

MEDINA COUNTY RECORDER
NANCY ABBOTT

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MEDINA COUNTY RECORDER
NANCY L. ABBOTT

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FIRST PAGE OF THIS DOCUMENT.)

Water Quality Protective Deed Restrictions

WHEREAS, Declarant is the fee owner to the real property described in "Exhibit A" which is incorporated herein by reference as if fully re-written herein, (hereinafter jointly and collectively referred to as "*the real property*."

WHEREAS, Declarant desires to protect the water quality of the five lakes and the streams located on *the real property*.

NOW, THEREFORE, Declarant, for itself and its successors and assigns, does hereby declare, publish, and impose the restrictions, covenants and conditions hereinafter set forth and upon *the real property*, which are for the purpose of protecting the water quality of the lakes and streams located on *the real property* and which shall run with, burden, and bind *the real property* and which shall be binding upon all parties having any right, title, or interest in the property or any part thereof, their heirs, personal representatives, successors, and assigns, and which shall inure to the benefit of each owner of the property or any part thereof. All of the following, irrespective of any heading provided, are restrictions, limitations, covenants, and requirements imposed upon the real property by Declarant and shall be covenants running with the land, binding upon and inuring to the benefit of the Declarant and its respective grantees in deeds for such property (or portions thereof), their respective successors, purchasers, heirs, executors, administrators, and assigns:

RESTRICTIONS

SECTION ONE:

It is a restriction on *the real property* that no lake or portion of a lake, no stream or portion of a stream contained within *the real property*, shall be filled without compliance with all laws and regulations of the appropriate governmental agency or agencies having jurisdiction thereof.

SECTION TWO: LAKE BUFFER AREAS

- 2.1 Creation of Ecological Protective Lake Buffers:** An area surrounding each lake upon *the real property* is hereby restricted as a buffer to protect the water quality of each lake and to protect and nourish the natural fauna and native flora surrounding each of the lakes. Such restricted areas around each lake is hereinafter referred to as a "*Lake Buffer Area*."
- 2.2 Determination of Lake Buffer Area:** Only such portions of *the real property* having surface water from the land flowing into a lake shall be considered within the *Lake Buffer Area* up to a maximum distance, (width), of fifty feet (50' from the annual average lake water's edge. Any portion of *the real property* to be included in a *Lake Buffer Area* shall be the distance from the gradient point of the land where the flow of surface water pitches toward the lake measured to the edge of the annual average lake water's edge, but in no event shall any *Lake Buffer Area* be greater than fifty feet (50') in distance, (width), from the annual average lake water's edge of each lake.

SECTION THREE: STREAM BUFFER CORRIDORS

3.1 Creation of Ecological Protective Stream Corridors:

An area surrounding each stream upon *the real property* is hereby restricted as a buffer to protect the water quality of each stream and to protect and nourish the natural fauna and native flora surrounding each of the streams. Such restricted areas around each stream is hereinafter referred to as a "*Stream Buffer Corridor*."

3.2 Determination of Steam Buffer Corridors:

Each *Stream Buffer Corridor*, except as herein limited, shall be according to the following specifications: 50 feet for ephemeral streams, 75 feet for intermittent streams and 100 feet for permanent streams. Each *Stream Buffer Corridor* for a stream shall be determined by utilizing the centerline of the stream channel based on an constant straight line direction following the course of flow of the stream and extending the required depth - width from each side of the centerline. However, where any stream is adjacent to and/or flows through a residential lot hereafter created from any portion of *the real property*, whether the stream is ephemeral, intermittent or permanent, shall be subject to a *Stream Buffer Corridor* that measures seventy-five feet (75') in width utilizing the centerline of the stream channel based on an constant straight line direction following the course of flow of the stream and extending in dept - width thirty-seven and one-half feet (37.5') from each side of the centerline.

SECTION FOUR: Restrictive Conditions Upon Lake Buffer Areas and Stream Buffer Corridors:

Any area of *the real property*, that is within a *Lake Buffer Area* or a *Stream Buffer Corridor*, except as otherwise mandated /permitted by any governmental agency with jurisdiction over same, shall be subject to the following conditions:

