



# City of Napoleon – Law Department

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## Memorandum

To: Mayor, City Council  
From: David M. Grahm, City Law Director  
cc: Jon Bisher, Joe Kleiner, Brent Damman  
Date: Wednesday, April 21, 2004  
Subject: Canal Property/Hauenstein

Mr. Todd Hauenstein purchased land some years ago at the location of 1005 E. Riverview along the Canal property. A previous owner constructed a structure partially on City land (without authority) which land was given to us by the State of Ohio with restrictions for transfer and use. We have met with a representative of the State of Ohio, Mr. Dick Shore, who is willing to accomplish transfer of part of the canal grounds to Mr. Hauenstein in order to clean up the ownership issue, so long as the property is split and that portion deeded back to the State of Ohio. I have prepared the necessary legislation and deed to accomplish the same. The other issue remaining is that there is no right of ingress or egress for Mr. Hauenstein to enter or leave the property due to the City owning the portion of canal land adjacent to Rt. 424 (which the City uses and intends to use in the future). Mr. Hauenstein is requesting an easement; however, I do not believe we can accomplish this due to part of the land he is requesting is merely public right-of-way and not necessarily owned in fee simple by the City; moreover, an easement like he is requesting is permanent. I have prepared a revocable license agreement in lieu of an easement that will provide for ingress and egress yet preserve the City's rights in the property for now and in the future. It may be terminated at anytime for the City. I request this issue be referred to the Municipal Property Committee of City Council for discussion.

dmg/skr