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03/31/2006 4:21PM BXCITY ATTORN  
Robert G. Montgomery  
Franklin County Recorder

**DEED OF EASEMENT**

KNOW ALL MEN BY THESE PRESENTS that **THE FALLS AT HAYDEN RUN, LTD.**, "Grantor", an Ohio limited liability company, for One Dollar (\$1.00) and other good and valuable consideration paid by the **CITY OF COLUMBUS, OHIO**, "Grantee", a municipal corporation, the receipt of which is hereby acknowledged, does hereby grant to Grantee, its successors and assigns forever, a perpetual easement in, over, under, across and through the following described real property for the purposes of constructing, installing, reconstructing, replacing, removing, repairing, maintaining and operating sewer utility lines and appurtenances thereto (the "improvement"):

**CC14589**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Virginia Military Survey Number 3453, and being part of a 73.476 acre tract of land conveyed to The Falls at Hayden Run, Ltd. by deed of record in Instrument Number 200411160262534, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at Franklin County Geodetic Survey Monument Number 5045, being in the centerline of Hayden Run Road;

Thence North 06° 37' 21" West, with grantor's westerly line, a distance of 426.06 feet, to a point;

Thence North 84° 14' 21" East, across grantor's tract, a distance of 103.00 feet to the TRUE POINT OF BEGINNING;

Thence continuing across grantor's tract the following courses and distances:

North 05° 45' 39" West, a distance of 25.00 feet, to a point;

North 84° 14' 21" East, a distance of 1212.13 feet, to a point;

South 05° 45' 39" East, a distance of 25.00 feet, to a point; and

South 84° 14' 21" West, a distance of 1212.13 feet, to the TRUE POINT OF BEGINNING and containing 0.696 acre, more or less.

Franklin County Tax Parcel Nos. 485-278519  
Prior Instrument Reference: Instrument No. 200411160262534  
Recorder's Office, Franklin County, Ohio.

All terms and conditions contained herein shall inure to the benefit of and be binding upon the parties and their respective successors and assigns.

CONVEYANCE TAX  
EXEMPT  
JOSEPH W. TESTA  
COUNTY AUDITOR

TRANSFERRED  
NOT NECESSARY  
MAR 31 2006  
JOSEPH W. TESTA  
AUDITOR  
FRANKLIN COUNTY, OHIO

1. Grantor, at its expense, shall install/construct the "improvement" within the easement area described herein. The "improvement" shall be installed/constructed in accordance with City of Columbus construction specifications. Grantor shall, at its expense, return the easement area to its former condition as nearly as is reasonably practicable.

2. After Grantee has approved and accepted the "improvement", it shall be operated, maintained, renewed, reconstructed and/or replaced by the Grantee as necessity requires.

3. After Grantee's approval and acceptance of the subject "improvement", the Grantee agrees that upon subsequent entry by the Grantee for the purpose of construction, installation, reconstruction, replacement, removal, repair, maintenance and operation of said "improvement", it will restore Grantor's property within said easement area to its former condition as nearly as is reasonably practicable. Grantor understands and agrees that restoration of Grantor's property within the easement area is specifically limited to restoring the property to its former grade and restoring the surface to its former condition, but shall not include repair or replacement of any improvements therein or thereon.

4. The perpetual easement rights granted herein are "exclusive" as to all except the Grantor and any previously granted rights of record. Grantor retains the right to use the subject real property for all purposes which do not in any manner impair the Grantee's use or interfere with the construction, operation, maintenance, repair, removal, replacement or reconstruction of the "improvement" or access thereto. Grantor shall not cause or allow any permanent or temporary building, structure, facility, or improvement to be constructed in or upon the subject easement, except utility service lines, paved parking, driveways, and sidewalks. If Grantor makes permanent or temporary improvements in or upon said easement, other than those stated above, then Grantor shall assume full responsibility for any damage or destruction of such improvements by Grantee, and Grantee, its employees, agents, representatives and contractors, shall not be liable for any damage or destruction of such improvements during the good faith exercise of the rights granted herein.

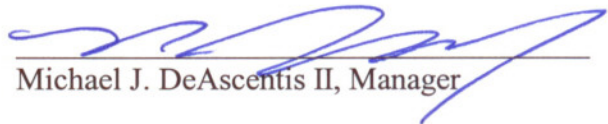
5. The Grantor hereby covenants with Grantee to be the true and lawful owner of the above-described real property and lawfully seized of the same in fee simple and having good right and full power to grant this Deed of Easement and will not convey or transfer fee simple ownership of the described real property prior to this instrument being recorded.

TO HAVE AND TO HOLD said real property unto said Grantee, City of Columbus, Ohio, its successors and assigns forever, for the uses and purposes hereinbefore described.

The Grantor, The Falls at Hayden Run, Ltd., by its duly authorized manager, has caused this instrument to be executed and subscribed this 30<sup>th</sup> day of March 2006.

**THE FALLS AT HAYDEN RUN, LTD.**

an Ohio limited liability company

  
Michael J. DeAscentis II, Manager

STATE OF OHIO  
COUNTY OF FRANKLIN, SS:

BE IT REMEMBERED, that on this 30<sup>th</sup> day of March 2006 the foregoing instrument was acknowledged before me by Michael J. DeAscentis II, Manager, on behalf of The Falls at Hayden Run, Ltd., an Ohio limited liability.

