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SPECIAL WARRANTY DEED

C65688

KNOW ALL MEN BY THESE PRESENTS THAT:

THE CINCINNATI GAS & ELECTRIC COMPANY, the Grantor ~~is a corporation~~ 14.00 DE

organized and existing under the laws of the State of Ohio, in consideration of One Dollar (\$1.00) and other good and valuable considerations, to it paid by SPRING HILL PROPERTIES, an Ohio Partnership, whose address is P.O. Box 1981, Cincinnati, Ohio 45201, the receipt whereof is hereby acknowledged, does hereby GRANT, BARGAIN, SELL AND CONVEY to the said SPRING HILL PROPERTIES, ITS SUCCESSORS AND ASSIGNS FOREVER, the following

described REAL ESTATE:

PARCEL I

Situated in Section 3, Town 4, Fractional Range 2, Columbia Township, Hamilton County Ohio and being more particularly described as follows:

Beginning at a point in the westerly line of said Section 3 where the same is intersected by the southerly line of Hiawatha Avenue in the Village of Mariemont; thence along said southerly line South 55°57'38" East, 256.77 feet to a point; thence South 58°01'41" East, 408.23 feet to a point; thence South 55°03' East, 21.65 feet to a point; thence along a curve deflecting to the left having a radius of 2412.90 feet and an arc distance of 296.89 feet, said arc being subtended by a chord bearing South 58°34'30" East, 296.71 feet to a point; thence North 13°43'30" West, 4.06 feet to a point; thence along a curve deflecting to the left having a radius of 1869.58 feet and an arc distance of 181.64 feet, said arc being subtended by a chord bearing South 64°35' East, 181.57 feet to a point; thence North 22°38' East, 9.50 feet to a point; thence along a curve deflecting to the left having a radius of 1860.08 feet and an arc distance of 368.65 feet, said arc being subtended by a chord bearing South 73°02'40" East, 368.05 feet to a point; thence South 3°54' East, 77.60 feet to a point; thence along a curve deflecting to the right having a radius of 1935.08 feet and an arc distance of 403.84 feet said arc being subtended by a chord bearing North 73°20'42" West, 403.10 feet to a point; thence South 22°38' West, 15.50 feet to a point; thence along a curve deflecting to the right having a radius of 1950.58 feet and an arc distance of 186.39 feet said arc being subtended by a chord bearing North 64°37'46" West, 186.32 feet to a point; thence North 27°54' East, 2.98 feet to a point; thence along a curve deflecting to the right having a radius of 2487.90 feet and an arc distance of 306.13 feet said arc being subtended by a chord bearing North 58°34'30" West, 305.93 feet to a point; thence North 55°03' West, 21.86 feet to a point; thence North 58°01'41" West, 362.09 feet to a point; thence North 55°57'38" West, 256.77 feet to a point; thence North 2°39'52" East, 85.88 feet to the beginning containing 2.655 acres of land being subject to all legal highways.

PARCEL II

Situated in Section 3, Town 4, Fractional Range 2, Columbia Township, Hamilton County Ohio and being more particularly described as follows:

Commencing at a point in the westerly line of Spring Street said point being North 21°30' East, 265.25 feet from the centerline of Wooster Pike; thence North 79°48' West, 96.30 feet to a point R.C.

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JOS. L. DE COURCY, JR., AUDITOR
HAMILTON COUNTY, OHIO
TAX 3.00

510-110-11
thence North 87°00' West, 205.65 feet to a point; thence North 89°16' West, 93.22 feet to a point and true place of beginning for this description; thence South 7°00' West, 42.34 feet to a point; thence North 89°16' West, 15.15 feet to a point; thence along a curve deflecting to the right having a radius of 1337.24 feet and an arc distance of 229.95 feet, said arc being subtended by a chord bearing North 84°20'25" West, 229.67 feet to a point; thence North 3°54' West, 67.23 feet to a point; thence along a curve deflecting to the left having a radius of 1272.24 feet and an arc length of 235.48 feet, said arc being subtended by a chord bearing South 83°57'51" East, 235.15 feet; thence South 89°16' East, 22.40 feet to a point; thence South 7°00' West, 23.05 feet to the place of beginning containing 0.375 acres of land. Subject to all legal highways.

Being part of the premises conveyed to the Grantor herein by Deed recorded in Deed Book 1742, Page 469 of the Hamilton County Ohio Deed Records.

The above legal description prepared by Lansdale Surveying Inc., Jimmy Lansdale, Registered Surveyor S-5611.

Subject to easements of record.

