

Deed# 2682

Grant of Easement
(Building for Storage)

Grand Trunk Western Railroad
2800 Livernois, Suite 300
Troy, Michigan

Key# 18-7017-0678.01

Fire Station #10
1040 Lincolnway East

1316 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 219/235-9251
FAX 219/235-9171
TDD 219/235-5567

CITY OF SOUTH BEND STEPHEN J. LUECKE, MAYOR
DEPARTMENT OF PUBLIC WORKS
GARY A. GILOT, P.E.
DIRECTOR OF PUBLIC WORKS

August 28, 2001

Grand Trunk Western Railroad, Inc.
2800 Livernois, Suite 300
Troy, Michigan 48083-1222

RE: Grant of Easement

Dear Gentlemen:

The Board of Public Works, at its March 12, 2001 meeting, approved the above referred to document. The document was recorded with the St. Joseph County Recorders office on March 29, 2001.

Enclosed are copies for your records.

Sincerely,

A handwritten signature in black ink that reads "Angela K. Jacob".

Angela K. Jacob, Clerk

Enclosure

ENGINEERING
CARL LITRELL, P.E.
219/235-9251
FAX 219/235-9171

ENVIRONMENTAL SERVICES
JOHN J. DILLON, PH.D.
219/277-8515
FAX 219/277-8980

CENTRAL SERVICES
MATT CHLEBOWSKI
219/235-9316
FAX 219/235-9007

STREETS
SAM HENSLEY
219/235-9244
FAX 219/235-9272

WATER WORKS
JOHN F. STANCATI
219/235-9322
FAX 219/235-9728

Hold: Board of Public Works

GRANT OF EASEMENT

BUILDING FOR STORAGE

THIS INDENTURE made this 12TH day of March 2001, by and between Grand Trunk Western Railroad, Inc., 2800 Livernois, Suite 300, Troy, Michigan 48083-1222, (Grantee) and the Civil City of South Bend, Indiana, by and through its Board of Public Works (Grantor), in favor of the Grand Trunk Western Railroad, Inc., its successors and assigns.

WITNESSETH:

That for the following terms and other good and valuable consideration, the receipt of which Grantor hereby acknowledge, Grantor hereby grants, conveys, and warrants to Grantee temporary easement of the nature and at the location hereinafter set forth as described for the installation, construction, operation, and maintenance of a non-permanent building, together with the right of ingress to and egress from said easement for the purpose of installing, constructing, operating, maintaining, adjusting, replacing, repairing, altering, removing, and modernizing said building and other equipment or facilities incident thereto, in, upon, over and under the following described real estate in the City of South Bend, St. Joseph County, State of Indiana, briefly described as follows:

SEE EXHIBIT "B"

AS PART OF OVERALL SCHEME SEE EXHIBIT "A"

Grantee hereby agrees to:

- Build a structure no larger than twelve feet by twelve feet (12 X 12), on the real property described in Exhibit "B", for a building to be used for storage of water and free-product recovered from recovery system, as well as tools, equipment and spent materials. The free-product and water will be stored in 55-gallon drums with double containment. The spent materials will be stored in 55-gallon drums. These materials will be periodically removed from the building. Building shall be portable and temporary and not permanently attached to the ground.
- That ingress/egress and the erecting of the building will not interfere with the drive-through leading to the fire station and storage shed already in place on this property.

The easements granted herein shall pertain to the air surface and subsurface rights and interests of the Grantor, for the use and benefit of the Grantee, to the nature and extent that the Grantee may desire said air, surface and subsurface rights and interests to accomplish and carry out the general purpose of this conveyance as the same has hereinabove been expressed. The easements hereby granted are for the exclusive benefit of Grand Trunk Western Railroad, Inc., and expressly include the right and privilege at reasonable times to clear and remove from said easements such timber, brush, debris, or other obstructions interfering with the temporary building use.

L-186-124
4770534

The Grantee shall restore that area disturbed by its works to as near the original condition as possible, upon Grantee's completion of the work authorized by this "Building for Storage" easement..

The Grantor reserves the right to use and occupy the surface area on and over the easements provided that said use and occupancy does not in any way conflict or obstruct the Grantee's right to use said surface for the purposes and intentions hereinabove expressed.