- 4.1 No lawns - lawn grasses shall be permitted.
- 4.2 The only permissible vegetation cover shall be indigenous - native grasses or herbaceous plants.
- 4.3 The removal of any trees and/or woody plants will be limited to cutting and removal of cuttings, however, no stumping or grinding of stumps will be permitted, except as permitted pursuant to Paragraphs 4.9, 4.10 and 4.11 hereunder.
- 4.4 No application, by spraying or otherwise, of fertilizers, insecticides, fungicides or herbicides shall be permitted, however, nothing shall prohibit the removal, by non-chemical means of exotic - intrusive foreign and/or nuisance vegetative plant colonies, so long as such removal is followed by planting of indigenous - native grasses or herbaceous plants.
- 4.5 Human disturbance of earth which exposes barren soil shall, upon completion of the disturbance, be either matted and mulched with seeding and/or hydro-seeded in sufficient manner to cause the re-establishing and re-growth of a vegetative cover over any exposed soil.
- 4.6 The crossing by a golf hole, (golf fairway), golf cart paths and/or pedestrian trails shall be constructed in minimum width so as to create the least disturbance for the intended use and purpose.
- 4.7 The vegetative cover may be managed as follows:
 - 4.7.1 A golf hole, (golf fairway), golf cart path and/or pedestrian trail, which passes through or impinges may be maintained by bi-annual trimming of the surrounding vegetative cover to be maintained as a "rough" area, as that term is utilized in the golf industry, however, no other systematic or periodic mechanical mowing shall be permitted.
 - 4.7.2 Any portion of a residential lot, hereafter created from the real property, which impinges may be maintained by annual trimming - thinning of the vegetative cover, however, no other systematic or periodic mechanical mowing shall be permitted.
- 4.8 Physical crossing of a stream within a *Stream Buffer Corridor* by golf cart paths and/or pedestrian trails shall be by elevated bridging of the stream, except in those locations where culverts exist, including but not limited to any railroad or Ohio Department of Transportation culverts, so long as the culverts are properly repaired,

maintained and any disturbance of surrounding soils are matted and/or hydro-seeding after any repairs or maintenance of the culverts in order to maintain a successful vegetative cover to prevent erosion of the embankments and head-walls surrounding a culvert.

- 4.9 Installation, construction and maintenance of any public utility, i. e. gas, sewer or water shall be permitted subject to the restoration requirements of Paragraph 4.5.
- 4.10 The alteration, maintenance or repairs to any lake or dam of any lake on *the real property* shall be permitted pursuant to the rules and regulations of the Ohio Department of Natural Resources or any governmental agency acquiring like jurisdiction over any lake or dam.
- 4.11 The installation, construction and maintenance of sediment forebay/detention basins shall be permitted.

SECTION FIVE: Amendments, Notice and Prior Authorization:

- 5.1 These restrictions, covenants and conditions may be modified, altered or amended by Declarant, its successors and assigns, subject to Paragraph 5.2.
- 5.2 Any potential impact of the jurisdictional waters of the United States, i.e. wetlands, stream, and lakes, shall require notification of the United States Army Corps. of Engineers prior to any work being performed. Any notification required by this Paragraph 5.2 shall be directed to: THE REGULATORY DIVISION, U. S. ARMY CORPS OF ENGINEERS, 1776 NIAGARA STREET, BUFFALO, NY 14207-3199

IN WITNESS WHEREOF, Hoffman Properties Limited Partnership has hereunto executed this *Declaration of Restrictive Covenants, Conditions and Restrictions* by its authorized General Partner this 11th day of June, 2002.

HOFFMAN PROPERTIES LIMITED PARTNERSHIP (an Ohio limited partnership)
By: Gary H. Hoffman, Inc., its Managing General Partner

By: *Gary H. Hoffman Pres.*
President

THE STATE OF OHIO

/SS

COUNTY OF Cuyahoga

I certify that on this date before me, a Notary Public, an office duly authorized in the state and county named above to take acknowledgments, personally appeared Gary H. Hoffman, as the duly elected President Gary H. Hoffman, Inc., who is the Managing General Partner of the Declarant, Hoffman Properties Limited Partnership, and on behalf of said Limited Partnership, has full authority and right to execute the above document on behalf of the Limited Partnership, acknowledged before me that the foregoing instrument is the voluntary act and deed of Gary H. Hoffman, Inc., as the Managing General Partner of Declarant, for the uses and purposes therein mentioned and that he, as President of Gary H, Hoffman, Inc., was duly authorized by the Board of Directors of Gary H. Hoffman, Inc., to acknowledge the signing thereof to be the Corporation's voluntary act and deed as the General Managing Partner of Declarant and his respective individual act and deed as an officer of aforesaid corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name at Cleveland, Ohio, this 11 day of June, 2002.

Dennis Rotman

Notary Public

DENNIS A. ROTMAN, Attorney
NOTARY PUBLIC - STATE OF OHIO
My Commission Has No Expiration Date
Section 147.03 O.R.C.

