



CITY OF SOUTH BEND REDEVELOPMENT COMMISSION

Redevelopment Commission Agenda Item

DATE: September 13, 2018
FROM: Kyle Silveus
SUBJECT: Utility Easement Coveleski Park

Which TIF? (circle one) River West; River East; South Side; Douglas Road; West Washington

PURPOSE OF REQUEST: Granting of a Fifteen Foot (15) Wide Right of Way and Easement to AEP for the construction, operation, use, maintenance, repair, renewal, and removal of a line or lines of underground facilities or equipment for the transmission of electrical energy.

Specifics:

INTERNAL USE ONLY: Project Code: _____;
Total Amount new/change (inc/dec) in budget: _____; Break down:
Costs: Engineering Amt: _____; Other Prof Serv Amt _____;
Acquisition of Land/Bldg (circle one) Amt: _____; Street Const Amt _____;
Building Imp Amt _____; Sewers Amt _____; Other (specify) Amt: _____
_____. Going to BPW for Contracting? Y/N
Is this item ready to encumber now? ____ Existing PO# _____ Inc/Dec \$ _____

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

EASEMENT & RIGHT OF WAY

Easement No. IN181044-R

Map No. 575

Parcel ID No 71-08-11-427-034.000-026(018-3014-051503)

THIS INDENTURE, made by and between **DEPARTMENT OF REDEVELOPMENT OF THE CITY OF SOUTH BEND, FOR THE USE AND BENEFIT OF THE DEPARTMENT OF REDEVELOPMENT, BY AND THROUGH ITS GOVERNING BODY, THE SOUTH BEND REDEVELOPMENT COMMISSION**, whose address is 1400 S. County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana 46601 (hereinafter referred to as "GRANTOR"), and **INDIANA MICHIGAN POWER COMPANY**, an Indiana Corporation, whose post office address is P.O. Box 60, One Summit Square, Fort Wayne, Indiana 46801 ("GRANTEE").

WITNESSETH, that for One (\$1.00) Dollar and other good and valuable consideration in hand paid, the receipt and sufficiency of which Grantor hereby acknowledges, Grantor does hereby grant and convey to Grantee a **FIFTEEN FOOT (15) FOOT WIDE RIGHT-OF-WAY AND EASEMENT (see Exhibit "A" attached hereto for the specific dimensions and location identification)** for the construction, operation, use, maintenance, repair, renewal, and removal of a line or lines of underground facilities and equipment for the transmission of electrical energy and for communication purposes in, on, along, under, over, across, and through the said easement, which easement is located on the following described **REAL ESTATE**, to-wit:

A parcel of land in the Southwest Quarter of Section 12, Township 37 North, Range 2 East, situated in Portage Township, St. Joseph County, Indiana, and more particularly described as follows:

Lot 4 of the Plat of Coveleski Park Minor Subdivision recorded on February 11, 2015, as Document No. 1503430, in the Office of the Recorder of St. Joseph County, Indiana.

Being the same (or a part of the same) property conveyed to DEPARTMENT OF REDEVELOPMENT OF THE CITY OF SOUTH BEND, FOR THE USE AND BENEFIT OF THE DEPARTMENT OF REDEVELOPMENT, BY AND THROUGH ITS GOVERNING BODY, THE SOUTH BEND REDEVELOPMENT COMMISSION by Quit Claim Deed recorded as Document No. 1512713 on May 27, 2015, in the Office of the Recorder of St. Joseph County, Indiana.

TOGETHER with the right of ingress and egress to, from, and over said premises, and also the right to cut, trim, and/or remove any trees or bushes which may endanger the safety or interfere with the construction, maintenance, or use of said facilities.

GRANTEE shall promptly repair or replace all physical damage on the premises proximately caused by the construction, operation, and maintenance of Grantee's facilities.

GRANTOR warrants that no structure or building shall be erected upon said easement.

AFTER the completion of said system, the Grantor reserves the full use of the land which is not inconsistent with the existence and maintenance of said facilities but does agree not to change elevation or grade within the area of said easement without the written prior consent of Grantee.

IT IS AGREED that the foregoing is the entire contract between the parties hereto, and that this written agreement is complete in all its terms and provisions and shall be binding on their respective representatives, heirs, successors, and assigns.

THE UNDERSIGNED PERSON executing this document on behalf of Grantor represents and certifies that he is duly authorized and has been fully empowered by the Grantor to execute and deliver this document; that Grantor has full capacity to convey the real estate described herein; and that all necessary action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, the Grantor has hereunto set his/her hand and seal.

DEPARTMENT OF REDEVELOPMENT OF THE CITY
OF SOUTH BEND, FOR THE USE AND BENEFIT OF
THE DEPARTMENT OF REDEVELOPMENT, BY AND
THROUGH ITS GOVERNING BODY, THE SOUTH BEND
REDEVELOPMENT COMMISSION

DATED: _____

By: _____

_____, its _____
(Please print your name and title on this line exactly as it appears above.)

STATE OF _____)



EXHIBIT "A"
 EASEMENT IN181044-R, MAP 575
 LT 4, COVELESKI PARK MINOR SUBDIVISION
 GRANTOR SOUTH BEND REDEVELOPMENT COMMISSION

EASEMENT IN181044-R
 W/R 65671941
 DIM0171655
 JO0259 - 479, 3350

Lot B
 Padmount Transformer
 JO0259003349

Lot A