

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.

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: 9-17-18


By: 

Mark Neal, its President
(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.)

DATED: 9-17-18

By: 

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

DATED: 9-17-18

By: 

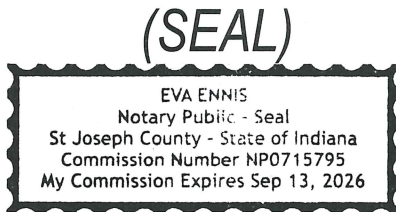
Dan Farrell, its member
(Please print your name and title on this line exactly as it appears above.)

STATE OF Indiana)

COUNTY OF St. Joseph) SS.
)

Before me, a Notary Public in and for said County and State, on September 17, 2018, personally appeared Mark Neal, the President 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.

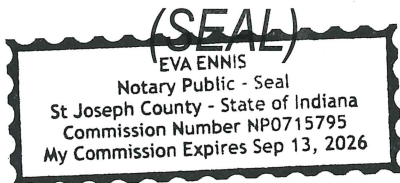


Notary Public, Eva Ennis
St. Joseph County, Indiana
My Commission Expires: 9-13-20

STATE OF Indiana)
COUNTY OF St. Joseph) SS.

Before me, a Notary Public in and for said County and State, on September 17, 2018, personally appeared Consuelo Hopkins, the member 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.



Notary Public, Eva Ennis
St. Joseph County, Indiana
My Commission Expires: 9-13-20

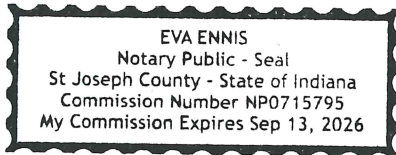
STATE OF Indiana)

COUNTY OF St. Joseph) SS.
)

Before me, a Notary Public in and for said County and State, on _____, 20____, personally appeared Dan Farrell, the Member 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, Eva Ennis
St. Joseph County, Indiana
My Commission Expires: 9-13-26

STATE OF Indiana)
) SS.
COUNTY OF St. Joseph)

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: _____

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