

LICENSE FOR USE OF PIPELINE RIGHT OF WAY ON  
ALUM CREEK LAKE PROJECT, DELAWARE, COUNTY, OHIO

The Director of the Ohio Department of Natural Resources, under and by virtue of the authority vested in him by Section 1501.01 of the Ohio Revised Code, hereby assigns to the City of Columbus, Ohio, hereinafter designated as the grantee, for a period not exceeding 50 years from the date hereof, its rights under an easement for a right of way for the construction, operation, and maintenance of a water pumping station and a 54-inch pipeline for water distribution, hereinafter referred to as said line, over, across, in and upon land under the control of the Secretary of the Army at the location in Exhibits A, B, C, and D, attached hereto and made a part hereof, said rights being listed in an easement for right of way on Alum Creek Lake Project, Delaware County, Ohio, from the Secretary of the Army to the State of Ohio, Department of Natural Resources, recorded in Volume 394, Page 626, of the Deed Records of Delaware County, Ohio.

THIS LICENSE is granted subject to the following conditions:

1. The installation and/or operation and maintenance of said line shall be accomplished without cost or expense to the United States and/or the State of Ohio under the general supervision and subject to the approval of the officer having immediate jurisdiction over the property, hereinafter designated as "said officer", and in such manner as not to endanger personnel or property of the United States and/or the State of Ohio on the said land or obstruct travel on any road thereon. The grantee shall have the right of ingress and egress for such purposes.
2. The use and occupation of said land incident to the exercise of the privileges hereby granted shall be subject to such rules and regulations as the said officer may from time to time prescribe.
3. The grantee shall supervise the said line and cause it to be inspected at reasonable intervals, and shall immediately repair any leaks found therein as a result of such inspection, or when requested by said officer to repair any defects. Upon completion of the installation of said line and the making of any repairs thereto, the premises shall be restored immediately by the

grantee, at the grantee's own expense, to the same condition as that in which they existed prior to the commencement of such work, to the satisfaction of the said officer.

4. Any property of the United States and/or the State of Ohio damaged or destroyed by the grantee incident to the use and occupation of the said premises, shall be promptly repaired or replaced by the grantee to the satisfaction of the said officer or in lieu of such repair or replacement the grantee shall, if so required by the said officer, pay to the United States and/or the State of Ohio money in an amount sufficient to compensate for the loss sustained by reason of damages to or destruction of Government property.

5. The United States and the State of Ohio reserves to itself the right to construct, use, and maintain across, over, and/or under the right of way hereby granted, electric transmission, telephone, telegraph, water, gas, gasoline, oil and sewer lines, and other facilities, in such manner as not to create any unreasonable interference with the use of the right of way herein granted.

6. The United States and/or the State of Ohio shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the construction, maintenance, and use of said line.

7. That the grantee shall furnish through said line such service as may be required from time to time for governmental purposes on said land, provided that payment for such service will be made by the United States and/or the State of Ohio at rates which shall be mutually agreeable but which shall never exceed the most favorable rates granted by the grantee for similar service.

8. This license may be terminated by the Secretary of the Army and/or the Director upon a reasonable notice to the grantee if the Secretary of the Army and/or the Director shall determine that the right of way hereby granted interferes with the use or disposal of said land or any part thereof by the United States and/or the State of Ohio or it may be terminated by the Secretary of the Army and/or the Director for failure, neglect, or refusal by the grantee fully and promptly to comply with any and all of the conditions of this grant, or for nonuse, or for abandonment.

9. Upon the expiration or termination of this grant, the grantee shall, without expense to the United States and/or the State of Ohio, and within such

time as the Secretary of the Army and/or the Director may indicate, remove the said line from said land and restore the premises hereby authorized to be used and occupied to a condition satisfactory to the said officer. In the event the grantee shall fail, neglect, or refuse to remove the said line and so restore the premises, the United States and/or the State of Ohio shall have the option either to take over the said line as the property of the United States and/or the State of Ohio, without compensation therefor, or to remove the said line and perform the restoration work as aforesaid at the expense of the grantee, and in no event shall the grantee have any claim for damages against the United States and/or the State of Ohio or its officers or agents, on account of the taking over of said line or an account of its removal.

10. The conditions of this instrument shall extend to and be binding upon and shall inure to the benefit of the heirs, representatives, successors, and assigns of the grantee.

11. That it is understood that this instrument is effective only insofar as the rights of the United States and/or the State of Ohio in the said property are concerned; and that the grantee shall obtain such permission as may be necessary on account of any other existing rights.

