



State of Ohio Environmental Protection Agency

RECEIVED

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SEP 28 1998

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Columbus, OH 43216-1049

OHIO EPA/CDO

September 24, 1998

CERTIFIED MAIL

Mr. Craig Kasper, P.E.  
Hull and Associates, Inc.  
6130 Wilcox Road  
Dublin, Ohio 43017

**Re: Approval of Urban Setting Designation Request-Miranova Property and Three City of Columbus Properties, Columbus, Ohio (98USD007).**

Dear Mr. Kasper:

The purpose of this letter is to respond to and approve your request on behalf of the public-private partnership established between the city of Columbus and Pizzuti Development, Inc., for an Urban Setting Designation (USD) for the properties identified as the Miranova property, Atwell property, Harsco property and land owned by the city of Columbus, (herein "the Properties") located within the city of Columbus in Franklin County. Legal descriptions of the Properties subject to the USD request are included as Attachment 1, hereto, and maps of the Properties are Attachment 2, hereto.

This USD request is being made pursuant to Ohio Administrative Code (OAC) Rule 3745-300-10(D), under the Voluntary Action Program (VAP). In accordance with OAC Rule 3745-300-10(D), a USD authorizes the use of an alternative standard for ground water cleanup for the area delineated in the USD, generally based upon the urban nature of the area, the availability and widespread use of a community water system, and lack of use of ground water in the area for potable purposes.

As you are aware, a USD determination may be made under the VAP upon demonstration by a Certified Professional (CP) that the criteria contained in OAC Rule 3745-300-10(D) have been met for the Properties. These include the threshold criteria contained in OAC Rule 3745-300-10(D)(1)(a) through (e), which must be met for the Properties before a USD can be requested. In addition, OAC Rule 3745-300-10(D)(2)(e)(ii) through (vii) requires consideration by Ohio EPA of additional criteria relating to regional water resource needs, existing or potential future uses of ground water, the potential impact of the USD on the surrounding jurisdictions, and the existing or potential future uses of ground water in the area surrounding the USD. The remainder of this letter details the basis for approving the requested USD pursuant to the requirements of OAC Rule 3745-300-10(D).

#### **A. Threshold Criteria**

The threshold criteria identified in OAC Rule 3745-300-10(D)(1)(a) through (e) and a brief discussion of Ohio EPA's determination of how your submittal demonstrates those criteria for the Properties follows.

George V. Voinovich, Governor  
Nancy P. Hollister, Lt. Governor  
Donald R. Schregardus, Director

**1. OAC Rule 3745-300-10(D)(1)(a): Property Location.**

The Properties are located within the corporation boundaries of the city of Columbus as illustrated on Plates 1 and 2 in the USD request documentation. Plate 2 is a more detailed illustration of the locations of the individual properties. The definition of a City under the Ohio Revised Code (ORC) and the 1990 Census data, which verifies that Columbus meets the population requirements of a City, are both included in Attachment B in the USD request documentation.

**2. OAC Rule 3745-300-10(D)(1)(b): Parcels Connected to a Community Water System.**

The intent of this provision is to help establish that the community is truly urban in character with a well developed community water system capable of meeting the current and future water needs of the community. Information from the following sources was used to make the demonstration that 90% of the parcels are connected to a community water system: information from the Franklin County Auditor on parcels with water available; account information from the Columbus Department of Public Utilities; information on the community water distribution system; and 1990 Census data. The following information was used to support the conclusion that greater than 90% of the parcels are connected to the community water system and are summarized in Section IIe in Attachment A in the USD request documentation:

- a. Section IIa in Attachment A in the USD request documentation demonstrates that at least 90.2% of occupied and vacant parcels within Columbus are connected to the community water system. This demonstration was based on the assumption that a parcel is connected to the community water system, if water is available (i.e., a water line is present at the curb and can be easily tapped), and a potable use well is not present. Attachment C of the USD request documentation contained information from the Franklin County Auditor that indicates that 98.8% of the total parcels in Columbus have water available (i.e., a water line is present at the curb and can be easily tapped). In addition, well record information was obtained from the Columbus Health Department, Franklin County Auditor, Ohio Department of Natural Resources (ODNR), Ohio Environmental Protection Agency (Ohio EPA), and Columbus Department of Public Utilities. A total of 28,042 wells were listed for

Franklin County. ODNR well logs were reviewed to eliminate wells located outside the City limits. A total of 9,108 wells were eliminated, and the review of additional well logs was discontinued when the ratio of parcels connected (parcels with water available minus potable well records) to total number of parcels reached 90.2%.

- b. Section IIc in Attachment A in the USD request documentation provides information about the community water supply distribution system. Maps included in the USD request documentation show the water supply trunk mains and secondary lines.
- c. Section II d in Attachment A in the USD request documentation outlines 1990 Census data that indicates that 99.3% of the housing units in Columbus obtain their water from a community water system or a private company.

**3. OAC Rule 3745-300-10(D)(1)(c): Location Within an Endorsed Wellhead Protection Area or One Submitted for Review and Endorsement.**

An August 15, 1996 letter from Ohio EPA Division of Drinking and Ground Water (DDAGW) stating that the closest Wellhead Protection Area is the Columbus South Wellfield located approximately eight to ten miles south of the proposed USD area. This letter demonstrates that the proposed USD area is not located within an endorsed or submitted Wellhead Protection Areas Ohio EPA Central District Office records further verified this conclusion.

**4. OAC Rule 3745-300-10(D)(1)(d): Wells Located Within One -half ( ½) Mile of the Property Boundary.**

The following measures were taken to determine if potable wells were present within one-half mile of the boundaries of the Properties and are described in the Attachment A of the USD request documentation:

- a. Well information including location maps, addresses, parcel/assessor numbers, location descriptions, township-section-range, and coordinates were used to determine if well locations were potentially within the one-half mile radius.
- b. Polk directories were used to determine an address for records where the well information was insufficient to identify an address of a business.
- c. The 35 potential well locations within one-half mile of the boundaries of the Properties were inventoried in the field. The inventory was completed by talking to representatives of residences or businesses currently occupying the structures, and inspecting surrounding properties where exact addresses were unknown. A summary report of the field verification activities was provided in Attachment K of the USD request documentation and in an August 18, 1998 letter. All field verification involved communication with property owners or occupants. It was determined during the field verification that all the wells are either not present or are no longer in use.

**5. OAC Rule 3745-300-10(D)(1)(e): Criteria Applicable to the Property if the Property is Located over a Sole Source Aquifer or 100 gpm Unconsolidated Aquifer.**

A letter dated August 15, 1996 from Ohio EPA DDAGW indicating that no sole source aquifers are in the vicinity of the Properties was used to assert that the Properties are not located over a consolidated Sole Source Aquifer.

However, ODNR maps indicate that the USD area is located over unconsolidated sand and gravel deposits yielding 100 to 500 gallons per minute (gpm). Therefore, a demonstration that there is a reasonable expectation that no wells would be installed or used within the one-half mile radius was required. The following is a brief discussion of Ohio EPA's determination of how your submittal demonstrates the criteria included in OAC Rule 3745-300-10(D)(1)(e)(i) through(iv).

**a. OAC Rule 3745-300-10(D)(1)(e)(i): Legally Enforceable Restrictions**

Although no explicit legal restriction of well installation in the USD area exists, the following information was used to conclude that potable well installation is unlikely due to the highly developed nature of the area:

1. Any modifications to or installations of potable wells must be permitted by the Columbus Health Department prior to modification or installation as required by OAC Chapter 3701-28.
2. OAC Rule 3701-28-10 specifies siting criteria for new potable wells including setback distances from such features as sewers, underground fuel storage or gasoline storage tanks, building foundations, parcel lines, easements, normal driving surfaces or road right of ways.
3. The Columbus Health Department can only permit a well that meets all of the requirements of OAC Chapter 3701-28. See, OAC 3701-28-03(A)(4).
4. Based on the highly developed characteristics of the downtown area and the limitations on new well locations, it is not likely that a potable well would be permitted for installation within one-half mile of the USD area.

**b. OAC Rule 3745-300-10(D)(1)(e)(ii): Current Land Use Patterns or Ground Water Quality**

The following information was used to document that current urban land use patterns would make the development of a ground water well for future development around the USD area a less likely source of drinking water than the community water system:

1. The one-half mile area surrounding the proposed USD area is completely served by the community water system and reduces the need for the installation of private wells.
2. Columbus recognizes future water needs and is planning for expansion of the community water system as proposed in the "Water Beyond 2000" study. The ground water in the USD area is not identified as a potential source of drinking water to meet future needs of the community. The text portions of the "Water Beyond 2000" Progress Report completed by Burgess & Niple (July 6, 1992) are included in the USD request documentation.

**c. OAC Rule 3745-300-10(D)(1)(e)(iii): 90% of Parcels Within One-Half Mile Connected**

The following information was used to demonstrate that 90% of the parcels within one-half mile are connected to the community water system:

1. No potable wells were identified during the field verification.
2. Within the one-half mile radius, the ratio of the total number of parcels with water available to the total number of parcels is 97.6%. As explained in the July 19, 1998 letter from Hull and Associates, information from the Franklin County Auditor's Office geographic information system was used by Ravensfield Geographic Resources to identify the total number of parcels within one half mile of the USD area and the number of parcels with water available (i.e., a water line is present at the curb and can be easily tapped).

