

# PERPETUAL UTILITY EASEMENT

**Know All Men By These Presents:** That, PAG Realty, Inc., whose tax mailing address is 500 E. Clinton Street, :Napoleon, Ohio 43545, hereinafter called "Grantor", for one dollar and other 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 sewer Utility that are now in existence or may be in the future, including but not limited to its fixtures, manholes, pipes, tile, and etc), all the aforementioned below ground, with the further right to permit the attachment of, and/or carry in underground pipes and other associated fixtures and underground facilities of any other company with services and extensions therefrom, in, on, 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 City of Napoleon, County of Henry and State of Ohio, and described as:

Being a part of J.A. Stout's 1st Addition to the Village of Napoleon, as recorded on Slide 55, Henry County Recorder's Record of Plats, also being a part of the Northeast quarter (¼) of Section 13, Town 5 North, Range 6 East, Napoleon Township, City of Napoleon, Henry County, Ohio, and which is more particularly described as follows:

Beginning at the Northwest corner of Lot 51 in said J.A. Stout's Addition;

Thence North along the Westerly line of said Lot 51 extended north, sixteen and fifty hundredths (16.50) feet to the Southwesterly corner of Lot 44 in J.A. Stout's 1st Addition;

Thence East along the Southerly line of Lot 44 and the Northerly line of an existing alley in J.A. Stout's 1st Addition, one hundred thirty-two and zero hundredths (132.00) feet to the Southeasterly corner of Lot 44;

Thence South on the Easterly line of said Lot 44 extended south, sixteen and fifty hundredths (16.50) feet to the Northeasterly corner of Lot 50 of J.A. Stout's 1st Addition;

Thence Westerly on the Northerly line of Lots 50 and 51 of J.A. Stout's 1st Addition and the Southerly line of an existing alley, one hundred thirty-two and zero hundredths (132.00) feet to the point of beginning.

Containing 0.050 acres, (2,178.00) square feet), of land more or less. Subject to all legal highways easements, zoning regulations or restrictions of record.

This description is based on plat information and is intended to describe only that portion of said alley to be vacated lying between Lots 44, 50 and 51 of said J.A. Stout's 1st Addition.

The Grantor claim title to the above described property by virtue of deeds and documents recorded in Deed/Offical Records Volume 55, Pages 1020 - 1022 of the records of Henry County, Ohio. *RES-4*

Grantee will also have the right to mark the location of the strip by suitable markers set in the ground in a manner which will not interfere with any reasonable use 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, his/her/its heirs, executors, administrators, successors, and assigns, that arise from or by reason of the laying, installation, construction, reconstruction, erection, use, operation, maintenance, supplementation, removal or inspection of said Utility 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 Utility without claim of damage to the trees or brush by the Grantor.



**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 heirs and/or successors and assigns of the respective parties to it.

The Grantor hereby covenants that it is the true and lawful Owner of the above described real estate and that the party executing this easement has full power and authority of the corporation 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:** PAG Realty, Inc. the Grantor, by and through its \_\_\_\_\_, has executed this Perpetual Alienable Utility Easement this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

Signed and acknowledged in the presence of:

\_\_\_\_\_  
\_\_\_\_\_

PAG Realty, Inc.  
\_\_\_\_\_  
Its \_\_\_\_\_

STATE OF OHIO

COUNTY OF HENRY

} ss:  
}

Before me a Notary Public in and for said County, personally appeared the above named, PAG Realty, Inc. the Grantor, by and through all of its \_\_\_\_\_, named \_\_\_\_\_, who acknowledged that he/she did sign the foregoing instrument and that same is his/her free act and deed and the free act and deed of the corporation.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_.

(seal)

\_\_\_\_\_  
Notary Public  
Commission Expires:

**Accepted by:**

\_\_\_\_\_  
Dr. Jon A. Bisher, City Manager

\_\_\_\_\_  
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 By  
D.W. Eis Surveying  
114 Brownell St. Napoleon, Ohio  
Registered Surveyor No. 7758*

IntegrityEasement L:\LAW\lotus\wordpro\lawdirec\eamements\2002 4/17/2002



199900004775  
Filed for Record in  
HENRY COUNTY OHIO  
ARLENE A WALLACE  
On 08-03-1999 At 02:55 pm.  
WARR DEED 18.00  
OR Volume 55 Page 1020 - 1022

