

# 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 request for approval is for an easement agreement from Indiana Michigan Power Company associated with a parcel in Franke Park along Wells Street. The purpose for the easement area is to allow I&M to install underground electrical utilities in the area and keep the area clear of future development. The easement area is very small, consisting of a rectangular area approximately 30' deep and 41' wide. See attached Exhibit B for more detailed information.

#### **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 **March 9, 2023** 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.

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Justin Shurley, President

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, Corey Miller Vice President

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Rick Briley, Commissioner

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Jenna Jauch, Commissioner

# EXHIBIT "A"

Project 2150-5012-70

Sheet 1 of 1

**Parcel 5** Permanent Easement  
Encumbers # 02-07-26-376-004.000-073

Part of Lot Ten of the plat of Romys Outlot Plat, in Washington Township, Allen County, Indiana, with the said part being described as:

The east 30.00 feet of the north 32.00 feet of Lot 10 as defined by Romys Outlot Plat, recorded in Plat Book 1, Page 73, of the Allen County Recorder's Office, containing 0.022 acre, more or less.

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**Parcel 5A** Permanent Easement  
Encumbers #02-07-26-376-005.000-073

Part of Lot Ten of the plat of Romys Outlot Plat, in Washington Township, Allen County, Indiana, with the said part being described as:

The east 30.00 feet of the south 5.00 feet of the north 37.00 feet of Lot 10 as defined by Romys Outlot Plat, recorded in Plat Book 1, Page 73, of the Allen County Recorder's Office, containing 0.003 acre, more or less.

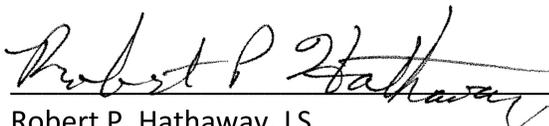
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**Parcel 5B** Permanent Easement  
Encumbers #02-07-26-376-003.000-073

Part of Lot 11 of the plat of Romys Outlot Plat, in Washington Township, Allen County, Indiana, with the said part being described as:

The east 30.00 feet of the south 4.00 feet of Lot 11 as defined by Romys Outlot Plat, recorded in Plat Book 1, Page 73, of the Allen County Recorder's Office, containing 0.003 acre, more or less.

This description was prepared by DLZ Indiana, LLC for AEP.

