

#1460

TEMPORARY EASEMENT

120 W. Navarre Street and 513
N. Michigan Street (Memorial
Health Properties)

18 1009 0355

9103083

TEMPORARY EASEMENT

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WHEREAS, the City of South Bend, Indiana, by and through its Board of Public Works, and under the laws of the State of Indiana, has custody and control of all streets and adjacent rights-of-way in the City of South Bend, including the first North/South alley West of Main Street, between Marion and Navarre Streets, in the City of South Bend, (hereafter, the "Alley"); and

WHEREAS, Memorial Health Properties, Inc. is the owner of real property located at 120 W. Navarre Street and 513 N. Michigan Street, property bordering the Alley; and

WHEREAS, Memorial Health Properties, Inc. desires to make telephone connections between its property at 120 W. Navarre Street and 513 N. Michigan Street, via wires, but does not wish to bury such wires underground because of possible construction and further development to its medical/professional complex; and

WHEREAS, the City of South Bend, by and through its Board of Public Works, has the power to grant temporary easements above, over or under said Street; and

WHEREAS, it is the policy of the City of South Bend to minimize the number of unsightly overhead wires, particularly in areas near downtown or near parks.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND AS FOLLOWS:

1. That the City of South Bend, by and through its Board of Public Works, hereby grants unto Memorial Health Properties, Inc., an easement commencing from the date of the filing of this easement in the office of the St. Joseph County Recorder, until December 31, 1993, for the placement of telephone wires 18' or more over the following described real estate situated in St. Joseph County, Indiana:

A strip of land 4 feet in width in the Southwest Quarter of Section 1, Township 37 North, Range 2 East, City of South Bend, Portage Township, St. Joseph County, Indiana, said strip of land being within public right-of-way and 2 feet either side of a centerline described as:

Commencing at a point, in a public alley, 177 feet Easterly and 193 feet Northerly from the intersection of the East Right-of-Way line of Main Street and the North Right-of-Way Line of Marion Street which point is the Indiana & Michigan Electric Company's power pole numbered J235-160; thence North 00°00'00" East (assumed bearing) parallel to the East line of the alley a distance of 184.1 feet to the Indiana & Michigan Electric company's power pole numbered J235-118; thence West a distance of 12 feet to the East Line of lot 156 of the Original Plat of South Bend.

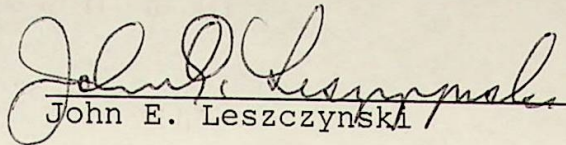
2. That the purpose of the easement is to permit the construction, installation, maintenance, and repair of telephone line.

3. That neither this easement, nor any rights or privileges granted hereby, may be assigned or transferred by Memorial Health Properties, Inc.

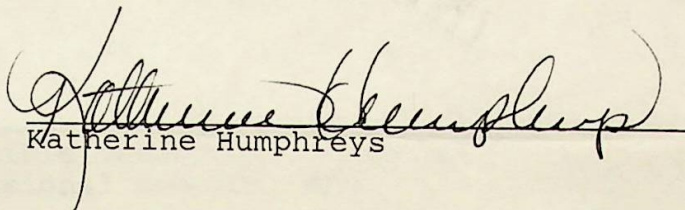
Dated this 26th day of December, 1990.

FILED FOR RECORD
ST. JOSEPH COUNTY RECORDER
MARSHALL SEARCH
FEB 6 11 16 AM '91

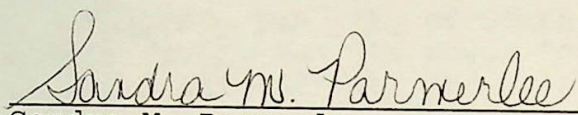
CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS


John E. Leszczynski

Patricia E. DeClercq


Katherine Humphreys

ATTEST:


Sandra M. Parmerlee

This instrument was prepared by Jenny Pitts Manier, Chief
Assistant City Attorney, 1400 County-City Building, South Bend,
Indiana 46601.

9103083

ST. JOSEPH RECORDER

FILE NO. _____

MARIANNE BRADY

RECORDED

FEB 6 11 16 AM '91

ST. JOSEPH RECORDER

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