

INTRODUCED BY: Mr. Kraus

ORDINANCE NO. 1992-39  
(As Amended)

AN ORDINANCE REZONING 6.1708 ACRES OF LAND FROM LA PLACE TO A POINT ABOUT 125 FEET NORTH OF THE CENTER LINE OF GEORGE ZEIGER DRIVE AT THE SOUTH, FROM CLASS U-1 (SINGLE FAMILY) TO CLASS U-4B (SHOPPING CENTER) TO BE USED ONLY FOR PARKING, DRIVEWAYS AND LANDSCAPING AS ACCESSORY USES TO THE BEACHWOOD PLACE MALL

WHEREAS, Beachwood Place Limited Partnership ("BPLP") owns 6.1708 acres of land between La Place and a point near George Zeiger Drive and has applied for rezoning of such land from Class U-1 (Single Family) to Class U-4B (Shopping Center); and

WHEREAS, the Council has received the report of the Planning Commission which has recommended approval of the first proposed plan, (Plan A), and an alternate (Plan B) for the Council's consideration, and

WHEREAS, "BPLP" has represented that it intends to enlarge and improve the existing mall to include an enlarged and improved Dillard's department store and an additional department store, the identity of which is unknown at this time, but which will be made known as set forth herein, and

WHEREAS, Council by adopting this legislation finds and determines that the existing zoning is Class U-1 (Single Family) and that the land and the City would be better served by rezoning the land from Class U-1 (Single Family) to Class U-4B; (Shopping Center);

NOW THEREFORE BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio;

Section 1. That the Council of the City of Beachwood, having received an application for rezoning from Beachwood Place Limited Partnership, "BPLP" found that said application was in accordance with all procedural requirements and referred it to the Planning Commission for a report and recommendation. A public hearing was set for the 31 day of August, 1992 at 8:00 p.m. at the Beachwood City Hall, Council Chamber.

Section 2. The Clerk of Council was directed to and did advertise the public hearing one time in a newspaper of general circulation in the City at least thirty (30) days prior to the public hearing setting forth the substance of the issue and the general location of the area to be rezoned. The Clerk should also send a letter to each property owner listed on City records abutting the land to be rezoned informing the owners of the hearing. The failure by the Clerk to send or the failure of any owner(s) to receive written notice shall not invalidate the public hearing. At the public hearing the Council heard testimony from persons who appeared.

Section 3. That by adopting this legislation the Council finds and determines that its passage will (1) create a better utilization of land than existing single family zoning, (2) add substantially to the tax duplicate which will aid in funding both the City and the Beachwood School District and (3) create many jobs. Council also finds that this land cannot be realistically used for any other purpose, that such rezoning is consistent with both the overall planning and zoning in the City and the area to be rezoned and that the rezoning of this property will not cause any material and/or adverse result to adjoining properties. The Clerk of Council and City Engineer are directed to change all City records to demonstrate this rezoning and the City zoning map is hereby amended to conform to this legislation.

Section 4. That the Council of the City of Beachwood does hereby rezone a tract of land of 6.1708 acres of land, lying between the existing La Place Shopping Center at the north and a point (about) 125 feet north of the center line of George Zeiger Drive at the south, and west from the westerly side of land now developed for existing Beachwood Place Shopping Center Two Hundred Forty (240) Feet, to include the easterly 60 feet of the rear of PP 741-24-04 at the south, from Class U-1 (Single Family) to Class U-4B (Shopping Center), as is more fully shown on the legal description of the land hereby rezoned, which is annexed hereto and made a part hereof as if fully rewritten herein, as Ex. 'A'. The 6.1708 acre parcel after rezoning shall be used only for parking, accessory driveways to gain access to or exit from the existing mall site and landscaping as accessory uses to the Beachwood Place Shopping Center.

Section 5. That in its request to the City of Beachwood to rezone the said property, "BPLP" submitted to the Council and the Planning Commission legal descriptions, plans and drawings which are on record with the City and it has made certain representations which are made a part hereof as if fully rewritten herein, as Ex 'B'. It is the purpose of Ex. 'B' that "BPLP" declare the form and substance of the site development plan to be filed with the Planning Commission prior to any development, to demonstrate how it will conform to Beachwood zoning laws, how it will avoid making a negative impact on persons and properties in the area and how it will assist and cooperate with the City in order that the expanded mall site will not adversely affect other area properties and residents.

Section 6. Any default by the applicant, not remedied after notice and a reasonable opportunity to cure, or the failure to start construction within Five (5) years, shall be just cause for Council to consider rezoning the property to its former or an alternate zoning district, unless Council for just cause extends the said time.

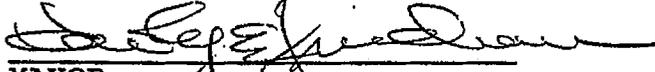
Section 7. That it is found and determined that all formal actions of this Council and its committees concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings held in compliance with all requirements of the Beachwood Code.

