

#1227

EASEMENT AND RIGHT-OF-WAY from  
Brethren Care of South Bend, Inc.  
A tract of land in the Southwest  
Quarter of Section 20, Township  
37 North, Range 3 East, St.  
Joseph County, Indiana, more  
particularly described as follows:  
(SEE DEED)

Hand  
Book of Works

7919141

# 1227

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EASEMENT AND RIGHT-OF-WAY

In consideration of the sum of \_\_\_\_\_ Ten (\$10.00)

\_\_\_\_\_ Dollars cash in hand paid, receipt whereof is hereby acknowledged, the undersigned hereby grant, bargain, sell, convey, transfer and 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 and 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 tract of land in the Southwest Quarter of Section 20, Township 37 North, Range 3 East, St. Joseph County, Indiana, more particularly described as follows:

Beginning at a point on the West line of said Southwest Quarter 700 feet North of the Southwest Corner thereof; thence North 0 degrees 04 minutes 04 seconds West on and along said West line being also the centerline of Ironwood Road a distance of 319.84 feet to the Southerly line of a tract of land conveyed to Topsfield Development Corporation by instrument recorded in Deed Record No. 678, Page 560 in the office of the Recorder of St. Joseph County, Indiana; thence North 89 degrees 55 minutes 52 seconds East 54.00 feet along said Southerly line; thence South 0 degrees 04 minutes 04 seconds East parallel to the West line of said Southwest Quarter 319.55 feet; thence South 89 degrees 37 minutes 07 seconds West 54.00 feet to the Point of Beginning, containing 0.396 acre.

Aug 29 1 00 PM '78  
ST. JOSEPH CO.  
INDIANA  
FILED FOR RECORD  
AUGUST H. COOPERMAN  
RECORDER

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 is used, it will be read as plural, if and when necessary, and that whenever words of neuter gender are employed, they will likewise apply to the masculine gender, whenever the contract requires.

DATED this 26 day of March, 1979.

BRETHREN CARE OF SOUTH BEND, INC.

By: Howard R. Goodhew  
Howard R. Goodhew, President

Prepared by Richard L. Mintz, 1221 St. Joseph Bank Building  
South Bend, Indiana

**APPROVED**  
**BOARD OF PUBLIC WORKS**

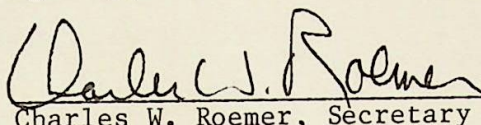
Patrick M. McMahon  
Thomas J. Brunner, Jr.  
Peter H. Mullen

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CORPORATE CERTIFICATION

I, Charles W. Roemer, certify that I am Secretary of the Corporation executing this Easement and Right-of-Way Agreement; that Howard R. Goodhew, who signed this Agreement on behalf of the Corporation, was then President of said Corporation; that said Agreement was duly signed for and on behalf of said Corporation by authority of its governing body, and is within the scope of corporate powers.

  
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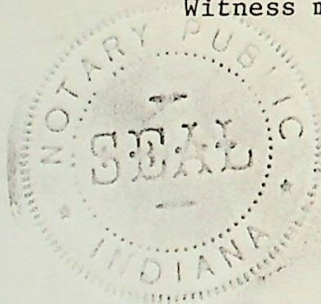
Charles W. Roemer, Secretary

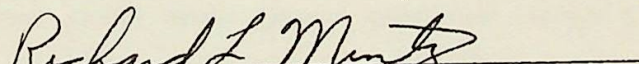


STATE OF INDIANA    )  
                          ) SS:  
ST. JOSEPH COUNTY    )

Before me, a Notary Public in and for the aforesaid County and State, personally appeared Howard R. Goodhew and Charles W. Roemer, known to be President and Secretary, respectively, or Brethren Care of South Bend, Inc., who on behalf of said Corporation acknowledged the execution of the above and foregoing instrument to be its voluntary act and deed.

Witness my hand and Notarial Seal this 26<sup>th</sup> day of March, 1979.



  
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Richard L. Mintz, Notary Public  
Residing in St. Joseph County, Indiana  
My commission expires February 10, 1981