

1650 Commerce Dr.

City of NAPOLEON, OHIO

255 WEST RIVERVIEW AVENUE, P.O. BOX 151
NAPOLEON, OHIO 43545-0151
(419) 592-4010
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Fax Transmission

Mayor
J. Andrew Small

To: David Plassman

Members of Council
Michael J. DeWit, President
Terri A. Williams
James Hershberger
Travis B. Sheaffer
John A. Helberg
Jean A. Steele
Glenn A. Miller

Company Name: _____

Fax Number: 419-445-1080

Number of Pages (Including Cover Page): 4

From: Brent Damman

Date: 4/17/02 Time: _____

City Manager
Dr. Jon A. Bisher

Operator: Michelle Bauer

Finance Director
Gregory J. Heath

Comments:

Law Director
David M. Grahn

City Engineer
Joseph R. Kleiner, P.E.

Please call (419) 592-4010 if you have any trouble receiving this Transmission or you did not receive the number of pages shown above.

LEGAL DESCRIPTION

A parcel of land being part of the West 1/2 of Section seven (7), Town five (5) North, Range seven (7) East, City of Napoleon, Henry County, Ohio and being more particularly described as follows:

Commencing at a monument found at the intersection of the Northerly right of way of Interchange Drive and the Westerly right of way of Industrial Drive;

Thence Westerly along the Northerly right of way line of Interchange Drive having an assumed bearing of North eighty-nine (89) degrees, thirty (30) minutes, twenty-nine (29) seconds West a distance of one thousand four hundred and three hundredths (1412.03) feet to a 1/2" x 30" iron pin set, said point also being the Northwest corner of Hogrefe Industrial Plat No.1 and the TRUE POINT OF BEGINNING;

Thence Southerly along a line having a bearing of South zero (0) degrees, twenty-five (25) minutes, twenty-three (23) seconds West, passing through an iron pin found at the Northwest corner of Lot #1 in Hogrefe Industrial Plat No. 1 at eighty and zero hundredths (80.00) feet, a total distance of four hundred eighty-nine and nine hundredths (489.09) feet to an iron pin found;

Thence Easterly along a line having a bearing of South eighty-nine (89) degrees, thirty (30) minutes, twenty-nine (29) seconds East, a distance of five hundred eighty-five and thirty hundredths (585.30) feet to an iron pin found;

Thence Southerly along a line being parallel with the North-South 1/4 Section line of Section 7 and the center-line of Industrial Drive, having a bearing of South zero (0) degrees, twenty-five (25) minutes, twenty-three (23) seconds West, passing through an iron pin found at five hundred twenty and ninety-six hundredths (520.96) feet a total distance of eight hundred forty-one and thirty-five hundredths (841.35) feet to an iron pin found on the Northerly Right-of-Way of the Indiana Hi-Rail Railroad;

Thence Southwesterly along a line being the Northerly Right-of-Way of the Indiana Hi-Rail Railroad, having a bearing of South forty-eight (48) degrees, twenty-nine (29) minutes, forty-eight (48) seconds West, a distance of six hundred eight and twenty-four hundredths (608.24) feet to a 1/2" x 30" iron pin set;

Thence Northwesterly along a line having a bearing of North forty-one (41) degrees, twenty-three (23) minutes, fifty-two (52) seconds West a distance of one hundred twenty-seven and sixty-four hundredths (127.64) feet to a 1/2" x 30" iron pin set at a point of curvature;

Thence Northerly along a curve to the right having a central angle of forty-one (41) degrees, forty-nine (49) minutes, fourteen (14) seconds, a radius of five hundred five and zero hundredths (505.00) feet, a chord of three hundred sixty and forty-eight hundredths (360.48) feet bearing North twenty (20) degrees, twenty-nine (29) minutes, fifteen (15)

seconds West for an arc distance of three hundred sixty-eight and sixty-one hundredths (368.61) feet, to a 1/2" x 30" iron pin set at a point of tangency;

Thence Northerly along a line having a bearing of North zero (0) degrees, twenty-five (25) minutes, twenty-three (23) seconds East, a distance of one thousand three hundred five and eighty hundredths (1305.80) feet to a 1/2" x 30" iron pin set;

Thence Easterly along a line having a bearing of South eighty-nine (89) degrees, thirty (30) minutes, twenty-nine (29) seconds East, a distance of eighty-one and zero hundredths (81.00) feet to the TRUE POINT OF BEGINNING.

Containing 749,408 square feet, which is equal to seventeen and two hundred four thousandths (17.204) acres of land, more or less. Subject, however, to all legal highways and easements of record.

This legal description dated March 20, 2002 was prepared by Nicholas F. Ronau, Ohio Registered Surveyor No. 6735, from a survey performed by T. R. Worline & Associates, Inc., under his direction in October of 2001.

