

DEVELOPMENT AGREEMENT

This agreement is entered into this ___ day of _____ 2003, by and among M.H. Murphy Development Company, an Ohio corporation, ("Murphy") and the City of Gahanna, an Ohio municipal corporation (the "City").

WITNESSETH

WHEREAS, Murphy is in contract to purchase approximately 11.59 acres of land as shown on Exhibit A, located off Johnstown Road in the City of Gahanna;

WHEREAS, the parties desire to memorialize their agreements relative to the development of the site including developer's contribution for roadway improvements; site access; emergency access through the site; and public water line extension.

NOW THEREFORE, in consideration of the foregoing and for their mutual benefit the parties agree as follows:

A. Johnstown Road: Emergency Access, Site Access and Contribution.

- (1). Easement for Emergency Access Purposes. Murphy shall grant an easement to the City over identified streets within the development for the purpose of emergency access to Cameron Ridge (the apartment complex west of the development).
- (2). Johnstown Road Access. The City shall dedicate the land shown as Exhibit B for purposes of allowing the property owner to the south to build a public street allowing access to the Murphy parcel.
- (3). Contribution. Based on the planned development of seventy-two units, Murphy will contribute a total of Fifty Thousand Nine Hundred Forty-Five Dollars (\$50,945) towards the improvement of Johnstown Road, including the intersection improvements at Johnstown Road and Riva Ridge Boulevard and all sidewalks, traffic signaling, etc. The contribution shall be prorated per unit constructed within the development and paid on a per unit basis when building permits are issued. There shall be no future assessments to Murphy or the future property owner in connection with these improvements.

B. Public Waterline Extension.

- (1). Murphy will be responsible for constructing an 8" to 10" public waterline from point A to point B in the approximate location shown on Exhibit C. The City will reimburse Murphy for the oversizing of this line to serve an area north of Murphy's parcel. The reimbursement are described in more detail on Exhibit D. Reimbursement will occur within 30 days of final inspection of the line. Murphy will grant an easement to the City and the City will reimburse Murphy for the cost of preparing and recording the easement.

EXHIBIT A

C. Temporary Signage.

The City will grant a temporary easement (for a period not to exceed 30 months after construction begins) to Murphy for a temporary marketing sign as requested in the Murphy variance request.

M. H. Murphy Development Company,
An Ohio corporation

By: _____

Print Name: _____

Its: _____

City of Gahanna,
An Ohio municipal corporation

By: _____

Print Name: _____

Its: _____

Approved by Resolution No. _____

Exhibit A

REZONING OF 11.59 ACRES

Situated in the State of Ohio, County of Franklin, City of Gahanna, located in Quarter Township 2, Township 1, Range 16, United States Military Lands and being described as follows:

Beginning at the southeasterly corner of "Cameron Ridge Condominiums" of Record in Condominium Plat Book 98, Page 21 through 47 ;

thence North 00° 06' 30" West, a distance of 364.96 feet to a point;

thence North 89° 29' 00" West, a distance of 258.41 feet to a point;

thence North 00° 06' 30" West, a distance of 575.46 feet to a point;

thence North 89° 44' 00" East, a distance of 611.37 feet to a point;

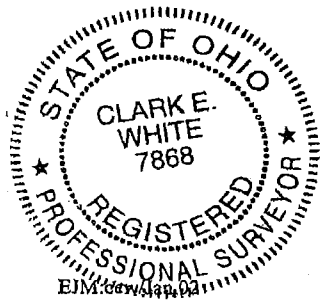
thence North 00° 05' 01" East, a distance of 467.03 feet to a point;

thence North 89° 44' 00" East, a distance of 16.50 feet to a point;

thence South 00° 06' 37" West, a distance of 1417.54 feet to a point;

thence North 89° 14' 30" West, a distance of 365.67 feet to the Point of Beginning, containing 11.59 acres of land, more or less.

This description is based on existing records and should not be used for deed transfer.



EVANS, MECHWART, HAMBLETON, & TILTON, INC.

