

#1366

EASEMENT AND RIGHT-OF-WAY from Edward  
Rose of Indiana, to City of South  
Bend. (INWOOD ROAD)

(SEE EASEMENT)



# CITY of SOUTH BEND

ROGER O. PARENT, Mayor

COUNTY-CITY BUILDING SOUTH BEND, INDIANA 46601

John E. Leszczynski  
Director, Public Works

(219) 284-9251

July 25, 1986

Board of Public Works  
County-City Building  
South Bend, IN 46601

RE: Easement and Right-Of-Way (Inwood Road)

Gentlemen:

Please accept the attached easement and right-of-way on behalf of the City of South Bend.

This easement and right-of-way is along Inwood Road. It is the North 20 feet of Irish Hills property and will give the City a 40 feet right-of-way along Inwood Road.

Very truly yours,

Joseph J. Pluta, P.E., Director  
Division of Engineering

Melvin B. Humphrey  
Bureau of Design & Administration

JJP:MBH:gl

checked  
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5-14-86


to the South right-of-way line of Beginning; thence S 00°03'12" E along said North-South centerline of Section 29 a distance of 20.00 feet; thence S 89°26'08" W parallel to the North line of said Section 29 a distance of 1648.32 feet; thence N 00°01'13" E a distance of 20.00 feet to the South right-of-way line of Inwood Road; thence N 89°26'08" E along the South right-of-way line of Inwood Road and parallel to the North line of said Section 29 a distance of 1648.30 feet to the Point of Beginning. Containing 0.757 acres, more or less.

....as shown on the attached drawing.

CITY ATTORNEY'S OFFICE  
**INTER-OFFICE MEMO**

TO: JOSEPH PLUTA  
ENGINEERING

FROM: THOMAS L. BODNAR  
CHIEF DEPUTY CITY ATTORNEY

SUBJECT: EASEMENT 

DATE: JULY 23, 1986

I have examined the easement signed by Mr. Ravitz on June 18, 1986 and approve it.

TLB/sjf/21

RECEIVED  
JUL 24 1986

CITY OF SOUTH BEND  
DEPARTMENT OF ENGINEERING

checked  
5-14-86

to the south line of Beginning; thence S 00°03'12" E along said North-South centerline of Section 29 a distance of 20.00 feet; thence S 89°26'08" W parallel to the North line of said Section 29 a distance of 1648.32 feet; thence N 00°01'13" E a distance of 20.00 feet to the South right-of-way line of Inwood Road; thence N 89°26'08" E along the South right-of-way line of Inwood Road and parallel to the North line of said Section 29 a distance of 1648.30 feet to the Point of Beginning. Containing 0.757 acres, more or less.

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8621148  
EASEMENT AND RIGHT-OF-WAY

In consideration of the sum of One and No/100 (\$1.00) -----

----- Dollars cash in hand paid, receipt whereof is hereby acknowledged, the undersigned hereby grants, bargains, sells, conveys, transfers and delivers unto the Civil City of South Bend, a permanent easement and right-of-way for the following purposes namely: The right to enter upon the hereinafter described land and grade, level, fill, drain, pave, build, maintain, repair, and rebuild roads, streets, highways, together with such bridges, culverts, ramps, and cuts as may be necessary, on, over, and across the ground embraced within the right of way hereinafter described, further a permanent easement and right-of-way, including the perpetual right to enter thereupon the real estate hereinafter described, at any time that it may see fit, for the purpose of constructing, maintaining and repairing, installing and renewing any water, sewer, and other utility facilities, whether used in conjunction with general street purposes, or for the sole purpose of constructing, maintaining, installing, repairing, and replacing and/or renewing such sewer or other facilities for all purposes whatsoever, including but not by the way of limitation, drainage structures for both sanitary and storm sewer, on, over, and across the ground embraced within the right-of-way hereinafter described, which is located within the boundaries of a tract or parcel of land situated in the County of St. Joseph, State of Indiana, briefly described as follows:

A parcel of land located in the NW 1/4 of Section 29, T 37 N, R 3 E, City of South Bend, Penn Township, St. Joseph County, Indiana, more particularly described as follows:

commencing at the NE corner of the NW 1/4 of said Section 29; thence S 00°03'12" E along the North-South centerline of said Section 29 a distance of 20.00 feet to the South right-of-way line of Inwood Road, the Point of Beginning; thence S 00°03'12" E along said North-South centerline of Section 29 a distance of 20.00 feet; thence S 89°26'08" W parallel to the North line of said Section 29 a distance of 1648.32 feet; thence N 00°01'13" E a distance of 20.00 feet to the South right-of-way line of Inwood Road; thence N 89°26'08" E along the South right-of-way line of Inwood Road and parallel to the North line of said Section 29 a distance of 1648.30 feet to the Point of Beginning. Containing 0.757 acres, more or less.