PARCEL A

A parcel of land being part of the West one-half (1/2) of Section seven (7), Township seven (7) North, Range seven (7) East, City of Napoleon, Henry County, Ohio and being more particularly described as follows:

Commencing at a 5/8" iron pin found on the Southerly right-of-way line of the Indiana Hi-Rail Railroad, said iron pin being located South forty-eight (48) degrees, twenty-nine (29) minutes and forty-eight (48) seconds West, a distance of one thousand, one hundred eighteen and eight hundredths (1,118.08) feet from the intersection of the said Southerly right-of-way line with the East line of the West one-half (1/2) of Section seven (7), said iron pin also being the **TRUE POINT OF BEGINNING**;

Thence Southeasterly along a line having a bearing of South forty-one (41) degrees, thirty-four (34) minutes, and twenty (20) seconds East, a distance of two hundred fifteen and two hundredths (215.02) feet to a railroad spike found on the center line of State Route 424 and Old Canal Road;

Thence Southwesterly along the center line of State Route 424, and Old Canal Road, having a bearing of South forty-eight (48) degrees, thirty-four (34) minutes, and thirty-four (34) seconds West, a distance of four hundred eighty-five and zero hundredths (485.00) feet to a 1/2" x 30" iron pin set;

Thence Northwesterly along a line having a bearing of North forty-one (41) degrees, twenty-three (23) minutes, and fifty-two (52) seconds West, a distance of two hundred fourteen and thirty-four hundredths (214.34) feet to a 1/2" x 30" iron pin set on the Southerly right-of-way of the Indiana Hi-Rail Railroad;

Thence Northeasterly along the Southerly right-of-way of the Indiana Hi-Rail Railroad, having a bearing of North forty-eight (48) degrees, twenty-nine (29) minutes, and forty-eight (48) seconds East, a distance of four hundred eighty-four and forty-five hundredths (484.45) feet to the **TRUE POINT OF BEGINNING**.

Containing 104,071 square feet, which is equal to two and three hundred eighty-nine thousandths (2.389) acres of land, more or less. Subject, however, to all highways and easements of record.

This legal description dated March 8, 2002 was prepared by Nicholas F. Ronau, Ohio Registered Surveyor No. 6735, from a survey performed by T. R. Worline & Associates, Inc. in March of 2002.

PARCEL B

A parcel of land being part of the West one-half (1/2) of Section seven (7), Township seven (7) North, Range seven (7) East, City of Napoleon, Henry County, Ohio and being more particularly described as follows:

Commencing at a ½" x 30" iron pin set on the Southerly right-of-way line of the Indiana Hi-Rail Railroad, said iron pin being located South forty-eight (48) degrees, twenty-nine (29) minutes and forty-eight (48) seconds West, a distance of one thousand, six hundred eighty-two and fifty-three hundredths (1,682.53) feet from the intersection of the said Southerly right-of-way line with the East line of the West one-half (1/2) of Section seven (7), said iron pin also being the **TRUE POINT OF BEGINNING**;

Thence Southeasterly along a line having a bearing of South forty-one (41) degrees, twenty-three (23) minutes, and fifty-two (52) seconds East, a distance of two hundred fourteen and twenty-three hundredths (214.23) feet to a ½" x 30" iron pin set on the center line of State Route 424 and Old Canal Road;

Thence Southwesterly along the center line of State Route 424, and Old Canal Road, having a bearing of South forty-eight (48) degrees, thirty-four (34) minutes, and thirty-four (34) seconds West, a distance of two hundred ninety-four and fifty-two hundredths (294.52) feet to a ½" x 30" iron pin set;

Thence Northwesterly along a line having a bearing of North forty-two (42) degrees, twenty-three (23) minutes, and twenty-three (23) seconds West, a distance of two hundred thirteen and eighty-five hundredths (213.85) feet to an iron pin found on the Southerly right-of-way of the Indiana Hi-Rail Railroad;

Thence Northeasterly along the Southerly right-of-way line of the Indiana Hi-Rail Railroad, having a bearing of North forty-eight (48) degrees, twenty-nine (29) minutes, and forty-eight (48) seconds East, a distance of two hundred ninety-eight and twenty-two hundredths (298.22) feet to the **TRUE POINT OF BEGINNING**.

Containing 63,431 square feet, which is equal to one and four hundred fifty-six thousandths (1.456) acres of land, more or less. Subject, however, to all highways and easements of record.

This legal description dated March 8, 2002 was prepared by Nicholas F. Ronau, Ohio Registered Surveyor No. 6735, from a survey performed by T. R. Worline & Associates, Inc. in March of 2002.

