

1643

GRANT OF TEMPORARY EASEMENT A
parcel of land located being a
part of the southeast quarter
of section 5, township 37
north, range 3 east and also
being a part of lot 298;
commencing at the northwest
corner of said lot 298,
McKinley Terrance Addition.

GRANT OF TEMPORARY EASEMENT

SANITARY SEWER - CORBY STREET LIFT STATION

THIS INDENTURE is made this 4th day of August, 1993, by and between James and Nancy Jane Mitchem (hereinafter "Grantors"), and the Civil City of South Bend, Indiana (hereinafter "Grantee").

For and in consideration of the Grantee's agreement to reconstruct and improve a sanitary sewer and lift station, located on or adjacent to Grantors' real estate, Grantors hereby grant and convey to Grantee a temporary easement at the location hereinafter set forth and described to allow for the installation, construction and improvement of a sanitary sewer and related facilities, together with the right of ingress to and egress from said easement for the purpose of installing, constructing and improving said sanitary sewer or 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, described as follows:

A parcel of land located being a part of the Southeast Quarter (SE $\frac{1}{4}$) of Section Five (05), Township Thirty-Seven (37) North, Range Three (03) East and also being a part of Lot No. 298 as shown on the recorded Plat of McKinley Terrace Addition as recorded in Plat Book 18, Pg. Mc in the Office of the Recorder of St. Joseph County and also as described in Warranty Deed, Book 676, Page 628 - dated May 31, 1966 as conveyed to James Mitchem and Nancy Jane Mitchem, husband and wife; and all being in the City of South Bend, Portage Township, St. Joseph County, Indiana and more particularly described as follows:

Commencing at the northwest corner of said Lot No. 298, McKinley Terrace Addition, as recorded in Plat Book 18, Page Mc; thence East, along the north line of said Lot No. 298 and also being along the south right-of-way of a public street now known as Corby Street, a distance of 33.0 feet to the Point of Beginning of this description; thence continuing East, along said south right-of-way line of Corby Street and also along said north line of Lot No. 298, a distance of 10.0 feet; thence Southwesterly a distance of 59.4 feet, more or less, to a point on the west line of said Lot No. 298, said point being 41.0 feet south of and measured along the west line of said Lot No. 298 from the northwest corner of said Lot No. 298; thence North along the west line of said Lot No. 298, a distance of 10.0 feet; thence Northeasterly a distance of 45.3 feet, more or less, to the Point of Beginning of this description and containing 370 square feet more or less. Said easement

being for the purpose of installing a sanitary sewer and being subject to release upon completion of construction. Key No. 18-5178-6787.

The easement rights granted herein shall pertain to the air, surface, and subsurface rights and interest of the Grantors, 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 construction of the sanitary sewer. The easement hereby granted is for the benefit of the City of South Bend, Indiana, and expressly includes the right and privilege to clean and remove from said easement such timber, brush, debris, or other obstructions interfering with Grantee's construction and improvement of the sanitary sewer.

Grantee shall have the right of ingress or egress over Grantors' real estate adjoining said easement to facilitate the installation, construction, and improvement of the sanitary sewer and related facilities.

Grantee agrees to restore the area disturbed by its work to a condition as good or better than the original condition consistent with the installation of the sanitary sewer.

The Grantors reserve the right to use and occupy the surface area on and over the temporary easement during the period of construction provided that said use and occupancy does not in any way conflict or obstruct the Grantee's right to use said surface for the purposes and intentions hereinabove expressed.

The rights granted by this indenture shall terminate upon Grantee's completion of the Corby Street sewer and lift station property, but in no case later than December 31, 1994.

IN WITNESS WHEREOF, said Grantors have executed this Grant of Temporary Easement on the date shown in the acknowledgment set forth herein.

GRANTORS:

James Mitchem
James Mitchem

Nancy Jane Mitchem
Nancy Jane Mitchem

APPROVED
BOARD OF PUBLIC WORKS

AUG 9 - 1993

John D. Hoffmann
John R. Hoffmann
M. J. Hoffmann

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

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared James and Nancy Jane Mitchem, personally known by me to be the Grantors in the above Grant of Temporary Easement, and acknowledged the execution of the same as their voluntary act and deed.

WITNESS my hand and Notarial Seal this 4th day of August, 1993.

