

7-138-20015 7933.02

1083

WARRANTY DEED from Valley Bank & Trust Company to City of South Bend, A part of the S. E. 1/4 of Sec. 24, Township 37 N., Range 2 E. and a part of the N.E. 1/4 of Sec. 25, Township 37 N., Range 2 E. in City of South Bend.
(SEE DEED)

Miami Hills
Retention Basin
3608 High St.

(SEE DEPT. OF
PUBLIC WORKS
INACTIVE FILE
NO. 76-21
MIAMI HILLS
RETENTION BASIN
FOR MORE
INFO)

294.09
95.59
622.62
355.72
325.97
381.70
722.25

Delivered to: D.A. WELLS Room 1316 Co-City Bldg South Bend.

MAIL DEED TO: Income Office

MAIL TAX BILLS TO: # 1083

COPYRIGHT ST. JOSEPH COUNTY, INDIANA BAR ASSOCIATION PROPERTY FORM 101 - 1974

7702125

AUDITOR'S RECORD	
Transfer No.	<u>5236</u>
Taxing Unit	<u>SB</u>
Date	<u>7-19-77</u>

WARRANTY DEED

VALLEY BANK AND TRUST COMPANY, AN INDIANA CORPORATION

the Grantor

Convey and Warrant to CITY OF SOUTH BEND

the Grantee

BOOK PAGE
 AUGUST H. COOREMAN
 RECORDER

JUL 19 2 49 PM '77

FILED FOR RECORD
 ST. JOSEPH CO.
 INDIANA

for and in consideration of Ten (\$10.00) Dollars and other good and valuable consideration
 the receipt of which is hereby acknowledged, Real Estate in St. Joseph County,
 in the State of Indiana, described as follows:

A part of the Southeast 1/4 of Section 24, Township 37 North, Range 2 East and a part of the Northeast 1/4 of Section 25, Township 37 North, Range 2 East in the City of South Bend, Indiana more particularly described as follows:

Beginning at a point on the West line of Miami Hills Addition, 1269.25 feet on an assumed bearing of South 1° 39' East of the Northeast corner of Southmore Heights as shown on the Southmore Heights Street Layout Dedication Plan as recorded in Plat Book 15, Page "S" in the Office of the Recorder of St. Joseph County, Indiana said point also being on the West line of the Plat of Miami Hills Addition, a plat recorded in Plat Book 17, Page "M" in said Recorder's Office of St. Joseph County, Indiana; thence continuing South 1° 39' East along said West line of Miami Hills Addition, 622.62 feet to the Northerly line of Chippewa Avenue; thence South 55° 12' 50" West along said Northerly line of Chippewa Avenue, 495.02 feet; thence continuing along said Northerly line of Chippewa Avenue South 86° 50' West, 270.05 feet; thence North 40° 54' 50" East, 79.08 feet; thence North 30° 12' 24" East, 143.50 feet; thence North 3° 57' 24" East, 396.00 feet; thence North 15° 32' 36" West, 327.00 feet; thence North 34° 27' 24" East, 267.90 feet; thence South 55° 32' 36" East, 301.65 feet; thence North 88° 21' East, 80 feet; thence South 1° 39' East, 30 feet; thence North 88° 21' East, 113.50 feet to the place of beginning and containing 11.2609 acres more or less, and also (continued on reverse side)

Signed and dated on June 24, 19 77.

State of Indiana, St. Joseph County, ss:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared:

Dennis J. Schwartz, President of Valley Bank and Trust Company, an Indiana corporation, and John E. Ronchetti, Vice President, Cashier, Valley Bank and Trust Company, and Indiana Corporation

VALLEY BANK AND TRUST COMPANY, AN INDIANA CORPORATION
 Signature

Typed or printed name
 Signature
 Dennis J. Schwartz - President

Typed or printed name
 Signature
 John E. Ronchetti, Vice President, Cashier

and acknowledged the execution of the foregoing deed on

June 24, 19 77.

Signature Bobbie Funnell, Notary Public
 Bobbie Funnell

Typed or printed name

My commission expires May 19, 1981

Signature

Typed or printed name

Prepared by F. Richard Kramer, 1205 St. Joseph Bank Bldg., South Bend, IN 46601
 Attorney at Law

7702125

A part of the Southeast 1/4 of Section 24, Township 37 North, Range 2 East and a part of the Northeast 1/4 of Section 25, Township 37 North, Range 2 East in the City of South Bend, Indiana more particularly described as follows:

Beginning at the Southeast corner of said Southmore Heights as shown on the recorded Southmore Heights Street Layout Dedication Plan, said point also being on the West line of above mentioned Miami Hills Addition; thence North 1° 39' West along said West line of Miami Hills Addition, 204.09 feet to the Southerly line of Chippewa Avenue; thence South 55° 12' 50" West along said Southerly line of Chippewa Avenue, 389.15 feet to the Northerly line of the Erskine Municipal Golf Course, thence North 86° 50' East along said Northerly line of the Erskine Municipal Golf Course, 325.97 feet to the place of beginning and containing 0.7634 acres more or less.

Subject to the existing lien of real estate taxes.

Indiana Gross Income Tax on Sale of Real Estate	
Paid by	Grantor
Valley Bank & Trust Company	
Date Paid	7-19-1977
Amount Paid \$	900.00
Treasurer's Receipt #	299329
St. Joseph County	

ST. JOSEPH CO.
INDIANA
FILED FOR RECORD

JUL 19 2 49 PM '77

BOOK 77 PAGE 02125
AUGUST H. COOREMAN
RECORDER

INDEXED

7702125

3/50
3/20

DULY ENTERED FOR TAXATION
EUGENE A. BASKER
AUDITOR
ST. JOSEPH CO., INDIANA

CHICAGO TITLE INSURANCE COMPANY

a corporation of Missouri, herein called the Company

for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

David A. Wells, P.E.
Bureau of Design & Administration
County-City Building
South Bend, In 46601

*Updated - see
7/27/77
Daw
5/15/78*

SCHEDULE A

Policy or Policies to be issued:

ALTA Owners Policy- FORM B - 1970 (Amended 10-17-70)	ALTA Loan Policy 1970- (Amended 10-17-70)
\$60,000.00	

COMMITMENT No.

