



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. Eric Freytag
234 W. Maumee Ave.
Napoleon, OH 43545

Dear Mr. and Mrs. Freytag:

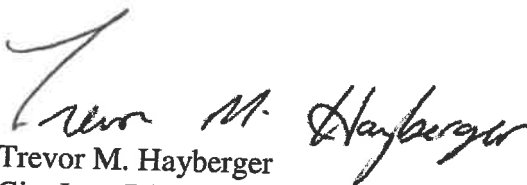
Attached find an original Temporary Sewer Easement and/or Perpetual Easement that needs to be signed for your property once again. The reason these need to be re-signed are due to the fact they were not notarized.

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, Eric Freytag and Adrienne Freytag, husband and wife, herein referred to as the Grantors, whose tax mailing address is 234 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 Grantor claims title to the above described property by virtue of a deed record recorded in Official Records **VOLUME 223, PAGE 1206** 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 Grantor 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 Grantor, 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 Grantor.

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, Eric Freytag and Adrienne Freytag, the Grantors, have executed this Temporary Easement this _____ day of _____, 201_____.

Eric Freytag

Adrienne Freytag

STATE OF OHIO }
 }
COUNTY OF HENRY }

ss:

Before me a Notary Public in and for said County, personally appeared the above named, Eric Freytag and Adrienne Freytag, 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. 13-0228-7

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 Outlot No. 1 of J.G. Lowe's Addition, a tract of land bounded and described as follows:

Beginning at a point, described as lying, N26°51'54"W, a distance of 126.73 feet from the southwesterly corner of a tract of land as described in OR 223, Page 1206 of the Henry County Official Records;

thence along the southwesterly line of said tract, N26°51'54"W, a distance of 50.50 feet;

thence, N55°02'53"E, a distance of 60.49 feet;

thence along the northeasterly line of said tract, S26°51'54"E, a distance of 50.50 feet;

thence, S55°02'53"W, a distance of 60.49 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

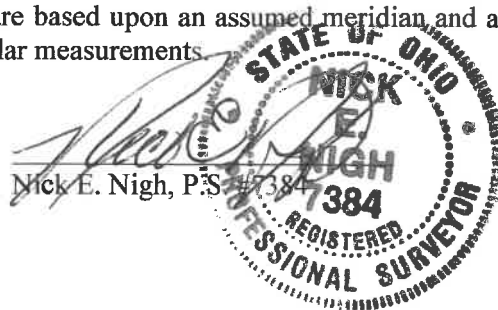
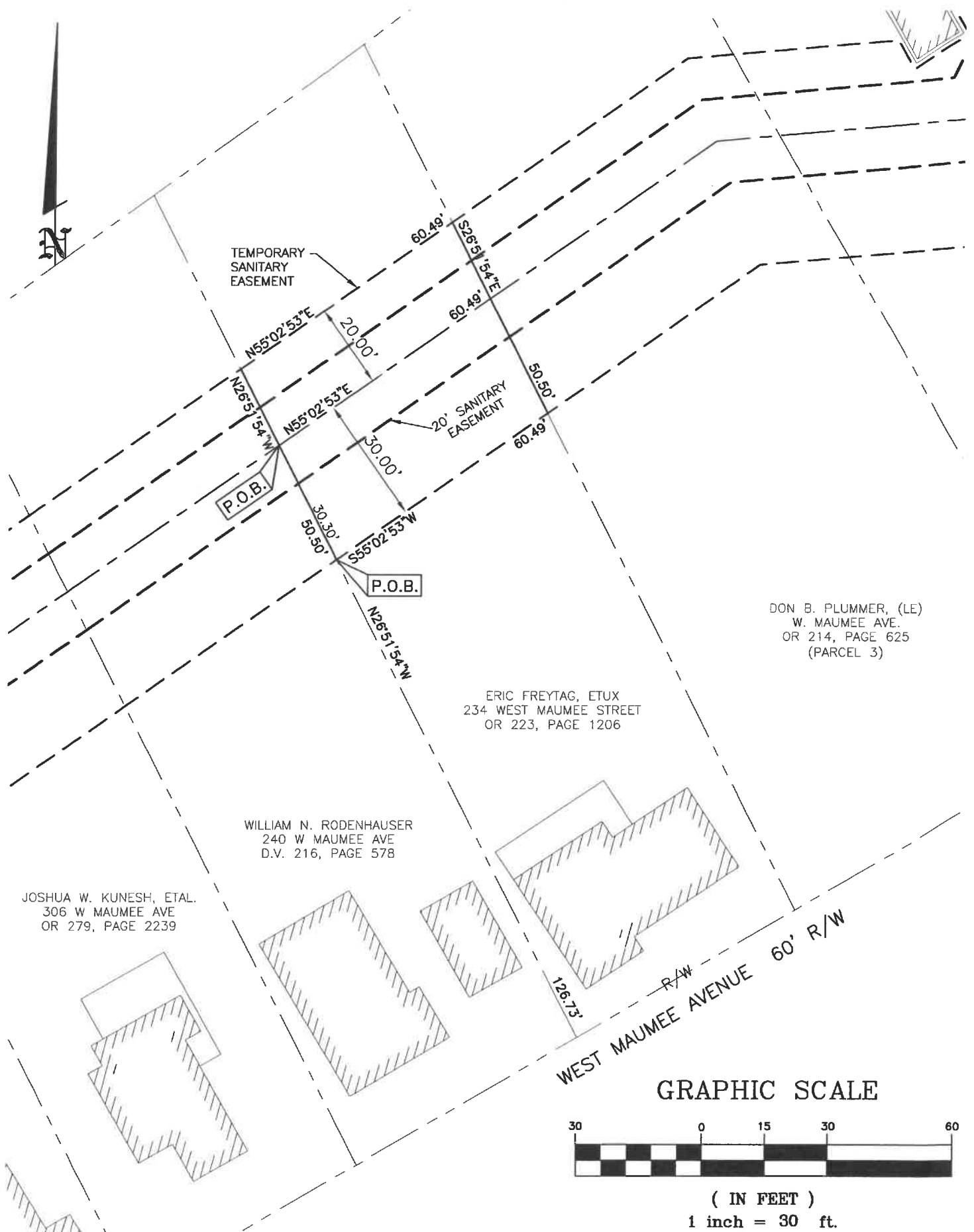


