

# 1566

GRANT OF EASEMENT Lot 289,  
290, and 291 as shown on the  
original plat of the town, now  
City of South Bend. Located at  
the Northeast corner of Main  
Street at the intersection with  
Wayne Street.



NEMETH, MASTERS & LEONE

ATTORNEYS AT LAW

SUITE 307

NORWEST BANK BUILDING  
112 WEST JEFFERSON BOULEVARD  
SOUTH BEND, INDIANA 46601

TELEPHONE (219) 234-0121  
FACSIMILE (219) 234-8054

PETER J. NEMETH  
CHARLES S. LEONE  
JAMES A. MASTERS

DeVERE D. GOHEEN  
JOSEPH S. DONNELLY  
OF COUNSEL

June 18, 1992

Mr. John E. Leszczynski  
President  
SOUTH BEND BOARD OF PUBLIC WORKS  
1308 County - City Building  
227 West Jefferson Boulevard  
South Bend, Indiana 46601

HAND DELIVERED

RE: National Autopark, Inc.  
Parking Garage

Dear Mr. Leszczynski:

I am addressing this letter to the South Bend Public Works on behalf of National Autopark, Inc., which is a wholly-owned subsidiary of Norwest Bank Indiana, N.A. National Autopark, Inc. requests approval of the enclosed Grant of Easement for the parking garage located at the intersection of Main and Wayne Streets.

When the parking garage was constructed in 1965, an above-ground pedestrian walkway was constructed connecting the second and third floors of the parking garage to the second and third floors of what is now known as the Norwest Bank Building and the Robertson's Department Store Building. An underground tunnel also was constructed, which connects the basement of the parking garage to the basement of the Norwest Bank Building. A title search reveals that there is no public record of an easement having been granted by the City of South Bend for the pedestrian walkway over the public alley to the east of the parking garage or the tunnel which runs under the public alley.

Recent surveys of the parking garage also show certain encroachments onto the public right-of-ways for the adjacent streets, alleys and sidewalks. Copies of the surveys are enclosed. Reduced copies of the surveys also are attached to the Grant of Easement.

National Autopark, Inc. is in the process of transferring title to the parking garage. In conjunction with the closing,

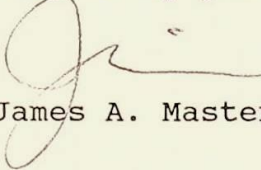
NEMETH, MASTERS & LEONE  
ATTORNEYS AT LAW

Mr. John E. Leszczynski  
June 18, 1992  
Page Two

the purchaser has requested the proposed Grant of Easement for the pedestrian walkway and underground tunnel and for the building encroachments shown on the Survey. On behalf of my client, I request that this matter be placed on the agenda for the June 22, 1992 meeting on the Board of Public Works and request its favorable action on this matter.

If I can provide any further information concerning this request, please feel free to contact me.

Very truly yours,



James A. Masters

JAM:slp/126:Leszcz.LTR  
Enclosures

cc: Thomas J. Coyne  
Attorney at Law

David V. Nelson  
Vice President and Counsel  
Norwest Corporation

Mary Hall Mueller  
Assistant City Attorney



9223119

GRANT OF EASEMENT

THIS GRANT OF EASEMENT is made this 22<sup>ND</sup> day of June, 1992, by the City of South Bend, Indiana, a municipal corporation, by and through its Board of Public Works (the "Grantor") in favor of National Autopark, Inc., an Indiana corporation, its successors and assigns (the "Grantee").

Recitals

A. The Grantee is the owner and operator of a multi-level parking garage facility (the "Parking Facility") located on the following described real estate in St. Joseph County, Indiana:

Lot Numbered Two Hundred Eighty-nine (289), Two Hundred Ninety (290), and Two Hundred Ninety-one (291) as shown on the original Plat of the Town, now City of South Bend.

Commonly described as being located at the Northeast corner of Main Street at the intersection with Wayne Street in South Bend, Indiana.

Tax Key No.: 18-3007-0239

(the above described property is herein referred to as the "Parking Facility Property").

B. Construction of the Parking Facility was undertaken in 1965 and the Parking Facility has remained in continuous use and operation since its construction.

C. When the Parking Facility was constructed, an enclosed pedestrian walkway (the "Skyway") was constructed over the adjacent public alleys located to the east and north of the Parking Facility. The Skyway connects the Parking Facility with (i) the building at 112 West Jefferson Boulevard, South Bend, Indiana, which is currently the location of the main offices of Norwest Bank Indiana, N.A., and is commonly known as the "Norwest Bank Building" and (ii) the building at 211-223 South Michigan Street, South Bend, Indiana, which is the location of the former Robertson's Department Store and is commonly known as the "Robertson's Building."

D. When the Parking Facility was constructed, an underground walkway (the "Tunnel") also was constructed under the adjoining public alleys located to the north and east of the Parking Facility. The Tunnel connects the Parking Facility to the basement of the Norwest Bank Building.

E. The Skyway and the Tunnel have been in continuous use and operation in the public right-of-way since the Parking Facility was constructed. No public record can be located of an easement previously granted by the City of South Bend with respect to the Skywalk or the Tunnel. This easement is granted, inter alia, to validate the existing use, and to authorize the continued use, of the public right-of-ways adjoining the Parking Facility for the Skyway and Tunnel.

F. When the Parking Facility was constructed, certain additional encroachments in, over and onto the adjacent public right-of-ways were created. Grantor acknowledges that such encroachments, as herein described, do not interfere with or obstruct the adjacent public right-of-ways. This easement is further granted to authorize the continued use of the Parking Garage Facility with such encroachments.

Original in Files of  
St. Joseph Co. Recorder  
JUL 1 1992

FILE NO. 92-00001  
SEARCHED  
INDEXED  
SERIALIZED  
RECORDED  
JUN 29 8 50 AM '92  
ST. JOSEPH CO.  
FILED



NOW, THEREFORE, THIS INDENTURE WITNESSETH AS FOLLOWS:

1. **Grant of Easement.** In consideration of the sum of One Dollar (\$1.00) paid by Grantee and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor hereby grants, bargains, sells and conveys to the Grantee, its successors and assigns, forever, the permanent and perpetual right and easement to use, operate, inspect, maintain, repair, remove and replace the following:

(a) the Tunnel, under, across and through the property described on Exhibit A attached hereto and by this reference made a part hereof and as further shown on the Survey prepared by Cole Associates, Inc., dated June 8, 1992 and attached hereto as Exhibit C (herein, the "Tunnel Property");

(b) the Skyway, over, across and through the property described on Exhibit B attached hereto and by this reference made a part hereof and as further shown on the Survey prepared by Cole Associates, Inc., dated June 8, 1992 and attached hereto as Exhibit C (herein, the "Skyway Property"); and

(c) those building encroachments of the Parking Facility identified and described on Parcel No. 1 in the survey prepared by Cole Associates, Inc. dated June 17, 1992, a copy of which is attached hereto as Exhibit D-1 and D-2 (which encroachments are referred to herein as the "Building Encroachments") on, over, across and through the public right-of-ways for the public streets, public alleys and public sidewalks adjacent to the Parking Facility as reflected on the said survey (which public right-of-ways are herein referred to as the "Encroachment Property").

