

#258

Sewer easement west off of
Sheridan Ave, across
Dallas & Mavis Co. land

Dallas & Travis Forwarding Co.
11410 #258

Assessment.

STATE OF INDIANA S.S.NO.
ST. JOSEPH COUNTY
FILED FOR RECORD

1951 AUG 21 PM 12 50

BOOK 489

BERT J. PEIZA RECORDER

PAGE

249-350-351

INDEXED

CHECKED

Non

DULY ENTERED FOR TAXATION

August 21, 1951

LEON B. MINER

AUDITOR

ST. JOSEPH CO., INDIANA

tj.

2.00

Frank P. Noble
R 7 City Hall.

11410

APPROVED

BOARD OF PUBLIC WORKS & SAFETY

AUG 20 1951

R. J. Anderson
Frank P. Noble

THIS INDENTURE WITNESSETH: That

WHEREAS, Dallas & Mavis Forwarding Company, Inc., is the owner in fee simple of certain lands bounded on the West by Belleville Gardens Second Unit and on the East by Sheridan Avenue in the City of South Bend, St. Joseph County, Indiana: and

WHEREAS, Colpaert Realty Corporation and the Municipal City of South Bend, Indiana, have requested the right to construct, operate and maintain a combined storm and sanitary sewer across such lands.

NOW, THEREFOR, in consideration of One (\$1.00) Dollar and other valuable considerations, the receipt whereof is hereby acknowledge, said Dallas and Mavis Forwarding Company, Inc., does hereby:

FIRST: Give and grant to Colpaert Realty Corporation and its employees, contractors and sub-contractors, the right, privilege and easement of constructing a thirty (30) inch combined storm and sanitary sewer along, through and upon a part of said area described as follows, to-wit:

Beginning at a point on the present West line of Sheridan Avenue 2451.65 feet East and 1014 feet South of the Northwest corner of Section 16 Township 37 North, Range 2 East; thence West 453 feet to the East line of Belleville Gardens Second Unit; thence South on said East line 14 feet; thence East 453 feet to said West line of Sheridan Avenue; thence North 14 feet along said West line of Sheridan Avenue, to the place of beginning.

SECOND: Give and grant to the Municipal City of South Bend for the benefit of the public the right, privilege and easement perpetually to maintain and operate said sewer after its construction.

Such construction shall be performed in conformity with plans and specifications therefor approved by the Board of Public Works and Safety of said Municipal City of South Bend.

Colpaert Realty Corporation shall indemnify and save said Dallas and Mavis Forwarding Company, Inc., harmless from all costs or expense in respect to such

BOOK 489 249

construction and at the completion thereof leave the surface of said easement strip clean and level with the adjacent territory; nor shall any lien be assessed against said adjacent lands of Dallas & Mavis Forwarding Company, Inc. or any personal liability be asserted against it for or by reason of such construction.

Dallas & Mavis Forwarding Company, Inc., shall have the privilege of connecting lateral sewers constructed in such adjacent areas to the sewer so constructed hereunder by Colpaert Realty Corporation.

Colpaert Realty Corporation and its successors, as proprietors and owners of Belleville Gardens Second Unit and adjacent territory and the Municipal City of South Bend shall have and perpetually retain the right of flowage of storm and sanitary sewage from such areas through such sewer to the existing sewer on Sheridan Avenue or any that may replace it.

For the purpose of maintaining the sewer provided for herein, the Municipal City of South Bend and its employees and officers shall have the privilege and license to pass to and from upon the surface of the above described strip and to do and perform on and in such strip such acts as may be reasonably necessary for the purpose of maintenance and operation of the sewer provided for herein

IN WITNESS WHEREOF, said Dallas & Mavis Forwarding Company, Inc. has caused this instrument to be executed in its name and on its behalf by its President attested by its Secretary and its corporate seal to be affixed in triplicate counterparts, each of which shall be deemed an original, this 6th day of ~~June~~ ^{Aug.}, 1951.

DALLAS & MAVIS FORWARDING COMPANY, INC.

BY David M Lee
VICE - President

ATTEST

James L. Quinn
Secretary

STATE OF INDIANA
DEPT. OF JOSEPH COUNTY
FILED FOR RECORD
1951 AUG 21 PM 12 50
BOOK
RECORDS & FEES DEPARTMENT
PAGE

489 250

STATE OF INDIANA)
ST. JOSEPH COUNTY) SS:

Before me, a Notary Public in and for said County and State, appeared David M. Lee and James L. Dallas, personally known to me to be President and Secretary respectively of Dallas & Mavis Forwarding Company, Inc., who, on behalf of said corporation, acknowledged the execution of the above and foregoing instrument to be its voluntary act and deed.

WITNESS my hand and notarial seal, this 6th day of ^{Aug}~~June~~, 1951.

