

1800 Industrial

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## PERPETUAL UTILITY EASEMENT

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**Know All Men By These Presents:** That CCS Realty Co., an Iowa Corporation (Charter No. \_\_\_\_\_), whose tax mailing address is 2800 Cloverleaf Court, Sioux City, Iowa, 51111, 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, 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 with the right to lay, install, construct, reconstruct, erect, repair, supplement, maintain, operate, and/or remove, at any time or times hereafter, its water system, including but not limited to water mains and appurtenances thereto, as it deems necessary, both above and below ground, with the further right to permit the attachment of, and/or carry in underground water facilities of it or any other company with services and extensions therefrom, in, on, over, and/or under our lands, with the right of ingress to and egress from, across and over said premises (real estate) situated in the City of Napoleon, County of Henry and State of Ohio, and described as:

Being part of Parcel "A" of the plat of Cloverleaf Storage, Inc., City of Napoleon, Northeast Quarter (1/4), Section 7, Liberty Township, Henry County, Ohio, more particularly described as follows:

A fifteen and zero hundredths (15.00) feet wide permanent easement centered on the following line: Commencing at an iron pin being the Northwest corner of said Northeast Quarter (1/4), Section 7, Liberty Township; thence South 0°43'41" West and along the West of said Northeast Quarter (1/4) and the centerline of Industrial Drive a distance of one thousand, seven hundred, three and sixty-three hundredths (1,703.63) feet to a point; thence South 89°16'19" East and parallel to the North line of said Parcel "A" a distance of forty-five and zero hundredths (45.00) feet to a point on the East right-of-way line of said Industrial Drive and the **POINT OF BEGINNING**; thence continuing South 89°16'19" East and parallel to the North line of said Parcel "A" a distance of six hundred and zero hundredths (600.00) feet and there terminate. Said easement containing 0.207 acres of land, more or less.

(All bearings stated above are assumed for the purpose of this description.)

The Grantor claims title to the above described property by virtue of deed recorded in Deed/Official Record **Volume 7, Page 746** of the records of Henry County, Ohio.

The consideration recited herein shall constitute full and final payment for said easement and all damages sustained and/or claimed by the Grantor, its 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 the laying, installing, construction, reconstruction, erection, repairing, supplementing, maintenance, operation, inspection, replacement and/or removal of said water system 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, the Grantee shall restore the Grantor's yards, lawns, crops, fences, tiling, driveways, sidewalks and other similar improvements to as good condition as when entered upon by the Grantee or its agents, employees or contractors or at the Grantee's option, to pay the reasonable, direct, and known damages caused thereto.



*Accepted by:*

\_\_\_\_\_  
Dr. Jon A. Bisher, City Manager

\_\_\_\_\_  
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  
Provided And Verified By:***

*Adam C. Hoff, P.E. - City Engineer*

Z:\achletters\CloverEase

X

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## PERPETUAL UTILITY EASEMENT

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*Accepted by:*

\_\_\_\_\_  
Dr. Jon A. Bisher, City Manager

\_\_\_\_\_  
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  
Provided And Verified By:***

*Adam C. Hoff, P.E. - City Engineer*

Z:\achletters\CloverEase



# City of NAPOLEON, OHIO

255 WEST RIVERVIEW AVENUE, P.O. BOX 151  
NAPOLEON, OHIO 43545-0151  
(419) 592-4010  
FAX (419) 599-8393

May 3, 1999

Mr. Steve Kloos  
Cloverleaf Cold Storage  
1165 Industrial Drive  
Napoleon, Ohio 43545

Re: City of Napoleon  
1800 Industrial Drive Water Main  
Easement

Mayor  
Donald M. Stange

Members of Council  
Michael J. DeWit, President  
Terri A. Williams  
James Hershberger  
Travis B. Sheaffer  
Char Weber  
David F. Miller, Jr.  
Glenn A. Miller

City Manager  
Dr. Jon A. Bisher

Finance Director  
Gregory J. Heath

Law Director  
David M. Grahn

City Engineer  
Adam C. Hoff, P.E.

