



201409260127564

Pgs: 8 \$76.00 T20140066028  
09/26/2014 2:07PM BXGAHANNA BOX  
Terry J. Brown  
Franklin County Recorder



TRANSFERRED

SEP 26 2014

CLARENCE E. MINGO II  
AUDITOR  
FRANKLIN COUNTY, OHIO

### DEED OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That Value Recovery Group II, LLC (VRG II), an Ohio Limited liability Corporation, in consideration of the sum of Ten Dollar(s) (\$10.00) and other good and valuable considerations to it paid by the City of Gahanna, Ohio, a municipal corporation, the receipt of which is hereby acknowledged, does hereby grant and release to said City of Gahanna, Ohio (the "City"), its successors and assigns, forever, a Utility Easement over and through the following described real estate and shown on Exhibits "A and B" attached hereto and made a part hereof:

SEE ATTACHED EXHIBITS "A AND B"

The Easement is granted for the purpose of constructing, using and maintaining all public utilities above and below the surface of the ground and appurtenant works in any part of said strip, including the right to clean, repair and care for said public utilities, together with the right of access to said strip for said purpose. The Easement shall be subject to the following conditions:

1. The Easement will not limit or restrict the landowner's use of the property provided such use is compliant with the City's zoning and/or other applicable property ordinances and regulations.
2. The landowner will submit plans for any installation within the Easement that it desires to make to the City for approval.
3. The City will give the landowner reasonable notice of not less than three (3) days, if reasonably practicable, prior to commencement of any work on the utilities.
4. That the utilities subject to the Easement shall be kept in good order and condition by the City of Gahanna.
5. That during whatever construction, reconstruction, maintenance, or repair work is or becomes necessary with respect to said utilities, so much of the surface or subsurface of the property as may be disturbed, will at the expense of the City be substantially replaced in the same condition as it was prior to such disturbance.

6. The City will hold harmless VRG II from any loss, damage, injury or liability resulting from the City's negligence in connection with any work involved in constructing, maintaining or caring for the utilities.
7. No charges will be made against the property or landowner for the cost of construction, maintenance, repair or care for the utilities in the Easement. If the landowner makes an application for a service connection to the utilities, the regular and customary service connection charge in effect at the time of the application shall be charged.
8. In the event all or any portion the property subject to this Easement becomes portion(s) of public streets, in the proceedings for acquisition of the property needed for such streets, whether by purchase, dedication, condemnation, etc., said property shall be considered the same as if this Easement had not been executed and/or as if any rights granted by this Easement had not been exercised.

TO HAVE AND TO HOLD said premises unto said Grantee, the City of Gahanna, Ohio, its successors and assigns, for the uses and purposes herein mentioned.

IN WITNESS WHEREOF, Value Recovery Group II, LLC hereby covenants with the Grantee that it is the lawful owner of the above described real estate, that it is lawfully seized of the same in fee simple and has good, right and full power to make this grant, has hereunto set its hand this 11 day of September, 2014.

**VALUE RECOVERY GROUP II, LLC**

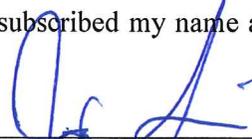
By: 

Name: Barry Fromm, Chairman and CEO of Value Recovery Group, Inc., Managing Member of VRG II, LLC

STATE OF OHIO )ss:  
 COUNTY OF FRANKLIN )

BE IT REMEMBERED, That on this 11<sup>th</sup> day of September, 2014, before me, the subscriber, a Notary Public in and for the said State, personally came the above named Barry Fromm, who acknowledged the signing of this instrument to be its voluntary act and deed for the uses and purposes therein mentioned.

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

  
 Notary Public

My Commission Expires \_\_\_\_\_

This Instrument Prepared By:  
City of Gahanna



JEFFERY J. SNIDERMAN, ATTORNEY AT LAW  
 NOTARY PUBLIC, STATE OF OHIO  
 My commission has no expiration date.  
 Section 147.03 R.C.

