

QUITCLAIM DEED OF DETERMINABLE ENCROACHMENT EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS THAT THE **CITY OF COLUMBUS, OHIO** (GRANTOR), an Ohio municipal corporation, for valuable consideration given by **ROBERT M. GARDNER AND RUTH S. GARDNER, TRUSTEES UNDER THE ROBERT M. GARDNER AND RUTH S. GARDNER TRUST DATED SEPTEMBER 20, 1996 AS AMENDED** (GRANTEES), for a period of no more than ten (10) years from this easement's execution date, so long as it is used for the purposes and subject to the conditions, restrictions and limitations contained in this easement, does quitclaim grant to Grantees, an appurtenant, nonexclusive, determinable encroachment easement in the following described real property (EASEMENT AREA):

0.044 ACRES

(SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A",
AND MADE A PART OF THIS INSTRUMENT)

FRANKLIN COUNTY TAX PARCEL № 200-000489

INSTRUMENT REFERENCE: 199609230198187;
RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO
STREET ADDRESS: 4500 DUBLIN RD., COLUMBUS, OH 43221

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1. Grantor grants this easement subject to the conditions, restrictions, and limitations contained in this easement, for the sole purpose of allowing Grantees' existing patio, stairway, flagpole, and house eaves (collectively referred as "IMPROVEMENTS") to encroach upon Grantor's real property within the Easement Area. In addition, Grantees' use of the Property or recordation of this deed, or both, shall be deemed Grantees' acceptance of all terms, conditions, restrictions, limitations, and reservations contained in this easement for Grantees and their beneficiaries, executors, administrators, successors, and assigns.
 2. Grantees shall forever indemnify and hold harmless Grantor and all of its agents, employees, and representatives from and against all claims, damages, losses, suits and actions, which include attorney's fees, arising or resulting from Grantees' installation, construction, maintenance, repair, replacement, excavation, or removal of the Improvements, and use of the easement area by Grantees, their agents, representatives, invited guests, or fiduciaries.
 3. Grantees, their beneficiaries, executors, administrators, successors, and assigns, shall also forever release and save harmless Grantor from any claims for compensation, or claims for damages, to the Improvements, which damages arise or result from erosion, inundation, or flooding in the Easement Area. In addition, Grantees, their beneficiaries, executors, administrators, successors, and assigns, shall be responsible for all costs of removal and demolition of any structures or improvements, which is necessitated due to flooding or erosion, or both, in the operation, maintenance, and functioning of Griggs Reservoir in the Easement Area, regardless if such structures or improvements exist at the time of this grant, or subsequent to the date of this grant.

4. Grantees, their beneficiaries, executors, administrators, successors, and assigns, shall possess the duty and obligation to maintain and repair the Improvements at Grantees' sole cost and expense. Grantees shall submit maintenance plans to Grantor, and Grantees shall receive Grantor's written approval, prior to Grantees' performance of any maintenance or repair to the Improvements.
5. Grantor expressly reserves to itself a reversionary interest in the Easement Area. Furthermore, upon Grantees' abandonment, disuse, or change of use of the easement rights granted in this easement, or the Improvements' removal, substantial damage, or destruction, or upon the expiration of ten (10) years from this easement's execution date, whichever event shall occur first, shall cause this easement to automatically cease and terminate. Grantor may file an AFFIDAVIT RELATING TO TITLE TO REAL PROPERTY for the purpose of memorializing and giving public notice of this easement's termination.
6. Subsequent to the granting of this easement, if the COLUMBUS CITY COUNCIL determines that the Easement Area is necessary for any public purpose inconsistent with or antagonistic to the purposes that this grant is made, then Grantor shall possess the right, and reserves the right, to terminate this easement upon sixty (60) days notice to Grantees.
7. In the event of termination or reversion described in this instrument, Grantees shall remove the Improvements completely from the Easement Area and shall execute and deliver a recordable instrument of conveyance returning the easement area and releasing all easement rights, which may have been conveyed in this easement to Grantor.
8. As soon as practicable after all entries made pursuant to the rights granted in this easement, Grantees shall cause Grantor's property located within the Easement Area, or any property affected by such entry, to be restored to its former condition as nearly as is reasonably possible, or shall pay Grantor, at Grantor's option, for all damages to Grantor's real property, which damage was occasioned by, or resulted from, Grantees' use, occupation, installation, construction, maintenance, repair, excavation, or removal of the Improvements in the Easement Area.
9. The rights granted in this easement are nonexclusive and shall not be construed to interfere or restrict Grantor's paramount right to use, construct, operate, and maintain property improvements over, around, under, and across the Easement Area, and for all water reservoir purposes.

