

#1247

NON-ACCESS EASEMENT from Trebor to
City of South Bend - Part of the
N.E. Quarter of Sec. 4, Twp. 37 N.,
Range 2 E., St. Joseph Co. -

(RE: TO CONTROL ACCESS TO BENDIX
DR. - LaSALLE SQUARE SHOPPING CENTER)

(SEE EASEMENT)

HOLD -
Bd of Works

#1247

8003803

NON-ACCESS EASEMENT

3

Trebor, an Indiana Limited Partnership, of St. Joseph County, Indiana (hereinafter called "Grantor") hereby grants and conveys to the Civil City of South Bend, Indiana, a municipal corporation (hereinafter called "Grantee"), for and in consideration of One (\$1.00) Dollar and other valuable consideration, the receipt of which is hereby acknowledged, a permanent, exclusive easement for the following purposes:

1. To control access from the Grantor's real estate to Bendix Drive; and
2. To prohibit the Grantor, its successors and assigns, from obtaining access onto Bendix Drive without the permission of the Grantee.

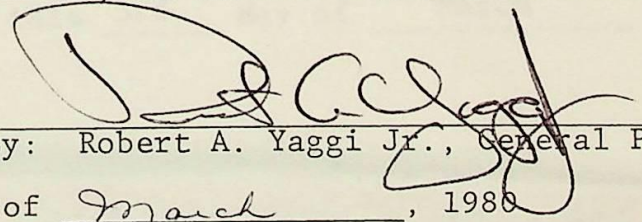
Said permanent exclusive easement shall be on and along a strip of land situated in the City of South Bend, St. Joseph County, Indiana, more particularly described in Exhibit "A" attached hereto and incorporated by reference herein.

Grantor, except as herein granted, shall continue to have the full use and enjoyment of the herein described real estate.

Grantee shall indemnify and shall hold Grantor harmless from any claim of damages to person or premises resulting from the use of the above-described property for the purposes set forth herein.

DATED this 27 day of Feb., 1980.

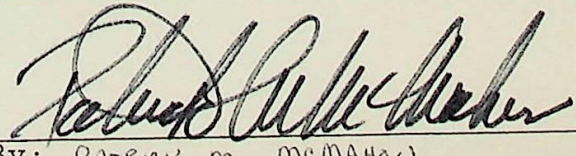
TREBOR, an Indiana Limited Partnership



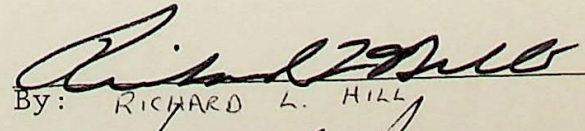
By: Robert A. Yaggi Jr., General Partner

ACCEPTED this 3rd day of March, 1980

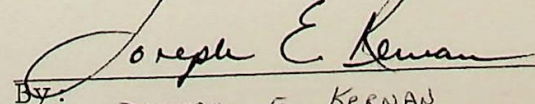
CITY OF SOUTH BEND, BOARD OF WORKS



By: PATRICK M. McMAHON



By: RICHARD L. HILL



By: JOSEPH E. KERNAN

AUGUST H. COOREMAN
RECORDER

MAR 3 11 01 AM '80

ST. JOSEPH CO.
INDIANA
FILED FOR RECORD

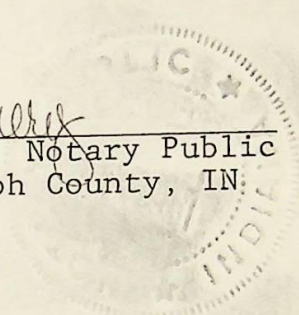
STATE OF INDIANA)
)
ST. JOSEPH COUNTY) SS:

Before me, a Notary Public in and for said County and State, personally appeared Robert A. Yaggi Jr., known to me to be the General Partner of Trebor, an Indiana Limited Partnership, who acknowledged the execution of the foregoing Non-Access Easement for and on behalf of such Limited Partnership.

WITNESS my hand and seal this 27 day of February, 1980.

My Commission Expires:
December 25, 1983

Jill Anne Montgomery
Jill Anne Montgomery, Notary Public
Residing in St. Joseph County, IN.



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

Before me, a Notary Public in and for said County and State, personally appeared Patrick M. McMahon, Richard L. Hill and Joseph E. Kernan, known to be members of the Board of Works of the City of South Bend, who acknowledged the execution of the foregoing Non-Access Easement for and on behalf of the City of South Bend.

WITNESS my hand and seal this 3rd day of March, 1980.

My Commission Expires:
June 6, 1983

Kitty L. Hall
Kitty L. Hall Notary Public
Residing in St. Joseph County, IN



8003803

Part of the Northeast Quarter of Section 4, Township 37 North, Range 2 East, St. Joseph County, Indiana; more particularly described as follows: Commencing at the Southeast corner of the said Northeast Quarter; thence North 00°00'00" East, 11.80 feet to a point; thence North 89°19'44" West, 60.00 feet to the Northwest intersection of the rights-of-way of Bendix Drive and Prast Boulevard, said rights of public access and thoroughfare being dedicated in Plat Book No. 13, pages 68 and 69 in the Office of the Recorder of St. Joseph County, Indiana; thence North 00°00'00" East along the said Westerly right-of-way of Bendix Drive, 638.00 feet to the POINT OF BEGINNING of this description; thence South 90°00'00" West, one (1) foot to a point; thence North 00°00'00" East, 121.90 feet to a point; thence North 90°00'00" East, one (1) foot to a point on the said right-of-way of Bendix Drive; thence South 00°00'00" West, along said right-of-way, 121.90 feet to the POINT OF BEGINNING.

EXHIBIT "A"