

Mulberry Road

David L. Battles  
Vol. 957 Pg. 554  
Lot No. 27

Mattie G. Battles Trust  
Volume 982 Page 286

Lot No. 27

5.718 acres

5.754 acres

8.751 acres

13.047 acres

3.050 acres

Chester Christian Center Assembly of God, Inc.  
Volume 860 Page 767

Society National Bank, Trustee  
Parcel No. 2  
Volume 995  
Page 182

Curve	Bearing	Chord	Arc	Tan	Radius	Delta
A	S. 36° 34' 51" W.	122.20	363.60	infinite	80.00	260° 24' 23"
B	S. 16° 37' 50" E.	135.89	215.00	346.28	80.00	183° 58' 58"
C	S. 66° 25' 40" E.	128.14	148.60	106.98	80.00	106° 25' 25"
D	S. 53° 25' 08" E.	31.84	56.13	33.81	40.00	80° 24' 21"
E	S. 37° 51' 45" W.	204.02	230.60	153.99	86.17	97° 07' 52"

K and F MFG. Corp. Val. 1035, Pg. 611

Timothy A. Bacon  
Volume 1024 Pg. 1043

Lucius Paul and Clara Clark  
Volume 998 Page 680

This survey was made at the request of Frank Durkalski and was made in February 1999 of a part of lands of Frank and Joan Durkalski as recorded in volume 715, page 36 of the Geauga County Deed Records and is based only on the information contained in this document. Lawrence Wilson and Associates makes no representation as to the existence of any other record documents that may affect the surveyed property, including but not limited to, title, encumbrances, easements, either aboveground or underground, or restrictions that would be identified by a title report.

No warranty is made concerning the existence, location, condition, type or size of ANY structure, either aboveground or underground. Contact The Ohio Utilities Protection Service at (800)-362-2764 before any and all excavation.

THIS SURVEY IS LIMITED IN SCOPE to locating and describing the various Parcels and the Industrial Road Easement and DOES NOT LOCATE THE EXISTING GAS WELL AND UNDERGROUND GAS LINES.

The below certification is valid only to those parties named herein, and is valid only when evidenced by an ORIGINAL SIGNATURE below. Lawrence Wilson and Associates assumes no liability for the use of unauthorized copies of this plat of survey, nor for any use, or reliance upon, by persons other than those specifically named herein.

FRANK & JOAN DURKALSKI

I certify to FRANK & JOAN DURKALSKI that I have prepared this Plat and that it is based on a Survey made by me in accordance with the provisions of Chapter 4733-37 of the Ohio Administrative Code governing land surveys in the State of Ohio.

The bearings shown on this Plat are oriented to an arbitrary meridian and are intended to indicate angular relationships only. Distances are expressed in U. S. Survey Feet and decimal parts thereof.

Lawrence Gordon Wilson  
Professional Surveyor No. 5807  
February, 1999

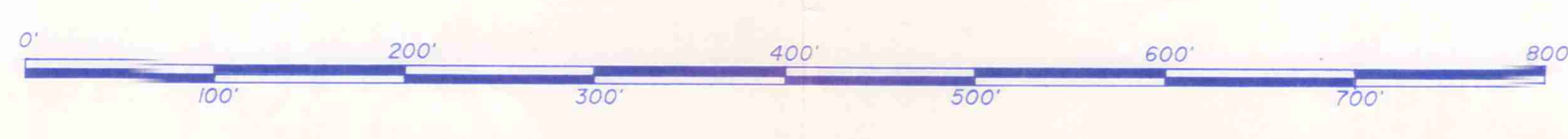


Plat of Survey  
of part of lands of  
**Frank and Joan Durkalski**  
in  
Lot No. 26 in Tract No. 1  
Chester Township  
Gauga County, Ohio

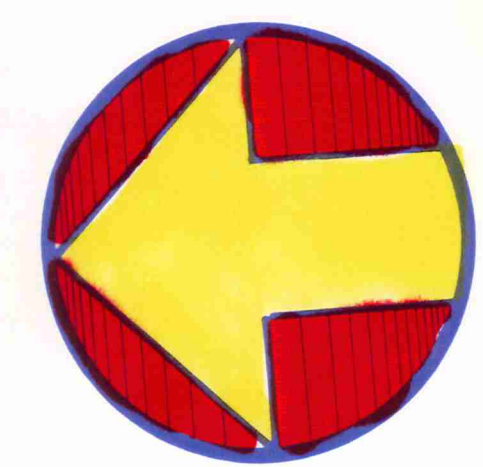
SURVEY PLAT & LEGAL DESCRIPTION  
APPROVED PER R.C. 315.251  
R.S. 4/9/99  
OFFICE OF THE  
GEAUGA COUNTY ENGINEER

