

City of Gahanna

200 South Hamilton
Road
Gahanna, Ohio 43230

Signature

Ordinance: ORD-0082-2022

File Number: ORD-0082-2022

**AN ORDINANCE ACCEPTING A SIDEWALK PUBLIC ACCESS EASEMENT
ALONG SCIENCE BOULEVARD CONSISTING OF 0.107 ACRES ON PARCEL NO.
027-000113 FROM SCIENCE ONE, LLC**

WHEREAS, with the development of ADB Safegate, sidewalk is to be extended along Science Boulevard to connect to Tech Center Drive; and

WHEREAS, existing right-of-way constraints do not permit the sidewalk extension; and

WHEREAS, the City of Gahanna has received a public, perpetual, nonexclusive, appurtenant easement for the purposes of a pedestrian and multimodal pathway for public access; and

WHEREAS, to support the sidewalk extension, it is desirable and necessary to accept the public access easement of 0.107 acres for the property identified by Franklin County as Parcel No. 027-000113.

NOW, THEREFORE, BE IT ORDNANED BY THE COUNCIL OF THE CITY OF GAHANNA, STATE OF OHIO:

Section 1. That this Council hereby accepts this Sidewalk Public Access Easement for the purposes as outlined in the preamble hereinabove from Science One, LLC, for 0.107 acres situated on Parcel No. 027-000113 along Science Blvd; said land more particularly described in EXHIBIT A and EXHIBIT B, attached hereto, and made a part herein.

Section 2. That this Ordinance shall be in full force and effect upon passage by this Council and 30 days after date of signature of approval by the Mayor.

At a meeting of the City Council on January 2, 2023, a motion was made by Bowers, seconded by Weaver, that this Ordinance be Adopted. The vote was as follows:

Ms. Angelou, yes; Ms. Bowers, yes; Ms. McGregor, yes; Ms. Padova, yes;
Mr. Renner, yes; Mr. Schnetzer, yes; Mr. Weaver, yes.

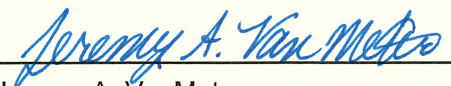
President


Stephen A. Renner

Date

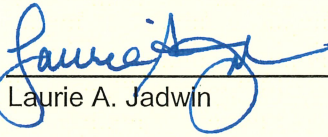
01/02/2023

Attest by

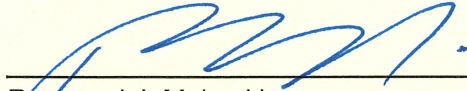

Jeremy A. VanMeter
Clerk of Council

Date

1/2/2023

Approved by the Mayor  _____
Laurie A. Jadwin

Date 1-2-2023

Approved as to Form  _____
Raymond J. Mularski
City Attorney

Date 1-2-2023

DO NOT DETACH

ORD-0082-2022

EXHIBIT A



Instrument Number: 202302100013540

Recorded Date: 02/10/2023 2:13:26 PM



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

Return To (Mail Envelope):
GAHANNA TITLE AGENCY LLC

Mail Envelope

Transaction Number: T20230009223
Document Type: EASEMENT
Document Page Count: 6

Submitted By (Mail):
GAHANNA TITLE AGENCY LLC

Mail

First Grantor:
SCIENCE ONE LLC

First Grantee:
GAHANNA CITY OF

Fees:	
Document Recording Fee:	\$34.00
Additional Pages Fee:	\$32.00
Total Fees:	\$66.00
Amount Paid:	\$66.00
Amount Due:	\$0.00

Instrument Number: 202302100013540
Recorded Date: 02/10/2023 2:13:26 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 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.

TRANSFER
NOT NECESSARY

FEB 10 2023

SIDEWALK PUBLIC ACCESS EASEMENT

CONVEYANCE TAX
EXEMPT

P

NK

This Easement is executed by _____ Science One, LLC _____ ("Grantor") and _____
MICHAEL STINZIANO
AUDITOR
FRANKLIN COUNTY, OHIO

City of Gahanna _____ ("Grantee"), individually a "Party" and collectively the
"Parties".

Recitals

Grantor owns fee title to the parcel of land referenced by Franklin County Parcel ID 027-00013 (the "Grantor Tract"). Grantee, on behalf of the public, and consistent with planning, zoning and community master plans, has deemed a perpetual public access is necessary across the Grantor's Tract for preserving and enhancing the health, safety, public welfare and stewardship activities for the betterment of the public.

