

FIRST AMENDED ENVIRONMENTAL COVENANT

This First Amended Environmental Covenant ("FAEC") is entered into by The Scotts Company LLC, an Ohio limited liability company, successor by merger to The Scotts Company, an Ohio corporation, Scotts Products Co. an Ohio Corporation and Scotts Professional Products Co., an Ohio corporation, having offices at 14111 Scottslawn Road, Marysville, Ohio (collectively "Owner") 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 parcels of land situated in Union County, Ohio, and legally described in Exhibit A hereto (collectively referred to herein as the "Property"); and

Whereas, pursuant to a Consent Order and Final Judgment filed January 25, 2002 in Case No. CV0277 in the Common Pleas Court of Union County, Ohio, and pursuant to an Ohio EPA Decision Document dated September 15, 2003, The Scotts Company LLC is required to complete closure and corrective action related to the Property; and

Whereas, an extensive soil, groundwater and surface water investigation has been completed in and around areas that were affected by previous waste management practices. The primary constituents of concern that posed a potential risk were pesticides, herbicides and semi-volatile organic compounds; and

Whereas, the implementation of appropriate land use restrictions on the Property is required to protect human health and the environment; and

Whereas, in Nationwide Permits issued by the US Army Corps of Engineers, dated July 03, 2003 and March 16, 2006, respectfully, and in Ohio EPA's March 16, 2004 conditional approval of the Landfill 4 Corrective Measures Implementation Design and the Decision Document for the Remediation of the facility in Marysville, Ohio dated September 19, 2003, The Scotts Company LLC is required to reconstruct and/or restore portions of the Crosses Run and North Branch Crosses Run and to ensure the restored portions remain as such in perpetuity; and

Whereas, Ohio EPA issued a Decision Document dated October 11, 2018 regarding a surface impoundment known as Pond-1 to be addressed with an environmental covenant and as part of the site-wide corrective action. On November 19, 2018, Owner The Scotts Company LLC entered into Director's Final Findings and Orders agreeing to address Pond-1 with an environmental covenant and as part of the site-wide corrective action; and

Whereas, this FAEC is amended by the consent of the Owner and Ohio EPA and supersedes the environmental covenant entered into the Director's Journal on September 23, 2010 and previously filed for recording with the Union County Recorder's Office on October 6, 2010, in Official Record 887, page 40.

Now therefore, Owner and Ohio EPA agree to the following:

1. Environmental Covenant. This instrument is an environmental covenant developed and executed pursuant to ORC §§ 5301.80 to 5301.92.

2. Property. This FAEC concerns 10 parcels of land located in Union County, Ohio: **Parcel 1** (15.697 Acres) — Landfill 1, Field Broadcast Area 2 (including Former Ponds 7 and 8), Former Ponds 2 and 3 and portions of the North Branch of Crosses Run; **Parcel 2** (2.439 Acres) — Landfill 2; **Parcel 3** (1.964 Acres) — Landfill 3; **Parcel 4** (2.623 Acres) — Landfill 4; **Parcel 5** (3.007 Acres) — Landfill 5; **Parcel 6** (9.014 Acres) — Field Broadcast Area 1; **Parcel 7** (0.215 Acres) — Former Pond 6; **Parcel 8** (4.748 Acres) — a portion of Crosses Run (originally 5.058 Acres in the environmental covenant recorded October 6, 2010 and reduced by 0.310 Acres in this FAEC); **Parcel 9** (0.707 Acres) — a portion of an unnamed tributary to Crosses Run; **Parcel 10** (4.014 Acres) — a portion of Crosses Run; **Parcel 11** (1.424 Acres) — Pond-1; and **Parcel 12** (0.310 Acres) — adjacent to Main Branch of Crosses Run. These parcels are more particularly described in Exhibit A attached hereto and hereby incorporated by reference herein ("Property"),

3. Owner. The Scotts Company LLC, which is located at 14111 Scottslawn Road, Marysville, Ohio ("Owner") is the owner of the Property.

4. Holder. Owner, whose address is listed above, is the holder of this FAEC.

5. Activity and Use Limitations. As part of the required remedial action described in the 2003 and 2018 Decision Documents referenced herein, Owner hereby imposes and agrees to comply with the following activity and use limitations:

A. Parcels 1 through 7 and Parcel 11 of the Property shall not be used for residential

activities; the Property shall be used solely and exclusively for Industrial Activities. The term "Residential Activities" shall include, but not be limited to, the following:

- i. Single and multi-family dwelling and rental units;
- ii. Day care centers and preschools;

- iii. **Hotels and motels;**
- iv. **Educational (except as a part of industrial activities within the Property) and religious facilities;**
- v. **Restaurants and other food and beverage services (except as a part of industrial activities within the Property);**
- vi. **Entertainment and recreational facilities (except as a part of industrial activities within the Property);**
- vii. **Hospitals and other extended care medical facilities (except as a part of industrial activities within the Property); and**
- viii. **Transient or other residential facilities.**

The term "Industrial Activities" shall include manufacturing, processing, formulation, packaging and handling operations, research and development, including all ancillary and supporting activities incident thereto, and other office and warehousing activities, including but not limited to production, processing, storage and sales of chemicals, chemical intermediates, blendstocks, feedstocks and/or by-products, durable goods and other non-food products.

Additionally, no person shall, without authorization from the director, engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or solid waste facility was operated, and more specifically referred to herein as Landfills 1 through 5, Pond 1, and Field Broadcast Area 2 (portions of Parcels 1 through 5). Any person proposing to engage in these activities in these areas shall comply with the requirements of the Ohio Administrative Code 3745-27-13.

B. Parcels 8, 9, 10, and 12 of the Property shall only be used for public or private viewing, education and recreation so as to protect the physical, biological and chemical integrity of such. The following uses of Parcels 8, 9, 10, and 12, and the restored portion of North Branch Crosses Run included in Parcel 1, are prohibited:

- i. Any division or subdivision of Parcels 8, 9, 10, and 12 is prohibited;
- ii. Commercial development or Industrial Activity is prohibited;
- iii. The placement or construction of any man-made modification such as buildings, structures, roads and parking lots (except for nature/educational signs, benches, unpaved pathways or walkways, habitat structures such as bird houses, unpaved access roads or agricultural access low water crossings, and the like);
- iv. Any cutting of trees, ground cover or vegetation, or destroying by means of herbicides or pesticides (except for the management of invasive and/or non-native species);
- v. The removal of soil, sand, gravel, rock, minerals or other materials from Parcels 8, 9, 10, and 12, or doing of any act that would alter the topography of these parcels;
- vi. Waste, garbage and unsightly or offensive materials are not permitted and may not be accumulated on Parcels 8, 9, 10, and 12; and

- vii. The watercourses and streams and adjacent riparian buffers may not be dredged, straightened, filled, channelized, impeded, diverted or otherwise altered other than in accordance with the intent of the restoration design and using natural channel concepts.

C. The land comprising Parcels 1, 7, and 11 is covered by vegetation or road surfaces. The vegetation must be regularly mowed.

D. Any future land use of the Property must be protective of human health and the environment and is the sole responsibility of the Owner and/or Transferee to ensure the use is solely and exclusively for the purposes stated herein.

E. In the event that any activity by the holder of an encumbrance, identified in paragraph 11 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.

6. Running with the Land. This FAEC 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 FAEC, 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.

7. Compliance Enforcement. Compliance with this FAEC may be enforced pursuant to ORC § 5301.91. Failure to timely enforce compliance with this FAEC 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 against any non-compliance. Nothing in this FAEC shall restrict the Director of Ohio EPA from exercising any authority under applicable law.

8. Rights of Access. Owner hereby grants to Ohio EPA, its agents, contractors, and employees the right of access to the Property for implementation or enforcement of this FAEC.

9. Compliance Reporting. Owner or any Transferee shall submit to Ohio EPA on an annual basis, before June 1st of each year, written documentation, which complies with the administrative requirements of OAC rule 3745-50-42(B)-(D), verifying that the activity and use limitations remain in place and are being complied with.

10. 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 appropriate use limitations set forth in this FAEC, and provide the recorded location of this FAEC. The notice shall be substantially in the following form:

THE INTEREST CONVEYED HEREBY IS SUBJECT TO A FIRST AMENDED ENVIRONMENTAL COVENANT, DATED _____, 20____, RECORDED IN THE DEED OR OFFICIAL RECORDS OF THE COUNTY RECORDER ON _____, 20____, IN [DOCUMENT _____ or BOOK____, PAGE,]. THE FIRST AMENDED ENVIRONMENTAL COVENANT CONTAINS THE FOLLOWING ACTIVITY AND USE LIMITATIONS:

Parcels 1 through 7 and Parcel 11 of the Property shall not be used for residential activities; the Property shall be used solely and exclusively for Industrial Activities. The term "Residential Activities" shall include, but not be limited to, the following:

- i. Single and multi-family dwelling and rental units;
- ii. Day care centers and preschools;
- iii. Hotels and motels;
- iv. Educational (except as a part of industrial activities within the Property) and religious facilities;
- v. Restaurants and other food and beverage services (except as a part of industrial activities within the Property);
- vi. Entertainment and recreational facilities (except as a part of industrial activities within the Property);
- vii. Hospitals and other extended care medical facilities (except as a part of industrial activities within the Property); and
- viii. Transient or other residential facilities.

The term "Industrial Activities" shall include manufacturing, processing, formulation, packaging and handling operations, research and development, including all ancillary and supporting activities incident thereto, and other office and warehousing activities, including but not limited to production, processing, storage and sales of chemicals, chemical

intermediates, blendstocks, feedstocks and/or by-products, durable goods and other non-food products.

Additionally, no person shall, without authorization from the director, engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or solid waste facility was operated, and more specifically referred to herein as Landfills 1 through 5, Pond 1, and Field Broadcast Area 2 (portions of Parcels 1 through 5). Any person proposing to engage in these activities in these areas shall comply with the requirements of the Ohio Administrative Code 3745-27-13.

Parcels 8, 9, 10, and 12 of the Property shall only be used for public or private viewing, education and recreation so as to protect the physical, biological and chemical integrity of such. The following uses of Parcels 8, 9, 10, and 12, and the restored portion of North Branch Crosses Run included in Parcel 1, are prohibited:

- i. Any division or subdivision of Parcels 8, 9, 10, and 12 is prohibited;
- ii. Commercial development or Industrial Activity is prohibited;
- iii. The placement or construction of any man-made modification such as buildings, structures, fences, roads and parking lots (except for nature/educational signs, benches, unpaved pathways or walkways, habitat structures such as bird houses, unpaved access roads, and the like);
- iv. Any cutting of trees, ground cover or vegetation, or destroying by means of herbicides or pesticides(except for the management of invasive and/or non-native species);
- v. The removal of soil, sand, gravel, rock, minerals or other materials from Parcels 8 through 10, or doing of any act that would alter the topography of these parcels;
- vi. Waste, garbage and unsightly or offensive materials are not permitted and may not be accumulated on Parcels 8, 9, 10, and 12; and
- vii. The watercourses and streams and adjacent riparian buffers may not be dredged, straightened, filled, channelized, impeded, diverted or otherwise altered other than in accordance with the intent of the restoration design and using natural channel concepts.

The land comprising Parcels 1, 7, and 11 is covered by vegetation or road surfaces. This vegetation must be regularly mowed.

Any future land use of the Property must be protective of human health and the environment and is the sole responsibility of the Owner and/or Transferee to ensure the use is solely and exclusively for the purposes stated herein.

In the event that any activity by the holder of an encumbrance, identified in paragraph 11 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.

Owner or Transferee shall notify Ohio EPA within ten (10) days after each conveyance of an interest in any portion of the Property. The 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.

11. 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 the interests or encumbrances identified in Exhibit B attached hereto and incorporated by reference herein;
- C. that the Owner has the power and authority to enter into this FAEC, 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 FAEC; and
- E. that this FAEC 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;

12. Amendment or Termination. This FAEC may be amended or terminated by consent of all of the following: the Owner or a Transferee;

and the Ohio EPA, pursuant to ORC § 5301.90 and other applicable law. The term, "Amendment," as used in this FAEC, shall mean any changes to the FAEC, 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 FAEC, shall mean the elimination of all activity and use limitations set forth herein and all other obligations under this FAEC.

This FAEC may be amended or terminated only by a written instrument duly executed by the Director of Ohio EPA and the Owner or Transferee of the Property or portion thereof, as applicable. Within thirty (30) days of signature by all requisite parties on any amendment or termination of this FAEC, the Owner or Transferee shall file such instrument for recording with the Union County Recorder's Office, and shall provide a file-and date-stamped copy of the recorded instrument to Ohio EPA.

13. Severability. If any provision of this FAEC 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.

14. Governing Law. This FAEC shall be governed by and interpreted in accordance with the laws of the State of Ohio.

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

16. Effective Date. The effective date of this FAEC shall be the date upon which the fully executed FAEC has been recorded as a deed record for the Property with the Union County Recorder.

17. Distribution of Environmental Covenant. Within sixty (60) days of the Effective Date, the Owner shall distribute a file-and date-stamped copy of the recorded FAEC to: Ohio EPA and each person who signed the FAEC. Owner shall use reasonable efforts to distribute a file and date-stamped copy of the recorded FAEC to each person holding a recorded interest in the Property; and any other person designated by Ohio EPA.

