

TERMINATION NO.	# 7
BY	DR
10/6/11	



**IN THE COMMON PLEAS COURT OF FRANKLIN COUNTY, OHIO  
 CIVIL DIVISION**

City of Gahanna  
 an Ohio municipal corporation

Plaintiff,

vs.

F.W. Englefield, IV

and

Benjamin B. Englefield, et al.

Defendants.

Case No. 10CVH-03-4180

Judge Michael J. Holbrook

FILED  
 COMMON PLEAS COURT  
 FRANKLIN CO., OHIO  
 2011 OCT -7 PM 3:12  
 CLERK OF COURTS-CV

**FINAL AGREED ENTRY**

The City of Gahanna, on the one hand, and F.W. Englefield, IV, and Benjamin B. Englefield ("Englefields"), as well as the Franklin County Treasurer, on the other, submit this Final Agreed Entry whereby issues of the appropriation of property and the price to be paid for the same, including any damages to the residue, costs, and attorneys' fees, are agreed upon and settled, and are hereby resolved.

Upon agreement of the parties, the Court, having examined the proceedings and finding them regular and in accordance with the law, hereby orders as follows:

**EXHIBIT A**

1. Previously named Defendant Park National Bank has not entered an appearance in this action and has no cognizable or pertinent interest in the real property subject to the appropriation.

2. All right, title, and interest and estate in Parcel 2-WD described in the Complaint shall vest in the City of Gahanna, an Ohio municipal corporation, free and clear of all claims of the Englefields, record owner of such property. A copy of the description of such property is attached hereto as Exhibit A.

3. The City of Gahanna shall also receive the right to a slope easement (described in the Complaint as Parcel 2-SL), the description of which is attached hereto as Exhibit B.

4. The City of Gahanna shall also receive the right to a temporary construction easement (described as Parcel 2-T in the Complaint), the description of which is attached hereto as Exhibit C.

5. The City of Gahanna has acquired the real property interests described in Exhibits A, B, and C hereto, for the purpose of constructing roadway improvements on Granville Street and Hamilton Road.

6. The City of Gahanna is liable for all real property taxes (if any) prorated and beginning on the date of this Final Agreed Entry, assessed against the real property described in Exhibits A, B, and C hereto, unless otherwise exempted or excepted from taxation; this City will remain so liable unless or until the real property interests are conveyed to another party.

7. The City of Gahanna shall pay all court costs incurred and accrued.

8. The Clerk of this Court shall furnish the City of Gahanna with a certified copy of this Final Agreed Entry, and upon presentation of the same to the Recorder of Franklin County, Ohio, the same shall be filed of record in the Recorder's Office.

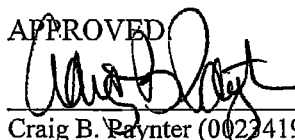
9. Pursuant to Ohio Revised Code §§ 163.02(D) and 163.24, Englefields, for five years following the date of this Final Agreed Entry, shall retain the right to repurchase these parcels should the City of Gahanna decide to use them for any purpose other than in connection with the roadway improvement.

10. A copy of the construction plan sheets 1, 6, 10, 25, 28, 29, 49 and 50 certified July 19, 2010, for the improvements related to this property are on file with the Franklin County Engineer and are incorporated herein by this reference.

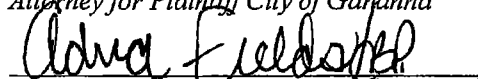
**IT IS SO ORDERED.**

MICHAEL J. HOLBROOK, JUDGE

APPROVED



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Attorney for Plaintiff City of Gahanna

  
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Attorney for Franklin County Treasurer



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E-Mail: wgoldman@cbjlawyers.com  
Attorney for Defendants *F.W. Englefield, IV*  
*and Benjamin B. Englefield*

*THE STATE OF OHIO*  
*Franklin County, ss*  
*I, MARYLEN O'SNAUGHNESSY, Clerk*  
*OF THE COURT OF COMMON*  
*PLEAS WITHIN AND FOR*  
*SAID COUNTY,*