TOGETHER with the right, liberty and privilege to the Grantee, its successors and assigns, by its agents, employees, contractors and workmen, to enter upon the Skyway Property, the Tunnel Property and the Encroachment Property, over the property of Grantor, as may from time to time be reasonably required for the purpose of using, inspecting, maintaining, repairing, removing and replacing the Skyway, the Tunnel and the Building Encroachments, subject to compliance with applicable laws, ordinances, codes and regulations.

2. **Binding Effect.** The easements granted herein are binding upon the Grantor and its successors and assigns.

3. **Appurtenant.** The easements granted herein shall benefit and be appurtenant to the Parking Facility Property.

4. **Duration.** In the event that the Skyway, the Tunnel or the Building Encroachments shall be removed and not replaced within a period of two (2) years, then the right and easement with respect to the Skyway, the Tunnel or the Building Encroachments, as the case may be, shall immediately cease and terminate as to such features so removed and not replaced as aforesaid.

5. **Related Agreement.** The provisions of this Agreement shall not affect, modify or restrict the obligations of any of the parties to that certain Agreement dated October 1, 1965, and recorded at Miscellaneous Record Book 217, page 170 in the Office of the Recorder of St. Joseph County, pertaining to the construction and maintenance of the Skyway.



IN WITNESS WHEREOF, the Grantor has duly executed this instrument on the date first indicated above.

CITY OF SOUTH BEND  
BOARD OF PUBLIC WORKS

[Handwritten Signature]  
[Handwritten Signature]

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

Before me a Notary Public in and for said County and State personally appeared JAMES R. CALDWELL and MARY H. MUELLER, members of the Board of Public Works of the City of South Bend, Indiana, a municipal corporation, who, as officers of said municipal corporation, represented that they are duly authorized to execute and deliver the foregoing instrument for and on behalf of, and as binding upon, said municipal corporation.

IN WITNESS WHEREOF, I have hereunto affixed my hand and official seal this 22ND day of June, 1992.

[Handwritten Signature: Sandra M. Parmerlee]  
SANDRA M. PARMERLEE, Notary Public  
A resident of St. Joseph County, IN

My Commission Expires:  
7-24-92

JAM-1:NWB-Aut2.EAS

This instrument prepared by James A. Masters, #9074-71, NEMETH, MASTERS & LEONE, 307 Norwest Bank Building, 112 West Jefferson Boulevard, South Bend, Indiana, 46601; Telephone: (219)234-0121.



### DESCRIPTION OF PEDESTRIAN TUNNEL EASEMENT

An easement to permit pedestrian travel between the buildings located on Lots 285 and 291 as shown on the original plat of the Town, now City of South Bend, Indiana. The centerline of said pedestrian tunnel is described as follows:

Beginning at a point on the west line of said Lot 285, said point being 24.5 feet, more or less, north of the southwest corner of said Lot 285; thence west 4.3 feet, more or less; thence South 20.5 feet, more or less, to the point of curvature of a curve to the right; thence southwesterly along said curve 5.5 feet, more or less, to the point of tangency of said curve; thence southwesterly 14.8 feet, more or less; thence south 5.4 feet, more or less, to a point on the North line of said Lot 291, said point being 5.2 feet, more or less, west of the northeast corner of said Lot 291. The width of this easement is intended to be sufficient to include the 6.0 foot wide passageway, exterior wall thickness and any appurtenances that may add to the width of this tunnel. Actual width of this tunnel is indeterminable at this time.

### EXHIBIT "A"

### DESCRIPTION OF OVERHEAD PEDESTRIAN WALKWAY EASEMENT

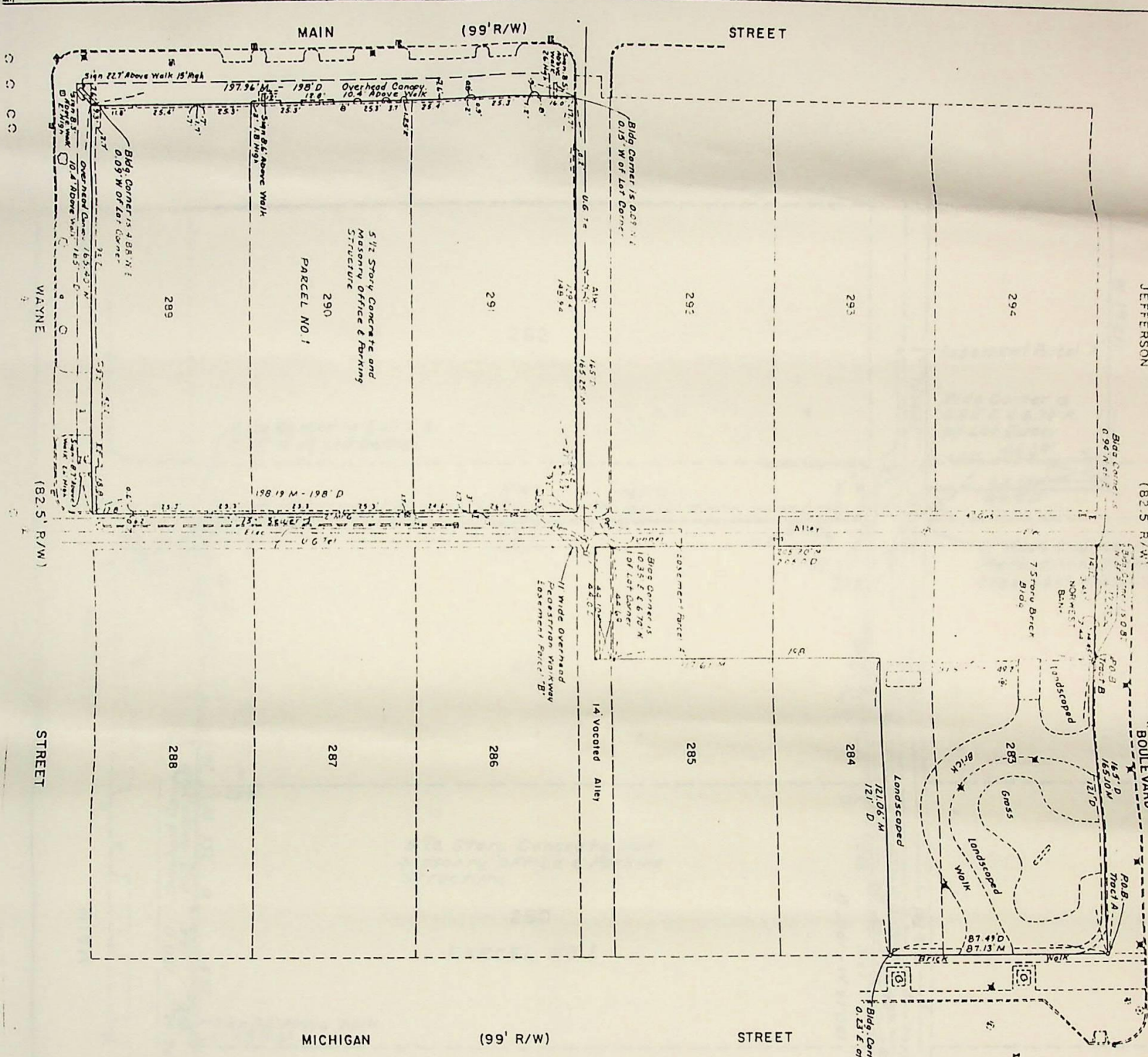
Beginning at a point on the east line of Lot 291 as shown on the original plat of the Town, now City of South Bend, Indiana, said point being 15.5 feet, more or less, south of the northeast corner of said Lot 291; thence northeasterly 19.5 feet, more or less, to a point on the west line of Lot 286 in said original plat of the Town, now City of South Bend, said point being 1.5 feet, more or less, south of the northwest corner of said Lot 286; thence north along the west line of said Lot 286, extended north, 15.0 feet, more or less; thence southwesterly 19.5 feet, more or less, to a point on the east line of Lot 291 in said original plat of the Town, now City of South Bend, said point being 15.0 feet, more or less, north of the Point of Beginning; thence south along the east line of said lot 291, 15.0 feet, more or less, to the Point of Beginning.

