

Notes Corresponding to Schedule B - Section II
Lawyers Title Insurance Corporation
 Commitment No. 03-27836, dated December 24, 2003, Amended June 27, 2005

Survey Items Identified as:

8. DEDICATION OF POTH ROAD AS RECORDED OF RECORD IN PLAT BOOK 29, PAGE 1, FRANKLIN COUNTY RECORDS. (APPLIES TO PARCEL 1)
Dedication of right-of-way of Poth Road affects the subject property and is plotted hereon.
9. PIPE LINE RIGHT OF WAY GRANTED TO JOHN W. SMITH, RECORDED DECEMBER 28, 1918, AT MISC. VOLUME 12, PAGE 554, FRANKLIN COUNTY RECORDS. LAST ASSIGNED BY ASSIGNMENT OF RIGHTS OF WAY, RECORDED SEPTEMBER 11, 1928 AT MISC. VOLUME 27, PAGE 532, FRANKLIN COUNTY RECORDS. (APPLIES TO PARCEL 2)
Easement for a pipeline right of way and assigned to The Ohio Central Gas Co. affects the subject property. It is not plotted hereon because the description is not adequate to show its true location.
10. EASEMENT GRANTED TO COLUMBUS AND SOUTHERN OHIO ELECTRIC COMPANY, RECORDED MARCH 15, 1939, AT DEED BOOK 1079, PAGE 431, FRANKLIN COUNTY RECORDS. (APPLIES TO PARCEL 1)
Easement for a pole line along the east and north sides of Bagshaw Road affects the subject property and is not shown hereon due to undefined location and width. A pole line does exist along the north side of Poth Road and the east side of (relocated) Yearling Road.
11. EASEMENT GRANTED TO COLUMBUS AND SOUTHERN OHIO ELECTRIC COMPANY, RECORDED APRIL 11, 1941, AT DEED VOLUME 1161, PAGE 347, FRANKLIN COUNTY RECORDS. (APPLIES TO PARCEL 1)
Easement for a pole line affects the subject property and is not shown hereon due to undefined location and width.
12. EASEMENT GRANTED TO COLUMBUS AND SOUTHERN OHIO ELECTRIC COMPANY, RECORDED MAY 22, 1941, AT DEED RECORD 1127, PAGE 339, FRANKLIN COUNTY RECORDS. (APPLIES TO PARCEL 1)
Easement for a pole line affects the subject property and is not shown hereon due to undefined location and width.
13. INTENTIONALLY OMITTED. EASEMENT GRANTED TO COLUMBUS AND SOUTHERN OHIO ELECTRIC COMPANY, RECORDED NOVEMBER 12, 1942, AT DEED VOLUME 1127, PAGE 602, FRANKLIN COUNTY RECORDS. (APPLIES TO PARCEL 1)
Easement for a pole line and anchor does not affect the subject property and is not shown hereon.
14. INTENTIONALLY OMITTED. EASEMENT FOR HIGHWAY PURPOSES GRANTED TO THE STATE OF OHIO, RECORDED AUGUST 5, 1942 AT DEED RECORD 1206, PAGE 447, FRANKLIN COUNTY RECORDS. (APPLIES TO PARCEL 2)
Parcel 3A is located near the intersection of Poth Road and Hamilton Road, east of the subject property. It does not apply to the subject property and is not shown hereon.
15. EASEMENT CREATED BY DECREE IN CASE NO. 166739, COPY OF WHICH IS RECORDED AT DEED VOLUME 1445, PAGE 294, FRANKLIN COUNTY RECORDS.
Easement for road purposes for ingress and egress from the subject property to Bagshaw Road benefits the subject property and is shown hereon. A portion of this easement now lies within dedicated public roadway. This document also extends the easement right from ITEM 15 (above) to all of the lands of Charles Poth, of which the subject property is a part.
16. EASEMENT GRANTED TO THE OHIO FUEL GAS COMPANY, DEED RECORD 1606, PAGE 425, FRANKLIN COUNTY RECORDS. (APPLIES TO PARCEL 2)
Blanket easement for a pipeline affects the subject property and is not shown hereon due to undefined location.
17. EASEMENT FOR WATER LINE GRANTED TO THE BOARD OF COUNTY COMMISSIONERS, FRANKLIN COUNTY, OHIO, RECORDED JUNE 10, 1963, AT DEED VOLUME 1748, PAGE 479, FRANKLIN COUNTY RECORDS. (APPLIES TO PARCEL 2 AND 4)
Easement affects the subject property and is shown hereon.
18. INTENTIONALLY OMITTED. EASEMENT FOR WATER LINE GRANTED TO THE BOARD OF COUNTY COMMISSIONERS, FRANKLIN COUNTY, OHIO, RECORDED JUNE 11, 1963, AT DEED VOLUME 1749, PAGE 419, FRANKLIN COUNTY RECORDS. (APPLIES TO PARCEL 2 AND 4)
Cannot determine easement limits. This appears to be the same easement described in ITEM 19 (above).
