

#1433

N.E. CORNER RIVERSIDE DRIVE AND
CLEVELAND ROAD

(KEY #25-1001-004)

#1433

EXECUTED IN 2 COUNTERPARTS
PART NO. 1
7-340A

DEED NO. T-340A
1935

DEED

STATE OF INDIANA } S. NO
ST. JOSEPH COUNTY }
OFFICE FOR RECORDS }
MAY 17 10 26 AM '35

EMERY L. HIRSCHLER
RECORDER

THIS INDENTURE WITNESSETH that INDIANA & MICHIGAN ELECTRIC COMPANY, a corporation of the State of Indiana, the Grantor, RELEASES AND CONVEYS without warranty to the CITY OF SOUTH BEND, a municipal corporation in St. Joseph County, Indiana, the Grantee, its successors and assigns, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged.

The following described real estate situated in German Township, St. Joseph County, Indiana, to wit:

A tract or parcel of real estate containing twelve and 92/100 (12.92) acres, more or less, situated in the Southwest Quarter (1/4) of Section 23, Township No. 38 North, Range No. 2 East, bounded and described by line running as follows: Beginning at a point in the South line of said Section 23 at a point three thousand eight hundred nineteen (3819) feet East of the Southwest corner of the Southeast Quarter (1/4) of Section 22, Township and Range aforesaid; thence North 7 degrees 15 minutes West, one hundred thirty-three (133) feet; thence North 9 degrees 30 minutes East, one hundred ninety-seven (197) feet; thence North 12 degrees 45 minutes East, two hundred eighty-one and 5/10 (281.5) feet; thence North 17 degrees 15 minutes East, two hundred eighty-one (281) feet; thence North 16 degrees 15 minutes East, one hundred seventy-five and 5/10 (175.5) feet; thence North 4 degrees 15 minutes West, seventy and 5/10 (70.5) feet; thence East to the low water line of the left bank of the St. Joseph River; thence upstream along said low water line of said left bank of said river to the South line of said Section 23; thence west along said South line of said Section 23 to the point and place of beginning.

Being a portion of the real estate conveyed to South Bend Power Company by Elizabeth G. Keltner, et al, by deed dated April 15, 1909, and recorded in the Recorder's Office of St. Joseph County, Indiana, in Deed Record 141 at page 297, and also a portion of the real estate conveyed by the said South Bend Power Company to Indiana & Michigan Electric Company by deed dated October 29, 1935, and recorded in the Recorder's Office of St. Joseph County, Indiana, in Deed Record 278 at page 108 et seq.

The Indiana & Michigan Electric Company reserves unto itself, its successors and assigns, the perpetual right, privilege and easement to overflow with water and to pond water over, upon and through the above described real estate by reason of the erection, operation and maintenance of a dam or dams that may be, from time to time, hereafter constructed across or upon the St. Joseph River by Indiana & Michigan Electric Company, its successors or assigns; provided, however, notwithstanding said reservation, the City of South Bend or its assigns shall have the privilege, to the full extent Indiana & Michigan Electric Company has the right to grant such privilege,



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and at the risk and expense of the City of South Bend or its assigns, to fill any part or all of said real estate with such materials as they may desire, and to construct, repair, replace and maintain such structures, dikes, and/or retaining walls thereon as they may desire.

Subject to any and all rights that the public, St. Joseph County, or any other governmental unit may now have in said land for highway, drainage and sewer purposes.

Subject to the reservations and rights to the timber on said real estate, the right to enter and remove the same, and the right to pasture and farm said real estate, reserved by Elizabeth G. Keltner, Helen M. Garwood, and Ezekiel G. Garwood in the aforesaid deed to South Bend Power Company dated April 15, 1909, and recorded in St. Joseph County, Indiana, Deed Record 141 at page 297.

Subject to any state of facts an accurate survey might show, and to conditions and restrictions of record pertaining thereto.

Subject to taxes for the year 1955, payable in 1956.

IN WITNESS WHEREOF, the Indiana & Michigan Electric Company has caused its corporate name to be hereunto subscribed and its corporate seal to be hereunto affixed by its officers thereunto duly authorized this 23rd day of April, 1956.



INDIANA & MICHIGAN ELECTRIC COMPANY

By C.V. Sorenson
(C.V. Sorenson) Vice President

ATTEST:

E.A. Luhn
(E.A. Luhn) Asst. Secretary

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Two days notice required on all jobs.

(9/27/72)

City of South Bend

Waste-Water

North-East corner of
Riverside Dr & Cleveland.

Deed Record Book 554

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