

#1476

GRANT OF PERPETUAL EASEMENT
Part of Section 18, Township 37
North, Range 3 East, Portage
Township, City of South Bend;
Lot 13 (Sanitary Sewer)

Hotel - Board of Public Works

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9132292

GRANT OF PERPETUAL EASEMENT
SANITARY SEWER

Transfer 8086
Taxing Unit Port
Date 11-8-91

THIS INDENTURE made this 31st day of October, 1991, by and between Playland Park, Inc., (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 Grantor hereby acknowledges, Grantor hereby grants and conveys 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 sanitary 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, more particularly described as follows:

A part of Section 18, Township 37 North, Range 3 East, Portage Township, City of South Bend, St. Joseph County, Indiana described as follows:

Beginning at a point on the northerly line of Lincoln Way East, 31.57 feet South 72°30'54" East (bearing assumed) of the southeast corner of Lot 13 as shown on the recorded plat of Major's Addition to the City of South Bend, Indiana, said point being on a line 30.00 feet North 89°19'59" East of and parallel with the east line of said lot 13; thence South 72°30'54" East along the northerly line of Lincoln Way East, 370.91 feet to an angle point; thence continuing South 79°24'48" East along said northerly line of Lincoln Way East, 150.00 feet; thence North 10°35'12" East, 40.00 feet; thence North 79°24'48" West parallel with the northerly line of Lincoln Way East, 147.62 feet to an angle point; thence North 72°30'54" West parallel with the northerly line of Lincoln Way East, 381.58 feet to a point on said line 30.00 feet North 89°19'59" East of and parallel with the east line of said lot 13 in Major's Addition; thence South 00°40'01" East along said line 30.00 feet North 89°19'59" East of and parallel with the east line of said lot 13 in Major's Addition, 42.09 feet to the point of beginning.

ST. JOSEPH CO. RECORDER
FILE NO. _____
MARSHALL SEACH
REORDER
NOV 8 2 09 PM '91
ST. JOSEPH CO.
INDIANA
FILED FOR RECORD

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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 reasonably 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 sanitary sewer system.

Grantee shall have the right of ingress or egress over Grantor's real estate adjoining said easement when necessary to install, construct, operate, maintain, adjust, replace, repair, alter, remove, modernize, or use the sanitary sewer system and its appurtenances.

Grantee will restore the area disturbed by its work to as near the original condition as possible, subject to the terms of an agreement between Grantor and Grantee dated the same date as this conveyance.

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 surface for the purposes and intentions hereinabove expressed.

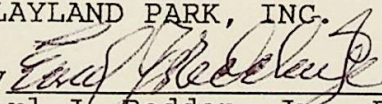
The easement granted herein and its associated benefits and obligations, shall constitute covenants running with the real estate, and shall be binding upon the Grantors and be an obligation thereof of every person or entity now or hereafter having any fee, leasehold, or other interest in all or any part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

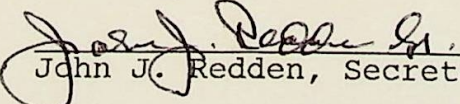
This indenture shall bind and inure to the benefit of the respective successors and assigns of the parties hereto.

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 sanitary sewer system on the date shown in the acknowledgment set forth herein.

PLAYLAND PARK, INC.

BY 
Earl J. Redden, Jr., President


John J. Redden, Secretary

9132292

ST. JOSEPH CO. RECORDER
FILE NO. _____
MARIANNE SEACH
RECORDER

Nov 8 2 09 PM '91

ST. JOSEPH CO.
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Jeffrey M. Jankowski
Rosenfeld

