

PETITION FOR ESTABLISHMENT
OF THE TREMONT CLUB COMMUNITY AUTHORITY
AS A NEW COMMUNITY AUTHORITY UNDER
CHAPTER 349 OF THE OHIO REVISED CODE

Pursuant to Chapter 349 of the Ohio Revised Code (the "Act"), Tremont Club, LLC (the "Developer") hereby petitions for the establishment of a new community authority, as defined in the Act (the "Authority"). The Developer is the "developer" within the meaning of Section 349.01(E) of the Ohio Revised Code, for the new community district, as defined in the Act, (the "District") described in paragraph 3 below.

The Developer further states as follows:

1. **Name of the Proposed New Community Authority:** The Authority shall be named the "Tremont Club Community Authority".
2. **Principal Office of the Proposed New Community Authority:** The principal office of the Authority shall be located at 2 Easton Oval, Suite 510, Columbus, Ohio 43219.
3. **Map and Full and Accurate Description of the Proposed New Community District:** The District is located in the City of Hilliard, Ohio ("Hilliard"). A full and accurate description of the boundaries of the District is attached hereto as Exhibit "A" and a survey of those boundaries is attached hereto as Exhibit "B". All properties within such boundaries will be included in the District. Generally, the site is 51 +/- acres situated south of Davidson Road and west of Leap Road and is commonly known as Franklin County Parcel No. 050-010599. All of the 51 +/- acres within the District are owned by the Developer (within the meaning of Section 349.01(E) of the Ohio Revised Code). The property to be included in the District is developable as one functionally interrelated community.
4. **Statement of Zoning for the Proposed New Community District:** The proposed zoning for the District will allow the necessary comprehensive development of the District, which shall include, without limitation, residential condominium units. The site has been zoned Planned Unit Development in accordance with the rezoning ordinance, zoning text and development plan attached hereto as Exhibit "C".
5. **Current Plans of the Proposed New Community Authority:**
 - a. **Development Program, Including Land Acquisition and Land Development:** The development plan to be undertaken by the Developer with respect to

the area located in the District is provided in the rezoning ordinance, zoning text and development plan attached hereto as Exhibit "C".

b. Plans for Community Facilities and Services: Community Facilities to be built to benefit the proposed New Community District include a combination of the following: the extension of Leap Road north and west to connect with the extension of Wilcox Road at Davidson Road; installation of traffic control devices; construction of sidewalks and/or bike paths along Leap Road; construction of sanitary sewer and water trunk lines along Leap Road ; the extension of Britton Parkway from Reynolds Drive to Davidson and the widening and improvement of Britton Parkway from Davidson to Hayden Run Road; intersection improvements on Davidson Road; and the westerly extension and improvement of Anson Drive to Leap Road. The services shall consist of educational services and fire protection services provided by the Hilliard City School District and the Norwich Township Fire District, respectively, under contracts with the Authority pursuant to which the Authority will provide each entity with one mill of the five mill community development charge described below.

c. Method of Financing: The Developer and the City have entered into a Developer's Agreement and Tax Increment Financing Agreement to construct and finance a portion of the Community Facilities. Community Facilities not addressed in either of those Agreements will be constructed and financed through various public and private sources and the levy and collection of a community development charge, as defined in the Act (the "Community Development Charge"), to be charged against and collected from the parcels in the District for a period of twenty (20) years. Except for the period that the property in the District is being developed, during which time the Community Development Charge will be \$1,000.00 per year for all property in the District, the Community Development Charge shall be in an amount of 5 mills against the assessed valuation (attributable to the land and any improvement thereto) of each parcel. Each parcel in the District will be immediately assessed the 5 mills upon transfer from the Developer. Three of the five mills shall be paid to the City of Hilliard and used for construction of Community Facilities; one of the mills shall be paid to the Hilliard City School District for educational services; and one of the mills shall be paid to the Norwich Township Fire District for EMS and fire protection services. Except for Developer's on-site improvements and as may be provided in one or more agreements between Hilliard and the Developer, the Developer shall not be responsible for financing Community Facilities or providing services.

d. Projected Total Population of the Proposed New Community Authority: All of the above-described Community Facilities will benefit a projected total population of approximately five hundred (500) residents within the District.

6. Board of Trustees of the Proposed New Community Authority: The Developer recommends that the board of trustees of the Authority be composed of

seven (7) members selected as provided in Section 349.04 of the Ohio Revised Code. The Board of County Commissioners of Franklin County, Ohio, as the organizational board of commissioners under Section 349.04 of the Ohio Revised Code, shall appoint three (3) citizen members of the board of trustees to represent the interests of present and future residents of the District and one (1) member to serve as a representative of local government. The Developer shall appoint three (3) members to serve on the board of trustees of the Authority as representatives of the Developer.

7. Preliminary Economic Feasibility Analysis for the Proposed New Community Authority:

a. Area Development Pattern and Demand: The area in and around the District is part of a master planned unit development that includes residential and commercial uses, as well as parks and other community facilities. The proposed future use of the District will be residential condominium uses.

b. Location and Proposed District Size: The District is 51 +/- acres as more fully described and shown on Exhibits "A" and "B".

c. Present and Future Socio-Economic Conditions: The present socio-economic conditions of the area are described and shown in the demographic information for the City of Hilliard attached hereto as Exhibit "D". Based on the current median home price in the area surrounding the District, the socio-economic conditions within the District will be substantially enhanced by the proposed District.

d. Public Services: Park land has already been dedicated to the City and certain public infrastructure improvements will be made in accordance with the rezoning ordinance, zoning text and development plan attached as Exhibit "C".

e. Financial Plan: The financial plan is attached hereto as Exhibit "E".

f. Developer's Management Capability: A description of the management capability of the Developer is attached hereto as Exhibit "F".

8. **Environmental Statement.** The Developer shall comply with all applicable environmental laws and regulations in its development of the District and as evidence of such, the Phase I Environmental Site Assessment for the District is attached hereto as Exhibit "G".

9. **Proximate City.** The City of Columbus, Ohio is the city that is the "Proximate City" as that term is defined in Section 349.01(M) of the Ohio Revised Code. The City of Columbus, Ohio has signed this petition as evidence of its support for the establishment of the proposed New Community District.

For the purposes of establishment of the Authority, the Board of County Commissioners of Franklin County, Ohio is the "Organizational Board of Commissioners" as that term is defined in Section 349.01(F) of the Ohio Revised Code.

The Developer hereby requests that the Board of County Commissioners of Franklin County, Ohio determine that this petition complies as to form and substance with the requirements of Section 349.03 of the Ohio Revised Code and further requests that the Board of County Commissioners of Franklin County, Ohio fix the time and place of a hearing on this petition for the establishment of the Authority. Pursuant to Section 349.03(A) of the Ohio Revised Code, that hearing must be held not less than thirty nor more than forty-five days after the filing of this petition with the Clerk of the Board of County Commissioners of Franklin County, Ohio. This petition is filed with the Board of County Commissioners of Franklin County, Ohio this 28 day of FEBRUARY, 2007.

Respectfully submitted,

TREMONT CLUB, LLC

By: 

Name: BRET KRUTMAN

Title: PRESIDENT/MEMBER

PROXIMATE CITY SIGNATURE:

The City of Columbus, Ohio, by authority granted under Ordinance No. _____ adopted the ____ day of _____, 2007 and attached hereto as Exhibit "H" hereby supports the establishment of the Tremont Club Authority in accordance with the terms of the foregoing petition.

City of Columbus, Ohio

Approved as to form by:

By: _____

By: _____

Printed: _____

Printed: _____

Title: _____

Title: City Attorney

Exhibit A

51.442 ACRES

Situated in the State of Ohio, County of Franklin, City of Hilliard, lying in Virginia Military Survey Number 3002, being part of the remainder of the original 103.92 acre tract conveyed as Parcel Four to Ansmil Limited Partnership by deeds of record in Official Record 32225 G17 and Official Record 32225 I05 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning for Reference, in the centerline of Leap Road at the Franklin County Geodetic Survey Monument Number 0006;

Thence North 23° 37' 07" West, a distance of 621.00 feet, with the centerline of said Leap Road, to a point;

South 66° 22' 53" West, a distance of 35.00 feet, across the right-of-way of said Leap Road, to an iron pin set in the westerly right-of-way line of said Leap Road, being the TRUE POINT OF BEGINNING;

Thence across the remainder of said original 103.92 acre tract, the following courses and distances:

South 66° 22' 45" West, a distance of 109.47 feet, to an iron pin set at a point of curvature;

With the arc of said curve to the right, having a central angle of 18° 03' 22", a radius of 100.00 feet, an arc length of 31.51 feet, and a chord which bears South 75° 24' 26" West, a chord distance of 31.38 feet, to an iron pin set;

South 84° 26' 07" West, a distance of 118.60 feet, to an iron pin set;

South 12° 10' 22" East, a distance of 136.68 feet, to an iron pin set;

South 23° 33' 22" East, a distance of 425.77 feet, to an iron pin set in the line common to the remainder of said original 103.92 acre tract and the 14.236 acre tract conveyed to Prologis Elkhorn OH 2 LLC by deed of record in Instrument Number 200407210169418;

Thence South 84° 26' 07" West, a distance of 1313.95 feet, with said common line, to a 3/4 inch iron pipe capped "BIRD & BULL" found at a common corner of the remainder of said original 103.92 acre tract and the 120.07 acre tract conveyed as Segment F to New York Central Lines, LLC, by a deed of record in Instrument Number 200212180325201;

Thence North 39° 15' 42" West, a distance of 1297.89 feet, with the line common to the remainder of said original 103.92 acre tract and said 120.07 acre tract, to an iron pin set;

Thence across said remainder of said original 103.92 acre tract, the following courses and distances:

North 50° 44' 18" East, a distance of 519.00 feet, to an iron pin set;

North 39° 15' 42" West, a distance of 38.34 feet, to an iron pin set at a point of curvature;

51.442 ACRES

- 2 -

With the arc of said curve to the left, having a central angle of $66^{\circ} 21' 53''$, a radius of 149.50 feet, an arc length of 173.16 feet, and a chord which bears North $72^{\circ} 26' 39''$ West, a chord distance of 163.64 feet, to an iron pin set at a point of reverse curvature;

With the arc of said curve to the right, having a central angle of $66^{\circ} 22' 35''$, a radius of 70.00 feet, an arc length of 81.09 feet, and a chord which bears North $72^{\circ} 26' 18''$ West, a chord distance of 76.63 feet, to an iron pin set at a point of tangency;

North $39^{\circ} 15' 42''$ West, a distance of 194.99 feet, to an iron pin set at a point of curvature;

With the arc of said curve to the right, having a central angle of $75^{\circ} 51' 26''$, a radius of 70.00 feet, an arc length of 92.68 feet, and a chord which bears North $01^{\circ} 19' 59''$ West, a chord distance of 86.06 feet, to an iron pin set at a point of reverse curvature;

With the arc of said curve to the left, having a central angle of $42^{\circ} 25' 48''$, a radius of 149.50 feet, an arc length of 110.71 feet, and a chord which bears North $15^{\circ} 22' 50''$ East, a chord distance of 108.20 feet, to an iron pin set at a point of tangency;

North $05^{\circ} 50' 04''$ West, a distance of 53.52 feet, to an iron pin set at a point of curvature;

With the arc of said curve to the left, having a central angle of $11^{\circ} 26' 45''$, a radius of 25.00 feet, an arc length of 4.99 feet, and a chord which bears North $11^{\circ} 33' 27''$ West, a chord distance of 4.99 feet, to an iron pin set in the southerly right-of-way line of Davidson Road, being the line common to the remainder of said original 103.92 acre tract and the 2.107 acre tract conveyed to City of Hilliard by deed of record in Official Record 26982 A09;

Thence North $84^{\circ} 03' 15''$ East, a distance of 570.45 feet, with said southerly right-of-way line and said common line, to a 3/4 inch iron pipe found at the common corner of the remainder of said original 103.92 acre tract and the 8.241 acre tract conveyed to Board of Education of the Hilliard City School District by deed of record in Instrument Number 200006080113939;

Thence with the line common to the remainder of said original 103.92 acre tract and said 8.241 acre tract, the following courses and distances:

South $05^{\circ} 56' 44''$ East, a distance of 240.83 feet, to an iron pin set;

South $39^{\circ} 15' 57''$ East, a distance of 295.75 feet, to an iron pin set;

North $64^{\circ} 32' 56''$ East, a distance of 133.87 feet, to a 3/4 inch iron pipe found;

South $39^{\circ} 15' 57''$ East, a distance of 470.00 feet, to a 3/4 inch iron pipe (capped "Bird & Bull") found;

Thence North $84^{\circ} 03' 15''$ East, a distance of 467.64 feet, passing 3/4 inch iron pipes capped "Bird & Bull" found at distances of 90.71 and 457.31 feet, with a northerly line of the remainder of said original 103.92 acre tract, and the southerly lines of said 8.241 acre tract and the 7.000 acre tract conveyed to Board of Education of the Hilliard City School District by deed of record in Instrument Number 200006300129445, and across the remainder of said original 103.92 acre tract, to an iron pin set;

Thence continuing across the remainder of said original 103.92 acre tract, the following courses and distances:

South 23° 33' 22" East, a distance of 528.56 feet, to an iron pin set;

With the arc of a curve to the left, having a central angle of 13° 42' 06", a radius of 249.50 feet, an arc length of 59.67 feet, and a chord which bears North 73° 13' 49" East, a chord distance of 59.52 feet, to an iron pin set at a point of tangency;

North 66° 22' 45" East, a distance of 191.06 feet, to an iron pin set in the westerly right-of-way line of said Leap Road;

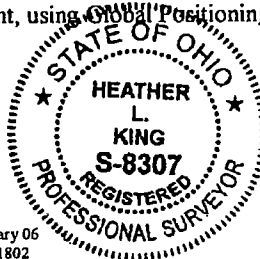
Thence South 23° 37' 07" East, a distance of 68.00 feet, with said westerly right-of-way line, to the TRUE POINT OF BEGINNING, containing 51.442 acres, more or less.

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 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-South Zone as per NAD83 (1986 Adjustment). Control for bearings was from coordinates of monuments FCGS 6652 RESET & FCGS 0005 RESET, having a bearing of North 84° 03' 15" East, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

EVANS, MECHWART, HAMBLETON AND TILTON, INC.



