

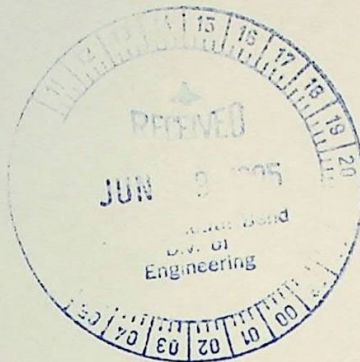
1704

Lead of Easement

Key # 18-7018-0751
18-7018-0762
18-7018-0765

I+M

**Indiana Michigan
Power Company**
One Summit Square
P.O. Box 60
Fort Wayne, IN 46801
219 425 2111



City of South Bend
Board of Public Works
County-City Building Room 1308
South Bend, IN 46601

June 14, 1995

Dear Sirs:

RE: Easement 11-F, Map 1789

Please find enclosed for your records a photocopy of the recorded Deed of Easement that you signed on March 13, 1995.

We sincerely appreciate your cooperation in this matter. If you have any further questions, please feel free to contact us at the address or phone number listed above.

Sincerely,

A handwritten signature in cursive script that reads "S. K. Kees".

S. K. Kees
Real Estate Section

sk
wp-11F1789.wpd

Thall

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ST. JOSEPH COUNTY RECORDER
FILE NO. _____
MARIANNE BEACH
RECORDER

9515422

May 25 1 46 PM '95

DEED OF EASEMENT

ST. JOSEPH COUNTY
INDIANA
FILED FOR RECORD

Easement No. 11-F Map No. 1789
WO No. 795/1277-00-9592

This Indenture, made this 13th day of March, 1995, by and between City of South Bend, Indiana/Board of Public Works, whose address is: County-City Building., Room 1308, South Bend, Indiana 46601, of the County of St. Joseph, State of Indiana (hereinafter called "Grantor", whether one or more) and INDIANA MICHIGAN POWER COMPANY, an Indiana Corporation whose post office address is P.O. Box 60, One Summit Square, Fort Wayne, Indiana 46801 (hereinafter called the "Grantee").

Witnesseth: That for One Dollar (\$1.00) and other good and valuable considerations in hand paid, the receipt of which Grantor hereby acknowledges, Grantor hereby conveys and warrants to Grantee a permanent right of way and easement for an electric power line with the right to the Grantee to locate, construct, reconstruct, erect, operate, use, repair, maintain, renew, remove, inspect, patrol, at any and all times, poles, conductors and all necessary or useful facilities and equipment with respect to such line for transmitting electric or other energy and for communication purposes including crossarms, wires, cables, counter-poles, grounding system, and all other appurtenant equipment and fixtures (all of the foregoing being hereinafter called collectively "Grantee's Facilities") in, on, along, over, through and across the following described lands (hereinafter called "Premises") situated in Portage Township, County of St. Joseph, State of Indiana, Section 13 Township 37-N Range 2-E more particularly described as follows:

Being the same (or a part of the same) property of the Grantor by deeds dated 03/22/93, 05/04/92, and recorded in Deed Record 794 at page 188 and Document Numbers 9308855, 9308856, and 9217715, in the office of the Recorder of St. Joseph County, State of Indiana, to which reference is hereby made for further description.

Key Numbers 18-7018-0751, 18-7018-0762, 18-7018-0765

Said right of way and easement being more fully described as being 60 feet in width that is to say 30 feet (measured horizontally) of the centerline of the proposed electric line, as shown on a sketch identified as Exhibit "A", a copy of which is attached hereto and made a part hereof, ~~however, upon completion of the Grantee's survey, the legal description of Grantee's right of way and easement will be identified as Exhibit "A" and will replace the existing Exhibit "A" and this Deed of Easement will be re-recorded.~~ *BT*

Together with the right to the Grantee: to cut, to control or eliminate by herbicides, and at its option to remove from the Premises or the lands of the Grantor adjoining the same on either side, any trees, overhanging branches, vegetation, obstacles or obstructions which may endanger the safety or interfere with the installation, use, or enjoyment of all or any of the Grantee's Facilities; to add to the number of and relocate at any time or times

all of Grantee's Facilities; and to use said right of way and easement for access to and from any part or parts thereof and any lands and rights of way of Grantee adjoining the same for the enjoyment of the rights of Grantee therein; and of ingress and egress to, over and from the Premises and any adjoining lands of Grantor at any and all times for the purposes of exercising and enjoying any and all the rights hereby vested in Grantee.

