



State of Ohio Environmental Protection Agency

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Columbus, OH 43216-1049

JUL 07 2010

CERTIFIED MAIL

Mr. James Sisto
Principal
Value Recovery Group II, LLC
919 Old Henderson Road
Columbus, OH 43220

**Re: Issuance of Covenant Not To Sue for the
Value Recovery Group II, LLC Property (#08NFA322)
Project ID # 125-000264-011**

Dear Mr. Sisto:

I am pleased to inform you that on JUL 07 2010, the Director of the Ohio Environmental Protection Agency issued a covenant not to sue (CNS) to Value Recovery Group II, LLC for the Value Recovery Group II, LLC Property located at 950 Claycraft Road, Gahanna, Franklin County, Ohio. The CNS was issued as final findings and orders pursuant to Ohio Revised Code (ORC) Chapter 3746 and Ohio Administrative Code (OAC) Chapter 3745-300.

The CNS states that, based on the no further action letter, and subject to all conditions set forth in these findings and orders, Ohio EPA covenants not to sue and releases Value Recovery Group II, LLC and its respective agents, employees, members, 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. The CNS and release of liability applies to the property that has undergone a Phase I or Phase II property assessment in compliance with ORC Chapter 3746 and OAC Chapter 3745-300 or has been the subject of remedial activities conducted under ORC Chapter 3746 and OAC Chapter 3745-300 to address a release of hazardous substances or petroleum, and the assessment or the remedial activities demonstrate or result in compliance with applicable standards.

Enclosed is a certified copy of the CNS and its exhibits for the recording of the documents in the same manner as a deed for the property, as instructed by the CNS (see the "Conditions and Limitations" section of the CNS). The enclosed affidavit should be presented to the county recorder's office staff to support the required recording. Remember to submit to Ohio EPA after the recording a copy of the CNS that shows the filing date stamp of the county recorder's office.

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

Ohio EPA is an Equal Opportunity Employer

Further, the environmental covenant, attached to the CNS as Exhibit 4, must also be recorded in the same manner as a deed to the property (see the "Conditions and Limitations" section of the CNS). Please record the environmental covenant just prior to and separate from the recording of the CNS and its remaining exhibits. The CNS becomes effective on the date of the recording of the environmental covenant. Like the CNS recording, remember to submit to Ohio EPA a copy of the environmental covenant that shows the county recorder's date stamp. For questions on the recording of these documents, you can consult Ohio EPA Legal Office attorney, Andrea Smoktonowicz, at (614) 644-3037.

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to ORC Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within 30 days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Ohio Treasurer Kevin Boyce," 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 after the appeal is filed with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Commission at the following address: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

Congratulations on the issuance of this CNS. Many persons within the agency, Value Recovery Group II, LLC and Hull & Associates, Inc, among others, worked hard to remove the environmental barriers associated with redeveloping this property. If you have any questions or concerns, please feel free to contact me at (614) 644-2924 or tiffani.kavalec@epa.state.oh.us.

Sincerely,



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

Enclosure

- c: Steve Gross, Certified Professional, Hull & Associates, Inc.
Craig Kasper, Certified Professional, Hull & Associates, Inc.
DERR CO/CDO Files (#08NFA322)
- ec: Raymond R. Moreno, DERR/CDO
Deborah Strayton, DERR/CDO
Frank Robertson, DERR/ACRE
Andrea Smoktonowicz, Legal Office

TO BE RECORDED IN DEED RECORDS,
PURSUANT TO ORC 317.08(A)

AFFIDAVIT

STATE OF OHIO)
) ss:
COUNTY OF FRANKLIN)

Before me, the subscriber, a Notary Public in and for the State of Ohio, personally appeared Tonya R. Lassiter, who, being duly sworn according to law, deposes and says that: (i) she is employed as a records management officer in the Legal Office of the Ohio Environmental Protection Agency ("Ohio EPA") and, as such, is authorized to sign this Affidavit on behalf of Ohio EPA; and (ii) the attached document is a true and correct copy of the Covenant Not to Sue / Director's Final Findings and Orders issued by the Director, and entered in the Ohio EPA Director's Journal on July 7, 2010, regarding property known as Value Recovery Group II, LLC Property, located at 950 Claycraft Road in Gahanna, Franklin County, Ohio and further described in the attached Covenant Not to Sue.

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

Sworn to and subscribed before me, a Notary Public in and for the State of Ohio,
this 7th day of July, 2010.

[Signature]
Notary Public
State of Ohio

*Permanent Commission
No expiration, R.C. 147.03*

This instrument prepared by:

Andrea Smoktonowicz, 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

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.

OHIO E.P.A.

JUL -7 2010

By: Dmy Lessor Date: 7-7-10

ENTERED DIRECTOR'S JOURNAL

41

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Value Recovery Group II, LLC
919 Old Henderson Road
Columbus, OH 43220

Covenant Not to Sue

Director's Final Findings
and Orders

Regarding property known as:

Value Recovery Group II, LLC Property
950 Claycraft Road
Gahanna, OH 43230

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

FINDINGS

1. A No Further Action Letter, No. 08NFA322 (the "NFA Letter"), was submitted on December 5, 2008 to the Director under the Voluntary Action Program on behalf of Value Recovery Group II, LLC (the "Volunteer"), by Steven M. Gross, a certified professional, No. CP 192, as defined in ORC 3746.01(F) and OAC 3745-300-01(A) (the "Certified Professional").
2. The Certified Professional issued the NFA Letter by his CP affidavit on November 13, 2008. The Certified Professional also submitted to the Director addenda to the NFA Letter, which were issued under CP affidavit on July 31, 2009, November 13, 2009, and May 19, 2010. 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 approximately 1.22-acre property, known as the Value Recovery Group II, LLC Property and also known as the 1.22-Acre Former Columbus Tile Yard Property, located at 950 Claycraft Road, Gahanna, Franklin County, Ohio (the

"Property"). An exact legal description of the Property is attached hereto as Exhibit 1. A property location map is attached hereto as Exhibit 2. Based on information in the NFA Letter, the Property is owned by Value Recovery Group II, LLC and the parcel number is 025-013639 (partial parcel).

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.

Summary of the Voluntary Action for the Property

5. Based upon the information in the NFA Letter, the Volunteer undertook 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 at the Property, to assess environmental conditions related to releases of hazardous substances and/or petroleum.
 - c. 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.
 - d. A demonstration that the Property complies with applicable standards for the identified chemicals of concern in the identified areas 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 voluntary action was conducted and the NFA Letter was issued for the Property in accordance with ORC Chapter 3746 and OAC Chapter 3745-300, that the Property is eligible for 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, Southern Petroleum Laboratories, TestAmerica, Inc., Dayton and TestAmerica, Inc., North Canton were certified laboratories, No(s). CL005, CL0018 and CL0024, respectively, as defined in ORC 3746.01(E) and OAC 3745-300-01(A), whose services were used in support of the NFA Letter (the "Certified Laboratories").

8. 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:

Restrict the Property to commercial and industrial land use.

Applicable Standards

9. Based on the information contained in the NFA Letter and all conditions set forth in these Findings and Orders, the Property meets applicable standards contained in ORC Chapter 3746 and OAC Chapter 3745-300 for various uses including commercial and industrial land use and unrestricted potable ground water use. The applicable standards for the Property are those in effect when the NFA Letter was issued on November 13, 2008. The applicable standards and the methods of achieving compliance with the standards for each complete exposure pathway are identified in the NFA Letter, which contains a summary table in the NFA Letter Form at Section D titled "*Table 10 Applicable Standards and Remedial Activities for Each Exposure Pathway.*" The standards include one or more of the following:
- a. Generic numerical standards determined in accordance with OAC 3745-300-08.
 - b. Property-specific risk assessment standards developed in accordance with OAC 3745-300-09.
 - c. Background standards determined in accordance with ORC 3746.06(A) and OAC 3745-300-07(H).
 - d. Standards for residential (potable) use of ground water in the upper shale bedrock saturated zone underlying the Property, applied in accordance with ORC 3746.06(B).
10. Based on the implementation and maintenance of the remedies identified in this paragraph, the Property complies with applicable standards. Failure to implement one or more of the remedial activities may constitute noncompliance with applicable standards. The remedies requiring implementation include:
- The activity and use limitations set forth in the Environmental Covenant attached hereto, which once recorded will limit the Property to commercial or industrial land uses.
11. Pursuant to ORC 3746.12(A), the Director of Ohio EPA is authorized to issue a

covenant not to sue for the Property through these Findings and Orders. Based on the NFA Letter and subject to all conditions set forth in these Findings and Orders, the remedial activities for the Property are 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 Value Recovery Group II, LLC, and its respective agents, employees, members, shareholders, officers, directors, successors and assigns, and successors and assigns of the Property, from all civil liability to the State of Ohio (the "State") to perform additional investigational and remedial activities. This covenant not to sue and release of liability ("Covenant") applies to the Property that has undergone a Phase I or Phase II property assessment in compliance with ORC Chapter 3746 and OAC Chapter 3745-300 or has been the subject of remedial activities conducted under ORC Chapter 3746 and OAC Chapter 3745-300 to address a release of hazardous substances or petroleum, and the assessment or the remedial activities demonstrate or result in compliance with applicable standards.

Conditions and Limitations

Effectiveness of the Covenant— 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, Value Recovery Group 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; and
 - 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 Value Recovery Group II, LLC Property, NFA Letter No. 08NFA322.*" The submission shall be delivered either (1) electronically to the DERR Records Management

Officer at Ohio EPA's Central Office, at records@epa.state.oh.us or (2) by U.S. mail or by other reliable means to both Ohio EPA's Central Office, 50 West Town Street, Suite 700, P.O. Box 1049, Columbus, OH 43216-1049, Attention: DERR Records Management Officer and Ohio EPA's Central District Office, 50 West Town Street, Suite 700, P.O. Box 1049, Columbus, OH 43216-1049, Attention: DERR Site Coordinator for Value Recovery Group II, LLC Property.

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

3. Within thirty (30) days after the issuance of these Findings and Orders, Value Recovery Group 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), 3 (Executive Summary); and
 - 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. 08NFA322.*" The submission shall be delivered either (1) electronically to the DERR Records Management Officer at Ohio EPA's Central Office, at records@epa.state.oh.us or (2) by U.S. mail or by other reliable means to both Ohio EPA's Central Office, 50 West Town Street, Suite 700, P.O. Box 1049, Columbus, OH 43216-1049, Attention: DERR Records Management Officer and Ohio EPA's Central District Office, 50 West Town Street, Suite 700, P.O. Box 1049, Columbus, OH 43216-1049, Attention: DERR Site Coordinator for Value Recovery Group II, LLC Property.

