

5/15

(3)

Sidwell no. 16-36-176-001-1; 16-36-176-001-2

DEED OF TRUSTEE

ELEANOR M. GOULD, AND F. LAWRENCE AVERBECK, CO-TRUSTEES of the RICHARD E. GOULD IRREVOCABLE TRUST dated JUNE 22, 2001, AND ELEANOR M. GOULD, SUCCESSOR TRUSTEE OF THE GOULD FAMILY REVOCABLE TRUST UNDER AGREEMENT DATED JUNE 16, 1999, (hereinafter "GRANTOR") of Warren County, Ohio by the power conferred in said Trust, and every other power, for \$1.00 paid, grants with fiduciary covenants to THE CITY OF MASON, OHIO, an Ohio municipal corporation, (hereinafter "GRANTEE") whose tax-mailing address is 202 W. Main Street, Mason, Ohio 45040, the following real property situated in the State of Ohio, County of Warren:

See attached legal description marked Exhibit "A".

The Property is conveyed subject to the following RESTRICTIONS AND COVENANTS:

- 1. Grantee shall use the property for park purposes and any ancillary use necessary to utilize the overall parcels for Park purposes; provided, however, that condemnation proceedings are exempted.**
- 2. The property shall be forever free of all buildings, fences, and structures except such buildings, fences and structures as are associated with the maintenance of the Property as a Park or parkland, allowing for public access and use.**
- 3. Grantor and Grantee hereby agree that the above-referenced Restrictions and Covenants shall be for the benefit of present and future parties of interest and any or all of them may, at any time, maintain a suit for the specific performance of any and all of the Restrictions and Covenants and to restrain any violations of same.**

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SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

Prior Instrument Reference: Official Record Book 2358, Pages 518 and 522 and Official Record Book 1831, page 824, Warren County, Ohio records.

Executed by **ELEANOR M. GOULD, CO-TRUSTEE** of the **RICHARD E. GOULD IRREVOCABLE TRUST** dated **JUNE 22, 2001**, AND **ELEANOR M. GOULD, SUCCESSOR TRUSTEE OF THE GOULD FAMILY REVOCABLE TRUST UNDER AGREEMENT** dated **JUNE 16, 1999**, this 11th day of Dec, 2003.

Eleanor M. Gould, Co-Trustee
ELEANOR M. GOULD, CO-TRUSTEE of the
RICHARD E. GOULD IRREVOCABLE TRUST
dated **JUNE 22, 2001**,

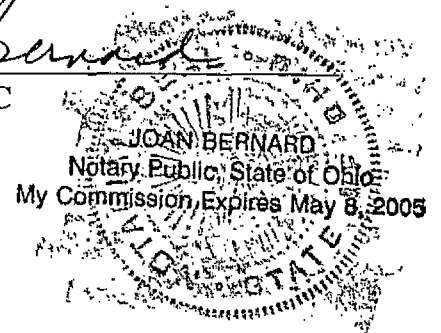
Eleanor M. Gould, Successor Trustee
ELEANOR M. GOULD, SUCCESSOR TRUSTEE
OF THE GOULD FAMILY REVOCABLE
TRUST UNDER AGREEMENT dated **JUNE 16,**
1999

STATE OF OHIO,

COUNTY OF WARREN, SS:

The foregoing instrument was signed and acknowledged before me this 11 day of DECEMBER 2003, by **ELEANOR M. GOULD, CO-TRUSTEE** of the **RICHARD E. GOULD IRREVOCABLE TRUST** dated **JUNE 22, 2001**, AND **ELEANOR M. GOULD, SUCCESSOR TRUSTEE OF THE GOULD FAMILY REVOCABLE TRUST UNDER AGREEMENT** dated **JUNE 16, 1999**.

Joan Bernard
NOTARY PUBLIC



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Executed by **F. LAWRENCE AVERBECK, CO-TRUSTEE** of the **RICHARD E. GOULD IRREVOCABLE TRUST** dated **JUNE 22, 2001**, this 8 day of DECEMBER, 2003.

Witnesses:
Mary M. Clark

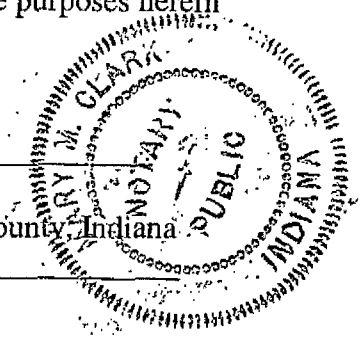
Maureen P. Garland

F. Lawrence Averbeck
F. LAWRENCE AVERBECK, CO-TRUSTEE of the **RICHARD E. GOULD IRREVOCABLE TRUST** dated **JUNE 22, 2001**

STATE OF INDIANA, COUNTY OF Allen, SS:

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared the within named **F. LAWRENCE AVERBECK, CO-TRUSTEE** of the **RICHARD E. GOULD IRREVOCABLE TRUST** dated **JUNE 22, 2001** in the above conveyance and acknowledged the execution of the same to be his voluntary act and deed, for the purposes herein mentioned this 8th day of December, 2003.