Dear Mr. Kloos:

Enclosed please find one (1) copy of the requested perpetual utility easement for the existing water main located at your facility at 1800 Industrial Drive. Please forward this easement to Mr. Daniel Kaplan for execution. We do require that the blank provided for the corporation charter number be filled in and a copy of the corporate resolution authorizing Mr. Kaplan to sign the document be completed. Also, Mr. Kaplan's signature must be witnessed by two (2) persons and notarized. Once returned to my office, the form will be executed by the City Manager and recorded at the County offices.

If you have any questions or require additional information, please call me at (419) 592-4010.

Yours truly,

Adam C. Hoff, P.E.  
City Engineer

ACH:rd  
Enclosure  
cc: Dr. Jon A. Bisher, City Manager  
Mr. David M. Grahn, City Law Director

C:\lotus\work\wordpro\CITYENGINEER\LETTERS\CLOVERLEAF5/3/99, 11:48AM

Records Retention ENG-018 Permanent

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## PERPETUAL UTILITY EASEMENT

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*Accepted by:*

\_\_\_\_\_  
Dr. Jon A. Bisher, City Manager

\_\_\_\_\_  
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  
Provided And Verified By:***

*Adam C. Hoff, P.E. - City Engineer*

Z:\achletters\CloverEase

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# PERPETUAL UTILITY EASEMENT

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*Accepted by:*

\_\_\_\_\_  
Dr. Jon A. Bisher, City Manager

\_\_\_\_\_  
Date

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and  
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***Easement Description  
Provided And Verified By:***

*Adam C. Hoff, P.E. - City Engineer*

Z:\achletters\CloverEase



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).

**TO HAVE AND TO HOLD** said Utility Easement, together with all rights and privileges belonging thereto unto the Grantee and its successors and assigns forever. This Utility 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 Easement will inure to the benefit of and bind the successors and assigns of the respective parties to it.

The Grantors hereby covenant that they are the true and lawful Owners of the above described real estate and have full power and authority to convey the same and that the same is free and clear from all liens and encumbrances whatsoever and that the Grantors will warrant and defend the title to the said easement against all lawful claims.

**IN WITNESS WHEREOF:** CCS Realty Co., <sup>-an Iowa Corporation</sup> by Daniel F. Kaplan, <sup>DF</sup> President, the Grantors, have executed this Perpetual Utility Easement this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

Signed and acknowledged in the presence of:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
CCS Realty Co.  
Daniel F. Kaplan, President

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ }

SS:

Before me a Notary Public, in and for said County, personally appeared the above named CCS Realty Co., by Daniel F. Kaplan, <sup>-an Iowa Corporation</sup> President, the Grantors, who acknowledged that ~~they~~ <sup>he</sup> did sign the foregoing instrument and that the same is ~~their~~ <sup>his</sup> free act and deed <sup>as well as the free act and deed of ITS president.</sup>

**IN TESTIMONY WHEREOF,** I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

(seal)

\_\_\_\_\_  
Notary Public

*Accepted by:*

\_\_\_\_\_  
Dr. Jon A. Bisher, City Manager

\_\_\_\_\_  
Date

***This Instrument Prepared  
and  
Approved By:***

*David M. Grahn  
City of Napoleon Law Director  
255 West Riverview Avenue  
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(419) 592-3503*

***Easement Description  
Provided And Verified By:***

*Adam C. Hoff, P.E. - City Engineer*

C:\lotus\wordpro\DOCSCloverEase



NEW DIMENSIONS

P. O. Box 174  
Napoleon, Ohio 43545  
Phone & Fax:  
419/599-8339

Ron Sonnenberg  
Drafting, Design,  
Construction &  
Planning Assistance

~LETTER OF TRANSMITTAL~

TO: CITY OF NAPOLEON DATE: 2-12-99

ATTN: ADAM HOFF, P.E. REFERENCE: WATERLINE EASEMENT

ENCLOSED PLEASE FIND THE FOLLOWING:

Shop Drawings Prints Plans Samples Specifications  
Copy of letter Change order \* Other

RECEIVED

FEB 12 1999

DESCRIPTION:

CITY OF NAPOLEON

LEGAL FOR CLOVERLEAF STORAGE W/ EASEMENT.

THESE ARE TRANSMITTED AS FOLLOWS:

For Approval Approved as submitted Revise and resubmit copies for approval  
\* For your use Approved as noted Submit copies for distribution  
\* As requested Returned for corrections Return corrected prints  
For review and comment Prints returned after loan to us  
For bids due , 19 Other

REMARKS:

ATTACHED IS W/ EASEMENT DESCRIPTION & PORTION OF DEED SHOWING OWNERS NAME & ADDRESS. I'LL GET NAMES OF SIGNERS AS SOON AS I CAN.