18. Notice. Unless otherwise notified in writing by or on behalf of the current owner or Ohio EPA, any document or communication required by this FAEC shall be submitted to:

Ohio EPA
Division of Environmental Response and Revitalization
Hazardous Waste Program
Manager, Engineering Section
P.O. Box 1049
Columbus, Ohio 43216-1049

And

Ohio EPA
Central District Office
Division of Environmental Response and Revitalization
Hazardous Waste Program
P.O. Box 1049
Columbus, Ohio 43216-1049

The undersigned representative of Owner represents and certifies that they are authorized to execute this FAEC.

IT IS SO AGREED:

The Scotts Company LLC

Aimee M. Deluca

Signature of Owner[s]

Aimee M. Deluca
VP, Taxes & Asst Secretary

Printed Name and Title

1-14-2019
Date

State of Ohio)

ss:

County of Union)

Before me, a notary public, in and for said county and state, personally appeared Aimee M. Deluca, a duly authorized representative of The Scotts Company LLC, who acknowledged to me that [he/she] did execute the foregoing instrument on behalf of The Scotts Company LLC.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 14th day of January, 2019



Della Smith

Della Smith
Notary Public, State of Ohio
Union County
My Commission Expires July 25, 2022

Scotts Products Co.

Aimee M. Deluca

Signature of Owner[s]

Aimee M. Deluca

VP, Sales & Asst. Secretary

Printed Name and Title

1-14-2019

Date

State of *Ohio*)

ss:

County of *Union*)

Before me, a notary public, in and for said county and state, personally appeared *Aimee M. Deluca*, a duly authorized representative of Scotts Products Co., who acknowledged to me that *he/she* did execute the foregoing instrument on behalf of The Scotts Company LLC.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this *14th* day of *January*, 20*19*.



Della Smith

Della Smith
Notary Public, State of Ohio
Union County
My Commission Expires July 25, 2022

Scotts Professional Products Co.

Aimee M. Deluca

Signature of Owner[s]

Aimee M. Deluca
VP, Sales & Asst. Secretary

Printed Name and Title

1-14-2019
Date

State of Ohio)

ss:

County of Union)

Before me, a notary public, in and for said county and state, personally appeared Aimee M. Deluca, a duly authorized representative of Scotts Professional Products Co., who acknowledged to me that he/she did execute the foregoing instrument on behalf of The Scotts Company LLC.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 14th day of January, 2019.



Della Smith
Della Smith
Notary Public, State of Ohio
Union County
My Commission Expires July 25, 2022

OHIO ENVIRONMENTAL PROTECTION AGENCY

Laurie A. Stevenson
Laurie A. Stevenson, Director

State of Ohio)
County of Franklin) ss:

Before me, a notary public, in and for said county and state, personally appeared Laurie A. Stevenson, the Director of Ohio EPA, who acknowledged to me that she did execute the foregoing instrument on behalf of Ohio EPA.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 18 day of January, 2019.



This instrument prepared by:

Andrea M. Salimbene, Esq.
Frost Brown Todd LLC
One Columbus, Suite 2300
10 West Broad Street
Columbus, OH 43215-3484

NO. 100-100000-100000

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100-100000-100000



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NASHVILLE, TN • PITTSBURGH, PA • ST. LOUIS, MO.

EXHIBIT A
PARCEL 1

**DESCRIPTION OF A 15.697 ACRE TRACT
LOCATED WEST OF INDUSTRIAL PARKWAY (80° R/W)
NORTH OF SCOTTS LAWN ROAD (80° R/W)
UNION COUNTY, OHIO**

Situated in the State of Ohio, Union County, Paris Township, lying in Virginia Military Survey Lot Numbers 5140 and 2254, and being part of an original 168.9928 acre tract (Parcel A) conveyed to The Scotts Company by deed of record in Deed Book 114, Page 583, all records herein are from the Recorder's Office, Union County, Ohio, said 15.697 acre tract being more particularly described as follows:

BEGINNING WITH THE TRUE POINT OF BEGINNING, at a found 3/4" iron pipe on the east line of an original 277.50 acre tract conveyed to Columbus Metro Equities, Inc., by deed of record in Deed Book 339, Page 491, common to the west line of said original 168.9928 acre tract (Parcel A);

Thence the following three (3) courses and distance along the common lines of said original 277.50 acre tract and said original 168.9928 acre tract;

1. North 00°52'43" East, a distance of 401.85 feet, (passing a found 3/4" iron pipe at 88.40 feet) to a point;
2. South 88°18'12" East, a distance of 98.84 feet, to a found 3/4" iron pipe;
3. North 00°38'38" East, a distance of 907.50 feet, to a found 1/2" iron pipe on the west line of an original 279.380 acre tract, conveyed to New York Central Lines, LLC, by deed of record in Deed Book 207, Page 45, and at the northerly corner of said original 168.9928 acre tract;

Thence South 34°03'22" East, a distance of 1494.68 feet, following along the lines of said original 279.380 acre tract and said original 168.9928 acre tract, to a point on the westerly line of said original 279.380 acre tract;

Thence the following eight (8) courses and distance across said original 168.9928 acre tract;

1. South 55°58'39" West, a distance of 219.58 feet, to a point;
2. North 45°50'43" West, a distance of 101.77 feet, to a point;

3. North 84°56'08" West, a distance of 91.87 feet, to a point;
4. South 64°14'23" West, a distance of 228.51 feet, to a point;
5. South 56°24'50" West, a distance of 202.54 feet, to a point;
6. North 82°36'00" West, a distance of 140.47 feet, to a point;
7. North 33°19'17" West, a distance of 94.68 feet, to a point;
8. North 23°52'09" West, a distance of 98.43 feet, to the TRUE POINT OF BEGINNING, containing 15.697 acres more or less. Being subject to all easements, restrictions and rights-of-way of record.

The bearings shown above are based on the West line of an original 168.9928 acre tract as being North 02° 42' 10" West, conveyed to The Scotts Company, by deed of record in Deed Book 114, Page 583, from the Recorder's Office, Union County, Ohio.

This description was based on an actual field survey by Civil & Environmental Consultants, Inc. in October, 2006.



Civil & Environmental Consultants, Inc.

Jerry A. Malott 11-15-06
 Jerry A. Malott Date
 Registered Surveyor No. S-5963

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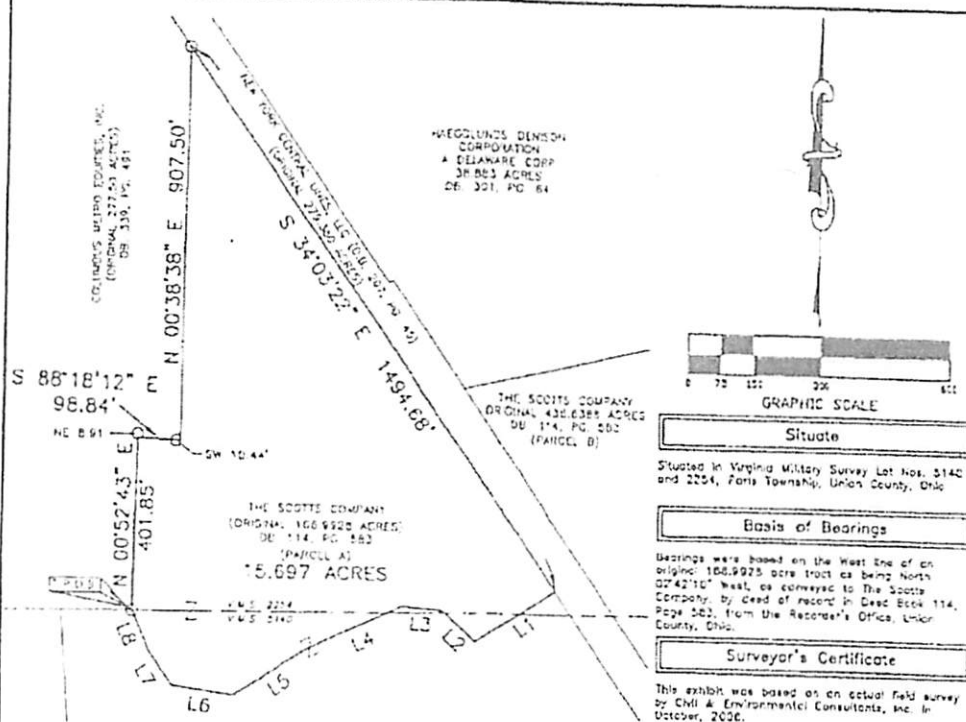


Civil & Environmental Consultants, Inc.

6740 Orion Place, Suite 100 Columbus, Oh. 43240
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Deed Restriction Survey for 15.697 acres



Line Table

LINE	BEARING	DISTANCE
L1	S 65°28'32" W	219.50
L2	N 45°50'43" W	101.77
L3	N 64°50'06" W	91.82
L4	S 64°14'23" W	226.51
L5	S 66°24'52" W	202.54
L6	N 62°35'00" W	140.47
L7	N 33°19'17" W	94.60
L8	N 23°52'06" W	95.43

Boundary Survey Note

This plot constitutes a boundary survey as set forth in the minimum standards for boundary surveying in the State of Ohio, Administrative Code Chapter 4733-37 and promulgated by the Board of Registration for Professional Engineers and Surveyors of the State of Ohio pursuant to Chapter 4733.

FLOOD NOTE

By graphic plotting only, this property is in Zone "A" of the Flood Insurance Rate Maps, Community Panel No. 350605 0100 B, which became an Effective Date of September 27, 1991 and is in a special flood hazard area. No field surveying was performed to determine the zone and an elevation certificate may be needed to verify this determination or copy for a variance.

Legend of Symbols & Abbreviations

- ⊙ Found 1/2" iron pin
- Found 3/4" iron pin

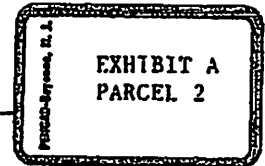


Jerry A. Malott 11-15-06
Jerry A. Malott P.S. 5963

REVISION RECORD		DRAWN BY: DC FIELD WORK BY: N/A DATE: 10/13/06 SCALE: 1" = 300'	JOB NUMBER 052193
DATE	DESCRIPTION		



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NASHVILLE, TN • PITTSBURGH, PA • ST. LOUIS, MO.



**DESCRIPTION OF A 2.439 ACRE TRACT
LOCATED WEST OF INDUSTRIAL PARKWAY (80' R/W)
SOUTH OF SCOTTS LAWN ROAD (80' R/W)
UNION COUNTY, OHIO**

Situated in the State of Ohio, Union County, Paris Township, lying in Virginia Military Survey Lot Number 5140, and being part of an original 436.6388 acre tract (Parcel B) conveyed to The Scotts Company by deed of record in Deed Book 114, Page 583, all records herein are from the Recorder's Office, Union County, Ohio, said 2.439 acre tract being more particularly described as follows:

BEGINNING FOR REFERENCE, at a point in the centerline of said Industrial Parkway (80' r/w), common to the northeast corner of a 33.280 acre tract conveyed to Goodyear Tire & Rubber Company by deed of record in Deed Book 224, Page 319, also common to the southerly line of said original 436.6388 acre tract;

Thence South $46^{\circ}45'33''$ West, a distance of 400.72 feet, following along the lines of said original 436.6388 acre tract and said 33.280 acre tract, to a point;

Thence North $43^{\circ}14'27''$ West, a distance of 142.24 feet, crossing said original 436.6388 acre tract, to the **TRUE POINT OF BEGINNING**;

Thence the following six (6) courses and distances across said original 436.6388 acre tract;

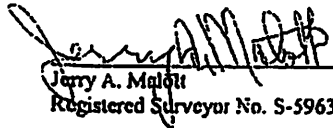
1. South $42^{\circ}38'07''$ West, a distance of 335.88 feet, to a point;
2. South $54^{\circ}52'38''$ West, a distance of 177.40 feet, to a point;
3. South $81^{\circ}24'34''$ West, a distance of 110.91 feet, to a point;
4. North $00^{\circ}08'31''$ East, a distance of 158.02 feet, to a point;
5. North $47^{\circ}42'46''$ East, a distance of 537.56 feet, to a point;
6. South $28^{\circ}40'01''$ East, a distance of 175.50 feet, to the **TRUE POINT OF BEGINNING**, containing 2.439 acres more or less. Being subject to all easements, restrictions and rights-of-way of record.

The bearings shown above are based on the West line of an original 168.9928 acre tract as being North 02°42'10" West, as conveyed to The Scotts Company, by deed of record in Deed Book 114, Page 583, from the Recorder's Office, Union County, Ohio.

This description was based on an actual field survey by Civil & Environmental Consultants, Inc. in March, 2007.



Civil & Environmental Consultants, Inc.