19. INTENTIONALLY OMITTED. EASEMENT FOR SEWER LINE GRANTED TO THE BOARD OF COUNTY COMMISSIONERS, FRANKLIN COUNTY, OHIO, RECORDED MARCH 18, 1965 AT DEED VOLUME 1869, PAGE 524, FRANKLIN COUNTY RECORDS. (APPLIES TO PARCEL 2)
Easement for sewer line does not affect the subject property and is not shown hereon.
20. EASEMENT GRANTED TO THE OHIO FUEL GAS COMPANY, RECORDED MAY 24, 1956 AT DEED VOLUME 1959, PAGE 560, FRANKLIN COUNTY RECORDS. (APPLIES TO PARCEL 2)
Easement for gas pipeline affects the subject property and is of undefined width. It is shown in a general location, based on observed locations of the existing gas line.
21. INTENTIONALLY OMITTED. EASEMENT GRANTED TO COLUMBUS AND SOUTHERN OHIO ELECTRIC COMPANY, RECORDED JULY 31, 1957, AT DEED VOLUME 2049, PAGE 615, FRANKLIN COUNTY RECORDS. (APPLIES TO PARCEL 1)
Easement for anchor does not apply to the subject property and is not shown hereon.
22. EASEMENT GRANTED TO COLUMBUS AND SOUTHERN OHIO ELECTRIC COMPANY, RECORDED DECEMBER 7, 1966, AT DEED BOOK 2778, PAGE 31, FRANKLIN COUNTY RECORDS. (APPLIES TO PARCEL 2)
Easement for a pole line affects the subject property and is shown hereon. Yearling Road has been relocated from its original location. The easement is shown based on the existing pole line.
23. INTENTIONALLY OMITTED. EASEMENT AGREEMENT BY AND BETWEEN THE UNION CENTRAL LIFE INSURANCE AND THE KROGER CO., RECORDED DECEMBER 12, 1967, AT DEED BOOK 2862, PAGE 185, FRANKLIN COUNTY RECORDS. (APPLIES TO PARCEL 2)
The two parcels (A and B) that are part of the agreement are now under one ownership (THE KROGER CO.). The merger of these parcels cause this agreement to no longer apply.
24. RIGHT OF WAY AND EASEMENT GRANTED TO COLUMBUS AND SOUTHERN OHIO ELECTRIC COMPANY RECORDED OCTOBER 4, 1976 IN DEED VOLUME 3544, PAGE 915, FRANKLIN COUNTY RECORDS. (APPLIES TO PARCEL 3)
Easement for pole line and anchors affects the subject property and is shown hereon.
25. RIGHT OF WAY AND EASEMENT GRANTED TO COLUMBUS AND SOUTHERN OHIO ELECTRIC COMPANY, RECORDED OCTOBER 4, 1976 IN DEED BOOK 3544, PAGE 921, FRANKLIN COUNTY RECORDS, AS SUBSEQUENTLY MODIFIED BY SUPPLEMENTAL DEED OF EASEMENT RECORDED IN INSTRUMENT NO. 199706250031408, AFORESAID RECORDS. (APPLIES TO PARCEL 1)
Easement for pole line and anchors affects the subject property and is shown hereon.
26. DEED OF EASEMENT GRANTED TO CITY OF WHITEHALL, OHIO FOR STORM SEWER PURPOSES, RECORDED NOVEMBER 23, 1990, IN OFFICIAL RECORD 16143A01, FRANKLIN COUNTY RECORDS. (APPLIES TO PARCEL 3)
Easement for storm sewer affects the subject property and is shown hereon.
27. EASEMENT GRANTED TO CITY OF WHITEHALL, OHIO, RECORDED JANUARY 10, 1986, IN OFFICIAL RECORD 06827D08, FRANKLIN COUNTY RECORDS. (APPLIES TO PARCEL 2, 3 AND 4)
Easement for water line affects the subject property and is shown hereon.
33. SPUR TRACK EASEMENT OF RECORD IN DEED BOOK 1238, PAGE 252, FRANKLIN COUNTY RECORDS. (APPLIES TO PARCEL 2)
TERMS AND CONDITIONS OF PERPETUAL INGRESS-EGRESS EASEMENT FOR SPUR TRACT GRANTED BY THE UNITED STATES OF AMERICA IN FINAL ENTRY OF U. S. DISTRICT COURT, CASE NO. 517, RECORDED JUNE 7, 1944, AT DEED RECORD 1238, PAGE 252, FRANKLIN COUNTY RECORDS. (APPLIES TO PARCEL #1)
Perpetual easement or right of ingress and egress by means of a spur track is appurtenant to the subject property and the general location is shown hereon. The location is not expressly defined; the siding that exists is shown in its observed location.
34. EASEMENT GRANTED TO THE BALTIMORE AND OHIO RAILROAD COMPANY AND THE PENNSYLVANIA RAILROAD COMPANY, RECORDED AUGUST 22, 1956, AT DEED BOOK 1979, PAGE 93, FRANKLIN COUNTY RECORDS. (APPLIES TO PARCEL 2)
Easement for spur track affects the subject property and is shown hereon.
35. WATER LINE EASEMENT GRANTED TO CITY OF WHITEHALL, OHIO, RECORDED IN DEED BOOK 3506, PAGE 934, FRANKLIN COUNTY RECORDS.
Easement for a water line affects the subject property and is shown hereon.

