



CITY OF SOUTH BEND

REDEVELOPMENT COMMISSION

Redevelopment Commission Agenda Item

DATE: April 6, 2021

FROM: Santiago Garces, Executive Director

SUBJECT: Consent to I&M Easement - Fire Arts, Inc. Property

_____ Pres/V-Pres

ATTEST: _____ Secretary

Date: _____

APPROVED Not Approved

SOUTH BEND REDEVELOPMENT COMMISSION

Funding Source* (circle one) River West; River East; South Side; Douglas Road; West Washington; RDC General

*Funds are subject to the City Controller's determination of availability; if funds are unavailable, as solely determined by the City Controller, then the authorization of the expenditure of such funds shall be void and of no effect.

Purpose of Request: Consent to an easement for the benefit of AEP Indiana Michigan Transmission Company, Inc. at a portion of the Fire Arts, Inc. property located at 216 Sycamore on the northernmost edge of the property line.

Specifics: We are requesting conditional approval of a consent to an easement through the parking lot of property located at 216 Sycamore. The Commission transferred the property to Fire Arts, Inc. on January 3, 2012, keeping a reversionary interest through January 3, 2037. The property will revert to the Commission if the property is no longer used as a not-for-profit fine arts studio and gallery, and no portion of the property may be transferred during the reversionary period. In order to facilitate the I&M transmission line to the hydroelectric project being constructed by the University of Notre Dame and improve the reliability of the power grid by interconnecting two substations (Muessel and Colfax), I&M requested this easement. In consultation with the City's Planning and Engineering teams, we ask that the Commission consent to an easement of no greater than 20' from the northernmost boundary of the parking area behind the structure. We are waiting for a final survey drawing from I&M reflecting the 20' easement area in order to complete the document.

INTERNAL USE ONLY: Project ID: PROJ _____;

Total Amount – New Project Budget Appropriation \$ _____;

Total Amount – Existing Project Budget Change (increase or decrease) \$ _____;

Funding Limits: Engineering: \$ _____; Other Prof Serv Amt \$ _____;

Acquisition of Land/Bldg (circle one) Amt: \$ _____; Street Const Amt \$ _____;

Building Imp Amt \$ _____; Sewers Amt \$ _____; Other (specify) Amt \$ _____

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

State Parcel No. Ref.: 71-08-12-129-007.000-026

County Parcel No. Ref.: 018-5003-0048

CONSENT TO EASEMENT

This Consent to Easement (“Consent”) is entered into as of the last date set forth below, by and between:

“AEP” AEP Indiana Michigan Transmission Company, Inc.

“City” The City of South Bend, for the Use and Benefit of its Department
of Redevelopment

RECITALS

- A. WHEREAS, Fire Arts, Inc. (“Fire Arts”) is the owner of real property described in a certain Corporate Warranty Deed (the “Property”), said Corporate Warranty Deed dated January 3, 2012, and recorded on January 3, 2012 as Document Number 1200104 with the St. Joseph County Recorder (the “Deed”);
- B. WHEREAS, the City has an interest in the Property pursuant to the covenants, conditions, and restrictions set forth in the Deed and a certain Purchase Agreement referenced and incorporated therein, dated August 26, 2009, and recorded on December 19, 2011 as Document Number 1133865 with the St. Joseph County Recorder (the “City’s Interest”);
- C. WHEREAS, AEP desires to acquire an easement on the Property, and AEP and the City acknowledge that Fire Arts desires to grant an easement to AEP;
- D. WHEREAS, the City desires to provide its written consent for Fire Arts to transfer and/or convey an easement to AEP.

CONSENT

The parties agree that the foregoing Recitals are material terms of this Consent and are expressly incorporated herein and further agree as follows:

1.0 **Consent**

In consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration, the City hereby consents to the granting to AEP by Fire Arts of an easement to encumber the Property. The location, size, and specifications of such easement is attached hereto as Exhibit "A."

