



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

February 11, 2009

CERTIFIED MAIL

Richard M. Mavis, Mayor
City of Mount Vernon
40 Public Square, Suite 206
Mount Vernon, Ohio 43050

Patrick Crow
Woodward Development Corporation
107 South Main Street
Mount Vernon, Ohio 43050

**RE: Issuance of Covenant Not To Sue for the Woodward Opera House Property
(NFA Letter #08NFA300, Project ID #145002137-002)**

Dear Mr. Crow:

I am pleased to inform you that on February 11, 2009, the Director of the Ohio Environmental Protection Agency (Ohio EPA) issued a covenant not to sue (Covenant) to the city of Mount Vernon and the Woodward Development Corporation for the Woodward Opera House property located at 101 – 111 South Main Street and 6 – 10 West Vine Street, Mount Vernon, Knox County, Ohio. The Covenant was issued as final findings and orders pursuant to Ohio Revised Code (ORC) Chapter 3746 and Ohio Administrative Code (OAC) Chapter 3745-300.

Based on the no further action (NFA) letter and subject to the conditions set forth in the Covenant, Ohio EPA hereby covenants not to sue and releases the city of Mount Vernon and the Woodward Development Corporation, and their respective agents, employees, shareholders, officers, directors, successors and assigns, and successors and assigns of the property, from all civil liability to the State of Ohio to perform additional investigational and remedial activities at the property for the releases of hazardous substances or petroleum identified and addressed in the Phase I property assessment conducted in compliance with ORC Chapter 3746 and OAC Chapter 3745-300.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Requirement to Record the Covenant

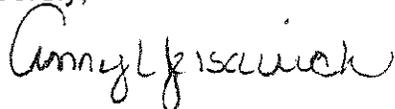
You will find the certified copy of the Covenant enclosed. When filing the Covenant and its exhibits at the Knox County Recorder's Office, please use the enclosed affidavit from Ohio EPA to guide the recording of the documents in the county's deed records.

Right of Appeal

The issuance of the Covenant is a final action of the Director and will be public noticed in accordance with OAC 3745-47-07. The action may be appealed to the Environmental Review Appeals Commission (Commission). The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within 30 days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, which the Commission, in its discretion, may reduce if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Commission at the following address: Environmental Review Appeals Commission, 309 South Fourth St., Room 222, Columbus, OH 43215.

Many persons with the agency, Woodward Development Corporation, the city of Mount Vernon, and Lawhon & Associates, Inc., among others, worked hard to remove the environmental barriers associated with redeveloping this property. Congratulations on the issuance of this Covenant. If you have any questions or concerns, please feel free to contact me at (614) 644-2285 or amy.yersavich@epa.state.oh.us.

Sincerely,



Amy Yersavich, Manager
Division of Emergency and Remedial Response
Voluntary Action Program

Enclosure

c: Nichole Lashley, Lawhon & Associates, Inc., 975 Eastwind Drive, Suite 190,
Westerville, Ohio 43081
Deborah Strayton, DERR-CDO
Doug Crandall, DERR-CDO
Marty Cooper, Legal Office

CO DERR-VAP Files

TO BE RECORDED IN DEED RECORDS,
PURSUANT TO R.C. 317.08(A)

RECEIVED

AFFIDAVIT

FEB 12 2009

STATE OF OHIO)

)

ss:

OHIO EPA/CDO

COUNTY OF FRANKLIN)

)

Before me, the subscriber, a Notary Public in and for the State of Ohio, personally appeared Tonya R. Lassiter, who, being duly sworn according to law, deposes and says that: (i) she is employed as a records management officer in the Legal Office of the Ohio Environmental Protection Agency ("Ohio EPA") and, as such, is authorized to sign this Affidavit on behalf of Ohio EPA; and (ii) the attached document is a true and correct copy of the Covenant Not to Sue/Director's Final Findings and Orders issued by the Director and entered in the Ohio EPA Director's Journal on February 11, 2009 regarding the property known as Woodward Opera House, located at 101-111 South Main Street & 6-10 West Vine Street in Mount Vernon, Knox County, Ohio, and further described in Exhibit 1 of the attached Covenant Not to Sue.

Tonya R. Lassiter
Records Management Officer
Ohio EPA Legal Office

Sworn to and subscribed before me, a Notary Public in and for the State of Ohio, this 11th day of February, 2009.

Notary Public
State of Ohio

Permanent Commission
No expiration, R.C. 147.03

This instrument prepared by

Martha Jane Cooper, Esq.
Ohio EPA Legal Office
50 West Town St., Suite 700
Columbus, Ohio 43215



SUSAN C. KROEGER
Attorney at Law
Notary Public
State of Ohio
Lifetime Commission

OHIO E.P.A.

FEB 11 2009

BEFORE THE

ENTRUSTED DIRECTOR'S OFFICE

OHIO ENVIRONMENTAL PROTECTION AGENCY

RECEIVED

FEB 12 2009

OHIO EPA/CDO

In the matter of:

The City of Mount Vernon
40 Public Square, Suite 206
Mount Vernon, Ohio 43050

Woodward Development Corporation
107 South Main Street
Mount Vernon, Ohio 43050

Regarding property known as:

Woodward Opera House
101-111 S. Main St. & 6-10 W. Vine St.
Mount Vernon, Ohio

Covenant Not to Sue

Director's Final Findings
and Orders

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: *Dorinda Kasuta* Date: 2-11-09

Pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") Chapter 3745-300, the Director of the Ohio Environmental Protection Agency ("Director") hereby makes the following Findings and issues the following Orders ("Findings and Orders").

FINDINGS

1. A No Further Action Letter, No. 08NFA300 ("NFA Letter"), was submitted on April 25, 2008 to the Director under the Voluntary Action Program on behalf of the city of Mount Vernon ("Volunteer") and the property owner, Woodward Development Corporation, by Nichole Lashley, CP, a certified professional, No. CP 302, as defined in ORC 3746.01(E) and OAC 3745-300-01(A)(8) ("Certified Professional").
2. The Certified Professional submitted to the Director two addenda to the NFA Letter on June 23, 2008 and November 12, 2008, respectively. For the purposes of these Findings and Orders, the term "NFA Letter" includes the two addenda.
3. The NFA Letter describes the investigational and remedial activities undertaken

at the approximately 0.3091-acre property, currently known as Woodward Opera House, located at 101-111 South Main Street and 6-10 West Vine Street, Mount Vernon, Knox County, Ohio ("Property"). An exact legal description of the Property is attached hereto as Exhibit 1. A property location map is attached hereto as Exhibit 2. Based on information in the NFA Letter, the current owner of the property is the Woodward Development Corporation.

