



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. Robert L. Keller
318 W. Maumee Ave.
Napoleon, OH 43545

Dear Mr. and Mrs. Keller:

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, Robert L. Keller and Lisa K. Keller, husband and wife, herein referred to as the Grantors, whose tax mailing address is 318 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 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 226 PAGE 744** 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, Robert L. Keller and Lisa K. Keller, the Grantors, has executed this Temporary Easement this _____ day of _____, 201_____.

Robert L. Keller

Lisa K. Keller

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

Before me a Notary Public in and for said County, personally appeared the above named, Robert L. Keller and Lisa K. Keller, 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. 13-0228-3
LEGAL DESCRIPTION
City of Napoleon

Temporary Sewer Easement

Situated in the City of Napoleon, County of Henry, State of Ohio, and being part of Out Lot No. 1 in John G. Lowe's Addition of Out Lots, a tract of land bounded and described as follows:

Commencing at the southwest corner of a 0.397 acre tract of land as described in OR 226, Page 744 of the Henry County Official Records;

thence along a southwesterly line of said 0.397 acre tract N30°09'54"W, a distance of 17.00 feet;

thence continuing along said southwesterly line N34°11'21"W, a distance of 93.18 feet to the Principal Point of Beginning;

thence along the southwesterly line of said 0.397 acre tract, N34°11'21"W, a distance of 50.00 feet;

thence, N55°02'53"E, a distance of 87.66 feet;

thence along the northeasterly line of said 0.397 acre tract, S26°51'54"E, a distance of 50.50 feet;

thence, S55°02'53"W, a distance of 6.22 feet;

thence, N34°42'01"W, a distance of 10.00 feet;

thence, S55°02'53"W, a distance of 60.00 feet;

thence, S34°42'01"E, a distance of 10.00 feet;

thence, S55°02'53"W, a distance of 15.02 feet to the Principal Point of Beginning, subject however to all prior easements of record.

See attached "Exhibit A"

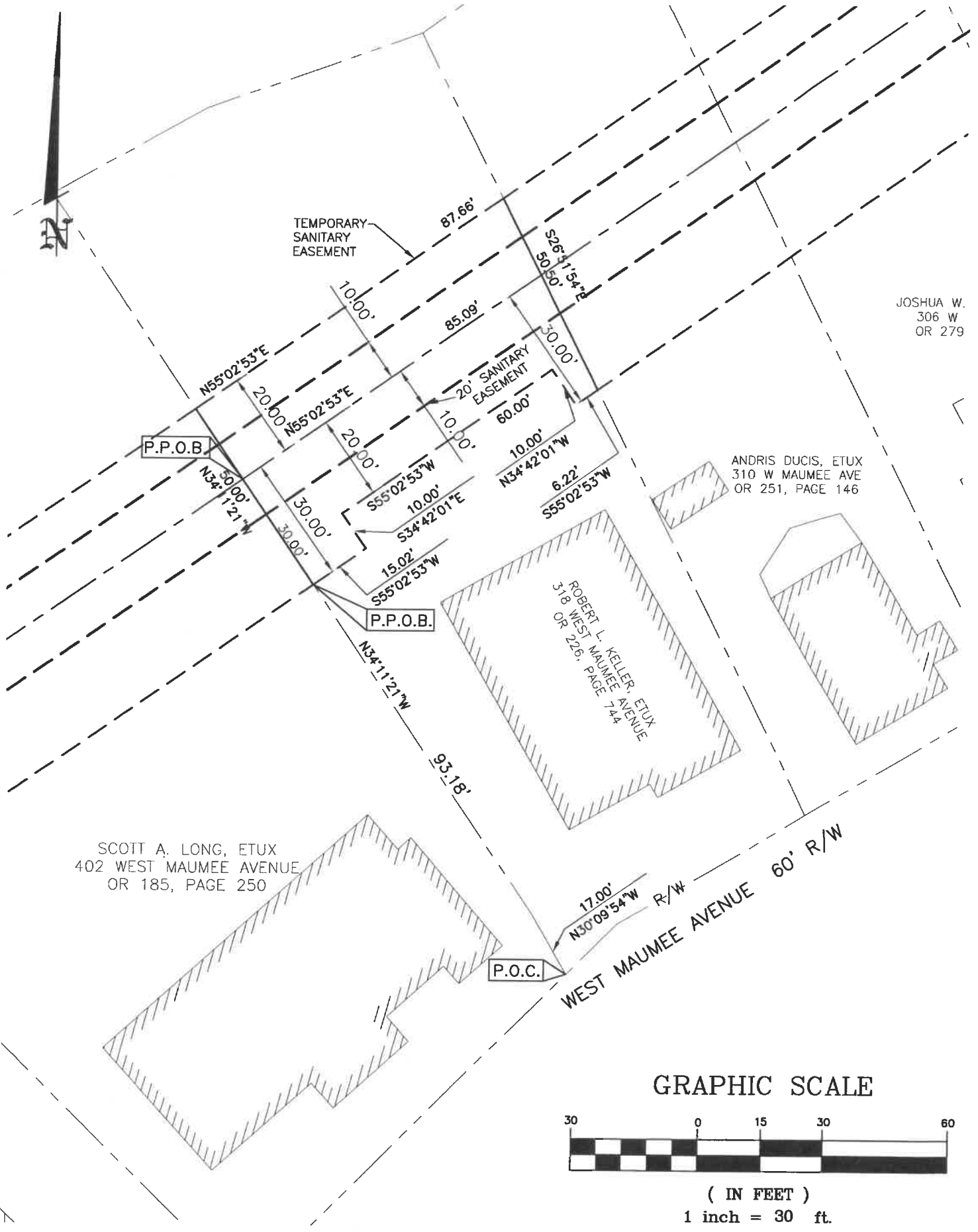
NOTE: The bearings in this legal description are based upon an assumed meridian and are used only for the purpose of describing angular measurements.

