

EASEMENT

Eichhorn Limited Partnership, the Grantor(s), in consideration of the sum of \$13,431.00, to be paid by the State of Ohio, Department of Transportation, does convey(s) to the State of Ohio for the use and benefit of the Department of Transportation, the Grantee, an easement, which is more particularly described in Exhibit A, attached, the following described real estate:

PARCEL(S): 001-SH1, SH2

FAI – SR 37 -6.10

SEE EXHIBIT A ATTACHED

FAIRFIELD County Current Tax Parcel No. 0490261230

Prior Instrument Reference: OR 1477, Page 2270 FAIRFIELD County Recorder's Office.

Grantor(s), for itself and its successors and assigns, covenants with the Grantee, its successors and assigns, that it is the true and lawful owner(s) in fee simple of the property, and has the right and power to convey the property and that the property is free and clear from all liens and encumbrances, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant and defend the property against all claims of all persons.

The property conveyed to Grantee is being acquired for one of the statutory purposes the Director of Transportation may acquire property under Title LV of the Revised Code, such as but not limited to those purposes enumerated in Sections 5501.31 and 5519.01 of the Revised Code.

Grantor(s) has a right under Section 163.211 of the Revised Code to repurchase the property conveyed if Grantee decides not to use the property for the purpose stated above and Grantor(s) provides timely notice of a desire to repurchase; provided however that such right of repurchase is subject to the authority of the Director of Transportation to convey unneeded property pursuant to Section 5501.34 (F) of the Revised Code. The price to be paid upon such repurchase shall be the property's fair market value as determined by an independent appraisal made by an appraiser chosen by agreement of the parties or, if the parties cannot agree, an appraiser chosen by the court. The within right of repurchase shall be extinguished if any of the following occur: (A) Grantor(s) declines to repurchase the property; (B) Grantor(s) fails to repurchase the property within sixty days after Grantee offers the property for repurchase; (C) Grantee grants or transfers the property to any other person or agency; or (D) Five years have passed since the property was appropriated.

IN WITNESS WHEREOF Eichhorn Limited Partnership has caused its name to be subscribed by Phillip E. Eichhorn and Stephen H. Eichhorn, its general partner(s) on the _____ day of _____, _____.

EICHHORN LIMITED PARTNERSHIP

By: _____
Phillip E. Eichhorn

Stephen H. Eichhorn

STATE OF OHIO, COUNTY OF FAIRFIELD SS:

The foregoing instrument was acknowledged before me this _____ day of _____, _____, Phillip E. Eichhorn and Stephen H. Eichhorn, on behalf of Eichhorn Limited Partnership, a partnership. No oath or affirmation was administered to Phillip E. Eichhorn and Stephen H. Eichhorn with regard to the notarial act.

In Testimony Whereof, I have subscribed my name and affixed my official seal on the day and year last aforesaid.

NOTARY PUBLIC

My Commission expires: _____

This form RE 248-I was updated to conform to new notarial language requirements as per Revised Code 147.542.

This document was prepared by or for the State of Ohio, Department of Transportation, on forms approved by the Attorney General of Ohio.

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Ver. Date 09/11/20

PID 110412

**PARCEL 1-SH1
FAI-37-06.10
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the State of Ohio, Department of Transportation, its successors and assigns forever.

Grantor/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 (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Fairfield, Township of Walnut, and being a part of Section 29, Township 16, Range 18, being part of a 113.854 acre parcel conveyed to **EICHHORN LIMITED PARTNERSHIP**, by Official Record Volume 1477, Page 2270, and being more particularly described below:

Being a parcel of land lying right of the Centerline of Right of Way of FAI-37-06.10 made by Mead & Hunt for the Ohio Department of Transportation as recorded in Plat Book _____, Page _____ in the records of Fairfield County, and being located within the following described boundary points in the boundary thereof:

Beginning from a monument box set at the intersection of the Centerline of Right of Way of State Route 37 and the Centerline of Right of Way of State Route 256, said point being the southeast corner of Section 19, said point also being the southwest corner of Section 20, said point also being the northwest corner of Section 29, said point also being the northeast corner of Section 30, said point also being the northwest corner of the Grantor, said point also being the southwest corner of a 3.12 acre parcel conveyed to Chaos, LLC by Official Record Volume 1729, Page 1874, said point also being the northeast corner of a 6.91 acre parcel conveyed to Wagner Rentals, LLC, by Original Record Volume 1434, Page 2868, said point also being the southeast corner of a 6.94 acre parcel conveyed to MAC'S CONVENIENCE STORES LLC, by Original Record Volume 1734, Page 4486, said point also being at PI Station 18+34.80 of the Centerline of Right of Way of State Route 37 and at PI Station 26+23.94 of the Centerline of Right of Way of State Route 256, said point marking the **Principle Point of Beginning** for the

