



State of Ohio Environmental Protection Agency

RECIPIENT 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

September 15, 2009

CERTIFIED MAIL
RECEIVED

SEP 15 2009

OHIO EPA/CDO

Gary Guglielmi
City of Columbus
Department of Development
Downtown and Economic Development
Lazarus Building
150 S. Front Street, Suite 220
Columbus, OH 43215

**Re: Issuance of Covenant Not To Sue for the Jeffrey Place Property (08NFA315)
Project No.125-000209-006**

Dear Mr. Guglielmi:

I am pleased to inform you that on September 15, 2009, the Director of the Ohio Environmental Protection Agency (Ohio EPA) issued a covenant not to sue (Covenant) to the city of Columbus for the Jeffrey Place property located at the southeast corner of North Fourth Street and East First Avenue, 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 the city of Columbus, Courtyard Townhomes LLC, Green Arbors Housing LP, Jeffrey Loft 1 LLC and Waterford LP, 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 or Phase II property assessment conducted in compliance with ORC Chapter 3746 and OAC Chapter 3745-300.

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. Order No. 2 of the Covenant describes the recording timeframe and the requirement to submit a copy of the recorded Covenant and exhibits to Ohio EPA, to document the recording has occurred pursuant to ORC 3746.14.

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

The issuance of the Covenant is a final action of the Director and will be public noticed in accordance with OAC 3745-47-07. The action may be appealed to the Environmental Review Appeals Commission (Commission) 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 served on 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 Street, Room 222, Columbus, Ohio 43215.

Many persons within the agency, the Ohio Department of Development, the city of Columbus, Waterford LP, and Geotechnical Consultants, Inc., 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) 644-3538 or tiffani.kavalec@epa.state.oh.us.

Sincerely,



Tiffani Kavalec
Manager
Division of Emergency and Remedial Response
Assessment, Clean up and Reuse Section

Enclosure

- c: Bruce Savage, Certified Professional, Geotechnical Consultants, Inc.
Joseph Recchie, Waterford Limited Partnership
DERR-CDO Files #12500209006
DERR-VAP Files #125000209006
- ec: Robin Roth, DERR/CDO
Deborah Strayton, DERR/CDO
Sue Kroeger, Legal Office
Dan Tjoelker, DERR/SABR
Debi Tavizon, DERR/CO

OHIO E.P.A.

SEP 15 2009

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

City of Columbus, Ohio
150 S. Front St., Suite 220
Columbus, OH 43215

Covenant Not to Sue

Director's Final Findings
and Orders

Regarding property known as:

Jeffrey Place Property
Southeast Corner North Fourth Street and
East First Avenue, Columbus, Ohio

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

FINDINGS

1. A No Further Action Letter, No. 08NFA315 (the "NFA Letter"), was submitted on October 9, 2008 to the Director under the Voluntary Action Program on behalf of the City of Columbus (the "Volunteer"), by Bruce A. Savage, C.P.G., a certified professional, No. CP 265, as defined in ORC 3746.01(E) and OAC 3745-300-01(A)(8) (the "Certified Professional").
2. The Certified Professional submitted to the Director an addendum to the NFA Letter dated July 21, 2009 and a second addendum dated August 5, 2009. For the purposes of these Findings and Orders, the term "NFA Letter" includes the addenda.

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: DMJ Lassiter Date: 9-15-09

3. The NFA Letter describes the investigational and remedial activities undertaken at the approximately 31.407-acre Property, known as "Jeffrey Place" or the former Jeffrey Mining / Dresser Industries property, located at the southeast corner of North Fourth Street and East First Avenue, in Columbus, Franklin County, Ohio (the "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 addendum of August 5, 2009, the owners of the Property are Courtyard Townhomes LLC, Green Arbors Housing LP, Jeffrey Loft 1 LLC, and Waterford LP.
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 2003 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, 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.
 - b. A Phase II Property Assessment, in accordance with OAC 3745-300-07, including but not limited to investigations of identified areas and affected media, to assess environmental conditions related to releases of hazardous substances and petroleum.
 - c. Identification in the Phase I Property Assessment or Phase II Property Assessment, of one or more releases of hazardous substances or petroleum with chemicals of concern ("COCs") that include but are not limited to certain total petroleum hydrocarbons ("TPH"), polynuclear aromatic hydrocarbons (PAHs), volatile organic compounds ("VOCs"), metals and polychlorinated biphenyls, for which the Volunteer determined the applicable standards.
 - d. Remedial activities, in accordance with OAC 3745-300-15, including the excavation and removal of arsenic-, TPH-, and PAH-contaminated soils.

- e. A demonstration that the Property complies with applicable standards following completion of remedial activities for the identified COCs in the identified areas and affected media at the Property through a comparison to background levels, in accordance with OAC 3745-300-07; the use of generic numerical standards, in accordance with OAC 3745-300-08; or the use of a property-specific risk assessment, in accordance with OAC 3745-300-09.
7. The Certified Professional has verified by affidavit that the investigational and remedial activities undertaken at the Property comply with the applicable standards established in ORC Chapter 3746 and OAC Chapter 3745-300, that the Property is eligible to receive a covenant not to sue under the Voluntary Action Program, and that the voluntary action was conducted in compliance with all applicable federal, state and local laws and regulations.
8. At the time that analyses were performed, CompuChem a division of Liberty Analytical Corp. (CL0060), Data Chem Laboratories (CL022), Environmental Science Corp. (CL0069), Severn Trent Services (CL009), Aqua Tech Environmental Laboratories (CL009 and CL0017, now known as Microbac Labs, Inc.), Kemron Environmental Services (CL0012), E.A. Group (CL0015), and Blackhand Laboratory (CL0064) were certified laboratories as defined in ORC 3746.01(D) and OAC 3745-300-01(A)(7), whose services were used in support of the NFA Letter (the "Certified Laboratories.")
9. The Certified Laboratories have declared in affidavits contained in the NFA Letter that they each performed analyses for which they were certified and qualified, pursuant to ORC Chapter 3746 and OAC 3745-300-04 that formed the basis for the issuance of the NFA Letter by the Certified Professional.

Applicable Standards

10. Based on the information contained in the NFA Letter and all conditions set forth in these Findings and Orders, the Property meets the applicable standards contained in ORC Chapter 3746 and OAC Chapter 3745-300 for unrestricted (residential) land use and unrestricted potable ground water use. The applicable standards, the methods of achieving compliance with the standards, and the associated points of compliance for the standards for each complete exposure pathway, are identified in the NFA Letter, which contains a summary table titled "Section D, Table 10 - Applicable Standards and Remedial Activities for Each Exposure Pathway." The applicable standards include but are not limited to:

- a. Residential land use standards for direct contact to COCs related to hazardous substances in soil. The standards consist of generic numerical standards from Table II of OAC 3745-300-08(B)(3)(b) and Table V of OAC 3745-300-08(B)(3)(f), standards derived through property-specific risk assessment procedures in accordance with OAC 3745-300-09(D), or background concentrations in soil determined in accordance with OAC 3745-300-07(H), and apply at a point of compliance from the ground surface to a depth of 10 feet.
- b. Residential land use standards for direct contact to COCs related to petroleum in soil. The standards consist of generic numerical standards in accordance with OAC 3745-300-08(B)(3)(a), at a point of compliance from the ground surface to a depth of 10 feet.
- c. Standards for direct contact by construction or excavation workers to COCs in soil. The standards consist of generic numerical standards from Table IV of OAC 3745-300-08(B)(3)(b) and standards derived through property-specific risk assessment procedures in accordance with OAC 3745-300-09(D), and apply at a point of compliance from the ground surface to a depth of 10 feet and below.
- d. Unrestricted potable use standards for the ground water underlying or emanating from the Property, including an evaluation in accordance with OAC 3745-300-07(D)(4)(a) to satisfy the requirements in OAC 3745-300-10(E) ensuring the protection of the ground water. The standards consist of generic numerical standards from Tables VI or VII of OAC 3745-300-08, generic numerical standards for petroleum in accordance with ORC 3746.04(B)(1), and standards derived through property-specific risk assessment procedures in accordance with OAC 3745-300-09(D), at all points underlying the Property. The ground water will maintain continued compliance with the standards based on Ohio EPA Derived Leach-Based Soil Values (February 2002) and "SESOIL" modeling to evaluate leaching in accordance with OAC 3745-300-07(D)(4)(a).
- e. Soil standards for the potential vapor intrusion to indoor air pathway to on-property residential receptors. The standards were derived through property-specific risk assessment procedures in accordance with OAC 3745-300-09(D), and included use of the "Johnson and Ettinger" vapor transport screening level model (SL-SCREEN, Version 3.1 dated February 2004).

- f. Ground water standards for the potential vapor intrusion to indoor air pathway to on-property residential receptors. The standards were derived through property-specific risk assessment procedures in accordance with OAC 3745-300-09(D), and included use of the "Johnson and Ettinger" vapor transport screening level model (GW-SCREEN, Version 3.1 dated February 2004).
11. Based on the NFA Letter and subject to all conditions set forth in these Findings and Orders, a Covenant 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 the city of Columbus, Courtyard Townhomes LLC, Green Arbors Housing LP, Jeffrey Loft 1 LLC and Waterford LP, 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 or Phase II 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, the Volunteer 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.

08NFA315." The submission shall be addressed and delivered by regular U.S. mail or by other reliable means to: Ohio EPA, 50 W. Town Street, Suite 700, P.O. Box 1049, Columbus, OH 43216-1049, Attention: DERR Records Management Officer, and Ohio EPA Central District Office, 50 W. Town Street, Suite 700, P.O. Box 1049, Columbus, Ohio 43216-1049, Attention: DERR Site Coordinator for Jeffrey Place Property.