4. The Certified Professional prepared pursuant to OAC 3745-300-13(J) an Executive Summary of the NFA Letter, which is attached hereto as Exhibit 3.
5. The Volunteer performed the voluntary action in conjunction with the Clean Ohio Council's 2004 award of grant funding for the Property under the Clean Ohio Fund, ORC 122.65 to 122.659.
6. Based upon the information contained in the NFA Letter, the Volunteer undertook or completed the following investigational and remedial activities regarding the Property.
 - a. A Phase I Property Assessment was performed in accordance with OAC 3745-300-06, to determine whether there is any reason to believe that a release of hazardous substances or petroleum has or may have occurred on, underlying or is emanating from the Property. The Volunteer and Certified Professional determined that there is no reason to believe that a release of hazardous substances or petroleum has or may have occurred on, underlying or is emanating from the Property or the release is *de minimis* pursuant to OAC 3745-300-06.
 - b. Remedial activities were performed, consisting of the abatement of the asbestos-containing material (ACM) identified at the Property, in accordance with OAC Chapter 3745-20.
7. The NFA Letter information provides no reason to believe that a release of hazardous substances or petroleum occurred at the Property that required investigational activities pursuant to OAC 3745-300-06 (for any *de minimis* release) or OAC 3745-300-07 (for any identified area).
8. The Certified Professional has verified by affidavit that the investigational and remedial activities undertaken at the Property demonstrate there is no reason to believe a release of hazardous substances or petroleum has occurred or is occurring at the Property, that the Property is eligible to receive a covenant not to sue under the Voluntary Action Program, and that the voluntary action was conducted in compliance with all applicable federal, state and local laws and regulations.

9. Based on the NFA Letter and subject to all conditions set forth in these Findings and Orders, a covenant not to sue may be issued for the Property in accordance with ORC 3746.12(A), and the voluntary action for the Property is protective of public health and safety and the environment.

ORDERS

Covenant

1. Based on the NFA Letter and subject to the conditions set forth in these Findings and Orders, Ohio EPA hereby covenants not to sue and releases the city of Mount Vernon, and the Woodward Development Corporation, and their respective agents, employees, shareholders, officers, directors, successors and assigns, and successors and assigns of the Property, from all civil liability to the State of Ohio (the "State") to perform additional investigational and remedial activities at the Property for the releases of hazardous substances or petroleum identified and addressed in the Phase I Property Assessment conducted in compliance with ORC Chapter 3746 and OAC Chapter 3745-300.

Conditions and Limitations

Requirement to Record These Findings and Orders / Covenant Not to Sue

2. Within thirty (30) days after the issuance of these Findings and Orders, the city of Mount Vernon shall:
 - a. File with the Knox County Recorder's Office, for recording in the same manner as a deed to the Property pursuant to ORC 3746.14, a copy of these Findings and Orders, including Exhibits 1 (Legal Description), 2 (Property Location Map), and 3 (Executive Summary).
 - b. Submit to Ohio EPA a copy of the Findings and Orders that shows the filing date stamp of the Knox County Recorder's Office or other reliable information that verifies the recording of the Findings and Orders in accordance with this Order. The submission shall include a cover letter that identifies "*Recorded - Covenant Not to Sue for NFA Letter No. 08NFA300.*" The submission shall be addressed and delivered by regular U.S. mail or by other reliable means to: Ohio EPA, 50 West Town Street, Suite 700, PO Box 1049, Columbus, Ohio 43216-1049, Attention: DERR Records Management Officer, and Ohio EPA Central District Office at the same address, Attention: DERR Site Coordinator for the Woodward Opera House Property.

Scope of Covenant

3. The Covenant provided in Order No. 1 shall only apply to the approximately 0.3091 - acre Property described in the NFA Letter, these Findings and Orders, and the exhibits attached hereto, upon which the investigational and remedial activities specified in the NFA Letter were conducted.
4. Pursuant to ORC 3746.12(B), the Covenant shall remain in effect for as long as the Property continues to comply with the applicable standards upon which the Covenant is based, as referenced in these Findings and Orders.
5. The Covenant shall not apply to releases of hazardous substances or petroleum:
 - a. That occur after the issuance of the NFA Letter to the Volunteer including but not limited to, releases of asbestos that may occur from asbestos-containing materials remaining at the Property that were not abated, or required to be abated, pursuant to OAC Chapter 3745-20.
 - b. On or emanating from the Property, that are not identified and addressed in the Phase I Property Assessment of the NFA Letter.
 - c. For which investigational or remedial activities were conducted that were not in compliance with ORC Chapter 3746 or OAC Chapter 3745-300.
6. The Covenant shall not apply:
 - a. To claims for natural resource damages the State may have pursuant to Sections 107 or 113 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9607 and 9613, as amended.
 - b. To claims the State may have pursuant to Section 107 of CERCLA, 42 U.S.C. 9607, as amended, for costs other than those for damages to natural resources, provided that the State incurs those other costs as a result of an action by the United States Environmental Protection Agency.
 - c. As otherwise specifically provided in ORC Chapter 3746, including but not limited to obligations arising under other applicable laws.
7. Nothing in ORC Chapter 3746 limits the authority of the Director to act under ORC 3734.13 and 3734.20 to 3734.23, or to request that a civil action be brought pursuant to the ORC or common law of the State to recover the costs incurred by

Ohio EPA for investigating or remediating a release or threatened release of hazardous substances or petroleum at or from the Property, when the Director determines that the release or threatened release poses an imminent and substantial threat to public health or safety or the environment.

8. Nothing in the Covenant shall be construed to limit or waive the Director's authority to revoke the Covenant in response to any of the circumstances for revocation of a covenant, as provided in ORC Chapter 3746 and OAC Chapter 3745-300.

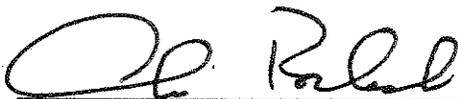
Ohio EPA Access to Property

9. Pursuant to ORC 3746.21, authorized representatives of the Director shall be granted access to the Property for inspection or investigation purposes.

Transfer

10. Pursuant to ORC 3746.14 and OAC 3745-300-13(K), the NFA Letter and the Covenant Not to Sue/Findings and Orders may be transferred to any person by assignment or in conjunction with the acquisition of title to the Property.

IT IS SO ORDERED:



Chris Korleski, Director
Ohio Environmental Protection Agency

FEB 11 2009

Date

Exhibit 1
Legal Description

14

GENERAL WARRANTY DEED

RICHARD W. LASLO and RICHARD F. RITTER, both married of Knox County,

Ohio for valuable consideration paid, grants with general warranty covenants, to WOODWARD

DEVELOPMENT CORPORATION an Ohio non-profit corporation, whose tax-mailing address is 236 South

Main Street, Mount Vernon, Ohio 43050, the following REAL

PROPERTY:

Situated in the City of Mount Vernon, County of Knox and State of Ohio and bounded and described as follows: Being the North two-thirds (2/3) part of Lot No. 133 of the City of Mount Vernon, Knox County, Ohio, and being all of said Lot No. 133, except 22 feet off the South side thereof extending the whole length of said lot and being the same premises conveyed by Harry D. Critchfield as Administrator of the Estate of E.G. Woodward, Deceased to Henry L. Curtis as Executor of the Estate of Henry B. Curtis, Deceased by deed dated September 10, 1895 and recorded in Volume 101, page 144 of the Deed Records of said County, and conveyed by Desault B. Kirk, as Executor of the Estate of Henry L. Curtis, Deceased, et al., to R. Y. Struble by deed dated July 1, 1901, and recorded in Volume 144, Page 363 of the Deed Records of said County.

