



Instrument Number: 201610210144863
Recorded Date: 10/21/2016 3:12:00 PM



Terry J. Brown
 Franklin County Recorder
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 Columbus, OH 43215
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Transaction Number: T20160068507
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Document Page Count: 7

Submitted By:
 STEWART TITLE AGENCY OF COLS LTD

Walk-In

Return To:
 STEWART TITLE BOX

Box

First Grantor:
 NEW ALBANY CO LLC

First Grantee:
 PARK REALTY OF GAHANNA LLC

Recording Fees:

Document Recording Fee:	\$28.00
Additional Pages Fee:	\$40.00
Total Fees:	\$68.00
Amount Paid:	\$68.00
Amount Due:	\$0.00

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OFFICIAL RECORDING COVER PAGE

DO NOT DETACH

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TRANSFERRED

OCT 21 2016

CLARENCE E. MINGO II
AUDITOR
FRANKLIN COUNTY, OHIO

22095

Conveyance	
Mandatory-	525 ⁰⁰
Permissive-	525 ⁰² sub
CLARENCE E. MINGO II FRANKLIN COUNTY AUDITOR	

6
4-6

LIMITED WARRANTY DEED

01032-20077 JR 1 of 9

KNOW ALL MEN BY THESE PRESENTS that THE NEW ALBANY COMPANY LLC, a Delaware limited liability company*(the "GRANTOR"), for good and valuable consideration paid, grants, with limited warranty covenants, to PARK REALTY OF GAHANNA LLC, an Ohio limited liability company (the "GRANTEE") whose tax-mailing address is 5177 Red Oak Lane, Dublin, Ohio 43016, the following real property (the "PREMISES"):

*successor in interest to the New Albany Company Limited Partnership, a Delaware limited Partnership, and The New Albany Company, an Ohio general partnership

See attached Exhibit "A" for description.

Franklin County Auditor's

Tax Parcel Numbers:

Split from 025-011226 and 025-011239;
all of 025-011237 and 025-011234

Prior Instrument References:

Official Record 12127, Page E10, Official Record 21256, Page E01, Instrument Nos. 199707110045404, 199707110045399, 199811120289607, 201009170121641 and 201009170121642, all of the Office of the Recorder, Franklin County, Ohio

TO HAVE AND TO HOLD THE PREMISES, with all the privileges and appurtenances thereunto belonging to the said GRANTEE, its successors and assigns forever. And the said GRANTOR, for itself and its successors and assigns, does hereby covenant with the said GRANTEE, its successors and assigns, that it is lawfully seized of the PREMISES; that the PREMISES are **FREE AND CLEAR FROM ALL ENCUMBRANCES WHATSOEVER** except only those permitted encumbrances set forth on Exhibit "B" attached hereto and made a part hereof, and that it will forever **WARRANT AND DEFEND** the same, with the appurtenances unto the said GRANTEE, its successors and assigns, against the lawful claims of all persons whomsoever claiming through Grantor, except as above noted.

Stewart Title Agency
of Columbus Box

This Limited Warranty Deed is executed and delivered by the Grantor and accepted by the Grantee upon the express understanding and agreement that the Premises shall be subject to the following covenants and restrictions, all of which shall be deemed to run with the land, shall be binding upon the Grantee, its successors and assigns, and shall inure to the benefit of and be enforceable by Grantor and its successors and assigns. Grantee, by its execution and acceptance of this conveyance, covenants and agrees and shall be deemed to have covenanted and agreed for Grantee and Grantee's successors, assigns, heirs and legal representatives as follows:

1. Prohibited Uses. The Premises may not be used for any of the following uses (collectively, the "Prohibited Uses"):
 - a. Any pawn shop, flea market, "second hand" store, or "surplus" store, "dollar" store or any discount, variety, price-point or off-price store or similar retail establishment selling close-out or overstock merchandise;
 - b. Any mobile home park, trailer court, labor camp, junkyard or stockyard (except that this provision shall not prohibit the temporary use of construction trailers during periods of construction);
 - c. Any central laundry or dry cleaning plant or laundromat (except that this prohibition shall not be applicable to on-site laundry facilities for the cleaning of uniforms or other items utilized at the Premises);
 - d. Any so-called "adult" bookstore or video store, any establishment featuring so-called "adult" entertainment, or any establishment selling, renting or exhibiting pornographic or obscene materials, or any establishment which exhibits, either live or by other means to any degree, nude or partially clothed dancers or wait staff;
 - e. Any "head shop" or any establishment displaying or selling drug paraphernalia;
 - f. Any tattoo studio or massage parlor, or any health spa, fitness center or workout facility;
 - g. Any bowling alley or skating rink, or any amusement or video arcade, pool or billiards hall, or any gambling facility or operation, including but not limited to: off-track or sports betting parlor; table games such as blackjack or poker; slot machines, video poker/blackjack/keno machines or similar devices; or bingo hall;
 - h. Any nightclub, dance hall or similar use, or any movie theater or live performance theater;
 - i. Any tavern, carryout, liquor store or other establishment, the principal use of which is the sale of alcoholic beverages for consumption on or off the Premises;

