

TEMPORARY RIGHT OF ENTRY AND CONSTRUCTION EASEMENT AGREEMENT

This Temporary Right of Entry and Construction Easement Agreement is entered into on this 25th day of May, 2006 (The "Agreement"), by and among George Eberhard, Robert Eberhard and Donald Eberhard (Owner) and the City of Mason, Ohio (the "City").

The Owner is the owner of the real estate property (the "Property"), which is known as, 4753 Socialville Foster Road, Mason, Ohio 45040, and also known as Parcel No. 16-27-101-005 of OR 4174 , Page 582 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 labeled "6-T" shown on Exhibit "A" affixed hereto (the "Temporary Construction Easement Area") for the purposes of improving the public road know as Socialville Foster Road and all facilities or utilities related to such road (the "Work").

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 of the Agreement. City accepts Owner's donation of this easement and access as a contribution toward the success of the Roadway Project. Excluded herefrom are any costs expended by the City to restore and repair the Property as more fully detailed below.

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.

This right of entry granted by Owner to the City shall begin no earlier than 5-25-06 and expire one (1) year from that date at 11:59 p.m..

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.

The Owner agrees that the Entry Price shall be the full consideration they 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.

George Eberhard
GEORGE EBERHARD
Martha Eberhard
MARTHA EBERHARD
Robert Eberhard
ROBERT EBERHARD

CITY OF MASON

By: 

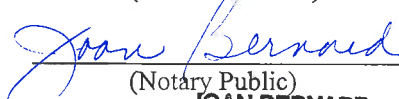
Print Name: Scot F. Lahrmer

Title: City Manager

STATE OF OHIO :
: SS:
COUNTY OF WARREN :

The foregoing instrument was signed and acknowledged before me, a Notary Public, this

25 day of MAY, 2006 by Scot Lahrmer, City Manager.
(Name of Owner)


(Notary Public)

JOAN BERNARD
Notary Public, State of Ohio
My Commission Expires May 7, 2010
(My Commission Expires)

TEMPORARY RIGHT OF WAY EASEMENT
SOCIALVILLE FOSTERS ROAD IMPROVEMENTS
Parcel 6T
George Eberhard, et al

Situate in the Northwest Quarter of Section 27, Town 4 East, Range 2 North, City of Mason, Warren County, State of Ohio, and being part of a 4 acre parcel of land as conveyed to George Eberhard, et al, by instrument as recorded in Official Record 2907, Page 558 of the deed records of said county, and being more particularly bounded and described, per a survey performed by LJB, Inc. in 2003 with bearings based on state plane coordinates, South Zone (NAD83), as follows:

Beginning for reference at a railroad spike found at the northeast corner of said 4 acre parcel, 9.21 feet left of centerline of construction of Socialville Fosters Road Station 16+79.19;

Thence South $05^{\circ} 26' 39''$ West, 41.71 feet along the east line of said 4 acre parcel to an iron pin to be set on the new south right of way line of Socialville Fosters Road 32.50 feet right of centerline of construction of Socialville Fosters Road Station 16+78.96, said point being the TRUE POINT OF BEGINNING;

6T

Thence continuing South $05^{\circ} 26' 39''$ West, 5.50 feet along the said east property line to a point 38.00 feet right of centerline of construction of Socialville Fosters Road Station 16+78.93;

Thence North $84^{\circ} 52' 37''$ West, 78.93 feet to a point 38.00 feet right of centerline of construction of Socialville Fosters Road Station 16+00.00;

Thence South $05^{\circ} 07' 23''$ West, 17.00 feet to a point 55.00 feet right of centerline of construction of Socialville Fosters Road Station 16+00.00;

Thence North $84^{\circ} 52' 37''$ West, 30.00 feet to a point 55.00 feet right of centerline of construction of Socialville Fosters Road Station 15+70.00;

Thence North $66^{\circ} 01' 26''$ West, 43.32 feet to a point 41.00 feet right of centerline of construction of Socialville Fosters Road Station 15+29.00;

Thence North $84^{\circ} 52' 37''$ West, 354.00 feet to a point 41.00 feet right of centerline of construction of Socialville Fosters Road Station 11+75.00;

Thence South $43^{\circ} 24' 47''$ West, 24.21 feet to a point 60.00 feet right of centerline of construction of Socialville Fosters Road Station 11+60.00;

