

### ZONING INFORMATION

According to The City of Garfield Heights website ([www.garfieldhts.org](http://www.garfieldhts.org)), the subject property is zoned U-4, Retail & Service and is subject to the following conditions:

Front Setback: 43 feet from centerline  
 Side Setback: 10 feet if it adjoins U1-U2-U3, and 5 feet if it's a corner lot for the secondary road frontage.  
 Rear Setback: 20% of the depth of the lot (18 feet for this parcel)  
 Max. building Height: 35 feet  
 Bulk Restrictions: 15% maximum coverage by buildings

Parking Restrictions:  
 1 space per 50 square feet of area used by customers.

Parking Spaces:  
 There are 16 spaces on this parcel, 2 of which are marked handicap accessible.

The observed use, "Restaurant", is permitted in this zoning district.

### REFERENCE SURVEYS:

- 1) SURVEY PERFORMED BY CHARLES J. NEFF, P.S. #4546, DATED 11/13/1987, AND RECORDED IN VOLUME 240, PAGE 20.
- 2) SELTZER-ROUND CO.'S GARFIELD PARKWAY ALLOTMENT AS RECORDED IN VOLUME 78, PAGE 25.
- 3) LAURA SLADDEN SUBDIVISION AS RECORDED IN VOLUME 48, PAGE 18.
- 4) BOHNING GARDENS ALLOTMENT AS RECORDED IN VOLUME 112, PAGE 7.
- 5) AUDITORS GARFIELD HEIGHTS MAP #541, PAGE 11, DATED JULY 1990.

### LEGAL DESCRIPTION:

**Parcel No. 1: Fee Simple (PPN-541-11-016)**

Situated in the City of Garfield Heights, County of Cuyahoga and State of Ohio and known as being Parcel A in the Map of Survey & Partition of part of Original 100 Acre Lot No. 481 as shown by the recorded plat in Volume 240 of Maps, Page 20 of Cuyahoga County Records and being 123.65 feet on the Westerly side Turney Road and extending back 110.84 feet deep on the Southerly line, 90.20 feet deep on the Northerly line, which is also the Southerly line of Bohning Drive, and having a rear line of 121.92 feet, as appears by said plat, be the same more or less.

**Parcel No. 2: Easement (There is no set width described for the easement to allow for fence repair, therefore it is not shown hereon. The fence is labeled with the number 9 as per schedule B-2 exceptions.)**

Together with the easement established by the Easement and Release, for fence purposes, from Anthony J. Zambataro and Joane R. Zambataro to 4666 Turney LLC filed for record July 19, 2005 and being Cuyahoga County Recorder's AFN 200507190293.

The property described and shown hereon is the same property as described in Fidelity National Title Insurance Company commitment number 504100065, dated July 14, 2010.

### LEGAL DESCRIPTION (AS-SURVEYED):

Situated in the City of Garfield Heights, County of Cuyahoga and State of Ohio and known as being Parcel A in the Map of Survey & Partition of part of Original 100 Acre Lot No. 481 as shown by the recorded plat in Volume 240 of Maps, Page 20 of Cuyahoga County Records and being more particularly described as beginning at the Northeast corner of said Parcel A, also being the intersection of the Westerly line of Turney Road and the Southerly line of Bohning Drive, at a set 5/8" bar & cap #8203; thence S29°07'10"E, 123.65 feet along the Westerly line of Turney Road to a set 5/8" bar & cap #8203; thence S70°33'01"W, 110.84 feet (recorded as S70°29'20"W) to a found 3/4" pipe (bent); thence N19°30'38"W, 121.89 feet (recorded as N19°30'40"W, 121.92 feet) to a set 5/8" bar & cap #8203 on the Southerly line of Bohning Drive; thence N70°33'01"E, 90.20 feet (recorded as N70°29'20"E) to the point of beginning.

Containing, 0.281 acres, more or less.  
 Subject to all easements and rights of way of previous record or otherwise legally established.

Basis of Bearing: The bearings are based on the Southwesterly Right of Way of Turney Road bearing South 29°07'10" East as recorded in a Map of Survey by Neff and Associates, Inc by Charles J. Neff, P.S. #4546.

All steel bars set are 5/8 inch diameter by 30 inches in length capped with an Orange plastic marker stamped "GMB 8203".

The above description was written by Gilbert M. Barish, Ohio professional surveyor No. 8203 and is based on a survey of the premises performed under by direct supervision on 26-July-2010.

The property described and shown hereon is the same property as described in Fidelity National Title Insurance Company commitment number 504100065, dated July 14, 2010.

### SURVEYOR'S CERTIFICATE

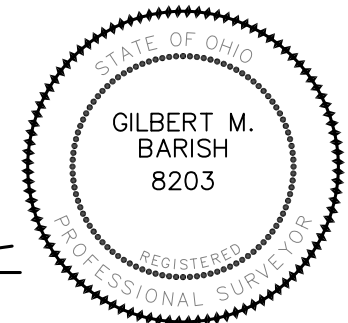
To: YUM! Brands, Inc. and Fidelity National Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and includes Items 1, 2, 3, 4, 6, 7(a), 7(b1), 7(c), 8-10, 11(a), 13 and 14 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 professional opinion, as a land surveyor registered in the State of Ohio, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

The property described and shown hereon is the same property as described in Fidelity National Title Insurance Company commitment number 504100065, dated July 14, 2010.

