

#1461

TEMPORARY EASEMENT

701 N. St. Joseph Street  
(Memorial Health Properties)



2 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 East of Michigan Street, between Navarre and St. Joseph Streets, in the City of South Bend, (hereafter, the "Alley"); and

WHEREAS, Memorial Health Properties, Inc. is the owner of the real property located at 701 N. St. Joseph Street, property bordering on the Alley; and

WHEREAS, Memorial Health Properties, Inc. desires to make telephone connections between its property at 701 N. St. Joseph Street and the Indiana & Michigan Power Company's pole numbered J235-200, and thence to the Indiana & Michigan power Company's pole numbered J235-198, 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 Alley; 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 167 feet Easterly and 221.1 feet Northerly from the intersection of the East Right-of-Way line of Michigan Street and the North Right-of-Way Line of Navarre Street, which point is the Indiana & Michigan Electric Company's power pole numbered J235-198; thence North 00°00' 00" East (assumed bearing) a distance of 130.0 feet to the Indiana & Michigan Electric Company's power pole numbered J235-200; thence North 73°30'00" East, a distance of 12.5 feet to the West Line of Lot 34 of the Rockstroh's 2nd Addition to the City of South Bend.

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

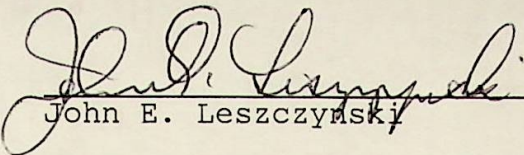
3. That neither this easement, nor any rights or privileges granted hereby, may be assigned or transferred by Memorial Health Properties, Inc.

Dated this 26th day of December, 1990.

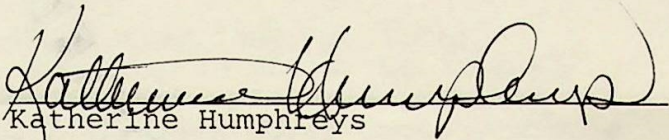
FILED  
ST. JOSEPH COUNTY, INDIANA  
16, 11 16 AM '90  
REC'D  
FILE NO. 9103085



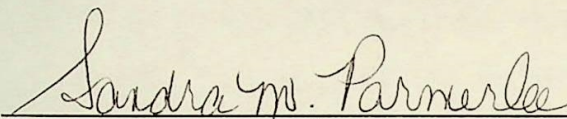
CITY OF SOUTH BEND, INDIANA  
BOARD OF PUBLIC WORKS

  
\_\_\_\_\_  
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.



9103085

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

FEB 6 11 18 AM '91

ST. JOSEPH CO.  
INDIANA  
FILED FOR RECORD

**INDEXED**