

# ORDINANCE C-60-95

## AN ORDINANCE APPROVING PUD-R & PUD-C ZONING CLASSIFICATIONS FOR 214.094 ACRES LOCATED AT 1531 AND 1533 WHITE ROAD, EBER-LEA FARM UPON ITS ANNEXATION TO THE CITY OF GROVE CITY

WHEREAS, a petition was filed with the Planning Commission of the City of Grove City praying for the recommendation of said commission in regard to the zoning classification of certain premises, upon its annexation to the City, hereinafter described; and

WHEREAS, the Planning Commission rejected the PUD-R and PUD-C Zoning Classifications and recommended the area requesting a PUD-R classification be zoned 30% SF-1, 30% SF-2, 40% SF-3; and the area requesting PUD-C classification be zoned PSO & OLR, on August 22, 1995; and

WHEREAS, a copy of the annexation, together with a map and zoning classification request and the recommendation of the Planning Commission has been on file in the Clerk's office for thirty days for public inspection.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY,  
STATE OF OHIO, THAT

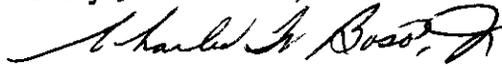
SECTION 1. The following described premises shall be given the zoning classifications of: PUD-R and PUD-C with Sub-area A being R-1, except for those lots located east of the 100' Boulevard and along the southern border shall be SF-3 without the side loaded garage requirement (shown as Subarea B<sub>3</sub> on Exhibit A). In addition, 40% of the total residential lots located south of the Community Park in sub-areas A and B shall have a lot width of 85' or more. This density requirement shall be an overall requirement and not apply separately to each section when platted (shown as Subareas A<sub>2</sub>, B<sub>2</sub> & B<sub>3</sub> on Exhibit A); Sub-area B being SF-3, including all lots adjacent to the southern boundary of the Berry Hill Subdivision (shown as Subarea B<sub>2</sub> on Exhibit A); Sub-area C being SF-2; Sub-area D, being D-2 Townhouse and Zero Lot Line District; Sub-area E being A-1 (without apartments); Sub-area Community Park being SD-3, with the addition of two (2) neighborhood parks of one (1) acre each in size located, one north and one south of the 80' Boulevard in Sub-area A (shown as Subarea A<sub>2</sub> on Exhibit A); all in accordance with the attached "Exhibit A" and further in accordance with the provisions set forth in the Planned Unit Development Text for Eber-Lea Farm dated October 16, 1995, attached hereto and made a part hereof as "Exhibit B", upon its annexation to the City of Grove City, Ohio:

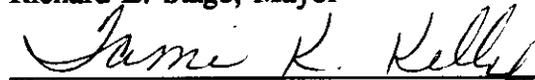
Situated in the State of Ohio, County of Franklin, City of Grove City and being a part of Virginia Military Survey and being Lot Number 11 of Allen E. McDowell's Little Farms Amended Plat, Book 17, Page 284 and being more fully described in Exhibit "C" attached hereto and made a part hereof.

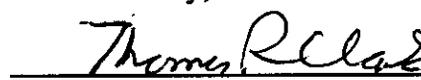
SECTION 2. The comprehensive zoning map is hereby amended to conform to the provisions of this ordinance.

SECTION 3. This Ordinance shall take effect at the earliest opportunity allowed by law.

  
Cheryl L. Grossman, President of Council

  
Richard L. Stage, Mayor

  
Tami K. Kelly, Clerk of Council

  
Thomas Clark, Director of Law

Passed: 10-16-95  
Effective: 11-15-95

Attest:

I Certify that this ordinance  
is correct as to form.



EXHIBIT "B" TO  
ORDINANCE NO. C-60-95

**PLANNED URBAN DEVELOPMENT TEXT**  
**FOR**  
**EBER-LEA FARM**  
**181.594 ac. PUD-R**  
**32.5 ac. PUD-C**

October 16, 1995

**INTRODUCTION: COMMUNITY DEVELOPMENT CONCEPT**

The Eber-Lea Farm community is envisioned to be a planned community. The overall concept provides for single family neighborhoods, one for single townhome entrance area, two cluster single family neighborhoods, a large open space and natural area preserve, and an office/institutional development area. Two median-divided and landscaped boulevards provide access to all neighborhoods within the development and to the office/institutional area, and open space preserve. These boulevards will extend in future years to provide access to an even larger service area for future community development. A portion of the original Eber-Lea farmstead will be preserved for community recreational purposes.

The Planned Urban Development Plan attached hereto as Exhibit "A" designates the PUD-C area as well as the PUD-R sub-areas consisting of residential neighborhoods and their classifications, together with a recreational area. The Planned Urban Development Plan attached hereto as Exhibit "A" is incorporated herein.

**PLANNED URBAN DEVELOPMENT - COMMERCIAL**  
**32.5 ac. PUD-C**

1.1 The area designated PUD-C on Exhibit "A" attached shall be zoned OLR and permit the uses set forth in Grove City Code Section 1135.09(b)(1), PSO Professional Services and (1.5) OLR Office Laboratory Research with a height limitation as established in an OLR zoned district. The off-street parking requirements for this PUD-C District shall be one (1) off-street parking place for every two hundred fifty (250) square feet of interior building area.

**PLANNED URBAN DEVELOPMENT - RESIDENTIAL**  
**181.594 ac. PUD-R**

2.1 Sub-Area A: Except as specifically provided in Section 2.2 below, Sub-Area A, as designated on Exhibit "A" attached hereto, shall be zoned R-1, Single-Family Residence and developed in accordance with the uses and restrictions of the R-1, Single-Family Residence zoning as contained in the Planning and Zoning Code, Grove City.

2.2 Sub-Area B: Sub-Area B, as designated on Exhibit "A" attached hereto, shall be zoned SF-3, Single-Family Residence and developed in accordance with the uses and restrictions of the SF-3, Single-Family Residence zoning as contained in the Planning and Zoning Code, Grove City. In addition to the area specifically designated Sub-Area B, all lots adjacent to the southern boundary line of the Berry Hill Subdivision, including those lots on a line extending east of the southern border of Berry Hill Subdivision to the 100 foot boulevard, shall be zoned SF-3. In addition thereto, all of said lots with a rear lot line bordering the 15 acre community park shall have the additional requirement and restrictions that require the single-family dwellings constructed thereon to be of the same material, architecture, and design style as the design architecture and style committed to in paragraph 2.4 to create a second gateway within the Eber-Lea Farm Community. The current use and location of use of one existing building by Ron Eberhard, Eberhard Planning Services, Inc. shall be permitted to continue as a legal non-conforming use and permitted to expand not more than 1,000 square feet in floor area. In further addition to the area specifically designated Sub-Area B, all lots east of the 100 foot boulevard and on the southern border of the Eber-Lea Farm shall be zoned SF-3, without a side load garage requirement.

2.3 Sub-Area C: Sub-Area C, as set forth on Exhibit "A" attached hereto shall be zoned SF-2, Single-Family Residence and developed in accordance with the uses and restrictions of the SF-2, Single-Family Residence zoning as contained in the Planning and Zoning Code, Grove City.

2.4 Sub-Area D: Sub-Area D, as set forth on Exhibit "A" attached hereto shall be zoned D-2, Townhouse and Zero Lot Line District and developed in accordance with the uses and restrictions of the D-2, Townhouse and Zero Lot Line District zoning as contained in the Planning and Zoning Code, Grove City. The D-2 District has been designated as a dramatic, tone setting entranceway to the entire Eber-Lea Farm development. In addition to the zoning code restrictions of an D-2 District, these six lots shall be developed substantially as depicted on the site layout and artist concept attached hereto as Exhibits "B-1" and "B-2" and incorporated herein, each dated July 28, 1995, the originals of which shall be maintained in the Development Department, Grove City.

2.5 Sub-Area E: Sub-Area E, as set forth on Exhibit "A" attached hereto shall be zoned an A-1 District and developed in accordance with the uses and restrictions of the A-1 District zoning contained in the Planning and Zoning Code, Grove City, and the following additional restrictions: Development within an A-1 district shall not be an "apartment" development, but rather only for sale of fee simple interest in individual units such as a condominium development.

2.6 Sub-Area - Community Park: The area designated on Exhibit "A", attached, as Community Park shall be zoned SD-3, Recreational Facility, and shall be deeded to the Eber-Lea Farm Homeowners' Association for use as set forth herein as a community park. The gateway park and landscape area shall be included in the Community Park District. Two additional neighborhood parks, approximately one (1) acre in size each, shall be located in Sub-Area A,

one south of Berry Hill and north of the 80 foot boulevard and one south of the 80 foot boulevard.

2.7 DENSITY REQUIREMENT: At least 40% of the total single family residential lots in Sub-Areas A and B, south of the community park, shall have a lot width of 85 feet or more. This Density Requirement shall be an overall requirement and not apply separately to each section when platted. Corner lots measuring one hundred (100') feet or more at the curb shall qualify as a lot with "width of 85 feet or more."

### **EBER-LEA FARM HOMEOWNERS' ASSOCIATION (HOA) - ARCHITECTURAL REVIEW BOARD (ARB) - DEED RESTRICTIONS AND DESIGN GUIDELINES**

3.1 Deed restrictions for each single-family residential lot, each zero (0) lot line, fee simple conveyance, and restrictions within the Declaration of Condominiums shall mandate that the owner of each lot or housing unit shall automatically become a member of the Eber-Lea Farm Homeowners' Association (HOA) upon surrender of the property to the HOA by Eber-Lea Farm Partnership. The Eber-Lea Farm Homeowners' Association shall be an Ohio Not For Profit Corporation formed for the purpose of holding title to open spaces and for the maintenance and protection of the same. The HOA shall be granted the ability by way of such restrictions to levy and collect on each housing unit an assessment. The HOA shall establish and collect this assessment, which shall be based on the estimated budget for the next calendar year, divided by the number of unit members of the HOA. The owner of each housing unit in Eber-Lea Farm shall automatically become a member of the HOA with the right to cast one (1) vote per unit upon surrender of the property to the HOA by Eber-Lea Farm Partnership.