THANKS!

PS: THANKS FOR APPROVAL LETTER. RSH.

Ron

GENERAL WARRANTY DEED  
(Statutory Form)

NORBERT BAUMAN (aka Norbert L. Bauman), a married man, of Henry County, State of Ohio, for valuable consideration paid, grants with general warranty covenants, to CCS REALTY CO., an Iowa corporation, whose tax-mailing address is 2800 Cloverleaf Court, Sioux City, Iowa 51111, the following real property:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

Subject to: Legal highways, easements and restrictions of record, zoning regulations and taxes and assessments due and payable after date hereof.

Prior instrument reference: Volume 239, Page 205

Judy Bauman (aka Judith L. Bauman), wife of the grantor, releases all rights of dower therein.

Witness their hands this 4th day of June, 1997.

Signed, acknowledged and delivered in the presence of:

Anthony J. Colburn  
Print Name Anthony J. Colburn

Norbert Bauman  
Norbert Bauman

Michael J. Todak  
Print Name Michael J. Todak

Judy Bauman  
Judy Bauman

STATE OF OHIO, Henry COUNTY, ss:

The foregoing instrument was acknowledged before me this 4th day of June, 1997, by Norbert Bauman and Judy Bauman, husband and wife.

Anthony J. Colburn  
Notary Public

2526C #

This Instrument prepared by:

Michael J. Todak, Esq.  
LaValley, LaValley & Todak Co., L.P.A.  
5800 Monroe St., Bldg. F  
Sylvania, Ohio 43560

RECEIVED  
& RECORDED

JUN 4 1997

at 5:08 P.M.  
ARLENE WALLACE, RECORDER  
HENRY COUNTY, OHIO

Attorneys Title 186  
POB 789 Defiance

ANTHONY J. COLBURN, Attorney at Law  
Notary Public, State of Ohio  
My commission has no expiration date.  
Section 147.03 R.C.

Paul J. Westhoven  
REGISTERED LAND SURVEYOR  
523 E. Riverview Ave. P.O. Box 172  
NAPOLEON, OHIO 43545  
Phone (419) 592-0771  
Fax (419) 592-0775

Description of easement: Cloverleaf Storage, Inc. to the City of Napoleon, Ohio

A water line easement fifteen and zero hundredths (15.00) feet in width and six hundred and zero hundredths (600.00) feet in length over, across and through a certain 6.528 acre parcel of land known as Parcel "A" on the plat of Cloverleaf Storage, Inc., located in the Northeast quarter ( $\frac{1}{4}$ ) of Section 7, Town 5 North, Range 7 East, Liberty Township, City of Napoleon, Henry County, Ohio.

The centerline of said easement is more particularly described as follows:

Commencing at an iron pipe found at the Northwest corner of the Northeast quarter ( $\frac{1}{4}$ ) of said Section 7;

thence South  $0^{\circ}43'41''$  West on the West line of the Northeast quarter ( $\frac{1}{4}$ ) of said Section 7 and the centerline of Industrial Drive, one thousand seven hundred three and sixty-three hundredths (1703.63) feet to a point;

thence South  $89^{\circ}16'19''$  East and parallel with the North line of said Parcel "A", forty-five and zero hundredths (45.00) feet to a point on the East right-of-way of Industrial Drive and the point of beginning;-----

thence South  $89^{\circ}16'19''$  East and parallel with the North line of said Parcel "A", six hundred and zero hundredths (600.00) feet and there to terminate.

*0.207 Acres*

From: "Adam Hoff" <HOFF>  
To: "Sheryl Rathge" <SHERYL>  
Date sent: Fri, 5 Mar 1999 09:31:09 -0500  
Subject: Re: Perpetual Utility Easement for CCS Realty Co.

From: "Sheryl Rathge" <SHERYL>  
To: HOFF  
Date sent: Fri, 5 Mar 1999 09:09:09 -0500  
Subject: Perpetual Utility Easement for CCS Realty Co.

