#1331

EASEMEN' - from Martin's Realty Co. to City of South Bend.

(PORTAGE & ELWOOD)

8419817

IN CONSIDERATION OF THE SUM OF TEN BOLLARS (\$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:



A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 2 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 20 FEET TO THE SOUTH LINE OF ELWOOD AVENUE; THENCE EAST ALONG SAID SOUTH LINE, 975 FEET; THENCE SOUTH 894.17 FEET; THENCE EAST, 50.00 FEET TO THE TRUE PLACE OF BEGINNING; THENCE SOUTH 200 FEET TO A POINT 10 FEET DISTANT, MEASURED NORMAL TO THE NORTHERLY OF LINE OF THE CHICAGO, INDIANA AND SOUTHERN RAILROAD COMPANY'S RIGHT-OF-WAY; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY, 243 FEET TO A POINT 914.17 FEET SOUTH OF THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE WEST 46 FEET; THENCE NORTH 145 FEET; THENCE WEST 72 FEET, MORE OR LESS TO THE PLACE OF BEGINNING.

THE SPECIFIC LOCATION OF THIS EASEMENT IS SHOWN ON THE ATTACHED DRAWING MARKED EXHIBIT "A".

THE GRANTUR 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 OF ALL ENCUMBRANCES EXCEPT MORTGAGES, RIGHTS AND RESTRICTIONS OF RECORD; THAT IT WILL WARRENT 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

8419817

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 FO THE FURTHER CONSIDERATION OF REDUCED STORM WATER RETENTION DRYWELL REQUIREMENTS.

MARTIN'S REALTY CO., INDIANA PARTNERSHIP

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STATE OF INDIANA)				
) SS:				
COUNTY OF ST. JOSEPH)	1			
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GENEVAL SONES -NOTARY PUBLIC RESIDENT OF ST. JOSEPH COUNTY, IN

MY COMMISSION EXPIRES 6-31-85

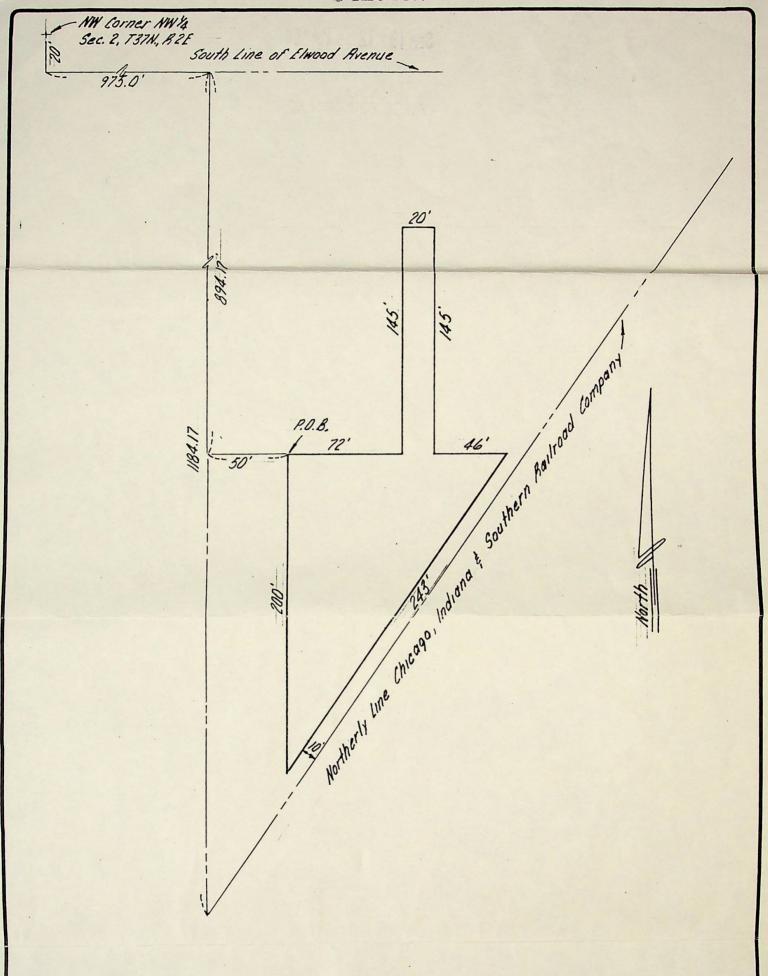
THIS INSTRUMENT PREPARED BY MARTIN'S REALTY CO.

SEP 19 12 35 PM '84
SEP 19 12 35 PM '84
ST. JOSEPH CO.
INDIANA
FILED FOR RECORD

APPROVED
BOARD OF PUBLIC WORKS

OCT 8 1984

* (*)



LARRY E. VANOSDOL | AND ASSOCIATES

VALUE LAND SURVEYORS

SUITE 601 - 120 WEST LASALLE AVENUE SOUTH BEND, INDIANA - 46601

EXHIBIT "A"

RETENTION BASIN EASEMENT IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA.

DRAWN BY	SCALE	DATE	JOB NO.
HDB	1" = 60'	02/24/84	

FILM NO. 8419817 WANDA A. NOWAK RECORDER

SEP 19 12 35 PM '84

ST. JOSEPH CO. INDIANA FILED FOR RECORD A. 1. 14.

Reason for excepting in bldg-ing or filling in on retention site the

John This easement is for Martins a Portage and Elwood -In order to retain water (storm) on site they wed the same type retertion as La Valle I guare except for the 6" thattle line which in this case in not off the Shey re-lesigned system to get most of some off the Santary 9/20/84 Mel.