
PERPETUAL UTILITY EASEMENT

Know All Men By These Presents: That, Mock-Buehrer Builders, LTD., whose tax mailing address is P707 Co. Rd. 16, 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 any of its Utilities that are now in existence or may be in the future, including but not limited to: electric, cable, telephone, telecommunications, water, sewer, and gas utilities. The aforementioned Utilities consist of one or more of its transmission 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 and housing therefore, towers or poles made of wood, metal or other materials, telephone and telegraph wires, fiber optic cables, telecommunication antennas, props, guys and anchorages, conduits, pedestals, cables, fixtures, surface monuments, manholes, associated pad or pole mounted electronic equipment and cabinetry, pipes, tile, etc), all the aforementioned both above and below ground, with the further right to permit the attachment of, and/or carry in underground or above ground conduit, wires, cables, pipes and other associated fixtures above or underground facilities of any other company with services and extensions therefrom, in, on, 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 City of Napoleon, County of Henry and State of Ohio, and described as:

A parcel of land being the southerly fifteen and zero hundredths (15.00') feet of Lot 43 in the J. A. Stout' Addition to Napoleon, as recorded in Slide 24, Henry County Plat Records, in the City of Napoleon, Henry County, Ohio.

Said Parcel of land containing an area of 1980 square feet, or 0.046 acres of land, more or less, and subject to any and all leases, all legal easements and restrictions of record.

The Grantor claim title to the above described property by virtue of deeds and documents recorded in Deed/Official Records Volume 5, Page 434 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 fences or other locations 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(s) 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(s) 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 has full power and authority 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. The Grantor warrants that the above described property as subject of said easement does not contain hazardous materials as defined by federal and state statute or regulation.

In Witness Whereof: Mock Buehrer Builders, LTD, the Grantor, by and through its members, has executed this Perpetual Alienable Utility Easement this 8th day of February, 2002.

Both Members Signed and acknowledged in the presence of:

Michelle Dawson

Neil Mock

Neil Mock (Member)

Sheryl K. Rathge

Keith Buehrer

Keith Buehrer (Member)

STATE OF OHIO

COUNTY OF HENRY

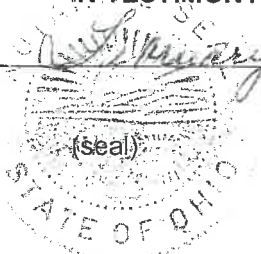
ss:

200200023848 C yk
Filed for Record in
HENRY COUNTY OHIO
ARLENE A WALLACE
03-06-2002 02:42 pm.
EASEMENT 14.00
OR Volume 128 Page 331 - 332

Before me a Notary Public in and for said County, personally appeared the above named, Mock-Buehrer Builders, LTD the Grantor, by and through all of its members, Neil Mock [Registered Agent] and Keith Buehrer, who acknowledged that they did sign the foregoing instrument and that same is their free act and deed and the free act and deed of the company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 8th day of

February, 2002



Sheryl K. Rathge

Notary Public

SHERYL K. RATHGE

Commission Expires

NOTARY PUBLIC, STATE OF OHIO

COMMISSION EXPIRES OCTOBER 15, 2006

Accepted by:

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

8 FEB 02
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
Feller, Finch and Associates, Inc.
Steven N. Sanholtz, P.S.
Registered Surveyor No. 6842

City Law Director's Office

City of Napoleon
255 West Riverview Avenue
PO Box 151
Napoleon, Ohio 43545
Phone: 419-592-3503
Fax: 419-592-4723

LETTER OF TRANSMITTAL

To: Mock-Buehrer Builders, LTD
P707 Co. Rd. 16
Napoleon, Ohio 43545

DATE	03-19-2002
CC:	

WE ARE SENDING YOU X Attached Under separate cover via the following items:

- Agreement(s) Contract(s) Copy of Letter Policy(ies) Easement(s)
- FYI Other

COPIES	ORIGINALS	DATE	NO.	DESCRIPTION
1				Perpetual Utility Easement

THESE ARE TRANSMITTED (as checked below):

- For Approval Approved as submitted Approved as noted Return for corrections
- For review and comment For your use As requested Original(s) for your records
- For signature and return one (1) original to City Law Director For signature and return all originals to City Law Director

REMARKS: _____

SIGNED: David M. Grahn
David M. Grahn, City Law Director

DATE: 3-19-02

If enclosures are not as noted, kindly notify us at once.

