



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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

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

MAILING ADDRESS:

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

December 31, 2008

CERTIFIED MAIL

Mr. Brian Langmeyer
Network Restorations II LLC
Ohio Capital Corporation for Housing
88 East Broad Street, Suite 1800
Columbus, Ohio 43215

**Re: Issuance of Covenant Not To Sue for the 1316 Indianola Avenue Property
(07NFA282)
Project ID #125-002551-002**

Dear Mr. Langmeyer:

I am pleased to inform you that on December 31, 2008, the Director of the Ohio Environmental Protection Agency (Ohio EPA) issued a covenant not to sue (Covenant) to Network Restorations II LLC for the 1316 Indianola Avenue property located at same address, 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 all conditions set forth in the Covenant, Ohio EPA covenants not to sue and releases Network Restorations II LLC and its 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 and Phase II property assessment conducted in accordance 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.

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

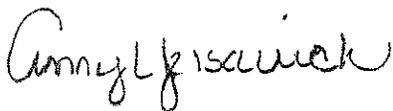
Mr. Brian Langmeyer
Network Restorations II LLC
Ohio Capital Corporation for Housing
Page -2-

As stated under the "Conditions and Limitations" of the Covenant (CNS), the Environmental Covenant for the property - attached as CNS Exhibit 4 - must be recorded with the Franklin County Recorder's Office within 30 days of the CNS issuance date, as a separate document from the required recording of the CNS and its remaining exhibits. The CNS becomes effective on the recording date of the Environmental Covenant. The CNS also requires the volunteer to submit to Ohio EPA a copy of the Environmental Covenant showing the filing date stamp of the recorder's office.

The issuance of the Covenant is a final action of the Director and will be public noticed in accordance with OAC 3745-47-07. The action may be appealed to the Environmental Review Appeals Commission (Commission). The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within 30 days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, which the Commission in its discretion, may reduce if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three days of filing with the Commission. The Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. The appeal may be filed with the Commission at 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

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

Sincerely,



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

Enclosure

c: Jeffrey P. Hullinger, Certified Professional, Carnoustie Consulting, Ltd.
Craig Sturtz, Squire, Sanders and Dempsey, LLP
Catherine Stroup, Legal
Deborah Strayton, DERR/CDO
File, DERR/CO-VAP
File, DERR/CDO

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

AFFIDAVIT

STATE OF OHIO

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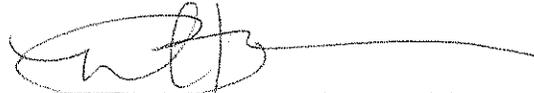
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COUNTY OF FRANKLIN

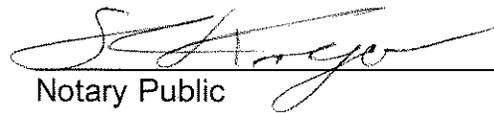
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Before me, the subscriber, a Notary Public in and for the State of Ohio, personally appeared Miles Davidson, who, being duly sworn according to law, deposes and says that: (i) he is employed as a Office Manager in the Legal Office of the Ohio Environmental Protection Agency ("Ohio EPA") and, as such, is authorized to sign this Affidavit on behalf of Ohio EPA; and (ii) the attached document is a true and correct copy of the Covenant Not to Sue/Director's Final Findings and Orders issued by the Director and entered in the Ohio EPA Director's Journal on DECEMBER 31, 2008 regarding the property known as 1316 Indianola Avenue, located at same address in Columbus, Franklin County, Ohio, and further described in Exhibit 1 of the attached Covenant Not to Sue.



Miles Davidson
Office Manager
Ohio EPA Legal Office

Sworn to and subscribed before me, a Notary Public in and for the State of Ohio, this 31st day of December, 2008.



Notary Public
State of Ohio

Permanent Commission
No expiration, R.C. 147.03

This instrument prepared by:
Catherine A. Stroup, Attorney
Ohio EPA Legal Office
P.O. Box 1049
Columbus, Ohio 43216-1049



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

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Network Restorations II LLC
80 East Broad Street
Columbus, Ohio 43215

Covenant Not to Sue

Director's Final Findings
and Orders

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.

Regarding property known as:

1316 Indianola Avenue
Columbus, Ohio 43201

 Date: 12.31.08

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

FINDINGS

1. A No Further Action Letter, No. 07NFA282 ("NFA Letter"), was submitted on December 27, 2007 to the Director under the Voluntary Action Program on behalf of Network Restorations II LLC ("Volunteer"), by Jeffrey P. Hullinger, P.E., a certified professional, No. CP 214, as defined in ORC 3746.01(E) and OAC 3745-300-01(A)(8) ("Certified Professional").
2. The Certified Professional submitted to the Director addenda to the NFA Letter, dated June 2, August 19, and November 10, 2008. For the purposes of these Findings and Orders, the term "NFA Letter" includes the addenda.
3. The NFA Letter describes the investigational and remedial activities undertaken at the 0.248-acre property, currently known as 1316 Indianola Avenue, located at same, Columbus, Franklin County, Ohio ("Property"). An exact legal description of the Property is attached hereto as Exhibit 1. A property location map is attached hereto as Exhibit 2. Based on information in the NFA Letter, the current owner of the Property is Network Restorations II LLC.
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. 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 that include but are not limited to metals, volatile organic compounds, total petroleum hydrocarbons and polyaromatic hydrocarbons, for which the Volunteer determined the applicable standards.
 - d. Activity and use limitations contained in a proposed Environmental Covenant, prepared pursuant to ORC 5301.80 to 5301.92, subject to execution by the Director and recording as described in these Findings and Orders.
 - e. Remedial activities including soil removal to 2 feet below ground surface for off-site disposal and replacement of the soil removed with 2 feet of clean soil.
 - f. A demonstration that the Property complies with applicable standards for the identified chemicals of concern in the identified area and affected media at the Property through a comparison to background levels, in accordance with OAC 3745-300-07, and the use of generic numerical standards, in accordance with OAC 3745-300-08.
6. 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.
7. At the time that analyses were performed, Belmont Labs was a certified laboratory, No. 0032, as defined in ORC 3746.01(D) and OAC 3745-300-01(A), whose services were used in support of the NFA Letter ("Certified Laboratory").
8. The Certified Laboratory has declared in affidavits contained in the NFA Letter that it performed analyses for which it was 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.

9. The Environmental Covenant will be recorded in the Franklin County Recorder's Office as described in the Environmental Covenant and Order No. 2 herein. A copy of the executed Environmental Covenant is attached hereto as Exhibit 4. The Environmental Covenant upon recording will:
 - a. Impose a limitation related to subsurface disturbance.

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 modified 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 "Applicable Standards and Remedial Activities for Each Exposure Pathway" in the NFA Letter at Table 7 of the Phase II report. The applicable standards include but are not limited to:
 - a. Modified residential land use standards for direct contact to chemicals of concern related to hazardous substances in soil. The standards consist of generic numerical standards from Table II of OAC 3745-300-08, and standards based on 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 2 feet.
 - b. Modified residential land use standards for direct contact to chemicals of concern related to petroleum in soil. The standards consist of generic numerical standards in accordance with OAC 3745-300-08(B)(3)(a)(i) - (ii), at a point of compliance from the ground surface to a depth of 2 feet.
 - c. Soil standards for direct contact by construction or excavation workers to chemicals of concern in soil. The standards consist of generic numerical standards from Table IV of OAC 3745-300-08 and standards based on 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.
 - d. Unrestricted potable use standards for chemicals of concern in ground water in the upper most ground water zone, 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 zone. The standards consist of unrestricted potable use standards from Tables VI and VII of OAC

3745-300-08 and apply at all points underlying and emanating from the Property. The shallow ground water zone will maintain continued compliance with unrestricted potable use standards based on a weight of evidence demonstration in accordance with OAC 3745-300-07(D)(4)(a)(ii).