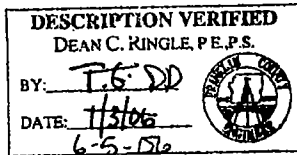
Heather L. King
Heather L. King
Professional Surveyor No. 8307

1/3/05
Date

HLLK:jmp/January 06
51_442 Acre 51802

0-60-f
SPLIT 51.442 ACRES
OUT OF (050) 8257

Approved, No Plat Required
City of Hilliard
City Engineer
By: *Clark H. Hensch* Date: *6/9/2006*





Joseph W. Testa
Auditor, Franklin County, Ohio

Geographic Information System

PID: 050-010599
Tremont Club LLC
0 Davidson,

Image Date: Wed Jan 31 16:47:12 2007

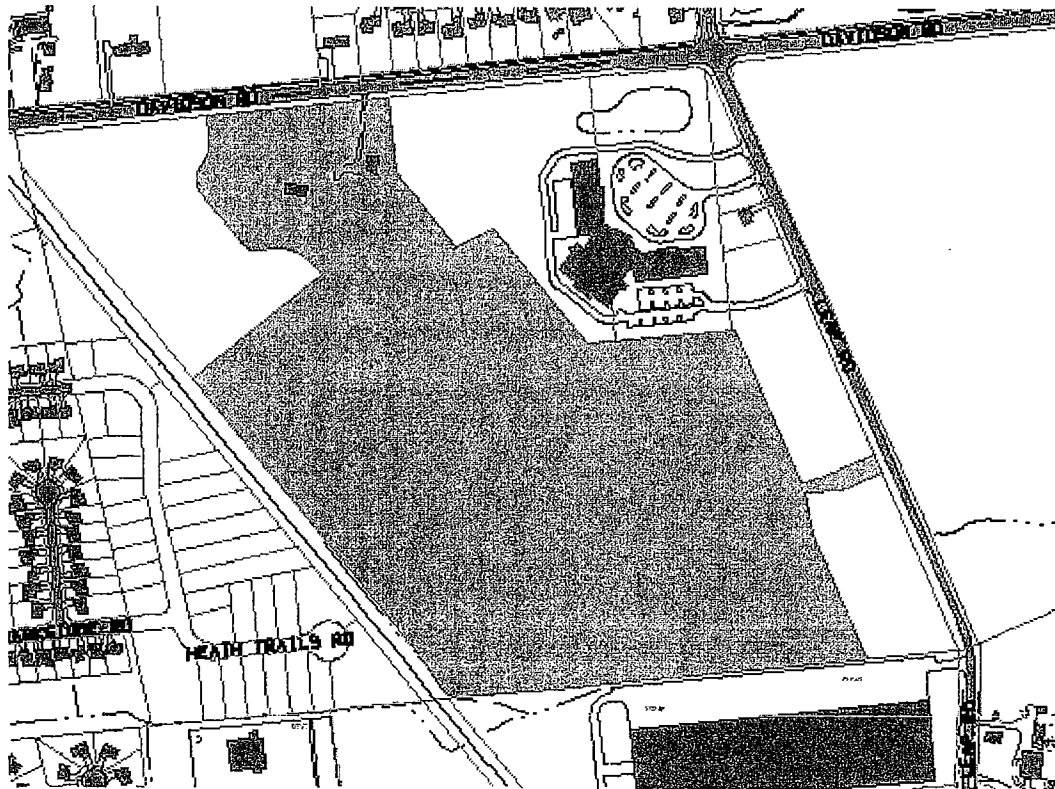


Exhibit B

Owner Name TREMONT CLUB LLC

Transfer Date 06/09/2006

Sale Amount \$5,451,885

Year Built Not Available

Site Address DAVIDSON RD

Mail Address

Auditor's Map .

Neighborhood 0.00

School Name Hilliard CSD

Annual Taxes \$0.00

Tax District CITY OF HILLIARD

Description DAVIDSON RD

ENTRY 3002

51.442 ACRES

Auditor's Appraised Values

Land	\$0	Exempt Land	\$0
Building	\$0	Exempt Building	\$0
Total	\$0	Exempt Total	\$0

Assessed Acreage 0.00

Landuse

CAUV \$0

Homestead

Property Class Other

Number of Cards 1

Building Information

Rooms	0	Baths	0	Square Feet	0.0	Fireplaces	
Bedrooms	0	Half Baths	0	Air Cond.		Stories	0.0

Disclaimer This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information source should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities

Exhibit C

*Resolution
of the
City of Hilliard, Ohio*

Resolution No. 06-R-08

Page 1 of 2

Adopted: 02/27/2006

APPROVING AN AMENDMENT TO THE DEVELOPMENT PLAN TEXT FOR THE APPROXIMATELY 282.45-ACRE BRITTON CENTRAL PLANNED UNIT DEVELOPMENT LOCATED WEST OF INTERSTATE 270, SOUTH OF THE HILLIARD MUNICIPAL BOUNDARY, EAST OF WILCOX ROAD, AND APPROXIMATELY 2,600 FEET NORTH OF DAVIDSON ROAD TO MODIFY THE MINIMUM BUILDING AND PAVEMENT SETBACK WITHIN SUBAREA A1 AND THE MINIMUM TREE PLANTING REQUIREMENTS WITHIN SUBAREAS A1, A2, AND A3.

WHEREAS, City Council approved a Planned Unit Development District ("PUD") consisting of 282.45 +/- acres of land owned by Trueman LP and Thomas McDowell et al. by Ordinance No. 04-48, effective January 13, 2005; and

WHEREAS, Trueman LP is the owner of 53.44 acres of land within Subareas A1, A2 and A3 of the overall Britton Central PUD; and

WHEREAS, the Planning and Zoning Commission at its regularly scheduled and advertised meeting on December 20, 2005 approved a modification of the Britton Central PUD Zoning Development Plan Text to increase the minimum building setback from the Wilcox Road right-of-way line from 40 feet to 60 feet, to reduce the minimum pavement setback from the Wilcox Road right-of-way line from 40 feet to 30 feet, and to revise the minimum tree planting requirements within Subareas A1, A2, and A3 to be consistent with the provisions of the Landscape Code; and

WHEREAS, a copy of the amended portion of the Development Plan Text for the Britton Central PUD is attached hereto as Exhibit "A" and incorporated by reference herein.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

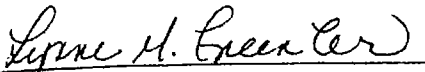
SECTION 1. The Development Plan for the 282.45 +/- acres located west of Interstate 270, south of the Hilliard municipal boundary, east of Wilcox Road, and approximately 2,600 feet north of Davidson Road is hereby amended to increase the minimum building setback from the Wilcox Road right-of-way line from 40 feet to 60 feet, to reduce the minimum pavement setback from the Wilcox Road right-of-way line from 40 feet to 30 feet, and to revise the minimum tree planting requirements within Subareas A1, A2, and A3 to be consistent with the provisions of the Landscape Code.

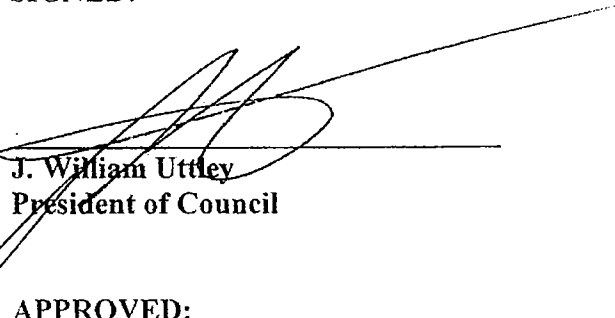
SECTION 2. The amended portion of the Development Plan Text dated November 2, 2005 attached hereto as Exhibit "A" and incorporated by reference herein is hereby approved and will be included in the Britton Central PUD Zoning Development Plan Text.

SECTION 3. This Resolution shall become effective upon its adoption.

ATTEST:


SIGNED:

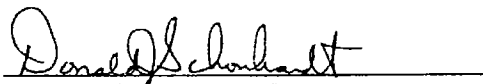

Lynne M. Greenler
Clerk of Council


J. William Uttley
President of Council

APPROVED AS TO FORM:

APPROVED:


Pamela A. DeDent
Director of Law


Donald J. Schonhardt
Mayor

06-R-08

Vote:

	Yea	Nay	Abstain
President Uttley	✓		
Vice President Sciotto	✓		
Allison	✓		
Brown	✓		
Cope	✓		
Peacock	✓		
Roberts	✓		
Results:	7	0	0

SUBAREA A1

Subarea A1 is located south of Davidson Road, east of the Heather Ridge subdivision and adjacent to the Conrail Railroad. The site is 15.7 +/- acres in size.

I. Permitted Uses

1. Only Single Family homes and/or parks shall be permitted within this subarea. All other uses shall be prohibited.

II. Unit Types

Single family dwelling units shall comply with the design guidelines of the development standards in this text.

III. Development Standards

Unless otherwise specified in the submitted drawings or in this written text the development standards of Chapter 1157 of the Codified Ordinances of the City of Hilliard shall apply to this subarea. Basic development standards are compiled regarding proposed density, site issues, traffic, circulation, landscape and architectural standards. These component standards ensure consistency and quality throughout the parcel's development.

A2.01 Density, Height, Lot and/or Setback Commitments

1. There shall be a maximum density of
2. The minimum lot area shall be no less than 10,000 square feet.
3. All dwellings and improvements shall be in accordance with the following requirements:
 - a) Ranch: 1100 or more square feet
 - b) All others: 1400 or more square feet
4. Each dwelling shall have a basement and an attached 2 car garage.
5. The minimum lot width at the building line shall be 60 feet.
8. The minimum front yard setback shall be 30 feet from the street right-of-way. Minimum side yards shall be a minimum of 6 feet per side, and the side yard total shall be no less than 14 feet. A minimum rear yard of 30 feet shall be provided on all lots. Architectural projections (eaves, steps, etc.) may project into required side or rear yards up to 18 inches. Fireplaces may project into required side or rear yards up to 24 inches and must be masonry (brick or stone).
10. The minimum building setback from the Conrail Railroad shall be 100 feet.
11. The minimum building setback from the Leap Road Extension right-of-way shall be 40 feet.
12. The minimum building setback from the southeast property line shall be 30 feet.
13. The maximum lot coverage for buildings shall not exceed 30 percent.

12/13/99

14. All lots shall have frontage and access on a public right-of-way.

15. The maximum building height shall be 2 stories, not to exceed 35 feet.

16. Reasonable and good faith efforts shall be made to not back homes onto public rights-of-way. If this cannot be achieved, the developer shall demonstrate a reasonable hardship and what mitigating factors will be made.

A2.02 Access, Loading, Parking and/or Traffic Related Commitments

1. All single family dwellings shall have an attached garage of sufficient size to accommodate 2 standard sized automobiles side by side, and a two car driveway.
2. No trucks, commercial vehicles, boats, trailers, campers or mobile homes shall be placed or stored within this subarea unless the same are in a garage
3. There shall be no direct vehicular access to Davidson Road from this subarea.

A2.03 Architectural Standards

These architectural standards are consistent with the Britton Farms Development to the north. The site plan layout and architecture palette will be reviewed at the Preliminary Plat stage before final approval is granted.

1. Color Palette:
 - a) Earth tones, muted and natural tones are required. Accent colors in brighter hues are permitted for building accent features only such as awnings, doors, and limited trim.
2. Materials:
 - a) Warm-tone brick, stone veneer or Ohio Limestone stucco stone (equal or better than Stone Products Corporation, type: Ohio Limestone) must be used on the majority (no less than 51%) of the front elevation of all homes. Buildings on corner lots shall have both façade elevations provided with equivalent materials as required for the front elevation.
 - b) Stone veneer with limestone trim. (Limestone rubble in a coarse ashlar pattern).
 - c) High quality vinyl siding of a minimum 0.042-inch nominal thickness shall be permitted on the sides and rear of homes, except as required in paragraph A2.03.2.a above. A sample of this siding shall be brought before the Planning Commission for approval at the

time of final plat.

- d) Natural wood, wood composite, cedar siding, stucco with wood trim and corner boards shall be used.
 - e) Precast concrete shall be permitted if used as an accent.
 - f) On pitched roofs, dimensional asphaltic or dimensional fiberglass shingles shall be used.
 - g) Cedar shakes or shingles shall be permitted with not less than 325 lb. per square weight unless architecturally coordinated with surrounding structures and approved by Planning Commission.
3. Exterior Cladding must be within the color palette described and be traditional materials. These materials shall be limited to the following:
- a) Brick Veneer
 - b) Stone/Cultured Stone (equal to or better than Stone Products Corporation, type: Ohio Limestone)
 - c) Wood lap siding, composite lap siding, painted or stained (equal to or better than Georgia-Pacific)
 - d) Stucco - per industry standards - light to medium colors and textures.
4. Roofs:
- a) Pitched roofs with gables or hips at ends shall have a minimum slope of 6:12.
 - b) Materials shall be dimensional asphaltic or dimensional fiberglass shingles.
 - c) Minimum 12" eave overhangs and 6" rake overhangs.
5. Lighting: All lots shall have a matching ornamental coach light installed at the front of the dwelling.
6. Mailboxes shall be of a similar design and construction throughout the single family segment of the development.
7. Swimming Pools: No swimming pool measuring more than sixty-four (64) square feet shall be constructed or maintained above the finish grade. Swimming pools shall be permitted in the rear yard only.
8. Storage Buildings: No storage buildings shall be erected, placed or suffered to remain upon any lot.

A2.04 Buffering, Landscaping, Open Space and/or Screening Commitments

- 1. Street trees will be planted at a minimum distance of 40 feet on center along all internal streets, Leap Road Extension and along Davidson Road. Trees will be of a deciduous species

normally attaining full grown height in excess of 50 feet and will be of 2-2 ½" caliper or greater at the time of planting.

2. In addition to street trees, tree and shrub plantings will be made on each lot which, at a minimum, consist of ½" trunk size for each 150 square feet of finished floor area by a single family structure. Plantings will be completed as soon as reasonably practicable after completion of the home.
3. Within the 100 foot pavement setback from the Davidson Road right-of-way, there shall be a 4' (ht.) continuous meandering and undulating earth mound, except for areas of ingress and egress for roadways, pedestrian paths and ponds. The mound will have a \pm 8:1 slope that will begin at the right-of-way line. The mound will also have a \pm 3:1 slope on the opposite side which will begin at the 100 foot setback line so that the crest of the mound will begin approximately 12-15 feet from the setback line and extend for approximately 5 feet in width.
4. In addition to the street tree planting, there shall be a 100 foot landscape buffer along Davidson Road. This buffer will be planted with a mixture of deciduous shade and ornamental, and evergreen trees at a rate of 8 trees per 100 lineal feet. The minimum tree caliper shall be 2 ½" caliper for deciduous shade, 2" caliper for ornamental, and 6'-8' height for evergreen trees.
5. Along the Conrail railroad tracks located along the west edge of this subarea there shall be a fence installed to a height of 6 feet located 5 feet from the easement. This fence shall be reviewed and approved by the Planning Commission at Final Development Plan stage. In addition to the fence, there will be a double row of staggered pines spaced at 12 feet on center and setback 10 feet from the fence within the 100 foot buffer area. This buffer shall be installed prior to the construction of each phase of single family residential going in along the railroad. This buffer will be maintained by the Homeowner's Association.
6. Within the right-of-way along Leap Road Extension a 4 foot concrete sidewalk shall be constructed along one side and will extend and continue along Davidson Road connecting it to the existing sidewalk to the west of the property. On the opposite side of Leap Road Extension there shall also be an 8 foot bike path. Four foot sidewalks shall be provided along both sides of all other streets within the subarea. The leisure path and sidewalk shall be installed with roadway improvements and will be dedicated to the City of Hilliard.
7. Reasonable and good faith efforts will be made to not back homes onto public rights-of-way, to incorporate parkland into the neighborhood fabric, and to locate parks in such a way as to provide a visual terminus to a streetscape. If this cannot be achieved, the developer will demonstrate a reasonable hardship and what mitigating factors will be made.
8. All areas not used for buildings or pavement shall be landscaped at a minimum with lawn. Those areas designated as landscaped buffers, tree lawns, tree preservation zones, entry features or other landscaped features shall be maintained meeting the minimum standards in Hilliard Codified Ordinances Chapters 917, 921 and 1331. The use of in-ground sprinkler systems, where appropriate, is strongly encouraged.
9. Fencing: No chain link or wire fence shall be permitted. All other fencing shall comply with

Section 1139 of the Hilliard Codified Ordinances.

