

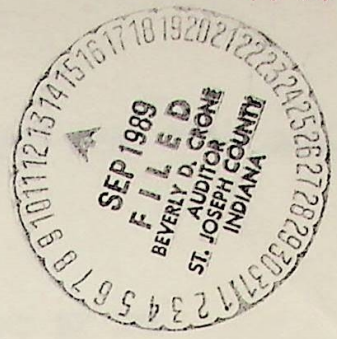
1441

AGREEMENT FOR EASEMENT

ENCROACHMENT ONTO PUBLIC RIGHT-
OF-WAY AT 601 SOUTH OLIVE STREET

(GENEVIEVE GRZESIOWSKI - GENE'S
DRY GOOD STORE)

8924253



AGREEMENT FOR EASEMENT

3

This agreement is made and entered into this 21st day of August, 1989, by and between the City of South Bend, a municipal corporation of the State of Indiana, (hereinafter referred to as "Grantor") and Genevieve Grzesiowski, (hereinafter referred to as "Grantee").

W I T N E S S E T H:

That in consideration of the sum of one dollar (\$1.00) cash in hand paid and other valuable consideration, the receipt of which is hereby acknowledged, Grantor hereby GRANTS to Grantee a permanent easement for the purpose of allowing the existence, operation and maintenance of structural appurtenances in, under, upon and over the following described real estate, situated in St. Joseph County, Indiana:

Beginning at the Northeast Corner of Lot #487 in the recorded plat of "Third Plat of Summit Place Addition" as recorded in the records of St. Joseph County, Indiana; thence East along the South line of Grace Street extended 0.50 ft.; thence South parallel with and 0.50 ft. East of the West line of South Olive Street, 43.00 ft. to a Point 0.50 ft. East of the Southeast Corner of said Lot extended; thence West, 0.50 ft. to the Southeast Corner of said Lot; thence North along the West line of South Olive Street, 43.00 ft. to the Point of Beginning. Containing 21.50 square feet.

The easement described herein is to encompass an encroachment as shown on drawing numbered 891368 prepared and certified by H. Douglas Peirce, L.S. on June 22, 1989, a true and correct copy of which is attached hereto and made a part of this instrument. This easement shall be in effect so long as the existing structure remains on the East half of Lot number 487 as shown on the Peirce survey drawing.

The rights hereby granted shall extend to and be binding upon the successors and assigns of the parties hereto.

ST. JOSEPH CO. RECORDER
FILE NO. MARIANNE SEZCH
SEP 13 3 00 PM '89
ST. JOSEPH CO. INDIANA
FILED FOR RECORD

IN WITNESS WHEREOF, the Grantor sets its hand and seal this 21st
day of August, 1989.

CITY OF SOUTH BEND BY ITS
BOARD OF PUBLIC WORKS

John E. Leszczynski
John E. Leszczynski

Patricia E. DeClercq
Patricia E. DeClercq

Katherine Humphreys
Katherine Humphreys

Attest:

Sandra M. Parmerlee
Sandra M. Parmerlee, Clerk

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

'Before me, a Notary Public, in and for said County and State,
personally appeared John E. Leszczynski, Patricia E. DeClercq and
Katherine Humphreys, known to me and constituting the Board of Public
Works, City of South Bend, Indiana, who acknowledged the execution of
the above and foregoing instrument as their free act and deed this
21st day of August, 1989.

Sandra M. Parmerlee
SANDRA M. PARMERLEE, Notary Public
Resident of St. Joseph County

My Commission Expires:

July 24, 1992

This instrument was prepared by Jenny Pitts Manier, Assistant City
Attorney, City of South Bend, 1400 County-City Building, 227 West
Jefferson Boulevard, South Bend, Indiana 46601.