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parcel described herein;

1. **Thence South 87 Degrees 18 Minutes 17 Seconds East** along the Centerline of Right of Way of State Route 256, said line also being the northerly section line of Section 29 and southerly line of Section 20, said line also being the northerly line of the Grantor, said line also being the southerly line of said parcel conveyed to Chaos, LLC a distance of **231.67 feet** to Station **28+55.61** of the Centerline of Right of Way of State Route 256, said point being a northeastern corner of the Grantor, said point also being the northwest corner of a 0.086 acre parcel conveyed to the Village of Thurston, by Deed Volume 449, Page 565;
2. **Thence South 02 Degrees 41 Minutes 43 Seconds West** along an easterly line of the Grantor and the westerly line of said parcel conveyed to the Village of Thurston, passing through an iron pin found at a distance of 20.34 feet, a total distance of **55.00 feet** to an iron pin set **55.00 feet** right of Station **28+55.61** of the Centerline of Right of Way of State Route 256;
3. **Thence North 87 Degrees 18 Minutes 17 Seconds West** parallel to the Centerline of Right of Way of State Route 256, a distance of **125.61 feet** to an iron pin set **55.00 feet** right of Station **27+30.00** of the Centerline of Right of Way of State Route 256, said point also being **106.70 feet** right of Station **17+81.06** of the Centerline of Right of Way of State Route 37;
4. **Thence South 54 Degrees 37 Minutes 36 Seconds West**, a distance of **49.63 feet** to an iron pin set **68.00 feet** right of Station **17+50.00** of the Centerline of Right of Way of State Route 37;
5. **Thence South 03 Degrees 22 Minutes 29 Seconds West** parallel to the Centerline of Right of Way of State Route 37, a distance of **100.00 feet** to an iron pin set **68.00 feet** right of Station **16+50.00** of the Centerline of Right of Way of State Route 37;
6. **Thence South 05 Degrees 05 Minutes 35 Seconds West**, a distance of **100.04 feet** to an iron pin set **65.00 feet** right of Station **15+50.00** of the Centerline of Right of Way of State Route 37;
7. **Thence South 03 Degrees 22 Minutes 29 Seconds West** parallel to the Centerline of Right of Way of State Route 37, a distance of **400.00 feet** to an iron pin set **65.00 feet** right of Station **11+50.00** of the Centerline of Right of Way of State Route 37;
8. **Thence South 06 Degrees 14 Minutes 13 Seconds West**, a distance of **100.12 feet** to an iron pin set **60.00 feet** right of Station **10+50.00** of the Centerline of Right of Way of State Route 37;
9. **Thence South 03 Degrees 22 Minutes 29 Seconds West** parallel to the Centerline of Right of Way of State Route 37, a distance of **450.00 feet** to an iron pin set **60.00 feet** right of Station **6+00.00** of the Centerline of Right of Way of State Route 37;

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10. Thence South 07 Degrees 39 Minutes 50 Seconds West, a distance of 401.12 feet to an iron pin set on the existing easterly Right of Way line of State Route 37, said point being 30.00 feet right of Station 2+00.00 of the Centerline of Right of Way of State Route 37;

11. Thence North 86 Degrees 37 Minutes 31 Seconds West perpendicular to the Centerline of Right of Way of State Route 37, a distance of 30.00 feet to the Centerline of Right of Way of State Route 37, said line also being the westerly line of Section 29 and the easterly line of Section 30, said line also being the westerly line of the Grantor, said line also being the easterly line of a 62.33 acre parcel conveyed to Wagner Rentals, LLC, by Original Record Volume 1434, Page 2871, to Station 2+00.00 of the Centerline of Right of Way of State Route 37;

12. Thence North 03 Degrees 22 Minutes 29 Seconds East along the Centerline of Right of Way of State Route 37, said line also being the westerly line of Section 29 and the easterly line of Section 30, said line also being the westerly property line of the Grantor, a portion of said line being the easterly line of said 6.91 acre and 62.33 acre parcels conveyed to Wagner Rentals, LLC, a portion of said line also being the easterly line of a 5.145 acre parcel conveyed to FARM CREDIT MID-AMERICA, FLCA by Original Record Volume 1633, Page 3038, a portion of said line also being the easterly line of a 3.099 acre parcel conveyed to Heather Mae Warner by Original Record Volume 1667, Page 3239, a distance of 1634.80 feet to the Principle Point of Beginning and enclosing 2.436 acres, more or less of which the present road occupies 1.271 acres, resulting in a net take of 1.165 acres;

The above described area is all within Fairfield County Permanent Parcel Number 0490261230;

The iron pins set are 3/4 inch diameter x 30 inch long rebar with a 2 inch diameter aluminum cap marked ODOT R/W Mead & Hunt, Inc. 8294. Mag nails set are 1/2 inch diameter x 2 inch long steel nail. Monument Boxes Set are 1 inch steel rods with a 3 inch aluminum cap set encased in a monument box assembly. Concrete Monuments Set are 3/4 inch iron pins encased in an 8 inch diameter concrete cylinder with a 3 inch diameter aluminum cap. Both the Monument Box Set and Concrete Monuments Set (Reference Monument) are detailed by ODOT standard construction drawing RM-1.1, dated 7-18-14. These monument boxes and concrete monuments are set by the highway contractor under the direction of a Professional Surveyor.

Bearings are relative to Grid North of the Ohio State Plane, South Zone. The Values were based on control set in January, 2019 using the Ohio VRS projection set: Ohio South NAD 83(2011) Datum. Bearings are for the purpose of indicating angular measurement only.

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The Stations referred to herein are from the Centerline of Right of Way of State Route 37 or the Centerline of Right of Way of State Route 256, as found on Right of Way Plan FAI-37-06.10.

This description was prepared and reviewed under the supervision of Steven J., Scheid, Jr., P.S., 8294 of Mead & Hunt on September 11, 2020 from a survey made in January, 2019.



Steven J., Scheid, Jr., P.S.
Professional Surveyor 8294
September 11, 2020



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PID 110412

PARCEL 1-SH2

FAI-37-06.10

**PERPETUAL EASEMENT FOR HIGHWAY PURPOSES
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the State of Ohio, Department of Transportation, its successors and assigns forever.

Grantor/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 (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

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Being a parcel of land lying right of the Centerline of Right of Way of FAI-37-06.10 made by Mead & Hunt for the Ohio Department of Transportation as recorded in Plat Book _____, Page _____ in the records of Fairfield County, and being located within the following described boundary points in the boundary thereof:

Commencing from a monument box set at the intersection of the Centerline of Right of Way of State Route 37 and the Centerline of Right of Way of State Route 256, said point being the southeast corner of Section 19, said point also being the southwest corner of Section 20, said point also being the northwest corner of Section 29, said point also being the northeast corner of Section 30, said point also being the northwest corner of the Grantor, said point also being the southwest corner of a 3.12 acre parcel conveyed to Chaos, LLC by Official Record Volume 1729, Page 1874, said point also being the northeast corner of a 6.91 acre parcel conveyed to Wagner Rentals, LLC, by Original Record Volume 1434, Page 2868, said point also being the southeast corner of a 6.94 acre parcel conveyed to MAC'S CONVENIENCE STORES LLC, by Original Record Volume 1734, Page 4486, said point also being at PI Station 18+34.80 of the Centerline of Right of Way of State Route 37 and at PI Station 26+23.94 of the Centerline of Right of Way of State Route 256;

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Thence South 87 Degrees 18 Minutes 17 Seconds East, along the Centerline of Right of Way of State Route 256, said line also being the northerly line of Section 29 and the southerly line of Section 20, part of said line also being the northerly line of the Grantor, said line also being the southerly line of said parcel conveyed to Chaos, LLC, part of said line also being the northerly line of a 0.086 acre parcel conveyed to the Village of Thurston, by Deed Volume 449, Page 565, a distance of **281.67 feet** to Station 29+05.61 of the Centerline of Right of Way of State Route 256, said point being a northwest corner of the grantor, said point also being the northeast corner of said parcel conveyed to the Village of Thurston, said point also marking the **Principle Point of Beginning** for the parcel described herein;

1. **Thence South 87 Degrees 18 Minutes 17 Seconds East** along the Centerline of Right of Way of State Route 256, said line also being the northerly line of Section 29 and the southerly line of Section 20, said line also being the northerly line of the Grantor, said line also being the southerly line of said parcel conveyed to Chaos, LLC, a distance of **60.14 feet** to Station 29+65.75 of the Centerline of Right of Way of State Route 256, said point being the northeast corner of the Grantor, said point also being the northwest corner of a 1.00 acre parcel conveyed to ALEXIS A. HOWARD, by Official Record Volume 1566, Page 3299;
2. **Thence South 03 Degrees 22 Minutes 29 Seconds West** along an easterly line of the Grantor and the westerly line of said parcel conveyed to ALEXIS A. HOWARD, passing thru a mag nail found at 20.62 feet for a total distance of **55.00 feet** to an iron pin set 55.00 feet right of Station 29+65.10 of the Centerline of Right of Way of State Route 256;
3. **Thence North 87 Degrees 18 Minutes 17 Seconds West** parallel to the Centerline of Right of Way of State Route 256, a distance of **25.10 feet** to an iron pin set 55.00 feet right of Station 29+40.00 of the Centerline of Right of Way of State Route 256;
4. **Thence South 02 Degrees 41 Minutes 43 Seconds West** perpendicular to the Centerline of Right of Way of State Route 256, a distance of **10.00 feet** to an iron pin set 65.00 feet right of Station 29+40.00 of the Centerline of Right of Way of State Route 256;
5. **Thence North 87 Degrees 18 Minutes 17 Seconds West** parallel to the Centerline of Right of Way of State Route 256, a distance of **20.00 feet** to an iron pin set 65.00 feet right of Station 29+20.00 of the Centerline of Right of Way of State Route 256;
6. **Thence North 02 Degrees 41 Minutes 43 Seconds East** perpendicular to the Centerline of Right of Way of State Route 256, a distance of **10.00 feet** to an iron pin set 55.00 feet right of Station 29+20.00 of the Centerline of Right of Way of State Route 256;
7. **Thence North 87 Degrees 18 Minutes 17 Seconds West** parallel to the Centerline of Right of

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Way of State Route 256, a distance of **14.39 feet** to an iron pin set on a westerly line of the Grantor, said line also being the easterly line of said parcel conveyed to the Village of Thurston, said pin being 55.00 feet right of Station 29+05.61 of the Centerline of Right of Way of State Route 256;

8. Thence North 02 Degrees 41 Minutes 43 Seconds East along a westerly line of the grantor and easterly line of said parcel conveyed to the Village of Thurston, a distance of **55.00 feet** to the **Principle Point of Beginning** and enclosing 0.080 acres, more or less of which the present road occupies 0.041 acres, resulting in a net take of 0.039 acres;

The above described area is all within Fairfield County Permanent Parcel Number 0490261230;

The iron pins set are 3/4 inch diameter x 30 inch long rebar with a 2 inch diameter aluminum cap marked ODOT R/W Mead & Hunt, Inc. 8294. Mag nails set are 1/2 inch diameter x 2 inch long steel nail. Monument Boxes Set are 1 inch steel rods with a 3 inch aluminum cap set encased in a monument box assembly. Concrete Monuments Set are 3/4 inch iron pins encased in an 8 inch diameter concrete cylinder with a 3 inch diameter aluminum cap. Both the Monument Box Set and Concrete Monuments Set (Reference Monument) are detailed by ODOT standard construction drawing RM-1.1, dated 7-18-14. These monument boxes and concrete monuments are set by the highway contractor under the direction of a Professional Surveyor.

Bearings are relative to Grid North of the Ohio State Plane, South Zone. The Values were based on control set in January, 2019 using the Ohio VRS projection set: Ohio South NAD 83(2011) Datum. Bearings are for the purpose of indicating angular measurement only.

The Stations referred to herein are from the Centerline of Right of Way of State Route 256, as found on Right of Way Plan FAI-37-06.10.

This description was prepared and reviewed under the supervision of Steven J., Scheid, Jr., P.S., 8294 of Mead & Hunt on September 11, 2020 from a survey made in January, 2019.



Steven J., Scheid, Jr., P.S.
Professional Surveyor 8294
September 11, 2020

