

BW  
040-01-012-3

**SIGN EASEMENT**

THIS SIGN EASEMENT, ("Agreement") is made as of the 28<sup>th</sup> day of March, 2008, by and between Arden Courts of Kenwood Properties, LLC, a Delaware limited liability company ("Grantor") and Kenwood Crossing II, LLC, an Ohio limited liability company ("Grantee").

**WITNESSETH:**

WHEREAS, Grantor is the fee owner of that certain real property more particularly described in **Exhibit A** attached hereto and made a part hereof (the "Grantor Parcel"); and

WHEREAS, Grantee is the fee owner of that certain real property more particularly described in **Exhibit B** attached hereto and made a part hereof (the "Grantee Parcel")(the Grantor Parcel and the Grantee Parcel are sometimes collectively referred to as the "Parcels" and individually as a "Parcel"); and

WHEREAS, upon the terms and conditions of this Agreement, Grantor desires to grant to the Grantee the Sign Easement (as hereinafter defined).

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto, intending to be legally bound, do hereby agree as follows:

1. Grant of Sign Easement. Grantor hereby grants to Grantee a perpetual and exclusive easement on and over that portion of the Grantor Parcel designated on **Exhibit C** attached hereto and made a part hereof (the "Easement Area") for the purposes of erecting, replacing, and maintaining a sign which advertises the then current owner(s) or users of the Grantee Parcel, providing lighting to such sign and installing, replacing and maintaining landscaping in the Easement Area. The easement created by the foregoing sentence shall run with the land.

2. Maintenance of Easement Area: The owner of the Grantee Parcel shall be responsible for obtaining and maintaining all necessary permits for erecting a sign in the Easement Area. Grantee agrees to comply with all applicable laws, codes, rules and regulations in erecting, replacing and maintaining the sign in the Easement Area. Grantee, at its sole cost, shall maintain the sign

3. Relationship of Parties. Nothing contained in this Agreement shall be construed to make the parties hereto partners or joint ventures or to render any of said parties liable for the debts or obligations of the others, except as in this Agreement expressly provided.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the date first above written.

Arden Courts of Kenwood Properties, LLC  
a Delaware limited liability company

By: David B. Lanning  
Print: David B. Lanning  
Its: Vice President

REC'D FOR TRANS

08 APR -7 PM 2:09

HAMILTON COUNTY

Hamilton County Recorder's Office  
Doc # : 08-0046560 Type: DE  
Filed : 04/07/08 02:09:27 PM \$50.00  
Off Rec.: 10816 01893 F G2 & 562  
P1081601893FB

Transfer Not Necessary

Dusty Rhodes  
Hamilton County Auditor

10816 1893

Kenwood Crossing II, LLC  
an Ohio limited liability company

By: [Signature]  
Name: DAN NEYER  
Title: MANAGING MEMBER

STATE OF OHIO )  
 ) SS:  
COUNTY OF HAMILTON )

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of March, 2008, by David Blanning, the Vice President of Arden Courts of Kenwood Properties, LLC, a Delaware limited liability company, on behalf of said limited liability company.

[Signature]  
NOTARY PUBLIC

My commission expires 8/12/2011

STATE OF OHIO )  
 ) SS:  
COUNTY OF HAMILTON )

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of March, 2008, by Dan Neyer, the Managing Member of Kenwood Crossing II, LLC, an Ohio limited liability company, on behalf of said limited liability company.

[Signature]  
NOTARY PUBLIC

My commission expires 06-21-11



NANCY McCUNE  
Notary Public, State of Ohio  
My Commission Expires 06-21-11

This Instrument Prepared By:

Andrew D. Graf, Esq.  
Griffin Fletcher & Herndon LLP  
3500 Red Bank Road  
Cincinnati, Ohio 45227  
(513) 421-1313

Facility # 678  
4580 E Galbraith Road  
Kenwood, OH  
County: Hamilton

Exhibit "A"

