

# 1438

DISTRIBUTION EASEMENT

INDIANA MICHIGAN POWER  
A 135 FOOT EAST/WEST BY 67 FOOT  
NORTH AND SOUTH EASEMENT LOCATED WITHIN  
A 4.70 ACRE PLUS PARCEL

Form No. 8105/Rev. 2/88

8914556

DISTRIBUTION EASEMENT

Indiv. & Corp.

W.O. No. \_\_\_\_\_ Eas. No. \_\_\_\_\_ Map No. 575

Overhead & Underground

THIS INDENTURE, made this 15TH day of MAY, 1989,

between \_\_\_\_\_ City of South Bend

whose address is \_\_\_\_\_

(hereinafter called "Grantor"), and INDIANA MICHIGAN POWER COMPANY, an Indiana Corporation authorized to do business in the State of Michigan, whose address is P.O. Box 60, One Summit Square, Fort Wayne, Indiana, 46801 (hereinafter called "Grantee").

WITNESSETH: That for One Dollar (\$1.00) and other good and valuable considerations in hand paid, the receipt of which is hereby acknowledged, Grantor does hereby grant and convey to Grantee a right of way and easement for the construction, operation, use, maintenance, repair, renewal, and removal of a line or lines of overhead and underground facilities and equipment for the transmission of electrical energy, and for communication purposes including the right to permit attachments of others to said facilities, in, on, along, under, over, across, and through the following described Premises situated in \_\_\_\_\_ Centre \_\_\_\_\_ Township, County of St. Joseph, State of Indiana, and being a part of Section 25, Township 37 North, and Range 2 East, to-wit:

A 135 foot (East and West) by 67 foot (North and South) easement located within a 4.70 acre ± parcel as shown in Book 634 Page 220 in the St. Joseph County, Indiana Recorder's Office. Said easement more particularly described as follows:

Beginning at a point approximately 380 feet South and 30 feet West of the intersection of Ireland Road and Miami Road; thence 135 feet West; thence 67 feet South; thence 135 feet East; thence 67 feet North to the point of beginning.

TOGETHER with the right of ingress and egress to, from, and over said Premises, and also the right to cut or trim any trees and bushes which may endanger the safety or interfere with the construction and use of said facilities.

Grantee shall promptly repair or replace all physical damage on the Premises proximately caused by the construction, operation and maintenance of Grantee's Facilities.

The Grantor warrants that no structure or building shall be erected upon said easement.

After the completion of said system the Grantor reserves the full use of the land which is not inconsistent with the existence and maintenance of said facilities but does agree not to change elevation or grade within the area of said easement without prior written consent of Grantee.

It is agreed that the foregoing is the entire contract between the parties hereto and that this written agreement is complete in all its terms and provisions and shall be binding on their respective representatives, heirs, successors, and assigns.

IN WITNESS WHEREOF, Grantor, if individual(s), ha VE hereunto set THEIR hands; and if corporation, has caused its corporate name and seal to be affixed by its duly authorized officers, the day first above written.

BOARD OF PUBLIC WORKS:

Signed, Sealed and Delivered in Presence of

Handwritten signatures of John E. Leszczynski, Patricia E. De Clercq, and Katherine Humphreys.

ST. JOSEPH CO. RECORDER FILE NO. 8914556

JUN 8 3 52 PM '89

ST. JOSEPH CO. FILED FOR RECORD

This instrument was prepared by Owen D. Morgan, Agent for Indiana Michigan Power Company on its behalf.

INDEXED

My commission expires \_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_ County, Michigan  
Notary Public \_\_\_\_\_

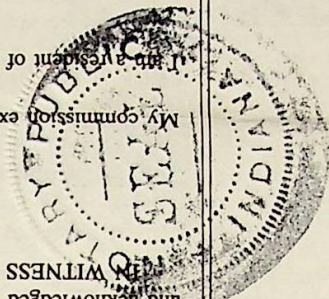
to me known to be the person \_\_\_\_\_ described in and who executed the within instrument, and acknowledged that \_\_\_\_\_ executed the same as \_\_\_\_\_ free act and deed.

