

**LEGAL DESCRIPTION:**

Situate in the State of Ohio, County of Lorain, City of Amherst, being located in the Original Lot No. 40 of Amherst Township, Township 6, Range 18 and being all of that tract of Land conveyed to Connie Naro, by deed of record in Deed Book 1039, Page 221, all references being to records in the Recorder's Office, Lorain County, Ohio, and bounded and described as follows:

Beginning at a point in the centerline of Leavitt Road (State Route 58) at the Northeastly corner of said Connie Naro tract, the Southeastly corner of the 1.4353 acre tract conveyed to Dianne Bonas and Patricia Long, by deed of record in Deed Book 1154, Page 971, said point also being located South 1 Degree 51' 00" West, 838.40 feet from the intersection of said centerline of Leavitt Road with the centerline of Cooper-Foster Park Road; thence South 1° 51' 00" West, along said centerline of Leavitt Road, a distance of 100.00 feet to a point at the Southeastly corner of said Connie Naro tract, the Northeastly corner of the 1.4353 acre tract conveyed to Carl and Anna Sniezek, by deed of record in Deed Book 1182, Page 783; thence North 89° 25' 00" West, along the Northerly line of said Carl and Anna Sniezek 1.4353 acre tract, a distance of 625.25 feet to the Northwestly corner of said tract and being in the Easterly line of "SHARONDALE ACRES NO. 2", as the plot of some is of record in Plat Book 19, Page 3; thence North 1 Degree 51' 00" East, along said Easterly line of "SHARONDALE ACRES NO. 2", a distance of 100.00 feet to the Southwestly corner of the Dianne Bonas and Patricia Long 1.4353 acre tract; thence South 89° 25' 00" East, along the Southerly line of said 1.4353 acre tract, a distance of 625.25 feet to the place of beginning, containing 1.435 acres, more or less.

ALSO:

Situate in the State of Ohio, County of Lorain, City of Amherst, being located in the Original Lot No. 40 of Amherst Township, Township 6, Range 18 and being all of that tract of Land conveyed to Carl and Anna Sniezek, by deed of record in Deed Book 1182, Page 783, all references being to records in the Recorder's Office, Lorain County, Ohio, and bounded and described as follows:

Beginning at a point in the centerline of Leavitt Road (State Route 58) at the Northeastly corner of said Carl and Anna Sniezek tract, the Southeastly corner of the 1.4353 acre tract conveyed to Connie Naro, by deed of record in Deed Book 1039, Page 221, said point also being located South 1 Degree 51' 00" West, 838.40 feet from the intersection of said centerline of Leavitt Road with the centerline of Cooper-Foster Park Road; thence South 1° 51' 00" West, along said centerline of Leavitt Road, a distance of 100.00 feet to a point at the Southeastly corner of the 1.4353 acre tract conveyed to Carl and Anna Sniezek, by deed of record in Deed Book 1182, Page 783; thence North 89° 25' 00" West, along said Northerly line of the Joseph S. and Helen Sextello 1.4353 acre tract, a distance of 625.25 feet to the Northwestly corner of said tract and being in the Easterly line of "SHARONDALE ACRES NO. 2", as the plot of some is of record in Plat Book 19, Page 3; thence North 1° 51' 00" East, along said Easterly line of "SHARONDALE ACRES NO. 2", a distance of 100.00 feet to the Southwestly corner of the Connie Naro 1.4353 acre tract; thence South 89° 25' 00" East, along the Southerly line of said 1.4353 acre tract, a distance of 625.25 feet to the place of beginning, containing 1.435 acres, more or less.

ALSO:

Situate in the State of Ohio, County of Lorain, City of Amherst, being located in the Original Lot No. 40 of Amherst Township, Township 6, Range 18, and being all of that tract of Land conveyed to Joseph S. and Helen Sextello, by deed of record in Deed Book 473, Page 333, all references being to records in the Recorder's Office, Lorain County, Ohio, and bounded and described as follows:

Beginning at a point in the centerline of Leavitt Road (State Route 58), at the Northeastly corner of said Joseph A. and Helen Sextello tract, the Southeastly corner of the 1.4353 acre tract conveyed to Carl and Anna Sniezek, by deed of record in Deed Book 1182, Page 783, said point also being located South 1° 51' 00" West, 1038.40 feet from the intersection of said centerline with the centerline of Cooper-Foster Park Road; thence South 1° 51' 00" West, along said centerline of Leavitt Road, a distance of 100.00 feet to the intersection of said centerline with the Northerly limited access right-of-way line of State Route 2; thence North 89° 25' 00" West, along said right-of-way line of State Route 2, and along the Northerly line of that tract of Land conveyed to David A. and Brenda K. Hiser, by deeds of record in Deed Book 781 and Deed Book 968, Page 715, a distance of 625.25 feet to the Northwestly corner of said David A. and Brenda K. Hiser tract and being in the Easterly line of "SHARONDALE ACRES NO. 2", as the plot of some is of record in Plat Book 19, Page 3; thence North 1 Degree 51' 00" East along the Easterly line of "SHARONDALE ACRES NO. 2", a distance of 100.00 feet to the Southwestly corner of the Carl and Anna Sniezek 1.4353 acre tract; thence South 89° 25' 00" East, along the Southerly line of said Carl and Anna Sniezek 1.4353 acre tract, a distance of 625.25 feet to the place of beginning, containing 1.435 acres, more or less.

ALSO:

Situate in the State of Ohio, County of Lorain, City of Amherst, being located in Original Lot No. 40 of Amherst Township, Township 6, Range 18 and being those tracts of Land as conveyed to David A. and Brenda K. Hiser, by deeds of record in Deed Book 968, Page 715 and Deed Book 977, Page 781, all references being to records in the Recorder's Office, Lorain County, Ohio, and bounded and described as follows:

Beginning at a point in the Northerly limited access right-of-way line of State Route 2, the Southerly line of the 1.4353 acre tract conveyed to Joseph S. and Helen Sextello, by deed of record in Deed Book 473, Page 333, said point also being located South 1 Degree 51' 00" West, 1138.40 feet and North 89 Degrees 25' 00" West, 115.03 feet from the intersection of the centerlines of Leavitt Road (State Route 58) and Cooper-Foster Park Road; thence South 74° 01' 39" West, along said right-of-way line of State Route 2, a distance of 215.81 feet to an angle point in said line; thence South 62° 08' 07" West, continuing along said right-of-way line, a distance of 259.17 feet to a point in the Northerly line of that tract of Land conveyed to Chester T. and Elfreda A. Danicki, by deed of record in Deed Book 498, Page 286; thence North 89° 25' 00" West, along said Northerly line of the Chester T. and Elfreda A. Danicki tract, a distance of 4.59 feet to a point; thence North 1 Degree 51' 00" East, a distance of 185.00 feet to a point in the Southerly line of the Joseph S. and Helen Sextello 1.4353 acre tract; thence South 89° 25' 00" East, along said Southerly line of the 1.4353 acre tract, a distance of 435.23 feet to the place of beginning, containing 0.801 acre, more or less.

Excepting therefrom the following real property:

0.231 acre (PPN 05-00-040-106-095) and 0.231 acre (PPN 05-00-040-106-096) conveyed in O.R. Volume 145, Page 193, to the City of Amherst, 2.80 acres (PPN 05-00-040-106-098) conveyed in O.R. Volume 147, Page 414, to Motel 6 Operating L.P., 1.22 acres (PPN 05-00-040-106-104 and 05-00-040-106-105) conveyed in O.R. Volume 332, Page 48 to Superamerica Group, Inc.; and 2.140 acres (PPN 05-00-040-106-127) conveyed in 20130484353 to DBSO Bob LLC.

The property described and shown hereon is the same property as described in Stewart Title Guaranty Company commitment number 16000150597MM, dated October 25, 2016.

