

CONTRACT MODIFICATION TO PRIVATE SIDETRACK AGREEMENT BETWEEN THE
COLUMBUS & OHIO RIVER RAIL ROAD AND THE CITY OF GAHANNA

In accordance with the provisions of Section 9 (alterations) of the Private Side Track Agreement, as authorized by ORD-0220-2001 and modified by ORD-0211-2009. The agreement is hereby modified as follows:

- 1) Whereas the property owner of Lot 29 of The Industrial Zone Section 2 (PB 59 pg. 27 Franklin County Recorder's Office) has requested that the southerly branch of the rail spur be vacated as shown on exhibit "A".
- 2) Whereas the said southerly branch will not serve rail customers.
- 3) Whereas the development potential including rail use of Lot 29 will be greatly increased by eliminating the southerly branch.

The City of Gahanna hereby agrees to vacate the right-of-way as shown on exhibit "A" and modify the rail agreement with the Columbus and Ohio River Rail Road per the revised attachment to the contract as shown on Exhibit "B". The items listed above are to be the total modification to the agreement and all other terms and conditions to be unaffected by this modification.

CITY OF GAHANNA, OHIO

THE COLUMBUS & OHIO RIVER RAIL ROAD CO.

By: _____

By: _____

Its: _____

Its: _____

EXHIBIT A

RIGHTS OF RAIL ACCESS RELEASE/VACATION – EXHIBIT “A”
“THE INDUSTRIAL ZONE SECTION 2 FINAL PLAT”

Situated in the State of Ohio, County of Franklin, City of Gahanna, being part of that Railroad and Utility Easement over Lot 29 of “THE INDUSTRIAL ZONE SECTION 2 FINAL PLAT” Subdivision, of record in Plat Book 59, Pages 27 and 28, as shown thereon, (record references being to those of the Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

Beginning at the southerly corner common to Lots 23 & 29 of said Subdivision, being in the northerly right-of-way line of Leavitt Service Road;

thence northerly along the line common to said Lots 23 & 29, North 8°49'35" West, 111.67 feet;

thence leaving said line and running through said Lot 29 along the westerly line of said Railroad and Utility Easement, the following two (2) courses and distances:

1. North 7°33'17" East, 67.32 feet to a point of curvature in said line;
2. North 35°33'17" East, 420.55 feet along the arc of a curve to the right (Radius=430.28 feet & bears South 82°26'43" East, Delta=56°00'00"), a chord distance of 404.01 feet;

thence easterly across said Railroad and Utility Easement, North 81°27'08" East, 220.49 feet to a point in the easterly line of said Easement;

thence southwesterly and southerly along said Railroad and Utility Easement the following three (3) courses and distances:

1. South 74°17'53" West, 139.96 feet to a point of curvature in said line;
2. South 32°44'10" West, 573.47 feet along the arc of a curve to the left (Radius=395.28 feet & bears South 15°42'07" East, Delta=83°07'30"), a chord distance of 524.49 feet; and,
3. South 8°49'35" East, 54.16 feet to the intersection of said line with the southerly line of said Lot 29;

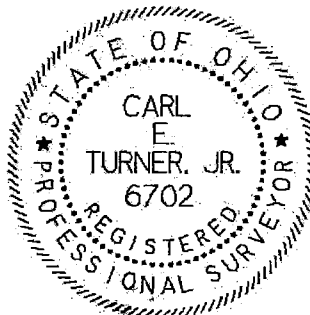
thence westerly along the said southerly line of Lot 29, being the northerly right-of-way line of said Leavitt Service Road, South 80°00'20" West, 35.13 feet returning to the ‘Point of Beginning,’ containing 0.530 of an acre of land, more or less, as described from records only, in September of 2010, by Carl E. Turner, Jr., Professional Surveyor No. 6702, and shown on the attached “Rights of Rail Access Release/Vacation Exhibit B.”

Subject, however, to all legal rights-of-way of previous record.

Bearings are referenced to that meridian used for the record plat of “The Industrial Zone Section 2 Final Plat” Subdivision.



Carl E. Turner Jr.,
Professional Surveyor No. 6702
27 September 2010



* End of Description *



TITLE:

RIGHTS OF RAIL ACCESS RELEASE/VACATION - EXHIBIT "B"
"THE INDUSTRIAL ZONE SECTION 2 FINAL PLAT"
CITY OF GAHANNA, FRANKLIN COUNTY, OHIO

DATE: _____

27 SEPT. 2010

200	150	100	50	0
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TERRA FILE
25.1.GAH.1C

GRAPHIC SCALE: 1"=20'
DRAWN BY: C. TUNNEY

DRAWN BY: C TUF

PREPARED EXCLUSIVELY FOR:

ANNA CITY ENGINEER'S OFFICE

Jesco Enterprises, LLC

Lot 24

PID:026-190713

I.N.201009080116363

Jesco Enterprises, LLC

Lot 26

PID:025-006688

I.N.201009080116364

City of Gahanna
Lot 27

Lot 27

3.127 Ac.

PID:026-190715

PLAT BOOK 59
Group LLC, Et. Al.

oup, LLC.

Lot 28

4.86 Ac.

9, PAGE 27 }

Al.

Lot

**RIGHTS OF RAIL ACCESS TO
BE RELEASED/VACATED**

Kahiki Foods, Inc.

Lot 23

PID:026-190712

N.201005030053548

P.O.B.

Curve	CB	Lc	R	Δ	Ch
C1	N 35°33'17"E	420.55'	430.28'	56°00'00"	404.01'
C2	S 32°44'40"W	573.47'	395.28'	83°07'30"	524.49'

Line	Direction	Distance
L1	N 8°49'35"W	111.67'
L2	N 7°33'17"E	67.32'
L3	N 81°27'08"E	220.49'
L4	S 74°17'53"W	139.96'
L5	S 8°49'35"E	54.16'
L6	S 80°00'20"W	35.13'

2 OF BEARINGS: Bearings are referred to that meridian used for the record of "The Industrial Zone Section 2 Final Subdivision."

Hollingsworth Capital Partners—Ohio, LLC

Lot 20

P/D:026-190709 & 025-006686

I.N.201007300097255

CARL E. TURNER JR.

PROFESSIONAL SURVEYOR No. J S-6702

TERRA SURVEYING SERVICES LLC

NOT AN AUTHORIZED DOCUMENT WITHOUT BLUE S