

#1281

PARTIAL RELEASE OF EASEMENT from
Indiana & Michigan Electric Co.
to City of South Bend; a 30-foot
strip of land, 15 feet on each
side of the following described
centerline (SEE DEED)



CITY of SOUTH BEND

ROGER O PARENT, Mayor

COUNTY-CITY BUILDING SOUTH BEND, INDIANA 46601

219/284-9412

BOARD OF PUBLIC WORKS

John E. Leszczynski, President
Katherine G. Barnard
Michael L. Vance

C E R T I F I C A T I O N

CITY OF SOUTH BEND)
)
) SS:
COUNTY OF ST. JOSEPH)

I, Sandra M. Parmerlee, Clerk of the Board of Public Works, City of South Bend, St. Joseph County, Indiana, do hereby certify that the attached and foregoing is a full, true, complete and correct copy of the Partial Release of Easement from Indiana & Michigan Electric Company to the City of South Bend, submitted to and approved by the Board of Public Works on November 8, 1982, and recorded in the Office of the Recorder on November 16, 1982, the original of which is now on file in the Office of the Clerk of the Board of Public Works of the City of South Bend, St. Joseph County, Indiana.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Public Works of the City of South Bend, Indiana, this 21st day of November, 1985.

Sandra M. Parmerlee
Sandra M. Parmerlee, Clerk
Board of Public Works
City of South Bend



INDIANA & MICHIGAN ELECTRIC COMPANY

220 West Colfax Avenue, P.O. Box 1731, South Bend, Indiana 46634
Telephone (219) 233-9371

RECEIVED

OCT 29 1982

CITY OF SOUTH BEND
DEPARTMENT OF LAW

October 28, 1982

Richard L. Hill, City Attorney
County-City Building
South Bend, Indiana

Re: Release of Easement granted by the Studebaker-Packard Corporation

Dear Mr. Hill

Here is the fully-executed release for that part of the easement on South Bend municipal property vacated by relocation of the electric facilities.

We have also enclosed a drawing that outlines the subject release and the location of the existing facilities.

Sincerely

INDIANA & MICHIGAN ELECTRIC COMPANY

Thomas R. Manak
Real Estate and Right of Way

rj

APPROVED
BOARD OF PUBLIC WORKS

NOV 8 1982

Record

8217499

Refers to Easement No. 1673 Map No. 575

Received of City of South Bend, Indiana, its Board of Directors.
County-City Building
South Bend, Indiana

One Dollar (\$1.00) and other good and valuable consideration, in consideration of which INDIANA & MICHIGAN ELECTRIC COMPANY, an Indiana corporation 220-222 West Colfax Avenue
South Bend, Indiana 46601

hereby releases, conveys and quitclaims unto the said City of South Bend, Indiana
its successors and assigns ~~heirs and assigns~~, all the right, title and interest

vested in it by virtue of that certain deed of easement granted to Indiana & Michigan Electric
Company by The Studebaker-Packard Corporation, a Michigan corporation.

~~by~~ having its principal place of business in City of South Bend, Indiana.
dated the 2nd day of October, 1956, and recorded in the office of the Register of
Deeds for St. Joseph County, in Volume 561, Page 78-80, affecting that certain parcel of
land situate in the City of South Bend County of St. Joseph, State of
Indiana, being part of Section 11, Township 37 North and Range 2 East, as follows:

A 30-foot strip of land, 15 feet on each side of the following described centerline:

Commencing at the Southwest corner of Tract No. 3 of the Studebaker Corporation Replat as recorded in Plat Book 11, page 184, in the Office of the Recorder of St. Joseph County, Indiana; thence South 89°51'46" East along the South line of Tract No. 3, said line being also the North line of Sample Street, a distance of 1080.37 feet to a point; thence North 00°16'04" East a distance of 35.06 feet to a point; thence North 6°01'08" East a distance of 123.28 feet to a point; thence North 4°39'23" East a distance of 49.19 feet; thence North 89°47'35" West a distance of 20.06 feet to the true point of beginning of this centerline description; thence Northwesterly, 385 feet, more or less, to a point that is 138 feet West of the East line of property deeded to Indiana & Michigan Electric Company by deed recorded in the Office of the Recorder of St. Joseph County, Indiana, in Book 656, page 132, for the true point of ending of this centerline description; said point of ending also being described as 700.31 feet South and 814.49 feet West of the Northeast corner of Tract No. 3 of the Studebaker Corporation Replat, said Northeast corner being on the East line of said tract and the West line of Lafayette Blvd.

Nothing herein contained is intended to change, modify, abridge, waive, diminish, discharge or affect in any way the right, title or interest of said Indiana & Michigan Electric Company in and to the remainder of the real estate mentioned or described in said Deed of Easement, referred to above; and PROVIDED, FURTHER, that the right to cut, to control or eliminate by herbicides, and at its option to remove from said real estate any trees, overhanging branches, vegetation, obstacles or obstructions which may endanger the safety or interfere with the installation, use, or enjoyment of all or any of said Company's facilities, and the right of ingress and egress to, over and from such real estate and any adjoining lands of the Grantors therein named at any and all times for the purposes of exercising and enjoying any and all rights vested in said Company thereby, as set forth in said Deed of Easement, shall not be affected in any way by this Partial Release of Easement and shall remain in full force and effect in the real estate hereinabove described.

In Witness Whereof, INDIANA & MICHIGAN ELECTRIC COMPANY has caused its corporate name to be hereunto affixed and this instrument to be signed and sealed by its Vice President and its corporate seal to be attested by its Asst. Secretary this 26th day of October, 1982.

Signed and acknowledged in the presence of:

INDIANA & MICHIGAN ELECTRIC COMPANY

By R. C. Menge
R. C. Menge Executive Vice President

Attest: Carl J. Moos
Carl J. Moos Asst. Secretary

Robert M. Hoffman
Robert M. Hoffman

R/W & R/E
CK'D R.A.
APP'R

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8217499

City Deed # 12

Refers to Easement No. 1673 Map No. 575

Received of City of South Bend, Indiana, its Board of Directors
County-City Building
South Bend, Indiana

One Dollar (\$1.00) and other good and valuable consideration, in consideration of which INDIANA & MICHIGAN ELECTRIC COMPANY, an Indiana corporation 220-222 West Colfax Avenue
South Bend, Indiana 46601

hereby releases, conveys and quitclaims unto the said City of South Bend, Indiana
its successors and assigns

~~heirs and assigns~~, all the right, title and interest vested in it by virtue of that certain deed of easement granted to Indiana & Michigan Electric
Company by The Studebaker-Packard Corporation, a Michigan corporation

~~by~~ having its principal place of business in City of South Bend, Indiana, dated the 2nd day of October, 1956, and recorded in the office of the Register of Deeds for St. Joseph County, in Volume 561, Page 78-80, affecting that certain parcel of land situate in the City of South Bend County of St. Joseph, State of Indiana, being part of Section 11, Township 37 North and Range 2 East, as follows:

A 30-foot strip of land, 15 feet on each side of the following described centerline:

Commencing at the Southwest corner of Tract No. 3 of the Studebaker Corporation Replat as recorded in Plat Book 11, page 184, in the Office of the Recorder of St. Joseph County, Indiana; thence South 89°51'46" East along the South line of Tract No. 3, said line being also the North line of Sample Street, a distance of 1080.37 feet to a point; thence North 00°16'04" East a distance of 35.06 feet to a point; thence North 6°01'08" East a distance of 123.28 feet to a point; thence North 4°39'23" East a distance of 49.19 feet; thence North 89°47'35" West a distance of 20.06 feet to the true point of beginning of this centerline description; thence Northwesterly, 385 feet, more or less, to a point that is 138 feet West of the East line of property deeded to Indiana & Michigan Electric Company by deed recorded in the Office of the Recorder of St. Joseph County, Indiana, in Book 656, page 132, for the true point of ending of this centerline description; said point of ending also being described as 700.31 feet South and 814.49 feet West of the Northeast corner of Tract No. 3 of the Studebaker Corporation Replat, said Northeast corner being on the East line of said tract and the West line of Lafayette Blvd.

