

DECLARATION OF COVENANTS AND RESTRICTIONS

This is a declaration of covenants and restrictions made on or as of this 20th day of September 2000, by JG Gahanna Hotel II Ltd.

BACKGROUND

- A. Declarant is the owner in fee simple of the following real property situated in Franklin County, Ohio:

Being the property more particularly described in "Exhibit A" attached hereto and by reference made a part hereof (sometimes hereinafter referred to as the "Property").
- B. Beneficiary is the City of Gahanna, Ohio, an Ohio municipal corporation.
- C. Declarant desires to create covenants and certain restrictions with respect to the Property to ensure its use and operation is consistent and compatible with adjacent residential uses and to protect the interests of the Beneficiary and its respective successors and assigns.

COVENANTS AND RESTRICTIONS

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, Declarant hereby declares that the Property shall be held, sold, conveyed and occupied subject to the following covenants and restrictions, which are for the purpose of protecting the values and desirability of the Property and the Beneficiary, which such covenants and restrictions shall run with the Property and each part thereof, and be binding on all parties having any right, title or interest in the Property and any interest in all or any portion thereof, and their respective heirs, successors and assigns, and shall inure to the benefit of and be enforceable by the City of Gahanna, Ohio, its respective successors and assigns.

- 1) Use: In the event the Property is used for hotel/motel purposes, including but not limited to the provision of lodging or accommodations for a fee, the hotel/motel may provide television facilities in its guest rooms or public areas including movies, shows, advertisements and other programming appropriate for a first class hotel. Such programming shall be classified as G, PG, PG-13 or R as rated by the Motion Picture Association of America or other similar rating systems then in use by such Association. No programming rated X by such Associations shall be offered, shown, or viewed in or provided by the hotel/motel.
- 2) Enforcement: The City of Gahanna, Ohio shall have the right to enforce, by a proceeding at law or in equity, all restrictions, conditions, covenants and reservations, imposed by the provisions of this Declaration. Failure by any such benefitted party to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.
- 3) Severability: Invalidation of any one of these covenants or restrictions by judgement or court order shall in no way affect any other provisions which shall remain in full force and effect.
- 4) Amendment: The covenants and restrictions of this Declaration shall run with and bind the land for a term of fifty years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of fifteen (15) years unless terminated by agreement of the City of Gahanna, Ohio. This Declaration may be amended by a duly executed and recorded instrument signed by the City of Gahanna, Ohio, its successors, or assigns.

TRANSFERRED
NOT NECESSARY
APR 04 2001
JOSEPH W. TESTA
AUDITOR
FRANKLIN COUNTY, OHIO

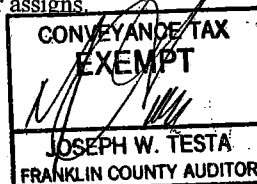


EXHIBIT A

IN WITNESS WHEREOF, the owners herein, JG Gahanna Hotel II Ltd., has caused this instrument to be executed as of this 20th day of September, 2000.

Signed and acknowledged
in the presence of:

JG GAHANNA HOTEL II LTD.
an Ohio Limited Liability Corporation

Andrene Mason

By: Michael J. Licciardi

Print name: ANDRENE MASON

Name: MICHAEL J. LICCIARDI

Its: VICE PRESIDENT

Joan Toth

Print name: JOAN TOTH

STATE OF OHIO
COUNTY OF CUYAHOGA SS:

The foregoing instrument was acknowledged before me this 20th day of September, 2000, by JG Gahanna Hotel II Ltd. an Ohio limited liability company, by Michael J. Licciardi its Vice President.