12. That the license rights hereby granted are subject to the Government's right to flood the herein described premises as may be necessary due to project operations or in the interest of flood control generally.

13. That the areas described in Exhibits C and D constitute only temporary easements. The right to use these areas terminates upon completion of the construction of the pump station and the Alum Creek to Hoover Reservoir waterline.

14. That this license is subject to all the provisions set forth in Contract No. DACW69-68-C-0087, dated 20 June 1968, between the United States of America and the State of Ohio, Department of Natural Resources, for water storage in the Alum Creek Lake Project. This license is also subject to the provisions of Public Law 88-140 approved 16 October 1963.

15. That the United States and/or the State of Ohio shall not be responsible for damages to property or injuries to persons which may arise from the grantee's construction, operation, and maintenance of the water pumping station and raw waterline facilities, and the grantee shall, to the extent that

it may legally do so, hold the United States and/or the State of Ohio harmless from any and all such claims.

IN WITNESS WHEREOF I have hereunto set my hand this 21<sup>st</sup> day of October, 1975.

WITNESSES:

Virginia Reimer  
Therese Thorne

Robert W. Teater  
ROBERT W. TEATER, DIRECTOR  
Dept. of Nat. Resources

APPROVED:

William J. Brown  
WILLIAM J. BROWN  
Attorney General

This instrument was prepared by: Alexander G. Thomas,  
Assistant Attorney General

EXHIBIT A

A certain tract of land situate in the State of Ohio, Delaware County, Orange Township, being a part of the 1st Quarter of Township 3 North, Range 18 West, of the United States Military District Lands Survey and more particularly bounded and described as follows:

Beginning at the most northerly corner to the subject tract, said point being at right angles to and 100.00 feet right of Station 13+50.165 of the centerline of the Alum Creek Dam, Spillway and Outlet Channel, said point further located at Coordinate N189,054.595, E1,869,892.204; thence, from said point of beginning severing the lands of U.S.A. as follows:

South 53° 09' 07" East 175.00 feet,  
North 36° 50' 53" East 70.00 feet,  
South 53° 09' 07" East 100.00 feet,  
South 36° 50' 53" West 70.00 feet,  
South 53° 09' 07" East 330.00 feet,  
South 36° 50' 53" West 100.00 feet,  
North 53° 09' 07" West 40.00 feet,  
South 36° 50' 53" West 100.00 feet,  
North 53° 09' 07" West 565.00 feet to the place of beginning and contains 2.85 acres, more or less, all of which are contained in U.S.A. Tract No. 130. The coordinates and bearings used herein are referenced to the Ohio State Plane Coordinate System, North Zone (Page's Ohio Revised Code, Sec. 157.01 to 157.07, incl.).

EXHIBIT B

A certain tract of land situate in the State of Ohio, Delaware County, Orange Township, being a part of the 1st Quarter of Township 3 North, Range 18 West, of the United States Military District Lands Survey, and being a strip of land 30 feet in width and 3,678.80 feet in length, bounded 10 feet on the north and 20 feet on the south of the following described centerline:

Beginning at a point on the line of the lands of the permanent pump site, and the subject tract, said point located at Coordinate N188,630.949, E1,870,330.758, further located at Station 0+45 of the Raw Water Line, Alum Creek to Hoover Reservoir; thence, severing the lands of U.S.A., along the northerly side of relocated County Road 109, the centerline of said Raw Water Line as follows:

South 53° 09' 07" East 134.78 feet,  
South 78° 41' 26" East 810.17 feet,  
South 85° 51' 07" East 445.81 feet,  
North 78° 11' 53" East 602.61 feet,  
South 86° 46' 07" East passing the centerline of Africa Road  
at 94.53 feet, in all, 340.22 feet,  
South 71° 44' 07" East 750.49 feet,  
South 86° 19' 07" East 392.86 feet,  
South 44° 19' 07" East 201.86 feet to a point on the northerly  
side of said County Road 109, Station 36+66.47 and there terminating  
and contains 2.53 acres, more or less, of which 2.13 acres are in  
U.S.A. Tract No. 123 and 0.40 acre is in U.S.A. Tract No. 130. The  
coordinates and bearings used herein are referenced to the Ohio State  
Plane Coordinate System, North Zone (Page's Ohio Revised Code, Sec.  
157.01 to 157.07, incl.).

