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EASEMENT AND RIGHT-OF-WAY from Colpaert Realty Corporation to City of South Bend, said point of beginning being on the centerline of Linden Ave. and on the N. line of Sec. 8, T37N, R2E; thence W. along said N. line of Sec. 8, a distance of 832.07' to the E. line of Mayflower Rd. projected; thence S. along said E. line and said E. line projected a distance of 40'; thence E. parallel with the N. line of Sec. 8, a distance of 832.04' to the W. line of Bellwood 3rd Unit; thence N. 40' to the point of beginning.

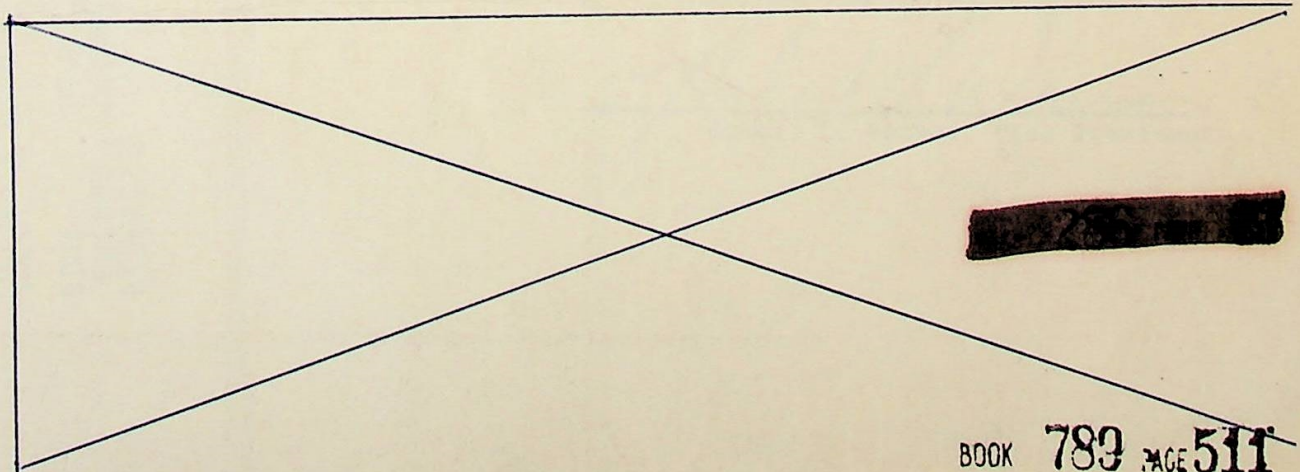
EASEMENT AND RIGHT-OF-WAY

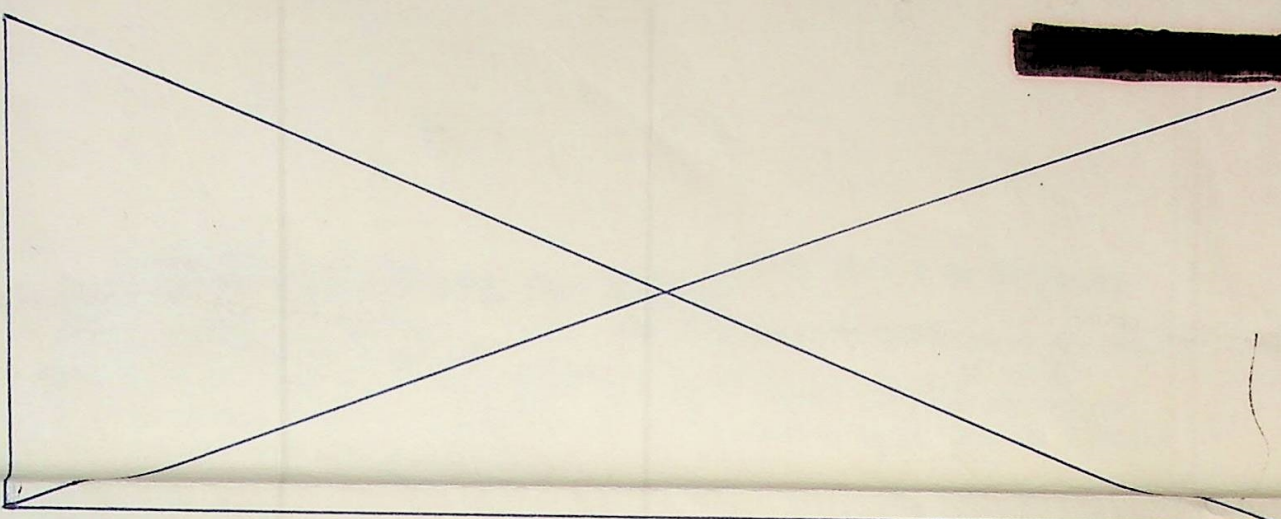
172410

In consideration of the sum of One dollar and no
cents (\$1.00) 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, etc.~~
 over, and across the ground embraced with 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 construction, 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 herein-
 after 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:

An easement located in the North One-Half ($\frac{1}{2}$) of the North-
 west One-Quarter ($\frac{1}{4}$) of the Northeast One-Quarter ($\frac{1}{4}$) of
 Section 8, Township 37 North, Range 2 East in the City of
 South Bend, St. Joseph County, Indiana, more particularly
 described as follows:

Beginning at the Northwest corner of the recorded plat of
 Bellwood 3rd Unit to the City of South Bend, Indiana, said
 point of beginning being on the centerline of Linden Avenue
 and on the North line of Section 8, Township 37 North, Range
 2 East; thence West along said North line of Section 8, a
 distance of 832.07 feet to the East line of Mayflower Road
 projected; thence South along said East line and said East
 line projected a distance of 40 feet; thence East parallel
