



An AEP Company

BOUNDLESS ENERGY™

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

September 6, 2018

Mr. Mark Neal, President of  
BOARD OF PARK COMMISSIONERS  
321 E. Walter St.  
South Bend, IN 46613

Re: Utility Easement to Install Underground Three  
Phase Primary Electric on Lot A, Coveleski Park  
Minor Sub 1<sup>st</sup> Replat in Potage Twp., Sections  
11 & 12, T37N, R2E, St. Joseph County  
IMPCo Easement No. IN181043-R, Map 575

Dear Mr. Neal:

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 CITY OF SOUTH BEND, INDIANA, FOR THE USE AND BENEFIT OF ITS VENUES, PARKS & ARTS DEPARTMENT, BY AND THROUGH ITS BOARD OF PARK COMMISSIONERS. 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 **President and other members** 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  
(574) 283-1877

BOUNDLESS ENERGY™

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

COPY

## EASEMENT & RIGHT OF WAY

**Easement No. IN181043-R**

**Map No. 575**

**Parcel ID No 71-08-11-427-010.000-026(018-3014-0515)**

**THIS INDENTURE**, made by and between **CITY OF SOUTH BEND, INDIANA, FOR THE USE AND BENEFIT OF ITS VENUES, PARKS & ARTS DEPARTMENT, BY AND THROUGH ITS BOARD OF PARK COMMISSIONERS**, whose address is 312 E. Walter Street, South Bend, Indiana 46614 (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 **FIFTEEN (15) FOOT WIDE EASEMENT AND RIGHT-OF-WAY (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 underground facilities and equipment for the transmission of electrical energy and for communication purposes 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 Southeast Quarter of Section 11 and the Southwest Quarter of Section 12, Township 37 North, Range 2 East, situated in Portage Township, St. Joseph County, Indiana, and more particularly described as follows:

Lot A of the Plat of COVELESKI PARK MINOR SUBDIVISION FIRST REPLAT recorded on March 22, 2017, as Document No. 1706730, in the Office of the Recorder of St. Joseph, Indiana.

Being the same (or a part of the same) property conveyed to the CITY OF SOUTH BEND, INDIANA, FOR THE USE AND BENEFIT OF ITS PARKS AND RECREATION DEPARTMENT, BY AND THROUGH ITS BOARD OF PARK COMMISSIONERS by Quit Claim Deed recorded in Document No. 1504027 on February 18, 2015, 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.

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**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.

CITY OF SOUTH BEND, INDIANA, FOR THE USE AND  
BENEFIT OF ITS VENUES, PARKS & ARTS  
DEPARTMENT, BY AND THROUGH ITS BOARD OF  
PARK COMMISSIONERS

DATED: \_\_\_\_\_

By: \_\_\_\_\_

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

DATED: \_\_\_\_\_

By: \_\_\_\_\_

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

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

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By: \_\_\_\_\_

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

STATE OF \_\_\_\_\_ )

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COUNTY OF \_\_\_\_\_ ) SS.  
)

Before me, a Notary Public in and for said County and State, on \_\_\_\_\_, 20\_\_\_\_,  
personally appeared \_\_\_\_\_, the \_\_\_\_\_ of CITY OF SOUTH BEND,  
INDIANA, FOR THE USE AND BENEFIT OF ITS VENUES, PARKS & ARTS DEPARTMENT, BY AND THROUGH  
ITS BOARD OF PARK COMMISSIONERS, and acknowledged execution of the foregoing document for and on  
behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS my hand and Notarial Seal.

(SEAL)

\_\_\_\_\_  
Notary Public, \_\_\_\_\_  
\_\_\_\_\_  
County, \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

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

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 ) SS.  
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(SEAL)

\_\_\_\_\_  
Notary Public, \_\_\_\_\_  
\_\_\_\_\_  
County, \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

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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. Sylvia M. Durham

Prepared by: Sylvia M. Durham, Right of Way Agent, AEP – Indiana Michigan Power Company, 2929 W. Lathrop, South Bend, IN 46628 Phone: 574.283.1870

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Western Ave

### EXHIBIT "A"

EASEMENT IN 181043-R, MAP 575  
LOT A, COVELESKI PARK MINOR SUB 1<sup>ST</sup> REPLAT  
GRANTOR S. B. VENUES, PARKS & ARTS DEPARTMENT

EASEMENT IN 181043-R

W/R 65671941

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Easement