
[SPACE ABOVE FOR RECORDER'S USE]

Property: Water main right of way easement on former Cast Fab site

PARTIAL RELEASE OF WATER MAIN RIGHT OF WAY EASEMENT

THIS PARTIAL RELEASE is executed by the **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), with reference to the following facts:

Recitals:

A. By that certain *Right of Way Agreement* dated August 25, 1941, and recorded in Deed Book 1933, page 493, of the Official Record of Hamilton County, Ohio (the "**Agreement**"), The Cincinnati Milling Machine Company, The Factory Colony Company, and the City of Cincinnati (the "**City**") created a right of way for the construction, installation, maintenance, and repair of a water main (the "**Right of Way**") encumbering the real property more particularly described on **Exhibit A** attached hereto and incorporated herein.

B. The successors in interest to The Cincinnati Milling Machine Company and The Factory Colony Company terminated and released the Right of Way by the terms of that certain Easement Agreement recorded on July 13, 2005, in Volume 9984, page 3762, of the Official Record of Hamilton County, Ohio, and that certain Agreement of Release and Confirmation recorded November 26, 2013, in Volume 12474;page 1967, of the Official Record of Hamilton County, Ohio; however, the City's interest was not terminated.

C. Local Oakley LLC, an Ohio limited liability company, Graphite Oakley LLC, an Ohio limited liability company, and PS Mid-West Two BSS Cincinnati, LLC, an Ohio limited liability company, are the owners of a portion of the property encumbered by the Right of Way, are developing said property for commercial use, and have petitioned the City to release its interest in and to the Right of Way to facilitate the developments.

D. The City and its Greater Cincinnati Water Works have confirmed that the abandoned water main in the portion of the Right of Way to be released, is not needed for municipal purposes, and therefore, the City is agreeable to releasing the same to facilitate the development of the said property, while retaining its rights under the Agreement to the remaining portion of the Right of Way which contains an operating public water main

E. The City's partial release of the Right of Way was authorized by Ordinance No. _____-2022, passed by Cincinnati City Council on _____, 2022.

NOW THEREFORE, for valuable consideration received, the City hereby releases the portion of the Right of Way from the property described on **Exhibit B** attached hereto and incorporated herein {00355306-4}

and confirms that the same are null and void and of no further force or effect with respect to said property. This release shall have no effect on the water main easement granted to the City recorded in Plat Book 487, page 32. The portion of the Right of Way to be quitclaimed is labeled "Portion to be Quit-Claimed" on the site plan attached hereto as **Exhibit C** and incorporated herein (the "**Site Plan**").

Notwithstanding the foregoing, nothing herein shall serve to terminate or release that portion of the Right of Way from the property described on **Exhibit D** attached hereto and incorporated herein. The portion of the Right of Way to remain in place is labeled as "Portion of Right of Way to Remain" on the Site Plan.

Executed on the date of acknowledgment indicated below.

CITY OF CINCINNATI

By:

John P. Curp, Interim City Manager

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ___ day of _____, 2022, by John P. Curp, Interim City Manager of the City of Cincinnati, an Ohio municipal corporation, on behalf of the municipal corporation. No oath or affirmation was administered to the signer in connection with this instrument.

Notary Public
My commission expires: _____

Recommended by:

Cathy Bailey, Director,
Greater Cincinnati Water Works

Approved by:

Andy Orth, Chief Engineer,
Greater Cincinnati Water Works

Approved as to Form:

Assistant City Solicitor

This instrument prepared by:
Amy A. Shaw, Esq.
Griffin Fletcher & Herndon LLP
3500 Red Bank Road
Cincinnati, OH 45227

Exhibits:

- Exhibit A – *Property Encumbered by Right-of-Way*
- Exhibit B – *Property to be Released*
- Exhibit C – *Site Plan*
- Exhibit D – *Property Not to be Released*

