

*See Deed
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OFFICIAL DEED

VOL 15264PG 107

KNOW ALL MEN BY THESE PRESENTS, THAT

WHEREAS, on the 8th day of January, 1979, the Council of the City of Cleveland passed Ordinance No. 2427-A-78 authorizing the Commissioner of Purchases and Supplies to sell certain City-owned real estate located between the Cuyahoga River at 1560 Merwin Street, and terminating at 2886 Independence Road, Cleveland, Ohio, being a strip of land about 2 1/4 miles long and averaging about 120 feet in width; and

WHEREAS, the Board of Control of the City of Cleveland adopted Resolution No. 036-79 on January 16, 1979 directing the Commissioner of Purchases and Supplies to proceed with said sale to The Baltimore and Ohio Railroad Company, a Maryland Corporation, upon payment of the consideration of One Million Five Hundred Thousand Dollars (\$1,500,000.00) received to the full satisfaction of the City of Cleveland; and

WHEREAS, purchase of a revertible fee interest in the subject 28.65 Acres, more or less, for the One Million Five Hundred Thousand Dollars (\$1,500,000.00) cash price, was authorized by resolution of the Board of Directors of The Baltimore and Ohio Railroad Company, dated October 10, 1978.

NOW, THEREFORE, pursuant to the premises, the said City of Cleveland, a municipal corporation in the State of Ohio, the Grantor, claiming title by or through instruments recorded in Cuyahoga County Records, for the consideration of One Million Five Hundred Thousand Dollars (\$1,500,000.00) to it paid, receipt of which is hereby acknowledged and in consideration of the express condition hereinafter stated, notwithstanding the fact that valuable consideration has been paid, does hereby convey, remise, release and forever quit-claim unto The Baltimore and Ohio Railroad Company, whose tax mailing address will be 100 North Charles Street, Baltimore, Maryland 21201, Attention: Tax Department, its successors and assigns, the following described real estate:

*160 Acres
Municipal Property*

Situated in said City of Cleveland, County of Cuyahoga, and State of Ohio, and known and described as follows, to wit:

Being that portion of the Ohio canal between its westerly end at its intersection with the Cuyahoga River at a point about one hundred thirty-five feet westerly from Merwin Street, in said City of Cleveland, and at its easterly end, being a line across said canal at right angles to the water line of the towing path and distant 250 feet westerly from the easterly line of original 100-acre lot No. 269, in said City of Cleveland, measuring along the outer line of the towing path twelve feet distant from and parallel with the water line of said towing path, said terminus being about forty feet westerly of the old waste weir of said canal, including the entire width of said canal-bed, its towing path, slopes and berme basins, locks, gates, culverts and conduits, and all its rights and easements in the construction and maintenance of said

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and known as sublot No. 23 in Hewett's Allotment, being about forty feet front in the canal basin between Merwin and South Water Streets and extending through to West Street, it being hereby intended to include all lands conveyed to said City of Cleveland, by deed of quit claim from the State of Ohio dated October 31, 1879 and recorded in Volume 305, page 221 of Cuyahoga County Deed Records, under the act of the General Assembly of said State entitled, "An act to authorize the City of Cleveland to enter upon and occupy a part of the Ohio Canal," passed April 29, 1872, comprising 28.65 acres, more or less, excepting therefrom the following ten parcels of land:

1. That portion of Lime Street N.W. (20 feet wide) dedicated June 2, 1888 and recorded in Volume 13, page 46 of Cuyahoga County Map Records.
2. Land conveyed to New York, Chicago and St. Louis Railroad, by deed dated October 5, 1934 and recorded in Volume 4387, page 1 of Cuyahoga County Deed Records.
3. Land conveyed to City of Cleveland, by deed dated April 16, 1934 and recorded in Volume 4443, page 509 of Cuyahoga County Deed Records.
4. Land conveyed to the Sherwin Williams Company, by deed dated February 20, 1948 and recorded in Volume 6468, page 421 of Cuyahoga County Deed Records.
5. Land conveyed to George G. Arson Barrel Company, by deed dated August 2, 1957 and recorded in Volume 9023, page 671 of Cuyahoga County Deed Records.
6. Land leased to the Newburgh and South Shore Railroad Company by Lease dated July 21, 1904 North of Jefferson Avenue and containing 0.183 Acres of land more or less.
7. Land situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of original lot Nos. 73 and 206 and bounded and described as follows:

