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Eric C Sears

Greene County Recorder

DECLR 302.00

Pages 35

**FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESERVATION OF EASEMENTS FOR VALLE GREENE NORTH ASSOCIATION, INC.**

This First Amendment to Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Valle Greene North Association, Inc. (this "Amendment") is made this 16 day of ~~November~~ ~~October~~ 2020, by OBERER DEVELOPMENT CO., an Ohio corporation ("Developer") and Owners representing at least 75% of the total votes of the Valle Greene North Association, Inc., an Ohio non-profit corporation ("Association"), under the following circumstances:

- A. Pursuant to a Declaration of Covenants, Conditions and Restrictions and Reservation of Easements dated February 10, 1999, and recorded in Volume 1299, Page 300, Greene County Official Records (the "Declaration"), Developer established certain easements and restrictive covenants pertaining to the area known as Valle Greene North in the City of Fairborn, Ohio, and more particularly described in the Declaration as the "Property." The legal description and site plan showing the Property included in Valle Greene North are attached hereto as Exhibits A and A-1.
- B. Oberer Construction Managers, Ltd., an Ohio limited liability company, is the Owner of a certain Lot within the Commercial/Industrial Area of Valle Greene North, as described in Exhibit B attached to this Amendment (the "School Lot"), which it proposes to sell to the Board of Education of the Fairborn City School District, a public school district and political subdivision of the State of Ohio (the "School Board") for development and use for school facilities and related purposes ("School Purposes").
- C. Developer and the Owners approving this Amendment believe that the development of the School Lot for School Purposes will be beneficial to Valle Greene North. They recognize, however, that various of the covenants, conditions and restrictions under the Declaration are not enforceable and/or are not appropriate as to property owned by a school board and used for School Purposes, and that the School Board, as a public body, should have broad discretion in the design, construction, operation and maintenance of the school facilities.
- D. For the reasons described above, Developer and the consenting Owners have approved this Amendment in accordance with the provisions of Section 12.2 of the Declaration.

NOW, THEREFORE, in consideration of the foregoing premises, Developer and the consenting Owners hereby amend the Declaration as follows:

1. Unless otherwise defined herein, capitalized terms used in this Amendment shall have the meanings as set forth in the Declaration.

2. The following new Section 3.14 is hereby added to the Declaration:

3.14 Assessments; Compliance with Ohio Law. So long as the School Lot is owned by the School Board or any successor that is a political subdivision of the State of Ohio, the School Lot cannot not be subject to under existing state law, and is hereby exempted from, the provisions of this Section 3 of the Declaration. Notwithstanding the foregoing, the School Board agrees to pay each year, subject to annual appropriation by the School Board, a contribution toward Common Expenses in an amount equal to the amount of Annual Assessment and Area Assessments that otherwise would be owed by the School Lot determined in accordance with Section 3.5 but for this exemption (the "School Contribution Amount"). The School Contribution Amount shall be paid by the School Board in installments on February 1st and July 1<sup>st</sup> each year, subject to appropriation.

3. The following new Section 6.7 is hereby added to the Declaration:

6.7 Limitations Applicable to the School Lot. Notwithstanding anything to the contrary in this Section 6, the Board's right of entry onto the School Lot and its rights to inspect, maintain, repair or replace any portions of the Property on the School Lot shall be limited to the inspection, maintenance, repair and replacement only of Common Property that may be situated on the School Lot, if any, and to any drainage or utility easement areas, or any other backyard swales or similar areas associated with the drainage into Common Property.

4. The following new Section 8.5 is hereby added to the Declaration:

8.5 Exemption of School Lot from Design Review and Standards. The provisions of this Section 8 of the Declaration shall not apply to the design and development of any Structures or other improvements for School Purposes on the School Lot, nor shall the right of entry or other terms and conditions of this Section 8 apply to the School Lot so long as it is owned or occupied by the School Board or a successor political subdivision or used for School Purposes.

5. The following language is added to the end of Section 11.1 of the Declaration:

"Notwithstanding the foregoing, the Association shall have no right to file a lien or notice of lien as to the School Lot so long as the School Lot is owned by the School Board or any successor political subdivision or used for School Purposes."

6. Except as amended hereby, the Declaration is ratified and confirmed and remains in full force and effect.

Signed as of the date first written above.

DEVELOPER:

OBERER DEVELOPMENT CO.,  
an Ohio corporation

By: *George Oberer, Jr.*  
Name: GEORGE N. OBERER, JR.  
Title: PRESIDENT

ASSOCIATION:

VALLE GREENE NORTH ASSOCIATION, INC.,  
an Ohio non-profit corporation

By: *George Oberer, Jr.*  
Name: GEORGE N. OBERER, JR.  
Title: President

**CERTIFICATION OF BOARD PRESIDENT**

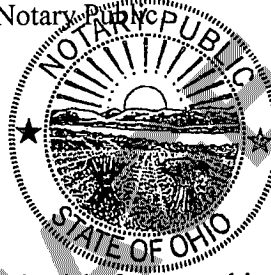
The undersigned, as President of the Board of Association, hereby certifies that this Amendment has been approved by Owners representing at least 75% of the total votes of the Association. Signatures of the consenting Owners are maintained in the records of the Association.

*George J Oberer*  
President, Valle Greene North Association, Inc.

STATE OF OHIO )  
 ) SS  
COUNTY OF MONTGOMERY )

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of October, 2020, by *George K. Oberer, Jr.*, the *President* of Oberer Development Co., an Ohio corporation, on behalf of the corporation. This is an acknowledgement. No oath or affirmation was administered to the signer with regard to this notarial act.

*Patricia L Marsh*


Notary Public  
  
Patricia L. Marsh, Notary Public  
In and for the State of Ohio  
My Commission Expires May 20, 2022

STATE OF OHIO )  
 ) SS  
COUNTY OF MONTGOMERY )

The foregoing instrument was acknowledged before me this 27 day of October, 2020, by *George K. Oberer, Jr.*, the President of Valle Green North Association, Inc., an Ohio non-profit corporation, on behalf of the corporation. This is an acknowledgement. No oath or affirmation was administered to the signer with regard to this notarial act.

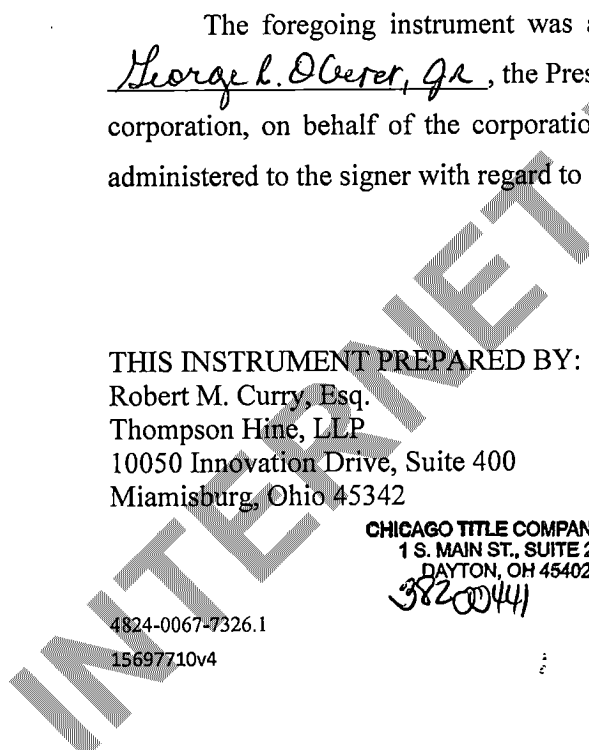
*Patricia L Marsh*

Notary Public

  
Patricia L. Marsh, Notary Public  
In and for the State of Ohio  
My Commission Expires May 20, 2022

THIS INSTRUMENT PREPARED BY:  
Robert M. Curry, Esq.  
Thompson Hine, LLP  
10050 Innovation Drive, Suite 400  
Miamisburg, Ohio 45342

CHICAGO TITLE COMPANY, LLC  
1 S. MAIN ST., SUITE 250  
DAYTON, OH 45402  
*3820044*



USE  
EXHIBIT A

PAGE 1:

OWNER: THE CITY OF FAIRBORN

PARCEL: A02-0002-0048-0-0006-00

Situated in the City of Fairborn, County of Greene and State of Ohio and being Lot Numbered 9137 Valle Greene North, Section 24, as recorded in Plat Cabinet 38, Pages 142B and 143A of the Plat Records of Greene County, Ohio.