HEREBY CERTIFY THAT THE ABOVE AND FORE-  
GOING IS TRUE TAKEN AND COPIED FROM THE  
ORIGINAL *Entry*

NOW ON FILE IN MY OFFICE

WITNESS MY HAND AND SEAL OF SAID COUNTY

THIS *7th* DAY OF *Oct* 2011

MARYLEN O'SNAUGHNESSY, Clerk

By  Deputy

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**PARCEL 2-WD  
FRA-317-18.11  
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE  
IN THE FOLLOWING DESCRIBED PROPERTY  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS  
IN THE NAME AND FOR THE USE OF THE  
CITY OF GAHANNA, FRANKLIN COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Franklin, City of Gahanna, being in the northeast quarter of Quarter Township 4, Township 1 North, Range 17 West, United States Military Lands, being a part of a 1.3222 acre parcel conveyed to BP Exploration & Oil Inc., An Ohio Corporation, by Instruments 199712220173144 and 199712220173212, Franklin County Recorders office, and also being on the left side of the centerline of right of way of State Route 317 (South Hamilton Road) as shown on a centerline survey plat made in 2008, for the City of Gahanna titled "FRA-317-18.11" and bounded and described as follows:

Commencing at an aluminum disk in a monument box found (FCGS 5019) at the northeast corner of said Quarter Township 4, also being the intersection of the centerline of right of ways of Hamilton Road and Granville Street, being Hamilton Road Station 92+20.72 and Granville Street Station 10+09.40;

1. thence North 86 degrees 54 minutes 57 seconds West a distance of 288.50 feet, along the centerline of right of way of said State Route 317 (Granville Street), to a point on the westerly property line of the Grantor extended northerly, being centerline of right of way of Granville Street Station 12+97.90;
2. thence South 03 degrees 33 minutes 03 seconds West a distance of 45.00 feet, along said extension of the westerly property line of the Grantor, also being the westerly line of right of way parcel 52WV acquired by the City of Gahanna by Official Record 25905G10 and the easterly line of right of way parcel 53WV acquired by the City of Gahanna by Official Record 23530I16, Franklin County Recorders office, to the northwest property corner of the Grantor on the existing southerly right of way line of said Granville Street, said point being the TRUB POINT OF BEGINNING and being 45.00 feet left of Station 12+98.27;
3. thence South 86 degrees 54 minutes 57 seconds East a distance of 223.30 feet, along said existing southerly right of way line, being the southerly line of said parcel 52WV and parcel 44WV acquired by the City of Gahanna by Official Record 26312F12, to a point 45.00 feet left of Granville Street Station 10+74.97 also being 64.99 feet left of centerline of right of way of Hamilton Road Station 91+74.88;
4. thence South 41 degrees 33 minutes 41 seconds East a distance of 28.08 feet, continuing along said existing right of way line and southwesterly line of said parcel 44WV, to a point on the existing westerly right of way line of Hamilton Road, 64.98 feet left of Granville Street Station 10+55.24 also being 45.00 feet left of Hamilton Road Station 91+55.16;

**EXHIBIT A**

EXHIBIT A

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5. thence South 03 degrees 49 minutes 19 seconds West a distance of 155.16 feet, along said existing westerly right of way line of Hamilton Road, being a westerly line of said parcel 44WV, to a point 45.00 feet left of Station 90+00.00;
6. thence North 86 degrees 10 minutes 41 seconds West a distance of 5.00 feet, continuing along said existing right of way line of said parcel 44WV, to a ¼ inch diameter capped iron pin set, 50.00 feet left of Station 90+00.00;
7. thence North 03 degrees 49 minutes 19 seconds East a distance of 138.00 feet to a ¼ inch diameter capped iron pin set, 50.00 feet left of Hamilton Road Station 91+38.00, also being 82.07 feet left of Granville Street Station 10+60.46;
8. thence North 42 degrees 24 minutes 17 seconds West a distance of 38.61 feet to a ¼ inch diameter capped iron pin set, 77.88 feet left of Hamilton Road Station 91+64.71, also being 55.00 feet left of Granville Street Station 10+88.00;
9. thence North 86 degrees 54 minutes 57 seconds West a distance of 210.35 feet to a ¼ inch diameter capped iron pin set on the westerly property line of the Grantor, 55.00 feet left of Granville Street Station 12+98.35;
10. thence North 03 degrees 33 minutes 03 seconds East a distance of 10.00 feet, along said westerly property line of the Grantor, also being the easterly property line of a parcel conveyed to Donatos Pizzeria, LLC, a Delaware Limited Liability Company by Instrument 200405030099763, Franklin County Records office to the TRUE POINT OF BEGINNING.

