

3102

5/8/2006

Perpetual Utility Easement

LOT NO.

SUB: Magnum Minor Sub

Magnum Investments, Inc.

Michigan Street

Description:

A Temporary Right of Way for Drive Construction Located in
the NW Quarter of Section 25, Township 37 North, Range 2
East of the Second Principal Meridian Ireland Street Project
NO. 104-040

PROJECT: STP-9971(053)
PARCEL: 12A & 12B*Hold for
Board of Works*
TEMPORARY EASEMENT AGREEMENTTHIS INDENTURE WITNESSETH, THAT Magnum Investments, Inc.of St. Joseph County, in the State of Indiana,

CONVEY(S) A TEMPORARY EASEMENT TO THE CITY OF SOUTH BEND, STATE OF INDIANA

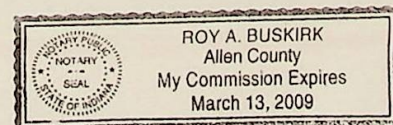
for and in consideration of one dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in St. Joseph County, Indiana, to-wit:

Exhibit "A" attached hereto and made a part hereof

The undersigned grantor(s), being duly sworn, say(s) that he (she, they) is (are) the sole owner(s) of the above-described property, and said grantor(s) further represent(s) that there are no leases or options of any kind or character on said lands as conveyed.

The above-described right of way is temporary right of way for the purposes of constructing a driveway for service to the grantor's(s') private property and/or lawn grading and/or walk construction and/or curb installation and will revert to the grantor(s) upon the completion of said project. It is further understood and agreed that this conveyance transfers only the right to make or construct said driveway and/or lawn grading and/or walk construction and/or curb installation on said lands and to use any material lying within the above-described limits suitable for use in construction of said driveway and/or lawn grading and/or walk construction and/or curb installation and does not convey any rights to any minerals or other substances underneath the surface, except as it may be used for the construction of said improvements. Trees or any other land improvements may be cut or removed from said granted temporary easement by the City of South Bend, through its authorized representatives during said construction.

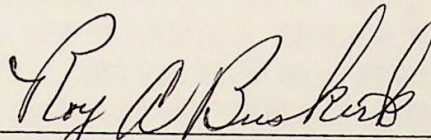
The undersigned person(s) executing this agreement represent(s) and certify(certifies) on behalf of the Grantor, that (each of) the undersigned is a duly elected officer of the Grantor and has been fully empowered by proper resolution, or the by-laws of the Grantor, to execute and deliver this agreement; that the Grantor is a corporation in good standing in the State of its origin and, where required, in the State where the subject real estate is situate; that the Grantor has full corporate capacity to convey the real estate described; and that all necessary corporate action for the making of this conveyance has been duly taken.

Dated this 2nd day of March, 2006, 2005.Magnum Investments, Inc.By [Signature]
(Signature)John Becker, President
(Printed Name and Title)

STATE OF INDIANA)
) SS:
COUNTY OF ST. JOSEPH)

Before me, the undersigned, a Notary Public in and for said County and State, this 2nd day of March 2006, 2005, personally appeared John Becker, President of Magnum Investments, Inc., and acknowledged the execution of the foregoing instrument. Witness my hand and notarial seal.

My Commission Expires:



Notary Public

County of Residence _____

This instrument prepared by: John R. Livingston, Assistant City Attorney

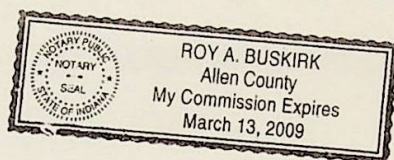


Exhibit "A"