10. Landscape plans shall be reviewed and approved by the Hilliard Shade Tree Commission at the Final Development Plan stage.

A2.05 Dumpsters, Lighting, Outdoor Display Areas and/or other Environmental Commitments

1. Garbage Cans: All garbage cans and other waste containers shall be kept in the garage or within approved screened areas.
2. There shall be a consistent and uniform lighting fixture for street lights within all residential areas as approved by the Hilliard City Engineer.

A2.06 Miscellaneous Commitments

1. Utilities: All utility lines including water service, electricity, telephone and gas, and their connections or feeder lines shall be placed underground. Provided, however, that the existing overhead transmission lines shall remain above ground. Meters, transformers, etc. may be placed above ground, but shall be screened from view. Where feasible, all above ground utility boxes shall be placed at the rear lot lines or sufficiently screened.
2. No television satellite receiver dish in excess of three (3) feet in diameter shall be placed outside of any dwelling.
3. No solar panels or collectors extending more than twelve (12) inches above the finished grade of the roof shall be placed upon or about any dwelling.
4. No antenna extending more than ten (10) feet above the finished grade of the roof shall be placed upon or about any dwelling.
5. No storage tank(s) including, but not limited to, those used for storage of water, gasoline, oil, other liquid or any gas shall be permitted on any lot.
6. No structure of a temporary character, trailer, basement, tent, shack, garage, or other outbuilding shall be used on any lot as a residence either temporarily or permanently.

SUBAREA A3

Subarea A3 is located south of Davidson Road, west of I-270, and north of the Leap Road Extension. The site is 33.0 +/- acres in size. A school site approximately 15.00 +/- acres in size is reserved in the northeast corner of the Subarea, at the intersection of Britton Farms Drive and Davidson Road. The site shall be reserved until either it is acquired by the Hilliard School District or the final plat for the final phase of the residential area is filed for Planning Commission approval, whichever occurs first. The residential final plat will not be filed until the construction contracts have been let for the Britton Road Extension from Ansmil Boulevard to Cemetery Road.

Should this entire subarea be developed as single family residential, there will be 7.0 acres of park located in the form of one park. The park will be fine graded and seeded, then dedicated to and maintained by the City of Hilliard. If this subarea is split to allow for the school site option, the aforementioned 7.0 acre park will not be built. The 7.0 acres will be donated to the school in an effort to make a joint school park facility. Of the 7.0 acres donated, 3.0 acres shall be reserved for a playground/park facility. Maintenance and ownership of this 3.0 acre park shall be subject to the review and approval of both the City of Hilliard and the Hilliard City School District. The location of the park may be adjusted to fit residential layout. The park will be shown on the final residential plat.

I. Permitted Uses

1. Only Single Family homes, parks, schools, and school related uses shall be permitted within this subarea.

II. Unit Types

Single family dwelling units shall comply with the design guidelines of the development standards in this text.

III. Development Standards

Unless otherwise specified in the submitted drawings or in this written text the development standards of Chapter 1157 of the Codified Ordinances of the City of Hilliard shall apply to this subarea. Basic development standards are compiled regarding proposed density, site issues, traffic, circulation, landscape and architectural standards. These component standards ensure consistency and quality throughout the parcel's development.

School Option:

1. The school site shall comply with all setback and access requirements.
 2. The architecture shall conform and harmonize with the surrounding architecture.
 3. The architecture shall be brought before the Planning Commission for review and approval.
 4. The school may be oriented toward Davidson Road, with access being provided from Proposed Road "A". The site plan shall be brought before the Planning Commission for review and approval.
5. Signage shall comply with Section 1191 of the Hilliard City Code.

A3.01 Density, Height, Lot and/or Setback Commitments

1. There shall be a maximum density of 3 dwelling units per acre.
2. The minimum lot area shall be no less than 10,000 square feet.

3. All dwellings and improvements shall be in accordance with the following requirements:

a) Ranch: 1900 or more square feet

All others: 2200 or more square feet

- 4. Each dwelling shall have a basement and an attached 2 car garage.
- 5. No two homes in a row or directly across the street will be built that are alike in style or color and single family homes.
- 6. No bi-level homes will be permitted to be constructed.
- 7. The minimum lot width at the building line shall be 75 feet, of which no less than 50% of the homes will have a minimum lot width of 80 feet.
- 8. The minimum front yard setback shall be 30 feet from the street right-of-way. Minimum side yards shall be 8 feet per side. A minimum rear yard of 30 feet shall be provided on all lots. Architectural projections (eaves, steps, etc.) may project into required side or rear yards up to 18 inches. Fireplaces may project into required side or rear yards up to 24 inches and must be masonry (brick or stone).
- 9. The minimum building and pavement setback from the Davidson Road right-of-way shall be 100 feet.

10. The minimum building setback from the right-of-way of Leap Road Extension right-of-way shall be 40 feet.

11. The minimum building setback from the Proposed Road "A" right-of-way shall be 40 feet.

12. The maximum lot coverage for buildings shall not exceed 30 percent.

13. All lots shall have frontage and access on a public right-of-way.

14. The maximum building height shall be 2 stories, not to exceed 35 feet.

15. Reasonable and good faith efforts will be made to not back homes onto public rights-of-way, to incorporate parkland into the neighborhood fabric, and to locate parks in such a way as to provide a visual terminus to a streetscape. If this cannot be achieved, the developer will demonstrate a reasonable hardship and what mitigating factors will be made.

A3.02 Access, Loading, Parking and/or Traffic Related Commitments

1. All single family dwellings shall have an attached garage of sufficient size to accommodate 2 standard sized automobiles side by side, and a two car driveway.
2. No trucks, commercial vehicles, boats, trailers, campers or mobile homes shall be placed or stored within this subarea unless the same are in a garage.
3. There shall be no direct vehicular access to Davidson Road from this subarea.

A3.03 Architectural Standards

These architectural standards are consistent with the Britton Farms Development to the north. The site plan layout and architecture palette will be reviewed at the Preliminary Plat stage before final approval is granted.

1. Color Palette:
 - a) Earth tones, muted and natural tones are required. Accent colors in brighter hues area permitted for building accent features only such as awnings, doors, and limited trim.
2. Materials:
 - a) Warm-tone brick, stone veneer or Ohio Limestone stucco stone (equal or better than Stone Products Corporation, type: Ohio Limestone) must be used on the majority (no less than 51%) of the front elevation of all homes. Buildings on corner lots shall have both façade elevations provided with equivalent materials as required for the front elevation.
 - b) Stone veneer with limestone trim. (Limestone rubble in a coarse ashlar pattern).
 - c) High quality vinyl siding of a minimum 0.042-inch nominal thickness shall be permitted on the sides and rear of homes, except as required in paragraph A2.03.2.a above. A sample of this siding shall be brought before the Planning Commission for approval at the time of final plat.
 - d) Natural wood, wood composite, cedar siding, stucco with wood trim and corner boards shall be used.
 - e) Precast concrete shall be permitted if used as an accent.
 - f) On pitched roofs, dimensional asphaltic or dimensional fiberglass shingles shall be used.
 - g) Cedar shakes or shingles shall be permitted with not less than 325 lb. per square weight unless architecturally coordinated with surrounding structures and approved by Planning Commission.
 3. Exterior Cladding must be within the color palette described and be traditional materials. These materials shall be limited to the following:
 - a) Brick Veneer
 - b) Stone/Cultured Stone (equal to or better than Stone Products Corporation, type: Ohio Limestone)

- c) Wood lap siding, composite lap siding, painted or stained (equal to or better than Georgia-Pacific)
 - d) Stucco - per industry standards - light to medium colors and textures.
4. Roofs:
- a) Pitched roofs with gables or hips at ends shall have a minimum slope of 6:12.
 - b) Materials shall be dimensional asphaltic or dimensional fiberglass shingles.
 - c) Minimum 12" eave overhangs and 6" rake overhangs.
5. Lighting: All lots shall have a matching ornamental coach light installed at the front of the dwelling.
6. Mailboxes shall be of a similar design and construction throughout the single family segment of the development.
7. Swimming Pools: No swimming pool measuring more than sixty-four (64) square feet shall be constructed or maintained above the finish grade. Swimming pools shall be permitted in the rear yard only.
8. Storage Buildings: No storage buildings shall be erected, placed or suffered to remain upon any lot.

A3.04 Buffering, Landscaping, Open Space and/or Screening Commitments

1. Street trees will be planted at a minimum distance of 40 feet on center along all internal streets, Leap Road Extension and along Davidson Road. Trees will be of deciduous species normally attaining full grown height in excess of 50 feet and will be of 2-2 ½" caliper or greater at the time of planting.
2. In addition to street trees, tree and shrub plantings will be made on each lot which, at a minimum, consist of ½" trunk size for each 150 square feet of finished floor area by a single family structure. Plantings will be completed as soon as reasonably practicable after completion of the home.
3. Within the 100 foot pavement setback from the Davidson Road right-of-way, there shall be a 4' (ht.) continuous meandering and undulating earth mound, except for areas of ingress and egress for roadways, pedestrian paths and ponds. The mound will have a ± 8:1 slope that will begin at the right-of-way line. The mound will also have a ± 3:1 slope on the opposite side which will begin at the 100 foot setback line so that the crest of the mound will begin approximately 12-15 feet from the setback line and extend for approximately 5 feet in width.
4. In addition to the street tree planting, there shall be a 100 foot landscape buffer along Davidson Road. This buffer will be planted with a mixture of deciduous shade and ornamental, and

evergreen trees at a rate of 8 trees per 100 lineal feet. The minimum tree caliper shall be 2 ½" caliper for deciduous shade, 2" caliper for ornamental, and 6'-8' height for evergreen trees.

5. Within the right-of-way along Leap Road Extension a 4 foot concrete sidewalk shall be constructed along one side and will extend and continue along Davidson Road connecting it to the existing sidewalk to the west of the property. On the opposite side of Leap Road Extension there shall be an 8 foot bike path. Four foot sidewalks shall be provided along both sides of all other streets within the subarea. The bike path and sidewalk shall be installed with roadway improvements and will be dedicated to the City of Hilliard.
 6. Stormwater management within this subarea shall be wet and integrated into a site feature rather than being dry detention. All wet retention ponds shall be equipped with fountains.
 7. Reasonable and good faith efforts will be made to not back homes onto public rights-of-way, to incorporate parkland into the neighborhood fabric, and to locate parks in such a way as to provide a visual terminus to a streetscape. If this cannot be achieved, the developer will demonstrate a reasonable hardship and what mitigating factors will be made.
 8. All areas not used for buildings or pavement shall be landscaped at a minimum with lawn. Those areas designated as landscaped buffers, tree lawns, tree preservation zones, entry features or other landscaped features shall be maintained meeting the minimum standards in Hilliard Codified Ordinances Chapters 917, 921 and 1331. The use of in-ground sprinkler systems, where appropriate, is strongly encouraged.
 9. Fencing: No chain link or wire fence shall be permitted. All other fencing shall comply with Section 1139 of the Hilliard Codified Ordinances.
 10. Landscape plans shall be reviewed and approved by the Hilliard Shade Tree Commission at the Final Development Plan stage.

A3.05 Dumpsters, Lighting, Outdoor Display Areas and/or other Environmental Commitments

1. Garbage Cans: All garbage cans and other waste containers shall be kept in the garage or within approved screened areas.
2. There shall be a consistent and uniform lighting fixture for street lights within all residential areas as approved by the Hilliard City Engineer.

A3.06 Miscellaneous Commitments

1. Utilities: All utility lines including water service, electricity, telephone and gas, and their connections or feeder lines shall be placed underground. Provided, however, that the existing overhead transmission lines shall remain above ground. Meters, transformers, etc. may be placed above ground, but shall be screened from view. Where feasible, all above ground utility boxes shall be placed at the rear lot lines or sufficiently screened.
2. No television satellite receiver dish in excess of three (3) feet in diameter shall be placed outside of any dwelling.
3. No solar panels or collectors extending more than twelve (12) inches above the finished grade of the roof shall be placed upon or about any dwelling.

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4. No antenna extending more than ten (10) feet above the finished grade of the roof shall be placed upon or about any dwelling.
5. No storage tank(s) including, but not limited to, those used for storage of water, gasoline, oil, other liquid or any gas shall be permitted on any lot.
6. No structure of a temporary character, trailer, basement, tent, shack, garage, or other outbuilding shall be used on any lot as a residence either temporarily or permanently.

SUBAREA A4

Subarea A4 is located south of Davidson Road, west of I-270, and south of Leap Road Extension. The site is 25.00 +/- acres in size. The residential final plat will not be filed until the construction contracts have been let for the Britton Road Extension from Ansmil Boulevard to Cemetery Road.

I. Permitted Uses

1. The only permitted uses within this subarea shall be condominiums, condominium related uses and facilities (i.e. Clubhouse, Pool, etc.) and/or Park. All other uses shall be prohibited.
2. Residential Units shall meet the following square footage minimums:
 - a) 1 Bedroom - 900 square feet
 - b) 2 Bedroom - 1,100 square feet
 - c) 3 Bedroom - 1,300 square feet

II. Unit Types

Condominiums shall comply with the design guidelines of the development standards in this text.

III. Development Standards

Unless otherwise specified in the submitted drawings or in this written text the development standards of Chapter 1157 of the Codified Ordinances of the City of Hilliard shall apply to this subarea. Basic development standards are compiled regarding proposed density, site issues, traffic, circulation, landscape and architectural standards. These component standards ensure consistency and quality throughout the parcel's development.

