

**BOYAS\TEGTMEIER SURVEY NOTES**

The abandoned Lake Erie, Wooster & Muskingum Valley Railroad  
11/14/96

Fee ownership of the land occupied by the abandoned railroad that runs through an original 36 acre tract in the southeast quarter of Section 23 is not clear.

A warranty deed from Solomon Myers to the Lake Erie, Wooster and Muskingum Valley Rail Road Company recorded in volume 113, page 186, dated April 1887, conveys the following:  
"The right-of-way to construct and perpetually use its railroad on and through the following described premises..... said strip of land hereby conveyed as right-of-way contains 4.06 acres of land." This language leads me to believe the conveyance was only a right-of-way.

A deed recorded in volume 122, page 97, dated June 1891, conveys 17 acres of the original 36 acre tract, but excepts 1.5 acres sold to the railroad. A deed recorded in volume 133, page 95 dated, September 1897, conveys a 94.05 acre tract that includes the remainder of the original 36 acres and does not except the railroad right-of-way. Subsequent transfers of these two tracts, through volume 331, page 18, dated May of 1956, use the same description.

A new description used in a 1969 transfer, recorded in volume 441, page 151, and all subsequent transfers describes a 32.36 acre tract, makes no mention of a railroad, and states that the description was compiled from Survey D-471. This new description corresponds with the 32.36 acre tract shown on Survey W-478 made in 1968. This survey shows the railroad but does not make it clear whether the railroad is included in the acreage shown. A mathematical analysis indicates the acreage shown does not include the area occupied by the railroad.

Survey D-471 is an old survey of a 36.27 acre tract made in 1866.

Because of this confusion, we have surveyed and described the property in a manner consistent with the transfers made prior to the 1969 transfer.

We have also surveyed, monumented and described the following three tracts that are occupied by the railroad right-of-way so that they may be included or excluded from the transfer by the attorney preparing the deed:

R-1 is the 1.5 acres that has always been excluded from the transfers.

R-2 is a portion of the 94.05 acres that was not excepted that is north of the east bank of the old channel of Killbuck Creek.

R-3 is a portion of the 94.05 acres that was not excepted and is south of the east bank of the old channel of Killbuck creek.

R.W. Gasbarre & Associates, Inc.

Notes\96184.Nts

PREPARED BY W.R.G.

R.W.

**GASBARRE**

& ASSOCIATES, INC.

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PROFESSIONAL LAND SURVEYORS

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November 14, 1996

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DESCRIPTIONS FOR PORTIONS OF  
THE ABANDONED LAKE ERIE, WOOSTER AND MUSKINGUM VALLEY RAILROAD.

Real Estate situated in the  
State of Ohio  
County of Wayne  
Township of Congress,

located in the southeast quarter of Section 23, T-21N, R-14W and being part of the land described in deed volume 113, page 186 of the deed records of Wayne County, Ohio.

Described as follows:

**Parcel R-3**

BEGINNING and an iron pin found marking the southeast corner of Section 23.

THENCE N 88° 05' 02" W 164.19 feet, along the south line of the southeast quarter of Section 23, to an iron pin found on the east line of the abandoned Lake Erie, Wooster and Muskingum Valley Railroad, now owned by CSX Transportation, Inc. and formerly known as the B & O Railroad.

THENCE N 07° 45' 40" W 476.87 feet, along the east line of the railroad, to an iron pin set on the north side of the present channel of Killbuck Creek and on the east bank of the old channel as defined by a survey made in 1866 and filed in volume D, page 471 of the Wayne County survey records; the point of BEGINNING for the parcel herein described.

THENCE with the following FOUR courses:

- 1) N 72° 02' 48" W 88.79 feet, along the east bank of the old channel, to an iron pin set on the west line of the railroad.
- 2) N 07° 45' 40" W 597.18 feet, along the west line of the railroad, to an iron pin set on the east bank of the old channel.
- 3) N 43° 51' 46" E 102.04 feet, along the east bank of the old channel, to an iron pin set on the east line of the railroad.
- 4) S 07° 45' 40" E 699.06 feet, along the east line of the railroad, to the point of BEGINNING.

This parcel contains 1.190 acres.

Descriptions for portions of the abandoned Lake Erie, Wooster and Muskingum Valley Railroad in Section 23, T-21N, R-14W, Congress Township, Wayne County, Ohio.

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**Parcel R-2**

BEGINNING and an iron pin found marking the southeast corner of Section 23.

THENCE N 88° 05' 02" W 164.19 feet, along the south line of the southeast quarter of Section 23, to an iron pin found on the east line of the abandoned Lake Erie, Wooster and Muskingum Valley Railroad, now owned by CSX Transportation, Inc. and formerly known as the B & O Railroad.

THENCE N 07° 45' 40" W 476.87 feet, along the east line of the railroad, to an iron pin set on the north side of the present channel of Killbuck Creek and on the east bank of the old channel as defined by a survey made in 1866 and filed in volume D, page 471 of the Wayne County survey records.