CITY OF NAPOLEON
255 W RIVERVIEW P.O. BOX 151
NAPOLEON, OH 43545-0151
PHONE (419) 599-1235

I N V O I C E

MOCK BUEHRER BUILDERS
P-707 COUNTY ROAD 16
NAPOLEON, OH 43545

Date :02-11-02
Customer# :00113
Invoice# :AD002577
Due Date : 03-13-02

-Svc-	---	Description	--Qty--	-Units-	--Amount--	--Date--
GMIS		VACATION OF ALLEY REQUEST TITLE SEARCH - 40 YEARS LOT 43 JA STOUT 1ST ADDITION			52.00	02-11-02

TOTAL 52.00

PLEASE REFERENCE INVOICE NO. ON CHECK

COPY

Easement Receipt

Easement Description:

Perpetual Utility Easement - Mock-Buehrer Builders, LTD

Are there any attachments to this Easement? _____ yes _____ no

If attachments, are they attached at time of receipt? ____ yes ____ no

Are any documents referred to in the Easement as "currently on file"? _____ yes
_____ no

If referred to in the Easement as "currently on file", are the documents currently
on file? _____ yes _____ no

Date Received: _____

Records Clerk/Recorder

(Once you have filled out the above information, please return it to the Law Director's office.)

2/11/2002 8:11:47 AM

February 5, 2002

David Grahn
Law Director
255 Riverview Ave.
Napoleon, OH 43545

Re: Lot 43 J.A. Stout 1st Addition

Dear Dave:

The title research for Lot 43 in J.A. Stout's First Addition to the City of Napoleon, Ohio shows that Mock-Buehrer Builders Ltd. acquired said real property by a Warranty Deed in Volume 5, Page 434, Official Records, filed for record April 21, 1997. The forty year chain of title looks good. I am enclosing a copy of the Warranty Deed to Mock-Buehrer Builders Ltd.

I will finish researching Fair Ground Drive and will have that information to you on Friday.

If you have any questions please contact me.

Thank you,
Jenny Parker
1005 Westchester Ave.
Napoleon, OH 43545 599-3674

Date 1-25-2002 Name Mock - Buehrer Builders Ltd.
RE Location Lot 43 J.A. Stout 1st Add City of Napoleon (includes lots 32+33)
Lawrence J. Voeke + Mary I. Voeke H+W, Frances V. Vandenbroek + John C.
Vol. 144 Page 579 Vandenbroek W+H, Gertrude M. Kahle + Frank G. Kahle W+H Grantor S
Estella S. Hahn, unmarried over 21 yrs. + Angela A. Eastman + Leroy E. Eastman W+H
Instrument TO Glenn M. Small Grantee
WD Description Lots 20, 27, 29, 31, 32, 33, 34 + E 1/2 of Lot 36, also Lots 42,
43 + 44 J.A. Stouts 1st Add Village of Napoleon
Signed 7-15-44 Filed 9-8-44 at 4:05 P. M. Recorded 9-11-1944

Vol. 182 Page 86 Glenn M. Small, deceased Grantor
Instrument TO Stella M. Small, spouse, all interest passes Grantee
Cert. Trans. Description Lots 32, 33 + 43 J.A. Stout's 1st Add, Napoleon, OH
Signed 9-10-65 Filed 9-13-65 at 3:00 P. M. Recorded 9-13-65

Vol. 183 Page 460 Stella M. Small, unmarried woman of lawful age Grantor
Instrument TO John R. Small Grantee
WD Description Lots 32, 33 + 43 J.A. Stout's 1st Add, Napoleon, OH
Signed 2-23-66 Filed 2-28-66 at 11:17 A. M. Recorded 2-28-66

