

3103

5/8/2006

Temporary Easement Agreement

*Released 6/28/2016*

LOT NO.

SUB: Chippewa Heights

Weinberg, David (William David Weinberg)  
Michigan Street

Description:

A Temporary Right-of-Way Parcel Located in the NW Quarter  
of Section 25, Township 37 North, Range 2 East of the Second  
Principal Meridian Michigan Street Project NO. 104-024



2  
3

Hold for  
Board of works

3103

0617693  
RECORDED AS PRESENTED ON  
05/08/2006 10:47:25AM  
TERRI J. RETHLAKE  
ST. JOSEPH COUNTY  
RECORDER  
REC FEE: \$15.00  
PAGES: 3

PROJECT: STP-9971(053)  
PARCEL: 30

# TEMPORARY EASEMENT AGREEMENT

THIS INDENTURE WITNESSETH, THAT David Weinberg, a/k/a William David Weinberg  
being over the age of eighteen (18) years, of Jefferson County, in the State of Kentucky,

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.

Dated this 7<sup>th</sup> day of FEBRUARY, 2005. 2006

[Signature]  
(Signature)  
David Weinberg  
(Printed Name)

[Signature]  
(Signature)  
[Blank]  
(Printed Name)

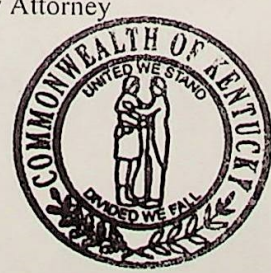
STATE OF KENTUCKY )  
 ) SS:  
COUNTY OF JEFFERSON )

Before me, the undersigned, a Notary Public in and for said County and State, this 7 day of February 2006, 2005, personally appeared David Weinberg, a/k/a William David Weinberg, being over the age of eighteen (18), and acknowledged the execution of the foregoing instrument. Witness my hand and notarial seal.

My Commission Expires:  
May 21 2008

Julie Kristen Wells  
Notary Public  
County of Residence Jefferson

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



JULIE KRISTEN WELLS  
Notary Public, Kentucky  
State At Large  
My Commission Expires  
May 21, 2008



PROPOSED DESCRIPTION  
PARCEL 30 - TEMPORARY RIGHT-OF-WAY FOR DRIVE CONSTRUCTION

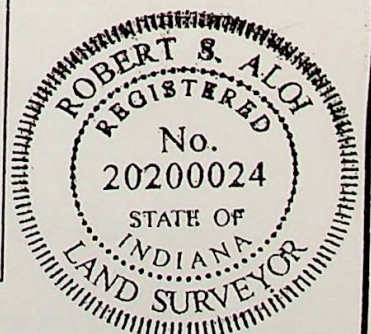
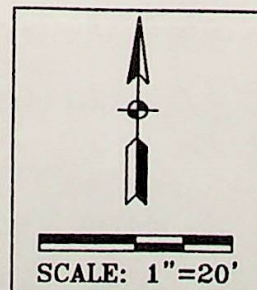
A TEMPORARY RIGHT-OF-WAY PARCEL LOCATED IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 37 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, CENTRE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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 NORTH  $03^{\circ}50'29''$  EAST ON SAID LINE "A" A DISTANCE OF 1610.82 FEET; THENCE NORTH  $86^{\circ}09'31''$  WEST A DISTANCE OF 50.00 FEET TO A POINT (673) ON THE WESTERLY RIGHT-OF-WAY OF MICHIGAN STREET (U.S. 31), BEING THE POINT OF BEGINNING; THENCE SOUTH  $87^{\circ}55'49''$  WEST ON THE SOUTH LINE OF THE PARCEL OF LAND DESCRIBED IN DEED DOCUMENT #9217824, A DISTANCE OF 10.05 FEET; THENCE NORTH  $03^{\circ}50'29''$  EAST A DISTANCE OF 108.11 FEET; THENCE SOUTH  $86^{\circ}09'31''$  EAST A DISTANCE OF 10.00 FEET TO THE WESTERLY RIGHT-OF-WAY OF MICHIGAN STREET (U.S. 31); THENCE SOUTH  $03^{\circ}50'29''$  WEST ON SAID WESTERLY RIGHT-OF-WAY A DISTANCE OF 107.08 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.0247 ACRES MORE OR LESS.