 4-17-07
Jerry A. Malott Date
Registered Surveyor No. S-5963

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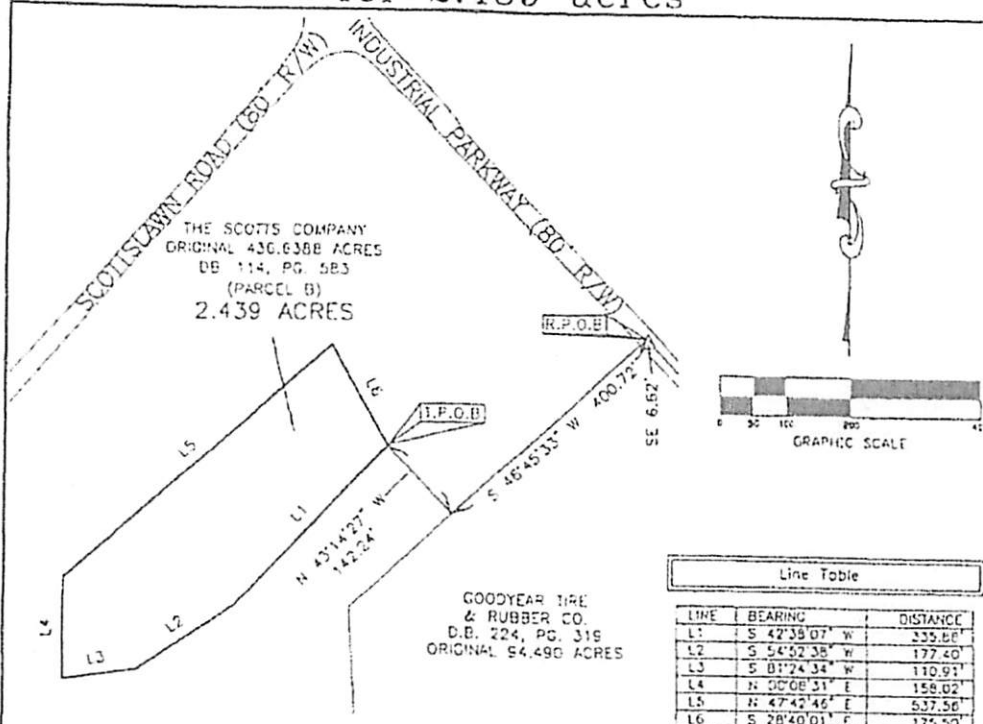


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Deed Restriction Survey for 2.439 acres



Line Table

LINE	BEARING	DISTANCE
L1	S 47°38'07" W	335.86'
L2	S 54°52'38" W	177.40'
L3	S 81°24'34" W	110.91'
L4	N 00°08'31" E	158.02'
L5	N 47°42'46" E	537.56'
L6	S 28°40'01" E	175.50'

Situate

Situated in Virginia Military Survey Lot Nos. 2149,
Paris Township, Union County, Ohio

Surveyor's Certificate

This exhibit was based on an actual field survey
by Civil & Environmental Consultants, Inc. in
October, 2006.

Boundary Survey Note

This plat constitutes a boundary survey as set
forth in the minimum standards for boundary
surveying in the State of Ohio, Administrative
Code Chapter 4733-37 and promulgated by the
Board of Registration for Professional Engineers
and Surveyors of the State of Ohio pursuant to
Chapter 4733.

FLOOD NOTE

By graphic plotting only, this property is in
Zone "X" of the Flood Insurance Rate Maps,
Community Panel No. 390808 0150 B, which
became an Effective Date of September 27,
1991 and is in a special flood hazard area.
No field surveying was performed to determine
this zone and an elevation certificate may be
needed to verify this determination or apply
for a variance.



Jerry A. Malott 4-17-07
Jerry A. Malott, P.S. 5963

REVISION RECORD

DATE	DESCRIPTION

DRAWN BY: JB

FIELD WORK BY: TS/CH

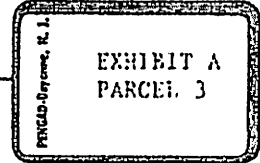
DATE: 3/17/07

SCALE: 1" = 200'

JOB NUMBER
052193



Civil & Environmental Consultants, Inc.
8740 Orion Place, Suite 100 • Columbus, Ohio 43240
Phone 614.540.6633 • Fax 614.540.6638
CHICAGO, IL • CINCINNATI, OH • EXPORT, PA • INDIANAPOLIS, IN
NASHVILLE, TN • PITTSBURGH, PA • ST. LOUIS, MO.



DESCRIPTION OF A 1.964 ACRE TRACT
LOCATED EAST OF US HIGHWAY 33 (R/W VARIES)
SOUTHEAST OF SCOTTS LAWN ROAD (80' R/W)
UNION COUNTY, OHIO

Situated in the State of Ohio, Union County, Dover Township, lying in Virginia Military Survey 9028, and being all of a 0.587 acre tract conveyed to The Scotts Company by deed of record in Official Record Volume 235, Page 552, and 1.376 acres out of an original 27.485 acre tract conveyed to The Scotts Company by deed of record in Official Record Volume 236, Page 583 (Parcel D), all record herein are from the Recorder's Office, Union County, Ohio, said 1.964 acre tract being more particularly described as follows:

BEGINNING WITH THE TRUE POINT OF BEGINNING, at a point at the southeast corner of said 0.587 acre tract common to the southwest corner of an original 104.484 acre tract (TRACT 2) conveyed to Eugene W. Mayer & Mary A. Mayer Trustee;

Thence North 33°52'33" West, a distance of 185.89 feet, following along the northerly right-of-way line of said US Highway 33, to a point at the southwest corner of said 0.587 acre tract;

Thence North 04°35'29" West, a distance of 13.85 feet, continuing along the northerly right-of-way line of said US Highway 33, common to the west line of said 0.587 acre tract, to a point at the southeast corner of said original 27.485 acre tract;

Thence the following three (3) courses and distance along the northerly right-of-way line of said US Highway 33.

1. North 34°44'32" West, a distance of 14.95 feet, to a point;
2. North 48°31'06" West, a distance of 367.52 feet, to a point;
3. North 67°48'30" West, a distance of 52.93 feet, to a point;

Thence the following two (2) courses and distance crossing said original 27.485 acre tract

1. North 31°03'38" East, a distance of 191.52 feet, to a point;
2. South 46°06'11" East, a distance of 298.92 feet, to a point on the east line of said original 27.485 acre tract, common to the northwest corner of said 0.587 acre tract, also common to the westerly line of said original 104.484 acre tract;

Thence South 46°06'11" East, a distance of 141.21 feet, following along the lines of said 0.587 acre tract and said original 104.484 acre tract, to a point at the northeast corner of said 0.587 acre tract, common to the westerly line of said original 104.484 acre tract;

Thence South 04°05'04" East, a distance of 303.51 feet, following along the lines of said 0.587 acre tract and said original 104.484 acre tract, to the TRUE POINT OF BEGINNING, containing 1.964 acres, more or less. Being subject to all easements, restrictions and rights-of-way of record.

The bearings shown above are based on the West line of an original 168.9928 acre tract as being North 02°42'10" West, as conveyed to The Scotts Company, by deed of record in Deed Book 114, Page 583, from the Recorder's Office, Union County, Ohio.

This description was based on an actual field survey by Civil & Environmental Consultants, Inc. in October, 2006.



Civil & Environmental Consultants, Inc.

Jerry A. Malott 11-15-06
Jerry A. Malott Date
Registered Surveyor No. S-5963

S:\pro1052193\survey\data\1.964acres.doc



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Deed Restriction Survey for 1.964 acres

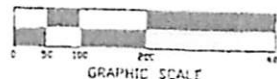
THE SCOTT'S COMPANY
ORIGINAL 27.488 ACRES
O.R. 235, PG. 583
(PARCEL D)

EUGENE W. MAYER &
MARY A. MAYER TRUSTEE
ORIGINAL 104.484 ACRES
O.R. 305, PG. 546
(TRACT 1)

THE SCOTT'S COMPANY
0.587 ACRES
O.R. 235, PG. 553

THE SCOTT'S COMPANY
ORIGINAL 436.639 ACRES
DB 43, PG. 721
(PARCEL E)

EUGENE W. MAYER &
MARY A. MAYER TRUSTEE
8.886 ACRES
O.R. 305, PG. 549
(TRACT 2)



Line Table

LINE	BEARING	DISTANCE
L1	N 33°52'33" W	185.89
L2	N 04°35'29" W	13.85
L3	N 34°44'32" W	14.95
L4	N 48°31'06" W	367.52
L5	N 67°48'30" W	52.93
L6	S 46°06'11" E	258.92
L7	S 46°06'11" E	141.21

Basis of Bearings

Bearings were based on the West line of an original 105.9028 acre tract as being North 02°42'10" West, as conveyed to The Scotts Company, by deed of record in Deed Book 114, Page 583, from the Recorder's Office, Union County, Ohio.

Surveyor's Certificate

This exhibit was based on an actual field survey by Civil & Environmental Consultants, Inc. in October, 2005.

Situate

Situated in Virginia History Survey Lot 8028, City of Marysville, Paris Township, Union County, Ohio.

Boundary Survey Note

This plot constitutes a boundary survey as set forth in the minimum standards for boundary surveying in the State of Ohio, Administrative Code Chapter 4733-37 and promulgated by the Board of Registration for Professional Engineers and Surveyors of the State of Ohio pursuant to Chapter 4733.

FLOOD NOTE

By graphic plotting only, this property is in Zone "X" of the Flood Insurance Rate Maps, Community Panel No. 390808 0150 B, which Bears an Effective Date of September 27, 1991 and is in a special flood hazard area. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance.



Jerry A. Malott P.S. 5963

REVISION RECORD

DATE	DESCRIPTION	DRAWN BY:
		DC
		FIELD WORK BY: N/A
		DATE: 10/13/06
		SCALE: 1" = 200'

JOB NUMBER
052193



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NASHVILLE, TN • PITTSBURGH, PA • ST. LOUIS, MO.

EXHIBIT A
PARCEL 4

**DESCRIPTION OF A 2.623 ACRE TRACT
LOCATED WEST OF US INDUSTRIAL PARKWAY
SOUTHEAST OF SCOTTS LAWN ROAD
UNION COUNTY, OHIO**

Situated in the State of Ohio, Union County, Paris Township, lying in Virginia Military Survey Number 5140, and being part of an original 168.9928 acre tract conveyed to The Scotts Company by deed of record in Deed Book 43, Page 721, all records herein are from the Recorder's Office, Union County, Ohio, said 2.623 acre tract being more particularly described as follows:

BEGINNING FOR REFERENCE, at point a: the southeast corner of said original 168.9928 acre tract, common to the northeast corner of a 97.45 acre tract conveyed to Thomas H. Rausch & Jeanine R. Rausch Trustee by deed of record in Deed Book 93, Page 605, said point also being located on the west line of an original 279.380 acre tract conveyed to New York Central Lines, LLC by deed of record in Deed Book 207, Page 45;

Thence South 86°39'22" West, a distance of 792.29 feet, following along the common line of said original 168.9928 acre tract and said 97.45 acre tract, to the **TRUE POINT OF BEGINNING**;

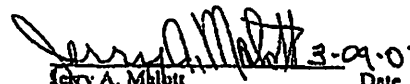
Thence the following five (5) courses and distances over and across said original 168.9928 acre tract;

1. North 55°58'31" West, a distance of 348.70 feet, to a point;
2. North 16°50'08" East, a distance of 142.70 feet, to a point;
3. North 63°07'37" East, a distance of 270.80 feet, to a point;
4. South 44°15'56" East, a distance of 225.73 feet, to a point;
5. South 27°22'34" West, a distance of 329.34 feet, to the **TRUE POINT OF BEGINNING**, containing 2.623 acres more or less, being subject to all easements, restrictions and rights-of-way of record.

All iron pins set are 3/4" iron pipes, 30" in length, with a yellow cap bearing the name "CEC PORP CORNER".

This description was based on an actual field survey by Civil & Environmental Consultants, Inc. in October, 2006.

Civil & Environmental Consultants, Inc.


Jerry A. Malott
Registered Surveyor No. S-5963
Date 3-9-07

S:\pro\052193\surveydata\2.623 acres.doc



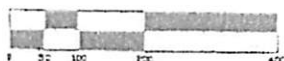
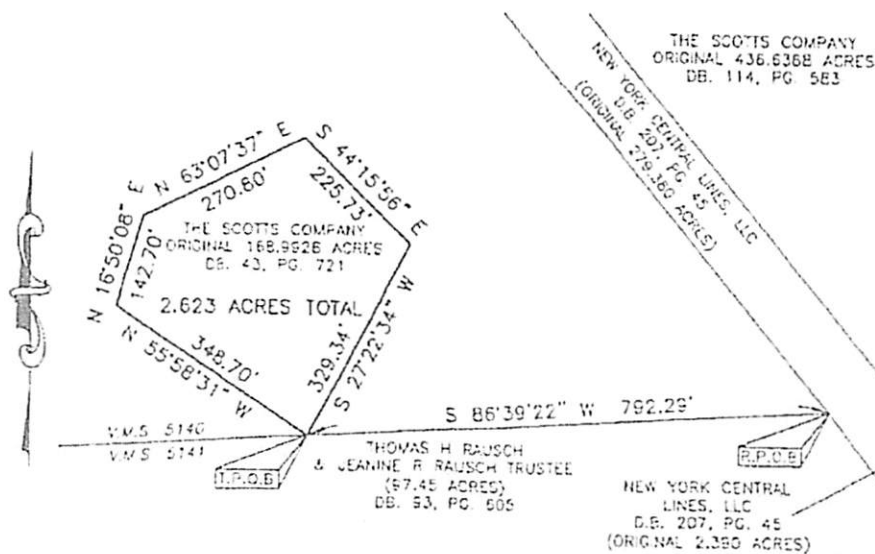


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Deed Restriction Survey for 2.623 acres



GRAPHIC SCALE

Surveyor's Certificate

This exhibit was based on an actual field survey by Civil & Environmental Consultants, Inc. in October, 2006.

Situate

Situated in Virginia Military Survey Lot No. 5140, Pike Township, Union County, Ohio.

Beats of Bearings

Beats of Bearings is based on National Geodetic Survey Monuments AE3375, AE3389 and AE3393, upon NAD 83, Ohio State Plane North Zone.

FLOOD NOTE

By graphic plotting only, this property is in Zone "X" of the Flood Insurance Rate Map, Community Plan No. 360600 C150 B, which Bears an Effective Date of September 27, 1991 and is in a special flood hazard area. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance.