The above described area is contained within Franklin County Auditor's Permanent Parcel Number 025-000214-00 and contains a gross take of 0.0789 acres more or less.

This description was prepared by Jon D. Bruner, Professional Surveyor Number 7098 of The Mannik & Smith Group, on February 3, 2009.

This description is based on a survey made in 2006 by the W. E. Stilson Consulting Group under the direction and supervision of John Jeffrey Raab, Professional Surveyor Number 7863.

Grantor claims title by Instruments 199712220173144 and 199712220173212, Franklin County Records office.

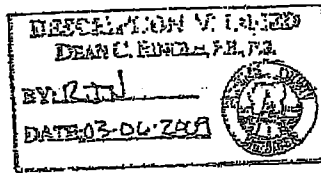
The basis of bearings is North 03 degrees 48 minutes 37 seconds East used for Hamilton Road north of Granville Street and was provided by the Franklin County Engineer's Survey Department. The bearings are based on the Ohio State Plane Coordinate System, South Zone, and North American datum of 1983 (1986 Adjustment) as established from a GPS survey performed by the Franklin County Engineer's Survey Department in 1995, occupying monuments FCGS 8815 and FCGS 5019. Iron pins referred to as "set" are ¼ inch diameter, 30 inch long iron pipes with a yellow plastic cap stamped "W. E. Stilson".

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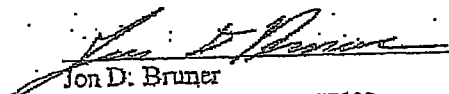
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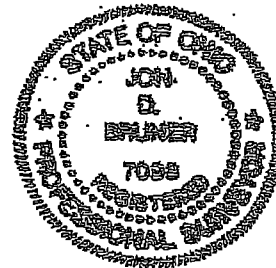
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Jon D. Bruner  
Professional Surveyor #7098  
The Mannik and Smith Group, Inc.  
1800 Indian Wood Circle  
Maumee, Ohio 43537

3-2-09  
Date





PARCEL 2-SL  
FRA-317-18.11  
**EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF SLOPES  
IN THE NAME AND FOR THE USE OF THE  
CITY OF GAHANNA, FRANKLIN COUNTY, OHIO**

An easement for the construction and maintenance of slopes over the within described real estate, until such time as the Grantor/Owner desires to remove said slopes or build thereon, provided however, in the removal of said slopes the proper preservation of the highway may not be impaired (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Franklin, City of Gahanna, being in the northeast quarter of Quarter Township 4, Township 1 North, Range 17 West, United States Military Lands, being a part of a 1.3222 acre parcel conveyed to BP Exploration & Oil Inc., An Ohio Corporation, by Instruments 199712220173144 and 199712220173212, Franklin County Recorders office, and also being on the left side of the centerline of right of way of State Route 317 (Granville Street) as shown on a centerline survey plat made in 2008, for the City of Gahanna titled "FRA-317-18.11" and bounded and described as follows:

Commencing at an aluminum disk in a monument box found (FCGS 5019) at the northeast corner of said Quarter Township 4, also being the intersection of the centerline of right of ways of Hamilton Road and Granville Street, being Hamilton Road Station 92+20.72 and Granville Street Station 10+09.40;