PROPOSED DESCRIPTION

PARCEL 12A - TEMPORARY RIGHT-OF-WAY FOR DRIVE CONSTRUCTION

A TEMPORARY RIGHT-OF-WAY PARCEL LOCATED IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 37 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, CENTRE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 25, AS EVIDENCED BY AN ALUMINUM SECTION CORNER MARKER; THENCE NORTH $87^{\circ}40'50''$ EAST ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 25, ALSO BEING LINE "S-11-A" PER I.N.D.O.T. ROAD PLANS STP-9971(053), A DISTANCE OF 726.57 FEET TO LINE "A" PER I.N.D.O.T. ROAD PLANS STP-9971(053); THENCE CONTINUING NORTH $87^{\circ}40'50''$ EAST ON LINE "S-11-A" PER I.N.D.O.T. ROAD PLANS STP-9971(053) A DISTANCE OF 371.62 FEET; THENCE NORTH $02^{\circ}19'10''$ WEST A DISTANCE OF 40.00 FEET TO A POINT (541) ON THE NORTHERLY RIGHT-OF-WAY OF IRELAND ROAD, BEING THE POINT OF BEGINNING; THENCE NORTH $00^{\circ}36'16''$ EAST ON THE WEST LINE OF THE PARCEL OF LAND DESCRIBED IN DEED DOCUMENT #9305759, A DISTANCE OF 15.02 FEET; THENCE NORTH $87^{\circ}40'13''$ EAST A DISTANCE OF 37.61 FEET; THENCE SOUTH $02^{\circ}19'10''$ EAST A DISTANCE OF 15.01 FEET TO THE NORTHERLY RIGHT-OF-WAY OF IRELAND ROAD; THENCE SOUTH $87^{\circ}40'50''$ WEST ON SAID NORTHERLY RIGHT-OF-WAY A DISTANCE OF 38.38 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.0131 ACRES MORE OR LESS.

TERRITORIAL ENGINEERING, LLC

WALKERTON, INDIANA

OCTOBER 7, 2005

04-151

SHEET 1 OF 4

4

PARCEL #: 12A
PROJECT #: STP-9971(053) DES #: 0101183
ROAD: MICHIGAN ST.
COUNTY: ST. JOSEPH
SECTION: 25
TOWNSHIP: CENTRE
RANGE: 2E




AREA PERMANENT R/W (FEE): N/A
AREA PERMANENT EASEMENT: N/A
AREA TEMPORARY R/W: 0.0131 Ac.

