

# PERPETUAL UTILITY AND ROADWAY EASEMENT

**Know All Men By These Presents:** That Jane E. Groves, an unmarried woman of legal age, whose tax mailing address is 626 Arden Court, Napoleon, Ohio, 43545, the Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid by the City of Napoleon, Ohio, a municipal corporation, the Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby **GRANT, BARGAIN, SELL, CONVEY and RELEASE** to the Grantee, its successors and assigns forever, a perpetual alienable Utility Easement with the right to lay, install, construct, reconstruct, erect, repair, supplement, maintain, operate, and/or remove, at any time or times hereafter, its pavement, curbing, sidewalks, water system, storm sewer system, and sanitary sewer system, including but not limited to water mains, storm sewers, sanitary sewers, pipes, conduits, fixtures, surface monuments, and manholes associated therewith, and appurtenances thereto, as it deems necessary, both above and below ground, with the further right to permit the attachment of, and/or carry in underground or aboveground water and sewer facilities of it or any other company with services and extensions therefrom, in, on, over, and/or under our lands, with the right of ingress to and egress from, across and over said premises (real estate) situated in the City of Napoleon, County of Henry and State of Ohio, and described as:

The Westerly five (5) feet of Lot Number Two (2) of Auditor's Subdivision of H.C. Groschner's Subdivision of Outlot Number Four (4) in Phillip's and Stafford's Addition, City of Napoleon, Napoleon Township, Henry County, Ohio, and being more particularly described as follows:

**BEGINNING** at a point being the intersection of the South right-of-way line of West Washington Street and the East right-of-way line of Arden Court; thence South 0°03'30" West along said East right-of-way line of Arden Court a distance of sixty-nine and zero hundredths (69.00) feet to a point; thence South 89°56'30" East and perpendicular to said East right-of-way line of Arden Court a distance of five and zero hundredths (5.00) feet to a point; thence North 0°03'30" East and parallel to said East right-of-way line of Arden Court a distance of sixty-nine and zero hundredths (69.00) feet to a point on said South right-of-way line of West Washington Street; thence North 89°56'30" West along said South right-of-way of West Washington Street a distance of five and zero hundredths (5.00) feet to the **POINT OF BEGINNING** and containing 345.00 square feet (0.008 acres) of land, more or less.

(All bearings stated above are assumed for the purpose of this description.)

The Grantor claims title to the above described property by virtue of deed recorded in Deed/Official Record **Volume 11, Page 738** of the records of Henry County, Ohio.

The consideration recited herein shall constitute full and final payment for said easement and all damages sustained and/or claimed by the Grantor, her heirs, executors, administrators, successors, and assigns, including but not limited to all damages to the remainder of the Grantor's real estate, that arise from or by reason of the laying, installing, construction, reconstruction, erection, repairing, supplementing, maintenance, operation, inspection, replacement and/or removal of said pavement, curbing, sidewalks, water system, storm sewer system, sanitary sewer system, and all appurtenances thereto, including but not limited to those known or unknown, those legal, equitable or otherwise and those direct, incidental or consequential. Nevertheless, the Grantee shall restore the Grantor's yards, lawns, crops, fences, tiling,

driveways, sidewalks and other similar improvements to as good condition as when entered upon by the Grantee or its agents, employees or contractors or at the Grantee's option, to pay the reasonable, direct, and known damages caused thereto.

Grantee will also have the right to mark the location of the strip by suitable markers set in the ground, but such markers when set in the ground will be placed in fences or other locations which will not interfere with any reasonable use Grantor will make of the land.

The Easement and right-of-way hereby granted includes the perpetual right to cut, trim, and/or otherwise control any trees and/or brush which may endanger the safety of or interfere with the construction and use of said Utility(s).

**TO HAVE AND TO HOLD** said Utility Easement, together with all rights and privileges belonging thereto unto the Grantee and its successors and assigns forever. This Utility Easement together with all agreements, covenants, and other provisions recited herein, shall constitute a covenant running with the land for the benefit and use of the Grantee, its successors and assigns forever. The provisions of this Easement will inure to the benefit of and bind the successors and assigns of the respective parties to it.

The Grantor hereby covenants that she is the true and lawful Owner of the above described real estate and has full power and authority to convey the same and that the same is free and clear from all liens and encumbrances whatsoever and that the Grantor will warrant and defend the title to the said easement against all lawful claims.

**IN WITNESS WHEREOF:** Jane E. Groves, an unmarried woman of legal age, the Grantor, has executed this Perpetual Utility Easement this 24<sup>th</sup> day of FEBRUARY, 1999.

Signed and acknowledged in the presence of:

Ruth Austermilller  
Darel Austermilller

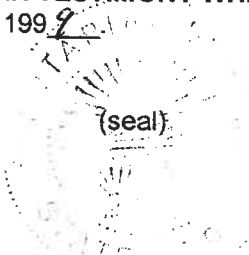
Jane E. Groves  
Jane E. Groves

STATE OF OHIO }  
COUNTY OF HENRY }

ss:

Before me a Notary Public in and for said County, personally appeared the above named Jane E. Groves, the Grantor, who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

**IN TESTIMONY WHEREOF,** I have hereunto set my hand and seal this 24<sup>th</sup> day of FEBRUARY, 1999.



Darel Austermilller  
Notary Public  
DAREL AUSTERMILLER  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES: 6/11/2001

**Accepted by:**

  
Jon A. Bisher, City Manager

12 MAR 99  
Date

***This Instrument Prepared  
and  
Approved By:  
David M. Grahn  
City of Napoleon Law Director  
255 West Riverview Avenue  
Napoleon, Ohio 43545  
(419) 592-3503***

***Easement Description  
Provided And Verified By:  
Adam C. Hoff, P.E. - City Engineer***

Z:\achletters\EASEMENTGrovesJanuary 15, 1999

C ✓  
\*9900002285  
Filed for Record in  
HENRY COUNTY OHIO  
ARLENE A WALLACE  
On 04-07-1999 At 12:51:04 pm.  
EASEMENT 18.00  
OR Volume 48 Page 751 - 753

9900002285  
CITY OF NAPOLEON  
PICK UP