A4.01 Density, Height, Lot and/or Setback Commitments

1. There shall be a maximum of 175 units developed at 7.0 dwelling units per gross acre.
2. Lot coverage shall not exceed 30 % as defined by Hilliard City Code Section 1107.01(46). Total impervious surface coverage shall not exceed 70%.
3. The maximum height limit shall be 35 feet.
4. No unit entrances shall be located below ground level.
5. The building and pavement setback from the right-of-way of Leap Road Extension shall be 40 feet.
6. The building and parking setbacks from the west and south property lines shall be 30 feet.
7. All parking setbacks shall be landscaped in accordance with the requirements of this text.

A4.02 Access, Loading, Parking and/or Traffic Related Commitments

1. Parking requirements shall be two off-street parking spaces per unit.

2. One garage space for each residential unit shall be required. No carports shall be permitted. The developer shall work with staff at Final Development Plan approval to determine if any additional parking is necessary.
3. No loading docks will be permitted.
4. All parking lots shall be curbed. Parking blocks shall not be permitted.
5. Vehicular access points to the Leap Road Extension shall be limited to two locations approved by the Hilliard City Engineer.
6. Reasonable and good faith efforts will be made to not back homes onto public rights-of-way. If this cannot be achieved, the developer will demonstrate a reasonable hardship and what mitigating factors will be made.

A4.03 Architectural Standards

The site plan layout and architecture will be reviewed at the Preliminary Development Plan stage before final approval is granted.

1. Color Palette: Earth tones, muted and natural tones are required. Accent colors in brighter hues are permitted for building accent features only such as awnings, doors, limited trim, etc. A mixed palette on a single building should be carefully selected so all colors are harmonious with each other.
2. Materials:
 - a) Warm-tone brick, stone veneer or Ohio Limestone stucco stone (equal or better than Stone Products Corporation, type: Ohio Limestone) must be used on the majority (no less than 51%) of the front elevation of all homes. Buildings on corner lots shall have both façade elevations provided with equivalent materials as required for the front elevation.
 - b) Stucco may be used as an accent material provided it does not exceed 50% of the exterior facade material.
 - c) Concrete or masonry foundations should only have +/- 16" exposure above finished grade before the primary exterior finish materials begin.
 - d) Exterior Cladding: shall be within the color palette described and be traditional materials, most commonly found on similar building types. These materials shall include the following:
 1. Brick Veneer
 2. Stone/Cultured Stone (equal to or better than Stone Products Corporation).
 3. Wood lap siding, composite lap siding and cedar shake siding painted or stained.
 4. Vinyl siding - minimum of .042" nominal thickness with wood grain finish
 5. Stucco - per industry standards - light to medium textures.
 - e) Roofs:

1. Pitched roofs with gables or hips shall have a minimum slope of 6:12.
 2. Materials shall be cedar shakes, tile, slate, synthetic slate or dimensional asphaltic or fiberglass shingles. Shingles to be a minimum, medium weight dimensional or dimensional-look shingles.
 3. Minimum 12" eave overhangs and 6" overhangs.
- f) Scale:
 1. Structures shall be designed to harmonize with the landscape.
 2. The scale of each building can be aided through the use of articulated building elements, such as porticos, dormers, recesses, awnings and other such elements which help break up the building mass.
- g) Wall Articulation/Fenestration:
 1. In addition to using building elements to articulate the building mass, individual walls must be articulated with fenestration, pattern, or structural expression equally on all sides of each structure.
 2. The amount of fenestration should be balanced with the amount of solid facade.
- h) Before final design approval is granted, the building architecture must be reviewed by the Planning Commission.

A4.04 Buffering, Landscaping, Open Space and/or Screening Commitments

1. Landscaping
 - a) All landscaping shall be in accordance with the requirements of Hilliard City Code Section 1331.
 - b) Landscape plans shall be reviewed and approved by the Hilliard Shade Tree Commission at the Final Development Plan Stage.
 - c) Street trees will be planted at a minimum distance of 40 feet on center along all internal public streets and along Leap Road Extension. Trees will be of a deciduous species normally attaining full grown height in excess of 50 feet and will be of 2-2 ½" caliper or greater at the time of planting.
 - d) Within the 30 foot buffer along the west and south property lines there shall be a double row of staggered pines planted at a rate of 14 trees per 100 lineal feet. Pines shall be a minimum height of 6'-8' at the time of installation. This buffer shall be installed in its entirety at the start of construction of the attached residential units.
 - e) There shall be private recreation provided within this subarea to include at a minimum a pool and clubhouse facility.

- f) Any portion of a lot upon which a building or parking area is not constructed shall be landscaped with lawn as a minimum. Those areas designated as landscaped buffers, tree lawns, tree preservation zones, entry features or other landscaped features shall be maintained meeting the minimum standards in Hilliard Codified Ordinances Chapters 917, 921 and 1331. The use of in-ground sprinkler systems, where appropriate, is strongly encouraged.
- g) Interior landscaping for vehicular use areas: Any open vehicular use area, excluding loading, unloading and storage areas in a business zone, containing more than 6,000 square feet of area, or twenty or more vehicular parking spaces, shall provide interior landscaping in addition to previously required perimeter landscaping. Interior landscaping may be peninsular or island types.
- h) Landscape Area: For each 100 square feet or fraction thereof, of vehicular use area, a minimum total of five square feet of landscaped area shall be provided.
1. Minimum area: The minimum landscape area permitted shall be sixty-four square feet with a four-foot minimum dimension to all trees from edge of pavement where vehicles overhang.
 2. Maximum contiguous area: In order to encourage the required landscape areas to be properly dispersed, no individual landscape area shall be larger than 350 square feet in size, and no individual area shall be larger than 1,500 square feet in vehicular use areas over 30,000 square feet. In both cases, the least dimension of any required area shall be four feet minimum dimension to all trees from edge of pavement where vehicles overhang. Individual landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum total.
- i) Minimum trees: The following minimums are required, based upon total ground coverage of structures and vehicular use areas:
1. Up to 20,000 square feet: A minimum of one tree per 5,000 square feet of ground coverage, and a total tree planting equal to 1 inch in tree trunk size for every 2,000 square feet of ground coverage.
 2. Between 20,000 and 50,000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage, and a total tree planting equal to ten inches plus one-half in tree trunk size for every 2,000 square feet over 20,000 square feet in ground coverage.
 3. Over 50,000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage, and a total tree planting equal to twenty-five inches plus one-

half inch in tree trunk size for every 4,000 square feet over 50,000 square feet of ground coverage.

4. Trees shall have a clear trunk of at least five feet above the ground, and the remaining area shall be landscaped with shrubs, ground cover, not to exceed two feet in height.
- j) Protection of Landscaped Islands: Parked vehicles may hang over the interior landscaped area not more than two and one-half feet, as long as concrete or other well stops are provided to insure no greater overhang or penetration of the landscaped area. All parking spaces and landscaped islands shall meet the requirements of the Hilliard Codified Ordinances, Chapters 1133 and 1331.
- k) Screening of Mechanicals: No materials, supplies, equipment or products shall be stored on any portion of the parcel outside the permitted structure. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from view with material harmonious with the building.
- l) Curbs to protect screening material: Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regularly occurring basis, a curb to contain the placement of the container shall be provided within the screening materials on those sides where there is such material. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.
- m) Parking lot screening: There shall be a 3' (ht.) hedge or earth mound along the pavement setback of Leap Road Extension wherever structures do not exist at the building setback line.
- n) Tree Planting Requirements: There shall be tree plantings equal to one-half inch in tree trunk size for every 150 square feet in ground coverage by a residential structure. These trees shall be a minimum of 2" caliper at the time of installation.
 1. The applicant or owner shall plant such trees as may be required within one year or the next planting season after issuance of a building permit. Failure to comply with the landscaping requirements shall be in violation of this section and be subject to citation.
- o) Landscape Materials:
 1. Plants: Artificial plants are prohibited. All plant materials shall be living plants and shall meet the following requirements:
 - a. Quality: Plant materials used in conformance with the provision of this chapter shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.
- p) Within the right-of-way along Leap Road Extension an 8 foot bike path shall be

constructed to extend and connect to the leisure path in Subarea A2. Four foot sidewalks shall be provided along both sides of all other streets within this subarea.

A4.05 Dumpsters, Lighting, Outdoor Display Areas and/or other Environmental Commitments

1. All parking lot lighting shall not exceed 18 feet in height from finished grade.
2. External lighting shall be cut-off type fixtures.
3. All types of parking, pedestrian and other lighting shall be on poles or wall mounted cut-off fixtures and shall be from the same type and style.
4. All light poles and standards shall be metal and shall be black or dark bronze in color.
5. Parking lot lighting shall be high pressure sodium. Building and landscaping lighting may be incandescent or metal halide.
6. Landscape and building uplighting from a concealed source shall be permitted.
7. All lights shall be arranged to reflect light away from any street or adjacent property.
8. All building illuminations shall be from concealed sources.
9. No colored lights shall be used to light the exterior of the buildings.
10. Waste and Refuse:
 - a) All waste and refuse shall be containerized and screened from view on all three sides by a solid brick wall, wood fence, or materials compatible with building materials and at least 6 inches taller than the height of the dumpster. The fourth side shall contain a wood gate which shall also be at least 6 inches taller than the height of the dumpster.
11. Storage and Equipment and Service Areas:
 - a) No materials, supplies, equipment or products shall be stored or permitted to remain on any portion of the parcel outside the permitted structure. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building.
 - b) All refuse trash and garbage collection shall be enclosed and not visible from the street or adjoining property.
 - c) No noises, smoke, odors, vibration or other nuisances shall be permitted.
 - d) No area of the site will be used for outdoor storage.

A4.06 Miscellaneous Commitments

1. Utilities: All utility lines including water service, electricity, telephone and gas, and their connections or feeder lines shall be placed underground. Provided, however, that the existing

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overhead transmission lines shall remain above ground. Meters, transformers, etc. may be placed above ground, but shall be screened from view. Where feasible, all above ground utility boxes shall be placed at the rear lot lines or sufficiently screened.

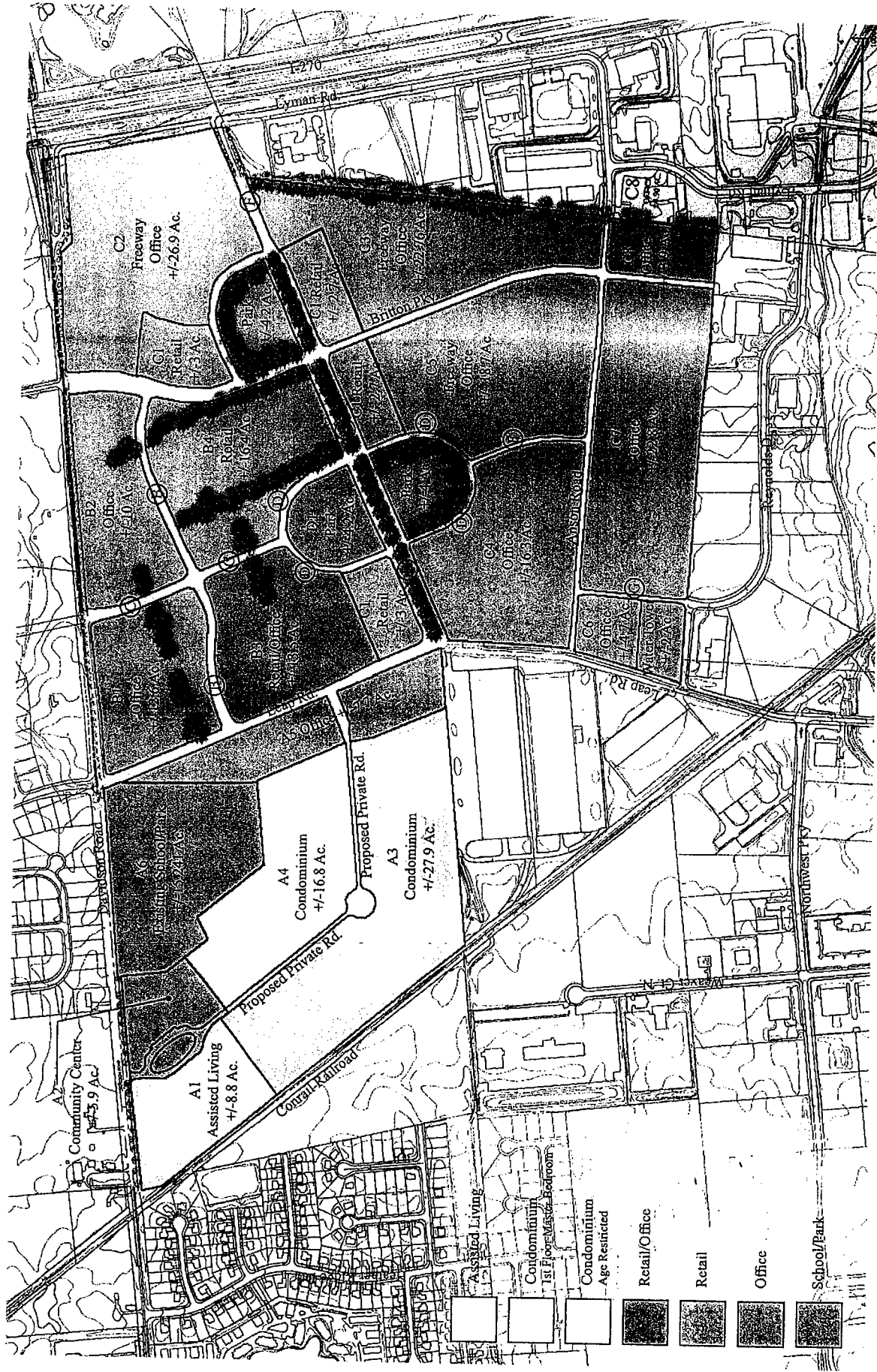


Exhibit B
 Sub - Area Plan
 December 15, 2005
 # 05008

ABSBILL Limited
 PARTNERSHIP

DP-4. Profile of Selected Housing Characteristics: 2000
 Data Set: Census 2000 Summary File 3 (SF 3) - Sample Data
 Geographic Area: Hilliard city, Ohio

Exhibit D

NOTE: Data based on a sample except in P3, P4, H3, and H4. For information on confidentiality protection, sampling error, nonsampling error, and definitions see <http://factfinder.census.gov/home/en/datanotes/expsf3.htm>.