DESCRIPTION
APPROVED
JULY 1987
KNOX COUNTY ENGINEER

Parcel No: 66-00068

Prior Instrument Reference: Volume 424, Page 145, of the Deed Records of Knox County, Ohio.

469 383

NANCY A. LASLO, wife of Richard W. Laslo and BARBARA A. RITTER, wife of Richard F. Ritter, releases all rights of dower therein.

IN WITNESS WHEREOF, we have set our hands this 28TH day of MAY, 1998.

Signed in the presence of:

Mary Ann Hickey
Witness Mary Ann Hickey

Richard W. Laslo
RICHARD W. LASLO

057721

Beth Robinson
Witness Beth Robinson

Nancy A. Laslo
NANCY A. LASLO

Janice L. Henry
Witness Janice L. Henry

Richard F. Ritter
RICHARD F. RITTER

Mary Ann Holley
Witness Mary Ann Holley

Barbara A. Ritter
BARBARA A. RITTER

STATE OF OHIO
COUNTY OF KNOX, ss:

BE IT REMEMBERED, that on this 28th day of May, 1998, before me the subscriber, a Notary Public in and for said state, personally came L & R, an Ohio General Partnership by RICHARD W. LASLO and NANCY A. LASLO and RICHARD F. RITTER and BARBARA A. RITTER, the Grantors in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Mary Ann Holley
Notary Public

MARY ANN HOLLEY
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES JULY 7, 1999

This instrument prepared by:
RICHARD F. RITTER
Zeller, Ritter & Rose
118 E. Gambier Street
Mt. Vernon, Ohio 43050
(614) 397-4040

TRANSFERRED
SEE SEC. 519.54, 500
SEC. 319.202 R. C. COMPLIED WITH

MAY 28 1998

MARGARET ANN RUHL
KNOX COUNTY, OHIO
NO. 1224 BY mac

KNOX COUNTY OHIO

Filed at 12:11 o'clock P m.

COMPARED MAY 28 1998
RECORDED May 28, 1998
VOL 470 PAGE 283-284
JOHN B. LYBARGER, RECORDER

28c

14-

NO. 0486 PREC 317

086372 14-
WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, THAT:

BRENDA L. SUTHERLAND (MARRIED) and N. DEE OLSON (UNMARRIED) for valuable consideration paid, grant with general warranty covenants to WOODWARD DEVELOPMENT CORPORATION, an Ohio Nonprofit Corporation, whose tax mailing address is 7 East Ohio Avenue, Mount Vernon, Ohio 43050, the following REAL PROPERTY:

Situated in the City of Mount Vernon, County of Knox and State of Ohio:

PARCEL 1: Being a strip of ground 22 feet in width taken from the South side of Lot No. 133, in the Original Plat of the City of Mount Vernon, in said County and State, bounded as follows: Beginning at the Southeast corner of said lot; thence West along the south line thereof to the Southwest corner thereof; thence North along the West line thereof 22 feet; thence East parallel with said South line to the East line of said lot; thence south 22 feet to the place of beginning. Subject to a certain lease of 99 years, covering a strip 9 inches wide along the North side of the above described premises executed by one Jacob B. Brown, deceased, to E. G. Woodward, and recorded at Page 115, Volume K.K. of the Records of Deeds of said County, and a certain addition to said lease recorded on the margin of the same page of said record; and hereby conveying to the said Grantees all the rights and privileges of the Grantor in respect to said lease.

PARCEL 2: Being a strip of ground 36 feet 4 inches wide taken from the North side of Lot No. 134 in the Original Plat of said City of Mount Vernon, Ohio, bounded on the North by the North line of said lot; on the South by a line parallel therewith, and 36 feet 4 inches South of said North line, and extending the full length of said lot East and West.

Subject to building restrictions, zoning restrictions, leases and easements of record, taxes and assessments which are a lien, determinations by the Tax Map Office, Knox County, Ohio, Engineer's Office, and the Knox County, Ohio, Regional Planning Commission.

Prior Instrument Reference: Volume 465 Page 417, Knox County Deed Records. Vol. 485 Pg. 945

Carl F. Sutherland, husband of Brenda L. Sutherland, releases all rights of dower therein.

DESCRIPTION APPROVED BY RECORDER OF DEEDS

TRANSFERRED
SEE SEC. 310.54
SEC. 310.22 R.C. COMPLIED WITH

MAR 21 2000

MARGARET ANN RUGL
KNOX COUNTY, OHIO
RECORDER OF DEEDS

086372

WITNESS my hand this 20th day of March, 2000.

Signed and acknowledged
in the presence of:

[Signature]
(as to all)
Printed Name: Larry J. Grindle

[Signature]
Brenda L. Sutherland

[Signature]
(as to all)
Printed Name: Richard K. Morris

[Signature]
Carl F. Sutherland

[Signature]
N. Dee Olson

STATE OF OHIO)
) SS:
COUNTY OF KNOX)

Before me, a Notary Public in and for said county and state, personally appeared the above-named, Brenda L. Sutherland and Carl F. Sutherland and N. Dee Olson, who acknowledged that they did sign the foregoing instrument and that the same was their free and voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal this 26th day of March, 2000.

[Signature]
NOTARY PUBLIC

This instrument prepared by:
Larry J. Grindle, Lawyer
ZELKOWITZ, BARRY & CULLERS
121 East High Street
Mount Vernon, Ohio 43050-3401
Telephone: (614) 397-5262
(LJMG2000.1)



LARRY J GRINDLE
Notary Public State Of O
Lifetime Commission
O.R.C. 147.03

COMPARED
KNOX COUNTY OHIO
Filed at 11:55 o'clock A m.
MAR 21 2000
RECORDED Mar. 21, 2000
VOL 486 PAGE 317-318
JOHN B. LYBARGER, RECORDER