EXHIBIT A



TEMPORARY
SANITARY
EASEMENT

20' SANITARY
EASEMENT

P.O.B.

P.O.B.

DON B. PLUMMER, (LE)
W. MAUMEE AVE.
OR 214, PAGE 625
(PARCEL 3)

ERIC FREYTAG, ETUX
234 WEST MAUMEE STREET
OR 223, PAGE 1206

WILLIAM N. RODENHAUSER
240 W MAUMEE AVE
D.V. 216, PAGE 578

JOSHUA W. KUNESH, ETAL.
306 W MAUMEE AVE
OR 279, PAGE 2239

WEST MAUMEE AVENUE 60' R/W

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

PERPETUAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That, Eric Freytag and Adrienne Freytag, husband and wife, herein referred to as the Grantors, whose tax mailing address is 234 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 Grantor claims title to the above described property by virtue of a deed record recorded in Official Records **VOLUME 223, PAGE 1206** 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 Grantor 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 Grantor, 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 Grantor.

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, Eric Freytag and Adrienne Freytag, the Grantors, have executed this Perpetual Easement this _____ day of _____, 201_____.

Eric Freytag

Adrienne Freytag

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

Before me a Notary Public in and for said County, personally appeared the above named, Eric Freytag and Adrianna Freytag, 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. 13-0228-7
LEGAL DESCRIPTION
City of Napoleon

20' Sanitary Sewer Easement

Situated in the City of Napoleon, County of Henry, State of Ohio, and being a part of Outlot No. 1 of J.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 223, Page 1206 of the Henry County Official Records, described as lying, N26°51'54"W, a distance of 157.03 feet from the southwesterly corner of said tract;

thence, N55°02'53"E, a distance of 60.49 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

