

843

DEED OF EASEMENT AND AGREEMENT
from Robert R. Allen and Dorothy
A. Allen, to City of South Bend.
(West of Miami, opposite Scottsdale
Mall).

192975

ASS. 408

ST. JOSEPH CO.
INDIANA
FILED FOR RECORD

JUL 30 9 05 AM '75

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EUGENE A. BASKER
RECORDER

INDEXED

Public Works
412

843

192975

DEED OF EASEMENT AND AGREEMENT

BOOK [REDACTED]

THIS INDENTURE WITNESSETH THAT, for and in consideration of the payment of One (\$1.00) Dollar in cash and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Board of Public Works of the City of South Bend, Indiana, hereinafter referred to as "Grantor", hereby grants, bargains, sells, conveys, transfers and delivers to Robert R. Allen and Dorothy A. Allen, Husband and Wife, of South Bend, St. Joseph County, Indiana, hereinafter jointly referred to as "Grantee", a perpetual, nonexclusive easement for the purposes of installing, operating, maintaining, repairing, replacing and renewing a sanitary sewer and a storm sewer, and all facilities incidental thereto, over, above, along, under and across that certain real estate located in the City of South Bend, St. Joseph County, Indiana, which is owned by the City of South Bend, Indiana, the legal description of which real estate is attached hereto and made a part hereof as Exhibit "A" hereto.

The Grantee and Grantor, hereinafter sometimes collectively referred to as the "Parties", further agree as follows:

1. Grantee shall have the right of ingress and egress across said real estate for any purpose herein granted and such ingress and egress shall be exercised in a reasonable manner. Grantor retains the right to use said real estate over which this easement is granted for any purpose which shall not obstruct the use described in this easement, and reserves the right to use such easement and to grant the right of nonexclusive use of such easement to other persons and entities.

2. Grantee shall have the right to connect said sanitary sewer and said storm sewer to the combination sanitary and storm sewer operated and maintained by the City of South Bend, Indiana, across said real estate. At such time as the said sanitary sewer and the said storm sewer system are deeded to and accepted by the City of South Bend, said easement shall be terminated and expire.

3. Grantee agrees to indemnify, defend and hold Grantor harmless from all damages or claim of damages arising out of or in any way resulting from Grantee's or Grantee's successors', assigns', tenants' or licensees' use of said easement.

4. The easement as herein granted shall run with the land and the covenants, agreements, terms, conditions, obligations, rights

THORNBURG, MCGILL,
DEAHL, HARMAN,
CAREY & MURRAY

and interests herein contained or provided for shall be likewise binding upon and inure to the benefit of the Grantor and Grantee, their beneficiaries, heirs, representatives, successors, grantees, licensees and assigns.

IN WITNESS WHEREOF, the Parties have caused this Deed of Easement and Agreement to be executed and delivered at South Bend, Indiana, this 28 day of July, 1975.

BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA

Rollin E. Farrand
Rollin E. Farrand

James R. Seitz
James R. Seitz

James V. Barcome
James V. Barcome

[GRANTOR]

Robert R. Allen
Robert R. Allen

Dorothy A. Allen
Dorothy A. Allen

[GRANTEE]

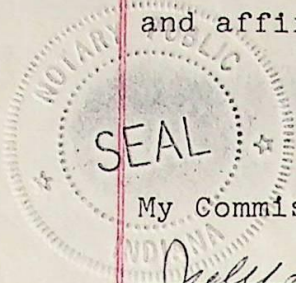
STATE OF INDIANA)
) SS:
ST. JOSEPH COUNTY)

Before me personally appeared Rollin E. Farrand, James R. Seitz and James V. Barcome, who are known to me to be all of the members of the Board of Public Works of the City of South Bend, Indiana, and acknowledged the execution of the foregoing instrument as their voluntary act and deed for the purposes therein expressed and that they are authorized to do so on behalf of the Board of Public Works of the City of South Bend, Indiana.

IN WITNESS WHEREOF, I have hereunto subscribed my name

ST. JOSEPH CO.
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RECORDER

and affixed my official seal, this 28 day of July, 1975.



Eleanor S. Miller
Notary Public

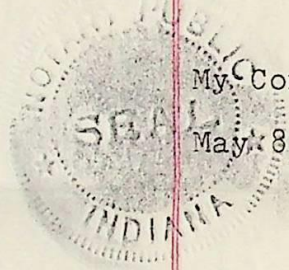
My Commission expires:
July 23, 1977

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

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Robert R. Allen and Dorothy A. Allen, Husband and Wife, and acknowledged the execution of the foregoing Deed of Easement and Agreement.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 28th day of July, 1975.