Joyce E Davis
(Written Signature)

Resident of _____ County

(Printed Signature)

My Commission Expires:

JOYCE E DAVIS
NOTARY PUBLIC STATE OF INDIANA
ST. JOSEPH COUNTY
MY COMMISSION EXP JAN. 22, 1997

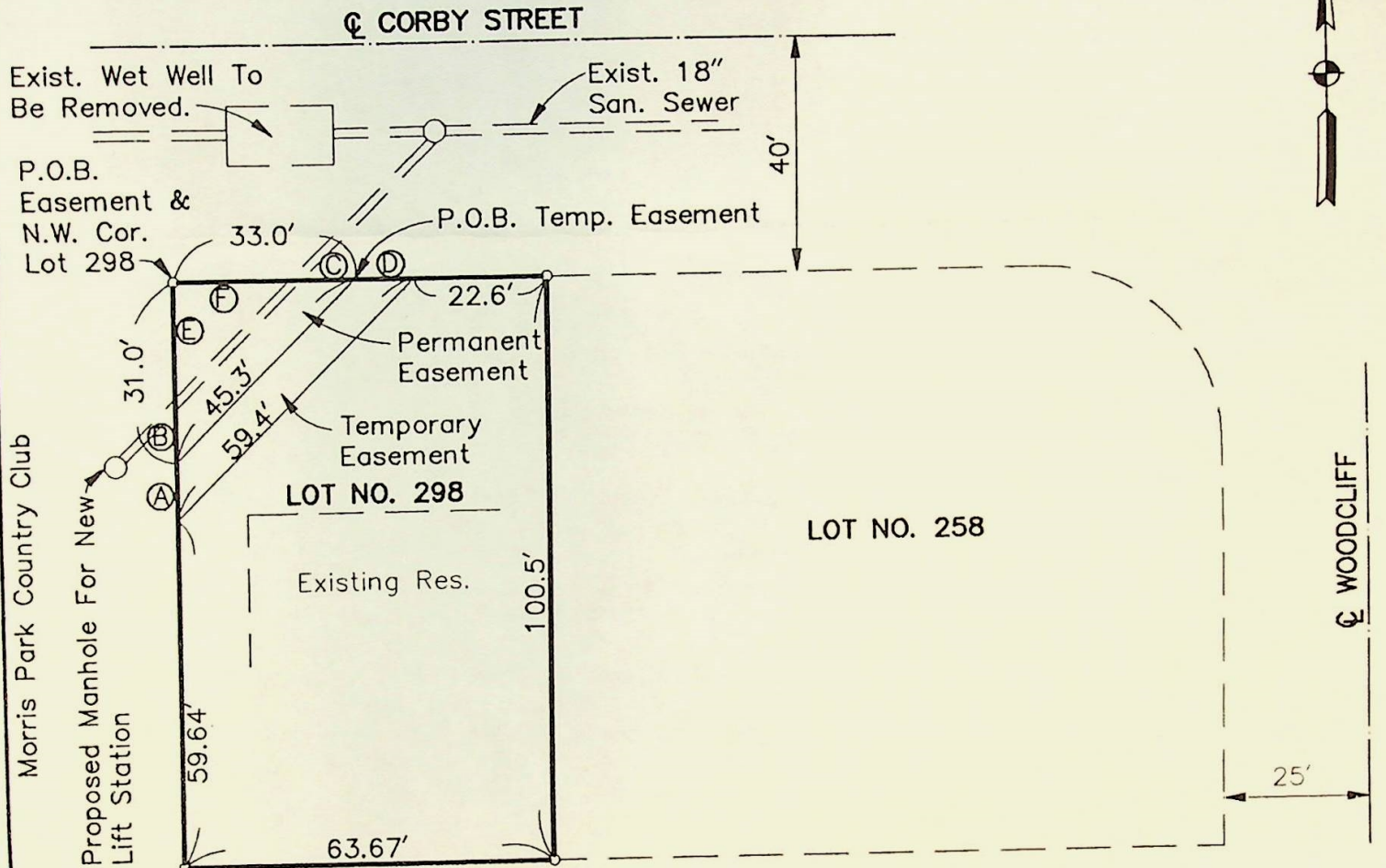
This instrument was prepared by Mary Hall Mueller, Assistant City Attorney, 1400 County-City Building, South Bend, IN 46601.

OWNER: James & Nancy Mitchem

SHEET 1 OF 2
DRAWN BY: J.W.F.
DATE: 6-12-93
CHECKED BY: A.HOLT
DATE: 6-14-93
SCALE: 1"=30'

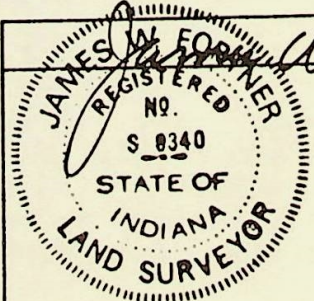
PARCEL NO.
PROJECT NO.
ROAD NO. Corby Street
COUNTY: St. Joseph
SECTION: 5
TOWNSHIP: 37 North
RANGE: 3 East

DEED RECORD: 676 PAGE: 628 DATED: 5-31-66
Lot 298 - Recorded Plat Of McKinley Terrace Adn.
Plat Book 18, Pg. MC



- Ⓐ 10.0'
- Ⓑ 10.0'
- Ⓒ 10.0'
- Ⓓ 10.0'
- Ⓔ 21.0'
- Ⓕ 23.0'

Area Of Permanent Easement = 511.5 Ft²
 Area Of Temporary Easement = 370 Ft²



DATE: 6/15/93

LAND PLAT
BY
COLE ASSOCIATES

2211 E. JEFFERSON BLVD. SOUTH BEND, INDIANA