



200605190098085

Pgs: 4 \$44.00 T20060037394
05/19/2006 4:00PM BXCITY ATTORN
Robert G. Montgomery
Franklin County Recorder

DEED OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS that **BURNHAM SQUARE CONDOMINIUM HOME OWNERS ASSOCIATION** "Grantor", an Ohio corporation, 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, including the right of reasonable access thereto, for the purposes of constructing, installing, reconstructing, replacing, removing, repairing, maintaining and operating sewer utilities and appurtenances thereto (the "improvement"):

**CC13467-Revised
0.028 ACRE
BELOW 722 FEET**

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 8, Township 5, Range 22, Refugee Tract, being a 20 foot wide strip of land across "Burnham Square Condominium Part 2" of record in Condominium Plat Book 158, Page 27 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being described as follows:

Beginning, for reference at the northwesterly corner of that 1.126 acre tract conveyed to Arena District CA I, LLC of record in Instrument Number 200312260403446, being the southwesterly corner of said "Burnham Square Condominium Part 2" tract;

thence South 89° 07' 11" East, with the northerly line of said 1.126 acre tract, a distance of 8.50 feet to the TRUE POINT OF BEGINNING;

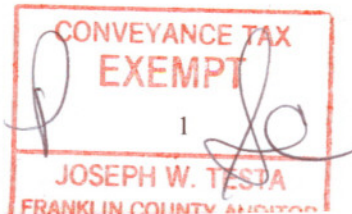
thence North 00° 53' 09" East, across Grantor's tract, a distance of 60.33 feet to a point in Grantor's northerly line;

thence South 89 07' 09" East, with said northerly line, a distance of 20.00 feet to a point;

thence South 00° 53' 09" West, across Grantor's tract, a distance of 60.33 feet to a point in the northerly line of said 1.126 acre tract;

thence North 89° 07' 11" West, with said northerly line, a distance of 20.00 feet to the TRUE POINT OF BEGINNING, and containing 0.028 acre of land, more or less.

Prior Instrument Reference: Instrument Number 200512020254038
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.

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

The Grantee, as soon as is practicable after all entries made pursuant to the rights granted herein, shall cause restoration of the described easement area[s] by returning the subject property to its former grade and restoring the surface to its former condition as nearly as is reasonably possible, but subject to the terms and conditions and the improvements anticipated by the easement rights granted herein.

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 or hard surface parking, driveways, and sidewalks which shall be repaired or replaced in kind by Grantee. 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.

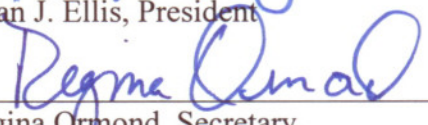
The Grantor hereby covenants with Grantee to be the true and lawful owner[s] of the above-described real property, lawfully seized of the same in fee simple, with good right and full power to grant this easement, and will not convey or transfer fee simple ownership of the described real property prior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

The Grantor, Burnham Square Condominium Home Owners Association, by its duly authorized officers, has caused this instrument to be executed and subscribed this 12th day of May 2006.

**BURNHAM SQUARE CONDOMINIUM
HOME OWNERS ASSOCIATION**
An Ohio corporation, not for profit



Brian J. Ellis, President



Regina Ormond, Secretary

STATE OF OHIO
COUNTY OF FRANKLIN, SS:

BE IT REMEMBERED, that on this 12th day of May 2006
the foregoing instrument was acknowledged before me by Brian J. Ellis, President and Regina
Ormond, Secretary on behalf of Burnham Square Condominium Home Owners Association, an
Ohio corporation, not for profit.