It is understood and agreed:

1. Grantee shall promptly repair or replace all fences, gates, drains and ditches damaged or destroyed by it on the Premises and shall pay Grantor all damages done to crops, and livestock on the Premises proximately caused by the construction, operation and maintenance of Grantee's Facilities. Any trees cut will be paid for by Board Measure, using Doyle's Lumber Rules at the market price in vicinity. All claims of Grantor for damages arising under this indenture shall be made at or mailed to the office of Grantee at Fort Wayne, Indiana, within thirty (30) days after such damages shall accrue.

2. Grantor shall have the right to cultivate or otherwise use the Premises in any way not inconsistent with easement hereby granted, but no building, structure or obstruction shall be placed by the Grantor under or within 30 feet (measured horizontally) of the above described centerline of the electric power line.

3. This indenture contains all the terms and conditions of this easement, express or implied, between the parties hereto and shall be binding upon, and inure to the benefit of, Grantor and Grantee and their respective representatives, heirs successors, assigns, lessees and licensees.

In Witness Whereof the said Grantor has hereunto set their hand and seal the day and year first above written.

Signed, Sealed and Delivered in Presence of:

CITY OF SOUTH BEND

John D. Ligonick
J. F. Quinn
Jerry L. H. Manier
Angela K. Jans / Clerk

This instrument was prepared by J. F. Quinn, Agent for Indiana Michigan Power Company on its behalf.

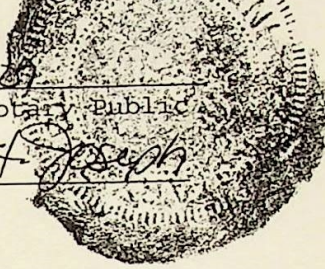
STATE OF INDIANA

St. Joseph County SS

Before me Angelita Jais a Notary public in and for said County and State, this 34 day of March, 1995, personally appeared the above named: City of South Bend, Indiana/Board of Public Works by (John E. Dzyganski), (John Calvesco), (Greg Warner) and acknowledged the execution of the within instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 34 day of March, 1995.

Angelita Jais
Notary Public
St. Joseph



My commission expires 1/10/98, 1995. I am a resident of St. Joseph County.

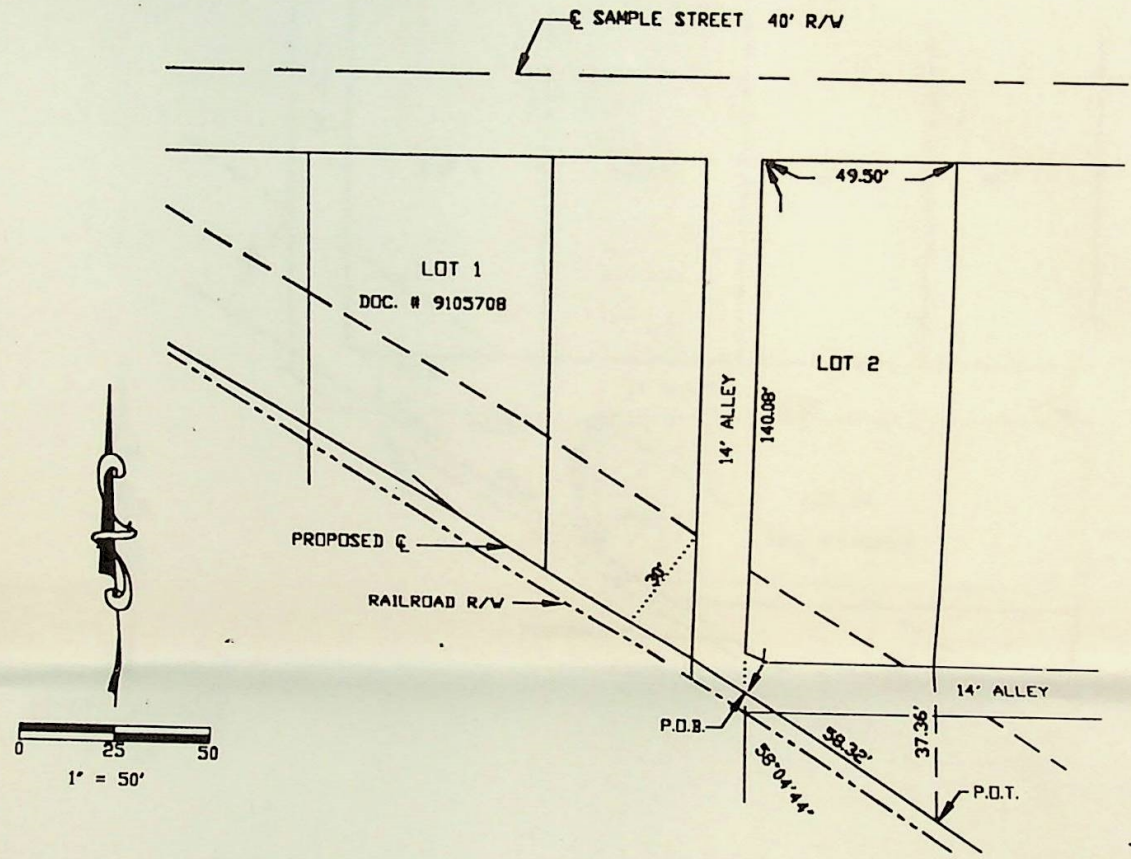
DESCRIPTION: A 60 FOOT WIDE RIGHT-OF-WAY AND EASEMENT OVER A PART OF LOT NUMBER 2
IN MARTIN L. WENGER'S FIRST ADDITION TO THE CITY OF SOUTH BEND IN ST. JOSEPH COUNTY, INDIANA.

