


# RECEIVED OF PETTY CASH

No. \_\_\_\_\_

DATE 2-1-08

DESCRIPTION OF ITEM / SERVICE PURCHASED	AMOUNT
Payment for Perpetual	1.00
Earmark for Bishop-	
Meyer Enterprises pertaining	
to Woodlawn Avenue Project.	
436-5100-57500	
CHARGE TO ACCOUNT	
	<b>TOTAL</b>
	1.00

RECEIVED BY

APPROVED BY

TOPS FORM 3008

LITHO IN U.S.A.

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## PERPETUAL EASEMENT

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**Know All Men By These Presents:** That, Badenhop-Meyer Enterprises, an Ohio General Partnership, whose tax mailing address is 1333 Woodlawn Avenue, Napoleon, Ohio, 43545, 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**, 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 utility Easement to lay, install, construct, reconstruct, erect, use, repair, supplement, maintain, operate, and/or remove, at any time or times hereafter, a sidewalk for right-of-way pedestrian traffic, made of concrete or other material, in, on, through, over the below described lands, with the right of ingress to and egress from and over said premises (real estate) situated in the City of Napoleon, County of Henry and State of Ohio, and described as:

Being part of the NE  $\frac{1}{4}$  of Section 14, Township 5 North, Range 6 East, a tract of land bounded and described as follows:

Commencing at an iron pin on the Centerline of Glenwood Avenue and being the Center of Section 14, Township 5 North, Range 6 East, City of Napoleon, Henry County, Ohio;

Thence on the West Line of the Northeast quarter of Section 14 and the centerline of Glenwood Avenue a distance of 928.80 feet;

Thence N  $90^{\circ}00'00''$  E a distance of 30.00 feet to the northwest corner of a 0.984 acre tract as described in O.R. Volume 219, Page 2091 of the Henry County Deed Records, said corner also being the southeast right-of-way corner of the intersection of Glenwood Avenue and Woodlawn Avenue marked by an iron pin and being the TRUE POINT OF BEGINNING;

Thence S  $73^{\circ}40'00''$  E a distance of 10.00 feet on the northerly line of said 0.984 acre tract and the southerly right-of-way line of Woodlawn Avenue;

Thence S  $53^{\circ}10'20''$  W a distance of 11.99 feet to the west line of said 0.984 acre tract and the east right-of-way line of Glenwood Avenue;

Thence N  $00^{\circ}00'00''$  E a distance of 10.00 feet to the northwest corner of said 0.984 acre tract, said corner also being the southeast right-of-way corner of the intersection of Glenwood Avenue and Woodlawn Avenue marked by an iron pin and the TRUE POINT OF BEGINNING, containing 47.958 square feet, more or less.

(See Attached Exhibit "A")

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

The Grantor claims title to the above described property by virtue of a deed recorded in Official Record **Volume 219, Page 2091** of the records of Henry County, Ohio.

The consideration recited herein shall constitute full and final payment for said easement and all damages sustained and/or claimed by the Grantor, its 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 laying, installation, construction, reconstruction, erection, use, operation, maintenance, supplementation, removal or inspection of said sidewalk, including but not limited to those known or unknown, those legal, equitable or otherwise and those direct, incidental or consequential. 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 sidewalk without claim of damage to the trees or brush by the Grantor.

**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 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:** Badenhop-Meyer Enterprises, an Ohio General Partnership, the Grantor, by and through its partners, Glenn Badenhop and Joseph Meyer have executed this Perpetual Easement this 4 day of Feb., 2008.



HEIDI L. BIALORUCKI  
Notary Public,  
State of Ohio  
My Commission  
Expires Aug. 23, 2011

*Glenn Badenhop*  
Glenn Badenhop, Partner

*Joseph Meyer* partner  
Joseph Meyer, Partner

STATE OF        }  
                      }  
COUNTY OF    }        ss:

Before me a Notary Public in and for said County, personally appeared the above named, Badenhop-Meyer Enterprises, the Grantor, by and through its Partners Glenn Badenhop and Joseph Meyer, who acknowledged that it/they did sign the foregoing instrument and that the same is its/their free act and deed.

