



# City of Gahanna

200 South Hamilton  
Road  
Gahanna, Ohio 43230

## Signature

Ordinance: ORD-0077-2022

File Number: ORD-0077-2022

**AN ORDINANCE ACCEPTING A DEED OF EASEMENT OF 0.655 ACRES ON  
PARCEL NO. 027-000113 FROM SCIENCE ONE, LLC, FOR UTILITY EXPANSIONS  
IN CONNECTION WITH THE TECH CENTER DRIVE EXTENSION, WAIVING  
SECOND READING, AND DECLARING AN EMERGENCY**

**WHEREAS**, ADB Safegate is currently under construction at the corner of Tech Center Drive and Science Boulevard; and

**WHEREAS**, improvements on this property and within the prescribed easement will extend fiber optic telecommunication lines and public storm sewers along Science Boulevard and Tech Center Drive; and

**WHEREAS**, the easement will provide the City of Gahanna with a right to access and maintain fiber optic telecommunications, storm sewers and appurtenances located on private property as necessary for the operation of public storm sewer and communications network; and

**WHEREAS**, to support the utilities as described, an easement of 0.655 acres is needed for the property identified by Franklin County as Parcel No. 027-000113; and

**WHEREAS**, the Administration recommends passage of this Ordinance with waiver of second reading and declaration of an emergency immediately necessary for the preservation of public peace, safety, health, and welfare of the City due to a backlog of four weeks in administrative processing through the County and the need to assist the Developer in timely recording of the easement.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GAHANNA, COUNTY OF FRANKLIN, STATE OF OHIO:**

**Section 1.** That this Council hereby accepts the Deed of Easement from Science One, LLC, for 0.655 acres situated on Parcel No. 027-000113 for fiber optic telecommunications, storm sewers, and appurtenances thereon; said Deed of Easement attached hereto as EXHIBIT A and made a part herein.

**Section 2.** That for the reasons set forth in the preamble, the second reading is hereby waived, and this Ordinance is declared an emergency measure which shall be in full force and effect immediately upon passage by this Council and on date of signature of approval by the Mayor.

At a meeting of the City Council on December 5, 2022, a motion was made by Bowers, seconded by Schnetzer, that this Ordinance be Adopted. The vote was as follows:

Ms. Angelou, yes; Ms. Bowers, yes; Ms. McGregor, yes; Ms. Padova, yes;  
Mr. Renner, yes; Mr. Schnetzer, yes; Mr. Weaver, yes.

President Stephen A. Renner  
Stephen A. Renner

Date 12/05/2022

Attest by Jeremy A. VanMeter  
Jeremy A. VanMeter  
Clerk of Council

Date 12/5/22

Approved by the Mayor Laurie A. Jadwin  
Laurie A. Jadwin

Date 12.5.2022

Approved as to Form Raymond J. Mularski  
Raymond J. Mularski  
City Attorney

Date 12-5-2022

## DEED OF EASEMENT

KNOW ALL PERSONS BY THESE PRESENT that **Science One, LLC** (the "Grantor"), for One Dollar (\$1.00) and other good and valuable consideration, which Grantor acknowledges receipt and sufficiency, given by the **CITY OF GAHANNA, OHIO**, a municipal corporation, (the "Grantee"), whose tax mailing address is 200 South Hamilton Road, Gahanna, Ohio 43230, does forever grant to Grantee, its successors and assigns, an Easement over and through the following described real estate and shown on Exhibits "A and B" attached hereto and made a part hereof:

**Property: 0.655 Acres +/-**

Property is situated in the State of Ohio, County of Franklin, City of Gahanna, and further being described in the attached, **Exhibit A**, which is fully incorporate and made a part hereof.

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## TERMS & CONDITIONS

The Easement is granted for the purpose of constructing, using and maintaining public storm sewers and fiber optic telecommunications and appurtenant works in any part of the above described parcel of land, including the right to clean, repair and renew, together with the right of access to the above-described parcel of land for the said purpose. The Easement shall be subject to the following conditions:

1. The Easement will not limit or restrict the landowner's use of the property provided such use is compliant with the City's zoning and/or other applicable property ordinances and regulations.
2. The landowner will submit plans for any installation within the Easement that it desires to make to the City for approval.
3. The City will give the landowner reasonable notice of not less than three (3) days, if reasonably practicable, prior to commencement of any work on the utilities.
4. That the utilities subject to the Easement shall be kept in good order and condition by the City of Gahanna.
5. That during whatever construction, reconstruction, maintenance, or repair work is or becomes necessary with respect to said utilities, so much of the surface or subsurface of the property as may be disturbed, will at the expense of the City be substantially replaced in the same condition as it was prior to such disturbance.
6. The City will hold harmless **Science One, LLC** from any loss, damage, injury or liability resulting from the City's negligence in connection with any work involved in constructing, maintaining or caring for the utilities.
7. No charges will be made against the property or landowner for the cost of construction, maintenance, repair or care for the utilities in the Easement. If the landowner makes an

application for a service connection to the utilities, the regular and customary service connection charge in effect at the time of the application shall be charged.

