

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. The purpose of the easement area is to allow I&M to relocate an electric pole within the Franke Park area. The relocation was necessitated by the construction of a new entrance into Franke Park. The easement area is approximately 20' wide by 65' in length, approximately 48' in-depth, and is located just off Goshen Road at the new entrance to the park. See attached Exhibit A for more detailed information.

Board Approval:

For the sum of \$10.00 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, 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 \$10.00 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 **June 13, 2024**, to approve the above-referenced project and contract, in the amount of **\$10.00**.

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.

Justin Shurley, President

Cory Miller Vice President

Rick Briley, Commissioner

Jenna Jauch, Commissioner

Steve McDaniel, Director / Board Secretary

Line Name: Franke Park

Line No.: TLN120:092-116 **Easement No.:** 4A

SUPPLEMENTAL EASEMENT AND RIGHT OF WAY

On this 13th day of June, 2024, **Fort Wayne Board of Park Commissioners, City of Fort Wayne**, whose address is 705 East State Street, Fort Wayne, Indiana 46805, (“Grantor”), whether one or more persons, owns an interest in a tract of real property that is more particularly described lands of the Grantor, situated in the State of Indiana, Allen County, Washington Township, Section 27, Township No. 31 North, Range No. 12 East, City of Fort Wayne, Tax Parcel Numbers 02-07-27-377-002.000-073 and 02-07-27-37-003.000-073 in that certain document, Warranty Deed dated 09/24/1991 recorded in Document No. 910040663, of the real property records of Allen County, Indiana, and such tract is subject to easements and rights-of-way granted in favor of Indiana Michigan Power Company.

Indiana Michigan Power Company, a(n) Indiana corporation, a unit of American Electric Power, whose principal business address is 1 Riverside Plaza, Columbus, Ohio 43215, (“AEP”) is the current owner and holder of the rights, title, and interest, or a portion thereof, granted in or arising under that certain right of way and easement, dated 12/02/1997, and recorded in Document No. 970068632, of the official records of Allen County, Indiana (the “Original Easement”).

NOW, THEREFORE, in consideration of the sum of Ten and NO/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby grants, conveys and warrants this Supplemental Easement and Right of Way (“Easement”) to AEP for electric transmission, distribution, and communication lines and appurtenant equipment and fixtures, being, in, on, over, under, through and across to supplement the Original Easement insofar as it encumbers such tract of real property owned by Grantor as more particularly described above.

Auditor/Key/Tax Number: 02-07-27-377-002.000-073 & 02-07-27-37-003.000-073

The location, width, and boundaries of the easement area are hereby revised, modified, and clarified to be as described and depicted on Exhibit “A”, attached hereto and made a part hereof (“Easement Area”).

The Easement is also supplemented by the addition of the following language:

AEP, its successors and assigns, are granted the right to construct, reconstruct, operate, maintain, alter, inspect and patrol (by ground or air), protect, repair, replace, renew, upgrade, relocate within the Easement Area, remove and replace poles, towers, and structures, made of wood, metal, concrete or other materials, including crossarms, guys, anchors, anchoring systems, grounding systems, underground conduits, ducts, vaults, transformers, pedestals, risers, pads, communications facilities, and all other appurtenant equipment and fixtures, and to string conductors, wires and cables. The electric facilities may consist of a variable number of towers, poles, wires, guys, anchors and associated fixtures, including the right to enlarge, and may transmit electricity of any voltage or amperage, together with the right to add to said facilities from time to time, and the right to do anything necessary, useful or convenient for the enjoyment of the Easement Area herein granted, together with the privilege of removing at any time any or all of said facilities erected on the Easement Area.

AEP and its successors and assigns, shall have the right, in AEP's reasonable discretion, to cut down, trim, and otherwise control, using herbicides or tree growth regulators, or other means, and at AEP's option, to remove from the Easement Area any and all trees, overhanging branches, vegetation, brush, including all root systems or other obstructions. AEP shall also have the right to cut down, trim, remove, and otherwise control trees situated on lands of the Grantor which adjoin the Easement Area, when in the reasonable opinion of AEP those trees may endanger the safety of, or interfere with the construction, operation or maintenance of AEP's facilities or ingress or egress to, from or along the Easement Area.