Thence North 84° 52' 37" West, 20.00 feet to a point 60.00 feet right of centerline of construction of Socialville Fosters Road Station 11+40.00;

Thence North 59° 28' 10" West, 44.28 feet to a point 41.00 feet right of centerline of construction of Socialville Fosters Road Station 11+00.00;

Thence North 84° 52' 37" West, 112.62 feet to a point on the west line of said 4 acre parcel being 41.00 feet right of centerline of construction of Socialville Fosters Road Station 9+87.38;

Thence North 05° 22' 41" East, 8.50 feet along the said west property line to an iron pin to be set on the new south right of way line of Socialville Fosters Road 32.50 feet right of centerline of construction of Socialville Fosters Road Station 9+87.42;

Thence South 84° 52' 37" East, 691.54 feet along the said new south right of way line to the TRUE POINT OF BEGINNING, containing 0.166 acres, more or less, subject to all legal easements and restrictions of record.

The description for parcel number 6T above was calculated and derived from a survey made under the supervision of John J. Beals, Ohio Registered Surveyor Number 5312.

Note: Iron pins, railroad spikes, and pk nails referred to as "to be set" shall be set by LJB, Inc. upon the completion of construction. Iron pins set in the above description are ¾" by 30" reinforcing rod with a plastic cap stamped "LJB INC".

The above described area is contained within the Warren County Auditor's Permanent Parcel Number 16271010050.

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Project:

Subject:

Job No. 561 Operator: DH

Date: Monday May 15, 2006 10:24 am

SYSTEM FIX 2 ASEC 0 BEAR PRI 0 NOR NE STA 2 FILE: '6T'

* 1 Describe Parcel 6T

Parcel 6T : PRRW7 T37 T200 T201 T202 T203 T204 T205 T206 T207 T208 PRRW6 PRRW7

Total parent tract area =	7,250.80 ft ² =	0.166 a
Total taken area =	0.00 ft ² =	0.000 a
Total easement area =	0.00 ft ² =	0.000 a
Remaining area =	7,250.80 ft ² =	0.166 a

