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05/19/2006 4:01PM BXCITY ATTORN  
Robert G. Montgomery  
Franklin County Recorder

**DEED OF EASEMENT**

KNOW ALL MEN BY THESE PRESENTS that **ARENA DISTRICT CA I, LLC**, "Grantor", an Ohio limited liability company, 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**  
**0.237 ACRE**

**Strip One**

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 8, Township 5, Range 22, Refugee Tract, being a strip of land across that 1.126 acre tract conveyed to Arena District CA I, LLC of record in Instrument Number 200312260403446 (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 said 1.126-acre tract, being the southwesterly corner of that 1.612-acre tract conveyed to NWD Investments, LLC of record in Instrument Number 200506210120645, being the easterly right-of-way line of Neil Avenue;

thence South 00° 53' 05" West, with the easterly right-of-way line of said Neil Avenue, a distance of 20.50 feet to the TRUE POINT OF BEGINNING;

thence across Grantor's tract, the following courses and distances;  
South 89° 06' 55" East, a distance of 261.66 feet to a point;  
North 00° 53' 09" East, a distance of 234.82 feet to a point;  
South 89° 07' 11" East, a distance of 20.00 feet to a point;  
South 00° 53' 09" West, a distance of 254.82 feet to a point in Grantor's southerly line;

thence North 89° 06' 55" West, with said southerly line, a distance of 281.65 feet to a point in said easterly line;

thence North 00° 53' 05" East, with said easterly line, a distance of 20.00 feet to the TRUE POINT OF BEGINNING, and containing 0.237 acre of land, more or less.

CONVEYANCE TAX EXEMPT  
JOSEPH W. TESTA  
FRANKLIN COUNTY AUDITOR

TRANSFERRED NOT NECESSARY  
MAY 19 2006  
JOSEPH W. TESTA  
AUDITOR

**Strip Two**

**0.001 ACRE  
ABOVE 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 strip of land across that tract conveyed to Arena District CA I, LLC of record in Instrument Number 200312260403446 (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 said 1.126 acre tract;

thence South 89° 06' 50" East, with the northerly line of said 1.126 acre tract, a distance of 14.24 feet to the TRUE POINT OF BEGINNING;

thence South 89° 06' 50" East, continuing with the northerly line of said 1.126 acre tract, a distance of 20.00 feet to a point;

thence South 00° 53' 09" West, across Grantor's tract, a distance of 1.54 feet to a point;

thence North 89° 07' 11" West, continuing across Grantor's tract, a distance of 20.00 feet to a point;

thence North 00° 53' 09" East, continuing across Grantor's tract, a distance of 1.54 feet to the TRUE POINT OF BEGINNING, and containing 0.001 acre of land, more or less.

Prior Instrument Reference: Instrument Number 200312260403446  
Recorder's Office, Franklin County, Ohio.  
Franklin County Tax Parcel Number: 010-269295

All terms and conditions contained herein shall inure to the benefit of and be binding upon the parties and their respective heirs, executors, administrators, 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 areas 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, Arena District CA I, LLC, by its duly authorized member, has caused this instrument to be executed and subscribed this 12<sup>th</sup> day of May 2006.



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

**ARENA DISTRICT CA I, LLC**  
an Ohio limited liability company  
By: NWD Investments, LLC,  
Its: Member and manager,  
By: Nationwide Realty Investors, Ltd.  
Its: Member and manager

By: [Signature]  
Brian J. Ellis, President and COO

STATE OF OHIO  
COUNTY OF FRANKLIN, SS:

BE IT REMEMBERED, that on this 12<sup>th</sup> day of May 2006 the foregoing instrument was acknowledged before me by Brian J. Ellis, President and Chief Operating Officer of Nationwide Realty Investors, Ltd., manager and member of NWD Investments, LLC, manager and member of Arena District CA I, LLC, an Ohio limited liability company.

