

PARTIAL EASEMENT RELEASE

A. The **CITY OF COLUMBUS, OHIO**, a municipal corporation (“City”), possesses sewer utility easement rights described and recorded in Instrument Number 200503220052837, Recorder’s Office, Franklin County, Ohio (“Easement”);

B. The existing servient tenement of the Easement, **BRIGGSDALE APARTMENTS II, LLC**, an Ohio limited liability company, (“Owner”), requested that the City release and terminate a portion of its rights to the Easement (“Released Easement Area”) in order to clean the servient estate’s chain-of-title and redevelop the servient estate;

C. The City’s Department of Public Utilities (DPU) reviewed the request and determined that the sewer was relocated under CC 17620 and portions of the existing easement are no longer needed. Therefore terminating the City’s rights to the Released Easement Area does not adversely affect the City.

Now, therefore, the **CITY OF COLUMBUS, OHIO**, a municipal corporation (*i.e.* City), for consideration given by the existing servient tenement, **BRIGGSDALE APARTMENTS II, LLC**, an Ohio limited liability company, (*i.e.* Owner), of the City’s sewer utility easement rights described and recorded in Instrument Number 200503220052837, Recorder’s Office, Franklin County, Ohio (*i.e.* Easement), does forever release and terminate certain portions of the servient estate and Owner and its applicable successors and assigns from the operation of only the following described tract of easement area (*i.e.* Released Easement Area) associated with the Easement; however, nothing contained in this instrument is deemed in any manner as a release or waiver of (i) any other right(s), covenant(s), condition(s), reservation(s), easement(s), restriction(s), and any other applicable matter(s) of record in the servient estate’s chain-of-title, and (ii) the City’s remaining easement rights described and recorded in the easements not released by this instrument. Owner, by accepting this “Partial Easement Release” instrument, agrees and understands that the City and its applicable contractor(s) and subcontractor(s) are not responsible for all warranty items associated with all improvements constructed pursuant to the Easement.

Released Easement Area **0.095 Acre +/-**

SANITARY SEWER EASEMENT VACATION **0.095 ACRE**

Situated in the State of Ohio, County of Franklin, City of Columbus, and being part of Virginia Military Survey No. 971, and containing 0.095 acre of land, more or less, and being located on that 0.540 acre tract of land conveyed to Briggsdale Apartments II, LLC, of record in Instrument Number 201706270087078, (all references used in this description refer to the records of the Recorder’s Office, Franklin County, Ohio), said 0.095 acre Sanitary Sewer Easement Area to be released being more particularly described as follows:

BEGINNING, for reference, at a MAG nail set at the centerline intersection of Harrisburg Pike (R/W varies) with Chambers Road (50 feet in width);

Thence with the centerline of said Harrisburg Pike, South 32°55’00” West, a distance of 14.21 feet to the northwesterly corner of that 0.418 acre Right of Way parcel conveyed to the City of Columbus, Ohio, of record in Instrument Number 200405240118579;

Thence with the northerly line of said 0.418 acre City of Columbus Right of Way parcel, South 58°48’46” East, passing over a ¾ inch iron pipe found at 30.00 feet, a total distance of 60.03 feet to a ¾ inch iron pipe found at the northeasterly corner of said 0.418 acre Right of Way parcel, also being the northwesterly corner of that 0.930 acre tract of land conveyed to Briggsdale Apartments II, LLC, of record in Instrument Number 201706270087077, also being in the southerly line of that 0.5 acre tract of land conveyed to Troy Alderman, of record in Instrument Number 201307010110108;

Thence with the northerly line of said 0.930 acre Briggsdale Apartments II tract, and continuing with the northerly line of said 0.540 acre Briggsdale Apartments II tract, also with the southerly line of said 0.5 acre Alderman tract, South 58°48’46” East, a distance of 298.03 feet to a point in a northerly line of that 0.317 acre Sanitary Sewer Easement, of record in Instrument Number 200503220052837, and being the true point of beginning of the herein described 0.095 acre Sanitary Sewer Easement Area to be released;

Thence continuing with the southerly line of said 0.5 acre Alderman tract, also with the northerly line of said 0.540 acre Briggsdale Apartments II tract, South 58°48’46” East, 22.03 feet to a point;

Thence along the lines of said 0.317 acre Sanitary Sewer Easement, the following four (4) courses:

- 1) **South 13°24’06” East**, a distance of **20.76 feet** to a point;
- 2) **North 70°14’19” West**, a distance of **171.46 feet** to a point;
- 3) **North 32°55’00” East**, a distance of **25.67 feet** to a point;
- 4) **South 70°14’19” East**, a distance of **141.73 feet** to the point of beginning, and containing 0.095 acre of land, more or less.

Subject to all easements, restrictions, and rights of way of previous record or otherwise legally established.

Basis of Bearings: The easterly right of way of Harrisburg Pike was assigned a bearing of North 32°55’00” East, as described in Instrument Number 200309160296016, Recorder’s Office, Franklin County, Ohio.

The above description was written by Kevin Beechy, Ohio Professional Surveyor No. 7891 of Geo Graphics, Inc., and is based on an actual survey of the premises performed in August 2014.

This legal description of the Released Easement Area is also depicted on the one (1) page attachment, **Exhibit-A**, which is fully incorporated for reference as if rewritten.

<u>Franklin County Tax Parcel(s):</u>	425-270757
<u>Prior Record Reference(s):</u>	Ins. No.200503220052837;
	Recorder's Office, Franklin County, OH
<u>Street Address(es):</u>	1662Harrisburg Pike, Columbus, OH 43223

[REMAINDER OF PAGE INTENTIONALLY BLANK; “CITY’S EXECUTION” ON NEXT PAGE]

CITY’S EXECUTION

In witness whereof, the **City of Columbus, Ohio**, a municipal corporation, by its authorized representative, **Tracie R. Davies, Director**, Department of Public Utilities (DPU), as authorized by Columbus City Council pursuant to **Ordinance Number 2960-2018**, does voluntarily acknowledge this instrument on behalf of the City on this ____ day of _____, 2018.

City of Columbus, Ohio,
a municipal corporation

By: _____
Tracie R. Davies, Director
Department of Public Utilities (DPU)

State of Ohio)
)
County of _____) SS:

Be it remembered on _____, 2018, I affixed my seal evidencing this instrument was acknowledged before me by **Tracie R. Davies, Director**, Department of Public Utilities (DPU), on behalf of the **City of Columbus, Ohio**, a municipal corporation.

(seal)

Notary Public
Commission Expiration Date: _____

THIS INSTRUMENT PREPARED BY:
COLUMBUS CITY ATTORNEY, REAL ESTATE DIVISION
BY: JEFF BENNINGTON, ASSISTANT CITY ATTORNEY
DATE: OCTOBER 17, 2018
FOR: PUBLIC UTILITIES (PAT HALE)
RE: PARTIAL ESMT. RELEASE CC 17620

[REMAINDER OF PAGE INTENTIONALLY BLANK; “EXHIBIT-A” ON NEXT PAGE]

EXHIBIT-A (Pg. 1/1)

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