

KNOW ALL MEN BY THESE PRESENTS: THAT JAMES J. BENKEN and JUDITH A. BENKEN

for and in consideration of One Dollar (\$1.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, do hereby grant unto THE CINCINNATI GAS & ELECTRIC COMPANY and

CINCINNATI BELL INC.

their successors and assigns, a right of way and

easement 16.00 feet in width, to construct, reconstruct, operate, maintain, repair, replace and remove poles and all necessary and incidental wires, cables, anchors, grounding systems, counterpoises, fixtures and equipment for the transmission and distribution of electrical energy and for telecommunication purposes, with the right, from time to time, to add to the number of such wires, cables and other incidental fixtures and equipment for such purposes, in, on, over, through and across the following described real estate situate in Military Survey 2204, Anderson Township, Hamilton County, State of Ohio; being part of the same real estate conveyed to JAMES J. BENKEN and JUDITH A. BENKEN from Edward H. Benken and Evelyn G. Benken by deed dated August 7, 1978, and recorded in Deed Book 4131, Page 1658, Hamilton County Recorder's Office.

The center line of said 16.00 foot wide right of way and easement is described as follows:

Beginning at a point in the westerly boundary line of the grantors' property, said point being NORTH 10° 23' 34" EAST, 76.26 feet from the southwest corner of the grantors' property; thence from said place of beginning SOUTH 16' 30" 00" EAST, 30.00 feet.

The interest of the Cincinnati Gas & Electric Company in the within described property is subject to the First Mortgage, as Amended and Supplemented, between the Company and Irving Trust Company, as Trustee, recorded in Mortgage Book 1680 page 262 of the Mortgage Records of the above mentioned county.

REC'D FOR TRANS

80 FEB 8 AIO: 54

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

TRANSFER NOT NECESSARY  
JOS. L. DE COURCY, JR.  
RECORDED

Examined & Complied Sec. 319.202 H.C. Ordinance is  
exempt from fee under Sec. 312.34 (1) 3.  
JOS. L. DE COURCY, JR., AUDITOR  
HAMILTON COUNTY, OHIO

In addition to the rights provided above, said grant of right of way and easement shall provide that:

1. Any other company or person shall have the right to attach wires, cables and equipment to said poles and fixtures.

2. Grantees, their successors and assigns, by their employees and agents, shall have the right of ingress and egress over the right of way and over the adjoining premises of the grantors, their heirs and assigns, to add to, construct, reconstruct, repair, maintain, use or remove their said facilities or parts thereof, and to cut, trim, remove or otherwise control any trees, undergrowth or overhanging branches and remove any other obstructions within the limits of this right of way and easement, or immediately adjacent thereto, which may endanger the safety of or interfere with the construction, reconstruction, operation, maintenance, repair, replacement or removal of said systems; the right to pile dirt and materials and to operate equipment on the surface of the land, both within and without the limits of said right of way and easement, during periods of construction, reconstruction, maintenance, repair, replacement or removal of said facilities.

3. Said grantee s, their successors and assigns, shall pay all damages caused by their employees, agents, licensees and construction equipment in the construction, reconstruction, maintenance, repair, replacement or removal of said systems.

4. Grantor s, their heirs and assigns, shall have the right to use the land within the limits of said right of way and easement in any other manner not inconsistent with the rights herein described.

5. No buildings or other structures shall be erected within the limits of said right of way and easement by the grantor s, their heirs and assigns. No excavating or filling shall be done or be permitted by them within said right of way and easement which would either (a) reduce the clearance between the facilities of the grantee s, their successors and assigns, and the land surface, (b) impair the land support of said facilities, (c) impair the ability of the grantee s, their successors and assigns, to maintain said facilities, or (d) create a hazard.

PAL/pla  
HT-7616  
Form A-659-R-10 Elec.

(OVER)

(Over)  
DEED BOOK 4180 pg 657

44/219  
10-26-79

6. Grantors, for themselves and their heirs and assigns, covenant with the grantees, their successors and assigns, that they are the true and lawful owners of said premises and have full power to convey the rights hereby conveyed and that they do warrant and will defend the same against the claims of all persons whomsoever.

WITNESS our hands this 15 day of Jan 1980.

Signed and acknowledged in the presence of:

Daniel L. Garrett  
Patricia C. Loh

James J. Benken  
James J. Benken

Judith A. Benken  
Judith A. Benken

STATE OF OHIO, HAMILTON COUNTY, ss:

Personally appeared before me, a Notary Public in and for said State,

JAMES J. BENKEN and JUDITH A. BENKEN, HUSBAND AND  
WIFE

who acknowledged the signing of the foregoing instrument to be their voluntary act and deed for the uses and purposes herein set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this 15<sup>th</sup> day of Jan 1980

Robert J. Stenger  
ROBERT J. STENGER  
Notary Public, State of Ohio  
My Commission Expires Dec. 23, 1982

THIS INSTRUMENT WAS PREPARED BY  
IRVIN D. PALM

DEED BOOK 4180 PG 658

BENKEN, James J. & Judith A.

TO

FROM

GRANT

G06814

NOTARY PUBLIC  
COUNTY AUDITOR  
60 FEB 8 1980  
NOT NECESSARY  
COUNTY AUDITOR  
60 FEB 8 1980

CINCINNATI BELL INC.

CINCINNATI GAS & ELECTRIC COMPANY