

# 1092

EASEMENT AND RIGHT-OF-WAY from Otto O. and Bessie B. Shanafelt to City of South Bend, A 15' wide (measured east to west) permanent easement taken off of the entire east end and also a permanent easement 15' wide (measured north and south) taken off the north side of the E. 158' of the following described tract of land. (SEE EASEMENT)

(CREST MANOR SEWER)





# 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

219/284-9412

October 5, 1977

Mr. & Mrs. Otto O. Shanafelt  
5724 Miami Road  
South Bend, Indiana

Dear Mr. & Mrs. Shanafelt:

The Board of Public Works has accepted and recorded the easement agreement in connection with the Crest Manor Sewer Project. Enclosed you will find one copy of the easement for your records.

Very truly yours,

BOARD OF PUBLIC WORKS

*Patricia DeClercq*  
Patricia DeClercq, Clerk

PDC/mp  
Enclosure

Township 31 North, Range 3 East, Centre Township, St. Joseph County, Indiana.

ST. JOSEPH CO.  
INDIANA  
FILED FOR RECORD

SEP 28 8 56 AM '77

BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
AUGUST H. COOREMAN  
RECORDER



Bill  
will pick up

Board of Public Works

7708362

#1092

EASEMENT AND RIGHT-OF-WAY

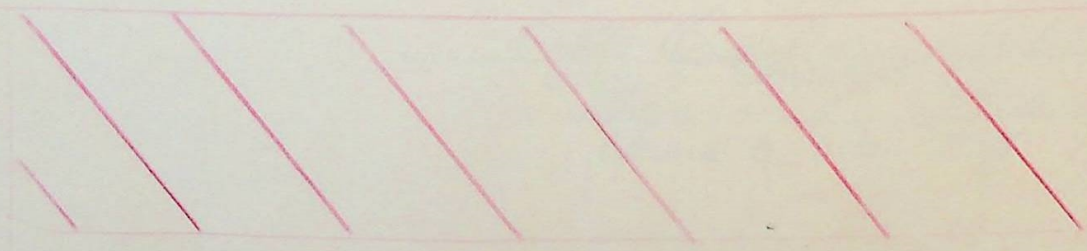
In consideration of the sum of One (\$1<sup>00</sup>)

4

\_\_\_\_\_ 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 of land situated in the County of St. Joseph, State of Indiana, briefly described as follows:

