

RESOLUTION # 2016-22

**RESOLUTION FOR DISPOSAL OF REAL ESTATE
OF CARROLL COUNTY, OHIO**

WHEREAS, the Board of Commissioners of Carroll County, Ohio owns real estate, to wit:

Hotel, par 3 golf course, related facilities and approximately 500 acres of undeveloped land commonly referred to as the Atwood Lodge property located in Monroe Township, Carroll County, Ohio and more fully described in the attached Exhibit A which is incorporated herein by reference ("Property"), and

WHEREAS, the Board of Commissioners finds that the real estate identified heretofore is not needed for public use.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Carroll County, Ohio, that the items identified heretofore be sold or otherwise disposed of pursuant to Ohio Revised Code Section 307.09 and other applicable statutes in such manner as deemed most productive and resulting in minimal expenses as determined by the Board.

Mr. Ohler moved for the adoption of the preceding Resolution; Mr. Wirkner seconded the motion.

Upon call of the roll the vote was recorded as follows:

Mr. Ohler, yes; Mr. White, Absent; Mr. Wirkner, yes.

Motion carried on unanimous vote. Resolution adopted this 21 day of April, 2016.

BOARD OF COMMISSIONERS
OF CARROLL COUNTY

ATTEST:

Christopher R. Modranski

- Christopher R. Modranski, Assistant Clerk I
- Valerie S. Mossor, Assistant Clerk II
- Janice E. Leggett, Clerk Supervisor

Robert E. Wirkner

Robert E. Wirkner, President

Absent

Thomas R. White, Vice President

Jeffrey L. Ohler

Jeffrey L. Ohler, Commissioner

Journal 45, Page 507

APPROVED AS TO FORM:

Donald R. Burns
Donald R. Burns, Prosecuting Attorney
Carroll County

CONVEYANCE EXAMINED
COMPLIES WITH R.C. SEC. 319.202
ENTERED FOR TRANSFER *Y*
FD

FEB 10 2012

E. LEROY VAN HORNE,
AUDITOR
INADEQUATE DESCRIPTION
FROM SURVEY DESCRIPTION NECESSARY
FOR FURTHER TRANSFER
D.A. MUSKUMEN, C.E. ENGINEER
Deputy
02-10-12

201200001293 *1121*
Filed for Record in
CARROLL COUNTY, OHIO
PATRICIA J. DYER, RECORDER
02-10-2012 At 01:32 pm.
WARRANTY DEED 268.00
OR Book 79 Page 3324 - 4355

LIMITED WARRANTY DEED

MUSKINGUM WATERSHED CONSERVANCY DISTRICT, ("District" or "MWCD") a Body Corporate and Political Subdivision of the State of Ohio, for valuable consideration paid, grants with limited warranty covenants to CARROLL COUNTY BOARD OF COMMISSIONERS, ("County") whose mailing address is 119 South Lisbon Street Suite 201 Carrollton, Ohio 44615, subject to the enumerated conditions, restrictions, and reservations, the following real property (the "Property"):

I. Grant/Conveyance; Exceptions/Reservations/Servitudes

TRACT #1: (225.161 ACRES)

Situated in the County of Carroll in the State of Ohio, and in the Township of Monroe, and bounded and described as follows:

And known as being part of the Northeast 1/4 and the Northwest 1/4 of Section 10, Township 15, Range 7 and part of the Southeast and Southwest 1/4 of Section 11, Township 15, Range 7 and bounded and described as follows:

Beginning at the Northeast corner of the Southwest 1/4 of Section 11 in said Township and Range; thence North 86° 40' 40" West along the Northerly line of said 1/4 section 970.33 feet to a post and the principal place of beginning of the premises herein described; thence South 3° 42' 20" West 157.27 feet to a post; thence South 86° 25' 05" East 164.89 feet to a post; thence South 41° 20' 15" East 164.47 feet to a post; thence South 26°26' 05" East 724.25 feet to a post; thence South 1° 51' West, 92.62 feet to a post; thence South 1° 36' 25" West 226.76 feet to a post; thence South 87°41' 35" West 1271.28 feet to an iron pin; thence North 86°40' West 300.30 feet to a post; thence North 10°35' 45" East, 313.09 feet to an iron pin; thence North 76°12' 05" West 257.05 feet to an iron pin; thence South 33° 24' 45" West 404.97 feet to an iron pin; thence North 82° 06' 05" West 112 .49 feet to an iron pin; thence South 5° 26' 05" West 339.35 feet to an iron pin; thence South 82°02' 05" East, 2215.22 feet to an iron pin; thence South 30° 00' 35" East, 174.80 feet to an iron pin; thence South 2° 27' 45"

EXHIBIT A

West, 175.44 feet to an iron pin; thence South 87° 03' 25" East 1214.49 feet to an iron pin in the center of Township road No.143; thence in a Southeasterly direction along the center of said Township road No. 143 to a point on the Southerly line of Section No. 11; thence South 20° 45' East along the center of said township road, 1468.50 feet to its intersection with the Southerly line of the Northerly 1/2 of the Northeast 1/4 of Section 10; thence North 87° 04' West along the Southerly line of the Northerly 1/2 of said 1/4 section, 1875.06 feet to the 1/4 section line; thence South 2° 32' West along said 1/4 section line, 1107.48 feet to a point in the center of County road No. 53; thence westerly along the center of said road to an angle point therein; thence Northwesterly along the center of said County road No.53 to its intersection with the Easterly line of County Road No.64; thence North 23°37' East along the Easterly line of said County Road No.64, 421.24 feet to a point of curvature therein; thence Northwesterly along the arc of a curve, deflecting to the left, 460.22 feet, said curve having a radius of 746.78 feet to the Northwesterly line of land in Section 11 conveyed to Isaac Barrick by deed dated April 1, 1867 and recorded in Volume 25, Page 266 of Carroll County Records; thence North 66° 23' East along the Northwesterly line of land so conveyed to Isaac Barrick 30 feet to the northeasterly line of County Road No.64; thence Northwesterly along the Northeasterly line of said County Road No.64, 103 feet to a point, said point being 60 feet Northeasterly from the center line of said County Road; thence Northwesterly along the Northeasterly line of said County Road, 100 feet to a point distant 50 feet Northeasterly from the center line of said Road; thence continuing Northwesterly along the Northeasterly line of said County Road No.64, 140.00 feet to a point of tangency, said point being distant 50 feet Northeasterly from the center line of said Road; thence North 40°30' West along the Northeasterly line of said County Road, 250 feet to a point of curvature, said point being distant 50 feet Northeasterly from the center line of said Road; thence Northwesterly along the Northeasterly line of County Road No. 64, being along the arc of a curve, deflecting to the right, 150.00 feet; said curve having a radius of 537.45 feet and a central angle of 27° 16' to an iron pin; thence North 79° 13' 20" East 135.90 feet to an iron pin; thence North 27° 38' 05" West 53.40 feet to a post; thence North 10° 12' 35" West 62.79 feet to a post; thence North 1°56' East 147.94 feet to a post; thence North 9°29' East 112.45 feet to a post; thence North 38° 56' 55" East 422.58 feet to a post; thence North 29° 26' 45" East 193.90 feet to a post; thence North 23°51' 55" East 219.66 feet to a post; thence North 8°12' East, 72.85 feet to an iron pin; thence South 71° 30' 05" East, 543.19 feet to an iron pin; thence North 1° 19' 25" East 655.42 feet to an iron pin on the Northerly line of the Southwest 1/4 of section 11; thence South 86°40' 40" East along the Northerly line of said 1/4 Section, 702.64 feet to the principal place of beginning.

Excepting therefrom that part thereof lying within the bounds of the Ron-Lee Estates Subdivision of part of the Southwest 1/4 of Section 11, Township 15, Range 7, as shown by the recorded plat in Volume 3, Page 196 of Carroll County Plat Records.

Containing 225.161 acres of land, of which 86 acres are located in the Northwest 1/4 of Section 10, 48.86 acres are located in the Northeast 1/4 of Section 10, 74.915 acres are located in the southwest 1/4 of Section 11 and 15.386 acres are

located in the southeast 1/4 of Section 11, be the same more or less, but subject to all legal highways and waterways.

EXCEPTING the coal in and underlying the above described premises.

Also hereby conveying a right-of way twenty-five (25) feet in width on and over the following described premises, to-wit:

Situated in the Township of Monroe, County of Carroll and State of Ohio, and in the southwest quarter of Section 11, Township 15, Range 7; commencing at a point on County Road 64 at the Herman Newell property; thence in a southeasterly direction continuing to the lands of these Grantors in the vicinity of a barn, (County Road 64 now State Route 542), and being the same right-of-way conveyed by Otto I. Oyler and Virginia T. Oyler to these Grantors and recorded in Volume 150, Page 712, Carroll County, Ohio. The Grantee herein promises and agrees to maintain and keep in repair said right-of-way.

Excepting and reserving to former Grantors, Otto I. Oyler and Virginia T. Oyler, the right and easement to place, repair and maintain at their expense a water line over and across there lands from a lake to be placed in the southwest quarter of Section 11, together with the right to use water from a pond in the southwest quarter of Section 11, and place, repair and maintain a water line therefrom to a golf course being developed by the said Otto I. Oyler on adjoining lands.

Also excepting and reserving to a former Grantor, Otto I. Oyler, the right to cut the brush, timber and trees on lands lying west of the Number 12 and Number 13 greens on the golf course, at their expense, in order to give a view of Atwood Lakes be the same more or less but subject to all legal highways.