3.1.1 The owner(s) of the subdivided lots known as the Berry Hill Subdivision shall be permitted to become members of the Eber-Lea Farm Homeowners' Association. Membership shall entitle the owners of the lots to participate in all decisions that affect the green spaces designed in Eber-Lea Farm, together with the privilege of using the green spaces as if they were an owner of a lot in Eber-Lea Farm, provided however, prior to admission as a member in the HOA, deed restrictions must be placed of record on all lots in Berry Hill requiring dues for the maintenance of the green spaces and the ability to, by levy, enforce the payment of those dues, in terms similar to the requirements placed on each lot or housing unit in Eber-Lea Farm. The owner(s) of each lot in Berry Hill shall have the right to cast one (1) vote per lot only upon all matters affecting the green space use and maintenance thereof in Eber-Lea Farm.

### 3.2 ARCHITECTURAL REVIEW BOARD (ARB)

The Architectural Review Board will be made up of three representatives, two appointed by Eber-Lea Farm Partnership and one appointed by Grove City Council, but not to be a member of Council, one of which must be an architect registered in the State of Ohio. This body will be an integral force in ensuring that Eber-Lea Farm becomes a high quality residential community, and shall be established for the following purposes:

- a. To provide a group of 3 persons (including a registered architect) for reviewing, evaluating, approving and disapproving proposed plans for house construction in Eber-Lea Farm.
- b. To maintain and preserve the specific architectural guidelines and standards set forth herein and in Exhibits D and E attached hereto and to carry out the intent of these restrictions.
- c. The ARB shall be authorized to request from time to time, on behalf of the HOA, that changes be made in the guidelines as presented herein and in Exhibits D and E. Such request shall be made in writing and presented at public hearing to the Grove City Planning Commission.

### 3.3 THE CITY OF GROVE CITY

The deed restrictions and design guidelines set forth herein and in Exhibits D and E attached hereto are to be considered a part of the PUD-R zoning for Eber-Lea Farm and as such are enforceable by the City of Grove City. These guidelines are also in addition to all building and zoning requirements of the City of Grove City not specifically modified herein. In final form, Eber-Lea Farm's deed restrictions and design guidelines shall contain all restrictions and design guidelines contained herein and in Exhibits D and E. The primary responsibility for enforcing the deed restrictions shall belong to the Eber-Lea Farm Homeowners' Association.

- a. The Building Department will review plans for building permits only after the Eber-Lea Farm ARB has stamped plans as approved. The Building Official may appeal any approval of plans by the ARB to the Grove City Board of Zoning Appeals to obtain its review of any questions of possible noncompliance of any guideline presented herein.
- b. Likewise, any builder or lot owner may appeal in writing, any decision of the Building Department to the Board of Zoning Appeals. In such cases, the Board of Zoning Appeals shall hear such appeal following the standard appellate review process established in the Grove City Zoning Code.
- c. The Grove City Planning Commission reserves all rights and duties granted to it by Grove City Ordinances to review and approve the plans and the design of all cluster housing and of all offices or institutions to be constructed within Eber-Lea Farm. The Planning Commission will, however, solicit public testimony of opinions on the design of such facilities from the ARB.

### 3.4 DEED RESTRICTIONS

The Deed Restrictions substantially as contained in Exhibit D hereto shall be adopted by the Eber-Lea Farm Partnership with respect to Sub-Area A, Sub-Area B and Sub-Area C.

### 3.5 DESIGN GUIDELINES

The Design Guidelines substantially as set forth in Exhibit E hereto shall be adopted by the Eber-Lea Farm Partnership with respect to Sub-Area A, Sub-Area B and Sub-Area C.

### 3.6 ARCHITECTURAL FORM - CLUSTER HOUSING

For purposes of this development plan, cluster housing shall mean small lot single family attached or detached units, arranged through careful planning to form clusters of units sharing a common access drive integral to the development in which they are located. Individual housing units may share a common wall. Units may be arranged such that the outside edge of the foundation of an exterior wall may be on the property line of its lot. Such a configuration, which for this development plan, refers to a "zero lot line", may also be employed to locate garage units. Garage units, also may share a common wall.

- a. Traditional or contemporary design of any style is required, but all housing units within a single cluster must be of a single style. Unit plans within a cluster may vary, however.
- b. Facades of individual housing units within a cluster may also vary, one from the next, if the entire cluster is of singular style and if materials used on facades within the cluster are consistently employed to achieve a unified design for the cluster.
- c. All principle housing units shall be a maximum of two and one-half stories in height.
- d. All housing units and accessory structures, including garages, shall have a roof pitch of at least 6/12.
- e. A landscaped outdoor patio, porch or other form of front yard entry terrace must be provided for each cluster housing unit.
- f. Living area for cluster housing units shall range upward from 1000 square feet, not counting garage area and any basement area that is not finished living area.
- g. Garages for cluster housing living units may be located to the front or side of living units, and may be attached or detached. Garage entry doors may face cluster access drives.
- h. Visitor parking for cluster housing units shall be provided at the rate of two cars per unit. Such parking may be located on one or more portions of the cluster, or in front of individual unit garage drives.

- i. All exterior wall building materials must be natural, being wood, stone, brick or stucco.

### 3.7 SIGNAGE, LIGHTING, MAILBOXES AND FENCING

- a. Entry features and signage located at the main access points to each neighborhood shall utilize the same building materials specified for the overall development.
- b. Lighting at entry features and within common open space areas shall be selected to avoid spill light and glare onto adjacent properties. Uplighting and accent lighting is permitted in these areas.
- c. Street lights along the residential boulevard shall be a traditional, period light fixture, 12' height maximum - Classic Lamp Post "New England Series" or equal, as approved by the Grove City Department of Public Service. Eber-Lea Farms Partnership shall consult with the Grove City Building Department concerning the design and layout of street lighting.
- d. Street signs and mailboxes shall be a unifying element within the community, and must be of one coordinated design and construction throughout the development, as approved by the ARB, except where mandated otherwise by the U.S. Postal Service.
- e. Each home shall utilize at least one wall mounted exterior light fixture on the front facade of the home, carefully positioned so as not to disturb neighboring property owners. Light fixture shall be compatible with specific architectural style of the home, and must be approved by the ARB.
- f. Security lighting used on homes shall be limited to motion activated flood lights attached to the structure.
- g. If perimeter fencing is used on a home lot, it must be the 3 rail split rail fence (except when adjacent to pool decks which fencing shall comply with Grove City Code requirements), and must be located in the rear yards only. No fencing shall be allowed to extend in front of the rear facade of the home.
- h. All temporary contractor identification and real estate signs shall not exceed 24" x 36" and contractor identification signs shall have a consistent color scheme as approved by the ARB.

### 3.8 BOULEVARD LOTS

Any lots contiguous to the 100 or 80 foot boulevards shall not be considered double frontage lots since no access to such lots will be permitted from these boulevards. Grove City shall share in

the cost of boulevards as provided in the Grove City Zoning Code. Eber-Lea Farm Partnership shall share in the costs of changes to White Road as required in the Ohio Revised Code.

### CIRCULATION

4.1 The Residential Boulevard extending south through the site from White Road will be a 100' right-of-way. Travel lane width and specification shall be built to Grove City standards. An asphalt bikeway (width and specification shall be built to Grove City standards) shall run generally parallel with this road, and will be located on one side of the street within the right-of-way and/or the 25' landscape easement adjacent to the street. (Refer to Exhibit "A" and Exhibit "C").

4.2 The Boulevard extending west towards 1-71 shall be an 80' right-of-way. Travel lane width and specification shall be built to Grove City standards. An asphalt bikeway (width and specification shall be built to Grove City standards) shall run generally parallel with this road, and will be located on one side of the street within the right-of-way and/or the 25' landscape buffer adjacent to the street.

4.3 The one-way semi-circular entry road at the main project entry shall be a 40' right-of-way. Travel lane width and specification shall be built to Grove City standards for a minor local street. The exact location of the semi-circular entry roadway and boulevard, together with the exact location of the semi-circular Sub-Area D (but not the size of said Sub-Area and entryway) shall be adjusted in accordance with the potential changes in location of the existing White Road.

4.4 All other local public streets shall be 60' right-of-way. Travel lane width and specification shall be built to Grove City standards.

4.5 The layout and design of the streets in Eber-Lea Farm shall generally follow the City's plans for traffic dispersion as articulated in the comprehensive regional plan adopted by Council in 1994.

### STREETSCAPES AND LANDSCAPE BUFFERS

5.1 2.5" caliper (or greater) street trees shall be planted along all public streets at an interval of no more than 50' on center. Street trees should be placed in an orderly fashion and evenly spaced to achieve a rhythm as well as an overhead canopy to the street. A single tree species is required for any given street for continuity purposes, and tree varieties shall change from one street to the next to help establish an identity to each neighborhood. Tree variety and placement must comply with the Grove City Landscape Ordinance and must be approved by the Grove City Tree Commission. Long term maintenance of the street trees will be the responsibility of the Eber-Lea Farm Homeowner's Association (HOA).

5.2 Common landscape buffers will occur adjacent to both boulevards, along the rear of lots backing onto White Road and along the rear of lots backing onto the Office site. The purpose

of these buffers is primarily to soften and screen views. Buffers shall consist of a combination of earth berms, fencing and landscape plantings to achieve an opacity level of at least of 50% for at least 8 months of the year, as measured from the road elevation to at least 6' in height, within four years after installation. Opacity is defined as the degree to which a berm, fence or landscaping is solid or impenetrable to light or vision in a generally uniform pattern over its surface. All materials within this buffer will be maintained by the HOA.

5.3 To provide for architectural continuity along the boulevards, a fencing standard is required for lots contiguous to these streets. Fencing shall be located on the 25' landscape easement line running parallel to the boulevards, and shall be a low (42" height maximum) 3 rail-split rail cedar fence with posts at no more than 10' on center. Olympic semitransparent stain #716 (Natural Tan Cedar) shall be applied to all cedar. Chain link fence is not permitted, although a black wire mesh may be added to the side of the rails and posts facing away from the street for containment purposes. Boulevard fencing is to be maintained by the Eber-Lea Farm HOA.