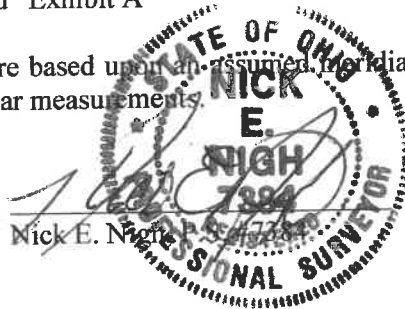
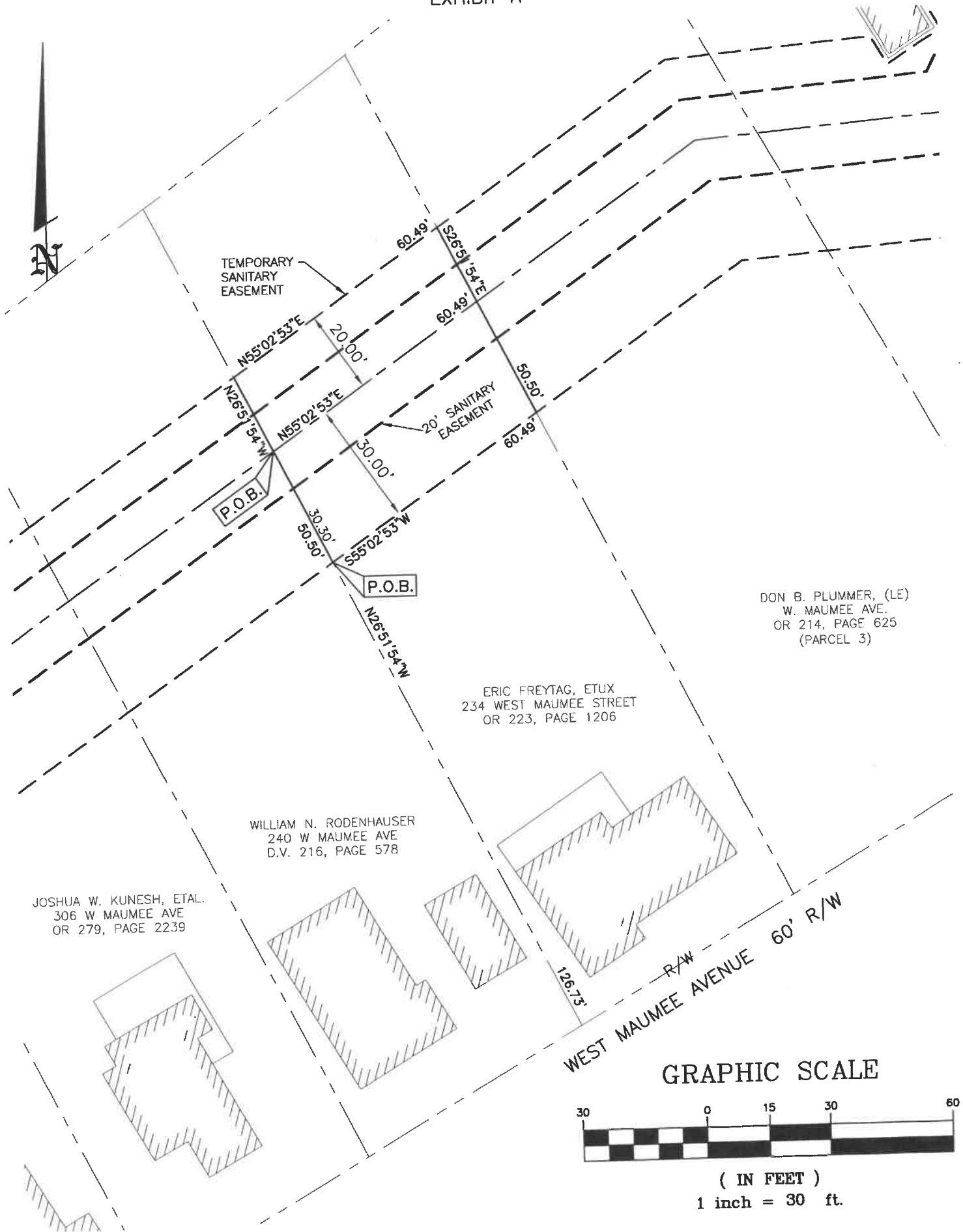


EXHIBIT A





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

3480 N. Main St., Findlay, Ohio 45840

Phone: 419-422-6672
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Job No. 13-0228-7

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thence along the southwesterly line of said tract, N26°51'54"W, a distance of 50.50 feet;

thence, N55°02'53"E, a distance of 60.49 feet;

thence along the northeasterly line of said tract, S26°51'54"E, a distance of 50.50 feet;

thence, S55°02'53"W, a distance of 60.49 feet to the Point of Beginning, subject however to all prior easements of record.

See attached "Exhibit A"

