

Project Name: Price Road Sanitary Sewer

**CITY OF GAHANNA**

**CONTRACT OF SALE AND PURCHASE**

This Agreement is entered into on the below date by and between **E. Kevin Swinney and Lucinda Swinney**, hereinafter called Owner, and the City of Gahanna, hereinafter called City. Owner hereby agrees to grant, sell, bargain and convey to City the following described real estate, together with improvements now located thereon:

**Parcel SE (0.041 acre)**

**Parcel T-1 (0.010 acre)**

**Parcel T-2 (0.010 acre)**

See Attachment(s) *Exhibits A, B, C, & D*  
(Legal Description)

*AKS*  
*\$4,250.00*  
City agrees to purchase said real estate and agrees to pay the full sum of ~~\$3,250.00~~ as full compensation and damages for same and as full consideration for the covenants of Owner herein contained.

Owner shall sell and convey the above described real estate by **Deed of Easement and Temporary Easement** and shall deliver said **Deed of Easement and Temporary Easement** to City at the time of closing. The closing shall occur no later than **75** days after the date hereof and, at the closing, City shall pay the aforesaid consideration of ~~\$3,250.00~~ *\$4,250.00* *MPE*

Owner warrants that the real estate is free and clear of all liens and encumbrances, except mortgages, taxes, easements, conditions and restrictions of record. Owner shall cause any such liens and encumbrances to be removed or released of record on or before the date of closing as aforesaid, except easements, conditions and restrictions of record.

Owner agrees to execute supplemental instruments if necessary for the construction and maintenance of the project, over, across and upon the aforementioned property.

Owner shall be liable for all taxes on the property up to and including the date of closing.

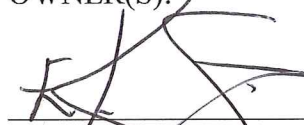
Owner hereby grants to the City, its employees, agents, consulting engineers, contractors and other representatives the right to enter upon and have exclusive possession of the heretofore described real estate.

Owner further agrees that, if for any reason the City determines it necessary to file a complaint in the Court of Common Pleas of Franklin County for the purpose of impaneling a jury to assess the compensation to be paid for the heretofore described real estate, this contract may be introduced into evidence in such proceedings and the amount specified herein shall be deemed and stipulated to be the fair market value of the interest acquired in the real estate.

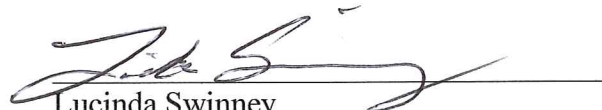
This contract shall be binding upon Owner and Owner's heirs, executors, administrators, successors and assigns and shall inure to the benefit of the City, its successors and assigns.

DATE 6-14-17

OWNER(S):

  
E. Kevin Swinney

DATE 6/12/17

  
Lucinda Swinney

CITY OF GAHANNA:

DATE \_\_\_\_\_

\_\_\_\_\_  
City Engineer

By:   
Negotiator

Exhibit A

**SANITARY SEWER EASEMENT  
0.041 ACRE**

Situated in the State of Ohio, County of Franklin, City of Gahanna, in Quarter Township 4, Township 1, Range 17, United States Military Lands, being a strip of land on, over, and across Lot 8 of a survey by G.E. Evans, P.S. 483, dated August, 1947, on file with the Franklin County Engineer's Office, as conveyed to E. Kevin Swinney and Lucinda Swinney by deeds of record in Instrument Numbers 201101140007874 and 201101140007875, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

*BEGINNING, FOR REFERENCE*, at the northeasterly corner of said Lot 8;

thence North 85° 03' 20" West, with the northerly line of said Lot 8, a distance of 106.35 feet to the *TRUE POINT OF BEGINNING*;

thence South 03° 54' 11" West, crossing said Lot 8, a distance of 90.01 feet to a point in the southerly line thereof;

thence North 85° 03' 20" West, with said southerly line, a distance of 20.00 feet to a point;

thence North 03° 54' 11" East, crossing said Lot 8, a distance of 90.01 feet to a point in said northerly line;

thence South 85° 03' 20" East, with said northerly line, a distance of 20.00 feet to the *TRUE POINT OF BEGINNING*, containing 0.041 acre of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Matthew A. Kirk*

