

LEGAL DESCRIPTION

Old Republic National Title Insurance Company
Commitment No. 15571, Effective January 7, 2013

Situated in the City of Lorain, County of Lorain, and State of Ohio: and known as being a part of Original Sheffield Township Lot No. 48, and bounded and described as follows: Beginning on the Northerly line of East Erie Avenue, 66 feet wide, at its point of intersection with the Easterly line of land conveyed to A. C. Calhoun by deed dated December 16, 1922 and recorded to Volume 188, Page 58 of Lorain County Deed Records; thence Northerly along the Easterly line of land so conveyed to A. C. Calhoun 271.89 feet to the low water mark of Lake Erie; thence Easterly along said low water mark of Lake Erie to the Northwesterly corner of land conveyed to Josephine A. LaGran by deed dated June 1, 1910 and recorded in Volume 119, Page 165 of Lorain County Deed Records; thence Southerly along the Westerly line of land so conveyed to Josephine LaGran, 301.05 feet to the Northerly line of said East Erie Avenue; thence Westerly along said Northerly line of East Erie Avenue, 336.06 feet to be place of beginning, according to survey dated January 20, 1926, made by National Surveys Service, be the same more or less, but subject to all legal highways and waterways. Intending to convey 1.850 acres of land.

Excepting from the above described premises any part thereof acquired through change in the courses of Lake Erie occasioned by other than natural causes or by natural causes other than accretion.

Permanent Parcel No. 03-00-048-101-005
Permanent Parcel No. 03-00-048-101-006

SURVEYOR'S LEGAL DESCRIPTION

Situated in the City of Lorain, County of Lorain, State of Ohio and known as being a part of Original Sheffield Township Lot No. 48, and bounded and described as follows:

Beginning at a p.k. nail set at the intersection of the centerlines of East Erie Avenue (State Route 6) (66 feet wide) and Nebraska Avenue (60 feet wide);

Thence North 67°00'00" East along the centerline of East Erie Avenue, 12.67 feet to the southeasterly corner of land conveyed to Robert J. Taylor by deed dated November 26, 2012 and recorded in Instrument No. 20120437867 of Lorain County Deed Records;

Thence North 23°00'00" West at a right angle to the centerline of East Erie Avenue, 33.00 feet to a drill hole set in concrete walk on the northerly right of way of East Erie Avenue and being the PRINCIPAL PLACE OF Beginning of the premises herein described;

Thence North 23°00'00" West along the easterly line of land so conveyed to Robert J. Taylor and passing through a 5/8"x30" iron pin set at the top of bank at 173.00 feet, 232.50 feet to the Historical Natural Shoreline of Lake Erie;

Thence along the Historical Natural Shoreline of Lake Erie the following (16) Courses:

- 1.) Thence North 80°00'00" East, 65.50 feet to a point;
- 2.) Thence North 67°30'00" East, 55.40 feet to a point;
- 3.) Thence North 11°24'00" West, 26.00 feet to a point;
- 4.) Thence North 78°36'00" East, 6.00 feet to a point;
- 5.) Thence South 11°24'00" East, 11.50 feet to a point;
- 6.) Thence North 81°43'20" East, 49.55 feet to a point;
- 7.) Thence North 65°56'40" East, 46.50 feet to a point;
- 8.) Thence North 72°16'55" East, 22.00 feet to a point;
- 9.) Thence North 17°43'05" West, 53.50 feet to a point;
- 10.) Thence North 72°16'55" East, 6.00 feet to a point;
- 11.) Thence South 17°43'05" East, 30.50 feet to a point;
- 12.) Thence North 78°17'40" East, 106.55 feet to a point;
- 13.) Thence North 11°38'05" East, 13.20 feet to a point;
- 14.) Thence South 78°21'55" East, 3.00 feet to a point;
- 15.) Thence South 11°38'05" West, 1.00 feet to a point;
- 16.) Thence North 80°54'06" East, 11.08 feet to a westerly line of land conveyed to Paul Hageman and Calmay L. Hageman by deed dated February 24, 2004 and recorded in Instrument No. 20040985063 of Lorain County Deed Records;

Thence South 12°36'00" East along a westerly line of land so conveyed to Paul Hageman and Calmay L. Hageman, passing through a 5/8"x30" iron pin set at the top of bank at 43.20 feet, 227.20 feet to a drill hole set in a concrete walk on the northerly right of way of East Erie Avenue;

Thence South 67°00'00" West along the northerly right of way of East Erie Avenue, 336.06 feet to the PRINCIPAL PLACE OF Beginning and containing 1.8360 acres of land as surveyed and described by Edward B. Dudley, PS No. 6747 of the Riverstone Company in February of 2013, and subject to all legal highways, restrictions, reservations and easements.

