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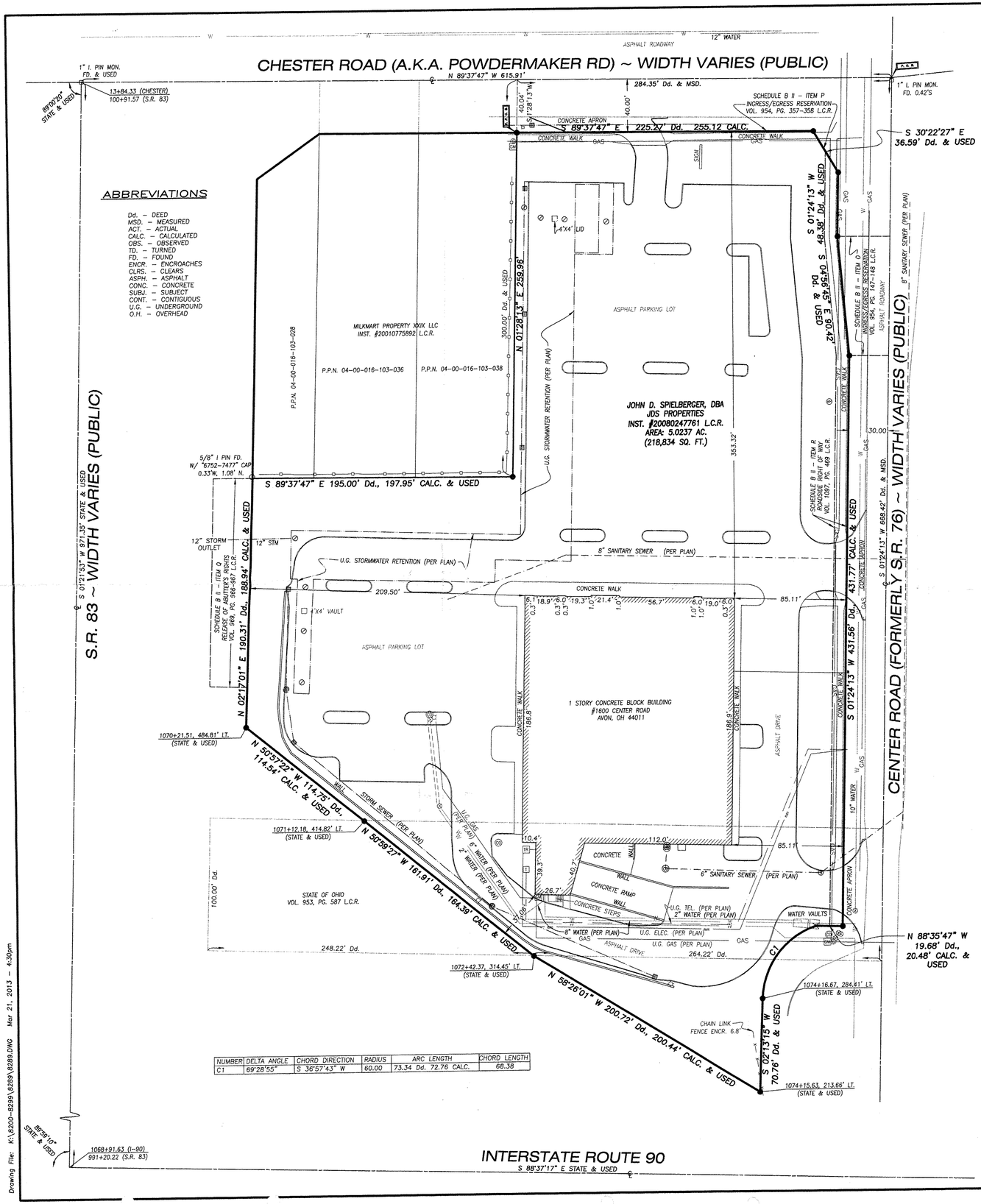


LEGAL DESCRIPTION (PER TITLE COMMITMENT)