Agreement

Therefore, in consideration of the mutual benefits derived by the Parties, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee agree as follows:

1. **Grant of Easement.** Grantor hereby grants to Grantee, for the benefit of the general public via Grantee a public, perpetual, nonexclusive, appurtenant easement (the "Easement") over and across a 10 - foot wide strip of land situated on the Grantor Tract, with said strip of land described in, or depicted on, Exhibit A (the "Easement Area"). This grant of Easement is made subject to all exceptions to title or of record in the Official Records of the City of Gahanna, Franklin County, and the state of Ohio.

2. **Easement Use.** The Easement will be used solely for pedestrian and multimodal access across the Grantor's Tract, using the existing 10 -foot wide pathway within the Easement Area. Use of the Easement Area will continue upon transfer of the Grantor's Tract to its successors in ownership of the Grantor Tract, and their tenants, invitees, agents, employees, successors, and assigns.

3. **Reserved Rights.** Grantor reserves the right to use the Easement Area for all lawful purposes, including but not limited to, installing utilities, cables, landscaping, concrete and asphalt surfaces, and other improvements, as long as such uses do not unreasonably interfere with Grantee's authorized use of the Easement Area.

4. **Nature of Easement.** The Easement granted herein is appurtenant to, and for the benefit of, the Grantee on behalf of the public, burdens the Grantor Tract, and shall run with the land. Any conveyance of fee title to the Grantee Tract will include a conveyance of this appurtenant Easement, whether or not the Easement is specifically identified in the conveyance instrument.

5. **Maintenance; Repair and Renewal.** Grantor shall maintain, repair and renew the Easement Area in accordance with Gahanna Codified Ordinances 521.06, 903.01 and other applicable provisions of the code.

6. **Successors.** This Easement will be binding on, and inure to the benefit of Grantor and Grantee, and their respective heirs, successors, and assigns.

7. **Relocation.** The owner of the Grantor Tract will have the right, at its option, to relocate the Easement Area to another course over and across the Grantor Tract from time to time, provided that: (i) Grantor provides Grantee with reasonable advance written notice of Grantor's intent to exercise the relocation option; (ii) Grantee must give written permission for Relocation, although permission shall not unreasonably be withheld; (iii) Grantor pays all expenses associated with the relocation including, but not limited to, physical construction costs and documentation and recording of the Easement amendment, if needed, to effect such relocation; (iv) the relocated Easement Area provides comparable access to the Grantee Tract; and (v) the Users are provided reasonable options for accessing the Grantee Tract during the period of time that the Easement Area is being relocated.

8. **Amendment.** This Agreement may only be amended by written instrument executed by the Parties.

9. **Notices.** Any notice required or permitted by this Easement must be in writing and given by delivering the same in person to the recipient or by sending the same by registered or certified mail, return receipt requested, with postage prepaid, to the address of the Grantor or Grantee as follows:

Grantor:

Grantee:

10. **Recording.** Grantee shall record this Easement in the Official Records of Franklin County, Ohio.

11. **Governing Law; Venue.** The laws of the State of Ohio (without giving effect to its conflicts of law principles) govern all matters arising out of or relating to this Easement, including, without limitation, its validity, interpretation, construction, performance, and enforcement. Either Party bringing a legal action or proceeding against the other Party arising out of or relating to this Easement shall bring the legal action or proceeding in the Circuit Court of the State of Ohio within Franklin County. Each Party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.

12. **Entire Agreement; Construction.** This Easement sets forth the entire and complete agreement between the Parties with respect to the subject matter hereof. Any prior agreements, commitments, or representations, express or implied, between the Parties are superseded by this Easement.

Executed to be effective as of the 1st day of February, 2023.

GRANTOR:

Science One, LLC

By: Amy Biondi-Huffman
Name: Amy Biondi-Huffman
Title: Manager

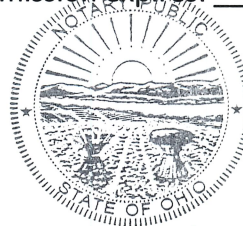
GRANTEE:

By: Lauren A. Hadwin
Name: LAUREN A. HADWIN
Title: Mayor, City of Gahanna

STATE OF Ohio)
) ss.
County of Union)

This instrument was acknowledged before me this 6th day of December, 2022, by Amy Biondi-Huffman, as Manager of Science One LLC, an Ohio LLC, on behalf of the company.

