



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

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

October 14, 2008

CERTIFIED MAIL

Ed Mendelson
Director of Construction Services
Columbus Downtown Development Corporation
150 S. Front Street
Suite 210
Columbus, Ohio 43215

RECEIVED
OCT 16 2008
OHIO EPA/CDO

**RE: Issuance of Covenant Not To Sue for the Lazarus Center Property
(08NFA296)**

Dear Mr. Mendelson:

I am pleased to inform you that on October 14, 2008, the Director of the Ohio Environmental Protection Agency issued a Covenant Not to Sue (Covenant) to Columbus Downtown Development Corporation for the Lazarus Center property located at 50 West Town Street, Columbus, Franklin County, Ohio. The Covenant was issued as Final Findings and Orders pursuant to Ohio Revised Code (ORC) Chapter 3746 and Ohio Administrative Code (OAC) Chapter 3745-300.

Based on the No Further Action (NFA) Letter and subject to the conditions set forth in these Findings and Orders, Ohio EPA hereby covenants not to sue and releases Columbus Downtown Development Corporation and Riversouth Authority, and their respective agents, employees, shareholders, 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 and addressed in the Phase I Property Assessment conducted in compliance with ORC Chapter 3746 and OAC Chapter 3745-300.

Requirement to Record the Covenant

You will find the certified copy of the Covenant enclosed. When filing the Covenant and its exhibits at the Franklin County Recorder's Office, please use the enclosed affidavit from Ohio EPA to guide the recording of the documents in the county's deed records.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Request for Annual Notification to Ohio EPA of Asbestos Management Practices Implemented During Prior Year

Although Ohio EPA's Voluntary Action Program does not regulate or provide liability release for asbestos-containing materials (ACM) that are not contained in an environmental media, e.g. soil and groundwater, we are aware that asbestos management practices will be followed at this property. Because the VAP is contacted concerning all types of environmental issues at any property that receives a covenant not to sue, it would be beneficial to have information concerning the asbestos management practices at this property. Asbestos management practices include practices establishing worker training, signage, periodic inspections, and release prevention measures that are implemented in a manner consistent with 40 CFR Chapter 763 criteria, and for compliance with applicable law such as the Occupational Safety and Health Act and National Emission Standard for Hazardous Air Pollutants program requirements. Therefore, I am requesting (but not requiring) an annual written notification of the asbestos management practices implemented at the property during the prior year. (This notification would not replace any notifications or other obligations required by applicable law, including but not limited to ORC Chapter 3745-20.) Please include, in this notification, information regarding any damage to ACM or any release of asbestos fibers that may have occurred. It is also requested the notification describe the affected areas and the measures taken to abate or repair the affected areas.

The notification is requested to be submitted annually, beginning on the anniversary date of the effective date of the Covenant, or by August 31 of each year, for as long as ACM remains at the property. Please include with the notification a cover letter that identifies "*Notification of Asbestos Management Practices for Lazarus Center Property, NFA Letter No. 08NFA296.*" You may send the notification by regular mail or by other reliable means to: Ohio EPA, 50 W. Town Street, P.O. Box 1049, Columbus, OH 43216-1049, Attention: DERR Records Management Officer, and Ohio EPA Central District Office, at the same address, Attention: DERR Site Coordinator for Lazarus Center Property.

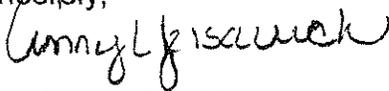
Right of Appeal

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC 3745.04. 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 30 days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, which the Commission, in its discretion, may reduce if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three days of filing

with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Commission at the following address: Environmental Review Appeals Commission, 309 South Fourth St., Room 222, Columbus, OH 43215.

Many persons within the agency, Columbus Downtown Development Corporation, and Bureau Veritas, among others, worked hard to remove the environmental barriers associated with redeveloping this property. Congratulations on the issuance of this Covenant. If you have any questions or concerns, please feel free to contact me at (614) 644-2285 or amy.yersavich@epa.state.oh.us.

Sincerely,



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

Enclosure

c: Thomas Shalala, Certified Professional, Bureau Veritas, 520 South Main Street, Suite 2444, Akron, Ohio 44311
Matt Lutz, General Counsel, CDDC, 150 S. Front Street, Suite 210, Columbus, Ohio 43215
Doug Crandall, DERR-CDO
Sue Kroeger, Legal Office
CO DERR-VAP Files

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

RECEIVED

OCT 16 2008

OHIO EPA/CDO

AFFIDAVIT

STATE OF OHIO)
)
COUNTY OF FRANKLIN) ss:

Before me, the subscriber, a Notary Public in and for the State of Ohio, personally appeared Tonya R. Lassiter, 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 October 14, 2008 regarding the property known as Lazarus Center Property, located at 50 West Town Street in Columbus, Franklin County, Ohio, and further described in Exhibit 1 of the attached Covenant Not to Sue.

Tonya R. Lassiter
Tonya R. Lassiter
Records Management Officer
Ohio EPA Legal Office

Sworn to and subscribed before me, a Notary Public in and for the State of Ohio, this 14th day of October, 2008.

[Signature]
Notary Public
State of Ohio

Permanent Commission
No expiration, R.C. 147.03

Prepared by:
Sue Kroeger, Attorney
Ohio EPA Legal Office
P.O. Box 1049
Columbus, Ohio 43216-1049



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

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OCT 16 2008

OHIO E.P.A.

OCT 14 2008

OHIO EPA/CDO
BEFORE THE

ENFORCE DIRECTOR'S COURT

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Columbus Downtown Development Corp.
150 South Front Street
Columbus, Ohio 43215

Covenant Not to Sue

Director's Final Findings
and Orders

Regarding property known as:

Lazarus Center
50 West Town Street
Columbus, Ohio

I certify this to be a true and accurate copy of the
official documents as filed in the records of the Ohio
Environmental Protection Agency.

By: [Signature] Date: 10-14-08

Pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") Chapter 3745-300, the Director of the Ohio Environmental Protection Agency ("Director") hereby makes the following Findings and issues the following Orders ("Findings and Orders").

FINDINGS

1. A No Further Action Letter, No. 80NFA296 ("NFA Letter"), was submitted on April 25, 2008 to the Director under the Voluntary Action Program on behalf of Columbus Downtown Development Corporation ("Volunteer"), by Thomas P. Shalala, CPG, CHMM, a certified professional, No. CP 188, as defined in ORC 3746.01(E) and OAC 3745-300-01(A)(8) ("Certified Professional").
2. The Certified Professional submitted to the Director an addendum to the NFA Letter on July 18, 2008. For the purposes of these Findings and Orders, the term "NFA Letter" includes the addendum.
3. The NFA Letter describes the investigational and remedial activities undertaken at the approximately 2.75-acre property, currently known as Lazarus Center, located at 50 West Town Street, Columbus, Franklin County, Ohio ("Property"). An exact legal description of the Property is attached hereto as Exhibit 1. A property location map is attached hereto as Exhibit 2. Based on information in the NFA Letter, Columbus Downtown Development Corporation and the

Riversouth Authority collectively own the vast majority of the Property and Columbus Downtown Development Corporation controls all of the Property.

4. The Certified Professional prepared pursuant to OAC 3745-300-13(J) an Executive Summary of the NFA Letter, which is attached hereto as Exhibit 3.
5. The Volunteer performed the voluntary action in conjunction with the Clean Ohio Council's 2005 award of grant funding for the Property under the Clean Ohio Fund, ORC 122.65 to 122.659.
6. Based upon the information contained in the NFA Letter, the Volunteer undertook or completed the following investigational and remedial activities regarding the Property.
 - a. A Phase I Property Assessment was performed 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 on, underlying or is emanating from the Property. The Volunteer and Certified Professional determined that there is no reason to believe that a release of hazardous substances or petroleum has or may have occurred on, underlying or is emanating from the Property or the release is *de minimis* pursuant to OAC 3745-300-06.
 - b. Remedial activities were performed, consisting of the abatement of approximately 95% of the asbestos-containing material (ACM) identified at the Property, in accordance with OAC Chapter 3745-20.
7. The NFA Letter information provides no reason to believe that a release of hazardous substances or petroleum occurred at the Property that required investigational activities pursuant to OAC 3745-300-06 (for any *de minimis* release) or OAC 3745-300-07 (for any identified area).
8. The NFA Letter information indicates that the ACM remaining at the Property (approximately 5% of the overall ACM) is subject to abatement in accordance with applicable law prior to occupation of the building areas or is not required to be abated based on its location or condition. The ACM that remains in place is the subject of a site asbestos management plan, which is summarized in the NFA Letter's Executive Summary.
9. The Certified Professional has verified by affidavit that the investigational and remedial activities undertaken at the Property demonstrate there is no reason to believe a release of hazardous substances or petroleum has occurred or is occurring at the Property, that the Property is eligible to receive a covenant not to

sue under the Voluntary Action Program, and that the voluntary action was conducted in compliance with all applicable federal, state and local laws and regulations.

10. Based on the NFA Letter and subject to all conditions set forth in these Findings and Orders, a covenant not to sue may be issued for the Property 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. Based on the NFA Letter and subject to the conditions set forth in these Findings and Orders, Ohio EPA hereby covenants not to sue and releases Columbus Downtown Development Corporation and the Riversouth Authority, and their respective agents, employees, shareholders, 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 and addressed in the Phase I Property Assessment conducted in compliance with ORC Chapter 3746 and OAC Chapter 3745-300.

Conditions and Limitations

Requirement to Record These Findings and Orders / Covenant Not to Sue

2. Within thirty (30) days after the issuance of these Findings and Orders, Columbus Downtown Development Corporation shall:
 - a. File with the Franklin County Recorder's Office, for recording in the same manner as a deed to the Property pursuant to ORC 3746.14, a copy of these Findings and Orders, including Exhibits 1 (Legal Description), 2 (Property Location Map), and 3 (Executive Summary).
 - b. Submit to Ohio EPA a copy of the Findings and Orders that shows the filing date stamp of the Franklin County Recorder's Office or other reliable information that verifies the recording of the Findings and Orders in accordance with this Order. The submission shall include a cover letter that identifies "*Recorded - Covenant Not to Sue for NFA Letter No. 08NFA296*". The submission shall be addressed and delivered by regular U.S. mail or by other reliable means to: Ohio EPA, 50 West Town Street, Suite 700, PO Box 1049, Columbus, Ohio 43216-1049, Attention: DERR

Records Management Officer, and Ohio EPA Central District Office at the same address, Attention: DERR Site Coordinator for Lazarus Center Property.

Scope of Covenant

3. The Covenant provided in Order No. 1 shall only apply to the approximately 2.75-acre Property described in the NFA Letter, these Findings and Orders, and the exhibits attached hereto, upon which the investigational and remedial activities specified in the NFA Letter were conducted.
4. 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.
5. 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 including but not limited to, releases of asbestos that may occur from asbestos-containing materials remaining at the Property that were not abated, or required to be abated, pursuant to OAC Chapter 3745-20.
 - b. On or emanating from the Property, that are not identified and addressed in the Phase I Property Assessment of the NFA Letter.
 - c. For which investigational or remedial activities were conducted that were not in compliance with ORC Chapter 3746 or OAC Chapter 3745-300.
6. 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.
 - c. As otherwise specifically provided in ORC Chapter 3746, including but not limited to obligations arising under other applicable laws.

7. 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.
8. 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.

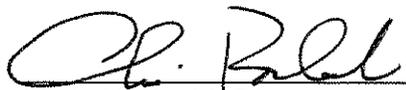
Ohio EPA Access to Property

9. Pursuant to ORC 3746.21, authorized representatives of the Director shall be granted access to the Property for inspection or investigation purposes.

Transfer

10. Pursuant to ORC 3746.14 and OAC 3745-300-13(L), 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.

IT IS SO ORDERED:



Chris Korleski, Director
Ohio Environmental Protection Agency

OCT 14 2008

Date

Exhibit 1
Legal Description

**LEGAL DESCRIPTIONS
FOR RIVERSOUTH PROPERTIES**

TRACT A-1:

Situated in the State of Ohio, County of Franklin and in the City of Columbus:

Being Inlots Nos. 258, 259 and 260, Inlots Nos. 259 and 260 being also known as Lots Nos. 1 to 6 inclusive of L. Goodale's Subdivision shown of record in Plat Book 2, Page 52, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point at the Southeast corner of Inlot No. 258, the same being the Northwest corner of Town Street and High Street; Thence Westerly with the North line of Town Street 187.98 ft. to a point at the Southwest corner of Inlot No. 258; Thence with the West line of Inlots Nos. 258, 259 and 260 and along the East line of Wall Street, Northerly 188.11 ft. to a point at the Northwest corner of Inlot No. 260 and in the South line of Chapel Street; Thence with the South line of Chapel Street and along the North line of Inlot No. 260, Easterly 187.96 ft. to a point at the Northeast corner of Inlot No. 260, the same being the intersection of the South line of Chapel Street with the West line of High Street; Thence with the West line of said High Street along the east line of Inlots Nos. 260, 259 and 258, Southerly 188.18 ft. to the place of beginning, be the same more or less.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986 and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988 and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction of a bridge granted by Ordinance No. 36,350 dated May 25, 1925, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of a pipe tunnel granted by Ordinance No. 36,601 dated September 21, 1925, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of concrete tunnel granted by Ordinance No. 76-46 dated February 18, 1946, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of covered area under sidewalk along the east side of Wall Street from Town Street to State Street granted by the City of Columbus in Miscellaneous Volume 7, Page 44, Franklin County records.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of covered area under sidewalk along the west side of High Street and along Town Street between High Street and Front Street granted by the City of Columbus in Miscellaneous Volume 7, Page 46, Franklin County records.

Parcel No.: 010-028444

TRACT A-2:

Situate in the State of Ohio, County of Franklin and in the City of Columbus:

Being Inlot Nos. 203, 204 and 205, also being known as Lots Nos. 1 to 9 inclusive of L. Goodale's Subdivision of said Inlots, shown of record in Plat Book 2, Page 15, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH the vacated alley shown on said subdivision, vacated by Ordinance No. 30,849 dated September 23, 1918 and Ordinance No. 36,170 dated March 8, 1925 and being more particularly described as follows:

Beginning at a point at the Southwest corner of Inlot No. 205, the same being the Northeast corner of Town Street and Front Street; Thence with the East line of Front Street, Northerly, along the West line of Inlots Nos. 205, 204 and 203, a distance of 188.06 ft. to a point at the Northwest corner of Inlot No. 203 at the intersection of the East line of Front Street with the South line of Chapel Street; Thence with the South line of Chapel Street, Easterly, along the North line of Inlot No. 203, 187.96 ft. to the Northeast corner of Inlot No. 203, the same being at the intersection of the South line of Chapel Street with the West line of Wall Street; Thence with the West line of Wall Street, Southerly, along the East line of Inlots Nos. 203, 204 and 205, a distance of 188.1 ft. to the southeast corner of Inlot No. 205, the same being at the intersection of the West line of Wall Street with the North line of Town Street; thence with the North line of Town Street along the south line of Inlot No. 205, Westerly 187.98 ft. to the place of beginning.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986 and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988 and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of two covered areas over sidewalks as granted by Ordinance No. 21592 dated February 8, 1904, by the City of Columbus and per (a) Contract agreement dated September 10, 1925 and recorded in Misc. Volume 10, Page 127; and (b) Contract agreement dated January 27, 1942 and recorded in Misc. Volume 46, Page 126, all in the Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction of a bridge granted by Ordinance No. 36,350 dated May 25, 1925, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of gasoline storage tanks and construction and maintenance of a pipe tunnel granted by Ordinance No. 36,601 dated September 21, 1925, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of bridge and supports granted by Ordinance No. 73-34 dated February 12, 1934, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of concrete tunnel granted by Ordinance No. 76-46 and 77-46 dated February 18, 1946, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction of a well in the sidewalk space on the east side of Front Street as granted by Ordinance No. 243-34 dated July 2, 1934, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of a passageway as granted by Ordinance No. 396-37 dated September 13, 1937, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of a tunnel as granted by Ordinance No. 219-37 dated May 3, 1937, by the City of Columbus; as amended by Ordinance No. 405-37 dated September 20, 1937.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of an overhead and underground structure on Chapel Street as granted by Ordinance No. 504-38 dated October 10, 1938, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the use and maintenance of sub-sidewalk structures on the east side of Front Street between State Street and Town Street as granted by Ordinance No. 179-39 dated June 1, 1939, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of covered area under sidewalk along the west side of High Street and along Town Street between High Street and Front Street granted by the City of Columbus in Miscellaneous Volume 7, Page 46, Franklin County records.

