

### **NON-EXCLUSIVE RIGHT OF WAY EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that **City Of Gahanna, a Municipal Corporation** (hereinafter known as the Undersigned) (whether one person or more) for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant unto **WideOpenWest Ohio, LLC a Delaware limited liability company**, whose address is 3675 Corporate Drive, Columbus, Ohio 43231 (hereinafter called "WideOpenWest"), and its successors, subsidiaries, a perpetual right of way easement **twenty (25) feet** wide as shown on the attached Exhibit "A" survey and on the attached Exhibit "B" legal description. The communication facilities to be located under the lands and property of the undersigned. Such easement shall be for the installation of communications equipment and appurtenances with the right to enter upon the lands and property of the Undersigned situated in the City of Gahanna, County of Franklin, State of Ohio, and more particularly described as follows:

A tract of land containing **4.37 acres**, more or less, as being situated in Section 4, Township One (1), Range Seventeen (17), United States Military Lands, County of Franklin, State of Ohio: as being recorded in the Records office of Franklin County, Ohio, in Instrument No. 200909230137903.

PID#025-000280

And to lay, construct, reconstruct, relocate, extend, operate, repair, maintain, inspect, test, protect, replace, enlarge, and upgrade all communication lines, systems, fixtures and appurtenances, on, across, under and through the easement area by WideOpenWest, from time to time be deemed necessary for or in connection with the communication lines; to make such excavations as may be reasonably necessary to carry out the foregoing acts in respect to any underground lines or systems, including the right to perform grading or filling of such facilities; to cut, trim, remove, and control the growth of by chemical means, machinery or otherwise, vegetation that may interfere with or threaten to endanger the operation and maintenance or would interfere with or encroach upon the use of its lines, systems or facilities within the easement. This easement conveys the right of ingress and egress for persons, vehicles, machinery, and equipment in and over the easement area at all times for the purposes described above.

The Undersigned reserves the right to cultivate or otherwise use said lands and property in any way that is not inconsistent with the full use of the rights granted herein. This easement shall not prohibit or impede future construction of the extension of Shull Avenue or other infrastructure projects. In the event Grantor desires to extend Shull Avenue or engage in other infrastructure projects, the parties agree to cooperate in good faith to minimize the impact upon WideOpenWest's facilities.

The Undersigned agrees that all wires, and other facilities including any equipment, installed on, across, under, or through the above described lands and property at WideOpenWest's expense, shall at all times remain the property of WideOpenWest.

The Undersigned covenants to be the true and lawful owner(s) of the above described lands and property and the Undersigned include all parties known to be seized of the same in fee simple, or any other estate therein, and that the Undersigned has the right and full power to bargain, sell and convey this easement in the manner aforesaid, and that WideOpenWest shall have quiet and peaceful possession of the same, and the Undersigned will warrant and defend the same against the claims of all persons whomsoever.

All provisions hereof shall extend to and apply to the respective heirs, administrators, successors and assigns of the parties hereto.

Executed this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

GRANTOR(S):

\_\_\_\_\_  
Signed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signed Name

\_\_\_\_\_  
Printed Name

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_ SS:

On this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ before me a notary public in and for said County and State personally came \_\_\_\_\_ the grantor(s) in the foregoing easement and right of way and acknowledged the signing thereof to be their voluntary act and deed. In testimony thereof, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.

\_\_\_\_\_  
Notary Public (Seal)

This instrument prepared by:  
WideOpenWest Ohio, LLC  
3675 Corporate Dr. Columbus, Ohio 43231

**EXHIBIT 'A'**  
**0.049 Acre Easement**



*GRANVILLE ST. (60')*

**LEGEND**

- Found Iron Pipe (As Noted)
- Set 5/8" Rebar w/loop Stamped Addition
- ⊗ Found MAG Nail
- ⊙ MAG Nail Set
- ⊞ Stone Pkt.
- (M) Measured Distance
- (D) Deeded Distance

RINGS BROTHERS LLC  
0.341 Ac.  
Instr. 201205140068782  
PARCEL No. 025-011246

COMMUNITY IMPROVEMENT  
CORP. OF GAHANNA  
0.51 Ac.  
INSTR. #200811050162559  
PARCEL No. 025-000278

EX. BLDG.

