



State of Ohio Environmental Protection Agency

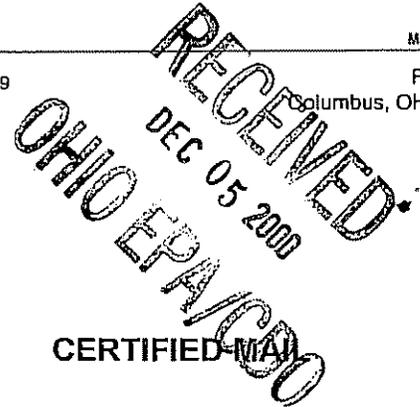
STREET ADDRESS:

1800 WaterMark Drive
Columbus, OH 43215-1099

TELE: (614) 644-3020 FAX: (614) 644-2329

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049



December 4, 2000

Dr. Robert Lautzenheiser
City of Columbus
Department of Health
181 Washington Boulevard
Columbus, Ohio 43215

RE: Issuance of a Covenant Not To Sue for the Former Central High School Property, 97NFA008.

Dear Mr. Lautzenheiser:

I am happy to inform you that on December 4, 2000, the Director of the Ohio Environmental Protection Agency ("Director") issued a Covenant Not To Sue ("Covenant") to the City of Columbus, Department of Parks and Recreation, for the Former Central High School property located at 75 Washington Boulevard, Columbus, Ohio. The Covenant was issued as Director's Final Findings and Orders ("Orders") in response to your request for a Covenant in the no further action letter dated June 11, 1997 ("NFA Letter") and pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") Chapter 3745-300. You will find the certified copy of the Covenant enclosed.

Upon the effective date of these Orders, and subject to the conditions outlined in the Covenant, Ohio EPA covenants not to sue and releases the City of Columbus and its agents, employees, officers, directors, successors and assigns, and successors and assigns of the property, from all civil liability to the State of Ohio to perform additional investigational and remedial activities at the property for the releases of hazardous substances or petroleum identified in the Phase I and Phase II Property Assessments completed in accordance with ORC Chapter 3746 and OAC Chapter 3745-300.

The issuance of the Covenant is a final action of the Director and will be public noticed in accordance with OAC 3745-47-07. The action may be appealed to the Environmental Review Appeals Commission ("Commission"). The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice or issuance of the action. (See ORC 3745.04 and 3745.07.) A copy of the appeal must be served on the Director within three (3) days after the appeal is filed with the Commission. The appeal may be filed with the Commission at 236 East Town Street, Room 300, Columbus, Ohio 43215.

Many parties within the Agency, Hull & Associates, and the City of Columbus worked hard to remove the environmental barriers associated with redeveloping this property. The former Central High School property voluntary action is a fine example of how hard work and dedication can result in an underutilized urban area being transformed into a property that houses one of the finest science and industry museums in the country. This voluntary action is truly a brownfields success story.

Congratulations on the issuance of the Covenant. If you have any questions or concerns, please feel free to contact me at (614) 644-2285.

Sincerely,



Amy Yersavich, Acting Manager
Division of Emergency and Remedial Response
Voluntary Action Program

Enclosures

cc: Eric Cherry, CP, Hull & Associates, Inc.
Joe Jellick, DDAGW-CDO
Larry Sirinek, DERR
Luann Hoover, Legal Representative, VAP
CO DERR-VAP Files

TO BE RECORDED IN DEED RECORDS,
PURSUANT TO R.C. 317.08(A)

AFFIDAVIT

STATE OF OHIO)
)
COUNTY OF FRANKLIN) ss:

Before me, the subscriber, a Notary Public in and for the State of Ohio, personally appeared Zona L. Clements or Tonya R. Jackson, who, being duly sworn according to law, deposes and says that: (i) she is employed as a records management officer in the Legal Office of the Ohio Environmental Protection Agency ("Ohio EPA") and, as such, is authorized to sign this Affidavit on behalf of Ohio EPA; and (ii) the attached document is a true and correct copy of the Covenant Not to Sue/Director's Final Findings and Orders issued by the Director and entered in the Ohio EPA Director's Journal on December 4, 2000 regarding the property known as the Former Central High School Property, located at 75 Washington Boulevard in Columbus, Franklin County, Ohio, and further described in Exhibit 1 of the attached Covenant Not to Sue.

Tonya R. Jackson
Zona L. Clements or Tonya R. Jackson
Records Management Officer
Ohio EPA Legal Office

Sworn to and subscribed before me, a Notary Public in and for the State of Ohio, this 4th day of December, 2000.



SUSAN C. KROEGER
Attorney at Law
Notary Public
State of Ohio
Lifetime Commission

S. C. Kroeger
Notary Public
State of Ohio

Permanent Commission
No expiration, R.C. 147.03

This instrument prepared by:
Luann L. Hoover, Attorney
Ohio EPA Legal Office
P.O. Box 1049
Columbus, Ohio 43216-1049

- Exhibit 1. A site location map is attached hereto as Exhibit 2. The NFA Letter includes an Executive Summary, which is attached hereto as Exhibit 3.
4. Based upon the information contained in the NFA Letter, the following investigational and remedial activities were undertaken and completed regarding the Property:
 - a. A Phase I Property Assessment, in accordance with OAC 3745-300-06, to determine whether there is any reason to believe that a release of hazardous substances or petroleum has or may have occurred at or emanated from the Property;
 - b. A Phase II Property Assessment, in accordance with OAC 3745-300-07, including but not limited to investigations of identified areas of concern and affected media, to assess environmental conditions related to any release of hazardous substances and petroleum;
 - c. An institutional control contained in the Declaration of Use Restriction, recorded on September 1, 2000 in the Franklin County Recorder's Office, Instrument No. 200009010177067 (the "Declaration"), which restricts the Property to commercial uses only.
 5. The Certified Professional has verified by affidavit that the investigational and remedial activities undertaken at the Property comply with the applicable standards established in ORC Chapter 3746 and OAC Chapter 3745-300, that the Property is eligible to receive a Covenant Not to Sue under the VAP, and that the voluntary action was conducted in compliance with all applicable federal, state, and local laws and regulations.
 6. At the time that analyses were performed, DLZ Laboratories Inc. located at 6121 Huntley Road, Columbus, Ohio was a certified laboratory, No. CL0014, as defined in ORC 3746.01(D) and OAC 3745-300-01(A)(7), whose services were used in support of the NFA Letter for the Property (the "Certified Laboratory").
 7. According to information provided by the Certified Laboratory in an affidavit contained in the NFA Letter, the Certified Laboratory performed analyses for which it was certified and qualified, pursuant to ORC Chapter 3746 and OAC Chapter 3745-300, that formed the basis for the issuance of the NFA Letter by the Certified Professional.

8. The Declaration was recorded on September 1, 2000 in the Franklin County Recorder's Office, in accordance with ORC 3746.14 and OAC 3745-300-13(E)(13). A copy of the Declaration is attached hereto as Exhibit 4. The Declaration limits the use of the Property to commercial land uses only.
9. Based on the information contained in the NFA Letter, and upon all other conditions set forth in these Findings and Orders, the Property meets the applicable standards contained in ORC Chapter 3746 and OAC Chapter 3745-300 for commercial land use and for unrestricted potable ground water use, including but not limited to:
 - a. Commercial land use category direct contact soil standards for hazardous substances in accordance with Table III of OAC 3745-300-08 for generic numerical standards at a point of compliance from the surface to a depth of 2 feet;
 - b. Commercial land use category direct contact soil standards for petroleum in accordance with OAC 3745-300-08(B)(3)(a)(i) for generic numerical standards at a point of compliance from the surface to a depth of 2 feet;
 - c. Unrestricted potable use ground water standards in accordance with Table VII of OAC 3745-300-08 in the upper ground water zone beginning at a depth of 18 feet;
 - d. Soil standards derived through Property-specific risk assessment procedures in accordance with OAC 3745-300-09(D), to satisfy the requirements in OAC 3745-300-10(E) to ensure the protection of ground water meeting unrestricted potable use standards in the upper ground water zone at all points underlying the Property beginning at a depth of 18 feet.
10. Based on the information contained in the NFA Letter, and subject to all conditions set forth in these Findings and Orders, the Property is eligible to receive a covenant not to sue in accordance with ORC 3746.12(A), and the voluntary action for the Property is protective of public health and safety and the environment.