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Date: 07-25-2014


Nick E. Nigh, P.S. #7384

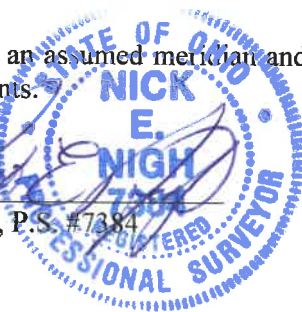
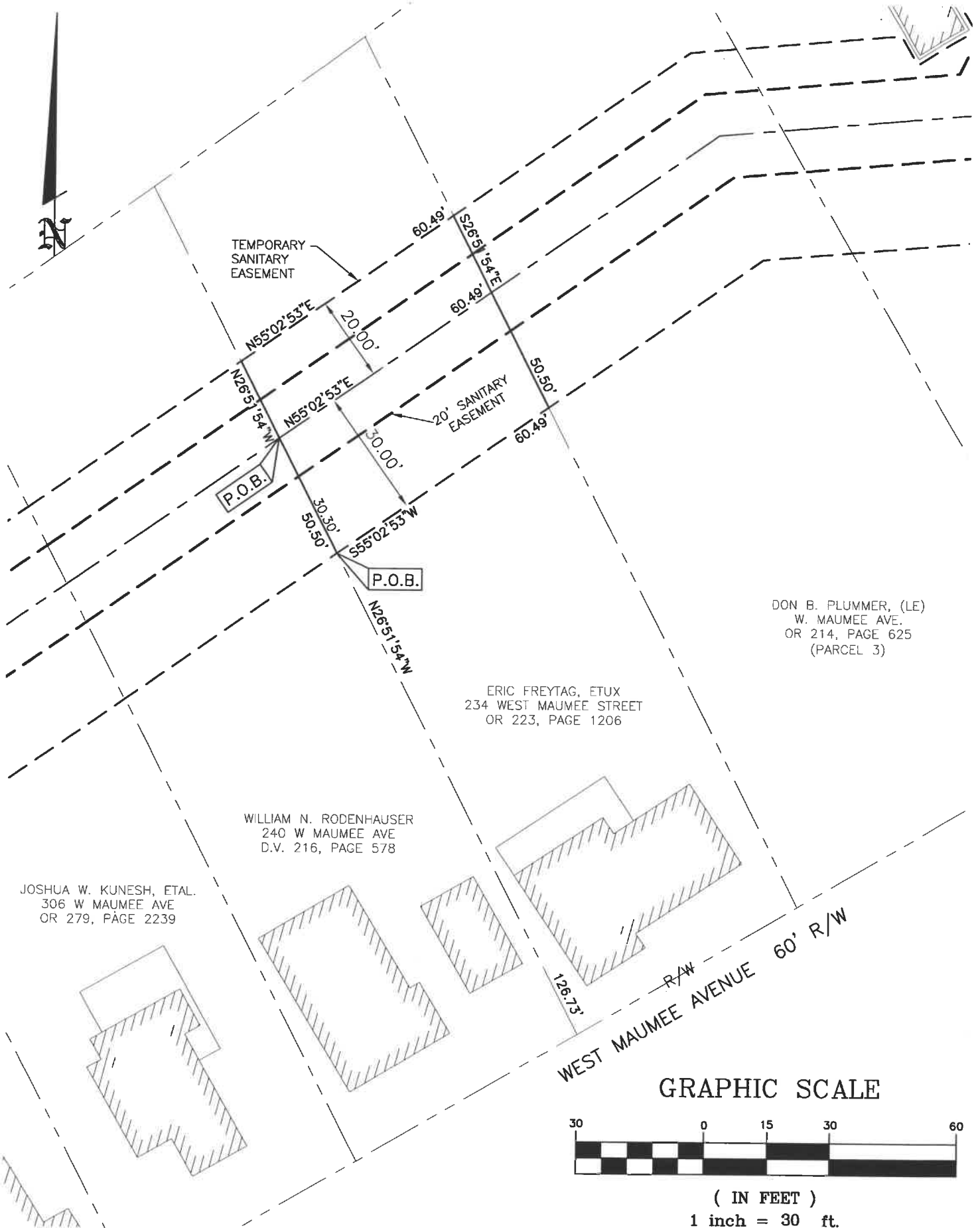


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SANITARY
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20' SANITARY
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W. MAUMEE AVE.
OR 214, PAGE 625
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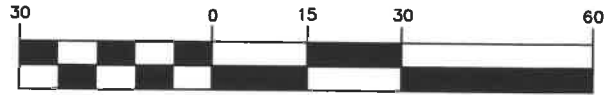
ERIC FREYTAG, ETUX
234 WEST MAUMEE STREET
OR 223, PAGE 1206

WILLIAM N. RODENHAUSER
240 W MAUMEE AVE
D.V. 216, PAGE 578

JOSHUA W. KUNESH, ETAL.
306 W MAUMEE AVE
OR 279, PAGE 2239

RAW
WEST MAUMEE AVENUE 60' R/W

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



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thence along the northeasterly line of said tract, S26°51'54"E, a distance of 50.50 feet;