### EXHIBIT "B"

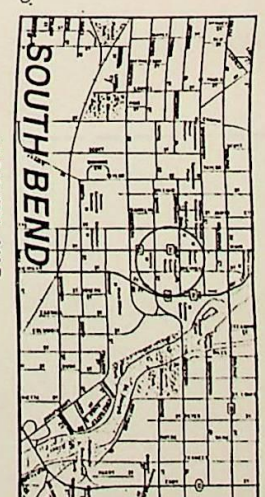
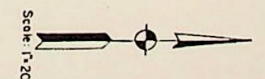








- LEGEND**
- ⊠ Street Light
  - ⊡ Light Base
  - ⊞ Street Sign
  - ⊞ Gate
  - ⊞ Sanitary Manhole
  - ⊞ Electric Manhole
  - ⊞ Traffic Manhole
  - ⊞ Water Manhole
  - ⊞ Telephone Manhole
  - ⊞ Gas Valve
  - ⊞ Water Valve
  - ⊞ Traffic Signal Pole
  - ⊞ Deposit Box
  - ⊞ Tree
  - ⊞ Billboard Sign
  - ⊞ Dymall
  - ⊞ Air Conditioner
  - ⊞ Fire Escape



**CERTIFICATE**

I, **James H. Smith**, being a Registered Land Surveyor in the State of Indiana, do hereby certify that this plat was prepared and reduced to scale from the original plat of the City of South Bend, Indiana, and that the same is a true and correct copy of the original plat as the same appears on file in the office of the City of South Bend, Indiana, and that the same is a true and correct copy of the original plat as the same appears on file in the office of the City of South Bend, Indiana, and that the same is a true and correct copy of the original plat as the same appears on file in the office of the City of South Bend, Indiana.

**James H. Smith**  
 Registered Land Surveyor  
 State of Indiana No. 10811

**DESCRIPTION OF PROPOSED TUNNEL SYSTEM**

The proposed tunnel system consists of a 121' long tunnel with a 121' x 121' cross-section, located under the intersection of Main Street and Michigan Street. The tunnel is to be constructed of precast concrete pipe with a 12" thick wall. The tunnel is to be installed in a trench 14' wide and 10' deep. The trench is to be backfilled with concrete. The tunnel is to be installed in a trench 14' wide and 10' deep. The trench is to be backfilled with concrete. The tunnel is to be installed in a trench 14' wide and 10' deep. The trench is to be backfilled with concrete.

Sheet	1
of	2

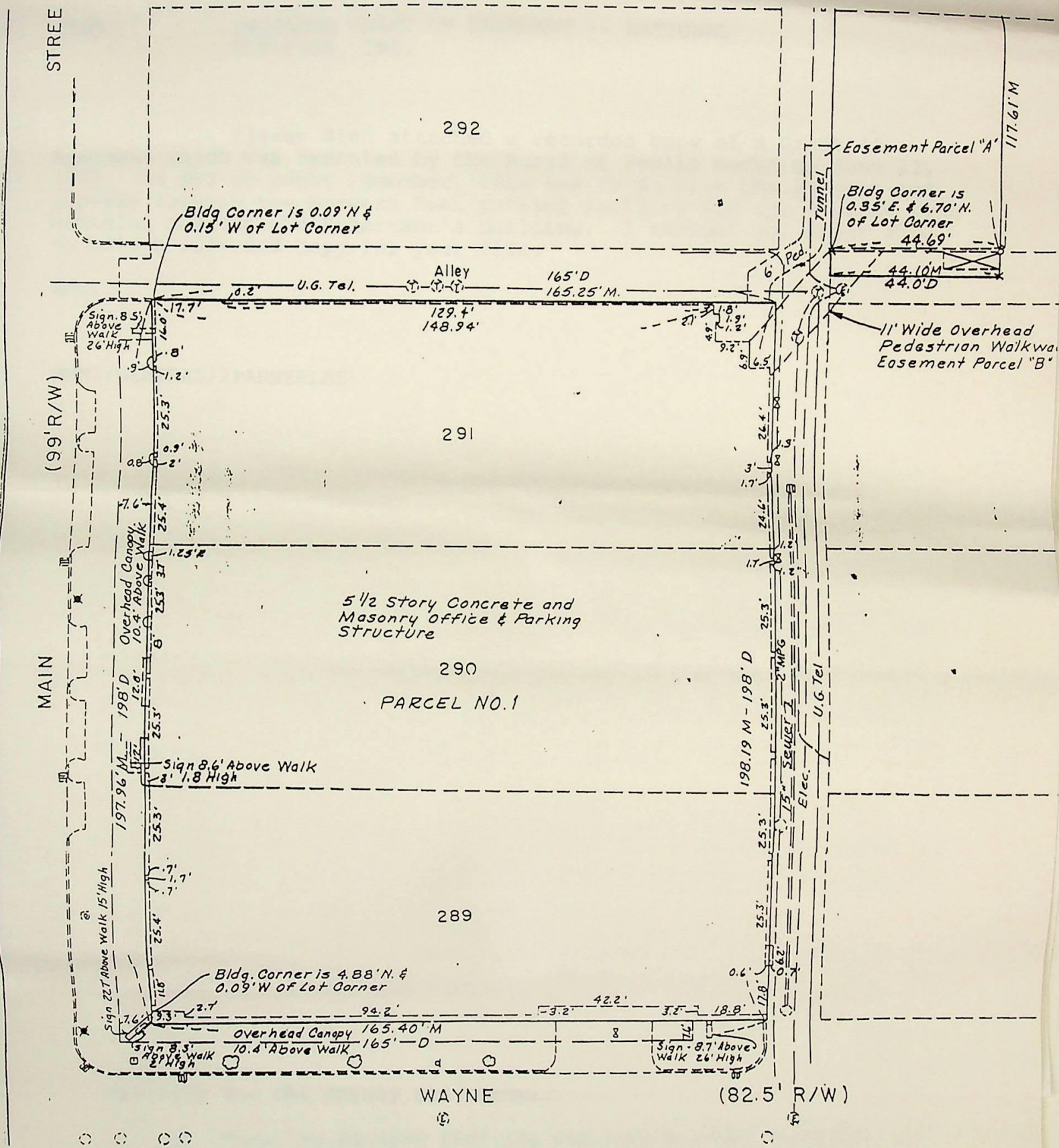
**ALTA/ASCM LAND TITLE SURVEY**  
 LOTS 289, 290 & 291  
 AS SHOWN ON THE ORIGINAL PLAT OF THE CITY OF SOUTH BEND  
 PART OF W 1/2 NW 1/4 SEC. 12-T37N-R2E  
 SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH CO., INDIANA

drawn	JEK	ck by	JWF	date	6-15-92	no	92C055
no	revisions	by	date				
1	Deleted Bank Bldg Description	JWF	6/17/92				
	Added Tunnel & Skywalk	JWF					
	Description	JWF					
	Changed Parcel Number	JWF					
	System	JWF					