THE CENTERLINE DESCRIBED AS FOLLOWS: STARTING AT THE NORTHWEST CORNER OF SAID LOT NUMBER 2; THENCE SOUTHERLY, 140.08 FEET ALONG THE WEST LINE OF SAID LOT NUMBER 2, TO THE PLACE OF BEGINNING; THENCE SOUTHEASTERLY, DEFLECTING LEFT 58 DEGREES 04 MINUTES 44 SECONDS, 58.32 FEET, TO A POINT 37.36 FEET, SOUTH OF THE SOUTHEAST CORNER OF SAID LOT NUMBER 2 AND THE POINT OF TERMINUS.

THE SIDE LINES OF SAID 60 FOOT WIDE EASEMENT ARE TO BE EXTENDED OR SHORTENED AND TERMINATE ON THE WEST LINE AND THE SOUTH LINE OF SAID LOT NUMBER 2.

SUBJECT TO: RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

THE ABOVE DESCRIPTION WAS PREPARED BY STOODY ASSOCIATES ON MAY 12, 1995, AT THE REQUEST OF INDIANA MICHIGAN POWER COMPANY.



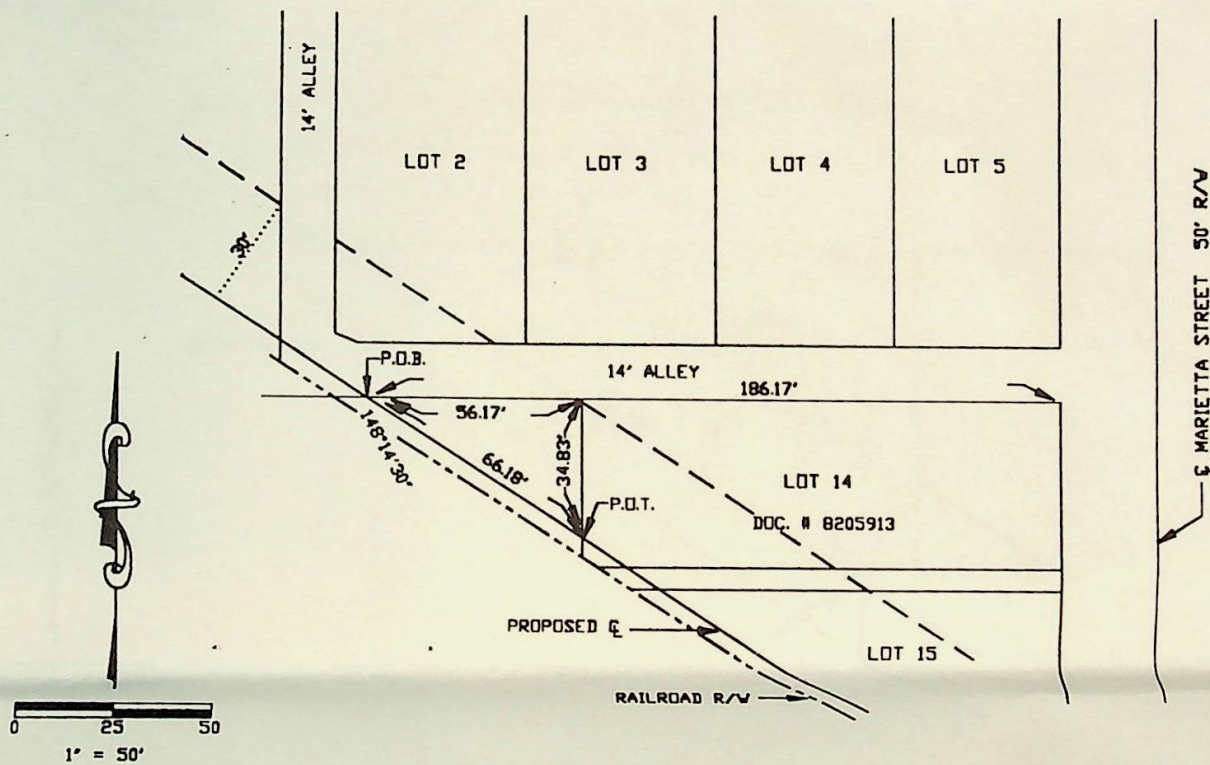
DESCRIPTION: A 60 FOOT WIDE RIGHT-OF-WAY AND EASEMENT OVER A PART OF LOT NUMBER 14 IN MARTIN L. WENGER'S FIRST ADDITION TO THE CITY OF SOUTH BEND IN ST. JOSEPH COUNTY, INDIANA.

THE CENTERLINE DESCRIBED AS FOLLOWS: STARTING AT THE NORTHEAST CORNER OF SAID LOT NUMBER 14; THENCE WESTERLY, 186.17 FEET, ALONG THE NORTH LINE OF SAID LOT NUMBER 14 TO THE PLACE OF BEGINNING; THENCE SOUTHEASTERLY, DEFLECTING LEFT 148 DEGREES 14 MINUTES 30 SECONDS, 66.18 FEET, TO THE WEST LINE OF A TRACT DESCRIBED IN DOCUMENT NUMBER 8205913 AND THE POINT OF TERMINUS.