EXHIBIT A

PROPERTY ENCUMBERED BY RIGHT-OF-WAY

Beginning at the end of the existing water main installed under a right of way created by a certain agreement dated August 15, 1913, and recorded in Deed Book 1091, page 112, in the Recorder's Office of Hamilton County, Ohio, at a point 34.1 feet westwardly from a valve at the branch water line leading into property formerly owned by The Triumph Electric Company, which valve is 1586.8 feet westwardly from the west curb of Marburg Avenue, formerly Columbia Road, in Cincinnati, Hamilton County, Ohio, measured along a private street owned by said The Factory Colony Company and known as South Street, which point is also 3.5 feet distant from the north property line of the Baltimore and Ohio Southwestern Railroad Company; thence from said point of beginning westwardly parallel to said railroad property line 545 feet to a point near an offset in said Railroad property line; thence at an angle northwardly, approximately $22-1/2^{\circ}$ from the previous direction 90 feet to a point in the east line of a lot formerly owned by the Baltimore and Ohio Southwestern Railroad Company conveyed to The Factory Colony Company by deed recorded in Deed Book 1543, page 246, in the Hamilton County, Ohio, Recorder's Office, which point is 3.5 feet from the southeast corner of said lot; thence westwardly parallel to the southerly line of said lot, and to the present northerly line of the property of said Railroad Company, and 3.5 feet distant therefrom 915 feet to a main line valve, thence continuing along the same line 41.3 feet to an angle, thence Northwestwardly at an angle of 45° 126.5 feet to a point 20 feet from the east line of property formerly owned by the Standard Oil Company of Ohio (measured at a right angle therefrom); thence north $1^{\circ}3'$ east and parallel to said east line of said Standard Oil property 751.8 feet to a point in the westward extension of the south line of a certain private street owned by said The Factory Colony Company known as North Street, which point is also 6 feet southwardly from the present south line of property of the Pennsylvania Railroad Company; thence eastwardly parallel to said south line of said Pennsylvania Railroad property 1020 feet to the east line (extended northwardly) of property formerly owned by John Uri Lloyd; thence at an angle 265 feet to a point within said private street known as North Street, which point is in the west line (extended northwardly) of property of The Cincinnati Ball Crank Company and

distant 12.5 feet from the northwest corner of said Cincinnati Ball Crank Company property; thence eastwardly in said private street known as North Street 1702 feet to Marburg Avenue.

EXHIBIT B

PROPERTY TO BE RELEASED

2940 Disney St (52-1-34) Graphite Oakley, LLC, - Tract 1

Situated in Section 28, Town 4, Fractional Range 2, Miami Purchase, Columbia Township, City of Cincinnati, Hamilton County, Ohio and being part of the same property conveyed to Local Oakley LLC by deed recorded in Official Record 13820, page 1995 and all of the same property conveyed to Local Oakley LLC by deed recorded in Official Record 14032, page 2815 in the office of the Hamilton County Recorder's Office in Cincinnati, Ohio and is more particularly described as follows:

Unless otherwise stated, any monument referred to herein as a set iron pin is a 5/8 inch diameter rebar, thirty inches in length with a plastic cap stamped "HARTIG PS 8765". All bearings referred to herein are based upon the Ohio State Plane Coordinate System, South Zone, NAD83 (2011).

COMMENCING, at the most northeasterly corner of Lot 1, Cast Fab Subdivision (Plat Book 473, page 49) in a common line with Milacron, LLC (Official Record 11259, page 1042) and being in the westerly right-of-way line of previously dedicated Disney Street (Plat Book 473, page 49), 30.00 feet as measured perpendicular to the centerline;

THENCE, with the common line of Local Oakley LLC and Milacron, LLC N55°11'32"W 6.65 feet to an existing 5/8" iron pin (PS 8765) in the westerly right-of-way line of Disney Street, 36.63 feet as measured perpendicular to the centerline, being the POINT OF BEGINNING;

THENCE, with said westerly right-of-way line and with a curve to the left having a radius of 538.13 feet, a delta angle of 33°19'29", an arc length of 312.99 feet and a chord bearing and distance of S22°25'39"W 308.60 feet to an existing MAG nail and washer (PS 8765);

THENCE, S05°45'54"W 76.01 feet to an existing MAG nail and washer (PS 8765);

THENCE, with a curve to the right having a radius of 18.00 feet, a delta angle of 90°09'43", an arc length of 28.33 feet and a chord bearing and distance of S50°50'46"W 25.49 feet to an existing MAG nail and washer (PS 8765) in the northerly right-of-way line of Local Oakley Drive, 30.00 feet as measured perpendicular to the centerline;

THENCE, N84°04'23"W 44.34 feet to an existing 5/8" iron pin (PS 8765);

