

CV

IN THE COURT OF COMMON PLEAS, FAIRFIELD COUNTY, OHIO

2005 JAN 13 PM 2:07

Gordon Proctor, Director
Department of Transportation
State of Ohio

Case No. 2001-CV-706

Plaintiff,

JUDGE Martin

v.

Eichhorn Limited Partnership, et al.

Defendants

ORIGINAL

CV 41 521-536

JUDGMENT ENTRY ON SETTLEMENT WITH DEFENDANT
EICHHORN LIMITED PARTNERSHIP

It appears to the Court that the landowner, Eichhorn Limited Partnership and Plaintiff, Director of Transportation, agree upon the amount of compensation and damages due said landowner by reason of the appropriation of the landowner's property as described more fully herein. The parties have agreed that the landowner shall receive the sum of Two-Million Four-Hundred-Thousand Dollars and No Cents (\$2,400,000.00), which shall be full payment for said appropriation of property. This settlement does not settle this case with respect to Defendant Lamar Outdoor Advertising.

The landowner in consideration of the foregoing agreed compensation does hereby release all claims that were or might have been raised with the instant action for further compensation including interest, resulting from the reconstruction and improvement of U.S. Route 33, Section 0.41, Fairfield County, Ohio, and from the appropriation of said property.

TRANSFERRED

MAR 29 2005

Barbara Curtesi
County Auditor, Fairfield County, Ohio

REAL ESTATE CONVEYANCE

FEE \$ _____

EXEMPT # A

Barbara Curtesi
AUDITOR, FAIRFIELD COUNTY, OHIO

200500007398
Filed for Record in
FAIRFIELD COUNTY, OH
GENE WOOD
03-29-2005 At 01:40 pm.
JUDGE DEED 140.00
DR Book 1381 Page 736 - 751

90-15 29

In conformity with said Agreement, it is hereby **ORDERED, ADJUDGED** and **DECREED** that said Director of Transportation shall deposit with the Clerk of this Court, a sufficient sum, to wit: One-Million Six-Hundred Forty-Seven Thousand-Fifty Dollars and No Cents (\$1,647,050.00), which when added to the original deposit herein of Seven Hundred Fifty-Two Thousand Nine-Hundred Fifty-Dollars and No Cents (\$752,950) equals the total amount of the agreed settlement of Two-Million Four-Hundred Thousand Dollars and No Cents (\$2,400,000.00).

It is hereby **ORDERED, ADJUDGED** and **DECREED** that the date of acquisition of the hereinafter described property by the State of Ohio is April 16, 2002.

It is further **ORDERED, ADJUDGED** and **DECREED** that all right, title, and interest in fee simple, including limitation of access, in the premises described in the Petition as Parcel Nos. 2-WI-1 and 2-WL-2 be vested in the State of Ohio; that all right, title and interest in Fee Simple, without limitation of existing access rights, in the premises described in the petition as parcel No. 2-WDV be vested in the name, and for the use of the Board of Fairfield County Commissioners; that a Perpetual Easement to Construct and maintain a Channel in the premises described in the Petition as Parcel No. 2-CH be vested in the State of Ohio; that a Perpetual Easement for Utility purposes in the premises described in the Petition as Parcel No. 2-U be vested in the name, and for the use of Ohio Bell Telephone Company a.k.a. Ameritech Ohio, an Ohio Corporation, ("Ohio Bell") its successors and assigns; that a Temporary Easement for the Purpose of Performing the Work Necessary to Remove a Two-Story Wood Barn in the premises described in the petition as Parcel No. 2-T1 be vested in the State of Ohio; that a Temporary Easement for the Purpose of Performing the Work Necessary to Grade and Seed in the premises described in the

Petition as Parcel No. 2-T2 be vested in the State of Ohio; that a Temporary Easement for the Purpose of Performing the Work Necessary to Grade and Seed in the premises described in the Petition as Parcel No. 2-T3 be vested in the State of Ohio; and that all right, title and interest in the property described in the Petition as Parcel 2-BS1 (two billboards) be vested in the State of Ohio. The above listed parcels are completely described as follows:

