#1123

EASEMENT AND RIGHT-OF-WAY from James S. and Dorlene G. Gutknecht to City of South Bend, A permanent easement described as follows: The South 10' of the north 17.5' off of and from the entire north end of Lot 42 in Part of Crest Manor, Subdivision Section No. 2 all in the Southwest 4 of Section 31, Township 37 North, Range 3 East, Centre Township, St. Joseph County, Indiana.

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LASTIBLE AND EL HOU-WAY

In consideration of the sum of One (\$1.00) Dollar

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 sever or other facilities for all purposes whatsoever, including but not by way of ilmitation, 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 permanent easement described as follows: The south 10 feet of the north 17.5 feet off of and from the entire north end of Lot 42 in Part of Crest Manor, Subdivision Section No. 2, all in the Southwest 1/4 of Section 31, Township 37 North, Range 3 East, Centre Township, St. Joseph County, Indiana.

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ST. JOSEPH CO.
INDIANA

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 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.

DORLENE G. GUTKNECHT

STATE OF INDIANA

Before me, a Notary Public, in and for said County and State,

personally appeared James S. and Darlene G. Gutknecht, 1227 Berkshire Drive,

South Bend, Indiana 46614

, who acknowledged the execution of the above and foregoing instrument and right-of-way as free and voluntary act and deed this 22nd day of November 1971

My commission expires:

PATRICIA I. SIMONS

MY COMMISSION EXPIRES MAY 29, 1978

ROUGH STATE OF INDIANA

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BUTTONIA I SIMONS

Notary Public

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ST. JOSEPH CO. INDIANA FILED FOR RECORD

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