Limits of Covenant

4. Pursuant to ORC 3746.12(B)(1), 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. Upon a finding pursuant to ORC 3746.12(B)(2) that the Property or portion thereof no longer complies with applicable standards upon which issuance of the Covenant was based and receipt of the Director's notice of that fact and the requirements of ORC 3746.12(B)(3), the person(s) responsible for maintaining compliance with those standards shall receive an "opportunity to cure" the noncompliance. ORC 3746.12(B)(4) provides for revocation of the Covenant upon a Director's finding that the noncompliance has not been cured.
5. 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.

6. The Covenant shall not apply:
 - a. To claims for natural resource damages the State may have pursuant to Sections 107 or 113 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9607 and 9613, as amended.
 - b. To claims the State may have pursuant to Section 107 of CERCLA, 42 U.S.C. 9607, as amended, for costs other than those for damages to natural resources, provided that the State incurs those other costs as a result of an action by the United States Environmental Protection Agency.
 - c. As otherwise specifically provided in ORC Chapter 3746, including but not limited to obligations arising under other applicable laws.
7. Nothing in the Covenant limits the authority of the Director to act under ORC 3734.13 and 3734.20 to 3734.23, or to request that a civil action be brought pursuant to the ORC or common law of the State to recover the costs incurred by Ohio EPA for investigating or remediating a release or threatened release of hazardous substances or petroleum at or from the Property, when the Director determines that the release or threatened release poses an imminent and substantial threat to public health or safety or the environment.
8. Nothing in the Covenant shall be construed to limit or waive the Director's authority to revoke the Covenant in response to any of the circumstances for revocation of a covenant, as provided in ORC Chapter 3746 and OAC Chapter 3745-300.

Ohio EPA Access to Property

9. Pursuant to ORC 3746.21 or 3746.171 and the Environmental Covenant, and at reasonable times, upon proper identification, and stating the necessity and purpose as directed by applicable law, authorized representatives of the Director shall be granted access to the Property for the inspection or investigation purposes authorized under applicable law, 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

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

IT IS SO ORDERED:



Chris Korleski, Director
Ohio Environmental Protection Agency

JUL 07 2010

Date

Exhibit 1
Legal Description

**Parcel Description for 1.2 Acres
North Side of Claycraft Road
West of Science Boulevard**

Situated in the State of Ohio, County of Franklin, City of Gahanna, Quarter Township 3, Township 1, Range 16, United States Military District and being all of that 1.2164 acre tract conveyed to Value Recovery Group II, LLC of record in Instrument Number 200909160134923, said tract being part of Lot 11 of "Techcenter Drive Extension and Greenspace Dedication Plat" as recorded in Plat Book 112, Page 79 and described as follows:

Beginning at the southeast corner of said 1.2164 acre tract, the same being the southeast corner of said Lot 11 and the southwest corner of that 5.264 acre tract conveyed to 960-1020 Claycraft, LLC of record in Instrument Number 200310080322393, in the north right-of-way line for Claycraft Road;

Thence with the south perimeter of said 1.2164 acre tract, the same being said north right-of-way line, the following courses;

with a curve to the left, having a central angle of $11^{\circ} 12' 35''$ and a radius of 605.43 feet, a chord bearing and chord distance of $S 75^{\circ} 31' 22'' W$, 118.26 feet;

$S 69^{\circ} 55' 05'' W$, 44.64 feet;

with a curve to the right, having a central angle of $08^{\circ} 08' 31''$ and a radius of 546.52 feet, a chord bearing and chord distance of $S 73^{\circ} 59' 21'' W$, 77.60 feet to the southwest corner of said 1.2164 acre tract;

Thence $N 10^{\circ} 22' 25'' W$, with the west line of said 1.2164 acre tract, being across said Lot 11, 272.13 feet to the northwest corner thereof;

Thence $N 84^{\circ} 58' 54'' E$, with the north line of said 1.2164 acre tract, being across said Lot 11, 212.46 feet to the northeast corner thereof;

Thence $S 01^{\circ} 20' 20'' W$, with an east line of said 1.2164 acre tract, being partly across said Lot 11 and partly with an east line of said Lot 11, 82.31 feet to an angle point thereof;

Thence $S 27^{\circ} 02' 49'' E$, with an east line of said 1.2164 acre tract, the same being an east line of said Lot 11, 154.60 feet to the Point of Beginning. Containing 1.2 acres, more or less.

Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced Civil Design, Inc. on 21, October 2009 and is based on existing records.

Bearings are based on the Ohio State Plane Coordinate System, NAD83 South Zone (1986 Adj.).

All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.

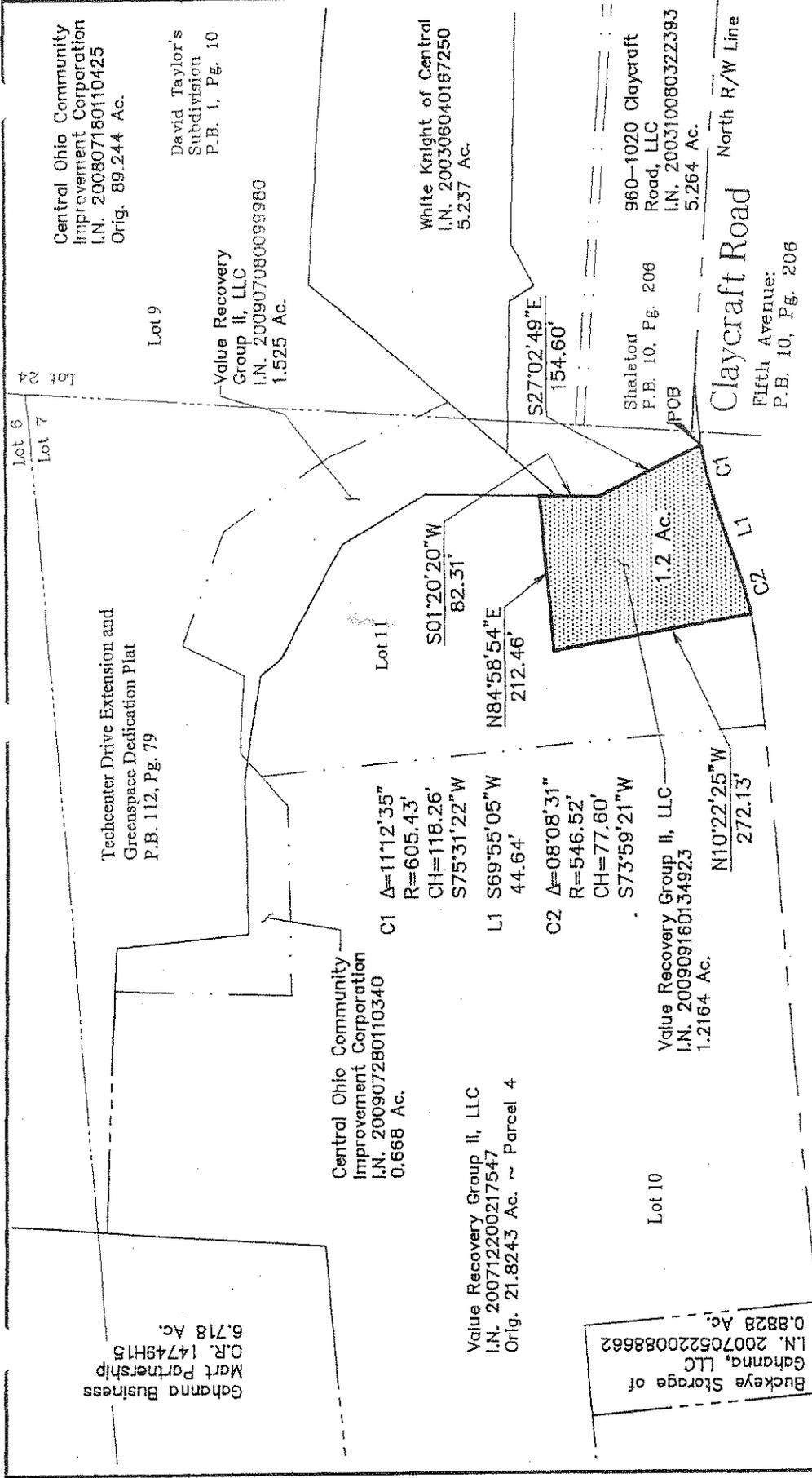
ADVANCED CIVIL DESIGN, INC.



