



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. Michael Martens
204 W. Maumee Ave.
Napoleon, OH 43545

Dear Mr. and Mrs. Martens:

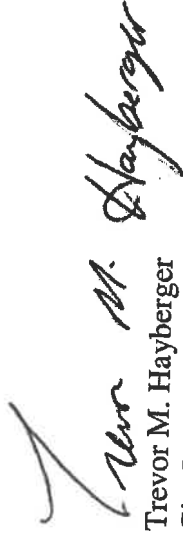
Attached find an original Temporary Sewer Easement and/or Perpetual Easement that needs to be signed for your property once again. The reason these need to be re-signed are due to the fact they were not notarized.

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, Johnene L. Martens and Michael Martens, husband and wife, herein referred to as the Grantors, whose tax mailing address is 204 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 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 261, PAGE 979** 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, Johnene L. Martens and Michael Martens, the Grantors, have executed this Temporary Easement this _____ day of _____, 201_____.

Johnene L. Martens

Michael Martens

STATE OF OHIO }
 }
COUNTY OF HENRY }

ss:

Before me a Notary Public in and for said County, personally appeared the above named, Johnene L. Martens and Michael Martens, 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
(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

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

3480 N. Main St., Findlay, Ohio 45840

Job No. 13-0228-11

LEGAL DESCRIPTION
City of Napoleon

Temporary Sewer Easement

Situated in the City of Napoleon, County of Henry, State of Ohio, and being a part of Lot No. 12 in S.L. Curtis' Subdivision of Lots No. 23 and No. 24 of J.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 145.99 feet from the southwesterly corner of a tract of land as described in Deed Volume 261, Page 979 of the Henry County Deed Records;

thence along the southwesterly line of said tract, N30°17'54"W, a distance of 19.01 feet;

thence, along the northerly line of Lot No. 12 N59°42'06"E, a distance of 66.00 feet;

thence along the northeasterly line of said tract, S30°17'54"E, a distance of 13.94 feet;

thence, S55°18'31"W, a distance of 66.19 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 angles measured in the field and are used only for the purpose of describing angular measurements.

