

#1368

RELEASE OF RIGHTS AND EASEMENTS  
TO CONSTRUCT AND MAINTAIN  
FACILITIES -

(COVELESKI REGIONAL STADIUM)

(This Release contained  
an error in the legal  
description + was  
rescinded by the BPW  
on 9/23/86. See Resolution  
no. 22-1986 + new Release  
approved on 9/23/86.

SP

8623088

RELEASE OF RIGHTS AND EASEMENTS TO  
CONSTRUCT AND MAINTAIN FACILITIES

This Release of Rights and Easements, made and entered into as of this 19th day of August, 1986, by the City of South Bend, Indiana, a municipal corporation duly organized and existing pursuant to the laws of the State of Indiana, by and on behalf of the Board of Public Works (hereinafter referred to as "City").

W I T N E S S E T H:

WHEREAS, the City is entitled to the use of easements reserved by the City of South Bend, St. Joseph County, Indiana in Ordinance No. 7643-86 which rights-of-way and easements are reserved in Section II relating to former streets and alleys, therein vacated; and

WHEREAS, the project known as the Stanley Coveleski Regional Stadium Project which involves construction by the City on behalf of its Park Board, which Board is acting for itself and as agent for Security Pacific National Bank, is located on a portion of the property constituting the Stanley Coveleski Regional Stadium; and

WHEREAS, the City and its Board of Public Works has no need for the rights and easements reserved to it in said Ordinance No. 7643-86 pertaining to the portion of the property constituting the Stanley Coveleski Regional Stadium property; and

WHEREAS, it is to the benefit of the City of South Bend that the Stanley Coveleski Regional Stadium be completed; and

NOW, THEREFORE, in consideration of the premises and other valuable consideration, receipt and sufficiency of which are hereby acknowledged, the City releases all rights and easements and agrees never to use in any manner or for any purpose the rights and easements reserved to itself in Ordinance No. 7643-86 in the following described property in St. Joseph County, Indiana:

ST. JOSEPH CO.  
INDIANA  
FILED FOR RECORD  
SEP 2 1 56 PM '86  
FILM NO.  
WANDA A. KOWAL  
RECORDER

LAND DESCRIPTION

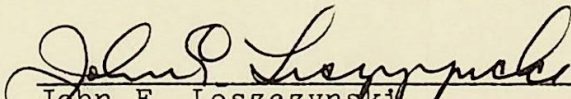
A part of Vail's Southwest Addition to South Bend as shown on the Recorded Plat thereof in the St. Joseph County, Indiana, Recorder's Office, more particularly described as follows:

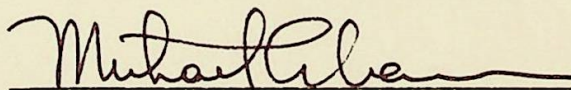
Beginning at the Southwest corner of Lot 8, Block 10 of said Vail's Southwest Addition; thence North 00° 00' 00" East along the East line of the north-south alley between Taylor Street and William Street to the Northwest corner of Lot 1, Block 10 of said Vail's Southwest Addition; thence North 45° 00' 00" West, 177.00 feet; thence South 89° 51' 44" East, 362.00 feet; thence South 45° 00' 00" East, 120.00 feet; thence South 00° 00' 00" West, 310 feet; thence South 45° 00' 00" West, 199.53 feet to the North line of South Street; thence North 89° 51' 44" West, along said North line of South Street, 249.52 feet; thence North 89° 40' 05" West, along said North line of South Street, 181.41 feet to the Point of Beginning, containing 6.547 acres, more or less.


SHOULD  
BE  
EAST

IN WITNESS WHEREOF, the City of South Bend through its Board of Public Works, has caused this Release of Rights and Easements to Construct and Maintain Facilities to be executed as of the date first above written.

CITY OF SOUTH BEND  
BOARD OF PUBLIC WORKS

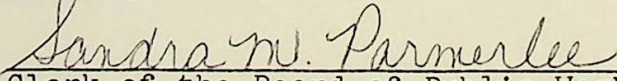
  
John E. Leszczynski

  
Michael L. Vance

  
Katherine Barnard

Date August 19, 1986

Attest:

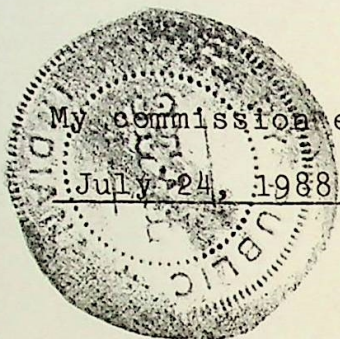
  
Clerk of the Board of Public Works

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

Personally appeared before me, a Notary Public for said County and State, John E. Leszczynski, Michael L. Vance and Katherine Barnard, known to and by me as members of the Board of Public Works, City of South Bend, and acknowledged the execution of the foregoing instrument as the authorized act of the said Board of Public Works.

Witness my hand and notarial seal this 19th day of August, 1986.

Sandra M. Parmerlee  
Sandra Parmerlee  
Notary Public  
Residing in St. Joseph County



My commission expires:

July 24, 1988

This instrument was prepared by Thomas L. Bodnar, Chief Deputy City Attorney, 1400 County-City Building, South Bend, Indiana 46601.