Date: 07-25-2014



Nick E. Nigh

EXHIBIT A



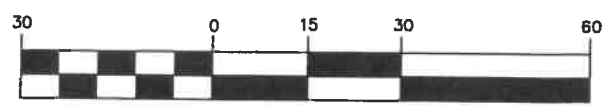
JOSHUA W.
306 W
OR 279

ANDRIS DUCIS, ETUX
310 W MAUMEE AVE
OR 251, PAGE 146

ROBERT L. KELLER, ETUX
318 WEST MAUMEE AVENUE
OR 226, PAGE 744

SCOTT A. LONG, ETUX
402 WEST MAUMEE AVENUE
OR 185, PAGE 250

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

PERPETUAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That, Robert L. Keller and Lisa K. Keller, husband and wife, herein referred to as the Grantors, whose tax mailing address is 318 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 226, PAGE 744** 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, Robert L. Keller and Lisa K. Keller, the Grantors, have executed this Perpetual Easement this _____ day of _____, 201_____.

Robert L. Keller

Lisa K. Keller

STATE OF OHIO }
 }
COUNTY OF HENRY } ss:

Before me a Notary Public in and for said County, personally appeared the above named, Robert L. Keller and Lisa K. Keller, 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. 13-0228-3

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 Out Lot No. 1 in John G. Lowe's Addition of Out Lots, a tract of land described as lying 10.00 feet on each side of the following described centerline;

Commencing at the southwest corner of a 0.397 acre tract of land as described in OR 226, Page 744 of the Henry County Official Records;

thence along a southwesterly line of said 0.397 acre tract N30°09'54"W, a distance of 17.00 feet;

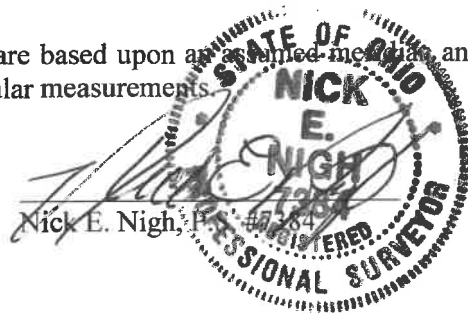
thence continuing along said southwesterly line N34°11'21"W, a distance of 123.18 feet to the Principal Point of Beginning;

thence N55°02'53"E, a distance of 85.09 feet to the northeasterly line of said 0.397 acre tract and being the Point of Ending, subject however to all prior easements of record.

See attached "Exhibit A"

