

1654

PERPETUAL EASEMENT
SANITARY SEWER LIFT STATION
COLBY ST.

~~Hold~~ Board of Works

Transfer 10798
Taxing Unit SB
Date 10-27-93

9344021

GRANT OF PERPETUAL 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 perpetual easement as the location hereinafter set forth for the construction, reconstruction, improvement, operation and maintenance of a sanitary sewer, together with the right of ingress to and egress from said easement for the purpose of constructing, reconstructing, improving, repairing and maintaining said sanitary sewer 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 parcel of land located being a part of the Southeast Quarter (SE 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; all being in the City of South Bend, Portage Township, St. Joseph County, Indiana and more particularly described as follows:

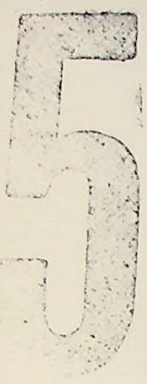
Beginning at the northwest corner of said Lot No. 298, McKinley Terrace Addition, as recorded in Plat Book 18, Page Mc; thence East, along the north line of said Lot No. 298 and also being along the south right-of-way of a public street now known as Corby Street, a distance of 33.0 feet; thence Southwesterly 45.3 feet to a point on the west line of said Lot No. 298 and also being 31.0 feet south of, measured along said west line of Lot No. 298, from the northwest corner of said Lot No. 298; then North, along said west line of Lot No. 298, a distance of 31.0 feet to the Point of Beginning and

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

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FILE NO.
RECORDED



containing 511.5 sq. ft., more or less. Said easement being for the purpose of installing, operating and maintaining a sanitary sewer.

Key No. 18-5178-6787

The easement rights granted herein shall pertain to the air, surface, and subsurface rights and interests 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 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 times to clean and remove from said easement timber, brush, debris, structures or other obstructions interfering with the operation or maintenance of the sanitary sewer.

Grantee shall have the right of ingress or egress over Grantors' real estate adjoining said easement when necessary to install, construct, operate, maintain, adjust, replace, repair, alter, remove, or modernize the sanitary sewer facilities.

Grantee will 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.

Grantors reserve 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. Grantors shall not erect any structure on the easement area or allow any object to be placed thereon that would interfere with the operation and maintenance of the sanitary sewer.

The easement granted herein and its associated benefits and obligations, shall constitute covenants running with the real estate, and shall be binding upon the Grantors 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.

Grantors hereby release any and all claims from whatsoever cause, incidental to the exercise of any rights herein granted.

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AUDITOR
ST. JOSEPH CO. INDIANA

IN WITNESS WHEREOF, the said Grantors have executed this Grant of Perpetual 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

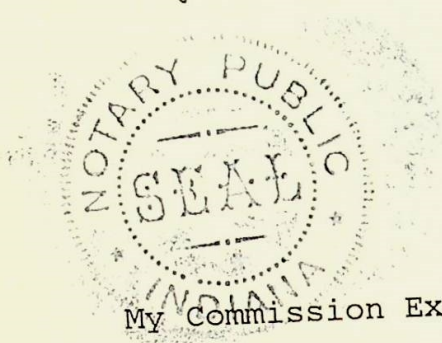
John P. Applegate
John P. Applegate

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 James and Nancy Jane Mitchem, personally known by me to be the Grantors in the above Grant of Perpetual 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)

(Printed Signature)

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.