ORDERS

Covenant

1. Upon the issuance of these Findings and Orders, and subject to the conditions set forth herein, Ohio EPA hereby covenants not to sue and releases the City of Columbus, and its agents, employees, officers, directors, successors and assigns, and successors and assigns of the Property, from all civil liability to the State of Ohio (the "State") to perform additional investigational and remedial activities at the Property for the releases of hazardous substances or petroleum identified in the Phase I and Phase II Property Assessments completed in accordance with ORC Chapter 3746 and OAC Chapter 3745-300.

Conditions and Limitations

2. The Covenant provided in Order No. 1 shall only apply to the approximately 18.053 acre Property described in these Findings and Orders, the NFA Letter, and the Exhibits attached hereto, upon which the investigational and remedial activities specified in the NFA Letter were conducted.
3. Pursuant to ORC 3746.12(B), the Covenant shall remain in effect for as long as the Property continues to comply with the applicable standards upon which the Covenant is based, as referenced in these Findings and Orders.
4. Pursuant to ORC 3746.05, any use of the Property that does not comply with the institutional controls identified herein (i.e., the use restriction contained in the Declaration), voids the Covenant on and after the date of the commencement of the noncomplying use.
5. Pursuant to ORC 3746.21 and 3746.171, authorized representatives of the Director shall be granted access to the Property for inspection or investigation purposes, including but not limited to determining whether the Property is being used in compliance with the use restriction contained in the Declaration.
6. The Covenant shall not apply to releases of hazardous substances or petroleum:
 - a. that occur after the issuance of the NFA Letter to the Volunteer;
 - b. on or emanating from the Property, that are not described in the NFA Letter;

or

- c. for which investigational or remedial activities were conducted that were not in compliance with ORC Chapter 3746 or OAC Chapter 3745-300.
7. The Covenant shall not apply:
- a. to claims for natural resource damages the State may have pursuant to Sections 107 or 113 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9607 and 9613, as amended;
 - b. to claims the State may have pursuant to Section 107 of CERCLA, 42 U.S.C. 9607, as amended, for costs other than those for damages to natural resources, provided that the State incurs those other costs as a result of an action by the United States Environmental Protection Agency; or
 - c. as otherwise specifically provided in ORC Chapter 3746.
8. Nothing in ORC Chapter 3746 limits the authority of the Director to act under ORC 3734.13 and 3734.20 to 3734.23, or to request that a civil action be brought pursuant to the ORC or common law of the State to recover the costs incurred by Ohio EPA for investigating or remediating a release or threatened release of hazardous substances or petroleum at or from the Property, when the Director determines that the release or threatened release poses an imminent and substantial threat to public health or safety or the environment.
9. Nothing in the Covenant shall be construed to limit or waive the Director's authority to revoke the Covenant in response to any of the circumstances for revocation of a covenant, as provided in ORC Chapter 3746 and OAC Chapter 3745-300.

Recordation in Deed Records

10. A copy of these Findings and Orders, including Exhibits 1 (Legal Description), 2 (Site Map), and 3 (Executive Summary), shall be recorded in the Franklin County Recorder's Office, in the same manner as a deed to the Property, within sixty (60) days after the issuance of these Findings and Orders.

Transfer

11. Pursuant to ORC 3746.14 and OAC 3745-300-13(K), the NFA Letter and the Covenant Not to Sue/Findings and Orders may be transferred to any person by assignment or in conjunction with the acquisition of title to the Property.

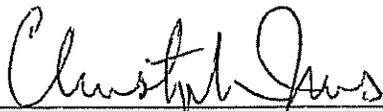
Notice of Use Restriction upon Property Conveyance

12. In each instrument the Volunteer uses to convey the Property or any portion of the Property, the Volunteer shall include a notice of the Declaration on the Property in accordance with paragraph 9 of the Declaration attached hereto as Exhibit 4. The Volunteer shall submit to the Director a copy of each instrument containing the notice of the Declaration whenever such conveyance occurs.

Notice of Transfer or Assignment of Covenant or Property

13. Pursuant to ORC 3746.12(A)(2)(b), the transferor of the Covenant Not to Sue/Findings and Orders, or the Property or any portion of the Property, shall give written notice to the Director of any such transfer or assignment whenever such transfer or assignment occurs.

IT IS SO ORDERED:



Christopher Jorjes, Director
Ohio Environmental Protection Agency

DEC - 4 2000

Date

Former Central High School Property
Director's Final Findings and Orders / Covenant Not to Sue

Exhibit 1
Legal Description

EXHIBIT A

Legal Description

Situated in the State of Ohio, County of Franklin, and the City of Columbus and bounded and described as follows:

Being parts of certain additions, to the City of Columbus, along with vacated streets and alleys, as listed:

- Parcel 1 Being part of Lots Numbered 1, 2, 3, 43, 44 all of Lots Numbered 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 42 in SULLIVANT AND MITCHELL'S WESTERN ADDITION, as the same are numbered and delineated upon the plat thereof, of record in Deed Book 37, page 412, Recorder's Office, Franklin County, Ohio.
- Parcel 2 Being all of Lots Numbered 135, 136, 137, 138, 139, 140, 141, 142, 143 and 144 in M. L. SULLIVANT'S WESTERN ADDITION. as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, page 268, Recorder's Office, Franklin County, Ohio.
- Parcel 3 Being all of Lots Numbered 1, 2, 3, 4, 5, and 6 in WILLIAM A. PLATT'S SUBDIVISION of Lots 145 and 146 of M. L. Sullivant's Western Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 211, Recorder's Office, Franklin County, Ohio.
- Parcel 4 Being Lots Numbered 1, 2, 3, 4, 5, 6, 7, 8, and 9 in ANDREW C. EMMICK'S SUBDIVISION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, page 121, Recorder's Office, Franklin County, Ohio.
- Parcel 5 Being part of Lot Number 1, all of Lots Numbered 2, 3, 4, 5, 6, 7, 8, part of Lots Numbered 10, 12, 14, 16, 18, 20, 22, 24, all of Lots Numbered 19, 21 and 23 in OHIO TOOL COMPANY'S SUBDIVISION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 98, Recorder's Office, Franklin County, Ohio.
- Parcel 6 Together with that portion of all streets and alleys vacated by Ordinance Numbers 35117 and 37037 and being more particularly described as follows:

Beginning at an iron pipe (3/4" O.D.) set in the intersection of the southerly right-of-way line of West Broad Street (95 feet wide) and the easterly right-of-way line of Belle Street (66 feet wide) said pipe also being in the northwest corner of Lot No. 12, Sullivant and Mitchell's Western Addition;

thence, East along the southerly line of said West Broad Street a distance of 554.17 feet to a P.K. nail set in a concrete walk, said nail being in the westerly right-of-way line of Washington Blvd. (90 feet wide) and also being located, East, 167.95 feet from the easterly right-of-way line of vacated Mitchell Street (Ordinance No. 37037);

thence, along the westerly right-of-way line of said Washington Boulevard and with the arc of a curve to the right having a radius of 967.49 feet, a central angle of $73^{\circ}11'16''$, arc length of 1235.84 feet, and a chord that bears South $0^{\circ}51'44''$ West 1153.52 feet to a P.K. nail set in a concrete walk, said nail being in the northerly right-of-way line of Town Street (80 feet wide) and also being located, South $89^{\circ}20'58''$ East, 161.65 feet from the easterly right-of-way line of said vacated Mitchell Street;

thence, North $89^{\circ}20'58''$ West along the northerly right-of-way line of said Town Street a distance of 552.61 feet to an iron pipe set ($3/4''$ O.D.) in easterly right-of-way line of said Belle Street, said iron pipe also being in the southwest corner of Lot No. 1 of William A. Platt's Subdivision;

thence, North $0^{\circ}47'13''$ East along the easterly right-of-way line of said Belle Street a distance of 1147.22 feet to the point of beginning.