Myra E. Cooper
Notary Public

My Commission expires

Sept 6, 1952

A C C E P T A N C E

The Municipal City of South Bend, acting by and through its Board of Public Works and Safety, does hereby accept the perpetual easement above granted upon the conditions stated in the foregoing instrument, this 20 day of ^{Aug}~~June~~, 1951.

BOARD OF PUBLIC WORKS AND SAFETY OF THE
MUNICIPAL CITY OF SOUTH BEND

B. T. Gindrich
Frank Dreyer

A C C E P T A N C E

The temporary easement above granted is hereby accepted upon the conditions stated in the foregoing instrument, this 6 day of ^{Aug}~~June~~, 1951.

COLPAERT REALTY CORPORATION

BY Achille C. Colpaert
Achille C. Colpaert, Vice President

ATTEST

Harold W. Holderman
Harold W. Holderman, Secretary

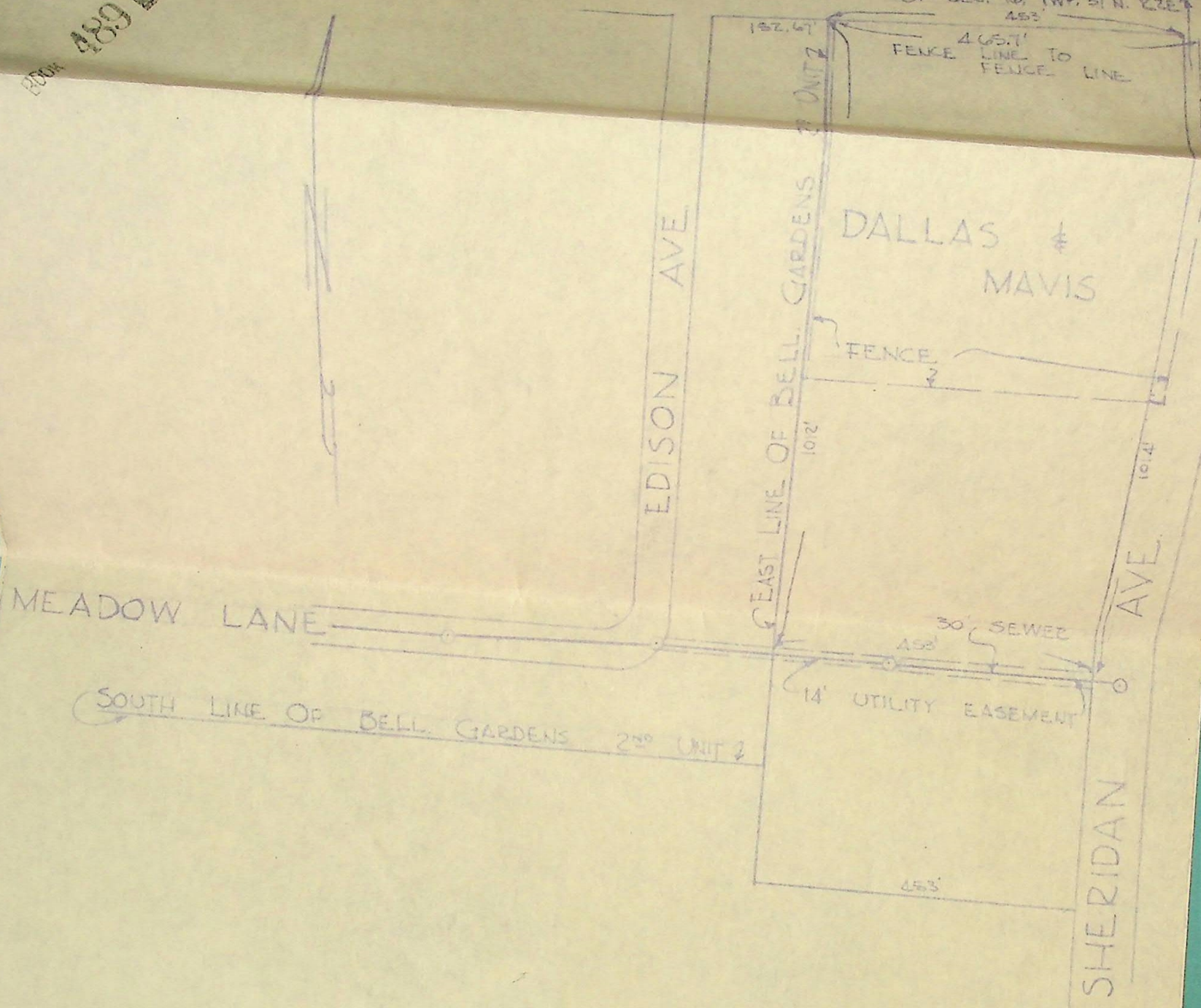
BOOK 489 251

EDISON C. TOWN

BOOK 489 252

SAMPLE

245.09' To No. WEST COR.
OF SEC. 16, TWP. 31 N. R. 2E
453



SCALE 1"=200'
JULY 30 1951 MG.