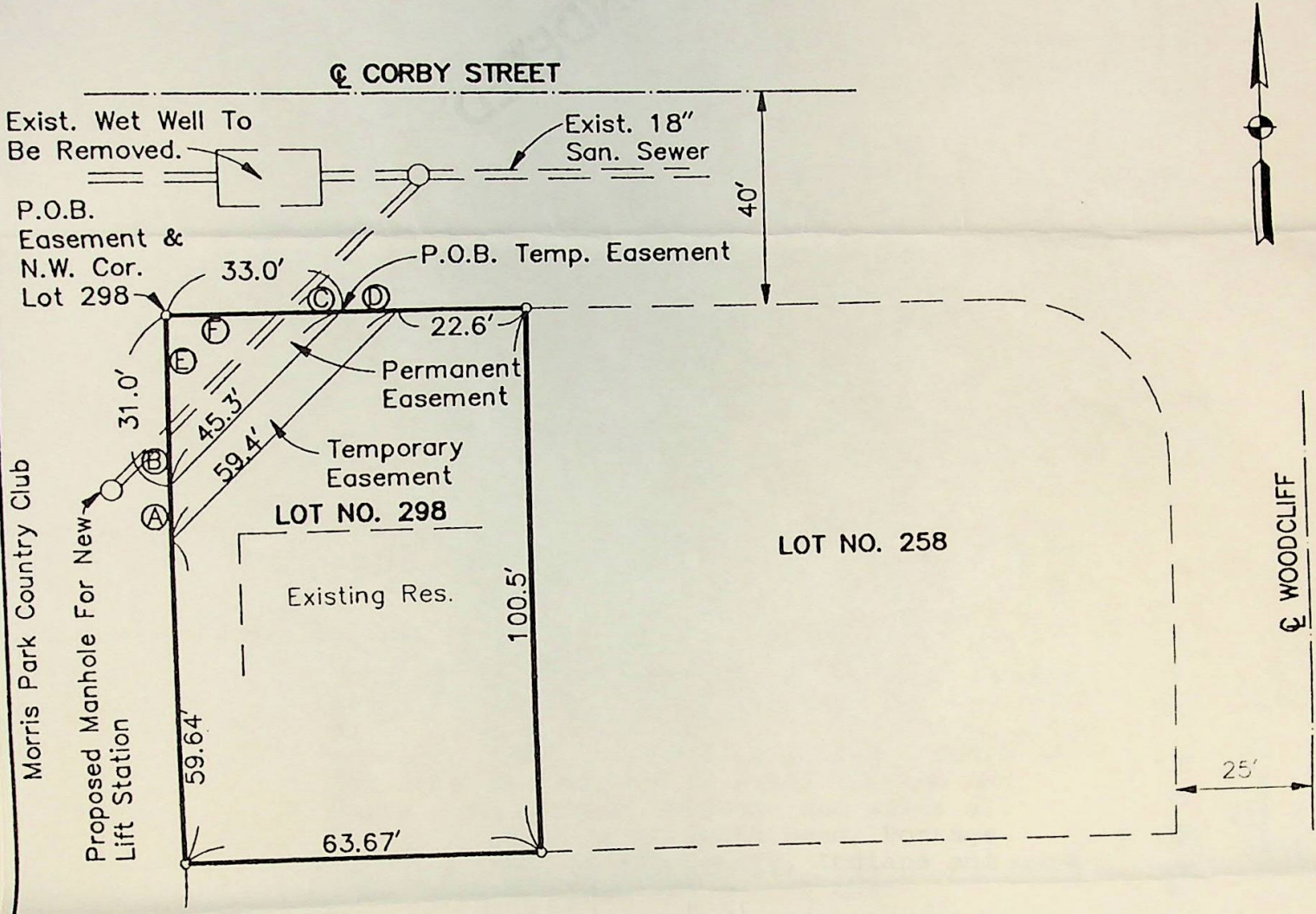
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BEVERLY G. CRONE
AUDITOR
ST. JOSEPH CO. INDIANA

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'

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

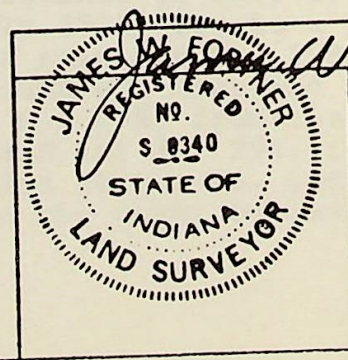
DEED RECORD: 676 PAGE: 628 DATED: 5-31-66
Lot 298 - Recorded Plat Of McKinley Terrace Addn.
Plat Book 18, Pg. MC