Parcel No.: 010-028571

TRACT A-3

Situate in the State of Ohio, County of Franklin and in the City of Columbus:

Being the North one-third (1/3) of Inlot No. Two Hundred and Sixty-one (261) of the City of Columbus, according to the recorded plat thereof of record in Deed Book "F", Page 332, Recorder's Office, Franklin County, Ohio, be the same more or less.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986 and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988 and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of covered area under sidewalk along the east side of Wall Street from Town Street to State Street granted by the City of Columbus in Miscellaneous Volume 7, Page 44, Franklin County records.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-018007

TRACT A-4

Parcel 1

Situate in the State of Ohio, County of Franklin and in the City of Columbus: Beginning at the Northeast corner of Inlot Number Two Hundred (200) and being the Southwest corner of State and Wall Streets; Thence West along the North line of said Inlot Number Two Hundred (200) Forty-nine and forty hundredths feet (49.40); Thence South in a line parallel with the East line of said Inlots Numbers Two Hundred (200) and Two Hundred and one (201) Ninety-eight and one-half feet (98½), more or less to the North line of the portion of Inlot Two Hundred and one (201) conveyed by William Wall and wife, to The Columbus Mill and Mine Supply Company by Deed dated June 1, 1899 and recorded in Deed Book 315, Page 385, Recorder's Office, Franklin County, Ohio; Thence East along said line 49.40 feet to the East line of Inlot Two Hundred and one (201), and being the West line of Wall Street; Thence North along the East line of Inlots Two Hundred and one (201) and Two Hundred (200) and the West line of Wall Street to the place of beginning, be the same more or less.

TOGETHER WITH AND SUBJECT TO the easement created in a deed from William Wall and wife, to The Columbus Mill and Mine Supply Company dated June 1, 1899 and recorded in Deed Book 315, Page 385, Recorder's Office, Franklin County, Ohio as follows:

The right to use a strip four and one-half (4½) feet in width off of the north side of the above described premises in connection with a strip of equal width off of the south side of the premises adjoining on the north as a private alley; said strip of nine (9) feet in width to be used as a private alley.

Parcel 2

Situate in the State of Ohio, County of Franklin and in the City of Columbus: Beginning at a point in the North line of Inlot No. Two Hundred (200), Forty-nine and forty hundredths (49.40) feet distance West from the Northeast corner of said Inlot No. Two Hundred (200), and being the Northwest corner of a parcel of land formerly owned by Helen Duffy; Thence South in a line parallel with the East line of Inlots Nos. Two Hundred (200) and Two Hundred and One (201), along the West line of said tract of land formerly owned by Helen Duffy, ninety-eight and one-half (98½) feet more or less to the North line of a portion of Inlot No. Two Hundred and One (201) conveyed by William Wall and wife, to The Columbus Mill and Mine Supply Co. by Deed dated JUNE 1, 1899 and recorded in Deed Book 315, Page 385, Recorder's Office, Franklin County, Ohio; Thence West along said line Sixteen and 75 hundredths (16.75) feet to a point Thence North in a line parallel with the East line of said Inlots Two Hundred and One (201) and Two Hundred (200) to the North line of said Inlot No. Two Hundred (200); thence East along the North line of said Inlot No. Two Hundred (200), sixteen and seventy-five hundredths feet (16.75), to the place of beginning, be the same more or less.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986 and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988 and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement

dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-012779

TRACT B

Situate in the State of Ohio, County of Franklin and in the City of Columbus:

Being parts of the East one-half of the Inlots Two Hundred (200) and Two Hundred and One (201) in said City as said lots are designated and delineated on the recorded plat thereof, of record in the Recorder's Office, Franklin County, Ohio, and described as follows:

Beginning at a point in the North line of said Inlot Two Hundred (200), sixty-six and fifteen hundredths (66.15) feet West of the Northeast corner of said Inlot; Thence West along the North line of said Inlot twenty-seven and ninety hundredths (27.90) feet; Thence South in a line parallel with the East line of Inlots Two Hundred (200) and Two Hundred and One (201), ninety-eight and one-half (98½) feet more or less to the North line of a portion of Inlot Two Hundred and One (201) conveyed by William Wall and wife, to The Columbus Mill and Mine Supply Company by Deed dated JUNE 1, 1899 and recorded in Deed Book 315, Page 385, Recorder's Office, Franklin County, Ohio; Thence East along said line twenty-seven and ninety hundredths (27.90) feet; Thence North in a line parallel with Inlots Two Hundred and One (201) and Two Hundred (200) to the place of beginning, be the same more or less.

TOGETHER WITH AND SUBJECT TO the easement created in a deed from William Wall and wife, to The Columbus Mill and Mine Supply Company dated June 1, 1899 and recorded in Deed Book 315, Page 385, Recorder's Office, Franklin County, Ohio as follows:

The right to use a strip four and one-half (4½) feet in width off of the north side of the above described premises in connection with a strip of equal width off of the south side of the premises adjoining on the north as a private alley; said strip of nine (9) feet in width to be used as a private alley.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986 and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988 and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH the vacated alley shown on said subdivision, vacated by Ordinance No. 36935 dated February 8, 1926, by the City of Columbus.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-012804

TRACT C

Situate in the State of Ohio, County of Franklin and in the City of Columbus:

Parcel 1:

Being the East one-half of a strip $26\frac{1}{2}$ feet in width off of the south side of Inlot No. 201 to said City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Deed Book F, page 332, Recorder's Office, Franklin County, Ohio, said premises being more particularly described as follows:

Beginning at the Southeast corner of said Inlot 201 and running thence Northerly with the East line of said Inlot, twenty-six and one-half ($26\frac{1}{2}$) feet; thence westerly and parallel with the South line of said Inlot ninety-four and fifteen hundredths (94.15) feet; thence southerly and parallel with the East line of said Inlot; twenty six and one-half ($26\frac{1}{2}$) feet to the South line of said Inlot, thence Easterly with the South line of said Inlot ninety-four and fifteen hundredths (94.15) feet to the place of beginning.

Parcel 2:

Being a part of Inlot Number Two Hundred and Two (202) in said City of Columbus, as said Inlot is numbered and delineated upon the recorded plat thereof, of record in Deed Book F, page 332, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at the southeast corner of said Inlot No. 202, and running thence with the north line of Chapel Street westerly $93\frac{1}{4}$ feet; thence at right angles to the line of Chapel Street northwardly 42 feet to the north wall of William and Bridget Wall's brick stable; thence eastwardly parallel with line of Chapel Street 8 feet; thence northwardly at right angles to the line of Chapel Street $20\frac{1}{2}$ feet; thence eastwardly parallel with line of Chapel Street 85 feet to the northeast corner of said Inlot No. 202; thence with the west line of Fair Alley southwardly $62\frac{1}{2}$ feet to the beginning.

Parcel 3:

Being a part of Inlot Number Two Hundred and Two (202) in said City of Columbus, as said Inlot is numbered and delineated upon the recorded plat thereof, of record in Deed Book F, page 332, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point in the north line of said Inlot, 85 feet westerly from the northeast corner of said Inlot; thence with said north line of said Inlot westerly $8\frac{1}{2}$ feet to a point in said north line where a line drawn at right angles thereto through the center of said Inlot would intersect the same; thence southerly on said center line $20\frac{1}{2}$ feet to the north wall of William and Bridget Wall's brick stable; thence easterly on a line parallel with said north line of said Inlot $8\frac{1}{2}$ feet to a point; thence northerly on a line at right angles to said last named line $20\frac{1}{2}$ feet to the place of beginning.

TOGETHER WITH AND SUBJECT TO the easement created in a deed from William Wall and wife, to The Columbus Mill and Mine Supply Company dated June 1, 1899 and recorded in Deed Book 315, Page 385, Recorder's Office, Franklin County, Ohio as follows:

The right to use a strip four and one-half ($4\frac{1}{2}$) feet in width off of the north side of the above described premises in connection with a strip of equal width off of the south side of the premises adjoining on the north as a private alley; said strip of nine (9) feet in width to be used as a private alley.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986 and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988 and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of bridge and supports granted by Ordinance No. 73-34 dated February 12, 1934, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of a passageway as granted by Ordinance No. 396-37 dated September 13, 1937, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of an overhead and underground structure on Chapel Street as granted by Ordinance No. 504-38 dated October 10, 1938, by the City of Columbus.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: Part of 010-008460

TRACT D

Situate in the State of Ohio, County of Franklin and in the City of Columbus:

Being 62½ feet off of the West end of Lot Number Five (5) of the subdivision of the West Half of Inlots Numbers Two Hundred (200), Two Hundred and One (201) and Two Hundred and Two (202), in the City of Columbus, Ohio, as said Lot Number Five (5) is numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 150, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986 and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988 and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of bridge and supports granted by Ordinance No. 73-34 dated February 12, 1934, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of a passageway as granted by Ordinance No. 396-37 dated September 13, 1937, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of an overhead and underground structure on Chapel Street as granted by Ordinance No. 504-38 dated October 10, 1938, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the use and maintenance of sidewalk structures on the east side of Front Street between State Street and Town Street as granted by Ordinance No. 179-39 dated June 1, 1939, by the City of Columbus.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: Part of 010-008460

TRACT E

Situate in the State of Ohio, County of Franklin and in the City of Columbus:

Being the South two-thirds (2/3) of Inlot 261 in said City of Columbus, Ohio as the said Inlot is designated and delineated on the recorded plat of the City of Columbus, Ohio, in Deed Book "F", Page 332, Recorder's Office, Franklin County, Ohio, be the same more or less.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986 and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988 and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of covered area under sidewalk along the east side of Wall Street from Town Street to State Street granted by the City of Columbus in Miscellaneous Volume 7, Page 44, Franklin County records.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-049786

TRACT F

Situated in the State of Ohio, County of Franklin and in the City of Columbus:

Being part of Lots Numbers One (1) and Two (2) of Gardner's Heir's Subdivision of the West One-half of Inlots Numbers Two Hundred (200), Two Hundred and One (201) and Two Hundred and Two (202) in said City of Columbus, as the said Lot numbers One (1) and Two (2) are designated and delineated on the recorded plat of said Subdivision of record in Plat Book 1, Page 150.

Beginning at the northwest corner of said Lot Number One (1) it being the Southeast corner of State and Front Street; thence East along the north line of said Lots numbers One (1) and Two (2) being the South

line of State Street, 43.36 feet to a point; thence South in a line parallel with the West line of said Lot Number One (1), 58.15 feet to a point; thence West in a line parallel with the North line of said Lots Numbers One (1) and Two (2), 43.36 feet to a point in the West line of said Lot number One (1) being the East line of Front Street; thence North along said line, 58.15 feet to the place of beginning.

TOGETHER WITH the vacated alley shown on said subdivision, vacated by Ordinance No. 36935 dated February 8, 1926, by the City of Columbus.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986 and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988, and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the use and maintenance of sidewalk structures on the east side of Front Street between State Street and Town Street as granted by Ordinance No. 179-39 dated June 1, 1939, by the City of Columbus.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: Part of 010-008460

TRACT G

Being Lot Number Four (4) of Gardner's Heirs Subdivision of the West one-half of Inlots Numbers Two Hundred (200), Two Hundred and One (201) and Two Hundred and Two (202) to the City of Columbus, Ohio.

TOGETHER WITH a portion off the rear ends of Lots Numbers One (1) and Two (2), of said Gardner's Heirs Subdivision and being more particularly described as follows:

Beginning at the Southwest corner of said Lot Number One (1); thence North along the West line of said Lot Number One (1), Nine and one-half (9½) feet; thence East in a line parallel with the South lines of said Lots Numbers One (1) and Two (2), Forty-three and one-half (43½) feet, more or less, to the West line of that portion of Lot Number Two (2) of said Gardner's Heirs Subdivision owned by William D. Duffy; thence South at right angles Nine and one-half (9½) feet to the South line of said Lot Number Two (2); thence West along the South line of said Lots Numbers Two (2) and One (1), to the place of beginning.

Being a portion of right of way as vacated by Ordinance No. 36935 dated February 8, 1926, by the City of Columbus.

Parcel 1:

Situate in the State of Ohio, County of Franklin and in the City of Columbus:

Beginning at a point in the West line of said Lot Number One (1), at a point Fifty-eight (58) feet south of the Northwest corner of said Lot; thence East on a line parallel with the North and South

lines of said Lots Numbers One (1) and Two (2), Forty-three and twenty-five hundredths (43.25) feet to a point in said Lot Number Two (2); thence Southerly and parallel to the West line of said Lot Number Two (2), Thirty-one and eighty hundredths (31.80) feet to a point; thence Westerly and parallel to the South line of Lots Numbers One (1) and Two (2), Forty-three and twenty-five (43.25) hundredths feet to a point in the West line of Lot Number One (1); thence Northerly with the West line of Lot Number One (1), Thirty-one and Eighty hundredths (31.80) feet to the place of beginning.

TOGETHER WITH the vacated alley shown on said subdivision, vacated by Ordinance No. 36935 dated February 8, 1926, by the City of Columbus.

Parcel 2:

Being thirty-one and one-fourth ($31\frac{1}{4}$) feet on Chapel Street extending Northerly the same width off of the East end of Lot Number Five (5) of Gardner's Heirs Subdivision of Inlots Numbers Two Hundred (200), Two Hundred and One (201) and Two Hundred and Two (202) in said City of Columbus, as said Lot Number Five (5) is designated and delineated on the recorded plat of said subdivision in Plat Book 1, Page 150, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH forty-three and one-half ($43\frac{1}{2}$) feet off the west end of a so called nine and one-half ($9\frac{1}{2}$) foot alley extending along the north side of Lot Four (4) of Gardner's Heirs Subdivision of the West one-half of Inlots Numbers Two Hundred (200), Two Hundred and One (201) and Two Hundred and Two (202) in the City of Columbus, Ohio as conveyed in that certain Warranty Deed to The National City Bank of Cleveland, Trustee recorded in Deed Book 2767, Page 156, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986 and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988, and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of bridge and supports granted by Ordinance No. 73-34 dated February 12, 1934, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of a passageway as granted by Ordinance No. 396-37 dated September 13, 1937, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of an overhead and underground structure on Chapel Street as granted by Ordinance No. 504-38 dated October 10, 1938, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the use and maintenance of sidewalk structures on the east side of Front Street between State Street and Town Street as granted by Ordinance No. 179-39 dated June 1, 1939, by the City of Columbus.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement

dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640,
Recorder's Office, Franklin County, Ohio.
Parcel No.: Part of 010-008460

TRACT M

Situate in the State of Ohio, County of Franklin and in the City of Columbus:

Being part of Lot Number Two (2) and all of Lot Number Three (3) of Gardner's Heirs Subdivision of the West one-half of Inlots Numbers Two Hundred (200), Two Hundred and One (201) and Two Hundred and Two (202) to the City of Columbus, Ohio, and being more particularly described as follows:

Beginning at the northeast corner of Lot Number Three (3); thence west along the north line of Lots Three (3) and Two (2) and being the south line of State Street, 50.68 feet to a point in said north line; thence south in a line parallel with the east lines of said Lots Two (2) and Three (3), 97.70 feet to a point in the north line of Lot Number Four (4) of said Gardner's Heirs Subdivision; thence east in a line parallel with the north line of said Lots Two (2) and Three (3) and being the north line of said Lot Number Four (4), 50.68 feet to a point in the east line of Lot Number Three (3); thence north along the east line of Lot number Three (3) and being the east line of the west one-half of said Inlots Numbers Two Hundred (200), Two Hundred and One (201) and Two Hundred Two (202), 97.70 feet to the place of beginning.

