

SOUTH MICHIGAN STREET - SOUTH MAIN STREET

WALTER STREET SEWER AREA

EASEMENT AND RIGHT OF WAY

Viola P. (Lybarger) Fisher

Lot # 5

Ret. to office of City Eng.  
Room 1316  
County City Bldg.  
att: J. H. Hinkwood

SOUTH MICHIGAN STREET - SOUTH MAIN  
STREET - WALTER STREET SEWER AREA

EASEMENT AND RIGHT-OF-WAY

83754

IN CONSIDERATION of the sum of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, the undersigned, Viola P. (Lybarger) Fisher,

does hereby release, grant, transfer and deliver unto the Civil City of South Bend, Indiana, a permanent easement and right-of-way, for the following purposes, namely: The right to enter upon the hereinafter described land, at any time that it may see fit, for the purpose of constructing, maintaining and repairing, installing and renewing any water, sewer, and other utility facilities, including but not by way of limitation, drainage structures for both sanitary and storm sewer facilities, on, over, and across the ground embraced within the right-of-way hereinafter described in St. Joseph County, Indiana, to-wit:

The West Ten (10) feet of the following described tract of land:

Beginning at a point on the west side of Michigan Road two hundred (200) feet southwest of the northeast corner of the following described real estate, a lot or tract of land bounded by a line running as follows, viz: Beginning at the Southwest corner of the West Half (w $\frac{1}{2}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 25, Township 37 North, Range 2 East; thence North Six Hundred Twenty-one (621) feet and Five (5) inches; thence East Seven Hundred Twenty-one (721) feet to the West line of the Michigan Road as fenced; thence Southeasterly Six Hundred Twenty-two (622) feet to the center of Road; thence West Six Hundred Eighty-one (681) feet to place of beginning, containing Ten (10) acres; thence West One Hundred Fifty (150) feet; thence Southwesterly Fifty (50) feet; thence East One Hundred Fifty (150) feet; thence Northeasterly Fifty (50) feet to place of beginning.

Subject to the existing easement held by Indiana & Michigan Electric Company and applicable zoning ordinances.

ST. JOSEPH CO.  
INDIANA  
FILED FOR RECORD  
JAN 6 3 00 PM '71  
BOOK PAGE  
EDWIN A. KALCZYNSKI  
RECORDER

Sherrill Avenue Lot # 5

Easement 4 - Lot 5

To have and to hold the said easement and right-of-way unto the Civil City of South Bend, Indiana, and unto its successors and assigns forever.

The Grantee, by acceptance of this easement, agrees that at the time of initial installation and in the event of maintenance, replacement or renewal, it will restore said premises to the condition existing prior to the exercise of its rights hereunder. Blacktop, paving and other improvements shall be restored promptly and at the expense of the Civil City of South Bend, Indiana.

The grantors reserve the right to use said premises for any purpose not inconsistent with the easement granted hereunder.

The grantors also reserve the right to have a "Y" installed in the proposed sewer line at a location designed by the grantors to serve their present house located on Lots numbered 17 and 18, and the grantors have permission to connect this sewer to this house, with the expressed knowledge that Lots numbered 17 and 18 will be assessed for the sewer constructed in Main Street in front of said lots 17 and 18.

And the said grantors hereby covenant with the Civil City of South Bend, Indiana that they are lawfully seized and possessed of the aforementioned tract or parcel of land; that they have a good and lawful right to sell and convey; that it is free from all encumbrances; and that they will warrant and forever defend the title in quiet possession thereto against the lawful claims of all persons whomsoever.

It is understood and agreed by the parties hereto, that wherever in the foregoing instrument the singular number is used,

Easement - 4 - Lot 5

ST. JOSEPH CO. INDIANA FILED FOR RECORD JAN 13 1968 INDEXED

it will be read as plural, if and when necessary, and that wherever words of neuter gender are employed, they will likewise apply to the masculine gender, whenever the contracts require.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 8th day of August, 1968.

Viola P. Lybarger Fisher  
Viola P. (Lybarger) Fisher

STATE OF INDIANA        )  
                                    ) SS:  
COUNTY OF ST. JOSEPH )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Viola P. (Lybarger) Fisher and acknowledged the execution of the foregoing Easement and Right-of-Way as their free and voluntary act and deed for the uses and purposes set forth. WITNESS my hand and Notarial Seal this 8th day of August, 1968.

Susan M. Autose Raffner  
Notary Public

My Commission Expires

9, 1968