086372

Exhibit 2
Property Location Map

TRACY & MILLS, SURVEYORS

10 East Vine Street, P.O. Box 642
MOUNT VERNON, OHIO 43050
TEL: 740-397-8324 • FAX: 740-397-5910

THOMAS M. TRACY, PS
1941 - 2002

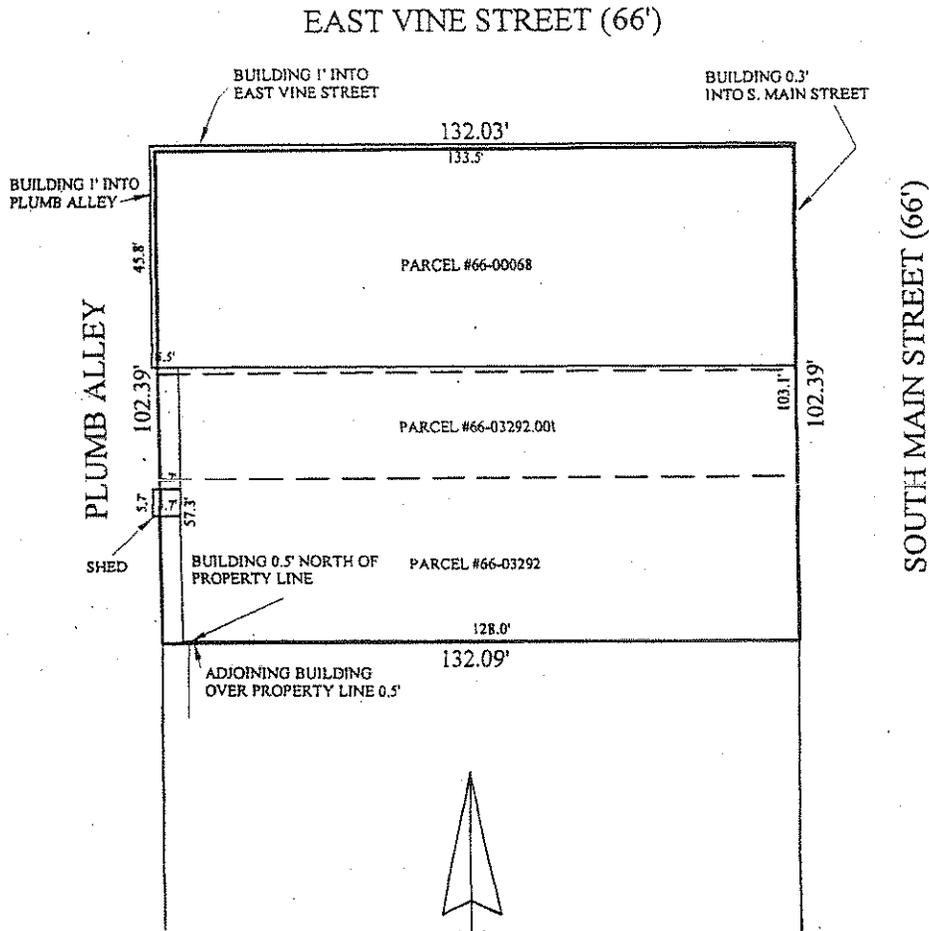
DAVID R. MILLS, PS

MORTGAGE LOCATION SURVEY FOR: Ohio Bar Title/The First Knox National Bank
LOCATION: 236 South Main Street LOT 133 & PART OF LOT 134, ORIGINAL PLAT,
Mt. Vernon, Ohio CITY OF MOUNT VERNON, KNOX CO., OHIO
BUYER/SELLER: Woodward Development Corp.

Date: August 20, 2008

○ - Iron Pin Set (5/8" x 30")
● - Iron Pin Found

Scale: 1" = 30'



IN FLOOD PLAIN C, MAP # 390311 0001 B

CERTIFICATION: We hereby certify that the foregoing survey was prepared from actual field measurements. Mortgage Location Survey is in accordance with chapter 4733-38, Ohio Administrative Code, and is not a boundary survey pursuant to Chapter 4733-37 of said code.

David R. Mills, Surveyor 7157

Exhibit 3
Executive Summary

Executive Summary and Filing Document of No Further Action Letter

**Woodward Opera House
101-111 South Main Street and 6-10 West Vine Street
City of Mount Vernon, Knox County, Ohio**

October 23, 2008

1.0 Introduction

The executive summary and filing document of No Further Action (NFA) Letter and the attached NFA Letter Form were completed in accordance with OAC 3745-300-13. The documents were prepared by Ms. Nichole Lashley (Certified Professional No. CP 302) of Lawhon and Associates, Inc. (L&A), and were completed on October 23, 2008. This work was conducted on behalf of The Woodward Development Corporation (owner) and The City of Mount Vernon (development partner & Volunteer). Asbestos remediation was funded through Ohio Department of Development (ODOD) (grant control number 04-026ADMN). The updated Phase I property assessment was conducted under the direction of the Certified Professional. Oversight of the asbestos abatement was also conducted by asbestos professionals within the Certified Professionals firm. The specified property that is the subject of this NFA is known as the Woodward Opera House and is described more particularly within the legal description, NFA Appendix F (within the Updated Phase I ESA, Appendix B). The property consists of approximately 0.3091 acre and is located within the municipal boundaries of the City of Mount Vernon at street addresses 101-111 South Main Street and 6-10 West Vine Street.

Phase I property assessment activities were conducted in order to determine the condition of property with respect to the applicable VAP standards. A complete copy of the NFA letter document will be on file with and will be available from the Ohio EPA, Division of Emergency and Remedial Response, Voluntary Action Program in accordance with the filing requirements of OAC 3745-300-13(H).

2.0 Summary of No Further Action Letter

Based on the finding of the assessment work performed on this Property, it was determined that the Property meets the applicable standards for the issuance of this NFA without any further assessment, monitoring, or remedial actions. The intended future land use is likely to be commercial but this NFA is not contingent upon any institutional control limiting future land use. Documents supporting the issuance of this NFA include a VAP Phase I Property Assessment (OAC 3745-300-06) completed by L&A. The Phase I Property Assessment first conducted on June 4, 2003 and subsequent reports transpired thereafter are attached and is considered to be an integral part of the NFA documentation. In addition, the attached NFA letter form serves as a checklist and cross reference to identify the location within the Phase I assessment reports for information required by the VAP rules. Collectively, these documents, in conjunction with this Executive Summary and Filing Documents of NFA Letter, fulfill the VAP requirements for the preparation of NFA documentation in accordance with VAP rule 13 – Content and Scope of No Further Action Letters (OAC 3745-300-13).

2.1 Phase I Property Assessment

The purpose of the Phase I Property Assessment was to determine the eligibility of the Property for entry into the VAP, to review the historic and current uses of the property and surrounding properties, conduct an environmental review including the history of any hazardous substance or petroleum releases, perform a property inspection, and establish the presence of any "identified area(s)" as defined in OAC 3745-300-06(F). A VAP Phase I Property Assessment was initiated on June 4, 2003 for this project, and was concluded with the issuance of a final Phase I Property Assessment report dated May 7, 2008, written revisions September 9, 2008 and October 22, 2008.

At the time of the Phase I Property inspection performed by the Certified Professional on May 7, 2008, the structures present on the Property consisted of the Woodward Opera House and its Annex. The buildings within the block collectively occupied approximately 14,000 square feet of floor space. The property is situated in a typical city "downtown" setting and is completely surrounded by multi-story buildings used primarily for office and retail purposes.

The past uses of the Property were investigated by reviewing historical city street directories, maps, Sanborn's, aerial photographs, chain of title reports, and interviews with persons likely to have knowledge regarding the past

activities at the site. These sources substantiated that the building was originally constructed by Dr. Ebenezer G. Woodward from 1850-1851 and was opened to the public as Woodward Hall in December of 1851. The original structure was remodeled only thirty-two years after opening (remodeling ended in 1883). The major renovation was conducted to increase square footage and accommodate the addition of the horseshoe balcony. A search of historic records has the site listed as a playhouse/opera house from 1851 until 1920. The unique part about this building is that the entertainment hall was on the upper floors of the structure (third floor and balcony) instead of being on the ground floor. The opera house closed in 1920 and the upper levels were no longer utilized. In the 1920's the second floor was used for lodging/office space and a large clothing/shoe store took over the ground floor of the structure until the 1940's. The last major renovation to the structure was completed in the mid-1960's when the entire lower level of the structure was divided into smaller store fronts to be utilized for commercial/retail purposes, also at this time the apartment/offices were closed/condemned. The site was placed on the National Register for Historic Places and is currently being restored to its original nineteenth century design.