**d. OAC Rule 3745-300-10(D)(1)(e)(iv): Capture Zones Extend Under Property**

Based on the complete coverage of the community water system and the lack of wells within one-half mile, capture zones of any wells beyond one half mile would not extend under the Property boundaries.

**B. Additional Factors for Consideration Under OAC Rule 3745-300-10(D)(2)(e)(ii) through (vii)**

In addition to determining satisfaction of the threshold criteria contained in OAC Rule 3745-300-10(D)(1)(a) through (e), OAC Rule 3745-300-10-(D)(2)(e)(ii) through (vii) requires Ohio EPA to consider several factors to the potential that the USD may have on surrounding jurisdictions and regional water resource needs. These factors include whether the ground water in the area of the USD is currently or is reasonably expected to be used as a future source of potable ground water, the availability and feasibility of treatment systems, and any other factors determined to be relevant to the determination of whether the USD is protective of public health, safety and the environment. A discussion of these factors follows:

**1. OAC Rule 3745-300-10(D)(2)(e)(ii) through (iii): Potential Impact of the USD on Surrounding Jurisdictions and Regional Water Resource Needs.**

After consultation with representatives of each jurisdiction within a five (5) mile radius surrounding the Properties ("surrounding jurisdictions"), the criteria contained in this rule have been considered by Ohio EPA, in light of information received. The surrounding jurisdictions include Obetz, Grove City, Grandview Heights, Upper Arlington, Valley View, Bexley, Marble Cliff, Clinton Township (Twp.), Franklin Twp., Hamilton Twp., Jackson Twp., Madison Twp., Mifflin Twp., Norwich Twp., and Truro Twp. Reasonably available information was gathered from these jurisdictions through a telephone survey conducted between June 4, 1998 and June 28, 1998.

Most of the surrounding jurisdictions receive their sources of public drinking water from Columbus. The source of water for the Columbus community water system is surface water from the Scioto River, a number of above ground reservoirs and ground water from the South Well Field. The South Well Field is located approximately eight to ten miles to the south of the USD area and the well head protection area associated with the well field does not incorporate any of the USD area.

Obetz operates a community water system. The source of water for Obetz is groundwater. The Obetz well field is located approximately eight miles to the southeast and the well head protection area associated with the well field does not incorporate any of the USD area. In addition, some areas in Madison,

Norwich and Truro Townships are served by Citizens Utilities Company, a public water supply company. These areas are greater than five miles from the USD area. The source of water for each of these community water systems is ground water. Mr. Steve Henson, owner of Citizens Utilities, felt that the wells fields for these areas would not be impacted by the USD request.

Finally, Columbus and the surrounding jurisdictions reportedly have not experienced any shortages of water, and all anticipate having a sufficient supply of water to meet all future needs. A summary of the "Water Beyond 2000" project completed by Columbus, which includes expansion of the well field to the south and reservoirs to the north, demonstrates the City's commitment to expanding water service. Therefore, upon consideration of the water resource needs of the surrounding jurisdictions and the region, Ohio EPA has no evidence that any ground water contamination beneath the Properties will impact the potability of water in the Columbus or surrounding jurisdictions community water systems.

**2. OAC Rule 3745-300-10(D)(2)(e)(iv) through (v): Current or Expected Future Ground Water Use.**

No representatives from municipalities within a five mile radius had any knowledge of ordinances banning well construction. Although the majority of the population is served by a community water system, several of the surrounding townships have residents on private wells. However, all new wells in these areas must be approved by the Franklin County Board of Health. No municipalities felt that future ground water use would be impacted by any ground water contamination beneath the Properties nor were there any plans for well field expansion that would include the ground water beneath the Properties.

The telephone survey conducted by Ohio EPA of surrounding jurisdictions, inquired if any large commercial industrial users of water in the surrounding jurisdictions obtain their water from a source other than the Columbus community water system. None were identified.

Upon consideration of current and future expected uses of ground water as a potable source in the region, Ohio EPA believes that the USD will be protective of public health, safety and the environment because of the significant reliance of surface water as the source of potable water, the lack of evidence that potable wells currently being used in the region would be adversely affected by any ground water contamination beneath the Properties, and the fact that the USD is limited to the ground water underlying the Properties.

**3. OAC Rule 3745-300-10(D)(2)(e)(vi): Availability and Feasibility of Treatment Systems.**

No evidence suggests that granting a USD for the Properties will cause an adverse impact on the potability of water in the Columbus or surrounding jurisdictions community water systems. Therefore, in this case, Ohio EPA does not consider the availability and feasibility of treatment systems to be a relevant factor for determining whether the USD will be protective of public health, safety and the environment.

**4. OAC 3745-300-10(D)(2)(e)(vii): Other Factors.**

The USD has been the subject of a public meeting on May 21, 1998, held by the Ohio EPA, with at least thirty (30) days prior public notice. In addition, Ohio EPA has consulted with representatives of Columbus and surrounding jurisdictions. The Mayor of Columbus, Greg Lashuka, sent a letter dated May 21, 1998, in support of the USD request for the Properties. No public comments have been presented to

Mr. Craig Kasper, P.E.  
Page 7

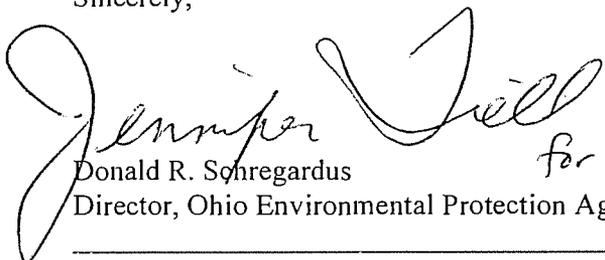
Ohio EPA that question the accuracy of the information gathered regarding this USD request or that provide additional factual information to suggest that the USD will not be protective of public health, safety and the environment.

Based on the information discussed above, criteria and other factors for approval of the USD have been satisfied. As a result, the ground water standards applicable to the Properties are those contained in OAC Rule 3745-300-10 for an USD.

This USD letter is not a final action of the Director. The use of the USD to establish applicable ground water standards for the Properties is contingent upon a determination by Ohio EPA, at the time of issuance of any Covenant Not to Sue for each property within the USD, that no significant change of circumstances has occurred regarding the USD criteria contained in OAC Rule 3745-300-10(D). In addition, the use of the USD as an applicable ground water standard is contingent upon demonstration in a NFA Letter for each property within the USD, that it is eligible for participation in the VAP, pursuant to ORC Section 3746.02 and OAC Rule 3745-300-02. To the extent that a property within the USD or any portion thereof is determined to be ineligible for the VAP, the USD criteria and other VAP cleanup standards contained in ORC Chapter 3746 and OAC Chapter 3745-300 would be inapplicable to that property, pursuant to OAC Rule 3745-300-10(D)(1) and ORC Section 3746.02, respectively. This USD letter pertains only to the Properties identified herein, and therefore, is not applicable to any other property.

Thank you for your interest and participation in the VAP. If you have any questions concerning this letter, please contact Jenifer Kwasniewski of my staff at (614) 644-2279.

Sincerely,

  
Donald R. Schregardus for  
Director, Ohio Environmental Protection Agency

Attachments

- cc. Barb Brdicka, Deputy Director, Ohio EPA  
Jeff Hines, Acting Chief, DERR  
John Sadzewicz, Deputy Director, Ohio EPA  
Tom Allen, Assistant Chief, DDAGW  
Jenifer Kwasniewski, Manager DERR-CO  
Amy Yersavich, Unit Supervisor, DERR-CO  
Mark Sheahan, Unit Supervisor, DERR-CO  
Lisa Balderson, Legal  
Linnea Saukko, Unit Supervisor, DDAGW-CDO  
Deborah Strayton, Unit Supervisor, DERR-CDO  
Peggy Crone-Brown, Hydrogeologist, DDAGW-CDO  
Kara Pettinger, DERR - CDO  
VAP file

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## Attachment 1

### Legal Descriptions of Properties

Miranova Legal Property Information

## EXHIBIT "A"

}3185103

## TRACT I

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

B<sup>3</sup>  
P<sup>23</sup>

Being a part of Half Section 26, Township 5, Range 22, Refugee Lands, and being all of Lots 6, 7, 8, 9, 10, 11, 12, of Theodore Comstock and others Subdivision shown of record in Plat Book 3, page 32, Recorder's Office, Franklin County, Ohio and being all of Lots 26, 27, 35, 36, 37, 38, and a part of Lot 34, and land adjoining said Lot, as said Lots are numbered and delineated on the recorded Plat in Complete Record 22, pages 582, 589, Court of Common Pleas, Franklin County, Ohio, and being all of 20 foot alleys vacated by Ordinance No. 937-63, July 29, 1963, and being more particularly described as follows:

Beginning at an iron pin at the southwesterly corner of said Lot 12, said point being at the intersection of the northerly line of West Mound Street, with the easterly line of Levee Street (44 feet wide);

Thence North 0 degrees 11 minutes West, along the westerly line of said Lots 12, 6, and along the easterly line of said Levee Street, a distance of 194.06 feet to a point at the northwesterly corner of said Lot 6, said point being at the intersection of the westerly line of said Levee Street with the southerly line of said Levee Street;

Thence, North 67 degrees 38 minutes 48 seconds East, along the northerly line of said Lots 6, 7, 8, and along the northerly line of said 20 foot alley vacated, and along the northerly line of said Lots 38, 37, 36, 35, and along the southerly line of said Levee Street, a distance of 493.73 feet to an iron pin at an angle point in said line;

