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Instrument Number: 202109300175519
Recorded Date: 09/30/2021 9:31:43 AM

Daniel J. O'Connor Jr.
Franklin County Recorder
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Columbus, OH 43215
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Document Page Count: 16

Submitted By (Walk-In):
WILLIAMS & STROHM LLC

Walk-In

First Grantor:	**First Grantee:**
NEW ALBANY PARK CONDOMINIUM ASSN	NEW ALBANY PARK CONDOMINIUM ASSN

Fees:		**Instrument Number:** 202109300175519
Document Recording Fee:	$34.00	**Recorded Date:** 09/30/2021 9:31:43 AM
Additional Pages Fee:	$112.00	
Marginal Reference Fee:	$4.00	
Total Fees:	$150.00	
Amount Paid:	$150.00	
Amount Due:	$0.00	

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AFFIDAVIT OF FACTS

NEW ALBANY PARK CONDOMINIUM

O.R.C. §5301.252

AMENDED LEASING RESTRICTION RULE

This instrument prepared by Brad J. Terman, Esq., Williams & Strohm, LLC, 2 Miranova Place, Suite 380, Columbus, Ohio 43215.

AFFIDAVIT OF FACTS RELATING TO TITLE
(Pursuant to O.R.C. 5301.252)

State of Ohio,
County of Franklin, ss:

The undersigned, first being duly cautioned and sworn, hereby states as follows:

1. That the undersigned is the Property Manager of **New Albany Park Condominium**, and **New Albany Park Condominium Association** of Franklin County, Ohio.

2. That **New Albany Park Condominium Association** is the condominium association responsible for the administration of the common elements of the **New Albany Park Condominium** and for the promulgation and administration of the Rules of the Association under O.R.C. §5311 *et seq.* and the New Albany Park Condominium Declaration and Bylaws.

3. That **New Albany Park Condominium Association** has promulgated certain rules regarding the rental and leasing of condominium units at **New Albany Park Condominium** in the past and that attached hereto as "Exhibit A", is a complete copy of the amended leasing restriction rule.

4. That this leasing restriction rule, once recorded with the Franklin County, Ohio Recorder, will supersede the leasing restriction rule recorded in Instrument Number 202001070002274, Franklin County, Records and all other leasing restriction rules recorded prior to January 7, 2020.

5. The real estate which is subject to this Affidavit and governed by the said Rule is described in the attached legal description titled "Exhibit B".

6. This Affidavit is made pursuant to O.R.C. 5301.252 for the purpose of setting forth facts which may effect the title to units within the **New Albany Park Condominium**.

7. Further Affiant Sayeth Naught.

By: _____
Cody Curtis, Property Manager of New Albany Park Condominium Association

Sworn to and subscribed in my presence this 28th day of September, 2021.

NOTARIAL SEAL STATE OF OHIO

Meagan Leach Natale
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration Date
Sec 147.03 RC

Meagan Leach Natale
Notary Public

EXHIBIT A

LEASING RESTRICTION RULE FOR NEW ALBANY PARK CONDOMINIUM

At a meeting of the Board on August 21, 2008, at which a quorum was present, a Leasing Restriction Rule for New Albany Park Condominium was passed by a majority of the Directors present. The Leasing Restriction Rule for New Albany Park Condominium became effective on September 1, 2008.

On November 19, 2009, the Leasing Restriction Rule was amended to raise the percentage of units in the Condominium that shall be subject to any leasehold interest, unrecorded land contract interest, or general tenancies in persons other than the owner, from no more than 10% of all units in the Condominium to no more than 12% of all units in the Condominium. This amendment was adopted at a meeting of the Board on November 19, 2009, at which a quorum was present and was passed by a majority of the Directors present. On August 18, 2011, the Leasing Restriction Rule was amended to raise the percentage of units in the Condominium that shall be subject to any leasehold interest, unrecorded land contract interest, or general tenancies in persons other than the owner, from no more than 12% of all units in the Condominium to no more than 20% of all units in the Condominium.

On November 20, 2019, the Leasing Restriction Rule was amended again and approved by Directors with the consent of all Directors who were present at a meeting at which a quorum was present, to lower the percentage of units in the Condominium that shall be subject to any leasehold interest, unrecorded land contract interest, or general tenancies in persons other than the owner, from no more than 20% of all units in the Condominium to no more than 15% of all units in the Condominium.

