

**Instrument Number: 201702160023137**  
**Recorded Date: 02/16/2017 4:07:23 PM**



Daniel J. O'Connor  
 Franklin County Recorder  
 373 South High Street, 18<sup>th</sup> Floor  
 Columbus, OH 43215  
 (614) 525-3930  
<http://Recorder.FranklinCountyOhio.gov>  
[Recorder@FranklinCountyOhio.gov](mailto:Recorder@FranklinCountyOhio.gov)

**Transaction Number: T20170012094**  
**Document Type: EASEMENT**  
**Document Page Count: 6**

**Submitted By (Walk-In):**  
 ISAAC WILES

Walk-In

**Return To (Mail Envelope):**  
 ISAAC WILES

Mail Envelope

**First Grantor:**  
 HAVERY RUN LLC

**First Grantee:**  
 COLUMBUS CITY OF

**Fees:**

Document Recording Fee:	\$28.00
Additional Pages Fee:	\$32.00
<b>Total Fees:</b>	<b>\$60.00</b>
<b>Amount Paid:</b>	<b>\$60.00</b>
<b>Amount Due:</b>	<b>\$0.00</b>

**Instrument Number: 201702160023137**  
**Recorded Date: 02/16/2017 4:07:23 PM**

**OFFICIAL RECORDING COVER PAGE**

**DO NOT DETACH**

THIS PAGE IS NOW PART OF THIS RECORDED DOCUMENT

NOTE: If the document data differs from this cover sheet, please first check the document on our website to ensure it has been corrected. The document data always supersedes the cover page.

If an error on the cover sheet appears on our website after review please let our office know.

COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL INFORMATION.

TRANSFER  
NOT NECESSARY

FEB 16 2017

CLARENCE E. MINGO II  
AUDITOR  
FRANKLIN COUNTY, OHIO

CONVEYANCE TAX EXEMPT
CLARENCE E. MINGO II FRANKLIN COUNTY AUDITOR

**DEED OF EASEMENT**

**KNOW ALL MEN BY THESE PRESENTS** that, **Havery Run, LLC**, an Ohio limited liability company, "Grantor", for One Dollar (\$1.00) and other good and valuable consideration given by the City of Columbus, Ohio, a municipal corporation, "Grantee", the receipt of which is hereby acknowledged, does hereby grant unto said Grantee, its successors and assigns, a perpetual easement in, over, under, across, within and through the following described real property for the purposes of constructing, installing, reconstructing, replacing, removing, repairing, maintaining and operating a storm water line and thereto (the "Improvement"):

(SEE LEGAL DESCRIPTION ATTACHED HERETO  
AS EXHIBIT "A" AND MADE A PART HEREOF)

Franklin County Tax Parcel Number: 010-296459-00

Prior Instrument Reference: Instrument No. 20161202164882,  
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 heirs, executors, administrators, successors and assigns.

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.

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, curbs, 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.

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 and will not convey or transfer fee simple ownership of the described real property prior to this instrument being recorded.

The Grantor, Havery Run, LLC, by its authorized member, has caused this instrument to be executed and subscribed this 31<sup>st</sup> day of January, 2017.

**Havery Run, LLC**

By: *David Ruma*  
David Ruma

Its: Manager

STATE OF OHIO                    )  
  ) SS:  
COUNTY OF FRANKLIN        )

BE IT REMEMBERED that on this 31<sup>st</sup> day of January, 2017, before me, the subscriber, a Notary Public in and for said county, personally came Havery Wuma, LLC, by David Ruma, its Manager and acknowledged the signing of the same to be its and his voluntary act and deed, for the uses and purposed therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

*Stephanie Humenay*  
Notary Public



**STEPHANIE HUMENAY**  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES 4/16/2021

## EXHIBIT A

**STORM SEWER EASEMENT  
0.103 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Virginia Military District 3012, also being in a 2.637 acre tract to Havery Run, LLC in Instrument Number 201612020164882, and being more particularly described as follows;

Commencing at Franklin County Geodetic Survey Monument 8855 found at an angle point in the original centerline of Avery Road, the northwest corner of dedication for a portion of Avery Road as recorded in the Avery Road and Riggins Road Dedication in Plat Book 120, Page 82, and also being in the east line of Virginia Military Survey District 3453 and the west line of Virginia Military Survey District 3012;

Thence with the original centerline of Avery Road, the west line of said Virginia Military District 3012, the east line of Virginia Military District 3453, and the west line of said dedication of Avery Road, **S 05° 27' 36" E, 1035.31 feet;**

