

GRANT OF EASEMENT AND MAINTENANCE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS

That RICHARD J. BENKEN and CARLA J. BENKEN, husband and wife
GRANTORS, of Hamilton County, Ohio,

in consideration of one dollar and other good and valuable consideration to them in hand paid by EDWARD H. BENKEN, JR. and PATRICIA BENKEN, husband and wife & JAMES ^{J 985} BENKEN and JUDITH A. BENKEN, husband and wife, whose addresses are 6015 & 6085 Clough Pike, respectively, GRANTEEES, do hereby GRANT, BARGAIN SELL AND CONVEY to the said EDWARD H. BENKEN, JR. and PATRICIA BENKEN, husband and wife & JAMES J. BENKEN and JUDITH A. BENKEN, husband and wife, their heirs and assigns forever, the following described 15 foot non-exclusive ingress and egress easement for a common driveway for use by the single family residences located at 6011, 6015 and 6085 Clough Pike:

Situate in Anderson Township, Hamilton County, Ohio and a part of Military Survey 2204 and being more particularly described as follows:

Beginning at the southwest corner of Lot 3 of E.J. Turpins Estate as recorded in Plat Book 8, Volume 2, Pages 29 and 30 of the Hamilton County Recorder's Office;

Thence, North 84°49'00" West, 76.92 feet to a point in the east right of way line of Copperleaf Lane;

Thence, with said east right of way, along an arc deflecting to the right, having a radius of 125.00 feet, a distance of 15.27 feet, the chord of said arc bears South 14°59'31" West, 15.26 feet to the real point of beginning;

Thence, with the center of a 15 feet wide non-exclusive ingress and egress easement the following three (3) courses and distances:

1. South 67°53'30" East, 83.17 feet to a point;
2. South 23°43'00" East, 79.37 feet to a point;
3. South 70°30'00" East, 75.66 feet to a point, said point also being angle point in the centerline of an existing non-exclusive easement and right of way as described in Deed Book 4131, Page 1480, Hamilton County Recorder's Office and the terminus of this easement.

The above easement to be used as an unobstructed driveway, or path, or both, by vehicles or pedestrian travel over and upon the land described in Deed Book 4139, Page 976, Hamilton County Recorder's Office.

and all the ESTATE, RIGHT, TITLE AND INTEREST of the said grantors in and to said premises; TO HAVE AND TO HOLD the same, with all the privileges and appurtenances thereunto belonging, to said grantees, EDWARD H. BENKEN, JR. and PATRICIA BENKEN, husband and wife & JAMES J. BENKEN and JUDITH A. BENKEN, husband and wife, their heirs and assigns forever. And the said RICHARD J. BENKEN and CARLA J. BENKEN, husband and wife, do hereby COVENANT AND WARRANT that the title so conveyed is CLEAR, FREE AND UNINCUMBERED, and that they will DEFEND the same against all lawful claims of all persons whatsoever.

TRANSFER NOT NECESSARY

DUSTY RHODES
COUNTY AUDITOR

DUSTY RHODES
HAMILTON COUNTY, OHIO

622231942

This easement shall be for the common benefit of, and usable by, the respective employees, agents, officer, tenants, customers, licensees and invitees of Grantors and Grantees and all persons claiming by or through them. This easement is not intended and shall not be construed as a dedication to public use. Grantors and Grantees shall refrain from any action that would cause a dedication and shall take any steps necessary to avoid a dedication to public use.

Grantors and Grantees agree to maintain in good condition and repair and to replace as necessary the roadway on the Driveway Area and to remove snow and ice when required. All costs so incurred by Grantors and Grantees are referred to as "Maintenance Costs." No Maintenance Costs in the nature of resurfacing or replacement of asphalt or other major improvements to the roadway shall incur without the consent of all parties, which consent shall not be unreasonably withheld. All work for which this consent is required shall be done by competitive bidding. Upon completion of any work for which Maintenance Costs have been incurred, as to the Driveway Area between Copperleaf Lane and the east property line of the parcel at 6011 Clough Pike, the costs shall be shared equally (1/3 each) by the owners of 6011, 6015 and 6085 Clough Pike. As to the Driveway Area crossing the parcel of land at 6015 Clough Pike, the costs shall be shared (1/2 each) by the owners of 6015 and 6085 Clough Pike.

This easement and the rights and obligations of Grantors and Grantees set forth above shall run with the land and shall be binding upon and inure to the benefit of Grantors and Grantees, and their respective heirs, personal representatives, successors and assigns.

IN WITNESS WHEREOF, the said RICHARD J. BENKEN and CARLA J. BENKEN, husband and wife & EDWARD H. BENKEN, JR. and PATRICIA BENKEN, husband and wife & JAMES G. BENKEN and JUDITH A. BENKEN, husband and wife who hereby release their right and expectancy of dower in said premises, have hereunto set their hands, this 20th day of September in the year A.D. nineteen hundred and ninety-three (1993)

Signed and acknowledged in presence of us:

[Signature]
[Signature] } a.s.
Tall


[Signature]
Richard J. Benken
[Signature]
Carla J. Benken
[Signature]
Edward H. Benken, Jr.
[Signature]
Patricia Benken
[Signature]
James G. Benken
[Signature]
Judith A. Benken

62821943

STATE OF OHIO, HAMILTON COUNTY, SS. Affidavit

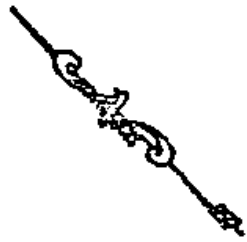
On this 26th day of September, 1993, before me, a Notary Public in and for said County ^{and State}, personally came RICHARD J. BENKEN, CARLA J. BENKEN, EDWARD H. BENKEN, JR., PATRICIA BENKEN, JAMES ^{J.} ~~G.~~ BENKEN and JUDITH A. BENKEN ⁵⁷ the grantors in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

WITNESS my official signature and seal on the day last above mentioned.


LESA MOTZ
my commission expires 11/02/93

This instrument was prepared by: James A. Reichert
Attorney at Law
14 Garfield Place
Cincinnati, Ohio 45202

CLOUGH PIKE



EXISTING NON-EXCLUSIVE
EASEMENT & RIGHT OF WAY
(D.B. 413, PG. 1400)

SOUTHWEST CORNER, LOT 3
E.J. TURPIN ESTATE
(P.B. & VOL. 2, PG. 30 & 31)

S 70°13'00" E
337.43'

N 84°45'00" W
76.92'

R = 123.00'
L = 13.27'

CHD = S 14°59'31" W
15.26'

REAL P.O.B.

S 87°33'30" E
83.17'

COPPERLEAF
LANE

S 70°30'00" E
73.66'

S 93°43'00" E
78.37'

NON-EXCLUSIVE INGRESS
& EGRESS EASEMENT

RICHARD H. &
CARLA J. BENKEN

15' DRIVEWAY EASEMENT
GRANTED BY THIS INSTRUMENT

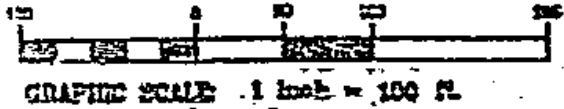
EASEMENT ALIGNMENT PLAT

MILITARY SURVEY No. 2204
ANDERSON TOWNSHIP
HAMILTON COUNTY, OHIO



Stephen C. Roat

628891951



McGILL SMITH FUNCTION, INC.			11-28 HORTON LANE	PROBATE, OHIO 43222
DATE	BY	SCALE	1" = 100'	
02/16/93	JAC			