

✓ CT 200900076839  
Filed for Record in  
HENRY COUNTY OHIO  
SARA L NYLES  
10-06-2009 At 02:44 PM.  
EASEMENT 44.00  
OR Volume 247 Page 25 - 28

200900076839  
CITY OF NAPOLEON  
STATE OF OHIO

## TEMPORARY EASEMENT

**KNOW ALL MEN BY THESE PRESENTS:** That, Sally M. Armbruster; Steven L. Armbruster; and, Matthew L. Armbruster, all unmarried and being of legal age, whose tax mailing address is 494 Huddle Road, 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 221 AT PAGE 1582** 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 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: Sally M. Armbruster; Steven L. Armbruster; and, Matthew L. Armbruster this 24 day of September, 2009.

Sally M. Armbruster  
Sally M. Armbruster

Steven L. Armbruster  
Steven L. Armbruster

Matthew L. Armbruster  
Matthew L. Armbruster

STATE OF OHIO }  
                          } ss:  
COUNTY OF Henry }

Before me a Notary Public in and for said County, personally appeared the above named, Sally M. Armbruster; Steven L. Armbruster; and, Matthew L. Armbruster, the Grantors, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

SEAL

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 24 day of September, 2009.

(Seal)

Carol Lulfs  
Notary Public my commission expires 7-25-2011

ACCEPTED BY:

Dr. Jon A. Bisher, City Manager

28 SEP 09  
Date

AUDITORS OFFICE  
NOT TRANSFERRED  
OCT 06 2009  
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  
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April 28, 2009

10' Wide Temporary Construction Easement  
Steven L. Armbruster and Matthew L. Armbruster  
494 Huddle

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 fourteen and fifty hundredths (14.50) feet of a parcel of land as recorded in Official Record 221, Page 1582, 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 221, Page 1582, Henry County Deed Records being described as follows:

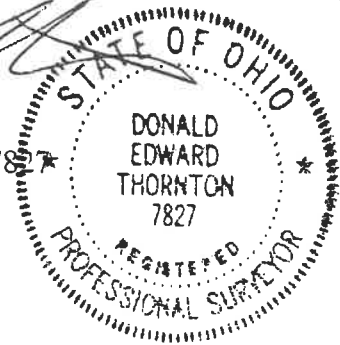
The East seventy-two (72.00) feet of Lot number twenty (20) of N. H. Hartman's Subdivision of J. G. Lowe's Addition to the City of Napoleon, Henry County, Ohio.

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

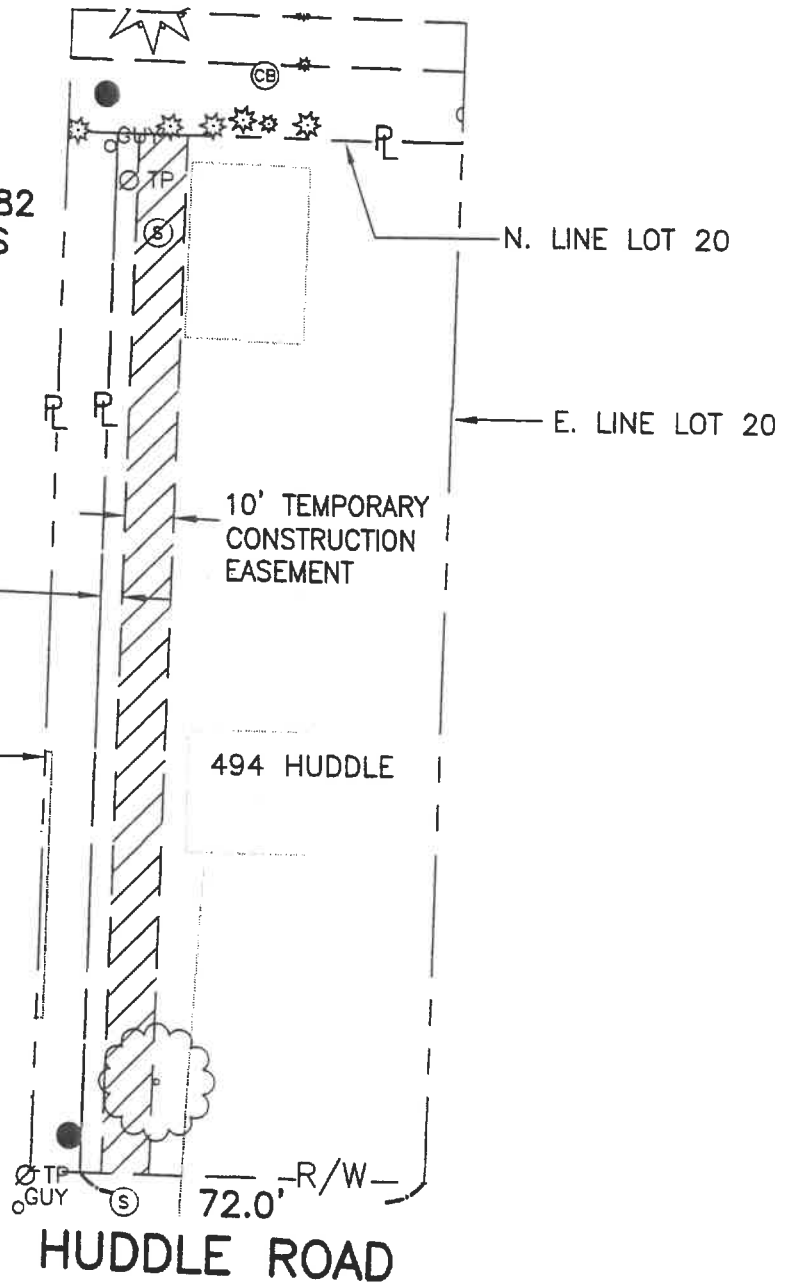
Additional office in Jackson, Michigan (419) 893-3680

Fax (419) 893-2982

www.fellerfinch.com

10' WIDE TEMPORARY CONSTRUCTION EASEMENT EXHIBIT PART OF LOT 20 N.H. HARTMAN'S SUBDIVISION 494 HUDDLE ROAD CITY OF NAPOLEON, HENRY COUNTY, OHIO

STEVEN L. ARMBRUSTER & MATTHEW L. ARMBRUSTER OFFICIAL RECORD 221, PAGE 1582 HENRY COUNTY, DEED RECORDS



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SCALE:	1"=40'
DATE:	4-29-09
DRAWN BY:	RGS
PROJECT NO.:	10E06292
DRAWING:	10-06292FE00A1



NORTH

Feller Finch & Associates, Inc. 1683 Woodlands Drive · P.O. Box 68 · Maumee, Ohio 43537 Engineers · Surveyors Landscape Architects · Planners

Phone: (419) 893-3680 Fax: (419) 893-2982 www.fellerfinch.com