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EASEMENT AGREEMENT

CUYAHOGA COUNTY RECORDER
PATRICK J. O'MALLEY
DEEA 04/01/1999 12:41:13 PM
199904010567

CUYAHOGA COUNTY RECORDER
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THIS EASEMENT AGREEMENT, dated the 31st day of March, 1999, by and between **BULKLEY HOLDINGS, INCORPORATED**, ("Grantor") and **BULKLEY HOLDINGS, INCORPORATED**, ("Grantee"). The following statements are a material part of this Easement Agreement.

- A. Grantor is the owner of property (e.g. the "parking lot" parcel) contiguous to Grantee's property. Grantor's property is fully described on the attached Exhibit "A" which is incorporated herein.
- B. Grantee is the owner of property (e.g. the "restaurant/office space" parcel) contiguous to Grantor's property. Grantee's property is fully described on the attached Exhibit "B" which is incorporated herein.
- C. Grantor wishes to grant and Grantee wishes to receive easement rights over, under and across a portion of Grantor's property.

NOW, THEREFORE, in considerations of the covenants contained in this Easement Agreement and other good and valuable consideration, the receipt of which is acknowledged, the following grants, agreements, covenants and restrictions are made:

- 1. Grantor hereby grants and conveys to Grantee a strip of land approximately Ten (10) feet in width and further described as follows (the "Easement Area"):

See Exhibit "C" attached hereto and incorporated herein for complete description of the Easement Area.
- 2. The Easement Area so granted and conveyed shall be used as a "No Build" or "Buffer" Zone area in order that the commercial structure currently located on Grantee's property properly complies, at all times, with appropriate fire code requirements of the City of Cleveland requiring, at a minimum, a distance of Ten (10) feet between adjacent structures.
- 3. The rights contained within this Easement Agreement shall run with the land and or to the benefit of Grantee, its successors and assigns, and all tenants, subtenants, licensees, concessionaires, mortgagees in possession, customers and business invitees of such parties.
- 4. Each party warrants that it has good and indefeasible fee simple title to its respective property as described in this Easement Agreement and Grantor warrants and will defend the title to the Easement Area owned by it and each party shall further indemnify the other against any damage or expense which

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the other may suffer by reason of any lien, encumbrance, restriction or defect in the title or description of the Easement Area.

IN WITNESS WHEREOF, the parties have hereunto set their hands on the date and year first above written.

Gina Regotti
1st Witness Signature
GINA REGOTTI

~~1st Witness Printed Name~~

Thomas Michael
2nd Witness Signature

~~2nd Witness Printed Name~~

BULKLEY HOLDINGS,
INCORPORATED (GRANTOR)

By: Paul R. Tomko
Paul R. Tomko, its President

Gina Regotti
1st Witness Signature
GINA REGOTTI

~~1st Witness Printed Name~~

Thomas Michael
2nd Witness Signature

~~2nd Witness Printed Name~~

BULKLEY HOLDINGS,
INCORPORATED (GRANTEE)

By: Paul R. Tomko
Paul R. Tomko, its President

STATE OF OHIO

)
) SS:
)

COUNTY OF CUYAHOGA

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, this 31st day of March, 1999, the above named BULKLEY HOLDINGS, INCORPORATED by and through its duly elected President, PAUL R. TOMKO, who acknowledged the signing of the foregoing to be his free act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal as of the day and year last aforesaid.