Scope of Covenant

3. The Covenant provided in Order No. 1 shall only apply to the approximately 31.047-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 as amended 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.
 - b. On or emanating from the Property, that are not identified and addressed in the Phase I Property Assessment or in the Phase II 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/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

SEP 15 2009

Date

Jeffrey Place Property
Director's Final Findings and Orders/Covenant Not to Sue
Exhibit Pages

Exhibit 1
Legal Description

6.000 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, Sections 4 and 9, Township 5, Range 22, Refugee Lands, being part of that tract of land conveyed to Abbott Laboratories by deed of record in Official Record 10634117, (all references being to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning for reference at the point of intersection of the easterly right-of-way line of North Fourth Street with the southerly right-of-way line of East First Avenue, said point also being the northwesterly corner of that tract conveyed to the City of Columbus by deed of record in Deed Book 2256, Page 474 and the northwesterly corner of Lot 1 of the subdivision entitled "Elizabeth Tipton's Heirs Subdivision" of record in Plat Book 2, Page 344;

thence South 86° 35' 08" East, with said southerly right-of-way line, a distance of 13.00 feet to an iron pin set at the northeasterly corner of said City of Columbus tract at the true point of beginning for this description;

thence South 86° 35' 08" East, continuing with said southerly right-of-way line, a distance of 987.00 feet to an iron pin set;

thence South 08° 14' 59" East, crossing said Abbott Laboratories tract, a distance of 267.00 feet to an iron pin set;

thence North 86° 35' 08" West, continuing across said Abbott Laboratories tract, a distance of 1000.00 feet to an iron pin set in the easterly right of way line of Fourth Street;

thence North 08° 14' 59" West, with said easterly right-of-way line a distance of 246.00 feet to an iron pin set at the southwesterly corner of said City of Columbus tract;

thence North 26° 28' 20" East, with the easterly line of said City of Columbus tract, a distance of 22.35 feet to the true point of beginning, containing 6.000 acres of land, more or less.

Subject, however, to all legal rights-of-ways and/or easements, if any, of previous record.

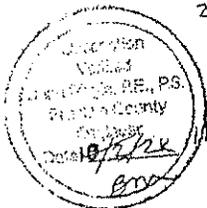
Bearings for this description are based on the same meridian as the metes and bounds description of record in Official Record 10634117, Recorder's Office, Franklin County, Ohio.

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EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk
Registered Surveyor No. 7865

MAK:kmsept00



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25.407 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, Sections 4 and 9, Township 5, Range 22, Refugee Lands, being part of that tract of land conveyed to Abbot Laboratories by deed of record in Official Record 10634I17, all references being to the records of the Recorder's Office, Franklin County, Ohio and more particularly bounded and described as follows:

Beginning for reference at the point of intersection of the easterly right-of-way line of North Fourth Street with the southerly right-of-way line of East First Avenue, said point also being the northwesterly corner of that tract conveyed to the City of Columbus by deed of record in Deed Book 2256, Page 474 and the northwesterly corner of Lot 1 of the subdivision entitled "Elizabeth Tipton's Heirs Subdivision" of record in Plat Book 2, Page 344;

thence South $08^{\circ} 14' 59''$ East, with said easterly right-of-way line, a distance of 267.00 feet to an iron pin set at the True Point of Beginning for this description;

thence South $86^{\circ} 35' 08''$ East, crossing said Abbott Laboratories tract, a distance of 1000.00 feet to an iron pin set;

thence North $08^{\circ} 14' 59''$ West, continuing across said Abbott Laboratories tract, a distance of 267.00 feet to an iron pin set in the southerly right-of-way line of First Avenue;

thence South $86^{\circ} 35' 08''$ East, with said southerly right-of-way line, a distance of 67.20 feet to an iron pin found in a westerly line of that tract conveyed to Pennsylvania Railroad Holding Company by deed of record in Official Record 33954D19;

thence with the boundary of said Pennsylvania Railroad Holding Company tract, the following courses and distances:

South $0^{\circ} 52' 43''$ West, a distance of 546.97 feet to an iron pin set;

South $4^{\circ} 23' 14''$ West, a distance of 100.37 feet to an iron pin found;

South $6^{\circ} 47' 42''$ West, a distance of 100.37 feet to an iron pin found;

South $7^{\circ} 13' 36''$ West, a distance of 100.37 feet to an iron pin set;

South $7^{\circ} 35' 49''$ West, a distance of 58.66 feet to an iron pin found;

South $9^{\circ} 01' 42''$ West, a distance of 42.41 feet to an iron pin found;

South $10^{\circ} 44' 20''$ West, a distance of 99.73 feet to an iron pin set;

South $15^{\circ} 17' 47''$ West, a distance of 199.08 feet to an iron pin found;

South $19^{\circ} 10' 19''$ West, a distance of 100.07 feet to an iron pin found;

South $21^{\circ} 18' 20''$ West, a distance of 99.79 feet to an iron pin found; and

South $24^{\circ} 16' 43''$ West, a distance of 20.81 feet to an iron pin set in the northerly limited access right-of-way line of Interstate 670;

thence with said limited access right-of-way line, the following courses and distances:

25.407 ACRES

- 2 -

South 74° 27' 12" West, a distance of 132.73 feet to an iron pin set;
 South 80° 13' 39" West, a distance of 127.71 feet to an iron pin set;
 South 87° 23' 14" West, a distance of 125.10 feet to an iron pin set;
 North 74° 13' 31" West, a distance of 157.09 feet to an iron pin set;
 South 77° 16' 27" West, a distance of 34.91 feet to an iron pin set;
 North 48° 28' 27" West, a distance of 34.45 feet to an iron pin set;
 North 28° 07' 31" East, a distance of 33.32 feet to an iron pin set;
 North 54° 07' 01" West, a distance of 54.60 feet to an iron pin set;
 North 26° 22' 45" West, a distance of 238.61 feet to an iron pin found; and
 North 10° 01' 02" West, a distance of 110.69 feet to an iron pin set;

thence North 3° 53' 03" West, partially with said limited access right-of-way line and partially with an easterly line of that tract conveyed to Dresser Industries, Inc. by deed of record in Deed Book 3414, Page 31, a distance of 107.89 feet to an iron pin set at a northeasterly corner thereof;

thence North 86° 30' 37" West, with a northerly line of said Dresser Industries, Inc. tract, a distance of 8.00 feet to an iron pin set in the easterly right-of-way line of said North Fourth Street;

thence North 3° 34' 09" East, with said easterly right-of-way line, a distance of 217.55 feet to an iron pin set;

thence North 8° 14' 59" West, continuing with said easterly right-of-way line a distance of 543.36 feet to the True Point of Beginning, containing 25.407 acres of land, more or less.

Subject, however, to all legal rights-of-ways and/or easements, if any, of previous record.

Bearings for this description are based on the same meridian as the metes and bounds description of record in Official Record 10634117, Recorder's Office, Franklin County, Ohio.

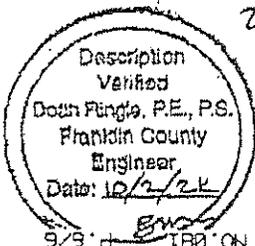
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EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk 295-100

Matthew A. Kirk
 Registered Surveyor No. 7865

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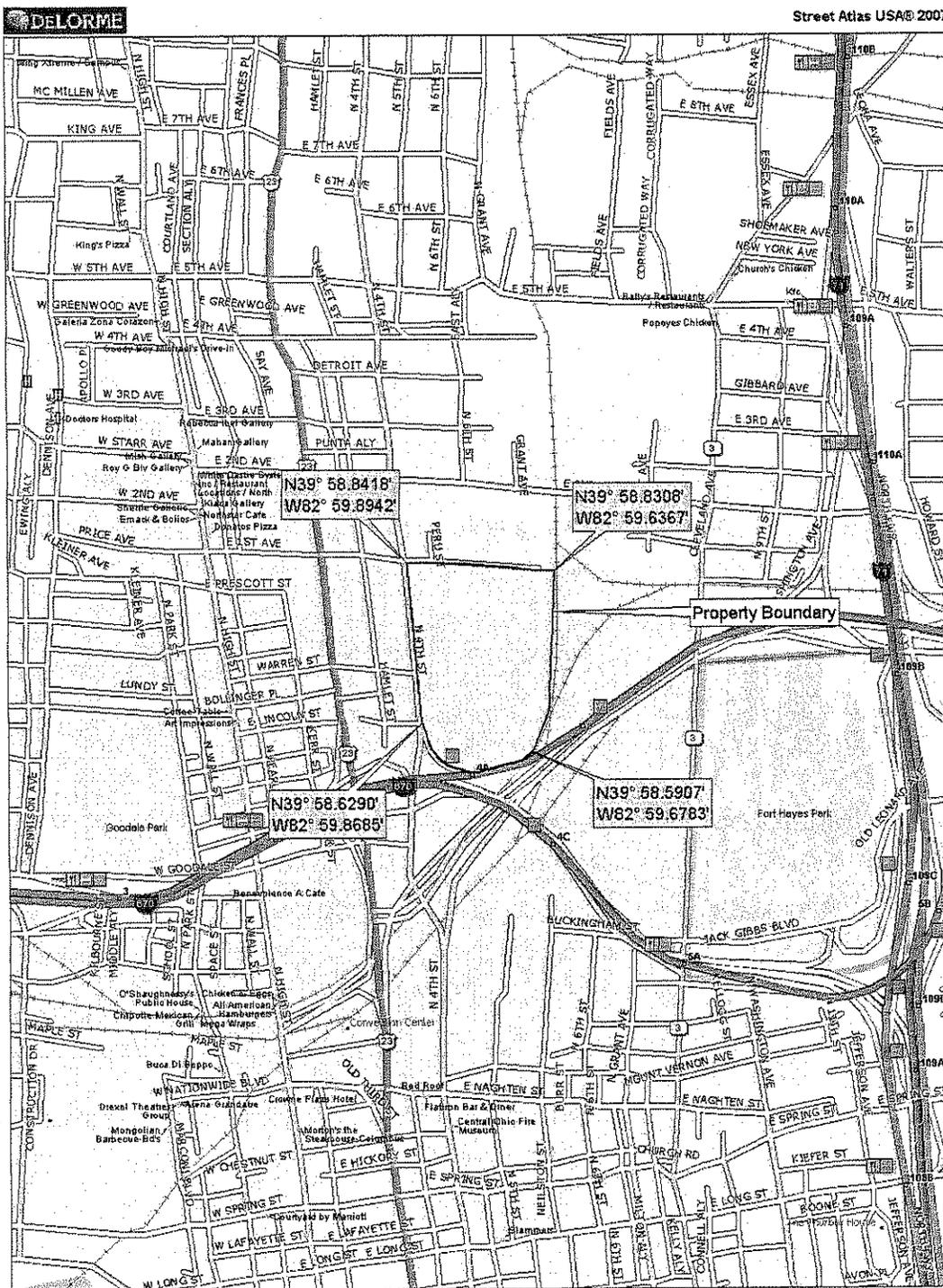
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CONCORDE DEVELOPMENT GROUP