 with the North line of Section 8, a distance of 832.04 feet
 to the West line of Bellwood 3rd Unit; thence North 40 feet
 to the point of beginning, subject to all rights-of-way of
 record





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 aforescribed 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 25th day of July, 1974

COLPAERT REALTY CORPORATION

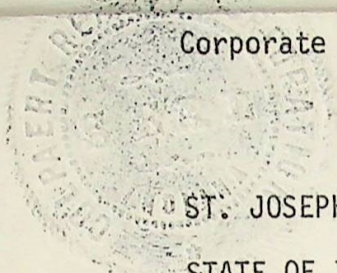
Hubert L. Weaver
Hubert L. Weaver, Vice President

ST. JOSEPH CO.
INDIANA
FILED FOR RECORD
JUL 31 3 32 PM '74
BOOK PAGE
EUGENE A. BASKER
RECORDER

I, Joseph Colpaert certify that I am Secretary of the Corporation executing this release; that Hubert L. Weaver who signed this instrument on behalf of the Corporation was then Vice-President of said Corporation; that said instrument was duly signed for and on behalf of said Corporation by Authority of its governing body, and is within the scope of corporate powers:

Corporate Seal

Joseph Colpaert
Secretary, Joseph Colpaert



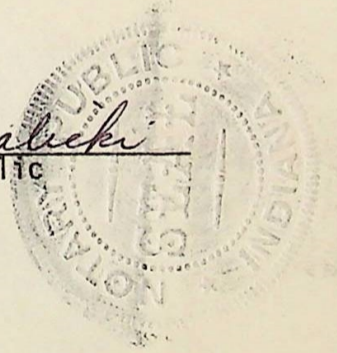
ST. JOSEPH COUNTY)
STATE OF INDIANA) SS:

Before me, a Notary Public, in and for said County and State, personally appeared Hubert L. Weaver and Joseph Colpaert, respectively Vice President and Secretary of Colpaert Realty Corporation who acknowledged the execution of the above and foregoing instrument and right-of-way as their free and voluntary act and deed this 25th day of July, 1974.

My Commission Expires:

Mar. 4, 1977

Amy L. Malicki
Notary Public



This instrument prepared by: James A. Roemer, City Attorney.



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RECORDER



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AUG 8 1974

CITY OF SOUTH BEND
DEPARTMENT OF ENGINEERING



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