
EASEMENT

Know All Men By These Presents: That, William J. Gerken and Joann M. Gerken, husband and wife, whose tax mailing address is 1012 East Riverview Avenue, Napoleon, Ohio 43545, the Grantors, 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 street, sidewalk and utility Easement to lay, install, construct, reconstruct, erect, use, repair, supplement, maintain, operate, and/or remove, at any time or times hereafter its streets, curbing and sidewalks and any of its Utilities that are now in existence or may be in the future, including but not limited to: electric, cable, telephone, telecommunications, water, sewer, and gas utilities. The aforementioned Utilities consist of one or more of its transmission or distribution lines, having a variable number of wires and pipes and all necessary or desirable appurtenances thereto (including but not limited to regulating transmission or distribution equipment, telephone and telegraph wires, fiber optic cables, props, guys and anchorages, conduits, cables, poles, towers, pedestals, and fixtures, all the aforementioned being both above and below ground, with the further right to permit the attachment of, and/or carry in above or underground conduit, wires, cables, pipes and other associated fixtures and other above and underground facilities of any other company with services and extensions therefrom, in, on, through, over and/or under the below described lands, with the right of ingress to and egress from and over said premises (real estate) situated in the Township of Liberty, City of Napoleon, County of Henry and State of Ohio, and described as:

A parcel of land located in the Northeast quarter (1/4) of Section 7, Town 5 North, Range 7 East, Liberty Township, City of Napoleon, Henry County, Ohio, and which is more particularly described as follows:

Commencing at an iron pin found at the intersection of the Southerly right-of-way of the Indiana Hi-Rail Railroad (former Norfolk and Western Railroad) and the North-South half (1/2) Section line of said Section 7;

thence North 44°21'15" East on and along the Southerly right-of-way of said Indiana Hi-Rail Railroad (former Norfolk and Western Railroad), eight hundred twenty-eight and ten hundredths (828.10) feet to a point;

thence continuing North 44°21'15" East on the Southerly right-of-way of the Indiana Hi-Rail Railroad (former Norfolk and Western Railroad), one hundred forty-five and zero hundredths (145.00) feet to an iron pin;

thence South 33°54'45" East on the Easterly line of the Grantors property herein (William J. Gerken & Joann M. Gerken, deed Volume 193, Page 778), two hundred seventy-two and seventeen hundredths (272.17) feet to the point of beginning of said easement; -----

thence South 33°54'45" East on said Grantors East property line, forty and zero hundredths (40.00) feet to a point on the Northerly right-of-way of State Route No. 424;

thence Southwesterly on and along the Northerly right-of-way of said State Route 424, fifteen and zero hundredths (15.00) feet to a point;

thence North 33°54'45" West, forty and zero hundredths (40.00) feet to a point;

thence Northeasterly and parallel with the Northerly right-of-way of State Route No. 424, fifteen and zero hundredths (15.00) feet to the point of beginning.

Containing 600.0 square feet (0.014 acres) of land, more or less.

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

The Grantors claim title to the above described property by virtue of deed recorded in Deed/Official Record Volume 193, Page 778, 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 fences or other locations which will not interfere with any reasonable use the Grantors 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 Grantors, their heirs, executors, administrators, successors, and assigns, including but not limited to all damages to the remainder of the Grantors' real estate, that arise from or by reason of the laying, installation, construction, reconstruction, erection, use, operation, maintenance, supplementation, removal or inspection of said street, curbing, sidewalks and Utility(s) and all appurtenances thereto, including but not limited to those known or unknown, those legal, equitable or otherwise and those direct, incidental or consequential. Nevertheless, except as otherwise provided herein, Grantee agrees to restore the grounds by seeding and leveling; further, any physical damage caused by the Grantee to Grantors' premises, after completion of the original construction known as the "PG&E 69 Line Build to Industrial Sub-Enterprise Drive Project", due to performing maintenance, inspection, reconstruction, supplementation, replacement, repair, and/or removal of said streets, curbing, sidewalks and Utility(s), shall be paid, repaired or restored by the Grantee, unless the same is part of an assessed project. 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 streets, sidewalks, curbing and Utility(s) without claim of damage to the trees or brush by the Grantors.

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 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 Grantors hereby covenants that they are the true and lawful Owners of the above described real estate and have 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 Grantors will warrant and defend the title to the said easement against all lawful claims. The Grantors warrant that the above described property as subject of said easement does not contain hazardous materials as defined by federal and state statute or regulation.

IN WITNESS WHEREOF: William J. Gerken and Joann M. Gerken, husband and wife, the Grantors, have executed this Perpetual Easement this _____ day of _____, 2000.