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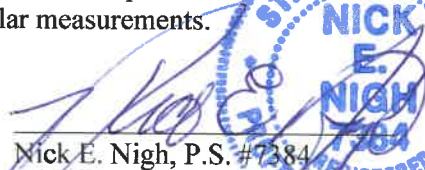
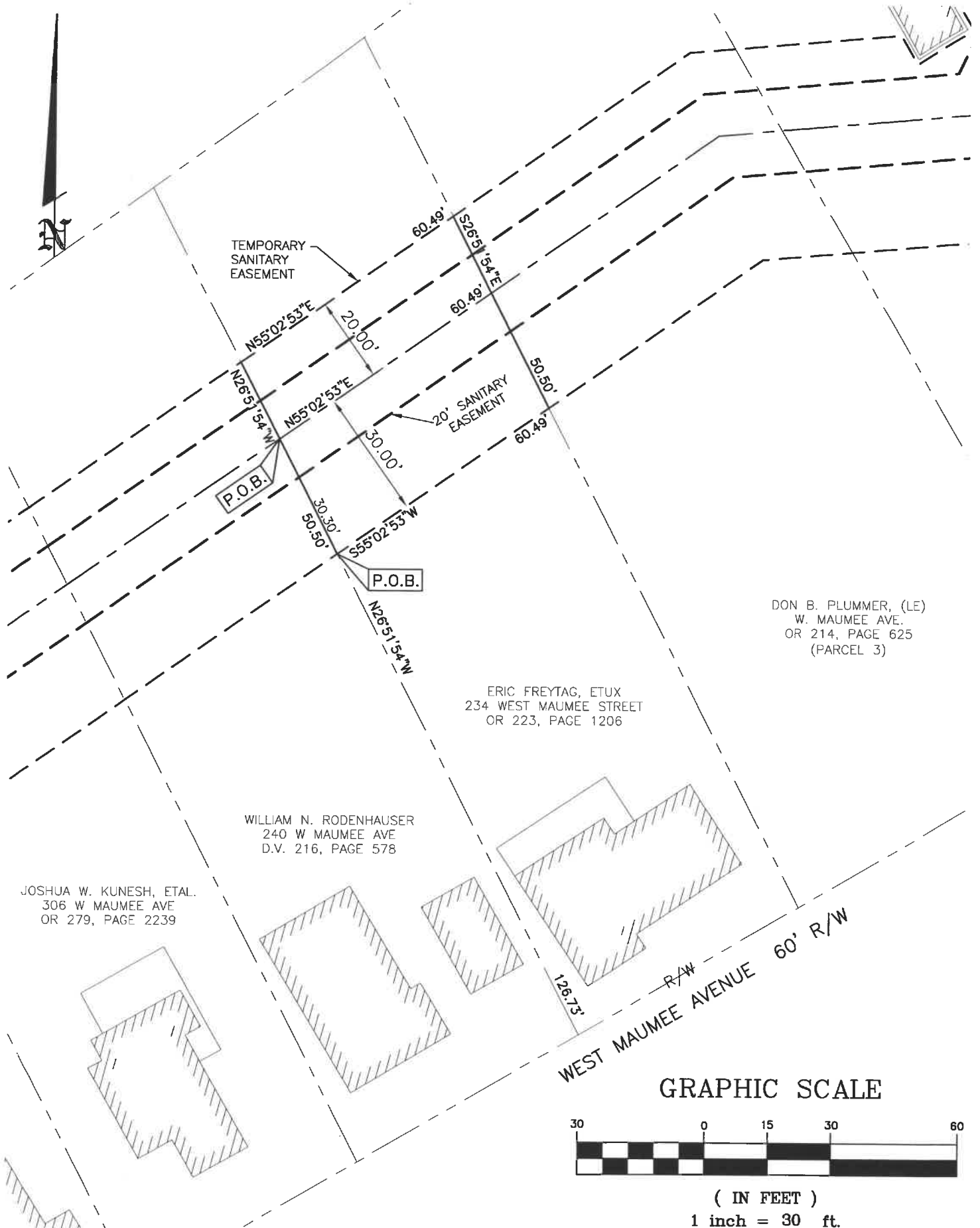

Nick E. Nigh, P.S. #7384



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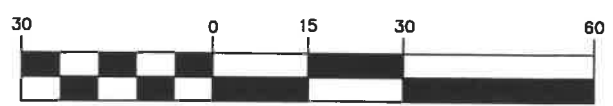
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WEST MAUMEE AVENUE 60' R/W

GRAPHIC SCALE



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LEGAL DESCRIPTION
City of Napoleon

20' Sanitary Sewer Easement

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thence, N55°02'53"E, a distance of 60.49 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"