OTHER ITEMS NOT CONTAINED IN COMMITMENT

- A. EASEMENT FOR POLE LINE GRANTED TO COLUMBUS AND SOUTHERN OHIO ELECTRIC COMPANY, RECORDED AUGUST 8, 1941, AT DEED RECORD 1162, PAGE 314, FRANKLIN COUNTY RECORDS. (APPLIES TO PARCEL #1)
Easement for a pole line affects the subject property and is not shown hereon due to undefined location and width.

Other easements and notes regarding encroachments

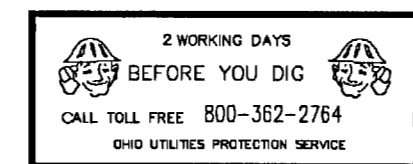
None noted.

Notes:

The following records were used to compile this survey:
 Dedication of Poth Road, Plat Book 29, Page 1

Monumentation Notes:

Iron pins set consist of a 5/8" rebar, 30" in length, with a plastic cap inscribed: RM Foster, S-7729.

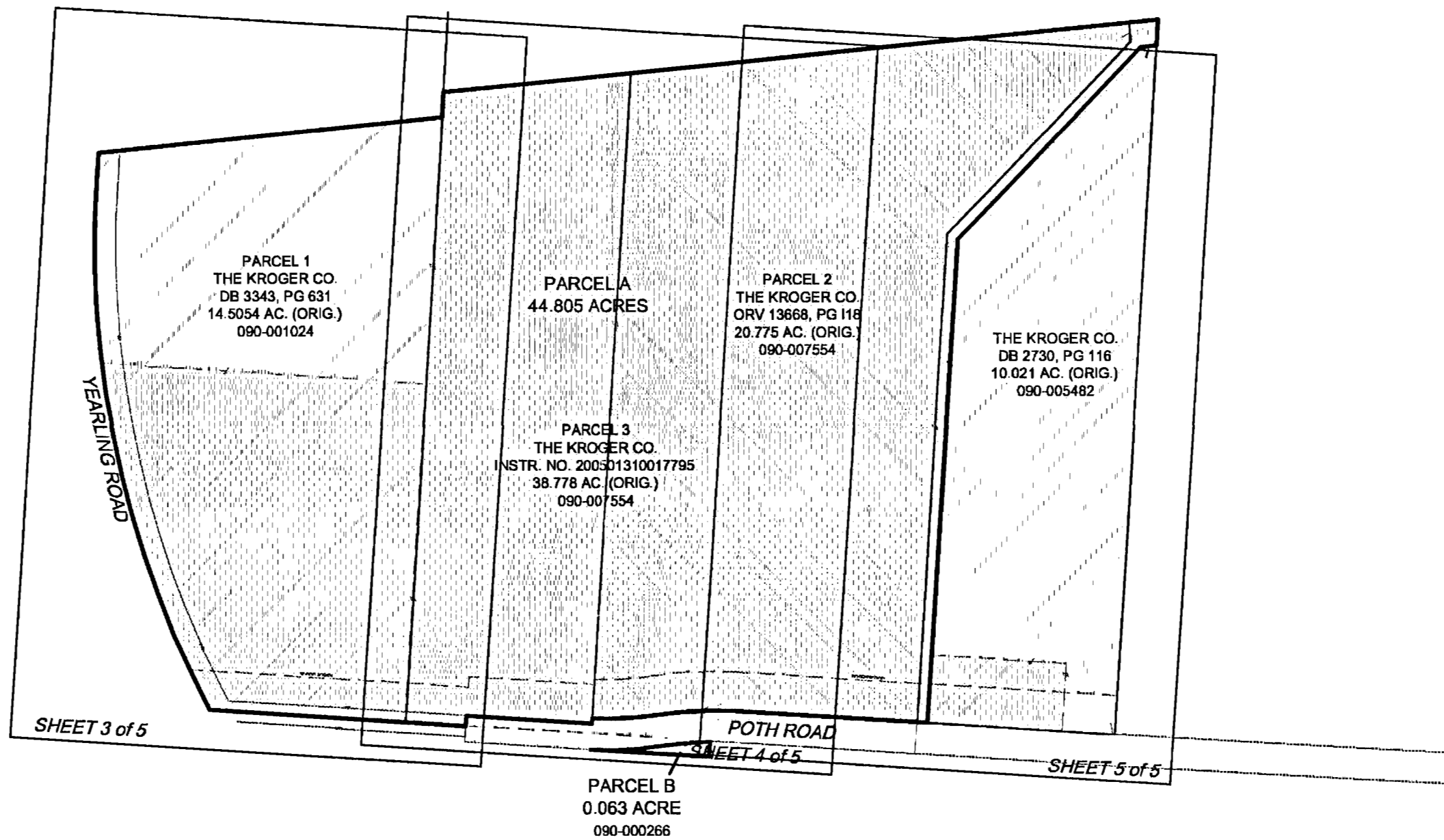


Utility Notes:
 Utility information is from a combination of field markings and plan information. Underground facilities are shown relative to locations provided by others. These locations were field located based on these locations and no warranty is expressed or implied as to the correctness of facilities shown. It is the responsibility of those relying on the survey to contact the appropriate utility to expose the facilities and obtain accurate locations prior to construction.

OUPS Ticket No.: 713 044 002

ALTA/ACSM LAND TITLE SURVEY
 QTR TWP. 4, TOWNSHIP 1, RANGE 17
 UNITED STATES MILITARY DISTRICT
 WHITEHALL, OHIO

THE KROGER CO.
44.805 ACRES
POTH ROAD DISTRIBUTION FACILITY
 Deed Book 2730, Page 116
 Deed Book 3343, Page 631
 Official Records Volume 13668, Page 1 18
 Instrument Number 200501310017795
 Auditor Parcel No. 090-001024, 090-000266 & 090-007554



Parcel Information:

Address
 4450 Poth Road
 Whitehall, Ohio

Zoning
 Limited Industrial District (I-2), Section 1123.13

Side and Rear Yard Setback; for main and accessory structures including open storage, service and loading areas, the required side yards shall be not less than one-third the sum of the height and depth of the structure, but in no case shall be less than twenty-five feet from the interior lot line and fifty feet from any residential district.

Front Yard Setback; for main and accessory structures, including open storage, service and loading areas, the required front yard shall not be less than seventy-five feet.

