

FIRST AMENDMENT TO CROSS ACCESS EASEMENT

This FIRST AMENDMENT TO CROSS ACCESS EASEMENT, (the "First Amendment") is made and executed effective as of the ____ day of October, 2008, between and **The City of Gahanna, Ohio ("City") and Most Reverend Frederick F. Campbell, as successor in interest to the Most Reverend James A. Griffin, Bishop of Columbus ("The Bishop")**.

WHEREAS, pursuant to the terms of that certain Cross Access Easement dated February 18, 2002 filed for record on February 25, 2002, as **Instrument Number 200202250049573** (the "Easement"), The City and The Bishop granted to each other cross access easements for vehicular and pedestrian ingress and egress.

WHEREAS, the City and The Bishop desire to amend the drawing attached to the Easement as Exhibit D.

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties agree as follows:

1. Except as modified below, all other terms, provisions, and conditions of the Easement shall remain unchanged.
2. Exhibit D attached to the Easement and defined as the "Parcel 2 Access Area" is hereby amended to add the area set forth on Exhibit A attached hereto and incorporated herein to the area which is defined as the "Parcel 2 Access Area" in the Easement.
3. All other terms and conditions of the Easement shall remain in full force and effect and shall be unaffected by this First Amendment, except to the extent made necessary by the changes contained herein. Should any conflict exist between the Easement and this First Amendment, this First Amendment shall govern with regard to the Easement terms specifically amended herein. All covenants and obligations contained within the Easement and this First Amendment shall bind

and inure to the benefit of The City and The Bishop and their respective heirs, personal representatives, successors and assigns.

4. This First Amendment may be executed in any number of counterparts with the same effect as if all parties hereto had signed the same document. All such counterparts shall be construed together and shall constitute one instrument

IN WITNESS WHEREOF, the City and the Bishop have caused this Easement to be executed effective the date first set forth above.

THE CITY

The City of Gahanna, Ohio

By: _____
Name: Rebecca W. Stinchcomb
Its: Mayor

THE BISHOP

Most Reverend Fredrick F. Campbell, Bishop
of Columbus

Approved as to form:

Thomas L. Weber
City Attorney

STATE OF OHIO,
COUNTY OF FRANKLIN, ss:

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by Rebecca W. Stinchcomb as the Mayor of The City of Gahanna, Ohio, a municipal corporation, on behalf of the corporation.

Notary Public

STATE OF OHIO,
COUNTY OF FRANKLIN, ss:

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by the Most Reverend Frederick F. Campbell, Bishop of Columbus.

Notary Public

This instrument prepared by:
James M. Groner, Esq.
Bailey Cavalieri LLC
10 West Broad Street, Suite 2100
Columbus, OH 43215

EXHIBIT A

9,411 SQUARE FEET
EASEMENT AREA

Situated in the State of Ohio, County of Franklin, City of Gahanna, located in Quarter Township 4, Township 1, Range 17, United States Military District, being part of that 11.092 acre tract of land described in the deed to the Most Reverend James A. Griffin, Bishop of Columbus, recorded in Instrument No. 200110220242368 (record references to those of the Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

Beginning at a point in the northerly line of said 11.092 acre tract, being the southerly line of that 2.618 acre tract of land described in the deed to the City of Gahanna, recorded in Instrument No. 200201250022965, said point being located at the northwesterly corner of that 1.645 acres described in the Cross Access Easement agreement deed recorded in Instrument No. 200202250049573, and being located North 87°45'00" East, 109.27 feet from the southwest corner of said 2.618 acre tract;

thence southerly through said 11.092 acre tract, being along the westerly line of said 1.645 acres, South 18°22'20" East, 408.12 feet to the southerly line of said 11.092 acre tract, being at the southwest corner of said 1.645 acres, and being in the northerly 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 westerly along the southerly line of said 11.092 acre tract, being said northerly line of the 15.7 acre tract, South 88°50'00" West, 26.13 feet;

thence northerly, northwesterly and northerly through said 11.092 acre tract, the following six (6) courses and distances:

1. North 14°15'50" West, 51.10 feet along the arc of a curve to the right (Radius = 212.50 & bears North 68°50'48" East, Delta = 13°46'43"), a chord distance of 50.98 feet to a point of tangency;
2. North 7°22'29" West, 111.72 feet, returning to the westerly line of said 1.645 acre tract;
3. North 18°22'20" West, along said westerly line of the 1.645 acre tract, 109.56 feet to a point of curvature;
4. North 67°37'32" West, 26.13 feet along the arc of a curve to the left (Radius = 62.50 feet & bears South 34°21'07" West, Delta = 23°57'18"), a chord distance of 25.94 feet to a point of reverse curvature;
5. North 45°28'07" West, 104.26 feet along the arc of a curve to the right (Radius = 87.50 & bears North 10°23'49" East, Delta = 68°16'07"), a chord distance of 98.20 feet to a point of compound curvature; And,
6. North 6°09'02" West, 42.97 feet along the arc of a curve to the right (Radius = 237.50 feet & bears North 78°39'56" East, Delta = 10°22'03"), a chord distance of 42.92 feet returning to said northerly line of 11.092 acre tract;

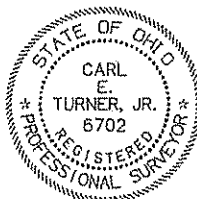
thence easterly along said northerly line of 11.092 acre tract, being the southerly line of said 2.618 acre tract, North 87°45'00" East, 57.56 feet returning to the 'Point of Beginning,' containing 9,411 square feet (0.216 of an acre), more or less, as described in September of 2008, by Carl E. Turner Jr., Registered Professional Surveyor No. S-6702.

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

The deed bearing for the northerly line of aforesaid 11.092 acre tract (see I.N. 200110220242368) is the reference meridian for the foregoing description.



Carl E. Turner Jr.,
Professional Surveyor No. 6702
30 September 2008



* End of Description *



238 Academy Woods Drive
Gahanna, Ohio 43230-2184
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614.471.0663 (Fax: 471.0877)

