2006R031077

LAKE COUNTY OHIO
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FRANK A SUPONCIC
LAKE COUNTY RECORDER

REC. FEE: 332.00
PAGES: 40

ENVIRONMENTAL COVENANT FOR OU 6

ENVIRONMENTAL COVENANT

This Environmental Covenant is entered into by Tierra Solutions, Inc., Scepter Management Corporation, Inc., Erie Coke and Chemical Company, and the Ohio Environmental Protection Agency ("Ohio EPA") pursuant to Ohio Revised Code (ORC) §§ 5301.80 to 5301.92 for the purpose of subjecting the Property to the activity and use limitations set forth herein.

Whereas, Owner is the owner of certain real property consisting of a parcel of land legally described in Exhibit A hereto ("the "Property");

Whereas, the Property includes areas identified by Ohio EPA as Parcel 2C1 in the Director's Final Findings and Orders for Remedial Design and Construction of the Remedial Action for the Diamond Shamrock Painesville Works, Operable Unit 6 Site, entered into by Ohio EPA and Tierra Solutions, Inc., Scepter Management Corporation, Inc., and Erie Coke and Chemical Company on July 13, 2006 ("OU6 DFFO");

Whereas, the administrative record for this project is on file with Ohio EPA at its Central District Office. Lazarus Government Center, 122 South Front Street, Columbus, Ohio and is maintained under the file name Diamond Shamrock Painesville Works, Operable Unit 6;

Whereas, the Property is part of the larger Diamond Shamrock Painesville Works, various parts of which were used for the manufacturing of a variety of chemical products and by-products, the details of which are more fully set forth in the OU6 DFFO. The predominant use of this Property was as a coal coking facility from 1924-1976. Contaminants of concerns at the Property include PCBs, asbestos, and metals found in waste piles at the Site; and volatile organic compounds, semi-volatile organic compound, pesticides, PCBs, metals and total dissolved solids found in groundwater at the Property. On April 23, 2002, U.S.. EPA issued Unilateral Administrative Orders for the performance of a time-critical removal action at the Site. The final report for the removal action was submitted to U.S. EPA in December 2002.

Whereas. a Remedial Investigation of the Diamond Shamrock Painesville Works was conducted between 19995 and 2003. Ohio EPA approved the Feasibility Study Report for Operable Unit 6 on January 31, 2005 and issued its Preferred Plan for Operable Unit 6 on June 3, 2005. On November 2, 2005, Ohio EPA issued its Decision Document selecting a remedy for the Property.

Whereas, the remedy selected by Ohio EPA includes the excavation and/or placement of a clean soil cover over the contaminated portions of the Property to

Surety Title Agency, Inc.
ORDER NO. ST 13806A, 3838, 3628
ESCROW NO.

Tierra Solutions, Inc. in writing at the address indicated in subparagraph 20.b at least 14 days prior to initiating construction or excavation activities.

6. Activity and Use Limitations Applicable to the Entire Property. As part of the remedial action described in the Decision Document for Operable Unit 6 of the Diamond Shamrock Painesville Works and in compliance with the requirements of the OU6 DFFO, Owner hereby imposes and agrees to comply with the following activity and use limitations, applicable to the entire Property:

a. Groundwater underlying all or any portion of the Property shall not be withdrawn or used for any potable or nonpotable purpose. This restriction shall not preclude the extraction of groundwater for the following purposes:

i. for any necessary investigational or remedial activities consistent with Ohio Revised Code Chapters 3734, 3746 and 6111; or

ii. for dewatering associated with construction or excavation activities or maintenance of subsurface facilities.

b. The construction of habitable subsurface features (i.e., basements and crawl-spaces) is prohibited on the entire Property. This limitation shall not preclude construction of "slab-on-grade" structures, building foundations, utility corridors and utilities.

If any event or action by or on behalf of a person who owns an interest in or holds an encumbrance on the Property, identified in paragraph 13 below, constitutes a breach of the activity and use limitations, Owner or Transferee shall notify Ohio EPA within thirty (30) days of becoming aware of the event or action, and shall remedy the breach of the activity and use limitations within sixty (60) days of becoming aware of the event or action, or such other time frame as may be agreed to by the Owner or Transferee and Ohio EPA.

7. Activity and Use Limitations Applicable to Portions of the Property. As part of the remedial action described in the Decision Document for Operable Unit 6 of the Diamond Shamrock Painesville Works and in compliance with the requirements of the OU6 DFFO, Owner hereby imposes and agrees to comply with the following activity and use limitations, applicable to certain portions of the Property:

a. The following restrictions and limitations are placed on the OU6 Recreational Land Use Area, as identified and described in Exhibit B.

i. The entirety of the OU6 Recreational Land Use Area shall be used only for commercial/recreational land use, including, but not limited to, managed green space, landscaped areas, golf course and other sports fields and recreation-related commercial structures;

ii. Residential use in this area is prohibited;

iii. Within impacted areas RIA-1, RIA-2, RIA-3, RIA-4 and RIA-5 located in the OU6 Recreational Land Use Area, no habitable residential, recreational or commercial structures shall be constructed. Habitable structures are those structures designed as a dwelling, shelter or enclosed place for human activity;

iv. A two foot point of compliance shall be maintained within the OU6 Recreational Land Use Area in accordance with the approved Operation and Maintenance Plan required to be submitted pursuant to the OU6 DFFO.

b. The following restrictions and limitations are placed on the OU6 Residential Land Use Areas A and B, as described in Exhibit B:

i. Within impacted area RIA-2 and RIA-4 located in the OU6 Residential Land Use Area, no habitable residential, recreational, or commercial structures shall be constructed; however, the remainder of the OU6 Residential Land Use Area may be used for residential land use;

ii. A four foot point of compliance shall be maintained within the OU6 Residential Land Use Areas A and B of the Property in accordance with the approved Operation and Maintenance Plan required to be submitted pursuant to the OU6 DFFO.

If any event or action by or on behalf of a person who owns an interest in or holds an encumbrance on the Property, identified in paragraph 13 below, constitutes a breach of the activity and use limitations, Owner or Transferee shall notify Ohio EPA within thirty (30) days of becoming aware of the event or action, and shall remedy the breach of the activity and use limitations within sixty (60) days of becoming aware of the event or action, or such other time frame as may be agreed to by the Owner or Transferee and Ohio EPA.

8. Running with the Land. This Environmental Covenant shall be binding upon the Owner and all assigns and successors in interest, including any Transferee, and shall run with the land, pursuant to ORC § 5301.85, subject to amendment or termination as set forth herein. The term "Transferee," as used in this Environmental Covenant, shall mean any future owner of any interest in the Property or any portion thereof, including, but not limited to, owners of an interest in fee simple, mortgagees, easement holders, and/or lessees.

9. Compliance Enforcement. Compliance with this Environmental Covenant may be enforced pursuant to ORC § 5301.91. Failure to timely enforce compliance with this Environmental Covenant or the activity and use limitations contained herein by any party shall not bar subsequent enforcement by such party and shall not be deemed a waiver of the party's right to take action to enforce any non-compliance. Nothing in this Environmental Covenant shall restrict the Director of Ohio EPA from exercising any authority under applicable law.

