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200900076836
Filed for Record in
HENRY COUNTY OHIO
SARA L MYLES
10-06-2009 At 02:44 pm.
EASEMENT 44.00
OR Volume 247 Page 13 - 16

200900076836
CITY OF NAPOLEON
PICK UP

PERPETUAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That, John D. Mohler, a married man of legal age, "Grantor", whose tax mailing address is 907 W. Graceway, 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 storm sewer (drainage), being considered for the purpose of this easement, a "Utility". The aforementioned Utility for the purpose of this Easement consist of one or more drainage pipes, metering equipment, and appurtenances, all the aforementioned being above and below ground with 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:

SEE ATTACHED EXHIBIT "A", INCORPORATED HERETO.

SEE ATTACHED EXHIBIT "B", INCORPORATED HERETO FOR ILLUSTRATION PURPOSES 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 record recorded in the Official Records **VOLUME 85 AT PAGE 607** 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, his 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 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. Nevertheless, Grantee agrees to restore the grounds by seeding and leveling. 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 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.

EXECUTED BY: John D. Mohler, Grantor, this 30th day of September, 2009.

John D. Mohler
John D. Mohler

STATE OF OHIO }
 } **SS:**
COUNTY OF HENRY }

Before me a Notary Public in and for said County, personally appeared the above named, John D. Mohler, the Grantor, who acknowledged he did sign the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 30th day of September, 2009.

(Seal)



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

Roxanne Dietrich
Notary Public

ACCEPTED BY:

Jon A. Bisher
Jon A. Bisher, City Manager

30 SEP 09
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 PREPARED BY:

Feller Finch & Associates, Inc.
P.O. Box 68, Maumee, Ohio 43537-0068

LEGAL DESCRIPTION VERIFIED BY:

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

Exhibit "A"

April 28, 2009

**10' Wide Permanent Drainage Easement
John D. Mohler
907 W. Graceway**

Being a parcel of land in the City of Napoleon, Henry County, Ohio, being bounded and described as follows:

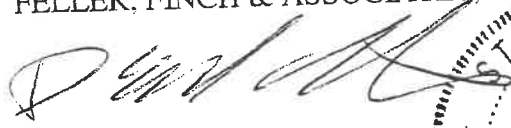
The West ten (10.00) feet of a parcel of land as recorded in Official Record 85, Page 607, Henry County Deed Records, subject to any and all leases, easements and restrictions of record. Being the same as shown on the plans for Contract No. 2008-36 West and East Graceway Drive Sewer Improvements, prepared by Feller, Finch & Associates, Inc., on file with the City of Napoleon.

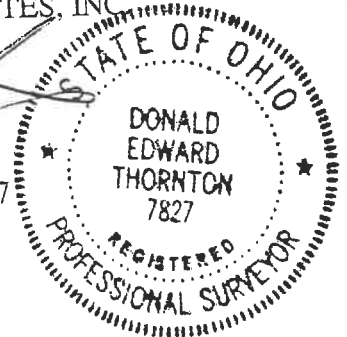
Said parcel of land recorded in Official Record 85, Page 607, Henry County Deed Records being described as follows:

The North ten (10) feet of lot number twenty-five (25) and lot number twenty-six (26) except the North twenty-seven (27) feet thereof in Richter's Third Addition to the City of Napoleon, Henry County, Ohio, subject to all easements and leases of record, zoning ordinances, restrictions, if any, and all legal highways

Prepared by:

FELLER, FINCH & ASSOCIATES, INC.