"Reserving unto The Cincinnati Gas & Electric Company, its successors and assigns (Grantor), a right of way and easement over the entire property herein conveyed, to construct, reconstruct, operate, maintain, repair, replace and remove underground ducts, conduits, cables, manholes, pullboxes, towers, fixtures and equipment, plus surface mounted transformer and terminal installations, poles and all necessary and incidental wires, cables, anchors, grounding systems, counterpoises, fixtures and equipment for the transmission and distribution of electrical energy and pipe lines and all necessary and incidental fixtures and equipment for the transmission and distribution of gas, together with the right to cut, trim or remove any trees, overhanging branches, or other obstructions which may endanger the safety of or interfere with the construction, reconstruction, operation, maintenance, repair, replacement or removal of said facilities; the right to pile dirt and materials and to operate equipment on the surface of the land, both within said easement, and immediately adjacent thereto, during periods of construction, reconstruction, operation, maintenance, repair, replacement or removal of said facilities and the right of ingress and egress for the purpose of exercising the rights herein reserved.

1. Grantee shall have the right to use the land within said easement for any purpose consistent with the rights herein reserved to Grantor including the right to construct driveways, sidewalks, parking areas and utilities other than those constructed by Grantor within the above described property.

2. Grantee hereby agrees that no cutting or filling will be done within said property without Grantor's written consent, and further that construction of driveways, sidewalks, parking areas, and utilities other than those constructed by Grantor, its successors and assigns, agents, contractors or licensees within the above described property, shall be accomplished in such a way that the said construction does not interfere in any way with the facilities of the Grantor within said property.

3. Grantee hereby agrees to pay all damages to facilities of Grantor and expenses attributable to such damages caused by Grantee, its successors and assigns, agents or contractors, including, but not by way of limitation, any damages caused by the construction and/or maintenance of driveways, sidewalks, parking areas and utilities

other than those constructed by Grantor within the above described property.

4. It is further understood and agreed that no buildings or other structures, nor any trees or other deep rooted plantings will be constructed or erected within the limits of said property by the Grantee, its successors and assigns, without Grantor's written consent. No excavating or filling shall be done or be permitted within said right of way and easement which would either (a) reduce the clearance between the facilities of the Grantor, its successors and assigns, and the land surface, (b) impair the land support of said facilities, (c) impair the ability of the Grantor, its successors and assigns, to maintain said facilities, or (d) create a hazard.

In addition to the rights provided above, Grantor, its successors and assigns shall have the right to allow any other company to attach its wires, cables and equipment to said poles and fixtures."

and all the ESTATE, TITLE AND INTEREST of the said THE CINCINNATI GAS & ELECTRIC COMPANY, Grantor, either in Law or Equity, in and to the said premises; TOGETHER with all privileges and appurtenances to the same belonging; TO HAVE AND TO HOLD the same to the only proper use of SPRING HILL PROPERTIES, its successors and assigns forever.

And the said THE CINCINNATI GAS & ELECTRIC COMPANY, Grantor for itself and its successors does hereby covenant with SPRING HILL PROPERTIES, its successors and assigns, that the said premises are free and clear from all incumbrances by, from, through or under the said Grantor, and that it will forever warrant and defend the same, with the appurtenances, unto the said SPRING HILL PROPERTIES its successors and assigns, against the lawful claims of all persons, claiming by, from, through or under the Grantor herein.

IN WITNESS WHEREOF, the said THE CINCINNATI GAS & ELECTRIC COMPANY, Grantor, has caused its corporate name to be hereunto subscribed and its corporate seal hereunto affixed by

Arthur R. Ehrnschwender its Senior Vice President and

Donald R. Blum its Secretary

thereunto duly authorized by resolution of its Board of Directors, this

1st day of October, 1984.

Signed and acknowledged
in the presence of:

THE CINCINNATI GAS & ELECTRIC COMPANY

Arthur R. Chamberlain
its Senior Vice President

Donald R. Blum
its Secretary

STATE OF OHIO, COUNTY OF HAMILTON, SS:

BE IT REMEMBERED, That on this 1st day of OCTOBER, 1984 before me, the subscriber, a Notary Public in and for said County and State, personally appeared Arthur R. Ehrnschwender, Senior Vice President and Donald R. Blum, Secretary of THE CINCINNATI GAS & ELECTRIC COMPANY, the corporation whose name is subscribed to and which executed the foregoing instrument, and for themselves and as such officers respectively, and for and on behalf of said corporation, acknowledged the signing and execution of said instrument; and acknowledged that the seal affixed to said instrument is the corporate seal of said corporation, that they affixed such corporate seal to, and otherwise executed, said instrument, by authority of the Board of Directors, and on behalf of said corporation; and that the signing and execution of said instrument is their free and voluntary act and deed, their free act and deed as such officers respectively, and the free and voluntary act and deed of said corporation, for the uses and purposes in said instrument mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my Notarial Seal on the day and year last aforesaid.

Per Sec. 1777.02
Certificate of Partnership
SPRING HILL PROPERTIES
Filed 10-5-84
JOHN E. HELD
Hamilton County Recorder
Barbara L. Stocher
Deputy

Richard H. Henry
RICHARD H. HENRY
Notary Public, State of Ohio
My Commission Expires Jan. 5, 1988

THIS INSTRUMENT WAS PREPARED BY

IRVIN D. PALM

RECD FOR RECORD
JOHN E. HELD, RECORDER
HAMILTON COUNTY, OHIO

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