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SCENIC/CONSERVATION/WALKWAY-BIKEWAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Mesa Properties, "Grantor", an Ohio General Partnership, for good and valuable consideration, which includes its desire to preserve for posterity the natural beauty and character of the following described property, does hereby grant unto the **CITY OF COLUMBUS, OHIO**, "Grantee", a municipal corporation, (**Department of Recreation & Parks**) an exclusive perpetual easement in, over, under across and through the following described real property for all the following purposes: (1) all conservation purposes(including but not limited to storm water and erosion control), (2) preservation as open green space and/or woodland, (3) for the construction, installation, reconstruction, replacement, removal, repair, maintenance, and operation of a walkway/bikeway path/trail, not to exceed ten (10') foot in width, and appurtenances thereto:

(SEE LEGAL DESCRIPTION ATTACHED HERETO
AS EXHIBIT "A" AND MADE A PART HEREOF)

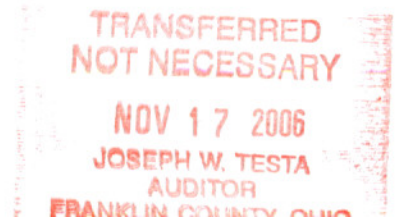
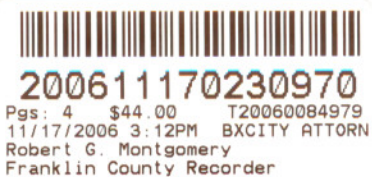
Prior Instrument References: Instrument Number 17767E18
Recorder's Office, Franklin County, Ohio.
Franklin County Tax Parcel Number: part of parcel #010-217422

As further consideration for the easement granted herein, the following terms, conditions, restrictions and limitations 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 all further claims for Ohio Constitution, Article I, Section 19 just compensation related to this grant.

The easement herein granted shall run with the land in perpetuity and it is the intent and purpose of both parties to this easement to restrict and forbid any activity or use which would, as a natural consequence of such, impede or make more difficult use of the easement for its intended purposes and accomplishment of scenic, erosion control, and conservation objectives.

It is the intent of this easement that no private encroachment shall be permitted and the Grantor shall not cause to be constructed or allow to be constructed in, over, under, across, through, or upon the described easement any buildings, structures, swimming pools, signs, billboards, utility lines or pipes, power transmission lines, roadway or any other improvements not provided for herein. However, notwithstanding any other provision herein, it is anticipated that Grantor's development of adjacent real property may cause the need for future water or sewer utility lines to be installed in the conservation easement and the exact location of such utilities cannot be determined at the time this instrument is executed. Therefore, at such time as the Grantor designates the preferred location(s) of any such utilities, Grantor shall submit to Grantee for review detailed utility plans, including legal descriptions and plats of same. If the utility plans submitted by Grantor are approved by the Grantee, Grantee will issue an instrument authorizing entry into the subject real property for construction of such utility(ies). Grantor shall



not enter into the subject real property for any purpose until Grantee issues written authorization for same. Grantee's approval will not be unreasonably withheld.

The Grantee shall repair and maintain any improvements it makes in the easement and keep the bikeway/walkway in a good and safe condition, clear of debris and trash.

Except as provided for herein, Grantor shall not cause or allow any of the following to be done on the described easement:

- (a.) excavation (b.) change of topography
- (c.) mining, drilling, removal of top soil, sand, gravel, rocks or minerals
- (d.) spraying of herbicides or pesticides (e.) dumping or burning
- (f.) hunting or trapping (g.) commercial lumbering
- (h.) storage or placement of any trailers, house trailers, signs, billboards, advertisements, equipment, machinery, cars, trucks, garbage, trash, unsightly materials or items of any nature whatsoever.


Except for dead or diseased plant life, which condition may be determined only by the Columbus Recreation & Parks Department, no plants, shrubs, ground cover or trees shall be removed. However, the Recreation & Parks Department may remove plants, shrubs, ground cover, and trees necessary for conservation, scenic, and erosion purposes or for reasons of public safety, and for the construction, installation, maintenance, repair, etc. of the bikeway/walkway.

Grantor's rights, duties, obligations, and liabilities, relating to natural drainage courses shall not be affected by the easement granted herein.

The Grantor hereby covenants with Grantee to be the true and lawful owner(s) 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.

The Grantor, Mesa Properties, by its duly authorized member, have caused this Deed of Easement to be executed and subscribed this 11th day of April, 2006.

Mesa Properties, an Ohio general partnership

By 

Robert D. Lindner, Jr.
General Partner

STATE OF OHIO
COUNTY OF HAMILTON, SS:

BE IT REMEMBERED, that on this 14th day of April, 2006
the foregoing instrument was acknowledged before me by Robert D. Lindner, Jr., General Partner,
on behalf of Mesa Properties, an Ohio general partnership.



MAURA MORAN CAMPBELL
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Date. Section 147.03 O.R.C.

