



# 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. Rory Prigge  
154 W. Maumee Ave.  
Napoleon, OH 43545

Dear Mr. and Mrs. Prigge:

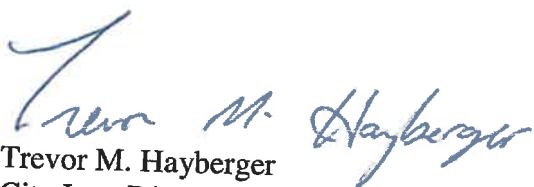
Attached find an original Temporary Sewer Easement and/or Perpetual Easement that needs to be signed for your property once again. The reason these need to be re-signed are due to the fact they were not notarized.

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



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## LAW DEPARTMENT

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PHONE: 419.592.3503 - FAX: 419.592.4723

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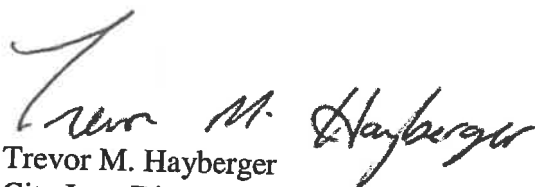
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Executive Assistant  
Sheryl K. Rathge  
srathge@napoleonohio.com

---

# TEMPORARY SEWER EASEMENT

---

**KNOW ALL MEN BY THESE PRESENTS:** That, Rory Prigge and Janice Prigge, husband and wife, herein referred to as the Grantors, whose tax mailing address is 154 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 Deed **VOLUME 242, PAGE 76** 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, Rory Prigge and Janice Prigge, the Grantors, have executed this Temporary Easement this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_\_.

\_\_\_\_\_  
Rory Prigge

\_\_\_\_\_  
Janice Prigge

STATE OF OHIO        }  
                              }  
COUNTY OF HENRY    }        ss:

Before me a Notary Public in and for said County, personally appeared the above named, Rory Prigge and Janice Prigge, 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](http://petermanaes.com)  
email: [petermansw@aol.com](mailto:petermansw@aol.com)

3480 N. Main St., Findlay, Ohio 45840

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

Job No. 13-0228-13

**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.2, No. 3, and No. 11 in Seth L. Curtis' Subdivision of Lots No. 23 and No. 24 of Lowe's Addition, a tract of land bounded and described as follows:

Beginning at a point on the northeasterly line of a tract of land as described in Deed Volume 242, Page 76 of the Henry County Deed Records, and described as lying, N30°17'54"W, a distance of 139.33 feet from the southeasterly corner of said tract;

thence S56°10'29"W a distance of 10.85 feet;

thence, N78°49'31"W, a distance of 37.04 feet;

thence S55°18'31"W, a distance of 50.07 feet;

thence along the southwesterly line of said tract, N30°17'54"W, a distance of 55.79 feet;

thence, N55°18'31"E, a distance of 67.38 feet;

thence, S78°49'31"E, a distance of 28.45feet;

thence along the northeasterly line of said tract, S30°17'54"E a distance of 56.49 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

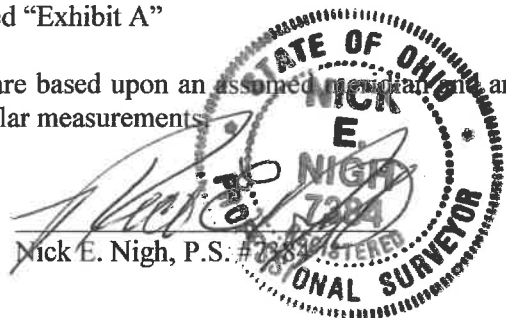


EXHIBIT A

MICHAEL J. ANDERSON, ETUX  
146 W MAUMEE AVE (REAR)  
OR 75, PAGE 1153

TEMPORARY  
SANITARY  
EASEMENT

P.O.B.

P.O.B.

