

DECLARATION OF RESTRICTIONS
BY THE PORTS OF INDIANA
FOR PORT OF INDIANA-BURNS HARBOR
PORTAGE, INDIANA

SECTION 1 - PROPERTY AND PERSONS AFFECTED

1.01 The Real Property, which is the subject of these restrictions is located in Porter County, State of Indiana, within the corporate limits of. Portage, Indiana.

1.02 All persons and corporations who now lease or shall thereafter acquire any interest in the aforementioned property agree to conform to and observe the following covenants, conditions and, restrictions, as to use of the Property and the construction of improvements thereon.

SECTION 2 - GENERAL PROVISIONS

2.01 The purpose of these restrictions is to insure proper development and use of the Property, to protect the Lessee of each parcel against improper development of surrounding parcels, to prevent the erection on the Property of structures built of improper design or materials, to prevent haphazard and inharmonious improvements, to secure and maintain proper setbacks from streets and adequate free spaces between structures, and in general to provide adequately for a high type and quality of improvement of the Property in accordance with a general plan.

SECTION 3 - DEFINITIONS

3.01 "Property" shall mean the Port of Indiana-Burns Harbor.

3.02 "Site" shall mean all contiguous land under one lease.

3.03 "Improvements" shall mean and include buildings, outbuildings, parking areas, loading areas, trackage, fences, utilities, drainage structures, stationary cargo handling equipment, and any structures of any type or kind.

3.04 "Ports of Indiana" shall mean the Ports of Indiana, its successors and assigns, and authorized representatives.

SECTION 4 - PRIMARY INTENDED USE

4.01 Sites in the Property shall be used for the purpose of transfer of waterborne commodities, for heavy and light industrial manufacturing, and warehousing or distribution purposes.

SECTION 5 — PROHIBITED USES

5.01. No land or building shall be used or occupied which does not conform to the performance standards of Section 6. In addition, the following uses are specifically prohibited:

- (a) Residential.
- (b) Commercial incineration.
- (c) Junk yards.
- (d) Rubbish, garbage, or trash dumps.
- (e) Commercial excavation of building or construction materials.
- (f) Distillation of bones.
- (g) Dumping, disposal, incineration or reduction of -garbage, sewage, offal,

- dead animals, or refuse.
- (h) Fat rendering.

SECTION 6 - REQUIRED CONDITIONS

6.01 Any buildings or uses permitted in the Property shall comply with the following conditions:

6.02 **SETBACKS** - No building shall be located within 65 feet of the centerline of any interior or exterior road or street, nor within 25 feet of any property line, except where said property abuts a railroad right-of-way, in which case no building shall be located within 30 feet of said right-of-way. No structure of any kind, and no part thereof, shall be placed on any site closer to a property line than herein provided. The following structures and improvements are specifically excluded from these setback provisions:

- (a) Roof overhang, subject to the specific approval of Ports of Indiana in writing.
- (b) Steps and walks.
- (c) Paving and associated curbing, except that vehicle parking areas shall not be permitted within ten (10) feet of the street property line or lines.
- (d) Fences, except that no fence shall be placed within the street setback area unless specific approval is given by Ports of Indiana in writing.
- (e) Railroad spur tracks, switches and bumpers, provided that the location of such tracks, switches and bumpers is specifically approved by Ports of Indiana in writing.

6.03 **ACCESSORY BUILDINGS** - Accessory buildings shall be located at least 25 feet from a principal building.

6.04 **TREES** - Lessees in the Property shall exert their best efforts to preserve the natural beauty of their respective properties and, in this regard, shall not needlessly destroy or remove live trees, other than those in an area earmarked for construction. All trees removed from the Property shall be disposed of off-site or at a location on the Property approved by the Ports of Indiana.

6.05 **OFF-STREET PARKING** (a) No parking or loading shall be permitted on any street or road, either public or private, or at any place other, than the paved parking or loading area provided in accordance with the following, and each Lessee shall be responsible for compliance by its employees and visitors. (b) Paving: All driveways and parking areas shall be constructed with a hard surfaced pavement and shall include adequate drainage facilities to dispose of all storm water.

6.06 **LOADING AND UNLOADING** - For each industry, at least one loading and unloading space shall be provided. Loading areas shall not encroach into setback areas unless specifically approved by Ports of Indiana in writing.

6.07 **CONSTRUCTION AND APPEARANCE** - All buildings constructed in the Property shall conform to the standards specified by the National Electric Code, the Administrative Building Council of Indiana, the Uniform Plumbing Code, the Uniform Building Code, the Uniform Mechanical Code, and the National Fire Protection Agency, or their successors, or enforced by Porter County, Indiana, and to the health and zoning regulations of said Porter County or State of Indiana.