**GENERAL NOTES:**

- 1) THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS (TABLE A, ITEM 16).
- 2) THERE ARE NO CHANGES IN STREET RIGHT OF WAY LINES EITHER COMPLETED OR PROPOSED TO THE BEST OF OUR KNOWLEDGE, AND AVAILABLE FROM THE CONTROLLING JURISDICTION (TABLE A, ITEM 17).
- 3) THERE IS NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS (TABLE A, ITEM 17).
- 4) THIS PARCEL HAS OBSERVED PHYSICAL ACCESS TO LEAVITT ROAD A.K.A. STATE ROUTE 58 VIA AN EASEMENT IN THE GENERAL WARRANTY DEED RECORDED IN VOLUME 147, PAGE 414 (ITEM 18, SCHEDULE BII EXCEPTIONS) (ALTA/NSPS 5.8.iii).
- 5) THIS SURVEY MAP CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY.
- 6) THERE ARE NO DISCREPANCIES BETWEEN THE BOUNDARY LINES OF THE PROPERTY AS SHOWN ON THIS SURVEY MAP AND AS DESCRIBED IN THE LEGAL DESCRIPTION PRESENTED IN THE TITLE COMMITMENT.
- 7) THE BOUNDARY LINE DIMENSIONS AS SHOWN ON THIS SURVEY MAP FORM A MATHEMATICALLY CLOSED FIGURE WITHIN +/-0.1 FOOT.
- 8) THE BOUNDARY LINES OF THE PROPERTY ARE CONTIGUOUS WITH THE BOUNDARY LINES OF ALL ADJOINING STREETS, HIGHWAYS, RIGHTS OF WAY AND EASEMENTS, PUBLIC OR PRIVATE, AS DESCRIBED IN THEIR MOST RECENT RESPECTIVE LEGAL DESCRIPTIONS OF RECORD.
- 9) EXCEPT AS OTHERWISE NOTED BELOW, IF THE PROPERTY CONSISTS OF TWO OR MORE PARCELS, THERE ARE NO GAPS OR CORES BETWEEN SAID PARCELS.
- 10) AREAS SHOWN WITH HATCHING INDICATE PORTIONS WITHIN THE SURVEYED DESCRIPTION AREA THAT ARE NOT INCLUDED IN THE "BUILD SITE" DESCRIPTION LISTED IN EXHIBIT A OF VOLUME 888 PAGE 825, ACCESS EASEMENT AGREEMENT AND IN THE GENERAL WARRANTY DEED RECORDED IN VOLUME 147, PAGE 414.

**ZONING INFORMATION**

According to publicly available maps on the City of Amherst website ([www.amherstohio.org](http://www.amherstohio.org)), the subject property is zoned C-2 (Commercial or General Business District):

Front Setback: 35 feet  
Side Setback: None required  
Rear Setback: None required  
Maximum building Height: 4 stories or 40 feet.

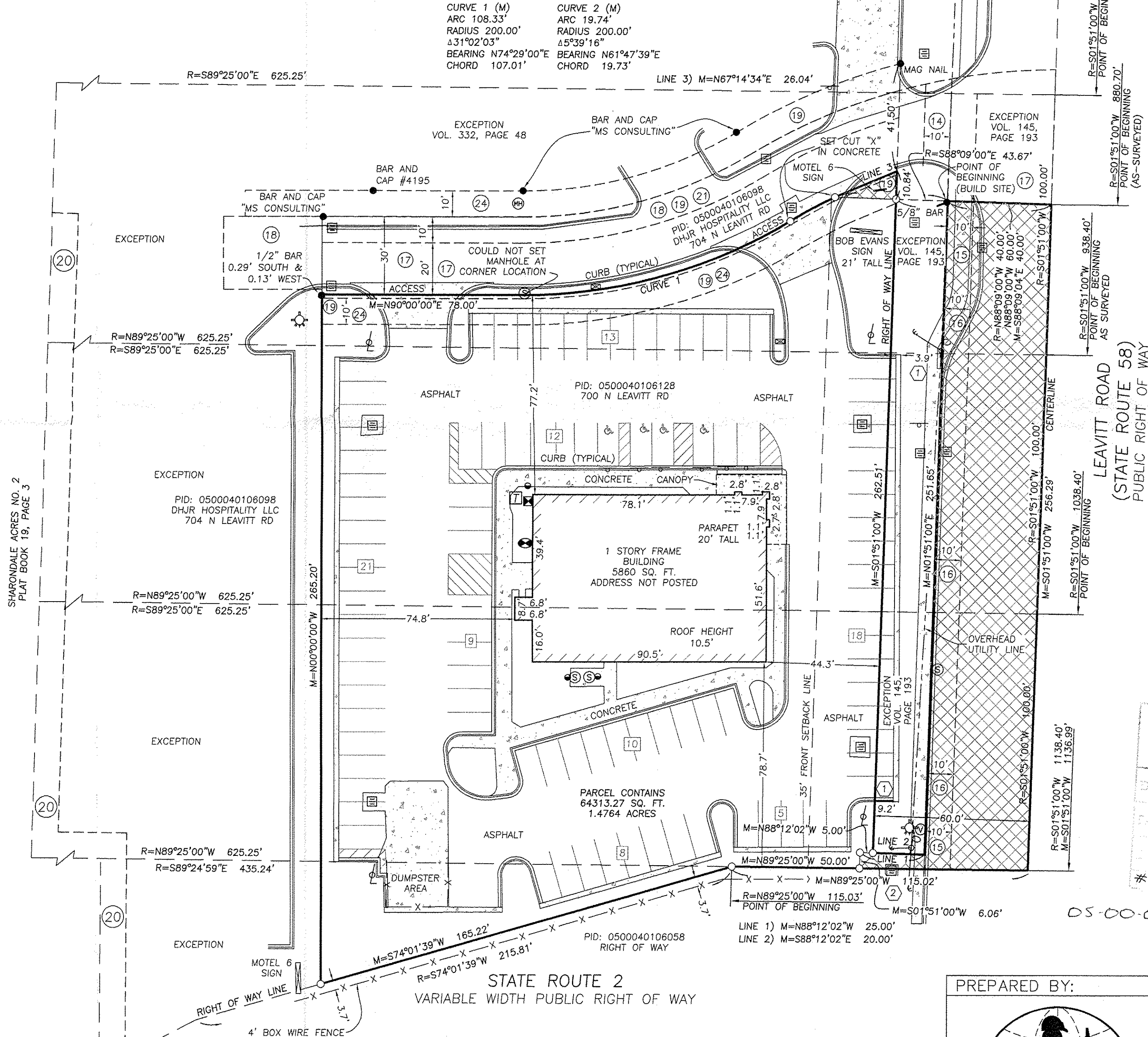
Parking Requirements:  
one parking space for each 200 square feet of floor area in actual use.