  
Robert P. Hathaway, LS  
Indiana Registered Land Surveyor No. LS2000-003



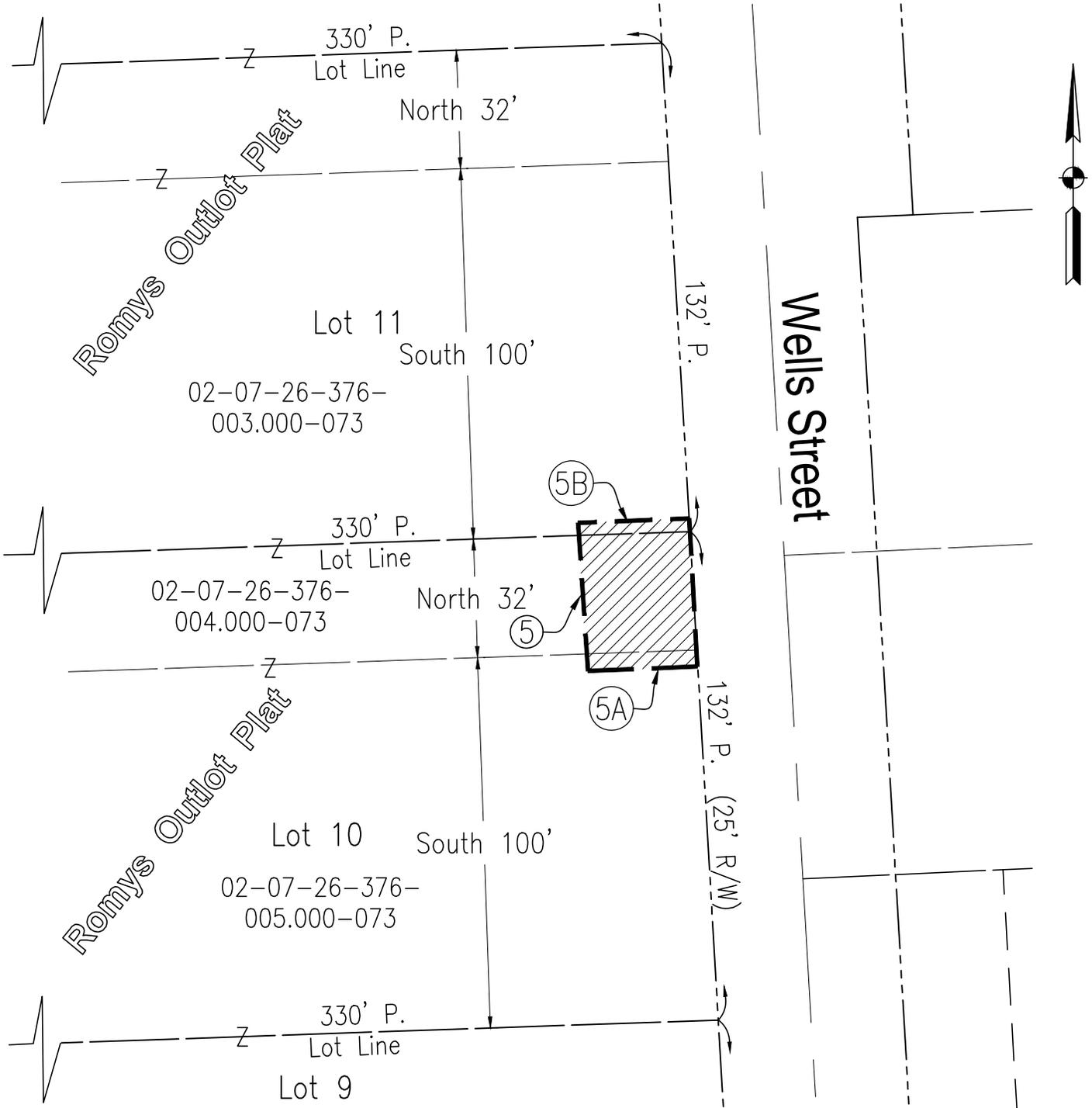
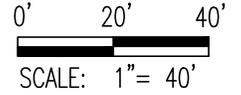
**LEGEND**

- (P.) = PLATTED DIMENSIONS
- (R.) = RECORDED DIMENSIONS
- (C.) = CALCULATED DIMENSIONS
- P.O.C = POINT OF COMMENCEMENT
- P.O.B = POINT OF BEGINNING

# EXHIBIT "B"

## EASEMENT EXHIBIT

PREPARED FOR THE AMERICAN ELECTRIC POWER  
BY DLZ INDIANA, LLC (JOB NO. 2150-5012-70)



X:\Projects\2021\2150\5012\70 AEP Beckwith\07\_Survey\Easements\5-City of FW Park Board\AEP Beckwith - Parcel 5.dwg, Easement Exhibit, 7/29/2022 11:35:03 AM

<p>PARCEL: 5                  CODE: -                  DES. NO.: -                  PROJECT: 2150-5012-70                  ROAD: -                  COUNTY: ALLEN                  SECTION: 26                  TOWNSHIP: T31N                  RANGE: R12E</p>	<p>OWNER: City of Fort Wayne, Through Board of Park Commissioners</p> <p>ADDRESS: 3325 Wells Street</p> <p>ENCUMBERS TAX I.D.: Shown Above</p>	<p>DRAWN BY: C. DANNHAUSEN, 7/8/2022                  CHECKED BY: R. HATHAWAY, 7/28/2022</p>
AREA OF PROPOSED EASEMENT		<p><b>DLZ</b> INDIANA, LLC</p> <p>825 SOUTH BARR STREET                  FORT WAYNE, IN 46802                  260-420-3114</p>