Beginning at the intersection of the centerlines of Canal Road N.W., 48 feet wide and Columbus Road N.W., 54 feet 4 3/4 inches wide; thence North 55° 41' 01" East along said center line of Canal Road N.W., 35.34 feet; thence South 34° 18' 59" East 63.99 feet to an angle in a northwesterly line of said Ohio Canal Lands, said angle being at Station 0+19.87 between Monuments No. 3 and 4 at an offset of 81.65 feet from the base line as shown on said maps, and the principal place of beginning of the land herein described; thence North 55° 12' 36" East along a northwesterly line of said Ohio Canal Lands, 43.01 feet to an angle therein; thence North 71° 08' 23" East continuing along a northwesterly line of said Ohio Canal Lands, 270.77 feet to an angle therein; thence North 72° 34' 46" East continuing along a northwesterly line of said Ohio Canal Lands, 51.14 feet to the southwesterly line of a parcel of land conveyed by the City of Cleveland to the Sherwin Williams Company by deed recorded in Volume 6468 of Deeds, page 421 of Cuyahoga County Records; thence South 13° 22' 55" East along said southwesterly line 0.16 feet to the southwesterly corner of said land conveyed to The Sherwin Williams Company; thence North 76° 37' 05" East along a southeasterly line of said land conveyed to the Sherwin Williams Company, 200 feet; thence South 17° 51' 48" East 40.47 feet; thence South 72° 08' 12" West, 562.13 feet to a southwesterly line of the Ohio Canal lands; thence North 18° 14' 33" West along said southwesterly line of the Ohio Canal Lands, 39.42 feet to the principal place of beginning and containing 29,087 square feet or 0.6677 acres, more or less, according to a survey made by Bauer Surveys Company dated March 18, 1969.

8. Land situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot 268 and bounded and described as follows:

Beginning at the intersection of the South line of The Erie Railroad and the Southwesterly line of Broadway, S.E., 66 feet wide; thence North 85° 35' 30" West along said South line of the Erie Railroad, 157.41 feet to a point on the Old Ohio Canal, as established by the

Canal Boundary Commission; thence South 34° 58' 50" East along said canal boundary, 21.79 feet to an angle point in said line and the principal place of beginning; thence South 76° 52' 10" East along said canal boundary, 101.55 feet to an angle point; thence South 31° 28' 50" East, continuing along said canal boundary, 246.45 feet to a point; thence North 44° 17' 50" West, 325.88 feet to the principal place of beginning and containing 8,829.50 square feet of land, be the same more or less, but subject to all legal highways.

