

3393

5/14/2013

Consent to Annexation - Water & Sewer

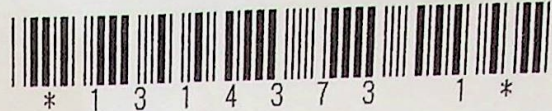
002-1106-5343

Troeger, Thomas/Dunn Place, LLC
Dunn Road

Description: Property Located on South Side of Dunn Road
between Willis and Burdette Streets, A part of the SE Quarter of
Sec 31, Twp 38N R 3E Clay Township

Hold Public Works

3393



1314373

RECORDED AS PRESENTED ON
05/14/2013 02:13:22PM
PHILLIP G. DOTSON
ST. JOSEPH COUNTY
RECORDER

Hold Recorded copy for: Board of Public Works

CONSENT TO ANNEXATION, WAIVER OF RIGHT TO REMONSTRATE
AND ACKNOWLEDGMENT OF CITY COMPACT FEES

PGS: 1 FEES: \$12.00

In consideration for permission to tap into the municipal utility system (water and/or sewer) of the city of South Bend, Indiana, in order to provide sanitary sewer and/or water service to the following described property, (hereinafter referred to as the "Real Estate"), situated in St. Joseph County, Indiana.

| | | | |
|----------------------|---|---|---|
| Property Owner 1 | Thomas L. Troeger | Property Owner 2 | |
| Property Address | Dunn Place, LLC, PO Box 6397, South Bend, IN 46660 | | |
| Key # | 002-1106-5343 | | |
| Property Description | Property located on S side of Dunn Road between Willis and Burdette Streets. A part of the Southeast Quarter of Sec 31, Twp 38 N, R 3 E, Clay Twp St Joseph Co. | | |
| Mailing Address | Same | <input checked="" type="checkbox"/> WATER | <input checked="" type="checkbox"/> SEWER |

Thomas L. Troeger, Dunn Place, LLC, owner(s) of the Real Estate, (hereinafter "Owner"), for themselves and their successors in title, assigns, and personal representatives, hereby irrevocably waive and release any and all right which they may now or hereafter have to remonstrate against or otherwise interfere with, or oppose any pending or future annexation of the Real Estate by the City of South Bend.

In further consideration and to induce the City of South Bend to allow Owner to tap into the municipal utilities (sewer and/or water) of the City of South Bend, Owner, for themselves and their successors and assigns, agrees and stipulates irrevocably to vest in the City of South Bend the permanent right, at the City's discretion, to annex the Real Estate at any future time by duly authorized ordinance.

Owner further agrees that any deeds, contracts, or other instruments of conveyance made by Owner, their successors or assigns shall contain the waiver and release provisions contained herein, which provisions shall run with the land.

Pursuant to Chapter 17, Article 10, Section 17-86 of the South Bend Municipal Code, Owner further acknowledges and accepts the Owner's obligation to pay a compact fee annually to the City of South Bend which for one municipal utility (water or sewer) is 30% of the difference between the "Total County Rate" of taxes and the "Total City/Town Rate" and for both municipal utilities (water and sewer) is 50% of such rate differential, which rates are set forth in the St. Joseph County Auditor's annually published "Notice of St. Joseph County Certified Tax Rates."

The delivery of any instrument of conveyance from the Owner to any successor, grantee, vendee or contract purchaser is subject to the terms of this document and the acceptance of such instrument shall constitute an acceptance of the foregoing provisions by said grantee, vendee, or contract purchaser and their successors in title.



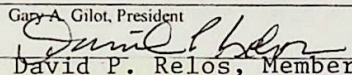
 (Property Owner 1 Signature)
 Thomas L. Troeger, Dunn Place, LLC

 (Property Owner 1 Printed Name)

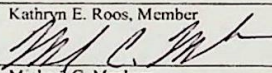
 (Property Owner 2 Signature)

 (Property Owner 2 Printed Name)

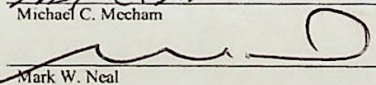
BOARD OF PUBLIC WORKS
APPROVAL

 Gary A. Gilot, President


 David P. Reios, Member

 Kathryn E. Roos, Member


 Michael C. Mecham



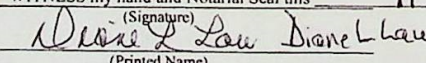
 Mark W. Neal

Date: 5/14/13

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

Before me, a Notary Public in and for said County and State, personally appeared Thomas L. Troeger, Dunn Place, LLC, and they acknowledged the execution of the foregoing Consent to Annexation as their voluntary act and deed.

WITNESS my hand and Notarial Seal this 11th Day of April 2013.

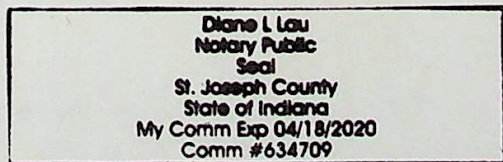


 (Signature)
 Diane L. Lau

 (Printed Name)
 A resident of St. Joseph

 My Commission Expires: 4/18/2020

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law. Anthony P. Molnar This instrument was prepared by Aladean DeRose, City Attorney, 1400 County-City Building, South Bend, Indiana 46601



1316 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-9251
FAX 574/ 235-9171

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
BOARD OF PUBLIC WORKS

May 14, 2013

Mr. Thomas Troeger
Dunn Place, LLC
PO Box 6397
South Bend, Indiana 46660

RE: Consent to Annexation, Waiver of Rights to Remonstrate and
Acknowledgement of City Compact Fees – Water and Sewer
Key No: 002-1106-5343

Dear Mr. Troeger:

The Board of Public Works approved and recorded the above referred to document with the St. Joseph County Recorder's Office on May 14, 2013. A copy is enclosed for your records.

If you have any further questions regarding this matter, please call this office at (574) 235-9251.

Sincerely,

A handwritten signature in cursive script that reads "Linda M. Martin".

Linda M. Martin, Clerk

Enclosure