

EASEMENT AND RIGHT-OF-WAY from Ferne E. Smith. Dog and Suds Restaurant at Edison Road and S.R. 23 (Sewer)

BOOK 832 PAGE 74

#### REGULAR MEETING

MAY 2, 1977

Indiana Equipment Company Indianapolis, Indiana

Bid was signed by Arthur G. Wilson, Jr. non-collusion affidavit was in order and a 10% bid bond was submitted.

Bid - Tandem Roller - Net \$17,051.00

## APPROVAL OF EASEMENT AND SIGNING OF TITLE SHEET FOR DOG AND SUDS SEWER

Mr. McMahon advised the Board that the Dog and Suds Restaurant at Edison Road and S.R. 23 in South Bend is planning to install a private sewer at their location. In connection with this project, the owner has conveyed to the City of South Bend a permanent easement and right-of-way. The executed Easement and Right-of-Way Agreement was submitted to the Board. Upon motion made by Mr. McMahon, seconded by Mr. Mullen and carried, the Easement and Right-of-Way Agreement from Ferne E. Smith for the Dog and Suds Restaurant was approved by the Board and will be recorded. The title sheet approving the plans for the sewer were submitted to the Board. Mr. McMahon noted that the construction will be done in accordance with all City specifications but paid for by the developer. Upon motion made by Mr. McMahon, seconded by Mr. Mullen and carried, the title sheet approving the plans for the construction of the Dog and Suds sewer was approved.

## TRAFFIC CONTRAL DEVICES APPROVED

Ralph J. Wadzinski, Manager of the Bureau of Traffic and Lighting, submitted to the Board the following recommendations for traffic control devices:

- A. No Turn on Red at Sample and Sheridan, a newly signalized intersection. Upon motion made by Mr. McMahon, seconded by Mr. Mullen and carried, the installation was approved.
- B. No Parking, east side of Sheridan from Sample to the first east-west alley north of Sample at a newly signalized intersection.

  Upon motion made by Mr. McMahon, seconded by Mr. Mullen and carried the installation was approved.
- C. No Parking, south side of Western, from Olive to a point 125' east of Olive. Upon motion made by Mr. McMahon, seconded by Mr. Mullen and carried, the installation was approved.
- D. No Turn on Red, Portage, Woodlawn, Wilbur and Hamilton, at a newly signalized intersection. Upon motion made by Mr. McMahon, seconded by Mr. Brunner and carried, the installation was approved.
- E. No Parking, Portage-Woodlawn-Wilbur-Hamilton, at a newly signalized intersection. Upon motion made by Mr. McMahon, seconded by Mr. Mullen and carried, the installation was approved.

#### STREET LIGHT INSTALLATIONS APPROVED

Ralph J. Wadzinski, Manager of the Bureau of Traffic and Lighting, recommended installation of the following street lights:

On Dorothy, 1/2 block south of Ewing, 7,000L MV \$4.80/mo.

On Ewing, midblock between Glen and Brookfield, 7,000L MV \$4.80/mo.

On Cedar, midblock between Notre Dame and Frances, 7,000L MV \$4.80/mo.

On Provincial at Colonial, 7,000L MV \$4,80/mo.

On Huron, 1/2 block west of Camden, 7,000L MV \$4,80/mo.

On Keller, ½ block west of Adams, 7,000L MV \$4.80/mo.

ST. JOSEPH CO. INDIANA FILED FOR RECORD

May 6 1 49 PH '77

BOOK 432 PAGE 70-74 AUGUST H. COOREMAN RECORDER

INDEXED



# CITY of SOUTH BEND

PETER J. NEMETH, Mayor

COUNTY-CITY BUILDING SOUTH BEND, INDIANA 46601

BOARD OF PUBLIC WORKS Patrick M. McMahon, P.E., President

Thomas J. Brunner, Jr.

Peter H. Mullen

STATE OF INDIANA

SS:

COUNTY OF ST. JOSEPH

I, Patricia DeClercq, Clerk of the Board of Public Works of the City of South Bend, County of St. Joseph, Indiana hereby certify that the attached and foregoing is a full, true, complete and correct copy of

Minutes of the Board of Public Works meeting with reference to Approval of an Easement and Right-of-Way for the Dog and Suds Restaurant Sewer under date of May 2, 1977 the originals of which are now on file in the Office of the Clerk of the Board of Public Works of the City of South Bend.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Board of Public Works of the City of South Bend, St. Joseph County, Indiana, this 6th day of May, 1977.

Patricia DeClercq

Clerk of the Board of Public Works

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City of South Bend



219/284-9412

#1056

## EASEMENT AND RIGHT-OF-WAY

BOOK 832 FACE 70

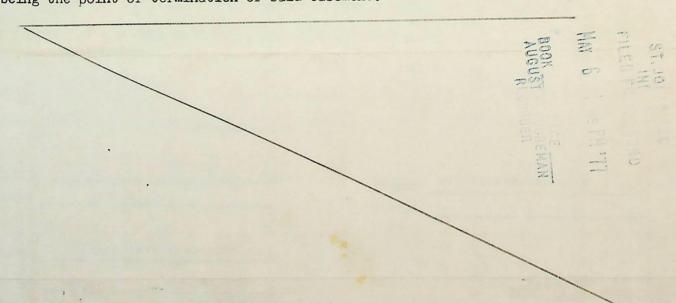
235289

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, 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

A 14 foot strip of land, 7 feet either side of a line described as beginning at the intersection of the centerline of the 14 foot East-West alley between Lots 3 and 4 of the Plat of the Town of Schroederville, with the East line of the North-South alley lying East of said Lots 3 and 4, all being a part of the City of South Bend, Indiana; thence running East along the Easterly projection of the centerline of said East-West alley a distance of 200 feet, said point being the point of termination of said easement.

of land situated in the County of St. Joseph, State of Indiana, briefly

described as follows:



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 aforedescribed 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.

Dated this 29 day of April , 1977

ST. JOSEPH COUNTY ) STATE OF INDIANA )	S:		
Before me, a No	stary Public, in and f	or said County a	and State,
personally appeared	Ferne E. Smith		
and foregoing instrume	Committee of the Commit		xecution of the above free and voluntary
act and deed this	29 day of	April	, ¾ <del>ŽŽŽ</del> 977
My commission expires September 29, 1978		Za	my a. Fydych
By Bullion		Nota BARRY A.	FRYDRYCH, Notary Public

APPROVED
BOARD OF PUBLIC WORKS

MAY 2.1977 Machan