



CITY OF NAPOLEON, OHIO

LAW DEPARTMENT

255 W. RIVERVIEW AVENUE, PO Box 151
NAPOLEON, OH 43545
PHONE: 419.592.3503 - FAX: 419.592.4723

Tuesday, December 23, 2014

Mr. and Mrs. Genovevo G. Garza
112 W. Maumee Ave.
Napoleon, OH 43545

Dear Mr. and Mrs. Garza:

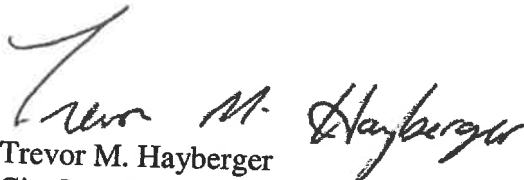
Attached find an original Temporary Sewer Easement and/or Perpetual Easement that needs to be signed for your property once again. The reason these need to be re-signed are due to the fact they were not notarized.

Please sign them *in front of a Notary* and return the executed document to the City Law Director's office as soon as possible. If you do not know a Notary, and would like my Executive Assistant, Sheryl Rathge, to provide this service to you, she can be contacted at 419.592.3503 to set up a time to meet with you.

Sorry for the inconvenience, and thank you for your prompt attention to this matter.

Should you have any questions or comments, please do not hesitate to contact my office at the number listed above.

Sincerely,


Trevor M. Hayberger
City Law Director

file
tmh/skr

City Law Director
Trevor M. Hayberger
thayberger@napoleonohio.com

Executive Assistant
Sheryl K. Rathge
srathge@napoleonohio.com

TEMPORARY SEWER EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That, Genovevo G. Garza and Dianna Garza, husband and wife, herein referred to as the Grantors, whose tax mailing address is 112 West Maumee Ave., Napoleon, Ohio, 43545, for and in consideration of the sum of one dollars (\$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 Sewer Easement to lay, install, construct, reconstruct, erect, use, repair, supplement, maintain, operate, and/or remove, at any time or times hereafter, its sanitary sewers. The aforementioned temporary sewers for the purpose of this Easement consist of one or more collection lines, having a variable number of pipes and all necessary or desirable appurtenances thereto, 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 "LEGAL DESCRIPTION", INCORPORATED HERETO.

SEE ATTACHED EXHIBIT "A", INCORPORATED HERETO FOR ILLUSTRATION PURPOSES ONLY.

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

The Grantors claim title to the above described property by virtue of a deed record recorded in Official Records **VOLUME 228, PAGE 2257** 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 Temporary Sewer and all appurtenances thereto, including but not limited to those known or unknown, those legal, equitable or otherwise and those direct, incidental or consequential. 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 Temporary Sewer(s) without claim of damage to the trees or brush by the Grantors.

TO HAVE AND TO HOLD said Easement, together with all rights and privileges belonging thereto unto the Grantee and its successors and assigns. This 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 until October 31, 2015.

The Grantors hereby covenant that they are the true and lawful Owner of the above described real estate and have full power and authority to convey the same; 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 TESTIMONY WHEREOF, Genovevo G. Garza and Dianna Garza, the Grantors, have executed this Temporary Easement this _____ day of _____, 201_____.

Genovevo G. Garza

Dianna Garza

STATE OF OHIO }
 } ss:
COUNTY OF HENRY }

Before me a Notary Public in and for said County, personally appeared the above named, Genovevo G. Garza and Dianna Garza, the Grantors, who acknowledged 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 _____ day of _____, 201_____.

Notary Public

ACCEPTED BY:

Monica S. Irelan, City Manager

Date

THIS INSTRUMENT PREPARED AND APPROVED BY:
Trevor M. Hayberger
City of Napoleon Law Director
255 West Riverview Avenue
(419) 592-3503

EASEMENT DESCRIPTION PREPARED BY:
Nick E. Nigh, P.S. of Peterman Associates, Inc.
Registered Surveyor No 7384

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



website: petermanaes.com
email: petermansw@aol.com

3480 N. Main St., Findlay, Ohio 45840

Phone: 419-422-6672
Fax: 419-422-9466

Job No. 13-0228-18
LEGAL DESCRIPTION
City of Napoleon

Temporary Sewer Easement

Situated in the City of Napoleon, County of Henry, State of Ohio, and being part of Lots No. 7 and No. 9 in Seth L. Curtis' Subdivision of Lots No. 23 and No. 24 of John G. Lowe's Addition, a tract of land bounded and described as follows:

Beginning at a point, described as lying, N30°17'54"W, a distance of 170.32 feet from the southwesterly corner of a tract of land as described in OR 228, Page 2257 of the Henry County Official Records;

thence along the southwesterly line of said tract, N30°17'54"W, a distance of 50.57 feet;

thence, N51°05'45"E, a distance of 58.15 feet;

thence along the northeasterly line of said tract, S30°17'54"E, a distance of 50.57 feet;

thence, S51°05'45"W, a distance of 58.15 feet to the Point of Beginning, subject however to all prior easements of record.

