE OF OWNERSHIP

WE THE UNDERSIGNED, AS OWNERS OF THE REAL ESTATE (INST. #2016-038591) (LOT 1 AND OUTLOT A) HERON DO HEREBY DECLARE THE REAL ESTATE AS DESCRIBED, SHALL BE KNOWN AS "SECOND RE-SUBDIVISION OF LOT 1 FOR LAKE BUSINESS CENTER SUBDIVISION".

OWNER/DEVELOPER:  
PHILIP GOLDBERG  
LBCOI OWNER, LLC  
1133 WEST 175TH ST  
HOMEWOOD, IL 60430

LAND DESCRIPTION

Lot 1 of RE-SUBDIVISION OF LOT 1 FOR LAKE BUSINESS CENTER SUBDIVISION, recorded as Instrument Number 2013-063067 in Plat Book 106, Page 55 in the Office of the Recorder, Lake County, Indiana

DEDICATION CERTIFICATE

THE UNDERSIGNED, PHILIP GOLDBERG, LBC OWNER, LLC, A DELAWARE LIMITED LIABILITY COMPANY, BEING THE OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREON DOES HEREBY LAY OFF, PLAT AND SUBDIVIDE THE SAME IN ACCORDANCE WITH THE PLAT. THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS SECOND RE-SUBDIVISION OF LOT 1 FOR LAKE BUSINESS CENTER SUBDIVISION, AN ADDITION TO THE TOWN OF MUNSTER, LAKE COUNTY, INDIANA.

CERTIFICATE OF OWNERSHIP

WE THE UNDERSIGNED, AS OWNERS OF THE REAL ESTATE (INST. #2016-038591) (LOT 1 AND OUTLOT A) HERON DO HEREBY DECLARE THE REAL ESTATE AS DESCRIBED, SHALL BE KNOWN AS "SECOND RE-SUBDIVISION OF LOT 1 FOR LAKE BUSINESS CENTER SUBDIVISION".

OWNER/DEVELOPER:  
PHILIP GOLDBERG  
LBC OWNER, LLC  
1133 WEST 175TH ST  
HOMEWOOD, IL 60430

DEDICATION CERTIFICATE

THE UNDERSIGNED, RUSSELL BRENNER, RXHST MUNSTER, LLC, A DELAWARE LIMITED LIABILITY COMPANY, BEING THE OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREON DOES HEREBY LAY OFF, PLAT AND SUBDIVIDE THE SAME IN ACCORDANCE WITH THE PLAT. THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS SECOND RE-SUBDIVISION OF LOT 1 FOR LAKE BUSINESS CENTER SUBDIVISION, AN ADDITION TO THE TOWN OF MUNSTER, LAKE COUNTY, INDIANA.

CERTIFICATE OF OWNERSHIP

WE THE UNDERSIGNED, AS OWNERS OF THE REAL ESTATE (INST. #2021-062100) (LOT3) HERON DO HEREBY DECLARE THE REAL ESTATE AS DESCRIBED, SHALL BE KNOWN AS "SECOND RE-SUBDIVISION OF LOT 1 FOR LAKE BUSINESS CENTER SUBDIVISION".

OWNER/DEVELOPER:  
RXHST MUNSTER, LLC  
120 N. RACINE AVE.  
SUITE 110  
CHICAGO, IL 60607

RUSSELL BRENNER  
AUTHORIZED SIGNATORY

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED RUSSELL BRENNER, AUTHORIZED SIGNATORY, OF CAHST MUNSTER, LLC, OWNER OF THE REAL ESTATE, WHO ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AND WHO, HAVING BEEN DULY SWORN, STATED THAT ANY REPRESENTATIONS THEREIN CONTAINED ARE TRUE.

WITNESS MY SIGNATURE AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC

COUNTY OF RESIDENCE: \_\_\_\_\_ PRINTED NAME \_\_\_\_\_

PHILIP GOLDBERG  
AUTHORIZED SIGNATORY

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED PHILIP GOLDBERG, AUTHORIZED SIGNATORY, OF LBC OWNER, LLC, AND LBCOI OWNER, LLC, OWNER OF THE REAL ESTATE, WHO ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AND WHO, HAVING BEEN DULY SWORN, STATED THAT ANY REPRESENTATIONS THEREIN CONTAINED ARE TRUE.