10. Rights of Access. Owner hereby grants to and to Ohio EPA, its agents, contractors, and employees, and to Holders, the right of access to the Property for implementation or enforcement of this Environmental Covenant, and such other access to the Property as may be necessary to implement remedial activities, including operation and maintenance activities, consistent with the terms of the OU6 DFFO. Any Transferee of the Property, or any portion of the Property, hereby grants to Ohio EPA, Holders, Owner, and their respective agents, contractors and employees the right of access to the Property for implementation or enforcement of this Environmental Covenant, and such other access to the Property as may be necessary to implement remedial activities, including operation and maintenance activities, consistent with terms of the OU6 DFFO

11. Compliance Reporting. Owner or any Transferee shall submit to Ohio EPA on an annual basis written documentation verifying that the activity and use limitations remain in place and are being complied with.

12. Notice upon Conveyance. Each instrument hereafter conveying any interest in the Property or any portion of the Property shall contain a notice of the activity and use limitations set forth in this Environmental Covenant, and provide the recorded location of this Environmental Covenant. The notice shall be substantially in the following form:

> THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL COVENANT, DATED_____, 2006, RECORDED IN THE DEED OR OFFICIAL RECORDS OF THE LAKE COUNTY RECORDER ON _____, 2006, IN [DOCUMENT ____, or BOOK___, PAGE _____,]. THE ENVIRONMENTAL COVENANT CONTAINS THE FOLLOWING ACTIVITY AND USE LIMITATIONS:

a. Groundwater underlying all or any portion of the Property shall not be withdrawn or used for any potable or non-potable purpose. This restriction shall not preclude the extraction of groundwater for the following purposes:

   i. for any necessary investigational or remedial activities consistent with Ohio Revised Code Chapters 3734, 3746 and 6111; or

   ii. for dewatering associated with construction or excavation activities or maintenance of subsurface facilities.

b. The construction of habitable subsurface structures (i.e., basements and crawl-spaces) is prohibited on the entire Property. This limitation shall not preclude construction of "slab-on-grade" structures, building foundations, utility corridors and utilities.

c. The following restrictions and limitations are placed on the OU6 Recreational Land Use Area, as described in Exhibit B:

   i. The entirety of the OU6 Recreational Land Use Area shall be used only for commercial/recreational land use, including, but not limited to, managed green space, landscaped areas, golf course and other sports fields and recreation-related commercial structures;

ii. Residential use in this area is prohibited ;

iii. Within impacted areas RIA-1, RIA-2, RIA-3, RIA-4 and RIA-5 located in the OU6 Recreational Land Use Area, no habitable residential, recreational or commercial structures shall be constructed. Habitable structures are those structures designed as a dwelling, shelter, or enclosed place for human activity; and

iv. A two foot point of compliance shall be maintained within the OU6 Recreational Land Use Area in accordance with the approved Operation and Maintenance Plan required to be submitted pursuant to the OU6 DFFO.

d. The following restrictions and limitations are placed on the OU6 Residential Land Use Areas A and B, as described in Exhibit B:

i. Within impacted RIA-2 and RIA-4 located in the OU6 Recreational Land Use Area, no habitable residential, recreational, or commercial structures shall be constructed; however, the remainder of the OU6 Residential Land Use Area may be used for residential use;

iii. A four foot point of compliance shall be maintained within the OU6 Residential Land Use Areas A and B of the Property in accordance with the approved Operation and Maintenance Plan required to be submitted pursuant to the OU6 DFFO.

Owner shall notify Ohio EPA and Holders within thirty (30) days after each conveyance of an interest in any portion of the Property. Owner's notice shall include the name, address, and telephone number of the Transferee, a copy of the deed or other documentation evidencing the conveyance, and a survey map that shows the boundaries of the property being transferred.

13. Representations and Warranties. Owner hereby represents and warrants to the other signatories hereto:

a. that the Owner is the sole owner of the Property;

b. that the Owner holds fee simple title to the Property which is subject to interests or encumbrances which would not preclude the Owner from entering this Environmental Covenant, including but not limited to those identified in Exhibit "C" hereto which is fully incorporated by reference herein, and that certain 99 year Ground Lease between Owner and Lakeview Bluffs LLC dated as of February 12, 2001;

c. that the Owner has the power and authority to enter into this Environmental Covenant, to grant the rights and interests herein provided and to carry out all obligations hereunder;

d. that the Owner has identified all other persons that own an interest in or hold an encumbrance on the Property and notified such persons of the Owner's intention to enter into this Environmental Covenant including Lakeview Bluffs LLC; and

e. that this Environmental Covenant will not materially violate or contravene or constitute a material default under any other agreement, document or instrument to which Owner is a party or by which Owner may be bound or affected.

14. Amendment or Termination. This Environmental Covenant may be amended or terminated by consent of all of the following: the Owner or a Transferee; the Holders; and the Ohio EPA, pursuant to the terms of this Environmental Covenant and ORC § 5301.90 and other applicable law. The term, "Amendment," as used in this Environmental Covenant, shall mean any changes to the Environmental Covenant, including the activity and use limitations set forth herein, or the elimination of one or more activity and use limitations when there is at least one limitation remaining. The term, "Termination," as used in this Environmental Covenant, shall mean the elimination of all activity and use limitations set forth herein and all other obligations under this Environmental Covenant.

This Environmental Covenant may be amended or terminated only by a written instrument duly executed by the Director of Ohio EPA, the Owner or Transferee of the Property or portion thereof, and the Holders as applicable. This Environmental Covenant may be amended to reflect modifications to the legal description of the Land Use Areas or the RIA impacted areas, as described in Exhibit B, or through the attainment of applicable standards through the implementation of additional remedial

actions, including but not limited to the use of institutional and/or engineering controls. Within thirty (30) days of signature by all requisite parties on any amendment or termination of this Environmental Covenant, the Owner or Transferee shall file such instrument for recording with the Lake County Recorder's Office, and shall provide a file- and date-stamped copy of the recorded instrument to Ohio EPA and the Holders.

In the event Owner and Occidental Chemical Corporation fail to implement the Work required pursuant to the OU6 DFFO and Holders become responsible for such Work, Owner and Holders agree that if Ohio EPA determines it is necessary and/or appropriate to modify this Environmental Covenant to reflect implementation of the active industrial end-use alternative set forth in the Decision Document, Owner and Holders agree not to unreasonably withhold consent to such a modification..

15. Severability. If any provision of this Environmental Covenant is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

16. Governing Law. This Environmental Covenant shall be governed by and interpreted in accordance with the laws of the State of Ohio.

17. Recordation. Within thirty (30) days after the date of the final required signature upon this Environmental Covenant, Owner shall file this Environmental Covenant for recording, in the same manner as a deed to the Property, with the Lake County Recorder's Office.

18. Effective Date. The effective date of this Environmental Covenant shall be the date upon which the fully executed Environmental Covenant has been recorded as a deed record for the Property with the Lake County Recorder.

19. Distribution of Environmental Covenant. The Owner shall distribute a file- and date-stamped copy of the recorded Environmental Covenant to: Ohio EPA; Lake County, Painesville Township, the Holders, each person who signed the Environmental Covenant, and each person holding a recorded interest in the Property.