Subject	Number	Percent
Total housing units	8,893	100.0
UNITS IN STRUCTURE		
1-unit, detached	6,734	75.7
1-unit, attached	434	4.9
2 units	155	1.7
3 or 4 units	660	7.4
5 to 9 units	381	4.3
10 to 19 units	317	3.6
20 or more units	187	2.1
Mobile home	25	0.3
Boat, RV, van, etc.	0	0.0
YEAR STRUCTURE BUILT		
1999 to March 2000	454	5.1
1995 to 1998	2,144	24.1
1990 to 1994	2,159	24.3
1980 to 1989	1,420	16.0
1970 to 1979	625	7.0
1960 to 1969	525	5.9
1940 to 1959	1,409	15.8
1939 or earlier	157	1.8
ROOMS		
1 room	21	0.2
2 rooms	167	1.9
3 rooms	367	4.1
4 rooms	827	9.3
5 rooms	1,695	19.1
6 rooms	1,498	16.8
7 rooms	1,261	14.2
8 rooms	1,506	16.9
9 or more rooms	1,551	17.4
Median (rooms)	6.4	(X)
Occupied Housing Units	8,532	100.0
YEAR HOUSEHOLDER MOVED INTO UNIT		
1999 to March 2000	1,694	19.9
1995 to 1998	3,402	39.9
1990 to 1994	1,798	21.1
1980 to 1989	644	7.5
1970 to 1979	477	5.6
1969 or earlier	517	6.1
VEHICLES AVAILABLE		
None	266	3.1
1	1,941	22.7
2	4,897	57.4
3 or more	1,428	16.7
HOUSE HEATING FUEL		
Utility gas	7,470	87.6
Bottled, tank, or LP gas	31	0.4
Electricity	988	11.6

Subject	Number	Percent
Fuel oil, kerosene, etc.	17	0.2
Coal or coke	0	0.0
Wood	26	0.3
Solar energy	0	0.0
Other fuel	0	0.0
No fuel used	0	0.0
SELECTED CHARACTERISTICS		
Lacking complete plumbing facilities	24	0.3
Lacking complete kitchen facilities	15	0.2
No telephone service	31	0.4
OCCUPANTS PER ROOM		
Occupied housing units	8,532	100.0
1.00 or less	8,412	98.6
1.01 to 1.50	75	0.9
1.51 or more	45	0.5
Specified owner-occupied units	6,176	100.0
VALUE		
Less than \$50,000	35	0.6
\$50,000 to \$99,999	1,296	21.0
\$100,000 to \$149,999	1,553	25.1
\$150,000 to \$199,999	1,423	23.0
\$200,000 to \$299,999	1,527	24.7
\$300,000 to \$499,999	303	4.9
\$500,000 to \$999,999	29	0.5
\$1,000,000 or more	10	0.2
Median (dollars)	157,600	(X)
MORTGAGE STATUS AND SELECTED MONTHLY OWNER COSTS		
With a mortgage	5,320	86.1
Less than \$300	17	0.3
\$300 to \$499	115	1.9
\$500 to \$699	155	2.5
\$700 to \$999	891	14.4
\$1,000 to \$1,499	1,871	30.3
\$1,500 to \$1,999	1,494	24.2
\$2,000 or more	777	12.6
Median (dollars)	1,398	(X)
Not mortgaged	856	13.9
Median (dollars)	343	(X)
SELECTED MONTHLY OWNER COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME IN 1999		
Less than 15 percent	1,775	28.7
15 to 19 percent	1,401	22.7
20 to 24 percent	1,177	19.1
25 to 29 percent	769	12.5
30 to 34 percent	392	6.3
35 percent or more	629	10.2
Not computed	33	0.5
Specified renter-occupied units	2,059	100.0
GROSS RENT		
Less than \$200	95	4.6
\$200 to \$299	70	3.4
\$300 to \$499	80	3.9
\$500 to \$749	681	33.1
\$750 to \$999	814	39.5
\$1,000 to \$1,499	235	11.4
\$1,500 or more	15	0.7
No cash rent	69	3.4
Median (dollars)	772	(X)
GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME IN 1999		
Less than 15 percent	370	18.0

Subject	Number	Percent
15 to 19 percent	516	25.1
20 to 24 percent	364	17.7
25 to 29 percent	248	12.0
30 to 34 percent	184	8.9
35 percent or more	272	13.2
Not computed	105	5.1

(X) Not applicable.

Source: U.S. Census Bureau, Census 2000 Summary File 3, Matrices H1, H7, H20, H23, H24, H30, H34, H38, H40, H43, H44, H48, H51, H62, H63, H69, H74, H76, H90, H91, and H94

Exhibit E

Tax Year	Base Value	Improvements	Market Value	Assessment Rate	Total Taxable Value	Charge Millage	Total Charge	Charge Distribution		
								Schools	Fire	City
2007	5,451,885	18,720,000	24,171,885	35%	8,460,160	0.5%	42,301	8,460	8,460	25,380
2008	5,451,885	36,000,000	41,451,885	35%	14,508,160	0.5%	72,541	14,508	14,508	43,524
2009	5,451,885	62,500,000	67,951,885	35%	23,783,160	0.5%	118,916	23,783	23,783	71,349
2010	5,451,885	62,500,000	67,951,885	35%	23,783,160	0.5%	118,916	23,783	23,783	71,349
2011	5,451,885	62,500,000	67,951,885	35%	23,783,160	0.5%	118,916	23,783	23,783	71,349
2012	5,451,885	62,500,000	67,951,885	35%	23,783,160	0.5%	118,916	23,783	23,783	71,349
2013	5,451,885	62,500,000	67,951,885	35%	23,783,160	0.5%	118,916	23,783	23,783	71,349
2014	5,451,885	62,500,000	67,951,885	35%	23,783,160	0.5%	118,916	23,783	23,783	71,349
2015	5,451,885	62,500,000	67,951,885	35%	23,783,160	0.5%	118,916	23,783	23,783	71,349
2016	5,451,885	62,500,000	67,951,885	35%	23,783,160	0.5%	118,916	23,783	23,783	71,349
2017	5,451,885	62,500,000	67,951,885	35%	23,783,160	0.5%	118,916	23,783	23,783	71,349
2018	5,451,885	62,500,000	67,951,885	35%	23,783,160	0.5%	118,916	23,783	23,783	71,349
2019	5,451,885	62,500,000	67,951,885	35%	23,783,160	0.5%	118,916	23,783	23,783	71,349
2020	5,451,885	62,500,000	67,951,885	35%	23,783,160	0.5%	118,916	23,783	23,783	71,349
2021	5,451,885	62,500,000	67,951,885	35%	23,783,160	0.5%	118,916	23,783	23,783	71,349
2022	5,451,885	62,500,000	67,951,885	35%	23,783,160	0.5%	118,916	23,783	23,783	71,349
2023	5,451,885	62,500,000	67,951,885	35%	23,783,160	0.5%	118,916	23,783	23,783	71,349
2024	5,451,885	62,500,000	67,951,885	35%	23,783,160	0.5%	118,916	23,783	23,783	71,349
2025	5,451,885	62,500,000	67,951,885	35%	23,783,160	0.5%	118,916	23,783	23,783	71,349
2026	5,451,885	62,500,000	67,951,885	35%	23,783,160	0.5%	118,916	23,783	23,783	71,349
							2,255,326	451,065	451,065	1,353,196

Exhibit F

**SCHOTTENSTEIN
REAL ESTATE GROUP**

Formerly M/I Real Estate Co.

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FOR-SALE COMMUNITIES

RENTAL COMMUNITIES

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~ Awards, Affiliations & References

~ Key Personnel

This Is Your Builder.

trust reputation commitment experience
excellence quality craftsmanship leadership

The SCHOTTENSTEIN REAL ESTATE GROUP, for over 30 years through various affiliated entities, has developed, built, marketed, and managed excellent condominium and apartment communities for sale for rent throughout the Central Ohio area.

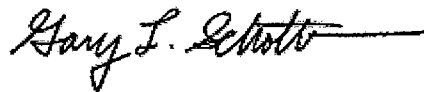
Our *commitment* is to the satisfaction of our buyers and residents.

Our *philosophy* is that all of our associates and contractors work at the service of our buyers and residents.

Our *guarantee* is our dedication to providing the best building or leasing experience, and great value.

Our *warranty* is that any major item where we have not met expectations, will be personally addressed by an officer of our company.

Our *goals* are to create a great environment where our buyers and residents can enjoy their home, be confident in their decision, and where we have earned their trust.



Gary L. Schottenstein
CEO/President



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success experience. reputation leadership

The **SCHOTTENSTEIN REAL ESTATE GROUP** has been respected as one of the leaders in the Central Ohio real estate industry. For over 25 years, the company operated as a multi-family specialist using the name of Mill Real Estate Co.

Over 8000 units have been developed, marketed or managed in Central Ohio by our outstanding executive team. Our associates and professional contractors are among the most experienced and reputable leaders in every aspect of the development and business community.

Projects have been completed in most areas in the Central Ohio market including Dublin, Hilliard, New Albany, Worthington, Westerville, Bexley, Victorian Village, Short North, Powell, Gahanna, Grove City, Reynoldsburg, Pickerington, Whitehall, and Orange Township.



COLUMBUS AREA PROJECTS	TIMETABLE	DEVELOPED/MANAGED
Wyandotte North & Northgate	1962-1985	D&M
Wyandotte East : Fairlane, Riding Club, Big Walnut	1964-1985	D&M
Wyandotte South	1967-1984	D&M
Heritage	1969-1972	D&M
Eastland Cascades	1973-1987	D&M
Bexley House	1973-1987	D&M
Little Turtle	1973-1976	D&M
Cherrybottom Highlands	1980-2002	D&M

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stability excellence. professionalism distinctive

AWARDS

- ★ Better Homes and Gardens Decade Awards
- ★ Columbus City Beautiful Award
- ★ American Wood Council Design Awards
- ★ A.I. Architect Design & Planning Awards
- ★ Columbus Apartment Association Tributes Awards of Distinction
- ★ Business First "The List" #1 Apartment Communities

PROFESSIONAL AFFILIATIONS

- ★ Columbus & National Apartment Associations
- ★ Columbus & National Board of REALTORS
- ★ Building Industry Association of Central Ohio & NAHB
- ★ Better Business Bureau of Central Ohio
- ★ Greater Columbus Chamber of Commerce

Additional information is available upon request.

PROFESSIONAL REFERENCES

- ★ National City Bank
- ★ Huntington National Bank
- ★ AIG Global Investment Corp.



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Key Personnel

Gary L. Schottenstein :: Chairman and CEO

Gary has over 30 years experience for M/I Homes and M/I Real Estate Co. He is an Ohio State University (OSU) graduate with a B.S. in Business Administration, a licensed real estate broker in Ohio, and past director and member of the Building Industry Association of Central Ohio (BIA) and the Columbus Apartment Association (CAA). He serves on the National Economic Council of the NAHB and on numerous civic and charitable boards.

Brett L. Kaufman :: President and COO

Brett has over 8 years experience including Bank One Capital Corporation and M/I Real Estate Co. He is a graduate of Ohio State University (OSU) and a licensed REALTOR. He serves on the executive committee and Vice President of Board of Directors at the Columbus Apartment Association. In addition, Brett serves several other civic and charitable boards throughout the community.

George M. Harmanis :: Senior V.P. and CFO

George has over 20 years experience with both public and private organizations including Premier Pro USA, Inc., Glimcher Realty Trust and Ernst & Young, LLP. He is a graduate of OSU, a licensed CPA and member of the OSCPA and AICPA.

Charles R. Evans :: Senior V.P. Construction and Development

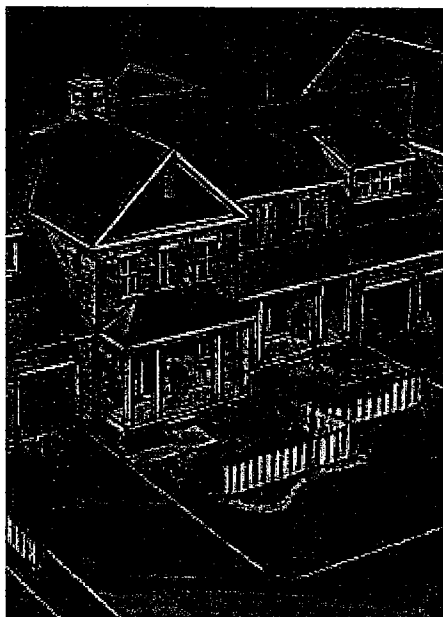
Charles has over 35 years experience in the industry including work for Dominion Homes, Casto Communities, and Newtowne Builders. Chuck attended Indiana University and is active in industry issues.

Mic Gordon :: Senior V.P. Sales and Marketing

Mic has over 15 years experience with Ryland, Ashbury Homes, M/I/Showcase Homes and is a licensed REALTOR and active at the Columbus Board of REALTORS. He is a member of the BIA Sales & Marketing Council and was the 2001 BIA Sales Manager of the Year.

Sharon Wilson :: Controller

Sharon has over 20 years experience in real estate management accounting, including Matthews Click

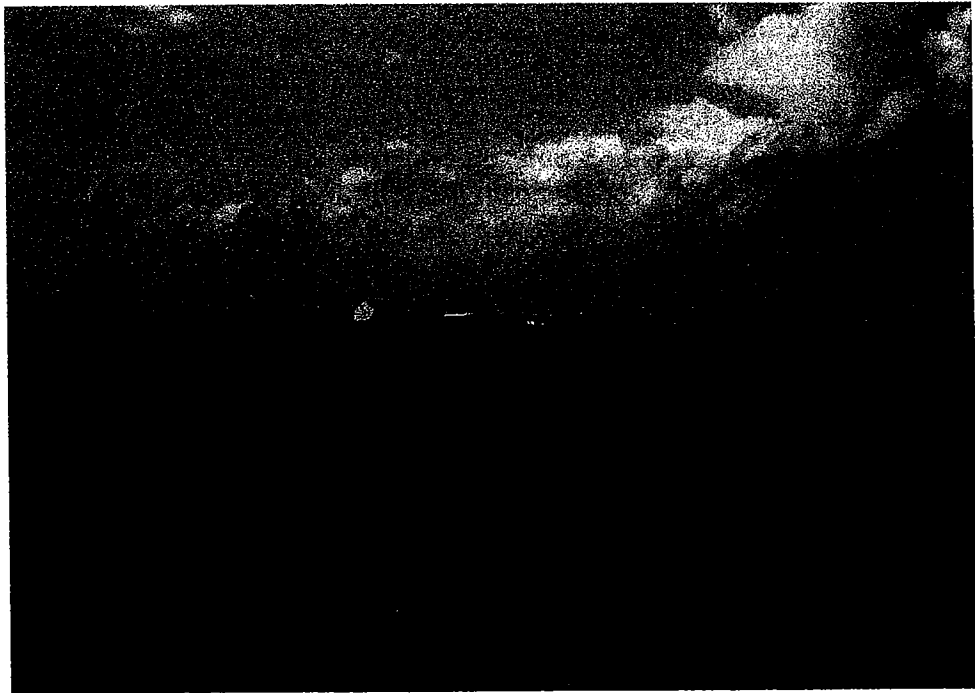


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Home Office: 2 Easton Oval Columbus, OH 43219 Telephone: 614-418-8900 Email: info@srealestateg.com

Exhibit G

170 Mill Street
Gahanna, Ohio 43230
Tel: 614-471-5150
Fax: 614-471-9286



**An Approximately 67.5-Acre Property Located south of
Davidson Road and west of Leap Road, in the City of Hilliard,
Franklin County, Ohio**

Phase I Environmental Site Assessment

**Prepared for:
The Schottenstein Real Estate Group**

**July 21, 2005
2005-1485**

EXECUTIVE SUMMARY

A Phase I Environmental Site Assessment has been conducted and a report prepared by EMH&T, Inc. for an approximately 67.5-acre property located at 4701 Davidson Road, in the City of Hilliard, Franklin County, Ohio. The subject property is located south of Davidson Road and west of Leap Road. This study was performed at the request of and is for the exclusive use of the Schottenstein Real Estate Group.