Date: 07-25-2014

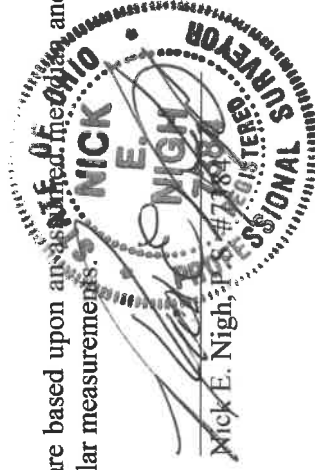
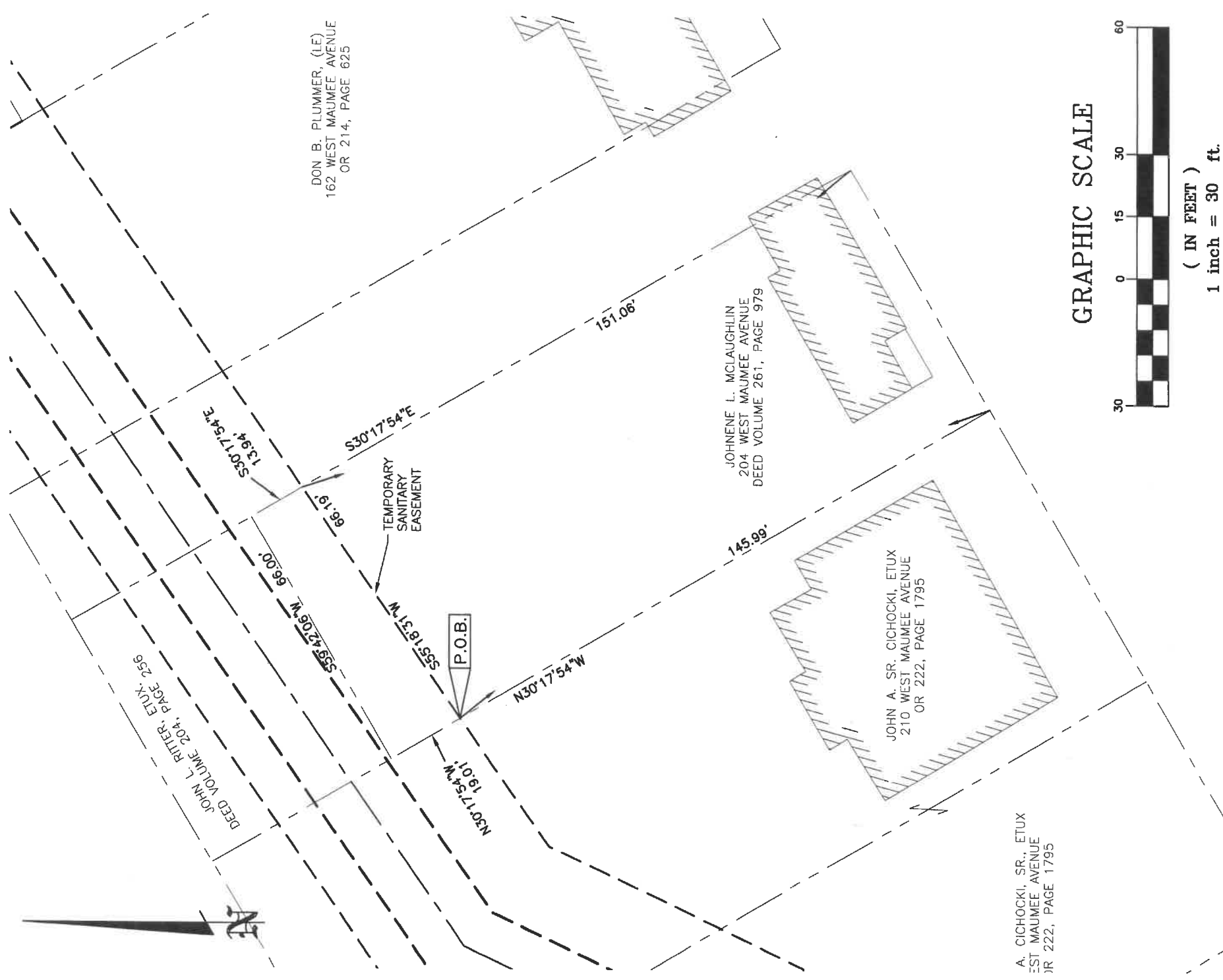
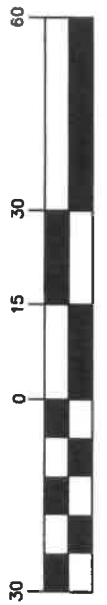


EXHIBIT A



GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



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

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

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thence along the northeasterly line of said tract, S30°17'54"E, a distance of 13.94 feet;