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....as shown on the attached drawing.

8621148

To have and to hold the said easement and right-of-way 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.

The Grantee hereby agrees to indemnify and hold the Grantor harmless from any and all claims, debt, causes of action or judgements for any damage to property and/or injury to any person which may arise out of any construction within or use of the above described easement and right-of-way areas by the Grantee, its agents, employees, representatives, contractors, successors or assigns.

IN WITNESS WHEREOF, the Grantor has duly executed this instrument this 18<sup>TH</sup> day of JUNE, 1986.

EDWARD ROSE OF INDIANA,  
an Indiana limited partnership

By Edward Ravitz  
Edward Ravitz, Agent

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

AUG 12 1986  
[Signature]

FILM NO.  
WANDA A. NOWAK  
RECORDER

AUG 10 8 25 AM '86

ST. JOSEPH CO.  
INDIANA  
FILED FOR RECORDER

8621148

To have and to hold the said easement and right-of-way 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.

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The Grantee hereby agrees to indemnify and hold the Grantor harmless from any and all claims, debt, causes of action or judgements for any damage to property and/or injury to any person which may arise out of any construction within or use of the above described easement and right-of-way areas by the Grantee, its agents, employees, representatives, contractors, successors or assigns.

IN WITNESS WHEREOF, the Grantor has duly executed this instrument this 10<sup>TH</sup> day of JUNE, 1986.

EDWARD ROSE OF INDIANA,  
an Indiana limited partnership

By Edward Ravitz  
Edward Ravitz, Agent

**APPROVED**  
BOARD OF PUBLIC WORKS

AUG 12 1986  
[Signature]

FILM NO.  
MANDA A. NOWAK  
RECORDER

AUG 19 8 25 AM '86  
FILED FOR RECORD  
ST. JOSEPH CO.  
INDIANA

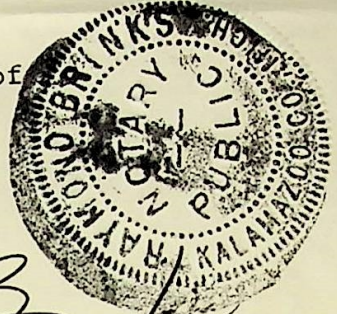
STATE OF MICHIGAN )  
 )ss.  
COUNTY OF KALAMAZOO)

8621148

Personally appeared before me the undersigned, a Notary Public in the for said county and state, Edward Ravitz, who acknowledged the execution of the foregoing instrument to be his voluntary act and deed.

Witness my hand and notarial seal this 18<sup>th</sup> day of

JUNE, 1986.



