

DEED/GRANT OF ACCESS EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that **ANJ Properties of Mason, LLC**, an **Ohio limited liability company**, whose mailing address is _____ Mason, Ohio 45040 (**Grantor**), the Fee Simple owner of the real estate (the Property), located along _____, within the City of Mason, Ohio, identified in Official Record Book 4281, Page 602 of the 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, Ohio**, an Ohio municipal corporation, whose mailing address is 6000 Mason Montgomery Road, Mason, Ohio, 45040 (**Grantee**), and to their agents, employees, successors and assigns forever, a **non-exclusive, permanent Access Easement** for a public improvement providing access, ingress, and egress, and which shall be used to permit and enable motor vehicle and pedestrian traffic on and through that portion of the Property marked and as illustrated upon Exhibit A (the Easement Area), attached hereto and made a part hereof. The Access Easement shall benefit **Grantee's** Property, to be a public parking lot, marked as Exhibit B attached hereto and made a part hereof.

Grantee shall pay for restoration and re-stripping of the **Grantor's** parking lot Easement Area described on Exhibit A in an amount not to exceed \$12,000.00. In addition, **Grantee** shall pay for the construction necessary for the connection of the **Grantor's** parking lot as shown in the Easement Area, to **Grantee's** public parking lot, located to the northeast, to create more efficient vehicular access and circulation to and from the parcels abutting Reading Road/US 42, First Avenue and West Main Street.

Grantor 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 permanently eliminate the curb cut closest to West Main Street upon renovation and completion of the Reading Road project.

The consideration mentioned herein includes total compensation for construction and repair, within the above described Easement Area. **Grantor** shall then be solely responsible for the maintenance of the Easement Area, without further contribution of the **Grantee**.

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.

Grantor, for itself and for its successors and assigns, does hereby **COVENANT** with the said **Grantee**, its successors and assigns, that it is the true and lawful owner of the said premises, has full power to convey said easement.

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

EXHIBIT "A"
PAGE 1 OF 4

Executed by _____, _____ member who has hereunto set his hand this _____ day of _____, 2007.

ANJ Properties of Mason, LLC

By: _____

STATE OF OHIO)

) SS:

COUNTY OF WARREN)

BE IT REMEMBERED that on this _____ day of _____, 2007, before me, the subscriber, a Notary Public in and for said County and State, personally came _____ as _____ member of **ANJ Properties of Mason, LLC**; and acknowledged that said instrument was signed as the authorized act and deed of said limited liability company and as his free act and deed on its behalf.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year first above written.

Notary Public

My commission expires: _____

ACCEPTED:

CITY OF MASON, OHIO

By: _____
Eric Hansen, City Manager

STATE OF OHIO)

) SS:

COUNTY OF WARREN)

The foregoing instrument was signed and acknowledged before me, a Notary Public, this _____ day of _____, 2007, by Eric Hansen, City Manager of the City of Mason, Ohio, an Ohio municipal corporation, on behalf of the corporation.

Notary Public

APPROVED AS TO FORM:

Law Director

This instrument was prepared by: Wood & Lamping, LLP.
329782.1

EXHIBIT "A"
PAGE 2 OF 4

EXHIBIT A

Description for: Cross Access Easement

Location: First Avenue & Reading Road, U.S. Route 42, City of Mason

Situated in the City of Mason, Warren County, Ohio and being more particularly described as follows:

BEGINNING at a point in the north right of way of First Avenue and the south line of a tract conveyed to ANJ Properties of Mason as recorded in O.R. 4281, Pg. 602 of the Warren County Recorder's Office. Said point being North 47°41'51" West, 13.97 feet from the northeast intersection of U.S. Route 42/Reading Road and First Avenue;

Thence from said **POINT OF BEGINNING**, along the north line of said First Avenue, North 47°41'51" West, 24.40 feet;

Thence through the lands of the grantor the following three (3) courses:

1. North 42°18'09" East, 168.25 feet
2. South 47°19'47" East, 24.40 feet
3. South 42°18'09" West, 168.09 feet to the **POINT OF BEGINNING**.

CONTAINING 0.0942 ACRES. Subject to legal highways and easements of record.

The above described easement being part of those lands conveyed to ANJ Properties of Mason as recorded in O.R. 4281, Pg. 602 of the Warren County Recorder's Office.

The bearings are based on the Ohio State Plane Coordinate System (south zone).

Prepared by G.J. BERDING SURVEYING, INC. July 24, 2007.

Based on an Easement Exhibit prepared by G.J. BERDING SURVEYING, INC. dated July 24, 2007 attached hereto.

Bearings Based On Ohio State Plane
South Zone
Basis of Bearings



ANJ Properties of Mason
O.R. 4281, Pg. 602
111 Reading Road
Structure

City of Mason
O.R. 3744, Pg. 916
101 Reading Road

N 42°18'09" E 168.25'
0.0942 Acres
Cross Access Easement
S 42°18'09" W 168.09'

S 47°19'47" E 24.40'

N 47°41'51" W 24.40'

First Ave
(66' R/W)

**U.S. Route 42/
Reading Road**
(66' R/W)

Cross Access Easement
ANJ Properties of Mason
111 Reading Road

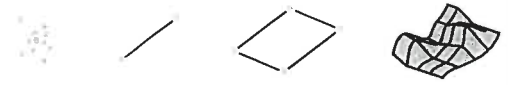
City of Mason
Mason Streetscape-
Utility Relocation

City of Mason
Warren County, Ohio

MML GJB 1" = 30"
Drawn By Checked By Drawing Scale

07/24/2007 05061.10
Issue Date Project Number

Exhibit A



Berding Surveying

GPS Surveying • 3D Laser Scanning
741 Main Street | Milford, OH 45150 | www.berdingsurveying.com
513.831.6761 fax | 513.831.5505 tel
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