The environmental history of the property was also investigated by reviewing available local, state, and federal agency records regarding environmental compliance at the site. Agencies contacted for potentially pertinent information included in the U.S. EPA, the Ohio EPA, the Ohio Department of Natural Resources, the Bureau of Underground Storage Tank Regulations, City of Mount Vernon Fire Department, the Knox County Health Department, and the Knox County Office of Homeland Security and Emergency Management. No outstanding official notice of violation or noncompliance involving environmentally related activities at the subject property were included in the available files or database of any of these agencies. Furthermore, the property is not on any local, state, or federal enforcement action lists with respect to environmental conditions at the site.

Based on the Phase I Property Assessment no evidence of a release of hazardous substances or petroleum to environmental media was identified on the Property. An asbestos and lead based paint survey performed by L&A in 2003 noted the presence of said material see Table 1, however no indication was found during the Phase I Property Assessment that lead based paint was released to environmental media at the site. Therefore, the only identified Areas designated on the Property were those impacted by Asbestos. VAP eligibility criteria were carefully reviewed, and the only media eligible for inclusion into the VAP was the asbestos. Phase II remedial action did occur at the site to remediate the asbestos and lead based paint which is further discussed in the Phase II Property Assessment heading. The amended Phase

Executive Summary and
Filing Document of NFA Letter
The Woodward Opera House
City of Mount Vernon, Knox County, Ohio
October 23, 2008

I Property Assessment prepared in accordance with the VAP Phase II Rule (OAC 3745-300-07(D)(1)(a)(ii) documents the changes to the Property condition that occurred since the completion of the original Phase I Property Assessment and how all COC indicated in the original Phase I ESA had been remediated from the site, allowing the site to be free of any identified areas.

Table 1: Constituents of Concern

Identified Area Number (or other designation) and Descriptive Name	Description of Releases, Sources and/or Source Areas	Potential and/or Suspected COCs from Phase I	Environmental Media Sampled	COCs Detected during Phase II	Was the identified area from the Phase I eliminated or otherwise re-designated during the Phase II?
1 Exterior Lead Based Paint	Known surficial releases of exterior lead based paint chips to surrounding concrete and asphalt	Metals (Pb)	Surrounding Concrete & Asphalt	N/A	Yes The lead based paint was precluded from the VAP NFA because the exterior paint did not impact environmental media (soil) therefore the exterior lead based paint was remediated by the property owner in accordance with Ohio Department of Health guidelines.
2 Asbestos	Known release to air	Asbestos	Air	Asbestos	Yes All identified asbestos was remediated from the Woodward Opera House.

3.0 Phase II Property Assessments

This section describes all Phase II activities that occurred at the Woodward Opera House and the conditions that changed at the property based upon the results of those activities.

Lawhon & Associates, Inc. of Westerville, Ohio performed a lead-based paint screening of the subject property and issued two subsequent reports on January 13, 2003 and May 29, 2003. These reports give areas where an X-Ray Florescence (XRF) (screening device) picked up levels of lead based paint on surfaces found on the subject property (reports can be found within Section E; Appendix A of the attached revised Phase I Report Dated May 7, 2008).

Lawhon & Associates, Inc. prepared a Phase I ESA report on the subject property dated June 4, 2003. This report was conducted as part of the Clean Ohio Revitalization Fund (CORF) assessment review process. The report concluded that there was lead-based paint and asbestos found inside the structure on the subject property; as well as lead-based paint found on the exterior of the structure. The lead-based paint did not meet the requirements for funding from the State but the Asbestos was covered under CORF funding. The original Phase I ESA was completed by Amy Quackenbush and Gerald Myers (CP 131); the report can be found in Section E; Appendix A of the revised Phase I and affidavits can be found in appendix K of the attached revised Phase I Dated May 7, 2008.

Lawhon & Associates, Inc. performed subsequent Phase II asbestos and lead based paint screening at the subject property report dated June 4, 2003. This investigation identified all of the locations of asbestos and lead based paint found on/within the structure on the subject property (see Section E; Appendix A of the attached revised Phase I Report Dated May 7, 2008).

The initial asbestos abatement, waste disposal forms and notification documentation (to the Ohio Department of Health) completed by Alloyd Asbestos Abatement Company in August 2003 are included in Section E; Appendix A of the attached revised Phase I Report Dated May 7, 2008.

Based on the information obtained in the aforementioned Phase II report, a compilation of the Asbestos Survey Letters were completed on June 12, 2006 for the use in bidding the remainder of the asbestos abatement project for the subject property. The remainder of the asbestos abatement work was completed by Total Environmental Services in November of 2006 and based upon the completion of the abatement work Lawhon & Associates, Inc. completed an

Asbestos Abatement Close out Document of the asbestos abatement work on January 10, 2007 (see Section E; appendix A of the attached revised Phase I Report Dated May 7, 2008).

3.2.1. Soil Investigation and Findings

Based on the results of the Phase I Property assessment, there was no reason to believe that hazardous substances or petroleum has impacted the soil beneath the Property and no soil sampling or further investigation was conducted.

3.2.2. Groundwater Investigation and Findings

Based on the results of the Phase I Property assessment, there was no reason to believe that hazardous substances or petroleum has impacted the groundwater beneath the Property and no groundwater sampling or further investigation was conducted.

3.2.3. Surface Water and Sediment Investigation and Findings

There is no surface water or sediments on or adjacent to this Property. Therefore, no surface water or sediment investigations were performed as part of this voluntary action.

3.2.4. Exposure Pathway Assessment

Table 2: Exposure Pathway Assessment Asbestos

Identified Area: Asbestos Containing Building Material			
Potentially Affected Medium: Transport Mechanism	Location of COCs	Requires Further Evaluation	Receptors for Pathways or Explanation for Eliminating Pathway From Further Evaluation
Soils: Direct Contact	<i>On Property</i>	No	<i>Asbestos was not found in the soil it was found in building materials on site. It is a particulate issue not a direct contact issue.</i>
	<i>Off Property</i>	No	<i>There is no migration to off-property soils from on-property sources.</i>

Identified Area: Asbestos Containing Building Material			
Potentially Affected Medium: Transport Mechanism	Location of COCs	Requires Further Evaluation	Receptors for Pathways or Explanation for Eliminating Pathway From Further Evaluation
Soils: Vapor Intrusion to Indoor Air	<i>On Property</i>	No	<i>Asbestos would not vaporize since it is a particulate and would not cause vapor intrusion.</i>
	<i>Off Property</i>	No	<i>There is no migration to off-property soils from on-property sources.</i>
Soils: Leaching to Ground Water	<i>On Property</i>	No	<i>Asbestos is a particulate and would not leach into groundwater.</i>
	<i>Off Property</i>	No	<i>There is no migration to off-property soils from on-property sources.</i>
Soils: Ecological	<i>On Property</i>	No	<i>No significant ecological resources exist on the property.</i>
	<i>Off Property</i>	No	<i>There is no migration to off-property soils from on-property sources.</i>
Ground Water: Potable	<i>On Property</i>	No	<i>Water is utilized as an inhibitor for asbestos and would not be a mode of transport for the material.</i>
	<i>Off Property</i>	No	<i>Water is utilized as an inhibitor for asbestos and would not be a mode of transport for the material.</i>
Ground Water: Vapor Intrusion Indoor Air	<i>On Property</i>	No	<i>Asbestos is a particulate and would not be considered a vapor issue from groundwater.</i>
	<i>Off Property</i>	No	<i>Asbestos is a particulate and would not be considered a vapor issue from groundwater.</i>
Ground Water: Non-potable	<i>On Property</i>	No	<i>Water is utilized as an inhibitor for asbestos and would not be a mode of transport for the material.</i>
	<i>Off Property</i>	No	<i>Water is utilized as an inhibitor for asbestos and would not be a mode of transport for the material.</i>