*****SIGNATURES BEGIN ON NEXT PAGE*****

IN WITNESS WHEREOF, Grantor, CITY OF COLUMBUS, OHIO, by the DIRECTORS OF THE DEPARTMENT OF RECREATION AND PARKS AND DEPARTMENT OF PUBLIC UTILITIES, as authorized by COLUMBUS CITY COUNCIL ORDINANCE № _____, voluntarily caused the execution of their names to be subscribed as of the dates listed below.

CITY OF COLUMBUS, OHIO,
A MUNICIPAL CORPORATION

CITY OF COLUMBUS, OHIO,
A MUNICIPAL CORPORATION

ALAN D. MCKNIGHT, DIRECTOR
DEPARTMENT OF RECREATION AND PARKS

GREG J. DAVIES, DIRECTOR
DEPARTMENT OF PUBLIC UTILITIES

DATE: _____

DATE: _____

STATE OF OHIO)
COUNTY OF FRANKLIN) SS:

BE IT REMEMBERED that on _____, 2012, this instrument was voluntarily acknowledged before me on behalf of the CITY OF COLUMBUS, OHIO, by ALAN D. MCKNIGHT, DIRECTOR, DEPARTMENT OF RECREATION AND PARKS.

(SEAL)

NOTARY PUBLIC

STATE OF OHIO)
COUNTY OF FRANKLIN) SS:

BE IT REMEMBERED that on _____, 2012, this instrument was acknowledged before me on behalf of the CITY OF COLUMBUS, OHIO, by GREG DAVIES, DIRECTOR, DEPARTMENT OF PUBLIC UTILITIES.

(SEAL)

NOTARY PUBLIC

IN WITNESS WHEREOF, Grantee, ROBERT M. GARDNER AND RUTH S. GARDNER, TRUSTEES UNDER THE ROBERT M. GARDNER AND RUTH S. GARDNER TRUST DATED SEPTEMBER 20, 1996, by the trustees, ROBERT M. GARDNER and RUTH S. GARDNER, voluntarily caused the execution of their names to be subscribed as of the dates listed below.

ROBERT M. GARDNER,
TRUSTEE

RUTH S. GARDNER,
TRUSTEE

DATE: _____

DATE: _____

STATE OF OHIO)
COUNTY OF FRANKLIN) SS:

BE IT REMEMBERED that on _____, 2012, this instrument was voluntarily acknowledged before me on behalf of the ROBERT M. GARDNER AND RUTH S. GARDNER, TRUSTEES UNDER THE ROBERT M. GARDNER AND RUTH S. GARDNER TRUST DATED SEPTEMBER 20, 1996, by trustee, ROBERT M. GARDNER.

(SEAL)

NOTARY PUBLIC

STATE OF OHIO)
COUNTY OF FRANKLIN) SS:

BE IT REMEMBERED that on _____, 2012, this instrument was acknowledged before me on behalf of the ROBERT M. GARDNER AND RUTH S. GARDNER, TRUSTEES UNDER THE ROBERT M. GARDNER AND RUTH S. GARDNER TRUST DATED SEPTEMBER 20, 1996, by trustee, RUTH S. GARDNER.