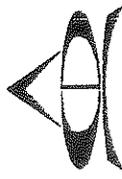
C. Dodgion

John C. Dodgion, P.S. 8069

11/05/2009



DRAWN BY: JCD	JOB NO.: 08-0006-188
DATE: 10/21/2009	CHECKED BY: DRH


ADVANCED
 CIVIL DESIGN
 ENGINEERS SURVEYORS

422 Beecher Road
 Gahanna, Ohio 43230
 ph 614-428-7750
 fax 614-428-7755

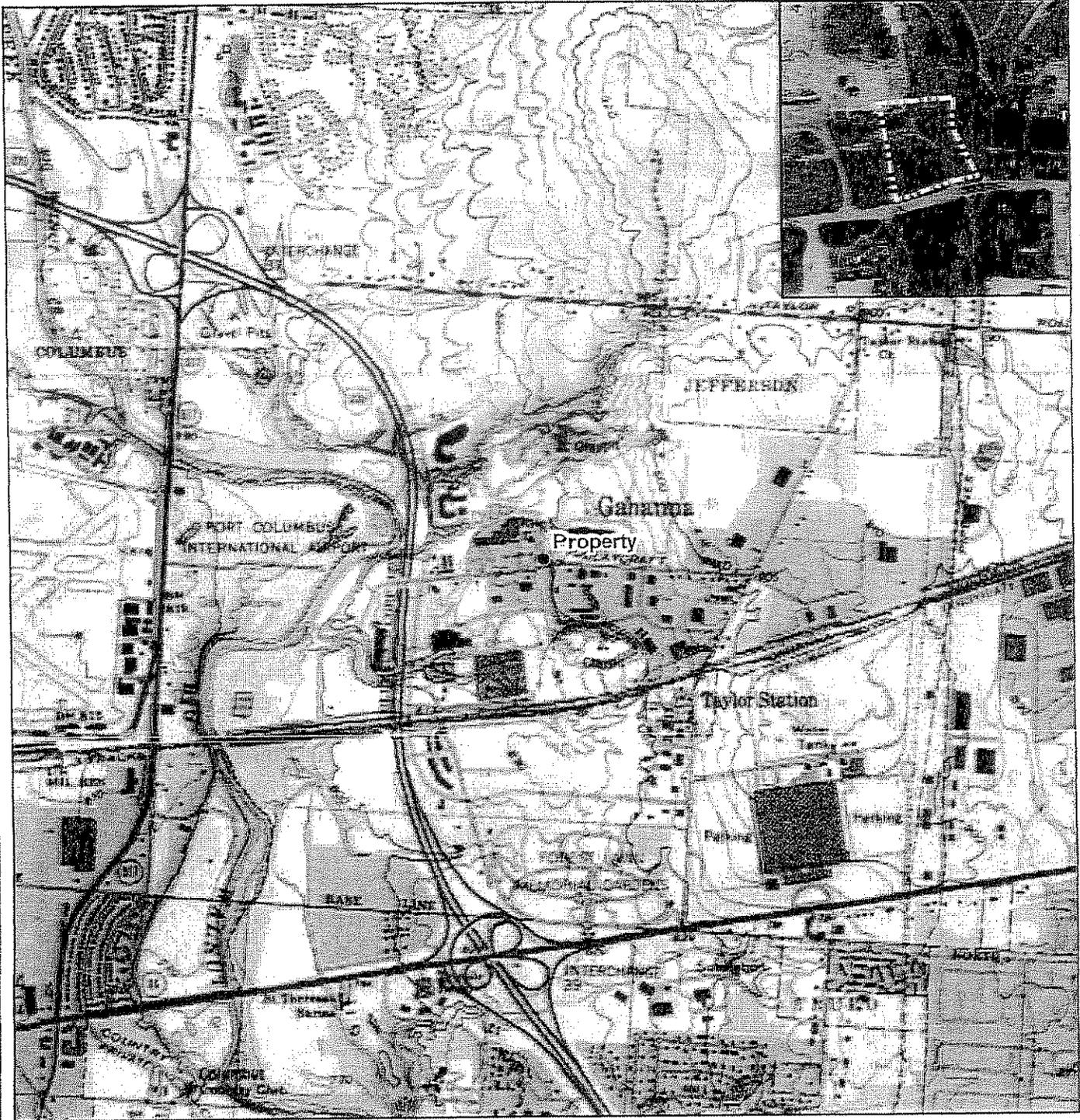
Parcel Exhibit

Quarter Township 3, Township 1, Range 16, United States Military District
 City of Gahanna, Franklin County, Ohio



Bearings are based on the Ohio
 State Plane Coordinate System,
 NAD83 South Zone (1986 Adj.).

Exhibit 2
Property Location Map

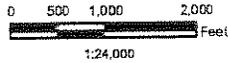


Quadrangle Location

Legend

- Site Location
- NGS USA Topographic Maps

The topographic map was obtained from the Terraserver website, terraserver-usa.net. Quadrangle name: Reynoldsburg, Ohio, dated in 1983, and photo revised 1985.
 Aerial photo in the inset was acquired from Franklin County, photography dated 2007.



Hull
 & associates, inc

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No Further Action Letter - Executive Summary
 Value Recovery Group II, LLC Property (Parcel Number 025-013308)

Property Location Map

Claycraft Road
 Gahanna, Franklin County, Ohio

Date:
 May 2010

Project Number: VRG007.01.RPT
 Geodatabase: VRG007.mdb
 File Name:
 VRG007_06_Fig01_SiteLocMap.mxd

Figure
 1

Produced using ArcGIS 9.3

Exhibit 3
Executive Summary

**SECTION B
AMENDED EXECUTIVE SUMMARY
NO FURTHER ACTION LETTER**

FOR THE:
VALUE RECOVERY GROUP II, LLC PROPERTY
950 CLAYCRAFT ROAD
GAHANNA, OHIO 43230

PREPARED FOR VOLUNTEER:
VALUE RECOVERY GROUP II, LLC
919 OLD HENDERSON ROAD
COLUMBUS, OHIO 43220

PREPARED BY:
STEVEN M. GROSS
CERTIFIED PROFESSIONAL 192
(614) 793-8777

REVISED MAY 2010 (JULY 2009, NOVEMBER 2009)



engineers | geologists | scientists | planners

Hull
& associates, inc.

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Figure 1 Property Location Map
 Figure 2 Property Layout with Former Identified Areas

1.0 INTRODUCTION

This document has been prepared as a result of the additions to the No Further Action (NFA) Letter documentation originally dated November 2008 and in receipt of Ohio Environmental Protection Agency (Ohio EPA's) comments on March 18, 2009 and March 16, 2010. The response to Ohio EPA's Request for Additional Clarification for the NFA Letter (08NFA322) has been prepared to meet the requirements of the Ohio EPA Voluntary Action Program (VAP) for submitting a summary of the NFA Letter to the County Recorder's Office, as cited in the Ohio Administrative Code (OAC) 3745-300-13(J). The NFA letter was submitted on November 13, 2008 to the Ohio EPA, Division of Emergency and Remedial Response (DERR), VAP by Mr. Steven M. Gross, Hull & Associates, Inc., Certified Professional 192, as authorized by the Volunteer, Value Recovery Group II, LLC. A copy of the full NFA Letter with supporting documentation including the NFA Letter Addendums No. 1, No. 2, and No. 3 – Response to Ohio EPA's Request for Additional Clarification for the NFA Letter (08NFA322) is available at the offices of Value Recovery Group II, LLC, 919 Old Henderson Road, Columbus, Ohio, through contacting Mr. James Sisto at (614) 324-5959 or at the Ohio EPA Central Office located at 50 West Town Street, Suite 700, Columbus, Ohio, in accordance with the filing requirements of OAC 3745-300-13(J).

This NFA Letter involves the 1.22-acre Property known as the Value Recovery Group II, LLC Property, located on Claycraft Road in the City of Gahanna, Ohio (Property). The Property is a portion of the former location of the Columbus Tile Yard/Claycraft Brick Manufacturing Company (Plant #5) and is part of Lot 11. The Property was acquired by the Franklin Tile and Brick Company in 1920. The Property was used for the manufacturing of brick and brick products until the plant was closed in the early 2000s. The Property was owned by Columbus Tile Yard, LLC until 2005 when the Property was split off from a larger parcel of land. The parcel was sold to the Central Ohio Community Improvement Corporation (COCIC) in 2007 and sold to Value Recovery Group II, LLC (Client and Volunteer) in 2008. The Property is designated for commercial use, in accordance with the Ohio EPA VAP definitions cited in OAC 3745-300-08(B)(2)(c)(ii). A copy of the survey and legal description for the Property is provided as part of the NFA Letter and subsequent Addenda. The Property location within the City of Gahanna is shown on Figure 1. The Property layout, (Figure 2) is based on an aerial photo from 2007 and shows the current Property features.

This NFA Letter has been prepared after completion of investigative and assessment activities at the Property. Investigations at the Property included completion of the November 2008 Phase I Property Assessment and the November 2008 Phase II Property Assessment. Also, based on Ohio EPA's request for additional clarification for the NFA Letter, additional environmental investigations took place between March and May 2009 and in March and April 2010. Remedial activities on the Property were unnecessary and therefore, were not performed.

The voluntary action commenced at the Property in May 2008 and was completed with preparation of this NFA Letter in November 2008. The appropriate NFA checklists have been completed in support of this NFA Letter and are included in this volume following the introduction and summary of the voluntary action.

The NFA letter consists of the following volumes and documents:

Volume I NFA Executive Summary and Filing Document with NFA Forms.

Volume II	November 2008 Phase I Property Assessment and November 2008 Phase II Property Assessment
Addendum 1.0	July 2009 Response to Ohio EPA's Request for Additional Clarification for the No Further Action Letter (08NFA322). The amended NFA Executive Summary is provided in this document.
Addendum 2.0	November 2009 Response to Ohio EPA's Request for Additional Clarification for the No Further Action Letter (08NFA322) for the 1.22-acre former Columbus Tile Yard Property Located at 950 Claycraft Road in Gahanna, Ohio. The amended NFA Executive Summary is provided in this document.
Addendum 3.0	May 2010 Response to Ohio EPA's Request for Additional Clarification for the No Further Action Letter (08NFA322) for the 1.22-acre former Columbus Tile Yard Property Located at 950 Claycraft Road in Gahanna, Ohio. The amended NFA Executive Summary is provided in this document.

2.0 SUMMARY OF NO FURTHER ACTION LETTER

The Certified Professional, Steven M. Gross of Hull & Associates, Inc. (Hull), prepared a NFA letter for the Property based upon the results of the Phase I and Phase II Property Assessments. The current and future land use for the Property is commercial. The following documents were reviewed by the Certified Professional to support the NFA Letter:

1. Phase I Property Assessment for the Value Recovery Group II, LLC Property, Claycraft Road, Gahanna, Ohio, November 2008, Hull Document No. VRG007.300.0013;
2. Phase II Property Assessment for the Value Recovery Group II, LLC Property, Claycraft Road, Gahanna, Ohio, November 2008, Hull Document No. VRG007.300.0018;
3. Addendum No. 1, Response to Ohio EPA's Request for Additional Clarification for the No Further Action Letter (08NFA322) for 1.22 Acre Former Columbus Tile Yard Property Located at 950 Claycraft Road in Gahanna, Ohio; VRG007.300.0041;
4. Addendum No. 2, Response to Ohio EPA's Request for Additional Clarification for the No Further Action Letter (08NFA322) for the 1.22-acre former Columbus Tile Yard Property Located at 950 Claycraft Road in Gahanna, Ohio; VRG007.300.0056.
5. Addendum No. 3, Response to Ohio EPA's Request for Additional Clarification for the No Further Action Letter (08NFA322) for the 1.22-acre former Columbus Tile Yard Property Located at 950 Claycraft Road in Gahanna, Ohio; VRG007.300.0063.

The chronology of activities associated with completion of the NFA Letter for the Property is summarized below in Table 1.

Table 1. Chronology of Assessment Activities, 950 Claycraft Road in Gahanna, Ohio

ACTIVITY	DATE
Completion of Phase I Property Assessment activities	May through August 2008
Submittal of Draft Phase I Property Assessment to Client and Ohio EPA for Technical Assistance	August 2008
Receipt of Ohio EPA and Client Comments	August 2008
Completion of Final Phase I Property Assessment	November 2008
Completion of Phase II Property Assessment	November 2008
Preparation of NFA Letter for submittal to Ohio EPA	November 2008
Preparation of NFA Letter, Addendum No. 1, Response to Ohio EPA's Request for Additional Clarification for No Further Action Letter	July 2009
Preparation of NFA Letter, Addendum No. 2, Response to Ohio EPA's Request for Additional Clarification for No Further Action Letter	November 2009
Preparation of NFA Letter, Addendum No. 3, Response to Ohio EPA's Request for Additional Clarification for No Further Action Letter	May 2010

2.1 Phase I Property Assessment

The purpose of the Phase I Property Assessment was to determine if it was reasonable to suspect that releases had occurred on the Property, to determine relevant identified areas, and to select potential chemicals of concern (COCs). The initial Phase I Property Assessment was conducted over the period from May through August 2008. After submittal of the Phase I to Ohio EPA for Technical Assistance, comments were received in August 2008. The Phase I was finalized in November 2008. The assessment was completed by Mr. Chase Forman, Hydrogeologist. Mr. Rob Corzatt, Senior Project Manager provided technical assistance and peer review of the report. Mr. Steven M. Gross, Senior Project Manager, provided project direction and peer review as the Certified Professional. The Phase I Property Assessment completed in support of the NFA Letter is included in Volume II of the NFA Letter.