It is understood that the tract of land described above contains 18.053 acres, more or less, being subject to all legal highways and easements of record.

The basis of bearings is the right-of-way line of West Broad Street as recorded in Official Record No. 01065, E-13, Recorder's Office, Franklin County, Ohio;

This description is based upon a field survey made by David C. Haigh, Registered Surveyor No. 6750 of Dodson-Lindblom Associates, Inc., Consulting Engineers, Columbus, Ohio in January, 1988.

TOWN STREET

BELLE STREET

13.2 ACRES

Leased Area for Parking

CENTRAL-HIGH-SCHOOL

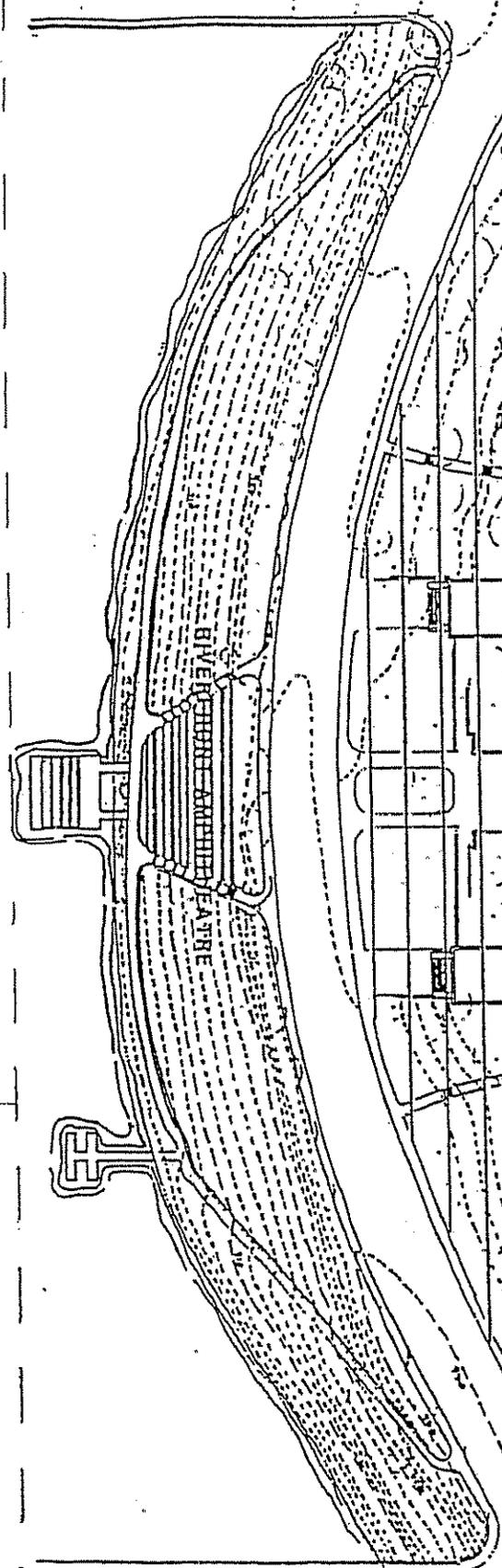
4.85 ACRES

ASPHALT PAVEMENT

ASPHALT PAVEMENT

BROAD STREET

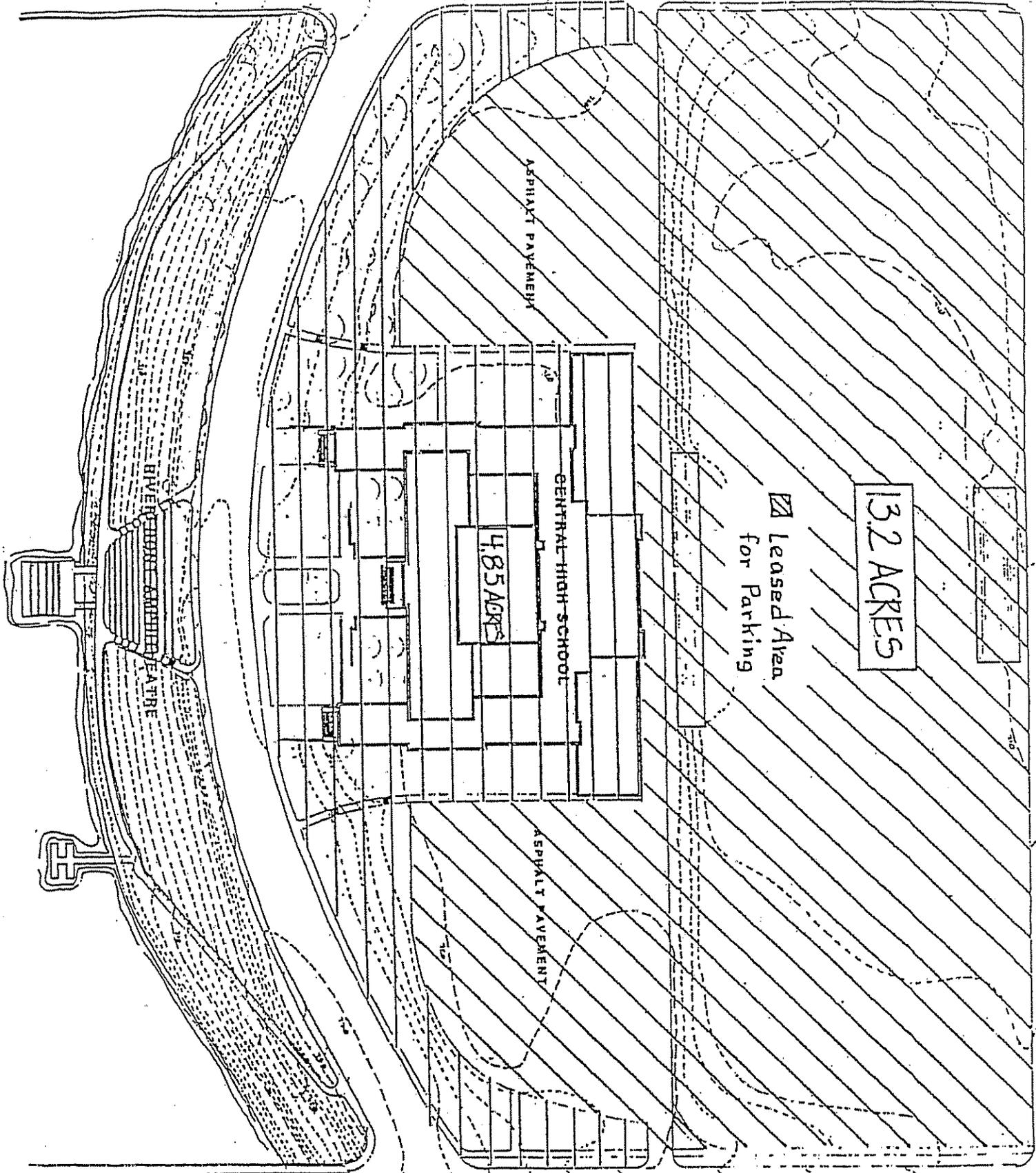
RIVERBANK AMPHITHEATRE



Former Central High School Property
Director's Final Findings and Orders / Covenant Not to Sue