THE SIDE LINES OF SAID 60 FOOT WIDE EASEMENT ARE TO BE EXTENDED OR SHORTENED AND TERMINATE ON THE NORTH LINE OF SAID LOT NUMBER 14 AND THE WEST LINE OF SAID DOCUMENT NUMBER 8205913.

SUBJECT TO: RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

THE ABOVE DESCRIPTION WAS PREPARED BY STOODY ASSOCIATES ON MAY 12, 1995, AT THE REQUEST OF INDIANA MICHIGAN POWER COMPANY.



DESCRIPTION: A 60 FOOT WIDE RIGHT-OF-WAY AND EASEMENT OVER LOT NUMBER 16 IN MARTIN L. WENGER'S FIRST ADDITION TO THE CITY OF SOUTH BEND IN ST. JOSEPH COUNTY, INDIANA.

THE CENTERLINE DESCRIBED AS FOLLOWS: STARTING AT THE NORTHEAST CORNER OF SAID LOT NUMBER 16; THENCE SOUTHERLY 87.76 FEET, ALONG THE EAST LINE OF SAID LOT NUMBER 16 TO THE PLACE OF BEGINNING; THENCE NORTHWESTERLY, DEFLECTING RIGHT 121 DEGREES 57 MINUTES 04 SECONDS, 165.96 FEET, TO THE NORTH LINE OF SAID LOT NUMBER 16 AND THE POINT OF TERMINUS.

THE SIDE LINES OF SAID 60 FOOT WIDE EASEMENT ARE TO BE EXTENDED OR SHORTENED AND TERMINATE ON THE NORTH AND EAST LINES OF SAID LOT NUMBER 16.

SUBJECT TO: RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

THE ABOVE DESCRIPTION WAS PREPARED BY STODY ASSOCIATES ON MAY 12, 1995, AT THE REQUEST OF INDIANA MICHIGAN POWER COMPANY.

