



200603310060646

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03/31/2006 4:22PM BXCITY ATTORN
Robert G. Montgomery
Franklin County Recorder

DEED OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS that **CASSADY RETAIL VENTURES, LTD.**, "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 for the purposes of constructing, installing, reconstructing, replacing, removing, repairing, maintaining and operating sewer utility lines and appurtenances thereto (the "improvement"):

CC14363

Situated in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 3, Township 1, Range 17, United States Military Lands, being 0.353 acres of part of the 35.689 acres conveyed to Cassady Retail Ventures, LTD. as recorded in Instrument Number 200404290096925 (all references refer to records in the Franklin County Recorder's Office, Ohio) and more fully described as follows:

Beginning for reference at a point at the northeast property corner of said 35.689-acre tract;

Thence North 86°23'43" West a distance of 531.65 feet, along the northerly property line of said 35.689-acre tract, to a point being the Point of Beginning;

Thence South 3°36'17" West a distance of 512.00 feet to a point;

Thence North 86°23'43" West a distance of 30.00 feet to a point;

Thence North 3°36'17" East a distance of 512.00 feet to a point in the northerly property line of said 35.689-acre tract;

Thence South 86°23'43" East a distance of 30.00 feet, along the northerly property line of said 35.689-acre tract to the Point of Beginning containing 15,360 square feet or 0.353 acres more or less.

This legal description is based upon previous deeds of record and not an actual field survey.

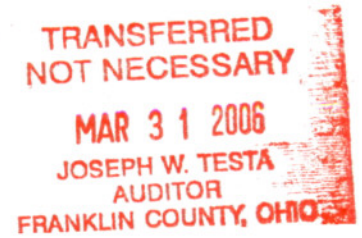
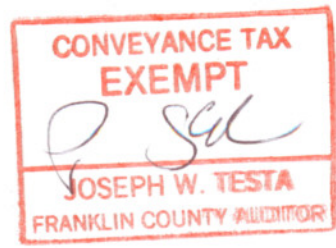
Franklin County Tax Parcel No. 010-263075

Prior Instrument Reference: Instrument Number 200203140066897

Recorder's Office, Franklin 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.

1. Grantor, at its expense, shall install/construct the "improvement" within the easement area described herein. The "improvement" shall be installed/constructed in accordance with City of Columbus construction specifications. Grantor shall, at its expense, return the easement area to its former condition as nearly as is reasonably practicable.



2. After Grantee has approved and accepted the "improvement", it shall be operated, maintained, renewed, reconstructed and/or replaced by the Grantee as necessity requires.

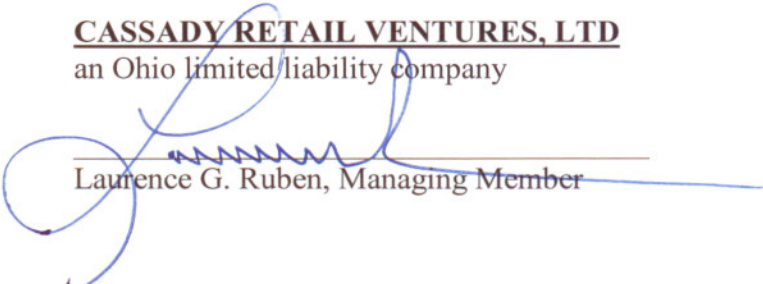
3. After Grantee's approval and acceptance of the subject "improvement", the Grantee agrees that upon subsequent entry by the Grantee for the purpose of construction, installation, reconstruction, replacement, removal, repair, maintenance and operation of said "improvement", it will restore Grantor's 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.

4. 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 parking, driveways, and sidewalks. 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.

5. 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, Cassady Retail Ventures, Ltd., by its duly authorized member, has caused this instrument to be executed and subscribed this 30TH day of March 2006.

CASSADY RETAIL VENTURES, LTD
an Ohio limited liability company



Laurence G. Ruben, Managing Member

STATE OF OHIO
COUNTY OF FRANKLIN, SS:

BE IT REMEMBERED, that on this 30TH day of March 2006 the foregoing instrument was acknowledged before me by Laurence G. Ruben, Managing Member, on behalf of Cassady Retail Ventures, Ltd., an Ohio limited liability company.