Parking (Chapter 1126); number required is dependent on use of subject property. Refer to Chapter 1126 for pertinent information.

Flood Zone Info
 By graphic depiction, the subject parcel is within Zone X, Map No. 39049C0260 G, effective date August 2, 1996.

SEP 07 2005

We hereby certify to:

E.R.A. COMPANY, A NEW YORK LIMITED LIABILITY COMPANY;
 POTH ROAD, LLC;
 THE KROGER CO.;
 PNC BANK, NATIONAL ASSOCIATION; AND/OR
 LAND AMERICA COMMERCIAL SERVICES AND/OR LAWYERS TITLE INSURANCE CORPORATION

This is to certify that this map or plat numbered Sheets 1, 2, 3, 4 and 5 of 5 and the survey on which it is based were made:

(i) 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, 7a, 8, 9, 10, 11a and 13 from Table A thereof and;

(ii) pursuant to the Accuracy Standards (as adopted by ALTA and ACSM in and effect on the date of this certification) of a Suburban Survey;

(iii) that this survey is based on a field survey performed in May and June 2005 and conforms to the Minimum Standards for boundary Surveys as defined in Ohio Administrative Code Chapter 4733-37;

(iv) encroachments observed are noted hereon;

(v) items concerning title as furnished in Title Commitment No. 03-27836, by Lawyers Title Insurance Corporation are addressed hereon.

This 2nd day of September, 2005

earthmetric, LLC:

Robert M. Foster, P.S.
 Registered Professional Surveyor No. 7729



Utilities:

Columbia Gas of Ohio
 939 W Goodale Blvd.
 Columbus, OH 43212
 (614) 460-6318

American Electric Power
 215 N Front St
 Columbus, OH 43215
 (614) 464-7911

SBC/Ameritech
 150 E Gay St
 Room 6F
 Columbus, OH 43215
 (614) 223-8562

Coaxial Communications
 360 South Yearling Road
 Whitehall, OH 43217
 (614) 236-1292

City of Whitehall
 360 South Yearling Road
 Whitehall, OH 43213
 (614) 237-8612

LINES		LEGEND		SYMBOLS	
-----	PARCEL BOUNDARY	-----	WOVEN WIRE FENCE	⊗	PK NAIL FOUND
-----	INTERIOR PARCEL BOUNDARY	-----	CHAIN LINK FENCE	⊗	RAIL SPIKE FOUND
-----	EASEMENT LIMITS	-----	GAS LINE	⊗	PIPE FOUND
-----	MUNICIPALITY BOUNDARY	-----	POWER LINE (OVERHEAD)	⊗	REBAR FOUND
-----	CENTERLINE OF ROAD	-----	POWER LINE (UNDERGROUND)	⊗	PINCH TOP FOUND
-----	PAVEMENT	-----	TEL LINE (OVERHEAD)	⊗	PK NAIL SET
-----	CONCRETE (WALK, ETC)	-----	TEL LINE (UNDERGROUND)	⊗	RAIL SPIKE SET
		-----	STORM	⊗	REBAR SET
		-----	SAN	⊗	5/8" REBAR SET W/CAP
		-----	RAILROAD TRACK	⊗	(R.M. FOSTER, S-7729)
		-----		⊗	DECIDUOUS TREE
		-----		⊗	CONIFER TREE
		-----		⊗	STUMP
		-----		⊗	SIGN
		-----		⊗	POWER POLE
		-----		⊗	LIGHT POLE
		-----		⊗	TEL POLE
		-----		⊗	TEL-POWER-LIGHT POLE
		-----		⊗	TEL CLOSURE
		-----		⊗	TEL MANHOLE
		-----		⊗	SANITARY MANHOLE
		-----		⊗	STORM SEWER MANHOLE
		-----		⊗	STORM-CATCH BASIN
		-----		⊗	STORM-CURB INLET
		-----		⊗	WATER METER
		-----		⊗	WATER VALVE
		-----		⊗	WATER-FIRE HYDRANT

Rev No.	Date	Revision
1	9-2-2005	UPDATED PER LENDER COUNSEL REVIEW
2	8-15-2005	UPDATED PER CLIENT COUNSEL REVIEW
3	6-21-2005	UPDATED PER TITLE COMMITMENT CHANGES

Location: 43213 Drawn/Crkd: RF/RF
 Job No. 05009-05-001 SHEET 1 OF 5
 Date: JUN 01, 2005

earthmetric, LLC
 120 East Main St., Ste B
 Circleville, OH 43113
 740.420.7111
 614.263.6600
 866.256.1065 fax

E.R.A. COMPANY, LLC

TITLE SHEET AND GENERAL NOTES

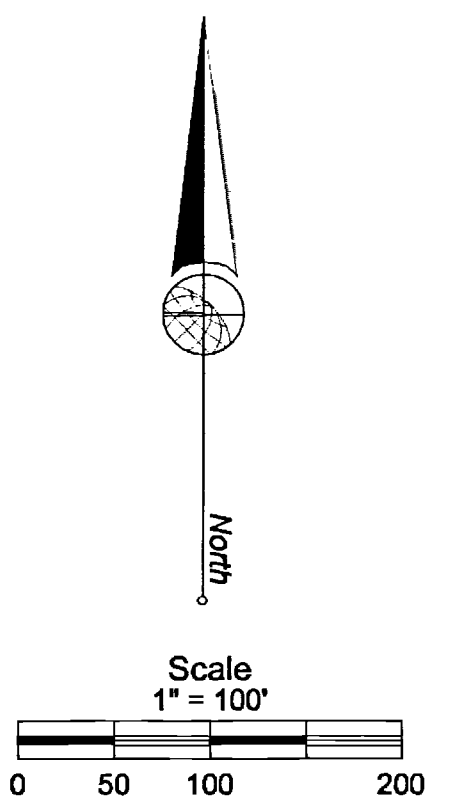
Basis of Bearings

Bearings are based on the centerline of Poth Road as shown on DEDICATION OF POTH ROAD, of record in Plat Book 29, Page 1 and given as North 86 degrees 27 minutes West.

