

JUL 07 2009

Kevin F. The
HENRY CO. AUDITOR

PERPETUAL EASEMENT

Know All Men By These Presents: That, Ned Giffey and Norma J. Giffey, husband and wife, both of legal age, "Grantors", whose tax mailing address is 1410 Woodlawn Avenue, Napoleon, Ohio, 43545, 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, its sanitary sewer, being considered for the purpose of this easement, a "Utility". The aforementioned Utility for the purpose of this Easement consist of one or more pipes, metering equipment, and appurtenances, all the aforementioned being below ground with 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 County of Henry and State of Ohio, and described as:

See Attached Exhibit "A", incorporated hereto.

Subject to all legal highways, easements, zoning regulations, and restrictions of record.

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

(See Exhibit "B" for illustration purposes only)

The Grantors claims title to the above described property by virtue of a deed record recorded in Deed Records **Volume 261 at Page 724** 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 locations which will not unreasonable 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, its, 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 laying, installation, construction, reconstruction, erection, use, operation, maintenance,

supplementation, removal or inspection of said Utility and all appurtenances thereto, 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 Utility(s) without claim of damage to the trees or brush by the Grantors; moreover the easement shall serve to allow removal of existing septic tanks.

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 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; 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.

EXECUTED BY: Ned Giffey and Norma J. Giffey, husband and wife, Grantors, have executed this Perpetual Easement this 9 day of June 2009.

Ned Giffey
Ned Giffey

Norma J. Giffey
Norma J. Giffey

STATE OF OHIO }

ss:

COUNTY OF HENRY }

Before me a Notary Public in and for said County, personally appeared the above named, Ned Giffey and Norma J. Giffey, the Grantors, who acknowledged they did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 9th day of June 2009.

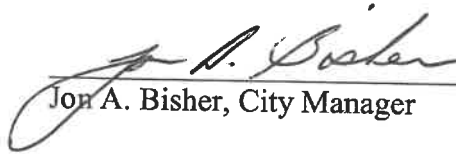
(Seal)

Roxanne Dietrich
Notary Public,
My Commission Expires



OFFICIAL SEAL
ROXANNE DIETRICH
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 6-23-2012

Accepted by:


Jon A. Bisher, City Manager

11 JUN 09
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 Prepared By:

Peterman and Associates, Inc.
3480 N. Main St. Findlay, Ohio 45840

1 CT
200900075484
Filed for Record in
HENRY COUNTY OHIO
SARA L MYLES
07-07-2009 At 03:24 pm.
EASEMENT 52.00
DR Volume 244 Page 1912 - 1916

200900075484
CITY OF NAPOLEON
PICK UP



Exhibit "A"

website: petermanaes.com
email: petermansw@aol.com

3480 N. Main St., Findlay, Ohio 45840

Phone: 419-422-6672
Fax: 419-422-9466

Job No. 08-0352-3

LEGAL DESCRIPTION

City of Napoleon

20' Sanitary Sewer Easement #3

Situated in the City of Napoleon, County of Henry, State of Ohio, and being a part of the NW1/4 of Section 14, T5N, R6E, a tract of land described as lying 10 feet each side of the following described centerline:

Commencing at the intersection of the centerline of Woodlawn Avenue with the east line of the NW1/4 of Section 14, also being the centerline of Glenwood Avenue;

thence along the centerline of Woodlawn Avenue, N76°22'08"W, a distance of 223.42 feet to the southeast corner of a 0.624 acre tract of land as described in Volume 261, Page 724 of the Henry County Deed Records;

thence along the east line of said 0.624 acre tract, N13°37'52"E a distance of 120.69 feet to the intersection of said east line with the centerline of a proposed 8" sanitary sewer and being the Principal Point of Beginning of the following described centerline;

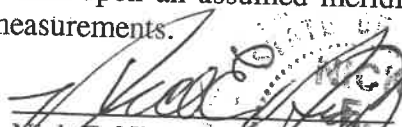
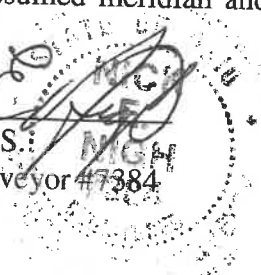
thence from the above described Principal Point of Beginning and along the centerline of a proposed 8" sanitary sewer, N70°33'25"W, a distance of 110.57 feet to the west line of said 0.624 acre tract and being the point of ending, subject however to all prior easements of record.

Henry County Deed Records: Volume 261, Page 724

The above legal description is comprised of acres from tax parcel #41-140060.0000.