On September 15, 2021, the Leasing Restriction Rule was amended again and approved by a majority of the Directors who were present at a meeting at which a quorum was present, to lower the percentage of units in the Condominium that shall be subject to any leasehold interest, unrecorded land contract interest, or general tenancies in persons other than the owner, from no more than 15% of all units in the Condominium to no more than 10% of all units in the Condominium. No other provisions of this rule have been changed, and all references to the effective date of this rule shall continue to refer to September 1, 2008.

AMENDED RULE ON PERCENTAGE LEASING RESTRICTION

No unit shall be used for any purpose other than a dwelling place for a single family and for purposes necessarily incidental thereto. Notwithstanding any other provision of the Declaration or By-Laws, and only as excepted as set forth in this rule, no more than 10% of all units (43 units) in the Condominium shall be subject to any leasehold interest, unrecorded land contract interest, or general tenancies in persons other than the owner, and all other units shall be occupied by an owner thereof. This rule shall not effect the existing term of any lease, unrecorded land contract or other general tenancies in effect on the effective date. However, all such existing leases, unrecorded land contracts or other general tenancies shall count toward the 10% limit, and the limit may be exceeded only if the existing units subject to such a lease, unrecorded land contract or other general tenancies total more than 43 units on the effective date of this rule.

If any unit under a lease, unrecorded land contract or other general tenancy on the effective date of this rule, ceases to be occupied by a tenant or other persons not the owner for any period in excess of sixty (60) days, that unit shall immediately lose its status as a rental unit and be subject to the restrictions on leasing as set forth herein and the rules established by the Board for maintenance of a leasing list. The Board , fairly and without discrimination, will administer a leasing list, conduct leasing surveys, and approve leases only so as to meet the above percentage requirements and lending requirements and the provisions of this Rule, and in addition the Board will promulgate additional rules to make exceptions for unique family or ownership circumstances and/or for hardship, which exceptions, if granted, shall not count toward the 10% limitation set forth herein.

This provision shall not restrict the right of an institutional first mortgagee, insurer or guarantor which takes title to a unit by deed in lieu of foreclosure, or as a purchaser at a foreclosure sale, to rent the Unit so acquired, which rentals shall not count toward the 10% limit.

Further, to the extent that leases are permitted hereunder, no lease may be of less than an entire unit and shall not extend longer than one (1) year, except such leases may be extended as permitted by the Board for an additional period of no more than six (6) months for the purpose of the sale of the unit.

At the end of any lease term, leases may be renewed in writing for successive periods of not less than one year without Board approval, provided that written notice be provided to the Board of such renewal within 30 days after the renewal term. A new lease made with a new tenant shall be subject to Board approval as stated herein, and in this manner, such Unit shall maintain its status as a leased Unit. However a Unit shall lose its status as a leased unit if it ceases to be occupied by a tenant or other persons not the owner for any period in excess of sixty (60) days, or if the Owner is in violation of any provision of this Rule, or if the Board fails to approve the lease for a new tenant of an existing leased Unit.

No unit or part thereof shall be rented or used for transient or hotel purposes, which is defined as: (a) rental for any period less than six (6) months; (b) rental under which occupants are provided customary hotel services such as room service for food and beverages, maid service, the furnishing of laundry and linen, busboy service, and similar services; or (c) rental to roomers or boarders, that is, rental to one or more persons of a portion of a unit only. Any lease agreement, general tenancy in others, or unrecorded land contract shall be in writing on a form lease adopted by the Board or land contract which has first been approved by the Board, and shall provide that the lease or land contract shall be subject in all respects to the provisions of the Declaration, Bylaws, and to the Rules and Regulations promulgated from time to time by the Board, and shall provide that the failure by the tenant to comply with the terms of the Declaration, By-laws, and Rules and Regulations of the condominium shall be a default under the lease. At least twenty (20) days prior to the commencement of the term of any tenancy the unit owner shall provide a copy of the lease or land contract to the Board and notify the Board, in writing, the name or names of the tenant or tenants and time during which the lease or land contract term shall be in effect. Failure to so provide this information to the Board may result in an enforcement assessment of $500.00, pursuant to provisions of Ohio law requiring notice and opportunity for hearing. The Board may disapprove any lease or land contract which does not meet the above requirements.