This Instrument prepared by:
Gregory W. Happ, Attorney at Law
S. Ct. # 0008538

EXHIBIT A

PARCEL 1:

PERMANENT PARCEL NUMBERS: 030-11B-38-008 & 031-11B-27-046

Situated in the Township of Montville, County of Medina, State of Ohio and known as being part of Township Lots 83, 84, 89, 90 and 103 and being part of that parcel conveyed to B & H Medina Phase II Limited Partnership by deed recorded on August 8, 1994 and recorded in Official Record Volume 967, Page 518 of the Medina County Recorder's Office and is further bounded and described as follows:

Commencing at a 5/8" pin set with cap marked "Lewis Land Professionals" at the southeast corner of Township Lot 103, said pin also being the "TRUE PLACE OF BEGINNING" of the parcel herein described,

Thence, North 89 deg. 52'04" West, along the south line of said Lot 103 and the centerline of S. R. 162, Sharon Copley Road (width varies), 2175.96' to the southwest corner of said Lot 103 and the southeast corner of Lot 90, referenced by a two inch pipe found S. 00 deg. 00'59" W, 30.00',

Thence, South 89 deg. 36' 07" West, continuing along the centerline of Sharon Copley Road and the South line of Lot 90, 2193.64' to the southwest corner of Lot 90 and the southeast corner of Lot 83, referenced by a 5/8" pin found with cap marked "Cunningham" S. 00 deg. 02' 04" W. 35.00',

Thence, South 89 deg. 38' 29" West, continuing along the centerline of Sharon Copley Road and the south line of Lot 83, 268.50' to a 5/8" pin found at the southeast corner of a record 2.199 acre parcel conveyed to Leroy Hundley by deed recorded on September 3, 1986 and is recorded in Official Record Volume 326, Page 109 of the Medina County Recorder's Office,

Thence, North 00 deg. 01' 31" West, along the east line of said Hundley parcel, 275.00' to the northeast corner thereof, referenced by a 5/8" pin found S. 00 deg. 01' 31" E, 0.52',

Thence, South 89 deg. 34' 41" West, along the north line of said Hundley parcel and the north line of a record 2.579 acre parcel conveyed to Sidney & Jennie Churgovich by deed recorded on August 18, 2000 and recorded by Document No. 2000OR022982 on file with the Medina County Recorder's Office, 596.50' to a 5/8" pin found at the northwest corner of said Churgovich parcel and a easterly line of Sublot 1 of the Braeburne Subdivision as recorded in Plat Book 18, Page 44 of the Medina County Recorder's Office,

Thence, North 01 deg. 21' 07" East, along an easterly line of said Sublot 1, 55.49' to a 5/8" pin found at the northeasterly corner thereof,

Thence, South 89 deg. 35' 55" West, along a northerly line of said Sublot 1, 102.00' to a 5/8" pin found at an interior corner thereof,

Thence, North 00 deg. 03' 18" West, along an easterly line of said Sublot 1 and the easterly line of Sublot 2 of said Braeburne Subdivision, 840.00' to a 5/8" pin found at an interior corner thereof,

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Thence, North 89 deg. 35' 55" East, along a southerly line of said Sublot 2, 102.00' to a 5/8" pin found at a southeasterly corner thereof,

Thence, North 00 deg. 03' 18" West, along an easterly line of said Sublot 2 and the easterly line of Sublot 8 of said Braeburne Subdivision, 1543.96' to a post found at the northeast corner thereof and the north line of Township Lot 83,

Thence, South 89 deg. 52' 18" West, along the northerly line of said Sublot 8 and the north line of Township Lot 83, 754.86' to a stone found at the southeast corner of a record 26.6349-acre parcel conveyed to B & H Medina Phase III by deed recorded on August 18, 1998 and recorded by Document No. 1998OR010369 on file with the Medina County Recorder's Office,

Thence, North 00 deg. 12' 51" West, along the easterly line of said B & H Medina Phase III parcel, 643.03' to the southerly line of the Wheeling and Lake Erie Railway, referenced by a 5/8" pin found with cap marked "Rolling-Hocevar", North 24 deg. 10' 49" East, 0.44',

Thence, along the southerly and westerly line of the Wheeling and Lake Erie Railway the following courses,

South 75 deg. 34' 00" East, 572.37' to a 5/8" pin set with cap marked "Lewis Land Professionals",

Along a curve deflecting to the left with a chord bearing North 89 degrees 27' 28" East, 878.23', a radius of 1504.00' and an arc length of 891.21' to a 5/8" pin set with cap marked "Lewis Land Professionals",

South 19 deg. 31' 04" East, 33.00' to a 5/8" pin set with cap marked "Lewis Land Professionals",

North 70 deg. 28' 56" East, 462.83' to a 5/8" pin set with cap marked "Lewis Land Professionals",

Along a curve deflecting to the right with a chord bearing south 86 deg. 28' 57" East, 1089.81', a radius of 1392.55' and an arc length of 1119.73' to a 5/8" pin set with cap marked "Lewis Land Professionals",

North 26 deg. 33' 29" East, 33.01' to a 5/8" pin set with cap marked "Lewis Land Professionals",

South 62 deg. 19' 23" East, 55.66' to a 5/8" pin set with cap marked "Lewis Land Professionals",

Along a curve deflecting to the right with a chord bearing South 49 deg. 14' 53" East, 572.36', a radius of 1381.42' and an arc length of 576.54' to a 5/8" pin set with cap marked "Lewis Land Professionals",

