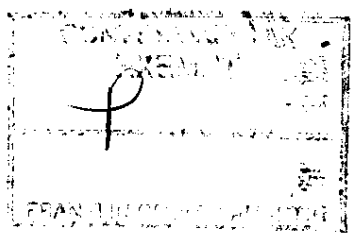


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08/18/2009 2:25PM BXCITY ATTORN  
Robert G. Montgomery  
Franklin County Recorder

TRANSFER  
NOT NECESSARY  
AUG 18 2009  
AUDITOR  
FRANKLIN COUNTY, OHIO



**TEMPORARY CONSTRUCTION EASEMENT**

KNOW ALL MEN BY THESE PRESENTS that **EXECUTIVE LAND HOLDINGS, LLC**, "Grantor", an Ohio limited liability company, for One Dollar (\$1.00) and other good and valuable consideration given by the **CITY OF COLUMBUS, OHIO**, "Grantee", a municipal corporation, does hereby grant unto said Grantee, its successors and assigns, a temporary construction easement in, over, under, across and through the following described real property for Grantee's use in conjunction with the construction of the Alum Creek Relief Tunnel (ART) Project, (the "Improvement"), said easement being fully described as follows:

**PARCEL NO. 1T**  
(SEE LEGAL DESCRIPTION ATTACHED HERETO  
AS EXHIBIT "A" AND MADE A PART HEREOF)

**Franklin County Tax Parcel Number: 152-001456.**

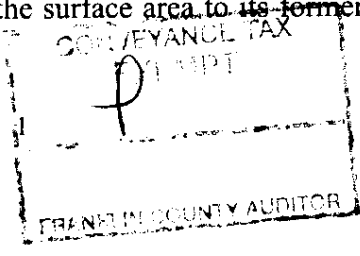
Prior Instrument Reference: Instrument Number; 200107110157136  
Recorder's Office, Franklin County, Ohio.

The foregoing described temporary construction easement shall have a term of Four (4) Years commencing upon the Grantee's (contractor's) entry upon the described real property for actual construction purposes, and terminating Four (4) Years thereafter.

All terms, conditions and covenants contained herein shall be binding upon the parties and their respective successors and assigns.

Grantor hereby releases and discharges the Grantee from all claims for Ohio Constitution, Article I, Section 19 compensation arising from this grant.

The Grantee, as soon as is practicable after construction of the "Improvement" and all subsequent entries made pursuant to the rights granted herein, shall cause restoration of the described easement area. Such restoration shall be strictly limited to repair or replacement of utility service lines, paved parking, driveways, and sidewalks damaged by construction, re-seeding of damaged lawn area, and returning the surface area to its former grade as nearly as is



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AUDITOR  
FRANKLIN COUNTY, OHIO

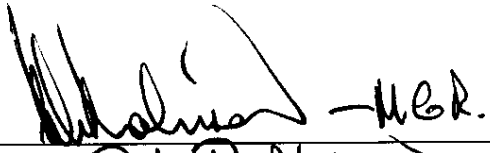
reasonably possible, but subject to the Grantee's right to grade said easement area so as to be aesthetically and architecturally compatible with the completed improvement anticipated hereinabove. Restoration shall not include restoring or replacing any bushes, shrubs, trees, fences or any other improvements not specified above.

The easement granted herein is an "exclusive right to use" during the term for which it is granted; however, the Grantor retains the necessary right of ingress to and egress from the residue servient estate during the term of this easement.

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 temporary construction easement.

The Grantor, Executive Land Holdings, LLC, by its duly authorized member, has caused this instrument to be executed and subscribed this 3<sup>rd</sup> day of August, 2009.

**EXECUTIVE LAND HOLDINGS, LLC**  
An Ohio limited liability company



Print Name: R.L. ROBINSON  
Title: MANAGER

STATE OF OHIO  
COUNTY OF FRANKLIN, SS:

BE IT REMEMBERED, that on this 3 day of August, 2009, the foregoing instrument was acknowledged before me by Richard L. Robinson, Manager, on behalf of Executive Land Holdings, LLC, an Ohio limited liability company.

