

#1295

DEED OF EASEMENT from Della R. Borr
to City of South Bend:
(SANITARY SEWER EASEMENT)

(AMES COMPANY IMPROVEMENTS)



CITY of SOUTH BEND

ROGER O PARENT, Mayor

COUNTY-CITY BUILDING SOUTH BEND, INDIANA 46601

BOARD OF PUBLIC WORKS

John E. Leszczynski, President
Richard L. Hill
Joseph E. Kernan

April 5, 1983

219/284-9412

MR. FREDERICK L. ROUSE, JR., P.E.
PROJECT ENGINEER
COLE ASSOCIATES, INC.
2211 East Jefferson Boulevard
South Bend, Indiana 46615

RE: AMES COMPANY IMPROVEMENTS - SANITARY SEWER EASEMENT

Dear Mr. Rouse:

Enclosed for your information and file is a copy of the Deed of Easement pertaining to the above referred to matter. The Board of Public Works, at its meeting held on Monday, April 4, 1983, approved and executed the Deed.

If you have any questions regarding this matter, please do not hesitate to contact this office.

Sincerely,

BOARD OF PUBLIC WORKS

Sandra M. Parmerlee

Sandra M. Parmerlee, Clerk

smp
Enc.

the employees and agents of the same.

*Hold
Board of Works*

FILM NO. _____
WANDA A. NOWAK
RECORDER

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ST. JOSEPH CO.
INDIANA
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DEED OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That Della R. Borr of South Bend, St. Joseph County, State of Indiana (hereinafter "Grantor"), in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, payment of which is hereby acknowledged, does for herself, her successors, or assigns, Grant and Release unto the City of South Bend located in St. Joseph County (hereinafter "Grantee") an easement and right-of-way for a sanitary sewer through and on the real estate described in Exhibit "A" attached hereto and made a part of this Deed by reference.

To Have and To Hold unto the Grantee, as and for an easement and right-of-way for the construction, maintenance, use, operation, repair, replacement, and removal of said sanitary sewer together with such necessary attachments and appurtenances as may be necessary for the proper use of the same, Giving and Granting unto the Grantee and right to enter upon said premises at any time for any of the purposes aforesaid, the conditions being that the work of such repair, replacement, and removal shall be consummated in a reasonable and workmanlike manner.

The Grantee covenants and agrees to pay any damages which may arise from constructing, maintaining, and operating said sanitary sewer, more specifically, the Grantee covenants and agrees to protect, defend, indemnify, and hold harmless, the Grantor, her successors or assigns, against any and all claims, damages, liabilities, and suits, including attorney's fees, for property damage, bodily injury or death caused by or alleged to be caused by or resulting from the activities or negligence of the Grantee or any of its employees, agents, contractors, subcontractors, or the employees and agents of the same.

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Said easement shall terminate and revert back to the Grantor, her successors or assigns to the extent of their respective interests if and when said easement is no longer used by the Grantee as a sanitary sewer.

The Grantee shall not assign said easement without the prior consent of Grantor, her successors, or assigns.

Said easement is subject to any existing or future easements, if any, on or through said real estate.

In WITNESS WHEREOF, the undersigned has hereunto set her hand this

15 day of March, 1983.

APPROVED
BOARD OF PUBLIC WORKS

APR 4 1983

Joseph E. Lewis
Charles W. ...

Della R. Borr
Della R. Borr

State of Indiana)
County of St. Joseph) SS:

Before me, a Notary Public in and for said County and State personally appeared Della R. Borr who acknowledged the execution of the foregoing Deed of Easement for the purposes therein contained.

Witness my official signature and seal on this 15
day of March, 1983.

Karen J. Wickstrom
KAREN J. WICKSTROM Notary Public

My Commission Expires: 4/16/86
My County of Residence: ST JOE

This Instrument prepared by Peter A. van Houwelingen, Attorney, Elkhart, Indiana.

EXHIBIT "A"

SANITARY SEWER EASEMENT #1

An easement for the construction, installation and maintenance of a sanitary sewer and related appurtenances.

Located in the Southeast Quarter of the Northeast Quarter of Section 26, Township 37 North, Range 2 East, Centre Township, St. Joseph County, Indiana, and being more particularly described as follows:

Commencing at the Northeast Corner of the Southeast Quarter of the Northeast Quarter of said Section 26; thence South $89^{\circ} 44' 16''$ West, 30.01 feet; thence South $01^{\circ} 30' 29''$ West, 2.64 feet to the Point of Beginning of this description; thence continuing South $01^{\circ} 30' 29''$ West, 15.02 feet; thence South $88^{\circ} 46' 59''$ West, 288.25 feet; thence South $43^{\circ} 46' 59''$ West, 75.20 feet; thence South $89^{\circ} 44' 16''$ West, 27.95 feet; thence North $00^{\circ} 15' 44''$ West, 61.50 feet; thence South $89^{\circ} 44' 16''$ West, 63.58 feet; thence South $88^{\circ} 32' 27''$ West, 167.02 feet; thence South $85^{\circ} 09' 03''$ West, 207.17 feet; thence South $87^{\circ} 59' 32''$ West, 214.81 feet; thence North $02^{\circ} 00' 28''$ West, 41.62 feet; thence North $89^{\circ} 44' 16''$ East, 20.01 feet; thence South $02^{\circ} 00' 28''$ East, 26.01 feet; thence North $87^{\circ} 59' 32''$ East, 194.96 feet; thence North $85^{\circ} 09' 03''$ East, 207.15 feet; thence North $88^{\circ} 32' 27''$ East, 167.19 feet; thence North $89^{\circ} 44' 16''$ East, 86.22 feet; thence South $00^{\circ} 15' 44''$ East, 23.50 feet; thence North $89^{\circ} 44' 16''$ East, 35.84 feet; thence North $43^{\circ} 46' 59''$ East, 22.19 feet; thence North $88^{\circ} 46' 59''$ East, 295.18 feet to the Point of Beginning. Containing 0.419 acres more or less.