2.0 **Consent to be Recorded**

AEP and the City agree that, upon execution, this Consent shall be recorded in the real property records of St. Joseph County, Indiana at AEP's sole cost and expense.

3.0 **Waiver**

The City does not waive any other rights or provide any consent to the reduction of its interest in the Property, except as expressly set forth herein.

Any remaining space on this page left intentionally blank. See next page for signatures.

CITY

Date: _____

The City of South Bend, for the Use and
Benefit of its Department of Redevelopment, by the
South Bend Redevelopment Commission

By: _____
Marcia I. Jones, President

Attest:

Quentin M. Phillips, Secretary

State of Indiana §
 §
County of St. Joseph §

This instrument was acknowledged before me on this _____ day of _____,
2021 by Marcia I. Jones, President and Quentin M. Phillips, Secretary, of The South Bend
Redevelopment Commission, as the governing body of the City of South Bend, Indiana
Department of Redevelopment, being authorized so to do.,

Notary Public
Print Name: _____
My Commission Expires: _____
I am a resident of _____ County, _____
Acting in the County of _____, _____ (State)

AEP

Date: _____

AEP Indiana Michigan Transmission Company, Inc.

By: _____

Its: _____

State of _____ §

§

County of _____ §

This instrument was acknowledged before me on this _____ day of _____, 20__ by _____, for and on behalf of AEP Indiana Michigan Transmission Company, Inc.

Notary Public

Print Name: _____

My Commission Expires: _____

I am a resident of _____ County, _____

Acting in the County of _____, _____ (State)

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. /s/ Calvert S. Miller

This instrument prepared by Calvert S. Miller, CARSON LLP, 301 West Jefferson Blvd., Suite 200, Fort Wayne, IN 46802, for and on behalf of AEP Indiana Michigan Transmission Company, Inc., a unit of American Electric Power.

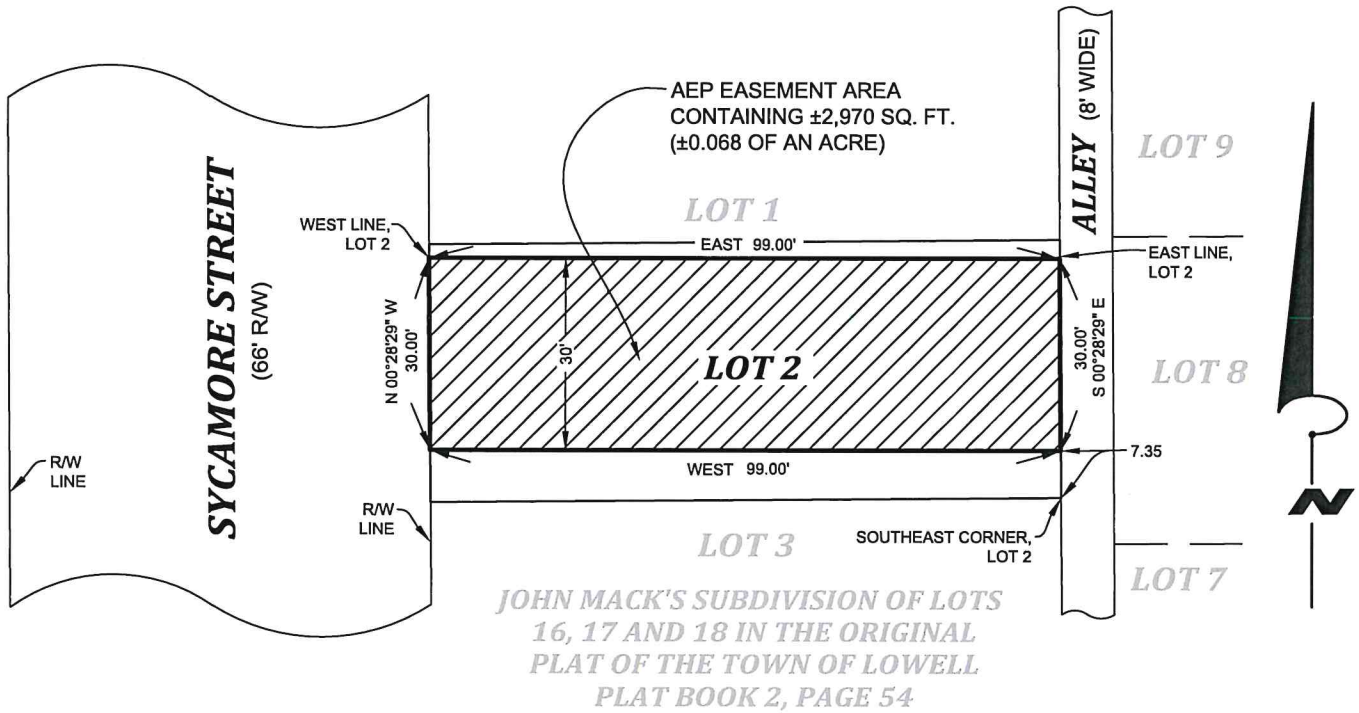
When recorded return to: American Electric Power - Transmission Right of Way, PO Box 60, Fort Wayne, IN 46801