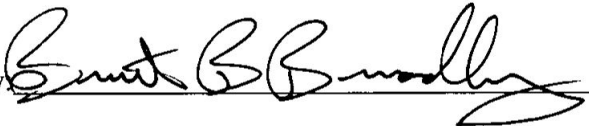
- j. Any "drive through" sales of beer, wine or other alcoholic beverages;
- k. Any automobile, truck, recreational vehicle or other vehicle or boat sales, leasing, display or repair;
- l. Any veterinary hospital, animal-raising facility, pet shop or boarding facility;
- m. Any mortuary, crematorium, funeral home or similar facility;
- n. Any operation primarily used as a storage warehouse operation and any assembling, manufacturing, distilling, refining, smelting, agricultural or mining operation;
- o. Any use which is a public or private nuisance;
- p. Any dumping, disposing, incineration or reduction of garbage (exclusive of appropriately screened dumpsters located in the rear of any buildings);
- q. Any fire sale, bankruptcy sale (unless pursuant to a court order) or auction house operation;
- r. Any use which causes any unreasonably objectionable or unpleasant odors to emanate from any portion of the Premises to any adjoining property (normal cooking odors from kitchens not being prohibited);
- s. The placement or permitting of any cellular or mobile telephone or communication towers, aerials or antennae that are visible from the ground;
- t. The placement or permitting of any radio, television or unreasonably loud speaker or amplifier on the roof or outside the Premises or where the same can be seen or heard from outside any building or improvement on the Premises in a manner which unreasonably annoys any occupants of any adjacent property; or
- u. The solicitation of any business through the use of hand-held signs or the distribution of any leaflets or other advertising material in the parking areas or other exterior areas of the Premises.

The Prohibited Uses set forth herein shall run with and encumber the Premises and shall be binding upon Grantee and all other parties now or hereafter having right, title or interest in or to the Premises or any part thereof. The restrictions set forth herein may be enforced by either or both of Grantor or any assignees and/or successors in interest to Grantor.

[Remainder of page left intentionally blank; Signature and acknowledgment pages to follow.]

IN WITNESS WHEREOF, the **GRANTOR** has caused this Limited Warranty Deed to be executed by its duly authorized signatory this 20th day of October, 2016.

THE NEW ALBANY COMPANY LLC,
a Delaware limited liability company

By: 

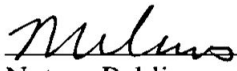
Print Name: Brent B. Bradbury

Title: Treasurer

STATE OF OHIO,
COUNTY OF FRANKLIN, ss:

BE IT REMEMBERED, that on this 17th day of October, 2016, before me, the subscriber, a Notary Public and for said county, personally came the above named Brent B. Bradbury, the treasurer of **THE NEW ALBANY COMPANY LLC**, a Delaware limited liability company, **GRANTOR** in the foregoing deed, and acknowledged the signing of the same to be his voluntary act and deed.

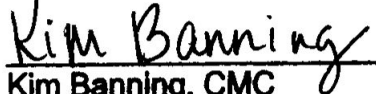
IN TESTIMONY WHEREOF, I have hereunto subscribed by name and affixed my seal on this day and year aforesaid.


Notary Public



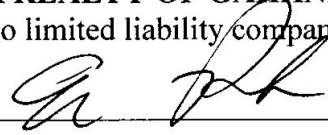
MARY PATRICIA IAMS
Attorney At Law
Notary Public, State of Ohio
My commission has no expiration date
Sec. 147.03 R.C.

**APPROVED by Planning Commission
City of Gahanna, Ohio
No Plat Required.**


Kim Banning, CMC
Clerk of Council

IN WITNESS WHEREOF, the **GRANTEE** has accepted this Limited Warranty Deed and caused it to be executed by its duly authorized signatory this 12 day of October, 2016.

PARK REALTY OF GAHANNA LLC,
an Ohio limited liability company

By: 

Print Name: ERIC PARK

Title: OWNER / PRESIDENT

STATE OF OHIO,
COUNTY OF FRANKLIN, ss:

BE IT REMEMBERED, that on this 12 day of October, 2016, before me, the subscriber, a Notary Public and for said county, personally came the above named Eric M. Park, the Owner/President of **PARK REALTY OF GAHANNA LLC**, an Ohio limited liability company, **GRANTEE** in the foregoing deed, and acknowledged the signing of the same to be his/her voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed by name and affixed my seal on this day and year aforesaid.


