

3241

2/25/2008

Distribution Easement

18-8018-0795.07

LOT NO.

SUB:

I&M Power

Description:

That portion of the Southeast Quarter of Section 23, Township 37 North, Range 2 East, which Lies East of the Right-of-Way of the Terre Haute and Logansport Railway Company, now known as the Pennsylvania Railroad Company, containing 28.14 acres, more or le



0805794

RECORDED AS PRESENTED ON

02/25/2008 09:16:30AM

TERRI J. RETHLAKE  
ST. JOSEPH COUNTY  
RECORDER

REC FEE: \$19.00  
PAGES: 3

## DISTRIBUTION EASEMENT

Tax Key Parcel No. 18-8018-0795.07  
Easement No. IN071173  
Map No. 575

THIS INDENTURE, made by and between **MUNICIPAL CITY WATER WORKS**, a Governmental Municipality, whose address is 224 North Main, South Bend, Indiana 46601 ("Grantor"), and **INDIANA MICHIGAN POWER COMPANY**, an Indiana corporation, whose post office address is P.O. Box 60, One Summit Square, Fort Wayne, Indiana 46801 ("Grantee").

**WITNESSETH**, that for One (\$1.00) Dollar and other good and valuable consideration in hand paid, the receipt and sufficiency of which Grantor hereby acknowledges, Grantor does hereby grant and convey to Grantee a **RIGHT-OF-WAY AND EASEMENT** (see **EXHIBIT "A"** attached hereto for specific locations and dimensions) for the construction, operation, use, maintenance, repair, renewal, and removal of a line or lines of overhead and underground facilities and equipment for the transmission of electrical energy and for communication purposes, including the right to permit attachments of others to said facilities, in, on, along, under, over, across, and through the said easement, which easement is located on the following described **REAL ESTATE**, to-wit:

A part of the Southeast Quarter of Section 23, Township 37 North, Range 2 East, Portage Township, St. Joseph County, Indiana, described as follows:

That portion of the Southeast Quarter of Section 23, Township 37 North, Range 2 East, which lies east of the right-of-way of the Terre Haute and Logansport Railway Company, now known as the Pennsylvania Railroad Company, containing 28.14 acres, more or less.

Being the same (or a part of the same) property conveyed to **MUNICIPAL CITY WATER WORKS**, a Governmental Municipality, by Warranty Deed dated March 28, 1928, and recorded in Book 209, Page 282, on April 17, 1928, in the Office of the Recorder of St. Joseph County, Indiana.

**TOGETHER** with the right of ingress and egress to, from, and over said premises, and also the right to cut, trim and/or remove any trees or bushes which may endanger the safety or interfere with the construction, maintenance, or use of said facilities.

**GRANTEE** shall promptly repair or replace all physical damage on the premises proximately caused by the construction, operation and maintenance of Grantee's facilities.

**GRANTOR** warrants that no structure or building shall be erected upon said easement.



AFTER the completion of said system, the Grantor reserves the full use of the land which is not inconsistent with the existence and maintenance of said facilities but does agree not to change elevation or grade within the area of said easement without the written prior consent of Grantee.

IT IS AGREED that the foregoing is the entire contract between the parties hereto, and that this written agreement is complete in all its terms and provisions and shall be binding on their respective representatives, heirs, successors, and assigns.

THE UNDERSIGNED PERSON executing this document on behalf of Grantor, represents and certifies that he is the duly elected Members of the Grantor and has been fully empowered, by proper resolution, to execute and deliver this document; that Grantor has fully corporate capacity to convey the real estate described here; and that all necessary corporate action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal on

NOV 13 2007  
APPROVED  
Board of Public Works

NOV 13 2007  
APPROVED  
Board of Public Works

MUNICIPAL CITY WATER WORKS, a Governmental Municipality

By: \_\_\_\_\_, its  
(Please print your name and title on this line exactly as it appears above.)

STATE OF Indiana )  
COUNTY OF \_\_\_\_\_ ) SS.

Before me, a Notary Public in and for said County and State, on November 13 2007, personally appeared Gary A Gilot (PRINT SIGNOR'S NAME), the President (PRINT SIGNOR'S TITLE) of MUNICIPAL CITY WATER WORKS, a Governmental Municipality, and acknowledged execution of the foregoing document for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations contained are true.

WITNES my hand and Notarial Seal.