1. thence North 86 degrees 54 minutes 57 seconds West a distance of 288.50 feet, along the centerline of right of way of said State Route 317 (Granville Street), to a point on the westerly property line of the Grantor extended northerly, being centerline of right of way of Granville Street Station 12+97.90;
2. thence South 03 degrees 33 minutes 03 seconds West a distance of 55.00 feet, along said extension of the westerly property line of the Grantor also being the extension of the easterly property line of a parcel conveyed to Donatos Pizzeria, LLC, a Delaware Limited Liability Company by Instrument 200405030099763, Franklin County Recorder's Office, to a ¾ inch diameter capped iron pin set on the southerly right of way line of said Granville Street, said point being the TRUE POINT OF BEGINNING and being 55.00 feet left of Station 12+98.35;
3. thence South 86 degrees 54 minutes 57 seconds East a distance of 210.35 feet, along said southerly right of way line, acquired as parcel 2-WD of said right of way plan FRA-317-18.11, to a ¾ inch diameter capped iron pin set 55.00 feet left of Granville Street Station 10+88.00 also being 77.88 feet left of centerline of right of way of Hamilton Road Station 91+64.71;
4. thence South 42 degrees 24 minutes 17 seconds East a distance of 7.13 feet, continuing along said right of way line to a point, 60.00 feet left of Granville Street Station 10+82.91 also being 72.73 feet left of Hamilton Road Station 91+59.77;
5. thence North 86 degrees 54 minutes 57 seconds West a distance of 215.48 feet to a point on the westerly property line of the Grantor, 60.00.00 feet left of Granville Street Station 12+98.39;

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6. thence North 03 degrees 33 minutes 03 seconds East a distance of 5.00 feet, along said westerly property line of the Grantor and easterly property line of said Donatos Pizzeria parcel, to the TRUE POINT OF BEGINNING.

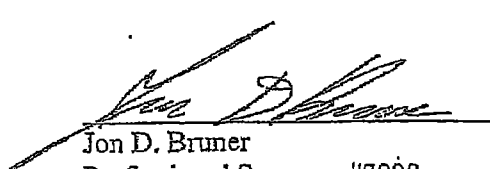
The above described area is contained within Franklin County Auditor's Permanent Parcel Number 025-000214-00 and contains a gross take of 0.0244 acres more or less.

This description was prepared by Jon D. Bruner, Professional Surveyor Number 7098 of The Mannik & Smith Group, on January 20, 2009.

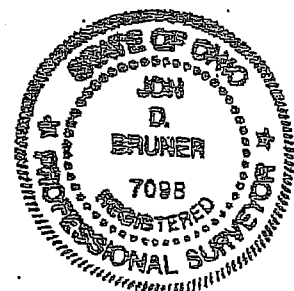
This description is based on a survey made in 2006 by the W. E. Stilson Consulting Group under the direction and supervision of John Jeffrey Raab, Professional Surveyor Number 7863.

Grantor claims title by Instruments 199712220173144 and 199712220173212, Franklin County Records office.

The basis of bearings is North 03 degrees 48 minutes 37 seconds East used for Hamilton Road north of Granville Street and was provided by the Franklin County Engineer's Survey Department. The bearings are based on the Ohio State Plane Coordinate System, South Zone, and North American datum of 1983 (1986 Adjustment) as established from a GPS survey performed by the Franklin County Engineer's Survey Department in 1995, occupying monuments FCGS 8815 and FCGS 5019. Iron pins referred to as "set" are 3/4 inch diameter, 30 inch long iron pipes with a yellow plastic cap stamped "W. E. Stilson".

  
Jon D. Bruner  
Professional Surveyor #7098  
The Mannik and Smith Group, Inc.  
1800 Indian Wood Circle  
Maumee, Ohio 43537

7-2-09  
Date





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PARCEL 2-T  
FRA-317-18.11  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY TO  
CONSTRUCT DRIVES AND COMPLETE GRADING  
FOR 12 MONTHS FROM DATE OF ENTRY BY THE  
CITY OF GAHANNA, FRANKLIN COUNTY, OHIO

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Franklin, City of Gahanna, being in the northeast quarter of Quarter Township 4, Township 1 North, Range 17 West, United States Military Lands, being a part of a 1.3222 acre parcel conveyed to BP Exploration & Oil Inc., An Ohio Corporation, by Instruments 199712220173144 and 199712220173212, Franklin County Records office, and also being on the left side of the centerline of right of way of State Route 317 (South Hamilton Road) as shown on a centerline survey plat made in 2008, for the City of Gahanna titled "FRA-317-18.11" and bounded and described as follows:

BEGINNING at a ¾ inch diameter capped iron pin set on the existing westerly right of way line of said State Route 317 (South Hamilton Road) and being 50.00 feet left of Hamilton Road Station 90+00.00;

