

DO NOT DETACH



Instrument Number: 201903290035688
Recorded Date: 03/29/2019 11:30:31 AM



Daniel J. O'Connor Jr.
Franklin County Recorder
373 South High Street, 18th Floor
Columbus, OH 43215
(614) 525-3930
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Return To (Hold at Counter):
LOCKE MCKENZIE

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Transaction Number: T20190017387
Document Type: EASEMENT
Document Page Count: 13

Submitted By (Walk-In):
LOCKE MCKENZIE

Walk-In

First Grantor:
VIKING PARTNERS MORSE LLC

First Grantee:
COLUMBUS CITY OF

Fees:	
Document Recording Fee:	\$28.00
Additional Pages Fee:	\$88.00
Total Fees:	\$116.00
Amount Paid:	\$116.00
Amount Due:	\$0.00

Instrument Number: 201903290035688
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OFFICIAL RECORDING COVER PAGE

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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 page 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.

13
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TRANSFER
NOT NECESSARY

MAR 29 2019

MICHAEL STINZIANO
AUDITOR
FRANKLIN COUNTY, OHIO

CONVEYANCE TAX
EXEMPT
MICHAEL STINZIANO
FRANKLIN COUNTY AUDITOR

DEED OF EASEMENT

(FOR CHANNEL AND STORMWATER PURPOSES)

KNOW ALL MEN BY THESE PRESENTS that that **VIKING PARTNERS MORSE, LLC**, an Ohio limited liability company, as to an undivided 67.8% interest and **CM CAPITAL MILFORD, LLC**, an Ohio limited liability company, as to an undivided 32.2% interest as tenants in common, "Grantors", for One Dollar (\$1.00) and other good and valuable consideration given by the **CITY OF COLUMBUS, OHIO**, a municipal corporation, in the name of and for the use of the **CITY OF GAHANNA, FRANKLIN COUNTY, OHIO**, a municipal corporation, "Grantee", the receipt of which is hereby acknowledged, does hereby forever grant to Grantee, its successors and assigns, an exclusive perpetual easement in, over, under, across and through the following described real property (the "Easement Area"), including the right of reasonable access thereto, for the purposes of excavating, constructing, installing, reconstructing, replacing, removing, repairing, maintaining, controlling, and operating a perpetual water course, ditch, channel, storm sewer lines, pipes detention and retention facilities or other drainage facility (the "Improvement").

PARCEL NO. 17CHV,SV1,SV2

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

Franklin County Tax Parcel Nos. 025-012935

Prior Instrument Reference: Instrument Number: 201804240053545,
Recorder's Office, Franklin County, Ohio.

The Channel Easement and the Storm Sewer Easement shall run with the land and 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, City of Columbus, Ohio, and the City of Gahanna 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 Channel Easement Area and Storm Sewer Easement area by returning it 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. Restoration shall not include any repair, replacement, or compensation of any improvement(s) including, but not limited to, other facilities, fence(s), wall(s), tree(s), bushes, vegetation, flower(s), or landscaping. Grantee is responsible for the maintenance, repair, replacement and removal of the facilities and improvements it makes in, on, over, across, through and under the Easement area.

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 easements, except utility service lines, asphalt or concrete parking, driveways, and sidewalks. If Grantor makes permanent or temporary improvements in or upon said easement areas, 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. Grantee shall not be permitted to construct any building in the Channel Easement area or the Storm Sewer Easement area without written consent from Grantor.

Failure or refusal to exercise any rights in this Easement shall not be a waiver of any kind and no waiver is valid unless executed in writing by the parties and properly recorded.

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, by its duly authorized representative, has caused this instrument to be executed and subscribed this 31 day of January 2019.

VIKING PARTNERS MORSE, LLC

an Ohio limited liability company

By: Bret A. Callen

Print Name: Bret A. Callen

Title: Manager

STATE OF Ohio
COUNTY OF Hamilton, SS:

BE IT REMEMBERED, that on this 31 day of January 2019, I affixed my seal evidencing the foregoing instrument was acknowledged before me by Bret Caller, Manager, on behalf of Viking Partners Morse, LLC, an Ohio limited liability company.



MELISSA D. DICK
Notary Public, State of Ohio
My Commission Expires 04-18-2022

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The Grantor, by its duly authorized representative, has caused this instrument to be executed and subscribed this 31 day of January 2019.