Identified Area: Asbestos Containing Building Material			
Potentially Affected Medium: Transport Mechanism	Location of COCs	Requires Further Evaluation	Receptors for Pathways or Explanation for Eliminating Pathway From Further Evaluation
Ground Water: to Surface Water	<i>On Property</i>	No	<i>No surface water exists on the property.</i>
	<i>Off Property</i>	No	<i>Regional hydrogeology suggests ground water gradient is to the southwest. Surface water (Kakosing River) is present 0.25 miles south of the property.</i>
Surface Water: Potable	<i>On Property</i>	No	<i>No surface water exists on the property.</i>
	<i>Off Property</i>	No	<i>CP has verified that potential point of discharge of ground water to surface water is not within 500 yards of drinking water intakes for a public water supply.</i>
Surface Water: Non-Potable Use	<i>On Property</i>	No	<i>No surface water exists on the property.</i>
	<i>Off Property</i>	No	<i>Surface water (Kakosing River) is located 0.25 miles south of property.</i>
Surface Water: Ecological	<i>On Property</i>	No	<i>No surface water exists on the property.</i>
	<i>Off Property</i>	No	<i>Surface water (Kakosing River) is located 0.25 miles south of property.</i>
Sediments: Direct Contact	<i>On Property</i>	No	<i>No sediments exist on the property.</i>
	<i>Off Property</i>	No	<i>No sediments exist adjacent to the property.</i>
Sediments: Ecological	<i>On Property</i>	No	<i>No sediments exist on the property.</i>
	<i>Off Property</i>	No	<i>No sediments exist adjacent to the property.</i>

Identified Area: Asbestos Containing Building Material			
Potentially Affected Medium: Transport Mechanism	Location of COCs	Requires Further Evaluation	Receptors for Pathways or Explanation for Eliminating Pathway From Further Evaluation
Other Pathway: Air	<i>On Property</i>	Yes	<i>Prior to and during remediation of the asbestos possible receptors were site workers and remediation workers. Since the hazardous material was remediated it is no longer an issue at the site.</i>
	<i>Off Property</i>	No	<i>No asbestos would have migrated off property.</i>

3.3 Determination of Applicable Standards

All asbestos identified within the studies for the VAP conducted at the Woodward Opera House have been remediated and therefore no COC's remain on the property that could potentially impact environmental media at the site.

3.4 Determination of Compliance with Applicable Standards

All applicable standards were achieved for the site prior to issuance of the NFA since the material was remediated and is no longer present.

3.5 Remedial Activities

On March 15, 2007 Mr. Ryan Malott (Ohio Licensed Asbestos Hazard Evaluation Specialist #33506) and Ms. Nichole Lashley (Certified Professional) conducted a final walk through to determine if the asbestos remediation efforts had been completed. As a result of the walk through, it was apparent that all visible identified ACMs had been completely removed successfully by an Ohio Licensed Asbestos Abatement Contractor. No visible ACMs or evidence remaining ACMs were apparent throughout the Woodward Opera House Complex. Hence, no VAP environmental media had been impacted by on site remediation activities and the site was remediated in accordance with OAC Chapter 3745-20-03 through 05.

It is understood that the VAP requirements for ACM left in place (undiscovered) at a facility (and not resulting in a release to environmental media) are not encompassed as part of the NFA. Therefore, any ACM left in place

(undiscovered) and any potential future releases due to the ACM are not included in the release of liability provide by a covenant not to sue from Ohio EPA.

According to the Ohio EPA "Technical Decision Compendium" for Lead Based Paint, since the environmental studies did not detect lead based paint in the soil surrounding the Woodward Opera House, the exterior lead based paint is preclude from the VAP NFA. It can be reported that the exterior lead based paint has been remediated from the Woodward in accordance with Ohio Department of Health regulations. Additionally, with the remediation of the lead based paint from the exterior of the structure there is no longer a potential impact to environmental media at the site in the future.

3.6 Planed Operation and Maintenance Remedies

No operation and maintenance or remedies are required in order for the property to met applicable VAP standards.

4.0 Conclusion

Based on the Original Phase I, Phase II, and Amended Phase I Property Assessment performed at this property, the certified professional concludes that the Property is eligible for participation in the VAP. No evidence was found that a release of hazardous substances or petroleum occurred on the Property during its use for commercial purposes. The property has been thoroughly and appropriately assessed and remediated, as necessary, in accordance with the VAP rules. In the opinion of the Certified Professional, the Property currently meets the standards stipulated in the VAP for the issuance of this NFA Letter and Covenant-Not-To-Sue.

VOLUNTARY ACTION PROGRAM
NO FURTHER ACTION LETTER

WOODWARD OPERA HOUSE

Name and Address of Property: 101-111 South Main Street
& 6-10 West Vine Street
Mount Vernon, OH 43050

Name and Address of Volunteer: The City of Mount Vernon
40 Public Square, Suite 206
Mount Vernon, Ohio 43050-3241

Certified Professional: Nichole Lashley, CP # 302,
Phone: 614-818-5200

Certified Laboratory: International Asbestos Testing
Laboratory NVLAP Code: 101165-
0

Environmental Science
Corporation, CL # 0069

Certified Professional Affidavit Pursuant to OAC 3745-
300-13(P) and 3745-300-05(F)(4)

[for submittals under OAC 3745-300-13(P): Certified
Professional NFA letter submissions to the Director of the
Ohio EPA]

Volunteer: The City of Mount Vernon
40 Public Square, Suite 206
Mount Vernon, Ohio 43050-3241

Owner(s): Woodward Development Corporation
107 S. Main St.
Mount Vernon, Ohio 43050

Certified Professional Issuing the NFA Letter:

Nichole Lashley
975 Eastwind Dr., Suite 190
Westerville, OH 43081
Phone: 614-818-5200

Property Subject to NFA Letter:

Woodward Opera House
101-111 South Main Street
& 6-10 West Vine Street
Mount Vernon, OH 43050

State of Ohio)
County of Franklin)

ss: Nichole Lashley
Certified Professional #302

I, Nichole Lashley, being first duly sworn according to law, state that, to
the best of my Knowledge, Information and belief:

1. I am an adult over the age of eighteen (18) years old and
competent to testify herein.

2. I am a Certified Professional, CP No. 302, in good standing under Ohio Revised Code (ORC) Chapter 3746 and Ohio Administrative Code (OAC) Chapter 3745-300.
3. I have prepared a No Further Action Letter (NFA) for the City of Mount Vernon issued on October 21, 2008 for property located at 101-111 South Main Street & 6-10 West Vine Street, Mount Vernon, OH (the "Property").
4. I have read the standards of conduct contained in OAC 3745-300-05(F), and maintained full compliance with these standards regarding the NFA Letter and while rendering professional services to the Volunteer regarding the Property.
5. The Property is eligible for the Voluntary Action Program pursuant to ORC 3746.02 and OAC 3745-300-02.
6. The voluntary action has been conducted and the NFA Letter has been issued in accordance with the ORC Chapter 3746 and OAC 3745-300.
7. The Property meets the applicable standards contained in ORC Chapter 3746 and OAC Chapter 3745-300.
8. The voluntary action at the Property was conducted in compliance with all applicable federal, state, and local laws and regulations.
9. The NFA Letter, the completed NFA Form for the Property and any other information, data, documents and reports submitted with the NFA Letter and the NFA Form are true, accurate and complete.
10. The NFA Letter, the completed NFA Form and all supporting information, data, documents, and reports, are a true, accurate and complete characterization of conditions at the Property, including the presence or absence of hazardous substances and petroleum.

