

#1348

SEWER AND WATER EASEMENT from  
RGO Associates, Inc. to City  
of South Bend - Part of S.E.  
Quarter of Section 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

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, that St. Joseph Riverbend Development Corporation, an Indiana corporation, "Grantor", a corporation organized and existing under the laws of the State of Indiana, CONVEYS AND WARRANTS to RGO Associates, Inc.

\_\_\_\_\_, of St. Joseph County, State of Indiana, for and in consideration of the sum of One (\$1.00) Dollar and other valuable considerations, the receipt of which is hereby acknowledged, the following described real estate in St. Joseph County, in the State of Indiana, to-wit:

A part of the West Half of Section 12, Township 37 North, Range 2 East, also being a part of Block 8 of the recorded Plat of River Bend Addition, City of South Bend, St. Joseph County, Indiana, described as follows:

Commencing at the intersection of the Northeastern Boundary of Columbia Street and the Eastern Boundary of Western Avenue; thence along said North Boundary South 69° 32' 51" East, 95.25 feet; thence Southeasterly 192.83 feet along an arc to the right and having a radius of 421.97 feet and subtended by a long chord having a bearing of South 56° 27' 21" East and a length of 191.16 feet to the Point of Beginning; thence North 46° 38' 09" East 155.47 feet; thence South 20° 00' 00" East 68.15 feet; thence South 52° 00' 00" West 59.45 feet; thence South 38° 00' 00" East 98.14 feet; thence South 52° 00' 00" West 86.74 feet to the Northerly line of Columbia Street; thence 149.73 feet along an arc to the left having a radius of 421.97 feet and subtended by a long chord 148.95 feet in length and having a bearing of North 33° 12' 00" West to the Point of Beginning, containing 0.362 acres.

ALSO

A parcel in the Southeast Quarter of Section 12, Township 37 North, Range 2 East, also being a part of Block 8 of the recorded plat of River Bend Addition, City of South Bend, St. Joseph County, Indiana, more particularly described as follows: Commencing at the intersection of the East right-of-way line of Columbia Street and the North right-of-way line of Monroe Street as shown on said Plat of River Bend Addition; thence North 0° 30' 18" West along said East right-of-way line of Columbia Street 270.00 feet to the Point of Beginning; thence Northerly along said right-of-way 23.20 feet; thence northward along a curve to the left, having a radius of 421.97 feet and subtended by a long chord 27.60 feet in length with a bearing of North 2° 22' 43" West 27.60 feet; thence North

**DUPLICATE**  
Original in Files of  
St. Joseph Co. Recorder

FILM NO.  
WANDA A. NOWAK  
RECORDER

NOV 1 3 10 PM '85

ST. JOSEPH CO.  
INDIANA  
FILED FOR RECORD

75° 20' 48" East 78.20 feet; thence South 39° 35' 12" East 98.62 feet; thence South 52° 00' 00" West 44.02 feet; thence North 39° 35' 12" West 43.10 feet; thence South 89° 29' 42" West 75.00 feet to the Point of Beginning, containing 0.176 acres.

Subject to all restrictions and easements of record.

Subject to the prorated real estate taxes due in the year 1983 payable in 1984 prorated to the date of this deed.

The above two descriptions are vacant areas and are being conveyed for the use and benefit of the said Grantor.

The undersigned persons executing this Deed on behalf of the Grantor represent and certify that they are the duly elected officers of the Grantor and have been fully empowered, by proper resolution of the Board of Directors of the Grantor, to execute and deliver this Deed; that Grantor has full corporate capacity to convey the real estate described herein, and that all necessary corporate actions for the making of such conveyance has been taken and done.

This conveyance of the above described real estate by the above Corporation as Grantor is not subject to Gross Income Taxes payable at this time.

IN WITNESS WHEREOF, the Grantor, St. Joseph Riverbend Development Corporation, an Indiana Corporation, has caused this Deed to be executed this 21st day of June, 1983.

ATTEST:

ST. JOSEPH RIVERBEND DEVELOPMENT CORPORATION, an Indiana Corporation

Lloyd S. Taylor  
LLOYD S. TAYLOR, ASST. SEC.

