

**DEED OF EASEMENT
MULTI-PURPOSE TRAIL EASEMENT
CITY OF GAHANNA, DEPARTMENT OF PARKS & RECREATION**

Nob Hill Civic Association, a civic association ("Grantor"), for valuable consideration received, does hereby grant, bargain, sell and convey to the City of Gahanna, Department of Parks & Recreation, its successors and assigns ("Grantee"), a multi-purpose trail and public access easement ("Trail Easement") together with appurtenant rights over, across and under the real property (or a portion of the real property) owned by Grantor, located in the City of Gahanna, County of Franklin and State of Ohio, and more fully described on the attached Exhibit A (the "Real Property"). The approximate location of the Trail Easement is depicted on the attached Exhibit B.

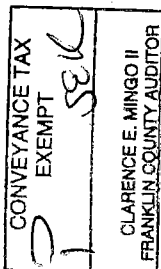
By acceptance of this Trail Easement, Grantee agrees to the following conditions and Grantor covenants to do the following:

1. Grantee shall have the right to construct a multi-purpose trail over across and upon said Trail Easement (the "Trail") for the benefit of the public, including, without limitation, the Grantee's employees, officers, agents, visitors, and invitees.
2. Grantor shall permit Grantee's employees, agents, and contractors, to enter upon the Real Property for the purposes of constructing, maintaining, operating, and replacing the Trail over and across the Trail Easement, and shall not interfere with Grantee's use, access, ingress and egress to the Trail Easement. Grantee shall be permitted to construct appropriate signage, barriers, fencing, benches and landscaping as Grantee determines is necessary.
3. All improvements to the Trail and Trail Easement shall be at the sole cost of the Grantee, and Grantee shall cause to be bonded off mechanics' liens arising out of construction, repair, maintenance or replacement of the Trail undertaken by the Grantee.
4. Grantee shall be responsible for maintaining the Trail Easement in a clean and safe condition. (NOTE: MAINTAINING MEANS 10 FOOT PATH - 6 FOOT BERM ON EACH SIDE, MOWED; AND THE REST LEFT IN A NATURAL STATE)
5. Grantee shall have the right to patrol the Trail and Trail Easement in the same and similar manner as it patrols other trails owned or maintained by Grantee for public use, and Grantor hereby authorizes Grantee to enforce the rules and regulations of the Grantee and the State of Ohio; provided, however, that Grantee shall not be liable to Grantor for any failure to enforce such rules and regulations.
6. Grantee shall have the right to require that the Trail and Trail Easement prohibit access by motorized vehicles, except to the extent that Grantee's or Grantor's employees, officers, agents, contractors, emergency service personnel or law enforcement personnel require the use of motorized vehicles for the purposes of trail construction, maintenance, repair, patrol and safety.
7. Grantor may not erect new or additional power and transmission lines, water, sewer, or other utility lines, or wells within the Trail Easement, and Grantor may not grant any additional easement(s) within the Trail Easement for such or any other purposes. The Grantor reserves the right to utilize the Trail Easement to maintain and repair existing telephone, electric, water, wells, or other utility lines or mains already serving the Real Property. If such repairs and maintenance are required, upon the completion of any necessary repairs and/or maintenance, Grantor shall restore the Trail Easement to its condition prior to such repair or maintenance.
8. The Grantee shall have the right to periodically inspect the Trail Easement for violations of the covenants and restrictions set forth herein. If Grantor or its

TRANSFER
NOT NECESSARY

OCT 06 2011

CLARENCE E. MINGO II
AUDITOR
FRANKLIN COUNTY, OHIO



RETURN TO:

Thomas L. Weber
City of Gahanna
200 S. Hamilton Rd.
Gahanna OH 43230

EXHIBIT A

TRAILWAY EASEMENT – EXHIBIT “A”
“CLIFFSIDE” SUBDIVISION RESERVE “A”

Situated in the State of Ohio, County of Franklin, City of Gahanna, located in part of Quarter Township 1, Township 1, Range 17, United States Military District, being a thirty (30) foot strip of land over part of Reserve “A” of the “CLIFFSIDE” Subdivision, recorded in Plat Book 40, Pages 54 and 55, as described in the deed to Nob Hill Civic Association, recorded in Deed Book 3413, Page 653 (record references to those of the Recorder’s Office, Franklin County, Ohio), said 30 foot strip to lie 15 feet each side of the following described centerline:

Beginning at a point in the westerly right-of-way line of Nob Hill Drive (50 feet in width), located South 10°10’37” East, 15.25 feet from the southeasterly corner of Lot 18 of said Subdivision;

thence westerly along a line 15.0 feet southerly from the southerly line of said Lot 18, being 15.0 feet northerly of the northerly line of Lot 19 of said Subdivision, North 89°41’53” West, 236.17 feet to a point of curvature;

thence westerly, northerly and northeasterly through said Reserve “A,” the following five (5) courses and distances:

1. South 88°21’35” West, 158.90 feet to a point of curvature;
2. North 14°13’25” West, 270.24 feet along the arc of a curve to the right (Radius = 100.00 feet & bears North 1°38’25” West, Delta = 154°50’00”), a chord distance of 195.20 feet to a point of tangency;
3. North 63°11’35” East, 135.65 feet to a point of curvature;
4. North 45°04’05” East, 34.80 feet along the arc of a curve to the left (Radius = 55.00 feet & bears North 26°48’25” West, Delta = 36°15’00”), a chord distance of 34.22 feet to a point of tangency;
And,
5. North 26°56’35” East, 49.34 feet to the Point of Terminus of said strip in the northerly line of said Reserve “A,” being the southerly line of Reserve “A” of “Woodside Green Section No. 1,” recorded in Plat Book 51, Pages 108 through 111, as described in the deed to the City of Gahanna, recorded in Official Record 753-A13.

Together with, a Temporary Construction Easements to lie twenty-five (25) feet each side of the centerline of the foregoing described easement, excepting therefrom Lots 18 and 19 of said “Cliffside” Subdivision. Also a 60 foot by 100 foot Temporary Construction Staging Easement, located to have minimal site disturbance.

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

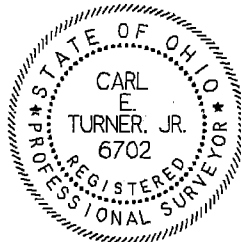
Bearings are referenced to that meridian used for the aforesaid south line of Lot 18 of the “Cliffside” Subdivision.

The foregoing being described from existing records, for easement purposes only, in December of 2010, by Carl E. Turner Jr., Registered Land Surveyor No. S-6702.

Terra Surveying Services, LLC



Carl E. Turner, Jr.
Registered Surveyor No. 6702
14 January 2011



N-052-B
OUT OF
(025)
3816

End of Description

The foregoing Temporary Construction Easements shall automatically expire upon the City of Gahanna’s acceptance of the trailway improvements.

successors and assigns violate any of these covenants and restrictions Grantor shall cure the violation(s) within sixty (60) days of receipt of notice thereof from Grantee. If Grantor fails to adequately cure or eliminate the violation(s) within the sixty (60) day time period, Grantee may cause the cure of the violation(s), and Grantor shall immediately reimburse Grantee for all costs and expenses incurred in curing the violation(s), in addition, Grantee shall also have the right to obtain injunctive relief for the enforcement of the covenants and restrictions from a court of competent jurisdiction.

9. The Grantee shall have the right to post or clearly mark the boundaries of the Trail Easement in compliance with Grantee's policy.
10. The permanent easement area as outlined in attached exhibit "A" and "B" shall remain in effect in perpetuity. The temporary construction easement area as outlined in these exhibits shall be for a period of six (6) months from the beginning of construction to facilitate construction activities.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed by its duly authorized representative as of this 8th day of September, 2011.

Signed and acknowledged in the presence of:

Witness:

Print Name: Troy Euton

Grantor: **Nob Hill Civic Association**

Witness:

Print Name: _____

Deborah C. Woodard
Deborah C. Woodard, President

Janel Bowman
Janel Bowman, Secretary

Deborah A. Douridas
Deborah A. Douridas, Treasurer

Witness:

Print Name: James Carmean

Grantee: **City of Gahanna**

Rebecca W. Stinchcomb
Rebecca W. Stinchcomb, Mayor

Witness:

Print Name: Brian Hoyt

In the State of Ohio, Franklin County, the foregoing instrument was acknowledged before me this 16 day of September, 2011 by:

Amanda J. Parker
Notary Public, print name

Amanda J. Parker
Notary Public, signature

Notary seal here



Amanda Parker
Notary Public, State of Ohio
My Commission Expires 04-21-2013

My commission expires: 4-21-2013



TRAILWAY EASEMENT – EXHIBIT "B"
"CLIFFSIDE" Subdivision
 CITY OF GAHANNA, FRANKLIN COUNTY, OHIO

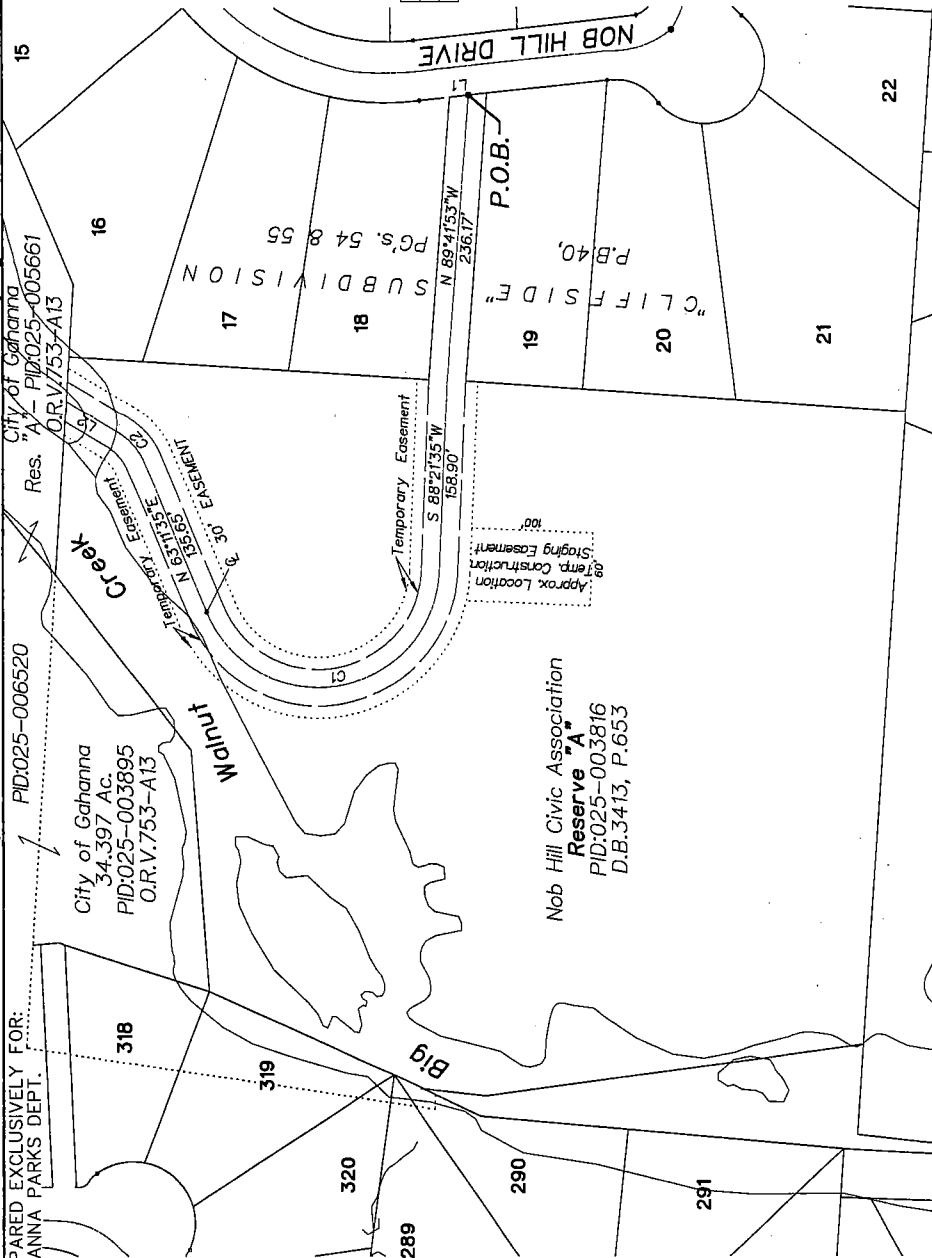
238 ACADEMY WOODS DRIVE * GAHANNA, OHIO 43230-2184 * 614.471.0663 * www.terrasurveyingservices.com * FIELD SURVEY BY: CT/VRS * DRAWN BY: C. TURNER

PREPARED EXCLUSIVELY FOR:
GAHANNA PARKS DEPT.

1 PID:025-006520

City of Gahanna
34.397 Ac.
PID:025-003895
O.R.V.753-A13

Nob Hill Civic Association
Reserve "A"
PID:025-003816
D.B.3413, P.653



Line	Direction	Distance
L1	S 10°10'37"E	15.25'
L2	N 26°56'35"E	49.34'

Curve	CB	Lc	R	Δ	Ch
C1	N 14°13'25"W	270.24'	100.00'	154°50'00"	195.20'
C2	N 45°04'05"E	34.80'	55.00'	36°15'00"	34.22'

SURVEYOR'S STATEMENT:
We Hereby Declare that the at-
tached plat was prepared from
existing records for easement
purposes only.

Ad E. L. L. b.

By: CARL E. TURNER JR.
PROFESSIONAL SURVEYOR No. 6702