Thence, North 78 degrees 08 minutes East, along the southerly line of said Levee Street, and along the northerly line of said Lot 34, a distance of 67.80 feet to an iron pin at the intersection of the southerly line of said Levee Street, with the westerly line of Short Street;

Thence, South 0 degrees 06 minutes 34 seconds East, along the westerly line of said Short Street, a distance of 69.40 feet to an iron pin at the northeasterly corner of the Meeks and Tuthill Saw Company shown of record in Deed Book 2288, page 199;

Thence, South 84 degrees 21 minutes West, along the northerly line of said Meeks and Tuthill Saw Company tract, and along the northerly line of a tract conveyed to Meeks and Tuthill Saw Company shown of record in Deed Book 2121,

33185104

## TRACT I CONTINUED

page 83, a distance of 102.89 feet to an iron pin at the northwesterly corner of said Meeks and Tuthill Saw Company tract;

Thence, South 0 degrees 10 minutes East, along the westerly line of said Meeks and Tuthill Saw Company tracts, and along the westerly line of the Earl R. Whitloatch tract shown of record in Deed Book 3779, page 40, and along the easterly line of said Lot 35 (westerly line of Lot 32), a distance of 149.40 feet to an iron pin at the southwesterly corner of said Earl R. Whitloatch tract (southwesterly corner of said Lot 32) and the southeasterly corner of said Lot 35, and on the northerly line of an alley 20 feet wide;

Thence, South 89 degrees 53 minutes West, along the southerly line of said Lots 35,36, and along the northerly line of said Alley 20 feet wide, a distance of 106.34 feet to an iron pin at the southwesterly corner of said Lot 36 (southeasterly corner of said Lot 37);

Thence, South, along the easterly line of said 20 foot alley vacated, and along the westerly line of a 20 foot alley, and along the easterly line of said Lot 27, and along the westerly line of said Lot 28, produced northerly, and along said line, a distance of 166.00 feet to an iron pin on the northerly line of said West Mound Street at the southeasterly corner of said Lot 27, and the southwesterly corner of said Lot 28;

Thence, South 89 degrees 53 minutes West, along the southerly line of said Lots 27,26, and along the southerly line of said 20 foot alley vacated, and along the southerly line of Lots 9,10,11,12, a distance of 314.15 feet to the place of beginning, containing 2.448 acres, subject, however, to all easements and restrictions of record and of records, easements and restrictions in the respective utility offices.

33185105

## TRACT II

0.0636 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, in Half Section 26, Township 5, Range 22, Refugee Lands, being part of Lct 3 of Theo. Comstock and Others Subdivision, as same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 32, Recorder's Office, Franklin County, Ohio, and being all of the tract conveyed to The Ironsides Company by deed of record in Deed Book 1006, Page 400, said Recorder's Office, and being more particularly described as follows:

Beginning at a found iron pipe at the southeast corner of said Lot 3, said corner being the intersection of the north line of West Mound Street (74 feet wide) with the west line of Levee Street (44 feet wide);

Thence, along part of the south line of said Lot 3 and the north line of said West Mound Street, South 89 degrees 53 minutes West, 76.05 feet to a set iron pipe;

Thence, across said Lot 3 and along the arc of a curve to the right, said curve having a radius of 276.00 feet, a delta of 20 degrees 51 minutes 05 seconds, and a chord bearing and distance of North 49 degrees 24 minutes East, 99.89 feet to a set iron pipe in the east line of said Lot 3 and the west line of said Levee Street;

Thence, along part of the east line of said Lot 3 and the west line of Levee Street, South 00 degrees 11 minutes East, 64.85 feet to the place of beginning CONTAINING 0.0636 ACRES subject however, to all legal highways, easements, leases and restrictions of record, and of records in the respective utility offices.

The foregoing description was prepared from an actual field survey made by Myers Surveying Company, Inc. in January 1995. Iron pipes set are 30" X 1" O.D. with orange plastic caps inscribed "P.S. 6579", unless otherwise noted. Basis of bearings is the north line of West Mound Street held as South 89 degrees 53 minutes West.

33185106

## TRACT III

Being a part of Parcel "H" as conveyed to The Huntington National Bank of Columbus, Trustee of the Ironsides Pension Trust, by deed of record in Deed Book 2702, pages 169 and 170, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Commencing at the intersection of the west line of Short Street with the south line of Levee Street, said point being the northeast corner of said Parcel "H";

Thence, South, along the west line of Short Street and the east line of Parcel "H", a distance of 55.60 feet to an iron pin at a southeasterly corner of Parcel "H" and the northeast corner of the Meeks & Tuthill Saw Company tract, as recorded in Deed Book 2288, page 199, Recorder's Office, Franklin County, Ohio;

Thence, South 70 degrees 31 minutes West, along a southerly line of said Parcel "H" and the northerly line of the said Meeks & Tuthill Saw Company tract, a distance of 57.64 feet to a point and the true point of beginning of this description:

Thence, South 70 degrees 31 minutes West, continuing along a southerly line of Parcel "H" and the northerly line of the said Meeks & Tuthill Saw Company tract, a distance of 50.46 feet to an iron pin at a corner of the said Parcel "H" and the northwest corner of said Meeks & Tuthill Saw Company tract;

Thence, North, across said Parcel "H", along the west line of the said Meeks & Tuthill Saw Company tract produced northerly, a distance of 12.08 feet to an iron pin;

Thence, North 84 degrees 17 minutes 55 seconds East, across said Parcel "H", a distance of 47.80 feet to the place of beginning, containing 0.006 acres of land, subject, however, to all legal highways and easements and restrictions of record and of records in respective utility offices.

## TRACT IV

*Butler?*

Being the west part of Lot No. Thirty-three (33), and a tract of land immediately adjacent on the southwest and north of said Lot No. 33 of Buttles and Comstocks Subdivision, as recorded in Complete Record 22, page 582 and 589, Common Pleas Court, Franklin County, Ohio, and bounded and described as follows:

Beginning at a point in the west line of Short Alley, located 9.40 feet north of Lot No. 32 of Buttles and Comstocks Subdivision; thence westerly and parallel to the north line of said lot No. 32 a distance of 102.25 feet to an iron pin; thence northerly with an interior angle of 89 degrees 52' 57.85 feet to an iron pin; thence easterly with an interior angle of 109 degrees 48' 106.65 feet to an iron pin in the west line of Short Alley; thence southerly along the said west line of Short Alley 93.80 feet to the place of beginning.

33185108

## TRACT V

Being Lot Number Thirty-two (32) and 9.4 feet adjacent thereto on the north, as said lot is shown on the plat of Buttles and Comstock's Subdivision, Complete Record 22, pages 582 to 589, Franklin County Records, and being more particularly described as follows:

Beginning at a point at the southwest corner of Lot 32, above mentioned, and in the north line of a 20 ft. alley, said point being also the southeast corner of Lot No. 35 shown on the plat of said subdivision; thence with the east line of Lot No. 35, Northerly, 79.4 ft. to a point 9.4 ft. Northerly from the northwest corner of Lot 32; thence Easterly, parallel with the north line of Lot 32, 102.25 ft. to a point in the east line of Lot 32 extended northerly; thence with said line and along the west line of Short Street Southerly, 79.4 ft. to a point at the southeast corner of Lot 32, passing the northeast corner of Lot 32 at 9.4 ft.; thence along the south line of Lot 32, with the north line of a 20 ft. alley, westerly 102.25 ft. to the place of beginning.