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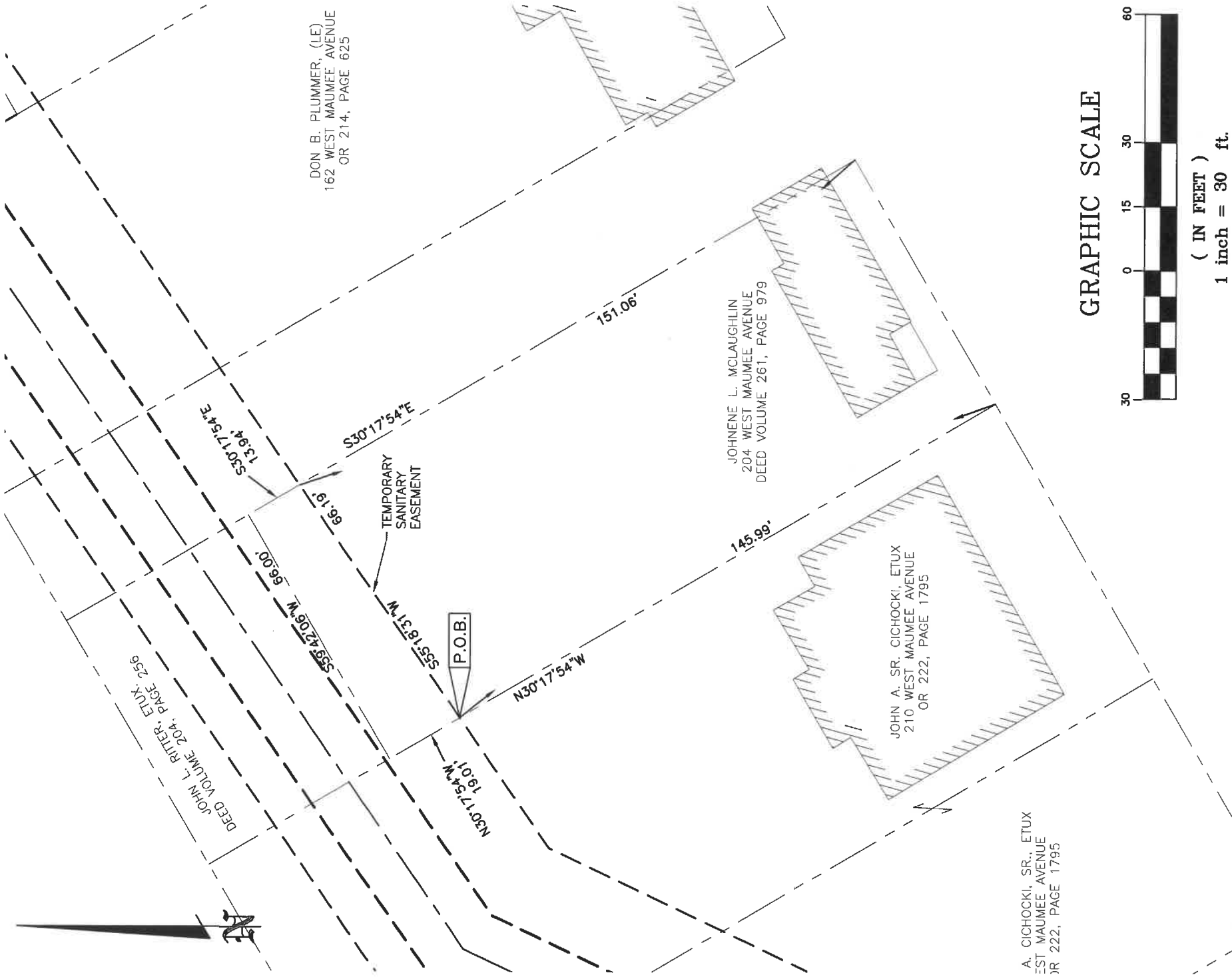
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NOTE: The bearings in this legal description are based upon an assumed meridian and are used only for the purpose of describing angular measurements.

