

DESCRIPTION OF 0.868 ACRE TRACT

Situated in the State of Ohio, County of Franklin, City of Westerville, part of Quarter Township 2, Township 2, Range 17, United States Military Lands, being all of that 0.8686 acre tract as described in a deed to Denny's, Inc., of record in Deed Book 3704, Page 421, (all references for records are on file in the Recorder's Office, Franklin County, Ohio), said 0.8686 acre tract being more particularly described as follows:

Beginning for reference at a 1" iron pipe found at the intersection of the southerly right-of-way line of Huber Village Boulevard and the easterly right-of-way line of South State Street (S.R. 3), as delineated on the plat "Herbert C. Huber Plot No. 49, Section One" of record in Plat Book 40, Page 114, and being the northwesterly corner of that 0.269 acre tract as described in Parcel 3 in deed to GC Acquisition Corp., of record in Official Record Volume 12462 B19, (witness on iron pin found and used along the southerly right-of-way line of Huber Village Boulevard; being South 89°59'30" East, at 189.00 feet), Thence South 06°35'13" East, along the easterly right-of-way line of South State Street (S.R. 3), the westerly line of said 0.269 acre tract a distance of 52.35 feet to an iron pin set at the northwesterly corner of said 0.8686 acre tract, at the southwesterly corner of said 0.269 acre tract and being the True Place of Beginning of the tract herein described:

Thence South 89°59'30" East, along the northerly line of said 0.8686 acre tract, along the southerly line of said 0.269 acre tract, being parallel to and 52.00 feet southerly from the southerly right-of-way line of Huber Village Boulevard, a distance of 60.00 feet to an iron pin set, (witness a 1" iron pipe found South 89°59'30" East, at 0.94 feet);

Thence N 00°00'30" East, along a westerly line said 0.8686 acre tract, along an easterly line of said 0.269 acre tract, being perpendicular to the southerly right-of-way line of Huber Village Boulevard, a distance of 22.00 feet to a point located in the face of an existing concrete base for a retail sign;

Thence South 89°59'30" East, along the northerly line of said 0.8686 acre tract, along the southerly line of said 0.269 acre tract, being parallel to and 30.00 feet southerly from the southerly right-of-way line of Huber Village Boulevard, passing a 1" iron pipe found at a distance of 1.24 feet, a total distance of 122.52 feet to a cotton gin spindle spike set at a point of curvature;

Thence continuing along northerly line of said 0.8686 acre tract, along the southerly line of said 0.269 acre tract, being parallel to and 30.00 feet southerly from the southerly right-of-way line of Huber Village Boulevard, along the arc of a curve to the right, having a radius of 920.00 feet, a central angle of 0°13'09", an arc distance of 3.52 feet to an iron pin set at the northeasterly corner of said 0.8686 acre tract, at the northwesterly corner of that 0.8213 acre tract as described in a deed to Three C Body Shop, Inc., of record in Instrument Number 199909220239349, said arc being subtended by a chord bearing South 89°52'55.5" East, a chord distance of 3.52 feet;

Thence South 05°30'13" East, along the easterly line of said 0.8686 acre tract, along the westerly line of said 0.8213 acre tract, a distance of 198.38 feet to an iron pin set in the northerly line of that 1.6781 acre tract as described in a deed to BEF REIT, INC., of record in Official Record Volume 31183 119, at the southeasterly corner of said 0.8686 acre tract, at the southwesterly corner of said 0.8213 acre tract;

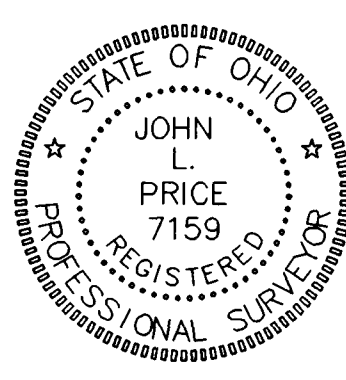
Thence South 83°27'58" West, along the southerly line of said 0.8686 acre tract, along the northerly line of said 1.6781 acre tract, passing a 1" iron pipe found at 186.04 feet, a total distance of 187.33 feet to a 1" iron pipe found with a plastic cap stamped "Turner" in the easterly right-of-way line of South State Street (S.R. 3), at the southwesterly corner of said 0.8686 acre tract, at the northwesterly corner of said 1.6781 acre tract;

Thence North 06°35'13" West, along the easterly right-of-way line of South State Street (S.R. 3), the westerly line of said 0.8686 acre tract, a distance of 197.72 feet to the True Place of Beginning and containing an area of 0.8686 acres of land, more or less.

