

**Project: US 62/Stygler Road - Signal Pole**  
**Parcel: Tim Donut US Limited, Inc**

**CITY OF GAHANNA, OHIO**

**CONTRACT OF SALE AND PURCHASE**

This Agreement, entered into on the below date by and between **Tim Donut US Limited, Inc.**, hereinafter called the **OWNER**, hereby agrees to grant, sell, bargain and convey to the **City of Gahanna, Ohio**, hereinafter called the **CITY**, the following described real estate together with improvements now located thereon:

**See Exhibit A & B**

The **CITY** agrees to purchase said real estate and agrees to pay the full sum of **\$3,311.00**; 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 **Warranty Deed** and shall deliver said Instruments to the **CITY** at the time of closing and which closing shall occur no later than 60 days after the date hereof and at which closing the **CITY** shall pay the aforesaid consideration of **\$3,311.00**.

**OWNER** warrants that the real estate is free and clear of all liens and encumbrances, except mortgages, taxes, easements, conditions and restrictions of record, if any.

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


**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. **CITY** shall be responsible for and hold Owner harmless from any and all claims, expenses, damages, liability, and costs (including attorney fees) arising out of personal injury or property damage to the extent that such injury or damage is caused by the **CITY**, its employees, agents, consulting engineers, contractors and other representatives entering upon the aforementioned property prior to its transfer from **OWNER** to **CITY**.

**OWNER** Further Agrees, that if to any reason the **CITY** determines it to be necessary to file a Complaint in the Court of Common Pleas of Franklin, County for the impaneling of a jury to assess the compensation to be paid for the heretofore described real estate, this contract may be introduced in 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 Purchaser, its successors and assigns.

Tim Donut U.S. Limited, Inc.

By:   
Name: **DALE KEZER**  
Title: **AUTHORIZED SIGNING OFFICER**

And  
By:   
Name: **Michel Meilleur**  
Title: **Senior Vice President, U. S.**


  
**Legal Dept-Approved**

CITY OF GAHANNA

DATE \_\_\_\_\_

By: \_\_\_\_\_

DATE 6/25/10

By:   
**David J. Rourke**  
**Stantec Consulting**

**EXHIBIT A**

**WARRANTY DEED  
TIM DONUT U.S. LIMITED INC.  
U.S. 62 / STYGLER ROAD, ST-935,  
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE,  
IN THE NAME, AND FOR THE USE OF,  
THE CITY OF GAHANNA, OHIO,  
IN THE FOLLOWING DESCRIBED PROPERTY**

Situated in the State of Ohio, County of Franklin, City of Gahanna, located in Quarter Township 4, Township 1-North, Range 17-West, United States Military Lands, being a part of Reserve "A" of the STYGLER HEIGHTS Subdivision as recorded in Plat Book 24, Page 75, and a part of that 0.850 acre tract as conveyed to Tim Donut U.S. Limited, Inc. by deed of record in Instrument Number 200305230153434, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning for Reference at a 3/4" iron pipe found marking an angle point in the northerly Limited Access Right-of-Way line of U.S. Route 62, as shown on Ohio Department of Transportation Plan FRA-62-19.06, being 100.00 feet left of U.S. 62 centerline station 1186+80.00;

Thence North 05 degrees 04 minutes 08 seconds East, a distance of 70.00 feet, along the northerly Limited Access Right-of-Way line of U.S. Route 62, to the intersection with the existing westerly right-of-way line of Stygler Road at the southwest corner of that 0.033 acre tract of right-of-way dedication of Stygler Road by City of Gahanna Ordinance No. 108-2003, as recorded in Instrument Number 200304290124446, being 65.10 feet left of Stygler Road centerline station 11+61.00;

Thence North 04 degrees 00 minutes 32 seconds East, a distance of 109.00 feet, along the existing westerly right-of-way line of Stygler Road, to a 1" pinch-top iron pin found at the intersection with the existing southerly right-of-way line of Agler Road, at the northeast corner of said Tim Donut 0.850 acre tract, being 40.00 feet right of Agler Road centerline station 49+34.68, and being the Point of True Beginning;