20. Notice

a. Unless otherwise notified in writing by Ohio EPA, any document or communication required by this Environmental Covenant shall be submitted to:

Site Coordinator, Diamond Shamrock Painesville Works Site
Ohio EPA, Division of Emergency and Remedial Response
Northeast District Office
2110 East Aurora Road
Twinsburg, OH 44087

b. Unless otherwise notified in writing by or on behalf of Tierra Solutions, Inc., any document or communication required by this Environmental Covenant shall be submitted to:

Mr. Dave Rabbe
Tierra Solutions, Inc.
Two Tower Center Boulevard
10th Floor
East Brunswick, NJ 08816

c. Unless otherwise notified in writing by or on behalf of Erie Coke and Chemical Company or Scepter Management Corporation, Inc., any document or communication required by this Environmental Covenant shall be submitted to:

Scepter Management Corporation, Inc.
Erie Coke and Chemical Company
Attention: Special Counsel
1415 Louisiana, Suite 3000
Houston, TX 77002

The undersigned representatives of Owner and Holders represent and certify that he is authorized to execute this Environmental Covenant.

IT IS SO AGREED:

This Instrument Prepared By:

Tierra Solutions, Inc.
Two Tower Center Boulevard
10th Floor
East Brunswick, NJ 08816

SCEPTER MANAGEMENT CORPORATION, INC.

Signature of Holder
Richard J. Reese, Vice President Date: 7/5/06

State of Texas

ss:

Before me, a notary public, in and for said state, personally appeared Richard J. Reese, a duly authorized representative of Scepter Management Corporation, Inc., who acknowledged to me that he did execute the foregoing instrument on behalf of Scepter Management Corporation, Inc..

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 5th day of July, 2006.

MELINDA A CAREY
Notary Public, State of Texas
My Commission Expires
February 07, 2010

Melinda A. Carey
Notary Public

ERIE COKE AND CHEMICAL COMPANY

Signature of Holder
Richard J. Reese, Vice President

Date: 7/5/06

State of Texas

ss:

Before me, a notary public, in and for said state, personally appeared Richard J. Reese, a duly authorized representative of ERIE COKE AND CHEMICAL COMPANY, who acknowledged to me that he did execute the foregoing instrument on behalf of ERIE COKE AND CHEMICAL COMPANY.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 5th day of July, 2006.

MELINDA A. CAREY
Notary Public, State of Texas
My Commission Expires
February 07, 2010

Melinda A. Carey
Notary Public

TIERRA SOLUTIONS, INC.

David E. Rabbe
President

Date 5/16/06

State of District of Columbia)
County of) ss:

Before me, a notary public, in and for said county and state, personally appeared David E. Rabbe, a duly authorized representative of Tierra Solutions, Inc, who acknowledged to me that he did execute the foregoing instrument on behalf of Tierra Solutions, Inc.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 16th day of May, 2006.

Notary Public

KATHRYN J. MEREIGH
My Commission Expires January 14, 2007

OHIO ENVIRONMENTAL PROTECTION AGENCY

Joseph P. Koncelik, Director Date 7/12/06

State of Ohio)
) ss:
County of Franklin)

Before me, a notary public, in and for said county and state, personally appeared Joseph P. Koncelik, the Director of Ohio EPA, who acknowledged to me that he did execute the foregoing instrument on behalf of Ohio EPA.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 12th day of July, 2006.

Charma Diane Casteel
Notary Public

CHARMA DIANE CASTEEL
NOTARY PUBLIC
STATE OF OHIO
MY COMMISSION EXPIRES
MAY 10, 2009

EXHIBIT A

CT Consultants
engineers | architects | planners
Since 1922

May 15, 2006

DESCRIPTION OF OU6 BOUNDARY

Situated in the Township of Painesville, County of Lake, and State of Ohio and known as being parts of Original Lots No. 2 and No. 3 in Tract No. 3 in the Eleventh Township of the Eighth Range in the Connecticut Western Reserve and is bounded and described as follows;

Beginning in the centerline of the Fairport-Nursery Road (60 feet in width as established in 1936 by the Lake County Engineer and recorded in Road Record Volume C, Page 483 et seq.) at a one inch diameter iron pin stake in a monument box found marking an angle in said centerline;

Thence North 80°05'45" East along said centerline of the Fairport-Nursery Road a distance of 457.92 feet to its intersection with the prolongation of the westerly line of land conveyed to Tierra Solutions, Inc, by instrument dated April 12, 2004 and recorded in Document No. 2004R015705 of the Lake County Records;

Thence North 10°25'37" West along said prolongation, and passing through a 5/8 inch diameter iron pin stake at 74.77 feet, a total distance of 75.00 feet to the southwesterly corner of said land of Tierra Solutions, Inc.;

Thence North 10°25'37" West along the westerly line of said land of Tierra Solutions, Inc. a distance of 392.02 feet to a point at the beginning of a curve therein;

Thence northwesterly, continuing along said westerly line of land of Tierra Solutions, Inc. along the arc of said curve and deflecting to the LEFT (said curve having a radius of 61.16 feet, an included angle of 37°03'27", and a chord which bears North 28°57'20.5" West and is 38 87 feet in length) a distance of 39.56 feet to a point;

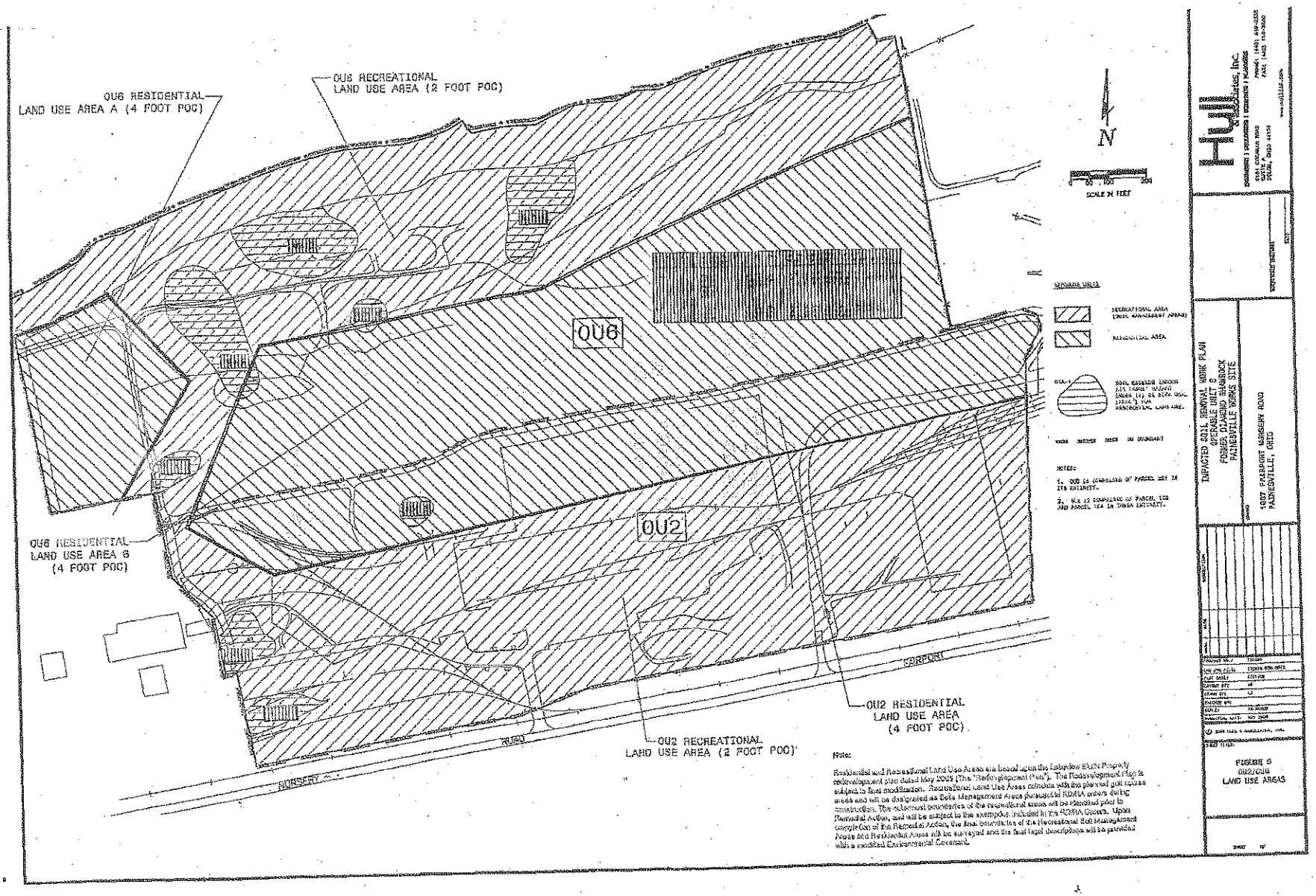
Thence North 47°29'04" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 108.70 feet to a point at the beginning of a curve therein;

