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OH EPA

OHIO E.P.A.
JUN 10 1999

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In The Matter of:

Rite Aid of Ohio, Inc.
30 Hunter Lane
Camp Hill, PA 17011

Covenant Not to Sue

Director's Final Findings
and Orders

Regarding the approx. 3.105 acre property
known as the proposed Rite Aid property
at 1211-1217 South James Road and 2993-
3014 East Livingston Avenue, Columbus,
Franklin County, Ohio

I certify this to be a true and accurate copy of the
official document as filed in the records of the Ohio
Environmental Protection Agency.
Date: 6/10/99

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" or "Covenant").

Findings

1. An original No Further Action Letter, NFA Letter No. 99NFA052 (the "NFA"), was submitted on March 23, 1999 to the Ohio EPA Division of Emergency and Remedial Response on behalf of Rite Aid of Ohio, Inc. ("Rite Aid" or "Volunteer"), by Dennis A. Smalley, a Certified Professional (Certified Professional No. CP197) as defined in ORC Section 3746.01(E) and OAC Rule 3745-300-01(A)(8) (the "Certified Professional").
2. The NFA describes investigation and/or remedial activities undertaken at the proposed Rite Aid property located at 1211-1217 South James Road and 2993-3014 East Livingston Avenue in Columbus, Franklin County, Ohio (the "Property"). An exact legal description of the Property is attached hereto as Attachment 1.

Director's Final Findings and Orders
Covenant Not to Sue - Rite Aid of Ohio, Inc.
Page 2

3. The Certified Professional has verified by affidavit that the investigation and/or remedial activities undertaken at the Property comply with the standards established in ORC Chapter 3746 and OAC Chapter 3745-300, that the Property is eligible to receive a Covenant Not to Sue under the Voluntary Action Program, and that the voluntary action was conducted in compliance with all applicable federal, state and local laws.
4. Aqua Tech Environmental Laboratories, Inc. ("ATEL"), is a certified laboratory (No. CL 009) as defined in ORC Section 3746.01(D) and OAC Rule 3745-300-01(A)(7), whose services were used in support of the NFA for the Property.
5. According to information provided in the NFA, ATEL performed analysis for which it is certified and qualified, pursuant to ORC Chapter 3746 and OAC Chapter 3745-300, that formed the basis for the issuance of the NFA as determined by the Certified Professional.
6. A land use restriction has been placed on the Property in accordance with OAC 3745-300-13(E)(13) and as described in the NFA and, based on the information contained in the NFA, the Property meets the applicable standards contained in ORC Chapter 3746 and OAC Chapter 3745-300 for commercial land use and for unrestricted potable use. A copy of the deed restriction is attached hereto as Attachment 2.
7. Based upon the information contained in the NFA, the following investigation and/or remedial activities were undertaken at the Property:
 - a) Completion of a Phase I Property Assessment, in accordance with OAC Rule 3745-300-06;
 - b) Completion of a Phase II Property Assessment, in accordance with OAC Rule 3745-300-07; and
 - c) The placement of a land use restriction on the property that restricts the property to commercial uses and prohibits the construction of basements or permanent subsurface or underground structures for routine human occupancy.
8. Based on the information contained in the NFA, and the deed restrictions described herein, the Director has determined that the issuance of a Covenant Not to Sue for the Property is protective of human health, safety and the environment.

Orders

1. Ohio EPA hereby releases and covenants not to sue Rite Aid, and its agents, employees, shareholders, officers, directors, successors or assigns, from all civil liability to the State to perform additional investigation and/or remedial activities to address the releases of hazardous substances or petroleum addressed through the Phase I and Phase II Property Assessments completed in accordance with ORC Chapter 3746 and OAC Chapter 3745-300.
2. The NFA and the Covenant provided in these Findings and Orders may be transferred to any person by assignment or in conjunction with the acquisition of title to the Property.
3. A summary of the NFA, and a copy of these Findings and Orders, including Attachments 1 and 2 hereto, shall be filed in the Office of the County Recorder of Franklin County, Ohio, in the same manner as a deed to the Property, within sixty (60) days of issuance of these Findings and Orders.