STATE OF INDIANA
 ST. JOSEPH COUNTY
 CITY OF SOUTH BEND
 SECTION(S) 12, T 37 N, R 2 E

EXHIBIT "A"

FIRE ARTS, INC.
 DOCUMENT NO. 1200104
 STATE ID: 71-08-12-129-007.000-026
 COUNTY ID: 018-5003-0048

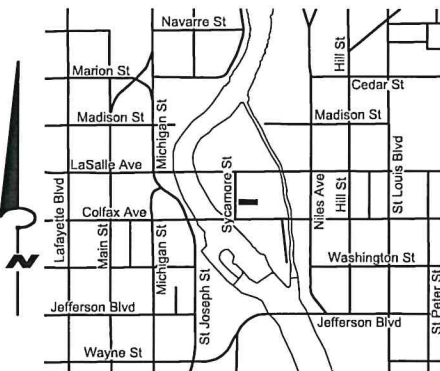
THIS IS NOT A
 BOUNDARY SURVEY.



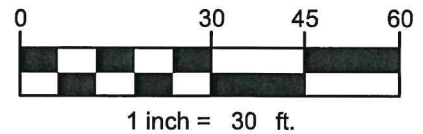
EASEMENT DESCRIPTION

THAT PART OF LOT 2, "JOHN MACK'S SUBDIVISION OF LOTS 16, 17 AND 18 IN THE ORIGINAL PLAT OF THE TOWN OF LOWELL," BEING A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA, RECORDED IN PLAT BOOK 2, PAGE 54, IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS: BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT 2 THAT IS 7.35 FEET NORTH 00° 28' 29" WEST OF THE SOUTHEAST CORNER OF SAID LOT 2; THENCE WEST 99.00 FEET TO THE WEST LINE OF SAID LOT 2; THENCE NORTH 00° 28' 29" WEST ON SAID WEST LOT LINE 30.00 FEET; THENCE EAST 99.00 FEET TO SAID EAST LOT LINE; THENCE SOUTH 00° 28' 29" EAST ON SAID EAST LOT LINE 30.00 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE INDIANA STATE PLANE COORDINATE SYSTEM, EAST ZONE, U.S. SURVEY FEET.