SITUATED IN THE CITY OF AVON, COUNTY OF LORAIN AND STATE OF OHIO AND KNOWN AS BEING PART OF ORIGINAL AVON TOWNSHIP SECTION NO. 16 AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A 1" IRON PIN IN A MONUMENT BOX FOUND ON THE CENTERLINE OF CHESTER ROAD (AKA, POWDERMAKER ROAD) AT ITS INTERSECTION WITH THE CENTERLINE OF CENTER ROAD (FORMERLY S. R. 76);

THENCE NORTH 89° 37' 47" WEST ALONG THE CENTERLINE OF CHESTER ROAD (AKA, POWDERMAKER ROAD), A DISTANCE OF 284.35 FEET TO THE NORTHEASTERLY CORNER OF A PARCEL OF LAND CONVEYED TO THE STATE OF OHIO BY DEED RECORDED IN VOLUME 968, PAGE 20 OF LORAIN COUNTY RECORDS OF DEEDS;

THENCE SOUTH 01° 41' 28" WEST ALONG THE EASTERLY LINE OF LAND SO CONVEYED TO THE STATE OF OHIO, A DISTANCE OF 40.01 FEET TO THE SOUTHERLY LINE OF CHESTER ROAD (AKA, POWDERMAKER ROAD) AND THE PRINCIPAL PLACE OF BEGINNING;

THENCE SOUTH 89° 37' 47" EAST ALONG THE SOUTHERLY LINE OF CHESTER ROAD (AKA, POWDERMAKER ROAD), A DISTANCE OF 225.27 FEET TO AN ANGLE POINT IN THE RIGHT–OF–WAY;

THENCE SOUTH 30° 22' 27" EAST ALONG A SOUTHWESTERLY LINE OF THE RIGHT–OF–WAY, A DISTANCE OF 36.59 FEET TO THE WESTERLY LINE OF CENTER ROAD;

THENCE SOUTH 1° 24' 13" WEST ALONG THE WESTERLY LINE OF CENTER ROAD, A DISTANCE OF 48.38 FEET TO AN ANGLE POINT THEREIN;

THENCE SOUTH 4° 56' 45" EAST ALONG THE WESTERLY LINE OF CENTER ROAD, A DISTANCE OF 90.42 FEET TO AN ANGLE POINT THEREIN;

THENCE SOUTH 1° 24' 13" WEST ALONG THE WESTERLY LINE OF CENTER ROAD, PASSING THROUGH A 5/8" CAPPED (LDC) IRON PIN FOUND AT 0.35 FEET, A DISTANCE OF 431.56 FEET TO THE NORTHERLY LINE OF A PARCEL OF LAND CONVEYED TO THE STATE OF OHIO BY DEED RECORDED IN VOLUME 953, PAGE 589 OF LORAIN COUNTY RECORDS OF DEEDS;

THENCE NORTH 88° 35' 47" WEST ALONG THE NORTHERLY LINE OF LAND SO CONVEYED TO THE STATE OF OHIO IN VOLUME 953, PAGE 589, A DISTANCE OF 19.68 FEET TO AN ANGLE POINT THEREIN;

THENCE SOUTHWESTERLY ALONG A NORTHWESTERLY CURVED LINE OF LAND SO CONVEYED TO THE STATE OF OHIO IN VOLUME 953, PAGE 589 AND ITS SOUTHWESTERLY PROLONGATION, A DISTANCE OF 73.34 FEET ON THE ARC OF A CIRCLE DEFLECTING TO THE LEFT, WHOSE CENTRAL ANGLE IS 70° 02' 20", WHOSE RADIUS IS 60.00 FEET AND WHOSE CHORD BEARS SOUTH 37° 14' 14" WEST, A DISTANCE OF 68.86 FEET TO A POINT OF TANGENCY AT STATION 1074+16.67, 284.41 LT. OF THE CENTERLINE OF INTERSTATE 90;

