

# 1651

PERPETUAL EASEMENT  
DRAINAGE - BOWMAN CREEK  
LOT 219 - BOWMAN'S 6TH ADD.

*Field Board of works*

9344018

Transfer 10795  
Taxing Unit SLB  
10-27-93

GRANT OF PERPETUAL EASEMENT

DRAINAGE -- BOWMAN CREEK

4

This Indenture is made this 17th day of May, 1992, by and between David C. and Joan Whitaker (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 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 219, excepting therefrom the east 1.00 foot.

Key No. 187040(1593)

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

RECORDED  
JUL 27 11 00 AM 1993

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.

**FILED**

AUG 10 1992

BOARD OF PUBLIC WORKS  
SANDRA M. PARMERLEE, Clerk

GRANTOR(S)

*David C. Whitaker*  
\_\_\_\_\_  
David C. Whitaker

*Joan Whitaker*  
\_\_\_\_\_  
Joan Whitaker

PROPDES/#219

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

STATE OF INDIANA  
COUNTY OF ST. JOSEPH

)  
) SS:  
)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared David C. and Joan Whitaker, 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 7th day of May, 1992.

*Sharon Ann Benko*  
(Written Signature)

Sharon Ann Benko  
(Printed Signature)

My Commission Expires:

January 25, 1996

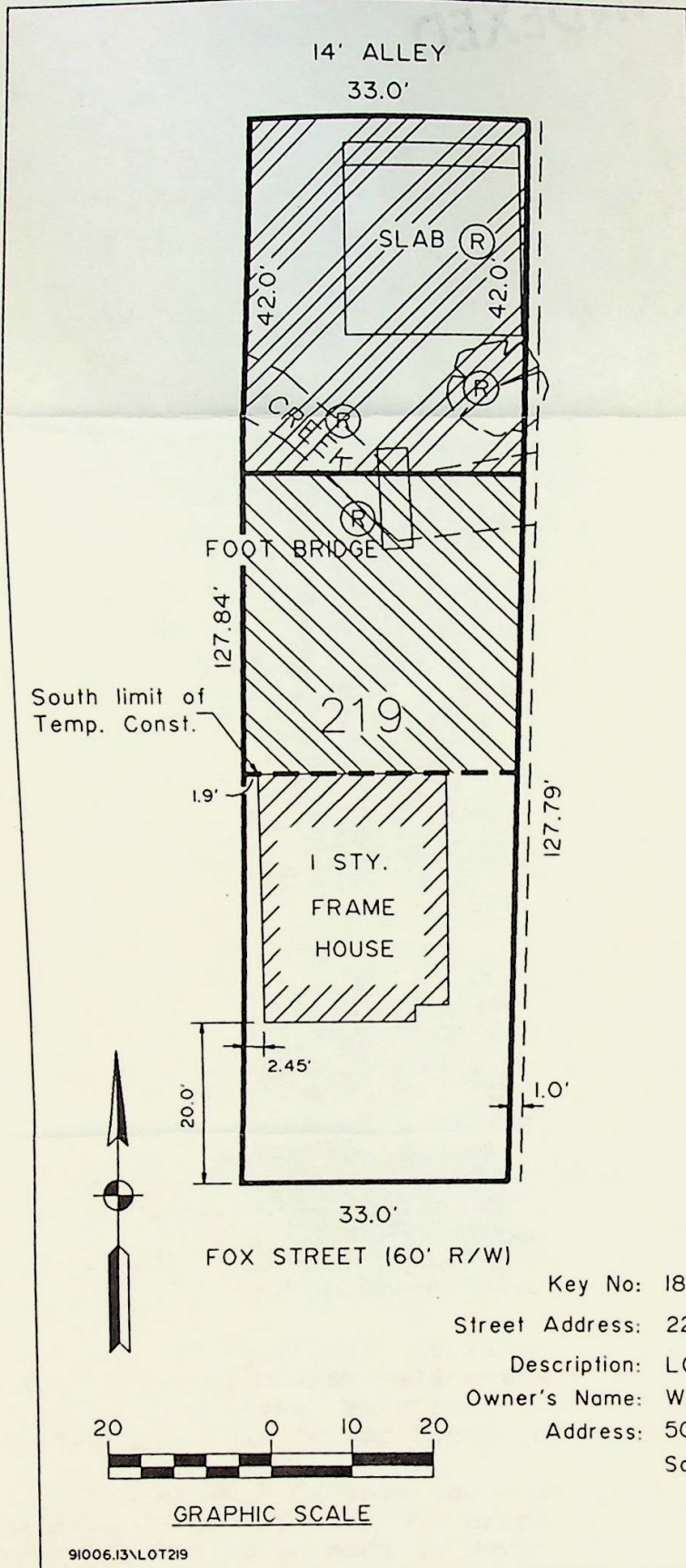


This instrument was prepared by Mary Hall Mueller, Assistant City Attorney, 1400 County-City Building, South Bend, IN 46601.

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

BPW3/EAS-FORM

210188



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

**LEGEND**

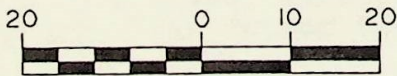
PERMANENT EASEMENT	
TEMP. CONST. EASEMENT	
EXISTING BUILDING	
ITEM TO BE REMOVED	(R)

**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.



GRAPHIC SCALE

91006.I3\LOT219

Key No: 187040(1593)  
 Street Address: 225 EAST FOX ST.  
 Description: LOT 219 EXCEPT E. 1' BOWMAN 6th  
 Owner's Name: WHITAKER DAVID C & JOAN  
 Address: 502 E. Calvert Street  
 South Bend, IN 46613

**EXHIBIT No. 1**

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

STANDARD RECORDS  
FILM NO. \_\_\_\_\_  
MAY 1981 SEARCH  
ORDER

9344018

Oct 27 11 00 AM '93

INDEXED