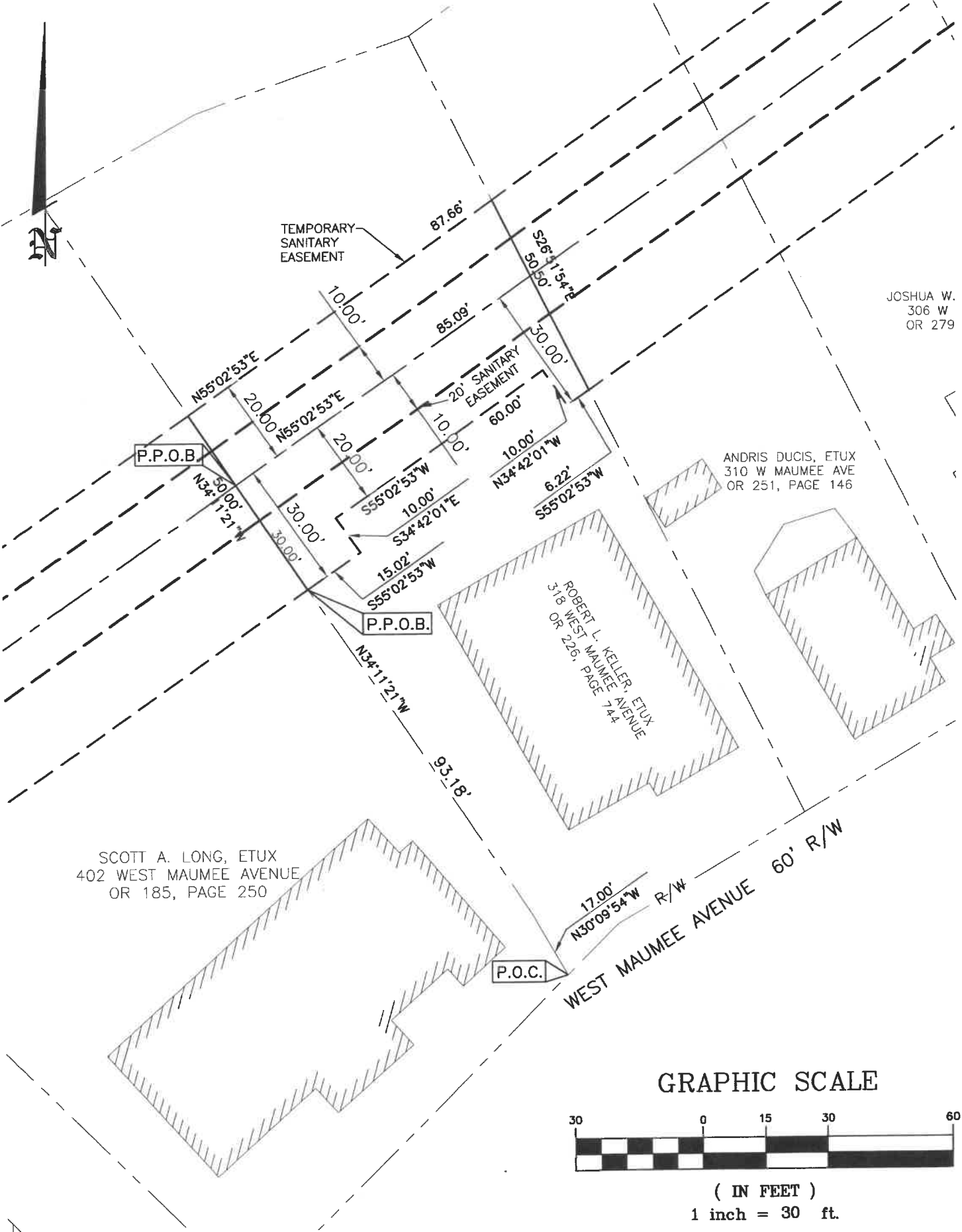
NOTE: The bearings in this legal description are based upon an assumed meridian and are used only for the purpose of describing angular measurements.

Date: 07-25-2014

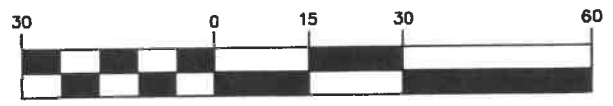


Nick E. Nigh, P.S.

EXHIBIT A



GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



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

3480 N. Main St., Findlay, Ohio 45840

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

Job No. 13-0228-3
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 Out Lot No. 1 in John G. Lowe's Addition of Out Lots, a tract of land described as lying 10.00 feet on each side of the following described centerline;

Commencing at the southwest corner of a 0.397 acre tract of land as described in OR 226, Page 744 of the Henry County Official Records;

thence along a southwesterly line of said 0.397 acre tract N30°09'54"W, a distance of 17.00 feet;

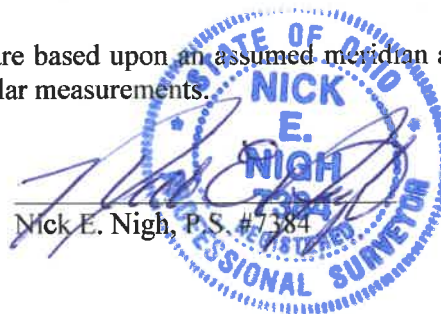
thence continuing along said southwesterly line N34°11'21"W, a distance of 123.18 feet to the Principal Point of Beginning;

thence N55°02'53"E, a distance of 85.09 feet to the northeasterly line of said 0.397 acre tract and being the Point of Ending, subject however to all prior easements of record.

See attached "Exhibit A"