**Exhibit 2
Site Map**

TOWN STREET



13.2 ACRES

Leased Area for Parking

4.85 ACRES

CENTRAL HIGH SCHOOL

ASPHALT PAVEMENT

ASPHALT PAVEMENT

BROAD STREET

RIVER CROSSING AREA

THEATRE

Former Central High School Property
Director's Final Findings and Orders / Covenant Not to Sue

Exhibit 3
Executive Summary

**OHIO ENVIRONMENTAL PROTECTION AGENCY
VOLUNTARY ACTION PROGRAM**

**EXECUTIVE SUMMARY AND FILING DOCUMENT OF
NO FURTHER ACTION LETTER**

**FOR THE
FORMER CENTRAL HIGH SCHOOL**

November 2000

**VOLUNTEER:
CITY OF COLUMBUS
90 WEST BROAD STREET
COLUMBUS, OHIO 43015**

CERTIFIED PROFESSIONAL ISSUING THE NFA:

**Eric M. Cherry, CP
CP142
Phone: (614) 793-8777
Fax: (614) 793-9070**

**Hull & Associates, Inc.
6130 Wilcox Road
Dublin, Ohio 43016**



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Appendix A Legal Description

1.0 INTRODUCTION

This document has been prepared to meet the requirements of the Ohio EPA Voluntary Action Program (VAP) for submitting a summary of the No Further Action Letter (NFA) to the County Recorder's Office, as cited in the Ohio Administrative Code (OAC) 3745-300-13(H). The NFA letter was submitted to the Ohio Environmental Protection Agency (Ohio EPA), Division of Emergency and Remedial Response (DERR) Voluntary Action Program, as authorized by the Volunteer, City of Columbus, on June 11, 1997, by Eric M. Cherry, CP142, of Hull & Associates Inc. (formerly employed by Dodson-Stilson, Inc or DSI). A copy of the full NFA letter with attachments is available at the City of Columbus Department of Health located at 181 Washington Boulevard in Columbus, Ohio, through contacting Dr. Robert Lautzenheiser at (614) 645-6197, or at the Ohio EPA Central Office located at the Lazarus Government Center, 122 South Front Street, Columbus, Ohio, in accordance with the filing requirements of OAC 3745-300-13(J).

This NFA letter was prepared for the 18.053-acre site known as the former Central High School (the *Property*), located in the City of Columbus, Ohio. The former Central High School has been redeveloped for use as the Center of Science and Industry (COSI), with the former school building being renovated and partially razed, and significant new construction being completed for additional building space for COSI. Remaining portions of the Property are used for outdoor exhibit space and parking. The Property is serviced by City of Columbus utility lines including storm sewer, water, gas, and sanitary sewer. The Property is designated for commercial use, in accordance with Ohio EPA VAP definitions cited in the Ohio Administrative Code (OAC) 3745-300-08(B)(2)(c)(ii). The Property consists of a single parcel having Parcel No. 67106, as recorded with the Franklin County Auditor. A copy of the legal description is provided in Appendix A of this NFA Executive Summary.

The NFA letter was prepared after completion of Phase I and Phase II Property Assessments and a Property-Specific Risk Assessment. At the request of Ohio EPA, supplemental Phase II activities were conducted after construction activities were completed for the new COSI facility, which are provided in the Addendum to the No Further Action Letter dated July, 2000. Remedial activities were not warranted for the Property because the chemicals of concern (COCs) detected on the Property did not exceed applicable standards developed in the Property-Specific Risk Assessment. Supplemental sampling and analysis, followed by additional evaluation of site-specific data were

conducted to provide further demonstration to Ohio EPA that the applicable standards are met for protection of groundwater meeting unrestricted potable use standards (POGWMPUS). A Declaration of Use Restriction has been filed with the Franklin County Auditor (September 1, 2000) to formalize the institutional control as being a commercial land use. This Declaration of Use Restriction is provided in Appendix B of this Executive Summary.

The NFA letter consists of seven volumes including; the NFA Letter; the Phase I Property Assessment; the Phase II Property Assessment; Phase II Property Assessment Appendices; the Property-Specific Risk Assessment; the Addendum to the No Further Action Letter; and supporting documents and correspondence for the Addendum.

2.0 SUMMARY OF NO FURTHER ACTION LETTER

The Certified Professional, Eric M. Cherry, of Hull & Associates, Inc., issued an NFA letter for the Property based upon the results of the Phase I and Phase II Property Assessments, and the Property-Specific Risk Assessment. The current and future land use for the Property is for commercial use only, as defined in the Ohio Administrative Code (OAC) Chapter 3745-300-08(B)(2)(c)(ii). The commercial use includes but is not limited to use of the Property as a museum or as an arts and/or sports facility as defined by the Ohio revised Code (ORC) Chapter 3383.01 et. seq., and for uses incidental to and customary for, an arts and/or sports facility. A summary of the Phase I and Phase II Property Assessments is provided below. In addition to the VAP documents cited in Section 1.0, the findings and conclusions of this NFA are based on a variety of other documents including local environmental agency reports, peer-reviewed articles from the scientific literature and state or federal environmental agencies, and two previous environmental assessment reports. These documents are discussed in the Phase I Property Assessment and the Addendum to the NFA.

2.1 Phase I Property Assessment

The purposes of the Phase I Property Assessment were to determine if it was reasonable to suspect that releases had occurred on the Property, to determine relevant identified areas, and to select potential chemicals of concern (COCs). The Phase I Property Assessment was conducted over the period March 1997 through May 1997, and is provided with the NFA Document.

The assessment was conducted to meet the requirements of a Phase I Property Assessment in accordance with OAC 3745-300-06. The assessment included the following:

1. a review of historic and current uses of the Property and surrounding properties;
2. an environmental history review;
3. a review of the history of hazardous substances or petroleum releases;
4. interviews with key personnel knowledgeable of the past operations and environmental conditions;
5. a Property inspection; and
6. determination of "identified areas" as defined in OAC 3745-300-06(F).

A summary of the Phase I Property Assessment (and recent redevelopment activities) is as follows.

The Property is located in the City of Columbus, Ohio, on the west side of the Scioto River. The Property is comprised of a single 18.053-acre parcel identified as parcel number 67106 with the Franklin County Auditor. The Property includes a single structure on the eastern half of the Property that includes portions of the former Central High School and new construction for the COSI facility. The western portion of the Property has been developed as a new parking area for the COSI facility. Surrounding properties include the Scioto River Amphitheater Park to the east; Veterans Memorial Theater to the north; parking areas, residential and commercial areas to the west; and the City of Columbus Department of Health to the south. The Property is currently owned by the City of Columbus.

The history of the Property, from a development standpoint, and for the potential presence or releases of hazardous substances or petroleum, include the following:

1. Historical records indicate that several commercial/industrial facilities occupied the Property prior to 1922. These include machine shops, a coffee and spice mill, an auto repair shop and a laundry facility. Other facilities in the area (pre- and post-1922) included a carriage company, gasoline stations, a mounting manufacturing company, a shoe factory, and a lumber company.
2. The Central High School building was built on the Property between 1924 and 1926, with several periods of modification and expansion. The building was also occupied by industrial arts and vocational training facilities, including an auto shop, metal/wood shops, and art shops.
3. A heating oil underground storage tank (UST) was located near the northwest corner of the former school building and was documented to have been removed during 1995.
4. Portions of the former Central High School were razed during 1997 prior to the construction of the current COSI facility, which incorporates the eastern portion of the former school structure and construction of a new structure on the western side of the former school. Prior to demolition and renovation activities, asbestos containing materials (ACM) were abated in the structure and lead based paint (LBP) was removed from the portions of the former school building that were to remain as part of the new COSI facility. In addition, general solid waste (interior demolition/renovation debris), four (4) drums of liquid and solid waste, and fire debris were removed from the building for proper disposal prior to razing the building.