South 37 deg. 17' 31" East, 1429.31' to a 5/8" pin set with cap marked "Lewis Land Professionals",

South 52 deg. 41' 29" West, 13.00' to a 5/8" pin set with cap marked "Lewis Land Professionals",

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South 37 deg. 17' 31" East, 568.00' to a 5/8" pin set with cap marked "Lewis Land Professionals",

North 52 deg. 42' 29" East, 13.00' to a 5/8" pin set with cap marked "Lewis Land Professionals",

South 37 deg. 17' 31" East, 159.00' to a 5/8" pin set with cap marked "Lewis Land Professionals",

Along a curve deflecting to the right with a chord bearing South 35 deg. 36' 00" East, 170.22', a radius of 2883.00' and an arc length of 170.25' to a 5/8" pin set with cap marked "Lewis Land Professionals",

South 56 deg. 05' 30" West, 13.00' to a 5/8" pin set with cap marked "Lewis Land Professionals",

Along a curve deflecting to the right with a chord bearing South 30 deg. 32' 43" East, 336.74', a radius of 2870.00' and an arc length of 336.93' to a 5/8" pin set with cap marked "Lewis Land Professionals",

South 27 deg. 10' 55" East, 855.48' to a 5/8" found on the south line of Township Lot 103,

Thence, South 89 deg. 52' 04" East, along the south line of Township Lot 103, 123.80' to the easterly line of said Wheeling and Lake Erie Railway, referenced by a 5/8" pin found North 85 deg. 19' 05" West, 2.08',

Thence along the easterly line of the Wheeling and Lake Erie Railway the following courses,

North 27 deg. 10' 55" West, 912.29' to a 5/8" pin set with cap marked "Lewis Land Professionals",

Along a curve deflecting to the left with a chord bearing North 30 deg. 32' 43" West, 349.65', a radius of 2980.00' and an arc length of 349.85' to a 5/8" pin set with cap marked "Lewis Land Professionals",

South 56 deg. 05' 30" West, 17.00' to a 5/8" pin set with cap marked "Lewis Land Professionals",

Along a curve deflecting to the left with a chord bearing North 35 deg. 36' 00" West, 174.95, a radius of 2963.00' and an arc length of 174.97' to a 5/8" pin set with cap marked "Lewis Land Professionals",

North 37 deg. 17' 31" West, 159.00' to a 5/8" pin set with cap marked "Lewis Land Professionals",

North 52 deg. 42' 29" East, 17.00' to a 5/8" pin set with cap marked "Lewis Land Professionals",

North 37 deg. 17' 31" West, 568.00' to a 5/8" pin set with cap marked "Lewis Land Professionals",

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South 52 deg. 42' 29" West, 17.00' to a 5/8" pin set with cap marked "Lewis Land Professionals",

North 37 deg. 17' 31" West, 1107.59' to a 5/8" pin set with cap marked "Lewis Land Professionals" on the North line of Township Lot 90,

Thence, North 89 deg. 50' 20" East, along the north line of Township Lot 90, 87.31' to a 5/8" pin set with cap marked "Lewis Land Professionals" at the Northeast corner of Township Lot 90 and the Northwest corner of Township Lot 103,

Thence, North 89 deg. 50' 54" East, along the North line of Township Lot 103, 2145.20' to a 5/8" pin found at the northeast corner of Township Lot 103 and the easterly line of Montville Township,

Thence, South 01 deg. 19' 23" East, along the east line of Township Lot 103 and the east line of Montville Township, 2014.86' to a 5/8" pin found,

Thence, South 00 deg. 44' 45" West, continuing along the east line of Township Lot 103 and the East line of Montville Township, 697.64' to the "TRUE PLACE OF BEGINNING", having passed through a 5/8" pin found at 672.25', and containing 360.7305 acres, 111.0446 acres being within the Medina City School District and 249.6859 acres being within the Highland School District, as surveyed by Steven W. Clutter, P.S., in June 2001, subject to all legal highways and easements of record.

Basis of bearings for this survey is North 30 deg. 55' 27" East as the centerline of Interstate Route 71 as shown on survey recorded in Survey Book 38, Page 23 on file with the Medina County Highway Engineer.

PARCEL 2:

PERMANENT PARCEL NUMBERS: 030-11B-38-003 and 030-11B-38-004

Situated in the Township of Montville, County of Medina and State of Ohio: And known as being the whole of Sublot Nos. 1 and 2 in The Braeburne Subdivision, a part of Montville Township Lot Nos. 83, 82, and 70, as shown by the recorded plat in Volume 18, Page 44 of Medina County Records, be the same more or less, but subject to all legal highways.

PARCEL 3:

PERMANENT PARCEL NUMBER: 030-11B-32-010

Situated in the Township of Montville, County of Medina and State of Ohio: And known as being the whole of Sublot No. 11 of the Braeburne Subdivision recorded in Plat Book 18, Page 44 of Medina County Records, being part of Montville Township Lot Nos. 83 and 70 of Medina County Records.