Andrene Mason
Notary Public

ANDRENE MASON
Notary Public - State of Ohio
My Commission Expires 5-2-2004

jgah2.cov
9/18/00

Exhibit A

December 16, 1997

DESCRIPTION OF 2.093 ACRE TRACT FOR PROPOSED LOT SPLIT AT THE SOUTHEAST CORNER OF TAYLOR ROAD & MORRISON ROAD, GAHANNA, OHIO

Situated in the State of Ohio, County of Franklin, City of Gahanna, in Lot Number Five (5), Quarter Township 3, Township 1 North, Range 16 West, United States Military Lands, and being a portion of an original 220.064 acre tract of land conveyed to Andre M. Buckles by deed of record in Deed Book 3700, Page 120, all references to Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning, for reference, at a point at the intersection of the centerline of Taylor Road (50 feet wide) with the southwest right-of-way line of Morrison Road and the northeast limited access right-of-way line of Interstate Route 270, in the north line of said Lot No. 5, at the northwest corner of a 5.745 acre tract of land conveyed as Parcel No. 1200 WD to State of Ohio by deed of record in Deed Book 3255, Page 555, Recorder's Office, Franklin County, Ohio, and at a corner of a 34.634 acre tract of land conveyed as Parcel No. 1200 WL to State of Ohio by deed of record in Deed Book 3255, Page 559, Recorder's Office, Franklin County, Ohio, all as shown upon Sheet 16 of 28 of Ohio Department of Transportation right-of-way plans for FRA-270-28.30 N;

thence S 85° 47' 21" E along the centerline of Taylor Road, along a portion of the north line of said Lot No. 5, along the north line of said 5.745 acre tract and along a portion of the north line of said original 220.064 acre tract a distance of 1042.67 feet to a point (passing a point at the northeast corner of said 5.745 acre tract at 530.13 feet);

thence S 4° 12' 39" W perpendicular to the centerline of Taylor Road, perpendicular to the north line of said Lot No. 5 and perpendicular to the north line of said original 220.064 acre tract a distance of 25.00 feet to a 3/4-inch I.D. iron pipe set in the south right-of-way line of Taylor Road and at the true place of beginning of the tract herein intended to be described;

thence S 85° 47' 21" E along the south right-of-way line of Taylor Road and parallel with and 25.00 feet southerly by perpendicular measurement from the centerline of Taylor Road, from the north line of said Lot No. 5 and from the north line of said original 220.064 acre tract a distance of 255.19 feet to a 3/4-inch I.D. iron pipe set and at the northwest corner of a 4.716 acre tract of land conveyed to Morrison Taylor Ltd., by deed of record in Official Record 28006, Page 113;

thence S 4° 12' 39" W perpendicular with the south right-of-way line of Taylor Road and along a west line of said 4.716 acre tract a distance of 357.23 feet to a 3/4-inch I.D. iron pipe set at a corner of said 4.716 acre tract;

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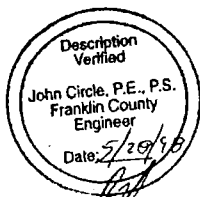
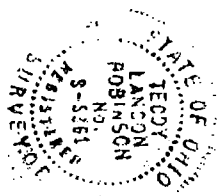
thence N 85° 47' 21" W along a north line of said 4.716 acre tract and along a portion of the north line of a 1.400 acre tract of land conveyed to Morrison Taylor, Ltd., by deed of record in Official Record 28006, Page 1 17, a distance of 255.19 feet to a 3/4-inch I.D. iron pipe set;

thence N 4° 12' 39" E perpendicular to the south right-of-way of Taylor Road a distance of 357.23 feet to the true place of beginning;

containing 2.093 acres of land more or less and being subject to all easements and restrictions of record.

The above description was prepared by Ted L. Robinson, Ohio Surveyor No.5361, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey performed under my supervision in April and December, 1997. Basis of bearings is the centerline of Taylor Road, being assumed at S 85° 47' 21" E and all other bearings based upon this meridian.

Ted L. Robinson
Ted L. Robinson
Ohio Surveyor #5361



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3905
(025)

6-25-98

DECLARATION OF COVENANTS AND RESTRICTIONS

This is a declaration of covenants and restrictions made on or as of this 20th day of SEPTEMBER 2000, by JG Gahanna Hotel Ltd.