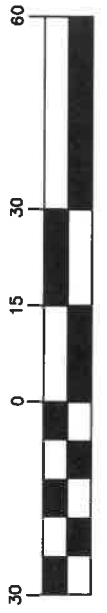
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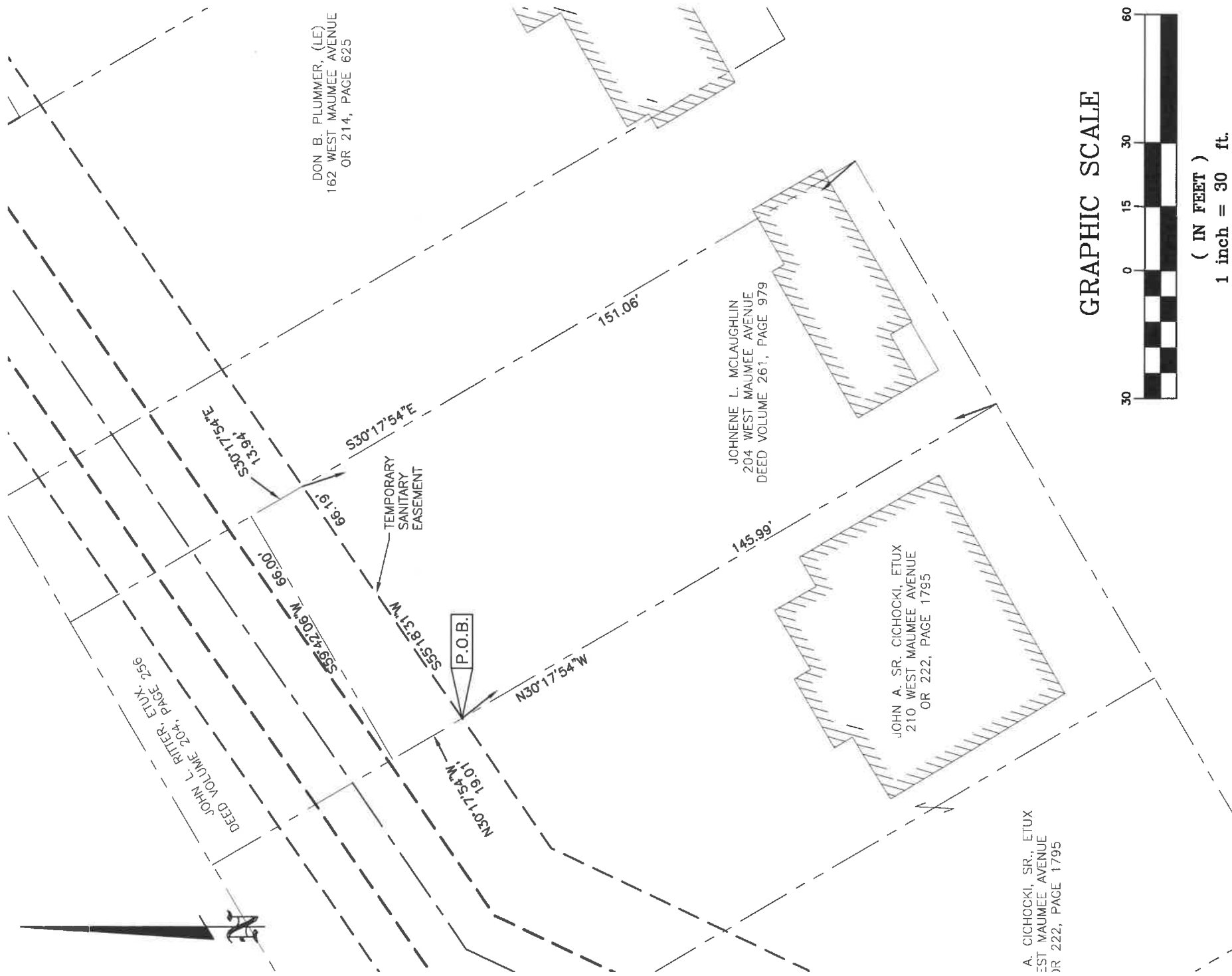
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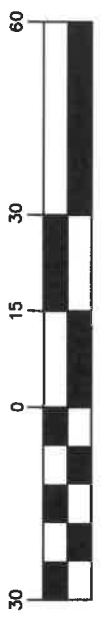
Date: 07-25-2014



EXHIBIT A



GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

13-0118-11

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS THAT Jeffrey M. Nulton, an unmarried man and former husband of the Grantee herein,

Grantor(s),

grant(s) to Johnene L. McLaughlin, an unmarried woman and former wife of the Grantor herein,

Grantee(s),

whose tax mailing address is 204 West Maumee, Napoleon, Ohio 43545, the following real property:

That part of Lot Number Twelve in S.L. Curtis' Subdivision of Lots Number Twenty-three and Twenty-four of J.G. Lowe's Addition to the Village of Napoleon, Ohio, and bounded and described as follows:

Commencing at a point on the North line of West Maumee Avenue and two rods ^{35'} westerly from the Southwest corner of Lot One of S.L. Curtis' Subdivision of J.G. Lowe's Addition to the Village of Napoleon, Ohio; thence Northerly and parallel with the Westerly line of said Lot Number One ten rods to a point; thence Westerly and at right angles with said last described line four rods to a point; thence Southerly and at right angles with said last described line ten rods to a point; thence Easterly four rods along the North line of West Maumee Avenue to the place of beginning together with all appurtenances and hereditaments thereunto belonging.