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me personally appeared \_\_\_\_\_

STATE OF MICHIGAN  
County of \_\_\_\_\_  
ss: \_\_\_\_\_

ST. JOSEPH CO. RECORDER  
FILE NO. \_\_\_\_\_  
MARIAINE BEACH  
RECORDER  
JUN 8 3 52 PM '89  
ST. JOSEPH CO.  
INDIANA  
FILED FOR RECORD

I am a resident of \_\_\_\_\_ County, \_\_\_\_\_  
My commission expires \_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_  
ST. JOSEPH



and acknowledged the execution of the within instrument.  
IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year above written.  
Sandra M. Parmelee  
Notary Public

Before me \_\_\_\_\_ a Notary Public in and for said \_\_\_\_\_ County and State, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, personally appeared \_\_\_\_\_ the above named \_\_\_\_\_  
Sandra M. Parmelee  
15TH  
MAY  
JOHN E. LESZCZYNSKI, PATRICIA E. DE CERCQ AND  
KATHERINE HUMPHREYS  
STATE OF INDIANA  
County \_\_\_\_\_  
ss: \_\_\_\_\_

Notary Public, \_\_\_\_\_ County, Michigan  
My commission expires \_\_\_\_\_, 19\_\_\_\_

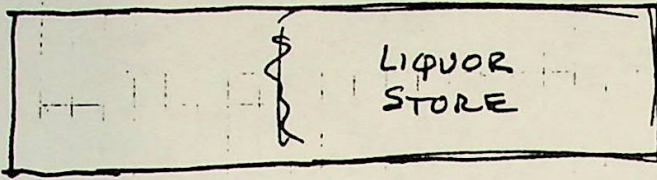
free act and deed of said corporation.  
acknowledged said instrument to be the \_\_\_\_\_ of directors; and said \_\_\_\_\_ seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of \_\_\_\_\_ the corporation named in and which executed the within instrument, and that the seal affixed to said instrument is the corporate \_\_\_\_\_ of \_\_\_\_\_ the \_\_\_\_\_ known, who, being by me duly sworn, did \_\_\_\_\_ say that \_\_\_\_\_ appeared \_\_\_\_\_ in and for said County \_\_\_\_\_ before me, a \_\_\_\_\_ in the year of our Lord one thousand nine hundred and \_\_\_\_\_ day of \_\_\_\_\_ On This \_\_\_\_\_

STATE OF MICHIGAN  
County of \_\_\_\_\_  
ss: \_\_\_\_\_

I am a resident of \_\_\_\_\_ County \_\_\_\_\_, 19\_\_\_\_  
Notary Public \_\_\_\_\_

My Commission Expires \_\_\_\_\_  
IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.  
Be it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before the undersigned, a Notary Public, in and for the County and State aforesaid, personally appeared \_\_\_\_\_ President of the \_\_\_\_\_ Company, and acknowledged the execution of the foregoing instrument on behalf of said Company, as the voluntary act and deed of said Company for the uses and purposes therein set forth, and said officer, having been duly sworn, swears that the statements contained therein relating to Indiana gross income tax are true.

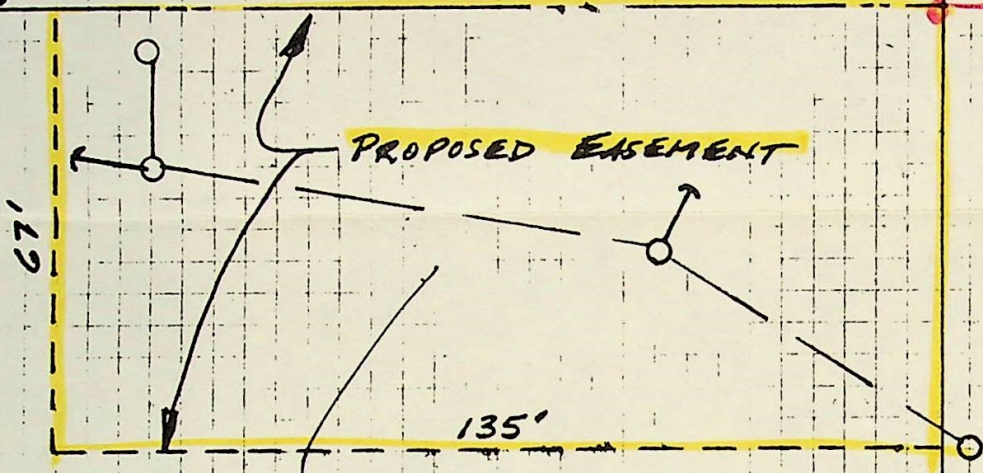
STATE OF INDIANA  
County of \_\_\_\_\_  
ss: \_\_\_\_\_



P/L<sub>2</sub>

R/W R/W

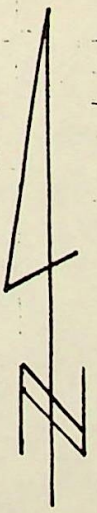
Point of Beginning



CITY OF SOUTH BEND

MIAMI RD.

STATE OF INDIANA



WIDENER'S R  
SUB.

COOK MINOR



PROPOSED  
EASEMENT