Thence across the remainder of a 71.282 acre tract as conveyed to White Family Farm Ltd. in Official Record 34301, Page G18 and Tim A. White in Instrument Number 201610240145777 and in the remainder of a 23.761 acre tract as conveyed to White Family Farm Ltd. in Instrument Number 201610240145776 and Tim A. White in Instrument Number 201610240145777, **N 84° 32' 24" E, 1337.09 feet** to the **TRUE POINT OF BEGINNING** for the easement herein described as follows;

Thence the following ten (10) courses across said 2.637 acre tract:

1. **N 74° 01' 09" E, 4.06 feet;**
2. **N 11° 30' 35" W, 127.42 feet;**
3. **N 11° 39' 53" E, 112.25 feet;**
4. **S 78° 20' 07" E, 15.00 feet;**
5. **S 11° 39' 53" W, 109.18 feet;**
6. **S 11° 30' 35" E, 120.41 feet;**
7. **N 57° 42' 19" E, 39.35 feet;**
8. **S 32° 17' 41" E, 15.00 feet;**
9. **S 57° 42' 19" W, 44.60 feet;**
10. **S 15° 58' 51" E, 4.38 feet** to the south line of said 2.637 acre tract and the north line of a 19.076 acre tract as conveyed to Riggins Run Apartments I LLC in Instrument Number 201612020164883;

Thence with the south line of said 2.637 acre tract and the north line of said 19.076 acre tract, **S 74° 01' 09" W, 15.00 feet;**

Thence across said 2.637 acre tract, **N 15° 58' 51" W, 2.50 feet;**

Thence continuing across said 2.637 acre tract, **S 74° 01' 09" W, 3.50 feet** to the west line of said 2.637 acre tract and an east line of the remainder of said 71.282 acre tract;

Thence with the east line of said 2.637 acre tract and a west line of the remainder of said 71.282 acre tract, **N 15° 58' 51" W, 15.00 feet** to the **TRUE POINT OF BEGINNING**, containing **0.103 acres**, more or less.

The above description was prepared by Advanced Civil Design Inc. and based on existing Franklin County records, along with actual field survey work. A drawing of the above description is attached hereto and made a part thereof.

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (NSRS2007). Said Bearings were derived from GPS observation and determine the

centerline of Avery Road to have a bearing of N05°27'36"W between FCGS Monument 8855 and FCGS Monument 2221.

All references used in this description can be found at the Recorder's Office Franklin County, Ohio.

