

#1648

PERPETUAL EASEMENT

DRAINAGE - BOWMAN CREEK

LOT 220 & 219

BOWMAN CREEK

Hold - End of Sub-Books

Transfer 10124
Taxing Unit 1B
Date 10-5-93

4

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

9340643

GRANT OF PERPETUAL EASEMENT

OCT 5 3 12 PM '93

DRAINAGE -- BOWMAN CREEK

ST. JOSEPH CO.

This Indenture is made this 5th day of MAY, 1992, by and between Dennis D. Green (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 220 and lot 219 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:

A strip of land 42.00 feet in length, north and south, taken off of and from the entire north end of said lot 220 and the east 1.00 foot of said lot 219.

Key No. 187040(1594)

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.

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

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)

Dennis D. Green
Dennis D. Green

PROPDES/#220

FILED

AUG 10 1992

BOARD OF PUBLIC WORKS
SANDRA M. PARMERLEE, Clerk

COURT CLERK
BEVERLY D. CRONE
AUDITOR
ST. JOSEPH CO. INDIANA

STATE OF INDIANA

)

) SS:

COUNTY OF ST. JOSEPH

)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Dennis D. Green, 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 5th 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.






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

BPW3/EAS-FORM

1130188

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

LEGEND

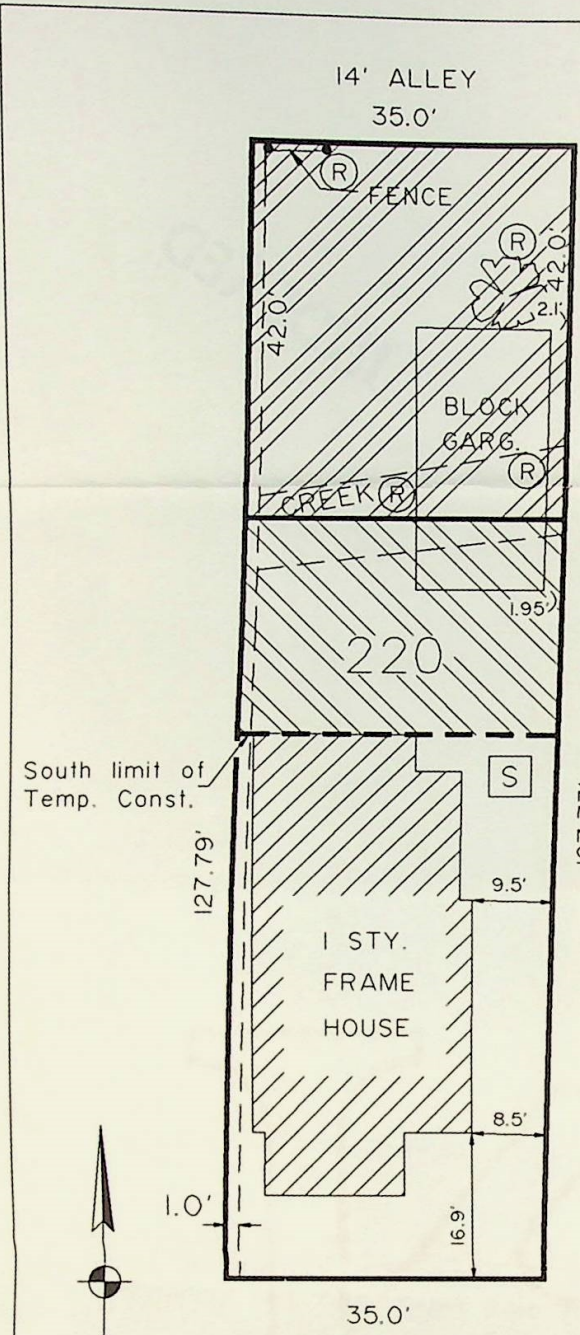
- PERMANENT EASEMENT 
- TEMP. CONST. EASEMENT 
- EXISTING BUILDING 
- ITEM TO BE REMOVED 
- SHED TO BE INSTALLED 

DESCRIPTION OF EASEMENTS

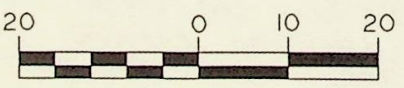
A permanent easement as shown hereon for the installation and maintenance of the improved channel for Bowman Creek.

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.



South limit of Temp. Const.



GRAPHIC SCALE

91006.13\LOT220

FOX STREET (60' R/W)

Key No: 187040(1594)

Street Address: 227 EAST FOX ST.

Description: LOT 220 & E. 1' LOT 219 BOWMAN 6th

Owner's Name: GREEN, DENNIS D.

Address: 1101 Champeau

South Bend, IN 46617

EXHIBIT No. 1

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

9340643

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ST. JOSEPH CO.
FILED FOR RECORD

INDEXED

LEGEND

PERMANENT EASEMENT

TEMP. EASEMENT

EXISTING BUILDING

ITEM TO BE REMOVED

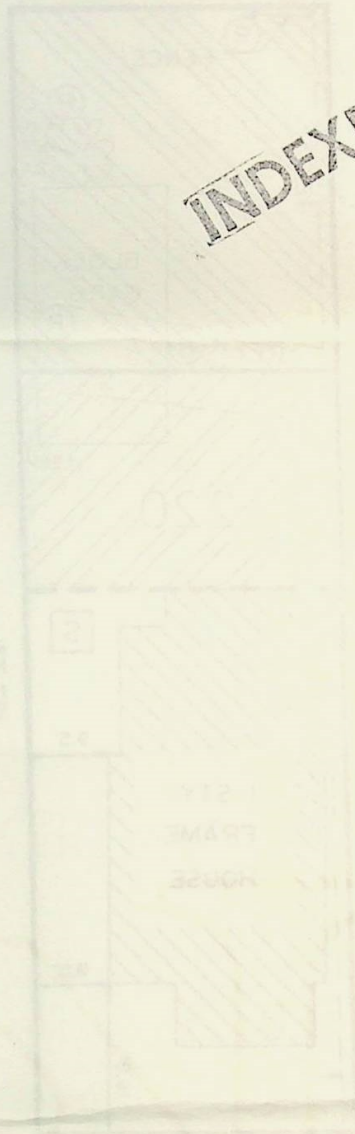
ITEM TO BE INSTALLED

DESCRIPTION OF EASEMENTS

A permanent easement is shown herein for the installation and maintenance of the improved channel for Bowman Creek.

This easement was sold as authorized per and plan of any structure that would affect the free flow of water.

A proposed construction area is shown south of the top of



STREET (S. BOWMAN CR.)

Lot No. 250 R 2 E

Section 25, T. 25 N. R. 2 E. LOT 25 BOWMAN CR.

Owner's Name: GREEN BEANS

Address: 201 Champion

South Bend, IN 46711



EXHIBIT No. 1

GRAPHIC SCALE

ONLY ENTERED FOR REVISION

BEVERLY D. BRONE
AUDITOR
ST. JOSEPH CO. INDIANA

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