- e. Soil standards for chemicals of concern for the volatile emissions to indoor air pathway to human exposures derived through property-specific risk assessment procedures in accordance with OAC 3745-300-09(D).
11. Based on the NFA Letter and subject to all conditions set forth in these Findings and Orders, a covenant not to sue may be issued for the Property in accordance with ORC 3746.12(A), and the voluntary action for the Property is protective of public health and safety and the environment.

ORDERS

Covenant

1. Based on the NFA Letter and subject to all conditions set forth in these Findings and Orders, Ohio EPA hereby covenants not to sue and releases Network Restorations II LLC and its 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 ("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

Effectiveness of the Covenant Not to Sue – Recording of the Environmental Covenant

2. The Covenant provided in Order No. 1 herein shall become effective upon the date the Environmental Covenant is recorded in accordance with this Order. The Environmental Covenant shall be filed as a document separate from the filing required by Order No. 3 herein. Within thirty (30) days after the issuance of these Findings and Orders, Network Restorations II LLC 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 and 5301.88, the Environmental Covenant as executed and attached hereto as Exhibit 4. The document for recording may be an executed original or a copy of the same authenticated by Ohio EPA.
 - b. Submit to Ohio EPA a copy of the recorded Environmental Covenant that shows the filing date stamp of the Franklin County Recorder's Office or other

reliable information that verifies the recording of the document in accordance with this Order. The submission shall include a cover letter that identifies "*Recorded - Environmental Covenant for NFA Letter No. 07NFA282.*" The submission shall be addressed and delivered by regular U.S. mail or by other reliable means to: Ohio EPA, 50 West Town Street, Suite 700, P.O. Box 1049, Columbus, OH 43216-1049, Attention: DERR Records Management Officer, and Ohio EPA Central District Office, at the above address, Attention: DERR Site Coordinator for 1316 Indianola Avenue.

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

3. Within thirty (30) days after the issuance of these Findings and Orders, Network Restorations II LLC 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. 07NFA282.*" The submission shall be addressed and delivered by regular U.S. mail or by other reliable means to: Ohio EPA, 50 West Town Street, Suite 700, P.O. Box 1049, Columbus, OH 43216-1049, Attention: DERR Records Management Officer, and Ohio EPA Central District Office, at the above address, Attention: DERR Site Coordinator for 1316 Indianola Avenue property.

Requirement to Include Notice of Activity and Use Limitations upon Property Conveyance

4. Each instrument Network Restorations II LLC uses to convey the Property or any portion of the Property shall include a notice of the activity and use limitations for the Property in accordance with paragraph 9 of the Environmental Covenant attached hereto as Exhibit 4. The submission to Ohio EPA required by the Environmental Covenant shall include a cover letter that identifies "*Conveyance of Property Subject to Activity and Use Limitations - NFA Letter No. 07NFA282.*" The submission shall be addressed and delivered by regular U.S. mail or by other reliable means to: Ohio EPA, 50 West Town Street, P.O. Box 1049, Columbus, OH 43216-1049, Attention: DERR Records Management Officer, and Ohio EPA Central District Office, at the above address, Attention: DERR Site Coordinator for 1316 Indianola Avenue property.

Scope of Covenant

5. The Covenant provided in Order No. 1 shall only apply to the 0.248-acre Property described in the NFA Letter, these Findings and Orders, and the exhibits attached hereto, upon which the investigational and remedial activities specified in the NFA Letter were conducted.
6. 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.
7. Pursuant to ORC 3746.05, any use of the Property that does not comply with the institutional controls identified herein (i.e., the activity and use limitations contained in the Environmental Covenant), voids the Covenant on and after the date of the commencement of the noncomplying use.
8. The Covenant shall not apply to releases of hazardous substances or petroleum:
 - a. That occur after the issuance of the NFA Letter to the Volunteer, including but not limited to, releases of asbestos that may occur from asbestos-containing materials remaining at the Property that were not abated or required to be abated pursuant to OAC Chapter 3745-20.
 - b. On or emanating from the Property, that are not identified and addressed in the Phase I Property Assessment or 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.
9. 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.

10. 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.
11. 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.

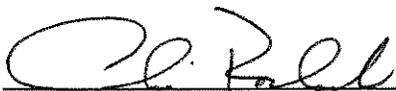
Ohio EPA Access to Property

12. Pursuant to ORC 3746.21 or 3746.171 or the Environmental Covenant, authorized representatives of the Director shall be granted access to the Property for inspection or investigation purposes, including but not limited to determining whether the Property is being used in compliance with the activity and use limitations contained in the Environmental Covenant.

Transfer

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

IT IS SO ORDERED:



Chris Korleski, Director
Ohio Environmental Protection Agency

DEC 31 2008

Date

11316 Indianola Avenue
Director's Final Findings and Orders / Covenant Not to Sue

Exhibit 1
Legal Description

Description of a 0.248 acre parcel of land

Situate in the State of Ohio, County of Franklin, City of Columbus and being all of a 0.248 acre parcel of land conveyed to Network Restorations II, LLC of record in Instrument Number 200505310103886, Tract 2, Parcel 1-A, (all references to records are on file in the Office of the Recorder, Franklin County, Ohio), said 0.248 acre parcel being more fully described herein;

Beginning at the southwest corner of Lot 12 as shown on Rudisill's 7th Avenue Terrace Amended Addition of record in Plat Book 5, Page 478;

Thence North 00°00'00" East with the west line of said Rudisill's 7th Avenue Terrace Amended Addition a distance of, 72.00 feet to a point;

Thence South 90°00'00" East across Lot 14 of said Rudisill's 7th Avenue Terrace Amended Addition, a distance of 150.00 feet to a point on the east line of said Lot 14 and the west line of Peters Alley;

Thence South 00°00'00" West with the west line of Peters Alley, a distance of 72.00 feet to a point at the southeast corner of said Lot 12;

Thence North 90°00'00" West with the south line of said lot 12, a distance of 150.00 feet to the True Point of Beginning containing 0.248 acres, subject to all easements and documents of record.

For the purpose of this description a bearing of North 00°00'00" East was held on the west line of said Rudisill's 7th Avenue Terrace Amended Addition. Said bearing is based on an assumed meridian. This description was prepared from documents of record. No actual field survey was performed.



