

LEGAL DESCRIPTION

The land referred to in this Commitment is described as follows:

Situated in the Village of Chardon, County of Geauga and State of Ohio, and known as being part of Original Township Lot Nos. 105, 106, 107, and 137 and known as being part of Sublot Nos. 10 and 11 in the Max S. Daniels Subdivision as shown in plat recorded in Volume 5, Page 15 and 16 of Geauga County Map Records.

Beginning at a point at the intersection of the centerline of Water Street, 99.00 feet wide, and the westerly line of the land conveyed to CSX Transportation by deed recorded in Volume 143, Page 311 of Geauga County Deed Records;

thence South 1°40'30" West along said westerly line so conveyed to CSX, 128.80 feet to a point of curvature therein; thence southeasterly by a curve to the left and continuing along said westerly line so conveyed to CSX an arc distance of 608.45 feet, said arc having a radius of 1196.28 feet and a chord which bears South 12°53'45" East, 601.91 feet to a point of tangency therein;

thence South 27°28'00" East and continuing along said westerly line so conveyed, 155.85 feet to a 5/8" iron pin found and being in the northerly line of land conveyed to Geauga Landmark Inc. by deed recorded in Volume 798, Page 842 of Geauga County Deed Records;

thence North 88°30'00" West along the northerly line of land so conveyed to Geauga Landmark Inc., 166.77 feet to a 5/8" iron pin found and being a northwesterly corner of land so conveyed to Geauga Landmark Inc.;

thence South 2°24'00" West along the westerly line of land so conveyed to Geauga Landmark Inc., 312.10 feet to a 5/8" iron pin found in the northerly line of Park Avenue, 50.00 feet wide;

thence North 88°30'00" West along the said northerly line of Park Avenue, 225.30 feet to a 5/8" iron pin found and being in the easterly line of land conveyed to T. Pryately by deed Volume 502, Page 209 of Geauga County Deed Records;

thence North 2°24'00" East along the southerly prolongation of the easterly line of said Sublot No. 10 and the easterly line of land so conveyed to T. Pryately, a distance of 174.10 feet to a 5/8" iron pin found;

thence North 88°30'00" West along the northerly line of land so conveyed to T. Pryately, 138.49 feet to a 5/8" iron pin found;

thence North 1°32'00" East along easterly line of land so conveyed to C & M McClelland, 155.53 feet to a point to a 5/8" iron pin found in the southerly line of Daniels Drive, 60.00 feet wide;

thence South 88°30'00" East along the said southerly line of Daniels Drive, 140.84 feet to a point in the easterly line of said Daniels Drive;

thence North 2°24'00" East along the easterly line of said Daniels Drive, 60.00 feet to a point in the northerly line of said Daniels Drive;

thence North 88°30'00" West along the said northerly line of Daniels Drive, 336.81 feet to a 1/2" iron pipe found at a southeasterly corner of land conveyed to A. Dyrz by deed Volume 257, Page 119 of Geauga County Deed Records;

thence North 1°13'40" East along an easterly line of land so conveyed to A. Dyrz, 233.40 feet to a 5/8" iron pin found;

thence South 88°40'20" East along an easterly line of land so conveyed to A. Dyrz, 49.98 feet to a 5/8" iron pin found;

thence North 2°24'00" East along an easterly line of land so conveyed to A. Dyrz, 537.53 feet to a point in the centerline of said Water Street;

thence South 88°27'00" East along said centerline of Water Street, 445.62 feet to the point of beginning and containing 11.8826 acres of land as described on May 5, 1997 by R. M. Kole & Assoc., Inc., Professional Land Surveyors, P.S. No. 6258. Subject, however, to all legal rights of way of previous record.

EXCEPTING THEREFROM:

Situated in the Village of Chardon, County of Geauga and State of Ohio, and known as being part of Original Township Lot Nos. 105 within the said Village:

Beginning at a point at the intersection of the centerline of Water Street, 99.00 feet wide, and the westerly line of the land conveyed to CSX Transportation by deed recorded in Volume 143, Page 311 of Geauga County Deed Records; thence North 88°27'00" West along the said centerline of Water Street, 138.18 feet to a point on the northerly prolongation of the westerly building line of Chardon Shopping Plaza; thence South 1°34'00" West along the said northerly prolongation and westerly building line, 401.26 feet to the Principal Place of Beginning;

thence South 88°26'00" East, 121.05 feet to a point on the easterly line of said building;

thence South 1°34'00" West along the said easterly line of said building, 51.00 feet;

thence North 88°26'00" West, 121.05 feet to a point on the westerly line of said building;

thence North 1°34'00" East along the westerly line of said building, 51.00 feet to the Principal Place of Beginning and containing 0.1417 acres of land.