/s/ Margaret M. Long
Notary Public for Ohio
My commission expires: _____



MARGARET M. LONG
Notary Public, State of Ohio
My Comm. Expires Dec. 04, 2024

STATE OF Ohio)
) ss.
County of Franklin)

This instrument was acknowledged before me this 3rd day of February, 2023, by Laurie Jadwin, as Mayor of The City of Gahanna, on behalf of the _____.



JILL A. WEBB
Notary Public
State of Ohio
My Comm. Expires
June 24, 2025

/s/ Jill A. Webb
Notary Public for Ohio
My commission expires: 06-24-2025

Approved as to Form by:

[Signature]

Raymond Mularski – Gahanna City Attorney
200 South Hamilton Road
Gahanna, Ohio 43230

Exhibit A
Easement Area



DESCRIPTION OF 0.107 ACRE SIDEWALK EASEMENT

Situated in the State of Ohio, County of Franklin, City of Gahanna, being part of Lot 26, Quarter Township 3, Township 1, Range 16, United States Military Lands, being part of Lot 12 of the Science Boulevard Extension Dedication Plat of record in Plat Book 113, Page 23, and being a 9.224 acre tract of land described in deed to Science One, LLC of record in Instrument Number 202112070221547, all references to records being on file in the Office of the Recorder, Franklin County, Ohio, said 0.107 acre easement being more fully described herein;

BEGINNING at the southwest corner of said 9.224 acre tract, and being on the east right-of-way line of Science Boulevard;

Thence with the west line of said 9.224 acre tract, and with the east right-of-way line of said Science Boulevard, the following two (2) courses:

1. **North 03°42'23" East**, a distance of **449.73** feet, to a point of curvature;
2. With the arc of a curve to the right, having a radius of **28.00** feet, a central angle of **49°59'41"**, an arc length of **24.43** feet, a chord bearing of **North 28°42'14" East** and a chord distance of **23.66** feet, to a point;

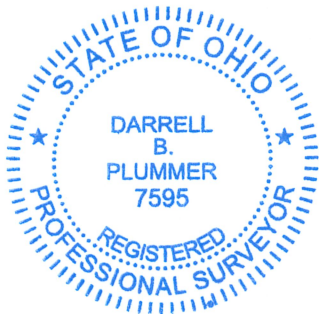
Thence **South 03°42'23" West**, a distance of **471.25** feet, through said 9.224 acre tract, to a point on the south line of said 9.224 acre tract;

Thence **North 85°54'19" West**, a distance of **10.00** feet, with the south line of said 9.224 acre tract, to the **TRUE POINT OF BEGINNING** containing 0.107 of an acre, subject to all easements and documents of record.

The bearings shown on this survey are based on the bearing of North 03°42'23" East as determined for the centerline of Science Boulevard, based on field observations performed in July 2021, and based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (NSRS 2011 Adjustment).

The foregoing easement was prepared from an actual field survey performed by or under my direct supervision in July, 2021.

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.



Darrell B. Plummer 11/1/2022

Darrell B. Plummer, P.S. Date
Registered Surveyor No. 7595

PLAT OF EASEMENT

STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF GAHANNA,
 LOT 26, QUARTER TOWNSHIP 3, TOWNSHIP 1, RANGE 16,
 UNITED STATES MILITARY LANDS.

BASIS OF BEARINGS:

THE BEARINGS SHOWN ON THIS SURVEY ARE BASED ON THE BEARING OF NORTH 03°42'23" EAST AS DETERMINED FOR THE CENTERLINE OF SCIENCE BOULEVARD BASED ON FIELD OBSERVATIONS PERFORMED IN JULY 2021, AND BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83 (NSRS 2011 ADJUSTMENT).

PERTINENT DOCUMENTS:

DEEDS OF RECORD ON FILE AT THE FRANKLIN COUNTY RECORDER'S OFFICE, EXISTING CEC SURVEYS, SURVEYS OF RECORD & TAX MAPS ON FILE AT FRANKLIN COUNTY.

