

201300095960 DR 279 117

AUDITORS OFFICE
NOT TRANSFERRED
JUL 18 2013

Henry Garringer
HENRY COUNTY AUDITOR

PERPETUAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That, the Board of Education of the City of Napoleon City School District, by and through its President, Larry E. Long, and Treasurer, Michael R. Bostelman (herein after referred to as "Grantors") whose tax mailing address is 701 Briarheath Avenue, Napoleon, Ohio, 43545, 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 organized under the laws of Ohio, 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 Waterline Easement to lay, install, construct, reconstruct, erect, use, repair, supplement, maintain, operate, and/or remove, at any time or times hereafter its Water lines that are now in existence or may come into existence in the future, the aforementioned water lines may consist of one or more of its transmission or distribution lines, having a variable number of pipes and all necessary or desirable appurtenances thereto with the right of ingress to and egress from and over said premises (real estate) situated in the County of Henry and State of Ohio, and described as:

Situated in the City of Napoleon, County of Henry, State of Ohio and being part of the Northeast Quarter (1/4) of Section 14, Township 5 North, Range 6 East, a tract of land bounded and described as follows:

Commencing at a concrete monument with an iron pin, said iron pin marking the centerline of right-of-way for the intersection of Clairmont Avenue and Kenilworth Avenue;

Thence North 86°46'12" East on the centerline of Clairmont Avenue a distance of 30.00 feet;

Thence North 03°01'00" West on the West Line of Lot No. 21 of the Spengler Addition and the easterly Right-of-Way Line of Kenilworth Avenue a distance of 20.00 feet;

Thence North 41°52'36" East on the Northwesterly Line of said Lot No. 21 a distance of 14.17 feet;

Thence North 03°01'00" West on the West Line of said Lot No. 21 and the easterly Right-of-Way Line of Kenilworth Avenue a distance of 50.00 feet;

Thence North 41°52'36" East on the Northwesterly Line of said Lot No. 21 a distance of 14.17 feet;

Thence North 86°46'12" East on the Northerly Line of said Lot No. 21 and extended easterly on the Northerly Right-of-Way Line of Clairmont Avenue a distance of 124.93 feet to a Point of Curvature;

Thence in a northeasterly direction on a tangential curve to the left on the Northerly Right-of-Way Line of Clairmont Avenue, having a radius of 135.00 feet, a central angle of 51°19'59", and a length of curve of 120.96 feet, the chord of said curve bearing North 61°06'12" East and a distance of 116.95 feet to the Point of Tangency;

Thence North 35°26'13" East on the Northerly Right-of-Way Line of Clairmont Avenue a distance of 20.48 feet to a Point of Curvature, said point being the **TRUE POINT OF BEGINNING**;

Thence in a northeasterly direction on a tangential curve to the right on the Northerly Right-of-Way Line of Clairmont Avenue, having a radius of 200.00 feet, a central angle of 51°13'36", and a length of curve of 178.81 feet, the chord of said curve bearing North 61°03'01" East and a distance of 172.92 feet to the Point of Tangency;

Thence North 86°39'49" East a distance of 380.69 feet on the Northerly Right-of-Way Line of Clairmont Avenue to a Point of Curvature;

Thence in a northeasterly direction on a tangential curve to the left on the Northerly Right-of-Way Line of Clairmont Avenue, having a radius of 60.00 feet, a central angle of 28°31'35", and a length of curve of 29.87 feet, the chord of said curve bearing North 72°24'01" East and a distance of 29.56 feet;

Thence North 82°05'11" West a distance of 142.07 feet;

Thence South 86°39'49" West a distance of 270.00 feet;

Thence South 64°09'49" West a distance of 107.00 feet;

Thence South 36°20'18" West a distance of 89.39 feet to the **TRUE POINT OF BEGINNING** containing 0.344 acres (15,000.54 s.f.), more or less and subject to all legal highways, easements, zoning regulations and restrictions of record.

