

EASEMENT

Act Investments, LLC, the Grantor(s), in consideration of the sum of \$18,218.00, 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): 002-SH1, SH2

FAI – SR 37 – 6.10

SEE EXHIBIT A ATTACHED

FAIRFIELD County Current Tax Parcel No. 0490263400 & 0490263420

Prior Instrument Reference: 202000026495, 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 Act Investments, LLC has caused its name to be subscribed by Rick L. Snider, its duly authorized agent on the _____ day of _____, _____.

ACT INVESTMENTS, LLC

By: _____
RICK L. SNIDER
AGENT

STATE OF OHIO, COUNTY OF FAIRFIELD SS:

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Rick L. Snider, Agent of Act Investments, LLC, on behalf of the corporation. No oath or affirmation was administered to Rick L. Snider, 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 247-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.

EXHIBIT A

RX 270 SH

Page 1 of 3

Rev. 06/09

Ver. Date 09/11/20

PID 110412

**PARCEL 2-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 30, Township 16, Range 18, being part of a 62.33 acre parcel conveyed to **WAGNER RENTALS, LLC**, by Official Record Volume 1434, Page 2871, and being more particularly described below:

Being a parcel of land lying left 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 northeast corner of the a 6.91 acre parcel conveyed to the Grantor by Original Record Volume 1434, Page 2868, 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 northwest corner of a 113.854 acre parcel conveyed to Eichhorn Limited Partnership by Official Record Volume 1477, Page 2270, 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

EXHIBIT A

RX 270 SH

Page 2 of 3

Rev. 06/09

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;

Thence North 87 Degrees 18 Minutes 17 Seconds West along the Centerline of Right of Way of State Route 256, said line also being the northerly line of Section 30 and the southerly line of Section 19, a portion of said line being the northerly line of the Grantor, a portion of said line being the southerly line of said parcel conveyed to MAC'S CONVENIENCE STORES LLC, a portion of said line also being the northerly line of a 2.62 acre parcel conveyed to Betty Joan Sakas by Official Record Volume 1120, Page 596, a portion of said line also being the southerly line of a 81.06 acre parcel conveyed to DONALD L. KULL, TRUSTEE and MARILYN J. KULL, TRUSTEE, OF THE KULL FAMILY TRUST AGREEMENT, DATED OCTOBER 26, 2016, by Official Record Volume 1751, Page 1628, a distance of **1118.00 feet** to a northeast corner of the Grantor, said point also being the northwest corner of said parcel conveyed to Betty Joan Sakas, said point also being Station 15+05.94 of the Centerline of Right of Way of State Route 256, said point marking the **Principle Point of Beginning** for the parcel described herein;

1. **Thence South 03 Degrees 20 Minutes 03 Seconds West** along a eastern line of the Grantor, said line also being the western line of said parcel conveyed to Betty Joan Sakas, a distance of **55.00 feet** to an iron pin set, said point being 55.00 feet right of Station 15+05.94 of the Centerline of Right of Way of State Route 256;
2. **Thence North 86 Degrees 39 Minutes 57 Seconds West** parallel to the Centerline of Right of Way of State Route 256, a distance of **55.94 feet** to an iron pin set 55.00 feet right of Station 14+50.00 of the Centerline of Right of Way of State Route 256;
3. **Thence North 84 Degrees 03 Minutes 48 Seconds West**, a distance of **550.57 feet** to an iron pin set on the existing southerly Right of Way line of State Route 256, said pin being 30.00 feet right of Station 9+00.00 of the Centerline of Right of Way of State Route 256;
4. **Thence North 03 Degrees 20 Minutes 03 Seconds East** perpendicular to the Centerline of Right of Way of State Route 256, a distance of **30.00 feet** to the Centerline of Right of Way of State Route 256, said line also being the northerly line of Section 30 and the southerly line of Section 19, said line also being the northerly line of the Grantor, said line also being the southerly of a 66.00 acre parcel conveyed to Dale Louis Klamfoth, Sr. and Kathleen Klamfoth, CO-TRUSTEES, The Dale Louis Klamfoth, Sr. and Kathleen Klamfoth Revocable Living Trust, Dated the 15th day of September, 2003, said point being at Station 9+00.00 of the Centerline of Right of Way of State Route 256;
5. **Thence South 86 Degrees 39 Minutes 57 Seconds East** along the Centerline of Right of Way of State Route 256, said line also being the northerly line of Section 30 and the southerly line of

EXHIBIT A

RX 270 SH

Page 3 of 3

Rev. 06/09

Section 19, said line also being the northerly line of the Grantor, a portion of said line being the southerly line of said parcel conveyed to the Klamforth Revocable Living Trust, a portion of said line being the southerly line of a 2.75 acre parcel conveyed to Ruth Ann Taylor by Official Record Volume 604, Page 735, a portion of said line also being the southerly line of said parcel conveyed to the Kull Family Trust Agreement, a distance of **605.94 feet to the Principle Point of Beginning** and enclosing 0.607 acres, more or less of which the present road occupies 0.417 acres, resulting in a net take of 0.190 acres;