SANITARY SEWER EASEMENT #2

An easement for the construction, installation and maintenance of a sanitary sewer and related appurtenances.

Located in the Southeast Quarter of the Northeast Quarter of Section 26, Township 37 North, Range 2 East, Centre Township, St. Joseph County, Indiana, and being more particularly described as follows:

Commencing at the Northeast Corner of the Southeast Quarter of the Northeast Quarter of said Section 26; thence South $01^{\circ} 30' 29''$ West along the East line of the Northeast Quarter of said Section 26, 195.93 feet; thence North $88^{\circ} 29' 31''$ West 30.00 feet to the Point of Beginning of this description; thence South $01^{\circ} 30' 29''$ West, 50.00 feet; thence North $88^{\circ} 29' 31''$ West, 15.00 feet; thence North $01^{\circ} 30' 29''$ East, 50.00 feet; thence South $88^{\circ} 29' 31''$ East, 15.00 feet to the Point of Beginning. Containing 0.017 acres, more or less.

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Legal

NO. 1

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nship, St. Joseph County,
follows:

Commencing at the Northeast Corner of the Southeast Quarter of the Northeast Quarter of said Section 26; thence South 89° 44' 16" West, 30.01 feet; thence South 01° 30' 29" West, 2.64 feet to the Point of Beginning of this description; thence, continuing South 01° 30' 29" West, 15.02 feet; thence South 88° 46' 59" West, 288.25 feet; thence South 43° 46' 59" West, 75.20 feet; thence South 89° 44' 16" West, 27.95 feet; thence North 00° 15' 44" West, 53.00 feet; thence South 89° 44' 16" West, 57.86 feet; thence South 87° 59' 32" West, 594.19 feet; thence North 02° 00' 28" West, 41.62 feet; thence North 89° 44' 16" East, 20.01 feet; thence South 02° 00' 28" East, 26.01 feet; thence North 87° 59' 32" East, 574.43 feet; thence North 89° 44' 16" East, 80.59 feet; thence South 00° 15' 44" East, 15.00 feet; thence North 89° 44' 16" East, 35.84 feet; thence North 43° 46' 59" East, 22.19 feet; thence North 88° 46' 59" East, 295.18 feet to the Point of Beginning. Containing 0.414 acres more or less.

SANITARY SEWER EASEMENT No. 2

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CITY ATTORNEY'S OFFICE
INTER-OFFICE MEMO

R E C E I V E D

MAR 28 1983

CITY OF SOUTH BEND
DEPARTMENT OF ENGINEERING

TO:

JOHN LESZCZYNSKI
CITY ENGINEER

DATE:

MARCH 25, 1983

FROM:

CAROLYN V. PFOTENHAUER
ASSISTANT CITY ATTORNEY *CF*

SUBJECT:

AMES COMPANY IMPROVEMENTS - SANITARY SEWER EASEMENT

I have reviewed the deed of easement from Della Borr which you forwarded to me and find it acceptable for our purposes.

CVP/clt

INTER-OFFICE MEMO

TO: Carolyn Pfothenhauer

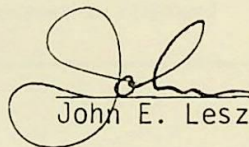
FROM: John E. Leszczynski

SUBJECT: Ames Company Improvements -- Sanitary Sewer Easement

DATE: March 21, 1983

Please review the attached Deed of Easement.

Thanks.



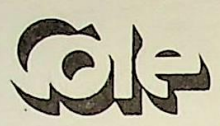
John E. Leszczynski, Director

JEL/rw

Attachment

Hand -

transmittal letter



engineers / architects / planners
2211 east jefferson boulevard
south bend, indiana 46615

ac 219 236-4400

RECEIVED

MAR 16 1983

CITY OF SOUTH BEND
DEPARTMENT OF ENGINEERING

Date March 15, 1983

To: City of South Bend Project Ames Company Improvements
County-City Building Sanitary Sewer Easement
South Bend, IN 46601 Account No 10381

GENTLEMEN Attn: Mr. John Leszczynski

We are sending the following material: herewith. under separate cover.

- Shop Drawings Prints Details Samples Copy of Letter
- Tracings Specifications Request for Payment Change Order
- Easement

DATE	COPIES	DESCRIPTION
3-15	2	Originals - Easement Deeds signed by the Owner

These are forwarded: For Your Use For Correction Reviewed as Noted For Approval
 For Review and Comment For your Files _____

Remarks The sanitary sewer easement has been signed and notarized on March 15, 1983.

We hope the description is correct and accurate.

By Frederick L. Rouse Jr.
Frederick L. Rouse Jr. P.E.
Title Project Engineer

cc: GGR/REF / RJN/ J.Wicks