

DRIVEWAY ENCROACHMENT, GREENBELT AND ACCESS EASEMENT

REC'D FOR TRANS

09 MAY 11 AM 10:42

NeeOo W. Chin and Shelly L. Chin as Co-Trustees under a Trust Agreement dated January 25, 2007 wherein NeeOo W. Chin and Shelly L. Chin are the Grantors, known as the Chin Holding Trust, whose mailing address is 933 Congress Avenue, Cincinnati, Ohio 45246 for valuable consideration paid, grants with general warranty covenants to Richard Smith and Patricia Smith, whose mailing address is 935 Congress Avenue, Cincinnati, Ohio 45246, an easement for driveway encroachment, greenbelt and access purposes over and across a portion of the property described in Exhibit A, which easement area is more particularly described in Exhibits C and D. (the easement area)

RECITALS:

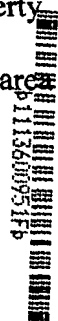
- 1) OWNERSHIP: On the date hereof, NeeOo W. Chin and Shelly L. Chin as Co-Trustees under a Trust Agreement dated January 25, 2007 are the owners of the property known as 933 Congress Avenue, Cincinnati Ohio 45246 (hereinafter "the Chin property") which property is more fully described in Exhibit A attached hereto and made a part hereof (the burdened property). On the date hereof Richard Smith and Patricia Smith are the owners of the property known as 935 Congress Avenue, Cincinnati, Ohio 45246 (hereinafter "the Smith property") which property is more fully described in Exhibit B, attached hereto and made a part hereof (the benefited property) * AKA RICHARD K. SMITH JR AND PATRICIA RICHARDS SMITH
- 2) DOCUMENT PURPOSE: The purpose of this document is to
 - a. GRANT an easement for a driveway encroachment, greenbelt and access purposes over and across a portion of the burdened property set forth in Exhibit A, and which easement area is more fully described in Exhibits C and D.
 - b. CONFIRM that it is the intention of the parties that the driveway encroachment, greenbelt and access easement shall remain in full force and effect, subject to the maintenance and repair provisions set forth herein and confirm that said grant is to run with and benefit the land described in Exhibit B and burden the land described in Exhibit A
 - c. THE PURPOSE OF GRANT is for driveway encroachment, greenbelt purposes, along with the maintenance, repair and or replacement an existing driveway which lies within the newly granted greenbelt easement area as well as maintaining the landscaping and greenbelt area within said easement and to have access to and from the benefitted property over and across a portion of the burdened property
 - d. DESCRIBE both pictorially and by legal description the easement area as further set forth in Exhibits C and D

Transfer Not Necessary

Dusty Rhodes
Hamilton County Auditor

11136 951

Wayne Condes
Hamilton County Recorders Office
Doc #: 09-0062342 Type: DE
Filed: 05/11/09 10:45:21 AM \$68.00
Off. Rec.: 11136 00951 F 7 366



- e. **TO SET FORTH THE CONDITIONS OF GRANT MAINTENANCE AND REPAIR:** It is a condition of this grant that all maintenance and repair of the entire easement area, including but not limited to maintenance, repair and replacement of the existing driveway which lies within the easement area, as well as all maintenance required of the remaining landscape and greenbelt area shall be the responsibility of the current and any successor owners of the Smith property and that no responsibility for maintenance repair or replacement of either the driveway or the landscaping shall be borne by the owner or successor owners of the Chin Property, unless the maintenance, repair or replacement of the improvements located within the easement area is a direct result of damages caused by the actions of the owners of the Chin Property.

- f. **BINDING AGREEMENT:** It is the express intention that the terms and conditions of this agreement shall be binding upon each of them and their respective successors and assigns and shall run with the land.

- g. **ENTIRE AGREEMENT:** This modification agreement contains the entire agreement of the parties with respect to the subject matter and may be amended only in writing signed by all parties.

- h. This document shall be construed pursuant to the laws of the State of Ohio

IN WITNESS WHEREOF, the parties have executed this easement grant and termination agreement on the day and year first written above.