THENCE SOUTH 2° 13' 04" WEST, A DISTANCE OF 70.76 FEET TO STATION 1074+15.63, 213.66 LT. OF THE CENTERLINE OF INTERSTATE 90;

THENCE NORTH 58° 31' 28" WEST, A DISTANCE OF 200.72 FEET TO STATION 1072+71.98, 314.32 LT. OF THE CENTERLINE OF INTERSTATE 90 AT THE SOUTHEASTERLY CORNER OF A PARCEL OF LAND CONVEYED TO THE STATE OF OHIO BY DEED RECORDED IN VOLUME 953, PAGE 587 OF LORAIN COUNTY RECORDS OF DEEDS;

THENCE 50° 54' 37" WEST ALONG THE NORTHEASTERLY LINE OF LAND SO CONVEYED TO THE STATE OF OHIO IN VOLUME 953, PAGE 587, A DISTANCE OF 161.91 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL OF LAND CONVEYED TO THE STATE OF OHIO BY DEED IN VOLUME 957, PAGE 470 OF LORAIN COUNTY RECORDS OF DEEDS;

THENCE NORTH 50° 57' 20" WEST ALONG THE NORTHEASTERLY LINE OF LAND SO CONVEYED TO THE STATE OF OHIO IN VOLUME 957, PAGE 470, A DISTANCE OF 114.75 FEET TO AN ANGLE POINT THEREIN;

THENCE NORTH 2° 16' 59" EAST ALONG THE EASTERLY LINE OF A PARCEL OF LAND CONVEYED TO THE STATE OF OHIO IN VOLUME 957, PAGE 470 AND ALONG THE EASTERLY LINE OF A PARCEL OF LAND CONVEYED TO THE STATE OF OHIO BY DEED RECORDED IN VOLUME 969, PAGE 966 OF LORAIN COUNTY RECORDS OF DEEDS, A DISTANCE OF 190.31 FEET TO THE SOUTHWESTERLY CORNER OF A PARCEL OF LAND CONVEYED TO MILKMART PROPERTY XXIX, LLC, BY DEED RECORDED AS LORAIN COUNTY, OHIO RECORDER INSTRUMENT NO. 20010775892;

THENCE SOUTH 89°37' 47" EAST ALONG THE SOUTHERLY LINE OF LAND SO CONVEYED TO MILKMART PROPERTY XXIX, LLC, A DISTANCE OF 195.00 FEET TO THE SOUTHEASTERLY CORNER THEREOF;

THENCE NORTH 01° 41' 28" EAST ALONG THE EASTERLY LINE OF LAND SO CONVEYED TO MILKMART PROPERTY XXIX, LLC, A DISTANCE OF 259.99 FEET TO THE PRINCIPAL PLACE OF BEGINNING AND CONTAINING 5.0208 ACRES (218,706 SQUARE FEET) OF LAND ACCORDING TO A SURVEY BY THE HENRY G. REITZ ENGINEERING COMPANY, JAMES T. SAYLOR, REGISTERED SURVEYOR NO. S–8028, DATED JUNE, 2005, BE THE SAME MORE OR LESS, BUT SUBJECT TO ALL LEGAL HIGHWAYS AND EASEMENTS OF RECORD.

ALL BEARINGS ARE BASED ON CHESTER ROAD HAVING A BEARING OF NORTH 89° 37' 47" WEST AND ARE USED TO DENOTE ANGLES, ONLY.

LEGAL DESCRIPTION (PER SURVEY)