Constance E. Gian  
Notary Public  
My Commission Expires 6/1/2014

This instrument prepared by:  
CITY OF COLUMBUS, DEPARTMENT OF LAW  
By: David E. Peterson 7-20-09  
Real Estate Attorney  
Real Estate Division  
For: Division of Sewerage & Drainage (Neg. T.D.)  
Re: ART

**TEMPORARY EASEMENT**  
**ALUM CREEK SANITARY RELIEF SEWER C.I.P. 046**  
**FROM: EXECUTIVE LAND HOLDINGS, LLC**  
**05-23-07**

Situate in the State of Ohio, County of Franklin, Village of Obetz, Southeast Quarter of Section 12, Township 4 North, Range 22 West of Mathew's Survey of the Congress Lands and being a 0.714 acre temporary sewer easement across part of an 8.589 acre tract conveyed to Executive Land Holdings, LLC by General Warranty Deed of record in Instrument Number 200107110157136, Recorder's Office, Franklin County, Ohio, said 0.714 acre temporary sewer easement being more particularly described as follows:

Commencing for reference at a point being the northeasterly corner of the said 8.589 acre tract, the southeasterly corner of a 0.497 acre tract conveyed to Whitland Properties, LLC by Limited Warranty Deed of record in Instrument Number 200106220141687, Recorder's Office, Franklin County, Ohio, and in the westerly right of way line of Alum Creek Drive; thence from said reference point

**South 18°07'42" West** a distance of **152.73 feet** along the said westerly right of way line of Alum Creek Drive to the **True Point of Beginning** of the herein described temporary sewer easement; thence continuing

**South 18°07'42" West** a distance of **205.12 feet** along the westerly right of way line of Alum Creek Drive to a point; thence

**South 88°50'23" West** a distance of **78.43 feet** across the said 8.589 acre tract to a point; thence

**North 01°09'37" West** a distance of **142.46 feet** across the said 8.589 acre tract to a point; thence

**South 88°50'23" West** a distance of **50.53 feet** across the said 8.589 acre tract to a point; thence

**North 01°09'37" West** a distance of **120.00 feet** across the said 8.589 acre tract to a point; thence

**South 71°52'18" East** a distance of **208.42 feet** to the **True Point of Beginning** of the herein described temporary sewer easement.

It is understood the above temporary sewer easement contains 0.714 acres (31,101 square feet) more or less.

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (1986 Adjustment) from a GPS survey by DLZ Ohio, Inc. using Franklin County Monuments

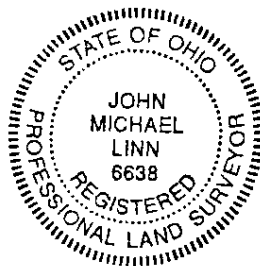
This description was prepared from existing records and a field survey by DLZ Ohio, Inc., Columbus, Ohio; under the supervision of J. M. Linn, Professional Surveyor No. 6638 in April 2007.

The said 8.589 acre tract is identified as parcel number 152-001456 in the records of the Auditor's Office, Franklin County, Ohio.

A drawing of the above description is attached hereto and made a part hereof.

DLZ Ohio, Inc.

