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JUN 9 1992
VOL. 373 PG. 578
PORT CLINTON, OHIO

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KNOW ALL MEN BY THESE PRESENTS:

That the Sand Beach Association, Inc., a Corporation duly organized and existing under the laws of the State of Ohio, the Grantor, acting by and through its duly authorized officers and trustees, in consideration of One Dollar (\$1.00), receipt of which is hereby acknowledged, and other consideration including the prospective benefits to be derived by reason of construction and maintenance of certain flood prevention works by the Sand Beach Conservancy District, which District is located entirely within the County of Ottawa, State of Ohio, hereby convey and release to the Sand Beach Conservancy District, its successors and assigns forever, a non-exclusive easement and right of way for construction and maintenance of improvements, to-wit a levee for flood control, hereinafter more particularly designated and described, over and across lands owned by Grantor, situated in the County of Ottawa, State of Ohio, title to which was acquired by Grantor Deed received and recorded in Volume 147 of Deeds at page(s) 227 of the records of the Ottawa County Recorder, Port Clinton, Ohio.

This easement is for the benefit of and opportunate to that land or any portion thereof in the Court of Ottawa, State of Ohio, currently a part of and to be protected by said Grantee, the Sand Beach Conservancy District.

The easement and right of way hereby conveyed and released includes the right to:

1. Construct, reconstruct, inspect, maintain and repair a flood control levee extending the entire length of Grantor's property described below;
2. Enter on such lands with personnel, vehicles, and equipment;
3. Remove from the right of way all trees and vegetation that interfere with the purpose for which this right of way is conveyed and released;
4. Take from the right of way and use earth, rock, sand and gravel for the purpose of construction, maintenance and repair of embankments, protection works, and appurtenant structures, by the Sand Beach Conservancy District, its officers, agents and employees and persons under contract with the District and their employees whenever and wherever necessary for flood control purposes;
5. Install, maintain, or remove landscaping or other environmental improvements;

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6. Make all necessary earth fills; and
7. Locate or relocated existing drainpipes or structures on Grantor's land outside such right of way, provided that after such location or relocation is completed such lands will be left in a neat and orderly condition.

Grantor agrees not to further encumber or install, place, or construct or cause to be installed, placed, or constructed any structures, facilities, growth, or vegetation of any nature within or over the above described lands without the prior written approval of said District, which approval will not be unreasonably withheld. The width, route and course of the easement herein granted for flood control levee is further described as follows:

See Exhibits A, B and C which are attached hereto and incorporated by reference as if fully set forth herein.

Grantor releases the Sand Beach Conservancy District from any and all claims for damages arising from or incident to the construction and maintenance of the levee across the heretofore described lands.

IN WITNESS WHEREOF, said Sand Beach Association, Inc. has caused its corporate name to be subscribed to these presents by its said officers and trustees, this 29th day of May, 1992.

Signed, delivered, and
acknowledged in the
presence of:

Jeffrey D. Burger

Walter B. Brum

SAND BEACH ASSOCIATION, INC.

By: David Matzinger
DAVID MATZINGER, President and
Trustee

By: Mark A. Walter
MARK WALTER, Vice President
and Trustee

By: Debra Matzinger
DEBRA MATZINGER, Secretary and
Trustee

By: _____
SUE STIRSMAN, Financial
Secretary and Trustee

By: Ralph Brannum
RALPH BRANUM, Treasurer and
Trustee

By: _____
JOHN COOK, Trustee

By: *Donald Habegggar*
DONALD HABEGGAR, Trustee

By: *Scott J. Heacock*
SCOTT HEACOCK, Trustee

By: *Donald Kaczynski*
DONALD KACZYNSKI, Trustee

By: *Stanley Kobylak*
STANLEY KOBYLAK, Trustee

By: *Terry Schnell*
TERRY SCHNELL, Trustee

By: *Peck Walter*
PECK WALTER, Trustee

STATE OF OHIO :
: SS.
COUNTY OF OTTAWA:

