

STORM BASIN EASEMENT

THAT, CITY OF GAHANNA, OHIO ("Grantor"), whose address is 200 South Hamilton, Gahanna, Ohio 43230, for and in consideration of the sum of Ten Dollars (\$10.00) to Grantor in hand paid by CONTINENTAL/EAGLE IV, LLC, an Ohio limited liability company, having an address at 150 E. Broad Street, Suite 800, Columbus, Ohio 43215 ("Grantee"), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant and convey unto Grantee a perpetual, non-exclusive easement for the purpose of tying into and draining storm water into the storm water basin (the "Storm Basin") located in the area described on Exhibit A attached hereto and made a part hereof for all purposes (the "Easement Area") for the benefit of and as an appurtenant easement to that certain parcel of land owned by Grantee ("Grantee's Parcel") adjacent to the Easement Area and more particularly described on Exhibit B.

Grantor shall maintain, repair, replace and service the Storm Basin and shall have a right of ingress and egress over, along and across an area of land that extends 10 feet along the portion of Grantee's Parcel that abuts the Easement Area for purposes of maintaining, repairing, replacing and servicing the Storm Basin. Once commenced, Grantor shall complete such work expeditiously and shall use its best efforts to minimize any interference with Grantee's or its tenants' business on Grantee's Parcel.

TO HAVE AND TO HOLD the above described easement, unto Grantee and Grantee's successors and assigns forever; and Grantor does hereby bind Grantor and Grantor's successors and assigns to WARRANT AND FOREVER DEFEND all and singular the said easement unto Grantee and its successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

This agreement and all of the terms, provisions and obligations hereof shall be covenants running with the land affected thereby and shall inure to the benefit of and be binding upon Grantor and Grantee and their respective successors and assigns.

IN WITNESS WHEREOF, the parties hereto have caused this easement to be executed as of the dates set forth below in the acknowledgments.

Signed and Acknowledged  
In the Presence of:

\_\_\_\_\_  
\_\_\_\_\_

GRANTOR:

CITY OF GAHANNA, OHIO

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**EXHIBIT A**

GRANTEE:

Signed and Acknowledged  
In the Presence of:

CONTINENTAL/EAGLE IV, LLC

\_\_\_\_\_  
\_\_\_\_\_

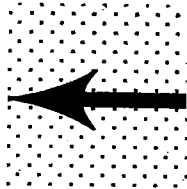
By: \_\_\_\_\_  
Mark A. Damante  
Vice President

STATE OF OHIO

COUNTY OF FRANKLIN

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2001 by \_\_\_\_\_, \_\_\_\_\_ of City of Gahanna, Ohio, a municipal corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public



STATE OF OHIO

COUNTY OF FRANKLIN

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2001 by Mark A. Damante, Vice President of Continental/Eagle IV, LLC, an Ohio limited liability company, on behalf of such company.

\_\_\_\_\_  
Notary Public

This instrument prepared by:

Mark A. Damante, Esq.  
Continental Real Estate Companies  
150 East Broad Street, Suite 800  
Columbus, Ohio 43215

# Exhibit A

## STORMWATER BASIN EASEMENT 0.834 ACRE

Situated in the State of Ohio, County of Franklin, City of Gahanna, located in Quarter Township 2, Township 1, Range 16, United States Military Lands and being across that 2.443 acre tract conveyed to the City of Gahanna by deed of record in Instrument Number 200008110161608 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly bounded and described as follows:

Beginning at the Grantor's northwesterly corner, a northeasterly corner of that tract conveyed to Continental/Eagle IV, LLC by deed of record in Instrument Number 200012200256629;

thence South 85° 39' 42" East, with Grantor's northerly line, a distance of 137.31 feet to a point;

thence across Grantor's tract, the following courses and distances:

South 04° 20' 18" West, a distance of 214.09 feet to a point;

North 85° 39' 42" West, a distance of 30.67 feet to a point;

South 18° 23' 22" West, a distance of 95.10 feet to a point; and

North 71° 36' 38" West, a distance of 88.94 feet to a point;

thence North 18° 23' 22" East, continuing across Grantor's tract, with Grantor's westerly line, a distance of 81.82 feet to a point;

thence with Grantor's westerly line, the following courses and distances:

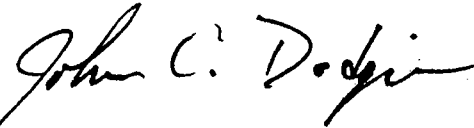
North 36° 28' 11" West, a distance of 22.27 feet to a point; and,

North 03° 33' 14" East, a distance of 188.54 feet to the True Point of Beginning containing 0.834 acre of land, more or less.

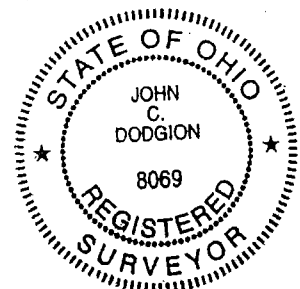
Subject, however, to all legal rights-of-ways and/or easements, if any, of previous record.

EVANS, MECHWART, HAMBLETON, & TILTON. INC.