**ALTA/ACSM LAND TITLE SURVEY
QTR TWP. 4, TOWNSHIP 1, RANGE 17
UNITED STATES MILITARY DISTRICT
WHITEHALL, OHIO**

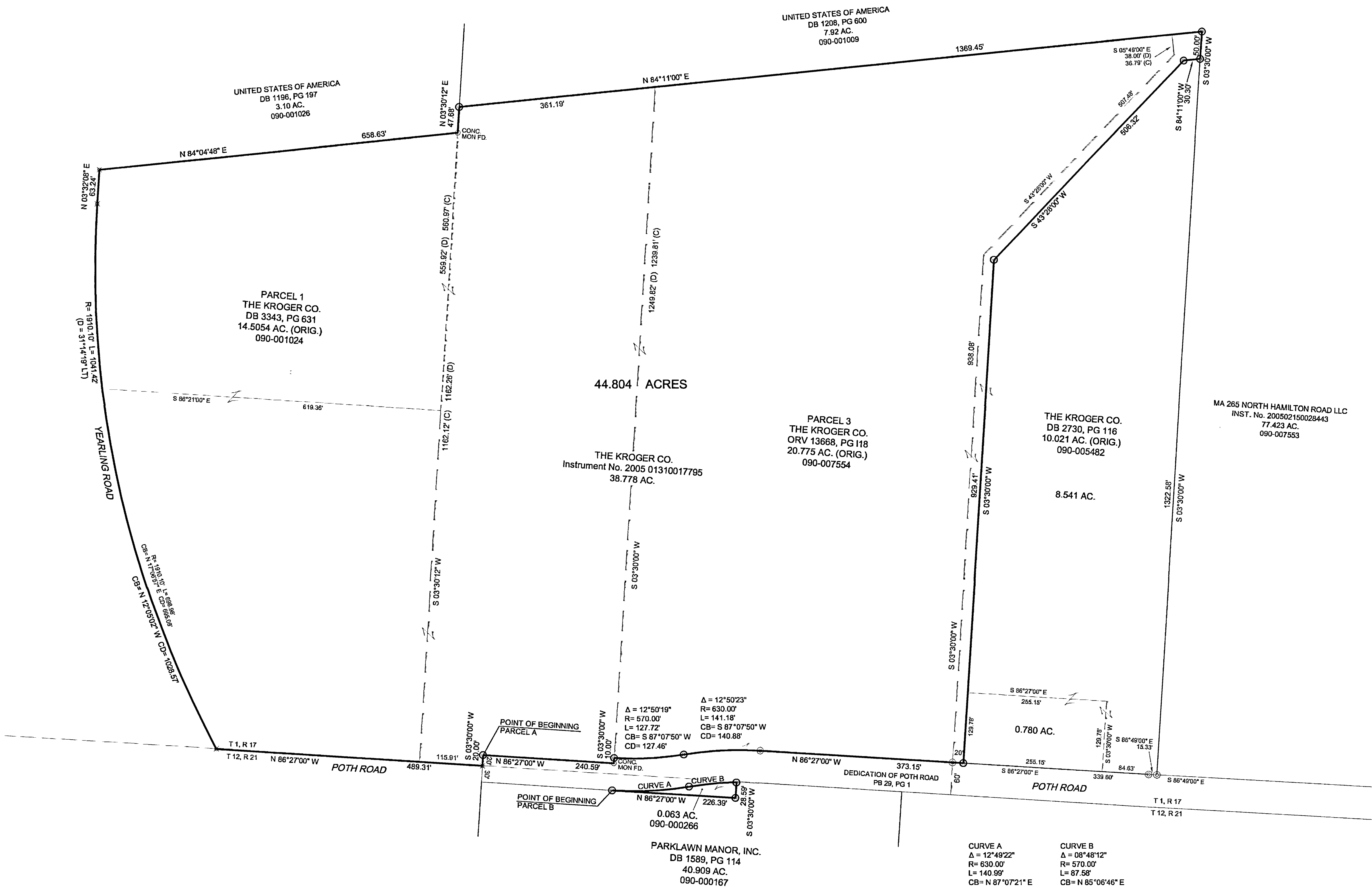


earthmetric, LLC
120 East Main St., Ste. B
Circleville, OH 43113
740.420.7111
614.253.8600
666.258.1056 fax



E.R.A. COMPANY, LLC

BOUNDARY SURVEY

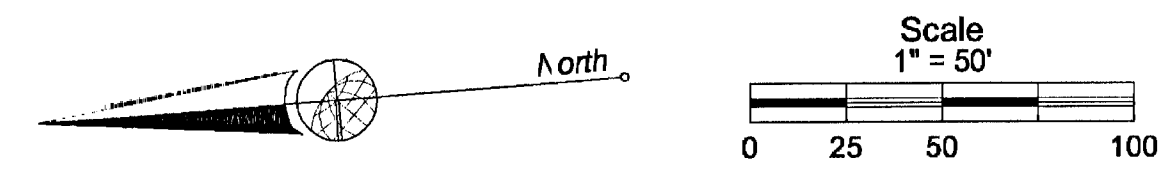


Rev No.	Date	Revision
1	6-21-2005	UPDATES PER CHANGES TO COMMITMENT
Location: 43213		Drawn/Chkd: RF/RF
Job No. 05009-05-001		SHEET 2 OF 5
Date: Jun 1, 2005		

RECEIVED
SEP 07 2005
Franklin County Engineer
Darin C. Ringler, P.E., P.S.