All bearings in this legal description are based upon an assumed meridian and are used only for the purpose of describing angular measurements.

The Grantor claims title to the above described property by virtue of a deed record recorded in Official Records **VOLUME 171 AT PAGE 230** of the records of Henry County, Ohio.

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 locations which will not unreasonably interfere with any reasonable use the Grantor will make of the land.

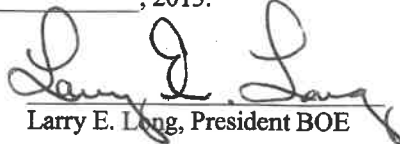
The consideration recited herein shall constitute full and final payment for said easement and all damages sustained and/or claimed by the Grantor, their executors, administrators, successors, and assigns, including but not limited to all damages to the remainder of the Grantor's real estate, that arise from or by reason of the laying, installation, construction, reconstruction, erection, use, operation, maintenance, supplementation, removal or inspection of said Sanitary Sewer and all appurtenances thereto, including but not limited to those known or unknown, those legal, equitable or otherwise and those direct, incidental or consequential. 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 Sanitary Sewer(s) without claim of damage to the trees or brush by the Grantor.

TO HAVE AND TO HOLD said Easement, together with all rights and privileges belonging thereto unto the Grantee and its successors and assigns forever. This 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.

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CITY OF NAPOLEON
PICK UP

The Grantor hereby covenants that he is the true and lawful Owner of the above described real estate and has full power and authority to convey the same; 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 TESTIMONY WHEREOF, The Board of Education of the City of Napoleon City School District, by and through its President, Larry E. Long, and Treasurer, Michael R. Bostelman, the Grantors, have executed this Perpetual Easement this 19th day of JUNE, 2013.


Larry E. Long, President BOE


Michael R. Bostelman, Treasurer

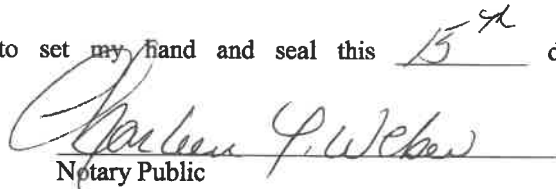
STATE OF OHIO }
 }
COUNTY OF HENRY }

ss:

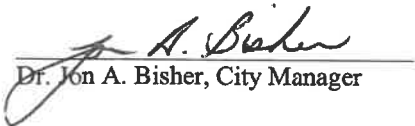
Before me a Notary Public in and for said County, personally appeared the above named, Larry E. Long, Michael R. Bostelman, the Grantors, who acknowledged they did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 15th day of July, 2013.

(Seal) **SEAL**


Notary Public

ACCEPTED BY:


Dr. Jon A. Bisher, City Manager

July 16, 2013
Date

THIS INSTRUMENT PREPARED AND APPROVED BY:

Trevor M. Hayberger
City of Napoleon Law Director
255 West Riverview Avenue
(419) 592-3503


CHARLES J. WEBER
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 6-7-2015

LEGAL DESCRIPTION VERIFIED BY:
Chad E. Lulfs P.S. P.E., Napoleon Engineer



201300095960
Filed for Record in
HENRY COUNTY OHIO
SARA L MYLES, RECORDER
07-18-2013 At 10:04 am.
EASEMENT 36.00
OR Volume 279 Page 117 - 119



City of *NAPOLEON*, Ohio

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Mayor
Ronald A. Behm

Members of Council
John A. Helberg, President
Jeffrey Lankenau
Patrick McColley
Christopher Ridley
Travis B. Sheaffer
Jason P. Maassel
Jon Tassler

City Manager
Jon A. Bisher

Finance Director
Gregory J. Heath

Law Director
Trevor M. Hayberger

Director of Public Works
Chad E. Lulfs, P.E., P.S.

Dear Mr. Fogo,

Enclosed are the copies of the easements. They are recorded in OR 201300095959, Volume 279, Page 114 and Page 117.

Sincerely,

Chad E. Lulfs, P.E., P.S.