

# 1439

DISTRIBUTION EASEMENT

INDIANA MICHIGAN POWER COMPANY

BEGINNING AT THE N.W. CORNER OF A 5.16  
ACRE PLUS PARCEL AND IDENTIFIED AS  
KEY # 01-1019-0425.15 IN ST. JOSEPH COUNTY

Form No. 8105/Rev. 2/88

8914557

DISTRIBUTION EASEMENT

Indiv. & Corp. \_\_\_\_\_ W.O. No. \_\_\_\_\_ Eas. No. \_\_\_\_\_ Map No. \_\_\_\_\_  
Overhead & Underground

THIS INDENTURE, made this 22nd day of May, 1989,  
between The City of South Bend, Indiana

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 30, Township 37 North, and Range 3 East, to-wit:

Beginning at the Northwest corner of a 5.16 acre ± parcel and identified as KEY NUMBER: 01-1019-0425.15 in the St. Joseph County, Indiana Auditors Office; thence 15 feet South and parallel to the West property line; thence 260 feet Northeasterly and parallel to the North property line; thence 15 feet ± North to the North property line; thence 260 feet Southwesterly to the point of beginning.

SEE EXHIBIT "A"

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), have VE hereunto set THEIR hand S; and if corporation, has caused its corporate name and seal to be affixed by its duly authorized officers, the day first above written.

Signed, Sealed and Delivered in Presence of

5-22-89  
John E. Leszczynski  
JOHN E. LESZCZYNSKI  
Patricia E. De Clercq  
PATRICIA E. DE CLERQ  
Katherine Humpareys  
KATHERINE HUMPAREYS

ST. JOSEPH CO. RECORDER  
FILE NO. \_\_\_\_\_  
MARJANNE SEACH  
RECORDER

JUN 8 3 52 PM '89

ST. JOSEPH CO.  
INDIANA  
FILED FOR RECORD

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

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

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.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.  
My Commission Expires \_\_\_\_\_, 19\_\_\_\_

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

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

On This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in the year of our Lord one thousand nine hundred and \_\_\_\_\_ before me, a \_\_\_\_\_ appeared \_\_\_\_\_ known, who, being by me duly sworn, did \_\_\_\_\_ say that \_\_\_\_\_ the \_\_\_\_\_ of \_\_\_\_\_ the corporation named in and which executed the within instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and said \_\_\_\_\_ acknowledged said instrument to be the free act and deed of said corporation.

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

STATE OF INDIANA  
County of ST. JOSEPH  
} ss: \_\_\_\_\_

Before me SANDRA M. PARMERLEE, a Notary Public in and for said County and State, this \_\_\_\_\_ day of MAY, 19 89, personally appeared the above named JOHN E. LESZCZYNSKI, PATRICIA E. DE CLEGG AND KATHERINE HUMPHREYS 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.

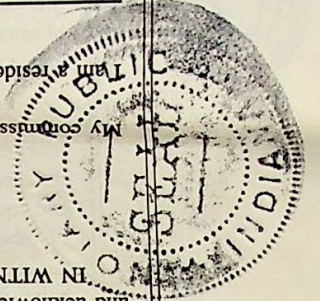
*Sandra M. Parmelee*  
SANDRA M. PARMERLEE, Notary Public.

My commission expires \_\_\_\_\_, 19\_\_\_\_  
ST. JOSEPH County.

