

DEED OF EASEMENT AND DEED OF PUBLIC IMPROVEMENTS

KNOW ALL MEN BY THESE PRESENTS, that Mill Street Investment Company, LLC, an Ohio Limited Liability Company (hereinafter "Grantor"), for and in consideration of One Dollar (\$1.00) and other valuable consideration to them paid by the City of Gahanna, Ohio, an Ohio municipal corporation ("Grantee" herein), the receipt of which is hereby acknowledged, do hereby GRANT and RELEASE, to the City of Gahanna, Ohio its successors and assigns, (i) a perpetual nonexclusive easement in, through, over and under the area of land, shown on Exhibit A and described on Exhibit B for the purpose of ingress and egress for public use between the Mill House and the Old Bag of Nails Pub, together with the right of access to said easement area for said purpose and (ii) title to the brick paver sidewalk, retaining wall and steel steps located on the property shown on Exhibit A and described on Exhibit B.

The granting of this easement does not preclude the use of said easement area by sanitary sewer, water line, gas, telephone, electric or television cable facilities.

This Deed of Easement is executed, granted and delivered by Grantors, for itself and its successors and assigns, and accepted by Grantee for itself and its successors and assigns, upon the following condition, to-wit:

The Grantee shall indemnify and save harmless the Grantor from any damage or liability created by this grant of easement or resulting from or related to the operation, maintenance, inspection, repair, removal or replacement of the facilities herein provided for and

That rights granted herein shall not be construed to interfere with or restrict the use of the premises with respect to the construction and maintenance of property improvements along and over the premises herein described so long as the same are constructed so as not to impair the strength of or interfere with the use and maintenance of the facility herein provided for.

TO HAVE AND TO HOLD said premises unto said Grantee, the City of Gahanna, its successors and assigns forever, for the uses and purposes hereinabove described.

In WITNESS WHEREOF, E.E. Maddy, Partner of Mill Street Investments Company, LLC < has hereunto set his hand this 8 day of OCTOBER, 2003.

Signed and acknowledged in the presence of:

By: Mill Street Investment Company, LLC  
An Ohio Limited Liability Company

[Signature]  
Witness

By: E.E. Maddy  
E.E. Maddy, Partner

[Signature]  
Witness

CONVEYANCE TAX EXEMPT  
JOSEPH W. TESTA  
FRANKLIN COUNTY AUDITOR

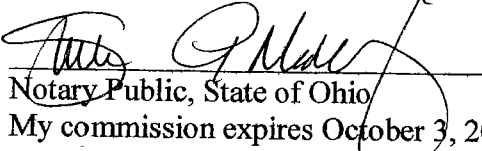
EXHIBIT A

TRANSFERRED NOT NECESSARY  
OCT 31 2003  
JOSEPH W. TESTA  
AUDITOR  
FRANKLIN COUNTY, OHIO

State of Ohio  
County of Franklin:

Be it remembered that on this 8 day of October, 2003, before me, the subscriber, a Notary Public in and for said state, personally appeared the above named E. E. Maddy, 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, State of Ohio  
My commission expires October 3, 2007

This instrument was prepared by: Grantee

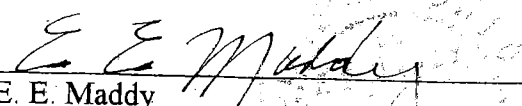
**Exhibit "B"**

Situate in the County of Franklin, State of Ohio, City of Gahanna, being located in Farm Lot 23 of Qtr. Twp. 1, Twp1, Range 17, United States Military District, being a strip of land of variable width across the 0.173 acre parcel conveyed to Mill Street Investment Company, LLC by deed of record in Instrument No. 200209240237992, Recorders Office, Franklin County, Ohio and bounded and described as follows:

Beginning at a point in the westerly right-of-way line of Mill Street that is located North 2° 53' 16" East 43.98 feet from a point where the westerly right-of-way line of the said Mill Street intersects the northerly right-of-way line of U. S. Route 62 (See Right-Of-Way Plan, Fra. 62-19.06, sheet 90 of 91)

Thence North 87° 07' 31" West, 5.0 feet to a point;  
Thence South 2° 52' 39" West, 2.0 feet to a point;  
Thence North 87° 07' 31" West, 32.67 feet to a point;  
Thence South 2° 52' 29" West, 12.33 feet to a point;  
Thence North 87° 07' 31" West, 17.06 feet to a point  
In the Westerly line of the said 0.173 above tract;  
Thence along the Westerly line of the said 0.173 acre tract, North 33° 07' 31" West 37.59 feet to a point;  
Thence South 87° 07' 31" East, 18.51 feet to a point;  
Thence South 2° 52' 28" West, 8.0 feet to a point;  
Thence South 87° 07' 31" East 46.83 feet to a point;  
Thence North 47° 52' 29" East, 0.93 feet to a point;  
Thence South 87° 07' 31" East, 5.92 feet to a point;  
Thence North 47° 52' 29" East, 6.25 feet to a point;  
Thence South 87° 07' 04" East, 0.49 feet to a point;  
Thence South 2° 53' 16" West, along the westerly right-of-way line of the said Mill Street, 13.16 feet to the place of beginning and containing 1,079 square feet or 0.025 acre more or less.

Bearings are reference to that Meridian used for the center line survey of U. S. Route 62 as witnessed by concrete monuments found for stations 1203+31.66 and 1214 too. (See Highway Plans: Fra. 62-19.06)

  
\_\_\_\_\_  
E. E. Maddy

Registered Surveyor No. 4965





# CITY OF GAHANNA

**CERTIFICATE OF COMPLETION  
FOR  
PUBLIC IMPROVEMENT ON .025 ACRES  
BETWEEN 57 AND 63 MILL STREET – IMP# 854**

TO: Mr. E.E. Maddy  
Mill Street Investment Company, LLC  
120 North High Street  
Gahanna, Ohio 43230

RE: Mill House and Old Bag of Nails Pub  
Brick Paver Sidewalks, Retaining Wall and Steel Steps - Imp. #854

The appurtenances as agreed by Ordinance 140-2002 and a part of the property deeded to the City of Gahanna and accepted by Ordinance 235-2003 being more particularly described as brick paver sidewalk, retaining wall and steel steps within the area shown on Exhibit "C" of Ordinance 140-2002 and attached herein. In accordance with the provisions of Chapter 1105.07 of the Gahanna Codified Ordinance for the subject improvements, this Certificate of Completion is hereby issued this 14th day of November, 2003.

**CITY OF GAHANNA, OHIO**

Karl C. Wetherholt, PE  
City Engineer

cc: Clerk of Council  
Director of Public Service  
Building Inspector  
Division Water/Sewer  
Inspector  
File