30480

EFFECTIVE DATE:

June 30, 1977 at
eight o'clock A.M.

Proposed Insured - LOAN:

Proposed Insured - OWNERS:

City of South Bend

The estate or interest in the land described or referred to in this Commitment and covered herein is a fee simple and title thereto is at the effective date hereof vested in:

VALLEY BANK AND TRUST COMPANY

The land referred to in this Commitment is described as follows: Situate in St. Joseph County, in the State of Indiana:

A part of the Southeast 1/4 of Section 24, Township 37 North, Range 2 East and a part of the Northeast 1/4 of Section 25, Township 37 North, Range 2 East in the City of South Bend, Indiana, more particularly described as follows:

Beginning at the Northeast corner of Southmore Heights as shown on the Southmore Heights Street Layout Dedication Plan as recorded in Plat Book 15, page "S" in the Office of the Recorder of St. Joseph County, Indiana, said point also being on the West line of the plat of Miami Hills Addition, a plat recorded in Plat Book 17, page "M" in said Recorder's Office of St. Joseph County, Indiana; thence South 1° 39' East along said West line of Miami Hills Addition, 1891.87 feet to the Northerly line of Chippewa Avenue; thence South 55° 12' 50" West along said Northerly line of Chippewa Avenue, 495.02 feet; thence continuing along said Northerly line of Chippewa Avenue

- continued -

AMERICAN LAND TITLE ASSOCIATION COMMITMENT

SCHEDULE A — (Continued)

Commitment No. 30480

South $86^{\circ} 50'$ West 270.05 feet; thence North $40^{\circ} 54' 50''$ East, 79.08 feet; thence North $30^{\circ} 12' 24''$ East, 143.50 feet; thence North $3^{\circ} 57' 24''$ East, 396.00 feet; thence North $15^{\circ} 32' 36''$ West, 327.00 feet; thence North $34^{\circ} 27' 24''$ East, 676.00 feet; thence North $2^{\circ} 32' 36''$ West, 131.00 feet; thence North $40^{\circ} 42' 36''$ West, 34.90 feet; thence North $10^{\circ} 17' 36''$ West, 168.10 feet; thence North $34^{\circ} 47' 36''$ West, 145.00 feet; thence North $59^{\circ} 17' 36''$ West, 53.23 feet; thence North $37^{\circ} 31' 36''$ West, 165.84 feet; thence North $3^{\circ} 15' 36''$ West, 110.00 feet to the Northerly line of said Southmore Heights; thence North $86^{\circ} 44'$ East along said Northerly line of Southmore Heights, 470.71 feet to the place of beginning.

ALSO: A part of the Southeast $1/4$ of Section 24, Township 37 North, Range 2 East and a part of the Northeast $1/4$ of Section 25, Township 37 North, Range 2 East in the City of South Bend, Indiana, more particularly described as follows:

Beginning at the Southeast corner of said Southmore Heights as shown on the recorded Southmore Heights Street Layout Dedication Plan, said point also being on the West line of above mentioned Miami Hills Addition; thence North $1^{\circ} 39'$ West along said West line of Miami Hills Addition, 204.09 feet to the Southerly line of Chippewa Avenue; thence South $55^{\circ} 12' 50''$ West along said Southerly line of Chippewa Avenue, 389.15 feet to the Northerly line of the Erskine Municipal Golf Course, thence North $86^{\circ} 50'$ East along said Northerly line of the Erskine Municipal Golf Course, 325.97 feet to the place of beginning.

Excepting therefrom the following described tract of land:

A part of the Southeast $1/4$ of Section 24, Township 37 North, Range 2 East and a part of the Northeast $1/4$ of Section 25, Township 37 North, Range 2 East in the City of South Bend, Indiana more particularly described as follows:

Beginning at the Northeast corner of Southmore Heights as shown on the Southmore Heights Street Layout Dedication Plan as recorded in Plat Book 15, page "S" in the Office of the Recorder of St. Joseph County, Indiana said point also being on the West line of the plat of Miami Hills Addition, a plat recorded in Plat Book 17, page "M" in said Recorder's Office of St. Joseph County, Indiana; thence South $1^{\circ} 39'$ East along said West line of Miami Hills Addition, 1269.25 feet; thence South $88^{\circ} 21'$ West, 113.5 feet; thence North $1^{\circ} 39'$ West, 30 feet; thence South $88^{\circ} 21'$ West, 80 feet; thence North $55^{\circ} 32' 36''$ West, 302.05 feet; thence North $34^{\circ} 27' 24''$ East, 407.83 feet; thence North $2^{\circ} 32' 36''$ West, 131.00 feet; thence North $40^{\circ} 42' 36''$ West, 34.90 feet; thence North $10^{\circ} 17' 36''$ West, 168.10 feet; thence North $34^{\circ} 47' 36''$ West, 145.00 feet; thence North $59^{\circ} 17' 36''$ West, 53.23 feet; thence North $37^{\circ} 31' 36''$ West, 165.84 feet; thence North $3^{\circ} 15' 36''$ West, 110.00 feet to the Northerly line of said Southmore Heights; thence North $86^{\circ} 44'$ East along said Northerly line of Southmore Heights, 470.71 feet to the place of beginning.

SCHEDULE B

Commitment No. 30480

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

- A. Instruments necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record.
- B. Payment of the full consideration to, or for the account of, the grantors or mortgagors should be made.
- C. Payment of all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable should be made.
- D. Defects, liens, encumbrances, adverse claims, or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
- E. Any Owner's Policy issued pursuant hereto will contain under Schedule B the General Exceptions set forth below. Any Loan Policy will contain under Schedule B General Exceptions 1, 2 and 3 unless a satisfactory survey is furnished; General Exception 4 will appear unless satisfactory evidence is furnished that improvements and/or repairs or alterations thereto are completed; that contractor, subcontractors, labor and materialmen are all paid.

