

1179

SPECIAL WARRANTY DEED from Cities
Service Company to City of South
Bend. Property at Western and Chapin

(SEE DEED)

N.W
CORNER



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

November 28, 1978

Mr. R. Gene Hornbeck, Legal Intern
P. O. Box 300
Tulsa, Oklahoma 74102

Re: Property at Western and
Chapin

Dear Mr. Hornbeck:

The Warranty Deed from Cities Service Company to the Board of Public Works of the City of South Bend has been recorded. One copy of the recorded deed is enclosed. The original deed from Cities Service Oil Company to Cities Service Company has also been recorded and the original deed is enclosed.

Very truly yours,

BOARD OF PUBLIC WORKS

Patricia DeClercq
Patricia DeClercq, Clerk

PDC/mp
Enclosures (2)

ST. JOSEPH COUNTY, INDIANA

STATEMENT OF PERSONAL PROPERTY TAXES

SPRING INSTALLMENT DUE MAY 10TH. FALL INSTALLMENT DUE NOVEMBER 10TH. MAIL OR BRING BOTH COPIES TO TREASURER'S OFFICE, COUNTY-CITY BLDG. SOUTH BEND, INDIANA 46601. PLEASE SAVE TIME AND POSSIBLE PENALTY BY PAYING TOTAL NET TAX DUE NOW.

VALUE OF PERSONAL PROPERTY	VALUE OF IMPROVEMENTS	EXEMPTIONS
220		
NET ASSESSED VALUE	TAX DATES	DELINQUENT AFTER
220	FOR 1978 PAYABLE 1979	5/10/79
KEY NUMBER 18	391 3122	
TAX UNIT SOUTH BEND		TAX RATE 12.8951

NOTICE OF STATE PROPERTY TAX REPLACEMENT CREDIT

A DECREASE OF YOUR CURRENT PROPERTY TAX OF NOT LESS THAN TWENTY PERCENT (20%), PAYABLE FROM THE PROPERTY TAX REPLACEMENT FUND, AS ESTABLISHED BY THE 1973 GENERAL ASSEMBLY AND APPROVED BY THE GOVERNOR OF THE STATE OF INDIANA, HAS BEEN APPLIED TO YOUR TAX STATEMENTS. THE TOTAL OF YOUR TAX CREDIT FOR YEAR ~~1978~~ ONE-HALF OF THIS CREDIT WILL APPLY TO YOUR MAY INSTALLMENT AND ONE-HALF TO YOUR NOVEMBER INSTALLMENT OF TAX.


TAX COMPUTATION

GROSS TAX FOR YEAR	28.37
LESS STATE TAX CREDIT	5.67
NET TAX DUE FOR YEAR	22.70
NET TAX DUE THIS INSTALLMENT	11.35
DELINQUENT TAX & PENALTY	
DRAINAGE ASSESSMENT	
ASSESSMENTS AND/OR FINES	
LESS CREDITS	
TOTAL UNPAID TAXES AND PENALTIES	22.70
TOTAL THIS INSTALLMENT	11.35

TO: *13-141-021*
 BOARD OF PUBLIC WORKS OF THE CITY OF
 CITIES SERVICE COMPANY, South Bend, Ind.
 905 WESTERN AND CHAPIN
 PO BOX 300 - CITY COUNTY BUILDING
 TULSA SOUTH BEND INDIANA OK 74102

PAYMENTS MUST BE ACCOMPANIED WITH A STAMPED SELF-ADDRESSED ENVELOPE. MAIL OR BRING BOTH COPIES WHEN PAYING TAXES. MAKE CHECKS PAYABLE TO:
A. J. KROMKOWSKI
 ST. JOSEPH COUNTY TREASURER

NOTICE
 TAX STATEMENT FOR BOTH INSTALLMENTS ARE ENCLOSED
 NO SEPARATE STATEMENT WILL BE SENT IN ADVANCE OF THE DUE DATE OF SECOND INSTALLMENT.

THIS RECEIPT NOT VALID UNLESS RECEIPTED 

APPROVED BY STATE BOARD OF ACCOUNTS FOR ST. JOSEPH COUNTY, 1978

DO NOT DETACH - MAIL OR BRING BOTH COPIES WHEN PAYING BILL

DIVINE ENTERPRISES OF SOUTH BEND 1978

10-3-80 . . .