Basis of Bearings
 Bearings are based on the centerline of Poth Road as shown on DEDICATION OF POTH ROAD, of record in Plat Book 29, Page 1 and given as North 86 degrees 27 minutes West.

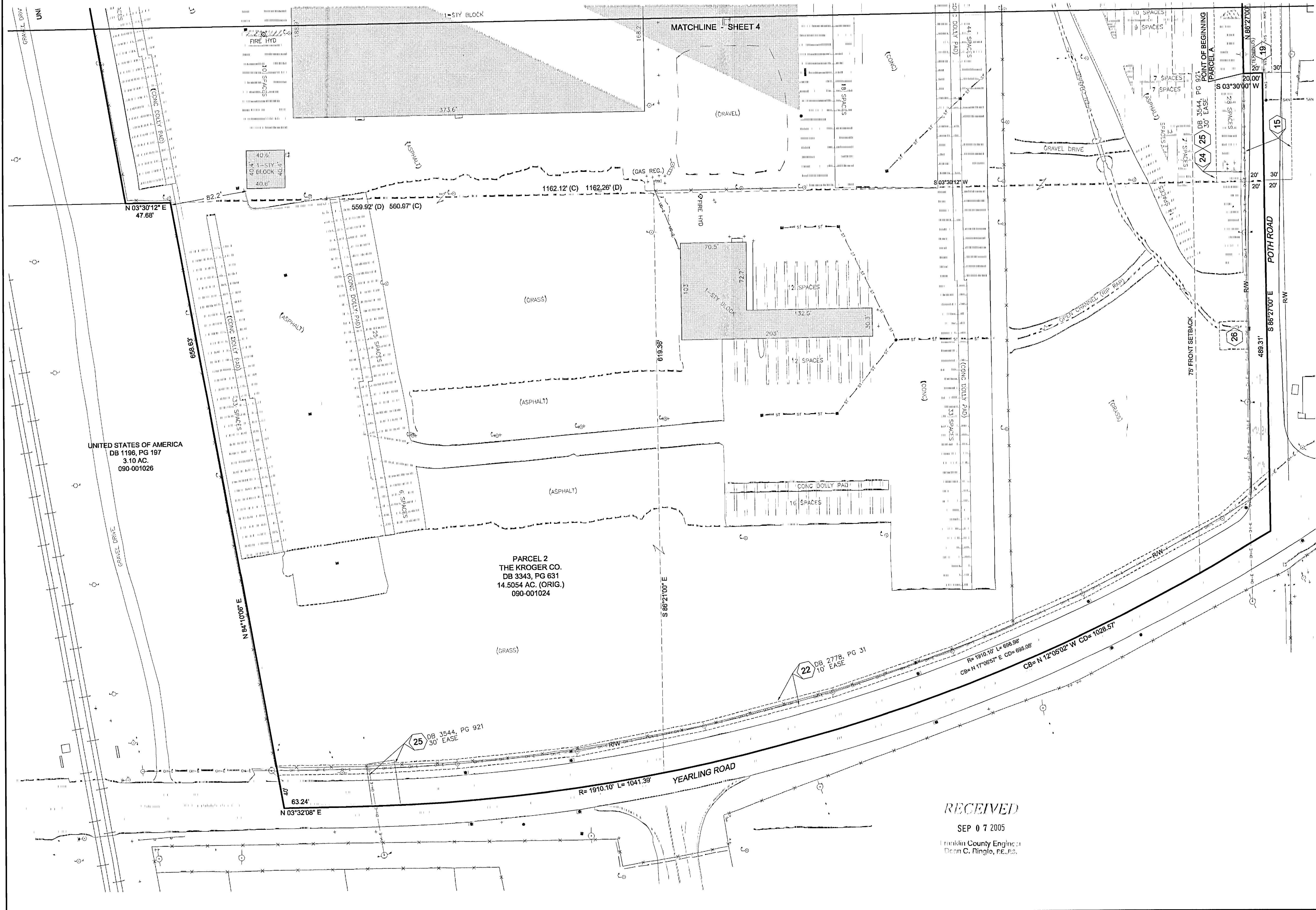
ALTA/ACSM LAND TITLE SURVEY
QTR TWP. 4, TOWNSHIP 1, RANGE 17
UNITED STATES MILITARY DISTRICT
WHITEHALL, OHIO



earthmetric, LLC
 120 East Main St., Ste B
 Circleville, OH 43113
 40.420.7111
 614.253.6900
 866.253.1066 fax

E.R.A. COMPANY, LLC

DETAIL SHEET

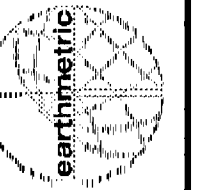
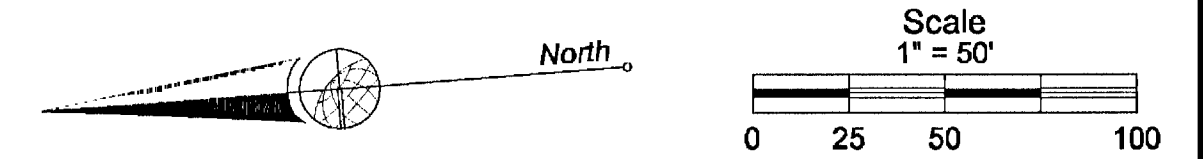


RECEIVED
 SEP 07 2005
 Franklin County Engineer
 Dean C. Ringle, P.E., P.S.