Raymond Brinks  
Raymond Brinks, Notary Public  
Kalamazoo, County, Michigan

My Commission Expires: June 18, 1989

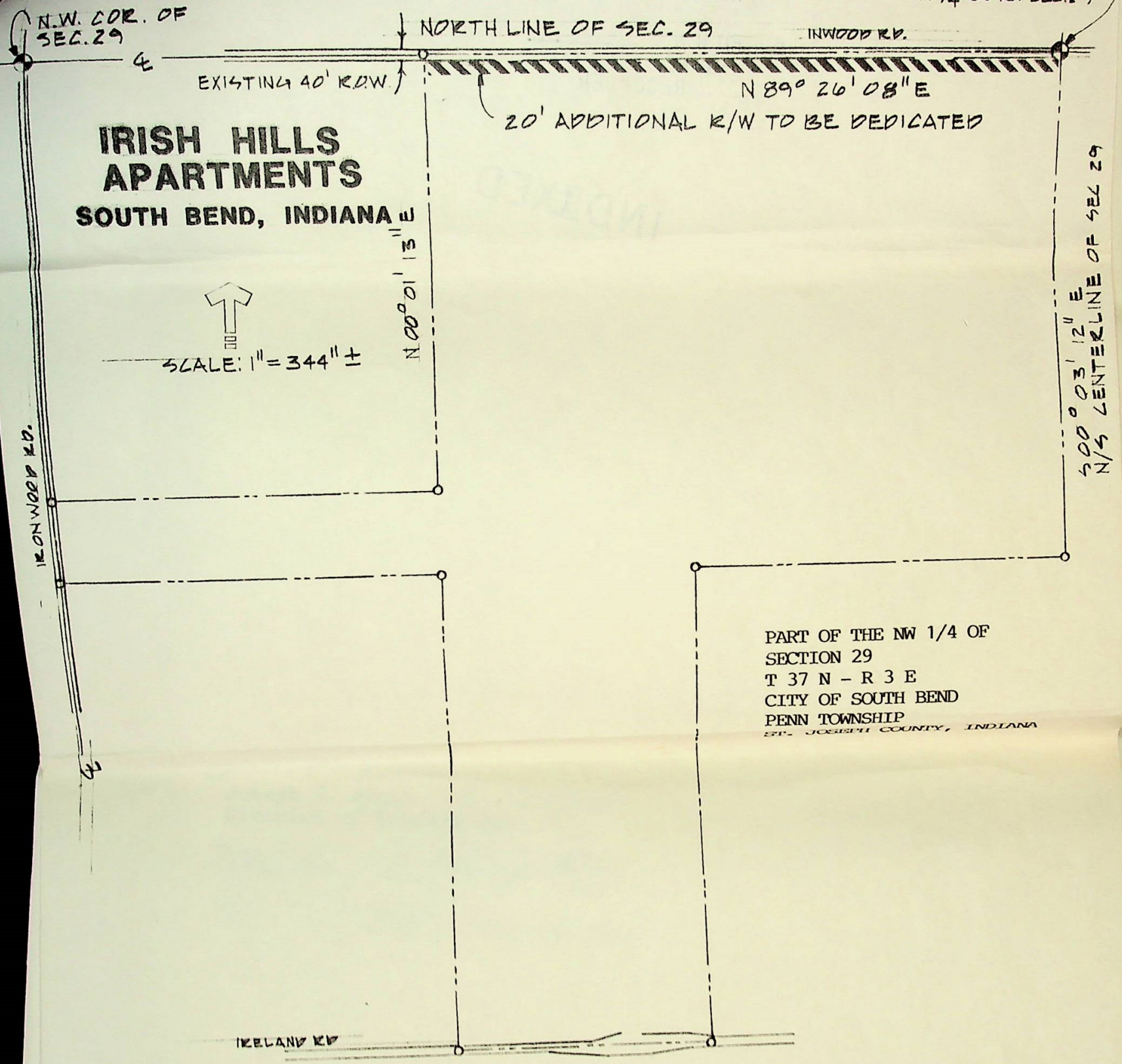
Prepared by:

Lawrence W. Glass  
EDWARD ROSE OF INDIANA  
6100 Newport Road, P.O. Box 3015  
Kalamazoo, Michigan 49003

ATTACHMENT TO AN EASEMENT AND RIGHT-OF-WAY, DATED 6-18, 1986 WHEREIN EDWARD ROSE OF INDIANA IS THE GRANTOR AND THE CITY OF SOUTH BEND IS THE GRANTEE.

8621148

N 1/4 COR. SEC. 29



**IRISH HILLS APARTMENTS**  
SOUTH BEND, INDIANA

SCALE: 1" = 344' ±

PART OF THE NW 1/4 OF SECTION 29  
T 37 N - R 3 E  
CITY OF SOUTH BEND  
PENN TOWNSHIP  
SP. JOSEPH COUNTY, INDIANA

checked  
5-14-86

of beginning; thence S 00° 03' 12" E along the  
North-South centerline of Section 29 a distance of 20.00 feet; thence S 89° 26' 08" W parallel to the North line of said Section 29 a distance of 1648.32 feet; thence N 00° 01' 13" E a distance of 20.00 feet to the South right-of-way line of Inwood Road; thence N 89° 26' 08" E along the South right-of-way line of Inwood Road and parallel to the North line of said Section 29 a distance of 1648.30 feet to the Point of Beginning. Containing 0.757 acres, more or less.



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ST. JOSEPH CO.  
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