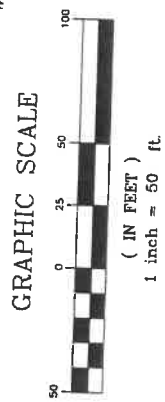
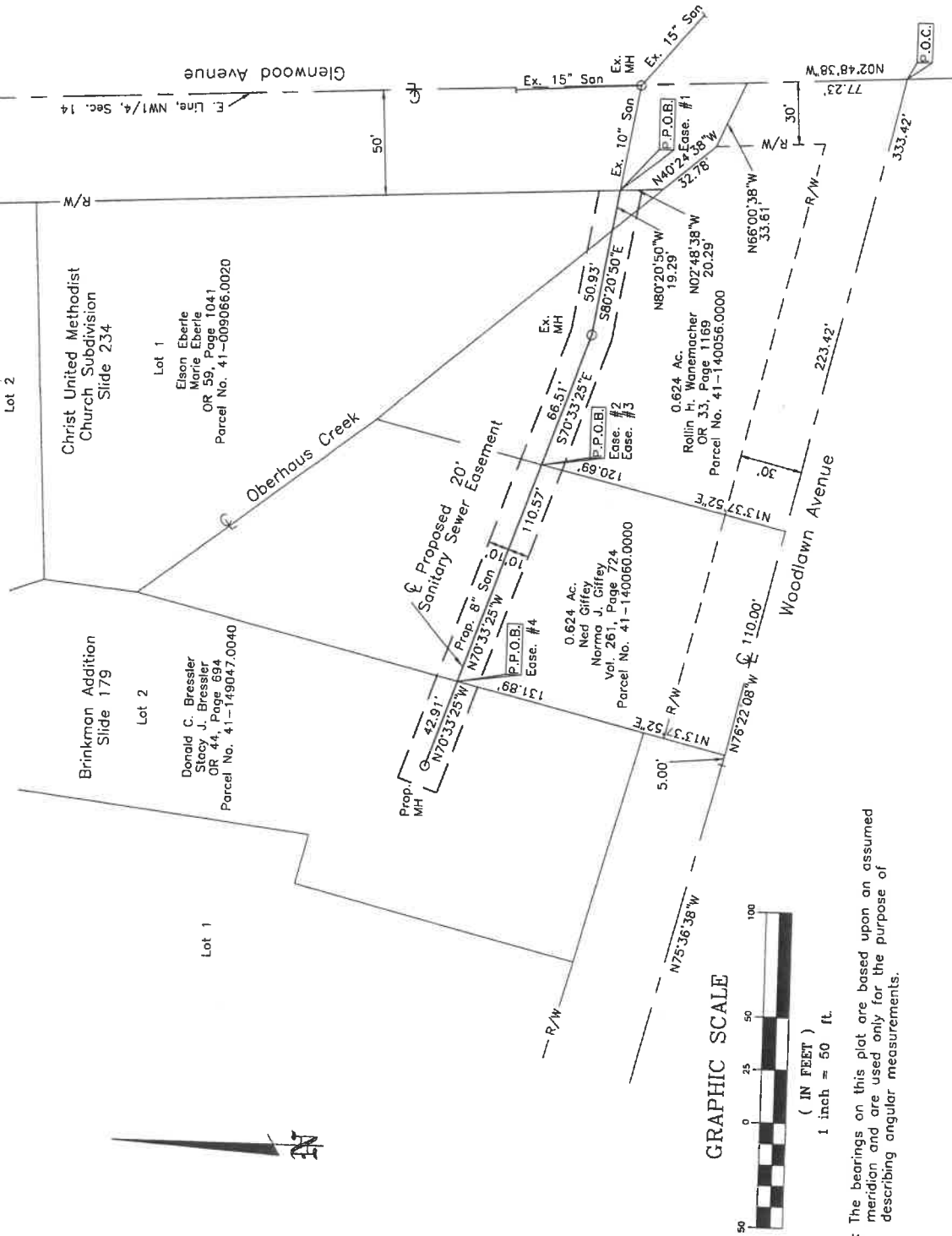
NOTE: The bearings in this legal description are based upon an assumed meridian and are used only for the purpose of describing angular measurements.

Date: October 28, 2008


Nick E. Nigh, P.S.
Professional Surveyor #7384


Easement Exhibit "B" City of Napoleon

Being part of Lot No. 1 of the Brinkman Addition, part of Lot No. 1 of the Christ United Methodist Church Subdivision and part the east half of the NW1/4 of Section 14, T5N, R6E, City of Napoleon, Henry County, Ohio



Note: The bearings on this plot are based upon an assumed meridian and are used only for the purpose of describing angular measurements.

Date: 10-28-08

Michael E. Nigh, P.E.
Peterman Associates, Inc.
3480 N. Main Street
Findlay, Ohio 45840

PETERMAN ASSOCIATES, INC.
ARCHITECTS - ENGINEERS - SURVEYORS -

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