JPM/BPW2:AGR-EASEMENT

Amy Kubar Mauro
Vice President
Trustcorp Bank, South Bend

Jan

P.O. Box 6/South Bend, IN 46624-0006
(219) 237-5353

MORTGAGE REPORT

SURVEY ORDERED BY: TRUSTCORP MORTGAGE COMPANY

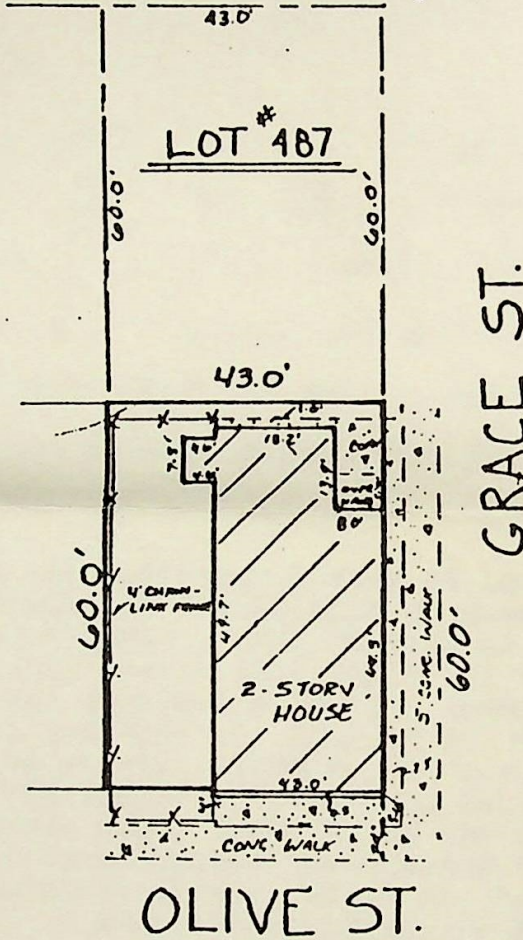
SURVEY DATED: June 22, 1989

FILE #: 891368 ADDRESS: 601 S. Olive St., South Bend, Indiana

LEGAL DESCRIPTION

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NOTE: This Lot or Parcel DOES NOT Fall within the FLOOD HAZARD AREA as defined by H.U.D.



SCALE: 1"=30'

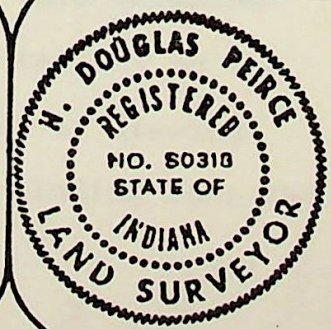
TO: TRUSTCORP MORTGAGE COMPANY

and any TITLE INSURANCE UNDERWRITER WHO INSURES THE TITLE SAID PROPERTY:
I, the undersigned am a Registered Land Surveyor and HEREBY CERTIFY: That this report was prepared for the designated parties ONLY: That the accuracy of the location data is limited to that required by the Indiana "SURVEYOR LOCATION REPORT" as adopted by the Indiana Society of Professional Land Surveyors, Inc. on Jan. 29, 1981: That there were no encroachments other than as shown: That NO property corners were set: That fence or property lines should not be established from this report.

06/26/89

Certification Date

[Signature]
H. Douglas Peirce L.S. # 50318



PA PEIRCE & ASSOCIATES
Land Surveyors & Professional Engineers

52578 U.S. # 33 North, P.O. Box 8160, South Bend, IN 46637
219 / 277-5381

1 / 1

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W I T N E S S E T H:

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The rights hereby granted shall extend to and be binding upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the Grantor sets its hand and seal this 21st
day of August, 1989.

CITY OF SOUTH BEND BY ITS
BOARD OF PUBLIC WORKS

John E. Leszczynski
John E. Leszczynski

Patricia E. DeClercq
Patricia E. DeClercq

Katherine Humphreys
Katherine Humphreys

Attest:

Sandra M. Parmerlee
Sandra M. Parmerlee, Clerk

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

'Before me, a Notary Public, in and for said County and State,
personally appeared John E. Leszczynski, Patricia E. DeClercq and
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Resident of St. Joseph County

My Commission Expires:

July 24, 1992

This instrument was prepared by Jenny Pitts Manier, Assistant City
Attorney, City of South Bend, 1400 County-City Building, 227 West
Jefferson Boulevard, South Bend, Indiana 46601.