5.4 The landscape buffer between 1-71 and the Office/Institutional site is intended to provide screening but also visual interest from the freeway. Landscaping here will reflect a more "corporate" appearance, and shall consist of mass plantings organized to direct views as well as to soften views. This buffer shall be installed at the time of development of the Office/Institutional site. A temporary marketing identification sign shall be located in the center portion of the site within this buffer area. Permanent signage shall be incorporated into the buildings or into freestanding sculptural corporate logos/names. Signage shall comply with Grove City Code requirements. Variances also may be granted as authorized in the Grove City Zoning Code.

5.5 Plantings within the medians of the boulevard streets shall consist of randomly placed trees and shrubs, with care taken to keep the sight visibility open at intersections for safety purposes. A minimum of 4 trees (a mixture of evergreen and ornamental) and 3 shrubs per 100 lineal feet shall be installed within the median. This figure is an average; plants may be clustered to establish and reinforce design concepts as desired. Any plant materials used within the median will be maintained by the Eber-Lea Farm HOA.

5.6 Sidewalks shall be provided along all local streets, by each home builder or contractor, and will be built to Grove City's standard details and specifications.

#### **COMMON OPEN SPACE AREAS - RECREATION COMMUNITY PARK**

6.1 Common open space/recreational areas will be available to all the residents of Eber-Lea Farm in accordance with rules promulgated by the HOA. These areas will be privately developed and will be permanently maintained by the Eber-Lea Farm Homeowners Association. Residents of Grove City and Jackson Township accessing the community park using the bike path shall be permitted to use the community park, providing further that while using the park these residents shall abide by all the use rules and regulations that apply to Eber-Lea Farm

residents also. The Eber-Lea Farm Partnership shall consult with the Grove City Parks and Recreation Department concerning the design of the community park.

6.2 At least twenty (20) off-street parking spaces will be provided at the large central park site.

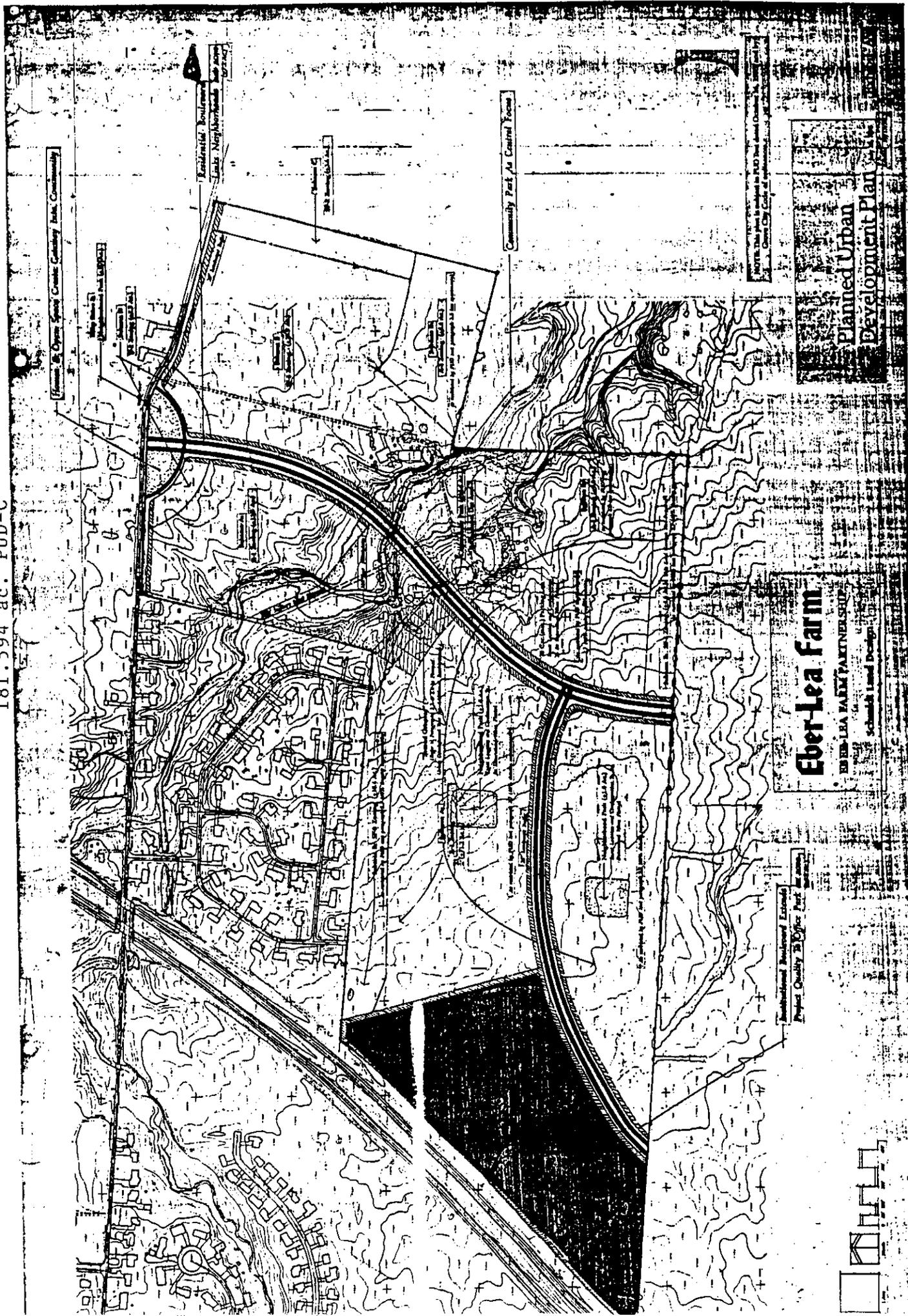
EBER-LEA FARM PARTNERSHIP  
By: Dehlendorf & Company, General Partner

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By: Michael A. Dehlendorf, President

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EXHIBIT "A" TO PLANNED URBAN DEVELOPMENT TEXT FOR EBEL-LEA FARM  
181.594 ac. PUD-C



**Eber-Lea Farm**  
EBEL-LEA FARM PARTNERSHIP  
Schmidt Land Design

Planned Urban  
Development Plan

Planned Urban Development Plan

Community Part A Control Zone

Professional Architectural License  
Project Quality 310/For Part A License

NOTE: This plan is subject to PUD text and other conditions of the  
City Code of Ordinances.



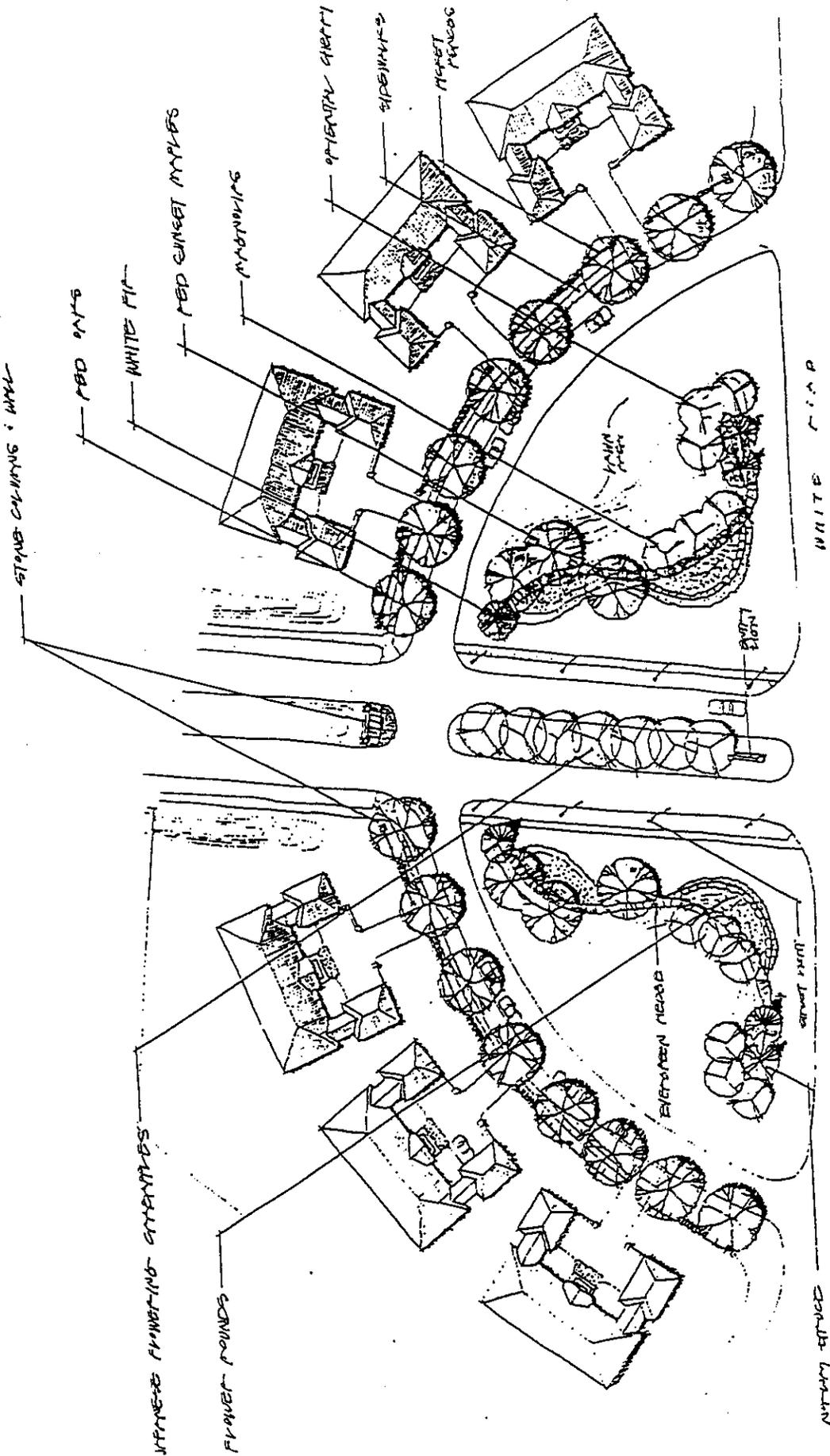
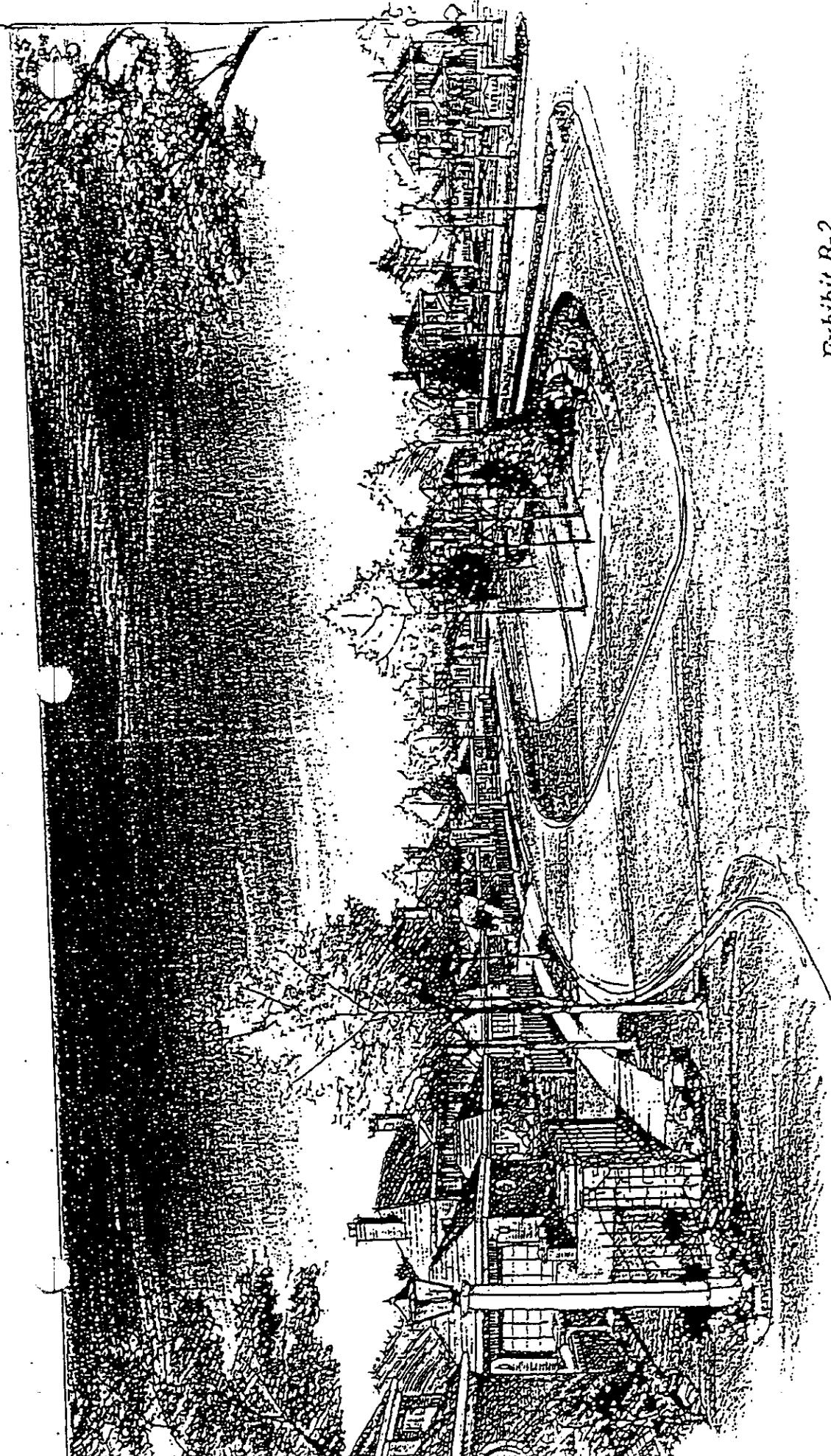