If any unit owner or tenant fails to abide by this rule for rental units, or any other rules of the Association, or the terms of the Declaration and By-laws, the Board may institute

enforcement assessment proceedings against the unit owner and may commence an action for eviction of any and all tenants in the offending unit in any Court of competent jurisdiction, in the name of the unit owner and as owner's agent for this sole purpose and shall charge all costs of such eviction and enforcement, including reasonable attorney fees, to the unit owner violating this provision. Before any eviction action is commenced, the Unit owner shall be given written notice and opportunity for hearing before the Board. Any such costs so incurred shall be the subject of a special assessment against the offending unit and made a lien against the offending unit, which lien may be foreclosed in the same manner as provided by Ohio law or the Declaration and Bylaws.

LEASE APPROVAL PROCEDURE

All requests for lease under the above rules must be made in writing to the Board. The Board shall review the request and either grant the request in writing, or hold a hearing on the issue, within 15 days. In this regard, the Board will want to review the proposed lease, Trust or other relevant documents. All leases must be in writing and shall not extend beyond one (1) year, unless for good reason as determined by the Board. All leases must contain the language that the lease is subject in all respects to the provisions of the Declaration, Bylaws, and rules and regulations of the condominium, and that failure to abide by these shall constitute a default under the lease. No occupancy shall be given to new occupants prior to the approval in writing given by the Board. In the event of a hardship variance, no Unit, by virtue of a variance, will become a rental unit under the above rule and thereby be subject to grand fathering.

EXHIBIT B

EXHIBIT "A"
NEW ALBANY PARK
CONDOMINIUMS
8.329 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 2, Township 2, Range 16, United States Military Lands and being all of that 0.281 acre tract conveyed to New Albany Park, Ltd. by deed of record in Instrument Number 200211080285352 and 8.048 acre out of the 37.052 acre tract conveyed to New Albany park Ltd. by deed of record in Instrument Number 200206140147840 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at Franklin County Geodetic Survey Monument Number 5212, marking a southeasterly corner of that 1.104 acre tract conveyed to Denise A. Wolery by deed of record in Official Record 18559A07, being in the centerline of Central College Road, said monument being North 85° 59' 39" West, with said centerline a distance of 2710.83 feet from Franklin County Geodetic Survey Monument 5211;

thence South 85° 59' 39" East, with said centerline, a distance of 408.79 feet to a mag nail set at a southwesterly corner of the remainder of that 80.516 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 200002230036274;

thence North 03° 37' 59" East, with a westerly line of said 80.516 acre tract, a distance of 50.00 feet to an iron pin set;

thence North 85° 59' 39" West, across said 37.052 acre tract, a distance of 50.00 feet to a iron pin set in the easterly line of the remainder of said 80.516 acre tract;

thence North 03° 37' 59" East, with the easterly line of said 80.516 acre tract and partly across said 37.052 acre tract, a distance of 745.02 feet to a point;

thence continuing across said 37.052 acre tract, the following courses and distances:

South 85° 59' 39" East, a distance of 262.13 feet to a point;

North 04° 00' 21" East, a distance of 100.00 feet to a point;

South 85° 59' 39" East, a distance of 209.73 feet to a point;

North 03° 37' 59" East, a distance of 367.32 feet to a point; and

South 86° 22' 01" East, a distance of 522.50 feet to an iron pin set in the westerly right-of-way line of proposed New Albany Road West;

EXHIBIT "A"
8.329 ACRE
-2-

thence with said proposed westerly right-of-way line, the following courses and distances:

South 03° 37' 59" West, a distance of 192.31 feet to an iron pin set at a point of curvature of curve to the left;

southeasterly, with the arc of said curve (Delta = 30° 15' 43", Radius = 503.23 feet) a chord bearing and distance of South 11° 29' 52" East, 262.71 feet to an iron pin set at a point of reverse curvature; and

southeasterly, with the arc of said curve (Delta = 08° 45' 02", Radius = 550.00 feet) a chord bearing and distance of South 22° 15' 12" East, 83.92 feet to an iron pin set at the northeasterly corner of the remainder of that 79.004 acre tract conveyed to Central Ltd. by deed of record in Deed Book 3710, Page 420;

thence North 85° 59' 39" West, with the northerly line of said 79.004 acre tract and the northerly line of said 13.179 acre tract, a distance of 1050.23 feet to an iron pin set at the northwesterly corner of said 13.179 acre tract;

thence South 03° 37' 59" West, with the westerly line of said 80.516 acre tract, a distance of 695.02 feet to the True Point of Beginning containing 8.329 acre of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the Ohio State Plane Coordinate System as per NAD 83. Control for bearings was from coordinates of Franklin County Geodetic Survey Monument Numbers 5574 and 5113, as established by the Franklin County Engineering Department.

STATE OF OHIO
JEFFREY A. MILLER
7211
REGISTERED PROFESSIONAL SURVEYOR

EVANS, MECHWART, HAMBLETON & TILTON, INC.

11-20-02

Jeffrey A. Miller
Registered Surveyor No. 7211

JAM:cew/nov02

EXHIBIT "E"

ADDITIONAL PROPERTY
PART 1
28.947 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 2, Township 2, Range 16, United States Military Lands and being out of that 37.052 acre tract conveyed to New Albany Park, Ltd. of record in Instrument Number 200206140147840 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning, for reference, at Franklin County Geodetic Survey Monument Number 5212 found marking the southeasterly corner of that 1.104 acre tract conveyed to Denise A. Wolery of record in Official Record 18559A07, in the centerline of Central College Road, said monument being North 85° 59' 39" West, with said centerline a distance of 2710.83 feet from Franklin County Geodetic Survey Monument Number 5211;

thence North 03° 45' 13" East, with the easterly line of said 1.104 acre tract, the easterly line of that 13.908 acre tract conveyed to Phyllis Snedegar of record in Official Record 13734I07 and with a portion of the easterly line of that 78 acre tract conveyed to Albert Vesner and Helen I. Vesner, Co-Trustees of record in Instrument Number 199910010246966, a distance of 745.01 feet to an iron pin set at the True Point of Beginning;

thence North 03° 45' 13" East, with a portion of the easterly line of said 78 acre tract, a distance of 1142.37 feet to an iron pin set at a southwesterly corner of the remainder of that 80.516 acre tract conveyed to the New Albany Company LLC by deed of record in Instrument Number 200002230036274;

thence with the southerly perimeter of said 80.516 acre tract, the following courses and distances:

South 86° 16' 43" East, a distance of 122.62 feet to an iron pin set;

South 68° 08' 10" East, a distance of 175.26 feet to an iron pin set;

South 83° 29' 47" East, a distance of 183.68 feet to an iron pin set;

North 75° 28' 56" East, a distance of 126.25 feet to an iron pin set;

North 70° 03' 47" East, a distance of 264.03 feet to an iron pin set;

South 86° 22' 01 East, a distance of 515.31 feet to an iron pin set in the westerly line of the remainder of that 6.185 acre tract conveyed to Villages at New Albany Park, Ltd. by deed of record in Instrument Number 200204250103943 and 200204250103944;

EXHIBIT "E" - continued

28.947 ACRES
-2-

thence South 03° 37' 59" West, with said westerly line and a portion of the westerly right-of-way line of proposed New Albany Road West, a distance of 711.13 feet to an iron pin set;

thence across said 37.052 acre tract, the following courses and distances;

North 86° 22' 01" West , a distance of 522.50 feet to an iron pin set;

South 03° 37' 59" West , a distance of 367.32 feet to an iron pin set;

North 85° 59' 39" West, a distance of 209.73 feet to an iron pin set;

South 04° 00' 21" West, a distance of 100.00 feet to an iron pin set;

North 85° 59' 39" West, a distance of 262.13 feet to an iron pin set;

South 03° 37' 59" West, a distance of 50.00 feet to an iron pin set at a corner of said 80.516 acre tract;

thence North 85° 59' 39" West, with a northerly line of said 80.516 acre tract a distance of 357.22 feet to the True Point of Beginning and containing 28.947 acres, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen-sixteenth (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initial EMHT INC.

