

Board of Park Commissioners

Project Summary

Franke Park
Indiana Michigan Power Company
Easement Agreement Contract
Project No: n/a

Project Approval Request

Scope of Work:

This easement agreement is a request from Indiana Michigan Power Company to install a new electric service station in Franke Park for the purposes of providing electrical power to the new Festival Of Lights Christmas Village display. The easement is a very small area consisting of .058 acres located on the south edge of the Franke Park overflow parking lot near Goshen Road. Details of the exact location can be found in the attached location maps.

Board Approval:

For the sum of \$1.00 the **City of Fort Wayne, Board of Park Commissioners**, does hereby grant and convey to the **Indiana Michigan Power Company** a right-of-way and easement 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 following described Premises.

At this time, I would like to request approval of this easement for \$1.00 with Indiana Michigan Power Company. Please see the attached easement document and maps for details.

The Fort Wayne Parks and Recreation and the Board of Park Commissioners, met to host their regularly scheduled monthly Board meeting on **February 17, 2022** to approve the above referenced project and contract, in the amount of **\$1.00**.

We The Board of Park Commissioners, on the date stated do ATTEST, and sign to the above referenced and attached document, and approve as presented.

William Zielke, Commissioner

Justin Shurley, Commissioner

Corey Miller, Commissioner

Rick Briley, Commissioner

DISTRIBUTION EASEMENT- Corporation, OH & UG

Easement No. IN220512

THIS INDENTURE, made this 17th day of February, 2022 by and between **City of Fort Wayne, Board of Park Commissioners**, whose address is Goshen Avenue, with a mailing address of 705 E State Boulevard, Fort Wayne, Indiana 46805(“Grantor”), and **INDIANA MICHIGAN POWER COMPANY**, an Indiana corporation whose address is 3514 Landin Road, New Haven, Indiana, 46774(“Grantee”).

WITNESSETH: That for one Dollar (\$1.00) and other good and valuable considerations 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 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 following described Premises situated in Section 34, Washington Township, Township 31 North, Range 12 East, Allen County, Indiana, to wit: Being the same (or a part of the same) property conveyed to City of Fort Wayne, Board of Park Commissioners by Solar Sportsystems, Inc. dated November 19, 1984 and recorded on November 29, 1984 in **Document# 84-029025, Parcel# 02-07-34-227-001.000-073**, in the office of the Recorder of Allen County, Indiana, to which reference is made for further description.

See Easement Description and Easement Sketch attached hereto and hereby made a part of this document.

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

The 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.

IN WITNESS WHEREOF, Grantor has caused its corporate name and seal to be hereto affixed this ____ day of _____, 2022.

City of Fort Wayne, Board of Park Commissioners By: _____

Its: _____

State of Indiana, County of _____, SS.

Before me, a Notary Public, in and for said County and State, personally appeared the above named _____ known to me to be the _____ of said corporation and acknowledged the execution of the foregoing deed of easement and affixed thereto the corporate seal of said corporation as the free and voluntary act of said corporation, for the uses and purposes therein set forth, dated this ____ day of _____, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year above written.

Notary Public

Printed Name

My commission expires _____. I am a resident of _____ County.

This instrument was prepared by Karen A. Palmer, Right-of-Way Agent for Indiana Michigan Power Company.

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

C: boardofparkcommissionersfantasyoflights

Corporate Office

221 Tower Drive
Monroe, IN 46772
Phone: (260) 692-6166

Miller Land Surveying, Inc.