Parking Spaces:  
There are 96 parking spaces on this parcel, 4 of which are marked as handicap accessible.

The observed use, "Restaurant", is permitted in this zoning district.

**CURVE DATA:**

CURVE 1 (M)	CURVE 2 (M)
ARC 108.33'	ARC 19.74'
RADIUS 200.00'	RADIUS 200.00'
Δ31°02'03"	Δ5°39'16"
BEARING N74°29'00"E	BEARING N61°47'39"E
CHORD 107.01'	CHORD 19.73'



- LEGEND:**
- Power Pole
  - Flag Pole
  - Storm Manhole
  - Power Pole w/Light
  - Sign (As Noted)
  - Storm Catchbasin
  - Light Pole
  - Well Head
  - Deciduous Tree
  - Telephone Pole
  - Satellite Dish
  - Coniferous Tree
  - Guy Wire
  - Tower
  - Sanitary Manhole
  - Transformer
  - Water Valve
  - Sanitary Clean Out
  - Electric Manhole
  - Fire Hydrant
  - Gas Valve
  - Telephone Manhole
  - Water Manhole
  - Gas Manhole
  - Telephone Pedestal
  - Water Meter Pit
  - Electric Meter
  - Water Meter
  - Gas Marker
  - Cable Box
  - Air Conditioner Unit
  - Easement Identifier
  - Parking Count
  - Monitoring Well
  - Distance not to scale
- ABBREVIATIONS:**
- R = RECORDED  
M = MEASURED  
C = CALCULATED  
N = NORTH  
E = EAST  
S = SOUTH  
W = WEST
- TEN = TOWN 6 NORTH  
R3E = RANGE 3 EAST  
SQ. FT. = SQUARE FEET  
NE = NORTHEAST  
SE = SOUTHEAST  
SW = SOUTHWEST  
NW = NORTHWEST
- AVE. = AVENUE  
BLVD. = BOULEVARD  
CT. = COURT  
RD. = ROAD  
ST. = STREET  
PID = PARCEL AND OWNER IDENTIFICATION

**BEARING BASIS:**

BEARINGS ARE BASED ON THE CENTERLINE OF LEAVITT ROAD, RECORDED AS BEARING SOUTH 01°51'00" WEST.

**STATEMENT OF POSSIBLE ENCROACHMENTS**

- 1) THE PARKING AREA APPEARS TO ENCRACH INTO THE PARCEL DEEDED TO THE CITY OF AMHERST BY UP TO 9.2 FEET AS SHOWN, HOWEVER THIS IS PERMITTED PER THE RESERVATION RECORDED IN VOL. 145, PAGE 193.
- 2) ADJOINING OWNER CATCH BASIN CROSSES OVER THE TITLE LINE AS SHOWN.