TERRITORIAL ENGINEERING, LLC  
WALKERTON, INDIANA  
OCTOBER 7, 2005  
04-151  
SHEET 1 OF 2

POINT	LINE	STATION	OFFSET	NORTHING	EASTING
672	"A"	1060+56.89	60.00' Lt.	12362.8655	9998.6570
673	"A"	1060+57.92	50.00' Lt.	12363.2286	10008.7039
676	"A"	1061+65	60.00' Lt.	12470.7358	10005.8998
677	"A"	1061+65	50.00' Lt.	12470.0659	10015.8773



**TERRITORIAL ENGINEERING, LLC**  
WALKERTON INDIANA

VAN H. JANOVIC  
L.S. S0411

ROBERT S. ALOI  
L.S. 20200024

INVALID UNLESS  
EMBOSS SEALED

10/21 2005



ROAD: MICHIGAN ST.  
COUNTY: ST. JOSEPH  
SECTION: 25  
TOWNSHIP: CENTRE  
RANGE: 2E




AREA TEMPORARY R/W:

0.0247 Ac.

4035 S. MICHIGAN ST.  
SOUTH BEND, IN 46614

DOC.# 9217824

HATCH LEGEND

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

S86°09'31"E  
10.00'

69

676

677

MEYERS and FUNK'S  
THIRD PLAT of CHIPPEWA HEIGHTS  
(PLAT BOOK 10, PAGE 176)

70

71A

72A

N03°50'29"E  
108.11'

S03°50'29"W  
107.08'

MICHIGAN STREET (U.S. 31)

1061+00

672

673

S87°55'49"W  
10.05'

N03°50'29"E (LINE "A")

POINT	LINE	STATION	OFFSET	NORTHING	EASTING
672	"A"	1060+56.89	60.00' Lt.	12362.8655	9998.6570
673	"A"	1060+57.92	50.00' Lt.	12363.2286	10008.7039
676	"A"	1061+65	60.00' Lt.	12470.7358	10005.8998
677	"A"	1061+65	50.00' Lt.	12470.0659	10015.8773



SCALE: 1"=20'



TERRITORIAL ENGINEERING,  
LLC

WALKERTON

INDIANA

VAN H. JANOVIC  
L.S. S0411

ROBERT S. ALOIS  
L.S. 20200024

INVALID UNLESS  
EMBOSS SEALED

10/21 2005



ARCE: 30  
PROJECT #: STP-9971(033) DES #: 0101183  
ROAD: MICHIGAN ST.  
COUNTY: ST. JOSPEH  
SECTION: 25  
TOWNSHIP: CENTRE  
RANGE: 2E



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

N/A  
N/A  
0.0247 Ac.

OWNER/RECORD REFERENCE:  
DAVID WEINBERG  
4035 S. MICHIGAN ST.  
SOUTH BEND, IN 46614

DOC.# 9217824

HATCH LEGEND

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

S86°09'31"E  
10.00'

69

676

677

MEYERS  
and FUNK'S  
THIRD PLAT of  
CHIPPEWA HEIGHTS  
(PLAT BOOK  
10, PAGE 176)

70

71A

72A

N03°50'29"E  
108.11'

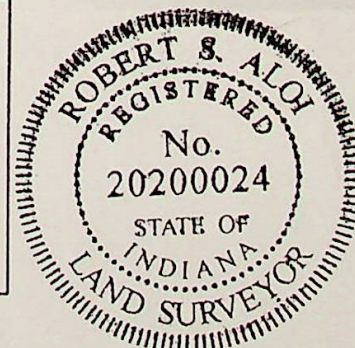
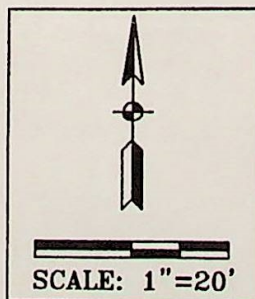
S03°50'29"W  
107.08'

MICHIGAN STREET (U.S. 31)

1061+00

N03°50'29"E (LINE "A")