Lawrence Wilson and Associates  
Professional Land Surveyors  
Village Station  
401 South Street  
Chardon, Ohio 44024

440-285-3161



Scale: 1" = 100'



CHE00033

CHE00033

# Know all Men by these Presents

11-184250

That,

WE, FRANK DURKALSKI and JOAN DURKALSKI, husband and wife

SURVEY PLAT & LEGAL DESCRIPTION  
APPROVED PER R.C. 315.251

R.S. 4/9/99  
OFFICE OF THE (excluding easement)  
GEAUGA COUNTY ENGINEER

, the Grantors,  
who claim title by or through instrument, recorded in Volume 715, Page 36,  
County Recorder's Office, for the consideration of

---TEN and no/100---

Dollars (\$ 10.00)

received to our full satisfaction of

TRULINE LAND CO., LTD., an Ohio Limited Liability Company

the Grantee

whose TAX MAILING ADDRESS will be

11715 Chillicothe Road, Chesterland, Ohio 44026

do

have ~~Given, Granted, Remised, Released and Forever Quit-Claimed~~, and do by these presents absolutely

give, grant, remise, release and forever quit-claim unto the said grantee, its

heirs and assigns forever, all such right and title as we

the said grantors, have or ought to have in and to the following described piece

or parcel of land, situated in the Township of Chester

County of Geauga and State of Ohio:

And known as part of Lot No. 26 in Tract No. 1 within said Township, and further described as follows:

Beginning in the center line of Chillicothe Road at the most southwesterly corner of land conveyed to Timothy A. Bacon by deed recorded in Volume 1024, Page 1043 of the Geauga County Deed Records;

Thence N. 86° 22' 41" E. along the most southerly line of said Bacon, said southerly line also being a northerly line of land conveyed to Frank and Joan Durkalski by deed recorded in Volume 715, Page 36 of the aforesaid deed records, through a 3/4" iron pipe found at 40.24 feet, a total distance of 969.01 feet to a 3/4" iron pipe set at the principal place of beginning of the land herein intended to be described;

Thence N. 86° 22' 41" E. continuing along the said southerly line of Bacon 133.46 feet to a 3/4" iron pipe found at the most southeasterly corner of said Bacon;

Thence N. 04° 27' 16" E. along an easterly line of said Bacon 288.73 feet to a 3/4" iron pipe found and used an angle in said Bacon boundary;

Thence S. 85° 47' 17" E. along a southerly line of said Bacon and an easterly prolongation thereof, through a 3/4" iron pipe found at 347.54 feet at a southeasterly corner of said Bacon, a total distance of 450.07 feet to a 3/4" iron pipe set at the point that is 60.00 feet westerly by perpendicular measurement from the westerly line of land conveyed to Mattie G. Battles Trust by deed recorded in Volume 982, Page 286 of the aforesaid deed records;

Thence S. 03° 33' 23" W. parallel with said westerly line of said Trust 527.51 feet to a 3/4" iron pipe set;

Thence N. 86° 26' 54" W. 399.77 feet to a 3/4" iron pipe set;

Thence N. 55° 10' 42" W. 156.08 feet to a 3/4" iron pipe set;

Thence counterclockwise along a curve deflecting to the left by a radius of 80.00 feet, an arc distance of 215.00 feet, the chord of said curve being N. 16° 37' 50" W. 155.89 feet to the principal place of beginning, containing 5.754 acres as surveyed in February, 1999 by Lawrence Wilson, Ohio Professional Surveyor No. 5807. The bearings in this description are oriented to an arbitrary meridian and are intended to indicate angular relationships only.

This survey is of part of lands conveyed to Frank and Joan Durkalski by deed recorded in Volume 715, Page 36 of the Geauga County Deed Records.

be the same more or less, but subject to all legal highways.