The assessment was conducted pursuant to the requirements of a Phase I Property Assessment as codified in OAC 3745-300-06. The assessment included the following:

1. a determination of eligibility for entry into the VAP;
2. a review of historic and current uses of the Property and surrounding properties;
3. an environmental history review;
4. a review of the history of hazardous substances or petroleum releases;
5. a Property inspection;
6. interviews with key personnel knowledgeable in the past operations and environmental conditions;

7. a Property inspection; and
8. determination of "identified areas" as defined in OAC 3745-300-06(F).

The Property is located on Claycraft Road in the City of Gahanna, Franklin County, Ohio. The City of Gahanna website lists 950 Claycraft Road as the address of the Property, although the parcel description on the auditor's website does not show an address. The Property consists of approximately 1.22 acres of Lot 11 and is currently owned by Value Recovery Group II, LLC (Client and Volunteer). A copy of the survey and a legal description of the Property are included in the NFA Letter and subsequent Addenda.

The Property is generally bound by the former Columbus Tile Yard and Claycraft Brick Manufacturing Company to the west, northwest and north, office and/or commercial buildings to the east, and commercial/industrial buildings to the south.

Originally, the Property was developed as part of the Franklin Tile & Brick Company (later changed to Claycraft Brick Company) in 1920. The Property was owned by numerous entities (all brick and/or brick products manufacturers) until 2005 when the Property was split off from a larger parcel owned by Columbus Tile Yard, LLC. The Property was sold off to Central Ohio Community Improvement Corporation in 2007 and then transferred to Value Recovery Group II, LLC in 2008. Based on aerial photography, it does not appear that any kilns, buildings or production areas were formerly located on the Property. The northwestern portion of the Property is currently covered by concrete, although it appears this area was used for staging purposes for finished products.

At the time of the November 2008 Phase I Property Assessment, the Property was vacant. A majority of the Property was covered with vegetation (i.e. grass and small shrubs), with the exception of the concrete slab discussed above. It did not appear the Property was being used as a small access driveway leading to the Property was blocked off with a cable.

Based on information collected during the November 2008 Phase I Property Assessment, two (2) Identified Areas were determined. The Identified Areas and associated COCs are listed below:

- IA-1 The former railroad spur extending from the southeastern corner of the Property to the northwest towards the former Columbus Tile Yard facility. Chemicals of concern (COCs) include polyaromatic hydrocarbons (PAHs), VAP metals, polychlorinated biphenyls (PCBs) and total petroleum hydrocarbons (TPH) Benzene, Toluene, Ethylbenzene and Xylenes (BTEX) and Methyl-tert-butyl-ether (MTBE) are COCs in the area of the potential former UST.
- IA-2 The brick-lined pit and portions of the drainage swale in the north central portion of the Property. This pit is of unknown origin and occasionally contains water. The drainage swale primarily receives surface water from the adjacent Columbus Tile Yard facility to the north. Historically, during heavy rain events, the swale also receives surface water from the adjacent office buildings to the east. Potential COCs include in the Phase I Property Assessment included PAHs, VAP Metals, PCBs and TPH. Volatile organic compounds (VOCs) were also identified as potential COCs in the area of the drainage swale.

On the basis of the selection of these identified areas, Phase II Property Assessment tasks were recommended. The locations of the Identified Areas are shown on Figure 2. The COCs associated with the Identified Areas included the following general classes of chemicals;

1. VOCs;
2. PAHs including naphthalene, acenaphthene, acenaphthylene, anthracene, fluorene, fluoranthene, phenanthrene, pyrene, chrysene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, dibenzo(a,h)anthracene, and benzo(g,h,i) perylene;
3. PCBs;
4. TPH, including both the gasoline and diesel range organics; and
5. VAP metals including aluminum, antimony, arsenic, barium, beryllium, cadmium, chromium, cobalt, lead, mercury, nickel, selenium, thallium, vanadium and zinc.

The November 2008 Phase I Property Assessment is included in Volume II of the NFA Letter. The results of the Phase II assessment activities are summarized in Section 2.2.

2.2 Phase II Property Assessment and Ohio EPA's Request for Additional Clarification to the NFA Letter

The Phase II Property Assessment process was initiated by Hull in August 2008 to evaluate the presence of potential source areas in Identified Areas 1 and 2. Based on Ohio EPA's request for additional clarification for the NFA Letter, additional environmental investigations took place in March through May 2009. Additional Phase II assessment activities were conducted on the adjacent VAP property (08NFA321) in March and June 2009 to further characterize the groundwater and deeper saturated zones encountered in the underlying bedrock. In March 2010 additional soil samples were collected on the VAP Property and on the adjacent property to further assess potential methylene chloride in soils. The assessment activities were completed by Mr. Josh Jonak and Mr. Chase Forman, Hydrogeologists, and Mr. Steven M. Gross, Senior Project Manager. In addition, Mr. Gross provided project oversight as the Certified Professional.

2.2.1 Soil Investigation and Findings

The August 2008 field assessment included the following activities:

1. installation and sampling of 5 direct push soil borings in Identified Areas 1 and 2;
2. collection and analysis of selected chemical samples; and
3. determination of complete exposure pathways.

Following completion of the August 2008 soil sampling event, Hull received comments regarding the Phase I Property Assessment from Ohio EPA. Hull also received responses from the Fire Prevention Officer for Mifflin Township and Gahanna regarding the potential for a former gasoline UST on the Property. The responses and comments prompted Hull to complete additional field work.

The September 2008 field assessment included the following activities:

1. installation and sampling of 2 hand auger soil borings in Identified Areas 1 and 2;
2. a survey of the area with a sub-surface metal detector;
3. collection and analysis of selected chemical samples; and
4. determination of complete exposure pathways.

Additional environmental investigation activities, based on Ohio EPA's request for additional clarification to the NFA Letter, were completed in March through May 2009 included the following:

1. installation of one additional soil hand augered boring (SB-8) in Identified Area 2;
2. installation of four (4) additional soil hand augered borings (HSB-12 through HSB-15 in Identified Area 5 of the adjacent Columbus Tile Yard property;
3. chemical analysis of selected soil samples; and
4. installation of twenty (20) soil borings located off-Property and analyzed for arsenic for the purpose of calculating an arsenic background concentration (arsenic background concentration table shown in Attachment A-11 in Table 1 of Addendum 1.0).

Additional environmental investigation activities, based on Ohio EPA's request for additional clarification to the NFA Letter, were completed in March 2010 and included the following:

1. installation of one additional soil hand augered boring (SB-7C) in Identified Area 2; and
2. chemical analysis for methylene chloride.

Soil boring locations completed during the Phase II sampling activities and the additional samples collected based on Ohio EPA's request for additional clarification are presented on Figure 2. The analytical data collected during the Phase II assessment activities and the clarification samples (i.e., SB-7C and SB-8) are summarized on Table 3 of Addendum No. 3 of the NFA Letter (08NFA322). Soil data was compared to generic direct contact standards (GDCS) for both the commercial/industrial worker and the construction/excavation worker. None of the COCs detected above method detection limits were found to exceed the GDCS. Although soil samples collected from soil borings HSB-12 through HSB-15 were located on the adjacent property, the results from these analyses are also included in Table 3 of NFA Letter (08NFA322) for reference. Borings HSB-12 through HSB-15 were collected in similar areas on the adjacent property where water periodically accumulates contiguous to the low area on the VAP Property

2.2.2 Groundwater Investigation and Findings

Groundwater was not encountered in the unconsolidated materials at the Property. It was presumed that groundwater was present in the shale bedrock underlying the Property. Monitoring wells were not installed during the Phase II Property Assessment. It was determined in the Phase II Property Assessment that the provisions for the protection of groundwater meeting unrestricted potable use standards (POGWMUPUS) apply to the bedrock aquifer at the

Property, in accordance with Paragraph (D)(3) of Rule 3745-300-07 of the OAC. Additionally, the Phase II Property Assessment also illustrated that COCs in the soils in the identified areas at the Property will not, through leaching, cause an exceedence of the unrestricted potable use standards in the bedrock aquifer, in accordance with Paragraph (D)(4) of Rule 3745-300-07 of the OAC. Thus, the groundwater in the bedrock is not anticipated to be impacted by releases of hazardous substances or petroleum at the Property.

In order to respond to EPA's request for additional clarification of the groundwater underlying the subject VAP Property and the adjacent VAP Property (including classifying groundwater) in accordance with Rule 3745-300-10 (C) of the OAC, yield testing at monitoring wells MW-2 and MW-9 located on the Bedford I Landfill property was conducted. Wells MW-2 and MW-9 are screened in the deeper saturated zone within the Ohio Shale and are located a few feet north and northeast of the adjacent Columbus Tile Yard property. Four compliance monitoring wells for the Bedford I Landfill were evaluated. Wells MW-12DRD, MW-14, MW-15D, and MW-17 are also screened in the Ohio Shale. The geology/hydrogeology (lithology) encountered at these wells is representative of the geology/hydrogeology beneath the Property and of the geology/hydrogeology in the vicinity of the Property.

Shallow groundwater encountered in the immediate vicinity of the Property meets the definition of groundwater as codified under Rule 3745-300-01 (A)(19) of the OAC. The shallow saturated zone is classified as Class A ground water as stipulated in Rule 3745-300-10 (C)(2) of the OAC, and the Ground Water Classification Flow Chart. Groundwater flow in the shallow saturated zone is to the west-northwest and that the VAP Property is situated upgradient and side gradient from the adjacent landfill. Additional hydrogeologic testing of deeper wells immediately surrounding the VAP Property have confirmed that the deep saturated encountered at deep in the Ohio Shale does not meet the definition of groundwater as codified under Rule 3745-300-01 (A)(19) of the OAC, thus a demonstration of POGWMUPUS for this saturated zone is not required.

2.2.3 Surface Water and Sediments Investigations and Findings

It was determined that activity occurred at the Property (water flowing from a blocked storm water pipe) has since been terminated via repair of the storm water pipe and drainage ditch, and the stand of hydrophytic vegetation is expected to be eliminated as a result. In addition, the small surface drainage feature, which was formed by flow from the blocked and breached pipe, will also cease to carry water flow. Due to the intermittent nature of the ditch identified on the Property, intermittent surface water was not assessed.

