



200612150248967

Pgs: 9 \$84.00 T20060091730
12/15/2006 4:00PM BXCITY ATTORN
Robert G. Montgomery
Franklin County Recorder

SCENIC/CONSERVATION/WALKWAY-BIKEWAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS that **EPCON SUGAR RUN, LLC**, "Grantor", an Ohio limited liability company, 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, exclusive perpetual easements 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:

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 14, Quarter Township 2, Township 2, Range 2, United States Military Lands being a strip of land across that 37.391 acre tract as conveyed to Epcon Sugar Run LLC by deed of record in Instrument Number 200512160265331 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being described as follows:

Beginning for reference at the centerline intersection of New Albany Road West and Central College Road;

Thence N 85° 59' 39" W, with the centerline of said Central College Road, a distance of 1367.64 feet, to a point;

Thence S 04° 00' 21" W, across the right-of-way line of said Central College Road and across that original 101.642 acre tract as conveyed to The New Albany Company LLC by deeds of record in Official Record 16105, D-10, Official Record 12576, B-15, Official Record 21256, E-01, and Instrument Number 199811120289607, a distance of 456.33 feet, to an angle point in the line common to said 37.391 acre tract and the remainder of said original 101.642 acre tract, being the *True Point Of Beginning*;

Thence S 36° 21' 35" E, with said common line, a distance of 58.22 feet, to a point;

Thence across said 37.391 acre tract, the following courses and distances:

- S 36° 30' 55" W, a distance of 49.77 feet, to a point;
- S 34° 26' 21" W, a distance of 40.04 feet, to a point;
- S 66° 40' 44" W, a distance of 40.51 feet, to a point;
- S 84° 47' 57" W, a distance of 49.60 feet, to a point;
- N 87° 59' 19" W, a distance of 20.93 feet, to a point;
- S 74° 53' 51" W, a distance of 188.29 feet, to a point;
- S 01° 18' 06" E, a distance of 265.16 feet, to a point;
- S 05° 28' 58" E, a distance of 60.69 feet, to a point;
- S 09° 40' 40" E, a distance of 18.32 feet, to a point;
- S 22° 46' 20" E, a distance of 15.50 feet, to a point;
- S 48° 57' 42" E, a distance of 14.97 feet, to a point;

CONVEYANCE TAX
EXEMPT
JOSEPH W. TESTA
FRANKLIN COUNTY AUDITOR

TRANSFERRED
NOT NECESSARY
DEC 15 2006
JOSEPH W. TESTA
AUDITOR
FRANKLIN COUNTY OHIO

N 83° 00' 36" E, a distance of 35.96 feet, to a point;
S 76° 23' 03" E, a distance of 153.09 feet, to a point;
S 59° 30' 18" E, a distance of 189.72 feet, to a point;
S 32° 06' 20" W, a distance of 100.04 feet, to a point;
N 59° 30' 18" W, a distance of 65.13 feet, to a point in the line common to
said 37.391 acre tract and the remainder of said original 101.642 acre tract;

Thence with said common line, the following courses and distances:

N 00° 00' 00" W, a distance of 51.16 feet, to a point;
N 51° 54' 17" W, a distance of 67.65 feet, to a point;
N 75° 46' 16" W, a distance of 129.00 feet, to a point;
N 78° 41' 48" W, a distance of 44.01 feet, to a point;
S 53° 37' 57" W, a distance of 74.21 feet, to a point;

Thence N 63° 20' 39" W, a distance of 15.69 feet, across said 37.391 acre
tract, to a point in the line common to said 37.391 acre tract and the remainder of
said original 101.642 acre tract;

Thence with said common line, the following courses and distances:

N 01° 56' 04" W, a distance of 473.69 feet, to a point;
N 73° 20' 56" E, a distance of 295.74 feet, to a point;
N 38° 06' 21" E, a distance of 103.77 feet, to the True Point Of Beginning,

containing 1.363 acres of land, more or less.

EMH&T, Inc., Heather L. King, Registered Surveyor No. 8370, 11/17/06.