MICHAEL J. ANDERSON, ETUX  
146 WEST MAUMEE AVENUE  
OR 75, PAGE 1153

RORY PRIGGE, ETUX  
154 WEST MAUMEE AVENUE  
DEED VOLUME 242, PAGE 76

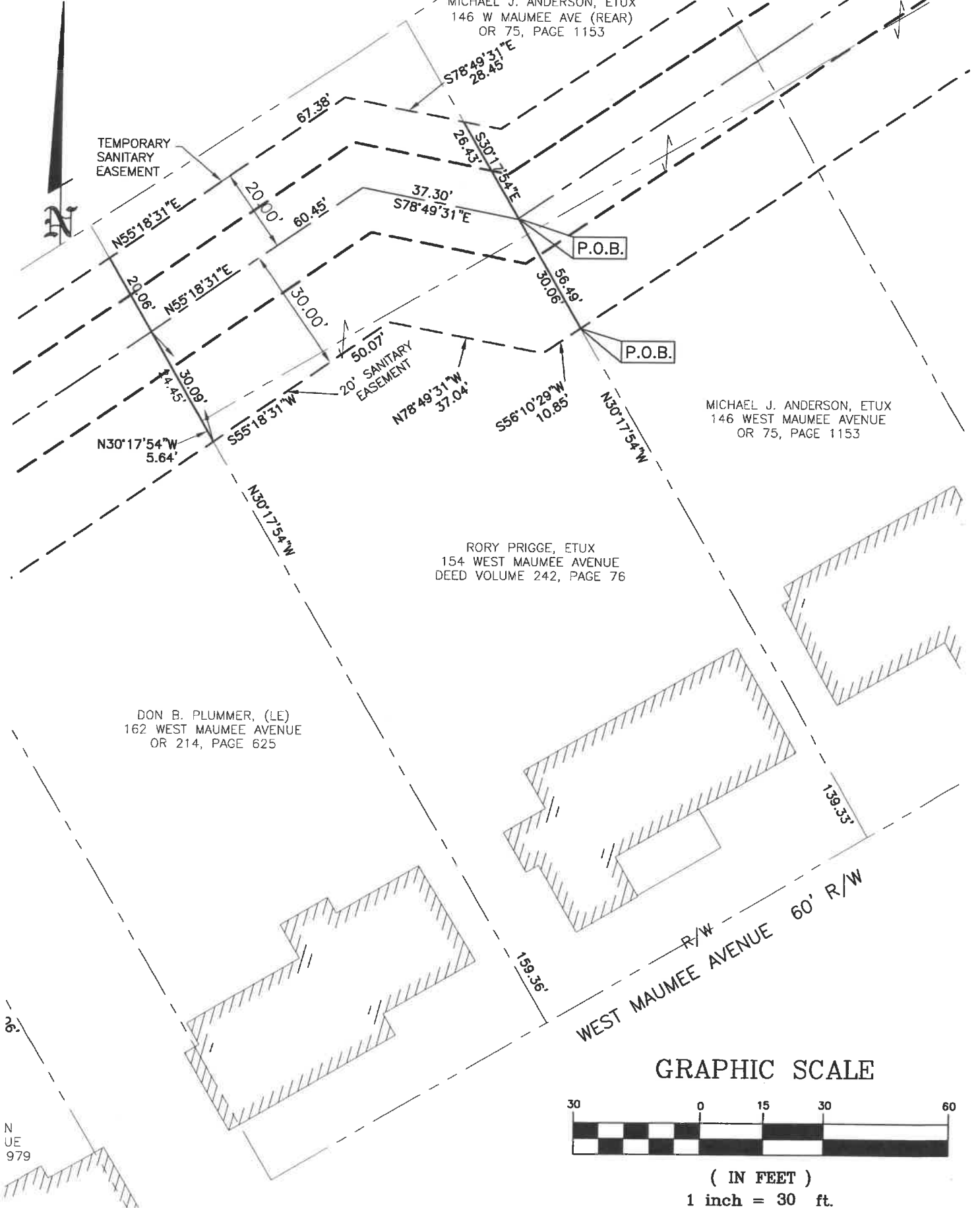
DON B. PLUMMER, (LE)  
162 WEST MAUMEE AVENUE  
OR 214, PAGE 625

R/W  
WEST MAUMEE AVENUE 60' R/W

GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.



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# PERPETUAL EASEMENT

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**KNOW ALL MEN BY THESE PRESENTS:** That, Rory Prigge and Janice Prigge, husband and wife, herein referred to as the Grantors, whose tax mailing address is 154 West Maumee Avenue, 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 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 Deed **VOLUME 242, PAGE 76** 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, Rory Prigge and Janice Prigge, the Grantors, have executed this Perpetual Easement this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_\_.

\_\_\_\_\_  
Rory Prigge

\_\_\_\_\_  
Janice Prigge

STATE OF OHIO        }  
                              }  
COUNTY OF HENRY    }        ss:

Before me a Notary Public in and for said County, personally appeared the above named, Rory Prigge and Janice Prigge, 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\_\_\_\_\_.

(Seal)

\_\_\_\_\_  
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  
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**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





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3480 N. Main St., Findlay, Ohio 45840

Phone: 419-422-6672

Fax: 419-422-9466

Job No. 13-0228-13

**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 Lot No. 2, Lot No. 3 and Lot No. 11 in Seth L. Curtis' Subdivision of Lots No. 23 and No. 24 of Lowe's Addition, a tract of land described as lying 10.00 feet each side of the following described centerline;

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thence, N78°49'31"W, a distance of 37.30 feet;

thence, S55°18'31"W, a distance of 60.45 feet to the southwesterly 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 as found measurements and are used only for the purpose of describing angular measurements.