Robert W. Martin 07/21/08
Robert W. Martin
Professional Surveyor No. 8114

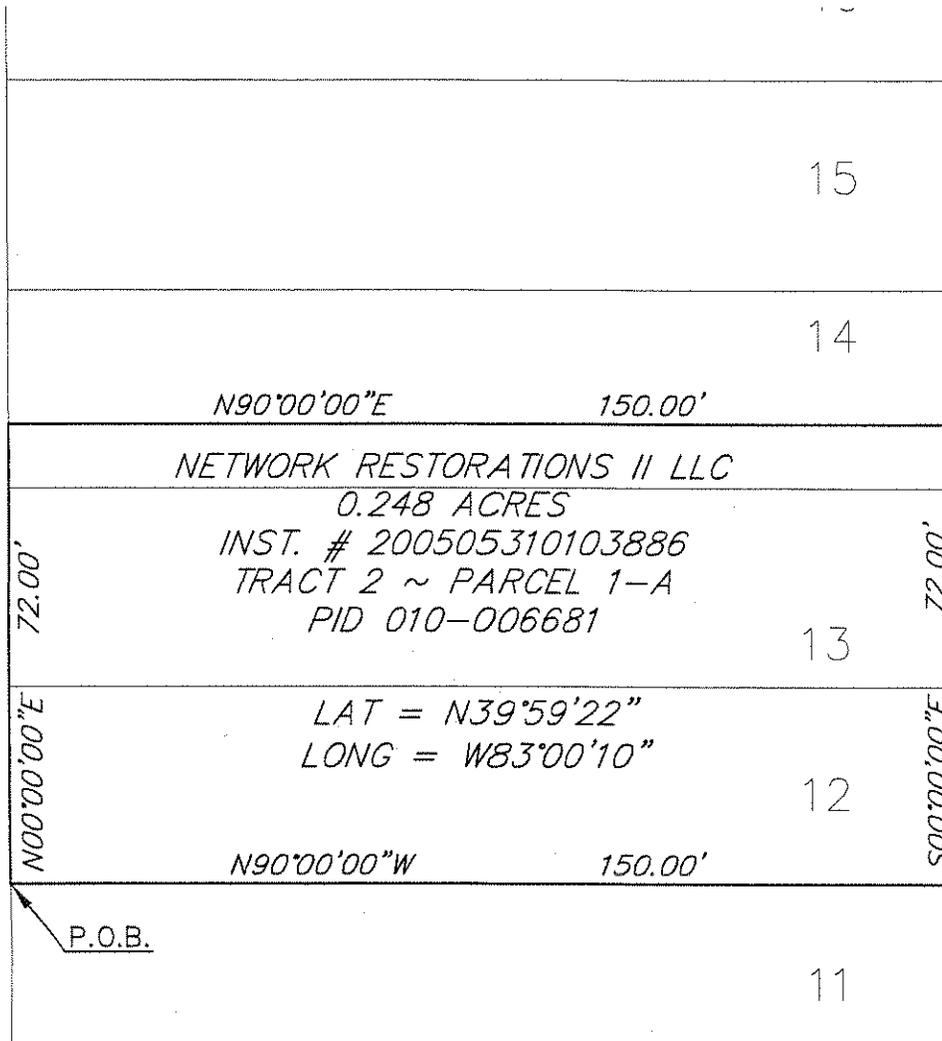
11316 Indianola Avenue
Director's Final Findings and Orders / Covenant Not to Sue

Exhibit 2
Property Location Map

1316 N INDIANOLA AVE



N INDIANOLA AVE (60')



PETERS ALLEY 20'

28

27

26

25

RUDISILLS 7TH AVE TERRACE
 AMENDED ADDITION
 PLAT BOOK 5, PAGE 478
 THE CITY OF COLUMBUS
 FRANKLIN COUNTY, OHIO

GRAPHIC SCALE



1 inch = 30 ft.

FOR THE PURPOSE OF THIS EXHIBIT A BEARING OF NORTH 0°00'00" EAST WAS HELD ON THE WEST LINE OF RUDISILLS 7TH AVENUE TERRACE SAID BEARING IS BASED ON AN ASSUMED MERIDIAN.



CONSULTING ENGINEERS & SURVEYORS
 83 Shull Avenue
 Gahanna, Ohio 43230
 Ph. (614) 414-7979

DRAWN BY: RWM
 CHECKED BY: JTW

Robert W. Martin 07/21/08
 Robert W. Martin
 Professional Surveyor No. 8114

11316 Indianola Avenue
Director's Final Findings and Orders / Covenant Not to Sue

Exhibit 3
Executive Summary

NO FURTHER ACTION LETTER

**EXECUTIVE SUMMARY
1316 INDIANOLA AVENUE PROPERTY
COLUMBUS, OHIO**

Prepared For:

**NETWORK RESTORATIONS II
88 EAST BROAD STREET
COLUMBUS, OHIO**

Prepared By:

**Jeffrey P. Hullinger
Ohio VAP CP 214
614-205-1533**

**December 2007
Revised June, August and November 2008**

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1.0 INTRODUCTION

This executive summary has been prepared to present a concise summary of the work conducted at the subject property in preparation for submittal to obtain a No Further Action determination under the Ohio Voluntary Action Program. The summary meets the requirements of OAC 3745-300-13(H) utilizing the format provided by the Ohio 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 Property located at 1316 Indianola Avenue, Columbus, Ohio (hereinafter referred to as the Property) consists of an area of approximately 0.25 acres and is located on the east side of Indianola Avenue in an area composed primarily of residential properties. The Property is currently the location of one multi-unit residential apartment building. The two story building with basement consists of eight 2-bedroom units and is constructed of brick on a stone foundation with a built-up roofing system. The remainder of the Property consists of grassy areas and concrete sidewalks. According to the Franklin County Auditor's database, the building was constructed in 1915. A copy of the legal description for the Property is included in the NFA Letter Section F, Appendix A.

The initial Phase I environmental site assessment (ESA) on the Property was completed on October 3, 2005 by Lawhon & Associates, Inc (L&A). L&A also conducted a limited Phase II ESA which showed that arsenic concentrations in the soils exceeded the VAP residential generic direct contact standards (GDCS).

Jeffrey P. Hullinger, Ohio Voluntary Action Program (VAP) Certified Professional #214, directed preparation of an amended Phase I ESA and Phase II ESA on the Property; primary project activities were performed by Mr. Hullinger and staff of Civil & Environmental Consultants, Inc. (CEC), specifically Ronald J. Wells, Kevin McCarty, and Jeff Kennedy. Additional activity was conducted by David Lawton of Carnoustie Consulting, Ltd. and Colin Flaherty of Weaver Boos Consultants, LLC.

The Phase I and Phase II ESAs conform to the requirements of the Ohio Voluntary Action Program (VAP) relative to Phase I and Phase II Property Assessments, as outlined in 3745-300-06, and 07.

The No Further Action letter (NFA) was completed on December 24, 2007. Copies of the NFA letter can be obtained for copying costs and associated labor charges by contacting the CP at:

Carnoustie Consulting, Ltd.
6012 Kentigern Court South
Dublin OH 43017
Phone: 614-205-1533
Fax: 614-750-1600
Email: jhullinger@carnoustieconsultingltd.com

2.0 SUMMARY OF NO FURTHER ACTION LETTER

Based on the results of the Phase I and Phase II Property Assessments conducted under the direction of the CP, the Property meets the requirements under the VAP for issuance of a Covenant Not to Sue (CNS). All COCs except arsenic meet VAP GDCS. Arsenic levels in the soils within Identified Area 1, the northern portion of the Property, were found to exceed the GDCS and the site-specific background concentration; they have been remediated by placement of two feet of cover soil, and a use limitation has been placed to prevent exposure to soils below the two-foot depth. Arsenic concentrations in Identified Area 2 soils are below the site-specific background, and therefore characteristic of natural background conditions in the area. The current and foreseeable use of the Property is residential, with use restrictions as further detailed in Section 2.5 of this Executive Summary.

2.1 Phase I Environmental Site Assessment

The initial Phase I environmental assessment on the Property was completed on October 3, 2005 by Lawhon & Associates, Inc (L&A). An amended Phase I assessment was begun in April 2006 and completed in April 2007 by CEC; additional Phase I activity was conducted by Carnoustie Consulting, Ltd. from August 2007 through November 2008. The purpose of the Phase I assessment was to evaluate the condition of the Property and to define the scope of additional investigation that must be conducted, if necessary, to evaluate conditions of any Identified Areas as defined in the VAP rules.

