

200900077207
Filed for Record in
HENRY COUNTY OHIO
SARA L MYLES
11-03-2009 At 01:57 pm.
EASEMENT 44.00
OR Volume 247 Page 1531 - 1534

AUDITORS OFFICE
TRANSFERRED

NOT NOV 03 2009

Karin M
HENRY CO. AUDITOR *cs*

200900077207
CITY OF NAPOLEON
PICK-UP

PERPETUAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That, Lee A. Fruth and Charlotte A. Amos, both unmarried and being of legal age, "Grantors", whose tax mailing address is 921 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 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 Grantors claims title to the above described property by virtue of a deed record recorded in Official Records **VOLUME 215 AT PAGE 2455** 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 Grantors 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 Grantors, their 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

Exhibit "A"

April 28, 2009

10' Wide Permanent Drainage Easement
Lee A. Fruth and Charlotte A. Amos
921 W. Graceway

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

The West 10.00 feet of a parcel of land as recorded in Official Record 215, Page 2455, 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 215, Page 2455, Henry County Deed Records being described as follows:

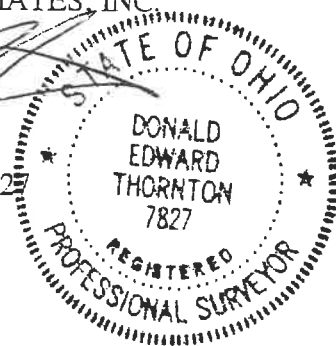
The South seven (7) feet of lot number twenty-five (25) and lot number twenty-four (24) except the South twenty-four (24) feet thereof in Richter's Third Addition to the City of Napoleon, Henry County, Ohio, subject to restrictions recorded in Miscellaneous Records Volume 8, Page 179, Recorder's Office, Henry County, Ohio

Prepared by:

FELLER, FINCH & ASSOCIATES, INC.



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



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**Feller,
Finch**
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Engineers • Surveyors

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