The vast majority of the subject property consisted of active agricultural fields.

A house, which was likely built prior to the year 1900, and a wooden barn, which was reportedly built in 1960, are currently present on the subject property. No suspect asbestos containing materials were noted with regard to the barn, as it did not contain any piping, floor tile, insulation, electrical components, roofing shingles, textured coatings, or siding. However, given the era in which the house was built, EMH&T recommends that an asbestos demolition survey be performed on the structure prior to any demolition or renovation activities.

No environmental concerns on the site were apparent throughout the years covered by the aerial photographs. Past and recent land use has been agricultural and residential throughout the years covered by the aerial photographs.

The subject property was not listed in any of the federal or state databases for hazardous materials or incidents that were searched by EDR, Inc.

Seven sites were listed in the EDR, Inc. report within the prescribed ASTM search radii of the subject property. None of the identified sites are likely to result in any current or future adverse environmental impact on the subject property.

A water well and two exterior water hydrants are located on the subject property. Sealing of abandoned wells is required to be documented per the Ohio Revised Code Section 1521.05 (B) and a well sealing report must be submitted to ODNR, Division of Water.

A septic tank system is reportedly located on the subject property. A septic system should be pumped by a professional sewage hauler and filled with inert material prior to abandonment or removed.

A cistern is located on the subject property. It should be removed or filled with inert material prior to abandonment.

Vent and fill pipes associated with a heating oil above ground storage tank (AST) were observed on the subject property. Any ASTs removed from service should be purged and removed by a professional trained in appropriate AST abandonment procedures and be discarded as scrap at an appropriate receiving facility and that any petroleum contamination, if present, should be appropriately remediated.

No underground storage tanks (USTs) were observed on the subject property.

No jurisdictional waters and/or wetlands were observed on the subject property.

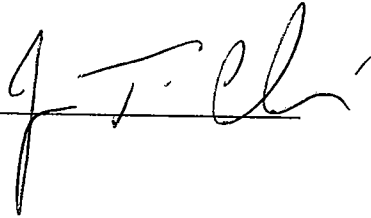
Additional recommendations regarding each of the findings are contained within this document. This report was prepared solely for the use of the client, the Schottenstein Real Estate Group,

Schottenstein Real Estate Group
Phase I Environmental Site Assessment – 67.5-Acre Ansmil West Site

and is not transferable. EMH&T has conducted the ESA in conformance to ASTM standards and has made best professional efforts to ensure accuracy and reliability. No environmental site assessment can wholly eliminate uncertainty regarding the potential for recognized environmental conditions. This report is designed to reduce but not eliminate uncertainty. EMH&T has obtained records from several available sources and no warranty, either expressed or implied, is made in relation to the information provided in this report.

Prepared by: Jason T. Clausi

Reviewed By: Robert B. Hedges

Signature: 

Signature: 

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I. INTRODUCTION

A Phase I Environmental Site Assessment has been conducted and a report prepared by EMH&T, Inc. for an approximately 67.5-acre property located at 4701 Davidson Road, in the City of Hilliard, Franklin County, Ohio. The subject property is located south of Davidson Road and west of Leap Road. This study was performed at the request of and is for the exclusive use of the Schottenstein Real Estate Group.

1. Purpose

A Phase I Environmental Site Assessment (ESA) is one of the requirements which permit the user to qualify for the 'innocent landowner defense' to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) liability and/or to qualify for conditional CERCLA liability protection as a 'bona fide prospective purchaser' (BFPP), 'innocent landowner' (ILO), or 'contiguous property owner' (CPO) under provisions of the 2002 Brownfields Amendments to the Superfund law. The ESA practice provides appropriate 'inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice' (42 USC § 9601(35)(B)).

The goal of an ESA is to identify recognized environmental conditions. The term *recognized environmental conditions* means the presence or likely presence of any hazardous substances or petroleum products on a property which indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property (ASTM, 1527-00).

2. Limitations and Exceptions of Assessment

This Phase I Environmental Site Assessment was performed in conformance with the scope and limitations of the American Society of Testing and Materials (ASTM) Practice E 1527-00. Information presented in this report is based on that available during the preparation of the report. This investigation evaluates the conditions that existed during the time of the site visit and does not warrant against future conditions at the site or adjacent properties or against subsequent changes in the environmental regulations. In accordance with Practice E 1527-00, this Phase I Environmental Site Assessment is presumed to be valid for a period of 180 days from the issuance date of the report.

EMH&T, Inc. attempts to conduct as thorough a site reconnaissance as practicable; however, it shall not be held liable for inaccessible portions of the property that are identified as such in this report. This may include, but is not limited to, locked buildings, downed structures, areas where visibility is limited by overgrown vegetation, or any area where access may compromise the safety of the site investigator.

The following items outline limitations and exceptions to the assessment:

- No inspection of buildings, either internally or externally, is included for the presence of asbestos-containing materials; however, the report will make note of signs of potential use, storage or disposal of hazardous materials in relation to any structures present. Other services not represented or included in this ESA are a guarantee, warranty or certification of clear property title, radon evaluations, inspections for the presence of lead-based paint, any type of sample collection or analyses, soil borings or a wetland delineation of the property.

- This report does not represent a legal opinion or interpretation regarding potential liabilities associated with property transfers or transactions.
- Information obtained from publicly available sources is assumed to be reliable. Only those records, resources and information, which could be reasonably obtained within time limitations dictated, were considered. In addition, any information offered by interviewed persons is assumed to be accurate and truthful.
- The "Orphan Summary" included in the Environmental Data Resources (EDR) report lists the names, addresses and type of database listing of the regulated and registered facilities that could not be plotted by EDR due to poor or inadequate address information. Although EMH&T, Inc. attempts to identify these "orphan sites" at or in the immediate vicinity of the subject site, it makes no warranties, expressed or implied, as to the accuracy of their locations and/or their impact on the site, if any.

3. Methodology

A records and literature review was conducted in order to characterize the physical features of the property and the surrounding vicinity. Published and public information sources examined include: the United States Geological Survey (USGS) *Hilliard, Ohio 7.5 Minute Topographic Map*, the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, the U.S. Fish and Wildlife Service National Wetland Inventory Map, the Franklin County ground water resources map, the Ohio Department of Natural Resources (ODNR) bedrock topography map and water, oil and gas well index maps, and the Natural Resources Conservation Service (NRCS) soils map. Aerial photographs were obtained through Environmental Data Resources, Inc. (EDR, Inc.) of Milford, Connecticut. Ownership history information was obtained for the parcels by EMH&T, Inc. at the Franklin County Courthouse in the City of Columbus, Franklin County, Ohio. Information regarding building construction dates, tax districts, and property class was obtained for the parcels by EMH&T, Inc. via the internet from the website of the Auditor of Franklin County, Ohio.

In order to evaluate the possibility of hazardous substances or petroleum products present or migrating onto the subject property from adjacent properties, Environmental Data Resources, Inc. (EDR, Inc.) of Milford, Connecticut was retained to review all information recorded in federal and state databases. Their report is included in Appendix A. The approximate minimum search distances recommended by ASTM Practice E 1527-00 were used. The Norwich Township Fire Department was contacted by letter for information related to possible spills, unauthorized discharges, underground storage tanks, hazardous emergency responses, remediations or any environmental concerns relating to toxic or hazardous substances on or near the property. In addition, the records of the Franklin County Board of Health were requested to be reviewed for environmental complaints, violations, and health hazards regarding sewage disposal, water supply, solid waste disposal, indoor air quality and illegal dumpsites.

The status of jurisdictional wetlands and waters as regulated by the Clean Water Act Section 404 have been investigated and are discussed in a later section of this report.

II. SITE DESCRIPTION

1. Site Location

As shown on Figure 1, the subject property is located south of Davidson Road and west of Leap Road, in the City of Hilliard, Franklin County, Ohio.

2. Site and Vicinity Characteristics

As shown on Figure 2, the subject property is at an approximate elevation ranging from 900 to 920 feet (National Geodetic Vertical Datum) according to the USGS 7.5' Series *Hilliard, Ohio Quadrangle*, (USGS, Photinspected 1984). Four structures are shown on the topographic map as being located on the subject property. No streams, open water or marsh symbols were mapped on the site.

According to the Franklin County Auditor's records the subject property is within the City of Hilliard tax district and is listed as *111-Cash Grain/General Farm* for purposes of property classification. The County Auditor's records indicate that a house, which is listed as "old", and a pole barn, built in 1960, are located on the subject property. A water well and septic system are reportedly located on the subject property. Copies of these records are included in Appendix C.

According to the *Soil Survey of Franklin County, Ohio* (USDA-SCS, 2/80) as shown on Figure 3, the subject property contains Crosby silt loam on 0 to 2 percent slopes (CrB), Kokomo silty clay loam on nearly level surfaces (Ko), and Lewisburg-Crosby Complex (LeB). No streams, open water or marsh symbols were mapped on the site.

A hydric soil is a soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of hydrophytic vegetation (USDA-SCS, 1985). According to the NRCS, formerly the Soil Conservation Service (SCS), Kokomo silty clay loam on nearly level surfaces (Ko) was listed as a hydric soil on the subject property and Crosby silt loam on 0 to 2 percent slopes (CrB) and Lewisburg-Crosby Complex (LeB) were listed as non-hydric soils that may have hydric components on the subject property (USDA-SCS, 1/91 & USDA-SCS, 6/91).

The Ohio Department of Natural Resources (ODNR), Division of Geological Survey, map of Oil and Gas Wells in Norwich Township posted to 1997 was reviewed. No oil or gas wells were located on the subject parcels or within 1 mile thereof.

The ODNR, Division of Geological Survey, "Bedrock Topography Map for the *Hilliard, Ohio Quadrangle*, 1992" indicates that within the vicinity of the site, depth to bedrock is approximately 30 to 50 feet beneath the surface.

The Ground Water Resources Map of Franklin County (James J. Schmidt, 1958, revised 1993) was reviewed with respect to the subject property. The subject property is situated within an area in which well yields of 100 to 500 gallons per minute may reportedly be developed. Groundwater resources in these areas are described as: "Limestone-dolomite bedrock is the principal source of supply in the western third of the county. Yields of as much as 250 gallons per minute are developed at depths of less than 300 feet, with greater yields but usually poorer quality at depths of more than 400 feet."

The ODNR, Division of Water, water well logs were reviewed for water wells in the vicinity. One record of a well was located in the ODNR well log files as being on the subject property. Copies of this well log and other well logs in the vicinity are included in Appendix D.

Review of information contained in the well logs suggests that groundwater flow in the area is generally to the east. Depth to static water level in local wells ranged from about 9 to 27 feet. Local domestic wells had reported well yields that ranged between 15 to 40 gallons per minute. These wells derived groundwater from limestone at depths of 41 to 141 feet.

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) was reviewed for the site (FEMA, 8/2/95). As shown on Figure 4, the subject property lies in Zone X (unshaded) which are areas determined to be outside the 500-year flood plain.

The U.S. Fish and Wildlife Service's (FWS) National Wetland Inventory Map (NWI) for the *Hilliard, Ohio Quadrangle* was reviewed for the site (FWS, 1995). As shown on Figure 5, a portion of a palustrine, emergent, temporarily flooded wetland (PEMA) was mapped along the eastern boundary of the subject property.

III. ENVIRONMENTAL RECORDS REVIEW

1. Standard Federal and State Sources

The Phase I ESA Radial Search Report from EDR, Inc. is included in Appendix A. Standard federal databases checked for these reports include the National Priorities List (NPL), NPL deletions and liens, the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS, CERC-NFRAP and CONSENT), Corrective Action Report (CORRACTS), Licensed Solid Waste Facilities (SWF/LF), RCRA Administrative Tracking Systems (RAATS), the Resource Conservation and Recovery Information System for Treatment, Storage and Disposal Facilities (RCRIS-TSD), the RCRIS for Generators (RCRIS-SQG and LQG), Hazardous Materials Information Reporting System (HMIRS), Facility Index System (FINDS), Toxic Chemical Release Inventory System (TRIS) the Emergency Response Notification System (ERNS), Toxic Substances Control Act (TSCA), Material Licensing Tracking System (MLTS), Records of Decision (ROD), Mines Master Index File (MINES), Former Manufactured Gas and Coal Sites (Coal Gas) and the PCB Activity Database (PADS). In addition, a check for the USEPA State Residential Radon Survey Data was performed.

State databases which were reviewed for listings included Leaking Underground Storage Tanks (LUST), the Master Sites List (SHWS), Licensed Solid Waste Facilities (LF), Underground Storage Tank file (UST), and the Emergency Response database (SPILLS). A description of the type of information obtained from each record source and reporting details are included in the EDR, Inc. report in Appendix A.

Figure 6 is a map of the property and vicinity produced by EDR, Inc. which shows the location of records found during standard federal and state database searches for up to a 1.00 mile radius. Search radii used for each parameter were based on ASTM E 1527-00 standard requirements. The subject property was not listed in any database searched by EDR, Inc. Seven (7) sites were listed within the prescribed search radii of the subject property. Twelve orphan sites (sites with insufficient information) were listed in the EDR, Inc. report. All of these orphan sites were determined by EMH&T to be located outside ASTM standards and are not further discussed in this report.

NPL – National Priority List

The NPL is a subset of the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) and identifies over 1,200 sites nationally for priority cleanup under the Superfund Program. The source of this data is the United States Environmental Protection Agency (U.S. EPA). No sites were listed within the ASTM recommended 1.0-mile search radius.

Proposed NPL – Proposed National Priority List

The Proposed NPL is a subset of the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) and identifies sites proposed to be added to the NPL for priority cleanup under the Superfund Program. The source of this data is the U.S. EPA. No sites were listed within the ASTM recommended 1.0-mile search radius.

CERCLIS - Comprehensive Environmental Response, Compensation, and Liability Information System

The CERCLIS contains data on potentially hazardous waste sites that have been reported to the U.S. EPA by states, municipalities, private companies, or individuals pursuant to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The source of this data is the U.S. EPA. No sites were listed within the ASTM recommended ½ -mile search radius.

