#### GRANT OF DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Mason Developmental Resources, Inc., formerly Connie D. Inc., (Grantors), the Fee Simple owners of the real estate (the Property), located at 740 Snider Road within the City of Mason, identified in Official Record Volume 292, Page 26 of the Deed Records of Warren County, Ohio, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, does hereby grant, bargain, sell, convey and release to the City of Mason, an Ohio municipal corporation, whose tax mailing address is 214 West Main Street, Mason, Ohio 45040 (Grantee), and to their agents, employees, successors and assigns forever, a non-exclusive easement for the construction, operation, maintenance, repair and/or replacement of a drainage system on, above, under and through that portion of the aforementioned Property marked as 16-35-151-005 and as illustrated upon Exhibit A (the Easement area), attached hereto and made a part hereof.

All costs and expenses associated with the **Grantee's** construction, operation, maintenance, repair, replacement and restoration activities within the Easement Area described on Exhibit A as 3-S shall be borne solely by the **Grantee**.

Grantors shall not construct any improvements within or upon the Easement Area or otherwise use the Easement Area in a manner that would materially interfere with the exercise by Grantee of its rights provided by this document.

Grantee shall, as soon as practical after the completion of any construction, maintenance, repair or replacement activities, restore the surface of the Easement Area to the same condition or better as existed immediately prior to the commencement of such activities by Grantee or its agents, employees or contractors.

The terms and agreement set forth herein shall be deemed to be covenants running with the land and shall inure to the benefit of and be binding upon, as the case may be, the parties and their respective successors and assigns.

It is agreed that wherever a party is named in this instrument there shall be intended and included, in each case, that party, his heirs, administrators, successors, and assigns.

IN WITNESS WHEREOF, MR. TERRY Geie - President of	
Mason Developmental Regulaces Inchameda Como a)	LNC
have hereunto set his/her/their/its hand(s) this 8th day of December	in the
year of your Lord, two thousand of (2004).	

Signed and acknowledged in presence of: (Two witnesses, each as to all)  Frint Name Dan Hosórook  Print Name Dion C. Conne	Jerry General Social Security No. Federal I.D. No. 31-1424636  Title: mendent - Owner; General Partner; Pres/Vpres/Sec/Treas.
ACKNOWLEDGE (	CORPORATE)
State of Ohio } SS: County of Hamilton }	0.70
The foregoing instrument was acknowledged December, 2004, by Terry Core (Name of Off	before me this_\(\text{\tau}\) day of of  icer & Title of Officer)
of MASON Development Resources (Name of Corporation)	a(n)O \ corporation,  (State)
on behalf of this corporation.	
IN TESTIMONY THEREOF, I have hereum day of December, 2001.  Notary P My Com	Lon C. Connor

Auditor's Reference: 16-35-151-005

Grant of Drainage Easement Page 2

DION CLAYTON CONNOR Public, State of Ohio

Ay Commission Expires May 31, 2003

Auditor's Reference: 16-35-151-005 Grant of Drainage Easement Page 3

WITNESSES: (Two witnesses, each as to all)	CITY OF MASON
	By: Scott F. Lahrmer
Print Name	_
Print Name	-
State of Ohio	SS:
The foregoing instrument	
this day of City of Mason, an Ohio municipal corporatio	d and acknowledged before me, a Notary Public,, by Scott F. Lahrmer, City Manager of the n, on behalf of the corporation.
	Notary Public
APPROVED AS TO FORM	
By:	