Situated in the State of Ohio, County of Franklin, City of Columbus,
located in Section 14, Quarter Township 2, Township 2, Range 2, United States
Military Lands, being a strip of land across that 37.391 acre tract as conveyed to
Epcor Sugar Run LLC by deed of record in Instrument Number
200512160265331 (all references refer to the records of the Recorder's Office,
Franklin County, Ohio) and being described as follows:

Beginning for reference at the centerline intersection of New Albany Road
West and Central College Road;

Thence N 85° 59' 39" W, with the centerline of said Central College Road,
a distance of 608.36 feet, to a point;

Thence S 04° 00' 21" W, across the right-of-way line of said Central
College Road, across that original 101.642 acre tract as conveyed to The New
Albany Company LLC by deeds of record in Official Record 16105, D-10,
Official Record 12576, B-15, Official Record 21256, E-01, and Instrument
Number 199811120289607, and across said 37.391 acre tract, a distance of
1193.68 feet, to the True Point Of Beginning;

Thence continuing across said 37.391 acre tract, the following courses and
distances:

S 00° 00' 41" W, a distance of 86.49 feet, to a point;
S 21° 52' 35" W, a distance of 217.90 feet, to a point;
S 02° 07' 55" W, a distance of 37.88 feet, to a point;

N 16° 53' 26" W, a distance of 34.32 feet, to a point;
N 41° 16' 16" W, a distance of 46.70 feet, to a point;
N 06° 20' 07" E, a distance of 68.75 feet, to a point;
N 23° 15' 42" E, a distance of 22.20 feet, to a point;
N 42° 27' 05" W, a distance of 6.35 feet, to a point;
S 73° 40' 51" W, a distance of 29.66 feet, to a point;
S 84° 38' 14" W, a distance of 84.96 feet, to a point;
N 69° 13' 50" W, a distance of 71.23 feet, to a point;
N 60° 34' 11" W, a distance of 207.71 feet, to a point;
N 59° 30' 18" W, a distance of 81.09 feet, to a point;
N 32° 06' 20" E, a distance of 100.04 feet, to a point;
S 59° 30' 18" E, a distance of 77.35 feet, to a point;
S 60° 34' 11" E, a distance of 199.21 feet, to a point;
S 69° 13' 50" E, a distance of 40.45 feet, to a point;
N 84° 38' 14" E, a distance of 52.16 feet, to a point;
N 73° 40' 51" E, a distance of 61.91 feet, to a point;
N 79° 58' 44" E, a distance of 49.00 feet, to a point;
N 36° 21' 03" E, a distance of 24.08 feet, to a point;
N 51° 10' 54" E, a distance of 47.15 feet, to the True Point Of Beginning,
containing 1.492 acres of land, more or less.
EMH&T, Inc., Heather L. King, Registered Surveyor No. 8370, 11/17/06.

Franklin County Tax Parcel Number 010-279391.

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 14, Quarter Township 2, Township 2, Range 16, United State Military Lands, being a part of that 37.391 acre tract conveyed to Epcon Sugar Run, LLC of record in Instrument Number 200512160265331 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being described as follows:

Beginning at a southeasterly corner of said 37.391 acre tract, being in the westerly right of way line of New Albany Road West as delineated on the plat entitled Central College Road and New Albany Road West Dedication and Easements Part 2 of record in Plat Book 103, Pages 32 and 33 ;

Thence with the Grantor's easterly line, the following courses and distances:

N 85°27'02" W, a distance of 19.10 feet to a point;
N 63°22'25" W, a distance of 32.58 feet to a point;
N 38°29'02" W, a distance of 67.91 feet to a point;
N 55°38'48" W, a distance of 36.02 feet to a point;
S 58°01'05" W, a distance of 18.45 feet to a point;
S 40°15'23" W, a distance of 49.25 feet to a point;
S 58°50'55" W, a distance of 37.03 feet to a point;
S 83°34'24" W, a distance of 55.91 feet to a point;