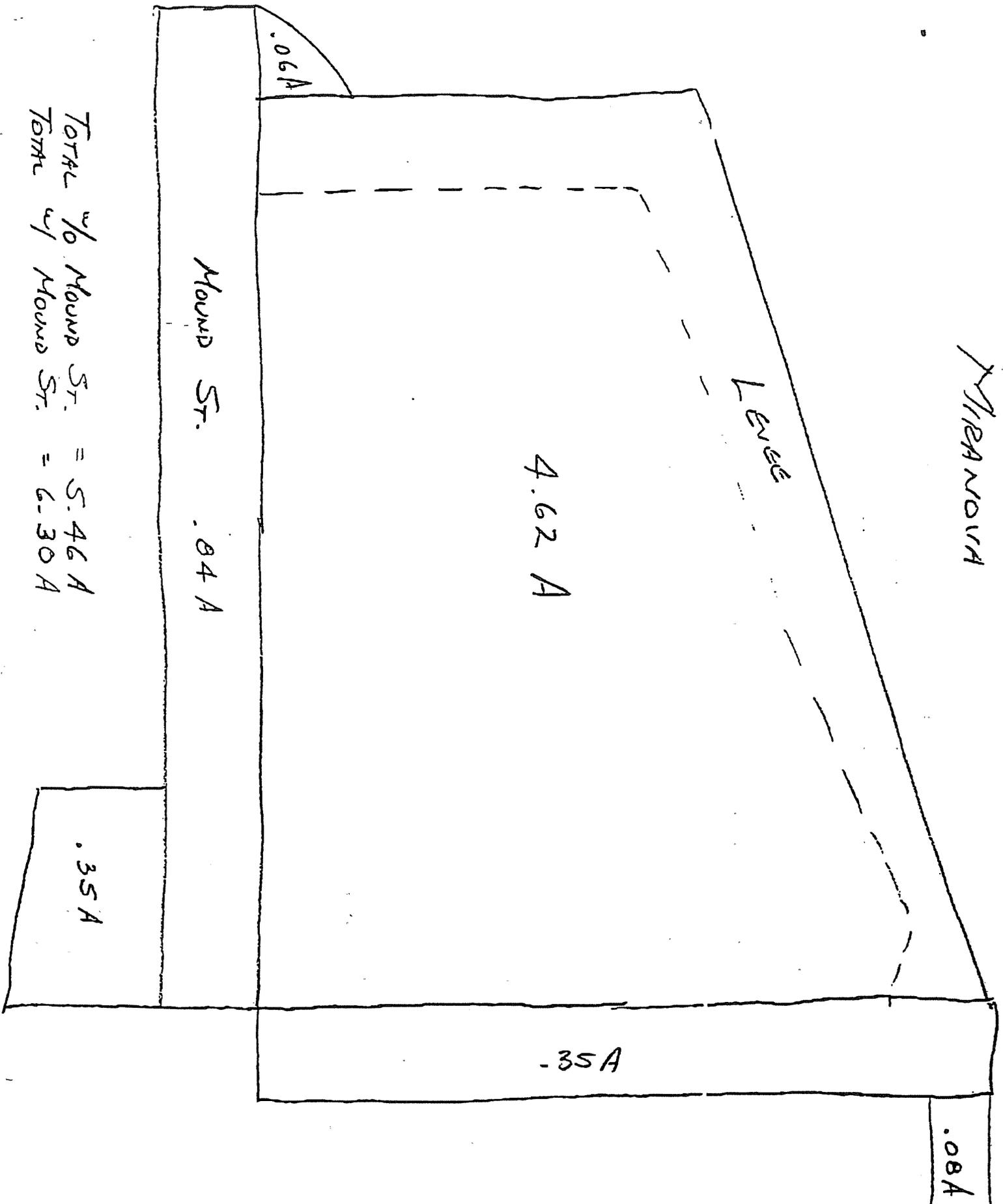
## TRACT VI

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

Being the building known as 200 and 204 West Mound Street, Columbus, Ohio, and more fully described as follows:

Being Lots Nos. 28, 29, 30 and 31 of Butler and Comstock Addition, designated as "Comstockville Amended Sub." upon Map Book G, Page 43, Auditor's Office, Franklin County, Ohio.

Parcel Nos.: 010-5842 and 010-4700



TOTAL w/o MOUND ST. = 5.46 A  
 TOTAL w/ MOUND ST. = 6.30 A

Atwell Legal Property Information



8494-A-2D

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that MARIA HANDLER, widowed and unremarried, of Columbus, Ohio; LEON HANDLER, married, of Columbus, Ohio; DOROTHY ZELIZER, married, of Pompano Beach, Florida; MARTIN HANDLER, divorced and unremarried, of Columbus, Ohio; NATHAN ZELIZER, married, of Highland Beach, Florida; DEBORAH KAPLAN, married, of Columbus, Ohio; and GERALD ZELIZER, married, of Metuchen, New Jersey, GRANTORS, in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations to them paid by THE HANDWELL COMPANY, GRANTEE, receipt of which is hereby acknowledged, grant, with general warranty covenants to said Grantee the undivided interests hereinafter set forth in the following described real property situated in the County of Franklin, in the State of Ohio, and in the City of Columbus and bounded and described as follows:

Fricker's Box - CAH

Undivided interests as follows in the parcel legally described in Exhibit "A" attached hereto and made part hereof:

Maria Handler	8/36
Leon Handler	7/36
Dorothy Zelizer	7/36
Martin Handler	7/36
Nathan Zelizer	3/36
Deborah Kaplan	2/36
Gerald Zelizer	2/36

Prior Transfer: O.R. 03767E08 and O.R. 07579I05

(tax parcel ~~10-6806~~ 10-6806)

To have and to hold said premises, with all the privileges and appurtenances thereto belonging to the said Grantee and its successors and assigns forever.

TRANSFERRED  
NOV 10 1986  
FRANKLIN COUNTY, OHIO

FRANKLIN COUNTY, OHIO  
Recorded: NOV 10 1986 Time: 4:35 P.M.

JOSEPH W. TESTA, Recorder  
Recorder's Fee \$ 16.00

23111  
TAX  
190.00 PL

IN WITNESS WHEREOF, the said Grantors and NATALIE HANDLER,  
 wife of LEON HANDLER; CODY ZELIZER, husband of DOROTHY ZELIZER;  
 JAN ZELIZER, wife of NATHAN ZELIZER; MARVIN KAPLAN, husband of  
 DEBORAH KAPLAN; and VIVIANA ZELIZER, wife of GERALD ZELIZER, who  
 hereby release their rights of dower in the premises, have hereunto  
 set their hands as of the \_\_\_\_\_ day of \_\_\_\_\_, 1986.

Signed and acknowledged  
 in the presence of:

Steve M. Polts  
Cheryl Rodgers  
Carolyn M. Rawland  
Karyn E. Epstein  
Carolyn M. Rawland  
Karyn E. Epstein  
Steve M. Polts  
Cheryl M. Rodgers  
Steve M. Polts  
Cheryl M. Rodgers  
Henry C. Gurdon  
Henry C. Gurdon  
Nicholas J. Gurdon  
Nicholas J. Gurdon

AS  
 TO  
 BOTH

Marie Handler  
 MARIA HANDLER  
Leon Handler  
 LEON HANDLER  
Natalie Handler  
 NATALIE HANDLER  
Dorothy Zelizer  
 DOROTHY ZELIZER  
Cody Zelizer  
 CODY ZELIZER  
Martin Handler  
 MARTIN HANDLER  
Nathan Zelizer  
 NATHAN ZELIZER  
Jan Zelizer  
 JAN ZELIZER  
Deborah Kaplan  
 DEBORAH KAPLAN  
Marvin Kaplan  
 MARVIN KAPLAN  
Gerald Zelizer  
 GERALD ZELIZER  
Viviana Zelizer  
 VIVIANA ZELIZER

STATE OF OHIO  
COUNTY OF FRANKLIN

Sworn to and subscribed in my presence this 29<sup>th</sup> day of August, 1986, by MARIA HANDLER.

STEVE M. SOLTIS, Attorney at Law  
NOTARY PUBLIC - STATE OF OHIO  
My Commission has no expiration date.  
Section 147.03 R.C.

Steve M. Soltis  
Notary Public

STATE OF OHIO  
COUNTY OF FRANKLIN

Sworn to and subscribed in my presence this 29 day of August, 1986, by LEON HANDLER and NATALIE HANDLER.

STEVE M. SOLTIS, Attorney at Law  
NOTARY PUBLIC - STATE OF OHIO  
My Commission has no expiration date.  
Section 147.03 R.C.

Steve M. Soltis  
Notary Public

STATE OF OHIO  
COUNTY OF FRANKLIN

Sworn to and subscribed in my presence this 9<sup>th</sup> day of September, 1986, by DOROTHY ZELIZER and CODY ZELIZER.

STEVE M. SOLTIS, Attorney at Law  
NOTARY PUBLIC - STATE OF OHIO  
My Commission has no expiration date.  
Section 147.03 R.C.

Steve M. Soltis  
Notary Public

STATE OF OHIO  
COUNTY OF FRANKLIN

Sworn to and subscribed in my presence this 29<sup>th</sup> day of August, 1986, by MARTIN HANDLER.

STEVE M. SOLTIS, Attorney at Law  
NOTARY PUBLIC - STATE OF OHIO  
My Commission has no expiration date.  
Section 147.03 R.C.

Steve M. Soltis  
Notary Public

STATE OF FLORIDA  
COUNTY OF Palm Beach

Sworn to and subscribed in my presence this 21<sup>st</sup> day of August, 1986, by NATHAN ZELIZER and JAN ZELIZER.



Cassin M. Rowland  
Notary Public, State of Florida  
My Commission Expires March 22, 1990  
Bonded Three Thousand Dollars

STATE OF OHIO  
COUNTY OF FRANKLIN

Sworn to and subscribed in my presence this 15<sup>th</sup> day of August, 1986, by DEBORAH KAPLAN and MARVIN KAPLAN.

STEVE M. SOLTIS, Attorney at Law  
NOTARY PUBLIC - STATE OF OHIO  
My Commission has no expiration date.  
Section 147.03 R.C.

Steve M. Soltis  
Notary Public

STATE OF NEW JERSEY  
COUNTY OF Middlesex

Sworn to and subscribed in my presence this 26<sup>th</sup> day of  
August, 1986, by GERALD ZELIZER and VIVIANA ZELIZER.

Deborah A. Stefanski  
Notary Public

DEBORAH A. STEFANSKI  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires May 22, 1989



This instrument prepared by:  
STEVE M. SOLTIS, Attorney at Law

EXHIBIT "A"

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

Being all that part of Lot Number One (1) of Comstock, Smith, Barcus and Janton and Company's Subdivision in said City as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 3, page 32, Recorder's Office, Franklin County, Ohio described as follows:

Beginning at a point  $37\frac{1}{2}$  feet east of the Hocking Valley Railroad Tract at a point where said Railroad Tract intersects Mound Street; thence east on the North line of Mound Street, 78 feet; thence North on a line perpendicular to Mound Street to a point on the Scioto River; thence in a Westerly direction along the bank of the Scioto River and with the meanderings thereof to a point on the said Scioto River,  $37\frac{1}{2}$  feet east of the Hocking Valley Railroad tract; thence in a straight line 166 feet to the beginning, excepting, however, the following part of said land, to-wit: Beginning at the southwest corner of said lot; thence northwardly with the West boundary line of said lot, 166 feet to the Scioto River; thence Eastwardly up said river 30 feet; thence southwardly in a straight line 170 feet to the place of beginning.