Exhibit B-1  
 D-2 District  
 Site Layout  
 July 28, 1995

**Eber-Lea Farm**

EBER-LEA FARM PARTNERSHIP

Schmidt Land Design  
 1000 University Ave., Suite 100, Berkeley, CA 94702

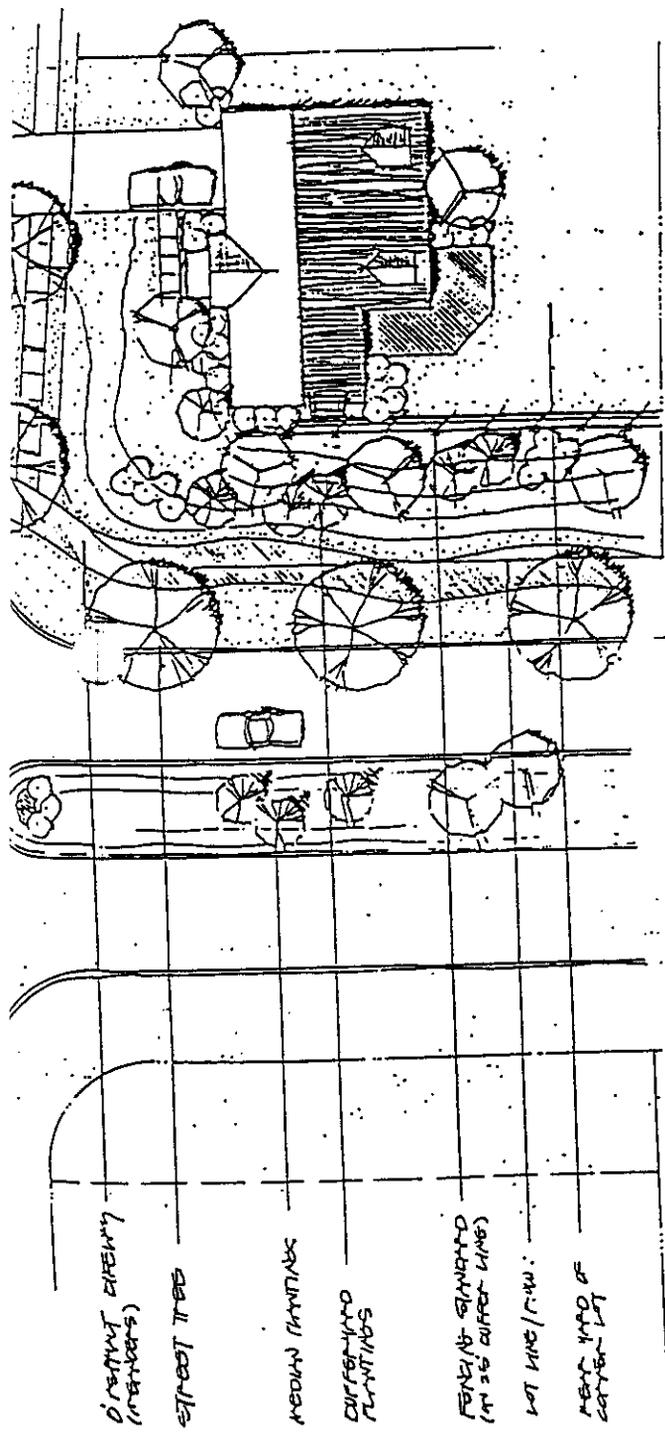


*Exhibit B-2  
D-2 District  
Artist Concept  
July 28, 1995*

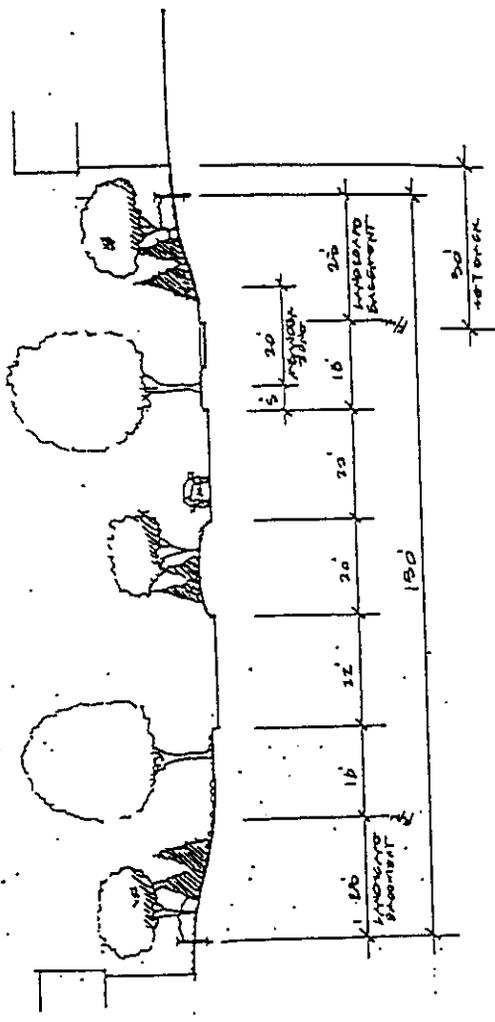
**Eber-Lea Farm**

EBER-LEA PARTNER SHIP

Schmidt Land Design



PLAN  
Scale 1"=10'



SECTION  
Scale 1"=10'

Exhibit 'C'  
**Eber-Lea Farm**  
 Boulevard Design Standards

Schmidt land design  
 Land Planning • Site Design • Survey • Construction

SPECIAL WARRANTY DEED

Exhibit D

KNOW ALL MEN BY THESE PRESENTS, that Eber-Lea Farm Partnership, an Ohio Partnership, with offices at 454 East Main Street, Columbus, Ohio, the Grantor herein, for the satisfaction of Ten Dollars (\$10.00) received to its full satisfaction of \_\_\_\_\_, the Grantee, whose tax mailing address is \_\_\_\_\_, does give, grant, bargain, sell and convey unto the said Grantee, his successors and assigns forever, the following described premises:

Situated in the State of Ohio, County of Franklin, City of Grove City, and being more particularly described as follows:

Being lot Numbers \_\_\_\_\_ ( ) through \_\_\_\_\_ ( ) of EBER-LEA FARM SECTION 1, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book \_\_, page \_\_, Recorder's Office, Franklin County, Ohio.

Subject to all conditions, easements, liens, encumbrances, and restrictions of record, if any, which Grantee herein assumes and agrees to as part consideration for this conveyance.