John C. Dodgion  
Registered Surveyor No. 8069



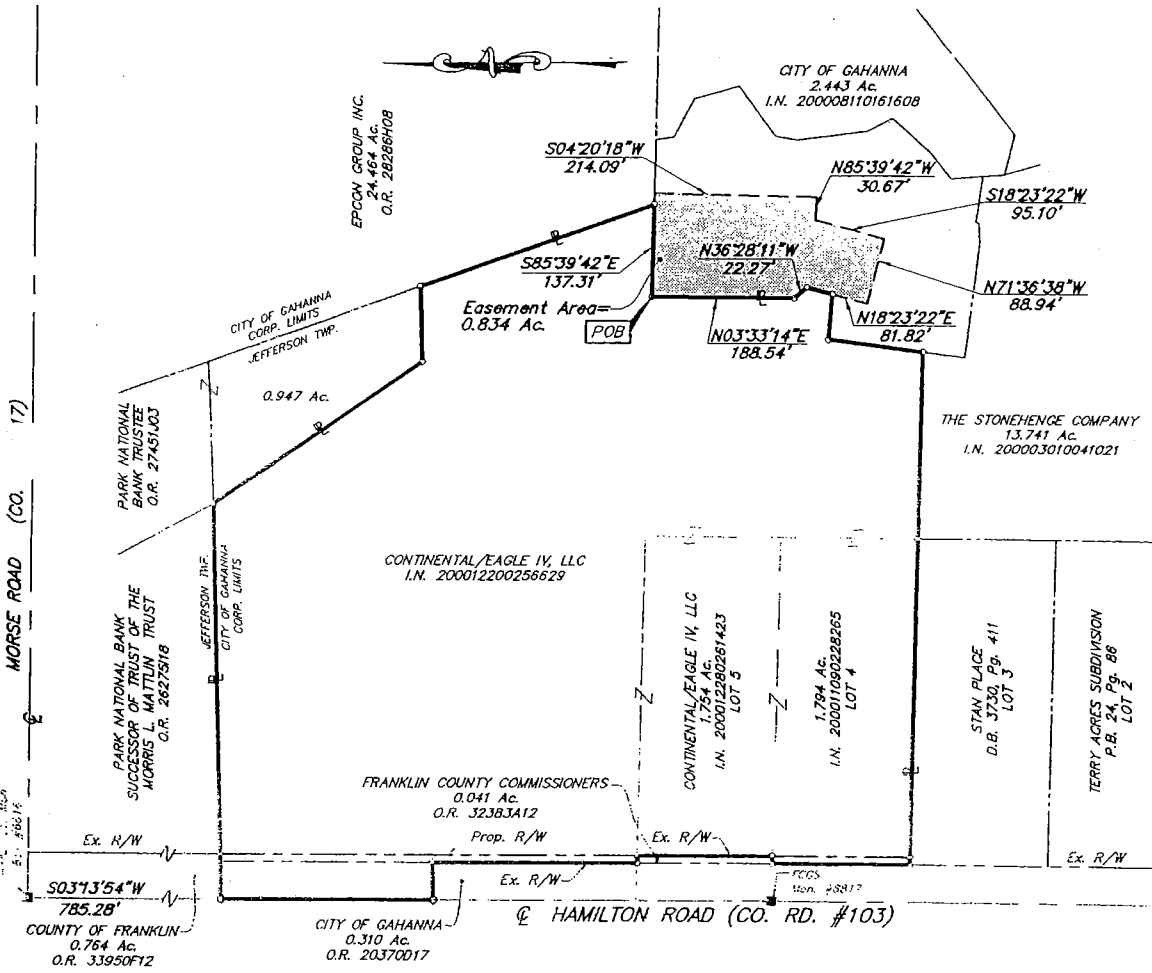
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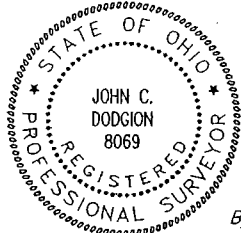
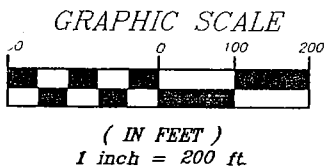
**STORMWATER BASIN EASEMENT EXHIBIT**  
 QUARTER TOWNSHIP 2, TOWNSHIP 1, RANGE 16  
 UNITED STATES MILITARY LANDS  
 CITY OF GAHANNA, FRANKLIN COUNTY, OHIO

Scale: 1" = 200'

July, 2001



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E.M.H. & T. INC.

