

ENCROACHMENT AGREEMENT

THIS AGREEMENT made this 29 day of January, 1993 between **WARSAW ABSTRACT & TITLE CORP.**, an Indiana corporation ("Abstract") and **THE CITY OF WARSAW, INDIANA** by and through its Board of Public Works and Safety ("City").

SECTION 1

RECITALS

1.1 The following recitals are a material part of this Agreement.

1.2 Abstract is the owner of the following described real estate located in Kosciusko County, Indiana, to-wit:

The North half of Lot Number 52 in the original plat of the Town, now City of Warsaw.

1.3 City is in control of public rights-of-way adjacent to the real estate owned by Abstract.

1.4 The parties desire to make provision for an encroachment of a structure owned by Abstract onto public right-of-way controlled by City.

SECTION 2

CONSIDERATION

2.1 The consideration for this Agreement is the mutual covenants contained herein.

SECTION 3

AGREEMENT

3.1 The building structure owned by Abstract which encroaches into the public right-of-way as shown by the survey of Jerry K. Walker dated December 30, 1992, Survey Number EQ-155, attached as Exhibit "A" shall be allowed to encroach into the public right-of-way only for so long as the structure continues to exist in a useable condition. Should the structure be destroyed by any means it shall be relocated so as not to encroach onto the public right-of-way.

3.2 Abstract hereby indemnifies and agrees to hold City harmless from any claim for property damage or personal injury resulting from the location of the structure partially on public right-of-way. Such indemnification shall include but not be limited to the cost of defense.

SECTION 4
MISCELLANEOUS

4.1 This Agreement shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns.

4.2 This Agreement shall be recorded in the Office of the Recorder of Kosciusko County, Indiana at the expense of Abstract.

4.3 This Agreement shall be enforceable with attorney's fees and without relief from valuation or appraisal laws.

IN WITNESS WHEREOF the parties have executed this Agreement the day above written.

WARSAW ABSTRACT & TITLE CORP.

By: _____
Libbie G. Tom, President

CITY OF WARSAW, INDIANA
BY ITS BOARD OF PUBLIC WORKS
AND SAFETY

By: Robert W. East
Robert W. East

By: Jeffrey A. Plank
Jeffrey A. Plank

By: Ernest B. Wiggins
Ernest B. Wiggins

RECEIVED FOR RECORD

1993 FEB 1 A 8:40

RECORDER OF KOSCIUSKO COUNTY

Shirley L. English

93-02-0002

STATE OF INDIANA)
) SS:
COUNTY OF KOSCIUSKO)

Before me, a Notary Public in and for said County and State, personally appeared Libbie G. Tom, known to me to be the President of Warsaw Abstract & Title Corp., an Indiana corporation, and for and on behalf of said corporation acknowledged execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this 29 th day of January 29, 1993.

Nellie Robinson
Nellie Robinson, Notary Public
Resident of Kosciusko County

My Commission Expires:
January 28, 1995

STATE OF INDIANA)
) SS:
COUNTY OF KOSCIUSKO)

Before me, a Notary Public in and for said County and State, personally appeared Robert W. Gast, Jeffrey W. Plank and Ernest B. Wiggins, known to me to be members of the Board of Public Works and Safety of the City of Warsaw, Indiana and acknowledged execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this 29 day of January, 1993.

Linda Hardeste
Linda Hardeste, Notary Public
Resident of Kosciusko County

My Commission Expires:
12-29-96

This instrument prepared by Stephen R. Snyder, Attorney at Law

Walker & Associates

Civil Engineering and Land Surveying

Jerry K. Waller, P.E. & L.S.

William D. Kofas, L.S.

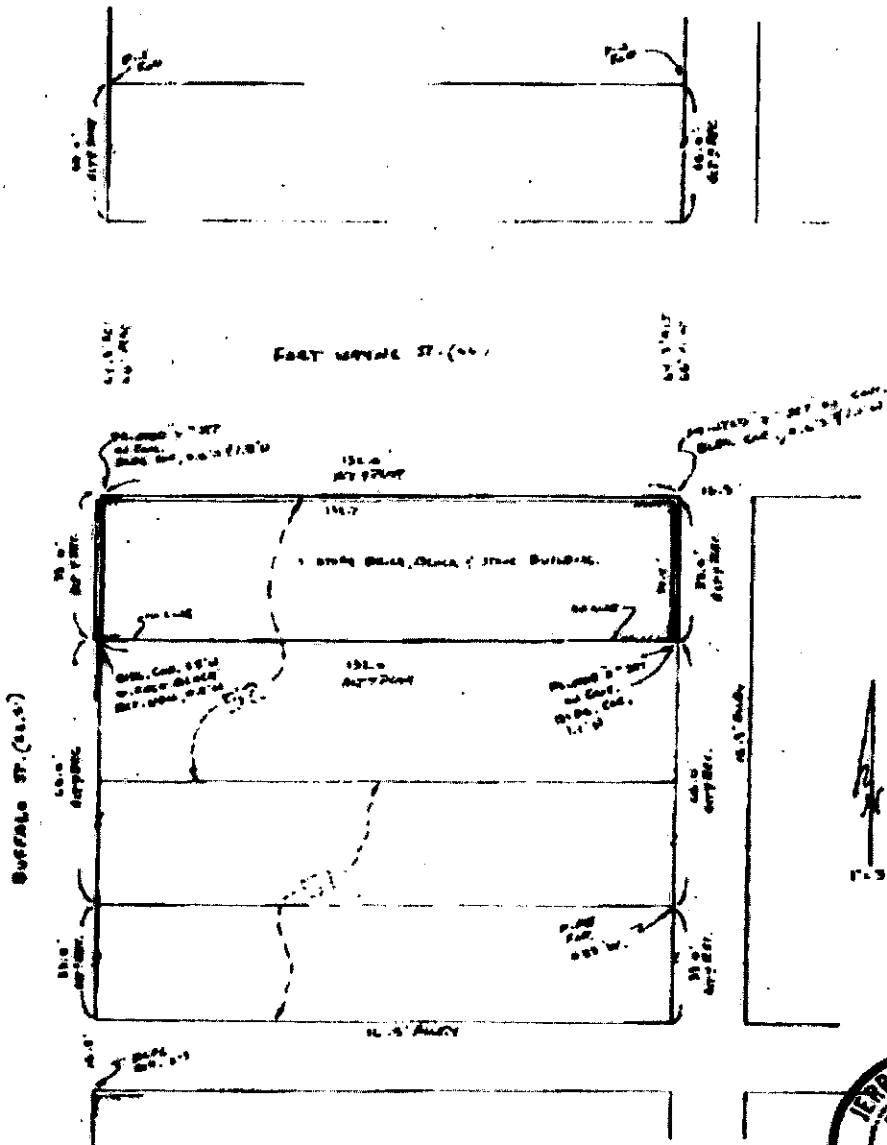
182 West Van Buren St., Columbus, IN 47206
Phone 364-3688

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CERTIFICATE OF SURVEY

This document is a record of a survey of land and easements prepared in conformity with established rules of surveying and made in accordance with the records on file in the Recorder's office of Kosciusko County, State of Indiana. The land described herein is all easements as shown herein in fact. It is here shown and described by adjoining land owners unless specifically stated to the contrary. Owners were participated in indicated.

See Page 2 for Legal Description.



I hereby certify on the 30th day of December 1992 that the above survey is correct.

Surveyed for: Snodgrass, Richard

(First Natl)

Survey No: BQ-155



EXHIBIT

"A"