**PARCEL 2-WL1
FAI-33-0.41
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
INCLUDING LIMITATION OF ACCESS**

The lands herein described are situated in Section 29, Township 15N, Range 20W, Violet Township, Fairfield County, State of Ohio. Being further described as follows:

Being a parcel of land lying on the right side of the centerline of a survey for Fai-33-0.41, made by the Ohio Department of Transportation and being located within the following described points in the boundary thereof:

Beginning at an iron pin found on the northeast corner of Section 29 of Violet Township.

thence along the east line of section 29 S 04°43'56" W a distance of 1,661.64 feet to a point on the southerly property line of Douglas E. Kellogg (551/663), said point being located 1.78' left of centerline station 59+17.08 of the proposed centerline of Diley Rd. and being THE TRUE POINT OF BEGINNING.

thence, S 04°43'56" W a distance of 983.95 feet to a point on the northerly property line of (John A. and Mildred M. Brown), said point being located 44.81' Lt. of Sta. 49+36.42 of the proposed centerline of Diley Rd. and 75.01' Rt. of Sta. 314+38.67 of the existing centerline of U.S.R. 33;

thence, along said property line N 86°42'18" W a distance of 739.54 feet to a point on the existing Limited Access line, said point being located 80.50' Lt. of Sta. 321+63.60 of the existing centerline of U.S.R. 33;

thence, N 84°54'59" W a distance of 1,927.96 feet passing iron pins set at 362.80', 925.59' and 1426.42' to a set iron pin on the easterly property line of the CXS Transportation, Inc. (operated by Indiana and Ohio Railway)(171/439), said pin being located 165.06' Lt. of Sta. 340+79.06 of the existing centerline of U.S.R. 33;

thence, N 04°34'56" E a distance of 284.35 feet passing an iron pin set at 49.60' along said property line to a set iron pin, said pin being located 115.00' Rt. of Sta. 341+27.86 of the existing centerline of U.S.R. 33;

thence, along the proposed Limited Access line S 83°10'47" E a distance of 606.41 feet to a set iron pin, said pin being located 140.00' Rt. of Sta. 335+00.00 of the existing centerline of U.S.R. 33;

thence, along the said proposed Limited Access line S 86°10'09" E a distance of 375.13 feet to a set iron pin, said pin being located 150.00' Rt. of Sta. 331+25.00 of the existing centerline of U.S.R. 33;

thence, S 05°21'30" W a distance of 30.00 feet to a set iron pin, said pin being located 120.00' Rt. of Sta. 331+25.00 of the existing centerline of U.S.R. 33;

thence, S 88°04'31" E a distance of 50.09 feet to a set iron pin, said pin being located 123.00' Rt. of Sta. 330+75.00 of the existing centerline of U.S.R. 33;

thence, N 64°05'26" E a distance of 502.38 feet to a set iron pin, said pin being located 90.00' Rt. of Sta. 325+30.00 of the proposed baseline of Ramp A;

thence, N 53°31'12" E a distance of 568.10 feet to a set iron pin, said pin being located 105.00' Rt. of Sta. 319+75.00 of the proposed baseline of Ramp A;

thence, N 75°54'37" E a distance of 261.15 feet to a set iron pin, said pin being located 90.00' Rt. of Sta. 317+50.00 of the proposed baseline of Ramp A;

thence, S 86°27'25" E a distance of 412.23 feet to a set iron pin, said pin being located 120.00' Lt. of Sta. 58+90.00 of the proposed centerline of Diley Rd.;

thence, N 11°23'30" E a distance of 27.06 feet to a set iron pin on the southerly property line of Douglas E. Kellogg (551/663), said pin being located 116.90' Lt. of Sta. 59+16.88 of the proposed centerline of Diley Rd.;

thence, S 85°17'28" E a distance of 115.12 feet to the place of beginning.

It is understood that the above parcel of land described covers 33.975 acres, more or less.

All set iron pins are 3/4" x 30" solid steel rods with 2" aluminum caps stamped "ODOT R/W - District 5".

Bearings are shown for project use only and are from the Ohio State Plane Coordinate System, South Zone, NAD 83 as established by GPS measurements in 1999.

Said stations being the Station numbers as stipulated in the hereinbefore mentioned survey and as shown by plans on file in the Ohio Department of Transportation, Columbus Ohio.

