**ITEM: 3.A.** 



## Memorandum

July 27, 2015

TO:

South Bend Redevelopment Authority

FROM:

Brock Zeeb, Director of Economic Resources

SUBJECT:

Release of Easement on R/W Grant Vacation

The Indiana Department of Transportation, by Order of the Commissioner, has determined that the below-described right-of-way easement is no longer useful or needed for highway purposes or purposes incidental thereto; and the underlying fee simple property interest of the below-described property is owned by South Bend Redevelopment Authority, subject to the Indiana Department of Transportation's right-of-way easement interest therein; and South Bend Redevelopment Authority, as "the person lawfully entitled to the reversion" under Indiana Code § 8-23-4-9(b), has requested that the Indiana Department of Transportation abandon and release its right-of-way easement interest therein; and pursuant to the provisions of Indiana Code § 8-23-4-9, the Indiana Department of Transportation has demanded that South Bend Redevelopment Authority, pay to the Indiana Department of Transportation a consideration equal to the consideration it was originally transferred or the fair market value of the right-of-way easement interest not to exceed \$3,650.

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grant la to be and become effective and binding from and after its approval by the Indiana State Highway Commissi ; Total consideration (Grantor) (Granter) ATTEST: (Grantor) (Grantor) (Grantor) (Grantor) 000K 648 PAGE 197 (Grantor) (Grantor) (Grantor) (Grantor) (Grantor) (Grantor) (Grantor) <sub>19</sub>63 December 12 AMOUNT APPROVED THE ABOVE GRANT IS HEREBY ACCEPTED. STATE OF INDIANA PAID BY WARRANT NO. Indiana State Highway Commission DATED 2-20 - 42.3

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## **QUIT CLAIM DEED**

WHEREAS, the Indiana Department of Transportation owns a right-of-way easement over the below-described real property and set forth in "Exhibit A"; and

WHEREAS, the Indiana Department of Transportation, by Order of the Commissioner, has determined that the below-described right-of-way easement is no longer useful or needed for highway purposes or purposes incidental thereto; and

WHEREAS, the underlying fee simple property interest of the below-described property is owned by South Bend Redevelopment Authority, subject to the Indiana Department of Transportation's right-of-way easement interest therein; and

WHEREAS, South Bend Redevelopment Authority, as "the person lawfully entitled to the reversion" under Indiana Code § 8-23-4-9(b), has requested that the Indiana Department of Transportation abandon and release its right-of-way easement interest therein; and

WHEREAS, pursuant to the provisions of Indiana Code § 8-23-4-9, the Indiana Department of Transportation has demanded that South Bend Redevelopment Authority, pay to the Indiana Department of Transportation a consideration equal to \$3,650.00, which is the fair market value of the right-of-way easement interest described herein; and

**WHEREAS,** South Bend Redevelopment Authority has paid and the Indiana Department of Transportation and has received the consideration described in the preceding paragraph; and

WHEREAS, there exists limitation of rights of ingress, egress and access to State Road 23;

**NOW THEREFORE,** the State of Indiana in accordance with Indiana Code § 8-23-4-9 executes this Quitclaim Deed.

**THIS INDENTURE WITNESSETH**, that the STATE OF INDIANA, hereby releases and quitclaims to the South Bend Redevelopment Authority, for the real estate situated in St. Joseph County, State of Indiana, to wit:

INDOT

Project: 181 (5) 0.615

Road: SR 23

County: St. Joseph

Code: 0018

Parcel: 108

The real property is more fully described on "Exhibit A", which is attached hereto and incorporated fully herein.

Subject to all existing legal rights-of-way, easements, conditions, and restrictions of record.

	State of Indiana has hereunto set its hand by the Governor of thate Seal of the State of Indiana this day of
,	STATE OF INDIANA
	Mark G. Ahearn, General Counsel & Designee of Michael R. Pence, Governor State of Indiana
State of Indiana ) ) ss: County of Marion )	
Counsel and Designee of Michael R. Pend	ty and State, personally appeared Mark G. Ahearn, General ce, Governor of the State of Indiana and acknowledged d for and on behalf of the State of Indiana this day of
Notary signature:Notary name printed:	<del></del>
My commission expires:	County