I affirm, under the penalties for perjury, that I have taken reasonable care to reflect each social security number in this document, unless required by law.

S. M. Durham

S. M. Durham

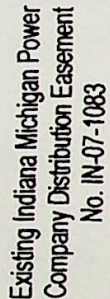
Prepared by:  
Sylvia M. Durham, Right of Way Agent  
AEP - Indiana Michigan Power Company  
2929 W. Lathrop, South Bend, IN 46628  
574.283.1870

Linda Martin  
Notary Public, St. Joseph  
County, Indiana  
My Commission Expires: Jun. 12, 2008

Board of Public Works  
by: Gary A Gilot, P.E., President \*\*  
Carl P. Littrell, P.E., Member \*\*  
Donald E. Inks, Member \*\*



**NORTH**





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

November 13, 2007

Ms. Sylvia Durham  
Indiana Michigan Power Company  
2828 Lathrop Avenue  
South Bend, Indiana 46628

RE: Distribution Easement – South Well Field

Dear Ms. Durham:

The Board of Public Works, at its meeting held on November 13, 2007, approved the Distribution Easement in the South Well Field.

Enclosed is an original of the Distribution Easement. Please record this document at the St. Joseph County's Recorder's Office and return a copy to me.

If you should have any questions, please contact me at (574) 235-9251.

Sincerely,

Linda M. Martin, Clerk

c: Tony Molnar, Engineering



COPY

## DISTRIBUTION EASEMENT

Tax Key Parcel No. 18-8018-0795.07

Easement No. IN071173

Map No. 575

**THIS INDENTURE**, made by and between **MUNICIPAL CITY WATER WORKS**, a Governmental Municipality, whose address is 224 North Main, South Bend, Indiana 46601 ("Grantor"), and **INDIANA MICHIGAN POWER COMPANY**, an Indiana corporation, whose post office address is P.O. Box 60, One Summit Square, Fort Wayne, Indiana 46801 ("Grantee").

**WITNESSETH**, that for One (\$1.00) Dollar and other good and valuable consideration in hand paid, the receipt and sufficiency of which Grantor hereby acknowledges, Grantor does hereby grant and convey to Grantee a **RIGHT-OF-WAY AND EASEMENT** (see **EXHIBIT "A"** attached hereto for specific locations and dimensions) for the construction, operation, use, maintenance, repair, renewal, and removal of a line or lines of overhead and underground facilities and equipment for the transmission of electrical energy and for communication purposes, including the right to permit attachments of others to said facilities, in, on, along, under, over, across, and through the said easement, which easement is located on the following described **REAL ESTATE**, to-wit:

A part of the Southeast Quarter of Section 23, Township 37 North, Range 2 East, Portage Township, St. Joseph County, Indiana, described as follows:

That portion of the Southeast Quarter of Section 23, Township 37 North, Range 2 East, which lies east of the right-of-way of the Terre Haute and Logansport Railway Company, now known as the Pennsylvania Railroad Company, containing 28.14 acres, more or less.

Being the same (or a part of the same) property conveyed to **MUNICIPAL CITY WATER WORKS**, a Governmental Municipality, by Warranty Deed dated March 28, 1928, and recorded in Book 209, Page 282, on April 17, 1928, in the Office of the Recorder of St. Joseph County, Indiana.

**TOGETHER** with the right of ingress and egress to, from, and over said premises, and also the right to cut, trim and/or remove any trees or bushes which may endanger the safety or interfere with the construction, maintenance, or use of said facilities.

**GRANTEE** shall promptly repair or replace all physical damage on the premises proximately caused by the construction, operation and maintenance of Grantee's facilities.

**GRANTOR** warrants that no structure or building shall be erected upon said easement.



AFTER the completion of said system, the Grantor reserves the full use of the land which is not inconsistent with the existence and maintenance of said facilities but does agree not to change elevation or grade within the area of said easement without the written prior consent of Grantee.

IT IS AGREED that the foregoing is the entire contract between the parties hereto, and that this written agreement is complete in all its terms and provisions and shall be binding on their respective representatives, heirs, successors, and assigns.