Description prepared from an actual field survey by The Ohio Department of Transportation under the supervision of Thomas E. Andrews, P.S. #6964, December 12, 2000.

Prior Instrument Reference: OR 1135, Page 1452, Fairfield County Recorder's Office.

The above described 33.975 acres, more or less, of which the present road occupies 12.970 acres, more or less, are to be deleted from Auditor's Parcel 037-02154-00.

Owner, his heirs, executors, administrators, successors and assigns forever, are hereby divested of any and all abutter's rights, including access rights in, over and to the above described real estate, including such rights with respect to any highway facility constructed thereon.

**PARCEL 2-WL2
FAI-33-0.41
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
INCLUDING LIMITATION OF ACCESS**

DESCRIPTION REVIEWED AND APPROVED
FOR TRANSFER ONLY, FAIRFIELD COUNTY
AUDITOR/ENGINEER TAX MAPS.
BY AS DATE 2/17/04

The lands herein described are situated in Section 29, Township 15N, Range 20W, Violet Township, Fairfield County, State of Ohio. Being further described as follows:

Being a parcel of land lying on the left side of the centerline of a survey of Diley Rd. for Fai-33-0.41, made by the Ohio Department of Transportation and being located within the following described points in the boundary thereof:

Beginning at an iron pin found on the northeast corner of Section 29 of Violet Township.

thence along the east line of section 29 S 04°43'56" W a distance of 1,143.72 feet to a point on the proposed Limited Access line, said point being located 2.48' left of centerline station 64+35.00 of the proposed centerline of Diley Rd. and being THE TRUE POINT OF BEGINNING.

thence, along said section line S 04°43'56" W a distance of 142.97 feet to a point on the northerly property line of Douglas E. Kellogg (551/663), said point being located 2.29' Lt. of Sta. 62+92.03 of the proposed centerline of Diley Rd.;

thence, along said property line N 76°57'59" W a distance of 83.17 feet to a set iron pin, said pin being located 84.60' Lt. of Sta. 63+03.93 of the proposed centerline of Diley Rd.;

thence, along the proposed Limited Access line N 06°49'09" E a distance of 131.15 feet to a set iron pin, said pin being located 80.00' Lt. of Sta. 64+35.00 of the proposed centerline of Diley Rd. and 65.00' Lt. of Sta. 10+80.00 of Service Rd. 8;

thence, along said proposed Limited Access line S 85°11'26" E a distance of 77.52 feet to the place of beginning.

It is understood that the above parcel of land described covers 0.252 acres, more or less.

All set iron pins are 3/4" x 30" solid steel rods with 2" aluminum caps stamped "ODOT R/W - District 5".

Bearings are shown for project use only and are from the Ohio State Plane Coordinate System, South Zone, NAD 83 as established by GPS measurements in 1999.

Said stations being the Station numbers as stipulated in the hereinbefore mentioned survey and as shown by plans on file in the Ohio Department of Transportation, Columbus Ohio.

Description prepared from an actual field survey by The Ohio Department of Transportation under the supervision of Thomas E. Andrews, P.S. #6964, December 12, 2000.

Prior Instrument Reference: OR 1135, Page 1452, Fairfield County Recorder's Office.

The above described 0.252 acres, more or less, of which the present road occupies 0.089 acres, more or less, are to be deleted from Auditor's Parcel 037-02154-00.

Owner, his heirs, executors, administrators, successors and assigns forever, are hereby divested of any and all abutter's rights, including access rights in, over and to the above described real estate, including such rights with respect to any highway facility constructed thereon.