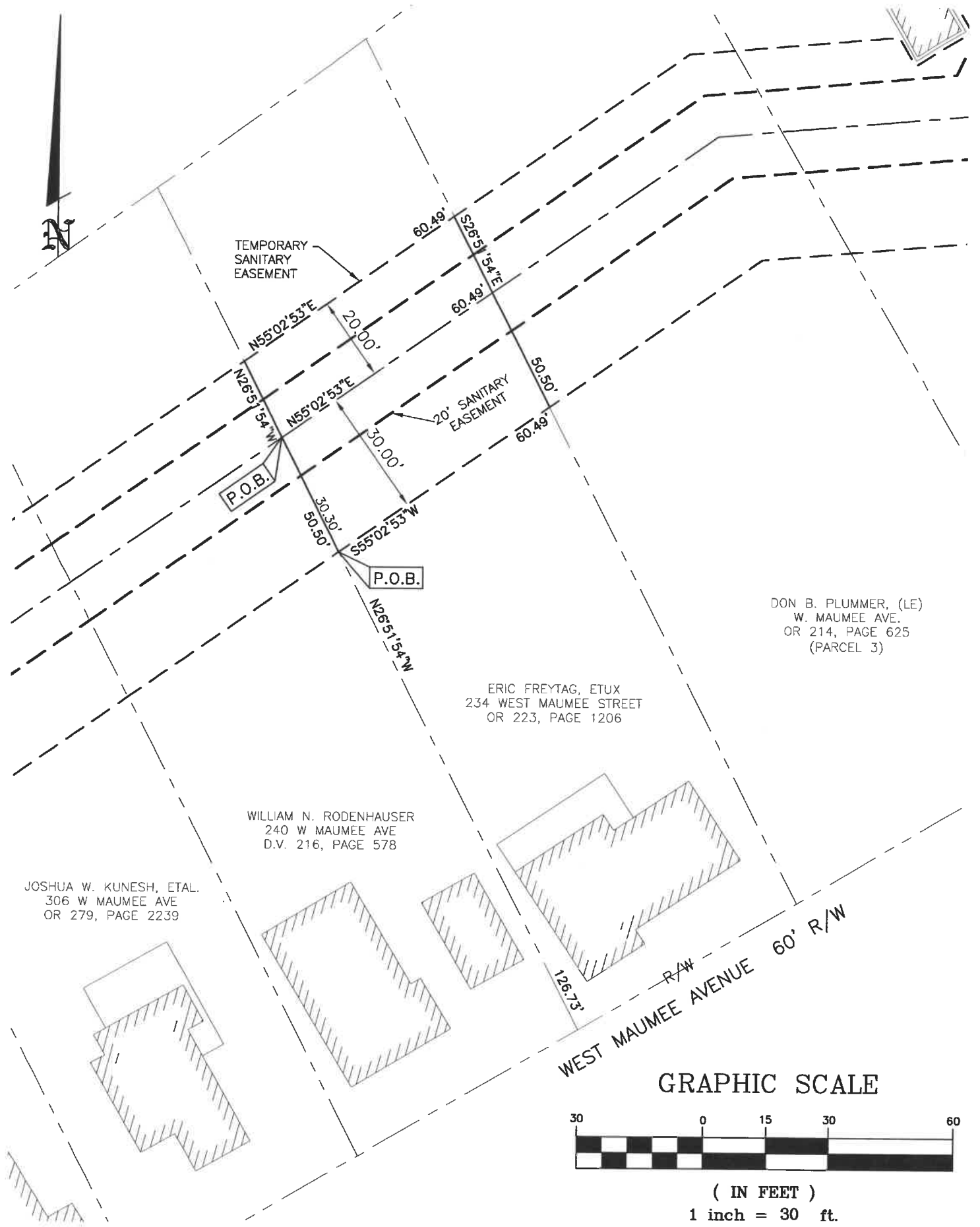
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Date: 07-25-2014


Nick E. Nigh, P.S. #7384

Nick E. Nigh, P.S. #7384

EXHIBIT A



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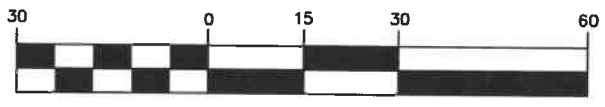
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WEST MAUMEE AVENUE 60' R/W

