

**SANITARY EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, \_\_\_\_\_, the Grantor(s) for good and valuable considerations to (him/her/them) by the Board of County Commissioners of Delaware County, Ohio, Grantee, whose address is 101 North Sandusky Street, Delaware, Ohio, the receipt whereof is hereby acknowledged, do (does) hereby grant, bargain, sell, convey and release to said Grantee, its successors and assigns, forever, a perpetual, exclusive sanitary easement over, through, under, within, upon, and across the area described on the attached Exhibit A, together with ingress and egress over reasonable routes across Grantor's tracts that adjoin the easement area when exercising the purposes of this easement, solely for construction, operation and maintenance of public and or private sanitary sewers, sanitary sewer service connections, sanitary force mains, sanitary manholes, sanitary valves, and other sanitary appurtenances.

No other utility shall be located within the sanitary easement except for crossings as described herein; right angle or near right angle utility crossings ("near right angle" is defined as an angle between eighty (80) degrees and one-hundred (100) degrees) over, across, or under the sanitary line and over, across, under, or through this sanitary easement are not restricted, except that all utility crossings under the sanitary sewer or force main shall be subject to the review and approval of the Delaware County Sanitary Engineer; any utility crossing within the sanitary easement resulting in an angle less than 80 degrees shall only be permitted if approved in writing by the Delaware County Sanitary Engineer; no buildings, sheds, decks, pools, or other such structures, or the footers or foundations of any structures or features shall be constructed above or below ground within the limits of the sanitary easement unless said structure is approved in writing by the Delaware County Sanitary Engineer; any landscaping features, such as, but not limited to, trees, fences, signs, retaining walls, etc., within the sanitary easement area shall be reviewed for approval by the Delaware County Sanitary Engineer prior to installation; any landscaping features placed within the sanitary easement may be removed at any time by the Delaware County Sanitary Engineer or his/her representatives; the cost of restoration shall be the responsibility of the Grantor, or, upon

conveyance by the Grantor, by the Grantor's successors and assigns; the addition or removal of any dirt, soil, fill, or other changes to the ground elevation above the sanitary sewer or force main within the sanitary easement shall be subject to approval of the Delaware County Sanitary Engineer; the Delaware County Sanitary Engineer reserves the right to require that all earthwork within the sanitary easement be graded to such a level that will, in his or her opinion, not jeopardize the structural integrity of or limit the County's reasonable access to the sanitary sewer or force main.

TO HAVE AND TO HOLD said easements and right-of-way unto the Grantee, its successors and assigns forever.

And the said Grantor(s) for (himself/herself/themselves) and (his/her/their) successors and assigns, hereby covenant(s) with said Grantee, its successors and assigns, that (he/she/they) (is/are) true and lawful owner(s) of said premises as recorded in \_\_\_\_\_ (Deed Book \_\_\_\_\_, Page \_\_\_\_\_ or Plat \_\_\_\_\_) and (is/are) lawfully seized of the same in fee simple, and (has/have) good right and full power to grant, bargain, sell, convey and release the same in the manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever and that (he/she/they) will warrant and defend the same against all claims of all persons whomsoever. Such easements are granted in perpetuity.

The Grantor(s) (has/have) executed this instrument on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_ (owner[s])

STATE OF OHIO  
COUNTY OF DELAWARE ss:

Before me, a Notary Public, in and for said County and State, personally appeared the above named \_\_\_\_\_ who acknowledged that (he/she/they) did sign the foregoing instrument and that the same is (his/her/their) free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

This instrument prepared by:

\_\_\_\_\_ (Name)

\_\_\_\_\_ (Company)

\_\_\_\_\_ (Address)

DRAFT

**Sanitary Easement  
Description ~ 0.028 Acre  
North of Seldom Seen Road**

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Situated in the State of Ohio, County of Delaware, City of Powell, Farm Lot 38, Section 4, Township 3, Range 19, United States Military Lands, and being 0.028 acre of land, said 0.028 acre of land being part of Lot 3155 of Golf Village Retail Section 1 of record in Plat Cabinet 3, Page 428, said Lot 3155 being conveyed to the City of Powell, Ohio of record in Official Record 966, Page 2382, and said 0.028 acre being more particularly described as follows:

***Beginning, for Reference,*** at the northeasterly corner of said Lot 3155, said corner also being the southeasterly corner of a 1.41 acre tract conveyed to CSX Transportation known as Parcel Number 31931109057000 and in the easterly right-of-way line of CSX Transportation Railroad Right-of-Way as shown on said Golf Village Retail Section 1 plat;

Thence with the northerly line of said Lot 3155 and the southerly line of said 1.41 acre tract, **N 86° 41' 34" W, 98.54 feet** to a point;

Thence across said Lot 3155, **S 03° 18' 26" W, 18.83 feet** to the ***True Point of Beginning,***

Thence across said Lot 3155 the following four (4) courses and distances:

**S 86° 41' 34" E, 20.00 feet** to a point;

**S 03° 18' 26" W, 61.17 feet** to a point;

**N 86° 41' 34" W, 20.00 feet** to a point;

**N 03° 18' 26" E, 61.17 feet** to the ***True Point of Beginning,***

Containing **0.028 acre**, more or less, and subject to all legal easements, rights-of-way and restrictions.

The above description was prepared by Advanced Civil Design, Inc. on January 21, 2018z  
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and is based on existing Delaware County Auditor's and Recorder's records and actual field survey work completed in October 2016.

Bearings are based on the Ohio State Plane Coordinate System North Zone, NAD83 (NSRS 2007) as derived from GPS observation.

