

MONROE COUNTY CLERK'S OFFICE



Return To:

BOX 30

Index DEEDS

Book 10269 Page 0537

No. Pages 0017

Instrument EASEMENT AGRMNT

Date : 3/15/2006

Time : 5:19:00

Control # 200603151024

ROCHESTER INSTITUTE OF TECHNOL  
OGY  
RIVERS RUN LLC

TT# TT 0000 016088

ROCHESTER INSTITUTE OF TECHNOL  
OGY  
RIVERS RUN LLC

Employee ID BZ40

MORTGAGE TAX

FILE FEE-S	\$	19.00	MORTGAGE AMOUNT	\$	.00
FILE FEE-C	\$	8.00	BASIC MORTGAGE TAX	\$	.00
REC FEE	\$	51.00	SPEC ADDIT MTG TAX	\$	.00
TRANS TAX	\$	.00	ADDITIONAL MTG TAX	\$	.00
MISC FEE-C	\$	5.00	Total	\$	.00
	\$	.00			
	\$	.00			
	\$	.00			
	\$	.00			
Total:	\$	83.00			

STATE OF NEW YORK  
MONROE COUNTY CLERK'S OFFICE

TRANSFER AMT

WARNING - THIS SHEET CONSTITUTES THE CLERKS ENDORSEMENT, REQUIRED BY SECTION 317-a(5) & SECTION 319 OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK. DO NOT DETACH OR REMOVE.	TRANSFER AMT	\$	.00
	TRANSFER TAX	\$	.00

Cheryl Dinolfo  
Monroe County Clerk



D102690537

ACCESS AND UTILITY EASEMENT

THIS ACCESS AND UTILITY EASEMENT, dated as of March 15, 2006, is by and between ROCHESTER INSTITUTE OF TECHNOLOGY, a New York educational corporation having an office at Five Lomb Memorial Drive, Rochester, New York 14623 ("Grantee") and RIVERS RUN, LLC, a New York limited liability company having an office at 50 Fairwood Drive, Rochester, New York 14623 ("Grantor").

WITNESSETH:

WHEREAS, Grantee owner of in fee of certain parcels of land in the Town of Henrietta, Monroe County, New York, known as tax map numbers 174.01-02-59, 174.01-02-60 and 174.01-02-64.11 and has the right to acquire from Grantor a portion of the parcel of land known as tax map number 174.01-02-58.2, as such parcels and portion of a parcel are more particularly bounded and described in Exhibit "A" attached hereto (collectively, the "Benefited Land"); and

WHEREAS, Grantor is the owner in fee of a certain parcel of land in the Town of Henrietta, Monroe County, New York, known as tax map number 174.01-02-58.2, as more particularly bounded and described in Exhibit "B" attached hereto ("Grantor's" Land), having acquired such land from Grantee, pursuant to a deed intended to be recorded in the Monroe County Clerk's Office prior to the recording of this Access and Utility Easement; and

WHEREAS, Grantor intends to develop, construct and operate a senior housing project on the Grantor's Land and related support services and common facilities (collectively, the "Project"); and

WHEREAS, the parties desire to create a non exclusive easement over, under and across a portion of Grantor's Land, as more particularly bounded and described in Exhibit "C" attached hereto (the "Easement Premises"), (a) for vehicular and pedestrian access to and from the Benefited Land along a portion of a certain non dedicated road known as Fairwood Drive and (b) to lay, relay, maintain, repair, operate and remove water transmission lines, natural gas transmission lines, electricity transmission lines, telephone transmission lines, television cable transmission lines, sanitary sewer lines and other utility service lines to provide such utility services to the Benefited Land;

NOW, THEREFORE, in consideration of ONE AND NO/100 DOLLARS (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Grantor grants to Grantee a non exclusive easement over, under and across the Easement Premises (a) for vehicular and pedestrian access to and from the Benefited Land along a portion of a certain non dedicated road known as Fairwood Drive (the "Access Road") and (b) to lay, relay, maintain, repair, operate and remove water transmission lines, natural gas transmission lines, electricity transmission lines, telephone transmission lines, television cable transmission lines, sanitary sewer lines and other utility service lines to provide such utility services to the Benefited Land (collectively, the "Utility Facilities").