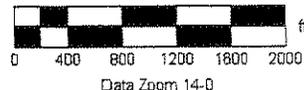
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Jeffrey Place Property
Director's Final Findings and Orders/Covenant Not to Sue
Exhibit Pages

Exhibit 2
Property Location Map



Data use subject to license.
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 www.delorme.com



JEFFREY PLACE PROPERTY
NORTH 4TH STREET AT EAST 1ST AVENUE
COLUMBUS, OHIO



Jeffrey Place Property
Director's Final Findings and Orders/Covenant Not to Sue
Exhibit Pages

Exhibit 3
Executive Summary

**VAP NFA LETTER FORM
SECTION B**

EXECUTIVE SUMMARY

**Ohio Voluntary Action Program
No Further Action Letter
Executive Summary**

**Property:
Jeffrey Place Property
SE Corner North Fourth Street and East First Avenue
Columbus, Ohio**

**Prepared for the Volunteer:
The City of Columbus
Attn.: Gary Guglielmi
150 S. Front St., Suite 220
Columbus, OH 43215**

**Certified Professional:
Bruce A. Savage, CPG
VAP Certified Professional No. 265
Geotechnical Consultants, Inc.
720 Greencrest Dr.
Westerville, OH 43081
Telephone No. 614-895-1400**



EXECUTIVE SUMMARY

1.0 Introduction

Geotechnical Consultants, Inc. (GCI) performed a Phase I Property Assessment (PA) and Phase II PA consistent with Ohio's Voluntary Action Program (VAP) rules established under Ohio Administrative Code (OAC) 3745-300-01 through 15 for the Jeffrey Place Property located in Columbus (Franklin County), Ohio. The purpose of the Executive Summary is to summarize the findings of the voluntary action conducted at the Property, to meet the requirements of OAC 3745-300-13(H) to use the format provided by the Ohio Environmental Protection Agency (EPA) for submitting the NFA letter, and OAC 3745-300-13(J), which is for recording a summary of the NFA letter in the county recorder's office.

The revised Executive Summary to the NFA Letter is being provided as part of NFA Letter Addendum No. 1. The revision to the Executive Summary includes information relative to one new Identified Area, IA-O, which is the approximately 35,000 cubic yard soil stockpile present at the southern portion of the Property at the time of issuing the NFA Letter Addendum No. 1. The stockpile was not addressed in the original NFA Letter, and has since been sampled and found to meet applicable standards for soils.

The revised Executive Summary also addresses sampling the 12-inch to 18-inch layer of regraded soils present adjacent to boring locations B-1, C-3, D-1, F-2, F-3, K-2 and M-1 observed August 28, 2007, subsequent to installing these borings during the Targeted Brownfield Assessment (TBA, conducted July-August 2007).

This revised Executive Summary also addresses use of Ohio Bureau of Underground Storage Tank Regulations (BUSTR) Tier 1 action levels as applicable standards for all petroleum chemicals of concern (COCs) present at the Property. The Tier 1 action levels used apply to direct contact soil, soil to indoor air, soil leaching to ground water pathways, and ground water as drinking water for BUSTR analytical group 1, 2 and 3 COCs, namely:

- Total petroleum hydrocarbons (TPH) as C6-C10 (light distillates),
- TPH as C10-C20 (middle distillates),
- TPH as C20-C34 (heavy distillates),
- Benzene, toluene, ethyl benzene and xylene (BTEX),
- Methyl tertiary butyl ether (MTBE),
- Benzo(a)anthracene,
- Benzo(a)pyrene,
- Benzo(b)fluoranthene,
- Benzo(k)fluoranthene,
- Chrysene,
- Dibenz(a,h)anthracene,
- Indeno(1,2,3-c,d)pyrene, and
- Naphthalene.

The Tier 1 action levels used incorporate BUSTR Soil Class 2 (CL soils) and residential land uses.

Bruce A. Savage, CPG, VAP Certified Professional No. 265, prepared and submitted the NFA letter and this NFA Letter Addendum No. 1 on behalf of the Volunteer, the City of Columbus.

The Property of the voluntary action and for which the NFA letter applies is 31.407±-acres, described in the attached Legal Description of the Property. The Property is mostly vacant land except for two residential structures, roads and utilities constructed between 2006 and 2008.

The Property was historically part of the former Jeffrey Mining and Manufacturing Company, which operated on the Property and the northern adjoining property during most of the previous century (i.e., the late 1890s through about 1980). Jeffrey manufactured mining and other heavy equipment on the Property during this time period, ceased operations and closed the plant during the 1980s. The Property during this time period contained numerous manufacturing and related company buildings. The Property also contained railroad track spurs during this time period. One main spur track ran in the north-south direction along the eastern boundary of the Property, and three spurs that extended from the main spur then in the east-west direction across the central and southern parts of the Property. The buildings and spur tracks were abandoned and demolished during the mid-1980s.

The Property was cleared of previous floor slabs and building foundations that were crushed to create fill material during 2002. New utilities were installed, roads constructed, and two new residential buildings were built during 2006-2007. Surface grades on the Property have remained generally unchanged since before redevelopment.

Activities conducted in support of the NFA letter included Phase I and II Property Assessments, soil remediation to excavate and dispose of impacted soils off-Property, and a Property Specific Risk Assessment (PSRA). These activities included collecting and chemically analyzing soil and ground water below the Property, and preparing reports consistent with VAP rules in OAC 3745-300-06, 07 and 09. Chemicals of concern (COCs) investigated on the Property were: polynuclear aromatic hydrocarbons (PAHs), metals (RCRA 8), polychlorinated biphenyls (PCBs), volatile organic compounds (VOCs) and total petroleum hydrocarbons (TPH).

The date of issuance of the NFA letter is September 30, 2008. The date of issuance of the NFA Letter Addendum No. 1 is July 21, 2009.

A complete copy of the NFA letter, including the NFA Letter Addendum No. 1, can be obtained from the Volunteer, the City of Columbus, Columbus, OH 43219, telephone (614) 645-6427; and through the Certified Professional Bruce A. Savage, CPG, CP265, (c/o Geotechnical Consultants, Inc., 720 Greencrest Dr., Westerville, OH 43081, telephone 614-895-1400).

The legal description of the Property is provided as an attachment to this NFA Letter Addendum No. 1 Executive Summary.

2.0 Summary of the No Further Action Letter

The concise summary of the basis for issuance of the NFA letter, including intended land use follows.

Documents used to support the NFA letter and NFA Letter Addendum No. 1 are:

Phase I Property Assessment report dated September 5, 2008 and Phase II Property Assessment report dated September 30, 2008.

2.1 Phase I Property Assessment

The purpose of the Phase I PA was to identify the history of the Property use, the COCs associated with the Property use, and the Identified Areas on the Property where impacts to the Property by COCs were likely to be present.

The Phase I PA activities were performed between July 2007 and September 5, 2008. The methods of the Phase I PA inquiry included those methods required by OAC 3745-300-06.

The property comprises the following Franklin County Auditor parcels:

<u>Parcel Number</u>	<u>Owner</u>
010-280394	Courtyard Townhomes LLC,
010-283125	Courtyard Townhomes LLC,
010-283130	Courtyard Townhomes LLC,
010-280391	Green Arbors Housing LP,
010-280392	Green Arbors Housing LP,
010-280393	Green Arbors Housing LP,
010-280397	Jeffrey Loft 1 LLC,
010-270665	Waterford LP,
010-210573	Waterford LP,
010-280400	Waterford LP,
010-280401	Waterford LP,
010-280403	Waterford LP,
010-280399	Waterford LP,
010-280398	Waterford LP,
010-280395	Waterford LP,
010-280402	Waterford LP,
010-280366	Waterford LP,
010-280365	Waterford LP,
010-280364	Waterford LP,
010-280363	Waterford LP,
010-280362	Waterford LP,
010-280361	Waterford LP,
010-280360	Waterford LP,
010-280359	Waterford LP,
010-280367	Waterford LP,
010-280368	Waterford LP,
010-280369	Waterford LP,
010-280370	Waterford LP,
010-280371	Waterford LP,
010-280372	Waterford LP,
010-280373	Waterford LP,

010-280374	Waterford LP,
010-280382	Waterford LP,
010-280381	Waterford LP,
010-280380	Waterford LP,
010-280379	Waterford LP,
010-280378	Waterford LP,
010-280377	Waterford LP,
010-280376	Waterford LP,
010-280375	Waterford LP,
010-280383	Waterford LP,
010-280384	Waterford LP,
010-280385	Waterford LP,
010-280386	Waterford LP,
010-280387	Waterford LP,
010-280388	Waterford LP,
010-280389	Waterford LP,
010-280390	Waterford LP, and
010-280396	Waterford LP.