Feb 20 08. IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 4 day of \_\_\_\_\_



HEIDI L. BIALORUCKI  
Notary Public,  
State of Ohio  
My Commission  
Expires Aug. 23, 2011

*Heidi Bialorucki*  
Notary Public

Accepted by:

February 4, 2008  
Date

*Jon A. Bisher*  
Dr. Jon A. Bisher; City Manager

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

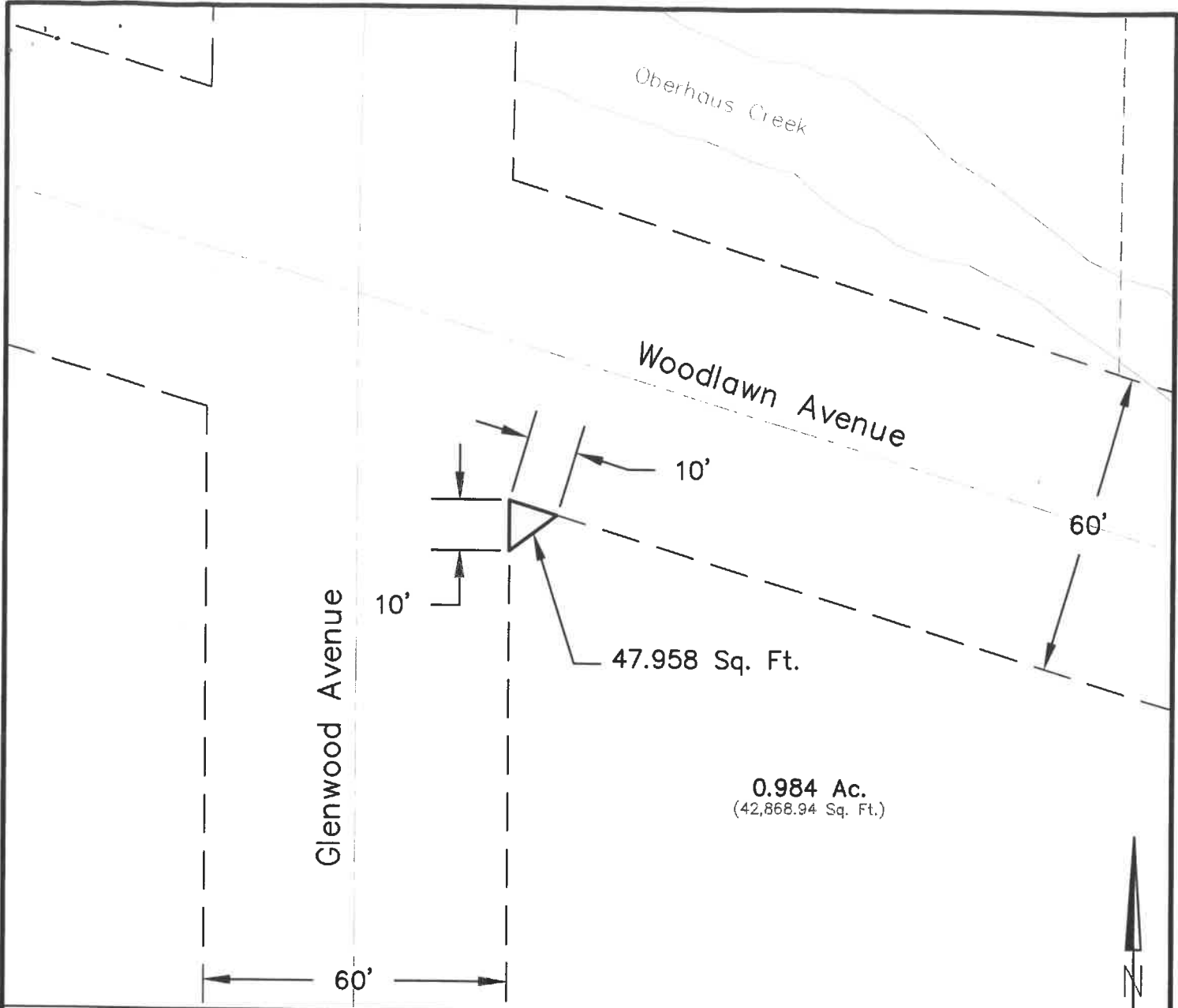
David M. Grahn  
City of Napoleon Law Director  
255 West Riverview Avenue  
Napoleon, Ohio 43545  
(419) 592-3503