WITNESS MY SIGNATURE AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC

COUNTY OF RESIDENCE: \_\_\_\_\_ PRINTED NAME \_\_\_\_\_

ALL EASEMENTS SHOWN HEREON HAVE BEEN HERETOFORE DEDICATED BY PRIOR PUBLIC RECORD DOCUMENTS.

INGRESS/EGRESS EASEMENT PROVISIONS

EASEMENTS FOR INGRESS AND EGRESS HAVE BEEN GRANTED OVER THE PROPERTY WITHIN THE STRIPS OF LAND DESIGNATED AS "INGRESS AND EGRESS ESMT" TO THE OWNERS, OCCUPANTS, AND INVITEES OF THE LOTS IN THE PROPERTY DESCRIBED HEREON. PURSUANT TO THE TERMS AND CONDITIONS OF THE AMENDED AND RESTATED INGRESS AND EGRESS EASEMENT, DATED JUNE 21, 2012 AND RECORDED ON JULY 16, 2012 AS DOCUMENT NUMBER 2012-046438, THE DECLARATION OF EASEMENTS AND RESTRICTIVE COVENANTS, DATED JUNE 1, 2012 AND RECORDED JULY 16, 2012 AS DOCUMENT NUMBER 2012-046440, AND THE DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS, AND RESTRICTIONS DATED JUNE 1, 2012 AND RECORDED JULY 16, 2012 AS DOCUMENT NUMBER 2012-046441.

NO ACCESS EASEMENT PROVISIONS

THERE SHALL BE NO DRIVEWAYS CONSTRUCTED OR MAINTAINED ALONG THE EAST PROPERTY LINES OF LOT 3 TO CALUMET AVENUE OUTSIDE OF THE INGRESS/EGRESS EASEMENTS.

CROSS PARKING EASEMENT AND LANDSCAPE BUFFER EASEMENT PROVISIONS

EASEMENTS FOR CROSS PARKING AND LANDSCAPE BUFFER HAVE BEEN GRANTED OVER THE PROPERTY WITHIN THE STRIPS OF LAND DESIGNATED AS "CROSS PARKING EASEMENT A" AND "LANDSCAPE BUFFER EASEMENT" TO THE OWNERS, OCCUPANTS, AND INVITEES OF THE LOTS IN THE PROPERTY DESCRIBED HEREON. PURSUANT TO THE DECLARATION OF EASEMENTS AND RESTRICTIVE COVENANTS, DATED JUNE 1, 2012 AND RECORDED JULY 16, 2012 AS DOCUMENT NUMBER 2012-046440.

STORM WATER MANAGEMENT EASEMENT PROVISIONS

A NON-EXCLUSIVE PERPETUAL EASEMENT HAS BEEN GRANTED TO INSTALL, PLACE, AND MAINTAIN AN UNDERGROUND DETENTION STORAGE AREA, STORM SEWERS, AND MANHOLES WITH ALL NECESSARY OTHER APPLIANCES IN AND UNDER THE SURFACE OF THE PROPERTY SHOWN ON THE PLAT AND MARKED "STORM WATER MANAGEMENT EASEMENT" FOR THE PURPOSE OF SERVING LOT 9 AND A PORTION OF LOT 1 WITH STORM SEWER SERVICE INCLUDING THE RIGHT TO USE THE STREETS WHERE NECESSARY, TOGETHER WITH THE RIGHT TO ENTER UPON THE SAID EASEMENT FOR STORM SEWERS AT ALL TIMES FOR ANY AND ALL OF THE PURPOSES AFORESAID AND TO TRIM AND KEEP TRIMMED ANY TREES, SHRUBS, OR SAPLINGS THAT INTERFERE WITH ANY SUCH STORM SEWER EQUIPMENT. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENT, BUT SAME MAY BE USED FOR PAVING, CURBS, SIDEWALKS, GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT INTERFERE WITH THE USE OF SAID EASEMENT FOR SUCH STORM SEWER PURPOSES.