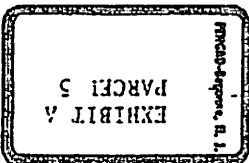
Jerry A. Malott 3-09-07
Jerry A. Malott P.S. 5963

REVISION RECORD		DRAWN BY: DC	JOB NUMBER
DATE	DESCRIPTION		
03/06/07	REVISE RESTRICTION BOUNDARY (DN)	FIELD WORK BY: N/A	052193
		DATE: 10/13/06	
		SCALE: 1" = 200'	



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**DESCRIPTION OF A 3.007 ACRE TRACT
LOCATED WEST OF INDUSTRIAL PARKWAY
SOUTHEAST OF SCOTTS LAWN ROAD
UNION COUNTY, OHIO**



Situated in the State of Ohio, Union County, Parts Township, lying in Virginia Military Survey Number 5140, and being part of an original 168.9928 acre tract (Parcel A) conveyed to The Scous Company by deed of record in Deed Book 43, Page 721, all records herein are from the Recorder's Office, Union County, Ohio, said 3.007 acre tract being more particularly described as follows:

BEGINNING, at a point at the southeast corner of said original 168.9928 acre tract common to the northeast corner of a 97.45 acre tract conveyed to Thomas H. Kausch & Jeanine K. Kausch Trustee by deed of record in Deed Book 93, Page 605, said point also being located on the west line of an original 279.380 acre tract conveyed to New York Central Lines, LLC by deed of record in Deed Book 207, Page 45;

Thence South 86°39'19" West, a distance of 212.17 feet, following along the common line of said original 168.9928 acre tract and said 94.450 acre tract to a point;

Thence the following two (2) courses and distance over and across said original 168.9928;

1. North 39°23'39" West, a distance of 697.29 feet, to a point;

2. North 50°33'13" East, a distance of 173.13 feet, to a point on the west line of said original 279.380 acre tract, common to the east line of said original 168.9928 acre tract;

Thence South 39°17'01" East, a distance of 822.05 feet, following along the common line of said original 279.380 acre tract and said original 168.9928 acre tract, to the TRUE POINT OF BEGINNING, containing 3.007 acres more or less, being subject to all easements, restrictions and rights-of-way of record.

The bearings shown above are based on National Geodetic Survey monuments AE3379, AE3389, and AE 3393, upon NAD 83, Ohio State Plane North Zone.

This description was based on an actual field survey by Civil & Environmental Consultants, Inc. in October, 2006.

Civil & Environmental Consultants, Inc.

[Signature]
Date 3-09-07
Registered Surveyor No. S-5963



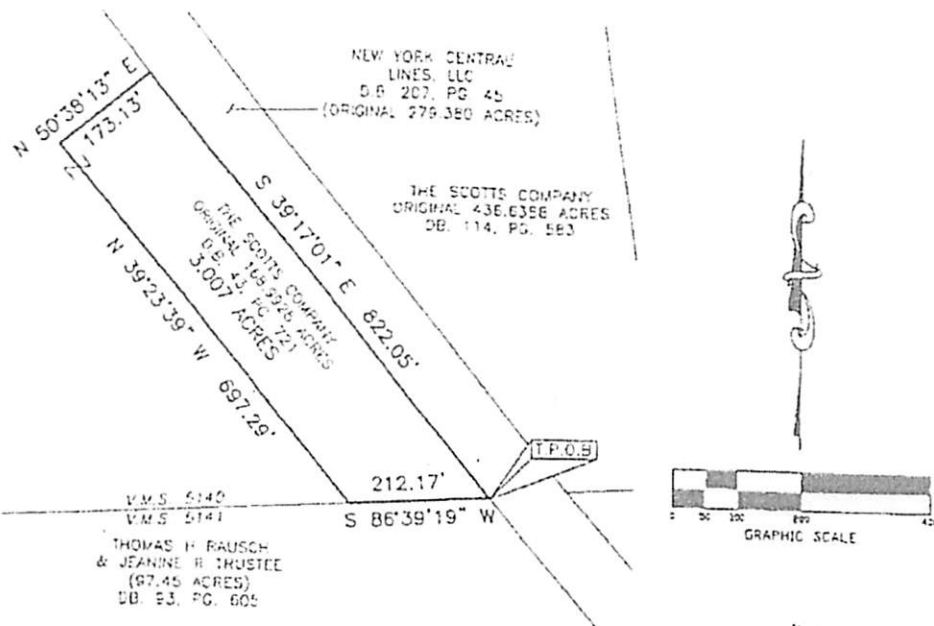
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NASHVILLE, TN. • PITTSBURGH, PA. • ST. LOUIS, MO.

Deed Restriction Survey for 3.007 acres



Surveyor's Certificate

This exhibit was based on an actual field survey by Civil & Environmental Consultants, Inc. in October, 2006.

Situate

Situated in Virginia Military Survey Lot 5140, Paris Township, Union County, Ohio.

Basis of Bearings

Basis of Bearings is based on National Geodetic Survey Monuments AE3376, AE3380 and AE3363, upon NAD 83, Ohio State Plane North Zone.

FLOOD NOTE

On graphic plotting only, this property is in Zone "X" of the Flood Insurance Rate Map, Community Plan No. 350826 0120 B, which Bears an Effective Date of September 27, 1991 and is in a special flood hazard area. No field surveying was performed to determine this zone and/or elevation certificate may be needed to verify this determination or apply for a variance.

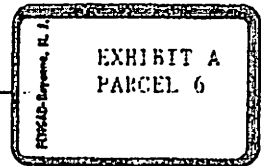


Jerry A. Malott
Jerry A. Malott P.S. 5963

REVISION RECORD		DRAWN BY: DC	
DATE	DESCRIPTION	FIELD WORK BY: N/A	JOB NUMBER
3/05/07	REVISE RESTRICTION BOUNDARY (CH)	DATE: 10/13/06	052193
		SCALE: 1" = 200'	



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NASHVILLE, TN • PITTSBURGH, PA • ST. LOUIS, MO.



DESCRIPTION OF AN 9.014 ACRE TRACT
LOCATED WEST OF INDUSTRIAL PARKWAY
SOUTHEAST OF SCOTTS LAWN ROAD
UNION COUNTY, OHIO

Situated in the State of Ohio, Union County, Paris Township, lying in Virginia Military Survey Number 5140, and being part of an original 168.9928 acre tract (Parcel A) conveyed to The Scotts Company by deed of record in Deed Book 43, Page 721, all records herein are from the Recorder's Office, Union County, Ohio, said 9.014 acre tract being more particularly described as follows:

BEGINNING FOR REFERENCE, at a found Railroad Spike in the centerline of said Scottslawn Road (80' r/w), common to the southwest corner of said original 168.9928 acre tract and the northwest corner of a 11.036 acre tract conveyed to The Scotts Company by deed of record in Deed Book 277, Page 436;

Thence North 56°16'24" East, a distance of 1768.09 feet, following along the centerline of said Scottslawn Road, to a point;

Thence South 33°49'25" East, a distance of 40.00 feet, crossing said Scottslawn Road, to a point on the southerly right-of-way line of said Scottslawn Road, being the TRUE POINT OF BEGINNING;

Thence with the following two (2) courses and distance along the southerly right-of-way line of said Scottslawn Road:

1. North 56°10'35" East, a distance of 413.32 feet, to a point;
2. Along a curve to the left, having a delta angle of 15°30'39", a radius of 898.20 feet, an arc length of 243.16 feet, a chord which bears North 48°42'53" East and a chord distance of 242.41 feet, to a point;

Thence North 54°39'49" East, a distance of 170.30 feet, over and across said original 168.9928 acre tract, to a point located on the common line of said original 168.9928 acre tract and an original 279.380 acre tract conveyed to New York Central Lines, LLC by deed of record in Deed Book 207, Page 45;

Thence South 39°17'01" East, a distance of 716.08 feet, along the common lines of said original 168.9928 acre tract and said original 279.380 acre tract, to a point;

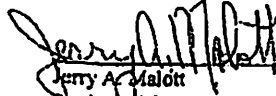
Thence the following five (5) courses and distances crossing said original 168.9928 acre tract;

1. South 56°00'38" West, a distance of 181.21 feet, to a point;
2. South 77°28'34" West, a distance of 273.62 feet, to a point;
3. South 74°03'38" West, a distance of 189.05 feet, to a point;
4. South 83°30'33" West, a distance of 229.63 feet, to a point;
5. North 45°09'08" West, a distance of 329.73 feet, to the TRUE POINT OF BEGINNING, containing 9.014 acres more or less. Being subject to all easements, restrictions and rights-of-way of record.

The bearings shown above are based on National Geodetic Survey Monuments AE3379, AE3389, and AE 3393, upon NAD 83, Ohio State Plane North Zone.

This description was based on an actual field survey by Civil & Environmental Consultants, Inc. in October, 2006.

Civil & Environmental Consultants, Inc.


Jerry A. Malott
Registered Surveyor No. S-5963

3-09-07
Date

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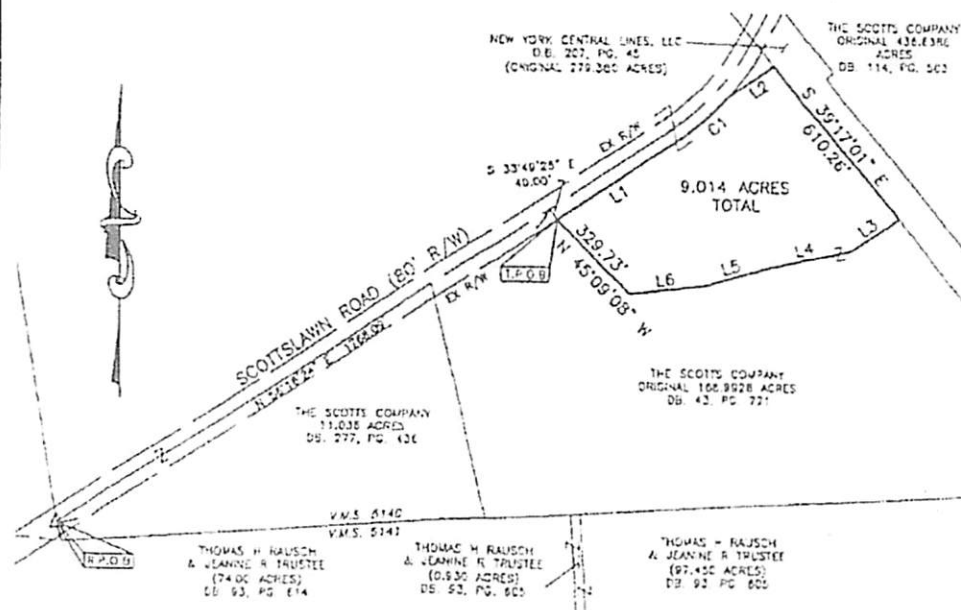


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Deed Restriction Survey for 9.014 acres



Surveyor's Certificate

This action was based on an actual field survey by Civil & Environmental Consultants, Inc. in October, 2005.

Legend of Symbols & Abbreviations

Found Railroad Spike

Situate

Situated in Virginia Military Survey Lot 5140, Port Township, Union County, Ohio.

Basis of Bearings

Basis of Bearings is based on National Geodetic Survey Monuments A23379, A23380 and A23383, using NAD 83, Ohio State Plane North Zone.

FLOOD NOTE

By graphic plotting only, this property is in Zone "X" of the Flood Insurance Rate Map, Community Panel No. 390802 0150 B, which begins on Effective Date of September 27, 1991 and is in a special flood hazard area. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance.



GRAPHIC SCALE

Line Table

LINE	BEARING	DISTANCE
L1	N 58°10'32" E	413.32
L2	N 54°39'40" E	170.30
L3	S 55°00'30" W	161.21
L4	S 77°28'34" W	273.67
L5	S 74°03'30" W	169.05
L6	S 83°33'33" W	275.65

Curve Table

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	888.10'	243.16'	242.41'	N 45°42'53" E	72°30'39"



Jerry A. Malott 3-29-07
Jerry A. Malott P.S. 5963

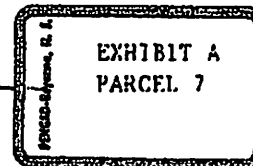
REVISION RECORD

DATE	DESCRIPTION	DRAWN BY:
03/08/07	REVISE RESTRICTION BOUNDARY (EDH)	DC
		FIELD WORK BY: N/A
		DATE: 10/13/06
		SCALE: 1" = 400'

JOB NUMBER
052193



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**DESCRIPTION OF A 0.215 ACRE TRACT
LOCATED WEST OF INDUSTRIAL PARKWAY (80' R/W)
NORTH OF SCOTTS LAWN ROAD (80' R/W)
UNION COUNTY, OHIO**

Situated in the State of Ohio, Union County, Paris Township, lying in Virginia Military Survey Lot Number 5140, and being part of an original 168.9928 acre tract (Parcel A) conveyed to The Scotts Company by deed of record in Deed Book 114, Page 583, all records herein are from the Recorder's Office, Union County, Ohio, said 0.215 acre tract being more particularly described as follows:

BEGINNING FOR REFERENCE, at a found 3/4" iron pipe on the easterly line of an original 277.50 acre tract conveyed to Columbus Metro.Equities, Inc. by deed of record in Deed Book 339, Page 491, common to the west line of said original 168.9928 acre tract;

Thence South 03°43'12" East, a distance of 444.49 feet, following along the lines of said original 277.50 acre tract and said original 168.9928 acre tract, to a point;

Thence North 86°16'46" East, a distance of 782.16 feet, crossing said original 168.993 acre tract, to the TRUE POINT OF BEGINNING;

Thence the following nine (9) courses and distance across said original 168.9928 acre tract;

1. North 11°25'34" East, a distance of 40.20 feet, to a point;
2. North 48°34'28" East, a distance of 62.48 feet, to a point;
3. North 83°13'12" East, a distance of 24.51 feet, to a point;
4. South 65°14'05" East, a distance of 32.37 feet, to a point;
5. South 02°36'13" East, a distance of 49.78 feet, to a point;
6. South 39°06'21" West, a distance of 46.61 feet, to a point;
7. South 62°08'46" West, a distance of 45.34 feet, to a point;

8. North 75°39'29" West, a distance of 21.64 feet, to a point;

9. North 32°44'43" West, a distance of 37.62 feet, to the TRUE POINT OF BEGINNING, containing 0.215 acres more or less. Being subject to all easements, restrictions and rights-of-way of record.