N 80°14'48" W, a distance of 48.43 feet to a point;
N 83°40'14" W, a distance of 42.51 feet to a point;
N 83°29'03" W, a distance of 30.28 feet to a point;
S 37°29'55" W, a distance of 38.36 feet to a point;
S 59°29'18" W, a distance of 45.95 feet to a point;
S 87°06'29" W, a distance of 100.64 feet to a point;
S 65°02'30" W, a distance of 81.74 feet to a point;
S 60°35'29" W, a distance of 90.89 feet to a point;
S 53°03'11" W, a distance of 52.15 feet to a point;
S 00°00'15" E, a distance of 26.09 feet to a point;
S 16°56'49" E, a distance of 50.86 feet to a point;
S 11°36'29" E, a distance of 56.15 feet to a point;
S 34°45'30" E, a distance of 46.96 feet to a point;
S 30°29'34" E, a distance of 55.64 feet to a point;
S 09°47'04" W, a distance of 20.75 feet to a point;
S 66°25'42" W, a distance of 54.67 feet to a point;
S 70°50'01" W, a distance of 51.55 feet to a point;
N 63°27'44" W, a distance of 25.25 feet to a point;
S 88°15'54" W, a distance of 23.30 feet to a point;
S 41°21'57" W, a distance of 23.55 feet to a point;
S 02°13'01" W, a distance of 85.67 feet to a point;
S 16°48'55" E, a distance of 39.04 feet to a point;
S 64°30'35" E, a distance of 34.41 feet to a point;
N 51°21'42" E, a distance of 22.59 feet to a point;
N 61°04'01" E, a distance of 37.90 feet to a point;
S 69°47'50" E, a distance of 28.58 feet to a point;
S 40°30'18" E, a distance of 69.55 feet to a point;
S 23°13'20" E, a distance of 37.60 feet to a point;
S 62°39'16" E, a distance of 112.04 feet to a point;
S 40°05'37" E, a distance of 66.01 feet to a point; and
S 65°41'00" W, a distance of 103.91 feet to a point;

Thence, across the Grantor's tract, the following courses and distances

N 40°05'37" W, a distance of 17.79 feet to a point;

N 62°39'16" W, a distance of 92.12 feet to a point of curvature to the right;
with the arc of said curve, having a central angle of 37° 13' 45", a radius
of 100.01 feet, an arc length of 64.98 feet, a chord bearing and distance of N
44°02'23" W, 63.84 feet to a point of reverse curvature;

with the arc of said curve, having a central angle of 78° 41' 00", a radius
of 20.00 feet, an arc length of 27.47 feet, a chord bearing and distance of N
64°46'01" W, 25.36 feet to a point of reverse curvature;

with the arc of said curve, having a central angle of 39°35'56", a radius of
100.01 feet, an arc length of 69.12 feet, a chord bearing and distance of N
84°18'33" W, 67.75 feet to a point;

N 64°30'35" W, a distance of 34.39 feet to a point of curvature to the right;

with the arc of said curve, having a central angle of 47°41'40", a radius of 100.00 feet, an arc length of 83.24 feet, a chord bearing and distance of N 40°39'45" W, 80.86 feet to a point;

N 16°48'55" W, a distance of 55.83 feet to a point;

N 02°14'31" E, a distance of 100.10 feet to a point;

N 02°07'55" E, a distance of 37.88 feet to a point;

N 21°52'35" E, a distance of 217.90 feet to a point;

N 00°00'38" E, a distance of 90.90 feet to a point;

N 53°03'11" E, a distance of 108.66 feet to a point;

N 60°35'29" E, a distance of 101.37 feet to a point;

N 65°02'30" E, a distance of 105.12 feet to a point;

N 86°34'39" E, a distance of 97.28 feet to a point;

N 37°29'55" E, a distance of 75.52 feet to a point;

S 82°49'22" E, a distance of 169.21 feet to a point;

N 83°34'24" E, a distance of 19.19 feet to a point;

N 40°15'23" E, a distance of 47.74 feet to a point; and

N 58°01'05" E, a distance of 93.51 feet to a point on the arc of a curve to

the left being on said westerly right of way line;

Thence with said westerly right of way line, with the arc of said curve, having a central angle of 13°06'26" , a radius of 1050.00 feet, an arc length of 240.20 feet, a chord bearing and distance of S 30°47'16" E, 239.69 feet the True Point Of Beginning and **containing 4.293 acres** of land, more or less.

