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ct 200900076841
Filed for Record in
HENRY COUNTY OHIO
SARA L MYLES
10-06-2009 At 02:44 pm.
EASEMENT 44.00
DR Volume 247 Page 33 - 36
200900076841
CITY OF NAPOLEON
PICK UP

TEMPORARY EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That, John D. Mohler, a married man, being of legal age, whose tax mailing address is 907 W. Graceway, 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 the construction of storm sewer (drainage) improvements that are to be constructed on adjacent lands. Said easement will be used for placement and use of equipment, vehicles, material and temporary structures of contractors utilized by Grantee; moreover, for the storage and staging of material, and all other things commonly associated with construction of sewers, with further 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 85 AT PAGE 607** 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, his 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 he 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 John D. Mohler this 30 day of September, 2009.

John D. Mohler
John D. Mohler

STATE OF OHIO }
COUNTY OF HENRY } ss:

Before me a Notary Public in and for said County, personally appeared the above named, John D. Mohler, the Grantor, who acknowledged that 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

AUDITORS OFFICE
NOT TRANSFERRED

OCT 06 2009 js

Kevin F. N.
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:

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

EASEMENT DESCRIPTION VERIFIED BY:
Chad Lulfs P.S. P.E., Napoleon Engineer

Exhibit "A"

April 28, 2009

10' Wide Temporary Construction 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 East ten (10.00) feet of the West twenty (20.00) 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:

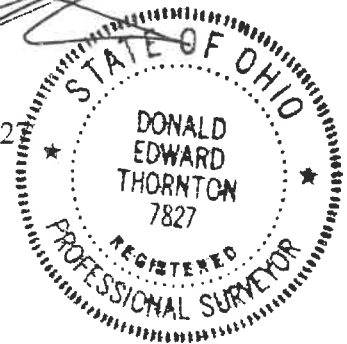
The North ten (10) feet of lot number twenty-five (25) and lot number twenty-~~six~~ (26) except the North twenty-seven (27) feet thereof in Richter's Third Addition to the City of Napoleon, Henry County, Ohio, subject to all easements and leases of record, zoning ordinances, restrictions, if any, and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

Prepared by:

FELLER, FINCH & ASSOCIATES, INC.



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



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**Feller,
Finch**
& Associates, Inc.
Engineers • Surveyors

1683 Woodlands Drive • P.O. Box 68 • Maumee, Ohio 43537-0068

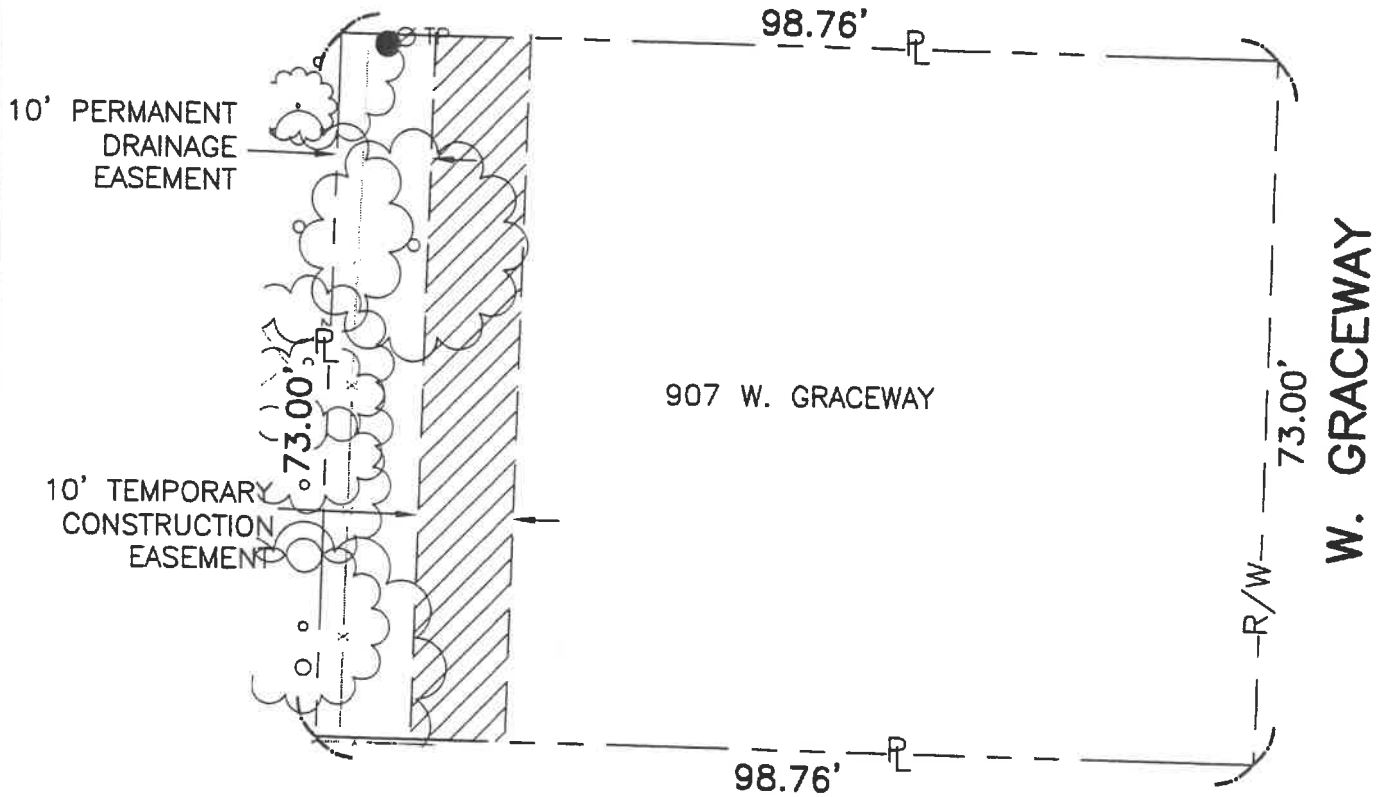
Additional office in Jackson, Michigan (419) 893-3680

Fax (419) 893-2982

www.fellerfinch.com

10' WIDE TEMPORARY CONSTRUCTION
 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



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

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