

Delaware County

The Grantor Has Complied With
Section 319.202 Of The R.C.

DATE 6-27-13 Transfer Tax Paid 0
TRANSFERRED OR TRANSFER NOT NECESSARY
Delaware County Auditor By S. Likens

COLUMBUS CITY ATTORNEY'S
OFFICE
77th Broad ST
5th FLOOR
COLUMBUS, OH 43015



Doc ID: 009982980004 Type: OFF
Kind: EASEMENT
Recorded: 06/27/2013 at 03:55:19 PM
Fee Amt: \$44.00 Page 1 of 4
Workflow# 0000056530-0003
Delaware County, OH
Melissa Jordan County Recorder
File# 2013-00025018

BK **1229** PG **336-339**

DEED OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS that **EDWARD ROSE MILLENNIAL DEVELOPMENT, L.L.C.**, "Grantor", a Michigan 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 for the purposes of constructing, installing, reconstructing, replacing, removing, repairing, maintaining and operating pedestrian walkway/sidewalk and appurtenances thereto (the "improvement"):

0.011 ACRE

Situated in the State of Ohio, County of Delaware, City of Columbus, being part of Farm Lot 11, Section 4, Township 3, Range 18, United States Military Lands, being a 0.009 acre Access Easement that lies over and across a 17.858 acre tract of land described in a deed to Edward Rose Millennial Development L.L.C., of record in Official Record Volume 934, Page 52, and being more particularly described as follows:

COMMENCING for reference at Franklin County Geodetic Survey Monument 1435 at the intersection of the centerline of Sancus Boulevard of record in Plat Cabinet 1, Slide 129 & 130 and the centerline of Lazelle Road (County Road 6);

Thence South 86°37'53" East, a distance of 631.13 feet, with the centerline of said Lazelle Road, to a point;

Thence North 03°22'07" East, a distance of 50.00 feet, crossing said Lazelle Road right of way, to an iron pin found at the southwest corner of said 17.858 acre tract on the northerly right of way line of said Lazelle Road, also being on the northerly line of a 0.306 acre tract of land described in a deed to the City of Columbus of record in Official Record Volume 200, Page 285;

Thence South 86°37'53" East, a distance of 564.71 feet, with the south line of said 17.858 acre tract, the north right-of-way line of said Lazelle Road and the north line of said 0.306 acre tract to the **TRUE POINT OF BEGINNING** of the sidewalk easement to be described;

Thence crossing said 17.858 acre tract with the following three (3) courses and distances:

1. North 03°22'07" East, a distance of 7.50 feet, to a point;
2. South 86°37'53" East, a distance of 65.14 feet, to a point;
3. South 03°22'07" West, a distance of 7.50 feet, to a point on the south line of said 17.858 acre tract, the north right-of-way line of said Lazelle Road and the north line of said 0.306 acre tract;

Thence, North 86°37'53" West, a distance of 65.14 feet, with the south line of said 17.858 acre tract, the north right-of-way line of said Lazelle Road and the north line of said 0.306 acre tract to the **True Point of Beginning**;

Containing 0.011 acres of land, more or less.

Basis of Bearing: Bearings are based on data acquired by GPS observations as per NAD 83 (1995)-Ohio State Plane Coordinate System-North Zone from the Delaware County Geodetic Control Monumentation.

The above description is based on and referenced to an exhibit prepared by Floyd Browne Group, attached hereto and made a part hereof.

All references are to the records of the Recorder's Office, Delaware County, Ohio.

Delaware County Tax Parcel Number: 318-433-01-009-002.

Prior Instrument Reference: O.R. 934, Pg. 52
Recorder's Office, Delaware 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, City of Columbus, Ohio, from any future Ohio Constitution, Article I, Section 19 just compensation claims arising from this grant.

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 cross the subject real property with utility service lines and driveway(s) which do not in any way impair the Grantee's use or interfere with the construction, operation, maintenance, repair, removal, replacement or reconstruction of the "improvement" or access thereto, however the Grantor shall not cause or allow to be constructed thereon any permanent or temporary building, structure, facility, or other improvements.