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

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

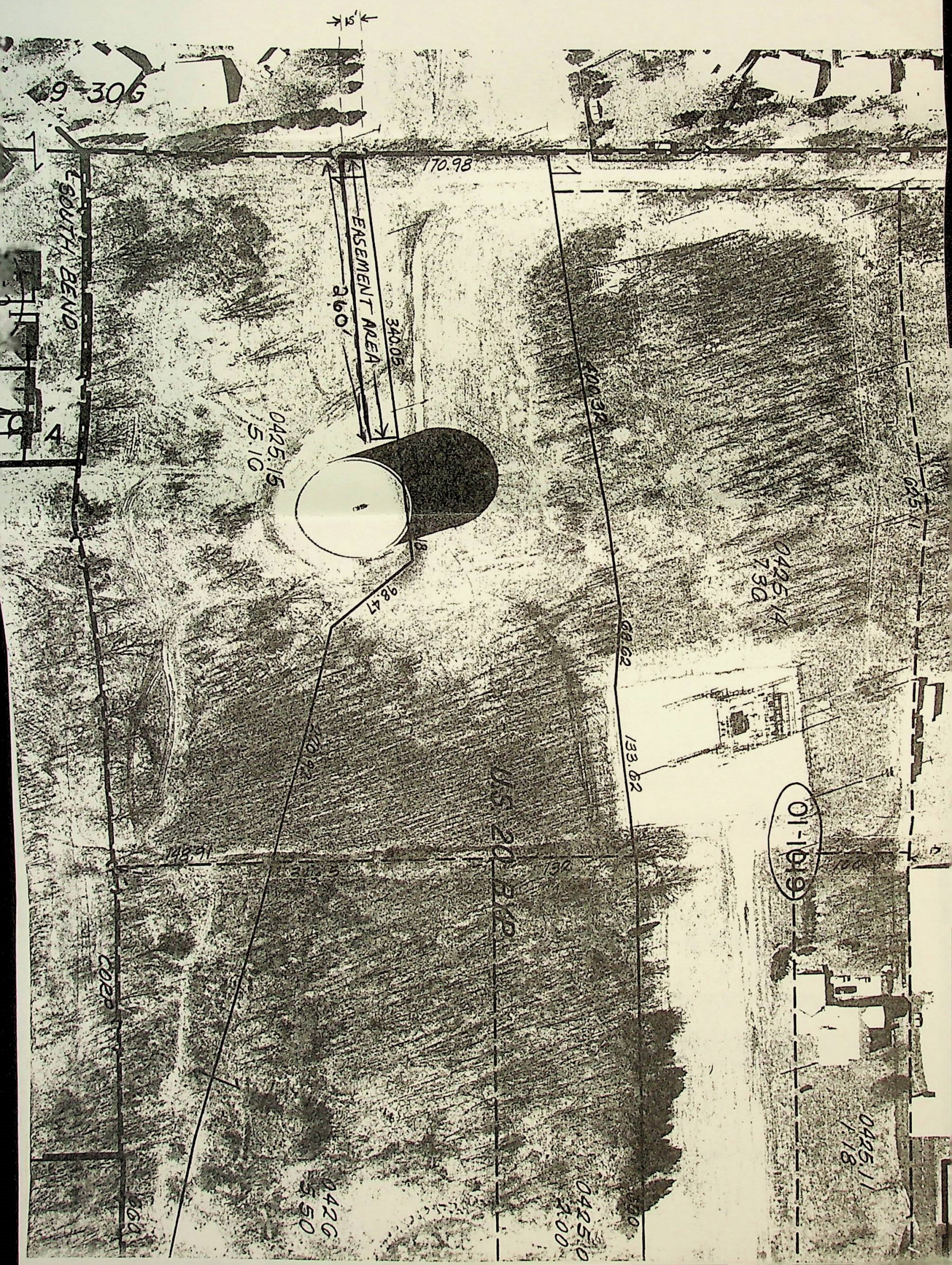
My commission expires \_\_\_\_\_, 19\_\_\_\_  
\_\_\_\_\_, Notary Public \_\_\_\_\_ County, Michigan \_\_\_\_\_



RECORDED  
MAY 20 1989  
ST. JOSEPH CO. REC'D

ST. JOSEPH CO. RECORDER  
FILE NO.  
MAR 15 1983  
EXHIBIT "A"  
ST. JOSEPH CO.  
FILED FOR RECORD

INDEXED



INDEXED

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ST. JOSEPH CO. RECORDER

FILE NO. \_\_\_\_\_  
MARIANNE SEACH  
RECORDER

JUN 8 3 52 PM '89

ST. JOSEPH CO.  
INDIANA  
FILED FOR RECORD

ST. JOSEPH CO. RECORDER  
MARIANNE SEACH  
RECORDER

7B

**F**rom

5-12-89

O.D. "BUTCH" MORGAN

To: BOARD of Public Works

This easement has been  
Reviewed by Joe Agostino  
& Bill Dillon of SB  
Water Works and they  
have verbally approved

**F**rom

5-12-89

O.D. "BUTCH" MORGAN

To: BOARD of Public Works

This easement has been reviewed by Joe Agostino & Bill Dillon of SB Water Works and they have verbally approved it.

Butch Morgan

BOARD OF PUBLIC WORKS  
INTER-OFFICE MEMO

DATE: May 17, 1989

TO: MICHAEL P. MEEKS  
JENNY PITTS-MANIER  
FROM: SANDY PARMERLE *SP*  
RE: REVIEW OF DISTRIBUTION EASEMENT - I&M

RECEIVED

MAY 19 1989

CITY OF SOUTH BEND  
DEPT. OF LAW

Butch Morgan of I&M brought in the attached Distribution Easement to be submitted to the Board of Public Works.

I would appreciate your reviewing this Easement and advising me if it is in order and can be placed on the Board's agenda.

Thanks!

*Jenny* 5/18  
looks accurate; Agosto has  
approved  
mike

smp  
Enc.