WARRANTY DEED

199900004775  
HF  
PICK UP

William R. Moden, Jr. and Mary Jo Moden, husband and wife, of Henry County, Ohio, for valuable consideration paid, and in completion of a certain Option to Purchase recorded at Volume 33, page 741 of the Official Records of Henry County, Ohio, grant with general warranty covenants, to **PAG REALTY, INC., an Ohio Corporation**, whose tax mailing address is: 860 E. Perry Street, P.O. Box 360, Paulding, OH 45879, the following **REAL PROPERTY**:

TRACT 1:

Situated in the City of Napoleon, County of Henry, and State of Ohio and known as:

Lots numbered Forty-four (44), Forty-five (45), Forty-eight (48), Forty-nine (49), Fifty (50) and Fifty-one (51) in J.A. Stout's Addition to said Village (now City) of Napoleon, Henry County, Ohio, less and excepting therefrom the right-of-way of Detroit, Toledo and Ironton Railroad Company as now laid out, used and occupied by said Company; and excepting also a parcel of land described as follows: Commencing at the intersection of the right of way of Detroit, Toledo and Ironton Railroad company's side track with the Easterly line of Lot numbered Forty-eight (48) in said Addition, running in a Northerly direction along the Easterly line of said lot a distance of One Hundred (100) feet, thence in a Westerly direction and at right angles with said Easterly line of said lot a distance of Fifty (50) feet, thence in a Southerly direction and parallel with the said Easterly line of said lot to the North line of the right of way of said railroad company's side track, thence in a Northeasterly direction along the North line of said right of way of said railroad company's side tract to the place of beginning, together with the privileges and appurtenances to the same belonging.

Permanent Parcel No. 41-009555.0560; 41-009555.0580; and 41-009555.0620.

TRACT 2:

Situated in the City of Napoleon, County of Henry, and State of Ohio and known as:

A parcel of land being part of the Northeast Quarter (1/4) of Section Thirteen (13), Town Five (5) North, Range Six (6) East; part of Lots 48 and 49 and part of vacated Vocke Street in "J. A. Stout's First Addition to Napoleon", all being in the City of Napoleon, Henry County, Ohio, said parcel of land being bounded and described as follows: Beginning at the intersection of the Northwesterly line of Canal Road as described in "J. A. Stout's First Addition to Napoleon" with a line drawn Forty-one and Twenty-five Hundredths (41.25) feet Northerly of and parallel with the centerline of Clinton Street; thence in a westerly direction along said line drawn Forty-one and Twenty-five Hundredths (41.25) feet Northerly of and parallel with the centerline of Clinton Street, having an assumed bearing of South 88 degrees 27' 31" West a distance of Sixty-eight and Forty-nine

APPROVED  
Mapping Dept. By: DK Date: 8/2/99





Hundredths (68.49) feet to the intersection of a line drawn Twenty-five and Zero Hundredths (25.00) feet Northwesterly of and parallel with the centerline of the Grand Trunk Western Railroad spur track, as it now exists; thence North 61 degrees 19' 40" East along said line drawn Twenty-five and Zero Hundredths (25.00) feet Northwesterly of and parallel with the centerline of the Grand Trunk Western Railroad spur track, a distance of Two and Eighty Hundredths (2.80) feet to the intersection of the centerline of said vacated Vocke Street, thence North 01 degrees 30' 12" West along said centerline of vacated Vocke Street a distance of Sixteen and Ninety-four Hundredths (16.94) feet to a point; thence North 88 degrees 29' 48" East along a line a distance of Thirty-three and Zero Hundredths (33.00) feet to the intersection of a line drawn Thirty-three and Zero Hundredths (33.00) feet Easterly of and parallel with said centerline of vacated Vocke Street with said line drawn Twenty-five and Zero Hundredths (25.00) feet Northwesterly of and parallel with the centerline of the Grand Trunk Western Railroad spur track; thence North 61 degrees 19' 40" East along said line drawn Twenty-five and Zero Hundredths (25.00) feet Northwesterly of and parallel with the centerline of the Grand Trunk Western Railroad spur track a distance of Ninety-two and Sixteen Hundredths (92.16) feet to the intersection of a line drawn Fifty and Zero Hundredths (50.00) feet Westery of and parallel with the East line of Lot 48 in said "J. A. Stout's First Addition to Napoleon"; thence South 01 degrees 30' 12" East along said line drawn Fifty and Zero Hundredths (50.00) feet Westery of and parallel with the East line of lot 48 a distance of Thirty-seven and Eighty-six Hundredths (37.86) feet to the intersection of said Northwesterly line of Canal Road; thence South 63 degrees 55' 51" West along said Northwesterly line of Canal Road a distance of Fifty-three and Eighty-seven Hundredths (53.87) feet to the point of beginning. Said parcel containing 3,269 square feet or 0.075 acres of land, more or less, but subject to all easements, restrictions, and leases of record, zoning ordinances, if any, and all legal highways.

