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HENRY COUNTY OHIO
SARA L MYLES
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EASEMENT 44.00
OR Volume 247 Page 1519 - 1522

AUDITORS OFFICE
NOT TRANSFERRED
NOV 03 2009

200900077204
CITY OF NAPOLEON
PICK-UP

Kevin J. M...
HENRY CO. AUDITOR

PERPETUAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That, James F. Fruth and Anna M. Fruth, husband and wife, both of legal age, "Grantors", whose tax mailing address is 944 Moser, 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 storm sewer (drainage), 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 above and 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.

SEE ATTACHED EXHIBIT "B", INCORPORATED HERETO FOR ILLUSTRATION PURPOSES ONLY.

SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS, ZONING REGULATIONS, AND RESTRICTIONS OF RECORD.

The Grantors claims title to the above described property by virtue of a deed record recorded in Deed Records **VOLUME 256 AT PAGE 772** 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

Exhibit "A"

April 28, 2009

**15' Wide Permanent Drainage Easement
James F. Fruth and Anna M Fruth
944 Moser**

Being a parcel of land in the City of Napoleon, Henry County, Ohio, being bounded and described as follows:

The South fifteen (15.00) feet of the East eight-two and fifty-three hundredths (82.53') feet of a parcel of land as recorded in Official Record 256, Page 772, Henry County Deed Records, subject to any and all leases, easements and restrictions of record. Being the same as shown on the plans for Contract No. 2008-36, West and East Graceway Drive Sewer Improvements, prepared by Feller, Finch & Associates, Inc., on file with the City of Napoleon.

Said parcel of land recorded in Official Record 256, Page 772, Henry County Deed Records being described as follows:

The South one half (1/2) of lot number seventeen (17) in N. H. Hartman's subdivision of Outlots nine (9) and ten (10) in J. G. Lowe's Addition to the City of Napoleon, Henry County, Ohio.

Prepared by:

FELLER, FINCH & ASSOCIATES, INC.



D. Edward Thornton, P. S.
Professional Surveyor No. 7827