Due to the intermittent nature of the ditch identified on the Property, intermittent surface water was not assessed. Soil boring data was collected from on-Property borings SB-5 through SB-8 (Identified Area -2) and at off-Property borings HSB-12 through HSB-15 were collected in the drainage areas or low areas where water accumulates. Samples were primarily composed of red clay and weathered shale. There was no indication that sediments/soil in IA-2 have been impacted.

2.2.4 Exposure Pathway Assessment

The Site Conceptual Model included in the Phase II Property Assessment Report (refer to Table 2 of the Phase II Property Assessment) illustrated that there were complete exposure pathways to on-Property receptor populations. These exposure pathways included direct contact with surface soils and inhalation of particulate and volatile emissions from surface soil to outdoor air by the commercial workers. Complete exposure pathways also included direct contact with surface and subsurface soils and inhalation of particulate and volatile emissions from surface

and subsurface soils to outdoor air by construction and excavation workers. Surface soils are considered to be the upper two feet of soils at the Property, in accordance with the direct contact point of compliance for soils at Properties with institutional controls, described in Paragraph (G)(1)(a)(i)(b) of Rule 3745-300-07 of the OAC. Direct contact with subsurface soils by construction and excavation workers is limited to those soils within the anticipated depth of excavation activity anticipated at the Property (assumed to be approximately 6 feet), in accordance with Paragraph (G)(1)(a)(i)(c) of Rule 3745-300-07 of the OAC. As indicated in Section 2.2.3, there were no complete exposure pathways with respect to groundwater underlying the Property.

2.2.5 Summary of Phase II Findings

The Phase II Property Assessment indicated the following:

1. Chemicals of concern were not detected in the soil within the zero to two foot depth interval at the Property in concentrations that exceed the single-chemical direct contact standard for commercial or industrial land use;
2. Chemicals of concern were not detected in the soil within the zero to six foot depth interval at the Property in concentrations that exceed the single-chemical direct contact standards for construction or excavation activities; and
3. Residual concentrations of COCs in the unsaturated zone will not leach to groundwater in excess of the unrestricted potable use standards. A remedy will not be required to prevent leaching of COCs on the Property to groundwater in excess of the unrestricted potable use standards.

Compliance with applicable standards, as described above, requires the completion of the following activities:

1. The establishment of an institutional control that restricts the Property land use to commercial or industrial activities.

A copy of the November 2008 Phase II Property Assessment is included in Volume II of the NFA Letter.

2.2.6 Summary of NFA Letter, Addendum No. 1 – No Further Action Letter (08NFA322), NFA Executive Summary and Filing Document and Filing Form

The additional environmental investigation indicated the following:

1. No COCs detected in soil sample SB-8 from the Property exceeded single chemical GDCS or background (arsenic);
2. A background study for arsenic in soils was conducted, as stipulated under 3745-300-07(H) of the OAC. The Property's maximum allowable limit for arsenic is 27 mg/kg, which is above the calculated 95% UCL for arsenic at the Property; and
3. The shallow groundwater encountered on the adjacent Columbus Tile Yard property at wells MW-1 and MW-3 meets UPUS.

2.2.7 Summary of NFA Letter, Addendum No. 2 – No Further Action Letter (08NFA322), NFA Executive Summary and Filing Document and Filing Form

1. In response to Ohio EPA's comment, IA -2 was extending west along the ditch to the western boundary of the Property.
2. Demonstration that the 95% upper confidence level (UCL) for arsenic is based on the 95% H-UCL of 18 milligrams per kilogram (mg/kg).
3. Updated legal description and exhibit for the Property.
4. The revised Environmental Covenant

2.2.8 Summary of NFA Letter, Addendum No. 3 – No Further Action Letter (08NFA322), NFA Executive Summary and Filing Document

1. Revised laboratory affidavits and narratives to state that analyses for benzoic acid in soil at SB-8:D001008 and methylene chloride and zinc in SB-7:S000020 are not being reported as VAP certified laboratory data in accordance with OAC 3745-300-04.
2. Benzoic acid was not analyzed for in any of the other samples collected on the VAP Property and is not considered a COC. Due to the chemical nature of benzoic acid, this chemical would have to be present at extremely high concentrations to pose any risk to human health or the environment.
3. Zinc is a naturally occurring chemical found in Ohio soils and based on the zinc concentrations detected in the remaining soil samples and the non-VAP Certified data for SB-7:S000020 there is not reason to suspect that zinc poses a risk to human health and the environment.
4. Additional sampling and analysis for methylene chloride at SB-7C:S000020 determined that concerns related to methylene chloride in soil has been adequately addressed and no further assessment is necessary.

2.3 Determination of Applicable Standards

As addressed in the Phase II Property Assessment, the generic numerical direct contact soil standards for commercial or industrial use and for construction or excavation activities were determined to be at or below the applicable standards at the Property. The direct contact soil standards for commercial or industrial land use are found in Paragraphs (B)(3)(c) and (B)(3)(f) of Rule 3745-300-08 of the OAC. The direct contact soil standards for construction or excavation activities are found in Paragraphs (B)(3)(d) and (B)(3)(f) of Rule 3745-300-08 of the OAC. The direct contact soil standards for commercial or industrial land use, and for construction or excavation activities, are derived by a quantitative assessment of several exposure pathways: incidental soil ingestion, dermal contact with soil, and inhalation of particulate and volatile emissions from soil to outdoor air. Thus, the generic numerical direct contact soil standards include an evaluation of all potentially significant complete exposure pathways identified on the Site Conceptual Model presented on Table 2 of the Phase II Property Assessment.

A background study, as stipulated under 3745-300-07(H) of the OAC, of arsenic in soils was conducted as part of NFA Letter Addendum No. 1 – Response to Ohio EPA's Request for Additional Clarification for the NFA Letter document. A total of 20 soil samples at ten locations were collected by hand auger in an undisturbed vacant property located immediately north. Based on the calculation of the samples collected to determine the background level for arsenic at the Property, the maximum allowable limit is 27 mg/kg, which is above the calculated 95% UCL for arsenic at the Property.

The point of compliance for commercial or industrial direct contact soil standards at the Property is from the surface to a minimum depth of two feet, as specified in Paragraph (G)(1)(a)(i)(b) of Rule 3745-300-07 of the OAC. The point of compliance for construction or excavation direct contact soil standards is from the surface to a depth of six feet in accordance with Paragraph (G)(1)(a)(i)(c) of Rule 3745-300-07 of the OAC. The depth of six feet corresponds to the maximum depth reasonably anticipated for activities on the Property.

Applicable standards for groundwater include maximum contaminant levels (MCLs) and risk-based standards promulgated under the VAP, as cited in OAC 3745-300-08. Sediments and surface waters are not present on the property; therefore, applicable standards do not apply to these media.

2.4 Determination of Compliance with Applicable Standards

The findings of the Phase II Property Assessment and the additional environmental investigation for soils present on the Property indicated that institutional controls were needed to demonstrate compliance with applicable standards. As discussed in Section 2.5, no soil or groundwater remediation was required at the Property.

2.4.1 Data Analysis

Soil data collected during the Phase II Property Assessment and the additional environmental investigation were compared to the generic numerical standards included in OAC 3745-300-08(B)(3)(b) Tables III and IV. As indicated in Section 2.2.4, groundwater was eliminated as a complete exposure pathway at the Property.

2.4.2 Compliance with Generic Numerical Standards

An evaluation was performed to identify areas at the Property that required remediation, based on a comparison to generic direct contact soil standards. This evaluation included a comparison of analytical results within the zero-to-two-foot depth interval at each sample boring to the single chemical generic direct contact soil standards for commercial land use, and a comparison of analytical results within the zero-to-ten-foot depth interval at each sample boring to the single chemical generic direct contact soil standards for construction or excavation activities.

2.4.3 Property-Specific Risk Assessment Findings

A PSRA was not prepared as part of the investigations on the Property. Complete exposure pathways (e.g., direct contact with groundwater) were not encountered at the Property. Several potentially complete pathways were identified, but there was insignificant exposure to both the commercial/industrial and construction/excavation workers on the Property. In addition, chemicals of concern not incorporated in the generic numerical standards were not identified at the Property.

2.5 Remedial Activities

No soil or groundwater remedial activities were deemed necessary at the Property based upon the findings of the Phase II Property Assessment.

Institutional controls include maintenance of the Property and any portion thereof as commercial/industrial property as defined in the recorded Environmental Covenant included in the NFA Letter and subsequent Addenda.

2.6 Planned Operation and Maintenance Remedies

An Operation & Maintenance (O&M) Plan is not required for this Property because engineering controls have not been used to maintain applicable standards at the Property and no remedial activities were deemed necessary to ensure compliance with applicable standards.

2.7 Phase I Update

As the Phase I Property Assessment was completed within 180 of the issuance of this NFA letter, a Phase I Update was not completed.