Prior Deed Reference: Volume 151, Page 977, Carroll County Deed Records

Parcel #: 23-0060003.000 - 160.92 acres
22-0060048.000 - 62.25 acres

TRACT #2: (145.6 ACRES)

Situated in the Township of Monroe, County of Carroll and State of Ohio :

And being known as a part of the Southeast Quarter and a part of the Southwest Quarter of Section 11, Township 15, Range 7. Beginning at the Northeast corner of the Southeast Quarter of Section 11, thence along the East line of said quarter, South 0° 23' East, 1347.6 feet to the Northeast corner of a 33.18 acre tract described in a deed recorded in Volume 136, Page 589 Deed Records of Carroll County and now or formerly owned by George Joseph Sell; thence with the North line of said 33.18 acre tract, North 86°35' West, 1028.1 feet, thence North 0° 46' East, 74.9 feet; thence North 87°14' West, 318.3 feet more or less to the middle of Township Road 143 and also being the Northwest corner of said 33.18 acre tract; thence along the middle of said road South 17° 29' East 315.9 feet; thence South 4° 22' East, 117.7 feet thence South 17° 41' West, 123.4 feet; thence South 33° 13' West, 204.9 feet; thence South 21°11' West, 118.2 feet; thence South 7° 30' West, 120.3 feet thence leaving said road, North 87°26' West

1258.8 feet, thence North 1°33' East, 176.2 feet; thence North 46° 53' West 239.0 feet; thence North 84° 02' West. 2031.7 feet, thence North 82°30' West 100.0 feet; thence North 4°58 ' East, 339.4 feet; thence South 82° 34', East, 112.5 feet; thence North 33° 00' East, 405.0 feet; thence South 76° 40' East 281.8 feet; thence South 10°08' West, 313.9 feet; thence South 87°08' East 300.3 feet; thence North 87° 14' East, 1271.3 feet; thence North 0° 43' East, 226.8 feet; thence North 2°56' East 91.8 feet; thence North 28° 05' West, 824.2 feet; thence North 42° 32' West, 164.5 feet; thence North 87° 24' West 164.9 feet; thence North 2° 45' West 152.4 feet; thence South 87° 09' East, 926.2 feet to the center of said section; thence South 87° 35' East, 2583.3 feet more or less to the place of beginning contains an area of 145.6 acres more or less and being all of the same premises described as 156.09 acres in a deed from Otto I. Oyler to Atwood Lake Golf Club, Inc. recorded in Volume 144, page 216. Subject to all legal highways.

Description by Frank L. Davis, Registered Surveyor No. 4947.

This grant is further subject to a reservation described in III. A. below.

Prior Deed Reference: Volume 167, Page 868, Carroll County Deed Records.

Parcel No. 22-0001179.000 - 106.60 acres
23-0001314.000 - 39.00 acres

TRACT #3: (11.97 acres)

Situated in the Township of Monroe, County of Carroll and State of Ohio:

Being known as a part of the Southwest Quarter of Section 11, Township 15, North, Range 7, West, of the Seven Ranges and being more particularly described as follows:

Beginning at an iron pin on the north line of the southwest quarter of said section, which pin is located South 87 deg. 45' East 560.50 feet from the northwest corner of said quarter section, said pin is also the northeast corner of a 0.244 acre tract now owned by H. H. and H. I. Newell; thence from this point of beginning along the north line of said quarter section South 87 deg. 45' East 504.86 feet to an iron pin; thence leaving said quarter section line, South 0 deg. 57' 15" West 737.48 feet to an iron pin; thence North 69 deg. 37' 59" West 543.88 feet to an iron pin; thence South 10 deg. 00' 30" West 72.75 feet to an iron pin; thence South 13 deg. 41' 24" West 187.98 feet; thence South 27 deg. 59' 07" West 232.22 feet; thence South 37 deg. 00' 58" West 416.24 feet; thence South 7 deg. 04' 13" West 125.62 feet; thence South 2 deg. 43' 00" East 88.53 feet; thence South 9 deg. 14' 08" East 135.43 feet; thence South 23 deg. 55' 31" East 58.73 feet to an iron pin; thence South 71 deg. 24' 01" West 98.58 feet to the easterly side of the former Wheeling and Lake Erie railroad now owned by Carroll County which is described in Volume 128 Page 291; thence along said easterly line in a northerly direction along a curve to the right having a radius of 523.7 feet for a distance of 646.02 feet, the chord of said curve bears North 4 deg. 54' 39" East 605.83 feet; thence continuing along said easterly line North 40 deg. 15' 00" East 200.0 feet; thence along a curve to the left having a radius of 869.0 feet for a distance of 689.68 feet, the chord of said curve bears North 17

deg. 30' 49" East 671.72 feet; thence continuing along said easterly line along a curve to the left having a radius of 1196.3 feet for a distance of 291.16 feet, the chord of said curve bears North 12 deg. 11' 44" West 290.45 feet; thence continuing along said easterly line North 38 deg. 35' 00" West 29.82 feet; thence leaving said easterly line South 87 deg. 09' 04" East 22.41 feet to an iron pin which is the southwest corner of the aforementioned 0.244 acre tract of Newells; thence continuing South 87 deg. 09' 04" East along the south line of said 0.244 acre tract 198.81 feet to an iron pin at the south- east corner of said 0.244 acre tract; thence along the east line of said 0.244 acre tract North 17 deg. 19' 06" West 103.12 feet more or less to the place of beginning, containing an area of 11.997 acres, more or less.

The above described 8 courses, beginning with South 13 deg. 41' 24" West 187.98 feet and running through and ending with South 23 deg. 55' 31" East 58.73 feet are along a fence described in a property quiet title court action filed by Grantor against Grantee and overlap an area of 0.699 acres, more or less, claimed by Grantee in deed recorded in Volume 151 Page 977, Carroll County Deed Records.

Surveyed by Frank L. Davis, Registered Surveyor 4947 August 1979

Subject, however, to all legal highways, all existing public utility and pipeline easements, a flowage easement owned by the United States of America, and any other easements of record.

It is the intent of this instrument to convey to Grantee all of the premises the Grantors now own, or ought to own, or owned by reversion or remainder, in the southwest quarter of Section 11 which lie south of the north line of said quarter section and north of the north line and its projections of Lot 1 of the former Ron-Lee Estates Subdivision.

Prior Deed Reference: Vol. 201, Page 712, Carroll County Deed Records

Parcel No. 23-0001286.000

TRACT #4: (79 A, Lots 1, 3, 4, 5 Truman Allotment)

Situated in the Township of Monroe, County of Carroll and State of Ohio:

Being a part of the Northwest quarter of Section Eleven (11), Township Fifteen (15), Range Seven (7) in the Steubenville Land District.

PARCEL #1:

Beginning for boundary at the Southeast corner of said Northwest quarter of Section Eleven (11), Township Fifteen (15) of Range Seven (7); thence along the East line of said quarter section 64 perches and 3 links to a post where a gum tree 10 inches in diameter bears South 28° East 13 links; thence South 50° West 29 perches and 16 links to a stone where a maple tree 20 inches in diameter bears North 78 ½° East 15 links; thence North 31 ½° West 64 perches to a post where a sugar tree 20 inches in diameter bears North 48° East 84 links; thence North 70°

East 3 perches and 5 links to a post where a sugar tree 20 inches in diameter bears 64° East 66 links; thence North 31 ½° west 74 perches and 11 links to a post on the North boundary line of said quarter section where a sugar tree 24 inches in diameter bears South 18 ½° West 10 links; thence along the North line West 68 perches and 20 links to a post at the Northwest corner of said quarter section; thence South 161 perches and 20 links to a stone marked X; thence East along the South line of said quarter 161 perches and 15 links to the place or beginning, containing 122 acres,

EXCEPTING therefrom a piece of said described and bounded premises sold and conveyed by Deed to Urban Opp; also excepting a Right-of-way conveyed to The Wheeling & Lake Erie Railroad Company, and further

EXCEPTING THEREFROM:

FIRST EXCEPTION:

38 acres, more or less, acquired by Mnskingum Watershed Conservancy District by proceedings in Case No. 7108 in the Court of Common Pleas of Carroll County, Ohio, and a flood easement of 1 acre, more or less, of the residue of said premises, all as described in Carroll County Deed Record 104 at page 336, and further excepting;

SECOND EXCEPTION: Commencing for boundary at a point where the old Wheeling & Lake Erie Railroad right-of-way intersects the South line of Grantors land; thence in a Northerly direction and along the East boundary of the former Wheeling & Lake Erie Railroad right-of-way a distance of four (4) rods to a point; thence in an Easterly direction and parallel with the South line of Grantors land a distance of ten (10) rods to a point; thence in a Southerly direction and parallel with the former line of Grantors land; thence in a Westerly direction and along the South boundary of Grantors land a distance of ten (10) rods to the place of beginning, said tract containing one-fourth (.25) of an acre, more or less, and being the same premises formerly occupied by Gaynol Nixon and upon which a dwelling house has been erected. Said Grantors reserve to themselves, their heirs and assigns the right to use the water, from a spring, jointly with Grantee, which spring flows from these premises, and being the same premises conveyed to Gaynol Nixon by warranty deed dated February 2, 1942 and thereafter recorded in Carroll County Deed Record 110 at page 38, and further excepting;

THIRD EXCEPTION:

Beginning at the Southwest corner of the Northwest quarter of said Section Eleven (11); thence East along the section line 319.40 feet to a point on the East line of the county Road; thence in a Northwesterly direction along the East line of said road on a curve to the left whose central angle is 40° 31' and a degree of curvature of 5° 00' a distance of 70.62 feet to a point and the place of beginning for the tract herein described; thence continuing along said curve 69.93 feet to an iron pin; thence east 165.00 feet to an iron pin; thence South 29° 56' 20" East 69.73 feet to an iron pin; thence West 165.00 feet to an iron pin on the East line of the County Road and the place of beginning, containing 0.230 of an acre,

more or less, and being the same premises conveyed to Herman H. Newell, et ux, by warranty deed dated July 21, 1958, thereafter recorded in Carroll County Deed Record 134 at page 8, and further excepting;

FOURTH EXCEPTION:

Beginning at the Southwest corner of said Northwest quarter of Section Eleven (11) ; thence East along the section line 484.90 feet to the southeast corner of a 0.25 acre parcel described in Deed Record 110 at page 38 and the true place of beginning; thence North 29° 56' 20" West 140.53 feet, more or less, to the South line of Lot No. Three (3) in Truman's Allotment of Subdivision No. 1; thence in an Easterly direction along the South line of said Lot No. Three (3) 81.34 feet, more or less, to the southeast corner of said Lots No. Three (3); thence South 26° 6' 20" East along the Southerly extension of the East line of Lot No. Three (3) Four (4) and Five (5) in said Truman's Allotment or Subdivision, a distance of 140.0 feet. more or less, to the South line of the quarter section; thence in a Westerly direction along the South line of the quarter section 82.0 feet to the true place of beginning, containing 0.225 acres, more or less, and being the same premises conveyed to Herman H. Newell, et ux. by warranty deed dated March 2, 1963, recorded in Carroll County Deed Record 141 at page 275, and further excepting;

FIFTH EXCEPTION:

1.489 acres, more or less, in Truman's Allotment or Subdivision No.1 as the same appears in plat book 3 at page 51, and further excepting;

SIXTH EXCEPTION:

1.230 acres, more or less, included in Truman's Allotment or Subdivision No.2 as the same appears in plat book 3 at page 119. And all of said premises being further subject to a 20 foot right-of-way or easement along the North side of Lots No. Seven (7) and Nine (9) in Truman's Allotment or Subdivision No. 2 and extending from County Road No. 64 to Elm Street in said Allotment or Subdivision, but reserving the right to the Grantors, their heirs and assigns to include said 20 foot Right-of-way in the dedication of a street or roadway of not less than 40 feet in width at the option of the Grantors as described in Deed Record 141 at page 92.

Leaving remaining 79.396 acres, more or less.

SEVENTH EXCEPTION:

Reserving to the Muskingum Watershed Conservancy District:

Situated in the Township of Monroe, County of Carroll and State of Ohio:

Being a part of the Northwest Quarter of Section 11, Township 15 of Range 7 and being part of the residue of a 79.645 acre tract of land as conveyed to Muskingum Watershed Conservancy District by Deed as recorded in Volume

143, Page 152 of the Carroll County Deed Records and being more particularly described as follows:

Beginning at a 3/4" iron bar found and witnessed by a MWCD post on the southeast corner of the Northwest Quarter of Section 11;
Thence N 0° 49' 35" E along the East line of the Northwest Quarter of Section 11, a distance of 1061.84 feet to a 3/4" iron bar set on the southeasterly line of a 8.139 acre parcel of land as now or formerly owned by Muskingum Watershed Conservancy District (253/532);
Thence S 50° 15' 22" W along the southeasterly line of said 8.139 acre Muskingum Watershed Conservancy District parcel, a distance of 487.53 feet to a 3/4" bar found at the most southerly corner of said 8.139 acre parcel, passing over a 3/4" iron bar found at a distance of 6.88 feet;
Thence N 31° 19' 11" W along the southwesterly line said 8.139 acre Muskingum Watershed Conservancy District parcel, a distance of 1047.19 feet to a 1" Mag spike set, passing over axles found at distances of 566.98 feet and 797.19 feet;
Thence S 36° 24' 49" W along the southeasterly line of a 38.00 acre parcel of land as now or formerly owned by Muskingum Watershed Conservancy District (104/336), a distance of 173.80 feet to a 3/4" iron bar set;
Thence N 21° 31' 28" W along the southwesterly line of said 38.00 acre Muskingum Watershed Conservancy District parcel, a distance of 121.41 feet to a 1" Mag spike set on the centerline of State Route #542 at the **TRUE PLACE OF BEGINNING**;

- 1) Thence along the centerline of State Route #542, which is along the arc of a curve to the right (Δ 12° 17' 52", Radius 1909.86', Chord S 83° 23' 51" W - 409.14'), an arc distance of 409.93 feet to a 1" Mag spike set;
- 2) Thence S 89° 32' 48" W continuing along the centerline of said State Route #542, a distance of 437.60 feet to a 1" Mag spike set;
- 3) Thence continuing along the centerline of said State Route #542, which is along the arc of a curve to the left (Δ 74° 30' 31", Radius 818.51', Chord S 52° 17' 33" W - 990.98'), an arc distance of 1064.41 feet to a 1" Mag spike set on the west line of said Northwest Quarter of Section 11;
- 4) Thence N 0° 48' 57" E along the west line of said Northwest Quarter of Section 11, a distance of 640.31 feet to an axle found at the southwest corner of said 38.00 acre Muskingum Watershed Conservancy District parcel and passing over a 3/4" iron bar set at a distance of 411.86 feet;
- 5) Thence N 89° 26' 28" E along the south line of said 38.00 acre Muskingum Watershed Conservancy District parcel, a distance of 991.50 feet to a 3/4" iron bar set;
- 6) Thence N 75° 44' 47" E along the southerly line of said 38.00 acre Muskingum Watershed Conservancy District parcel, a distance of 590.90 feet to a 3/4" iron bar set;
- 7) Thence S 21° 31' 28" E along the southwesterly line of said 38.00 acre Muskingum Watershed Conservancy District parcel, a distance of 149.19 feet to the **TRUE PLACE OF BEGINNING** and passing over a 3/4" iron bar set at a distance of 103.64 feet and containing 5.175 acres of land, more or less, as surveyed by Ronald C. Hinton, Ohio Registered Surveyor Number 6270 in January, 2011, but subject to all legal highways and any easements, restrictions or reservations of record.

The Basis of Bearing for this survey was based on Grid North (Ohio State Plane Coordinate System, North Zone, NAD 83) as determined from GPS observations made on January 5, 2012 by David Bodo & Associates, Inc.

Note: All iron bar set are 3/4" in diameter rebar by 30" long with a plastic surveyors cap stamped "David Bodo & Associates". For details of the survey used to prepare this description, see the Survey Plat prepared by David Bodo & Associates, Dated January 17, 2012 in the Carroll County Survey Records.

This grant is further subject to a reservation described in III. A. below.

PARCEL #2:

Being Lots Number One (1), Three (3), Four (4) and Five (5) in the Truman Allotment or Subdivision No. 1, subject to the restrictions of record in the office of the Carroll County Recorder. See plat Volume 3 at page 94.

Prior Deed Reference: Volume 143, Page 152, Carroll County Deed Records

Parcel No. 22-0001180.000 – 79.40 acres
2200 MWCD – Lots

TRACT #5: (Lots 7, 9, Truman, Lots 1-29, Ron Lee Estates (vacated))

Situated in the Township of Monroe, County of Carroll and State of Ohio:

PARCEL # 1

And being the Northwest quarter of Section eleven (11), Township fifteen (15) of Range seven (7) and being Lots No. Seven (7) and Nine (9) in Truman Subdivision No.2, but subject to the protective and restrictive covenants in regard to said allotment on file in the office of the Recorder of Carroll County, Ohio, and included in the within conveyance a twenty (20) foot right of way or easement along the North side of said lot No.7 and Lot No.9 in said allotment and extending from County Road No.64 to Elm Street, subject to the right to dedicate the same for a street or roadway as reserved in deed to Grantors.

Being the same lands acquired by Grantors by deeds from Wilbur J. Truman and Marjorie F. Truman and recorded in Deed Book 141 at Pages 92 and 306, and corrective deed recorded in Deed Book 143 at Page 146.

Also subject to an easement for public highway and road purposes as acquired by the State of Ohio in Deed Book Vol. 151, Page 648 of the Carroll County records.

PARCEL # 2

And known as being Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 in Ron-Lee Estates Subdivision, as the same is designated and shown on the recorded plat thereof. (Plat Vol. 3, page 196, Carroll County Plat records.)

Being the same lands acquired by Grantors by deed from Marion H. Marquart and Shirley I. Marquart and recorded in Deed Book 152 at Page 189 and Deed Book 153 at Page 661.

Subject to an easement for public highway and road purposes as acquired by the State of Ohio in Deed Book Vol. 155 at Page 491 and Page 492.

Said Ron-Lee Estates was subsequently vacated by Certificate dated September 22, 1975, and recorded September 22, 1975 at 2:44 p.m. in Volume 183, Page 438 of the Carroll County Deed Records.

Prior Deed Reference: Volume 172, Page 701, Carroll County Deed Records

Parcel No. 23-0060020.000 - 14.80 acres (Ron-Lee Estates)
2200 - MWCD - Lots 7 & 9, Truman Subdivision

TRACT NO. 6: (12.80 ACRES)

Situated in the Township of Monroe, County of Carroll, and State of Ohio:

Being a parcel of land which is a part of an 80.28 acre tract in the south half of the northeast quarter of Section Ten (10), Township Fifteen (15), Range Seven (7), in the Steubenville land District acquired by Herbert Jennings from O. D. Miller, administrator of the estate of Hannah Wilson, by administrator's deed dated April 12, 1947, recorded in volume 113, page 189, and by quit claim deed from Frank Peterson dated April 12, 1947, recorded in volume 101, page 488, all in records of Carroll County, Ohio; said parcel to be conveyed being more particularly described as follows:

Beginning at an iron pin at the northwest corner of said 80.28 acre tract, which is also the northwest corner of the south half of the northeast quarter of Section ten (10); thence along the north line of said 80.28 acre tract and the north line of the parcel herein conveyed South eighty-seven degrees and nineteen minutes East (s 87° 19' E) one thousand eight hundred forty-eight and four-tenths (1848.4) feet to an iron pin in the public road; thence with said road South twenty degrees and forty-three minutes East (s 20° 43' E). one hundred eighty-eight and nine-tenths (188.9) feet to an iron pin; thence leaving said road North seventy-four degrees and forty minutes West (N 74° 40' w) one hundred sixty and one-tenth (160.1) feet to an iron pin; thence South fifty-five degrees and forty-five minutes West (s 55° 45' w) ninety-seven and six-tenths (97.6) feet to an iron pin; thence South twenty-four degrees and forty-four minutes West (S 24° 44') two hundred one and four-tenths (201.4) feet to an iron pin; thence South forty-one degrees and fifty minutes West (s 41° 50' w) one hundred twenty-six and five-tenths (126.5) feet to an iron pin; thence South fifty-eight degrees and nine minutes West (s 58° 09' W) one hundred fifty-three (153.0) feet to an iron pin; thence North eighty-five degrees and three minutes West (N 85° 03' w) three hundred sixty and three-tenths (360.3) feet to an iron pin; thence North forty-two degrees and thirty-eight minutes West (N 42° 38' w) three hundred fifty-three (353.0) feet to an iron pin; thence North sixty degrees and thirty-eight minutes West (N 60° 38' w) six hundred sixty and six-tenths (660.6) feet to an iron pin; thence North eighty-five degrees and eight minutes West (N 85° 08' w) two hundred six and two-tenths

(206.2) feet more or less to the place of beginning, containing an area of twelve and eight-tenths (12.8) acres, more or less.

(Survey and description by Leroy G. Davis, Registered. Surveyor #2507.)

The premises herein conveyed are subject to the following:

- (a) All legal highways;
- (b) All rights-of-way, and public utility and pipe line easements.

Prior Deed Reference: Volume 154, Page 214, Carroll County Deed Records

Parcel No. 22-0060004.000

II. Restrictive Covenants/Reversions.

A. Limitation on Agricultural Uses.

This deed is made and accepted with the understanding that if it is used for agricultural purposes, the use will be limited to the cultivation of soil for food crops and similar endeavors relating to the land and its use for growing crops only, and will exclude dairying and the raising of livestock or fowl where carried on as a gainful operation. This restriction will not be construed as preventing the sale of produce or products that have been produced on the land. This restriction shall also prevent use of the Property for large scale corporate farm operations.

B. Minerals

1. Disposal Wells. The Property may not be used for any temporary or permanent disposal of any drill cuttings, or the storage or disposal of residual wastes. No disposal wells or any other devices or means of disposal of wastes, salt water, frac water, liquid waste oil or any other liquids are permitted on the Property. County shall ensure that all salt water, frac water or liquid waste oil and other waste are disposed of in accordance with the rules and regulations of the Ohio Department of Natural Resources and all other applicable governmental authorities.

2. Gas Storage. No portion of the surface or subsurface of the Property shall be used for gas, oil or brine storage purposes, except for temporary storage at a producing well site prior to transportation off site.

3. Well Site Location. District reserves the right to reject any proposed location for oil or gas wells or related activities and facilities. Wells or other oil and gas structures or operations (once the drilling rig has been removed from the site) must not be located in visual sight of Atwood Lake.

4. County will reinvest 100% of all proceeds from the lease, sale and/or development of mineral rights on the property into the property, hotel related structures, golf courses, any new structures or activities on the Property and the operation, maintenance, repair, and capital improvements thereof.

C. Industrial Use.

County, County's heirs or assigns, will not erect or maintain or permit to be erected or maintained on any of the above-described property any factory, facility, or other structure for manufacturing or industrial purposes of any kind. The Property shall never be used mining or large scale farming.

This restriction will remain in full force and effect, and will run with the title to the property conveyed.

D. Operation of Golf Courses/Hotel; Mineral Reversion.

1. The transfer herein is intended to secure and facilitate the operation of a hotel and two golf courses as an ongoing business on the Property and the District reserves a reversionary interest in the mineral rights. If the hotel is no longer operating, or are sold or otherwise transferred, or if either of the golf courses cease operation or are sold or otherwise transferred (which is an event of defeasance), then all mineral rights in that Property shall revert to the District. If any of the Property transferred to the County is later sold or otherwise transferred (which is an event of defeasance), then all mineral rights in said Property shall revert to the District.

2. If for any reason the reversion of mineral rights described in the preceding sentence is not effective then the District may exercise the right and option reserved herein to purchase the mineral rights from the County for one (\$1) dollar per acre for all or any portion of the Property as follows:

If the County desires to sell or otherwise transfer all or any portion of the Property and receives, from some third party a good faith, *bona fide* offer for the purchase of all or a part of the Property, the County shall disclose the terms of the offer to the District, in writing, within fifteen (15) days following receipt of the offer, including copies of all documents related to the offer. The District shall have forty-five (45) days after receipt of notice of the terms of the offer within which to elect to purchase the mineral rights for all or any portion of the real estate included in the third party offer at the agreed price of one dollar per acre. Within twenty (20) days of the District giving notice of the exercise of said right, the parties will enter into a formal purchase agreement for the sale of said mineral rights at the agreed price, with closing to occur within thirty (30) days of the execution of the purchase agreement.

If the District fails to give notice or tender payment at closing, the County may proceed with the sale of any property included in the original offer to the original offering third party for which the mineral rights are not purchased by the District. Any such property sold to a third party after the District shall have failed to give notice or tender payment shall be removed from the scope of this right. Otherwise, this right shall remain in full force and effect.

The sale of any real estate without compliance with these notices and procedures shall be void. After the sale of any mineral rights to the District pursuant to this right, the County may sell any of the remaining rights in the affected real estate free from the restrictions of this right. It is not a violation of this paragraph for the hotel or a golf course to be partially or completely closed for a period of twelve months or less. Notwithstanding any other provision of this instrument, this right of first refusal shall terminate if it is not exercised by the District on or before the last day of any time period legally permitted by any perpetuities prohibition.

3. "Mineral rights" include, but are not limited to all mineral rights appurtenant to the property in question, including ownership of oil and gas and other minerals and the right to receive royalties pursuant to existing leases.

4. If any event of defeasance occurs, or if District exercises its option/right, then all royalty payments for any mineral leases in existence for the real estate in question shall thereafter be paid to the District. All payments of royalties made to County prior to any event of defeasance or the exercise by the District of its option/right shall remain the property of the County. If any event of defeasance occurs or District exercises its option/right the County shall execute any documents (whether assignments or otherwise) required by any mineral right lessee to effectuate the payment of royalty payments (following an event of defeasance or the exercise by the District of its option/right) to the District.

5. Acknowledgement of the effects of this section shall be included in any mineral lease executed by the County with respect to any real estate included in the Property.

6. County, its heirs and assigns, will not operate a marina or campgrounds in connection with its operation and use of the Property, provided the District continues operation or leases real estate for the operation of a marina or campground in the Atwood Lake area.

E. Water.

County is not permitted to use water from the property's surface wells, ponds, lakes, springs, creeks, water courses or reservoirs on the property in support of or in conjunction with any oil or gas or mineral development or drilling. County shall not drill or operate any water well, take water or

inject any substance into the subsurface, or otherwise use or affect water in subsurface formations.

F. Covenants.

The above rights and restrictions will be deemed covenants running with the land and will be for the benefit of and be enforceable by District, District's heirs or assigns. The above restrictions and covenants apply to all property conveyed in this Deed.

III. Reservations

A. Fee Simple.

District reserves in fee simple absolute the property surrounding the water plant and water tower. The property is described as follows:

Description of a 0.938 Acre Parcel of Land for MWCD

Situated in the Township of Monroe, County of Carroll and State of Ohio:

Being a part of the Southwest Quarter of Section 11, Township 15 of Range 7 and being part of a 145.6 acre tract of land as conveyed to Muskingum Watershed Conservancy District by Deed as recorded in Volume 167, Page 868 of the Carroll County Deed Records and being part of the residue of a 74.915 acre tract of land as conveyed to Muskingum Watershed Conservancy District by Deed as recorded in Volume 151, Page 977 of the Carroll County Deed Records and being more particularly described as follows:

Beginning at a 3/4" iron bar found and witnessed by a MWCD post on the northeast corner of the Southwest Quarter of Section 11;

Thence N 88° 22' 54" W along the north line of said Southwest Quarter of Section 11, a distance of 909.36 feet to a 5/8" iron bar set on the easterly end of a 40' driveway easement;

Thence S 27° 57' 08" E along the easterly end of said driveway easement, a distance of 20.00 feet to a 3/4" iron bar set at the **TRUE PLACE OF BEGINNING**;

- 1) Thence S 7° 00' 00" E, a distance of 71.81 feet to a 3/4" iron bar set;
- 2) Thence S 4° 00' 00" E, a distance of 160.00 feet to a 3/4" iron bar set;
- 3) Thence S 8° 00' 00" W, a distance of 95.00 feet to a 3/4" iron bar set;
- 4) Thence N 53° 00' 00" W, a distance of 110.00 feet to a 3/4" iron bar set;
- 5) Thence N 49° 00' 00" W, a distance of 100.00 feet to a 3/4" iron bar set;
- 6) Thence N 30° 00' 00" W, a distance of 111.88 feet to a 3/4" iron bar set on the south side of said driveway easement;

- 7) Thence along the southerly line of said driveway easement which is along the arc of a curve to the left ($\Delta 23^\circ 14' 22''$, Radius 180', Chord N $73^\circ 40' 03''$ E - 72.51'), an arc distance of 73.01 feet to a 3/4" iron bar set;
- 8) Thence N $62^\circ 02' 52''$ E, a distance of 161.87 feet to the TRUE PLACE OF BEGINNING and containing 0.938 of an acre of land, more or less, as surveyed by Ronald C. Hinton, Ohio Registered Surveyor Number 6270 in January, 2011, but subject to all legal highways and any easements, restrictions or reservations of record.

The Basis of Bearing for this survey was based on Grid North (Ohio State Plane Coordinate System, North Zone, NAD 83) as determined from GPS observations made on January 5, 2012 by David Bodo & Associates, Inc.

Note: All iron bar set are 3/4" in diameter rebar by 30" long with a plastic surveyors cap stamped "David Bodo & Associates". For details of the survey used to prepare this description, see the Survey Plat prepared by David Bodo & Associates, Dated January 17, 2012 in the Carroll County Survey Records.

District also reserves all easements necessary in order to carry out its activities on the above described property. The following easements set forth in Section III, Paragraph B below and will be deemed for the benefit of the water tower parcel and shall run with the land.