Thence northwesterly, continuing along said westerly line of land of Tierra Solutions, Inc. along the arc of said curve and deflecting to the RIGHT (said curve having a radius of 71.96 feet, an included angle of 37°36'12", and a chord which bears North 28°40'58" West and is 46.38 feet in length) a distance of 47.23 feet to a point;

Thence North 9°52'52" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 103.41 feet to a point;

35000 Kaiser Court Willoughby Ohio 44094 phone: 440.951.9000 fax: 440.951.7487 www.ctconsultants.com

EXHIBIT B



CT Consultants
engineers | architects | planners
Since 1922

May 15, 2006

DESCRIPTION OF
OU6 RECREATIONAL LAND USE AREA

Situated in the Township of Painesville, County of Lake, and State of Ohio and known as being parts of Original Lots No. 2 and No. 3 in Tract No. 3 in the Eleventh Township of the Eighth Range in the Connecticut Western Reserve and is bounded and described as follows;

Beginning in the centerline of the Fairport-Nursery Road (60 feet in width as established in 1936 by the Lake County Engineer and recorded in Road Record Volume C, Page 483 et seq.) at a one inch diameter iron pin stake in a monument box found marking an angle in said centerline;

Thence North 80°05'45" East along said centerline of the Fairport-Nursery Road a distance of 457.92 feet to its intersection with the prolongation of the westerly line of land conveyed to Tierra Solutions, Inc, by instrument dated April 12, 2004 and recorded in Document No. 2004R015705 of the Lake County Records;

Thence North 10°25'37" West along said prolongation, and passing through a 5/8 inch diameter iron pin stake at 74.77 feet, a total distance of 75.00 feet to the southwesterly corner of said land of Tierra Solutions, Inc.;

Thence North 10°25'37" West along the westerly line of said land of Tierra Solutions, Inc. a distance of 392.02 feet to a point at the beginning of a curve therein;

Thence northwesterly, continuing along said westerly line of land of Tierra Solutions, Inc. along the arc of said curve and deflecting to the LEFT (said curve having a radius of 61.16 feet, an included angle of 37°03'27", and a chord which bears North 28°57'20.5" West and is 38.87 feet in length) a distance of 39.56 feet to a point;

Thence North 47°29'04" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 108.70 feet to a point at the beginning of a curve therein;

Thence northwesterly, continuing along said westerly line of land of Tierra Solutions, Inc. along the arc of said curve and deflecting to the RIGHT (said curve having a radius of 71.96 feet, an included angle of 37°36'12", and a chord which bears North 28°40'58" West and is 46.38 feet in length) a distance of 47.23 feet to a point;

Thence North 9°52'52" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 103.41 feet to a point;

Thence North 16°32'50" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 63.60 feet to a point;

Thence North 9°55'45" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 32.44 feet to its intersection with the southerly line of a 40.509 acre parcel of land conveyed to Tierra Solutions, Inc. by instrument dated January 6, 2005 and recorded in Document No. 2005R000681 of the Lake County Records;

Thence South 80°04'42" West along the southerly line of said 40.509 acre parcel of land of Tierra Solutions, Inc a distance of 103.26 feet to the principal point of beginning of the following described parcel of land;

COURSE I	Thence North 30°47'20" East a distance of 353.47 feet to a point;
COURSE II	Thence North 41°51'46" West a distance of 313.02 feet to a point;
COURSE III	Thence South 64°11'24" West a distance of 152.85 feet to a point;
COURSE IV	Thence South 71°16'25" West a distance of 109.22 feet to the westerly line of said 40.509 acre parcel of land of Tierra Solutions, Inc.;
COURSE V	Thence North 9°55'18" West along the westerly line of said 40.509 acre parcel of land of Tierra Solutions, Inc. a distance of 116.00 feet to the water's edge of Lake Erie;
COURSE VI	Thence North 73°20'54" East along the water's edge of Lake Erie 2431.56 feet to the northeasterly corner of said 40.509 acre parcel of land of Tierra Solutions, Inc.;
COURSE VII	Thence South 9°55'34" East along the easterly line of said 40.509 acre parcel of land of Tierra Solutions, Inc., and passing through a 5/8 inch diameter iron pin stake at 144.62 feet, a total distance of 289.24 feet to a point;
COURSE VIII	Thence South 67°43'11" West a distance of 459.88 feet to a point;
COURSE IX	Thence South 65°24'50" West a distance of 620.69 feet to a point;
COURSE X	Thence South 79°33'25" West a distance of 748.25 feet to a point;
COURSE XI	Thence South 22°36'50" West a distance of 384.73 feet to the northerly line of a 12.670 acre parcel of land conveyed to Tierra Solutions, Inc by instrument dated April 12, 2004 and recorded in Document No. 2004R015705 of the Lake County Records;

COURSE XII Thence South 80°04'42" West along the northerly line of said 12.67 acre parcel of land of Tierra Solutions, Inc. a distance of 220.00 feet to the principal point of beginning and containing 19.328 acres of land as surveyed and described in May, 2006 by Timothy P. Hadden, Ohio Professional Surveyor No. 6786 of CT Consultants, Inc., be the same more or less but subject to all legal highways.