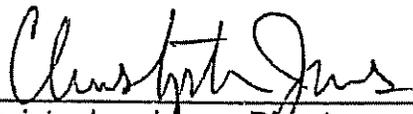
Conditions of and Limitations on the Covenant

1. This Covenant shall only apply to the approximately 3.105 acre Property described in the NFA, upon which the investigation and/or remedial activities specified in the NFA were conducted.
2. Pursuant to ORC Section 3746.12(B), this Covenant shall remain in effect for as long as the Property to which this Covenant pertains continues to comply with the applicable standards upon which this Covenant is based, as outlined in Finding Nos. 1 through 8 above.
3. This Covenant shall not apply to releases of hazardous substances or petroleum:
 - (a) that occur after the submittal of the NFA to Ohio EPA, or
 - (b) on or emanating from the Property, which are not described in the NFA, or
 - (c) for which investigation and/or remedial activities were conducted that were not in compliance with ORC Chapter 3746 or OAC Chapter 3745-300.
4. This Covenant shall not apply to:
 - (a) 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. Sections 9607 and 9613, as amended; or

- (b) claims the State may have pursuant to Section 107 of CERCLA, 42 U.S.C. Section 9607, as amended, for costs other than those for damages to natural resources, provided that the State incurs those other costs as a result of an action by the United States Environmental Protection Agency; or
 - (c) as otherwise specifically provided in ORC Chapter 3746.
5. Nothing in ORC Chapter 3746 limits the authority of the Director to act under ORC Sections 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 a property where a voluntary action is being or has been conducted under ORC Chapter 3746 and the rules adopted thereunder, when the Director determines that the release or threatened release poses an imminent and substantial threat to public health or safety or the environment.
6. Nothing in this Covenant shall be construed to limit and/or waive the Director's authority to revoke this Covenant pursuant to any of the circumstances for revocation of a Covenant, as provided in ORC Chapter 3746 and OAC Chapter 3745-300.

IT IS SO ORDERED:



Christopher Jones, Director
Ohio Environmental Protection Agency

JUN 10 1999
Date

J & J SURVEYING SERVICES, INC., dba
PAUL K. MOORE & ASSOCIATES
6515 E. LIVINGSTON AVE. - SUITE 12
REYNOLDSBURG, OHIO 43068
Phone (614) 866-9158
Fax (614) 866-9132

September 16, 1998
Revised October 6, 1998

Description of 3.105 acres

Situated in the State of Ohio, County of Franklin, City of Columbus, and being all of Lots 333 through 340, inclusive, part of Lots 341 through 343, inclusive, all of Lots 344 through 347, inclusive, part of Lot 348, all of Tract 1, together with all of Berwick Boulevard, Millerdale Road, and certain Alleys and a Park, as vacated by Ordinance No. 894-55 of the City of Columbus, said Lots, Tracts, Parks, Alleys, Boulevards, and Roads are shown on the plat of Berwick, as recorded in Plat Book 19, Pages 25, 26, and 27, as conveyed to Berwick Land Limited Partnership, in Official Record (O.R.) 19389 F02, also being a part of Lot 3 of Kingsgate Addition, as recorded in Plat Book 22, Page 30, as conveyed to Berwick Land Limited Partnership in O.R. 25241 A15, Franklin County Recorder's Office, containing 3.105 acres and being further described as follows:

Beginning for reference at a point, said point being the intersection of the centerlines of Livingston Ave. (90' wide) and James Rd. (80' wide running south from Livingston Ave.);

Thence North 89 degrees 55' 00" West 20.15 feet, along the centerline of said Livingston Ave., to a point;

