

EXHIBIT "A"

WAR-42-0.00
PID NO. 79850
PARCEL 36-SH

Situated in Section 5, Town 3, Range 2, Between the Miamis in the City of Mason, Warren County, Ohio and being more particularly described as follows:

Beginning for reference at the intersection of the west line of Section 4 with the existing centerline of U.S. 42; Thence along said centerline North $45^{\circ}34'02''$ East, 7.61 feet; Thence leaving said centerline South $44^{\circ}34'31''$ East, 1.91 feet to Station 0+00 of the proposed centerline of construction for WAR-42-0.00, PID No. 79850; Thence along said centerline of construction North $45^{\circ}25'29''$ East, 1,041.09 feet; Thence along a curve deflecting to the right having a radius of 3,429.37 feet, central angle of $05^{\circ}16'05''$, arc length of 315.32 feet, the chord of said arc bears North $48^{\circ}03'32''$ East, 315.21 feet; Thence North $50^{\circ}41'35''$ East, 4,451.05 feet; Thence leaving said centerline of construction South $39^{\circ}18'25''$ East, 49.15 feet to a set iron pin in the existing south line of U.S. 42, said pin being the **TRUE POINT OF BEGINNING**;

Thence South $05^{\circ}27'35''$ West, 43.45 feet to a set iron pin;

Thence North $89^{\circ}39'46''$ West, 48.43 feet to a set iron pin;

Thence North $50^{\circ}44'14''$ East, 67.88 feet to the **TRUE POINT OF BEGINNING**.

Containing 0.0241 Acres, (1,047 Sq. Ft). Subject to legal highways and easements of record.

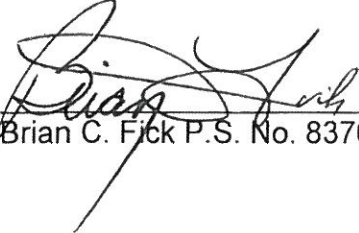
The above described parcel being part of the Mason Crossing, LLC tract as recorded in Official Record 4648, Page 138 at the Warren County Recorder's Office and further identified as Auditor's Parcel 15054060010.

Monuments referred to as set iron pins are $5/8''$ x 30" iron pins with plastic cap stamped B. Fick. P.S. 8370

Page 2
PARCEL 36-SH

All bearings shown are for project use only. These bearings are based upon Ohio State Plane Coordinate System, (South Zone) NAD 83.

This description was prepared and reviewed in June 2008 by G.J. BERDING SURVEYING, INC., Brian C. Fick, Registered Surveyor Number 8370.


Brian C. Fick P.S. No. 8370

7-22-09
Date



G.J. Berding Surveying, Inc.

741 Main Street • Milford, OH 45150 • 513 831 5505 tel • 513 831 6761 fax • www.berdingsurveying.com

Parcel 36-SH : CW1202 BCF118 CW1200 CW1202

Total parent tract area =	1,047.7584 ft ² =	0.0241 a
Total taken area =	0.0000 ft ² =	0.0000 a
Remaining area =	1,047.7584 ft ² =	0.0241 a

Description of parcel: 36-SH

Beginning parent tract description

Point CW1202 N 20,413.2334 E 30,637.7821 Sta 0+00.000000

Course from CW1202 to BCF118 N 50° 44' 14" E Dist 67.8849

Point BCF118 N 20,456.1963 E 30,690.3421 Sta 0+67.884896

Course from BCF118 to CW1200 S 5° 27' 35" W Dist 43.4450

Point CW1200 N 20,412.9484 E 30,686.2084 Sta 1+11.329910

Course from CW1200 to CW1202 N 89° 39' 46" W Dist 48.4272

Point CW1202 N 20,413.2334 E 30,637.7821 Sta 1+59.757092

End of parcel 36-SH description

EXHIBIT “ ”

WAR-42-0.00
PID NO. 79850
PARCEL 36-DU

Situated in Section 5, Town 3, Range 2, Between the Miamis in the City of Mason, Warren County, Ohio and being more particularly described as follows:

Beginning for reference at the intersection of the west line of Section 4 with the existing centerline of U.S. 42; Thence along said centerline North $45^{\circ}34'02''$ East, 7.61 feet; Thence leaving said centerline South $44^{\circ}34'31''$ East, 1.91 feet to Station 0+00 of the proposed centerline of construction for WAR-42-0.00, PID No. 79850; Thence along said centerline of construction North $45^{\circ}25'29''$ East, 1,041.09 feet; Thence along a curve deflecting to the right having a radius of 3,429.37 feet, central angle of $05^{\circ}16'05''$, arc length of 315.32 feet, the chord of said arc bears North $48^{\circ}03'32''$ East, 315.21 feet; Thence North $50^{\circ}41'35''$ East, 4,451.05 feet; Thence leaving said centerline of construction South $39^{\circ}18'25''$ East, 49.15 feet to a point in the existing south line of U.S. 42; Thence along said south line South $50^{\circ}44'14''$ West, 67.88 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving said south line along the proposed south line of U.S. 42 South $89^{\circ}39'46''$ East, 4.54 feet;

Thence leaving said south line South $50^{\circ}41'35''$ West, 467.83 feet to a point in the north line of Tri Way Drive;

Thence along a said north line along a curve deflecting to the right having a radius of 20.00 feet, central angle $33^{\circ}09'29''$, arc length of 11.57 feet, the chord of said arc bears North $34^{\circ}09'26''$ East, 11.41 feet to a point in the aforementioned south line of U.S. 42;

Thence along said south line North $50^{\circ}44'14''$ East, 453.40 feet to the **TRUE POINT OF BEGINNING**.

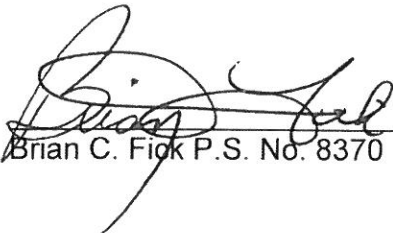
Containing 0.0327 Acres, (1,422 Sq. Ft). Subject to legal highways and easements of record.

The above described parcel being part of the Mason Crossing, LLC tract as recorded in Official Record 4648, Page 138 at the Warren County Recorder's Office and further identified as Auditor's Parcel 15054060010.

Page 2
PARCEL 36-DU

All bearings shown are for project use only. These bearings are based upon Ohio State Plane Coordinate System, (South Zone) NAD 83.

This description was prepared and reviewed in June 2008 by G.J. BERDING SURVEYING, INC., Brian C. Fick, Registered Surveyor Number 8370.


Brian C. Fick P.S. No. 8370

7-22-09
Date



G.J. Berding Surveying, Inc.

741 Main Street • Milford, OH 45150 • 513 831 5505 tel • 513 831 6761 fax • www.berdingsurveying.com

Parcel 36-DU : CW1202 DU3602 CUR C36DU1 CW1202

Total parent tract area = 1,422.4509 ft² = 0.0327 a
Total taken area = 0.0000 ft² = 0.0000 a
Remaining area = 1,422.4509 ft² = 0.0327 a

Description of parcel: 36-DU

Beginning parent tract description

Point CW1202 N 20,413.2334 E 30,637.7821 Sta 0+00.000000

Course from CW1202 to DU3602 S 89° 39' 46" E Dist 4.5414

Point DU3602 N 20,413.2067 E 30,642.3234 Sta 0+04.541381

Course from DU3602 to PC C36DU1 S 50° 41' 35" W Dist 467.8333

Curve Data

Curve C36DU1

P.I. Station 4+78.328955 N 20,122.5216 E 30,282.1300

Delta = 33° 09' 29" (RT)

Degree = 286° 28' 44"

Tangent = 5.9543

Length = 11.5743

Radius = 20.0000

External = 0.8675

Long Chord = 11.4135

Mid. Ord. = 0.8315

P.C. Station 4+72.374687 N 20,116.8454 E 30,280.3317

P.T. Station 4+83.948993 N 20,126.2900 E 30,286.7400

C.C. N 20,110.8052 E 30,299.3978

Back = N 17° 34' 42" E

Ahead = N 50° 44' 10" E

Chord Bear = N 34° 09' 26" E

Course from PT C36DU1 to CW1202 N 50° 44' 14" E Dist 453.3951

Point CW1202 N 20,413.2334 E 30,637.7821 Sta 9+37.344045

End of parcel 36-DU description

EXHIBIT “ _____ ”

**WAR-42-0.00
PID NO. 79850
PARCEL 36-T**

Situated in Section 5, Town 3, Range 2, Between the Miamis in the City of Mason, Warren County, Ohio and being more particularly described as follows:

