

#1584

GRANT OF PERPETUAL EASEMENT A part of lot 68 as shown on the plat of Bowman's 4th addition to the City of South Bend; beginning at the SE corner of said lot 68; thence westerly along the south line of said lot; 25 feet; thence northeasterly to the northeast corner of said lot 68; thence southerly along the east line of said lot, 42.67 feet to the point of beginning.

9230904

Key # 18-7035-1407

ST. JOSEPH CO. RECORDER  
FILE NO.  
MARIANNE SEACH  
RECORDER

GRANT OF PERPETUAL EASEMENT

AUG 25 11 04 AM '92

DRAINAGE -- BOWMAN CREEK

Transfer 5825  
Taxing Unit of Bend  
Date 8-25-92

This Indenture is made this 5th day of May, 1992, by and between William Vogler, (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 perpetual easement at the location hereinafter set forth for the reconstruction, reinforcement, widening, improvement, operation and maintenance of Bowman Creek, together with the right of ingress to and egress from said easement for the purpose of reconstructing, improving, repairing and maintaining said Bowman Creek and 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, more particularly described as follows:

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A part of lot 68 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 southeast Corner of said lot 68; thence westerly along the south line of said lot, 25.00 feet; thence northeasterly to the northeast corner of said lot 68; thence southerly along the east line of said lot, 42.67 feet to the point of beginning.

The easement rights granted herein shall pertain to the air, surface, and subsurface rights and interests 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 general purpose of this conveyance as the same has hereinabove been expressed. The easement hereby granted is for the benefit of the City of South Bend and expressly includes the right and privilege at reasonable time to clean and remove from said easement timber, brush, debris, structures or other obstructions interfering with the operation of Bowman Creek and the free flow of storm water.

Grantee shall have the right of ingress or egress over Grantor's real estate adjoining said easement when necessary to install, construct, operate, maintain, adjust, replace, repair, alter, remove, or modernize the Bowman Creek improvements.

DULY ENTERED FOR TAXATION  
BEVERLY D. CRONE  
AUDITOR  
ST. JOSEPH CO. INDIANA

Grantee will 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.

Grantor(s) reserve(s) the right to use the surface area of the easement provided that such use does not disrupt or disturb the improvements made by the Grantee. Grantor(s) shall not erect any structure on the easement area or allow any object to be placed thereon that would retard the free flow of storm water.

The easement granted herein and its associated benefits and obligations, shall constitute covenants running with the real estate, and shall be binding upon the Grantor(s) and be an obligation thereof of every person or entity now or hereafter having any fee, leasehold, or other interest in all or any part of the said real estate.

This indenture shall bind and inure to the benefit of the respective successors and assigns of the parties hereto.

Grantor(s) hereby release(s) any and all claims from whatsoever cause, incidental to the exercise of any rights herein granted.

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

GRANTOR(S)

*William Vogler*  
\_\_\_\_\_  
William Vogler

PROPDES/#68

**FILED**

AUG 10 1992

BOARD OF PUBLIC WORKS  
SANDRA M. PARMERLEE, Clerk

STATE OF INDIANA  
COUNTY OF ST. JOSEPH

)  
) SS:  
)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared William Vogler, personally known by me to be the Grantor(s) in the above Grant of Perpetual 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 May, 1992.

Sharon Ann Denko  
(Written Signature)

SHARON ANN DENKO  
(Printed Signature)