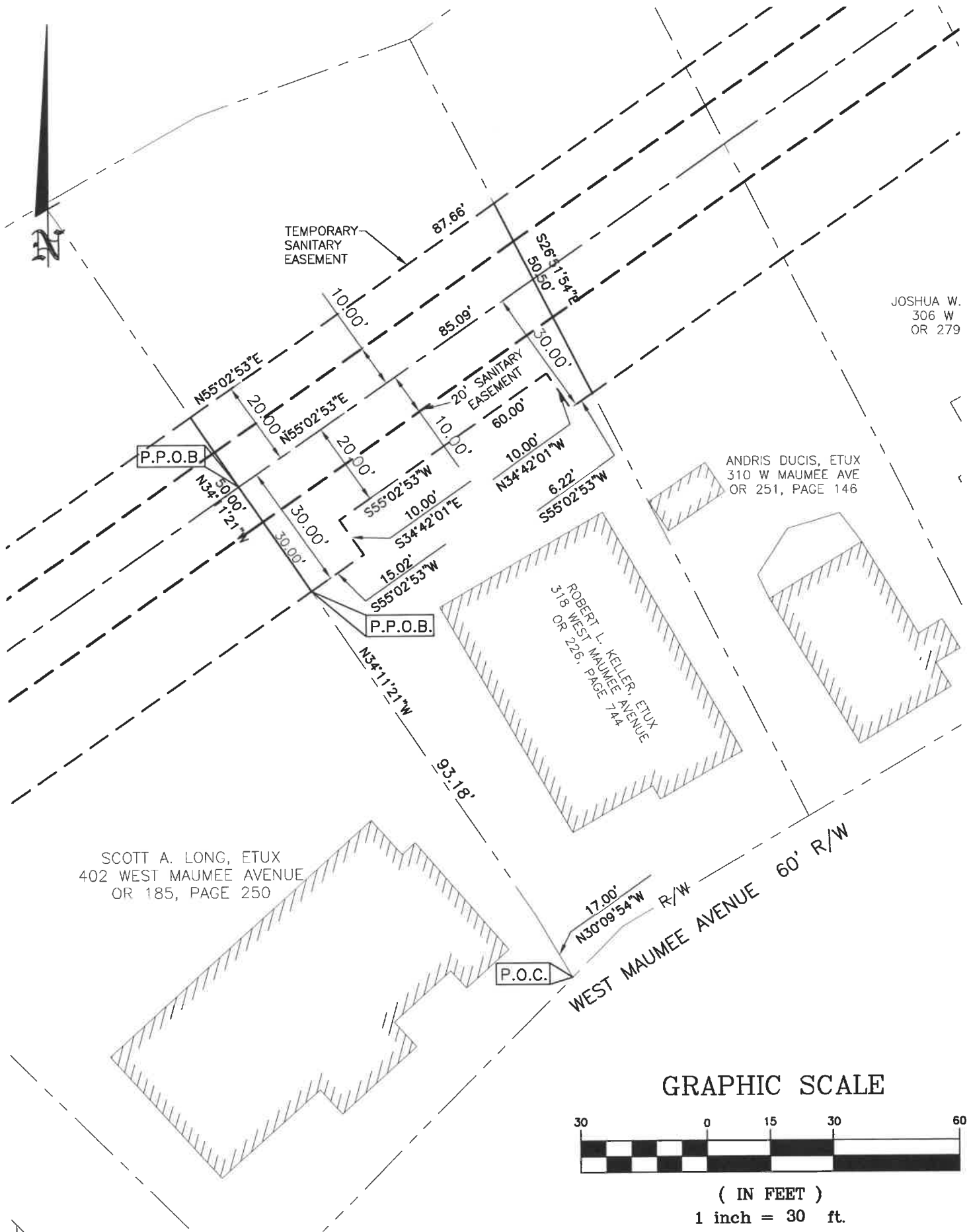
NOTE: The bearings in this legal description are based upon an assumed meridian and are used only for the purpose of describing angular measurements.

Date: 07-25-2014



Nick E. Nigh, P.S. #7384

EXHIBIT A





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

3480 N. Main St., Findlay, Ohio 45840

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

Job No. 13-0228-3
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 Out Lot No. 1 in John G. Lowe's Addition of Out Lots, a tract of land described as lying 10.00 feet on each side of the following described centerline;

Commencing at the southwest corner of a 0.397 acre tract of land as described in OR 226, Page 744 of the Henry County Official Records;

thence along a southwesterly line of said 0.397 acre tract N30°09'54"W, a distance of 17.00 feet;

thence continuing along said southwesterly line N34°11'21"W, a distance of 123.18 feet to the Principal Point of Beginning;

thence N55°02'53"E, a distance of 85.09 feet to the northeasterly line of said 0.397 acre tract and being the Point of Ending, subject however to all prior easements of record.

See attached "Exhibit A"