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RECORDED

2. Grantor shall maintain and repair the Access Road at Grantor's sole cost and expense including, without limitation, resurfacing of the asphalt surface when reasonably necessary and removal of snow and ice. In the event that Grantor fails to perform Grantor's obligations under this Section 2, Grantee may, after reasonable prior notice to Grantor, perform such obligations. In that event, Grantee shall submit a detailed statement to Grantor for the actual costs incurred by Grantee in performing such obligations, and Grantor shall reimburse Grantee for such actual costs incurred by Grantee within 30 days after receipt by Grantor of such statement.

3. This easement is non exclusive to Grantee, and Grantor reserves the right, power and privilege to utilize the Easement Premises from time to time to the extent it deems necessary for any of its own present or future purposes so long as such utilization does not unreasonably obstruct (except on a temporary basis) use of the Easement Premises by Grantee pursuant to the terms of this easement. This easement does not convey any rights of use of air space above the Easement Premises (except for that air space needed for vehicular and pedestrian passage and maintenance and repair pursuant to the terms of this easement).

4. Grantor shall have the right to relocate all or any portion of the Easement Premises and the Access Road on a one time basis in connection with the initial development of the Project to other premises owned by Grantor (such relocated Easement Premises and such relocated Access Road being hereinafter referred to, respectively, as the "Relocated Easement Premises" and the "Relocated Access Road"), at Grantor's sole cost and expense, provided that: (a) any such relocation shall not unreasonably interfere with or obstruct Grantee's access to or use of other lands or improvements owned by Grantee such relocation shall not unreasonably interfere with or obstruct access to or use of other lands or improvements owned by third parties who have the right to use the Access Road or the Utility Facilities; (c) Grantor shall have submitted to Grantee and Grantee shall have approved, which approval shall not be unreasonably withheld, plans and specifications for the Relocated Access Road; (d) the Relocated Easement Premises and the Relocated Access Road shall each have approximately the same width as the Easement Premises or the Access Road, as the case may be; (e) Grantor shall, at Grantor's sole expense, obtain and deliver to Grantee for Grantee's review and approval in Grantee's reasonable discretion (i) an instrument survey map of the Relocated Easement Premises (the "Relocated Easement Premises Survey") and (ii) a complete metes and bounds description of the Relocated Easement Premises (the "Relocated Easement Premises Legal Description"), and Grantee shall approve the Relocated Easement Premises Survey and the Relocated Easement Premises Legal Description; (f) to the extent necessary, Grantor shall, at Grantor's sole cost and expense: (i) construct the Relocated Access Road in a good and workmanlike manner in accordance with sound engineering standards to accommodate the reasonably anticipated vehicular and pedestrian traffic over the Relocated Access Road following completion of construction of the Project; and (ii) lay or arrange for the laying of the Utility Facilities within the Relocated Easement Premises to provide such facilities under reasonably similar conditions as the facilities located within the Easement Premises immediately prior to such relocation; (g) Grantor shall obtain, at Grantor's sole cost and expense, all necessary governmental land use approvals and permits for the relocation of the Easement Premises and the Access Road and, to the extent necessary, for the construction of the Relocated Access Road and the laying of the Utility Facilities within the Relocated Easement Premises; (h) Grantor shall obtain, at Grantor's sole cost and expense, all necessary approvals for the relocation of the Access Road and the

Utility Facilities from any other persons who have the right to use the Access Road or the Utilities Facilities; (i) Grantor shall prepare and deliver to Grantor, at Grantor's sole cost and expense, an amendment to this easement, for execution by Grantor and Grantee, which substitutes the Relocated Easement Premises for the Easement Premises, and (j) Grantor shall arrange for the recording, at Grantor's sole cost and expense, of such amendment to this easement in the Monroe County Clerk's Office.

5. Grantee shall indemnify, defend, and hold harmless Grantor from all claims of loss, damage or injury of any kind and nature whatsoever arising in connection with the use of the Easement Premises or the Access Road by Grantee, its agents, servants, employees and contractors, except to the extent that such claims of loss, damage or injury are caused by the negligence or willful misconduct of Grantor, its agents, employees or contractors.

