

## Manos, Martin, Pergram &amp; Dietz Co., LPA

*Attorneys at Law*

50 North Sandusky Street  
Delaware, Ohio 43015-1926  
Fax 740-362-3288

March 24, 2006

David M. Betz, AICP  
Director of Development  
City of Powell  
47 Hall Street  
Powell, OH 43065-8357

Dear Mr. Betz:

RE: West Case Avenue Improvements  
Patsy A. Saylor Property

This letter is forthcoming to memorialize the agreement regarding the road right-of-way of approximately ten (10) feet as more fully described in Exhibit A attached hereto to be transferred from Patsy A. Saylor to the City of Powell, Ohio.

As consideration for Ms. Saylor transferring said property to the City of Powell, Ohio, she will be paid the sum of Five Thousand Dollars (\$5,000) by either the City of Powell or another entity on behalf of the City of Powell. Said consideration is due and payable upon the delivery to the City of Powell of an executed, recordable General Warranty Deed or other instrument of conveyance in form and substance acceptable to the Solicitor for the City of Powell.

It is further agreed that as additional consideration for Ms. Saylor's conveyance of this property to the City of Powell that, for all purposes of the Zoning Code, including, but not limited to, setbacks and coverage, Ms. Saylor's remaining property shall be deemed to include the area to be conveyed to the City of Powell for the improvement of West Case Avenue.

It is acknowledged that Ms. Saylor has reviewed and does not object to the landscape plan for The Traditions of Powell development as it will abut West Case Avenue.

Please contact me immediately if your understanding of the agreement reached differs in any way from the statements set forth in this letter.

Sincerely,



Stephen D. Martin

tjh/Attachment  
(T11490-100)

Stephen D. Martin  
740-363-1313, ext. 204  
e-mail: smartin@mmpdlaw.com

EXHIBIT A

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Manos, Martin, Pergram & Dietz Co., LPA

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David M. Betz, AICP

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March 24, 2006

Agreed to and Approved:

City of Powell, Ohio

By \_\_\_\_\_

\_\_\_\_\_

Patsy A. Saylor

its \_\_\_\_\_

G:\Data\Clients\Individuals\S\Saylor, Patsy\Powell Letter Agreement.doc

DESCRIPTION OF A 0.030 ACRE AREA OF LAND LOCATED  
NORTH OF WEST CASE AVENUE AND  
WEST OF LINCOLN STREET,  
IN THE CITY OF POWELL,  
COUNTY OF DELAWARE,  
STATE OF OHIO

SAYLOR

(PART OF WEST CASE AVENUE DEDICATION)

Situated in the State of Ohio, County of Delaware, City of Powell being in Farm Lot 32 of Quarter Township 4, Township 3, Range 19, United States Military Lands and being a 0.030 acre area of land, more or less, said 0.030 acre being out the residue of that one acre tract of land designated as TRACT TWO and described in the deed to Patsy A. Saylor of record in Deed Book 499, Page 394, Recorder's Office, Delaware County, Ohio, said 0.030 acre area of land being more particularly described as follows:

Beginning, for reference, at the point of intersection of the southerly line of said Farm Lot 32 and the westerly right-of-way of the C&O Railroad; thence N87°11'24"W, with the southerly line of said Lot 32, crossing the centerline of Lincoln Street at a distance of 85.86 feet, a total distance of 386.35 feet to a point; thence N04°15'13"W, a distance of 25.19 feet to a 3/4-inch (I.D.) iron pipe set at the true point of beginning at the northeasterly corner of that 0.015 acre tract of land described in the deed to Village of Powell of record in Deed Book 306, Page 423 and at the northwesterly corner of that 0.021 acre tract of land described in the deed to the Village of Powell, of record in Deed Book 306, Page 419, all being of record in Recorder's Office, Delaware County, Ohio;

Thence, from said true point of beginning, N87°11'24"W, with the northerly line of said 0.015 acre tract, crossing said TRACT TWO and parallel with and 25.00 feet northerly from, as measured at right angles, the southerly line of said Lot 32, a distance of 130.78 feet to a 3/4-inch (I.D.) iron pipe found in the westerly line of said TRACT TWO at the northwesterly corner of said 0.015 acre tract, the same being in the easterly line of the residue of that 0.498 acre residue tract described in Exhibit "A" in the deed to Gary Baker and Gina A. Baker, of record in Official Record Volume 090, Page 032 and at the northeasterly corner of that 0.007 acre tract of land described in the deed to the Village of Powell, of record in Deed Book 306, Page 421, both being of record in the Recorder's Office, Delaware County, Ohio;

