

1473

GRANT OF PERPETUAL EASEMENT

Part of the northwest quarter
of Section 31, Township 37
North, Range 3 East, Centre
Township, City of South Bend
(Jim Ragsdale and kathleen
Ragsdale)

Hold BOARD of Pub. works

9130522

Transfer 7711
Taxing Unit Centre
Date 10-23-91

GRANT OF PERPETUAL EASEMENT

DRAINAGE

THIS INDENTURE made this 18 day of October, 1991, by and between Jim Ragsdale and Kathleen Ragsdale, Husband and Wife, (hereinafter "Grantors"), 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 Grantors hereby acknowledge, Grantors hereby grant, convey, and warrant 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 two drywells and related drainage and overflow area, 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 drywells 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, more fully described as follows:

A part of the northwest quarter of Section 31, Township 37 North, Range 3 East, Centre Township, City of South Bend, St. Joseph County, Indiana, described as follows:

Beginning at a point on the west line of a tract of land conveyed to Jim and Kathleen Ragsdale by warranty deed recorded August 2, 1973, in Deed Record 773, Page 393 in the office of the Recorder of St. Joseph County, Indiana, 1442 feet west and 435 feet south of the northeast corner of said northwest quarter of Section 31; thence continuing south along said west line, 60 feet to the southwest corner of said Ragsdale's tract and the north line of Fairfax Estates Section No. 2, a plat recorded in Plat Book 26, Page "F" in said recorder's office; thence east along said north line of recorded plat, 60 feet; thence north parallel with said west line of Ragsdale's tract, 60 feet; thence west parallel with said north line of recorded plat, 60 feet to the point of beginning.

3

The easement granted herein shall pertain to the air, surface, and subsurface rights and interests of the Grantors, for the use and benefit of the Grantee, to the nature and extent that the Grantee may require said air, surface and subsurface rights and interests to

DULY ENTERED FOR TAXATION

BEVERLY D. CRONE

AUDITOR

ST. JOSEPH CO. INDIANA

ST. JOSEPH CO. RECORDER
FILE NO. MARION SEACH
RECORDER

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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 use of the drywells and drainage area.

Grantee shall have the right of ingress and egress over Grantors' real estate adjoining said easement when necessary to install, construct, operate, maintain, adjust, replace, repair, alter, remove, modernize, or use the drywells and drainage area.

Grantee will restore the area disturbed by its work to as near the original condition as is reasonably practicable consistent with the use of the easement as described above.

Grantors reserve 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 surface for the purposes and intentions hereinabove expressed.

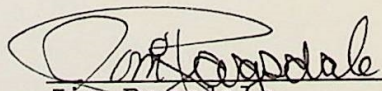
The easement granted herein and its associated benefits and obligations shall constitute covenants running with the real estate, and shall be binding upon the Grantors and be an obligation thereof of every person or entity now or hereafter having any fee, leasehold, or other interest in all or any part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

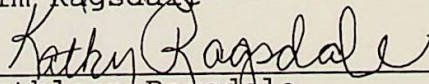
This indenture shall bind and inure to the benefit of the respective successors and assigns of the parties hereto.

Grantors hereby covenant with the City of South Bend that they are lawfully seized and possessed of the parcel of real estate hereinabove described; that they have a good and lawful right to sell and convey this easement; that it is free of all encumbrances that would conflict with the granting of this easement, and that they will warrant and forever defend the title and quiet possession thereto against the lawful claims of all persons whomsoever.

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

IN WITNESS WHEREOF, Grantors have executed this Grant of Perpetual Easement for drainage on the date shown in the acknowledgment set forth herein.



Jim Ragsdale


Kathleen Ragsdale

STATE OF INDIANA)

COUNTY OF ST. JOSEPH)

) SS:
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)

Before me, the undersigned, a Notary Public in and for said State, personally appeared Jim Ragsdale and Kathleen Ragsdale, Husband and Wife, personally known by me to be the Grantors in the above Grant of Perpetual Easement, and acknowledged the execution of the same as their voluntary act and deed.

WITNESS my hand and Notarial Seal this 18th day of Oct., 1991.

Sandra M. Parmelee
(Written Signature)

SANDRA M. PARMERLEE
(Printed Signature)
RESIDENT OF ST. JOSEPH CO.



MY COMMISSION EXPIRES:
7-24-92

This instrument was prepared by Mary Hall Mueller, Assistant City Attorney, 1400 County-City Building, South Bend, IN 46601.

MHM/BPW3/EAS-RAG

ST. JOSEPH CO. RECORDER
FILE NO. **9130522**
MARIANNE SEACH
RECORDER

Oct 23 2 55 PM '91

ST. JOSEPH CO.
INDIANA
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10-