By *John C. Dodgion*  
 Professional Surveyor No. 8069

## Exhibit B - Grantee's Parcel

15.550 ACRES

Situated in the State of Ohio, County of Franklin, City of Gahanna, Quarter Township 2, Township 1, Range 16, United States Military Lands and being all of those tracts of land as conveyed to \_\_\_\_\_ by deeds of record in Instrument Numbers \_\_\_\_\_, all references refer to the records of the Recorder's Office, Franklin County, Ohio, and described as follows:

Beginning for reference at Franklin County Geodetic Survey Monument Number 6616 at the centerline intersection of Hamilton Road with Morse Road, said Monument being North  $03^{\circ} 13' 54''$  East, a distance of 1514.74 feet from Franklin County Geodetic Survey Monument Number 8817 in the centerline of said Hamilton Road;

thence South  $03^{\circ} 13' 54''$  West, with the centerline of said Hamilton Road, a distance of 785.28 feet to a Mag Nail set at the southwesterly corner of that 0.764 acre tract of land as conveyed to the County of Franklin by deed of record in Official Record 33950F12, being the True Point of Beginning for the tract herein intended to be described;

thence South  $88^{\circ} 14' 49''$  East, with the southerly line of said 0.764 acre tract, and the southerly line of that tract of land as conveyed to Park National Bank Successor of Trust of the Morris L. Matlin Trust by deed of record in Official Record 26275I18, a distance of 525.79 feet to an iron pin set at a southeasterly corner thereof, in the westerly line of that tract of land as conveyed to Park National Bank Trustee of record in Official Record 27451J03;

thence with the perimeter of said Park National Bank Trustee tract the following courses:

South  $31^{\circ} 51' 02''$  East, a distance of 338.22 feet to an iron pin set at a southwesterly corner thereof; and

South  $88^{\circ} 12' 26''$  East, a distance of 100.65 feet to an iron pin set at a southeasterly corner thereof, in the westerly line of that tract of land as conveyed to EPCON Group Inc. of record in Official Record 28286H08;

thence South  $16^{\circ} 26' 24''$  East with said westerly line, a distance of 326.13 feet to an iron pin set at a southwesterly corner thereof, in the northerly line of that tract of land as conveyed to The Stonehenge Co. by deed of record in Instrument Number 200003010041021;

thence North  $85^{\circ} 39' 42''$  West, with the northerly line of said Stonehenge Co. tract, a distance of 122.78 feet to an iron pin set at the northwesterly corner of said Stonehenge Co. tract;

thence along the westerly perimeter of said Stonehenge tract, the following courses:

South  $03^{\circ} 33' 14''$  West, a distance of 188.54 feet to an iron pin set;

South  $36^{\circ} 28' 11''$  East, a distance of 22.27 feet to an iron pin set;

South  $18^{\circ} 23' 22''$  West, a distance of 34.35 feet to an iron pin set;

North  $82^{\circ} 19' 32''$  West, a distance of 60.59 feet to an iron pin set; and

South  $10^{\circ} 40' 31''$  West, a distance of 125.59 feet to an iron pin set;

thence North  $85^{\circ} 39' 42''$  West, along a northerly line of said Stonehenge tract, and the northerly line of Lot 3 of that subdivision entitled "Terry Acres Subdivision" of record in Plat Book 24, Page 86, as conveyed to Stan Place by deed of record in Deed Book 3730, Page 411 (passing an iron pin set at 252.26 feet) a distance of 686.38 feet to an iron pin set at the northwesterly corner of said Lot 3, being the easterly right-of-way line of said Hamilton Road;

15.550 ACRES

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thence North 03° 34' 35" East, along said right-of-way line, a distance of 180.01 feet to an iron pin set at the southwesterly corner of that 0.041 acre tract as conveyed to The Franklin County Commissioners by deed of record in Official Record 32383A12;

thence South 85° 39' 42" East, along said right-of-way line, being the southerly line of said 0.041 acre tract, a distance of 10.00 feet to an iron pin set at the southeasterly corner of said 0.041 acre tract;

thence North 03° 34' 35" East, along the easterly line of said 0.041 acre tract, being said easterly right-of-way line, a distance of 1.36 feet to an iron pin set;

thence North 03° 13' 54" East, continuing along said right-of-way line, being the easterly line of said 0.041 acre tract, a distance of 178.68 feet to an iron pin set at the northeasterly corner of said 0.041 acre tract;

thence North 85° 39' 42" West, continuing along said right-of-way line, being the northerly line of said 0.041 acre tract, a distance of 10.00 feet to an iron pin set at the southeasterly corner of that 0.310 acre tract as conveyed to the City of Gahanna by deed of record in Official Record 20370D17;

thence North 03° 13' 54" East, continuing along said right-of-way line, being the easterly line of said 0.310 acre tract, a distance of 270.73 feet to an iron pin set at the northeasterly corner of said 0.310 acre tract;

thence North 88° 12' 26" West, along the northerly line of said 0.310 acre tract, a distance of 50.02 feet to a Mag Nail set at the northwesterly corner of said 0.310 acre tract, being in the centerline of said Hamilton Road;

thence North 03° 13' 54" East, along said centerline, a distance of 281.29 feet to the True Point of Beginning, and containing 15.550 acres of land, more or less, of which 0.162 acres lies within the right-of-way of Hamilton Road, leaving a net acreage of 15.388 acres of land.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Bearings are based on the Ohio State Plane Coordinate System as per NAD83. Control for bearings was from coordinates of monuments 6616 and 8817, having a bearing of South 03° 13' 54" West, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Clark E. White  
Registered Surveyor No. 7868