Note:

The approximate Historical Natural Shoreline, the areas of the submerged seawall/ breakwater structures present at the site, as scaled from the 1980 aerial imagery provided by the Ohio Department of Natural Resources, Office of Coastal Management. The lake ward face of the scaled seawall/breakwater structures represents the coterminous boundary with the public's interest in the Territory of Lake Erie.

The above described property is the same property as described in the Old Republic National Title Insurance Company, Commitment No. 15571, Effective January 7, 2013 and that the boundary lines of the parcels collectively constituting the Premises are contiguous with each other and contain no gaps, gores or overlaps, as described in their most recent respective legal descriptions of record as provided to the undersigned.

SCHEDULE B, SECTION II ITEMS

Table of Exceptions
Old Republic National Title Insurance Company
Commitment No. 15571, Effective January 7, 2013

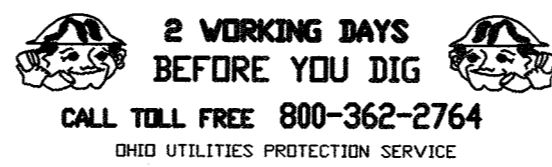
- 7. Subject to an oil and/or gas lease, pipeline agreement, or other instrument related to the production or sale of oil or natural gas which may arise subsequent to the Date of Policy. (NOT A SURVEY MATTER AND IS NOT SHOWN HEREON.)
- 12. Easement and Right of Way for transmission lines from Lorain Overlook Apartments, an Ohio general partnership, to Ohio Edison Company, an Ohio corporation, dated February 13, 1991, filed for record April 11, 1991 in O.R. Volume 385, Page 712 of Lorain County, Ohio Records (UTILITY POLE IS SHOWN HEREON.)
- 13. Easement and Right of Way for transmission lines from Lorain Overlook Apartments, an Ohio general partnership, to Ohio Edison Company, an Ohio corporation, dated February 13, 1991, filed for record April 11, 1991 in O.R. Volume 385, Page 714 of Lorain County, Ohio Records. (10 FOOT UTILITY EASEMENT IS SHOWN HEREON.)

PROPERTY AREA

79,975 SQ.FT. 1.8360 ACRES

UTILITY PROVIDERS

OUPS Reference No. A304600999
Date: February 15, 2013



Centurylink
Plans Not Received- Clear per email

City of Elyria
Plans Not Received- No Plans

City of Lorain
**Plans Received -
Water Plans Received
Sanitary Plans Received
Storm Plans Received**

Columbia Gas
Plans Received

Ohio Edison
Plans Received

UTILITY NOTE

Utility Provider source information from plans provided by client, title company and utility provider and markings will be combined with observed evidence of utilities to develop a view of those underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted.

FLOOD NOTE

By Graphic Plotting only, this property is situated in Zone "AE" and "X", a minimum flood zone, and is partially in a Special Flood Hazard Area as shown on the Federal Flood Map Community Panel No. 39093C-0107D, Effective: August 19, 2008.

NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE. APPROXIMATE SCALED LOCATION FROM FEMA FLOOD MAPS.

ZONING INFORMATION AND NOTES

City of Lorain
200 West Erie Avenue
Lorain, Ohio 44052
Richard Klinar- Chief Building Official
and Acting Planning/Zoning Officer
Telephone: 440-204-2040

(ZONING REQUIREMENTS ARE SUBJECT TO INTERPRETATION, FOR FURTHER VERIFICATION OF ZONING INFORMATION CONTACT: OLD REPUBLIC TITLE INSURANCE COMPANY)

GENERAL DESCRIPTION
R1 Residential

ADJACENT PROPERTY ZONING DISTRICT
R1 Residential

USES PERMITTED CHAPTER 1147.02
Single Family Dwellings

OBSERVED USE
Apartment Building
Units 54

MINIMUM LOT AREA CHAPTER 1147.05a
Single Family Dwelling 6,000 sq.ft.

