



# OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 2, 317 EAST POE RD., BOWLING GREEN, OHIO 43402

October 2, 2003

David M. Grahm, Law Director  
City of Napoleon - Law Department  
255 W. Riverview Avenue  
P. O. Box 151  
Napoleon, OH 43545

Re: HEN 108 - 15.55  
PID# 20309  
SIN 42199(0)

Dear Mr. Grahm:

Enclosed is a copy of the executed Real Estate Agreement No.12365 for your information and file on the above referenced project.

If there are any questions or comments, please do not hesitate to contact this office at 419-373-4498.

Your cooperation in this matter is greatly appreciated.

Respectfully,

Amy J. Maynard  
Realty Specialist

attachment

c: D. Seasley, w/att.  
R. Weirich, w/att.  
A. Behrman  
Reading File, w/att.  
File

**RECEIVED**

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OHIO DEPT. OF TRANSPORTATION  
NORTHWEST REGION

An Equal Opportunity Employer

# Real Estate Agreement No. 12365

August 27, 2003

Mr. Jon Bisher, City Manager  
City of Napoleon  
255 W. Riverview Avenue  
P. O. Box 151  
Napoleon, OH 43545-0151

Re: CRS HEN 108 - 15.55  
FPN: FAN E032451  
SJN: 42199(0)  
PID No. 20309

Dear Mr. Bisher:

Pursuant to both Federal and State law, 49 CFR Part 24 and ORC 163 et. seq., the Ohio Department of Transportation is required to monitor all highway development projects receiving funds from the Federal Highway Administration. The rights of way acquired for the above referenced project will be incorporated into a Federally-assisted project and the following provisions must be set forth and agreed upon between the City of Napoleon and the ODOT.

Ordinance No. (Resolution No.) 38-03, passed on 3-17-03 by the City of Napoleon, and subsequently accepted and journalized by the Director of Transportation, provides for cooperation with the State on the acquisition of right of way on the above referenced project, which is described as follows:

Replace and widen structure over the Maumee River in Napoleon; provide adequate approaches; perform necessary work.

Discussions and understandings between representatives from our organizations in reference to the acquisition of rights of way must now be officially set forth and agreed upon. If you agree to the following facts and stipulations, please sign all copies of this agreement and return them to the ODOT District Office. The State will authorize acquisition of right of way after this agreement has been executed.

This project as programmed, provides for participation in project right of way costs as follows:

100% State

The State will act as agent for the City of Napoleon in acquiring the additional right of way necessary for the proposed project. Title will be taken in the name of the City of Napoleon in accordance with sections 163.51 through 163.62, inclusive, of the Revised Code of Ohio and sections 5501:2-5-01 et. seq. of the Ohio Administrative Code. The State will perform the acquisition of right of way in the same manner as if the project were a State Highway project, except that the entity, whose name the title is being acquired in, will appropriate under Chapter 163, properties that the State is unable to negotiate for the project. Appropriations will be named in the City of Napoleon in accordance with this project. Acquisition of right of way as used herein includes title research, appraisal, negotiations, and relocation assistance.

The State of Ohio will provide guidance and assist the City of Napoleon in the relocation and accommodation of all affected utilities.

Warrants for payment of all expenditures incurred in the acquisition of right of way will be issued


The City of Napoleon will handle, at their sole expense, the razing and removal costs of any structures acquired in conjunction with and as a part of this project, **subject to appropriation of funds.**

Attest:



Date: 8/15/03

City of Napoleon

  
Jon Bisher  
City Manager

Attest:




Date: 10/2/03

Ohio Department of Transportation

  
David T. Dicke  
District Real Estate Administrator

APPROVED AS TO FORM AND CORRECTNESS:

  
DAVID M. GRAHN, CITY LAW DIRECTOR