

1274

EASEMENT from Marathon Oil Company
to City of South Bend, Part of the
E. $\frac{1}{2}$ of the N.E. $\frac{1}{4}$ of Sec. 19,
Township 38 N., Range 2 E. of
the 2nd Principal Meridian,
Township of German, City of S.B.,
being more particularly described
as follows: (SEE DEED)

(BRICK RD. RETENTION POND)

Filed -
Bd. of Writen

8118234

FILM NO. _____
WANDA A. NOWAK
RECORDER

OCT 14 4 08 PM '81

EASEMENT

ST. JOSEPH CO.
INDIANA
FILED FOR RECORD

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In consideration of the sum of Ten Dollars (\$10.00) cash, receipt of which is hereby acknowledged, the undersigned Grantor hereby grants to the City of South Bend an easement for the following purposes: The right to enter upon the land described herein and grade, level, fill, maintain and repair storm water retention facilities embraced within the easement as may be reasonably necessary for storm sewer purposes. The duration of the easement shall continue until such time as the Grantor, or its successors or assigns deliver to the City of South Bend an easement granting the City other land or additional facilities adequate to replace this easement, which land or other facilities shall provide storm water retention facilities which conform to the then existing building code of the City of South Bend and which constitute a reasonable replacement for this Easement.

This easement is located within the boundaries of a tract of land situated in the County of St. Joseph, State of Indiana, described as follows:

Part of the E. 1/2 of the N.E. 1/4 of Sec. 19, T. 38 N., R. 2 E. of the 2nd Principal Meridian, Township of German, City of South Bend, County of St. Joseph, State of Indiana and being more particularly described as follows:

Commencing at a point being the N.E. corner of said N.E. 1/4; thence S 89°28'00"W, on and along the North line of said section (being also the center-line of Brick Road), a distance of 1,322.50 feet; thence S 00°48'00"E a distance of 200.01 feet to a point being the intersection with the southerly right-of-way line of Frontage Road and being the "True Point of Beginning".

Thence continuing S 00°48'E a distance of 65.00 feet.

Thence N 89°12'E a distance of 110.00 feet.

Thence N 00°48'W a distance of 74.07 feet to a point being the intersection with said southerly right-of-way line of Frontage Road.

Thence S 84°29'07"W, on and along said right-of-way line, a distance of 110.37 feet to the point of beginning and containing 7,649 sq. ft.

Subject to legal highways.

The specific location of this Easement is shown on the attached drawing marked "Exhibit A."

The Grantor hereby covenants that it is lawfully seized and possessed of the aforesaid tract of land; that it has a good and lawful right to sell and convey; that it is free from all encumbrances except mortgages, rights and restrictions of record; that it will warrant and forever defend the title in quiet possession thereto against the lawful claims of all persons whomsoever; and that it, or its successors, agents, contractors or assigns warrant that they will not engage in or authorize any construction or activity of any nature now or in the future which will inhibit, disturb, or deny the stated purpose for which this Easement is given.

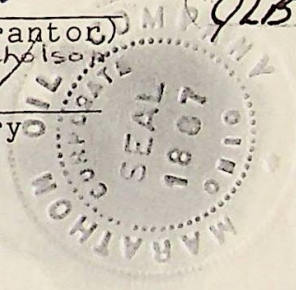
Grantor acknowledges that this Easement is given in exchange for the further consideration of reduced storm water retention drywell requirements.

MARATHON OIL COMPANY

Kathryn A. Fox
Kathryn A. Fox
Susan L. Ford
Susan L. Ford

By: S. H. Nicholson
Vice-President (Grantor)
G. N. Nicholson
and: F. H. Jones
Assistant Secretary
F. H. Jones

APPROVED AS TO FORM QLB



STATE OF Ohio)
COUNTY OF Hancock) ss.

Before me, Jane M. Deeter, this 10th day of September, 1981, personally appeared Marathon Oil Company, by G. N. Nicholson, and F. H. Jones, its Vice-President and Assistant Secretary respectively, and acknowledged the execution of the foregoing instrument.

Jane M. Deeter
Notary Public
Jane M. Deeter
JANE M. DEETER
NOTARY PUBLIC STATE OF OHIO
My Commission Expires October 25, 1985

This instrument prepared by:
Jeffrey L. Benson
Marathon Oil Company
Findlay, Ohio 45840

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