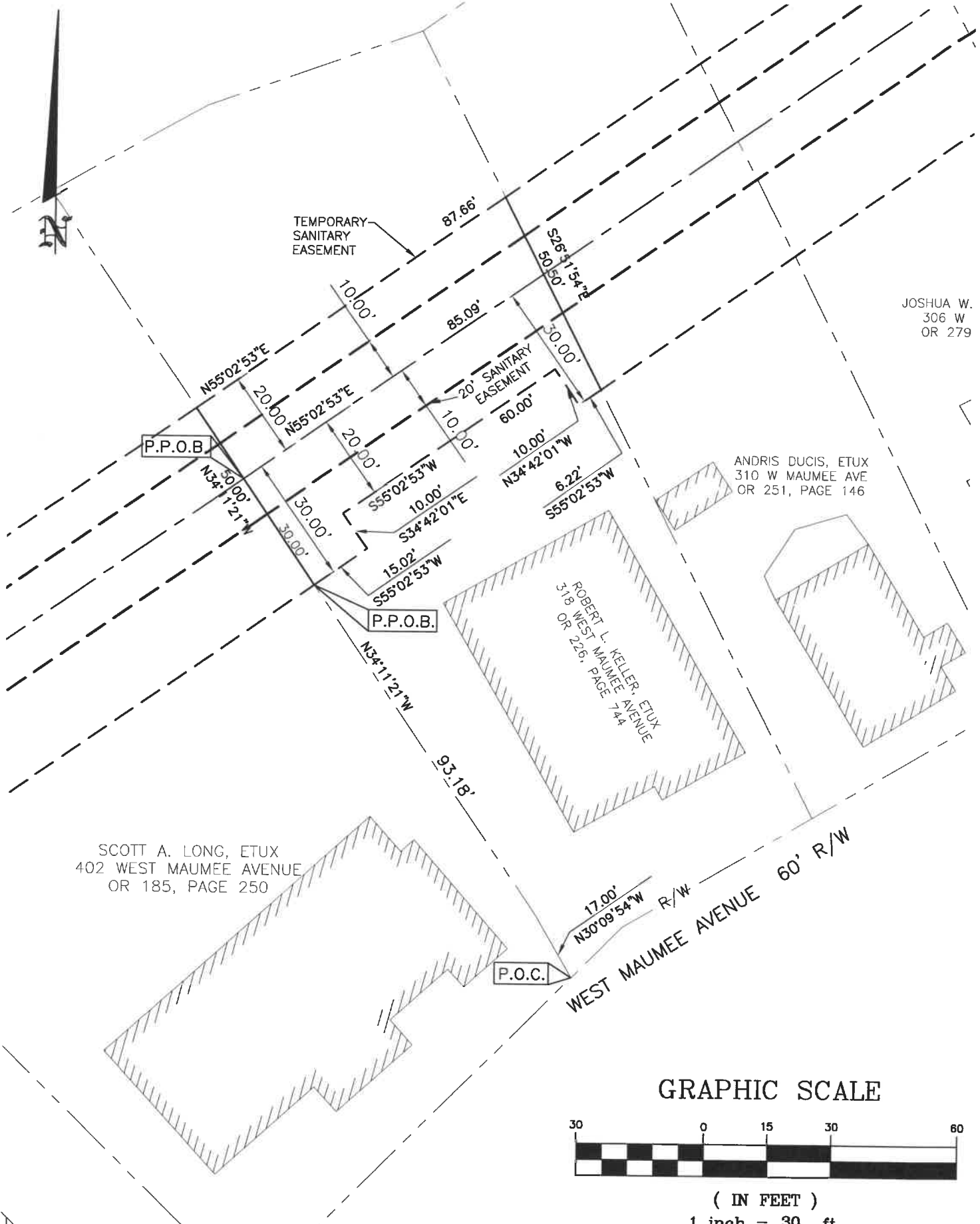
NOTE: The bearings in this legal description are based upon an assumed meridian and are used only for the purpose of describing angular measurements.

Date: 07-25-2014


Nick E. Nigh, P.S. #7384



EXHIBIT A



JOSHUA W.
306 W
OR 279

ANDRIS DUCIS, ETUX
310 W MAUMEE AVE
OR 251, PAGE 146

ROBERT L. KELLER, ETUX
318 WEST MAUMEE AVENUE
OR 226, PAGE 744

SCOTT A. LONG, ETUX
402 WEST MAUMEE AVENUE
OR 185, PAGE 250

P.O.C.

P.P.O.B.

P.P.O.B.

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



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

3480 N. Main St., Findlay, Ohio 45840

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

Job No. 13-0228-3
LEGAL DESCRIPTION
City of Napoleon

Temporary Sewer Easement

Situated in the City of Napoleon, County of Henry, State of Ohio, and being part of Out Lot No. 1 in John G. Lowe's Addition of Out Lots, a tract of land bounded and described as follows:

Commencing at the southwest corner of a 0.397 acre tract of land as described in OR 226, Page 744 of the Henry County Official Records;

thence along a southwesterly line of said 0.397 acre tract N30°09'54"W, a distance of 17.00 feet;

thence continuing along said southwesterly line N34°11'21"W, a distance of 93.18 feet to the Principal Point of Beginning;

thence along the southwesterly line of said 0.397 acre tract, N34°11'21"W, a distance of 50.00 feet;

thence, N55°02'53"E, a distance of 87.66 feet;

thence along the northeasterly line of said 0.397 acre tract, S26°51'54"E, a distance of 50.50 feet;

thence, S55°02'53"W, a distance of 6.22 feet;

thence, N34°42'01"W, a distance of 10.00 feet;

thence, S55°02'53"W, a distance of 60.00 feet;

thence, S34°42'01"E, a distance of 10.00 feet;

thence, S55°02'53"W, a distance of 15.02 feet to the Principal Point of Beginning, subject however to all prior easements of record.