Subject, however, to all legal rights of way of previous record.

SURVEYOR'S CERTIFICATE

MAY 14, 1997

This undersigned hereby states to:

Chardon Plaza Investment Company
 Dollar Bank, Federal Savings Bank
 Midland First American Title

that this survey was actually made upon the ground; that it and the information, courses and distances shown thereon are accurate; that the title lines and lines of actual possession are the same; that the property description "closes" by engineering calculation; that this survey correctly shows structures and other improvements on the property and all are within the boundary lines except as shown; that we observed no easements or uses affecting the property appearing from a careful physical inspection of the same, other than those shown thereon; that to the best of our knowledge and belief all utility services necessary for the operation of the property are present on the property or are within adjacent public right of way or recorded easement; that there are no encroachments on adjoining premises, streets or alleys by any of said buildings, structures or other improvements or encroachments upon the property by any building, structure, or other improvement situated upon any adjoining premises except as shown; and that according to FEMA Map No. 390191-0005C dated January 4, 1995 the property is located in a Zone that has a no defined zone Flood Hazard Area according to the Zoning Map for the Village of Chardon the property is zoned C-4, Commercial District. This survey was made in accordance with the "Minimum Standard Detail Requirements for Land Title Survey" jointly established by ALTA and ACSM in 1992 and meets the accuracy requirements of a Class A Survey as defined therein.

By: *Richard M. Kole*
 Print Name: Richard M. Kole
 Registration No. 6258
 Within the State of: Ohio

PROFESSIONAL SURVEYOR
 RICHARD M. KOLE
 6258

SURVEY NOT APPROVED BY TAX MAP DEPT.
 REQUESTED REVISIONS NOT MADE

O.U.P.S. NOTE

Call TWO WORKING DAYS BEFORE YOU DIG

OHIO UTILITIES PROTECTION SERVICE
 IN OHIO - 800-326-2764
 OUT OF OHIO - 216-744-5191
 NON-MEMBERS MUST CALL DIRECTLY

UTILITY NOTES

The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities.

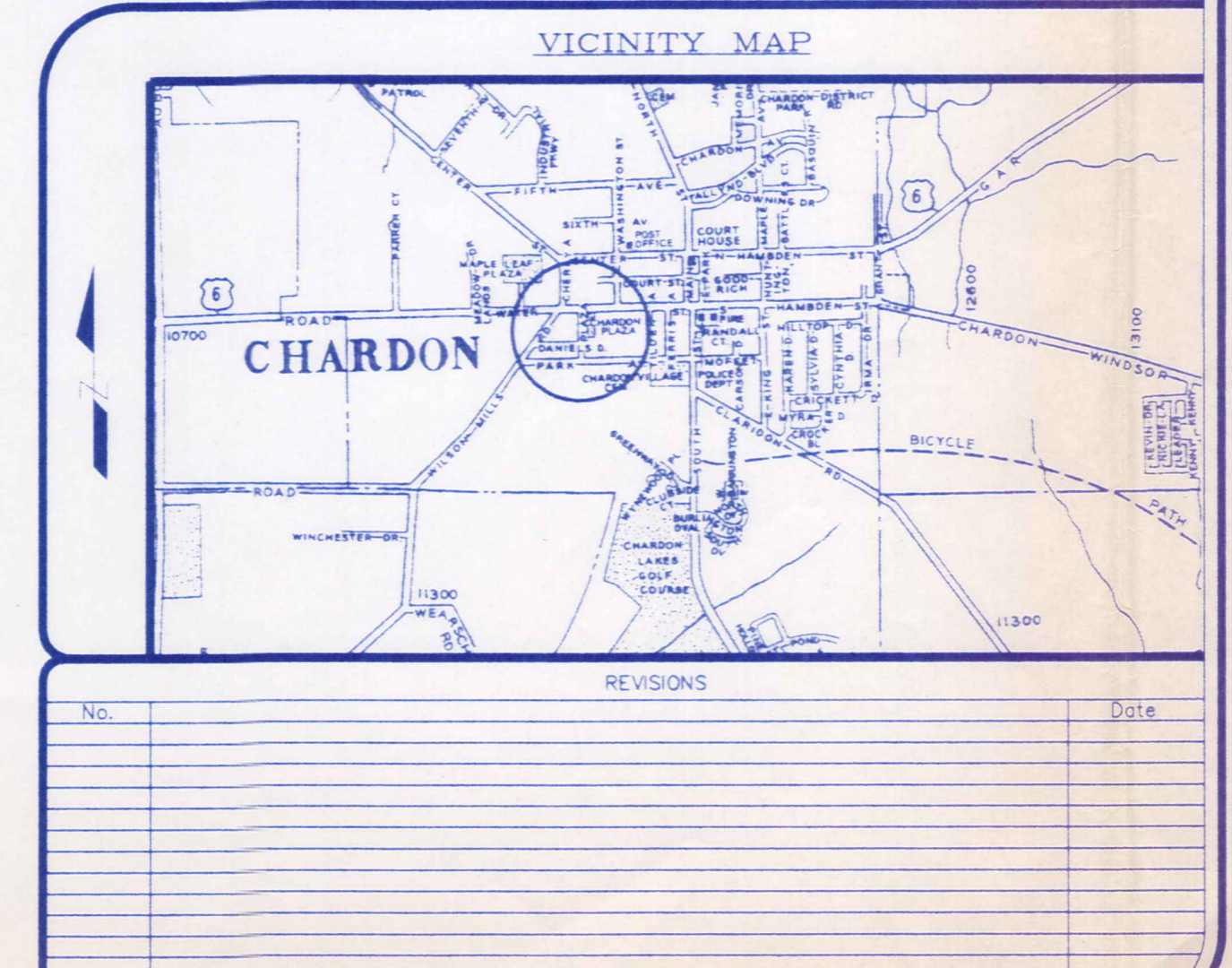
Ohio Utilities Protection Service Reference Number 424-025-022 Date Contacted April 24, 1997

