Butler County, Ohio
Dan Crank COUNTY RECORDER
File# 2015-00016939
BK 8792 PG 667

Image ID: 000009111977 Type: OFF
Recorded: 05/07/2015 at 03:16:22 PM
Fee Amt: $92.00 Page 1 of 10
Workflow# 0000247970-0007

# CONSERVATION AREA AGREEMENT

01024 0063 ADG

This CONSERVATION AREA AGREEMENT ("Agreement") is made as of this 6th day of May, 2015 by ANCHOR GILMORE, LLC, an Ohio limited liability company, ("AG"), ANCHOR GILMORE HL, LLC, an Ohio limited liability company ("AGHL"), and G129, LLC, an Ohio limited liability company (G129; G129, AG, and AGHL are hereinafter collectively referred to as the "Owners"), under the following circumstances:

A. AG is the owner of real property more particularly described on Exhibit A attached hereto and made a part hereof (the "AG Property"); and

B. AGHL is the owner of real property more particularly described on Exhibit B attached hereto and made a part hereof (the "AGHL Property"); and

C. G129 is the owner of real property more particularly described on Exhibit C attached hereto and made a part hereof (the "G129 Property", the AG Property, AGHL Property and G129 Property are hereinafter collectively referred to as the "Property"); and

D. The Owners desire to designate and restrict that portion of the Property more particularly depicted on Exhibit D attached hereto and made a part hereof ("Conservation Area") as a preservation area, for the purposes and subject to the terms and conditions more fully set forth in this Agreement.

NOW, THEREFORE, the Owners, in consideration of the covenants and conditions set forth herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, for themselves and their respective successors and assigns, hereby agree as follows:

1. Designation of Conservation Area. The Owners hereby designate and declare the Conservation Area to be a preservation area which shall be properly marked by appropriate signage and which shall not be used for any purposes or activities other than those that will not adversely affect the Conservation Area as a preservation area. To that end, the Owners agree that there shall be no clearing, cutting, mowing or similar activities within the Conservation Area without the express written permission of the U.S. Army Corps of Engineers.

2. Conservation Conditions. No buildings, improvements, antennae or other structures shall be constructed in the Conservation Area, nor shall any Owners cause any excavation, filling or vacation in drainage which would change the natural state of the Conservation Area, except as otherwise permitted in writing by the U.S. Army Corps of Engineers. The foregoing notwithstanding, the Owners reserve for themselves the right of minor encroachments, such as fence lines and drainage and utility lines, which do not materially inhibit the conservation purposes of the Conservation Area for vegetation, hillside and wildlife conservation.

3. Nature of Agreement. This Agreement and the restrictions and covenants set forth herein shall be construed as covenants running with the land.

4. Miscellaneous. This Agreement may be amended only by written agreement signed by the Owners and by the US Army Corps of Engineers. This Agreement shall run with the land and be binding upon and shall inure to the benefit of the parties and their respective heirs, executors, personal representatives, successors and assigns and their successors in title. The terms, conditions and provisions of this Agreement shall survive the conveyance of title.

IN WITNESS WHEREOF, the parties have hereto set their hands as of the day and year first written.

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G129, LLC
an Ohio limited liability company

By: _____
Print Name: Tomas Fiehrer
Its: Authorized Member

ANCHOR GILMORE, LLC
an Ohio limited liability company

By: Anchor Properties, Inc.,
an Ohio corporation,
Its: Manager

By: _____
Thomas W. Bowers, President

ANCHOR GILMORE HL, LLC,
an Ohio limited liability company

By: Anchor Gilmore, LLC,
an Ohio limited liability company
Its: Sole Member

By: Anchor Properties, Inc.
an Ohio corporation
Its: Manager

By: _____
Thomas W. Bowers, President

STATE OF OHIO )
) SS:
COUNTY OF Butler )

The foregoing instrument was acknowledged before me this 6th day of May, 2015, by Tomas Fichrer, as Authorized Member of G129, LLC, an Ohio limited liability company, on behalf of such limited liability company.

Notary Public

NOTARY PUBLIC STATE OF OHIO

ANDREW DAVID GRAF
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Date. Section 147.03 O.R.C.

