

200605190098082  
Pgs: 4 \$44.00 T20060037394  
05/19/2006 3:59PM BXCITY ATTORN  
Robert G. Montgomery  
Franklin County Recorder

**DEED OF EASEMENT**

KNOW ALL MEN BY THESE PRESENTS that **NWD INVESTMENTS, 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  
0.027 ACRE  
ABOVE 722 FEET**

**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 20 foot wide strip of land across that 0.239 acre tract conveyed to NWD Investments, LLC by deed of record in Instrument Number 200404220090372 (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;

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 North 00° 53' 09" East, across Grantor's tract, a distance of 58.79 feet to a point;

thence South 89° 07' 09" East, continuing across Grantor's tract, a distance of 20.00 feet to a point;

thence South 00° 53' 09" West, continuing across Grantor's tract, a distance of 58.79 feet to a point in the northerly line of said 1.126 acre tract;

thence North 89° 06' 50" West, with the northerly line of said 1.126 acre tract, a distance of 20.00 feet to the TRUE POINT OF BEGINNING, and containing 0.027 acre of land, more or less.

**0.001 ACRE**

**Strip Two**

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 NWD Investments, LLC of record in Instrument Number 200404220090372 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being described as follows:

CONVEYANCE TAX  
EXEMPT  
1  
JOSEPH W. TESTA

TRANSFERRED  
NOT NECESSARY  
MAY 19 2006  
JOSEPH W. TESTA  
AUDITOR

Beginning, for reference, at the southwest corner of that 1.007 acre tract conveyed to NWD 225 Nationwide, LLC of record in Instrument Number 200312260403451;

thence South 89° 06' 55" East, with the southerly line of said 1.007 acre tract, a distance of 19.91 feet to the TRUE POINT OF BEGINNING;

thence South 89° 06' 55" East, continuing with said southerly line, a distance of 20.00 feet to a point;

thence South 00° 53' 09" West, across Grantor's tract, a distance of 2.54 feet to a point;

thence North 89° 07' 09" 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 2.54 feet to the TRUE POINT OF BEGINNING, and containing 0.001 acre of land more or less.

Prior Instrument Reference: Instrument Number 20040404220090372  
Recorder's Office, Franklin County, Ohio.  
Franklin County Tax Parcel Number: 010-247725

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, NWD Investments, LLC, by its duly authorized member, has caused this instrument to be executed and subscribed this 12<sup>th</sup> day of May 2006.

**NWD INVESTMENTS, LLC**  
an Ohio limited liability company

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, 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  
Nego:EWR-CC13467-3 Revised Burnham Sq. Sanitary-5-4-06.doc



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

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

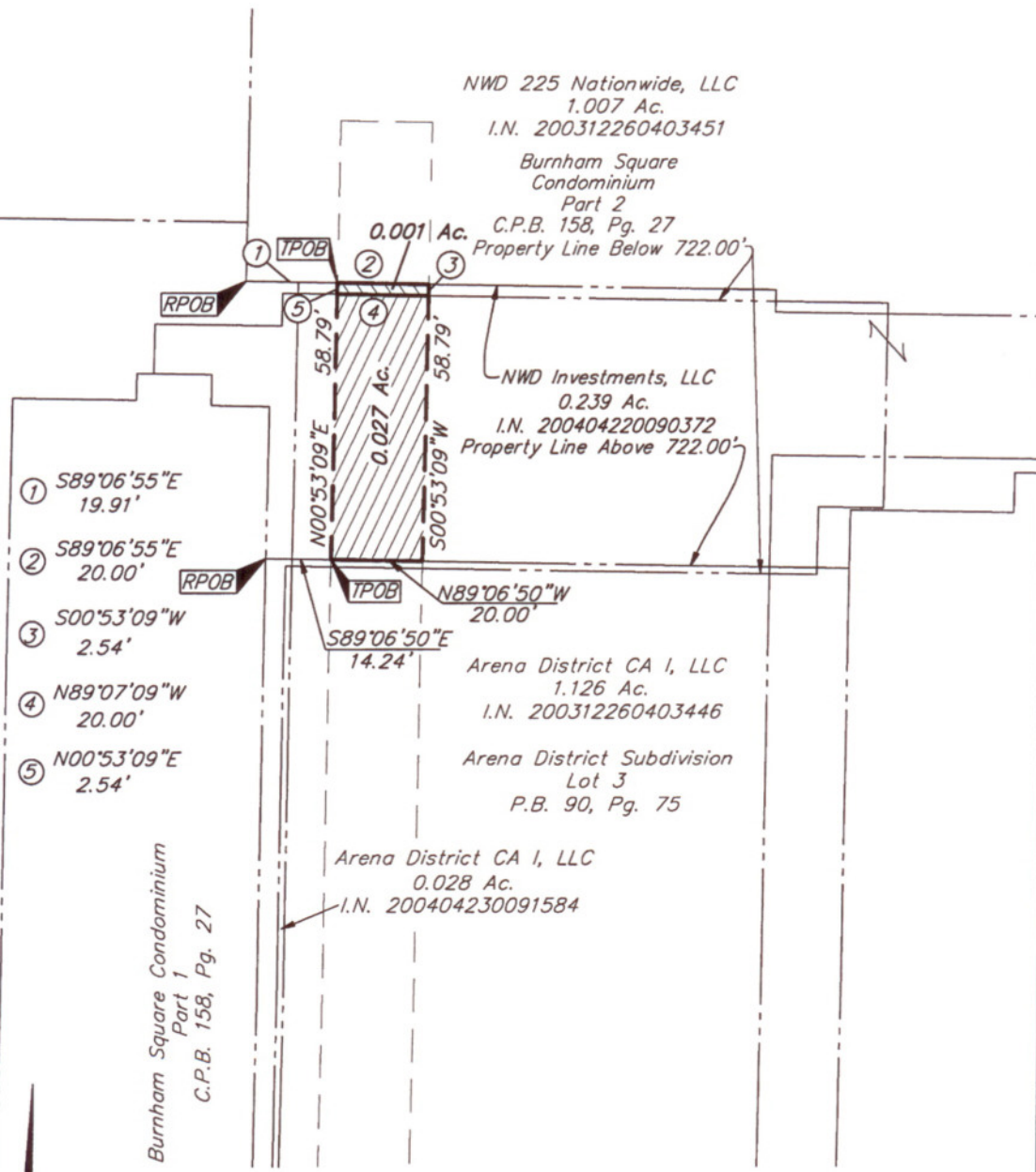
Date: December 29, 2005

Job No. 2005-2500

Scale: 1" = 30'

M C M X X V I

\\CMHQA7A1\LSURVE\PROJECT\20052500\DWG\LEGAL\PORTRAIT> - NO XREFS - LAST SAVED BY TBAXTER [12/29/2005 8:41:49 AM] - PLOTTED BY TBAXTER [12/29/2005 12:58:15 PM]




- ① S89°06'55"E 19.91'
- ② S89°06'55"E 20.00'
- ③ S00°53'09"W 2.54'
- ④ N89°07'09"W 20.00'
- ⑤ N00°53'09"E 2.54'



GRAPHIC SCALE  
(IN FEET)



By  1/4/06  
Professional Surveyor No. 8250