THE UNDERSIGNED PERSON executing this document on behalf of Grantor, represents and certifies that he is the duly elected \_\_\_\_\_ of the Grantor and has been fully empowered, by proper resolution, to execute and deliver this document; that Grantor has fully corporate capacity to convey the real estate described here; and that all necessary corporate action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal on

NOV. 13, 2007. APPROVED  
Board of Public Works  
NOV 13 2007

MUNICIPAL CITY WATER WORKS, a Governmental Municipality

By: \_\_\_\_\_, its \_\_\_\_\_  
(Please print your name and title on this line exactly as it appears above.)

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS.

Before me, a Notary Public in and for said County and State, on November 13, 2007, personally appeared LINDA MARTIN (PRINT SIGNOR'S NAME), the CLERK, BOARD OF PUBLIC WORKS (PRINT SIGNOR'S TITLE) of MUNICIPAL CITY WATER WORKS, a Governmental Municipality, and acknowledged execution of the foregoing document for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS my hand and Notarial Seal.

(SEAL)

Linda Martin  
Notary Public, St Joseph  
County, Indiana  
My Commission Expires: Jan 12, 2008

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:

S. M. Durham

Prepared by:  
Sylvia M. Durham, Right of Way Agent  
AEP - Indiana Michigan Power Company  
2929 W. Lathrop, South Bend, IN 46628  
574.283.1870

APPROVED  
Board of Public Works

NOV 13 2007  
Dagmar A. Bulst  
Notary Public  
Carl Phillips



COUNTY OF St. Joseph  
VILLAGE / CITY OF South Bend  
OUTLOT / INLOT NO. \_\_\_\_\_

TOWNSHIP OF Portage  
SECTION NO. 23, 1/4  
TWP. NO. 37N RANGE NO. 2E

AEP Map. No. (quad/map) J304

Easement No. \_\_\_\_\_

Dwg. No. \_\_\_\_\_

EASEMENT / SERVICE ADDRESS: 300 Sherwood Av.

OH / UG UTILITY EASEMENT GRANTED TO INDIANA MICHIGAN POWER COMPANY FOR (DESCRIPTION OF JOB):

171' x 30' & 250' x 30' Extend 3-phase primary conductors AND 75' x 20' single phase primary

Designer: FRAN GLENN

Drawn by: FRAN GLENN

Date: \_\_\_\_\_

Scale: Not to Scale

OPS Order No. \_\_\_\_\_

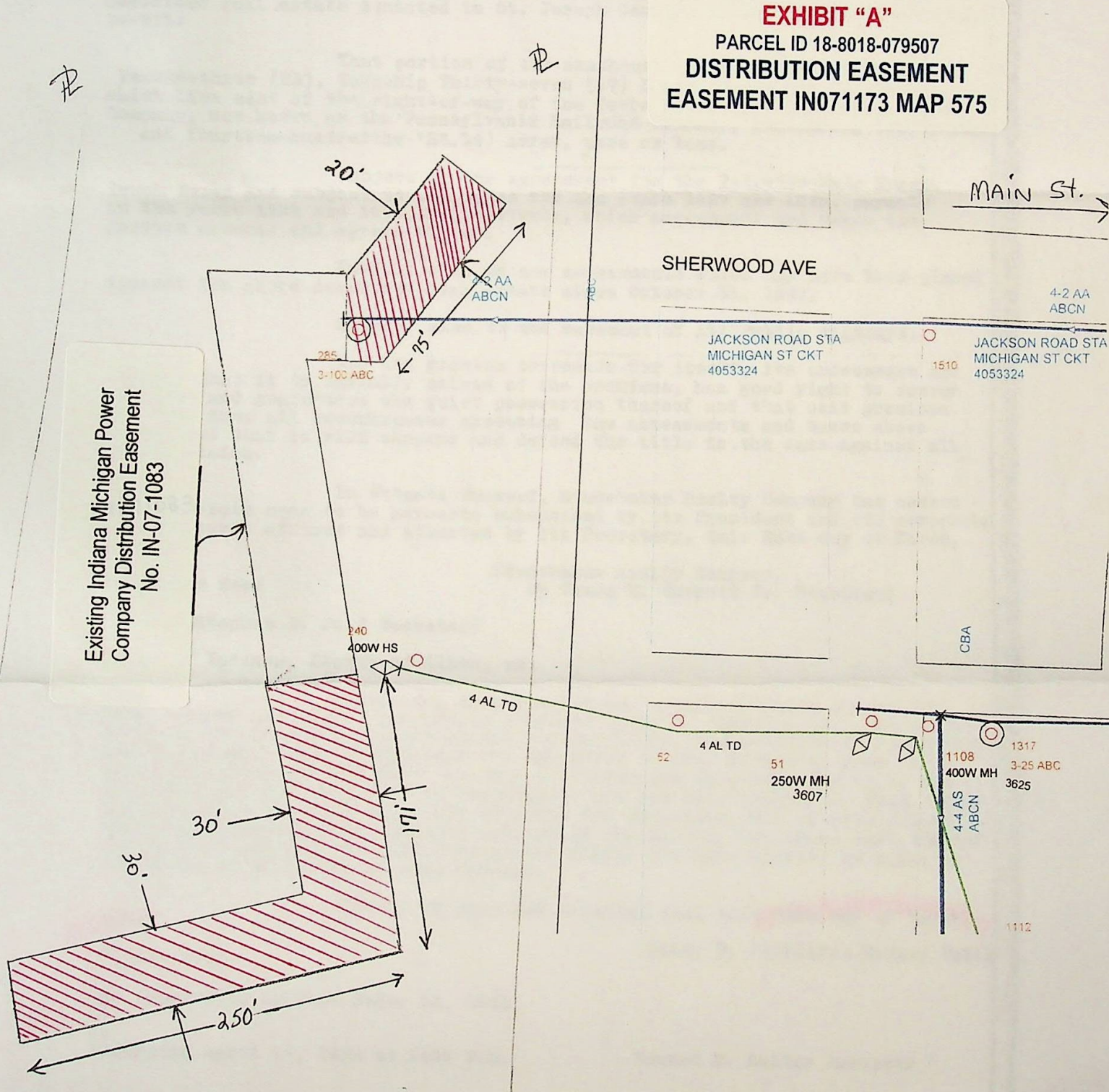
STS Work Request No. (non-designed) \_\_\_\_\_

