

SOUTH MICHIGAN STREET - SOUTH MAIN STREET

WALTER STREET SEWER AREA

EASEMENT AND RIGHT OF WAY

Carey Belle Kell and Paul Kell

Lots # 6, 7, & 8

Ret to office of City Eng.
Room 1312 County City Bldg.
att: J.H. Fisher

#496

89757

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

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EASEMENT AND RIGHT-OF-WAY

IN CONSIDERATION of the sum of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, the undersigned, Carey Belle Kell and Paul Kell, husband and wife, do 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, to wit:

The West Ten (10) feet of lots 6, 7 and 8 in John A. Byer's Addition Unrecorded, which Lots are more closely described as follows:

A tract of land in the Northwest Quarter ($\frac{1}{4}$) of Section 25, Township 37 North, Range 2 East, and more particularly described as follows: Commencing at the Southwest corner of the Northwest Quarter of said Section 25 thence East along the Quarter Section line six hundred seventy-five (675) feet to the West line of Michigan Road; thence North Six (6) degrees seventeen (17) minutes East along the westerly line of said road 220 feet to the point of beginning of the tract herein described; thence West and parallel to the East and West Quarter ($\frac{1}{4}$) Section Line of said Section 25 one hundred fifty (150) feet; thence North six (6) degrees seventeen (17) minutes East one hundred fifty (150) feet; thence East one hundred fifty (150) feet to the Westerly line of Michigan Road; thence south six (6) degrees seventeen (17) minutes West one hundred fifty (150) feet along the Westerly line of said Road to

the point of beginning. The above description purports to describe Lots Numbered 6, 7, and 8 in John A. Byer's Addition to South Bend, Indiana, said Addition being an "Unrecorded Plat" according to a survey by D. L. Warren, Civil Engineer, Recorded in Book 104, p. 362 of the records of the Recorder's Office of St. Joseph County, Indiana.

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

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.

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, 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.

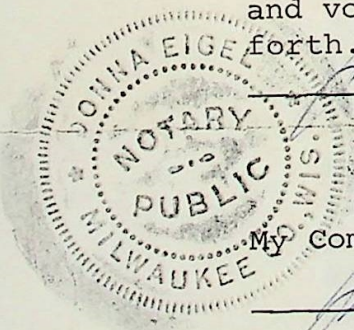
IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 29th day of July, 1968.

ST. JOSEPH CO.
INDIANA
FILED FOR RECORD
JAN 6 3 01 PM '71
BOOK PAGE
EDWIN A. KALCZYNSKI
RECORDER

Carey Belle Kell
Paul Kell

STATE OF Wisconsin
COUNTY OF Milwaukee

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Carey Belle Kell and Paul Kell, husband and wife, 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 29th day of July, 1968.



My Commission Expires Jan 5, 1970

Donna Eigel
Notary Public