Several previous environmental assessment reports (summarized in the Phase I PA report) indicated the Property contained soils impacted by the COCs from the previous industrial uses. The previous environmental assessments did not indicate that ground water on the Property had been impacted by COC concentrations exceeding the VAP generic unrestricted potable use standards (GUPUS), with the exception of detection of Bis(2-ethyl hexyl)Phthalate (DEHP) concentrations between 14 and 42 ug/L in two ground water samples in ground water monitoring wells no longer present on the Property (i.e., MW-2 installed and sampled in 2000 by Roy F. Weston, Inc. in the southwestern part of the Property, and in MW-1 installed and sampled in 2002 by Smalley & Associates in the northeastern part of the Property). It is believed these two ground water monitoring wells were destroyed during site demolition and construction activities conducted subsequent to well installation.

The Phase I PA indicated thirteen (13) Identified Areas (IAs) at the Property:

- IA-A – Former PAH Contamination Area
- IA-B – Former Quench Oil Area
- IA-C - Former Petroleum Hydrocarbons Contamination Area
- IA-D – Former Metal Cutting and Shaving Storage Area
- IA-E – Former Drum Storage and UST Area
- IA-F – Former Railroad Spur, Bulk Coal Storage, and Fuel Oil AST Area
- IA-G – Former Railroad Spur and Foundry Area
- IA-H – Former South Railroad Spur Area
- IA-J – Property Wide Ground Water
- IA-K – Former PCB Remediation Area
- IA-L – Utility Tunnel Area
- IA-M – Alleged Historical Liquid Waste Disposal Area
- IA-N – Former Synthetic Mineral Oil Spill Area

Based on the findings of the Phase I PA, a Phase II PA was required before a No Further Action letter for this Property could be issued by a Certified Professional to the VAP.

Based on information provided in the VAP Phase I Property Assessment, the subject Property was determined to be eligible for the VAP consistent with OAC 3745-300-02. The VAP Phase I Property Assessment includes the results of database searches for state, federal and local regulatory agencies. All properties are eligible for the VAP except as provided for in OAC 3745-300-02(C); if the exceptions do not apply to the Property, the Property is eligible for the VAP. Section 10.0 of the Phase I PA report contains the eligibility determination. Based upon the information presented in the Phase I Property Assessment, the subject Property is eligible for the VAP.

2.2 Phase II Property Assessment

The Phase II PA was conducted in stages between March 2002 and July 2009, and remedial activities were conducted during April and May 2002, and in July 2008. The purpose of the Phase II PA was to determine the concentrations and extent of COCs in soil and ground water beneath the Property. A chronology and detailed description of the investigation and remediation activities performed at the Property over this period are summarized below:

One hundred and sixty six (166) soil borings have been installed at the Property to investigate COCs in soil in the Identified Areas. New Identified Area IA-O was added to the Phase II PA investigation, to address soils in the approximately 35,000 cubic yard stockpile in the southern part of the Property. The stockpile was created from on-Property soils generated from roadway and utility excavations performed on the Property during 2007-2008. Thirty-one (31) soil borings were installed in June 2009 and sampled for VOCs, PAHs, TPH, PCBs and RCRA metals.

Seven (7) borings were installed in July 2009 at previous boring locations B-1, C-3, D-1, F-2, F-3, K-2 and M-1. These were installed to characterize the 0-1.5 ft. thick regraded soil layer present at these locations. These were sampled for field screening with a photoionization detector (PID) and laboratory chemical analysis of PAHs, TPH, PCBs and RCRA metals. These sample results were added to the identified areas from which they originated (i.e., IA-B, C, D, F, K and M).

Twelve (12) ground water monitoring wells have been installed at the Property to investigate COCs in ground water in the Identified Areas.

Two hundred and forty four (244) soil samples have been collected and analyzed in the following areas:

IA-A - 11 soil samples during March and April 2002, and 4 soil samples during and July 2007;

IA-B - 3 soil samples during March 2002, 3 soil samples during July 2007, and 1 soil sample in July 2009;

IA-C - 3 soil samples during March 2002, 4 soil samples during July 2007, and 1 soil sample in July 2009;

IA-D - 7 soil samples during March and April 2002, 4 soil samples during July 2007, 5 soil samples to delineate TPH concentrations during May 2008, 5 confirmation soil samples following soil remediation (by excavation and off-Property disposal) to remove a TPH source during July 2008, and 1 soil sample in July 2009;

IA-E - 3 soil samples during March 2002 and 4 soil samples during July 2007;

IA-F - 27 soil samples during March and April 2002, 16 soil samples following soil remediation (by excavation and off-Property disposal) to remove arsenic and PNAs sources during April and May 2004, 5 soil samples during July 2007 and 2 soil samples in July 2009;

IA-G - 31 soil samples during March and April 2002, 16 soil samples following soil remediation (by excavation and off-Property disposal) to remove arsenic and PNAs sources during April 2004, and 12 soil samples during July and August 2007 and May 2008;

IA-H - 17 soil samples during March and April 2002, and 6 soil samples during July and August 2007;

IA-K - 6 soil samples between August 2007 and May 2008, and 1 soil sample in July 2009;

IA-L - 5 soil samples during July 2007, 8 soil samples to delineate PNAs and VOCs concentrations during May 2008, and 10 soil samples following soil remediation (by excavation and off-Property disposal) to remove PNAs and VOCs sources during July 2008 – since the PNAs and VOCs remediation areas appeared to be extensions of IA-B, and because IA-B and IA-L1 intersected, the PNAs and VOCs remediation areas may be re-described as IA-B/L;

IA-M - 4 soil samples during July 2007; and 1 soil sample in July 2009;

IA-N - 3 soil samples during May 2008, and

IA-O – 13 soil samples for VOCs analysis, plus 1 multi-incremental (MI) soil sample and 1 duplicate MI sample for analysis of TPH, PCBs, PAHs and RCRA metals, were collected in June 2009.

Nine (9) ground water samples have been collected and analyzed - 3 samples in March 2002, 6 ground water sampled during July and August 2007, and 1 ground water sample during August 2008 in IA-J (Property-wide ground water).

Additionally, a soil background arsenic determination was applied as part of the voluntary action.

Laboratory chemical analysis of these samples was performed by VAP Certified Laboratories as documented in the Phase II PA report. These listed analyses include confirmation soil samples collected within IAs D, F, G and L following remediation activities to excavate and remove soils impacted by COCs.

Remediation to excavate and remove sources of arsenic and PNAs within former railroad track spurs was performed during April 2004 in Identified Areas IA-F and IA-G. Remediation to excavate and remove a TPH source in Identified Area IA-D, and to remove VOCs and PNAs sources within Identified Area B/L was performed in July 2008. The objective of these activities was to remove vadose zone soils that had been impacted by historical releases of these COCs in

these areas of the Property. Soils removed from these areas were excavated and transported for disposal off-Property at Petro Cell in Washington Court House, Ohio.

Following completion of remediation activities, a Property Specific Risk Assessment (PSRA) was performed in response to OAC 3745-300-09(B)(2)(a), which states that: "A property-specific risk assessment must be conducted ...to determine applicable standards...in addition to using the generic direct contact soil standards, if...the exposure pathways...include pathways that are not listed in the support document for generic standards...". Exposure pathways for soil to indoor air and ground water to indoor air, as well as soil leaching to ground water pathways, were complete on the Property; therefore, the PSRA was used to determine applicable standards for these pathways.

2.2.1 Soil Investigation and Findings

A background concentration of arsenic in soils for the Property was derived in accordance with OAC 3745-300-07(H)(1)(a) through (d). Background arsenic concentrations in soil were investigated by direct push soil borings and hand sampling soils at a property located in Powell, Ohio for which Ohio EPA issued a Covenant-Not-to-Sue in 2004 (NFA 04NFA195). Native soils sampled at the background sampling property and the subject Property both consisted of brown-colored, Late Wisconsinan ground moraine glacial till, and background soil sampling depths mirrored the depths investigated at the Property.

Soils on the Property were investigated by drilled soil borings, direct push soil borings and hand sampling at the surface at the Property. No bedrock was encountered in the soil borings installed at the Property, which extended to a maximum depth of 36 ft. below ground surface (bgs) in boring E-3.

The 95% upper confidence limit (95% UCL) arsenic concentrations in soil on the Property following the remediation activities were below the Property background arsenic concentration, which was determined to be 25.7 mg/kg using the procedure outline at OAC 3745-300-07(H)(1)(d). The remaining metals concentrations in soils from the Property met the VAP Generic Direct Contact Soil Standards (GDCSS) at and below the 0-10 ft. unrestricted / residential point of compliance (POC.)

