

ROAD - ST-922 Armor Hill Storm Sewer Project
 PAR. NO. 025-004776

CITY OF GAHANNA
CONTRACT OF SALE AND PURCHASE

This Agreement entered into on the below date by and between C. Spurgeon Kenimer and Luella J. Kenimer hereinafter called the Owners, hereby agrees to grant, sell, bargain and convey to the City of Gahanna, the following described easement:

See attached Exhibit "A"

The City of Gahanna agrees to purchase said easement and agrees to pay the full sum of \$1.00 and as further consideration the City of Gahanna agrees to replace the existing asphalt driveway with a 6" thick concrete driveway as depicted on the attached exhibit 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 easement ~~by~~ and shall deliver said deed to the City at the time of closing and which closing shall occur no later than 45 days after the date hereof and at which closing the City shall pay the aforesaid consideration of \$1.00.

Owner hereby grants to the City, its employees, agents, consulting engineers, contractors and other representative the right to enter upon and have exclusive possession of the heretofore described real estate.

Owner further agrees, that if for any reason the City determines it to be necessary to file 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 therein 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.

DATE 2-11-08

OWNER

C. J. Kenimer

CITY OF GAHANNA

DATE _____

Mayor, City of Gahanna

By: Paul Twedt

Negotiator

Sale&Purchase

* the city will also extend the driveway eastward about 20 feet to align with the existing shed and remove trees along Armor Hill as shown on the attached exhibit

EXHIBIT A

Storm Sewer Easement
DEED OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That C. Spurgeon Kenimer and Luella J. Kenimer in consideration of the sum of One Dollar(s) (\$1.00) and other good and valuable considerations to them paid by the City of Gahanna, Ohio, a municipal corporation, the receipt of which is hereby acknowledged, do hereby grant and release to said City of Gahanna, Ohio, its successors and assigns, forever, an Easement over and through the following described real estate and shown on Exhibits "A and B" attached hereto and made a part hereof:

SEE ATTACHED EXHIBITS "^{A1}~~A~~ AND ^{A2}~~B~~"

The Easement is granted for the purpose of constructing, using and maintaining a Storm Sewer and appurtenant works in any part of said strip, including the right to clean, repair and care for said Storm Sewer, together with the right of access to said strip for said purpose.

TO HAVE AND TO HOLD said premises unto said Grantee, the City of Gahanna, Ohio, its successors and assigns, for the uses and purposes herein mentioned.

IN WITNESS WHEREOF, _____ hereby covenants with the Grantee that they are the lawful owners of the above described real estate, that they are lawfully seized of the same in fee simple and have good, right and full power to make this grant, have hereunto set their hand this _____ day of _____, 20____.

Signed and acknowledged in the presence of:

Witness By: _____
(Name)

Witness By: _____
(Name)

STATE OF OHIO)ss:
COUNTY OF FRANKLIN)

BE IT REMEMBERED, That on this _____ day of _____, 20____, before me, the subscriber, a Notary Public in and for the said State, personally came the above named _____, who acknowledged the signing of this instrument to be their voluntary act and deed 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

My Commission Expires _____

This Instrument Prepared By:
City of Gahanna

FIFTEEN FOOT STORM SEWER EASEMENT – EXHIBIT “A-1”

LOT 211 – “IMPERIAL RISE PLAT NO. 3”

Situated in the State of Ohio, County of Franklin, City of Gahanna, being a strip of land fifteen (15) feet in width over part of Lot Number 211, of “Imperial Rise Plat No. 3” Subdivision, recorded in Plat Book 46, Page 82 (record references recited herein are to those of the Recorder’s Office Franklin County, Ohio), said 15 foot strip of land to lie five (5) feet northerly of, and ten (10) feet southerly of the following described line:

Beginning at a point in the line common to Lots 210 and 211 of said Subdivision, located North 4°25'49" East, 18.50 feet from the southerly corner common to said Lots;

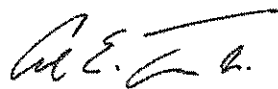
thence westerly across said Lot 211, the following two (2) courses and distances:

1. South 83°01'36" West, 14.42 feet; And,
2. North 74°28'24" West, 81.83 feet to the ‘Point of Terminus’ of said fifteen (15) foot strip in the westerly line of said Lot 211, being the easterly right-of-way line of Armor Hill Drive (50 feet in width)

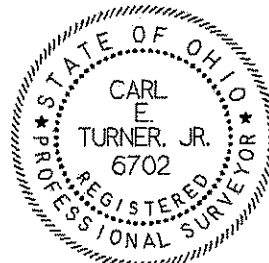
The sidelines of said strip are to be extended or shortened, as necessary, to terminate in the sidelines of said Lot 211.

The foregoing description was prepared in January of 2008, by Carl E. Turner Jr., Registered Professional Surveyor No. S-6702.