TOGETHER WITH the vacated alley shown on said subdivision, vacated by Ordinance No. 36935 dated February 8, 1926, by the City of Columbus.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986 and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988, and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: Part of 010-008460

TRACT N

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 17, Township 5, Range 22, Refugee Tract and being part of Chapel Street (formerly Sugar Alley) as shown on Plat Book 3, Page 248 and described as follows:

Beginning at a mag nail set marking the northerly right-of-way line for said Chapel Street with the westerly right-of-way line for High Street, the same being the southeasterly corner of Lot 261 as shown on said Plat Book 3, Page 248;

Thence S 08° 08' 35" E, across said Chapel Street, 33.00 feet to a mag nail set marking the intersection of the southerly right-of-way line for said Chapel Street with said westerly right-of-way line, the same being the northeasterly corner of Lot 6 of "Goodale House Block" as recorded in Plat Book 2, Page 52;

Thence S 81° 52' 43" W, with said southerly right-of-way line, 188.28 feet to a mag nail set marking the intersection of said southerly right-of-way line with the easterly right-of-way line for Wall Street (formerly Fair Alley), the same being the northwesterly corner of said Lot 6;

Thence N 08° 08' 35" W, across said Chapel Street, 33.00 feet to a mag nail set marking the intersection of said easterly right-of-way line with said northerly right-of-way line, the same being the southwesterly corner of said Lot 261;

Thence N 81° 52' 43" E, with said northerly right-of-way line, 188.28 feet to the Point of Beginning, containing 0.143 acre, more or less.

All references to the records of the Recorder's Office, Franklin County, Ohio.

Bearings are based on N 08° 08' 35" W, for the centerline of High Street.

This description was prepared using documents of record, prior plats, and an actual field survey performed by EMH&T, Inc., Gahanna, Ohio during November, 2004.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-277234

TRACT O

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 17, Township 5, Range 22, Refugee Tract, being a portion of Wall Street (formerly Fair Alley) as shown on Plat Book 3, Page 248, and described as follows:

Beginning at a mag nail set marking the intersection of the easterly right-of-way for said Wall Street with the northerly right-of-way line for Town Street, the same being the southwesterly corner of Lot 258 as shown on said Plat Book 3, Page 248;

thence South 81° 52' 43" West, across said Wall Street, 33.00 feet to a mag nail set marking the intersection of the westerly right-of-way line of said Wall Street with said northerly right-of-way line, the same being the southeasterly corner of Lot 6 of "L. Goodale's Subdivision" as recorded in Plat Book 2, Page 15;

thence North 08° 08' 35" West, with said westerly right-of-way line, 187.24 feet to a mag nail set marking the intersection of said westerly right-of-way line with the southerly right-of-way line of Chapel Street (formerly Sugar Alley), the same being the northeasterly corner of Lot 203 as shown on said Plat Book 3, Page 248;

thence North 81° 52' 43" East, across said Wall Street, 33.00 feet to a mag nail set marking said easterly right-of-way line with said southerly right-of-way line, the same being the northwesterly corner of Lot 6 of "Goodale House Block" as recorded in Plat Book 2, Page 52;

thence South 08° 08' 35" East, with said easterly right-of-way line, 187.24 feet to the Point of Beginning, containing 0.142 acre, more or less.

All references to the records of the Recorder's Office, Franklin County, Ohio.

Bearings are based on North 08° 08' 35" West, for the centerline of High Street.

This description was prepared using documents of record, prior plats, and an actual field survey performed by EMH&T, Inc., Gahanna, Ohio during November, 2004.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction of a bridge granted by Ordinance No. 36,350 dated May 25, 1925, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of a pipe tunnel granted by Ordinance No. 36,601 dated September 21, 1925, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of concrete tunnel granted by Ordinance No. 76-46 dated February 18, 1946, by the City of Columbus.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-283536

The above described real property is more particularly described as follows:

TRACTS A-4, B, C, D, F, G and M:

Area north of Chapel Street (33') and west of Wall Street (33')

Situated in the State of Ohio, County of Franklin, City of Columbus:

Being the east half of In-Lots 200, 201, and 202 as shown on Plat of In-Lots to the City of Columbus of record in Plat Book 3, Page 248 and Plat Book 14, Page 27 and Lots 1 through 5, inclusive, as shown on Gardner's Heirs Subdivision of record in Plat Book 1, Page 150 and that alley shown thereon vacated by Ordinance Number 36935. Containing 0.809 acre, more or less.

TOGETHER WITH AND SUBJECT TO the easement created in a deed from William Wall and wife, to The Columbus Mill and Mine Supply Company dated June 1, 1899 and recorded in Deed Book 315, Page 385, Recorder's Office, Franklin County, Ohio as follows:

The right to use a strip four and one-half (4½) feet in width off of the north side of the above described premises in connection with a strip of equal width off of the south side of the premises adjoining on the north as a private alley; said strip of nine (9) feet in width to be used as a private alley.

TOGETHER WITH forty-three and one-half (43½) feet off the west end of a so-called nine and one-half (9½) foot alley extending along the north side of Lot Four (4) of Gardner's Heirs Subdivision of the West one-half of Inlots Numbers Two Hundred (200), Two Hundred and One (201) and Two Hundred and Two (202) to the City of Columbus, Ohio as conveyed in that certain Warranty Deed to The National City Bank of Cleveland, Trustee recorded in Deed Book 2767, Page 156, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH the vacated alley shown on said subdivision, vacated by Ordinance No. 36935 dated February 8, 1926, by the City of Columbus.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986, and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988, and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of bridge and supports granted by Ordinance No. 73-34 dated February 12, 1934, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the use and maintenance of sidewalk structures on the east side of Front Street between State Street and Town Street as granted by Ordinance No. 179-39 dated June 1, 1939, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of a passageway as granted by Ordinance No. 396-37 dated September 13, 1937, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of an overhead and underground structure on Chapel Street as granted by Ordinance No. 504-38 dated October 10, 1938, by the City of Columbus.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel Nos.: 010-012779, 010-012804 and 010-008460

TRACT A-2:

Area south of Chapel Street (33') and west of vacated Wall Street (33')

Situated in the State of Ohio, County of Franklin, City of Columbus:

Being Lots 1 through 9, inclusive, as shown on L. Goodale's Subdivision of Lots 203, 204, and 205 in the City of Columbus of record in Plat Book 2, Page 15 and those alleys shown thereon vacated by Ordinance Numbers 36170 and 30849. Containing 0.809 acre, more or less.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986, and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988, and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of two covered areas over sidewalks as granted by Ordinance No. 21592 dated February 8, 1904, by the City of Columbus and per (a) Contract agreement dated September 10, 1925 and recorded in Misc. Volume 10, Page 127; and (b) Contract agreement dated January 27, 1942 and recorded in Misc. Volume 46, Page 126, all in the Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction of a bridge granted by Ordinance No. 36,350 dated May 25, 1925, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of gasoline storage tanks and construction and maintenance of a pipe tunnel granted by Ordinance No. 36,601 dated September 21, 1925, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of bridge and supports granted by Ordinance No. 73-34 dated February 12, 1934, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of concrete tunnel granted by Ordinance No. 76-46 and 77-46 dated February 18, 1946, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction of a well in the sidewalk space on the east side of Front Street as granted by Ordinance No. 243-34 dated July 2, 1934, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of a tunnel as granted by Ordinance No. 219-37 dated May 3, 1937, by the City of Columbus; as amended by Ordinance No. 405-37 dated September 20, 1937.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of a passageway as granted by Ordinance No. 396-37 dated September 13, 1937, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of an overhead and underground structure on Chapel Street as granted by Ordinance No. 504-38 dated October 10, 1938, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the use and maintenance of sub-sidewalk structures on the east side of Front Street between State Street and Town Street as granted by Ordinance No. 179-39 dated June 1, 1939, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of covered area under sidewalk along the west side of High Street and along Town Street between High Street and Front Street granted by the City of Columbus in Miscellaneous Volume 7, Page 46, Franklin County records.

Parcel No.: 010-028571

TRACT A-1:

Area south of vacated Chapel Street (33') and east of vacated Wall Street (33')

Situated in the State of Ohio, County of Franklin, City of Columbus:

Being In-Lot 258 as shown on Plat of In-Lots to the City of Columbus of record in Plat Book 3, Page 248 and Plat Book 14, Page 27 and Lots 1 through 6, inclusive, as shown on Goodale House Block of record in Plat Book 2, Page 52. Containing 0.810 acre, more or less.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986, and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988, and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction of a bridge granted by Ordinance No. 36,350 dated May 25, 1925, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of gasoline storage tanks and construction and maintenance of a pipe tunnel granted by Ordinance No. 36,601 dated September 21, 1925, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of concrete tunnel granted by Ordinance No. 76-46 dated February 18, 1946 by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of covered area under sidewalk along the east side of Wall Street from Town Street to State Street granted by the City of Columbus in Miscellaneous Volume 7, Page 44, Franklin County records.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of covered area under sidewalk along the west side of High Street and along Town Street between High Street and Front Street granted by the City of Columbus in Miscellaneous Volume 7, Page 46, Franklin County records.

Parcel No.: 010-028444

TRACTS A-3 and E:

Area north of vacated Chapel Street (33') and east of Wall Street (33')

Situated in the State of Ohio, County of Franklin, City of Columbus:

Being In-Lot 261 as shown on Plat of In-Lots to the City of Columbus of record in Plat Book 3, Page 248 and Plat Book 14, Page 27. Containing 0.270 acre, more or less.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986, and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption

Agreement dated July 29, 1988, filed September 9, 1988, and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of covered area under sidewalk along the east side of Wall Street from Town Street to State Street granted by the City of Columbus in Miscellaneous Volume 7, Page 44, Franklin County records.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel Nos.: 010-018007 and 010-049786

TRACT N

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 17, Township 5, Range 22, Refugee Tract and being part of Chapel Street (formerly Sugar Alley) as shown on Plat Book 3, Page 248 and described as follows:

Beginning at a mag nail set marking the northerly right-of-way line for said Chapel Street with the westerly right-of-way line for High Street, the same being the southeasterly corner of Lot 261 as shown on said Plat Book 3, Page 248;

Thence S 08° 08' 35" E, across said Chapel Street, 33.00 feet to a mag nail set marking the intersection of the southerly right-of-way line for said Chapel Street with said westerly right-of-way line, the same being the northeasterly corner of Lot 6 of "Goodale House Block" as recorded in Plat Book 2, Page 52;

Thence S 81° 52' 43" W, with said southerly right-of-way line 188.28 feet to a mag nail set marking the intersection of said southerly right-of-way line with the easterly right-of-way line for Wall Street (formerly Fair Alley), the same being the northwesterly corner of said Lot 6;

Thence N 08° 08' 35" W, across said Chapel Street, 33.00 feet to a mag nail set marking the intersection of said easterly right-of-way line with said northerly right-of-way line, the same being the southwesterly corner of said Lot 261;

Thence N 81° 52' 43" E, with said northerly right-of-way line, 188.28 feet to the Point of Beginning, containing 0.143 acre, more or less.

All references to the records of the Recorder's Office, Franklin County, Ohio.

Bearings are based on N 08° 08' 35" W, for the centerline of High Street.

This description was prepared using documents of record, prior plats, and an actual field survey performed by EMH&T, Inc., Gahanna, Ohio during November, 2004.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-277234

TRACT O

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 17, Township 5, Range 22, Refugee Tract, being a portion of Wall Street (formerly Fair Alley) as shown on Plat Book 3, Page 248, and described as follows:

Beginning at a mag nail set marking the intersection of the easterly right-of-way for said Wall Street with the northerly right-of-way line for Town Street, the same being the southwesterly corner of Lot 258 as shown on said Plat Book 3, Page 248;

Thence South 81° 52' 43" West, across said Wall Street, 33.00 feet to a mag nail set marking the intersection of the westerly right-of-way line of said Wall Street with said northerly right-of-way line, the same being the southeasterly corner of Lot 6 of "L. Goodale's Subdivision" as recorded in Plat Book 2, Page 15;

Thence North 08° 08' 35" West, with said westerly right-of-way line, 187.24 feet to a mag nail set marking the intersection of said westerly right-of-way line with the southerly right-of-way line of Chapel Street (formerly Sugar Alley), the same being the northeasterly corner of Lot 203 as shown on said Plat Book 3, Page 248;

Thence North 81° 52' 43" East, across said Wall Street, 33.00 feet to a mag nail set marking said easterly right-of-way line with said southerly right-of-way line, the same being the northwesterly corner of Lot 6 of "Goodale House Block" as recorded in Plat Book 2, Page 52;

Thence South 08° 08' 35" East, with said easterly right-of-way line, 187.24 feet to the Point of Beginning, containing 0.142 acre, more or less.

All references to the records of the Recorder's Office, Franklin County, Ohio.

Bearings are based on N 08° 08' 35" W, for the centerline of High Street.

This description was prepared using documents of record, prior plats, and an actual field survey performed by EMH&T, Inc., Gahanna, Ohio during November, 2004.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction of a bridge granted by Ordinance No. 36,350 dated May 25, 1925, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of gasoline storage tanks and construction and maintenance of a pipe tunnel granted by Ordinance No. 36,601 dated September 21, 1925, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of concrete tunnel granted by Ordinance No. 76-46 dated February 18, 1946, by the City of Columbus.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-283536

Exhibit 2
Property Location Map

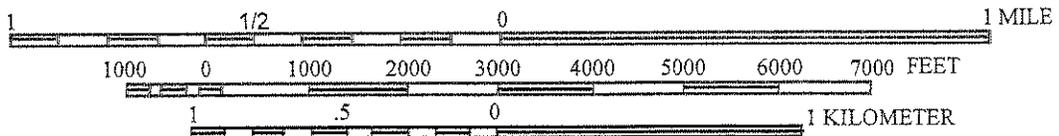


Quadrangle Location

Legend			
Road Classification			
Heavy-duty		Light-duty	
Medium-duty		Unimproved dirt	



Portion of 7.5-minute Series (Topographic) Maps
 Southwest and Southeast Columbus, Ohio
 United States Department of the Interior
 Geological Survey



CONTOUR INTERVAL 10 FEET
 NATIONAL GEODETIC VERTICAL DATUM OF 1929

Figure 1
 Site Location



Lazarus Center

Bureau Veritas Project Number 08005-105073.00

Exhibit 3
Executive Summary

SECTION B
Revised Executive Summary of No Further Action Letter

Subject Property:

Lazarus Center
50 West Town Street
Columbus, Ohio

Volunteer:

Columbus Downtown Development Corporation
50 West Town Street
Columbus, Ohio

Certified Professional:

Mr. Thomas P. Shalala, CP#188, CPG, CHMM
Bureau Veritas North America, Inc.
Director Environmental Services
Northeast Ohio Regional Office
520 South Main Street, Suite 2444
Akron, Ohio 44311
330.252.5100

Bureau Veritas Project Number 08005-105073.00
Original NFA Date: April 10, 2008
Revision/Addendum Date: July 21, 2008

Bureau Veritas North America, Inc.
520 South Main Street
Suite 2444
Akron, Ohio 44311
330.252.5100

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Attachments

- 1 Legal Description
- 2 Site Diagram, Topographic Map



1.0 INTRODUCTION

Bureau Veritas North America, Inc. (Bureau Veritas), formerly Clayton Group Services (Clayton), has completed this Revised Executive Summary of No Further Action (NFA) Letter on behalf of Columbus Downtown Development Corporation (CDDC). This Executive Summary was completed in compliance with Ohio Administrative Code (OAC) 3745-300-13(H) to meet the requirements for submitting the NFA letter to the Ohio Environmental Protection Agency (Ohio EPA) and with OAC 3745-300-13(J) for the purpose of recording a summary of the NFA letter in the Franklin County recorder's office.

