



CITY OF SOUTH BEND

REDEVELOPMENT COMMISSION

Redevelopment Commission Agenda Item

DATE: 5/9/18

FROM: Kyle Silveus

SUBJECT: Utility Easement at 322 S Lafayette Blvd

Which TIF? (circle one) River West; River East; South Side; Douglas Road; West Washington

PURPOSE OF REQUEST: Granting of 5'x20' utility easement to AEP to install a new manhole at the NE property corner to improve network grid lines and provide service to the neighboring customer at 323 Main.

Specifics:

The Hibberd development on Main St. requires new underground electrical service. Due to existing utilities congestion in the North/South alley between Lafayette and Main, the required underground electrical service was not able to be installed in City Right of Way. After several iterations of alternate routes and cost analysis, a route consisting of service from Lafayette through the east/west alley with a 5'x20' easement in the NE corner of City owned property (west of Hibberd) was determined to be the best alternative to provide underground service to Hibberd.

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

1400S County-City Building | 227 W. Jefferson Blvd. | South Bend, Indiana 46601 | p 574.235.9371 | f 574.235.9021 | www.southbendin.gov



An AEP Company

BOUNDLESS ENERGY™

Indiana Michigan Power
2929 Lathrop Ave.
South Bend, IN 46628
IndianaMichiganPower.com

May 2, 2018

Mr. Kyle Silveus, P.E.
Division of Engineering
1316 County-City Building
227 W. Jefferson Blvd.
South Bend, IN 46601

Re: Utility Easement to Install New Manhole at the NE property corner to improve network grid lines and provide service to neighboring customer at 323 Main on Lot 279, Original Plat of the Town, Now City of South Bend, Portage Twp., Sec 37, T37N, R2E, St. Joseph County, Indiana IMPCo Easement No. IN181047, Map 575

Dear Mr. Silveus:

In order to provide the electrical distribution system identified above, it is necessary to install our facilities on a portion of the land which is owned by the DEPARTMENT OF REDEVELOPMENT OF THE CITY OF SOUTH BEND FOR THE USE AND BENEFIT OF THE DEPARTMENT OF REDEVELOPMENT, BY AND THROUGH ITS GOVERNING BODY, THE SOUTH BEND REDEVELOPMENT COMMISSION. Please refer to the attached Exhibit "A" for the exact location of the proposed electrical distribution easements.

Prior to installing this service, the proper company signature is needed on the enclosed Distribution Easement. Also enclosed is legal consideration in the sum of \$1.00 in payment of this agreement. The easement is to be completed according to the following guidelines:

- The **Commission President** must sign the easement. Please enclose a copy of the official authority with the original, signed easement.
- The signature must be acknowledged before a Notary Public.
- No changes are to be made to the easement language.

Please return the signed and notarized easement to my office in the stamped, self-addressed envelope enclosed for your convenience in that regard. Upon receipt of the fully executed and notarized easement, we will release this job to the line department for installation. If you have any questions, please do not hesitate to contact me in connection therewith.

Sincerely,

Sylvia Durham, SR/WA, R/W – NAC
Right of Way Agent

Indiana Michigan Power Company
South Bend Service Center
Direct Dial 574.283.1870
smdurham@aep.com

ORIGINAL

EASEMENT RIGHT-OF-WAY

Easement No. IN181047

Map No. 575

Parcel ID No 71-08-12-160-003.000-026(018-3008-0256)

THIS INDENTURE, made by and between the **DEPARTMENT OF REDEVELOPMENT OF THE CITY OF SOUTH BEND, FOR THE USE AND BENEFIT OF THE DEPARTMENT OF REDEVELOPMENT, BY AND THROUGH ITS GOVERNING BODY, THE SOUTH BEND REDEVELOPMENT COMMISSION**, whose address is 1400 S. County-City Building, 227 W. Jefferson Blvd., South Bend , IN 46601 (hereinafter referred to as "GRANTOR"), and **INDIANA MICHIGAN POWER COMPANY**, an Indiana Corporation, whose post office address is P.O. Box 60, One Summit Square, Fort Wayne, Indiana 46801 ("GRANTEE").

