#1102

EASEMENT AND RIGHT-OF-WAY from Frank McNamee to City of South Bend, A part of the S.W. 4 of N.E. 4 of Sec. 26, Twp. 37 N., Range 2 E. St. Joseph County described as follows, viz: (SEE EASEMENT)

IRELAND RD. INDUSTRIAL PARK SEWERS

described as follows:

## EASEMENT AND RIGHT-OF-WAY

In consideration of the sum of One Dollars and 00/100

The property of the property of the property of

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 remairing, 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

A part of the Southwest Quarter (%) of the Northeast Quarter (%) of Section 26, Township 37 North, Range 2 East, St. Joseph County, Indiana, described as follows, viz:

Beginning at a point 968.73 feet East, and 724.5 feet North of the Southwest corner of the Northeast Quarter (4) of Section 26, Township 37 North, Range 2 East; thence South 90°-00'-00" West 531.84 feet to the Easterly right-of-way line of the Pennsylvania Railroad; thence North 28°-55'-00" East, along and with said Easterly right-of-way line, 17.14 feet; thence North 90°-00'-00" East, 523.55 feet; thence South 00°-00'-00" West, 15.00 feet to the point of beginning.

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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 afcredescribed 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.

FILED OCT : 0 10777

Board of Public Works
PATRICIA DeCLERCO Clerk

TITLE: FRANK MCNAMEE

## 7709829

ST. JOSEPH COUNTY ) SS:	ST.	JOSEF	PH COUNTY	)	
	STAT	E OF	INDIANA	) 33	25];

Before me, a Notary Public, in and f	or said County and State,
personally appeared FRANK MC K	Jamee
, who ack	nowledged the execution of the above
and foregoing instrument and right-of-way a	s his free and voluntary
act and deed this 29th day of	reptember.
	Torre
My commission expires :	The state of the s
May 20, 1981	Cherry & Kouptak
	Notary Public Cheryl J. Kovatch
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Board of Public Works
PATRICIA DeCLERCO Clerk

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