Date: 07-25-2014

Nick E. Nigh, P.S.

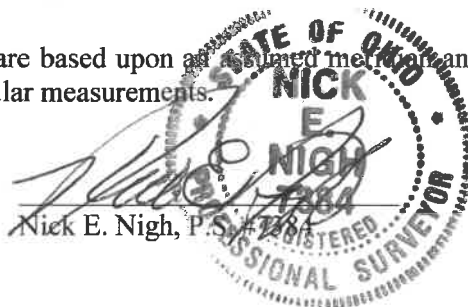


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MICHAEL J. ANDERSON, ETUX  
146 W MAUMEE AVE (REAR)  
OR 75, PAGE 1153

TEMPORARY  
SANITARY  
EASEMENT

P.O.B.

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MICHAEL J. ANDERSON, ETUX  
146 WEST MAUMEE AVENUE  
OR 75, PAGE 1153

RORY PRIGGE, ETUX  
154 WEST MAUMEE AVENUE  
DEED VOLUME 242, PAGE 76

DON B. PLUMMER, (LE)  
162 WEST MAUMEE AVENUE  
OR 214, PAGE 625

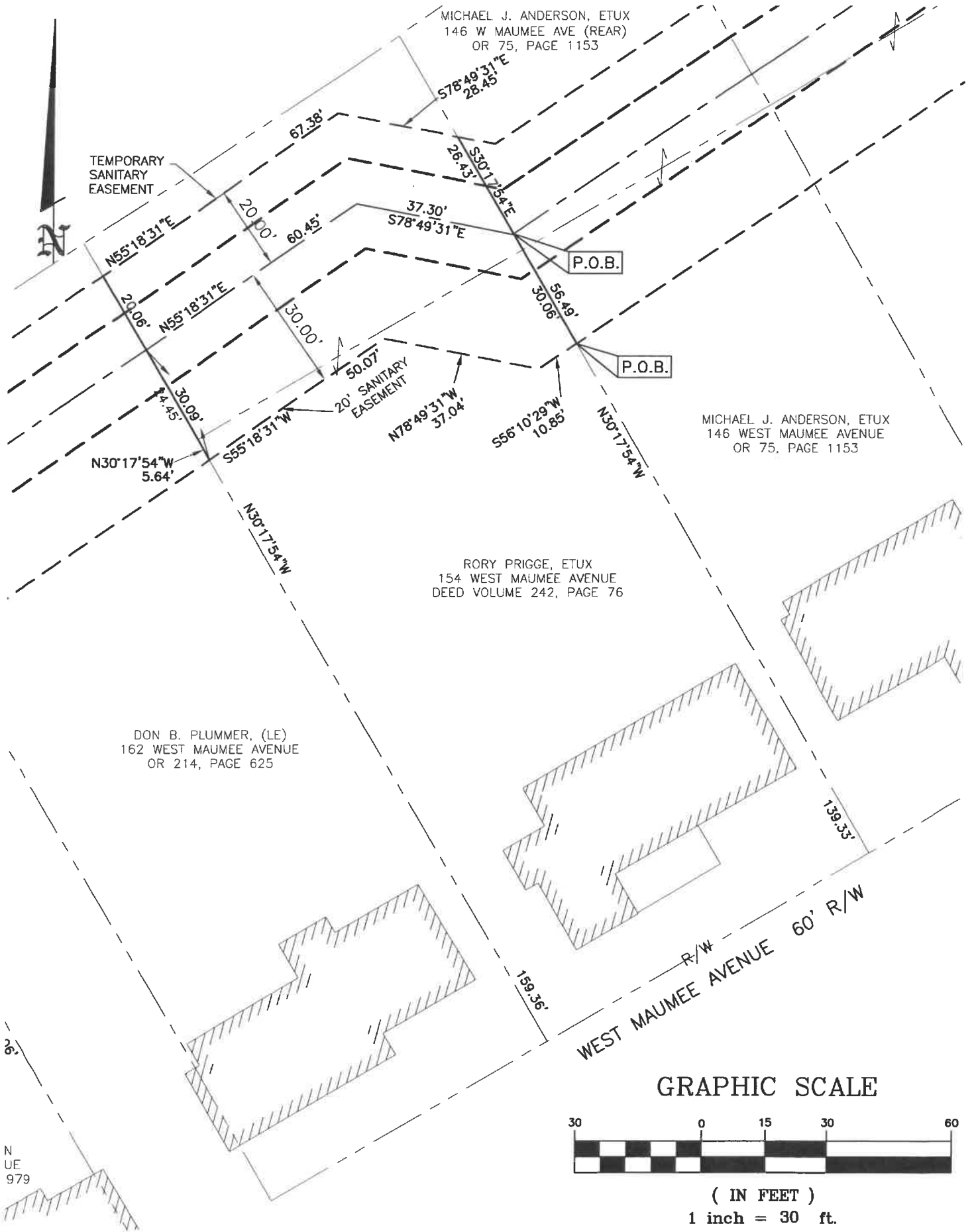
R/W  
WEST MAUMEE AVENUE 60' R/W

GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.