SITUATED IN THE CITY OF AVON, COUNTY OF LORAIN, AND STATE OF OHIO, AND KNOWN AS BEING PART OF ORIGINAL AVON TOWNSHIP SECTION NO. 16 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF CHESTER ROAD (A.K.A. POWDERMAKER RD.) AND THE CENTERLINE OF CENTER ROAD (FORMERLY S.R. 76), SAID POINT BEING WITNESSED BY A 1 INCH IRON PIN MONUMENT FOUND 0.42 FEET SOUTH THEREFROM; THENCE ALONG THE CENTERLINE OF CHESTER ROAD NORTH 89 DEGREES 37 MINUTES 47 SECONDS WEST, A DISTANCE OF 284.35 FEET TO THE NORTHEASTERLY CORNER OF A PARCEL OF LAND CONVEYED TO THE STATE OF OHIO BY DEED RECORDED IN VOLUME 968, PAGE 20 OF LORAIN COUNTY RECORDS; THENCE ALONG THE EASTERLY LINE OF SAID LAND SO CONVEYED TO THE STATE OF OHIO SOUTH 01 DEGREES 28 MINUTES 13 SECONDS WEST, A DISTANCE OF 40.04 FEET TO A 5/8 INCH IRON PIN SET ON THE SOUTHERLY LINE OF CHESTER ROAD AND THE PRINCIPAL PLACE OF BEGINNING FOR THE PARCEL DESCRIBED HEREIN:

COURSE 1) THENCE ALONG THE SOUTHERLY LINE OF CHESTER ROAD SOUTH 89 DEGREES 37 MINUTES 47 SECONDS EAST, A DISTANCE OF 225.12 FEET TO A 5/8 INCH IRON PIN SET AT AN ANGLE POINT THEREIN;

COURSE 2) THENCE CONTINUING ALONG THE SOUTHERLY LINE OF CHESTER ROAD SOUTH 30 DEGREES 22 MINUTES 27 SECONDS EAST, A DISTANCE OF 36.59 FEET TO A 5/8 INCH IRON PIN SET ON THE WESTERLY LINE OF CENTER ROAD;

COURSE 3) THENCE ALONG THE WESTERLY LINE OF CENTER ROAD SOUTH 01 DEGREES 24 MINUTES 13 SECONDS WEST, A DISTANCE OF 48.38 FEET TO A 5/8 INCH IRON PIN SET AT AN ANGLE POINT THEREIN;

COURSE 4) THENCE CONTINUING ALONG THE WESTERLY LINE OF CENTER ROAD SOUTH 04 DEGREES 56 MINUTES 45 SECONDS EAST, A DISTANCE OF 90.42 FEET TO A 5/8 INCH IRON PIN SET AT AN ANGLE POINT THEREIN;

COURSE 5) THENCE CONTINUING ALONG THE WESTERLY LINE OF CENTER ROAD SOUTH 01 DEGREES 24 MINUTES 13 SECONDS WEST, A DISTANCE OF 431.77 FEET TO A 5/8 INCH IRON PIN SET;

COURSE 6) THENCE NORTH 88 DEGREES 35 MINUTES 57 SECONDS WEST, A DISTANCE OF 20.48 FEET TO A DRILL HOLE SET AT A POINT OF CURVATURE OF A NON–TANGENT CURVE;

COURSE 7) THENCE ALONG THE ARC OF SAID NON–TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 69 DEGREES 28 MINUTES 55 SECONDS, THE CHORD OF WHICH BEARS SOUTH 36 DEGREES 57 MINUTES 43 SECONDS WEST 68.38 FEET, AN ARC DISTANCE OF 72.76 FEET TO A 5/8 INCH IRON PIN SET AT A POINT OF TANGENCY AT STATION 1074+16.67, 284.41 FEET LEFT OF THE CENTERLINE OF INTERSTATE 90;

COURSE 8) THENCE SOUTH 02 DEGREES 13 MINUTES 15 SECONDS WEST, A DISTANCE OF 70.76 FEET TO A 5/8 INCH IRON PIN SET AT STATION 1074+15.63, 213.66 FEET LEFT OF THE CENTERLINE OF INTERSTATE 90;

COURSE 9) THENCE NORTH 58 DEGREES 26 MINUTES 01 SECONDS WEST, A DISTANCE OF 200.44 FEET TO A 5/8 INCH IRON PIN SET AT STATION 1072+42.37, 314.45 FEET LEFT OF THE CENTERLINE OF INTERSTATE 90;