**PREPARED BY:**

GEODETIC DESIGNS, INC.  
2300 N. GRAND RIVER AVE.  
LANSING, MI 48906  
PHONE: (517) 908-0008  
FAX: (517) 908-0009  
WWW.GEODETICDESIGNS.COM

**LEGAL DESCRIPTION (AS-SURVEYED):**

Situate in the State of Ohio, County of Lorain, City of Amherst, being located in the Original Lot No. 40 of Amherst Township, Township 6, Range 18, and being part of that tract of land conveyed to Connie Naro, by deed of record in Deed Book 1039, Page 221, also being part of that tract of land conveyed to Carl and Anna Sniezek, by deed of record in Deed Book 1182, Page 783, also being part of that tract of land conveyed to Joseph S. and Helen Sextello, by deed of record in Deed Book 473, Page 333, and also being part of those tracts of land as conveyed to David A. and Brenda K. Hiser, by deeds of record in Deed Book 968, Page 715 and Deed Book 977, Page 781 and bounded and described as follows:

Commencing at a 5/8" bar in a monument box at the intersection of the centerline of Leavitt Road with the centerline of Cooper-Foster Park Road; thence South 01° 51' 00" West, 880.70 feet along the centerline of Leavitt Road to the South of beginning of the following described parcel;

Thence continuing South 01° 51' 00" West, 256.29 feet along the centerline of Leavitt Road to the northerly line of the limited access right-of-way line of State Route 2;

Thence North 89° 25' 00" West, 115.02 feet along the Northerly line of the limited access right-of-way line of State Route 2 to a 5/8" Bar & cap #8203 (passing a 5/8" bar & cap #8203 at 65.01 feet);

Thence continuing along said Northerly line, South 74° 01' 39" West, 165.22 feet to a 5/8" Bar & cap #8203 to the East line of a parcel conveyed to Motel 6 Operating L.P. recorded in O.R. Volume 147, Page 414;

Thence along said parcel line the following Five (5) courses:

- 1) North 00° 00'00" West, 265.20 feet to a point 0.29 feet North and 0.13 feet East of a 1/2" bar;
  - 2) North 90° 00'00" East, 78.00 feet to a point on a sanitary manhole cover;
  - 3) Northeastly 108.33 feet along a curve to the left, said curve having a radius of 200.00 feet with a central angle of 31°02'03", and a long chord of 107.01 feet bearing North 74°29'00" East to a 5/8" bar & cap #8203;
  - 4) Northeastly 19.74 feet along a curve to the right, said curve having a radius of 200.00 feet with a central angle of 5°39'16", and a long chord of 19.73 feet bearing North 61°47'39" East to a 5/8" bar & cap #8203;
  - 5) North 67°14'34" East, 26.04 feet to the West line of Leavitt Road as recorded in Volume 145, Page 193;
- Thence South 01°51'00" West, 262.51 feet along said West line to a 5/8" bar & cap #8203;
- Thence North 88°12'02" East, 20.00 feet;
- Thence North 01°51'00" East, 251.65 feet to a point monumented by a 5/8" bar located 0.49 feet South and 0.35 feet East;
- Thence South 88°09'04" East, 40.00 feet to the point of beginning, containing 1.4764 acres, more or less, as surveyed and described in December of 2016, by Gilbert M. Barish, Professional Surveyor No. 8203.

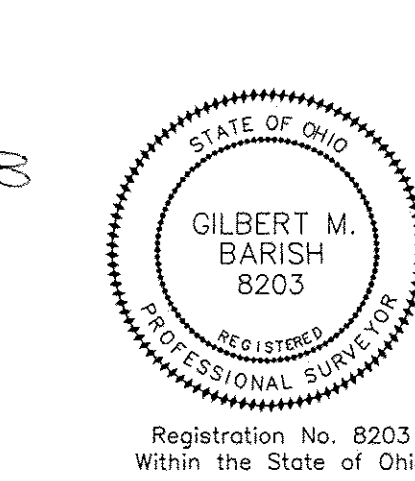
Subject, however, to all legal rights-of-way of previous record.

Basis of Bearings: The reference meridian for the foregoing description is the centerline of Leavitt Road, recorded in Book 1039, Page 221, as bearing South 01°51'00" West.

