



9529915(R11-92)ISE

Right Of Way and Easement

BRITTON ROAD ASSOCIATES

Carrington Place Section 3

(Hereinafter called "Grantor(s)") in consideration of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and other good and valuable consideration received from Columbus Southern Power Company (hereinafter sometimes call "Grantee") does hereby grant and convey unto the said Columbus Southern Power Company, its successors, assigns, lessees and licensees, so long as the same may be used, a right of way and easement for lines for the transmission and/or distribution of electric energy for any and all purposes for which electric energy is now, or may hereafter be used, together with the right to construct, either underground or overhead, all towers, poles, structures, and appurtenant wires, cables, conduits, manholes, anchors, grounding systems, counterpoises, communication circuits, equipment and all other apparatus and fixtures necessary, convenient or incidental to the use of said right of way and easement now and in the future and add to the number of wires, conduits, cables, anchors or incidental equipment; and the right to construct, reconstruct, erect, operate, repair, maintain, use, relocate, enlarge, extend, remove and replace said facilities, and for the attachment and carrying of the wires and cables of other companies using electric energy in the conduct of their business, upon, over, under and through the following property situated in R..... T..... Sec..... Fr..... Survey VMS 3022 in the City of Hilliard County of Franklin and State of Ohio, and known as 67.656 acres, more or less, or lots as the same is more particularly described in the deed dated 16 May 1989 and recorded in ORV 13432411 from Russell H. Keavy, Exec. 201051 to Britton Road Associates, an Ohio general partnership Recorder's Office, Franklin County, Ohio. Part of the above described acreage is now a proposed subdivision to be known as Carrington Place Sector 3, a subdivision of lots 127 thru 162.

CONVEYANCE TAX
EXEMPT
P SK
JOSEPH W. TESTA
FRANKLIN COUNTY AUDITOR

SEE ATTACHED ADDENDUM AND RELATED DRAWING

TRANSFERRED
Met Message
OCT 22 1993
JOSEPH W. TESTA
AUDITOR
FRANKLIN COUNTY, OHIO

In the case of underground services, the Grantee is hereby granted the right and easement to install the necessary service facilities, which shall remain the property of the Grantee, from its distribution feeder lines, in such location or locations as may be necessary to serve with electric energy the building or buildings, existing or to be constructed on the subject property or lots.

If at any time the Grantee is required by the State Highway Department or any other governmental authority having control over highways to relocate said transmission and/or distribution line or any towers, poles, structures or above-mentioned appurtenances, then the Grantee may and is hereby granted the right to relocate said transmission and/or distribution line right of way and easement or any towers, poles, structures, or above-mentioned appurtenances along the existing highway or any highway established hereafter.

Said Grantee, its successors and assigns, by its employees and agents, shall have the right of ingress to and egress from said right of way and easement over property belonging to the Grantor(s) its heirs, successors or assigns.

Said right of way and easement includes the right to cut, trim, remove, and completely clear or otherwise control such trees, shrubbery, undergrowth or overhanging branches or other obstructions both within and without the limits of the right of way and easement as, in the opinion of such Grantee, may now or at any time hereafter interfere with the construction, use, maintenance or successful operation of said facilities and/or the transmission and/or distribution of electric energy thereby.

The Grantee hereby agrees to pay for damages to the stock, growing crops, fences, gates, drains, ditches, or structures of the Grantor(s) or the disturbance of seeded lawns done by the Grantee or its employees while engaged in the construction or maintenance of said electric energy line.

The Grantor(s) shall have the right to use said right of way and easement for purposes not inconsistent with Grantee's full enjoyment of the rights hereby granted; however, Grantor, for Grantor and Grantor's heirs, successors, and assigns, agrees that they will not cause or permit any structure or building to be built or placed within the easement area; change the level of the ground by excavation or mounding without the written consent of the Grantee; drill or operate a well; maintain any pile or debris within the right of way or easement herein granted; interfere in any way with the lateral support of the towers, poles, or other structures placed by Grantee on said right of way or easement, nor permit any excavation deeper than eighteen (18) inches within said easement area except for utilities, but such utilities shall not interfere with the Grantee's right to locate, construct, operate, and maintain its facilities as herein granted.