N  
UE  
979





website: [petermanaes.com](http://petermanaes.com)  
email: [petermansw@aol.com](mailto:petermansw@aol.com)

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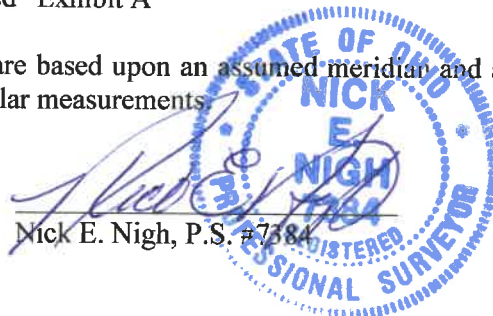
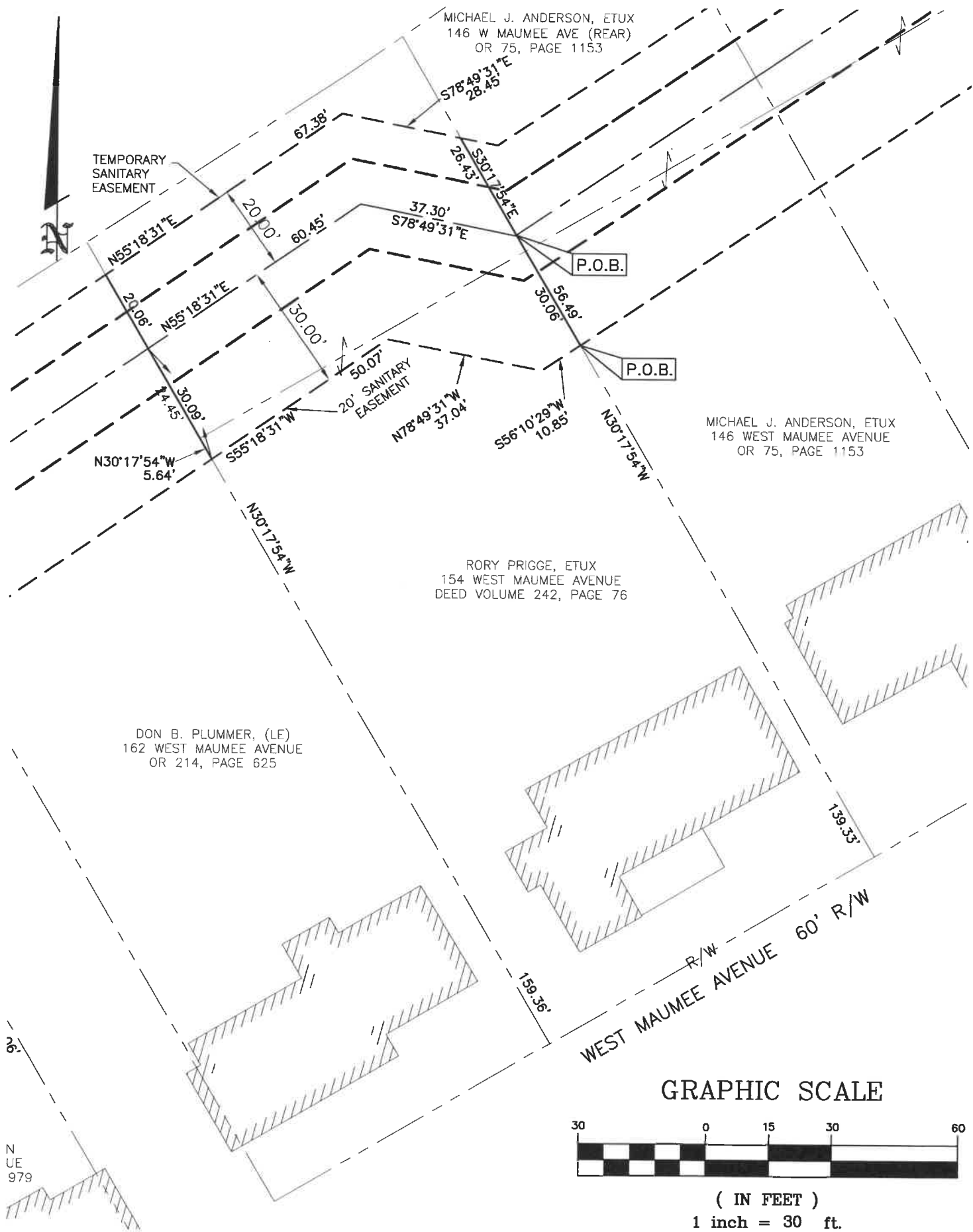