THENCE, with a curve to the right having a radius of 270.00 feet, a delta angle of 15°46'16", an arc length of 74.32 feet and a chord bearing and distance of N76°11'15"W 74.08 feet to an existing 5/8" iron pin (PS 8765);

THENCE, N68°18'08"W 778.70 feet to an existing 5/8" iron pin (PS 8765);

THENCE, with a curve to the right having a radius of 18.00 feet, a delta angle of 53°07'48", an arc length of 16.69 feet and a chord bearing and distance of N41°44'14"W 16.10 feet to an existing iron pin (PS 8765);

THENCE, with a reverse curve to the left having a radius of 62.00 feet, a delta angle of 14°33'33", an arc length of 15.75 feet and a chord bearing and distance of N22°27'06"W 15.71 feet to an existing 5/8" iron pin (PS 8765);

THENCE, with a reverse curve to the right having a radius of 23.00 feet, a delta angle of 51°25'32", an arc length of 20.64 feet and a chord bearing and distance of N04°01'07"W 19.96 feet to an existing 5/8" iron pin (PS 8765);

THENCE, N21°41'39"E 15.92 feet to an existing 5/8" iron pin (PS 8765) in the common line of Local Oakley LLC and Milacron, LLC;

THENCE, with the common line of Local Oakley LLC and Milacron, LLC S84°08'04"E 66.51 feet to an existing 5/8" iron pin (PS 8656);

THENCE, N06°22'53"E 207.07 feet to an existing 5/8" iron pin (PS 8656);

THENCE, N57°50'53"E 62.64 feet to an existing 5/8" iron pin (disturbed);

THENCE, S83°37'07"E, passing an existing 5/8" iron pin at 56.15 feet, a total distance of 61.15 feet to a point;

THENCE, S05°38'31"W 22.27 feet to an existing 5/8" iron pin (PS 8765);

THENCE, S87°05'09"E 67.60 feet to an existing 5/8" iron pin (PS 8656);

THENCE, S84°19'07"E 302.37 feet to an existing chainlink fence post;

THENCE, S05°40'53"W 36.00 feet to an existing 5/8" iron pin (PS 8656);

THENCE, S84°19'07"E 288.92 feet to a point, an existing 5/8" iron pin bears N37°18'32"W 0.58 feet;

THENCE, S55°11'32"E 175.16 feet to the POINT OF BEGINNING CONTAINING 8.0511 ACRES and being subject to all right-of-ways and easements of record.

This description was prepared from a new survey made by Ryan M. Hartig, PS 8765, for Viox & Viox, Inc., June 29, 2020.

Disney St (52-1-31) Graphite Oakley, LLC, – Tract 2

Situated in Section 28, Town 4, Fractional Range 2, Miami Purchase, Columbia Township, City of Cincinnati, Hamilton County, Ohio and being part of the same property conveyed to Local Oakley LLC by deed recorded in Official Record 13820, page 1995 in the office of the Hamilton County Recorder's Office in Cincinnati, Ohio and is more particularly described as follows:

Unless otherwise stated, any monument referred to herein as a set iron pin is a 5/8 inch diameter rebar, thirty inches in length with a plastic cap stamped "HARTIG PS 8765". All bearings referred to herein are based upon the Ohio State Plane Coordinate System, South Zone, NAD83 (2011).

BEGINNING, at the most northeasterly corner of Lot 1, Cast Fab Subdivision (Plat Book 473, page 49) in a common line with Milacron, LLC (Official Record 1 1259, page 1042) and being in the westerly right-of-way line of previously dedicated Disney Street (Plat Book 473, page 49), 30.00 feet as measured perpendicular to the centerline;

THENCE, with existing right-of-way line of Disney Street and with a curve to the left having a radius of 531.50 feet, a delta angle of 33°22'42", an arc length of 309.63 feet and a chord bearing and distance of S22°27'15"W 305.27 feet to an existing mag nail & washer stamped "HARTIG PS 8765";

THENCE, S05°45'54"W 76.03 feet to an existing mag nail & washer stamped "HARTIG PS 8765";

THENCE, with a curve to the right having a radius of 18.00 feet, a delta angle of 90°09'43", an arc length of 28.33 feet and a chord bearing and distance of S50°50'46"W 25.49 feet to an existing mag nail & washer stamped "HARTIG PS 8765" in the northerly right-of-way line of Local Oakley Drive, 30.00 feet as measured perpendicular to the centerline;

