

AUDITORS OFFICE
NOT TRANSFERRED
JUL 18 2013

Henry Garinger
HENRY COUNTY AUDITOR

Volume Page
279 114

Instrument
201300095959 OR

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 Utility Easement to lay, install, construct, reconstruct, erect, use, repair, supplement, maintain, operate, and/or remove, at any time or times hereafter its Utilities that are now in existence or may come into existence in the future, including but not limited to: electric, cable, telephone, telecommunications, sanitary sewer, storm sewer, waterlines, and gas utilities. The aforementioned Utilities consist of one or more of its transmission, collection, or distribution lines, having a variable number of wires and pipes and all necessary or desirable appurtenances thereto (including but not limited to regulating transmission or distribution equipment, telephone and telegraph wires, fiber optic cables, props, guys and anchorages, conduits, cables, poles, towers, pedestals, manholes, catch basins, and fixtures, all the aforementioned being both above and below ground, with the further right to permit the attachment of, and/or carry in above or underground conduit, wires, cables, pipes and other associated fixtures and other above and underground facilities of any other company with services and extensions therefrom, in, on, through, over and/or under the below described lands, 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) and Southeast 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 86°46'12" East on the Northerly Line of said Lot No. 21 and the Northerly Right-of-Way Line of Clairmont Avenue a distance of 110.00 feet to an iron pin found on the intersection of the Northerly Right-of-Way Line of Clairmont Avenue and the West Line of the Southeast Quarter (1/4) of Section 14 and the **TRUE POINT OF BEGINNING**;

Thence North 03°01'00" West on the West Line of the Southeast Quarter (1/4) of Section 14 120.00 feet to the Northwest Corner of the Southeast Quarter (1/4) of Section 14;

Thence North 03°06'00" West on the West Line of the Northeast Quarter (1/4) of Section 14 196.20 feet to the Northeast Corner of the Glenwood Addition to the City of Napoleon;

Thence South 82°42'00" East 55.92 feet;

Thence South 03°06'00" East 185.88 feet on a Line parallel to the West Line of the Northeast Quarter (1/4) of Section 14 to the East-West Quarter (1/4) Line of Section 14;

Thence South 03°01'00" East parallel to the West Line of the Southeast Quarter (1/4) of Section 14 114.04 feet to a non-tangent curve, said curve being the Northerly Right-of-Way Line of Clairmont Avenue;

Thence in a southwesterly direction on a non-tangent curve to the right on the Northerly Right-of-Way Line of Clairmont Avenue, having a radius of 135.00 feet, a central angle of 17°13'40", and a length of curve of 40.59 feet, the chord of said curve bearing South 78°09'22" West and a distance of 40.44 feet to the Point of Tangency;

Thence South 86°46'12" West on the Northerly Right-of-Way Line of Clairmont Avenue a distance of 15.04 feet to the **TRUE POINT OF BEGINNING** containing 0.391 acres (17,030.05 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.

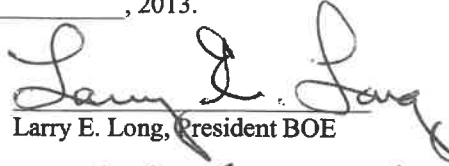
The consideration recited herein shall constitute full and final payment for said easement and all damages sustained and/or claimed by the Grantor, their executors, administrators, successors, and assigns, including but not limited to all damages to the remainder of the Grantor's real estate, that arise 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.

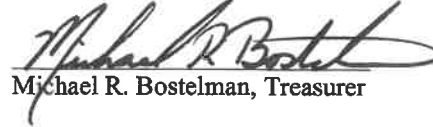
TO HAVE AND TO HOLD said Easement, together with all rights and privileges belonging thereto unto the Grantee and its successors and assigns forever. This Easement together with all agreements, covenants, and other provisions recited herein, shall constitute a covenant running with the land for the benefit and use of the Grantee, its successors and assigns forever.

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.


201300095959
CITY OF NAPOLEON
PICK UP

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 }
 } ss:
COUNTY OF HENRY }

 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.

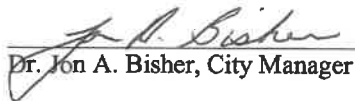
IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 15th day of July, 2013.

(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

LEGAL DESCRIPTION VERIFIED BY:

Chad E. Lulfs P.S. P.E., Napoleon Engineer



201300095959
Filed for Record in
HENRY COUNTY OHIO
SARA L NYLES, RECORDER
07-18-2013 At 10:04 am.
EASEMENT 36.00
OR Volume 279 Page 114 - 116

CHARLES J. WEBER
201300095959
CITY OF NAPOLEON
PICK UP
6-17-2013