Bearings are based on the Ohio State Plane Coordinate System as per NAD 83. Control for bearings was from coordinates of Franklin County Geodetic Survey Monument Nos. 5574 and 5113, as established by the Franklin County Engineering Department.

EVANS, MECHWART, HAMBLETON, & TILTON, INC.



11-20-02

Jeffrey A. Miller
Registered Surveyor No. 7211

JAM:cew/nov02

EXHIBIT "E" - continued

ADDITIONAL PROPERTY
PART 2
24.162 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 2, Township 2, Range 16, United States Military Lands and being out of the remainder of that 80.516 acre tract conveyed to The New Albany Company, LLC of record in Instrument Number 200002230036274 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning, for reference, at Franklin County Geodetic Survey Monument Number 5212 found marking the southeasterly corner of that 1.104 acre tract conveyed to Denise A. Wolery of record in Official Record 18559A07, in the centerline of Central College Road, said monument being North 85° 59' 39" West, with said centerline, a distance of 2710.83 feet from Franklin County Geodetic Survey Monument Number 5211;

thence North 03° 45' 13" East, with the easterly line of said 1.104 acre tract, the easterly line of that 13.908 acre tract conveyed to Phyllis Snedegar of record in Official Record 13734I07 and with a portion of the easterly line of that 78 acre tract conveyed to Albert Vesner and Helen I. Vesner, Co-Trustees of record in Instrument Number 199910010246966, a distance of 1887.38 feet to an iron pin set marking the True Point of Beginning;

thence North 03° 45' 13" East, with the easterly line of said 78 acre tract, (passing an iron pin found at 800.84 feet) a distance of 802.13 feet to an iron pin set marking a common corner thereof, the southeasterly corner of the remainder of that 65 acre tract conveyed to Kevin B. Karikomi and Valerie A. Karikomi of record in Official Record 19718G11, the southwesterly corner of that 30.914 acre tract conveyed to Villages at New Albany Park, Ltd. of record in Instrument Numbers 200204250103943 and 200204250103944;

thence South 86° 14' 07" East, with southerly line of said 30.914 acre tract, a distance of 1348.13 feet to an iron pin set at the northwesterly corner of the remainder of that 6.183 acre tract as shown in the deed to said Villages at New Albany Park, Ltd. by deed of record in Instrument Number 200204250103943 and Instrument Number 200204250103944;

thence South 03° 37' 59" West, with a portion of a westerly line of said 6.183 acre tract, an easterly line of said 80.516 acre tract, a distance of 718.34 feet to an iron pin set at the northeasterly corner of that 37.052 acre tract conveyed to New Albany Park, Ltd. by deed of record in Instrument Number 200206140147840;

thence with the northerly perimeter of said 37.502 acre tract, the following courses and distances;

North 86° 22' 01" West, a distance of 515.31 feet to an iron pin set;

South 70° 03' 47" West, a distance of 264.03 feet to an iron pin set;

EXHIBIT "E" - continued

24.162 ACRES
-2-

South 75° 28' 56" West, a distance of 126.25 feet to an iron pin set;

North 83° 29' 47" West, a distance of 183.68 feet to an iron pin set;

North 68° 08' 10" West, a distance of 175.26 feet to an iron pin set;

North 86° 16' 43" West, a distance of 122.62 feet to the True Point of Beginning and containing 24.162 acres, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen-sixteenth (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initial EMHT INC.

Bearings are based on the Ohio State Plane Coordinate System as per NAD 83. Control for bearings was from coordinates of Franklin County Geodetic Survey Monument Nos. 5574 and 5113, as established by the Franklin County Engineering Department.

EVANS, MECHWART, HAMBLETON, & TILTON, INC.