6. Grantor shall indemnify, defend, and hold harmless Grantee from all claims of loss, damage or injury of any kind and nature whatsoever caused by Grantor, its employees or agents acting within the scope of their employment or agency, as the case may be, and arising in connection with the use of the Easement Premises or the Access Road by Grantor, its agents or employees (collectively, "Damages"), except to the extent that the Damages are caused by the negligence or willful misconduct of Grantee, its agents, employees, contractors, residents, visitors or invitees.

7. With the prior written consent of Grantee in its sole discretion, and subject to such conditions as Grantee may, in its sole discretion, impose, Grantor may, at Grantor's sole cost and expense, apply to the Town of Henrietta for, and obtain, dedication of any or all of the Access Road to the Town of Henrietta. If Grantee shall have consented to any such application by Grantor, Grantee shall, to the extent required by applicable law, join in any such application; provided, however, that Grantor shall reimburse Grantee for all of Grantee's costs and expenses in joining in any such application, including, without limitation, the reasonable fees and disbursements of Grantee's attorneys, engineers and other consultants.

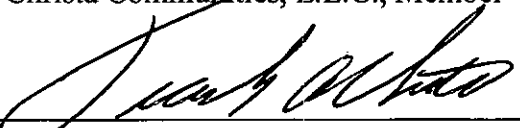
8. This easement shall run with the land and shall be binding on and inure to the benefit of the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be duly executed as of the day and year first above written.

GRANTOR:

RIVERS RUN, LLC

By: Living Communities, L.L.C., Sole Member  
By: Christa Communities, L.L.C., Member

By:   
Frank A. Christa, Member

GRANTEE:

ROCHESTER INSTITUTE OF TECHNOLOGY

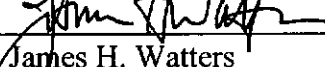
By:   
Name: James H. Watters  
Title: Senior Vice President, Finance and  
Administration



Exhibit "A"

Metes and Bounds Description of Benefited Land

(Tax Map #174.01-02-59 & #174.01-02-60)

**ALL THAT TRACT OR PARCEL OF LAND** situate and being part of Town Lot 13, Sixth Range, Township 12, Range 7, Town of Henrietta, County of Monroe and State of New York and being more particularly described as follows:

**BEGINNING** at a point on the south easterly property corner of lands now or formerly owned by Eileen M. Wurzer, #627 Fairwood Drive, (Tax map #174.01-02-61) being part of the Riverview Grove Subdivision; thence,

- 1.) S 04°48'55" E, a distance of 119.19 feet to a point; thence,
- 2.) S 88°11'28" W, a distance of 163.00 feet, to a point; thence,
- 3.) Northwesterly, along the westerly boundary of said lands of the Rochester Institute of Technology (Tax Map #174.01-02-59), a distance of approximately 83 feet, to a point; thence,
- 4.) Northwesterly, along the westerly boundary of said lands of the Rochester Institute of Technology (Tax Map #174.01-02-60), a distance of approximately 41 feet, to a point on the southern boundary line of lands now or formally owned by Eileen M. Wurzer (Tax Map #174.01-02-61); thence,
- 5.) Easterly, along the southern boundary line of said lands of Eileen M. Wurzer, a distance of 199.59 feet to a point to the **PLACE AND POINT OF BEGINNING, BEING 0.5 ACRES** of land, more or less.

All as shown on a map titled "Rivers Run Subdivision Plat" prepared by Environmental, Design & Research, P.C. and filed in the Monroe County Clerk's Office on December 8, 2004 at Liber 322 of Maps, Page 60.

[continued on next page]

**(Tax Map #174.01-02-64.11)**

**ALSO, ALL THAT TRACT OR PARCEL OF LAND** situate and being part of Town Lot 13, Sixth Range, Township 12, Range 7, Town of Henrietta, County of Monroe and State of New York and being more particularly described as follows:

**BEGINNING** at a point on the north easterly property corner of lands now or formerly owned by Eileen M. Wurzer (Tax map #174.01-02-62) being part of the Riverview Grove Subdivision; thence,

- 1.) Westerly, along the northern property line of said lands of Eileen M. Wurzer, a distance of 211.90 feet to a point; thence,
- 2.) N 04°44'38" W, a distance of 80.11 feet, to a point; thence,
- 3.) N 00°22'40" W, a distance of 40.01 feet, to a point; thence,
- 4.) N 00°22'40" E, a distance of 40.18 feet, to a point on the southern boundary line of lands now or formerly the Rochester Institute of Technology (Tax map #174.01-02-68); thence,
- 5.) Easterly, along the southern boundary line of said lands of the Rochester Institute of Technology, a distance of 202.80 feet to a point; thence,
- 6.) S 04°48'55" E, a distance of 160.22 feet, to the **PLACE AND POINT OF BEGINNING, BEING 0.771 ACRES** of land, more or less.

All as shown on a map titled "Rivers Run Subdivision Plat" prepared by Environmental, Design & Research, P.C. and filed in the Monroe County Clerk's Office on December 8, 2004 at Liber 322 of Maps, Page 60.

[continued on next page]



**ALSO, ALL THAT TRACT OR PARCEL OF LAND** situate and being part of Town Lot 13, Sixth Range, Township 12, Range 7, Town of Henrietta, County of Monroe and State of New York and being more particularly described as follows:

**COMMENCING** at a point on the westerly highway boundary of East River Road, County Route 84 (66 feet wide), said point being on the southerly property line of lands now or formerly owned by Rochester Institute of Technology (Tax map #174.01-02-58) as filed in the Monroe County Clerk's office as liber 7244 of deeds page 4; thence,

Westerly, along the southerly property line of said lands of the Rochester Institute of Technology, a distance of 2270.67 feet to the **POINT OF BEGINNING**; thence,

- 1.) S 87°34'43" W, a distance of 136.96 feet, to a point; thence,
- 2.) N 22°40'45" W, a distance of 84.54 feet, to a point on the southerly property line of lands now or formerly owned by Rochester Institute of Technology (Tax map #174.01-02-59); thence,
- 3.) N 88°11'28" E, a distance of 163.00 feet, to a point on the westerly boundary line of Lot 2 of the Rivers Run Subdivision as filed in the Monroe County Clerk's Office at Liber 322 of Maps, Page 60; thence,
- 4.) S 04°48'55" E, a distance of 77.64 feet, to the **PLACE AND POINT OF BEGINNING**, BEING 0.270 ACRES of land, more or less.

All as shown on a map titled "Rivers Run Subdivision Plat" prepared by Environmental, Design & Research, P.C. and filed in the Monroe County Clerk's Office on December 8, 2004 at Liber 322 of Maps, Page 60.

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**ALSO, ALL THAT TRACT OR PARCEL OF LAND** situate and being part of Town Lot 13, Sixth Range, Township 12, Range 7, Town of Henrietta, County of Monroe and State of New York and being more particularly described as follows:

**BEGINNING** at a point on the north easterly property corner of lands now or formerly owned by Rochester Institute of Technology (Tax map #74.01-02-64.11) as filed in the Monroe County Clerk's office as liber 7244 of deeds page 4; thence,

- 1.) Westerly, along the northern property line of said lands of the Rochester Institute of Technology, a distance of 202.80 feet to a point; thence,
- 2.) N 05°52'42" E, a distance of 40.36 feet, to a point; thence,
- 3.) N 04°11'03" E, a distance of 80.44 feet, to a point on the southern boundary line of lands now or formerly owned by Ronnie E. David (Tax map #174.01-02-69); thence,
- 4.) Easterly, along the southern property line of said lands of Ronnie E. Davis, a distance of 182.70 feet to a point; thence,
- 5.) S 04°48'55" E, a distance of 120.17 feet, to the **PLACE AND POINT OF BEGINNING**, BEING 0.529 ACRES of land, more or less.

All as shown on a map titled "Rivers Run Subdivision Plat" prepared by Environmental, Design & Research, P.C. and filed in the Monroe County Clerk's Office on December 8, 2004 at Liber 322 of Maps, Page 60.