Thence South 04 degrees 00 minutes 32 seconds West, a distance of 20.00 feet, along the existing westerly right-of-way line of Stygler Road, and along the easterly line of said Tim Donut 0.850 acre tract, to a 3/4" iron pipe set being 65.10 feet left of Stygler Road centerline station 12+50.00;

Thence North 41 degrees 09 minutes 06 seconds West, a distance of 28.20 feet, across said Tim Donut 0.850 acre tract, to a 3/4" iron pipe set in the existing southerly right-of-way line of Agler Road, and in the northerly line of said Tim Donut 0.850 acre tract, being 40.00 feet right of Agler Road centerline station 49+14.68;

Thence South 86 degrees 18 minutes 45 seconds East, a distance of 20.00 feet, along the existing southerly right-of-way line of Agler Road, and along the northerly line of said Tim Donut 0.850 acre tract, to the Point of True Beginning, containing 200 square feet, (0.005 acres), more or less, of which 0.000 acres, more or less, lies within the present road occupied;

Of the above described area, 200 square feet, (0.005 acres) is contained within the Franklin County Auditor's Parcel 025-001038;

The bearing datum of the afore-described parcel is based on the bearing of North 04 degrees 00 minutes 32 seconds East, for the centerline of Stygler Road, from the Ohio Department of Transportation Plan FRA-62-19.06, and coordinates from an adjusted field survey using G.P.S. methods from City of Columbus Monuments #40-82 and #45-82, based on the Ohio State Plane Coordinate System, South Zone, North American Datum 1983 (1986 Adjustment).

**EXHIBIT A**

**TIM DONUT U.S. LIMITED INC.  
U.S. 62 / STYGLER ROAD, ST-935,**

All stationing is based on the plan for the City of Gahanna, Ohio, entitled "U.S. 62 / STYGLER ROAD, ST-935", unless otherwise noted.

This description was based upon a survey of U.S. Route 62, Stygler Road, and Agler Road by Stantec Consulting Services, Inc., in October 2007, and prepared on October 1, 2009 by Tim A. Baker, Registered Surveyor 7818.

Iron pipes set are 3/4 inches in diameter by 30 inches long with a yellow plastic cap placed on top with the designation "STANTEC".

Grantor claims title by instrument of record in Instrument Number 200305230153434, of the Recorder's Office, Franklin County, Ohio.