**WHEREFORE,** this Ordinance shall take effect and be in force from and after the earliest date permitted by law.

**Attest:** I hereby certify that this legislation was duly adopted on the 15TH day of March, 1993, and presented to the Mayor for his approval or rejection in accordance with Article III, Section 7 of the Charter on the 16TH day of March, 1993.

  
CLERK

**Approval:** I have approved this legislation this 22ND day of March, 1993 and filed it with the Clerk.

  
MAYOR



*The Western Reserve  
Engineering & Surveying Co.*

DIVISION OF W.R.E.S. CORPORATION

5533 CANAL ROAD • CLEVELAND, OHIO 44125 • TEL. (216) 524-0008  
FAX: (216) 524-4968

November 25, 1991

LEGAL DESCRIPTION  
FOR THE RE-ZONING  
OF PARCEL "A"  
FROM U-1, A-1 TO U-4B

Situated in the City of Beachwood, County of Cuyahoga, State of Ohio, and being part of Original Warrensville Township Lot 10, further bounded and described as follows:

Beginning at the intersection of the centerlines of Richmond Road and Cedar Road, said point also being the Northwesterly corner of Original Warrensville Township Lot 10; Thence due South along the centerline of Richmond Road, 533.00 feet to a point; Thence due East 30.00 feet to a point on the Easterly sideline of Richmond Road, said point also being the Southwesterly corner of a parcel of land conveyed to Plaza Partnership Limited Partnership by deed recorded in Volume 87-1995, Page 55 of Cuyahoga County Deed Records; Thence due East, along the Southerly line of said Plaza Partnership Limited Partnership parcel, 220.00 feet to the principal place of beginning of the parcel herein described;

Course No. 1 - Thence continuing due East, along the southerly line of aforesaid Plaza Partnership Limited Partnership parcel, 240.00 feet to a point, said point being the Northeast corner of a parcel of land conveyed to the Beachwood Place Limited Partnership by deed recorded in Volume 14460, Page 175 of Cuyahoga County Deed Records;

Course No. 2 - Thence due South, 1120.00 feet to a point, said point being the Southeast corner of said Beachwood Place Limited Partnership parcel;

November 25, 1991

Legal Description  
for the Re-zoning of Parcel "A"  
from U-1, A-1 To U-4B

Course No. 3 - Thence due West, 180.00 feet to the southeasterly corner of a parcel of land conveyed to Plaza Holding Corporation, by deed recorded on October 10, 1986 of Cuyahoga County Deed Records;

Course No. 4 - Thence continuing due East 60.00 feet along the southerly property line of said Plaza Holding Corporation parcel to a point;

Course No. 5 - Thence due North, 1120.00 feet to the principal place of beginning, and containing 6.1708 Acres, be the same more or less but subject to all legal highways.

CEDAR ROAD (VARIES)



741-24-17  
PLAZA PARTNERSHIP  
LIMITED PARTNERSHIP

SCALE:  
1" = 200'

RICHMOND ROAD (VARIES)

532.84'

30'

220.00'

240.00'  
EAST

RICHMOND ROAD

"A"

NORTH 1120.00'

SOUTH 1120.00'

741-24-3  
BEACHWOOD PLACE  
LIMITED PARTNERSHIP

741-24-4  
PLAZA HOLDING  
CORPORATION

240.00'  
WEST



Western Reserve  
Engineering &  
Surveying Co.

DIVISION OF W.R.E.S. CORPORATION  
8430 CANAL ROAD / CLEVELAND, OHIO 44126 / (216) 824-0001

741-24-11  
PLAZA HOLDING  
CORPORATION

GEORGE ZEIGER DRIVE

NOV. 26, 1991

SKETCH FOR "A"

BE-1060

**REPRESENTATIONS TO BEACHWOOD  
OFFERED BY BEACHWOOD PLACE LIMITED PARTNERSHIP TO DEMONSTRATE HOW  
IT WILL CONFORM TO BEACHWOOD ZONING LAWS, ASSIST AND COOPERATE WITH  
THE CITY IN ORDER THAT THE EXPANDED MALL SITE NOT ADVERSELY AFFECT  
OTHER AREA PROPERTIES AND RESIDENTS.**

**PREAMBLE:**

The Council of the City of Beachwood, (the "Council") with the recommendation of the Beachwood Planning and Zoning Commission (the "Commission") and the recommendation of the Mayor, and after an advertised public hearing and numerous other meetings where public comment was invited and received, determined to rezone a parcel of land immediately west of the existing Beachwood Place Shopping Center, ("BPLP") an area of 6.1708 acres (240 feet x 1120 feet), as more fully described on Ex. 'A' in order to permit off-street parking, driveways and landscaping on the rezoned land, which will permit the existing shopping mall to be enlarged.