OBSERVED AREA
79,975 sq.ft.
1.8360 acres

HEIGHT RESTRICTIONS CHAPTER 1147.05h
2-1/2 Stories or 35 feet

OBSERVED HEIGHT
40.5 Feet

SETBACK REQUIREMENTS CHAPTER 1147.05c,d,e
Front- 30 feet
Side- Two Side Lines
one not less than 9 feet,
one not less than 5 feet.

OBSERVED SETBACKS
Front- 21.0 feet
Side- 10.9 feet
Rear- 41± feet
to Top of Bank

Rear- 35 feet

PARKING REQUIREMENTS CHAPTER 1201.04g
2 Spaces per Unit

OBSERVED STRIPED PARKING
Regular- 65
H/C- 00
Total- 65

PLEASE NOTE:
Richard Klinar- Chief Building Official and Acting Planning/Zoning Officer 440-204-2040 stated that subject property is Legal and Non-Comforming. Please contact Richard Klinar for more zoning inquiries.

SURVEYORS NOTES

- 1. At the time of the field surveying there was no observable evidence of earth moving work, building construction or building additions within recent months.
- 2. At the time of the field surveying there was no observed evidence of site use as a solid waste dump, sump or sanitary landfill.
- 3. At the time of the field surveying there was no observable evidence of cemeteries or burial grounds.
- 4. At the time of the field surveying there was no known changes in street right of way lines.
- 5. At the time of the field surveying there was no observable evidence of recent sidewalk construction or repairs.
- 6. Ownership of fences are unknown unless otherwise noted.
- 7. Dimensions on this plat are expressed in feet and decimal parts thereof unless otherwise noted.
- 8. All of the various survey monuments shown on this survey as found and/or used are in good condition, undisturbed, unless otherwise noted.
- 9. This plat was prepared from a field survey, analysis of recorded plats, recorded deeds, and city survey records. Bearings shown hereon are to an assumed meridian and are intended to indicate angles only. Distances are given in feet and decimal parts thereof. All of which I certify to be correct to the best of my knowledge. I hereby certify I have surveyed the subject premises and prepared this drawing in Accordance with the provisions of Chapter 4733-37 of the Ohio Administrative Code.
- 10. The Riverstone Company carries professional liability insurance as part of the commercial business insurance policy.
- 11. The Riverstone Company was not provided a wetlands delineation report at the time of the survey.
- 12. Due to the severe winter (ice and snow) conditions at the time of the field surveying, the existing break wall, as shown hereon, was located from field measurements and scaled aerial photography.

**ALTA / ACSM
LAND TITLE SURVEY**

OF
LORAIN OVERLOOK APARTMENTS
2715 EAST ERIE AVENUE
CITY OF LORAIN
COUNTY OF LORAIN
STATE OF OHIO
PERMANENT PARCEL NO. 03-00-048-101-005
PERMANENT PARCEL NO. 03-00-048-101-006

FOR

NEW YORK COMMUNITY BANK,
ITS SUCCESSORS AND/OR ASSIGNS.