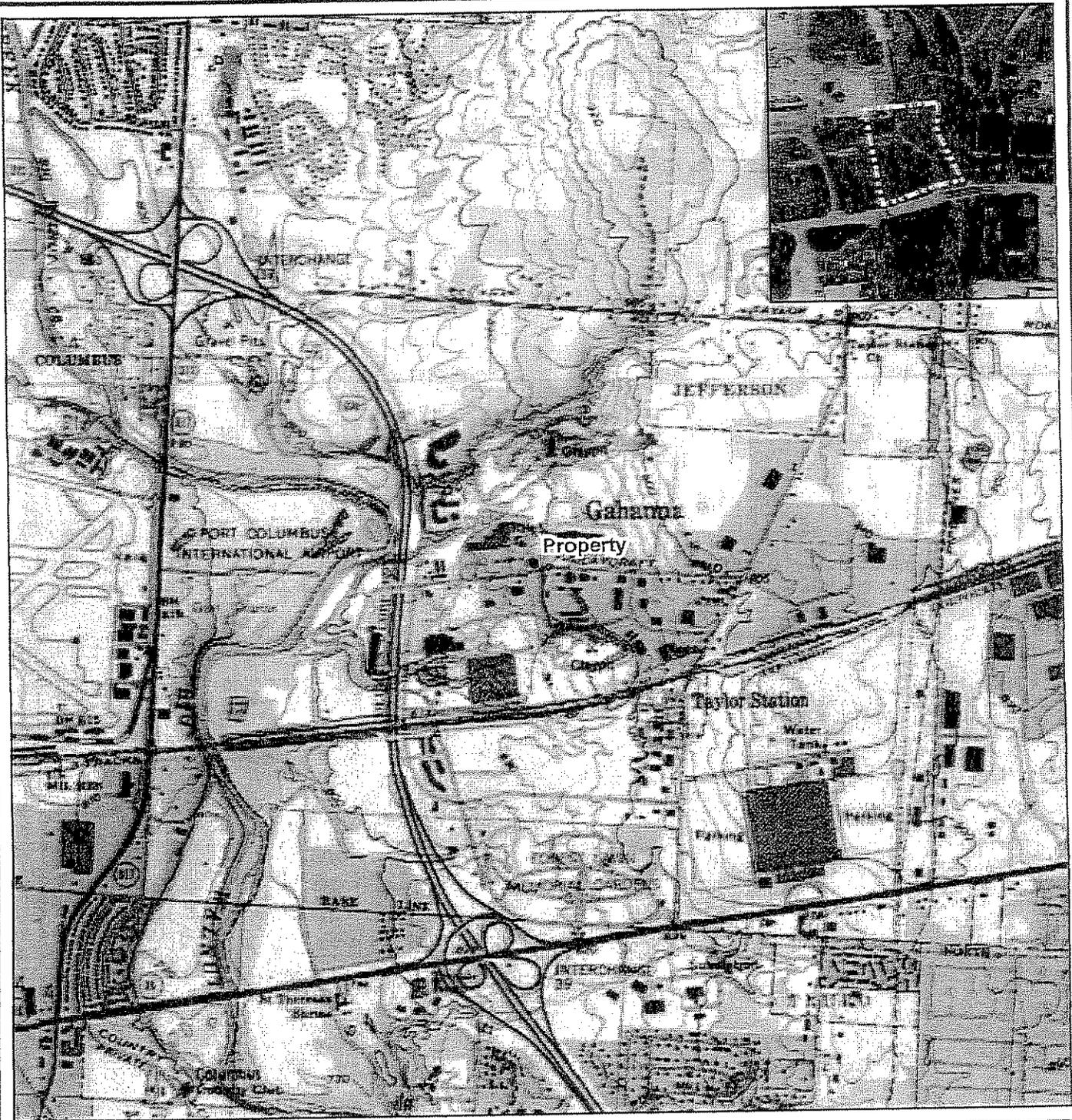
3.0 CONCLUSION

The foregoing is a summary of the NFA letter submitted for Value Recovery Group II, LLC by Steven M. Gross, of Hull & Associates, Inc., as Certified Professional (CP #192), pursuant to OAC Rule 3745-300-05. The information provided in this document demonstrates that the Property is in compliance with applicable standards within the applicable points of compliance for commercial/industrial land use and construction/excavation worker exposure, and is protective of human health and the environment.

Mr. Gross is the contact at Hull & Associates, Inc. for questions regarding the NFA letter and may be contacted at (614) 793-8777.

A complete copy of the NFA letter and supporting documentation is on file with the Ohio EPA, Department of Emergency and Remedial Response, Voluntary Action Program. The NFA letter will be made available by the Ohio EPA upon request. The telephone number for the Ohio EPA/DERR/VAP is (614) 644-2924.

FIGURES

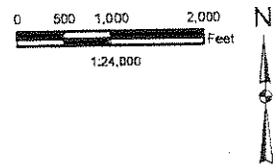


Legend

- Site Location

NGS USA Topographic Maps

The topographic map was obtained from the Terraserver website, terraserver-usa.net. Quadrangle name: Reynoldsburg, Ohio, published in 1983, and photo revised 1985. Aerial photo in the inset was acquired from Franklin County, Ohio, photography dated 2007.



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No Further Action Letter - Executive Summary
 Value Recovery Group II, LLC Property (Parcel Number 025-013308)

Property Location Map

Claycraft Road
 Gahanna, Franklin County, Ohio

Date: **May 2010**

Project Number: VRG007.01.RPT
 Geodatabase: VRG007.mdb
 File Name: VRG007_06_Fig01_SiteLocMap.mxd

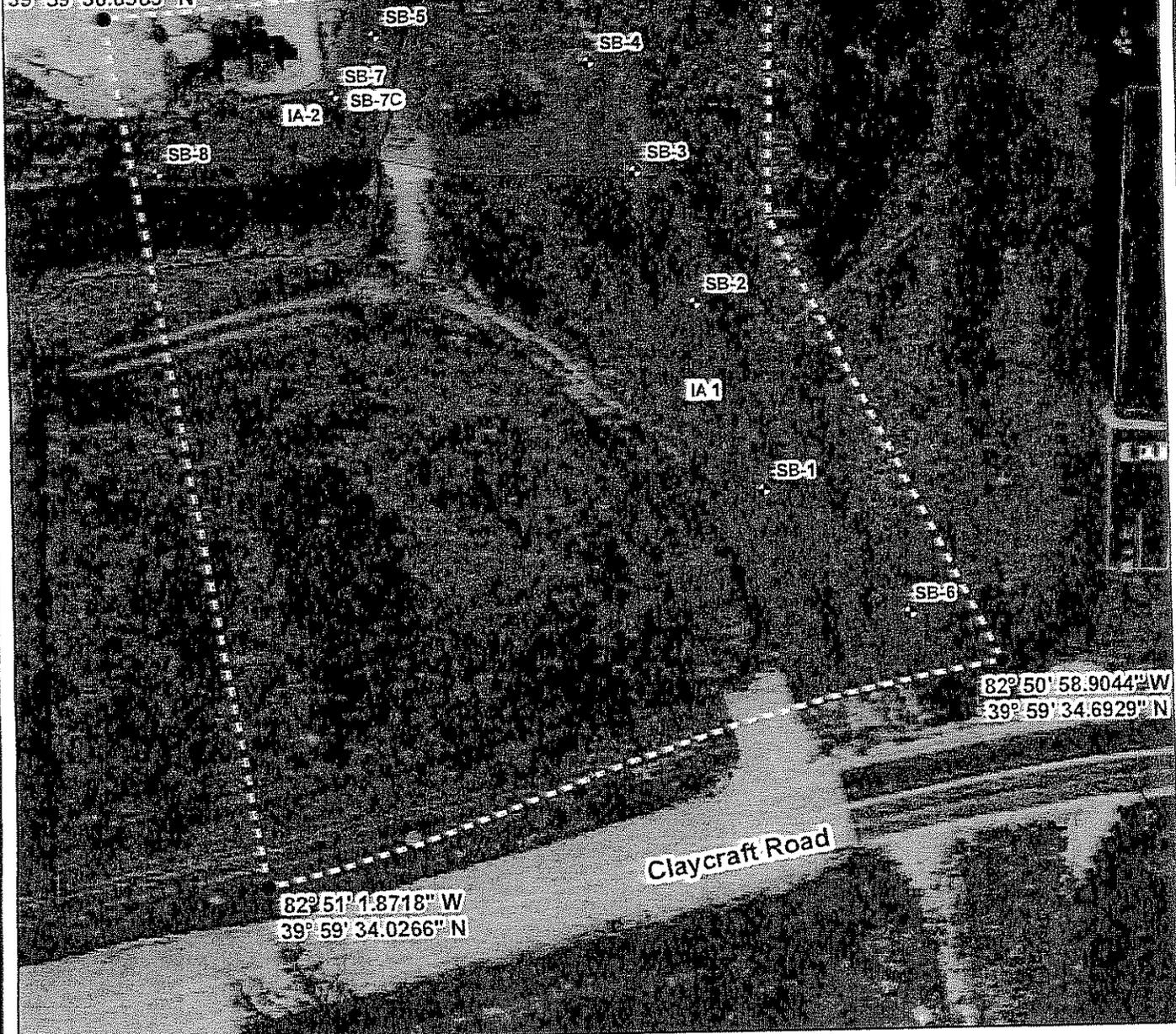
Figure
1

82° 51' 2.4843" W
39° 59' 36.6965" N

82° 50' 59.7891" W
39° 59' 36.8715" N

82° 50' 58.9044" W
39° 59' 34.6929" N

82° 51' 1.8718" W
39° 59' 34.0266" N

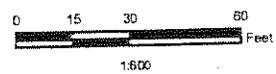


Legend

- Soil Boring Locations
- Property Corners
- Approximate Property Boundary

Former Identified Areas

- Former Rail Spur on Eastern Side of Property
- Brick-Lined Pit in North Central Portion of Property; Impact to Surface Soils From Surface Water in Pit and Property to North



Quadrangle Location



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Dublin, Ohio 43016
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No Further Action Letter - Executive Summary
Value Recovery Group II, LLC Property (Parcel Number 025-013308)

Property Layout Map with Former Identified Areas and Soil Boring Locations

Claycraft Road
Gahanna, Franklin County, Ohio

Date:

May 2010

Project Number: VRG007.01.RPT
Geodatabase: VRG007.mdb
File Name: VRG007_06_Fig02_SiteLayout6x11

Figure:

2

Exhibit 4
Environmental Covenant

**ENVIRONMENTAL COVENANT FOR
VALUE RECOVERY GROUP II, LLC
950 CLAYCRAFT ROAD GAHANNA, OHIO 43230**

This Environmental Covenant is entered into by Value Recovery Group II, LLC 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 Property to the activity and use limitations set forth herein.

Whereas, Value Recovery Group II, LLC has undertaken a voluntary action with respect to the Property described herein under Ohio's Voluntary Action Program ("VAP"), pursuant to ORC Chapter 3746 and Ohio Administrative Code ("OAC") Chapter 3745-300;

Whereas, the Property is owned by Value Recovery Group II, LLC;

Whereas, the voluntary action remedy for the Property includes the activity and use limitations set forth in this Environmental Covenant (the "activity and use limitations");

Whereas, Certified Professional, Steven M. Gross (CP 192), issued a no further action ("NFA") letter for the Property on November 13, 2008 ("NFA Letter"), and submitted the NFA Letter (08NFA322) to Ohio EPA, which was received by Ohio EPA on December 5, 2008, with a request for a Covenant Not to Sue ("CNS");

Whereas, the activity and use limitations support the issuance of the NFA Letter and a CNS for the Property and protect against exposure to the hazardous substances and petroleum in soil and ground water on or underlying the Property;

Whereas, the Property is a former industrial facility which has undergone investigation pursuant to the VAP;

Whereas, an overview of the voluntary action undertaken with respect to the Property is contained in the NFA Letter Executive Summary, which may be viewed as an exhibit to the CNS issued for the Property and recorded with the Franklin County Recorder's Office;

Whereas, the CNS, Executive Summary, and complete NFA Letter (08NFA322) for the Property also can be reviewed by contacting the Records Management Officer, Ohio EPA, Division of Emergency and Remedial Response, Voluntary Action Program, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924, or the Central District Office at 50 West Town Street, Suite 700, Columbus, Ohio 43215, or by telephone at (614) 728-3778.

Now therefore, Owner Value Recovery Group II, LLC 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 approximately 1.22 acres of real property, owned by Value Recovery Group II, LLC, located at 950 Claycraft Road in Gahanna, Franklin County, Ohio, and more particularly described in Exhibit A attached hereto and incorporated by reference herein ("Property").