(seal)

  
Notary Public



THOMAS ROBERT BROWNLEE, JR., Attorney At Law  
NOTARY PUBLIC, STATE OF OHIO  
My commission has no expiration date.  
Section 147.03 R.C.

This instrument prepared by:  
CITY OF COLUMBUS, DEPARTMENT OF LAW  
By: Richard A. Pieplow  
Real Estate Attorney  
Real Estate Division  
For: Div. of Sewerage & Drainage  
Re: Hayden Run Sanitary  
Neg: EWR-CC14589 Hayden Rd San. Falls @ HR-3-24-06.doc



Evans, Mechwart, Hambleton & Tilton, Inc.  
 Engineers • Surveyors • Planners • Scientists  
 5500 New Albany Road, Columbus, OH 43054  
 Phone: 614.775.4500 Fax: 614.775.4800

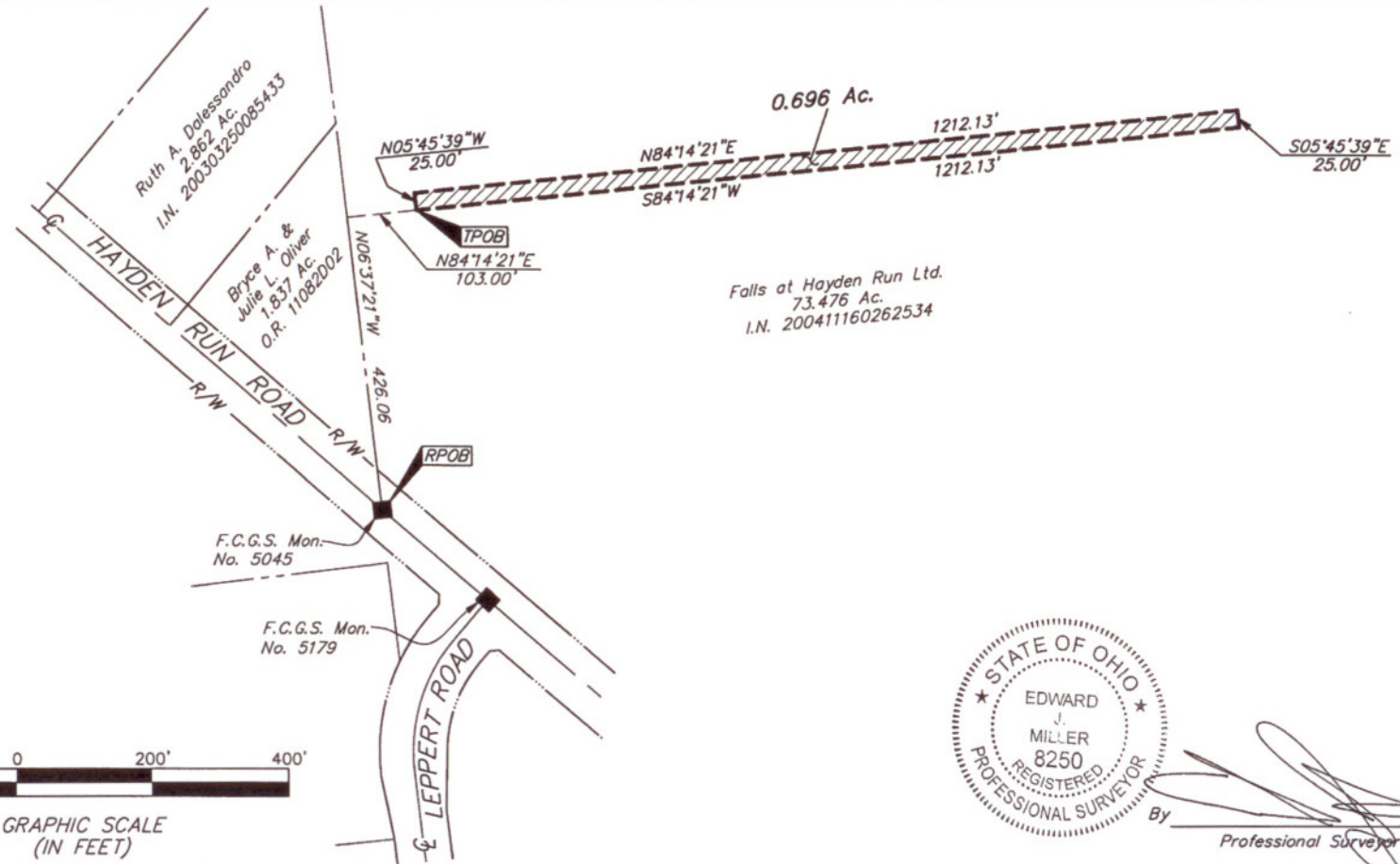
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**SANITARY SEWER EASEMENT**  
**LOCATED IN**  
**VIRGINIA MILITARY SURVEY NO. 3453**  
**CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO**

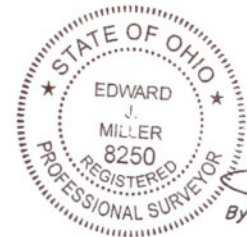
Date: February 16, 2006


Scale: 1" = 200'

Job No: 20041733



GRAPHIC SCALE  
(IN FEET)



By  2/17/06  
 Professional Surveyor No. 8250