

#1331

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

(PORTAGE & ELWOOD)

EASEMENT

8419817

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

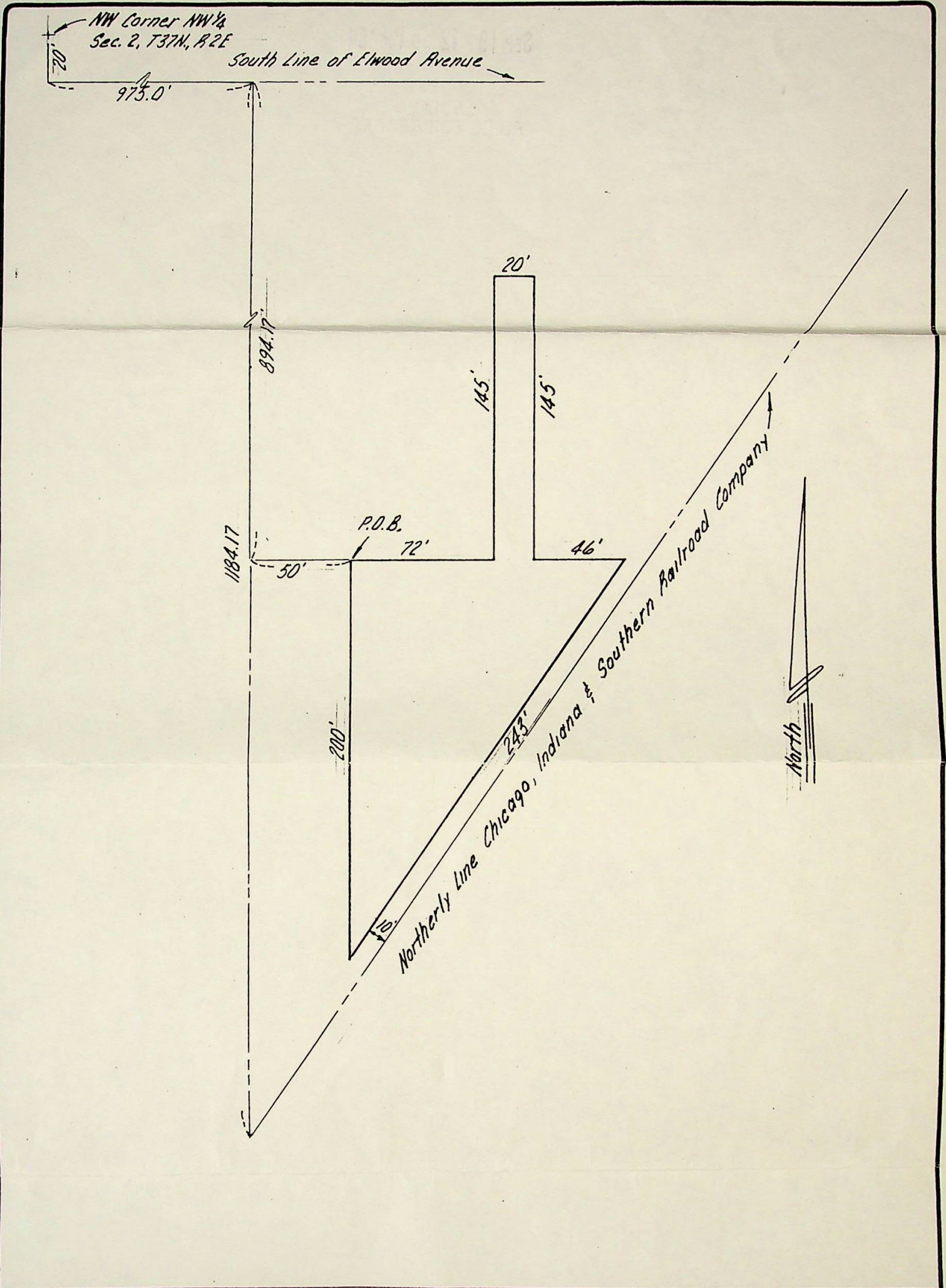
3

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 20 FEET; THENCE SOUTH 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 GRANTOR 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



LARRY E. VANOSDOL
AND ASSOCIATES

REGISTERED 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

INDEXED

Reason for excepting is
to keep them from
bldg.-ing or filling
in on retention site

~~this~~

John

This easement is
for Martins @ Portage
and Elwood -

An order to retain
water (storm) on site they
used the same type re-
tention as La Salle
Square except for the
6" throttle line which in
this case is not off the
box.

They re-designed
system to get most of
same off the Sanitary

9/28/89

(over.)

Mel.