5. During construction operations for the new COSI facility, approximately 49,000 cubic yards of fill soils were placed on the Property. This material was used to backfill the basement areas of the former school building that were razed prior to new construction, and as surface fill materials for final grading between the western side of the new COSI facility and the new parking lot on the western half of the Property.
6. On the basis of information available at the time the Phase I Property Assessment was being conducted (spring of 1997) it was determined that hazardous substances or petroleum could have been released on the Property from historical operations on or adjacent to the Property. As such, it was concluded that Phase II Property Assessment activities were warranted.

Based on information collected during the Phase I Property Assessment, and subsequent discussions with Ohio EPA, the following identified areas were determined:

CHS-AOC-01 Former Heating Fuel UST on north side of building;
 CHS-AOC-02 Former Auto Service Training Center;
 CHS-AOC-03 Former Foundry Operations along Broad Street;
 CHS-AOC-04 On-site Waste Materials (drummed materials inside building);
 CHS-AOC-05 Asbestos Containing Materials within the building;
 CHS-AOC-06 Lead-based Paint Abatement Areas within the building; and
 CHS-AOC-07 General Fill Materials in upper soils (upper 4 feet).

The chemicals of concern (COCs) for the identified areas cited above include volatile organic compounds (VOCs such as petroleum hydrocarbons and chlorinated solvents), total petroleum hydrocarbons (TPH as gasoline range organics or GRO and diesel range organics or DRO), semivolatile organic compounds (SVOCs including polynuclear aromatic hydrocarbons or PAHs), Target Analyte Metals (TAL) metals, polychlorinated biphenyls (PCBs), asbestos containing materials (ACM), and lead chips and dust associated with LBP areas.

The Property meets the eligibility requirements for the VAP as codified in OAC 3745-300-02. The Certified Professional initially conducted a Property reconnaissance during March of 1997 with multiple site visits during Phase I and Phase II field operations. Final reconnaissance of the Property was conducted during November of 1999 during the completion of supplemental field sampling activities prior to preparation of the Addendum to the NFA Letter.

2.2 Phase II Property Assessment

A Phase II Property Assessment was conducted over the period March 1997 through June 1997, with supplemental sampling and analysis conducted during October and November 1999 in response to

Ohio EPA comments. The Phase II Property Assessment report was issued June 6, 1997, and the Addendum to the NFA Letter was issued July 11, 2000. The purpose of the Phase II Assessment was to characterize existing conditions at the Property, to determine if the VAP applicable standards have been exceeded in any of the identified areas defined in the Phase I Assessment and Addendum, and to document compliance with applicable standards.

The Phase II Assessment and Addendum to the NFA included field investigations, a pathway completeness determination, determination of applicable standards, an assessment of POGWMPUS, and a demonstration that applicable standards are met for the Property.

2.2.1 Soil Investigation and Findings

The Phase II Property Assessment included the installation of eight soil borings, ten geoprobe borings and 40 shallow surface samples (upper 2 feet). Soil borings were drilled to depths of 22.5 to 30 feet below grade. A total of six soil borings were completed as 2-inch PVC groundwater monitoring wells. The COCs assessed from soil and groundwater samples included VOCs, SVOCs, TPH, total TAL metals, and PCBs.

A sampling and analysis plan was developed based on the preliminary Phase I Property Assessment and results of previous environmental investigations. Soil sampling was performed in accordance with the sampling procedures specified in OAC 3745-300-07(F). At least three samples were obtained from each of the seven identified areas. Sampling was biased to areas of most likely contamination from both the lateral and stratigraphic (vertical) perspective. Soils were selected for laboratory analysis on the basis of field screening, visual classification, stratigraphic position, and potential chemical use or release for the given identified area. Off-property soils used for surface fill were evaluated during supplemental sampling after construction and grading activities.

Three principal soil units were identified on the Property. The surface unit within the upper 3 to 10 feet consists of soil fill containing silty clay soil with intermixed sand, gravel, cinders, and brick and concrete fragments. Granular fill was also identified in the backfill of the former UST excavation. The uppermost native unit below the fill consisted of approximately 13 to 17 feet of brown to grey silty clay alluvial sediments. The lowermost unit encountered on the Property consisted of at least 10 feet of outwash sand and gravel, which is hydraulically connected with the Scioto River.

Soil analytical data for the Property is provided in the NFA Letter and Addendum to the NFA. PAH compounds were detected in approximately 70% of the 58 near surface soils (upper 4 feet, with an emphasis on the upper 2 feet). These compounds included acenaphthene (1/58), anthracene (8/58), benzo(a)anthracene (23/58), benzo(a)pyrene (22/58), benzo(b)fluoranthene (23/58), benzo(k)fluoranthene (18/58), dibenzo(a,h)anthracene (4/58), chrysene (24/58), indeno(1,2,3-cd)pyrene (9/58), fluoranthene (41/58), fluorene (2/58), naphthalene (1/58), 2-methylnaphthalene (1/58), phenanthrene (28/58), and pyrene (37/58). Carbazole was the only other SVOC detected in surface soils at a frequency of 1 in 58 samples. PAHs were detected in 2 of 8 soil samples collected from 9 to 21 feet below grade. Fluoranthene and benzo(a)pyrene were the non-carcinogenic and carcinogenic PAH compounds having the greatest detected concentrations of 36.0 and 15.0 mg/kg, respectively. Carbazole was detected in one sample at a concentration of 1.10 mg/kg. Other SVOCs and PCBs were not detected in any of the near surface soils samples analyzed. The PAH compounds detected on the Property can be derived from many sources. Based on the types and relative concentrations of the PAHs, and visual inspection of soil samples, these PAHs are considered to be derived from cinders and coal residue, and not due to releases from fuels, coal tars or other general sources of PAHs.

Chloroform was the only VOC detected in soils on the Property, having a concentration of 10 ug/kg. This was in a sample from 15 to 17 feet below grade in the northwest portion of the Property. Other VOCs that could have been derived from fuels, solvents or other sources were not detected in any of the 16 samples submitted for laboratory analysis from the identified areas.

One or more TAL metals were found in all of the soil samples, as many of these metals are common associated with primary minerals or trace constituents in soils. Aluminum, calcium, iron, magnesium, manganese, potassium, and sodium are associated with primary minerals in soils. Arsenic, barium, chromium, cobalt, copper, lead, nickel, vanadium, and zinc are common trace constituents in soils. Cadmium and silver were the only two metals that were not detected in any of the soil samples. Antimony, beryllium, mercury, selenium and thallium were detected in 1 to 8 of the 14 samples. The presence of any of the TAL metals in soil samples does not, inherently, indicate that the soils are contaminated, as natural geological and pedological processes will result in their occurrence in soils. This issue is discussed in detail in the Phase II Property Assessment and the Addendum to the NFA Letter.

2.2.2 Groundwater Investigation and Findings

Six monitoring wells were installed into the uppermost unconsolidated saturated zone (i.e. the sand and gravel unit) to obtain chemical and water level data for characterizing this zone underlying the Property. Groundwater flow directions flow westward from the Scioto River, then under the Property before turning to the south and reentering the Scioto River south of the Columbus Health Department and downstream from the low-head dam near Rich Street. The hydraulic conductivity of the saturated zone was evaluated by slug tests in accordance with OAC 3745-300-07 (D)(6). The in-situ horizontal hydraulic conductivity, calculated using the Hvorslev method, ranged from 1.45×10^{-2} cm/sec to 6.14×10^{-4} cm/sec. Therefore, the unconsolidated saturated zone met the definition of groundwater as described in OAC 3745-300-10(A)(4).