General Exceptions:

1. Rights or Claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the premises.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Taxes or special assessments which are not shown as existing liens by the public records.

F. Special Exceptions:

1. First installment of taxes for the year 1976, due in May, 1977 is delinquent in the amount of \$985.70 plus \$78.86 penalty. Second installment of taxes for the year 1976, due on or before the first Monday in November, 1977 in the amount of \$985.70. Key No. 15-07-18/138-4933.02. Land Val. \$19,670.00. Net Val. \$19,670.00. (Taxes are certified up to and including June 17, 1977)

Taxes for the year 1977 due in May and November, 1978.

2. Easement granted by the United States of America, acting by and through the Public Housing Administration to Indiana & Michigan Electric Company for operation and maintenance and repairs of electric distribution lines, by an instrument dated June 30, 1954 and recorded July 23, 1954 in Deed Record 530, pages 126-129.
3. Easement granted to Northern Indiana Public Service Company by Southmore Mutual Housing Corporation for installation and maintenance of gas mains by an instrument dated July 27, 1955 and recorded August 1, 1955 in Deed Record 544, pages 500-501.

30180
SCHEDULE B
CONDITIONS AND STIPULATIONS

1. The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interests or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Exclusions from Coverage and the Conditions and Stipulations of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused this Commitment to be signed and sealed as of the effective date of Commitment shown in Schedule A, the Commitment to become valid when countersigned by an authorized signatory.

CHICAGO TITLE INSURANCE COMPANY

By:

Alvin W. Long
President.

Issued by:
**THE ABSTRACT & TITLE
CORPORATION**
226 West Jefferson Boulevard
South Bend, Indiana 46601
(219) 233-8258

ATTEST:

John E. Morehan
Authorized Signatory
President



Chester C. McCullough
Secretary

BOARD OF PUBLIC WORKS
INTER-OFFICE MEMO

DATE: October 31, 1988

TO: JAMES CALDWELL
ADMINISTRATIVE ASSISTANT/NEIGHBORHOODS

FROM: SANDRA M. PARMERLEE, CLERK *SP*

RE: MIAMI HILLS RETENTION BASIN

Pursuant to your recent request for information regarding a parcel of property located in Miami Hills purchased in 1977 for a retention basin, following is the information which I have gathered that I hope will assist you:

LOCATION OF PARCELS:	A PART OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 37 NORTH, RANGE 2 EAST AND A PART OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 37 NORTH, RANGE 2 EAST IN THE CITY OF SOUTH BEND (APPROX. 13 ACRES)
KEY #:	18-7138-493302
DEED #:	ST. JOSEPH COUNTY RECORDER # 7702125 BPW DEED FILE #1083
PURCHASED FROM:	VALLEY BANK & TRUST COMPANY
DATE OF PURCHASE:	JUNE 24, 1977
AMOUNT:	\$60,000.00
APPROVAL:	APPROPRIATION ORDINANCE NO. 6144-77 IN THE AMOUNT OF \$60,500 FOR LAND ACQUISITION AND TITLE INSURANCE

As I believe you are aware, the property was purchased with the intention of creating what was referred to as the "Miami Hills Retention Basin" but to date that project has not been initiated.

If I can be of any further assistance to you in this matter, please don't hesitate to call me.

smp
Enc.
cc: John Leszczynski

Deed
#1083

Tax Unit 18 Key 7138 - 4933 02
7/19/77

Parcel in SE 1/4

SEC 24-37-2E

Key REF

150718 ~~38~~ 493302

Approx 13.116 Acres

MAP REF 8-5

2 parcels: ① 11.2609 acres
② .7634 acres

SPECIAL MEETINGAPRIL 11, 1977

A special meeting of the Board of Public Works was convened at 9:00 a.m. on Wednesday, April 13, 1977 by President Patrick M. McMahon, with Mr. McMahon and Mr. Mullen present.

RESOLUTION NO. 6 ADOPTED

Mr. McMahon explained that the purpose of the special meeting was to consider adoption of a resolution directing the preparation of plans, specifications and cost estimates for a retention basin in the Miami Hills area. Upon motion made by Mr. McMahon, seconded by Mr. Mullen and carried, the following resolution was adopted:

RESOLUTION NO. 6, 1977

WHEREAS, the Board of Public Works has found it necessary in the best interests of the public safety and welfare to construct certain drainage improvements in the Miami Hills Area, and

WHEREAS, the improvements to the aforesaid area are compatible with a study of the Clyde Creek drainage shed performed by Clyde E. Williams and Associates, Professional Engineers, and

WHEREAS, the costs for these improvements are to be funded from the Cumulative Sewer Building and Sinking Fund, and

WHEREAS, the Board of Public Works has the authority to make such improvements as provided by the Acts of the General Assembly (I.C. 18-1-6-15 and others).

NOW, THEREFORE, BE IT RESOLVED that the Board of Public Works orders the Department of Public Works to prepare the plans, specifications and cost estimates, secure the necessary right-of-way, easements, permits and appropriations, and to seek bids for and construct the drainage improvements in the Miami Hills area.

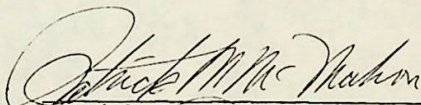
BOARD OF PUBLIC WORKS

s/ Peter H. Mullen
s/ Patrick M. McMahon

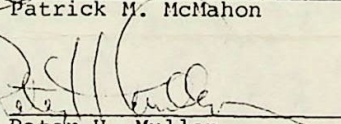
ATTEST:

s/ Patricia DeClercq, Clerk

Dated this 13th day of April, 1977.