EASEMENT SKETCH

Fort Wayne Office

10060 Bent Creek Blvd.
Fort Wayne, IN 46825
Phone: (260) 489-8571

Brett R. Miller, P.S. No.LS20300059 Robert J. Marucci, P.S. No.LS20400028

www.mlswebsite.us

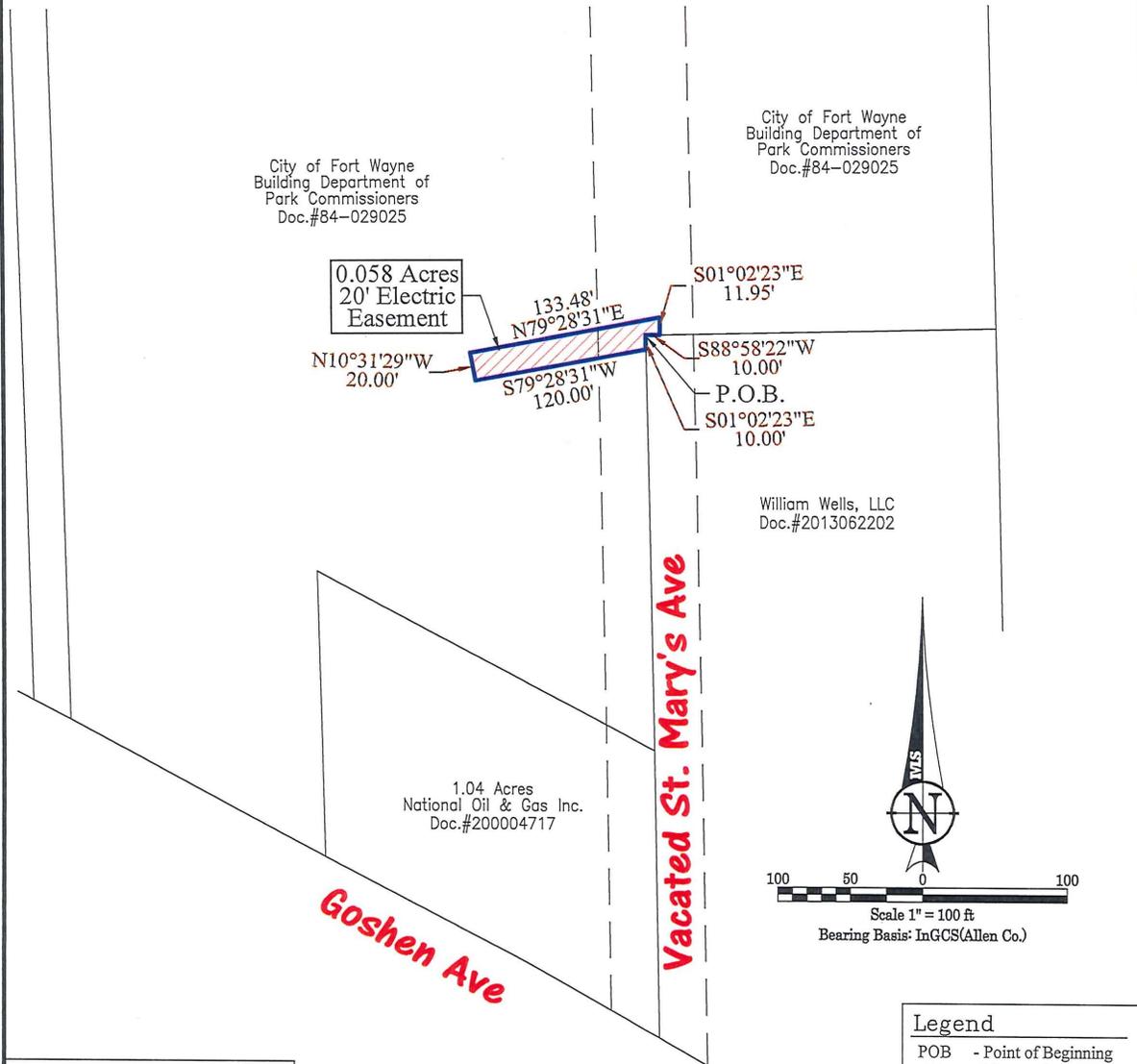
Precision and Professionalism is where we draw the line.



EASEMENT DESCRIPTION

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See Attached.



Easement Note
 This description was prepared for Indiana Michigan Power Company for easement purposes only and is not intended to represent a complete survey of the property.

- Legend**
- POB - Point of Beginning
 - M. - Measured
 - R. - Record
 - C. - Calculated
 - D. - Deed
 - Right of Way (R/W)
 - Building Setback Line
 - Center Line

Survey No. 21116269
 County: Allen Township: Washington Sect/Twp/Rng: Sect.34,T31N,R12E
 For: City of Fort Wayne Drawn by: JRM Field Crew: KLB
 Fieldwork Completed: 12/17/2021
 IN WITNESS WHEREOF, I hereunto place my hand and seal this 20th day of December, 2021.
 Revised:

Brett R. Miller
 Brett R. Miller, P.S. NO. 20300059



(Drawing Name:21116269.dwg)





Miller Land Surveying, Inc.

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Where We Draw the Line.

Brett R. Miller, PS, President
Robert J. Marucci, PS

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Easement Description 0.058 Acres

Part of the Northeast Quarter of Section 34, Township 31 North, Range 12 East of the Second Principal Meridian, Washington Township in Allen County, Indiana and being more particularly described as follows:

BEGINNING at the Northwest corner of an existing tract described in Document Number 2013062202 in the Office of the Recorder of Allen County, Indiana; thence South 01 degrees 02 minutes 23 seconds East (Indiana Geospatial Coordinate System - Allen County bearing and basis of bearings to follow), a distance of 10.00 feet along the West line of said Document Number 2013062202; thence South 79 degrees 28 minutes 31 seconds West, a distance of 120.00 feet; thence North 10 degrees 31 minutes 29 seconds West, a distance of 20.00 feet; thence North 79 degrees 28 minutes 31 seconds East, a distance of 133.48 feet; thence South 01 degrees 02 minutes 23 seconds East, a distance of 11.95 feet to the North line of said Document Number 2013062202; thence South 88 degrees 58 minutes 22 seconds West, a distance of 10.00 feet along said North line to the Point of Beginning. Containing 0.058 acres, more or less. Subject to easements of record.

Survey Job #21116269

Date: December 20, 2021

For: City of Fort Wayne Building Department of Park Commissioners
Miller Land Surveying, Inc.

