

EASEMENT

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This agreement is entered into in Franklin County, Ohio, this _____ day of _____, 2008 by and between George W. Weber, Jr., hereinafter "Grantor" and City of Gahanna, hereinafter called "Grantee." The parties agree as follows:

the Grantor is the owner in fee simple of the real estate described in Exhibit A, attached hereto, also known as 258 James Road, Gahanna, Ohio, and;

the Grantor, for valuable consideration paid, agrees to allow the Grantee to construct, maintain and operate recreational paths, trails and buildings for the use and enjoyment of the public on the parcel more particularly described as Exhibit "B", with stipulations as follows, to-wit:

to have and to hold to each party, the easement for the use and benefit of the Grantee and its assigns, agents, employees,

and that the conveyances and covenants herein contained shall be binding upon and shall inure to the benefit of the heirs and assigns of the parties hereto,

and as part of the consideration for the conveyance of the premises, Grantee agrees that the land shall forever be held as a public recreational area, and except as set out in this paragraph, the premises shall be kept in its natural state without disturbance of habitat or plant or animal populations, except for:

- A. The construction of trails as may be necessary for the protection or enjoyment of the natural character of the premises. Grantee agrees that the premises shall be preserved and managed in such manner as to accommodate public enjoyment of the nature preserve through visitation by means of a standard nature trail system, constructed of asphalt or natural materials.
- B. Grantee shall have the exclusive right to establish nature trails, nature interpretation facilities and other improvements in non-sensitive areas to accommodate visitation.
- C. The construction of an accessible, scenic deck overlook(s) of the Big Walnut Creek.
- D. Construction and erection of bridges, culverts, storm drains, and utilities, including a trail security lighting system, provided said construction and erection occurs in non-sensitive locations, and is in keeping with the natural character of the premises to provide safe utilization of the trails.
- E. Grantee shall have exclusive right to manage and control vegetation, remove invasive species of plants, add native species of plants, and the right to manage fish and wildlife populations.

IN WITNESS WHEREOF, The said City of Gahanna, by Rebecca W. Stinchcomb, its Mayor, thereunto duly authorized by the Charter of the City of Gahanna, has hereunto caused these presents to be subscribed this _____ day of _____, 2008.

Signed this _____ day of _____, 2008.

City of Gahanna, Ohio, Grantee

EXHIBIT A

of Gahanna, Ohio, Grantee, by Rebecca W. Stinchcomb, its Mayor, and acknowledged the signing hereof to be her voluntary act and deed.

Notary Public

Signed this _____ day of _____, 2008.

George W. Weber, Jr. Grantor

STATE OF OHIO
COUNTY OF FRANKLIN, SS:

BE IT REMEMBERED, THAT ON THIS _____ DAY OF _____, 2008:
before me, the subscriber, a Notary Public, in and of said county and state, personally appeared
George W. Weber, Jr., Grantor, and acknowledged the signing hereof to be his voluntary act and
deed.

Notary Public

This instrument prepared by:

Julia A. Faist
Attorney at Law
142 Granville Street
Gahanna, Ohio 43230
(614) 475-6677

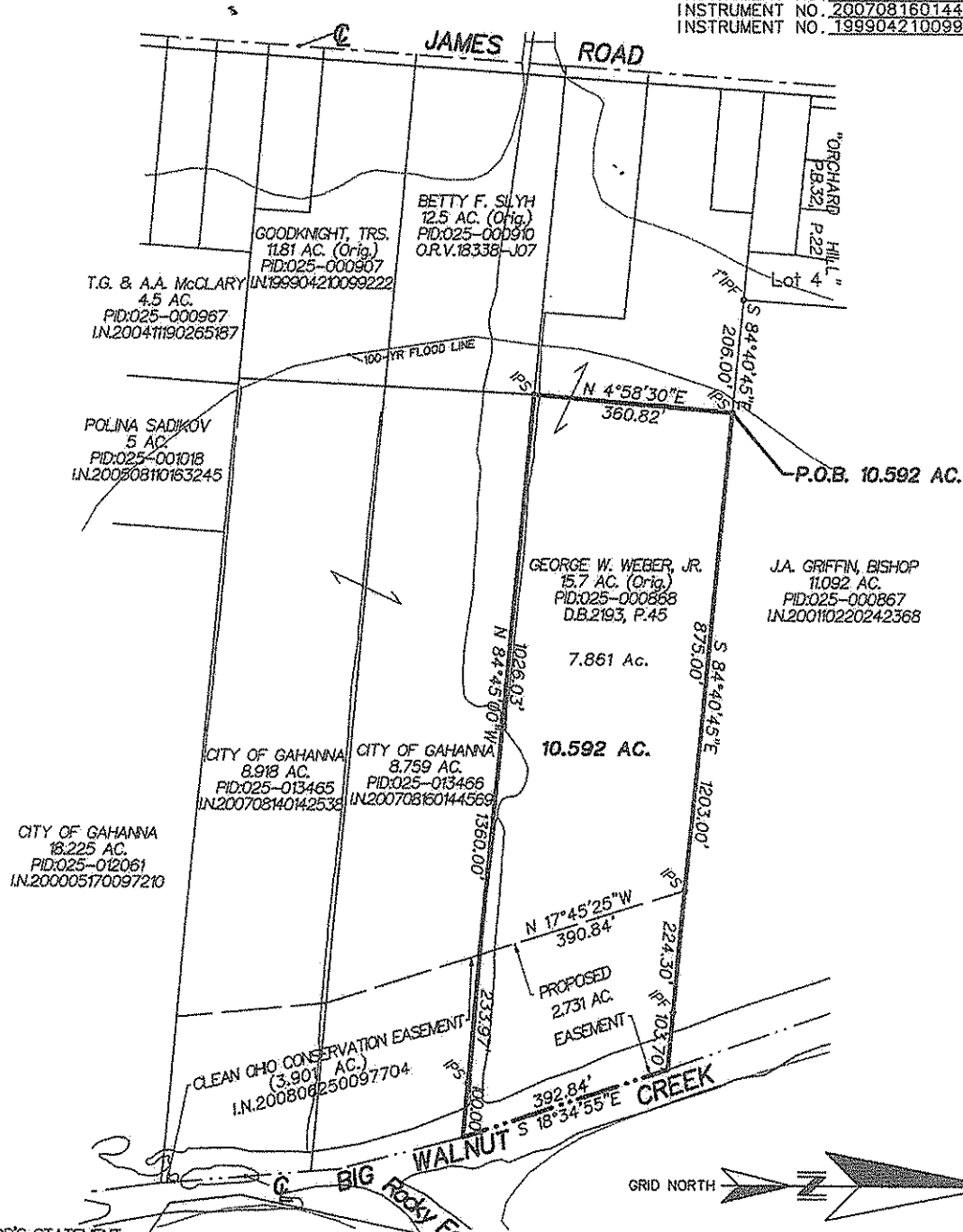
TITLE:

SURVEY OF 10.592 ACRES
LOCATED IN QUARTER TOWNSHIP 4, TOWNSHIP 1, RANGE 17
UNITED STATES MILITARY DISTRICT
CITY OF GAHANNA, FRANKLIN COUNTY, OHIO

PREPARED EXCLUSIVELY FOR:
THE CITY OF GAHANNA, OHIO

12 MARCH 2007
REV. 14 JULY 2008

DEED BOOK 2193, PAGE 45
OFFICIAL RECORD 18338-J07
INSTRUMENT NO. 200806250097704
INSTRUMENT NO. 200708140142638
INSTRUMENT NO. 200708160144569
INSTRUMENT NO. 199904210099222



SURVEYOR'S STATEMENT:

The undersigned hereby declares to the City of Gahanna, Ohio, that this plat represents a Boundary Survey made in compliance with Chapter 4733-37 O.A.C. and the requirements of, for the sole, exclusive and collective use of, the parties named hereon, for which it was prepared, and that to the best of our knowledge, information and belief is a correct representation of the boundaries of the subject property. Use (including reproduction & dissemination) of this survey and the information shown hereon is restricted to the parties named hereon. This survey is not transferable and is invalid without an original signature and seal.

BASIS OF BEARINGS: Bearings are referenced to Grid North (South Zone-NAD 83), as determined from GPS observations using the Ohio CORS Network.



SURVEY MONUMENTS: Found (F)=O, Set (S)=C, IP=Iron Pipe (ID), SP=Solid Pin (OD), RB=Rebar, RS=Reinforced Spike, PS=Pony Spike, PK=PK Nail & IPS=3/4" ID iron pipe set flush with the ground & capped with a yellow plastic plug inscribed C. TURNER/P.S. 6702.

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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.

FIELD SURVEY: 12-06 to 3-07
SURVEY/DRAWN BY: CT-802AR/CT
TERRA FILE NO.: 25.11.GAH.101.07

GEORGE W. WEBER, JR.
EASEMENT

Situated in the State of Ohio, County of Franklin, City of Gahanna, located in part of Quarter Township 4, Township 1, Range 17, United States Military District, being part 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 (record references recited herein are to those of the Recorder's Office Franklin County, Ohio), and being more particularly described as follows:

Beginning at an iron pipe set in the northerly line of said 15.7 acre tract, being the southerly line of that 11.092 acre tract of land described in the deed to J.A. Griffin, Bishop, recorded in Instrument Number 200110220242368, said iron pipe being located South 84°40'45" East, 1081.00 feet from a 1" solid pin found at the southeasterly corner of Lot No. 4 of "Orchard Hill" Subdivision, recorded in Plat Book 32, Page 22;

thence easterly along the line common to said 15.7 and 11.092 acre tracts, South 84°40'45" East, (passing an iron pipe found near the westerly top of bank of Big Walnut Creek at 224.30 feet) a distance of 328.00 feet to the approximate centerline of said Creek;

thence southerly with the approximate centerline of said Creek, South 18°34'55" East, 392.84 feet to the southeasterly corner of said 15.7 acre tract, being the northeasterly corner of that 8.759 acre tract of land described in the deed to the City of Gahanna, recorded in Instrument No. 200708160144569;

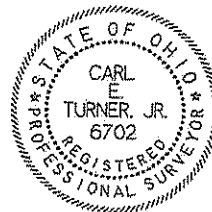
thence westerly along the southerly line of said 15.7 acre tract, being the northerly line of said 8.759 acre tract, North 84°45'00" West, (passing an iron pipe set near the westerly top of bank of said Creek at 100.00 feet) a distance of 333.97 feet;

thence northerly through said 15.7 acre tract, North 17°45'25" West, 390.84 feet, returning to the 'Point of Beginning,' containing 2.731 acres of land, more or less, as surveyed in March of 2007 and described in July of 2008, by Carl E. Turner, Jr., Professional Surveyor No. S-6702.

Bearings are referenced to Grid North (South Zone-NAD 83), as determined from GPS observations, using the Ohio CORS Network. Iron pipes called for as set are 3/4" I.D., 30 inches in length, driven flush with the ground, and capped with a yellow plastic plug inscribed "C. TURNER/PS-6702."



Carl E. Turner Jr.,
Professional Surveyor No. 6702
15 July 2008



* End of Description *