TLB/21

8623088

ST. JOSEPH CO.  
INDIANA  
FILED FOR RECORD

SEP 2 1 55 PM '86

FILM NO. \_\_\_\_\_  
WANDA A. NOWAK  
RECORDER

INDEXED

STATE OF INDIANA  
COUNTY OF ST. JOSEPH

Personally appeared before me, the undersigned, a Notary Public for said County and State, John E. Leszczynski, with Katherine Bernard, known to and by me as members of the Board of Public Works, City of South Bend, and acknowledged the execution of the foregoing instrument as the authorized act of the said Board of Public Works.

Witness my hand and notarial seal this 11th day of September, 1986.

1986.

*[Signature]*  
Notary Public  
Residing in St. Joseph County



This instrument was prepared by Thomas L. Bohner, Chief Deputy City Attorney, 1400 County-City Building, South Bend, Indiana 46801.

15151

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# 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 23, 1986

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

RE: Covelski Stadium

Gentlemen:

Please accept this release of rights and easements on behalf of the City of South Bend.

Very truly yours,

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

JJP:gl

BOARD OF PUBLIC WORKS  
INTER-OFFICE MEMO

COPY

DATE: September 17, 1986

TO: THOMAS BODNAR  
CHIEF DEPUTY CITY ATTORNEY

FROM: SANDRA M. PARMERLEE, CLERK *SP*

RE: RELEASE OF RIGHTS AND EASEMENTS TO CONSTRUCT  
AND MAINTAIN FACILITIES

As you will recall, on August 19, 1986, the Board of Public Works accepted and approved a Release of Rights and Easements to Construct and Maintain Facilities as it relates to the Stanley Coveleski Regional Baseball Stadium Project. On September 2, 1986, the Release was recorded in the St. Joseph County Recorder's Office.

On September 16, 1986, I was advised by Mel Humphrey of the Engineering Department that the legal description contained in the Release contains an error.

I would appreciate your advising how to proceed with this Release in light of the error.

Thanks!

smp  
Enc.

*Hold  
Bl. of Works*

8625825

RESOLUTION NO. 22-1986

RESOLUTION OF THE BOARD OF PUBLIC WORKS  
TO RESCIND RELEASE OF RIGHTS AND EASEMENTS  
TO CONSTRUCT AND MAINTAIN FACILITIES  
AS GRANTED ON AUGUST 19, 1986

WHEREAS, the Board of Public Works of the City of South Bend on the 19th day of August, 1986, passed a Release of Rights and Easements concerning certain property in the area in which the Stanley Coveleski Regional Stadium Project was being constructed; and

WHEREAS, said release included an improper description of the real estate involved, said improper description reading as follows:

A part of Vail's Southwest Addition to South Bend as shown on the Recorded Plat thereof in the St. Joseph County, Indiana, Recorder's Office, more particularly described as follows:

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Beginning at the Southwest corner of Lot 8, Block 10 of said Vail's Southwest Addition; thence North 00° 00' 00" East along the East line of the north-south alley between Taylor Street and William Street to the Northwest corner of Lot 1, Block 10 of said Vail's Southwest Addition; thence North 45° 00' 00" West, 177.00 feet; thence South 89° 51' 44" East, 362.00 feet; thence South 45° 00' 00" East, 120.00 feet; thence South 00° 00' 00" West, 310 feet; thence South 45° 00' 00" West, 199.53 feet to the North line of South Street; thence North 89° 51' 44" West, along said North line of South Street, 249.52 feet; thence North 89° 40' 05" West, along said North line of South Street, 181.41 feet to the Point of Beginning, containing 6.547 acres, more or less.

WHEREAS, the Board of Public Works of the City of South Bend wishes to correct this error; and

NOW, THEREFORE, BE IT RESOLVED the said Board of Public Works rescinds the Release of Rights and Easements granted on the 19th day of August, 1986.

CITY OF SOUTH BEND  
BOARD OF PUBLIC WORKS

John E. Leszczynski

*Michael L. Vance*  
Michael L. Vance

*Katherine Barnard*  
Katherine Barnard

ST. JOSEPH CO.  
INDIANA  
FILED FOR RECORD  
SEP 23 1 14 PM '86  
FILM NO.  
WANDA A. ...  
RECORDER

ATTEST:

*Sandra M. Parmerlee*  
Clerk of the  
Board of Public Works

Date 9-23-86

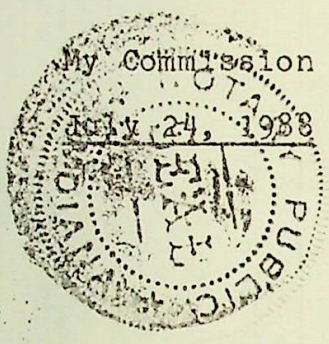


STATE OF INDIANA )  
                          ) SS:  
COUNTY OF ST. JOSEPH )

8625825

Personally appeared before me, a Notary Public for said County and State, ~~John E. Leszczynski~~, Michael L. Vance and Katherine Barnard, known to and by me as members of the Board of Public Works, City of South Bend, and acknowledged the execution of the foregoing instrument as the authorized act of the said Board of Public Works.

Witness my hand and notarial seal this 23rd day of September, 1986.



Sandra M. Parmerlee  
Sandra M. Parmerlee  
Notary Public  
Residing in St. Joseph County

This instrument prepared by Thomas L. Bodnar, Chief Deputy City Attorney, 1400 County-City Building, South Bend, IN 46601