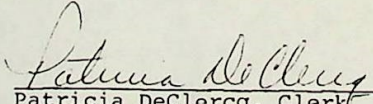


 Patrick M. McMahon

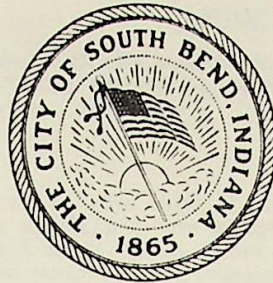


 Peter H. Mullen

ATTEST:



 Patricia DeClercq, Clerk



City of South Bend

Joseph E. Kernan, Mayor

Board of Public Works

December 7, 1988

MR. EDWARD J. KOLANOWSKI
853 East Chippewa Avenue
South Bend, Indiana 46614

RE: MIAMI HILLS RETENTION BASIN

Dear Mr. Kolanowski:

Pursuant to your recent request, attached is a copy of the minutes of the April 11, 1977 Board of Public Works meeting where Resolution No. 6-1977 was adopted.

As you can see, this Resolution authorized the purchase of the necessary right-of-way for the proposed retention basin.

If you have any further questions regarding this matter, please do not hesitate to contact this office.

Sincerely,

BOARD OF PUBLIC WORKS

Sandra M. Parmerlee
Sandra M. Parmerlee, Clerk

smp
Enc.

cc: James Caldwell, Mayor's Administrative Assistant

SPECIAL MEETING

140
APRIL 11, 1977

A special meeting of the Board of Public Works was convened at 9:00 a.m. on Wednesday, April 13, 1977 by President Patrick M. McMahon, with Mr. McMahon and Mr. Mullen present.

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WHEREAS, the improvements to the aforesaid area are compatible with a study of the Clyde Creek drainage shed performed by Clyde E. Williams and Associates, Professional Engineers, and

WHEREAS, the costs for these improvements are to be funded from the Cumulative Sewer Building and Sinking Fund, and

WHEREAS, the Board of Public Works has the authority to make such improvements as provided by the Acts of the General Assembly (I.C. 18-1-6-15 and others).

NOW, THEREFORE, BE IT RESOLVED that the Board of Public Works orders the Department of Public Works to prepare the plans, specifications and cost estimates, secure the necessary right-of-way, easements, permits and appropriations, and to seek bids for and construct the drainage improvements in the Miami Hills area.

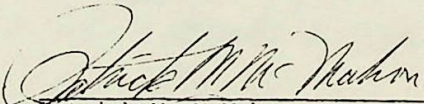
BOARD OF PUBLIC WORKS

s/ Peter H. Mullen
s/ Patrick M. McMahon

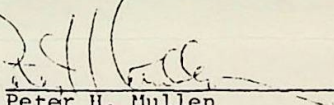
ATTEST:

s/ Patricia DeClercq, Clerk

Dated this 13th day of April, 1977.

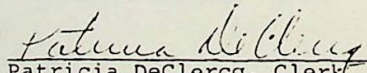


Patrick M. McMahon



Peter H. Mullen

ATTEST:



Patricia DeClercq, Clerk

NOV.. 28, 1988

PUBLIC WORKS
OFFICE MEMO

SANDRA M. PARMERLEE, CLERK
OFFICE OF BOARD OF PUBLIC WORKS
COUNTY-CITY BUILDING
SOUTH BEND, IN.

DATE: October 31, 1988

Dear Sandra Parmerlee:

On Nov. 17, 1988 I received a letter from Mayor, Joseph E. Kernan (see enclosed copy).

The information stated in this letter is facts that I obtained in July of this year.

The information that I am seeking, is the minutes of the meeting in which the purchasing of this property was discussed.

Any information that you could send me would be appreciated.

Sincerely,

Edward J. Kolanowski
Edward J. Kolanowski

Edward J. Kolanowski
853 E. Chippewa Ave.
South Bend, In. 46614

219 291-9816

BOARD OF PUBLIC WORKS
INTER-OFFICE MEMO

DATE: October 31, 1988

TO: JAMES CALDWELL
ADMINISTRATIVE ASSISTANT/NEIGHBORHOODS

FROM: SANDRA M. PARMERLEE, CLERK *SP*

RE: MIAMI HILLS RETENTION BASIN

Pursuant to your recent request for information regarding a parcel of property located in Miami Hills purchased in 1977 for a retention basin, following is the information which I have gathered that I hope will assist you:

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KEY #: 18-7138-493302

DEED #: ST. JOSEPH COUNTY RECORDER # 7702125
BPW DEED FILE #1083

PURCHASED FROM: VALLEY BANK & TRUST COMPANY

DATE OF PURCHASE: JUNE 24, 1977

AMOUNT: \$60,000.00

APPROVAL: APPROPRIATION ORDINANCE NO. 6144-77 IN THE AMOUNT OF \$60,500 FOR LAND ACQUISITION AND TITLE INSURANCE

As I believe you are aware, the property was purchased with the intention of creating what was referred to as the "Miami Hills Retention Basin" but to date that project has not been initiated.

If I can be of any further assistance to you in this matter, please don't hesitate to call me.

smp
Enc.
cc: John Leszczynski

CHICAGO TITLE INSURANCE COMPANY

a corporation of Missouri, herein called the Company

for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

David A. Wells, P.E.
Bureau of Design & Administration
County-City Building
South Bend, In 46601

SCHEDULE A

Policy or Policies to be issued:

COMMITMENT No.	EFFECTIVE DATE:	Policy or Policies to be issued:	
		ALTA Owners Policy- FORM B - 1970 (Amended 10-17-70)	ALTA Loan Policy 1970- (Amended 10-17-70)
30480	July 27, 1977 at eight o'clock A.M.	\$60,000.00	

Proposed Insured - LOAN:

Proposed Insured - OWNERS:

City of South Bend

The estate or interest in the land described or referred to in this Commitment and covered herein is a fee simple and title thereto is at the effective date hereof vested in:

CITY OF SOUTH BEND

The land referred to in this Commitment is described as follows: Situate in St. Joseph County, in the State of Indiana:

A part of the Southeast 1/4 of Section 24, Township 37 North, Range 2 East and a part of the Northeast 1/4 of Section 25, Township 37 North, Range 2 East in the City of South Bend, Indiana more particularly described as follows:

Beginning at a point on the West line of Miami Hills Addition, 1269.25 feet on an assumed bearing of South 1° 39' East of the Northeast corner of Southmore Heights as shown on the Southmore Heights Street Layout Dedication Plan as recorded in Plat Book 15, Page "S" in the Office of the Recorder of St. Joseph County, Indiana said point also being on the West line of the Plat of Miami Hills Addition, a plat recorded in Plat Book 17, page "M" in said Recorder's Office of St. Joseph County, Indiana; thence continuing South 1° 39' East along said West line of Miami Hills Addition, 622.62 feet to the Northerly line of Chippewa Avenue; thence

- continued -
AMERICAN LAND TITLE ASSOCIATION COMMITMENT

SCHEDULE A — (Continued)

Commitment No. 30480

South $55^{\circ} 12' 50''$ West along said Northerly line of Chippewa Avenue, 495.02 feet; thence continuing along said Northerly line of Chippewa Avenue South $86^{\circ} 50'$ West, 270.05 feet; thence North $40^{\circ} 54' 50''$ East, 79.08 feet; thence North $30^{\circ} 12' 24''$ East, 143.50 feet; thence North $3^{\circ} 57' 24''$ East, 396.00 feet; thence North $15^{\circ} 32' 36''$ West, 327.00 feet; thence North $34^{\circ} 27' 24''$ East, 267.90 feet; thence South $55^{\circ} 32' 36''$ East, 301.65 feet; thence North $88^{\circ} 21'$ East, 80 feet; thence South $1^{\circ} 39'$ East 30 feet; thence North $88^{\circ} 21'$ East, 113.50 feet to the place of beginning.

ALSO, A part of the Southeast $1/4$ of Section 24, Township 37 North, Range 2 East and a part of the Northeast $1/4$ of Section 25, Township 37 North, Range 2 East in the City of South Bend, Indiana more particularly described as follows:

Beginning at the Southeast corner of said Southmore Heights as shown on the recorded Southmore Heights Street Layout Dedication Plan, said point also being on the West line of above mentioned Miami Hills Addition; thence North $1^{\circ} 39'$ West along said West line of Miami Hills Addition, 204.09 feet to the Southerly line of Chippewa Avenue; thence South $55^{\circ} 12' 50''$ West along said Southerly line of Chippewa Avenue, 389.15 feet to the Northerly line of the Erskine Municipal Golf Course, thence North $86^{\circ} 50'$ East along said Northerly line of the Erskine Municipal Golf Course, 325.97 feet to the place of beginning.

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SCHEDULE B

Commitment No. 30480

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

- A. Instruments necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record.
- B. Payment of the full consideration to, or for the account of, the grantors or mortgagors should be made.
- C. Payment of all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable should be made.
- D. Defects, liens, encumbrances, adverse claims, or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
- E. Any Owner's Policy issued pursuant hereto will contain under Schedule B the General Exceptions set forth below. Any Loan Policy will contain under Schedule B General Exceptions 1, 2 and 3 unless a satisfactory survey is furnished; General Exception 4 will appear unless satisfactory evidence is furnished that improvements and/or repairs or alterations thereto are completed; that contractor, subcontractors, labor and materialmen are all paid.

General Exceptions:

1. Rights or Claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the premises.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Taxes or special assessments which are not shown as existing liens by the public records.

F. Special Exceptions:

1. Taxes for the year 1976, assessed on Parcel of Land in SE 1/4 Sec. 24-37-2E Cont. Appx. 13.116 Acres, due in May and November, 1977 in the amount of \$1,971.40 are paid plus a penalty of \$78.86 on the first installment. Key No. 15-07-18/138-4933.02. Land Val. \$19,670.00. Net Val. \$19,670.00.

Taxes for the year 1977 due in May and November, 1978.

2. Easement granted by the United States of America, acting by and through the Public Housing Administration to Indiana & Michigan Electric Company for operation and maintenance and repairs of electric distribution lines, by an instrument dated June 30, 1954 and recorded July 23, 1954 in Deed Record 530, pages 126-129.
3. Easement granted to Northern Indiana Public Service Company by Southmore Mutual Housing Corporation for installation and maintenance of gas mains by an instrument dated July 27, 1955 and recorded August 1, 1955 in Deed Record 544, pages 500-501.

30180
SCHEDULE B
3
CONDITIONS AND STIPULATIONS

1. The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interests or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Exclusions from Coverage and the Conditions and Stipulations of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused this Commitment to be signed and sealed as of the effective date of Commitment shown in Schedule A, the Commitment to become valid when countersigned by an authorized signatory.

CHICAGO TITLE INSURANCE COMPANY

By:

Alvin W. Long
President.

Issued by:
**THE ABSTRACT & TITLE
CORPORATION**
226 West Jefferson Boulevard
South Bend, Indiana 46601
(219) 233-8258

ATTEST:

Chester C. McCullough
Secretary

John E. Horvath
Authorized Signatory
President





CITY of SOUTH BEND

PETER J. NEMETH, Mayor

COUNTY-CITY BUILDING SOUTH BEND, INDIANA 46601

219/284-9412

BOARD OF PUBLIC WORKS

Patrick M. McMahon, P.E., President
Thomas J. Brunner, Jr.
Peter H. Mullen

March 27, 1979

Mr. Robert J. Ducomb, Sr., Attorney at Law
511 W. Colfax Avenue
South Bend, Indiana

Dear Mr. Ducomb:

David A. Wells, Manager of the Bureau of Design & Administration, has asked that I send you the enclosed title insurance on property purchased by the City of South Bend. This information is being sent in order to correct the mechanic's lien filed on March 9 listing the City of South Bend as an affected owner. If you have any questions or need additional information, please feel free to contact Dave or me.