STS Work Request No. (designed) \_\_\_\_\_

Construction Work Order No. \_\_\_\_\_



**EXHIBIT "A"**  
PARCEL ID 18-8018-079507  
**DISTRIBUTION EASEMENT**  
**EASEMENT IN071173 MAP 575**





94737

Studebaker Realty Co.

JD

Municipal City Water Works

This Indenture Witnesseth that Studebaker Realty Company, a corporation organized and existing under the laws of the State of Indiana, with its principal place of business in the City of South Bend, St. Joseph County, Indiana, conveys and warrants to

Municipal City Water Works

of the City of South Bend, of St. Joseph County, State of Indiana, its successors and assigns, for the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the following described real estate situated in St. Joseph County, in the State of Indiana, to-wit:

That portion of the southeast quarter (SE $\frac{1}{4}$ ) of Section Twenty-three (23), Township Thirty-seven (37) North, Range Two (2) East, which lies east of the right-of-way of the Terre Haute and Logansport Railway Company, now known as the Pennsylvania Railroad Company, containing twenty-eight and fourteen-hundredths (28.14) acres, more or less.

Subject to the assessment for the Fairview-Main Street Trunk Sewer and subject to the taxes for the years 1927 and 1928, payable in the years 1928 and 1929, respectively, which assessment and taxes the grantee assumes and agrees to pay.

Subject also to any assessments which may have been placed against the above described real estate since October 31, 1927.

Subject also to the easement of all Public Highways.

And the grantor covenants for itself, its successors and assigns that it is lawfully seized of the premises, has good right to convey the same and guarantees the quiet possession thereof and that said premises are free from all encumbrances excepting the assessments and taxes above stated and that it will warrant and defend the title to the same against all lawful claims.

In Witness Whereof, Studebaker Realty Company has caused its corporate name to be hereunto subscribed by its President and its corporate seal hereunto affixed and attested by its Secretary, this 28th day of March, 1928.

Corporate Seal

Studebaker Realty Company,

By James M. Barrett Jr. President

Attest: Stephen D. Bond Secretary

State of Indiana, County of Allen, ss:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared James M. Barrett, Jr., and Stephen D. Bond, known to me to be President and Secretary, respectively of Studebaker Realty Company, who acknowledged the execution of the foregoing deed to be their voluntary act and deed, as such President and Secretary and to be the voluntary act and deed of said Corporation and the said Stephen D. Bond, being duly sworn on his oath says that he knows the corporate seal of said Company, that the corporate seal hereunto affixed is the genuine corporate seal thereof and that he affixed the same thereto and signed his name thereto by order of the Board of Directors of said Company.