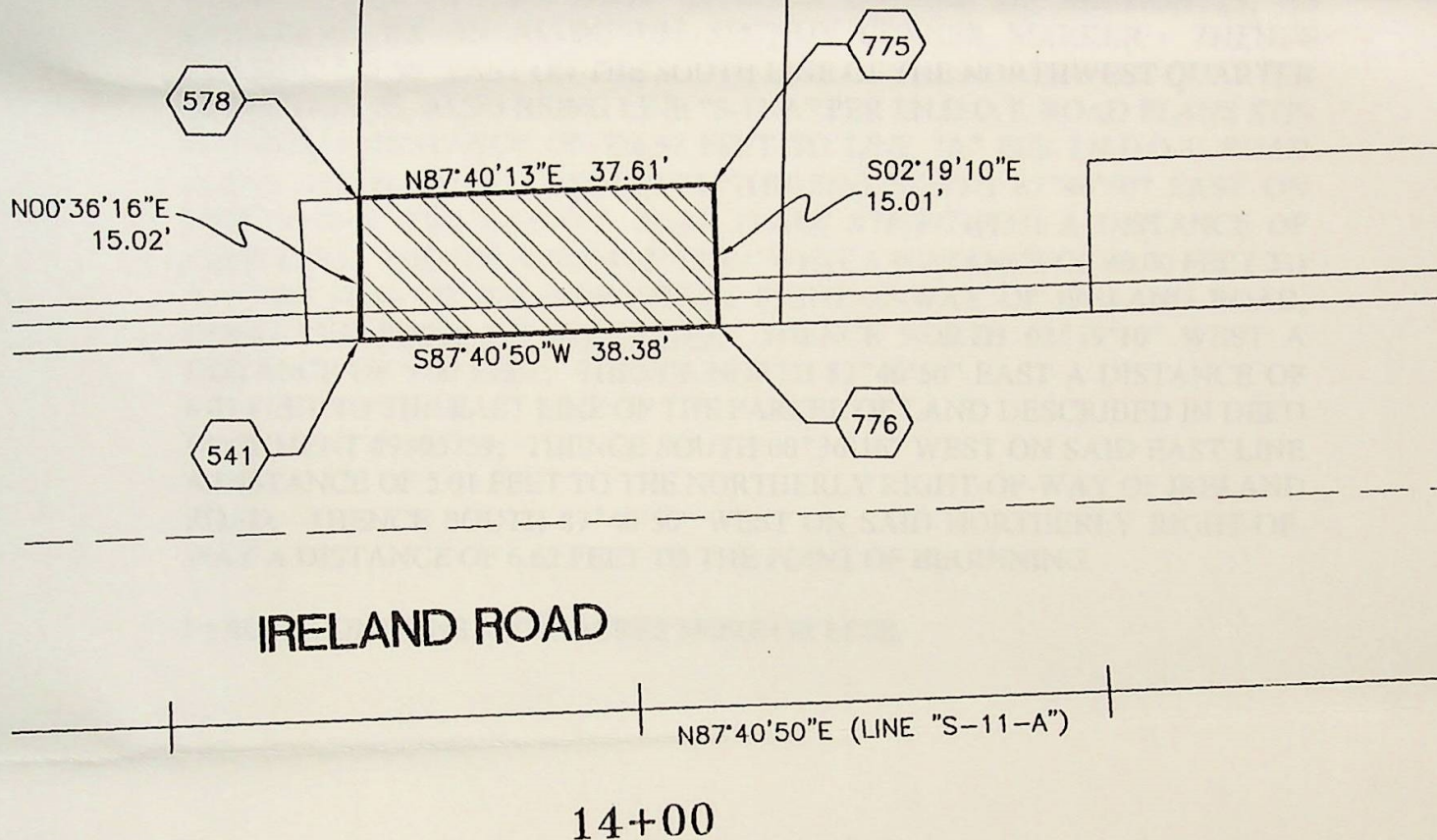
OWNER/RECORD REFERENCE:
MAGNUM INVESTMENTS, INC.
2400 MIRACLE LANE
MISHAWAKA, IN 46545

DOC# 9305759

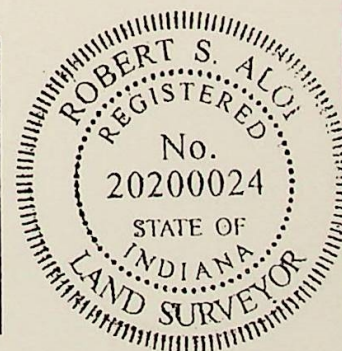
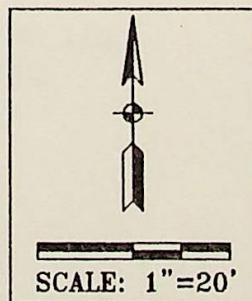
**MAGNUM MINOR
SUBDIVISION
DOC.# 9344946**

HATCH LEGEND

PERMANENT R/W (FEE) 
PERMANENT EASEMENT 
TEMPORARY R/W 



POINT	LINE	STATION	OFFSET	NORTHING	EASTING
541	S11A	13+71.62	40.00' Lt.	10807.6824	10320.3743
578	S11A	13+72.38	55.00' Lt.	10822.7010	10320.5328
775	S11A	14+10	55.01' Lt.	10824.2299	10358.1164
776	S11A	14+10	40.00' Lt.	10809.2357	10358.7237