Bearing are based on The Ohio State Plane Coordinate System per NAD 83. Control for bearings was from coordinates of Franklin County Survey Control Monuments, including FRANK 5211 and FRANK 5212 established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

EMH&T, INC., Edward J. Miller, Registered Surveyor No. 8250, 3/7/06.

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.

The intent of this easement is that no private encroachment shall be permitted and the Grantor shall not cause 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, roadways or any other improvements not specifically provided

for herein. However, notwithstanding the foregoing or 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 constructed through 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 determines the need for and preferred location(s) of any such utilities, Grantor shall submit detailed utility plans, including legal descriptions and plats, to Grantee for review. 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 purposes unless Grantee issues written authorization to do so. Subject to the foregoing, 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 that it is the true and lawful owner of the above-described real property and is lawfully seized of the same in fee simple and has 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, Epcon Sugar Run, LLC, by its duly authorized member, have caused this instrument to be executed and subscribed this 11th day of December 2006.

EPCON SUGAR RUN, LLC
an Ohio limited liability company

Joel D. Rhoades
Print Name: Joel D. Rhoades
Title: Vice President & General Counsel

STATE OF OHIO
COUNTY OF FRANKLIN, SS:

BE IT REMEMBERED, that on this 11th day of December 2006
the foregoing instrument was acknowledged before me by Joel D. Rhoades,
on behalf of Epcon Sugar Run, LLC, an Ohio limited liability company.

(seal)

Angela S. Wake
Notary Public

This instrument prepared by:
CITY OF COLUMBUS, DEPARTMENT OF LAW
By: Richard A. Pieplow (11-22-06)
Real Estate Attorney
Real Estate Division
For: Department of Recreation & Parks
Re: Zoning Z-04-015, Ordinance #0892-2005
(Schleppi Ditch and Sugar Run)



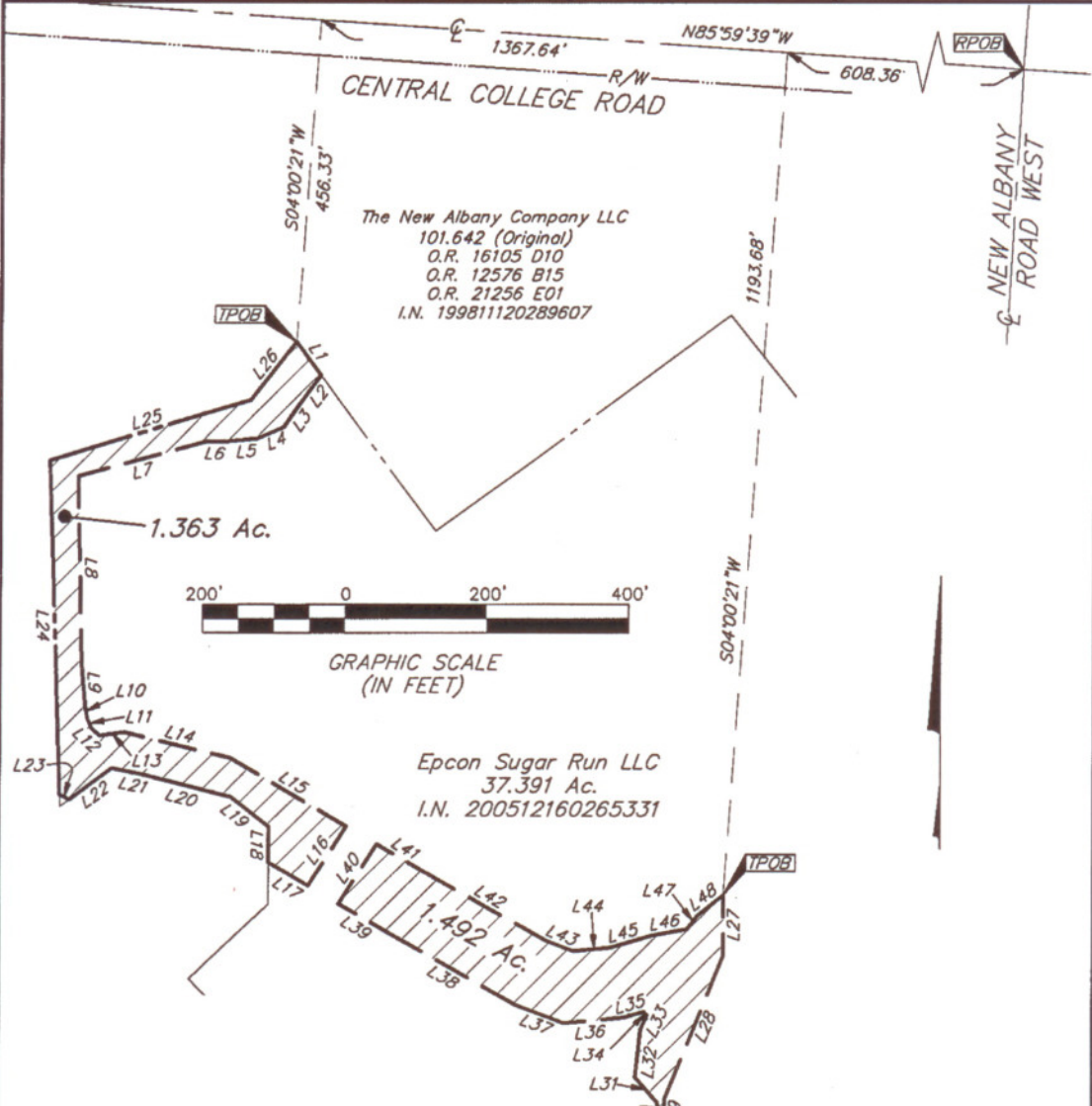
ANGELA S. WAKE
Notary Public, State of Ohio
My Commission Expires 02-15-09