1. thence South 03 degrees 49 minutes 19 seconds West a distance of 10.00 feet, along said existing westerly right of way line of State Route 317 to a point 50.00 feet left of Station 89+90.00;
2. thence North 86 degrees 10 minutes 41 seconds West a distance of 20.00 feet to a point 70.00 feet left of Station 89+90.00;
3. thence North 03 degrees 49 minutes 19 seconds East a distance of 157.82 feet to a point 70.00 feet left of Hamilton Road Station 91+47.82, also being 71.99 feet left of Granville Street centerline of right of way Station 10+80.33;
4. thence North 41 degrees 22 minutes 08 seconds West a distance of 9.80 feet to a point 76.95 feet left of Hamilton Road Station 91+54.72 also being 65.00 feet left of Granville Street Station 10+87.19;
5. thence North 86 degrees 54 minutes 57 seconds West a distance of 69.81 feet to a point 65.00 feet left of Granville Street Station 11+57.00;
6. thence South 45 degrees 04 minutes 17 seconds West a distance of 40.36 feet to a point 95.00 feet left of Station 11+84.00;
7. thence North 86 degrees 54 minutes 57 seconds West a distance of 40.00 feet to a point 95.00 feet left of Station 12+24.00;
8. thence North 24 degrees 59 minutes 18 seconds West a distance of 34.00 feet to a point 65.00 feet left of Station 12+40.00;
9. thence North 86 degrees 54 minutes 57 seconds West a distance of 58.43 feet to a point on the westerly property line of the Grantor, 65.00 feet left of Station 12+98.43;
10. thence North 03 degrees 33 minutes 03 seconds East a distance of 5.00 feet, along said westerly property line to a point on the southerly line of a slope easement, 60.00 feet left of Station 12+98.39;

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11. thence South 86 degrees 54 minutes 57 seconds East a distance of 215.48 feet, along said southerly line of a slope easement, acquired as parcel 2-SL of said right of way plan FRA-317-18.11 to a point on the southwesterly right of way line of State Route 317 (South Hamilton Road) 60.00 feet left of Granville Street 10+82.91, also being 72.73 feet left of Hamilton Road Station 91+59.77;
12. thence South 42 degrees 24 minutes 17 seconds East a distance of 31.48 feet, along said southwesterly right of way line of said State Route 317, acquired as parcel 2-WD of said right of way plan FRA-317-18.11, to a 3/4 inch diameter capped iron pin set 82.07 feet left of Granville Street Station 10+60.46, also being 50.00 feet left of Hamilton Road Station 91+38.00;
13. thence South 03 degrees 49 minutes 19 seconds West a distance of 138.00 feet, along the westerly right of way line of State Route 317 (South Hamilton Road), to the TRUE POINT OF BEGINNING.

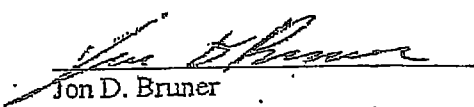
The above described area is contained within Franklin County Auditor's Permanent Parcel Number 025-000214-00 and contains a gross take of 0.1402 acres more or less.

This description was prepared by Jon D. Bruner, Professional Surveyor Number 7098 of The Mannik & Smith Group, on January 19, 2009.

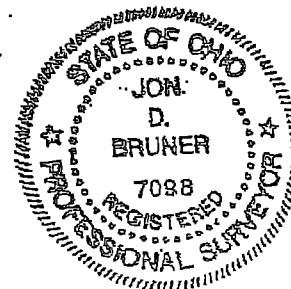
This description is based on a survey made in 2006 by the W. E. Stilson Consulting Group under the direction and supervision of John Jeffrey Raab, Professional Surveyor Number 7863.

Grantor claims title by Official Record 19971222-0173144 and 19971222-0173212, Franklin County Recorders office.