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(IN FEET)
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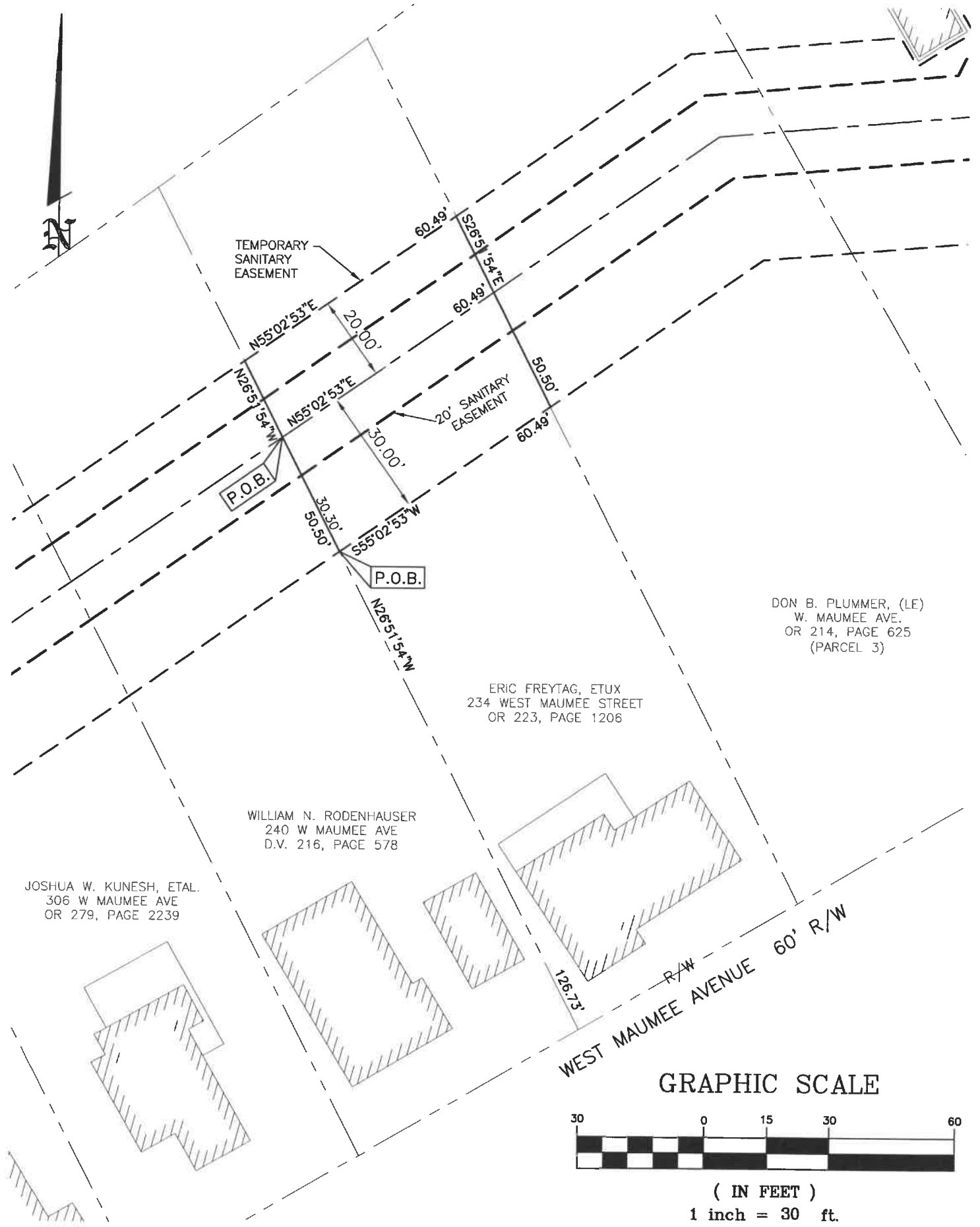
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Date: 07-25-2014

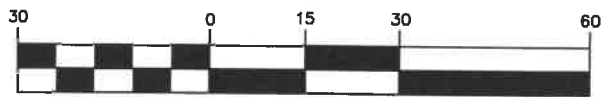

Nick E. Nigh, P.S. #7384



EXHIBIT A



GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

And Whereas, at the said proceedings by the said Sheriff had in the premises, were submitted to said Court, and by it in all respects confirmed;

Now Know Ye, That I, John J. Nye, Sheriff of Henry County, Ohio, by virtue of the Statute in such case made and provided, and in consideration of the said sum of \$65,000.00, which I acknowledge to have received from the Grantee(s), do hereby Grant, Sell and Convey unto said Grantee(s) Eric and Adrienne Freytag, his/hers/their heirs and assigns forever, the husband and wife, for their joint lives, *remainder to the survivor of them following described real estate, situated in the County of Henry and state of Ohio, to wit:

SEE ATTACHED "EXHIBIT A"

~~Situated in the City of Napoleon, County of Henry and State of Ohio: Commencing for the same at a point on the North line of the River Road two and one-half (2 1/2) rods Easterly from the original East line of Out-Lot number one (1) in J. G. Lowe's Addition to the Town of Napoleon, Ohio, and running thence to a point on the North line of said Lot number one (1), five (5) rods Southwesterly from the Northeast corner of said Lot number one (1); thence Southwesterly sixty (60) feet; thence to a point on the North line of said River Road sixty (60) feet Southwesterly from the place of beginning; thence in a Northeasterly direction sixty (60) feet to the place of beginning.~~