**Exhibit "B"**

**Metes and Bounds Description of Grantee's Land**

**ALL THAT TRACT OR PARCEL OF LAND** situate and being part of Town Lot 13, Sixth Range, Township 12, Range 7, Town of Henrietta, County of Monroe and State of New York and being more particularly described as follows:

**COMMENCING** at a point on the westerly highway boundary of East River Road, County Route 84 (66 feet wide), said point being on the southerly property line of lands now or formerly owned by Rochester Institute of Technology (Tax map #174.01-02-58) as filed in the Monroe County Clerk's Office as liber 7244 of deeds page 4; thence, Westerly, along the southerly property line of said lands of the Rochester Institute of Technology, a distance of 950.33 feet to the **POINT OF BEGINNING**; thence,

- 1.) S 87°34'43" W, a distance of 1457.31, to a point; thence,
- 2.) N 22°40'45"W, a distance of 84.54 feet, to a point on the southerly boundary line of lands now or formally owned by Rochester Institute of Technology (Tax map #174.01-02-59); thence,
- 3.) N 88°11'28"E, a distance of 163.00 feet, to a point; thence,
- 4.) N 04°48'55"W, a distance of 439.63 feet, to a point on the southerly boundary line of lands now or formally owned by Rochester Institute of Technology; thence,
- 5.) S 88°11'28"W, a distance of 202.80 feet, to a point; thence,
- 6.) N 05°52'42"E, a distance of 40.36 feet, to a point; thence,
- 7.) N 04°11'03"E, a distance of 80.44 feet, to a point; thence,
- 8.) N 88°11'28"E, a distance of 182.70 feet, to a point; thence,
- 9.) N 04°48'55" W, a distance of 150.21 feet, to a point; thence,
- 10.) N 88°11'28" E, a distance of 58.39 feet, to a point; thence,
- 11.) N 11°16'38" E, a distance of 401.74 feet, to a point; thence,
- 12.) N 50°09'58"E, a distance of 23.27 feet, to a point; thence,
- 13.) N 88°01'28"E, a distance of 1070.78 feet, to a point; thence,
- 14.) S 02°02'47"E, a distance of 408.76 feet, to a point; thence,
- 15.) N 88°11'28"E, a distance of 447.20 feet, to a point; thence,
- 16.) S 01°48'32"E, a distance of 224.79 feet, to a point; thence,

- 17.) S 56°06'01"W, a distance of 252.93 feet, to a point; thence,
- 18.) S 24°47'43"W, a distance of 253.41 feet, to a point; thence,
- 19.) S 02°25'17"E, a distance of 186.71 feet, to the **PLACE AND POINT OF BEGINNING, BEING 38.028 ACRES** of land, more or less.

All as shown as Lot 2 on a map titled "Rivers Run Subdivision Plat" prepared by Environmental, Design & Research, P.C. and filed in the Monroe County Clerk's Office on December 8, 2004 at Liber 322 of Maps, Page 60.

Exhibit "C"

Metes and Bounds Description of Easement Premises

**Access and Utility Easement To  
Rochester Institute Of Technology (A1)**

**ALL THAT TRACT OR PARCEL OF LAND** situate in the Town of Henrietta, County of Monroe and State of New York being more particularly described as follows:

**COMMENCING** at a point on the westerly highway boundary of East River Road, County Route 84 (66 feet wide), said point being on the southerly property line of lands now or formerly owned by Rochester Institute of Technology (Tax map #174.01-02-58) as filed in the Monroe County Clerk's office as liber 7244 of deeds page 4; thence,

Westerly, along the southerly property line of said lands of the Rochester Institute of Technology, a distance of 932.79 feet to a point of curvature; thence,

Westerly, along a curve to the right, having a radius of 225.00 feet (Chord = S 89°48'50" W, 17.55 feet), an arc distance of 17.56 to the **POINT OF BEGINNING**; thence,

- 1.) Westerly, along a curve to the right, having a radius of 225.00 feet (Chord = N 78°09'26" W, 76.54 feet), an arc distance of 76.92 to a point; thence,
- 2.) N 68°21'49" W, a distance of 276.06 feet, to a point of curvature; thence,
- 3.) Westerly, along a curve to the left, having a radius of 150.00 feet (Chord = S 80°29'02" W, 154.70 feet), an arc distance of 162.54 to a point; thence,
- 4.) S 49°33'07" W, a distance of 110.37 feet, to a point of curvature; thence,
- 5.) Westerly, along a curve to the right, having a radius of 225.00 feet (Chord = S 64°00'45" W, 112.37 feet), an arc distance of 113.57 to a point; thence,
- 6.) S 87°34'43" W, along the southerly property line of said lands of the Rochester Institute of Technology, a distance of 71.23 feet, to a point; thence,
- 7.) N 83°04'50" W, a distance of 157.81 feet, to a point of curvature; thence,
- 8.) Westerly, along a curve to the left, having a radius of 375.00 feet (Chord = S 87°04'46" W, 128.17 feet), an arc distance of 128.80 to a point; thence,
- 9.) S 77°14'23" W, a distance of 136.50 feet, to a point; thence
- 10.) S 87°34'43" W, along the southerly property line of said lands of the Rochester Institute of Technology, a distance of 161.98 feet, to a point; thence,