COURSE 10) THENCE NORTH 50 DEGREES 59 MINUTES 27 SECONDS WEST, A DISTANCE OF 164.39 FEET TO A 5/8 INCH IRON PIN SET AT STATION 1071+12.18, 414.82 FEET LEFT OF THE CENTERLINE OF INTERSTATE 90;

COURSE 11) THENCE NORTH 50 DEGREES 57 MINUTES 22 SECONDS WEST, A DISTANCE OF 114.54 FEET TO A 5/8 INCH IRON PIN SET AT STATION 1070+21.51, 484.81 FEET LEFT OF THE CENTERLINE OF INTERSTATE 90;

COURSE 12) THENCE NORTH 02 DEGREES 17 MINUTES 01 SECONDS EAST, A DISTANCE OF 188.94 FEET TO THE SOUTHWESTERLY CORNER OF A PARCEL OF LAND CONVEYED TO MILKMART PROPERTY XXIX, LLC, BY DEED RECORDED IN INSTRUMENT NO. 20010775892 OF LORAIN COUNTY RECORDS, SAID POINT BEING WITNESSED BY A 5/8 INCH IRON PIN WITH "6752–7477" CAP FOUND 1.08 FEET NORTH AND 0.33 FEET WEST THEREFROM;

COURSE 13) THENCE ALONG THE SOUTHERLY LINE OF SAID LANDS CONVEYED TO MILKMART PROPERTY XXIX, LLC, SOUTH 89 DEGREES 37 MINUTES 47 SECONDS EAST, A DISTANCE OF 197.95 FEET TO A 5/8 INCH IRON PIN SET AT THE SOUTHEASTERLY CORNER THEREOF;

COURSE 14) THENCE ALONG THE EASTERLY LINE OF SAID LANDS CONVEYED TO MILKMART PROPERTY XXIX, LLC, NORTH 01 DEGREES 28 MINUTES 13 SECONDS EAST, A DISTANCE OF 259.96 FEET TO THE PRINCIPAL PLACE OF BEGINNING, AND CONTAINING 5.0237 ACRES OF LAND ACCORDING TO AN ACTUAL FIELD SURVEY BY CHRISTOPHER J. DEMPSEY, PROFESSIONAL SURVEYOR NO. 6914, DEMPSEY SURVEYING COMPANY DATED MARCH 4, 2013.

ALL IRON PINS SET ARE 5/8 INCHES IN DIAMETER BY 30 INCHES LONG WITH A YELLOW PLASTIC CAP STAMPED "DEMPSEY #6914".

BASIS OF BEARINGS: BEARINGS ARE BASED ON A BEARING OF SOUTH 88 DEGREES 37 MINUTES 17 SECONDS EAST ON THE CENTERLINE OF INTERSTATE 90 AS REFERENCED FROM THE OHIO DEPARTMENT OF TRANSPORTATION DRAWINGS FOR PROJECT LOR.–90–19.95 DATED JULY 1, 1968.

ALTA/ACSM LAND TITLE SURVEY FOR

BAILEY LIMITED,

an Ohio limited liability company,

FRENCH CREEK TITLE AGENCY, LTD.

FIDELITY NATIONAL TITLE INSURANCE COMPANY

SITUATED IN THE CITY OF AVON, COUNTY OF LORAIN AND STATE OF OHIO, AND KNOWN AS BEING PART OF ORIGINAL AVON TOWNSHIP SECTION NO. 16

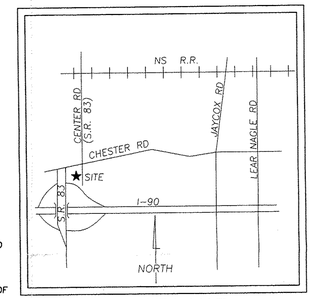
SURVEYOR'S CERTIFICATION

TO BAILEY LIMITED, an Ohio limited liability company; FRENCH CREEK TITLE AGENCY, LTD.; FIDELITY 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, 7(a), 10, AND 11(b) OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON MARCH 4, 2013.