Rev No.	Date	Revision
△		
△	9-2-2005	UPDATED PER LENDER COUNSEL REVIEW
△	8-15-2005	UPDATED PER CLIENT COUNSEL REVIEW
△	6-21-2005	UPDATED PER TITLE COMMITMENT CHANGES
Location: 43213		Drawn/Chkd: RF/RF
Job No. 05009-05-001		SHEET 3 OF 5
Date: Jun 1, 2005		

ALTA/ACSM LAND TITLE SURVEY
 QTR TWP. 4, TOWNSHIP 1, RANGE 17
 UNITED STATES MILITARY DISTRICT
 WHITEHALL, OHIO

MATCHLINE - SHEET 5

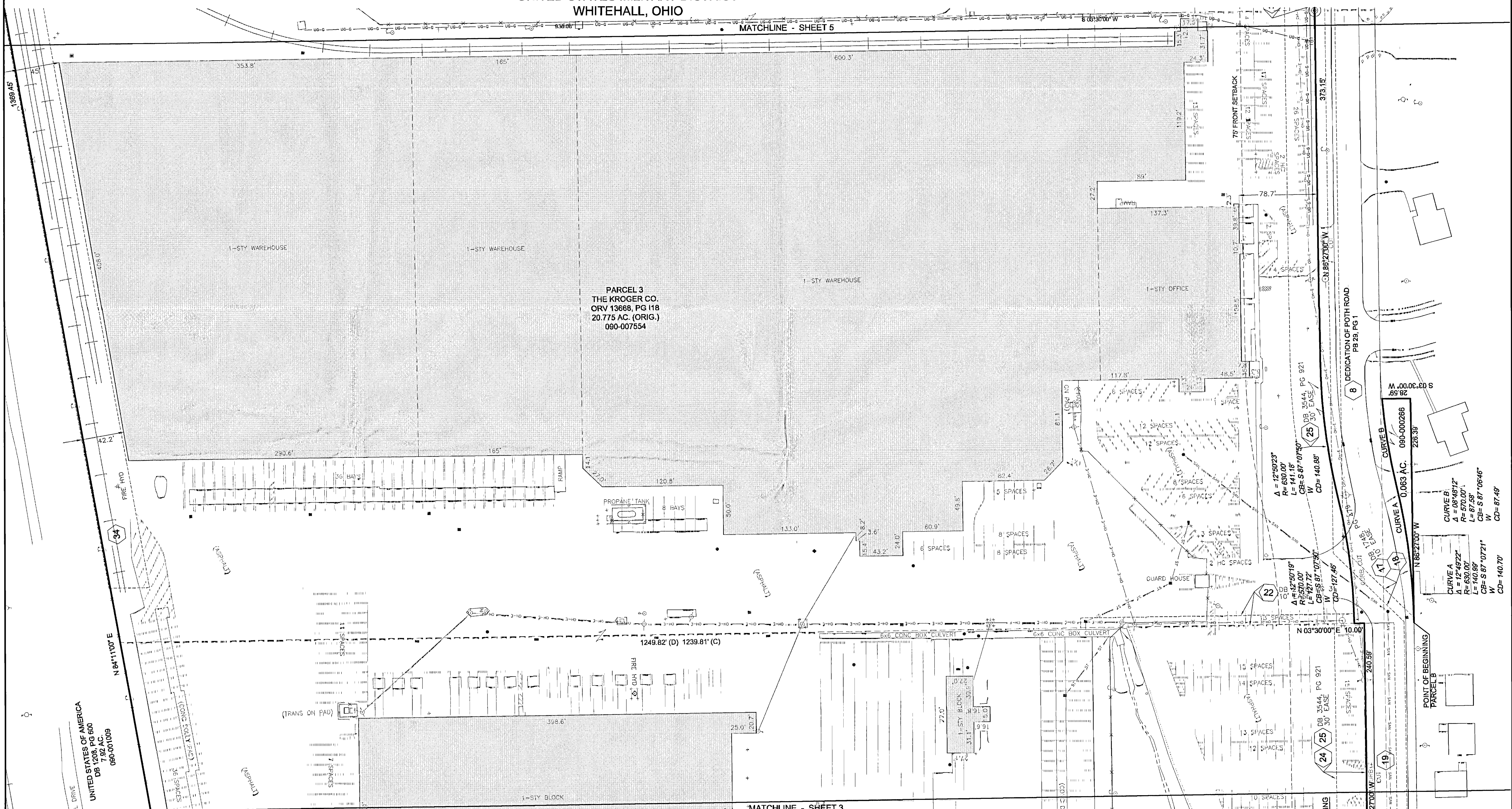


earthmetric, LLC
 120 East Main St., Ste B
 Circleville, OH 43113
 740.670.1111
 614.953.8900
 866.258.1868 fax

E.R.A. COMPANY, LLC

DETAIL SHEET

PARCEL 3
 THE KROGER CO.
 ORV 13668, PG 118
 20.775 AC. (ORIG.)
 080-007554



MARKL DRIVE
 UNITED STATES OF AMERICA
 DB 1208, PG 600
 7.92 AC.
 080-001009

MATCHLINE - SHEET 3

RECEIVED

SEP 07 2005

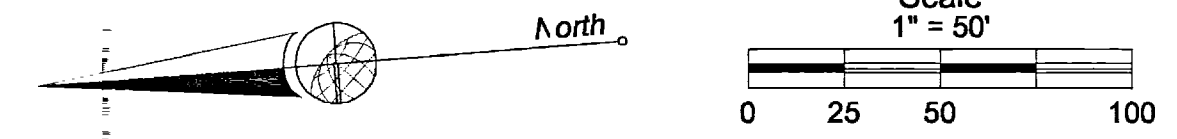
Franklin County Engineer
 Dawn C. Ringle, P.E., P.S.