Lazarus Center, the subject property, is located at 50 Town Street, formerly 141 South High Street, in Columbus (Franklin County), Ohio. The subject property consists of four adjoined buildings comprising approximately 1.5 million square feet of interior floor space located on approximately 2.75-acres. The subject buildings were constructed between 1909 and 1959, and have included multiple additions from as early as 1918 and continuing until at least the 1980s. The subject building has undergone extensive interior and exterior renovation from 2004 to present, some of which is still ongoing. Occupied portions of the subject building are utilized for office space, general and document storage, mechanical/equipment rooms, shipping/receiving areas, and maintenance operations. Current tenants include the Ohio EPA and the Ohio Department of Job and Family Services.

Activities completed as part of this voluntary action included conducting a VAP Phase I Assessment of the subject property, closure of potential VAP eligibility issues, including polychlorinated biphenyls (PCBs) and Class V injection wells, and addressing onsite asbestos issues. Proper closure of these issues was pursued and obtained accordingly with the applicable regulatory administrators. Liquid-containing transformers were confirmed to be non PCB containing by taking oil and wipe samples. One onsite injection well was properly abandoned, floor drains and sumps discharges were traced to the sanitary sewer system, and remaining potential wells were disproved as to their location or ability to provide an open pathway to groundwater. Extensive surveys and abatement operations have been addressing asbestos containing materials (ACM) at the subject property since 2004.

Issuance of the NFA for the Lazarus Center was completed by Bureau Veritas on April 10, 2008. An addendum to the NFA Letter, based on comments received from the Ohio EPA received on May 22, 2008, was completed on July 21, 2008. This NFA letter's revised executive summary contains an overview of the voluntary action. The revised executive summary may be reviewed as an exhibit to the covenant not to sue issued for the subject property, recorded in the deed records for the subject property in the Franklin County Recorder's Office. A copy of the covenant not to sue, executive summary, and NFA Letter may be obtained by contacting Records Management Officer, Ohio EPA, Division of Emergency and Remedial Response, P.O. Box 1049, Columbus, Ohio 43216-1049, 614.644.2924, or by contacting CDDC.

The legal description of the subject property is included as Attachment 1 of this Executive Summary. The ALTA Property Map, Topographic Map and property descriptions were provided by EMH&T and are included in Attachment 2 of this Executive Summary.



2.0 SUMMARY OF NO FURTHER ACTION LETTER

The issuance of the NFA letter for the subject property was based upon the request for a Covenant Not to Sue (CNS) from the Ohio EPA and to fulfill obligations related to a Clean Ohio Assistance Fund (COAF) grant that was granted to the City of Columbus to aid in the abatement of hazardous materials located within the subject building. The planned short-term use for the subject property will be general office space, educational facilities, museum and gallery space, and various retail spaces.

Bureau Veritas reviewed the following documents during this assessment to support the NFA letter:

- *Phase I Environmental Site Assessment at the Downtown Lazarus Center Located at 141 South High Street in Columbus, Ohio*, prepared by Clayton Group Services (now Bureau Veritas North America, Inc.) and dated December 19, 2003.

The following evidence of RECs was indicated in this report:

- A former "Filling Station" was identified in the 1951 Sanborn Fire Insurance Map on the property to the south, beyond West Town Street. The former filling station was located near the northwestern portion of the existing parking lot. Three gasoline USTs were depicted on the south side of the filling station. No further information was available regarding the former station, historical USTs, or any historical releases associated with the refueling operations.

Based upon the results of the December 2003 Phase I ESA, Clayton Group Services (now Bureau Veritas North America, Inc.) performed a Limited Phase II Environmental Site Assessment (Phase II) to determine if the former filling station impacted the subsurface in the vicinity of the USTs.

- *Limited Phase II Environmental Site Assessment at the Downtown Lazarus Center Located at 141 South High Street in Columbus, Ohio*, prepared by Clayton Group Services and dated February 10, 2004.

The purpose of the Limited Phase II was to evaluate the potential environmental concern associated with the former gasoline filling station and identified during the Phase I ESA that was conducted by Clayton in December 2003. This parking lot was formerly owned by Lazarus but is no longer associated with the Lazarus Center and is not part of the subject property, as addressed in this report.

The Phase II included advancing five soil borings in the vicinity of the existing gasoline USTs, the installing three temporary groundwater monitoring wells, and collecting and analyzing soil and groundwater samples.

The results of the Limited Phase II are summarized below:

Soil

- Benzene was detected at a concentration of 15.0 milligrams per kilogram (mg/kg) in soil sample SB-1 (16-18 feet). This concentration exceeded the Ohio EPA VAP leach-based soil value of 0.015 mg/kg. In addition, this concentration exceeded the BUSTR Tier 1



direct contact, soil to groundwater leaching, soil to indoor air, and soil to indoor air action levels of 8.2 mg/kg, 0.24 mg/kg, 1.05 mg/kg, and 3.99 mg/kg, respectively.

- Toluene was detected at a concentration of 41.0 mg/kg in soil sample SB-1 (16-18 feet). This concentration exceeded the Ohio EPA VAP leach-based soil value of 7.7 mg/kg.
- Elevated detection limits for VOCs were reported by the laboratory for soil samples SB-1 (10-12 feet) and SB-3 (8-10 feet). Lower reporting limits could not be achieved for these soil samples due to the high concentration of one or more of the target list chemicals of concern (COCs). Therefore, COCs may be present in these soil samples at concentrations that exceed their respective Ohio EPA generic direct contact standards and leach-based values, as well as their respective BUSTR Tier 1 soil action levels.

Groundwater

- Benzene was detected at a concentration of 0.057 milligrams per liter (mg/l) in temporary monitoring well TW-2. This concentration exceeded the Ohio EPA VAP generic unrestricted potable use standard and the BUSTR drinking water action level of 0.005 mg/l.

Although contamination was detected beneath the former gasoline station, in the vicinity of the existing gasoline USTs, it is Bureau Veritas' professional opinion that this site does not present an environmental concern to the subject property based upon the following: the site is no longer associated with or part of the subject property (Lazarus Center); identified contamination has generally been delineated and found to be confined to the former gasoline station site; and finally, groundwater flow direction in the vicinity of this site is west/southwest, toward the Scioto River, which is crossgradient relative to the subject site.

In addition to the Phase II, Advanced Geological Services (AGS) of Malvern, Pennsylvania, were contracted to complete a geophysical survey of the former filling station area on April 2, 2004.

- *Letter Report on a Geophysical Survey Completed in Columbus, Ohio*, prepared by Advanced Geological Services and dated May 17, 2004

A geophysical survey was performed on the former gasoline filling station to confirm the existence of USTs associated with onsite operations, as identified in the Sanborn Maps during the Phase I ESA.

The results of this Geophysical Survey are summarized below:

- Three distinct anomalies were identified during the EM61 geophysical survey. GPR data confirmed the presence of three steel USTs. Each UST had the approximate dimensions of a 4-foot diameter and an 11-foot long axis, which is the approximate size of a 1,000-gallon UST. The USTs were identified in the west-central portion of the parking lot, approximately 25 feet east of Front Street. The USTs appeared to be contained in the same cavity with approximately 1-foot of spacing between each UST.
- *Phase I Environmental Site Assessment: Lazarus Center, 141 South High Street, Columbus, Ohio 43215*, Clayton Group Services (now Bureau Veritas North America, Inc.) and dated November 5, 2004.



The purpose of the Phase I Property Assessment under the VAP was to determine whether there is any reason to believe that any releases of hazardous substances or petroleum have or may have occurred on, underlying, or are emanating from a property including any release from management, handling, treatment, storage, or disposal activities from on or off-property activities. The scope of the assessment was to characterize the site for the purposes of participation in the VAP and to determine the necessity for and initial scope of a Phase II Property Assessment.

The assessment did not reveal evidence of *recognized environmental conditions* or *identified areas*, as defined by VAP, in connection with the property. However, the following *de minimis* condition was identified at the subject property. *De minimis* conditions generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be *de minimis* are not RECs.

- A minor amount of staining was observed on the mason block wall and concrete floor of the former aboveground storage tank (AST) room located in the west basement. According to historic fire department records, three 3,200-gallon steel heating oil ASTs were stored in this area between 1985 and 2002. The heating oil was used to fuel the onsite boilers.

In addition, the assessment revealed the following environmental/potential compliance concerns associated with the subject property:

- Two historic water return wells were identified on the subject property. These wells may be classified as Class V injection wells and need to be properly closed. ODNR records indicated the presence of three additional wells located on the subject property. However the exact location and status of these wells was not determined during this assessment.
- Substantial amounts of asbestos containing materials (ACM) have been identified throughout the subject building. ACMs included floor tile, chiller unit dividers, and thermal insulation.
- Equipment possibly containing freon was observed at the subject property. This equipment includes walk-in refrigeration and chiller units. All freon containing units need to be drained and characterized prior to removal.
- Small containers of used oil were observed in the maintenance and basement areas of the subject property. In addition, a 55-gallon drum of used oil was observed in a building located on the roof. The oil containers need to be removed and properly disposed of prior to renovation or demolishing operations. In addition, machinery containing oil should be sufficiently drained prior to removal.
- Potential polychlorinated biphenyls (PCB) containing materials were observed during the site walkthrough of the subject property. These materials were located in escalator lubrication oils and light ballasts.
- According to the Environmental Database Report (EDR), one historic spill that occurred on the subject property involved waste cleaning compounds. A facility report provided by EDR indicated that approximately 50 gallons of waste were dumped onsite on February 17, 1983. The constituents affected the Olentangy River, according to the report.



- Franklin County is located in Zone 1, according to the USEPA Map of Radon Zones. Zone 1 has predicted average screening concentrations greater than 4.0 picoCuries of radon per liter of air (pCi/L). All of 269 sites tested within the zip code area of the subject property measured between 4 and 20 pCi/L. The USEPA action level is 4.0 pCi/L. Based on this information and that the subject property utilizes areas below grade on a daily basis, radon may be of concern to the subject property.
- Extensive water incursion was observed throughout the subject property. Evidence of water incursion included stained, broken, and sagging ceiling tiles, water deposits in the light fixtures, staining from seepage in drywall areas, and peeling paint.

2.1. PHASE I PROPERTY ASSESSMENT

2.1.1. Purpose of Phase I Property Assessment

The objective of the Phase I Property Assessment under the Ohio VAP was to determine whether there is any reason to believe that a release of hazardous substances or petroleum has or may have occurred on or underlying the property, or is emanating from the property, including any release from management, handling, treatment, storage, or disposal activities from on- or off-site property activities.

In accordance with OAC 3745-300-06, the objective of the Phase I Property Assessment was to provide an independent, professional opinion regarding identified areas, as defined by OAC 3745-300-06(F), associated with the subject property. The term *identified areas* is defined as each area located on or underlying the property which may contain hazardous substances or petroleum and each area where a release of hazardous substances of petroleum has or may have occurred. The term is not intended to include *de minimis releases*, as defined by OAC 3745-300-06(G), that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.

This Phase I Property Assessment was performed in accordance with OAC 3745-300-06: *Phase I Property Assessment for the Voluntary Action Program*.

2.1.2. Time Frame of Phase I Property Assessment

An initial Phase I Property Assessment was completed by Ms. Rebecca L. Bixby, Environmental Consultant with Bureau Veritas (formerly Clayton Group Services) on December 8 and 9, 2003. The Phase I Property Assessment was requested by Mr. Thomas Lussenhop (CDDC) and was performed in accordance with ASTM E1527-00.

Following the subject property's entrance into the Ohio VAP, Ms. Bixby, along with Mr. Thomas Shalala, Director of Environmental Services and a Certified Professional with Bureau Veritas, conducted a site walkthrough of the subject property on October 20, 2004. The initial VAP Phase I Environmental Site Assessment, dated November 5, 2004, was prepared for the Georgetown Company.

Various delays in the redevelopment of the subject property required an update to the initial VAP Phase I Assessment completed in November 2004. Ms. Bixby, Mr. Robert Stevens, Project Manager, and Ms. Jennifer Mester, Staff Environmental Consultant, all from Bureau Veritas' Northeast Ohio Regional Office, conducted a site inspection of the subject property on May 9, 2007. In addition, Mr. Shalala accompanied Ms. Bixby on a second site walkthrough on April 19, 2007. However, again due to the extended timeframe of this project, Ms. Bixby and Mr. Stevens



completed a follow up site inspection on December 11, 2007. The VAP Phase I Update report was then issued to CDDC in February 2008.

2.1.3. Description of Methods of Inquiry Employed

In regard to the Ohio VAP, the scope of the Phase I ESA Update was to characterize the property for the purposes of participation in the VAP.

This assessment was performed in accordance with OAC Rule 3745-300-06: *Phase I Property Assessment for the Voluntary Action Program*. Any exceptions to, additions to, or deletions from these practices are described in the report.

The assessment included the following components:

- A site walkthrough inspection of the property for visual evidence of potential environmental concerns, including existing or potential soil and groundwater contamination, as evidenced by soil or pavement staining or discoloration, stressed vegetation; indications of waste dumping or burial, pits, ponds, or lagoons; containers of hazardous substances or petroleum products; electrical and hydraulic equipment that may contain polychlorinated biphenyls (PCBs), such as electrical transformers and hydraulic hoists; and underground and aboveground storage tanks.
- An investigation of historical use of the site by examining locally available aerial photographs (one source) and other readily available historical information such as fire insurance maps for evidence of prior land use that could have led to *identified areas*.
- A review of information available on the general geology and topography of the subject property; local groundwater conditions; sources of water, power, and sewer; and proximity to ecologically sensitive receptors, such as streams, that might be impacted by *identified areas*.
- A review of environmental records available from the property owner or site contact, including regulatory agency reports, permits, registrations, and consultants' reports, for evidence of *identified areas*.
- A site property line visual assessment of adjacent properties for evidence of potential offsite *identified areas* that may affect the subject property.
- A review of a commercial database summary of federal and state regulatory agency records pertinent to the subject property and offsite facilities located within VAP-specified search distances from the subject property.
- Interviews with key site personnel, as available, regarding current and previous uses of the property, particularly activities involving hazardous substances and petroleum products.
- Evaluation of information gathered and development of this report.

This assessment also included the following non-ASTM/VAP items, which required addressing for eligibility into the Ohio VAP:

- Evaluation of the potential onsite classified injection wells through the Ohio Underground Injection Control (UIC) program and review of readily available sources.



- Evaluation of the potential onsite polychlorinated biphenyls (PCB) containing transformers.
- Summary of the inspections, evaluations, and abatement operations of asbestos containing materials (ACM) located within the subject building.

This assessment did not include sampling or analysis of soil, groundwater, or other materials.

2.1.4. Summary of Historic Property Use

The historical research, including city directories, Sanborn Fire Insurance, historic aerial photographs, historic topographic maps, agency records, and interviews, has established the use of the subject property since 1887.

The subject property encompasses approximately 85% of the city block bound by West Town Street, South High Street, West State Street, and South Front Street. The subject property has historically been comprised of liverys, automobile garages, grocery stores, residential dwellings, and various commercial storefronts. Lazarus, also known as Federated, obtained portions of the subject property over time as a 99 year lease, starting in the 1920s. The subject property remained a mixed use office space and retail department store until 2002/2003. The East, West, and North Buildings have undergone extensive renovation since 2003. Renovations have included extensive interior demolition and reconstruction of individual office and retail spaces. Significant portions of the existing Service Building were renovated during the late 1990s and have since been utilized by the Ohio EPA's Central Office and Central District Office for office and storage space. The Ohio EPA Central Office occupies all of floor 6 and portions of floors 5 and 5A and the Central District Office occupies a portion of floor 5. In 2007, the Ohio Department of Job and Family Services took occupancy of a newly renovated area of the subject building. Columbus Downtown currently owns seven of the subject parcels and the remaining parcels are owned by Riversouth Authority.

2.1.5. Summary of Known or Suspected Releases

Although the subject site (Lazarus Center) has been developed since at least the 1880s, there is very little documented environmental history to the site since it was primarily used for retail and residential purposes.