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Nothing herein contained is intended to change, modify, abridge, waive, diminish, discharge or affect in any way the right, title or interest of said Indiana & Michigan Electric Company in and to the remainder of the real estate mentioned or described in said Deed of Easement, referred to above; and PROVIDED, FURTHER, that the right to cut, to control or eliminate by herbicides, and at its option to remove from said real estate any trees, overhanging branches, vegetation, obstacles or obstructions which may endanger the safety or interfere with the installation, use, or enjoyment of all or any of said Company's facilities, and the right of ingress and egress to, over and from such real estate and any adjoining lands of the Grantors therein named at any and all times for the purposes of exercising and enjoying any and all rights vested in said Company thereby, as set forth in said Deed of Easement, shall not be affected in any way by this Partial Release of Easement and shall remain in full force and effect in the real estate hereinabove described.

In Witness Whereof, INDIANA & MICHIGAN ELECTRIC COMPANY has caused its corporate name to be hereunto affixed and this instrument to be signed and sealed by its Vice President and its corporate seal to be attested by its Asst. Secretary this 26th day of October, 1982.

Signed and acknowledged in the presence of:

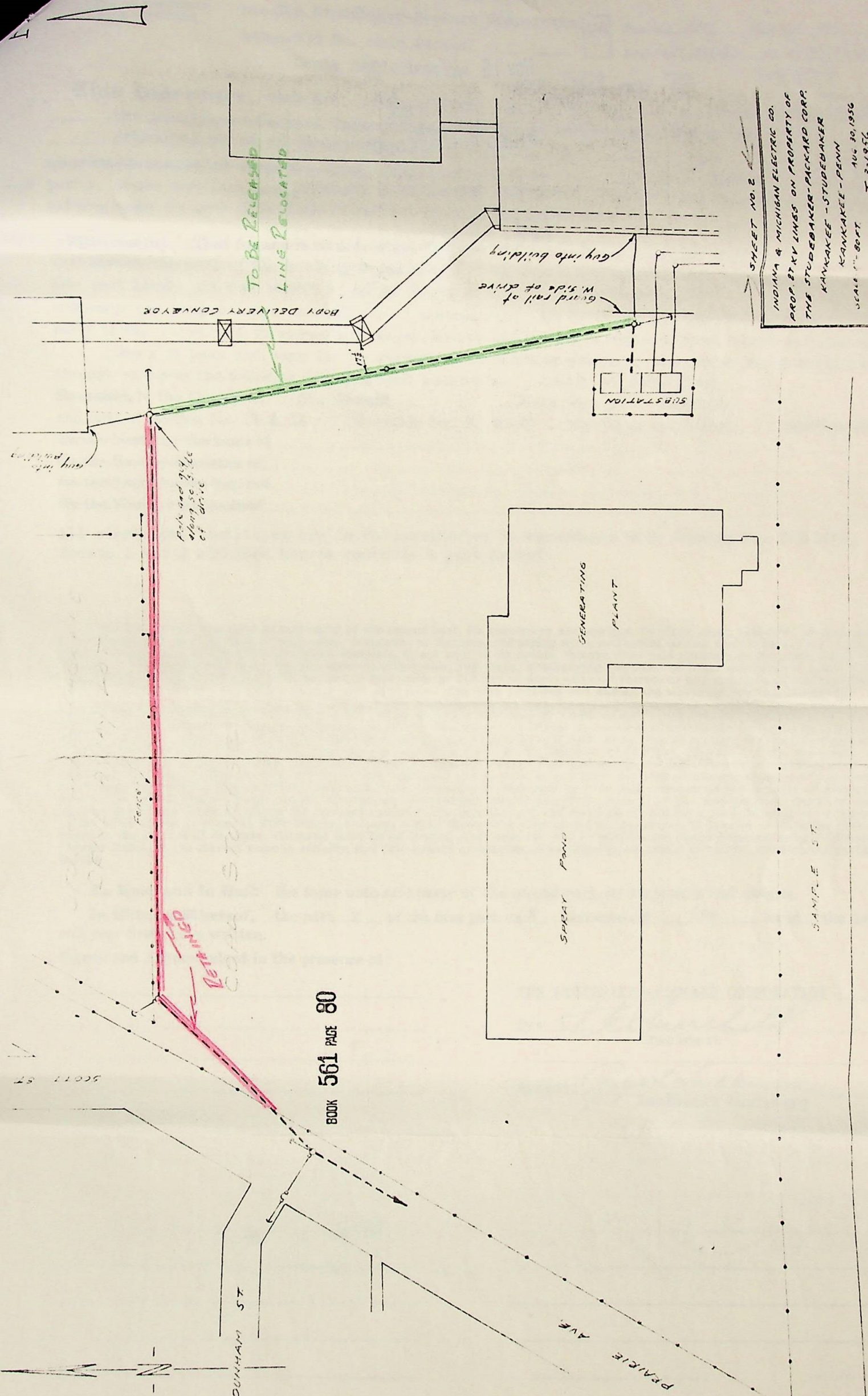
INDIANA & MICHIGAN ELECTRIC COMPANY

By R. C. Menge
R. C. Menge Executive Vice President

Robert M. Hoffman
Robert M. Hoffman

R/W & R/E
CK'D R/A
APP'R. [Signature]

Attest: Carl J. Moos
Carl J. Moos Asst. Secretary



BOOK 561 PAGE 80

SHEET NO. 2

INDIANA & MICHIGAN ELECTRIC CO.
 PROP. BY KV LINES ON PROPERTY OF
 THE STUDEBAKER-PACKARD CORP.
 KANKAKEE - STUDEBAKER