EXHIBIT_		A		<u></u>	
PAGE	/	OF_	2		engineers erchitects planners

#### LEGAL DESCRIPTION PARCEL 3-S

Situated in Section 35, Town 4, Entire Range 2, City of Mason, Warren County, Ohio, being part of a 1.000 acre tract of land heretofore conveyed to Connie D., Inc., by deed recorded in Official Record Volume 292, Page 26 of the Warren County, Ohio Deed Records, and being more particularly described as follows: Commencing at the intersection of the existing centerline of Reading Road (U.S. Route No. 42) and the westerly line of Section 35, being also the existing centerline of Snider Road; Thence along the existing centerline of Snider Road and the westerly line of Section 35, S. 04°32'00" W., a distance of 243.61 feet, more or less, to a point being the intersection of the westerly prolongation of the Grantor's northerly line; Thence along the westerly prolongation of said northerly line S. 76°03'34" E., a distance of 68.49 feet to the proposed easterly right-of-way line of Snider Road and being the principle point of beginning for this description; Thence from said principle point of beginning, along the Grantor's northerly line S. 76°03'34" E., a distance of 10.01 feet to a point; Thence through the Grantor's property on the following two (2) courses and distances: 1. S. 8°22'59" W., a distance of 5.72 feet to a point; 2. N. 81°37'01" W., a distance of 10.00 feet to a point in proposed easterly right-of-way line of Snider Road; along the proposed easterly right-of-way line of Snider Road on a curve to the left (said Thence curve having a radius of 290.00 feet, with a chord bearing N. 8°42'36" E., a chord distance of 6.69 feet) an arc length of 6.69 feet to the point of beginning; 0.0014 acre, more or less, and being subject to all other easements, restriction, covenants, Containing and/or conditions of record.

The above description and bearing system is based on a plat of survey prepared by CDS Associates, Inc., in August 2001, at the direction of Lee A. Russell, Registered Professional Surveyor #6840 in Ohio, with

Plat No. \_\_\_\_\_ of the Warren

said plat filed in Survey Record

County Engineer's Record of Land Surveys.

#### GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Thomas J. McGill & Charlene McGill, husband and wife, Barbara Combs Elliott, married, whose husband is Richard Elliott, Edward Mastalski & Marie H. Matalski, husband and wife, Richard E. Brown & Shirley S. Brown, husband and wife, and Lucille S. Hargis, unmarried, for valuable consideration paid, grant with general warranty covenants to Connie D, Inc., an Ohio corporation, whose tax mailing address is 736 Snider Road, Mason, Ohio 45040, the following described real property:

Situate in the City of Mason, Section 35, Town 4, Range 2, Deerfield Township, Warren County, Ohio, being part of Lot No. 20 and being more particularly described as follows:

Commencing at an iron pin where the centerline of U. S. St. Rt. 42 and Snider Road intersect, thence S.  $3^{\circ}$  00' 00" W - 242.09 feet; thence S.  $77^{\circ}$  35' 00" E. - 40.55 feet to the E. right of way line of Snider Road and the true Point of Beginning; thence S. 77 deg. 35 min. E. 290.43 feet to an iron pin; thence S. 3 deg. 00 min. W. 152.00 feet to an iron pin; thence N. 77 deg. 35 min. W. 290.43 feet to an iron pin to the E. right of way line of Snider Road; thence along said E. right of way line N. 3 deg. 00 min. E. 152.00 feet to the True Point of Beginning. Containing 1.000 acres of land.

Prior Deed Reference: Deed Volume 523, Page 720 Sidwell No. 16351510050.

Excluded from the covenants of warranty are real property taxes and assessments which are not delinquent; easements, agreements and restrictions of record.

WITNESS their hands this 264 day of March, 1986.

Signed in the Presence of:

Richard Elliett



Department of State

### The State of Ohio

G010S-1074

Sherrod Brown

Secretary of State

659279

### & Certificate

it is netern c	ertified that the Secretary	of State of Ohio has	custody o	of the Records of	Incorporation	and	Miscellan	eous Filings;	that said
	filing and recording of:							_	
	_								
MASON	DEVELOPMENTAL	RESOURCES.	INC.	FORMERLY	CONNIE	0,	INC.		of:

United States of America State of Ohio Office of the Secretary of State



Recorded on Roll 4108 at Frame 1075 of the Records of Incorporation and Miscellaneous Filings.

Witness my hand and the seal of the Secretary of State, at the City of Columbus, Ohio, this  $\frac{2 \text{ N O}}{4 \text{ My of }} \frac{67}{100}$ , A.D. 19  $\frac{87}{100}$ .

Stund Blown
Sherrod Brown

Secretary of State

# TEMPORARY RIGHT OF ENTRY AND CONSTRUCTION EASEMENT AGREEMENT

This Temporary Right of Entry and Conthis 277 day of December, Resources, Inc., formerly Connie D. Inc., (Ownerly Connie D. Inc., (Ownerly Connie D. Inc., (Ownerly Connie D. Inc.)	struction Easement Agreement is entered into on 2004 (The "Agreement"), Mason Developmental er) and the City of Mason (the "City").

The Owner is the owner of the real estate property described on Exhibit 'B' affixed hereto (the "Property"), which is known as, (address) 740 Snider Road, Mason, Ohio 45040, and also known as Parcel No. 3 of Book \_\_\_\_\_\_ of the Warren County Recorder's office.

The City and its contractors, engineers, agents and/or employees desire to enter upon a portion of the Property in the area approximately shown on Exhibit A (the "Temporary Construction Easement Area") for the purposes of improving the public road known as Winton Road and Smiley Avenue and all facilities or utilities related to such road.

The City agrees to pay to Owner, upon execution of this Agreement, the sum of \$1.00 (the "Entry Price"), as full compensation for the rights granted to the City by the Owner pursuant to this Agreement. City accepts Owner's donation of this easement and access as a contribution toward the success of the Roadway Project.

Owner hereby grants to the City, in consideration of the Entry Price, the temporary Right for the City, its employees, agents, engineers, and/or contractors, to enter upon the Temporary Construction Easement Area by persons, equipment, and vehicles, and use the same for the temporary storage of materials and equipment and as a place of access to and from the immediately adjacent public right-of-way.

The right of entry granted by Owner to the City shall begin no earlier than August 30, 2004, and shall automatically expire at 11:59 PM on October 31, 2005.

The City agrees during the right of entry time described above or such reasonable time thereafter, the City shall restore the Temporary Construction Easement Area and repair any damage to the Property to the same condition that existed immediately prior to the time the City exercised the right of entry.

The City and the Owner acknowledge and agree that the Owner remains the Owner of the Property and the Temporary Construction Easement Area at all times; the City has only a temporary right to use the Construction Area for the period of time and purposes described above.

Connie D. Inc. Temporary Right of Entry Agreement And Construction Easement Agreement

Page 2

The Owner agrees that the Entry Price shall be the full consideration it shall receive from the City in connection with the above right-of-entry.

This Agreement is the entire agreement between the parties and cannot be modified by any oral or other communication, except as signed by both parties.

WITNESSES: (Two witnesses, each as to all)	OWNER(S):
Signature	MASON DEVELOPMENT RESOURCES, INC., FORMERLY CONNIE D. INC.  By: Jerry Gerei
Print Name: Dan Hosbrook  Signature  Print Name: Disp Conno	Title: president
STATE OF OHIO :	SS:
COUNTY OF WARREN :	
The foregoing instrument was signed of the day of December 2004  for and on behalf of the Crestilent	ed and acknowledged before me, a Notary Public, this  1, by MASON Developmental Resources, Inc.  (Name of Company)

DION CLAYTON CONNOR

Notary Public

.Dirc. State of Ohio My Commission Expires May 31, 200

Connie D. Inc. Temporary Right of Entry Agreement And Construction Easement Agreement

Page 3

WITNESSES: (Two witnesses, each as to all)	CITY OF MASON:
Signature	Scott F. Lahrmer, City Manager
Print Name:	
Signature	
Print Name:	
STATE OF OHIO :	
COUNTY OF WARREN :	SS:
The foregoing instrument was statistics	igned and acknowledged before me, a Notary Public,, 2004, by, the y of Mason, an Ohio Municipal Corporation, for and on
	Notary Public
APPROVED AS TO FORM:	
Зу:	