Notary Public

This instrument prepared by:
CITY OF COLUMBUS, DEPARTMENT OF LAW
By: Richard A. Pieplow (-05)
Real Estate Attorney
Real Estate Division
For: Dept. of Recreation & Parks
Re:



LANSDALE SURVEYING, INC.
1008 Main Street (State Route 28)
Mifflord, Ohio 45150
Telephone 831-9870 Fax 831-9871
website: www.lansdalesurveying.com

Jay S. Olberding - President
Jimmy Lansdale - Retired

April 29, 2005
04-014

LEGAL DESCRIPTION FOR EASEMENT

Situated in the Quarter Township 2, Township 1 North, Range 17 West, Mifflin Township, Franklin County Ohio and being more particularly described as follows:

Commencing at the south right of way line of Morse Road with the west right of way line of Sunbury Road; Thence along the west right of way line of Sunbury Road the following three courses and distances South $00^{\circ} 48' 14''$ West 76.30 feet; Thence South $37^{\circ} 42' 32''$ West 228.17 feet; Thence South $45^{\circ} 39' 06''$ West 22.81 feet to the TRUE PLACE BEGINNING for this description; Thence continuing along the west right of way of Sunbury Road South $45^{\circ} 39' 06''$ West 224.29 feet to a point said point; being witnessed by an existing $\frac{3}{8}$ " iron pin South 0.14' and West 0.42'; Thence with the west right of way line of Sunbury Road South $55^{\circ} 09' 54''$ West 165.00 feet to an existing 1" pipe; Thence leaving the west right of way line of Sunbury Road North $40^{\circ} 12' 57''$ East 80.00 feet to a point; said point being witnessed by an existing 1" pipe North 0.81' and West 0.40'; Thence North $30^{\circ} 32' 36''$ East 238.43 feet to an existing 1" pipe; Thence North $27^{\circ} 15' 06''$ East 85.00 feet to a point; said point being witnessed by an existing 1" pipe South 0.40"; Thence South $42^{\circ} 44' 54''$ East 123.87 feet to the place of beginning containing 0.554 acres.

This description is the result of a survey and plat by Lansdale Surveying, Inc. under the supervision of Jay S. Olberding, Professional Surveyor, Ohio Registration #S-7188.

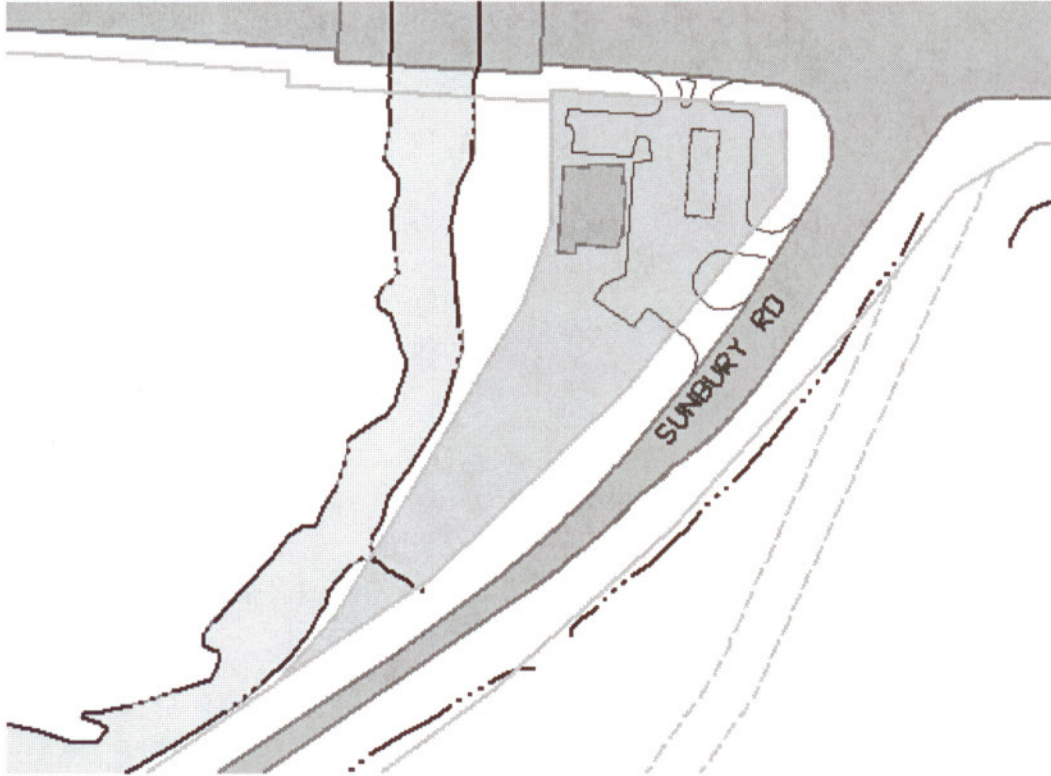


Joseph W. Testa
Auditor, Franklin County, Ohio

Geographic Information System

PID: 010-217422
Mesa Properties
4775 Sunbury Rd, Columbus, OH 43219-3090

Image Date: Thu Dec 7 09:01:18 2006



Owner Name MESA PROPERTIES

Site Address 4775 SUNBURY RD
Mail Address UNITED DAIRY FARMERS

3955 MONTGOMERY RD
CINCINNATI OH 45212-3798

Tax District CITY OF COLUMBUS
Description MORSE ROAD
R17 T1 1/4T2
1.581 ACRES

Transfer Date 10/02/1991
Sale Amount \$635,500
Year Built 1991

Auditor's Map O056B 008.01
Neighborhood 48.00
School Name City of Columbus
Annual Taxes \$0.00

Auditor's Appraised Values

Land	\$602,600	Exempt Land	\$0
Building	\$222,400	Exempt Building	\$0
Total	\$825,000	Exempt Total	\$0

Assessed Acreage 1.58
Landuse 439 - Food Service Structure
CAUV \$0
Homestead
Property Class Commercial
Number of Cards 1

Building Information

Rooms	0	Baths	0	Square Feet	0.0	Fireplaces	
Bedrooms	0	Half Baths	0	Air Cond.		Stories	0.0

Disclaimer This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information source should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities