

LEGAL DESCRIPTION 0.689 ACRES

Situated in Canaan Township, Athens County, Ohio and being part of Section 34 of Township 5, Range 13 of the Ohio Company's Purchase, and being all of that land described as Tract One and Tract Two in Deed Book Volume 70, Page 456, conveyed therein to the MBH Agency, Inc., the subject tract being a total of 0.689 acres, and being more particularly described as follows:

Beginning at a point at the intersection of the west line of said Section No. 34 with the north right of way line of U.S. Route 50 (State Street); said point also being the southwest corner of said Tract One of the MBH tract, thence northerly, along the west line of said Section No. 34, also being the west line of said Tract One of the MBH tract, and the east line of a 0.82 acre tract conveyed to Herbert W. Brown Revocable Living Trust and Daniel W. Dowler in Deed Book Volume 151, Page 887, and continuing with the west line of said Tract Two of the MBH tract, NORTH 04°51'06" EAST a distance of 200.00 feet to a point referenced by a 3/4 inch iron pipe located SOUTH 61°07'54" EAST a distance of 0.19 feet from said point, said point being at the northwest corner of said Tract Two of the MBH tract, and at a southwest corner of a 4.480 acre tract conveyed to Huntington Realty Corporation in Deed Book Volume 379, Page 691 and Deed Book Volume 71, Page 333;

Thence easterly, parallel with the centerline of U.S. Route 50, along the north line of said Tract Two of the MBH tract, also being a south line of said Huntington tract, SOUTH 82°37'00" EAST a distance of 150.00 feet to a point referenced by a 3/4 inch iron pipe located NORTH 79°52'23" EAST a distance of 0.56 feet from said point, said point being at the northeast corner of said Tract Two of the MBH tract;

Thence southerly, parallel with the west line of said Section No. 34, along the east line of said Tract Two of the MBH tract, also being a west line of said Huntington tract, SOUTH 04°51'06" WEST a distance of 50.00 feet to a point at a jog in the line, said point being at the southeast corner of said Tract Two of the MBH tract;

Thence easterly, parallel with the centerline of U.S. Route 50, along the north line of said Tract One of the MBH tract, SOUTH 82°37'00" EAST a distance of 0.36 feet to a point at a jog in the line, said point being at the northeast corner of said Tract One of the MBH tract;

Thence southerly, parallel with the west line of said Section No. 34, along the east line of said Tract One of the MBH tract, also being a west line of said Huntington tract, SOUTH 04°51'06" WEST a distance of 210.01 feet to a point in the north right of way line of the aforesaid U.S. Route 50, also being at the southeast corner of said Tract One of the MBH tract, and at a southwest corner of said Huntington tract;

Thence westerly, parallel with the centerline of U.S. Route 50, along the north right of way line of said U.S. Route 50, also being the south line of said Tract One of the MBH tract, NORTH 82°37'00" WEST a distance of 150.36 feet to the point of beginning.

Containing 0.689 acres as geometrically described herein.

Subject to all easements and rights of way of previous record or otherwise legally established.

Basis of Bearings: The northerly right of way line of U.S. Route 50 was assigned a bearing of NORTH 82°37'00" WEST as referenced in the legal description for Huntington Realty Corporation in Deed Book Volume 379, Page 691.

The above description was written on July 18, 1995 by George W. Schweitzer, Ohio Professional Surveyor No. 6736 and is based upon the results of a field survey of the premises performed under his responsible supervision in May of 1995.

LEGAL DESCRIPTION GRADING EASEMENT 0.083 ACRES

Situated in Canaan Township, Athens County, Ohio and being part of Section 34 of Township 5, Range 13 of the Ohio Company's Purchase and being part of that land described in Deed Book Volume 379, Page 691 and Deed Book Volume 71, Page 333, conveyed therein to the Huntington Realty Corporation, the subject tract being a total of 0.083 acres, and being more particularly described as follows:

Commencing at a point at the intersection of the west line of said Section No. 34 with the north right of way line of U.S. Route 50 (State Street); said point also being the southwest corner of Tract One conveyed to MBH Agency, Inc. in Deed Book Volume 70, Page 456; thence northerly, along the west line of said Section No. 34, also being the west line of said Tract One of the MBH tract, and the east line of a 0.82 acre tract conveyed to Herbert W. Brown Revocable Living Trust and Daniel W. Dowler in Deed Book Volume 151, Page 887, and continuing with the west line of Tract Two conveyed to MBH Agency, Inc. in Deed Book Volume 70, Page 456, NORTH 04°51'06" EAST a distance of 200.00 feet to a point, said point being at the northeast corner of said Tract Two of the MBH tract, and at a southwest corner of said Huntington tract, said point also being the point of beginning of herein described tract;

Thence from the POINT OF BEGINNING continuing along the west line of Section No. 34 also being the east line of said Brown/Dowler tract and the west line of said Huntington tract, NORTH 04°51'06" EAST a distance of 10.01 feet to a point;

Thence with a series of new division lines across and through said Huntington tract for the following two courses:

1) Parallel with the centerline of said U.S. Route 50 and the north line of said Tract Two of the MBH tract, also being a south line of said Huntington tract, SOUTH 82°37'00" EAST a distance of 160.37 feet to a point.