The above described area is all within Fairfield County Permanent Parcel Number 0490263400;

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



EXHIBIT A

RX 270 SH

Page 1 of 4

Rev. 06/09

Ver. Date 09/11/20

PID 110412

PARCEL 2-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]

Situated in the State of Ohio, County of Fairfield, Township of Walnut, and being a part of Section 30, Township 16, Range 18, being part of a 62.33 acre parcel conveyed to **WAGNER RENTALS, LLC**, by Official Record Volume 1434, Page 2871, and a 6.91 acre parcel conveyed by Official Record Volume 1434, Page 2868, and being more particularly described below:

Being a parcel of land lying left 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 northeast corner of the a 6.91 acre parcel conveyed to the Grantor by Original Record Volume 1434, Page 2868, 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 northwest corner of a 113.854 acre parcel conveyed to Eichhorn Limited Partnership by Official Record Volume 1477, Page 2270, 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

EXHIBIT A

RX 270 SH

Page 2 of 4

Rev. 06/09

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 parcel described herein;

1. **Thence South 03 Degrees 22 Minutes 29 Seconds West** along the Centerline of Right of Way of State Route 37, said line also being the easterly line of Section 30 and westerly line of Section 29, said line also being the easterly line of the Grantor, said line also being the westerly line of said parcel conveyed to Eichhorn Limited Partnership, a distance of **321.75 feet** to a southeastern corner of the Grantor, said point also being the northeast corner of a 3.099 acre parcel conveyed to Heather Mae Warner by Official Record Volume 1667, Page 2868, said point being at Station 15+13.05 of the Centerline of Right of Way of State Route 37;
2. **Thence North 86 Degrees 42 Minutes 48 Seconds West** along a southerly line of the Grantor, said line also being the northerly line of said parcel conveyed to Heather Mae Warner, a distance of **30.00 feet** to an iron pin set on the existing westerly Right of Way line of State Route 37, said pin being 30.00 feet left of Station 15+13.01 of the Centerline of Right of Way of State Route 37;
3. **Thence North 03 Degrees 22 Minutes 29 Seconds East** along the existing westerly Right of Way line of State Route 37, a distance of **231.99 feet** to an iron pin set 30.00 feet left of Station 17+45.00 of the Centerline of Right of Way of State Route 37;
4. **Thence North 56 Degrees 23 Minutes 15 Seconds West**, a distance of **39.23 feet** to an iron pin set, said point being 63.89 feet left of Station 17+64.75 of the Centerline of Right of Way of State Route 37, said point also being 70.00 feet right of Station 25+60.00 of the Centerline of Right of Way of State Route 256;
5. **Thence North 86 Degrees 39 Minutes 57 Seconds West** parallel to the Centerline of Right of Way of State Route 256, a distance of **754.06 feet** to an iron pin set on a westerly line of the Grantor, said line also being the easterly line of a 2.62 acre parcel conveyed to Betty Joan Sakas by Official Record Volume 1120, Page 596, said pin being 70.00 feet right of Station 18+05.94 of the Centerline of Right of Way of State Route 256;
6. **Thence North 03 Degrees 20 Minutes 03 Seconds East** along a westerly line of the Grantor, said line also being the easterly line of said parcel conveyed to Betty Joan Sakas, a distance of **70.00 feet** to the Centerline of Right of Way of State Route 256, said line also being the northerly line of Section 30 and the southerly line of Section 19, said line also being the southerly line of a 81.06 acre parcel conveyed to DONALD L. KULL, TRUSTEE and MARILYN J. KULL, TRUSTEE, OF THE KULL FAMILY TRUST AGREEMENT, DATED OCTOBER 26, 2016, by Official Record Volume 1751, Page 1628, said point being

EXHIBIT A

RX 270 SH

Page 3 of 4

Rev. 06/09

northwestern corner of the Grantor, said point being the northeast corner of said parcel conveyed to Betty Joan Sakas, said point being at Station 18+05.94 of the Centerline of Right of Way of State Route 256;

7. Thence South 86 Degrees 39 Minutes 57 Seconds East along Centerline of Right of Way of State Route 256, said line also being the northerly line of Section 30 and the southerly line of Section 19, said line also being the northerly line of the Grantor, a portion of said line also being the southerly line of said parcel conveyed to the Kull Family Trust Agreement, a portion of said line being the southerly line of said parcel conveyed to MAC'S CONVENIENCE STORES LLC, a distance of **818.00 feet** to the **Principle Point of Beginning** and enclosing 1.496 acres, more or less of which the present road occupies 0.775 acres, resulting in a net take of 0.721 acres;

The above described area contains 0.206 acres of land, more or less, of which the present road occupies 0.088 acres of land, more or less, within Fairfield County Permanent Parcel Number 0490263400, and 1.290 acres of land, more or less, of which the present road occupies 0.687 acres of land, more or less, within Fairfield County Permanent Parcel Number 0490263420;

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.

EXHIBIT A

RX 270 SH

Page 4 of 4

Rev. 06/09

The Stations referred to herein are from the Centerline of Right of Way of State Route 37 and 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

