

# 1148

EASEMENT AND RIGHT-OF-WAY from  
Portage Place Apartments, Section  
I - A 40' strip of land for highway  
purposes in the North half of  
Section 27, T 38 N, R 2 E, St.  
Joseph County, Indiana, more particularly  
described as follows:

(SEE EASEMENT)



*Public Works*

7811806

#1148

3

EASEMENT AND RIGHT-OF-WAY

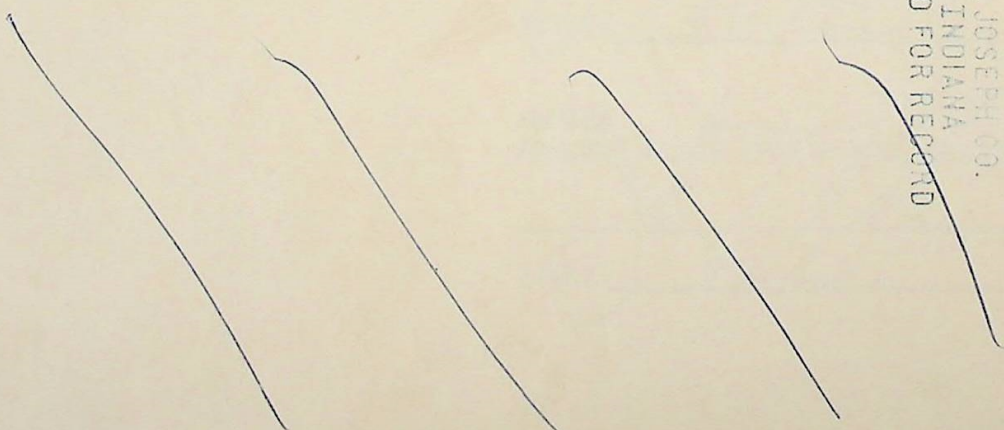
In consideration of the Sum of

*One (\$1.00)*

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

A 40-foot strip of land for highway purposes in the North half of Section 27, T 38 N, R 2 E, St Joseph County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of said Section 27; thence S 00° 01' 30" W along the West line of said Section 27, 1999.65 feet; thence S 89° 58' 30" E 2954.33 feet to the centerline of Portage Road, said point being the true place of beginning; then N 23° 16' 15" W along said centerline 1145.00 feet; thence S 66° 43' 45" W 40.00 feet; thence S 23° 16' 15" E, 1127.78 feet; thence S 89° 58' 30" E, 43.55 feet to the place of beginning.



BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
AUGUST H. COFFREMAN  
RECORDER  
JUN 12 3 10 PM '78  
ST. JOSEPH CO.  
INDIANA  
FILED FOR RECORD



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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.

OWNER  
PORTAGE PLACE APARTMENTS, SECTION I

TITLE:

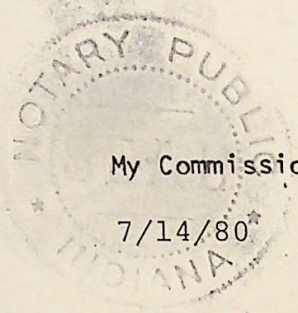
OWNER  
PORTAGE PLACE APARTMENTS, SECTION II

TITLE:



ST. JOSEPH COUNTY )  
STATE OF INDIANA ) SS: 7811806

Before me, a Notary Public, in and for said County and State,  
personally appeared John T. Phair, partner, of Portage Place Apartments  
Section I,  
\_\_\_\_\_, who acknowledged the execution of the  
above and foregoing instrument and easement as his free and voluntary  
act and deed this 9th day of June, 1978.



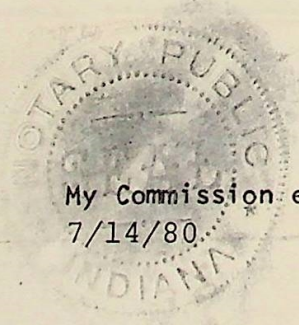
Jane G. Kretz  
Jane G. Kretz, NOTARY PUBLIC, residing in  
St. Joseph County, Indiana

~~Mortgage~~  
~~St. Joseph Mortgage Co., Inc.~~

~~Notary President~~

ST. JOSEPH COUNTY )  
STATE OF INDIANA ) SS:

Before me, a Notary Public, in and for said County and State,  
personally appeared John T. Phair, partner, of Portage Place  
Apartments, Section II  
\_\_\_\_\_, who acknowledged the execution of the  
above and foregoing instrument and easement as his free and voluntary  
act and deed this 9th day of June, 1978



Jane G. Kretz  
Jane G. Kretz, NOTARY PUBLIC, residing  
in St. Joseph County, Indiana

Prepared by: Thomas J. Brunner, Jr., City Attorney



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