The Council, having considered the numerous advantages to Beachwood which will result from the said rezoning, and these representations, adopted Ordinance 1992-39. The advantages include, among others, the fact that "BPLP" has the right to expand the existing Beachwood Place mall substantially beyond the limitations of this agreement without this rezoning by constructing structured parking and the additional protection to neighboring properties resulting from this agreement. This document implements and provides enforcement for regulations of the City now adopted and additional regulations which the Commission and/or Council are authorized to request or require as a part of the preliminary and final site plan review process, required of all property owners prior to construction of new developments.

The Council, after a close examination of all of the facts determined that there were numerous advantages to the City to permit the mall to be enlarged. However, Council also recognized that the mall may have some impact on the City unless protective steps were taken.

"BPLP" represented to the Commission and the Council that it would not create any negative impact in the City as a result of the said expansion and requested the Council to adopt the rezoning of the said land by offering to limit the future preliminary and final site development plan and be regulated as is set forth herein. This document is not a contract between the City and "BPLP". Rather it is a declaration of conditions which will be included in the preliminary and final site development plan to be filed prior to the construction of the improvements permitted by the Beachwood code and the reasonable means which both the City and "BPLP" have agreed will cause the best use of the land without intrusion and negative impact on other area properties and residents.

The contents of this document and the representations of "BPLP" are material to the City and are enforceable by the City as follows:

CONDITIONS TO BE INCLUDED IN THE PRELIMINARY AND FINAL SITE DEVELOPMENT PLAN:

Development requirements and limitations which "BPLP" has proposed and Council hereby accepts, are as follows:

**CONCEPT:**

The submissions and representations of "BPLP" propose the expansion of the shopping center to include an increase in the size of Dillard's (formerly known as Higbees) by permitting it to add an additional floor and expand its existing store, adding a third major department store and the expansion of the existing mall to include smaller specialty stores. Following the public hearing, in response to concerns of the public and further study by Council, "BPLP" amended its application and the Council has accepted improvements to earlier plans, now called Plan 'C', with the requirements which are included in the amended Ordinance, as set forth in detail herein.

**FINAL SITE PLANS AND REPRESENTATIONS:**

When "BPLP", or Dillard's, files a preliminary and/or final site development plan with the Planning Commission, requesting approval to construct all or any part of the expansion of the Beachwood Place mall, it agrees that the following limitations and requirements shall be included:

PLAN C, DATED FEBRUARY 22, 1993:

The drawing shows a conceptual expansion of Beachwood Place, including an expansion of the Dillard's department store, an expansion of the existing mall building, the addition of a third department store and the addition of a small underground parking structure. This plan may require some adjustments as final real estate agreements with Dillard's and the third department store are approved and final plans are drawn. However, "BPLP" understands and has agreed that no material or substantial adjustment will be made to Plan "C" without the approval of the Planning and Zoning Commission and Council.

MAXIMUM LIMITS ON EXPANSION:

The total expansion of all of the buildings shall not exceed 365,000 square feet of Gross Leasable Area, (GLA) to be allocated among the expansion of the existing mall building, the expansion of Dillard's department store building and the third department store as follows:

- (a.) Dillard's: May increase in size by adding one additional floor, not to exceed (a) 35 feet in height measured from the upper parking surface (south elevation) and (b) enlarging the existing floors, but the total of (a) and (b) shall not exceed 110,000 sq. feet of GLA.
- (b.) New Department Store: May be constructed, not to exceed (a) 35 feet in height measured from the upper parking surface (east elevation) and (b) 200,000 sq. feet of GLA.
- (c.) Existing mall: May be enlarged, but it's size shall be determined by subtracting the total of (1) the square feet added to Dillard's (but not more than 110,000 sq. feet GLA) plus (2) the total of the square feet used by the new department store (but not more than 200,000 sq. feet GLA) from the total permitted for the mall expansion of 365,000 square feet GLA. However, in no event shall the existing mall (exclusive of department stores) be enlarged by more than 125,000 sq. feet of GLA.

ALLOCATION OF SPACE IN EXPANDED MALL:

Council recognizes that "BPLP" has been unable to negotiate with Dillard's and a proposed new department store prior to the rezoning process. After rezoning becomes law, and following such negotiations, "BPLP" will inform the Council and the Planning Commission what the allocation of space will be between the two department stores and the mall itself, and in what manner it proposes to develop the site within all of the requirements and limitations herein stated or referred to, by submitting preliminary and final site development plans to the Planning Commission. "BPLP" agrees to identify the new department store to the City as soon as reasonably possible after it reaches an agreement with such store.

OFF-STREET PARKING:

Off-street parking shall be provided for the entire shopping center on both the existing parking lot and the land to be rezoned as required by the Beachwood zoning code. At the time of the first approval, in 1976, the Planning Commission with the advice of it's planning consultant, recommended, the Commission found and the Council approved the finding and application of the parking code to be a formula which computes out to be 5.0 parking spaces for each 1,000 square feet of gross leasable area included within all of the buildings. That number was previously computed in 1976 and applied when the mall was built and the same formula used then will be applied to any expansion of this mall.