Excepting, however, from said conveyance the following portion of said premises, to-wit: Beginning at a point in the east line of said Lot No. 1, at a distance of 159 feet measured along said east line from the north line of Mound Street; thence with said east line of said Lot No. 1, to the low water mark of the Scioto River; thence in a westerly direction with the low water mark of said River and the meanderings thereof, to a point where the said low water mark is intersected by the east line of that part of said Lot No. 1, conveyed by the Hardesty Williams Milling Company to the Toledo and Ohio Central Railway Company by deed dated April 12, 1910, and recorded in D.B. 498, page 128, Recorder's Office, Franklin County, Ohio; thence southward with the last mentioned line to a point, 148 feet from the northline of Mound St., measured along said east line; thence easterly in a straight line to the point of beginning, said part hereby excepted being premises conveyed to the City of Columbus, by Deed of Record in D.B. 631, page 481.

(Also known as 304 West Mound Street)

8494 - H-16  
134578

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that MARIA HANDLER, widowed and unremarried, of Columbus, Ohio; LEON HANDLER, married, of Columbus, Ohio; DOROTHY ZELIZER, married, of Pompano Beach, Florida; MARTIN HANDLER, divorced and unremarried, of Columbus, Ohio; DEBORAH KAPLAN, married, of Columbus, Ohio; and GERALD ZELIZER, married, of Metuchen, New Jersey, GRANTORS, in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations to them paid by \_\_\_\_\_

THE HANDWELL COMPANY

GRANTEE, receipt of which is hereby acknowledged, grant, with general warranty covenants to said Grantee the undivided interests hereinafter set forth in the following described real property situated in the County of Franklin, in the State of Ohio, and in the City of Columbus and bounded and described as follows:

Undivided interests as follows in the parcel legally described in Exhibit "A" attached hereto and made part hereof:

Maria Handler	1/3
Leon Handler	1/6
Dorothy Zelizer	1/6
Martin Handler	1/6
Deborah Kaplan	1/12
Gerald Zelizer	1/12

Prior Transfer: O.K. 03767E08  
(tax parcel ~~10-37440~~ 10-37440)

To have and to hold said premises, with all the privileges and appurtenances thereto belonging to the said Grantee and its successors and assigns forever.

Bricker Box - CAH

TRANSFERRED  
NOV 10 1986  
PALMER C. McNEAL  
AUCTIONEER  
FRANKLIN COUNTY, OHIO

FRANKLIN COUNTY, OHIO  
Recorded: NOV 10 1986 Time: 4:35 P M  
JOSEPH W. TESTA, Recorder  
Recorder's Fee \$ 1.00

23112  
COMMERCIAL TAX  
20.00 PV  
PALMER C. McNEAL  
AUCTIONEER



STATE OF OHIO  
COUNTY OF FRANKLIN

Sworn to and subscribed in my presence this 29<sup>th</sup> day of August, 1986, by MARIA HANDLER.

STEVE M. SPITZ, Attorney at Law  
NOTARY PUBLIC - STATE OF OHIO  
My Commission has no expiration date.  
Section 147.03 R.C.

Steve M. Spitz  
Notary Public

STATE OF OHIO  
COUNTY OF FRANKLIN

Sworn to and subscribed in my presence this 29<sup>th</sup> day of August, 1986, by LEON HANDLER and NATALIE HANDLER.

STEVE M. SPITZ, Attorney at Law  
NOTARY PUBLIC - STATE OF OHIO  
My Commission has no expiration date.  
Section 147.03 R.C.

Steve M. Spitz  
Notary Public

STATE OF OHIO  
COUNTY OF FRANKLIN

Sworn to and subscribed in my presence this 9<sup>th</sup> day of September, 1986, by DOROTHY ZELIZER and CODY ZELIZER.

Steve M. Spitz  
Notary Public

STATE OF OHIO  
COUNTY OF FRANKLIN

Sworn to and subscribed in my presence this 29<sup>th</sup> day of August, 1986, by MARTIN HANDLER.

STEVE M. SPITZ, Attorney at Law  
NOTARY PUBLIC - STATE OF OHIO  
My Commission has no expiration date.  
Section 147.03 R.C.

Steve M. Spitz  
Notary Public

STATE OF OHIO  
COUNTY OF FRANKLIN

Sworn to and subscribed in my presence this 15 day of August, 1986, by DEBORAH KAPLAN and MARVIN KAPLAN.

STEVE M. SPITZ, Attorney at Law  
NOTARY PUBLIC - STATE OF OHIO  
My Commission has no expiration date.  
Section 147.03 R.C.

Steve M. Spitz  
Notary Public

STATE OF NEW JERSEY  
COUNTY OF Mid Jersey

Sworn to and subscribed in my presence this 26<sup>th</sup> day of August, 1986, by GERALD ZELIZER and VIVIANA ZELIZER.



Deborah A. Stefanski  
Notary Public

DEBORAH A. STEFANSKI  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires May 28, 1989

EXHIBIT "A"

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

- Being Lots Numbers Four (4) and Five (5)  
of Comstock, Smith, Barcus, Janton and Company's  
Subdivision, as the same are numbered and delineated  
upon the recorded plat thereof, of record in Plat  
Book No. 3, page 32, Recorder's Office, Franklin  
County, Ohio. Also all that part of Lot No.  
Two (2) in said Subdivision, being 6.90 feet  
wide, which lies directly west of and adjacent  
to said Lots Nos. 4 and 5 in said subdivision.

his deed is delivered by the Grantors and  
accepted by the Grantee, subject to any rights  
of any railroad or the City of Columbus, if any  
rights there be.

This instrument prepared by:

STEVE M. SOLTIS, Attorney at Law

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THIS QUITCLAIM DEED, made SEP 5 1986, by

and between THE CHESAPEAKE AND OHIO RAILWAY COMPANY, a corporation of the Commonwealth of Virginia, whose post office address is 100 North Charles Street, Baltimore, Maryland 21201, hereinafter called Grantor, and THE CHESSWELL COMPANY, a corporation of the State of Ohio, whose post office address is P. O. Box 21352, Columbus, Ohio 43221, hereinafter called Grantee, witnesseth:

That, for and in consideration of payment of the sum of FORTY-NINE THOUSAND FIVE HUNDRED DOLLARS (\$49,500.00), which is the full monetary consideration for this conveyance, the receipt whereof is hereby acknowledged, Grantor does hereby remise, release and forever Quitclaim unto Grantee, Grantee's successors and assigns, all of Grantor's right, title and interest in and to that certain land situate in the City of Columbus, Franklin County, Ohio, being part of Lot 2 and part of Lot 3 as said Lots are numbered and delineated upon the plat Constock, Smith, Marcus, Janton and Company's Subdivision, of record in Plat Book 3, Page 32, in the Land Records of Franklin County, Ohio, and more particularly described as follows:

BEGINNING at an iron pin set in the southwest corner of said Lot 2 and in the northerly right-of-way line of Mount Street (75 feet in width); thence North, 146.00 feet to a point at the southwesterly corner of that 0.066-acre tract as described in a deed to The City of Columbus, of record in Deed Book 823, Page 158; thence East, along the southerly line of said 0.066-acre tract, a distance of 79.90 feet to an iron pin set in the westerly line of Parcel No. 3 as described in a Certificate of Transfer to Maria Handley, et al. (6), of record in Official Records Volume 3767, Page E08; thence South, along said westerly line, a distance of 46.00 feet to the southwesterly corner of said Parcel No. 3; thence East, along the southerly line of said Parcel No. 3, passing the northwesterly corner of Lot 3 at 6.90 feet, a total distance of 106.90 feet to an iron pin set at the northeasterly corner of Lot 3 and in the westerly right-of-way line of Levee Street (44 feet in width); thence South, along said right-of-way line, a distance of 35.00 feet to the most northerly corner of that tract of land as described in a deed to The Inversides Company, of record in Deed Book 1006, Page 400, said corner being witnessed by

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49,500.00  
THE CHESAPEAKE AND OHIO RAILWAY COMPANY

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railroad spike located South, a distance of 0.20 feet; thence along the northwesterly perimeter of said Ironsides tract with the arc of a curve to the left, having a radius of 380.00 feet, a central angle of 15° 00' 26", the chord of which bears South 49° 05' 08" West, a chord distance of 99.25 feet to an iron pin found bent and reset at the most westerly corner of said Ironsides tract and in the northerly right-of-way line of Mound Street; thence West, along said right-of-way line, a distance of 111.80 feet to the PLACE OF BEGINNING, containing 0.4323 acre of land, more or less.

For the purpose of this description, Mound Street was assumed to run in an East-West direction.

Iron pins set (or reset) consist of a one-inch O.D. iron pipe, 30 inches long, with a plastic cap inscribed "M-E BLDG CONSULTANTS."

This description taken from a survey prepared by Robert S. Wurd, Registered Surveyor No. 6372, M-E Building Consultants, Inc., Civil Engineering Division, based on an actual field survey of the premises performed between June 18 and June 23, 1986.

