

#1467

GRANT OF EASEMENT N 30 feet of
Lot 11 in Coquillard's First
Addition to the City of South
Bend (Addition is recorded in
Plat Book 2, page 46 in office
of recorder of St. Joseph)

9112455

GRANT OF PERPETUAL EASEMENT

STORM SEWER

ST. JOSEPH CO. RECORDER
FILE NO. MARIANNE SEACH
MAY 16 2 55 PM '91
ST. JOSEPH CO.
INDIANA
FILED FOR RECORD

THIS INDENTURE made this 10TH day of MAY 1991, by and between John Friedline (hereinafter "Grantor"), and the Civil City of South Bend, Indiana (hereinafter "Grantee").

WITNESSETH:

That for One Dollar (\$1.00) and other good and valuable consideration, the receipt of which Grantee hereby acknowledges, Grantor hereby grants, conveys, and warrants to Grantee a perpetual easement of the nature and at the location hereinafter set forth and described for the installation, construction, operation, maintenance, adjustment, replacement, repair, alteration, removal, modernization, and use of a storm sewer system and related facilities, together with the right of ingress to and egress from said easement for the purpose of installing, constructing, operating, maintaining, adjusting, replacing, repairing, altering, removing, and modernizing said system and other equipment or facilities incident thereto, in, upon, over and under the following described real estate in the City of South Bend, St. Joseph County, State of Indiana, briefly described as follows:

The North 30 feet of Lot 11 in Coquillard's First Addition to the City of South Bend, Indiana, the Plat of which Addition is recorded in Plat Book 2, Page 46, in the Office of the Recorder of St. Joseph County, Indiana. KEY # 18-5126-4478.02.

The easement granted herein shall pertain to the air, surface, and subsurface rights and interests of the Grantor, for the use and benefit of the Grantee, to the nature and extent that the Grantee may desire said air, surface and subsurface rights and interests to accomplish and carry out the general purpose of this conveyance as the same has hereinabove been expressed. The easement hereby granted is for the benefit of the City of South Bend, Indiana, and expressly includes the right and privilege at reasonable times to clean and remove from said easement such timber, brush, debris, or other obstructions interfering with the storm sewer system.

Grantee will restore the area disturbed by its work to as near the original condition as possible.

The Grantor reserves the right to use and occupy the surface area on and over the easement provided that said use and occupancy does not in any way conflict or obstruct the Grantee's right to use said

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surface for the purposes and intentions hereinabove expressed.

The easement granted herein and its associated benefits and obligations, shall constitute covenants running with the real estate, and shall be binding upon the Grantors and be an obligation thereof of every person or entity now or hereafter having any fee, leasehold, or other interest in all or any part of the said real estate.

This indenture shall bind and inure to the benefit of the respective successors and assigns of the parties hereto.

The Grantor hereby covenants with the City of South Bend that he is lawfully seized and possessed of the parcel of real estate hereinabove described; that he has a good and lawful right to sell and convey; that it is free of all encumbrances, and that he will warrant and forever defend the title and quiet possession thereto against the lawful claims of all persons whomsoever.

Grantor hereby releases any and all claims from whatsoever cause, incidental to the exercise of any rights herein granted.

IN WITNESS WHEREOF, the said Grantor has executed this Grant of Perpetual Easement for storm sewer system on the date shown in the acknowledgment.

APPROVED
BOARD OF PUBLIC WORKS

MAY 13 1991

John Friedline

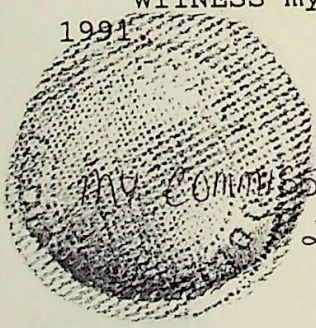
STATE OF INDIANA

COUNTY OF ST. JOSEPH

) SS:
)

Before me, the undersigned, a Notary Public in and for said State, personally appeared John Friedline, personally known by me to be the Grantor in the above Grant of Perpetual Easement, and acknowledged the execution of the same as his voluntary act and deed.

WITNESS my hand and Notarial Seal this 10th day of May, 1991



Sandra M. Parmelee
(Written Signature)

John Friedline
(Printed Signature)

SANDRA M. PARMERLEE
RESIDENT OF ST. JOSEPH CO.

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

9112455

ST. JOSEPH CO. RECORDER

FILE NO. _____

MARIANNE SEACH
RECORDER

May 16 2 55 PM '91

ST. JOSEPH CO.
INDIANA
FILED FOR RECORD

INDEXED

APPROVED

BOARD OF PUBLIC WORKS

MAY 18 1991

John F. ...

COUNTY OF ST. JOSEPH

Before me, the undersigned, a Notary Public in and for said State, personally appeared John F. ... personally known by me to be the creator in the above named of personal ... and acknowledged the execution of the same as his voluntary act and deed.

Witness my hand and Notarial Seal this 16th day of May 1991.

(Notary Signature)

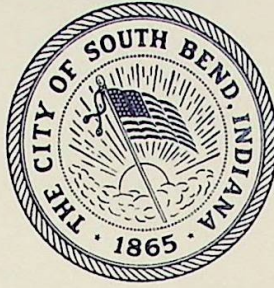
(Notary Signature)

MARIANNE SEACH
Recorder of St. Joseph Co.
County of St. Joseph, Indiana

This instrument was prepared by Penny Baker Warner, Chief Assistant City Attorney, 1400 County-City Building, South Bend, IN 46601.

JEW/BRW/BAK-SEWER

8'p



City of South Bend

Joseph E. Kernan, Mayor

Department of Public Works

John E. Leszczynski, Director

May 10, 1991

Board of Public Works
1308 County-City Building
South Bend, IN 46601

Dear Members of the Board:

I submit the two attached storm sewer easements donated by Mr. John Friedline to the City of South Bend for your review, approval and recording.

One easement is a permanent easement, 30 feet in width and the other a 20 foot temporary construction right-of-way easement, parallel to the permanent easement.

These easements are a necessary part of the most crucial segment of the first phase of the Corby/Twyckenham Storm Sewer Project, proposed for letting of contract in the spring of 1991.

Thank you for you attention to this matter.

Sincerely,

Larry D. Spradlin, Sr.
Engineering Aide
Bureau of Design and Administration

LDS:slc1

Attachment

County-City Building • South Bend, Indiana 46601 • 219/284-9251

Engineering Michael Meeks, P.E. 284-9251 FAX (219) 284-9171	Environmental Services John J. Dillon, Ph. D. 277-8515 FAX (219) 277-8980	Equipment Services Phil St. Clair 284-9316 FAX (219) 284-9007	Transportation Bill Penn 284-9444 FAX (219) 284-9007	Water Works Joseph Agostino 284-9322
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