Methods of inquiry employed for the Phase I include the following:

- Acquisition and review of state and federal databases and records regarding ownership use and environmental compliance;
- Property inspection;
- Review of previous environmental assessment reports prepared for the Property;
- Review of adjoining properties records and drive-by inspection of these properties;
- Interviews with current and former facility personnel; and
- Use of geologic, hydrogeologic and hydrologic data from public records.

Based on the available information reviewed for this assessment, the Property was undeveloped until the establishment in 1894 of McLaughlin Bros. Sale Stables on the Property and adjacent

lots to the north and south; prior to 1894, Polk City Directories for the City of Columbus listed the address of the McLaughlin Brothers as being in the “Fairgrounds,” which was located in its present location approximately one-half mile northeast of the Property¹. The Polk City Directories list the McLaughlin Bros. Sale Stables as being located at the “corner of Wesley Ave. and 6th Ave.” in 1894. (Wesley Avenue was the prior name for Indianola Avenue in this part of the City of Columbus). Baist’s Real Estate Atlas of Columbus (1899 – Plate 14) shows a “livery” only on the corner lot south of the Property. Similarly, the Sanborn® map dated 1901 shows the stable structure as being located at the corner lot (though it also shows the entire block as being a part of the “sale stables”). However, Baist’s Real Estate Atlas of Columbus (1910 – Plate 13) shows the stables as having grown to occupy the entire block wherein the subject Property is located. To bracket the development of the Property, the Ward Brothers Map of the City of Columbus (1889) shows the entire block as being undeveloped land. The stables were located on the Property until 1914, after which the Polk City Directories no longer contain listings for the business.

Based upon the 1922 Sanborn® map, the existing buildings in the block were constructed between 1914 and 1922; the structure on the lot to the south is identified as the “Columbus Automatic Reclosing Circuit Breaker Company.” No obvious changes to the Property itself have taken place since then through the present time.

Currently, there is one building on the Property, which was built around 1915 and has been used as a residential apartment building since it was constructed.

No known or suspected releases of hazardous substances or petroleum were identified on the Property.

The CP reviewed a Phase II ESA conducted by L&A on September 13, 2005. The soil results showed the presence of low concentrations of volatile organic compounds (VOCs); none of the results exceeded Bureau of Underground Storage Tank Regulations (BUSTR) action levels or the VAP GDCS for residential land use category. Arsenic was found in the site soils at concentrations that exceeded the VAP GDCS. Low concentrations of arsenic, barium, cadmium, and selenium were detected in a groundwater sample at concentrations that were below the applicable VAP generic unrestricted potable use standards (UPUS). Soil samples were collected

¹ Both Wikipedia and www.ohiohistorycentral.org cite 1886 as the year the Ohio State Fair moved to its present location.

from a depth of 6 to 8 and 10 to 12 feet below ground (bgs). Groundwater was encountered by L&A at approximately 12 feet bgs in borings on the south side of the Property.

The Phase I Property Assessment resulted in the identification of potential impacts to surface soils from off-site industrial activity as the Identified Area. A Phase II Property Assessment was conducted to characterize the presence and concentrations of arsenic, to identify complete exposure pathways, to assess the need for remediation, and to support remedial planning and design.

2.2 Phase II Environmental Site Assessment

As discussed in Section 2.1, L&A completed initial Phase II assessment activities at the Property in 2005. Additional Phase II assessment activities were conducted in 2006 through 2008, primarily to evaluate background concentrations of arsenic for the Property and to evaluate whether groundwater impacts were possible. Based upon past industrial use of the property immediately south of the subject Property, two Identified Areas (IAs) were investigated – IA 1 (northern portion) representing undocumented fill material historically placed on the Property, and IA 2 (southern portion) representing the historic fill and also potential impacts from industrial operations immediately south of the Property.

2.2.1 Soil Investigation and Findings

All soils were sampled using direct-push borings. L&A collected and submitted surface and subsurface soil samples for analysis of VOCs, polynuclear aromatic hydrocarbons (PAHs), total petroleum hydrocarbons (TPH), and RCRA metals. Analytical results for the L&A Phase II indicated the following:

- VOCs were detected in two of the soil samples at concentrations below both the BUSTR action levels and the VAP GDCS for the residential land use category. Representative concentrations for VOCs detected in IA 2 are as follows:
 - m- and p-xylenes 0.012 mg/kg
 - n-hexane 0.024 mg/kg
 - o-xylene 0.006 mg/kg
 - toluene 0.017 mg/kg
 - 1,2,4-trimethylbenzene 0.0076 mg/kg
- Neither PAHs nor TPH were detected in any of the soil samples.

CEC staff collected and analyzed twelve (12) subsurface soil samples within IA 1 for arsenic. All of the resulting arsenic concentrations exceeded the VAP GDCS for residential land use. In final Phase II sampling activities conducted in 2008, Carnoustie Consulting, Ltd. (Carnoustie) collected background samples for arsenic at an adjacent northern property, and also collected additional samples for arsenic at various soil horizons within the vadose zone. Based upon CEC and Carnoustie sampling, the maximum arsenic concentration in IA 1 is 96.8 mg/kg with a characteristic concentration of 59.99 mg/kg, calculated using ProUCL software. The maximum arsenic concentration in IA 2 is 41.6 mg/kg with a characteristic concentration of 22.85 mg/kg, calculated using ProUCL software. The site-specific background standard for arsenic is 44.97 mg/kg.

2.2.2 Groundwater Investigation and Findings

As noted previously, L&A encountered and sampled groundwater in one of the borings installed as part of their Phase II ESA. Groundwater was not encountered in any of the borings installed in IA 1 by CEC; therefore groundwater classification was not conducted. In IA 2, groundwater was encountered at a depth of 12 feet bgs. In IA 2, arsenic concentrations were below background, and all VOCs except 1,2,4-trimethylbenzene were below generic leach-based standards developed by Ohio EPA. Ohio EPA has not developed a generic leach-based standard for 1,2,4-trimethylbenzene; however, SESOIL modeling of this chemical yielded a maximum leachate concentration of 1.42 µg/L, well below the risk-based unrestricted potable use standard (UPUS) of 290 µg/L.

The model indicated that no groundwater concentrations above UPUS are indicated to result from concentrations of chemicals found at the Property. Groundwater classification is therefore not required.

2.2.3 Surface Water and Sediments Investigation and Findings

There is no surface water or sediment present on the Property.

2.2.4 Exposure Pathway Assessment

Based on the initial pathway analysis, the following exposure pathways were identified to be complete for this assessment:

- Direct contact with impacted soils by onsite residents and workers

- Inhalation of particulates from impacted soils by onsite residents and workers
- Ingestion of impacted soils by onsite residents and workers
- Direct contact with groundwater impacted by VOCs by onsite residents and workers
- Vapor intrusion to indoor air leading to VOC inhalation by onsite residents and workers

These complete exposure pathways were evaluated in the Phase II data evaluation process. The upper two feet of onsite soils (i.e. soil with arsenic concentrations that exceed the residential direct contact soil standards) were removed from all areas of the Property that were not either paved or occupied by structures. Clean fill material, for which arsenic concentrations are below the GDCS, was used to replace the removed soils. The groundwater leaching evaluation documented that no VOCs will exceed UPUS in on-Property groundwater. The evaluation process resulted in the finding that all applicable standards are now met within the upper two feet of soil. Applicable standards are met through appropriate implementation of remedial techniques such as soil removal and the filing of an environmental covenant (i.e., institutional controls). Exposure pathways related to soil direct contact below two feet are rendered incomplete due to the implementation of restrictions contained within the environmental covenant.