UTILITIES NOTIFIED: Ameritech, Cablevision of Ohio, Cleve. Elec. Illuminating Co., Village of Chardon, Orwell Natural Gas, East Ohio Gas

RESPONSE DATE: Clear 5-9-97

SURVEYOR'S NOTES

- The area of the property is 511,431.41 square feet (11.7409 acres).
- Parcel numbers shown make reference to Item number 3, Schedule A of First American Title Insurance Company Commitment No. 5-16023.
- The area of the exception from Parcel 2 (0.1417 acres) has been excluded from the total area of the property and is described in said Schedule A.
- The basis of bearings are shown in Max. S. Daniels Subdivision as appears in Plat Volume 5, Page 15 of Geauga County Map Records.
- This survey describes the same property as that property shown in the hereinafter referenced title commitment.
- An 11.00 foot easement for sewer and water purposes recorded in Volume 281, Page 191 of Geauga County Deed Records affects subject and is shown as Item 14.
- Easement for roadway and parking purposes recorded in Volume 281, Page 253 of Geauga County Deed Records affects subject property and is shown as Item 15.
- An ingress and egress easement recorded in Volume 281, Page 258 of Geauga County Deed Records affects subject property but is not plottable.
- A 15.00 foot easement for water and sewer purposes recorded in Volume 282, Page 48 of Geauga County Deed Records affects subject property and is shown as Item 18.
- Easement for roadway and parking purposes recorded in Volume 285, Page 76 of Geauga County Deed Records affects subject property and is shown as Item 20.
- A party wall easement recorded in Volume 300, Page 289 of Geauga County Deed Records affects subject property and is shown as Item 21.
- An ingress and egress easement recorded in Volume 320, Page 39 of Geauga County Deed Records affects subject property and is shown as Item 22.
- Pipe line right of way to the East Ohio Gas Company recorded in Volume 495, Page 474 and 476 of Geauga County Deed Records affects subject property and is shown as Item 23 & 24.
- Geauga County Common Pleas Court Case No. 75 M 152 establishes the westerly boundary lines of subject property and is shown as Item 26.
- A 10.00 foot ornamental buffer easement recorded in Volume 818, Page 928 of Geauga County Deed Records affects subject property and is shown as Item 28.
- Existing structures meet current zoning regulations per Village of Chardon Zoning Dept. (216-286-2655).



R.M. KOLE & ASSOC., INC.
 9701 Brookpark Road, Suite 241
 Cleveland, OH 44129
 PH: 216-741-3232
 FAX: 216-741-4319