FURTHER GIVING, GRANTING and REMISING a PERPETUAL EASEMENT for INGRESS and EGRESS over the entire length and width of the following described private road, in common with other property owners abutting thereto as an industrial road easement over part of land owned by Frank and Joan Durkalski, for the benefit of Grantee, its heirs, administrators, executors, successors and assigns:

Situated in the Township of Chester, County of Geauga and State of Ohio, and known as part of Lot No. 26 in Tract No. 1 within said Township, and further described as follows:

Beginning in the center line of Chillicothe Road at the most southwesterly corner of land conveyed to Timothy A. Bacon by deed recorded in Volume 1024, Page 1043 of the Geauga County Deed Records;

Thence N. 86° 22' 41" E. along the most southerly line of said Bacon, said southerly line also being a northerly line of land conveyed to Frank and Joan Durkalski by deed recorded in Volume 715, Page 36 of the aforesaid deed records, through a 3/4" iron pipe found at 40.24 feet, a total distance of 969.01 feet to a 3/4" iron pipe set at the point that is S 86° 22' 41" W. 133.46 feet from a 3/4" iron pipe found at the most southeasterly corner of said Bacon;

Thence clockwise along a curve deflecting to the right by a radius of 80.00 feet, an arc distance of 363.60 feet, the chord of said curve being S. 36° 34' 51" W. 122.20 feet to a 3/4" iron pipe set;

Thence counter-clockwise northwesterly along a curve deflecting to the left by a radius of 40.00 feet, an arc distance of 56.13 feet, the chord of said curve being N. 53° 25' 08" W. 51.64 feet to a 3/4" iron pipe set;

Thence S. 86° 22' 41" W. 305.14 feet to a 3/4" iron pipe set;

Thence S. 10° 39' 11" E. 15.10 feet to a 3/4" iron pipe found at the northeasterly corner of land conveyed to Lucius Paul Clark and Clara Clark by deed recorded in Volume 958, Page 680 of the aforesaid deed records;

Thence S. 86° 22' 36" W. along the northerly line of said Clark, through a 3/4" iron pipe found at 493.89 feet, a total distance of 539.16 feet to the center line of Chillicothe Road;

Thence N. 09° 53' 30" W. along said center line 75.45 feet to the place of beginning, containing 1.905 acres as surveyed in January 1995 by Lawrence Wilson, Ohio Professional Surveyor No. 5807.

The bearings in this description are oriented to an arbitrary meridian and are intended to indicate angular relationships only.

This survey is of part of lands conveyed to Frank and Joan Durkalski by deed recorded in Volume 715, Page 36 of the Geauga County Deed Records.

be the same more or less, but subject to all legal highways.

The expenses for maintenance, snow removal and care of the easement and any private industrial road thereon shall be borne equally by grantor and grantee, and if any other parcels are served by such easement, then proportionately in proportion to the number of parcels served by such easement. Grantor reserves the right to plat the easement in accordance with the Geauga County Subdivision Regulations, without cost to Grantee, and Grantee agrees to join with Grantor in completion of all platting requirements, and Grantor reserves the right to resolve any dispute over the amount, kind and quality of such maintenance, snow removal and care (including any improvements thereto), said reservation being to Grantor and Grantors' heirs, successors, administrators and assigns.

**To Have and to Hold** the premises aforesaid, with the appurtenances thereunto belonging to the said grantee, its heirs and assigns, so that neither the said grantors, nor their heirs, nor any other persons claiming title through or under them, shall or will hereafter claim or demand any right or title to the premises, or any part thereof; but they and every one of them shall by these presents be excluded and forever barred.

CHE00033

# Know All Men by These Presents:

11-389164

**That**<sup>(1)</sup>

We, FRANK DURKALSKI and JOAN DURKALSKI, husband and wife

of Geauga County, Ohio,

*in consideration of*

---Ten and no/100 Dollars (\$10.00)---

to us paid by STOREONE, INC., an Ohio Corporation

whose address is 8387 Windham Street, P.O. Box 302, Garrettsville, Ohio 44231  
the receipt whereof is hereby acknowledged, do hereby **Grant, Bargain, Sell**  
**and Convey to the said**

STOREONE, INC., an Ohio Corporation

*heirs and assigns forever,*

*the following described Real Estate:*<sup>(2)</sup>

Situated in the Township of Chester, County of Geauga and State of Ohio:

And known as part of Lot No. 26 in Tract No. 1 within said Township, and further described as follows:

Beginning in the center line of Chillicothe Road at the most southwesterly corner of land conveyed to Timothy A. Bacon by deed recorded in Volume 1024, Page 1043 of the Geauga County Deed Records;

Thence N. 86° 22' 41" E. along the most southerly line of said Bacon, said southerly line also being a northerly line of land conveyed to Frank and Joan Durkalski by deed recorded in Volume 715, Page 36 of the aforesaid deed records, through a 3/4" iron pipe found at 40.24 feet, a total distance of 969.01 feet to a 3/4" iron pipe set at the point that is S. 86° 22' 41" W. 133.46 feet from a 3/4" iron pipe found at the most southeasterly corner of said Bacon;

Thence clockwise southeasterly along a curve deflecting to the right by a radius of 80.00 feet, an arc distance of 215.00 feet, the chord of said curve being S. 16° 37' 50" E. 155.89 feet to a 3/4" iron pipe set at the principal place of beginning of the land herein intended to be described;

Thence S. 55° 10' 42" E. 156.08 feet to a 3/4" iron pipe set;

Thence S. 86° 26' 54" E. 459.77 feet to a 3/4" iron pipe set in the westerly line of land conveyed to the Mattie G. Battles Trust by deed recorded in Volume 982, Page 286 of the aforesaid deed records, said westerly line also being the westerly line of Lot No. 27 of Tract No. 1 in said Chester Township;

Thence S. 03° 33' 23" W. along said westerly line of Lot No. 27 and the Battles Trust 420.00 feet to a 3/4" iron pipe set;

Thence N. 86° 26' 54" W. 769.45 feet to a 3/4" iron pipe set;

Thence N. 10° 39' 11" W. 417.28 feet to a 3/4" iron pipe set;

Thence clockwise northeasterly along a curve deflecting to the right by a radius of 136.17 feet, an arc distance of 230.60 feet, the chord of said curve being N. 37° 51' 45" E. 204.02 feet to a 3/4" iron pipe set;

Thence clockwise southeasterly along a curve deflecting to the right by a radius of 40.00 feet, an arc distance of 56.13 feet, the chord of said curve being S. 53° 25' 08" E. 51.64 feet to a 3/4" iron pipe set;

SURVEY PLAT & LEGAL DESCRIPTION  
APPROVED PER R.C. 315.251

R.S.

4/9/99

OFFICE OF THE (excluding Easement)  
GEAUGA COUNTY ENGINEER

Thence counter-clockwise southeasterly along a curve deflecting to the left by a radius of 80.00 feet, an arc distance of 148.60 feet, the chord of said curve being S. 66° 25' 40" E., 128.14 feet to the principal place of beginning, containing 8.751 acres as surveyed in December 1998 by Lawrence Wilson, Ohio Professional Surveyor No. 5907.

The bearings in this description are oriented to an arbitrary meridian and are intended to indicate angular relationships only.

This survey is of part of lands conveyed to Frank and Joan Durkalski by deed recorded in Volume 715, Page 36 of the Geauga County Deed Records.

ALSO INCLUDING the Grantors, joining in an EASEMENT to be granted to Grantee, said Grantors giving, granting and remising an Easement for INGRESS and EGRESS in common with other property owners as an Industrial Road Easement, said easement to be PERPETUAL, and thereby, have given, granted, remised and do by these presents absolutely give, grant, remise unto the said Grantee, its heirs and assigns forever, such easement as the said Grantors have or ought to have in the following described piece or parcel of land, situated in the Township of Chester, County of Geauga and State of Ohio:

and said easement to be in common with other property owners over part of the property owned by Frank Durkalski and Joan Durkalski, husband and wife, and over which such EASEMENT was previously granted by TRULINE LAND CO., LTD., an Ohio Limited Liability Co., in Volume \_\_\_\_\_ Page \_\_\_\_\_ of the Geauga County Deed Records;

And known as being part of Lot No. 26 in Tract No. 1 within said Township, and further described as follows:

Beginning in the center line of Chillicothe Road at the most southwesterly corner of land conveyed to Timothy A. Bacon by deed recorded in Volume 1024, Page 1043 of the Geauga County Deed Records;

