

721 N. Perry

Instrument 200900072879 OR Volume Page 240 1663

AUDITORS OFFICE
NOT TRANSFERRED
FEB 20 2009

CT
200900072879
Filed for Record in
HENRY COUNTY OHIO
SARA L MYLES
02-20-2009 At 09:08 am.
EASEMENT 44.00
OR Volume 240 Page 1663 - 1666

Kevin J. The
HENRY CO. AUDITOR cw

200900072879
CITY OF NAPOLEON
Pickup

PERPETUAL EASEMENT

Know All Men By These Presents: That, James Tonjes, a married man over the age of 21, whose tax mailing address is PO Box 1113, Minneapolis, MN, 55440, the Grantor, in and for consideration of the sum of one dollar (\$1.00) and other good and valuable consideration paid by Larry and Rebecca Hilvers, husband and wife, collectively the Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby **GRANT, BARGAIN, SELL, CONVEY and RELEASE** to the Grantee, their heirs, successors and assigns forever, a non exclusive perpetual alienable Easement for the purpose of ingress to and egress from Lot No. 9 found in Block 1 of Phillips Addition to the Town (now City) of Napoleon, Henry County, Ohio, situated in the City of Napoleon, County of Henry and State of Ohio and more particularly described as follows:

Being part of a vacated alley located in Lot No. 2 (now Lot Numbers 1 & 2) in Block No. 1 of Phillips Addition to the Town (now City) of Napoleon, Henry County, Ohio;

Also known as Part of Lot No. 2 in Block No. 1 in the First Addition to the Town (now City) of Napoleon, Henry County, Ohio, and more particularly described as follows;

Commencing at a Star Drill Mark found at the northerly corner of Lot No. 1 (now Lot Number 3) of Phillips Addition to the Town (now City) of Napoleon;

Thence S 25°59'44" E on the northeasterly line of Lot No. 1 (now Lot Numbers 3, 4, 5, 6, 7, 8, 9, & 10) of Phillips Addition to the Town (now City) of Napoleon a distance of 165.41' to the easterly corner of Lot No. 1 (now Lot Number 10) of Phillips Addition to the Town (now City) of Napoleon;

Thence S 62°54'37" W on the southeasterly line of Lot No. 1 & Lot No. 2 (now Lot Number 10) of Phillips Addition to the Town (now City) of Napoleon a distance of 75.46' to the southeasterly corner of Lot No. 2 (now the southerly line of Lot Number 10) of Phillips Addition to the Town (now City) of Napoleon to the TRUE POINT OF BEGINNING;

Thence S 62°54'37" W on the southeasterly line of Lot No. 2 (now a vacated alley) of Phillips Addition to the Town (now City) of Napoleon a distance of 10.00' (now the easterly corner of Lot Number 1 of Phillips Addition to the Town (now City) of Napoleon);

Thence N 26°59'05" W on the southwesterly line of what is now a vacated alley a distance of 42.05';

Thence N 62°54'37" E a distance of 5.00' to what is now the westerly corner of Lot Number 9 of Phillips Addition to the Town (now City) of Napoleon;

Thence S 26°59'05" E on the southwesterly line of what is now Lot Number 9 of Phillips Addition to the Town (now City) of Napoleon a distance of 20.03' to the southwesterly corner of what is now Lot No. 9 of Phillips Addition to the Town (now City) of Napoleon;

Thence N 62°54'37" E on the southerly line of what is now Lot No. 9 of Phillips Addition to the Town (now City) of Napoleon a distance of 5.00';

Thence S 26°59'05" E parallel to the southwesterly line of what is now Lot Number 10 of Phillips Addition to the Town (now City) of Napoleon a distance of 22.03' to the southeasterly corner of Lot No. 2 (now the southerly line of Lot Number 10) of Phillips Addition to the Town (now City) of Napoleon and the TRUE POINT OF BEGINNING, containing 320.350 square feet, more or less.

(See attached Exhibit "A" for reference purposes only)

(All bearings stated in the Exhibit are assumed for the purpose of this description.)


The Grantor claims title to the above described property by virtue of an alley vacation ordinance recorded in Official Record **Volume 236 at Page 1127** of the records of the Henry County, Ohio Recorder.

The consideration recited herein shall constitute full and final payment for said easement and all damages sustained and/or claimed by the Grantor, his heirs, executors, administrators, successors, and assigns, including but not limited to all damages to the remainder of the Grantor's real estate. The Easement 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 Grantees rights under this Easement; moreover, this Easement grants ingress and egress rights for both pedestrian and vehicular travel by the Grantee and their personal and business invitees. This Easement is subordinate to any existing utility easement reserved in the vacation ordinance as recorded in said Volume 236 at Page 1127 of the Official Records of the Henry County, Ohio, Recorder.

To Have And To Hold said Easement, together with all rights and privileges belonging thereto unto the Grantee and their heirs, 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, their heirs, successors and assigns forever. The provisions of this Easement will inure to the benefit of and bind the heirs and/or successors and assigns of the respective parties to it.

The Grantor hereby covenants that it is the true and lawful Owner of the above described real estate and has full power and authority to convey the same and that the same is free and clear from all liens and encumbrances whatsoever and that the Grantor will warrant and defend the title to the said easement against all lawful claims.

IN WITNESS WHEREOF: James Tonjes has executed this Perpetual Easement this 15 day of JANUARY, 2009.

