

QUIT CLAIM DEED

200806250097704
Pgs: 4 \$44.00 T200806250097704
06/25/2008 11:44AM BXGAHANNA BOX
Robert G. Montgomery
Franklin County Recorder

Thomas Weber, Trustee,

for valuable consideration paid, grants(s) to: CITY OF GAHANNA, OHIO,

whose tax mailing address is: 200 S. Hamilton Road, Gahanna, Ohio 43230

The following described real property:

Situated in the County of Franklin, the State of Ohio and the City of Gahanna:

Being more particularly described on Attached Exhibit "A" which is made a part hereof

Parcel No.: 025-013466 and 025-013465

Street Address: James Road, Gahanna, Ohio (rear)

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

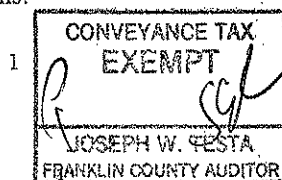
DECLARATION OF RESTRICTIONS

NOW, THEREFORE, for valuable consideration paid, the receipt and sufficiency of which are hereby acknowledged, Grantee, for itself and its successors and assigns as owners of the Property, hereby agrees as follows:

§1. **Use and Development Restrictions.** Grantee hereby agrees, for itself and its successors and assigns as owners of the Property, that the Property shall be subject to the following:

CLEAN OHIO CONSERVATION FUND PROPOSED USE AND DEVELOPMENT RESTRICTIONS

1. This land shall never be subdivided or parceled in any way.
2. As part of the consideration for the conveyance of the premises, Grantee agrees that the land shall forever be held as a nature preserve for scientific, educational and aesthetic purposes, and except as set out in this paragraph, the premises shall be kept in its natural state without disturbance of habitat or plant or animal populations, except for:
 - A. The construction of trails as may be necessary for the protection or enjoyment of the natural character of the premises. Grantee agrees that the premises shall be preserved and managed in such manner as to accommodate public enjoyment of the nature preserve through visitation by means of a standard nature trail system, constructed of asphalt or natural materials.
 - B. Grantee shall have the exclusive right to establish nature trails, nature interpretation facilities and other improvements in non-sensitive areas to accommodate visitation.
 - C. The construction of an accessible, scenic deck overlook(s) of the Big Walnut Creek.
 - D. Construction and erection of bridges, culverts, storm drains, and utilities, including a trail security lighting system, provided said construction and erection occurs in non-sensitive locations, and is in keeping with the natural character of the premises to provide safe utilization of the trails.



TRANSFER
NOT NECESSARY
JUN 25 2008
JOSEPH W. TESTA
AUDITOR
FRANKLIN COUNTY, OHIO

EXHIBIT A

EXHIBIT "A"

CLEAN OHIO CONSERVATION EASEMENT

Situated in the State of Ohio, County of Franklin, City of Gahanna, located in part of Quarter Township 4, Township 1, Range 17, United States Military District, being part of the 8.918 and 8.759 acre tracts of land described in the deeds to the City of Gahanna, recorded in Instrument Nos. 200708140142538 and 200708160144569, respectively (record references recited herein are to those of the Recorder's Office Franklin County, Ohio), and being more particularly described as follows:

Beginning at an iron pipe set in the southerly line of said 8.918 acre tract, being in the northerly line of that 18.225 acre tract of land described in the deed to the City of Gahanna, recorded in Instrument No. 200005170097210, said iron pipe being located South 84°47'45" East, 1170.00 feet from a stone at the southwesterly corner of said 8.918 acre tract;

thence northerly through said 8.918 acre tract, North 5°33'05" West, 271.81 feet to an iron pipe set in the line common to said 8.918 & 8.759 acre tracts;

thence northerly through said 8.759 acre tract, North 17°45'25" West, 294.73 feet to an iron pipe set in the northerly line of said 8.759 acre tract, being the southerly line of that original 15.7 acre tract of land described in the deed to George W. Weber, Jr., recorded in Deed Book 2193, Page 45;

thence easterly along the northerly line of said 8.759 acre tract, being the southerly line of said 15.7 acre tract, South 84°45'00" East, (passing an iron pipe set near the westerly top of bank of Big Walnut Creek at 233.97 feet) a distance of 333.97 feet to the approximate centerline of said Creek;

thence southerly, with the approximate centerline of said Creek and the meanders thereof, the following two (2) courses and distances:

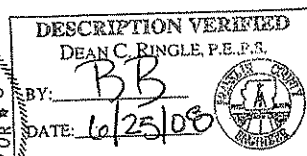
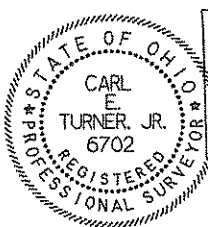
1. South 14°41'35" East, 235.71 feet; And,
2. South 4°55'10" East, (passing the easterly corner common to said 8.759 & 8.918 acre tracts at 50.00 feet) a distance of 321.52 feet to the southeasterly corner of said 8.918 acre tract;

thence westerly along the southerly line of said 8.918 acre tract, being the northerly line of aforesaid 18.225 acre tract, North 84°47'45" West, (passing an iron pipe set near the westerly top of bank of said Creek at 100.00 feet) a distance of 305.00 feet, returning to the 'Point of Beginning,' containing 3.901 acres of land, more or less, as described in December of 2007, from a survey of the subject property completed in March of 2007, by Carl E. Turner, Jr., Professional Surveyor No. S-6702.

Bearings are referenced to Grid North (South Zone-NAD 83), as determined from GPS observations, using the Ohio CORS Network. Iron pipes called for as set are 3/4" I.D., 30 inches in length, driven flush with the ground, and capped with a yellow plastic plug inscribed "C. TURNER/PS-6702."

Carl E. Turner Jr.

Carl E. Turner Jr.,
Professional Surveyor No. 6702
12 March 2007



* End of Description *

T.N.:N
EASEMENT
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OF
(025)
13465 &
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3. Grantee agrees to preserve and enhance the mature forest cover by means of standard non-harvest policies.
4. Grantee shall have exclusive right to manage and control vegetation, remove invasive species of plants, add native species of plants, and the right to manage fish and wildlife populations.
5. Grantee will at all times prohibit motorized recreational vehicles within this conservation area.

§2. Perpetual Restrictions. The restrictions set forth in this Declaration shall be perpetual and shall run with the land for the benefit of and shall be enforceable by the Ohio Public Works Commission (hereinafter "OPWC"). This Declaration and the covenants and restrictions set forth herein shall not be amended, released, extinguished or otherwise modified without the prior written consent of OPWC, which consent may be withheld in its sole and absolute discretion.

§3. Enforcement. If Grantee, or its successors or assigns as owner of the Property, should fail to observe the covenants and restrictions set forth herein, the Grantee or its successors or assigns, as the case may be, shall pay to OPWC upon demand, as liquidated damages, an amount equal to the greater of (a) two hundred percent (200%) of the amount of the Grant received by City of Gahanna, together with interest accruing at the rate of six percent (6%) per annum from the date of City of Gahanna's receipt of the Grant, or (b) two hundred percent (200%) of the fair market value of the Property as of the date of demand by OPWC. Grantee acknowledges that such sum is not intended as, and shall not be deemed, a penalty, but is intended to compensate for damages suffered in the event of breach or violation of the covenants and restrictions set forth herein, the determination of which is not readily ascertainable. OPWC shall have the right to enforce, by any proceedings at law or in equity, all restrictions, conditions and covenants set forth herein. Failure by OPWC to proceed with such enforcement shall in no event be deemed a waiver of the right to enforce at a later date the original violation or a subsequent violation.

§4. Restriction on Transfer of the Property. Grantee acknowledges that the Grant is specific to and that OPWC's approval of Declarant's application for the Grant was made in reliance on Declarant's continued ownership and control of the Property. Accordingly, Grantee shall not voluntarily or involuntarily sell, assign, transfer, lease, exchange, convey or otherwise encumber the Property without the prior written consent of OPWC, which consent may be withheld in its sole and absolute discretion.