PAGE 2:

OWNER: OBERER CONSTRSUCTION MANAGERS LTD.

PARCEL: A02-2-48-5

**Oberer Development Company Property  
Tract 1 in Valle Greene North  
January 20, 2016**

Located in Sections 13, 14, and 19, Town 3, Range 8 Between the Miami Rivers Survey, City of Fairborn, Greene County, State of Ohio, and being part of land (Part Auditor's Parcel A02-2-47-1) conveyed to of Oberer Development Company by deed recorded in Volume 1194, Page 625 (Parcel A); part of land (Part Auditor's Parcel A02-2-48-1) conveyed to Oberer Development Company by deed recorded in Volume 479, Page 121, part of land (Part Auditor's Parcel A02-2-48-3) conveyed to Oberer Development Company by deed recorded in Volume 809, Page 852; and part of land (Part Auditor's Parcel A02-2-49-1) conveyed to Oberer Development Company by deed recorded in Volume 1045, Page 410, all of the Official Records of Greene County, Ohio, described as follows:

Beginning at an iron pin (Vanatta cap) found in the east limited access right of way line of Interstate Route 675 and at the northwest corner of Lot 8982 in Replat Valle Greene Office Suites as recorded in Plat Cabinet 37, Pages 299A-299B of the Plat Records of Greene County, Ohio;

thence with said limited access right of way for the following six (6) courses:

1. North 04°26'33" East for a distance of 1103.32 feet to an iron pin (Northmont Engr. cap) found;

2. North 07°02'30" East for a distance of 399.99 feet to an iron pin set;
3. North 05°02'40" West for a distance of 203.04 feet to an iron pin set;
4. North 04°33'48" East for a distance of 900.01 feet to an iron pin set;
5. North 08°27'29" East for a distance of 400.78 feet to an iron pin set;
6. North 05°38'44" East for a distance of 1073.03 feet to an iron pin set in the south line of Garland Avenue (90' wide) in Commerce Center Boulevard, Phase III as recorded in Plat Cabinet 36, Pages 189B-190A of the Plat Records of Greene County, Ohio;

thence with the south line of said Garland Avenue for the following six (6) courses:

1. South 85°03'11" East for a distance of 16.25 feet to an iron pin set;
2. on a curve to the left with a radius of 895.00 feet for an arc distance of 260.67 feet, [delta angle is 16°41'15"], [long chord bearing is North 86°36'12" East and long chord distance is 259.75 feet] to an iron pin found;
3. North 78°15'34" East for a distance of 424.05 feet to an iron pin found;
4. on a curve to the right with a radius of 805.00 feet for an arc distance of 240.60 feet, [delta angle is 17°07'30"], [long chord bearing is North 86°49'19" East and long chord distance is 239.71 feet] to an iron pin found;
5. South 84°36'56" East for a distance of 287.17 feet to an iron pin set;
6. on a curve to the right with a radius of 15.00 feet for an arc distance of 23.59 feet, [delta angle is 90°06'16"], [long chord bearing is South 39°33'48" East and long chord distance is 21.23 feet] to an iron pin set in the west line of Commerce Center Boulevard (70' wide) in said Commerce Center Boulevard, Phase III;

thence with the west line of said Commerce Center Boulevard and its southerly extension, said extension being the west line of Commerce Center Boulevard (70' wide) in "Corrective Plat" Commerce Center Boulevard, Phase II as recorded in Plat Cabinet 30, Pages 690B-691A of the Plat Records of Greene County, Ohio for the following five (5) courses:

1. South 05°29'20" West for a distance of 1323.80 feet to an iron pin set;
2. on a curve to the right with a radius of 965.00 feet for an arc distance of 253.41 feet, [delta angle is 15°02'45"], [long chord bearing is South 13°00'42" West and long chord distance is 252.68 feet] to an iron pin set;
3. South 20°32'05" West for a distance of 589.91 feet to an iron pin set;

4. on a curve to the left with a radius of 1035.00 feet for an arc distance of 271.79 feet, [delta angle is 15°02'45"], [long chord bearing is South 13°00'42" West and long chord distance is 271.01 feet] to an iron pin set;
5. South 05°29'20" West for a distance of 1850.62 feet to an iron pin found (Northmont Engr. Cap) at the northeast corner of said Lot 8982;

thence with the north line of said Lot 8982, North 84°30'40" West for a distance of 958.10 feet to the POINT OF BEGINNING, **containing 104.702 acres**, subject to all covenants, conditions, restrictions, reservations and easements of record pertaining to the above described tract of land. [98.426 acres are in Section 13, 2.069 acres are in Section 14, and 4.207 acres are in Section 19]

NOTES:

The above description was prepared from the results of a field survey made by Cosler Engineering, LLC, by or under the direct supervision of Mitchell W. Cosler, Ohio Registered Surveyor No. 6393, on January 20, 2016.

Iron pins found are 0.63 inch diameter and iron pipes found are 1.0 inch outside diameter in good condition, unless otherwise described. Iron pins referred to as set are 0.63 inch diameter steel with a yellow plastic cap stamped "COSLER 6393". Magnetic nails referred to as found or set are 0.25 inch diameter chrome two (2) inches in length with a 0.56 inch diameter head stamped "MAG".

Bearings are based on those used in Commerce Center Boulevard and Valle Greene North plats. Distances are in U.S. Survey Feet.

LESS AND EXCEPT the following described property:

Situated in the City of Fairborn, County of Greene and State of Ohio and being Lot Numbered 9137 Valle Greene North, Section 24, as recorded in Plat Cabinet 38, Pages 142B and 143A of the Plat Records of Greene County, Ohio.

PAGE 3:

OWNER: MILLS OBERER DEVELOPMENT LLC

PARCEL: A02-2-47-22

Situate in Section 13, Town 3, Range 18 MR.s., City of Fairborn, Greene County, State of Ohio, and being all of Lot Numbered 8982 of a plat known as Replat of Valle Greene Office Suites in Plat Cabinet 37, Pages 299A-299B of the Plat Records of Greene County, Ohio.

PAGE 4:

OWNER: MILLS OBERER DEVELOPMENT LLC

PARCEL: A02-2-47-25

Situate in Section 13, Town 3, Range 18 MR.s., City of Fairborn, Greene County, State of Ohio, and being all of Lot Numbered 8983 of a plat known as Replat of Valle Greene Office Suites in Plat Cabinet 37, Pages 299A-299B of the Plat Records of Greene County, Ohio.

PAGE 5:

OWNER: MILLS OBERER DEVELOPMENT LLC

PARCEL: A02-2-47-24

Situate in Section 13, Town 3, Range 18 MR.s., City of Fairborn, Greene County, State of Ohio, and being all of Lot Numbered 8978 of a plat known as Replat of Valle Greene Office Suites in Plat Cabinet 37, Pages 294B-295A of the Plat Records of Greene County, Ohio.

PAGE 6:

OWNER: BARBARA WILCOX, TRUSTEE OF THE CHARLES WILCOX TRUST U/A  
DATED 9/3/98

PARCEL: A02-2-47-19

Situate in Section 13, Town 3, Range 18 MR.s., City of Fairborn, Greene County, State of Ohio, and being all of Lot Numbered 8977 of a plat known as Replat of Valle Greene Office Suites in Plat Cabinet 37, Pages 294B-295A of the Plat Records of Greene County, Ohio.

PAGE 7:

OWNER: OBERER CONSTRUCTION MANAGERS LTD.

