

#1248

EASEMENT AND RIGHT-OF-WAY from
Lester Replogle and Ferne Replogle
to City of South Bend.
(SEE EASEMENT)

(RE: ~~ORANGE/COLEFAX PROJECT~~)

CLEVELAND RD. SEWER
ALONG OLIVE RD.



CITY of SOUTH BEND

ROGER O. PARENT, Mayor

COUNTY-CITY BUILDING SOUTH BEND, INDIANA 46601

BOARD OF PUBLIC WORKS
Patrick M. McMahon, P. E., President
Richard L. Hill
Joseph E. Kernan

219/284-9412

June 19, 1980

Mr. & Mrs. Lester Replogle
16550 Roosevelt
Wyatt, Indiana

Dear Mr. & Mrs. Replogle:

Enclosed is the Easement from you to the City of South Bend. The Easement has now been recorded and this copy is for your records.

Very truly yours,

BOARD OF PUBLIC WORKS

Barbara J. Byers
Barbara J. Byers, Clerk

BJB/mm
Enclosure

Olive Road a distance of 50.00 feet, said point being the true point of beginning; thence further north along the east right-of-way line of Olive Road a distance of 1026 feet more or less to the south right-of-way line of Brick Road; thence east along the south right-of-way line of Brick Road a distance of 15.00 feet; thence south along a line parallel to and 15 feet east of the east right-of-way line of Olive Road a distance of 1026 feet more or less to a point on an existing eastment and fifteen feet east of the point of beginning; thence west along an existing eastment a distance of 15.00 feet to the true point of beginning. All in the northwest One Quarter (1/4) of Section 19, Township 38 North, Range 2 East, German Township, St. Joseph County, Indiana.

8009053 #1248

AUGUST H. DOOREHAN
RECORDER

EASEMENT AND RIGHT-OF-WAY

JUN 5 3 39 PM '80

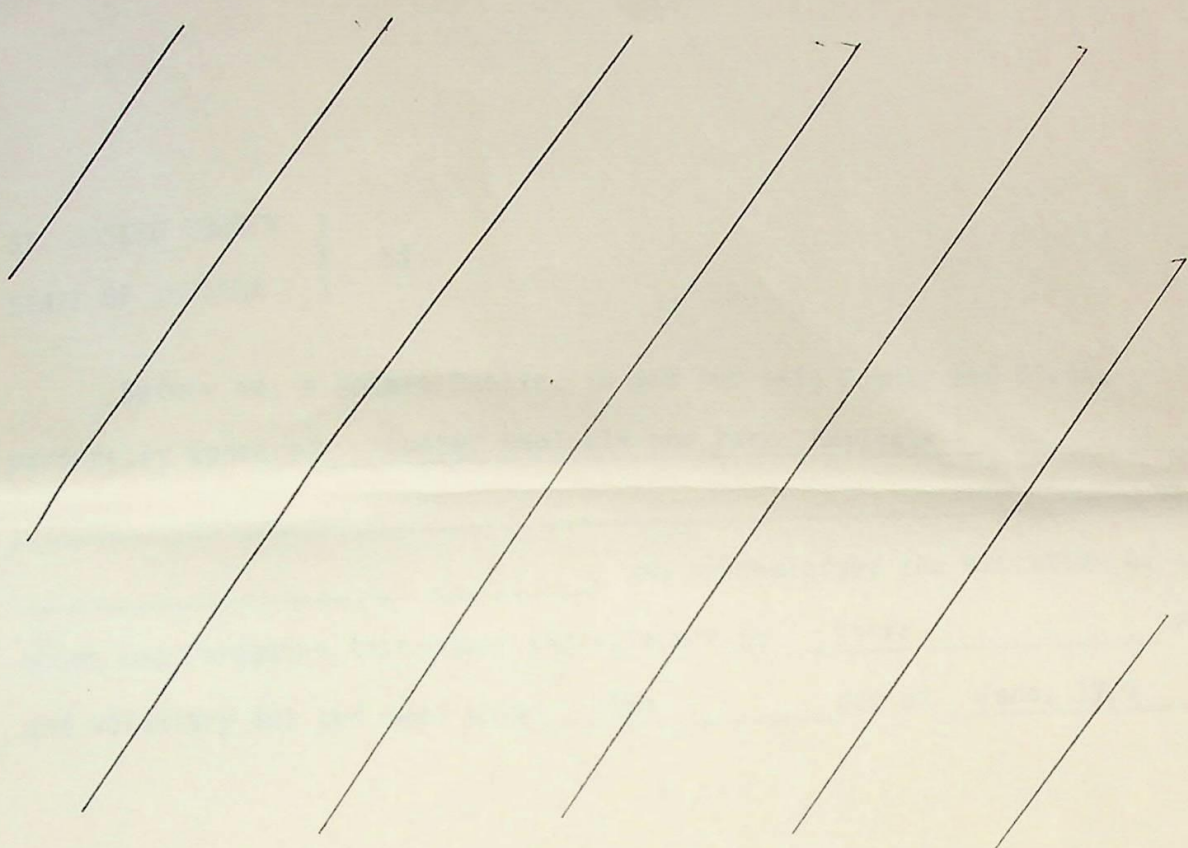
ST. JOSEPH CO.
INDIANA
FILED FOR RECORD

In consideration of the sum of _____

One-----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 or parcel of land situated in the County of St. Joseph, State of Indiana, briefly described as follows:

Commencing at the northeast corner of Section 19, Township 38 North, Range 2 East, German Township, St. Joseph County, Indiana; thence south along the east line of said Section 19 a distance of 1,096.03 feet; thence west along a line 1,096.03 feet south of and parallel to the north line of said Section 19 a distance of 2,640.00 feet more or less to a point in the north-south centerline of said Section 19 and the east property line; thence further west along a line 1,096.03 feet south of and parallel to the north line of said Section 19, a distance of 1,300.00 feet more or less to the east right-of-way line of Olive Road; thence north along the east right-of-way line of Olive Road a distance of 50.00 feet, said point being the true point of beginning; thence further north along the east right-of-way line of Olive Road a distance of 1026 feet more or less to the south right-of-way line of Brick Road; thence east along the south right-of-way line of Brick Road a distance of 15.00 feet; thence south along a line parallel to and 15 feet east of the east right-of-way line of Olive Road a distance of 1026 feet more or less to a point on an existing eastment and fifteen feet east of the point of beginning; thence west along an existing eastment a distance of 15.00 feet to the true point of beginning. All in the northwest One Quarter (1/4) of Section 19, Township 38 North, Range 2 East, German Township, St. Joseph County, Indiana.

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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.

Lester Replogle Lester Replogle
Ferne Replogle Ferne Replogle

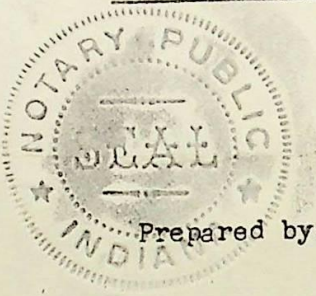
ST. JOSEPH COUNTY)
STATE OF INDIANA) SS:

Before me, a Notary Public, in and for said County and State,
personally appeared Lester Replogle and Ferne Replogle

_____, who acknowledged the execution of the
above and foregoing instrument and easement as their free
and voluntary act and deed this 5th day of June, 1980.

My commission expires:
March 16, 1984

Donald M. Wroblewski
Notary Public
Donald M. Wroblewski
a resident of St. Joseph County, Indiana



Prepared by: Richard Hill, City Attorney.