6.08 **UTILITY EASEMENTS** - All utility easements as dedicated on the face of the plat shall be kept free of all structures, except as outlined under Section 6.02, and the removal

of any obstruction by a utility company shall in no way obligate the utility company in damages or to restore the obstruction to its original form. Approvals in hardship cases will be considered after written application to the Ports of Indiana, its successors or assigns, proving no feasible alternative exists.

SECTION 7 - PERFORMANCE STANDARDS

7.01 All of the following minimum standards must be complied with:

(a) Fire and Explosion Hazards: All activities shall be carried on only in structures which conform to the standards of the National Board of Fire Underwriters concerning the plant operation and storage of explosive raw materials, fuels, liquids and finished products.

(b) Radioactivity: All activities located within this zone shall comply with Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation."

(c) The Lessee shall submit plans of its facility to the required State and Federal review agencies in regard to air and water pollution, and once these agencies have approved the facility, the Lessee shall provide the Ports of Indiana with copies of said approvals.

(d) Liquid or Solid Wastes: The discharge of untreated industrial wastes into a stream or open or closed drain is prohibited. All methods of sewage and Industrial waste treatment and disposal shall be approved by the Indiana Stream Pollution Control Board. More specifically, all sanitary and process liquid waste must be discharged into the sanitary sewer system. Process wastewater shall require pretreatment by the tenant before discharge into the Port's sewage collection system, if the treatment load exceeds that normally handled as domestic sanitary sewage. Specific limitations in this regard will be stated to the prospective tenant if desired. Volume, quality and strength of all liquid waste proposed for discharge into the Port facilities will be submitted In advance to the Ports of Indiana.

(e) Site Drainage: No driveways, walks, parking areas, etc., may be constructed across any drainage ditch, channel or swale without providing adequate culverts or waterway openings for natural drainage. Such culverts, etc., shall provide the minimum waterway opening and shall be at the proper gradient as established in the Property Development Plans as furnished by the Ports of Indiana. No rain and storm water run-off or such drainage as roof water, street pavement and surface water caused by natural precipitation or ground water from footing or foundation drains or other sub-surface water drainage shall at any time be discharged into or permitted to flow into the sanitary sewer system, which shall be a separate sewer system. No sanitary sewage shall at any time be discharged or permitted to flow into the above mentioned storm water, surface and subsurface sewer system.

SECTION 8 - SIGNS

8.01 Signs are permitted in this district as hereinafter regulated, provided that no sign shall be permitted which is not necessary to the business conducted on the Property and then only if the following requirements are complied with:

(a) No free-standing name plate sign shall be nearer than five (5) feet from any abutting street right-of-way or property lines, and shall be of such size and location so as to not obstruct the line of sight of vehicles either entering or departing from the leased premises by means of a Port road.

SECTION 9 - SITE PLAN APPROVAL

9.01 Prior to construction or alteration of any building or improvement on a building lot, two (2) sets of site plans and specifications for such building or alteration shall be submitted to the Ports of Indiana, and written approval of such plans by the Ports of Indiana shall be proof of compliance with these restrictions. Site plans shall contain the following information:

(a) (a-1) All lot line dimensions. (a-2) Building setback. (a-3) Location of all proposed buildings. (a-4) Pertinent grades and drainage patterns. (a-5) Location of off-street parking areas with dimensions showing parking spaces, access drives, traffic circulation and the location and description of any lighting in connection with the parking area. This includes the location and dimensions of all loading and unloading docks and areas. (a-6) Location and description of all proposed signs. (a-7) Type of surface paving and curbing. (a-8) Utility Connections and Locations: All utilities passing under roads and railroads shall be encased. Open cutting of roads is prohibited. (a-9) Storm drainage facilities and means of disposal of storm water. (a-10) Details of construction of all road and railroad crossings. (a-11) Structure heights, including height over roads, paved areas, railroads, etc. (a-12) All required agency permits. (a-13) All landscaping, fences, walls, or similar facilities to be provided. (a-14) The specific types of material to be in construction.

(b) If the site plan is rejected by the Ports of Indiana, or its nominee, the applicant shall remedy any and all elements in the plan prior to further consideration.

SECTION 10 - CONSTRUCTION NOTICE AND ACCEPTANCE

10.01 Every person who now or hereafter leases or acquires any right or interest in any portion of said Property is and shall be conclusively deemed to have consented and agreed to every covenant, condition and restriction contained herein, whether or not any reference to this restriction is contained in the instrument by which such person acquired an interest in said Property.