PARCEL: A02-2-47-26

**Oberer Development Company Property  
Tract 3 in Valle Greene North  
January 20, 2016**

Located in Sections 13 and 19, Town 3, Range 8 Between the Miami Rivers Survey, City of Fairborn, Greene County, State of Ohio, and being part of land (Part of Auditor's Parcel A02-2-

47-1) conveyed to Oberer Development Company by deed recorded in Volume 1194, Page 625 (Parcel A) of the Official Records of Greene County, Ohio, described as follows:

Beginning at an iron pin found in the south line of said Section 19, in the east limited access right of way line of Interstate Route 675, and at the northwest corner of Lot 8813 in Valle Greene North, Section 22 as recorded in Plat Cabinet 37, Pages 94A-95A of the Plat Records of Greene County, Ohio;

thence with said limited access right of way line, North 04°26'42" East for a distance of 607.90 feet to an iron pin found (Vanatta cap) at the southwest corner of Lot 8982 in Replat Valle Greene Office Suites as recorded in Plat Cabinet 37, Pages 299A-299B of the Plat Records of Greene County, Ohio;

thence with the south line of said Lot 8982, South 84°39'40" East for a distance of 325.03 feet to an iron pin found (Northmont Engr. cap) at the northwest corner of Lot 8482 in Valle Greene North, Section Eleven as recorded in Plat Cabinet 35, Pages 78A-78B of the Plat Records of Greene County, Ohio;

thence with the west line of said Lot 8482, South 05°29'20" West for a distance of 607.71 feet to an iron pin set in the south line of said Section 13 and at the northeast corner of said Lot 8813;

thence with the north line of said Lot 8813, the south line of said Section 13 and its westerly extension, said extension being the south line of said Section 19, North 84°31'41" West for a distance of 313.95 feet to the POINT OF BEGINNING, **containing 4.458 acres**, subject, however to all covenants, conditions, restrictions, reservations and easements of record pertaining to the above described tract of land. [4.143 acres are in Section 13 and 0.315 acres are in Section 19]

NOTES:

The above description was prepared from the results of a field survey made by Cosler Engineering, LLC, by or under the direct supervision of Mitchell W. Cosler, Ohio Registered Surveyor No. 6393, on January 20, 2016.

Iron pins found are 0.63 inch diameter and iron pipes found are 1.0 inch outside diameter in good condition, unless otherwise described. Iron pins referred to as set are 0.63 inch diameter steel with a yellow plastic cap stamped "COSLER 6393". Magnetic nails referred to as found or set are 0.25 inch diameter chrome two (2) inches in length with a 0.56 inch diameter head stamped "MAG".

Bearings are based on those used in Commerce Center Boulevard and Valle Greene North plats. Distances are in U.S. Survey Feet.

PAGE 8

OWNER: LOGTEC INVESTMENT PARTNERS LLC

PARCEL: A02-2-47-12

Situate in Sections 13 and 18, Town 3, Range 8 & 7, City of Fairborn, Greene County, Ohio and Being Lot 8492 of Valle Greene North Section Eleven as recorded in Plat Cabinet 35, Pages 78A-78B, Greene County, Ohio Records.

INTERNET IMAGE

PAGE 9:

OWNER: CITY OF FAIRBORN, OHIO

PARCEL: A02-2-26-71

Situate in the City of Fairborn, County of Greene, State of Ohio, Section 18 and 24, Town 3, Range 7 MRS and being all of Lot Numbered 8813 Valle Greene North, Section 22 as recorded in Plat Cabinet 37, Pages 94A-95A, in Plat Records of Greene County, Ohio.

PAGE 10: N/A

PAGE 11: N/A

PAGE 12:

OWNER: OBERER CONSTRUCTION MANAGERS LTD.

PARCEL: A02-2-47-1

**Oberer Development Company Property  
Tract 4 in Valle Greene North  
January 20, 2016**

Located in Section 18, Town 3, Range 7 Between the Miami Rivers Survey, City of Fairborn, Greene County, State of Ohio, and being part of land (Part of Auditor's Parcel A02-2-47-1) conveyed to Oberer Development Co. by deed recorded in Volume 1194, Page 625 (Parcel A)

and part of land (Part of Auditor's Parcel A02-2-39-2) conveyed to Oberer Development Co. by deed recorded in Volume 486, Page 653, both of the Official Records of Greene County, Ohio, described as follows:

Beginning at an iron pin (Vanatta cap) found in the west line of Commerce Center Boulevard in "Corrective Plat" Commerce Center Boulevard, Phase II as recorded in Plat Cabinet 30, Pages 690B-691A and at the southeast corner of Lot 8482 in Valle Greene North, Section Eleven as recorded in Plat Cabinet 35, Pages 78A-78B, both of the Plat Records of Greene County, Ohio;

thence with the west line of said Commerce Center Boulevard, on a curve to the left with a radius of 1035.00 feet for an arc distance of 648.83 feet, [delta angle is 35°55'04"], [long chord bearing is South 15°29'59" East and long chord distance is 638.25 feet] to an iron pin set at the northwest corner of Street Dedication Commerce Center Boulevard as recorded in Plat Cabinet 30, Pages 325B-326A of the Plat Records of Greene County, Ohio;

thence with the west line of said Commerce Center Boulevard, on a curve to the right with a radius of 965.00 feet for an arc distance of 369.48 feet, [delta angle is 21°56'15"], [long chord bearing is South 22°29'24" East and long chord distance is 367.23 feet] to an iron pin (Cosler cap) found in the north line of Empire Court in Street Dedication Empire Court as recorded in Plat Cabinet 36, Pages 129A-B of the Plat Records of Greene County, Ohio;

thence with the north and west lines of said Empire Court for the following four (4) courses:

1. on a curve to the right with a radius of 20.00 feet for an arc distance of 31.66 feet. [delta angle is 90°42'38"], [long chord bearing is South 33°50'03" West and long chord distance is 28.46 feet] to an iron pin (Cosler cap) found;
2. South 79°11'22" West for a distance of 279.99 feet to an iron pin (Cosler cap) found;
3. on a curve to the left with a radius of 115.00 feet for an arc distance of 180.64 feet, [delta angle is 90°00'00"], [long chord bearing is South 34°11'22" West and long chord distance is 162.63 feet] to an iron pin (Cosler cap) found;
4. South 10°48'38" East for a distance of 127.00 feet to an iron pin set in the east line of Lot 8813 in Valle Greene North, Section 22 as recorded in Plat Cabinet 37, Pages 94A-95A of the Plat Records of Greene County, Ohio;

thence with the east line of said Lot 8813 for the following three (3) courses:

1. South 79°11'22" West for a distance of 168.98 feet to an iron pin set;
2. North 10°48'38" West for a distance of 899.02 feet to an iron pin set;
3. North 24°53'12" West for a distance of 562.77 feet to an iron pin (Vanatta cap) found at the southwest corner of said Lot 8482;

thence with the south line of said Lot 8482 for the following three (3) courses:

1. South 85°57'49" East for a distance of 372.46 feet to an iron pin (Vanatta cap) found;
2. South 04°02'11" West for a distance of 35.22 feet to an iron pin (Vanatta cap) found;
3. South 87°32'03" East for a distance of 250.00 feet to the POINT OF BEGINNING, **containing 14.019 acres**, subject, however to all covenants, conditions, restrictions, reservations and easements of record pertaining to the above described tract of land.

NOTES:

The above description was prepared from the results of a field survey made by Cosler Engineering, LLC, by or under the direct supervision of Mitchell W. Cosler, Ohio Registered Surveyor No. 6393, on January 20, 2016.

Iron pins found are 0.63 inch diameter and iron pipes found are 1.0 inch outside diameter in good condition, unless otherwise described. Iron pins referred to as set are 0.63 inch diameter steel with a yellow plastic cap stamped "COSLER 6393". Magnetic nails referred to as found or set are 0.25 inch diameter chrome two (2) inches in length with a 0.56 inch diameter head stamped "MAG".

Bearings are based on those used in Commerce Center Boulevard and Valle Greene North plats. Distances are in U.S. Survey Feet.

LESS AND EXCEPT the following real property:

Situate in the City of Fairborn, County of Greene and State of Ohio, and being in Section 18, Town 3, Range 7 MRs, and being Lot numbered 9333 of Empire Court MOB as recorded in Plat Cabinet 38, Pages 273B-274A of the Plat Records of Greene County, Ohio.

PAGE 13:

OWNER: RAE DENTAL GROUP LLC

PARCEL: A02-2-47-27

Situate in the City of Fairborn, County of Greene and State of Ohio, and being in Section 18, Town 3, Range 7 MRs, and being Lot numbered 9333 of Empire Court MOB as recorded in Plat Cabinet 38, Pages 273B-274A of the Plat Records of Greene County, Ohio.

