

2051

GRANT OF EASEMENTS

STORM SEWER

O.J. Shoemaker, Inc.
1008 Lincolnway East
South Bend, IN 46601

High Street and High Court

1316 COUNTY-CITY BUILDING
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
BOARD OF PUBLIC WORKS

February 19, 1998

Mr. William P. Myer
O.J. Shoemaker, Inc.
1008 Lincolnway East
South Bend, Indiana 46601

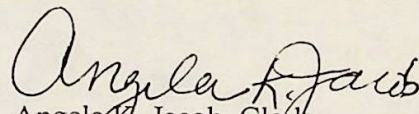
RE: Grant of Easements
Storm Sewer

Dear Mr. Myer:

The Board of Public Works, at its meeting held January 26, 1998, approved your Grant of Easements. Additionally, it has been recorded with the Recorder's Office. Enclosed is a copy for your records.

If you have any questions, please call me.

Sincerely,


Angela K. Jacob, Clerk

Enclosure

Held for Board of Public Works
9803396

GRANT OF EASEMENTS

STORM SEWER

98 JAN 26 PM 2:30

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THIS INDENTURE made this 26th day of January, 1998, by and between O.J. Shoemaker, Inc. (Grantor) and the Civil City of South Bend, Indiana, by and through its Board of Public Works (Grantee), in favor of the Civil City of South Bend, its successors and assigns.

STEPHEN E. JANORSKI
RECORDER
CLERK OF INDIANA
RECORD

WITNESSETH:

That for Eighty-Nine Thousand Dollars (\$89,000.00) and other good and valuable consideration, the receipt of which Grantor hereby acknowledges, Grantor hereby grants, conveys, and warrants to Grantee a two temporary easements and one permanent easement of the nature and at the location hereinafter set forth as described for the installation, construction, operation, maintenance, adjustment, replacement, repair, alteration, removal, modernization, and use of a storm sewer system and related facilities, 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 system 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:

- Temporary Easements: See Attached Exhibits A and B.
- Permanent Easement: See Attached Exhibit C.

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 benefit of the City of South Bend, Indiana, and expressly include the right and privilege at reasonable times to clean and remove from said easements such timber, brush, debris, or other obstructions interfering with the storm sewer system.

The Grantee shall restore that area disturbed by its works to as near the original condition as possible.

The Grantee agrees to improve sidewalks and curbs along the Lincolnway West frontage as part of an Economic Development project during 1998 and in conjunction with O.J. Shoemaker's proposed building expansion.

Grantee agrees to extinguish an easement for a water main and relocate that water main in the event O.J. Shoemaker decides to expand its building North.

Grantee shall allow the encroachment of the southern most corner of O.J. Shoemaker's new building on the CSO overflow sewer 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 easements granted herein and the associated benefits and obligation, shall constitute covenants running with the real estate, and shall be binding upon the Grantor 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 City of South Bend that it is lawfully seized and possessed of the parcel of real estate hereinabove described; that it has good and lawful right to convey and that it is free of all encumbrances that would conflict with the right herein granted.

The Grantor hereby releases any and all claims from whatsoever cause, incidental to the exercise of any rights herein granted.

IN WITNESS WHEREOF, Grantor has executed this Grant of Easements for storm sewer system on the date shown on the acknowledgment set forth herein.

GRANTOR:

O.J. Shoemaker, Inc.

BY: William P. Meyer
President, Owner

GRANTEE:

CITY OF SOUTH BEND
BOARD OF PUBLIC WORKS

James R. Caldwell
James. R. Caldwell, President

ATTEST:

Angela K. Jacob
Angela K. Jacob

Carl P. Littrell
Carl P. Littrell, Member

M. Catherine Roemer
M. Catherine Roemer, Member

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

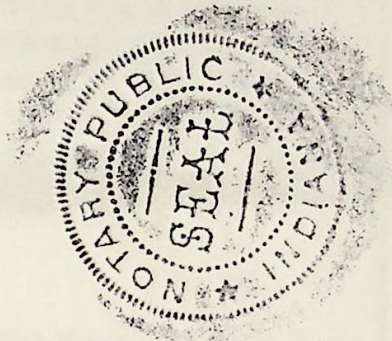
Before me, the undersigned, a Notary Public in and for St. Joseph County, Indiana, personally appeared Carl P. Littrell, James R. Caldwell and M. Catherine Roemer, personally known by me to be members of the Board of Public Works of the City of South Bend, Indiana, and acknowledged the execution of this Grant of Easements as their voluntary act or deed.