The Grantor hereby covenants with the Grantee and his successors and assigns that the premises are free and clear of all liens and encumbrances whatsoever created by or under the Grantor except (a) real estate taxes and assessments, if any, not presently due and payable, (b) zoning and building laws, ordinances, and regulations, (c) legal highways, (d) restrictions, conditions, and easements of record, and all other liens and encumbrances of record or otherwise affecting such premises; and that the Grantor will forever warrant and defend the premises, with the appurtenances, unto the Grantee and his successors and assigns against the lawful claims of all persons claiming through the Grantor except as above noted. In pursuance of a general plan

for the protection, benefit, and mutual advantage of all lots described above and of all persons who now are or may hereafter become owners of any of said lots or parts thereof, and as part of the consideration for this conveyance, the Grantor executes and delivers this deed, and the Grantee accepts the same, subject to each and all of the following reservations, restrictions, conditions, easements, covenants, obligations, and charges (hereinafter collectively called "restrictions") which are for the mutual benefit and protection of and shall be enforceable by any of the present or future owners of said lots. It is intended and understood that all or part of the premises described in this Special Warranty Deed shall be conveyed back to the Grantor. Such re-conveyance or any transfer or conveyance which may result in the same person acquiring all of the premises or more than one lot shall not result in a merger of the interest so as to result in the extinguishment of the Restrictions, it being the intent of the Grantor that the Restrictions remain at all times in full force and effect notwithstanding any such event. The restrictions set forth herein shall be effective on and after \_\_\_\_\_.

1. All lots, as shown on the subdivision plat hereinabove referred to, shall be used for single family private residential purposes only. No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. This restriction shall include, but not be limited to, a place of public entertainment, boarding house or hotel, tavern, tourist home, dance hall, barber or beauty shop, business or service shop or store of any kind, or the manufacture or sale of spirituous, vinous or fermented liquors. Model homes, sales offices, and the sale of homes during the construction period is permitted with the approval of Eber-Lea Farm Partnership.

2. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling. No detached garage or accessory building shall be erected on any lot without approval of Eber-Lea Farm Architectural Review Board (ARB). Each dwelling shall include an attached garage for not less than 2 cars, which shall be constructed simultaneously therewith.

3. The construction of any dwelling shall consist of natural materials. The exterior walls of all dwelling shall be covered by brick, stucco, stone, wood or, other natural materials as approved by the ARB.

4. No excavations shall be made and no dwelling, fence, wall, or any, other structure shall be commenced, erected or. maintained upon any lot within the subdivision, or shall any exterior addition to or change or alteration thereon be made nor shall any materials be stored upon any lot within the subdivision until two sets of the complete building plans and specifications for the dwelling, fence or wall intending to be erected on said lot, which plans shall show the locations of said dwelling, fence or wall on the subject premises and the elevation and slope and grade thereof, together with the nature, kind, shape, height, materials and location of the same shall have been submitted in writing to Eber-Lea Farm Architectural Review Board (ARB) or its successors and assigns, and the said plans and specifications have been approved in writing by Eber-Lea Farm Architectural Review Board (ARB) as to variety, harmony of external design, location and appearance in relation to surrounding structures and topography. The approval of said plans and specification by the (ARB) shall not be unreasonably withheld or delayed. Upon approval of said plans and specifications, the ARB shall return one copy thereof to the person or entity proposing to build such building or improvement together with a certificate of approval. If the ARB fails to approve or disapprove such submitted plans and specifications within twenty (20) days after they have been submitted to it, such plans and specifications as have been submitted in accordance with the terms above shall be deemed to have been approved and the requirements herein fulfilled.

5. All construction work commenced on any lot shall be completed within one (1) year from the start of construction. All landscaping must be completed and driveways must be paved with either asphalt or concrete within 6 months of completion of construction in accordance with the plans and specifications as approved by said ARB. Prior to occupancy of any dwelling constructed on any lot, the lot must be free of all debris and miscellaneous construction equipment. Eber-Lea Farm Partnership hereby specifically reserves the right to inspect all such construction work at all reasonable times to insure compliance with the plans and specifications as submitted to it and as approved by it.

6. In the event that a contractor and/or a builder employed or retained by a lot owner damages in any way utility lines or ,facilities within a dedicated easement, whether above or below ground level located Within the subdivision, or without limiting the generality hereof damages in any way the curbs, gutters, sidewalks, the lot owner employing such contractor or builder shall be held personally liable for the costs of repair of such damages unless Eber-Lea Farm Partnership is notified in writing of such easement damage or other damage prior to the delivery of the deed to the lot owner by Eber-Lea Farm Partnership. No lot owner or builder or contractor shall cause the removal of any trees (except dead or diseased trees) from any lot other than those trees necessary and essential to be removed for the digging of a foundation and/or basement for a dwelling and no lot owner or builder or contractor shall cause or permit the dumping, burying, spreading or disposal of any earth or other debris of any nature on any

lot within the subdivision or any other portion of the subdivision other than normal. back filling and grading around a dwelling after it has been constructed.

7. No dwelling shall be located on any lot nearer to the side street line or nearer to the front street line than the minimum building setback lines shown on the recorded plat or as allowed by the Grove city Zoning Code for R-1 Districts, or any approved variance thereto.

For the purposes of this restriction, coves, steps and open porches shall not be considered as a part of a dwelling, provided, however that this shall not be construed to permit any portion of a dwelling on a lot to encroach upon another lot.

8. No portion of any lot nearer to any street than the building lines shall be used for any purpose other than that of a lawn. Nothing herein contained, however, shall be construed as preventing the use of such portion of said lot for walks and drives, the planting of trees or statuary, growing of flowers or ornamental plants, or for shrubbery, mountains and similar ornamentation for the purpose of beautifying said lots, but no vegetables, so-called, nor grains of the ordinary garden or field variety shall be grown upon such portion of the lot and no weeds, underbrush, or other unsightly growths shall be permitted to grow or remain anywhere upon said lot, and no unsightly objects shall be allowed to be placed or suffered to remain anywhere thereon.

9. No fence, hedge or shrub planting which obstructs sight lines at elevations between two and six feet above the roadway shall be placed or permitted to remain on any corner Lot within the triangular area formed by the street property in lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded Property corner from the intersection of the street property lines extended. The same sight line limitations shall apply on any Lot within ten feet from the Intersection of a street property line with the edge of a driveway of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight line. No fencing shall be permitted, except as approved by the ARB. No chain link, or wire, except mesh inside 3-rail fence shall be permitted at anytime.

No structure of a temporary character, trailer, mobile home, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently. This shall not prevent the use of such structures temporarily as construction offices or for storage of material during construction period.

10. No signs of any kind shall be displayed to the public view on any lot except one sign advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period. Political candidate and issue yard signs shall be permitted as provided in City of Grove City generally.

11. No lot shall be subdivided without the written consent first obtained from the Eber-Lea Farm Partnership or of the owner or owners of seventy-five percent of the other lots

hereby conveyed, provided however, the subdivision of a lot for the purpose of adding parts of that lot to adjacent lots to create a larger lot(s) shall be permitted with the prior written approval of the Architectural Review Board and only after following the Grove City lot split approval process.

12. No animals, birds, insects, livestock, reptiles or poultry of any kind shall be raised, bred, or kept on the property except dogs, cats and other customary household pets which are kept for domestic purposes only and are not kept, bred, or maintained for any commercial purpose.

13. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition, open burning of any material is prohibited.

14. No automobile or motor driven vehicle may be left upon the property for a period longer than five (5) days in a condition such that it is incapable of being operated upon the public highways, after which time the vehicle shall be considered as a nuisance and detrimental to the welfare of the neighborhood and must be removed from the subdivision. No commercial vehicles may be parked, stored or temporarily kept on the property, except when stored wholly within private garages, or except when there temporarily to service existing improvements or to be used in connection with the construction of improvements on the property. No recreational vehicle, travel trailer, boat trailer or boat shall remain upon any lot except when stored wholly within private garages. The Eber-Lea Farm Homeowners Association (HOA) shall tow vehicles and boats violating the subdivision restrictions and assess the owner of the lot from which the vehicle or boat was towed the cost of assessment.

15. No soil shall be removed for any commercial purpose.

16. The following structures, improvements, and activities shall not be permitted on any lot in the subdivision:

- a. Satellite dishes (except dishes less than twenty-four inches (24") in diameter;
- b. Above ground pools (except hot tub models permitting not more than 8 person capacity)
- c. Outdoor clothes lines;
- d. Outdoor antenna;
- e. Solar panels;
- f. Storage tanks.

17. Easements for the installation and maintenance of utilities, drainage facilities and overall subdivision drawings are reserved over, under and through all areas designated "Easement" on the recorded plat and other instruments of record. Within the limits of these

easements, the grade specified on the Master Grading Plan must be complied with, and no structure, planting or other materials shall be placed or permitted to remain which may damage or interfere with the installation, operation or maintenance of utilities, or which may change the direction of flow of drainage channels in the easements or which may obstruct or retard the flow of water through drainage channels in the easements. In the event of a dispute as to compliance with the Master Grading Plan the decision of the ARB shall be final. The easement area of each Lot and all improvements in it shall be maintained continuously by the owner of the Lot except for those improvements for which a public authority or utility company is responsible.

18. The owners of each improved lot shall construct and maintain sidewalks in accordance with the requirements for the City of Grove city following the installation of a sewer and water tap.

19. The foregoing restrictions and every one of them shall be held and considered as running with the land hereby conveyed and shall be binding on all future owners of any lot hereinabove described and all persons claiming under them for a period of thirty-five (35) years from the date this instrument was filed for record and shall be automatically extended for successive periods of ten (10) years, provided, however, if the then owners of more than one-half of the lots herein described agree to change said protective covenants in whole or in part.

20. Enforcement of these restrictions may be had by proceedings at law or in equity or both against any person or persons violating or attempting to violate any restriction and such proceeding may be had either to restrain violation or to recover damages or both. No failure, however long continued, to object to any violation or to enforce any restriction contained herein shall be deemed a waiver of a right to do so hereafter, as to the same breach or as to one occurring prior or subsequent thereto. The Eber-Lea Farm Homeowners Association, a not for profit corporation, shall also have the right to enforce these restrictions to prevent violations. The owner of any lot within two hundred feet (200') of the perimeter of an offending lot likewise has standing to enforce these restrictions.

IN WITNESS WHEREOF, the Grantor has hereunto caused this instrument to be executed by its duly authorized officer this \_\_\_\_ day of July, 1995.

Signed and acknowledged  
in the presence of:

EBER-LEA FARM PARTNERSHIP  
an Ohio Partnership

Printed: \_\_\_\_\_

By: \_\_\_\_\_  
Dehlendorf & Company,  
General Partners

Printed: \_\_\_\_\_

STATE OF OHIO  
COUNTY OF FRANKLIN, SS:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 1995, by Eber-Lea Farm Partnership, by Dehlendorf & Company, by Michael A. Dehlendorf, its President, an Ohio Corporation, on behalf of the corporation and partnership.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal as of the date first above written.

[SEAL]

\_\_\_\_\_  
Notary Public

This instrument prepared by:

Edward T. McClellan, Esquire  
HARRIS, MCCLELLAN, BINAU & COX  
37 West Broad Street  
Suite 950  
Columbus, Ohio 43215

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DESIGN RESTRICTIONS  
FOR  
EBER-LEA FARM

Exhibit "E"

The Eber-Lea Farm Design Guidelines are intended to establish a level of consistency while allowing for personal preferences, to establish a high level of design quality, and preserve the natural character of the land. This site has a beautiful variety of physical features, including deep ravines and overlooks to meandering streams, wooded homesite and green space abutting parkland to remain as permanent natural environment for the community. Eber-Lea Farm Partnership wants to be sensitive to the land and to create a community of the highest quality. The Eber-Lea Architectural Review Board shall be Fiscal in the determination of the applicability of these Design Guidelines.

Every proposed home to be built in Eber-Lea Farm must receive Architectural Approval. In order to receive Architectural Approval, the following steps must be taken:

A) Submit two sets of drawings of the proposed design of your house. These drawings should include: 1) SITE PLAN, showing the location of your house, driveway, proposed plantings in the front yard, and changes to the topography; 2) FLOOR PLANS should be included - these do not have to be completed construction drawings; 3) ELEVATIONS of all sides of the house indicating building materials, window and door locations, etc., must be submitted and; 4) MATERIAL COLOR SAMPLES must be submitted; 5) WINDOW AND DOOR SPEC. These exhibits shall be delivered to:

EBER-LEA FARM PARTNERSHIP  
ATTN: Michael Dehlendorf  
454 East Main Street  
Columbus, Ohio 43215  
Phone: (614) 469-0022

The submission should include your name, present address and work and home telephone numbers and a review fee set by ARB paid by check to \_\_\_\_\_.

B) Within two weeks of receipt by Eber-Lea Farm Mr. \_\_\_\_\_ will contact you to arrange a review meeting with you, your builder or your designer. Eber-Lea Farm will have studied the information you have presented before this meeting and will be prepared to discuss your plans.

C) If any modifications are required, these will be noted on the plans, and you will receive one set and one will remain with the Developer.

These Design Restrictions will provide you insight into the required design approach for homes at Eber-Lea Farm. Our intent is not to increase the cost of the homes, but to be sensitive

to the unique qualities of the site and to achieve as high a quality as possible within a Buyer's cost constraints.

1. MINIMIZE THE IMPACT OF THE GARAGE AND DRIVEWAY

Curving driveways, mounding, planting and special driveway paving (interlocking pavers, exposed aggregate concrete, brick edging) make the home more attractive from the street, enhancing "curb appeal".

2. MAXIMIZE THE UNIQUE ASPECT OF THE SITE

In sighting your home, respond to the topography, views out of the windows, your neighbors and your privacy, wooded areas. Save the trees and scenic areas. Place your house on the site to disturb a minimum of existing grades and contours. During construction, protect trees and areas to remain natural. During construction, all trees that are intended to become a part of the final landscape plan, within twelve (12) feet of the foundation of a house shall have the area of its drip line protected with a visual barrier designed to give notice not to disturb the drip line area. Leave ravine areas undisturbed.

3. GOOD SITE DRAINAGE CAN MINIMIZE PROBLEMS AND MAINTAIN NATURAL VEGETATION

Storm water from buildings and pavements shall be directed by pipe or swale to the nearest storm sewer or natural waterway. It is required to control storm water and sedimentation both during and after construction.

4. BUILDING SETBACKS AND SIDE YARDS

The Building Line specifies the closest distance a house can be built to the street. Houses, however, can be setback further than the building line. The side yard and rear yard setback minimums must also be respected. We encourage variation in the front setback from one home to the next, as it adds variety to the streetscape, increases privacy and a sense of enclosure, and helps preserve trees in the front yard. Many lots are deep allowing flexibility in the front yard setback.

5. COORDINATE WITH YOUR NEIGHBOR

Being sensitive to window locations, planting areas and house orientation will give you and your neighbor a better environment.

6. NATURAL COLORS AND MATERIALS

The natural aspects of the site should be emphasized and maintained. Exterior wall materials must be natural, being wood, stone, brick, stucco. Earth toned colors are preferred. These colors blend well with the natural characteristics of the site, and help the house become

a part of the environment instead of contrasting with the natural environment. For example, white contrasts where beiges and greys blend in.

When man-made materials are used, colors must blend in with natural materials. Sand mole brick is preferred. Glazed or speckled brick is not permitted. Stone should be native Ohio limestone in gray or buff and laid in a horizontal bed. Rubble or roughly squared stone is preferred.

## 7. BUILDING HEIGHT AND TERRAIN

The terrain often suggests the best house suited for the lot. On sloping sites, split level homes or homes with special features (like balconies overlooking views, or basements open to grade) are encouraged. The height of one story homes must not exceed 20' measured from the first floor line to the ridge line. Height of one and one-half story homes must not exceed 26' and two story homes must not exceed 35'. The distance between grade and the first floor should be kept to a minimum. Variances to the height restrictions may be granted by the Eber-Lea Farm Architectural Review Board based on specific house design needs.

## 8. ROOF FEATURES

Soil stacks, vents, valley flashings or other roof devices except chimneys should be painted to match the roof color to minimize their visual impact.

## 9. WINDOWS

All types of windows (casement, double hung, horizontal siding, wood, vinyl or vinyl \_\_\_\_\_, etc.) are acceptable as long as they have been carefully selected and proportioned to enhance the walls in which they are placed. No natural aluminum is acceptable. The same window types should be used consistently on all sides of the house so that all four sides relate.

## 10. ENTRANCE

The entrance is probably the most important part of your home. Care should be taken to select aesthetically pleasing arrangements and materials to enhance the entry. Natural materials are preferred. Aluminum storm and screen doors are discouraged, and if used must blend in with the home. No natural aluminum or decorative or scalloped storm door panels are permitted. A garage door is often important because of its size. Garage doors should be de-emphasized: no decorative garage doors. Garage doors shall be one color and must blend with the house.

## 11. WOOD DECKS, PATIOS AND FENCES

Wood decks should be stained to match the house or permitted to weather naturally. Awnings may be of wood and canvas. No metal or fiberglass products should be used. Fences built from wood, brick, wrought iron or stone, and screens developed from masses of planting

are encouraged to enclose the private and service areas of a site. Materials must be compatible with the home. Treated wood shall be stained.

## 12. LANDSCAPING

The major goals of the landscaping are to: 1) enhance each home and help it blend into the natural setting; 2) create a private environment for each homeowner; and 3) supplement and accentuate the existing features of the land. Planting around a home, ideally should be massed in critical locations rather than merely stretching along a foundation. Plantings should be placed away from the house at entrances and other key spots. Plantings at or near property lines should be coordinated with neighbors to create a natural flow of planting from property to property.

13. In order to maintain the traditional character of the romantic styles on homes to be built in Eber-Lea Farm, all exposed chimney areas shall have masonry veneers, which includes, brick, stone, or stucco.

14. All garages shall have automatic openers and are required to be shut when not in use.

15. Unpainted metal finish materials of any kind are not permitted.



**Bird+Bull**

consulting  
engineers +  
surveyors

December 27, 1994

DESCRIPTION OF 214.094 ACRES ON WHITE ROAD IN  
JACKSON TOWNSHIP, FRANKLIN COUNTY, OHIO  
(EBER-LEA FARMS, LTD., ET AL)

Situated in the State of Ohio, County of Franklin, Township of Jackson, in Virginia Military Surveys Nos. 469, 478 and 6840, and being all of the following eight (8) tracts of land:

- 1) a 0.236 acre tract conveyed to Eber-Lea Farms, Ltd. by deed of record in Official Record 3835, Page B 05, all references being to the Recorder's Office, Franklin County, Ohio;
- 2) an original 32.63 acre tract (with exceptions) conveyed as First Tract to Eber-Lea Farms, Ltd. by deed of record in Official Record 1443, Page E 13;
- 3) an original 100 acre tract (with exception) conveyed as Second Tract to Eber-Lea Farms, Ltd. by deed of record in Official Record 1443, Page E 13;
- 4) a 17.25 acre tract conveyed as Third Tract, Lot Number One, to Eber-Lea Farms, Ltd. by deed of record in Official Record 1443, Page E 13;
- 5) a 17.25 acre tract conveyed as Third Tract, Lot Number Two, to Eber-Lea Farms, Ltd. by deed of record in Official Record 1443, Page E 13;
- 6) a 43.502 acre tract conveyed as Fourth Tract to Eber-Lea Farms, Ltd. by deed of record in Official Record 1443, Page E 13;
- 7) a 0.918 acre tract conveyed to Ronald Eberhard by deed of record in Deed Book 2400, Page 285, and
- 8) a 0.8477 acre tract conveyed to Ronald D. and Josephine L. Eberhard by deed of record in Deed Book 3480, Page 442;

all bounded and described as follows:

Beginning at a P.K. Nail set in the centerline of White Road (60 feet wide), in the north line of said Virginia Military Survey No. 6840, in the south line of Virginia Military Survey No. 8231, at the northwest corner of said original 32.63 acre tract and at the northeast corner of a 0.544 acre tract of land conveyed to Edward L. and Doris A. Morgan by deed of record in Deed Book 2448, Page 78, said P.K. Nail being S 87° 05' 58" E a distance of 1,569.74 feet from Franklin County Monument No. 0023 found in the centerline of White Road;

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thence S 87° 05' 58" E along the tangent centerline of White Road, along a portion of the north line of said Virginia Military Survey No. 6840, along a portion of the south line of said Virginia Military Survey No. 8231 and along the north line of said original 32.63 acre tract a distance of 1,163.72 feet to a 1-1/2-inch I.D. iron pipe found at the northeast corner of said Virginia Military Survey No. 6840, in the west line of said Virginia Military Survey No. 469 and at the northeast corner of said original 32.63 acre tract (passing a railroad spike set at a point of curvature in the centerline of White Road at 962.46 feet);

thence S 14° 18' 58" W along a portion of an east line of said Virginia Military Survey No. 6840, along a portion of the west line of said Virginia Military Survey No. 469, along a portion of the east line of said original 32.63 acre tract and crossing White Road a distance of 108.00 feet to a 1-inch diameter solid iron pin found in the tangent centerline of White Road and at the northwest corner of said 17.25 acre Lot Number One;

thence S 74° 47' 32" E along the tangent centerline of White Road, along the north line of said 17.25 acre Lot Number One and along the north line of said 17.25 acre Lot Number Two a distance of 954.27 feet to a P.K. Nail set at the northeast corner of said 17.25 acre Lot Number Two and at the northwest corner of a 51.031 acre tract of land conveyed to John Seidenschmidt by deed of record in Deed Book 3063, Page 621, and to Victor Jerabeck by deed of record in Official Record 6628, Page H 05, (passing a railroad spike set at the point of tangency in the centerline of White Road at 159.97 feet);

thence S 14° 40' 04" W along the east line of said 17.25 acre Lot Number Two and along a west line of said 51.031 acre tract a distance of 1,571.20 feet to a 14-inch diameter concrete corner post found in the south line of said Virginia Military Survey No. 469, in the north line of said Virginia Military Survey No. 478, at the southeast corner of said 17.25 acre Lot Number Two and at a corner of said 51.031 acre tract (passing a 3/4-inch I.D. iron pipe set in the south right-of-way line of White Road at 30.00 feet);

thence N 74° 32' 03" W along a portion of the south line of said Virginia Military Survey No. 469, along a portion of the north line of said Virginia Military Survey No. 478, along the south line of said 17.25 acre Lot Number Two, along the south line of said 17.25 acre Lot Number One, along a line of said 51.031 acre

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tract and along the north line of a 24.81 acre tract of land conveyed as Tract 4 to Susanne Hartig Hirth by deed of record in Official Record 8850, Page I 07, a distance of 943.81 feet to a 3/4-inch I.D. iron pipe set at a corner of said Virginia Military Survey No. 6840, at the southwest corner of said Virginia Military Survey No. 469, at the southwest corner of said 17.25 acre Lot Number One, at a corner of said original 100 acre tract and at the northwest corner of said 24.81 acre tract;

thence S 2° 09' 44" W along an east line of said original 100 acre tract and along a west line of said 24.81 acre tract a distance of 1,250.22 feet to a 3/4-inch I.D. iron pipe set in the west line of said Virginia Military Survey No. 478, in an east line of said Virginia Military Survey No. 6840, at the southeast corner of said original 100 acre tract, at a corner of said 24.81 acre tract and at the northeast corner of a 100 acre tract of land conveyed as Tract 6, Subdivision (a) to Susanne Hartig Hirth by deed of record in Official Record 8850, Page I 07;

thence N 86° 02' 07" W along the south line of said original 100 acre tract, along the south line of said 43.502 acre tract, along the north line of said 100 acre tract, along the north line of a 60 acre tract of land conveyed as Tract 6, Subdivision (c) to Susanne Hartig Hirth by deed of record in Official Record 8850, Page I 07, along the north line of a 38.5 acre tract of land conveyed as part of Lot Number 2 to Don C. Pangborn and Eve H. McCall by deed of record in Official Record 23374, Page J 06, along the north line of a 40 acre tract of land conveyed as Lot Number 3 to Don C. Pangborn and Eve H. McCall by deed of record in Official Record 23374, Page J 06, and along the north line of a 40 acre tract of land conveyed to B.J. and Joanne W. Roach by deed of record in Official Record 17522, Page H 06, a distance of 4,613.60 feet to a 3/4-inch I.D. iron pipe set at the southwest corner of said 43.502 acre tract and in the north line of a 47.168 acre tract of land conveyed to B.J. and Joanne W. Roach by deed of record in Official Record 6203, Page J 19;

thence N 03° 13' 02" E along the west line of said 43.502 acre tract a distance of 38.70 feet to a 5/8-inch I.D. iron pipe found in the southeast limited access right-of-way line of Interstate Route 71 and at a corner of said 43.502 acre tract;

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thence N 46° 50' 07" E along the southeast limited access right-of-way line of Interstate Route 71 and along the northwest line of said 43.502 acre tract a distance of 900.30 feet to a 3/4-inch I.D. iron pipe set at a point of curvature;

thence northeasterly along a curved southeast limited access right-of-way line of Interstate Route 71, along the curved northwest lines of said 43.502 acre tract, along the curved northwest line of said 0.236 acre tract and with a curve to the left, data of which is: radius = 12,004.30 feet and sub-delta = 6° 06' 42", a sub-chord distance of 1,279.91 feet bearing N 43° 46' 46" E to a 3/4-inch I.D. iron pipe set at an angle point in the curved southeast limited access right-of-way line of Interstate Route 71 and at the northwest corner of said 43.502 acre tract;

thence S 84° 04' 57" E along a jog in the southeast limited access right-of-way line of Interstate Route 71, along the north line of said 43.502 acre tract, along a portion of the north line of said original 100 acre tract, along the south line of a 1.467 acre tract of land conveyed to Jerry L. and Donna M. Fisher by deed of record in Official Record 16504, Page J 04, along the south line of Lot No. 43 in Briarwood Hills No. 3, as shown of record in Plat Book 40, Page 112, along the south end of Berry Hill Drive (60 feet wide), along the south lines of Lots Nos. 42, 41, 40 and 39 in said Briarwood Hills No. 3, along the south lines of Lots Nos 38, 37, 36, 35, 34 and 33 in Briarwood Hills No. 2, as shown of record in Plat Book 39, Page 63, along the south end of Berry Hill Drive (60 feet wide) and along the south line of Lot No. 32 in said Briarwood Hills No. 2 a distance of 2,052.64 feet to a cross on a stone found at the southwest corner of said original 32.63 acre tract and at the southeast corner of said Lot No. 32 (passing a point in the southeast limited access right-of-way line (to the north) of Interstate Route 71 at 24.34 feet, passing a point at the southwest corner of said Briarwood Hills No. 3 at 332.29 feet and passing the southeast corner of said Briarwood Hills No. 3 and the southwest corner of said Briarwood Hills No. 2 at 1,064.28 feet);

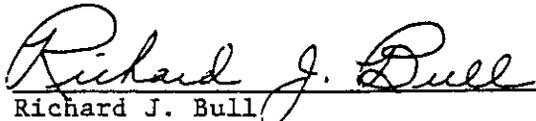
thence N 14° 10' 56" E along the west line of said original 32.63 acre tract, along the east line of said Lot No. 32, along the east lines of Lots Nos. 31, 30, 29 and 28 in said Briarwood Hills No. 2, along the east line of a 3.462 acre tract of land conveyed to Terry W. Grogg by deed of record in Official Record 21495, Page J 11, and along the east line of said 0.544 acre tract a distance of

December 27, 1994

1,284.64 feet to the place of beginning (passing a 3/4-inch I.D. iron pipe set in the south right-of-way line of White Road at 1,254.05 feet);

containing 214.094 acres of land more or less and being subject to all legal highways, easements and restrictions of record.

The above description was prepared by Richard J. Bull, Ohio Surveyor No. 4723, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Worthington, Ohio, from an actual field survey performed under his supervision in March, 1994. Basis of bearings was transferred from a field traverse originating on Franklin County survey control monuments "Frank 25" and "Frank 25 Azimuth", and is based on the Ohio State Plane Coordinate System, South Zone and the North American Datum of 1983.

  
Richard J. Bull  
Ohio Surveyor #4723

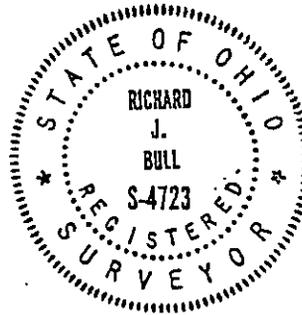




Exhibit "C"

March 29, 1994

Rev: Dec. 27, 1994

DESCRIPTION OF 225.683 ACRES ON WHITE ROAD IN  
JACKSON TOWNSHIP, FRANKLIN COUNTY, OHIO, TO BE  
ANNEXED TO CITY OF GROVE CITY, OHIO  
(EBER-LEA FARMS, LTD., ET AL)

Situated in the State of Ohio, County of Franklin, Township of Jackson, in Virginia Military Surveys Nos. 469, 478 and 6840, and being all or portions of the following nine (9) tracts of land:

- 1) 13.09 acres out of an original 61.08 acre tract conveyed as 1st Parcel and out of an original 35 acre tract conveyed as 2nd Parcel to Edward F. and Mary E. Geyer by deed of record in Deed Book 855, Page 161, all references being to the Recorder's Office, Franklin County, Ohio, said 13.09 acres being all of Parcel No. 32-LA conveyed to State of Ohio for "Highway Easement" for Interstate Route 71, as shown upon Sheet 20 of 21 of Ohio Department of Transportation Right-of-Way Plans for FRA 62-2.12 and upon Sheets 1 and 2 of 18 of Ohio Department of Transportation Right-of-Way Plans for FRA 62-7.29;
- 2) all of a 0.236 acre tract conveyed to Eber-Lea Farms, Ltd. by deed of record in Official Record 3835, Page B 05;
- 3) 31.722 acres out of an original 32.63 acre tract (with exceptions) conveyed as First Tract to Eber-Lea Farms, Ltd. by deed of record in Official Record 1443, Page E 13;
- 4) 99.092 acres out of an original 100 acre tract (with exception) conveyed as Second Tract to Eber-Lea Farms, Ltd. by deed of record in Official Record 1443, Page E 13;
- 5) 16.974 acres out of a 17.25 acre tract conveyed as Third Tract, Lot Number One, to Eber-Lea Farms, Ltd. by deed of record in Official Record 1443, Page E 13;
- 6) 16.917 acres out of a 17.25 acre tract conveyed as Third Tract, Lot Number Two, to Eber-Lea Farms, Ltd. by deed of record in Official Record 1443, Page E 13;
- 7) all of a 43.502 acre tract conveyed as Fourth Tract to Eber-Lea Farms, Ltd. by deed of record in Official Record 1443, Page E 13;
- 8) all of a 0.918 acre tract conveyed to Ronald Eberhard by deed of record in Deed Book 2400, Page 285, and
- 9) all of a 0.8477 acre tract conveyed to Ronald D. and Josephine L. Eberhard by deed of record in Deed Book 3480, Page 442;

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Charles F Bird PE PS  
Chairman Emeritus  
Richard J Bull PE PS  
President  
Jerry L Turner PE  
Vice President  
Charles J Coghlan PE  
Secy/Treas  
David M Bray PE  
Ted L Robinson PS  
J Fred Wicker Jr PS

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all bounded and described as follows:

Beginning at a point in the curved northwest limited access right-of-way line of Interstate Route 71, in an existing curved City of Grove City Corporation Line established by Ordinance No. C-2-72 and recorded in Miscellaneous Record 155, Page 27, and in Plat Book 45, Page 39, at the northwest corner of said 13.09 acre tract, at a corner of an original 74.212 acre tract of land conveyed as Parcel I to Valerio S. Canini Builder, Inc. (now Canini and Pellecchia, Inc.) by deed of record in Official Record 12249, Page B 06, and in the south line of an original 22.50 acre tract (with exception) conveyed as Parcel Two to Wayne E. Nibert and Marilyn J. Nibert Revocable Trust by deed of record in Official Record 6444, Page F 03;

thence S 84° 04' 57" E crossing Interstate Route 71, along the north line of said 13.09 acre tract, along a portion of the south line of said original 22.50 acre tract, along a portion of the north line of said original 100 acre tract, along the south line of a 1.467 acre tract of land conveyed to Jerry L. and Donna M. Fisher by deed of record in Official Record 16504, Page J 04, along the south line of Lot No. 43 in Briarwood Hills No. 3, as shown of record in Plat Book 40, Page 112, along the south end of Berry Hill Drive (60 feet wide), along the south lines of Lots Nos. 42,41,40 and 39 in said Briarwood Hills No. 3, along the south lines of Lots Nos. 38,37,36,35,34 and 33 in Briarwood Hills No. 2, as shown of record in Plat Book 39, Page 63, along the south end of Berry Hill Drive (60 feet wide) and along the south line of Lot No. 32 in said Briarwood Hills No. 2 a distance of 2,420.30 feet to a cross on a stone found at the southwest corner of said original 32.63 acre tract and at the southeast corner of said Lot No. 32 (passing a 3/4-inch I.D. iron pipe set in the southeast limited access right-of-way line (to the south) of Interstate Route 71 at 367.66 feet, passing a point in the southeast limited access right-of-way (to the north) of Interstate Route 71 at 392.01 feet, passing a point at the southwest corner of said Briarwood Hills No. 3 at 700.03 feet and passing the southeast corner of said Briarwood Hills No. 3 and the southwest corner of said Briarwood Hills No. 2 at 1,431.51 feet);

thence N 14° 10' 56" E along a portion of the west line of said original 32.63 acre tract, along the east line of said Lot No. 32, along the east lines of Lots Nos. 31,30,29 and 28 in said Briarwood Hills No. 2, along the east line of a 3.462 acre tract of land conveyed to Terry W. Grogg by deed of record in Official Record 21495, Page J 11, and along a portion of the east line of a 0.544 acre tract of land conveyed to Edward L. and Doris A. Morgan by deed of record in Deed Book 2448, Page 78, a distance of 1,254.05 feet to a 3/4-inch I.D. iron pipe set in the south right-of-way line of White Road (60 feet wide);

thence S 87° 05' 58" E along the south right-of-way line of White Road and parallel with and 30.00 feet southerly by perpendicular measurement from the centerline of White Road and from the north line of said original 32.63 acre tract a distance of 968.44 feet to a 3/4-inch I.D. iron pipe set at a point of curvature;

thence easterly along a curved south right-of-way line of White Road and with a curve to the right, data of which is: radius = 256.47 feet and delta = 32° 25' 00", a chord distance of 143.18 feet bearing S 70° 53' 28" E to a 3/4-inch I.D. iron pipe set at the point of tangency;

thence S 54° 40' 58" E along the south right-of-way line of White Road a distance of 107.01 feet to a 3/4-inch I.D. iron pipe set at a point of curvature;

thence easterly along a curved south right-of-way line of White Road and with a curve to the left, data of which is: radius = 315.76 feet and delta = 20° 06' 34", a chord distance of 110.26 feet bearing S 64° 44' 15" E to a 3/4-inch I.D. iron pipe set at the point of tangency;

thence S 74° 47' 32" E along the south right-of-way line of White Road and parallel with and 30.00 feet southerly by perpendicular measurement from the centerline of White Road and from the north lines of said 17.25 acre Lot Number One and said 17.25 acre Lot Number Two a distance of 794.58 feet to a 3/4-inch I.D. iron pipe set in the east line of said 17.25 acre Lot Number Two and in a west line of a 51.031 acre tract of land conveyed to John Seidenschmidt by deed of record in Deed Book 3063, Page 621, and to Victor Jerabeck by deed of record in Official Record 6628, Page H 05;

thence S 14° 40' 04" W along a portion of the east line of said 17.25 acre Lot Number Two and along a portion of a west line of said 51.031 acre tract a distance of 1,541.20 feet to a 14-inch diameter concrete corner post found in the south line of said Virginia Military Survey No. 469, in the north line of said Virginia Military Survey No. 478, at the southeast corner of said 17.25 acre Lot Number Two and at a corner of said 51.031 acre tract;

thence N 74° 32' 03" W along a portion of the south line of said Virginia Military Survey No. 469, along a portion of the north line of said Virginia Military Survey No. 478, along the south line of said 17.25 acre Lot Number Two, along the south line of said 17.25 acre Lot Number One, along a line of said 51.031 acre tract and along the north line of a 24.81 acre tract of land conveyed as Tract 4 to Susanne Hartig Hirth by deed of record in Official Record 8850, Page I 07, a distance of 943.81 feet to a 3/4-inch I.D. iron pipe set at a corner of said Virginia Military Survey No. 6840, at the southwest corner of said Virginia Military Survey No. 469, at the southwest corner of said 17.25 acre Lot Number One, at a corner of said original 100 acre tract and at the northwest corner of said 24.81 acre tract;

thence S 02° 09' 44" W along an east line of said original 100 acre tract and along a west line of said 24.81 acre tract a distance of 1,250.22 feet to a 3/4-inch iron pipe set in the west line of said Virginia Military Survey No. 478, in an east line of said Virginia Military Survey No. 6840, at the southeast corner of said original 100 acre tract, at a corner of said 24.81 acre tract and at the northeast corner of a 100 acre tract of land conveyed as Tract 6, Subdivision (a) to Susanne Hartig Hirth by deed of record in Official Record 8850, Page I 07;

thence N 86° 02' 07" W along the south line of said original 100 acre tract, along the south line of said 43.502 acre tract, along the north line of said 100 acre tract, along the north line of a 60 acre tract of land conveyed as Tract 6, Subdivision (c) to Susanne Hartig Hirth by deed of record in Official Record 8850, Page I 07, along the north line of a 38.5 acre tract of land conveyed as part of Lot Number 2 to Don C. Pangborn and Eve H. McCall by deed of record in Official Record 23374, Page J 06, along the north line of a 40 acre tract of land conveyed as Lot Number 3 to Don C. Pangborn and Eve H. McCall by deed of record in Official Record 23374, Page J 06, along the north line of a 40 acre tract of land conveyed to B.J. and Joanne W. Roach by deed of record in Official Record 17522, Page H 06, a distance of 4,613.60 feet to a 3/4-inch I.D. iron pipe set at the southwest corner of said 43.502 acre tract and in the north line of a 47.168 acre tract of land conveyed to B.J. and Joanne W. Roach by deed of record in Official Record 6203, Page J 19;

thence N 03° 13' 02" E along the west line of said 43.502 acre tract, crossing said Interstate Route 71 and along the west line of said 13.09 acre tract a distance of 473.58 feet to a point in the northwest limited access right-of-way line of Interstate Route 71, in said existing City of Grove City Corporation Line established by Ordinance No. C-2-72, at a corner of said 13.09 acre tract and in the southeast line of Lot No. 9 in Briarwood Hills Section 7, as shown of record in Plat Book 76, Page 48 (passing a 5/8-inch I.D. iron pipe found in the southeast right-of-way line of Interstate Route 71, at a corner of said 43.502 acre tract and at a corner of said 13.09 acre tract at approximately 38.7 feet);

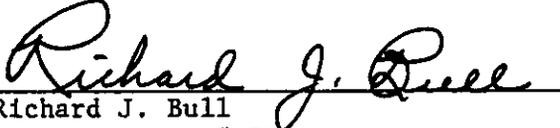
thence N 46° 50' 07" E along the northwest limited access right-of-way line of Interstate Route 71, along a portion of said existing City of Grove City Corporation Line established by Ordinance No. C-2-72, along the northwest line of said 13.09 acre tract, along a portion of the southeast line of said Lot No. 9 and along a southeast line of said original 74.212 acre tract a distance of 585.47 feet to a point of curvature;

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thence northeasterly along a portion of the curved northwest limited access right-of-way line of Interstate Route 71, along a portion of said existing curved City of Grove City Corporation Line established by Ordinance No. C-2-72, along the curved northwest line of said 13.09 acre tract, along the curved southeast line of said original 74.212 acre tract and with a curve to the left, data of which is: radius = 11,704.30 feet and sub-delta = 5° 05' 04" a chord distance of 1038.30 feet bearing N 44° 17' 35" E to the place of beginning;

containing 225.683 acres of land more or less.

The above description was prepared by Richard J. Bull, Ohio Surveyor No. 4723, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Worthington, Ohio, from an actual field survey performed under his supervision in March, 1994. Basis of bearings was transferred from a field traverse originating on Franklin County survey control monuments "Frank 25" and "Frank 25 Azimuth", and is based on the Ohio State Plane Coordinate System, South Zone and the North American Datum of 1983.

  
Richard J. Bull  
Ohio Surveyor #4723