OAKMONT REAL ESTATE MANAGEMENT, LLC,
A PENNSYLVANIA LIMITED LIABILITY COMPANY,
AND/OR ITS SUCCESSORS AND ASSIGNS

LORAIN OVERLOOK APARTMENTS, LTD.
PARTNERSHIP, AN OHIO LIMITED PARTNERSHIP

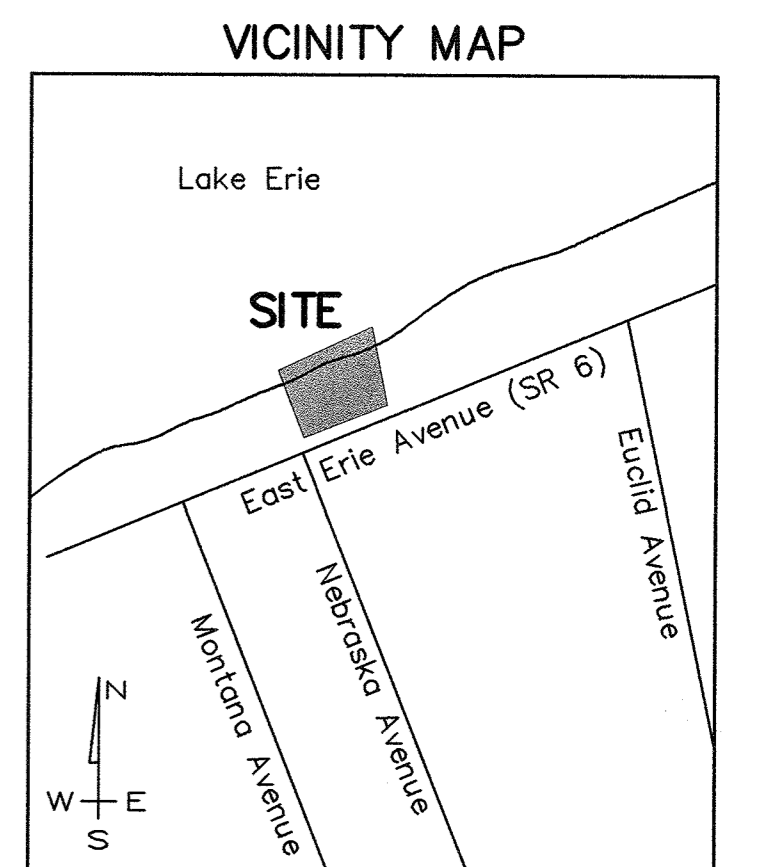
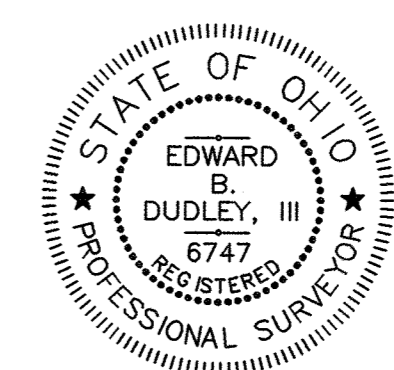
OLD REPUBLIC NATIONAL TITLE
INSURANCE COMPANY

2011 ALTA/ACSM CERTIFICATION

To New York Community Bank, its successors and/or assigns, Oakmont Real Estate Management, LLC, a Pennsylvania limited liability company, and/or its successors and assigns, Lorain Overlook Apartments, Ltd. Partnership, an Ohio limited partnership and Old Republic National Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6A, 6B, 7A, 8B, 7C, 8, 9, 11A, 11B, 13, 14, 16, 17, 18, 19 and 20 of Table A thereof. The field surveying was completed on February 19, 2013.

Edward B. Dudley, III
EDWARD B. DUDLEY, III P.S. No. 6747 Date February 28, 2013



REVISIONS

- 02-28 Legal Description
- 03-20 Legal Description

DRAWN BY

BDK
BS

SURVEYOR

BS

APPROVED

EBD PS NO. 6747



LEGEND

■ Monument Box Found	○ Spot Elevation Tag
● Iron Pin or Pipe Found	○ Hydrant
○ 5/8"x30" Iron Pin Set	○ Stand Pipe
○ Drill Hole Set / Found	○ Water Service Valve
○ P.K. Nail Set / Found	○ Water Line Valve
○ Gas Meter	○ Water Meter
○ Gas Manhole	○ Water Manhole
○ Gas Valve / Shut Off	○ Sanitary Manhole
○ Utility Pole with ID Number	○ Clean Out
○ Light Pole with ID Number	○ Unknown Manhole
○ Traffic Pole	○ Storm Manhole
○ Ground Light	○ Catch Basin
○ Guy Anchor & Line	○ Yard Basin
○ Flag Pole	○ Trench Drain
○ Electric Meter	○ Traffic Flow/Access
○ Electric Manhole	○ Sign Post
○ Transformer	○ Bollard
○ Air Conditioning Unit	○ Handicap Parking
○ Telephone Box / Manhole	○ Benchmark
○ Cable Box / Manhole	○ Monitoring Well
○ Traffic Control Box	○ Centerline
○ Flood Zone Determination	○ Property Line
○ Tree	○ Easement No.
○ Encroachments	
○ Violations	

NOTE

Due to the severe winter (ice and snow) conditions at the time of the field surveying, the existing break wall, as shown hereon, was located from field measurements and scaled aerial imagery.

The approximate Historical Natural Shoreline, the areas of the submerged seawall/breakwater structures present at the site, as scaled from the 1980 aerial imagery provided by the Ohio Department of Natural Resources, Office of Coastal Management. The lake ward face of the scaled seawall/breakwater structures represents the coterminous boundary with the public's interest in the Territory of Lake Erie.

