

## ATTACHMENT B

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[SPACE ABOVE FOR RECORDER'S USE]

Property: Harris Ave., Norwood

### **RELEASE AND TERMINATION OF EASEMENTS**

Property: Harris Ave., Norwood

THIS RELEASE AND TERMINATION OF EASEMENTS (this "**Agreement**") is executed by the **CITY OF CINCINNATI**, an Ohio municipal corporation, with an address of 801 Plum Street, Cincinnati, OH 45202 (the "**City**") and **TERREX HARRIS AVE, LLC**, an Ohio limited liability company, with an address of 3200 Madison Rd., Cincinnati, Ohio 45209 (the "**Petitioner**").

#### Recitals:

A. By virtue of a *Special Warranty Deed* recorded in Official Record 13466, Page 2171, Hamilton County, Ohio Records, a Quitclaim Deed recorded in Official Record 13866, Page 1265, Hamilton County, Ohio Records and a Quitclaim Deed in Official Record 13626, Page 1314, Hamilton County, Ohio Records, the Petitioner holds title to certain real property located at 2339 Harris Ave., Norwood, Ohio 45212, which real property is more particularly described on Exhibit A (*Legal Description-Petitioner's Property*) (the "**Petitioner's Property**").

The City owns various easement rights located on or within Petitioner's Property, such easement rights being under the management and control of the City's Department of Transportation and Engineering ("**DOT**"), the Metropolitan Sewer District of Greater Cincinnati ("**MSD**"), and the Greater Cincinnati Water Works ("**GCWW**"), and being in particular the following:

- i. Pursuant to a grant of easement dated March 28, 1925 and recorded in Hamilton County, Ohio Deed Book 1311, Page 582, the right to construct, maintain, repair and operate a subway for rapid transit railway purposes Exhibit B;
- ii. Pursuant to a reservation of easement in a deed dated August 28, 1963 and recorded in Hamilton County, Ohio Deed Book 3322, Page 191, the right to construct and maintain a retaining wall and footing for the same over and across the real property described in the attached Exhibit C along with ingress and egress to adjacent subway tubes located under then Montgomery Rd.
- iii. Pursuant to a judgment entry dated September 4, 1925 and recorded at Hamilton County, Ohio Deed Book 1373, Page 303, an easement for subway purposes upon the real property described in Exhibit D;
- iv. Any easement reserved in the former Harris Avenue right-of-way pursuant to Ohio Revised Code Section 723.041 for subway tunnels, related constructs, sewer lines, water lines, stormwater lines or any other infrastructure which may exist in said right-of-way unless otherwise stated below. Items i-iv above being, collectively, the "**Easements**"

B. The Petitioner has requested the City release and terminate the Easements and any public interests, rights or access associated with the same.

C. The City is agreeable to terminate any and all rights and interests held by the City or the public under the Easements, and to quitclaim the same to Petitioner, excepting those more particularly described below.

D. The City Manager, in consultation with the Department of Transportation and Engineering, Greater Cincinnati Water Works, and the Metropolitan Sewer District, has determined that the subway tunnels and associated easements no longer serve any municipal purpose and there is good cause to terminate and release the Easements because it is in the best interest of the City to no longer be responsible for the maintenance and liability associated with the Easements which are not in use.

E. Cincinnati City Planning Commission approved the termination of the Easements at its meeting on September 20, 2024.

F. The City Council of the City of Cincinnati authorized the execution of this Termination Agreement by Ordinance No. [ ]-[ ] passed by Cincinnati City Council on \_\_\_\_\_, 2026.

NOW, THEREFORE, for valuable consideration received, the City and Petitioner agree as follows:

1. **Incorporation of Recitals.** The above recitals are hereby incorporated into this Termination Agreement as if fully set forth herein.
2. **Release and Termination of Easements.** The City hereby releases, terminates, and forever quitclaims to Petitioner any and all rights and interests granted by, or which may otherwise be deemed to arise from, the Easements and confirms that all terms, conditions, provisions, covenants, and restrictions contained therein and relating to the same are of no further force or effect.
3. **Sewers.** Notwithstanding the foregoing, the City hereby reserves an easement for the operation, maintenance, repair, and replacement of a gravity main sanitary sewer line beginning in the Wesley Avenue right-of-way and running east, through and along the Harris Avenue right-of-way, to Forest Avenue as depicted in Exhibit E. Such easement reserved being not less than twenty (20) feet wide centered on the existing public sewer with the final permanent easement width being that which is reasonably necessary for said operation, maintenance, repair and replacement as determined relative to the depth and diameter of the public sewer and as required by the guidelines and restrictions of the Metropolitan Sewer District of Greater Cincinnati Rules and Regulations. Per Metropolitan Sewer District of Greater Cincinnati Rules and Regulations Section 206, no structure which may interfere with the access to the sewers located within the reserved easement area or which may exert loading upon the sewer shall be constructed or erected.
4. **Future maintenance and liability.** As part of the consideration for this release and termination Petitioner agrees to assume liability and responsibility for the control and/or maintenance of the rapid transit tunnels, retaining walls, railings, and other associated structures for any portion of the same which remain on Petitioner's Property at the time of this release.
5. **Construction and permitting.** Petitioner hereby understands and acknowledges that, notwithstanding the release of any rights which may be the subject of this agreement, Petitioner shall still be required to obtain the necessary permits for the abandonment and removal of the relevant City infrastructure prior to construction and/or demolition.
6. **Indemnity.** The Petitioner hereby agrees to defend, indemnify and hold the City, its officers, council members, employees, and agents (collectively, the "**Indemnified Parties**") harmless from and against any and all actions, suits, claims, losses, costs, attorney's fees, demands, judgments, liability, injuries, and damages suffered or incurred by or asserted against the Indemnified Parties, including, without limitation to, Workers' Compensation claims attributable to bodily injury or death, or damage to existing utility facilities belonging to a utility provider, the City's streetcar infrastructure, or other City assets related to or arising from the acts of the Petitioner and its agents, employees, contractors,