BEING all of the property (Grantor's Parcel No. 2) on its Valuation Map V-3(EV)/3, acquired by The Columbus, Hocking Valley and Toledo Railway Company (predecessor of The Chesapeake and Ohio Railway Company) by Deed from Myra A. Suydam (widow), dated October 13, 1894, recorded in the Land Records of Franklin County, Ohio, in Deed Volume 287, Page 549.

Through many consolidations and conveyances, title to the properties of The Columbus, Hocking Valley and Toledo Railway Company became vested in The Hocking Valley Railway Company and by Deed dated May 1, 1930, recorded as aforesaid in Deed Volume 924, Page 225, the latter company conveyed all of its properties to The Chesapeake and Ohio Railway Company.

TOGETHER with the buildings and all other improvements thereon erected, made or being, and all and every of the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging, or in anyway appertaining.

EXCEPTING, however, unto Grantor, Grantor's successors and assigns, the ownership in Grantor's Track No. 1597 and related facilities within and on the southeastern portion of Premises; and RESERVING unto Grantor a revertible 20-foot wide exclusive easement (10 feet in each direction from centerline of

ERANKLIN COUNTY, OHIO  
OCT 27 1986  
Recorded  
JOSEPH W. TESTA, Recorder  
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Track T-1597) for the continued ownership, operation, maintenance and use of said track and related facilities; and FURTHER RESERVING unto Grantor the easement and right to enter the Premises to remove said track and related facilities on cessation of use. In the event said exclusive track easement area ceases to be used for the purposes herein contained, Grantor shall give notice thereof in writing to Grantee, Grantee's successors and assigns, and title to said easement area shall vest automatically in Grantee free of said easement but subject to Grantor's rights to enter and remove said track and related facilities. Grantor shall make such removal within ninety (90) days after such notice.

TO HAVE AND TO HOLD the Premises aforesaid, with the privileges and appurtenances thereunto belonging, to Grantee, Grantee's successors and assigns forever.

AND GRANTEE, on behalf of Grantee, Grantee's successors and assigns, by the acceptance hereof, hereby covenants and agrees with Grantor, Grantor's successors and assigns, that neither Grantor nor its successors or assigns shall be required to erect or maintain any fences, railings, or guard rails along any boundary lines between the Premises and the adjacent land(s) or track easements of Grantor or of any company affiliated with Grantor; nor be liable for or required to pay any part of the cost or expense of erecting or maintaining such fences, railings, or guard rails or any part thereof; nor be liable for any damage, loss or injury that may result by reason of the nonexistence or the condition of any fences, railings, or guard rails. Grantee, for Grantee, Grantee's successors and assigns, assumes all liability and responsibility respecting fences, railings, or guard rails, or the absence thereof.

AND TELLS DEED FURTHER WITNESSETH that Manufacturers Hanover Trust Company, as Trustee under The Hocking Valley Railway Company's First Consolidated Mortgage to Central Trust Company of New York, (now Manufacturers Hanover Trust

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Company, successor by merger), dated March 1, 1999, as amended, modified and supplemented, has executed this deed for the sole purpose of releasing and does hereby, pursuant to the terms and conditions contained in said mortgage, release from the lien and operation of said mortgage, including any and all mortgages or deeds of trust supplemental thereto, all the right, title and interest which the said Trustee may have acquired in and to the property herein conveyed; but this release is subject to any and all of the same rights, reservations, exceptions, limitations and agreements herein specified on behalf of the Grantor, and is without covenant or warranty, express or implied, without recourse against said Trustee in any event, and without affecting or in any way impairing the lien and operation of said mortgage and supplements thereto on and in respect of any other property now or hereafter subject thereto.

IN WITNESS WHEREOF, THE CHESAPEAKE AND OHIO RAILWAY COMPANY and MANUFACTURERS HANOVER TRUST COMPANY (as aforesaid Trustee), pursuant to due corporate authority, have caused their names to be signed hereto by their officers hereunto duly authorized and their corporate seals, duly attested, to be hereunto affixed.

WITNESS:

William L. Lane  
Richard M. Hood

THE CHESAPEAKE AND OHIO RAILWAY COMPANY

By T. R. Jackson, Gen. Mgr.

Attest:

John P. Higginbotham  
Corporate Secretary

WITNESS:

Carolyn P. Baxter  
Carolyn P. Baxter  
Richard T. Coffey  
Richard T. Coffey

MANUFACTURERS HANOVER TRUST COMPANY,  
as Trustee as aforesaid.

By D. A. LESITTI, JR.  
D. A. LESITTI, JR. Vice President

Attest:

James E. Behrman  
Assistant Secretary

08397812

STATE OF MARYLAND

) SS.

CITY OF BALTIMORE

I, Robert H. Chilcote

a Notary Public of the State of Maryland and the City of Baltimore, do certify that on SEP 5 1998 before me in said City personally came T. R. Jackson, to me known, and known to me to be one of the persons whose name is subscribed to the above instrument; who, being by me first duly sworn, did depose, acknowledge and say that: he resides in Cockeysville, Baltimore County, Maryland; he is General Manager of The Chesapeake and Ohio Railway Company, one of the corporations described in and which executed said instrument; he knows the seal of said corporation; one of the seals affixed to said instrument is such seal; it was so affixed by authority of the Board of Directors of said corporation; he signed his name thereto for said corporation pursuant to such authority; said instrument is the free act and deed of said corporation; and the conveyance herein is not part of a transaction, sale, lease, exchange or other transfer or conveyance of all or substantially all of the property and/or assets of the Grantor.

In witness whereof, I hereunto set my hand and official seal, the day and year written above.

My Commission expires on July 1, 1990.

Robert H. Chilcote  
ROBERT H. CHILCOTE Notary Public

STATE OF NEW YORK

) SS.

CITY AND COUNTY OF NEW YORK

I, Kathy A. Murphy

a Notary Public of said City and County, do certify that on September 25, 1998 before me in said City and County personally came J. X. URSITTI, JR., to me known, and known to me to be one of the persons whose name is subscribed to the above instrument; who, being by me first duly sworn, did depose, acknowledge and say that he resides at 25 Evergreen Lane, New Hyde Park, N.Y.

that he is a Vice President of Manufacturers Hanover Trust Company, 500 Fifth Avenue, New York, New York 10020, one of the corporations described in and which executed said instrument; that said corporation is a Trustee under the mortgage of The Hocking Valley Railway Company (now The Chesapeake and Ohio Railway Company) dated March 1, 1899, as amended, modified and supplemented; that he knows the seal of said corporation; that one of the seals affixed to said instrument is such seal; that it was so affixed by authority of the Board of Directors of said corporation; that he signed his name thereto for said corporation pursuant to such authority; and that said instrument is the free act and deed of said corporation as such Trustee.

In witness whereof, I hereunto set my hand and official seal, the day and year written above.

My Commission expires on 7/31/92

Kathy A. Murphy  
Kathy A. Murphy Notary Public

This 5-page instrument prepared by:

Richard C. Keene

Attorney for Grantor  
Business Address:  
100 North Charles Street  
Baltimore, Maryland 21201  
Phone: (301) 231-3121

KATHY A. MURPHY  
Notary Public, State of New York  
100 North Charles Street  
Baltimore, Maryland 21201  
Commission Expires July 31, 1992

Harsco Legal Property Information

11/21/1998

10:

CAP1 CAPITOL MFG COLUMBUS

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P.08

EXHIBIT PA

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

Tract 1: Being Lot Number six (6) of the L. Hoster, Brewing Company Subdivision as the same is numbered and recorded in Plat Book 5, pages 362 and 363, Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at an iron pin in the Southeast corner of said Lot No. 6; thence North 86° and 30' West 334.80 feet to a point in the East property line of the Columbus Feeder of the Ohio Canal; thence along the East property line of said Columbus Feeder North 15° West 115.25 feet to a point; thence South 87° and 25' East 373.30 feet to an iron pin; thence South 5° and 05' West 120 feet to the place of beginning, and containing .989 acres.

Tract 2: Being a part of Half Section No. 27, Township No. 5, Range 22, Refugee Lands, in the said City, and being a tract of ground immediately South of Lot No. 6 of The L. Hoster Brewing Company's Subdivision as same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 5, pages 362 and 363, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at an iron pin at the Southwest corner of Robert Armstrong Jr.'s Point Pleasant Addition; thence North 86° and 30' west with the South line of said Robert Armstrong Jr.'s Point Pleasant Addition produced, 267.80 feet to a point in the East property line of the Columbus Feeder of the Ohio Canal; thence along the East property line of the said Columbus Feeder North 15° West 202 feet to a point; thence South 86° and 30' East 334.80 feet to an iron pin; thence South 5° and 05' West 191.41 feet to the place of beginning, and containing 1.322 acres.

Tract 3: Being a triangular strip of land, beginning at an iron pin in the South line of Robert Armstrong Jr.'s Point Pleasant Addition, produced Westerly, located 174.80 feet west of the southwest corner of Lot No. 15 of said Addition, said beginning point being 12.5 feet West of, measured at right angles to the center line of the spur track South 12° 17' West 24 feet to a point; thence South 6° 17' West 100 feet to a point; thence South 2° and 26' East 100 feet to an iron pin in the East property line of the Columbus Feeder of the Ohio Canal; thence North 19° 52' West and along said East property line 239 feet to an iron pin in the South line of said addition produced Westerly; thence along said South line S. 88° 50' East 92.75 feet to

Book 1  
P 315

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the place of beginning and containing 0.17 acres.