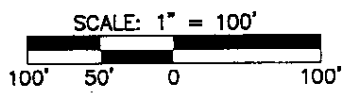
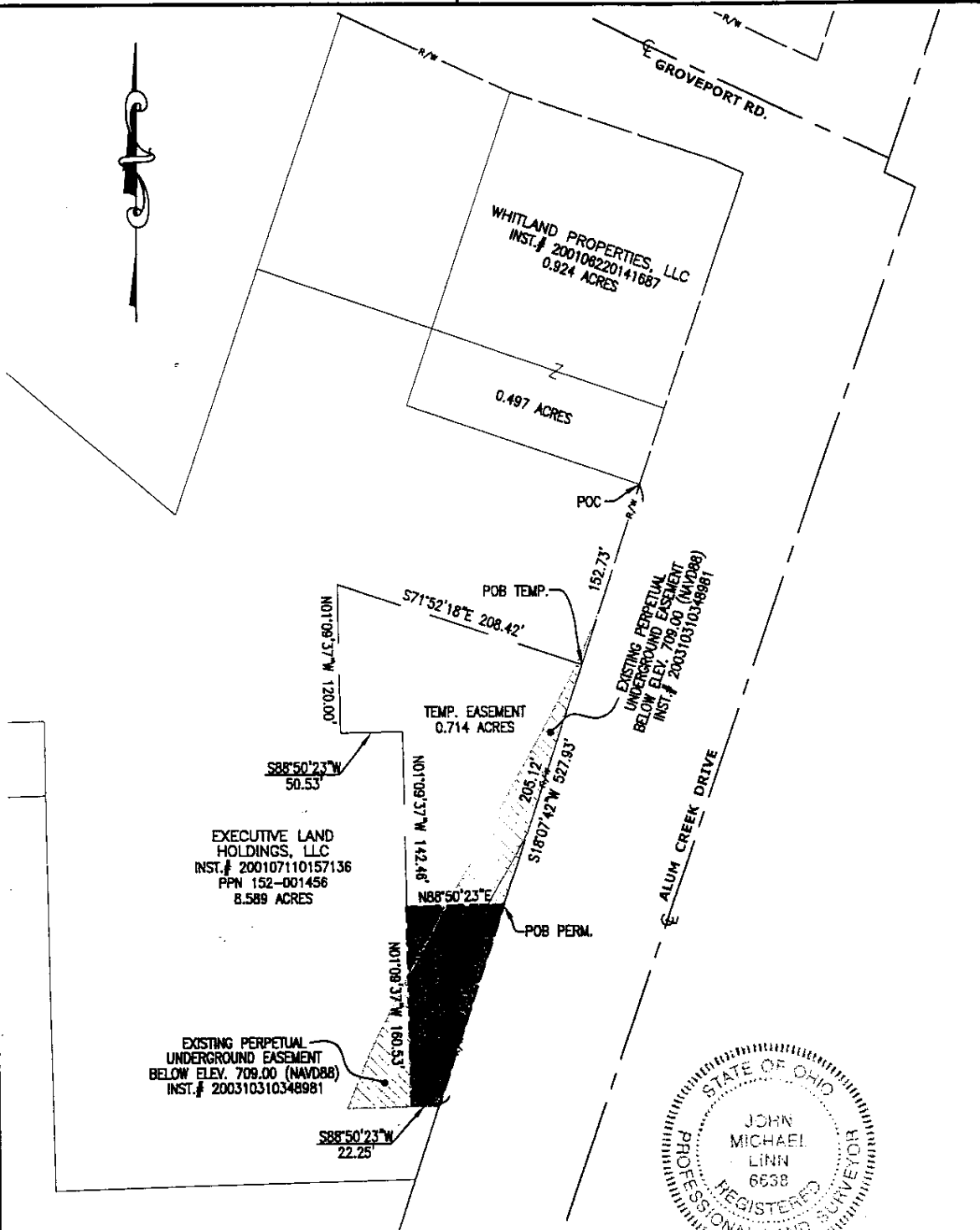
By: *J. Michael Linn*                      6-1-2007  
J. Michael Linn, P.S. No. 6638              Date





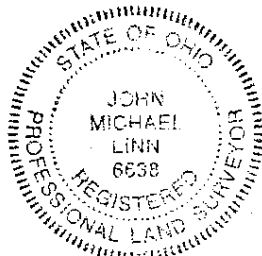
DLZ OHIO, INC.  
6121 HUNTLEY ROAD COLUMBUS, OH 43229  
PHONE (614) 888-0040 FAX (614) 888-6415

ALUM CREEK SANITARY RELIEF SEWER  
C.I.P. 046  
PERMANENT, TEMPORARY & SUBTERRANEAN EASEMENTS  
LOCATED IN SECTION 12  
TOWNSHIP 4 NORTH, RANGE 22 WEST  
OF THE CONGRESS LANDS  
STATE OF OHIO, COUNTY OF FRANKLIN  
VILLAGE OF OBETZ



**BASIS OF BEARING:**  
BEARINGS ARE BASED ON THE OHIO STATE PLANE  
COORDINATE SYSTEM, SOUTH ZONE NAD 1983 (86).

I HEREBY CERTIFY THAT:  
THE FOREGOING DRAWING REPRESENTS THE  
RESULTS OF AN ACTUAL FIELD SURVEY OF  
THE PREMISES PERFORMED UNDER MY  
RESPONSIBLE SUPERVISION AND THAT THE  
SAID DRAWING IS CORRECT TO THE BEST  
OF MY KNOWLEDGE AND BELIEF.



DRAWN:	CHK'D.	PROJECT NUMBER	BY:	DATE:
BAB	JML	0521-6011.00	<i>J. Linn</i> MICHAEL LINN, S-6638	6-1-2007