B. Easements

Reserving to the District and its successors and assigns perpetual easements and shall run with the land and will be binding on and will inure to the benefit of the parties to this agreement, their respective heirs, successors, or assigns. Said Easements shall be for electric utility, communications utility, water utility, sewer utility and, ingress and egress easement, over and under the Property described below and subject to the rights and conditions stated below:

1. Reservation of Easement for Ingress and Egress.

- i. District reserves for a permanent easement from the effective date of the conveyance for Access Purposes over and across the property described as follows:

Description of a 40' Wide
Ingress-Egress Easement

Situated in the Township of Monroe, County of Carroll and State of Ohio:

Being a part of the Northwest and Southwest Quarters of Section 11, Township 15 of Range 7 and being part of a 145.6 acre tract of land as conveyed to

Muskingum Watershed Conservancy District by Deed as recorded in Volume 167, Page 868 of the Carroll County Deed Records and being part of the residue of a 79.645 acre tract of land as conveyed to Muskingum Watershed Conservancy District by Deed as recorded in Volume 143, Page 152 and being part of the residue of a 74.915 acre tract of land as conveyed to Muskingum Watershed Conservancy District by Deed as recorded in Volume 151, Page 977 of the Carroll County Deed Records and being a 40 foot wide ingress-egress easement, of which the centerline is to follow the centerline of the existing driveway and is more generally described as follows:

Beginning at a 3/4" iron bar found and witnessed by a MWCD post on the northeast corner of the Southwest Quarter of Section 11;

Thence N 88° 22' 54" W along the north line of said Southwest Quarter of Section 11, a distance of 909.36 feet to a 3/4" iron bar set on the easterly end of said 40' ingress-egress easement and the **TRUE PLACE OF BEGINNING** of the centerline of said easement;

- 1) Thence S 62° 02' 52" W, a distance of 161.87 feet;
- 2) Thence along the arc of a curve to the right (Δ 80° 13' 55", Radius 160.00', Chord N 77° 50' 11" W – 206.19'), an arc distance of 224.05 feet;
- 3) Thence N 37° 43' 14" W, a distance of 86.32 feet;
- 4) Thence along the arc of a curve to the left (Δ 43° 35' 28", Radius 125.00', Chord N 59° 30' 58" W – 92.82'), an arc distance of 95.10 feet;
- 5) Thence N 81° 18' 42" W, a distance of 495.56 feet;
- 6) Thence along the arc of a curve to the right (Δ 59° 23' 37", Radius 375.00', Chord N 51° 36' 53" W – 371.56'), an arc distance of 388.73 feet;
- 7) Thence N 21° 55' 04" W, a distance of 346.13 feet;
- 8) Thence along the arc of a curve to the right (Δ 68° 25' 03", Radius 250.00', Chord N 12° 17' 28" E – 281.11'), an arc distance of 298.53 feet;
- 9) Thence N 46° 29' 59" E, a distance of 190.86 feet;
- 10) Thence along the arc of a curve to the left (Δ 59° 16' 34", Radius 250.00', Chord N 16° 51' 42" E – 247.26'), an arc distance of 258.64 feet;
- 11) Thence N 12° 46' 35" W, a distance of 118.19 feet to the southerly right of way line of State Route #542 which is the **POINT OF TERMINUS** of the centerline of said ingress-egress easement herein described as determined by Ronald C. Hinton, Ohio Registered Surveyor Number 6270 in January, 2012, but subject to all legal highways and any easements, restrictions or reservations of record.

The Basis of Bearing for this survey was based on Grid North (Ohio State Plane Coordinate System, North Zone, NAD 83) as determined from GPS observations made on January 5, 2012 by David Bodo & Associates, Inc.

Note: All iron bar set are 3/4" in diameter rebar by 30" long with a plastic surveyors cap stamped "David Bodo & Associates". For details of the survey used to prepare this description, see the Survey Plat prepared by

David Bodo & Associates, Dated January 17, 2012 in the Carroll County Survey Records.

ii. "Access Purposes" as used herein means access and ingress related to the use and operation of the water tower and water plant and any future uses of said property. Said easement shall not be limited to number of vehicles or types of vehicles that will use or travel across the right-of-way described above. This easement shall include the right of ingress and egress of personnel, materials or equipment.

iii. County shall be responsible for all construction and maintenance of the road described above will be constructed and maintained in good repair by County at its sole cost and expense.

2. Construction and Maintenance of Utility Lines.

i. District reserves the perpetual right to enter on the real estate described, at any time that it may see fit, and construct, maintain, and repair aboveground and underground pipelines for the purpose of conveying various liquid substances and other types of utility lines, including but not limited to communications, electrical, data lines over, across, through, and under the lands with necessary and proper valves and other appliances and fittings, and devices for controlling electrolysis for use in connection with these pipelines and utility lines, together with adequate protection, and also a right-of-way on the strip of land 30 feet in width over and across the following described lands:

a. Description of a 30' Wide Utility Easement

Situated in the Township of Monroe, County of Carroll and State of Ohio:

Being a part of the Northwest and Southwest Quarters of Section 11, Township 15 of Range 7 and being part of the residue of a 79.645 acre tract of land as conveyed to Muskingum Watershed Conservancy District by Deed as recorded in Volume 143, Page 152 and being part of the residue of a 74.915 acre tract of land as conveyed to Muskingum Watershed Conservancy District by Deed as recorded in Volume 151, Page 977 of the Carroll County Deed Records and being a 30 foot wide waterline easement, of which the centerline is to follow the existing 2 1/2" waterline and is more generally described as follows:

Beginning at a 3/4" iron bar found and witnessed by a MWCD post on the northeast corner of the Southwest Quarter of Section 11;

Thence N 88° 22' 54" W along the north line of said Southwest Quarter of Section 11, a distance of 909.36 feet to a 5/8" iron bar set on the easterly end of a 40' driveway easement;

Thence S 27° 57' 08" E along the easterly end of a driveway easement, a distance of 20.00 feet to a 3/4" iron bar set at the northeast corner of a 0.938 acre parcel;

Thence S 62° 02' 52" W along the northwesterly line of said 0.938 acre parcel, a distance of 111.55 feet to the **TRUE PLACE OF BEGINNING** of the centerline of said waterline easement;

- 1) Thence N 82° 17' 27" W, a distance of 60.42 feet;
- 2) Thence N 44° 09' 28" W, a distance of 154.63 feet;
- 3) Thence S 55° 27' 33" W, a distance of 145.20 feet;
- 4) Thence N 72° 49' 22" W, a distance of 331.22 feet;
- 5) Thence S 75° 15' 38" W, a distance of 113.60 feet;
- 6) Thence N 82° 08' 42" W, a distance of 212.30 feet;
- 7) Thence N 69° 24' 12" W, a distance of 258.30 feet;
- 8) Thence N 26° 28' 04" W, a distance of 521.93 feet;
- 9) Thence N 4° 14' 45" W, a distance of 69.99 feet;
- 10) Thence S 67° 51' 16" W, a distance of 161.42 feet;
- 11) Thence S 75° 01' 21" W, a distance of 55.79 feet;
- 12) Thence S 85° 26' 56" W, a distance of 79.53 feet to the west line of said 79.645 acre Muskingum Watershed Conservancy District tract which is the **POINT OF TERMINUS** of the centerline of said waterline easement herein described as determined by Ronald C. Hinton, Ohio Registered Surveyor Number 6270 in January, 2012, but subject to all legal highways and any easements, restrictions or reservations of record.

The Basis of Bearing for this survey was based on Grid North (Ohio State Plane Coordinate System, North Zone, NAD 83) as determined from GPS observations made on January 5, 2012 by David Bodo & Associates, Inc.

Note: All iron bar set are 3/4" in diameter rebar by 30" long with a plastic surveyors cap stamped "David Bodo & Associates". For details of the survey used to prepare this description, see the Survey Plat prepared by David Bodo & Associates, Dated January 17, 2012 in the Carroll County Survey Records.

b. Description of a 30' Wide
Utility Easement

Situated in the Township of Monroe, County of Carroll and State of Ohio:

Being a part of the Northwest and Southwest Quarters of Section 11, Township 15 of Range 7 and being part of the residue of a 79.645 acre tract of land as conveyed to Muskingum Watershed Conservancy District by Deed as recorded in Volume 143, Page 152 and being part of the residue of a 74.915 acre tract of land as conveyed to Muskingum Watershed Conservancy District by Deed as recorded in Volume 151, Page 977 of the Carroll County Deed Records and being a 30 foot wide 3" backwash and proposed 8" waterline easement, of which 22 feet lies on the left side (southerly and westerly) and 8 feet lies on the right side (northerly and easterly) of which the baseline is more particularly described as follows:

Beginning at a 3/4" iron bar found and witnessed by a MWCD post on the northeast corner of the Southwest Quarter of Section 11;
Thence N 88° 22' 54" W along the north line of said Southwest Quarter of Section 11, a distance of 909.36 feet to a 5/8" iron bar set on the easterly end of a 40' driveway easement;
Thence S 27° 57' 08" E along the easterly end of a driveway easement, a distance of 20.00 feet to a 3/4" iron bar set at the northeast corner of a 0.938 acre parcel;
Thence S 62° 02' 52" W along the northwesterly line of said 0.938 acre parcel, a distance of 161.87 feet to a 3/4" iron bar set;
Thence along the northwesterly line of said 0.938 acre parcel which is along the arc of a curve to the right (Δ 23° 14' 22", Radius 180.00', Chord S 73° 40' 03" W - 72.51'), an arc distance of 73.01 feet to a 3/4" iron bar set;
Thence S 30° 00' 00" E, a distance of 30.53 feet to the **TRUE PLACE OF BEGINNING** of the baseline of said 30 foot easement;

- 1) Thence S 80° 30' 09" W, a distance of 58.86 feet;
- 2) Thence S 84° 33' 12" W, a distance of 100.28 feet;
- 3) Thence N 73° 10' 04" W, a distance of 85.75 feet;
- 4) Thence N 59° 05' 52" W, a distance of 54.33 feet;
- 5) Thence N 47° 24' 26" W, a distance of 104.22 feet;
- 6) Thence N 60° 18' 15" W, a distance of 82.07 feet;
- 7) Thence N 71° 54' 12" W, a distance of 82.24 feet;
- 8) Thence N 77° 48' 15" W, a distance of 128.83 feet;
- 9) Thence N 71° 42' 37" W, a distance of 280.18 feet;
- 10) Thence N 62° 45' 05" W, a distance of 48.67 feet;
- 11) Thence N 66° 43' 42" W, a distance of 56.75 feet;
- 12) Thence N 42° 28' 01" W, a distance of 162.56 feet;
- 13) Thence N 27° 50' 10" W, a distance of 120.48 feet;
- 14) Thence N 20° 02' 32" W, a distance of 260.89 feet;
- 15) Thence N 67° 44' 25" W, a distance of 67.90 feet;
- 16) Thence S 67° 51' 16" W, a distance of 107.32 feet;
- 17) Thence S 84° 48' 43" W, a distance of 169.94 feet to the west line of said 79.645 acre Muskingum Watershed Conservancy District tract which is the **POINT OF TERMINUS** of the baseline of said 30 foot easement herein described as determined by Ronald C. Hinton, Ohio Registered Surveyor Number 6270 in January, 2012, but subject to all legal highways and any easements, restrictions or reservations of record.