Permanent Parcel No. 41-009555.0641.

Subject to taxes and assessments levied and assessed thereon for the year 1999 and thereafter, which taxes and assessments the Grantee herein assumes and agrees to pay.

Prior Reference: Volume 237, page 858, and Volume 255, page 822, Deed Records of Henry County, Ohio.

Witness our hands this 3<sup>rd</sup> day of August, 1999.

Signed and acknowledged  
In the presence of:

[Signature]  
Marsha K. Yarnell

[Signature]  
William R. Moden, Jr.  
[Signature]  
Mary Jo Moden



STATE OF OHIO  
Henry County, ss:

BE IT REMEMBERED, That on this 3<sup>rd</sup> day of August, 1999, before me, the subscriber, a notary public in and for the State of Ohio, personally came William R. Moden, Jr. and Mary Jo Moden, husband and wife, the Grantors in the foregoing Deed, and acknowledged the signing thereof to be their voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

JOHN H HANNA, ATTORNEY AT LAW  
NOTARY PUBLIC - STATE OF OHIO  
MY COMMISSION HAS NO EXPIRATION DATE  
SECTION 147:03 R.C.

J. Hanna  
Notary Public, State of Ohio

This instrument was prepared by: John H. Hanna, Attorney at Law, Napoleon, OH 43545

AUDITORS OFFICE  
TRANSFERRED

*my*  
AUG 03 1999

*Ida L. Bostelman*  
HENRY CO. AUDITOR

~~\$~~ 2.00 ~~1.50~~

This Conveyance has been examined and the Grantor has complied with Section 319.202 of the Revised Code.  
FEE \$ 1400.00  
EXEMPT \_\_\_\_\_  
IDA L. BOSTELMAN, County Auditor



D. W. Eis Surveying  
114 Brownell St.  
Napoleon, Ohio 43545

Douglas W. Eis P.S.  
Registered Surveyor # 7758

Ph: (419) 599-4990  
Fax: (419) 599-4883

Description of Alley for Vacation for: P.A.G. Realty, Inc.

Being a part of J.A. Stout's 1<sup>st</sup> Addition to the Village of Napoleon, as recorded on Slide 55, Henry County Recorder's Record of Plats, also being a part of the Northeast quarter (1/4) of Section 13, Town 5 North, Range 6 East, Napoleon Township, City of Napoleon, Henry County, Ohio, and which is more particularly described as follows;

Beginning at the Northwest corner of Lot 51 in said J.A. Stout's Addition;

Thence North along the Westerly line of said Lot 51 extended north, sixteen and fifty hundredths (16.50) feet to the Southwesterly corner of Lot 44 in J.A. Stout's 1<sup>st</sup> Addition;

Thence East along the Southerly line of Lot 44 and the Northerly line of an existing alley in J.A. Stout's 1<sup>st</sup> Addition, one hundred thirty-two and zero hundredths (132.00) feet to the Southeasterly corner of Lot 44;

Thence South on the Easterly line of said Lot 44 extended south, sixteen and fifty hundredths (16.50) feet to the Northeasterly corner of Lot 50 of J.A. Stout's 1<sup>st</sup> Addition;

Thence Westerly on the Northerly line of Lots 50 and 51 of J.A. Stout's 1<sup>st</sup> Addition and the Southerly line of an existing alley, one hundred thirty-two and zero hundredths (132.00) feet to the point of beginning.

Containing 0.050 acres, (2,178.00 square feet), of land more or less. Subject to all legal highways easements, zoning regulations or restrictions of record.

This description is based on plat information and is intended to describe only that portion of said alley to be vacated lying between lots 44, 50 and 51 of said J.A. Stout's 1<sup>st</sup> Addition.