191 GRANVILLE STREET LLC  
0.81 Ac.  
INSTR. #200801280012992  
PARCEL No. 025-000281

**TRUE P.O.B.**  
FOUND 3/4" Pipe

S86°45'49"E  
25.00'

PAMELA I. JOHNSON  
0.28 Ac.  
Instr. 199907070172615  
PARCEL No. 205-000316

COMMUNITY IMPROVEMENT  
CORP. OF GAHANNA  
0.359 Ac.  
INSTR. #200811050162559  
PARCEL No. 025-001827

**0.049 Acres**

N03°03'41"E  
85.00'  
S03°03'33"W  
85.00'

N86°45'49"W  
25.00'

VILLAGE OF GAHANNA  
4.37 Ac.  
INSTR. #200909230137903  
PARCEL No. 025-000281



I HEREBY CERTIFY THAT THE ATTACHED PLAT WAS PREPARED  
FROM INFORMATION OBTAINED FROM AN ACTUAL FIELD SURVEY  
OF THE PREMISES AND THAT SAID PLAT IS CORRECT TO THE  
BEST OF MY KNOWLEDGE

REGISTERED SURVEYOR NO. 5-7675  
STEVEN B. WALTON  
OCTOBER 27, 2016

*Steven B. Walton*

ALL MARKS SET ARE 5/8" X 30"  
W/YELLOW CAP STAMPED  
ACKISON SURVEYING

REFERENCES:  
DEEDS AS NOTED  
COUNTY MAPS  
PREVIOUS SURVEYS

DWG: KK  
Check By: SBW  
Job No. 2742

**ACKISON**  
SURVEYING

Office: 614-765-1000  
Cell: 614-207-8214  
www.ackisonsurveying.com

**EXHIBIT 'B'**  
**0.117 Acre Easement**

Situated in the State of Ohio, County of Franklin, the Village of Gahanna being part of a 0.51 acre tract (Parcel Number 025-000278) and part of a 0.359 acre tract (parcel Number 025-001827) as being conveyed to Community Improvement Corporation of Gahanna in Instrument 200811050162559, hereon referred to as Grantor, records stated herein are from the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at a Found Iron Pin in the South line of Granville Street at the Northeast corner of subject 0.51 acre tract and the Northwest corner of a 0.81 acre tract as conveyed to 191 Granville Street, LLC in Instrument No.200801280012992;

Thence with the West line of said 0.81 acre 191 Granville, LLC tract, a Westerly line of a 4.37 acre tract as conveyed to the Village of Gahanna and the East line of the subject 0.51 acre tract and the East line of subject 0.359 acre tract South 03°03'33" West a distance of 274.50 feet to a point at the Southeast corner of subject 0.359 acre tract;

Thence with the South line of subject 0.359 acre tract being a common line to said 4.37 acre Village of Gahanna tract North 86°45'49" West a distance of 112.56 feet to a point;

Thence with line through subject 0.359 acre tract, with the West line of subject 0.51 acre tract and the East line of a 0.341 acre tract as conveyed to Rings Brothers, LLC in Instrument 201205140066782 North 03°02'41" East a distance of 274.73 feet to a Found Nail in the South line of Granville Street at the Northeast corner of said 0.341 acre Rings tract and the Northwest corner of the subject 0.51 acre tract;

Thence with the South line of Granville Street and the North line of subject 0.51 acre tract South 86°38'49" East a distance of 10.00 feet to a point;

Thence leaving the South line of Granville Street and through the subject 0.51 acre tract and the subject 0.359 acre tract South 03°02'41" West a distance of 264.71 feet to a point;

Thence with another line through subject 0.359 acre tract South 86°45'49" East a distance of 97.56 feet to a point;

Thence again with a line through subject 0.359 acre tract and through subject 0.51 acre tract North 03°03'33" East a distance of 264.51 feet to a point in the South line of Granville Street and in the North line of a subject 0.51 acre tract;


Thence with the South line of Granville Street and the North line of subject 0.51 acre tract South 86°38'49" East a distance of 5.00 feet to the TRUE POINT OF BEGINNING and containing 0.117 Acres.

Subject to all easements, rights-of-way or restrictions of record.

This description was prepared by Ackison Surveying, LLC. (614-766-4000) under the direct supervision of Steven B. Walton Registered Surveyor No. S-7675 and a Plat of survey is attached hereto and made a part hereof.

Basis of Bearing is the South line of Granville Street as South 86°38'49" East as determined through G.P.S. observation utilizing the O.D.O.T. VRS Network (NSRS2007) and should be used to denote angles only.

Deed References and Documents as Recorded in the Franklin County, Ohio Recorder's Office.

  
Steven B. Walton P.S.  
Registered Surveyor No. S-7675



October 27, 2016  
Job No.2742