

DECLARATION OF RESTRICTIONS

THIS DECLARATION OF RESTRICTIONS (this "Declaration") is made by PREMIUM FINISHES, INC. ("Declarant"), having a business address of 10448 Chester Road, Cincinnati, Ohio 45215.

RECITALS:

REBECCA PAEN GROPPE
HAMILTON COUNTY RECORDER
Doc #: 97 - 139842 Type: NT
Filed: 09/15/1997 3:15:43 PM \$ 25.00
Off. Rec.: 7447 2023 F 5 000

A. Declarant is the owner of a certain parcel of land located at 10448 Chester Road, Cincinnati, Ohio 45215, more particularly described in Exhibit "A" (the "Land").

B. Declarant and the State of Ohio (by its Attorney General, Betty Montgomery, at the written request of the Director of the Ohio Environmental Protection Agency ("Ohio EPA")) have entered into that certain Consent Order in Case No. A 910 2466, in the Court of Common Pleas, Hamilton County, Ohio, the Honorable Judge Thomas Nurre presiding, whereby, inter alia, Ohio EPA and Declarant have agreed to restrict the Land from residential uses and in certain other respects, all as more particularly described in this Declaration; and

C. The provisions of the Consent Order require the execution and recordation of this Declaration.

NOW, THEREFORE, for Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency thereof being hereby acknowledged by Declarant, Declarant, on behalf of itself, and its, successors and assigns, and all future owners of the Land, hereby covenants, agrees and declares as follows:

1. Declarant hereby declares that the Land shall be held and conveyed subject to the following restrictions:

- (a) no portion of the Land may be used for residential purposes as that term is defined in Ohio Administrative Code § 3745-300-08(B)(2)(c) as that section reads on the date of the recording of this instrument;
- (b) no blacktop pavement from the eastern end of Declarant's building to the eastern edge of the Land (the "Restricted Area", which Restricted Area is more particularly described by cross-hatch on the site plan attached hereto as Exhibit "B") may be penetrated or removed without the prior written approval of the Ohio EPA;
- (c) that the blacktop portion of the Restricted Area shall be maintained free of significant weathering or fracturing; and

- (d) that any further development in the Restricted Area must receive prior written approval by Ohio EPA, such approval not to be unreasonably withheld, delayed or conditioned.

2. The restrictions set forth in Paragraph 1 shall be enforceable by the Ohio EPA. Prior to (i) penetration of the blacktop within the Restricted Area, (ii) any further development in the Restricted Area, or (iii) within ninety (90) days prior to any sale of the Land to a third party, Declarant, its successors and assigns, must notify Ohio EPA of its intent to so act by certified mail as follows:

Ohio EPA
1800 WaterMark Drive
Post Office Box 1049
Columbus, OH 43215-1099
Attn: Technical and Programs
Division of Emergency and Remedial Response

with a copy to:

Ohio EPA
Southwest District Office
401 East Fifth Street
Dayton, OH 45402-2911
Attn: Charles Mellon or his successor

3. The restrictions provided here shall be deemed to be covenants running with the Land and shall bind Declarant, its successors and assigns, and all future owners of all or any portion of the Land, in perpetuity, or until such time as it can be demonstrated to Ohio EPA's satisfaction that the Land no longer poses a threat to residential use.

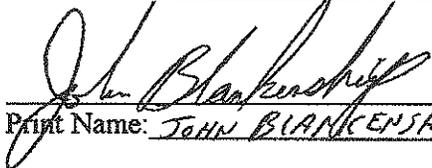
4. The provisions of this Declaration may be abrogated, rescinded or amended in whole or in part in a writing filed for record with the Hamilton County, Ohio Recorder's Office, and executed and acknowledged by all of the owners in fee simple of the Land and the Ohio EPA (or its authorized representative).

5. All Exhibits are attached to and made a part hereof.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the 15th day of September, 1997.

SIGNED AND DELIVERED
IN THE PRESENCE OF:


Printed Name: J. W. T. BANKS


Print Name: JOHN BLANKENSHIP

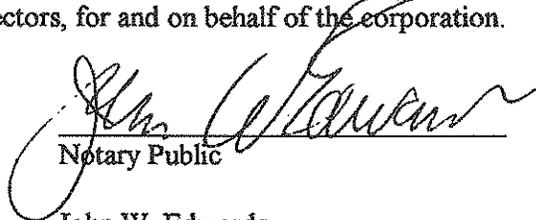
PREMIUM FINISHES, INC.

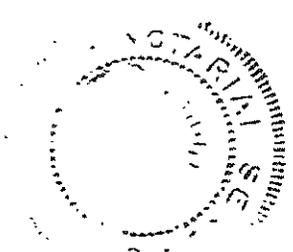
By: 
Melvyn C. Smith

Title: _____
Chief Financial Officer

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me, a Notary Public, on the 15th day of September, 1997 by Melvyn C. Smith the Chief Financial Officer of Premium Finishes, Inc., the within Declarant corporation, who acknowledged that the same was his free act and deed as such officer, by authority of its Board of Directors, for and on behalf of the corporation.


Notary Public
John W. Edwards,
Lifetime Commission



THIS INSTRUMENT PREPARED BY:

JOHN W. EDWARDS, ESQ.
Jones, Day, Reavis & Pogue
1900 Huntington Center
Columbus, OH 43215

EXHIBIT A

Legal Description of the Land

Situated in Section 5, Township 3, Entire Range 1 of the Miami Purchase, Springfield Township, now Village of Woodlaw, Hamilton County, Ohio, being part of Lot 6 of First Industrial Subdivision as recorded in P.B. 79, Page 24 of said County's Records and being comprised of lands conveyed to Premium Finishes, Inc. in D.B. 4163, Page 116 and O.R. _____, Page _____ of same said County's Records and being more particularly described as follows:

Beginning at a point in the common southwesterly corner of above-referenced Lot 6 and Premium Finishes, Inc. lands, which point is also in the easterly right-of-way line of 60 foot-wide Chester Road;

Thence with said easterly right-of-way line of Chester Road, along the arc of a curve deflecting to the right, having a radius of 1,100.00 feet and being subtended by a chord bearing N. 22° 46' 40" E., 199.16 feet in length, a total arc distance of 199.41 feet to a point;

Thence departing from the easterly right-of-way line of Chester Road, S. 53° 16' 00" E. a distance of 179.97 feet to a point;

Thence with new division line, S. 57° 32' 30" E. a distance of 85.82 feet to a point;

Thence S. 36° 44' 00" W. a distance of 0.20 feet to a point;

Thence S. 02° 00' 00" W. a distance of 40.00 feet to a point in the southerly line of aforementioned Lot 6;

Thence with said southerly line of Lot 6, N. 88° 00' 00" W. a distance of 292.41 feet to the Point of Beginning,

Containing 31,710 square feet of land, more or less, which is 0.7280 acre being subject to all legal highways, rights-of-way, easements, covenants and/or restrictions of record.