ACCESS EASEMENT

A parcel of land being part of the West one-half (1/2) of Section seven (7), Township seven (7) North, Range seven (7) East, City of Napoleon, Henry County, Ohio and being more particularly described as follows:

Commencing at a 1/2" x 30" iron pin set on the Southerly right-of-way line of the Indiana Hi-Rail Railroad, said iron pin being located South forty-eight (48) degrees, twenty-nine (29) minutes and forty-eight (48) seconds West, a distance of one thousand, six hundred two and fifty-three hundredths (1,602.53) feet from the intersection of the said Southerly right-of-way line with the East line of the West one-half (1/2) of Section seven (7), said iron pin also being the **TRUE POINT OF BEGINNING**;

Thence Southeasterly along a line having a bearing of South forty-one (41) degrees, twenty-three (23) minutes, and fifty-two (52) seconds East, a distance of two hundred fourteen and thirty-four hundredths (214.34) feet to a 1/2" x 30" iron pin set on the center line of State Route 424 and Old Canal Road;

Thence Southwesterly along the center line of State Route 424, and Old Canal Road, having a bearing of South forty-eight (48) degrees, thirty-four (34) minutes, and thirty-four (34) seconds West, a distance of eighty and zero hundredths (80.00) feet to a 1/2" x 30" iron pin set;

Thence Northwesterly along a line having a bearing of North forty-one (41) degrees, twenty-three (23) minutes, and fifty-two (52) seconds West, a distance of two hundred fourteen and twenty-three hundredths (214.23) feet to a 1/2" x 30" iron pin set on the Southerly right-of-way line of the Indiana Hi-Rail Railroad;

Thence Northeasterly along the Southerly right-of-way line of the Indiana Hi-Rail Railroad, having a bearing of North forty-eight (48) degrees, twenty-nine (29) minutes, and forty-eight (48) seconds East, a distance of eighty and zero hundredths (80.00) feet to the **TRUE POINT OF BEGINNING**.

Containing 17,143 square feet, which is equal to zero and three hundred ninety-four thousandths (0.394) acres of land, more or less. Subject, however, to all highways and easements of record.

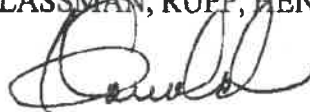
This legal description dated March 8, 2002 was prepared by Nicholas F. Ronau, Ohio Registered Surveyor No. 6735, from a survey performed by T. R. Worline & Associates, Inc. in March of 2002.

between 5 and 10 years from now. If you need further detail on this subject, you should contact Chuck Boss.

I trust that this letter is what you desired for your file.

Sincerely,

PLASSMAN, RUPP, HENSAL, SHORT & HAGANS

A handwritten signature in cursive script, appearing to read "Charles Boss", is written over the printed name of the law firm.

HHP/kdh

c: Charles Boss, Esq.

LAW OFFICES OF
PLASSMAN, RUPP, HENSAL & SHORT

302 NORTH DEFIANCE STREET

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HAROLD H. PLASSMAN
DAVID P. RUPP, JR.
JAMES HENSAL
PETER D. SHORT
MARK D. HAGANS

April 24, 2002

David M. Grahn, Esq.
City Law Director
255 West Riverview Ave.
Napoleon, Ohio 43545

Dear David:

Last Friday you called and indicated you would like to have a letter for your file concerning my position in behalf of the Hogrefe brothers concerning the option document which Bob, Trudy and Gary apparently signed, but which Gene and Barbara did not sign.

As indicated to you by telephone, I regard the option document to be unenforceable for many reasons, including the failure to have a specific legal description attached and the failure to obtain all signatures as contemplated by all of the parties.

I reiterate to you, however, that the Hogrefes do wish to cooperate with the City's stated goal for the property and are willing to sell. As suggested orally, you should accomplish the surveys, come up with a good legal description for the approximately 80 acres which you desire at this time, secure a fair market appraisal from a competent appraiser, present a purchase and sale agreement with a specific legal description and a specific price for execution. This would remove many of the questions which the Hogrefes have concerning the current proposed option document.

As reported to you by telephone, I can only speak for Bob and Trudy and Gene and Barb at the present time since Gary is represented by Charles Boss. In addition to my input concerning some of the other formalities of the agreement of purchase and sale, Chuck Boss will need to be contacted for input also in behalf of Gary.

Although I cannot speak for Gary, his agreement concerning the 7 acres where his yard is presently being operated should be directly with him as distinguished from all three of the brothers and their spouses. Bob, Gene and Gary are currently in the process of having Paul Westhoven survey the acreages which they are to own individually, which will include approximately 7 acres to be owned by Gary individually and concerning which you apparently wish to have an agreement with him for purchase

Post-it* Fax Note	7671	Date	# of pages ▶
To	BRENT Demmen	From	Nick Ronau
Co./Dept.		Co.	
Phone #		Phone #	825-1103
Fax #	7-419-599-8393	Fax #	