JPM/BPW2:AGR-EASEMENT

Bank

Amy Kuhar Mauro
Vice President
Trustcorp Bank, South Bend

Jan

P.O. Box 6/South Bend, IN 46624-0006
(219) 237-5353

MORTGAGE REPORT

SURVEY ORDERED BY: TRUSTCORP MORTGAGE COMPANY

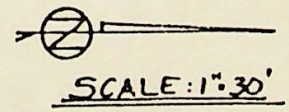
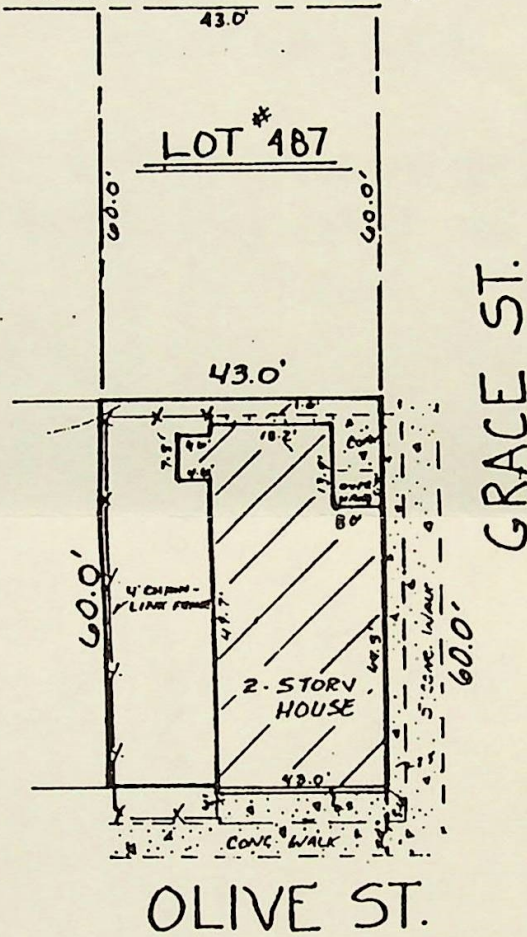
SURVEY DATED: June 22, 1989

FILE #: 891368 ADDRESS: 601 S. Olive St., South Bend, Indiana

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NOTE: This Lot or Parcel DOES NOT Fall within the FLOOD HAZARD AREA as defined by H.U.D.



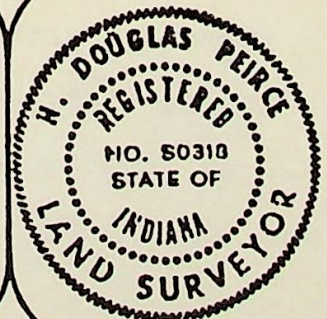
TO: TRUSTCORP MORTGAGE COMPANY

and any TITLE INSURANCE UNDERWRITER WHO INSURES THE TITLE SAID PROPERTY:
I, the undersigned am a Registered Land Surveyor and HEREBY CERTIFY: That this report was prepared for the designated parties ONLY: That the accuracy of the location data is limited to that required by the Indiana "SURVEYOR LOCATION REPORT" as adopted by the Indiana Society of Professional Land Surveyors, Inc. on Jan. 29, 1981: That there were no encroachments other than as shown: That NO property corners were set: That fence or property lines should not be established from this report.

06/26/89

Certification Date

[Signature]
H. Douglas Peirce L.S. # 50318



PA PEIRCE & ASSOCIATES

Land Surveyors & Professional Engineers

52578 U.S. # 33 North, P.O. Box 8160, South Bend, IN 46637
219 / 277-5381

1 / 1

DATE: July 17, 1989

TO: MICHAEL P. MEEKS, DIRECTOR, DIVISION OF ENGINEERING
CAPTAIN EDWARD I. FRIEND, POLICE DEPT. TRAFFIC DIVISION
JENNY PITTS-MANIER, ASSISTANT CITY ATTORNEY

FROM: SANDRA M. PARMERLEE, CLERK
RE: REQUEST FOR REVIEW AND RECOMMENDATION

The Board of Public Works has received the following request. I would appreciate your reviewing this matter and providing to the Board a recommendation at your earliest convenience.