There have been no USTs, unresolved spills, leaks of hazardous substances, extensive waste generation, or mismanagement of hazardous substances or petroleum products at the subject property that would have the potential to impact soil, groundwater, or surface water.

Based upon review of supporting documentation, interviews, and file reviews, this assessment did not reveal evidence that a release of hazardous substances or petroleum has or may have occurred on or underlying the property, or is emanating from the property, including any release from management, handling, treatment, storage, or disposal activities from on- or off-site property activities. Therefore, *identified areas* in connection with the subject property were not revealed during this assessment, as defined by OAC 3745-300-06(F).

2.1.6. Summary of Conclusions

This assessment has not revealed evidence of *identified areas*, as defined by OAC 3745-300-06(F), in connection with the subject property. However, the following *de minimis releases*, as defined by OAC 3745-300-06(G), were identified in connection with the subject property:



De Minimis Area	Description of DeMinimis Release	Location of DeMinimis Release	Why Considered a DeMinimis Release
1	Oil staining observed on the concrete surrounding used and unused elevator equipment	Level 9 (penthouse)	The minor staining was contained to a two foot or less radius from the equipment, the concrete appeared to be in good condition, and there is no evidence of a threat to the environment or subsurface
2	Oil staining observed on the concrete surrounding used and unused elevator equipment	Multiple roof top structures	The minor staining was contained to a two foot or less radius from the equipment, the concrete appeared to be in good condition, and there is no evidence of a threat to the environment or subsurface
3	Oil staining observed on the concrete surrounding the out-of-service transformers	Service Building sub-basement transformer room	The minor staining was contained to a three foot or less radius, the concrete appeared to be in good condition, and there is no evidence of a threat to the environment or subsurface. In addition, analytical results from the transformer oil confirmed the oil were not PCB-containing.
4	Oil staining observed on the concrete surrounding unused motor equipment associated with former boilers, chillers, and pump equipment	Service Building sub-basement and adjoining mechanical room	The minor staining was contained to a two foot or less radius from the equipment, the concrete appeared to be in good condition, and there is no evidence of a threat to the environment or subsurface

In addition, issues regarding VAP eligibility for the subject property included former onsite Class V injection wells, former PCB-containing transformers, and extensive asbestos containing materials (ACMs) located within the subject building. Proper closure of these issues was pursued and obtained accordingly with the applicable regulatory administrators. Liquid containing transformers were confirmed to be non-PCB containing by collecting and analyzing oil and wipe samples. One onsite injection well was properly abandoned and floor drains and sumps were disproved as to their location or ability to provide an open pathway to groundwater. Extensive surveys and abatement operations have been addressing ACMs within the subject building since 2004. Additional information detailing the former onsite wells and former onsite PCBs can be found in



Sections 5.7, 5.6, and 6.1 respectively in both the Phase I Report, dated November 5, 2004 included in the original NFA Submittal document as Attachment D, and the VAP Phase I Update Report, dated February 21, 2008 included in the original NFA Submittal document as Attachment E. Based upon these findings, it is Bureau Veritas' professional opinion that there are no current eligibility issues for the VAP at the subject property.

2.2. PHASE II PROPERTY ASSESSMENT

Based upon the findings of the 2008 VAP Phase I Update Report of the Lazarus Center, it is Bureau Veritas' professional opinion that a Phase II Property Assessment is not warranted, as supported by the following:

- Based upon review of supporting documentation, interviews, and file reviews, this assessment did not reveal evidence that a release of hazardous substances or petroleum has or may have occurred on or underlying the property, or is emanating from the property, including any release from management, handling, treatment, storage, or disposal activities from on- or off-site property activities. Therefore, *identified areas* in connection with the subject property were not revealed during this assessment, as defined by OAC 3745-300-06(F).
- Proper closure of issues regarding VAP eligibility for the subject property, including former onsite Class V injection wells, former PCB-containing transformers, and extensive asbestos containing materials (ACMs), was pursued and obtained accordingly with the applicable regulatory administrators.
- Although contamination was detected beneath the former gasoline station located to the south of the subject property, beyond West Town Street, it is Bureau Veritas' professional opinion that this site does not present an environmental concern to the subject property based upon the following: the site is no longer associated with or part of the subject property (Lazarus Center); identified contamination has generally been delineated and found to be confined to the former gasoline station site; and finally, groundwater flow direction in the vicinity of this site is west/southwest, toward the Scioto River.

2.3. DETERMINATION OF APPLICABLE STANDARDS

Based upon the fact that a Phase II assessment was not warranted or performed at the subject site, a determination of applicable standards was not necessary as part of this assessment.

2.4. DETERMINATION OF COMPLIANCE WITH APPLICABLE STANDARDS

Based upon the fact that a Phase II assessment was not warranted or performed at the subject site, a determination of compliance with applicable standards was not necessary as part of this assessment.

2.5. REMEDIAL ACTIVITIES

Based upon the results of the Phase 1 Assessment, it was determined by Bureau Veritas that no release to the environment had occurred (soil, surface water, groundwater, sediments) from any hazardous substances. Therefore, no remediation of these environmental media was warranted at this site. However, extensive asbestos containing materials (ACM) of building materials were



identified and abated during renovation of the building. Therefore, the only remedial activity performed at the subject site included asbestos abatement work.

Asbestos containing materials (ACM) were identified in four buildings at the Lazarus Center Property. The asbestos abatement was performed between December 2005 and January 2008 using a Clean Ohio Assistance Fund grant to fund a portion of the abatement. A table summarizing the specific locations, building materials and quantities of abated ACM is provided in the NFA letter (Attachment F or the Original NFA dated April 10, 2008). A summary of abatement activities and ACM remaining in place is summarized below.

As of the date of NFA Issuance (April 10, 2008), approximately 95% of the ACM has been abated and approximately 5% of the ACM remains as place. Both abated and remaining ACM are further discussed below.

The following areas were identified by Bureau Veritas and abated by LVI Services, Inc., during the course of the hazardous materials abatement project.

- Removal of asbestos-containing transite debris and decontamination of an approximate 8,100 square foot area located within the fourth floor of the service building. The area of concern was situated in the southwest corner of the service building. Three office areas approximately 150 square feet each were located within the area of concern. Accumulated demolition materials were located within the three office areas and included wood ceiling grid, ceiling tiles, drywall, fiberglass batte insulation, and light fixtures. One of the three office areas also was finished with carpeting. The remainder of the area of concern consisted of concrete floors, block walls and drywall partition walls. A debris pile, approximately 256 cubic feet, consisting of wood ceiling grid, ceiling tiles, drywall, fiberglass batte insulation, and light fixtures was located proximal to the service freight elevators. All materials which were not feasible to decontaminate were properly containerized and disposed of as asbestos waste.
- Removal of the asbestos-containing window caulk and glazing included the removal of original window systems located on floors one through five along the south elevation of the east and west buildings and on floors one through five along the west elevation of the west building. This abatement activity also included the removal of asbestos caulk on stucco in-fills associated with each window and accounted for approximately 36,885 linear feet of asbestos-containing caulk and glazing.
- Removal of an asbestos-containing plaster horse hair ceiling located in the former kitchen situated in the northwest corner of first floor of the west building. Approximately 1,406 square feet of asbestos-containing plaster horse hair was removed.
- Removal of an asbestos-containing plaster horse hair ceiling located in the former restaurant situated in the northeast corner of fifth floor of the west building. Approximately 5,166 square feet of asbestos-containing plaster horse hair was removed.
- Removal of asbestos-containing duct sealant and asbestos-containing pipe fittings located within the Chapel Street shaft. The area of concern was centrally located between the west building and service building and spanned floors six, five, four, three, 2A, two and one. This work included the removal of 490 asbestos-containing pipe fittings and all asbestos-containing duct sealant from within all floors of the shaft.



- Removal of asbestos-containing duct sealant located throughout the metal ductwork in the seventh floor fan room (a.k.a Wall Street Fan Room). Approximately 28,000 linear feet of asbestos-containing duct sealant as well as 463 asbestos-containing pipe fittings and 162 linear feet of asbestos-containing pipe insulation were removed.
- Removal of asbestos-containing duct sealant located on ductwork throughout the front street level fan room. Approximately 12,000 linear feet of asbestos-containing duct sealant was removed from the fan room.
- Removal of asbestos-containing duct sealant located on ductwork throughout the eighth floor fan room. Approximately 24,000 linear feet of asbestos-containing duct sealant was removed from the fan room.
- Removal of asbestos-containing pipe insulation debris located within the east and west crawl space areas of the service building sub-basement. This work included the abatement of 440 linear feet of intact asbestos-containing pipe insulation from the crawl spaces. To ensure proper decontamination of the crawl spaces, the abatement task also included the removal of the visible asbestos-containing pipe insulation debris on the dirt floor followed by removing 2 inches to 4 inches of dirt to the underlying sub-grade in the area surrounding the pipe insulation and in any area where visible asbestos-containing pipe insulation debris is observed. The dirt was removed from an area that extended a minimum of 2 feet beyond either side of the pipes or where asbestos-containing pipe insulation debris was observed.
- Removal of asbestos-containing pipe insulation and pipe fitting debris located on a hard plaster ceiling following the demolition of a soffit above a cantilever system at the east elevation of the east building. Based on the fact that the hard plaster was applied to wire mesh and could not feasibly be decontaminated, the hard plaster ceiling along with the associated debris was removed. Approximately 2,719 square feet of hard plaster ceiling was removed. An air curtain assembly was located in the east basement directly below the previously described cantilever. The duct associated with the air curtain assembly contained approximately 240 linear feet of friable asbestos-containing gaskets and approximately 115 square feet of asbestos containing patch material on the interior of the duct. A negative pressure enclosure was constructed to facilitate the removal of both the first floor plaster ceiling and air curtain assembly in the basement.
- Removal of exterior asbestos-containing transite panels located on the face of the Wall Street shaft, which spanned floors one, two, three, four, five and six. The asbestos-containing transite panels were applied over top of metal j-channeling fastened to metal paneling. The j-channeling as well as select areas of the metal paneling were sealed with asbestos-containing caulk. Approximately 2,475 square feet of asbestos-containing transite, approximately 1,200 linear feet of asbestos-containing caulk and approximately 128 linear feet of j-channeling were removed.
- Removal of all asbestos contaminated debris and associated pipe insulation following the demolition of an escalator ceiling located in the east basement which, inadvertently lead to the dislodging of asbestos-containing pipe insulation. LVI contained the spill area and completed the removal and decontamination of the affected area.
- Removal of asbestos-containing fireproofing debris located on a portion of the concrete ceiling in the front street level. The fireproofing residue likely resulted from an



undocumented removal activity conducted sometime in the past by a previous contractor, who did not do an adequate final clean of the area. The area of concern was located on the west portion of the front street level within the north building and extended from column line ND east to NG and from N1 south to N7 and contained approximately 4,000 square feet. This work included the removal and proper disposal of all asbestos containing fireproofing residue located throughout the area previously described.

- Removal of asbestos-containing pipe insulation debris and decontamination of a pipe chase located adjacent to the north of the restroom at Stair No. 7 of the service building. The area of concern was centrally located within the service building and spanned floors three, two, one, basement and front street level. This work included the abatement of all asbestos pipe insulation debris from all metal duct work and telephone/data cables throughout each of these levels.
- Removal of asbestos-containing pipe insulation debris and decontamination of a pipe chase located adjacent to the freight elevators of the service building. The area of concern was centrally located within the service building and spanned floors four, three, 2A, two, one, basement and front street level. This work included the abatement of all asbestos pipe insulation debris from all metal duct work and telephone/data cables throughout each of these levels.
- Removal of asbestos-containing pipe insulation, asbestos-containing pipe and duct insulation debris and decontamination of two approximate 250 square foot areas within the front street level of the service building. The areas of concern were situated on the east and west sides of the front street level of the service building within the former Lazarus storage area. The area of concern located on the east side of the former Lazarus storage area was situated behind a block wall adjacent to stair seven. The area on the east side required the removal of approximately 350 square feet of non-asbestos drywall components to access the block wall. The area of concern located on the west side of the front street level was situated within a plaster soffit located above the revolving door entrance to Front Street. Each area of concern contained approximately 125 cubic feet of asbestos-containing pipe and duct insulation. Additionally, one vertical plaster chase was located adjacent to the north and adjacent to the south of the revolving door. Each vertical chase contained six pipes insulated with asbestos-containing pipe insulation totaling approximately 90 linear feet.
- Removal of asbestos-containing pipe insulation and asbestos-containing pipe insulation debris and decontamination of an area within the front street level of the service building. The area of concern was situated on the south side of the front street level of the service building within the former Ohio Equities maintenance storage area. The area of concern located on the south side of the former maintenance storage area was situated within a chase constructed behind a plaster wall. The area on the east side required the removal of approximately 225 square feet of non-asbestos plaster components to access the pipe insulation debris. The area of concern contained approximately 90 cubic feet of asbestos-containing pipe insulation and ceramic block debris. Additionally, approximately 30 linear feet of damaged pipe insulation required removal.
- Removal of asbestos-containing pipe insulation debris and decontamination of an approximate 1,200 square foot area within the sub-basement of the service building. The area of concern was situated adjacent to the south of the service freight elevator



shaft within the sub-basement and consisted of concrete floors and concrete block walls. Accumulated materials were located within the area of concern and included a 20-foot wood ladder, three wood pallets, an approximate three-cubic foot pile of general refuse, two thirty-gallon bags of general refuse, a fifty-five gallon plastic drum filled with electrical wire, three table tops, four 35-pound bags of insulating cement, several unused pipe and valve gaskets and three doors. All accumulated materials were properly containerized and disposed of as asbestos waste.

- Removal of asbestos-containing window glazing debris located throughout the basement, first, second, 2A, third and fourth floors of the service building. LVI removed dislodged asbestos-containing glazing from approximately 78 windows located throughout the service building. This work included high efficiency particulate air (HEPA) vacuuming the lower two panes, sills and an approximate three foot by one foot area beneath each window.
- Removal of residual asbestos-containing fireproofing located on the second and fourth floors of the service building. The fireproofing residue likely resulted from an undocumented removal activity conducted sometime in the past by a previous contractor, who did not do an adequate final clean of the area. The fireproofing was located between the seams of the walls and ceiling and contained approximately 1,000 square feet. This work included the removal and proper disposal of all asbestos containing fireproofing residue located throughout the area previously described.

The following table summarizes the building materials and locations of ACM that remain in place at the subject property.

Asbestos-Containing Materials	Location
Pipe Insulation	East building sub-basement throughout, Service building sub-basement tunnel throughout, Entrance to west building sub-basement at the end of pipe rack tunnel in wall cavity, Service building electrical chase at freight elevators floors FSL through 4, Lazarus ball water tower riser, Service building restroom chase at Stair 7 floors basement through 4, Service building basement fire pump room, inaccessible areas of service freight chase floors 4, 3, 2A, 2, 1, basement, FSL



Asbestos-Containing Materials	Location
Pipe Fittings	East building sub-basement throughout, Service building sub-basement tunnel throughout, Entrance to west building sub-basement at the end of pipe rack tunnel in wall cavity, Service building electrical chase at freight elevators floors FSL through 4, Lazarus ball water tower riser, Service building restroom chase at Stair 7 floors basement through 4, Service building basement fire pump room,
Tank Insulation	West building sub-basement southwest corner tank on platform
Boiler Insulation	West building sub-basement former heating oil boiler and three package boilers
Duct Insulation	West building sub-basement duct associated with former heating oil boiler, East building sub-basement throughout
Duct Gaskets	West building sub-basement duct associated with former heating oil boiler
Residual floor tile and mastic between the seam of the former walls and floor	Service building floors 4, 2A, 2, basement and FSL, Also located beneath former counter on service building floor 4 and stair and ramps to former lobby on service building FSL
Fire Doors	Service building stairwells 7, 6 and 1
Residual floor mastic	Service building floors 4 and FSL
Transite	Service building floor 4 computer room, North building roof vent
Window glazing and caulk	Service building windows including interior wall windows at addition

The Volunteer intends to manage the remaining ACM in accordance with an Asbestos Management Plan (AMP) consistent with applicable regulatory requirements. The AMP was included in the original NFA letter (Attachment H, Section 3.0) dated April 10, 2008. The AMP addresses two subbasement areas with restricted access to limit potential ACM exposure. The specific locations of these sealed subbasement areas are indicated on Figures 2KK, 2LL, 2MM, and 4-B in Attachment D of the Addendum to the NFA letter, dated July 21, 2008. In addition, the AMP addresses remaining ACM in the basement, floor 1, floor 2, floor 2A, floor 3, and floor 4 for the service building. The AMP includes responsibilities for maintenance personnel and contractors who may access these areas. This includes a review of the AMP and signed acknowledgement of the review and agreement to abide by the protocols established in the AMP.