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PARCEL 4:

PERMANENT PARCEL NUMBER: 030-11B-32-011

Situated in the Township of Montville, County of Medina, State of Ohio and known as being part of Lot 70 and 83 and known as being part of that property conveyed to Joseph K. & Patricia A. Thyr by deed recorded on April 3, 1985 and recorded in Official Record Volume 246, Page 125 of the Medina County Recorder's Office and is further bounded and described as follows:

Commencing at a post found at the northwest corner of said Lot 83, said post also being at the 'TRUE PLACE OF BEGINNING' of the parcel herein described,

Thence, South 89 degrees 54'13" East, along the north line of Lot 83, 12.96' to a 5/8" pin set with a cap marked Rolling-Lewis,

Thence, South 30 degrees 55' 27" West, 776.81' to a railroad spike set in the centerline of C.H. 49, River Styx Road (width varies),

Thence, northwesterly along the centerline of River Styx Road and a curve deflecting to the left with a chord bearing North 31 degrees 23' 24" West, 84.70' an arc length of 84.73' and a radius of 824.00' to a railroad spike set,

Thence, South 30 degrees 55' 27" West, 238.12' to a 5/8" pin set with cap marked Rolling-Lewis found on the westerly line of a record 26.9693-acre parcel conveyed to James T. & Joan L. Marsh by deed recorded on July 24, 1972 and recorded in Deed Volume 429, Page 239 of the Medina County Recorder's Office, having passed through a railroad spike found at 624.69',

Thence, North 27 degrees 56' 37" West, along an easterly line of said Marsh's 26.9693-acre parcel and an easterly line of a parcel conveyed to the Montville Limited Liability Company by deed recorded on September 26, 1997 and recorded in Official Record Volume 1295, Page 256 of the Medina County Recorder's Office, 857.80' to a 5/8" pin set with cap marked Rolling-Lewis,

Thence, North 03 degrees 57' 32" West, continuing along an easterly line of said Montville Limited Liability Company parcel, 41.93' to a 5/8" pin set with cap marked Rolling-Lewis on the north line of Lot 70,

Thence, South 89 degrees 55' 33" East, along the north line of Township Lot 70, 957.60' to the "TRUE PLACE OF BEGINNING", having passed through a railroad spike set at 35.61', and containing 9.5339 acres, 8.5836 acres being within the right-of-way limites of Interstate Route 71, as surveyed by Steven W. Clutter, S-7655, for and on behalf of Rolling & Lewis, subject to all easements and highways of record.

Basis of bearings for this survey is North 30 degrees 55' 27" East as the centerline of Interstate Route 71 as shown on the Right-of-Way plans for Interstate Route 71 and on file with the Ohio Department of Transportation.

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PARCEL 5:

PERMANENT PARCEL NUMBER: 030-11B-26-008

Situated in the Township of Montville, County of Medina and State of Ohio: And being part of Township Lot 69 more fully described as follows:

Beginning at the point of intersection of the southerly line of Township Lot 69 with the centerline of River Styx Road (C.H. 49),

Thence N 05 degrees 38' 29" W, 604.13 feet along the centerline of River Styx Road (C.H. 49) to a point therein and the principal place of beginning of the parcel described herein;

Thence continuing N 05 degrees 38'29" W, 314.00 feet along the centerline of River Styx Road (C.H. 49) to a point therein;

Thence S 73 degrees 09'18" E, 955.87 feet to an iron pin set in the westerly line of Interstate Route 71, having passed through an iron pin set at 32.44 feet;

Thence S 35 degrees 03' 42" W, 305.44 feet along the westerly line of Interstate Route 71 to an iron pin set therein;

Thence N 73 degrees 09'18" W, 740.29 feet to the principal place of beginning, having passed through an iron pin set 32.44 feet therefrom and containing therein 5.6486 acres of land as surveyed in November 1989 by Charles A. Rolling, Registered Surveyor No. 5569, be the same more or less, but subject to all legal highways.

PARCEL 6:

PERMANENT PARCEL NUMBER: 030-11B-26-010

Situated in the Township of Montville, County of Medina and State of Ohio: And being part of Township Lot 69 more fully described as follows:

Beginning at the point of intersection of the southerly line of Township Lot 69 with the centerline of River Styx Road (C.H. 09), said point being the principal place of beginning of the parcel described herein; Thence N. 05 degrees 38' 29" W, 604.13 feet along the centerline of River Styx Road (C.H. 49) to a point therein;

Thence S. 73 degrees 09' 18" E. 740.29 feet to an iron pin set in the westerly line of Interstate Route 71, having passed through an iron pin set at 32.44 feet;

Thence S. 31 degrees 03' 42" W, 85.07 feet along the westerly line of Interstate Route 71 to an iron pin set at an angle point therein;

Thence S. 31 degrees 05' 36" W, 369.95 feet along the westerly line of Interstate Route 71 to an iron pin set in the southerly line of Township Lot 69;

Thence N 89 degrees 57' 55" W, 409.22 feet along the southerly line of Township Lot 69 to the principal place of beginning and containing therein 6.5327 acres of land as surveyed in

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November, 1989 by Charles A. Rolling, Registered Surveyor No. 5569.

