

#1572

GRANT OF TEMPORARY EASEMENT

Part of lot 66 as shown on the plat of Bowman's 4th addition to the City. That part of said lot 66 lying between east and south lines of said lot and the east and south sides of the existing frame garage on said lot.



GRANT OF TEMPORARY EASEMENT

CONSTRUCTION -- BOWMAN CREEK PROJECT

THIS INDENTURE is made this 5<sup>th</sup> day of June, 1992, by and between George F. and Jane E. Ebright (hereinafter "Grantor(s)"), and the Civil City of South Bend, Indiana (hereinafter "Grantee").

For and in consideration of the Grantee's agreement to reconstruct and improve a segment of Bowman Creek, located on or adjacent to Grantor(s) real estate, Grantor(s) hereby grant(s) and convey(s) to Grantee a temporary easement at the location hereinafter set forth and described to allow for the installation, construction and improvement to Bowman Creek and related facilities, together with the right of ingress to and egress from said easement for the purpose of installing, constructing and improving Bowman Creek or other 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:

A part of lot 66 as shown on the plat of Bowman's 4th Addition to the City of South Bend, Indiana recorded June 26, 1899 in Plat Book 7, page 40 in the Office of the Recorder of St. Joseph County, Indiana, described as follows:

That part of said lot 66 lying between the east and south lines of said lot and the east and south sides of the existing frame garage on said lot.

The easement rights granted herein shall pertain to the air, surface, and subsurface rights and interest of the Grantor(s), for the use and benefit of the Grantee, to the nature and extent that the Grantee may desire or need said air, surface and subsurface rights and interests to reasonably accomplish and carry out the construction of the improvements to Bowman Creek. The easement hereby granted is for the benefit of the City of South Bend, Indiana, and expressly includes the right and privilege to clean and remove from said easement such timber, brush, debris, or other obstructions interfering with Grantee's construction and improvement of Bowman Creek.

Grantee shall have the right of ingress or egress over Grantor's real estate adjoining said easement to facilitate the installation, construction, and improvement of Bowman Creek and related facilities.

Grantee agrees to restore the area disturbed by its work to a condition as good or better than the original condition consistent with the improvements to be made to Bowman Creek.

The Grantor(s) reserve(s) the right to use and occupy the surface area on and over the temporary easement during the period of



construction 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 rights granted by this indenture shall terminate upon Grantee's completion of the Bowman Creek Improvement Project but in no case later than December 31, 1993.

IN WITNESS WHEREOF, said Grantor(s) has/have executed this Grant of Temporary Easement on the date shown in the acknowledgment set forth herein.

**FILED**

AUG 10 1992

BOARD OF PUBLIC WORKS  
SANDRA M. PARMERLEE, Clerk  
STATE OF INDIANA

COUNTY OF ST. JOSEPH

GRANTOR(S)

*George F. Ebright*  
George F. Ebright

*Jane E. Ebright*  
Jane E. Ebright

)  
) SS:  
)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared George F. Ebright and Jane E. Ebright, personally known by me to be the Grantor(s) in the above Grant of Temporary Easement, and acknowledged the execution of the same as his/her/their voluntary act and deed.

WITNESS my hand and Notarial Seal this 5<sup>TH</sup> day of JUNE, 1992.

*Thomas D. Madlem*  
(Written Signature)

Resident of ST. JOSEPH COUNTY

THOMAS D. MADLEM  
(Printed Signature)

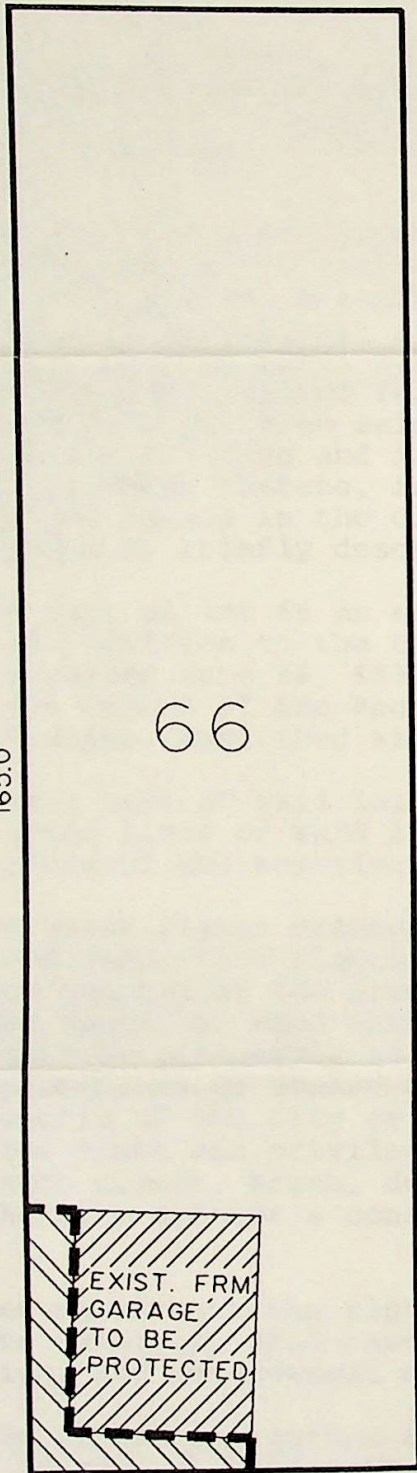
My Commission Expires:

FEB 13, 1994

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



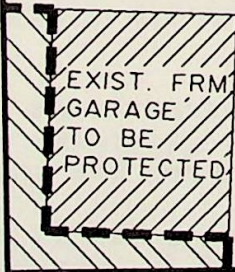
MICHIGAN ST. 100' R/W  
42.67'



165.0'

66

165.0'  
FOX ST. 60' R/W







EXIST. FRM  
GARAGE  
TO BE  
PROTECTED

42.67'  
ALLEY

91006.I3\LOT66

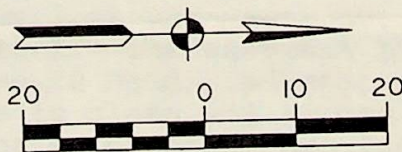
LAWSON-FISHER ASSOC.  
525 W. WASHINGTON  
SOUTH BEND, IN 46601  
PH. (219) 234-3167

LEGEND

- PERMANENT EASEMENT 
- TEMP. CONST. EASEMENT 
- EXISTING BUILDING 
- ITEM TO BE REMOVED 

DESCRIPTION OF EASEMENT

A temporary construction easement as shown for the regrading, realignment and construction of the Bowman Creek Channel.



GRAPHIC SCALE

Key No: 187035(1405)

Street Address: 110 E. FOX STREET

Description: LOT 66 BOWMAN'S 4th

Owner's Name: EBRIGHT, GEORGE F & JANE E

Address: 10181 E. Jefferson

Osceola, IN 46561

EXHIBIT No. 1