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CT
200900076842
Filed for Record in
HENRY COUNTY OHIO
SARA L MYLES
10-06-2009 At 02:44 pm.
EASEMENT 44.00
OR Volume 247 Page 37 - 40
200900076842
CITY OF NAPOLEON
PICK UP

TEMPORARY EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That, Karen E. Weitzel nka Karen E. Olwick, a married woman, being of legal age, whose tax mailing address is 808 West Clinton Street, 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 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 Temporary Easement to allow for drive access during the construction of certain improvements that are to be constructed on adjacent lands. Said easement will be used for access of equipment, vehicles and material utilized by Grantee, including 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:

SEE ATTACHED EXHIBIT "A", INCORPORATED HERETO.

SEE ATTACHED EXHIBIT "B", INCORPORATED HERETO FOR ILLUSTRATIONAL PURPOSE ONLY.

SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS, ZONING REGULATIONS, AND RESTRICTIONS OF RECORD.

The Grantor claims title to the above described property by virtue of a deed(s) recorded in **VOLUME 66 AT PAGE 927** of the official records of Henry County, Ohio Recorder.

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 use of said easement, including but not limited to those known or unknown, those legal, equitable or otherwise and those direct, incidental or consequential. Nevertheless, Grantee agrees to restore the grounds by seeding and leveling.

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 Temporary 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 Temporary Easement will inure to the benefit of and bind the heirs and/or successors and assigns of the respective parties to it. **NOTWITHSTANDING ANY OTHER PROVISION OF THIS TEMPORARY EASEMENT, THIS TEMPORARY EASEMENT SHALL EXPIRE ON 1-01-2010, UNLESS TERMINATED EARLIER BY THE PARTIES HERETO.**

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 Grantor will warrant and defend the title to the said easement against all lawful claims.

EXECUTED BY: Karen E. Weitzel nka Karen E. Olwick this 24 day of September, 2009.

Karen E. Olwick
Karen E. Olwick

STATE OF Ohio }
 }
COUNTY OF HENRY } ss:

Before me a Notary Public in and for said County, personally appeared the above named, Karen E. Olwick, 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 24th day of September, 2009.



OFFICIAL SEAL
ROXANNE DIETRICH Roxanne Dietrich
NOTARY PUBLIC, STATE OF OHIO Notary Public
MY COMMISSION EXPIRES 6-23-2012

ACCEPTED BY:

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

28 SEP 09
Date

AUDITORS OFFICE
NOT-TRANSFERRED

OCT 06 2009 *KS*

Kevin F. M.
HENRY CO. AUDITOR

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:

Peterman and Associates
3480 N. Main Street, Findlay, Ohio 45840

EASEMENT DESCRIPTION VERIFIED BY:

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



Exhibit "A"

website: petermanaes.com
email: petermansw@aol.com

3480 N. Main St., Findlay, Ohio 45840

Phone: 419-422-6672
Fax: 419-422-9466

Job No. 09-0421-B

LEGAL DESCRIPTION

City of Napoleon

Proposed Right of Way Easement B
1,425 S.F.

Situated in the City of Napoleon, County of Henry, State of Ohio and being a part of Lot No. 11 of the Heller and Donnelly's First Addition, a tract of land bounded and described as follows:

Beginning at a point on the west right of way line of a 16' Alley, described as lying, N00°41'00"E, a distance of 72.11 feet from the southeast corner of Lot No. 10 of the Heller and Donnelly's First Addition, said beginning point also being the northeast corner of a tract of land as described in Volume 225, Page 634 and OR 160, Page 773 of the Henry County Deed Records;

thence along the north line of said tract of land as described in Volume 225, Page 634 and OR 160 Page 773, S89°49'37"W, a distance of 71.27 feet to the southeast corner of a tract of land as described in OR 228, Page 1327 of the Henry County Deed Records;

thence along the east line of said tract of land as described in OR 228, Page 1327, N00°42'26"E a distance of 20.00 feet;

thence, N89°49'37"E, a distance of 71.25 feet to the west right of way line of said 16' Alley;

thence along west right of way line of said 16' Alley, S00°41'00"W, a distance of 20.00 feet to the Point of Beginning, containing 1,425 square feet of land, more or less, subject however to all prior easements of record.