The foregoing description has been prepared from an actual field survey of the premises by ms consultants, inc., iron pins set are 5/8" x 30" long rebar capped with a plastic cap stamped "7159-MS consultants".

The basis of bearings for this description are based on a bearing of South 89°59'30" East along the southerly right-of-way line of Huber Village Boulevard as delineated on the plat "Herbert C. Huber Plot No. 49, Section One" of record in Plat Book 40, Page 114, on file in the Recorder's Office, Franklin County, Ohio.

THIS IS TO CERTIFY TO: BOB EVANS FARMS, INC., BEF REIT, INC., AND LAWYERS TITLE INSURANCE CORPORATION, THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS" JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1999, AND INCLUDES ITEMS 1,2,3,4,6,7(A),8,10,11(A),13 AND 15, OF TABLE "A" THEREOF, PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, NSPS AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, THE UNDERSIGNED FURTHER CERTIFIES THAT THE SURVEY MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE "MINIMUM ANGLE, DISTANCE AND CLOSURE REQUIREMENTS FOR SURVEY MEASUREMENTS WHICH CONTROL LAND BOUNDARIES FOR ALTA/ACSM LAND TITLE SURVEYS".

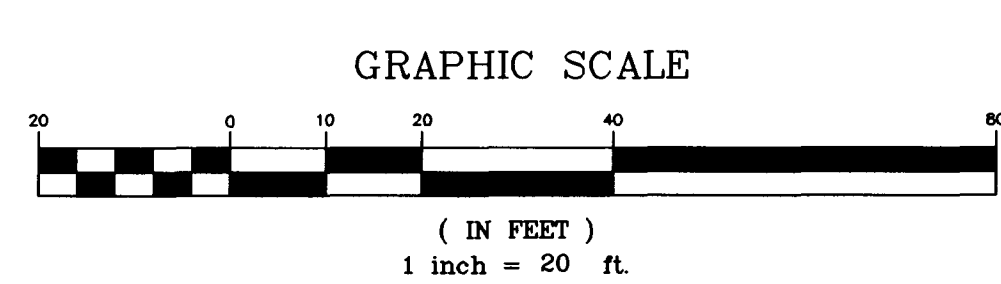


MS CONSULTANTS, INC.  
JOHN L. PRICE  
REGISTERED PROFESSIONAL SURVEYOR NO. 7159

BENCH MARK: FOR THE PURPOSE OF THIS SURVEY, AN ELEVATION OF 100.00 WAS ASSUMED ON THE FINISH FLOOR OF THE DENNY'S RESTAURANT AT THE FRONT ENTRANCE.

TEMPORARY BENCH MARK(TBM-1): TOP OF 1" IRON PIN FOUND AT INTERSECTION ON THE SOUTH LINE OF HUBER VILLAGE BOULEVARD AND THE EAST LINE OF SOUTH STATE STREET (S.R. 3). ELEVATION: 97.34

BY GRAPHICAL PLOTTING ONLY, THE SUBJECT PREMISES IS LOCATED IN ZONE X, AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN, AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, AND SHOWN ON THE FLOOD INSURANCE RATE MAP, 39049C0156 G, EFFECTIVE DATE: AUGUST 2, 1995.