This Survey Requested By:  
 Coyne Investment Limited Partnership  
 1100 National City Bank Building  
 Cleveland, Ohio 44114







292

Bldg Corner is 0.09' N & 0.15' W of Lot Corner

Alley  
129.4'  
148.94'

165'D  
165.25'M

Easement Parcel "A"

Bldg Corner is 0.35' E. & 6.70' N. of Lot Corner

44.69'  
44.10'M  
44.0'D

11' Wide Overhead Pedestrian Walkway Easement Parcel "B"

291

5 1/2 Story Concrete and Masonry Office & Parking Structure

290

PARCEL NO. 1

Sign 8.6' Above Walk  
3' 1.8 High

Sign 22.7' Above Walk 15' High

Bldg. Corner is 4.88' N. & 0.09' W of Lot Corner

overhead canopy 165.40' M  
10.4' Above Walk  
165' - D

Sign - 8.7' Above Walk 26' High

WAYNE

(82.5' R/W)

289

STREE

(99' R/W)

MAIN

Tunnel

Ped

U.G. Tel.

Elec.

15" Sewer

2" MFG

198.19 M - 198' D

117.61' M

○ ○ ○ ○

○ ○



LEGAL DEPARTMENT  
INTEROFFICE MEMORANDUM

TO: SANDRA PARMERLEE, CLERK  
BOARD OF PUBLIC WORKS

DATE: JULY 21, 1992

FROM: MARY HALL MUELLER *Mary*  
ASSISTANT CITY ATTORNEY

RE: RECORDED GRANT OF EASEMENT -- NATIONAL  
AUTOPARK, INC.

Please find attached a recorded copy of a Grant of Easement which was executed by the Board of Public Works on June 22, 1992. As you no doubt remember, this has to do with the skyways and tunnels between the Norwest Bank parking facility and the Norwest Bank Building and the old Robertson's Building. I thought you might like to have a recorded copy for your file.

Enc.

MHM2/GENERAL/2PARMERLEE

Facility for the Skyway and Tunnel.

F. When the Parking Facility was constructed, certain additional encroachments in, over and onto the adjacent public right-of-ways were created. Grantor acknowledges that such encroachments, as herein described, do not interfere with or obstruct the adjacent public right-of-ways. This easement is further granted to authorize the continued use of the Parking Garage Facility with such encroachments.



## GRANT OF EASEMENT

THIS GRANT OF EASEMENT is made this 22<sup>ND</sup> day of June, 1992, by the City of South Bend, Indiana, a municipal corporation, by and through its Board of Public Works (the "Grantor") in favor of National Autopark, Inc., an Indiana corporation, its successors and assigns (the "Grantee").

### Recitals

A. The Grantee is the owner and operator of a multi-level parking garage facility (the "Parking Facility") located on the following described real estate in St. Joseph County, Indiana:

Lot Numbered Two Hundred Eighty-nine (289), Two Hundred Ninety (290), and Two Hundred Ninety-one (291) as shown on the original Plat of the Town, now City of South Bend.

Commonly described as being located at the Northeast corner of Main Street at the intersection with Wayne Street in South Bend, Indiana.

Tax Key No.: 18-3007-0239

(the above described property is herein referred to as the "Parking Facility Property").

B. Construction of the Parking Facility was undertaken in 1965 and the Parking Facility has remained in continuous use and operation since its construction.

C. When the Parking Facility was constructed, an enclosed pedestrian walkway (the "Skyway") was constructed over the adjacent public alleys located to the east and north of the Parking Facility. The Skyway connects the Parking Facility with (i) the building at 112 West Jefferson Boulevard, South Bend, Indiana, which is currently the location of the main offices of Norwest Bank Indiana, N.A., and is commonly known as the "Norwest Bank Building" and (ii) the building at 211-223 South Michigan Street, South Bend, Indiana, which is the location of the former Robertson's Department Store and is commonly known as the "Robertson's Building."

D. When the Parking Facility was constructed, an underground walkway (the "Tunnel") also was constructed under the adjoining public alleys located to the north and east of the Parking Facility. The Tunnel connects the Parking Facility to the basement of the Norwest Bank Building.

E. The Skyway and the Tunnel have been in continuous use and operation in the public right-of-way since the Parking Facility was constructed. No public record can be located of an easement previously granted by the City of South Bend with respect to the Skywalk or the Tunnel. This easement is granted, inter alia, to validate the existing use, and to authorize the continued use, of the public right-of-ways adjoining the Parking Facility for the Skyway and Tunnel.

F. When the Parking Facility was constructed, certain additional encroachments in, over and onto the adjacent public right-of-ways were created. Grantor acknowledges that such encroachments, as herein described, do not interfere with or obstruct the adjacent public right-of-ways. This easement is further granted to authorize the continued use of the Parking Garage Facility with such encroachments.



NOW, THEREFORE, THIS INDENTURE WITNESSETH AS FOLLOWS:

1. **Grant of Easement.** In consideration of the sum of One Dollar (\$1.00) paid by Grantee and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor hereby grants, bargains, sells and conveys to the Grantee, its successors and assigns, forever, the permanent and perpetual right and easement to use, operate, inspect, maintain, repair, remove and replace the following:

(a) the Tunnel, under, across and through the property described on Exhibit A attached hereto and by this reference made a part hereof and as further shown on the Survey prepared by Cole Associates, Inc., dated June 8, 1992 and attached hereto as Exhibit C (herein, the "Tunnel Property");

(b) the Skyway, over, across and through the property described on Exhibit B attached hereto and by this reference made a part hereof and as further shown on the Survey prepared by Cole Associates, Inc., dated June 8, 1992 and attached hereto as Exhibit C (herein, the "Skyway Property"); and

(c) those building encroachments of the Parking Facility identified and described on Parcel No. 1 in the survey prepared by Cole Associates, Inc. dated June 17, 1992, a copy of which is attached hereto as Exhibit D-1 and D-2 (which encroachments are referred to herein as the "Building Encroachments") on, over, across and through the public right-of-ways for the public streets, public alleys and public sidewalks adjacent to the Parking Facility as reflected on the said survey (which public right-of-ways are herein referred to as the "Encroachment Property").

TOGETHER with the right, liberty and privilege to the Grantee, its successors and assigns, by its agents, employees, contractors and workmen, to enter upon the Skyway Property, the Tunnel Property and the Encroachment Property, over the property of Grantor, as may from time to time be reasonably required for the purpose of using, inspecting, maintaining, repairing, removing and replacing the Skyway, the Tunnel and the Building Encroachments, subject to compliance with applicable laws, ordinances, codes and regulations.

2. **Binding Effect.** The easements granted herein are binding upon the Grantor and its successors and assigns.

3. **Appurtenant.** The easements granted herein shall benefit and be appurtenant to the Parking Facility Property.