DATE: MAY 14, 1997 SHEET: 1 OF 1

ALTA/ACSM LAND TITLE SURVEY OF CHARDON SHOPPING PLAZA WATER STREET, CHARDON, OHIO

COMMITMENT NO. 5-16023 FILE NO. 88-8-105

*: ~~Need adjacent property owners~~
Need I.P. set

Deed of Record

LEGAL DESCRIPTION

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Beginning at a point at the intersection of the centerline of Water Street, 99.00 feet wide, and the westerly line of the land conveyed to CSX Transportation by deed recorded in Volume 143, Page 311 of Geauga County Deed Records;
thence South 1°40'30" West along the said westerly line so conveyed to CSX, 128.80 feet to a point of curvature therein;
thence southeasterly by a curve to the left and continuing along said westerly line so conveyed to CSX an arc distance of 608.45 feet, said arc having a radius of 1196.28 feet and a chord which bears South 12°53'45" East, 601.91 feet to a point of tangency therein; *(Need I.P. set at R.C. & P.T.)**

need I.P. set
on R.O.W.
*

thence South 27°28'00" East and continuing along said westerly line so conveyed, 155.85 feet to a 5/8" iron pin found and being in the northerly line of land conveyed to Geauga Landmark Inc. by deed recorded in Volume 798, Page 842 of Geauga County Deed Records;

thence North 88°30'00" West along the northerly line of land so conveyed to Geauga Landmark Inc., 166.77 feet to a 5/8" iron pin found and being a northwesterly corner of land so conveyed to Geauga Landmark Inc.;

thence South 2°24'00" West along the westerly line of land so conveyed to Geauga Landmark Inc., 312.10 feet to a 5/8" iron pin found in the northerly line of Park Avenue, 50.00 feet wide;

thence North 88°30'00" West along the said northerly line of Park Avenue, 225.30 feet to a 5/8" iron pin found and being in the easterly line of land conveyed to T. Pryately by deed Volume 502, Page 209 of Geauga County Deed Records;

thence North 2°24'00" East along the southerly prolongation of the easterly line of said Sublot No. 10 and the easterly line of land so conveyed to T. Pryately, a distance of 174.10 feet to a 5/8" iron pin found; *at the N-E corner thereof*

thence North 88°30'00" West along the northerly line of land so conveyed to T. Pryately, 138.49 feet to a 5/8" iron pin found; *at the N-W corner thereof*

thence North 1°32'00" East along to easterly line of land so conveyed to C & M McClelland, 155.53 feet to a point to a 5/8" iron pin found in the southerly line of Daniels Drive, 60.00 feet wide;

thence South 88°30'00" East along the said southerly line of Daniels Drive, 140.84 feet to a point in the easterly line of said Daniels Drive; *

thence North 2°24'00" East along the easterly line of said Daniels Drive, 60.00 feet to a point in the northerly line of said Daniels Drive; *

thence North 88°30'00" West along the said northerly line of Daniels Drive, 336.81 feet to a 1/2" iron pipe found at a southeasterly corner of land conveyed to A. Dyrz by deed Volume ²⁷²~~257~~, Page ³³⁶~~149~~ of Geauga County Deed Records;

thence North 1°13'40" East along an easterly line of land so conveyed to A. Dyrz, 233.40 feet to a 5/8" iron pin found; *with the S.H. of Dyrz (226-474)*

thence South 88°40'20" East along a southerly line of land so conveyed to A. Dyrz, 49.98 feet to a 5/8" iron pin found;

thence North 2°24'00" East along an easterly line of land so conveyed to A. Dyrz, 537.53 feet to a point in the centerline of said Water Street; ** at R.O.W. and the E. line of West (818-926)*

thence South 88°27'00" East along said centerline of Water Street, 445.62 feet to the point of beginning and containing 11.8826 acres of land as described on May 5, 1997 by R. M. Kole & Assoc., Inc., Professional Land Surveyors, P.S. No. 6258.

Subject, however, to all legal rights of way of previous record.

Basis of Bearings: The plat bearing for the northerly line of Park Avenue (North 88°30' West - see Max Daniels Subdivision, Plat Volume 5, Page 15 of Geauga County Map Records) is the reference meridian for the foregoing description.

EXCEPTING THEREFROM:

Situated in the Village of Chardon, County of Geauga and State of Ohio, and known as being part of Original Township Lot Nos. 105 within the said Village.

Beginning at a point at the intersection of the centerline of Water Street, 99.00 feet wide, and the westerly line of the land conveyed to CSX Transportation by deed recorded in Volume 143, Page 311 of Geauga County Deed Records; thence North 88°27'00" West along the said centerline of Water Street, 138.18 feet to a point on the northerly prolongation of the westerly building line of Chardon Shopping Plaza; thence South 1°34'00" West along the said northerly prolongation and westerly building line, 401.26 feet to the Principal Place of Beginning;

thence South 88°26'00" East, 121.05 feet to a point on the easterly line of said building;

thence South 1°34'00" West along the said easterly line of said building, 51.00 feet;

thence North 88°26'00" West, 121.05 feet to a point on the westerly line of said building;

thence North 1°34'00" East along the westerly line of said building, 51.00 feet to the Principal Place of Beginning and containing 0.1417 acres of land.

Subject, however, to all legal rights of way of previous record.