(SEAL)

NOTARY PUBLIC

THIS INSTRUMENT PREPARED BY: (4/9/2012)
COLUMBUS CITY ATTORNEY, REAL ESTATE DIVISION
BY: USAMAH ABDULLAH, ASSISTANT CITY ATTORNEY
FOR: WATERSHED MANAGEMENT SECTION – STEVEN E. LOWE
RE: GRIGGS RESERVOIR ENCROACHMENT – 4500 DUBLIN RD

EXHIBIT "A" (PG. 1/2)



2740 East Main Street
Bexley, Ohio 43209-2577
(614) 235-8677
Telefax 235-4559
Email: info@myerssurveying.com

August 17, 2011
Revised September 27, 2011

**0.044 Acre Easement
for Parcel 200-000271**

Situated in the State of Ohio, County of Franklin, Township of Norwich, being part of Virginia Military Survey Number 4854 and part of the City of Columbus 20.79 Acre tract as conveyed in Deed Book 314, Page 631, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Commencing at the northeasterly corner of the Robert M. Gardner and Ruth S. Gardner, Trustees 0.901 Acre tract as conveyed in Official Record Volume 33149 A14, said Recorder's Office and in a westerly line of said 20.79 Acre tract;

Thence, along a westerly line of said 20.79 Acre tract and an easterly line of said 0.901 Acre tract, South 31° 44' 06" East, 9.59 feet to the **TRUE POINT OF BEGINNING** of the herein described tract;

Thence, across said 20.79 Acre tract, the following five (5) courses:

1. South 67° 34' 15" East, 32.20 feet to a point;
2. South 30° 53' 17" East, 59.48 feet to a point;
3. South 41° 55' 33" West, 7.57 feet to a point;
4. South 23° 32' 40" East, 40.00 feet to a point;
5. South 68° 00' 40" West, 13.91 feet to a point in a westerly line of said 20.79 Acre tract and an easterly line of said 0.901 Acre tract;

Thence, along a westerly line of said 20.79 Acre tract and said 0.901 Acre tract the following two (2) courses:

1. North 21° 59' 20" West, 51.41 feet to a point;
2. North 31° 44' 06" West, 74.28 feet to the place of beginning **CONTAINING 0.044 ACRES (1,908 SQUARE FEET)**.

The foregoing description was prepared for easement purposes only from actual field measurements in July and August 2011. Basis of bearings is a westerly line of said 20.79 Acre tract held as North 31° 44' 06" West as per sheet 12 of 21 of the "Griggs Reservoir Boundary Survey" for the City of Columbus by R.D. Zande and Associates dated March 16, 1998.



Albert J. Myers, P.S. 6579
(907112011/aomih) 9/28/11



EXHIBIT "A" (PG. 2/2)

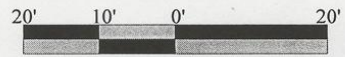
Myers Surveying Company, Inc.