BACKGROUND

- A. Declarant is the owner in fee simple of the following real property situated in Franklin County, Ohio:

Being the property more particularly described in "Exhibit A" attached hereto and by reference made a part hereof (sometimes hereinafter referred to as the "Property").
- B. Beneficiary is the City of Gahanna, Ohio, an Ohio municipal corporation.
- C. Declarant desires to create covenants and restrictions with respect to the Property to ensure its use and operation is consistent and compatible with adjacent residential uses and to protect the interests of the Beneficiary and its respective successors and assigns.

COVENANTS, AND RESTRICTIONS

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, Declarant hereby declares that the Property shall be held, sold, conveyed and occupied subject to the following covenants and restrictions, which are for the purpose of protecting the values and desirability of the Property and the Beneficiary, which such covenants, and restrictions shall run with the Property and each part thereof, and be binding on all parties having any right, title or interest in the Property and any interest in all or any portion thereof, and their respective heirs, successors and assigns, and shall inure to the benefit of and be enforceable by the City of Gahanna, Ohio, its respective successors and assigns.

1) Use: In the event the Property is used for hotel/motel purposes, including but not limited to the provision of lodging or accommodations for a fee, the hotel/motel may provide television facilities in its guest rooms or public areas including movies, shows, advertisements and other programming appropriate for a first class hotel. Such programming shall be classified as G, PG, PG-13 or R as rated by the Motion Picture Association of America or other similar rating systems then in use by such Association. No programming rated X by such Associations shall be offered, shown, or viewed in or provided by the hotel/motel.

2) Enforcement: The City of Gahanna, Ohio shall have the right to enforce, by a proceeding at law or in equity, all restrictions, conditions, covenants and reservations, imposed by the provisions of this Declaration. Failure by any such benefitted party to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

3) Severability: Invalidation of any one of these covenants or restrictions by judgement or court order shall in no way affect any other provisions which shall remain in full force and effect.

4) Amendment: The covenants and restrictions of this Declaration shall run with and bind the land for a term of fifty years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of fifteen (15) years unless terminated by agreement of the City of Gahanna, Ohio. This Declaration may be amended by a duly executed and recorded instrument signed by the City of Gahanna, Ohio, its successors, or assigns.

TRANSFERRED
NOT NECESSARY
APR 04 2001
JOSEPH W. TESTA
AUDITOR
FRANKLIN COUNTY, OHIO

CONVEYANCE TAX
EXEMPT
JOSEPH W. TESTA
FRANKLIN COUNTY AUDITOR

EXHIBIT B

IN WITNESS WHEREOF, the owners herein, JG Gahanna Hotel Ltd., has caused this instrument to be executed as of this 20th day of September, 2000.

Signed and acknowledged
in the presence of:

JG GAHANNA HOTEL LTD.
an Ohio limited liability company

Andrene Mason

By: Michael J. Licciardi

Print name: ANDRENE MASON

Name: MICHAEL J. LICCIARDI

Its: VICE PRESIDENT

Joan Toth

Print name: JOAN TOTH

STATE OF OHIO
COUNTY OF CUYA HOGA SS:

The foregoing instrument was acknowledged before me this 20th day of September 2000, by JG Gahanna Hotel Ltd. an Ohio limited liability company, by Michael J. Licciardi its Vice President

Andrene Mason
Notary Public

ANDRENE MASON
Notary Public - State of Ohio
My Commission Expires 5-2-2004

jggah1.cov
9/18/00

Exhibit A

Rev. December 16, 1997
April 22, 1997

DESCRIPTION OF 2.056 ACRE TRACT FOR PROPOSED LOT SPLIT AT THE SOUTHEAST CORNER OF TAYLOR ROAD & MORRISON ROAD, GAHANNA, OHIO