CHRISTOPHER J. DEMPSEY
PROFESSIONAL SURVEYOR NO. 6914

STATE OF OHIO
CHRISTOPHER J. DEMPSEY
S–6914
REGISTERED
PROFESSIONAL SURVEYOR

DEMPSEY / SURVEYING / COMPANY
www.dempseysurvey.com
P 216/226/1130
F 216/226/1131
12815 DETROIT AVENUE
CLEVELAND, OH 44107-2835



VICINITY MAP

LEGEND

- SANITARY MANHOLE
- STORM MANHOLE
- CATCH BASIN
- CLEANOUT
- HYDRANT
- WATER LINE VALVE
- WATER SERVICE VALVE
- WATER MANHOLE
- WATER METER
- LIGHT POLE
- CHAIN LINK FENCE
- WOOD FENCE
- GAS VALVE
- GAS METER
- ELECTRIC GROUND TRANSFORMER
- ELECTRIC METER
- TELEPHONE PEDESTAL
- SIGN
- DENOTES 5/8" IRON PIN SET WITH "DEMPSEY P.S. 6914" CAP (UNLESS OTHERWISE NOTED)
- MAG NAIL SET

40 0 40 80

SCALE: 1" = 40'

FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO. FC13–1241

NOTES REGARDING SCHEDULE B, SECTION 2:

ITEM L: RIGHT–OF–WAY GRANTED BY JAMES LEWIS TO THE LOGAN NATURAL GAS AND FUEL COMPANY, DATED SEPTEMBER 11, 1916, FILED OCTOBER 10, 1916 AND RECORDED IN DEED VOLUME 140, PAGE 497 OF LORAIN COUNTY, OHIO RECORDS. SAID RIGHT–OF–WAY WAS ASSIGNED, BY SEPARATE ASSIGNMENT, BY THE LOGAN GAS COMPANY, AN OHIO CORPORATION, GRANTOR, TO THE OHIO FUEL GAS COMPANY, AN OHIO CORPORATION, GRANTEE, DATED JUNE 1, 1929, FILED AUGUST 29, 1929 AND RECORDED IN RELEASE VOLUME17, PAGES 43 THRU 55 OF LORAIN COUNTY, OHIO RECORDS. SAID RIGHT–OF–WAY WAS FURTHER ASSIGNED, BY SEPARATE ASSIGNMENT, BY THE LOGAN NATURAL GAS AND FUEL CO., AN OHIO CORPORATION, TO THE LOGAN GAS COMPANY, AN OHIO CORPORATION, DATED JANUARY 2, 1923, FILED MAY 19, 1923 AND RECORDED IN RELEASE VOLUME 11, PAGES 59 THRU 77 OF LORAIN COUNTY, OHIO RECORDS.
BLANKET RIGHT OF WAY AFFECTS ALL OF CAPTION AND ADDITIONAL LANDS.

ITEM M: RIGHT–OF–WAY GRANTED BY HOWARD W. LEWIS, GEORGE E. LEWIS, BESSIE CANFIELD AND MARY G. SAWYER, GRANTORS, TO THE OHIO FUEL GAS COMPANY, DATED SEPTEMBER 3, 1930, FILED NOVEMBER 15, 1930 AND RECORDED IN MISCELLANEOUS VOLUME 12, PAGES 350 AND 351 OF LORAIN COUNTY, OHIO RECORDS. SAID RIGHT–OF–WAY WAS ASSIGNED, BY SEPARATE ASSIGNMENT, BY THE OHIO FUEL GAS COMPANY, AN OHIO CORPORATION, GRANTOR, TO COLUMBIA GAS OF OHIO, INC., AN OHIO CORPORATION, GRANTEE, DATED DECEMBER 31, 1963, FILED MAY 7, 1964 AT 11:49 A. M. AND RECORDED IN RELEASE VOLUME 68, PAGES 5 THRU 64 OF LORAIN COUNTY, OHIO RECORDS.
BLANKET RIGHT OF WAY AFFECTS ALL OF CAPTION AND ADDITIONAL LANDS.