HEIGHT OF MALL:

The height of the mall and department stores shall conform to Section 1123.02(e) of the Zoning Code, as aforesaid.

TREES AND LANDSCAPING:

Trees and landscaping will be planted on the entire mall side abutting George Zeiger Drive, from Cedar Road (already planted to south mall entrance) extending to 200 feet east of Richmond Road, as shown on Plan "C". Such trees shall be planted and then maintained at not less than thirty (30) foot intervals with the final plan to be approved by the Planning Commission.

MASONRY WALL:

"BPLP" shall construct a masonry wall along the west line of the 6.1708 acre parcel. The design, materials, location and height of this wall, and landscaping in connection therewith, shall be determined by the Commission. The wall shall be built not less than six (6) feet above grade and completed before construction begins for the enlargement of the mall or the new department store. In the event that "BPLP" or Dillard's requests permission to begin the construction of Dillard's prior to the construction of the third department store and/or the mall expansion, and in the further event that additional parking to service Dillard's is required on any part of the parking lot to be built on the land herein rezoned, then the Commission shall require "BPLP" to construct as much of the said wall as the Commission determines to be reasonably necessary for the protection of the neighboring residents at the same time that the parking lot is built.

LAND USE LIMITATIONS:

"BPLP" shall execute and deliver to the City appropriate instruments running with the land and approved by the Law Director, by which it declares, covenants and agrees, on behalf of itself and any future owner, that it will (1) not erect or permit the erection of any building or other structure in the triangular-shaped area at the southwest corner of George Zeiger Drive and Cedar Road currently used as a retention pond, except for signs, utility and other equipment, and facilities required for storm drainage or retention, (Ex. B1); (2) limit the land being re-zoned, as herein stated (Ex. B2) and (3) limit the use of the land now owned or controlled by "BPLP", fronting on the east side of Richmond Road, contiguous to the land being rezoned herein, to Beachwood zoning Class U-1 (Single Family) only. (Ex. B3) The 6.1708 acre parcel after rezoning shall be used only for parking, accessory driveways to gain access to or exit from the existing mall site, and landscaping, as accessory uses.

"BPLP" will not lease or permit others under contract with it to lease any space in the mall and the department stores for a movie theater or a game room as a primary use. This limitation shall not forbid the mall, mall tenants or a department store from showing movies or providing a limited number of games, accessory to the ordinary business of the mall, mall tenants or a department store, such as, for example, the promotion or sales of merchandise or services, using a party room not open to uninvited guests or for occasional special events. Dillard's shall join in this agreement as it affects Dillard's.

VARIANCES:

"BPLP" represents that it has no expectation of requesting any variances from the City, and understands that the City has no obligation to grant such variances. "BPLP" agrees that it will not request any variances from the City other than nominal variances.

OPERATIONAL LIMITATIONS:

"BPLP" agrees to minimize its operation of sweepers, snow removal and rubbish equipment during the night hours, to limit and regulate truck deliveries during such hours by its tenants and other occupants of the shopping center to the extent possible under existing leases, operating agreements and contracts and to comply with laws adopted for the regulation of all shopping centers in the City.

ADDITIONAL COSTS PAID BY "BPLP":

To offset the costs to the City relating to this rezoning and the resulting development, "BPLP" agrees to pay for:

One traffic signal and controllers on George Zeiger Drive, on the south side of the mall, at a location to be selected by the City, when required by the City Council.

Reimbursement to Beachwood within sixty (60) days after billing for all Beachwood's costs and expenses related to this rezoning procedure and later development, except for costs which will be included in any assessment procedure. These costs include such items as engineering fees, traffic studies, attorney fees, advertising and hearing costs for meetings and public hearings.

Reimbursement of Beachwood's cost of George Zeiger street lighting assessments, which equals two percent of the cost.

Relocation of the south George Zeiger Drive shopping center entrance road to (about) 450 feet east of the main entrance to The Village, closing the present location with regrading and landscaping when required by the Planning Commission, but not later than the start of construction of the new department store.

As part of the above relocation, "BPLP" will also pay for an additional traffic lane on George Zeiger Drive between the new entrance and the entrance drive to The Village. This lane will provide for left turns in both directions. Any land owned by "BPLP" required to accommodate this improvement shall be donated to the City by "BPLP" without cost, but "BPLP" shall be credited with such land for all computations required by City code. "BPLP" agrees to submit a Petition for the added traffic lane improvement and the City agrees to cause the improvement to be constructed by an assessment procedure at no cost to the City of Beachwood.

SIDEWALKS AND CROSSWALKS:

"BPLP" shall provide sidewalks and crosswalks from The Hamptons (formerly Mark IV) property directly to the sidewalk leading to the Dillard's department store and from the future expansion area southward to the Village entry way for use by pedestrians. The location and dimensions of such sidewalks and crosswalks shall be shown on the final site development plan for the expansion and shall be subject to the approval of the Planning and Zoning Commission.

