

#1582

GRANT OF TEMPORARY EASEMENT

That part of said lot 221 lying between a line 42' south of and parallel with the north line of said lot and the most northerly side of the existing frame house on side lot.

GRANT OF TEMPORARY EASEMENT

CONSTRUCTION -- BOWMAN CREEK PROJECT

THIS INDENTURE is made this 8th day of June, 1992, by and between Jack A. and Betty K. McKelvey, sole remaining heirs to the estate of Mainier Leroy and Pearl McKelvey, deceased, (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:

That part of said lot 221 lying between a line 42.00 feet south of and parallel with the north line of said lot and the most northerly side of the existing frame house 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

GRANTOR(S)

Jack A. McKelvey  
Jack A. McKelvey

Betty K. McKelvey  
Betty K. McKelvey  
Sole remaining heirs to the estate of Mainier Leroy and Pearl McKelvey, deceased

STATE OF INDIANA )

) SS:

COUNTY OF ST. JOSEPH )

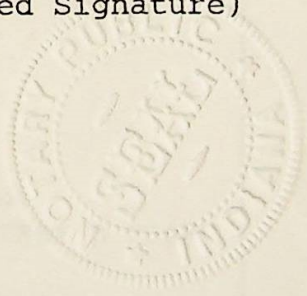
Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Jack A. and Betty K. McKelvey, personally known by me to be the Grantor(s) in the above Grant of Temporary Easement, and acknowledged the execution of the same as his/her/their voluntary act and deed.

WITNESS my hand and Notarial Seal this 8th day of June, 1992.

Sharon Ann Berko  
(Written Signature)  
Resident of St. Joseph County  
Sharon Ann Berko  
(Printed Signature)

My Commission Expires:


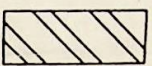
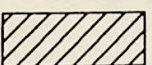
January 25, 1996

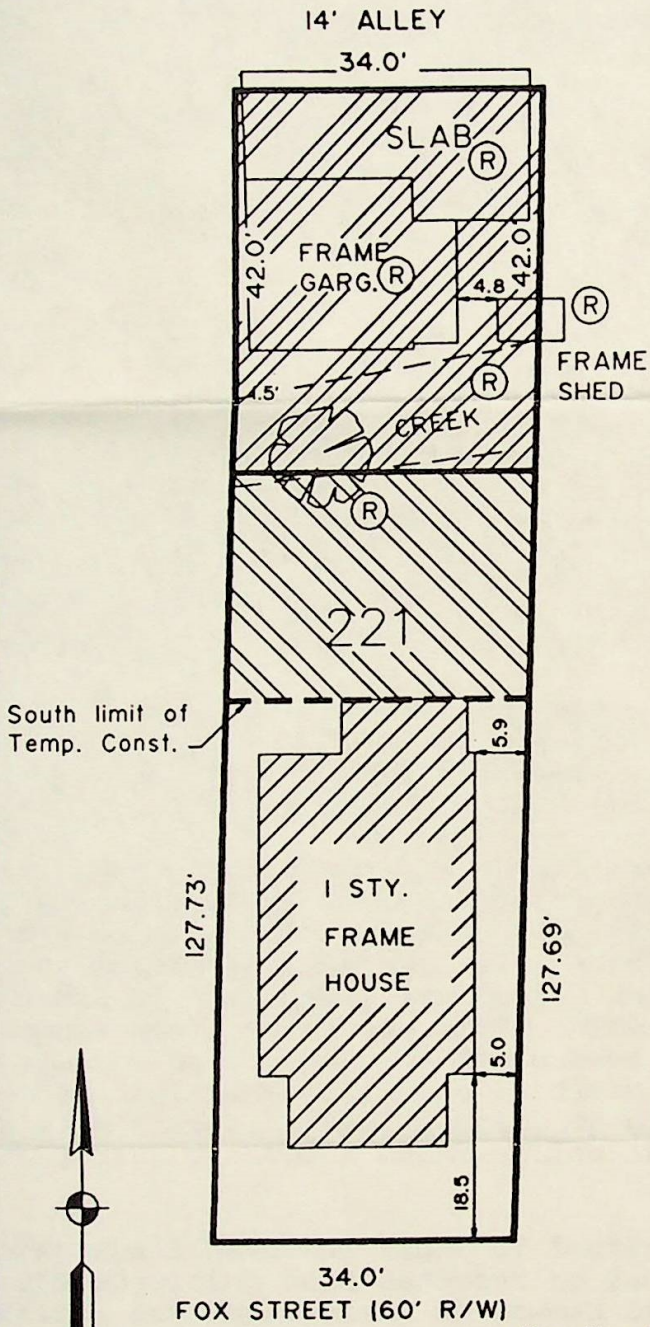


This instrument was prepared by Mary Hall Mueller, Assistant City Attorney, 1400 County-City Building, South Bend, IN 46601.

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	(R)

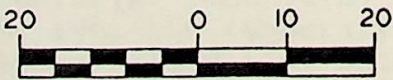


DESCRIPTION OF EASEMENTS

A permanent easement as shown hereon for the installation and maintenance of the improved channel for Bowman Creek.

This 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 south to the face of house as shown.



GRAPHIC SCALE

91006.13\LOT221

Key No: 187040(1595)

Street Address: 231 EAST FOX ST.

Description: LOT 221 BOWMAN'S 6th

Owner's Name: McKELVEY, MAINER LEROY & PEARL

Address: 502 East Calvert St.

South Bend, IN 46613

EXHIBIT No. 1