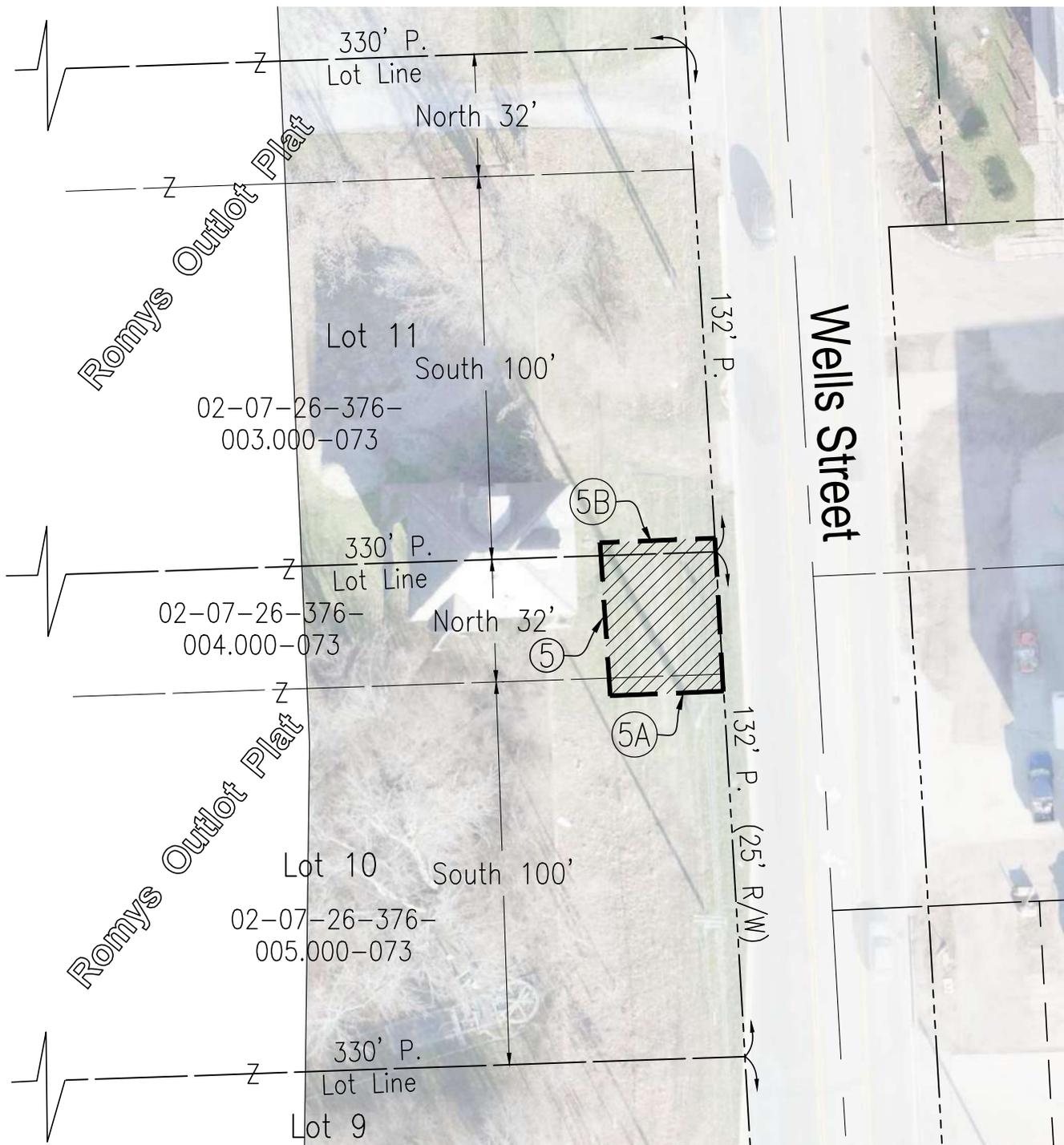
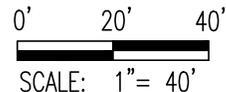
**LEGEND**

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# EXHIBIT "B"

## EASEMENT EXHIBIT

PREPARED FOR THE AMERICAN ELECTRIC POWER  
BY DLZ INDIANA, LLC (JOB NO. 2150-5012-70)