PAGE 14:

OWNER: OBERER CONSTRUCTION MANAGERS LTD.

PARCEL: A02-2-39-11

Located in Section 18, Town 3, Range 7 Between the Miami Rivers Survey, City of Fairborn, Greene County, State of Ohio, and being all of Lot 8781 Valle Greene North, Section 21 as recorded in Plat Cabinet 36, Pages 325B-326A of the Plat Records of Greene County, Ohio.

PAGE 15:

OWNER: STORE MASTER FUNDING II, LLC

PARCEL: A02-2-39-9

Situate in Section 18, Town 3, Range 7, City of Fairborn, Greene County, State of Ohio:

Being all of Lot Number Eight Thousand Six Hundred Eighty-four (8684) of Valle Greene North Section 16, as recorded in Plat Cabinet 36, Pages 16B-17A, of the plat records of Greene County, Ohio, but excepting a 0.157 acre portion of said lot as shown on the Record Plan for Street Dedication Empire Court as recorded in Plat Cabinet 26, Pages 129A-129B of the plat records of Greene County, Ohio.

PAGE 16:

OWNER: FIFTH THIRD BANK

PARCEL: A02-2-39-13

Situated in Section 13, Town 3, Range 8 MR.s. City of Fairborn, Greene County, State of Ohio, and being all of Lot Numbered 8783 of a plat known and recorded as Valle Greene North, Section 21 in Plat Cabinet Volume 36, Pages 325B and 326A of the Plat Records of Greene County, Ohio.

PAGE 17:

OWNER: WH CAPITAL, L.L.C.

PARCEL: A02-2-39-10

Situated in Section 18, Town 3, Range 7, City of Fairborn, Greene County, State of Ohio, and being all of Lot Numbered 8735 of a plat known and recorded as Valle Greene North, Section 18 in Plat Cabinet Volume 36, Page 100B and 101A of the Plat Records of Greene County, Ohio.

PAGE 18:

OWNER: OBERER CONSTRUCTION MANAGERS LTD.

PARCEL: A02-2-39-12

Located in Section 18, Town 3, Range 7 Between the Miami Rivers Survey, City of Fairborn, Greene County, State of Ohio, and being all of Lot 8782 Valle Greene North, Section 21 as recorded in Plat Cabinet 36, Pages 325B-326A of the Plat Records of Greene County, Ohio.

PAGE 19:

OWNER: OBERER CONSTRUCTION MANAGERS LTD.

PARCEL: A02-2-48-1

**Oberer Development Company Property  
Tract 2 in Valle Greene North  
January 20, 2016**

Located in Section 18, Town 3, Range 7 Between the Miami Rivers Survey, City of Fairborn, Greene County, State of Ohio, and being the remainder of original 32.519 acre tract of land (Auditor's Parcel A02-2-47-2) conveyed to Oberer Development Company by deed recorded in Volume 1105, Page 2; part of land (Part Auditor's Parcel A02-2-48-1) conveyed to Oberer Development Company by deed recorded in Volume 479, Page 121; part of land (Part Auditor's Parcel A02-2-48-3) conveyed to Oberer Development Company by deed recorded in Volume 809, Page 852; and part of land (Part Auditor's Parcel A02-2-49-1) conveyed to Oberer Development Company by deed recorded in Volume 1045, Page 410, all of the Official Records of Greene County, Ohio, described as follows:

Beginning at an iron pin (Cosler cap) found at the southeast corner of Commerce Center Boulevard, Phase III as recorded in Plat Cabinet 36, Pages 189B-190A of the Plat Records of Greene County, Ohio, in the east line of Commerce Center Boulevard (70' wide) in said Commerce Center Boulevard, Phase III, and at the northwest corner of a 1.6934 acre (per deed) tract of land conveyed to CRV XV Dayton Limited by deed recorded in Volume 2697, Page 721 of the Official Records of Greene County, Ohio;

thence with the east line of said Commerce Center Boulevard for the following five (5) courses:

1. North 05°29'20" East for a distance of 1281.95 feet to an iron pin set;
2. on a curve to the right with a radius of 965.00 feet for an arc distance of 253.41 feet, [delta angle is 15°02'45"], [long chord bearing is North 13°00'42" East and long chord distance is 252.68 feet] to an iron pin set;
3. thence North 20°32'05" East for a distance of 589.91 feet to an iron pin set;
4. on a curve to the left with a radius of 1035.00 feet for an arc distance of 271.79 feet, [delta angle is 15°02'45"], [long chord bearing is North 13°00'42" East and long chord distance is 271.01 feet] to an iron pin set;
5. North 05°29'20" East for a distance of 1323.98 feet to an iron pin set in the south line of Garland Avenue (90' wide) in said Commerce Center Boulevard, Phase III;

thence with the south line of Garland Avenue for the following two (2) courses:

1. on a curve to the right with a radius of 15.00 feet for an arc distance of 23.53 feet, [delta angle is 89°53'44"], [long chord bearing is North 50°26'12" East and long chord distance is 21.19 feet] to an iron pin set;
2. South 84°36'56" East for a distance of 378.02 feet to an iron pin set in the west line of a 143.883 acre (per Auditor) tract of land conveyed to CEMEX, Inc. by deed recorded in Volume 1794, Page 482 (Amendment to Articles of Incorporation) of the Official Records of Greene County, Ohio;

thence with the west line of said 143.883 acre tract and its southerly extension, said extension being the west line of a 100 acre tract of land conveyed to CEMEX, Inc. by deed recorded in Volume 1794, Page 482 (Amendment to Articles of Incorporation) of the Official Records of Greene County, Ohio, South 05°15'42" West for a distance of 1672.04 feet to an iron pin found at the southwest corner of said 143.883 acre tract and the northwest corner of a 1.11 acre (per Auditor) tract of land conveyed to CEMEX, Inc. (Amendment to Articles of Incorporation) by deed recorded in Volume 1794, Page 482 of the Official Records of Greene County, Ohio;

thence with the west line of said 1.11 acre tract, South 06°05'47" West for a distance of 32.91 feet to an iron pin found at the southwest corner of said 1.11 acre tract and at the northwest corner of a 22.337 acre (per deed) tract of land conveyed to Arnold Aliff by deed recorded in Volume 1428, Page 205 of the Official Records of Greene County, Ohio;

thence with the west line of said 22.337 acre tract and its southerly extension, said extension being the west lines of a 9.341 acre (per deed) tract of land conveyed to Arnold Aliff by deed recorded in Volume 1428, Page 202, and of a 12.137 acre (per deed) tract of land conveyed to Arnold Aliff by deed recorded in Volume 1428, Page 208, both of the Official Records of Greene County, Ohio, South 07°13'25" West for a distance of 1138.17 feet to an iron pin set at the southwest corner of said 12.137 acre tract and in the north line of a 20.582 acre (per deed) tract of land conveyed to Arnold Aliff by deed recorded in Volume 1428, Page 198 of the Official Records of Greene County, Ohio;

thence with the north line of said 20.582 acre tract for the following two (2) courses:

1. South 08°43'35" West for a distance of 4.90 feet to an iron pin set;
2. North 85°23'14" West for a distance of 284.63 feet to the northwest corner of said 20.582 acre tract;

thence with the west line of said 20.582 acre tract for the following two (2) courses:

1. South 04°50'07" West for a distance of 846.79 feet to a stone found;
2. South 04°23'03" West for a distance of 11.92 feet to an iron pin (Cosler cap) found at the northeast corner of said CRV XV Dayton Limited land;

thence with the north line of said CRV XV Dayton Limited land, North 84°30'40" West for a distance of 311.54 feet to the POINT OF BEGINNING, **containing 36.498 acres**, subject, however to all covenants, conditions, restrictions, reservations and easements of record pertaining to the above described tract of land. [35.191 acres are in Section 13 and 1.307 acres are in Section 14]

NOTES:

The above description was prepared from the results of a field survey made by Cosler Engineering, LLC, by or under the direct supervision of Mitchell W. Cosler, Ohio Registered Surveyor No. 6393, on January 20, 2016.

