

#1586

GRANT OF PERPETUAL EASEMENT A

part of lot 213 as shown on
the plat of Bowman's 6th addition
to the City of South Bend, beginning
at a point on the east line of said
lot, 17.00 feet south of the
northeast corner of said lot
213, thence southerly along
the east line of said lot.

ST. JOSEPH CO. RECORDER
FILE NO. _____
MARSHALL BEACH
RECORDER

9230906

Transfer 5827
Taxing Unit So. Bend
Date 8-25-92

GRANT OF PERPETUAL EASEMENT

AUG 25 11 04 AM '92

DRAINAGE -- BOWMAN CREEK

This Indenture is made this 9th day of June, 1992, by and between Clifford and Edith Keeton, (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:

4

A part of Lot 213 as shown on the plat of Bowman's 6th Addition to the City of South Bend, Indiana recorded July 24, 1902 in Plat Book 8, page 89 in the Office of the Recorder of St. Joseph County, Indiana, described as follows:

Beginning at a point on the east line of said lot, 17.00 feet south of the northeast corner of said Lot 213; thence southerly along the east line of said lot, 16.00 feet; thence westerly parallel with and 33.00 feet south of the north line of said lot, 34.00 feet to the west line of said lot 213; thence northeasterly to the point of beginning.

Key No.187040(1584)

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)

As the widow of

Edith Keeton
Clifford Keeton

Edith Keeton
Edith Keeton

BPW3/#213

FILED

AUG 10 1992

BOARD OF PUBLIC WORKS
SANDRA M. PARMERLEE, Clerk

STATE OF INDIANA)
) SS:
COUNTY OF ST. JOSEPH)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Clifford and Edith Keeton, 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.

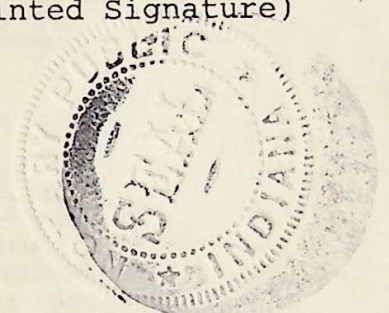
WITNESS my hand and Notarial Seal this 9th day of June, 1992.

Sharon Ann Benko
(Written Signature)

SHARON ANN BENKO
(Printed Signature)

My Commission Expires:

January 25, 1996

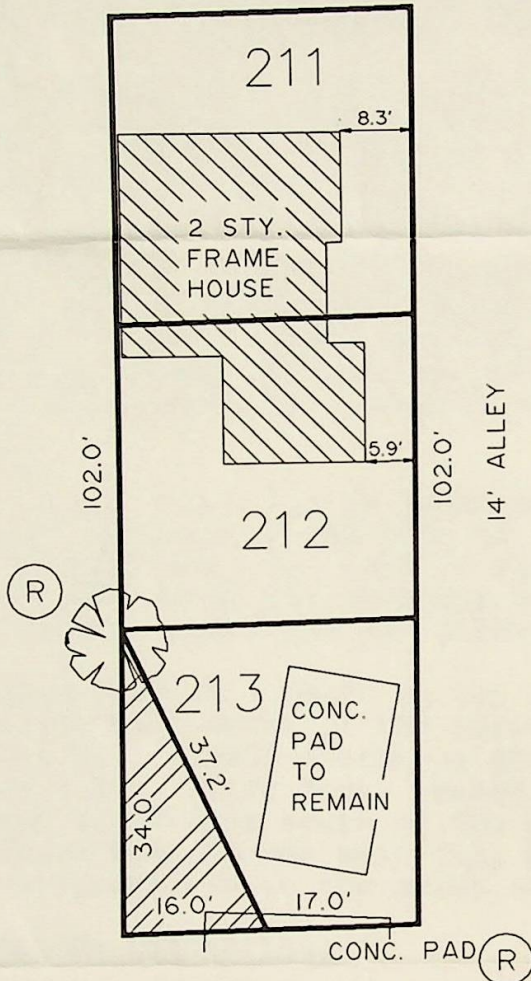


This instrument was prepared by Mary Hall Mueller, Assistant City Attorney, 1400 County-City Building, South Bend, IN 46601.

BPW3/EAS-FORM



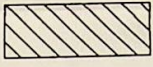

ST. JOSEPH ST. (60' R/W)

33.0'



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 EASEMENT

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.



Key No: 187040(1584)

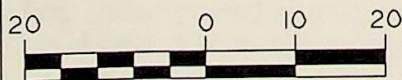
Street Address: 2114 SOUTH ST. JOSEPH ST.

Description: N. 33' Lots, 211, 212 & 213 BOWMANS 6TH

Owner's Name: KEETON, CLIFFORD & EDITH

Address: 2114 S. St. Joseph

South Bend, IN 46613



GRAPHIC SCALE

91006.13\LOT21IN

EXHIBIT No. 1

ST. JOSEPH CO. INDIANA

