

#1311

EASEMENT from Sobenite, Inc. to City
of South Bend, A part of the S.W. $\frac{1}{4}$
of Sec. 35, Township 38 North,
Range 2 East, Portage Township,
described as follows:

(SEE EASEMENT)



CITY of SOUTH BEND

ROGER O. PARENT, Mayor

COUNTY-CITY BUILDING

SOUTH BEND, INDIANA 46601

John E. Leszczynski
Director, Public Works

(219) 284-9251

Division of
Engineering

November 15, 1983

Sobenite, Inc.
1026 King Street
South Bend, Indiana 46628

Attn: Mr. Jordan Hempleman
President

Dear Mr. Hempleman:

Please find a copy of the easement you provided to us as it was recorded. In the event questions arise in the future, it may be useful. Again, thank you for your cooperation on this matter.

We have advertised for bids on this project and hope a contract and a contractor will be obtained presently with work on the project started as soon as practicable.

On a somewhat lighter note bordering on trivia, I have also enclosed copies of the first pages of a Physics text I used in high school. The book has not received good treatment over the years as may be obvious even from the copies. However, the last name is the same as the author's of your math text in your office. The title seems different, tho. In any case, I thought you might be interested.

Thank you again for your cooperation.

Very truly yours,

David A. Wells, P.E., Manager
Bureau of Design & Administration

DAW/mkm

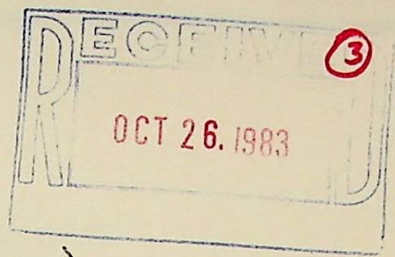
Enclosure

THE CITY OF SOUTH BEND AND WESB PT. 1000 AVENUE BETWEEN HOBART AND KING STREETS
and King Street;

THENCE due West along said road to the center line of said road

Rec'd to D.A. WELLS EXT 251
Add.

8320985 #1311



4

EASEMENT AND RIGHT-OF-WAY

In consideration of the sum of One (\$1.00)

4 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:

A part of the Southwest 1/4 of Section 35, Township 38 North, Range 2 East, Portage Township, City of South Bend, St. Joseph County, Indiana, described as follows:

Commencing at the Southeast corner of the Southwest 1/4 of said Section 35; THENCE West along the South line of said Section, 176 feet;

THENCE North parallel with the East line of the Southwest 1/4 of said Section, 335 feet to the Easterly extension of the center-line of the East and West 14 foot alley between McCartney Street and King Street;

Ref to D.A. WELLS Ex 7 251
Add.

8320985 #1311

RECEIVED
OCT 26. 1983
3

4

EASEMENT AND RIGHT-OF-WAY

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Commencing at the Southeast corner of the Southwest 1/4 of said Section 35; THENCE West along the South line of said Section, 176 feet;

THENCE North parallel with the East line of the Southwest 1/4 of said Section, 335 feet to the Easterly extension of the centerline of the East and West 14 foot alley between McCartney Street and King Street;

THENCE due West along said extended alley centerline a distance of 116.33 feet to the point of beginning;

THENCE due South a distance of 30 feet;

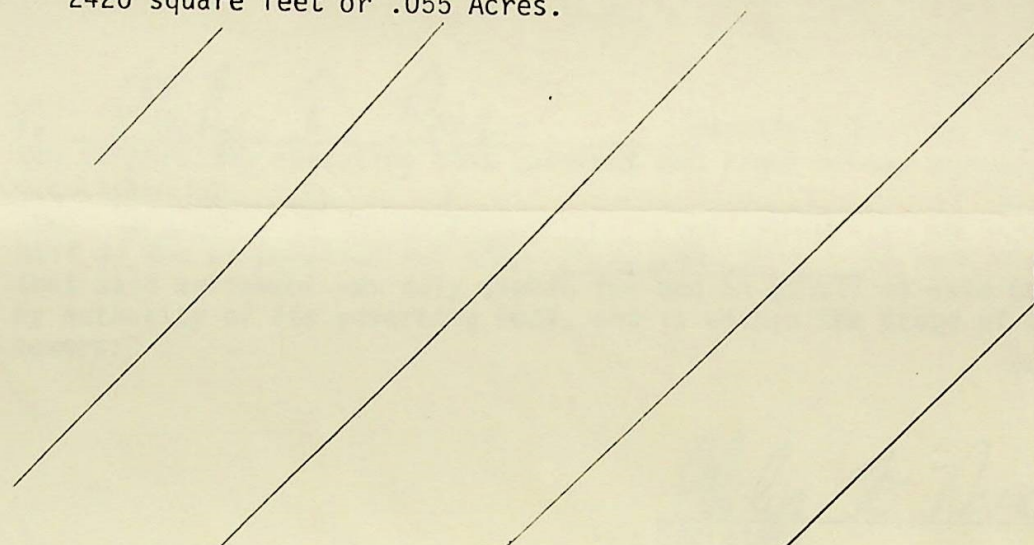
THENCE due East along a line 30 feet South of and parallel to the aforementioned extended alley centerline, a distance of 116.33 feet;