subcontractors, licensees, invitees or anyone else acting at its request in connection with the demolition work and activities to be completed on Petitioner's Property.

7. **Disclosures**. Petitioner hereby acknowledges that it is aware that the reinforced concrete rapid transit tunnels in the location of the Easements have been filled with a combination of light weight and medium weight-controlled density fill.
8. **Governing Law**. This Termination Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.
9. **Binding Effect**. This Termination Agreement shall run with the land and inure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, representatives, successors, and assigns.
10. **Authority**. Each party hereto represents and warrants to the other party that it has full power to enter into this Termination Agreement and that the individual executing this Termination Agreement on behalf of such party is duly authorized to execute and deliver this Termination Agreement.
11. **Entire Agreement**. This Termination Agreement, including the attached exhibits, contains the entire agreement between the parties hereto and all of the terms and conditions to which the parties have agreed and supersedes all prior oral or written agreements or understandings concerning the subject matter.
12. **Coordinated Report Conditions (CR 45-2024)**. The following additional conditions shall apply as required by the stated City department or affiliate:
  - a. Cincinnati Department of Transportation and Engineering: all proceeds from the release of easements in the public right-of-way shall be deposited into the Cincinnati Street Improvement Fund (980X202306).
  - b. Metropolitan Sewer District of Greater Cincinnati: The City reserves the easement for the sanitary sewer as described in Section 3 above. This sewer is sanitary only and Petitioner shall apply for and have completed a connection to the Norwood storm sewer system for stormwater drainage purposes.
  - c. Duke Energy Gas: Duke energy maintains a gas main on the north side of Harris Avenue. This infrastructure shall remain and an easement shall be reserved for the maintenance, operation, renewal, reconstruction, and removal of the same pursuant to Ohio Revised Code 723.041.
  - d. Altafiber: Altafiber maintains underground telecommunications lines in the Harris Avenue right-of-way. This infrastructure shall remain and an easement shall be reserved for the maintenance, operation, renewal, reconstruction, and removal of the same pursuant to Ohio Revised Code 723.041.
13. **Execution in Counterparts**. This Termination Agreement may be executed and delivered in any number of counterparts, each of which so constituted and delivered shall be deemed to be an original and all of which shall constitute one and the same instrument.
14. **Exhibits**. The following exhibits are attached to this instrument and made a part hereof.
  - Exhibit A – *Legal Description—the Petitioner's Property*
  - Exhibit B – *Subway Easement 1*
  - Exhibit C – *Retaining Wall Easement*
  - Exhibit D – *Subway Easement 2*
  - Exhibit E – *Reserved Sewer Easement*



Recommended by:

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Greg Long, Interim Director  
City of Cincinnati Department of Transportation and Engineering

This instrument prepared by:  
City of Cincinnati Law Department  
801 Plum Street  
Cincinnati, OH 45202

**Exhibit A**  
to Termination Agreement  
*Legal Description-the Petitioner's Property*

**Tract 1 - Parcel Nos. 651-0022(0236, 0237 & 0238 CONS.)** <sup>ST</sup>

Situated in the State of Ohio, Hamilton County, City of Norwood, Section 34, Township 4, Fractional Range 2 of the Miami Purchase and being all of the land conveyed to The Zumbiel C. W. Company by Deed Book 3881, Page 984 of the Hamilton County Recorder's Office, and being more particularly described as follows:

BEGINNING FOR REFERENCE at the centerline intersection of Forest Avenue and Harris Avenue along the centerline of Harris Avenue, N 84°11'57" W a distance of 374.69 feet to a point;

Thence leaving said centerline of Harris Avenue, S 06°53'56" W a distance of 30.01 feet to a set 5/8" iron pin in the southerly right-of-way of Harris Avenue, said point also being the northeast corner of a 1.048 acre tract of land conveyed to The Zumbiel C. W. Company as recorded in Deed Book 1836, Page 150, and the POINT OF BEGINNING for the herein described tract of land;