EXHIBIT A



MICHAEL J. ANDERSON, ETUX  
146 WEST MAUMEE AVENUE  
OR 75, PAGE 1153

RORY PRIGGE, ETUX  
154 WEST MAUMEE AVENUE  
DEED VOLUME 242, PAGE 76

DON B. PLUMMER, (LE)  
162 WEST MAUMEE AVENUE  
OR 214, PAGE 625

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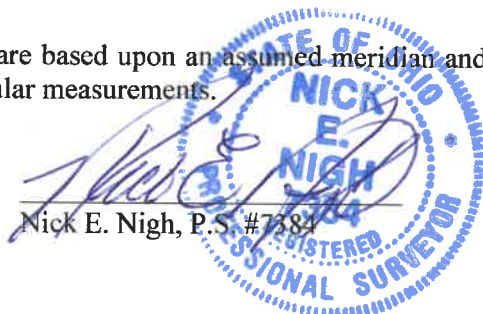
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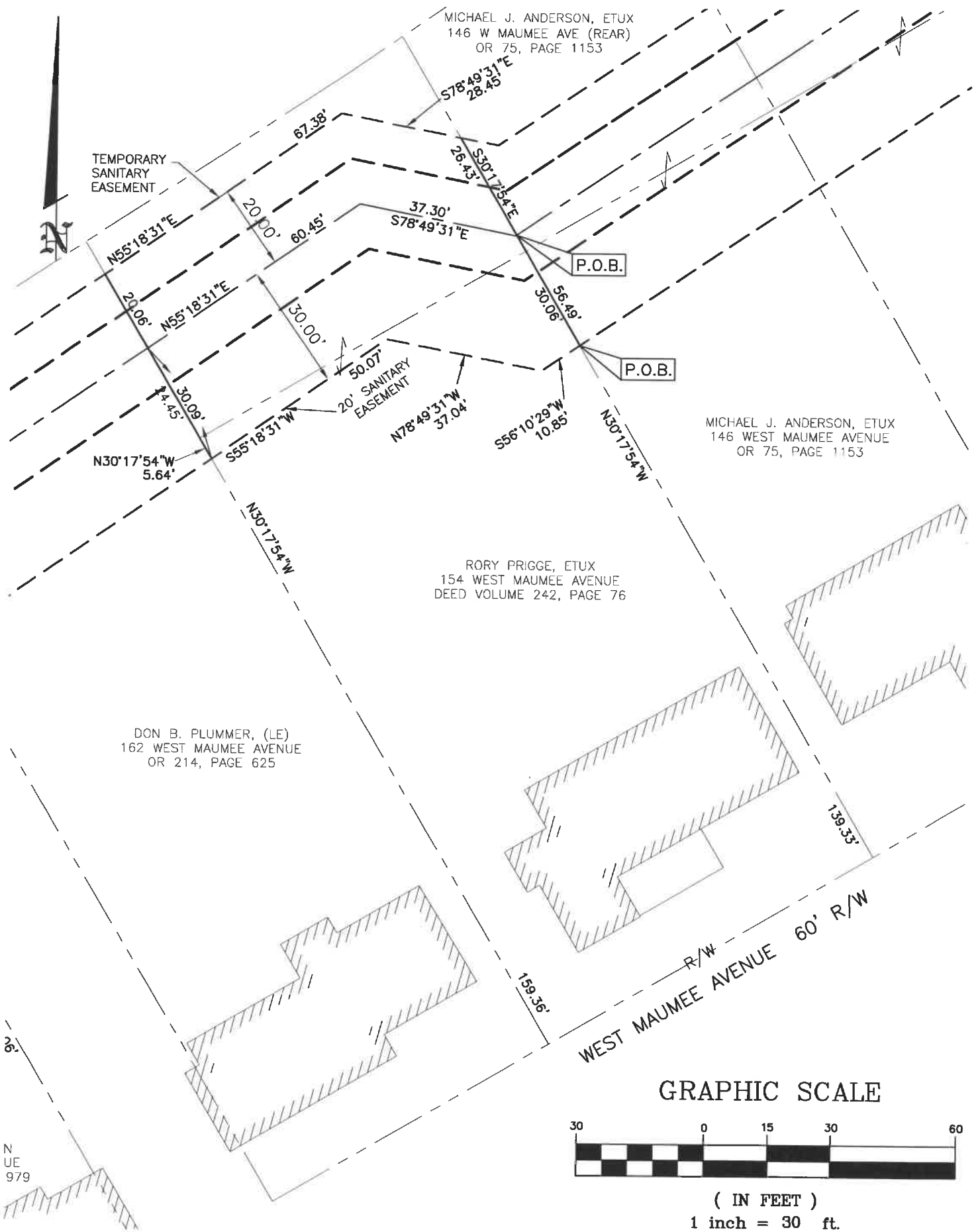
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Date: 07-25-2014