8. In the event all or any portion the property subject to this Easement becomes portion(s) of public streets, in the proceedings for acquisition of the property needed for such streets, whether by purchase, dedication, condemnation, etc., said property shall be considered the same as if this Easement had not been executed and/or as if any rights granted by the Easement had not been exercised.
9. This Deed of Easement and all of its provisions are covenants forever (i) burdening, benefitting and running with the land of the Property in its chain-of-title, and (ii) inuring and binding to the benefit and detriment of Grantor and Grantee and their respective, applicable beneficiaries, heirs, administrators, executors, successors, and assigns.
10. Grantor forever releases and discharges Grantee from all just compensation claims under the Ohio Constitution, Article 1, Section 19, arising from granting the Property to Grantee. Grantor agrees this section survives the termination of this Deed of Easement or any reversion of the Property.
11. Grantee (i) intends to immediately utilize the Property for sanitary line purposes upon Grantor's execution of this Deed of Easement, and (ii) will subsequently accept, dedicate, and name the Property as an easement.

**GRANTOR'S EXECUTION**

**IN WITNESS WHEREOF**, Grantor, who represents and warrants personally possessing legal authority and capacity to acknowledge this Deed of Easement, does voluntarily acknowledge this Deed of Easement on the effective date below.

Science One, LLC

By: Amy Biondi-Huffman

Print Name: Amy Biondi-Huffman

Print Title: Manager

State of Ohio )

Count of Franklin )

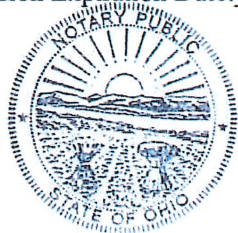
Be it remembered on November 21, 2022 I affixed my seal evidencing this instrument was acknowledged before me by Amy Biondi-Huffman.

Margaret M Long  
Notary Public

Commission Expiration Date: \_\_\_\_\_

Approved as to Form by:

Raymond Mularski  
Raymond Mularski – Gahanna City Attorney  
200 South Hamilton Road  
Gahanna, Ohio 43230



MARGARET M. LONG  
Notary Public, State of Ohio  
My Comm. Expires Dec. 04, 2024

**DESCRIPTION OF 0.655 ACRE UTILITY EASEMENT**

Situated in the State of Ohio, County of Franklin, City of Gahanna, being part of Lot 26, Quarter Township 3, Township 1, Range 16, United States Military Lands, being part of Lot 12 of the Science Boulevard Extension Dedication Plat of record in Plat Book 113, Page 23, and being a 9.224 acre tract of land described in deed to Science One, LLC of record in Instrument Number 202112070221547, all references to records being on file in the Office of the Recorder, Franklin County, Ohio, said 0.655 acre easement being more fully described herein;

**BEGINNING** at the northeast corner of said 9.224 acre tract, being the northeast corner of said Lot 12, being a south line of Lot 7 of the Techcenter Drive Extension and Greenspace Dedication Plat of record in Plat Book 112, Page 79, being the south line of a 2.978 acre tract of land conveyed to the City of Gahanna of record in Instrument Number 201301020000607, and being on the west line of a 6.668 acre tract of land (Parcel One) described in deed to SS Gahanna, LLC of record in Instrument Number 201509230133943;

Thence **South 04°01'37" West**, a distance of **7.03** feet, with the east line of said 9.224 acre tract, and with the west line of said 6.668 acre tract, to a point;

Thence through said 9.224 acre tract, the following four (4) courses:

1. **North 88°33'44" West**, a distance of **174.20** feet, to a point;
2. **North 85°56'25" West**, a distance of **624.90** feet, to a point;
3. **South 03°42'23" West**, a distance of **399.22** feet, to a point;
4. **North 63°06'15" West**, a distance of **46.78** feet, to a point on the west line of said 9.224 acre tract, and being on the east right-of-way line of Science Boulevard;

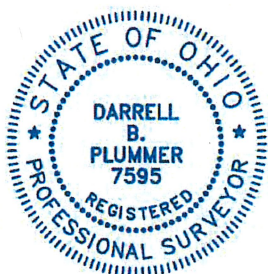
Thence with the west line of said 9.224 acre tract, and with the east right-of-way line of said Science Boulevard, the following two (2) courses:

1. **North 03°42'23" East**, a distance of **367.89** feet, to a point of curvature;
2. With the arc of a curve to the right, having a radius of **28.00** feet, a central angle of **90°21'12"**, an arc length of **44.15** feet, a chord bearing of **North 48°52'59" East** and a chord distance of **39.72** feet, to a point of tangency;

Thence **South 85°56'25" East**, a distance of **813.84** feet, with the north line of said 9.224 acre tract, with a south line of said Lot 7 of the Techcenter Drive Extension and Greenspace Dedication Plat, and with the south line of said 2.978 acre tract to the **TRUE POINT OF BEGINNING** containing 0.655 of an acre, subject to all easements and documents of record.