POINT	LINE	STATION	OFFSET	NORTHING	EASTING
672	"A"	1060+56.89	60.00' Lt.	12362.8655	9998.6570
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TERRITORIAL ENGINEERING,  
LLC

WALKERTON

INDIANA

VAN H. JANOVIC  
L.S. S0411

ROBERT S. ALOI  
L.S. 20200024

INVALID UNLESS  
EMBOSS SEALED

10/21 2005



METROPOLITAN TITLE IN, LLC  
4100 EDISON LAKES PKWY  
SUITE 120  
MISHAWAKA, IN 46545

1616936

RECORDED AS PRESENTED ON  
07/05/2016 08:45:46AM  
PHILLIP G. DOTSON  
ST. JOSEPH COUNTY  
RECORDER  
PGS: 2 FEES: \$14.00

## RELEASE OF EASEMENT

Page: 1 of 2

**THIS INDENTURE WITNESSETH**, that the **CITY OF SOUTH BEND**, hereby releases its Easement granted by **DAVID WEINBERG a/k/a WILLIAM DAVID WEINBERG**, in and over real estate in St. Joseph County, State of Indiana, as identified in that certain Easement dated February 7, 2006 and recorded May 8, 2006, in the Office of the Recorder of St. Joseph County, Indiana, as Instrument Number 0617693.

**WHEREAS**, the Easement is no longer necessary and the City desires to release its Easement.

**NOW THEREFORE**, in consideration of the premises, the undersigned does hereby irrevocably release unto David Weinberg, his heirs, administrators, executors, personal representatives, devisees, grantees, successors, and assigns, the Easement described as Instrument Number 0617693 as recorded in the Office of the Recorder of St. Joseph County, Indiana.

In witness whereof, the **CITY OF SOUTH BEND** has caused this Release of Easement to be duly executed this 28<sup>th</sup> day June of 2016.

### CITY OF SOUTH BEND

By: \_\_\_\_\_  
Signature

Its: APPROVED  
Board of Public Works

Printed: \_\_\_\_\_ JUN 28 2016

Gary A. Gilot, President  
David P. Relos, Member  
Therese J. Dorau, Member  
Elizabeth A. Maradik, Member  
James A. Mueller, Member

Gary A. Gilot  
David P. Relos  
Therese J. Dorau  
Elizabeth A. Maradik  
James A. Mueller



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

Before me, a Notary Public in and for said State and County, personally appeared Gary A. Gilot, David P. Relos, Therese J. Dorau, Elizabeth A. Maradik, and James A. Mueller, who in his/her capacity as the President and Members of the Board of Public Works for the City of South Bend hereby acknowledges the execution of the foregoing Release of Easement to be its voluntary act and deed and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this 28 day of June, 2016.

Linda M Martin  
Signature

\_\_\_\_\_, Notary Public  
Printed Name

Resident of ST. JOSEPH County, Indiana.

My Commission expires \_\_\_\_\_.



This instrument was prepared by Michael J. Schmidt, Assistant City Attorney, 1200 S County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana 46601, (574) 235-9241.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Michael J. Schmidt.



## RELEASE OF EASEMENT

Page: 1 of 2

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### CITY OF SOUTH BEND

By: \_\_\_\_\_  
Signature

Its: **APPROVED**  
**Board of Public Works**

Printed: \_\_\_\_\_

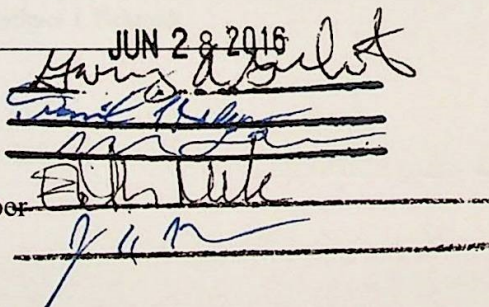
Gary A. Gilot, President

David P. Relos, Member

Therese J. Dorau, Member

Elizabeth A. Maradik, Member

James A. Mueller, Member

**JUN 28 2016**  




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

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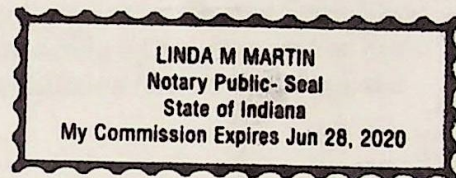
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Linda M. Martin  
Signature

\_\_\_\_\_, Notary Public  
Printed Name

Resident of ST. JOSEPH County, Indiana.