Before me, a Notary Public, in and for said County and State, personally appeared DAVID MATZINGER, MARK WALTER, DEBRA MATZINGER, SUE STIRSHAN, RALPH BRANUM, JOHN COOK, DONALD HABEGGAR, SCOTT HEACOCK, DONALD KACZYNSKI, STANLEY KODYLAK, TERRY SCHNELL, and PECK WALTER the trustees of said Sand Beach Association, Inc., who acknowledged that they did sign said instrument as trustees and officers of said Sand Beach Association, Inc. on behalf of said grantor company and by authority of its Board of Trustees; and that said instrument is the voluntary act and deed of the trustees and the Sand Beach Association, Inc. as such officers and a voluntary act and deed of said corporation for the uses and purposes hereinafter expressed.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix my official seal this 29 day of May, 1992.



Judith A. Johannsen
Notary Public, State of Ohio

Judith A. Johannsen, Notary Public
State of Ohio
My commission expires Jan. 3, 1995

This Instrument Prepared By:

Mark E. Lupe
Attorney at Law

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EXHIBIT A

BAHAROGLU & ASSOCIATES, INC.
CONSULTING ENGINEERS & SURVEYORS
4 East Seminary Norwalk, Ohio 44857

Easement Description
For
Sand Beach Conservancy District

Being an easement generally fifteen (15) feet in width, lying between Sand Beach Drive and the Boatway, as indicated on the Plat of Sand Beach Plat 1, located in Section 35, T8N, R15E, Carroll Township, Ottawa County, Ohio and being more particularly described as follows;

Easement No. 1:

Beginning at a point on the westerly right of way line of Harris-Harbor Road where the same intersects the southerly right of way line of Sand Beach Drive;

1. Thence South 25°37' 31" West along the westerly right of way line of said Harris-Harbor Road, a distance of 15.00 feet to the northerly line of a thirty (30) foot wide Boatway;
2. Thence North 64° 58' 40" West along the northerly line of said Boatway, a distance of 136.39 feet to a point;
3. Thence North 59° 34' 33" West continuing along the northerly line of said Boatway, a distance of 246.17 feet to the center of Brough Creek;
4. Thence North 20° 47' 54" East along the center of Brough Creek, a distance of 15.21 feet to a point on the southerly right of way line of Sand Beach Drive as indicated on the plat for Sand Beach Plat 1;
5. Thence South 59° 34' 33" East along the southerly right of way line of Sand Beach Drive, a distance of 248.01 feet to a point;
6. Thence South 64° 58' 40" East continuing along the southerly right of way line of Sand Beach Drive, a distance of 135.84 feet to the place of beginning.

Easement No. 2:

Beginning at a point on the easterly right of way line of Harris-Harbor Road where the same intersects the southerly right of way line of Sand Beach Drive;

1. Thence South 64° 58' 40" East along the southerly right of way line of Sand Beach Drive, a distance of 1408.09 feet to a $\frac{1}{2}$ " iron pin set;
2. Thence South 63° 03' 13" East continuing along the southerly right of way line of Sand Beach Drive, a distance of 210.69 feet to a $\frac{1}{2}$ " iron pin set;