Locker wants to
be notified
if & when city
decides to sell
property.

hold

RGH/rf
P/N 13-141-021
9/21/78

Return To David A. Wells
Rec'd

1179

(2)

7824115

Transfer 8675
Taxing Unit S.B.
Date 11-3-78

4

SPECIAL WARRANTY DEED

THE Grantor, CITIES SERVICE COMPANY, a corporation created and existing under and by virtue of the laws of the State of Delaware, having its offices at the Cities Service Building, P. O. Box 300, Tulsa, Oklahoma 74102, and duly authorized to transact business in the State of Indiana, for and in consideration of TEN DOLLARS (\$10.00) and as a GIFT and DONATION pursuant to authority of the Board of Directors of said corporation, has, and by these presents does grant and convey unto THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA, located at City-County Building, South Bend, Indiana, Grantee, its successors and assigns, forever, all of the following described real estate situated in St. Joseph County, State of Indiana:

The East two thirds of lot numbered 15 as shown on the Recorded Plat of Ruckman's Sub-Division of Bank Outlot Numbered 75 of the First Plat of Outlots of the Town, now the City of South Bend, platted by the State Bank of Indiana, EXCEPTING THEREFROM a strip of land 16-1/2 feet in width, North and South, taken off of and from the entire width of the South End thereof, for the widening of Division Street, now Western Avenue.

Also the North half of Lot numbered 16 as shown on the Recorded Plat of Ruckman's Sub-Division of Bank Outlot numbered 75 of the First Plat of Out Lots of the Town, now the City of South Bend, platted by the State Bank of Indiana, EXCEPTING THEREFROM a lot or parcel of land 46 feet in width, North and South, taken off of and from the entire width of the North end thereof.

And the South one half of lot numbered 16 as shown on the recorded plat of Ruckman's Sub-Division of Bank Outlot numbered 75 of the First Plat of the Town, now City of South Bend, platted by the State Bank of Indiana, EXCEPTING a strip of land 16-1/2 feet in width, North and South, taken off of and from the entire width of the South End thereof, for the widening of Division Street, now Western Avenue, and EXCEPTING THEREFROM a parcel described as follows: Beginning at the SE corner of Lot 16, said

Nov 3 11 52 AM '78
ST. JOSEPH CO. INDIANA
FILED FOR RECORD

BOOK _____ PAGE _____
AUGUST H. COOREMAN
RECORDER

ST. JOSEPH CO. INDIANA

7824115

southeast corner being 33' north of the centerline of Western Avenue and 33' west of the centerline of Chapin Street; thence South 89° 57' West along the north line of Western Avenue a distance of 37.5' to the point of curvature of a 37.5' radius curve; thence along a 37.5' radius curve a distance of 58.9' to the point of tangency of the 37.5' radius curve, said point being on the west line of Chapin Street; thence South 0° 07' East along the west line of Chapin Street a distance of 37.5' to the point of beginning, containing 302 square feet, more or less.

SUBJECT TO any condition that an accurate survey or an inspection of the premises might show and to covenants, easements and restrictions of record.

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining.

The Grantor, for itself and its successors, covenants with the Grantee, its successors and assigns, that the Grantor has not done or suffered to be done, anything whereby the premises hereby granted are, or may be, in any manner encumbered or charged, except as herein recited; and that it and its successors will warrant and forever defend said premises to the Grantee, its successors and assigns, against the claims of all persons claiming by, through or under the Grantor, and none other.

IN WITNESS WHEREOF, the said Grantor, CITIES SERVICE COMPANY, pursuant to the authority of its Board of Directors, has caused the execution hereof by its duly authorized officers and the affixing hereto of its corporate seal, all as of the 3rd day of October, 1978.

CITIES SERVICE COMPANY

By R. B. Thomas R. B. Thomas
R. B. Thomas
Vice President, Petroleum
Products Group

Attest Garrett Lowe
Garrett Lowe
Assistant Secretary



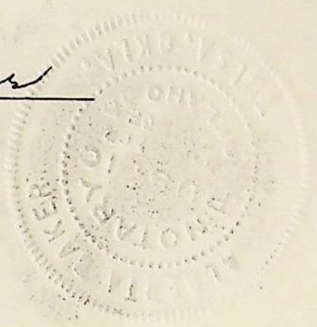
7824115

STATE OF OKLAHOMA)
) SS:
COUNTY OF TULSA)

Before me, a Notary Public in and for said County and State, on this 3rd day of October, 1978, personally appeared CITIES SERVICE COMPANY by R. B. THOMAS and GARRETT LOWE, its Vice President, Petroleum Products Group, and Assistant Secretary, respectively, and acknowledged the execution of the foregoing instrument.