The Basis of Bearing for this survey was based on Grid North (Ohio State Plane Coordinate System, North Zone, NAD 83) as determined from GPS observations made on January 5, 2012 by David Bodo & Associates, Inc.

Note: All iron bar set are 3/4" in diameter rebar by 30" long with a plastic surveyors cap stamped "David Bodo & Associates". For details of the survey used to prepare this description, see the Survey Plat prepared by David Bodo & Associates, Dated January 17, 2012 in the Carroll County Survey Records.

ii. District reserves the right to excavate and refill ditches and trenches for the location of such pipelines and utility lines and the right to grade the strip of land for its full width and to extend the cuts and fills for grading into and on the land along and outside of the strip to the extent District finds reasonably necessary;

iii. The right to support the pipelines and other utility lines across ravines and watercourses with any structures or poles District deems necessary;

iv. The right to enter onto and depart from the strip over and across the land by means of roads and lanes, if they exist, otherwise by a route or routes as will cause the least practicable damage and inconvenience to land;

v. The right of grading for, constructing, maintaining and using any roads on and across the lands which District deems necessary in the exercise of the right to enter and depart to provide access to property adjacent to the land;

vi. The right from time to time to trim and to cut down and clear away any and all trees and brush now or in the future on the strip and to trim and to cut down and clear away any trees on either side of the strip which now or in the future in the opinion of District may be a hazard to the utility lines, pipelines, valves, appliances, or fittings, by reason of the danger of falling, or may interfere with the exercise of District's rights. However, all trees which District is authorized to cut and remove, if valuable for timber or wood, will continue to be the property of County. All tops, lops, brush, and refuse wood will be burned or removed by District;

vii. The right to install, maintain, and use gates in all fences which now cross or will in the future cross the strip;

viii. The right to mark the location of the strip by suitable markers set in the ground; provided that markers will be placed in fences or other locations which will not interfere with any reasonable use County will make of the strip.

ix. Limitations - District covenants and agrees:

a. District will promptly backfill any trench made by it on the strip and repair any damage District may do to County's private roads or lanes on the lands;

b. District will indemnify against any loss and damage that will be caused by the exercise of the right to enter onto and depart from the strip or by any wrongful or negligent act or omission of District or of its agents or employees in the course of their employment.

x. County reserves the right to use the strip for purposes that will not interfere with District's full enjoyment of the rights granted. County, however, must not erect or construct any building or other structure, or drill or operate any well, or construct any reservoir or other obstruction on the strip, or diminish or substantially add to the ground cover over the pipelines or other utility lines.

xi. In the event County, their successors or assigns, desire to build over, encroach upon, change the grade, or otherwise utilize all or any portion of the easement to permit the improvement of property, now restricted hereunder, the District may grant permission to County to reconstruct or relocate all or a portion of utilities affected by such use of land, and where necessary grant a new easement of the same size under the same terms and conditions as herein provided, with County to bear the entire cost of reconstructing or relocating the utilities in accordance with the provisions, rules, regulations and requirements of the District, its successors or assigns.

xii. The use of the term "waterline" or "backwash line" in the above legal descriptions shall not be interpreted to limit the use of the easements in any way. Said easements shall be used for any utility purposes.

3. Temporary Easement for Water Line.

i. District hereby reserves a temporary easement upon, across and under the property for the use, maintenance, operation, repair, and replacement of water lines, required for the development and use of the Water Tower and Water Plant property being retained by District. The location of said easement is described as:

Description of a 30' Wide Waterline Easement

Situated in the Township of Monroe, County of Carroll and State of Ohio:

Being a part of the Northwest and Southwest Quarters of Section 11, Township 15 of Range 7 and being part of a 145.6 acre tract of land as conveyed to Muskingum Watershed Conservancy District by Deed as recorded in Volume 167, Page 868 of the Carroll County Deed Records and being part of the residue of a 79.645 acre tract of land as conveyed to Muskingum Watershed Conservancy District by Deed as recorded in Volume 143, Page 152 and being part of the residue of a 74.915 acre tract of land as conveyed to Muskingum Watershed Conservancy District by Deed as recorded in Volume 151, Page 977 of the Carroll County Deed Records and being a 30 foot wide waterline easement, of which the centerline is to follow the existing 10" waterline and is more generally described as follows:

Beginning at a 3/4" iron bar found and witnessed by a MWCD post on the northeast corner of the Southwest Quarter of Section 11;

Thence N 88° 22' 54" W along the north line of said Southwest Quarter of Section 11, a distance of 909.36 feet to a 5/8" iron bar set on the easterly end of a 40' driveway easement;

Thence S 27° 57' 08" E along the easterly end of a driveway easement, a distance of 20.00 feet to a 3/4" iron bar set at the northeast corner of a 0.938 acre parcel;

Thence S 62° 02' 52" W along the northwesterly line of said 0.938 acre parcel which is along the southwesterly line of said driveway easement and is along the southerly end of this 30 foot wide waterline easement, a distance of 33.24 feet to the **TRUE PLACE OF BEGINNING** of the centerline of said waterline easement;

- 1) Thence N 9° 03' 22" W, a distance of 812.39 feet;
- 2) Thence N 11° 18' 33" W, a distance of 261.55 feet;
- 3) Thence N 14° 15' 22" W, a distance of 161.90 feet;
- 4) Thence N 26° 59' 51" W, a distance of 66.66 feet;
- 5) Thence N 9° 55' 45" W, a distance of 265.60 feet;
- 6) Thence S 88° 19' 00" W, a distance of 296.44 feet;
- 7) Thence N 89° 34' 14" W, a distance of 473.51 feet;
- 8) Thence N 0° 34' 25" W, a distance of 36.51 feet to the centerline of State Route #542 which is the **POINT OF TERMINUS** of the centerline of

said waterline easement herein described as determined by Ronald C. Hinton, Ohio Registered Surveyor Number 6270 in January, 2012, but subject to all legal highways and any easements, restrictions or reservations of record.

The Basis of Bearing for this survey was based on Grid North (Ohio State Plane Coordinate System, North Zone, NAD 83) as determined from GPS observations made on January 5, 2012 by David Bodo & Associates, Inc.

Note: All iron bar set are 3/4" in diameter rebar by 30" long with a plastic surveyors cap stamped "David Bodo & Associates". For details of the survey used to prepare this description, see the Survey Plat prepared by David Bodo & Associates, Dated January 17, 2012 in the Carroll County Survey Records.

ii. The District, for itself and its successors and assigns, agrees that if the easement area or any surrounding lands, are disturbed for the purpose of construction, use, maintenance, operation, repair, and replacement of such water, sewer or other utility lines, the District will immediately restore said area and/or surrounding lands to the condition in which they were found at the time of the commencement of the work.

iii. The District, for itself and its successors and assigns, hereby indemnifies and agrees to hold the County, and the County's successors and assigns, harmless from and against any cost, liability or claim arising out of the construction, use, maintenance, operation, repair, and replacement of lines within the easement area, or arising out of any activities of the District, the District's successors or assigns, or any employee, contractor, agent, tenant, guest, or invitee of the District or the District's successors or assigns.

iv. The right, privilege granted for this temporary easement will cease and terminate after the completion of construction and commencement of operation of the District's new water treatment plant and the shutdown of the current water treatment plant. After termination of this easement all rights and responsibilities related to this water line shall inure to the County herein.

v. County is restricted from storing or placing of any materials, equipment or other obstructions thereon, or otherwise interfering with the access to or the operation and maintenance of waterline.

vi. District shall execute a release of this temporary easement which shall be recorded with the Carroll County Records Office within 60 days of the termination of said easement.

IV. Matters of Record - This conveyance is subject to all matters of record, including, but not limited to:

Coal lease from Jacob L. Beamer and Elizabeth Beamer, his wife to Michael Mowes and John Kimmel dated November 3, 1887, filed for record November 24, 1887, and recorded in Volume 1, Page 347, Carroll County Records of Leases.

Deed from Elizabeth L. Beamer, Louis L. Beamer and Jennie Beamer, his wife, Blanche C. Bartholomew and William Bartholomew, her husband, Clyde C. Beamer and Alice Beamer, his wife, Harvy H. Beamer and Alice Beamer, his wife, and Alice N. Beamer; to Jesse A. Weandt and Clara M. Weandt dated February 27, 1922, filed for record May 13, 1922, at 10:00 a.m. and recorded in Volume 81, Page 257, Carroll County Records of Deeds, relating to coal, easements and related matters. (see attached copy for further information).

Coal lease from Clyde C. Beamer and Lewis L. Beamer and Harvey H. Beamer and Alice N. Beamer, and Elizabeth L. Beamer, widow of Jacob Beamer to Daniel S. German and Otis C. German doing business in Ohio under the firm name and style of D.S. German & Son dated November 19, 1927, filed for record January 27, 1928, at 4:20 p.m., and recorded in Volume 16, Page 453, Carroll County Records of Leases.

Agreement from Mary Negutt, a widow, Michael Negutt, Andy Negutt, Anna Negutt, Mary Negutt; with John B. Dobransky, Andrew Dobransky, Joseph E. Dobransky dated July 1, 1936, filed for record July 27, 1936, at 11:35 a.m. and recorded in Volume 25, Page 12, Carroll County Records of Leases, relating to coal, easements and related matters.