STATE OF ~~OHIO~~ KENTUCKY )
) SS:
COUNTY OF KENTON )

The foregoing instrument was acknowledged before me this 5th day of MAY, 2015, by Thomas W. Bowers, the President of Anchor Properties, Inc., an Ohio corporation, and the Manager of Anchor Gilmore, LLC, an Ohio limited liability company, on behalf of such limited liability company.

Bryan S. Blade
Notary Public

COMMONWEALTH OF KENTUCKY
UNITED WE STAND
DIVIDED WE FALL

BRYAN S. BLADE
Notary Public, Kentucky
State At Large
My Commission Expires
January 6, 2019
Notary ID# 524197

STATE OF KENTUCKY )
) SS:
COUNTY OF KENTON )

The foregoing instrument was acknowledged before me this 5th day of MAY, 2015, by Thomas W. Bowers, the President of Anchor Properties, Inc., an Ohio corporation, and the Manager of Anchor Gilmore, LLC, an Ohio limited liability company, and the sole member of Anchor Gilmore HL, LLC, an Ohio limited liability company, on behalf the limited liability company.

Bryan S. Blade
Notary Public

BRYAN S. BLADE
Notary Public, Kentucky
State At Large
My Commission Expires
January 6, 2019
Notary ID# 524197

This instrument prepared by:
Andrew D. Graf
Griffin Fletcher & Herndon LLP
3500 Red Bank Road
Cincinnati, OH 45227
(513) 421-1313

## MORTGAGEE'S CONSENT & SUBORDINATION

The undersigned mortgagee under that certain real estate mortgage recorded in Official Record 7599, Page 744 of the Butler County, Ohio Records, hereby consents to all terms and conditions of the foregoing Conservation Area Agreement (the "Agreement") and further agrees that said mortgage shall be subordinate to the terms and restrictions created under the Agreement.

EXECUTED ON:

This 18 day of ~~February~~ March, 2015

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US BANK, NATIONAL ASSOCIATION,

By: _____

Name: DANIEL G. GRIESINGER

Title: VICE PRESIDENT

STATE OF Ohio )
) SS:
COUNTY OF Butler )

The foregoing instrument was acknowledged before me this 18 day of ~~February~~ March, 2015, by Daniel G. Griesinger, the Vice President of US Bank, National Association, on behalf of the same.

_____
Notary Public

Roxanna J. Koelblin
Notary Public State of Ohio
My Commission Expires
January 24, 2017

**EXHIBIT A**

Situate in Section 19, Town 2, Range 3, and being part of Lot 430, Fairfield Township, Butler County, Ohio, and being all of Lot 4 (also being known as Lot 8933) of the Princeton and Gilmore Subdivision as shown on that certain plat recorded at Book 8085, page 2068, of the Butler County, Ohio, Records.

Exhibit A

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January 28, 2015

**Legal Description:** 1.412 Acres (Parcel E-2)

Situated in Section 19, Town 2, Range 3, Fairfield Township, part lot 430, Butler County, Ohio and being more particularly described as follows:

Commencing at the northwest corner of Section 19 and the centerline intersection of Princeton Road and said Gilmore Road, thence South 05° 16′ 01″ West, 713.44 feet; thence departing the said centerline of Gilmore Road, along the south line of said lot 8933, North 89° 21′ 33″ East, 267.00 feet; thence North 77° 11′ 28″ East, 115.23 feet; thence North 66° 34′ 40″ East, 112.80 feet; thence North 80° 53′ 37″ East, 91.62 feet to the point of beginning of the parcel herein described; thence North 5° 17′ 47″ East, 215.39 feet; thence South 84° 42′ 13″ East, 285.54 feet; thence South 5° 17′ 47″ West, 215.39 feet; thence North 84° 42′ 13″ West, 285.54 feet to the point of beginning.

The above described tract contains 1.412 Acres of land and is subject to all easements and restrictions of record.

Basis of Bearings: Bearings based on Ohio State Plane Coordinate System – South Zone

This description was prepared by Robert J. Trenkamp, Licensed Land Surveyor in Ohio (No. 8304) and is based on a survey made by Thomas Graham Associates, Inc. dated January 28, 2015, of record in Vol. 57, Pg. 47 of the Butler County Engineer's Records.