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CT Consultants
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Since 1922

May 15, 2006

DESCRIPTION OF
OU6 RESIDENTIAL LAND USE AREA "A"

Situated in the Township of Painesville, County of Lake, and State of Ohio and known as being parts of Original Lots No. 2 and No. 3 in Tract No. 3 in the Eleventh Township of the Eighth Range in the Connecticut Western Reserve and is bounded and described as follows;

Beginning in the centerline of the Fairport-Nursery Road (60 feet in width as established in 1936 by the Lake County Engineer and recorded in Road Record Volume C, Page 483 et seq.) at a one inch diameter iron pin stake in a monument box found marking an angle in said centerline;

Thence North 80°05'45" East along said centerline of the Fairport-Nursery Road a distance of 457.92 feet to its intersection with the prolongation of the westerly line of land conveyed to Tierra Solutions, Inc, by instrument dated April 12, 2004 and recorded in Document No. 2004R015705 of the Lake County Records;

Thence North 10°25'37" West along said prolongation, and passing through a 5/8 inch diameter iron pin stake at 74.77 feet, a total distance of 75.00 feet to the southwesterly corner of said land of Tierra Solutions, Inc.;

Thence North 10°25'37" West along the westerly line of said land of Tierra Solutions, Inc. a distance of 392.02 feet to a point at the beginning of a curve therein;

Thence northwesterly, continuing along said westerly line of land of Tierra Solutions, Inc. along the arc of said curve and deflecting to the LEFT (said curve having a radius of 61.16 feet, an included angle of 37°03'27", and a chord which bears North 28°57'20.5" West and is 38.87 feet in length) a distance of 39.56 feet to a point;

Thence North 47°29'04" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 108.70 feet to a point at the beginning of a curve therein;

Thence northwesterly, continuing along said westerly line of land of Tierra Solutions, Inc. along the arc of said curve and deflecting to the RIGHT (said curve having a radius of 71.96 feet, an included angle of 37°36'12", and a chord which bears North 28°40'58" West and is 46.38 feet in length) a distance of 47.23 feet to a point;

Thence North 9°52'52" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 103.41 feet to a point;

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Thence North 16°32'50" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 63.60 feet to a point;

Thence North 9°55'45" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 32.44 feet to its intersection with the southerly line of a 40.509 acre parcel of land conveyed to Tierra Solutions, Inc. by instrument dated January 6, 2005 and recorded in Document No. 2005R000681 of the Lake County Records;

Thence South 80°04'42" West along the southerly line of said 40.509 acre parcel of land of Tierra Solutions, Inc. a distance of 103.26 feet to the principal point of beginning of the following described parcel of land;

COURSE I	Thence South 80°04'42" West continuing along the southerly line of said 40.509 acre parcel of land of Tierra Solutions, Inc. a distance of 190.00 feet to the southwesterly corner of the same;
COURSE II	Thence North 9°55'18" West along the westerly line of said 40.509 acre parcel of land of Tierra Solutions, Inc., and witness a 5/8 inch diameter iron pin stake (Gerson) found 1.08 feet northerly and 0.30 feet easterly therefrom, a distance of 475.00 feet to a point;
COURSE III	Thence North 71°16'25" East a distance of 109.22 feet to a point;
COURSE IV	Thence North 64°11'24" East a distance of 152.85 feet to a point;
COURSE V	Thence South 41°51'46" East a distance of 313.02 feet to a point;
COURSE VI	Thence South 30°47'20" West a distance of 353.47 feet to the principal point of beginning and containing 3.742 acres of land as surveyed and described in May, 2006 by Timothy P. Hadden, Ohio Professional Surveyor No. 6786 of CT Consultants, Inc., be the same more or less but subject to all legal highways.

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May 15, 2006

DESCRIPTION OF
OU6 RESIDENTIAL LAND USE AREA "B"

Situated in the Township of Painesville, County of Lake, and State of Ohio and known as being a part of Original Lot No. 2 in Tract No. 3 in the Eleventh Township of the Eighth Range in the Connecticut Western Reserve and is bounded and described as follows;

Beginning in the centerline of the Fairport-Nursery Road (60 feet in width as established in 1936 by the Lake County Engineer and recorded in Road Record Volume C, Page 483 et seq.) at a one inch diameter iron pin stake in a monument box found marking an angle in said centerline;

Thence North 80°05'45" East along said centerline of the Fairport-Nursery Road a distance of 457.92 feet to its intersection with the prolongation of the westerly line of land conveyed to Tierra Solutions, Inc, by instrument dated April 12, 2004 and recorded in Document No. 2004R015705 of the Lake County Records;

Thence North 10°25'37" West along said prolongation, and passing through a 5/8 inch diameter iron pin stake at 74.77 feet, a total distance of 75.00 feet to the southwesterly corner of said land of Tierra Solutions, Inc.;

Thence North 10°25'37" West along the westerly line of said land of Tierra Solutions, Inc. a distance of 392.02 feet to a point at the beginning of a curve therein;

Thence northwesterly, continuing along said westerly line of land of Tierra Solutions, Inc. along the arc of said curve and deflecting to the LEFT (said curve having a radius of 61.16 feet, an included angle of 37°03'27", and a chord which bears North 28°57'20.5" West and is 38.87 feet in length) a distance of 39.56 feet to a point;

Thence North 47°29'04" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 108.70 feet to a point at the beginning of a curve therein;

Thence northwesterly, continuing along said westerly line of land of Tierra Solutions, Inc. along the arc of said curve and deflecting to the RIGHT (said curve having a radius of 71.96 feet, an included angle of 37°36'12", and a chord which bears North 28°40'58" West and is 46.38 feet in length) a distance of 47.23 feet to a point;

Thence North 9°52'52" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 103.41 feet to a point;

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Thence North 16°32'50" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 63.60 feet to a point;

Thence North 9°55'45" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 32.44 feet to its intersection with the southerly line of a 40.509 acre parcel of land conveyed to Tierra Solutions, Inc. by instrument dated January 6, 2005 and recorded in Document No. 2005R000681 of the Lake County Records;

Thence North 80°04'42" East along the southerly line of said 40.509 acre parcel of land of Tierra Solutions, Inc. a distance of 116.74 feet to the principal point of beginning of the following described parcel of land;

COURSE I — Thence North 22°36'50" East a distance of 384.73 feet to a point;

COURSE II — Thence North 79°33'25" East a distance of 748.25 feet to a point;

COURSE III — Thence North 65°24'50" East a distance of 620.69 feet to a point;

COURSE IV — Thence North 67°43'11" East a distance of 459.88 feet to the easterly line of the aforesaid 40.509 acre parcel of land of Tierra Solutions, Inc.;

COURSE V — Thence South 9°55'34" East along the easterly line of said 40.509 acre parcel of land of Tierra Solutions, Inc. a distance of 560.00 feet to its intersection with the northerly line of a 13.622 acre parcel of land conveyed to Tierra Solutions, Inc. by instrument dated November 7, 2005 and recorded in Document No. 2005R048789 of the Lake County Records and witness a 5/8 inch diameter iron pin stake found 0.14 feet northerly and 0.25 feet easterly therefrom;

COURSE VI — Thence South 77°23'28" West along the northerly line of said 13.622 acre parcel of land of Tierra Solutions, Inc., and along the prolongation of the same, a distance of 665.70 feet to a 5/8 inch diameter iron pin stake found marking an angle in the northerly line of a 11.5 acre parcel of land conveyed to Tierra Solutions, Inc. by instrument dated May 17, 2004 and recorded in Document No 2004R022104 of the Lake County Records;

COURSE VII — Thence South 80°56'11" West along the northerly line of said 11.5 acre parcel of land of Tierra Solutions, Inc. a distance of 300.00 feet to a point;

COURSE VIII — Thence South 80°04'42" West continuing along the northerly line of said 11.5 acre parcel and along its prolongation a distance of 1039.94 feet to the principal point of beginning and containing 17.437 acres of land as surveyed and described in May, 2006 by Timothy P. Hadden, Ohio Professional Surveyor No. 6786 of CT Consultants, Inc., be the same more or less but subject to all legal highways.