7017 Pearl Road
Cleveland, Ohio 44130

(440) 886-4500
Fax (440) 886-4880
Email: msackay@en.com

LEGAL DESCRIPTION

FOR

**PAUL TOMKO
INSTANCE OF LAND TITLE AGENCY INC.**

**P.P. NO. 008-12-009
DETROIT ROAD
CLEVELAND, OHIO**

January 26, 1998

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being part of Sublot No. 2 in the Belden Seymore Allotment of part of Original Brooklyn Township Lot No. 51 as shown by the recorded plat in Volume 3, Page 38 of Cuyahoga County Map Records and further described as follows:

Beginning on the Northerly right-of-way of Detroit Avenue (66 feet wide) and the Southwesterly corner of Sublot 2 as aforesaid;

Thence North $00^{\circ} 26' 14''$ West along the Westerly line of Sublot 2, 129.00 feet;

Thence North $80^{\circ} 51' 45''$ East, 39.66 feet to a point in the Easterly line of Sublot 2, said point being distant $50^{\circ} 26' 14''$ East, 6.00 feet from the Northeasterly corner of Sublot 2;

Thence South $00^{\circ} 26' 14''$ East, 121.67 feet to the Northerly right-of-way of Detroit Avenue (66 feet wide);

Thence South $70^{\circ} 47' 05''$ West along the Northerly right-of-way of Detroit Avenue (66 feet wide), 41.41 feet to the point of beginning and containing 4913.59 square feet of land.



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Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: and known as being part of Sublot Number 3 in Beldon Seymour Subdivision of part of Original Brooklyn Township Lot Number 51 as shown by the recorded plat in Volume 3 of Maps, Page 38 of Cuyahoga County Records; beginning at a point in the Northwestern line of Detroit Avenue N.W., at the Southwesterly corner of said Sublot Number 3; thence Northerly along the Westerly line of said Sublot, 96-90/100 feet to the Southeasterly corner of an alley (10 feet wide); thence Easterly at right angles to the Westerly line of said Sublot Number 3, 39-21/100 feet to the Easterly line of said Sublot; thence Southerly along the Easterly line of said Sublot, 83-58/100 feet to the Northwestern line of Detroit Avenue N.W.; thence Southwesterly along the Northwestern line of Detroit Avenue N.W., 41-42/100 feet to the place of beginning, according to the survey of Charles W. Root, Registered Professional Engineer and Surveyor, be the same more or less, but subject to all legal highways.

✓
THOMAS J. NEFF, P. E., P. S.
COUNTY ENGINEER TAX MAP DIVISION
LEGAL DESCRIPTION APPROVED FOR TRANSFER



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MACKAY
Engineering & Surveying Company

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7017 Pearl Road
Cleveland, Ohio 44130
www.mackayeng-surv.com

(440) 886-4500
Fax (440) 886-4590
Email: mackay@en.com

**LEGAL DESCRIPTION
FOR
BULKLEY HOLDINGS, INC.
NO BUILD ZONE**

March 29, 1999

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of original Brooklyn Township Lot No. 51 and also known as part of Sublot No. 2 in the Belden Seymore Allotment as shown by the recorded plat in Volume 3, Page 38 of Cuyahoga County Map Records and more fully bounded and described as follows:

Beginning on the Northerly right-of-way line of Detroit Avenue (66 feet wide) at the Southwesterly corner of said Sublot 2;

Thence North $00^{\circ}26'14''$ West along the Westerly line of said Sublot 2, 129.00 feet to a point on the Southerly line of a parcel of land conveyed to the State of Ohio by deed recorded in Volume 87-6286, Page 20 of Cuyahoga County Records;

Thence North $80^{\circ}51'45''$ East along said Southerly line conveyed to the State of Ohio, 10.12 feet to a point;

Thence South $00^{\circ}26'14''$ East, 127.13 feet to a point on said Northerly right-of-way line of Detroit Avenue;

Thence South $70^{\circ}47'05''$ West along said Northerly right-of-way line of Detroit Avenue, 10.56 feet to a point and the place of beginning.

The basis of bearings is to an assumed meridian and is to denote angles only.

This legal was written by Mackay Engineering and Surveying Company in March, 1999.

TRANSFER NOT REQUIRED

APR 01 1999

FRANK RUSSO
Cuyahoga County Auditor



THOMAS J. NEFF, P. E., P. S.	
COUNTY ENGINEER	
TAX MAP DIVISION	
APPROVED FOR	
RECORD	_____
TRANSFER	TJR DV
SPLIT	_____