> *Please provide me with the Charter No. so it can be filled in the  
> blank along with a corporation resolution authorizing the president  
> to sign. Jenny is going to be picking this up on Tuesday to check  
> the title. Thank you!*

Cloverleaf Cold Storage has yet to respond. Hopefully I will have the Charter No. by Tuesday. I'll let you know when I know. Thanks.

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# PERPETUAL UTILITY EASEMENT

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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 fences or other locations which will not interfere with any reasonable use Grantors will make of the land.



***This Instrument Prepared  
and  
Approved By:***

*David M. Grahn  
City of Napoleon Law Director  
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(419) 592-3503*

***Easement Description  
Provided And Verified By:***

*Adam C. Hoff, P.E. - City Engineer*

C:\lotus\wordpro\DOCSCloverEase

NEW

DIMENSIONS

P. O. Box 174  
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Phone & Fax:  
419/599-8339

Ron Sonnenberg  
Drafting, Design,  
Construction &  
Planning Assistance

~LETTER OF TRANSMITTAL~

TO: CITY OF NAPOLEON DATE: 2-12-99

ATTN: ADAM HOFF, P.E. REFERENCE: WATERLINE EASEMENT

ENCLOSED PLEASE FIND THE FOLLOWING:

Shop Drawings     Prints     Plans     Samples  
 Copy of letter     Change order     Other

RECEIVED

FEB 12 1999

DESCRIPTION:

CITY OF NAPOLEON

LEGAL FOR CLOVERLEAF STORAGE W/ EASEMENT.

THESE ARE TRANSMITTED AS FOLLOWS:

For Approval     Approved as submitted     Revise and resubmit      copies for approval  
 For your use     Approved as noted     Submit      copies for distribution  
 As requested     Returned for corrections     Return      corrected prints  
 For review and comment     Prints returned after loan to us  
 For bids due     , 19         Other     

REMARKS:

ATTACHED IS W/ EASEMENT DESCRIPTION & PORTION OF DEED SHOWING OWNERS NAME & ADDRESS. I'LL GET NAMES OF SIGNERS AS SOON AS I CAN.

THANKS!

Ron

PS: THANKS FOR APPROVAL LETTER. *RH*



**GENERAL WARRANTY DEED**  
(Statutory Form)

NORBERT BAUMAN (aka Norbert L. Bauman), a married man, of Henry County, State of Ohio, for valuable consideration paid, grants with general warranty covenants, to CCS REALTY CO., an Iowa corporation, whose tax-mailing address is 2800 Cloverleaf Court, Sioux City, Iowa 51111, the following real property:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

Subject to: Legal highways, easements and restrictions of record, zoning regulations and taxes and assessments due and payable after date hereof.

Prior instrument reference: Volume 239, Page 205

Judy Bauman (aka Judith L. Bauman), wife of the grantor, releases all rights of dower therein.

Witness their hands this 4th day of June, 1997.

Signed, acknowledged and delivered in the presence of:

Anthony J. Colburn  
Print Name Anthony J. Colburn

Norbert Bauman  
Norbert Bauman

Michael J. Todak  
Print Name Michael J. Todak

Judy Bauman  
Judy Bauman

STATE OF OHIO, Henry COUNTY, ss:

The foregoing instrument was acknowledged before me this 4th day of June, 1997, by Norbert Bauman and Judy Bauman, husband and wife.

Anthony J. Colburn  
Notary Public

2526C #

This instrument prepared by:

Michael J. Todak, Esq.  
LaValley, LaValley & Todak Co., L.P.A.  
5800 Monroe St., Bldg. F  
Sylvania, Ohio 43560

RECEIVED  
& RECORDED  
JUN 4 1997  
at 3:08 P.M.  
ARLENE WALLACE, RECORDER  
HENRY COUNTY, OHIO

ANTHONY J. COLBURN, Attorney at Law  
Notary Public, State of Ohio  
My commission has no expiration date.  
Section 147.03 R.C.

Attorneys Title 186  
POR 589 Defiance

Paul J. Westhoven  
REGISTERED LAND SURVEYOR  
523 E. Riverview Ave. P.O. Box 172  
NAPOLEON, OHIO 43545  
Phone (419) 592-0771  
Fax (419) 592-0775

Description of easement: Cloverleaf Storage, Inc. to the City of Napoleon, Ohio

A water line easement fifteen and zero hundredths (15.00) feet in width and six hundred and zero hundredths (600.00) feet in length over, across and through a certain 6.528 acre parcel of land known as Parcel "A" on the plat of Cloverleaf Storage, Inc., located in the Northeast quarter ( $\frac{1}{4}$ ) of Section 7, Town 5 North, Range 7 East, Liberty Township, City of Napoleon, Henry County, Ohio.