Matthew A. Kirk  
Professional Surveyor No. 7865

*23 March 16*

Date

MAK:sg  
0\_041 ac Swinney 20150087-VS-ESMT-SSWR-N-02.doc

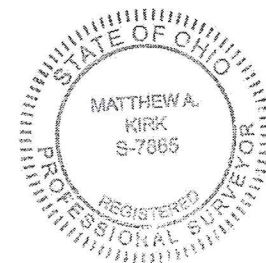


Exhibit B

**TEMPORARY EASEMENT  
0.010 ACRE**

Situated in the State of Ohio, County of Franklin, City of Gahanna, in Quarter Township 4, Township 1, Range 17, United States Military Lands, being a 5 foot wide strip of land on, over, and across Lot 8 of a survey by G.E. Evans, P.S. 483, dated August, 1947, on file with the Franklin County Engineer's Office, as conveyed to E. Kevin Swinney and Lucinda Swinney by deeds of record in Instrument Numbers 201101140007874 and 201101140007875, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

*BEGINNING, FOR REFERENCE*, at the northeasterly corner of said Lot 8;

thence North 85° 03' 20" West, with the northerly line of said Lot 8, a distance of 101.35 feet to the *TRUE POINT OF BEGINNING*;

thence South 03° 54' 11" West, crossing said Lot 8, a distance of 90.01 feet to a point in the southerly line thereof;

thence North 85° 03' 20" West, with said southerly line, a distance of 5.00 feet to a point;

thence North 03° 54' 11" East, crossing said Lot 8, a distance of 90.01 feet to a point in said northerly line;

thence South 85° 03' 20" East, with said northerly line, a distance of 5.00 feet, to the *TRUE POINT OF BEGINNING*, containing 0.010 acre of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Matthew A. Kirk*

Matthew A. Kirk  
Professional Surveyor No. 7865

23 March 16

Date

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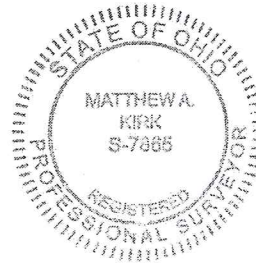


Exhibit C

**TEMPORARY EASEMENT  
0.010 ACRE**

Situated in the State of Ohio, County of Franklin, City of Gahanna, in Quarter Township 4, Township 1, Range 17, United States Military Lands, being a 5 foot wide strip of land on, over, and across Lot 8 of a survey by G.E. Evans, P.S. 483, dated August, 1947, on file with the Franklin County Engineer's Office, conveyed to E. Kevin Swinney and Lucinda Swinney by deeds of record in Instrument Numbers 201101140007874 and 201101140007875, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

*BEGINNING, FOR REFERENCE*, at the northeasterly corner of said Lot 8;

thence North 85° 03' 20" West, with the northerly line of said Lot 8, a distance of 126.35 feet to the *TRUE POINT OF BEGINNING*;

thence South 03° 54' 11" West, crossing said Lot 8, a distance of 90.01 feet to a point in the southerly line thereof;

thence North 85° 03' 20" West, with said southerly line, a distance of 5.00 feet to a point;

thence North 03° 54' 11" East, crossing said Lot 8, a distance of 90.01 feet to a point in said northerly line;

thence South 85° 03' 20" East, with said northerly line, a distance of 5.00 feet to the *TRUE POINT OF BEGINNING*, containing 0.010 acre of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Matthew A. Kirk*