**PARCEL 2-WDV
FAI-33-0.41**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME, AND FOR THE USE OF
THE BOARD OF FAIRFIELD COUNTY COMMISSIONERS**

Situated in the State of Ohio, County of Fairfield, Township of Violet, Section 29, Township 15N, Range 20W and bounded and described as follows:

Being a parcel of land lying on the left side of the centerline of a survey of Diley Rd. for Fai-33-0.41, made by the Ohio Department of Transportation and being located within the following described points in the boundary thereof:

DESCRIPTION REVIEWED AND APPROVED
FOR TRANSFER ONLY, FAIRFIELD COUNTY
AUDITOR/ENGINEER TAX MAPS.
BY ASB DATE 2/17/04

Beginning at an iron pin found on the northeast corner of Section 29 of Violet Township.

thence, along the east line of section 29, S 04°43'56" W a distance of 223.73 feet to a point on the section line, said point being located 0.41' right of centerline station 73+55.00 of the proposed centerline of Diley Rd. and being THE TRUE POINT OF BEGINNING.

thence, along said section line S 04°43'56" W a distance of 919.99 feet to a point, said point being located 2.48' Lt. of centerline Sta. 64+35.00 of the proposed centerline of Diley Rd.;

thence, along the proposed Right-Of-Way N 85°11'26" W a distance of 77.52 feet to a set iron pin, said pin being located 80.00' Lt. of Sta. 64+35.00 of the proposed centerline of Diley Rd. and 65.00' Lt. of Sta. 10+80.00 of Service Rd. 8;

thence, continuing along said Right-Of-Way line N 86°28'16" W a distance of 378.48 feet to a set iron pin, said pin being located 73.46' Lt. of Sta. 14+58.39 of the proposed centerline of Service Rd. 8 and 47.31' Lt. of Sta. 20+23.46 of Service Rd. 9;

thence, along said Right-Of-Way line S 02°06'55" W a distance of 245.58 feet to a set iron pin on the northerly property line of Douglas E. Kellogg (596/484), said pin being located 58.86' Lt. of Sta. 22+68.77 of the proposed centerline of Service Rd. 9;

thence, along said property line N 85°16'00" W a distance of 70.29 feet to a point, said point being located 11.43' Rt. of Sta. 22+68.86 of the proposed centerline of Service Rd. 9;

thence, along said property line S 04°44'00" W a distance of 24.14 feet to a set iron pin on the westerly property line of Douglas E. Kellogg (596/484), said pin being located 11.40' Rt. of Sta. 22+93.00 of the proposed centerline of Service Rd. 9;

thence, along said Right-Of-Way line N 85°11'24" W a distance of 73.60 feet to a set iron pin, said pin being located 85.00' Rt. of Sta. 22+93.00 of the proposed centerline of Service Rd. 9;

thence, along said Right-Of-Way line N 01°55'38" E a distance of 388.49 feet to a set iron pin, said pin being located 45.00' Rt. of Sta. 16+10.24 of the proposed centerline of Service Rd. 8;

thence, along said Right-Of-Way line S 87°54'23" E a distance of 527.58 feet to a set iron pin, said pin being located 83.25' Lt. of Sta. 65+70.00 of the proposed centerline of Diley Rd. and 70.00' Rt. of Sta. 10+83.25 of Service Rd. 8;

thence, along said Right-Of-Way line N 06°34'17" E a distance of 784.61 feet to a set iron pin, said pin being located 55.00' Lt. of Sta. 73+55.00 of the proposed centerline of Diley Rd.;

thence, along said Right-Of-Way line S 85°58'17" E a distance of 55.41 feet passing an iron pin set at 25.00' to the place of beginning.

It is understood that the parcel of land described covers 3.875 acres, more or less.

All set iron pins are 3/4" x 30" solid steel rods with 2" aluminum caps stamped "ODOT R/W - District 5".

Bearings are shown for project use only and are from the Ohio State Plane Coordinate System, South Zone, NAD 83 as established by GPS measurements in 1999.

Said stations being the Station numbers as stipulated in the hereinbefore mentioned survey and as shown by plans on file in the Ohio Department of Transportation, Columbus Ohio.

Description prepared from an actual field survey by The Ohio Department of Transportation under the supervision of Thomas E. Andrews, P.S. #6964, December 12, 2000.

Prior Instrument Reference: OR 1135, Page 1452, Fairfield County Recorder's Office.

The above described 3.875 acres, more or less, of which the present road occupies 0.596 acres, more or less, are to be deleted from Auditor's Parcel 037-02154-00.

Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area.