THENCE due South 15 feet;

THENCE due West along a line 45 feet South of and parallel to the aforementioned alley centerline, a distance of 131.33 feet more or less to a point 12.67 feet East of the East line of Allen Street;

THENCE due North along a line 12.67 feet East of and parallel to the East line of Allen Street, a distance of 45 feet to a point in the aforementioned extended alley centerline;

THENCE due East along said extended alley centerline a distance of 15 feet to the point of beginning, all in the City of South Bend, Portage Township, St. Joseph County, Indiana. Containing 2420 square feet or .055 Acres.



ST. JOSEPH CO.
INDIANA
FILED FOR RECORD

OCT 31 2 49 PM '83

FILM NO. _____
WANDA A. NOWAK
RECORDER

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.

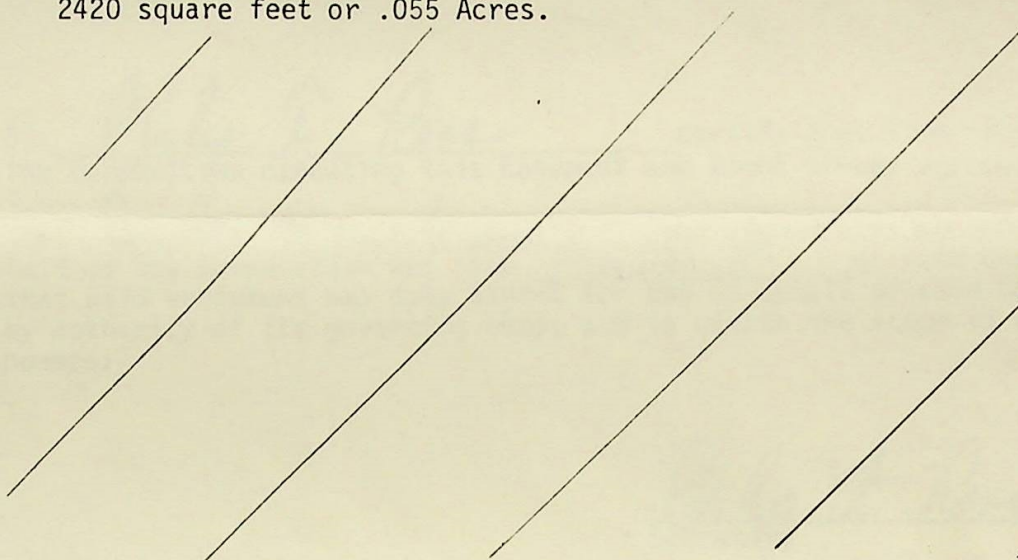
And the said Grantors hereby covenant with the Civil City of South Bend, Indiana, that they are lawfully seized and possessed of the aforescribed tract or parcel of land; that they have a good and lawful right to sell and convey; that it is free from all encumbrances; and that they will warrant and forever 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

THENCE due North along a line 12.67 feet East of and parallel to the East line of Allen Street, a distance of 45 feet to a point in the aforementioned extended alley centerline;

THENCE due East along said extended alley centerline a distance of 15 feet to the point of beginning, all in the City of South Bend, Portage Township, St. Joseph County, Indiana. Containing 2420 square feet or .055 Acres.



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OCT 31 2 49 PM '83
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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.

John W. [Signature]

President

CORPORATE CERTIFICATION

I, Philip T. Ross certify that I am Secretary of the Corporation executing this Easement and Right-of-way agreement:

that Jordan Hempleman who signed this agreement on behalf of the Corporation was then President of said Corporation; that said agreement was duly signed for and on behalf of said Corporation by authority of its governing body, and is within the scope of corporate powers:

Philip T. Ross
Secretary



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

Before me, a Notary Public in and for the aforesaid County and State personally appeared Jordan Hempleman and Philip T. Ross, known to be President and Secretary respectively of Sobenite, Inc.

who on behalf of said Corporation acknowledged the execution of the above and foregoing instrument to be its voluntary act and deed.