Further affiant sayith naught;



Signature of Affiant

Sworn and subscribed in my presence this 23 day of OCT, 2008

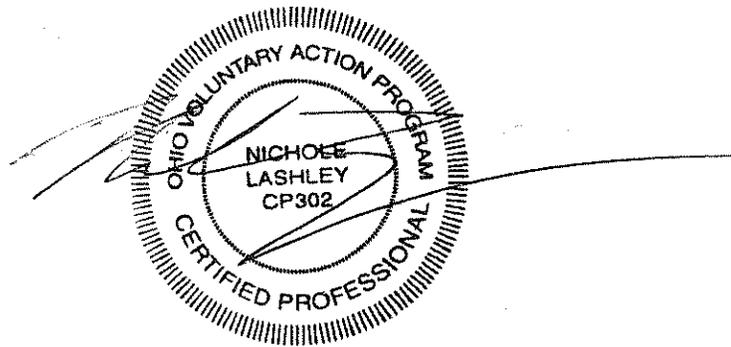
Michele Glinsky
Signature of Notary Public

Printed or typed name: MICHELE GLINSKY

My Commission expires: _____

MICHELE GLINSKY
Notary Public Stamp
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 09-15-09

Certified Professional Stamp



NICHOLE E. LASHLEY
CERTIFIED PROFESSIONAL (CP302)
ORC Section 3746.04 (B)(5)
OAC Rule 3745-300-05
My certification expires June 21, 2009



State of Ohio Environmental Protection Agency

RECEIVED

FEB 12 2009

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

OHIO EPA/CDO

MEMORANDUM

TO: Shelley Wilson, Executive Administrator for Real Property, Tax Equalization Division, Dept. of Taxation

Amy Alduino, Office of Urban Development, Dept. of Development

FROM: Chris Korleski, Director, Ohio Environmental Protection Agency

DATE: FEB 11 2009

RE: Covenant Not to Sue Issued to the City of Mount Vernon and the Woodward Development Corporation for the Woodward Opera House Property [NFA # 08NFA300]

As Director of the Ohio Environmental Protection Agency, I certify that the city of Mount Vernon and the Woodward Development Corporation has performed investigational and remedial activities at the property listed below and has been issued a Covenant Not to Sue under the authority of Ohio Revised Code (ORC) Chapter 3746. This information is being provided in satisfaction of ORC 5709.87(B).

Property name: Woodward Opera House

Property address: 101-111 South Main Street and 6-10 West Vine Street, Mount Vernon, Ohio 43050

Property owner: Woodward Development Corporation

Property owner address: 107 South Main Street, Mount Vernon, Ohio 43050

Parcel number(s): 66-00068, 66-03292-001, and 66-03292.

County: Knox

Taxing District: Mount Vernon Local School District

Date Covenant Not to Sue Issued: FEB 11 2009

Attached, for your information, is a copy of the legal description and map of the property.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Ohio EPA is an Equal Opportunity Employer

Woodward Opera House
page 2

If additional information regarding the property or the voluntary action is required, I suggest you first contact Nichole Lashley, the certified professional for the property, at 937 224 0164. In the alternative, you can contact Doug Crandall with the Ohio Environmental Protection Agency at 614 387 6181.

c: Richard M. Mavis, Mayor, City of Mount Vernon, 40 Public Square 206, Mount Vernon, OH 43050
Patrick Crow, Woodward Development Corporation, 107 S. Main St., Mount Vernon, OH 43050
Nichole Lashley, Certified Professional, Lawhon & Associates, Inc., 975 Eastwind Dr., Suite 190, Westerville, OH 43081
Mary Ann Ruhl, Knox County Auditor, 117 East High St., Suite 120, Mount Vernon, OH 43050
Amy Yersavich, VAP Manager, Ohio EPA
DERR-CO, VAP Files (08NFA300)
DERR-CDO Files

rev. 03/05, 11/05

GENERAL WARRANTY DEED

RICHARD W. LASLO and RICHARD F. RITTER, both married of Knox County,

Ohio for valuable consideration paid, grants with general warranty covenants, to WOODWARD

DEVELOPMENT CORPORATION an Ohio non-profit corporation, whose tax-mailing address is 236 South

Main Street, Mount Vernon, Ohio 43050, the following REAL

PROPERTY:

Situated in the City of Mount Vernon, County of Knox and State of Ohio and bounded and described as follows: Being the North two-thirds (2/3) part of Lot No. 133 of the City of Mount Vernon, Knox County, Ohio, and being all of said Lot No. 133, except 22 feet off the South side thereof extending the whole length of said lot and being the same premises conveyed by Harry D. Critchfield as Administrator of the Estate of E.G. Woodward, Deceased to Henry L. Curtis as Executor of the Estate of Henry B. Curtis, Deceased by deed dated September 10, 1895 and recorded in Volume 101, page 144 of the Deed Records of said County, and conveyed by Desault B. Kirk, as Executor of the Estate of Henry L. Curtis, Deceased, et al., to R. Y. Struble by deed dated July 1, 1901, and recorded in Volume 144, Page 363 of the Deed Records of said County.

Parcel No: 66-00068

Prior Instrument Reference: Volume 424, Page 145, of the Deed Records of Knox County, Ohio. 469 383

NANCY A. LASLO, wife of Richard W. Laslo and BARBARA A. RITTER, wife of Richard F. Ritter, releases all rights of dower therein.

IN WITNESS WHEREOF, we have set our hands this 28TH day of MAY, 1998.

Signed in the presence of:

Mary Ann Holley
Witness Mary Ann Holley

Richard W. Laslo
RICHARD W. LASLO



057721

Beth Robinson
Witness Beth Robinson

Nancy A. Laslo
NANCY A. LASLO

Janice L Henry
Witness Janice L Henry

Richard F. Ritter
RICHARD F. RITTER

Mary Ann Holley
Witness Mary Ann Holley

Barbara A. Ritter
BARBARA A. RITTER

STATE OF OHIO
COUNTY OF KNOX, ss:

BE IT REMEMBERED, that on this 28th day of May, 1998, before me the subscriber, a Notary Public in and for said state, personally came L & R, an Ohio General Partnership by RICHARD W. LASLO and NANCY A. LASLO and RICHARD F. RITTER and BARBARA A. RITTER, the Grantors in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Mary Ann Holley
Notary Public

MARY ANN HOLLEY
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES JULY 7, 1999

This instrument prepared by:
RICHARD F. RITTER
Zeller, Ritter & Rose
118 E. Gambier Street
Mt. Vernon, Ohio 43050
(614) 397-4040

TRANSFERRED
SEE SEC. 319.54
SEC. 319.202 R. C. COMPLIED WITH

MAY 28 1998

MARGARET ANN RUHL
KNOX COUNTY, OHIO
NO. 1324 BY MARCO

KNOX COUNTY OHIO

Filed at 12:11 o'clock P m.

