

1574

GRANT OF TEMPORARY EASEMENT

Part of lot 69 and part of lot
70 of Bowman's 4th addition to
the City of South Bend.

GRANT OF TEMPORARY EASEMENT

CONSTRUCTION -- BOWMAN CREEK PROJECT

THIS INDENTURE is made this ~~30th~~ day of July, 1992, by and between Discount Muffler & Tire, Inc., (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 temporary easements at the locations 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 easements 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 69 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:

Beginning at the northeast corner of said lot 69; thence south along the east line of said lot, 42.67 feet to the southeast corner of said lot 69; thence west along the south line of said lot, 40.00 feet; thence northeasterly to the point of beginning.

and

A part of lot 70 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:

Beginning at the northeast corner of said lot 70; thence south along the east line of said lot, 42.67 feet to the southeast corner of said lot 70; thence west along the south line of said lot, 80.00 feet; thence northeasterly to a point on the north line of said lot, 40.00 feet west of the northeast corner of said lot; thence east along the north line of said lot, 40.00 feet to the point of beginning.

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

WITNESS my hand and Notarial Seal this 30TH day of JULY,
1992.

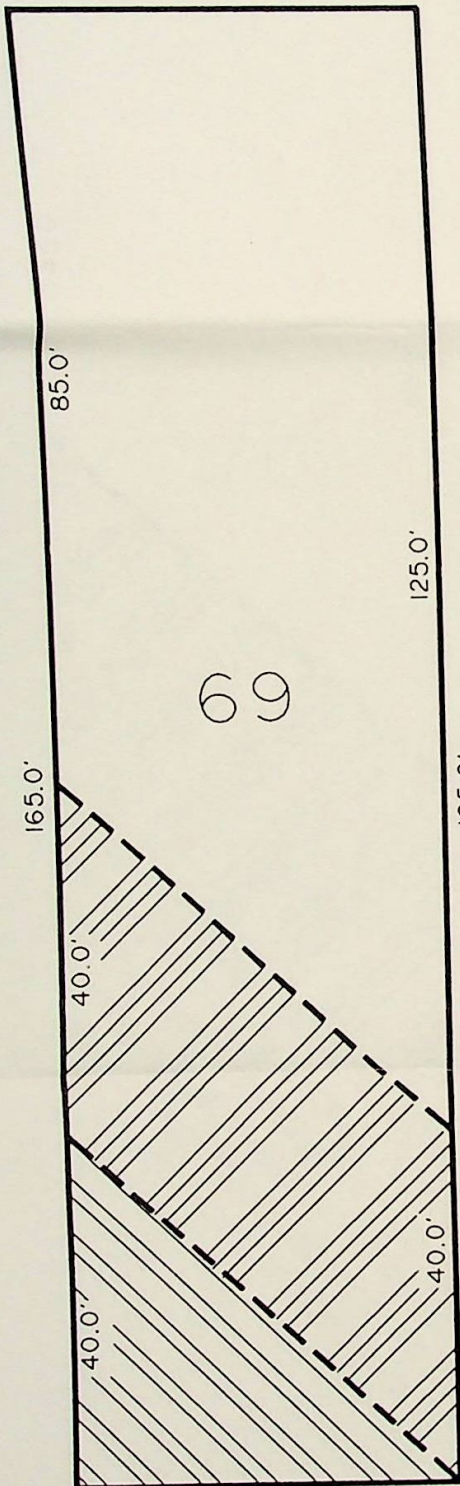
Sandra M. Parmelee
(Written Signature)
Resident of ST. JOSEPH CO.
SANDRA M. PARMERLEE
(Printed Signature)

My Commission Expires:
7-24-96

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



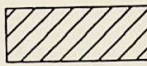

BPW4/TEM-EAS

MICHIGAN ST. 100' R/W
42.67'



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

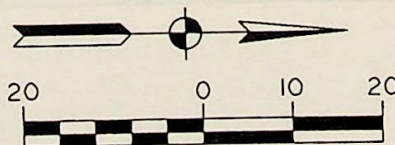
LEGEND

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

DESCRIPTION OF EASEMENTS

A permanent easement as shown hereon for the installation and maintenance of the improved channel for Bowman Creek. The easement area shall be maintained free and clear of any structure that would retard the free flow of storm water.