Groundwater samples were collected on April 8, 1997, and May 6, 1997. During the first round of sampling, chloroform was detected in one well, and antimony, arsenic and lead were detected in two other wells. The wells where these compounds were detected were subsequently resampled. In the case of chloroform, this chemical is one of four chemicals designated as trihalomethanes (THMs). Chloroform does not have an independent VAP unrestricted potable use standard (UPUS), however, the THMs as a group have a UPUS of 100 ug/l. Therefore, this well was resampled, and all four THM compounds were evaluated and determined to be below the UPUS. In the case of antimony, arsenic and lead, only one of the samples exceeded the UPUS value (antimony measured at 9.6 ug/l with respect to the UPUS of 6.0 ug/l). In addition, the initial samples were collected using a bailer without being filtered in the field. Acid preservation of the water sample can liberate metals bound to silt particles and overestimate the actual concentration in groundwater. Therefore, the second round of sampling included field filtering to remove silt from the water sample. The results of the second round of analyses were below detection limits for all of these parameters.

Based on sampling and analysis performed in accordance with OAC 3745-300-07(D)(3), the uppermost saturated zone underlying the Property does meet the UPUS. Therefore, the upper saturated zone on the Property is subject to the POGWMPUS provision contained in OAC 3745-300-010. The POGWMPUS demonstration involves providing sufficient evidence that chemicals in soils will not leach to groundwater at concentrations that would exceed UPUS. This demonstration was made using a modeling approach for organic chemicals (PAHs) and using the equilibrium partitioning method for metals. The modeling approach incorporated site conditions, chemical properties and climatic factors with the SESOIL fate and transport model to calculate potential

migration on the Property. The results of this approach indicates that neither PAH compounds nor metals were likely to migrate to the groundwater from near surface soils. This is discussed more fully in section 2.4.3.

2.2.3 Surface Water and Sediment Investigations and Findings

Surface water and sediment are not located on the Property, and are therefore not pertinent to this NFA Letter. The Phase II Property Assessment and the Addendum to the NFA Letter discuss the potential migration pathway from soil on the property and any migration to surface waters.

2.2.4 Exposure Pathway Assessment

An assessment of potential pathways for migration of COCs was completed as part of the Phase II Property Assessment in accordance with OAC 3745-300-07(D)(2). Exposure pathways include the media that COCs may migrate from source areas to locations where receptors can come in contact with the COCs. This migration usually involves release of COCs from the source to the intermediate environmental transport medium (pathway) between the source and the receptor point. Exposure routes describe the manner in which contact with COCs in the environmental medium occur at exposure points. The discussion of the pathways and the assessment as to whether they are complete or not is included in both the Phase II Property Assessment and the Property-Specific Risk Assessment. In summary, for on-Property receptors, complete pathways included the following:

1. particulates from soil to air and inhalation by a potential receptor;
2. ingestion of surface soils containing COCs by a potential receptor; and
3. dermal contact with soils containing COCs by a potential receptor.

Potentially complete off-Property pathways included possible migration of COCs from soils to surface water via the groundwater pathway. This was evaluated by the POGWMPUS demonstration.

In addition to these pathways, inhalation of asbestos, ingestion of lead-based paint or direct contact with potential hazardous substances or petroleum could have been complete pathways. These pathways are not considered to be complete for the Property because abatement activities were completed for asbestos and lead-based paint prior to renovation and waste materials were removed from the building during demolition activities. Therefore, the potential source areas were removed effectively eliminating the pathways.

Ecological pathways were not present on the Property. The Property is located in an urban area and is not used for agricultural activities. Surface water and sediments are not present on the Property. The POGWMPUS demonstration indicates that residual COCs in soils will not leach to groundwater (in excess of the potable use standards) that could subsequently migrate to surface waters.

2.3 Determination of Applicable Standards

Applicable standards for soils include generic and supplemental direct contact soil standards cited in OAC 3745-300-08(B)(3)(a),(e) and (h) for petroleum hydrocarbons, organic and inorganic COCs and lead, respectively, or Property-specific risk-based standards developed in accordance with OAC 3745-300-09. The Property-Specific Risk Assessment was conducted to determine applicable standards for soil based on reasonable assumptions for potential exposures to soils at the Property using site-specific data in accordance with Ohio EPA methods and spread sheets developed by the Agency to calculate the generic standards. These soil standards apply to commercial workers and visitors to the Property. A multiple chemical adjustment for direct contact exposure was completed for comparison to the applicable standards.

Applicable standards adopted for asbestos were the AHERA standards for asbestos abatement and standards for lead were adopted from Housing and Urban Development for lead in domestic residences.

The applicable standards for groundwater are the generic unrestricted potable use standards as provided in OAC 3745-300-08(3)(C)(c). For lead, the standard is the U.S. EPA's guidance concentration of 15 ug/L at the tap.

2.4 Determination of Compliance with Applicable Standards

The findings of the Phase II Property Assessment and supplemental sampling following construction activities for soils and groundwater present on the Property indicated that remedial actions were not warranted for the Property; and that an institutional control designating the Property as a commercial land use would demonstrate compliance with applicable standards.

Asbestos containing materials and lead-based paint were abated within the structure in accordance with applicable state, federal and local regulations. These activities were conducted concurrently with the Phase I and Phase II activities prior to redevelopment of the Property for the current COSI

facility. These activities are described in the Phase II Property Assessment.

2.4.1 Methods for Demonstrating Compliance

The determination of compliance with applicable standards is based on comparison of the COC concentrations in soils with the applicable standards; modeling of fate and transport of COCs in the subsurface and the incorporation of an institutional control designating the Property as a commercial land use (declaration of use restrictions).

2.4.2 Compliance with Direct Contact Standards for Soil

The Property-specific risk assessment and Addendum to the NFA letter demonstrate compliance with direct contact soils standards. Multiple chemicals were compared to property-specific direct contact soil standards. None of the representative single chemical concentrations exceeded the single chemical direct contact standard, and the sum of all carcinogenic and non-carcinogenic risk ratios were in compliance with the risk goals cited in OAC 3745-300-08.

Lead and total petroleum hydrocarbons are not included in the VAP cumulative risk calculation. The maximum total lead concentration is 91 mg/kg, which is less than the VAP commercial direct contact soil standard of 1,200 mg/kg. The maximum TPH maximum concentration was 25 mg/kg, which is less than the lowest VAP commercial TPH direct contact soil standard of 105 mg/kg.

On the basis of these findings, it is determined that the surface soils demonstrate compliance with the VAP direct contact soil standards.

2.4.3 Protection of Groundwater Meeting Unrestricted Potable Use Standards

A POGWMPUS demonstration was conducted because residual COCs were present in the as determined during the Phase II Property Assessment and supplemental sampling for the addendum. The POGWMPUS demonstration was completed using two modeling approaches for PAHs and metals. The modeling approach for PAHs indicated that these COCs would migrate 0.2 to 22 inches from their current locations over approximately 100 years, and would not reach groundwater in any reasonable time frame. A distribution coefficient (Kd) approach was used to evaluate metal migration. This demonstration, along with a weight of evidence approach, indicated that it was highly unlikely that metals would migrate to the water table in excess of the unrestricted potable use standard. This demonstration is based on conservative assumptions of distribution coefficients and

citations from the scientific literature indicating that metals have low mobility under most subsurface conditions.

2.4.4 Risk Assessment Findings

Based on provisions in OAC 3745-300-09(B)(2) (c) and (d), the Property-Specific Risk Assessment was conducted because some of the COCs in soil were not included in paragraph (B)(3) of OAC 3745-300-08, and institutional controls will be used to meet applicable standards for soil and groundwater for the designated land use.