Description of parcel: 6T

Beginning parent tract description

```
=====
Point PRRW7          N          486,726.34 E          1,457,145.95 Sta          0+00.00
Course from PRRW7 to T37 S 5° 26' 39" W Dist 5.50
Point T37            N          486,720.86 E          1,457,145.43 Sta          0+05.50
Course from T37 to T200 N 84° 52' 37" W Dist 78.93
Point T200           N          486,727.91 E          1,457,066.82 Sta          0+84.43
Course from T200 to T201 S 5° 07' 23" W Dist 17.00
Point T201           N          486,710.98 E          1,457,065.30 Sta          1+01.43
Course from T201 to T202 N 84° 52' 37" W Dist 30.00
Point T202           N          486,713.66 E          1,457,035.42 Sta          1+31.43
Course from T202 to T203 N 66° 01' 26" W Dist 43.32
Point T203           N          486,731.26 E          1,456,995.83 Sta          1+74.75
Course from T203 to T204 N 84° 52' 37" W Dist 354.00
Point T204           N          486,762.87 E          1,456,643.25 Sta          5+28.75
Course from T204 to T205 S 43° 24' 47" W Dist 24.21
Point T205           N          486,745.29 E          1,456,626.61 Sta          5+52.96
Course from T205 to T206 N 84° 52' 37" W Dist 20.00
Point T206           N          486,747.07 E          1,456,606.69 Sta          5+72.96
Course from T206 to T207 N 59° 28' 10" W Dist 44.28
Point T207           N          486,769.57 E          1,456,568.55 Sta          6+17.24
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Course from T207 to T208 N 84° 52' 37" W Dist 112.62

Point T208 N 486,779.62 E 1,456,456.37 Sta 7+29.86

Course from T208 to PRRW6 N 5° 22' 41" E Dist 8.50

Point PRRW6 N 486,788.09 E 1,456,457.17 Sta 7+38.36

Course from PRRW6 to PRRW7 S 84° 52' 37" E Dist 691.54

Point PRRW7 N 486,726.34 E 1,457,145.95 Sta 14+29.90

=====
Ending parent tract description

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*      2  $              Parcel Closure Report: 6T
*      3  $  - - - - -
*      4  $ Start Coordinates, North: 486726.34 East: 1457145.95 Name: PRR-
W7
*      5  $ Line: S 5^ 26' 39" W Dist.: 5.50 PtNum: T37
*      6  $ Line: N 84^ 52' 37" W Dist.: 78.93 PtNum: T200
*      7  $ Line: S 5^ 07' 23" W Dist.: 17.00 PtNum: T201
*      8  $ Line: N 84^ 52' 37" W Dist.: 30.00 PtNum: T202
*      9  $ Line: N 66^ 01' 26" W Dist.: 43.32 PtNum: T203
*     10  $ Line: N 84^ 52' 37" W Dist.: 354.00 PtNum: T204
*     11  $ Line: S 43^ 24' 47" W Dist.: 24.21 PtNum: T205
*     12  $ Line: N 84^ 52' 37" W Dist.: 20.00 PtNum: T206
*     13  $ Line: N 59^ 28' 10" W Dist.: 44.28 PtNum: T207
*     14  $ Line: N 84^ 52' 37" W Dist.: 112.62 PtNum: T208
*     15  $ Line: N 5^ 22' 41" E Dist.: 8.50 PtNum: PRRW6
*     16  $ Line: S 84^ 52' 37" E Dist.: 691.54
*     17  $ End Coordinates, North: 486726.33 East: 1457145.95
*     18  $ Error North: -0.01 Error East: 0.00
*     19  $ Error Direction: N 20^ 00' 60" W Total Distance Error: 0.01
*     20  $ Error of Closure: 1/256280.49
*     21  $ Perimeter: 1429.90
*     22  $ Area: sq. Feet: 7248.57 Acres: 0.166

