



ALTA/ACSM LAND TITLE SURVEY

LAWYERS TITLE INSURANCE CORPORATION
 COMMITMENT NO. 08-37338
 EFFECTIVE DATE: OCTOBER 07, 2008 AT 6:59 A.M.

To: Lawyers Title Insurance Corporation
 LandAmerica Lawyers Title
 The Kroger Co.
 Nelsonville Grocery, Inc.

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys", jointly established and adopted by ALTA and NSPS in 2005, and includes Items 2,3,4,8,9,10, and 11(b) of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my opinion, as a land surveyor in the State of Ohio, the relative Positional Accuracy of this survey does not exceed that which is specified herein.

Property is in Zone C (Areas of minimal flooding) on Flood Insurance Rate Map, City of Nelsonville, Ohio, Athens County, Map No. 390020 0005 B (Effective Date: January 17, 1986).

As used in this certification, to certify means to state a professional opinion of the conditions regarding those facts or findings which are the subject of the certification and does not constitute a guaranty or warranty, either expressed or implied.

Violations of zoning ordinances, restrictions or other rules and regulations are determined and enforced by the zoning and planning boards of the community in which the property is located.

Property is Currently Zoned Commercial/Downtown Commercial per City of Nelsonville, Athens County, Ohio. See Zoning Codes for Restrictions not Shown.

Both Tract I and Tract II shown hereon are subject to the Lease Agreement of record in Official Record 290 Page 1178.

Joy R. Miller
 Joy R. Miller, Ohio Surveyor No. 8061
 REGISTERED PROFESSIONAL SURVEYOR

LEGEND

○	Sign	○ G.V.	Gas Valve
□	Street Sign	○ G.S.	Gas Service
✱	Bollard Light	□ G.M.	Gas Meter
◀	Area Light	⌈	Gas Flag
⊙	Light Pole	⊙	Gas Marker
⊙	Light Pole w/Sqr. or Rnd. Base	○ C.A.	Clean Out
⊙	Electric Guy	□ C.B.	Catch Basin
⊙	Electric Marker	○ M.H. TC 708.43	Manhole w/Top of Casting Elev.
⊙	Electric Transformer	□ Inlet TC 707.28	Curb Inlet w/Top of Casting Elev.
○ E.M.	Electric Meter	○ D.S.	Down Spout
○ M.H.	Electric Manhole	○ R.D.	Roof Drain
⊙ T.C.	Telephone Closure	⊙ X707.B	Existing Spot Elev.
⊙	Telephone Pole	⊙ X07.B	Proposed Elev.
⊙	Utility Pole	—	Existing Gas Line
⊙ P.B.	Pull Box	—	Existing Water Line
⊙ T.P.B.	Traffic Pull Box	—	Existing Underground Electric Line
⊙ T.C.B.	Traffic Control Box	—	Existing Overhead Electric Line
⊙	Traffic Signal	—	Existing Underground Telephone Line
⊙	Traffic Pole	—	Existing Overhead Telephone Line
⊙	Traffic Pole w/ Walk	—	Existing Overhead Cable Television Line
⊙ W.V.	Water Valve	—	Existing Index Contour
⊙ F.H.	Fire Hydrant	—	Existing Intermediate Contour
⊙ W.M.	Water Meter	—	Existing Fence Line
⊙ W.S.	Water Service		
⊙	Monitoring Well		
⊙	Antenna		
⊙	Mail Box		
⊙	Flagpole		

LEGAL DESCRIPTION

TRACT I
 Situate in the State of Ohio, County of Athens, City of Nelsonville in Section 17, Township 12 North, Range 15 West, Ohio Company Purchase and being all of Lot Numbers 405, 404, 403, 402, 401, 400 and 399 of Longstreth's Addition to the City of Nelsonville, said tract bounded and described as follows:
 Beginning at Mag Nail set at the intersection of the north right of way line of Fourth Street (Sixty (60) feet in width) with the west right of way line of Poplar Street (Sixty (60) feet in width) and at the southeast corner of said Lot No. 405;
 thence S 50° 14' 00" E along the north right of way line of Fourth Street and along the south line of said Lot No. 405 a distance of 99.76 feet to a Mag Nail set at the intersection of the north right of way line of Fourth Street with the east right of way line of a public alley (Fifteen (15) feet in width) and at the southwest corner of said Lot No. 405;
 thence N 39° 46' 00" W along the east right of way line of said alley, along the west lines of said Lot Nos. 394, 393 and 392 a distance of 148.88 feet to a 3/4" I.D. iron pipe set at the northwest corner of said Lot No. 399, at the southwest corner of Lot No. 288 as shown on said Longstreth's Addition to the City of Nelsonville and at the southwest corner of a tract of land conveyed to Kenneth L. and Margaret Riley by deed of record in Official Record 387, Pg. 707, Recorder's Office, Athens County, Ohio, said point referenced by a square iron rod found S 59° 02' 49" W a distance of 0.73 feet from property corner;
 thence N 50° 14' 00" E along the north line of said Lot No. 399, along the south line of said Lot No. 398 and along the south line of said Kenneth L. and Margaret Riley tract a distance of 99.76 feet to a 3/4" Iron Pipe found in the west right of way line of Poplar Street, at the northeast corner of said Lot No. 399, at the southeast corner of said Lot No. 398 and at the southeast corner of said Kenneth L. and Margaret Riley tract;
 thence S 39° 46' 00" E along the west right of way line of Poplar Street, along the east lines of said Lot Nos. 398, 400, 401, 402, 403, 404 and 405 a distance of 350.59 feet to the point of beginning;
 containing 0.803 acre of land more or less and subject to all easements and restrictions of record.