11-20-02

Jeffrey A. Miller
Registered Surveyor No. 7211

JAM:

EXHIBIT "E" - continued

ADDITIONAL PROPERTY
PART 3
5.711 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, located in the Quarter Township 2, Township 2, Range 16 United States Military Lands and being out of that 80.516 acre tract conveyed to The New Albany Company, LLC by deed of record in Instrument Number 200002230036274 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at Franklin County Geodetic Survey Monument Number 5212, marking the southeasterly corner of that 1.104 acre tract conveyed to Denise A. Wolery by deed of record in Official Record 18559A07, being in the centerline of Central College Road, said monument being North 85° 59' 39" West with said centerline, a distance of 2710.83 feet from Franklin County Geodetic Survey Monument Number 5211;

thence North 03° 45' 13" East, with the easterly line of said 1.104 acre tract, a distance of 50.00 feet to an iron pin set at the True Point of Beginning;

thence North 03° 45' 13" East, continuing with said easterly line, with the easterly line of that 13.908 acre tract conveyed to Phyllis Snedegar by deed of record in Official Record 13734107 and partly with the easterly line of that tract conveyed to Albert Vesner and Helen I. Vesner, Co-Trustees by deed of record in Instrument Number 199910010246966, a distance of 695.01 feet to an iron pin set at a southwesterly corner of that 37.052 acre tract conveyed to New Albany Park, Ltd. by deed of record in Instrument Number 200206140147840;

thence South 85° 59' 39" East, with a southerly line of said 37.052 acre tract, a distance of 357.22 feet to an iron pin set at a corner thereof;

thence South 03° 37' 59" West, with a westerly line of said 37.052 acre tract, a distance of 695.02 feet to an iron pin set;

thence North 85° 59' 39" West, across said 80.516 acre tract, a distance of 358.68 feet to the True Point of Beginning, containing 5.711 acre of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the Ohio State Plane Coordinate System as per NAD 83. Control for bearings was from coordinates of Franklin County Geodetic Survey Monument Numbers 5574 and 5113, as established by the Franklin County Engineering Department.

STATE OF OHIO
JEFFREY A. MILLER
7211
REGISTERED
PROFESSIONAL SURVEYOR

JAM:ccwhov

EVANS, MECHWART, HAMBLETON & TILTON, INC.

11-20-02

Jeffrey A. Miller
Registered Surveyor No. 7211

EXHIBIT "E" - continued

ADDITIONAL PROPERTY
PART 4
0.822 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 7, Quarter Township 2, Township 2, Range 16, United States Military Lands and being out of the remainder of that 6.183 acre tract conveyed to Villages at New Albany Park, Ltd. by deeds of record in Instrument Numbers 200204250103943 and 200204250103944 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning, for reference, at a railroad spike found at the southeasterly corner of that 2.984 acre tract conveyed to The New Albany Company LLC of record in Instrument Number 199812040313542, in the centerline of Central College Road, said railroad spike being North 85° 59' 39" West, with said centerline, a distance of 1357.02 feet from Franklin County Geodetic Survey Monument Number 5211, also being South 85° 59' 39" East, with said centerline, a distance of 1353.81 feet from Franklin County Geodetic Survey Monument Number 5212;

thence North 03° 37' 59" East, with the easterly line of said 2.984 acre tract and with a portion of an easterly line of that 80.516 acre tract conveyed to The New Albany Company LLC of record in Instrument Number 200002230036274, the easterly line of that 37.052 acre tract, as conveyed to New Albany Park, Ltd. by deed of record in Instrument Number 200206140147840 (passing an iron pin found at 500.00 feet) a distance of 1592.40 feet to an iron pin set marking the True Point of Beginning;

thence North 03° 37' 59" East, continuing with the easterly line of said 37.052 acre tract and with an easterly line of said 80.516 acre tract, a distance of 1102.81 feet to a iron pin set in the southerly line of that 30.914 acre tract conveyed to Villages at New Albany Park, Ltd. by deeds of record in Instrument Number 200204250103943 and 20020425013944;

thence South 86° 15' 33" East, with the southerly line of said 30.914 acre tract, a distance of 38.50 feet to an iron pin set at a corner thereof, in the westerly right-of-way line of proposed New Albany Road West;

thence with said proposed westerly right-of-way line the following courses and distances:

South 03° 37' 59" West, a distance of 780.21 feet to an iron pin set at a point of curvature;

with a curve to the right, having a central angle of 13° 37' 15" and a radius of 538.89 feet, a chord bearing and distance of South 10° 26' 37" West, 127.81 feet to an iron pin set at a point of reverse curvature; and

EXHIBIT "E" - continued

0.822 ACRE
-2-

with a curve to the left, having a central angle of 13° 37' 15" and a radius of 830.00 feet, a chord bearing and distance of South 10° 26' 37" West, 196.85 feet to the True Point of Beginning and containing 0.822 acre, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen-sixteenth (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initial EMH&T, Inc.