Thence along said southerly right-of-way S 84°11'57" E a distance of 296.74 feet to a set cross notch in the westerly line of a parcel conveyed to Metropolitan Railway Inc. as recorded in Deed Book 5540, Page 159;

Thence along said westerly line, along a curve to the right with a radius of 1081.28 feet, an arc length of 177.53 feet, a chord bearing S 47°47'47" W and a chord distance of 177.33 feet to a found railroad spike;

Thence continuing along said westerly line, along a curve to the right with a radius of 385.28 feet, an arc length of 195.86 feet, a chord bearing of S 75°38'56" W and a chord distance of 193.76 feet to a set 5/8" iron pin in the easterly line of said 1.048 acre parcel;

Thence along said easterly line, N 06°53'56" E a distance of 198.58 feet to the POINT OF BEGINNING containing approximately 0.907 acres of land more or less.

Basis of bearings is U.S. State Plane, NAD83 Ohio South (3402), established from a static observation and post processed utilizing NGS OPUS solution utilizing base stations D12232 OHDT City of Dayton CORS ARP, DK3322 KYTF KY Hwy Dist. 6 CORS ARP, HD9007 KYBO Boone County CORS ARP. State Plane coordinates taken to ground at Latitude N 39°09'47.62600", Longitude W 84°26'58.56800" and a project height 516.485 feet and a ground scale factor of 1.0000813366.

This legal description is made in accordance with a field survey performed by Civil & Environmental Consultants, Inc. on December 16, 2015.

All iron pins set are 5/8" x 30" with "CEC" or "Wilson 8281" stamped caps.

**Tract 2 - Parcel No. 651-0022-0175**

Situated in the State of Ohio, Hamilton County, City of Norwood, Section 34, Township 4, Fractional Range 2 of the Miami Purchase and being all of the land conveyed to Canora Corporation by Deed Book 2557, Page 27 of the Hamilton County Recorder's Office, and being more particularly described as follows:

BEGINNING FOR REFERENCE at the centerline intersection of Forest Avenue and Harris Avenue along the centerline of Harris Avenue N 84°11'57" W a distance of 635.70 feet to a point;

Thence leaving said centerline of Harris Avenue S 05°48'03" W a distance of 30.00 feet to a set cross notch in the southerly right-of-way of Harris Avenue, said point also being the northwest corner of a 1.048 acre tract of land conveyed to The Zumbiel Realty Corporation as recorded in Deed Book 1836, Page 150, and the POINT OF BEGINNING for the herein described tract of land;

Thence leaving said southerly right of way, along said westerly line, S 05°48'03" W a distance of 133.38 feet to a set 5/8" iron pin;

Thence leaving said westerly line, N 68°16'57" W a distance of 171.13 feet to a set 5/8" iron pin in the easterly line of a 1.8360 acre parcel conveyed to Duke Energy Ohio Inc. by Deed Book 3322, Page 191;

Thence along said easterly line, N 05°48'03" E a distance of 86.45 feet to a set cross notch in said southerly right-of-way of Harris Avenue;

Thence along said southerly right-of-way S 84°11'57" E a distance of 164.57 feet to the POINT OF BEGINNING containing approximately 0.415 acres of land more or less.

Basis of bearings is U.S. State Plane, NAD83 Ohio South (3402), established from a static observation and post processed utilizing NGS OPUS solution utilizing base stations D12232 OHDT City of Dayton CORS ARP, DK3322 KYTF KY Hwy Dist. 6 CORS ARP, HD9007 KYBO Boone County CORS ARP. State Plane coordinates taken to ground at Latitude N 39°09'47.62600", Longitude W 84°26'58.56800" and a project height 516.485 feet and a ground scale factor of 1.0000813366.

This legal description is made in accordance with a field survey performed by Civil & Environmental Consultants, Inc. on December 16, 2015.

All iron pins set at 5/8" x 30" with "CEC" or "Wilson 8281" stamped caps.

**Tract 3 - Parcel Nos. 651-0022-0239 through 248** <sup>cons</sup> ST

Situated in the State of Ohio, Hamilton County, City of Norwood, Section 34, Township 4, Fractional Range 2 of the Miami Purchase. Being part of Lots 65, 64, 63, 3, 2 and 1 of L.C. Hopkins Subdivision of East Norwood as recorded in Plat Book 5, Pages 272 & 273, and all of the land vacating part of Pine Street as described in Ordinance 39, 1970 as recorded in Deed Book 3734, Page 656, and part of the Lots 1, 2, 3, 39, 40 and 41 of Norwood Highland Syndicate as recorded in Plat Book 7, Page 78, and all of the land vacating Ash Street as described in Ordinance 39, 1970 recorded in Deed Book 3734, Page 656, and conveyed to The Zumbiel Realty Company by Deed Book 2484, Page 316 and Deed Book 3692, Page 130 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING FOR REFERENCE at the centerline intersection of Forest Avenue and Harris Avenue along the centerline of Harris Avenue N 84°11'57" W a distance of 175.19 feet to a point;