The Grantee agrees that upon subsequent entry by the Grantee for the purpose of construction, installation, reconstruction, replacement, removal, repair, maintenance and operation of said "improvement", it will restore Grantor's property within said easement area to its former condition as nearly as is reasonably practicable. Grantor understands and agrees that restoration of Grantor's property within the easement area is specifically limited to restoring the property to its former grade and restoring the surface to its former

condition, but shall not include repair or replacement of any improvements therein or thereon.

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 Deed of Easement.

TO HAVE AND TO HOLD said real property unto said Grantee, City of Columbus, Ohio, its successors and assigns forever, for the uses and purposes hereinbefore described.

The Grantor, by its duly authorized agent, has caused this instrument to be executed and subscribed this 5th day of October 2012.

EDWARD ROSE MILLENNIAL DEVELOPMENT, L.L.C.

a Michigan limited liability company

By: Warren Rose
Warren Rose

Its: Manager

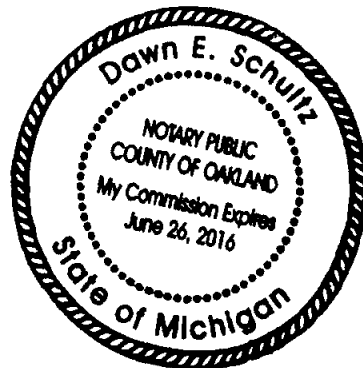
STATE OF ~~OHIO~~ MICHIGAN
COUNTY OF ~~FRANKLIN~~ SS:
OAKLAND

BE IT REMEMBERED, that on this 5th day of October 2012 the foregoing instrument was acknowledged before me by Warren Rose, Manager, on behalf of EDWARD ROSE MILLENNIAL DEVELOPMENT, L.L.C., a Michigan limited liability company.

(seal)

Dawn E. Schultz
Notary Public

This instrument prepared by:
CITY OF COLUMBUS, DEPARTMENT OF LAW
By: Brent M. Raiston (2-25-11)
Real Estate Attorney
Real Estate Division
For: Transportation – Jerry Ryser
Re: 2836 Dr E Lazelle Road
Sidewalk Easement



