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October 21, 2021
EMAIL ONLY
gfry@massillonohio.gov

Mr. Gary K. Fry
Assistant Director of Law
City of Massillon, Ohio
Two James Duncan Plaza
Massillon, Ohio 44646

Dear Mr. Fry:

*Re: Janda Development Limited
Augusta Lakes No. 3A*

We have had a chance to review your request in regard to the Opinion of Title previously submitted to you on July 15, 2021. As you recall, your request was that the Opinion of Title state the road right of ways shown on the Augusta Lakes No. 3A plat are completely free from any and all encumbrances, particularly from those oil and gas leases and pipeline easements shown on the Opinion of Title.

Those pipeline right of ways shown on the Opinion of Title (Numbers 4, 7 and 8) refer to a pipeline that was required to be removed by the City of Massillon pursuant to a Purchase Agreement dated June 13, 2000. This agreement required the City of Massillon to remove any and all equipment and infrastructure related to the underlying oil and gas leases (Opinion of Title Numbers 9, 10, 11, and 12) and the pipeline from the acreage being retained, which is the subject property. It is our client's understanding that the removal work has been completed but, if that work has not been completed and equipment or pipeline is discovered as the development of this property continues, our client will contact the City to remove it. I've enclosed a copy of that agreement for your reference. (Note that the City is the Purchaser in the Agreement.)

You should also note that Section 3.4 of the agreement obligates the City of Massillon to "... cause the oil and gas companies to provide a release of surface rights including any oil and gas lines across or under the Retained Premises."

MICHAEL S. GRUBER
PRINCIPAL

DAVID M. THOMAS
PRINCIPAL

JASON N. BING*
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TODD B. KOTLER
ASSOCIATE

RICHARD PROTIVA
ASSOCIATE

*LICENSED TO PRACTICE IN OH AND PA

That easement referred to as Number 5 in the Opinion of Title is restricted in its location to within 60 feet of Richville Highway. Therefore, it does not encumber those roads shown on the plat map. Also, Number 6 in the Opinion of Title is an easement with Ohio Edison and is restricted to electric lines *over and across* the acreage so it is for overhead lines that will not affect the road right of ways.

Based on the above, the matters shown in the Opinion of Title will not affect the roads shown on the August Lakes No. 3A plat. Please contact me to discuss, if you have any additional questions.

Very Truly Yours,
/s/ Jamie M. Haren
Jamie M. Haren

cc: Janda Development Limited
Enclosures

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