9. Beginning at the point of intersection of the easterly line of a right-of-way, (30 feet wide), leased to The Newburgh and South Shore Railroad Company by the Cleveland Terminal and Valley Railroad Company by agreement dated July 21, 1904, with the southerly line of Jefferson Avenue S.W., (60 feet wide); thence southerly along said easterly right-of-way line of the Newburgh and South Shore Railroad Company on the arc of a curve deflecting to the right, 7.07 feet, having a radius of 493.34 feet and whose chord bears South 9 degrees, 42 minutes west, 7.07 feet to a point in the proposed southerly right-of-way line of Jefferson Avenue S.W., said point being the principal place of beginning; thence continuing southerly along said easterly right-of-way line of the Newburgh and South Shore Railroad Company on the arc of a curve deflecting to the right 74.62 feet, having a radius of 493.34 feet and whose chord bears South 14 degrees, 26 minutes, 35 seconds west, 74.55 feet to a point of tangency; thence south 18 degrees, 46 minutes, 34 seconds west, 56.32 feet to a point in the southerly boundary line of the Ohio Canal Lands, as established by the Ohio Canal Boundary Commission Survey, filed for record in the County Surveyor's Office, June 29, 1883; thence south 59 degrees, 19 minutes, 6 seconds east, along said southerly boundary line, 56.62 feet to a point in the westerly boundary line of said Ohio Canal Lands; thence south 0 degrees, 25 minutes, 30 seconds west along said westerly boundary line, 100.24 feet to a point; thence continuing along said westerly boundary line south 8 degrees, 6 minutes, 30 seconds west, 39.48 feet, to a point, said point being 23 feet by radial measurement westerly from the centerline of the east bound main track of The Cleveland Terminal and Valley Branch of The Baltimore and Ohio Railroad Company; thence northerly along the arc of a curve deflecting to the left, concentric with said main track and distant 23 feet westerly therefrom, as aforesaid, 109.47 feet, having a radius of 1887.09 feet and whose chord bears north 9 degrees, 26 minutes, 43 seconds east, 109.46 feet, to a point of compound curvature; thence continuing northerly along the arc of a curve, deflecting to the left, concentric with the east bound main track, as aforesaid, 185.20 feet, having a radius of 932.37 feet and whose chord bears north 2 degrees, 5 minutes, 39 seconds east, 184.86 feet to a point in the proposed southerly right-of-way line of Jefferson Avenue S.W.; thence north 88 degrees, 24 minutes, 46 seconds west, along said proposed southerly right-of-way line, 30.42 feet to a point in the easterly right-of-way line, (30 feet wide), of the Newburgh and South Shore Railroad Company and the principal place of beginning and containing within said boundaries 8130 square feet, be the same, more or less.

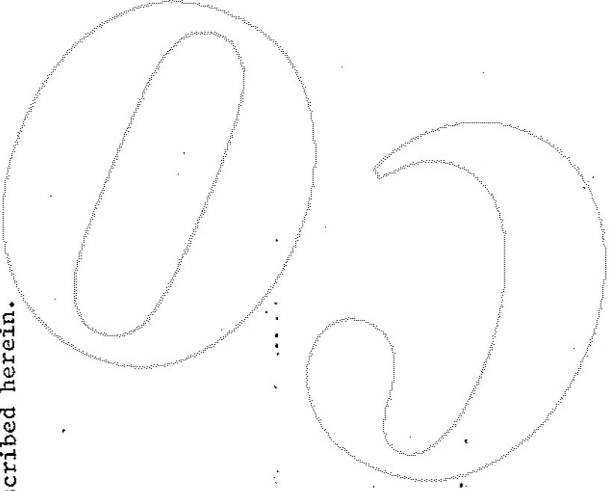
10. Beginning at the point of intersection of the westerly line of right-of-way, (30 feet wide), leased to the Newburgh and South Shore Railroad Company by The Cleveland Terminal and Valley Railroad Company by agreement dated July 21, 1904, with the southerly line of Jefferson Avenue S.W., (60 feet wide); thence along said westerly right-of-way line of the Newburgh and South Shore Railroad Company on the arc of a curve deflecting to the right, 6.18 feet, having a radius of 463.34 feet, and whose chord bears south 10 degrees, 17 minutes west, 6.18 feet to a point in the proposed southerly right-of-way line of Jefferson Avenue S.W., said point being the principal place of beginning; thence continuing along said westerly right-of-way line of the Newburgh and South Shore Railroad Company on the arc of a curve deflecting to the right, 65.59 feet, having a radius of 463.34 feet and whose chord bears south 14 degrees, 43 minutes, 16 seconds west, 65.53 feet to a point of tangency; thence continuing along said westerly right-of-way line, south 18 degrees, 46 minutes, 34 seconds west, 50 feet to a point on the boundary line between the property herein described and the property of The Standard Oil Company; thence along said boundary line north 59 degrees 19 minutes, 6 seconds west, 45 feet, more or less, to a point at the top of the bank of the Old River Channel; thence along the top of the bank of the Old River Channel, north 22 degrees 33 minutes east, 61.80 feet to a point; thence north 1 degree, 17 minutes east, 31.98 feet to a point in the proposed southerly right-of-way line of Jefferson Avenue S.W., as aforesaid; thence south 88 degrees, 24 minutes, 46 seconds east, along said proposed southerly line of Jefferson Avenue S.W., 47.02 feet, more or less, to

a point in the westerly right-of-way line of the Newburgh and South Shore Railroad Company, as aforesaid, said point being the principal place of beginning and containing within said boundaries, 4435 square feet, be the same, more or less.