PLANNING AND ZONING COMMISSION:

During the process of review and approval of preliminary and final site development plans by the Planning Commission, the Commission will:

Study and review sight, sound and safety matters related to the mall, and note any requirements in it's approval. In the event that the Council requests "BPLP" to start this process at an earlier time for the existing mall and in preparation for the said expansion, "BPLP" agrees to cooperate with the City.

Review the order and manner of the development in order to limit the intrusion to surrounding residential properties. The submitted plans must demonstrate how "BPLP" intends to reasonably protect persons residing in nearby properties from noise, dirt and other intrusions.

Receive a plat to be filed by "BPLP" and approved by the City Engineer and Council to join the lot being rezoned into the existing mall lot.

DILLARD'S AGREEMENT:

"BPLP" represents that it will provide Beachwood with a document evidencing Dillard's agreement to be lawfully bound by all of the terms and conditions of this Ordinance and attachments, as it relates to Dillard's, as soon as reasonably possible. "BPLP" agrees that it must file such agreement with the City in a form satisfactory to the Law Director as a condition precedent to an application by "BPLP" or Dillard's for any improvement permitted by Ordinance 1992-39 and its attachments and neither "BPLP" nor Dillard's will apply for any plan approval or building permit until such document is on file with the City.

QUALITY OF NEW STORES AND MALL:

Both the officials of the City and the residents of the City have expressed concerns regarding the identity of the new department store. "BPLP" reports that it cannot enter into meaningful negotiations with interested department stores until after rezoning is achieved. The City approved the original shopping mall based upon representations that the mall would be a fashion mall, attractively designed, built and well managed. "BPLP" has met or exceeded such representations in the past and reaffirms such representations now, further representing that the new department store will be of a quality consistent with the existing Saks Fifth Avenue and Dillard's department stores.

ASSESSMENTS BY BEACHWOOD:

The Council agrees to consider construction of all of the improvements located on public land and other places, which are required of "BPLP" by the terms of this Ordinance, and any of its attachments, using an assessment procedure, where legally possible.

**SEVERABILITY:** If any part of this document is found to be invalid, it shall not invalidate Ordinance 1992-39 or other valid parts of this document.

**WHEREFORE,** this document, known as Exhibit 'B', was signed this \_\_\_ day of March, 1993 at Beachwood, Ohio and it shall be binding on Beachwood Place Limited Partnership, its successors, assigns and those who contract with it.

**BEACHWOOD PLACE LIMITED PARTNERSHIP:** BY: Beachwood Place, Inc.  
General Partner

By: R. D. Reidy

Robert D. Reidy  
Vice President

**ATTACHMENTS:**

A list of the Exhibits which are a part of Exhibit 'B' are indexed as follows:

- A. Legal description of land being rezoned.
- B1. Deed restriction for retention basin.
- B2. Deed restriction for land being rezoned.
- B3. Deed restriction for Richmond Road residential property.
- B4. Plan C Drawing.
- B5. Written agreement of Dillard's agreeing to the terms and conditions of this document. (to be submitted at a later date)

[TRIANGULAR PARCEL -  
STORM DRAINAGE]

DECLARATION OF RESTRICTIONS

THIS DECLARATION made this 15th day of March, 1993 by BEACHWOOD PLACE LIMITED PARTNERSHIP, an Ohio limited partnership ("Declarant"), is to evidence the following.

W I T N E S S E T H:

WHEREAS, Declarant is the owner of certain real property situated in the City of Beachwood, County of Cuyahoga, State of Ohio at the southwest corner of George Zeiger Drive and Cedar Road, which is described in Exhibit "A" attached hereto and made a part hereof, which is currently used as a retention pond and which is hereinafter referred to as the "Premises";

WHEREAS, Declarant owns and operates a retail shopping mall situated on real property adjacent to the Premises located in the City of Beachwood, County of Cuyahoga, State of Ohio, on Cedar Road, and known as Beachwood Place;

WHEREAS, Declarant desires to enlarge and enhance Beachwood Place;

WHEREAS, the existing Beachwood Place and the proposed additions thereto as shown on the proposed site plan attached hereto as Exhibit "B" (the "Site Plan") are hereinafter referred to as the "Shopping Mall";

WHEREAS, the City of Beachwood on the 15th day of March, 1993, enacted an ordinance, being Ordinance No. 1992-39, as amended;

WHEREAS, Declarant has made certain representations to the City of Beachwood by which Declarant agreed to execute and deliver to the City certain restrictions relating to the use of the Premises;

WHEREAS, the restrictions which are the subject of Declarant's representations to the City of Beachwood provide, in part, that the Premises may not be used for the construction of any building or other structure except for signs, utility and other equipment and for facilities required for storm drainage and retention; and

WHEREAS, this Declaration of Restrictions is intended to satisfy the representations made by Declarant with respect to said restrictions and the regulations of the City of Beachwood.