COMPARED MAY 28 1998
RECORDED May 28, 1998
VOL 470 PAGE 283-284
JOHN B. LYSARGER, RECORDER
28C 14-

Vol. 465 Page 945

086372 14-
WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, THAT:

BRENDA L. SUTHERLAND (MARRIED) and M. DEE OLSON (UNMARRIED) for valuable consideration paid, grant with general warranty covenants to WOODWARD DEVELOPMENT CORPORATION, an Ohio Nonprofit Corporation, whose tax mailing address is 7 East Ohio Avenue, Mount Vernon, Ohio 43050, the following REAL PROPERTY:

Situated in the City of Mount Vernon, County of Knox and State of Ohio:

PARCEL 1: Being a strip of ground 22 feet in width taken from the South side of Lot No. 133, in the Original Plat of the City of Mount Vernon, in said County and State, bounded as follows: Beginning at the Southeast corner of said lot; thence West along the south line thereof to the Southwest corner thereof; thence North along the West line thereof 22 feet; thence East parallel with said South line to the East line of said lot; thence south 22 feet to the place of beginning. Subject to a certain lease of 99 years, covering a strip 9 inches wide along the North side of the above described premises executed by one Jacob B. Brown, deceased, to E. G. Woodward, and recorded at Page 115, Volume K.K. of the Records of Deeds of said County, and a certain addition to said lease recorded on the margin of the same page of said record; and hereby conveying to the said Grantees all the rights and privileges of the Grantor in respect to said lease.

PARCEL 2: Being a strip of ground 36 feet 4 inches wide taken from the North side of Lot No. 134 in the Original Plat of said City of Mount Vernon, Ohio, bounded on the North by the North line of said lot; on the South by a line parallel therewith, and 36 feet 4 inches South of said North line, and extending the full length of said lot East and West.

Subject to building restrictions, zoning restrictions, leases and easements of record, taxes and assessments which are a lien, determinations by the Tax Map Office, Knox County, Ohio, Engineer's Office, and the Knox County, Ohio, Regional Planning Commission.

Prior Instrument Reference: Volume 465 Page 417, Knox County Deed Records. Vol. 485 Pg. 945

Carl F. Sutherland, husband of Brenda L. Sutherland, releases all rights of dower therein.

DESCRIPTION APPROVED BY RECORDER

TRANSFERRED
SEE SEC. 316.01 1600-
SEC. 316.02 R.C. COMPLIED WITH

MAR 21 2000

MARGARET ANWARING
KNOX COUNTY, OHIO
RECORDER OF DEEDS

TRACY & MILLS, SURVEYORS

10 East Vine Street, P.O. Box 642
MOUNT VERNON, OHIO 43050
TEL: 740-397-8324 • FAX: 740-397-5910

DAVID R. MILLS, PS

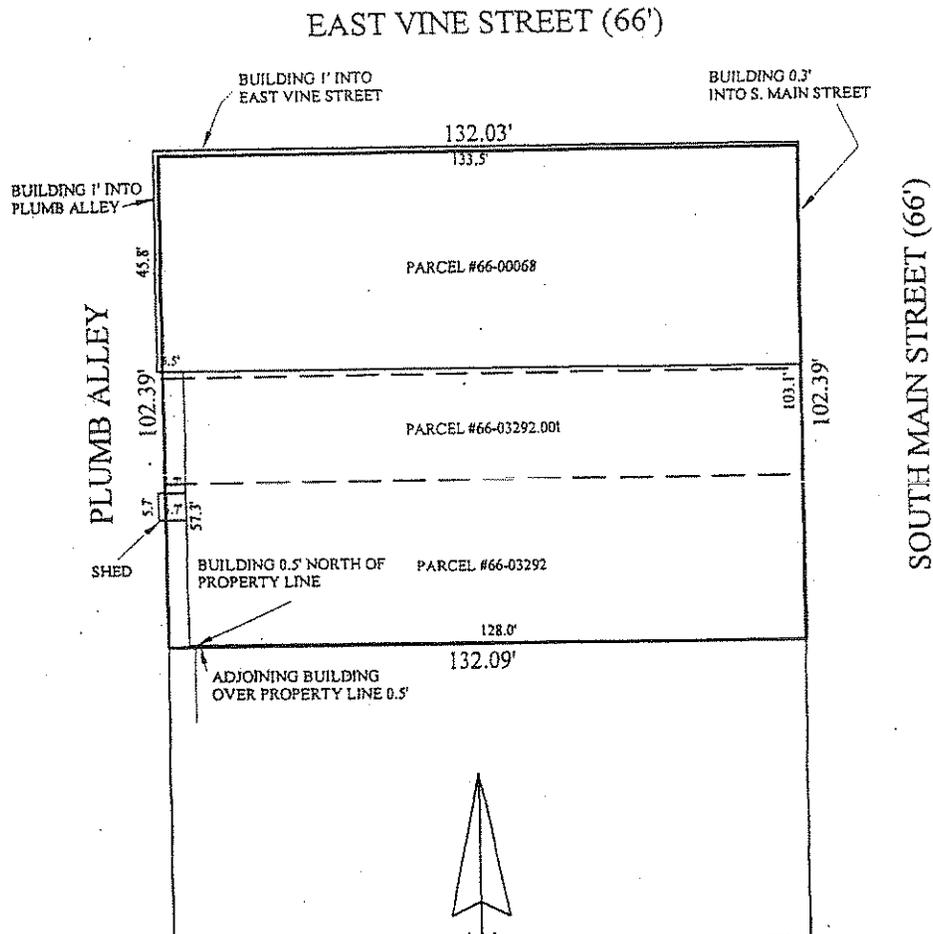
THOMAS M. TRACY, PS
1941 - 2002

MORTGAGE LOCATION SURVEY FOR: Ohio Bar Title/The First Knox National Bank
LOCATION: 236 South Main Street LOT 133 & PART OF LOT 134, ORIGINAL PLAT,
Mt. Vernon, Ohio CITY OF MOUNT VERNON, KNOX CO., OHIO
BUYER/SELLER: Woodward Development Corp.

Date: August 20, 2008

○ - Iron Pin Set (5/8" x 30")
● - Iron Pin Found

Scale: 1" = 30'



IN FLOOD PLAIN C, MAP # 390311 0001 B

CERTIFICATION: We hereby certify that the foregoing survey was prepared from actual field measurements. Mortgage Location Survey is in accordance with chapter 4733-38, Ohio Administrative Code, and is not a boundary survey pursuant to Chapter 4733-37 of said code.

David R. Mills, Surveyor 7157