3. Thence South 41° 39' 22" East along the southwesterly right of way line of Sand Beach Drive, a distance of 346.20 feet to a $\frac{1}{2}$ " iron pin set;
4. Thence South 44° 28' 04" East continuing along the southwesterly right of way line of Sand Beach Drive, a distance of 284.60 feet to a $\frac{1}{2}$ " iron pin set;
5. Thence South 22° 21' 07" East continuing along the southwesterly right of way line of Sand Beach Drive, a distance of 363.25 feet to a $\frac{1}{2}$ " iron pin set;
6. Thence South 32° 34' 13" East continuing along the southwesterly right of way line of Sand Beach Drive, a distance of 149.48 feet to a point;
7. Thence South 56° 35' 23" East continuing along the southwesterly right of way line of Sand Beach Drive, a distance of 134.15 feet to a drill hole set;
8. Thence South 53° 07' 47" East continuing along the southwesterly right of way line of Sand Beach Drive, a distance of 127.09 feet to a point;
9. Thence South 36° 30' 05" East continuing along the southwesterly right of way line of Sand Beach Drive, a distance of 341.15 feet to a point;
10. Thence northeasterly along the southerly right of way line of Sand Beach Drive following an arc of a curve to the left having a central angle of 121° 10' 39", a radius of 140.00 feet, a chord of 243.91 feet, bearing North 82° 54' 36" East, an arc distance of 296.09 feet to point on the southerly right of way line of said Sand Beach Drive;
11. Thence South 67° 40' 43" East along the southerly right of way line of Sand Beach Drive, a distance of 15.00 feet to the westerly line of a thirty (30) foot wide Boatway;
12. Thence southwesterly along the northerly line of said Boatway following an arc of curve to the right having a central angle of 121° 10' 39", a radius of 155.00 feet, a chord of 270.05 feet, bearing South 82° 54' 36" West, an arc distance of 327.82 feet to a point;
13. Thence North 36° 30' 05" West along the northeasterly line of said Boatway, a distance of 338.96 feet to a point;
14. Thence North 53° 07' 47" West continuing along the northeasterly line of said Boatway, a distance of 124.44 feet to a point;
15. Thence North 56° 35' 25" West continuing along the northeasterly line of said Boatway, a distance of 136.89 feet to a point;
16. Thence North 32° 34' 13" West continuing along the northeasterly line of said Boatway, a distance of 154.01 feet to a point;

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17. Thence North 22° 21' 07" West continuing along the northeasterly line of said Boatway, a distance of 361.66 feet to a point;
18. Thence North 44° 28' 04" West continuing along the northeasterly line of said Boatway, a distance of 282.04 feet to a point;
19. Thence North 41° 39' 22" West continuing along the northeasterly line of said Boatway, a distance of 343.73 feet to a point;
20. Thence North 63° 03' 13" West continuing along the northeasterly line of said Boatway, a distance of 207.60 feet to a point;
21. Thence North 64° 58' 40" West continuing along said Boatway, a distance of 1407.99 feet to the easterly right of way line of Harris-Harbor Road;
22. Thence North 25° 37' 31" East along the easterly right of way line of Harris-Harbor Road, a distance of 15.00 feet to the place of beginning.

Easement No. 3:

Beginning at the most westerly corner of Lot 191 of Sand Beach Plat 1 on the southeasterly right of way line of Sixth Street;

1. Thence South 40° 17' 11" East along the southwesterly line of Lot 191, a distance of 126.49 feet to a point on the northwesterly line of Lots 205 to 212;
2. Thence South 31° 16' 40" West along the northwesterly line of Lots 205 to 212, a distance of 280.39 feet to a point;
3. Thence southerly along the westerly line of Lot 213 following an arc of a curve to the right having a central angle of 14° 18' 27", a radius of 200.00 feet, a chord of 49.81 feet, bearing South 06° 32' 26" West, an arc distance of 49.94 feet to a point on the northerly right of way line of Sand Beach Drive;
4. Thence North 67° 40' 43" West along the northerly right of way line of Sand Beach Drive, a distance of 15.19 feet to the easterly line of a thirty (30) foot Boatway;
5. Thence northerly along the easterly line of said Boatway following an arc of curve to the left having a central angle of 14° 54' 20", a radius of 185.00 feet, a chord of 47.99 feet, bearing North 05° 32' 10" East, an arc distance of 48.13 feet to a point;
6. Thence North 31° 16' 40" East along the southeasterly line of said Boatway, a distance of 219.90 feet to a point;
7. Thence northwesterly along the easterly line of said Boatway following an arc of a curve to the left having a central angle of 71° 33' 51", a radius of 75.00 feet, a chord of 87.71 feet, bearing North 04° 30' 16" West, an arc distance of 93.68 feet to a point;