#### LEGAL DESCRIPTION PARCEL 3-T

Situated

in Section 35, Town 4, Entire Range 2, City of Mason, Warren County, Ohio, being part of a 1.000 acre tract of land heretofore conveyed to Connie D., Inc., by deed recorded in Official Record Volume 292, Page 26 of the Warren County, Ohio Deed Records, and being more particularly described as follows:

Commencing at the intersection of the existing centerline of Reading Road (U.S. Route No. 42) and the westerly line of Section 35, being also the existing centerline of Snider Road:

Thence

along the existing centerline of Snider Road and the westerly line of Section 35, S. 04°32'00" W., a distance of 243.61 feet, more or less, to a point being the intersection of the westerly prolongation of the Grantor's northerly line;

Thence

along the westerly prolongation of said northerly line S. 76°03'34" E., a distance of 40.55 feet to the Grantor's northwesterly comer and being in the existing easterly right-of-way line of Snider Road;

Thence

along the existing easterly right-of-way line of Snider Road S. 4°32'00" W., a distance of 152.00 feet to the Grantor's southwesterly corner;

Thence

along the Grantor's southerly property line S. 76°03'34" E., a distance of 7.50 feet to a point in the proposed easterly right-of-way line of Snider Road and the principle point of beginning for this description;

Thence

from said principle point of beginning, along the proposed easterly right-of-way line of Snider Road on the following two (2) courses and distances:

1. N. 12°36'38" E., a distance of 126.95 feet to a point;

2. On a curve to the left (said curve having a radius of 290.00 feet, with a chord bearing N. 10°59'26" E., a chord distance of 16.39 feet) an arc length of 16.40 feet to a point;

Thence

through the Grantor's property on the following eight (8) courses and distances:

- 1. S. 81°37'01" E., a distance of 10.00 feet to a point;
- 2. S. 11°35'03" W., a distance of 27.31 feet to a point;
- 3. S. 82°59'36" E., a distance of 9.04 feet to a point;
- 4. S. 12°36'38" W., a distance of 36.50 feet to a point;
- 5. S. 4°50'35" E., a distance of 10.00 feet to a point; 6. S. 12°36'38' W., a distance of 25.17 feet to a point;
- 7. S. 4°23'57" E., a distance of 20.56 feet to a point;
- 8. S. 6°06'02" W., a distance of 25.47 feet to a point in the grantor's southerly

Thence

along the Grantor's southerly line N. 76°03'34" W., a distance of 12.91 feet to the point of beginning:

EXHIBIT	- 1	· A	2
PAGE	2	OF_	3

Containing . 0.0196 acre, more or less, and being subject to all other easements, restrictions, covenants, and/or conditions of record.

The above description and bearing system is based on a plat of survey prepared by CDS Associates, Inc., in August 2001, at the direction of Lee A. Russell, Registered Professional Surveyor #6840 in Ohio, with said plat filed in Survey Record Plat No. of the Warren County Engineer's Record of Land Surveys.

# CIIY UF MASUN

WARREN COUNTY, OHIO
EXHIBIT A
PAGE 3 OF 3

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#### GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Thomas J. McGill & Charlene McGill, husband and wife, Barbara Combs Elliott, married, whose husband is Richard Elliott, Edward Mastalski & Marie H. Matalski, husband and wife, Richard E. Brown & Shirley S. Brown, husband and wife, and Lucille S. Hargis, unmarried, for valuable consideration paid, grant with general warranty covenants to Connie D, Inc., an Ohio corporation, whose tax mailing address is 736 Snider Road, Mason, Ohio 45040, the following described real property:

Situate in the City of Mason, Section 35, Town 4, Range 2, Deerfield Township, Warren County, Ohio, being part of Lot No. 20 and being more particularly described as follows:

Commencing at an iron pin where the centerline of U. S. St. Rt. 42 and Snider Road intersect, thence S.  $3^{\circ}$  00' 00" W - 242.09 feet; thence 5. 77° 35' 00" E. - 40.55 feet to the E. right of way line of Snider Road and the true Point of Beginning; thence S. 77 deg. 35 min. E. 290.43 feet to an iron pin; thence S. 3 deg. 00 min. W. 152.00 feet to an iron pin; thence N. 77 deg. 35 min. W. 290.43 feet to an iron pin to the E. right of way line of Snider Road; thence along said E. right of way line N. 3 deg. 00 min. E. 152.00 feet to the True Point of Beginning. Containing 1.000 acres of land.