- Ⓐ 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

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



DATE: 6/15/93

LAND PLAT
 BY
 COLE ASSOCIATES
 2211 E. JEFFERSON BLVD. SOUTH BEND, INDIANA

9344021

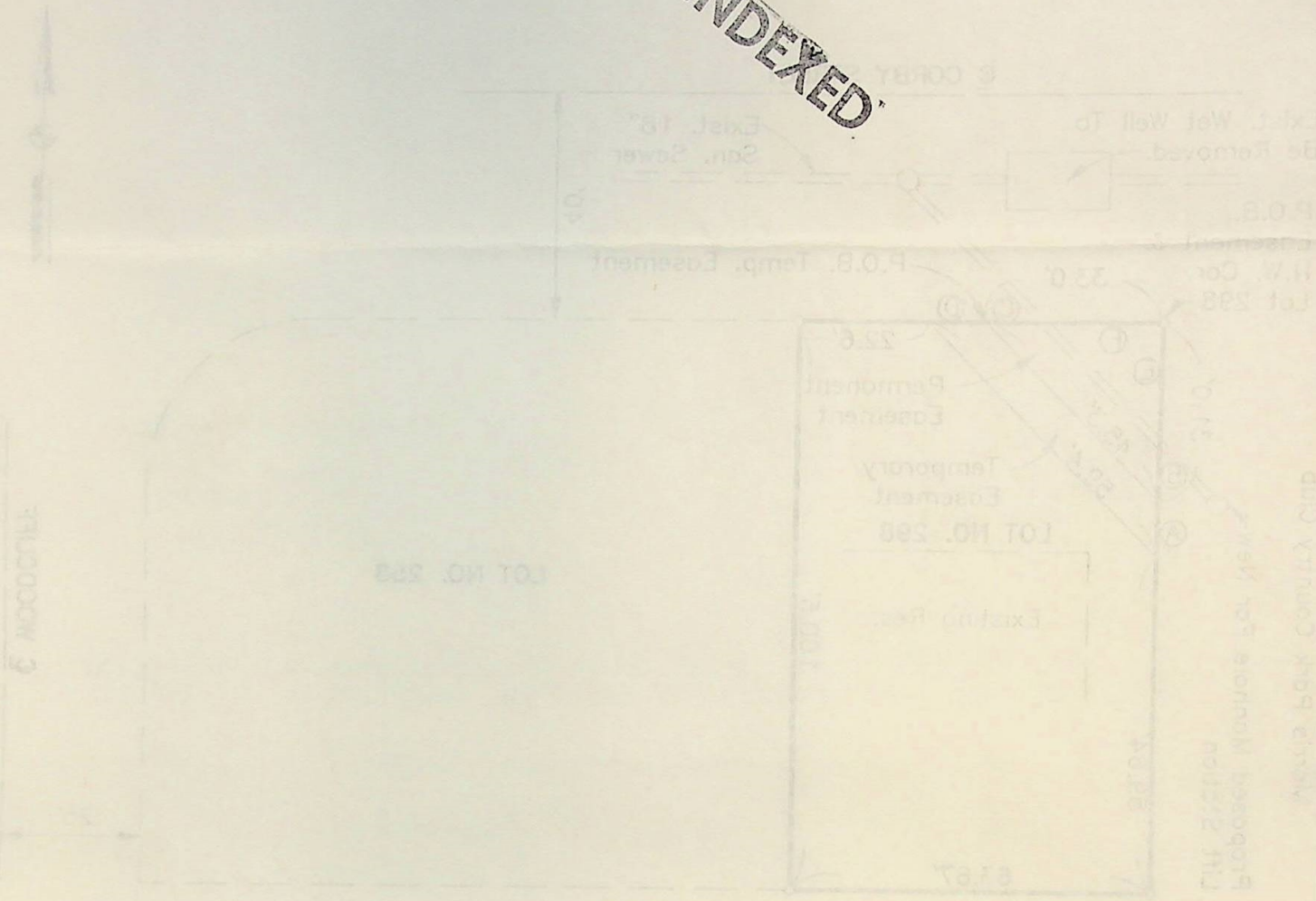
ST. JOSEPH CO. RECORDER

FILE NO. MARSHALL BEACH

Oct 27 11 01 AM '93

ST. JOSEPH CO. RECORDER

INDEXED



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LOT NO. 298

LOT NO. 299

Existing Residence

Removal Easement

Temporary Easement

F.O.B. Temp. Easement

Salt Ponds

Existing Well To Be Removed

Vertical text on the right edge of the diagram, possibly a title or reference.

- ① 10.0'
- ② 10.0'
- ③ 10.0'
- ④ 10.0'
- ⑤ 27.0'
- ⑥ 23.0'

2311 E. JEFFERSON BLVD. SOUTH BEND, INDIANA

COLE ASSOCIATES

BY

LAND PLAT

DATE: *10/27/93*