Clark E. White 7/1/03

Registered Surveyor No. 7868



SURVEY OF ACREAGE PARCELS
 QUARTER TOWNSHIP 2, TOWNSHIP 1, RANGE 16, USML
 CITY OF GAHANNA, COUNTY OF FRANKLIN, STATE OF OHIO

SCALE 1" = 60'

JULY 24, 2003



GRAPHIC SCALE
(IN FEET)

2003-0334

Lynn Mann
6.397 Ac. (Deed)
D.B. 3699, Pg. 147

Brian & Cynthia Klein
2.111 Ac.
O.R. 12959J12

Lynn D. Mann
3.251 Ac. (Deed)
D.B. 3699, Pg. 725

David A. & William Siegel
0.834 Ac.
I.N. 200010100205336

$\Delta=115^{\circ}56'40''$
 $R=40.00'$
 $ChB=N23^{\circ}34'53''E$
 $ChD=67.82'$

$\Delta=140^{\circ}28'56''$
 $R=40.00'$
 $ChB=S28^{\circ}12'19''E$
 $ChD=75.29'$

$\Delta=38^{\circ}12'48''$
 $R=30.00'$
 $ChB=N15^{\circ}17'03''W$
 $ChD=19.64'$

$\Delta=38^{\circ}12'48''$
 $R=30.00'$
 $ChB=S22^{\circ}55'45''W$
 $ChD=19.64'$

Lynn Mann
6.397 Ac. (Deed)
D.B. 3699, Pg. 147

City of Gahanna
0.783 Ac. (Deed)
I.N. 199807160178148

Lynn Dale Mann
2.025 Ac. (Deed)
D.B. 3799, Pg. 195

LEGEND

- ▲ = R.R. SPK. FND.
- = I.P. SET

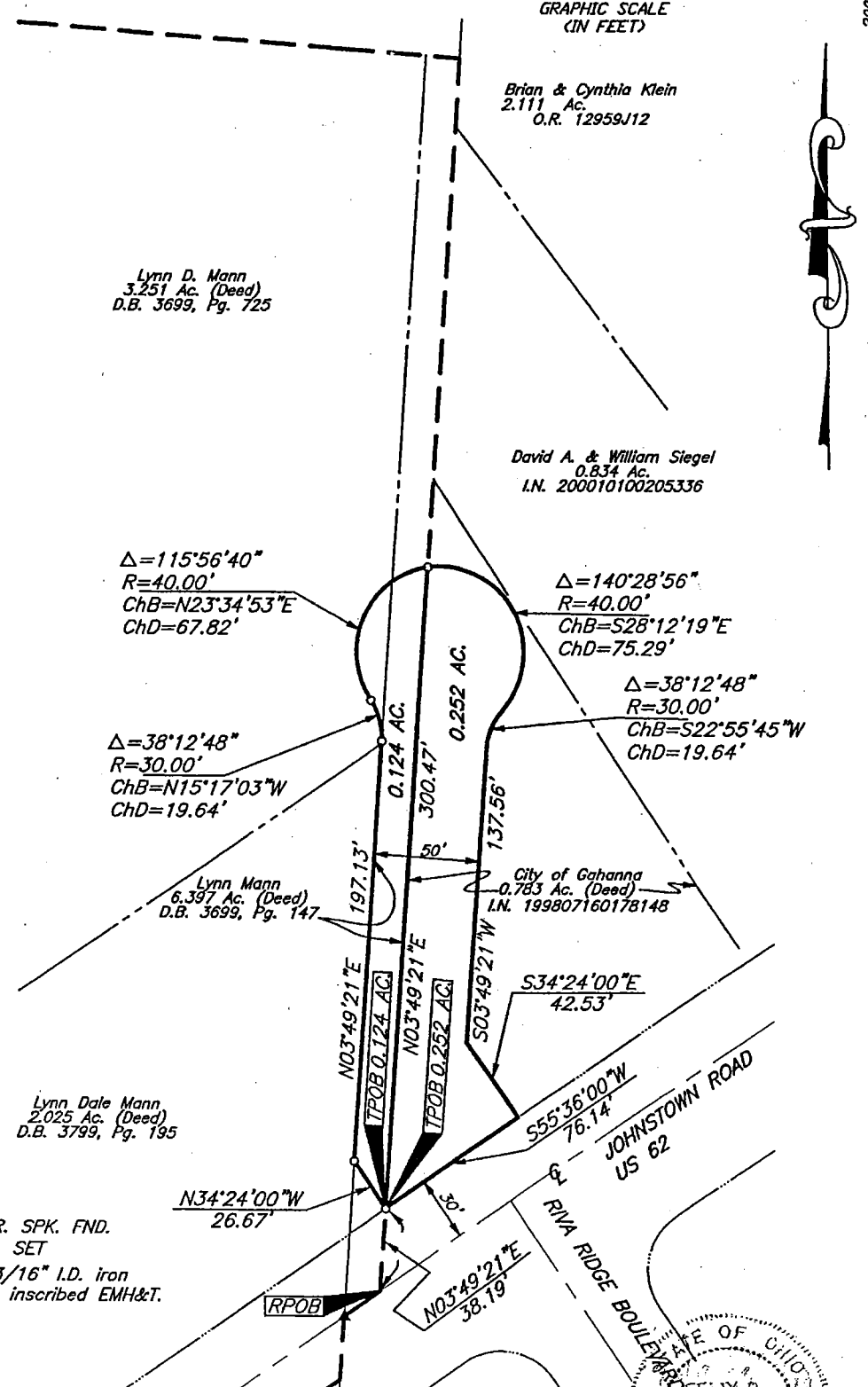
I.P. SET is 13/16" I.D. iron pipe with cap inscribed EMH&T.