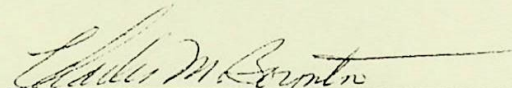
By: William R. Steinmetz  
WILLIAM R. STEINMETZ, President

STATE OF INDIANA        )  
                                  )ss.  
ST. JOSEPH COUNTY     )

Before me, a Notary Public in and for said County and State personally appeared William R. Steinmetz and Lloyd S. Taylor

known to be the President and Ass't Secretary of  
the St. Joseph Riverbend Development Corporation, who  
acknowledged the execution of the foregoing Deed for and on  
behalf of said Grantor Corporation and who having been duly  
sworn, stated that the representations hereinabove contained are  
true.

WITNESS my hand and notarial seal this 21st day of June,  
1983.

  
Charles M. Boynton, Notary  
Public, a resident of St.  
Joseph County, Indiana

My commission expires:  
November 17, 1983

This instrument prepared by Charles M. Boynton, 725 St. Joseph  
Bank Building, South Bend, Indiana 46601.

# 1348

8525480

SEWER AND WATER EASEMENT

ST. JOSEPH CO.  
INDIANA  
FILED FOR RECORD

Nov 15 3 08 PM '85

FILM NO.  
WANDA A. HOWER  
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 and/or sewer or other facilities, together with the right of ingress to and egress from the said easement for the purposes of maintaining said water mains, pipes, vaults, sewers and other equipment incident thereto, in, upon, over and under the following described real estate located in the City of South Bend, St. Joseph, State of Indiana, briefly described as follows:

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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 recorded 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. 12°-36'-30" W., 176.95 ft. for the "true Point of Beginning"; thence, N. 52°-00'-00" E., 83.72 ft.; thence, N. 38°-00'-00" W., 30.00 ft.; thence, S. 52°-00'-00" W., 77.77 ft.; thence, around a 421.97 ft. radius to the right an arc distance of 30.59 ft to the end of a chord which bears S. 26°-47'-18" E., and having a chord distance of 30.58 ft. to the Point of Beginning, containing 0.0557 acres.

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

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.

8525480

To have and to hold the said sewer and 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.

**APPROVED**  
**BOARD OF PUBLIC WORKS**

NOV 12 1985  
*[Handwritten signatures]*

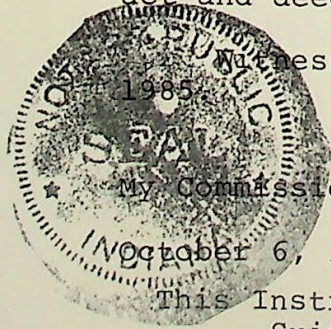
OWNER  
RGO ASSOCIATES, INC.  
An Indiana Corporation

By *[Signature]*  
John T. Phair, President

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

Before me, a Notary Public in and for said County and State, personally appeared John T. Phair, known to me to be the President of RGO Associates, Inc., who duly acknowledged the execution of the foregoing SEWER AND WATER EASEMENT as the free and voluntary act and deed of RGO Associates, Inc.

Witness my hand and notarial seal this 2nd day of November, 1985



My Commission Expires:  
October 6, 1989

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

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

8525480  
ST. JOSEPH CO.  
INDIANA  
FILED FOR RECORD

Nov 15 3 08 PM '85

FILM NO.  
WANDA A. NOWAK  
RECORDER

**INDEXED**

To have and to hold the CIVIL CITY OF SOUTH BEND, Indiana, and assigns forever. And the said Grantors hereby covenant with the Civil City of South Bend, Indiana, that they will lawfully seized and possessed of the above described premises and that they will warrant and forever defend 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 to quiet possession thereof against the lawful claims of all persons whatsoever.

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

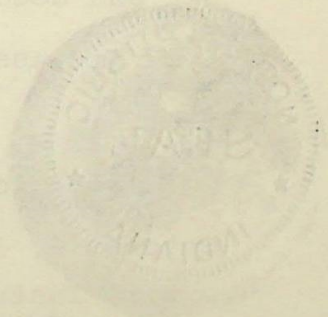
It is understood and agreed by the parties hereto, that wherever in the foregoing instrument the singular number is used, it will be read as plural, if and when necessary, and that wherever words of neuter gender are employed, they will likewise apply to the male gender.

APPROVED  
BOARD OF PUBLIC WORKS

NOV 15 1985

OWNER  
ARGO ASSOCIATES, INC.  
AN INDIANA CORPORATION

BY  
John T. Blair, President



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