Thence leaving said centerline, N 05°40'03" E a distance of 30.00 feet to a set 5/8" iron pin at the northerly right-of-way of Harris Avenue, said iron pin also being the southeast corner of said Lot 65 and the POINT OF BEGINNING for the herein described tract of land;

Thence with said northerly right-of-way, and the southerly lines of said L.C. Hopkins Subdivision of East Norwood Lots 65, 64, 63, and the southerly line of said vacated Pine Street, and the southerly lines of Lots 3, 2 and 1, the southerly lines of said Norwood Highland Syndicate Lots 1, 2, 3, and said vacated Ash Street, and the southerly lines of Lots 39, 40, and 41, N 84°11'57" W a distance of 700.00 feet to a set 5/8" iron pin at the southwest corner of said Lot 41, said point also being the southeast corner of a 0.4360 acre parcel conveyed to Duke Energy Ohio, Inc. by Deed Book 1439, Page 121;

Thence leaving said northerly right of way, along the east line of said 0.4360 acre parcel, N 05°40'03" E a distance of 72.50 feet to a set 5/8" iron pin in the southerly right-of-way of eastbound S.R. 562;

Thence along said southerly right-of-way of said eastbound S.R. 562 the following eight (8) courses:

1. Thence through said Lots 41, 40 and 39, S 81°14'30" E a distance of 150.22 feet to a set 5/8" iron pin in the westerly right-of-way of vacated Ash Street;
2. Thence S 81°14'43" E a distance of 50.07 feet to a set 5/8" iron pin in the easterly right-of-way of vacated Ash Street;
3. Thence through said Lots 3 and 2, S 81°14'25" E a distance of 100.15 feet to a set 5/8" iron pin in the easterly line of said Lot 2;
4. Thence through Lots 1 of Norwood Highland Syndicate, and Lot 1 and 2 of L.C. Hopkins Subdivision of East Norwood, S 79°49'34" E a distance of 125.38 feet to a set 5/8" iron pin;
5. Thence continuing through said Lot 2 and 3, S 79°49'31" E a distance of 75.23 feet to a found 5/8" iron pin with no cap in the westerly right-of-way of vacated Pine Street;
6. Thence S 78°29'14" E a distance of 50.26 feet to a set 5/8" iron pin in the easterly right-of-way of vacated Pine Street, said point also being the westerly line of said Lot 63;
7. Thence through said Lots 63 and 64, S 78°28'23" E a distance of 72.37 feet to a set 5/8" iron pin;
8. Thence continuing through said Lot 64 and 65, S 79°13'03" E a distance of 78.32 feet to a set 5/8" iron pin in the east line of said Lot 65;

Thence leaving said southerly right-of-way, along the east line of Lot 65, S 05°40'03" W a distance of 22.70 feet to the POINT OF BEGINNING containing 0.819 acres of land more or less.

Thence leaving said southerly right-of-way, along the east line of Lot 65, S 05°40'03" W a distance of 22.70 feet to the POINT OF BEGINNING containing 0.819 acres of land more or less.

Basis of bearings is U.S. State Plane, NAD83 Ohio South (3402), established from a static observation and post processed utilizing NGS OPUS solution utilizing base stations D12232 OHDT City of Dayton CORS ARP, DK3322 KYTF KY Hwy Dist. 6 CORS ARP, HD9007 KYBO Boone County CORS ARP. State Plane coordinates taken to ground at Latitude N 39°09'47.62600", Longitude W 84°26'58.56800" and a project height 516.485 feet and a ground scale factor of 1.0000813366.

This legal description is made in accordance with a field survey performed by Civil & Environmental Consultants, Inc. on December 16, 2015.

All iron pins set at 5/8" x 30" with "CEC" or "Wilson 8281" stamped caps.

**Tract 4 - Parcel No. 651-0022-0110** <sup>st</sup>

Situated in the State of Ohio, Hamilton County, City of Norwood, Section 34, Township 4, Fractional Range 2 of the Miami Purchase and being all of the land conveyed to The Zumbiel Realty Company by Deed Book 1836, Page 150 of the Hamilton County Recorder's Office, and being more particularly described as follows:

BEGINNING FOR REFERENCE at the centerline intersection of Forest Avenue and Harris Avenue along the centerline of Harris Avenue N 84°11'57" W a distance of 374.69 feet to a point;

Thence leaving said centerline of Harris Avenue S 06°53'56" W a distance of 30.01 feet to a set 5/8" iron pin in the southerly right-of-way of Harris Avenue, said point also being the northwest corner of a 0.880 acre tract of land conveyed to The Zumbiel C.W. Company as recorded in Deed Book 3881, Page 984, and the POINT OF BEGINNING for the herein described tract of land;

Thence leaving said southerly right of way, along said westerly line of said Zumbiel C.W. Company tract, S 06°53'56" W a distance of 198.58 feet to a set 5/8" iron pin in the northerly line of a parcel conveyed to Metropolitan Railway Inc. by Deed Book 5540, Page 159;

Thence continuing along said northerly line, N 75°58'52" W a distance of 59.26 feet to a set 5/8" iron pin;

Thence leaving said northerly line N 68°13'10" W a distance of 205.93 feet to a set 5/8" iron pin in the easterly line of a 0.423 acre parcel conveyed to Canora Corporation by Deed Book 2557, Page 27;

Thence along said easterly line N 05°48'03" E a distance of 133.38 feet to a set cross notch in the southerly right-of-way of Harris Avenue;

Thence along said southerly right-of-way S 84°11'57" E a distance of 260.43 feet to the POINT OF BEGINNING containing approximately 1.0053 acres of land more or less.

Basis of bearings is U.S. State Plane, NAD83 Ohio South (3402), established from a static observation and post processed utilizing NGS OPUS solution utilizing base stations D12232 OHDT City of Dayton CORS ARP, DK3322 KYTF KY Hwy Dist. 6 CORS ARP, HD9007 KYBO Boone County CORS ARP. State Plane coordinates taken to ground at Latitude N 39°09'47.62600", Longitude W 84°26'58.56800" and a project height 516.485 feet and a ground scale factor of 1.0000813366.

This legal description is made in accordance with a field survey performed by Civil & Environmental Consultants, Inc. on December 16, 2015.

All iron pins set at 5/8" x 30" with "CEC" or "Wilson 8281" stamped caps.

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**Tract 5 - Parcel No. 651-0022-0065**

Situate in Section 34, T4, FR2, Columbia Township, Hamilton County, State of Ohio and in the City of Norwood, being part of Lots 43 and 44 of Norwood Highland Syndicate Subdivision as shown and recorded in Plat Book 7, Page 78, Hamilton County Recorder's Office, and being more particularly described as follows:

Beginning at the southwest corner of said Lot 44, said corner being the intersection of the easterly line of Marion Avenue with the northerly line of Harris Avenue; thence from said place of beginning, South 84°11'13" East, along the northerly line of Harris Avenue, 87.94 feet to a point, said point being North 84°11'13" West, 12.06 feet from the southeast corner of said Lot 43; thence departing from the northerly line of Harris Avenue, North 5°40'47" East, 70.06 feet to a point in the southerly limited access right of way line of State Route 562 (Norwood Lateral); thence North 82°11'44" West along the southerly limited access right of way line of said Highway, 88.00 feet to a point in the easterly line of Marion Avenue; thence South 5°40'47" West along the easterly line of said Marion Avenue, 73.12 feet to the southwest corner of said Lot 44, the place of beginning, containing 6295.7 sq. ft. of land, more or less. (The above described property was surveyed by Jack K. Bridges, Registered Surveyor, #4050, State of Ohio.)

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**Tract 6 - Parcel No. 651-0022-0213**

Situate in Hamilton County, Ohio, Columbia Township, Section 34, Town 4, Fractional Range 2, City of Norwood, and being more particularly described as follows:

Beginning at the intersection of the existing northerly right-of-way line of Harris Avenue and the existing westerly right-of-way line of Marion Avenue, said point being the southeasterly corner of Lot No. 81 on the Plat of the Norwood-Highland Syndicate's 2<sup>nd</sup> Subdivision as recorded in Plat Book 8, Volume 1, Page 3, of the Hamilton County Recorder's Office; thence N 5°40'47" E, along the existing westerly right-of-way line of Marion Avenue, the east line of said Lot 81, and the southerly Limited Access right-of-way line of S.R. 562 for a distance of 73.32 feet to a point; thence S 83°57'02" E, along the southerly Limited Access right-of-way line of S. R. 562 for a distance of 25.00 feet to a point in the center of Marion Avenue; thence S 5°40'47" W, along the center of Marion Avenue for a distance of 73.22 feet to a point in the existing northerly right-of-way line of Harris Avenue; thence N 84°11'13" W, along the existing northerly right-of-way line of Harris Avenue for a distance of 25.00 feet to the point of beginning. Contains 1832 Square Feet, including present road with occupies 1832 Square Feet but subject to the occupancy of all existing utilities. Being all of the land acquired by the State of Ohio from the City of Norwood as recorded in City of Norwood, Council Ordinance No. 46, 1973.

