

CT
200900076840
Filed for Record in
HENRY COUNTY OHIO
SARA L NYLES
10-06-2009 At 02:44 pm.
EASEMENT 44.00
OR Volume 247 Page 29 - 32

200900076840
CITY OF NAPOLEON
PICK UP

TEMPORARY EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That, Bert A. Poth and Donna M. Poth, husband and wife, whose tax mailing address is 911 W. Graceway, Napoleon, Ohio, 43545, the Grantors, 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 260 AT PAGE 31** of the deed 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 Grantors, their 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 Grantors hereby covenant that they are the true and lawful Owners of the above described real estate and has full power and authority to convey the same and that the Grantors will warrant and defend the title to the said easement against all lawful claims.


Executed by Bert A. Poth and Donna M. Poth this 24th day of September, 2009.

Bert a Poth
Bert A. Poth
Donna m. Poth
Donna M. Poth

STATE OF OHIO }
 }
COUNTY OF HENRY } ss:

Before me a Notary Public in and for said County, personally appeared the above named, Bert A. Poth and Donna M. Poth, the Grantors, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 24th 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

28 SEP 09
Date

AUDITORS OFFICE
~~NOT-TRANSFERRED~~

OCT 06 2009 *AS*

Kevin T. ...
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"

Instrument Volume Page
200900076840 OR 247 31

April 28, 2009

10' Wide Temporary Construction Easement
Bert A. Poth and Donna M. Poth
911 W. Graceway

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

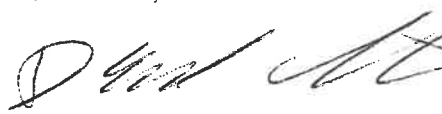
The East ten (10.00) feet of the West twenty (20.00) feet of a parcel of land as recorded in Volume 260, Page 31, Henry County Deed Records, subject to any and all leases, easements and restrictions of record. Being the same as shown on the plans for Contract No. 2008-36, West and East Graceway Drive Sewer Improvements, prepared by Feller, Finch & Associates, Inc., on file with the City of Napoleon.

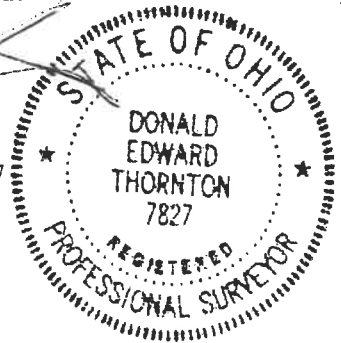
Said parcel of land recorded in Volume 260, Page 31, Henry County Deed Records being described as follows:

Lot number twenty-five (25) in Richter's Third Addition to the City of Napoleon, Henry County, Ohio, excepting therefrom the North ten (10.00) feet and the South seven (7.00) feet. Subject to easements and restrictions of record.

Prepared by:

FELLER, FINCH & ASSOCIATES, INC.


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



**Feller,
Finch**

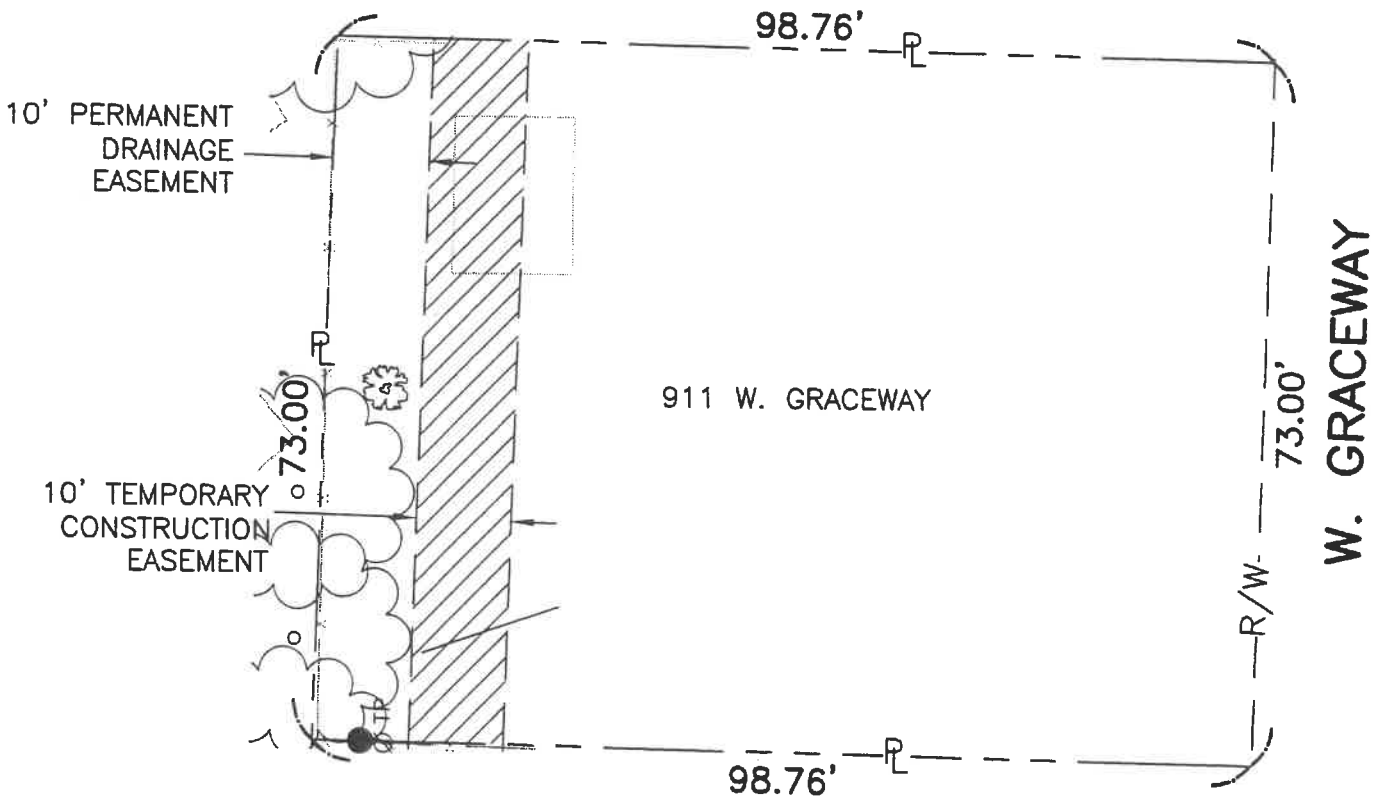
& Associates, Inc.
Engineers • Surveyors

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
 911 W. GRACEWAY
 PART OF LOT 25 IN RICHTER'S THIRD ADDITION
 EXCEPTING THERE FROM THE NORTH 10.0' AND
 THE SOUTH 7.0'
 CITY OF NAPOLEON, HENRY COUNTY, OHIO

BERT A. POTH & DONNA M. POTH
 OFFICIAL RECORD 260, PAGE 31
 HENRY COUNTY, DEED RECORDS



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© 2009 FELLER, FINCH & ASSOC., INC.

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

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

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