

3038

2/15/1955

## Waiver of Easement & Claims

LOT NO. 1 and 2

SUB:

Lupa, Frank

### Description:

All that part of Lots Numbered 1 and 2 lying south of the southline of the right of way of the New York Central RR as shown on the recorded Plat of Stokes' subdivision of Ban out lot Number 96 of the second plat of out lots of the Town, no City, of south



WAIVER OF EASEMENT AND OF CLAIMS.

WHEREAS, the undersigned FRANK R. LUPA and CLARA B. LUPA, husband and wife, are the owners as tenants by the entireties of that certain real estate and premises situated in the County of St. Joseph, State of Indiana, described as

All that part of Lots Numbered One (1) and Two (2) lying South of the South line of the Right-of-Way of the New York Central Railroad as shown on the recorded Plat of Stokes' Sub-division of Bank Out Lot Number Ninety-six (96) of the Second Plat of Out Lots of the Town, now City, of South Bend, platted by the State Bank of Indiana, excepting from said Lots Numbers One (1) and Two (2) that part taken for Walnut Street.

AND, WHEREAS, the undersigned, as such owners thereof, are erecting an addition to the existing building and a new building on the south end of the aforesaid land and realty, the east end of which land and the east Side of which addition and new building will abut and adjoin what is known as PULASKI PARK, owned by the City of South Bend, Indiana, and operated and supervised by the Park Board of the City of South Bend, Indiana; on the east wall of which said extension and new building and new addition the undersigned, as such owners, desire to erect and construct and install certain windows or window.

NOW, THEREFORE, in consideration of the City of South Bend, Indiana, and of the Park Board of the City of South Bend, Indiana, consenting to the erection of and/or installation of a window or windows in the east wall and side of such extension and such new building, as aforesaid, by them, the undersigned, Frank R. Lupa and Clara B. Lupa, as the sole owners of the land immediately hereinbefore described and of the building and of the extension now in the course of being erected thereon, jointly and severally agree and bind themselves as follows:

TO WAIVE any and all claim or claims to the establishment of an easement in such window or windows and natural light passing therethrough into said new building and extension.

to remove and/or close such window or windows erected and/or installed under this permit upon the erection or construction on said Pulaski Park land and immediately abutting and adjoining the realty described hereinbefore and owned by the undersigned any building or structure by said City of South Bend, Indiana, and by said Park Board of the City of South Bend, Indiana, or by either of them.

TO WAIVE any and all claims against the City of South Bend, Indiana, and/or against the Park Board of the City of South Bend, Indiana, and/or against any person whatsoever arising out of the breaking of such window or windows so installed and erected under this agreement by the undersigned.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our signatures this 15th day of February, A. D. 1955, in the City of South Bend, Indiana.

Frank R. Lupa

Clara B. Lupa



3038

WALVER OF EASEMENT AND OF CLAIMS

by

FRANK R. LUPA and CLARA E. LUPA,  
husband and wife,

to the

CITY OF SOUTH BEND, INDIANA,

and/or

PARK BOARD OF THE CITY OF SOUTH  
BEND, INDIANA.