 KANKAKEE - PENN
 AUG. 30, 1956
 SCALE 1" = 80 FT
 T-3-1956

Name The Studebaker-Packard Corporation DA

Eas. No. 1673 Map No. 575

Address 635 So. Main Street

Drg. No P-11&22 W. O. 561/114

South Bend, Indiana

BOOK **561** PAGE **78**
October

94127

This Indenture, made this 2nd day of October, 1956 by and between The Studebaker-Packard Corporation, a Michigan corporation having its principal place of business in

~~his wife (or unmarried)~~ of the County of City of South Bend, State of Indiana, part y of the first part, and INDIANA & MICHIGAN ELECTRIC COMPANY, a corporation organized and existing under the laws of the State of Indiana, party of the second part.

Witnesseth: That for and in consideration of the sum of One Dollar in hand paid to the part y of the first part by the party of the second part, the receipt of which is hereby acknowledged, said part y of the first part hereby grant s, bargain s, sell s, convey s, and warrant s to the party of the second part, its successors and assigns forever, a right of way and easement with the right, privilege, and authority to said party of the second part, its successors, assigns, lessees, and tenants to construct, erect, operate and maintain line s of poles and wires for the purpose of transmitting electric or other power, in, on, along, over, through or across the following described lands situated in City of South Bend ~~Township~~, in the County of St. Joseph, in the State of Indiana, and part of Section No. 11 & 14 Township No. 37 North and Range No. 2 East ~~and bounded:~~
~~On the North by the lands of~~
~~On the East by the lands of~~
~~On the South by the lands of~~
~~On the West by the lands of~~

All electrical facilities are to be constructed in accordance with drawing No. T-3-1956, sheets 1 and 2 attached hereto and made a part hereof.