The bearings shown above are based on the West line of an original 168.9928 acre tract as being North 02°42'10" West, as conveyed to The Scotts Company, by deed of record in Deed Book 114, Page 583, from the Recorder's Office, Union County, Ohio.

This description was based on an actual field survey by Civil & Environmental Consultants, Inc. in October, 2006.



Civil & Environmental Consultants, Inc.

[Signature] 11-15-06
Date
Jerry A. Malott
Registered Surveyor No. S-5963

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 NASHVILLE, TN • PITTSBURGH, PA • ST. LOUIS, MO.

Deed Restriction Survey for 0.215 acres

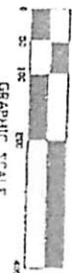
THE SCOTT'S COMPANY
 ORIGINAL 436.618 ACRES
 D.E. 114, PG. 583
 (PARCEL E)

VM S 2234
 VM S 3140
 Z

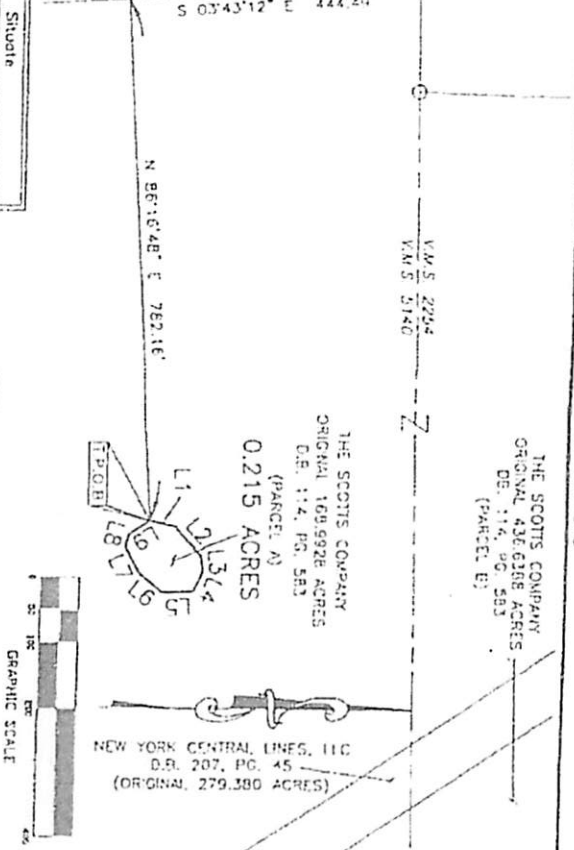
THE SCOTT'S COMPANY
 ORIGINAL 169.9928 ACRES
 D.E. 114, PG. 583
 (PARCEL A)
0.215 ACRES

COLUMBUS METRO EIGHTIES, INC.
 (ORIGINAL 277.50 ACRES)
 D.B. 339, PG. 491

NEW YORK CENTRAL LINES, LLC
 D.B. 207, PG. 45
 (ORIGINAL 279.380 ACRES)



GRAPHIC SCALE



Situate

Shaded in Purple Using Survey Unit has 5145
 and 2204, Post Township, Union County, Ohio

Surveyor's Certificate

This article was based on an actual field survey
 by Civil & Environmental Consultants, Inc. in
 October, 2006

Legend of Symbols & Abbreviations

○ True 3/4" Iron Pipe

Line Table

LINE	BEARING	DISTANCE
L1	N 11°29'34" E	40.20'
L2	N 45°34'28" E	62.48'
L3	N 83°13'12" E	24.51'
L4	S 65°14'05" E	32.37'
L5	S 02°36'13" E	49.78'
L6	S 39°06'21" W	46.61'
L7	S 62°08'46" W	45.34'
L8	N 75°35'29" W	21.64'
L9	N 32°44'43" W	37.62'

Base of Bearings

Bearings were based on the West line of an
 original 169.9928 acre tract as being North
 0°00'00" West or converging to the South
 0°00'00" West of record in Deed Book 114,
 Page 583, from the Recorder's Office, Union
 County, Ohio

Boundary Survey Note

This plat constitutes a boundary survey of part
 of the 169.9928 acre tract as being North
 0°00'00" West or converging to the South
 0°00'00" West of record in Deed Book 114,
 Page 583, from the Recorder's Office, Union
 County, Ohio

FLOOD NOTE

By people putting only, this property is in
 Flood Zone X of the Flood Insurance Rate Map,
 Flood Insurance Study No. 380828 0100 B, which
 was issued by the Federal Emergency Management
 Agency in 1997 and is in effect as of September 21,
 1997. No field surveying was performed to determine
 the 100 year flood elevation. Therefore, no field
 surveying was performed to determine the 100 year
 flood elevation. Therefore, no field surveying was
 performed to determine the 100 year flood elevation.
 for C-1000000



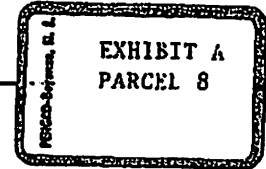
Jerry A. Malott
 JERRY A. MALOTT R.S. 5963

REVISION RECORD

NO.	DESCRIPTION	DRAWN BY	DATE	FIELD WORK BY	DATE	SCALE	JOB NUMBER
1		DC		N/A	10/13/06	1" = 200'	052193



Civil & Environmental Consultants, Inc.
740 Orion Place, Suite 100 • Columbus, Ohio 43240
Phone 614.540.6633 • Fax 614.540.6638
CHICAGO, IL. • CINCINNATI, OH • EXPORT, PA. • INDIANAPOLIS IN.
NASHVILLE, TN. • PITTSBURGH, PA. • ST. LOUIS, MO.



**DESCRIPTION OF A 5.058 ACRE TRACT
LOCATED WEST OF US INDUSTRIAL PARKWAY
SOUTHEAST OF SCOTTS LAWN ROAD
UNION COUNTY, OHIO**

Situated in the State of Ohio, Union County, Paris Township, lying in Virginia Military Survey Number 5140, and being part of an original 168.9928 acre tract (Parcel A) conveyed to The Scotts Company by deed of record in Deed Book 43, Page 721, all records herein are from the Recorder's Office, Union County, Ohio, said 5.058 acre tract being more particularly described as follows:

BEGINNING FOR REFERENCE, at point at the southeast corner of said original 168.9928 acre tract, common to the northeast corner of a 97.45 acre tract conveyed to Thomas H. Rausch & Jeanine R. Rausch Trustee by deed of record in Deed Book 93, Page 605, said point also being located on the west line of an original 279.380 acre tract conveyed to New York Central Lines, LLC by deed of record in Deed Book 207, Page 45;

Thence North 39°17'39" West, a distance of 843.38 feet, following along the common line of said original 168.9928 acre tract and said original 279.380 acre tract, to the **TRUE POINT OF BEGINNING**;

Thence the following ten (10) courses and distances over and across said original 168.9928 acre tract;

1. South 48°53'05" West, a distance of 50.36 feet, to a point;
2. South 55°17'54" West, a distance of 276.48 feet, to a point;
3. South 61°00'44" West, a distance of 74.29 feet, to a point;
4. South 56°26'56" West, a distance of 134.75 feet, to a point;
5. South 76°08'16" West, a distance of 196.25 feet, to a point;
6. North 38°23'23" West, a distance of 394.22 feet, to a point;
7. North 86°32'09" East, a distance of 206.68 feet, to a point;


8. North 75°31'21" East, a distance of 208.22 feet, to a point;
9. North 76°40'52" East, a distance of 286.96 feet, to a point;
10. North: 57°54'58" East, a distance of 179.82 feet, to a point located on the common line of said original 168.9928 acre tract, and said original 279.380 acre tract;

Thence South 39°13'50" East, a distance of 169.06 feet, along the common line of said original 168.9928 acre tract, and said original 279.380 acre tract, to the TRUE POINT OF BEGINNING, containing 5.058 acres more or less, being subject to all easements, restrictions, and right-of-ways of record.

The bearings shown above are based on: National Geodetic Survey Monuments AE3379, AE3389, and AE 3393, upon NAD 83, Ohio State Plane North Zone.

This description was based on an actual field survey by Civil & Environmental Consultants, Inc. in October, 2006.

Civil & Environmental Consultants, Inc.


Jerry A. Malott
Registered Surveyor No. S-5963
3-09-07
Date

S 5963-052:91 survey dated 10/06/06





Civil & Environmental Consultants, Inc.

8740 Orion Place, Suite 100 Columbus, Oh. 43240
(614) 540-6633 (888)598-6808 FAX(614)540-6638

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NASHVILLE, TN • PITTSBURGH, PA • ST. LOUIS, MO.

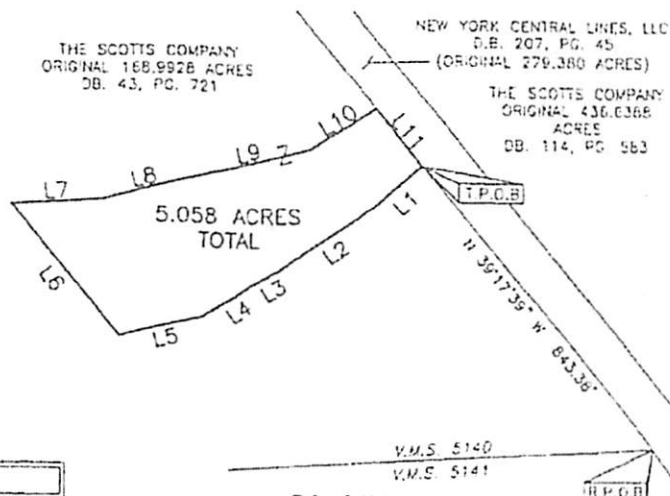
Deed Restriction Survey for 5.058 acres



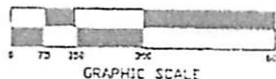
THE SCOTTS COMPANY
ORIGINAL 168.9928 ACRES
DB. 43, PG. 721

NEW YORK CENTRAL LINES, LLC
D.B. 207, PG. 45
(ORIGINAL 279.380 ACRES)

THE SCOTTS COMPANY
ORIGINAL 436.0368
ACRES
DB. 114, PG. 563



THOMAS H. RAUSCH
& JEANINE R. TRUSTEE
97.45 ACRES
O.R. 93, PG. 605



Line Table

LINE	BEARING	DISTANCE
L1	S 48°53'02\"	50.36'
L2	S 55°17'54\"	276.48'
L3	S 61°03'44\"	74.20'
L4	S 26°28'56\"	134.75'
L5	S 76°06'10\"	105.25'
L6	N 26°23'23\"	394.22'
L7	N 68°32'00\"	205.65'
L8	N 75°31'21\"	206.22'
L9	N 76°40'25\"	266.96'
L10	N 67°34'58\"	179.82'
L11	S 30°13'53\"	166.06'

Situate

Situated in Virginia Military Survey Lot 5140, Pike Township, Union County, Ohio

Base of Bearings

Base of Bearings is based on National Geodetic Survey Monuments AC3379, AC3388 and AC3383, upon NAD 83, Ohio State Plane North Zone

Surveyor's Certificate

This exhibit was based on an actual field survey by Civil & Environmental Consultants, Inc. in October, 2006.

FLOOD NOTE

By graphic plotting only, this property is in Zone X-1 of the Flood Insurance Rate Maps, Community Panel No. 390603B 0150 B, which became effective date of September 27, 1991 and is in a special flood hazard area. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance.



Jerry A. Malott 3-09-07
Jerry A. Malott P.S. 5963

REVISION RECORD

DATE	DESCRIPTION	DRAWN BY:
		DH
		FIELD WORK BY: N/A
		DATE: 03/05/07
		SCALE: 1" = 300'

JOB NUMBER
052193

Lee Surveying and Mapping Co.

Land Surveys • Topography • Subdivisions • Construction Layout

117 N. Madriver St.
Bellefontaine OH 43311



Phone: (937) 593-7335
Fax: (937) 593-7444
surveys@lee-surveying.com

EXHIBIT A
PARCEL 8 - REMOVED

THE SCOTTS COMPANY 0.310 ACRE

Lying in Virginia Military Survey 5140, Paris Township, Union County, Ohio (all records referenced herein refer to the Union County Records of Deeds).