- 11.) N 04°48'55" W, along the westerly property line of said lands of the Rochester Institute of Technology, a distance of 787.64 feet, to a point; thence,
- 12.) N 88°11'28" E, a distance of 80.11 feet, to a point; thence,
- 13.) S 04°48'55" E, a distance of 36.05 feet, to a point; thence,
- 14.) S 85°11'05" W, a distance of 30.00 feet, to a point; thence,
- 15.) S 04°48'55" E, a distance of 85.93 feet, to a point; thence,
- 16.) S 37°31'17" E, a distance of 95.24 feet, to a point of curvature; thence,
- 17.) Southerly, along a curve to the left, having a radius of 65.00 feet (Chord = S 20°46'13" W, 84.86 feet), an arc distance of 92.46 to a point of reverse curvature; thence,
- 18.) Southerly, along a curve to the right, having a radius of 647.50 feet (Chord = S 05°00'48" E, 334.48 feet), an arc distance of 338.32 to a point; thence,
- 19.) S 11°13'24" W, a distance of 20.84 feet, to a point of curvature; thence,
- 20.) Southerly, along a curve to the left, having a radius of 85.00 feet (Chord = S 45°45'35" E, 142.57 feet), an arc distance of 169.12 to a point; thence,
- 21.) N 77°14'23" E, a distance of 137.79 feet, to a point of curvature; thence,
- 22.) Easterly, along a curve to the right, having a radius of 425.00 feet (Chord = N 87°04'46" E, 145.26 feet), an arc distance of 145.98 to a point; thence,
- 23.) S 83°04'50" E, a distance of 156.90 feet, to a point of curvature; thence,
- 24.) Easterly, along a curve to the left, having a radius of 175.00 feet (Chord = N 73°14'08" E, 140.59 feet), an arc distance of 144.68 to a point; thence,
- 25.) N 49°33'07" E, a distance of 110.27 feet, to a point of curvature; thence,
- 26.) Easterly, along a curve to the right, having a radius of 200.00 feet (Chord = N 80°35'39" E, 206.27 feet), an arc distance of 216.72 to a point; thence,
- 27.) S 68°21'49" E, a distance of 276.15 feet, to a point of curvature; thence,
- 28.) Easterly, along a curve to the left, having a radius of 175.00 feet (Chord = S 76°38'54" E, 50.43 feet), an arc distance of 50.61 to a point; thence,
- 29.) S 84°55'59" E, a distance of 4.52 feet, to a point on the easterly boundary of Lot 2 of the Rivers Run Subdivision as filed in the Monroe County Clerk's office as liber 322 of maps page 60; thence,

- 30.) S 02°25'17" E, along the easterly boundary of Lot 2 of the Rivers Run Subdivision, a distance of 49.77 feet, to the **PLACE AND POINT OF BEGINNING, BEING 2.787 ACRES** of land, more or less.

All as shown on a map attached here to titled "Rivers Run Subdivision Plat" prepared by Environmental, Design & Research, P.C. and filed on December 8, 2004 in the Monroe County Clerk's Office at Liber 322 of Maps, Page 60.