Thence South 00 degrees 05' 00" West 50.00 feet, to a iron pin set, being the northwest corner of Lot 2 of the said Kingsgate Addition, conveyed to Robert R. Schmidt as recorded in Deed Book (D.B.) 3355, Pg. 421, and being the northeast corner of said Lot 344, said iron pin being in the south line of said Livingston Ave., said iron pin being the True Place of Beginning for the herein described 3.105 acre tract;

Thence South 00 degrees 05' 00" West 184.11 feet, along the west line of said Lots 2 and 3, the east line of said Lot 344, and the east line of a 10' Alley as shown on said plat of Berwick, to a 3/4" iron pipe found, in fair condition and at grade, said iron pipe being the northwest corner of said Berwick Land Limited Partnership tract (O.R. 25241 A15), also being the southwest corner of said Schmidt tract;

Thence South 89 degrees 55' 00" East 104.03 feet, along the north line of said Berwick Land Limited Partnership tract (O.R. 25241 A15), crossing said Lot 3, to a iron pin set in the west line of said James Rd., being the northeast corner of said Berwick Land Limited Partnership tract (O.R. 25241 A15), said iron pin being the southeast corner of said Schmidt tract;

DESCRIPTION OF 3.105 ACRES, con't

Thence around a curve in a clockwise direction having a radius of 260.00 feet, a delta angle of 09 degrees 05' 46", a chord of which bears South 04 degrees 27' 53" East 41.23 feet, along the west line of said James Rd. and a east line of the said Lot 3, to a iron pin set, being a corner of the said Lot 3;

Thence South 00 degrees 05' 00" West 49.79 feet, along the west line of said James Rd., and the east line of said Lot 3, to a iron pin set, said iron pin being the southeast corner of the said Berwick Land Limited Partnership tract (O.R. 25241 A15) and being 10.00 feet north of the north line of Dover Rd. (50.00 feet wide),

Thence North 89 degrees 55' 00" West 563.85 feet, along the south line of said Berwick Land Limited Partnership tract (O.R. 25241 A15), also being the south line of said Berwick Land Limited Partnership tract (O.R. 19389 F02), crossing said Lots 3, 348, Vacated Millerdale Rd., the Vacated Park area, the Vacated Berwick Blvd. and the said Lots 341, 342, and 343, and 10.00 feet north of and parallel to the north line of the said Dover Rd., to a iron pin set, being the southwest corner of the said Berwick Land Limited Partnership tract (O.R. 19389 F02), and being the southeast corner of a tract of land as conveyed to Njoroge Family Limited Partnership, as recorded in O.R. 33242 A17;

Thence North 00 05' 00" East 275.00 feet, along the west line of said Berwick Land Limited Partnership tract (O.R. 19389 F02), being the east line of said Njoroge Family Limited Partnership tract and of a tract of land as conveyed to Sofia Johrendt, as recorded in O.R. 11980 E03, to a 3/4" iron pipe found in good condition in the south line of said Livingston Ave., said iron pipe being the northwest corner of said Berwick Land Limited Partnership tract (O.R. 19389 F02), and being the northeast corner of said Johrendt tract;

Thence South 89 degrees 55' 00" East 456.55 feet, along the south line of said Livingston Ave., being the north line of said Lots 333 through 337, inclusive, the north line of said Vacated Alleys, and the north line of the said Lot 344, to the True Place of Beginning, containing 135,260 square feet, or 3.105 acres more or less, subject to all legal easements and right of ways of record.

Bearings are based on the south line of said Livingston Ave., as being South 89 degrees 55' 00" East, assumed and are used to denote angles only. Documents referred to are recorded in the Franklin County Recorder's Office. Iron pins set are 5/8" rebar, 30" long, with plastic cap stamped "J & J Surveying".