THENCE, with said northerly right-of-way line N84°04'23"W 6.63 feet to a mag nail & washer stamped "HARTIG PS 8765" (set)

THENCE, leaving said right-of-way line and with the proposed right-of-way line of Disney Street and with a curve to the left having a radius of 18.00 feet, a delta angle of 90°09'43", an arc

{00355306-4}

length of 28.33 feet and a chord bearing and distance of N50°50'46"E 25.49 feet to a mag nail & washer stamped "HARTIG PS 8765" (set);

THENCE, N05°45'54"E 76.01 feet to a mag nail & washer stamped "HARTIG PS 8765" (set);

THENCE, with a curve to the right having a radius of 538.13 feet, a delta angle of 33°19'29", an arc length of 312.99 feet and a chord bearing and distance of N22°25'39"E 308.60 feet to an iron pin (set) in the common line of Lot 1 and Milacron, LLC;

THENCE, with said common line S55°11'32"E 6.65 feet to the POINT OF BEGINNING CONTAINING 0.0617 ACRE and being subject to all right-of-ways and easements of record.

This description was prepared from a new survey made by Ryan M. Hartig, PS 8765, for Viox & Viox, Inc., June 29, 2020.

2910 Disney St (52-1-24)
3033 Jared Ellis Dr (52-1-26)
3011 Jared Ellis Dr (52-1-28)
Disney St (52-1-30; DBNA Jared Ellis Dr ROW)
Local Oakley

Situated in Section 28, Town 4, Fractional Range 2, Columbia Township, Miami Purchase, City of Cincinnati, Hamilton County, Ohio and being all of Lots 3, 5, and 7 and Local Oakley Drive of Cast Fab Subdivision, as shown on the plat recorded in Plat Book 473, pages 49 and 50 of the Hamilton County, Ohio, Official Record.

2900 Disney St (52-1-25) PS Mid West Two BSS Cincinnati LLC

Situated in Section 28, Town 4, Fractional Range 2, Columbia Township, Miami Purchase, City of Cincinnati, Hamilton County, Ohio and being all of Lot 4 of Cast Fab Subdivision, as shown on the plat recorded in Plat Book 473, pages 49 and 50 of the Hamilton County, Ohio, Official Record.

EXHIBIT C
SITE PLAN (E1084-Q)