8. Thence North 40° 17' 11" West along the northeasterly line of said Boatway, a distance of 41.69 feet to a point;
9. Thence northwesterly along the northerly line of said Boatway following an arc of a curve to the left having a central angle of 32° 04' 39", a radius of 75.00 feet, a chord of 41.44 feet, bearing North 56° 19' 31" West, an arc distance of 41.99 feet to a point;
10. Thence North 72° 21' 51" West along the northeasterly line of said Boatway, a distance of 169.47 feet to a point;
11. Thence southwesterly along the westerly line of said Boatway following an arc of a curve to the left having a central angle of 144° 08' 14", a radius of 72.50 feet, a chord of 137.96 feet, bearing South 35° 34' 02" West, an arc distance of 182.39 feet to a point;
12. Thence South 36° 30' 05" East along the southwesterly line of said Boatway, a distance of 227.99 feet to a point;
13. Thence southerly along the easterly line of said Boatway along an arc of a curve to the right having a central angle of 47° 39' 46", a radius of 155.00 feet, a chord of 125.25 feet, bearing South 12° 40' 12" East, an arc distance of 128.94 feet to the northerly right of way line of Sand Beach Drive;
14. Thence North 67° 40' 43" West along the northerly right of way line of Sand Beach Drive, a distance of 15.32 feet to a point on the easterly right of way line of Fifth Street;
15. Thence northerly along the easterly right of way line of Fifth Street following an arc of curve to the left having a central angle of 46° 26' 56", a radius of 140.00 feet, a chord of 110.41 feet, bearing North 13° 16' 36" West, an arc distance of 113.50 feet to a point;
16. Thence North 36° 30' 05" West along the northeasterly right of way line of Fifth Street, a distance of 284.30 feet to a point;
17. Thence North 28° 51' 56" East along the southeasterly right of way line of Fifth Street, a distance of 139.27 feet to a point at the most westerly corner of Lot 176;
18. Thence South 65° 55' 00" East along the southwesterly line of Lot 176, a distance of 120.52 feet to the most westerly corner of Lot 190;
19. Thence South 76° 47' 26" East along the southerly line of Lot 190, a distance of 111.86 feet to the northwesterly right of way line of Sixth Street;
20. Thence South 58° 42' 45" East across Sixth Street, a distance of 40.00 feet to the place of beginning.

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Easement No. 4:
Beginning at a $\frac{1}{2}$ " iron pin set on the southeasterly right of way line of Seventh Street where the same intersects the southwesterly right of way line of Sand Beach Drive;

1. Thence South 70° 29' 23" East along the southwesterly right of way line of Sand Beach Drive, a distance of 287.63 feet to a point;
2. Thence South 63° 57' 31" East continuing along the southwesterly right of way line of Sand Beach Drive, a distance of 240.48 feet to a $\frac{1}{2}$ " iron pin set;
3. Thence South 77° 36' 27" East continuing along the southwesterly right of way line of Sand Beach Drive, a distance of 294.81 feet to a point on the southwesterly continuation of the southeasterly line of Lot 243;
4. Thence South 31° 16' 40" West along the southwesterly continuation of the southeasterly line of Lot 243, a distance of 15.85 feet to a point on the northeasterly line of a thirty (30) foot wide Boatway;
5. Thence North 77° 36' 27" West along the northeasterly line of said Boatway, a distance of 291.47 feet to a point;
6. Thence North 63° 57' 31" West continuing along the northeasterly line of said Boatway, a distance of 241.42 feet to a point;
7. Thence North 70° 29' 23" West continuing along the northeasterly line of said Boatway, a distance of 233.82 feet to a point;
8. Thence southwesterly along an arc of a curve to the left having a central angle of 78° 13' 57", a radius of 50.00 feet, a chord of 63.09 feet, bearing South 70° 23' 38" West, an arc distance of 68.27 feet to a point;
9. Thence South 31° 16' 40" West along the northwesterly line of said Boatway, a distance of 260.65 feet to a point;
10. Thence westerly along the northerly line of said Boatway following an arc of a curve to the right having a central angle of 81° 02' 37", a radius of 50.00 feet, a chord of 64.97 feet, bearing South 71° 47' 58" West, an arc distance of 70.72 feet to a point;
11. Thence North 67° 40' 43" West along the northeasterly line of said Boatway, a distance of 94.20 feet to a point;
12. Thence northwesterly along an arc of a curve to the right having a central angle of 66° 25' 19", a radius of 25.00 feet, a chord of 27.39 feet, bearing North 34° 28' 04" West, an arc distance of 28.98 feet to the southwesterly right of way line of Sand Beach Drive;
13. Thence South 67° 40' 43" East along the southwesterly right of way line of Sand Beach Drive, a distance of 147.03 feet to a point;