CM CAPITAL MILFORD, LLC
an Ohio limited liability company

By: Bret A. Caller

Print Name: Bret A. Caller

Title: Manager

STATE OF Ohio
COUNTY OF Hamilton, SS:

BE IT REMEMBERED, that on this 31 day of January 2019, I affixed my seal evidencing the foregoing instrument was acknowledged before me by Bret Caller, Manager, on behalf of CM Capital Milford, LLC, an Ohio limited liability company.



MELISSA D. DICK
Notary Public, State of Ohio
My Commission Expires 04-18-2022

Melissa D. Dick

This instrument prepared by
CITY OF COLUMBUS DEPARTMENT OF LAW
By: David E. Peterson REV (1-28-19)
Real Estate Attorney
Real Estate Division
For: Design & Construction
Re: HAM-A 17CHV, SV1,SV2-TAD

CONSENT AND JOINDER

The undersigned, REPUBLIC BANK & TRUST COMPANY, a Kentucky banking corporation, hereby consents to and joins in the execution of the foregoing grant of that certain Deed of Easement(s) between VIKING PARTNERS MORSE, LLC and CM CAPITAL MILFORD LLC, and the City of Columbus, Ohio ("Easement Agreement"), by virtue of its rights and interests set forth in that certain Mortgage deed executed by VIKING PARTNERS MORSE, LLC and CM Capital Milford LLC, "Mortgagors", dated September 24, 2018 and recorded on September 25, 2018, in Instrument No. 201809250129076 of the Recorder's Office, Franklin County, Ohio ("Security Instrument"), and agrees to the granting of the aforesaid Easement Agreement and agrees that any sale under foreclosure of such Security Instrument shall be subject to such Easement Agreement.

PARCEL 17CHV,SV1,SV2,T1,T2

The Mortgagee, Republic Bank & Trust Company, by its duly authorized representative, has hereunto caused this instrument to be subscribed this 11 day of MARCH, 2018.

REPUBLIC BANK & TRUST COMPANY
a Kentucky banking corporation

By [Signature]
Print Name: DOUGLAS J. BURGESS
Title: Senior Vice President

ACKNOWLEDGEMENT:

STATE OF OHIO
COUNTY OF HANCOCK, SS:

BE IT REMEMBERED that on this 11th day of MARCH 2018 the foregoing instrument was acknowledged before me, by DOUGLAS J. BURGESS, Senior Vice President, on behalf of Republic Bank & Trust Company, a Kentucky banking corporation.

[Signature]
Notary Public



KENNETH L. WEBB
Notary Public, State of Ohio
CITY OF COLUMBUS, DEPARTMENT OF LAW
By David M. Peterson
Real Estate Attorney Real Estate Division
156 TAD 17CH,S,T

EXHIBIT A

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RX 279 CHV

Rev. 06/09

Ver. Date 09/19/17

PID 99852

**PARCEL 17-CHV
HAMILTON ROAD
PERPETUAL EASEMENT TO CONSTRUCT AND MAINTAIN A CHANNEL
IN THE NAME AND FOR THE USE OF THE
CITY OF GAHANNA, FRANKLIN COUNTY, OHIO**

A perpetual easement for the construction and maintenance of a perpetual watercourse, ditch, channel or other drainage facility upon the within described real estate. Grantor/Owner herein retains the right to use said real estate for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Franklin, City of Gahanna, being located in Quarter Township 2, Township 1, Range 16 of the United States Military Lands and being 0.188 acres within an 8.968 acre parcel conveyed to INLAND AMERICAN GAHANNA MORSE, L.L.C. a Delaware limited liability company as described in Instrument Number 200701170009390 and being more particularly described as follows:

Being a parcel of land lying on the right side of the centerline of a survey made for project Hamilton Road, made by the Department of Transportation, and being located within the following described points in the boundary thereof:

Beginning at the northeasterly property corner of the said 8.968 acre parcel, said point being 60.00 feet right of centerline Station 241+38.99;

Thence along the said easterly property line, South 16°38'05" East a distance of 196.59 feet to a point being 244.66 feet right of centerline Station 242+06.42;

Thence across the said 8.968 acre parcel, South 74°26'14" West a distance of 26.67 feet to a point being 253.34 feet right of Station 241+81.20;

Thence across the said 8.968 acre parcel, North 15°02'24" West a distance of 38.65 feet to a point being 216.68 feet right of Station 241+68.96;

Thence across the said 8.968 acre parcel, North 88°15'29" West a distance of 3.11 feet to a point being 216.77 feet right of Station 241+65.85;

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Thence across the said 8.968 acre parcel, North 1°44'31" East a distance of 20.00 feet to a point being 196.78 feet right of Station 241+65.26;

Thence across the said 8.968 acre parcel, South 88°15'29" East a distance of 3.67 feet to a point being 196.67 feet right of Station 241+68.94;