Situated in the State of Ohio, Hamilton County, Columbia Township, City of Norwood, Section 34, Township 4, Fractional Range 2 of the Miami Purchase and being part of Lot 42 and Lot 43 of the Norwood Highland Syndicate Subdivision as recorded in Plat Book 7, Page 78, and being a 0.1304 acre parcel owned by Duke Energy Ohio, Inc. by Deed Book 1439, Page 121, and being more particularly described as follows:

**COMMENCING** at the centerline intersection of Forest Avenue and Harris Avenue, thence along the centerline of Harris Avenue North  $84^{\circ}11'57''$  West a distance of 875.20 feet to a point;

Thence leaving said centerline of Harris Avenue North  $05^{\circ}40'47''$  East a distance of 30.00 feet to a found  $5/8''$  iron pin with Wilson 8281 cap in the northerly right-of-way of Harris Avenue, said point also being the southwest corner of a 10,294 square foot parcel owned by The Zumbiel Realty Company by Deed Book 3692, Page 130, and the **POINT OF BEGINNING** for the herein described tract of land;

Thence with said northerly right-of-way, North  $84^{\circ}11'57''$  West a distance of 62.06 feet to a found  $5/8''$  iron pin with Wilson 8281 cap at the southeast corner of a 0.1445 acre parcel owned by Zumbiel C.W. Company by Deed Book 3929, Page 481;

Thence leaving said northerly right-of-way, with the east line of said Zumbiel parcel, North  $05^{\circ}40'47''$  East a distance of 70.06 feet to a found  $5/8''$  iron pin with Wilson 8281 cap in the southerly line of a 10,523 square foot parcel conveyed to State of Ohio by Deed Book 3715, Page 783, said point also being in the southerly right-of-way of S.R. 562;

Thence along the southerly line of said State of Ohio parcel the following four (4) courses:

1. South  $82^{\circ}11'44''$  East a distance of 1.00 feet to a set  $5/8''$  iron pin with cap;
2. North  $05^{\circ}40'47''$  East a distance of 16.00 feet to a set  $5/8''$  iron pin with cap;
3. North  $24^{\circ}40'38''$  East a distance of 6.33 feet to a set  $5/8''$  iron pin with cap;
4. South  $84^{\circ}11'13''$  East a distance of 59.00 feet to a set  $5/8''$  iron pin with cap in the westerly line of a parcel owned by the State of Ohio by Deed Book 3498, Page 30;

Thence leaving said southerly line, with said State of Ohio west line and the west line of said Zumbiel Realty Company, South  $05^{\circ}40'47''$  West a distance of 92.00 feet to the **POINT OF BEGINNING** containing approximately 0.1304 acres of land more or less.

Basis of bearings is U.S. State Plane, NAD83 Ohio South (3402), established from a static observation and post processed utilizing NGS OPUS solution utilizing base stations DI2232 OHDT City of Dayton CORS ARP, DK3322 KYTF KY Hwy Dist. 6 CORS ARP, HD9007 KYBO Boone County CORS ARP. State Plane coordinates taken to ground at Latitude N  $39^{\circ}09'47.62600''$ , Longitude W  $84^{\circ}26'58.56800''$  and a project height 516.485 feet and a ground scale factor of 1.0000813366.

This legal description is made in accordance with a field survey performed by Civil & Environmental Consultants, Inc. on May 12, 2017.

All iron pins set are  $5/8''$  x 30" with "Wilson 8281" stamped caps.

This parcel is identified as Parcel ID: 651-0022-0066-00 of the Hamilton County Auditor's Office.

**Tract 8**

Situated in the State of Ohio, Hamilton County, Columbia Township, City of Norwood, Section 34 Township 4, Fractional Range 2 of the Miami Purchase and being part Marion Street vacated by Ordinance No. 46,1973 and recorded in Deed Book 3918, Page 949, and being a 0.0420 acre parcel owned by Duke Energy Ohio, Inc. by Deed Book 1439, Page 121 and being more particularly described as follows:

**COMMENCING** at the centerline intersection of Forest Avenue and Harris Avenue, thence along the centerline of Harris Avenue North  $84^{\circ}11'57''$  West a distance of 1025.20 feet to a point;

Thence leaving said centerline of Harris Avenue North  $05^{\circ}40'48''$  East a distance of 30.00 feet to a found  $5/8''$  iron pin with Wilson 8281 cap in the northerly right-of-way of Harris Avenue, said point also being the southwest corner of a 0.1445 acre parcel owned by Zumbiel C.W. Company by Deed Book 3929, Page 481, and the **POINT OF BEGINNING** for the herein described tract of land;

Thence with said northerly right-of-way, North  $84^{\circ}11'13''$  West a distance of 25.00 feet to a set  $5/8''$  iron pin with Wilson 8281 cap;

Thence leaving said northerly right-of-way, North  $05^{\circ}40'48''$  East a distance of 73.22 feet to a set  $5/8''$  iron pin with Wilson 8281 cap;

Thence South  $83^{\circ}57'02''$  East a distance of 25.00 feet to a set mag nail in the westerly line of said Zumbiel C.W. Company parcel;

Thence with said westerly line South  $05^{\circ}40'48''$  West a distance of 73.12 feet to the **POINT OF BEGINNING** containing approximately 0.0420 acres of land more or less.