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: Cassady Ave Sanitary

Not. FWR CC14363 Cassadv Ave Retail Ventures-revised 3-30-06





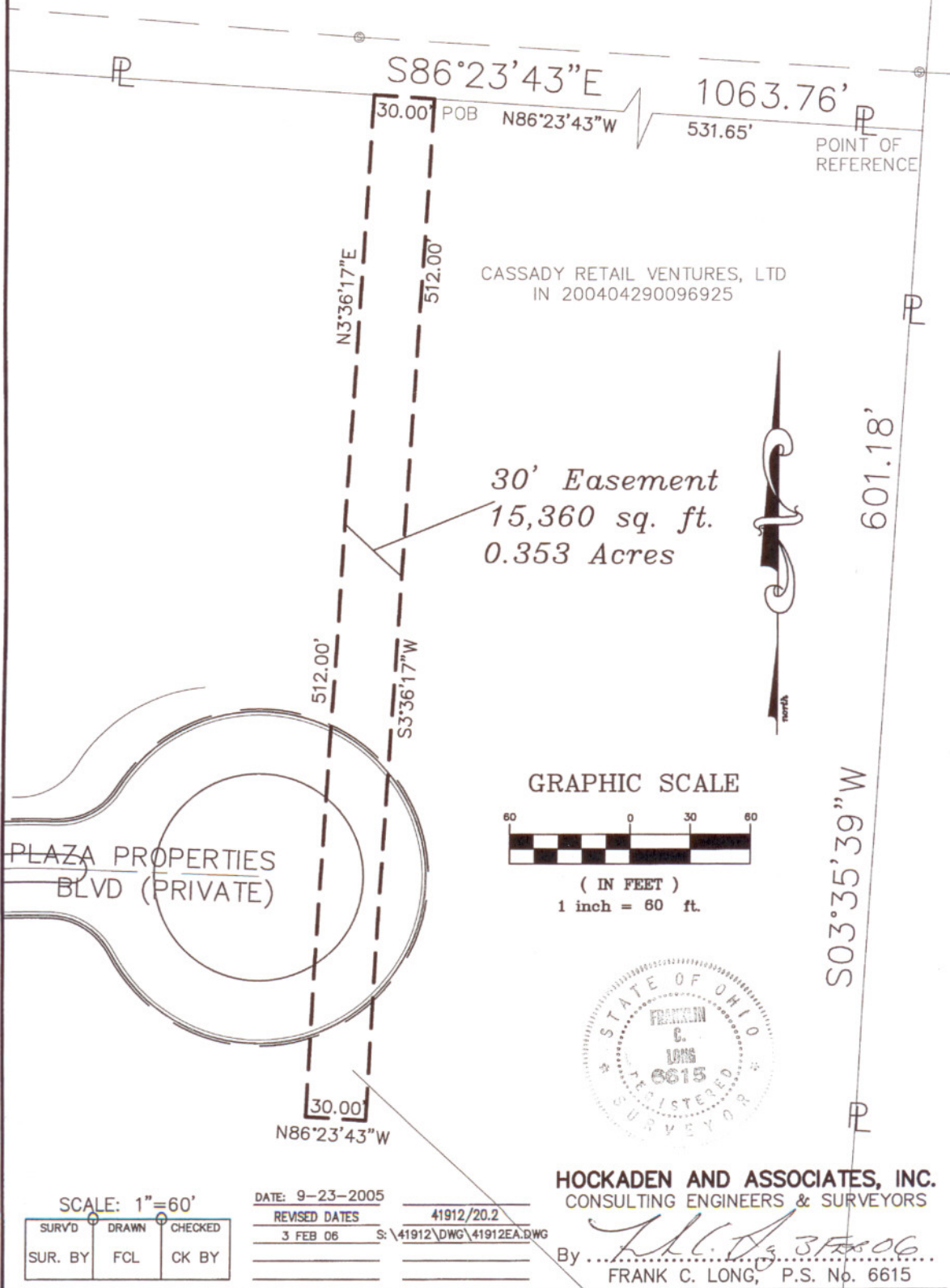
Sonya L. Barlow
Notary Public (seal)
SONYA L. BARLOW
Notary Public, State of Ohio
My Commission Expires 04-28-08



PREPARED BY:
HOCKADEN AND ASSOCIATES, INC.
 Consulting Engineers & Surveyors
 883 North Cassady Avenue
 Columbus, Ohio 43219
 Telephone: (614) 252-0993
 Fax: (614) 252-0444

EASEMENT EXHIBIT

Situated in the State of Ohio, County of Franklin,
 City of Columbus, in Quarter Township 3, Township 1, Range 17,
 United States Military Lands.



SCALE: 1"=60'

SURVD	DRAWN	CHECKED
SUR. BY	FCL	CK BY

DATE: 9-23-2005
 REVISED DATES 41912/20.2
 3 FEB 06 S: \41912\DWG\41912EA.DWG

HOCKADEN AND ASSOCIATES, INC.
 CONSULTING ENGINEERS & SURVEYORS

By *Frank C. Long* 3 FEB 06
 FRANK C. LONG, P.S. No. 6615