7586_Desc_1.412Acres.doc

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January 28, 2015

Exhibit B

**Legal Description:** 6.866 Acres (Parcel E-1 – Hobby Lobby Parcel)

Situated in Section 19, Town 2, Range 3, Fairfield Township, part lot 430, Butler County, Ohio and being more particularly described as follows:

Beginning in the centerline of Gilmore Road, being the southwest corner of lot 8933 of Princeton & Gilmore Subdivision as recorded in Plat Envelope 8085, Pages 2068-2069, said point also being South 05° 16′ 01″ West, 713.44 feet from the northwest corner of Section 19 and the centerline intersection of Princeton Road and said Gilmore Road; thence departing the said centerline of Gilmore Road along the south line of said lot 8933, North 89° 21′ 33″ East, 267.00 feet; thence North 77° 11′ 28″ East, 115.23 feet; thence North 66° 34′ 40″ East, 112.80 feet; thence North 80° 53′ 37″ East, 91.62 feet; thence departing the said south line of lot 8933, South 84° 42′ 13″ East, 285.54 feet; thence South 05° 17′ 47″ West, 512.49 feet; thence North 84° 42′ 13″ West, 257.00 feet; thence North 05° 17′ 47″ East, 20.00 feet; thence North 84° 42′ 13″ West, 376.03 feet; thence North 05° 18′ 19″ East, 354.36 feet; thence South 89° 21′ 33″ West, 216.47 feet to the said centerline of Gilmore Road; thence with the said centerline of Gilmore Road, North 05° 16′ 01″ East, 20.11 feet to the point of beginning.

The above described tract contains 6.866 Acres of land and is subject to all easements and restrictions of record and the legal right-of-way of Gilmore Road.

Basis of Bearings: Bearings based on Ohio State Plane Coordinate System – South Zone

This description was prepared by Robert J. Trenkamp, Licensed Land Surveyor in Ohio (No. 8304) and is based on a survey made by Thomas Graham Associates, Inc. dated January 28, 2015, of record in Vol. 57, Pg. 47 of the Butler County Engineer's Records.

7586_Desc_6.866Acres.doc

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Exhibit C

January 28, 2015

**Legal Description:** 1.695 Acres (Parcel D)

Situated in Section 19, Town 2, Range 3, Fairfield Township, part lot 430, Butler County, Ohio and being more particularly described as follows:

Beginning in the centerline of Gilmore Road, said point being South 05° 16′ 01″ West, 733.55 feet from the northwest corner of Section 19 and the centerline intersection of Princeton Road and said Gilmore Road; thence departing the said centerline of Gilmore Road, North 89° 21′ 33″ East, 216.47 feet; thence South 05° 18′ 19″ West, 354.36 feet; thence North 84° 42′ 13″ West, 215.08 feet to the said centerline of Gilmore Road; thence along the said centerline of Gilmore Road, North 05° 16′ 01″ East, 331.97 feet to the point of beginning.

The above described tract contains 1.695 Acres of land and is subject to all easements and restrictions of record and the legal right-of-way of Gilmore Road.

Basis of Bearings: Bearings based on Ohio State Plane Coordinate System – South Zone

