

# 880

EASEMENT AND MUTUAL COVENANT from Donald Bruce Cruickshank and Shirley Ann Cruickshank to City of South Bend, commencing at a point in the W. line of Sec. 31, Twp. 37 N., Range 3 E., 2,037.9' S. of the N.W. corner of the N.W.  $\frac{1}{4}$  of Sec. 31, 37 N. Range 3 E., Centre Twp., thence; due E. a distance of 198' to the point of beginning which point is also the S.W. corner of Lot No. 13 in Part of Crest Manor Subdivision, Sec. No. 1, thence; E. 7.5', thence; S. 150', thence; W. 15'; thence; N. 150', thence; E. 7.5' to the point of beginning.

412 Bed of Public Works

# 880

EASEMENT AND MUTUAL COVENANT

203185

In consideration of the mutual covenants contained herein, the undersigned grantors do hereby grant, convey, transfer and deliver unto the civil City of South Bend, Indiana, and the City does hereby accept, a permanent easement, including a perpetual right to enter thereupon the real estate hereinafter described as necessary for the purpose of constructing and painting, repairing, installing, replacing and/or renewing any water main, sanitary sewer or storm sewer, said real estate being situated in the County of St. Joseph, State of Indiana, briefly described as follows:

Commencing at a point in the West line of Sec. 31, Twp. 37 North, Range 3 East, 2,037.9 feet South of the Northwest corner of the Northwest One Quarter (1/4) of Sec. 31, 37 North, Range 3 East, Centre Twp., St. Joseph County, Indiana,

thence; due East a distance of 198 feet to the Point of Beginning which point is also the South west corner of Lot No. 13 in Part of Crest Manor Subdivision, Section No. 1,

thence; due East 7.5 feet,

thence; due South 150 feet,

thence; due West 15 feet,

thence; due North 150 feet,

thence; due East 7.5 feet to the point of beginning, all in Sec. 31 - Twp. 37 North, Range 3 East, Centre Twp., St. Joseph County, Indiana.

BOOK PAGE  
RECORDED  
JAN 7 10 00 AM '76  
FILED FOR RECORD  
ST. JOSEPH CO. INDIANA

The civil City of South Bend covenants to restore any and all portions of the grantors' real estate and improvements thereon damaged by the City, its agents or other utilities entering pursuant to this easement to a condition like or better than that which existed prior to the occurrence of such damage.

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*Notary Public*  
R. F. Donnelly  
Notary Public  
Donnelly

The undersigned grantors hereby state that they are lawfully seized and possessed of the above said real estate, that they have a good and lawful right to grant, convey, transfer and deliver this easement, and that they do warrant and will forever defend their title in said real estate against all claims wrongfully adverse to their rightful title.

The undersigned grantors do hereby release the civil City of South Bend from all claims for damage from whatsoever cause incidental to the exercise of any of the rights granted herein, from the beginning of the world until this date.

This easement and mutual covenant shall be effective only upon proper execution by the undersigned grantors and the civil City of South Bend, Indiana.

GRANTORS:

Donald Bruce Cruickshank  
Donald Bruce Cruickshank

Shirley Ann Cruickshank  
Shirley Ann Cruickshank

CIVIL CITY OF SOUTH BEND

By: BOARD OF PUBLIC WORKS

Reuben C. Farrell

James K. [Signature]

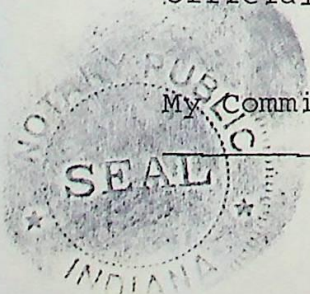
James K. [Signature]

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

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared: DONALD BRUCE CRUICKSHANK, and acknowledged the execution of the foregoing Easement and Mutual Covenant. In witness whereof, I have hereunto subscribed my name and affixed my official seal, this 1st day of December, 1975.

My Commission Expires:  
8-10-77.

Rett F. Donnelly  
Rett F. Donnelly  
Notary Public



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

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared: SHIRLEY ANN CRUICKSHANK, and acknowledged the execution of the foregoing Easement and Mutual Covenant. In witness whereof, I have hereunto subscribed my name and affixed my official seal, this 1<sup>st</sup> day of December, 1975.

My Commission Expires:  
8-10-77.

Rett F. Donnelly  
Rett F. Donnelly Notary Public

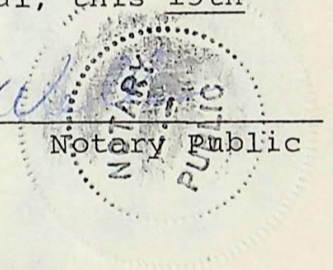
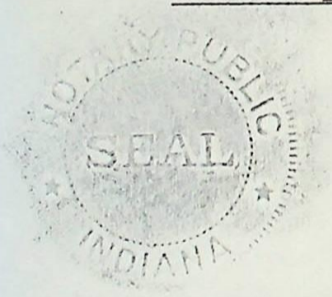


STATE OF INDIANA )  
 ) SS:  
ST. JOSEPH COUNTY )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared: The Civil City of South Bend by R.E. Farrand, J.V. Barcome, J.R. Seitz, its duly authorized agent in regard to all matters herein concerned, and acknowledged the execution of the foregoing Easement and Mutual Covenant. In witness whereof, I have hereunto subscribed my name and affixed my official seal, this 15th day of December, 1975.

My Commission Expires:  
January 22, 1979.

David A. Wells  
David A. Wells Notary Public



Prepared by: Rett F. Donnelly of the law firm of PATRICK, ANDERSON AND McDONALD, Suite 2310, American National Bank Bldg., South Bend, Indiana, 46601 (A/C 219-234-6066).

1/50/76

ST. JOSEPH CO.  
INDIANA  
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JAN 7 10 00 AM '76

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STATE OF INDIANA  
RECORDS

ST. JOSEPH COUNTY )

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Before me, the undersigned, a Notary Public in and for said County and State, appeared: SHIRLEY ANN CRUICKSHANK, and acknowledged the execution of the foregoing Easement and Mutual Covenant. In witness whereof, I have hereunto subscribed my name and affixed my official seal, this 1<sup>st</sup> day of December, 1975.

My Commission Expires: 8-10-77

Notary Public

*Rett F. Donnelly*  
Rett F. Donnelly

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

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared: The Civil City of South Bend by R.E. Ryland, J.V. Parcome, J.R. Seitz, the duly authorized agent in regard to all matters herein concerned, and acknowledged the execution of the foregoing Easement and Mutual Covenant. In witness whereof, I have hereunto subscribed my name and affixed my official seal, this 1<sup>st</sup> day of December, 1975.

My Commission Expires: January 22, 1979

Notary Public

David A. Wells

Prepared by: Rett F. Donnelly of the law firm of PATRICK, ANDERSON AND McDONALD, Suite 2310, American National Bank Bldg., South Bend, Indiana, 46601 (A/C 219-234-6066).

1/50/76