A temporary construction easement from the permanent easement line to the east lot line as shown for the regrading, realignment and construction of the Bowman Creek Channel.

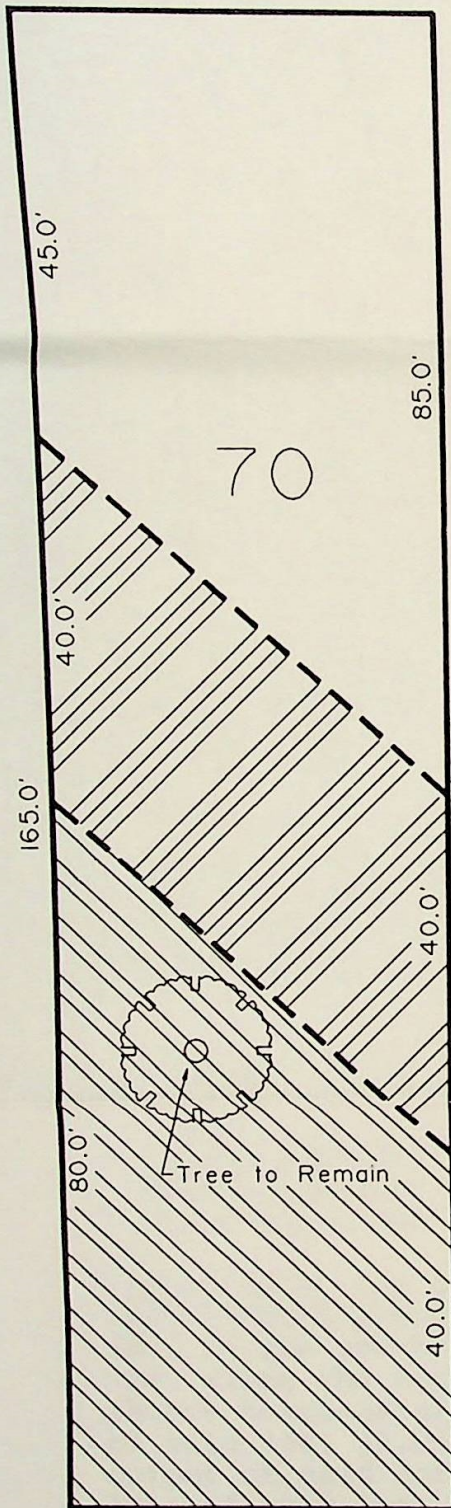


GRAPHIC SCALE

Key No: 187035(1408)
Street Address: 2222 S. MICHIGAN ST.
Description: LOT 69 BOWMAN'S 4th
Owner's Name: DISCOUNT MUFFLER & TIRE
Address: 3400 Old Cleveland Rd.
South Bend, IN 46628

EXHIBIT No. 1

MICHIGAN ST. 100' R/W
42.67'



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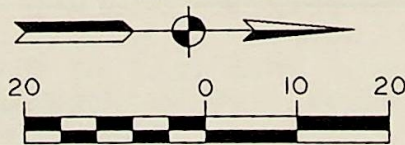
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A temporary construction easement from the permanent easement line to the east lot line as shown for the regrading, realignment and construction of the Bowman Creek Channel.



GRAPHIC SCALE

Key No: 187035(1409)

Street Address: 2222 S. MICHIGAN ST.

Description: LOT 70 BOWMAN'S 4th

Owner's Name: DISCOUNT MUFFLER & TIRE

Address: 3400 Old Cleveland Rd.

South Bend, IN 46628

EXHIBIT No. 1

42.67'
ALLEY