4. **Duration.** In the event that the Skyway, the Tunnel or the Building Encroachments shall be removed and not replaced within a period of two (2) years, then the right and easement with respect to the Skyway, the Tunnel or the Building Encroachments, as the case may be, shall immediately cease and terminate as to such features so removed and not replaced as aforesaid.

5. **Related Agreement.** The provisions of this Agreement shall not affect, modify or restrict the obligations of any of the parties to that certain Agreement dated October 1, 1965, and recorded at Miscellaneous Record Book 217, page 170 in the Office of the Recorder of St. Joseph County, pertaining to the construction and maintenance of the Skyway.



IN WITNESS WHEREOF, the Grantor has duly executed this instrument on the date first indicated above.

CITY OF SOUTH BEND  
BOARD OF PUBLIC WORKS

James R. Caldwell  
Mary H. Mueller

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

Before me a Notary Public in and for said County and State personally appeared JAMES R. CALDWELL AND and MARY H. MUELLER, members of the Board of Public Works of the City of South Bend, Indiana, a municipal corporation, who, as officers of said municipal corporation, represented that they are duly authorized to execute and deliver the foregoing instrument for and on behalf of, and as binding upon, said municipal corporation.

IN WITNESS WHEREOF, I have hereunto affixed my hand and official seal this 22ND day of June, 1992.

Sandra M. Parmelee  
SANDRA M. PARMERLEE, Notary Public  
A resident of St. Joseph County, IN

My Commission Expires:

7-24-92

JAM-1:NWB-Aut2.EAS

This instrument prepared by James A. Masters, #9074-71, NEMETH, MASTERS & LEONE, 307 Norwest Bank Building, 112 West Jefferson Boulevard, South Bend, Indiana, 46601; Telephone: (219)234-0121.



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CITY OF SOUTH BEND  
BOARD OF PUBLIC WORKS

[Signature]  
[Signature]

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

Before me a Notary Public in and for said County and State personally appeared JAMES R. CALDWELL and MARY H. MUELLER, members of the Board of Public Works of the City of South Bend, Indiana, a municipal corporation, who, as officers of said municipal corporation, represented that they are duly authorized to execute and deliver the foregoing instrument for and on behalf of, and as binding upon, said municipal corporation.

IN WITNESS WHEREOF, I have hereunto affixed my hand and official seal this 22ND day of June, 1992.

Sandra M. Parmelee  
SANDRA M. PARMERLEE, Notary Public  
A resident of St. Joseph County, IN

My Commission Expires:  
7-24-92

JAM-1:NWB-Aut2.EAS

This instrument prepared by James A. Masters, #9074-71,  
NEMETH, MASTERS & LEONE, 307 Norwest Bank Building,  
112 West Jefferson Boulevard, South Bend, Indiana, 46601;  
Telephone: (219)234-0121.



#### DESCRIPTION OF PEDESTRIAN TUNNEL EASEMENT

An easement to permit pedestrian travel between the buildings located on Lots 285 and 291 as shown on the original plat of the Town, now City of South Bend, Indiana. The centerline of said pedestrian tunnel is described as follows:

Beginning at a point on the west line of said Lot 285, said point being 24.5 feet, more or less, north of the southwest corner of said Lot 285; thence west 4.3 feet, more or less; thence South 20.5 feet, more or less, to the point of curvature of a curve to the right; thence southwesterly along said curve 5.5 feet, more or less, to the point of tangency of said curve; thence southwesterly 14.8 feet, more or less; thence south 5.4 feet, more or less, to a point on the North line of said Lot 291, said point being 5.2 feet, more or less, west of the northeast corner of said Lot 291. The width of this easement is intended to be sufficient to include the 6.0 foot wide passageway, exterior wall thickness and any appurtenances that may add to the width of this tunnel. Actual width of this tunnel is indeterminable at this time.

EXHIBIT "A"

#### DESCRIPTION OF OVERHEAD PEDESTRIAN WALKWAY EASEMENT

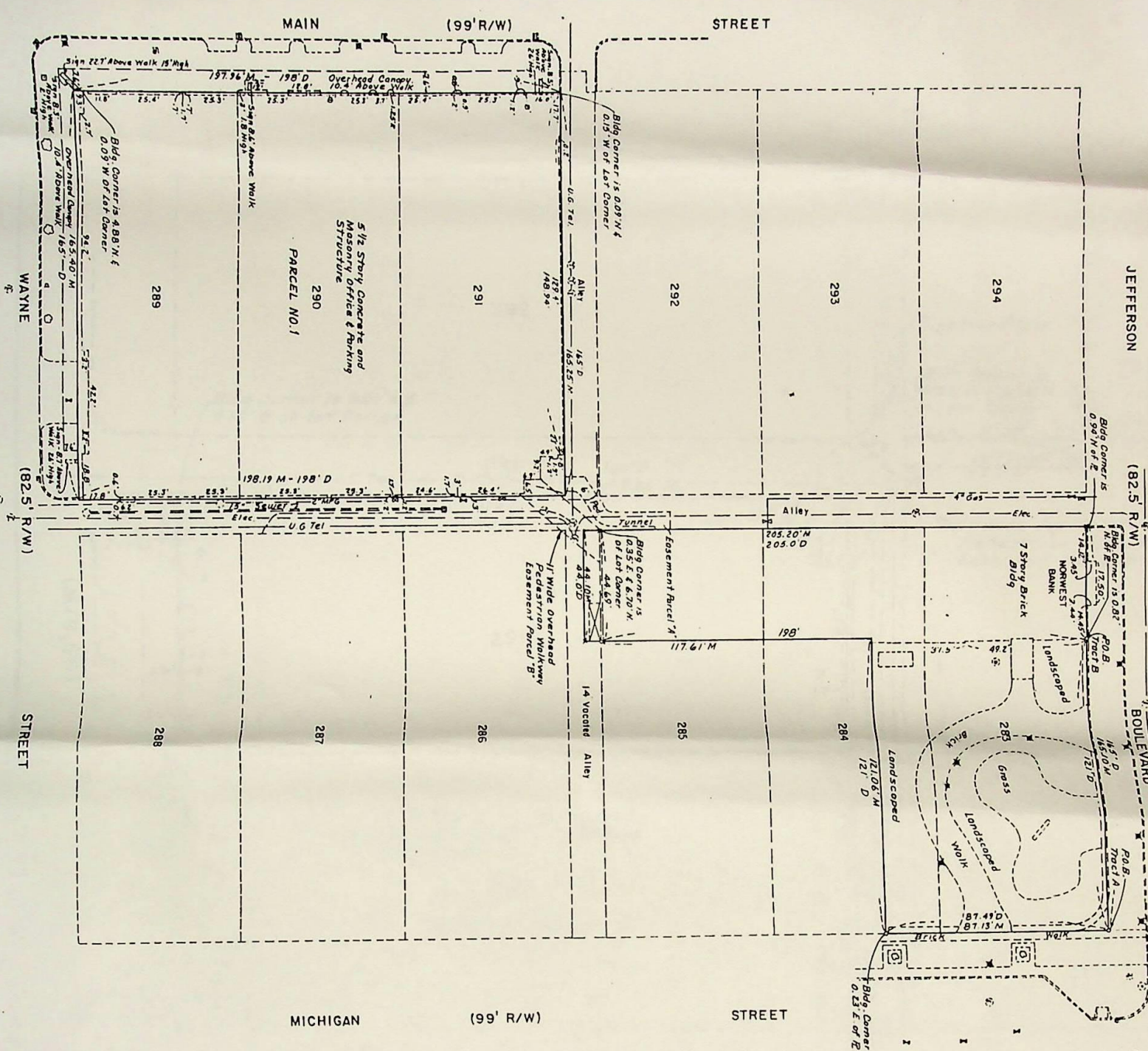
Beginning at a point on the east line of Lot 291 as shown on the original plat of the Town, now City of South Bend, Indiana, said point being 15.5 feet, more or less, south of the northeast corner of said Lot 291; thence northeasterly 19.5 feet, more or less, to a point on the west line of Lot 286 in said original plat of the Town, now City of South Bend, said point being 1.5 feet, more or less, south of the northwest corner of said Lot 286; thence north along the west line of said Lot 286, extended north, 15.0 feet, more or less; thence southwesterly 19.5 feet, more or less, to a point on the east line of Lot 291 in said original plat of the Town, now City of South Bend, said point being 15.0 feet, more or less, north of the Point of Beginning; thence south along the east line of said lot 291, 15.0 feet, more or less, to the Point of Beginning.