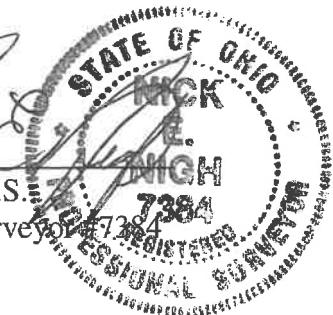
Henry County Deed Records: OR 66, Page 927

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

I.P. Set = 5/8" x 30" Rebar with Peterman Associates' Cap

Date: August 12, 2009

Nick E. Nigh
Nick E. Nigh, P.S.
Professional Surveyor





GRAPHIC SCALE

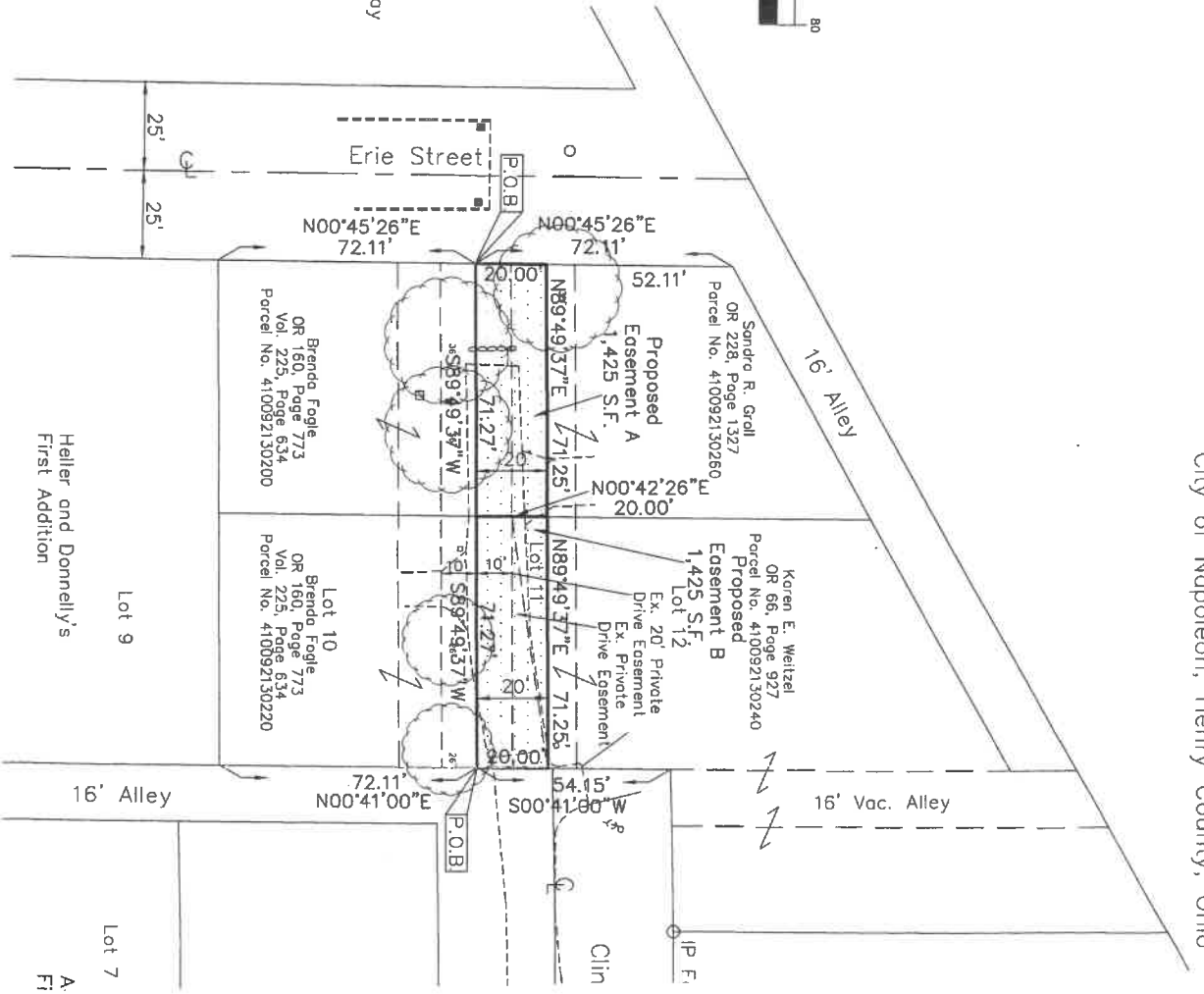


(IN FEET)
1 inch = 40 ft.



= Proposed Right of Way Easement

Easement Exhibit "B"
City of Napoleon
Being part of Lot No. 11 of the Heller and Donnelly's
City of Napoleon, Henry County, Ohio



Note: The bearings on this plat are based upon an assumed meridian and are used only for the purpose of describing angular measurements.
IP Set = 5/8"x30" rebor with Peterman Associates Cop.