2.6. PLANNED ACTIVITIES

Remedial activities of soil, sediment, groundwater, or surface water are not planned or warranted for the subject site. A VAP Operation and Maintenance Plan (O&M Plan) is not warranted for the subject site.

Additional asbestos abatement may take place in the Service Building at some point in the future, depending upon development plans. As discussed in Section 2.5 above, an AMP is in place for the management of remaining ACM on site.

3.0 CONCLUSIONS

Based upon the findings of the 2008 VAP Property Assessment, it is Bureau Veritas' professional opinion that the Lazarus Center meets all applicable standards. This was determined by the completion of a VAP Phase I Assessment of the subject property and closure of potential VAP eligibility issues, including polychlorinated biphenyls (PCBs) and Class V injection wells, and addressing onsite asbestos issues. Proper closure of these issues was pursued and obtained accordingly with the applicable regulatory administrators, as supported by the following applicable points of compliance:

Ohio EPA VAP – No *identified areas* associated with the subject property

- Based upon review of supporting documentation, interviews, and file reviews, this assessment did not reveal evidence that a release of hazardous substances or petroleum has or may have occurred on or underlying the property, or is emanating from the property, including any release from management, handling, treatment, storage, or disposal activities from on- or off-site property activities. Therefore, *identified areas* in connection with the subject property were not revealed during this property assessment, as defined by OAC 3745-300-06(F).

Ohio EPA UIC Program – Former onsite Class V injection wells

- One onsite injection well was properly abandoned, floor drains and sumps discharges were traced to the sanitary sewer system, and remaining potential wells were disproved as to their location or ability to provide an open pathway to groundwater.

US EPA TSCA Division – Former PCB-containing liquid transformers

- Liquid-containing transformers were confirmed to be non PCB containing by obtaining and analyzing oil and wipe samples from onsite liquid transformers.

Ohio EPA Air Quality Division – Onsite ACMs within the Lazarus Center

- Extensive surveys and abatement operations have been addressing asbestos containing materials at the subject property since 2004.

The voluntary action remedies completed at the Lazarus Center included confirming onsite liquid-containing transformers to be non-PCB containing by obtaining and analyzing oil and wipe samples, properly abandoning a former Class V injection well, tracing floor drains and sump



discharges to the sanitary sewer system, and disproving the remaining potential wells as to their location or ability to provide an open pathway to groundwater. In addition, extensive surveys and abatement operations have been undergoing at the subject property since 2004 to address former onsite ACMs, as well as the implementation and training as part of an asbestos management plan for those ACMs left in place.

Based upon this information, the voluntary action remedies completed as part of the Lazarus Center renovation processes and entrance into the Ohio VAP have proven to be protective of public health and safety and the environment.

The original 4-10-08 report prepared by:

Handwritten signature of Rebecca L. Bixby in cursive.

Rebecca L. Bixby
Consultant, Environmental Services
Northeast Ohio Regional Office

The revised executive summary prepared by:

Handwritten signature of Jennifer L. Mester in cursive.

Jennifer L. Mester
Staff Consultant, Environmental Services
Northeast Ohio Regional Office

This report reviewed by:

Handwritten signature of Thomas P. Shalala in cursive.

THOMAS P. SHALALA
CERTIFIED PROFESSIONAL (CP188)
ORC Section 3746.04(B)(5)
OAC Rule 3745-300-05
My Certification Expires 4/26/2009

Thomas P. Shalala, CP#188, CPG, CHMM
Director, Environmental Services
Northeast Ohio Regional Office

Original NFA Date: April 10, 2008
Revision/Addendum Date: July 21, 2008
Bureau Veritas Project Number: 08005-105073.00



RECEIVED

State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

OCT 16 2008

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

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

OHIO EPA/CDO

MEMORANDUM

TO: Shelley Wilson, Executive Administrator for Real Property, Tax Equalization Division, Dept. of Taxation
Amy Alduino, Office of Urban Development, Dept. of Development

FROM: Chris Korleski, Director, Ohio Environmental Protection Agency

DATE: OCT 14 2008

RE: Covenant Not to Sue Issued to Columbus Downtown Development Corporation for the Lazarus Center Property

As Director of the Ohio Environmental Protection Agency, I certify that Columbus Downtown Development Corporation has performed investigational and remedial activities at the property listed below and has been issued a Covenant Not to Sue under the authority of Ohio Revised Code ("ORC") Chapter 3746. This information is being provided in satisfaction of ORC 5709.87(B).

Property name: Lazarus Center Property

Property address: 50 West Town Street, Columbus, Ohio 43215

Property owners: Columbus Downtown Development Corporation and Riversouth Authority

Property owner address: 50 West Town Street, Columbus, Ohio 43215

Parcel number(s): 010-28444, 010-028571, 010-018007, 010-012779, 010-012804, 010-008460, 010-049786, 010-277234, and 010-283536.

County: Franklin

Taxing District: 010 – Franklin County

Date Covenant Not to Sue Issued: OCT 14 2008

Attached, for your information, is a copy of the property legal description and parcel map.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Ohio EPA is an Equal Opportunity Employer

If additional information regarding the property or the voluntary action is required, I suggest you first contact Thomas Shalala, the Certified Professional for the property, at 330-252-5100. In the alternative, you can contact Doug Crandall with the Ohio Environmental Protection Agency at 614-387-6181.

- c: Ed Mendelson, Columbus Downtown Development Corporation, 50 West Town Street, Columbus, Ohio 43215
Thomas Shalala, Certified Professional, Bureau Veritas, 520 South Main Street, Suite 2444, Akron, Ohio 44311
Joe Testa, Franklin County Auditor, 373 South High Street, 21st Floor, Columbus, Ohio 43215-6310
Amy Yersavich, VAP Manager, Ohio EPA
DERR-CO, VAP Files (08NFA296)
DERR-CDO Files

**LEGAL DESCRIPTIONS
FOR RIVERSOUTH PROPERTIES**

TRACT A-1:

Situated in the State of Ohio, County of Franklin and in the City of Columbus:

Being Inlots Nos. 258, 259 and 260, Inlots Nos. 259 and 260 being also known as Lots Nos. 1 to 6 inclusive of L. Goodale's Subdivision shown of record in Plat Book 2, Page 52, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point at the Southeast corner of Inlot No. 258, the same being the Northwest corner of Town Street and High Street; Thence Westerly with the North line of Town Street 187.98 ft. to a point at the Southwest corner of Inlot No. 258; Thence with the West line of Inlots Nos. 258, 259 and 260 and along the East line of Wall Street, Northerly 188.11 ft. to a point at the Northwest corner of Inlot No. 260 and in the South line of Chapel Street; Thence with the South line of Chapel Street and along the North line of Inlot No. 260, Easterly 187.96 ft. to a point at the Northeast corner of Inlot No. 260, the same being the intersection of the South line of Chapel Street with the West line of High Street; Thence with the West line of said High Street along the east line of Inlots Nos. 260, 259 and 258, Southerly 188.18 ft. to the place of beginning, be the same more or less.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986 and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988 and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction of a bridge granted by Ordinance No. 36,350 dated May 25, 1925, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of a pipe tunnel granted by Ordinance No. 36,601 dated September 21, 1925, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of concrete tunnel granted by Ordinance No. 76-46 dated February 18, 1946, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of covered area under sidewalk along the east side of Wall Street from Town Street to State Street granted by the City of Columbus in Miscellaneous Volume 7, Page 44, Franklin County records.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of covered area under sidewalk along the west side of High Street and along Town Street between High Street and Front Street granted by the City of Columbus in Miscellaneous Volume 7, Page 46, Franklin County records.

Parcel No.: 010-028444

TRACT A-2:

Situate in the State of Ohio, County of Franklin and in the City of Columbus:

Being Inlot Nos. 203, 204 and 205, also being known as Lots Nos. 1 to 9 inclusive of L. Goodale's Subdivision of said Inlots, shown of record in Plat Book 2, Page 15, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH the vacated alley shown on said subdivision, vacated by Ordinance No. 30,849 dated September 23, 1918 and Ordinance No. 36,170 dated March 8, 1925 and being more particularly described as follows:

Beginning at a point at the Southwest corner of Inlot No. 205, the same being the Northeast corner of Town Street and Front Street; Thence with the East line of Front Street, Northerly, along the West line of Inlots Nos. 205, 204 and 203, a distance of 188.06 ft. to a point at the Northwest corner of Inlot No. 203 at the intersection of the East line of Front Street with the South line of Chapel Street; Thence with the South line of Chapel Street, Easterly, along the North line of Inlot No. 203, 187.96 ft. to the Northeast corner of Inlot No. 203, the same being at the intersection of the South line of Chapel Street with the West line of Wall Street; Thence with the West line of Wall Street; Southerly, along the East line of Inlots Nos. 203, 204 and 205, a distance of 188.1 ft. to the southeast corner of Inlot No. 205, the same being at the intersection of the West line of Wall Street with the North line of Town Street; thence with the North line of Town Street along the south line of Inlot No. 205, Westerly 187.98 ft. to the place of beginning.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986 and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988 and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of two covered areas over sidewalks as granted by Ordinance No. 21592 dated February 8, 1904, by the City of Columbus and per (a) Contract agreement dated September 10, 1925 and recorded in Misc. Volume 10, Page 127; and (b) Contract agreement dated January 27, 1942 and recorded in Misc. Volume 46, Page 126, all in the Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction of a bridge granted by Ordinance No. 36,350 dated May 25, 1925, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of gasoline storage tanks and construction and maintenance of a pipe tunnel granted by Ordinance No. 36,601 dated September 21, 1925, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of bridge and supports granted by Ordinance No. 73-34 dated February 12, 1934, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of concrete tunnel granted by Ordinance No. 76-46 and 77-46 dated February 18, 1946, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction of a well in the sidewalk space on the east side of Front Street as granted by Ordinance No. 243-34 dated July 2, 1934, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of a passageway as granted by Ordinance No. 396-37 dated September 13, 1937, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of a tunnel as granted by Ordinance No. 219-37 dated May 3, 1937, by the City of Columbus; as amended by Ordinance No. 405-37 dated September 20, 1937.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of an overhead and underground structure on Chapel Street as granted by Ordinance No. 504-38 dated October 10, 1938, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the use and maintenance of sub-sidewalk structures on the east side of Front Street between State Street and Town Street as granted by Ordinance No. 179-39 dated June 1, 1939, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of covered area under sidewalk along the west side of High Street and along Town Street between High Street and Front Street granted by the City of Columbus in Miscellaneous Volume 7, Page 46, Franklin County records.

Parcel No.: 010-028571

TRACT A-3

Situate in the State of Ohio, County of Franklin and in the City of Columbus:

Being the North one-third (1/3) of Inlot No. Two Hundred and Sixty-one (261) of the City of Columbus, according to the recorded plat thereof of record in Deed Book "F", Page 332, Recorder's Office, Franklin County, Ohio, be the same more or less.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986 and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988 and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of covered area under sidewalk along the east side of Wall Street from Town Street to State Street granted by the City of Columbus in Miscellaneous Volume 7, Page 44, Franklin County records.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-018007

TRACT A-4

Parcel 1

Situate in the State of Ohio, County of Franklin and in the City of Columbus: Beginning at the Northeast corner of Inlot Number Two Hundred (200) and being the Southwest corner of State and Wall Streets; Thence West along the North line of said Inlot Number Two Hundred (200) Forty-nine and forty hundredths feet (49.40); Thence South in a line parallel with the East line of said Inlots Numbers Two Hundred (200) and Two Hundred and one (201) Ninety-eight and one-half feet (98½), more or less to the North line of the portion of Inlot Two Hundred and one (201) conveyed by William Wall and wife, to The Columbus Mill and Mine Supply Company by Deed dated June 1, 1899 and recorded in Deed Book 315, Page 385, Recorder's Office, Franklin County, Ohio; Thence East along said line 49.40 feet to the East line of Inlot Two Hundred and one (201), and being the West line of Wall Street; Thence North along the East line of Inlots Two Hundred and one (201) and Two Hundred (200) and the West line of Wall Street to the place of beginning, be the same more or less.

TOGETHER WITH AND SUBJECT TO the easement created in a deed from William Wall and wife, to The Columbus Mill and Mine Supply Company dated June 1, 1899 and recorded in Deed Book 315, Page 385, Recorder's Office, Franklin County, Ohio as follows:

The right to use a strip four and one-half (4½) feet in width off of the north side of the above described premises in connection with a strip of equal width off of the south side of the premises adjoining on the north as a private alley; said strip of nine (9) feet in width to be used as a private alley.

Parcel 2

Situate in the State of Ohio, County of Franklin and in the City of Columbus: Beginning at a point in the North line of Inlot No. Two Hundred (200), Forty-nine and forty hundredths (49.40) feet distance West from the Northeast corner of said Inlot No. Two Hundred (200), and being the Northwest corner of a parcel of land formerly owned by Helen Duffy; Thence South in a line parallel with the East line of Inlots Nos. Two Hundred (200) and Two Hundred and One (201), along the West line of said tract of land formerly owned by Helen Duffy, ninety-eight and one-half (98½) feet more or less to the North line of a portion of Inlot No. Two Hundred and One (201) conveyed by William Wall and wife, to The Columbus Mill and Mine Supply Co. by Deed dated JUNE 1, 1899 and recorded in Deed Book 315, Page 385, Recorder's Office, Franklin County, Ohio; Thence West along said line Sixteen and 75 hundredths (16.75) feet to a point Thence North in a line parallel with the East line of said Inlots Two Hundred and One (201) and Two Hundred (200) to the North line of said Inlot No. Two Hundred (200); thence East along the North line of said Inlot No. Two Hundred (200), sixteen and seventy-five hundredths feet (16.75), to the place of beginning, be the same more or less.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986 and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988 and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement

dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-012779

TRACT B

Situate in the State of Ohio, County of Franklin and in the City of Columbus:

Being parts of the East one-half of the Inlots Two Hundred (200) and Two Hundred and One (201) in said City as said lots are designated and delineated on the recorded plat thereof, of record in the Recorder's Office, Franklin County, Ohio, and described as follows:

Beginning at a point in the North line of said Inlot Two Hundred (200), sixty-six and fifteen hundredths (66.15) feet West of the Northeast corner of said Inlot; Thence West along the North line of said Inlot twenty-seven and ninety hundredths (27.90) feet; Thence South in a line parallel with the East line of Inlots Two Hundred (200) and Two Hundred and One (201), ninety-eight and one-half (98½) feet more or less to the North line of a portion of Inlot Two Hundred and One (201) conveyed by William Wall and wife, to The Columbus Mill and Mine Supply Company by Deed dated JUNE 1, 1899 and recorded in Deed Book 315, Page 385, Recorder's Office, Franklin County, Ohio; Thence East along said line twenty-seven and ninety hundredths (27.90) feet; Thence North in a line parallel with Inlots Two Hundred and One (201) and Two Hundred (200) to the place of beginning, be the same more or less.