2740 East Main Street, Columbus 43209 (Bexley), Ohio
614-235-8677 FAX:614-235-4559

**0.044 Acre Easement prepared for:
Robert M. Gardner**

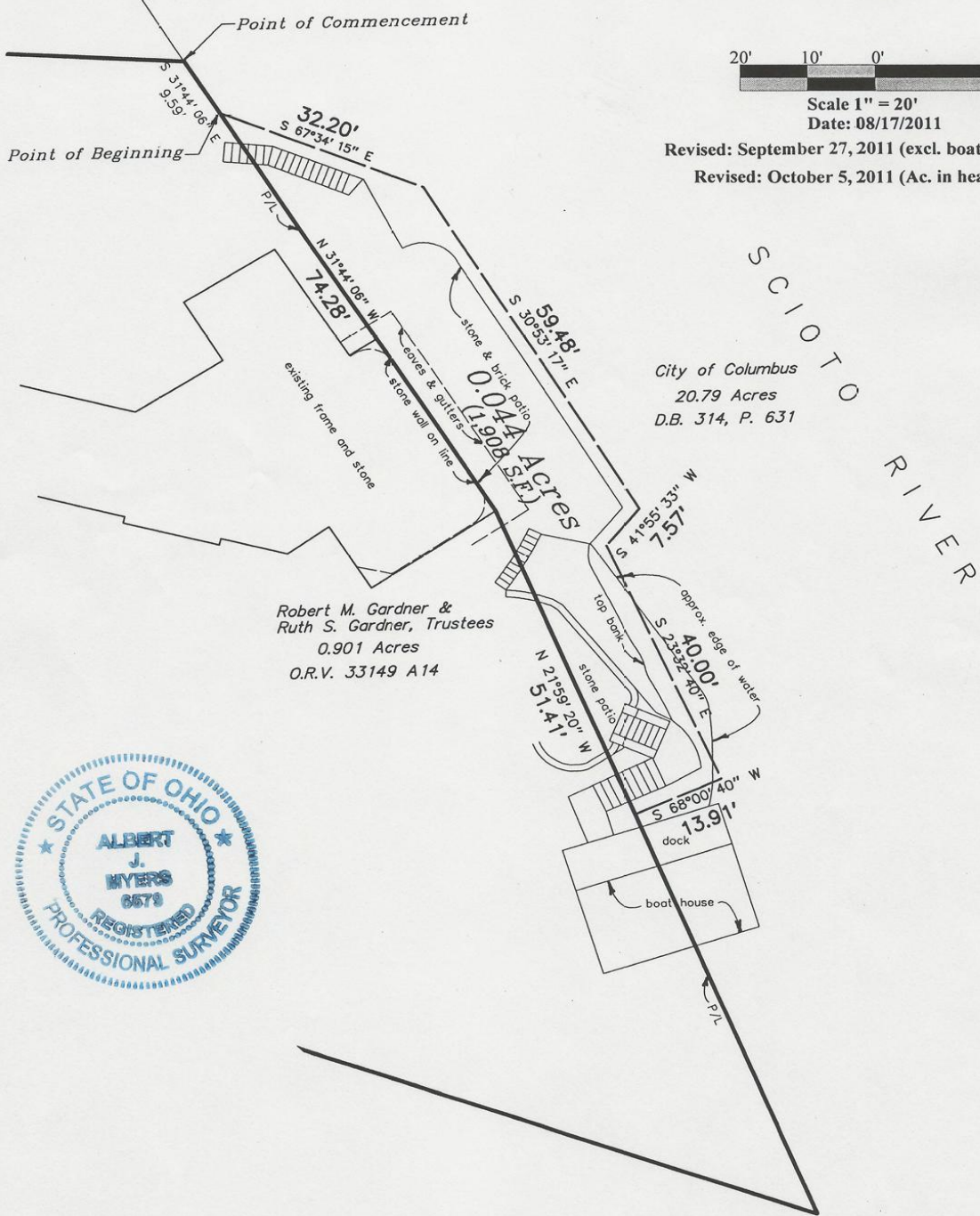
Legal Description: Situated in The State of Ohio, County of Franklin, Township of Norwich Being 0.044 Acres in Part of Virginia Military Survey 4854

Posted Address: 4500 Dublin Rd.



Scale 1" = 20'
Date: 08/17/2011

Revised: September 27, 2011 (excl. boat dock)
Revised: October 5, 2011 (Ac. in heading)



This document was prepared for easement purposes only from actual field measurements in July and August 2011. Basis of bearings is a westerly line of the City of Columbus 20.79 Acre tract held as North 31 degrees 44 minutes 06 seconds West as per Sheet 12 of 21 of the "Griggs Reservoir Boundary Survey" for the City of Columbus by R.D. Zande and Associates dated March 16, 1998.

Myers Surveying Co., Inc.
By *Albert J. Myers* 10-6-11
Professional Surveyor

Myers Order No. - 9-07/11/2011 20110719	Rec.	Field	DWG	Ltr.	Ck.
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