DATE: JULY 26, 2010

*Gilbert M. Barish*  
 GILBERT M. BARISH, P.S. #8203



### "ALTA/ACSM LAND TITLE SURVEY"

PREPARED FOR:

**THE MATTHEWS COMPANY**  
 Inc.®  
 National ALTA Survey Management

17220 Newhope Street, Suites 108-110, Fountain Valley, CA 92708  
 Tel: (714)-979-7181 Fax: (714)-641-2840  
[www.themattthewscompany.com](http://www.themattthewscompany.com)

MARK	DATE	GENERAL REVISIONS	DV
		REVISION	BY
	11-28-10		

<b>YUM! BRANDS, INC.</b>			
4666 Turney Road Garfield Heights, OH (Pizza Hut)			
SCALE	1" = 10'	CHKD./AP'VD	GMB
DATE	JULY 26, 2010	APPROVED	GMB
DWN. BY	DJVDB	STORE ID:	014669
CHKD. BY	GMB		

### STATEMENT OF ENCROACHMENTS

1) BUILDING ENCOACHES INTO 18' REAR SETBACK LINE BY UP TO 10.6 FEET. (THERE MAY BE VARIANCES IN PLACE TO ALLOW FOR THIS SETBACK ENCROACHMENT.)

### NOTES CORRESPONDING TO SCHEDULE B

- 1) EASEMENT FOR UNDERGROUND COMMUNICATION SYSTEMS AS RECORDED IN VOLUME 91-2328, PAGE 34 OF CUYAHOGA COUNTY RECORDS DOES AFFECT THIS PARCEL AND IS SHOWN HEREON.
- 2) DUTIES AND OBLIGATIONS ARISING FROM THE EASEMENT AND RELEASE FOR FENCE PURPOSES AS FILED FOR RECORD JULY 19, 2005 AND BEING CUYAHOGA COUNTY RECORDER'S AFN 200507190293, THIS DOES AFFECT THIS PARCEL AND IS SHOWN HEREON.

### GENERAL NOTES:

- 1) THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
- 2) THERE ARE NO CHANGES IN STREET RIGHT OF WAY LINES EITHER COMPLETED OR PROPOSED TO THE BEST OF OUR KNOWLEDGE, AND AVAILABLE FROM THE CONTROLLING JURISDICTION.
- 3) THERE IS NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
- 4) THERE IS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL OR CEMETERY.
- 5) THIS PARCEL HAS DIRECT ACCESS TO TURNEY ROAD AND LEGAL ACCESS TO BOHNING DRIVE.

### BEARING BASIS:

Bearings along the Southwest line of Turney Road are based on a survey by Charles Neff and bears S29°07'10"E.

### FLOOD NOTE:

By graphic plotting only, this property is in Zone X of the Flood Insurance Rate Map, Community Panel No. 390109 0001 B, which bears an effective date of Jan. 6, 1988 and is not in a Special Flood Hazard Area. By telephone call dated Aug. 10, 2010 to the National Flood Insurance Program (800-638-6620) we have learned this community does currently participate in the program. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

### LEGEND:

- |  |                      |  |                               |  |                      |
|--|----------------------|--|-------------------------------|--|----------------------|
|  | Power Pole           |  | Flag Pole                     |  | Storm Manhole        |
|  | Power Pole w/Light   |  | Sign (As Noted)               |  | Storm Catchbasin     |
|  | Light Pole           |  | Well Head                     |  | Deciduous Tree       |
|  | Telephone Pole       |  | Satellite Dish                |  | Coniferous Tree      |
|  | Guy Wire             |  | Tower                         |  | Sanitary Manhole     |
|  | Transformer          |  | Water Valve                   |  | Sanitary Clean Out   |
|  | Electric Manhole     |  | Fire Hydrant                  |  | Gas Valve            |
|  | Telephone Manhole    |  | Water Manhole                 |  | Gas Manhole          |
|  | Telephone Pedestal   |  | Water Meter Pit               |  | Gas Meter            |
|  | Electric Meter       |  | Water Meter                   |  | Gas Marker           |
|  | Cable Box            |  | Water Meter                   |  | Section Corner       |
|  | Air Conditioner Unit |  | Set 5/8" B&C #S-8203          |  | F.d. Property Corner |
|  |                      |  | Indicates Handicapped Parking |  | Monument Box         |

### ABBREVIATIONS:

DIAM. = DIAMETER  
 FD. = FOUND  
 SEC. = SECTION  
 NE = NORTHEAST  
 NW = NORTHWEST  
 N = NORTH  
 BLDG. = BUILDING  
 VOL. = VOLUME

M = MEASURED  
 R = RECORDED  
 C = CALCULATED  
 SQ. FT. = SQUARE FEET  
 ID = IDENTIFICATION  
 E = EAST  
 T6N = TOWN 6 NORTH  
 R3E = RANGE 3 EAST