TOGETHER WITH AND SUBJECT TO the easement created in a deed from William Wall and wife, to The Columbus Mill and Mine Supply Company dated June 1, 1899 and recorded in Deed Book 315, Page 385, Recorder's Office, Franklin County, Ohio as follows:

The right to use a strip four and one-half (4½) feet in width off of the north side of the above described premises in connection with a strip of equal width off of the south side of the premises adjoining on the north as a private alley; said strip of nine (9) feet in width to be used as a private alley.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986 and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988 and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH the vacated alley shown on said subdivision, vacated by Ordinance No. 36935 dated February 8, 1926, by the City of Columbus.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-012804

TRACT C

Situate in the State of Ohio, County of Franklin and in the City of Columbus:

Parcel 1:

Being the East one-half of a strip $26\frac{1}{2}$ feet in width off of the south side of Inlot No. 201 to said City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Deed Book F, page 332, Recorder's Office, Franklin County, Ohio, said premises being more particularly described as follows:

Beginning at the Southeast corner of said Inlot 201 and running thence Northerly with the East line of said Inlot, twenty-six and one-half ($26\frac{1}{2}$) feet; thence westerly and parallel with the South line of said Inlot ninety-four and fifteen hundredths (94.15) feet; thence southerly and parallel with the East line of said Inlot; twenty six and one-half ($26\frac{1}{2}$) feet to the South line of said Inlot, thence Easterly with the South line of said Inlot ninety-four and fifteen hundredths (94.15) feet to the place of beginning.

Parcel 2:

Being a part of Inlot Number Two Hundred and Two (202) in said City of Columbus, as said Inlot is numbered and delineated upon the recorded plat thereof, of record in Deed Book F, page 332, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at the southeast corner of said Inlot No. 202, and running thence with the north line of Chapel Street westerly $93\frac{1}{4}$ feet; thence at right angles to the line of Chapel Street northwardly 42 feet to the north wall of William and Bridget Wall's brick stable; thence eastwardly parallel with line of Chapel Street 8 feet; thence northwardly at right angles to the line of Chapel Street $20\frac{1}{2}$ feet; thence eastwardly parallel with line of Chapel Street 85 feet to the northeast corner of said Inlot No. 202; thence with the west line of Fair Alley southwardly $62\frac{1}{2}$ feet to the beginning.

Parcel 3:

Being a part of Inlot Number Two Hundred and Two (202) in said City of Columbus, as said Inlot is numbered and delineated upon the recorded plat thereof, of record in Deed Book F, page 332, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point in the north line of said Inlot, 85 feet westerly from the northeast corner of said Inlot; thence with said north line of said Inlot westerly $8\frac{1}{2}$ feet to a point in said north line where a line drawn at right angles thereto through the center of said Inlot would intersect the same; thence southerly on said center line $20\frac{1}{2}$ feet to the north wall of William and Bridget Wall's brick stable; thence easterly on a line parallel with said north line of said Inlot $8\frac{1}{2}$ feet to a point; thence northerly on a line at right angles to said last named line $20\frac{1}{2}$ feet to the place of beginning.

TOGETHER WITH AND SUBJECT TO the easement created in a deed from William Wall and wife, to The Columbus Mill and Mine Supply Company dated June 1, 1899 and recorded in Deed Book 315, Page 385, Recorder's Office, Franklin County, Ohio as follows:

The right to use a strip four and one-half ($4\frac{1}{2}$) feet in width off of the north side of the above described premises in connection with a strip of equal width off of the south side of the premises adjoining on the north as a private alley; said strip of nine (9) feet in width to be used as a private alley.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986 and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988 and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of bridge and supports granted by Ordinance No. 73-34 dated February 12, 1934, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of a passageway as granted by Ordinance No. 396-37 dated September 13, 1937, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of an overhead and underground structure on Chapel Street as granted by Ordinance No. 504-38 dated October 10, 1938, by the City of Columbus.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: Part of 010-008460

TRACT D

Situate in the State of Ohio, County of Franklin and in the City of Columbus:

Being 62½ feet off of the West end of Lot Number Five (5) of the subdivision of the West Half of Inlots Numbers Two Hundred (200), Two Hundred and One (201) and Two Hundred and Two (202), in the City of Columbus, Ohio, as said Lot Number Five (5) is numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 150, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986 and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988 and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of bridge and supports granted by Ordinance No. 73-34 dated February 12, 1934, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of a passageway as granted by Ordinance No. 396-37 dated September 13, 1937, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of an overhead and underground structure on Chapel Street as granted by Ordinance No. 504-38 dated October 10, 1938, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the use and maintenance of sub-sidewalk structures on the east side of Front Street between State Street and Town Street as granted by Ordinance No. 179-39 dated June 1, 1939, by the City of Columbus.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: Part of 010-008460

TRACT E

Situate in the State of Ohio, County of Franklin and in the City of Columbus:

Being the South two-thirds (2/3) of Inlot 261 in said City of Columbus, Ohio as the said Inlot is designated and delineated on the recorded plat of the City of Columbus, Ohio, in Deed Book "F", Page 332, Recorder's Office, Franklin County, Ohio, be the same more or less.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986 and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988 and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of covered area under sidewalk along the east side of Wall Street from Town Street to State Street granted by the City of Columbus in Miscellaneous Volume 7, Page 44, Franklin County records.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-049786

TRACT F

Situated in the State of Ohio, County of Franklin and in the City of Columbus:

Being part of Lots Numbers One (1) and Two (2) of Gardner's Heir's Subdivision of the West One-half of Inlots Numbers Two Hundred (200), Two Hundred and One (201) and Two Hundred and Two (202) in said City of Columbus, as the said Lot numbers One (1) and Two (2) are designated and delineated on the recorded plat of said Subdivision of record in Plat Book 1, Page 150.

Beginning at the northwest corner of said Lot Number One (1) it being the Southeast corner of State and Front Street; thence East along the north line of said Lots numbers One (1) and Two (2) being the South

line of State Street, 43.36 feet to a point; thence South in a line parallel with the West line of said Lot Number One (1), 58.15 feet to a point; thence West in a line parallel with the North line of said Lots Numbers One (1) and Two (2), 43.36 feet to a point in the West line of said Lot number One (1) being the East line of Front Street; thence North along said line, 58.15 feet to the place of beginning.

TOGETHER WITH the vacated alley shown on said subdivision, vacated by Ordinance No. 36935 dated February 8, 1926, by the City of Columbus.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986 and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988, and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the use and maintenance of sidewalk structures on the east side of Front Street between State Street and Town Street as granted by Ordinance No. 179-39 dated June 1, 1939, by the City of Columbus.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: Part of 010-008460

TRACT G

Being Lot Number Four (4) of Gardner's Heirs Subdivision of the West one-half of Inlots Numbers Two Hundred (200), Two Hundred and One (201) and Two Hundred and Two (202) to the City of Columbus, Ohio.

TOGETHER WITH a portion off the rear ends of Lots Numbers One (1) and Two (2), of said Gardner's Heirs Subdivision and being more particularly described as follows:

Beginning at the Southwest corner of said Lot Number One (1); thence North along the West line of said Lot Number One (1), Nine and one-half (9½) feet; thence East in a line parallel with the South lines of said Lots Numbers One (1) and Two (2), Forty-three and one-half (43½) feet, more or less, to the West line of that portion of Lot Number Two (2) of said Gardner's Heirs Subdivision owned by William D. Duffy; thence South at right angles Nine and one-half (9½) feet to the South line of said Lot Number Two (2); thence West along the South line of said Lots Numbers Two (2) and One (1), to the place of beginning.

Being a portion of right of way as vacated by Ordinance No. 36935 dated February 8, 1926, by the City of Columbus.

Parcel 1:

Situate in the State of Ohio, County of Franklin and in the City of Columbus:

Beginning at a point in the West line of said Lot Number One (1), at a point Fifty-eight (58) feet south of the Northwest corner of said Lot; thence East on a line parallel with the North and South

lines of said Lots Numbers One (1) and Two (2), Forty-three and twenty-five hundredths (43.25) feet to a point in said Lot Number Two (2); thence Southerly and parallel to the West line of said Lot Number Two (2), Thirty-one and eighty hundredths (31.80) feet to a point; thence Westerly and parallel to the South line of Lots Numbers One (1) and Two (2), Forty-three and twenty-five (43.25) hundredths feet to a point in the West line of Lot Number One (1); thence Northerly with the West line of Lot Number One (1), Thirty-one and Eighty hundredths (31.80) feet to the place of beginning.

TOGETHER WITH the vacated alley shown on said subdivision, vacated by Ordinance No. 36935 dated February 8, 1926, by the City of Columbus.

Parcel 2:

Being thirty-one and one-fourth (31¼) feet on Chapel Street extending Northerly the same width off of the East end of Lot Number Five (5) of Gardner's Heirs Subdivision of Inlots Numbers Two Hundred (200), Two Hundred and One (201) and Two Hundred and Two (202) in said City of Columbus, as said Lot Number Five (5) is designated and delineated on the recorded plat of said subdivision in Plat Book 1, Page 150, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH forty-three and one-half (43½) feet off the west end of a so called nine and one-half (9½) foot alley extending along the north side of Lot Four (4) of Gardner's Heirs Subdivision of the West one-half of Inlots Numbers Two Hundred (200), Two Hundred and One (201) and Two Hundred and Two (202) in the City of Columbus, Ohio as conveyed in that certain Warranty Deed to The National City Bank of Cleveland, Trustee recorded in Deed Book 2767, Page 156, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986 and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988, and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of bridge and supports granted by Ordinance No. 73-34 dated February 12, 1934, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of a passageway as granted by Ordinance No. 396-37 dated September 13, 1937, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of an overhead and underground structure on Chapel Street as granted by Ordinance No. 504-38 dated October 10, 1938, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the use and maintenance of sidewalk structures on the east side of Front Street between State Street and Town Street as granted by Ordinance No. 179-39 dated June 1, 1939, by the City of Columbus.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement

dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640,
Recorder's Office, Franklin County, Ohio.
Parcel No.: Part of 010-008460

TRACT M

Situate in the State of Ohio, County of Franklin and in the City of Columbus:

Being part of Lot Number Two (2) and all of Lot Number Three (3) of Gardner's Heirs Subdivision of the West one-half of Inlots Numbers Two Hundred (200), Two Hundred and One (201) and Two Hundred and Two (202) to the City of Columbus, Ohio, and being more particularly described as follows:

Beginning at the northeast corner of Lot Number Three (3); thence west along the north line of Lots Three (3) and Two (2) and being the south line of State Street, 50.68 feet to a point in said north line; thence south in a line parallel with the east lines of said Lots Two (2) and Three (3), 97.70 feet to a point in the north line of Lot Number Four (4) of said Gardner's Heirs Subdivision; thence east in a line parallel with the north line of said Lots Two (2) and Three (3) and being the north line of said Lot Number Four (4), 50.68 feet to a point in the east line of Lot Number Three (3); thence north along the east line of Lot number Three (3) and being the east line of the west one-half of said Inlots Numbers Two Hundred (200), Two Hundred and One (201) and Two Hundred Two (202), 97.70 feet to the place of beginning.

TOGETHER WITH the vacated alley shown on said subdivision, vacated by Ordinance No. 36935 dated February 8, 1926, by the City of Columbus.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986 and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988, and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: Part of 010-008460

TRACT N

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 17, Township 5, Range 22, Refugee Tract and being part of Chapel Street (formerly Sugar Alley) as shown on Plat Book 3, Page 248 and described as follows:

Beginning at a mag nail set marking the northerly right-of-way line for said Chapel Street with the westerly right-of-way line for High Street, the same being the southeasterly corner of Lot 261 as shown on said Plat Book 3, Page 248;

Thence S 08° 08' 35" E, across said Chapel Street, 33.00 feet to a mag nail set marking the intersection of the southerly right-of-way line for said Chapel Street with said westerly right-of-way line, the same being the northeasterly corner of Lot 6 of "Goodale House Block" as recorded in Plat Book 2, Page 52;

Thence S 81° 52' 43" W, with said southerly right-of-way line, 188.28 feet to a mag nail set marking the intersection of said southerly right-of-way line with the easterly right-of-way line for Wall Street (formerly Fair Alley), the same being the northwesterly corner of said Lot 6;

Thence N 08° 08' 35" W, across said Chapel Street, 33.00 feet to a mag nail set marking the intersection of said easterly right-of-way line with said northerly right-of-way line, the same being the southwest corner of said Lot 261;

Thence N 81° 52' 43" E, with said northerly right-of-way line, 188.28 feet to the Point of Beginning, containing 0.143 acre, more or less.

All references to the records of the Recorder's Office, Franklin County, Ohio.

Bearings are based on N 08° 08' 35" W, for the centerline of High Street.

This description was prepared using documents of record, prior plats, and an actual field survey performed by EMH&T, Inc., Gahanna, Ohio during November, 2004.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-277234

TRACT O

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 17, Township 5, Range 22, Refugee Tract, being a portion of Wall Street (formerly Fair Alley) as shown on Plat Book 3, Page 248, and described as follows:

Beginning at a mag nail set marking the intersection of the easterly right-of-way for said Wall Street with the northerly right-of-way line for Town Street, the same being the southwest corner of Lot 258 as shown on said Plat Book 3, Page 248;

thence South 81° 52' 43" West, across said Wall Street, 33.00 feet to a mag nail set marking the intersection of the westerly right-of-way line of said Wall Street with said northerly right-of-way line, the same being the southeasterly corner of Lot 6 of "L. Goodale's Subdivision" as recorded in Plat Book 2, Page 15;

thence North 08° 08' 35" West, with said westerly right-of-way line, 187.24 feet to a mag nail set marking the intersection of said westerly right-of-way line with the southerly right-of-way line of Chapel Street (formerly Sugar Alley), the same being the northeasterly corner of Lot 203 as shown on said Plat Book 3, Page 248;

thence North 81° 52' 43" East, across said Wall Street, 33.00 feet to a mag nail set marking said easterly right-of-way line with said southerly right-of-way line, the same being the northwesterly corner of Lot 6 of "Goodale House Block" as recorded in Plat Book 2, Page 52;

thence South 08° 08' 35" East, with said easterly right-of-way line, 187.24 feet to the Point of Beginning, containing 0.142 acre, more or less.

All references to the records of the Recorder's Office, Franklin County, Ohio.

Bearings are based on North 08° 08' 35" West, for the centerline of High Street.

This description was prepared using documents of record, prior plats, and an actual field survey performed by EMH&T, Inc., Gahanna, Ohio during November, 2004.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction of a bridge granted by Ordinance No. 36,350 dated May 25, 1925, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of a pipe tunnel granted by Ordinance No. 36,601 dated September 21, 1925, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of concrete tunnel granted by Ordinance No. 76-46 dated February 18, 1946, by the City of Columbus.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-283536

The above described real property is more particularly described as follows:

TRACTS A-4, B, C, D, F, G and M:

Area north of Chapel Street (33') and west of Wall Street (33')

Situated in the State of Ohio, County of Franklin, City of Columbus:

Being the east half of In-Lots 200, 201, and 202 as shown on Plat of In-Lots to the City of Columbus of record in Plat Book 3, Page 248 and Plat Book 14, Page 27 and Lots 1 through 5, inclusive, as shown on Gardner's Heirs Subdivision of record in Plat Book 1, Page 150 and that alley shown thereon vacated by Ordinance Number 36935. Containing 0.809 acre, more or less.

TOGETHER WITH AND SUBJECT TO the easement created in a deed from William Wall and wife, to The Columbus Mill and Mine Supply Company dated June 1, 1899 and recorded in Deed Book 315, Page 385, Recorder's Office, Franklin County, Ohio as follows:

The right to use a strip four and one-half (4½) feet in width off of the north side of the above described premises in connection with a strip of equal width off of the south side of the premises adjoining on the north as a private alley; said strip of nine (9) feet in width to be used as a private alley.