CERCLIS-NFRAP – CERCLIS No Further Remedial Action Planned

CERCLIS-NFRAP sites are sites that have been removed from the CERCLIS to lift the unintentional barriers to redevelopment of the properties. NFRAP sites generally are sites where, following an initial investigation, no contamination was found, contamination was removed quickly, or the contamination was not serious enough to require Federal Superfund action or NPL consideration. The source of this data is the U.S. EPA. ASTM standards recommend a search for CERCLIS-NFRAP to include the subject and adjoining properties. No sites were listed within a ¼ -mile search radius of the subject property.

CORRACTS – Corrective Action Report

This federal list identifies hazardous waste handlers with Resource Conservation and Recovery Act (RCRA) corrective action activity. The source of this data is the U.S. EPA. No sites were listed within the ASTM recommended 1.0-mile search radius.

RCRIS - Resource Conservation and Recovery Act Database

The RCRIS includes selected information on sites that generate, store, treat or dispose of hazardous waste as defined by the Act. The source of this data is the U.S. EPA and NTIS. A RCRIS-TSD is a facility that treats, stores or disposes of hazardous wastes as defined by RCRA. No RCRIS-TSD sites were listed within the ASTM recommended ½ -mile search radius. A RCRIS-LQG is a facility that generates or stores large quantities of such wastes. ASTM standards recommend a search for RCRIS-LQG to include the subject and adjoining properties. No RCRIS-LQG sites were listed within a ¼ -mile search radius of the subject property. A RCRIS-SQG is a facility that generates or stores small quantities of such wastes. ASTM standards recommend a search for RCRIS-SQG to include the subject and adjoining properties. Three RCRIS-SQG sites were listed within a ¼ -mile search radius of the subject property. These sites are summarized below. Further information regarding these sites can be found in the results of the EDR, Inc. report located in Appendix A.

FedEx Freight East Incorporated (EDR Inc. Map No. A34) – The site is listed in the EDR Inc. report as FedEx Freight East Incorporated at 4445 Weaver Court, Hilliard, Ohio 43026.

The site is reported to be located within ¼ to ½ -mile (1871 feet) south-southeast of the subject property at a relative elevation of 903 feet. However, the site is actually located within ¼ -mile from subject property. The site is classified as a small quantity generator of hazardous wastes and no records of violation were found during the database review. Due to the small quantities of wastes involved and the fact that the facility has had no records of violations, RCRIS-SQG activities at this site would not be anticipated to adversely impact environmental conditions on the subject property.

Armstrong World Industries (EDR Inc. Map No. B42 and B43) – The site is listed in the EDR Inc. report as *Armstrong World Industries* at 4241 Leap Road, Hilliard, Ohio 43026. The site is reported to be located within ¼ to ½ -mile (2006 feet) southeast of the subject property at a relative elevation of 899 feet. However, the site is believed to be located within 1/8 to ¼ -mile to the south of the subject property. The site is classified as a small quantity generator of hazardous wastes and no records of violations were found during the database review. Due to the small quantities of wastes involved and the fact that the facility has had no records of violations, RCRIS-SQG activities at this site would not be anticipated to adversely impact environmental conditions on the subject property.

Baesman Printing Corporation (EDR Inc. Map No. D51) – The site is listed in the EDR Inc. report as *Baesman Printing Corporation* at 4477 Reynolds Drive, Hilliard, Ohio 43026. The site is reported to be located within ¼ to ½ -mile (2559 feet) south-southeast of the subject property at a relative elevation of 903 feet. However, the site is actually located approximately ¼ -mile from subject property. The site is classified as a small quantity generator of hazardous wastes and one violation, a general recordkeeping requirement, was found during the database review. Due to the small quantities of wastes involved and the relatively large distance from the subject property, RCRIS-SQG activities at this site would not be anticipated to adversely impact environmental conditions on the subject property.

ERNS – Emergency Response Notification System

The ERNS records and stores information on reported releases of oil and hazardous substances. The database is maintained by the National Response Center, United States Coast Guard. No site was listed for the ASTM recommended search of the subject property.

MSL – Ohio Master Sites List

The MSL is comprised of sites in Ohio where there is evidence of, or it is suspected that waste management has resulted in the contamination of air, water, or soil and there is a confirmed or potential threat to human health or the environment. The Ohio EPA no longer maintains or publishes the MSL. No sites were listed within the ASTM recommended 1.0-mile search radius for State-equivalent NPL sites.

SWF/LF – Ohio Licensed Solid Waste Facilities/Landfill Sites

SWF/LF records contain an inventory of solid waste disposal facilities and landfill sites in Ohio. This database is maintained by the Ohio EPA. No sites were listed within the ASTM recommended ½ -mile search radius for landfill and/or solid waste disposal sites.

LUST – Leaking Underground Storage Tanks

LUST records contain an inventory of reported leaking underground storage tank incidents in Ohio. This database is maintained by the Ohio Department of Commerce, State Fire Marshal's Office, Bureau of Underground Storage Tank Regulation (BUSTR). Three sites were listed within the ASTM recommended ½ -mile search radius for leaking underground storage tanks.

These sites are summarized below. Further information regarding these sites can be found in the results of the EDR, Inc. report located in Appendix A.

American Freightways (EDR Inc. Map No. A1) – The site is listed in the EDR Inc. report as *American Freightways* at 4445 Weaver Court, Hilliard, Ohio 43026. The site is reported to be located within 14 to ½ -mile (1680 feet) south-southwest of the subject property at a relative elevation of 914 feet. However, the site is believed to be located within ¼ -mile from the subject property. This site is also identified within the OH Spills and HMIRS databases. According to the EDR, Inc. report, the site had a suspected/confirmed release from a regulated underground storage tank (Release Number 25000512-N00001) on an unreported date. A “no further action” (NFA) letter was subsequently issued by the Bureau of Underground Storage Tank Regulation (BUSTR) indicating that any residual petroleum contamination was within the limits established for corrective actions and did not pose a threat to human health or the environment.

Hi-Way Paving (EDR Inc. Map No. C45) – The site is listed in the EDR Inc. report as *Hi-Way Paving* at 4343 Weaver Court, Hilliard, Ohio 43026. The site is reported to be located within ¼ to ½ -mile (2283 feet) south of the subject property at a relative elevation of 914 feet. However, the site is believed to be located approximately ¼ -mile from the subject property. According to the EDR, Inc. report, the site had a closure of a regulated underground storage tank (Release Number 25000592-N00001) on an unreported date. A “no further action” (NFA) letter was subsequently issued by the Bureau of Underground Storage Tank Regulation (BUSTR) indicating that any residual petroleum contamination was within the limits established for corrective actions and did not pose a threat to human health or the environment.

Hilliard City Schools Trans. Dept. (EDR Inc. Map No. 46) – The site is listed in the EDR Inc. report as *Hilliard City Schools Trans. Dept.* at 4970 Davidson Road, Hilliard, Ohio 43026. The site is reported to be located within ¼ to ½ -mile (2382 feet) west-northwest of the subject property at a relative elevation of 922 feet. However, the site is believed to be located within ¼ -mile from the subject property. According to the EDR, Inc. report, the site had a suspected/confirmed release from a regulated underground storage tank (Release Number 25008761-N00001) on an unreported date. A “no further action” (NFA) letter was subsequently issued by the Bureau of Underground Storage Tank Regulation (BUSTR) indicating that any residual petroleum contamination was within the limits established for corrective actions and did not pose a threat to human health or the environment.

UST – Underground Storage Tanks

UST records contain an inventory of registered underground storage tank incidents in Ohio. This database is maintained by the Ohio Department of Commerce, State Fire Marshal’s Office, Bureau of Underground Storage Tank Regulation (BUSTR). ASTM standards recommend a search for underground storage tanks to include the subject and adjoining properties. One registered underground storage tank site was listed within a ¼ -mile search radius. This site is summarized below. Further information regarding this site can be found in the results of the EDR, Inc. report located in Appendix A.

Hilliard City Schools Trans. Dept. (EDR Inc. Map No. 46) – The site is listed in the EDR Inc. report as *Hilliard City Schools Trans. Dept.* at 4970 Davidson Road, Hilliard, Ohio 43026. The site is reported to be located within ¼ to ½ -mile (2382 feet) west-northwest of the subject property at a relative elevation of 922 feet. However, the site is believed to be

located within ¼ -mile from the subject property. The site reportedly has two 10,000-gallon cathodically protected steel underground storage tanks (USTs) currently in use to store gasoline and diesel, respectively. The site also has a 250-gallon cathodically protected steel UST currently in use to store used oil. The three USTs are reportedly in compliance with applicable spill/overflow protection measures as well as leak detection/prevention and monitoring requirements. As such, it would not be anticipated that the presence of these USTs would adversely impact environmental conditions on the subject property

VCP – Voluntary Action Program Sites

VCP records contain an inventory sites involved in the Ohio Voluntary Action Program (VAP). This database is maintained by the Ohio EPA. No sites were listed within the ASTM recommended ½ -mile search radius for VAP or *Brownfield* sites.

Federal Supplemental Information

Two sites were identified as being within ASTM search standards for Federal supplemental information. These sites are summarized below. Further information regarding these sites can be found in the results of the EDR, Inc. report located in Appendix A.

American Freightways (EDR Inc. Map Nos. A3 to A39) – The site is listed in the EDR Inc. report as *American Freightways* at 4445 Weaver Court, Hilliard, Ohio 43026. The site is reported to be located within 14 to ½ -mile (1680 feet) south-southwest of the subject property at a relative elevation of 914 feet. However, the site is believed to be located within ¼ -mile from the subject property. The site was identified within the Hazardous Materials Information Reporting System (HMIRS) database. Numerous spills were associated with this facility. However, all of these spills took place in-transit at an off-site location. As such, these releases would not impact environmental conditions on the subject property.

Armstrong World Industries (EDR Inc. Map No. B40) – The site is listed in the EDR Inc. report as *Armstrong World Industries* at 4241 Leap Road, Hilliard, Ohio 43026. The site is reported to be located within ¼ to ½ -mile (2006 feet) southeast of the subject property at a relative elevation of 899 feet. However, the site is believed to be located within 1/8 to ¼ -mile to the south of the subject property. This site was listed within the Toxic Release Inventory System (TRIS), which identifies facilities that release toxic chemicals to the air, land, or water in reportable quantities under SARA Title III. No data was observed within this listing that would indicate any significant contamination on the subject property.

State Supplemental Information

Four sites were identified as being within ASTM search standards for State supplemental information. These sites are summarized below. Further information regarding these sites can be found in the results of the EDR, Inc. report located in Appendix A.

American Freightways (EDR Inc. Map No. A1) – The site is listed in the EDR Inc. report as *American Freightways* at 4445 Weaver Court, Hilliard, Ohio 43026. The site is reported to be located within 14 to ½ -mile (1680 feet) south-southwest of the subject property at a relative elevation of 914 feet. However, the site is believed to be located within ¼ -mile from the subject property. A spill was reported at this site on October 16, 2001 involving 20 gallons of diesel fuel. An unnamed tributary to the Scioto River was reportedly affected as a result of the release. Due to the small size of the spill, it is not anticipated that environmental conditions on the subject property would be impacted as a result of this release.

Armstrong World Industries (EDR Inc. Map No. B42 and B43) – The site is listed in the EDR Inc. report as *Armstrong World Industries* at 4241 Leap Road, Hilliard, Ohio 43026. The site is reported to be located within ¼ to ½ -mile (2006 feet) southeast of the subject property at a relative elevation of 899 feet. However, the site is believed to be located within 1/8 to ¼ -mile to the south of the subject property. This site was listed within the OH Spills database. A spill was reported at this site on October 20, 1995 involving an unknown amount of “white material”. No data was observed within this listing that would indicate any significant contamination on the subject property as a result of this release.

Another spill was reported for the above site involving 10 gallons of hydraulic oil that was discharged into a storm sewer. Due to the small size of the spill, it is not anticipated that environmental conditions on the subject property would be impacted as a result of this release.

4251 Leap Road (EDR Inc. Map No. D47) – The name and address of the site is listed in the EDR Inc. report as *4251 Leap Road*, Hilliard, Ohio 43026. The site is reported to be located within ¼ to ½ -mile (2424 feet) south-southeast of the subject property at a relative elevation of 904 feet. However, the site is believed to be located approximately ¼ -mile from the subject property. A spill was reported at this site on December 7, 2004 involving an unreported amount of diesel fuel. Due to the small size of the spill and the relatively large distance from the subject property, it is not anticipated that environmental conditions on the subject property would be impacted as a result of this release.

Unknown (EDR Inc. Map No. 49) – The site is listed in the EDR Inc. report as *Unknown* at 4534 Crystal Ball Drive, Hilliard, Ohio 43026. The site is reported to be located within ¼ to ½ -mile (2494 feet) west of the subject property at a relative elevation of 925 feet. However, the site is believed to be located within ¼ -mile from the subject property. This site was listed within the OH Spills database. A spill was reported at this site on February 25, 2002, involving an unknown amount of coolant. The actual spill amount was listed as 0.0, which typically suggests that the spill was small in size. Given the likely small size of the spill and the fact that this facility is not adjacent to the subject property, it is not anticipated that environmental conditions on the subject property would be negatively impacted as a result of this release.

Proprietary Historical Databases

No sites contained within EDR proprietary historical databases were identified as being within a 1-mile search radius of the subject property.

2. Additional Record Sources

The Norwich Township Fire Department was contacted via a public records request for any information regarding hazardous emergency responses, possible spills, unauthorized discharges, underground storage tanks, remediations or any environmental problems relating to toxic or hazardous substance releases on or near the property. Captain Brown of the Norwich Township Fire Department stated during a telephone conversation on July 19, 2005 that no records were found for the subject property. A copy of the request for information is included in Appendix E.

A public records request was made to the Franklin County Board of Health concerning records that were on file for environmental complaints, violations, and health hazards regarding sewage disposal, water supply, solid waste disposal, indoor air quality and illegal dumpsites on the subject property. Mr. Paul Wenning from the Franklin County Board of Health stated via letter dated July 14, 2005 that no records were found for the subject property. Copies of the request and the response are included in Appendix E.

The United States Environmental Protection Agency has conducted radon tests for portions of Ohio. According to the EDR, Inc. report, radon activity measurements have been made at four sites within the 43026 zip code. Average activities at these test sites were 2.500 pCi/L in the living area – 1st floor and 6.425 pCi/L in the basement area. Franklin County is located in USEPA Radon Zone 1, which has average indoor radon levels greater than four (4) pCi/L.

3. Historical Use Information on the Subject Property

Aerial photographs obtained through EDR were checked for the years available: 1938, 1957, 1964, 1971, 1980, and 1994. In addition, an aerial photograph was obtained through the Franklin County Auditor for the year 2000. Copies of the EDR, Inc. and the Franklin County Auditor's aerial photographs are included in Appendix F of this report.

