

#573

DEED OF DEDICATION - frpm Borden, West and Polis  
for public alley, south of Bulla Street.

#573

BOOK 745 PAGE 608

*W. W. R. Johnson*  
*City Eng. Dept.*  
*Will pick up at recorder*  
*office.*

107464

Transfer ... 12714  
Taxing Unit ... LB  
Date ... 11-9-71

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS that we, Anna M. Borden, James C. Borden, and Joan C. West, as owners, and Morris Polis, and Benjamin Polis, being the sole devisees of a former owner of separate parcels of land lying south of and adjacent to a public street now known as Bulla Street in the City of South Bend, Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, do hereby give, grant, and quit-claim unto the City of South Bend, State of Indiana, for the use and benefit of the public an easement for right of way for the construction, improvement, operation and maintenance of a public alley, upon and across the following land, lying and being situate in St. Joseph County, State of Indiana, to-wit:

Beginning at a point on the north line of an east-west alley situated between King Street and Bulla Street in the City of South Bend, which point is 192 feet north, and 293.85 feet east of the north-west corner of Lot 19 as shown in Victory Addition; thence north on a line parallel to the east line of Anderson Avenue in the City of South Bend a distance of 256.56 feet to the south line of Bulla Street; thence East a distance of 14 feet; thence south on a line parallel with the eastern line of Anderson Avenue a distance of 256.56 feet; thence west a distance of 14 feet to the place of beginning.

To have and to hold the said easement and right of way unto the said City of South Bend, State of Indiana, for public alley purposes so long as the same shall be used, operated and maintained as a public alley; and the grantors hereby dedicate for such purpose.

Estelle Polis, wife of Morris Polis, and Gussie Polis, wife of Benjamin Polis, do hereby join in the grant of this easement and right of way, and in this dedication to public use, for the purpose of relinquishing any right or possibility of dower,

DULY ENTERED FOR TAXATION  
STEPHEN M. EGYHAZI  
AUDITOR  
ST. JOSEPH CO., INDIANA

ST. JOSEPH CO.  
INDIANA  
FILED FOR RECORD  
NOV 9 10 43 AM '71  
BOOK PAGE  
EDWIN A. MALCZYNSKI  
RECORDER

*Wm. N. Johnson*  
*City Eng. Dept.*  
*Will Pick up at recorder*  
*off.*

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Taxing Unit ..... LB  
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INDIANA  
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BOOK 745 PAGE  
LEWIN A. PALCZYNSKI  
RECORDER

homestead or other inchoate interest which we may or might have.

IN WITNESS WHEREOF, the grantors have set their hands, and the corporate seal on this 5 day of November, 1971.

Anna M. Borden  
Anna M. Borden

James C. Borden  
James C. Borden

Joan C. West  
Joan C. West

Morris Polis  
Morris Polis

Estelle Polis  
Estelle Polis

Benjamin Polis  
Benjamin Polis

Gussie Polis  
Gussie Polis

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

Personally appeared before me, Anna M. Borden, James C. Borden, Joan C. West, and Morris Polis and Estelle Polis, his wife and acknowledged the execution of the above and foregoing deed as their free act and deed on this 5 day of November 1971.

IN WITNESS WHEREOF, I have affixed my name and seal.



My Commission Expires:

Feb. 24, 1974

Joseph T. Allen  
Notary Public

BOOK 745 PAGE 609

STATE OF SOUTH CAROLINA )  
 ) SS:  
CHARLESTON COUNTY )

BOOK 745 PAGE 810

Personally appeared before me, Benjamin Polis, and his wife, Gussie Polis, who acknowledged the execution of the above and foregoing instrument as their free act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my official seal on this 1st day of Nov., 1971.

[Signature]  
Notary Public

My Commission Expires:  
March 12, 1981

ACCEPTANCE

The Board of Public Works and Safety of the Municipal City of South Bend, State of Indiana, does hereby, for and on behalf of such city and the public, accept the dedication of the above described real estate for use as a public alley.



[Signature]  
Lloyd S. Taylor, City Engineer

[Signature]  
S. J. Crumpacker, City Attorney

[Signature]  
James Bickel, City Comptroller

ATTEST:  
[Signature]  
Doris Allen, Clerk of the Board

This instrument was prepared by: Joseph T. Helling  
Suite 600, Whitcomb & Keller Bldg.  
South Bend, Indiana 46601

**CRUMPACKER, MAY, LEVY & SEARER**

ARTHUR L. MAY  
NATHAN LEVY  
R. FLOYD SEARER  
S. J. CRUMPACKER  
ARTHUR A. MAY  
JAMES W. OBERFELL  
JOSEPH T. HELLING  
GEORGE N. BEAMER, JR.  
JOHN J. LORBER  
VINCENT P. CAMPITI  
ROBERT J. KONOPA  
BRUCE J. BON DURANT

**FILED**  
NOV 1 1971

**Board of Public Works & Safety**  
DORIS ALLEN, Clerk

SIXTH FLOOR  
WHITCOMB & KELLER BUILDING  
224 W. JEFFERSON BOULEVARD  
SOUTH BEND, INDIANA 46601  
TELEPHONE 232-2031  
AREA CODE 219

EXPLANATION FOR DEED OF DEDICATION

To Whom It May Concern:

A Deed of Dedication regarding a public alley, running North and South between Anderson Avenue and Portage Avenue on the East-West, and between Bulla Street on the North, and another public alley on the South, is the subject of this memorandum, to explain it.

In 1922, a Harry Polis acquired all of the land lying between Portage and Anderson Avenue on the East-West and Bulla and King Street North and South.

Polis platted part of the land and had the plat recorded.

He sold off the land lying between Bulla on the North and an East-West alley that was on the South without plats. This land was sold by meets and bounds descriptions. In each of his conveyances, Polis reserved out a strip of land about 14 feet wide running North and South. In some of the deeds, this strip of land which Polis never conveyed was referred to as "a proposed alley 14 feet wide."

There is no record that Polis ever deeded the strip to the city. There is no record that he ever conveyed the strip to anyone.

Polis died in 1968 leaving a Will which was probated. His residuary estate was willed to his sons, Morris Polis and Benjamin Polis. The estate has been closed, after all of the debts and taxes were paid.

This strip of land probably was not used for alley purposes to any extent until about 1957, when the owner on the West established a parking lot.

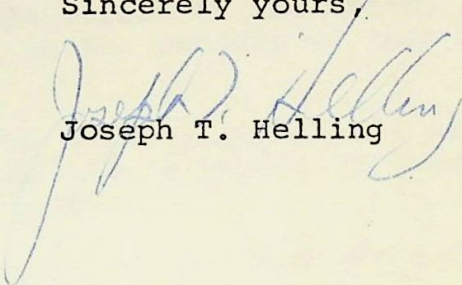
It is apparent that Polis thought he had accomplished the establishment of the public alley. In fact, the Sanborn Map Company, from its review of his deeds, shows the existence of this alley on their map of the City of South Bend.

The alley does not show up on the official street map of the city, however, because it was never platted, nor deeded, and it has not been in open and notorious use long enough.

Page Two

The simplest and most direct way to establish this public alley as a matter of record is a Deed of Dedication, with the acceptance by the Board of Public Works and Safety. James and Anna Borden are grantors in this Deed of Dedication because of a small discrepancy between the North measurement and the South measurement of their lot which lies to the West. The North boundary was given as 295.12 which is 1.27 foot encroachment into the proposed alley as Polis had layed it out.

Sincerely yours,

  
Joseph T. Helling

JTH/afa