TOGETHER WITH forty-three and one-half (43½) feet off the west end of a so-called nine and one-half (9½) foot alley extending along the north side of Lot Four (4) of Gardner's Heirs Subdivision of the West one-half of Inlots Numbers Two Hundred (200), Two Hundred and One (201) and Two Hundred and Two (202) to the City of Columbus, Ohio as conveyed in that certain Warranty Deed to The National City Bank of Cleveland, Trustee recorded in Deed Book 2767, Page 156, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH the vacated alley shown on said subdivision, vacated by Ordinance No. 36935 dated February 8, 1926, by the City of Columbus.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986, and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988, and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of bridge and supports granted by Ordinance No. 73-34 dated February 12, 1934, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the use and maintenance of sub-sidewalk structures on the east side of Front Street between State Street and Town Street as granted by Ordinance No. 179-39 dated June 1, 1939, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of a passageway as granted by Ordinance No. 396-37 dated September 13, 1937, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of an overhead and underground structure on Chapel Street as granted by Ordinance No. 504-38 dated October 10, 1938, by the City of Columbus.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel Nos.: 010-012779, 010-012804 and 010-008460

TRACT A-2:

Area south of Chapel Street (33') and west of vacated Wall Street (33')

Situated in the State of Ohio, County of Franklin, City of Columbus:

Being Lots 1 through 9, inclusive, as shown on L. Goodale's Subdivision of Lots 203, 204, and 205 in the City of Columbus of record in Plat Book 2, Page 15 and those alleys shown thereon vacated by Ordinance Numbers 36170 and 30849. Containing 0.809 acre, more or less.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986, and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988, and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of two covered areas over sidewalks as granted by Ordinance No. 21592 dated February 8, 1904, by the City of Columbus and per (a) Contract agreement dated September 10, 1925 and recorded in Misc. Volume 10, Page 127; and (b) Contract agreement dated January 27, 1942 and recorded in Misc. Volume 46, Page 126, all in the Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction of a bridge granted by Ordinance No. 36,350 dated May 25, 1925, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of gasoline storage tanks and construction and maintenance of a pipe tunnel granted by Ordinance No. 36,601 dated September 21, 1925, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of bridge and supports granted by Ordinance No. 73-34 dated February 12, 1934, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of concrete tunnel granted by Ordinance No. 76-46 and 77-46 dated February 18, 1946, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction of a well in the sidewalk space on the east side of Front Street as granted by Ordinance No. 243-34 dated July 2, 1934, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of a tunnel as granted by Ordinance No. 219-37 dated May 3, 1937, by the City of Columbus; as amended by Ordinance No. 405-37 dated September 20, 1937.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of a passageway as granted by Ordinance No. 396-37 dated September 13, 1937, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of an overhead and underground structure on Chapel Street as granted by Ordinance No. 504-38 dated October 10, 1938, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the use and maintenance of sub-sidewalk structures on the east side of Front Street between State Street and Town Street as granted by Ordinance No. 179-39 dated June 1, 1939, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of covered area under sidewalk along the west side of High Street and along Town Street between High Street and Front Street granted by the City of Columbus in Miscellaneous Volume 7, Page 46, Franklin County records.

Parcel No.: 010-028571

TRACT A-1:

Area south of vacated Chapel Street (33') and east of vacated Wall Street (33')

Situated in the State of Ohio, County of Franklin, City of Columbus:

Being In-Lot 258 as shown on Plat of In-Lots to the City of Columbus of record in Plat Book 3, Page 248 and Plat Book 14, Page 27 and Lots 1 through 6, inclusive, as shown on Goodale House Block of record in Plat Book 2, Page 52. Containing 0.810 acre, more or less.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986, and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption Agreement dated July 29, 1988, filed September 9, 1988, and recorded in Official Record 12238A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction of a bridge granted by Ordinance No. 36,350 dated May 25, 1925, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of gasoline storage tanks and construction and maintenance of a pipe tunnel granted by Ordinance No. 36,601 dated September 21, 1925, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of concrete tunnel granted by Ordinance No. 76-46 dated February 18, 1946 by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of covered area under sidewalk along the east side of Wall Street from Town Street to State Street granted by the City of Columbus in Miscellaneous Volume 7, Page 44, Franklin County records.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of covered area under sidewalk along the west side of High Street and along Town Street between High Street and Front Street granted by the City of Columbus in Miscellaneous Volume 7, Page 46, Franklin County records.

Parcel No.: 010-028444

TRACTS A-3 and E:

Area north of vacated Chapel Street (33') and east of Wall Street (33')

Situated in the State of Ohio, County of Franklin, City of Columbus:

Being In-Lot 261 as shown on Plat of In-Lots to the City of Columbus of record in Plat Book 3, Page 248 and Plat Book 14, Page 27. Containing 0.270 acre, more or less.

TOGETHER WITH non-exclusive appurtenant easements for ingress, egress and for circulation, passage and accommodation of pedestrians, construction and maintenance easements, air rights easement and truck tunnel easement as granted in that certain Construction, Operation and Reciprocal Easement Agreement dated July 15, 1986, filed August 25, 1986, and recorded in Official Record 07994F02, Recorder's Office, Franklin County, Ohio; as assigned in that certain Assignment and Assumption

Agreement dated July 29, 1988, filed September 9, 1988, and recorded in Official Record 1223&A10, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of covered area under sidewalk along the east side of Wall Street from Town Street to State Street granted by the City of Columbus in Miscellaneous Volume 7, Page 44, Franklin County records.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel Nos.: 010-018007 and 010-049786

TRACT N

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 17, Township 5, Range 22, Refugee Tract and being part of Chapel Street (formerly Sugar Alley) as shown on Plat Book 3, Page 248 and described as follows:

Beginning at a mag nail set marking the northerly right-of-way line for said Chapel Street with the westerly right-of-way line for High Street, the same being the southeasterly corner of Lot 261 as shown on said Plat Book 3, Page 248;

Thence S 08° 08' 35" E, across said Chapel Street, 33.00 feet to a mag nail set marking the intersection of the southerly right-of-way line for said Chapel Street with said westerly right-of-way line, the same being the northeasterly corner of Lot 6 of "Goodale House Block" as recorded in Plat Book 2, Page 52;

Thence S 81° 52' 43" W, with said southerly right-of-way line 188.28 feet to a mag nail set marking the intersection of said southerly right-of-way line with the easterly right-of-way line for Wall Street (formerly Fair Alley), the same being the northwesterly corner of said Lot 6;

Thence N 08° 08' 35" W, across said Chapel Street, 33.00 feet to a mag nail set marking the intersection of said easterly right-of-way line with said northerly right-of-way line, the same being the southwestly corner of said Lot 261;

Thence N 81° 52' 43" E, with said northerly right-of-way line, 188.28 feet to the Point of Beginning, containing 0.143 acre, more or less.

All references to the records of the Recorder's Office, Franklin County, Ohio.

Bearings are based on N 08° 08' 35" W, for the centerline of High Street.

This description was prepared using documents of record, prior plats, and an actual field survey performed by EMH&T, Inc., Gahanna, Ohio during November, 2004.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-277234

TRACT O

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 17, Township 5, Range 22, Refugee Tract, being a portion of Wall Street (formerly Fair Alley) as shown on Plat Book 3, Page 248, and described as follows:

Beginning at a mag nail set marking the intersection of the easterly right-of-way for said Wall Street with the northerly right-of-way line for Town Street, the same being the southwesterly corner of Lot 258 as shown on said Plat Book 3, Page 248;

Thence South $81^{\circ} 52' 43''$ West, across said Wall Street, 33.00 feet to a mag nail set marking the intersection of the westerly right-of-way line of said Wall Street with said northerly right-of-way line, the same being the southeasterly corner of Lot 6 of "L. Goodale's Subdivision" as recorded in Plat Book 2, Page 15;

Thence North $08^{\circ} 08' 35''$ West, with said westerly right-of-way line, 187.24 feet to a mag nail set marking the intersection of said westerly right-of-way line with the southerly right-of-way line of Chapel Street (formerly Sugar Alley), the same being the northeasterly corner of Lot 203 as shown on said Plat Book 3, Page 248;

Thence North $81^{\circ} 52' 43''$ East, across said Wall Street, 33.00 feet to a mag nail set marking said easterly right-of-way line with said southerly right-of-way line, the same being the northwesterly corner of Lot 6 of "Goodale House Block" as recorded in Plat Book 2, Page 52;

Thence South $08^{\circ} 08' 35''$ East, with said easterly right-of-way line, 187.24 feet to the Point of Beginning, containing 0.142 acre, more or less.

All references to the records of the Recorder's Office, Franklin County, Ohio.

Bearings are based on N $08^{\circ} 08' 35''$ W, for the centerline of High Street.

This description was prepared using documents of record, prior plats, and an actual field survey performed by EMH&T, Inc., Gahanna, Ohio during November, 2004.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction of a bridge granted by Ordinance No. 36,350 dated May 25, 1925, by the City of Columbus.

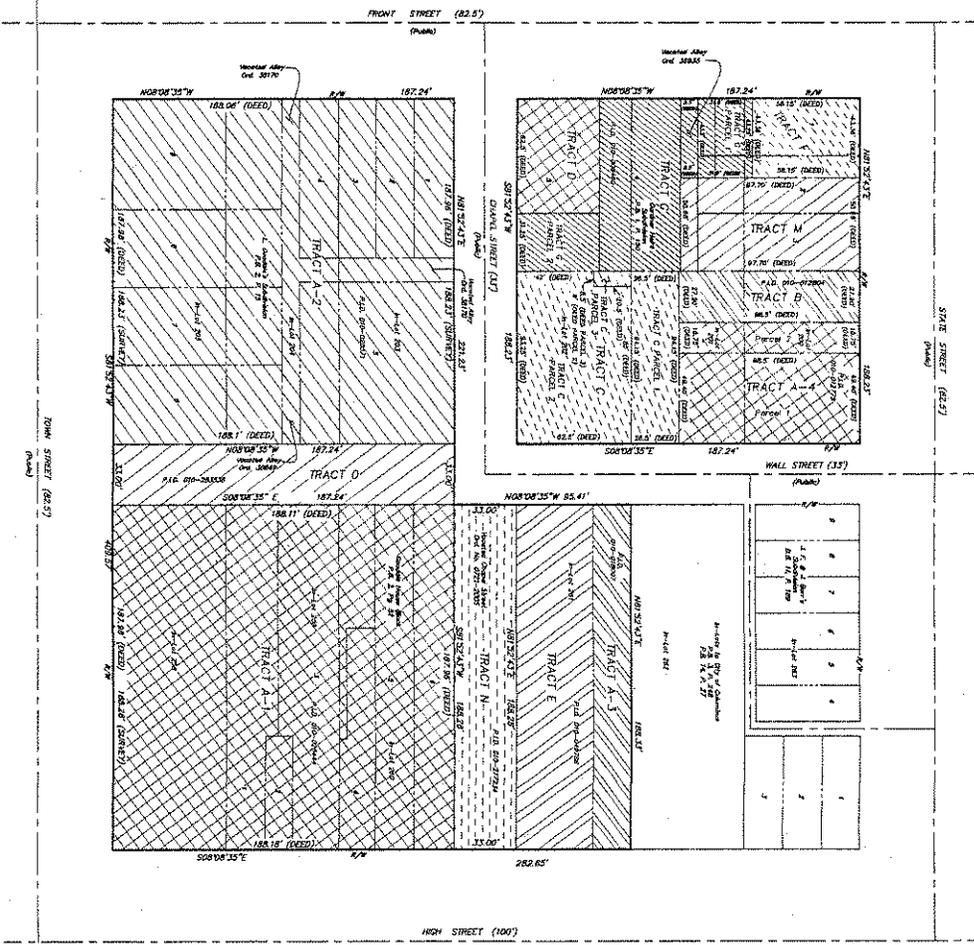
TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of gasoline storage tanks and construction and maintenance of a pipe tunnel granted by Ordinance No. 36,601 dated September 21, 1925, by the City of Columbus.

TOGETHER WITH AND SUBJECT TO the rights and obligations for the construction and maintenance of concrete tunnel granted by Ordinance No. 76-46 dated February 18, 1946, by the City of Columbus.

TOGETHER WITH exclusive perpetual easements and rights-of-ways for pedestrian and vehicular ingress and egress, utilities, supports and construction as granted in that certain Easement Agreement dated November 29, 2007, filed December 3, 2007 and recorded as Instrument No. 200712030207640, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-283536

ALTA/ACSM LAND TITLE SURVEY
SECTION 17, TOWNSHIP 5, RANGE 22
REFUGEE LANDS
CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO



BASED ON RECORDS
SHOWING ON BASIS OF A BEARING OF NORTH 89° 00' 00" WEST FOR A PORTION OF THE
SECTION 17, TOWNSHIP 5, RANGE 22

THIS SURVEY WAS PREPARED BY GARY M. WATSON, SURVEYOR & TITLE, INC. FROM
FIELD NOTES AND RECORDS AND ACTUAL FIELD SURVEY PERFORMED IN 2008, 2007, AND 2006.

PROPERTY MAP

- NOTE:
1. The subject lands (Tract A-4, Tract B, Tract C, Tract D, Tract E, Tract F, Tract G, Tract H, Tract I, Tract J, Tract K, Tract L, Tract M, Tract N, Tract O, Tract P, Tract Q, Tract R, Tract S, Tract T, Tract U, Tract V, Tract W, Tract X, Tract Y, Tract Z) are contiguous along their common boundary.
 2. The subject lands (Tract A-4, Tract B, Tract C, Tract D, Tract E, Tract F, Tract G, Tract H, Tract I, Tract J, Tract K, Tract L, Tract M, Tract N, Tract O, Tract P, Tract Q, Tract R, Tract S, Tract T, Tract U, Tract V, Tract W, Tract X, Tract Y, Tract Z) are contiguous along their common boundary.
 3. The subject lands (Tract A-4, Tract B, Tract C, Tract D, Tract E, Tract F, Tract G, Tract H, Tract I, Tract J, Tract K, Tract L, Tract M, Tract N, Tract O, Tract P, Tract Q, Tract R, Tract S, Tract T, Tract U, Tract V, Tract W, Tract X, Tract Y, Tract Z) are contiguous along their common boundary.

TRACT	OWNER	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIP
TRACT A-1	THE REFUGEE LAND TRUST	140 S. 20th Street, Columbus, OH 43207	COLUMBUS	OH	43207
TRACT A-2	THE REFUGEE LAND TRUST	140 S. 20th Street, Columbus, OH 43207	COLUMBUS	OH	43207
TRACT A-3	THE REFUGEE LAND TRUST	140 S. 20th Street, Columbus, OH 43207	COLUMBUS	OH	43207
TRACT A-4	THE REFUGEE LAND TRUST	140 S. 20th Street, Columbus, OH 43207	COLUMBUS	OH	43207
TRACT B	THE REFUGEE LAND TRUST	140 S. 20th Street, Columbus, OH 43207	COLUMBUS	OH	43207
TRACT C	THE REFUGEE LAND TRUST	140 S. 20th Street, Columbus, OH 43207	COLUMBUS	OH	43207
TRACT D	THE REFUGEE LAND TRUST	140 S. 20th Street, Columbus, OH 43207	COLUMBUS	OH	43207
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TRACT V	THE REFUGEE LAND TRUST	140 S. 20th Street, Columbus, OH 43207	COLUMBUS	OH	43207
TRACT W	THE REFUGEE LAND TRUST	140 S. 20th Street, Columbus, OH 43207	COLUMBUS	OH	43207
TRACT X	THE REFUGEE LAND TRUST	140 S. 20th Street, Columbus, OH 43207	COLUMBUS	OH	43207
TRACT Y	THE REFUGEE LAND TRUST	140 S. 20th Street, Columbus, OH 43207	COLUMBUS	OH	43207
TRACT Z	THE REFUGEE LAND TRUST	140 S. 20th Street, Columbus, OH 43207	COLUMBUS	OH	43207

CERTIFICATION: Gary M. Watson, Surveyor & Title, Inc. is a duly licensed and qualified surveyor in the State of Ohio. This map was prepared by Gary M. Watson, Surveyor & Title, Inc. from field notes and records and actual field survey performed in 2008, 2007, and 2006.



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