<p>PARCEL: 5                  CODE: -                  DES. NO.: -                  PROJECT: 2150-5012-70                  ROAD: -                  COUNTY: ALLEN                  SECTION: 26                  TOWNSHIP: T31N                  RANGE: R12E</p>	<p>OWNER: City of Fort Wayne, Through Board of Park Commissioners</p> <p>ADDRESS: 3325 Wells Street</p> <p>ENCUMBERS TAX I.D.: Shown Above</p>	<p>DRAWN BY: C. DANNHAUSEN, 7/8/2022                  CHECKED BY: R. HATHAWAY, 7/28/2022</p>
<p> AREA OF PROPOSED EASEMENT</p>		<p><b>DLZ</b> INDIANA, LLC</p> <p>825 SOUTH BARR STREET                  FORT WAYNE, IN 46802                  260-420-3114</p>

X:\Projects\2021\2150\5012\70 AEP Beckwith\07\_Survey\Easements\5-City of FW Park Board\AEP Beckwith - Parcel 5.dwg, Easement Exhibit, 7/29/2022 11:37:07 AM

**DISTRIBUTION EASEMENT-** Corporation, OH & UG

Easement No. IN2205 \_\_\_\_\_

THIS INDENTURE, made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between **CITY OF FORT WAYNE, BY AND THROUGH ITS BOARD OF PARK COMMISSIONERS**, whose address is 705 East 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 26 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, BY AND THROUGH ITS BOARD OF PARK COMMISSIONERS** by Howard L. Mason, Jr. and Nancy S. Mason dated January 09, 1984 and recorded on January 19, 1984 in **Document# 84-001446, Parcel# 02-07-26-376-004.000-073 and 02-07-26-376-003.000-073**, in the office of the Recorder of Allen County, Indiana, to which reference is made for further description.

The North 32 feet of Lot Number 10 and the South 100 feet of Lot Number 11 in Romy’s Out Lots in Sections 26 and 35, Township 31 North, Range 12 East, according to the plat thereof, recorded in Plat Book 1, page 73 in the Office of the Recorder of Allen County, Indiana.

**See Easement Description Exhibit “A” and Easement Sketch Exhibit “B” 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 \_\_\_\_\_, 20\_\_.

**CITY OF FORT WAYNE, BY AND THROUGH ITS BOARD OF PARK COMMISSIONERS**

By: \_\_\_\_\_  
**Justin Shurley**

By: \_\_\_\_\_  
**Corey Miller**

Its: President

Its: Vice President

By: \_\_\_\_\_  
**Rick Briley**

By: \_\_\_\_\_  
**Jenna Jauch**

Its: Commissioner

Its: Commissioner

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 \_\_\_\_\_, 20\_\_\_\_.

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: boardofparkcommissionerswellsstreet.doc (Parcel 5 and Parcel 5B)

**DISTRIBUTION EASEMENT-** Corporation, OH & UG

Easement No. IN2205 \_\_\_\_\_

THIS INDENTURE, made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between **THE BOARD OF PARK COMMISSIONERS, CITY OF FORT WAYNE, INDIANA** whose address is 705 East 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 26 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 **THE BOARD OF PARK COMMISSIONERS, CITY OF FORT WAYNE, INDIANA** by Gail D. Kreager dated December 16, 1988 and recorded on January 19, 1989 in **Document# 89-002225, Parcel# 02-07-26-376-005.000-073**, in the office of the Recorder of Allen County, Indiana, to which reference is made for further description.

Lot 9 and the South 100 feet of Lot 10 in Romy’s Out Lots in Section 26 and 35, Township 31 North, Range 12 East, according to the plat thereof, recorded in Plat Record 1, page 73, in the Office of the Recorder of Allen County, Indiana.

**See Easement Description Exhibit “A” and Easement Sketch Exhibit “B” 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 \_\_\_\_\_, 20\_\_.

**THE BOARD OF PARK COMMISSIONERS, CITY OF FORT WAYNE, INDIANA**

By: \_\_\_\_\_  
**Justin Shurley**

By: \_\_\_\_\_  
**Corey Miller**

Its: President

Its: Vice President

By: \_\_\_\_\_  
**Rick Briley**

By: \_\_\_\_\_  
**Jenna Jauch**

Its: Commissioner

Its: Commissioner

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 \_\_\_\_\_, 20\_\_.

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: boardofparkcommissionerswellsstreet.doc (Parcel 5A)