Nick E. Nigh, P.S. #7384

EXHIBIT A





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email: [petermansw@aol.com](mailto:petermansw@aol.com)

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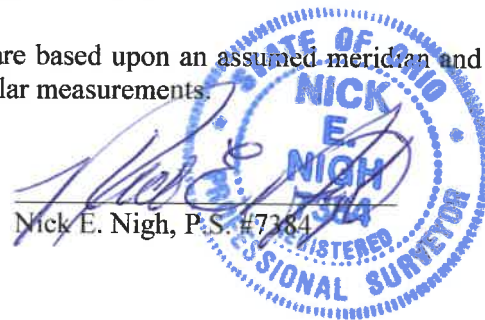


EXHIBIT A

MICHAEL J. ANDERSON, ETUX  
146 W MAUMEE AVE (REAR)  
OR 75, PAGE 1153

TEMPORARY  
SANITARY  
EASEMENT

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OR 75, PAGE 1153

RORY PRIGGE, ETUX  
154 WEST MAUMEE AVENUE  
DEED VOLUME 242, PAGE 76

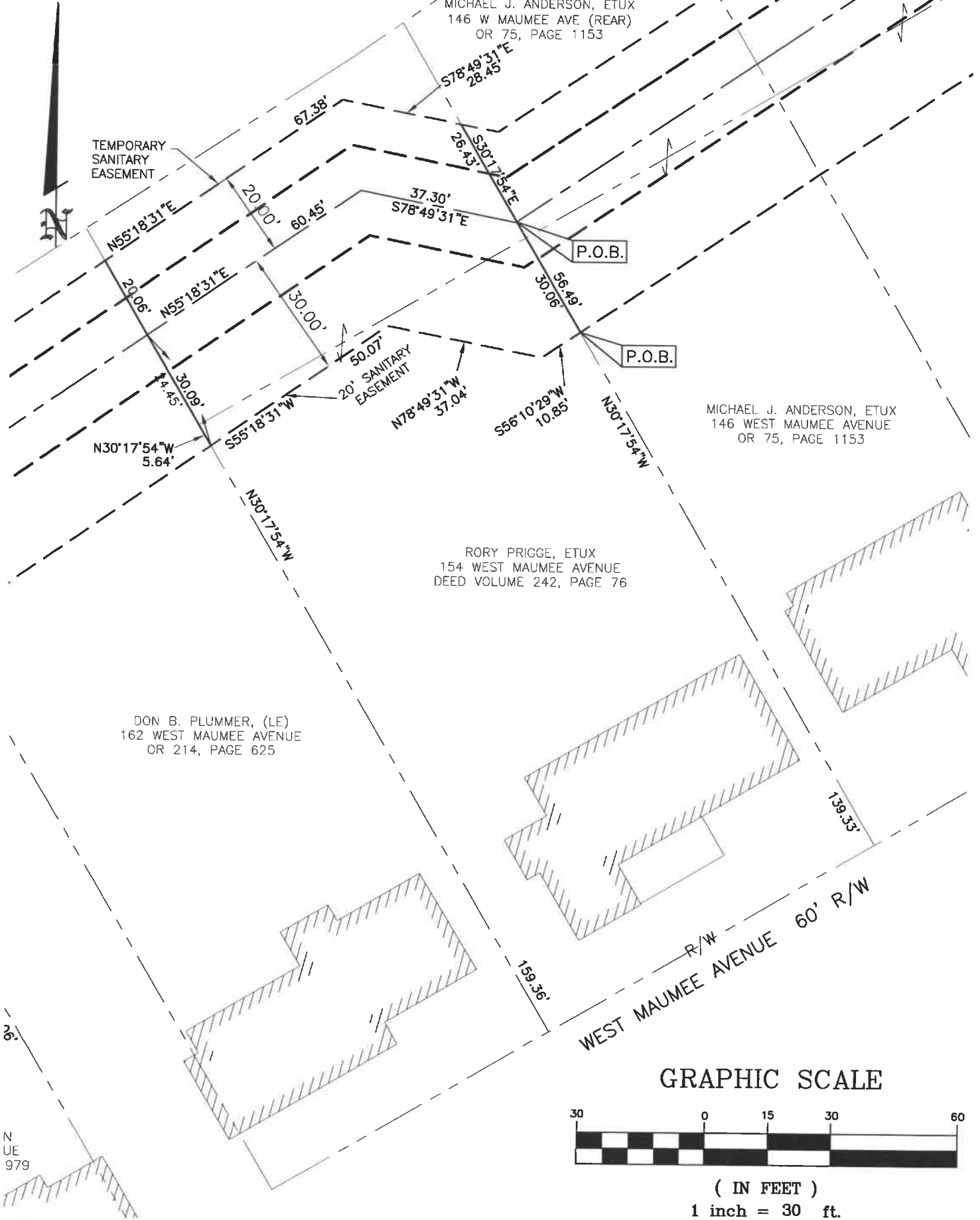
DON B. PLUMMER, (LE)  
162 WEST MAUMEE AVENUE  
OR 214, PAGE 625

R/W  
WEST MAUMEE AVENUE 60' R/W

GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.



N  
UE  
979





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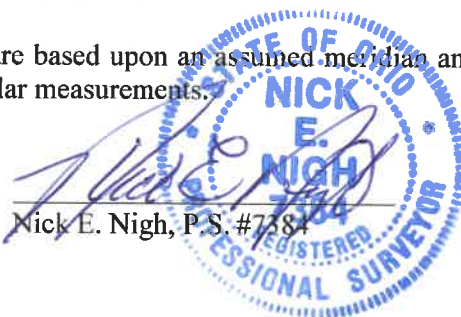
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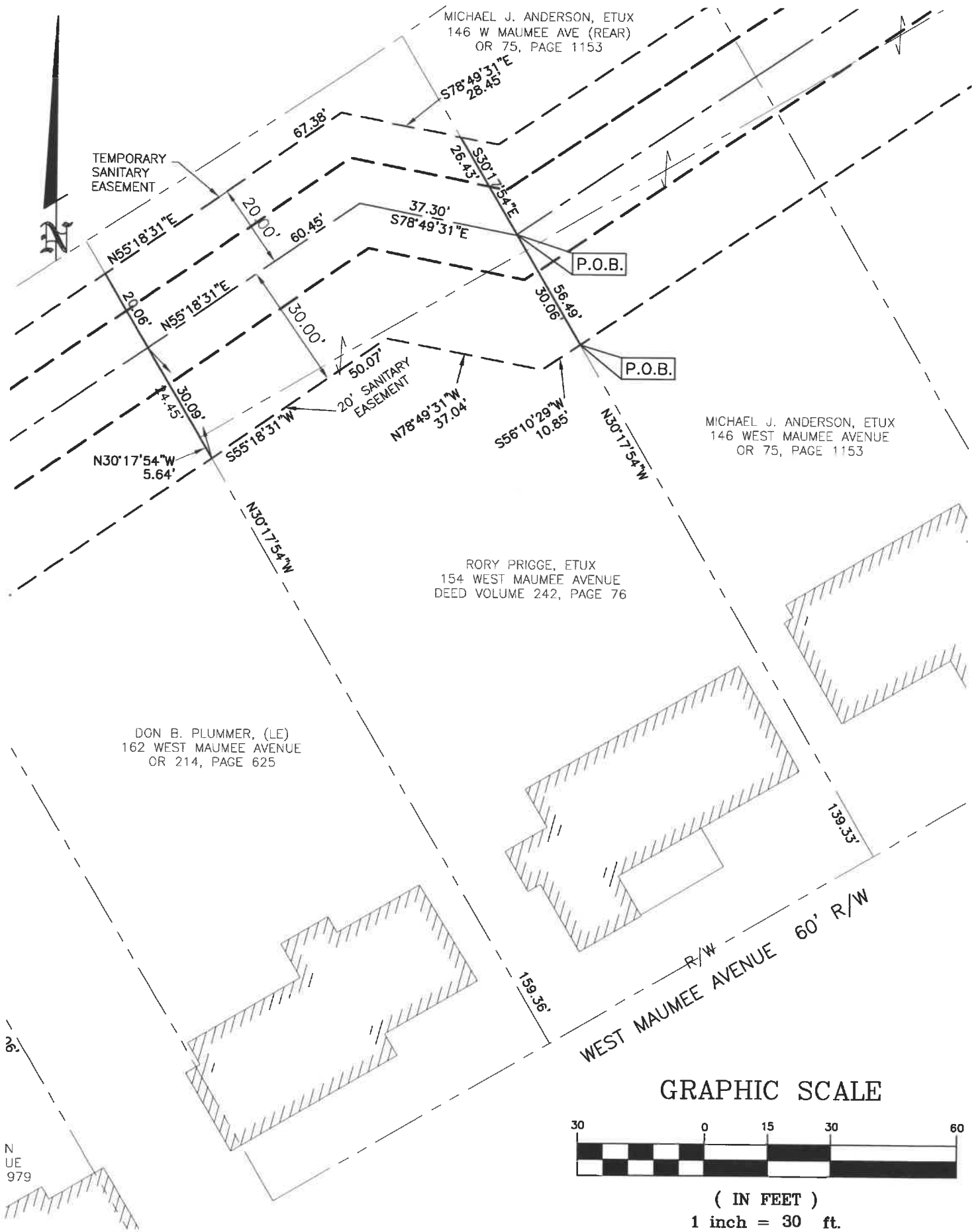
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Date: 07-25-2014