2) Parallel with the west line of said Section No. 34 and the east line of said MBH tract also being the west line of said Huntington tract, SOUTH 04°51'06" WEST a distance of 210.01 feet to a point in the north right of way line of said U. S. Route 50, also being a south line of said Huntington tract;

Thence westerly along the north right of way line of said U.S. Route 50 and the south line of said Huntington tract, NORTH 82°37'00" WEST a distance of 10.01 feet to a point at the southeast corner of the aforesaid Tract One of the MBH tract, also being a southwest corner of said Huntington tract;

Thence northerly, parallel with the west line of Section No. 34, along the east line of said Tract One of the MBH tract, also being a west line of said Huntington tract, NORTH 04°51'06" EAST a distance of 100.00 feet to a point at a jog in the line, said point being at the northeast corner of said Tract One of the MBH tract;

Thence westerly, parallel with the centerline of said U.S. Route 50, along the north line of said Tract One of the MBH tract, NORTH 82°37'00" WEST a distance of 0.36 feet to a point, said point being at the southeast corner of said Tract Two of the MBH tract;

Thence northerly, parallel with the west line of Section No. 34, along the east line of said Tract Two of the MBH tract, also being the west line of said Huntington tract, NORTH 04°51'06" EAST a distance of 50.00 feet to a point at the northeast corner of said Tract Two of the MBH tract;

Thence westerly, parallel with the centerline of U.S. Route 50, along the north line of said Tract Two of the MBH tract, also being a south line of said Huntington tract, NORTH 82°37'00" WEST a distance of 150.00 feet to the point of beginning.

Containing 0.083 acres as geometrically described herein.

Subject to all easements and rights of way of previous record or otherwise legally established.

Basis of Bearings: The northerly right of way line of U.S. Route 50 was assigned a bearing of NORTH 82°37'00" WEST as referenced in the legal description for Huntington Realty Corporation in Deed Book Volume 379, Page 691.

The above description was written on July 17, 1995 by George W. Schweitzer, Ohio Professional Surveyor No. 6736 and is based upon the results of a field survey of the premises performed under his responsible supervision in May of 1995.

See Topographic Survey sheet for elevation data.

The surveyor was supplied with a copy of Schedule B-II of Commitment No. 95L1516, Lawyers Title Insurance Corporation.

Exception No. 13) Easement granted to Columbus & Southern Ohio Electric Company.

D.B. 276, P. 209 is shown on the survey drawing.

Exception No. 14) Easement granted to City of Athens.

D.B. 293, P. 195 is shown on the survey drawing.

Exception No. 15) Perpetual easement and right of way for public highway and road purposes granted to the State of Ohio.

D.B. 167, P. 360 is not located within the boundaries of the subject 0.689 acre tract.

Exception No. 16) Easement granted to Columbus & Southern Ohio Electric Company.

D.B. 207, P. 493 Does affect the subject 0.689 acre tract, is blanket in nature, but cannot be specifically located based upon the information provided.

Exception No. 17) Easement granted to Columbus & Southern Ohio Electric Company.

D.B. 207, P. 490 Does affect the subject 0.689 acre tract, is blanket in nature, but cannot be specifically located based upon the information provided.

Exception No. 18) Easement granted to Columbus & Southern Ohio Electric Company.

D.B. 207, P. 489 Does affect the subject 0.689 acre tract, is blanket in nature, but cannot be specifically located based upon the information provided.

Exception No. 19) Right of way easement granted to Oliver F. and Louise Rowland.

D.B. 181, P. 498 is not located within the boundaries of the subject 0.689 acre tract.

Exception No. 20) Easement granted to the State of Ohio.

D.B. 165, P. 229 is shown on the survey drawing.

Exception No. 21) Right of way easement granted to Southern Ohio Electric Company.