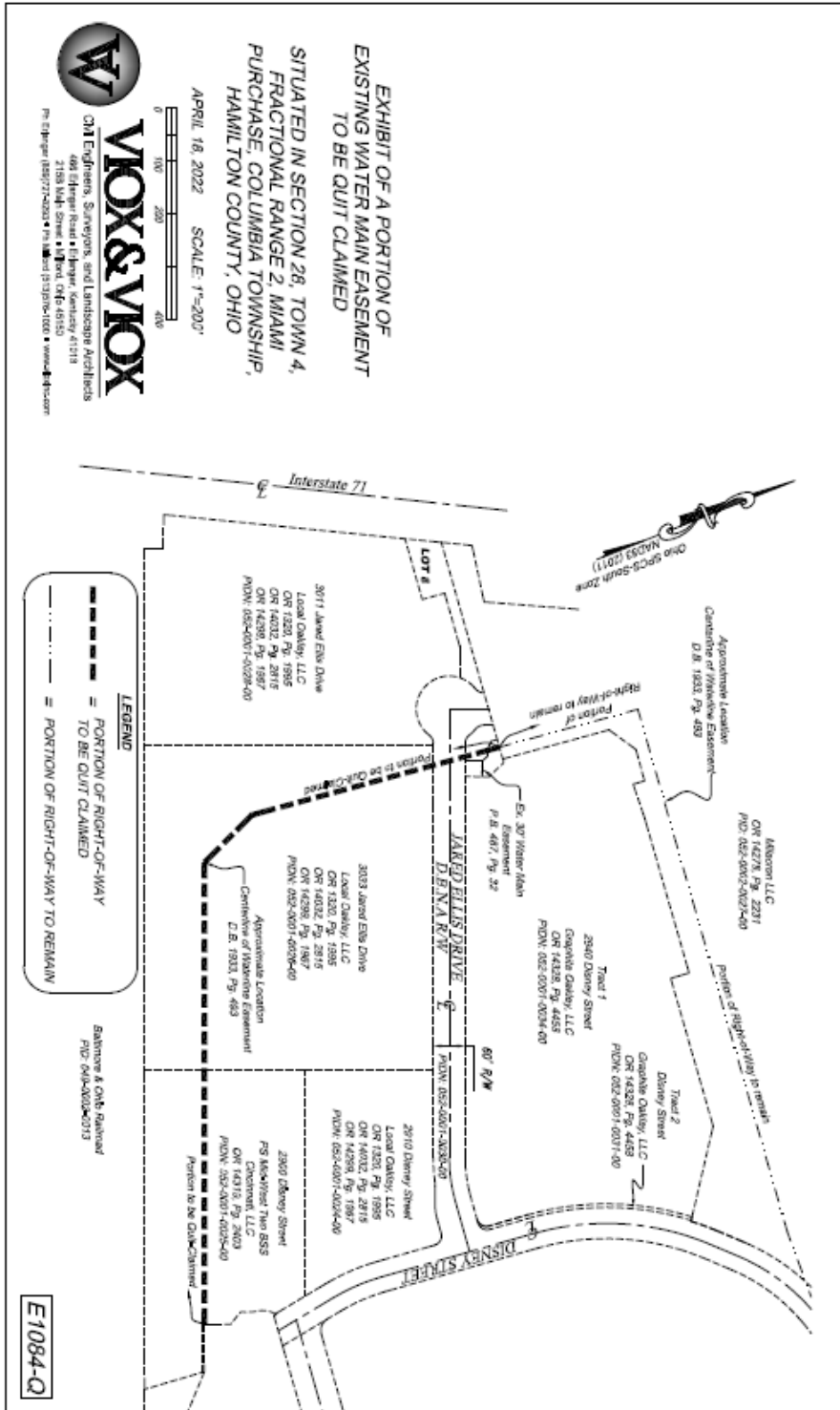


EXHIBIT D

PROPERTY NOT TO BE RELEASED

3000 Disney St (52-2-27) Milacron LLC

Date: February 6, 2020
Description: 3000 Disney Street
Consolidation
Location: Columbia Township, City of Cincinnati
Hamilton County, Ohio



Situated in the State of Ohio, Section 28, Town 4, Fractional Range 2, Between the Miami's, Columbia Township, City of Cincinnati, Hamilton County and being part of the land conveyed to the Milacron, LLC in Official Record 11259, Page 1042 (parcels 1, 4, & part of 3), All of Official Record 12474, Page 1949, and All of Official Record 13644, Page 1957 of the Hamilton County, Ohio, Recorder's Office being further described as follows:

Beginning at a set iron pin with cap on the Northerly right of way line of dedicated Disney Street (R/W varies) as recorded in O.R. 12474, Pg. 2070 and South 55° 11' 10" East, 1.51 feet from the Northeast corner of Lot 1 of Cast Fab Subdivision as recorded in Plat Book 473, Page 49 and the **True Point of Beginning**;

thence, from the **True Point of Beginning**, and with the Northerly line of said Cast Fab Subdivision the following three courses, North 55° 11' 10" West, 183.32 feet to a found 5/8" iron pin (capped "TGA", S 0.4');

thence, North 84° 18' 45" West, 288.92 feet, to a found 5/8" iron pin (capped "Barker");

thence, North 05° 41' 15" East, 36.00 feet, to an existing fence post corner;

thence, North 84° 18' 45" West, 302.37 feet, to a found 5/8" iron pin (capped "Barker");

thence, leaving a corner of Lot 6 of said Cast Fab Subdivision and with the north line of Local Oakley LLC as recorded in O.R. 14032, Pg. 2815, North 87° 04' 47" West, 67.60 feet, to a found 5/8" iron pin (capped "Barker") at a corner of said Lot 6 Cast Fab Subdivision;

thence, continuing with said Lot 6 Cast Fab Subdivision the following five courses, North 05° 38' 55" East, 22.27 feet, witnessed by a found 5/8" iron pin (capped "Barker") at North 83° 36' 45" West, 5.00 feet;

thence, North 83° 36' 45" West, 61.15 feet, to a found 5/8" iron pin (no cap, bent);