14. Thence North 31° 16' 40" East along the southeasterly right of way line of Sand Beach Drive, a distance of 343.42 feet to a the place of beginning.

Bearings are assumed and used to indicate angles only.

This description was prepared by Baharoglu and Associates, Inc. Consulting Engineers and Surveyors, Norwalk, Ohio on December 18, 1991 from an actual survey of the premises dated, December, 1990, by Baharoglu & Associates, Inc. Consulting Engineers and Surveyors, Norwalk, Ohio per Ronald A. Morehouse, Registered Surveyor No. 5340.

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EXHIBIT B

BAHAROGLU & ASSOCIATES, INC.
CONSULTING ENGINEERS & SURVEYORS
4 East Seminary Norwalk, Ohio 44857

Easement Description
For
Sand Beach Conservancy District

Being an easement for ingress and egress across the following described locations lying within Sand Beach, located in Section 35, T8N, R15E, Carroll Township, Ottawa County, Ohio and being more particularly described as follows:

Easement No. 1:
Being Sand Beach Drive, thirty (30) feet in width, extending from Harris-Harbor Road southeasterly to a point opposite Lot 168 and turning right and extending southeasterly to Seventh Street and there terminating.

Easement No. 2:
Being Division Street, twenty (20) feet in width, extending from Sand Beach Drive near Lot 59 southeasterly to the southwesterly continuation of the southeasterly line of Lot 243 and there terminating.

Easement No. 3:
Being First Street, forty (40) feet in width, extending northeasterly from Sand Beach Drive to the northeasterly line of Lots 58 and 64 and there terminating.

Easement No. 4:
Being Second Street, forty (40) feet in width, extending northeasterly from Sand Beach Drive to the northeasterly line of Lots 69 and 81 and there terminating.

Easement No. 5:
Being Third Street, forty (40) feet in width, extending northeasterly from Sand Beach Drive to the northeasterly line of Lots 86 and 108 and there terminating.

Easement No. 6:
Being Fourth Street, forty (40) feet in width, extending northeasterly from Sand Beach Drive to the northeasterly line of Lots 113 and 140 and there terminating.

Easement No. 7:
Being Fifth Street, thirty (30) feet in width, extending northerly from Sand Beach Drive to angle point at Lots 155 and 154, thence extending, forty (40) feet in width to the northeasterly line of Lots 145 and 151 and there terminating.

Easement No. 8:
Being Sixth Street, forty (40) feet in width, extending northeasterly from its southwesterly terminus at Lots 190 and 191 to the northeasterly line of Lots 186 and 195 and there terminating.

Easement No. 9:
Being Seventh Street, forty (40) feet in width, extending northeasterly from Sand Beach Drive, at Lot 213 to the northeasterly line of Lots 200 and 218 and there terminating.

Easement No. 10:
Being Eighth Street, forty (40) feet in width, extending northeasterly from Sand Beach Drive to the northeasterly line of Lots 223 and 229 and there terminating.