The bearings shown on this survey are based on the bearing of North 03°42'23" East as determined for the centerline of Science Boulevard, based on field observations performed in July 2021, and based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (NSRS 2011 Adjustment).

The foregoing easement was prepared from an actual field survey performed by or under my direct supervision in July, 2021.



CIVIL &amp; ENVIRONMENTAL CONSULTANTS, INC.

12/10/2021

Darrell B. Plummer, P.S.  
Registered Surveyor No. 7595

Date

# PLAT OF EASEMENT

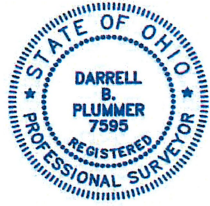
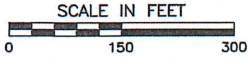
STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF GAHANNA,  
 LOT 26, QUARTER TOWNSHIP 3, TOWNSHIP 1, RANGE 16,  
 UNITED STATES MILITARY LANDS.

## BASIS OF BEARINGS:

THE BEARINGS SHOWN ON THIS SURVEY ARE BASED ON THE BEARING OF NORTH 03°42'23" EAST AS DETERMINED FOR THE CENTERLINE OF SCIENCE BOULEVARD BASED ON FIELD OBSERVATIONS PERFORMED IN JULY 2021, AND BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83 (NSRS 2011 ADJUSTMENT).

## PERTINENT DOCUMENTS:

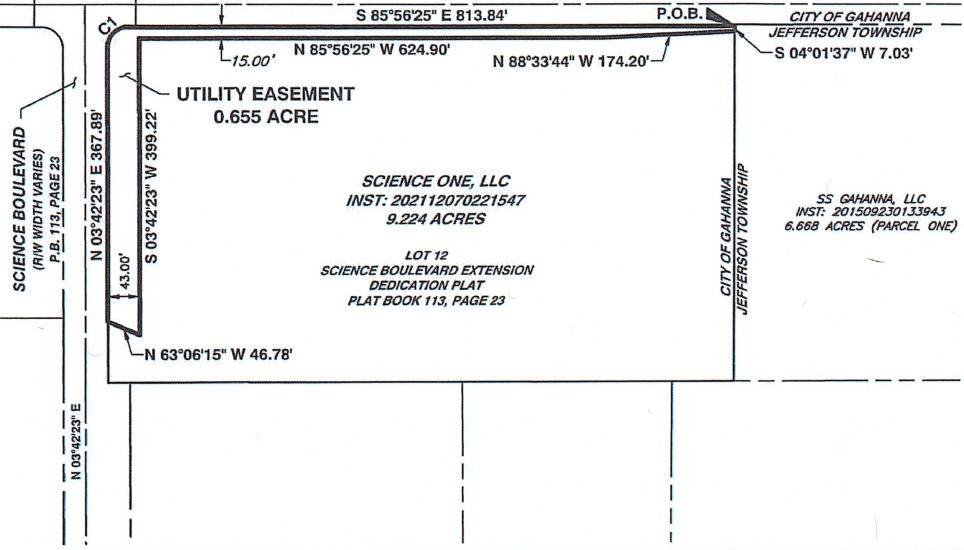
DEEDS OF RECORD ON FILE AT THE FRANKLIN COUNTY RECORDER'S OFFICE, EXISTING CEC SURVEYS, SURVEYS OF RECORD & TAX MAPS ON FILE AT FRANKLIN COUNTY.



**CURVE 1**  
 R=28.00'  
 Δ=90°21'12"  
 L=44.15'  
 CHB=N 48°52'59" E  
 CH=39.72'

CITY OF GAHANNA  
 INST. 201301020000607  
 2.978 ACRES

LOT 7  
 TECHCENTER DRIVE EXTENSION AND  
 GREENSPACE DEDICATION PLAT  
 PLAT BOOK 112, PAGE 79



## CERTIFICATION:

THE FOREGOING EASEMENT WAS PREPARED FROM AN ACTUAL FIELD SURVEY PERFORMED BY OR UNDER MY DIRECT SUPERVISION IN JULY, 2021.

*Darrell B. Plummer* 12/10/2021

DARRELL B. PLUMMER DATE  
 PROFESSIONAL LAND SURVEYOR NO. 7595

**CEC**  
**Civil & Environmental Consultants, Inc.**  
 250 W. Old Wilson Bridge Road · Suite 250 · Worthington, OH 43085  
 614-540-6633 · 888-598-6808  
 www.cecinc.com

DRAWN BY: BJL CHECKED BY: KAS APPROVED BY: DBP EXHIBIT:  
 DATE: DECEMBER 2021 DWG SCALE: 1" = 150' PROJECT NO: 312-263

FED ONE DUBLIN, LLC  
 FRANKLIN COUNTY, OHIO

0.655 ACRE UTILITY EASEMENT

SS GAHANNA, LLC  
 INST: 201509230133943  
 6.668 ACRES (PARCEL ONE)

EXHIBIT: **ESMT**

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