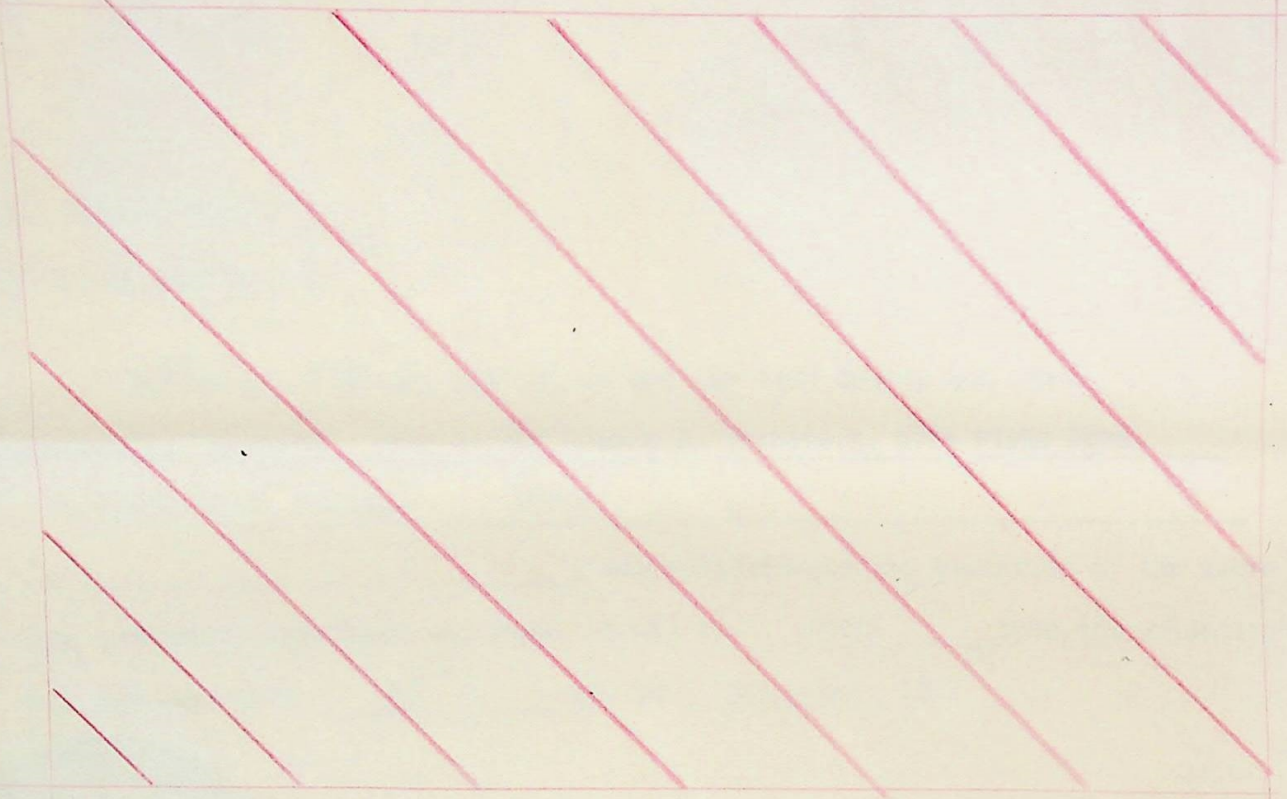
A 15 feet wide (measured east to west) permanent easement taken off of the entire east end, and also a permanent easement 15 feet wide (measured north and south) taken off the north side of the east 158 feet of the following described tract of land.

Commencing at the north west corner of the south west one quarter (1/4) of Section 31, Township 37 North, Range 3 East, thence; due south a distance of 345 feet along the west line of said Section 31 to the true point of beginning, thence; due east a distance of 348 feet, thence; due south a distance of 100 feet, thence; due west a distance of 348 feet, thence; due north along the west line of said Section 31 a distance of 100 feet to the true point of beginning, all in the SW 1/4 of Section 31, Township 31 North, Range 3 East, Centre Township, St. Joseph County, Indiana.



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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 aforescribed 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.

*Otto O. Shanafelt*  
OTTO O. SHANAFELT

*Bessie B. Shanafelt*  
BESSIE B. SHANAFELT

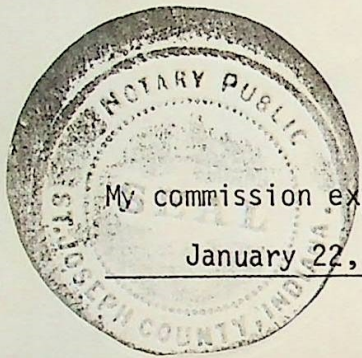


7708362

ST. JOSEPH COUNTY )  
STATE OF INDIANA ) SS:

Before me, a Notary Public, in and for said County and State,  
personally appeared Otto O. and Bessie B. Shanafelt, 5724 Miami Road,  
South Bend, Indiana 46614

\_\_\_\_\_, who acknowledged the execution of the above  
and foregoing instrument and right-of-way as their free and voluntary  
act and deed this 7th day of September, 1977,



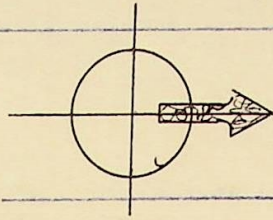
My commission expires :  
January 22, 1979