See attached "Exhibit A"

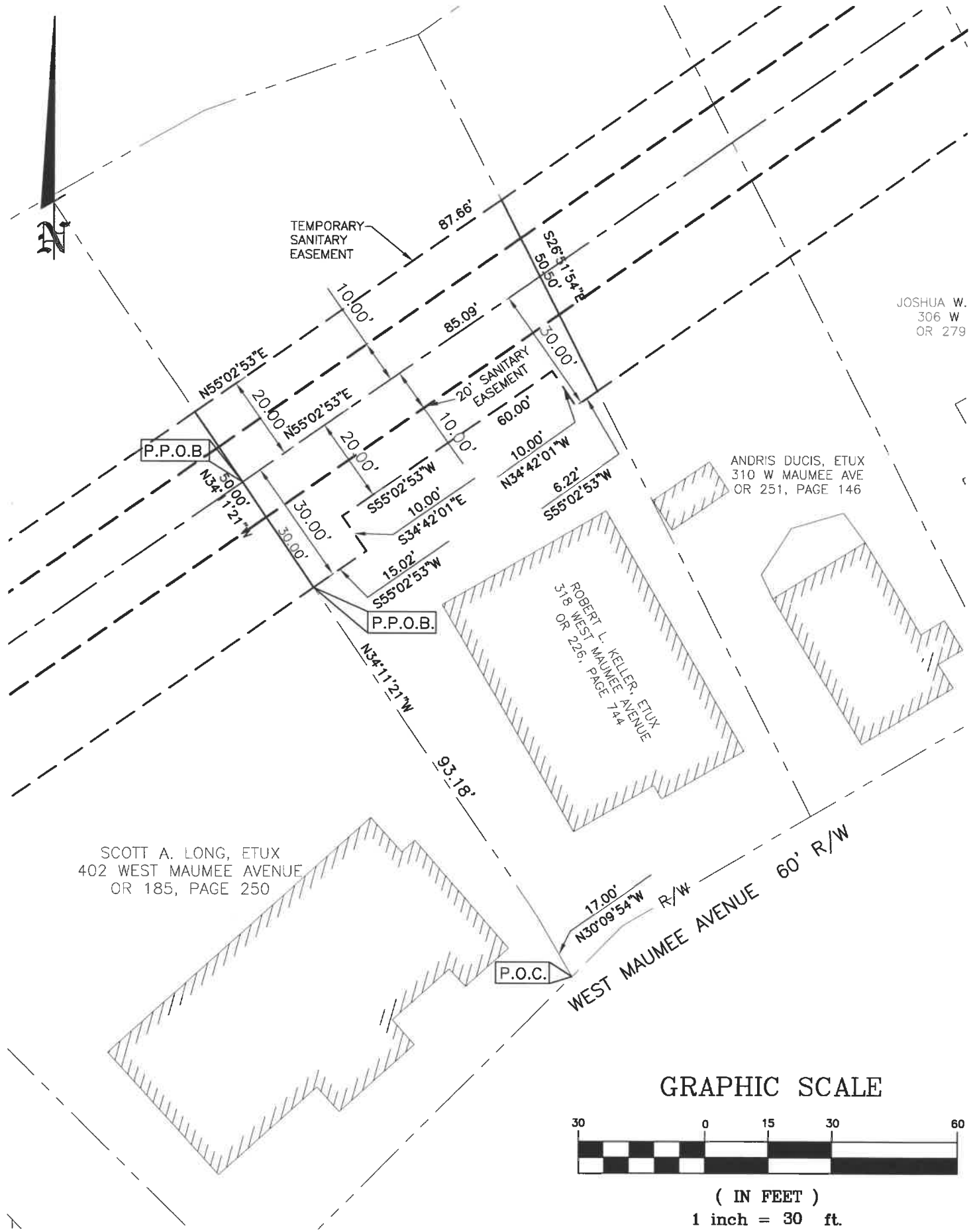
NOTE: The bearings in this legal description are based upon an assumed meridian and are used only for the purpose of describing angular measurements.