Basis of Bearings

Bearings are based on the centerline of Poth Road as shown on DEDICATION OF POTH ROAD, of record in Plat Book 29, Page 1 and given as North 86 degrees 27 minutes West.

Rev No.	Date	Revision
2	9-2-2005	UPDATED PER LENDER COUNSEL REVIEW
2	8-15-2005	UPDATED PER CLIENT COUNSEL REVIEW
1	6-21-2005	UPDATED PER TITLE COMMITMENT CHANGES
Location: 43213		Drawn/Chkd: RF/RF
Job No. 05009-05-001		SHEET 4 OF 5
Date: Jun 1, 2005		

ALTA/ACSM LAND TITLE SURVEY
 QTR TWP. 4, TOWNSHIP 1, RANGE 17
 UNITED STATES MILITARY DISTRICT
 WHITEHALL, OHIO



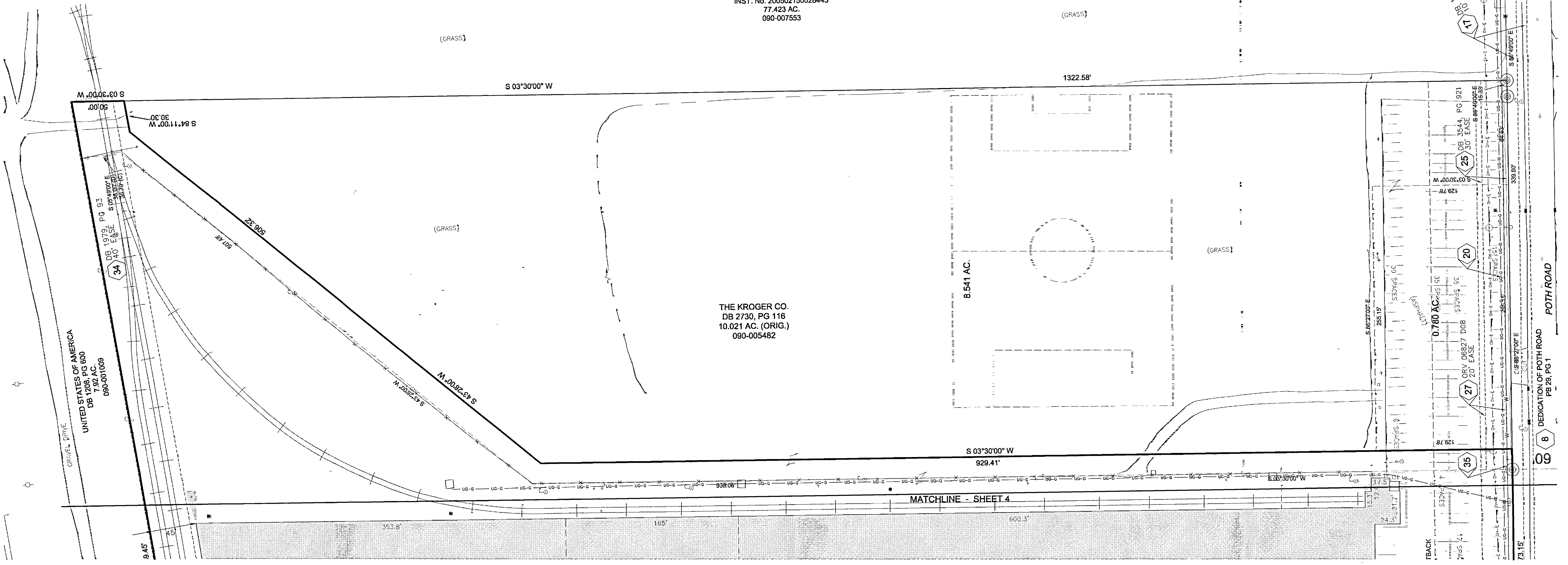
earthmetric, LLC
 120 East Main St., Ste B
 Circleville, OH 43113
 40.420.7111
 614.263.6600
 866.258.1066 fax

E.R.A. COMPANY, LLC

DETAIL SHEET

MA 265 NORTH HAMILTON ROAD LLC
 INST. No. 200502150028443
 77.423 AC.
 090-007553

THE KROGER CO.
 DB 2730, PG 116
 10.021 AC. (ORIG.)
 090-005482



RECEIVED
 SEP 07 2005
 Franklin County Engineer
 Dean C. Angle, R.E., P.E.

Basis of Bearings
 Bearings are based on the centerline of Poth Road as shown on
 DEDICATION OF POTH ROAD, of record in Plat Book 29, Page
 1 and given as North 88 degrees 27 minutes West.

Rev No.	Date	Revision
△		
△	8-2-2005	UPDATED PER LENDER COUNSEL REVIEW
△	8-15-2005	UPDATED PER CLIENT COUNSEL REVIEW
△	6-21-2005	UPDATED PER TITLE COMMITMENT CHANGES
Location: 43213		Drawn/Chkd: RF/RF
Job No. 05009-05-001		SHEET 5 OF 5
Date: Jun 1, 2005		