1928.

Witness my hand and notarial seal this 28th day of March,

Notary Seal

Dailey D. Wickliffe Notary Public

My commission expires Sept. 13, 1931

Recorded April 17, 1928 at 1:35 P.M.

Edward F. Keller Recorder



ADMINISTRATIVE INFORMATION

Parcel Number:  
18-8018-079507  
Alt Parcel Number:

Tax ID:

Property Address:

Neighborhood:  
18394 18394  
Property Class:  
300 Vacant Land

TAXING DISTRICT INFORMATION

County:  
St. Joseph  
Township:  
0011 PORTAGE TOWNSHIP  
Corporation:  
7205

State District:  
026 SOUTH BEND (PORTAGE)  
Local District:  
0000  
Section & Plat:

Routing Number:  
8-L

SITE DESCRIPTION

Topography:  
Rolling  
Public Utilities:  
Electricity  
Street or Road:  
Unpaved  
Area Quality:  
Static  
Parcel Acreage:  
0

TRANSFER OF OWNERSHIP

Date: 04/17/1928  
Grantor: MUNICIPAL CITY WAT WD  
Grantee: 0/0  
DOCID Book/Page: 0/0  
DOCID Sale Price: \$0

PT SE 1/4 E OF R R N OF IRELAND RD SEC 23-37-2E CONT. 28.1  
4 AC +-  
SOUTH BEND IN 46601

Ind Unimproved

VALUATION RECORD

Assessment Year	2006	2002	Homestead Allocations
Reason for Change	Annual-Adj	GenReval	Residential Non-Res
Effective Date	3/28/2007	3/1/2002	
Equalization Factor	0	0	
Land	153,600	140,700	0 153,600
Imp	39,200	36,100	0 39,200
Total Valuation	192,800	176,800	0 192,800

LAND VALUE

Land Type	Soil ID	Effective Frontage	Effective Depth	Actual Depth	Depth Factor	Base Rate	Adjusted Rate	Extended Value	Total Influence	Market Factor	Land Total
13		28.14	0			5000.00	5000	140,700	0 %	1.09	153,640

book 289/281  
City Water Works

FARMLAND COMPUTATIONS

Parcel Acreage:	0.00	Actual Frontage:	0.00
81 Legal Drain NV	0.00	VALUE OF FARMLAND	0
82 Public Roads NV	0.00	Classified Land Total	0
83 UT Towers NV	0.00	Total Farmland/Classified Value	\$0
9 Homestead(s)	0.00	Homestead(s) Value	0
91 / 92 Ag. Excess Acres	0.00	91 / 92 Ag Excess Acres Value:	0
TOTAL ACRES FARMLAND:	0.00	Supplemental Cards	0
Farmhand Value:	28.1399	Total Residential Land Value	0
Measured Acreage	0	Total Non-Residential Land Value	153,600
Average Farmland Value/Acre	0	Total Other Land Value	0



# RECEIPT

DATE 11/5/07

No. **585556**

RECEIVED FROM Indiana Mission Power \$ 1.00

One Dollar + no tax DOLLARS

FOR Distribution OF Easement

ACCOUNT	
PAYMENT	\$ 1.00
BAL. DUE	

☒ CASH  
☐ MONEY ORDER  
☐ CHECK  
☐ CREDIT CARD

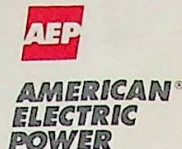
FROM City of SB

BY Cathy Daniels

Form 1182







American Electric Power  
Michiana District  
2929 Lathrop Ave  
South Bend, IN 46628  
aep.com

November 1, 2007

Mr. John Wiltcout  
Water Works Distribution Dept.  
North Pumping Station  
830 N. Michigan St.  
South Bend, IN 46601

Re: Utility Easement in Portage Township,  
Section 23, St. Joseph County, Indiana  
Parcel ID No. 18-8018-079507  
Our Easement No. IN-07-1173

Dear Mr. Wiltcout:

In order to provide the electrical distribution system to serve the above referenced property, it is necessary to install our electric equipment and facilities on a portion of this property. Please refer to the attached exhibit for the exact location of the proposed electric facilities.