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DESCRIPTION OF BOUNDARY
OF AREA DESIGNATED RIA-1

Situated in the Township of Painesville, County of Lake, and State of Ohio and known as being a parts of Original Lot No. 2 in Tract No. 3 in the Eleventh Township of the Eighth Range in the Connecticut Western Reserve and is bounded and described as follows;

Beginning in the centerline of the Fairport-Nursery Road (60 feet in width as established in 1936 by the Lake County Engineer and recorded in Road Record Volume C, Page 483 et seq.) at a one inch diameter iron pin stake in a monument box found marking an angle in said centerline;

Thence North 80°05'45" East along said centerline of the Fairport-Nursery Road a distance of 457.92 feet to its intersection with the prolongation of the westerly line of land conveyed to Tierra Solutions, Inc, by instrument dated April 12, 2004 and recorded in Document No. 2004R015705 of the Lake County Records;

Thence North 10°25'37" West along said prolongation, and passing through a 5/8 inch diameter iron pin stake at 74.77 feet, a total distance of 75.00 feet to the southwesterly corner of said land of Tierra Solutions, Inc ;

Thence North 10°25'37" West along the westerly line of said land of Tierra Solutions, Inc. a distance of 392.02 feet to a point at the beginning of a curve therein;

Thence northwesterly, continuing along said westerly line of land of Tierra Solutions, Inc. along the arc of said curve and deflecting to the LEFT (said curve having a radius of 61.16 feet, an included angle of 37°03'27", and a chord which bears North 28°57'20.5" West and is 38.87 feet in length) a distance of 39.56 feet to a point;

Thence North 47°29'04" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 108.70 feet to a point at the beginning of a curve therein;

Thence northwesterly, continuing along said westerly line of land of Tierra Solutions, Inc. along the arc of said curve and deflecting to the RIGHT (said curve having a radius of 71.96 feet, an included angle of 37°36'12", and a chord which bears North 28°40'58" West and is 46.38 feet in length) a distance of 47.23 feet to a point;

Thence North 9°52'52" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 103.41 feet to a point;

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Thence North 16°32'50" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 63.60 feet to a point;

Thence North 9°55'45" West continuing along said westerly line of land of Tierra Solutions, Inc a distance of 32.44 feet to its intersection with the southerly line of a 40.509 acre parcel of land conveyed to Tierra Solutions, Inc. by instrument dated January 6, 2005 and recorded in Document No. 2005R000681 of the Lake County Records and the principal point of beginning of the following described parcel of land;

COURSE I	Thence South 80°04'42" West along the southerly line of said 40.509 acre parcel of land of Tierra Solutions, Inc., 25.53 feet to a point;
COURSE II	Thence North 00° 32' 40" West, 49.43 feet to a point;
COURSE III	Thence North 26° 53' 37" East, 34.76 feet to a point;
COURSE IV	Thence North 57° 57' 36" East, 51.26 feet to a point;
COURSE V	Thence North 86° 56' 33" East, 56.30 feet to a point;
COURSE VI	Thence South 42° 22' 04" East, 29.14 feet to a point;
COURSE VII	Thence South 20° 34' 15" West, 39.76 feet to a point;
COURSE VIII	Thence South 63° 33' 17" West, 106.60 feet to the principal point of beginning and containing 0.217 acres of land as surveyed and described in May, 2006 by Timothy P. Hadden, Ohio Professional Surveyor No. 6786 of CT Consultants, Inc., be the same more or less but subject to all legal highways.

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DESCRIPTION OF BOUNDARY
OF AREA DESIGNATED RIA-2

Situated in the Township of Painesville, County of Lake, and State of Ohio and known as being a part of Original Lot No. 2 in Tract No. 3 in the Eleventh Township of the Eighth Range in the Connecticut Western Reserve and is bounded and described as follows;

Beginning in the centerline of the Fairport-Nursery Road (60 feet in width as established in 1936 by the Lake County Engineer and recorded in Road Record Volume C, Page 483 et seq.) at a one inch diameter iron pin stake in a monument box found marking an angle in said centerline;

Thence North 80°05'45" East along said centerline of the Fairport-Nursery Road a distance of 457.92 feet to its intersection with the prolongation of the westerly line of land conveyed to Tierra Solutions, Inc, by instrument dated April 12, 2004 and recorded in Document No 2004R015705 of the Lake County Records;

Thence North 10°25'37" West along said prolongation, and passing through a 5/8 inch diameter iron pin stake at 74.77 feet, a total distance of 75.00 feet to the southwesterly corner of said land of Tierra Solutions, Inc.;

Thence North 10°25'37" West along the westerly line of said land of Tierra Solutions, Inc. a distance of 392.02 feet to a point at the beginning of a curve therein;

Thence northwesterly, continuing along said westerly line of land of Tierra Solutions, Inc. along the arc of said curve and deflecting to the LEFT (said curve having a radius of 61.16 feet, an included angle of 37°03'27", and a chord which bears North 28°57'20.5" West and is 38.87 feet in length) a distance of 39.56 feet to a point;

Thence North 47°29'04" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 108.70 feet to a point at the beginning of a curve therein;

Thence northwesterly, continuing along said westerly line of land of Tierra Solutions, Inc. along the arc of said curve and deflecting to the RIGHT (said curve having a radius of 71.96 feet, an included angle of 37°36'12", and a chord which bears North 28°40'58" West and is 46.38 feet in length) a distance of 47.23 feet to a point;

Thence North 9°52'52" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 103.41 feet to a point;

Thence North 16°32'50" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 63 60 feet to a point;

Thence North 9°55'45" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 32 44 feet to its intersection with the southerly line of a 40.509 acre parcel of land conveyed to Tierra Solutions, Inc. by instrument dated January 6, 2005 and recorded in Document No. 2005R000681 of the Lake County Records;

Thence North 80°04'42" East along the southerly line of said 40.509 acre parcel of land of Tierra Solutions, Inc. a distance of 116.74 feet to a point;

Thence North 22°36'50" East a distance of 217.36 feet to the principal point of beginning of the following described parcel of land;

COURSE I	Thence North 34° 16' 55" West, 198.62 feet to a point;
COURSE II	Thence North 49° 50' 40" West, 48.32 feet to a point;
COURSE III	Thence North 31° 31' 19" West, 65 85 feet to a point;
COURSE IV	Thence North 02° 38' 15" East, 90.14 feet to a point;
COURSE V	Thence North 61° 40' 44" East, 101 57 feet to a point;
COURSE VI	Thence South 41° 32' 28" East, 135 89 feet to a point;
COURSE V11	Thence South 17° 26' 09" East, 247 93 feet to a point;
COURSE VIII	Thence South 55° 29' 00" West, 90 69 feet to the principal point of beginning and containing 1.185 acres of land (of which 0.076 acres is contained within an area designated as OU6 Residential Land Use Area "A" and 0.109 acres is contained within an area designated as OU6 Recreational Land Use Area) as surveyed and described in May, 2006 by Timothy P. Hadden, Ohio Professional Surveyor No. 6786 of CT Consultants, Inc., be the same more or less but subject to all legal highways.