See attached "Exhibit A"

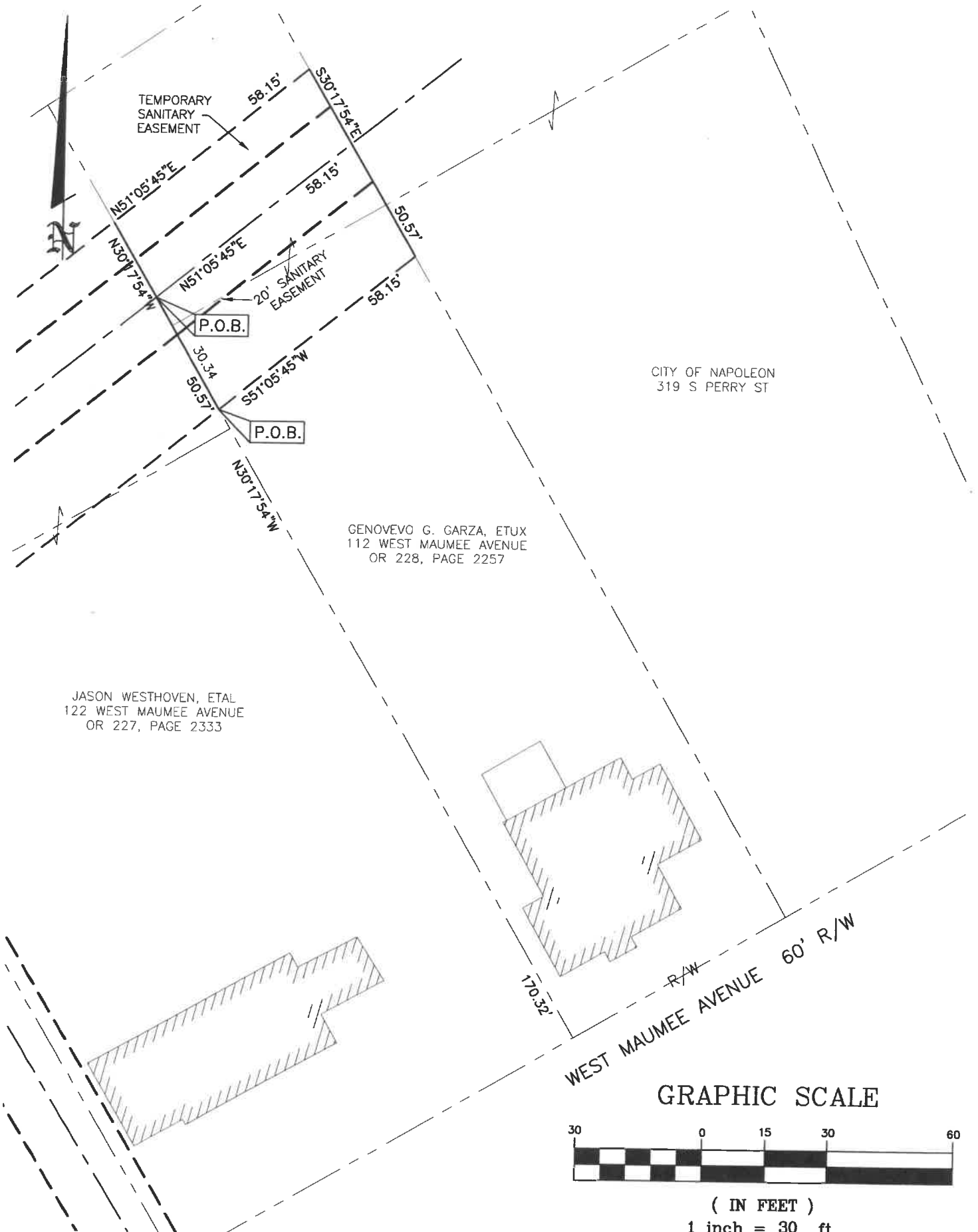
NOTE: The bearings in this legal description are based upon an assumed meridian and are used only for the purpose of describing angular measurements

Date: 07-25-2014


Nick E. Nigh, P.S.