Date: 07-25-2014

Nick E. Nigh
Nick E. Nigh, P.S. #7384



EXHIBIT A



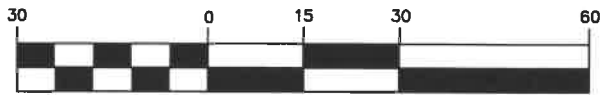
JOSHUA W.
306 W
OR 279

ANDRIS DUCIS, ETUX
310 W MAUMEE AVE
OR 251, PAGE 146

ROBERT L. KELLER, ETUX
318 WEST MAUMEE AVENUE
OR 226, PAGE 744

SCOTT A. LONG, ETUX
402 WEST MAUMEE AVENUE
OR 185, PAGE 250

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



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

3480 N. Main St., Findlay, Ohio 45840

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

Job No. 13-0228-3
LEGAL DESCRIPTION
City of Napoleon

Temporary Sewer Easement

Situated in the City of Napoleon, County of Henry, State of Ohio, and being part of Out Lot No. 1 in John G. Lowe's Addition of Out Lots, a tract of land bounded and described as follows:

Commencing at the southwest corner of a 0.397 acre tract of land as described in OR 226, Page 744 of the Henry County Official Records;

thence along a southwesterly line of said 0.397 acre tract N30°09'54"W, a distance of 17.00 feet;

thence continuing along said southwesterly line N34°11'21"W, a distance of 93.18 feet to the Principal Point of Beginning;

thence along the southwesterly line of said 0.397 acre tract, N34°11'21"W, a distance of 50.00 feet;

thence, N55°02'53"E, a distance of 87.66 feet;

thence along the northeasterly line of said 0.397 acre tract, S26°51'54"E, a distance of 50.50 feet;

thence, S55°02'53"W, a distance of 6.22 feet;

thence, N34°42'01"W, a distance of 10.00 feet;

thence, S55°02'53"W, a distance of 60.00 feet;

thence, S34°42'01"E, a distance of 10.00 feet;

thence, S55°02'53"W, a distance of 15.02 feet to the Principal Point of Beginning, subject however to all prior easements of record.

See attached "Exhibit A"

NOTE:

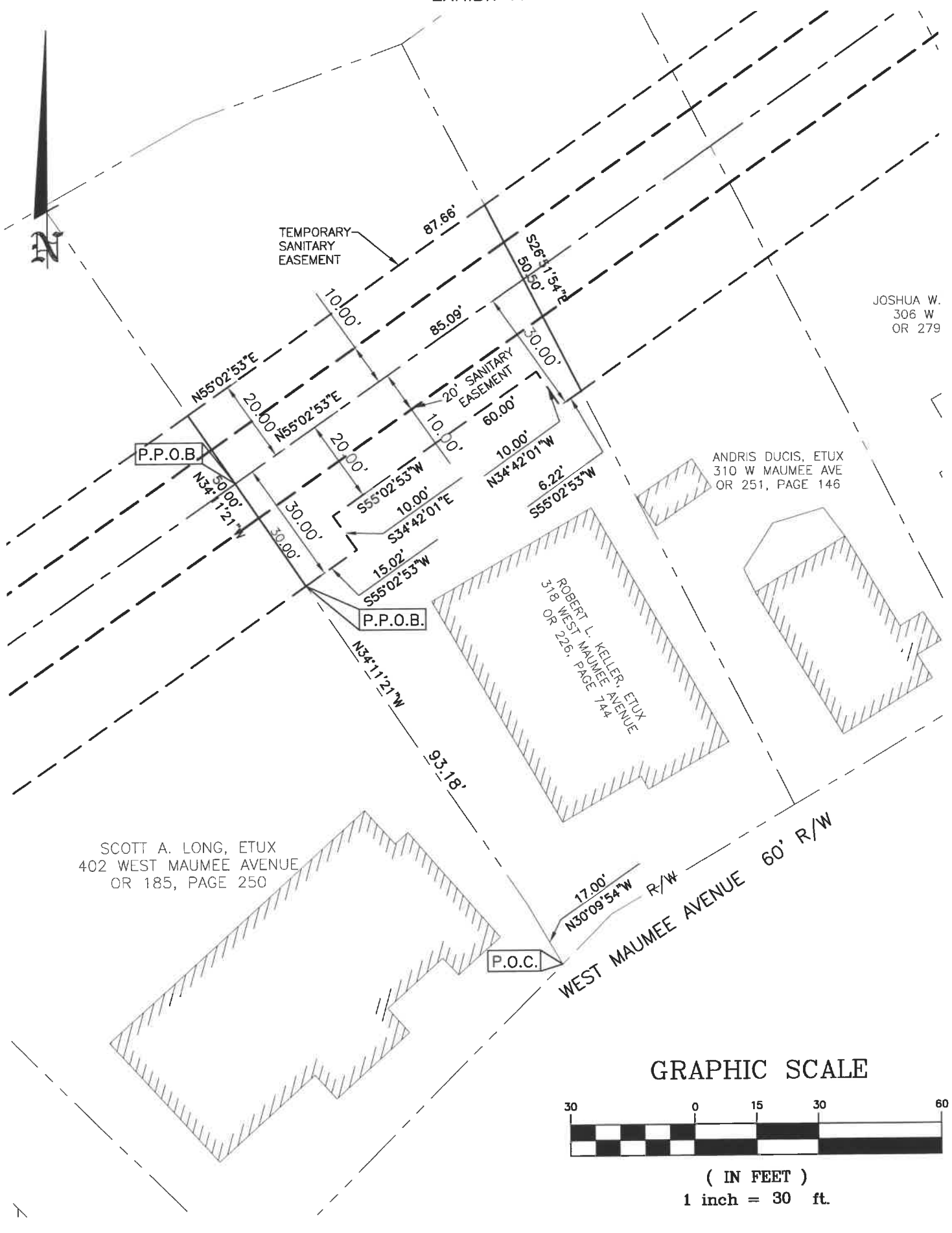
The bearings in this legal description are based upon an assumed meridian and are used only for the purpose of describing angular measurements.