John W. Wetherill 10/6/98
 John W. Wetherill date
 R.S. 7811





Instr: 199903180050150 03/18/1999
Pages: 7 Fee: \$34.00 2:54PM
Richard B. Metcalfe T19990318005
Franklin County Recorder BXCARLILE

GENERAL WARRANTY DEED

Berwick Land Limited Partnership, an Ohio limited partnership, Grantor, for valuable consideration paid, grants with general warranty covenants, to Rite Aid of Ohio, Inc., Grantee, the tax mailing address of which is 30 Hunter Lane, Camp Hill, PA 17011, the following real estate situated in the City of Columbus, Franklin County, Ohio:

Being a 1.545 acre tract and a 1.560 acre tract as more particularly described in the Exhibit attached hereto and made a part hereof by reference.

Auditor's Parcel Nos. 010-92271 and 010-105253

Subject to real estate taxes and assessments not yet due and payable, zoning ordinances, legal highways, and covenants, restrictions, conditions and easements of record.

Grantor delivers this deed of conveyance and Grantee accepts the same subject to all and each of the following covenants, agreements, conditions, restrictions and provisions ("restrictions"), and Grantee, for itself, its successors and assigns, covenants and agrees to keep and perform each of said restrictions:

1. **Land Use Restriction.** As a portion of the remedy under the Ohio Environmental Protection Agency ("Ohio EPA") Voluntary Action Program ("VAP") to protect against exposure to hazardous substances and/or petroleum on the property described herein, this property shall be restricted to commercial use only, as set forth in Ohio Administrative Code ("OAC")-rule 3745-300-08(B)(2)(c)(ii), as effective on December 16, 1996, which rule is as follows:

(ii) Commercial land use category.

Commercial land use is land use with potential exposure of adult workers during a business day and potential exposures of adults and children who are customers, patrons or visitors to such facilities. Commercial land use includes potential exposure of adults to dermal contact with soil, inhalation of vapors and particles from soil and ingestion of soil. Exposures to soil on the property must be short and infrequent. The current or intended use of the property includes, but is not limited to facilities which supply goods or

Carlisle Patchen & Murphy Box 3

4894
CONVEYANCE TAX
\$ 1170.⁰⁰
JOSEPH W. TESTA
FRANKLIN COUNTY AUDITOR

TRANSFERRED
MAR 19 1999
JOSEPH W. TESTA
AUDITOR
FRANKLIN COUNTY, OHIO

services and are open to the public. Examples of commercial land uses include, but are not limited to: warehouses; building supply facilities; retail gasoline stations; automobile service stations; automobile dealerships; retail warehouses; repair and service establishments for appliances and other goods, professional offices; banks and credit unions; office buildings; retail businesses selling food or merchandise; hospitals and clinics; religious institutions; hotels; motels; personal service establishments; and parking facilities.

2. **Restriction against permanent subsurface structures.** As a portion of the remedy under the Ohio Environmental Protection Agency ("Ohio EPA") Voluntary Action Program ("VAP") to protect against exposure to hazardous substances and/or petroleum on the property described herein, no basements or permanent subsurface or underground structures designed for routine human occupancy shall be constructed unless otherwise approved by Ohio EPA in writing prior to such construction.

3. **Restriction to be Binding and Run With The Land.** These restrictions shall run with the land and shall be binding upon the Grantee, and all of its successors and assigns, of the property described herein, or any portion thereof, including any leasehold interests thereon.

4. **Enforcement.** Compliance with these restrictions contained herein may be enforced by a legal or equitable action brought in a court of competent jurisdiction by one or more of the following parties: (i) any party referenced in Paragraphs Two (2) and Three (3) of this use restriction, (ii) the Ohio Environmental Protection Agency, or (iii) any other party with an interest in the property or which may incur liability as a result of any failure of compliance with these restrictions. Any delay on the part of any of the foregoing parties to take any action to enforce compliance with the restrictions contained herein shall not bar any subsequent enforcement with respect to the failure of compliance in question, nor shall any delay or failure on the part of any of the foregoing parties to take any action to enforce compliance with the restrictions contained herein be deemed a waiver of the right of any such party to take any such action with respect to any future failure of compliance.