Very truly yours,

BOARD OF PUBLIC WORKS

Patricia DeClercq
Patricia DeClercq, Clerk

PDC/mp
Enclosure

... feet to the Northerly line of said Southmore Heights; thence North 86°44' East along said Northerly line of Southmore Heights, 470.71 feet to the place of beginning and containing 8.95 acres, more or less.

and;

DU COMB, NIMTZ
& DU COMB
ATTORNEYS AT LAW
INCOME BUILDING
511 W COLFAX AVENUE
SOUTH BEND, INDIANA
46601

12-15-75
Valley Bank & Trust
Thomas J. Brunner, Jr.
City Attorney

Date March 15, 1979

Referred to Bob Parker

- for your information
- for your files
- please prepare reply for my signature
- please advise me
- please read and return
- please sign and return
- please research and advise pursuant to your request

*Jim out
to call
Monday*

Remarks: 3608 High St.

Aff. Law

MECHANIC'S LIEN

RECEIVED

MAR 9 1979

CITY OF SOUTH BEND
DEPARTMENT OF LAW

limited Partnership

14

t, President-General Partner

1

Association

any, Inc.

DEPT. OF LAW
FILED RECORDED
St. Joseph Co. Recorder

MAR 8 3 49 PM '79

BOOK PAGE
AUGUST 1968
RECORDED

Indianapolis, Indiana 46250

The undersigned intends to hold a Mechanic's Lien upon the following described property:

3608 High Street, South Bend, Indiana 46614

more particularly described as:

A part of the Southeast 1/4 of Section 24, Township 37 North, Range 2 East and a part of the Northeast 1/4 of Section 25, Township 37 North, Range 2 East in the City of South Bend, Indiana, more particularly described as follows: Beginning at the Northeast corner of the Southmore Heights as shown on the Southmore Heights Street Layout Dedication Plan as recorded in Plat Book 15, page "S" in the Office of the Recorder of St. Joseph County, Indiana, said point also being on the West line of the Plat of Miami Hills Addition, a Plat recorded in Plat Book 17, Page "M" in said Recorder's Office of St. Joseph County, Indiana; thence South 1°39' East along said West line of Miami Hills Addition, 1269.25 feet; thence South 88°21' West, 113.5 feet; thence North 1°39' West 30 feet; thence South 88°21' West, 80 feet; thence North 55°32'36" West, 301.65 feet; thence North 34°27'24" East, 408.10 feet; thence North 2°32'36" West, 131.00 feet; thence North 40°42'36" West, 34.90 feet; thence North 10°17'36" West, 168.10 feet; thence North 34°47'36" West, 145.00 feet; thence North 59°17'36" West, 53.23 feet; thence North 37°31'26" West, 165.84 feet; thence North 3°15'36" West, 110 feet to the Northerly line of said Southmore Heights; thence North 86°44' East along said Northerly line of Southmore Heights, 470.71 feet to the place of beginning and containing 8.95 acres, more or less.

and;

NOTICE OF MECHANIC'S LIEN

RECEIVED

MAR 9 1979

TO :

CITY OF SOUTH BEND
DEPARTMENT OF LAW

Owner - Miami Hills Associates - limited Partnership
3608 High Street
South Bend, Indiana 46614

Attention: Margaret Hoyt, President-General Partner

Owner - City of South Bend
C/o Mayor Peter Nemeth
14th Floor
County-City Building
South Bend, Indiana 46601

Federal National Mortgage Association
150 South Wacker Drive
Chicago, Illinois 60606

Sheehan Construction Company, Inc.
8980 Hague Road
P. O. Box 50012
Indianapolis, Indiana 46250

DEPT. OF LAW
FILED IN THE RECORD
St. Joseph Co. Recorder

MAR 8 3 49 PM '79

BOOK PAGE
AUGUST 1968
RECORDED

The undersigned intends to hold a Mechanic's Lien upon the following described property:

3608 High Street, South Bend, Indiana 46614

more particularly described as:

A part of the Southeast 1/4 of Section 24, Township 37 North, Range 2 East and a part of the Northeast 1/4 of Section 25, Township 37 North, Range 2 East in the City of South Bend, Indiana, more particularly described as follows: Beginning at the Northeast corner of the Southmore Heights as shown on the Southmore Heights Street Layout Dedication Plan as recorded in Plat Book 15, page "S" in the Office of the Recorder of St. Joseph County, Indiana, said point also being on the West line of the Plat of Miami Hills Addition, a Plat recorded in Plat Book 17, Page "M" in said Recorder's Office of St. Joseph County, Indiana; thence South 1°39' East along said West line of Miami Hills Addition, 1269.25 feet; thence South 88°21' West, 113.5 feet; thence North 1°39' West 30 feet; thence South 88°21' West, 80 feet; thence North 55°32'36" West, 301.65 feet; thence North 34°27'24" East, 408.10 feet; thence North 2°32'36" West, 131.00 feet; thence North 40°42'36" West, 34.90 feet; thence North 10°17'36" West, 168.10 feet; thence North 34°47'36" West, 145.00 feet; thence North 59°17'36" West, 53.23 feet; thence North 37°31'26" West, 165.94 feet; thence North 3°15'36" West, 110 feet to the Northerly line of said Southmore Heights; thence North 86°44' East along said Northerly line of Southmore Heights, 470.71 feet to the place of beginning and containing 8.95 acres, more or less.

and;

A part of the Southeast 1/4 of Section 24, Township 37 North, Range 2 East and a part of the Northeast 1/4 of Section 25, Township 37 North, Range 2 East in the City of South Bend, Indiana more particularly described as follows:

Beginning at a point on the West line of Miami Hills Addition, 1269.25 feet on an assumed bearing of South 1°39' East of the Northeast corner of Southmore Heights as shown on the Southmore Heights Street Layout Dedication Plan as recorded in Plat Book 15, Page "S" in the Office of the Recorder of St. Joseph County, Indiana said point also being on the West line of the Plat of Miami Hills, Addition, a plat recorded in Plat Book 17, Page "M" in said Recorder's Office of St. Joseph County, Indiana; thence continuing South 1°39' East along said West line of Miami Hills Addition, 622.62 feet to the Northerly line of Chippewa Avenue; thence South 55°12'50" West along said Northerly line of Chippewa Avenue, 495.02 feet; thence continuing along said Northerly line of Chippewa Avenue South 86°50' West, 270.05 feet; thence North 40°54'50" East, 79.08 feet; thence North 30°12'24" East, 143.50 feet; thence North 3°57'24" East, 396.00 feet; thence North 15°32'36" West, 327.00 feet; thence North 34°27'24" East, 267.90 feet; thence South 55°32'36" East, 301.65 feet; thence North 88°21' East, 80 feet; thence South 1°39' East, 30 feet; thence North 88°21' East, 113.50 feet to the place of beginning and containing 11.2609 acres more or less and also

882

A part of the Southeast 1/4 of Section 24, Township 37 North, Range 2 East and a part of the Northeast 1/4 of Section 25, Township 37 North, Range 2 East in the City of South Bend, Indiana more particularly described as follows:

Beginning at the Southeast corner of said Southmore Heights as shown on the recorded Southmore Heights Street Layout Dedication Plan, said point also being on the West line of above mentioned Miami Hills Addition; thence North 1°39' West along said West line of Miami Hills Addition, 204.09 feet to the Southerly line of Chippewa Avenue; thence South 55°12'50" West along said Southerly line of Chippewa Avenue, 389.15 feet to the Northerly line of the Erskine Municipal Golf Course, thence North 86°50' East along said Northerly line of the Erskine Municipal Golf Course, 325.97 feet to the place of beginning and containing 0.7634 acres more or less.

for the amount of his claim which is specifically alleged to be Twenty-four Thousand, Two Hundred (\$24,200.00) Dollars, plus the interest accrued and accruing thereon, the fees of his attorney and the expenses incurred in connection with the filing and any necessary prosecution of this lien.

DRYWALL SERVICES AND SUPPLY, INC.
P. O. Box 55, Granger, Indiana 46530

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

By James Treat
James Treat, President

The undersigned being first duly sworn upon his oath, deposes and says that the facts set forth in the foregoing notice are true to the best of his knowledge and belief.

James Treat
James Treat, President
Drywall Services and Supply, Inc.

233-347

Subscribed and sworn to before me this 7 day of March, 1979,
by James Treat, President, Drywall Services and Supply, Inc.

N. Marlene Landry
N. Marlene Landry Notary Public
residing in St. Joseph County, Indiana.

My commission expires:

July 16, 1982

- 3 -

This instrument was prepared by Robert J. DuComb, Sr., Attorney at Law,
511 W. Colfax Avenue, South Bend, Indiana 46601.

N 10°-39'-00"
40'

S 86°-50'-00" W 270.05'

S 86°-50'-00" W 322.58'

S 55°-12'-50" W 389.15'

N 10°-39'-00" W 204.09'