WITNESS my hand and Notarial Seal this 26th day of January 1998.

Angela J. Jaws

, Notary Public
A resident of St. Joseph County, IN

My Commission Expires:
1-10-2008



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

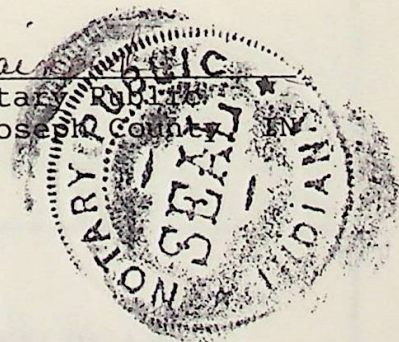
Before me, the undersigned, a Notary Public in and for St. Joseph County, Indiana, personally appeared William P. Meyer, known by me to be the owner of O.J. Shoemaker, Inc., the Grantor, and acknowledged the execution of this Grant of Easements as his voluntary act or deed.

WITNESS my hand and Notarial Seal this 22nd day of January, 1998.

Teresa A. Brainerd

Teresa A. Brainerd, Notary Public
A resident of St. Joseph County, IN

My Commission Expires:
4/20/00



This Instrument was prepared by: Michelle Engel, Assistant City Attorney, 1400 County-City Building, South Bend, IN 46601.

TRACEL NO: 2
ROAD NO.
COUNTY: St. Joseph
SECTION: 13
TOWNSHIP: 37N
RANGE: 2E

OWNER: O.J. Shoemaker, Inc., an Indiana Corporation
Deed Record W.D. 8201211 Dated: 01/27/82

TYPED BY: C. Hume
DATE:
CHECKED BY: J. W. Fortner
DATE: 10/21/96
SHEET OF 1 of 2

DESCRIPTION
TEMPORARY EASEMENT

A parcel of land located in the Northeast Quarter (NE¼) of Section Thirteen (13), Township Thirty-Seven (37) North Range Two (02) East of the Second Principal Meridian and all being in the City of South Bend, Portage Township, St. Joseph County, Indiana and being a part of a parcel conveyed to O.J. Shoemaker, Inc., an Indiana Corporation, Warranty Deed 8201211 - dated 1/27/82 and being more particularly described as follows:

Commencing at point of intersection of the east line of a public street, now known as High Street, with the north line of a public street, now known as High Court; thence North 00°-03'-21" East (this and all subsequent bearings having been derived from the Indiana State Plane Coordinate System - East Zone - North American Datum 1983), along said east line of High Street, a distance of 29.55 feet; thence South 89°-56'-39" East - 477.16 feet; thence South 75°-44'-16" East - 38.01 feet to the Point of Beginning; thence continuing South 75°-44'-16" East - 47.66 feet; thence South 71°-19'-35" East - 80.43 feet, more or less, to a point on the westerly line of a 40 feet wide easement granted to the Civil City of South Bend, Indiana; thence South 05°-36'-34" West, along said westerly line of the 40 feet wide easement, a distance of 10.26 feet; thence North 71°-19'-35" West - 82.32 feet; thence North 75°-44'-16" West - 44.79 feet to a point on the west line of the Owner's land; thence North 00°-03'-21" East - 10.32 feet to the Point of Beginning of this description and containing 0.029 Acre, more or less.

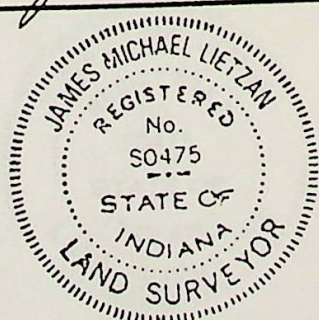
Also,

Commencing at a point of intersection of the east line of a public street, now known as High Street, with the north line of a public street, now known as High Court, thence South 89°-56'-39" East - 87.69 feet to a point of curvature of a tangent curve; thence southeasterly, along a curve to the right, said curve having a radius of 125.00 feet and being subtended by a long chord having a bearing of South 78°-08'-57" East and a length of 51.10 feet, an arc distance of



James Michael Lietzan

DATE: 11-8-96



LAND PLAT
by
COLE ASSOCIATES INC.