The representative concentrations (i.e., maximum or 95% UCL concentrations) of the remaining COCs in soil in all identified areas on the Property were below the VAP GDCSS for unrestricted or residential land uses, as shown below (all concentration values are mg/Kg):

COCs	GDCSS	Representative Concentration	LOCATION
11- DichloroethAne	580.00	0.46	L - CS-5
11-DichloroethEne	1.60	0.14	L - CS-5
111-Trichloroethane	990.00	6.4	L - CS-5
1,2,4 Trimethylbenzene	22.00	3.2	E - SB-5
1,3,5 Trimethylbenzene	19.00	0.588	L - B-3
2-Butanone (MEK)	6,700.00	0.0186	A-3
Acetone	7,300.00	0.113	A-3

COCs - CONTINUED	GDCSS	Representative Concentration	LOCATION
Carbon Disulfide	350.00	0.0044	M-1
Carbon Tetrachloride	1.70	0.29	L - CS-5
Chloroform	7.30	0.33	L - CS-5
Ethylbenzene	230.00	0.482	L - B-3
Hexachlorobutadiene	15.00	0.027	L - CS-5
Isopropylbenzene (Cumene)	860.00	0.515	L - B-3
Methylene Chloride	250.00	0.00248	M-3
Tetrachloroethene (PCE)	130.00	10	L - CS-5
Toluene	520.00	0.0011	E - SB-5
Trichloroethene (TCE)	80.00	16	L - CS-5
Vinyl Chloride	3.70	0.0032	M-1
Dichloroethene, cis - 1,2 (DCE)	760.00	0.62	L - CS-5
Xylenes, Total	160.00	3.51	L - B-3
n-Butylbenzene	250.00	0.312	L - B-3
n-Propylbenzene	110.00	0.641	L - B-3
p-Isopropylbenzene	110.00	0.236	L - B-3
sec-Butylbenzene	530.00	0.193	L - B-3
Dichloroethene, trans - 1,2 (DCE)	1,500.00	0.017	L - CS-5
Polychlorinated Biphenyls (PCBs)	1.10	0.133	95% UCL
1-Methylnaphthalene	120.00	0.162	B-3
2-Methylnaphthalene	7,800.00	1.1	G - SB-29
Acenaphthene	4,600.00	0.063	F - FRS-15
Acenaphthylene	4,700.00	0.14	G - SB-21
Anthracene	23,000.00	0.57	G - SB-21
Benzo(a)anthracene	11.00	0.54	IA-O, MI-1
Benzo(a)pyrene	1.10	0.47	95% UCL
Benzo(b)fluoranthene	11.00	0.66	F-95% UCL
Benzo(ghi)perylene	1,700.00	0.31	IA-O, MI-1
Benzo(k)fluoranthene	110.00	0.59	G - SB-21
Chrysene	1,100.00	1.1	G - SB-21
Dibenz(ah)anthracene	1.10	0.087	IA-O, MI-2
Fluoranthene	2,300.00	2.4	G - SB-21
Fluorene	3,100.00	0.0906	M-3
Indeno(1,2,3-cd)pyrene	11.00	0.33	IA-O, MI-1
Naphthalene	54.00	0.45	G - SB-29
Phenanthrene	24,000.00	2	G - SB-21A
Pyrene	1,700.00	1.9	G - SB-21
Barium	5,400.00	239	H-3
Cadmium	35.00	1.5	G - SB-22
Chromium	230.00	17.4	IA-O, MI-2
Mercury	7.80	0.45	H-3

COCs - CONTINUED	GDCSS	Representative Concentration	LOCATION
Selenium	390.00	3.26	M-2
Silver	390.00	2	H - SB-1

These COCs in soil on the Property were below their respective residential land use GDCSS. As a result, all COCs in soil on the Property met the VAP construction/excavation GDCSS.

2.2.2 Ground Water Investigation and Findings

Sixty-five (65) of the 66 soil borings installed during 2002 on the Property extended to a depth of 10 ft. bgs to investigate the unrestricted/residential POC. One boring (B-5) extended only to a depth of 8 ft. bgs. due to ground water saturation at that depth. The five ground water monitoring well borings installed on the Property during 2002 extended to depths between 20 ft. and 35 ft. bgs. Of the total soil borings and monitoring well borings installed in 2002, four encountered ground water seepage. Where present, water seepage occurred in silty sand. Only MW-1, MW-4 and MW-5 produced ground water. MW-2 and MW-3, installed to depths of 30 ft. bgs, did not encounter or produce ground water.

Thirty-five (35) of the 62 soil borings installed during 2007 and 2008 at the Property extended to depths between 10 ft. and 12 ft. bgs to investigate the unrestricted/residential POC. The remaining 27 borings installed in 2007 and 2008 extended to depths between 14 ft. and 36 ft. bgs to investigate the occurrence and depth (if present) of ground water below the Property. A minority of the borings (16 of 62) encountered ground water at completion; three of these borings had water seepage only within surface fill materials at less than 8 ft. bgs. Where present, water seepage occurred in generally thin (1 ft. to 3 ft. thick) and horizontally discontinuous layers or lenses of silty sands, sandy silts, or fine to medium sands. Several of these saturated layers were less than ½ ft. in thickness. The single significant exception to this observation was in boring G-3, which encountered a saturated layer of sand and gravel between 12 ft. and 30 feet bgs sandwiched between unsaturated glacial till.

None of the thirty one (31) soil borings installed in the stockpile (IA-O) during June 2009, and none of the seven (7) borings installed to collect soil in the 12-inch to 18-inch layer of regraded soils installed in July 2009, encountered evidence of ground water or a saturated zone.

Based on soil investigation findings, ground water in the uppermost saturated zone on the Property was investigated by installing 12 ground water monitoring wells at the Property, MW-1 through MW-5 installed during March 2002, and MW-1A, MW-4A, MW-5A and MW-6 through MW-8 installed during July and August 2008. COCs in ground water were metals (RCRA 8), PCBs, SVOCs/PAHs and VOCs.

Hollow stem augers were used to install monitoring wells at the Property to total depths ranging from 16 ft. to 30 ft. bgs. The uppermost saturated zone was indicated at depths between 10 ft. and 20 ft. bgs in the monitoring wells installed during 2002, and at depths between 8 ft. and 20 ft. bgs in soil borings and ground water monitoring wells installed during 2007.

Ground water samples from MW-1, MW-4 and MW-5 collected during 2002 were analyzed for VOCs and SVOCs. No VOCs were detected in these samples. MW-1 contained 42 ug/L of DEHP, exceeding the VAP generic unrestricted potable use standard (GUPUS) of 19 ug/L for this compound. No other SVOCs were detected in ground water. MW-2 and MW-3 did not produce ground water and thus were not sampled.

Monitoring wells MW-1A, MW-4A and MW-5A were installed in July-August 2007 to replace the previous ground water monitoring wells MW-1, MW-4 and MW-5 installed in 2002. The additional ground water monitoring wells MW-6 through MW-9 were installed also during July-August 2007 to investigate ground water down-gradient from the identified areas. In general the wells produced very little ground water following development and required multiple mobilizations to the Property to collect adequate ground water sample quantities for analysis of the COCs. Monitoring well MW-8 did not produce adequate ground water to collect a sample for metals analysis; therefore, metals were not analyzed in MW-8. MW-9 did contain produce adequate water in the screen for sampling the COCs and thus ground water was not collected for analysis in MW-9.

Because ground water was being analyzed for total metals and the sampled formations were of limited apparent yield and extent at the Property, ground water samples for metals analysis were collected in unfiltered and field filtered states. Following consultation with VAP Technical Assistance, filtered ground water samples were collected from these wells using a 0.45-micron filter. Filtered and unfiltered samples were analyzed for metals from MW-1A, MW-4A, MW-5A, MW-6 and MW-7.

VOCs, PAHs and PCBs concentrations in the unfiltered ground water samples were below the VAP GUPUS in all ground water monitoring wells sampled (i.e., MW-1A, MW-4A, MW-5A and MW-6 through MW-8). The following sections discuss metals results in unfiltered and filtered samples collected in MW-1A, MW-4A, MW-5A, MW-6 and MW-7.

MW-1A

Total arsenic, cadmium, chromium and lead concentrations exceeded their respective GUPUS in the unfiltered MW-1A sample. The respective concentrations of these metals were 198 ug/L (arsenic), 11.6 mg/L (cadmium), 503 mg/L (chromium) and 290 ug/L (lead). These concentrations exceeded their respective VAP GUPUS of 50 ug/L (arsenic), 5 ug/L (cadmium), 100 ug/L (chromium) and 15 ug/L (lead) by ratios of 4 times (arsenic), 2.32 times (cadmium), 5 times (chromium) and 19.3 times (lead). However no metals exceeded their respective GUPUS in the filtered sample collected from MW-1A.

MW-4A

No metals exceeded their respective GUPUS in the unfiltered sample or the filtered sample collected from MW-4A.

MW-5A

No metals exceeded their respective GUPUS in the unfiltered or filtered samples collected from MW-5A.

MW-6

Total arsenic, chromium and lead concentrations exceeded their respective GUPUS in the unfiltered MW-6 sample. The respective concentrations of these metals were 71.1 ug/L (arsenic), 154 mg/L (chromium) and 43.3 ug/L (lead). These concentrations exceeded their respective VAP GUPUS of 50 ug/L (arsenic), 100 ug/L (chromium) and 15 ug/L (lead) by ratios of 1.4 times (arsenic), 1.54 times (chromium) and 2.9 times (lead). However no metals exceeded their respective GUPUS in the filtered sample collected from MW-6.

MW-7

No metals exceeded their respective GUPUS in the unfiltered or filtered samples collected from MW-7.

Ground water from MW-1A was sampled for DEHP in response to the previous detection of this compound at the previous ground water monitoring well MW-1. No DEHP was detected in ground water from MW-1A. It is known that DEHP has been identified as a common laboratory contaminant, and that phthalates are prevalent in the environment because of their use in plastics like PVC. DEHP therefore is known to occur as an artifact detection in ground water samples collected and/or analyzed using plastic materials. Neither the Phase I PA nor the Phase II PA investigation has indicated the use, storage, release or disposal of hazardous substances or wastes involving DEHP at the Property. This information indicates the DEHP previously detected in ground water at the Property reflect spurious data.