Being out of The Scotts Company original 168.9928 acre tract as deeded and described in Volume 43, Page 721 and being more particularly described as follows:

Beginning at a point at an easterly corner of a 5.058 acre Environmental Covenant tract as deeded and described in Official Record 887, Page 040, Exhibit A, Parcel 8, said point being on a common line to said original 168.9928 acre tract and the New York Central Lines LLC, original 279.380 acre tract as deeded and described in Volume 207, Page 45;

THENCE, with a southerly line of said 5.058 acre tract,
S 48°-55'-23" W, a distance of 16.53 feet to a point;

THENCE, through said 5.058 acre tract, the following six (6) courses:

- 1) N 80°-56'-39" W, a distance of 27.24 feet to a point;
- 2) N 35°-29'-56" W, a distance of 62.02 feet to a point;
- 3) N 70°-33'-05" W, a distance of 35.68 feet to a point;
- 4) S 67°-32'-44" W, a distance of 54.39 feet to a point;
- 5) S 67°-53'-39" W, a distance of 92.49 feet to a point; and
- 6) N 21°-57'-37" W, a distance of 37.07 feet to a point on a northwesterly line of said 5.058 acre tract;

THENCE, with said northwesterly line, N 57°-37'-01" E, a distance of 179.83 feet to a point on said common line to said 5.058 acre, 168.9928 acre and 279.380 acre tracts;


THENCE, with said common line, S 39°-15'-21" E, a distance of 169.06 feet to the POINT OF BEGINNING.

Containing 0.310 acre, more or less.

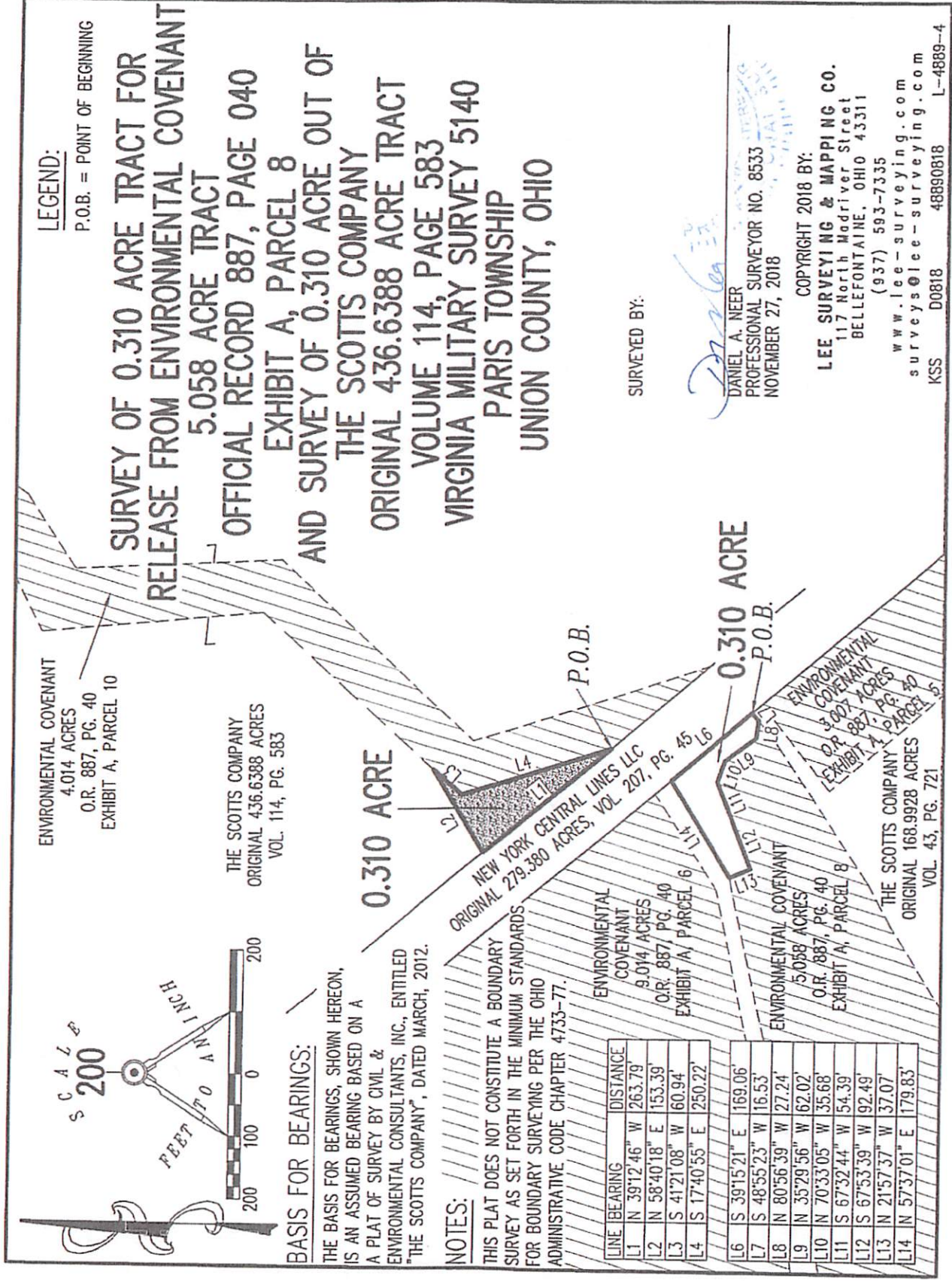
Property is subject to any and all previous easements and rights-of-way of record.

The bearings, described herein, are assumed bearings based on a plat of survey by Civil & Environmental Consultants, Inc., entitled "The Scotts Company", dated March 2012. Distances are expressed in U.S. Survey Feet. All other measurements are from angles and distances measured in a field survey by Lee Surveying and Mapping Co. on November 27, 2018.

Description prepared by:


Daniel A. Neer
Professional Surveyor No. 8533
December 10, 2018

48890818



LEGEND:

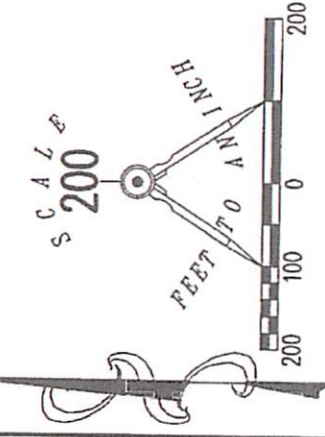
P.O.B. = POINT OF BEGINNING

**SURVEY OF 0.310 ACRE TRACT FOR
RELEASE FROM ENVIRONMENTAL COVENANT
5.058 ACRE TRACT
OFFICIAL RECORD 887, PAGE 040
EXHIBIT A, PARCEL 8
AND SURVEY OF 0.310 ACRE OUT OF
THE SCOTTS COMPANY
ORIGINAL 436.6388 ACRE TRACT
VOLUME 114, PAGE 583
VIRGINIA MILITARY SURVEY 5140
PARIS TOWNSHIP
UNION COUNTY, OHIO**

SURVEYED BY:

Daniel A. Neer
DANIEL A. NEER
PROFESSIONAL SURVEYOR NO. 8533
NOVEMBER 27, 2018

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LEE SURVEYING & MAPPING CO.
117 North Madriver Street
BELLEFONTAINE, OHIO 43311
(937) 593-7335
www.lee-surveying.com
surveys@lee-surveying.com
KSS D0818 48890818 L-4889-4



BASIS FOR BEARINGS:

THE BASIS FOR BEARINGS, SHOWN HEREON, IS AN ASSUMED BEARING BASED ON A PLAT OF SURVEY BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC., ENTITLED "THE SCOTTS COMPANY", DATED MARCH, 2012.

NOTES:

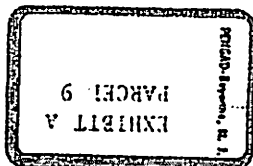
THIS PLAT DOES NOT CONSTITUTE A BOUNDARY SURVEY AS SET FORTH IN THE MINIMUM STANDARDS FOR BOUNDARY SURVEYING PER THE OHIO ADMINISTRATIVE CODE CHAPTER 4733-77.

LINE	BEARING	DISTANCE
L1	N 39°12'46" W	263.79'
L2	N 58°40'18" E	153.39'
L3	S 41°21'08" W	60.94'
L4	S 17°40'55" E	250.22'
L6	S 39°15'21" E	169.06'
L7	S 48°55'23" W	16.53'
L8	N 80°56'39" W	27.24'
L9	N 35°29'56" W	62.02'
L10	N 70°33'05" W	35.66'
L11	S 67°32'44" W	54.39'
L12	S 67°53'39" W	92.49'
L13	N 21°57'37" W	37.07'
L14	N 57°37'01" E	179.83'



Civil & Environmental Consultants, Inc.
8740 Orion Place, Suite 100 • Columbus, Ohio 43240
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NASHVILLE, TN • PITTSBURGH, PA • ST. LOUIS, MO.

DESCRIPTION OF A 0.707 ACRE TRACT
LOCATED WEST OF INDUSTRIAL PARKWAY
SOUTHEAST OF SCOTSLAWN ROAD
UNION COUNTY, OHIO



Situated in the State of Ohio, Union County, Paris Township, lying in Virginia
Military Survey Number 5140, and being part of an original 168.9928 acre tract (Parcel
A) conveyed to The Scotts Company by deed of record in Deed Book 43, Page 721, all
records herein are from the Recorder's Office, Union County, Ohio, said 0.707 acre tract
being more particularly described as follows:

BEGINNING FOR REFERENCE, at a point at the southeast corner of said
original 168.9928 acre tract common to the northeast corner of a 57.45 acre tract
conveyed to Thomas H. Kausch & Jeanette R. Kausch Trustee by deed of record in Deed
Book 93, Page 605, said point also being located on the west line of an original 279.380
acre tract conveyed to New York Central Lines, LLC by deed of record in Deed Book
207, Page 45;

Thence South 86°39'19" West, a distance of 499.58 feet, along the line common
to said 97.45 acre tract and said original 168.9928 acre tract, to a point;

Thence North 03°20'36" West, a distance of 291.11 feet, over and across said
original 168.9928 acre tract, to the TRUE POINT OF BEGINNING;

Thence the following eight (8) courses and distances over and across said original
168.9928 acre tract:

1. South 44°35'38" West, a distance of 108.92 feet, to a point;

2. North 20°14'37" West, a distance of 67.45 feet, to a point;

3. North 44°36'59" East, a distance of 47.19 feet, to a point;

4. North 81°01'52" West, a distance of 37.87 feet, to a point;

5. North 47°03'27" West, a distance of 273.01 feet, to a point;

6. North 61°06'34" East, a distance of 97.96 feet, to a point;

7. South 43°55'03" East, a distance of 249.68 feet, to a point;

8. South 29°45'19" East, a distance of 90.64 feet, to the TRUE POINT OF
BEGINNING, containing 0.707 acres more or less, being subject to all
easements, restrictions and rights-of-way of record.

The bearings shown above are based on National Geodetic Survey Monuments
AE3379, AE3389, and AE 3393, upon NAD 83, Ohio State Plane North Zone.

This description was based on an actual field survey by Civil & Environmental
Consultants, Inc. in April, 2007.



Civil & Environmental Consultants, Inc.
Jerry A. Malcott
Registered Surveyor No. S-5983
Date 4-1-07

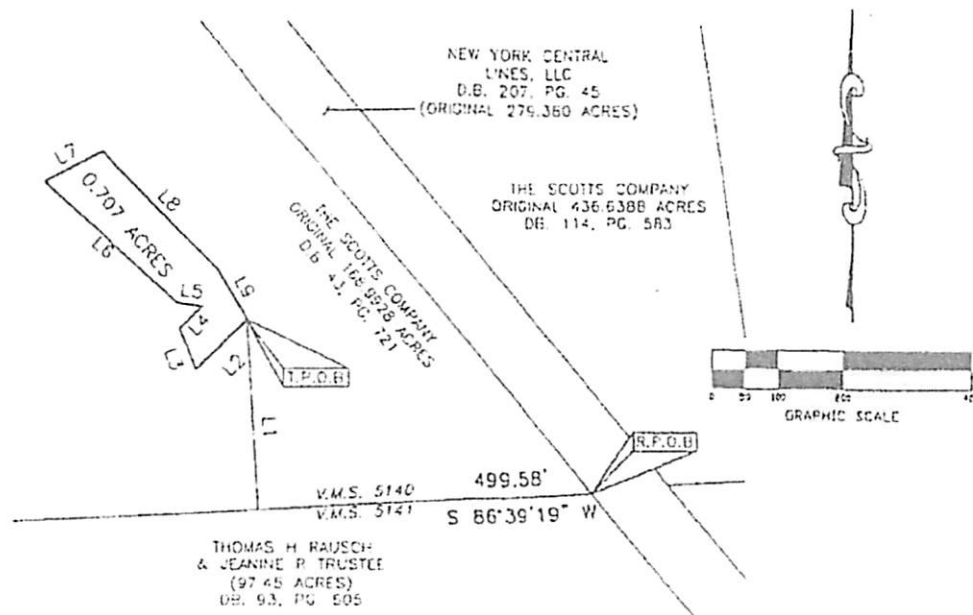


Civil & Environmental Consultants, Inc.

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NASHVILLE, TN. • PITTSBURGH, PA. • ST. LOUIS, MO.

Deed Restriction Survey for 0.707 acres



Surveyor's Certificate

This exhibit was based on an actual field survey by Civil & Environmental Consultants, Inc. in April 2007.

Situate

Situated in Virginia Military Survey Lot 3140, Paris Township, Union County, Ohio

Basis of Bearings

Basis of Bearings is based on National Geodetic Survey Monuments AE3379, AE3389 and AE3393, upon NAD 83, Ohio State Plane North Zone

FLOOD NOTE

By graphic plotting only, this property is in Zone "X" of the Flood Insurance Rate Map, Community Panel No. 390808 C13C II, which Bears an Effective Date of September 27, 1991 and is in a special flood hazard area. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance.