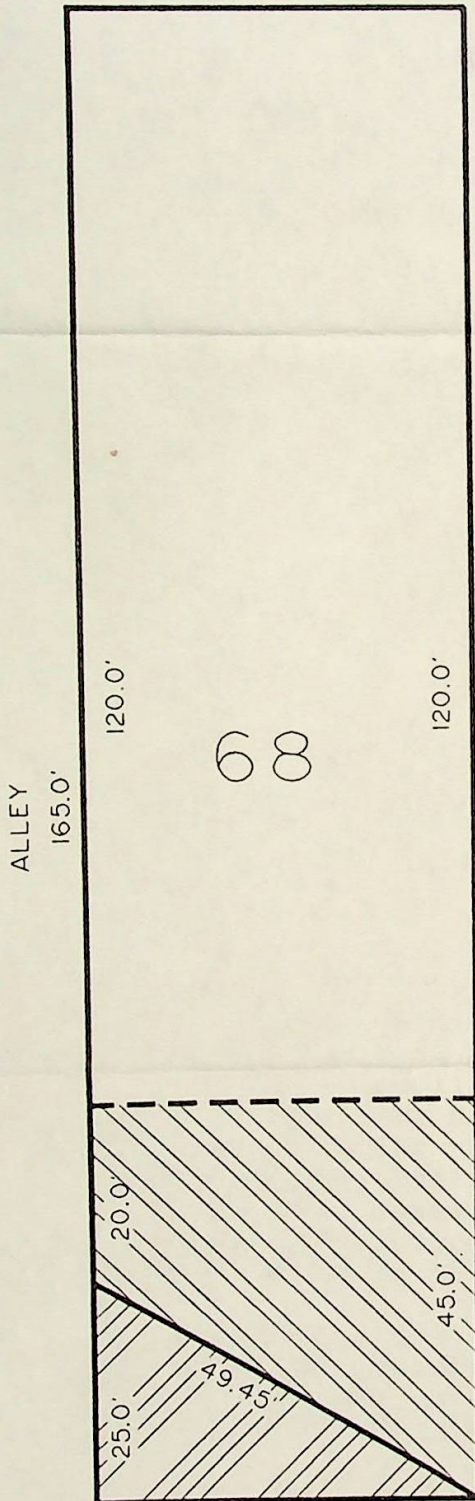
My Commission Expires:

January 25, 1996



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

MICHIGAN ST. 100' R/W  
42.67'



ALLEY  
165.0'

120.0'

68

120.0'

165.0'

20.0'

25.0'

49.45'





45.0'

42.67'

ALLEY

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

### LEGEND

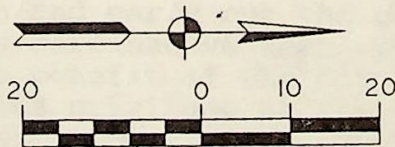
- PERMANENT EASEMENT 
- TEMP. CONST. EASEMENT 
- EXISTING BUILDING 
- ITEM TO BE REMOVED 

### DESCRIPTION OF EASEMENTS

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

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 east lot line as shown for the regrading, realignment and construction of the Bowman Creek Channel.



### GRAPHIC SCALE

Key No: 187035(1407)

Street Address: 2212 S. MICHIGAN ST.

Description: LOT 66 BOWMAN'S 4th

Owner's Name: VOGLER WILLIAM

Address: 2212 S. Michigan St.

South Bend, IN 46613

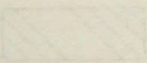

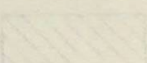

EXHIBIT No. 1

ST. JOHNS  
 FILE NO. **9230904**  
 MARIANNE SEACH  
 RECORDER

**INDEXED**

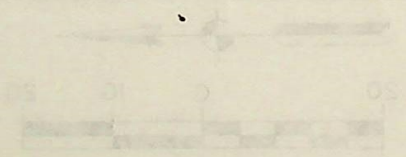
AWSON-FISHER ASSOC  
 525 W. WASHINGTON  
 SOUTH BEND IN 4600  
 AUG 25 11 46 AM '92  
 CO. HENRY, IN  
 ANTIQUA  
 PROJECT 11111 (21) 212 SIX

**LEGEND**

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

**DESCRIPTION OF EASEMENTS**

A permanent easement is shown in red on the plat and the 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 east lot line is shown for the proposed easement one corner of the Bowman Creek Channel.



Key No. 15735407  
 Street Address: 525 S. WICHITA ST.  
 Description: LOT 66 BOWMAN'S ADD.  
 Owner's Name: VOGELER WILLIAM  
 Address: 525 S. WICHITA ST.  
 South Bend IN 46017

EXHIBIT No. 1