Thence N. 86° 22' 41" E. along the most southerly line of said Bacon, said southerly line also being a northerly line of land conveyed to Frank and Joan Durkalski by deed recorded in Volume 715, Page 36 of the aforesaid deed records, through a 3/4" iron pipe found at 40.24 feet, a total distance of 969.01 feet to a 3/4" iron pipe set at the point that is S. 86° 22' 41" W. 133.46 feet from a 3/4" iron pipe found at the most southeasterly corner of said Bacon;

Thence clockwise along a curve deflecting to the right by a radius of 80.00 feet, an arc distance of 363.60 feet, the chord of said curve being S. 36° 34' 51" W. 122.20 feet to a 3/4" iron pipe set;

Thence counter-clockwise northwesterly along a curve deflecting to the left by a radius of 40.00 feet, an arc distance of 56.13 feet, the chord of said curve being N. 53° 25' 08" W. 51.64 feet to a 3/4" iron pipe set;

Thence S. 86° 22' 41" W. 305.14 feet to a 3/4" iron pipe set;  
BALANCE OF LEGAL DESCRIPTION CONTAINED BELOW \*\*\*\* and all the estate, title and interest of grantors in Law or Equity, of, in and to the said premises; **Together** with all the privi-

*leges and appurtenances to the same belonging, and all the rents, issues and profits thereof; To have and to hold the same to the only proper use of the said*

STOREONE, INC., an Ohio corporation

its *heirs and assigns forever.*

**And the said**

FRANK and JOAN DURKALSKI, husband and wife

for themselves and their *heirs, executors and administrators,*  
do hereby **Covenant** with the said

STOREONE, INC., an Ohio corporation

its *heirs and assigns,*  
*that they are the true and lawful owners of the said premises,*

*and ha full power to convey the same; and that the title so conveyed is **Clear, Free and Unincumbered; And further, That they do Warrant and Will Defend** the same against all claims of all persons whomsoever.*

free and clear of all encumbrances whatsoever; except all legal highways; zoning and building rules, regulations and ordinances of any governmental authority; and restrictions, conditions and utility easements, if any, created or reserved as a part of a general plan in and for the subdivision or subdivisions in which the premises are located; easements for public utilities serving the premises; taxes and assessments, both general and special, for the current half of the taxable year and thereafter, which amounts are not yet due and payable, but which are a lien upon the premises; and conditions of record expressly assumed by Grantee.

CHIEF  
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LEGAL DESCRIPTION CONTINUED \*\*\*\*

Thence S. 10° 39' 11" E. 15.10 feet to a 3/4" iron pipe found at the northeasterly corner of land conveyed to Lucius Paul Clark and Clara Clark by deed recorded in Volume 958, Page 680 ~~In Witness Whereof, xxxxxxxx~~ of the aforesaid deed records;

Thence S. 86° 22' 36" W. along the northerly line of said Clark, through a 3/4" iron pipe found at 493.89 feet, a total distance of 539.16 feet to the center line of Chillicothe Road;

Thence N. 09° 53' 30" W. along said center line 75.45 feet to the place of beginning, containing 1.905 acres as surveyed in January 1995 by Lawrence Wilson, Ohio Professional Surveyor No. 5807. ADDITIONAL EASEMENT CONDITIONS FOUND ON REVERSE \*\*\*\*

who hereby release all their right and expectancy of Dower in said premises, the said FRANK and JOAN DURKALSKI, husband and wife, In witness Whereof, ~~xxxxx~~ have hereunto set their hands this

24<sup>th</sup> day of March 1999 .

Signed and acknowledged in presence of:

Kenneth Korosec  
Laura J. Amendola  
KENNETH KOROSEC  
LAURA AMENDOLA

Frank Durkalski  
Joan Durkalski  
FRANK DURKALSKI  
JOAN DURKALSKI

State of OHIO County of Geauga SS.  
Be it Remembered, That on this 24<sup>th</sup> day  
of March, 1999,

Notary Public

before me, the subscriber, a  
in and for said state, personally came

FRANK DURKALSKI and JOAN DURKALSKI, husband and Wife

the grantors in the foregoing deed, and acknowledged the signing  
thereof to be their voluntary act and deed.

In Testimony Whereof, I have hereunto subscribed  
my name and affixed my Notarial seal  
on the day and year last aforesaid.