REQUEST: TO ENCROACH ONTO THE PUBLIC RIGHT-OF-WAY
AT 601 SOUTH OLIVE STREET

DATE OF EVENT: N/A

CONTACT PERSON: KENNETH & JOYCE CLEARWATER (288-0350)

RECOMMENDATIONS AND COMMENTS:

BUREAU OF TRAFFIC AND LIGHTING:

APPROVE DENY

PAID EVENT?: YES NO

T&L TO ARRANGE MEETING WITH SPONSOR?: YES NO

COMMENTS:

RECEIVED

JUL 18 1989

CITY OF
DEPT

POLICE DEPARTMENT TRAFFIC DIVISION

APPROVE DENY

COMMENTS:

RECEIVED

JUL 18 1989

CITY OF SOUTH BEND
DEPT. OF LAW

CITY ATTORNEY'S OFFICE

APPROVE DENY

INSURANCE REQUIREMENTS?: YES NO

WHAT TYPE?

COMMENTS: I need a legal description of the area of encroachment. I also need to know who currently owns the property and if the Clearwaters are purchasing in their own or corporate name.

call George Herenden 234-6561



HOWARD PARK HARDWARE

613 East Jefferson Street — South Bend, Indiana 46617
Phone: 288-0350

7-10-89

The Friendly Ones[®]

Board of Public Works.

Kenneth and Joyce Clearwater are trying to obtain financing to purchase Gene's Dry Goods Store - 601 So. Olive. After having a survey made we found out that we are not able to get a clear title since there is 6" extended onto city property. This building was built in 1924 and this is the first survey done. We are very anxious to proceed with our plans of re-opening this landmark of So. Bend's Polish neighborhood but we need a clear title to do so. We would appreciate your help in obtaining this property for us. We need the city to give us the right to obtain a clear title by giving up or letting us purchase 6" of their land.

REFERRED
BOARD OF PUBLIC WORKS

JUL 17 1989

- 1) T&L
- 2) PDTD
- 3) CITY ATTYS OFF.

Thank you

Kenneth & Joyce Clearwater

Enclosed is a copy of the survey

INDIANA MORTGAGE REPORT

SURVEY ORDERED BY: TRUSTCORP MORTGAGE COMPANY

SURVEY DATED: June 22, 1989

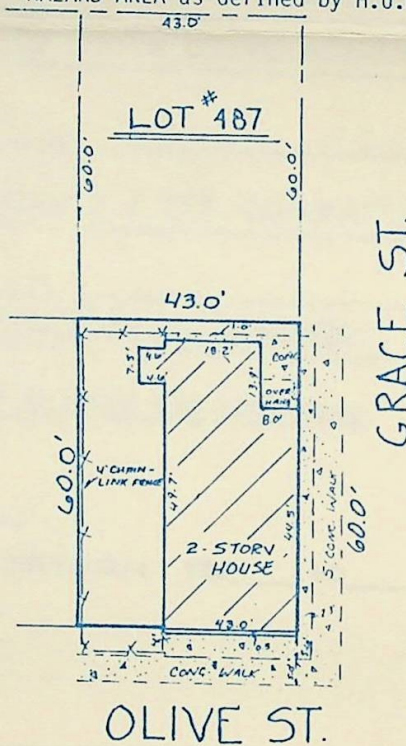
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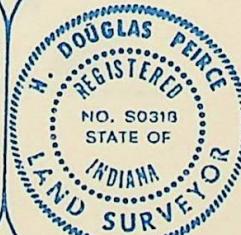
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06/26/89

Certification Date

H. Douglas Peirce L.S. # S 0318



PA PEIRCE & ASSOCIATES
Land Surveyors & Professional Engineers

52578 U.S. # 33 North, P.O. Box 8160, South Bend, IN 46637
219 / 277-5381

1 / 1

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RECOMMENDATIONS AND COMMENTS:

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APPROVE DENY

PAID EVENT?: YES NO

T&L TO ARRANGE MEETING WITH SPONSOR?: YES NO

COMMENTS:

POLICE DEPARTMENT TRAFFIC DIVISION

APPROVE DENY Pending:

COMMENTS: Engineering Decision -

JUL 26 1989
et

CITY ATTORNEY'S OFFICE

APPROVE DENY

INSURANCE REQUIREMENTS?: YES NO

WHAT TYPE? _____

COMMENTS:

DATE: July 17, 1989

TO: MICHAEL P. MEEKS, DIRECTOR, DIVISION OF ENGINEERING
CAPTAIN EDWARD I. FRIEND, POLICE DEPT. TRAFFIC DIVISION
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Smiley
APR 18 1989

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RECOMMENDATIONS AND COMMENTS:

BUREAU OF TRAFFIC AND LIGHTING:

APPROVE ___ DENY X

PAID EVENT?: YES ___ NO N/A

T&L TO ARRANGE MEETING WITH SPONSOR?: YES ___ NO N/A

COMMENTS:

- I think a vacation of his portion of olive is necessary. otherwise all records - tax, signal etc will never reflect this.

POLICE DEPARTMENT TRAFFIC DIVISION

APPROVE ___ DENY ___

COMMENTS:

CITY ATTORNEY'S OFFICE

APPROVE ___ DENY ___

INSURANCE REQUIREMENTS?: YES ___ NO ___

WHAT TYPE? _____

COMMENTS:

... property ... of the Clearwaters are purchasing in their own or corporate name.

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John E. Leszczynski

Patricia E. DeClercq
Patricia E. DeClercq

Katherine Humphreys
Katherine Humphreys

Attest:

Sandra M. Parmerlee
Sandra M. Parmerlee, Clerk

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) SS.
ST. JOSEPH COUNTY)

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Amy Kuhar Mauro
Vice President
Trustcorp Bank, South Bend

Jan

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(219) 237-5353

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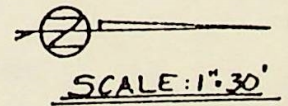
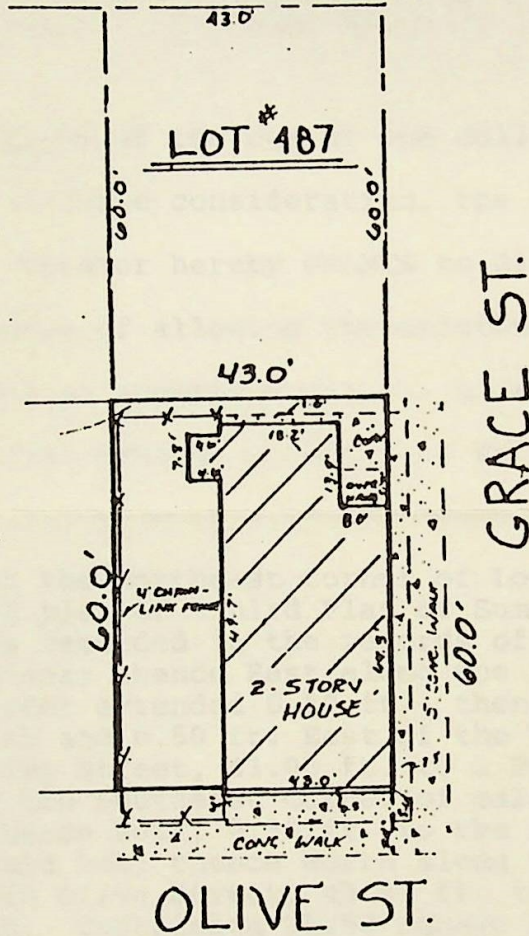
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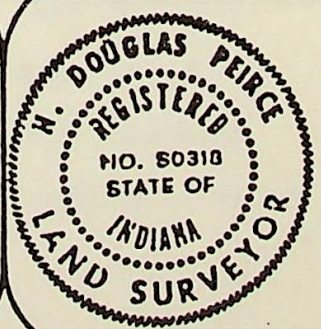
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06/26/89

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