EXHIBIT "B"

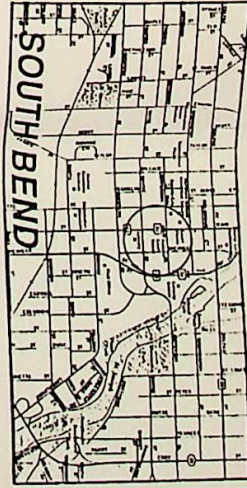
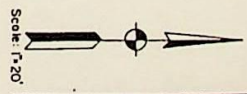








- LEGEND**
- ✕ Street Light
  - Light Base
  - Street Sign
  - Inlet
  - Sanitary Manhole
  - Electric Manhole
  - Water Manhole
  - Telephone Manhole
  - Gas Valve
  - Gas Meter
  - Water Valve
  - Traffic Signal Pole
  - Deposit Box
  - Tree
  - Billboard Sign
  - Driveway
  - Air Conditioner
  - Fire Escape



**DESCRIPTION OF RECORDS PERTAINING TO THIS SURVEY:**

1. ALTA/ASCM LAND TITLE SURVEY, PARCELS 289, 290 & 291, AS SHOWN ON THE ORIGINAL PLAT OF THE CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH CO., INDIANA, DATED 11/17/1992.

2. ALTA/ASCM LAND TITLE SURVEY, PARCELS 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, AS SHOWN ON THE ORIGINAL PLAT OF THE CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH CO., INDIANA, DATED 11/17/1992.

3. ALTA/ASCM LAND TITLE SURVEY, PARCELS 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, AS SHOWN ON THE ORIGINAL PLAT OF THE CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH CO., INDIANA, DATED 11/17/1992.

4. ALTA/ASCM LAND TITLE SURVEY, PARCELS 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, AS SHOWN ON THE ORIGINAL PLAT OF THE CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH CO., INDIANA, DATED 11/17/1992.

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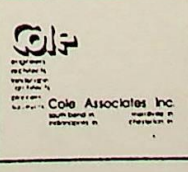
Sheet	1
of	1

**ALTA/ASCM LAND TITLE SURVEY**  
**LOTS 289, 290 & 291**  
**AS SHOWN ON THE ORIGINAL PLAT OF THE CITY OF SOUTH BEND**

**PART OF W 1/2 NW 1/4 SEC. 12-T37N-R2E**  
**SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH CO., INDIANA**

Drawn	JEK	ck by	JWF	date	6/15/92	no	92C055
no	revisions					by	date
1	Deleted Bank Bldg Description						6/17/92
	Added Tunnel & Skywalk						
	Description						
	Changed Parcel Number						
	System						

This Survey Requested By:  
 Coyne Investment Limited Partnership  
 1100 National City Bank Building  
 Cleveland, Ohio 44114









NEMETH, MASTERS & LEONE

ATTORNEYS AT LAW

SUITE 307

NORWEST BANK BUILDING  
112 WEST JEFFERSON BOULEVARD  
SOUTH BEND, INDIANA 46601

TELEPHONE (219) 234-0121  
FACSIMILE (219) 234-8054

DeVERE D. GOHEEN  
JOSEPH S. DONNELLY  
OF COUNSEL

PETER J. NEMETH  
CHARLES S. LEONE  
JAMES A. MASTERS

June 18, 1992

Mr. John E. Leszczynski  
President  
SOUTH BEND BOARD OF PUBLIC WORKS  
1308 County - City Building  
227 West Jefferson Boulevard  
South Bend, Indiana 46601

HAND DELIVERED

RE: National Autopark, Inc.  
Parking Garage

Dear Mr. Leszczynski:

I am addressing this letter to the South Bend Public Works on behalf of National Autopark, Inc., which is a wholly-owned subsidiary of Norwest Bank Indiana, N.A. National Autopark, Inc. requests approval of the enclosed Grant of Easement for the parking garage located at the intersection of Main and Wayne Streets.

When the parking garage was constructed in 1965, an above-ground pedestrian walkway was constructed connecting the second and third floors of the parking garage to the second and third floors of what is now known as the Norwest Bank Building and the Robertson's Department Store Building. An underground tunnel also was constructed, which connects the basement of the parking garage to the basement of the Norwest Bank Building. A title search reveals that there is no public record of an easement having been granted by the City of South Bend for the pedestrian walkway over the public alley to the east of the parking garage or the tunnel which runs under the public alley.

Recent surveys of the parking garage also show certain encroachments onto the public right-of-ways for the adjacent streets, alleys and sidewalks. Copies of the surveys are enclosed. Reduced copies of the surveys also are attached to the Grant of Easement.

National Autopark, Inc. is in the process of transferring title to the parking garage. In conjunction with the closing,



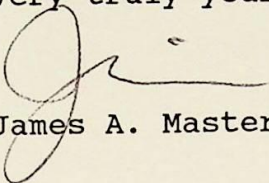
NEMETH, MASTERS & LEONE  
ATTORNEYS AT LAW

Mr. John E. Leszczynski  
June 18, 1992  
Page Two

the purchaser has requested the proposed Grant of Easement for the pedestrian walkway and underground tunnel and for the building encroachments shown on the Survey. On behalf of my client, I request that this matter be placed on the agenda for the June 22, 1992 meeting on the Board of Public Works and request its favorable action on this matter.

If I can provide any further information concerning this request, please feel free to contact me.