Prior Instrument Reference(s): Volume 244, Page 279

APPROVED

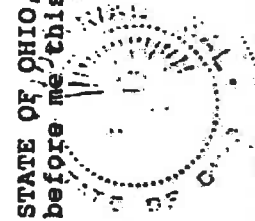
Permanent Parcel Number: 41-009065.0440
Signed this 13th day of December, 1996.

Tax Map Dept. by L.L.S. Date 12/13/96

Signed and acknowledged in presence of

[Signature]
John Donovan
[Signature]
David P. Rupp

[Signature]
Jeffrey M. Nulton
Jeffrey M. Nulton



STATE OF OHIO, COUNTY OF HENRY. The foregoing instrument was acknowledged before me this 13th day of December, 1996, by Jeffrey M. Nulton.

[Signature]
David P. Rupp
DAVID P. RUPP, Notary Public - State of Ohio
My Commission Expires: 12/13/96

This instrument prepared by PLASSMAN, RUPP, HENSAL & SHORT
302 North Defiance Street, P.O. Box 178, Archbold, Ohio 43502-0178

This conveyance has been examined and the Grantor has complied with Sec. 319.202 of the Revised Code. Conveyance Fee \$ Exempt Transferred Quarterly, 19 96 Fees 504

File No. C-38528 Fees 14.00
RECEIVED FOR RECORD
and Recorded Dec. 13, 19 96, at 2:39 P.M.
Deed Record, Vol. 261, Pg. 979

[Signature]
James M. Acker
AUDITOR

[Signature]
Audine Wallace
RECORDER

D. Ruff

City of Napoleon Inspection Form

Permit #002256

Date Issued: 06-28-2004

Job Location: 204 W MAUMEE AVE

Owner: MARTENS, MIKE

Owner Phone: 419-592-2184

Contractor: SELF

Contractor Phone:

Work Description: FOUNDATION REPAIR

Plumbing: UNDGR _____ RGHN _____ FINAL _____

SEWER INSP _____

Mechanical: UNDGR _____ RGHN _____ FINAL _____

FURNACE REPLAC _____ AIR COND _____

Electrical: UNDGR _____ RGHN _____ FINAL _____

SEVR UPGR 8-24

Building: Site _____ FTG _____ FNDDT _____

STRU _____ ROOF _____ EXT _____

VENT _____ ACCES _____ EGRS _____

SMKDT _____ FINAL _____

ISSUE TEMP OCCUP _____ ISSUE OCCUP _____

STGE Shed: SITE _____ FINAL _____

Sign: FTG _____ FINAL _____

Fence: SITE _____ FINAL _____

DRIVEWAY: _____ SIDEWALK: _____

MISC INSP: _____

NOTES: _____

INSPECTORS INITIALS: _____

Map of Survey

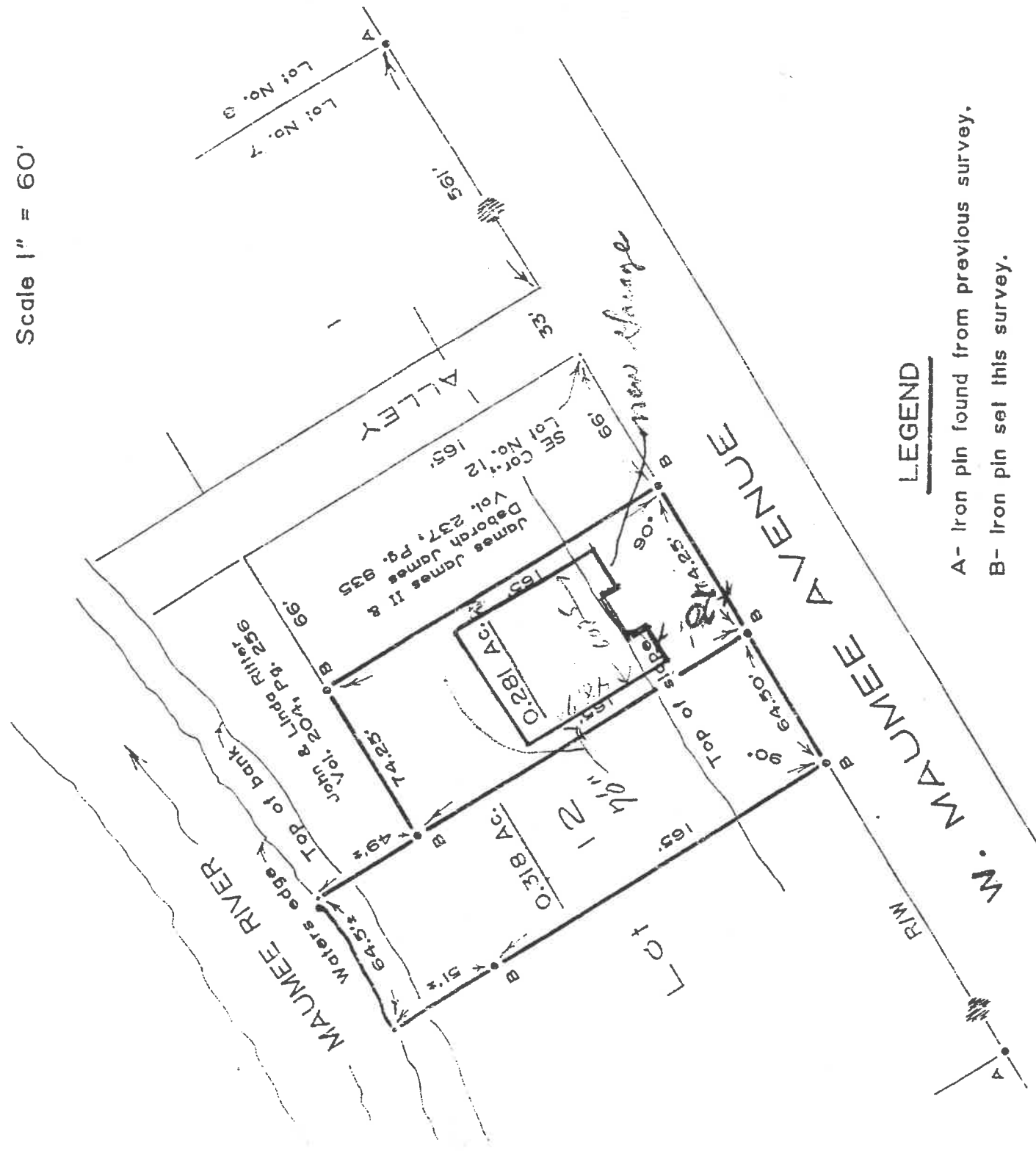
Being a part of Lot No. 12 in S. L. Curtis's Subdivision of Lot No's. 23 and 24 of J. G. Lowe's Addition to the City of Napoleon, Henry County, Ohio.

For: Donald H. & Ruth E. Bergstedt
Deed ref., Vol. 239, Pg. 436

210 added 11/11/89

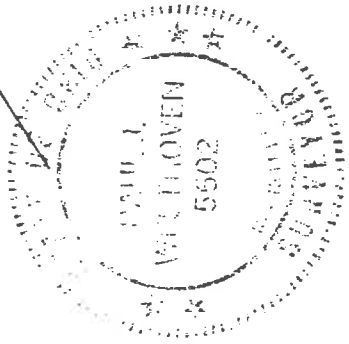


Scale 1" = 60'



LEGEND

- A- Iron pin found from previous survey.
- B- Iron pin set this survey.



I hereby certify this survey and notes to be correct to the best of my knowledge.

Paul J. Westhoven

Paul J. Westhoven
Registered Surveyor No. 5602
February 28, 1989
Survey No. 3919-H-CN-3-7-89