LINE	BEARING	DISTANCE
L1	N 03°20'35" W	291.11'
L2	S 44°35'38" W	108.92'
L3	N 20°14'37" W	67.42'
L4	N 44°35'29" E	47.18'
L5	N 01°01'52" W	37.67'
L6	N 47°03'22" W	273.01'
L7	N 61°06'34" E	97.96'
L8	S 43°55'03" E	246.68'
L9	S 26°43'19" E	90.64'



Jerry A. Malott 4-17-07
Jerry A. Malott P.S. 5963

REVISION RECORD		DRAWN BY: JB	JOB NUMBER 052193
DATE	DESCRIPTION	FIELD WORK BY: TS/CH	
		DATE: 4/10/07	
		SCALE: 1" = 200'	



Civil & Environmental Consultants, Inc.
8740 Orion Place, Suite 100 • Columbus, Ohio 43240
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NASHVILLE, TN • PITTSBURGH, PA • ST. LOUIS, MO.



**DESCRIPTION OF A 4.014 ACRE TRACT
LOCATED SOUTH OF SCOTTS LAWN ROAD
WEST OF INDUSTRIAL PARKWAY
UNION COUNTY, OHIO**

Situated in the State of Ohio, Union County, Paris Township, lying in Virginia Military Survey 5140 and being 4.014 acres out of an original 436.6388 acre tract conveyed to The Scotts Company by deed of record in Deed Book 114, Page 583, all records herein are from the Recorder's Office, Union County, Ohio, said 4.014 acre tract being more particularly described as follows:

BEGINNING FOR REFERENCE, at a found 3/4" iron pin at the northwest corner of an original 94.490 acre tract conveyed to Goodyear Tire & Rubber Company, by deed of record in Deed Book 224, Page 319;

Thence North 41°31'55" East, a distance of 28.11 feet, following along the common line of said original 94.490 acre tract and said original 436.6388 acre tract, to a point;

Thence North 48°28'05" West, a distance of 26.75 feet, crossing said original 436.6388 acre tract, to the TRUE POINT OF BEGINNING;

Thence the following five (5) courses and distances across said original 436.6388 acre tract

1. South 33°26'48" West, a distance of 335.09 feet, to a point;
2. South 55°57'55" West, a distance of 139.57 feet, to a point;
3. South 02°46'59" East, a distance of 330.36 feet, to a point;
4. South 42°15'22" West, a distance of 421.47 feet, to a point;
5. South 17°32'51" East, a distance of 396.98 feet, to a point on the east line of an original 279.380 acre tract conveyed to New York Central Lines, LLC by deed of record in Deed Book 207, Page 45;

Thence North 39°10'00" West, a distance of 203.56 feet, following along the east line common to said original 279.380 acre tract and said original 436.6388 acre tract, to a point;

Thence the following ten (10) courses and distances across said original 436.6388 acre tract:

1. North 17°32'51" West, a distance of 250.16 feet, to a point;
2. North 41°26'34" East, a distance of 429.78 feet, to a point;
3. North 05°16'49" West, a distance of 356.54 feet, to a point;
4. North 62°21'59" East, a distance of 174.76 feet, to a point;
5. North 34°36'15" East, a distance of 316.85 feet, to a point;
6. North 42°31'18" East, a distance of 198.14 feet, to a point;
7. North 21°55'08" West, a distance of 109.77 feet, to a point;

8. North 20°50'42" East, a distance of 199.24 feet, to a point;
9. North 27°50'53" West, a distance of 151.45 feet, to a point;
10. North 36°26'34" East, a distance of 63.31 feet, to a point on the westerly right-of-way of Industrial Parkway (80' R/W);

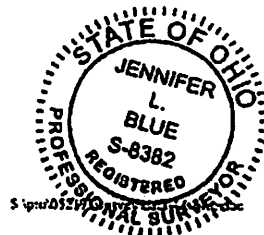
Thence South 48°35'00" East, a distance of 66.61 feet, along the westerly right-of-way of said Industrial Parkway, to a point;

Thence with the following five (5) courses and distances, over and across said original 436.6388 acre tract:

1. South 40°01'46" West, a distance of 277.47 feet, to a point;
2. South 22°52'35" East, a distance of 161.49 feet, to a point;
3. South 25°08'40" West, a distance of 166.58 feet, to a point;
4. South 19°57'19" East, a distance of 125.22 feet, to a point;
5. South 37°22'02" West, a distance of 240.97 feet, to the TRUE POINT OF BEGINNING, containing 4.014 acres more or less. Being subject to all easements, restrictions and rights-of-way of record.

The bearings shown above are based on National Geodetic Survey Monuments AE3379, AE3389, and AE 3393, upon NAD 83, Ohio State Plane North Zone.

This description was based on an actual field survey by Civil & Environmental Consultants, Inc. in October, 2006.



Civil & Environmental Consultants, Inc.

JL Blue 12-4-07
 Jennifer L. Blue Date
 Registered Surveyor No. S-8382



VICINITY MAP
NOT TO SCALE

Surveyor's Certificate

This survey was made on an actual field survey
on the 12th day of November, 2007, by
me, David A. Thompson, State Surveyor, No. 10000, State of Ohio.

Book of Record

Book of Record is filed in the Public Records
Office of Hamilton County, Ohio, at the Hamilton County
Recorder's Office, 42000, Hamilton County, Ohio, 45001, and 45002,
under 42000, 42001, 42002, 42003, 42004, 42005, 42006, 42007, 42008, 42009, 42010, 42011, 42012, 42013, 42014, 42015, 42016, 42017, 42018, 42019, 42020, 42021, 42022, 42023, 42024, 42025, 42026, 42027, 42028, 42029, 42030, 42031, 42032, 42033, 42034, 42035, 42036, 42037, 42038, 42039, 42040, 42041, 42042, 42043, 42044, 42045, 42046, 42047, 42048, 42049, 42050, 42051, 42052, 42053, 42054, 42055, 42056, 42057, 42058, 42059, 42060, 42061, 42062, 42063, 42064, 42065, 42066, 42067, 42068, 42069, 42070, 42071, 42072, 42073, 42074, 42075, 42076, 42077, 42078, 42079, 42080, 42081, 42082, 42083, 42084, 42085, 42086, 42087, 42088, 42089, 42090, 42091, 42092, 42093, 42094, 42095, 42096, 42097, 42098, 42099, 42100, 42101, 42102, 42103, 42104, 42105, 42106, 42107, 42108, 42109, 42110, 42111, 42112, 42113, 42114, 42115, 42116, 42117, 42118, 42119, 42120, 42121, 42122, 42123, 42124, 42125, 42126, 42127, 42128, 42129, 42130, 42131, 42132, 42133, 42134, 42135, 42136, 42137, 42138, 42139, 42140, 42141, 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43715, 437

EXHIBIT 1

EXHIBIT A
PARCEL 11

LEGAL DEED DESCRIPTION

(Not for Conveyance)

The O. M. Scott and Sons Company

1.424 Acres

Real estate situated in Paris Township of Union County, Ohio; in the Virginia Military Survey Number 5140; being part of Parcel "A" containing 168.9928 acre tract of The O. M. Scott and Sons Company (Deed Record 311, page 475); and being further bounded and described as follows:

Beginning for reference at an iron pipe found on the northernmost corner of said Parcel "A", said point being on the westerly line of Conrail Railroad;

thence South 39 degrees 02 minutes 20 seconds East, 1907.00 feet on the line common to said Conrail Railroad and said Parcel "A" to a point;

thence South 53 degrees 42 minutes 34 seconds West, 50.24 feet to the point of beginning of the land to be described;

thence continuing South 53 degrees 42 minutes 34 seconds West, 183.32 feet to a point;

thence South 83 degrees 21 minutes 13 seconds West, 92.00 feet to a point;

thence North 32 degrees 38 minutes 47 seconds West, 132.00 feet to a point;

thence North 14 degrees 51 minutes 13 seconds East, 82.00 feet to a point;

thence North 52 degrees 21 minutes 13 seconds East, 165.00 feet to a point;

thence South 86 degrees 38 minutes 47 seconds East, 79.00 feet to a point;

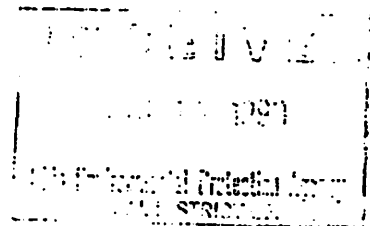
thence South 37 degrees 08 minutes 47 seconds East, 131.00 feet to a point;

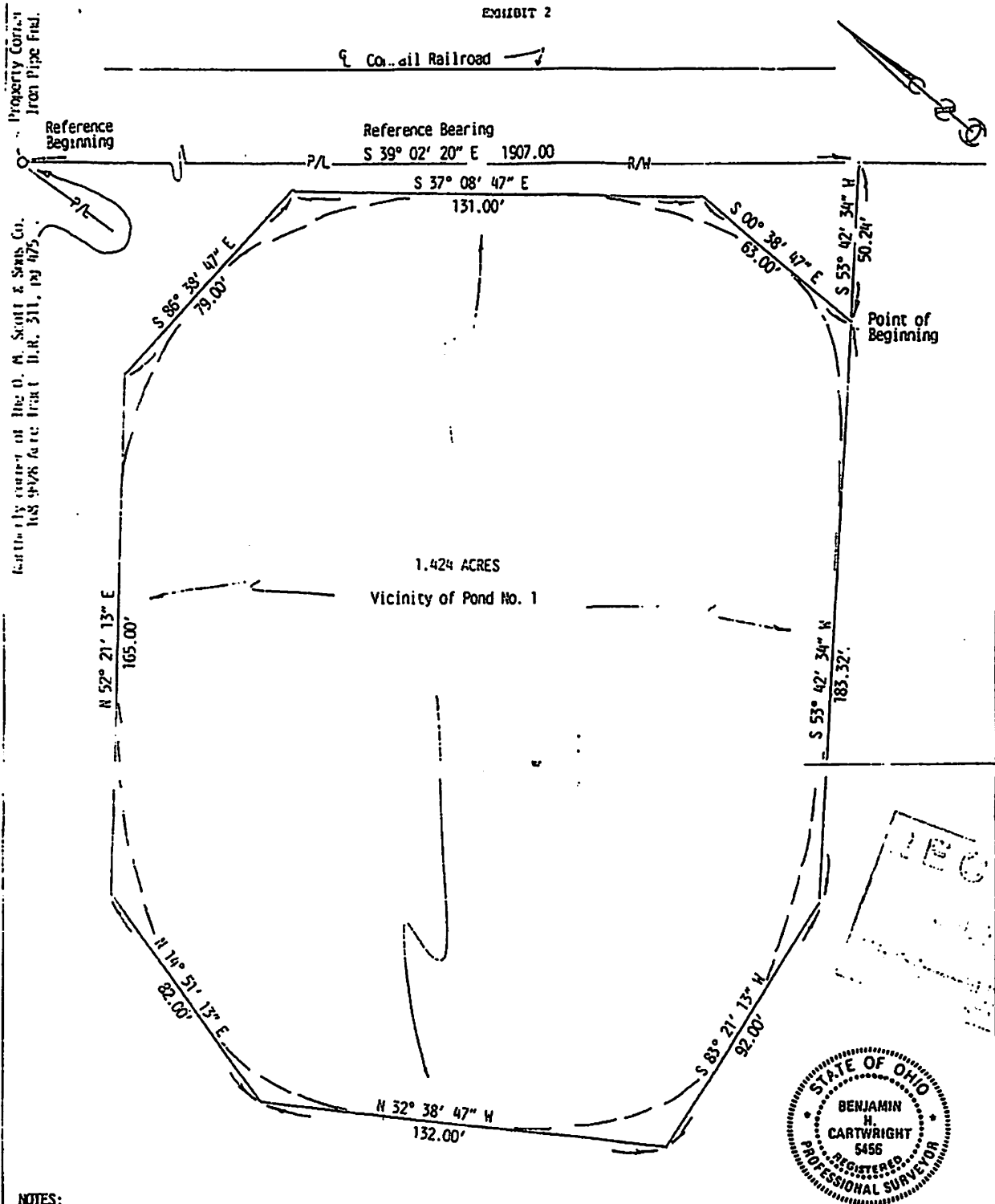
thence South 00 degrees 38 minutes 47 seconds East, 63.00 feet to the point of beginning.

Bearing South 39 degrees 02 minutes 20 seconds East assumed from said Parcel "A".

The tract as described from an actual field survey performed on or about May 25, 1990, by registered surveyor Benjamin H. Cartwright (S-5456), contains 1.424 acres, more or less, subject to all previous easements and rights-of-way of record. The survey is recorded in Survey Record 12 in the office of the Union County Engineer.

Benjamin H. Cartwright, PS
S-5456
May 25, 1990
J N 90-58





NOTES:

Scale: 1" = 30'

Bearing assumed from O. M. Scott & Sons Co. Deed (Parcel "A")

No monuments placed

Reference: 1. File No. 204.05.02F
Dated December, 1987
Blasland & Bouck Engineers

2. Page Engineering, Inc. J N 87-160
3. Page Engineering, Inc. J N 81-12

ISSUED

MAY 29 1990

PAGE ENGINEERING
INC.

Plat of Survey

The O.M. Scott & Sons Company

Virginia Military Survey Number 5140
Paris Township, Union County, Ohio



I hereby certify that this plat was prepared from an actual
field survey and that monuments were placed as indicated.

Benjamin H. Cartwright S-5456 May 25, 1990

J N 90-58

F.B. 115, page 16

Page Engineering, Inc.