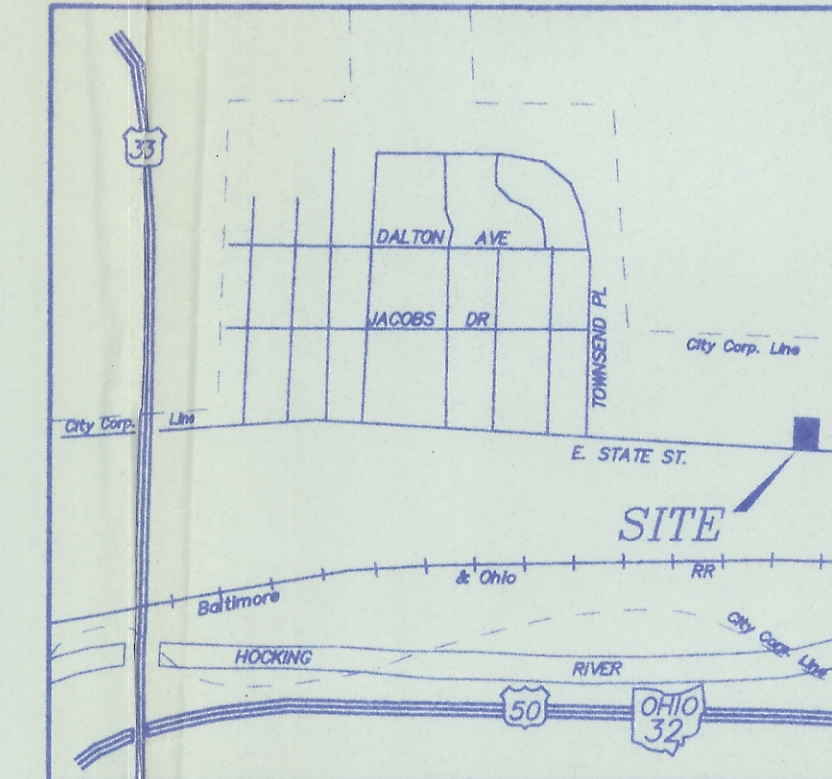
D.B. 151, P. 312 Does affect the subject 0.689 acre tract, is blanket in nature, but cannot be specifically located based upon the information provided.

BOUNDARY SURVEY FOR:

WENDY'S INTERNATIONAL

SECTION 34, TOWNSHIP 5, RANGE 13, OHIO COMPANY'S PURCHASE CITY OF ATHENS, ATHENS COUNTY, OHIO

HUNTINGTON REALTY CORPORATION D.B. VOL. 379, PAGE 691 & D.B. VOL. 71, PAGE 333



MANAN 34 NW 0 689

- Legend: Iron Pin Found (3/4" unless otherwise stated), Rebar Found, Water Valve, Fire Hydrant, Water Meter, Power Pole, Power/telephone pole, Light Pole, Guy wire, Gas Marker, Gas Valve, Water line, Storm sewer line, Sanitary sewer line, Electric and telephone lines, overhead, Electric line, overhead.

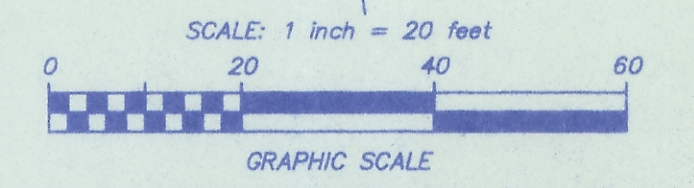
ZONING: B-3, business Minimum lot width: 30' Maximum building height: 45' or 3 1/2 stories Maximum lot coverage: No requirement Front yard setback: No requirement Side yard setback: 10' on one side and 5' on the other Rear yard setback: No requirement

UTILITY SERVICES

- Gas Service: Columbia Gas of Ohio, Inc. Electric Service: Columbus Southern Power (614) 592-7250 Telephone Service: Ameritech Water Service: City of Athens (614) 592-3347 Storm Sewer & Sanitary Sewer: City of Athens (614) 592-3347 Building Regulations: City of Athens (614) 592-3306 Field Location of Underground Utilities OUPS 1-800-362-2764

I hereby certify to Wendy's International, Inc. and to Lawyers Title Insurance Corporation that the foregoing drawing represents the results of an actual field survey of the premises performed under my responsible supervision and that the said drawing is correct to the best of my knowledge and belief.

George W. Schweitzer Jul 20, 1995 date Ohio Professional Surveyor No. 6736



Geo-Graphics Inc. Land Surveying & Civil Engineering P.O. Box 292 570 High Street Blacklick, Ohio 43004 614-377-9930 Boundary Survey for WENDY'S INTERNATIONAL 0.689 ACRES ATHENS COUNTY, ATHENS, OHIO

REVISED 7-14-95 REVISED 7-20-95

SCALE 1"=20' DRAWN S.G.S. CHECKED G.W.S. DATE 6-23-95 SHEET 1 OF 1