NOW, THEREFORE, Declarant, for itself and its successors and assigns, hereby covenants and declares that:

1. Definitions. The following words when used in this Declaration shall have the following meanings:

(a) "City". The City of Beachwood, Ohio, an Ohio municipal corporation.

(b) "Council". The Council of the City of Beachwood, Ohio.

2. Exclusive Use of Premises. The Premises shall not be used for the erection or maintenance of any building or other structure (regardless of its function or use) except as expressly provided in this Section 2. The Premises may be used for storm drainage and retention basin and for the construction, reconstruction, storage, maintenance and repair of signs, utility and other equipment and facilities required for storm drainage and retention, and for such other purposes permitted by the Beachwood Zoning Code.

3. General Provisions.

(a) The restrictions of this Declaration of Restrictions are intended for the sole benefit of the City and may be modified or amended by the Declarant, its successors and assigns, in whole or in part, only with the consent of the City.

(b) This Declaration of Restrictions shall run with the land and shall be binding upon the Declarant and its successors and assigns, but only with respect to the period of Declarant's interest in the Premises or any portion thereof, and only for so long as the real property on which the Shopping Mall is situated shall be used as a retail shopping mall.

(c) If, (i) for any reason, Ordinance No. 1992-39, as amended, does not become effective within a period of one (1) year from and after the date of recording of this Declaration of Restrictions, or (ii) Declarant elects not to proceed with the expansion of the existing retail shopping mall and requests the City to re-zone the premises which are being re-zoned pursuant to said Ordinance, Declarant, by notice to the City, may declare this Declaration of Restrictions null and void, in which event, the City shall forthwith execute and deliver to Declarant an



ACCEPTANCE

The Council of the City of Beachwood, by Ordinance No. 1992-39, as amended, has accepted this Declaration of Restrictions which shall be promptly recorded.

  
Dale L. Davis, Clerk of Council

This Instrument Prepared By:

Armond D. Arnson, Esq.  
Kahn, Kleinman, Yanowitz & Arnson Co., L.P.A.  
2600 Tower at Erieview  
1301 East Ninth Street  
Cleveland, Ohio 44114-1824  
(216) 696-3311

**LEGAL DESCRIPTION OF STORM WATER DETENTION BASIN EASEMENT  
BEACHWOOD PLACES LIMITED PARTNERSHIP  
PERMANENT PARCEL NUMBER 741-25-006**

Situated in the City of Beachwood, County of Cuyahoga, State of Ohio and known as being part of Original Warrensville Township Lot No. 10 and being more fully described as follows:

Commencing at the Northeast corner of Original Lot 10 also being the Southeast corner of Original Lot 81 as marked with a 3/4" iron pin monument; Thence North 89°-28'-20" West along the Northerly boundary of Original Lot No. 10, said boundary also being the Northerly Corporation Limits of the City of Beachwood, and the old centerline of Cedar Road, a distance of 763.48 feet to a P.K. set at the Northerly projection of the Easterly right-of-way of George Zeiger Drive, Thence continuing North 85°-28'-20" West along said Corporation Line, a distance of 42.00 feet to the centerline of George Zeiger Drive as recorded in Volume 258, Page 57 of the Cuyahoga County Map Records; Thence South 00°-20'-12" West along said centerline a distance of 305.00 feet to a point; Thence North 89°-39'-48" West, a distance of 78.00 feet to a point on the Westerly right-of-way of George Zeiger Drive, said point being also along the Easterly property line of a parcel of land conveyed to Beachwood Places Limited Partnership, as being described as Parcel A-2 in Volume 14460, Page 175, Cuyahoga County Deed Records and the principal place of beginning;

Thence continuing North 89°-39'-48" West, a distance of 80.00 feet to a point;

Thence North 46°-35'-14" West, a distance of 130.00 feet to a point;

Thence North 29°-47'-25" West, a distance of 135.00 feet to a point;

Thence North  $2^{\circ}-24'-28''$  East, a distance of 38.73 feet to a point on the Southerly right-of-way of Cedar Road as widened and recorded in Volume 258, Page 56 of Cuyahoga County Map Records;

Thence continuing along the arc of a curve deflecting to the left and having a chord bearing of South  $87^{\circ}-55'-02''$  East, a chord length of 130.59 feet, a radius of 11510.16 feet and an arc length of 130.59 feet to a point;

Thence South  $1^{\circ}-40'-25''$  West, a distance of 5.00 feet along said Southerly right-of-way to a point;

Thence South  $52^{\circ}-40'-25''$  West, a distance of 8.00 feet along said right-of-way to a point;

Thence South  $37^{\circ}-19'-35''$  East, a distance of 14.00 feet along said right-of-way to a point;

Thence South  $88^{\circ}-19'-35''$  East, a distance of 28.82 feet along said right-of-way to a point;

Thence North  $40^{\circ}-40'-25''$  East, a distance of 14.00 feet along said right-of-way to a point;