(seal)

[Signature]  
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  
Neg: EWR-CC13467 Revised Burnham Sq. Sanitary-5-4-06.doc

# EMHT &

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

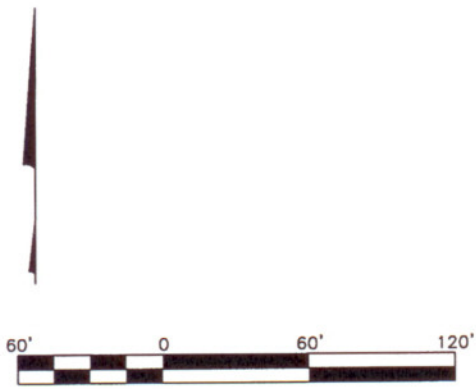
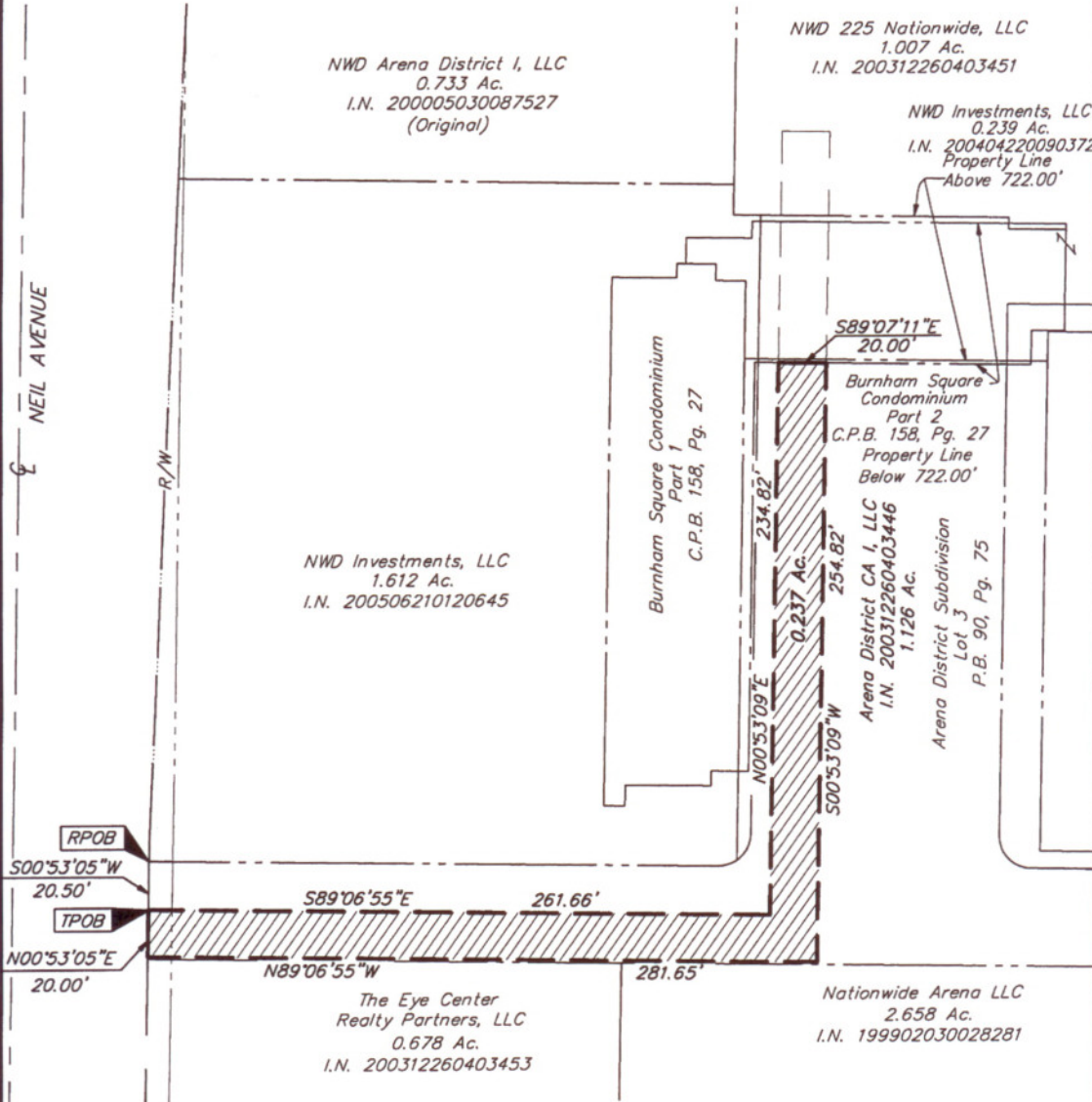
Date: December 29, 2005

Job No. 2005-2500


Scale: 1" = 60'

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STATE OF OHIO  
EDWARD  
MILLER  
8250  
REGISTERED  
PROFESSIONAL SURVEYOR

