

WORK AGREEMENT

by and between

ACT INVESTMENTS, LLC (PCL 2 ON FAI 037 PID 110412)

and

STATE OF OHIO, DEPARTMENT OF TRANSPORTATION

ACT INVESTMENTS, LLC (PCL 2 ON FAI 037 PID 110412), the owner(s) of the property located at southwest corner of SR 37 and SR 256 also known as FAI APN 0490263400 and 0490263420 situated in Fairfield County, Ohio ["Owner"] in consideration of there being no costs, assessments, or other expenses to Owner for the work hereinafter described, hereby authorizes the State of Ohio, Department of Transportation ["ODOT"], and its duly authorized employees, agents, and contractors to enter upon said property for the purposes of performing the work described in Exhibit 1 attached hereto and by this reference incorporated herein.

This authority to enter granted to ODOT shall commence on June 21, 2022 and will terminate on June 21, 2023.

The work described in Exhibit 1 shall be performed in accordance with the plans and specifications prepared by ODOT for the construction and/or improvement of PID 110412 FAI SR 37 06.10.

Owner hereby releases ODOT and its employees from any and all damages or claims for damages resulting by reason of the above described work and operations, excepting those arising from said plans and specifications. It is understood that any contractor engaged for the purposes described above is an *Independent Contractor* and is solely responsible for any and all damages or claims for damages arising from any conduct not within the control of ODOT.

It is further understood that ODOT assumes no obligation for the maintenance of any area outside the limits of the permanent right of way.

Any and all of the terms, conditions and provisions of this Agreement shall be binding upon and shall inure to the benefit of Owner and ODOT and their respective heirs, executors, administrators, successors and assigns.

This Agreement may be executed in two or more counterparts, each of which will be deemed an original, but all of which together shall constitute but one and the same instrument.

No amendment or modification of this Agreement shall be valid or binding upon the parties unless it is made in writing, cites this Agreement, and is signed by Owner and ODOT.

IN WITNESS WHEREOF, the parties hereto, namely the State of Ohio, Department of Transportation and Act Investments, Llc (Pcl 2 ON FAI 037 PID 110412) have executed this Agreement on the date(s) indicated immediately below their respective signatures.

ACT INVESTMENTS, LLC

By: _____
Chris Walsh

Agent

Date: _____

STATE OF OHIO
DEPARTMENT OF TRANSPORTATION

Jack Marchbanks, Ph.D., Director

Date _____

By: John R. Wooldridge
District 5 Real Estate Administrator