Compliance with applicable standards was demonstrated for the direct contact soil by comparing the representative concentration of the COCs to the Property-specific and generic direct contact standards. Each COC was compared to the applicable standard to calculate the single chemical risk ratio. The cumulative risk ratio for carcinogenic and non-carcinogenic COCs were within the VAP requirements. Therefore, the risk assessment demonstrates that the Property is in compliance with applicable direct contact soil standards.

The Risk Assessment and Addendum to the NFA Letter also demonstrated that the potential exposure pathways (e.g. groundwater, surface water, sediments, and ecological) for all receptors were incomplete, or unlikely to be affected by residual COC in the soils.

2.4.5 Determination of Whether Remedial Activities are Required

The Phase II, Risk Assessment and Addendum to the NFA Letter determined that remedial activities were not warranted for the Property. Asbestos and lead-based paint abatement activities were conducted for the structure prior to demolition and redevelopment activities, as documented in the Phase II Property Assessment.

2.5 Remedial Activities

A remedy for a property can include an active or passive remedial system, an engineering control or an institutional control. The Phase II, Risk Assessment and supplemental sampling indicated that neither a remedial system nor an engineering control were warranted for the Property. An institutional control in the form a Declaration of Use Restriction was filed with the Franklin County Auditor's office on September 1, 2000. This declaration indicates that the Property will be used for commercial purposes.

2.6 Planned Operation and Maintenance Remedies

An Operation & Maintenance Plan is not warranted for this Property.

3.0 CONCLUSION

The foregoing is a summary of the NFA Letter and Addendum to the NFA Letter submitted for the City of Columbus by Eric M. Cherry, of Hull & Associates Inc., as Certified Professional (CP 142), pursuant to OAC Rule 3745-300-05. The information provided in this document demonstrates that the Property is in compliance with applicable standards, and is protective of human health and the environment.

Mr. Cherry is the contact at Hull & Associates Inc. regarding questions of the NFA letter. Mr. Cherry can be contacted at (614) 793-8777.

Complete copies of the NFA Letter and Addendum to the NFA Letter is on file with the Ohio EPA, Department of Emergency and Remedial Response, Voluntary Action Program. The NFA letter will be made available by the Ohio EPA upon request. The telephone number for the Ohio EPA/DERR/VAP is (614) 644-2924.

APPENDIX A

Legal Description

EXHIBIT A

Legal Description

Situated in the State of Ohio, County of Franklin, and the City of Columbus and bounded and described as follows:

Being parts of certain additions, to the City of Columbus, along with vacated streets and alleys, as listed:

Parcel 1 Being part of Lots Numbered 1, 2, 3, 43, 44 all of Lots Numbered 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 42 in SULLIVANT AND MITCHELL'S WESTERN ADDITION, as the same are numbered and delineated upon the plat thereof, of record in Deed Book 37, page 412, Recorder's Office, Franklin County, Ohio.

Parcel 2 Being all of Lots Numbered 135, 136, 137, 138, 139, 140, 141, 142, 143 and 144 in M. L. SULLIVANT'S WESTERN ADDITION. as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, page 268, Recorder's Office, Franklin County, Ohio.

Parcel 3 Being all of Lots Numbered 1, 2, 3, 4, 5, and 6 in WILLIAM A. PLATT'S SUBDIVISION of Lots 145 and 146 of M. L. Sullivant's Western Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 211, Recorder's Office, Franklin County, Ohio.

Parcel 4 Being Lots Numbered 1, 2, 3, 4, 5, 6, 7, 8, and 9 in ANDREW C. EMMICK'S SUBDIVISION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, page 121, Recorder's Office, Franklin County, Ohio.

Parcel 5 Being part of Lot Number 1, all of Lots Numbered 2, 3, 4, 5, 6, 7, 8, part of Lots Numbered 10, 12, 14, 16, 18, 20, 22, 24, all of Lots Numbered 19, 21 and 23 in OHIO TOOL COMPANY'S SUBDIVISION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 98, Recorder's Office, Franklin County, Ohio.

Parcel 6 Together with that portion of all streets and alleys vacated by Ordinance Numbers 35117 and 37037 and being more particularly described as follows:

Beginning at an iron pipe (3/4" O.D.) set in the intersection of the southerly right-of-way line of West Broad Street (95 feet wide) and the easterly right-of-way line of Belle Street (66 feet wide) said pipe also being in the northwest corner of Lot No. 12, Sullivant and Mitchell's Western Addition;

thence, East along the southerly line of said West Broad Street a distance of 554.17 feet to a P.K. nail set in a concrete walk, said nail being in the westerly right-of-way line of Washington Blvd. (90 feet wide) and also being located, East, 167.95 feet from the easterly right-of-way line of vacated Mitchell Street (Ordinance No. 37037);

thence, along the westerly right-of-way line of said Washington Boulevard and with the arc of a curve to the right having a radius of 967.49 feet, a central angle of $73^{\circ}11'16''$, arc length of 1235.84 feet, and a chord that bears South $0^{\circ}51'44''$ West 1153.52 feet to a P.K. nail set in a concrete walk, said nail being in the northerly right-of-way line of Town Street (80 feet wide) and also being located, South $89^{\circ}20'58''$ East, 161.65 feet from the easterly right-of-way line of said vacated Mitchell Street;

thence, North $89^{\circ}20'58''$ West along the northerly right-of-way line of said Town Street a distance of 552.61 feet to an iron pipe set ($3/4''$ O.D.) in easterly right-of-way line of said Belle Street, said iron pipe also being in the southwest corner of Lot No. 1 of William A. Platt's Subdivision;

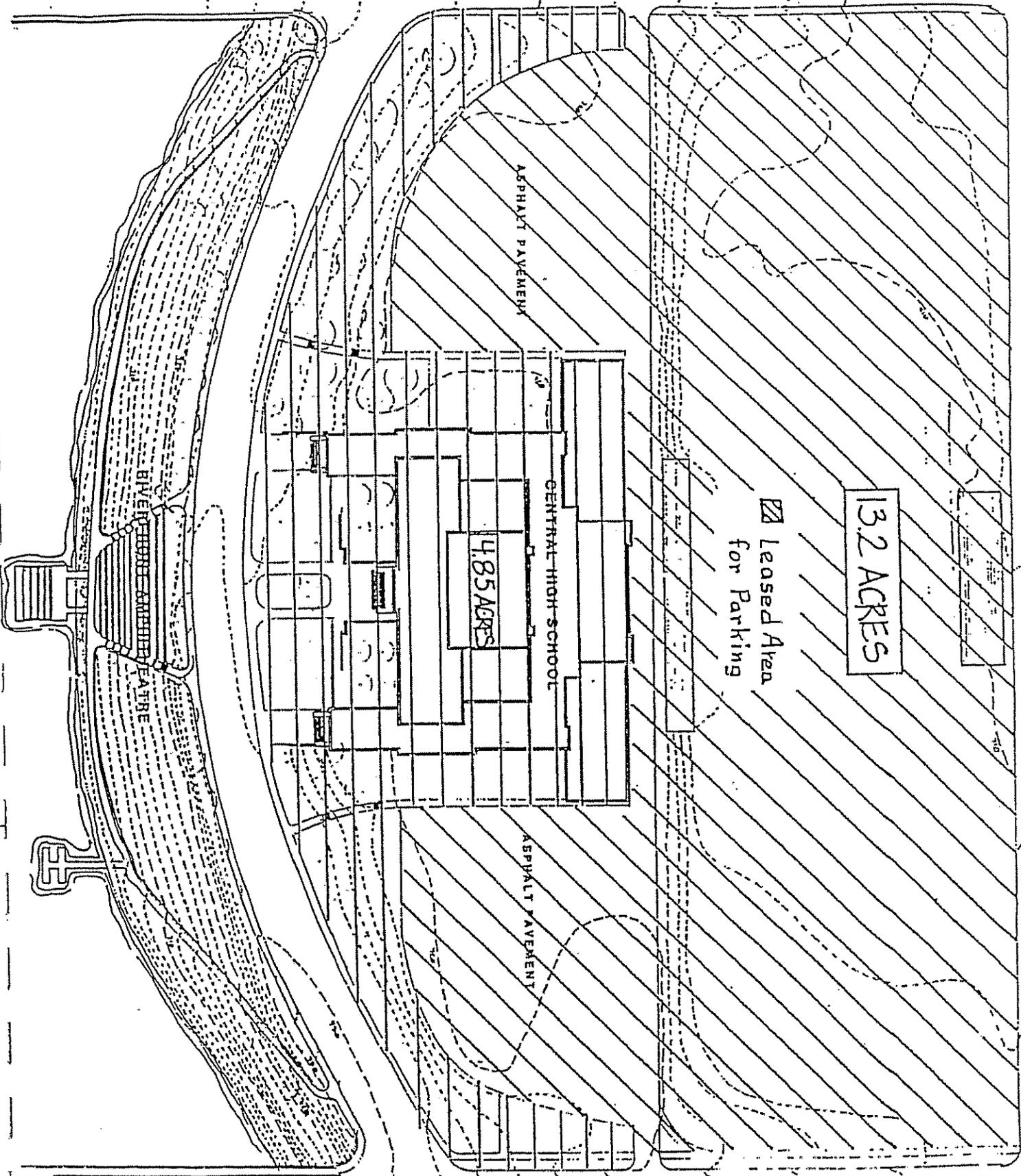
thence, North $0^{\circ}47'13''$ East along the easterly right-of-way line of said Belle Street a distance of 1147.22 feet to the point of beginning.