**PARCEL 2-CH
FAI-33-0.41**

DESCRIPTION REVIEWED AND APPROVED
FOR RECORD ONLY, FAIRFIELD COUNTY
AUDITOR, ENGINEER TAX MAPS.
BY AB DATE 2/17/04

PERPETUAL EASEMENT TO CONSTRUCT AND MAINTAIN A CHANNEL

A perpetual easement for the construction and maintenance of a perpetual watercourse, ditch, channel or other drainage facility upon the lands hereinafter described. Owner herein retains the right to use said lands for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted.

The lands herein described are situated in Section 29, Township 15N, Range 20W, Violet Township, Fairfield County, State of Ohio. Being further described as follows:

Being a parcel of land lying on the right side of the centerline of survey for Fai-33-0.41, made by the Ohio Department of Transportation, and being located within the following described points in the boundary thereof.

Beginning at a point, said point being located 135.70' Rt. of Sta. 339+30.00 of the existing centerline of U.S.R. 33.

thence, N 10°59'55" W a distance of 167.34 feet through the lands of Herbert Eichhorn (454/316) to a point, said point being located 290.00' Rt. of Sta. 340+00.00 of the existing centerline of U.S.R. 33;

thence, N 78°27'53"E a distance of 60.43 feet continuing through said lands to a point, said point being located 314.00' Rt. of Sta. 339+38.00 of the existing centerline of U.S.R. 33;

thence, S 11°57'01" E a distance of 188.37 feet continuing through said lands to a point, said point being located 139.85' Rt. of Sta. 338+60.00 of the existing centerline of U.S.R. 33;

thence, N 83°10'47" W a distance of 66.76 feet to the place of beginning.

It is understood that the above described area contains 0.253 acres, more or less.

Bearings are shown for project use only and are from the Ohio State Plane Coordinate System, South Zone, NAD 83 as established by GPS measurements in 1999.

Description is based upon an actual field survey performed by the Ohio Department of Transportation in 1999 under the supervision of Thomas E. Andrews P.S. 6964.

Prior Instrument Reference: OR 1135, Page 1452, Fairfield County Recorder's Office.

The above described area is located in Auditor's Parcel 037-02154-00.

PARCEL 2-U
FAI-33-0.41
PERPETUAL EASEMENT FOR UTILITY PURPOSES

Perpetual utility easement and right of way in the name, and for the use of Ohio Bell Telephone Company a.k.a. Ameritech Ohio, an Ohio Corporation, ("Ohio Bell") its successors and assigns forever, to construct, maintain, operate, remove, and/or reconstruct facilities and equipment used for the distribution of signals used in the provision of communication, video, and/or information services. The herein described tract of land is for the exclusive use of Ohio Bell, and any other use must be authorized in writing by Ohio Bell. Ohio Bell, its successors and assigns forever, shall have the perpetual right to re-enter the following described tract of land, at this time or any time in the future, with all necessary persons, vehicles, or equipment to perform any and all maintenance, without further compensation to Owner.

The lands herein described are situated in State of Ohio, County of Fairfield, Township of Violet, Section 29, Township 15N, Range 20W.

Being further described as follows:

Being a parcel of land lying on the right side of the centerline of survey for Fai-33-0.41 made by the Ohio Department of Transportation, and being located within the following described points in the boundary thereof.

Beginning at a set iron pin on the proposed Limited Access Right-Of-Way line for U.S.R. 33, said pin being located 115.00 feet right of centerline station 341+27.86 of the existing centerline of U.S.R. 33;

thence, N04°34'56"E a distance of 10.00 feet to a point, said point being located 124.84 feet right of centerline station 341+30.00 of the existing centerline of U.S.R. 33;

thence, S83°10'47"E a distance of 606.54 feet to a point, said point being located 150.00 feet right of centerline station 335+00.00 of the existing centerline of U.S.R. 33;

thence, S86°10'09"E a distance of 471.05 feet to a point, said point being located 162.56 feet right of centerline station 330+29.00 of the existing centerline of U.S.R. 33;

thence, N64°05'26"E a distance of 441.70 feet to a point, said point being located 100.01 feet right of centerline station 325+29.00 of the existing centerline of U.S.R. 33;

thence, N53°31'12"E a distance of 569.15 feet to a point, said point being located 115.18 feet right of centerline station 319+75.00 of the existing centerline of U.S.R. 33;

