

#1588

GRANT OF PERPETUAL EASEMENT A
part of lot 215 as shown on
the plat of Bowman's 6th
addition to the City of South
Bend, beginning at the
northeast corner of said lot
215.

9230908

ST. JOSEPH CO. RECORDER
FILE NO. _____
MARIANNE SEATH
RECORDER

Transfer 5829
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 8th day of May, 1992, by and between Betty Carter, (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 215 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 215; thence south along the east line of said lot 215, 42.00 feet; thence southwesterly to a point on the west line of said lot, 47.00 feet south of the northwest corner of said lot 215; thence north along the west line of said lot, 47.00 feet to the northwest corner of said lot 215; thence east along the north line of said lot, 34.00 feet to the point of beginning.

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

Key No. 187040(1589)

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.

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.

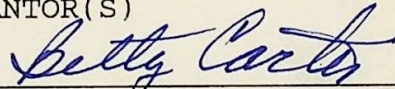
The easement granted herein and its associated benefits and obligations, shall constitute covenants running with the real estate, and shall be binding upon the Grantor(s) and be an obligation thereof of every person or entity now or hereafter having any fee, leasehold, or other interest in all or any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



Betty Carter

PROPDES/#215

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 Betty Carter, 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.

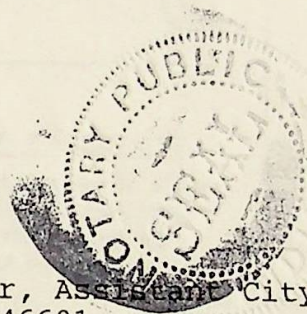
WITNESS my hand and Notarial Seal this 8th day of May, 1992.

Sharon Ann Benko
(Written Signature)

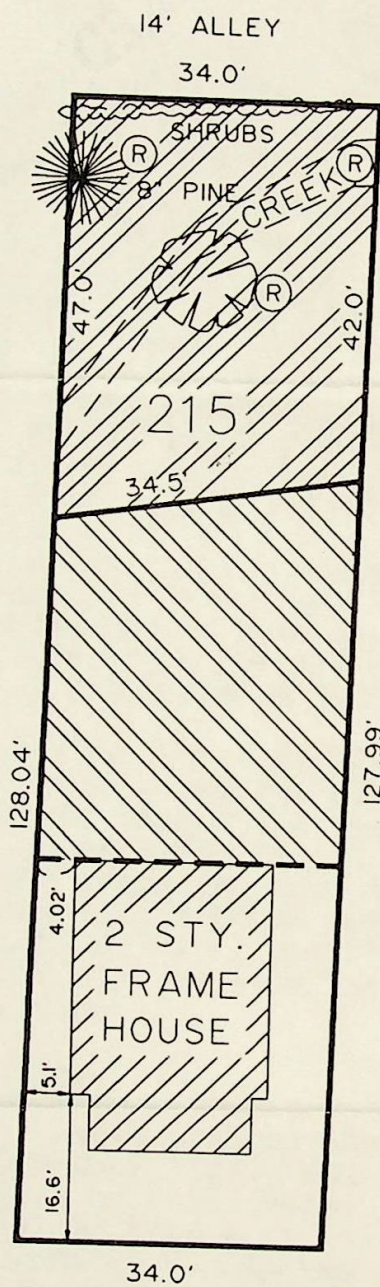
Sharon Ann Benko
(Printed Signature)

My Commission Expires:

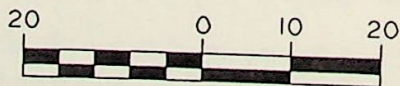
January 25, 1996



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



FOX STREET (60' R/W)



GRAPHIC SCALE

90006.I3\LOT215

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 permanent easement line south to the face of house as shown.

Key No: 187040(1589)

Street Address: 213 EAST FOX ST.

Description: LOT 215 BOWMAN'S 6th

Owner's Name: CARTER, BETTY

Address: 2114 S. St. Joseph

South Bend, IN 46613

EXHIBIT No. 1

ST. JOHNS 9230908

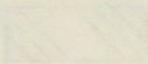
FILE NO. _____
MARIANNE SEACH
RECORDER

Aug 25 11 04 AM '92

ST. JOHNS CO.
INDIANA
FILED FOR RECORD

INDEXED

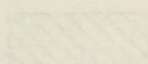
WILSON-FISHER ASSOC
WASHINGTON
BAND B-4888
ON 12-22-92



PERMANENT



EASTERN



TEMPORARY



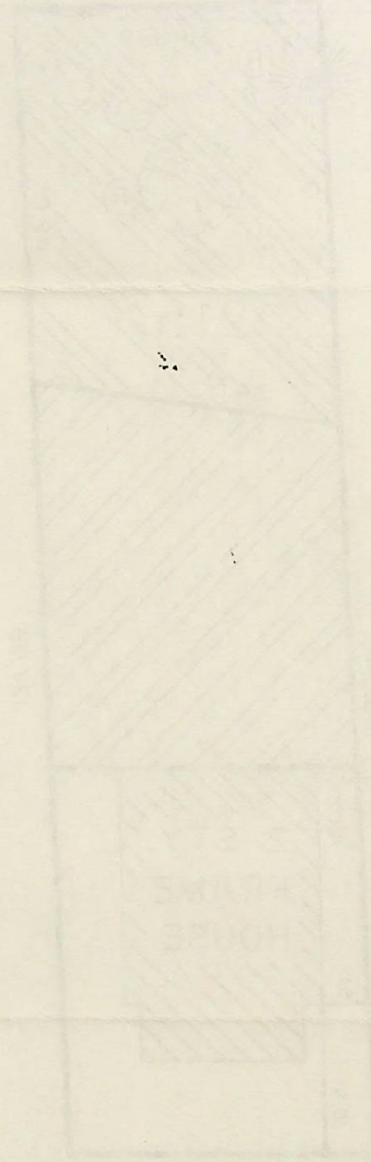
EXISTING

PLUMBING

ITEM TO BE

REMOVED

DESCRIPTION OF WORK
A permanent easement is shown
along the western and
southern boundaries of the property
shown on the plan. The
easement is for the purpose of
installing and maintaining
water mains and sewer lines
along the western and southern
boundaries of the property.
The easement is shown as
a hatched area on the plan.
The easement is for the purpose
of installing and maintaining
water mains and sewer lines
along the western and southern
boundaries of the property.
The easement is shown as
a hatched area on the plan.



37'00"
57'00"

KEY NO. 12345678
Street Address: 12345678
Description: LOT 25 BARRON'S SUB
Owner's Name: CAROL DEWITT
Address: 12345678
Date: 8/25/92



GRAPHIC SCALE

EXHIBIT No. 1