Signed and acknowledged in the presence of:

William J. Gerken

Joann M. Gerken

STATE OF _____ }
COUNTY OF _____ }

ss:

Before me a Notary Public in and for said County, personally appeared the above named William J. Gerken, 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 ____ day of _____, 2000.

(seal)

Notary Public

STATE OF _____ }
COUNTY OF _____ }

ss:

Before me a Notary Public in and for said County, personally appeared the above named Joann M. Gerken, 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 ____ day of _____, 2000.

(seal)

Notary Public

☞ ☞ ☞

Accepted by:

Jon A. Bisher, City Manager _____
Date

***This Instrument Prepared
and
Approved By:***

*David M. Grahn
City of Napoleon Law Director
255 West Riverview Avenue
Napoleon, Ohio 43545
(419) 592-3503*

***Easement Description
Provided And Verified By:***

*Paul J. Westhoven
Registered Surveyor #5602*

C:\lotus\work\wordpro\EASEMENTGERKEN\PermMay 31, 2000

WARRANTY DEED

Know all Men by these Presents

THAT, we, Lawrence E. Hoeffel and Mary Rose Hoeffel, husband and wife,

who claim title by or through instrument , recorded in Volume 155 , Page 508 , the Grantor s

of the Record of Deeds of Henry County, Ohio, for the consideration of One Dollar and Other Valuable Considerations to us paid by William J. Gerken, Jr. and Joann M. Gerken,

, the Grantee s

whose Tax Mailing Address will be 721 W. Clinton Street, Napoleon, Ohio,

edged, do hereby Give, Grant, Bargain, Sell and Convey to the said Grantee s, the receipt whereof is hereby acknowl-

their heirs and assigns, forever, the real estate described as follows:

Situated in the City of Napoleon, County of Henry and State of Ohio and known as:

A parcel of land located in the Northeast Quarter (¼) of Section Seven (7), Township Five (5) North, Range Seven (7) East, Liberty Township, Henry County, Ohio, and more particularly described as follows:

Commencing at an iron pin at the intersection of the southerly right of way line of the Wabash Railroad and the North-South Half (½) Section line of Section 7, Town 5 North, Range 7 East, Liberty Township, Henry County, Ohio; thence N 44° 21' 15" E along the southerly right of way of said Wabash Railroad a distance of 828.10 feet to a wooden hub and the plate of beginning; thence continuing N 44° 21' 15" E a distance of 145.0 feet to an iron pin on the southerly right of way of said Wabash Railroad; thence S 33° 54' 45" E a distance of 312.17 feet to an iron pin on the northerly right of way of U. S. 24; thence continuing S 33° 54' 45" E a distance of 48.50 feet to a point on the centerline of said U. S. 24; thence southwesterly along the centerline of U. S. 24 a distance of 142.0 feet to a point; thence N 33° 54' 45" W a distance of 47.50 feet to an iron pin on the northerly right of way of said U. S. 24; thence continuing

day of October, 19 69.
Signed and acknowledged in presence of
Martin E. Hoefel
Rita Jennings

Lawrence E. Hoefel
Lawrence E. Hoefel

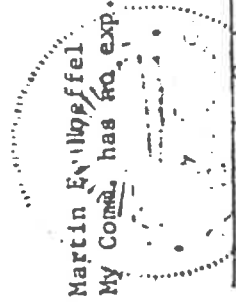
Mary Rose Hoefel
Mary Rose Hoefel

The State of Ohio, }
Henry County, } s s.

Be it Remembered, That on this 18th day of October,
19 69, Before me, the subscriber, A Notary Public in and for said County, State of Ohio,
personally came the above named Lawrence E. Hoefel and Mary Rose Hoefel,
husband and wife,

the Grantor s in the foregoing instrument, who acknowledged that they did sign the
same, and that the same is their free act and deed.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal,
at Napoleon, Ohio, on the day and year aforesaid.



Martin E. Hoefel

Notary Public in and for Henry County,
State of Ohio.

This Instrument Was Prepared By:
MARTIN E. HOEFEL
Attorney At Law
Napoleon, Ohio 43545

Transferred 356
19 69

17943
RECEIVED FOR RECORD
This 20 day of Oct. 19 69
at 11:02 o'clock - P. M. and
Recorded Oct. 24, 1969
Deed Record
Volume 193 Page 778

This Conveyance has been examined and the
Grantor has complied with Section 319.202
of the Revised Code.
FILED
F. 1969

William W. ...
Auditor
Henry County, Ohio

Marius Fitzgibbon
Recorder, Henry County, Ohio
\$ 3.00
Henry County Bar Association Form -- 1969

Paul J. Westhoven # 5602
Douglas W. Eis # 7758

Ph: 419-592-0771
Fax: 419-592-0775

Description of utility easement: William J. Gerken & Joann M. Gerken
1012 E. Riverview Avenue
to the City of Napoleon, Ohio