Thence North  $49^{\circ}-19'-35''$  West, a distance of 8.00 feet along said right-of-way to a point;

Thence North  $1^{\circ}-40'-25''$  East, a distance of 5.00 feet along said right-of-way to a point;

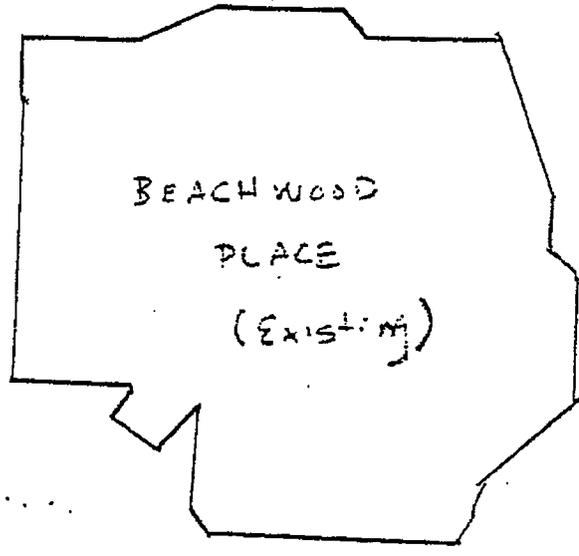
Thence continuing along said right-of-way along the arc of a curve deflecting to the left and having a chord bearing of South  $88^{\circ}-36'-10''$  East, a chord distance of 76.80 feet, a radius of 11510.16 feet and an arc length of 76.80 feet to a point;

Thence South  $00^{\circ}-20'-12''$  West, a distance of 238.08 feet along the Westerly right-of-way of George Zeiger Drive to the principal place of beginning, be the same more or less, but subject to all legal highways.

GEO. ZEIGER DRIVE

GEORGE DR

RICHMOND ROAD



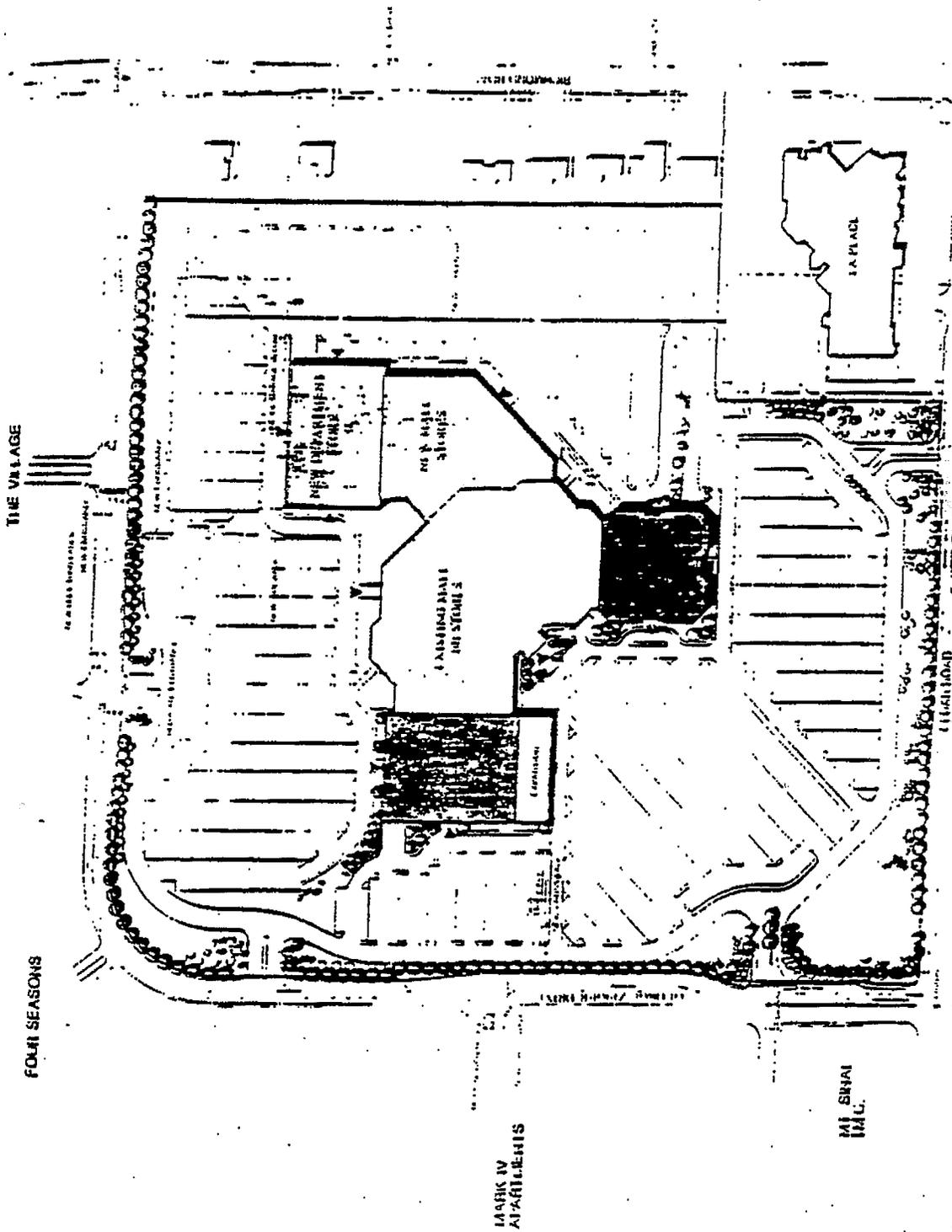
BEACHWOOD PLACE (Existing)