It is understood that the tract of land described above contains 18.053 acres, more or less, being subject to all legal highways and easements of record.

The basis of bearings is the right-of-way line of West Broad Street as recorded in Official Record No. 01065, E-13, Recorder's Office, Franklin County, Ohio:

This description is based upon a field survey made by David C. Haigh, Registered Surveyor No. 6750 of Dodson-Lindblom Associates, Inc., Consulting Engineers, Columbus, Ohio in January, 1988.

TOWN STREET



BROAD STREET

BELLE STREET

13.2 ACRES

Leased Area for Parking

4.85 ACRES

CENTRAL HIGH SCHOOL

ASPHALT PAVEMENT

ASPHALT PAVEMENT

RIVER CROSSING
AMBIED FEATURE

Former Central High School Property
Director's Final Findings and Orders / Covenant Not to Sue

Exhibit 4
Declaration of Use Restriction

DECLARATION OF USE RESTRICTION

This Declaration of Use Restriction ("Declaration") is made this 27th day of August, 2000 by the CITY OF COLUMBUS, a municipal corporation ("Declarant").

WITNESSETH:

WHEREAS, Declarant is the owner of real property situated in the City of Columbus, Franklin County, Ohio which is specifically described in the attached Exhibit A (the "Property"); and

WHEREAS, Declarant has and will develop and lease all or portions of the Property; and

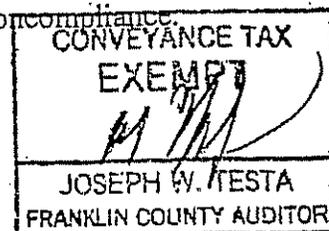
WHEREAS, Declarant desires to subject the Property to and impose upon the Property, certain restrictions, as hereinafter set forth;

NOW, THEREFORE, Declarant hereby declares, on behalf of itself, and its successors and assigns in ownership of the Property, that all of the Property is held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, occupied and improved subject to the following "Use Restriction" (hereinafter defined), which is declared and agreed to be in furtherance of the general plan for the Property and is established and agreed upon as required by the Ohio Environmental Protection Agency ("Ohio EPA") Voluntary Action Program ("VAP"). The Use Restriction shall run with the land and shall be binding on all parties having or acquiring any right, title or interest in and to the Property or any part or parts thereof, which shall be subject to the following Use Restriction and the terms of this Declaration:

1. **Use Restriction.** As a portion of the remedy under the Ohio EPA VAP to comply with applicable standards contained in Ohio Revised Code ("O.R.C.") Chapter 3746 and Ohio Administrative Code ("OAC") Chapter 3745-300 on the Property described herein, the Property is hereby restricted to commercial use only, as defined in OAC 3745-300-08(B)(2)(c)(ii) (effective December 16, 1996). Commercial use includes but is not limited to use of the Property as a museum or as an arts and/or sports facility as defined in O.R.C. 3383.01 et seq., and the uses incidental to, and customary for, an arts and/or sports facility.

2. **Declaration to be Binding and Run with the Land.** The Declaration shall run with the land and shall be binding upon all current owners of the Property, and all successors and assigns of the Property, or any portion of the Property, including any leasehold interests on the Property or any portion of the Property.

3. **Enforcement.** Compliance with the Declaration may be enforced by a legal or equitable action brought in a court of competent jurisdiction by one or more of the following parties: (a) any party referenced in Paragraph Two of the Declaration; (b) Ohio EPA or its representative; or (c) any party with legal standing under applicable law. Any delay or failure on the part of any party to take action to enforce compliance with the Declaration shall not bar any subsequent enforcement with respect to the noncompliance in question and shall not be deemed a waiver of the right of any party to take action to enforce any noncompliance.



TRANSFER
NOT NEEDED
SEP 01 2
JOSEPH W. TESTA
AUDITOR
FRANKLIN COUNTY

4. **Noncomplying Use.** Pursuant to O.R.C. 3746.05, if the Property or any portion of the Property is put to a use that does not comply with the Declaration, the Covenant Not to Sue issued for the Property by Ohio EPA under ORC 3746.12 is void on and after the date of the commencement of the noncomplying use.

5. **Record in Deed Records.** The Declaration shall be recorded in the same manner as a deed in the Office of the Recorder of Franklin County, pursuant to ORC 3746.10(C) and 317.08(A), and shall be deemed incorporated by reference in any instrument hereafter conveying any interest in the Property or any portion of the Property.

6. **Severability.** If any one or more provisions of the Declaration is found unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

7. **Governing Law.** The Declaration shall be governed by and interpreted in accordance with the laws of the State of Ohio, including ORC Chapter 3746 and OAC Chapter 3745-300.

8. **Headings.** All headings used herein are for convenience and shall not be used to interpret or qualify the terms of the Declaration.

9. **Notice of Declaration upon Conveyance.** Any instrument hereafter conveying any interest in the Property or any portion of the Property shall contain a recital acknowledging the Declaration and providing the recording location of the Declaration upon such conveyance substantially in the following form: "The real property described herein is subject to the 'Declaration of Use Restriction' made by the City of Columbus, and recorded with the Office of the Recorder of Franklin County on the ___ day of ___, 2000 in the Franklin County deed records at Official Instrument Number _____ as if the same were fully set forth herein."

[Remainder of page intentionally blank--signature page follows]

IN WITNESS WHEREOF, Declarant has executed this Declaration of Use Restriction as of the day and year first above written.

Witness

CITY OF COLUMBUS

Glenn B. Redick
GLENN B. REDICK
Daniel W. Drake
DANIEL W. DRAKE

By: Michael D. Brown
Acting
Its: Mayor

Pursuant to Ord. No. 1491-94

STATE OF OHIO

COUNTY OF FRANKLIN, SS:

The foregoing instrument was acknowledged before me this 17th day of August, 2000 by Michael D. Brown, the Acting Mayor of the City of Columbus, a municipal corporation, on behalf of said municipal corporation.

Daniel W. Drake
Notary Public

Commission expiration: _____

STATE OF OHIO
NOTARY PUBLIC
COMMISSION EXPIRES

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CENTRAL HIGH SCHOOL

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ASPHALT PAVEMENT

BROAD STREET

