

1488

GRANT OF PERPETUAL EASEMENT

The south 30 feet of the North
50 feet of Lot 11 in
Coquillard's First Addition to
the City of South Bend.

9204470

GRANT OF PERPETUAL EASEMENT

STORM SEWER

FILED IN RECORD
ST. JOSEPH CO.
INDIANA
JAN 13 2 24 PM '92
E. NO. _____
MEASURE SEARCH
RECORDED

THIS INDENTURE made this 17TH day of JANUARY, 1992, 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 Grantor 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 South 30 feet of the North 50 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.

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.

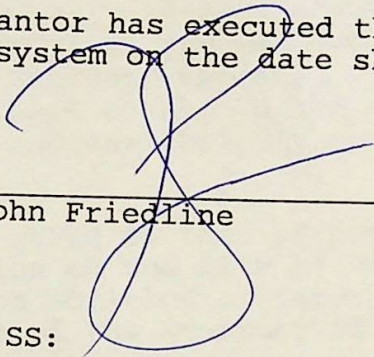
The easement granted herein and its associated benefits and obligations, shall constitute covenants running with the real estate, and shall be binding upon the Grantors and be an obligation thereof of every person or entity now or hereafter having any fee, leasehold, or other interest in all or any part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

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 set forth herein.

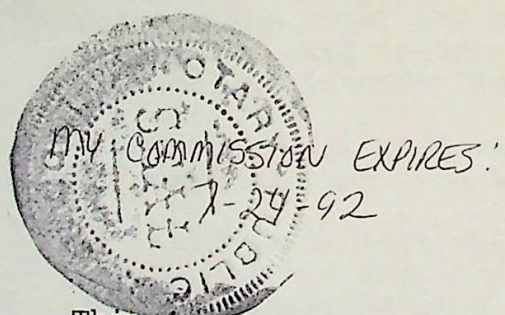


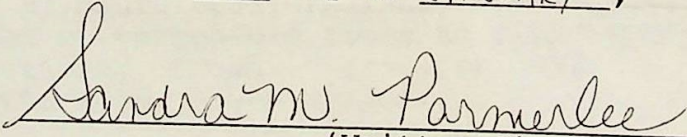
John Friedline
)
) SS:
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STATE OF INDIANA
COUNTY OF ST. JOSEPH

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 17 day of JANUARY, 1991.





(Written Signature)

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

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

9204470

ST. JOSEPH CO. BY ORDER
FILE NO. _____
MARIBANE BEACH
RECORDER

INDEXED

FEB 13 2 24 PM '92

ST. JOSEPH CO.
FILED FOR RECORD

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