2.3 Determination of Applicable Standards

The detected chemical concentrations from the L&A Phase II ESA were compared to the applicable VAP generic numerical standards. These included 1,2,4-trimethylbenzene, toluene, xylenes, n-hexane, barium, cadmium, chromium, lead, mercury, and selenium. Each chemical concentration meets the VAP direct-contact standard for residential soil. Additionally, a leaching evaluation documented that no VOCs will exceed UPUS in on-Property groundwater.

Arsenic concentrations in the surficial soils were compared to VAP generic numerical standards and site-specific background concentrations. The site-specific background standard for arsenic is 44.97 mg/kg. Arsenic in IA 2 is below background, and there is no shallow groundwater present in IA 1. Therefore, a leaching evaluation was not required for arsenic.

2.4 Determination of Compliance with Applicable Standards

A site-specific background concentration was derived for arsenic as an applicable standard for the Property. Soils in IA 1 exceed that site-specific background. Also, in order to comply with the requirements of the U.S. Department of Housing and Urban Development (HUD), the top two feet of soil across the entire Property were replaced with soil from an off-site source with arsenic concentrations that are less than the GDCS for residential land use. Additionally, a use

restriction is placed on the Property in order to prevent exposure to soils below the two-foot depth that exceed the applicable background standard.

2.4.1 Data Analysis

All of the arsenic results of the soil sampling from the Property exceeded the GDCS for residential land use. None of the other chemicals detected in the groundwater or soils exceeded any of the applicable VAP generic direct-contact standards.

The Johnson and Ettinger Model (Version 3.1) was run to predict chemical concentrations resulting in indoor air based upon maximum observed concentrations in soils at the Property. The results of modeling exercise indicate that the concentrations of organics reported in the soils beneath the Property do not pose an unacceptable risk via the vapor-inhalation pathway.

The SESOIL model was run to evaluate site-specific levels of 1,2,4-trimethylbenzene entering the ground water table (i.e., transport processes in the unsaturated or vadose zone). The model indicates that no groundwater concentrations above UPUS are indicated to result. All other VOC concentrations in soil on the Property are below generic leach-based standards developed by Ohio EPA.

2.4.2 Compliance with Generic Numerical Standards (GNS)

The detected chemical concentrations from the L&A Phase II ESA were compared to the applicable VAP generic numerical standards. These included 1,2,4-trimethylbenzene, toluene, xylenes, n-hexane, barium, cadmium, chromium, lead, mercury, and selenium. Multi-chemical adjustment calculations were performed. However, because arsenic in IA 1 exceeds both the GNS and the site-specific background, remediation was necessary as further discussed in Section 2.5.

2.4.3 Property-Specific Risk Assessment Findings

A partial risk assessment was performed to evaluate potential impacts to human health by VOCs as they migrate into the indoor air within residential structures at the Property. CEC used the Johnson and Ettinger Model (Version 3.1) to assess the risk to residents from the presence of organics detected in the subsurface soils of the subject Property. The results of the model were used to develop a risk contribution to augment the multi-chemical adjustment for the direct-

contact pathway. The resulting aggregate carcinogenic risk is below the target of 10^{-5} , and the resulting aggregate hazard quotient (non-carcinogenic risk) is below 1.0.

2.4.4 Determination of Whether Remedial Activities are Required

Remediation was conducted as discussed below.

2.5 Remedial Activities

In response to requirements of the U.S. Department of Housing and Urban Development (HUD), Network Restorations II LLC removed the upper two feet of onsite soils (i.e. soil with arsenic concentrations that exceed the residential direct contact soil standards) and replaced them with clean fill material from another location for which arsenic concentrations are below the GDSCS. Direct-contact related pathways associated with soils below two feet in depth are addressed through institutional controls via an Environmental Covenant. No other remedial actions were conducted or were required to meet the VAP applicable standards.

2.6 Planned Remedies

No further remediation is planned.

3.0 CONCLUSIONS

The Property currently meets all applicable standards for residential standards within the upper two feet of soil. Points of compliance extend to the property line and 10 feet below surface. The upper two feet of soil was removed from the Property and replaced with clean fill material to ensure the protection of public health and safety and of the environment.

Potential exposures to arsenic below two feet depth in IA 1 are addressed through a restrictive covenant limiting future residential development on the Property. The limiting language is as follows:

“Intrusive activities to any depth below two (2) feet of the existing ground surface are prohibited in the Property without approval by Ohio EPA, provided, however, that this limitation does not apply to the following activities: investigation, monitoring or remediation of the subsurface media of the Property; or construction or excavation activities, such as installation of building support structures or maintenance of subsurface utilities.”

Although all applicable standards are met within IA 2, the Environmental Covenant has been prepared to apply to the entire Property in order to avoid any confusion or uncertainty in its implementation.

11316 Indianola Avenue
Director's Final Findings and Orders / Covenant Not to Sue

Exhibit 4
Environmental Covenant

RECEIVED

DEC 19 2008

OHIO EPA/ODD

To be recorded with Deed
Records – ORC § 317.08

ENVIRONMENTAL COVENANT

This Environmental Covenant is entered into by Network Restorations II LLC, an Ohio limited liability company (“**Owner**”), and the Ohio Environmental Protection Agency (“**Ohio EPA**”) pursuant to Ohio Revised Code (“**ORC**”) §§ 5301.80 to 5301.92 for the purpose of subjecting the real property described herein to the activity and use limitations set forth herein.

WHEREAS, the Owner holds title to property consisting of a 0.248 acre parcel located at 1316 Indianola Avenue, Columbus, Franklin County, Ohio 43201, and more particularly described in EXHIBIT A attached hereto and hereby incorporated by reference herein (the “**Property**”);

WHEREAS, as part of the Owner’s due diligence with respect to purchasing the Property, it caused subsurface investigations to be conducted to determine the potential environmental impact of former off-site activities;

WHEREAS, the subsurface investigations did not identify obvious impacts above residential remediation standards to the Property from former off-site uses, but did find certain inorganic material above residential standards, which such material is often detected as naturally occurring;

WHEREAS, the Owner voluntarily addressed the inorganic material under Ohio’s Voluntary Action Program (“**VAP**”) pursuant to ORC Chapter 3746 and the Ohio Administrative Code (“**OAC**”) Chapter 3745-300 by excavating soil site wide and replacing it with clean fill;

WHEREAS, after excavation and fill activities, Jeffrey P. Hullinger, a Certified Professional (CP-214) with Carnoustie Consulting, Ltd. issued a no further action (“**NFA**”) letter for the Property on December 21, 2007 (“**NFA Letter**”) and on December 21, 2007 submitted the NFA Letter to Ohio EPA with a request for a Covenant Not To Sue (“**NFA Letter No. 07NFA282**”);

WHEREAS, this Environmental Covenant supports the issuance of the NFA Letter and a covenant not to sue for the Property; and

WHEREAS, an overview of the voluntary action at the Property is contained in the NFA Letter Executive Summary and may be reviewed as an exhibit to the Covenant Not To Sue issued for the Property and recorded with the Franklin County Recorder’s Office. The Covenant Not To Sue, Executive Summary and complete NFA Letter for the Property may be reviewed by contacting the Records Management Officer, Ohio EPA, Division of Emergency and Remedial Response, Voluntary Action Program, P.O. Box 1049, Columbus, Ohio 43216-1049 or by telephone at (614) 644-2924 or Weaver Boos Consultants, LLC at 1335 Dublin Road, Suite 126D, Columbus, Ohio 43215 or by telephone at (614) 487-1066.