Exhibit 'A'

Situated in the State of Ohio, County of Franklin, City of Gahanna, located in Quarter Township 3, Township 1, Range 16, United States Military District, and being part of Lot 7, a 15.746 acre lot, as shown in Techcenter Drive Extension and Greenspace Dedication Plat in Plat Book 112 page 79 and as described in a deed to Value Recovery Group II, LLC in Instrument Number 200712200217547, All records being on file in the Recorder's Office, Franklin County, Ohio, and more fully described as follows:

Commencing at a point on the southerly right of way of Techcenter Drive, said point being the southwesterly terminus corner of Techcenter Drive as shown in the Science Boulevard Extension Dedication Plat in Plat Book 113 page 23 and the southeasterly corner of the extension of Techcenter Drive as shown and dedicated in Instrument Number 201301020000607;

Thence South  $85^{\circ} 56' 14''$  East, following along the southerly right of way of Techcenter Drive, for a distance of 10.00 feet to the westerly right of way return of Science Boulevard;

Thence following the arc of a curve to the right along the westerly right of way return of Science Boulevard, having a radius of 28.00 feet, a delta of  $05^{\circ} 47' 25''$ , a chord bearing of South  $83^{\circ} 02' 27''$  East, a chord distance of 2.83 feet, for an arc length of 2.83 feet to the **True Place of Beginning** of the parcel herein described;

Thence continuing along the arc of a curve to the right and the westerly right of way return of Science Boulevard, having a radius of 28.00 feet, a delta of  $33^{\circ} 51' 16''$ , a chord bearing of South  $63^{\circ} 13' 06''$  East, a chord distance of 16.30 feet, for an arc length of 16.54 feet to a point;

Thence South  $03^{\circ} 42' 13''$  West, leaving said right of way, passing through said Lot 7 and following the westerly line of an existing 10 foot trail easement as shown in said Plat Book 113 page 23, for a distance of 384.45 feet to a point on the northerly line of a 0.628 acre tract as described in a deed to The City of Gahanna in Instrument Number 201103300042797;

Thence North  $85^{\circ} 50' 52''$  West, continuing through said Lot 7 and along the northerly line of said 0.628 acre tract, for a distance of 15.00 feet to a point;

Thence North  $03^{\circ} 42' 13''$  East, continuing through said Lot 7 following the proposed easement line, for a distance of 390.73 feet to the **True Place of Beginning** and containing 5,827 square feet or 0.134 acres of land, more or less, in Franklin County Auditor's Parcel Number 027-000110.

Together with a 15 foot wide Temporary Construction Easement parallel with and abutting the westerly side of the above described easement, said Temporary Construction Easement contains 5,863 square feet or 0.135 acres of land, more or less.

'North' for the above description is based on the centerline of Techcenter Drive as being South 85° 56' 14" East as established by a VRS/GPS survey with the Ohio Department of Transportation CORS reference station being COLB. The horizontal component of the VRS network is based on the NAD 83(CORS96) reference frame and the coordinate system is Ohio State Plane, South Zone.

The above description was prepared under the direction and supervision by Chad S. Snow, Registered Professional Surveyor No. 8559 from an actual field survey performed in October 2013.

 7/17/14



Exhibit 'A'

Situated in the State of Ohio, County of Franklin, City of Gahanna, located in Quarter Township 3, Township 1, Range 16, United States Military District, and being part of Lot 7, a 15.746 acre lot, as shown in Techcenter Drive Extension and Greenspace Dedication Plat in Plat Book 112 page 79 and as described in a deed to Value Recovery Group II, LLC in Instrument Number 200712200217547, All records being on file in the Recorder's Office, Franklin County, Ohio, and more fully described as follows:

**Beginning** at a 5/8" rebar found on the easterly line of said Lot 7, said rebar being the southwesterly corner of a 5.771 acre tract of land as described in a deed to Ronald D. Brubaker and Virginia S. Brubaker, Grantors and Trustees of the Brubaker Family Trust, dated February 5, 2002 in Instrument Number 200204050086872 and an angle point in the northerly right of way of Techcenter Drive (R/W varies) as shown and dedicated in Instrument Number 201301020000607;

Thence South 04° 16' 41" West, following the easterly line of said Lot 7 and along the right of way of Techcenter Drive, for a distance of 5.14 feet to an angle point along said right of way;

Thence North 85° 56' 14" West, passing through said Lot 7 and along the said northerly right of way, for a distance of 203.14 feet to a point;

