



BK: 7701 PG: 2036

ASSIGNMENT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS: THAT THE CINCINNATI GAS & ELECTRIC COMPANY, for and in consideration of One Dollar (\$1.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, does hereby **assign, transfer and convey** unto THE UNION LIGHT, HEAT AND POWER COMPANY, its successors and assigns, **all of a certain right of way and easement** conveyed to THE CINCINNATI GAS & ELECTRIC COMPANY by grant of easement from Joseph Harold Smith and Edna A. Smith recorded in Deed Book 1698, Page 499, Butler County Recorder's Office, a copy of which is attached hereto as Exhibit "A" and hereby made a part hereof.

TO HAVE AND TO HOLD said right of way and easement unto the said THE UNION LIGHT, HEAT AND POWER COMPANY, its successors and assigns, forever; provided, however, that nothing herein contained shall be construed to affect in any way any other rights of way, easements or property rights of the said THE CINCINNATI GAS & ELECTRIC COMPANY in the above described property.

200600010642
Filed for Record in
BUTLER COUNTY, OHIO
DANNY N CRANK
02-21-2006 At 10:23:26 a.m.
EASEMENT 36.00
DR Book 7701 Page 2036 - 2038

TRANSFER NOT NECESSARY
KAY ROGERS
BY 2-21-06 KD DEPT.
AUDITOR, BUTLER CO., OHIO

PWW/jam/JES
R/W# 60BT-22G
Woodsdale Sta. #616
April 21, 2005

IN WITNESS WHEREOF, THE CINCINNATI GAS & ELECTRIC COMPANY, this 25th day of January, 2006, has caused its corporate name to be hereunto subscribed by

Christopher E. Arbuckle its Supervisor Right of Way Services and its

thereunto duly authorized by its Board of Directors.

Signed and acknowledged in the presence of:

THE CINCINNATI GAS & ELECTRIC COMPANY

Conroy J. Wdey

By Christopher E. Arbuckle its Supervisor Right of Way Services

By _____ its



BK: 7701 PG: 2037

STATE OF OHIO, HAMILTON COUNTY, ss:

Before me, a Notary Public in and for said State, personally appeared

Christopher E. Arbuckle, Supervisor Right of Way Services and

of THE CINCINNATI GAS & ELECTRIC COMPANY, the corporation which executed the foregoing instrument, who acknowledged the signing thereof to be their free act and deed individually and on behalf of said corporation and by authority of its Board of Directors.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this

25th day of January, 2006.

Maureen Macke



MAUREEN MACKE Notary Public, State of Ohio My Commission Expires June 18, 2008

This Instrument Prepared by: Janice L. Walker Attorney-at-Law The Cincinnati Gas & Electric Company 139 East Fourth Street Cincinnati, Ohio 45202 (513) 287-2644



VOL 1698 PAGE 499

GRANT OF EASEMENT

TRANSFER NOT NECESSARY
DANIEL S. WURST
BY *NL 6-20-90* DEPT.
AUDITOR, BUTLER CO., OHIO

20369

KNOW ALL MEN BY THESE PRESENTS: THAT JOSEPH HAROLD SMITH and EDNA A. SMITH, (Grantor), for and in consideration of One Dollar (\$1.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, do hereby grant unto THE CINCINNATI GAS & ELECTRIC COMPANY, its successors and assigns, forever (Grantee), a right of way and easement to construct, reconstruct, operate, maintain, repair, replace and remove one pipe line and all necessary and incidental fixtures and equipment for the transportation of natural gas; two pipe lines and all necessary and incidental fixtures and equipment for the transportation of water; plus a communication cable in and through part of the property of the Grantor:

Situate in Section 7, T1, R4, Madison Township, Butler County, State of Ohio; being part of a 132.07 acre tract or parcel of land described in instruments recorded in Deed Book 674, Page 68; in Deed Book 687, Page 82; and in Deed Book 718, Page 553, all in the Office of the Butler County Recorder.

Said right of way and easement shall be within the following described area:

Beginning at a point in the most southerly line of the aforesaid 132.07 acre tract or parcel of land and in the southerly line of said Section 7, said point being SOUTH 89° 54' 05" WEST, 1433.07 feet from the southeast corner of said Section 7; thence from said point of beginning, along the most southerly line of the aforesaid 132.07 acre tract or parcel of land and the southerly line of said Section 7, SOUTH 89° 54' 05" WEST, 60.00 feet; thence departing the most southerly line of the aforesaid 132.07 acre tract or parcel of land and the southerly line of said Section 7, NORTH 00° 28' 26" WEST, 3984.91 feet to a point in the center line of Kennel Road; thence, along the center line of Kennel Road, SOUTH 87° 42' 16" EAST, 118.30 feet; thence departing the center line of Kennel Road, SOUTH 44° 31' 34" WEST, 82.25 feet; thence SOUTH 00° 28' 26" EAST, 3921.42 feet to the point of beginning.

Subject to the right of way for Kennel Road.

The bearings given in the above description are based on State Plane Coordinates and do not necessarily correspond with the bearings given in the aforesaid instruments recorded in Deed Book 674, Page 68; in Deed Book 687, Page 82; and in Deed Book 718, Page 553, all in said recorder's office.

In addition to the rights provided above, said grant of right of way and easement shall provide that:

1. The Grantors, their heirs and assigns, shall have the right to tap, at their expense, the natural gas and/or water pipe lines to be constructed within the hereinabove described easement, subject to the applicable rates, rules and regulations in effect at the time the application for such service or services is made.
2. Grantee, its successors and assigns, shall have the right to pile dirt and materials and to operate equipment on the surface of the land, both within and without the limits of said right of way and easement during periods of construction, reconstruction, maintenance, repair, replacement or removal of said facilities and the right of ingress and egress for the purpose of exercising the rights herein granted.

The interest of The Cincinnati Gas & Electric Company in the within described property is subject to the First Mortgage, as Amended and Supplemented, between the Company and Irving Trust Company, as Trustee, recorded in Mortgage Book 279 page 15 of the Mortgage Records of the above mentioned county.

90 JUN 20 PM 1:41

DEK/dg/RHB

Gas Dept. Job #89-1151

(Page 1 of 3)

5/23/90

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