SITUATED IN SECTION 14, TOWN 4, ENTIRE RANGE 1, SYCAMORE TOWNSHIP, HAMILTON COUNTY, STATE OF OHIO, AND BEING ALL OF LOTS 167, 168, 171 AND 172, AND PART OF LOTS 169 AND 170 OF ROSSMOYNE BY SPENCER & TAYLOR SUBDIVISION AS RECORDED IN PLAT BOOK 9, PAGE 19 OF THE HAMILTON COUNTY, OHIO RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT BEING THE INTERSECTION OF THE NEW NORTH RIGHT-OF-WAY LINE OF GALBRAITH ROAD AND THE EAST RIGHT-OF-WAY LINE OF MONROE AVENUE, SAID POINT ALSO BEING A SET IRON PIN;

THENCE N. 02° 50' 00" E. FOR A DISTANCE OF 283.39 FEET LEAVING SAID NEW NORTH RIGHT-OF-WAY LINE OF GALBRAITH ROAD AND ALONG SAID EAST RIGHT-OF-WAY LINE OF MONROE AVENUE TO A POINT, SAID POINT BEING IN THE NORTHWEST CORNER OF SAID LOT 172 OF THE SPENCER & TAYLOR SUBDIVISION AND ALSO BEING IN THE SOUTHWEST CORNER OF THE NORMAN STAMMER PROPERTY AS RECORDED IN DEED BOOK 4014, PAGE 616 OF THE HAMILTON COUNTY, OHIO RECORDS AND ALSO BEING A SET IRON PIN;

THENCE S. 87° 14' 00" E. FOR A DISTANCE OF 380.00 FEET LEAVING SAID EAST RIGHT-OF-WAY LINE OF MONROE AVENUE AND ALONG THE NORTH LINE OF LOTS 172 AND 167 OF THE SPENCER & TAYLOR SUBDIVISION AND ALONG THE SOUTH LINES OF NORMAN STAMMER AS RECORDED IN DEED BOOK 4014, PAGE 616 OF THE HAMILTON COUNTY, OHIO RECORDS AND JOSEPH THEODORE HEDGES AS RECORDED IN DEED BOOK 2875, PAGE 141 OF THE HAMILTON COUNTY, OHIO RECORDS TO A POINT, SAID POINT BEING IN THE WEST RIGHT-OF-WAY LINE OF PINE ROAD (A NON-DEDICATED STREET) AND ALSO BEING A SET IRON PIN;

THENCE S. 02° 50' 00" W. FOR A DISTANCE OF 294.27 FEET LEAVING SAID NORTH LINE OF LOTS 172 AND 167 AND SAID SOUTH LINE OF NORMAN STAMMER AND JOSEPH THEODORE HEDGES AND ALONG SAID WEST RIGHT-OF-WAY LINE OF PINE ROAD (A NON-DEDICATED STREET) TO A POINT, SAID POINT BEING IN THE NEW NORTH RIGHT-OF-WAY LINE OF SAID GALBRAITH ROAD AND ALSO BEING A SET IRON PIN;

THENCE N. 85° 35' 36" W. FOR A DISTANCE OF 380.14 FEET LEAVING SAID WEST RIGHT-OF-WAY LINE OF PINE ROAD AND ALONG THE NEW NORTH RIGHT-OF-WAY LINE OF GALBRAITH ROAD TO THE POINT OF BEGINNING.

10739 1558

DESCRIPTION ACCEPTABLE  
HAMILTON COUNTY ENGINEER

Tax Map - 12/31/22

CAGIS - \_\_\_\_\_

600-0202-0092  
SE

Exhibit B (1 of 2)

Situate in Rossmoyne Subdivision as recorded in Plat Book 9, Page 19, Hamilton County Recorder's Office, Section 14, Town 4, Entire Range 1, Sycamore Township, County of Hamilton, State of Ohio, and being all of that vacated portion of Taylor Avenue by Resolution Number 2007-87 and recorded in Official Record 10720 Page 783, and all of Lots 163-165 of said Rossmoyne Subdivision as conveyed to Neyer Properties Acquisitions Ltd. and recorded in Official Record 9997 Page 4050 and Official Record 9557 Page 2267, more particularly bounded and described as follows (all references to deeds, microfiche, plats, surveys, etc. refer to the records of the Hamilton County Recorders Office, unless noted otherwise) :

