

## **RESUBDIVISION OF PART OF FOXWOOD SECTION 3**

**NOTE "A":** The purpose of this plat is to show certain property, rights of way, and easement boundaries as of the time of platting. At the request of zoning and planning authorities at the time of platting, this plat shows some of the limitations and requirements of the zoning code in effect on the date of filing this plat for reference only. The limitations and requirements may change from time to time and should be reviewed to determine the then current applicable use and development limitations of the zoning code as adopted by the government authority having jurisdiction. The then applicable zoning code shall have control over conflicting limitations and requirements that may be shown as on this plat. This note should not be construed as creating plat or subdivision restrictions, private use restrictions, covenants running with the land or title encumbrances of any nature, except to the extent specifically identified as such.

**NOTE** "B" : At the time of platting, all of the land hereby being platted as "Resubdivision of part of Foxwood Section 3" is in Zone X (Areas determined to be outside of the 0.2%) annual chance flood plain) as designated and delineated on the FEMA Flood Insurance Map for Franklin County, Ohio, and Incorporated Areas, map number 39049C0214K, with effective date of June 17, 2008.

NOTE "C" - ACREAGE BREAKDOWN:	
Total acreage	3.520 Ac.
Acreage in lots	1.566 Ac.
Acreage in Reserves	1.954 Ac.

NOTE "D" - ACREAGE BREAKDOWN: Resubdivision of Part of Foxwood Section 3 is comprised of the following Franklin County Parcel Numbers:

025-013414	0.379 Ac. plus 0.069 Ac.
025-013415	vacated ROW 0.283 Ac. plus 0.062 Ac. vacated ROW
025-013416	0.370 Ac. plus 0.041 Ac. vacated ROW
025-013417	0.423 Ac. plus 0.031 Ac. vacated ROW
025-013418	0.411 Ac. plus 0.036 Ac. vacated ROW
025-013419	0.343 Ac. plus 0.065 Ac. vacated ROW
025-013420	0.348 Ac. plus 0.081 Ac. vacated ROW
025-013421	0.304 Ac.
025-013422	0.274 Ac.

NOTE "E" - VACATION OF PUBLIC STREET: Buttonbush Court, dedicated to the City of Gahanna by subdivision plat entitled "Foxwood Section 3", of record in Plat Book 109, Pages 54 and 55, shown hereon by hatching, is hereby vacated.

The Right-of-way to be vacated is hereby prorated into the existing Auditor's tax parcels as follows:

025-013414	0.069 Ac.
025-013415	0.062 Ac.
025-013416	0.041 Ac.
025-013417	0.031 Ac.
025-013418	0.036 Ac.
025-013419	0.065 Ac.
025-013420	0.081 Ac.

NOTE "F"- RESERVE "D" AND RESERVE "E": Reserve "D" and Reserve "E", as designated and delineated hereon, shall be owned an maintained by the City of Gahanna.

NOTE "G"- RELEASE OF CERTAIN EASEMENT: All rights and easements granted to the City of Gahanna, Ohio, by the subdivision plat entitled "Foxwood Section 3", of record in Plat Book 109, Pages 54 and 55, in, over and under the areas indicated hereon by cross hatching are hereby released and rendered null and void.

**NOTE "H":** At the time of platting, electric, cable, and telephone service providers have not issued information required so that easement areas, in addition to those shown on this plat as deemed necessary by these providers for the installation and maintenance of all of their main line facilities, could conveniently be shown on this plat. Existing recorded easement information about Resubdivision of Part of Foxwood Section 3 or any part thereof can be acquired by a competent examination of the then current public records, including those in the Recorder's Office, Franklin County, Ohio.

**NOTE ''I''** - Access easements, as shown hereon, are granted to the City of Gahanna, Ohio for the purpose of accessing Reserve "D".

NOTE "J" - CONSERVATION EASEMENT: The restrictions hereby imposed upon the use of Easement Property of the Grantor, and the acts which said Grantor so covenants to do and refrain from doing upon said property in connection therewith, are and shall be as follows:

- Except for the fencing mandated by Ordinance ORD-0154-2002 at the rear and side property lines of lots on which the Conservation Easement is located, the City of Gahanna Zoning Regulation 1167.21, Preservation Zones, enacted as Ordinance 101-97, shall be incorporated as the baseline regulations for Easement Property in addition to the following:
- The Easement Property herein described shall be kept in perpetuity in its natural state. As herein used, the term "natural state" refers to allowing natural plant succession to take place without buildings, accessory use structures, play yards, swing sets, or other infrastructures of any kind, either temporary or otherwise. Limited to the easement area only, it is the intent that the Easement Property be protected from all uses non-consistent with the fostering and propagation of natural successional processes and to assist in the continued enrichment of the adjacent State Nature Preserve.
- There shall be no industrial, commercial, or agricultural activity on the Easement Property.
- There shall be on or in the Easement Property no filling, excavating, ditching, unnatural draining, diking, removal of any natural materials, such as topsoil, leaf litter, fallen trees, logs, limbs, gravel, rock, minerals, oil, gas or other materials, nor any change in the topography of the Easement Property in any manner, other than that caused by the forces of nature or as reserved hereafter.
- 5. The use of all herbicides, pesticides, fertilizers, deicing agents, and the use of chemicals that would cause a serious risk of harm to the protected area are prohibited and are not to be used within the Easement Property or in such a way that would cause their entry into the Easement Property, State Nature Preserve, or City park property, without the said written permission of the City of Gahanna, which includes the approved plans, by the grantor or its successors.
- 6. No power transmission lines, water, sewer, or utilities may be erected within or infringe upon easement property. It is the intent of revision to grant to the City of Gahanna such an interest in said Easement Property as is sufficient to prohibit the exercise of the power of eminent domain by public utility companies and other body or person.
- There shall be no operation of any motorized and/or wheeled vehicles, including but not limited to snowmobiles, tractors, lawnmowers, all terrain vehicles, motorcycles, bicycles, and/or maintenance equipment.
- No native trees, ground cover, or other dead or living vegetation shall be removed from the Easement Property, provided, however, if deemed to be necessary for reasons of health or safety, the City of Gahanna may grant written permission to spray or remove dead or living vegetation. Non-native trees, bushes, ground cover, grasses, gardens of any type, or invasive plants shall NOT be introduced onto Easement Property.
- The Easement Property shall at all times be kept free of garbage, trash, and machinery; and no other unsightly material shall be allowed to accumulate or be stored. The term "unsightly" does not encompass accumulation of native plant material.
- 10. The City of Gahanna reserves the right to periodically inspect the Easement Property for violations of this easement. If upon five (5) days advance written notice the Grantor has not eliminated said violations, the City of Gahanna may remove or eliminate, at the expense of the landowner, any violation by the Grantor of the easement. The Director of Parks and Recreation of the City of Gahanna, or his authorized representative(s), may enter upon said lands for the purpose of inspection.
- 11. The Grantee shall post or clearly mark and maintain the boundaries of the Conservation Easement with Carsonite posts using the colors of green, brown, or black. The intent of the City of Gahanna is to clearly define and maintain all survey pins, corners, points on line, traverse locations, easement boundaries or reference lines to insure that boundaries are easily identifiable in perpetuity. The City of Gahanna retains the right to clearly mark the Easement Property with signs. The City of Gahanna is responsible for the maintenance of these signs. No more than three signs shall be associated with any one lot.