112 East Fifth Street • Marysville, Ohio 43040

(513) 644-1272

Lee Surveying and Mapping Co.

Land Surveys • Topography • Subdivisions • Construction Layout

117 N. Madriver St.
Bellefontaine OH 43311



Phone: (937) 593-7335
Fax: (937) 593-7444
surveys@lee-surveying.com

EXHIBIT A PARCEL 12

THE SCOTTS COMPANY 0.310 ACRE

Lying in Virginia Military Survey 5140, Paris Township, Union County, Ohio (all records referenced herein refer to the Union County Records of Deeds).

Being out of The Scotts Company original 436.6388 acre tract as deeded and described in Volume 114, Page 583 and being more particularly described as follows:

Beginning at a point at a westerly corner of a 4.014 acre Environmental Covenant tract as deeded and described in Official Record 887, Page 040, Exhibit A, Parcel 10, said point being on a common line to said original 436.6388 acre tract and the New York Central Lines LLC, original 279.380 acre tract as deeded and described in Volume 207, Page 45;

THENCE, with a common line to said 436.6388 acre and 279.380 acre tracts, N 39°-12'-46" W, a distance of 236.79 feet to a point;

THENCE, through said 436.6388 acre tract, N 58°-40'-18" E, 153.39 feet to a point on a westerly line of said 4.014 acre tract;

THENCE, with lines of said 4.014 acre tracts, the following two (2) courses:

- 1) S 41°-21'-08" W, a distance of 60.94 feet to a point; and
- 2) S 17°-40'-55" E, a distance of 250.22 feet to the POINT OF BEGINNING.

Containing 0.310 acre, more or less.

Property is subject to any and all previous easements and rights-of-way of record.

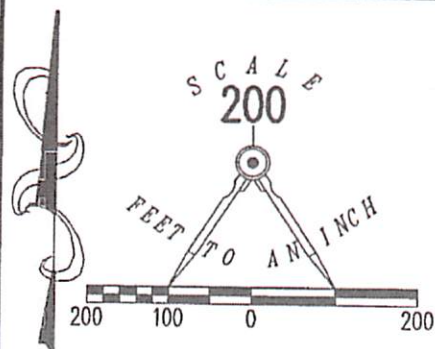
The bearings, described herein, are assumed bearings based on a plat of survey by Civil & Environmental Consultants, Inc., entitled "The Scotts Company", dated March 2012. Distances are expressed in U.S. Survey Feet. All other measurements are from angles and distances measured in a field survey by Lee Surveying and Mapping Co. on November 27, 2018.

Description prepared by:

A handwritten signature in cursive script, appearing to read 'D. Neer'.

Daniel A. Neer
Professional Surveyor No. 8533
December 10, 2018

48890818



ENVIRONMENTAL COVENANT
4.014 ACRES
O.R. 887, PG. 40
EXHIBIT A, PARCEL 10

THE SCOTTS COMPANY
ORIGINAL 436.6388 ACRES
VOL. 114, PG. 583

LEGEND:
P.O.B. = POINT OF BEGINNING

**SURVEY OF 0.310 ACRE TRACT FOR
RELEASE FROM ENVIRONMENTAL COVENANT
5.058 ACRE TRACT
OFFICIAL RECORD 887, PAGE 040
EXHIBIT A, PARCEL 8
AND SURVEY OF 0.310 ACRE OUT OF
THE SCOTTS COMPANY
ORIGINAL 436.6388 ACRE TRACT
VOLUME 114, PAGE 583
PARIS TOWNSHIP
UNION COUNTY, OHIO**

BASIS FOR BEARINGS:

THE BASIS FOR BEARINGS, SHOWN HEREON,
IS AN ASSUMED BEARING BASED ON A
A PLAT OF SURVEY BY CIVIL &
ENVIRONMENTAL CONSULTANTS, INC., ENTITLED
"THE SCOTTS COMPANY", DATED MARCH, 2012.

NOTES:

THIS PLAT DOES NOT CONSTITUTE A BOUNDARY
SURVEY AS SET FORTH IN THE MINIMUM STANDARDS
FOR BOUNDARY SURVEYING PER THE OHIO
ADMINISTRATIVE CODE CHAPTER 4733-77.

LINE	BEARING	DISTANCE
L1	N 39°12'46" W	263.79'
L2	N 58°40'18" E	153.39'
L3	S 41°21'08" W	60.94'
L4	S 17°40'55" E	250.22'
L6	S 39°15'21" E	169.06'
L7	S 48°55'23" W	16.53'
L8	N 80°56'39" W	27.24'
L9	N 35°29'56" W	62.02'
L10	N 70°33'05" W	35.68'
L11	S 67°32'44" W	54.39'
L12	S 67°53'39" W	92.49'
L13	N 21°57'37" W	37.07'
L14	N 57°37'01" E	179.83'

ENVIRONMENTAL
COVENANT
9.014 ACRES
O.R. 887, PG. 40
EXHIBIT A, PARCEL 6

ENVIRONMENTAL COVENANT
5.058 ACRES
O.R. 887, PG. 40
EXHIBIT A, PARCEL 8

THE SCOTTS COMPANY
ORIGINAL 168.9928 ACRES
VOL. 43, PG. 721

0.310 ACRE

P.O.B.

0.310 ACRE

P.O.B.

SURVEYED BY:

Daniel A. Neer
DANIEL A. NEER
PROFESSIONAL SURVEYOR NO. 8533
NOVEMBER 27, 2018

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LEE SURVEYING & MAPPING CO.
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www.lee-surveying.com
surveys@lee-surveying.com
KSS D0818 48890818 L-4889-4

EXHIBIT B

Encumbrances

1. Deed of Easement from The Scotts Company to The Board of County Commissioners of Union County, Ohio, dated October 7, 1996, filed January 22, 1997 and recorded in Official Record Volume 67, page 233, Recorder's Office, Union County, Ohio.
2. Deed of Easement from The Scotts Company to The Board of County Commissioners of Union County, Ohio, dated April 7, 1997, filed April 16, 1997 and recorded in Official Record Volume 75, page 408, Recorder's Office, Union County, Ohio.
3. Declaration of Restrictions made by The Scotts Company, Scotts Products Co., and Scotts Professional Products Co., dated March 18, 1998, filed March 20, 1998 and recorded in Official Record Volume 115, page 69, Recorder's Office, Union County, Ohio.
4. Easement from O.M. Scott & Sons Company to The Dayton Power and Light Company, dated February 8, 1968, filed February 27, 1968 and recorded in Deed Book 231, page 433, Recorder's Office, Union County, Ohio.
5. Easement from O.M. Scott & Sons Company to The Dayton Power and Light Company, dated February 8, 1978, filed September 21, 1978 and recorded in Deed Book 277, page 166, Recorder's Office, Union County, Ohio.
6. Easement from O.M. Scott & Sons Company to The Dayton Power & Light Company, dated August 8, 1978, filed September 13, 1978 and recorded in Deed Book 277, page 121, Recorder's Office, Union County, Ohio.
7. Easement from O.M. Scott & Sons Company to United Telephone Co. of Ohio, dated March 27, 1970, filed April 16, 1970 and recorded in Deed Book 241, page 319, Recorder's Office, Union County, Ohio.
8. Easement from O.M. Scott and Sons Company to Columbia Gas of Ohio, Inc., dated December 16, 1966, filed February 2, 1967 and recorded in Deed Book 226, page 461, Recorder's Office, Union County, Ohio.
9. Easement from Chas. Nicol and Lewis Niebl to The Ohio Bell Telephone Company, dated April 4, 1928, filed April 18, 1928 and recorded in Deed Book 139, page 274, Recorder's Office, Union County, Ohio.
10. Easement from Martin Vollrath to The Ohio Bell Telephone Company, dated April 4, 1928, filed April 28, 1928 and recorded in Deed Book 139, page 275, Recorder's Office, Union County, Ohio.
11. Easement from William C. Ell and Anna E. Ell to The Dayton Power and Light Company, dated January 9, 1956, filed January 26, 1956 and recorded in Deed Book 194, page 37, Recorder's Office, Union County, Ohio.

12. Easement from William C. Ell and Anna E. Ell to The Dayton Power and Light Company, dated October 25, 1950, filed November 29, 1950 and recorded in Deed Book 183, page 181, Recorder's Office, Union County, Ohio.
13. Rights of the public to use that portion of the premises lying within the boundaries of The Toledo and Ohio Central Railroad, State Route 33 and Industrial Parkway (formerly Weaver Road, Weaver County Road and Weaver Gravel Road).
14. Easement from Carlyle Edwards and Madge Edwards to The Dayton Power and Light Company, dated January 26, 1956, filed April 13, 1956 and recorded in Deed Book 194, page 285, Recorder's Office, Union County, Ohio.
15. Easement from Scotts Chemical Plant Inc. to The Dayton Power and Light Company, dated May 17, 1965, filed June 11, 1965 and recorded in Deed Book 219, page 29, Recorder's Office, Union County, Ohio.
16. Easement from Scott's Chemical Plant, Inc. to Columbia Gas of Ohio, Inc., dated August 10, 1965, filed October 6, 1965 and recorded in Deed Book 220, page 336, Recorder's Office, Union County, Ohio.
17. Rights of public to use that portion of the premises lying within the boundary of "Scotts lawn Road.
18. Easement from O.M. Scott & Sons Company, et al. to The Dayton Power and Light Company, dated September 24, 1991, filed October 3, 1991 and recorded in Deed Book 324, page 502, Recorder's Office, Union County, Ohio.
19. Easement from O.M. Scott & Sons Company, et al; to United Telephone Company of Ohio, dated October 10, 1991, filed October 15, 1991 and recorded in Deed Book 324, page 644, Recorder's Office, Union County, Ohio.
20. Easement from O.M. Scott & Sons Co., et al. to United Telephone Company of Ohio, dated November 5, 1992, filed November 24, 1992 and recorded in Deed Book 331, page 444, Recorder's Office, Union County, Ohio.
21. Easement from O.M. Scott & Sons Co., et al. to United Telephone Company of Ohio, dated November 5, 1992, filed November 24, 1992 and recorded in Deed Volume 331, page 447, Recorder's Office, Union County, Ohio.
22. Easement from The Scotts Company to United Telephone Company of Ohio, dated August 9, 1999, filed August 17, 1999 and recorded in Official Record Volume 192, page 455, Recorder's Office, Union County, Ohio.
23. Environmental Covenant recorded October 6, 2010 in Official Record 887, Page 40, Union County, Ohio Records.
24. Easement in favor of City of Marysville recorded May 2, 2011 in Official Record 915, Page 512, Union County, Ohio Records.

25. Certified Judgement Lien in favor of Ohio Department of Taxation recorded December 29, 2011 in Case No. 2011CJ-1088, Union County, Ohio Records.
26. Lien in favor of Ohio Department of Job and Family Services recorded March 12, 2012 in Official Record 955, Page 393, Union County, Ohio Records.
27. Certified Judgement Lien in favor of Ohio Department of Taxation recorded July 24, 2012 in Case No. 2012CJ-0510, Union County, Ohio Records.
28. Warranty Deed to City of Marysville recorded August 22, 2013 in Instrument No. 201308220000847, Union County, Ohio Records, conveying 1.084 acres of Parcel 2700010350010.
29. UCC continuation of original filing recorded in Official Record 192, Page 367 on December 9, 1998, in favor of JPMorgan Chase Bank, N.A. recorded October 22, 2013 as Instrument No. 201310220002704, Union County, Ohio Records.
30. Affidavit of Name Change recorded March 24, 2014 as Instrument No. 201403240001849, Union County, Ohio Records.
31. Lien in favor of Ohio Department of Job and Family Services recorded April 28, 2014 as Instrument No. 201404280002761, Union County, Ohio Records.
32. Lien in favor of Ohio Department of Job and Family Services recorded December 4, 2014 as Instrument No. 201412040008721, Union County, Ohio Records.
33. Lien in favor of Ohio Department of Job and Family Services recorded January 12, 2015 as Instrument No. 201501120000281, Union County, Ohio Records.
34. Lien in favor of Ohio Department of Job and Family Services recorded February 11, 2015 as Instrument No. 201502110001044, Union County, Ohio Records.
35. Lien in favor of Ohio Department of Job and Family Services recorded May 22, 2015 as Instrument No. 201505220003846, Union County, Ohio Records.
36. UCC in favor of The Huntington National Bank, as Trustee, recorded November 22, 2017 as Instrument No. 201711220009732, Union County, Ohio Records.
37. Lien in favor of Ohio Department of Job and Family Services recorded June 21, 2018 as Instrument No. 201806210004907, Union County, Ohio Records.
38. UCC continuation of original filing recorded in Official Record 192, Page 367 on December 9, 1998, in favor of JPMorgan Chase Bank, N.A. recorded as Instrument No. 201806280005087, Union County, Ohio Records.

39. UCC amendment of original filing recorded in Official Record 192, Page 367 on December 9, 1998, in favor of JPMorgan Chase Bank recorded July 20, 2018 as Instrument No. 201807200005758, Union County, Ohio Records.
40. UCC continuation of original filing recorded in Official Record 192, Page 321 on December 9, 1998, in favor of JPMorgan Chase Bank recorded July 27, 2018 as Instrument No. 201807270005966, Union County, Ohio Records.
41. UCC amendment of original filing recorded in Official Record 192, Page 321 on December 9, 1998, in favor of JPMorgan Chase Bank recorded August 27, 2018 as Instrument No. 201808270006835, Union County, Ohio Records.