(seal)

Karen K. Tackett
Notary Public

This instrument prepared by:
CITY OF COLUMBUS, DEPARTMENT OF LAW
By: Richard A. Pieplow
Real Estate Attorney
Real Estate Division
For: Division of Sewerage & Drainage
Re: Burnham Sq. Sanitary Revised
Neg: CC13467-2 Burnham Sq. revised-5-10-06.doc



KAREN K. TACKETT
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Pickaway County
My Comm. Exp. 10-29-09



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

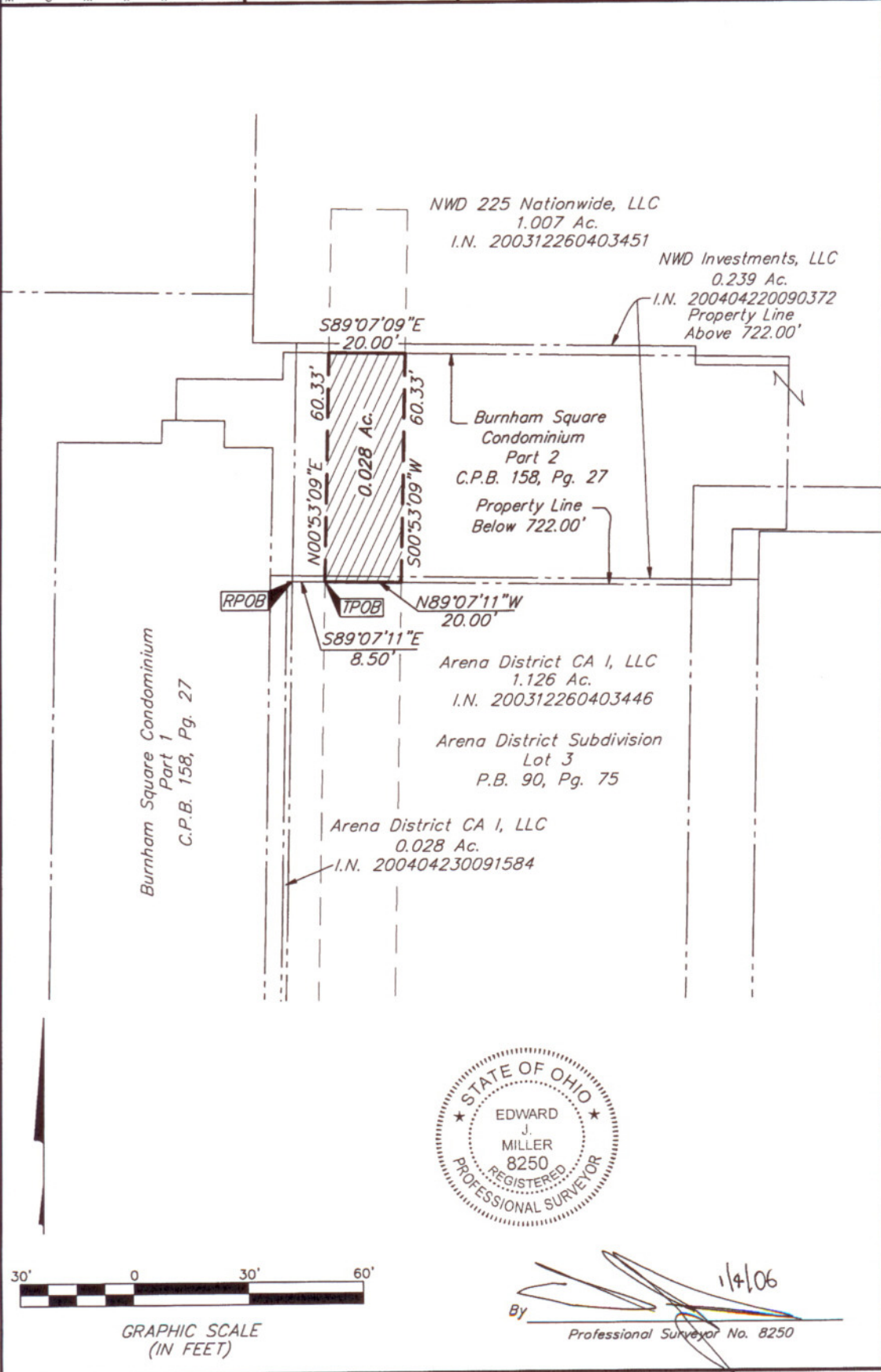
SANITARY SEWER EASEMENT
SECTION 8, TOWNSHIP 5, RANGE 22
REFUGEE TRACT
CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO

Date: December 29, 2005

Job No. 2005-2500

Scale: 1" = 30'

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GRAPHIC SCALE
(IN FEET)

By  1/4/06
 Professional Surveyor No. 8250