5. **Miscellaneous.** If any one or more of these restrictions shall be found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining

provisions shall not in any way be affected or impaired thereby. These restrictions shall be governed by and interpreted in accordance with the laws of the State of Ohio, and, specifically, Ohio Revised Code Chapter 3746, and the OAC rules adopted thereunder. All headings used herein are for convenience and shall not be used to interpret or qualify the terms of the use restrictions.

Prior instrument references:
Official Record 19389 F02 through 19389 F 06
Official Record 25241 A15
Deed Book 2104, Page 127
Deed Book 2042, Page 477

Berwick Land Limited Partnership, an Ohio Limited Partnership, has executed this General Warranty Deed, by its duly authorized general partner, Benjamin C. Morse, III, on March 19, 1998.

Signed and acknowledged
in the presence of:

Daniel E. Bringardner
Print Name: DANIEL E. BRINGARDNER
Jennifer L. Poulson
Print Name: JENNIFER L. POULSON

Berwick Land Limited Partnership

By: *Benjamin C. Morse III*
Benjamin C. Morse III
General Partner

State of Ohio,
County of Franklin, ss:

The foregoing instrument was acknowledged before me on March 19, 1999, by Benjamin C. Morse, III, general partner of Berwick Land Limited Partnership, an Ohio limited partnership, for and on behalf of said limited partnership.

This instrument was prepared by:
Daniel E. Bringardner
Kagay, Albert & Diehl
849 Harmon Avenue
P.O. Box 23041
Columbus, Ohio 43223-0041
Telephone (614) 228-3895
Fax (614) 228-3890

Jennifer L. Poulson
Notary Public
State of Ohio
Appointed date: 2/17/04

DATE	3-17-99
BY	<i>Henry Arnold</i>
BY	<i>Becky Young</i>
TOWN	LS 990129

J & J SURVEYING SERVICES, INC., dba
 PAUL K. MOORE & ASSOCIATES
 6515 E. LIVINGSTON AVE. - SUITE 12
 REYNOLDSBURG, OHIO 43068

Phone (614) 866-9158

Fax (614) 866-9132

July 21, 1998

Revised October 7, 1998

Description of 1.545 acres (Rite Aid Tract)

Situated in the State of Ohio, County of Franklin, City of Columbus, and being part of Lot 337, all of Lots 344, 345, 346, 347, and a part of Lot 348, together with a part of Berwick Boulevard, Millerdale Road, and certain Alleys and a Park, as vacated by Ordinance No. 894-55 of the City of Columbus, said Lots, Tracts, Parks, Alleys, Boulevards, and Roads are shown on the plat of Berwick, as recorded in Plat Book 19, Pages 25, 26, and 27, as conveyed to Berwick Land Limited Partnership, as recorded in O.R. 19389 F02, also being a part of Lot 3 of Kingsgate Addition, as recorded in Plat Book 22, Page 30, as conveyed to Berwick Land Limited Partnership, as recorded in O.R. 25241 A15, Franklin County Recorder's Office, containing 1.545 acres and being further described as follows:

Beginning for reference at a point, said point being the intersection of the centerlines of Livingston Ave. (90' wide) and James Rd. (80' wide running south from Livingston Ave.);

Thence North 89 degrees 55' 00" West 20.15 feet, along the centerline of said Livingston Ave., to a point;

Thence South 00 degrees 05' 00" West 50.00 feet, to a iron pin set, said iron pin being the northwest corner of Lot 2, of said Kingsgate Addition, as conveyed to Robert R. Schmidt, as recorded in D.B. 3355, Pg. 421, and being the northeast corner of said Lot 344, of said plat of Berwick, said iron pin being in the south line of said Livingston Ave., said iron pin being the True Place of Beginning for the herein described 1.545 acre tract;

Thence South 00 degrees 05' 00" West 184.11 feet, along the west line of said Lots 2, and 3, being the east line of said Lot 344 and the east line of a 10' Alley as shown on said plat of Berwick, to a 3/4" iron pipe found in fair condition at grade, said iron pipe being the northwest corner of said Berwick Land Limited Partnership tract (O.R. 25241 A15), also being the southwest corner of said Schmidt tract;