- LEGEND
- △ RAILROAD SPIKE FOUND
  - IRON PIPE FOUND
  - ⊙ COTTON GIN SPINDLE SPIKE
  - IRON PIN SET, 5/8" REBAR W/ PLASTIC CAP STAMPED "7159-MS CONSULTANTS"
  - ⊕ POWER POLE
  - ⊙ LIGHT POLE
  - ⊙ SIGNAL POLE
  - ⊕ GAS VALVE
  - ⊕ GAS METER
  - ⊕ TELEPHONE PAD
  - ⊕ TELECOMMUNICATION MANHOLE
  - ⊕ CATCH BASIN, SQUARE
  - ⊕ UNKNOWN VALVE
  - ⊕ UNKNOWN MANHOLE
  - ⊕ WATER MANHOLE
  - ⊕ WATER VALVE
  - ⊕ FIRE HYDRANT
  - ⊕ IRRIGATION CONTROL BOX
  - ⊕ WATER METER
  - ⊕ IRRIGATION VALVE
  - ⊕ BOLLARD (STEEL)
  - ⊕ ELECTRIC METER
  - ⊕ SIGN
  - ⊕ SANITARY MANHOLE
  - ⊕ CLEAN OUT
  - ⊕ CURB & GUTTER INLET
  - ⊕ PULL BOX
  - ⊕ TREE
  - ⊕ TREE, EVERGREEN
  - ⊕ SHRUB/BUSH
  - ⊕ GREASE TRAP

ITEM 9. RESTRICTIONS, COVENANTS, LIMITATIONS, EASEMENTS AND/OR OTHER CONDITIONS AS ESTABLISHED IN INSTRUMENT FILED FOR RECORD JUNE 23, 1978, IN DEED BOOK 3611, PAGE 265, OF THE FRANKLIN COUNTY RECORDS, AS MODIFIED BY CORRECTIVE DEED OF RECORD IN DEED BOOK 3704, PAGE 426, (D.B. 3611, PG. 265 IS A FEE TRANSFER OF A 3.710 ACRE TRACT OF WHICH THE SUBJECT PREMISES IS A PART THEREOF, TOGETHER WITH A NONEXCLUSIVE PERPETUAL EASEMENT FOR PARKING AND LANDSCAPING WITHIN THAT 0.342 ACRE TRACT LOCATED ALONG THE NORTHERLY LINE OF THE SUBJECT PREMISES, SUBJECT TO THE RIGHT TO ERRECT TWO PYLON SIGNS WITHIN 60 FEET OF THE WEST PROPERTY LINE AND FURTHER GRANTS A NONEXCLUSIVE PERMANENT PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS ACCESS EASEMENT OVER AND THROUGH THE "ROADWAY EASEMENT LAND" AS SHOWN HEREON), (D.B. 3704, PG. 426 IS A CORRECTIVE DEED WHEREAS THE 3.710 ACRE TRACT CONVEYED IN D.B. 3611, PG. 265 INCLUDED A 0.342 ACRE TRACT WHICH WAS TO HAVE BEEN EXCLUDED FROM THE 3.710 ACRE TRACT, THE DEED DESCRIBES THE 0.342 ACRE TRACT TO BE EXCLUDED AND RESERVES THE PARKING AND LANDSCAPING EASEMENT AND THE RIGHT TO ERRECT TWO PYLON SIGNS AS DESCRIBED IN D.B. 3611, PG. 265)

ITEM 10. RESERVATIONS, RESTRICTIONS, COVENANTS, LIMITATIONS, EASEMENTS, AND/OR CONDITIONS, AS ESTABLISHED IN INSTRUMENT FILED FOR RECORD OCTOBER 29, 1974, IN DEED BOOK 3438, PAGE 1, OF THE FRANKLIN COUNTY RECORDS, (THE SUBJECT PREMISES IS A PART OF OUTLOT 3, IN ARTICLE VII, EASEMENTS, SECTION 7.3, (C) STATES THAT IF AN OUTLOT IS REMOVED FROM THE GOLD CIRCLE PROPERTY THEN THE OUTLOT IS RELEASED FROM ANY EASEMENT AND OTHER ENCUMBRANCE IMPOSED BY THE AGREEMENT, EXCEPT FOR THE SHOPPING CENTER PYLON SIGN EASEMENT WHICH IS A BURDEN ON OUTLOT 3, BY SURVEY THE SHOPPING CENTER SIGN WAS LOCATED ON THE ADJACENT 0.269 ACRE TRACT AND DOES NOT EFFECT THE SUBJECT PREMISES).