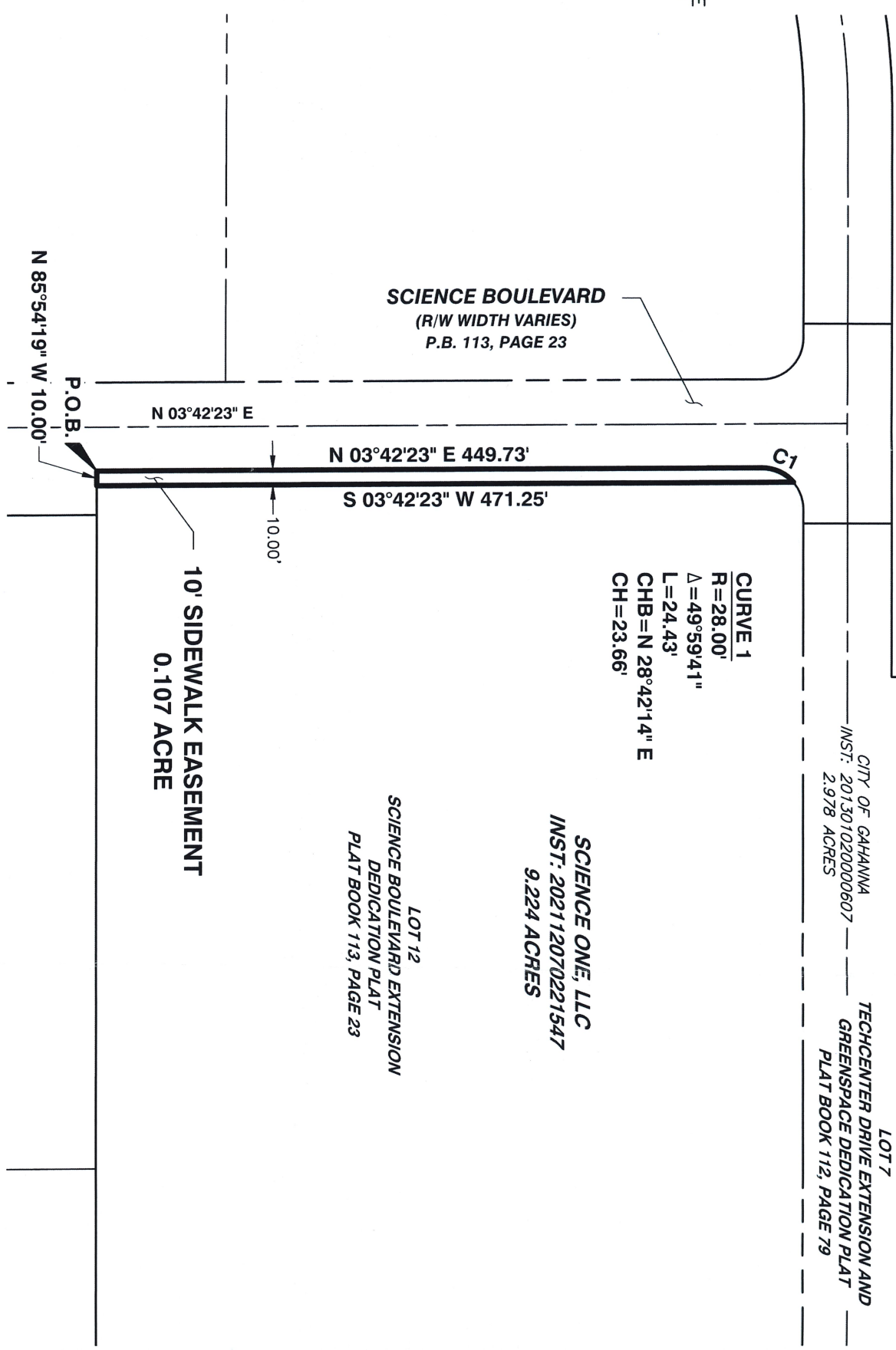


CERTIFICATION:
 THE FOREGOING EASEMENT WAS PREPARED FROM AN ACTUAL FIELD SURVEY PERFORMED BY OR UNDER MY DIRECT SUPERVISION IN JULY, 2021.

Darrell B. Plummer
 11/1/2022

DARRELL B. PLUMMER
 PROFESSIONAL LAND SURVEYOR NO. 7595

DATE



Civil & Environmental Consultants, Inc.
 250 W. Old Wilson Bridge Road · Suite 250 · Worthington, OH 43085
 614-540-6633 · 888-598-6808
 www.cecinc.com

DRAWN BY:	B.J.L.	CHECKED BY:	KAS	APPROVED BY:	DBP	EXHIBIT:	ESMT
DATE:	NOVEMBER 2022	DWG SCALE:	1" = 100'	PROJECT NO:	312-263		
0.107 ACRE SIDEWALK EASEMENT FED ONE DUBLIN, LLC FRANKLIN COUNTY, OHIO				0.107 ACRE SIDEWALK EASEMENT			