**TERRITORIAL ENGINEERING,
LLC**

WALKERTON

INDIANA

VAN H. JANOVIC
L.S. S0411

ROBERT S. ALOI
L.S. 20200024

INVALID UNLESS
EMBOSS SEALED

SHEET 2 OF 4

PROPOSED DESCRIPTION
PARCEL 12B - TEMPORARY RIGHT-OF-WAY FOR LAWN GRADE

A TEMPORARY RIGHT-OF-WAY PARCEL LOCATED IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 37 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, CENTRE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 25, AS EVIDENCED BY AN ALUMINUM SECTION CORNER MARKER; THENCE NORTH $87^{\circ}40'50''$ EAST ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 25, ALSO BEING LINE "S-11-A" PER I.N.D.O.T. ROAD PLANS STP-9971(053), A DISTANCE OF 726.57 FEET TO LINE "A" PER I.N.D.O.T. ROAD PLANS STP-9971(053); THENCE CONTINUING NORTH $87^{\circ}40'50''$ EAST ON LINE "S-11-A" PER I.N.D.O.T. ROAD PLANS STP-9971(053) A DISTANCE OF 410.00 FEET; THENCE NORTH $02^{\circ}19'10''$ WEST A DISTANCE OF 40.00 FEET TO A POINT (776) ON THE NORTHERLY RIGHT-OF-WAY OF IRELAND ROAD, BEING THE POINT OF BEGINNING; THENCE NORTH $02^{\circ}19'10''$ WEST A DISTANCE OF 5.00 FEET; THENCE NORTH $87^{\circ}40'50''$ EAST A DISTANCE OF 6.87 FEET TO THE EAST LINE OF THE PARCEL OF LAND DESCRIBED IN DEED DOCUMENT #9305759; THENCE SOUTH $00^{\circ}36'16''$ WEST ON SAID EAST LINE A DISTANCE OF 5.01 FEET TO THE NORTHERLY RIGHT-OF-WAY OF IRELAND ROAD; THENCE SOUTH $87^{\circ}40'50''$ WEST ON SAID NORTHERLY RIGHT-OF-WAY A DISTANCE OF 6.62 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.0008 ACRES MORE OR LESS.

TERRITORIAL ENGINEERING, LLC
WALKERTON, INDIANA
OCTOBER 7, 2005
04-151
SHEET ~~X~~ OF ~~X~~
3 4

PARCEL #: 12B
 PROJECT #: STP-9971(053) DES #: 0101183
 ROAD: MICHIGAN ST.
 COUNTY: ST. JOSEPH
 SECTION: 25
 TOWNSHIP: CENTRE
 RANGE: 2E

AREA PERMANENT R/W (FEE):
 AREA PERMANENT EASEMENT:
 AREA TEMPORARY R/W:




N/A
 N/A
 0.0008 Ac.

