

1585

GRANT OF PERPETUAL EASEMENT A
part of lot 69 as shown on the
plat of Bowman's 4th addition
to the City of South Bend and
part of lot 70 as shown on the
plat of Bowman's 4th addition
to the Ctiy of South Bend.

9230905

ST. JOSEPH CO. RECORDER

FILE NO. MARIANNE BEACH
RECORDER

GRANT OF PERPETUAL EASEMENT

Transfer 5826
Taxing Unit 1/3rd
Date 8-25-92

AUG 25 11 04 AM '92 DRAINAGE -- BOWMAN CREEK

ST. JOSEPH CO.

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 perpetual easements at the locations 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 easements 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:

5

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 a point on the south line of said lot, 40.00 feet west of the southeast corner of said lot 69; thence west along the south line of said lot, 40.00 feet; thence northeasterly to a point on the north line of said lot, 40.00 feet west of the northeast corner of said lot 69; thence east along the north line of said lot, 40.00 feet to the northeast corner of said lot; thence southwesterly 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 a point on the south line of said lot, 80.00 feet west of the southeast corner of said lot 70; thence west along the south line of said lot, 40.00 feet; thence northeasterly to a point on the north line of said lot, 80.00 feet west of the northeast corner of said lot 70; thence east along the north line of said lot, 40.00 feet; thence southwesterly to the point of beginning.

Key No. 187-035-1408
Key No. 187-035-1409

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

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 easements hereby granted are 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 easements when necessary to install, construct, operate, maintain, adjust, replace, repair, alter, remove, or modernize the Bowman Creek improvements.

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 easements 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 easements granted herein and their 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)

DISCOUNT MUFFLER & TIRE, INC.

FILED

AUG 10 1992

BOARD OF PUBLIC WORKS
SANDRA M. PARMERLEE, Clerk

By: Nicholas P. Bruckner
Nicholas P. Bruckner,
President

STATE OF INDIANA

)

) SS:

COUNTY OF ST. JOSEPH

)

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 Perpetual Easement, and acknowledged the execution of the same as his/her/their voluntary act and deed.

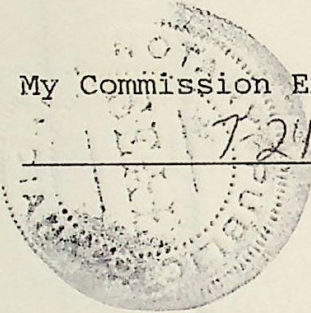
WITNESS my hand and Notarial Seal this 30TH day of JULY, 1992.

Sandra M. Parmelee
(Written Signature)

SANDRA M. PARMERLEE
(Printed Signature)
RESIDENT OF ST. JOSEPH COUNTY

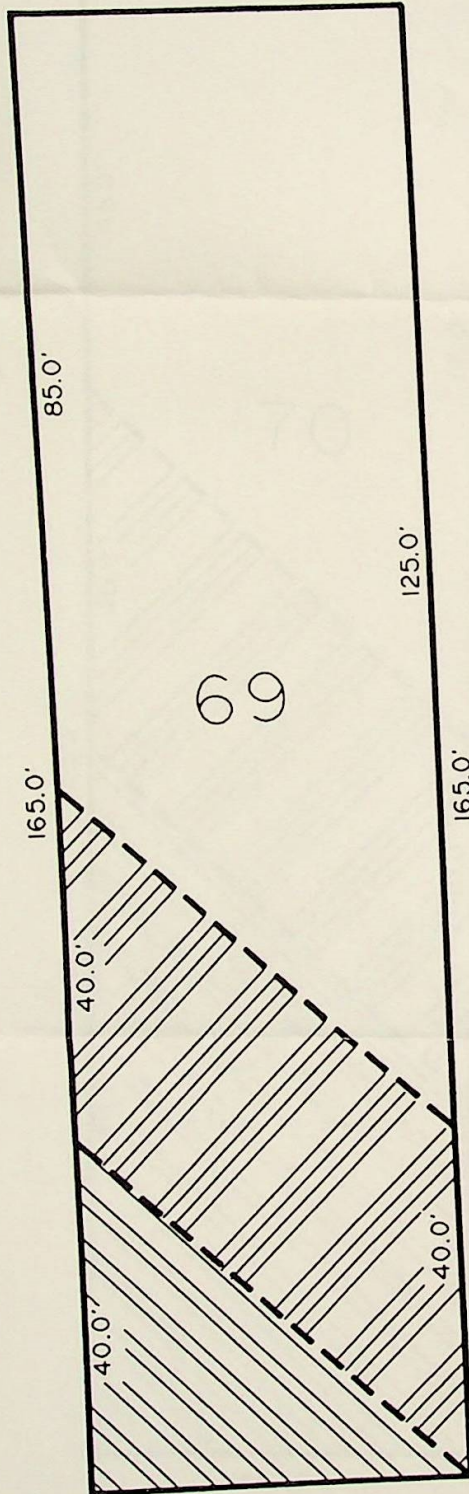
My Commission Expires:

7-24-96





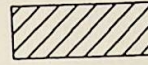

This instrument was prepared by Mary Hall Mueller, Assistant City Attorney, 1400 County-City Building, South Bend, IN 46601.