[Signature]

NOTARIAL SEAL, ATTORNEY AT LAW  
My Commission Expires 06/30/00  
ORC Sec. 149.01

This instrument was prepared by KENNETH D. KOROSEC, Attorney at Law  
Diplomat Building - 12573 Chillicothe Road  
Chesterland, Ohio 44026 - (440) 729-1414

(1) Include reference to marital status of grantor.  
(2) Include reference to volume and page of next preceding recorded instrument by or through which grantor claims title. (R.C. § 319.20)

The bearings in this description are oriented to an arbitrary meridian and are intended to indicate angular relationships only.

This survey is part of lands conveyed to Frank and Joan Durkalski by deed recorded in Volume 715, Page 36 of the Geauga County Records.

The expenses for maintenance, snow removal and care of the easement and any private industrial road thereon shall be borne equally by grantor and grantee, and if any other parcels of land are served by such easement, then proportionately in proportion to the number of parcels served by such easement. Grantors herein, or their successors, heirs, executors, assigns or administrators, or to whom they have already granted, given an remised an easement, reserve the right to plat the within easement in accordance with the Geauga County Subdivision Regulations, and grantors further reserve to themselves, their successors, heirs, administrators and assigns, the right to resolve any dispute over the amount, kind or quality of such maintenance, snow removal and care (including any improvements thereto), and such reservation is explicitly made a part of this easement; however, any platting of this easement or of lands containing this easement by Grantors, or their successors, heirs, administrators and assigns, shall be done without cost to Grantee, its successors, heirs, executors, administrators and assigns and that, by reason thereof, Grantee (or any of its successors and/or assigns) agrees to join in execution of said plat.

The easement granted herein is for the benefit of Grantee and its successors and assigns, and their agents, servants, tenants, visitors, licensees and all other persons for the advantage of the Grantee, and its successors and assigns, and shall be for the purpose of allowing them at all times freely pass and repass on foot or with vehicles of every description to and from Chillicothe Road, also known as State Route 306 and the property conveyed to Grantee by this or any other deed. The easement and rights granted herein benefit the property conveyed to Grantee herein and shall be appurtenant to and run with said land.

Grantors, on behalf of themselves and their heirs, administrators, successors and assigns covenant unto Grantee and its successors and assigns that:

1. Grantors are the owners of the easement property and have full power and authority to grant the easement to Grantee on the terms and conditions contained herein, and that they will warrant and defend the easement and the use thereof by Grantee and its successors and assigns against the claims of all persons.
2. In the event that Grantors are required to plat the easement property or dedicate the private industrial road located therein to public use, or in the event it is necessary to plat the easement property and/or dedicate the private industrial road contained therein in order to preserve Grantee's access to the property conveyed to Grantee by this deed, Grantors shall forthwith, at Grantors' sole cost and expense, do all things necessary to cause this easement to be platted and/or the private industrial road to be dedicated to public use in conformity with all applicable laws, rules and regulations.
3. Grantors will not obstruct nor permit any other person to obstruct Grantee's use of the easement as provided herein. All maintenance, repair and construction occurring within the easement shall be accomplished in a manner that will cause the least interruption of Grantee's use of the easement for the purposes set forth herein.
4. Grantors shall not alter the easement property or transfer any right, title or interest therein which would prevent Grantors from complying with any of the covenants contained herein.

Grantors and their successors and assigns shall hold Grantee and its successors and assigns harmless from and indemnify them from any claim, damage, loss, liability, cost or expense, including attorney's fees, arising out of any of the foregoing covenants being untrue or of Grantors' breach of said covenants. In addition, in the event that Grantors are required to plat the easement property and/or dedicate the private industrial road located therein to public use, or such platting or dedication is necessary to preserve Grantee's access to the property conveyed herein, and Grantors or their heirs and assigns fail or refuse to proceed with such platting and/or dedication, Grantee and its successors or assigns shall thereupon have the authority to cause the easement property to be platted and/or private industrial road located therein to be dedicated to public use, and for that purpose may execute, deliver, and record, in Grantee's name or Grantors' name, any and all documents or instruments necessary or appropriate to accomplish the aforesaid purpose.

**Warranty Deed**

For the purposes hereof, "maintenance and care" shall not include the resurfacing, reconstructing or improving or upgrading the road if required to plat. If not, such work shall be included.

**FROM**

FRANK DURKALSKI

and

JOAN DURKALSKI

**TO**

STOREONE, INC.