

695 (i)

EASEMENT AND RIGHT-OF-WAY - Ireland and
Ironwood Road Project, R&S 48 - Voco, Inc.
by: George C. Coquillard, President.

160335

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ST. JOSEPH CO.
INDIANA
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RECORDER

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EASEMENT AND RIGHT-OF-WAY

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In consideration of the sum of one dollar and other good and valuable consideration ~~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 and grade, level, fill, drain, pave, build, maintain, repair, and rebuild roads, streets, highways, together with such bridges, culverts, ramps, and cuts as may be necessary, on, over, and across the ground embraced within the right-of-way hereinafter described, further a permanent easement and right-of-way, including the perpetual right thereupon the real estate hereinafter described, at any time that it may see fit, for the purpose of constructing, 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 constructing, 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 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 temporary easement for fill slope and a permanent easement and right-of-way for sewer and roadway taken off of the South West corner and the West side of the following described tract of land to wit: The South half of a 30 acre tract of land taken off of and from the West end of the South 1/2 of the North West 1/4 of Section 29, Twp. 37 North Range 3 East Penn Twp. , St. Joseph County, Indiana. A permanent right-of-way located as follows: beginning at the South West corner of the North West 1/4 of Section 29 Twp. 37 North Range 3 East; thence due East along the center line of said Section 29 a distance of 500 feet; thence due North a distance of 40 feet; thence due West along a line parallel to and 40 feet North of the center line of said Section 29, a distance of 368 feet; thence in a North Westerly direction in a straight line to point, 121 feet North and 40 feet East of the South West corner of the North West 1/4 of said Section 29, a distance of 123 feet plus or minus; thence due North along a line parallel to and 40 feet East of the West line of said Section 29 a distance of 541 feet; thence due West a distance of 40 feet to the West line of said Section 29; thence due South along the West line of said Section 29 a distance of 662 feet to the place of beginning also a temporary easement for fill and slope along Ireland Road and a temporary easement along Ironwood Road for slopes and channel change located as follows: a temporary easement 16 feet wide North and South immediately North of and adjacent to the aforementioned permanent right-of-way easement along Ireland Road and a temporary easement 50 feet wide East and West immediately East of and adjacent to the aforementioned permanent right-of-way easement along Ironwood Road, all in South 1/2 of the North West 1/4, Section 29, Twp. 37 North Range 3 East Penn Twp., St. Joseph County, Indiana.

Subject to the right hereby reserved to Voco, Inc., an Indiana corporation, its successors and assigns, and, by the recording hereof, the Civil City of South Bend, Indiana hereby accepts and grants to Voco, Inc., an Indiana corporation, and its successors and assigns, the permanent right to connect to for use by said Voco, Inc. and its successors and assigns, all sewers heretofore or hereafter constructed covering any part of the real estate described in this instrument or relating to any adjacent realty now owned by Voco, Inc. without Voco, Inc., or its successors and assigns, being required to pay any hookup fee or costs for any connecting fee or connecting charge of any nature.

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 the beginning of the world until 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 contract requires.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals this 26th day of October, 1973.

VOCO, INC.,
an Indiana corporation
By George C. Coquillard
George C. Coquillard, its President

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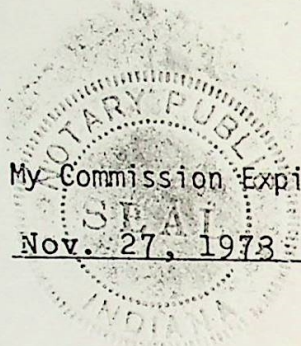
ST. JOSEPH COUNTY)
STATE OF INDIANA) SS:

Before me, a notary Public, in and for said County and State,
personally appeared Voco, Inc., 865 Comstock,

~~George Coquillard, Los Angeles, California~~-----90024

George C. Coquillard, President of Voco, Inc., an Indiana corporation, and as such officer and for and on behalf of said Voco, Inc.,

_____, ~~xxx~~ acknowledged the execution of the above
and foregoing instrument and right-of-way as his free and voluntary
act and deed this 26th day of October, 1973.



My Commission Expires:

Nov. 27, 1973

Warren E. McGill

Warren E. McGill
Notary Public

This instrument was prepared by Raymond S. Andrysiak for and on behalf of the Civil City of South Bend, Indiana.

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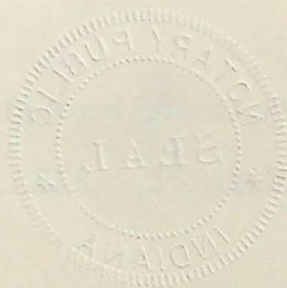
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