WITNESS my hand and notarial seal.

Alberta Baker
Alberta Baker
Notary Public



My Commission Expires:
January 21, 1981.

This instrument prepared by: R. Gene Hornbeck, Legal Intern
Address: P.O. Box 300
Tulsa, Oklahoma 74102

Indiana Gross Income Tax on Sale of Real Estate	
Paid by	<u>Cities Service Company</u> Grantor
Date Paid	<u>11-3-1978</u>
Amount Paid	<u>.15</u>
Treasurer's Receipt #	<u>317142</u>
St. Joseph County	

ARTICLE IV

Corporate Officers

5. GENERAL POWERS. Except as otherwise provided by law, the Chairman of the Board, the President, each Executive Vice President, each corporate Vice President, the Secretary and the Treasurer shall have power to sign contracts, instruments of conveyance, authorized bonds and debentures, checks, drafts, notes, orders for the payment of money and similar obligations and other instruments for and on behalf of the Corporation.

ARTICLE V

Group and Division Officers

1. Officers. The Chairman of the Board may appoint and remove such Group and Division Officers, with such titles, including those of President or Vice President of a Group or Division, as he may deem appropriate and in the best interests of the Corporation.

2. Duties. Each Group or Division Officer shall have such authority and responsibility, shall perform such duties and shall have such power to execute instruments and documents as may be assigned to him from time to time by the Chairman of the Board, the President or an Executive Vice President.

PETROLEUM PRODUCTS GROUP

Assignment of Authority

This Seventh Day of July, 1978

Pursuant to the By-Laws of Cities Service Company the following authority is hereby delegated and assigned to

All Vice Presidents - Petroleum Products Group

Description of Authority

The representative(s) named above is hereby authorized and empowered in the name and on behalf of this corporation to execute and deliver contracts of purchase and sale, deeds, leases and instruments of every nature whatsoever relating to real property, in which this corporation has or may acquire an interest.

Delegated by: /s/ R. H. Chitwood
R. H. CHITWOOD
President, Petroleum Products Group
Executive Vice President,
Cities Service Company

CERTIFICATION

I, GARRETT LOWE, Assistant Secretary of CITIES SERVICE COMPANY, a Delaware corporation, do hereby certify that the above and foregoing is a true and correct copy of Paragraph 5 of Article IV and Paragraphs 1 and 2 of Article V of the By-Laws of said corporation and of the Assignment of Authority in the Petroleum Products Group of said corporation made by R. H. Chitwood under date of July 7, 1978, as same exist and are in force on the date hereof. I further certify that R. H. Chitwood was on the date of the execution of such Assignment of Authority and is now and has been continuously since such date, a duly elected and acting Executive Vice President of said corporation and that R. B. THOMAS is a duly appointed and acting Vice President of the Petroleum Products Group of said corporation.

Dated this 3rd day of October, 1978.

Garrett Lowe

ARTICLE IV

Corporate Officers

5. GENERAL POWERS. Except as otherwise provided by law, the Chairman of the Board, the President, each Executive Vice President, each corporate Vice President, the Secretary and the Treasurer shall have power to sign contracts, instruments of conveyance, authorized bonds and debentures, checks, drafts, notes, orders for the payment of money and similar obligations and other instruments for and on behalf of the Corporation.

ARTICLE V

Group and Division Officers

1. Officers. The Chairman of the Board may appoint and remove such Group and Division Officers, with such titles, including those of President or Vice President of a Group or Division, as he may deem appropriate and in the best interests of the Corporation.

2. Duties. Each Group or Division Officer shall have such authority and responsibility, shall perform such duties and shall have such power to execute instruments and documents as may be assigned to him from time to time by the Chairman of the Board, the President or an Executive Vice President.

PETROLEUM PRODUCTS GROUP

Assignment of Authority

This Seventh Day of July, 1978

Pursuant to the By-Laws of Cities Service Company the following authority is hereby delegated and assigned to

All Vice Presidents - Petroleum Products Group

Description of Authority

The representative(s) named above is hereby authorized and empowered in the name and on behalf of this corporation to execute and deliver contracts of purchase and sale, deeds, leases and instruments of every nature whatsoever relating to real property, in which this corporation has or may acquire an interest.