this day of			development Authority has hereunto set its hand by
· ·			
			South Bend Redevelopment Authority
			Name:
			Title:
	`		State of Indiana
	)	ss:	
County of	Ć		
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Before me, a Notary in and			
and on behalf of South Bend 2015.	l Redevelo	and acknowled	lged execution of the foregoing Quitclaim Deed for ty this day of
Notary signature:			
Notary name printed:			
My commission expires:			
I reside in			_ County
IN WITNESS WHEREOF	, the under	rsigned have ex	tecuted the foregoing Quitclaim Deed on behalf of day of 2015.
			of Engineering & Asset Management for the Indiana Department of Transportation
State of Indiana )			
) County of Marion )	ss:		
County of Marion )			
			personally appeared Jason S. Wasson, Deputy
			for Brandy L. Hendrickson, Commissioner of the leged execution of the foregoing Quitclaim Deed this
day of		and acknowned	aged execution of the foregoing Quiterain Deed this

Notary signature:		
Notary name printed:		
My commission expires:	I reside in	County
APPROVED AS TO FORM AND LEGALITY		
Gregory F. Zoeller	Date	
Attorney General of Indiana	Date	
I affirm under the penalties for perjury that I have number in this document, unless required by law.  Brad Crowe Jr.	taken reasonable care to redact eac	h Social Security
Grantee's Mailing Address:		
South Bend Redevelopment Authority 1400 County-City Building South Bend, IN 46601		
This instrument prepared by:		
Teresa Dashiell Giller, Attorney Indiana Department of Transportation		
100 North Senate Ave. N730, Indianapolis, IN 462	.04	

Legal Description for Relinquishment of Right-of-Way for Northside Boulevard

A part of the Southeast Quarter of Section 12, Township 37 North, Range 2 East, Portage Township, City of South Bend, St. Joseph County, Indiana and being all that land described as permanent right-of-way for Northside Boulevard granted to the State of Indiana by Right of Way Grants as Parcel 107 (Deed Book 648, Page 147) and Parcel 108 (Deed Book 648, Page 196), and more particularly described as follows:

Commencing at the calculated location of the southeast corner of said Section 12, said corner being South 00 degrees 13 minutes 54 seconds East 176.56 feet from a Harrison monument found at the southwest corner of Section 7, Township 37 North, Range 3 East; thence North 00 degrees 13 minutes 54 seconds West 158.21 feet along the east line of said Section 12 to the centerline of Northside Boulevard as defined in State of Indiana State Highway Department Plan and Profile of Proposed State Highway, U.S. Project No. 181(5)0.615, dated 11-02-1962; thence North 26 degrees 46 minutes 56 seconds West 186.71 feet along the centerline of said Northside Boulevard to the northwestern boundary of Sample Street extended and the point of beginning of this description; thence South 57 degrees 43 minutes 35 seconds West 79,85 feet along the northwestern boundary of said Sample Street to a point on the bank retaining wall of the St. Joseph River; thence for the next 13 courses along the bank retaining wall of said St. Joseph River: North 27 degrees 48 minutes 27 seconds West 59.34 feet; thence North 28 degrees 50 minutes 29 seconds West 102.97 feet; thence North 29 degrees 54 minutes 31 seconds West 145.36 feet; thence North 29 degrees 44 minutes 49 seconds West 105.74 feet; thence North 30 degrees 07 minutes 17 seconds West 85.08 feet; thence North 31 degrees 12 minutes 37 seconds West 30.95 feet; thence North 14 degrees 31 minutes 05 seconds West 61.95 feet; thence North 03 degrees 56 minutes 28 seconds East 22.51 feet; thence North 08 degrees 57 minutes 23 seconds West 256.63 feet; thence North 08 degrees 47 minutes 33 seconds West 30.66 feet; thence North 10 degrees 23 minutes 59 seconds West 32.08 feet; thence North 17 degrees 32 minutes 54 seconds West 16.43 feet; thence North 23 degrees 39 minutes 51 seconds West 252.61 feet to the northwestern boundary of said Northside Boulevard; thence North 64 degrees 58 minutes 58 seconds East 31.40 feet (distance quoted from Deed Book 648, Page 196) along said northwestern boundary to the western boundary of said Northside Boulevard; thence along said boundary Northerly 129.83 feet (129.8 feet by Deed Book 648, Page 196) along an arc to the right having a radius of 330.44 feet (330.4 feet by Deed Book 648, Page 196) and subtended by a long chord having a bearing of North 04 degrees 12 minutes 22 seconds East and a length of 129,00 feet (distance quoted from Deed Book 648, Page 196); thence North 15 degrees 27 minutes 43 seconds East 166.03 feet (166.0 feet by Deed Book 648, Page 196) along said boundary; thence along said boundary Northwesterly 194.98 feet (195.0 feet by Deed Book 648, Page 196) along an arc to the left having a radius of 190.44 feet (190.4 feet by Deed Book 648, Page 196) and subtended by a long chord having a bearing of North 13 degrees 52 minutes 08 seconds West and a length of 186.57 feet (186.6 feet by Deed Book 648, Page 196); thence North 28 degrees 39 minutes 01 seconds West 98.70 feet (distance quoted from Deed Book 648, Page 196) along said boundary to the northeastern line of said Parcel 108; thence South 40 degrees 04 minutes 39 seconds East 416.57 feet (417 feet by Deed Book 648, Page 196) along the northeastern line of said