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

CONSERVATION EASEMENT
SECTION 14, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 2
UNITED STATES MILITARY LANDS
CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO

M C M X X V I Date: November 17, 2006 Job No. 2005-1031 Scale: 1" = 200'



\\LCHDATA1\SURVEY\PROJECT\20051031\DWG\51031CE2.DWG-LEGAL PORTRAIT (2) - NO XREFS - LAST SAVED BY THEBB [11/17/2006 2:59:26 PM] - PLOTTED BY THEBB [11/17/2006 2:59:26 PM]

LINE TABLE					
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S36°21'35"E	58.22'	L25	N73°20'56"E	295.74'
L2	S36°30'55"W	49.77'	L26	N38°06'21"E	103.77'
L3	S34°26'21"W	40.04'	L27	S00°00'41"W	86.49'
L4	S66°40'44"W	40.51'	L28	S21°52'35"W	217.90'
L5	S84°47'57"W	49.60'	L29	S02°07'55"W	37.88'
L6	N87°59'19"W	20.93'	L30	N16°53'26"W	34.32'
L7	S74°53'51"W	188.29'	L31	N41°16'16"W	46.70'
L8	S01°18'06"E	265.16'	L32	N06°20'07"E	68.75'
L9	S05°28'58"E	60.69'	L33	N23°15'42"E	22.20'
L10	S09°40'40"E	18.32'	L34	N42°27'05"W	6.35'
L11	S22°46'20"E	15.50'	L35	S73°40'51"W	29.66'
L12	S48°57'42"E	14.97'	L36	S84°38'14"W	84.96'
L13	N83°00'36"E	35.96'	L37	N69°13'50"W	71.23'
L14	S76°23'03"E	153.09'	L38	N60°34'11"W	207.71'
L15	S59°30'18"E	189.72'	L39	N59°30'18"W	81.09'
L16	S32°06'20"W	100.04'	L40	N32°06'20"E	100.04'
L17	N59°30'18"W	65.13'	L41	S59°30'18"E	77.35'
L18	N00°00'00"W	51.16'	L42	S60°34'11"E	199.21'
L19	N51°54'17"W	67.65'	L43	S69°13'50"E	40.45'
L20	N75°46'16"W	129.00'	L44	N84°38'14"E	52.16'
L21	N78°41'48"W	44.01'	L45	N73°40'51"E	61.91'
L22	S53°37'57"W	74.21'	L46	N79°58'44"E	49.00'
L23	N63°20'39"W	15.69'	L47	N36°21'03"E	24.08'
L24	N01°56'04"W	473.69'	L48	N51°10'54"E	47.15'