The centerline of said easement is more particularly described as follows:

Commencing at an iron pipe found at the Northwest corner of the Northeast quarter ( $\frac{1}{4}$ ) of said Section 7;

thence South  $0^{\circ}43'41''$  West on the West line of the Northeast quarter ( $\frac{1}{4}$ ) of said Section 7 and the centerline of Industrial Drive, one thousand seven hundred three and sixty-three hundredths (1703.63) feet to a point;

thence South  $89^{\circ}16'19''$  East and parallel with the North line of said Parcel "A", forty-five and zero hundredths (45.00) feet to a point on the East right-of-way of Industrial Drive and the point of beginning;-----

thence South  $89^{\circ}16'19''$  East and parallel with the North line of said Parcel "A", six hundred and zero hundredths (600.00) feet and there to terminate.

*0.207 Acres*

3-15-1999

10AM

Perpetual Utility Easement

CCS Realty Co. NE 1/4 Section 7 Liberty Twp. HC, Ohio

Vol / Pg

7/746

Norbert Bauman aka Norbert L. Bauman  
a married man wherein Judy Bauman  
AKA Judith L. Bauman releases power  
to CCS Realty Co., or Iowa Corp.

WD

signed 6-4-97

filed 6-4-97

at 3:08 PM

6.568 acre parcel in NE 1/4 Sec 7

Liberty Twp, HC, OH - easement for storm sewer, water  
lines and drainage ditch

239/205

~~Amsar~~ Inc.

WD

12-16-88

to Norbert Bauman

12-19-88 at

6.568 acre parcel NE 1/4 Sec 7 Liberty Twp.  
HC, Ohio w/ 2 easements

10:11 AM

231/718

Sheri L. Tobias, unmarried woman legplage  
to Amsar Inc. or Ohio Corp.

QCD

7-19-85

7-19-85 at 2:03  
PM

6.568 acre parcel NE 1/4 Sec 7 Liberty Twp.  
HC, Ohio w/ 2 easements

231/709

Amsar Inc., or Ohio Corp.  
to Sheri L. Tobias

QCD

7-19-85

7-19-85 at 2:00 pm

6.568 acre parcel NE 1/4 Sec 7

Liberty Twp, HC Ohio w/ 2 easements

- 229/174 Norbert L. Bauman + Judith A. Bauman H+W WD 10-16-84  
 to Amsar Inc, on Ohio Corp. 10-16-84 at  
 6.568 acre parcel NE 1/4 Sec 7, Liberty Twp  
 HC, Ohio 4:09 pm
- 229/723 Lawrence E. Hoefel + Mary Rose Hoefel H+W WD 8-27-84  
 to Norbert L. Bauman 8-31-84 at  
 6.568 acre parcel NE 1/4 Section 7  
 Liberty Twp, Ohio 9:36 am
- 155/508 Rose H. Atkins, dec'd Exec Deed 1-7-53  
 AKA Rose A. Hoskinson + Rose Hoskinson 7-23-53  
 to Lawrence E. Hoefel at 11:03 am  
 138.74 acres in NE 1/4 Sec 7  
 Liberty Twp, HC, Ohio
- 44/187 Clara L. Fish, C.M. Fish + WD 8-2-1888  
 Jennie A. Patrick, Adolphus Patrick 9-1-1888  
 to Rose A. Hoskinson no time  
 given  
 W part of W 1/2 of NE 1/4  
 Sec 7 Liberty Twp, HC, On 31.5 ac

March 16, 1999

Mr. David Grahn  
Law Director  
City of Napoleon  
Riverview Ave.  
Napoleon, OH 43545

In Re: Title Search Northeast Quarter, Section 7, Liberty Township, Henry County, Ohio

March 15, 1999	Title Search at Henry County Recorder – 1 hour For Perpetual Utility Easement CCS Realty Co.	<u>\$12.00</u>
	TOTAL DUE	\$12.00

Please pay to: Jenny Parker  
1005 Westchester Ave.  
Napoleon, OH 43545  
(419)599-3674