§5. Separability. Each provision of this Declaration and the application thereof to the property are hereby declared to be independent of and severable from the remainder of this Declaration. If any provision contained herein shall be held to be invalid or to be unenforceable or not to run with the land, such holding shall not affect the validity or enforceability of the remainder of this Declaration.

§6. Notices. Notices or other communication hereunder shall be in writing and shall be sent certified or registered mail, return receipt requested, or by other national overnight courier company, or personal delivery. Notice shall be deemed given upon receipt or refusal to accept delivery. Each party may change from time to time their respective addresses for notice hereunder by like notice to the other party. The notice addresses and the parties are as follows:

Grantee: City of Gahanna
200 S. Hamilton Road
Gahanna, Ohio 43230

OPWC: Ohio Public Works Commission
65 East State Street
Suite 312
Columbus, Ohio 43215
Attn: Director

§7. **Governing Law.** This Declaration shall be governed by, and construed in accordance with the laws of the State of Ohio.

Signed this 12 day of June²⁰⁰⁸, by Thomas Weber, Trustee.

Thomas Weber
Thomas Weber, Trustee

STATE OF OHIO)
)SS
COUNTY OF FRANKLIN)

June The foregoing instrument was acknowledged before me this 12 day of June, 2008, by Thomas Weber, Trustee.

