

Said right-of-way is granted for the purpose of enabling McBee Apartments, a Limited Partnership to construct, lay, maintain, operate, renew, enlarge, replace, repair and remove a line or lines of underground sewer pipe or pipes and/or drainage pipe or pipes, together with all necessary appurtenances, which pipe line or lines shall be used in the transmission of sewage and/or surface water, with the right at any and all times to enter upon the strip of land included within the above described right-of-way for any purpose in connection with the inspection, maintenance, operation, renewal, enlargement, replacement or repairing of the said pipe line or lines or any appurtenances or any of them and with the right to do all necessary excavation, installation, construction and maintenance work.

Ohio Construction & Engineering, Inc. covenants and agrees for itself and its successors and assigns, which covenant shall be a covenant running with the land over which said Right-of-Way and Easement is granted, that Ohio Construction & Engineering, Inc. will not do or permit to be done on the strip of land hereinabove described any excavating, blasting, use of explosives or other usage of the said strip of land which would damage or tend to damage or injure or obstruct said underground sewer pipe line or lines and/or drainage pipe line or lines or interrupt or interfere with the normal and usual service or operation of said sewer pipe line or lines and/or drainage pipe line or lines; (2) the area included in the right-of-way hereby granted shall not be filled over, filled in or cut down in any manner which would cause the raising or lowering of the ground grade level beyond the elevation or elevations which exist at the time of completion of construction of the underground sewer pipe line or lines and/or drainage pipe line or lines in said right-of-way; and (3) no building or buildings or structure or structures of any kind, either temporary or permanent, shall at any time be placed or constructed within the area embraced within the right-of-way hereby granted.

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