All references used in this description can be found at the Recorder's Office, Delaware County, Ohio.



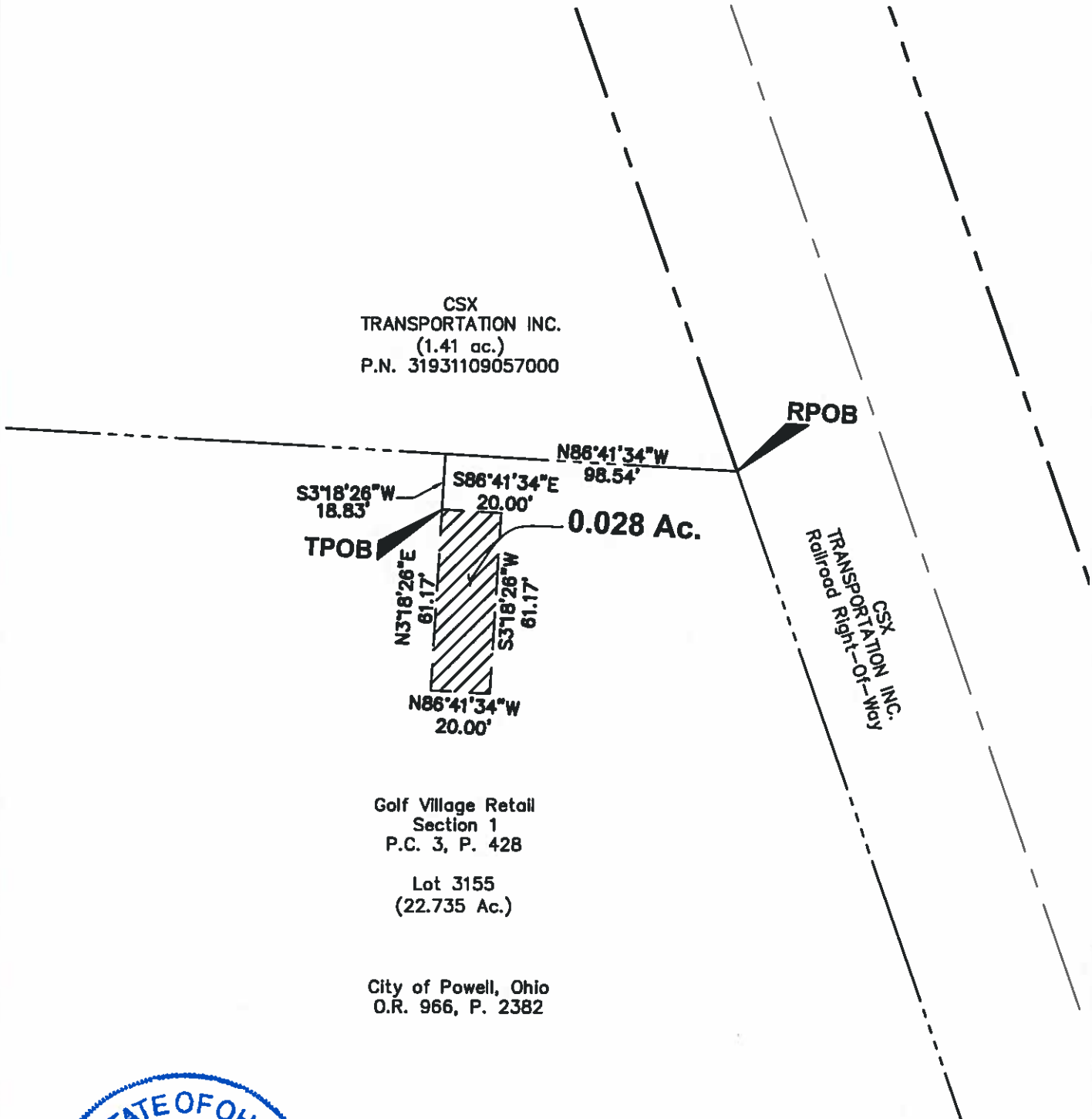
**ADVANCED CIVIL DESIGN, INC.**

*Douglas R. Hock* 1/21/18  
Douglas R. Hock, P.S. 7661

**Sanitary Easement ~ 0.028 Acre**

City of Powell, Delaware County, Ohio  
 Farm Lot 38, Section 4, Township 3, Range 19  
 United States Military Lands

CSX  
 TRANSPORTATION INC.  
 (1.41 ac.)  
 P.N. 31931109057000



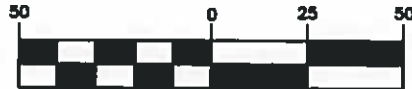
Golf Village Retail  
 Section 1  
 P.C. 3, P. 428

Lot 3155  
 (22.735 Ac.)

City of Powell, Ohio  
 O.R. 966, P. 2382



**GRAPHIC SCALE**



( IN FEET )  
 1 inch = 50 ft.

This Survey is based on existing records from the Delaware County Recorder's and Auditor's Office as well as a field survey completed by Advanced Civil Design in October of 2016.

Bearings are based on the Ohio State Plane Coordinate System North Zone, NAD83 (NSRS 2007) as derived from GPS observation.

*[Signature]*  
 Douglas R. Hock, P.S. 7661  
 Date: 1/21/18

DRAWN BY: DRH	JOB NO.: 16-0038-76
DATE: 01/19/2018	CHECKED BY: BCK

**ADVANCED  
 CIVIL DESIGN**  
 ENGINEERS SURVEYORS

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