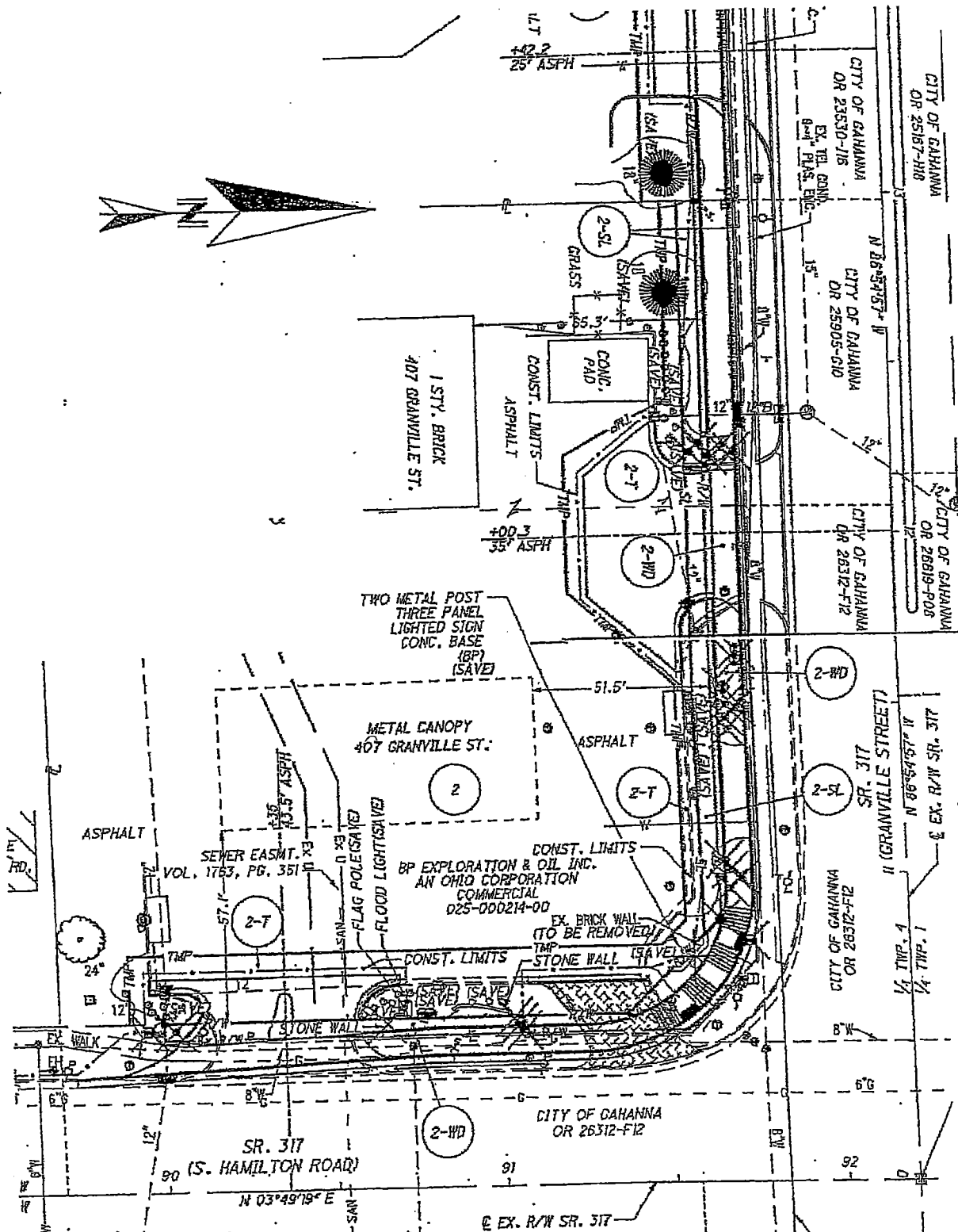
The basis of bearings is North 03 degrees 48 minutes 37 seconds East used for Hamilton Road north of Granville Street and was provided by the Franklin County Engineer's Survey Department. The bearings are based on the Ohio State Plane Coordinate System, South Zone, and North American datum of 1983 (1986 Adjustment) as established from a GPS survey performed by the Franklin County Engineer's Survey Department in 1995, occupying monuments FCGS 8815 and FCGS 5019. Iron pins referred to as "set" are 3/4 inch diameter, 30 inch long iron pipe with a yellow plastic cap stamped "W. E. Stilson".

  
Jon D. Bruner  
Professional Surveyor #7098  
The Mannik and Smith Group, Inc.  
1800 Indian Wood Circle  
Maumee, Ohio 43537

3-2-09  
Date



PARCEL 2



# ARTIST