NOW THEREFORE, Owner and Ohio EPA agree to the following:

1. Environmental Covenant. This instrument is an environmental covenant developed and executed pursuant to ORC § 5301.80 to 5301.92.
2. Property. This Environmental Covenant concerns the 0.248 acre parcel located at 1316 Indianola Avenue, Columbus, Franklin County Ohio 43201, and more particularly

described in EXHIBIT "A" attached hereto and hereby incorporated by reference herein (the "**Property**").

3. Owner. Network Restorations II LLC, whose address is 80 East Broad Street, Columbus, Ohio 43215 is the owner of the Property.
4. Holder. Owner, whose address is listed above, is the holder of this Environmental Covenant.
5. Activity and Use Limitations. As part of the voluntary action described in the NFA Letter, Owner hereby imposes and agrees to comply with the following activity and use limitations:

Limitation Related to Subsurface Disturbance. Intrusive activities to any depth below two (2) feet of the existing ground surface are prohibited in the Property without approval by Ohio EPA, provided, however, that this limitation does not apply to the following activities: investigation, monitoring or remediation of the subsurface media of the Property; or construction or excavation activities, such as installation of building support structures or maintenance of subsurface utilities.

6. Running with the Land. This Environmental Covenant shall be binding upon the Owner, the Holder and all assigns and successors in interest, including any Transferee, and shall run with the land, pursuant to ORC § 5301.85, subject to amendment or termination as set forth herein. The term "Transferee," as used in this Environmental Covenant, shall mean any future owner of any interest in the Property or any portion thereof, including, but not limited to, owners of an interest in fee simple, mortgagees, easement holders, and/or lessees.
7. Compliance Enforcement. Compliance with this Environmental Covenant may be enforced pursuant to ORC § 5301.91. Failure to timely enforce compliance with this Environmental Covenant or the activity and use limitations contained herein by any party shall not bar subsequent enforcement by such party and shall not be deemed a waiver of the party's right to take action to enforce any non-compliance. Nothing in this Environmental Covenant shall restrict the Director of Ohio EPA from exercising any authority under applicable law. Pursuant to ORC § 3746.05, if the Property or any portion thereof is put to a use that does not comply with this Environmental Covenant, the covenant not to sue issued for the Property by the Director of Ohio EPA under ORC § 3746.12 is void on and after the date of the commencement of the noncomplying use.
8. Rights of Access. Owner hereby grants to Ohio EPA, its agents, contractors, and employees the right of access to the Property for implementation or enforcement of this Environmental Covenant.
9. Notice upon Conveyance. Each instrument hereafter conveying any interest in the Property or any portion of the Property shall contain a notice of the activity and use limitations set forth in this Environmental Covenant, and provide the recorded location of this Environmental Covenant. The notice shall be substantially in the following form:

THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL COVENANT, DATED _____, 2008, RECORDED IN THE DEED OR OFFICIAL RECORDS OF THE FRANKLIN COUNTY RECORDER ON _____, 2008, AT

DOCUMENT _____. THE ENVIRONMENTAL COVENANT CONTAINS A LIMITATION RELATED TO SUBSURFACE DISTURBANCE.

10. Notice to Ohio EPA. Holder shall notify Ohio EPA within ten (10) days after control of the Property is transferred. Upon transfer of control, any such new Holder shall notify Ohio EPA of all subsequent conveyances, if any. Such notices shall include the name, address, contact name and telephone number of the Transferee of such conveyance, and a copy of the deed and survey of the property being transferred.
11. Representations and Warranties. Owner hereby represents and warrants to Ohio EPA as follows:
 - A. Owner has the power and authority to enter into this Environmental Covenant, to grant the rights and interests herein provided and to carry out all obligations hereunder;
 - B. Owner holds fee title to the Property, which is subject to the interests or encumbrances identified in Exhibit B attached hereto and incorporated by reference herein; and
 - C. This Environmental Covenant will not materially violate or contravene or constitute a material default under any agreement, document or instrument to which Owner is a party or by which Owner may be bound or affected.
12. Amendment or Termination. This Environmental Covenant may be amended or terminated only by consent of all the following: the Owner or Transferee and Ohio EPA, pursuant to ORC § 5301.90 and other applicable laws. "Amendment" means any changes to the Environmental Covenant, including the activity and use limitations set forth herein, or the elimination of one or more activity and use limitations when there is at least one limitation remaining. "Termination" means the elimination of all activity and use limitations set forth herein and all other obligations under this Environmental Covenant.

This Environmental Covenant may be amended or terminated only by a written instrument duly executed by the Director of Ohio EPA and the Owner or Transferee of the Property or portion thereof, as applicable. Within thirty (30) days of signature by all requisite parties on any amendment or termination of this Environmental Covenant, the Owner[s] or Transferee[s] shall file such instrument for recording with the Franklin County Recorder's Office, and shall provide a true copy of the recorded instrument to Ohio EPA.
13. Severability. If any provision of this Environmental Covenant is 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.
14. Governing Law. This Environmental Covenant shall be governed by and interpreted in accordance with the laws of the State of Ohio.
15. Recordation. Within thirty (30) days after the date of the final required signature upon this Environmental Covenant, Owner shall file this Environmental Covenant for recording, in the same manner as a deed to the Property, with the Franklin County Recorder's Office.

16. Distribution of Environmental Covenant. Owner shall distribute a file and date stamped copy of the recorded Environmental Covenant to Ohio EPA and each person holding a recorded interest in the Property.
17. Effective Date. The effective date of this Environmental Covenant shall be the date upon which the fully executed Environmental Covenant has been recorded as a deed record for the Property with the Franklin County Recorder.
18. Notice. Unless otherwise notified in writing by or on behalf of Ohio EPA, Owner or Holder, any document or communication required by this Environmental Covenant shall be submitted to:

Manager, Voluntary Action Program
Division of Emergency and Remedial Response
Ohio EPA
P.O. Box 1049
Columbus, Ohio 43216-1049

Voluntary Action Program
Ohio EPA-CDO
Division of Emergency and Remedial Response
50 West Town Street
Columbus, Ohio 43215
Attn. Site Coordinator

Network Restorations II LLC
80 East Broad Street
Columbus, Ohio 43215
Attn: Member

The undersigned representative of the Owner represents and certifies that he/she is authorized to execute this Environmental Covenant.

Remainder of page blank

IT IS SO AGREED:

NETWORK RESTORATIONS II LLC,
an Ohio limited liability company

BY: Susan E. Weaver 12/1/2008
Susan Weaver, Authorized Signer Date

STATE OF OHIO)
) ss:
COUNTY OF FRANKLIN)

Rebecca S. Stockdale
Notary Public
State of Ohio



Before me, a notary public, in and for said county and state, personally appeared Susan Weaver / RS, a duly authorized representative of Network Restorations II LLC, who acknowledged to me that she did execute the foregoing instrument on behalf of Network Restorations II LLC. commission expires April 15, 2009

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 1st day of December, 2008.

Rebecca S. Stockdale 12/1/08
Notary Public Date

OHIO ENVIRONMENTAL PROTECTION AGENCY

BY: Chris Korleski 12/30/08
Chris Korleski, Director Date

STATE OF OHIO)
) ss:
COUNTY OF FRANKLIN)

Before me, a notary public, in and for said county and state, personally appeared Chris Korleski, the Director of Ohio EPA, who acknowledged to me that he did execute the foregoing instrument on behalf of Ohio EPA.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 30th day of Dec., 2008.