Iron pins found are 0.63 inch diameter and iron pipes found are 1.0 inch outside diameter in good condition, unless otherwise described. Iron pins referred to as set are 0.63 inch diameter steel with a yellow plastic cap stamped "COSLER 6393". Magnetic nails referred to as found or set are 0.25 inch diameter chrome two (2) inches in length with a 0.56 inch diameter head stamped "MAG".

Bearings are based on those used in Commerce Center Boulevard and Valle Greene North plats. Distances are in U.S. Survey Feet.

PAGE 20:

OWNERS: FISCHER SINGLE FAMILY HOMES IV; COMMERCE CENTER DEVELOPMENT CO.; COMMERCE CENTER DEVELOPMENT CO.; COMMERCE CENTER DEVELOPMENT CO. and ROADWAY

PARCEL NOS.: A02-2-46-75; A02-2-46-76; A02-2-46-77; A02-2-46-78; and Adjacent/Contiguous Arden Way Roadway

Situate in Section 13, Town 3, Range 8, Fairborn City, Bath Township, Greene County, Ohio, and being Lots 9570, 9571, 9572, 9573 and the adjacent/contiguous portion of Arden Way roadway as shown in the Plat of Arden Place Phase One, recorded October 30, 2020 in Plat Cabinet Volume 39, Pages 102A-104A, Greene County, Ohio records.

Said property was formerly described as:

Situated in S3 and 19, T3, R8 and S8, T3, R7, between the Miami Rivers Survey, City of Fairborn, Bath Township, Greene County, State of Ohio, and being described as follows:

Beginning at the northwest corner of said Commerce Center Boulevard, Phase 2, said point being on the east right of way line of said Commerce Center Boulevard, thence with a new division line through Oberer3 tract South  $84^{\circ} 30' 40''$  East for a distance of 311.50 feet to a point on said Oberer3 east line, said point also being the west line of a tract of land conveyed to Thurman W. Shewman in Deed Volume 346, Page 235 of said Greene County Deed Records.

Thence with said Oberer3 east line and said Shewman west line, South  $04^{\circ} 23' 06''$  West for a distance of 227.70 feet to a point;

Thence on a new division line through said Oberer3 tract, North  $84^{\circ} 30' 40''$  West for a distance of 315.88 feet to a point on the east right of way line of said Commerce Center Boulevard;

Thence with said east right of way line of Commerce Center Boulevard, North  $05^{\circ} 29' 20''$  East for a distance of 227.65 feet to the point of beginning of this description.

Contains 1.6394 acres. The above description was based on Greene County Surveyor's Record No. 29, Page 342 prepared by Northmont Engineers and Bevan D. Feters, Ohio Registered Surveyor No. 4343 as dated March 23, 1998.

Parcel: ~~A02-2-47-4~~

PAGE 21: N/A

PAGE 22:

OWNER: T. SCOTT McMILLIN, TRUSTEE

PARCEL: A02-2-47-7

Situate in the City of Fairborn, County of Greene and State of Ohio and being Unit Number 1754-A Valle Greene Professional Suites Condominium together with an undivided interest in the Common Area as set forth in the Declaration recorded in Official Records Volume 1441, Page 149, together with the drawings as recorded in Plat Cabinet "34", Pages 584A through 586B of the Records of Greene County, Ohio.

PAGE 23:

OWNER: MICHAEL J. MAISTROS

PARCEL: A02-2-47-9

Situate in the City of Fairborn, County of Greene and State of Ohio and being Unit Number 1758-B Valle Greene Professional Suites Condominium together with an undivided interest in the Common Area as set forth in the Declaration recorded in Official Records Volume 1441, Page 149, together with the drawings as recorded in Plat Cabinet "34", Pages 584A through 586B of the Records of Greene County, Ohio.

PAGE 24:

OWNER: DENNIS G. PETTIT

PARCEL: A02-2-47-10

Situate in the City of Fairborn, County of Greene and State of Ohio and being Unit Number 1762-C Valle Greene Professional Suites together with an undivided interest in the Common Area as set forth in the Declaration recorded in Official Records Volume 1441, Page 149, together with the drawings as recorded in Plat Cabinet "34", Pages 584A through 586B of the Records of Greene County, Ohio.

PAGE 25:

OWNER: NEELY & SHRODER PARTNERSHIP

PARCEL: A02-2-47-11

Situate in Section 13, Town 3, Range 8 MRS, City of Fairborn, Greene County, Ohio, and being Lot Number 8493 of Valle Green North, Section 10, as recorded in Plat Cabinet 35, Pages 90B-91B, Greene County, Ohio Records.

INTERNET IMAGE

PAGE 26:

OWNER: CALIGREY, LTD.

PARCEL: A02-2-47-18

Situated in Section 13, Town 3, Range 8, in the City of Fairborn, County of Greene and State of Ohio and being Lot Numbered 8591 Valle Greene North, Section 15 as recorded in Plat Cabinet Volume 36, Page 99B and 100A of the Greene County, Ohio records.

PAGE 27:

OWNER: OBERER CONSTRUCTION MANAGERS LTD.

PARCEL: A02-2-47-5

Located in Section 13, Town 3, Range 8 Between the Miami Rivers Survey, City of Fairborn, Greene County, State of Ohio, and being the remainder of an original 12.0069 acre tract of land (Auditor's Parcel A02-2-47-5) conveyed to Oberer Development Company by deed recorded in Volume 1194, Page 625 (Parcel C) of the Official Records of Greene County, Ohio, described as follows:

Beginning at an iron pin found at the southwest corner of Lot 7776 in Channingway Apartments, Section Three as recorded in Plat Cabinet 34, Pages 840B-841B and in the north line of Channingway Drive (60' wide) in "Corrective Plat" Commerce Center Boulevard, Phase

II as recorded in Plat Cabinet 30, Pages 690B-691A, both of the Plat Records of Greene County, Ohio;

thence with the north line of said Channingway Drive, North 84°30'40" West for a distance of 446.92 feet to an iron pin set at the southeast corner of Lot 8591 in Valle Greene North, Section 15 as recorded in Plat Cabinet 36, Pages 99B-100A of the Plat Records of Greene County, Ohio;

thence with the east line of said Lot 8591 and its northerly extension, said extension being the east line of Lot 7867 in Valle Greene North, Section 7 as recorded in Plat Cabinet 30, Pages 714A-B of the Plat Records of Greene County, Ohio, North 05°29'17" East for a distance of 577.11 feet to an iron pin (Northmont Engr. cap) found at the northeast corner of said Lot 7867 and in the south line of a 20.582 acres (per deed) tract of land conveyed to Arnold Aliff by deed recorded in Volume 1428, Page 198 of the Official Records of Greene County, Ohio;

thence with the south line of said Aliff land, South 84°28'42" East for a distance of 446.51 feet to an iron pin set in the west line of said Lot 7776;

thence with the west line of said Lot 7776, South 05°26'51" West for a distance of 576.86 feet to the POINT OF BEGINNING, **containing 5.917 acres**, subject, however to all covenants, conditions, restrictions, reservations and easements of record pertaining to the above described tract of land.

NOTES:

The above description was prepared from the results of a field survey made by Cosler Engineering, LLC, by or under the direct supervision of Mitchell W. Cosler, Ohio Registered Surveyor No. 6393, on January 20, 2016.

Iron pins found are 0.63 inch diameter and iron pipes found are 1.0 inch outside diameter in good condition, unless otherwise described. Iron pins referred to as set are 0.63 inch diameter steel with a yellow plastic cap stamped "COSLER 6393". Magnetic nails referred to as found or set are 0.25 inch diameter chrome two (2) inches in length with a 0.56 inch diameter head stamped "MAG".

Bearings are based on those used in Commerce Center Boulevard and Valle Greene North plats. Distances are in U.S. Survey Feet.