*David A. Wells*

Notary Public  
David A. Wells

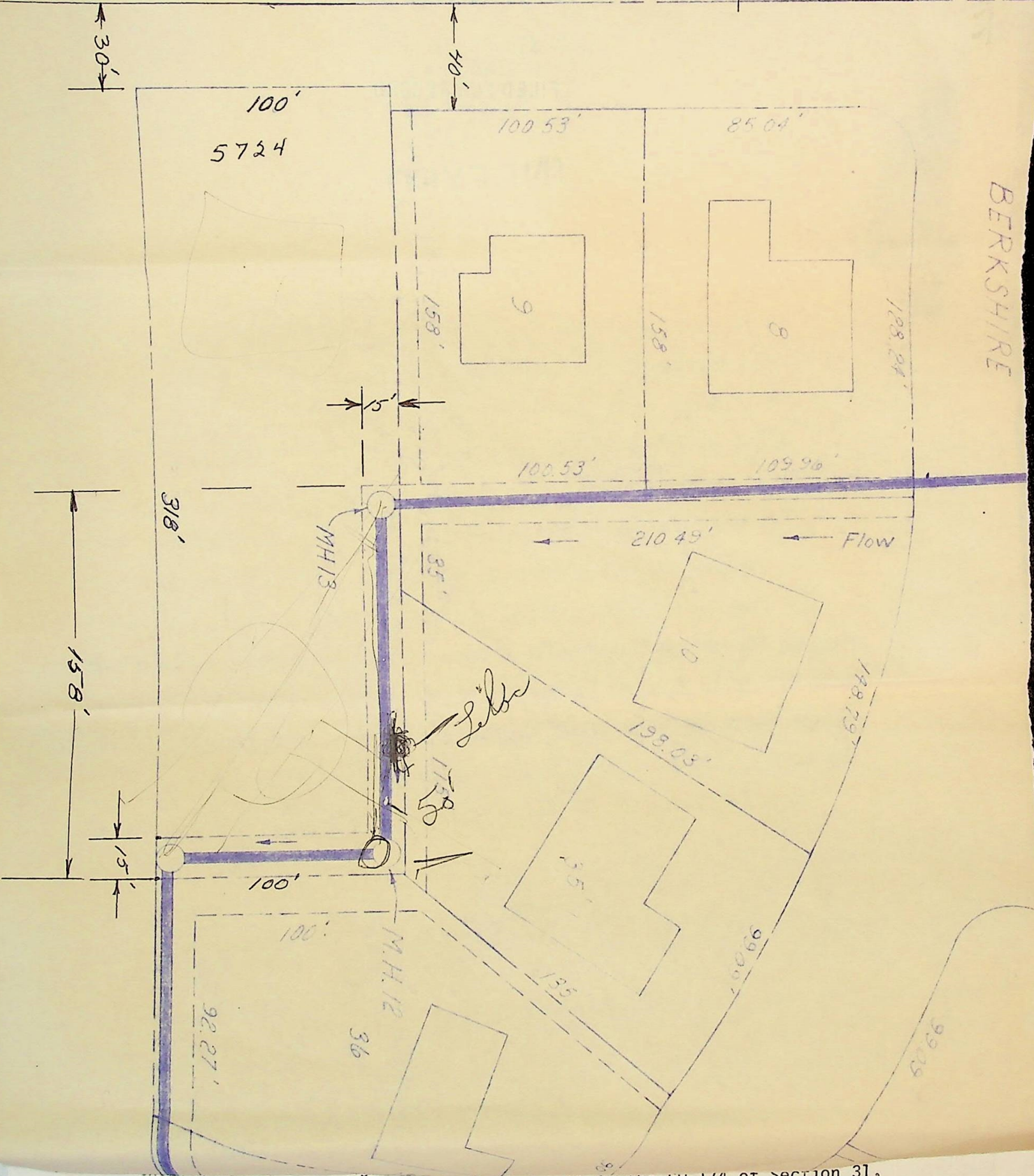
This instrument prepared by Thomas J. Brunner, Jr., City Attorney.





MIAMI

BERKSHIRE



100 feet to the true point of beginning, all in the SW 1/4 of section 31,  
 Township 31 North, Range 3 East, Centre Township, St. Joseph County,  
 Indiana.

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