***Easement Description Provided By:***

Wayne Aschemeier  
Registered Surveyor No. 5922

***Easement Description Verified By:***

Chad E. Lulfs, P.E., P.S., Napoleon City Engineer



~~Submittal To Ordinance No.:~~ =====

*Gregory J. Heath*

02-04-2008

City Finance Director: Gregory J. Heath  
City Of Napoleon

Date

I Hereby Certify, This Drawing Illustrates The Location And Description  
Of The Sidewalk Easement

*Chad E. Lulfs*

02.04.08

City Engineer: Chad E. Lulfs, P.E., P.S.  
City Of Napoleon

Date

Exhibit A  
Sidewalk Easement  
Badenhop-Meyer Enterprises

Created: 1/14/08  
Plotted: 1/14/08  
Scale: 1"=30'  
Sheet 00 Of 00

Instrument Volume Page  
200800067380 OR 232 123

✓  
CT

200800067380  
Filed for Record in  
HENRY COUNTY OHIO  
SARA L NYLES  
02-08-2008 At 10:59 am.  
EASEMENT 44.00  
OR Volume 232 Page 123 - 126

200800067380  
CITY OF NAPOLEON  
PICK UP

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## PERPETUAL EASEMENT

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Instrument 200800067380 OR Volume Page 232 123

✓  
CT

200800067380  
Filed for Record in  
HENRY COUNTY OHIO  
SARA L NYLES  
02-08-2008 At 10:59 am.  
EASEMENT 44.00  
OR Volume 232 Page 123 - 126

200800067380  
CITY OF NAPOLEON  
PICK UP

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HEIDI L. BIALORUCKI  
Notary Public,  
State of Ohio  
My Commission  
Expires Aug. 23, 2011

*Glenn Badenhop*  
Glenn Badenhop, Partner

*Joseph Meyer* Partner  
Joseph Meyer, Partner

STATE OF }  
                  }  
                  } ss:  
COUNTY OF }

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HEIDI L. BIALORUCKI  
Notary Public,  
State of Ohio  
My Commission  
Expires Aug. 23, 2011

*Heidi Bialorucki*  
Notary Public

Accepted by:

February 4, 2008  
Date

*Jon A. Bisher*  
Dr. Jon A. Bisher; City Manager

**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 By:**

Wayne Aschemeier  
Registered Surveyor No. 5922

**Easement Description Verified By:**

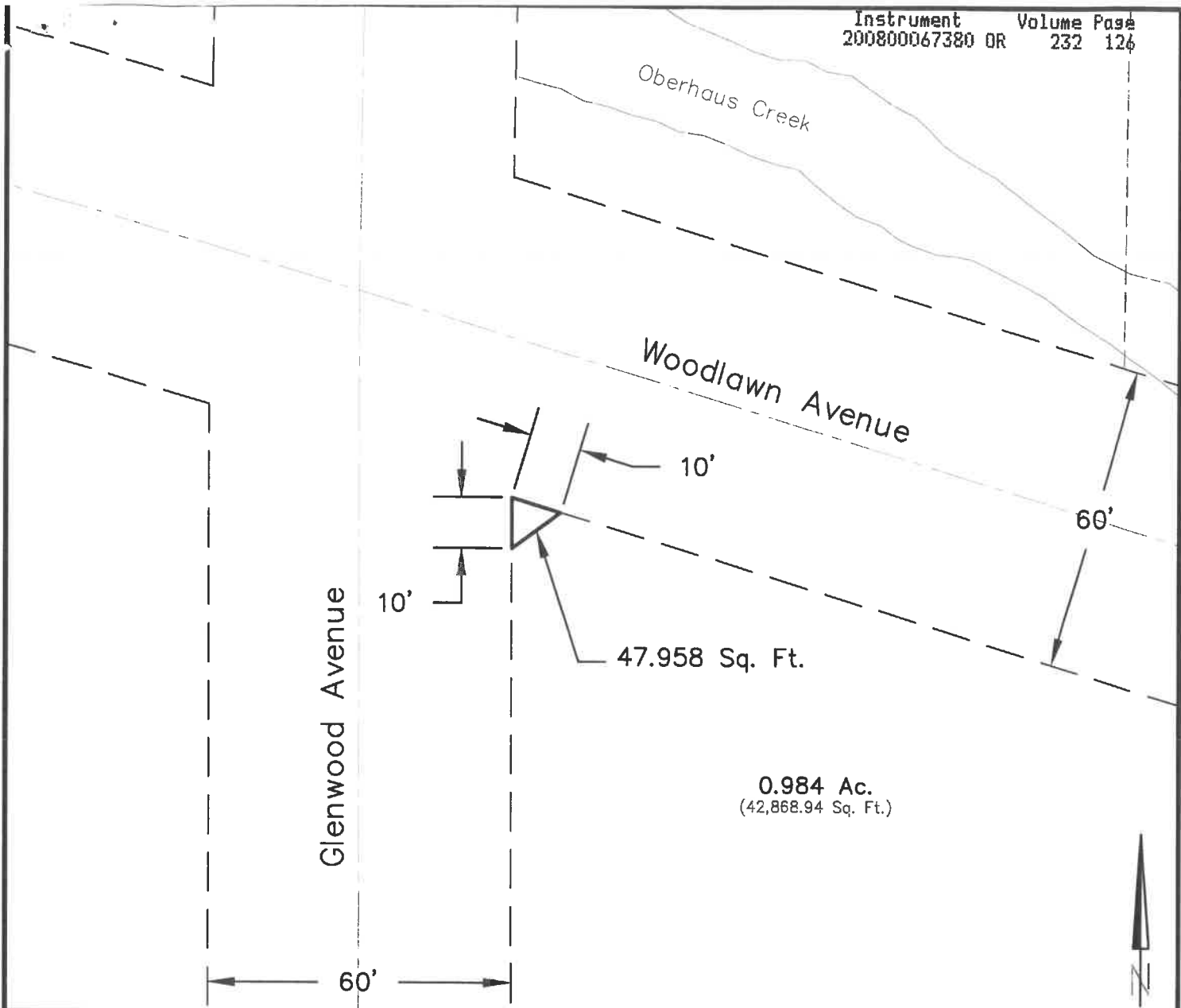
Chad E. Lulfs, P.E., P.S., Napoleon City Engineer

AUDITORS OFFICE  
NOT TRANSFERRED

FEB 08 2008

*Kevin M.*  
HENRY CO. AUDITOR

KS



~~Pursuant To Ordinance No.:~~ =====

*Gregory J. Heath* 02-04-2008  
 City Finance Director: Gregory J. Heath Date  
 City Of Napoleon

I Hereby Certify, This Drawing Illustrates The Location And Description Of The Sidewalk Easement

*Chad E. Lulfs* 02.04.08  
 City Engineer: Chad E. Lulfs, P.E., P.S. Date  
 City Of Napoleon

Exhibit A  
 Sidewalk Easement  
 Badenhop-Meyer Enterprises

Created: 1/14/08  
 Plotted: 1/14/08  
 Scale: 1"=30'  
 Sheet 00 Of 00