PAGE 28:

OWNER: BRILLESTATE HOLDINGS, LLC

PARCEL: A02-2-47-14

Located in Section 13, Town 3, Range 8, City of Fairborn, Greene County, State of Ohio and being part of that 22.7134 acre tract (Parcel "D") as conveyed to Oberer Development Company by the deed recorded in Official Record 1194, Page 625 of the Official Records of said county and described more particularly as follows:

Beginning at a 5/8" iron pin found at the intersection of the east right-of-way of Commerce Center Boulevard and the south right-of-way line of Channingway Drive as recorded in Plat Cabinet 30, Pages 425B & 426A of the Plat Records of said county;

Thence with the south right-of-way line of Channingway Drive on a curve to the right with a radius of 20.00 feet, internal angle of 90°00'00" (long chord bearing North 50°29'20" East, 28.28 feet) along the arc 31.42 feet to a 5/8" iron pin found on the south right-of-way line of Channingway Drive;

Thence continuing with the south right-of-way line of Channingway Drive South 84°30'40" East, 270.00 feet to a 5/8" iron pin set capped Van Atta #7354;

Thence leaving the south right-of-way line of Channingway Drive on the following 2 new division lines:

1. South 05°29'20" West, 225.00 feet to a 5/8" iron pin set capped Van Atta #7354;
2. Thence North 84°30'40" West, 290.00 feet to a 5/8" iron pin set capped Van Atta #7354 on the east right-of-way line of Commerce Center Boulevard;

Thence with the east right-of-way line of Commerce Center Boulevard North 05°29'20" East, 205.00 feet to the point of beginning, containing 1.4960 acres, more or less.

Note: Basis of bearings is the west property line of Parcel "A" as recorded in Greene County Survey Record 29, Page 342. (North 04°26'27" East, 1814.05 feet)

Note: Lines of occupation agree in general with the monumentation found.

Note: This is a result of a field survey performed by Van Atta Engineering, Inc. under the direct supervision of Jeffrey A. Van Atta, Professional Surveyor #7354.

PAGE 29:

OWNER: F & J BECHTLE ENTERPRISES, INC.

PARCEL: A02-2-47-16

Situate in the City of Fairborn, County of Greene, State of Ohio and being Lot Numbered Eight Thousand Five Hundred Eighty Seven (8587) Valle Greene North, Section Thirteen (13) as the same is recorded in Plat Cabinet 35, Pages 162B-163A of the Plat Records of Greene County, Ohio.

PAGE 30:

OWNER: ABELSAM, LLC

PARCEL: A02-2-47-20

Situated in Sections 13, Town 3, Range 8, City of Fairborn, Greene County, State of Ohio and being Lot Numbered 8779 of a plat known as and recorded as Valle Greene North Section Twenty in Plat Cabinet Volume 36, Pages 297A & 297B of the plat records of Greene County, Ohio.

PAGE 31:

OWNER: P & B ELECTRIC, LLC

PARCEL: A02-2-47-15

Situated in the City of Fairborn, County of Greene, State of Ohio and being Lot Numbered 8586 Valle Greene North Section Thirteen as recorded in Plat Cabinet 35, pages 162B-163A of the Greene County Records.

PAGE 32:

OWNER: COMMERCE PARK LLC

PARCEL: A02-2-47-8

Situated in the City of Fairborn, County of Greene, State of Ohio and being Lot 8860 of the Replat of Lot 7870 of Valle Greene North, Section 9 as recorded in Plat Cabinet 37, pages 188A and 188B of the Greene County Records.

PAGE 33:

OWNER: S&G 20, LLC

PARCEL: A02-2-47-21

Situate in the City of Fairborn, County of Greene and State of Ohio, and being Lot Numbered Eight Thousand Eight Hundred Sixty-One (8,861) of the Replat of Lot 7870 of Valle Greene North, Section 9 as recorded in Plat Cabinet "37", Pages 188A -188B of the Plat Records of Greene County, Ohio.

PAGE 34:

OWNER: 1810 SUCCESSFUL DRIVE, LLC

PARCEL: A02-2-47-17

Situated in Section 13, Town 3, Range 8, City of Fairborn, Greene County, State of Ohio and being all of Lot Number 8525 of a plat known and recorded as Valle Greene North Section 14 in Plat Cabinet 35, Pages 166B and 167A of the Plat Records of Greene County, Ohio.

PAGE 35:

OWNER: LEIF 3, LLC

PARCEL: A02-2-47-23

Situated in Sections 13 and 18, Town 3, Ranges 8 and 7 M.R.S., City of Fairborn, Greene County, State of Ohio and being all of Lot Number 8975 of a plat known and recorded as VALLE GREENE NORTH SECTION 23 in Plat Cabinet Volume 37, Page 214A-214B of the Plat Records of Greene County, Ohio.

PAGE 36:

OWNER: JULIE B. BAKER, TRUSTEE UNDER THE JULIE B. BAKER TRUST

PARCEL: A02-2-39-7

Situated in Section 13, Town 3, Range 8 M.R.S., City of Fairborn, Greene County, State of Ohio, and being all of lot numbered 7738 of a plat known and recorded as Valle Greene North, Section Five in Plat Cabinet Volume 30, Page 622-B and 623-A of the Plat Records of Greene County, Ohio.

PAGE 37:

OWNER: OBERER CONSTRUCTION MANAGERS LTD.

PARCEL: A02-2-40-1

**Oberer Development Company Property  
Tract 6 in Valle Greene North  
January 20, 2016**

Located in Section 18, Town 3, Range 7 Between the Miami Rivers Survey, City of Fairborn, Greene County, State of Ohio, and being the remainder of an original 22.7134 acre tract of land (Auditor's Parcel A02-2-47-6) conveyed to Oberer Development Company by deed recorded in

Volume 1194, Page 625 (Parcel D) and the remainder of an original 45.393 acre tract of land (Auditor's Parcel A02-2-40-1) conveyed to Oberer Development Company by deed recorded in Volume 1114, Page 509 of the Official Records of Greene County, Ohio, described as follows:

Beginning at an iron pin concrete monument (Schaeffer cap) found in the north line of Section 18, in the east line of Lot 8975 in Valle Greene North, Section 23 as recorded in Plat Cabinet 37, Pages 214A-214B and at the southwest corner of Lot 7607 in Channingway Apartments, Section Two as recorded in Plat Cabinet 30, Pages 531A-532A, both of the Plat Records of Greene County, Ohio;

thence with the north line of said Section 18, the south line of said Lot 7607 and its easterly extension, said extension being the south line of Lot 7435 in Channingway Apartments as recorded in Plat Cabinet 30, Page 326B-327A of the Plat Records of Greene County, Ohio, South 84°31'38" East for a distance of 1240.35 feet to an iron pin found (Northmont Engr. cap) at the northwest corner of Lot 6880 in Valle Greene North, Section 1 as recorded in Plat Book 26, Page 27-28 and now in Plat Cabinet 34, Pages 115A-B of the Plat Records of Greene County, Ohio;

thence with the west line of said Lot 6880, South 05°17'08" West for a distance of 115.73 feet to an iron pin found (Northmont Engr. cap) at the northeast corner of a 17.5499 acre tract of land conveyed to Shoppes at V.G. Ltd. by deed recorded in Volume 1288, Page 602 of the Official Records of Greene County, Ohio;

thence with the north line of said Shoppes at V.G. Ltd. land, South 79°10'51" West for a distance of 787.64 feet to an iron pin set at the southeast corner of a 1.586 acre tract of land conveyed to Shoppes at V.G. Ltd. by deed recorded in Volume 3661, Page 182 of the Official Records of Greene County, Ohio;

thence with the east and north lines of said last-mentioned Shoppes at V.G. Ltd. land for the following two (2) courses:

1. North 55°49'09" West for a distance of 100.99 feet to an iron pin set;
2. South 79°10'51" West for a distance of 569.04 feet to an iron pin set in the east line of Lot 7865 in Valle Greene North, Section 6 as recorded in Plat Cabinet 30, Pages 718A-B of the Plat Records of Greene County, Ohio;

thence with the east and north lines of said Lot 7865 for the following two (2) courses:

1. North 34°35'04" East for a distance of 187.31 feet to an iron pin set;
2. South 79°11'22" West for a distance of 553.31 feet to an iron pin set at the southeast corner of Lot 7738 in Valle Greene North, Section 5 as recorded in Plat Cabinet 30, Pages 622B-623A of the Plat Records of Greene County, Ohio;

thence with the east line of said Lot 7738, North 10°48'38" West for a distance of 204.98 feet to an iron pin set in the south line of Successful Drive (50' and 60' wide) in Street Dedication Valle Greene North, Section 8 as recorded in Plat Cabinet 30, Pages 777B-778A of the Plat Records of Greene County, Ohio;

thence with the south line of said Successful Drive for the following two (2) courses:

1. North 79°11'22" East for a distance of 145.08 feet;
2. on a curve to the left with a radius of 335.00 feet for an arc distance of 267.87 feet, [delta angle is 45°48'50"], [long chord bearing is North 56°16'57" East and long chord distance is 260.79 feet] to an iron pin set at the southwest corner of said Lot 8975;

thence with the south line of said Lot 8975, South 84°30'40" East for a distance of 306.09 feet to an iron pin set at the southeast corner of said Lot 8975;

thence with the east line of said Lot 8975, North 05°30'54" East for a distance of 37.16 feet to the POINT OF BEGINNING, **containing 11.638 acres**, subject, however, to all covenants, conditions, restrictions, reservations and easements of record pertaining to the above described tract of land.