Delegated by: /s/ R. H. Chitwood
R. H. CHITWOOD
President, Petroleum Products Group
Executive Vice President,
Cities Service Company

CERTIFICATION

I, GARRETT LOWE, Assistant Secretary of CITIES SERVICE COMPANY, a Delaware corporation, do hereby certify that the above and foregoing is a true and correct copy of Paragraph 5 of Article IV and Paragraphs 1 and 2 of Article V of the By-Laws of said corporation and of the Assignment of Authority in the Petroleum Products Group of said corporation made by R. H. Chitwood under date of July 7, 1978, as same exist and are in force on the date hereof. I further certify that R. H. Chitwood was on the date of the execution of such Assignment of Authority and is now and has been continuously since such date, a duly elected and acting Executive Vice President of said corporation and that R. B. THOMAS is a duly appointed and acting Vice President of the Petroleum Products Group of said corporation.

Dated this 3rd day of October, 1978.

Garrett Lowe
Garrett Lowe, Assistant Secretary

21. NEWBORN POWER, except as otherwise provided by law, the Chairman of the Board, the President, and Executive Vice President, shall have power to sign contracts, instruments of conveyance, mortgages, deeds and debentures, notes, leases, orders for the payment of money and similar obligations and other instruments for and on behalf of the Corporation.

22. Officers. The Chairman of the Board may appoint and remove such Group and Division Officers, with such titles, including those of President or Vice President of a Group or Division as he may deem appropriate and in the best interests of the Corporation. Each Officer, from Group or Division Officer shall have such authority and responsibility, shall perform such duties and shall have such power to execute instruments and documents as may be assigned to him from time to time by the Chairman of the Board, the President or the Executive Vice President.

PETROLEUM PRODUCTS GROUP

Assignment of Authority

This Government of July 1, 1978

Assignment to the By-Laws of the Corporation Company, following

Authority is hereby assigned and assigned to

All Vice Presidents - Petroleum Products Group

Description of Authority

The representative(s) named above is/are authorized to execute in the name and on behalf of the Corporation to execute and deliver contracts of purchase and sales, deeds, leases and instruments of every nature whatsoever relating to real property, in which the Corporation has or may acquire an interest.

INDEXED

Witness my hand and seal of the Corporation this 1st day of July, 1978.

By: E. H. Bask
President, Petroleum Products Group
Company Service Company

CERTIFICATION

I, EUGENE A. BASK, Auditor of the Corporation, do hereby certify that the above and foregoing is a true and correct copy of Paragraph 2 of Article IV and Paragraphs 1 and 2 of Article V of the By-Laws of said Corporation and of the Assignment of Authority to the Petroleum Products Group of said Corporation under date of July 1, 1978. I further certify that the execution of such Assignment of Authority is a duly reported and acting Vice President of said Corporation.

DULY ENTERED FOR TAXATION
EUGENE A. BASK
AUDITOR
ST. JOSEPH CO., INDIANA



(1)

7824111

Transfer 8674
Taxing Unit S.B.
Date 11-3-78

4

SPECIAL WARRANTY DEED

THE Grantor, CITIES SERVICE OIL COMPANY, a corporation created and existing under and by virtue of the laws of the State of Delaware, having its offices at the Cities Service Building, P. O. Box 300, Tulsa, Oklahoma 74102, and duly authorized to transact business in the State of Indiana, in consideration of a property dividend that included the property hereinafter described declared to its sole stockholder of record at 7:45 A.M. on January 1, 1978, being Cities Service Company, under a resolution dated January 1, 1978, adopted by the unanimous written consent of its Board of Directors and pursuant to the authority of such Board and to effect of record such transfer, has, and by these presents does grant and convey unto CITIES SERVICE COMPANY, a Delaware corporation, having principal offices located in the Cities Service Building, P. O. Box 300, Tulsa, Oklahoma, Grantee, its successors and assigns, forever, all of the following described real estate situated in St Joseph County, State of Indiana:

The East two thirds of lot numbered 15 as shown on the Recorded Plat of Ruckman's Sub-Division of Bank Outlot Numbered 75 of the First Plat of Outlots of the Town, now the City of South Bend, platted by the State Bank of Indiana, EXCEPTING THEREFROM a strip of land 16-1/2 feet in width, North and South, taken off of and from the entire width of the South End thereof, for the widening of Division Street, now Western Avenue.