Thence leaving said right of way and passing through said Lot 7 following along the proposed easement line for the following six (6) courses and distances;

1. North 83° 39' 37" East, for a distance of 156.34 feet to a point
2. Along the arc of a curve to the left, having a radius of 30.00 feet, a delta of 79° 22' 56", a chord bearing of North 43° 58' 09" East, a chord distance of 38.32 feet, for an arc length of 41.56 feet to a point;
3. North 04° 16' 41" East, for a distance of 540.90 feet to a point;
4. Along the arc of a curve to the left, having a radius of 75.00 feet, a delta of 55° 03' 48", a chord bearing of North 48° 17' 38" West, a chord distance of 69.34 feet, for an arc length of 72.08 feet to a point;
5. North 76° 42' 59" West, for a distance of 70.30 feet to a point;
6. North 04° 19' 51" East, passing the southeasterly corner of Reserve E of said Techcenter Drive Extension and Greenspace Dedication Plat at a distance of 20.85 feet and then continuing along the easterly line of said Reserve E, for a total distance of 70.90 feet to the southwesterly corner of Reserve F of said Greenspace Dedication Plat;

Thence North 66° 41' 00" East, following a line common with said Lot 7 and the southerly line of said Reserve F, for a distance of 29.04 feet to the southeasterly corner of said Reserve F and being on the westerly line of a 1.025 acre tract of land as described in a deed to Donald G. Miller and Anita J. Miller in Official Record 7695 page F-05;

Thence South 04° 19' 51" West, following a line common with said Lot 7 and the westerly line of said 1.025 acre tract, for a distance of 69.59 feet to a 1" crimp top pipe found at the southwesterly corner of said 1.025 acre tract;

Thence South 85° 55' 46" East, following a line common with said Lot 7 and the southerly line of said 1.025 acre tract, for a distance of 35.94 feet to a point;

Thence passing through said Lot 7 along the arc of a curve to the right, having a radius of 87.50 feet, a delta of 90° 12' 28", a chord bearing of South 40° 49' 32" East, a chord distance of 123.97 feet, for an arc length of 137.76 feet to a point on the easterly line of said Lot 7 and the westerly line of said 5.771 acre Brubaker tract;

Thence South 04° 16' 41" West, following the easterly line of said Lot 7 and the westerly line of said 5.771 acre tract, for a distance of 573.83 feet to the **B**eginning and containing 23,274 square feet or 0.534 acres of land, more or less, in Franklin County Auditor's Parcel Number 027-000110.

Together with a 20 foot wide Temporary Construction Easement parallel with and abutting the westerly and southerly sides of the above described easement, said Temporary Construction Easement contains 14, 673 square feet or 0.337 acres of land, more or less.

The above described easement overlaps an existing Leisure Easement as shown in said Greenspace Dedication Plat by 14,014 square feet or 0.322 acres of land, more or less.

'North' for the above description is based on the centerline of Techcenter Drive as being South 85° 56' 14" East as established by a VRS/GPS survey with the Ohio Department of Transportation CORS reference station being COLB. The horizontal component of the VRS network is based on the NAD 83(CORS96) reference frame and the coordinate system is Ohio State Plane, South Zone.

The above description was prepared under the direction and supervision by Chad S. Snow, Registered Professional Surveyor No. 8559 from an actual field survey performed in October 2013.

 07/17/14





ms consultants, inc.