Based on the analytical results, ground water classification was not required in accordance with OAC 3745-300-10.

GCI gauged static ground water elevations in the ground water monitoring well network on September 14, 2007. Ground water elevations were measured from the top north lip of the well casing at each location and recorded as depth to water. Based on surveying measurements, ground water elevation as measured in the ground water monitoring wells ranged from a high of 767.99 feet at MW-6 in the northern part of the Property, to a low of 753.37 feet at MW-9 in the southern part of the Property. The average ground water elevation measured was 764.3 feet. Static ground water levels measured in the on-Property monitoring wells indicated that ground water flows southwesterly under an approximate gradient of 8.5×10^{-4} ft/ft.

2.2.3 Surface Water and Sediments Investigation and Findings

The surface water, sediment and ecological pathways were not complete in connection with the Property because there are no surface water bodies, wetland areas or sediments on the Property that contain or support aquatic vegetation or fish. Surface runoff within and near the Property is controlled by municipal storm sewer lines that collect and drain surface water from the Property.

2.2.4 Exposure Pathway Assessment

An exposure pathway describes the course a release chemical takes from the source to potential exposed receptors. A pathway is considered complete if three components exist: a source of COCs, a receptor and/or an applicable point of compliance, and a transport mechanism for the pathway. Potential receptors for the Property are current and future residents and workers at the Property. Pathways evaluated by the Phase II PA were:

Soils

No migration to off-Property soil from on-Property soil is occurring. Soil pathways, with the exception of leaching to ground water, apply only to on-Property receptors. The following soil pathways were assumed to be potentially complete for all Identified Areas.

- Direct contact with soil containing COCs within the 0 to 10 ft. point of compliance (POC) for residential land use impacting on-Property receptors. Direct contact exposures include ingestion, dermal contact, and inhalation of particulates (direct contact soils – child and adult residential receptors).
- Direct contact with soil containing COCs within and below the 0 to 10 ft. POC impacting on-Property construction/excavation workers during shorter duration exposures (direct contact soils - construction and excavation workers).
- Inhalation of volatile vapors released from soils containing COCs that accumulate in indoor spaces impacting on-Property residential receptors (soil to indoor air).
- Leaching of COCs from soils into ground water resulting in on-Property and off-Property human exposures (soil to ground water leaching).

Ground Water

Ground water exists below the Property below an average depth of approximately 16 ft. bgs. This saturated zone is assumed to underlie adjacent Properties. On this basis, the following ground water pathways were assumed to be potentially complete for all Identified Areas.

- Potable use exposures to groundwater containing COCs by on-Property and off-Property human receptors (potable use).
- Non-potable use exposures (e.g., industrial process and irrigation waters) to groundwater containing COCs impacting on-Property and off-Property human receptors (non-potable use).
- Inhalation of vapors released from groundwater containing volatile COCs into indoor spaces impacting on-Property and off-Property human receptors (ground water to indoor air).

The following pathways were eliminated from the assessment:

- Sediment pathways – these pathways do not exist on the Property or the surrounding properties.
- All soil pathways off- Property - no migration to off-Property soils from on-Property sources is anticipated;
- Soil ecological pathway - no significant ecological resources exist on the Property or the adjacent properties;
- Ground water to surface water on-Property and off-Property - the Property contains no surface water; ground water gradient is southerly and there are no surface waters down-gradient within 500 yards of the Property;
- Migration of ground water containing COCs to surface waters impacting off - Property human receptors;
- Potable use of surface water on-Property and off-Property - the Property has no surface water and there are no surface water intakes within 500 yards of the Property; and
- Non-potable use of surface water on-Property and off-Property - the Property has no surface water and there are no surface water intakes within 500 yards of the Property.

2.3 Determination of Applicable Standards

Soil - The applicable standards for direct contact soil for petroleum compounds are defined in OAC 3745-300-08(B)(3)(a)(i). These standards are referenced to the Ohio Bureau of Underground Storage Tank Regulations (BUST R) action levels in OAC 1301:7-9-13. BUSTR regulations pertain to petroleum compounds included in BUSTR analytical groups 1, 2 and 3.

The applicable direct contact standards for non-petroleum PNAs and PCBs in soil are defined in Table II of OAC 3745-300-08(B)(3)(b) - "Generic Direct-Contact Soil Standards for Carcinogenic and Noncarcinogenic Chemicals of Concern – Residential Land Use Category," and (for some additional PNAs) in the "Supplemental Generic Numerical Values – Direct Contact Soil: Residential Land Use Category" developed under the VAP Technical Assistance Program.

The applicable direct contact standards for metals other than arsenic and lead in soil are defined in Table II of OAC 3745-300-08(B)(3)(b) - "Generic Direct-Contact Soil Standards for Carcinogenic and Non-carcinogenic Chemicals of Concern – Residential Land Use Category."

The applicable direct contact standard for arsenic in soil is the background soil concentration of 25.7 mg/kg calculated for the Property (Section 8.4 of the Phase II PA report.)

The applicable direct contact standard for lead in soil is defined in Table V of OAC 3745-300-08(B)(3)(f) - "Generic Direct-Contact Soil Standards for Lead."

Applicable standards are required for other pathways including the indoor air and the soil leaching to ground water pathways. The applicable standards for non-petroleum compounds for the indoor air pathway were determined in the Property Specific Risk Assessment (PSRA) using the Johnson & Ettinger (V.3.1, February 2004) screening level model (SL-SCREEN).

The applicable standards for non-petroleum compounds for the soil leaching to ground water pathway were those identified in The Ohio EPA Derived Leach Based Soil Values (February 2002) for Soil Type III. Soil Type III was selected based on measured hydraulic conductivity values in soil samples from the Property, as described in Section 6.3 in the Phase II PA report.

The applicable standards for petroleum compounds for the indoor air and the soil leaching to ground water pathways are those from BUSTR Tier 1 action levels, for class 2 soils and residential land uses.

Ground Water - The applicable standards for potable and non-potable use ground water for non-petroleum compounds are the generic unrestricted potable use standards (GUPUS).

The applicable standards for the ground water to indoor air pathway for non-petroleum compounds were determined in the PSRA using the Johnson & Ettinger (V. 3.1, February 2004) screening level model (GW-SCREEN).

The applicable ground water standards for petroleum compounds are the BUSTR Tier 1 action levels, for ground water as drinking water and ground water to indoor air. The indoor air action

levels used were those for soil class 2, residential land use, and depth to ground water of less than 15 feet.

Applicable standards refinements are discussed in the PSRA, provided as Section 8.6 of the Phase II PA report.

2.4 Determination of Compliance with Applicable Standards

No remedial activities, including institutional controls or engineering controls, were implemented to achieve compliance with applicable standards. All applicable standards were met prior to the NFA letter issuance, and no operations and maintenance (O&M) plan was required.

2.4.1 Data Analysis

The following sections provide comparisons of the concentrations of COC to applicable standards, modeling of fate and transport of COCs, and weight of evidence approach for reasonably expected exposure pathways.

2.4.1.1 Direct Contact Soil

No COCs in soils on the Property exceeded the applicable generic direct contact standards (GDCSS) for residential land uses, or the Property background arsenic level, within the POC of 0 to 10 ft. bgs. Soils on the Property are therefore determined to comply with applicable standards.

OAC 3745-300-08(B)(2)(b) requires a multiple chemical adjustment (MCA) for COCs when more than one chemical is present on the Property. The BUSTR petroleum compounds (i.e., BUSTR analytical groups 1, 2 and 3) are excluded from the MCA calculations. The MCA evaluation under the unrestricted / residential land use conditions results in a cumulative non-cancer risk ratio of 0.79 and a cumulative cancer risk ratio of 0.49 for soil media. Under the construction and excavation activities land use conditions, the MCA evaluation results in a cumulative non-cancer risk ratio of 0.05 and a cumulative cancer risk ratio of 0.02 for soil media. Reductions of assumed exposures to COCs in soil are not required to meet the non-cancer and cancer risk ratios of 1 each as defined under OAC 3745-300-08(D)(1).

2.4.1.2 Soil to Indoor Air

Soil to indoor air standards for BUSTR petroleum compounds are the Tier 1 soil to indoor air action levels, soil class 2, residential land uses. Five of the COCs detected in soil had BUSTR action levels: toluene, ethyl benzene, xylenes, chrysene and naphthalene. The representative concentrations of these COCs were below their respective BUSTR Tier 1 soil to indoor air action levels; therefore, they did not require further evaluation relative to the soil to indoor air pathway.

For the soil to indoor air pathway for non-BUSTR petroleum COCs, the representative concentrations in soil at the Property for a total of 26 volatile COCs were analyzed using the Johnson and Ettinger spreadsheet model (SL-SCREEN, Version 3.1 date 02/04). Conservative values were entered as default values in the spreadsheet for both soil properties and depth of contamination encountered. Property-specific values for soil properties including bulk density, vadose zone soil total porosity, soil vapor permeability and total organic carbon were used based on actual soil measurements from samples collected on-Property. Model default soil properties

were entered into the spreadsheet when Property-specific data was unavailable for other soil properties, based on values prescribed by the Johnson and Ettinger User's Manual for typical clay loam soils. Certain COCs were screened out of this process and were not included in the analysis, based on their lack of sufficient toxicity and/or volatility. The incremental risk calculated from this pathway for carcinogens was 0.05, and for noncarcinogens was 0.001. The results from this pathway indicate that the representative concentrations of the COCs in soils present at all depths following remediation comply with the applicable risk goals for the soil to indoor air pathway.