THENCE N 07° 45' 40" W 699.06 feet, along the east line of the railroad, to an iron pin set on the east bank of the old channel.

THENCE N 07° 45' 40" W 19.84 feet, along the east line of the railroad, to a PK nail set in a tree root on the east bank of the old channel and the point of BEGINNING for the parcel herein described.

THENCE with the following FIVE courses:

- 1) N 76° 38' 14" W 85.76 feet, along the east bank of the old channel, to an iron pin set on the west line of the railroad.
- 2) N 07° 45' 40" W 641.58 feet, along the west line of the railroad, to an iron pin set at a point of curvature.
- 3) NORTHWESTERLY, along the west line of the railroad with a curve to the left, an arc distance of 2.32 feet to an iron pin set on the south line of a 17 acre parcel described in deed volume 331, page 18.  
The aforementioned curve has the following properties:  
Central Angle = 00° 02' 50"                      Chord Bearing = N 07° 47' 06" W  
Radius = 2824.79 feet                      Chord Distance = 2.32 feet
- 4) S 88° 08' 14" E 81.14 feet, along the south line of the 17 acre parcel, to an iron pin set on the east line of the railroad.
- 5) S 07° 45' 40" E 661.24 feet, along the east line of the railroad, to the point of BEGINNING.

This parcel contains 1.198 acres.

Descriptions for portions of the abandoned Lake Erie, Wooster and Muskingum Valley Railroad in Section 23, T-21N, R-14W, Congress Township, Wayne County, Ohio.

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**Parcel R-1**

BEGINNING and an iron pin found marking the southeast corner of Section 23.

THENCE N 88° 05' 02" W 164.19 feet, along the south line of the southeast quarter of Section 23, to an iron pin found on the east line of the abandoned Lake Erie, Wooster and Muskingum Valley Railroad, now owned by CSX Transportation, Inc. and formerly known as the B & O Railroad.

THENCE N 07° 45' 40" W 476.87 feet, along the east line of the railroad, to an iron pin set on the north side of the present channel of Killbuck Creek and on the east bank of the old channel as defined by a survey made in 1866 and filed in volume D, page 471 of the Wayne County survey records.

THENCE N 07° 45' 40" W 699.06 feet, along the east line of the railroad, to an iron pin set on the east bank of the old channel.

THENCE N 07° 45' 40" W 19.84 feet, along the east line of the railroad, to an iron pin set on the east bank of the old channel.

THENCE N 07° 45' 40" W 661.24 feet, along the east line of the railroad, to an iron pin set on the south line of a 17 acre parcel described in deed volume 331, page 118 and the point of BEGINNING for the parcel herein described.

THENCE with the following SEVEN courses:

- 1) N 88° 08' 14" W 81.14 feet, along the south line of the 17 acre parcel, to an iron pin set on the west line of the railroad.
- 2) NORTHWESTERLY, along the west line of the railroad with a curve to the left, an arc distance of 516.17 feet to an iron pin set at a point of tangency.  
The aforementioned curve has the following properties:  
Central Angle = 10° 28' 10"                      Chord Bearing = N 13° 02' 35" W  
Radius = 2824.79 feet                      Chord Distance = 515.45 feet
- 3) N 18° 16' 40" W 344.65 feet, along the west line of the railroad, to an iron pin set on the north line of the quarter section.
- 4) S 88° 08' 14" E 85.21 feet, along the north line of the quarter section, to an iron pin set on the east line of the railroad.
- 5) S 18° 16' 40" E 315.31 feet, along the east line of the railroad, to an iron pin set at a point of curvature.

Descriptions for portions of the abandoned Lake Erie, Wooster and Muskingum Valley Railroad in Section 23, T-21N, R-14W, Congress Township, Wayne County, Ohio.

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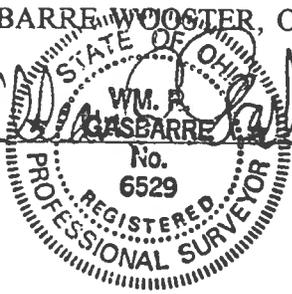
- 6) SOUTHEASTERLY, along the east line of the railroad with a curve to the right, an arc distance of 533.18 feet to an iron pin set at a point of tangency.  
The aforementioned curve has the following properties:  
Central Angle =  $10^{\circ} 31' 00''$                       Chord Bearing =  $S 13^{\circ} 01' 10'' E$   
Radius = 2904.79 feet                      Chord Distance = 532.43 feet
- 7)  $S 07^{\circ} 45' 40'' E$  11.24 feet, along the east line of the railroad, to the point of BEGINNING.

This parcel contains 1.580 acres.

This description was prepared from a survey made in November of 1996 by R.W. Gasbarre & Associates, Inc. that is on file at the Wayne County Tax Map Office.

All bearings are related and based on the north line of the northwest quarter of section 25 bearing  $S 89^{\circ} 05' 23'' E$  according to record survey MM-26.

All corners set are 5/8 inch diameter solid steel rods with identification caps marked "GASBARRE WOOSTER, OHIO" unless otherwise noted.

Survey Reference: OO -495