2211 East Jefferson Boulevard, South Bend, IN 46615

OWNER: O.J. Shoemaker, Inc., an Indiana Corporation
Deed Record W.D. 8201211 Dated: 01/27/82

TYPED BY: C. Hume
DATE:
CHECKED BY: J. W. Fortner
DATE: 10/21/96
SHEET OF 2 of 2

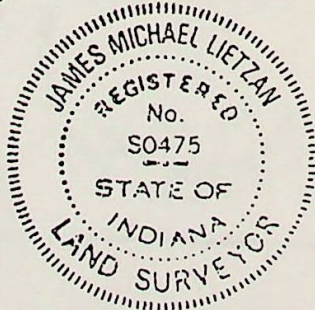
COUNTY: St. Joseph
SECTION: 13
TOWNSHIP: 37N
RANGE: 2E

DESCRIPTION
TEMPORARY EASEMENT

51.47 feet to a point of tangency of a non-tangent curve; thence South 89°-56'-39" East - 334.46 feet; thence South 75°-44'-16" East 43.15 feet to a point on the west line of the Owner's land and also being the Point of Beginning of this description; thence continuing South 75°-44'-16" East 35.98 feet; thence South 71°-19'-35" East - 88.18 feet, more or less, to a point on the westerly line of a 40 feet wide easement granted to the Civil City of South Bend, Indiana; thence South 05°-36'-34" West, along said westerly line of the 40 feet wide easement, to a distance of 10.26 feet; thence North 71°-19'-35" West - 90.34 feet; thence North 75°-44'-16" West - 32.85 feet to a point on the west line of the Owner's land; thence North 00°-03'-21" East, along the west line of the Owner's land, a distance of 10.32 feet to the Point of Beginning of this description and containing 0.028 acre, more or less.

James Michael Lietzan

DATE: 10-28-96



LAND PLAT
by
COLE ASSOCIATES INC.

2211 East Jefferson Boulevard, South Bend, IN 46615

DEED NO: 2
ROAD NO.
COUNTY: St. Joseph
SECTION: 13
TOWNSHIP: 37N
RANGE: 2E

OWNER: O.J. Shoemaker, Inc., an Indiana Corporation
Deed Record W.D. 8201211 Dated: 01/27/82

TYPED BY: M. Thompson
DATE: 11/07/96
CHECKED BY: J. W. Fortner
DATE: 11/07/96
SHEET OF 1 of 1


DESCRIPTION FOR TEMPORARY EASEMENT FOR BUILDING DEMOLITION

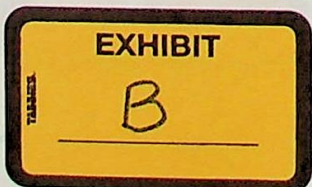
A parcel of land located in the Northeast Quarter (NE 1/4) of Section Thirteen (13), Township Thirty-Seven (37) North, Range Two (02) East of the Second Principal Meridian, all being in the City of South Bend, Portage Township, St. Joseph County, Indiana and being more particularly described as follows:

Commencing at the intersection of the east line of a public street, now known as High Street, with the north line of a public street, now known as High Court, thence North 0° -03'-21" East (this and all subsequent bearings having been derived from Indiana State Plane Coordinate System-East Zone, North American Datum 1983), along said east line of High Street, a distance of 29.55 feet; thence South 89° -56'-39" East 477.16 feet; thence South 75° -44'-16" East 59.41 feet to the Point of Beginning of this description; thence North 55° -29'-52" East- 53.16 feet; thence South 33° -32'-18" East-66.13 feet; thence North 71° -19'-35" West-57.94 feet; thence North 75° -44'-16" West-26.26 feet to the Point of Beginning of this description and containing 1698 square feet (0.039 Acre), more or less.

ALSO:

Commencing at the intersection of the east line of a public street, now known as High Street, with the north line of a public street now known as High Court; thence South 89° -56'-39" East (this and all subsequent bearings having been derived from the Indiana State Plane Coordinate System-East Zone, North American Datum 1983), along said north line of High Court, a distance of 87.69 feet to a point of curvature of a tangent curve; thence south-easterly, along a curve to the right, said curve having a radius of 125.00 feet and being subtended by a long chord having a bearing of South 73° -19'-37" East and a length of 71.50 feet, an arc distance of 72.51 feet; thence South 89° -56'-39" East- 314.72; thence South 75° -44'-16" East 69.38 feet to the Point of Beginning of this description; thence continuing South 75° -44'-16" East-7.91 feet; thence South 71° -19'-35" East-28.59 feet; thence South 56° -25'-12" West-22.85 feet; thence North 33° -32'-21" West-28.45 feet to the Point of Beginning of this description and containing 335 square feet (0.008 Acre), more or less.

