

SOUTH MICHIGAN STREET - SOUTH MAIN STREET

WALTER STREET SEWER AREA

EASEMENT AND RIGHT OF WAY

Charles E. Stonecipher and Eleanor Stonecipher

Lots # 77 & 78

Ret. to office of City Eng.
Room 1316 County City Bldg.

89763

att: W. Fisherwood.

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

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, Charles E. Stonecipher and Eleanor Stonecipher, 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 and grade, level, fill, drain, pave, build, maintain, repair, and rebuild roads, streets, highways, together with such bridges, culverts, ramps, and cuts as may be necessary, on, over, and across the ground embraced within the right-of-way hereinafter described, further a permanent easement and right-of-way, including the perpetual right thereupon the real estate hereinafter described, 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, whether used in conjunction with general street purposes, or for the sole purpose of constructing, maintaining, installing, repairing, and replacing and/or renewing such sewer or other facilities for all purposes whatsoever, 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 thirty (30) feet of Lots 77 and 78 in the plat of Myer's and Funk's Third Plat of Chippewa Heights in the City of South Bend, 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.

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.

And as a further consideration for the payment of the purchase price, above stated, the grantors hereby release all claims for damage, from whatsoever cause, incidental to the exercise of any of the rights herein granted, from the beginning of the world until this date.

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 22 day of February, 1968.

Charles E. Stonecipher

Eleanor E. Stonecipher

ST. JOSEPH CO.
INDIANA
FILED FOR RECORD
JAN 6 3 02 PM '71
BOOK PAGE
EDWIN A. KALCZYNSKI
RECORDER