Date: 07-25-2014



Nick E. Nigh, P.S. #7384

EXHIBIT A



TEMPORARY
SANITARY
EASEMENT

JOSHUA W.
306 W
OR 279

P.P.O.B.

20' SANITARY
EASEMENT

ANDRIS DUCIS, ETUX
310 W MAUMEE AVE
OR 251, PAGE 146

P.P.O.B.

ROBERT L. KELLER, ETUX
318 WEST MAUMEE AVENUE
OR 226, PAGE 744

SCOTT A. LONG, ETUX
402 WEST MAUMEE AVENUE
OR 185, PAGE 250

P.O.C.

WEST MAUMEE AVENUE 60' R/W

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

200700063822
H F R
PICK-UP

13-0228-3

SURVIVORSHIP TENANCY DEED
(O.R.C. 5302.17)

KNOW ALL MEN BY THESE PRESENTS:

GREGORY A. LEUPP AND THERESA J. LEUPP, husband and wife, of Henry County, State of Ohio, for valuable consideration paid, grant with general warranty covenants to **ROBERT L. KELLER AND LISA K. KELLER**, husband and wife, for their joint lives, remainder to the survivor of them, whose tax mailing address is 318 W. Maumee Avenue, Napoleon, Ohio, 43545, the following real property:

See Attached "EXHIBIT A"

Permanent Parcel No. : 41-009335.0120.

Prior Instrument Reference: Volume 185, Page 520, Official Records of Henry County, Ohio.

Executed this 29th day of May 2007.



GREGORY A. LEUPP



THERESA J. LEUPP

STATE OF OHIO)
) ss:
COUNTY OF HENRY)

Before me, a Notary Public, personally appeared **GREGORY A. LEUPP AND THERESA J. LEUPP**, husband and wife, of Henry County, Ohio and acknowledged the signing of the foregoing instrument to be their voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and seal of office, this 29th day of May 2007.



KAREN S. MANAHAN
Notary Public - State of Ohio
My Commission Expires July 31, 2011



Notary Public

This instrument was prepared by:
Thomas R. Manahan
Attorney at Law
614 North Perry Street

AUDITORS OFFICE

This Conveyance has been examined and the Grantor has complied with Section 319.202 of the Revised Code.

APPROVED

Mapping Dept. By *[Signature]* Date 5/19/07

Being a part of Outlot No. 1, J.G. Lowe's Addition of Outlots, City of Napoleon, Henry County, Ohio, and which is more particularly described as follows;

Beginning at an iron pin found on the Northerly right of way line of West Maumee Avenue, said point being South 57°39'00" West, (assumed bearing for the purpose of this description), one hundred ninety-three and seventy-five hundredths (193.75) feet along the Northerly right of way line of West Maumee Avenue from the intersection of the aforesaid line with the Easterly line of said Outlot No. 1 and the North-South half (1/2) Section line of Section 24, Town 5 North, Range 6 East, Napoleon Township;

Thence continuing South 57°39'00" West, on the Northerly right of way line of West Maumee Avenue, fifty-one and sixty-one hundredths (51.61) feet to an iron pin found;

Thence South 42°42'00" West, on the Northerly right of way line of West Maumee Avenue, sixteen and ninety hundredths (16.90) feet to a star drill hole in concrete found;

Thence North 32°13'00" West, seventeen and zero hundredths (17.00) feet to a 5/8" x 30" iron pin with reference cap set;

Thence North 36°14'27" West, one hundred seventy-four and twenty-eight hundredths (174.28) feet to a 5/8" x 30" iron pin with reference cap set;

Thence continuing North 36°14'27" West, thirty and one hundredths (30.01) feet to a point on the low water line of the Maumee River;

Thence North 58°19'00" East, on the low water line of the Maumee River, forty-one and sixty hundredths (41.60) feet to a point;

Thence North 68°22'20" East, on the low water line of the Maumee River fifty-three and forty-six hundredths (53.46) feet to a point;

Thence South 28°55'00" East, twenty and zero hundredths (20.00) feet to an iron pin found;

Thence continuing South 28°55'00" East, one hundred eighty-six and forty hundredths (186.40) feet to the point of beginning.

Containing 0.397 acres of land more or less. Subject to all legal highways, easements, zoning regulations or restrictions of record.

Parcel No.: 41-009335.0120.