

#1312

EASEMENT from Lock-Joint Tube Co.
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

Lock-Joint Tube Company, Inc.
1400 Riverside Drive
South Bend, IN 46628

Attention: Mr. Robert Stachowiak

Dear Bob:

Enclosed is 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.

Thank you again for your cooperation.

Very truly yours,

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

DAW/mkm

Enclosure

extension of the centerline of the east and west 14 foot alley
between McCartney Street and King Street.

THENCE due west along said alley centerline extension a distance of 131.33 feet to a point, said point being the point of beginning of a description of a parcel of land in said Southwest 1/4 of Section 35, Township 38 North, Range 2 East, Portage Township, St. Joseph County, Indiana.

THENCE due North along a line parallel to the East line of Allen Street a distance of 135 feet,

THENCE due West 12.67 feet to a point in the East line of Allen Street and the South line of McCartney Street extended Eastward.

THENCE due North along the East line of Allen Street a distance of 60 feet to the North line of McCartney Street extended Eastward.

TO D.A. WELLS EXT 251
~~Abled~~

8320986

#1312

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EASEMENT AND RIGHT-OF-WAY

In consideration of the sum of one (\$100)

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 centerline of the East and West 14 foot alley between McCartney Street and King Street.

THENCE due west along said alley centerline extension a distance of 131.33 feet to a point, said point being the point of beginning of a description of a parcel of land in said Southwest 1/4 of Section 35, Township 38 North, Range 2 East, Portage Township, St. Joseph County, Indiana.

THENCE due North along a line parallel to the East line of Allen Street a distance of 135 feet,

THENCE due West 12.67 feet to a point in the East line of Allen Street and the South line of McCartney Street extended Eastward.

THENCE due North along the East line of Allen Street a distance of 60 feet to the North line of McCartney Street extended Eastward.

THENCE due East along the North line of McCartney extended, a distance of 27.67 feet.

THENCE due South along a line parallel to and 27.67 feet East of the East line of Allen Street a distance of 195 feet to a point in the Easterly extension of the centerline of the East and West 14 feet wide alley between McCartney Street and King Street.

THENCE due West 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 3685 square feet or .0846 Acres.

FILM NO. _____
 WANDA A. NOWAK
 RECORDER
 Oct 31 2 49 PM '83
 ST. JOSEPH CO.
 INDIANA
 FILED FOR RECORD

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.

Kenneth C. Woodka, President
 10/31/83

CORPORATE CERTIFICATION

I, Robert Stachowiak certify that I am Secretary of the Corporation executing this Easement and Right-of-way agreement:

that Kenneth Woodka 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:

Robert Stachowiak
Secretary



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

Before me, a Notary Public in and for the aforesaid County and State personally appeared KENNETH C. WOODKA and ROBERT E. STACHOWIAK, known to be PRESIDENT and Secretary respectively of LOCK JOINT TUBE COMPANY, 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 31ST day of OCTOBER, 1983

Sarah K. Scope
Notary Public

SARAH K. SCOPE, Notary Public
A Resident of St. Joseph County, IN.
My Commission Expires 10-31-1986

My Commission Expires: 10-31-86



FILED

NOV 21 1983

BOARD OF PUBLIC WORKS
SANDRA M. PARMERLEE, Clerk

North

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SOUTH EAST CORNER OF THE
 SOUTH WEST 1/4 OF SEC-35-TWP.
 38 NORTH
 RANGE-2 EAST

SEE PAGE 47

THENCE due west along said alley centerline extension a distance of 131.33 feet to a point, said point being the point of beginning of a description of a parcel of land in said Southwest 1/4 of Section 35, Township 38 North, Range 2 East, Portage Township, St. Joseph County, Indiana.

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