TOGETHER with the right to said party of the second part, its successors and assigns, to place, erect, maintain, inspect, add to the number of, and relocate at will, poles, crossarms or fixtures, and string wires and cables, adding thereto from time to time, across, through or over the above described premises, to cut and, at its option, remove from said premises or the premises of the part y of the first part adjoining the same on either side, any trees, overhanging branches or other obstructions which may endanger the safety or interfere with the use of said poles or fixtures or wires attached thereto or any structure on said premises, and the right of ingress and egress to and over said above described premises and any of the adjoining lands of the part y of the first part, at any and all times, for the purpose of patrolling the line, for repairing, renewing or adding to the number of said poles, structures, fixtures and wires, and for doing anything necessary or useful or convenient for the enjoyment of the easement herein granted, also the privilege of removing at any time any or all of said improvements erected upon, over, or on said land, together with the rights, easements, privileges and appurtenances in or to said lands which may be required for the full enjoyment of the rights herein granted; provided however, the said INDIANA & MICHIGAN ELECTRIC COMPANY, its successors or assigns, shall further pay to me/us or my/our heirs or assigns, the sum of Five Dollars (\$5.00) for each pole or anchor erected on said lands, hereinbefore described, from time to time, whenever and as soon as any poles are erected thereon. Grantee will immediately repair or replace all fences, gates, drains and ditches damaged or destroyed by it on said premises or pay Grantor all damages done to the fences, drains, ditches, crops and stock on the premises herein described, caused by the construction, operation and maintenance of said lines. All claims for damages caused in the operation and maintenance of said lines, shall be made at or mailed to the office of the Grantee at Fort Wayne, Indiana, within thirty days after such damages accrue. If Grantor and Grantee cannot agree on the amount of damages, the same shall be arbitrated. Any trees cut will be paid for by Board Measure, using Scribner's Lumber Rules, at the market price in vicinity, and this indenture contains all agreements, expressed or implied, between the parties hereto.

To Have and to Hold the same unto said party of the second part, its successors and assigns.

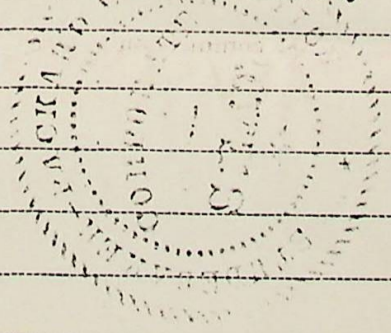
In Witness Whereof, the part y of the first part ha s hereunto set its hand the day and year first above written.

Signed and Acknowledged in the presence of:

THE STUDEBAKER-PACKARD CORPORATION

By: J. Churchill
President

Attest: Ray C. Kirkman
Assistant Secretary



NOV 10 8 47 AM '56

Name

Address

Line

Eas. No.

Map No.

Received for Record

M

19

Recorded in Deed Records

19

Volume

Page

Recorder

County

State of

THE STATE OF INDIANA } ss.
County

Before me, _____, a Notary Public in and for said
County and State, this _____ day of _____, 19____, personally appeared
the above named _____ President of
The Studebaker-Packard Corporation

and acknowledged the execution of the annexed deed of easement.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year
above written.

Notary Public.

My commission expires _____, 19_____.

STATE OF MICHIGAN } ss.
COUNTY OF Wayne

On this 2nd day of October, 1956, before me personally appeared
H. E. Churchill, President of Studebaker-Packard Corporation

to me known to be the person... described in and who executed the foregoing instrument, and
acknowledged that he executed the same as his free act and deed.

Rosalie Ciordano, Notary Public
ROSALIE CIORDANO
Notary Public, Wayne County Michigan _____ County, Michigan

My commission expires My Commission Expires Sept 20, 1958