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FILED IN RECORD
ST. JOSEPH COUNTY, INDIANA
NOV 3 11 22 AM '78

RECORDED

And the South one half of lot numbered 16 as shown on the recorded plat of Ruckman's Sub-Division of Bank Outlot numbered 75 of the First Plat of the Town, now City of South Bend, platted by the State Bank of Indiana, EXCEPTING a strip of land 16-1/2 feet in width, North and South, taken off of and from the entire width of the South End thereof, for the widening of Division Street, now Western Avenue, and EXCEPTING THEREFROM a parcel described as follows: Beginning at the SE corner of Lot 16, said southeast corner being 33' north of the centerline of Western Avenue and 33' west of the centerline of Chapin Street; thence South 89° 57' West along the north line of Western Avenue a distance of 37.5' to the point of curvature of a 37.5' radius curve; thence along a 37.5' radius curve a distance of 58.9' to the point of tangency of the 37.5' radius curve, said point being on the west line of Chapin Street; thence South 0° 07' East along the west line of Chapin Street a distance of 37.5' to the point of beginning, containing 302 square feet, more or less.

SUBJECT TO any condition that an accurate survey or an inspection of the premises might show and to covenants, easements and restrictions of record.

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining.

The Grantor, for itself and its successors, covenants with the Grantee, its successors and assigns, that the Grantor has not done or suffered to be done, anything whereby the premises hereby granted are, or may be, in any manner encumbered or charged, except as herein recited; and that it and its successors will warrant and forever defend said premises to the Grantee, its successors and assigns, against the claims of all persons claiming by, through or under the Grantor, and none other.

IN WITNESS WHEREOF, the said Grantor, CITIES SERVICE OIL COMPANY, pursuant to the authority of its Board of Directors, has caused the execution hereof by its duly

RGH/rf
P/N 12-141-021
9/21/78

7824114

authorized officers and the affixing hereto of its corporate seal, all as of the 3rd day of October, 1978.

CITIES SERVICE OIL COMPANY

By R. B. Thomas *R.B.T.*
R. B. Thomas
Vice President

Attest Garrett Lowe
Garrett Lowe
Assistant Secretary

STATE OF OKLAHOMA)
) SS:
COUNTY OF TULSA)

Before me, a Notary Public in and for said County and State, on this 3rd day of October, 1978, personally appeared CITIES SERVICE OIL COMPANY by R. B. THOMAS and GARRETT LOWE, its Vice President and Assistant Secretary, respectively, and acknowledged the execution of the foregoing instrument.

WITNESS my hand and notarial seal.

Alberta Baker
Alberta Baker
Notary Public

My Commission Expires:
January 21, 1981.

This instrument prepared by: R. Gene Hornbeck, Legal Intern
Address: P.O. Box 300
Tulsa, Oklahoma 74102

MAIL STOP

Federal Gross Income Tax on	
1978	
Paid by	
Cities Service Oil Company	
Date Paid	11-3-1978
Amount Paid	.15
Transmittal No.	317143

7824114

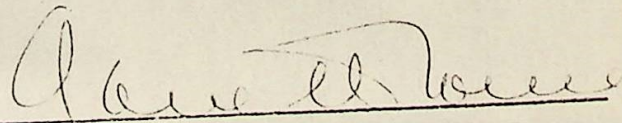
CITIES SERVICE OIL COMPANY

Certified Copy of Directors' Resolution

"RESOLVED, that the Chairman of the Board, the President, or any Vice President, of this corporation be, and each of them hereby is, authorized and empowered in the name and on behalf of this corporation to execute and deliver contracts of purchase and sale, deeds, leases and instruments of every nature whatsoever relating to real property, in which this corporation has or may acquire an interest."

* * * * *

I, GARRETT LOWE, Assistant Secretary of CITIES SERVICE OIL COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a resolution regularly and unanimously adopted at a meeting of the Board of Directors of said corporation, duly called and held on the 27th day of December, 1962, at which said meeting a majority of the Directors was present and voted, and I DO FURTHER CERTIFY that the said resolution is still in full force and effect and has not been rescinded.


Garrett Lowe
Assistant Secretary

DATED: October 3, 1978.