

#539

EASEMENT - GILMER PARK SEWER, Divisions B & C  
South Bend Community School Corp.  
Forest Park Third Subdivision

David Wells  
call Ex 251

#539

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EASEMENT

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In consideration of the sum of One (\$1.00)

                     Dollars cash in hand paid, receipt whereof is hereby acknowledged, the undersigned hereby grant, bargain, sell, convey, transfer, deliver unto the Civil City of South Bend, 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 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 maintaining, installing, repairing, 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 or for flood control purposes, on, over and across the ground embraced within the right-of-way hereinafter described, which is located within the boundaries of a tract or parcel of land situated in the County of St. Joseph, State of Indiana, briefly described as follows:

A Permanent Easement for sewer installation and construction more fully described as follows:

Commencing at the intersection of the centerline of Ritter Street and the west line extended of Lot 146 in Forest Park, Third Subdivision; thence north along the west line extended of Lot 146 in Forest Park, Third Subdivision, a distance of six and four tenths (6.4) feet to the place of beginning; thence continuing north along the west line extended of Lot 146 a distance of eighteen and six tenths (18.6) feet; thence east along the south line of Lot 128, Forest Park, Third Subdivision, approximately 25 feet, thence southwesterly to the point of beginning.

Also, a fifteen (15) foot Permanent Easement for sewer installation and construction, and a forty (40) foot Temporary Easement for sewer construction, adjacent to and northeast of

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the Permanent Easement, said Permanent Easement being contained entirely in an area east of the west line extended of Lot 146 in Forest Park, Third Subdivision, and extending seven and one-half (7-1/2) feet on either side of a line described as:

Commencing at the intersection of the centerline of Ritter Street and the west line extended of Lot 146 in Forest Park, Third Subdivision; thence north along the west line extended of Lot 146 in Forest Park, Third Subdivision, a distance of six and four-tenths (6.4) feet to the place of beginning; thence southeasterly to a point on the north line of Lot 146 in Forest Park, Third Subdivision, said point being two hundred three and forty-nine hundredths (203.49) feet east of the centerline of St. Joseph Street.

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 afore described 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 and after 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 context requires.