EXHIBIT C

A certain tract of land situate in the State of Ohio, Delaware County, Orange Township, being a part of the 1st Quarter of Township 3 North, Range 18 West, of the United States Military Lands Survey and more particularly bounded and described as follows:

Beginning at a northerly corner of the subject tract, a corner common to the lands of the permanent pump site, said point being at right angle to and 300 feet right of Station 13+50.165 of the centerline of Alum Creek Dam, Spillway and Outlet Channel, said point further located at Coordinate N188,894.55, E1,869,772.26; thence, from said point of beginning with the lands of the said permanent pump site as follows:

South 53° 09' 07" East 565.00 feet; thence, leaving the said permanent pump site and severing the lands of U.S.A. as follows:

South 36° 50' 53" West 32.50 feet to a point on the right of way line of Relocated County Road 109; thence, with the said right of way line as follows:

North 86° 31' 27" West 18.55 feet,  
South 86° 57' 35" West 190.94 feet,  
North 83° 08' 56" West 295.68 feet,  
North 87° 58' 57" West 153.15 feet; thence, leaving the said right of way line and severing the lands of U.S.A. as follows:

North 53° 09' 07" West 156.02 feet,  
North 36° 50' 53" East 300.00 feet,  
South 53° 09' 07" East 135.00 feet,  
North 36° 50' 53" East 100.00 feet to the place of beginning and contains 3.90 acres, more or less, all of which are contained in U.S.A. Tract No. 130. The coordinates and bearings used herein are referenced to the Ohio State Plane Coordinate System, North Zone (Page's Ohio Revised Code, Sec. 157.01 to 157.07, incl.).

EXHIBIT D

A certain tract of land situate in the State of Ohio, Delaware County, Orange Township, being in the 1st Quarter of Township 3 North, Range 18 West, of the United States Military District Lands Survey and more particularly described as follows:

Strip No. 1: Being a strip of land 15 feet in width, 2,047 feet in length, and parallel with the north side of the previously described Raw Water Pipeline, beginning at Pipeline Station 0+45; thence, with the said pipeline as follows:

South 53° 09' 07" East 134.78 feet,  
South 78° 41' 26" East 810.17 feet,  
South 85° 51' 07" East 445.81 feet,  
North 78° 11' 53" East 602.61 feet,  
South 86° 46' 07" East 57.13 feet to a point in the west right of way line for County Route 21, Station 20+92 and there terminating and contains 0.70 acre, more or less, of which 0.20 acre is in U.S.A. Tract No. 130 and 0.50 acre is in U.S.A. Tract No. 123.

Strip No. 2: Being a strip of land 15 feet in width, 1,503 feet in length, and parallel with the north side of the previously described Raw Water Pipeline, beginning at Pipeline Station 21+67; thence, with the said pipeline as follows:

South 86° 46' 07" East 208.53 feet,  
South 71° 44' 07" East 750.49 feet,  
South 86° 19' 07" East 392.86 feet,  
South 44° 19' 07" East 201.86 feet to a point on the northerly right of way line of County Road 109, Station 36+66.47 and there terminating and contains 0.52 acre, more or less, all of which is in U.S.A. Tract No. 123.

Strip No. 3: Being a strip of land 15 feet in width, 2,047 feet in length, and parallel with the south side of the previously described Raw Water Pipeline, beginning at Pipeline Station 0+45; thence, with the said pipeline as follows:

South 53° 09' 07" East 134.78 feet,  
South 78° 41' 26" East 810.17 feet,  
South 85° 51' 07" East 445.81 feet,  
North 78° 11' 53" East 602.61 feet,  
South 86° 46' 07" East 57.13 feet to a point on the west right of way line for County Route 21, Station 20+92 and there terminating and contains 0.70 acre, more or less, of which 0.20 acre is in U.S.A. Tract No. 130 and 0.50 acre is in U.S.A. Tract No. 123.



**Exhibit D Cont'd:**

**Strip No. 4:** Being a strip of land 15 feet in width, 1,503 feet in length, and parallel with the south side of the previously described Raw Water Pipeline, beginning at Pipeline Station 21+67; thence, with the said pipeline as follows:

South 86° 46' 07" East 208.53 feet,  
South 71° 44' 07" East 750.49 feet,  
South 86° 19' 07" East 392.86 feet,  
South 44° 19' 07" East 201.86 feet to a point in the northerly right of way line of County Road 109, Station 36+66.47 and there terminating and contains 0.51 acre, more or less, all of which is in U.S.A. Tract No. 123.

Strips Nos. 1, 2, 3, and 4 being the construction easement for the Alum Creek to Hoover Reservoir Raw Water Line.