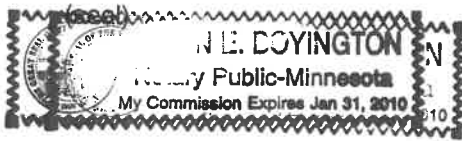

James Tonjes

STATE OF Minnesota
COUNTY OF Hennepin }

ss:

Before me a Notary Public in and for said County, personally appeared the above named, James Tonjes, the Grantor, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 15 day of JANUARY 2009.



Susan E. Boyington
Notary Public

IN WITNESS WHEREOF: _____ has executed this Perpetual Easement this _____ day of _____, 20____ releasing any dower rights she may have in the land that is the subject of this Easement; release being made exclusively for the purpose of granting this Easement.

SARJA Tonjes

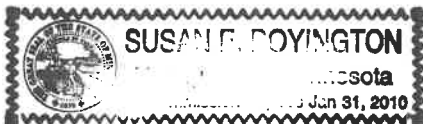
STATE OF Minnesota
COUNTY OF Hennepin }

ss:

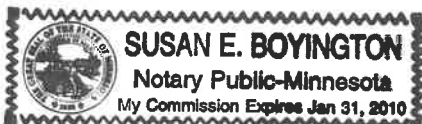
Before me a Notary Public in and for said County, personally appeared the above named, _____ Tonjes, spouse of the Grantor, who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 15 day of JANUARY 2009.

(seal)



Susan E. Boyington
Notary Public



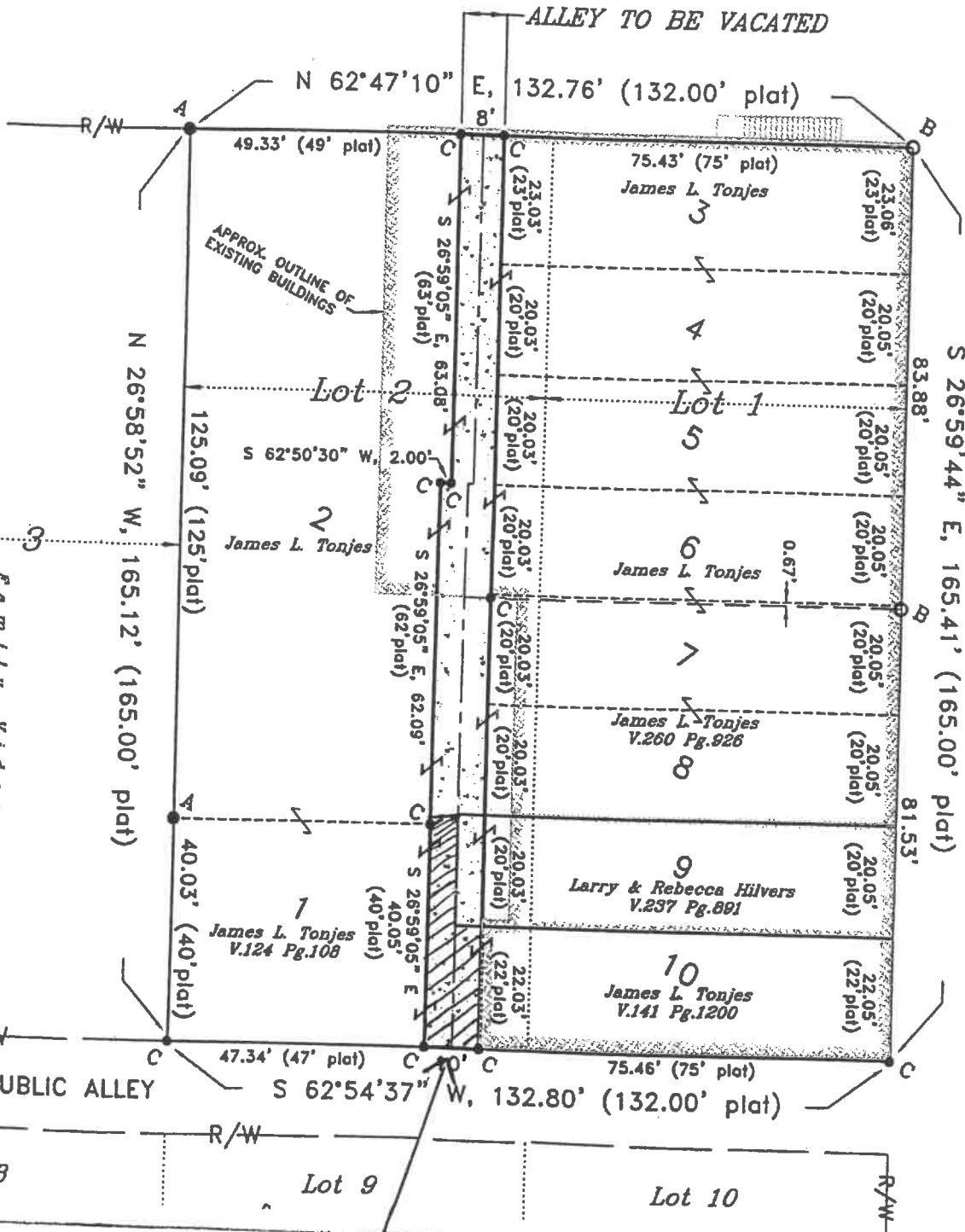
Prepared by David M. Grahn
Napoleon City Law Director
255 W. Riverview Ave.
Napoleon, Ohio 43545

Exhibit "A"

9991 042
 247
 SD 648270006007
 01/20/00 13:51:17

W. CLINTON ST. ~ 82.50' R/W

N. PERRY ST. ~ 82.50' R/W



Location of ingress and egress easement