Very truly yours,



James A. Masters

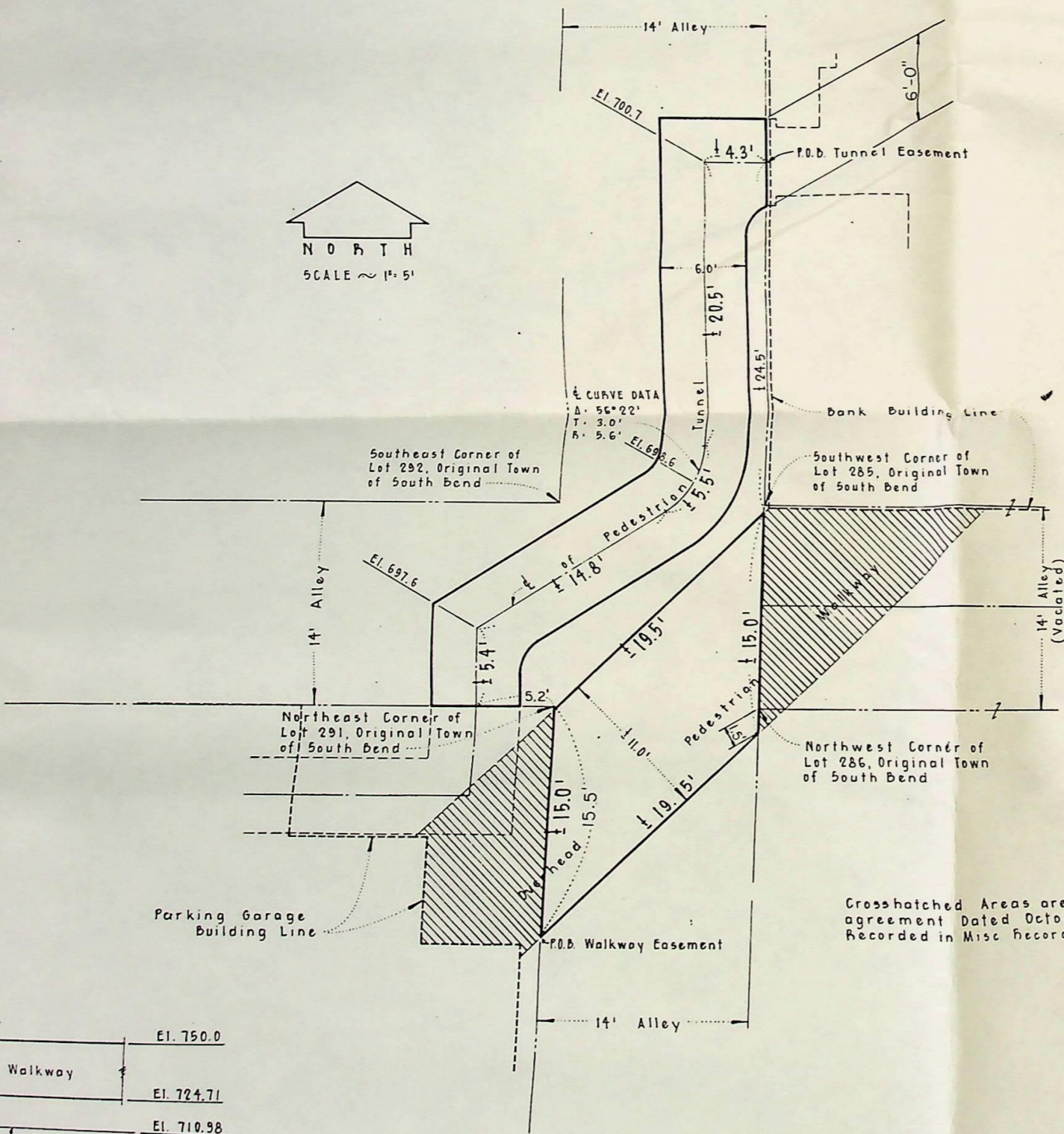
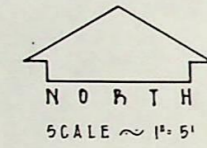
JAM:slp/126:Leszcz.LTR  
Enclosures

cc: Thomas J. Coyne  
Attorney at Law

David V. Nelson  
Vice President and Counsel  
Norwest Corporation

Mary Hall Mueller  
Assistant City Attorney





CURVE DATA  
 Δ = 56° 22'  
 T = 3.0'  
 R = 5.6'

Crosshatched Areas are included in an agreement Dated October 1, 1965 and Recorded in Misc Record 217, Pages 170 to 177.

**DESCRIPTION OF PEDESTRIAN TUNNEL EASEMENT**

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**DESCRIPTION OF OVERHEAD PEDESTRIAN WALKWAY EASEMENT**

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I, Rollin E. Farrand, Sr. being a Registered Land Surveyor in the State of Indiana do hereby certify that I have supervised the survey of the Easements shown hereon and that to the best of my knowledge this Plat is a true and correct representation of said Easements.

COLE ASSOCIATES INC.  
 2211 East Jefferson Blvd.  
 South Bend, IN 46615

*Rollin E. Farrand*  
 Rollin E. Farrand, Sr.  
 Registered Land Surveyor  
 State of Indiana No. 09943

June 8, 1992  
 Date



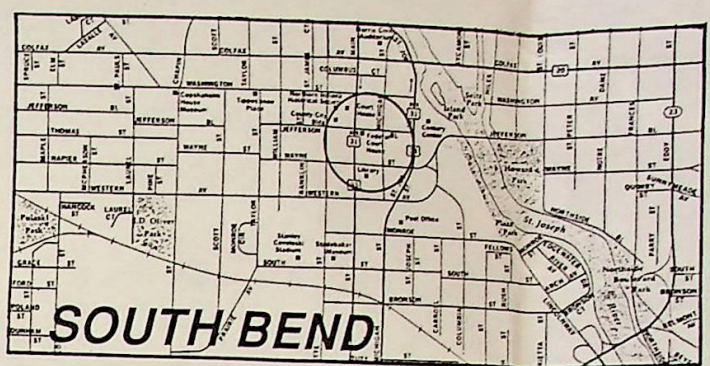
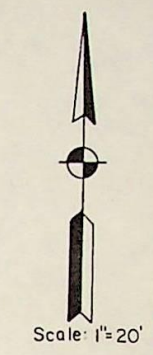
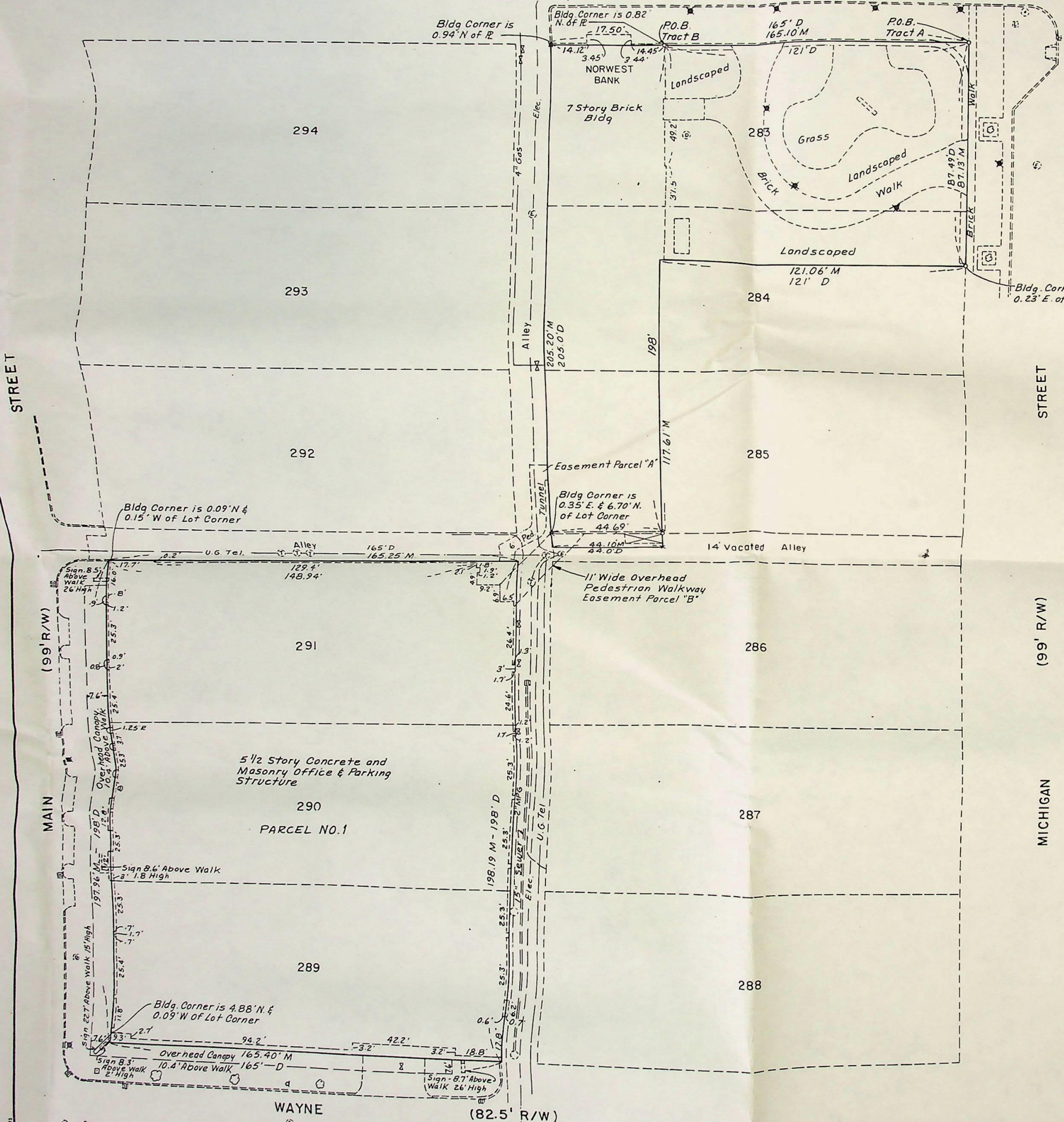
Walkway	El. 750.0
	El. 724.71
Conc. Pav't.	El. 710.98