ITEM 11. RESERVATION, RESTRICTIONS, COVENANTS, LIMITATIONS AND/OR EASEMENTS RECORDED IN DEED BOOK 3438, PAGE 237, OF THE FRANKLIN COUNTY RECORDS, (AS TO PARCEL 2) (A "ROADWAY EASEMENT LAND" DESCRIBED IN PARCEL 2, RESERVING UNTO THE GRANTOR AND "BENEFITTED PROPERTY", OF WHICH THE SUBJECT PREMISES IS A PART OF OUTLOT 3, A NON-EXCLUSIVE, PERMANENT PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS ACCESS EASEMENT OVER AND THROUGH SAID "ROADWAY EASEMENT LAND" A PART OF WHICH IS PLOTTED HEREON, TOGETHER WITH THE RIGHT TO CROSS FROM OUTLOT 3 INTO THE "ROADWAY EASEMENT LAND" AT THE LOCATION AS DESCRIBED IN LINE 3 THEREIN AND SHOWN HEREON).

ITEM 12. RESERVATION RECORDED IN DEED BOOK 3385, PAGE 168 OF THE FRANKLIN COUNTY RECORDS, (IN THIS DEED OF TRANSFER FROM HUBER INVESTMENT CORPORATION TO CONTEMPORARY 70'S DEVELOPMENT COMPANY, THE GRANTOR RESERVED THE RIGHT TO ARCHITECTURAL CONTROL, AND APPROVE PLANS FOR BUILDINGS OF WHICH THE SUBJECT PREMISES IS A PART OF THAT AREA TRANSFERRED).

ITEM 13. GENERAL UTILITY EASEMENT TO THE CITY OF WESTERVILLE, FILED FOR RECORD DECEMBER 11, 1970, IN DEED BOOK 3107, PAGE 224, OF THE FRANKLIN COUNTY RECORDS, (A 30 FOOT WIDE EASEMENT FOR SANITARY SEWER LINES ALONG THE SOUTH LINE OF HUBER VILLAGE BOULEVARD, THIS EASEMENT DOES NOT EFFECT THE SUBJECT PREMISES BUT IS SHOWN HEREON, A 20 FOOT WIDE EASEMENT FOR SANITARY SEWER LINES ALONG SOUTH STATE STREET (S.R. 3) IS LOCATED ON THE SUBJECT PREMISES AND IS SHOWN HEREON).

ITEM 14. SANITARY SEWER EASEMENT TO C.H. HUBER ENTERPRISES, INC., FILED FOR RECORD NOVEMBER 11, 1972, IN DEED BOOK 3288, PAGE 602, OF THE FRANKLIN COUNTY RECORDS, ASSIGNED TO ANCO DEVELOPMENT CORPORATION IN DEED BOOK 3315, PAGE 104, (D.B. 3288, PG. 602 GRANTING AN EASEMENT TO C.H. HUBER ENTERPRISES, INC. AND THEN ASSIGNED TO ANCO DEVELOPMENT CORPORATION IN D.B. 3315, PG. 104, IS A 20 FOOT WIDE EASEMENT FOR SANITARY SEWER LINES ALONG SOUTH STATE STREET (S.R. 3), THIS IS THE SAME EASEMENT AREA AS DESCRIBED IN ITEM 13 TO THE CITY OF WESTERVILLE, AND IS SHOWN HEREON).

NOTES PERTAINING TO ITEMS IN SCHEDULE B, SECTION 2, FROM A COMMITMENT FOR TITLE INSURANCE, ISSUED BY LAWYERS TITLE INSURANCE CORPORATION, COMMITMENT NO. CO 01088IND, EFFECTIVE DATE: OCTOBER 08, 2002 AT 6:59 AM.

DESCRIPTION				
ACTA/ACSM LAND TITLE SURVEY				
LOCATION				
23 HUBER VILLAGE BLVD DENNY'S RESTUARANT WESTERVILLE, OHIO				
CLIENT				
BOB EVANS FARMS, INC				
DRAWN BY:				
TJB	CHECKED BY:	CREW CHIEF:	PROJECT No.	SHEET
	JLP	CSS	24-284.324	1 OF 1
SCALE:				
1"=20'				
DATE:				
10/24/02				