Stephen A. Seall
Stephen A. Seall, Notary Public



My Commission expires:
May 8, 1979

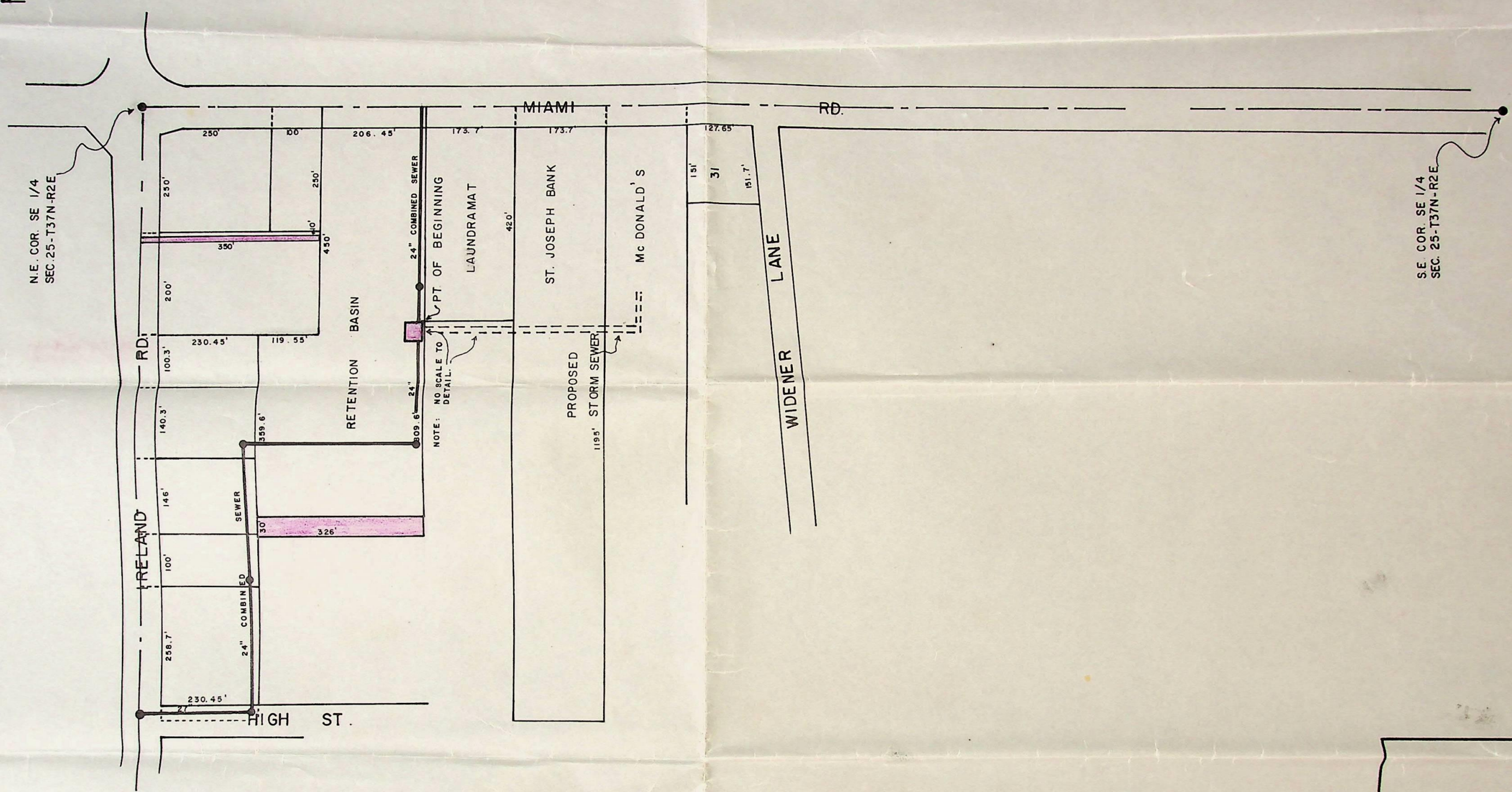
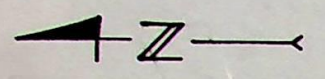
Part of the Southeast Quarter ($\frac{1}{4}$) of Section Twenty-five (25), Township Thirty-seven (37) North, Range Two (2) East, situate in Centre Township, St. Joseph County, State of Indiana and being more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter ($\frac{1}{4}$) of said Section Twenty-five (25); thence South $0^{\circ}-00'-00''$ East along the East line of the Southeast Quarter ($\frac{1}{4}$) of said Section Twenty-five (25) a distance of 556.45 feet to a point; thence South $88^{\circ}-38'-50''$ West along the North line of Roberts Cleaning Center, Inc., a distance of 420 feet to the PLACE OF BEGINNING of this description; thence continuing South $88^{\circ}-38'-50''$ West a distance of 20 feet to a point; thence North $0^{\circ}-00'-00''$ West a distance of 12 feet to a point; thence North $88^{\circ}-38'-50''$ East a distance of 20 feet to a point; thence South $0^{\circ}-00'-00''$ East a distance of 12 feet to the place of beginning of this description.

aa



BOOK [REDACTED]



N.E. COR. SE 1/4
SEC. 25-T37N-R2E

S.E. COR. SE 1/4
SEC. 25-T37N-R2E

NO.	BY	DATE	REVISION	DATE
				July 22, 1975
				DRAWN T. McFadden
				CHECKED
				APRVD
				SCALE 1" = 200'