3. Owner. Value Recovery Group II, LLC with its office at 919 Old Henderson Road, Columbus, Ohio 43220 ("Owner").

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:

Land Use Limitation. As a portion of the remedy under the VAP to protect against exposure to hazardous substances and/or petroleum on the Property described herein, the Property is hereby restricted to only commercial land use and/or industrial land use, as those terms are defined in OAC 3745-300-08(B)(2)(c)(ii) and (B)(2)(c)(iii) (effective October 21, 2002). For informational purposes, the definitions of "commercial land use" and "industrial land use" are set forth below:

OAC 3745-300-08(B)(2)(c)(ii) defines *commercial land use* as "land use with potential exposure of adult workers during a business day and potential exposure of adults and children who are customers, patrons, or visitors to commercial facilities during the business day. Commercial land use has potential exposure of adults to dermal contact with soil, inhalation of vapors and particles from soil and ingestion of soil. Examples of commercial land uses include but are not limited to warehouses; building supply facilities; retail gasoline stations; automobile service stations; automobile dealerships; retail warehouses; repair and service establishments for appliances and other goods; professional offices; banks and credit unions; office buildings; retail businesses selling foods or merchandise; golf courses; hospitals and clinics; religious institutions; hotels; motels; and parking facilities."

OAC 3745-300-08(B)(2)(c)(iii) defines *industrial land use* as "land use with potential exposure of adult workers during a business day and potential exposures of adults and children who are visitors to industrial facilities during the business day. Industrial land use has potential exposure of adults to dermal contact with soil, inhalation of vapors and particles from soil and ingestion of soil. Examples of industrial land uses include, but are not limited to: lumberyards; power plants; manufacturing facilities such as metal-working shops, plating shops, blast furnaces, coke plants, oil refineries, brick factories, chemical plants and plastics plants; assembly plants; non-public airport areas; limited access highways; railroad switching yards; and marine port facilities."

6. Running with the Land. This Environmental Covenant shall be binding upon the Owner 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 CNS 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 _____, 2010, RECORDED IN THE DEED OR OFFICIAL RECORDS OF THE FRANKLIN COUNTY RECORDER ON _____, 2010, IN [DOCUMENT _____, or BOOK _____, PAGE _____]. THE ENVIRONMENTAL COVENANT CONTAINS THE FOLLOWING ACTIVITY AND USE LIMITATIONS: AS PART OF THE VOLUNTARY ACTION DESCRIBED IN THE NFA LETTER, THE PROPERTY IS HEREBY LIMITED TO ONLY COMMERCIAL LAND USE AND/OR INDUSTRIAL LAND USE, AS THOSE TERMS ARE DEFINED IN OAC 3745-300-08(B)(2)(c)(ii) and (B)(2)(c)(iii) (EFFECTIVE OCTOBER 21, 2002).

Owner shall notify Ohio EPA within thirty (30) days after each conveyance of an interest in any portion of the Property. Owner's notice shall include the name, address, and telephone number of the Transferee, a copy of the deed or other documentation evidencing the conveyance, and a survey map that shows the boundaries of the property being transferred.

10. Representations and Warranties. Owner hereby represents and warrants to the other signatories hereto:

- A. that the Owner is the sole owner of the Property;
- B. that the 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; and
- C. that this Environmental Covenant will not materially violate or contravene or constitute a material default under any other agreement, document or instrument to which Owner is a party or by which Owner may be bound or affected.

11. Amendment or Termination. This Environmental Covenant may be amended or terminated by consent of all of the following: the Owner or a Transferee; and the Ohio EPA, pursuant to ORC § 5301.90 and other applicable law. The term, "Amendment," as used in this Environmental Covenant, shall mean 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. The term, "Termination," as used in this Environmental Covenant, shall mean 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 forty-five (45) days of signature by all requisite parties on any amendment or termination of this Environmental Covenant, the Owner or Transferee shall file such instrument for recording with the Franklin County Recorder's Office, and shall provide a file- and date-stamped copy of the recorded instrument to Ohio EPA.

12. 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.

13. Governing Law. This Environmental Covenant shall be governed by and interpreted in accordance with the laws of the State of Ohio.

14. 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.

15. 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.

16. Distribution of Environmental Covenant. The Owner shall distribute a file- and date-stamped copy of the recorded Environmental Covenant to: Ohio EPA; the City of Gahanna; and each person holding a recorded interest in the Property.

17. Notice. Unless otherwise notified in writing by or on behalf of the current Owner

or Ohio EPA, any document or communication required by this Environmental Covenant shall be submitted to:

Tiffani Kavalec or her successor
Manager, Assessment, Cleanup, and Reuse Section
Division of Emergency and Remedial Response
Ohio EPA
P.O. Box 1049
Columbus, Ohio 43216-1049

Volunteer/Owner:
James Sisto
Principal - Value Recovery Group II, LLC
919 Old Henderson Road
Columbus, Ohio 43220

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

IT IS SO AGREED:

VALUE RECOVERY GROUP II, LLC


Signature of Owner's Representative

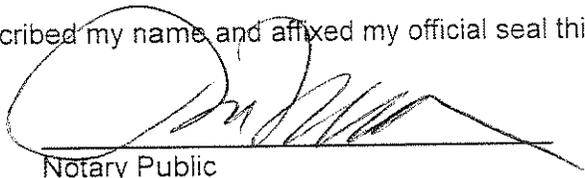
James E. P. Sisto, Principal
Printed Name and Title

November 6, 2009
Date

State of Ohio)
) ss:
County of Franklin)

Before me, a notary public, in and for said county and state, personally appeared JAMES E. P. SISTO, a duly authorized representative of Value Recovery Group II, LLC who acknowledged to me he did execute the foregoing instrument on its behalf.

6th day of Nov, 2009.


Notary Public

BARRY H. FROMM, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date.
Section 147.03 O. R. C.

OHIO ENVIRONMENTAL PROTECTION AGENCY


Chris Korleski, Director

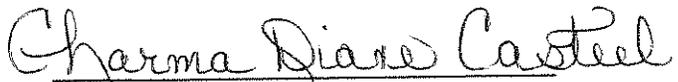
Date

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.

6th IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this day of July 2010.




Notary Public

CHARMA DIANE CASTEEL
NOTARY PUBLIC
STATE OF OHIO
MY COMMISSION EXPIRES

May 10, 2014

This instrument prepared by:

Christopher Jones
Calfee, Halter & Griswold LLP
1100 Fifth Third Center
21 East State Street
Columbus, OH 43215-4243

LEGAL DESCRIPTION

EXHIBIT A

**Parcel Description for 1.2 Acres
North Side of Claycraft Road
West of Science Boulevard**

Situated in the State of Ohio, County of Franklin, City of Gahanna, Quarter Township 3, Township 1, Range 16, United States Military District and being all of that 1.2164 acre tract conveyed to Value Recovery Group II, LLC of record in Instrument Number 200909160134923, said tract being part of Lot 11 of "Techcenter Drive Extension and Greenspace Dedication Plat" as recorded in Plat Book 112, Page 79 and described as follows:

Beginning at the southeast corner of said 1.2164 acre tract, the same being the southeast corner of said Lot 11 and the southwest corner of that 5.264 acre tract conveyed to 960-1020 Claycraft, LLC of record in Instrument Number 200310080322393, in the north right-of-way line for Claycraft Road;

Thence with the south perimeter of said 1.2164 acre tract, the same being said north right-of-way line, the following courses;

with a curve to the left, having a central angle of $11^{\circ} 12' 35''$ and a radius of 605.43 feet, a chord bearing and chord distance of $S 75^{\circ} 31' 22'' W$, 118.26 feet;

$S 69^{\circ} 55' 05'' W$, 44.64 feet;

with a curve to the right, having a central angle of $08^{\circ} 08' 31''$ and a radius of 546.52 feet, a chord bearing and chord distance of $S 73^{\circ} 59' 21'' W$, 77.60 feet to the southwest corner of said 1.2164 acre tract;

Thence $N 10^{\circ} 22' 25'' W$, with the west line of said 1.2164 acre tract, being across said Lot 11, 272.13 feet to the northwest corner thereof;

Thence $N 84^{\circ} 58' 54'' E$, with the north line of said 1.2164 acre tract, being across said Lot 11, 212.46 feet to the northeast corner thereof;

Thence $S 01^{\circ} 20' 20'' W$, with an east line of said 1.2164 acre tract, being partly across said Lot 11 and partly with an east line of said Lot 11, 82.31 feet to an angle point thereof;

Thence $S 27^{\circ} 02' 49'' E$, with an east line of said 1.2164 acre tract, the same being an east line of said Lot 11, 154.60 feet to the Point of Beginning. Containing 1.2 acres, more or less.

Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced Civil Design, Inc. on 21, October 2009 and is based on existing records.

Bearings are based on the Ohio State Plane Coordinate System, NAD83 South Zone (1986 Adj.).

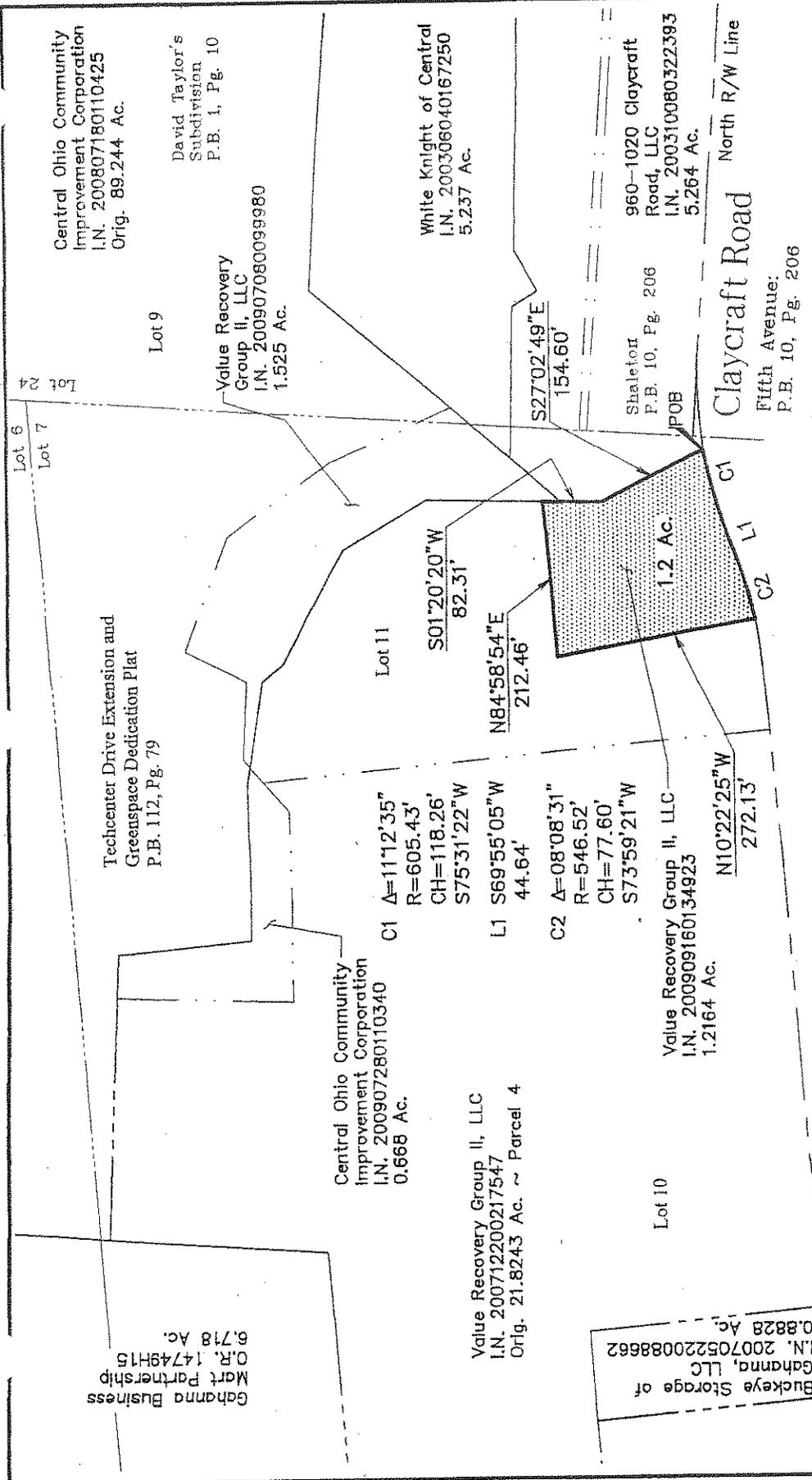
All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.