Prior to installing our facilities, the City of South Bend is required to approve the enclosed distribution easement, which covers the rights requested. Also enclosed is legal consideration in the sum of \$1.00 in payment of this agreement. The easement is to be completed according to the following guidelines:

- The **proper authorized City Official** must sign the easement. If someone other than an authorized officer signs the easement, a copy of the document granting this authority must be returned with the original signed easement.
- Each signature must be acknowledged before a Notary Public.
- No changes are to be made to the easement language.

Please return the original, signed, and notarized easement to my office in the stamped, self-addressed envelope enclosed for your convenience in that regard. Upon receipt of the fully executed easement, we will release this job to the line department for installation. If you have any questions, please do not hesitate to contact me in connection therewith.

Sincerely,

A handwritten signature in blue ink that reads 'SMDurham'.

Sylvia Durham,  
Right of Way Agent

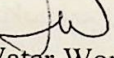
Indiana Michigan Power Company  
South Bend Service Center  
Direct Dial: 574.283.1870  
Cellular: 574.876.1128  
Facsimile: 574.283.1844  
smdurham@aep.com



John Wiltrout  
Director of Treatment  
South Bend Water Works  
830 N. Michigan St.  
South Bend Indiana, 46601

Board of Public Works  
Linda Martin  
Re; Easement at South Well Field

Dear Board Members, I have reviewed the easement supplied by AEP to supply power to well #5 at South Station and found it to be satisfactory. There is also a track of parcel that heads north for the Police Dept. K-9 facility, I also find this to be satisfactory. Please have this included on the next BPW agenda for approval. Call with questions 235-5670

John Wiltrout   
South Bend Water Works



**OFFICE OF THE CONTROLLER AND  
BOARD OF PUBLIC WORKS  
AGENDA ITEM REVIEW REQUEST FORM**



Date \_\_\_\_\_ Department Water Works  
 BPW Date 11/13/07 Phone 5670  
 Name John Wiltrout

Required Review Prior to Submittal to Board

Legal ☐ Attorney Name: \_\_\_\_\_  
 Controller ☐ Controller review is required for all Contracts \$5,000.00 or more and greater than one year in length per the City Purchasing Policy  
 OTHER APPROPRIATE REVIEWERS ☐ Other, as appropriate: \_\_\_\_\_

Contracts, Agreements  
Or Proposals  
And Miscellaneous Items

Type of Item ☐ Contract/Agreement ☐ Proposal ☐ Addendum ☐ Claim  
☒ Easement/Encroachment ☐ Resolution ☐ Traffic Control Device  
☐ Other: \_\_\_\_\_

Company or Vendor Name South Bend Water Works  
 Project Name 2nd AEP Easement for South Well Field  
 Project Number (Engineering) \_\_\_\_\_ Proj. Code (Controller) \_\_\_\_\_  
 Amount \$ \_\_\_\_\_ Funding Source \_\_\_\_\_  
 Purpose/Description: Extend an existing easement for electric for new wells in the South well field West of Main Street and North of Chippewa. Contact John Wiltrout - 5670

Terms of Contract: \_\_\_\_\_

Effective Date \_\_\_\_\_ End Date \_\_\_\_\_

Projects

Type of Item ☐ Advertise ☐ Bid Opening ☐ Bid Award ☐ Amendment ☐ Title Sheet  
☐ Other: \_\_\_\_\_

Company Name \_\_\_\_\_  
 Project Name \_\_\_\_\_  
 Project Number (Engineering) \_\_\_\_\_ Proj. Code (Controller) \_\_\_\_\_  
 Contract/Project Amount \$ \_\_\_\_\_ Funding Source \_\_\_\_\_

Change Orders

Type of Item ☐ Chg Order ☐ C/O & PCA ☐ PCA ☐ Other: \_\_\_\_\_  
 Contractor/Consultant Name \_\_\_\_\_  
 Project Name \_\_\_\_\_  
 Project Number (Engineering) \_\_\_\_\_ Proj. Code (Controller) \_\_\_\_\_  
 PO Number \_\_\_\_\_ Funding Source \_\_\_\_\_  
 Amount of ☐ Increase ☐ Decrease \$ \_\_\_\_\_ Total Percent of Change: \_\_\_\_\_ %  
 Original Contract/Project Amount \$ \_\_\_\_\_  
 New Contract/Project Amount \$ \_\_\_\_\_  
 Purpose/Description: \_\_\_\_\_

List Name, Dept., Address (if appropriate) of who should receive document

Dispersal  
After  
Approval

Copy Original

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>