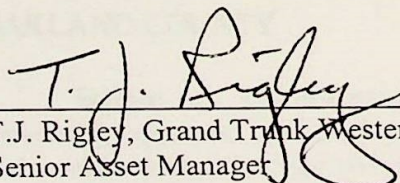
The easement granted herein and the associated benefits and obligation, shall constitute covenants running with the real estate, and shall be binding upon the Grantors and be an obligation thereof of every person or entity now or hereafter having any fee, leasehold, or other interest in all or any part of the said real estate.

This indenture shall bind and inure to the benefit of the respective successors and assigns of the parties hereto.

The Grantor hereby covenants with the Grantee that they are lawfully seized and possessed of the parcel of real estate hereinabove described; that they have good and lawful right to convey and that the property is free of all encumbrances that would conflict with the right herein granted.

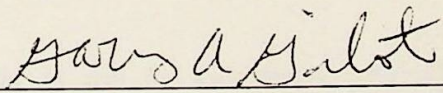
IN WITNESS WHEREOF, Grantor has executed this Grant of Easements for a building for water treatment and storage on the date shown on the acknowledgment set forth herein.

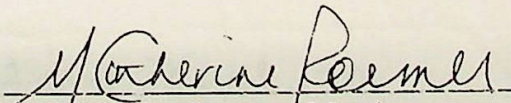
GRANTEE:

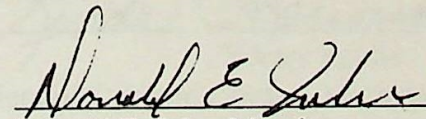

T.J. Rigley, Grand Trunk Western Railroad, Inc.
Senior Asset Manager

GRANTOR:

CITY OF SOUTH BEND
BOARD OF PUBLIC WORKS


Gary A. Gilot, President


M. Catherine Roemer, Member


Donald E. Inks, Member

ATTEST:

0113164

RECORDED ON

03-29-2001 10:05:01

TERRI J. RETHLAKE
ST. JOSEPH COUNTY
RECORDER

REC. FEE: 15.00
PAGES: 4

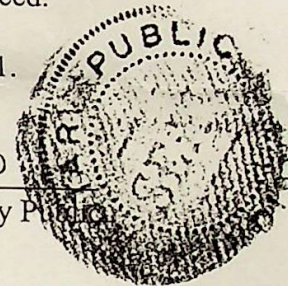
Angela K. Jacob
Angela K. Jacob, Clerk

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

Before me, the undersigned, a Notary Public in and for St. Joseph County, Indiana, personally appeared Gary A. Gilot, M. Catherine Roemer, and Donald E. Inks, personally known by me to be members of the Board of Public Works of the City of South Bend, Indiana, and acknowledged the execution of this Grant of Easement as their voluntary act or deed.

WITNESS my hand and Notarial Seal this 12th day of March, 2001.

Angela K. Jacob
ANGELA K. JACOB, Notary Public
A resident of St. Joseph County, IN



My Commission Expires:

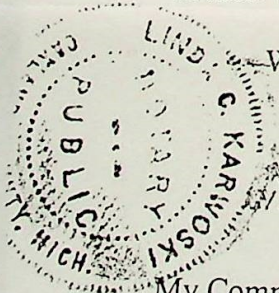
1-10-2008

STATE OF MICHIGAN)
) SS:
OAKLAND COUNTY)

Before me, the undersigned, a Notary Public in and for Oakland County, Michigan, personally appeared T.J. Rigley, Senior Asset Manager, Grand Trunk Western Railroad, Inc., Oakland County, Michigan, the Grantee, and acknowledged the execution of this Grant of Easement as their voluntary act or deed.

WITNESS my hand and Notarial Seal this 22 day of March, 2001.

Linda C. Karwoski
, Notary Public
A resident of Oakland County, Michigan



My Commission Expires:

This Instrument was prepared by: Frank E. Schaffer, Assistant City Attorney, 1400 County-City Building, South Bend, IN 46601.

EXHIBIT "B"

LEGAL DESCRIPTION

A parcel of land located in Section 13, Township 37 North, Range 2 East, Portage Township, City of South Bend, St. Joseph County, Indiana and more particularly described as follows:

All of Lots F and G and that portion of Lots E and X lying South and East of Bowman Creek as well as the vacated alley lying West of Lots F and G. All of the above described property being a part of Wenger and Krieghbaugh's Vistula Avenue Addition to the City of South Bend, Indiana, recorded November 17, 1908 in Book 9, Page 100. said property is commonly known as Fire Station #10, at 1040 Lincolnway East with a tax key number of 18-7017-0678.01.