Vol. 260 Page 974 John R. Small + Patricia A. Small H+W Grantor S
Instrument TO Virgil J. Zachrich, Trustee of the Virgil J. Zachrich Living Trust Agreement
dated 10-27-93 + Alma L. Zachrich, Trustee of the Alma L. Zachrich Living Trust Agreement dated 10-27-93 Grantee S
WD Description Lots 32, 33 + 43 J.A. Stout's First Add to the City
of Napoleon, OH
Signed 9-17-96 Filed 9-17-96 at 11:12 A. M. Recorded 9-17-96

Vol. 5 Page 434 Virgil J. Zachrich, Trustee of the Virgil J. Zachrich Living Trust Agreement
dated 10-27-93 + Alma L. Zachrich, Trustee of the Alma L. Zachrich Living Trust Agreement dated 10-27-93 Grantor S
Instrument TO Mock - Buehrer Builders Ltd. Grantee
WD Description Lots 32, 33 and 43 J.A. Stout's 1st Add, Napoleon, OH
Signed 4-18-97 Filed 4-21-97 at 1:36 P. M. Recorded 4-21-97

December 19, 2001

15' EASEMENT ACROSS LOT 43 IN J. A. STOUT ADDITION

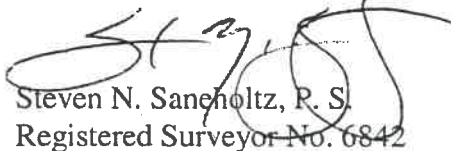
A parcel of land being the southerly fifteen and zero hundredths (15.00') feet of Lot 43 in J. A. Stout's Addition to Napoleon, as recorded in Slide 24, Henry County Plat Records, in the City of Napoleon, Henry County, Ohio.

Said parcel of land containing an area of 1980 square feet, or 0.046 acres of land, more or less. Subject to legal highways.

The above described parcel of land is subject to any and all leases, easements and restrictions of record.

Prepared by:

FELLER, FINCH & ASSOCIATES, INC.



Steven N. Saneholtz, P. S.
Registered Surveyor No. 6842

P:\wordper\PROJECT\10S03713\10S03713lg03.001.wpd



J. Kenneth Blackwell

Ohio Secretary of State



Agent Contact Informati

Business Services Queries

Agent Contact Information

Agent Name	Agent Address	City	State	Zip	Effective Date	Contact Status
Neil Mock	P707 County Road 16	Napoleon	Ohio	435450000	17-APR-96	Active

Total Row Count in Report- 1
Row(s) 1 - 1

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J. Kenneth Blackwell

Ohio Secretary of State



BUSINESS FILINGS DET.

Business Services Queries

Business Filing Information

Business Name	Filing Type	Filing Date	Doc Id <i>Click for Image!</i>	Additional Filing Type Info
MOCK-BUEHRER BUILDERS, LTD.	Articles Of Organization/Dom. Limited Liability Co	Apr 17 1996	5492_1013	
	Agent Address Change/Limited/Liability/Partners	Jan 15 2000	200004901059	

Total Row Count in Report- 2

Row(s) 1 - 2

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J. Kenneth Blackwell

Ohio Secretary of State



BUSINESS INFORMATION

Business Services Queries

Business Information

Business Name	Charter / Registration Number	Type	Original Filing Date	Status	Expiration Date	Location / County / State
MOCK-BUEHRER BUILDERS, LTD.	939387	Domestic Limited Liability Company	Apr 17 1996	Active		Ohio

Total Row Count in Report- 1
Row(s) 1 - 1

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**City Law
Director's Office**

City Law Director's Office
255 West Riverview Avenue
PO Box 151
Napoleon, Ohio 43545

Phone: 419-592-3503
Fax: 419-592-4723

Facsimile

To: Mr. Jay Hanna
@Fax: 419-599-0770
From: Sheryl K. Rathge, Administrative Assistant
Date: Wednesday, February 06, 2002 @ 1:41 PM
Re: Easement for Mock-Buehrer Builders
Pages: 3, including this

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_____ *This is the only copy you will receive.*

_____ *The original will be forthcoming by regular U.S. Mail*
