

#1347

WATER EASEMENT from Lowe's, Inc.
to City of South Bend, part of the
S.E. Quarter of Sec. 12, T. 37 N.,
R. 2 E., City of South Bend.
(SEE EASEMENT)

(BLOCK 6, RIVER GLEN PLAZA)

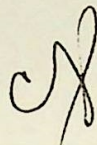
CITY ATTORNEY'S OFFICE
INTER-OFFICE MEMO

COPY

TO: JOHN E. LESZCZYNSKI
BOARD OF WORKS DIRECTOR

DATE: NOVEMBER 7, 1985

FROM: CAROLYN V. PFOTENHAUER
ASSISTANT CITY ATTORNEY



SUBJECT: SEWER AND WATER EASEMENTS

Attached are the sewer and water easements for new easements and releases of the old easements on block 6, Riverbend Plaza. I am also forwarding to you a copy of the drawings showing the location and legal descriptions of these easements. Attorney Art Perry prepared the easements using forms that I supplied to him. He is available at your convenience to answer any questions that you might have on this matter so please contact him if you want to discuss it. They are planning to close the deal early next week and Mr. Perry has requested that these easements be put on the agenda for the November 12th Board of Works meeting. He has also supplied for your information a copy of a corporate warranty deed showing the transfer of ownership from St. Joseph Riverbend Development Corporation to RGO Associates.

Please contact me if you have questions.

CVP:jj:E
Attachments

cc: ~~Sandy Parmerlee, Clerk~~
w/o attachments

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8525479

WATER EASEMENT

ST. JOSEPH CO.
INDIANA
FILED FOR RECORD
Nov 15 3 09 PM '85
FILM NO.
WANDA A. NOWAK
RECORDER

In consideration of the sum of One and No/100 (\$1.00) Dollar, receipt whereof is hereby acknowledged by the undersigned, the undersigned hereby grants to the CIVIL CITY of SOUTH BEND, a permanent easement, including the perpetual right to install, repair, maintain, alter and operate water mains and water distribution system, together with the right of ingress to and egress from the said easement for the purposes of maintaining said water mains, pipes, vaults and other equipment incident thereto, in, upon, over and under the following described parcels of real estate located in the City of South Bend, St. Joseph, State of Indiana, briefly described as follows:

Parcel No. 1

That part of the Southeast Quarter of Section 12, T. 37 N., R. 2 E., City of South Bend, St. Joseph County, Indiana which is also a part of the record Plat of "River Bend Addition" as recorded in the records of said county which is described as: From the intersection of the East line of Columbia Street and the North line of Monroe Street measure, N. 00°-30'-18" W., 293.20 ft. and N. 02°-22'-43" W., 27.60 ft. and N. 75°-20'-48" E., 53.95 ft. and N. 00°-26'-03" W., 0.69 ft. and N. 28°-05'-31" W., 125.77 ft. to the "true Point of Beginning"; thence, East, 38.02 ft.; thence, N. 57°-50'-42" E., 38.03 ft.; thence, N. 38°-00'-00" W., 10.00 ft.; thence, S. 57°-50'-42" W., 40.00 ft.; thence, West, 40.58 ft.; thence, S. 28°-05'-31" W., 11.34 ft. to the Point of Beginning, containing 0.0182 acres.

Parcel No. 2

That part of the Southeast Quarter of Section 12, T. 37 N., R. 2 E., City of South Bend, St. Joseph County, Indiana which is also a part of Block #8 in the recorded Plat of "River Bend Addition" as recorded in the records of said County which is described as: From the Point of Beginning of deeded parcel 6-1D-3, measure N. 38°-00'-00" W., 204.91 ft. for the "true Point of Beginning"; thence, N. 38°-00'-00" W. along the Westerly line of parcel 6-1D-3, 10.00 ft.; thence, N. 57°-50'-42" E., 33.17 ft.; thence, S. 38°-00'-00" E., 10.00 ft.; thence, S. 57°-50'-42" W., 33.17 ft. to the point of beginning, containing 0.0076 acres.

The easement granted hereby is for the benefit of the City of South Bend for the maintenance of said water easement.