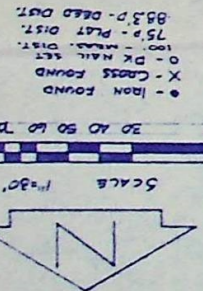
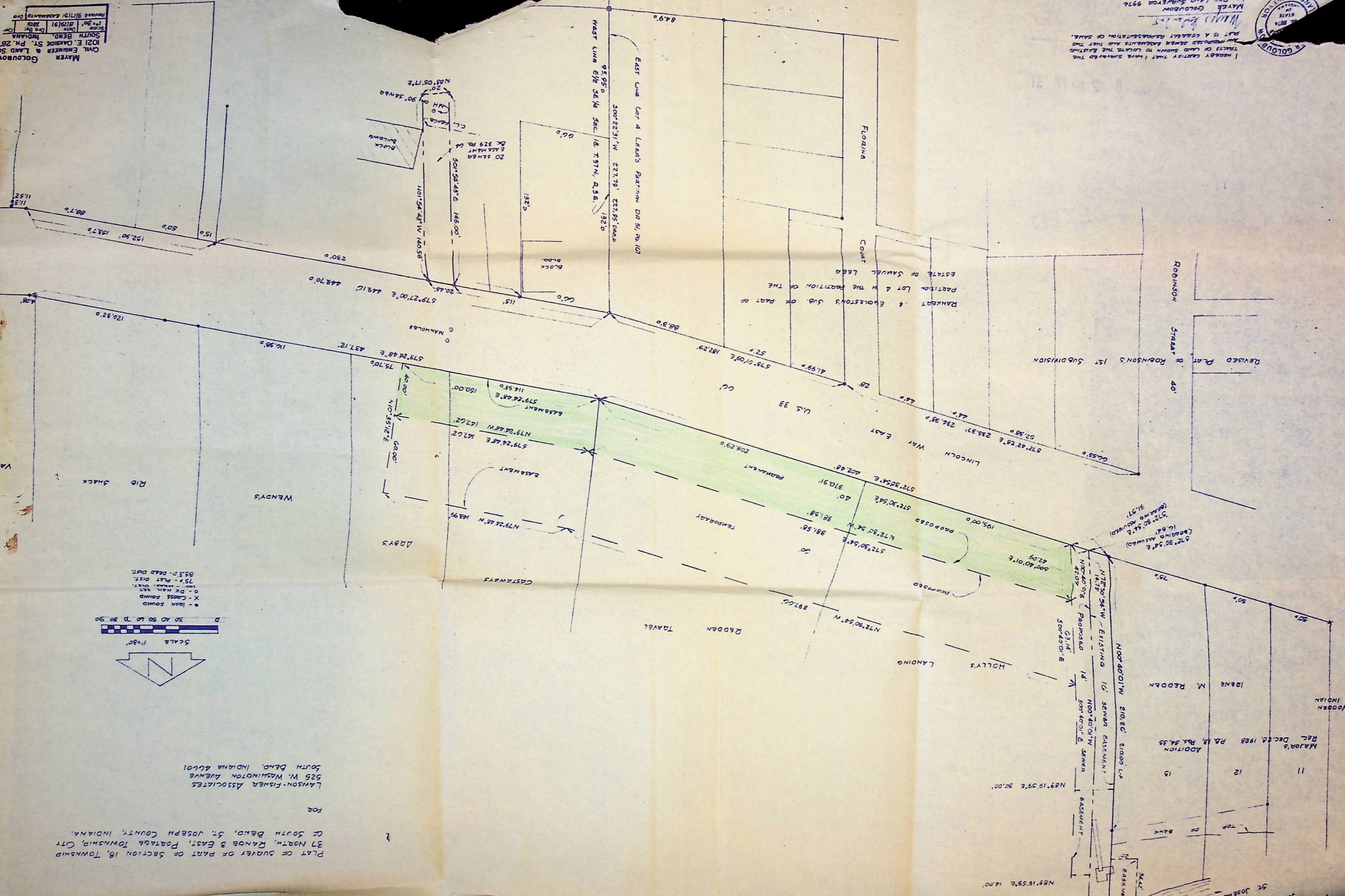
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I HEREBY CERTIFY THAT I HAVE SURVEYED THE TRACTS OF LAND SHOWN TO LOCATE THE EXISTING AND PROPOSED SEWER EASEMENTS AND THAT THIS PLAN IS A CORRECT REPRESENTATION OF SAID.

Wm. J. ...
 MAYEL GOLUBOW
 IND. REG. LAND SURVEYOR 9974

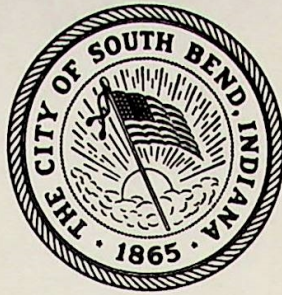
Revised 9/17/13
 Scale 1"=30'
 Date 8/19/11
 Drawn by MFG
 SOUTH BEND, INDIANA
 1021 E. OAKRIDGE ST., PH. 28
 CIVIL ENGINEER & LAND SURVEYOR
 GOLUBOW



LAWSON-FISHER ASSOCIATES
 525 W. WASHINGTON AVENUE
 SOUTH BEND, INDIANA 46701

PLAT OF SURVEY OF PART OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 3 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA.

FOR



City of South Bend

Joseph E. Kernan, Mayor

Department of Law

Richard A. Nussbaum, II, City Attorney

November 5, 1991

Mr. Kevin Butler
Butler Simeri Konopa & Laderer
One Michiana Square
100 West Wayne Street
South Bend, IN 46601

Re: River Crossing I Temporary and
Perpetual Sewer Easements

Dear Kevin:

Please find enclosed a fully executed original of the Agreement for Grant of Temporary and Perpetual Easements relative to the River Crossing I sewer project. This agreement was executed by the Board of Public Works on November 4, 1991. The two perpetual easements granted by your clients, pursuant to this agreement, are currently in the process of being recorded. I will send you copies of the recorded documents as soon as I get them back.

It is my understanding that the City's Consulting Engineer, James Emans, will be in regular contact with your clients relative to the scheduling of the excavation for the sewer line. Except for forwarding the recorded easements to you, I believe that this completes our involvement in this project. Thank you very much for your kindness and cooperation.

Very truly yours,

Mary Hall Mueller
Assistant City Attorney

MHM:jl

Enclosures

cc: James Emans

1400 County-City Building • South Bend, Indiana 46601 • 219/284-9241

Thomas L. Bodnar

Sandra A. Boyd

Aladean M. DeRose

Jeffrey M. Jankowski

Andrew L. Kraemer

Jenny Pitts Manier

Robert C. Rosenfeld

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