BASIS OF BEARINGS:

Bearings shown hereon are based on the Ohio State Plane Coordinate System (South Zone) NAD83. Control for these bearings was extended, using Global Positioning System procedures and equipment, from Monuments 69 and 169 established by the Franklin County Engineering Department. The bearing between those monuments is North $88^{\circ}02'16''$ East.

E.M.H. & T. INC.

Felix R. ...
 Professional Surveyor No. 5561



DESCRIPTION OF
0.252 ACRE

Situated in the State of Ohio, County of Franklin, City of Gahanna, and in Quarter Township 2, Township 1, Range 16, United States Military Lands, containing 0.252 acre of land, more or less, said 0.252 acre being part of that 0.783 acre tract of land conveyed to the City of Gahanna by deed of record in Instrument Number 199807160178148, (all record references herein are to records of the Recorder's Office, Franklin County, Ohio), said 0.252 acre of land being more particularly bounded and described as follows:

Beginning, for reference, at the southwesterly corner of said 0.783 acre tract in the centerline of Johnstown Road (US62), the same being the southeasterly corner of that 6.397 acres tract of land conveyed to Lynn Mann by deed of record in Deed Book 3699, Page 147; thence, from said reference point of beginning, North 03° 49' 21" East, with the westerly line of said 0.783 acre tract and with the easterly line of said 6.397 acres tract, a distance of 38.19 feet to the true point of beginning;

thence, from said true point of beginning, North 03° 49' 21" East, with the westerly line of said 0.783 acre tract and with the easterly line of said 6.397 acres tract, a distance of 300.47 feet to a point;

thence southeastwardly, with the arc of a curve to the right having a radius of 40.00 feet, a central angle of 140° 28' 56" and a chord that bears South 28° 12' 19" East, a chord distance of 75.29 feet to a point of reverse curvature;

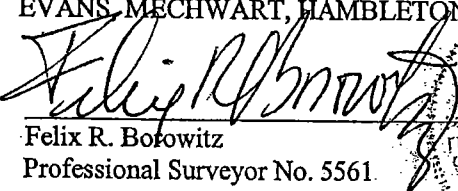
thence southwestwardly, with the arc of a curve to the left having a radius of 30.00 feet, a central angle of 38° 12' 48" and a chord that bears South 22° 55' 45" West, a chord distance of 19.64 feet to a point of tangency;

thence South 34° 24' 00" East, a distance of 42.53 feet to a point in a northwesterly right-of-way line of said Johnstown Road, said point being located 30.00 feet northwesterly from, as measured of right angles, said centerline of said Johnstown Road;

thence South 55° 36' 00" West, with said northwesterly right-of-way line of Johnstown Road, the same being parallel with and 30.00 feet northwesterly from, as measured at right angles, said centerline of Johnstown Road, a distance of 76.14 feet to the true point of beginning and containing 0.252 acre of land, more or less.

The bearings used in the foregoing description are based on the Ohio State Plane Coordinate System (South Zone) NAD83. Control for these bearings was extended, using Global Positioning System procedures and equipment, from Monuments 69 and 169 established by the Franklin County Engineering Department. The bearing between those monuments is North 88° 02' 16" East.

EVANS, MECHWART, HAMBLETON & TILTON, INC.


Felix R. Borowitz
Professional Surveyor No. 5561

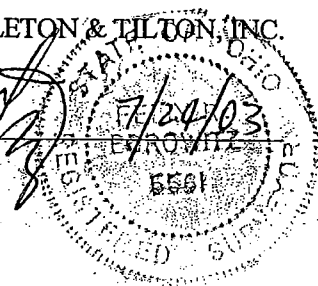
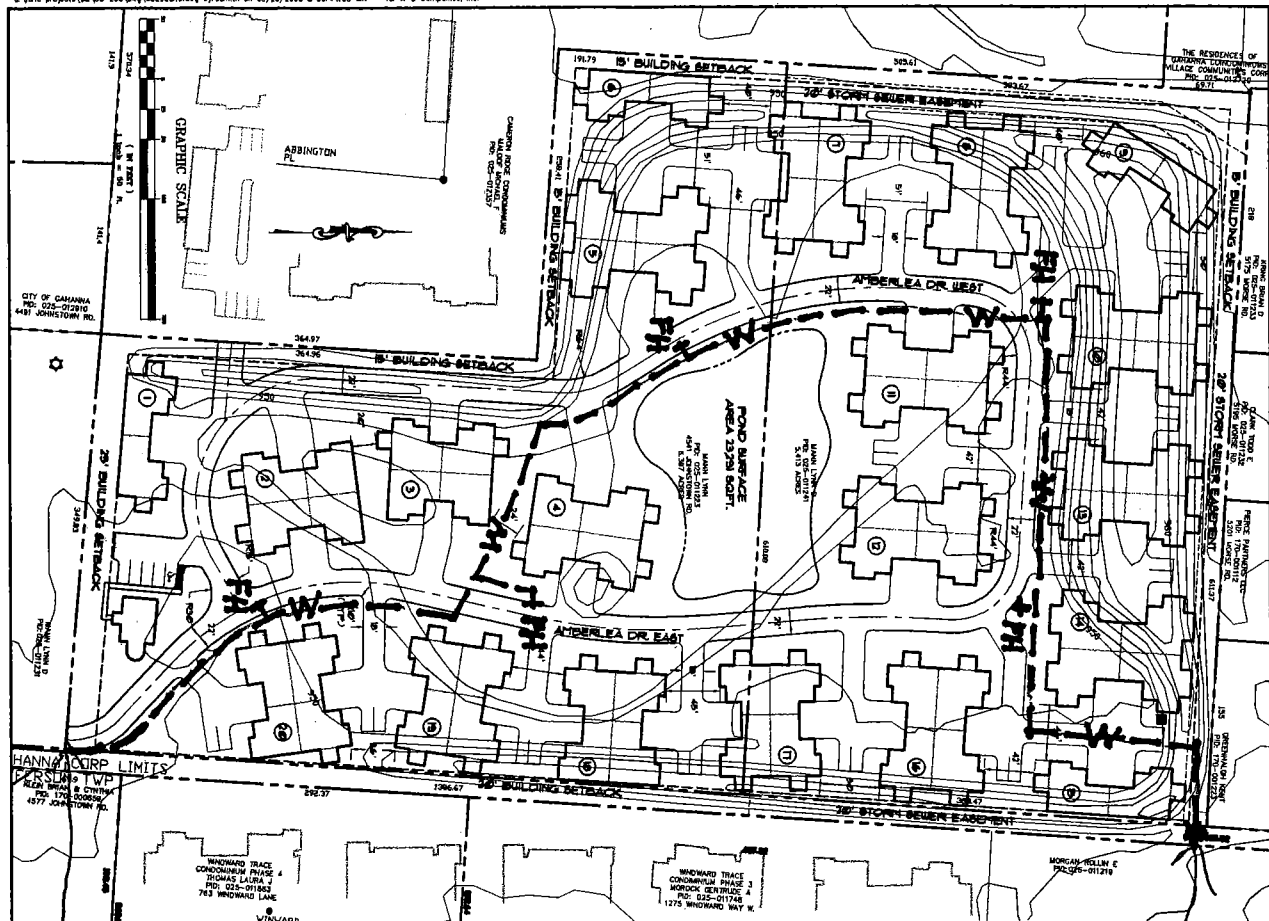


