#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 _______, 1992, by and between Discount Muffler & Tire, Inc., Chereinafter "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

and interests to reasonably accomplish and carry out the construction of the improvements to Bowman Creek. The easements hereby granted are for the benefit of the City of South Bend, Indiana, and expressly includes the right and privilege to clean and remove from said easements 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 easements 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 easements 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 GRANTOR(S)

DISCOUNT MUFFLER & TIRE, INC.

Nicholas P. Bruckner
President

STATE OF INDIANA

COUNTY OF ST. JOSEPH

SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Nicholas P. Bruckner, 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 h	and and	Notarial	Seal t	this	30"	day o	f TU	14
1992.					0			0	
				/	Jan	dra	, nu	. Har	nurlee
				Resi	ident	of _	W.C	itten S TOSEPH	ignature
					SAN	IDRA	m.	PARME	ERLEE
							(Pr		ignature)

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

LAWSON-FISHER ASSOC. MICHIGAN ST. 100' R/W 525 W. WASHINGTON 42.67' SOUTH BEND. IN 46601 PH. (219) 234-3167 LEGEND PERMANENT EASEMENT TEMP. CONST. EASEMENT 85.0' EXISTING BUILDING ITEM TO BE REMOVED DESCRIPTION OF EASMENTS A permanent easement as shown hereon for the installation and maintenance of the improved channel for Bowman Creek. The easement area shall be 65.0 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. 20 20 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 42.67 EXHIBIT No. 1 ALLEY 91006.13\L0T69

LAWSON-FISHER ASSOC. MICHIGAN ST. 100' R/W 42.67 525 W. WASHINGTON SOUTH BEND, IN 46601 PH. (219) 234-3167 LEGEND PERMANENT 45.0 EASEMENT TEMP. CONST. EASEMENT 0 EXISTING 85. BUILDING ITEM TO BE REMOVED DESCRIPTION OF EASMENTS A permanent easement as shown hereon for the installation and maintenance of the improved channel for Bowman Creek. 65.0 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. 20 Remain 20 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 42.67' ALLEY EXHIBIT No. 1 91006.13\L0T70