FLOOD NOTE

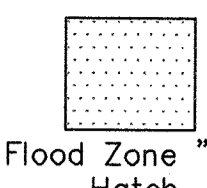
By Graphic Plotting only, this property is situated in Zone "AE" and "X", a minimum flood zone, and is partially in a Special Flood Hazard Area as shown on the Federal Flood Map Community Panel No. 39093C-0107D, Effective: August 19, 2008.

NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE. APPROXIMATE SCALED LOCATION FROM FEMA FLOOD MAPS.

Flood Zone Definitions

X represent areas outside the 500-year flood plain with less than 0.2% annual probability of flooding.

AE represent areas subject to 100-year flood with base flood elevation determined.



ALTA / ACSM LAND TITLE SURVEY

OF
LORAIN OVERLOOK APARTMENTS
 2715 EAST ERIE AVENUE
 CITY OF LORAIN
 COUNTY OF LORAIN
 STATE OF OHIO
 PERMANENT PARCEL NO. 03-00-048-101-005
 PERMANENT PARCEL NO. 03-00-048-101-006

BASIS OF BEARINGS

The centerline of East Erie Avenue as North 67°00'00" East as shown on the Survey of Parcel Split as surveyed by John Pozwyk, P.S. No. 5292 in November of 1997.

Current deed of land conveyed to Lorain Overlook Apartments by deed dated November 13, 1981 and recorded in Volume 1291, Page 559 of Lorain County Deed Records does not show a basis of bearings.

DEED OF RECORD

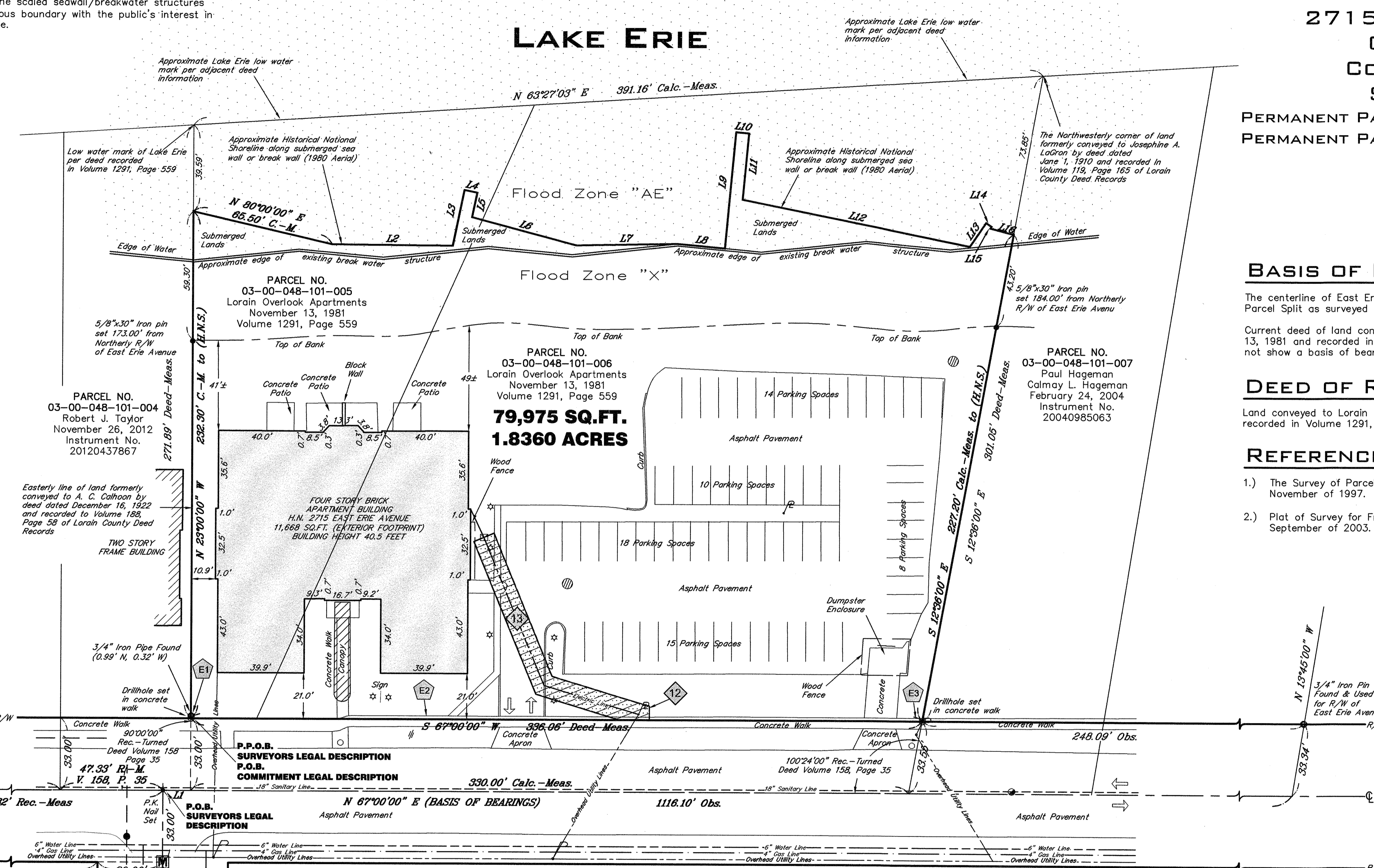
Land conveyed to Lorain Overlook Apartments by deed dated November 13, 1981 and recorded in Volume 1291, Page 559 of Lorain County Deed Records.