**STANTEC CONSULTING SERVICES, INC.**

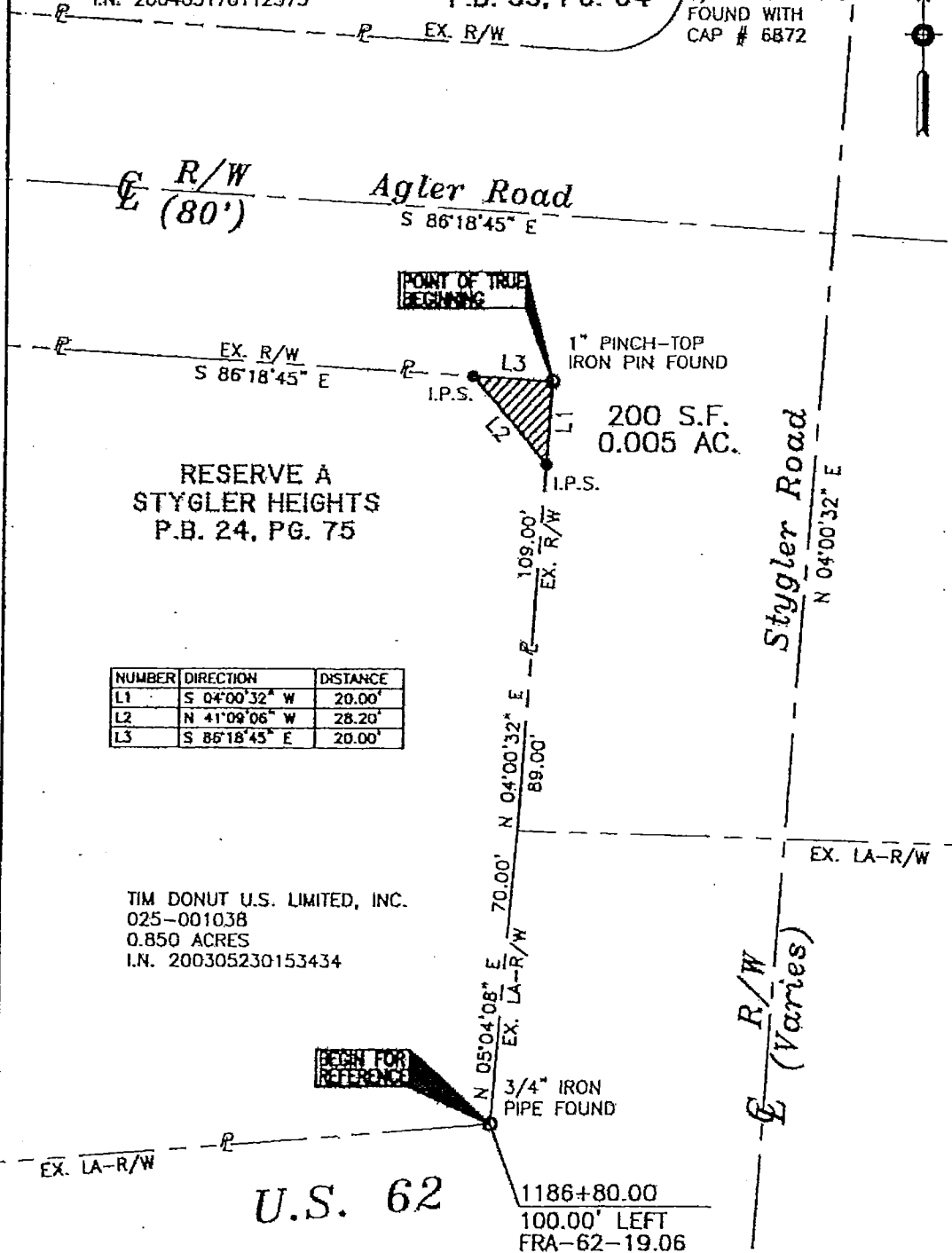
*Tim Baker* 10-1-09  
Registered Surveyor No. 7818 Date

F. & A. L. LTD.  
025-010194  
0.917 ACRES  
I.N. 200405170112375

RESERVE A  
ROYAL MANOR  
P.B. 33, PG. 64

EXHIBIT B

3/4" IRON PIPE  
FOUND WITH  
CAP # 6872

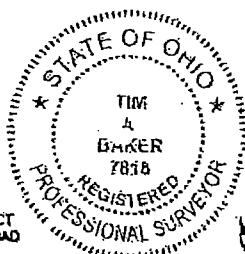


**MONUMENT LEGEND**

- R.R.S. FOUND
- REBAR FOUND
- IRON PIN FOUND
- R/W MONUMENT FD
- 3/4" IRON PIPE SET WITH RED CAP "STANTEC"

**BASIS OF BEARINGS**

THE BEARINGS FOR THE GREYER AVENUE PROJECT ARE BASED ON THE CENTERLINE OF STYGLER ROAD AS BEING N04°00'32"E. FROM AN ACTUAL FIELD SURVEY USING G.P.S. METHODS FROM CITY OF COLUMBUS MONUMENTS #40-82, AND #43-82, FROM THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NORTH AMERICAN DATUM 1983 (1988 ADJUSTMENT)



TIM DONUT U.S. LIMITED, INC.  
STYGLER ROAD AND AGLER ROAD  
FRANKLIN COUNTY, CITY OF GAHANNA, OHIO  
QTR. TWP. 4, TWP. 1-N, RANGE 17-W, U.S.M.L.



SCALE IN FEET  
Prepared By

Stantec Consulting Services, Inc.  
1500 Lake Shore Drive, Suite 100  
Columbus, Ohio 43204  
Phone: (614) 456-4383



Tim Baker 10-5-09  
Registered Surveyor #7818

EXHIBIT B

Booker U.S. 17-3805230153434 Exhibit A Tim Donut U.S. 025-001038