Mary M. Clark
NOTARY PUBLIC Mary M. Clark
Resident of: Allen County, Indiana
Commission Expiration: 11 May 2009



This instrument was prepared by Kenneth J. Schneider, Esq., Wood & Lamping LLP, 600 Vine Street, Cincinnati, Ohio 45202
191525.1

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engineers
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architects
surveyors

www.bayerbecker.com

6900 Tylersville Road, Suite A
Mason, OH 45040
P.513.336.6600
f.513.336.9365

EXHIBIT A

December 4, 2003

DESCRIPTION:

49.821 Acres

LOCATION:

City of Mason
Warren County, Ohio

16-36-176-001 N/S
E

Situated in Section ³⁶ 3, Town ⁴ 4, Range 2, City of Mason, Warren County, Ohio, and being all of a 49.740 acre and a 1.000 acre tract, as conveyed to Eleanor Gould in Official Record 2358, Page 522 of the Warren County Recorders Office, containing 49.821 acres being further described as follows:

Begin at a set 5/8" iron pin on the northwest corner of lot 43 of Birchwood South Subdivision, Section 2, as recorded in Plat Book 36, Page 8 of the Warren County Recorder's Office, said pin also on the easterly line of Birchwood Farms Subdivision, Section 10, as recorded in Plat Book 33, Page 18, said pin being the point of beginning;

- thence from the point of beginning, with said Birchwood Farms Subdivision, North 05°01'28" East, 1314.78 feet, to a set 5/8" iron pin;
- thence South 87°02'15" East, passing a found 1/2" iron pin and departing said Birchwood Farms Subdivision at 678.54 feet, a total distance of 1617.71 feet, to a found 1/2" iron pin at the southeast corner of Gerald L. Pelfrey, Jr., as recorded in Official Record 702, Page 325;
- thence with said Pelfrey, North 04°35'03" East, 38.00 feet, to a set 5/8" iron pin in Mason Road;
- thence departing said Pelfrey, and with said Mason Road, the following two courses:
South 84°19'21" East, 22.70 feet, to a set 5/8" iron pin;
- thence South 36°02'57" East, 313.73 feet to the northwest corner of The Dilley Subdivision as recorded in Plat Book 2, page 158;
- thence departing said Mason Road, with the northerly line of said Dilley Subdivision, South 86°23'56" West, passing a set 5/8" iron pin at 29.63 feet, a total distance of 223.63 feet, to a set 5/8" iron pin on the northwest corner of lot 80 of said Dilley Subdivision;
- thence with the west line of said Dilley Subdivision, South 03°12'19" West, 1000.46 feet, to a set 5/8" iron pin at an existing fence post on a northerly line of lot 56 of Mason Meadows Subdivision, as recorded in Plat Book 3, page 81 and the terminus of the right of way of Western Avenue;
- thence departing said Dilley Subdivision and said right of way, with said Mason Meadows, South 84°52'10" West, 673.00 feet, to a set 5/8" iron pin on a northwest corner of lot 72 of Birchwood South Subdivision, Section 3 as recorded in Plat Book 38, Page 83;
- thence departing said Mason Meadows, and with said Birchwood South, North 86°14'52" West, passing a found 1/2" iron pin at 973.64 feet, a total distance of 993.64 feet, to the true point of beginning, containing 49.821 acres of land subject to all easements and rights of way of record.

The above description is the result of a survey prepared by Jeffrey O. Lambert, with Bayer Becker, Ohio Registered Surveyor No. 7568, dated 12/04/03, the survey plat of which of filed in Vol: 92, Plat No. 121 of the Warren County Engineer's Record of Land Division.

COPY

820.1
TRANSFERRED

43
DEC 17 2003

SEC. 319.202 COMPLIED WITH
NICK NELSON, Auditor
WARREN COUNTY, OHIO



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BETH DECKARD - WARREN COUNTY RECORDER
Doc #: 449318 Type: DEED
Filed: 12/17/2003 9:51:40 \$ 52.00
OR Volume: 3382 Page: 443 Return: N
Rec#: 34383 Pages: 5
HEARNER ENGEL WOOD & LAMPING