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DESCRIPTION OF BOUNDARY
OF AREA DESIGNATED RIA-3

Situated in the Township of Painesville, County of Lake, and State of Ohio and known as being a part of Original Lot No. 2 in Tract No. 3 in the Eleventh Township of the Eighth Range in the Connecticut Western Reserve and is bounded and described as follows;

Beginning in the centerline of the Fairport-Nursery Road (60 feet in width as established in 1936 by the Lake County Engineer and recorded in Road Record Volume C, Page 483 et seq.) at a one inch diameter iron pin stake in a monument box found marking an angle in said centerline;

Thence North 80°05'45" East along said centerline of the Fairport-Nursery Road a distance of 457.92 feet to its intersection with the prolongation of the westerly line of land conveyed to Tierra Solutions, Inc, by instrument dated April 12, 2004 and recorded in Document No. 2004R015705 of the Lake County Records;

Thence North 10°25'37" West along said prolongation, and passing through a 5/8 inch diameter iron pin stake at 74.77 feet, a total distance of 75.00 feet to the southwesterly corner of said land of Tierra Solutions, Inc.;

Thence North 10°25'37" West along the westerly line of said land of Tierra Solutions, Inc. a distance of 392.02 feet to a point at the beginning of a curve therein;

Thence northwesterly, continuing along said westerly line of land of Tierra Solutions, Inc. along the arc of said curve and deflecting to the LEFT (said curve having a radius of 61.16 feet, an included angle of 37°03'27", and a chord which bears North 28°57'20.5" West and is 38.87 feet in length) a distance of 39.56 feet to a point;

Thence North 47°29'04" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 108.70 feet to a point at the beginning of a curve therein;

Thence northwesterly, continuing along said westerly line of land of Tierra Solutions, Inc. along the arc of said curve and deflecting to the RIGHT (said curve having a radius of 71.96 feet, an included angle of 37°36'12", and a chord which bears North 28°40'58" West and is 46.38 feet in length) a distance of 47.23 feet to a point;

Thence North 9°52'52" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 103.41 feet to a point;

Thence North 16°32'50" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 63.60 feet to a point;

Thence North 9°55'45" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 32.44 feet to its intersection with the southerly line of a 40.509 acre parcel of land conveyed to Tierra Solutions, Inc. by instrument dated January 6, 2005 and recorded in Document No. 2005R000681 of the Lake County Records;

Thence North 80°04'42" East along the southerly line of said 40.509 acre parcel of land of Tierra Solutions, Inc. a distance of 116.74 feet to a point;

Thence North 22°36'50" East a distance of 384.73 feet to a point;

Thence North 79°33'25" East a distance of 171.32 to a point;

Thence North 10°26'35" West a distance of 135.10 feet to the principal point of beginning of the following described parcel of land;

COURSE I	Thence North 75° 54' 32" West, 165.56 feet to a point;
COURSE II	Thence North 30° 57' 42" West, 120.55 feet to a point;
COURSE III	Thence North 78° 43' 13" East, 250.19 feet to a point;
COURSE IV	Thence South 36° 27' 20" East, 26.28 feet to a point;
COURSE V	Thence South 65° 06' 07" East, 73.21 feet to a point;
COURSE VI	Thence South 28° 03' 36" East, 32.09 feet to a point;
COURSE VII	Thence South 05° 03' 58" West, 21.96 feet to a point;
COURSE VIII	Thence South 41° 26' 13" West, 56.58 feet to a point;
COURSE IX	Thence South 59° 10' 06" West, 93.74 feet to the principal point of beginning and containing 0.980 acres of land as surveyed and described in May, 2006 by Timothy P. Hadden, Ohio Professional Surveyor No. 6786 of CT Consultants, Inc., be the same more or less but subject to all legal highways.

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DESCRIPTION OF BOUNDARY
OF AREA DESIGNATED RIA-4

Situated in the Township of Painesville, County of Lake, and State of Ohio and known as being a part of Original Lot No. 2 in Tract No. 3 in the Eleventh Township of the Eighth Range in the Connecticut Western Reserve and is bounded and described as follows;

Beginning in the centerline of the Fairport-Nursery Road (60 feet in width as established in 1936 by the Lake County Engineer and recorded in Road Record Volume C, Page 483 et seq.) at a one inch diameter iron pin stake in a monument box found marking an angle in said centerline;

Thence North 80°05'45" East along said centerline of the Fairport-Nursery Road a distance of 457.92 feet to its intersection with the prolongation of the westerly line of land conveyed to Tierra Solutions, Inc, by instrument dated April 12, 2004 and recorded in Document No. 2004R015705 of the Lake County Records;

Thence North 10°25'37" West along said prolongation, and passing through a 5/8 inch diameter iron pin stake at 74.77 feet, a total distance of 75.00 feet to the southwesterly corner of said land of Tierra Solutions, Inc.;

Thence North 10°25'37" West along the westerly line of said land of Tierra Solutions, Inc a distance of 392.02 feet to a point at the beginning of a curve therein;

Thence northwesterly, continuing along said westerly line of land of Tierra Solutions, Inc. along the arc of said curve and deflecting to the LEFT (said curve having a radius of 61.16 feet, an included angle of 37°03'27", and a chord which bears North 28°57'20.5" West and is 38.87 feet in length) a distance of 39.56 feet to a point;

Thence North 47°29'04" West continuing along said westerly line of land of Tierra Solutions, Inc a distance of 108.70 feet to a point at the beginning of a curve therein;

Thence northwesterly, continuing along said westerly line of land of Tierra Solutions, Inc. along the arc of said curve and deflecting to the RIGHT (said curve having a radius of 71.96 feet, an included angle of 37°36'12", and a chord which bears North 28°40'58" West and is 46.38 feet in length) a distance of 47.23 feet to a point;

Thence North 9°52'52" West continuing along said westerly line of land of Tierra Solutions, Inc a distance of 103.41 feet to a point;

Thence North 16°32'50" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 63.60 feet to a point;

Thence North 9°55'45" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 32.44 feet to its intersection with the southerly line of a 40.509 acre parcel of land conveyed to Tierra Solutions, Inc. by instrument dated January 6, 2005 and recorded in Document No. 2005R000681 of the Lake County Records;

Thence North 80°04'42" East along the southerly line of said 40.509 acre parcel of land of Tierra Solutions, Inc. a distance of 116.74 feet to a point;

Thence North 22°36'50" East a distance of 384.73 feet to a point;

Thence North 79°33'25" East a distance of 235.33 feet to the principal point of beginning of the following described parcel of land;

COURSE I Thence North 12° 47' 37" East, 75.68 feet to a point;

COURSE II Thence North 86° 38' 30" East, 82.14 feet to a point;

COURSE III Thence South 06° 36' 29" East, 59.55 feet to a point;

COURSE IV Thence South 56° 47' 07" West, 65.41 feet to a point;

COURSE V Thence North 72° 10' 12" West, 53.45 feet to the principal point of beginning and containing 0.173 acres of land (of which 0.031 acres is contained within an area designated as OU6 Residential Land Use Area "B" and 0.142 acres is contained within an area designated as OU6 Recreational Land Use Area) as surveyed and described in May, 2006 by Timothy P. Hadden, Ohio Professional Surveyor No. 6786 of CT Consultants, Inc., be the same more or less but subject to all legal highways.