DECLARATION OF PARTY WALL & GRANT OF EASEMENTS AGREEMENT

DECLARATION OF PARTY WALL & GRANT OF EASEMENTS AGREEMENT DATED SEPTEMBER 22, 2021 AND RECORDED OCTOBER 4, 2021 IN INSTRUMENT #2021-062102 FOR THE BENEFIT OF LOTS 1 AND 3 FOR PARTY WALL, GARBAGE, AND SHARED FACILITIES.

THIS SUBDIVISION CONSISTS OF TWO (2) LOTS LABELED 1 AND 3, AND AN OUTLOT A TOGETHER WITH EASEMENTS AS SHOWN HEREON. THE SIZE OF THE LOTS AND OUTLOT AND WIDTHS OF EASEMENTS ARE SHOWN IN FIGURES DENOTING FEET AND DECIMAL PARTS THEREOF.

CROSS REFERENCE IS HEREBY MADE TO RE-SUBDIVISION OF LOT 1 FOR LAKE BUSINESS CENTER SUBDIVISION IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA RECORDED AS INSTRUMENT NUMBER 2013-063067 IN PLAT BOOK 106, PAGE 55.

PLAN COMMISSION CERTIFICATE:

STATE OF INDIANA \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS

UNDER THE AUTHORITY PROVIDED BY INDIANA CODE 36-7-4-700 (SEC. 700-799), AS AMENDED FROM TIME TO TIME, AND AN ORDINANCE ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MUNSTER, LAKE COUNTY, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE TOWN OF MUNSTER AS FOLLOWS:

APPROVED BY THE TOWN OF MUNSTER PLAN COMMISSION AT MEETING THE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

PRESIDENT \_\_\_\_\_

SECRETARY \_\_\_\_\_

WITNESS MY SIGNATURE THIS 5th DAY OF JANUARY, 2024.

ADAM J. BEERY  
PROFESSIONAL SURVEYOR #20700069



REDACTION STATEMENT: 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.  
ADAM J. BEERY

Line #	Direction	Length
L1	N01°54'55"E	18.53'
L2	N20°27'37"W	61.90'
L3	N20°27'37"W	64.76'
L4	N09°33'01"W	45.66'
L5	N09°33'01"W	40.35'
L6	N01°13'40"E	25.08'
L7	N01°13'40"E	19.66'
L8	N12°33'02"E	48.07'
L9	N12°33'02"E	41.82'
L10	N26°42'49"E	68.70'
L11	N26°42'49"E	70.67'
L12	S88°05'31"E	28.03'
L13	S88°05'31"E	28.03'

PARCEL NO. 45-06-25-276-003.000-027  
TOWN OF MUNSTER REDEVELOPMENT COMMISSION

LEGEND  
"HWC MAG NAIL" = MAG NAIL WITH WASHER  
STAMPED "HWC ENGINEERING FIRM #0114"  
"HWC REBAR" = 5/8" INCH REBAR WITH CAP  
STAMPED "HWC ENGINEERING FIRM #0114"  
"ESMT." = EASEMENT  
"FD" = FOUND  
"S.F." = SQUARE FOOT  
"A.C." = ACRES



Call 811 or 800-382-5544 Before you Dig!

RECORD PLAT NORTH  
0' 100' 200' 300'  
SCALE: 1"=100'

LOT 1  
1172047 S.F.  
26.906 AC.  
PARCEL NO. 45-06-25-276-006.000-027  
LBCOI OWNER LLC  
INST. #2022-545208

LOT 3  
580436 S.F.  
13.325 AC.

LOT 2  
LAKE BUSINESS CENTER SUBDIVISION  
PLAT BOOK 106, PAGE 20, INST. #2013-019681

File Name: W:\LBC Owner LLC - Monzon, Peter\2022-276-S Peter Monzon- Lake Business Center\Design\CAD\Survey\22276Replat.dwg, Layout: P1.1  
Plot Time: 4:18pm  
Plot Date: Jan 22, 2024