

415 E. Washington

Permanent Easement For Utility Purposes

KNOW ALL MEN BY THESE PRESENTS: That we, Barbara Hesselwardt, the *Grantor*, 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, the Grantee*, the receipt and sufficiency of which is hereby acknowledged, do hereby **GRANT, BARGAIN, SELL, CONVEY and RELEASE** to the Grantee, its successors and assigns forever, a Permanent Easement and Right-of-Way for Utility Purposes, together with the right to erect, construct, and install and thereafter use, operate, inspect, repair, maintain, replace and remove said utilities, together with all appurtenances thereto, over, through and across a portion of the following described real estate:

Described as being the easterly five (5) feet of the westerly one-half (1/2) of a vacated alley located between Lots 78 and 79 of the Original Plat of Napoleon.

Owners of the parcel of land described herein claim title by deed recorded in Volume 218 at Page 907 of the Henry County Deed Records.

TO HAVE AND TO HOLD said Easement, together with all rights and privileges belonging thereto unto the Grantee, its successors and assigns forever.

The consideration recited herein shall constitute full and final payment for all damages sustained and/or claimed by the Grantor, its heirs, 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 erection, construction, installation, use, operation, inspection, repair, maintenance, replacement and/or removal of utilities 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, the Grantee shall restore the Grantor's yards, lawns, crops, fences, tiling and sidewalks to as good condition as when entered upon by the Grantee or its agents, employees or contractors or at the Grantee's option, to pay the reasonable, direct, and known damages caused thereto.

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 Grantor hereby covenants that it is the true and lawful Owner of the above described real estate and have full power and authority to convey the same and that the same.

IN WITNESS WHEREOF: Barbara Hesselshwardt the
Grantor has executed this Permanent Easement for Utility Purposes this 30th day of
September, 1996.

Signed and acknowledged
in the presence of:

Adam Hoff
Ted Rohrs

Barbara Hesselshwardt
Barbara Hesselshwardt

STATE OF OHIO)
COUNTY OF Henry)

ss:

Before me a Notary Public in and for said County, personally appeared the above named Barbara Hesselshwardt, the Grantor, who acknowledged that they did sign the foregoing instrument and that same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 30th day of September, 1996.

(seal)

Ted Rohrs
Notary Public

TED ROHRS
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES OCT. 29, 1996

This Instrument Prepared By:
City of Napoleon
Engineering Department