## **EXHIBIT "A"**

Legal Description for Relinquishment of Right-of-Way for Northside Boulevard

Parcel 108 to the western limited access boundary of Mishawaka Avenue/Eddy Street access ramps; thence along the limited access boundary of said Mishawaka Avenue/Eddy Street access ramps Southwesterly 170.45 feet (166.9 feet by Deed Book 648, Page 196) along an arc to the left having a radius of 248.35 feet (248.3 feet by Deed Book 648, Page 196) and subtended by a long chord of South 47 degrees 04 minutes 03 seconds West and a length of 167.13 feet (163.8 feet by Deed Book 648, Page 196); thence South 08 degrees 41 minutes 25 seconds West 87.53 feet (87.5 feet by Deed Book 648, Page 196) along said boundary; thence along said boundary Southerly 79.07 feet (79.1 feet by Deed Book 648, Page 196) along an arc to the left having a radius of 235.35 feet (235.3 feet by Deed Book 648, Page 196) and subtended by a long chord having a bearing of South 02 degrees 50 minutes 42 seconds East and a length of 78.70 feet (distance quoted from Deed Book 648, Page 196); thence South 11 degrees 35 minutes 42 seconds East 76.08 feet (76.1 feet by Deed Book 648, Page 196) along said boundary; thence South 31 degrees 59 minutes 11 seconds East 254.23 feet (254.2 feet by Deed Book 648, Page 196) along said boundary: thence South 29 degrees 26 minutes 02 seconds West 135,09 feet (135.1 feet deduced from Deed Book 648, Page 196 and Deed Book 648, Page 147) along said boundary; thence South 37 degrees 42 minutes 19 seconds East 80.52 feet (80.5 feet by Deed Book 648, Page 147) along said boundary; thence South 32 degrees 13 minutes 27 seconds East 90.00 feet (distance quoted from Deed Book 648, Page 147) along said boundary; thence South 34 degrees 34 minutes 58 seconds East 83.01 feet (83.0 feet by Deed Book 648, Page 147) along said boundary to a southeastern boundary of said Northside Boulevard; thence South 59 degrees 22 minutes 49 seconds West 50.00 feet (distance quoted from Deed Book 648, Page 147) along said boundary to a northeastern boundary of said Northside Boulevard; thence South 30 degrees 37 minutes 01 seconds East 75.00 feet (distance quoted from Deed Book 648, Page 147) along said boundary; thence South 36 degrees 19 minutes 39 seconds East 150.75 feet (150.7 feet by Deed Book 648, Page 147) along said boundary; thence South 26 degrees 48 minutes 10 seconds East 150.33 feet (150.3 feet by Deed Book 648, Page 147) along said boundary; thence South 17 degrees 29 minutes 02 seconds East 59.73 feet (59.4 feet by Deed Book 648, Page 147) along said boundary to the aforesaid northwestern boundary of said Sample Street; thence South 57 degrees 43 minutes 35 seconds West 30.14 feet along said boundary to the point of beginning and containing 4.275 acres, more or less.

This description was prepared for the Indiana Department of Transportation and the City of South Bend by DLZ Indiana, LLC and certified by Michelle M. G. Slack, Indiana Registered Land Surveyor, License Number 29900016, on the 14<sup>th</sup> day of May, 2015.

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