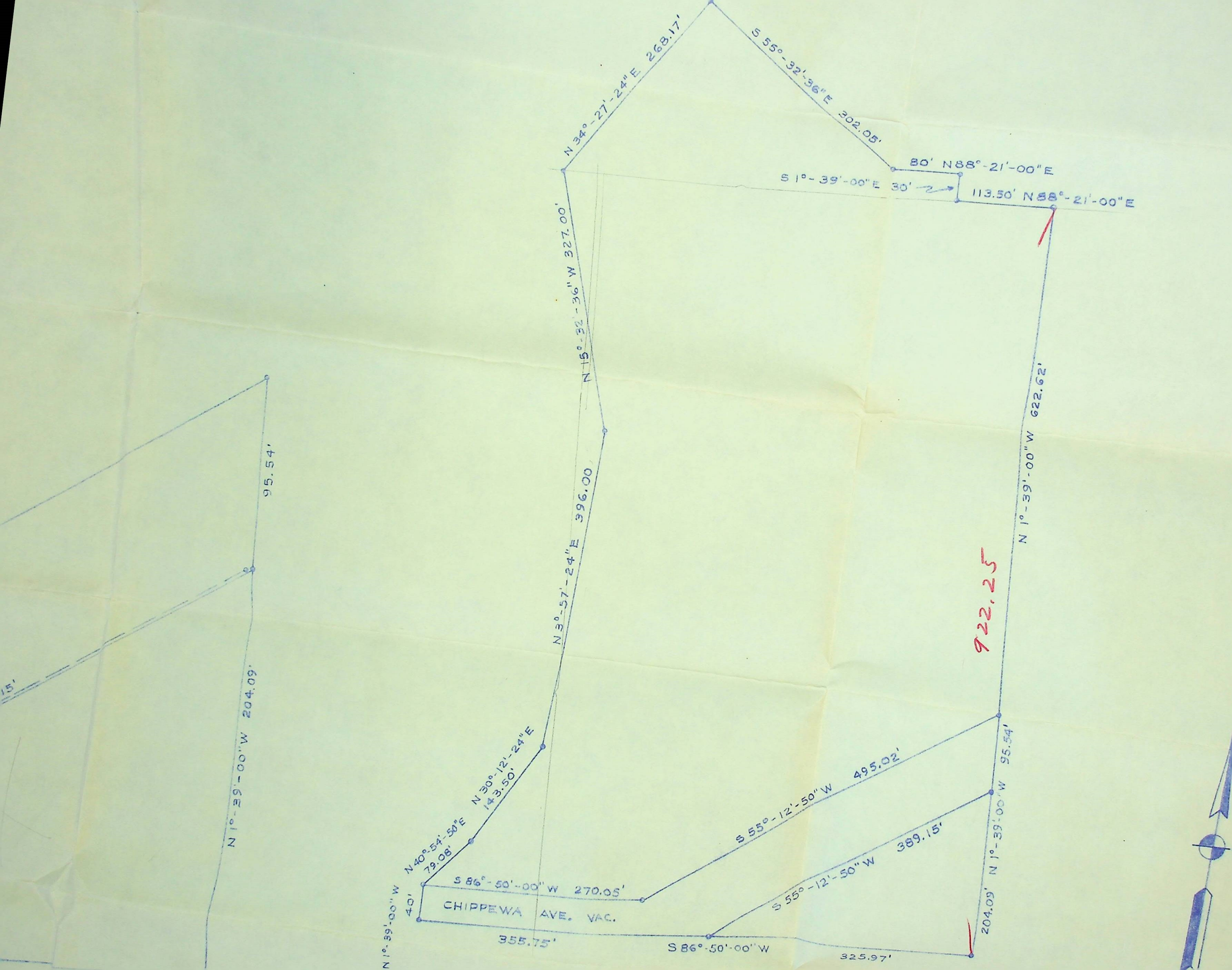


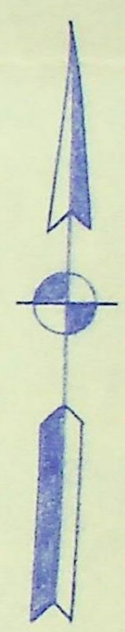
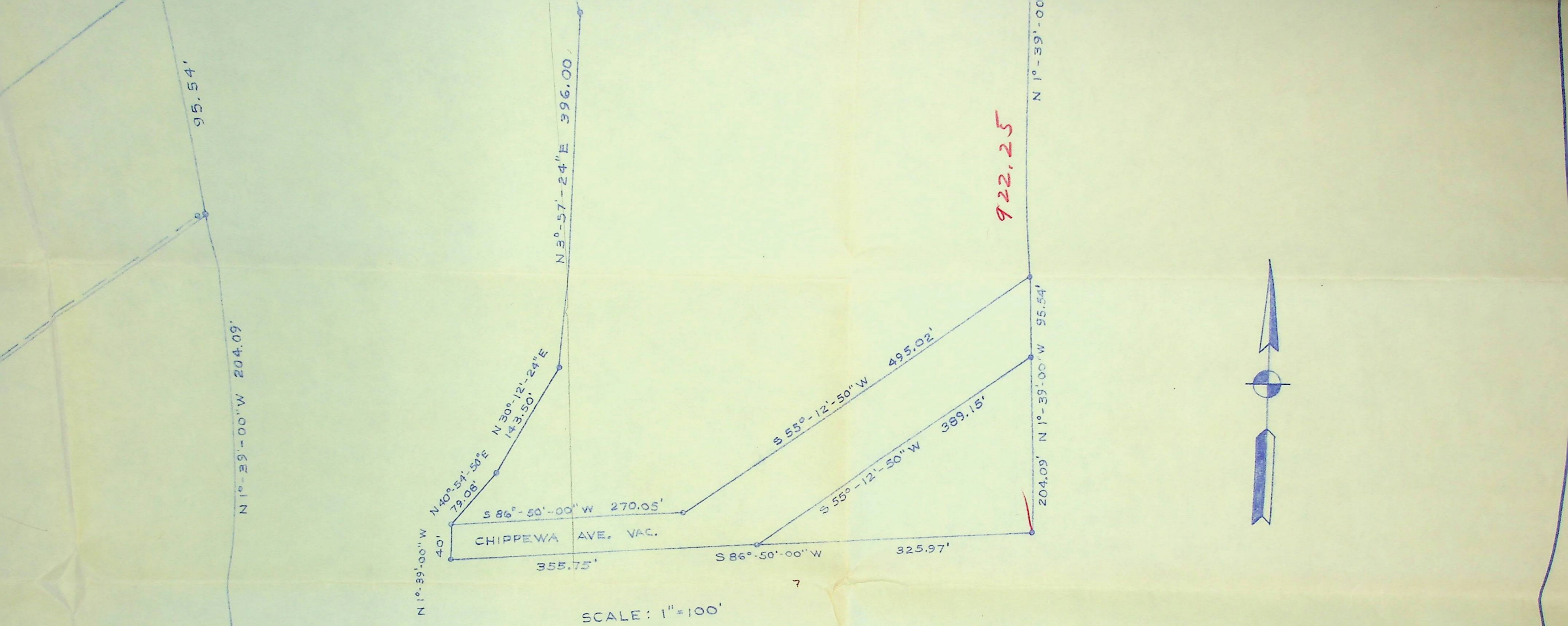
SCALE: 1" = 40'

S 86°-50'-00" W 325.97'

DATE

REVISION





DEED No
1083
Pages 189 & 197

DEPARTMENT OF PUBLIC WORKS
SOUTH BEND, INDIANA

DIVISION	
<input checked="" type="checkbox"/>	CIVIL
<input type="checkbox"/>	TRAFFIC
<input type="checkbox"/>	WATER
<input type="checkbox"/>	WASTE WATER
<input type="checkbox"/>	

CHIPPEWA AVE.
VACATED.
RES. No. 3398.

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

From the desk of . . .

David A. Wells, P.E.

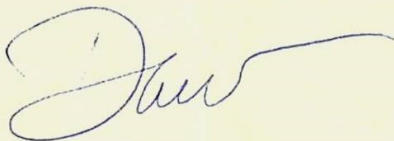
Oct 19, 1978

Pat DeC:

The matter of the unpaid taxes ~~has~~ on the Miami Hills Retention Basin property has been turned over to Mr. Vance.

He has agreed to proceed with the necessary appropriation process to get the funds to pay the 1977 taxes.

Thank you for your help.

A handwritten signature in blue ink, appearing to read "Dave", with a long, sweeping horizontal flourish extending to the right.

Dave Wells