Thence across the said 8.968 acre parcel, North 15°02'24" West a distance of 91.38 feet to a point being 110.00 feet right of Station 241+39.99;

Thence across the said 8.968 acre parcel, North 86°34'28" West a distance of 94.99 feet to a point being 110.00 feet right of Station 240+45.00;

Thence across the said 8.968 acre parcel, North 3°25'32" East a distance of 50.00 feet to the existing southerly right of way of Morse Road and being 60.00 feet right of Station 240+45.00;

Thence along the said existing southerly right of way of Morse Road, South 86°34'28" East a distance of 93.99 feet to the Point of Beginning, containing 0.188 acres, more or less.

The above described area contains 0.188 acres, more or less within Auditors Permanent Parcel Number 025-012935.

This description was prepared and reviewed on December 29, 2016 by Robert A. Bosworth, Registered Surveyor #7750.

This description is based upon a field survey performed by Dynotec, Inc. in January, 2015.

Grantor claims title by Instrument Number 200701170009390 in the Franklin County Recorder's Office.

The basis of bearings shown are based on the State Plane Coordinate System, Ohio South, as per NAD 83 (96 CORS) established by Dynotec, Inc. using GPS procedures and equipment which sets the centerline of Morse Road as South 86°34'28" East.

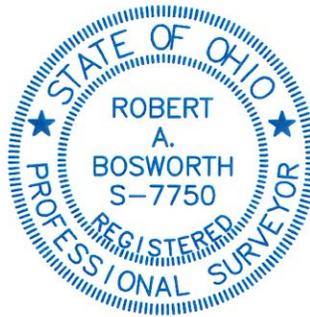
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The stations referred to herein are from centerline right-of-way of Morse Road as found on O.D.O.T. right of way plan "Hamilton Road" on file with the Ohio Department of Transportation, District 6, City of Delaware, Delaware County, State of Ohio.



Robert A. Bosworth

Robert A. Bosworth, PS, PE
Reg. Surveyor No. 7750

9-19-17

Date

EXHIBIT A

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RX 277 SV

Rev. 06/09

Ver. Date 03/07/17

PID 99852

**PARCEL 17-SV1
HAMILTON ROAD
PERPETUAL EASEMENT TO CONSTRUCT AND MAINTAIN A SEWER
IN THE NAME AND FOR THE USE OF THE
CITY OF GAHANNA, FRANKLIN COUNTY, OHIO**

A perpetual easement for the construction and maintenance of a sewer in, upon and over the within described real estate. Grantor/Owner herein retains the right to use said real estate for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Franklin, City of Gahanna, being located in Quarter Township 2, Township 1, Range 16 of the United States Military Lands and being 0.034 acres within an 8.968 acre parcel conveyed to Inland American Gahanna Morse, LLC as described in Instrument Number 200701170009390 and being more particularly described as follows:

Being a parcel of land lying on the right side of the centerline of a survey made for project Hamilton Road, made by the Department of Transportation, and being located within the following described points in the boundary thereof:

Beginning at the northwesterly corner of the said 8.968 acre parcel, in the existing southerly right-of-way of Morse Road and being 60.00 feet right of Morse Road Station 239+24.08;

Thence along the said existing southerly right-of-way of Morse Road, South 86°34'28" East a distance of 214.90 feet to the northeasterly corner of the said 8.968 acre parcel and being 60.00 feet right of Station 241+38.99;

Thence along the easterly property line of the said 8.968 acre parcel, South 16°38'05" East a distance of 2.12 feet to a point being 62.00 feet right of Station 241+39.71;

Thence across the said 8.968 acre parcel, North 86°34'28" West a distance of 14.72 feet to a point being 62.00 feet right of Station 241+24.99;

Thence across the said 8.968 acre parcel, South 3°28'01" West a distance of 22.01 feet to a point being 84.01 feet right of Station 241+24.98;

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Thence across the said 8.968 acre parcel, North 86°31'59" West a distance of 20.00 feet to a point being 83.99 feet right of Station 241+04.98;

Thence across the said 8.968 acre parcel, North 3°28'01" East a distance of 21.64 feet to a point being 62.35 feet right of Station 241+04.99;

Thence across the said 8.968 acre parcel, North 88°32'17" West a distance of 181.00 feet to the westerly property line of the said 8.968 acre parcel and being 68.55 feet right of Station 239+24.10;

Thence along the said westerly property line, North 3°16'14" East a distance of 8.55 feet to the Point of Beginning, containing 0.034 acres, more or less.