Prior Deed Reference: Deed Volume 523, Page 720

Sidwell No. 16351510050.

Excluded from the covenants of warranty are real property taxes and assessments which are not delinquent; easements, agreements and restrictions of record. WITNESS their hands this 2644day of March, 1986.

Signed in the Presence of:



Department of State

### The State of Ohio

G010S-1074

Sherrod Brown

Secretary of State

659279

## & Certificate

st is acresy certified that the Secretar	y of State of Ohio has custody of the Records of Incorporation and Miscellaneous Filings; that said
records show the filing and recording of:	
MASON DEVELOPMENTAL	RESOURCES, INC. FORMERLY CONNIE D. INC.

United States of America State of Ohio Office of the Secretary of State



Recorded on Roll 6103 at Frame 1075 of the Records of Incorporation and Miscellaneous Fillings.

Witness my hand and the seni of the Secretary of State, at the City of Columbus, Ohio, this \_\_\_\_\_ 240 day of FEB . A.D. 19 - 87.

A.D. 19\_\_\_\_\_\_,

Sherrod Brown
Secretary of State

SEA -

EXHIBIT_	A	
PAGE	1 OF_	2



#### LEGAL DESCRIPTION PARCEL 3-WD

Situated

in Section 35, Town 4, Entire Range 2, City of Mason, Warren County, Ohio, being part of a 1.000 acre tract of land heretofore conveyed to Connie D., Inc., by deed recorded in Official Record Volume 292, Page 26 of the Warren County, Ohio Deed Records, and being more particularly described as follows:

Commencing

at the intersection of the existing centerline of Reading Road (U.S. Route No. 42) and the westerly line of Section 35, being also the existing centerline of Snider Road;

Thence

along the existing centerline of Snider Road and the westerly line of Section 35, S. 04°32′00″ W., a distance of 243.61 feet, more or less, to a point being the intersection of the westerly prolongation of the Grantor's northerly line;

Thence

along the westerly prolongation of said northerly line S. 76°03'34" E., a distance of 40.55 feet to the Grantor's northwest corner in the existing easterly right-of-way line of Snider Road and being the principle point of beginning for this description;

Thence

from said principle point of beginning, along the Grantor's northerly line S. 76°03'34"E., a distance of 27.94 feet to a point in the proposed easterly right-of-way line of Snider Road;

Thence

through the Grantor's property and along the proposed easterly right-of-way line of Snider Road on the following two (2) courses and distances:

- on a curve to the right (said curve having a radius of 290.00 feet with a chord bearing S. 10°19'47" W., a chord distance of 23.08 feet) an arc distance of 23.09 feet to a point;
- 2. S. 12°36'38" W., a distance of 126.95 feet to a point in the Grantor's southerly line;

Thence

along the Grantor's southerly line S. 76°03'34" E., a distance of 7.50 feet to the Grantor's southwesterly corner, being in the existing easterly right-of-way line of Snider Road;

Thence

along the existing easterly right-of-way line of Snider Road and the grantor's westerly line N.04°32′00″E., a distance of 152.00 feet to the point of beginning;

Containing

0.0624 acre, more or less, and being subject to all other easements, restrictions, covenants, and/or conditions of record.

The Grantor herein and the Grantor's heirs, executors, administrators and/or assigns, hereby retain the rights of ingress and egress to and from any residual area.

The above description and bearing system is based	d on a plat of survey prepared by CDS A	ssocia	tes Inc
in August 2001, at the direction of Lee A. Russell,	Registered Professional Surveyor #684	0 in 01	hio with
said plat filed in Survey Record	731 . 3.7		Warren
County Engineer's Record of Land Surveys.	1100	)1 tile	vy all Cil