DEPARTMENT OF PUBLIC WORKS
CITY OF SOUTH BEND, INDIANA

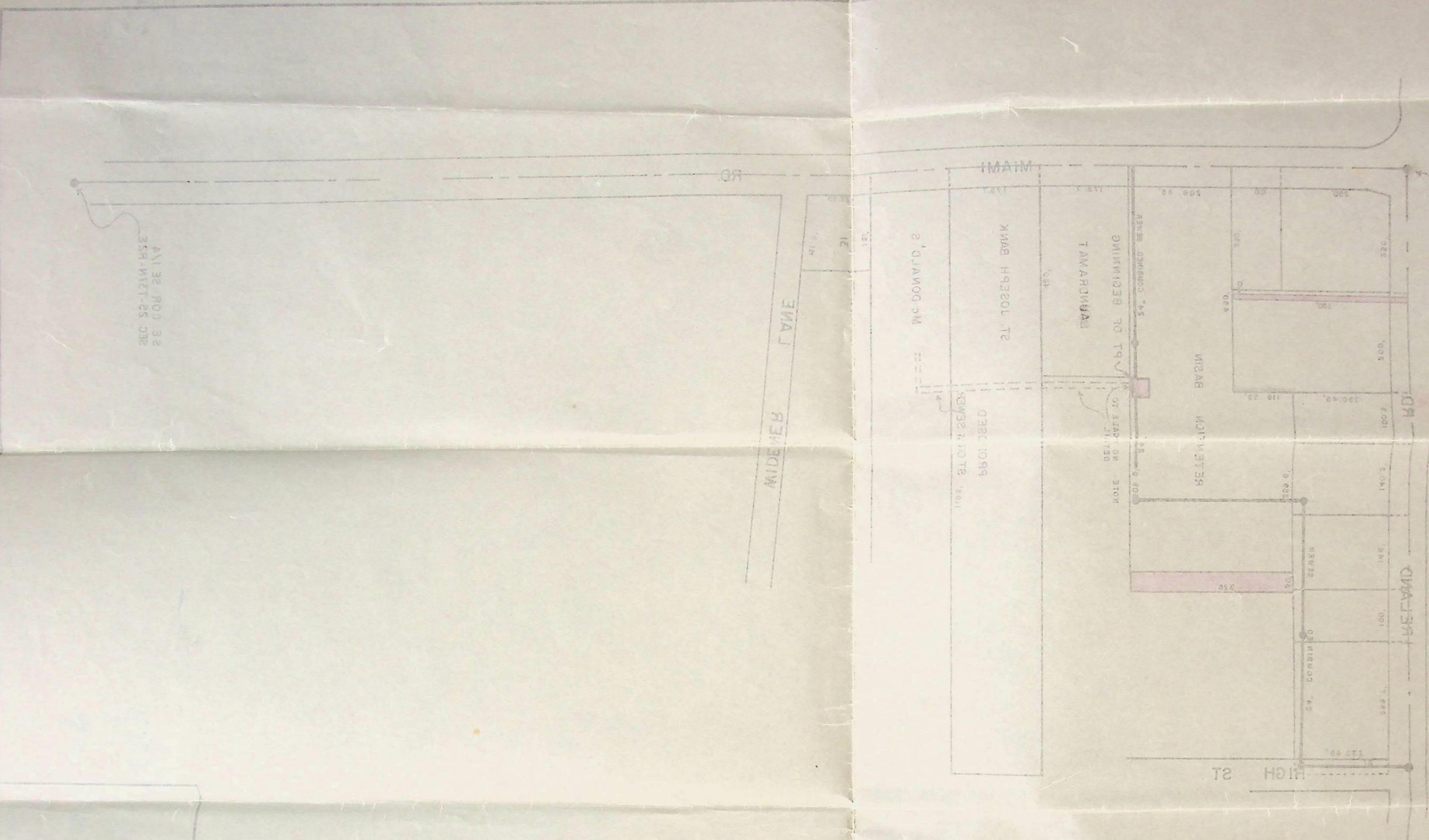
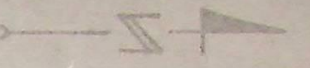
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<input type="checkbox"/>	TRAFFIC
<input type="checkbox"/>	WATER
<input type="checkbox"/>	WASTE WATER
<input type="checkbox"/>	

SEWER EASEMENT
for
McDonald's Restaurant

<input checked="" type="checkbox"/>	FILE	<input type="checkbox"/>	DRWR.
SHEET NO. 1			
OF 1			

192975

ST. JOSEPH CO.
INDIANA
FILED FOR RECORD
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PAGE
EUGENE A. BASKEN
RECORDS



NO	BY	DATE	REVISION
		DATE July 22, 1975	
		DRAWN T. McFadden	
		CHECKED	
		APRVD	
		SCALE 1" = 500'	

CITY OF SOUTH BEND, INDIANA
DEPARTMENT OF PUBLIC WORKS

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<input checked="" type="checkbox"/>	CIVIL
DIVISION	

McDonald's Restaurant
for
SEWER EASEMENT

OF 1	SHEET NO. 1	<input checked="" type="checkbox"/> FILE <input type="checkbox"/> DRWR
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