1938- The 1938 aerial photograph indicates that the vast majority of the subject property is in agricultural production. A farmstead, which appears to consist of at least three structures, is visible on the northern portion of the site. It appears as though a small drainage way is visible just east of the farmstead.

1957- The 1957 aerial photograph shows the majority of the subject property to be in a similar configuration as in the 1938 aerial photograph. A total of five structures are visible within the farmstead.

1964- The 1964 aerial photograph shows the majority of the subject property to be in a similar configuration as in the 1957 aerial photograph.

1971- The 1971 aerial photograph shows the majority of the subject property to be in a similar configuration as in the 1964 aerial photograph.

1980- The 1980 aerial photograph shows the majority of the subject property to be in a similar configuration as in the 1971 aerial photograph.

1994- The 1994 aerial photograph shows the majority of the subject property to be in a similar configuration as in the 1980 aerial photograph.

2000- The 2000 aerial photograph shows the majority of the subject property to be in a similar configuration as in the 1990 photograph. Two structures are now visible within the previously mentioned farmstead.

The ownership history for the property is presented in Appendix B. The majority of the owners for the property appear to be consistent with agricultural/residential land use.

4. Historical Use Information on Adjoining Properties

Aerial photographs obtained through EDR were checked for the years available: 1938, 1957, 1964, 1971, 1980, and 1994. In addition, an aerial photograph was obtained through the Franklin County Auditor for the year 2000.

1938- The 1938 aerial photograph indicates that the majority of the adjacent properties to the north, south, east, and west are in active agricultural use. Davidson Road is present along the northern property boundary, while Leap Road is visible along the eastern property boundary. Railroad tracks are visible along the western property boundary. Sparsely scattered farmsteads are visible along Davidson Road and Leap Road. A farm lane is visible along the southern property boundary extending from Leap Road to a farmstead located to the south-southeast of the subject property.

1957- The 1957 aerial photograph shows the majority of the adjacent properties to be in a similar configuration as in the 1938 photograph. An additional residence is visible to the north, on the opposite side of Davidson Road. A drainageway, which flows from west to east, is faintly visible to the north.

1964- The 1964 aerial photograph shows the majority of the adjacent properties to be in a similar configuration as in the 1957 photograph.

1971- The 1971 aerial photograph shows the majority of the adjacent properties to be in a similar configuration as in the 1964 photograph. The previously mentioned drainageway appears to have been rerouted to flow onto an adjacent parcel on the south side of Davidson Road.

1980- The 1980 aerial photograph shows the majority of the adjacent properties to be in a similar configuration as in the 1971 photograph. A commercial facility is apparent approximately 600 feet from the southwestern property boundary. Numerous semi-truck trailers are visible at this site, which indicates that this site may be a transportation/logistics facility.

1994- The 1994 aerial photograph indicates that residential development has taken place to the north and west of the subject property. Commercial and industrial properties are apparent to the south. A large commercial warehouse is adjacent to the southern boundary of the subject property.

2000- The 2000 aerial photograph shows the majority of the adjacent properties to be in a similar configuration as in the 1994 photograph.

IV. SITE RECONNAISSANCE

1. Methodology and Limiting Conditions

Mr. Jason Clausi of EMH&T, Inc. conducted the site investigation on July 15, 2005. His resume is included at the end of this document in Appendix G. The subject property was closely inspected and the adjoining properties were visually inspected. Photographs were taken of the subject property and are included at the end of this document.

2. General Site Settings

Figure 7 is a reconnaissance map of the site. The subject property is located south of Davidson Road (Photographs #1 and #2) and west of Leap Road (Photographs #3 and #4), in the City of Hilliard, Franklin County, Ohio.

3. Subject Property

At the time of site reconnaissance on July 15, 2005, the vast majority of the subject property consisted of active agricultural fields (Photographs #5 to #8). A homestead, which consisted of a two-story house (Photograph #9) and a wooden barn (Photographs #10 and #11), was present on the northern portion of the site. No suspect asbestos containing materials (ACMs) were noted with regard to the barn. Vent and fill pipes associated with a heating oil aboveground storage tank (Photograph #12) were observed on the east side of the house. An exterior water hydrant (Photograph #13) was observed approximately 100 feet to the south of the house, while what appeared to be a remnant of another water hydrant (Photograph #14) was observed to the south of the wooden barn. A cistern and associated hand pump (Photograph #15) were observed on the south side of the house. No surface evidence of a residential water well or septic system was encountered, although these features are believed to exist on the subject property. A small non-jurisdictional drainage swale (Photograph #16), which appeared to have been created due to the discharge of water from within the residence (Photograph #17), was observed to the east of the house. No sheen or odor was present with regard to the discharged water. In summary, no visual evidence of contamination was noted with regard to the subject property.

4. Adjacent Properties

Residential properties (Photograph #18) and agricultural fields (Photograph #19) were observed to the north, on the opposite side of Davidson Road. A City of Hilliard elementary school (Photograph #20) is located adjacent to the subject property at the southwestern intersection of Davidson Road and Leap Road. A commercial warehouse facility (Photograph #21) was present to the south. Adjacent property to the east consisted of active agricultural fields (Photograph #22). Residential properties were observed to the west (Photograph #23). Railroad tracks (Photograph #24) were located along the western property boundary, while electrical transmission lines bordered the eastern property boundary. No visual evidence of contamination was noted with regard to the railroad tracks.

V. OWNER INTERVIEW

An Owner's Questionnaire was sent to Mr. Chuck Evans, Vice President of the Schottenstein Real Estate Group, in order to augment knowledge of potential prior environmental impacts to the subject property. A copy of the completed questionnaire is included in Appendix H.

Mr. Evans indicated the property is currently owned by the Ansmil Limited Partnership. He described the property as being approximately 60 acres of farmland. He indicated that there is one building, a brick two-story farmhouse, on the subject property. Mr. Evans did not know of anything historically significant about the site.

Mr. Evans was unaware whether the site was situated in a flood plain or not.

He stated that current activities conducted on the site are consistent with agricultural land use. Prior activities are consistent with agricultural land use. The current and past land uses of the neighboring properties were described by Mr. Evans as agricultural to the north and east of the subject property. He stated that residential properties were adjacent to the west, while a warehouse was adjacent to the south.

Drinking water is available to the site from a public water supply. Mr. Evans stated the means of sewage disposal at the site was a sanitary sewer. He did not know whether a cistern was located on the site or not. Electrical service to the site is supplied by American Electric Power; gas service to the site is provided by Columbia Gas.

He did not know if pesticides/herbicides/fertilizers had been used on the site in large quantities. He did not know if chemicals had been used on the site. He stated that neither municipal nor hazardous wastes are generated on the site. He did not know if hazardous chemicals or wastes have been spilled, dumped, or buried on the site. Mr. Evans did not know if any local, state, or federal permits had been issued for the site. He did not know if there are any past or pending enforcement actions by either local, state, or federal environmental agencies. Mr. Evans did not know if any drums containing unknown substances are currently stored on site.

He did not know if there are any air emission sources located on the site. He did not know if there are any air permits and/or registrations required by the EPA for the site. He did not know if there are any past or pending enforcement actions by either local, state, or federal environmental agencies.

He stated he did not know if fuels or chemicals are used or stored in any underground storage tanks or aboveground storage tanks on the subject property. Mr. Evans stated that he did not know if underground storage tanks have ever been removed from the site or abandoned in-place.

Mr. Evans stated that he did not know if polychlorinated biphenyl (PCB) containing equipment was located on the subject property. He indicated that he did not know if there had been any reported or unreported spills of PCB contaminated oil on the site. Mr. Evans indicated that he did not know if there have been any notices of violation issued under the Toxic Substance Control Act (TSCA) due to mismanagement of PCB equipment, items, or articles on the subject property.

Mr. Evans stated that he did not know if there are asbestos-containing materials (ACMs) on the site, either presently in use or as a part of scrap or demolition materials, which have been disposed of, such as floor tiles, piping insulation, or ceiling tiles. He indicated that he did not know if asbestos had been previously removed from the subject property.

Mr. Evans did not know of the presence of any lead-based paints used in existing structures on the subject property.

He was not aware of any debris piles located on the subject property. Mr. Evans was not aware of any buried pits on the property.

Mr. Evans did not know of any potential wetlands or ponds located on the subject property. He was not aware of any streams, drainageways or ditches located on the property.

Mr. Evans was not aware of any other information which could help in determining the environmental impact at the subject property.

VI. JURISDICTIONAL WATERS AND WETLANDS

According to the Federal Register (1980; 1982), wetlands are defined as *Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.* Under normal site conditions, all three indicators of jurisdictional wetlands including the presence of hydrophytic macrophytes, hydric soils and certain hydrologic indicators, must be identified to meet the criteria for a jurisdictional wetland (Environmental Laboratory, 1987).

Wetlands located on agricultural lands are identified using the National Food Security Act Manual, 3rd Edition (USDA-SCS, 3/94) for confirmation by the Natural Resources Conservation Service (NRCS) at the county level. Potential wetlands located on non-agricultural lands are identified using the 1987 Wetland Delineation Manual (Environmental Laboratory, 1987) and confirmed by the U.S. Army Corps of Engineers (COE).

No jurisdictional waters and/or wetlands were observed on the subject property.

VII. FINDINGS AND CONCLUSIONS

A Phase I Environmental Site Assessment has been conducted and a report prepared by EMH&T, Inc. for an approximately 67.5-acre property located at 4701 Davidson Road, in the City of Hilliard, Franklin County, Ohio. The subject property is located south of Davidson Road and west of Leap Road. This study was performed at the request of and is for the exclusive use of the Schottenstein Real Estate Group.

- The vast majority of the subject property consisted of active agricultural fields.
- A house, which was likely built prior to the year 1900, and a wooden barn, which was reportedly built in 1960, are currently present on the subject property. No suspect asbestos containing materials were noted with regard to the barn, as it did not contain any piping, floor tile, insulation, electrical components, roofing shingles, textured coatings, or siding. However, given the era in which the house was built, EMH&T recommends that an asbestos demolition survey be performed on the structure prior to any demolition or renovation activities.
- No environmental concerns on the site were apparent throughout the years covered by the aerial photographs. Past and recent land use has been agricultural and residential throughout the years covered by the aerial photographs.
- The subject property was not listed in any of the federal or state databases for hazardous materials or incidents that were searched by EDR, Inc.
- Seven sites were listed in the EDR, Inc. report within the prescribed ASTM search radii of the subject property. None of the identified sites are likely to result in any current or future adverse environmental impact on the subject property.

- A water well and two exterior water hydrants are located on the subject property. Sealing of abandoned wells is required to be documented per the Ohio Revised Code Section 1521.05 (B) and a well sealing report must be submitted to ODNR, Division of Water.
- A septic tank system is reportedly located on the subject property. A septic system should be pumped by a professional sewage hauler and filled with inert material prior to abandonment or removed.
- A cistern is located on the subject property. It should be removed or filled with inert material prior to abandonment.
- Vent and fill pipes associated with a heating oil above ground storage tank (AST) were observed on the subject property. Any ASTs removed from service should be purged and removed by a professional trained in appropriate AST abandonment procedures and be discarded as scrap at an appropriate receiving facility and that any petroleum contamination, if present, should be appropriately remediated.
- No underground storage tanks (USTs) were observed on the subject property.
- No jurisdictional waters and/or wetlands were observed on the subject property.

This report was prepared solely for the use of the client, the Schottenstein Real Estate Group, and is not transferable. EMH&T has conducted the ESA in conformance to ASTM standards and has made best professional efforts to ensure accuracy and reliability. No environmental site assessment can wholly eliminate uncertainty regarding the potential for recognized environmental conditions. This report is designed to reduce but not eliminate uncertainty. EMH&T has obtained records from several available sources and no warranty, either expressed or implied, is made in relation to the information provided in this report. The resumes of EMH&T personnel who have participated in the assessment of the property are included in Appendix G.

CITATIONS

ASTM. American Society for Testing and Materials. Designation E 1527 - 00 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. Available from ASTM, 100 Barr Harbor Drive, West Conshohocken, PA 19428. 24pp.

EDR, Inc. Environmental Data Resources, Inc. Report Number 1463813.2s. July 12, 2005. *Villas at Ansmil West*. 440 Wheelers Farms Road, Milford, Connecticut 06460.

Environmental Laboratory. 1987. *Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1*. US Army Engineer Waterways Experiment Station, Vicksburg, Mississippi. 100 pp. and appendices.

Federal Register. 1980. *40 CFR Part 230: Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material*. U.S. Government Printing Office, Washington, DC Vol. 45, No. 249, pp. 85352-3.

Federal Register. 1982. *Title 33: Navigation and Navigable Waters; Chapter II, Regulatory programs of the Corps of Engineers*. U.S. Government Printing Office, Washington, DC Vol. 47, No. 138, p31810.

FEMA. Flood Emergency Management Agency. 8/2/95. Flood Insurance Rate Map of Franklin County, Ohio. Panel 117 of 387. Map number 39049C0117G. Available from the Ohio Department of Natural Resources, Division of Water.

FWS. United States Department of the Interior, Fish and Wildlife Service. 1995. National Wetland Inventory Map, *Hilliard, Ohio Quadrangle*. Available from the Ohio Department of Natural Resources, Division of Real Estate and Land Management.

ODNR-DGS. Ohio Department of Natural Resources, Division of Geological Survey. 1992. Bedrock Topography Map of the *Hilliard, Ohio Quadrangle*. Available from the ODNR, Division of Geological Survey, Fountain Square, Building B, Columbus, Ohio 43224.

ODNR-DW. Ohio Department of Natural Resources, Division of Water. *Ground Water Resources of Franklin County, Ohio* by James J. Schmidt. Published in 1958. Revised in 1993. Map available from the ODNR Division of Water, Fountain Square, Building B, Columbus, Ohio 43224.

USDA-SCS. United States Department of Agriculture - (Soil Conservation Service) Natural Resources Conservation Service. 2/80. *Soil Survey of Franklin County, Ohio*. Available from the Natural Resources Conservation Service (NRCS), 200 North High Street, Columbus, Ohio 43215.

----- 1/91. *Hydric Soils of the United States*. USDA-SCS National Bulletin No. 430-5-9. Washington, D.C.

----- 1/91. List of Hydric Soils for Franklin County, Ohio. Available from the NRCS, 200 North High Street, Columbus, Ohio 43215.

----- 6/91. List of Non-Hydric Soils with Hydric Components for Franklin County, Ohio. Available from the NRCS, 200 North High Street, Columbus, Ohio 43215.

----- 3/94. *National Food Security Act Manual, Third Edition.* USDA-SCS 180-V-NFSAM. Washington, D.C.

USGS. United States Geological Service. Photoinspected 1984. *Hilliard, Ohio Quadrangle, 7.5 minute Series (Topographic).* Maps prepared by the U.S. Geological Survey and revised in cooperation with State of Ohio Agencies. For sale from the U.S. Geological Survey, Reston, Virginia 22092.