Grantor has full power to convey this right of way and easement, and warrants and will defend the same against all claims by any persons.

Witness his hand this 13th day of October 19 93

Signed and acknowledged in the presence of:
 Eugene R. Perry
 Eugene R. Perry

BRITTON ROAD ASSOCIATES,
 an Ohio general partnership
 by: C.V. Perry & Co.
 General Partner
 Title: President
 Caryl V. Perry Sr.

State Of _____ County, SS:

Before, a Notary Public in and for said county and state, personally appeared the above named

who acknowledged that _____ did sign the foregoing instrument and that the same is _____ free act and deed.

In Witness Whereof, I have hereunto subscribed my name and affixed my official seal this _____ day of _____, 19 _____

Notary Public

Commission Expires _____ day of _____, 19 _____

State Of Ohio _____ County, SS:

Before me a Notary Public in and for said county and state, personally appeared the above named

who acknowledged that _____ did sign the foregoing instrument and that the same is _____ free act and deed.

In Witness Whereof, I have hereunto subscribed my name and affixed my official seal this _____ day of _____, 19 _____

Notary Public

Commission Expires _____ day of _____, 19 _____

(The above form of acknowledgement is to be used if the Grantors are individuals.)

24359J03

Serial No. _____	TO		
Recorder's File No. _____	Columbus Southern Power Company	Right of Way and Easement	
			Auditor
			Recorder

State of Ohio _____ County, SS:

Personally came before me this 13th day of _____ October, 19 93, the above named Carlyle V. Perry, and _____ President of C. V. P. to me known to be the Partner of Britton Road and Associates, an Ohio general partnership, respectively of the above named corporation, and by me duly sworn, did severally depose and say that they executed the foregoing instrument for and on behalf of said corporation as such officers, being duly authorized to do so, and further did severally depose and say that they are such officers of said corporation and that the seal affixed to said instrument is the seal of said corporation.

Notary Public

Commission Expires _____ day of _____, 19 _____

(This acknowledgement is to be executed if the Grantor is a corporation.)

EUGENE R. PERRY
NOTARY PUBLIC - STATE OF OHIO
MY COMMISSION EXPIRES AUG. 2, 1994

EASEMENT ADDENDUM

Subdivisions

Said lines shall be constructed within the limits of certain strips of land, as shown and delineated by shaded areas upon the attached drawings and made a part hereof for the purpose of placing electric lines, both primary and secondary voltages, ~~underground~~ underground, to serve buildings and structures on the indicated property and to extend these electric lines to serve other properties as the need shall arise, together with the right to ~~be buried~~ be buried beneath the surface of the ground on any and all lots of said subdivision with service wires and/or cable, conduit, or conductor for the benefit of any other lots of said subdivision. ~~on~~

24359J04

~~the owner of the land to be used for the purpose of placing electric lines, both primary and secondary voltages, underground, to serve buildings and structures on the indicated property and to extend these electric lines to serve other properties as the need shall arise, together with the right to be buried beneath the surface of the ground on any and all lots of said subdivision with service wires and/or cable, conduit, or conductor for the benefit of any other lots of said subdivision.~~

The granting of this easement does not preclude the use of this easement area by water, sewer, gas, telephone, or television cable facilities.

With the granting of this easement, the owner and/or developer hereby consents to the Company installing underground lines, ducts, conduit and/or overhead lines within the limits of proposed streets and roadways as they are presently designed.

TIME 2 30 P.M. M
RECORDED FRANKLIN CO., OHIO

OCT 22 1993

RICHARD B. METCALF RECORDER
RECORDER'S FEE \$ 22.00