MICHIGAN ST. 100' R/W
42.67'



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

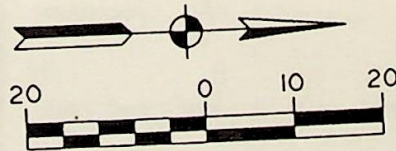
LEGEND

- 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.

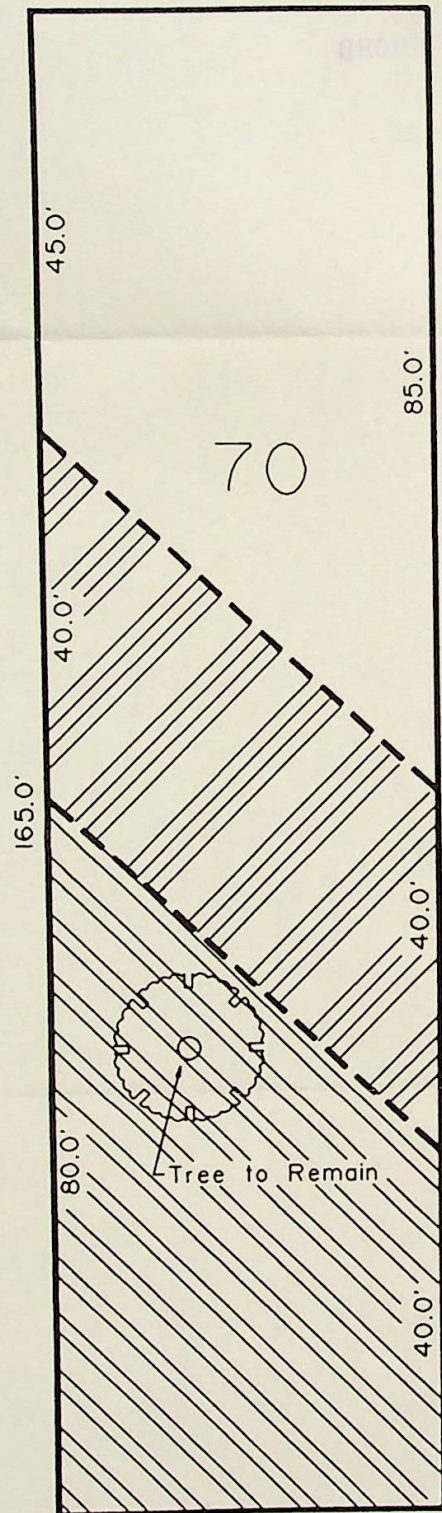


GRAPHIC SCALE

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'



70





Tree to Remain

42.67'
ALLEY

9006.13\LOT70

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

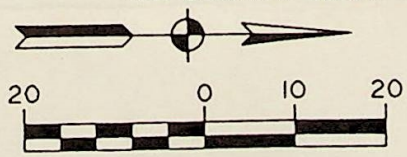
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A temporary construction easement from the permanent easement line to the east lot line as shown for the regrading, realignment and construction of the Bowman Creek Channel.



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

9200005 ORDER
NO. _____
MARIANNE SEACH
RECORDER

INDEXED

AUG 25 11 04 AM '92

ST. JOSEPH CO.
THE CLERK
FILED FOR RECORD

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

THE PARTIES OF PARTIES
A. [Illegible]
B. [Illegible]
C. [Illegible]
D. [Illegible]
E. [Illegible]
F. [Illegible]
G. [Illegible]
H. [Illegible]
I. [Illegible]
J. [Illegible]
K. [Illegible]
L. [Illegible]
M. [Illegible]
N. [Illegible]
O. [Illegible]
P. [Illegible]
Q. [Illegible]
R. [Illegible]
S. [Illegible]
T. [Illegible]
U. [Illegible]
V. [Illegible]
W. [Illegible]
X. [Illegible]
Y. [Illegible]
Z. [Illegible]

EXHIBIT NO. 1
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