Witness my hand and Notarial Seal this 25 day of October, 1983

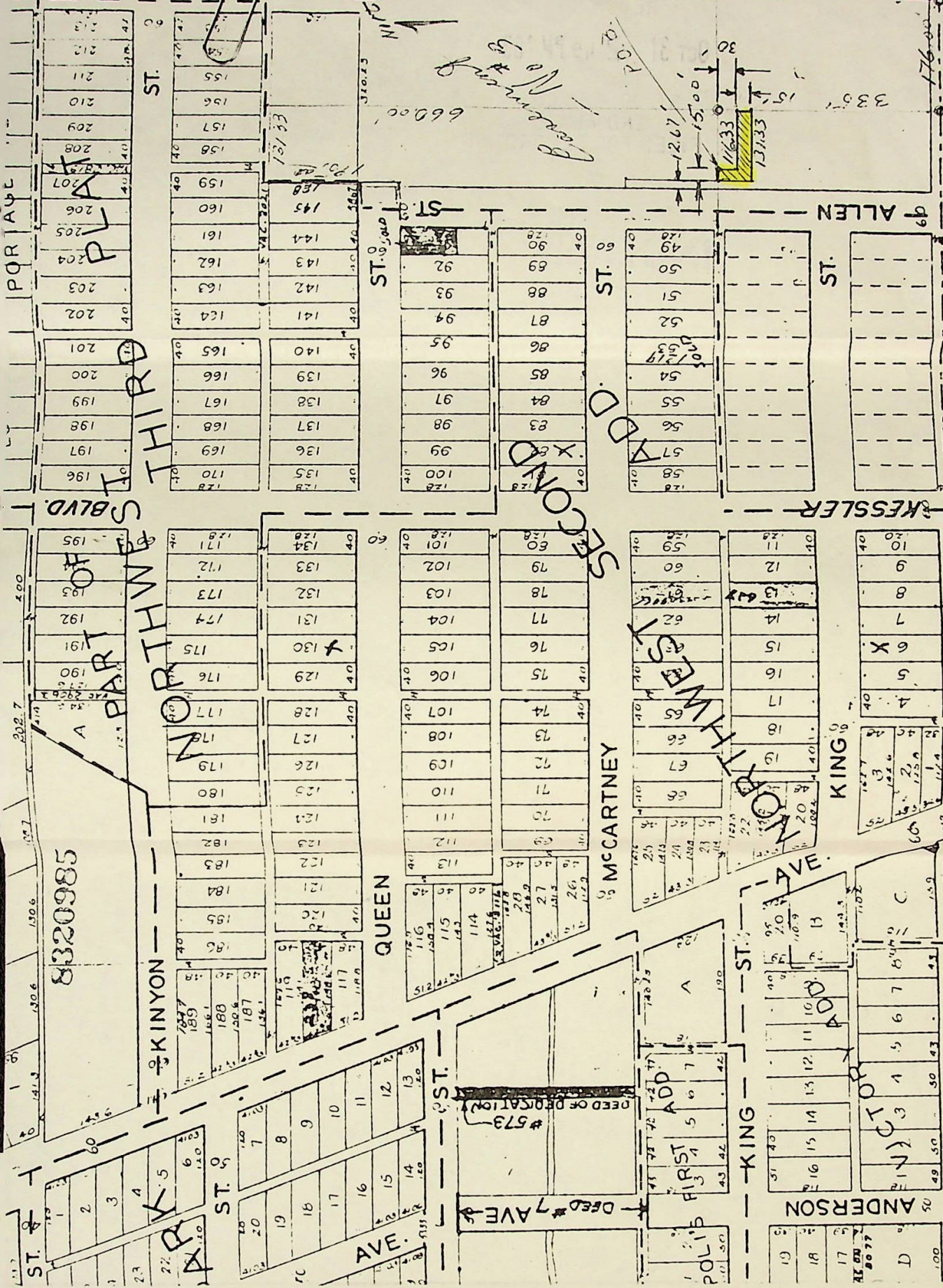
June Fries
Notary Public

JUNE FRIES
NOTARY PUBLIC STATE OF INDIANA
FAYETTE CO.
MY COMMISSION EXPIRES MAR 5 1986
ISSUED THRU INDIANA NOTARY ASSOC.

My Commission Expires:

FILED
NOV 21 1983

BOARD OF PUBLIC WORKS
SANDRA M. PARMERLEE, Clerk



SOUTH EAST COR OF THE
 SOUTH WEST 1/4 OF SEC 35 - TWP. 38. N. R. 7. W.
 RANGE 2 - EAST

SEE PAGE 47

8320985

KINYON

NORTHWEST

SECTION

NORTHWEST

MCCARTNEY

AVE.

KING

KING

ANDERSON

KING

AVE.

KESSLER

ALLEN

ST.

ST.

DEED # 573

DEED # 7 AVE

FIRST ADD

ADD

ADD

ADD

ADD

ADD

ADD

ADD

ADD

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ADD

ADD

ADD

ADD

8320985

FILM NO. _____
WANDA A. NOWAK
RECORDER

Oct 31 2 49 PM '83

ST. JOSEPH CO.
INDIANA
FILED FOR RECORD

INDEXED

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