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The easement hereby granted and all rights, covenants and restrictions and provisions related to said easement constitute covenants running with the land and shall be binding upon the said grantor and be an obligation thereof of every person or entity now or hereafter having any fee, leasehold or other interest in all or any part of the said described real estate.

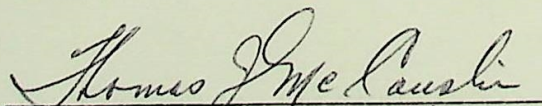
To have and to hold the said water easement unto the CIVIL CITY of South Bend, Indiana, and unto its successors and assigns forever.

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.

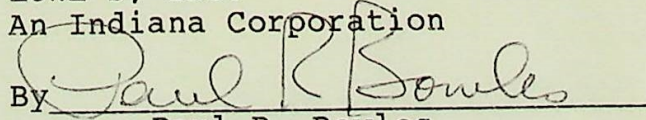
And as a further consideration for the payment of the purchase price, above stated, the, grantors hereby release all claims for damage, from whatsoever cause, incidental to the exercise of any of the rights herein granted, from the beginning of the world until this date.

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.

ATTEST:


Thomas J. McCauslin
Its Vice-President -
Corporate Administration

OWNER
LOWE'S, INC.
An Indiana Corporation

By 
Paul R. Bowles
Its President

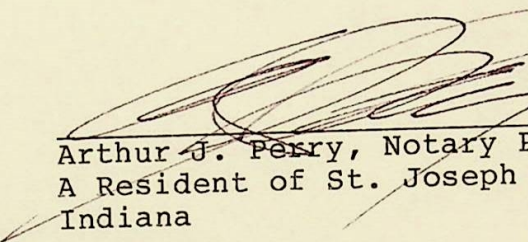
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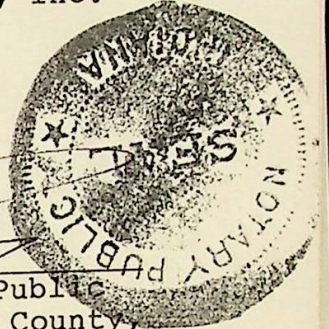
STATE OF INDIANA)
) SS:
ST. JOSEPH COUNTY)

Before me, a Notary Public in and for said County and State, personally appeared Paul R. Bowles and Thomas J. McCauslin, known to me to be the President and Vice-President - Corporate Administration, respectively, of Lowe's, Inc., who duly acknowledged the execution of the foregoing SEWER AND WATER EASEMENT as the free and voluntary act and deed of Lowe's, Inc.

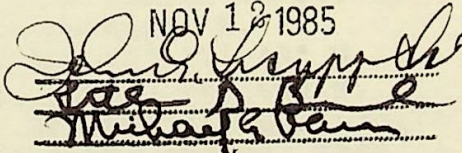

Witness my hand and notarial seal this 4th day of November, 1985.

My Commission Expires:
October 6, 1989


Arthur J. Perry, Notary Public
A Resident of St. Joseph County,
Indiana



APPROVED
BOARD OF PUBLIC WORKS

NOV 12 1985



This Instrument Prepared by Arthur J. Perry, Attorney at Law,
Suite 420 JMS Building, South Bend, Indiana 46601

8525479
ST. JOSEPH CO.
INDIANA
FILED FOR RECORD

Nov 15 3 09 PM '85

FILM NO. _____
WANDA A. NOWAK
RECORDER

STATE OF INDIANA
ST. JOSEPH COUNTY

Personally appeared Paul R. Bowles and Thomas J. McCaslin, known

to me to be the President - Corporate Administration, respectively, of Lowe's, Inc., who duly

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acknowledged the execution of the foregoing SEWER AND WATER EASEMENT as the free and voluntary act and deed of Lowe's, Inc.

Witness my hand and notarial seal this 14th day of November, 1985.



[Signature]
Arthur G. Perry, Notary Public
A Resident of St. Joseph County,
Indiana

My Commission Expires:
October 6, 1989

APPROVED
BOARD OF PUBLIC WORKS

NOV 1 1985

[Signature]

This instrument prepared by Arthur G. Perry, Notary at Law,
Suite 420 One Building, South Bend, Indiana 46701

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MAY