Tract 4: Being a tract of land off of the south end of the C.C. Bellows Factory Tract and being a part of one-half Section 27, Township 5, Range 22, Refugee Lands:

Beginning at an iron pin in the west line of a private right of way 40 feet wide, 350 feet south of south line of Livingston Avenue (now Fulton St.); thence at right angles 83.50 feet more or less to the west line of said tract and east line of the keel path of the Columbus Feeder of the Ohio Canal; thence with said keel path S. 11 deg. 45 min. E. 196 feet to the south line of said tract; thence with said south line S. 87 deg. E. 84 feet to the west line of said private right of way; thence N. 11 deg. 15 min. west along said west right of way line 216 feet to beginning.

Also all land in the right of way as described in Deed Book 928, page 34, Recorder's Office, Franklin County, Ohio.

Tract 5: Beginning at an iron stake in the south line of South Public Lane, now Livingston Avenue, and 132.25 feet S. 87 deg. E. from a stake in the west line of the Heel Path of the Columbus Feeder to the Ohio canal, from which iron stake, a similar stake bears 87 deg. W. 41.75 feet distant, thence South 87 deg. E. with said south line of said Livingston Avenue 134.00 feet to a stake in the northeast corner of Halm & Bellows Factory grounds, thence S. 9 deg. 45 min. E. with the east line of said grounds 174.75 feet to a stake; thence S. 80 deg. 15 min. W. 30.00 feet, thence S. 9 deg. 45 min. E. 378 feet to a stake in the south east corner of the said Halm & Bellows factory grounds, thence N. 87 deg. W. along the south line of said grounds 91 feet to a stake from which stake bears N. 87 deg. W. 1.75 feet distant; thence N. 11 1/4 deg. W. along the east line of a private right of way for the use of each party hereto forty feet wide 566 feet to the beginning, containing 1.35 acres of land and 0.26 acres of land in half of said right of way, being a part of Half Section No. 27, Township No. 5 and Range No. 22 Refugee Lands.

Tract 6: Being a tract of land off of the north end of Charles C. Bellows' Factory tract, and being a part of Half Section 27, Section 5, Range 22, Refugee Lands: Beginning at an iron pin in the south line of South Public Lane, now Livingston Avenue and 90.50 feet South 87 deg. East from a stake in the east line of the Heel Path of the Columbus Feeder to the Ohio Canal; thence South 11 1/4 deg. East along the west line of a private right of way 350 feet, more or less, to the North line of the property deeded to Henry Loudenslager by deed recorded in Deed Record 474, page 331; thence North 87 deg. west along said north line of Henry Loudenslager's property 84 feet to the west line of said tract and east line of Heel Path of The Columbus Feeder to the Ohio Canal; thence on east line of said Heel Path North 3/4 deg. West 372.9 feet, more or less, to a stake in the south

11/21/1998

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line of Livingston Avenue, thence South 87 deg. east with the said south line 90.50 feet to the beginning containing .60 acres of land, more or less. Also the west one-half of said private right of way along the above described tract.

Tract 7: Being a part of Half Section No. 27, Township No. 5, Range No. 22, Refugee Lands and bounded and described as follows: Beginning at an iron pin in the North line of Liberty Street (formerly Franklin Street) distant 210 feet West of the Southwest corner of Lot Number Twenty-two (22) of Robert Armstrong's Point Pleasant Addition to the City of Columbus, said beginning point being also the Southwest corner of a tract of land conveyed to John K. McDonald and James L. McDonald, by Conrad Born, Sr. (widower) by deed dated October 10, 1897, recorded in D. E. 189, Page 284, Recorder's Office, Franklin County, Ohio; thence West along the North line of Liberty Street 81.50 feet, more or less, to an iron pin in the West line of a tract of land conveyed by John McDown and wife, to John Shields by deed dated September 24, 1814, recorded in Deed Book "0", Page 286, Recorder's Office; thence along said West line of said tract at an interior angle of 30 deg.-30 min. North 136.85 more or less, to an iron pin; thence East parallel with the North line of Liberty Street, 67.70 feet, more or less, to an iron pin and being the Northwest corner of the said McDonald tract; thence South 135 feet to the place of beginning.

Tract 8: Part of Robert Armstrong's Point Pleasant Addition in Half Section No. 27; being a rectangular shaped lot, one hundred thirty-five (135) feet deep on the North side of Liberty Street (formerly Franklin Street) with a front on said street of sixty (60) feet; the Southeast corner of said lot being three hundred (300) feet West of the West Line of Front Street.

Tract 9: Part of Robert Armstrong's Point Pleasant Addition, in Half Section No. 27, being a rectangular shaped lot fronting sixty (60) feet on the North side of Liberty Street (formerly Franklin Street) by one hundred and thirty-five (135) feet deep, more or less; the Southeast corner of said lot, being three hundred and sixty (360) feet West of the West line of Front Street.

Together with and subject to any and all easements and restrictions, conditions, covenants of record and all building line restrictions, zoning laws and ordinances, and all legal highways.

Tract 10: Beginning at the southwest corner of the intersection of Livingston Avenue (formerly South Public Lane) and Soloto Street as the same is laid down on the recorded plat of Heyl and Parsons' Addition to the City of Columbus; thence westerly with the south line of Livingston Avenue to the parcel of land heretofore sold by Samuel Parsons and Lewis Heyl to Brotherlin and Halm; thence southwardly with Brotherlin and Halm's eastern line to their southeastern corner;

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thence with their southern line extended eastwardly to-wit: North 76 degrees 30 minutes East to the west line of Scioto Street; thence with the west line of Scioto Street northwardly to the place of beginning.

Tract 17: Beginning at the southeast corner of a piece of land conveyed to Emrich and Schneider by George M. Parsons and others, by deed which is recorded in Book 73, page 91, in the Recorder's Office, of Franklin County, Ohio, said beginning corner being on the west line of Scioto Street; thence with the west line of said street S. 9 degrees 45 minutes E. Three hundred one and sixty-two hundredths (301.62) feet to a stone; thence S. 1 degree 30 minutes W. one hundred twelve and fifty-three hundredths (112.53) feet to a stake on the north line of a strip of ground condemned by the City of Columbus for the right of way for a maintenance sewer; thence with said line N. 88 degrees 15 minutes W. one hundred seventy-one and fifty-two hundredths (171.52) feet to the south east corner of a piece of land conveyed to Hale and Bellows on the 14th day of July, A.D. 1881; thence with their east line N. 9 degrees 45 minutes W. Three hundred seventy-seven and no hundredths (377.00) feet; thence N. 88 degrees 15 minutes E. One hundred ninety and no hundredths (190.00) feet to the beginning, containing one and sixty-two hundredths (1.62) acres, and being the east part of the premiss conveyed to Chas. F. Zollinger and Geo. M. Parsons and others, by deed dated May 10, 1881, except from second parcel the following described real estate deeded to Louis Frankenburg Realty Company by deed of record in Deed Book 1611, page 20, being more fully described as follows:

Being a portion of the tract of land belonging to C. Emrich at the corner of Fulton and Second Streets; beginning at an iron pin in the east line of the Emrich tract in the west line of Second Street and south 8 degrees 59 minutes east 365.4 feet from the south line of Fulton Street; thence continuing along the west line of Second Street, South 8 degrees 59 minutes east 78.7 feet to an iron pin at the south point of Second Street and at an angle in the Emrich line; thence continuing along said Emrich line south 3 degrees 01 minutes West 112.5 feet to an iron pin found at the southeast corner of the Emrich tract; thence along the South line of said tract (a north line of the Capital Manufacturing and Supply Company) north 86 degrees 49 minutes West 149.95 feet to an iron pin; thence north 3 degrees 24 minutes West (Parallel to, and 20 feet distance from the center line of a spur track 158.8 feet to an iron pin; thence north 81 degrees 24 minutes east 154.5 feet to the place of beginning, containing 0.627 acre more or less.

City of Columbus Legal Property Information

LEGAL DESCRIPTION

We were not provided with a legal description of the property and have proceeded without the benefit of a survey.

LAND SIZE

According to information from the City of Columbus and the Franklin County Courthouse, the site contains approximately 7.986 acres.

LOCATION AND DIMENSIONS

The subject is located on the west side of Short Street, adjacent to the south limited access line of I-70 on the north and directly across from the new intersection of Liberty Street as it has been extended west from Front Street. This intersection is near the subject's south property line.

City officials have written in approximate dimensions on a Site Sketch within the Addendum.

The subject's frontage along Short Street is approximately 862.99 feet. The depth on the south is 302.61 feet plus 79.88 feet, or 382.49 feet.

The rear property line (west) is 787.79 feet.

The north property line extends northwest from Short Street along the limited access line of I-70 a distance of 304.71 feet.