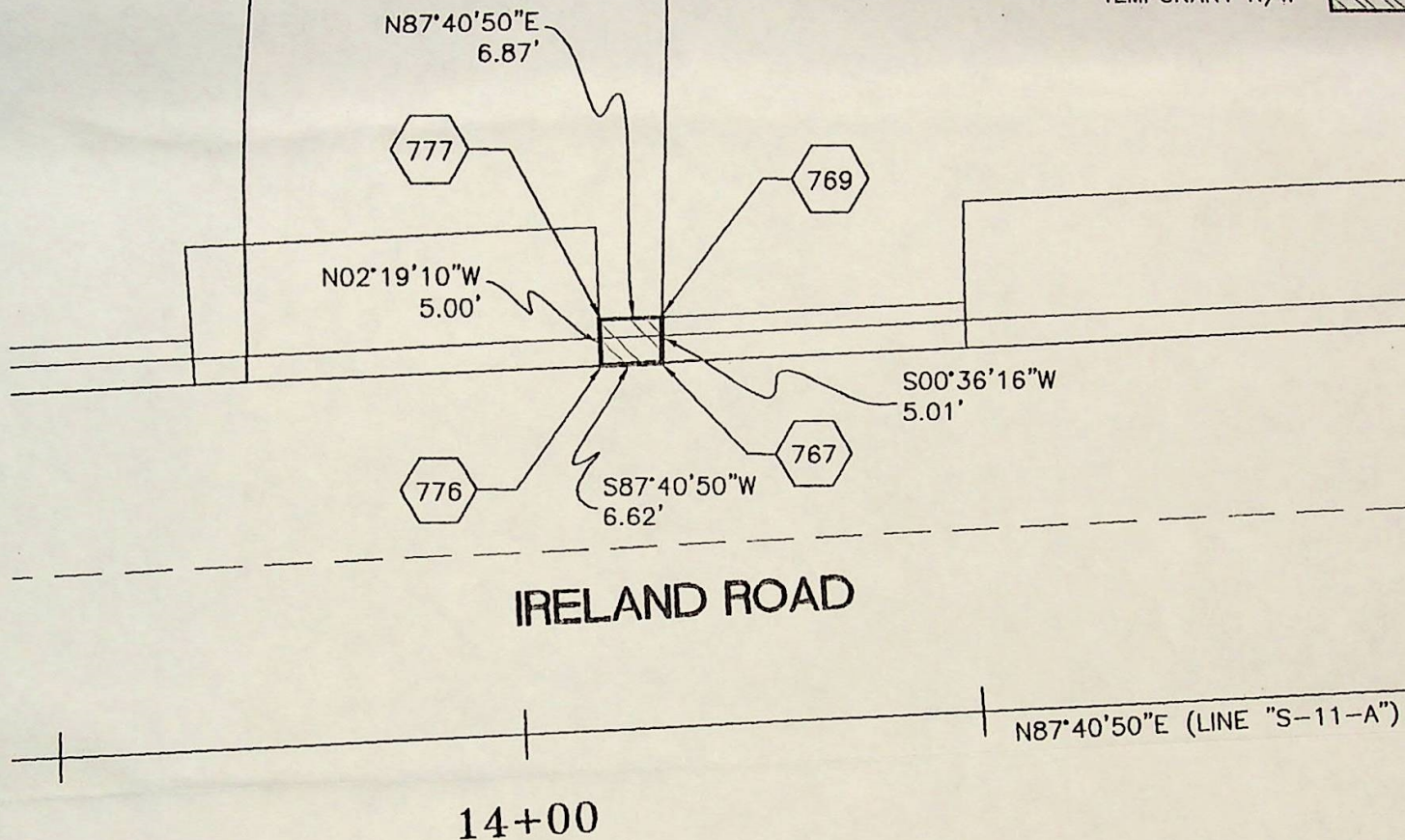
OWNER/RECORD REFERENCE:
 MAGNUM INVESTMENTS, INC.
 2400 MIRACLE LANE
 MISHAWAKA, IN 46545

DOC# 9305759

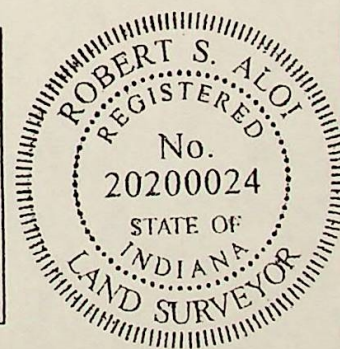
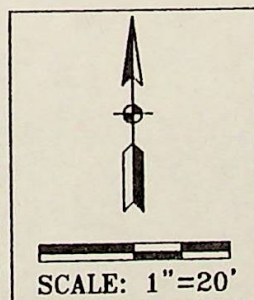
MAGNUM MINOR SUBDIVISION DOC.# 9344946

HATCH LEGEND

PERMANENT R/W (FEE) 
 PERMANENT EASEMENT 
 TEMPORARY R/W 



POINT	LINE	STATION	OFFSET	NORTHING	EASTING
767	S11A	14+16.62	40.00' Lt.	10809.5036	10365.3375
769	S11A	14+16.87	45.00' Lt.	10814.5099	10365.3903
776	S11A	14+10	40.00' Lt.	10809.2357	10358.7237
777	S11A	14+10	45.00' Lt.	10814.2316	10358.5213



**TERRITORIAL ENGINEERING,
 LLC**
 WALKERTON INDIANA

Robert S. Alois
 VAN H. JANOVIC
 L.S. S0411

10/2/2005
 ROBERT S. ALOI
 L.S. 20200024
 INVALID UNLESS
 EMBOSS SEALED