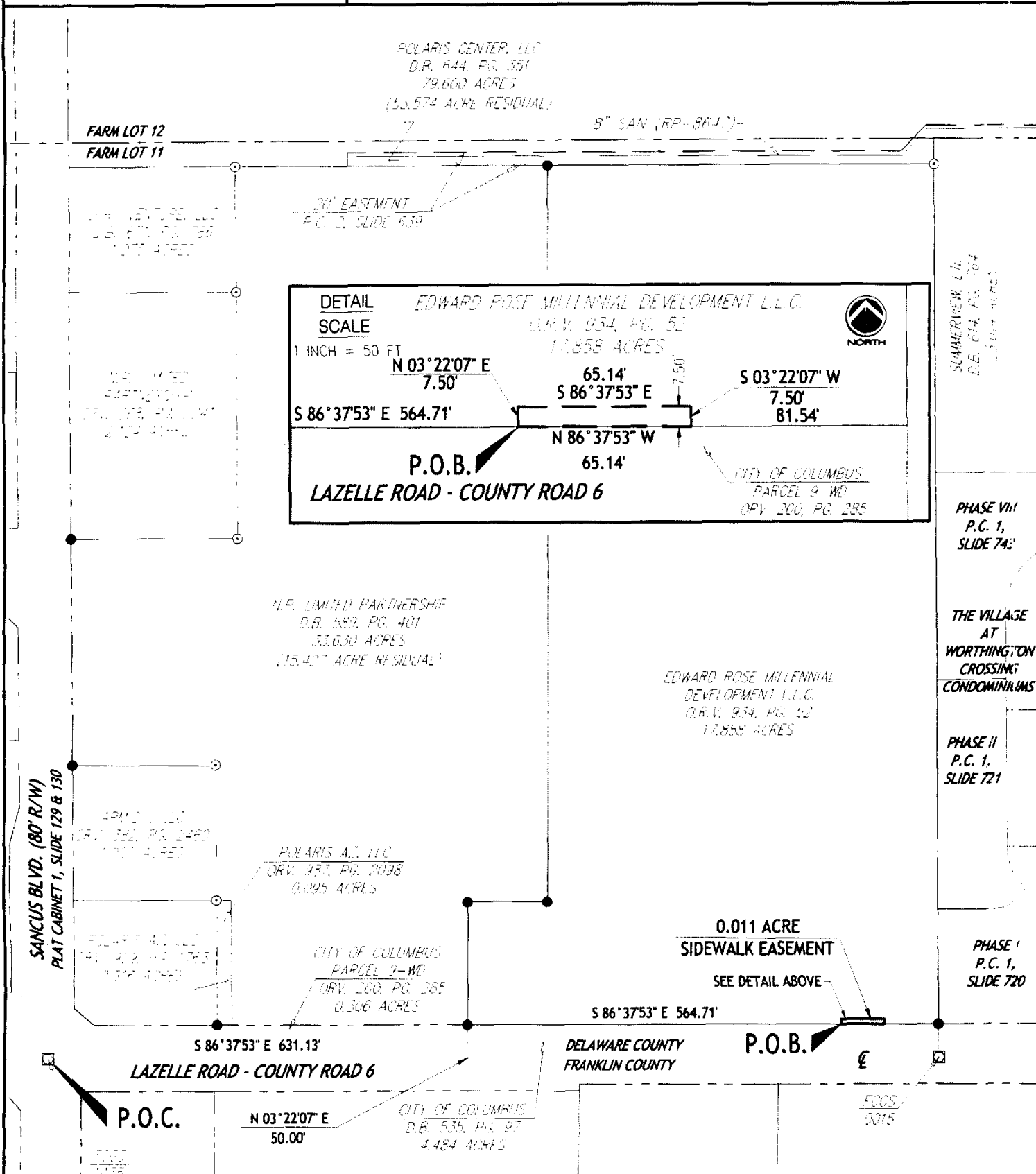


Central Ohio
740.363.6792
740.363.6536 fax
800.325.7647

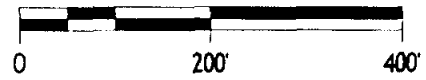
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EXHIBIT OF A SIDEWALK EASEMENT FOR EDWARD ROSE MILLENNIAL DEVELOPMENT

SITUATED IN THE STATE OF OHIO, COUNTY OF DELAWARE, CITY OF COLUMBUS.
BEING PART OF FARM LOT 11, SECTION 4, TOWNSHIP 3, RANGE 18,
UNITED STATES MILITARY LANDS.



SANCUS BLVD. (80' R/W)
PLAT CABINET 1, SLIDE 129 & 130



SCALE: 1" = 200'



NORTH

- LEGEND**
- IRON PIN END ●
 - IRON PIPE END ⊕
 - MAG NAIL END ●
 - IRON PIN SET ○
 - MAG NAIL SET ○
 - MONUMENT BOX ☒

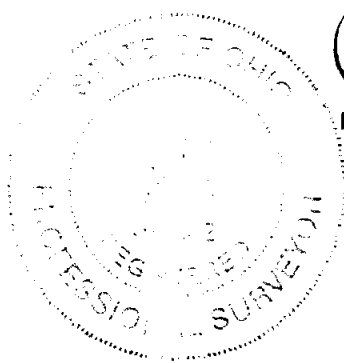
NOTE

ALL RECEIVED INFORMATION SHOWN HEREON WAS OBTAINED FROM THE RECORDER'S OFFICE, DELAWARE COUNTY, OHIO.

BASIS OF BEARINGS

BEARINGS ARE BASED ON DATA ACQUIRED BY GPS OBSERVATIONS AS PER NAD 83 (1983)-OHIO STATE PLANE COORDINATE SYSTEM-NORTH DONE FROM THE DELAWARE COUNTY GEODETIC CONTROL MONUMENTATION.

I HEREBY STATE THAT THIS EXHIBIT IS BASED ON ACTUAL FIELD MEASUREMENTS AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS CORRECT.



Mark Alan Smith
MARK ALAN SMITH, P.S.
PROFESSIONAL SURVEYOR

2/11/2011
DATE

PAGE 2 OF 2
DRAWN BY: MAS
CHECKED BY: MAS

FILE NO. 08-00433