Beginning for reference at the intersection of the west line of Section 4 with the existing centerline of U.S. 42; Thence along said centerline North $45^{\circ}34'02''$ East, 7.61 feet; Thence leaving said centerline South $44^{\circ}34'31''$ East, 1.91 feet to Station 0+00 of the proposed centerline of construction for WAR-42-0.00, PID No. 79850; Thence along said centerline of construction North $45^{\circ}25'29''$ East, 1,041.09 feet; Thence along a curve deflecting to the right having a radius of 3,429.37 feet, central angle of $05^{\circ}16'05''$, arc length of 315.32 feet, the chord of said arc bears North $48^{\circ}03'32''$ East, 315.21 feet; Thence North $50^{\circ}41'35''$ East, 4,451.05 feet; Thence leaving said centerline of construction South $39^{\circ}18'25''$ East, 49.15 feet to a point in the existing south line of U.S. 42; Thence South $05^{\circ}27'35''$ West, 43.45 feet to the **TRUE POINT OF BEGINNING**;

Thence South $05^{\circ}27'35''$ West, 34.29 feet;

Thence North $71^{\circ}18'45''$ West, 52.29 feet;

Thence South $50^{\circ}41'35''$ West, 70.00 feet;

Thence South $39^{\circ}18'25''$ East, 15.00 feet;

Thence South $50^{\circ}41'35''$ West, 40.00 feet;

Thence North $39^{\circ}18'25''$ West, 20.00 feet;

Thence South $50^{\circ}41'35''$ West, 215.00 feet;

Thence South $44^{\circ}58'56''$ West, 50.25 feet;

Thence South $59^{\circ}57'29''$ West, 47.33 feet;

Thence South $19^{\circ}20'53''$ West, 43.48 feet to a point in the north line of Tri Way Drive;

Point CW1188 N 20,193.5608 E 30,378.7718 Sta 9+84.401981

Course from CW1188 to CW1187 S 44° 58' 56" W Dist 50.2494

Point CW1187 N 20,158.0181 E 30,343.2511 Sta 10+34.651359

Course from CW1187 to CW1186 S 59° 57' 29" W Dist 47.3255

Point CW1186 N 20,134.3254 E 30,302.2833 Sta 10+81.976884

Course from CW1186 to CW1185 S 19° 20' 53" W Dist 43.4834

Point CW1185 N 20,093.2978 E 30,287.8771 Sta 11+25.460284

End of parcel 36-TMP description

Thence along said north line North $39^{\circ}15'46''$ West, 6.27 feet;

Thence along a curve deflecting to right having a radius of 20.00 feet, central angle $56^{\circ}49'44''$, arc length of 19.84 feet; the chord of said arc bears North $10^{\circ}50'10''$ West, 19.03 feet;

Thence leaving said north line North $50^{\circ}41'35''$ East, 467.83 feet;

Thence South $89^{\circ}39'46''$ West, 43.89 feet to the **TRUE POINT OF BEGINNING**.

Containing 0.0991 Acres, (4,317 Sq. Ft). Subject to legal highways and easements of record.

The above described parcel being part of the Mason Crossing, LLC tract as recorded in Official Record 4648, Page 138 at the Warren County Recorder's Office and further identified as Auditor's Parcel 15054060010.

All bearings shown are for project use only. These bearings are based upon Ohio State Plane Coordinate System, (South Zone) NAD 83.

This description was prepared and reviewed in June 2008 by G.J. BERDING SURVEYING, INC., Brian C. Fick, Registered Surveyor Number 8370.


Brian C. Fick P.S. No. 8370

7-22-09
Date



Parcel 36-TMP : CW1185 CUR C36_1 DU3602 CW1200 CW1198 CW1356 CW1197 CW1196 CW1195 CW1194
CW1188 CW1187 CW1186 CW1185

Total parent tract area = 4,317.8411 ft² = 0.0991 a
Total taken area = 0.0000 ft² = 0.0000 a
Remaining area = 4,317.8411 ft² = 0.0991 a

Description of parcel: 36-TMP

Beginning parent tract description

Point CW1185 N 20,093.2978 E 30,287.8771 Sta 0+00.000000

Course from CW1185 to PC C36_1 N 39° 15' 46" W Dist 6.2681

Curve Data

Curve C36_1
P.I. Station 0+17.088597 N 20,106.5301 E 30,277.0638
Delta = 56° 49' 44" (RT)
Degree = 286° 28' 44"
Tangent = 10.8205
Length = 19.8371
Radius = 20.0000
External = 2.7395
Long Chord = 19.0339
Mid. Ord. = 2.4094
P.C. Station 0+06.268103 N 20,098.1509 E 30,283.9101
P.T. Station 0+26.105155 N 20,116.8454 E 30,280.3317
C.C. N 20,110.8052 E 30,299.3978
Back = N 39° 15' 02" W
Ahead = N 17° 34' 42" E
Chord Bear = N 10° 50' 10" W

