

DECLARATION OF RESTRICTIONS

**Instrument  
9900002740**

THIS DECLARATION OF RESTRICTIONS ("Declaration") is made this 1<sup>st</sup> day of June, 1999, by PARKER-HANNIFIN CORPORATION, an Ohio corporation, having its principal place of business at 6035 Parkland Boulevard, Cleveland, Ohio 44124-4141 ("Declarant").

WHEREAS, Declarant is the owner in fee simple of a certain parcel of land located in Waverly, Ohio as described in Exhibit A hereto (the "Property") (prior instrument reference: Volume 233, Page 191 of the Pike County, Ohio Records); and

WHEREAS, the Property is the subject of the Director's Final Findings and Consent Orders between Declarant and the State of Ohio Environmental Protection Agency (the "OEPA") dated December 13, 1991 (the "Consent Order"); and

WHEREAS, in order to fulfill Declarant's obligations under the Consent Order, Declarant has agreed with OEPA to record this Declaration with respect to a portion of the Property as more fully described in Exhibit B (the "Affected Property");

NOW, THEREFORE, Declarant, on behalf of itself, its successors and assigns and all future owners of the Affected Property hereby covenants, agrees and declares as follows:

1. Use Restrictions. Declarant hereby declares that the Affected Property shall be held and conveyed subject to the following restrictions:
  - a. excavation of the subsurface soils at the Affected Property is prohibited;
  - b. any alteration or disturbance within five (5) feet of the ponded area at the Affected Property (including without limitation the terrestrial and aquatic vegetation, sediment, discharge rip-rap or the Ohio Department of Transportation storm sewer outlet) which would present a possible exposure to subsurface soils is prohibited; and
  - c. the Affected Property shall not be used for residential, recreational or child-care purposes.
  
2. Enforcement. These restrictions are provided for the benefit of the State of Ohio in satisfaction of the Consent Order. These restrictions shall be enforceable against any person who violates these restrictions, solely by Ohio EPA. To enforce violations of these restrictions, Ohio EPA may initiate an action in Common Pleas Court or as otherwise allowed by law against responsible parties and may seek all available legal and equitable remedies provided by law.

WV 122 PG 04.05



EXHIBIT A

DESCRIPTION APPROVED BY  
DENNY SALSBURY  
PIKE COUNTY ENGINEER  
NOV 27 1996  
CHECKED BY *BB*

PROPERTY DESCRIPTION  
for  
Parker Hannifin Corporation  
Waverly, Ohio

Situate, lying, and being a part of Henry Bradfords VMS #490 in the City of Waverly, Pike County, Ohio bounded and described as follows:

Beginning at a point in the west R/W of U.S. 23 500 feet north of a concrete highway marker known as Station 170+00 and 706 feet south of the Crooked Creek bridge; thence with a new line thru the premises of which this tract is a part N 77° 51' 29" W passing thru an iron pin at eleven feet, another iron pin at the west edge of a field road at 961.01 feet, a total distance of 1271.01 feet to a point in the center of Crooked Creek; thence with the following two courses of the center of Crooked Creek N 63° 12' 27" E, 210.48 feet to a point; N 81° 38' 10" E, 582.39 feet to a point; thence leaving Crooked Creek and with three courses of the south side of the former Spino property S 32° 00' 00" E passing thru an iron pin at 29.61 feet, a total distance of 250.81 feet to an iron pin; S 51° 38' 00" E, 165.67 feet to an iron pin; S 81° 49' 00" E passing thru an iron pin at 224.52 feet, a total distance of 243.52 feet to a point in the west R/W of U.S. 23; thence S 14° 41' 00" W with the west R/W of U.S. 23, 100.00 feet to the point or place of beginning and containing 5.084 acres.

And being a part of the premises conveyed to Parker-Hannifin Corporation by Carl L. Flesser and Clare M. Flesser as recorded in Pike County Deed Vol. 233 on Page 191.

And being the same premises surveyed and plotted in November, 1996 by Ronald P. Henry, RLS #4607, Waverly, Ohio.

Save and except such easements and rights of way for roads, highways, and utilities which may exist or be of record.

*Ronald P. Henry*  
Ronald P. Henry  
RLS #4607  
Waverly, Ohio

November 25, 1996



VOL 122 PG 0407

9900002740  
Filed for Record in  
PIKE COUNTY OHIO  
JOYCE LEETH  
On 06-04-1999 At 01:52 pm.  
RESTRICTION 24.00  
Book OR Vol. 122 Pg. 405 - 408

EXHIBIT B

AFFECTED PROPERTY

Situate, lying, and being a part of Henry Bradfords VMS #490 in the City of Waverly, Pike County, Ohio bounded and described as follows:

Beginning at a point in the west R/W of U.S. 23 500 feet north of a concrete highway marker known as Station 170+00 and 706 feet south of the Crooked Creek bridge; thence with a new line thru the premises of which this tract is a part N 77° 51' 29" W passing thru an iron pin at eleven feet, a total distance of 339.95 feet; thence N 32° 00' 00" E, 482.65 feet to a point in the Center of Crooked Creek; thence with the following course of the Center of Crooked Creek N 81° 38' 10" E, 81.87 feet to a point; thence leaving Crooked Creek and with three courses of the south side of the former Spino property S 32° 00' 00" E passing thru an iron pin at 29.61 feet, a total distance of 250.81 feet to an iron pin; S 51° 38' 00" E, 165.67 feet to an iron pin; S 81° 49' 00" E passing thru an iron pin at 224.52 feet, a total distance of 243.52 feet to a point in the west R/W of U.S. 23; thence S 14° 41' 00" W with the west R/W of U.S. 23, 100.00 feet to the point or place of beginning.

And being a part of the premises conveyed to Parker-Hannifin Corporation by Carl L. Flesser and Clare M. Flesser as recorded in Pike County Deed Vol. 233 on Page 191.

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