The above described area contains 0.034 acres, more or less, within Auditors Permanent Parcel Number 025-012935.

This description was prepared and reviewed on November 21, 2016 by Robert A. Bosworth, Registered Surveyor #7750.

This description is based upon a field survey performed by Dynotec, Inc. in January, 2015.

Grantor claims title by Instrument Number 200701170009390 in the Franklin County Recorder's Office.

The basis of bearings shown are based on the State Plane Coordinate System, Ohio South, as per NAD 83 (96 CORS) established by Dynotec, Inc. using GPS procedures and equipment which sets the centerline of Morse Road as South 86°34'28" East.

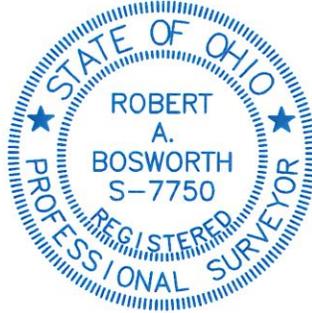
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The stations referred to herein are from centerline right-of-way of Morse Road as found on O.D.O.T. right of way plan "Hamilton Road" on file with the Ohio Department of Transportation, District 6, City of Delaware, Delaware County, State of Ohio.



Robert A. Bosworth

Robert A. Bosworth, PS, PE
Reg. Surveyor No. 7750

3-7-17

Date

EXHIBIT A

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RX 277 SV

Rev. 06/09

Ver. Date 03/07/17

PID 99852

**PARCEL 17-SV2
HAMILTON ROAD
PERPETUAL EASEMENT TO CONSTRUCT AND MAINTAIN A SEWER
IN THE NAME AND FOR THE USE OF THE
CITY OF GAHANNA, FRANKLIN COUNTY, OHIO**

A perpetual easement for the construction and maintenance of a sewer in, upon and over the within described real estate. Grantor/Owner herein retains the right to use said real estate for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Franklin, City of Gahanna, being located in Quarter Township 2, Township 1, Range 16 of the United States Military Lands and being 0.012 acres within an 8.968 acre parcel conveyed to INLAND AMERICAN GAHANNA MORSE, L.L.C. a Delaware limited liability company as described in Instrument Number 200701170009390 and being more particularly described as follows:

Being a parcel of land lying on the right side of the centerline of a survey made for project Hamilton Road, made by the Department of Transportation, and being located within the following described points in the boundary thereof:

Beginning at a point on the easterly property line of the said 8.968 acre parcel and being 196.09 feet right of Morse Road Station 241+88.68;

Thence along the said easterly property line, South 16°38'05" East a distance of 21.07 feet to a point on the easterly property line of the said 8.968 acre parcel and being 215.89 feet right of Station 241+95.91;

Thence across the said 8.968 acre parcel, North 88°15'29" West a distance of 30.07 feet to a point being 216.77 feet right of Station 241+65.85;

Thence across the said 8.968 acre parcel, North 1°44'31" East a distance of 20.00 feet to a point being 196.78 feet right of Station 241+65.26;

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Thence across the said 8.968 acre parcel, South 88°15'29" East a distance of 23.43 feet to a point on the easterly property line of the said 8.968 acre parcel and the Point of Beginning, containing 0.012 acres, more or less.

The above described area contains 0.012 acres, more or less, within Auditors Permanent Parcel Number 025-012935.

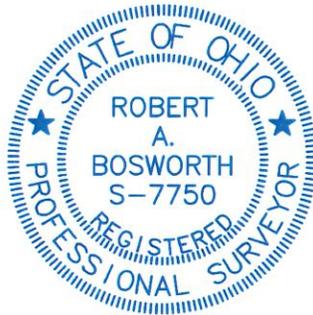
This description was prepared and reviewed on November 29, 2016 by Robert A. Bosworth, Registered Surveyor #7750.

This description is based upon a field survey performed by Dynotec, Inc. in January, 2015.

Grantor claims title by Instrument Number 200701170009390 in the Franklin County Recorder's Office.

The basis of bearings shown are based on the State Plane Coordinate System, Ohio South, as per NAD 83 (96 CORS) established by Dynotec, Inc. using GPS procedures and equipment which sets the centerline of Morse Road as South 86°34'28" East.

The stations referred to herein are from centerline right-of-way of Morse Road as found on O.D.O.T. right of way plan "Hamilton Road" on file with the Ohio Department of Transportation, District 6, City of Delaware, Delaware County, State of Ohio.



Robert A. Bosworth
Robert A. Bosworth, PS, PE
Reg. Surveyor No. 7750

3-7-17
Date