2.4.1.3 Soil Leaching to Ground Water

The soil to ground water leaching pathway was evaluated based upon the representative concentrations of the COCs determined in soils below the Property. Arsenic was not evaluated in the leaching evaluation because the representative arsenic concentrations on the Property following the remediation did not exceed the Property background arsenic concentration.

The representative concentrations of COCs detected in soil on the Property, consisting of the maximum COC concentrations or the maximum 95% UCL concentrations determined for all identified areas on the Property following remediation, were compared to Ohio EPA leach-based soil values (LBSVs) for the non-BUSTR petroleum compounds, and to the BUSTR Tier 1 soil to drinking water leaching action levels (soil class 2) for the BUSTR petroleum compounds. Twenty-four (24) of the 50 COCs detected in soils on the Property had LBSVs or BUSTR leaching action levels. Nineteen (19) of the 24 COCs with LBSVs or BUSTR leaching action levels were detected at concentrations below their respective LBSVs or BUSTR leaching action levels. SESOIL leaching modeling was used to evaluate the five (5) remaining COCs with representative soil concentrations exceeding their respective LBSVs (e.g., 111TCA, Carbon Tetrachloride, PCE, TCE and C12DCE), and the remaining 26 COCs lacking LBSVs or BUSTR leaching action levels.

SESOIL is an acronym for Seasonal Soil compartment model and is a one-dimensional, vertical transport code for the unsaturated zone. It is an integrated soil compartment model and is designed to simultaneously model water transport, sediment transport and pollutant fate. The program was developed for the U.S. EPA's Office of Water and the Office of Toxic Substances (OTS) in 1981 by Arthur D. Little, Inc. (ADL). ADL updated the SESOIL model in 1984 to include a fourth soil layer (the original model included up to three layers) and the soil erosion algorithms. A comprehensive evaluation of SESOIL, performed by Watson and Brown in 1985, uncovered numerous deficiencies in the model and, subsequently, SESOIL was extensively modified to enhance its capabilities. This model was designed to perform "long-term" simulations of chemical transport and transformations in soil.

The SESOIL model estimates pollutant concentrations in the soil profile following introduction via direct application and/or interaction with other media, e.g. deposition from air. The model defines the soil compartment as a soil column extending from the ground surface through the unsaturated zone and to the upper level of the saturated soil zone. Processes simulated in SESOIL are categorized in three cycles: the hydrologic cycle, sediment cycle, and pollutant cycle. Each of the three cycles is a separate submodule in the SESOIL code. The hydrologic cycle includes rainfall, surface runoff, infiltration, soil water content evapotranspiration, and

ground water runoff. The sediment cycle includes sediment washload as a result of rainstorms, i.e., soil erosion that results from surface runoff. The pollutant cycle includes convective transport, volatilization, adsorption/desorption, and degradation/decay. A contaminant in SESOIL can partition in up to four phases (dissolved in liquid, adsorbed on soil, diffused air, and pure product).

The leaching evaluation was performed using SESOIL (Version 6.3.10; Environmental Software Consultants, Inc., 2008) to evaluate each of the five (5) COCs with representative concentrations on the Property that exceeded the LBSVs and the 26 remaining COCs without LBSVs or BUSTR leaching action levels. The SESOIL intrinsic permeabilities for the two soil layers applied in the model were generated using the actual geotechnical soil analysis from two Shelby tube samples collected in soil boring G-2 at depths of 7.6 feet and 14 feet at the Property. Actual permeability measured by GCI in these samples was $3.9\text{E-}08$ cm/sec and $1.2\text{E-}7$ cm/sec, respectively. Converting these values to intrinsic permeability using SEVIEW instructions resulted in intrinsic permeability values of $3.9\text{E-}13$ and $1.2\text{E-}12$; however, the Certified Professional determined that the SESOIL model failed to run using intrinsic permeability values this low. Therefore, the Certified Professional artificially increased the layer intrinsic permeability values by multiple orders of magnitude in order to allow the SESOIL model to run properly and still yield VAP-acceptable ground water infiltration (e.g., recharge) rates between 2 and 4 inches per year. The intrinsic permeability values used in the SESOIL model were at least $1.0\text{E-}11$, which represents values at least 8 times higher than the highest actual permeability of $1.2\text{E-}12$ measured in soil samples from the Property. Using these higher than actual intrinsic permeability values therefore resulted in leaching estimates that are significantly more conservative than otherwise would be predicted by the SESOIL model.

The leaching evaluation demonstrated that over a 100-year time period, only three COCs, Acetone, Carbon Tetrachloride and Methylene Chloride, had measurable leachate concentrations. The maximum leachate concentrations for these COCs were 961, $4.6\text{E-}07$ and 1.61 ug/L, which are below their respective VAP GUPUS of 1,600, 1,400 and 5.0 ug/L. The leachate output concentration was 0.0 ug/L for the remaining 28 COCs modeled in SESOIL. In summary, none of the 31 modeled COCs had predicted leachate concentrations that exceeded their respective VAP GUPUS. On this basis, the SESOIL model demonstrated that the COC concentrations in soil at the Property are unlikely to result in exceedances of VAP GUPUS in ground water below the Property currently or in the future.

2.4.1.4 Potable and Non-potable Use Ground water

Ground water below the Property meets generic unrestricted potable use standards, which is the applicable standard for that media. Therefore ground water below the Property meets the applicable standards.

OAC 3745-300-08(C)(2)(c) requires a multiple cumulative adjustment (MCA) for COCs when multiple chemicals are present on the Property. The MCA evaluation results in a cumulative non-cancer risk ratio of 0.10 and a cumulative cancer risk ratio of 0.28 for ground water media. Reductions of assumed exposures to COCs in ground water are not required to meet the non-cancer and cancer risk ratios of 1 each as defined under OAC 3745-300-08(D)(2).

2.4.1.5 Ground Water to Indoor Air

For the ground water to indoor air pathway, the representative concentrations in ground water at the Property for a total of seven (7) volatile COCs were analyzed using the Johnson and Ettinger spreadsheet model (GW-SCREEN, Version 3.1 date 02/04). Conservative values were entered as default values in the spreadsheet for both soil properties and depth of contamination encountered. Property-specific values for soil properties including bulk density, vadose zone soil total porosity, soil vapor permeability and total organic carbon were used based on actual soil measurements from samples collected on-Property. Model default soil properties were entered into the spreadsheet when Property-specific data was unavailable for other soil properties, based on values prescribed by the Johnson and Ettinger User's Manual for typical clay loam soils. Certain COCs were screened out of this process and were not included in the analysis, based on their lack of sufficient toxicity and/or volatility. The incremental risk calculated from this pathway for carcinogens was 0.0000285, and for noncarcinogens was 0.00776. The results from this pathway indicate that the representative concentrations of the COCs in ground water comply with the applicable risk goals for the ground water to indoor air pathway.

2.4.2 Compliance with Generic Numerical Standards (GNS)

The GNS were used for the direct contact soils pathway and the potable and non-potable use ground water pathways. Soils and ground water below the Property meet the GNS. The cumulative adjustment calculations for soil and ground water COCs were made and no adjustments were necessary based on the calculations. The Property Specific Risk Assessment, provided as Section 8.6 and Appendix M of the Phase II Property Assessment Report, provides the multiple chemical cumulative adjustment calculations.

2.4.3 Property-Specific Risk Assessment Findings

Direct contact exposure pathways to soil were considered to be complete in the Property specific risk assessment (PSRA) for unrestricted / residential receptors (i.e., child and adult residents) at the Property. Comparison of the concentrations of COCs in soils at the Property with the generic numeric standards for direct contact under an unrestricted land-use scenario indicate that no constituent, either individually, or in combination, exceed the applicable standard used for comparison. This evaluation is presented in Section 8.6 of the Phase II Property Assessment Report.

Although ground water is not currently used at the Property for potable or non-potable purposes, ground water use at the Property will remain unrestricted. There were no exceedances of the generic unrestricted potable-use standards beneath the Property that preclude use of ground water for potable-use or non-potable purposes.

Inhalation of volatile constituents in soil migrating to indoor-air was evaluated in the PSRA. This evaluation concluded that there are no unacceptable risks associated with volatile constituents in soil to receptors at the Property.

The PSRA indicated that no chemical of concern detected in soil or ground water at the Property exceeds the applicable standard, either individually or in combination. Thus, site-wide risks do not exceed the target risk of 1.0×10^{-5} and target hazard quotient of 1.

2.4.4 Determination of Whether Remedial Activities are Required

Based on the Phase II PA including the soil remediation activities performed in 2004 and 2008, and the PSRA, no additional remedial activities were required to meet applicable standards.

2.5 Additional Remedial Activities

No additional remedial activities were required to meet applicable standards. Based on the PSRA discussed in Section 2.4.3 above, no additional remedial activities were required.

2.6 Planned Remedies

No other remedies are necessary.

3.0 Conclusions

The following conclusions are drawn based on the work performed at the Property:

- The Phase I and Phase II PA indicated fourteen (14) Identified Areas on the Property, as summarized in Section 2.1 and 2.2 of this document.
- Soils impacted by arsenic and PNAs concentrations exceeding VAP unrestricted / residential generic direct contact soil standards in Identified Areas F and G (former railroad spurs) were removed and transported off-Property for disposal during April 2004.
- Soils impacted by TPH, PNAs and VOCs concentrations exceeding VAP unrestricted / residential generic direct contact soil standards in Identified Areas D and B/L were removed and transported off-Property for disposal during July 2008.
- Based on the representative concentrations of COCs in soil remaining following remediation, the Property meets all applicable soil standards.
- Ground water below the Property complies with the UPUS. Based on the ground water COCs concentrations, the Property meets all applicable ground water standards.
- The Property Specific Risk Assessment (PSRA) demonstrates that COCs concentrations in soil and ground water are protective considering potential direct contact exposures by possible future construction and excavation workers on and off the Property.
- The points of compliance for soil was 0-10 feet for Property occupants, and the reasonably anticipated depths of excavation within and below the 0-10 foot depths for construction and excavation worker short term exposures.