NOTES:

The above description was prepared from the results of a field survey made by Cosler Engineering, LLC, by or under the direction supervision of Mitchell W. Cosler, Ohio Registered Surveyor No. 6393, on January 20, 2016.

Iron pins found are 0.63 inch diameter and iron pipes found are 1.0 inch outside diameter in good condition, unless otherwise described. Iron pins referred to as set are 0.63 inch diameter steel with a yellow plastic cap stamped "COSLER 6393". Magnetic nails referred to as found or set are 0.25 inch diameter chrome two (2) inches in length with a 0.56 inch diameter head stamped "MAG".

Bearings are based on those used in Commerce Center Boulevard and Valle Greene North plats. Distances are in U.S. Survey Feet.

LESS AND EXCEPT:

Situated in Section 18, Town 3, Range 7 Between the Miami Rivers Survey, City of Fairborn, Greene County, State of Ohio, and being all of Lot 9389 Valle Greene North Section 25 Plat, as recorded in Plat Cabinet 38, Pages 304A-304B of the Plat Records of Greene County, Ohio.

PAGE 38:

OWNER: VALLE GREENE SELF STORAGE LLC

PARCEL: A02-2-39-8

Situated in Section 18, Town 3, Range 7 M.R.S., City of Fairborn, Greene County, State of Ohio, and being all of lot numbered 7865 of a plat known and recorded as Valle Greene North, Section Six in Plat Cabinet Volume 30, Page(s) 718A and 718B of the Plat Records of Greene County, Ohio.

PAGE 39:

OWNER: MENARD, INC.

PARCEL: A02-2-40-11

Situated in Section 18, Town 3, Range 7 Between the Miami Rivers Survey, City of Fairborn, Greene County, State of Ohio, and being all of Lot 9389 Valle Greene North Section 25 Plat, as recorded in Plat Cabinet 38, Pages 304A-304B of the Plat Records of Greene County, Ohio.

PAGE 40:

OWNER: SHOPPES AT VG LTD

PARCEL: A02-2-39-6

Situated in Section 18, Town 3, Range 8 MRS, City of Fairborn, Greene County, State of Ohio and being Lot 9391 of Replat of Lot 9071 of Valle Greene North III, IV, as recorded in Plat Cabinet 38, Pages 331B-332A of the Plat Records of Greene County, Ohio.

PAGE 41:

OWNER: SHOPPES AT VG LTD

PARCEL: A02-2-39-14

Situated in Section 18, Town 3, Range 8, between the Miami Rivers Survey, City of Fairborn, Greene County, Ohio, and being all of Lot Number Nine Thousand Seventy-Two (9072) of the Replat of Lot Number Seven Thousand Seven Hundred Five (7705) of Valle Greene North Section III and IV as recorded in Plat Cabinet Vol. 38, Pages 98A & 98B of the plat records of Greene County, Ohio.

PAGE 42:

OWNER: SHOPPES AT VG LTD

PARCEL: A02-2-39-5

Situated in Section 18, Town 3, Range 8, between the Miami Rivers Survey, City of Fairborn, Greene County, Ohio, and being Lot Number Seven Thousand Six Hundred Sixty-Six (7666) of Record Plat of Valle Greene North Section Three as recorded in Plat Cabinet 30, Pages 583B-584A of the plat records of Greene County, Ohio.

PAGE 43:

OWNER: SHOPS AT VALLE GREEN, LLC

PARCEL: A02-2-40-13

Situated in Section 18, Town 3, Range 7, Between The Miami Rivers Survey, City of Fairborn, Greene County, Ohio, and being Lot 7706 of a Replat of Lot 7670 of Valle Green North Section Four as recorded in Plat Cabinet Volume 30, Pages 640-B and 641-A of said Greene County Plat Records and being more particularly described as follows:

Beginning at the Southwest Corner of said Lot 7670, said point also being the Southeast corner of Lot 7666 of Valle Greene North Section Three as recorded in Plat Cabinet Volume 30, Page 583-B and 584-A and also being on the North right of way of Dayton Yellow Springs Road;

Thence with the common line of said Lot 7670 and said Lot 7666, North  $10^{\circ} 48' 38''$  West for 277.80 feet to a point being the Northwest corner of said Lot 7670 and the Northeast corner of said Lot 7666, said point also being on the South line of Lot 7665 of said Valle Greene North Section Three;

Thence with the common line of said Lot 7670 and said Lot 7665 for the next two courses, with a curve to the left having a radius of 229.00 feet through an internal angle of  $14^{\circ} 59' 48''$  for 59.94 feet as measured on the arc, said curve bears north  $86^{\circ} 41' 16''$  East for 59.77 feet to a point;

Thence North  $79^{\circ} 11' 22''$  East for 70.74 feet to a point; thence with a new division line through said Lot 7670, South  $10^{\circ} 48' 38''$  East for 270.00 feet to a point on the South line of said Lot 7670, said point also being on the said North right of way of Dayton Yellow Springs Road;

Thence with the South line of Lot 7670 and said North right of way of Dayton Yellow Springs Road, South  $79^{\circ} 11' 22''$  West for 130.00 feet to the Point of Beginning of this description.

Containing .8093 Acres, more. or less.

PAGE 44:

OWNER: 1187 DYS ASSOCIATES, LTD.

PARCEL: A02-2-40-14

Situated in Section 18, Town 3, Range 7, City of Fairborn, Greene County, State of Ohio and being all of Lot 7735 of a plat known and recorded as Replat of Lot 7670 of Valle Greene North IV, in Plat Cabinet 30, Pages 640-B and 641-A of the Plat Records of Greene County, Ohio.

PAGE 45:

OWNER: SHOPPES AT V.G., LTD.

PARCEL: A02-2-40-15

Situated in Section 18, Town 3, Range 7, City of Fairborn, Greene County, State of Ohio, and being all of Lot Numbered 7736 of a plat known and recorded as Replat of Lot 7670 of Valle Greene North IV in Plat Cabinet Volume 30, Pages 640-B and 641-A of the Plat Records of Greene County, Ohio.

PAGE 46:

OWNER: ARC BKMST41001, LLC

PARCEL: A02-2-40-16

Situated in Section 18, Town 3, Range 7, City of Fairborn, Greene County, State of Ohio, and being all of Lot Numbered 7737 of a plat known and recorded as replat of Lot 7670 of Valle Greene North IV in Plat Cabinet Volume 30, Pages 640-B and 641-A of the plat records of Greene County, Ohio.

PAGE 47:

OWNER: ARC CAFEUSA001, LLC

PARCEL: A02-2-40-12

Situated in Section 18, Town 3, Range 7, City of Fairborn, County of Greene and State of Ohio and being Lot Number 7741 of a plat known and recorded as Replat of Lot 7671 of Valle Green North IV, as recorded in Plat Cabinet 30, Pages 636B – 637A of the Plat Records of Greene County, Ohio.

PAGE 48:

OWNER: TIM DONUT U.S. LIMITED, INC.

PARCEL: A02-2-40-9

Situated in Section 18, Town 3, Range 7, City of Fairborn, Greene County, State of Ohio, and being all of Lot Numbered 7671 of a plat known and recorded as Valle Greene North Section Four in Plat Cabinet 30, Pages 584-B; 585-A of the Plat Records of Greene County, Ohio.