A parcel of land located in the Northeast quarter ($\frac{1}{4}$) of Section 7, Town 5 North, Range 7 East, Liberty Township, City of Napoleon, Henry County, Ohio, and which is more particularly described as follows:

Commencing at an iron pin found at the intersection of the Southerly right-of-way of the Indiana Hi-Rail Railroad (former Norfolk and Western Railroad) and the North-South half ($\frac{1}{2}$) Section line of said Section 7;
thence North $44^{\circ}21'15''$ East on and along the Southerly right-of-way of said Indiana Hi-Rail Railroad (former Norfolk and Western Railroad), eight hundred twenty-eight and ten hundredths (828.10) feet to a point;
thence continuing North $44^{\circ}21'15''$ East on the Southerly right-of-way of the Indiana Hi-Rail Railroad (former Norfolk and Western Railroad), one hundred forty-five and zero hundredths (145.00) feet to an iron pin;
thence South $33^{\circ}54'45''$ East on the Easterly line of the Grantors property herein (William J. Gerken & Joann M. Gerken, deed Volume 193, Page 778), two hundred seventy-two and seventeen hundredths (272.17) feet to the point of beginning of said easement;-----
thence South $33^{\circ}54'45''$ East on said Grantors East property line, forty and zero hundredths (40.00) feet to a point on the Northerly right-of-way of State Route No. 424;
thence Southwesterly on and along the Northerly right-of-way of said State Route No. 424, fifteen and zero hundredths (15.00) feet to a point;
thence North $33^{\circ}54'45''$ West, forty and zero hundredths (40.00) feet to a point;
thence Northeasterly and parallel with the Northerly right-of-way of State Route No. 424, fifteen and zero hundredths (15.00) feet to the point of beginning.
Containing six hundred seventy-five (675) feet of land more or less.

Report No. 6974-H-CN-5-1-00

Date 5-22-2000 Name William J. Berken & Joan M. Berken Grantor A
RE Location Parcel NE 1/4 Section 7, Liberty Twp, City of Napoleon, Ohio
Vol. 193 Page 728 Lawrence E. Hoepfel & Mary Rose Hoepfel H&W Grantor A
Instrument TO William Berken Jr. & Joan M. Berken Grantee A
WD Description cel 1.12 acres NE 1/4 Section 7 Liberty Twp.

Signed 10-18-1969 Filed 10-20-69 at 11:03A. M. Recorded 10-24-69

Vol. 155 Page 508 Rose H. Atkins, dec'd Grantor _____
Instrument TO Lawrence E. Hoepfel Grantee _____
Ejec Deed Description SW 1/4 of SE 1/4 section 6 40 acres and NE 1/4 Section 7
138.74 acres to low water's edge of Maumee River, Liberty Twp.
Signed 7-1-1953 Filed 7-23-53 at 11:03 A. M. Recorded 7-24-53

Vol. 129 Page 160 Esther T. Patrike, unmarried & legal age Grantor _____
Instrument TO Rose H. Atkins Grantee _____
WD Description East part W 1/2 of NE 1/4 Sec 7 Liberty
Twp. 51.12 acres
Signed 3-16-1937 Filed 6-2-37 at 2:40 P. M. Recorded 6-3-1937

Vol. _____ Page _____ Grantor _____
Instrument TO _____ Grantee _____
Description _____
Signed _____ Filed _____ M. Recorded _____

Vol. _____ Page _____ Grantor _____
Instrument TO _____ Grantee _____
Description _____
Signed _____ Filed _____ M. Recorded _____

REGISTERED LAND SURVEYORS

523 E. Riverview Avenue
P.O. Box 172

Napoleon, Ohio 43545

Paul J. Westhoven # 5602
Douglas W. Eis # 7758

Ph: 419-592-0771
Fax: 419-592-0775

Description of utility easement: William J. Gerken & Joann M. Gerken
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to the City of Napoleon. Ohio

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thence continuing North 44°21'15" East on the Southerly right-of-way of the Indiana Hi-Rail Railroad (former Norfolk and Western Railroad), one hundred forty-five and zero hundredths (145.00) feet to an iron pin;

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thence South 33°54'45" East on said Grantors East property line, forty and zero hundredths (40.00) feet to a point on the Northerly right-of-way of State Route No. 424;

thence Southwesterly on and along the Northerly right-of-way of said State Route No. 424, fifteen and zero hundredths (15.00) feet to a point;

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thence Northeasterly and parallel with the Northerly right-of-way of State Route No. 424, fifteen and zero hundredths (15.00) feet to the point of beginning.

Containing six hundred seventy-five (675) feet of land more or less.

Report No. 6974-H-CN-5-1-00