Charma Diane Casteel 12-30-08
Notary Public Date



This Instrument Prepared by:
Craig A. Sturtz, Esq.
41 South High Street, Suite 2000
Columbus, Ohio 43215

CHARMA DIANE CASTEEL
NOTARY PUBLIC
STATE OF OHIO
MY COMMISSION EXPIRES
May 10, 2009

EXHIBIT A
PROPERTY LEGAL DESCRIPTION

Description of a 0.248 acre parcel of land

Situate in the State of Ohio, County of Franklin, City of Columbus and being all of a 0.248 acre parcel of land conveyed to Network Restorations II, LLC of record in Instrument Number 200505310103886, Tract 2, Parcel 1-A, (all references to records are on file in the Office of the Recorder, Franklin County, Ohio), said 0.248 acre parcel being more fully described herein;

Beginning at the southwest corner of Lot 12 as shown on Rudisill's 7th Avenue Terrace Amended Addition of record in Plat Book 5, Page 478;

Thence North 00°00'00" East with the west line of said Rudisill's 7th Avenue Terrace Amended Addition a distance of, 72.00 feet to a point;

Thence South 90°00'00" East across Lot 14 of said Rudisill's 7th Avenue Terrace Amended Addition, a distance of 150.00 feet to a point on the east line of said Lot 14 and the west line of Peters Alley;

Thence South 00°00'00" West with the west line of Peters Alley, a distance of 72.00 feet to a point at the southeast corner of said Lot 12;

Thence North 90°00'00" West with the south line of said lot 12, a distance of 150.00 feet to the True Point of Beginning containing 0.248 acres, subject to all easements and documents of record.

For the purpose of this description a bearing of North 00°00'00" East was held on the west line of said Rudisill's 7th Avenue Terrace Amended Addition. Said bearing is based on an assumed meridian. This description was prepared from documents of record. No actual field survey was performed.

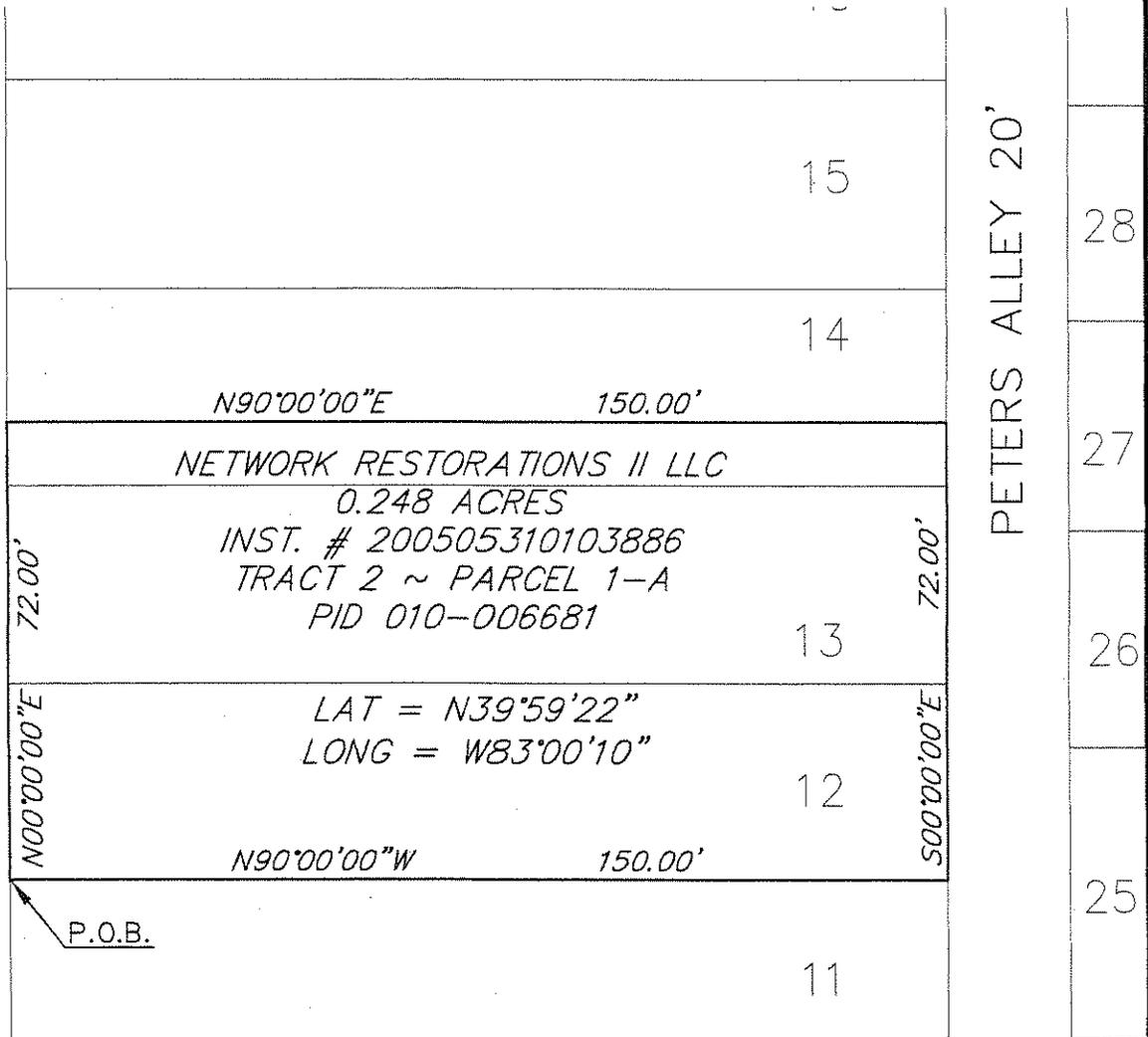


Robert W. Martin 07/21/08
Robert W. Martin
Professional Surveyor No. 8114

1316 N INDIANOLA AVE



N INDIANOLA AVE (60')



RUDISILLS 7TH AVE TERRACE
 AMENDED ADDITION
 PLAT BOOK 5, PAGE 478
 THE CITY OF COLUMBUS
 FRANKLIN COUNTY, OHIO

GRAPHIC SCALE



1 inch = 30 ft.

FOR THE PURPOSE OF THIS EXHIBIT A BEARING OF NORTH 0°00'00" EAST WAS HELD ON THE WEST LINE OF RUDISILLS 7TH AVENUE TERRACE SAID BEARING IS BASED ON AN ASSUMED MERIDIAN.



CONSULTING ENGINEERS & SURVEYORS
 83 Shull Avenue
 Gahanna, Ohio 43230
 Ph. (614) 414-7979

DRAWN BY: RWM
 CHECKED BY: JTW

Robert W. Martin 07/21/08
 Robert W. Martin
 Professional Surveyor No. 8114

EXHIBIT B
PROPERTY INTERESTS OR ENCUMBRANCES

1. Easement granted of record in Deed Book 683, page 43 (as to Tract 1 Parcel 1).
2. Easement granted of record in Deed Book 684, page 504 (as to Tract 1 Parcel 2).
3. Easement of record recorded in Deed Book 3649, page 445 - as to Tract 12.
4. Easement of record recorded in Deed Book 1831, page 202 - as to Tract 13.
5. Accommodation Agreement (TPA Post Restructuring/Debt Assignment) dated April 22, 2003, filed for record April 25, 2003 at 1:16 p.m., recorded as Instrument Number 200304250121214, Recorder's Office, Franklin County, Ohio.
6. Assumption Agreement dated May 25, 2005 and filed for record May 31, 2005 at 2:29 p.m., in Instrument Number 200505310103889, Recorder's Office, Franklin County, Ohio.
7. Mortgage dated June 20, 2006, recorded June 21, 2006, in Instrument Number 200606210120953.
8. Regulatory Agreement dated June 20, 2006, recorded June 21, 2006, in Instrument Number 200606210120961.
9. Financing Statement recorded June 21, 2006, in Instrument Number 200606210120967.
10. Open-End Mortgage recorded May 31, 2005, in Instrument Number 200505310103902.
11. Open-End Mortgage Deed recorded May 31, 2005, in Instrument Number 200505310103904.