Beginning at a point at the south right of way line of Taylor Avenue, said point being the Northeast corner of Lot 174 of said Rossmoyne Subdivision as conveyed to Kubicki Real Estate Partners Inc. and recorded in Official Record 10589 Page 2291;

thence northerly across the existing right of way of Taylor Avenue and its northerly extension said extension being the east line of tracts of land conveyed to Annie Leomy-Farris as recorded in Official Record 10464 Page 2119 and Dale Power Jr. as recorded in Official Record 9499 Page 4636, North six degrees one minute forty seconds East (N06°01'40"E) for one hundred eighty and 77/100 feet (180.77') to a 5/8" iron pin (set) with a 8038 cap at the southwest corner of Lot 163 of said Rossmoyne Subdivision as conveyed to Neyer Properties Acquisitions Ltd. and recorded in Official Record 9557 Page 2267;

thence easterly along the south line of said Neyer land, South eighty-four degrees two minutes twenty seconds East (S84°02'20"E) for one hundred ninety and 00/100 feet (190.00') to a 5/8" iron pin (set) with a 8038 cap in west right of way line of Pine Road (undeveloped), said point being at the southeast corner of said Lot 163;

thence southerly along the west right of way line of Pine Road, South six degrees one minute forty seconds West (S06°01'40"W) for three hundred eighty and 77/100 feet (380.77') to a 5/8" iron pin (found) with a Koopman #4417 cap, said point being the northeast corner of a 2.52 acre tract of a land conveyed to Arden Courts of Kenwood Properties, LLC as recorded in Official Record 10739 Page 1556;

thence leaving the west right of way line of said Pine Road and along the north line of said Arden Courts land, North eighty-four degrees two minutes twenty seconds West (N84°02'20"W) for one hundred ninety and 00/100 feet (190.00') to a 5/8" iron pin (found) with a Koopman #4417 cap at the southeast corner of a 0.19 acre tract of land conveyed to Beatrice Cook as recorded in Official Record 3936 Page 513;

EXHIBIT B (2 OF 2)

thence northerly along the east line of said Cook land and its northward extension, said extension being the east line of tracts of land conveyed to Angela M. Rombold as recorded in Official Record 9087 Page 1494 and said Kubicki Real Estate Partners Inc., North six degrees one minutes forty seconds East (N06°01'40"E) for two hundred and 00/100 feet (200.00') to the Point of Beginning containing one and 6608/1000 acres (1.6608 ac) more or less, subject however to all covenants, conditions, restrictions, reservations, and easements contained in any instrument of record pertaining to the above described tract of land.

This description was prepared from a survey performed under my direction in January 2008, with bearings based on State Plane Coordinates (NAD83, Ohio South Zone) using reference monument numbers 8358 and 8359 of the Hamilton County Engineer's Office.

\_\_\_\_\_  
Eric W. Hafer P.E., P.S.                      date  
Ohio Registered Surveyor #8038

Situated in Sycamore Township, County of Hamilton and State of Ohio: Being Lot Nos. 160, 161 and 162 of Rossmoyne Subdivision by Spencer and Taylor in Section 14, Township 4, Entire Range 1 as recorded in Plat Book 9 page 19 Recorder's Office, Hamilton County, Ohio.

Auditor's Parcel 600-202-102, 600-202-103 and 600-202-104

# EXHIBIT C

GALBRAITH ROAD

EXISTING PINE ROAD

8681 91801

ALDEN COURTS OF LLC  
KENWOOD  
NEW CURB AND GUTTER  
AS PER DETAIL (TYPICAL)

NEW SEGMENTED BLOCK WALL  
PER OWNER SELECTIONS. (SEE  
GRADING PLAN)

NEW PINE ROAD EXTENSION  
(BY OTHERS) SEE PINE ROAD  
EXTENSION PLANS FOR DETAILS

NEW DUMPSTER LOCATION  
COORDINATE WITH  
ARCHITECTURALS

PARKING LOT STALL  
MARKING, TYPE 1 (TYPICAL)

CHAMFER AS PER DETAIL

NEW ASPHALT  
PARKING LOT

NEW PRECAST  
PARKING BLOCK  
HANDICAPPED  
5x5 CONCRETE  
AS PER DETAIL

KENWOOD  
CROSSING II, LLC