Easement No. 11:
Being Ninth Street, forty (40) feet in width, extending northeasterly from Sand Beach Drive to the northeasterly line of Lots 234 and 238 and there terminating.

Easement No. 12:
Being Sand Beach Drive, forty (40) feet in width, extending southeasterly from the northwesterly line of Lot 246 of Plat 2 to Thirteen Street and there terminating.

Easement No. 13:
Being Sand Beach Drive, thirty (30) feet in width, extending southeasterly from Thirteen Street to the southeasterly line of Lpt 18 of the Lot 330 Subdivision and there terminating.

Easement No. 14:
Being Tenth Street, forty (40) feet in width, extending from its southwesterly terminus northeasterly to Sand Beach Drive, thence continuing twenty (20) feet in width, extending northeasterly to the northeasterly line of Lots 269 and 275 of Plat 2.

Easement No. 15:
Being Eleventh Street, forty (40) feet in width, extending from its southwesterly terminus northeasterly to Sand Beach Drive, thence continuing twenty (20) feet in width, extending northeasterly to the northeasterly line of Lots 279 and 298 of Plat 2.

Easement No. 16:
Being Twelfth Street, forty (40) feet in width, extending from its southwesterly terminus northeasterly to Sand Beach Drive, thence continuing twenty (20) feet in width, extending northeasterly to the northeasterly line of Lots 302 and 318 of Plat 2.

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Easement No. 17:

Being Thirteenth Street, forty (40) feet in width, extending from its southwesterly terminus northeasterly to Sand Beach Drive, thence continuing twenty (20) feet in width, extending northeasterly to the northeasterly line of Lot 323 and Lot 1 of Lot 330 Subdivision.

This description was prepared by Baharoglu and Associates, Inc. Consulting Engineers and Surveyors, Norwalk, Ohio on December 26, 1991, by Baharoglu & Associates, Inc. Consulting Engineers and Surveyors, Norwalk, Ohio per Ronald A. Morehouse, Registered Surveyor No. 5340.

BAHAROGLU & ASSOCIATES, INC.
CONSULTING ENGINEERS & SURVEYORS
4 East Seminary Norwalk, Ohio 44857

Easement Description
For
Sand Beach Conservancy District

Being an easement generally fifteen (15) feet in width, lying between Sand Beach Drive and the Boatway, as indicated on the Plat of Sand Beach Plat 2, located in Section 35, T8N, R15E, Carroll Township, Ottawa County, Ohio and being more particularly described as follows;

Beginning at a point on the southwesterly right of way line of Sand Beach Road where the same intersects the southwesterly continuation of the northwesterly line of Lot 246 of said Sand Beach Plat 2;

1. Thence South 70° 48' 01" East along the southwesterly right of way line of said Sand Beach Road, a distance of 348.31 feet to a point;
2. Thence South 56° 32' 49" East continuing along the southwesterly right of way line of said Sand Beach Road, a distance of 513.34 feet to a point at the most northerly corner of Lot 270;
3. Thence South 33° 27' 11" West along the northwesterly line of said Lot 270, a distance of 15.00 feet to the northeasterly line of a Boatway;
4. Thence North 56° 32' 49" West along the northeasterly line of said Boatway, a distance of approximately 513 feet to a point;
5. Thence northwesterly along the southwesterly line of said Boatway, a distance of approximately 347 feet to the southwesterly continuation of the northwesterly line of Lot 246;
6. Thence North 31° 16' 40" East along the southwesterly continuation of said northwesterly line of Lot 246 to the place of beginning.

Bearings are assumed and used to indicate angles only.

This description was prepared by Baharoglu and Associates, Inc. Consulting Engineers and Surveyors, Norwalk, Ohio on May 28, 1992 from an actual survey of the premises dated, December, 1990, by Baharoglu & Associates, Inc. Consulting Engineers and Surveyors, Norwalk, Ohio per Ronald A. Morehouse, Registered Surveyor No. 5340.