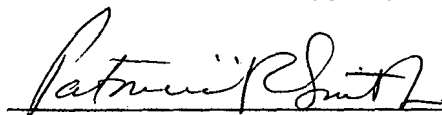
Shelly L. Chin Co Trustee



NeeOoChin Co Trustee



Richard Smith AKA RICHARD K SMITH JR.



Patricia Smith AKA PATRICIA RICHARDS SMITH

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this 22 day of April, 2009 by Shelly L. Chin Co- Trustee and NeeOo W. Chin, Co-Trustee of the Trust Agreement dated January 25, 2007 known as the Chin Holding Trust

Brooke Janzen
Notary Public



BROOKE JANZEN
Notary Public
State of Ohio
My Commission Expires
May 14, 2011

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this 10 day of April, 2009 by Richard Smith and Patricia Smith, Husband and Wife.

Brooke Janzen
Notary Public



BROOKE JANZEN
Notary Public
State of Ohio
My Commission Expires
May 14, 2011

This instrument prepared by: Margaret C. Colloton, Esq.
594 Abilene Trail
Cincinnati, Ohio 45215

EXHIBIT A

~~RES-1011-4427~~



June 3, 1996

793 Compton Road
Cincinnati, Ohio 45231
513-521-4760
Telecopier 513-521-2439

Description: Parcel "B" - 1.497 Acres, Chin Property

Situated in Section 11, Town 3, Entire Range 1, Springfield Township, Village of Glendale, Hamilton County, Ohio and being part of lot 227 of Crawford and Clarks Subdivision, as recorded in Plat Book 1, Page 246 of the Hamilton County Recorder's Office and being more particularly described as follows:

emph.
 Beginning at a point in the west line of Congress Avenue, said point being North 0° 36' 00" East, 291.97 feet from the intersection of the said west line of Congress Avenue and the south line of lot 226 of the Crawford and Clarks Subdivision; thence departing the said point of beginning, North 86° 56' 00" West, 249.58 feet; thence South 00° 36' 00" West, 55.00 feet; thence North 86° 56' 00" West, 246.19 feet; thence North 7° 20' 00" West, 91.42 feet; thence North 86° 56' 00" West, 66.49 feet; thence North 7° 20' 00" West, 76.18 feet to a point in the north line of said lot 227; thence with the north line of lot 227, South 86° 56' 00" East, 389.58 feet; thence South 3° 07' 30" East, 50.25 feet; thence South 86° 56' 00" East, 192.57 feet to a point in the west line of Congress Avenue; thence with the west line of Congress Avenue, South 00° 36' 00" West, 60.00 feet to the point of beginning.

The above described parcel contains 1.497 Acres of land and is subject to all easements and restrictions of record.

Being part of the same premises conveyed to the Grantor by deed recorded in Deed Book 6689, Page 75 of the Hamilton County Recorder's Office.

7134rc1854

8S: 40/226B

PARCEL NO. 596-5-123

40-226-B
G07277

EXHIBIT B

Know all Men by these Presents

That STEWARD D. MILLER & DAISY F. MILLER,
542703 husband and wife,

in consideration of One Dollar (\$1.00) of Hamilton County, Ohio, and other good and valuable consideration

to them in hand paid by RICHARD K. SMITH, JR. & PATRICIA RICHARDS SMITH,
whose address is 935 Congress Avenue, Cincinnati, Ohio, 45246
do hereby Grant, Bargain, Sell and Convey

to the said

RICHARD K. SMITH, JR. & PATRICIA RICHARDS SMITH
for their joint, natural lives, with the remainder in fee simple to the survivor of them,

assigns forever, the following described Real Estate, situate in the his or her heirs and
of Glendale, in the County of Hamilton Village
and the State of Ohio.

Situated in the County of Hamilton, State of Ohio, in the Village of Glendale, and bounded and described as follows:

Being a part of Outlot Two Hundred and Twenty-seven (227) on the plat of said Village, beginning on the west side of Congress Avenue, where the same is intersected by the north line of said Outlot 227; thence South 0 deg. 36' West along the west line of Congress Avenue, fifty (50) feet; thence North 86 deg. 50' West parallel with the north line of said Lot 227, one hundred and ninety-two and 57/100 (192.57) feet; thence North 3 deg. 07' West, fifty and 25/100 (50.25) feet to a point in the north line of said Outlot 227; thence South 86 deg. 50' East along said north line, one hundred and ninety-five and 83/100 (195.83) feet to the place of beginning.

