



2023-13014

RECORDED AS PRESENTED ON 06/13/2023 12:19 PM MARY BETH WISNIEWSKI ST. JOSEPH COUNTY RECORDER PGS: 3 FEES: 25.00

## RELEASE OF EASEMENT

WHEREAS, on <u>December 19</u>, <u>1983</u>, <u>Romy Hammes</u>, <u>Inc. and Gerald G. Hammes</u> (hereinafter referred to as "Grantor") granted an easement to the City of South Bend, recorded in the St. Joseph County Recorder's office on <u>December 20</u>, <u>1983</u>, as Instrument No. <u>8324416</u>, which instrument gave a right for a water main and sewer easement concerning certain property described as:

An easement 20 feet in width being 10 feet (by right angle measurement) either side of a centerline in part of the Northeast Quarter of Section 10, Township 37 North, Range 2 East, City of South Bend, St. Joseph County, Indiana, said centerline being more particularly described as follows, viz:

Commencing at the intersection of the East line of Olive Street with the North line of Western Avenue in said City; thence South 89°-37'-00" West along said North line of Western Avenue, a distance of 1564.70 feet; thence North 0°-03'-20" West, a distance of 453.20 feet to the place of beginning for this description; thence South 89°-59'-41" West, a distance of 456.90 feet; thence continuing through the said Grantor's property and North through the Grantor's property where the said water main and sewer are presently located, to the Northerly boundary line of said Grantor's property where the same intersects the Conrail (New York Central Railroad right-of-way railroad).

WHEREAS, the easement is no longer necessary and the City desires to release its easement; and

WHEREAS, Penske Truck Leasing Co., L.P. holds the successor interest in the easement contemplated within this Release of Easement; and

WHEREAS, Penske Truck Leasing Co., L.P., as the holder of the successor interest in the easement being released under this document has been advised of the intention to execute this Release of Easement as contemplated herein.

NOW, THEREFORE, the City of South Bend hereby releases the "Water Main and Sewer Easement" granted to it by Romy Hammes, Inc. and Gerald G. Hammes and recorded in the St. Joseph County Recorder's Office as Instrument No. 8324416 and all of the rights thereunder, with the intent that the Water Main and Sewer Easement may be forever extinguished.



**IN WITNESS WHEREOF**, the City of South Bend by and through its Board of Public Works has authorized the undersigned to execute this Release of Easement this 13th. day of June, 2023.

CITY OF SOUTH BEND, INDIANA

## BOARD OF PUBLIC WORKS Elizabeth A. Maradik, President Joseph R. Molnar, Vice President Gary A. Gilot, Member Jordan V. Gathers, Member Murray L. Miller, Member Attest: Theresa M. Heffner, Clerk

Date:

June 13, 2023

STATE OF INDIANA COUNTY OF ST. JOSEPH	) )	SS:				
Before me, the undersigned, a Notary Public in and for said County and State, this 13th. day of June, 2023, personally appeared Elizabeth A. Maradik, personally known to me as the President of the South Bend Board of Public Works, the contracting body of the City of South Bend, and acknowledged the execution of the foregoing Release Of Easement for and on behalf of the City of South Bend.						
LAURA D. HENSLEY (Shotary Public - Seal St Joseph County - State of Indiana Commission Number NP0732150 My Commission Expires Mar 3, 2029	F, I have	hereunto set my hand and affixed my official seal.  Laura D. Hensk Notary Public				
My commission expires:		Resident of St. Joseph County, IN				
March 3, 2029						

This instrument was prepared by Michael J. Schmidt, Assistant City Attorney, 1200 S. County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana 46601.

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. Michael J. Schmidt

## BOARD OF PUBLIC WORKS AGENDA ITEM REVIEW REQUEST FORM

Date	6/5/23					
Name	Michael Scl	hmidt	Department <u>Legal</u>			
BPW Date	June 13, 202	23		Phone Extension Ext. 5860		
Review and Approval Required Prior to Submittal to Board						
Diversity C and Inclusion			Officer Name			
BPW Attor	ney		Attorney Name	Michael Schmidt		
Dept. Attor	ney		Attorney Name	Michael Schmidt		
Purchasing						
	Chec	k the A	ppropriate Item Type	– Required for All Submissions		
Open Mari	ening	greemer	Amendment/Add Bid Award Quote Award C/O & PCA No. Traffic Control	Req. to Advertise Title Sheet Reject Bids/Quotes PCA Resolution Ease./Encroach		
Required Information						
Company or V New Vendor  MBE/WBE C Project Name			No ☐ MBE ☐ WBE Comple	Release of Easement pproved by Purchasing  eted E-Verify Form Attached  at 1901 W. Western Avenue, South Bend, IN		
Project Numb Funding Source Account No. Amount Terms of Con Purpose/Descrip	ce tract		N/A			
For Change Orders Only						
Amount of Previous Amo		Increa Decre	se	9/0		
Current Perce New Amount	nt of Change:		Decrease	( %)		
Tion Timount			Increase	%		
Total Percent Time Extension New Complet	on Amount:		Decrease	( %)		