Thence N04°13'08"W, with the westerly line of said TRACT TWO and with the easterly line of said 0.498 acre residue tract, a distance of 10.08 feet to a 3/4-inch (I.D.) iron pipe set;

DESCRIPTION OF A 0.030 ACRE AREA OF LAND LOCATED NORTH OF WEST CASE AVENUE AND WEST OF LINCOLN STREET (Cont'd)

Thence S87° 11'24"E, crossing said TRACT TWO and parallel with and 35.00 feet northerly from, as measured at right angles, the southerly line of said Lot 32, a distance of 130.77 feet to a 3/4-inch (I.D.) iron pipe set in the easterly line of said one acre residue tract, the same being in a westerly line of that 38.788 acre tract of land described in Exhibit "A" in the deed to the Board of Education of the Olentangy Local School District, of record in Deed Book 625, Page 715, Recorder's Office, Delaware County, Ohio;

Thence S04° 15'13"E, with the easterly line of said one acre residue tract and with the westerly line of said 38.788 acre tract, a distance of 10.08 feet to the true point of beginning and being a 0.030 acre area of land, more or less.

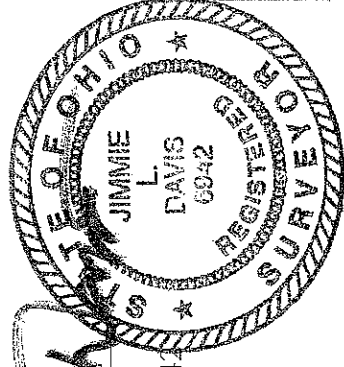
Subject to all rights-of-way easements and restrictions, if any, of previous record. Also subject to all legal highways.

We hereby state that the foregoing description was prepared from information obtained from actual field surveys conducted by Bauer, Davidson & Merchant, Inc. in July of 2004 and in February of 2005.

The bearings given in the foregoing description are based on the bearing of S87° 18'05"E, as given for the centerline of West Olentangy Street (State Route 750) as established by Delaware County GPS Points 97-017, 97-038 and 97-055.