**Access and Utility Easement To  
Rochester Institute Of Technology (A2)**

**ALSO ALL THAT TRACT OR PARCEL OF LAND** situate in the Town of Henrietta, County of Monroe and State of New York being more particularly described as follows:

**COMMENCING** at a point being on the southerly property line of lands now or formerly owned by Rochester Institute of Technology (Tax map #174.01-02-58) as filed in the Monroe County Clerk's office as liber 7244 of deeds page 4, at the point of intersection with the westerly boundary of Lot 1 of the Rivers Run Subdivision Plat; thence,

- C1. N 02°25'17" W, along the easterly boundary of Lot 2 of the Rivers Run Subdivision Plat, a distance of 50.45 feet, to a point; thence
- C2. N 84°55'59" W, a distance of 4.52 feet, to a point of curvature; thence,
- C3. Westerly, along a curve to the right, having a radius of 175.00 feet (Chord = N 76°38'54" W, 50.43 feet), an arc distance of 50.61 to a point; thence,
- C4. N 68°21'49" W, a distance of 276.15 feet, to a point of curvature; thence,
- C5. Westerly, along a curve to the left, having a radius of 200.00 feet (Chord = S 87°53'02" W, 161.11 feet), an arc distance of 165.82 to the **POINT OF BEGINNING**; thence,
  - 1.) N 18°49'02" W, a distance of 77.06 feet, to a point of curvature; thence,
  - 2.) Westerly, along a curve to the left, having a radius of 775.00 feet (Chord = N 25°43'16" W, 186.32 feet), an arc distance of 186.77 to a point; thence,
  - 3.) N 32°37'31" W, a distance of 71.10 feet, to a point of curvature; thence
  - 4.) Westerly, along a curve to the left, having a radius of 252.99 feet (Chord = N 48°39'31" W, 140.76 feet), an arc distance of 142.64 to a point; thence,
  - 5.) N 64°41'32" W, a distance of 30.07 feet, to a point of curvature; thence,
  - 6.) Westerly, along a curve to the left, having a radius of 200.00 feet (Chord = S 89°42'47" W, 172.80 feet), an arc distance of 178.69 to a point; thence,
  - 7.) S 64°07'05" W, a distance of 23.29 feet, to a point of curvature; thence,
  - 8.) Westerly, along a curve to the right, having a radius of 274.54 feet (Chord = S 79°32'36" W, 146.31 feet), an arc distance of 148.10 to a point; thence,
  - 9.) N 85°01'53" W, a distance of 142.82 feet, to a point of curvature; thence,
  - 10.) Westerly, along a curve to the left, having a radius of 65.00 feet (Chord = S 78°14'44" W, 37.41 feet), an arc distance of 37.94 to a point; thence,
  - 11.) N 37°31'17" W, a distance of 50.35 feet, to a point of curvature; thence,
  - 12.) Easterly, along a curve to the right, having a radius of 115.00 feet (Chord = N 76°16'20" E, 73.73 feet), an arc distance of 75.05 to a point; thence,



- 13.) S 85°01'53" E, a distance of 142.84 feet, to a point of curvature; thence,
- 14.) Easterly, along a curve to the left, having a radius of 224.54 feet (Chord = N 79°32'36" E, 119.67 feet), an arc distance of 121.13 to a point; thence,
- 15.) N 64°07'05" E, a distance of 23.32 feet, to a point of curvature; thence,
- 16.) Easterly, along a curve to the right, having a radius of 250.00 feet (Chord = N 89°42'47" E, 216.00 feet), an arc distance of 223.36 to a point; thence,
- 17.) S 64°41'32" E, a distance of 29.97 feet, to a point of curvature; thence,
- 18.) Southerly, along a curve to the right, having a radius of 302.99 feet (Chord = S 48°39'31" E, 168.58 feet), an arc distance of 170.83 to a point; thence,
- 19.) S 32°37'31" E, a distance of 71.00 feet, to a point of curvature; thence,
- 20.) Southerly, along a curve to the right, having a radius of 825.00 feet (Chord = S 25°43'16" E, 198.34 feet), an arc distance of 198.82 to a point; thence,
- 21.) S 18°49'02" E, a distance of 77.17 feet, to a point of curvature; thence,
- 22.) Westerly, along a curve to the left, having a radius of 200.00 feet (Chord = S 71°18'44" W, 50.00 feet), an arc distance of 50.13, to the **PLACE AND POINT OF BEGINNING, BEING 1.245 ACRES** of land, more or less.

All as shown on a map attached here to titled "Rivers Run Subdivision Plat" prepared by Environmental, Design & Research, P.C. and filed in the Monroe County Clerk's Office on December 8, 2004 at Liber 322 of Maps, Page 60.