Save and Except:

Situated in Section 18, Town 3, Range 7, City of Fairborn, Greene County, State of Ohio and being all of Lot Number 7741 of a plat known and recorded as a Replat of Lot 7671 of Valle Greene North Section IV as recorded in Plat Cabinet Volume 30 Pages 636B and 637A of the Plat Records of Greene County, Ohio.

Also Save and Except:

Situated in Section 18, Town 3, Range 7, the City of Fairborn, County of Greene and State of Ohio and being Lot Numbered 8017 Replat of Lot 7671 of Valle Greene North IV as recorded in Plat Cabinet "34", Pages 698A and 698B of the Plat Records of Greene County, Ohio.

PAGE 49:

OWNER: M&M REAL ESTATE – FAIRBORN, LLC

PARCEL: A02-2-40-19

Situated in Section 18, Town 3, Range 7, the City of Fairborn, County of Greene and State of Ohio and being Lot Numbered 8017 Replat of Lot 7671 of Valle Greene North IV as recorded in Plat Cabinet "34", Pages 698A and 698B of the Plat Records of Greene County, Ohio.

PAGE 50:

OWNER: VECTREN ENERGY DELIVERY OF OHIO, INC.

PARCEL: N/A

PAGE 51:

OWNER: SHOPPES AT VG LTD.

PARCEL: A02-2-39-15

Situated in Section 18, Town 3, Range 8 MRS, City of Fairborn, Greene County, State of Ohio and being Lot 9390 of Replat of Lot 9071 of Valle Greene North III, IV, as recorded in Plat Cabinet 38, Pages 331B-332A of the Plat Records of Greene County, Ohio.

PAGE 52:

OWNER: SHOPPES AT VG LTD.

PARCEL: A02-2-40-10

Situated in Section 18, Town 3, Range 7, City of Fairborn, Greene County, State of Ohio, and being all of Lot Numbered 7672 of a plat known and recorded as Valle Greene North Section Four in Plat Cabinet 30, Pages 584-B; 585-A of the Plat Records of Greene County, Ohio.

4825-0309-1918.1

INTERNET IMAGE

EXHIBIT B

Legal Description of School Lot

INTERNET IMAGE

## EXHIBIT "B"

For APN/Parcel ID(s): **A02000200480000500**

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### TRACT 1:

Located in Sections 13, 14, and 19, Town 3, Range 8 Between the Miami Rivers Survey, City of Fairborn, Greene County, State of Ohio, and being part of land (Part Auditor's Parcel A02-2-47-1) conveyed to Oberer Development Company by deed recorded in Volume 1194, Page 625 (Parcel A); part of land (Part Auditor's Parcel A02-2-48-1) conveyed to Oberer Development Company by deed recorded in Volume 479, Page 121; part of land (Part Auditor's Parcel A02-2-48-3) conveyed to Oberer Development Company by deed recorded in Volume 809, Page 852; and part of land (Part Auditor's Parcel A02-2-49-1) conveyed to Oberer Development Company by deed recorded in Volume 1045, Page 410, all of the Official Records of Greene County, Ohio, described as follows:

Beginning at an iron pin (Vanatta cap) found in the east limited access right of way line of Interstate Route 675 and at the northwest corner of Lot 8982 in Replat Valle Greene Office Suites as recorded in Plat Cabinet 37, Pages 299A-299B of the Plat Records of Greene County, Ohio;

thence with said limited access right of way for the following six (6) courses:

1. North 04° 26' 33" East for a distance of 1103.32 feet to an iron pin (Northmont Engr. cap) found;
2. North 07° 02' 30" East for a distance of 399.99 feet to an iron pin set;
3. North 05° 02' 40" West for a distance of 203.04 feet to an iron pin set;
4. North 04° 33' 48" East for a distance of 900.01 feet to an iron pin set;
5. North 08° 27' 29" East for a distance of 400.78 feet to an iron pin set;
6. North 05° 38' 44" East for a distance of 1073.03 feet to an iron pin set in the South line of Garland Avenue (90' wide) in Commerce Center Boulevard, Phase III as recorded in Plat Cabinet 36, Pages 189B-190A of the Plat Records of Greene County, Ohio;

thence with the south line of said Garland Avenue for the following six (6) courses:

1. South 85° 03' 11" East for a distance of 16.25 feet to an iron pin set;
2. on a curve to the left with a radius of 895.00 feet for an arc distance of 260.67 feet, [delta angle is 16° 41' 15"], [long chord bearing is North 86° 36' 12" East and long chord distance is 259.75 feet] to an iron pin found;
3. North 78° 15' 34" East for a distance of 424.05 feet to an iron pin found;
4. on a curve to the right with a radius of 805.00 feet for an arc distance of 240.60 feet, (delta angle is 17° 07' 30", [long chord bearing is North 86° 49' 19" East and long chord distance is 239.71 feet] to an iron pin found;
5. South 84° 36' 56" East for a distance of 287.17 feet to an iron pin set;
6. on a curve to the right with a radius of 15.00 feet for an arc distance of 23.59 feet, [delta angle is 90° 06' 16"], [long chord bearing is South 39° 33' 48" East and long chord distance is 21.23 feet] to an iron pin set in the west line of Commerce Center Boulevard (70' wide) in said Commerce Center Boulevard, Phase III;

**EXHIBIT "B"**

(continued)

thence with the west line of said Commerce Center Boulevard and its southerly extension, said extension being the west line of Commerce Center Boulevard (70' wide) in "Corrective Plat" Commerce Center Boulevard, Phase II as recorded in Plat Cabinet 30, Pages 690B-691A of the Plat Records of Greene County, Ohio for the following five (5) courses:

1. South 05° 29' 20" West for a distance of 1323.80 feet to an iron pin set;
2. on a curve to the right with a radius of 965.00 feet for an arc distance of 253.41 feet, [delta angle is 15° 02' 45"], [long chord bearing is South 13° 00' 42" West and long chord distance is 252.68 feet] to an iron pin set;
3. South 20° 32' 05" West for a distance of 589.91 feet to an iron pin set;
4. on a curve to the left with a radius of 1035.00 feet for an arc distance of 271.79 feet, [delta angle is 15° 02' 45"], [long chord bearing is South 13° 00' 42" West and long chord distance is 271.01 feet] to an iron pin set;
5. South 05° 29' 20" West for a distance of 1850.62 feet to an iron pin found (Northmont Engr. cap) at the northeast corner of said Lot 8982;

thence with the north line of said Lot 8982, North 84° 30' 40" West for a distance of 958.10 feet to the Point of Beginning, containing 104.702 acres [98.426 acres are in Section 13, 2.069 acres are in Section 14, and 4.207 acres are in Section 19]

The above description was prepared from the results of a field survey made by Cosler Engineering, LLC, by or under the direct supervision of Mitchell W. Cosler, Ohio. Registered Surveyor No. 6393, on January 20, 2016.

Iron pins found are 0.63 inch diameter and iron pipes found are 1.0 inch outside diameter in good condition, unless otherwise described. Iron pins referred to as set are 0.63 inch diameter steel with a yellow plastic cap stamped "COSLER 6393". Magnetic nails referred to as found or set are 0.25 inch diameter chrome two (2) inches in length with a 0.56 inch diameter head stamped "MAG".

Bearings are based on those used in Commerce Center Boulevard and Valle Greene North plats. Distances are in U.S. Survey Feet.

**Less and Except the following described property:**

Situated in the City of Fairborn, County of Greene and State of Ohio and being Lot Numbered 9137 Valle Greene North, Section 24, as recorded in Plat Cabinet 38, Pages 142B and 143A of the Plat Records of Greene County, Ohio.

Description Check  
Greene County Engineer's Tax Map Dept.  
 Legally Sufficient As Described  
 Legally Sufficient With Corrections Noted  
 Legally Insufficient, New Survey Required

Date: 2/26/21 By: [Signature]

Par ID Dist A02 BK 2 PG 48 PAR 6, 5, 1

A02-2-40-1, 11, 13, 14  
15, 16, 12, 9, 19, 10

A02-2-47-22, 25, 24, 19, 26, 12, 1, 27, 7, 9, 10, 11, 18, 5, 14, 16  
A02-2-26-71

A02-2-46-75, 76, 77, 78

23, 20, 15, 8, 21, 17  
A02-2-39-11, 9, 13, 10, 12, 7, 8, 6, 14  
5, 15