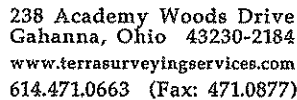
Bearings are referenced to that meridian used for said “Imperial Rise Plat No. 3” Subdivision (see Plat Book 46, Page 82).



Carl E. Turner Jr.,
Professional Surveyor No. 6702
29 January 2008



* End of Description *

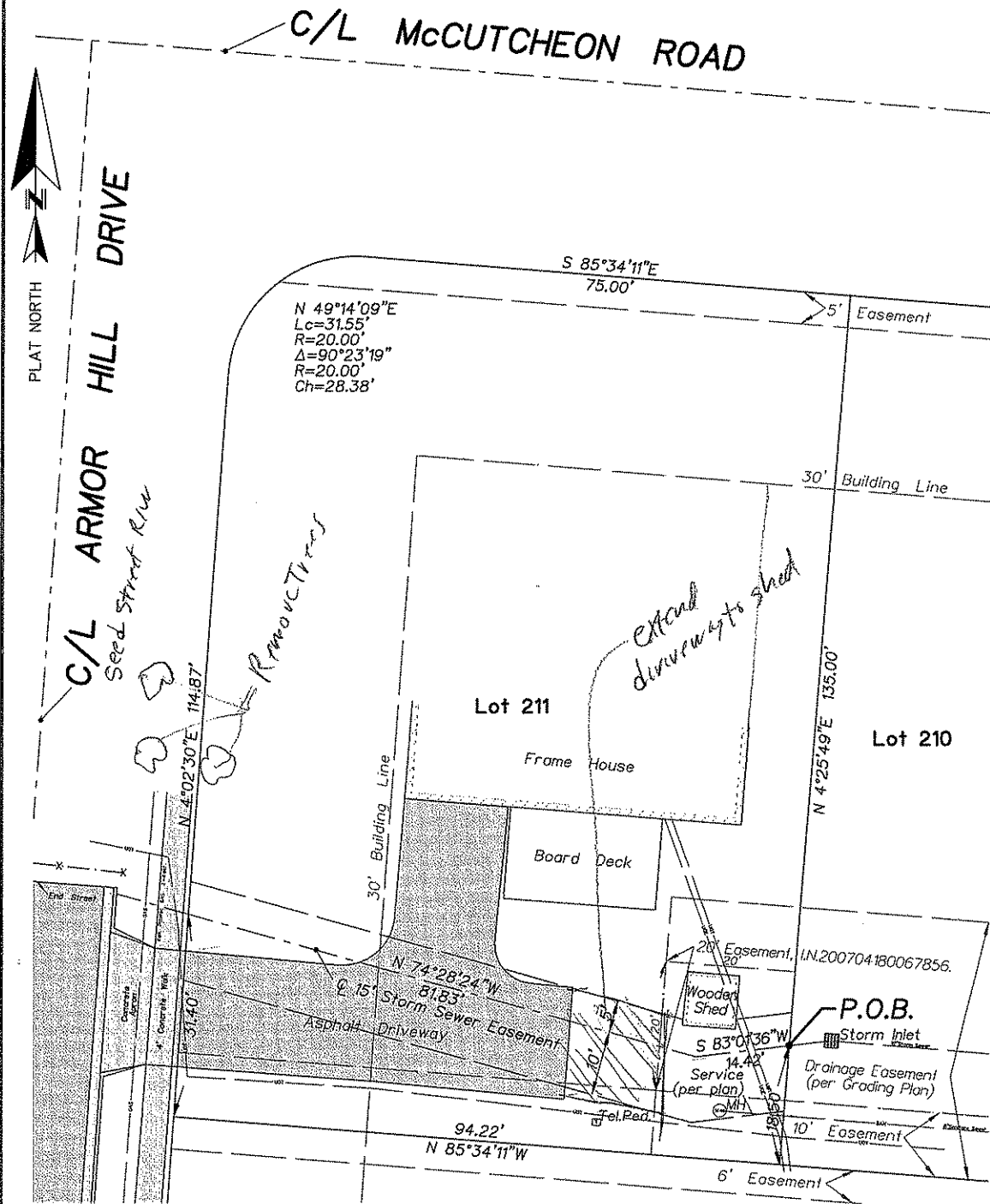


TITLE:

PREPARED EXCLUSIVELY FOR:
GAHANNA CITY ENGINEER'S OFFICE

29 JANUARY 2008

PLAT BOOK 46, PAGE 82
INSTRUMENT NO. 200406080131873



BASIS OF BEARINGS: Bearings are referenced to that meridian used for "Imperial Rise Plat No. 3" (see P.B.46, P.82).



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.

FIELD SURVEY BY:
CT/802AR

DRAWN BY:
C. Turner

TERRA FILE NO.:
25.11.GAH.125.07