

3175

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

LOT NO. 84

SUB: Town of Lowell

Ketchum, Morgan & Patricia
511 Colfax

Description:

Commencing at the SE Corner of Lot 84 of Said Plat of the Town of Lowell, noth the City of South Bend, Being also the Intersection of a North/South Alley and North Right of Way Line of Colfax Avenue; Thence West along Said North Line a Distance of 41.97 Feet; thence South Perpendicular with said North Line a Distance of .11 Feet; thence East 41.97 Feet, More or Less to a Point 1.65 Feet South of the Point of Beginning; thence North to the place of Beginning. Containing .018 acres, more ore less.

3175

Angie,

10/5/06

Original given to Noon Davey 10/9/06 TO get signatures & record.

Jeanne Col

10/5/06 (thurs.)

PERMIT IN RECOGNITION
UPON CITY-CONTRIBUTION

WHEREAS, Morgan A. Ketcham, ("Grantee"), owner of certain real estate (as c South Bend along the north side of East Avenue, which real estate is commonly known been improved by a building upon it ("Build

WHEREAS, the Building may extend Avenue south of its intersection with Niles

WHEREAS, this encroachment pre not the fault of Grantee in any way; and

WHEREAS, the Grantee and its potential improve the 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 located in the Northeast Quarter of Section 12, Township 37 North, Range 2 East, Portage Township, St. Joseph County, as shown on the plat of the Town of Lowell, now the City of South Bend, IN described as follows:

Commencing at the Southeast corner of Lot 84 of said plat of the Town of Lowell, now the City of South Bend, being also the intersection of a North/South alley and the North right of way line of Colfax Avenue; thence West along said North line of Colfax Avenue, a distance of 0.94 feet to the place of beginning; thence continuing West along said North line a distance of 41.97 feet; thence South perpendicular with said North line a distance of 2.11 feet; thence East 41.97 feet, more or less to a point 1.65 feet South of the point of beginning; thence North to the place of beginning. Containing .018 acres, more or less.

2. The City of South Bend grants to Morgan A. Ketcham, and Patricia E. Ketcham, husband and wife, a Permit to continue the encroachment. This Permit is intended to run with the land and will be duly recorded. Thus, it also shall be transferrable by Morgan A. Ketcham, and Patricia E. Ketcham, husband and wife, and applicable to any assignee, transferee or other successor in interest to Morgan A. Ketcham, and Patricia E. Ketcham, husband and wife. However, if at any time the Building or that portion of the Building which occupies the encroachment is demolished or ceases to exist for any reason, said encroachment shall be terminated and any new or replacement structure shall honor the

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PERMIT IN RECOGNITION
UPON CITY-CON

WHEREAS, Morgan A. Ketcham, ("Grantee"), owner of certain real estate (as shown on the plat of the Town of Lowell, now the City of South Bend along the north side of East Avenue, which real estate is commonly known as the "Building") has been improved by a building upon it ("Building")

WHEREAS, the Building may extend south of its intersection with Niles Avenue

WHEREAS, this encroachment project is not the fault of Grantee in any way; and

WHEREAS, the Grantee and its potential successors intend to improve the Building; and

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

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Angie,
10/5/06
I spoke with Tom Bodnar today (thurs.)
and he asked that I drop this off
to you. Obviously I missed you, but
I would like to discuss. Please
call me at 574.271.4060.
Noah Davey

Cell - 574.850.2730

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

WHEREAS, Morgan A. Ketcham, and Patricia E. Ketcham, husband and wife ("Grantee"), owner of certain real estate (as described in the attached Exhibit "A") in the City of South Bend along the north side of East Colfax Avenue east of its intersection with Niles Avenue, which real estate is commonly known as 511 East Colfax, and which real estate has been improved by a building upon it ("Building"); and

WHEREAS, the Building may extend somewhat into the right-of-way of East Colfax Avenue south of its intersection with Niles Avenue; and

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

WHEREAS, the Grantee and its potential successors in interest wish to maintain and improve the Building; and

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

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WHEREAS, the Grantee and its potential successors in interest wish to maintain and improve the Building; and

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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 that arises out of or is attributed to the granting of this Permit.

5. This Permit shall be transferable to the Grantee's successor in interest, providing successor in interest is owner of the land described in Exhibit "A", so long as their successor agrees to release and hold Grantor harmless from any action initiated by any third person that arises out of or is attributed to the granting of this Permit.

Approved by the Board of Public Works this 9th day of Oct, 2006

CITY OF SOUTH BEND
BOARD OF PUBLIC WORKS

Gary A Gilot

Gary Gilot

Carl Littrell

Don Inks

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 Oct. 9, 2006.

My Commission Expires:

1/10/08

Angela Jais

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.

Morgan A. Ketcham

Patricia E. Ketcham

Prepared by Thomas L. Bodnar, Assistant City Attorney, 1400 County-City Building, South Bend, IN 46601.

October 5th, 2006

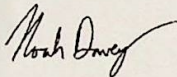
Board of Public Works
227 West Jefferson Blvd. Suite 1300 N
South Bend, Indiana 46601

Enclosed you will find a survey completed by Jason Deckard with Danch Harner on September 25th, 2006 for the subject sale of 511 E Colfax in South Bend, Indiana. In order to facilitate a transfer of property from the current owner (Morgan A Ketchum Patricia E Ketcham, Husband & Wife) to Odyssian Technology, which is an R&D aeronautics company, we are requesting a license easement agreement in the current owner's name for the encroachment found on the enclosed survey. The encroachment is found on the southernmost portion of the subject property where the structure encroaches upon city right of way (encroachment found within parcel 2 on enclosed survey).

The City will be idemnified and therefore held harmless from any liability, and it is agreed that if the building is demolished that the license is relinquished, therefore future construction will not occur within the City right of way. Furthermore, the buyer is currently working with DTSB to attain a matching facade grant for future improvements, which may impact the encroachment distance and we ask for consideration today if at all possible.

Thank you for your attention to this request. If you have any immediate questions or concerns, I can be reached at 574.271.4060.

Best Regards,



Noah Davey