Indenture from Esther Beamer (widow), Mary Margaret Russell, Samuel Russell, husband, Martha J. Hoopengartner, Nickolas Hoopengartner, her husband, Louis O. Beamer, Elizabeth Beamer, his wife, Catherine Hall, Sutton Hall, her husband, Esther A. Tipton, Samuel E. Tipton, her husband Eliza Pearch, Melancthon Pearch, her husband, Jacob L. Beamer, Elizabeth Beamer, his wife, children and Legatees and legal representatives of Jacob Beamer, deceased, together with Jackson Russell, as Guardian of Oliver Russell, Ada Ann Russell, Clyde Russell, Eliza Russell and Merideth Yersley Russell, minors and children of Sara Russell, deceased, who was also a child and legatee and one of the legal representatives of said Jacob Beamer, deceased, as well as for himself as the surviving husband of said Sarah Russell, deceased, parties of the first part; to Michael Mowes and John Kimmell, parties of the second part dated March 10, 1887, filed for record July 2, 1890, and recorded in Volume 1, Page 401, Carroll County Records of leases. (See attached copy for further information).

Flowage easement from J.S. Yoder to Muskingum Watershed Conservancy District in deed dated March 25, 1940, filed April 8, 1940, at 10:25 a.m. and recorded in Volume 106, Page 406, Carroll County Deed Records.

Deed from Otto I. Oyler (Virginia T. Oyler, wife, releases dower), to Marion H. Marquart and Shirley I. Marquart, dated July 8, 1960, and recorded in Volume 135, Page 347 of Carroll County Records, relating to easements. (See attached copy for further information).

Option and Lease Agreement from Marion H. Marquart and Shirley I. Marquart to Clarence Mining, Inc. dated August 13, 1960, filed for record August 17, 1960, at 9:50 a.m. and recorded in Volume 32, Page 93A of Carroll County Records of Leases.

Deed from Otto I. Oyler, (Virginia T. Oyler, his wife, releases dower) to Atwood Lake Golf Club, Inc. dated May 20, 1964, and recorded in Volume 144, Page 216 of Carroll County Records, relating to reservations, rights and easements and other matters of record. (See attached copy for further information).

Partial Release from Clarence Mining, Inc. by Clarence A. Fibrous, President, Nina A. Fibrous, Secretary to Marion H. Marquart and Shirley I. Marquart, dated December 30, 1965, filed for record January 3, 1966, at 1:55 p.m. and recorded in Volume 5, Page 556, Carroll County Records of Partial Releases.

Easement from Marion H. Marquart and Sbirley I. Marquart, his wife, to Ohio Power Company an Ohio Corporation dated February 19, 1966, filed March 3, 1966 at 1:43 p.m. and recorded in Volume 149, Page 743, Carroll County Deed Records.

Right of Way from Otto I. Oyler and Virginia T. Oyler, first party and Marion H. Marquart and Shirley I. Marquart, second party dated May 3, and 10, 1966, filed May 11, 1966, at 9:30 a.m. and recorded in Volume 150, Page 712, Carroll County Deed Records.

Oil and Gas lease from Andrew Negut and Mary Negut, his wife, to Natural Gas Co. of West Va. dated April 12, 1932 and recorded in Volume 21, Page 290, Carroll County Lease Records.

Oil and Gas lease from Mary Negut, widow, Helen Colaprite and Nicholas Colaprite, wife and husband, to Natural Gas Company of West Virginia dated October 8, 1937, filed for record November 9, 1937 at 10:40 a.m. and recorded in Volume 23, Page 481, Carroll County Lease Records.

Oil and Gas Lease from Helen Colaprite, unmarried, to Natural Gas Company of West Virginia dated September 9, 1940 filed for record October 3, 1940, at 9:25 a.m. in Volume 23, Page 490, Carroll County Lease Records.

Oil and Gas Lease from Helen Colaprite, unmarried, to Natural Gas Company of West Virginia dated September 12, 1945, filed for record October 30, 1945, at 9:15 a.m. and recorded in Volume 28, Page 203, Carroll County Lease Records.

Oil and gas lease from Helen Dellego and Jerry Dellego, wife and husband, dated March 17, 1950, filed for record July 20, 1950, at 3:15 p.m. and recorded in Volume 30, Page 111, Carroll County Lease Records.

Warranty Deed from Marion H. Marquart and Shirley I. Marquart, husband and wife, to Harrison Leasing Company, dated August 26, 1966, filed for record August 27, 1966, at 8:36 a.m. and recorded in Volume 151, Page 690, Carroll County Records, relating to coal, easements and other matters of record. (See attached copy for further information).

Quit Claim Deed from Marion H. Marquart and Shirley I. Marquart, husband and wife, to Harrison Leasing Company, dated August 26, 1966, filed for record August 27, 1966, at 8:39 a.m., and recorded in Volume 151, Page 695 of Carroll County Records, conveying coal underlying 225.161 acres and more land.

Exception of coal as set forth in Warranty Deed from Harrison Leasing Company to Muskingum Watershed Conservancy District dated August 26, 1966, filed for record September 29, 1966, at 10:43 a.m. and recorded in Volume 151, Page 977, Carroll County Deed Records.

Quit Claim of coal as set forth in Quit Claim Deed from Harrison Leasing Company, an Ohio Corporation to Muskingum Watershed Conservancy District dated August 26, 1966, filed of record September 29, 1966, at 10:44 a.m. and recorded in Volume 151, Page 981, Carroll County Deed Records.

Temporary Right of Way from Muskingum Watershed Conservancy District to the State of Ohio dated May 29, 1968, filed for record September 17, 1968 at 2:20 p.m. and recorded September 20, 1968 in Volume 4, Page 109, Carroll County Articles of Agreement.

Temporary Right of Way from Muskingum Watershed Conservancy District to the State of Ohio dated May 29, 1968, filed for record September 17, 1968 at 2:21 p.m. and recorded September 20, 1968 in Volume 4, Page 111, Carroll County Articles of Agreement.

Easement from Muskingum Watershed Conservancy District to Ohio Power Company dated November 14, 1967, filed for record November 21, 1967 at 9:45 a.m. and recorded November 24, 1967 in Volume 155, Page 108, Carroll County Deed Records.

Easement from Muskingum Watershed Conservancy District to State of Ohio dated May 29, 1968, filed for record September 17, 1968 at 2:19 p.m. and recorded September 20, 1968 in Volume 157, Page 378, Carroll County Deed Records.

Easement from Muskingum Watershed Conservancy District to State of Ohio dated May 15, 1969, filed for record July 18, 1969 at 10:09 a.m. and recorded July 25, 1969 in Volume 160, Page 195, Carroll County Deed Records.

Subject to 25 foot right-of-way as described in warranty deed recorded in Volume 151, Page 977, Carroll County Deed Records

Oil and gas lease from Muskingum Watershed Conservancy District to Puskarich Enterprises dated December 1, 1969, and recorded March 16, 1970 at 9:35 a.m. in Volume 44, Page 704 of the Carroll County Lease Records.

Pole and wire easement to Carroll County Electric Co-Op., Volume 144, Page 71.

Transmission line easement to Ohio Power Company, Volume 151, Page 481, Deed Records.

Pipeline easement in favor of Muskingum Watershed Conservancy District, Vol. 157, Page 668, Deed Records.

Subject to reservations and rights and easements contained in deed from Otto I Oyler, married, Virginia Oyler signs, to Atwood Lake Golf Club, Inc., dated May 20, 1964, and recorded May 21, 1964 at 9:57 a.m. in Volume 144, Page 216 of the Carroll County Deed Records.

Easement from Otto I. Oyler and Virginia T. Oyler, husband and wife, to Carroll Electric Cooperative, Inc., dated April 24, 1963, filed for record April 27, 1963 at 12:55 p.m. in Volume 144, Page 72, Carroll County Deed Records.

Flood Easement from Muskingum Watershed Conservancy District dated December 12, 1938, and filed for record December 12, 1938 at 1:40 p.m. in Volume 104, Page 576, Carroll County Deed Records.

Journal Entry, easement for highway purposes, filed for record June 1, 1967, at 3:55 p.m., and recorded June 2, 1967, in Volume 153, Page 577, Carroll County Deed Records.

Flood Easement from Muskingum Watershed Conservancy District dated November 19, 1938, and filed for record December 30, 1938 at 10:20 a.m. in Volume 104, Page 602, Carroll County Deed Records.

Subject to conveyance and flowage easement as contained in Journal Entry No. 21669 GC6828-36a, entitled Mary F. Huffman by Tuscarawas County Court to Muskingum Watershed Conservancy District dated September 4, 1941, received for record September 5, 1941 at 1:50 p.m. and recorded September 8, 1941 in Volume 109, Page 188 of the Carroll County Deed Records.

Flowage easement from Muskingum Watershed Conservancy District to the United States of America dated January 16, 1942, recorded in Deed Book 110, Page 244, Carroll County Records.

Flowage easement from Muskingum Watershed Conservancy District to the United States of America dated January 16, 1942, received for record March 3, 1943, at 11:15 a.m. and recorded in Deed Book 109, Page 606, Carroll County Records.

Flowage Easement from Muskingum Watershed Conservancy District to the United States of America dated May 28, 1941, filed for record August 22, 1941 at 2:30 p.m. in Volume 109, Page 575, Carroll County Deed Records.

Easement from Wilbur J. Truman and Frank A. Truman to Carroll Electric Co-Op., Inc., dated November 15, 1938, and filed for record April 25, 1963 at 9:05 a.m. in Volume 141, Page 204, Carroll County Deed Records.

Subject to 20 foot right-of-way as recorded in Volume 143, Page 152, Carroll County Deed Records.

Plat of Truman Subdivision filed for record June 23, 1958 at 11:00 a.m. and recorded June 25, 1958, in Volume 3, Page 51, Carroll County Plat Records, and re-recorded December 2, 1963 in Volume 3, Page 167, Carroll County Plat Records.

Highway easement from Warren A. Ostergard and Caroline M. Ostergard, husband and wife, to the State of Ohio dated May 26, 1966, and recorded in Volume 151, Page 645, Carroll County Deed Records.

Highway easement from Warren A. Ostergard and Caroline M. Ostergard, husband and wife, to the State of Ohio dated November 20, 1967 and recorded in Volume 155, Page 490, Carroll County Deed Records.