By   
Professional Surveyor No. 8250

**EMHT**

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**

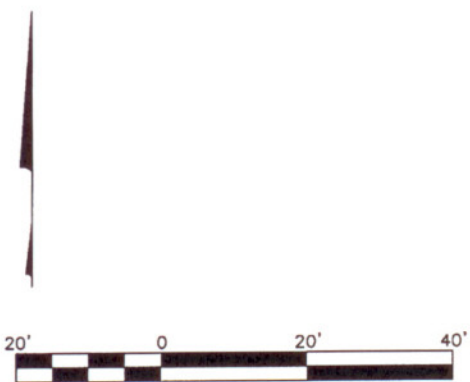
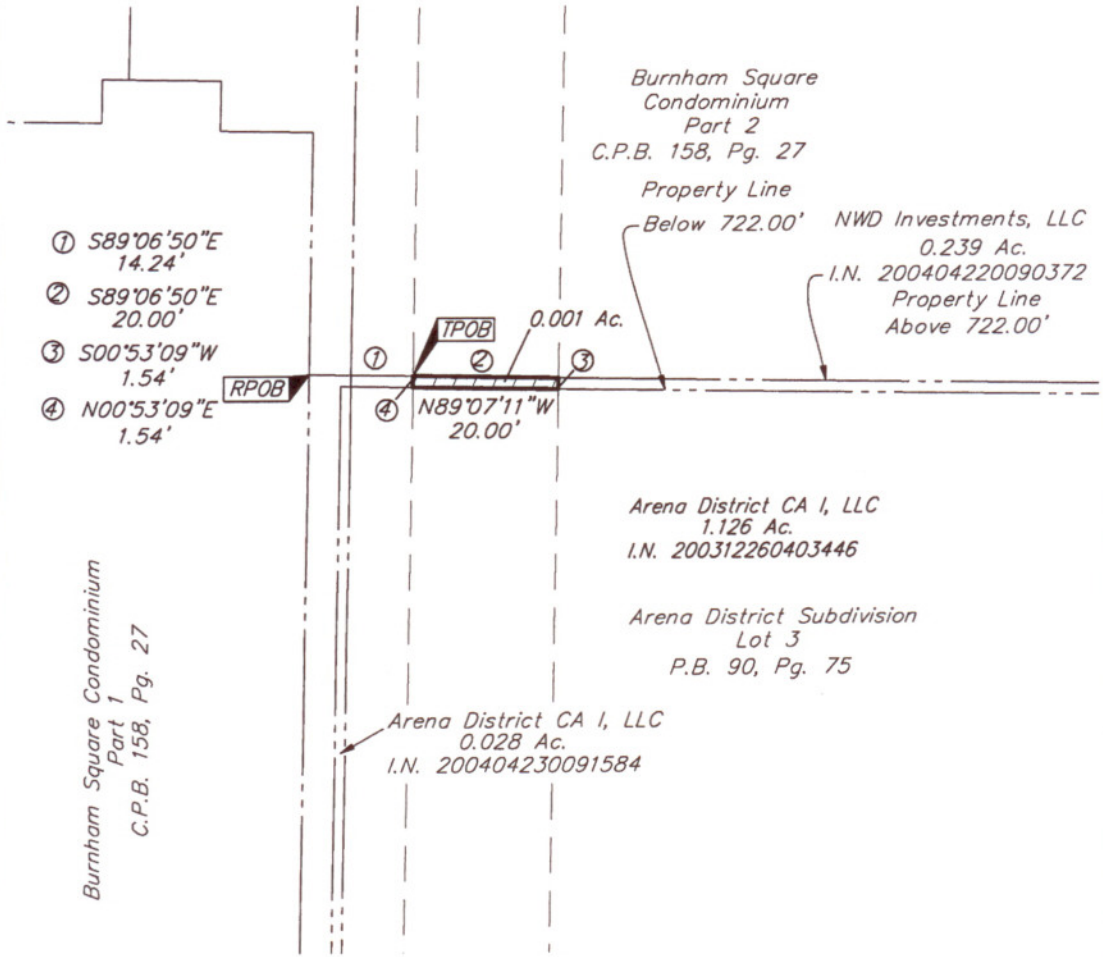
Date: December 29, 2005

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Scale: 1" = 20'


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GRAPHIC SCALE (IN FEET)



By  1/4/06  
Professional Surveyor No. 8250