BAUER, DAVIDSON & MERCHANT, INC.  
Consulting Engineers

By   
Jimmie L. Davis  
Professional Surveyor No. 6942

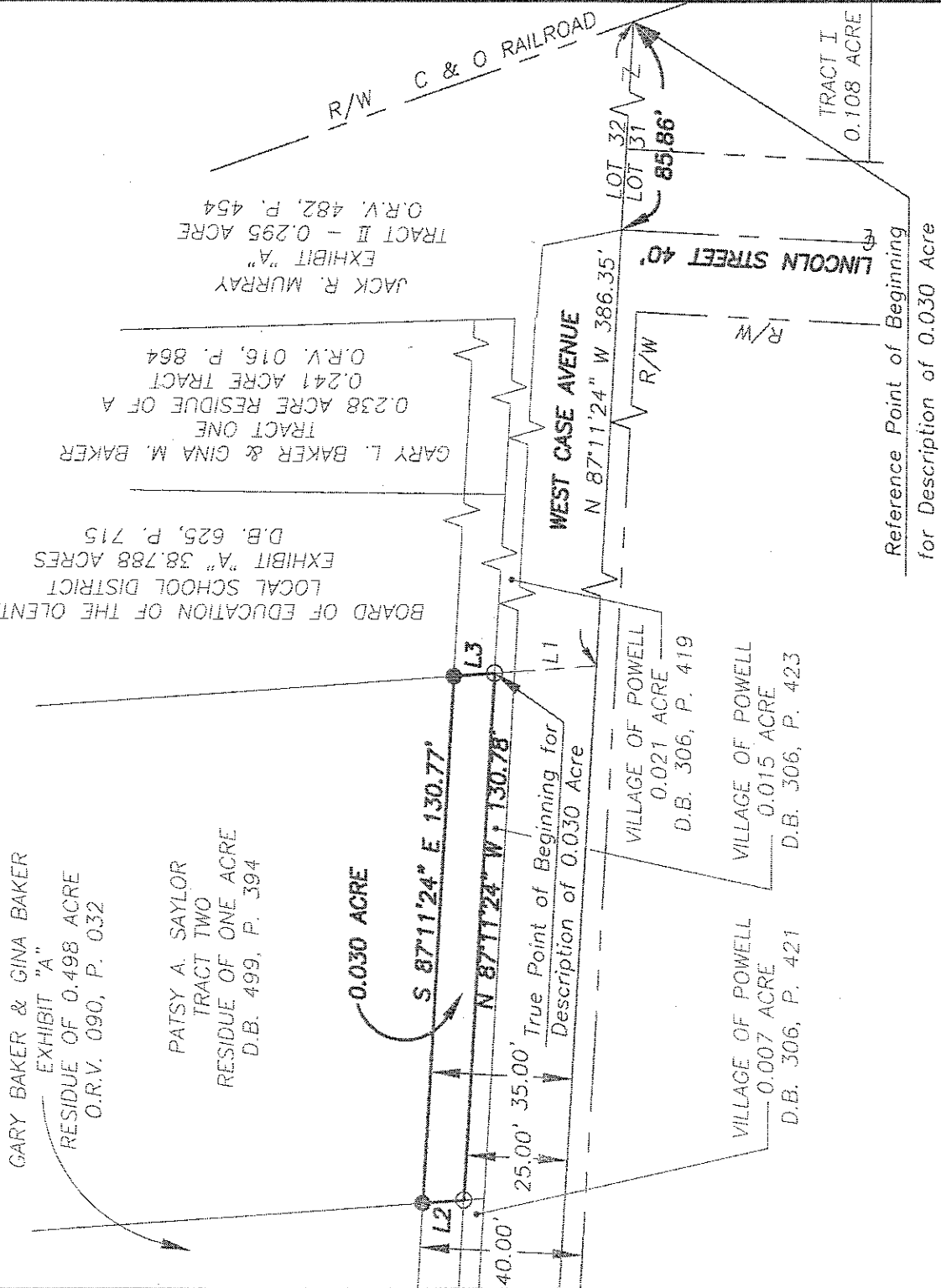


# BAUER, DAVIDSON & MERCHANT, INC.

CONSULTING ENGINEERS  
 255 GREEN MEADOWS DRIVE SOUTH WESTERVILLE, OHIO 43081  
 PHONE: 614-846-3393 FAX: 614-846-4575

**BOUNDARY SURVEY MAP OF A 0.030 ACRE AREA OF LAND  
 LOCATED NORTH OF WEST CASE AVENUE AND WEST OF  
 LINCOLN STREET, IN THE CITY OF POWELL, COUNTY OF  
 DELAWARE, STATE OF OHIO**

## SAYLOR (PART OF WEST CASE AVENUE DEDICATION)



LINE	LENGTH	BEARING
L1	25.19	N04°15'13"W
L2	10.08	N04°13'08"W
L3	10.08	S04°15'13"E

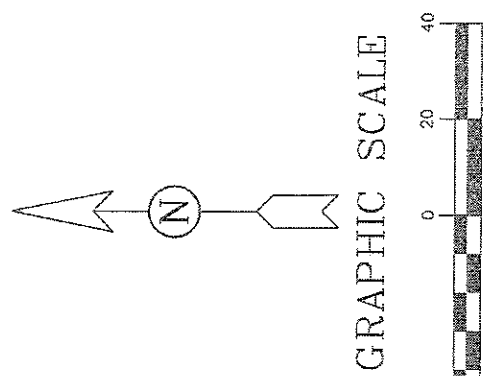
Situated in the State of Ohio, County of Delaware, City of Powell, being in Farm Lot 32 of Quarter Township 4, Township 3, Range 19, United States Military Lands and being 0.030 acre area of land, more or less, said 0.030 acre being out of that residue of one acre designated as TRACT TWO and described in the deed to Patsy A. Saylor of record in Deed Book 499, Page 394, Recorder's Office, Delaware County, Ohio.

We hereby state that this map was prepared from information obtained from actual field surveys conducted by Bauer, Davidson & Merchant, Inc. in July of 2004 and February of 2005.

The bearings shown on this map are based on the bearing of S87°18'05"E, as given for the centerline of West Olentangy Street (State Route 750) as established by Delaware County GPS Points 97-017, 97-038 and 97-055.

SCALE: 1"=40'  
 FEBRUARY 10, 2005  
 ORDER NO. 274-04

DWG 04\27404\274westcasedec3.dwg



**BAUER, DAVIDSON & MERCHANT, INC.**  
 CONSULTING ENGINEERS  
 BY: Jimmie L. Davis  
 Professional Surveyor No. 16942 ID #07