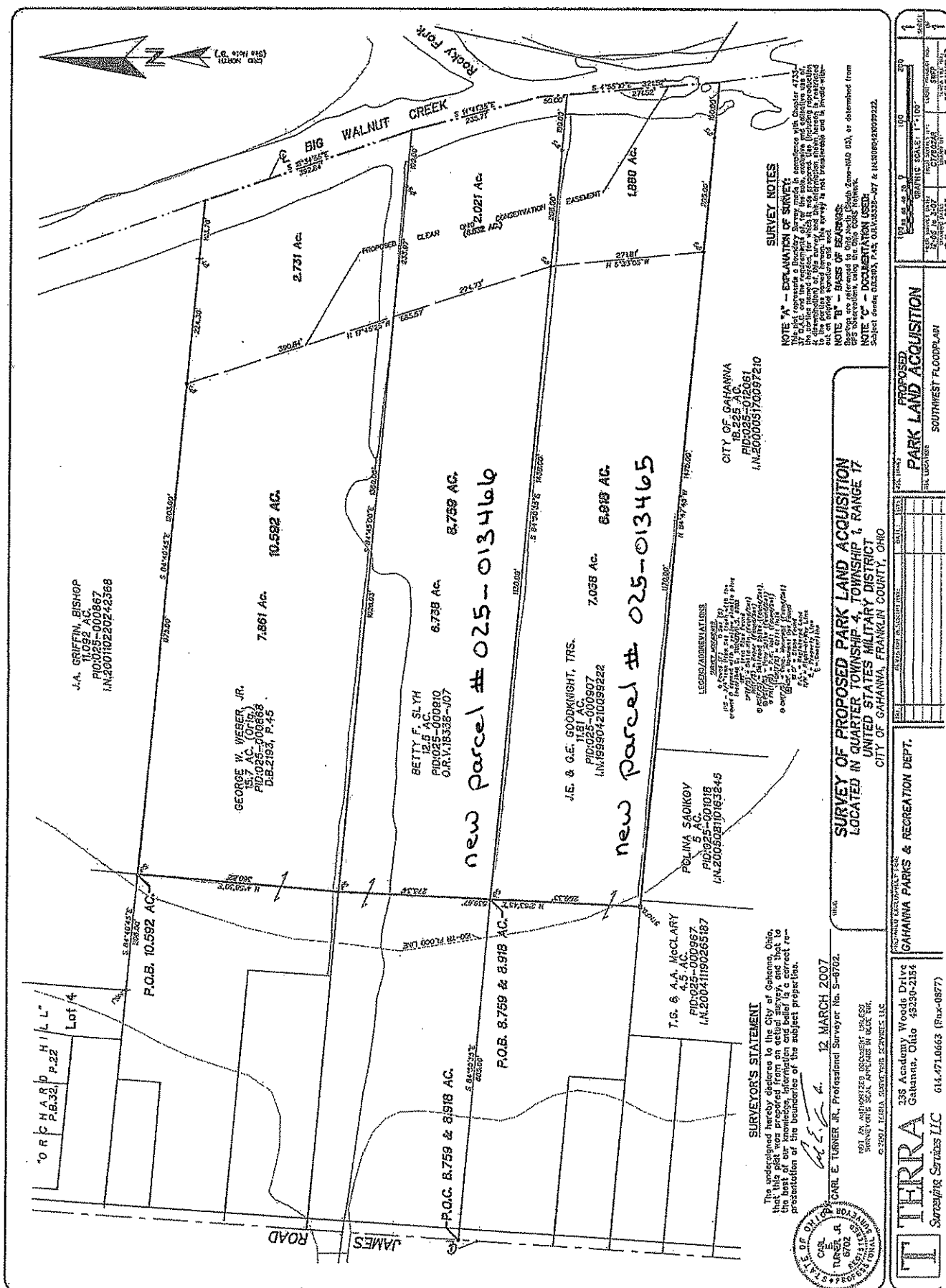
[Signature]
notary public



BRANDI BRAUN
Notary Public, State of Oh
My Commission Expires
March 23, 2010

This instrument prepared by:

Julia A. Faist
Attorney at Law
142 Granville Street
Gahanna, Ohio 43230
(614) 475-6677



SURVEY NOTES

NOTE "A" - EXPLANATION OF SURVEY:
The survey was conducted in accordance with the Ohio Surveying Act, Chapter 173, of the Ohio Revised Code. The survey was conducted by a Licensed Professional Surveyor, and the results are shown on this map. The survey was conducted on the basis of the best available information, and the results are shown on this map. The survey was conducted on the basis of the best available information, and the results are shown on this map.

NOTE "B" - BASIS OF BEARINGS:
Bearings are referred to the North (True North) or the Magnetic North (Magnetic North), as indicated on the map. The bearings are shown in degrees, minutes, and seconds. The bearings are shown in degrees, minutes, and seconds. The bearings are shown in degrees, minutes, and seconds.

NOTE "C" - DOCUMENTATION USED:
The survey was conducted on the basis of the best available information, and the results are shown on this map. The survey was conducted on the basis of the best available information, and the results are shown on this map. The survey was conducted on the basis of the best available information, and the results are shown on this map.

SURVEY OF PROPOSED PARK LAND ACQUISITION
LOCATED IN QUARTER TOWNSHIP 4, TOWNSHIP 1, RANGE 17
UNITED STATES MILITARY DISTRICT
CITY OF GAHANNA, FRANKLIN COUNTY, OHIO

SURVEYOR'S STATEMENT

The undersigned hereby declares to the City of Gahanna, Ohio, that this plat was prepared from an actual survey, and that to the best of our knowledge, information and belief, it is a correct representation of the boundaries of the subject property.

12 MARCH 2007
CARL E. TURNER JR., Professional Surveyor No. S-0702

201 AN AUTHORIZED DISCOUNT UNLESS
SURVEYOR'S SEAL APPEARS IN BLUE INK
C-2001 TERRA SURVEYING SERVICES, LLC

TERRA
Surveying Services LLC
238 Academy Woods Drive
Gahanna, Ohio 43230-2154
614.471.0663 (Fax-0877)

GAHANNA PARKS & RECREATION DEPT.

PROPOSED PARK LAND ACQUISITION
SOUTHWEST FLOODPLAIN

PROPOSED PARK LAND ACQUISITION
SOUTHWEST FLOODPLAIN

LEGEND
1" = 100' SCALE
1" = 100' SCALE
1" = 100' SCALE