**ADVANCED CIVIL DESIGN INC.**

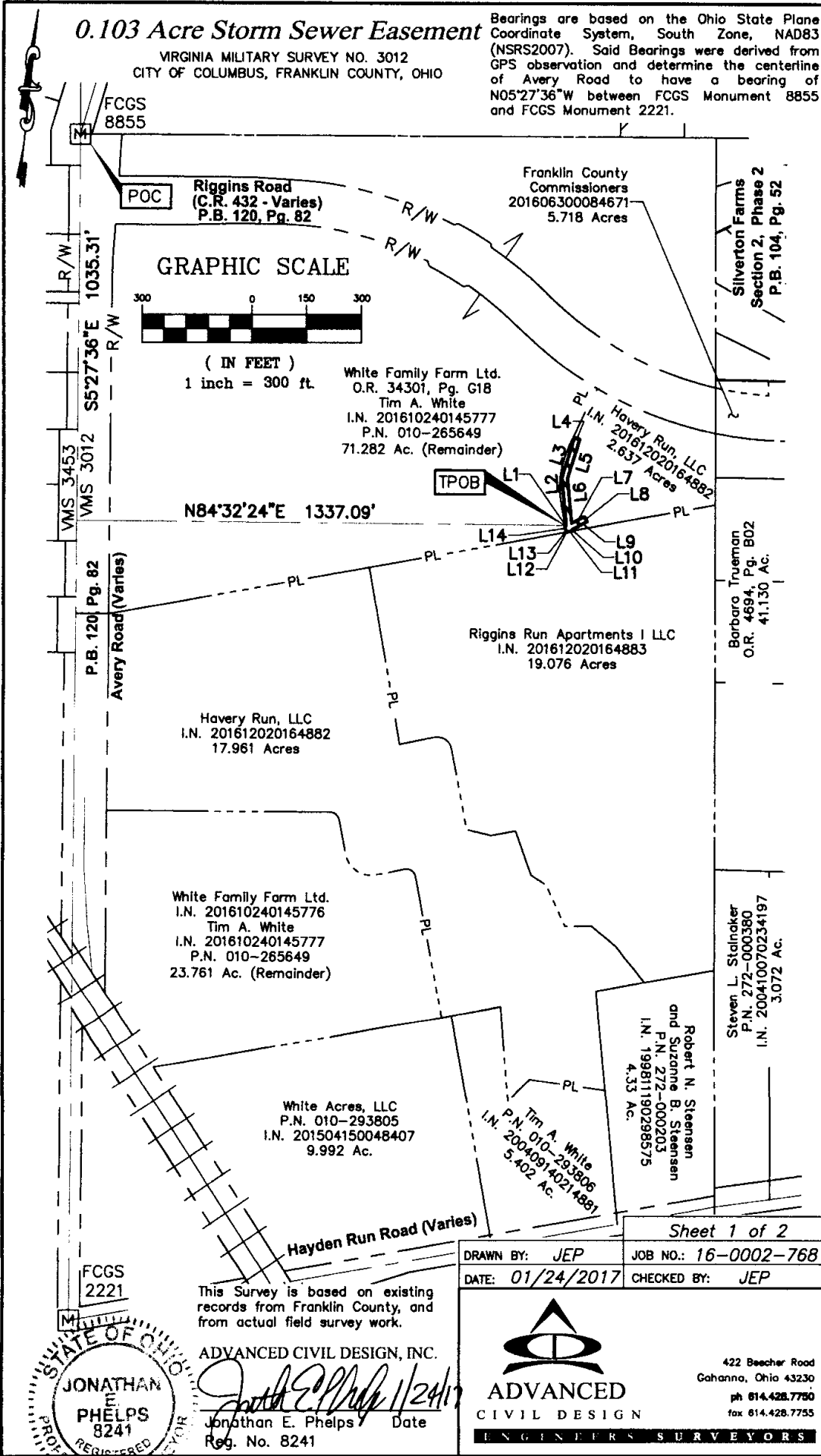


*Jonathan E. Phelps* 1/24/17  
Jonathan E. Phelps, PS  
Reg. No. 8241

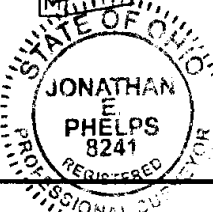
# 0.103 Acre Storm Sewer Easement

VIRGINIA MILITARY SURVEY NO. 3012  
CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (NSRS2007). Said Bearings were derived from GPS observation and determine the centerline of Avery Road to have a bearing of N05°27'36"W between FCGS Monument 8855 and FCGS Monument 2221.



Z:\16-0002-768\DWG\PRODUCTION DRAWINGS\SURVEY\0002-768 Storm Easmt Exhbl\_Pest Spits\_2.637.dwg Layout1 Jan 24, 2017 - 1:06:34pm Phelps



This Survey is based on existing records from Franklin County, and from actual field survey work.

ADVANCED CIVIL DESIGN, INC.  
*Jonathan E. Phelps 1/24/17*  
Jonathan E. Phelps Date  
Reg. No. 8241

DRAWN BY: JEP JOB NO.: 16-0002-768  
DATE: 01/24/2017 CHECKED BY: JEP

Sheet 1 of 2

**ADVANCED CIVIL DESIGN**  
ENGINEERS SURVEYORS

422 Beecher Road  
Cahanna, Ohio 43230  
ph 614.428.7790  
fax 614.428.7755

*0.103 Acre Storm Sewer Easement*

VIRGINIA MILITARY SURVEY NO. 3012  
CITY OF COLUMBUS & WASHINGTON TOWNSHIP,  
FRANKLIN COUNTY, OHIO

LINE TABLE		
LINE	DISTANCE	BEARING
L1	4.06'	N74°01'09"E
L2	127.42'	N11°30'35"W
L3	112.25'	N11°39'53"E
L4	15.00'	S78°20'07"E
L5	109.18'	S11°39'53"W
L6	120.41'	S11°30'35"E
L7	39.35'	N57°42'19"E
L8	15.00'	S32°17'41"E
L9	44.60'	S57°42'19"W
L10	4.38'	S15°58'51"E
L11	15.00'	S74°01'09"W
L12	2.50'	N15°58'51"W
L13	3.50'	S74°01'09"W
L14	15.00'	N15°58'51"W

*Sheet 2 of 2*

DRAWN BY: JEP	JOB NO.: 16-0002-768
DATE: 01/24/2017	CHECKED BY: JEP



422 Beecher Road  
Gahanna, Ohio 43230  
ph 614.428.7750  
fax 614.428.7755