AEP and its successors and assigns are granted the right of unobstructed ingress and egress, at any and all times, on, over, across, along and upon the Easement Area, and across the adjoining lands of Grantor as may be reasonably necessary to access the Easement Area for the above referenced purposes.

In no event shall Grantor, its heirs, successors, and assigns plant or cultivate any trees or place, construct, install, erect or permit any temporary or permanent building, structure, improvement or obstruction including but not limited to, storage tanks, billboards, signs, sheds, dumpsters, light poles, water impoundments, above ground irrigation systems, swimming pools or wells, or permit any alteration of the ground elevation, over or within the Easement Area. AEP may, at Grantor's cost, remove any structure or obstruction if placed within the Easement Area and may re-grade any alterations of the ground elevation within the Easement Area. AEP shall repair or pay Grantor for actual damages to growing crops, fences, gates, field tile, drainage ways, drives, or lawns caused by AEP in the exercise of the rights herein granted.

The failure of AEP to exercise any of the rights granted herein, including but not limited to the removal of any obstructions from the Easement Area, shall not be deemed to constitute a waiver of the rights granted herein and the removal of any facilities from the Easement Area shall not be deemed to constitute a permanent abandonment or release of the rights granted herein.

Except as modified by this Supplemental Easement and Right of Way, all terms and provisions of the Original Easement and all rights arising in connection with the Original Easement shall remain

in full force and effect, and the Original Easement shall keep its priority in title as of the date of its recording. Those provisions and rights are expressly ratified, reaffirmed by and incorporated within this Supplemental Easement and Right of Way. Notwithstanding the foregoing, the enumerated Paragraph 3 of the Original Easement has been satisfied by AEP, and as such, the relocation provision shall be deemed void, and Paragraph 3 is therefore deleted in its entirety. -The Original Easement along with this Supplemental Easement and Right of Way shall for all purposes function as a single instrument, however, to the extent any terms or provisions of the Original Easement conflict with limit or are inconsistent with any term or provision of the Supplemental Easement and Right of Way, the terms and provisions of this Supplemental Easement and Right of Way shall control. Nothing here in will in any manner vary, change, modify, or restrict the rights and privileges that AEP may have acquired through any instrument other than the Original Easement or by any other means.

The terms and conditions as supplemented by this instrument, are the complete agreement, expressed or implied between the parties hereto and shall inure to the benefit of and be binding on their respective successors, assigns, heirs, executors, administrators, lessees, tenants, licensees, and legal representatives.

This instrument may be executed in counterparts, each of which will be deemed an original, but all of which taken together will constitute one and the same instrument.

Any remaining space on this page intentionally left blank. See next page(s) for signature(s).

IN WITNESS WHEREOF, the Grantor has executed this Easement effective the day, month and year first above written.

GRANTOR
Fort Wayne Board of Park Commissioners, City of Fort Wayne

By: _____
Title: _____

State of Indiana §
 §
County of Allen §

The foregoing instrument was acknowledged before me this _____ day of _____, 2024, by _____ of Fort Wayne Board of Park Commissioners.

Notary Public
Print Name: _____
My Commission Expires: _____
I am a resident of _____ County, _____
Acting in the County of Allen

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.

Thomas G. St. Pierre

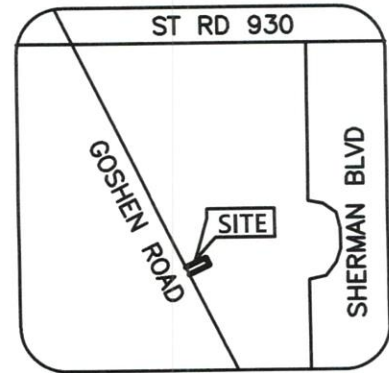
This instrument prepared by Thomas G. St. Pierre, Associate General Counsel - Real Estate, American Electric Power Service Corporation, 1 Riverside Plaza, Columbus, OH 43215 for and on behalf of ~~AEP~~-Indiana Michigan ~~Transmission-Power~~ Company, ~~Inc.~~, a unit of American Electric Power.

When recorded return to: American Electric Power - Transmission Right of Way, PO Box 60, Fort Wayne, IN 46801.