Basis of bearings is U.S. State Plane, NAD83 Ohio South (3402), established from a static observation and post processed utilizing NGS OPUS solution utilizing base stations DI2232 OHDT City of Dayton CORS ARP, DK3322 KYTF KY Hwy Dist. 6 CORS ARP, HD9007 KYBO Boone County CORS ARP. State Plane coordinates taken to ground at Latitude N  $39^{\circ}09'47.62600''$ , Longitude W  $84^{\circ}26'58.56800''$  and a project height 516.485 feet and a ground scale factor of 1.0000813366.

This legal description is made in accordance with a field survey performed by Civil & Environmental Consultants, Inc. on May 12, 2017.

All iron pins set are  $5/8''$  x 30" with "Wilson 8281" stamped caps.

This parcel is identified as Parcel ID: 651-0022-0214-00 of the Hamilton County Auditor's Office.

**Tract 9**

Situate in Section 34, Town 4, Fractional Range 2, Columbia Township, Hamilton County, Ohio, and being more particularly described as follows:

Beginning at the intersection of the southerly line of Harris Avenue and the southerly prolongation of the easterly line of Marion Street; thence along the southerly line of Harris Avenue North  $83^{\circ} 50' 41''$  East, 222.12 feet to the easterly line of the City of Cincinnati (Rapid Transit) property; thence along said easterly line, South  $6^{\circ} 09' 19''$  East, 86.26 feet to the southerly line of said City of Cincinnati property; thence along said southerly line (said southerly line being also the northerly line of Baltimore and Ohio Railroad Company property) North  $80^{\circ} 14' 19''$  West, 58.98 feet to an angle; thence along said southerly line, South  $84^{\circ} 55' 08''$  West, 103.45 feet to an angle; thence along said southerly line, North  $80^{\circ} 14' 19''$  West, 1,102.95 feet to the westerly line of the City of Cincinnati (Rapid Transit) property; thence along said westerly line North  $6^{\circ} 29' 41''$  East, 32.82 feet to the southerly line of Harris Avenue; thence along the southerly line of Harris Avenue South  $77^{\circ} 15' 19''$  East, 120.66 feet to an angle; thence along the southerly line of Harris Avenue, South  $80^{\circ} 14' 19''$  East, 828.75 feet to an angle; thence along the southerly line of Harris Avenue, North  $83^{\circ} 50' 41''$  East, 80.37 feet to the place of beginning.

Subject to easements, conditions and restrictions of record including, but not limited to an easement for the maintenance of a retaining wall and its footing as set forth in Deed Book 3322, Page 191 of the Hamilton County Recorder's Office.

This tract being Hamilton County Ohio Parcel No. 0651-0022-0020

**Exhibit B**  
to Release and Termination Agreement  
*Subway easement 1*

A triangular shaped tract of land in the City of Norwood, Section 34, Columbia Township, Hamilton County, Ohio, bounded and described as follows:

Beginning in the south line of Harris Avenue at a point two hundred and forty-four (244) feet west of the west line of Pine Street; thence westwardly one hundred and eighty-five (185) feet along the south line of Harris Avenue to the west line of the property of the Boss Washing Machine Company; thence southwardly thirty-five (35) feet at right angles to Harris Avenue along the west line of the property of the Boss Washing Machine Company; thence northeastwardly one hundred and eighty-eight and 26/100 (188.26) feet along a hypotenuse line to a point in the south line of Harris Avenue, the place of beginning;

Being part of the property conveyed to the Boss Washing Machine Company by deed dated May 21, 1923, and recorded in Deed Book 1315, Page 374 of the records in the office of the Recorder of Hamilton County, Ohio.

**Exhibit C**  
to Release and Termination Agreement  
*Retaining Wall Easement*

Situate in Section 34, Town 4, Fractional Range 2, Columbia Township, Hamilton County, Ohio, and being more particularly described as follows:

Beginning at the intersection of the southerly line of Harris Avenue and the southerly prolongation of the easterly line of Marion Street; thence along the southerly line of Harris Avenue North 83° 50' 44" East, 222.12 feet to the easterly line of the City of Cincinnati (Rapid Transit) property; thence along said easterly line, South 6° 09' 19" East, 86.26 feet to the southerly line of said City of Cincinnati property; thence along said southerly line (said southerly line being also the northerly line of Baltimore and Ohio Railroad Company property) North 80° 14' 19" West, 58.98 feet to an angle; thence along said southerly line, South 84° 55' 08" West, 103.45 feet to an angle; thence along said southerly line, North 80° 14' 19" West, 1,102.95 feet to the westerly line of the City of Cincinnati (Rapid Transit) property; thence along said westerly line North 6° 29' 41" East, 32.82 feet to the southerly line of Harris Avenue South 77° 15' 19" East, 120.66 feet to an angle; thence along the southerly line of Harris Avenue, South 80° 14' 19" East, 828.75 feet to an angle; thence along the southerly line of Harris Avenue, North 83° 50' 41" East, 80.37 feet to the place of beginning.