Parcel Number: 41-009335.0040

Property Address: 234 W. Maumee Avenue, Napoleon, OH 43545

Prior Deed Reference: Official Records Volume 238, Page 37

✓

200700062101
Filed for Record in
HENRY COUNTY OHIO
SARA L. NYLES
02-13-2007 At 10:51 am.
SHF DEED 44.00
DR Volume 223 Page 1206 - 1209

200700062101
PLASSMAN, ETAL
PICK UP


50.00
This Conveyance has been examined and the Grantor has complied with Section 319.202 of the Revised Code.
FEE \$ 260.00
EXEMPT
Kevin F. Nye, County Auditor


AUDITORS OFFICE
TRANSFERRED
FEB 13 2007
HENRY CO. AUDITOR

To have and to hold the same with all the appurtenances thereto belonging, to said
Grantee(s) and his/her/their heirs and assigns forever.

IN WITNESS WHEREOF, I have hereunto set my hand
officially, this 24th day of January, 2007

Signed and Acknowledged in Presence of



Witness


Witness

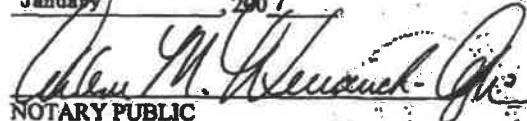


Sheriff of Henry County, Ohio
SEAL

THE STATE OF OHIO, HENRY COUNTY.

Before me, the undersigned, Notary Public within and for said County,
personally appeared the above named Sheriff of said County, the Grantor in the above deed of
conveyance, who acknowledged the signing of the same to be his voluntary act and deed, for the
uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my
hand and seal this 24th day of
January, 2007



NOTARY PUBLIC
ARLENE M. WEIRAUCH-AGLER
NOTARY PUBLIC STATE OF OHIO
MY COMMISSION EXPIRES
JANUARY 18, 2010
S/24

The deed was prepared by: Manley Deas Kochalski LLC, P.O. Box 165028, Columbus, OH 43216-5028

EXHIBIT "A"

Situated in the City of Napoleon, County of Henry and State of Ohio: Commencing for the same at a point on the North line of the River Road, now known as Maumee Avenue, two and one-half (2 1/2) rods Easterly from the original East line of Out-Lot number one (1) in J. G. Lowe's Addition to the Town of Napoleon, Ohio, and running thence to a point on the North line of said Lot number one (1), five (5) rods Southwesterly from the Northeast corner of said Lot number one (1); thence Southwesterly sixty (60) feet; thence to a point on the North line of said River Road, now known as Maumee Avenue, sixty (60) feet Southwesterly from the place of beginning; thence in a Northeasterly direction sixty (60) feet to the place of beginning.

Prior Deed Reference: Official Records Volume 238, Page 37

Parcel Number: 41-009335.0040

Street Address: 234 W. Maumee Avenue, Napoleon, OH 43545

Case Number: 06 CV 139

APPROVED Mapping Dept. By: [Signature] Date: 8/13/06

13-0228-7

SHERIFF'S DEED

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL COME:

Whereas, at the Court of Common Pleas of the County of Henry, and State of Ohio, an action was placed upon the docket of said Court as Case No.: 06 CV 139, involving WM Specialty Mortgage LLC, Without Recourse, Plaintiff, whose address is 505 City Parkway West, Orange, CA 92868, and William R. Cole and Betty F. Cole, Defendants, whose address is 234 W. Maumee Avenue, Napoleon, OH 43545;

And Whereas, a Judgment Entry and Decree of Foreclosure was filed on the Nineteenth day of September, 2006, that adjudged and decreed to the said Plaintiff against said Defendants for the sum of \$49,505.90 and costs of suit;

And Whereas, pursuant to said judgment, an Order for Sale was afterwards, on the Fifth day of October, 2006, duly issued by said court, commanding the Sheriff of said County to sell the hereinafter described premises according to law;

And Whereas, I, John J. Nye, the Sheriff aforesaid, having caused said premises to be appraised and a copy of the appraisal to be duly filed in the office of the Clerk of said Court, and having advertised the time and place of the sale of same in Northwest Signal, a newspaper printed and of general circulation in said County, for the period of thirty days prior to the sale, and having otherwise complied with said order and the statute in such cases;

And Whereas, on the Fifth day of December, 2006, at the door of the Court House in said County at 10:20AM, of said day, I, the said Sheriff, exposed said Real Estate for sale at Public Auction, and the same was then and there sold to the hereinafter named Grantee(s), for the sum of \$65,000.00, the bid of said Grantee(s) being the highest and best bid offered;