TRACT II
 Situate in the State of Ohio, County of Athens, City of Nelsonville in Section 17, Township 12 North, Range 15 West, Ohio Company Purchase and being all of Lot Numbers 394, 393 and 392 of Longstreth's Addition to the City of Nelsonville, said tract bounded and described as follows:
 Beginning, for reference, at a point at the intersection of the north right of way line of Fourth Street (Sixty (60) feet in width) with the east right of way line of Chestnut Street (Sixty (60) feet in width), at the southwest corner of Lot No. 395 as shown on said Longstreth's Addition to the City of Nelsonville and at the southwest corner of a tract of land conveyed to Michael A. and Susan Spencer by deed of record in Official Record 26, Pg. 91, Recorder's Office, Athens County, Ohio;
 thence N 39° 46' 00" W along the east right of way line of Chestnut Street, along the west line of said Lot No. 395 and along the west line of said Michael A. and Susan Spencer tract a distance of 50.00 feet to a 3/4" I.D. iron pipe set at the northwest corner of said Lot No. 395, at the northwest corner of said Michael A. and Susan Spencer tract, at the southwest corner of said Lot No. 394 and at the true place of beginning of the tract herein intended to be described;
 thence continuing N 39° 46' 00" W along the east right of way line of Chestnut Street and along the west lines of said Lot Nos. 394, 393 and 392 a distance of 148.88 feet to a 3/4" I.D. iron pipe set at the northwest corner of said Lot No. 392, at the southwest corner of Lot No. 391 as shown on said plot of Longstreth's Addition to the City of Nelsonville and at the southwest corner of a tract of land conveyed to Kenneth L. and Margaret Riley by deed of record in Deed Book 277, Page 425, Recorder's Office, Athens County, Ohio;
 thence N 50° 14' 00" E along the north line of said Lot No. 392, along the south line of said Lot No. 391 and along the south line of said Ardith Patrick tract a distance of 100.54 feet to a 3/4" I.D. iron pipe found in the west line of a public alley (Fifteen (15) feet in width), at the northeast corner of said Lot No. 392, at the southeast corner of said Lot No. 391 and at the southeast corner of said Ardith Patrick tract;
 thence S 39° 46' 00" E along the west right of way line of said alley and along the east lines of said Lot Nos. 392, 393 and 391 a distance of 148.88 feet to a Mag Nail set at the southeast corner of said Lot No. 394, at the northeast corner of said Lot No. 395 and at the northeast corner of said Michael A. and Susan Spencer tract;
 thence S 50° 14' 00" W along the south line of said Lot No. 394, along the north line of said Lot No. 395 and along the north line of said Michael A. and Susan Spencer tract a distance of 100.54 feet to the point of beginning;
 containing 0.344 acre of land more or less and subject to all easements and restrictions of record.

The above descriptions were prepared by Jay R. Miller, Ohio Surveyor No. 8061, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey performed under his supervision, in October, 2008. Basis of bearings is the centerline of Poplar Street being S 39° 46' 00" E as determined by GPS observations on the Ohio State Plane, South Zone.

NOTE:
 The locations of underground utilities as shown hereon are based on above-ground structures and record drawings provided to the surveyor. Locations of underground utilities/structures may vary from locations shown hereon. Additional buried utilities/structures may be encountered. No excavations were made during the progress of this survey to locate buried utilities/structures.

2 WORKING DAYS BEFORE YOU DIG
 CALL TOLL FREE 800-362-2764
 OHIO UTILITIES PROTECTION SERVICE

Description Checked for Mathematical Accuracy
 Athens County
 ENGINEER'S OFFICE
 BY: *S. Plaut*
 DATE: 12-18-08

NELSONVILLE 17
"KROGER STORE"

C.F. BIRD & R.J. BULL, INC.
 ENGINEERS / SURVEYORS 2875 W. DUBLIN-GRANVILLE RD. COLUMBUS, OHIO 43235 (614) 761-1661

THE KROGER CO. (N-529)

ALTA/ACSM LAND TITLE SURVEY
 NORTH SIDE OF FOURTH STREET,
 AT POPLAR STREET,
 CITY OF NELSONVILLE,
 ATHENS CO., OHIO

SCALE: 1" = 20'
 DWN: JRM/CKD: OCTOBER 28, 2008 JOB NO. 08-085 1

Block 17 - name = 344ac + 803ac - JRM