



GRANT OF DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Steve Boymel & Carol Ann Boymel, (**Grantors**), the Fee Simple owners of the real estate (the Property), located at 780 Snider Road within the City of Mason, identified in Deed Book 523, Page 452 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 16-35-151-006 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 4-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, Steve Boymel and Carol Ann Boymel

have hereunto set his/her/their/its hand(s) this 9 day of December in the year of our Lord, two thousand 04 (2004).

WITNESSES:
(Two witnesses, each as to all)

CITY OF MASON

By: _____
Scott F. Lahrmer

Print Name

Print Name

State of Ohio

SS:

County of Hamilton

The foregoing instrument was signed and acknowledged before me, a Notary Public, this _____ day of _____, _____, by Scott F. Lahrmer, City Manager of the City of Mason, an Ohio municipal corporation, on behalf of the corporation.

Notary Public



**LEGAL DESCRIPTION
PARCEL 4-S**

- Situated in Section 35, Town 4, Entire Range 2, City of Mason, Warren County, Ohio, being part of a 8.466 acre tract of land heretofore conveyed to Steven Boymel and Carol Ann Boymel, by deed recorded in Deed Book 523, Page 452 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 402.24 feet, more or less, to a point in said centerline and section line;
- Thence at a right angle to the previous course, S.85°28'00"E., a distance of 40.00 feet to a point in the northwesterly corner of the Grantor's tract and the existing easterly right-of-way line of Snider Road;
- Thence along the Grantor's northerly line, S.76°03'34"E., a distance of 7.50 feet to proposed easterly right-of-way line of Snider Road;
- Thence along the proposed right-of-way line of Snider Road S. 12°36'38" W., a distance of 27.57 feet to the principle point of beginning for this description;
- Thence from said principle point of beginning and through the grantor's property on the following three (3) courses and distances:
1. S. 78°14'14" E., a distance of 15.99 feet to a point;
 2. S. 4°31'26" W., a distance of 10.08 feet to a point;
 3. N. 78°14'14" W., a distance of 17.41 feet to a point in the proposed easterly right-of-way line of Snider Road;
- Thence along the proposed easterly right-of-way line Snider Road, N. 12°36'38" E., a distance of 10.00 feet to the point of beginning;
- Containing 0.0038 acre, more or less and being subject to all other easements, restriction, 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.



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Know All Men by These Presents:EXHIBIT BPAGE 1 OF 2

That THOMAS J. MC GILL and CHARLENE MC GILL (husband and wife);
BARBARA R. COMBS, (unmarried); EDWARD MASTALSKI and MARIE H.
MASTALSKI (husband and wife); RICHARD E. BROWN and SHIRLEY S. BROWN
(husband and wife); WILLIAM J. HARGIS and LUCILLE S. HARGIS (husband
and wife)

in consideration of One Dollar and other good and valuable considerations

to them paid by STEVEN BOYMEL and CAROL ANN BOYMEL

whose address is 6898 Hamilton-Middletown Road Middletown, Ohio 45042
the receipt whereof is hereby acknowledged, do hereby Grant, Bargain, Sell

and Convey to the said STEVEN BOYMEL and CAROL BOYMEL, during their
joint lives and remainder to the survivor of them, his or her
separate.

heirs and assigns forever,

the following described Real Estate,

Situate in the City of Mason, Section 35, Town 4, Range 2,
Deerfield Township, Warren County, Ohio 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°00'00" W. 394.09 feet;
thence S. 77°35'00" E. a distance of 40.55 feet to the E. right
of way line and being the True Point of Beginning for the land
herein described; thence S. 77 deg. 35 min. E. 290.43 feet to
an Iron Pin; thence N. 3 deg. 00'00" E. 152.00 feet; thence
S. 77 deg. 35'00" E. 604.18 feet; to an Iron Pin in the westerly
right of way line of the C.L. & N. Railroad; thence along said
right of way line S. 25 deg. 42 min. 11 sec. W. 536.54 feet to
an Iron Pin; thence N. 77 deg. 35 min. W. 684.70 feet to an
Iron Pin in the east right of way line of Snider Road; thence
along said East right of way line N. 3 deg. 00 min. E. 377.32
feet to the True Point of Beginning. Containing 8.466 Acres of Land
and being subject to all legal highways and easements of record.

Prior Deed Reference: Deed Book 523 Page 448
of the Warren County, Ohio, Deed Records.

A survey of this property was made by William C. Prows
Registered Surveyor No. 5855

Being the same property as shown and designated on the
recorded plat thereof in Plat Book 10, page 13, of the
Warren County, Ohio, Recorder's Office.

RECORDED
INDEXED

and all the Estate, Title and Interest of the said THOMAS J. MCGILL and CHARLENE M. MCGILL and BARBARA R. COMBS, and EDWARD MASTALSKI and MARIE H. MASTALSKI, and RICHARD E. BROWN and SHIRLEY S. BROWN, and WILLIAM J. HARGIS and LUCILLE R. HARGIS

either in Law or Equity, of, in and to the said premises; Together with all the privileges and appurtenances to the same belonging, and all the rents, issues and profits thereof; To have and to hold the same to the only proper use of the said grantees,

Steven Boymel and Carol Ann Boymel, during their joint lives and remainder to the survivor of them, his or her separate.

heirs and assigns forever.

And the said THOMAS J. MC GILL and CHARLENE M. MC GILL, and BARBARA R. COMBS, and EDWARD MASTALSKI and MARIE H. MASTALSKI, and RICHARD E. BROWN and SHIRLEY S. BROWN, and WILLIAM J. HARGIS and LUCILLE R. HARGIS

~~for~~ for themselves and their heirs, executors and administrators, do hereby Covenant with the said STEVEN BOYMEL and CAROL ANN BOYMEL during their joint lives and the remainder to the survivor of them, his or her separate.

that they are the true and lawful owners of the said premises, and have full power to convey the same; and that the title so conveyed is Clear, Free and Unincumbered; And further, That they do Warrant and Will Defend the same against all claim or claims, of all persons whomsoever:

Save and except taxes due and payable in December, 1978, and thereafter, and any and all assessments, whether certified or uncertified and any and all restrictions, reservations, agreements and easements of record, zoning laws and restrictions and legal highways, if any. Also save and except, the property to be dedicated as shown in Plat Book 10, Page 13 of the Warren County, Ohio Plat Records. Also save and except the

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