**WALKWAY ELEVATIONS**  
 N.T.S.

DRAWN BY CK. BY DATE 6-5-92 NO. 32C 04T	REVISIONS	BY	DATE

PLAT OF EASEMENTS  
 BETWEEN  
 BANK AND PARKING GARAGE  
 NORTHWEST BANK AND PARKING GARAGE  
 South Bend, Indiana





VICINITY MAP

DESCRIPTION - PARCEL NO. 1  
 PARCEL No. 1 Lots Numbered Two Hundred Eighty-nine (289), Two Hundred Ninety (290) and Two Hundred Ninety-one (291) as shown on the Original Plat of the City of South Bend and being subject to Easement for upper level ramp as set out in Agreement, dated October 1, 1969 and recorded November 16, 1969 in Miscellaneous Record 317, page 170 in the Office of the Recorder of St. Joseph County, Indiana.

LEGEND

- ✱ Street Light
- Light Base
- Street Sign
- Inlet
- ⊙ Sanitary Manhole
- ⊙ Electric Manhole
- ⊙ Traffic Manhole
- ⊙ Water Manhole
- ⊙ Telephone Manhole
- ⊙ Gas Vent
- ⊙ Gas Valve
- ⊙ Water Valve
- Traffic Signal Pole
- Deposit Box
- ⊙ Tree
- Billboard Sign
- ⊙ Drywell
- Air Conditioner
- Fire Escape

DESCRIPTION OF PEDESTRIAN TUNNEL EASEMENT PARCEL "A"  
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DESCRIPTION OF OVERHEAD PEDESTRIAN WALKWAY EASEMENT PARCEL "B"  
 Beginning at a point on the east line of Lot 291 as shown on the original plat of the Town, now City of South Bend, Indiana, said point being 15.5 feet, more or less, south of the southeast corner of said Lot 291; thence northeasterly 19.5 feet, more or less, to a point on the west line of Lot 286 in said original plat of the Town, now City of South Bend, said point being 1.5 feet, more or less, south of the northwest corner of said Lot 286; thence north along the west line of said Lot 286, westerly north, 15.0 feet, more or less, thence southwesterly 19.5 feet, more or less, to a point on the east line of Lot 291 in said original plat of the Town, now City of South Bend, said point being 15.0 feet, more or less, north of the point of Beginning; thence south along the east line of said Lot 291, 15.0 feet, more or less, to the point of Beginning, said overhead tunnel having a bottom elevation of 724.71 and a peak elevation of 750.0. U.S.C.G.S.-1987 Datum, and being approximately 13'-0" above alley pavement at the bottom elevation.

SURVEYOR'S CERTIFICATE

Certified To:  
 Coyne Investments Limited Partnership  
 1st Source Bank  
 Commonwealth Title Insurance Company

I, Rollin E. Farrand, Sr., being a Registered Land Surveyor in the State of Indiana, do hereby certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys", jointly established and adopted by ALTA and ACSM in 1985, meets the accuracy requirements of a Class "A" Survey as defined therein and includes items 1, 2, 3, 4, 5, 7, 9, 11, 12, and 13 of Table 3 thereof. There are no encroachments except as shown.

ROLLIN E. FARRAND, SR.  
 Registered Land Surveyor  
 State of Indiana No. 09943

June 17, 1992  
 Date

FLOOD CERTIFICATION STATEMENT

I, Rollin E. Farrand, Sr., being a Registered Land Surveyor in the State of Indiana, do hereby certify that the parcel herein described is shown as Zone "C" in accordance with the Federal Insurance Rate Maps as shown on Community Panel No. 180291-0046, revised 2-17-88.

ROLLIN E. FARRAND, SR.  
 Registered Land Surveyor  
 State of Indiana No. 09943

June 17, 1992  
 Date

ZONING STATEMENT

In accordance with South Bend, Indiana Building Department records, Parcels VI - Tracts A & B and Parcel VII - Tract A as shown herein are zoned "C" - Commercial with "G" height and Area which is zero setback with 150 feet or twelve stories height.



**COLE ASSOCIATES INC.**  
 ENGINEERS  
 ARCHITECTS  
 SURVEYORS  
 SOUTH BEND, INDIANA  
 2211 EAST JEFFERSON BOULEVARD  
 SOUTH BEND, INDIANA 46615

This Survey Requested By:  
 Coyne Investment Limited Partnership  
 1100 National City Bank Building  
 Cleveland, Ohio 44114

drawn J.E.K.	ck by J.W.F.	date 6/15/92	no 92-C-0-5
no revisions	Deleted Bank Bldg	Description J.W.F.	6/17/92
1	Added Tunnel & Skywalk	-Description	
	Changed Parcel Number	545 to 1	

ALTA/ACSM LAND TITLE SURVEY  
 LOTS 289, 290 & 291  
 AS SHOWN ON THE ORIGINAL PLAT OF THE CITY OF SOUTH BEND  
 PART OF W 1/2 NW 1/4 SEC. 12 - T37N - R2E  
 SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH CO., INDIANA