9580-815(R1-89)SE

Right Of Way And Easement

15370I20

AEP COLUMBUS SOUTHERN POWER

DAVIDSON PHILLIPS, INC. 14

066019

Worthington Highlands Sec. 4

(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 called "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 and add to the number of wires, conduits, cables, anchors or other 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 .....
in the City of Columbus, County of Franklin, and State of Ohio, and known as 67.797 acres, more or less, or lots ..... as the same is more particularly described in the deed dated 4 November 1985 and recorded in ORV 6512J14
from Ralph D. Wilcox
to Davidson Phillips, Inc.
Recorder's office, Franklin County, Ohio. (Also Reference ORV 6328I02)
Part of the above described acreage is now a proposed subdivision to be known as Worthington Highlands Section 4, a subdivision of lots 212 thru 289, both inclusive.

CONVEYANCE TAX
EXEMPT
PALMER C. McNEAL
FRANKLIN COUNTY AUDITOR

SEE ATTACHED ADDENDUM AND RELATED DRAWING

TRANSFERRED
NOT NECESSARY
JUN 19 1990
PALMER C. McNEAL
AUDITOR
FRANKLIN COUNTY, OHIO

~~This easement shall be XXXXXXXXXXXX feet in width, the construction being the underground cable and not poles as installed.~~

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 or any towers, poles, structures or above-mention 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 and remove 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 interefere 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 1st day of May, 19 90.

Signed and acknowledged in the presence of:

Rosalinde Childers

T. Teresa A. Brunsmann

DAVIDSON PHILLIPS, INC.
by: [signature]
title: Pres.

7-374023 This instrument was prepared by **Columbus Southern Power Company** 0-169-78555

C.W.O. TAB

Drawing No.

State Of.....15370J01.....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..... .

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

Serial No 65841

Recorder's File No .....

ENVELOPE FURNISHED MAIL

TO

Columbus Southern Power Company

Right of Way and Easement

Auditor

Recorder

TIME 8:00A M

RECORDED FRANKLIN CO. OHIO

JAN 20 1990

JOSEPH W. TESTA, RECORDER

RECORDER'S FEE $ 400

State Of Ohio....Ohio.....
.....Franklin.....County, SS:

Personally came before me, this...24th.....day of....Jan.....19.90....., the above named Charles Pierna..... ~~and~~..... to me known to be the President..... ~~and~~....., 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.

Theresa A. Bauermeister
..... Notary Public

THERESA A. BAUERMEISTER
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES DECEMBER 17, 1992

Commission expires .....day of ....., 19..... .

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

EASEMENT ADDENDUM

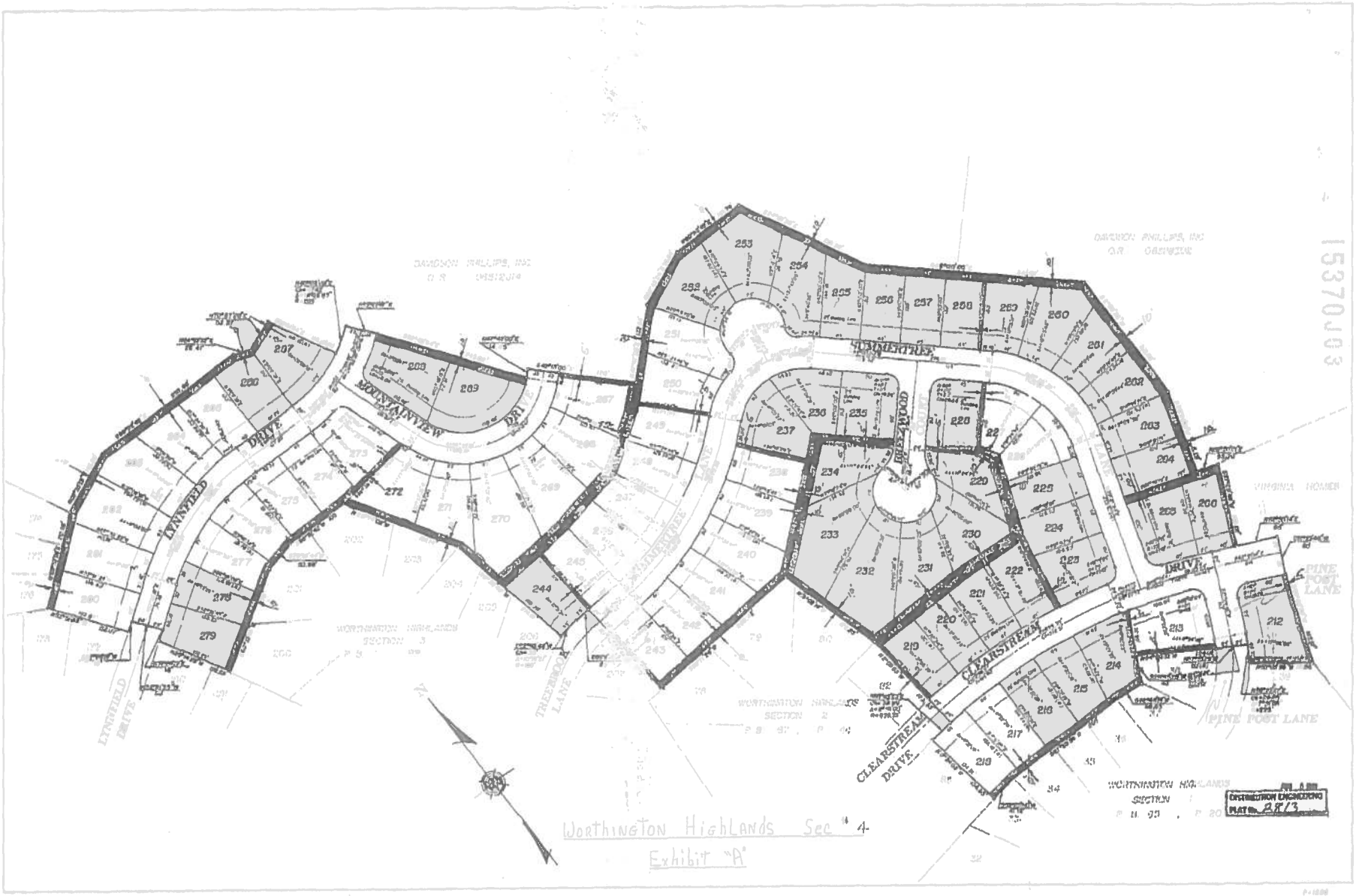
Subdivisions

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, overhead and/or 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 overhang above and/or 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. In the case of overhead construction and in those situations where the distance from the rear lot line of the lots to the buildings is greater than 100 feet, the right is hereby granted to set poles along or near side lot lines and to overhang lots with wires in order to reduce the length of service to 100 feet or less.

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.

This document prepared by Columbus Southern Power Company.



Worthington Highlands Sec # 4

Exhibit "A"

15370J03