Thence South 89 degrees 55' 00" East 104.03 feet, along the north line of said Berwick Land Limited Partnership tract (O.R. 25241 A15), crossing said Lot 3, to a iron pin set in the west line of said James Rd., said iron pin being the

REC'D
 3-17-99
 George Arnold
 BY: *Becky Murray*
 CONDITIONS: 15980129

Description of 1.545 acres continued

northeast corner of said Berwick Land Limited Partnership tract (O.R. 25241 A15), said iron pin being the southeast corner of said Schmidt tract;

Thence around a curve in a clockwise direction having a radius of 260.00 feet, a delta angle of 09 degrees 05' 46", a chord of which bears South 04 degrees 27' 53" East 41.23 feet, along the west line of said James Rd., and a east line of said Lot 3, to a iron pin set;

Thence South 00 degrees 05' 00" West 49.79 feet, along the west line of said James Rd., being the east line of said Lot 3, to a iron pin set, said iron pin being the southeast corner of said Berwick Land Limited Partnership tract (O.R. 25241 A15), said iron pin being 10' north of the north line of Dover Rd. (50' wide);

Thence North 89 degrees 55' 00" West 316.75 feet, along the south line of said Berwick Land Limited Partnership tract (O.R. 25241 A15), also being the south line of said Berwick Land Limited Partnership tract (O.R. 19389 F02), crossing said Lots 3, 348, Vacated Millerdale Rd., the Vacated Park area, and being 10' north of and parallel to the north line said Dover Rd., to a iron pin set;

Thence North 00 degrees 05' 31" East 275.00 feet, crossing said Berwick Land Limited Partnership tract (O.R. 19389 F02), along a new division line, crossing said Vacated Berwick Boulevard, said Vacated Park area, and crossing said Lot 337, and being 1.00 feet east of and parallel to the face of a existing brick building, to a iron pin set in the south line of said Livingston Ave.;

Thence South 89 degrees 55' 00" East 209.41 feet, along the south line of said Livingston Ave., being the north line of said Lots 337, and 344, and the north line of said Vacated Berwick Boulevard, to the True Place of Beginning, containing 67300 square feet, or 1.545 acres more or less, subject to all legal easements and right of ways of record.

Bearings are based on the south line of said Livingston Ave., as being South 89 degrees 55' 00" East, assumed and are used to denote angles only. Documents referred to are recorded in the Franklin County Recorder's Office. Iron pins set are 5/8" rebar, 30" long, with plastic cap stamped "J & J Surveying".

N-246
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 LOTS
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 VAC ALLEY
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 S
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 OFF EAST
 END OF
 LOT 337
 Out of
 92271
 (014)
 = 1.545 ac.

John W. Wetherill 10/7/98
 John W. Wetherill P.S. 7811

Description
 Verified
 John Circle, P.E., P.S.
 Franklin County
 Engineer
 Date: 2/18/99

STATE OF OHIO
 JOHN W. WETHERILL
 7811
 REGISTERED
 PROFESSIONAL SURVEYOR

J & J SURVEYING SERVICES, INC., dba
 PAUL K. MOORE & ASSOCIATES
 6515 E. LIVINGSTON AVE. - SUITE 12
 REYNOLDSBURG, OHIO 43068

Phone (614) 866-9158

Fax (614) 866-9132

July 21, 1998

Description of 1.560 acres (West Tract)

Situated in the State of Ohio, County of Franklin, City of Columbus, and being all of Lots 333, thru 336, a part of Lot 337, all of Lots 338 thru 340, a part of Lots 341, thru 343, together with all of Tract 1, Berwick Boulevard, and certain Alleys, and a part of a Park, as vacated by Ordinance No. 894-55 of the City of Columbus, said Lots, Tracts, Parks, Alleys, Boulevards, and Roads are shown on the plat of Berwick, as recorded in Plat Book 19, Pages 25, 26, and 27, as conveyed to Berwick Land Limited Partnership, as recorded in O.R. 19389 F02, Franklin County Recorder's Office, containing 1.560 acres and being further described as follows:

Beginning for reference at a point, said point being the intersection of the centerlines of Livingston Ave. (90' wide) and James Rd. (80' wide running south from Livingston Ave.);

Thence North 89 degrees 55' 00" West 20.15 feet, along the centerline of said Livingston Ave., to a point;

Thence South 00 degrees 05' 00" West 50.00 feet, to a iron pin set, said iron pin being the northwest corner of Lot 2, of Kingsgate Addition, as recorded in Plat Book 22, page 30, as conveyed to Robert R. Schmidt, recorded in D.B. 3355, Pg. 421, and being the northeast corner of Lot 344, of said plat of Berwick, said iron pin being in the south line of said Livingston Ave.;

Thence North 89 degrees 55' 00" West 209.41 feet, along the south line of said Livingston Ave., being the north line of Lots 344, 337, and the north line of said Berwick Boulevard, of said plat of Berwick, to a iron pin set, said iron pin being the True Place of Beginning for the herein described 1.560 acre tract;

Thence South 00 degrees 05' 31" West 275.00 feet, along a new division line, crossing said Berwick Land Limited Partnership tract, (O.R. 19389 F02), crossing said Lot 337, said vacated Berwick Boulevard, and the said vacated Park, and being 1.00 feet east of and parallel to the face of a existing brick building, to a iron pin set;

NO PLAT REQUIRED DEPT. OF TRADE & DEVELOPMENT CITY OF COLUMBUS, OHIO	
DATE <u>3-17-99</u>	
<i>Benny Arnold</i> DIRECTOR	
BY:	<i>Betty May</i>
CONDITIONS:	<u>LS98129</u>

N-246
 ALL THE
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Description of 1.560 acres continued

Thence North 89 degrees 55' 00" West 247.09 feet, along the south line of said Berwick Land Limited Partnership tract, crossing said Lots 341 thru 343, crossing said vacated Park, Berwick Boulevard, and vacated Alley, and being 10' north of and parallel to the north line of Dover Rd. (50' wide), to a iron pin set, said iron pin being the southwest corner of said Berwick Land Limited Partnership tract, and being the southeast corner of a tract of land as conveyed to Njoroge Family Limited Partnership, as recorded in O.R. 33242 A17;

Thence North 00 05' 00" East 275.00 feet, along the west line of said Berwick Land Limited Partnership tract, being the east line of said Njoroge Family Limited Partnership tract, and being the east line of a tract of land as conveyed to Sofia Johrendt, as recorded in O.R. 11980 E03, to a 3/4" iron pipe found in good condition at grade in the south line of said Livingston Ave., said iron pipe being the northwest corner of said Berwick Land Limited Partnership tract, and being the northeast corner of said Johrendt tract;

Thence South 89 degrees 55' 00" East 247.14 feet, along the south line of said Livingston Ave., being the north line of said Lots 333, thru 337, and the north line of said Vacated Alleys, to the True Place of Beginning, containing 67960 square feet, or 1.560 acres more or less, subject to all legal easements and right of ways of record.

Bearings are based on the south line of said Livingston Ave., as being South 89 degrees 55' 00" East, assumed and are used to denote angles only. Documents referred to are recorded in the Franklin County Recorder's Office. Iron pins set are 5/8" rebar, 30" long, with plastic cap stamped "J & J Surveying".

John W. Wetherill 10/6/98
 John W. Wetherill P.S. 7811

NO PLAT REQUIRED
 DEPT. OF TRADE & DEVELOPMENT
 CITY OF COLUMBUS, OHIO
 DATE 3-17 1999
 BY: *Nancy Arnold* DIRECTOR
 CONDITIONS: *0 L548124*

