

# 1650

PERPETUAL EASEMENT  
DRAINAGE-BOWMAN CREEK

LOT 221 BOWMAN'S 6TH ADD.

Hold: *Grantee Subverts*

ST. JOSEPH CO. RECORDER  
FILE NO. \_\_\_\_\_  
MARIANNE SEACH  
RECORDER

9340644

Transfer 10122  
Taxing Unit AB  
Date 10-5-93

GRANT OF PERPETUAL EASEMENT

OCT 5 3 12 PM '93 DRAINAGE -- BOWMAN CREEK

ST. JOSEPH CO.

This Indenture is made this 8th day of June, 1992, by and between Jack A. and Betty K. McKelvey, sole remaining heirs to the estate of Mainier Leroy and Pearl McKelvey, deceased, (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 221 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 221.

Key No. 187040(1595)

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)

Jack A. McKelvey  
Jack A. McKelvey

Betty K. McKelvey  
Betty K. McKelvey  
Sole remaining heirs to the estate  
of Mainier Leroy and Pearl  
McKelvey, deceased

PROPDES/#221

**FILED**

AUG 10 1992

BOARD OF PUBLIC WORKS  
SANDRA M. PARMERLEE, Clerk

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

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

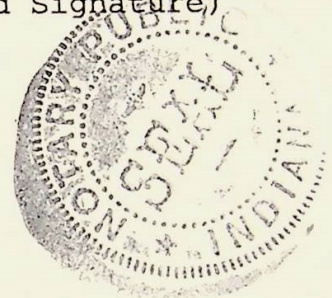
Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Jack A. and Betty K. McKelvey, personally known by me to be the Grantor(s) in the above Grant of Perpetual Easement, and acknowledged the execution of the same as his/her/their voluntary act and deed.

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

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

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

LEGEND

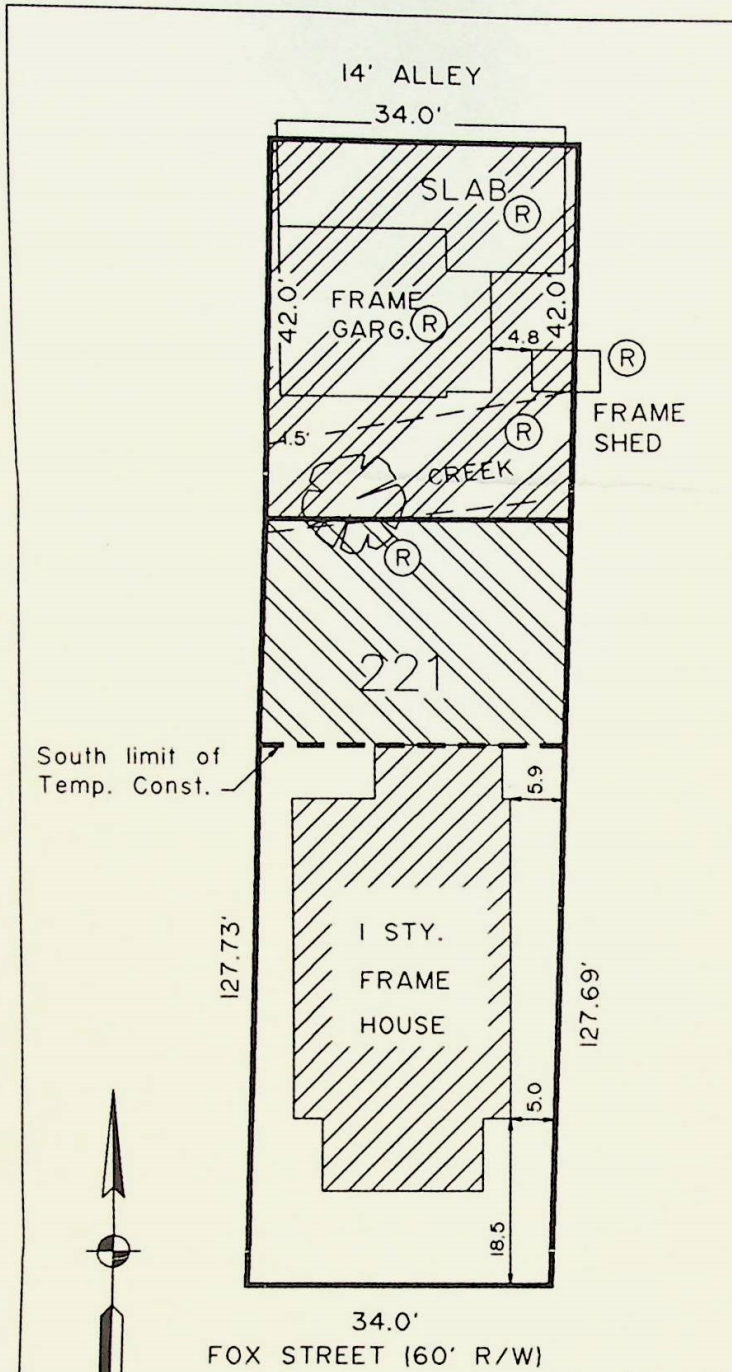
- PERMANENT EASEMENT 
- TEMP. CONST. EASEMENT 
- EXISTING BUILDING 
- ITEM TO BE REMOVED 

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.



South limit of Temp. Const.



GRAPHIC SCALE

91006.13\LOT221

Key No: 187040(1595)

Street Address: 231 EAST FOX ST.

Description: LOT 221 BOWMAN'S 6th

Owner's Name: McKELVEY, MAINER LEROY & PEARL

Address: 502 East Calvert St.

South Bend, IN 46613

EXHIBIT No. 1

RECORDED IN TOWNSHIP  
OF ELK HARBOR  
COUNTY INDIANA  
BY JOSEPH CO INDIANA

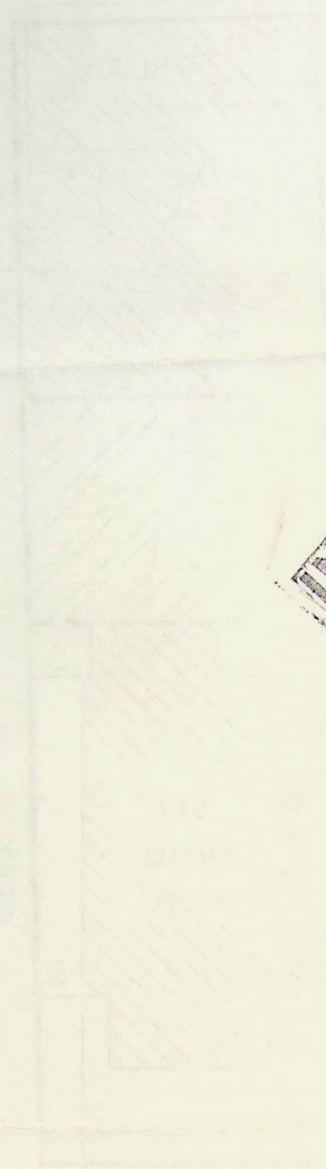
9340644

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

OCT 5 3 12 PM '93

ST. JOSEPH CO.  
IN  
FILED FOR RECORD

REMOVED  
ITEM OF CITY  
REMOVED



INDEXED

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121