

#1587

GRANT OF PERPETUAL EASEMENT a  
part of lot 214 as shown on  
the plat of Bowman's 6th  
addition to the City of South  
Bend; beginning at the  
northeast corner of said lot  
214; thence south along the  
east line of said lot, 47.00  
feet.



9230907

ST. JOSEPH CO. RECORDER  
FILE NO. \_\_\_\_\_  
MARIANN BEACH  
RECORDER

Transfer 5828  
Taxing Unit A. Bond  
Date 8-25-92

GRANT OF PERPETUAL EASEMENT

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

This Indenture is made this 23 day of April, 1992, by and between Donald E. and Vicki Black, (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:

A part of lot 214 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 the northeast corner of said lot 214; thence south along the east line of said lot, 47.00 feet; thence southwesterly to a point on the west line of said lot, 61.00 feet south of the northwest corner of said lot 214; thence north along the west line of said lot, 61.00 feet to the northwest corner of said lot 214; thence east along the north line of said lot, 24.00 feet to the point of beginning.

Key No. 187040(1588)

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

4



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)

Donald E. Black  
Donald E. Black

Vicki Black  
Vicki Black

PROPDES/#214

**FILED**

AUG 10 1992

BOARD OF PUBLIC WORKS  
SANDRA M. PARMERLEE, Clerk

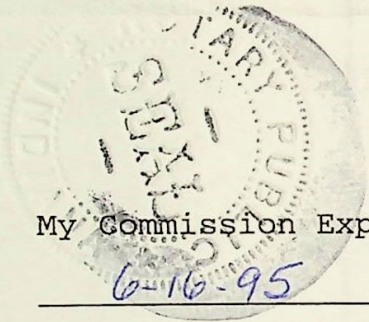


STATE OF INDIANA  
COUNTY OF ST. JOSEPH

)  
) SS:  
)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Donald E. and Vicki Black, 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 23 day of April, 1992.



Theresa E. Hein  
(Written Signature)

THERESA E. HEIN  
(Printed Signature)

My Commission Expires:

6-16-95

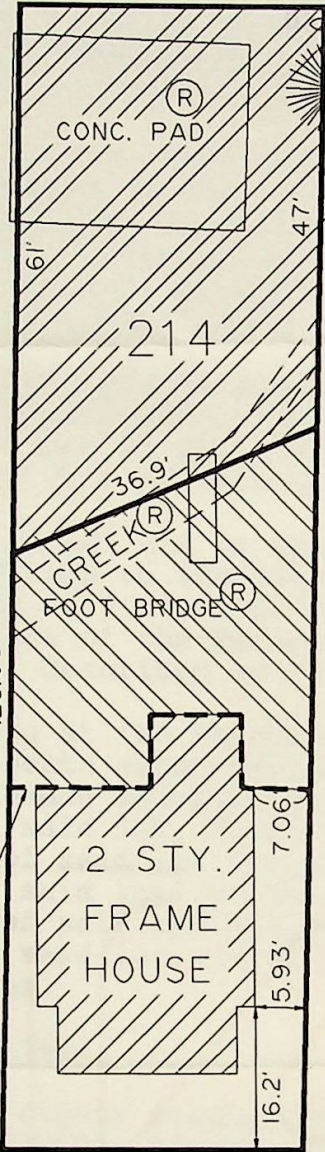
This instrument was prepared by Mary Hall Mueller, Assistant City Attorney, 1400 County-City Building, South Bend, IN 46601.



700055

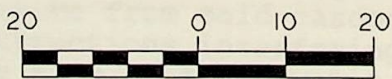
14' ALLEY

34.0'



South limit of Temp. Const.

34.0'  
FOX STREET (60' R/W)



GRAPHIC SCALE

91006.13\LOT214

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.

Key No: 187040(1588)

Street Address: 211 EAST FOX ST.

Description: LOT 214 BOWMANS 6th.

Owner's Name: BLACK, DONALD E. & VICKI

Address: P.O. BOX 172

South Bend, IN 46624

EXHIBIT No. 1



9230907  
MARIANN SEACH  
RECORDER

Aug 25 11 04 AM '92

ST. JOSEPH CO.  
INDIANA  
FILED FOR RECORD

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

DESCRIPTION OF EASEMENTS  
A permanent easement of flow  
is granted for the water and  
sewerage at the following  
points for flow in case  
this easement over such  
crossed the east of  
any structure that would reduce  
the flow of storm water.  
A temporary construction easement  
is granted from the permanent easement  
to the center of the  
road of street.

Key to lot numbers  
East side of East Fox St.  
Section 10 24 FORWARD EM.  
Owner's name BLACK DONALD E & WIFE  
Address R.D. BOX 123  
South Side of 4422A

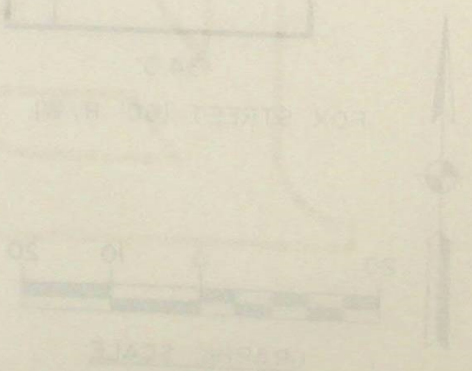
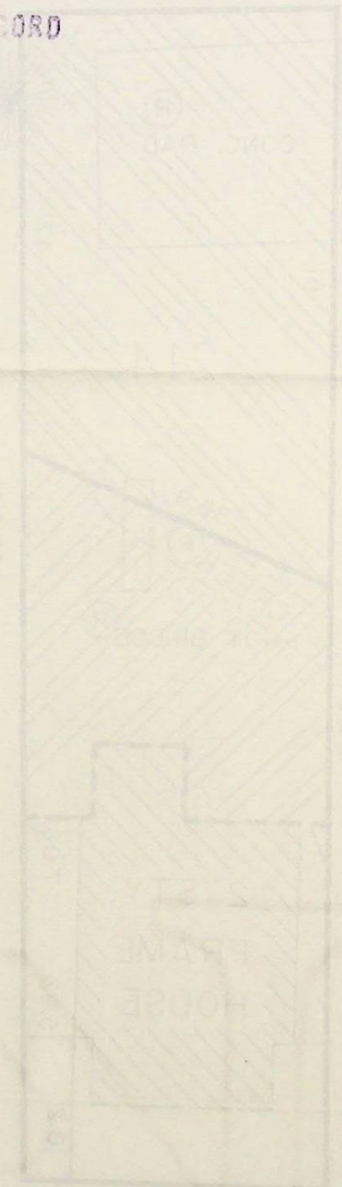


EXHIBIT No. 1