Above said Outlot 227 is shown on Hamilton County Auditor's Tax Map as being in Crawford & Clark's Glendale Subdivision, as recorded in Plat Book 1, page 246, Hamilton County Recorder's Office.

Being the same premises conveyed to Steward D. Miller and Daisy F. Miller, grantors herein, by deed recorded in Deed Book 4026, page 948, of the Deed records of Hamilton County, Ohio.

Examined & Compliance with
Sec. 302.02 R.C.
Real Property Transfer Tax
202.50

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

97 17219

Examined & Compliance with
Sec. 319.202 R.C.
JOS. L. DE COURCY, JR., AUDITOR
HAMILTON COUNTY, OHIO
TAX 135.00

Last-Transfer Deed Record Volume 4026, Page 948

11136 955

and all the Estate, Right, Title and Interest of the said grantors in and to said premises;
To have and to hold the same, with all the privileges and appurtenances thereunto belonging,
to said grantees*, his or her heirs and assigns forever.
And the said



6900 Tylersville Road, Suite A
Mason, Ohio 45040
P 513.336.6600
F 513.336.9365
www.bayerbecker.com

February 16, 2009

DESCRIPTION

Green Belt Easement

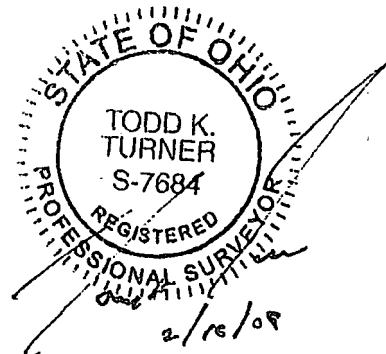
LOCATION

Village of Glendale

Situated in Section 11, Town 3, Range 1, Springfield Township, Village of Glendale, Hamilton County, Ohio and in part of Lot #227 of Crawford and Clarks Subdivision as recorded in Plat Book 1, Page 246 of the Hamilton County Ohio records and being a Green Belt Easement in part of the lands of Shelly L. Chin as recorded in Official Record 7134, Page 1852 of the Hamilton County Ohio records and being further described as follows:

Beginning at a point found by measuring along the westerly right-of-way line of Congress Avenue, said point being North 0°36'00" East, 337.02 feet from the intersection of said westerly right-of-way line of Congress Avenue and the south line of Lot #226 of said Crawford and Clarks Subdivision and the true point of beginning;

- thence leaving said westerly right-of-line, North 89°45'09" West, 139.39 feet;
- thence North 01°20'54" West, 6.38 feet;
- thence North 85°08'47" West, 52.40 feet;
- thence North 01°36'33" West, 13.83 feet to a point on the southerly boundary line of the lands of Richard K. and Patricia Richards Smith as recorded in Official Record 4394, Page 1196 of the Hamilton County Ohio records;
- thence along the southerly line of the lands of Smith, South 86°56'00" East, 192.57 feet to a point on the westerly right-of-way line of Congress Avenue;
- thence along said westerly right-of-way line, South 00°36'00" West, 14.94 feet to the point of beginning containing 3,331.57 square feet or 0.076 acres of land.