ITEM N: EASEMENT FOR CHANNEL PURPOSES GRANTED BY MARY SAWYER, WIDOW AND UNREMARRIED, GRANTOR, TO THE STATE OF OHIO, GRANTEE, DATED AUGUST 4, 1967, FILED AUGUST 29, 1967 AT 2:25 P. M. AND RECORDED IN DEED VOLUME 951, PAGES 355 THRU 357 OF LORAIN COUNTY, OHIO RECORDS.
LIES OUTSIDE OF CAPTION, THEREFORE DOES NOT AFFECT CAPTION.

ITEM O: RESERVATION FOR INGRESS AND EGRESS CONTAINED IN A WARRANTY DEED FROM RICHARD J. BRAMHALL AND MARY J. BRAMHALL, HUSBAND AND WIFE, GRANTORS, TO THE STATE OF OHIO, GRANTEE, DATED SEPTEMBER 11, 1967, FILED OCTOBER 13, 1967 IN DEED VOLUME 954, PAGES 147 AND 148 OF LORAIN COUNTY, OHIO RECORDS.
AFFECTS EASTERLY PART OF CAPTION; PLOTTED AS SHOWN

ITEM P: RESERVATION FOR INGRESS AND EGRESS CONTAINED IN A WARRANTY DEED FROM JOHN T. BROWN AND JEAN MARIE BROWN, HUSBAND AND WIFE, GRANTORS, TO THE STATE OF OHIO, GRANTEE, DATED AUGUST 23, 1967, FILED OCTOBER 17, 1967 AND RECORDED IN DEED VOLUME 954, PAGES 357 AND 358 OF LORAIN COUNTY, OHIO RECORDS.
AFFECTS NORTHERLY AND EASTERLY PART OF CAPTION; PLOTTED AS SHOWN

ITEM Q: RELEASE OF ABUTTER'S RIGHTS CONTAINED IN A WARRANTY DEED FROM ANNA ZAKRAJSEK, WIDOW – UNREMARRIED, GRANTOR, TO THE STATE OF OHIO, GRANTEE, DATED JULY 10, 1968, FILED AUGUST 14, 1968 AND RECORDED IN DEED VOLUME 969, PAGES 966 AND 967 OF LORAIN COUNTY, OHIO RECORDS.
AFFECTS WESTERLY PART OF CAPTION; PLOTTED AS SHOWN

ITEM R: ROADSIDE RIGHT OF WAY GRANTED BY DARWIN J. ARTHUR AND MARTHA G. ARTHUR, HUSBAND AND WIFE, JACK H. SWEET AND ALBERTA SWEET, HUSBAND AND WIFE, ALEX BUTTI AND IRENE BUTTI, HUSBAND AND WIFE, WILLIAM A. SABO AND BETTY J. SABO, HUSBAND AND WIFE, JOHN T. BROWN AND JEAN M. BROWN, HUSBAND AND WIFE AND WILLIAM B. ELLIOTT AND GAYLE A. ELLIOTT, HUSBAND AND WIFE, GRANTORS, TO COLUMBIA GAS OF OHIO, INC., DATED DECEMBER 20, 1973, FILED MARCH 7, 1974 AT 9:23 A. M. AND RECORDED IN DEED VOLUME 1097, PAGES 469 AND 470 OF LORAIN COUNTY, OHIO RECORDS.
AFFECTS EASTERLY PART OF CAPTION; PLOTTED AS SHOWN

UTILITY STATEMENT

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.

GENERAL NOTES

1. CERTAIN FEATURES AND ENCROACHMENTS SHOWN ON THIS MAP HAVE BEEN EXAGGERATED FOR THE SAKE OF CLARITY.

PARKING SPACES

THERE ARE A TOTAL OF 213 PARKING SPACES, 7 OF WHICH ARE HANDICAP SPACES.

FILE NO. 8289

Drawing File: K:\8200–8299\8289\8289.DWG Mar 21, 2013 – 4:30pm