VICINITY MAP
 NOT TO SCALE



[Signature] 8/22/20
 BRIAN P. LIEBERG DATE
 LS-20800148

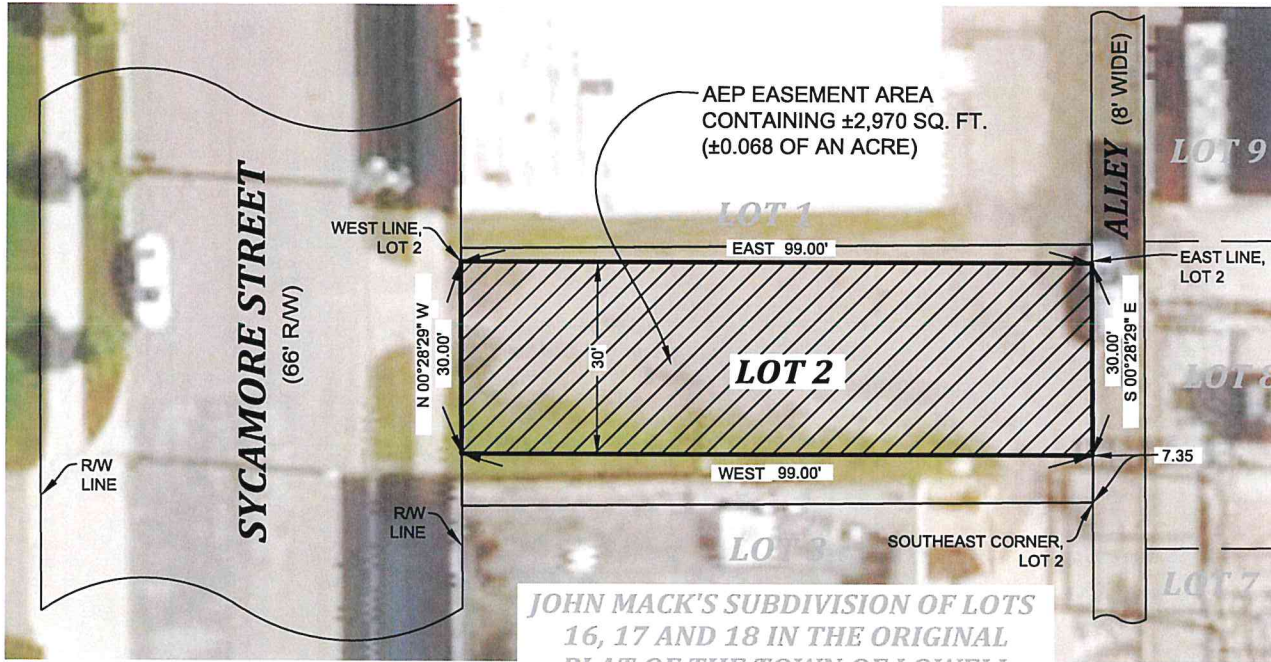
MUESSEL - COLFAX 69kV		INDIANA STATE PLANE COORDINATE SYSTEM (EAST ZONE) U.S. SURVEY FEET	
AEP INDIANA MICHIGAN TRANSMISSION COMPANY, INC.		DRAWN BY: BKG	CHECKED BY:
LINE: TLN385:94179	WO: 42618915-03	SCALE: 1" = 30'	EXHIBIT "A" PREPARED BY: WIGHTMAN 2303 PIPESTONE ROAD BENTON HARBOR, MI 49022 269-927-0100
EASEMENT: 69	MAP NO:	W&A JOB#: 180272	
DATE CREATED: 01/23/2019		REVISIONS: 08/21/2020	

STATE OF INDIANA
 ST. JOSEPH COUNTY
 CITY OF SOUTH BEND
 SECTION(S) 12, T 37 N, R 2 E

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 PLAT OF THE TOWN OF LOWELL
 PLAT BOOK 2, PAGE 54**

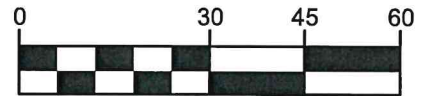
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VICINITY MAP
 NOT TO SCALE



1 inch = 30 ft.

BRIAN P. LIEBERG
 LS-20800148

DATE

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