CIVIL & TRANSPORTATION ENGINEERING

LANDSCAPE ARCHITECTURE

PLANNING

SURVEYING

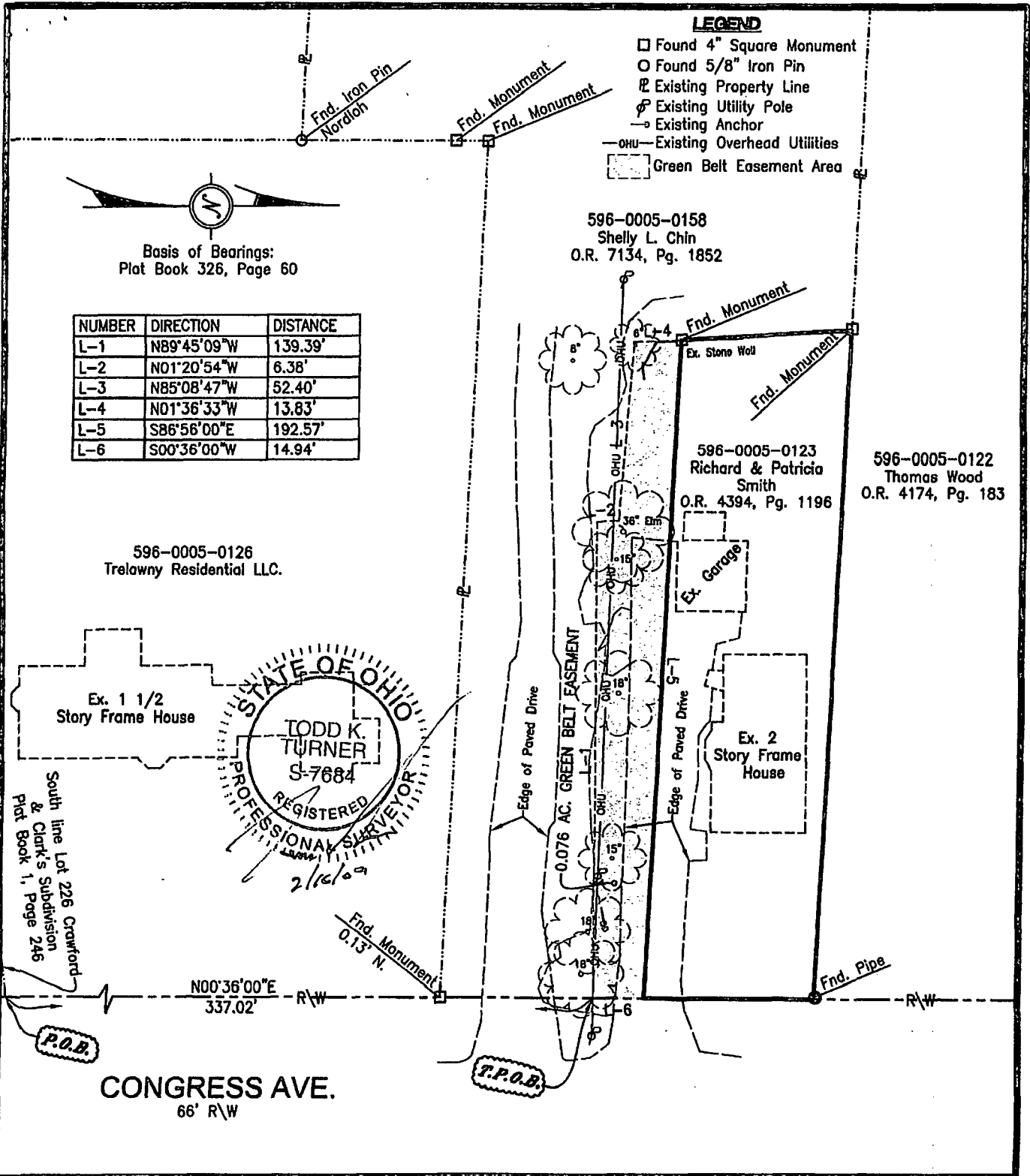
600001-001 FASBIAFPI LARI-A 000210 000

(REV 07/05/01)

11136

956

EXHIBIT D



Drawing:
08C040-001 SV

Scale
1"=40'

Drawn by:
B.R.J.

Checked By:
T.K.T.

Issue Date:
02-16-09

SMITH PROPERTY
936 CONGRESS AVE.
SECTION 11, TOWN 3, RANGE 1
SPRINGFIELD TOWNSHIP
VILLAGE OF GLENDALE
HAMILTON COUNTY, OHIO

EXHIBIT

6900 Tylersville Road, Suite A
Mason, OH 45040 - 513.336.6600