PARCEL 7:

PERMANENT PARCEL NUMBERS: 030-11B-26-014 & 030-11B-26-006

Situated in the Township of Montville, County of Medina and State of Ohio: And being part of Township Lot 69 and 84 more fully described as follows:

Beginning at the point of intersection of the southerly line of Township Lot 69 with the center line of River Styx Road (C.H. 49);

Thence N 05 degrees 38'29" W, 918.13 feet along the centerline of River Styx Road (C.H. 49) to a point therein and the principal place of beginning of the parcel described herein;

Thence continuing N 05 degrees 38' 29" W, 224.25 feet along the centerline of River Styx Road (C.H. 49) to a point in the southerly line of the Norfolk and Western Railroad Company;

Thence S 73 degrees 09' 18" E, 236.77 feet along the southerly line of the Norfolk and Western Railroad Company to an iron pin set, having passed through an iron pin set at 32.44 feet;

Thence S 89 degrees 17' 46" E, 142.20 feet along the southerly line of the Norfolk and Western Railway Company to an iron pin set;

Thence S 73 degrees 09' 18" E, 749.48 feet along the southerly line of the Norfolk and Western Railway Company to an iron pin set in the westerly line of Interstate 71;

Thence S 35 degrees 03' 42" W, 259.75 feet along the westerly line of Interstate 71 to an iron pin set;

Thence N 73 degrees 09'18" W, 955.87 feet to the principal place of beginning, having passed through an iron pin set 32.44 feet therefrom and containing therein 5.6491 acres of land as surveyed in November 1989 by Charles A. Rolling, Registered Surveyor No. 5569.

PARCEL 7-A

Situated in the Township of Montville, County of Medina and State of Ohio and known as being part of Montville Township Lot Nps. 69 and 84, being a parcel of land conveyed to Stephen T. Van Epp by deed recorded on April 3, 1990 and is recorded in Official Record Volume 543, Page 755 of Medina County Recorder's Records and is bounded and described as follows: Beginning at a stone found at the southwesterly corner of Lot No. 84 and the southeasterly corner of Lot No. 69, said point being the PRINCIPAL PLACE OF BEGINNING of the premises herein to be described;

Thence North 88 degrees 06' 37" West, along the southerly line of Lot No.69, 533.45 feet to a 5/8 inch iron pin set thereon, with cap marked Rolling-Hocevar, on the northwesterly right of way line of Interstate Route 71, having passed through a 5/8 inch iron pin set, with cap marked Rolling-Hocevar, at 33.91 feet on the southeasterly right of way line of Interstate Route 71;

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Thence North 32 degrees 35' 23" East, along the northwesterly right of way line of Interstate Route 71, 376.58 feet to a 5/8 inch iron pin set, with cap marked Rolling-Hocevar, at an angle point therein;

Thence North 36 degrees 33'38" East, continuing along said right of way line, 649.82 feet to its intersection with the southerly right of way line of the Norfolk & Western Railway, a 5/8 inch iron pin was found, with cap marked Rolling #5569, 0.68 feet southerly and 0.17 feet easterly therefrom;

Thence South 71 degrees 38' 10" East, along the southerly right of way line of the Norfolk & Western Railway, 411.15 feet to a point of curvature thereon, having passed through a 5/8 inch iron pin set, with cap marked Rolling-Hocevar, at its intersection with the southeasterly right of way line of Interstate Route 71, as aforementioned;

Thence Southeasterly, along the southerly right of way line of the Norfolk & Western Railway and the arc of a curve, deflecting to the left, 22960 feet to a point of tangency thereon, said curve having a radius of 5,776.65 feet and a chord which bears South 72 degrees 46' 29" East, 229.59;

Thence South 73 degrees 54' 48" East, continuing along said southerly right of way line, 189.15 feet to a 5/8 inch iron pin set thereon, with cap marked Rolling-Hocevar, at the northwesterly corner of land so conveyed to Stephen T. Van Epp, as aforementioned;

Thence North 01 degree 25' 55" East, along the easterly line of land so conveyed, 129.20 feet to a 5/8 inch iron pin set thereon, with cap marked Rolling-Hocevar, on the northerly right of way line of the Norfolk & Western Railway, as aforementioned, and the westerly line of Block "D" of the Montville Lakes Subdivision Phase I, as shown by the plat recorded in Plat Volume 26, Page 72 of Medina County Recorder's Records;