Situated in the State of Ohio, County of Franklin, City of Gahanna, in Lot Number Five (5), Quarter Township 3, Township 1 North, Range 16 West, United States Military Lands, and being a portion of an original 220.064 acre tract of land conveyed to Andre M. Buckles by deed of record in Deed Book 3700, Page 120, all references to Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning, for reference, at a point at the intersection of the centerline of Taylor Road (50 feet wide) with the southwest right-of-way line of Morrison Road and the northeast limited access right-of-way line of Interstate Route 270, in the north line of said Lot No. 5, at the northwest corner of a 5.745 acre tract of land conveyed as Parcel No. 1200 WD to State of Ohio by deed of record in Deed Book 3255, Page 555, Recorder's Office, Franklin County, Ohio, and at a corner of a 34.634 acre tract of land conveyed as Parcel No. 1200 WL to State of Ohio by deed of record in Deed Book 3255, Page 559, Recorder's Office, Franklin County, Ohio, all as shown upon Sheet 16 of 28 of Ohio Department of Transportation right-of-way plans for FRA-270-28.30 N;

thence S 85° 47' 21" E along the centerline of Taylor Road, along a portion of the north line of said Lot No. 5, along the north line of said 5.745 acre tract and along a portion of the north line of said original 220.064 acre tract a distance of 744.83 feet to a point (passing a point at the northeast corner of said 5.745 acre tract at 530.13 feet);

thence S 4° 12' 39" W perpendicular to the centerline of Taylor Road, perpendicular to the north line of said Lot No. 5 and perpendicular to the north line of said original 220.064 acre tract a distance of 25.00 feet to a 3/4-inch I.D. iron pipe set in the south right-of-way line of Taylor Road and at the true place of beginning of the tract herein intended to be described;

thence S 85° 47' 21" E along the south right-of-way line of Taylor Road and parallel with and 25.00 feet southerly by perpendicular measurement from the centerline of Taylor Road, from the north line of said Lot No. 5 and from the north line of said original 220.064 acre tract a distance of 297.84 feet to a 3/4-inch I.D. iron pipe set;

thence S 4° 12' 39" W perpendicular with the south right-of-way line of Taylor Road a distance of 357.23 feet to a 3/4-inch I.D. iron pipe set in the north line of a 1.400 acre tract of land conveyed out of said original 220.064 acre tract to Morrison Taylor, Ltd., by deed of record in Official Record 28006, Page 1 17;

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Rev. December 16, 1997
April 22, 1997

thence N 85° 47' 21" W along a portion of the north line of said 1.400 acre tract and parallel to the south right-of-way of Taylor Road a distance of 21.81 feet to a 3/4-inch I.D. iron pipe previously set at the northwest corner of said 1.400 acre tract;

thence N 46° 47' 21" W a distance of 98.01 feet to a 3/4-inch I.D. iron pipe set;

thence westerly with a curve to the left, data of which is: radius = 75.00 feet and delta = 43° 47' 50", a chord distance of 55.94 feet bearing N 68° 41' 16" W to a 3/4-inch I.D. iron pipe set at the point of tangency;

thence S 89° 24' 49" W a distance of 146.91 feet to a 3/4-inch I.D. iron pipe set;

thence N 4° 12' 39" E perpendicular to the south right-of-way of Taylor Road a distance of 291.38 feet to the true place of beginning;

containing 2.056 acres of land more or less and being subject to all easements and restrictions of record.

The above description was prepared by Ted L. Robinson, Ohio Surveyor No.5361, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey performed under my supervision in April and December, 1997. Basis of bearings is the centerline of Taylor Road, being assumed at S 85° 47' 21" E and all other bearings based upon this meridian.

Ted L. Robinson
Ted L. Robinson
Ohio Surveyor #5361



0-39-D
4 pt. E
2.056 Ac.
Out of
3905
(0.25)

6-25-98

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