REFERENCE SURVEYS

- 1.) The Survey of Parcel Split as surveyed by John Pozwyk, P.S. No. 5292 in November of 1997.
- 2.) Plat of Survey for Fred Walters performed by Thomas Simon and Associates in September of 2003.

LINE TABLE

Line	Length (C-M)	Bearing
L1	12.67'	N67°00'00"E
L2	55.40'	N87°30'00"E
L3	26.00'	N11°24'00"W
L4	6.00'	N78°38'00"E
L5	11.50'	S11°24'00"E
L6	49.55'	N81°43'20"E
L7	46.50'	N65°56'40"E
L8	22.00'	N72°16'55"W
L9	53.50'	N17°43'05"W
L10	6.00'	N72°16'55"E
L11	30.50'	S17°43'05"E
L12	106.55'	N78°17'40"E
L13	13.20'	N11°38'05"E
L14	3.00'	S78°21'55"E
L15	1.00'	S11°38'05"W
L16	11.08'	N80°54'06"E



EAST ERIE AVENUE 66'
 (STATE ROUTE 6)
 (A PUBLIC RIGHT-OF-WAY)

MONTANA AVENUE 60'
 (A PUBLIC RIGHT-OF-WAY)

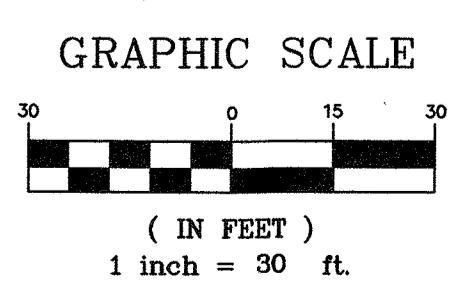
NEBRASKA AVENUE 60'
 (A PUBLIC RIGHT-OF-WAY)

PROPERTY AREA

Total	2.3606	Acres	102,828	Sq.Ft.
Within Lake Erie	0.61	Acres	26,572	Sq.Ft.
Net	1.7506	Acres	76,256	Sq.Ft.

APPARENT ENCROACHMENTS

- E1 Concrete walk encroaches East Erie Avenue Right of Way by 0.1 feet.
- E2 Concrete walk encroaches East Erie Avenue Right of Way by 1.6 feet.
- E3 Concrete walk encroaches East Erie Avenue Right of Way by 1.4 feet.



Edward B. Dudley, III
 February 28, 2013
 EDWARD B. DUDLEY, III
 P.S. No. 6747 Date

RIVERSTONE
 LAND SURVEYING - ENGINEERING - DESIGN
 2310 SUPERIOR AVENUE - SUITE 110
 CLEVELAND - OHIO - 44114
 PHONE: (216) 491-2000 FAX: (216) 491-9640
 WWW.RIVERSTONESURVEY.COM

Note: ● Denotes 5/8"x30" iron pins set and capped "Riverstone Company-Dudley PS6747"

LORAIN OVERLOOK APARTMENTS