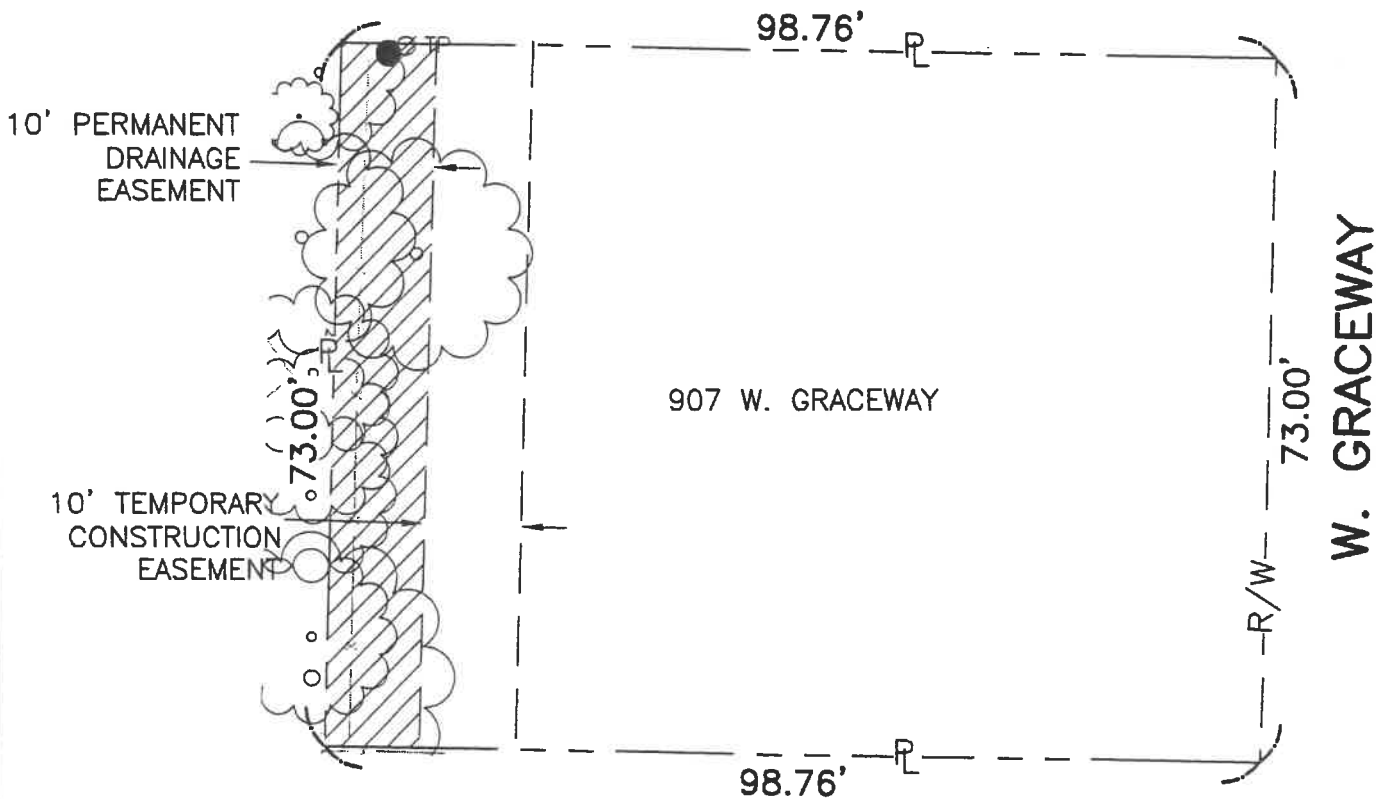

D. Edward Thornton, P. S.
Professional Surveyor No. 7827



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10' WIDE PERMANENT DRAINAGE EASEMENT EXHIBIT
907 W. GRACEWAY
PART OF THE NORTH 10.0' OF LOT 25 AND LOT
26 EXCEPT THE NORTH 27.0' THEREOF IN
RICHTER'S THIRD ADDITION
CITY OF NAPOLEON, HENRY COUNTY, OHIO

JOHN D. MOHLER
OFFICIAL RECORD 85, PAGE 607
HENRY COUNTY, DEED RECORDS



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SCALE:	1"=20'
DATE:	4-29-09
DRAWN BY:	RGS
PROJECT NO.:	10E06292
DRAWING:	10-06292FE00A1



NORTH

**Feller
Finch**
& Associates, Inc.
Engineers · Surveyors
Landscape Architects · Planners

1683 Woodlands Drive · P.O. Box 68 · Maumee, Ohio 43537

Phone: (419) 893-3680

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