WITNESSETH, that for One (\$1.00) Dollar and other good and valuable consideration in hand paid, the receipt and sufficiency of which Grantor hereby acknowledges, Grantor does hereby grant and convey to Grantee a **FIVE (5) FOOT WIDE by TWENTY (20) FOOT LONG RIGHT-OF-WAY AND EASEMENT (see Exhibit "A" attached hereto for the specific dimensions and location identification)** for the construction, operation, use, maintenance, repair, renewal, and removal of a line or lines of overhead and underground facilities and equipment for the transmission of electrical energy and for communication purposes, including the right to permit attachments of others to said facilities, in, on, along, under, over, across, and through the said easement, which easement is located on the following described **REAL ESTATE**, to-wit:

A parcel of land in the West Half of the Northwest Quarter of Section 12, Township 37 North, Range 2 East, situate in Portage Township, St. Joseph County, Indiana, and more particularly described as follows:

Lot Numbered Two Hundred Seventy-Nine (279) as shown on the Plat of ORIGINAL PLAT OF THE TOWN, NOW CITY OF SOUTH BEND, INDIANA.

Being the same (or a part of the same) property conveyed to the DEPARTMENT OF REDEVELOPMENT OF THE CITY OF SOUTH BEND, FOR THE USE AND BENEFIT OF THE DEPARTMENT OF REDEVELOPMENT, BY AND THROUGH ITS GOVERNING BODY, THE SOUTH BEND REDEVELOPMENT COMMISSION, by Quit Claim Deed recorded as Instrument Number 1804843 on March 2, 2018, in the Office of the Recorder of St. Joseph County, Indiana.

TOGETHER with the right of ingress and egress to, from, and over said premises, and also the right to cut, trim, and/or remove any trees or bushes which may endanger the safety or interfere with the construction, maintenance, or use of said facilities.

GRANTEE shall promptly repair or replace all physical damage on the premises proximately caused by the construction, operation, and maintenance of Grantee's facilities.

GRANTOR warrants that no structure or building shall be erected upon said easement.

AFTER the completion of said system, the Grantor reserves the full use of the land which is not inconsistent with the existence and maintenance of said facilities but does agree not to change elevation or grade within the area of said easement without the written prior consent of Grantee.

IT IS AGREED that the foregoing is the entire contract between the parties hereto, and that this written agreement is complete in all its terms and provisions and shall be binding on their respective representatives, heirs, successors, and assigns.

THE UNDERSIGNED PERSON executing this document on behalf of Grantor represents and certifies that he is duly authorized and has been fully empowered by the Grantor to execute and deliver this document; that Grantor has full capacity to convey the real estate described herein; and that all necessary action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, the Grantor has hereunto set his/her hand and seal.

DEPARTMENT OF REDEVELOPMENT OF THE CITY
OF SOUTH BEND, FOR THE USE AND BENEFIT OF
THE DEPARTMENT OF REDEVELOPMENT, BY AND
THROUGH ITS GOVERNING BODY, THE SOUTH BEND
REDEVELOPMENT COMMISSION

DATED: _____



By: _____

_____, its _____
(Please print your name and title on this line exactly as it appears above.)

EXHIBIT "A"
EASEMENT IN181047, MAP 575
LT 279, ORIGINAL PLAT TOWN OF SOUTH BEND
GRANTOR SOUTH BEND REDEVELOPMENT COMMISSION

EASEMENT IN181047
W/R 68082960
DIM0172205
JO0259 - B3-3, B3-6

Lot 280

Lot 273

Manhole JO259-B3-3

Manhole JO259-B3-6

Proposed 9-way duct

Alley

Lafayette Blvd.

City of South Bend - Redevelopment Department

71-08-12-160-003.000-026
(018-3008-0256)

Lot 279

Lot 278

Lot 274

Alley



