

# 888

EASEMENT AND RIGHT-OF-WAY from William R. Cressy to the City of South Bend, A 5' easement East of and adjacent to the Easterly right-of-way line of the Chapin Street Inner Belt along the full length of Lot No. 6 of Mary Witherill's Subdivision of Bank Out Lot 32.

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ST. JOSEPH CO.  
INDIANA  
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EXHIBIT A

EASEMENT AND RIGHT-OF-WAY

206421

In consideration of the sum of One

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 line, 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 five foot easement East of and adjacent to the Easterly Right-of-Way line of the Chapin Street Inner Belt along the full length of Lot No. 6 of Mary Witherill's Subdivision of Bank Out Lot 32.

The Easement Agreement will pertain to Lot No. 5 of Mary Witherill's Subdivision of Bank Out Lot 32 only for right of entry by the City of South Bend for fence maintenance.

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

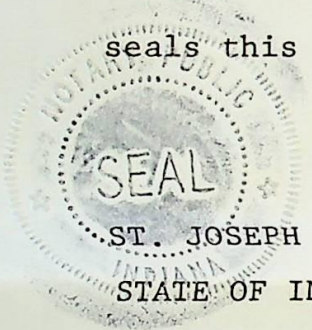
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afore described tract or parcel of land; that they have a good and lawful right to sell and convey; that it is free from all encumbrances; and that they will warrant and forever defend the title in quiet possession thereto against the lawful claims 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 18 day of November, 1975.

William R. Cressy



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

Before me, a Notary Public, in and for said County and State, personally appeared William R. Cressy

who acknowledges the execution of the above and foregoing instrument and right-of-way as a free and voluntary act and deed this 18 day of November, 1975.

Eleanor L. Miller  
Notary Public

My Commission Expires:

July 23, 1977

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