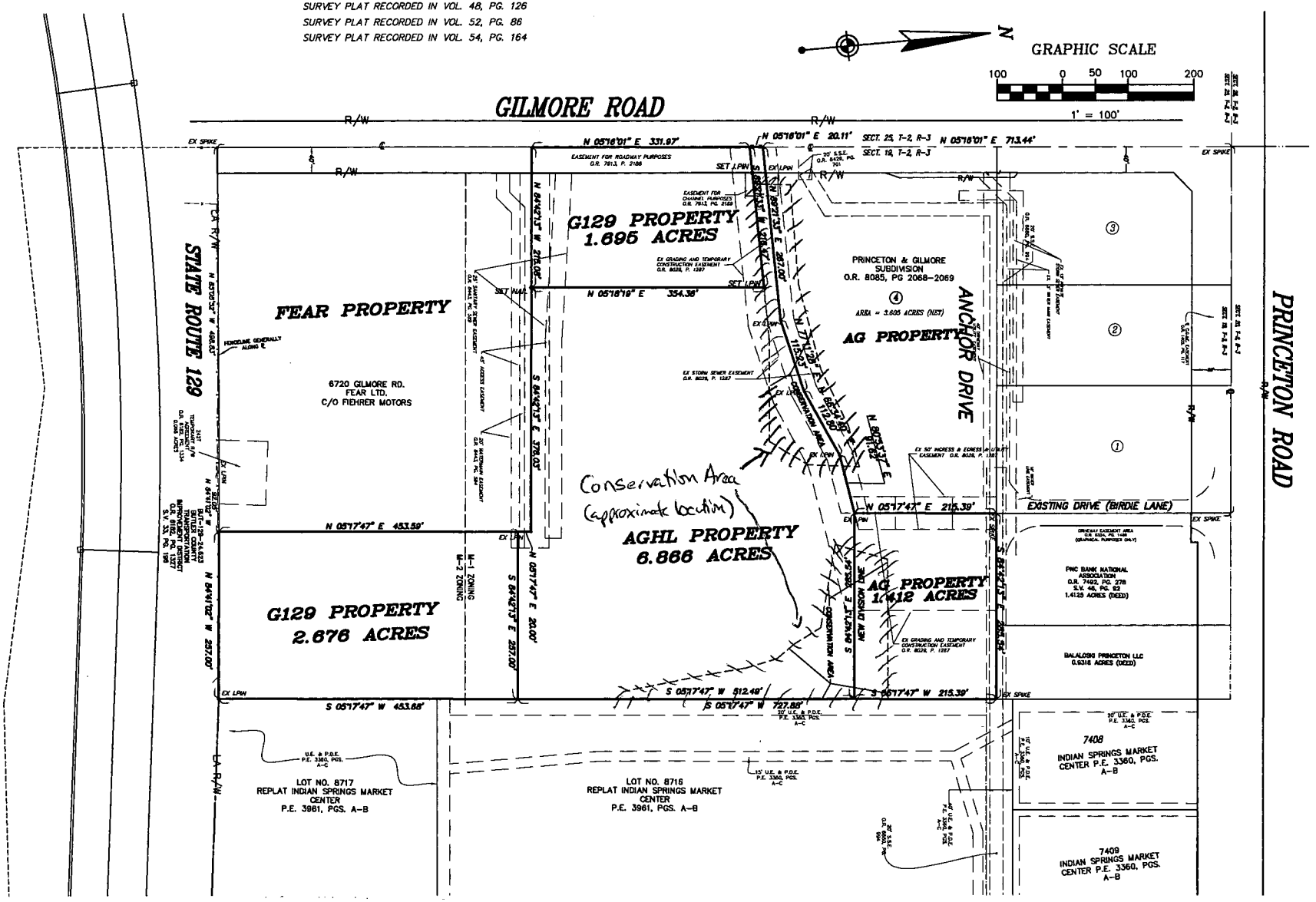
This description was prepared by Robert J. Trenkamp, Licensed Land Surveyor in Ohio (No. 8304) and is based on a survey made by Thomas Graham Associates, Inc. dated January 28, 2015, of record in Vol. 57, Pg. 47 of the Butler County Engineer's Records.

7586_Desc_1.695Acres.doc

REFERENCE SURVEYS:

SURVEY PLAT RECORDED IN VOL. 48, PG. 126
SURVEY PLAT RECORDED IN VOL. 52, PG. 86
SURVEY PLAT RECORDED IN VOL. 54, PG. 164

BASIS OF BEARING: OHIO STATE PLANE COORDINATE SYSTEM–SOUTH ZONE





THOMAS GRAHAM ASSOCIATES, INC.

• Engineers
• Surveyors

803 Compton Road
Cincinnati, Ohio 45231
513–521–4760
Fax # 521–2439


Date: DEC. 8, 2014
Scale: 1" = 100'
Job No: 7586

Revisions

| No. | Date |
|---|---|

# EXHIBIT D
# SURVEY OF PROPERTY

SECTION 19, TOWN 2, RANGE 3
FAIRFIELD TOWNSHIP
BUTLER COUNTY, OHIO

ACAD FILENAME: 7586_CUTUP.DWG

Sheet 1 of 1
Job No: 7586–14


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