thence, South 57° 51' 17" West, 62.64 feet, to a found 5/8" iron pin (capped "Barker");

thence, South 06° 23' 15" West, 207.07 feet, to a found 5/8" iron pin (capped "Barker");

thence, North 84° 07' 42" West, 422.87 feet, to a found cross notch at the northwest corner of Lot 8 Cast Fab Subdivision and on the easterly limited access right of way of Interstate 71;

thence, with said easterly limited access right of way of Interstate 71, the following ten courses, North 27° 15' 44" East, 58.00 feet;

thence, South 80° 19' 18" East, 108.57 feet, to a found 5/8" iron pin (no cap, bent, SW 2.1');

thence, North 26° 11' 30" East, 178.49 feet, to a found 5/8" iron pin (no cap, W 3.6') and a found 3/4" iron pin (no cap, W 3.0');

thence, North 09° 28' 47" East, 180.94 feet, to a found 3/4" iron pin (no cap, SW 1.8');

thence, North 51° 16' 47" East, 143.71 feet, to a found 5/8" iron pin (capped "Bayer Becker");

thence, North 48° 18' 01" East, 313.38 feet, to a found 5/8" iron pin (capped "Bayer Becker");

thence, North 50° 52' 52" East, 87.69 feet, to a found 5/8" iron pin (no cap, NW 1.9');

thence, North 50° 55' 15" East, 23.32 feet, to two found 5/8" iron pins (no caps, NW 1.5' & NW 2.5');

thence, North 51° 52' 30" East, 164.45 feet, to a found 5/8" iron pin (no cap, bent, W 1.7');

thence, North 27° 28' 09" East, 94.43 feet, to a set 5/8" iron pin (capped "Bayer Becker") on the easterly limited access right of way of Ramp "F";

thence, continuing with the easterly limited access right of way of Ramp "F" the following five courses, with a curve to the right, having a central angle of 24° 22' 11", a radius of 1136.42 feet, an arc length of 483.36 feet, and a chord bearing North 77° 36' 11" East, 479.72 feet to a set 5/8" iron pin (capped "Bayer Becker");

thence, South 63° 33' 31" East, 125.53 feet, to a found 5/8" iron pin (no cap, bent, N 2.1');

thence, North 73° 15' 19" East, 50.78 feet, to a found 5/8" iron pin (no cap, bent, N 1.5');

thence, South 82° 03' 22" East, 92.58 feet, to a set 5/8" iron pin (capped "Bayer Becker");

thence, South 62° 04' 24" East, 43.66 feet, to a found 5/8" iron pin (capped "Bayer Becker") at the northwesterly corner of Lot 3, of The Center of Cincinnati Section One as recorded in Plat Book 369, Pages 89-91;

thence, leaving said Ramp "F" and with the westerly line of said Lot 3 the following three courses, South 05° 44' 30" West, 705.36 feet, to a found 5/8" iron pin (capped "Bayer Becker");

thence, South 39° 15' 30" East, 97.83 feet, to a set mag nail;

thence, South 84° 15' 30" East, 161.22 feet, to a set 5/8" iron pin (capped "Bayer Becker") on the southerly line of said Lot 3;

thence, leaving said Lot 3, and with the northerly right of way of said Disney Street, with a curve to the left, having a central angle of 51° 12' 52", a radius of 403.00 feet, an arc length of 360.23 feet, and a chord bearing South 70° 08' 04" West, 348.35 feet to a set 5/8" iron pin (capped "Bayer Becker");

thence, South 44° 31' 38" West, 57.13 feet, to a set 5/8" iron pin (capped "Bayer Becker");

thence, with a curve to the left, having a central angle of 05° 21' 53", a radius of 530.00 feet, an arc length of 49.63 feet, and a chord bearing South 41° 50' 41" West, 49.61 feet to the True Point of Beginning, containing 23.3394 Acres of land, more or less, being subject to all legal highways, easement, restrictions and agreements of record.

The above description was prepared from a plat prepared by Bayer Becker, Terry W. Cook, Professional Land Surveyor #7950 in the State of Ohio.

All Iron Pins set are 5/8" diameter, 30" long with a plastic cap stamped "Bayer Becker".

Basis of Bearings: The Center of Cincinnati Section One, Plat Book 369, Pages 89-91.