Certificate of Notice of Intent to Vacate Lot within Ron-Lee Estates Sub-division dated September 22, 1975, filed for record September 22, 1975, at 2:44 p.m. and recorded September 24, 1975 in Volume 183, Page 438, Carroll County Records.

Plat of Truman Sub-Division No. 2 filed for record August 14, 1961 in Volume 3, Page 119 of the Carroll County Plat Records. Recorded December 2, 1963 in Volume 3, Page 168 of the Carroll County Plat Records.

Protective and Restrictive Covenants of Truman Subdivision No. 2 filed August 18, 1961 at 10:55 a.m. in Plat Book 3 at Page 120.

Easement from Ernest Porco and Janet M. Porco, husband and wife, to Atwood Regional Water and Sewer District, dated February 4, 1978, filed February 8, 1978 at 11:28 a.m. and recorded in Volume 193, Page 72, Deed Records.

Easement for highway purposes to the State of Ohio, dated August 24, 1966, filed August 25, 1966 and recorded in Volume 151, Page 641, Deed Records.

Easement for highway purposes to the State of Ohio, filed January 20, 1975 at 10:00 a.m. and recorded in Volume 180, Page 780, Deed Records.

Easement to Carroll Electric Cooperative, Inc., dated September 27, 1982, filed November 30, 1982 at 9:32 a.m. and recorded in Volume 209, Page 763, Deed Records.

Easement for highway purposes to the State of Ohio, dated May 26, 1966, filed August 24, 1966 at 12:06 p.m. and recorded in Volume 151, Page 633, Deed Records.

Easement to Carroll Electric Cooperative, Inc., dated September 22, 1982, filed November 30, 1982 at 9:31 a.m. and recorded in Volume 209, Page 762, Deed Records.

Flowage Easement from Muskingum Watershed Conservancy District to the United States of America dated January 6, 1941, filed for record July 14, 1941, at 1:00 p.m. and recorded July 15, 1941 in Volume 107, Page 507, Carroll County Deed Records.

Flowage Easement from Muskingum Watershed Conservancy District to the United States of America dated January 3, 1941, filed for record July 14, 1941, at 1:00 p.m. and recorded July 15, 1941 in Volume 107, Page 510, Carroll County Deed Records.

Flowage Easement from Muskingum Watershed Conservancy District to the United States of America dated January 14, 1941, filed for record July 14, 1941, at 1:00 p.m. and recorded July 15, 1941 in Volume 107, Page 512, Carroll County Deed Records.

Flowage Easement from Muskingum Watershed Conservancy District to the United States of America dated August 1, 1941, filed for record November 12, 1942, at 2:30 p.m. and recorded November 17, 1942, in Volume 110, Page 181, Carroll County Deed Records.

Flowage Easement from Muskingum Watershed Conservancy District to the United States of America dated August 1, 1941, filed for record September 14, 1943, at 2:00 p.m. and recorded September 15, 1943, in Volume 110, Page 443, Carroll County Deed Records.

Easement from Muskingum Watershed Conservancy District to the United States of America recorded in Volume 157, Page 378, Carroll County Deed Records.

Easement from Muskingum Watershed Conservancy District to Atwood Regional Water & Sewer dated October 18, 1978, filed for record December 7, 1978, at 3:05 p.m. and recorded January 3, 1979 in Volume 196, Page 774, Carroll County Deed Records.

Flood Easement Agreement from Muskingum Watershed Conservancy District to John W. Day dated March 4, 1941, filed for record October 20, 1942, at 9:55 a.m. in Volume 3, Page 221, Carroll County Articles of Agreement Records.

Reservation of right to use spring as contained in deed from Wilbur Truman and Frank Truman to Gaynol Nixon dated February 2, 1942, filed for record July 14, 1942, at 10:30 a.m. and recorded July 14, 1942, in Volume 110, Page 38, Carroll County Deed Records.

Easement from Wilbur J. Truman and Frank A. Truman to Carroll Electric Coop dated November 15, 1938, filed for record April 25, 1963, at 9:05 a.m. and recorded April 26, 1963 in Volume 141, Page 204, Carroll County Deed Records.

Right of Way from Muskingum Watershed Conservancy District to the East Ohio Gas Co dated August 6, 1964, filed for record September 9, 1964, at 8:58 a.m. and recorded September 9, 1964 in Volume 145, Page 583, Carroll County Deed Records.

Easement from Muskingum Watershed Conservancy District to Ohio Power Co dated June 30, 1967, filed for record August 29, 1967, at 9:40 a.m. and recorded September 1, 1967 in Volume 154, Page 491, Carroll County Deed Records.

Easement for Highway from Muskingum Watershed Conservancy District to State of Ohio dated April 21, 1967, filed for record September 17, 1968, at 2:18 p.m. in Volume 157, Page 375, Carroll County Deed Records.

Easement from Muskingum Watershed Conservancy District to State of Ohio dated September 18, 1972, filed for record January 30, 1973, at 3:10 p.m. and recorded January 31, 1973 in Volume 172, Page 831, Carroll County Deed Records.

20 foot right of way as contained in deed from Wilbur Truman and M. Truman, husband and wife, to Warren A. Ostergard and Caroline M. Ostergard dated April 10, 1963, and recorded April 10, 1963, at 2:11 p.m. in Volume 141, Page 92, Carroll County Deed Records.

Journal Entry conveying 38 acres and a flood easement to Muskingum Watershed Conservancy District, dated May 23, 1938, and recorded June 2, 1938, at 3:07 p.m. in Volume 104, Page 336, Carroll County Deed Records.

Easement from Muskingum Watershed Conservancy District to the Carroll Electric Coop dated December 8, 1982, filed for record February 24, 1983, at 2:42 p.m. and recorded February 28, 1983 in Volume 210, Page 370, Carroll County Deed Records.

Oil and Gas Lease from Muskingum Watershed Conservancy District to Oxford Oil Co. dated June 1, 1967, filed for record September 8, 1967, at 10:25 a.m. and recorded September 8, 1967 in Volume 40, Page 298, Carroll County Lease Records.

Railroad Right of Way as contained in Deed from Joseph McGregor and Rebeca McGregor, his wife, to David Sutor dated December 9, 1881, filed for record March 7, 1882, and recorded March 10, 1882 in Volume 36, Page 14, Carroll County Deed Records.

Easement from Muskingum Watershed Conservancy District to Ohio Power Company dated November 14, 1967, filed for record November 21, 1967 at 9:45 a.m. and recorded November 24, 1967 in Volume 155, Page 108, Carroll County Deed Records.

Easement from Muskingum Watershed Conservancy District to State of Ohio dated May 29, 1968, filed for record September 17, 1968 at 2:19 p.m. and recorded September 20, 1968 in Volume 157, Page 378, Carroll County Deed Records.

Easement from Muskingum Watershed Conservancy District to State of Ohio dated May 15, 1969, filed for record July 18, 1969 at 10:09 a.m. and recorded July 25, 1969 in Volume 160, Page 195, Carroll County Deed Records.

Option lease agreement between Herbert Jennings and Edna M. Jennings, and Cecil K. James and Richard Vaugh James dated November 25, 1949, and recorded March 7, 1950 at 1:45 p.m. in Volume 30, Page 26 of the Carroll County Lease Records.

Option Lease Agreement between Herbert Jinnings and Clarence Mining, Inc., dated September 30, 1959, and recorded October 1, 1959 at 11:35 a.m. in Volume 32, Page 55A of the Carroll County Lease Records.

Oil and gas lease between Herbert Jinnings and Edna M. Jinnings, husband and wife, to Superior Oil Company dated September 19, 1966, and recorded October 14, 1966 at 9:35 a.m. in Volume 39, Page 269 of the Carroll County Lease Records.

Deed from Alice J. Beamer, unmarried to the Muskingum Watershed Conservancy District conveying her entire interest in coal in and underlying 40.36 acres, 6 acres and 28 rods, and 13 acres and 132 rods dated October 17, 2008, and recorded October 28, 2008 at 12:57 p.m. in Volume 49, Page 1854 of the Carroll County Official Records.

Conveyance, assignment and bill of sale from Range Resources - Appalachia, LLC, a Delaware limited liability company, ("Assignor") to EnerVest Institutional Fund XI-A, L.P., a Delaware limited partnership ("Fund XI-A"), EnerVest Institutional Fund XI-WI, L.P., a Delaware limited partnership ("Fund XI-WI"), CGAS Properties, L.P., a Delaware limited partnership ("CGAS", with Fund XI-A, Fund XI-WI and CGAS collectively called "Assignee") dated March 30, 2010, and recorded April 12, 2010 at 3:13 p.m. in Volume 59, Page 1259 of the Carroll County Official Records.

Parcel #23-0060003.000, 22-0060048.000, 22-0001179.000, 23-0001314.000, 23-0001286.000, 22-0001180.000, 22-0060020.000, and 22-0060004.000.

Prior Instrument Reference: Volume 151, Page 977, Volume 167, Page 868, Volume 201, Page 712, Volume 143, Page 152, Volume 172, Page 701, and Volume 154, Page 214, Carroll County Deed Records.

Executed this 10th day of February, 2012.

MUSKINGUM WATERSHED
CONSERVANCY DISTRICT

By: *John M. Hoopgarner*
John M. Hoopgarner

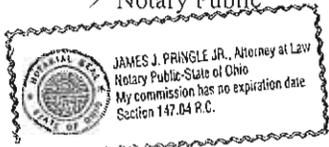
Its: Executive Director/Secretary

STATE OF OHIO, COUNTY OF CARROLL: SS

Before me, the subscriber, a Notary Public in and for said County, personally came Muskingum Watershed Conservancy District, by John M. Hoopgarner, its Executive Director/Secretary, the Grantor(s) in the foregoing Deed, and acknowledged the signing thereof to be his voluntary act and deed personally and as such officer(s).

In Testimony Whereof, I have hereunto set my hand and official seal, this 10th day of February, 2012.

James J. Pringle Jr.
Notary Public



This instrument prepared by: Jonathan C. Mizer
Kyler, Pringle, Lundholm & Durmann
New Philadelphia, Ohio