thence, N75°54'37"E a distance of 264.68 feet to a point, said point being located 100.12 feet right of centerline station 317+50.00 of the existing centerline of U.S.R. 33;

thence, S86°27'25"E a distance of 415.16 feet to a point, said point being located 118.84 feet left of centerline station 59+00.00 of the proposed centerline of Diley Rd.;

thence, S11°23'30"W a distance of 10.09 feet to a set iron pin, said pin being located 120.00 feet left of centerline station 58+90.00 of the proposed centerline of Diley Rd.;

thence, N86°27'25"W a distance of 412.23 feet to a set iron pin, said pin being located 90.00 feet right of baseline station 317+50.00 of the proposed baseline of Ramp A;

thence, S75°54'37"W a distance of 261.15 feet to a set iron pin, said pin being located 105.00 feet right of baseline station 319+75.00 of the proposed baseline of Ramp A;

thence, S53°31'12"W a distance of 568.10 feet to a set iron pin, said pin being located 90.00 feet right of baseline station 325+30.00 of the proposed baseline of Ramp A;

thence, S64°05'26"W a distance of 502.38 feet to a set iron pin, said pin being located 123.00 feet right of centerline station 330+75.00 of the existing centerline of U.S.R. 33;

thence, N88°04'31"W a distance of 50.09 feet to a set iron pin, said pin being located 120.00 feet right of centerline station 331+25.00 of the existing centerline of U.S.R. 33;

thence, N05°21'30"E a distance of 30.00 feet to a set iron pin, said pin being located 150.00 feet right of centerline station 331+25.00 of the existing centerline of U.S.R. 33;

thence, N86°10'09"W a distance of 375.13 feet to a set iron pin, said pin being located 140.00 feet right of centerline station 335+00.00 of the existing centerline of U.S.R. 33;

thence, N83°10'47"W a distance of 606.41 feet to the place of beginning.

It is understood that the parcel of land described covers 0.685 acres, more or less.

All set iron pins are 3/4" x 30" solid steel rods with 2" aluminum caps stamped "ODOT R/W - District 5".

Bearings are shown for project use only and are from the Ohio State Plane Coordinate System, South Zone, NAD 83 as established by GPS measurements in 1999.

Description is based upon an actual field survey performed by the Ohio Department of Transportation in 1999 under the supervision of Thomas E. Andrews P.S. 6964.

Prior Instrument Reference: OR 1135, Page 1452, Fairfield County Recorder's Office.

The above described area is located in Auditor's Parcel 037-02154-00.

PARCEL 2-T1

FAI-33-0.41

**TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE WORK
NECESSARY TO REMOVE A TWO-STORY WOOD BARN**

The lands herein described are situated in State of Ohio, County of Fairfield, Township of Violet, Section 29, Township 15N, Range 20W; and lying on the right side of a survey made by the Ohio Department of Transportation for Fai-33-0.41, and being located within the following described points in the boundary thereof:

Beginning at a point on the proposed Limited Access line of Existing U.S.R. 33, said point being located 142.20 feet right of centerline station 335+95.00 of the existing centerline of U.S.R. 33;

thence, N 05°50'46" W a distance of 48.79 feet to a point, said point being located 190.00' Rt. of Sta. 336+05.00 of the existing centerline of U.S.R. 33;

thence, N 85°57'06" E a distance of 59.74 feet to a point, said point being located 200.00' Rt. of Sta. 335+45.00 of the existing centerline of U.S.R. 33;

thence, S 06°51'11" E a distance of 60.58 feet to a point, said point being located 140.80' Rt. of Sta. 335+32.00 of the existing centerline of U.S.R. 33;

thence, N 83°10'47" W a distance of 62.29 feet to the place of beginning.

It is understood that the above described area contains 0.076 acres, more or less.

Description is based upon an actual field survey performed by the Ohio Department of Transportation in 1999 under the supervision of Thomas E. Andrews P.S. 6964.

Prior Instrument Reference: OR 1135, Page 1452, Fairfield County Recorder's Office.

The above described area is located in Auditor's Parcel 037-02154-00.