Bearings are based on the Ohio State Plane Coordinate System as per NAD 83. Control for bearings was from coordinates of Franklin County Geodetic Survey Monument Nos. 5574 and 5113, as established by the Franklin County Engineering Department.

STATE OF OHIO
JEFFREY A. MILLER 7211
REGISTERED PROFESSIONAL SURVEYOR

JAM:cew/nov02

EVANS, MECHWART, HAMBLETON, & TILTON, INC.

11-20-02

Jeffrey A. Miller
Registered Surveyor No. 7211

EXHIBIT "E" - continued

ADDITIONAL PROPERTY
PART 6
0.412 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, located in the Quarter Township 2, Township 2, Range 16 United States Military Lands and being out of that 80.516 acre tract conveyed to The New Albany Company, LLC by deed of record in Instrument Number 200002230036274 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning at Franklin County Geodetic Survey Monument Number 5212, marking the southeasterly corner of that 1.104 acre tract conveyed to Denise A. Wolery by deed of record in Official Record 18559A07, being in the centerline of Central College Road, said monument being North 85° 59' 39" West with said centerline, a distance of 2710.83 feet from Franklin County Geodetic Survey Monument Number 5211;

thence North 03° 45' 13" East, with the easterly line of said 1.104 acre tract, a distance of 50.00 feet to an iron pin set;

thence South 85° 59' 39" East, across said 80.516 acre tract, a distance of 358.68 feet to an iron pin set in a westerly line of 37.052 acre tract conveyed to New Albany Park, Ltd. by deed of record in Instrument Number 200206140147840;

thence South 03° 37' 59" West, with said westerly line, a distance of 50.00 feet to a mag nail set at the southwesterly corner thereof, in said centerline;

thence North 85° 59' 39" West, with said centerline, a distance of 358.79 feet to the Point of Beginning, containing 0.412 acre of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the Ohio State Plane Coordinate System as per NAD 83. Control for bearings was from coordinates of Franklin County Geodetic Survey Monument Numbers 5574 and 5113, as established by the Franklin County Engineering Department.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

11-20-02

Jeffrey A. Miller
Registered Surveyor No. 7211

JAM:cewnov02

EXHIBIT "E" - continued

ADDITIONAL PROPERTY
PART 5
0.057 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, located in the Quarter Township 2, Township 2, Range 16 United States Military Lands and being out of that 37.052 acre tract conveyed to New Albany Park, Ltd. by deed of record in Instrument Number 200206140147840 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at Franklin County Geodetic Survey Monument Number 5212, marking the southeasterly corner of that 1.104 acre tract conveyed to Denise A. Wolery by deed of record in Official Record 18559A07, being in the centerline of Central College Road, said monument being North 85° 59' 39" West with said centerline, a distance of 2710.83 feet from Franklin County Geodetic Survey Monument Number 5211;

thence South 85° 59' 39" East, with said centerline, a distance of 358.79 feet to a mag nail set at a southeasterly corner of the remainder of that 80.516 acre tract, as conveyed to The New Albany Company, LLC by deed of record in Instrument Number 200001130036274, the True Point of Beginning;

thence North 03° 37' 59" East, with an easterly line of said 80.516 acre tract, a distance of 50.00 feet to an iron pin set;

thence South 85° 59' 39" East, across said 37.052 acre tract, a distance of 50.00 feet to an iron pin set at a southwesterly corner thereof;

thence South 03° 37' 59" West, continuing across said 37.052 acre tract, a distance of 50.00 feet to a mag nail set in the centerline of said Central College Road;

thence North 85° 59' 39" West, with said centerline, a distance of 50.00 feet to the True Point of Beginning, containing 0.057 of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the Ohio State Plane Coordinate System as per NAD 83. Control for bearings was from coordinates of Franklin County Geodetic Survey Monument Numbers 5574 and 5113, as established by the Franklin County Engineering Department.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

STATE OF OHIO
JEFFREY A. MILLER
7211
REGISTERED PROFESSIONAL SURVEYOR

Jeffrey A. Miller 11-20-02
Registered Surveyor No. 7211

JAM:cew/nov02