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DESCRIPTION OF BOUNDARY
OF AREA DESIGNATED RIA-5

Situated in the Township of Painesville, County of Lake, and State of Ohio and known as being a part of Original Lot No. 2 in Tract No. 3 in the Eleventh Township of the Eighth Range in the Connecticut Western Reserve and is bounded and described as follows;

Beginning in the centerline of the Fairport-Nursery Road (60 feet in width as established in 1936 by the Lake County Engineer and recorded in Road Record Volume C, Page 483 et seq.) at a one inch diameter iron pin stake in a monument box found marking an angle in said centerline;

Thence North 80°05'45" East along said centerline of the Fairport-Nursery Road a distance of 457.92 feet to its intersection with the prolongation of the westerly line of land conveyed to Tierra Solutions, Inc, by instrument dated April 12, 2004 and recorded in Document No. 2004R015705 of the Lake County Records;

Thence North 10°25'37" West along said prolongation, and passing through a 5/8 inch diameter iron pin stake at 74.77 feet, a total distance of 75.00 feet to the southwesterly corner of said land of Tierra Solutions, Inc.;

Thence North 10°25'37" West along the westerly line of said land of Tierra Solutions, Inc. a distance of 392.02 feet to a point at the beginning of a curve therein;

Thence northwesterly, continuing along said westerly line of land of Tierra Solutions, Inc. along the arc of said curve and deflecting to the LEFT (said curve having a radius of 61.16 feet, an included angle of 37°03'27", and a chord which bears North 28°57'20.5" West and is 38.87 feet in length) a distance of 39.56 feet to a point;

Thence North 47°29'04" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 108.70 feet to a point at the beginning of a curve therein;

Thence northwesterly, continuing along said westerly line of land of Tierra Solutions, Inc. along the arc of said curve and deflecting to the RIGHT (said curve having a radius of 71.96 feet, an included angle of 37°36'12", and a chord which bears North 28°40'58" West and is 46.38 feet in length) a distance of 47.23 feet to a point;

Thence North 9°52'52" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 103.41 feet to a point;

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Thence North 16°32'50" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 63.60 feet to a point;

Thence North 9°55'45" West continuing along said westerly line of land of Tierra Solutions, Inc. a distance of 32.44 feet to its intersection with the southerly line of a 40.509 acre parcel of land conveyed to Tierra Solutions, Inc. by instrument dated January 6, 2005 and recorded in Document No 2005R000681 of the Lake County Records;

Thence North 80°04'42" East along the southerly line of said 40.509 acre parcel of land of Tierra Solutions, Inc. a distance of 116.74 feet to a point;

Thence North 22°36'50" East a distance of 384.73 feet to a point;

Thence North 79°33'25" East a distance of 704.04 feet to a point;

Thence North 10°26'35" West a distance of 70.28 feet to the principal point of beginning of the following described parcel of land;

COURSE I	Thence North 60° 22' 26" West, 38 80 feet to a point;
COURSE II	Thence North 05° 48' 11" East, 108.09 feet to a point;
COURSE III	Thence North 06° 08' 48" West, 54.69 feet to a point;
COURSE IV	Thence North 07° 06' 12" East, 55.10 feet to a point;
COURSE V	Thence North 78° 17' 12" East, 180 47 feet to a point;
COURSE VI	Thence South 01° 50' 23" East, 109.41 feet to a point;
COURSE VII	Thence South 54° 15' 23" West, 78.14 feet to a point;
COURSE VIII	Thence South 29° 36' 40" West, 126 57 feet to a point;
COURSE IX	Thence South 77° 10' 33" West, 33 25 feet to the principal point of beginning and containing 0.775 acres of land as surveyed and described in May, 2006 by Timothy P. Hadden, Ohio Professional Surveyor No. 6786 of CT Consultants, Inc., be the same more or less but subject to all legal highways.

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EXHIBIT C

Exhibit C

List of Encumbrances

Encumbrances to which the Property fully described in Exhibit A to the Environmental Covenant is subject:

1. Pipeline right of way grant from Diamond Shamrock to The East Ohio Gas Company, filed for record May 29, 1973 and recorded in Volume 896, Page 366.

2. Easement for ingress and egress filed for record on December 23, 1977 and recorded in Volume 972, Page 8. Grantor: Erie Coke, Grantee: Diamond Shamrock.

3. Easement for water pipe line filed for record on December 23, 1977 and recorded in Volume 972, Page 26. Grantor: Erie Coke, Grantee: Diamond Shamrock.

4. Easement for railroad track filed for record on December 23, 1977 and recorded in Volume 972, Page 39. Grantor: Erie Coke, Grantee: Diamond Shamrock.

5. Easement for electric transformer filed for record on December 23, 1977 and recorded in Volume 972, Page 39. Grantor: Erie Coke, Grantee: Diamond Shamrock.

6. Easement for gas transmission line filed for record on December 23, 1977 and recorded in Volume 972, Page 60. Grantor: Erie Coke, Grantee: Diamond Shamrock.

7. Easement for potable water line filed for record on December 23 1977 and recorded in Volume 972, Page 71. Grantor: Erie Coke, Grantee: Diamond Shamrock.

8. Easement for sanitary sewer line filed for record on December 23, 1977 and recorded in Volume 972, Page 81. Grantor: Erie Coke, Grantee: Diamond Shamrock.

9. Pipeline easement filed for record March 20, 1984 and recorded in Volume 67, Page 824. Grantor: National GG Industries, Grantee: Diamond Shamrock.

10. Easement for ingress and egress purposes, filed for record December 23, 1977 and recorded in Volume 972, Page 156. Grantor: Diamond Shamrock, Grantee: Erie Coke.

11. Assignment of easements filed for record on May 20, 1980 and recorded in Volume 1056, Page 226. Grantor: Erie Coke, Grantee: Eracq Corporation.

12. Assignment of easements filed for record on December 30, 1983 and recorded in Volume 56, Page 161. Grantor: Erie Coke, Grantee: National GG Industries.

13. Utility easement filed for record on July 19, 2003 and recorded in Instrument Number 2003R045750. Grantor: Erie Coke, Grantee: Lightning Pipeline.

14. Ground Lease between Tierra Solutions, Inc. and Lakeview Bluffs LLC dated as of February 12, 2001.