Course from PT C36_1 to DU3602 N 50° 41' 35" E Dist 467.8333

Point DU3602 N 20,413.2067 E 30,642.3234 Sta 4+93.938461

Course from DU3602 to CW1200 S 89° 39' 46" E Dist 43.8858

Point CW1200 N 20,412.9484 E 30,686.2084 Sta 5+37.824262

Course from CW1200 to CW1198 S 5° 27' 35" W Dist 34.2866

Point CW1198 N 20,378.8173 E 30,682.9462 Sta 5+72.110870

Course from CW1198 to CW1356 N 71° 18' 45" W Dist 52.2911

Point CW1356 N 20,395.5718 E 30,633.4119 Sta 6+24.401981

Course from CW1356 to CW1197 S 50° 41' 35" W Dist 70.0000

Point CW1197 N 20,351.2284 E 30,579.2485 Sta 6+94.401981

Course from CW1197 to CW1196 S 39° 18' 25" E Dist 15.0000

Point CW1196 N 20,339.6220 E 30,588.7507 Sta 7+09.401981

Course from CW1196 to CW1195 S 50° 41' 35" W Dist 40.0000

Point CW1195 N 20,314.2829 E 30,557.8002 Sta 7+49.401981

Course from CW1195 to CW1194 N 39° 18' 25" W Dist 20.0000

Point CW1194 N 20,329.7582 E 30,545.1307 Sta 7+69.401981

Course from CW1194 to CW1188 S 50° 41' 35" W Dist 215.0000

**NOTICE OF INTENT TO ACQUIRE
AND
GOOD FAITH OFFER**

August 31, 2009

Mason Crossing, LLC an Ohio Limited Liability Co.
Mr. Tarik M. Daoud
100 Crisler Avenue, Suite 3
Crescent Springs, Kentucky 41017

Re: WAR-42-0.00
Parcel Number: 36
Interest Acquired: Permanent and Temporary Easements



TO: Mason Crossing, LLC an Ohio Limited Liability Co.

The City of Mason, Ohio needs your property for a highway project identified as WAR-42-0.00 and will need to acquire the following from you:

Parcel 36– SH is a standard highway easement needed for the installation and maintenance of drainage systems.

Parcel 36– DU is a permanent drainage and utility easement needed for the installation and maintenance of new roadway drainage and utility systems.

Parcel 36– T is temporary easement of two years duration first beginning when work starts on your property. The temporary easement is needed to reconstruct your driveway and for grading and seeding purposes.

Ohio law authorizes City of Mason, Ohio to obtain Parcels 36-SH,DU and T from your property for the public purpose of a highway project. The legal description of your property that City of Mason, Ohio needs is attached to this Notice of Intent to Acquire and Good Faith Offer and is referenced as **Exhibit A**.

The Good Faith Offer included in this document is City of Mason, Ohio determination of the fair market value of your property. This fair market value (FMV) is what a willing buyer who is under no compulsion to buy and a willing seller who is under no compulsion to sell would value your property on the open market.

You will have a minimum of 30 days from the time you receive this offer to accept or reject the offer. We are available to discuss the offer with you at any time. If you reject the offer or we are unable to come to an agreement, we may have to exercise our eminent domain authority to appropriate your property. This will require a court procedure. In a court proceeding, you may disagree with whether our offer reflects the fair market value of the property.

HERE IS A BRIEF SUMMARY OF YOUR OPTIONS AND LEGALLY PROTECTED RIGHTS:

1. By law, City of Mason, Ohio is required to make a good faith effort to purchase Parcels 36-SH,DU and T.
2. We are to provide you with a written offer and the appraisal or valuation upon which we base that offer. The amount offered to you will not be less than the approved fair market value estimate of the property needed for the project. This compensation is based on the valuation of your property by qualified real estate personnel who have analyzed current market data. Their valuation work has been reviewed by a preapproved review appraiser prior to City of Mason, Ohio establishing its fair market value estimate for your property needed for the project.
3. **You do not have to accept this offer** and City of Mason, Ohio is not required to agree to your demands.
4. You are to be provided a copy of the valuation document during the first negotiation visit by an agent of City of Mason, Ohio .
5. You are to be provided with pertinent parts of the highway plans which are:

Legend sheet; Property Map; Summary Sheet; Right of Way Detail Sheet(s); and Plan and Profile Sheet(s)
6. The Plan Letter Attachment to this “Notice of Intent to Acquire and Good Faith Offer” describes the interest in the real property that is to be acquired from you; the description and location of the real property to be acquired; and any improvements such as buildings or structures situated on the property to be acquired, if any.
7. You will be provided with a booklet entitled “When ODOT Needs Your Property”. This booklet briefly explains the acquisition process and your rights in this process.
8. You have the right to seek the advice of an attorney, real estate appraiser, or any other person of your choice in this matter

9. You have the right to object to City of Mason, Ohio decision to acquire your property by writing, within ten business days of receiving this notice, to:

Eric Hanson
City Manager
6000 Mason-Montgomery Road
Mason, Ohio 45040

The City Council has the discretion to veto this project, and if he does, it will not proceed.

10. If you do not accept this offer, and we cannot come to an agreement on the acquisition of Parcels 36-SH,DU and T, City of Mason, Ohio has the right to file suit to acquire Parcels 36-SH,DU and T by eminent domain in the county in which the property is located. This action, referred to as an “appropriation proceeding” ensures your rights will be fully protected while at the same time allowing the construction of the highway project to proceed for the benefit of all.
11. When filing the appropriation, the City of Mason, Ohio will deposit the value of the property sought to be acquired with the court. At that time, City of Mason, Ohio gains the right to enter upon and use the property acquired subject to Section 163.06 (B) of the Ohio Revised Code. If you agree to accept the deposited money as full payment, the appropriation case will be closed.
12. If you are not satisfied with the amount of the deposit, you must file an answer with the court in the manner and within the time specified in the summons which is served upon you by the court. Once the answer is filed, you may apply to the court to withdraw the deposited money, subject to the rights of any other parties having an interest in the property. Withdrawing your share of the deposit does not interfere with your right to have a jury determine the FMV of your property. Interest will not accrue on any money deposited under this procedure. If the money withdrawn under this procedure should exceed the final award, the owner will be required to return the excess payment.
13. As part of your answer you may request a trial by jury. After a trial, a jury will decide the amount you are to be awarded for your property that is acquired, for the damage that is caused by the acquisition, if applicable, and for other damages permitted by law, which could either exceed or be less than our offer. At the trial you may testify and present evidence as to the value of your property
14. If your property qualifies as an “Agricultural Use” as defined under ORC 163.21 (C)(2), and a jury awards you an amount that is more than 150% of the City of Mason, Ohio's final offer as determined by law, you may be entitled to recover attorney fees and other litigation costs.

15. You also have the right to request that the issue of the value of your property be submitted to nonbinding mediation. You **must** submit your written request for mediation to the court within ten business days after you file your answer. If a settlement is not reached at mediation, the matter will proceed to a jury valuation trial.

THE GOOD FAITH OFFER:

The amount offered to you in good faith as just compensation for the acquisition of Parcel 36, Permanent and Temporary Easements, of Project WAR-42-0.00 is:

Real Property to be Acquired (Permanent easements, SH, DU).....	\$10,110.00
Damages To Your Property Which Is Not Acquired	\$0.00
Temporary Construction Easements	\$5,304.00
Total Good Faith Offer	\$15,414.00

Tenant-owned improvements, if any, are to be identified in this Notice of Intent to Acquire and Good Faith Offer, and if there are any such improvements, the amount offered to you does not include compensation for these improvements. **There are no tenant-owned improvements in the take area.**

While City of Mason, Ohio may not provide legal advice, we will make all efforts to answer questions you have concerning this process and provide any copies of the law or our records that you may need to fully understand your rights, the project, and the process. If you have any questions concerning this matter, you may contact us at:

DLZ OHIO INC
6121 Huntley Road
Columbus, Ohio 43229

Greg Reynolds
Right of Way Agent
DLZ OHIO INC.
614-888-0040
x1320

By signing below I acknowledge only that I have received the “Notice of Intent to Acquire and Good Faith Offer” and that my signature in no way implies that I have accepted the price offered or any other conditions.

(Owner’s signature)

(Date)

(Print owner’s name)

(Owner’s signature)

(Date)

(Print owner’s name)