By *Heather L. King* 11/17/06
 Professional Surveyor No. 8307

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

CONSERVATION EASEMENT SECTION 14, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 16, UNITED STATES MILITARY LANDS CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO

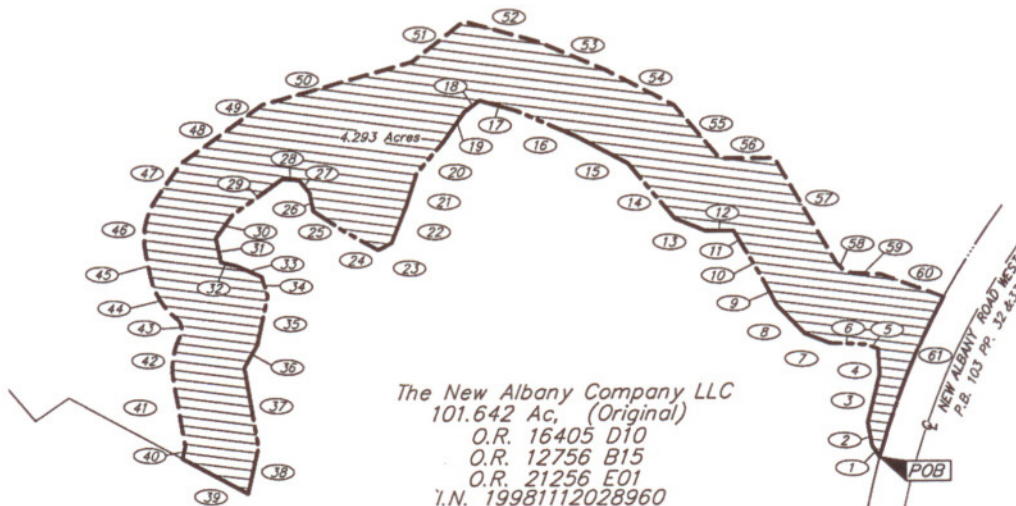
Date: March 3, 2006

Job No. 2005-2491

Scale: 1" = 200'

M C M X X V I

Epcon Sugar Run LLC
37.391 Ac.
I.N. 200512160265331




The New Albany Company LLC
101.642 Ac. (Original)
O.R. 16405 D10
O.R. 12756 B15
O.R. 21256 E01
I.N. 19981112028960

Bearing are based on The Ohio State Plane Coordinate System Per NAD 83. Control for bearings was from coordinates of Franklin County Survey Control Monuments, including FRANK 5211 and FRANK 5212 established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.



GRAPHIC SCALE
(IN FEET)



By  3/10/06
Professional Surveyor No. 8250

G:\MY DOCUMENTS\BSMITH\TEMPLATES\HP5000_F2_SHEET_TEMPLATE.DWT - O XREFS: - PLOTTED BY BSMITH - February 25, 2004 - 3:57 PM



Joseph W. Testa
Auditor, Franklin County, Ohio

Geographic Information System

PID: 010-279391
Epcon Sugar Run LLC
0 W New Albany Rd, Columbus, OH

Image Date: Fri Dec 29 15:53:22 2006



Owner Name EPCON SUGAR RUN LLC

Site Address W NEW ALBANY RD
Mail Address EPCON GROUP ONE INC

500 STONEHENGE PKWY
DUBLIN OH 43017-7572

Tax District CITY OF COLUMBUS
Description NEW ALBANY ROAD WEST
R16 T2 1/4T2
37.391 ACRES

Transfer Date 12/16/2005
Sale Amount \$4,148,000
Year Built Not Available

Auditor's Map O073J 029.03
Neighborhood 51.01
School Name City of Columbus
Annual Taxes \$34,788.70

Auditor's Appraised Values

Land	\$1,495,600	Exempt Land	\$0
Building	\$0	Exempt Building	\$0
Total	\$1,495,600	Exempt Total	\$0

Assessed Acreage 37.39
Landuse 400 - Vacant Commercial Land
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