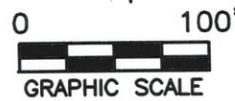
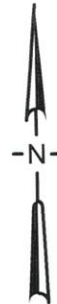
EXHIBIT "A"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 45°34'56" E	3160.09'
L2	N 48°31'44" E	65.45'
L3	S 41°28'16" E	20.00'
L4	S 48°31'44" W	63.85'

CURVE TABLE				
CV #	RAD	L	CHD BRG	CHD L
C1	1387.39'	20.06'	N 46°01'43" W	20.06'



SITE LOCATION MAP
(N.T.S.)



FORT WAYNE BOARD OF PARK
COMMISSIONERS
02-07-27-377-002.000-073
ADJOINING LANDOWNER

**FORT WAYNE BOARD OF PARK
COMMISSIONERS, CITY OF FORT
WAYNE**
91-040663
2.11 AC. TR.
02-07-27-377-002.000-073
POR
NW COR. SW QTR.
SEC 27-31-12
E=464046.71
N=2135623.47

**EASEMENT AREA
CONTAINING 0.030 ± TOTAL ACRES**
0.000 ± EXISTING EASEMENT AREA ACRES
0.030 ± NEW EASEMENT AREA ACRES
(EASEMENT LENGTH=65'±)

NOTES:

THIS DRAWING WAS PREPARED FOR THE LIMITED USE OF INDIANA MICHIGAN POWER COMPANY FOR EASEMENT PURPOSES ONLY AND IS NOT INTENDED TO REPRESENT A COMPLETE SURVEY OF THE PROPERTY. ROAD RIGHT OF WAY WIDTHS PER COUNTY HIGHWAY OR INDOT UNLESS OTHERWISE NOTED.

LAND OWNERSHIP INFORMATION IS PROVIDED BY THE TITLE AGENCY. NO ADDITIONAL VERIFICATION HAS BEEN PERFORMED BY SURVEY COMPANY.

BEARINGS SHOWN ARE BASED ON THE INDIANA EAST STATE PLANE GRID COORDINATE SYSTEM, ZONE 1301 (NAD 83).

LEGEND

POB	POINT OF BEGINNING
POR	POINT OF REFERENCE
RPT	REFERENCE POINT TIE-DOWN
— R/W —	ROAD RIGHT OF WAY
— P —	PROPERTY LINE
	NEW EASEMENT AREA

SURVEY PROJ. # 22-1130

LINE NAME: LAWTON PARK-LAWTON SWITCH
BPID: AB120INLRE
LINE NUMBER: TLN120:092116
EASEMENT NUMBER: 4A

INDIANA MICHIGAN POWER COMPANY

EASEMENT ACROSS THE LANDS OF
**FORT WAYNE BOARD OF PARK
COMMISSIONERS, CITY OF FORT WAYNE**
CONTAINING ± 0.030 ACRES

SITUATED IN THE STATE OF INDIANA, COUNTY OF ALLEN, TOWNSHIP OF
WASHINGTON, IN THE SW QUARTER OF SECTION 27, T 31 N, R 12 E.

SCALE: 1"=100'

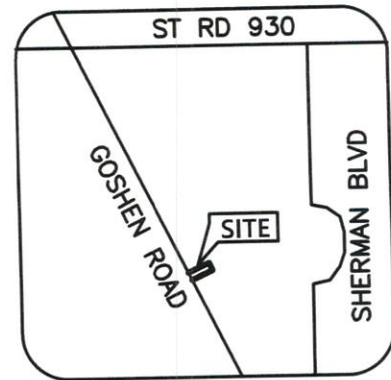
DATE: 5-30-24

SHEET: 1 OF 1

EXHIBIT "A"

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LINE	BEARING	DISTANCE
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(N.T.S.)

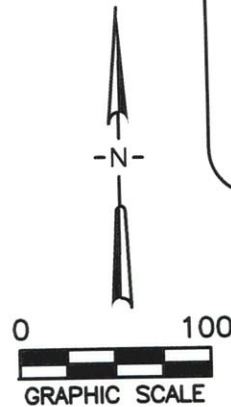
STEPHANIE P. PAPAGIANNIS
02-07-27-377-001.000-073
ADJOINING LANDOWNER

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

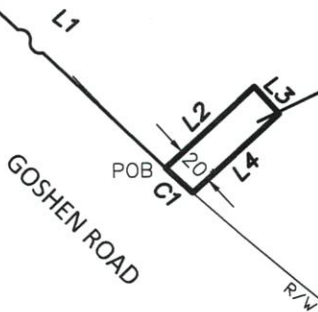
91-040663
2.11 AC. TR.