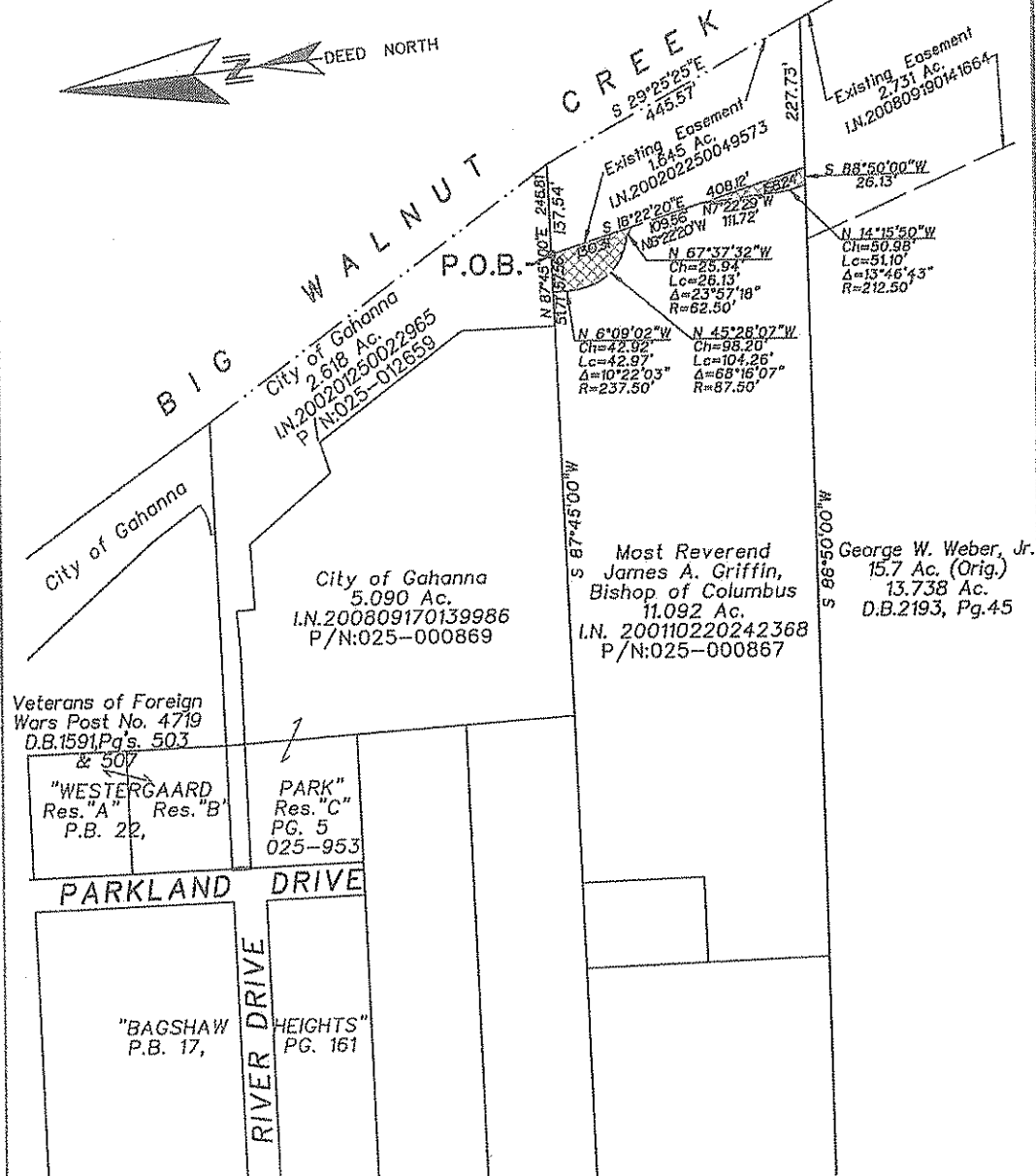
TITLE:

PLAT OF 9,411 S.F. EASEMENT AREA
LOCATED IN QUARTER TOWNSHIP 4, TOWNSHIP 1, RANGE 17
UNITED STATES MILITARY DISTRICT
CITY OF GAHANNA, FRANKLIN COUNTY, OHIO

PREPARED EXCLUSIVELY FOR:
Gahanna City Parks Department &
Most Reverend James A. Griffin,
Bishop of Columbus

12 SEPTEMBER 2001
REV. 9 JANUARY 2002
REV. & UPDATED: 30 SEPT. 2008

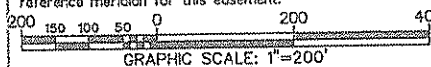
PLAT BOOK 22, PAGE 5
INSTRUMENT NO. 200110220242368
INSTRUMENT NO. 200201250022965
INSTRUMENT NO. 200809170139986



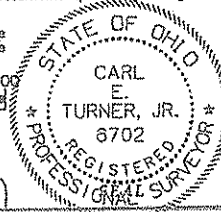
SURVEYOR'S STATEMENT:

We Hereby Declare that the attached plat was prepared from an actual survey of the premises, that to the best of our knowledge, information and belief, correctly shows the location of the boundaries. Only those easements specifically brought to our attention, or those which we had special knowledge of are shown hereon.

BASIS OF BEARINGS: The deed bearing for the northerly line of the 11.092 acre tract (see I.N. 200110220242368) is the reference meridian for this easement.



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By: *Carl E. Turner, Jr.*
CARL E. TURNER, JR.
PROFESSIONAL SURVEYOR No. S-6702

NOT AN AUTHORIZED DOCUMENT UNLESS
SURVEYOR'S SEAL APPEARS IN BLUE INK.

SURVEY/DRAWN BY: CRG TERRA FILE NO: TERRA FILE NO:
N/A - C. Turner 25.11GAH.130.01 25.11GAH.101.07