Nick E. Nigh, P.S. #7384

EXHIBIT A





# City of Napoleon, Ohio

## Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Chad E. Lulfs, P.E., P.S., Director of Public Works

Telephone: (419) 592-4010 Fax: (419) 599-8393

[www.napoleonohio.com](http://www.napoleonohio.com)

October 27, 2014

Re: S. Side Interceptor I/I Reduction Project  
(L.T.C.P. Project No. 20A)  
Sanitary Sewer Easements

To Whom It May Concern,

The City of Napoleon is about to begin the above referenced project. As part of this project, the existing brick sewer located on your property will be replaced. Although this sewer has been in place for just over 100 years, no written easements were ever prepared.

In an effort to correct this issue, the City has prepared written easements (permanent and temporary) for all affected properties. This will allow all future owners of these properties to know that there is a public utility located on the property. The City has hired Peterman Associates, Inc. to meet with the affected property owners and execute the required documents. If you have any questions or require additional information, please contact my office at your convenience.

Yours truly,

Chad E. Lulfs, P.E., P.S.  
Director of Public Works  
City of Napoleon

cc: Monica Irelan, City Manager



## ESTATE BY THE ENTIRETIES WITH SURVIVORSHIP DEED

Rory Prigge and Janice Prigge, husband and wife, of Henry County, Ohio for valuable consideration paid, grants with general warranty covenants, to Roxy Prigge and Janice Prigge, husband and wife, for their joint lives, remainder to the survivor of them, whose tax-mailing address is 154 West Maumee Avenue, Napoleon, Ohio 43545, the following REAL PROPERTY:

PARCEL I

Situated in the County of Henry in the State of Ohio and in the City of Napoleon and known as:

Lot number two in Seth L. Curtis' subdivision of Lots number twenty-three and twenty-four of Lowe's Addition to the Village of Napoleon, aforesaid, and also that part of Lot number eleven of said sub-division, which lies North of said lot number two, and bounded on the North by the South bank of the Maumee River; on the South by the North line of said Lot number two; on the East by the East line of said Lot number two extended to said Maumee River; and on the West by the West line of said Lot Number Two extended to the Maumee River.

LESS AND EXCEPT the westerly nine feet of Lot Number two of Seth L. Curtis' Sub-division of Lots number twenty-three and twenty-four of Lowe's Addition to the Village (now City) of Napoleon, Henry County, Ohio; and also that part of Lot number Eleven of said subdivision which lies north of said westerly nine feet of said Lot number two, and bounded on the north by the south bank of the Maumee River; on the south by the north line of said Lot number two and on the west by the west line of said Lot number two extended; and on the east by the easterly line of said conveyance of nine feet of Lot two extended, but subject to all legal highways.

APPROVED  
Tax Map Dept.

PARCEL II

Being the Westerly fifteen and zero hundredths (15.00) feet of Lot No. 3 and a part of Lot No. 11 of Seth L. Curtis Subdivision of Jehn G. Lowe's Addition to the City of Napoleon, Henry County, Ohio, and which is more particularly described as follows:

Beginning at a point in the Northerly right-of-way line of West Maumee Avenue at the Southwesterly corner of said Lot No. 3; thence Northerly on the Westerly line of said Lot No. 3 and through a part of Lot No. 11, two hundred twenty-two and twenty-three hundredths (222.23) feet to an iron pin; thence continuing Northerly on the same line, twenty-nine (29 +) feet more or less to the South Bank of the Maumee River; thence Northeasterly along the South Bank of said River, fifteen and zero hundredths (15.00) feet to a point; thence Southeasterly and parallel with the Westerly line of said Lot No. 3 extended, twenty-eight and five tenths (28.5) feet to an iron pin; thence continuing Southeasterly on the same line, two hundred twenty-two and twenty-three hundredths (222.23) feet to an iron pin on the Northerly right-of-way line of West Maumee Avenue; thence Westerly on the Northerly right-of-way line of said Street, fifteen and zero hundredths (15.00) feet to the point of beginning.

Containing 0.086 acres more or less.

LESS AND EXCEPTING taxes and installments of assessments, if any, for the year 1990 and thereafter.

PRIOR INSTRUMENT REFERENCE: Volume 235, Page 359 of the Deed Records of Henry County, Ohio.