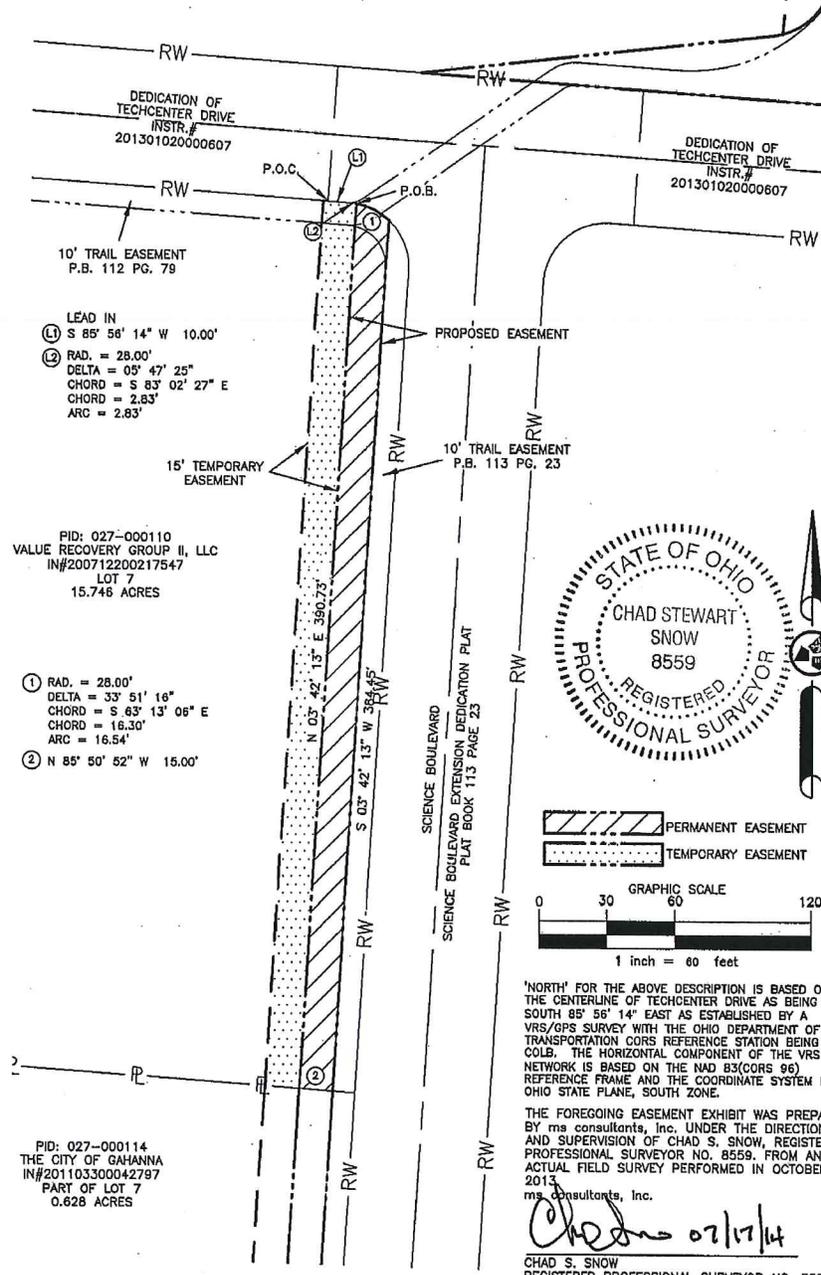
PHONE (614) 898-7100

2221 SCHROCK ROAD, COLUMBUS, OHIO 43229

FAX (614) 898-7570

# EASEMENT EXHIBIT

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF GAHANNA, LOCATED IN QUARTER TOWNSHIP 3, TOWNSHIP 1, RANGE 16, UNITED STATES MILITARY DISTRICT, AND BEING PART OF LOT 7 AS SHOWN IN TECHCENTER DRIVE EXTENSION AND GREENSPACE DEDICATION PLAT IN PLAT BOOK 112 PAGE 79 AND AS DESCRIBED IN A DEED TO VALUE RECOVERY GROUP II, LLC IN INSTRUMENT NUMBER 200712200217547, ALL RECORDS BEING ON FILE IN THE RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.





ms consultants, inc.

PHONE (614) 898-7100

8881 SCHROCK ROAD, COLUMBUS, OHIO 43289

FAX (614) 898-7570

# EASEMENT EXHIBIT

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF GAHANNA, LOCATED IN QUARTER TOWNSHIP 3, TOWNSHIP 1, RANGE 16, UNITED STATES MILITARY DISTRICT, AND BEING PART OF LOT 7 AS SHOWN IN TECHCENTER DRIVE EXTENSION AND GREENSPACE DEDICATION PLAT IN PLAT BOOK 112 PAGE 79 AND AS DESCRIBED IN A DEED TO VALUE RECOVERY GROUP II, LLC IN INSTRUMENT NUMBER 200712200217547, ALL RECORDS BEING ON FILE IN THE RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