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GRANT OF STORM SEWER EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that **GEORGE EBERHARD, MARRIED, ROBERT EBERHARD, MARRIED AND DONALD EBERHARD, UNMARRIED, (Grantors)**, the Fee Simple owners of the real estate (the Property), located at 4753 Socialville Foster Road, within the City of Mason, identified in Official Record Book 4174, Page 582 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 6000 Mason-Montgomery Road, 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 storm sewer on, above, under and through that portion of the aforementioned Property marked as 16-27-101-005 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 6-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.

Martha Eberhard, wife of George Eberhard and Maralynn Eberhard, wife of Robert Eberhard, hereby release their right of dower herein. Executed by **GEORGE EBERHARD, MARRIED, MARTHA EBERHARD, HIS WIFE, ROBERT EBERHARD, MARRIED MARALYNN EBERHARD, HIS WIFE, AND DONALD EBERHARD, UNMARRIED**, who have hereunto set their hands this 25th day of May, 2006.


GEORGE EBERHARD

Joan Bernard
Notary Public

JOAN BERNARD
Notary Public, State of Ohio
My Commission Expires May 7, 2010

APPROVED AS TO FORM:

Reina S. Nichols
Wood & Lamping LLP
Law Director

276876.1

SEWER EASEMENT
SOCIALVILLE FOSTERS ROAD IMPROVEMENTS
Parcel 6S
George Eberhard, et al

Situate in the Northwest Quarter of Section 27, Town 4 East, Range 2 North, City of Mason, Warren County, State of Ohio, and being part of a 4 acre parcel of land as conveyed to George Eberhard, et al, by instrument as recorded in Official Record 2907, Page 558 of the deed records of said county, and being more particularly bounded and described, per a survey performed by LJB, Inc. in 2003 with bearings based on state plane coordinates, South Zone (NAD83), as follows:

Beginning for reference at a railroad spike found at the northeast corner of said 4 acre parcel 9.21 feet left of centerline of construction of Socialville Fosters Road Station 16+79.19;

Thence South $05^{\circ} 26' 39''$ West, 41.71 feet along the east line of said 4 acre parcel to an iron pin to be set on the new south right of way line of Socialville Fosters Road 32.50 feet right of centerline of construction of Socialville Fosters Road Station 16+78.96;

Thence North $84^{\circ} 52' 37''$ West, 523.96 feet along the said new south right of way line to a point 32.50 feet right of centerline of construction of Socialville Fosters Road Station 11+55.00, said point being the TRUE POINT OF BEGINNING;

6S

Thence South $05^{\circ} 07' 23''$ West, 22.50 feet to a point 55.00 feet right of centerline of construction of Socialville Fosters Road Station 11+55.00;

Thence North $84^{\circ} 52' 37''$ West, 10.00 feet to a point 55.00 feet right of centerline of construction of Socialville Fosters Road Station 11+45.00;

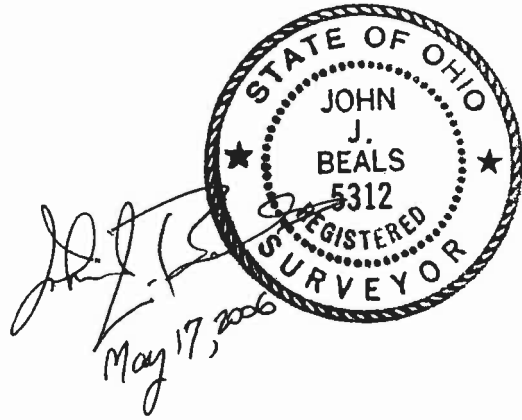
Thence North $05^{\circ} 07' 23''$ East, 22.50 feet to a point on the said new south right of way line of Socialville Fosters Road 32.50 feet right of centerline of construction of Socialville Fosters Road Station 11+45.00;

Thence South $84^{\circ} 52' 37''$ East, 10.00 feet along the said new south right of way line to the TRUE POINT OF BEGINNING, containing 0.005 acres, more or less, subject to all legal easements and restrictions of record.