**SURVEYOR'S CERTIFICATION**

To: Stewart Title Guaranty Company and The Matthews Company, Inc.

This is to certify that this map or plot and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6a, 6b, 7a, 7b1, 7c, 8, 9, 10a, 13, 14, 16, 17 and 20 of Table A thereof. The fieldwork was completed on December 5, 2016.



GILBERT M. BARISH, P.S. #8203  
DATED: 15-OCTOBER-2016

**NOTES CORRESPONDING TO SCHEDULE B**

10. Easement for private water line as contained in Warranty Deeds recorded September 28, 1949 in Deed Book 473, Page 331, and recorded September 28, 1949 in Deed Book 473, Page 333, this item references external recorded documents not provided at the time of survey and is not shown hereon.
11. Easement granted to The Amherst Water Works Company recorded June 16, 1952 in Volume 545, Page 193, this recordation is for this parcel however does not describe any plottable easements and therefore is not shown hereon.
12. Easement for private water line and refund rights in a water line as contained in the Warranty Deed recorded January 8, 1953 in Deed Book 560, Page 595, this item is not survey related and is not shown hereon.
13. Right of Way with the right of ingress and egress to and from granted to The Ohio Fuel Gas Company recorded August 12, 1954 in Deed Volume 605, Page 210, Deed Volume 605, Page 212, and Deed Volume 605, Page 222, this may affect this parcel however it does not describe any plottable easements and therefore is not shown hereon.
14. Partial release of Rights of Way was recorded in Office Records Volume 52, Page 806, with reserving an easement, this item is shown hereon.
15. Right of Way granted to the City of Amherst, Ohio recorded August 9, 1961 in Deed Volume 803, Page 38, Deed Volume 803, Page 48 and Deed Volume 803, Page 62, this item is shown hereon.
16. Easement for Highway Purposes granted to the State of Ohio recorded in Deed Volume 881, Pages 47-50, Deed Volume 882, Pages 425-427, and Deed Volume 884, Pages 150-152, this item is shown hereon.
17. A non-exclusive easement granted to the City of Amherst recorded in Official Records Volume 44, Page 745 and Office Records Volume 44, Page 747, this item is shown hereon.
18. Easements and restrictions contained in the General Warranty Deed recorded in Official Records Volume 147, Page 414, this item is shown hereon.
19. Non-Exclusive easements granted to Motel 6 Operating L.P., a Delaware limited partnership recorded in Official Records Volume 147, Page 424, this item is shown hereon.
20. Terms, conditions and covenants in the Grant of Easement recorded in Official Records Volume 147, Page 436, this item is shown hereon.
21. Easement and restrictions contained in the Easement Agreement recorded in Official Records Volume 332, Page 37, this item is shown hereon.
22. Restrictions contained in the Limited Warranty Deed recorded in Official Records Volume 332, Page 48, this item does not contain plottable survey related exceptions and is not shown hereon.
23. Access Easement Agreement made by and between Bob Evans Farms, Inc., an Ohio corporation and the City of Amherst, Ohio recorded Official Records Volume 888, Page 825, this item appears to be missing pages and is incomplete and is not shown hereon.
24. Perpetual, non-exclusive easement for utility line granted to DBSO BOB LLC, a Delaware limited liability company recorded as File Number 2013-0484354, this item is shown hereon.

**FLOOD NOTE:**

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP NUMBER 39093001120 WHICH BEARS AN EFFECTIVE DATE OF AUGUST 19, 2008 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE AND A FLOOD ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

17220 Newhope Street, Sultes 108-110, Fountain Valley, CA 92708  
Tel: (714) 979-7181 Fax: (714) 641-2840  
[www.themathewscow.com](http://www.themathewscow.com)

MARK	DATE	REVISION	BY	AP'VD
	15FEB2017	REVISED ACCESS NOTE 4		GMB
	13FEB2017	ADDED AS SURVEYED LEGAL DESCRIPTION	RJW	GMB
	07FEB2017	LEGAL DESCRIPTION		GMB

(TBD)

SCALE:	1" = 30'	CHKD/AP'VD:	GMB
DATE:	DECEMBER 5, 2016	APPROVED:	GMB
DRAWN BY:	RJW	JOB NUMBER:	S267-2016
CHECKED BY:	DJV	ID #	186