Thence North 73 degrees 54' 48" West, along said northerly right of way line, 156.46 feet to a point of curvature thereon;

Thence northwesterly, along said northerly right of way line and the arc of a curve, deflecting to the right, 224.63 feet to a point of tangency thereon, said curve having a radius of 5,651.65 feet and a chord which bears North 72 degrees 46' 29" West 224.62 feet;

Thence North 71 degrees 38' 10" West, continuing along said northerly right of way line, 72.70 feet to an angle point thereon, having passed through a 5/8 inch iron pin set thereon, with cap marked Rolling-Hocevar, at its intersection with the southeasterly right of way line of Interstate Route 71, as aforementioned;

Thence North 78 degrees 28' 44" West, continuing along the Northerly right of way line of the Norfolk & Western Railway, 100.72 feet to an angle point thereon;

Thence North 71 degrees 38' 10" West, continuing along said right of way line, 209.80 feet to its intersection with the northwesterly right of way line of Interstate Route 71, as aforementioned, a 5/8 inch iron pin found, with cap marked Rolling #5569, 0.06 feet southerly and 0.21 feet easterly therefrom;

Thence North 32 degrees 35' 23" East, along said northwesterly right of way line, 451.73 feet to a point thereon and its intersection with the southerly line of a parcel of land conveyed to B&H Medina Phase VII by deed recorded on March 13, 1996 and is recorded

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in OR 1146, Page 271 of Medina County Recorder's Records, a 5/8 inch iron pin found, with cap marked Rolling #5569, 0.06 feet northerly and 0.33 feet easterly therefrom;

Thence South 89 degrees 04'55" East, along the southerly line of land so conveyed and a southerly line of Block 'D' of Montville Lakes Subdivision, Phase I, as aforementioned, 503.23 feet to a 5/8 inch iron pin found, with cap marked #4151 & #5151, at an interior corner thereof;

Thence South 01 degree 25' 55" West, along a westerly line thereof and westerly line of land so conveyed to B&H Medina, Phase II, as aforementioned, 1,355.08 feet to a stone found at the southwesterly corner thereof, said point also being on the southerly line of Lot No. 84, as aforementioned;

Thence North 88 degrees 08' 12" West, along the southerly line of Lot No. 84, 832.58 feet to the Principal Place of Beginning and containing 26.6349 acres of land, of which 12.6122 acres lies within the right of way of Interstate Route 71, according to a survey by Guy P. Haney, Professional Surveyor No. 7631, for Rolling & Hocevar, Inc. dated August 1998. Bearings are based on an assumed meridian and are used herein to indicate angles only.

PARCEL 8:

PERMANENT PARCEL NUMBER: 030-11B-26-013

Situated in the Township of Montville, County of Medina and State of Ohio: And being part of Township Lots 69 & 84 more fully described as follows: Beginning at an iron pin found marking the point of intersection of the centerline of River Styx Road (C.H. 49) and the centerline of Ridgewood Road (C.H. 60); Thence S 05 degrees 31'20" W, 659.80 feet along the centerline of River Styx Road (C.H. 49) to a P.K.Nail found therein; Thence S 10 degrees 18' 35" W, 384.96 feet along the centerline of River Styx Road (C.H. 49) to a point therein and the principal place of beginning of the parcel described herein; Thence S 89 degrees 51'44" E, 1016.04 feet to an iron pin found in the East line of Township Lot 69, having passed through an iron pin set at 30.48 feet; Thence S 00 degrees 02'32" W, 324.46 feet along the East line of Township Lot 69 to an iron pin set; Thence N 89 degrees 25' 03" E, 327.09 feet to an iron pin set in the westerly line of Interstate Route 71; Thence S 31 degrees 05'36" W, 451.96 feet along the westerly line of said Interstate Route 71 to an iron pin set in the Northerly line of the Norfolk and Western Railway Company; thence N 73 degrees 09' 18" W, 614.92 feet along the northerly line of the Norfolk and Western Railway Company to an iron pin set; Thence N 57 degrees 00' 50" W, 312.31 feet along the northerly line of the Norfolk and Western Railway Company to an iron pin set; Thence N 73 degrees 09' 18" W, 321.71 feet along the northerly line of the Norfolk and Western Railway Company to a point in the centerline of River Styx Road (C.H. 49) having passed through an iron pin set 30.20 feet therefrom; Thence N 10 degrees 18' 35" E. 273.56 feet along the centerline of River Styx Road (C.H. 49) to the principal place of beginning and containing therein an area of 13.4696 acres of land of which 11.6424 acres are in Township Lot 69 and 1.8272 acres are in Township Lot 84 as surveyed in November 1989 by Charles A. Rolling, Registered Surveyor No. 5569.