Being part of the same premises conveyed to the City of Cincinnati by deeds recorded in Deed Book 1361, Page 147 and Deed Book 1373, Page 154, Hamilton County, Ohio records.

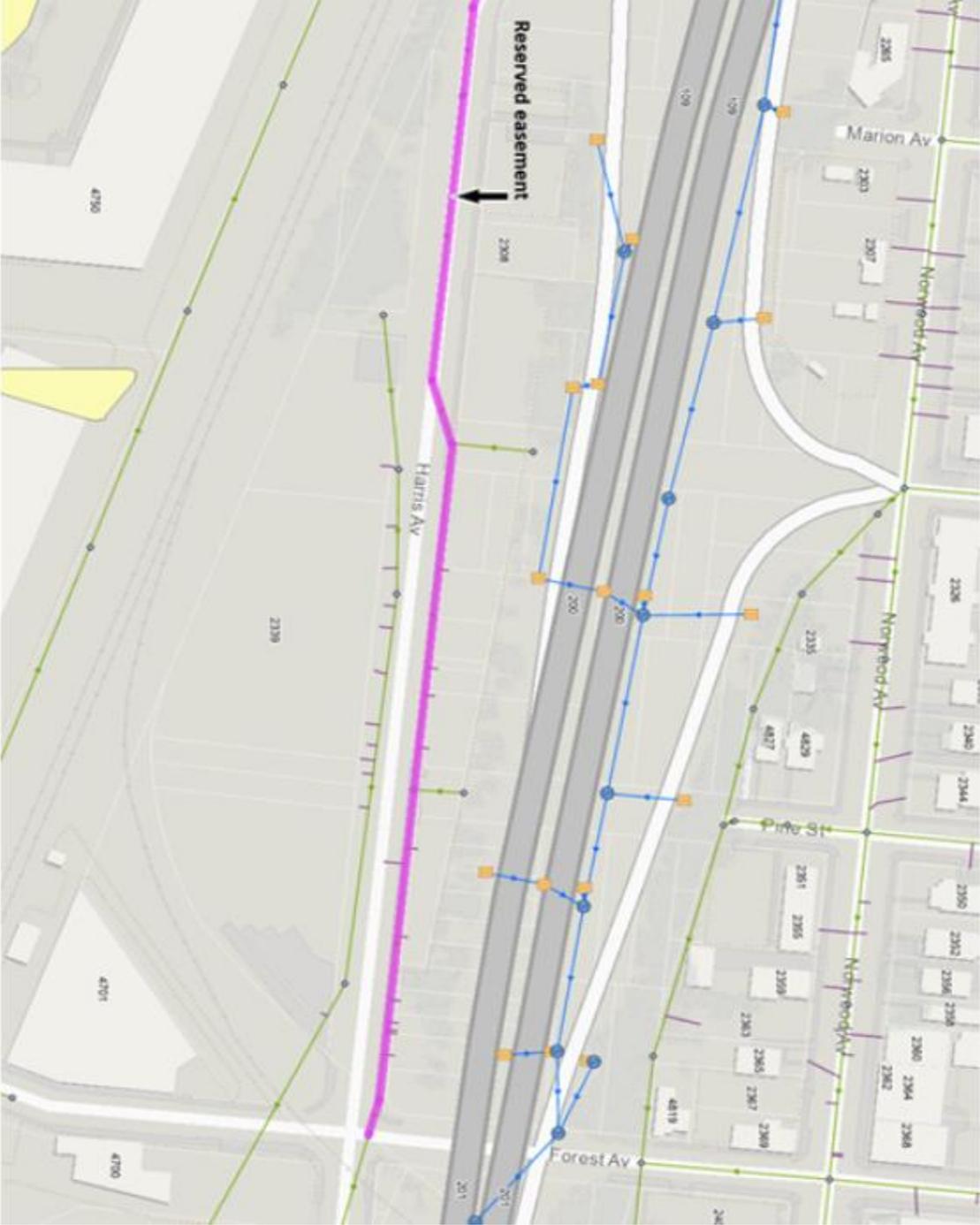
**EXHIBIT D**

To Release and Termination Agreement  
*Subway Easement 2*

An easement for subway in a triangular shaped tract of land in the City of Norwood, Section 34, Columbia Township, Hamilton County, Ohio, bounded and described as follows:

Beginning in the south line of Harris Avenue at the intersection of the west line of The Cincinnati, Lebanon and Northern Railroad right of way; thence westwardly along the south line of Harris Avenue to a point which is 162 feet west of the west line of Forest Avenue; thence southeastwardly on a hypotenuse line to said west right of way line, (said hypotenuse line, if extended southeastwardly, would intersect the west line of Forest Avenue at a point 47 feet south of the south line of Harris Avenue), thence northeastwardly along the west right of way line to a point in the south line of Harris Avenue, the place of beginning.

**EXHIBIT E**  
To Release and Termination Agreement  
*Public Sewers*



4897-5335-4125, v. 2