The description for parcel number 6S above was calculated and derived from a survey made under the supervision of John J. Beals, Ohio Registered Surveyor Number 5312.

Note: Iron pins, railroad spikes, and pk nails referred to as "to be set" shall be set by LJB, Inc. upon the completion of construction. Iron pins set in the above description are 3/4" by 30" reinforcing rod with a plastic cap stamped "LJB INC".

The above described area is contained within the Warren County Auditor's Permanent Parcel Number 16271010050.



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Project:

Subject:

Job No. 561 Operator: DH

Date: Monday May 15, 2006 10:24 am

SYSTEM FIX 2 ASEC 0 BEAR PRI 0 NOR NE STA 2 FILE: '6S'

* 1 Describe Parcel 6S

Parcel 6S : D100 D101 D102 D103 D100

Total parent tract area =	225.00 ft ² =	0.005 a
Total taken area =	0.00 ft ² =	0.000 a
Total easement area =	0.00 ft ² =	0.000 a
Remaining area =	225.00 ft ² =	0.005 a

Description of parcel: 6S

Beginning parent tract description

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=====
Point D100          N          486,773.12 E          1,456,624.09 Sta          0+00.00
Course from D100 to D101 S 5° 07' 23" W Dist 22.50
Point D101          N          486,750.71 E          1,456,622.08 Sta          0+22.50
Course from D101 to D102 N 84° 52' 37" W Dist 10.00
Point D102          N          486,751.61 E          1,456,612.12 Sta          0+32.50
Course from D102 to D103 N 5° 07' 23" E Dist 22.50
Point D103          N          486,774.02 E          1,456,614.13 Sta          0+55.00
Course from D103 to D100 S 84° 52' 37" E Dist 10.00
Point D100          N          486,773.12 E          1,456,624.09 Sta          0+65.00
=====

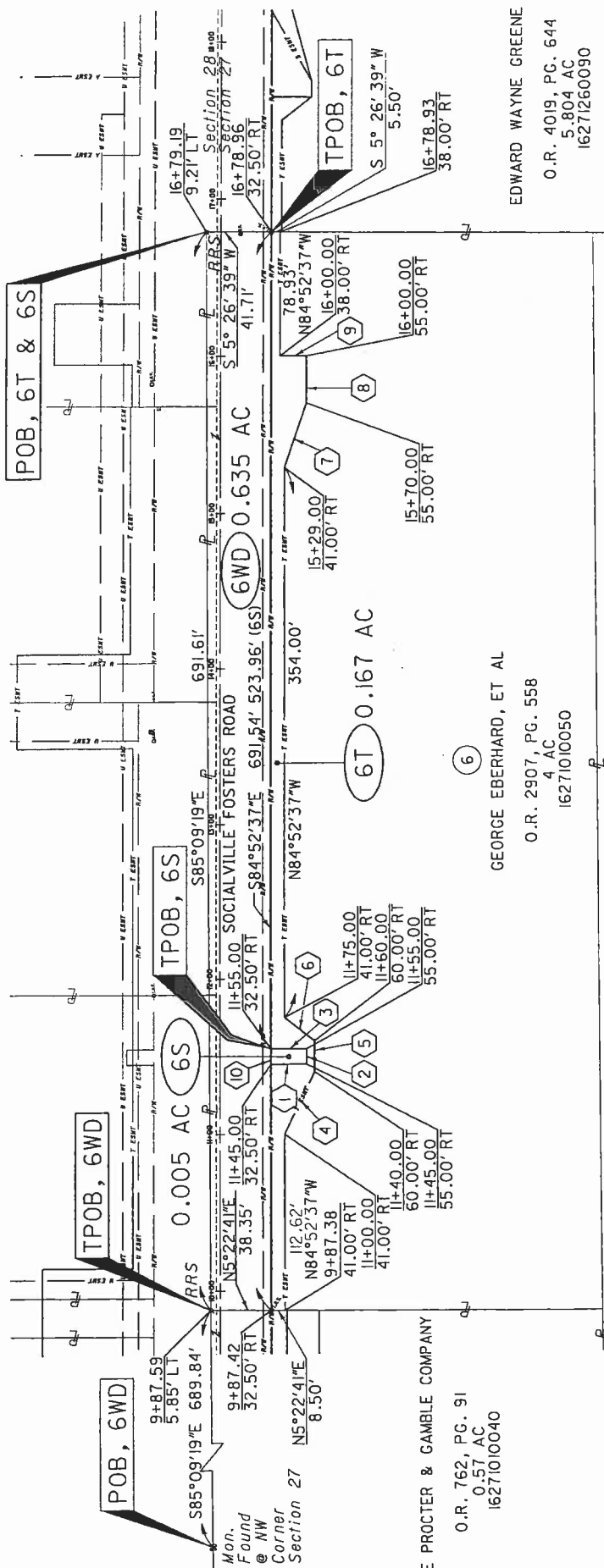
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Ending parent tract description

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* 2 $ Parcel Closure Report: 6S
* 3 $ -----
* 4 $ Start Coordinates, North: 486773.12 East: 1456624.09 Name: D100
* 5 $ Line: S 5^ 07' 23" W Dist.: 22.50 PtNum: D101
* 6 $ Line: N 84^ 52' 37" W Dist.: 10.00 PtNum: D102
* 7 $ Line: N 5^ 07' 23" E Dist.: 22.50 PtNum: D103
* 8 $ Line: S 84^ 52' 37" E Dist.: 10.00
* 9 $ End Coordinates, North: 486773.12 East: 1456624.09
* 10 $ Error North: 0.00 Error East: -0.00
* 11 $ Error Direction: S 90^ 00' 00" E Total Distance Error: 0.00
* 12 $ Error of Closure Greater than 1/10,000,000.00
* 13 $ Perimeter: 65.00
* 14 $ Area: sq. Feet: 225.00 Acres: 0.005

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- ① N05°07'23"E 22.50'
- ② N84°52'37"W 10.00'
- ③ S05°07'23"W 22.50'
- ④ N59°28'10"W 44.28'
- ⑤ N84°52'37"W 20.00'
- ⑥ S43°24'47"W 24.21'
- ⑦ N66°01'26"W 43.32'
- ⑧ N84°52'37"W 30.00'
- ⑨ S05°07'23"W 17.00'
- ⑩ S84°52'37"E 10.00'



**EXHIBIT OF R/W, TEMPORARY EASEMENT, AND
DRAINAGE EASEMENT**
George Eberhard, et al
Section 27, Town 4, Range 2 North
City of Mason, Warren County, Ohio

SCALE 1" = 100'

THE PROCTER & GAMBLE COMPANY
O.R. 762, PG. 91
0.57 AC
16271010040

⑥
GEORGE EBERHARD, ET AL
O.R. 2907, PG. 558
4 AC
16271010050

EDWARD WAYNE GREENE
O.R. 4019, PG. 644
5.804 AC
16271260090



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