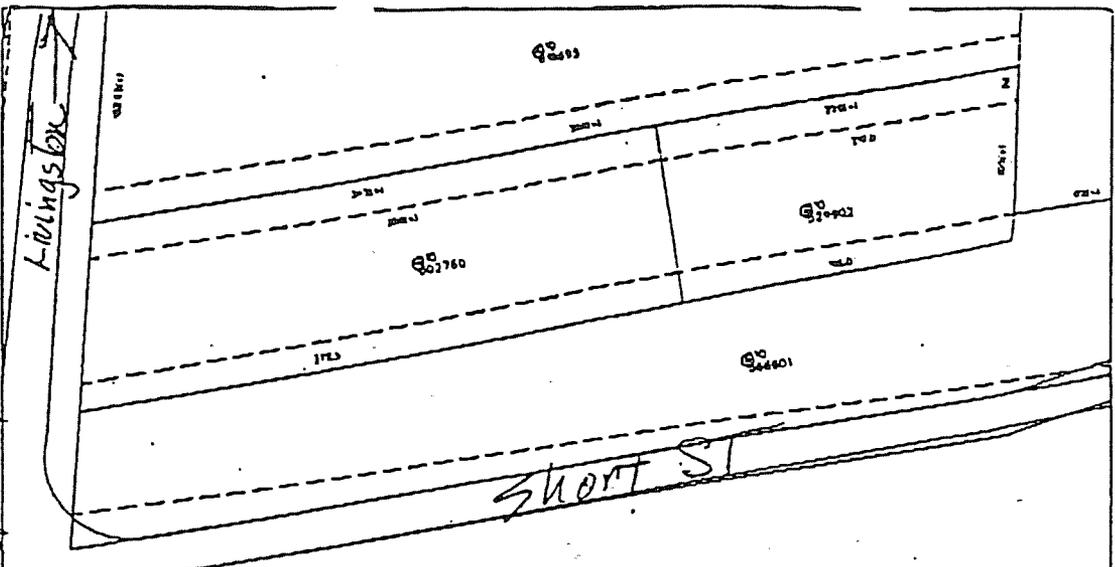
Again, located within the Addendum are various exhibits that relate to the location and dimensions of the subject.

STREET AND UTILITIES

Short Street, across the subject's frontage, is a two-way thoroughfare and has concrete curbs but no sidewalks. It extends south off of Mound Street near the interchange to the innerbelt.

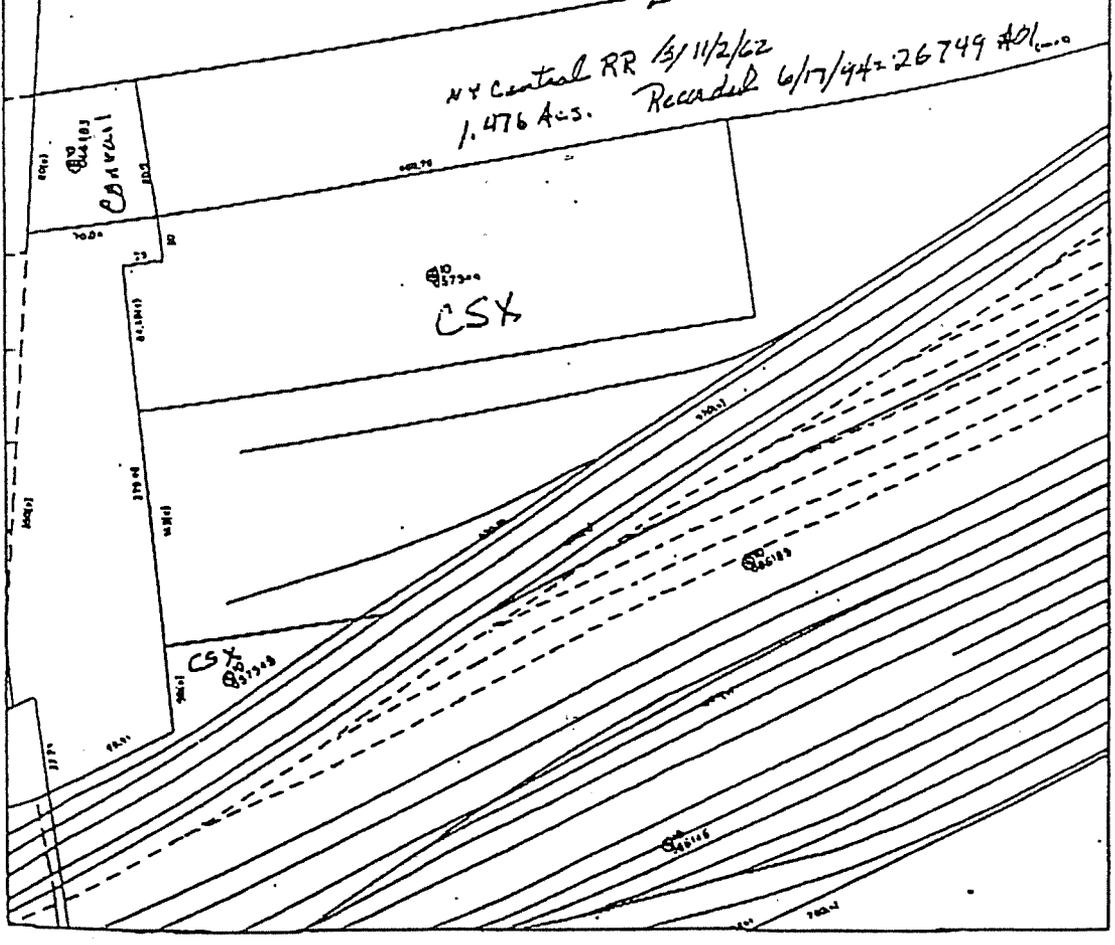
Located across from the subject's south property line is Liberty Street, which has recently been extended from Front Street, and it is at this location that a new shopping center is being constructed by Solove.

Sycamore Street intersects with Front Street at a "Y" intersection approximately three blocks south of the subject.



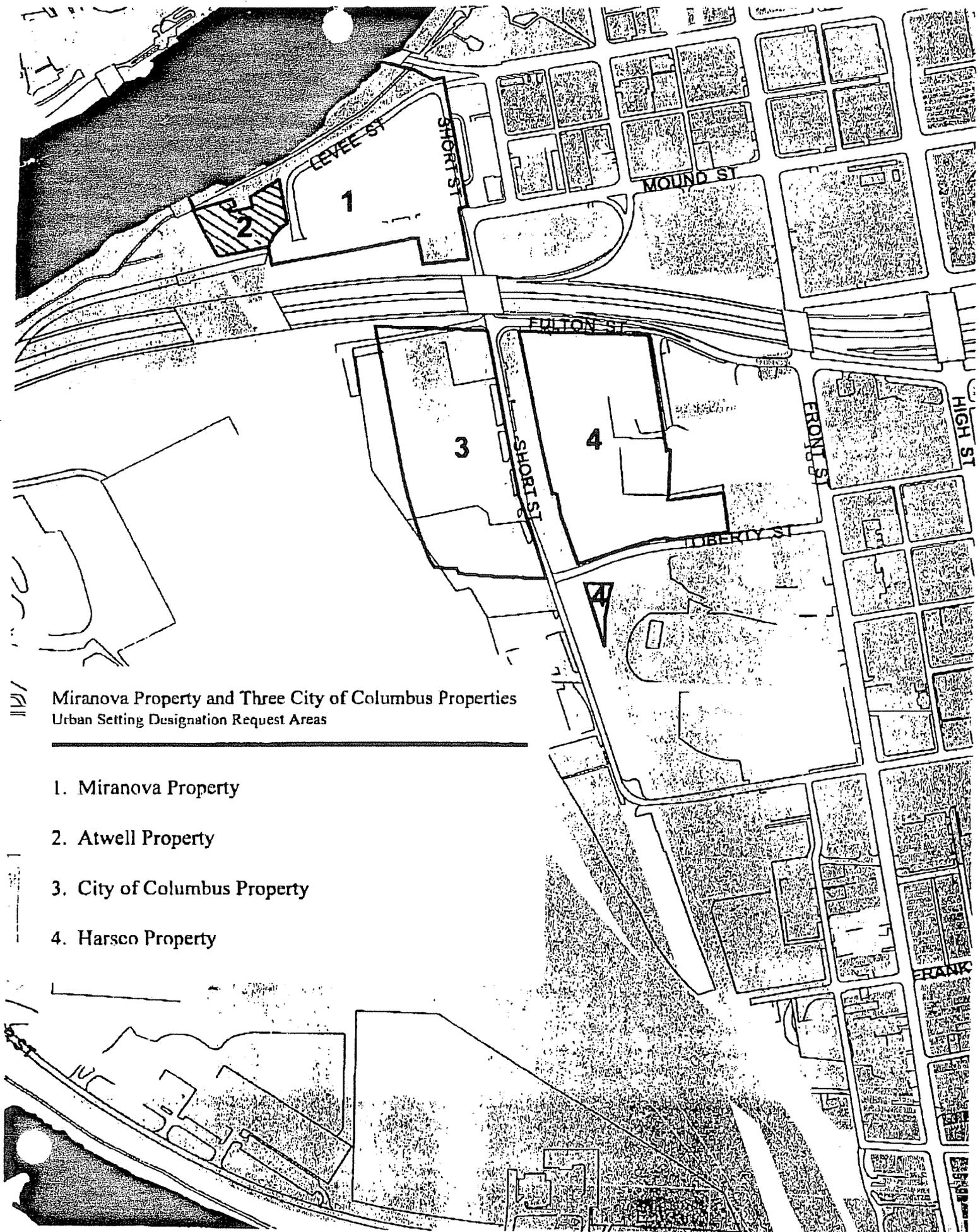
City of Columbus  
Fleet Mgt

6.51 Acs  
6.51  
7.986 Acs  
Total



Attachment 2

Map of Properties



Miranova Property and Three City of Columbus Properties  
Urban Setting Designation Request Areas

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- 1. Miranova Property
- 2. Atwell Property
- 3. City of Columbus Property
- 4. Harsco Property