Based on the results of the Phase I and II Property Assessments and the Property Specific Risk Assessment, a No Further Action (NFA) Letter under Ohio VAP may be prepared for the Property.

Appendices: Property Map
Legal Descriptions of the Property:
6.000 Acres Legal Description
25.407 Acres Legal Description



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Ohio 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

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: SEP 15 2009

RE: Covenant Not to Sue Issued to city of Columbus for the Jeffrey Place Property

As Director of the Ohio Environmental Protection Agency, I certify that the city of Columbus has performed investigational and remedial activities at the properties 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: Jeffrey Place

Property address: SE corner of North Fourth Street and East First Avenue, Columbus, Franklin County, Ohio, 43215

Property owner(s): Courtyard Townhomes LLC, Green Arbors Housing LP, Jeffrey Loft 1 LLC, and Waterford LP

Property owners' Representative's address: Attn.: Joseph J. Recche, 1349 East Broad Street, Columbus, Ohio 43205

Parcel number(s):

010-280394	010-280398	010-280369	010-280375
010-283125	010-280395	010-280370	010-280383
010-283130	010-280402	010-280371	010-280384
010-280391	010-280366	010-280372	010-280385
010-280392	010-280365	010-280373	010-280386
010-280393	010-280364	010-280374	010-280387
010-280397	010-280363	010-280382	010-280388
010-270665	010-280362	010-280381	010-280389
010-210573	010-280361	010-280380	010-280390
010-280400	010-280360	010-280379	010-280396
010-280401	010-280359	010-280378	
010-280403	010-280367	010-280377	
010-280399	010-280368	010-280376	

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

Ohio EPA is an Equal Opportunity Employer

County: Franklin

Taxing District: Central District

Date Covenant Not to Sue Issued: SEP 15 2009

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

If additional information regarding the property or the voluntary action is required, I suggest you first contact Bruce Savage, the certified professional for the property, at (614) 895-1400. In the alternative, you can contact Robin Roth with the Ohio Environmental Protection Agency at (614) 728-3778.

c: Gary Guglielmi, City of Columbus, Department of Development
Joseph Recchie, Waterford Limited Partnership
Bruce Savage, Geotechnical Consultants, Inc.
Clarence E. Wingo, II, Franklin County Auditor
Tiffani Kavalec, ACRE Manager, Ohio EPA
DERR-VAP Files #125000209006
DERR-CDO Files #125000209006

ec: Robin Roth , DERR/CDO

6.000 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, Sections 4 and 9, Township 5, Range 22, Refugee Lands, being part of that tract of land conveyed to Abbott Laboratories by deed of record in Official Record 10634117, (all references being to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning for reference at the point of intersection of the easterly right-of-way line of North Fourth Street with the southerly right-of-way line of East First Avenue, said point also being the northwesterly corner of that tract conveyed to the City of Columbus by deed of record in Deed Book 2256, Page 474 and the northwesterly corner of Lot 1 of the subdivision entitled "Elizabeth Tipton's Heirs Subdivision" of record in Plat Book 2, Page 344;

thence South 86° 35' 08" East, with said southerly right-of-way line, a distance of 13.00 feet to an iron pin set at the northeasterly corner of said City of Columbus tract at the true point of beginning for this description;

thence South 86° 35' 08" East, continuing with said southerly right-of-way line, a distance of 987.00 feet to an iron pin set;

thence South 08° 14' 59" East, crossing said Abbott Laboratories tract, a distance of 267.00 feet to an iron pin set;

thence North 86° 35' 08" West, continuing across said Abbott Laboratories tract, a distance of 1000.00 feet to an iron pin set in the easterly right of way line of Fourth Street;

thence North 08° 14' 59" West, with said easterly right-of-way line a distance of 246.00 feet to an iron pin set at the southwesterly corner of said City of Columbus tract;

thence North 26° 28' 20" East, with the easterly line of said City of Columbus tract, a distance of 22.35 feet to the true point of beginning, containing 6.000 acres of land, more or less.

Subject, however, to all legal rights-of-ways and/or easements, if any, of previous record.

Bearings for this description are based on the same meridian as the metes and bounds description of record in Official Record 10634117, Recorder's Office, Franklin County, Ohio.

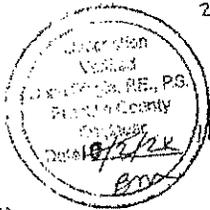
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210573

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A Kirk 29 SEP 00

Matthew A. Kirk
Registered Surveyor No. 7865

MAK:km/sept00



82-857200

25.407 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, Sections 4 and 9, Township 5, Range 22, Refugee Lands, being part of that tract of land conveyed to Abbot Laboratories by deed of record in Official Record 10634117, all references being to the records of the Recorder's Office, Franklin County, Ohio and more particularly bounded and described as follows:

Beginning for reference at the point of intersection of the easterly right-of-way line of North Fourth Street with the southerly right-of-way line of East First Avenue, said point also being the northwesterly corner of that tract conveyed to the City of Columbus by deed of record in Deed Book 2256, Page 474 and the northwesterly corner of Lot 1 of the subdivision entitled "Elizabeth Tipton's Heirs Subdivision" of record in Plat Book 2, Page 344;

thence South $08^{\circ} 14' 59''$ East, with said easterly right-of-way line, a distance of 267.00 feet to an iron pin set at the True Point of Beginning for this description;

thence South $86^{\circ} 35' 08''$ East, crossing said Abbott Laboratories tract, a distance of 1000.00 feet to an iron pin set;

thence North $08^{\circ} 14' 59''$ West, continuing across said Abbott Laboratories tract, a distance of 267.00 feet to an iron pin set in the southerly right-of-way line of First Avenue;

thence South $86^{\circ} 35' 08''$ East, with said southerly right-of-way line, a distance of 67.20 feet to an iron pin found in a westerly line of that tract conveyed to Pennsylvania Railroad Holding Company by deed of record in Official Record 33954D19;

thence with the boundary of said Pennsylvania Railroad Holding Company tract, the following courses and distances:

South $0^{\circ} 52' 43''$ West, a distance of 546.97 feet to an iron pin set;

South $4^{\circ} 23' 14''$ West, a distance of 100.37 feet to an iron pin found;

South $6^{\circ} 47' 42''$ West, a distance of 100.37 feet to an iron pin found;

South $7^{\circ} 13' 36''$ West, a distance of 100.37 feet to an iron pin set;

South $7^{\circ} 35' 49''$ West, a distance of 58.66 feet to an iron pin found;

South $9^{\circ} 01' 42''$ West, a distance of 42.41 feet to an iron pin found;

South $10^{\circ} 44' 20''$ West, a distance of 99.73 feet to an iron pin set;

South $15^{\circ} 17' 47''$ West, a distance of 199.08 feet to an iron pin found;

South $19^{\circ} 10' 19''$ West, a distance of 100.07 feet to an iron pin found;

South $21^{\circ} 18' 20''$ West, a distance of 99.79 feet to an iron pin found; and

South $24^{\circ} 16' 43''$ West, a distance of 20.81 feet to an iron pin set in the northerly limited access right-of-way line of Interstate 670;

thence with said limited access right-of-way line, the following courses and distances:

25.407 ACRES

- 2 -

South 74° 27' 12" West, a distance of 132.73 feet to an iron pin set;
 South 80° 13' 39" West, a distance of 127.71 feet to an iron pin set;
 South 87° 23' 14" West, a distance of 125.10 feet to an iron pin set;
 North 74° 13' 31" West, a distance of 157.09 feet to an iron pin set;
 South 77° 16' 27" West, a distance of 34.91 feet to an iron pin set;
 North 48° 28' 27" West, a distance of 34.45 feet to an iron pin set;
 North 28° 07' 31" East, a distance of 33.32 feet to an iron pin set;
 North 54° 07' 01" West, a distance of 54.60 feet to an iron pin set;
 North 26° 22' 45" West, a distance of 238.61 feet to an iron pin found; and
 North 10° 01' 02" West, a distance of 110.69 feet to an iron pin set;

thence North 3° 53' 03" West, partially with said limited access right-of-way line and partially with an easterly line of that tract conveyed to Dresser Industries, Inc. by deed of record in Deed Book 3414, Page 31, a distance of 107.89 feet to an iron pin set at a northeasterly corner thereof;

thence North 86° 30' 37" West, with a northerly line of said Dresser Industries, Inc. tract, a distance of 8.00 feet to an iron pin set in the easterly right-of-way line of said North Fourth Street;

thence North 3° 34' 09" East, with said easterly right-of-way line, a distance of 217.55 feet to an iron pin set;

thence North 8° 14' 59" West, continuing with said easterly right-of-way line a distance of 543.36 feet to the True Point of Beginning, containing 25.407 acres of land, more or less.

Subject, however, to all legal rights-of-ways and/or easements, if any, of previous record.

Bearings for this description are based on the same meridian as the metes and bounds description of record in Official Record 10634117, Recorder's Office, Franklin County, Ohio.

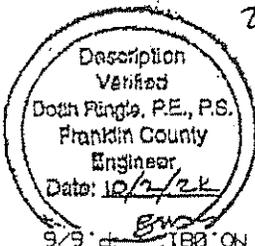
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EVANS, MECHWART, HAMBLETON & TILTON, INC.

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Matthew A. Kirk
 Registered Surveyor No. 7865

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NO. 081 6/9

CONCORDE DEVELOPMENT GROUP

OCT. 25. 2000 4:05PM