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PARCEL 9:

PERMANENT PARCEL NUMBER: 030-11B-26-044

Situated in the Township of Montville, County of Medina and State of Ohio: And known as being part of Township Lot 69 and being part of a record 9.4713-acre parcel conveyed to Lea Anne Apostolakis by deed recorded on November 8, 1999 and recorded by Document No. 1999OR037837 of the Medina County Recorder's Office and is further bounded and described as follows:

Commencing at a post found at the southeast corner of Township Lot 69; Thence, North 00 degrees 06' 09" West, along the east line of Lot 69, 1667.19' to the northeast corner of a record 13.4696 acre parcel conveyed to Hoffman Properties Limited Partnership by deed recorded on January 17, 2001 and recorded by Document No. 2001OR001466 of the Medina County Recorder's Office, the southeast corner of said Apostolakis parcel and a 1/2" pin found at the "TRUE PLACE OF BEGINNING" of the parcel herein described;

Thence, South 89 degrees 57' 38" West, along the northerly line of said Hoffman Properties parcel and the most southerly line of said Apostolakis parcel, 472.46' to the southeast corner of a record 2.2096 acre parcel conveyed to Jeffrey R. & Margaret M. Schirripa by deed recorded on March 22, 1993 and recorded in OR Volume 788, Page 870 of the Medina County Recorder's Office, referenced by a 5/8" pin with cap marked "6688" found 0.07' North and 0.09' West;

Thence, North 08 degrees 59'04" East, along the east line of said Schirripa parcel, 177.19' to the northeast corner thereof, referenced by a 5/8" pin found with cap marked "6688" 0.19' North and 0.13' West;

Thence, North 89 degrees 57' 38" West, along the north line of said Schirripa parcel 25.00' to a 5/8" pin set with cap marked "Lewis Land Professionals", thence North 00 degrees 02' 22" West, 55.00' to a 5/8" pin set with cap marked "Lewis Land Professionals";

Thence, North 00 degrees 06' 09" West, 210.00' to the southeast corner of a record 2.3996-acre parcel conveyed to Joseph L. and Sharon L. Grabo by deed recorded on April 26, 1995 and recorded in OR Volume 1040, Page 251 of the Medina County Recorder's Office and the southwest corner of a record 3.9711-acre parcel conveyed to Daniel J. & Marilyn J. Brentliner by deed recorded on May 20, 1997 and recorded in OR Volume 1282, Page 669 of the Medina County Recorder's Office, referenced by a 5/8" pin found with cap marked "6688" 0.11' South and 0.02' West;

Thence, North 89 degrees 58' 16" East, along the south line of said Brentliner parcel, 334.41' to the southeast corner thereof, the east line of Lot 69 and a 1/2" pin found;

Thence, South 00 degrees 06' 09" East, along the east line of Lot 69, 518.17 to the TRUE PLACE OF BEGINNING" and containing 4.7683 acres, as surveyed by Steven W. Clutter, P.S., in September 2001, subject to all legal highways and easements of record.

Basis of bearings for this survey is North 30 degrees 55' 27" East as the centerline of Interstate Route 71 as shown on survey recorded in Survey Book 38, Page 23 on file with the Medina County Highway Engineer.

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PARCEL 10:

PERMANENT PARCEL NUMBER: 031-11B-21-050

Situated in the Township of Montville, County of Medina and State of Ohio and known as being part of Montville Township Lot No. 84 and more fully described as follows:

Beginning at the intersection of the centerlines of River Styx Road and Ridgewood Road; thence North 89 degrees 04'23" East along the centerline of said Ridgewood Road a distance of 884.41 feet to the Northwesterly corner of said Original Lot No. 84 and the Principal Place of Beginning of the parcel of land herein intended to be described:

COURSE NO. 1: thence North 88 degrees 53'45" East along said Original Lot line, said Lot line also being the centerline of said Ridgewood Road a distance of 1532.53 feet to a point on the Easterly line of Interstate Route 71 (Highway Easement), width varies;

COURSE NO. 2: thence South 30 degrees 09'03" West along said Easterly line of Interstate Route 71 a distance of 404.29 feet to an angle point;

COURSE NO 3: thence South 18 degrees 50'37" West along said Easterly line of Interstate Route 71 a distance of 408.02 feet to an angle point;

COURSE NO.4: thence South 33 degrees 09'02" West along said Easterly line of Interstate Route 71 a distance of 754.52 feet;

COURSE NO. 5: thence South 88 degrees 21'48" West a distance of 761.39 feet to a point on the Westerly line of said Original Lot No. 84;

COURSE NO. 6: thence North 0 degrees 59'56" West along the Westerly line of said Original Lot No. 84 a distance of 1359.88 feet to the place of beginning and containing 36.3665 acres of land according to a survey of Montville Lakes Subdivision By Wheeler & Melena and recorded in Plat Volume 26, Page 72 of Medina County Plat Records, be the same more or less, but subject to all legal highways.

END OF LEGAL DESCRIPTIONS

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