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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

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

MAILING ADDRESS:

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

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: DEC 31 2008

RE: Covenant Not to Sue Issued to Network Restorations II LLC for the 1316
Indianola Avenue Property

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

Property name: 1316 Indianola Avenue

Property address: same as above, Columbus, Ohio 43201

Property owner: Network Restorations II LLC

Property owner address: 88 East Broad Street, Columbus, Ohio 43215

Parcel number(s): 010-042964-00

County: Franklin

Taxing District: Central District

Date Covenant Not to Sue Issued: DEC 31 2008

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

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

Ohio EPA is an Equal Opportunity Employer

1316 Indianola Avenue
page 2

If additional information regarding the property or the voluntary action is required, I suggest you first contact Jeffrey P. Hullinger the certified professional for the property, at (614) 734-8377. In the alternative, you can contact Diana Bynum, the lead reviewer, with the Ohio Environmental Protection Agency at (614) 728-8976.

c: Brian Langmeyer, Network Restorations II LLC
Jeffery P. Hullinger, Certified Professional, Carnoustie Consulting, Ltd.
Joseph W. Testa, Franklin County Auditor
Amy Yersavich, VAP Manager, Ohio EPA
Deborah Strayton, DERR-CDO Manager, Ohio EPA
DERR-CO, VAP Files 07NFA282

DK/DB/nsm Indianolatax121108

Description of a 0.248 acre parcel of land

Situate in the State of Ohio, County of Franklin, City of Columbus and being all of a 0.248 acre parcel of land conveyed to Network Restorations II, LLC of record in Instrument Number 200505310103886, Tract 2, Parcel 1-A, (all references to records are on file in the Office of the Recorder, Franklin County, Ohio), said 0.248 acre parcel being more fully described herein;

Beginning at the southwest corner of Lot 12 as shown on Rudisill's 7th Avenue Terrace Amended Addition of record in Plat Book 5, Page 478;

Thence North 00°00'00" East with the west line of said Rudisill's 7th Avenue Terrace Amended Addition a distance of, 72.00 feet to a point;

Thence South 90°00'00" East across Lot 14 of said Rudisill's 7th Avenue Terrace Amended Addition, a distance of 150.00 feet to a point on the east line of said Lot 14 and the west line of Peters Alley;

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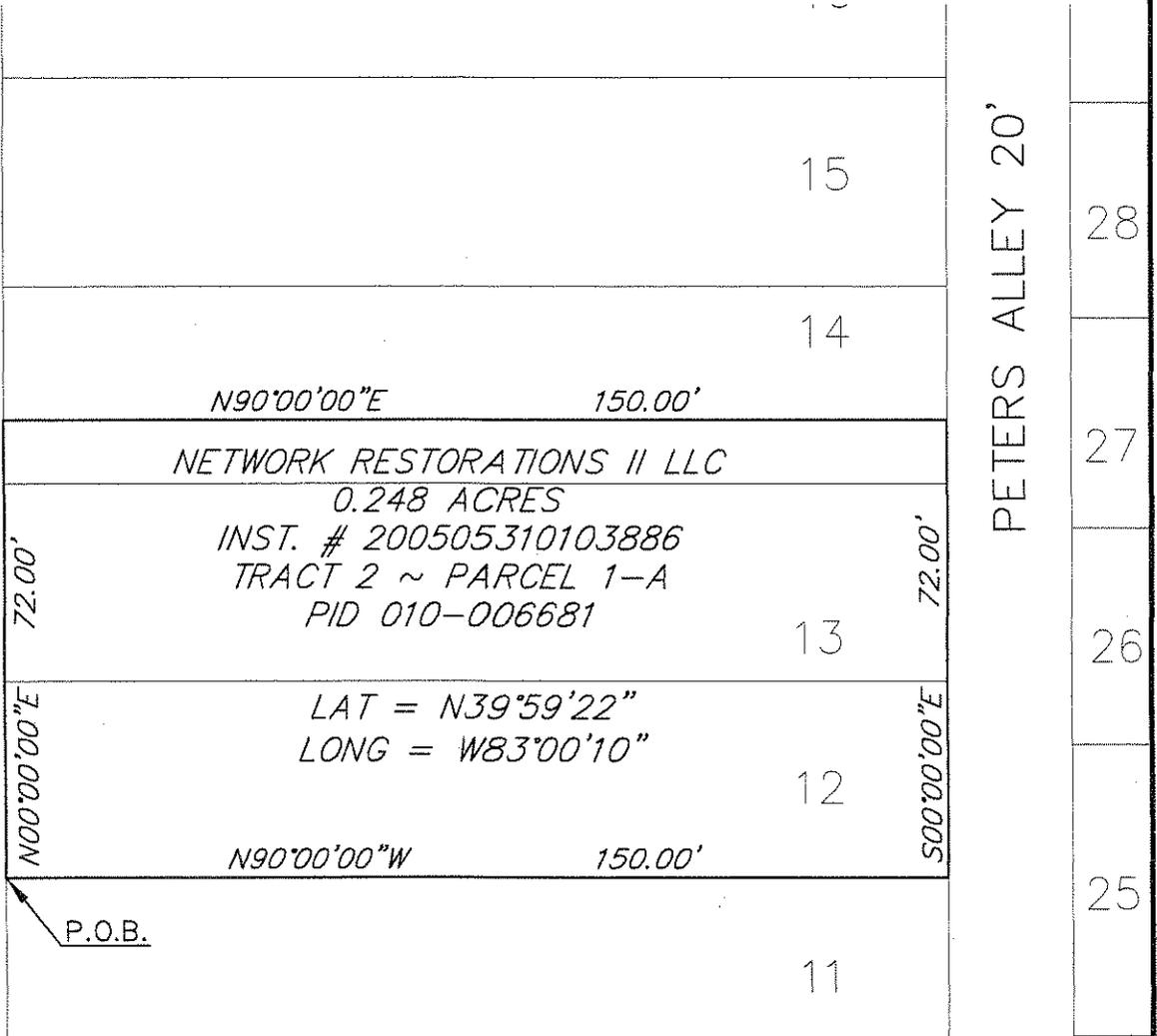


Robert W. Martin 07/21/08
Robert W. Martin
Professional Surveyor No. 8114

1316 N INDIANOLA AVE

N INDIANOLA AVE (60')

PETERS ALLEY 20'



RUDISILLS 7TH AVE TERRACE
 AMENDED ADDITION
 PLAT BOOK 5, PAGE 478
 THE CITY OF COLUMBUS
 FRANKLIN COUNTY, OHIO

GRAPHIC SCALE



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WATCON

CONSULTING ENGINEERS & SURVEYORS
 83 Shull Avenue
 Gahanna, Ohio 43230
 Ph. (614) 414-7979

DRAWN BY: RWM
 CHECKED BY: JTW

Robert W. Martin 07/21/08
 Robert W. Martin
 Professional Surveyor No. 8114