Notary Public



Eric S. Keener
Notary Public, State of Ohio
My Commission Expires 03-25-2020

This instrument prepared by:
Aaron L. Underhill, Esq.
Underhill & Hodge LLC
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054
(614) 335-9320

EXHIBIT A

2.301 ACRES

Situated in the State of Ohio, County of Franklin, City of Gahanna, Quarter Township 2, Township 1, Range 16, United States Military Lands, being comprised of a part of each of those tracts of land conveyed to The New Albany Company LLC by deeds of record in Official Records 12127E10 and 21256E01, and Instrument Numbers 199707110045399, 199707110045404, 199811120289607, 201009170121641 and 20109170121642 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at FCGS Monument Number 6623 found in the centerline of Morse Road (R/W width varies), the northwesterly corner of that 8.839 acre tract conveyed to S-K Gahanna, LLC by deed of record in Instrument Number 201505260068251, the southwesterly corner of that 0.304 acre tract conveyed as Parcel 7-WD to the City of Columbus, Ohio by deed of record in Instrument Number 201502040014476;

thence South 86° 49' 32" East, with said centerline, a distance of 872.32 feet to the northwesterly corner of that 0.267 acre tract conveyed as Parcel 21-WD to Franklin County Commissioners by deed of record in Instrument Number 200608030153013, said point being located North 86° 49' 32" West, a distance of 408.39 feet from FCGS Monument Number 1959;

thence South 00° 11' 32" East, with the westerly line of said 0.267 acre tract, (passing a 5/8 inch rebar capped "FCE" found at 30.05 feet) a total distance of 60.10 feet to a 5/8 inch rebar capped "FCE" found at the southwesterly corner thereof, in the southerly right of way line of said Morse Road, the TRUE POINT OF BEGINNING for this description;

thence South 86° 49' 32" East, with said southerly right-of-way line, a distance of 321.40 feet to an iron pin set;

thence South 03° 10' 28" West, crossing said New Albany Company tracts, a distance of 355.85 feet to an iron pin set;

thence North 86° 49' 32" West, crossing said New Albany Company tracts, a distance of 106.27 feet to an iron pin set in the easterly line of that 2.45 acre tract conveyed to Edward J. Doersam by deed of record in Official Record 3976G03;

thence North 00° 14' 44" East, with said easterly line, a distance of 9.52 feet to an iron pin set at an angle point in said easterly line;

thence North 00° 12' 03" West, continuing with said easterly line, a distance of 56.94 feet to an iron pin found at the northeasterly corner thereof;

thence North 86° 49' 32" West, with the northerly line of said 2.45 acre tract, a distance of 211.29 feet to an iron pin set;

thence North 03° 10' 28" East, crossing said New Albany Company tracts, a distance of 289.49 feet to the TRUE POINT OF BEGINNING, containing 2.301 acres of land, more or less, of which 0.056 acre is located within Parcel Number 025-011239, 0.626 acre is located within Parcel Number 025-011237, 0.665 acre is located within Parcel Number 025.011234 and 0.954 acre is located within Parcel Number 025-011226.

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.

The bearings herein are based on the Ohio State Plane Coordinate System, South Zone, as per NAD83 (1986 Adjustment). Control for bearings was from coordinates of Franklin County Monument Numbers FCGS 6623 and FCGS 1959, having a bearing of South 86° 49' 32" East between said monuments.

~~PRELIMINARY APPROVAL
FRANKLIN COUNTY ENGINEERING DEPT.
DATE: 04/05/2016 BY: [Signature]~~

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A Kirk 4 APR 16

Matthew A. Kirk
Professional Surveyor No. 7865

DESCRIPTION VERIFIED
DEAN W. RINGLE, P.E., P.S.
BY: [Signature]
DATE: 10/21/2016

0-Ø37-B
SPLIT
0.056 AC
OUT OF
(025)
011239
±
0-Ø37-B
SPLIT
0.954 AC.
OUT OF
(025)
011226
±
0-Ø37-B
ALL OF
(025)
011237
±
0-Ø37-B
ALL OF
(025)
011234

APPROVED by Planning Commission
City of Gahanna, Ohio
No Plat Required.

Kim Banning
Kim Banning, CMC
Clerk of Council

EXHIBIT B

1. Real estate taxes and assessments not yet due and payable.
2. Easement granted to Columbus and Southern Ohio Electric Company of record in Deed Book 1558, page 453, as supplemented of record in Instrument 201505110060355.
3. Easement granted to Columbus and Southern Ohio Electric Company of record in Deed Book 1558, page 452.
4. Declaration of Covenants, Conditions, Restrictions and Easements for The Morse/62 Corridor Area of record in Instrument No. 201410270141553; First Supplement of record in Instrument No. 201609120121875.
5. Deed of Sanitary Sewer Easement to the City of Gahanna, Ohio of record in Instrument Number 201609290131697.
6. Deed of Waterline Easement to the City of Gahanna, Ohio of record in Instrument Number 201609290131698 and re-recorded in Instrument Number 201610060135871 (to correct legal description).
7. Easement and Right of Way granted to Columbus Southern Power Company of record in Instrument 200701160008414.