This conveyance is made, notwithstanding the fact that valuable consideration has been paid, upon the express condition that if The Baltimore and Ohio Railroad Company shall fail to use, maintain and operate the premises as described herein for railroad purposes, then the right, title and estate of The Baltimore and Ohio Railroad Company to the property herein conveyed by the City of Cleveland shall determine and become void, and shall revert to and become absolutely vested in the City of Cleveland, or its successors and assigns, together with all improvements thereon. In the event of reversion of the premises the cash consideration shall not be repaid by the City of Cleveland to The Baltimore and Ohio Railroad Company.

And the Grantee, for itself, its successors and assigns, as a further consideration for the execution and delivery of this deed, hereby covenants with and for the benefit of the Grantor, that no billboards or outdoor advertising signs other than permitted identification signs shall be erected on said premises.

As further consideration for the conveyance, Grantee agrees that, upon reasonable notice the Grantor shall have the right to maintain, rebuild or otherwise perform Grantor's governmental obligations with respect to all existing roadways, bridges, piers, slopes, supports and the like presently existing or proposed on the real estate described herein.



TO HAVE AND TO HOLD the same unto the said Grantee, its successors and assigns, subject to the express condition as stated herein, forever, so that neither the said Grantor, nor its successors or assigns, nor any other claiming title through, by or under it, can or will hereafter claim or demand any title or right to possession of said premises or any part thereof, except to enforce the express condition as stated.

IN WITNESS WHEREOF, the City of Cleveland, by George V. Voinovich, Mayor, has caused its name and corporate seal to be affixed hereto this 26 day of

JUNE, 1980.

SIGNED AND ACKNOWLEDGED
IN THE PRESENCE OF:

Judith C. Altner
Lois M. Jarosz

CITY OF CLEVELAND

By: *George V. Voinovich*
GEORGE V. VOINOVICH, MAYOR

STATE OF OHIO
COUNTY OF CUYAHOGA

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) SS.
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On this 26 day of JUNE, 1980, before me a Notary

Public in and for said County and State, came the City of Cleveland by George V. Voinovich, Mayor, who acknowledged the execution of the foregoing deed to be his voluntary act on behalf of the City of Cleveland, and the free act and deed of the City of Cleveland.

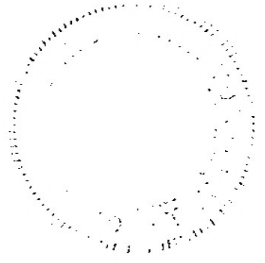
IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal at Cleveland, Ohio, the day and year last aforesaid.

Richard Rypinski
Notary Public

RICHARD RYPINSKI
Notary Public, State of Ohio - Lake Cty.
My Commission Expires Sept. 19, 1982

This instrument prepared by:
DONALD F. BLACK
Assistant Director of Law
For the City of Cleveland

15264PG 112



From
CITY OF CLEVELAND
(a municipal corporation)
To
THE BALTIMORE AND OHIO RAILROAD
COMPANY
(a Maryland corporation)

Received for Record

19

at _____ o'clock *10:30 AM*

Recorded CONVEYANCE IS IN COMPLIANCE WITH SEC. 19.202 O.R.C.

PAID

in _____ County Records

JUN 26 1980

Voluntary Conveyance Fee _____
Tag Receipt No. *5962B*

ARMS LENGTH _____
TYPE _____
VINCENT C. CAMPANELLA, County Auditor By _____ Deputy

Recorder _____

19

Entered for Transfer
JUN 26 11 19 AM '80
MARK McELROY
COUNTY RECORDER
This instrument prepared by
DONALD F. BLACK
Assistant Director of Law
Room 106, City Hall
Cleveland, Ohio 44114

572473
OFFICIAL DEED

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