Matthew A. Kirk  
Professional Surveyor No. 7865

23 MARCH 16

Date

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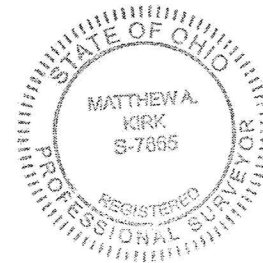
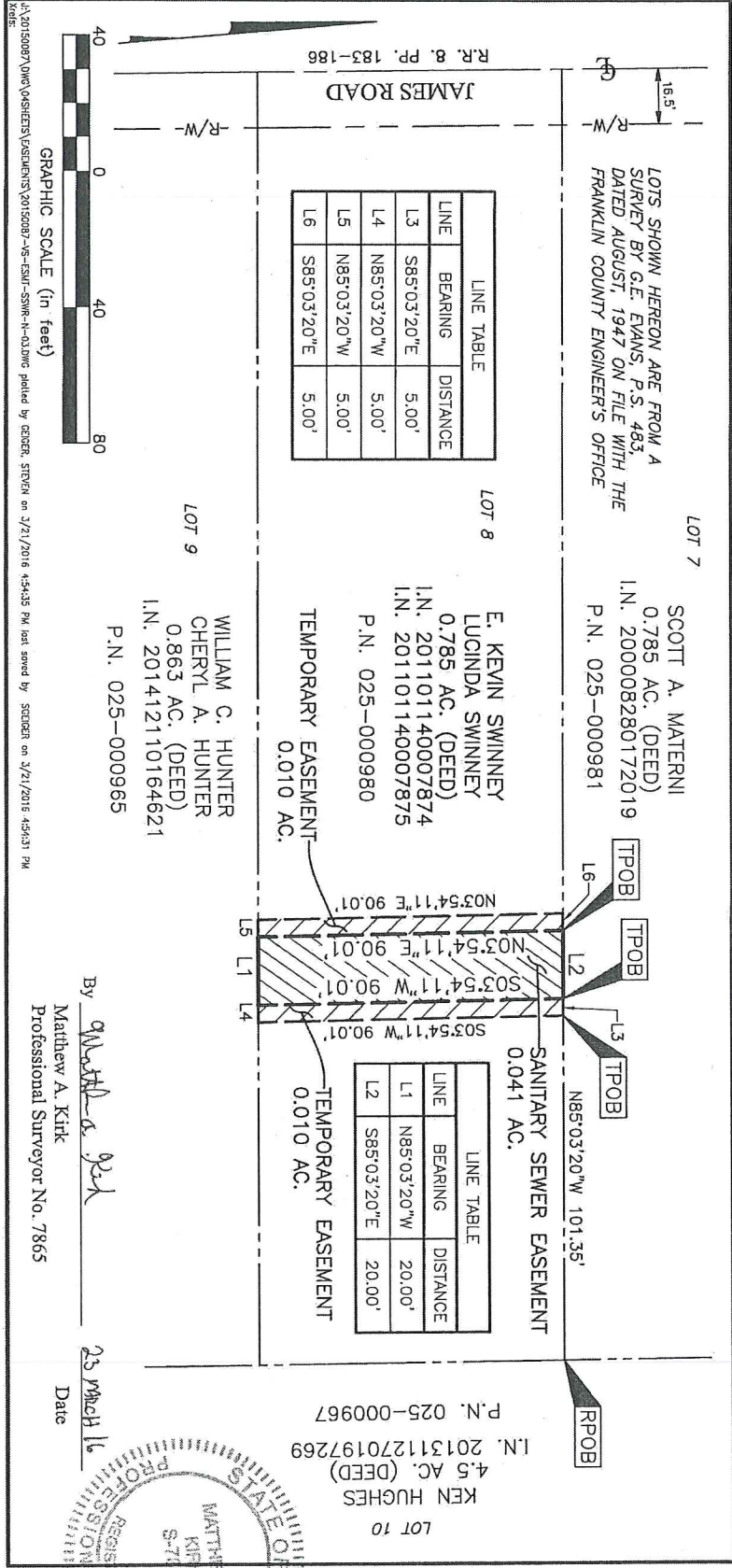


Exhibit D

**EMH&T**  
 Evans, Mechtwald, Hambleton & Tilton, Inc.  
 Engineers • Surveyors • Planners • Scientists  
 5500 New Albany Road, Columbus, OH 43054  
 Phone: 614.775.4500 Toll Free: 888.775.3448  
 emht.com

**SANITARY SEWER EASEMENT**  
 QUARTER TOWNSHIP 4, TOWNSHIP 1, RANGE 17  
 UNITED STATES MILITARY LANDS  
 CITY OF GAHANNA, COUNTY OF FRANKLIN, STATE OF OHIO

Date: March 23, 2016  
 Scale: 1" = 40'  
 Job No. 2015-0087



By: *Matthew A. Kirk*  
 Matthew A. Kirk  
 Professional Surveyor No. 7865  
 Date: *23 March 16*

REGISTERED PROFESSIONAL SURVEYOR  
 STATE OF OHIO  
 MATTHEW A. KIRK  
 S-7865

GRAPHIC SCALE (in feet)  
 0 40 80

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