ADVANCED CIVIL DESIGN, INC.



C. Dodgion
John C. Dodgion, P.S. 8069

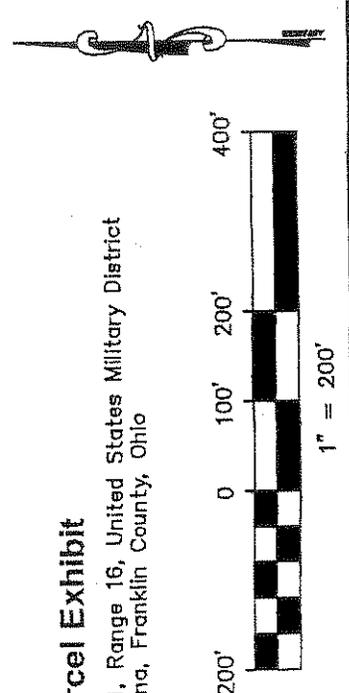
11/05/2009



DRAWN BY: JCD JOB NO.: 08-0006-188
DATE: 10/21/2009 CHECKED BY: DRH

422 Beecher Road
Gahanna, Ohio 43230
ph 614-428.7750
fax 614-428.7755

ADVANCED
CIVIL DESIGN
ENGINEERS SURVEYORS



Parcel Exhibit

Quarter Township 3, Township 1, Range 16, United States Military District
City of Gahanna, Franklin County, Ohio

Bearings are based on the Ohio State Plane Coordinate System, NAD83 South Zone (1986 Adj.).

If additional information regarding the property or the voluntary action is required, I suggest you first contact Steven M. Gross, the certified professional for the property, at (614) 793-8777. In the alternative, you can contact Ray Moreno with the Ohio Environmental Protection Agency at (614) 728-3833.

c: James Sisto, Principal, Value Recovery Group II, LLC
919 Old Henderson Road, Columbus, OH 43220

Steven M. Gross, Certified Professional, Hull & Associates, Inc.
6397 Emerald Parkway, Dublin, Ohio 43016

Clarence E. Mingo II, Franklin County Auditor
373 S. High Street, 21st Floor, Columbus, OH 43215

DERR-CO/CDO Files (#08NFA322)

ec: Tiffani Kavalec, Manager, Ohio EPA, DERR/ACRE
Deborah Strayton, Manager, Ohio EPA, DERR/CDO
Andrea Smoktonowicz, Ohio EPA, Legal

Parcel Description for 1.2 Acres
North Side of Claycraft Road
West of Science Boulevard

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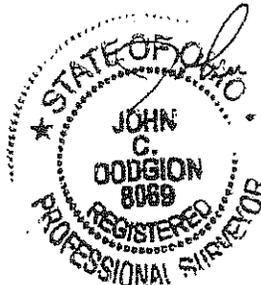
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All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.

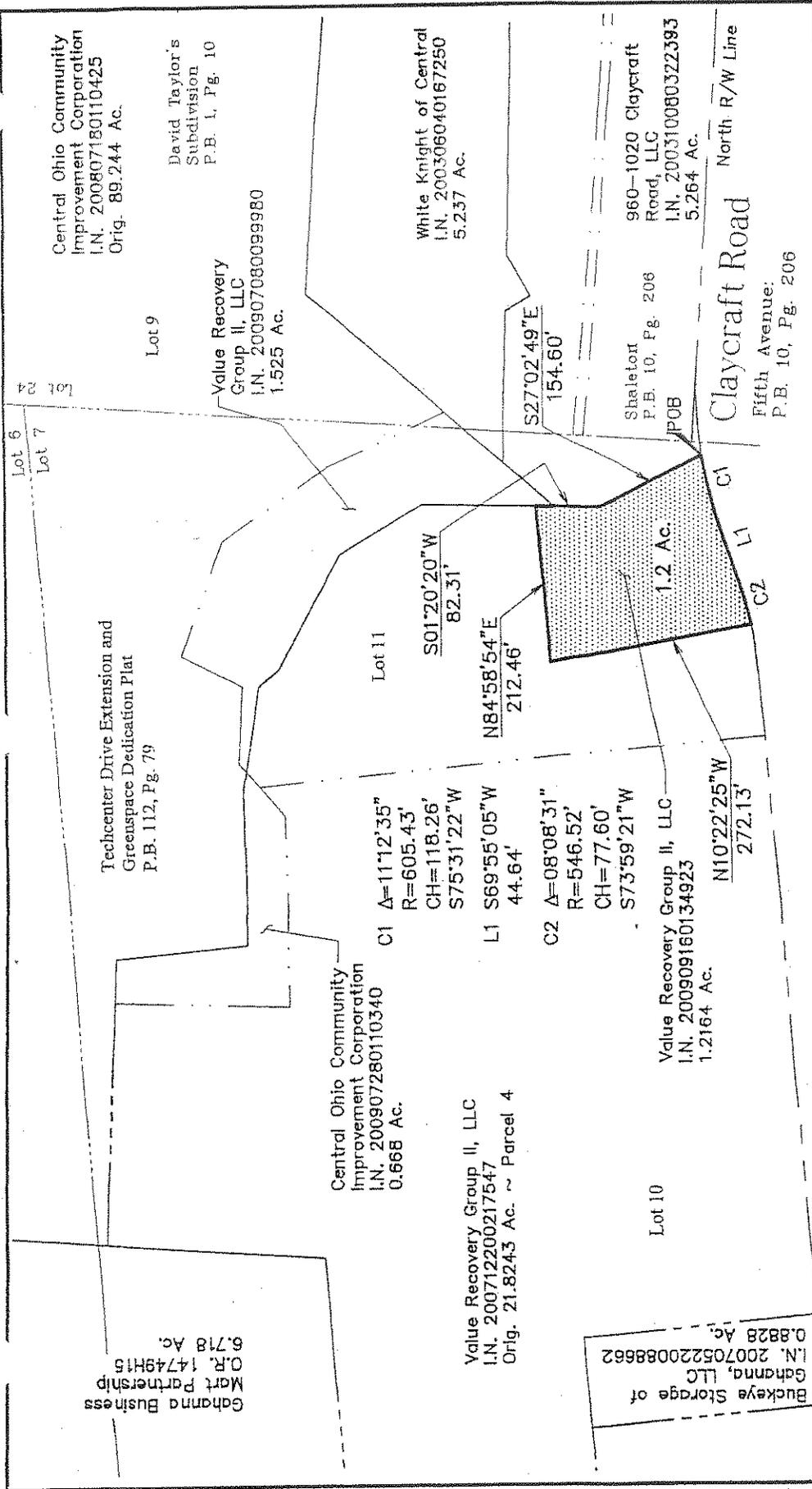
ADVANCED CIVIL DESIGN, INC.



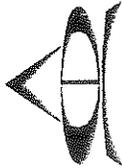
C. Dodgion

John C. Dodgion, P.S. 8069

11/05/2009



DRAWN BY: JCD	JOB NO.: 08-0006-188
DATE: 10/21/2009	CHECKED BY: DRH


ADVANCED
 CIVIL DESIGN
 ENGINEERS SURVEYORS

422 Beecher Road
 Gahanna, Ohio 43230
 ph 614.428.7750
 fax 614.428.7755

Parcel Exhibit

Quarter Township 3, Township 1, Range 16, United States Military District
 City of Gahanna, Franklin County, Ohio



Bearings are based on the Ohio
 State Plane Coordinate System,
 NAD83 South Zone (1986 Adj.).

Gahanna Business
 Mart Partnership
 O.R. 14749H15
 6.718 Ac.

Buckeye Storage of
 Gahanna, LLC
 I.N. 200705220088662
 0.8828 Ac.

Central Ohio Community
 Improvement Corporation
 I.N. 200807180110425
 Orig. 89.244 Ac.

David Taylor's
 Subdivision
 P.B. 1, Pg. 10

Value Recovery
 Group II, LLC
 I.N. 200907080099980
 1.525 Ac.

Central Ohio Community
 Improvement Corporation
 I.N. 200907280110340
 0.668 Ac.

Value Recovery Group II, LLC
 I.N. 200712200217547
 Orig. 21.8243 Ac. ~ Parcel 4

C1 Δ=11°12'35"
 R=605.43'
 CH=118.26'
 S75°31'22"W

L1 S69°55'05"W
 44.64'

C2 Δ=08°08'31"
 R=546.52'
 CH=77.60'
 S73°59'21"W

Value Recovery Group II, LLC
 I.N. 200909160134923
 1.2164 Ac.

S01°20'20"W
 82.31'

N84°58'54"E
 212.46'

S27°02'49"E
 154.60'

Shaletoit
 P.B. 10, Pg. 206
 IPOB
 960-1020 Claycraft
 Road, LLC
 I.N. 200310080322393
 5.264 Ac.

White Knight of Central
 I.N. 200306040167250
 5.237 Ac.

Claycraft Road
 Fifth Avenue:
 P.B. 10, Pg. 206
 North R/W Line