EXHIBIT "C"

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Point A

Point B

AMBERLEA VILLAGE CONDOMINIUMS

M.H. MURPHY DEVELOPMENT COMPANY
4303 AMBER LAKE DRIVE
GROVEPORT, OHIO 43125
(614) 536-4403 FAX (614) 536-4400

CONTRACTOR

DEVELOPMENT PLAN

CITY OF GAHANNA, OHIO
AMBERLEA VILLAGE
CONDOMINIUMS

SCALE: HORIZONTAL 1" = 50'
VERTICAL 1" = 10'

DATE: 06/25/2003
DRAWN BY: DMH
CHECKED BY: JEM
IN CHARGE: JEM

SITE DATA

NO. OF 3 BEDROOM UNITS	12
NO. OF 2 BEDROOM UNITS	60
NO. OF 1 BEDROOM UNITS	0
NO. OF TOWNHOMES	0
TOTAL UNITS	72
TOTAL GROSS AREA	1,100,000 SQ. FT.
TOTAL FINISHED FLOOR AREA	1,100,000 SQ. FT.
TOTAL FINISHED ROOF AREA	1,100,000 SQ. FT.
TOTAL FINISHED CURB AREA	1,100,000 SQ. FT.
TOTAL FINISHED DRIVEWAY AREA	1,100,000 SQ. FT.
TOTAL FINISHED PARKING AREA	1,100,000 SQ. FT.
TOTAL FINISHED LAWN AREA	1,100,000 SQ. FT.
TOTAL FINISHED ASPHALT DRIVEWAY AREA	1,100,000 SQ. FT.
TOTAL FINISHED ASPHALT PARKING AREA	1,100,000 SQ. FT.
TOTAL FINISHED ASPHALT LAWN AREA	1,100,000 SQ. FT.
TOTAL FINISHED ASPHALT DRIVEWAY AND PARKING AREA	1,100,000 SQ. FT.
TOTAL FINISHED ASPHALT DRIVEWAY, PARKING AND LAWN AREA	1,100,000 SQ. FT.
TOTAL FINISHED ASPHALT DRIVEWAY, PARKING, LAWN AND DRIVEWAY AREA	1,100,000 SQ. FT.
TOTAL FINISHED ASPHALT DRIVEWAY, PARKING, LAWN, DRIVEWAY AND DRIVEWAY AREA	1,100,000 SQ. FT.

LOCATION MAP
NO. SCALE

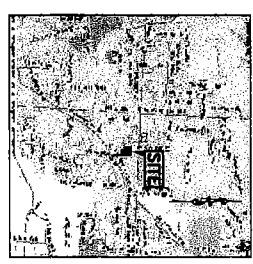


EXHIBIT "D"

The following costs for the Water Mainline extension shall be reimbursed by the City of Gahanna ("City").

- a. The increased costs of the pipe and installation between the 6" and 8" line required by the developer and 10" line required by the City.
- b. The cost of any shut-off valve and box at the beginning or termination of the waterline.
- c. The cost of any inspection fees required by the City or the City of Columbus.
- d. Preparation of the legal description, easement sketch or exhibit and filing of the permanent easement for the waterline.
- e. In the event that ductile iron pipe is required instead of C 900 plastic pipe, the increased cost of materials and labor between C 900 and ductile iron pipe.
- f. All of the costs for extending the waterline from the last fire hydrant to the N.E. corner of the site including but not limited to engineering, staking, clearing, materials & installation & fine grading.