02-07-27-377-002.000-073

POR
NW COR. SW QTR.
SEC 27-31-12
E=464046.71
N=2135623.47



FORT WAYNE BOARD OF PARK
COMMISSIONERS
02-07-27-377-003.000-073
ADJOINING LANDOWNER



**EASEMENT AREA
CONTAINING 0.030 ± TOTAL ACRES**
0.000 ± EXSISTING EASEMENT AREA ACRES
0.030 ± NEW EASEMENT AREA ACRES
(EASEMENT LENGTH=65'±)



5-30-24

DATE

Mark L. Strong

MARK L STRONG

NOTES:

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LEGEND

- POB POINT OF BEGINNING
- POR POINT OF REFERENCE
- RPT REFERENCE POINT TIE-DOWN
- R/W ROAD RIGHT OF WAY
- PL PROPERTY LINE
- NEW EASEMENT AREA

SURVEY PROJ. # 22-1130

LINE NAME: LAWTON PARK-LAWTON SWITCH
BPID: B120INLRE
LINE NUMBER: TLN120:092116
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**FORT WAYNE BOARD OF PARK
COMMISSIONERS, CITY OF FORT WAYNE**
CONTAINING ± 0.030 ACRES

SITUATED IN THE STATE OF INDIANA, COUNTY OF ALLEN, TOWNSHIP OF WASHINGTON, IN THE SW QUARTER OF SECTION 27, T 31 N, R 12 E.

SCALE: 1"=100'

DATE: 5-30-24

SHEET: 1 OF 2

EXHIBIT "A"

THIS DESCRIPTION WAS PREPARED BY MARK STRONG, INDIANA LS 800040295, PRESIDENT OF ENGINEERING VISION, INC. ON THE 30TH OF MAY 2024; JOB # 24-1186. SURVEY DATUM IS NAD 83, INDIANA EAST ZONE, REALIZATION IGS08 (INDIANA CORRS) AND U.S. FEET:

PART OF THE SOUTHWEST QUARTER OF SECTION 27 IN TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER; THENCE SOUTH 45 DEGREES 34 MINUTES 56 SECONDS EAST (STATE PLANE GRID BASIS OF BEARINGS), 3160.09 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY OF GOSHEN ROAD; THENCE, LEAVING SAID LINE, NORTH 48 DEGREES 31 MINUTES 44 SECONDS EAST, 65.45 FEET; THENCE SOUTH 41 DEGREES 28 MINUTES 16 SECONDS EAST, 20.00 FEET; THENCE SOUTH 48 DEGREES 31 MINUTES 44 SECONDS WEST, 63.85 FEET TO THE AFORESAID RIGHT OF WAY; THENCE 20.06 FEET ALONG A CURVE, DEFLECTING TO THE RIGHT, HAVING A RADIUS OF 1387.39 FEET AND BEING SUBTENDED BY A CHORD WITH A BEARING OF NORTH 46 DEGREES 01 MINUTES 43 SECONDS WEST, AND A LENGTH OF 20.06 FEET TO THE POINT OF BEGINNING, CONTAINING 0.030 ACRES OF LAND MORE OR LESS AND BEING SUBJECT ALL EASEMENTS AND RIGHTS OF WAY OF RECORD.

SURVEY PROJ. # 24-1186

LINE NAME: LAWTON PARK-LAWTON SWITCH
BPID: AB120INLRE
LINE NUMBER: TLN120:092116
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INDIANA MICHIGAN POWER COMPANY

EASEMENT ACROSS THE LANDS OF
**FORT WAYNE BOARD OF PARK
COMMISSIONERS, CITY OF FORT WAYNE**
CONTAINING \pm 0.030 ACRES

SITUATED IN THE STATE OF INDIANA, COUNTY OF ALLEN, TOWNSHIP OF
WASHINGTON, IN THE SW QUARTER OF SECTION 27, T 31 N, R 12 E.

SCALE: 1"=100'

DATE: 5-30-24

SHEET: 2 OF 2

