

3088

Irrevokable Permit Recognition of  
Encroachment upon City-Controlled  
Property

LOT NO.

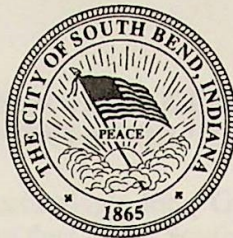
SUB:

Manufacturing Techonology, Inc.  
Washington Avenue

Description:

A Parcel of Land Being a Part of the Northeast Quarter  
of Section 10, Township 37 North, Range 2 East,  
Portage Township, city of South Bend, Indiana

1316 COUNTY-CITY BUILDING  
227 W. JEFFERSON BOULEVARD  
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-9251  
FAX 574/ 235-9171  
TDD 574/ 235-5567

CITY OF SOUTH BEND STEPHEN J. LUECKE, MAYOR

## BOARD OF PUBLIC WORKS

May 22, 2006

Mr. Robert Adams, II  
Manufacturing Technology, Inc.  
1702 West Washington Avenue  
South Bend, Indiana 46628

RE: Irrevocable Permit – East Washington Avenue

Dear Mr. Adams:

The Board approved the above Irrevocable Permit at its regular meeting on May 22, 2006. Please record the document and forward a copy of the recorded document to my attention.

Please call me with any questions at (574) 235-9251.

Sincerely,

Angela K. Jacob, Clerk  
Board of Public Works



**IRREVOKABLE PERMIT  
RECOGNITION OF ENCROACHMENT UPON CITY-CONTROLLED PROPERTY**

WHEREAS, Manufacturing Technology, Inc. ("Grantee"), owner of certain real estate (as described in the attached Exhibit "A") in the City of South Bend along a curve on East Washington Avenue near the intersection of Washington Avenue and College Street, which real estate has been improved by a building upon it known as and referred to hereafter as the "MTI Building"; and

WHEREAS, the MTI building and the vehicle entrance to the real estate at the southwest corner of the MTI building somewhat extend into the right-of-way of Washington Avenue opposite and south of its intersection with College Street; and

WHEREAS, this encroachment predated the acquisition of the property by applicant and is not the fault of applicant in any way; and

WHEREAS, the applicant wishes to maintain and improve the MTI building; and

WHEREAS, the City of South Bend ("Grantor") is willing to allow the continuation of the encroachment.

THEREFORE, the parties agree as follows:

1. Grantee shall be entitled to an encroachment upon the following property of Grantor :

A parcel of land being a part of the Northeast Quarter of Section 10, Township 37 North, Range 2 East, Portage Township, City of South Bend, Indiana and being more particularly described as follows:

Commencing at the intersection of the West right-of-way line of College Street and the North right-of-way line of Washington Avenue; thence North 89° 40' 24" West along said North right-of-way line, a distance of 402.37 feet; thence South 0° 00' 06" East, a distance of 66.00; thence South 89° 40' 24" East along the south right-of-way line of said Washington Avenue, a distance of 400.71 feet to the place of beginning; thence along a curve to the right having a radius of 247.50 feet, a central angle of 23° 51' 30" and limited in length by a chord which bears South 78° 04' 21" East, a distance of 102.32 feet; thence North 09° 29' 45" West, a distance of 11.12 feet; thence along a curve to the left having a radius of 256.86 feet, a central angle of 06° 38' 52" and limited in length by a chord which bears North 70° 49' 51" West, a distance of 29.79 feet; thence South 89° 40' 24" East to the place of beginning.

Subject to the legal rights of a public highway, any easements, covenants or restrictions of record.

2. The City of South Bend grants to Manufacturing Technology, Inc., an Irrevokable Permit to continue the encroachment. This Irrevokable Permit is intended to run with the land and will be duly recorded. Thus, it also shall be transferrable by Manufacturing Technology, Inc., and applicable to any assignee, transferee or other successor in interest to the Manufacturing Technology, Inc. However, if at any time the building or that portion of the building which occupies part of the encroachment is demolished or ceases to exist for any reason, or the



remaining part of the encroachment is used for anything other than entrance way, said encroachment shall be terminated and any new or replacement structure shall honor the public right-of-way.

3. This encroachment is subject to the currently existing utility rights-of-way across such property and also subject to any currently existing utility rights-of-way, all easements of record and such other easements or such other uses as an examination of the premises will reveal.

4. In affixing their signatures below, Grantee agrees to release and hold Grantor harmless from any action initiated by any third person person that arises out of or is attributed to the granting of this Irrevokable Permit.

Approved by the Board of Public Works this 20<sup>nd</sup> day of May, 2006

CITY OF SOUTH BEND  
BOARD OF PUBLIC WORKS

\_\_\_\_\_  
Gary Gilot

\_\_\_\_\_  
Carl Littrell

\_\_\_\_\_  
Don Inks

STATE OF INDIANA, ST. JOSEPH COUNTY, ss:

Before me, a Notary Public in and for said County and State, personally appeared Gary Gilot, Carl Littrell and Don Inks, personally known to me to be members of the Board of Public Works, and acknowledged execution of the above on May 20, 2006.

My Commission Expires:

1/10/08

\_\_\_\_\_  
Angela K. Jaws  
Notary Public  
Residing in St. Joseph County, Indiana

ACCEPTANCE OF TERMS AND CONDITIONS

I accept and agree to be bound by all of the terms and conditions of this permit.

Manufacturing Technology, Inc.

\_\_\_\_\_  
Robert C Adams II  
Robert C Adams II, President  
Printed Name and Title



DESCRIPTION:

A parcel of land being a part of the Northeast Quarter of Section 10, Township 37 North, Range 2 East, Portage Township, City of South Bend, Indiana and being more particularly described as follows:

Commencing at the intersection of the West right-of-way line of College Street and the North right-of-way line of Washington Avenue; thence North 89°40'24" West along said North right-of-way line, a distance of 402.37 feet; thence South 0°00'06" East, a distance of 66.00 feet to the place of beginning; thence South 89°40'24" East along the south right-of-way line of said Washington Avenue, a distance of 400.71 feet; thence along a curve to the right having a radius of 247.50 feet, a central angle of 24°13'52" and limited in length by a chord which bears South 77°53'10" East, a distance of 103.89 feet; thence South 15°08'00" East, a distance of 50.00 feet; thence South 19°26'00" East, a distance of 50.00 feet; thence South 25°05'00" East, a distance of 50.00 feet; thence South 26°53'00" East, a distance of 149.75 feet; thence South 89°43'14" East, a distance of 220.17 feet; thence South 00°00'06" East, a distance of 104.15 feet; thence South 89°40'24" West, a distance of 400.71 feet; thence North 00°00'06" West, a distance of 399.14 feet to the place of beginning containing 4.67 acres more or less.

Subject to the legal rights of a public highway, any easements, covenants or restrictions of record.