

#1382

RELEASE OF RIGHTS AND EASEMENTS TO
CONSTRUCT AND MAINTAIN FACILITIES

(RE: COVELESKI STADIUM)

(Also see #1368)

& Resolution

no. 22-1986

Abel
Bd. of Works

#1382

8625826

RELEASE OF RIGHTS AND EASEMENTS TO
CONSTRUCT AND MAINTAIN FACILITIES

This Release of Rights and Easements, made and entered into as of this 23rd day of September, 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").

ST. JOSEPH CO. INDIANA
FILED FOR RECORD
SEP 23 1 15 PM '86
PUBLIC WORKS

3

WITNESSETH:

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:

86 24521

8625826

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" East, 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.

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



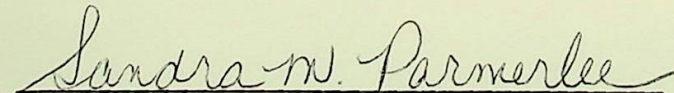
Michael L. Vance



Katherine Barnard

Date 9-23-86

Attest:



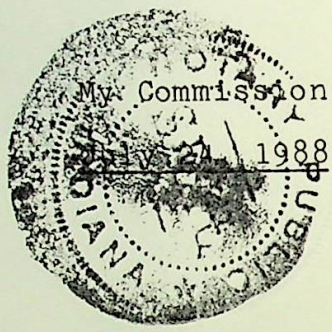
Clerk of the Board of Public Works

STATE OF INDIANA)
) SS: 8625826
COUNTY OF ST. JOSEPH)

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



My Commission Expires:

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

8625826

ST. JOSEPH CO.
INDIANA
FILED FOR RECORD

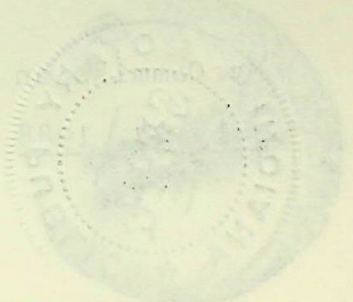
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Mie
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FILM NO. _____
WANDA A. HOWAR
RECORDER

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[Faint, mirrored text from the reverse side of the page, including "Residing in St. Joseph County"]



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 26 PM '86
FILM NO.
WANDA A. ...
RECORDER

ATTEST:

Sandra M. Parmelee
Clerk of the
Board of Public Works

Date 9-23-86

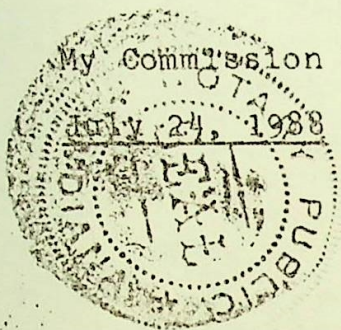
STATE OF INDIANA)
) SS:
COUNTY OF ST. JOSEPH)

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.



My Commission Expires:

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

RELEASE OF RIGHTS AND EASEMENTS TO
CONSTRUCT AND MAINTAIN FACILITIES

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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:

LAND DESCRIPTION

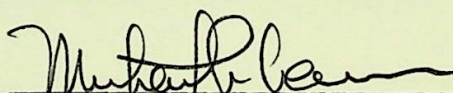
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CITY OF SOUTH BEND
BOARD OF PUBLIC WORKS

John E. Leszczynski



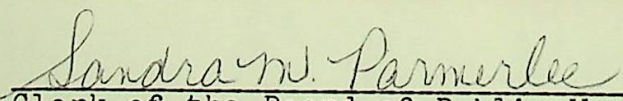
Michael L. Vance



Katherine Barnard

Date 9-23-86

Attest:



Clerk of the Board of Public Works

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

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

My Commission Expires:

July 24, 1988

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

/21

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BOARD OF PUBLIC WORKS

John E. Leszczynski



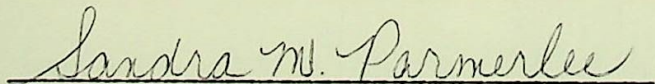
Michael L. Vance



Katherine Barnard

Date 9-23-86

Attest:



Clerk of the Board of Public Works

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

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

My Commission Expires:
July 24, 1988

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