

Hold Recorded copy for: Board of Public Works

CONSENT TO ANNEXATION, WAIVER OF RIGHT TO REMONSTRATE AND ACKNOWLEDGMENT OF MISCELLANOUS CITY FEES

In consideration for permission to tap into the municipal utility system (water and/or sewer) of the city of South Bend, Indiana, in order to provide sanitary sewer and/or water service to the following described property, (hereinafter referred to as the "Real Estate"), situated in St. Joseph County, Indiana.

Property Owner 1 \_\_\_\_\_

Property Address \_\_\_\_\_

Tax ID/Key # \_\_\_\_\_

Legal Description \_\_\_\_\_

Water/Sewer \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone/Email \_\_\_\_\_

owner(s) of the Real Estate, (hereinafter "Owner"), for themselves and their successors in title, assigns, and personal representatives, hereby irrevocably waive and release any and all right which they may now or hereafter have to remonstrate against or otherwise interfere with, or oppose any pending or future annexation of the Real Estate by the City of South Bend.

In further consideration and to induce the City of South Bend to allow Owner to tap into the municipal utilities (sewer and/or water) of the City of South Bend, Owner, for themselves and their successors and assigns, agrees and stipulates irrevocably to vest in the City of South Bend the permanent right, at the City's discretion, to annex the Real Estate at any future time by duly authorized ordinance.

Owner further agrees that any deeds, contracts, or other instruments of conveyance made by Owner, their successors or assigns shall contain the waiver and release provisions contained herein, which provisions shall run with the land.

**Pursuant to Chapter 17, Article 10, Sections 17-79 and 17-80 of the South Bend Municipal Code, Owner acknowledges and accepts the Owner's obligation to pay a wastewater and water system development charge based on expected usage. Further, the Owner acknowledges and agrees to pay the applicable surcharge established under Chapter 17, Article 10, Section 17-81 for wastewater service.**

The delivery of any instrument of conveyance from the Owner to any successor, grantee, vendee or contract purchaser is subject to the terms of this document and the acceptance of such instrument shall constitute an acceptance of the foregoing provisions by said grantee, vendee, or contract purchaser and their successors in title.

**BOARD OF PUBLIC WORKS  
APPROVAL**

\_\_\_\_\_  
(Property Owner 1 Signature)

\_\_\_\_\_  
Elizabeth A. Maradik, President

\_\_\_\_\_  
Property Owner (Print Name)

\_\_\_\_\_  
Gary A. Gilot, Member

\_\_\_\_\_  
Jordan V. Gathers, Member

\_\_\_\_\_  
Joseph R. Molnar, Member

\_\_\_\_\_  
Member

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

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

STATE OF INDIANA )

) SS:

ST. JOSEPH COUNTY )

Before me, a Notary Public in and for said County and State, personally appeared the above named \_\_\_\_\_ (Property Owner) and acknowledged execution of the above and foregoing Consent to Annexation to be their voluntary act and deed.

In addition, before me, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, whose name is subscribed as a witness to the foregoing instrument, who being duly sworn by me, deposes and says that the foregoing instrument was delivered to the witness by \_\_\_\_\_, Property Owner, and that said subscribing witness is not a party to the transaction and will not receive any interest in or proceeds from the property that is the subject of this transaction.

WITNESS my hand and Notarial Seal this \_\_\_\_ day of \_\_\_\_\_, 2021.

My commission expires: \_\_\_\_\_

Notary Public

Resident of St. Joseph County, IN

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: Aladean DeRose

This instrument was prepared by Aladean DeRose, City Attorney, 1200 County-City Building, South Bend, Indiana 46601. Aladean DeRose

Witness Signature \_\_\_\_\_

Witness Printed Name \_\_\_\_\_

State of Indiana, St. Joseph County

Before me, A Notary Public personally appeared \_\_\_\_\_, being known or proved to me to be the person whose name is subscribed as a witness to the foregoing instrument, who, being duly sworn by me, deposes and says that the foregoing instrument was executed and delivered by \_\_\_\_\_, in the foregoing subscribing witness' presence.

Witness my hand and notarial Seal \_\_\_\_\_ day of \_\_\_\_\_, 21\_\_\_\_\_ .

this Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_, Notary Public

Residing in \_\_\_\_\_

Commission Expires: \_\_\_\_\_

V 1.15.2021