

#548

EASEMENT - From Homer W. Fitterling and Maxine O. Fitterling for sewer construction (Gilmer Park, Divisions B and C).

— *Galmer Park
Div. B+C*

#548

Wells - City Eng
X 251

EASEMENT

98595

In consideration of an agreement by the Civil City of South Bend, Indiana that any property abutting this Easement owned by the Grantor will be assessed at five (5) cents per square foot on connection to the proposed sewer instead of the seven (7) cents per square foot stipulated in the Board of Public Works and Safety Resolution No. 12-28-70, 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, 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 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 construction and installation 15 feet in width and a Temporary Easement for sewer construction 40 feet in width adjacent to and North and/or East of the herein described Permanent Easement, said Permanent Easement extending 7.5 feet on either side of a line entirely in Section 26, Township 37 North, Range 2 East, and further described as follows:

Beginning at a point on the centerline of Scott Street extended, said point being 600 feet North of the

North line of Jackson Street and being the South property line of the Indiana and Michigan Electric Company and the North line of the Homer Fitterling Property and the Northern Indiana Public Service Company Easement; thence proceeding southerly 600 feet along the centerline of Scott Street extended to the North right-of-way line of Jackson Street, which is the South property line of Mr. Homer Fitterling, said Easements being entirely on the property now owned by Mr. Homer Fitterling, subject only to the prior Easement rights of the Northern Indiana Public Service Company.

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 service agreed to by the Civil City of South Bend, 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.

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