**PARCEL 2-T2
FAI-33-0.41**

**TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE WORK
NECESSARY TO GRADE AND SEED**

The lands herein described are situated in State of Ohio, County of Fairfield, Township of Violet, Section 29, Township 15N, Range 20W; and lying on the right side of a survey made by the Ohio Department of Transportation for Fai-33-0.41, and being located within the following described points in the boundary thereof:

Beginning at a point on the proposed Limited Access line of U.S.R. 33, said point being located 143.07 feet right of centerline station 333+85.00 of the existing centerline of U.S.R. 33;

thence, N 05°21'30" E a distance of 17.01 feet to a point, said point being located 160.07' Rt. of Sta. 333+85.00 of the existing centerline of U.S.R. 33;

thence, S 86°10'09" E a distance of 210.07 feet to a point, said point being located 165.67' Rt. of Sta. 331+75.00 of the existing centerline of U.S.R. 33;

thence, S 05°21'30" W a distance of 17.01 feet to a point, said point being located 148.67' Rt. of Sta. 331+75.00 of the existing centerline of U.S.R. 33;

thence, N 86°10'09" W a distance of 210.07 feet to the place of beginning.

It is understood that the above described area contains 0.082 acres, more or less.

Description is based upon an actual field survey performed by the Ohio Department of Transportation in 1999 under the supervision of Thomas E. Andrews P.S. 6964.

Prior Instrument Reference: OR 1135, Page 1452, Fairfield County Recorder's Office.

The above described area is located in Auditor's Parcel 037-02154-00.

**PARCEL 2-T3
FAI-33-0.41
TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING
THE WORK NECESSARY TO GRADE AND SEED**

The lands herein described are situated in State of Ohio, County of Fairfield, Township of Violet, Section 29, Township 15N, Range 20W; and lying on the left side of a survey for Diley Road made by the Ohio Department of Transportation for Fai-33-0.41, and being located within the following described points in the boundary thereof:

Beginning at a point on the easterly property line of Herbert Eichhorn (454/316), said point being located 11.25' Rt. of centerline station 24+10.00 of the proposed centerline of Service Rd. 9;

thence, N 85°11'24" W a distance of 38.75 feet to a point, said point being located 50.00' Rt. of Sta. 24+10.00 of the proposed centerline of Service Rd. 9;

thence, N 11°50'39" W a distance of 122.12 feet to a set iron pin, said pin being located 85.00' Rt. of Sta. 22+93.00 of the proposed centerline of Service Rd. 9;

thence, S 85°11'24" E a distance of 73.60 feet to a set iron pin, said pin being located 11.40' Rt. of Sta. 22+93.00 of the proposed centerline of Service Rd. 9;

thence, S 04°44'00" W a distance of 117.00 feet to the place of beginning.

It is understood that the above described area contains 0.151 acres, more or less.
Description is based upon an actual field survey performed by the Ohio Department of Transportation in 1999 under the supervision of Thomas E. Andrews P.S. 6964.
Prior Instrument Reference: OR 1135, Page 1452, Fairfield County Recorder's Office.

The above described area is located in Auditor's Parcel 037-02154-00.

PARCEL 2-BS1
FAI-33-0.41

ALL RIGHT, TITLE AND INTEREST IN THE FOLLOWING PROPERTY

Situated in Section 29, Township 15 North, Range 20 West, Township of Violet, County of Fairfield, State of Ohio, and being more particularly described as follows:

(1) One 12'4" x 32' double-sided billboard with six utility poles; and (2) one 13' x 32' double-sided billboard with six utility poles.

It is further **ORDERED, ADJUDGED** and **DECREED** that Parcel(s) 2-WL1, 2-WL2, 2-WDV, 2-CH, 2-U, 2-T1, 2-T2, 2-T3 and 2-BS1, are hereby duly vested in the State of Ohio, the Board of Fairfield County Commissioners, and Ohio Bell as set forth above, as these interests may appear, free and clear of all claims of the owners of said lands and any person or persons having or claiming an interest there, to wit:

<u>NAME</u>	<u>ADDRESS</u>
Eichhorn Limited Partnership c/o CPM Statutory Agent Corporation Registered Agent	366 East Broad Street Columbus, Ohio 43215
Stereo Limited, Inc. c/o Damon A. Pfeifer, Registered Agent	5 Cemetery Road Canal Winchester, Ohio 43110
Ohio Bureau of Workman's Compensation c/o Attorney General Jim Petro Collections Enforcement Section	150 East Gay Street, 21 st Floor Columbus, Ohio 43215
Barbara Curtis, or successor Fairfield County Auditor	210 East Main Street Lancaster, Ohio 43130
John Slater, or successor Fairfield County Treasurer	210 East Main Street Lancaster, Ohio 43130

As noted above, the claim of Defendant Lamar Outdoor Advertising is still pending, and it will be resolved by a future Judgment Entry, or Settlement Agreement.

It is further **ORDERED** that the Clerk of this court withhold from the amount deposited herein any taxes required to be paid pursuant to law as directed by the County Auditor and further that the Clerk shall receive to be paid pursuant to law as directed by the County Auditor and further that the Clerk shall receive from the Auditor of this county a statement of such accrued taxes as of the date of the filing of this entry. After payment of such accrued taxes the balance of the monies deposited herein by the Director of Transportation shall be paid by the Clerk of this Court to the said landowner named herein and their interest may appear.

It is further **ORDERED** that a certified copy of this Entry be transmitted by the Clerk of Courts to the County Auditor for the purpose of making the proper notations relative to the transfer of title, if any, and changes of tax valuation and liability therefor, if any; that the County Auditor also cause Parcel Nos. 2-WL1, 2-WL2 and 2-WDV to be removed from the real estate tax records of this county, as of April 16, 2002, and to such extent that the State of Ohio is duly vested with title thereof, free and clear of any real estate tax consequences therefor (O.R.C. Section 163.15 and 163.16) that the County Auditor transmit said Entry to the County Recorder for recording in the deed records of this county, that all transfer fees of the County Auditor and the recordation fees of the County Recorder shall be charged as part of the court costs therein, pursuant to O.R.C. Section 163.15 and 163.16 and that the Director of Transportation of the State of Ohio pay all court costs herein accrued, and that a record be made of these proceedings according to law.

[Signature]
JUDGE MARTIN

APPROVED:
JIM PETRO
Attorney General of Ohio

[Signature]
FREDERICK C. SCHOCH (0008215)
Assistant Attorney General
150 East Gay Street, 17th Floor
Columbus, Ohio 43215
Phone: (614) 466-4751 Fax (614) 466-1756

Attorney for Plaintiff

[Signature]
MICHAEL BRAUNSTEIN (0031362)
GOLDMAN & BRAUNSTEIN
454 East Main Street, Suite 227
Columbus, Ohio 43215

Attorney for Defendant
Eichhorn Limited Partnership

per telephone authorization 11/2/04

[Signature]
ROY E. HART (0023826)
Assistant Prosecuting Attorney
201 South Broad Street, Fourth Floor
Lancaster, Ohio 43130
Telephone: (740) 653-4259 or
(614) 837-2699 Fax: (740) 653-4708

Attorney for the Auditor and
Treasurer of Fairfield County

[Signature]
JAMES M. EVANS (0012618)
Assistant Attorney General
Collections Enforcement Section
150 East Gay Street, 21st Floor
Columbus, Ohio 43215-5148
(614) 466-8360 Phone
(614) 752-9070 Fax

Attorney for State of Ohio
Department of Taxation

11/08/04

[Signature]
FRANKLIN E. ECK, JR. (0041949)
SCHULER, PLANK & BRAHM
145 East Rich Street, 4th Floor
Columbus, Ohio 43215-5240
Phone (614) 228-4546 Fax (614) 228-1472

Attorney for Defendant
Lamar Outdoor Advertising

(Submitted not signed.)
DAMON PFEIFER
Stereo Limited
100 Pfeifer Drive
Canal Winchester, Ohio 43110

CLERK'S CERTIFICATE

The State of Ohio, Fairfield County, ss:
I, the undersigned Clerk of Courts of said county, hereby certify
that the foregoing is a true and correct copy of the original judgment
and settlement filed with me on 13.9.04
WITNESS my hand and official seal this 10 day of Feb. 2004

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[Signature]
Clerk of Courts
By *[Signature]*
Deputy