EXHIBIT A



PERPETUAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That, Genovevo G. Garza and Dianna Garza, husband and wife, herein referred to as the Grantors, whose tax mailing address is 112 West Maumee Avenue, Napoleon, Ohio, 43545, for and in consideration of the sum of one dollars (\$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 Sanitary Sewer Easement to lay, install, construct, reconstruct, erect, use, repair, supplement, maintain, operate, and/or remove, at any time or times hereafter, its sanitary sewers. The aforementioned sanitary sewers for the purpose of this Easement consist of one or more collection lines, having a variable number of pipes and all necessary or desirable appurtenances thereto, 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 "LEGAL DESCRIPTION", INCORPORATED HERETO.

SEE ATTACHED EXHIBIT "A", INCORPORATED HERETO FOR ILLUSTRATION PURPOSES ONLY.

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

The Grantors claim title to the above described property by virtue of a deed record recorded in Official Records **VOLUME 228, PAGE 2257** 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 Sanitary Sewer and all appurtenances thereto, including but not limited to those known or unknown, those legal, equitable or otherwise and those direct, incidental or consequential. 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 Sanitary Sewer(s) without claim of damage to the trees or brush by the Grantors.

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 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 Grantors hereby covenant that they are the true and lawful Owner of the above described real estate and have full power and authority to convey the same; 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 TESTIMONY WHEREOF, Genovevo G. Garza and Dianna Garza, the Grantors, have executed this Perpetual Easement this _____ day of _____, 201_____.

Genovevo G. Garza

Dianna Garza

STATE OF OHIO }
 }
 } ss:
COUNTY OF HENRY }

Before me a Notary Public in and for said County, personally appeared the above named, Genovevo G. Garza and Dianna Garza, the Grantors, who acknowledged 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 _____ day of _____, 201_____.

Notary Public

ACCEPTED BY:

Monica S. Irelan, City Manager

Date

THIS INSTRUMENT PREPARED AND APPROVED BY:

Trevor M. Hayberger
City of Napoleon Law Director
255 West Riverview Avenue
(419) 592-3503

EASEMENT DESCRIPTION PREPARED BY:

Nick E. Nigh, P.S. of Peterman Associates, Inc.
Registered Surveyor No 7384

LEGAL DESCRIPTION VERIFIED BY:

Chad Lulfs P.S. P.E., Napoleon Engineer



website: petermanaes.com
email: petermansw@aol.com

3480 N. Main St., Findlay, Ohio 45840

Phone: 419-422-6672
Fax: 419-422-9466

Job No. 13-0228-18
LEGAL DESCRIPTION
City of Napoleon

20' Sanitary Sewer Easement

Situated in the City of Napoleon, County of Henry, State of Ohio, and being part of Lots No. 7 and No. 9 in Seth L. Curtis' Subdivision of Lots No. 23 and No. 24 of John G. Lowe's Addition, a tract of land described as lying 10.00 feet on each side of the following described centerline;

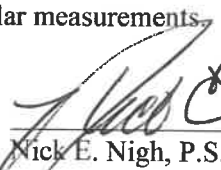
Beginning at a point on the southwesterly line of a tract of land as described in OR 228, Page 2257 of the Henry County Official Records, described as lying, N30°17'54"W, a distance of 200.66 feet from the southwesterly corner of said tract;

thence, N51°05'45"E, a distance of 58.15 feet to the northeasterly line of said tract and being the Point of Ending, subject however to all prior easements of record.

See attached "Exhibit A"

NOTE: The bearings in this legal description are based upon an assumed meridian and are used only for the purpose of describing angular measurements.

Date: 07-25-2014


Nick E. Nigh, P.S.

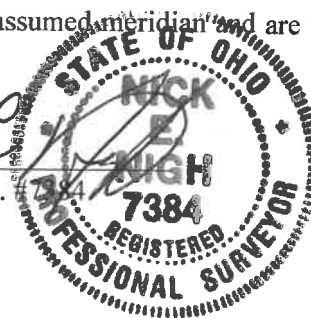


EXHIBIT A