<i>James Michael Lietzan</i>		DATE: 11-8-96
	LAND PLAT by COLE ASSOCIATES INC.	
2211 East Jefferson Boulevard, South Bend, IN 46615		



DEED NO. 2
COUNTY: St. Joseph
SECTION: 13
TOWNSHIP: 37N
RANGE: 2E

OWNER: O.J. Shoemaker, Inc., an Indiana Corporation
Deed Record W.D. 8201211 Dated: 01/27/82

TYPED BY: C. Hume
DATE:
CHECKED BY: J. W. Fortner
DATE: 10/21/96
SHEET OF 1 of 1

INDEXED
DESCRIPTION
PERMANENT EASEMENT

A parcel of land located in the Northeast Quarter (NE¼) of Section Thirteen (13), Township Thirty-Seven (37) North, Range Two (02) East of the Second (2nd) Principal Meridian and all being located in the City of South Bend, Portage Township, St. Joseph County, Indiana and being part of a parcel conveyed to O.J. Shoemaker, Inc., an Indiana Corporation, Warranty Deed 8201211 - dated 01/27/1982 and being more particularly described as follows:

Commencing at a point of intersection of the east line of a public street, now known as High Street, with the north line of a public street, now known as High Court; thence North 00°-03'-21" East (this and all subsequent bearings having been derived from the Indiana State Plane Coordinate System - East Zone - North American Datum 1983), along said east line of High Street, a distance of 19.55 feet; thence South 89°56'-39" East - 475.90 feet; thence South 75°-44'-16" east - 39.30 feet to a point on the west line of the Owner's land and also being the Point of Beginning; thence continuing South 75°-44'-16" East - 44.79 feet; thence South 71°-19'-35" East - 82.32 feet, more or less, to a point on the westerly line of 40 feet wide easement conveyed to the Civil City of South Bend, Indiana; thence South 05°-36'-34" West, along said westerly line of the 40 feet wide easement, a distance of 30.80 feet; thence North 71°-19'-35" West - 88.18 feet; thence North 75°-44'-16" West - 35.98 feet, to a point on the west line of the Owner's land; thence North 00°-03'-21" East, along said west line of the Owner's land, a distance of 30.96 feet to the Point of Beginning of this description and containing 0.086 acre, more or less.

Jan Michael Lietzan

DATE: 11-8-96



LAND PLAT
by
COLE ASSOCIATES INC.



9803396

98 JAN 26 PM 2:30

STEPHEN E. JAWORSKI
ST. JOSEPH CO. RECORDER
STATE OF INDIANA
FILED FOR RECORD

INDEXED

PERMANENT RESIDENT

A parcel of land located in the Northeast Quarter (ENX) of Section (T3N) Township 3 North Range Two (R2) East of the Second (2nd) Principal Meridian and all being located in the City of North Bend, Indiana. The parcel is bounded on the north by the West 1/2 of Section (T3N) Township 3 North Range Two (R2) East of the Second (2nd) Principal Meridian, on the south by the East 1/2 of Section (T3N) Township 3 North Range Two (R2) East of the Second (2nd) Principal Meridian, on the west by the West 1/2 of Section (T3N) Township 3 North Range Two (R2) East of the Second (2nd) Principal Meridian, and on the east by the East 1/2 of Section (T3N) Township 3 North Range Two (R2) East of the Second (2nd) Principal Meridian. The parcel is bounded on the north by the West 1/2 of Section (T3N) Township 3 North Range Two (R2) East of the Second (2nd) Principal Meridian, on the south by the East 1/2 of Section (T3N) Township 3 North Range Two (R2) East of the Second (2nd) Principal Meridian, on the west by the West 1/2 of Section (T3N) Township 3 North Range Two (R2) East of the Second (2nd) Principal Meridian, and on the east by the East 1/2 of Section (T3N) Township 3 North Range Two (R2) East of the Second (2nd) Principal Meridian.

<p>COLE ASSOCIATES INC.</p>	