# PETITION TO VACATION CITY OWNED LAND

DATE: October 1, 2001 ADDRESS: c/o Integrity Motors of Napoleon, Inc.  
500 E. Clinton St., Napoleon, OH 43545  
SUBDIVISION NAME: J. A. Stouts Addition LOT #: 44, 50 and 51  
PAG Realty, Inc.  
APPLICANT NAME: c/o Integrity Motors of Napoleon, Inc. STREET: 500 E. Clinton St.  
CITY: Napoleon STATE: Ohio ZIP: 43545

TYPE OF CITY OWNED LAND REQUESTED TO BE VACATED:

ALLEY:  STREET RIGHT OF WAY: \_\_\_\_\_ OTHER: \_\_\_\_\_

We the undersigned hereby petition the City of Napoleon, in accordance with City Code Chapter 909, to vacate a certain piece of City owned land described as :

An undeveloped alley running between Lot 44 and Lot 50/51 of the above described subdivision (see attached diagram)

ADDRESS'S OF ADJOINING PROPERTIES:

1. Same as applicant
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

THE APPLICANT SHALL PROVIDE COUNTY TAX CARDS FOR ALL ADJOINING PROPERTIES AND ATTACH THEM TO THIS APPLICATION.

The applicant shall bear the cost's of moving, any and all City utilities (if applicant deems it to be necessary to move such utilities) which are located within the area to be vacated.

In the case of a City alley or street the vacated portion shall revert back to the adjoining property owners to the center line of such street or alley.

All adjoining property owners will need to sign a "consent to vacate form" provided by the City.

The City of Napoleon may at its own discretion, retain easement(s) over all or part of such City owned land requested to be vacated.

The City of Napoleon will not process this petition application until the \$25.00 application fee is paid.

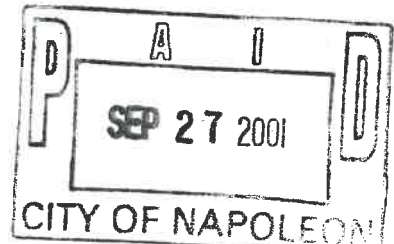
The City of Napoleon may at its own discretion, accept or reject any application for vacation of City owned land and is not obligated to grant such vacation requests.

Please allow sixty (60) to ninety (90) days for processing this application.

APPLICATION FEE IS \$25.00. PUBLICATION COSTS SHALL BE PAID PRIOR TO FINAL COUNCIL ACTION  
(THE \$25.00 APPLICATION Fee Must be submitted along with this petition application and is NOT REFUNDABLE)

APPLICANT'S SIGNATURE: [Signature] DATE: 9-17-01  
Michael E. O'Malley, Secretary/Treasurer  
PAG Realty, Inc.

ALLEYAPP.SAM 01/19/99







# CONSENT TO ALLEY OR STREET VACATION

(ORC 723.06)

I (we), the undersigned owner(s) of the property abutting the part of the street or alley proposed to be vacated, to wit:

See Attached Exhibit "A"

all in the City of Napoleon, Henry County, Ohio, consent to such vacation, this Consent being filed with the legislative authority of the City of Napoleon, Ohio. I (we) understand that this voluntary consent vacates the notice requirement as provided for in Section 723.07 of the Ohio Revised Code.



Michael E. O'Malley, Secretary/Treasurer  
PAG Realty, Inc.

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

This Consent must contain names of all abutting property owners, including those abutting the end(s) of the alley or street to be vacated; moreover, must contain all names listed on the deeds.



THE LAW OFFICES OF

**MICHAEL E. O'MALLEY, LLC**

ATTORNEY & COUNSELOR AT LAW

P. O. Box 368  
315 EAST MAIN STREET  
OTTAWA, OHIO 45875-0368  
Telephone: (419) 523-6104  
Fax: (419) 523-6500  
E-mail: meom@woh.rr.com

BRANCH OFFICES:  
Continental  
(419) 596-3600  
Ottoville  
(419) 453-3851

September 17, 2001

David M. Grahn  
Napoleon City Director  
255 W. Riverview  
P. O. Box 151  
Napoleon, OH 43545

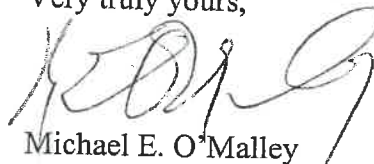
Re: PAG Realty, Inc.  
Petition to Vacate Alley Between  
Lot 44 and 50/51

Dear David:

Some time ago, I spoke to you about petitioning to vacate an alley on the property that PAG Realty, Inc. owns (Integrity Motors of Napoleon, Inc.). The alley apparently was never vacated and runs through the middle of one of our buildings.

Enclosed please find a Petition to Vacate that alley with attachments and a Consent of adjoining landowners. Also enclosed is a processing application fee in the amount of \$25.00. I would appreciate your reviewing same and if same meets with your approval, deliver to the appropriate office. If you have any suggestions for additions, deletions or corrections, please advise.

Very truly yours,



Michael E. O'Malley

MEOM:mjve  
Enclosures