My Commission expires \_\_\_\_\_.



This instrument was prepared by Michael J. Schmidt, Assistant City Attorney, 1200 S County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana 46601, (574) 235-9241.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Michael J. Schmidt.



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



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

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR  
**BOARD OF PUBLIC WORKS**

June 28, 2016

Mr. Robert Manuwal  
Senior Loss Mitigation Officer  
Teachers Credit Union  
110 S. Main Street  
South Bend, IN 46601

RE: Release of Easement – City to Release Temporary Easement at Former Sears Store on South Michigan St. originally granted for Constructing a Driveway and/or Lawn Grading and/or Walk Construction and/or Curb Installation (David Weinberg aka William David Weinberg)

Dear Mr. Manuwal:

The Board of Public Works, at its meeting held on June 28, 2016, approved the above referenced release of easement. Enclosed is the original Release of Easement. Please sign and have it recorded and return a copy to my attention.

If you have any further questions regarding this matter, please call this office at (574) 235-9251.

Sincerely,

Linda M. Martin, Clerk

Enclosure



## RELEASE OF EASEMENT

Page: 1 of 2

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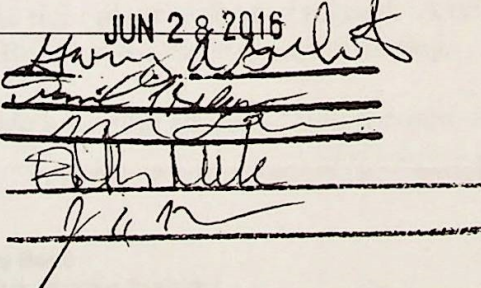
**NOW THEREFORE**, in consideration of the premises, the undersigned does hereby irrevocably release unto David Weinberg, his heirs, administrators, executors, personal representatives, devisees, grantees, successors, and assigns, the Easement described as Instrument Number 0617693 as recorded in the Office of the Recorder of St. Joseph County, Indiana.

In witness whereof, the **CITY OF SOUTH BEND** has caused this Release of Easement to be duly executed this \_\_\_\_\_ day \_\_\_\_\_ of 2016.

**CITY OF SOUTH BEND**

By: \_\_\_\_\_  
Signature

Its: \_\_\_\_\_  
**APPROVED**  
**Board of Public Works**

Printed: \_\_\_\_\_  
**JUN 28 2016**  




## Lee Bene

---

**From:** Manuwal, Bob <RMANUWAL@tcunet.com>  
**Sent:** Tuesday, June 07, 2016 4:33 PM  
**To:** Lee Bene  
**Subject:** RE: Scan from a Xerox WorkCentre

Lee- Please mail the release to me at:

Robert Manuwal  
Senior Loss Mitigation Officer  
Teachers Credit Union  
110 S. Main Street  
South Bend, IN 46601

I will then forward the release to Metropolitan Title so that they can record it. Thank you so much for your prompt help.

Bob Manuwal

---

**From:** Lee Bene [mailto:lbene@southbendin.gov]  
**Sent:** Tuesday, June 07, 2016 3:25 PM  
**To:** Manuwal, Bob <RMANUWAL@tcunet.com>  
**Subject:** RE: Scan from a Xerox WorkCentre

CAUTION EXTERNAL EMAIL

Hi Bob,

Looks like you reached the right place with your request. A release of the easement is being prepared and will most likely be before the Board at the meeting next Tuesday.

If you would please provide a mailing address, I will forward the document when it is fully executed.

Lee



**Lee Bené**  
Administrative Assistant  
City of South Bend  
Dept. of Public Works Div. of Engineering  
227 W. Jefferson Blvd. RM 1316  
South Bend, IN 46601  
(574) 235-5927 Office  
(574) 235-9171  
[lbene@southbendin.gov](mailto:lbene@southbendin.gov)