

#1334

AGREEMENT FOR EASEMENT - from City
of South Bend to Memorial Hospital.

(underground telecommunications
cables)



CITY of SOUTH BEND

ROGER O PARENT, Mayor

COUNTY-CITY BUILDING SOUTH BEND, INDIANA 46601

October 29, 1984

BOARD OF PUBLIC WORKS

219/284-9412

John E. Leszczynski, President
Richard L. Hill
Michael L. Vance

Mr. Carl Ellison
Memorial Hospital of South Bend
615 North Michigan Street
South Bend, Indiana

RE: TELECOMMUNICATIONS EASEMENT

Dear Mr. Ellison:

Attached for your information is a completely executed copy of the Agreement for Easement entered into between the City of South Bend and Memorial Hospital for the purpose of placing underground telecommunications cables under certain public alleys within the City of South Bend, as described in the easement.

If you have any further 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/mp
Attachment



CITY of SOUTH BEND

ROGER O. PARENT, Mayor

COUNTY-CITY BUILDING SOUTH BEND, INDIANA 46601

219/284-9241

Richard L. Hill
City Attorney

Thomas L. Bodnar
Chief Deputy

David C. Chapleau
R. William Jonas, Jr.
Marva J. Leonard
John M. Marnocha
Carolyn V. Pfothenauer
Robert C. Rosenfeld
Eugenia S. Schwartz

October 26, 1984

Mr. Carl Ellison
Memorial Hospital of South Bend
615 North Michigan Street
South Bend, Indiana 46601

Re: Telecommunications Easement

Dear Carl:

Attached you will find the original and one (1) copy of the Easement which was requested by Cole Associates for use by Memorial Hospital in installing its underground telecommunications cables. Please have both copies executed by the appropriate person and return them this afternoon to Sandra Parmerlee, Clerk of the Board of Public Works, 13th Floor, County-City Building so that they can be put on the Board of Works agenda for Monday, October 29.

If you have any questions on this matter, please feel free to call me.

Sincerely,

Carolyn V. Pfothenauer
Assistant City Attorney

Attachments
cc: Sandra Parmerlee, Clerk
CVP:d1m

Hold Bldg Works

#1334

8423279

AGREEMENT FOR EASEMENT

The City of South Bend, Indiana, hereinafter called "Grantor," in consideration for the sum of One Dollar (\$1.00) and other valuable consideration in hand paid to the Grantor, hereby grants to Memorial Hospital of South Bend, hereinafter called the "Grantee," a permanent easement in and under the hereinafter described land for the purpose of placing underground telecommunication cables under certain public alleys within the City of South Bend. The easement will be a four foot (4') wide continuous easement that lies east of and south of the following defined continuous line, more particularly described as follows:

Beginning at a point on the east line of lot 129 of part of the original plat of the City of South Bend, St. Joseph County, Indiana, which point is 4 feet south of the northeast corner of said lot 129 which point is the true point of beginning; thence north along the east line of said lot 129 and east line (extended) to the southeast corner of lot 1 of Rockstroh Brothers Addition a distance of 86.5 feet more or less; thence north along the east property lines of lots 1, 2, 3, and 4 of the Rockstroh Brothers Addition a distance of 198 feet more or less; thence continuing north along the east property line (extended) a distance of 14 feet more or less to the southeast corner of lot 5 of the Rockstroh Brothers Addition; thence west along the south property line of lot 5 a distance of 165 feet more or less; thence continuing west along the south property line (extended) a distance of 99 feet more or less to the west right-of-way line of Michigan Street to the point of termination for a total distance of 562.5 feet more or less.

Grantee agrees that it will not close said alleys or interfere with vehicular traffic thereon during construction and that following construction the jacking trenches will be back filled and the real estate will be put into the same condition as it was prior to the jacking procedure.

Grantee assumes responsibility for informing all utility companies prior to the jacking procedure and will repair any damage done to City property as a result of its use of this easement.

FILED FOR RECORD
 ST. JOSEPH CO. INDIANA
 NOV 2 8 59 AM '84
 WANDA A. HOWAK
 RECORDER
 FILM NO. _____

NOV 1984
 FILED
 JOSEPH F. NAGY
 AUDITOR
 ST. JOSEPH COUNTY
 INDIANA
 2223242526272829303112343

8423279

The Grantee agrees to indemnify and save the Grantor harmless from and against any and all damage, injuries, losses, claims or demands or costs proximately caused by default, culpability or negligence of the Grantee in the use of the property encompassed by this easement.

IN WITNESS WHEREOF, the parties have executed this agreement on this 29th day of October, 1984.

MEMORIAL HOSPITAL OF SOUTH BEND, INC.

CITY OF SOUTH BEND BOARD OF PUBLIC WORKS

By: *Steve Rudolph*

John E. Leszczynski
John E. Leszczynski, President

Its: Vice President

Richard L. Hill

Michael L. Vance
Michael L. Vance

ATTEST:

Sandra M. Parmerlee
Sandra M. Parmerlee, Clerk



This instrument prepared by Carolyn V. Pfothenauer, Assistant City Attorney, 1400 County-City Building, South Bend, Indiana 46601.

FILM NO. 8423279
WANDA A. NOWAK
RECORDER

Nov 2 8 53 AM '84

ST. JOSEPH CO.,
INDIANA
FILED FOR RECORD

INDEXED

CITY OF SOUTH BEND
BOARD OF PUBLIC WORKS

HOSPITAL HOSPITAL OF
SOUTH BEND, INC.

John H. Leszczynski, President

Richard L. Hill

Michael J. Hill

Wanda A. Nowak, Clerk

5/5/m