LA PLACE

CEDAR ROAD

N

EXHIBIT "B"



BEACHWOOD PLACE

REVISED PLAN "C"  
CONCEPT SITE PLAN

[6.1708 acres]

DECLARATION OF RESTRICTIONS

THIS DECLARATION made this 15th day of March, 1993 by BEACHWOOD PLACE LIMITED PARTNERSHIP, an Ohio limited partnership ("Declarant"), is to evidence the following.

W I T N E S S E T H:

WHEREAS, Declarant is the owner of certain real property situated in the City of Beachwood, County of Cuyahoga, State of Ohio which is described in Exhibit "A" attached hereto and made a part hereof and which is hereinafter referred to as the "Premises";

WHEREAS, Declarant owns and operates a retail shopping mall situated on real property adjacent to the Premises located in the City of Beachwood, County of Cuyahoga, State of Ohio, on Cedar Road, and known as Beachwood Place;

WHEREAS, Declarant desires to enlarge and enhance Beachwood Place, which expansion will necessitate the construction of additional parking spaces, landscaping and accessory driveways to gain access to or exit from the Shopping Mall;

WHEREAS, the existing Beachwood Place and the proposed additions thereto as shown on the proposed site plan attached hereto as Exhibit "B" (the "Site Plan") are hereinafter referred to as the "Shopping Mall";

WHEREAS, the City of Beachwood on the \_\_\_\_ day of \_\_\_\_\_, 199\_\_, enacted an ordinance, being Ordinance No. 1992-39, as amended, the effect of which was to rezone the Premises from Class U-1, Single Family District to Class U-4B, Shopping Center District, conditioned upon the receipt by the Law Director of the City of Beachwood of restrictions (in form satisfactory to said Law Director) restricting the use of the Premises as hereinafter set forth;

WHEREAS, Declarant has made certain representations to the City of Beachwood by which Declarant agreed to execute and deliver to the City said restrictions; and

WHEREAS, this Declaration of Restrictions is intended to satisfy the aforesaid condition of Said Ordinance No. 1992-39, as amended, as well as the representations made by Declarant with respect to said restrictions.

NOW, THEREFORE, Declarant, for itself and its successors and assigns, hereby covenants and declares that:

1. Definitions. The following words when used in this Declaration shall have the following meanings:

(a) "City". The City of Beachwood, Ohio, an Ohio municipal corporation.

(b) "Council". The Council of the City of Beachwood, Ohio.

2. Exclusive Use of Premises. The Premises shall be used, if at all, for the construction, reconstruction, maintenance, repair and operation thereon of parking facilities shown on Exhibit "B", accessory driveways to gain access to or exit from the Shopping Mall, landscaping as an accessory use for the Shopping Mall, and for no other purpose.

3. General Provisions.

(a) The restrictions of this Declaration of Restrictions are intended for the sole benefit of the City and may be modified or amended by the Declarant, its successors and assigns, in whole or in part, only with the consent of the City.

(b) This Declaration of Restrictions shall run with the land and shall be binding upon the Declarant and its successors and assigns, but only with respect to the period of Declarant's interest in the Premises or any portion thereof, and only for so long as the property adjacent to the Premises shall be used as a retail shopping mall.

(c) If, for any reason, (i) Ordinance No. 1992-39, as amended, does not become effective within a period of one (1) year from and after the date of recording of this Declaration of Restrictions, or (ii) Declarant elects not to proceed with the expansion of the existing retail shopping mall and requests the City to re-zone the Premises, Declarant, by notice to the City, may declare this Declaration of Restrictions null and void, in which event, the City shall forthwith execute and deliver to Declarant an acknowledgment in recordable form declaring this Declaration of Restrictions to be null and void and of no further force and effect whatsoever.

4. Notices. Every notice to the City which is required to be given or which may be given hereunder shall be deemed to have been sufficiently given or served by personal delivery or by being deposited, postage prepaid, registered or certified mail,

return receipt requested, in the United States mail addressed as follows or to such other address as the City may hereinafter designate in writing:

Mayor of the City of Beachwood  
2700 Richmond Road  
Beachwood, Ohio 44122

IN WITNESS WHEREOF, this Declaration of Restrictions is executed by Declarant this 15th day of March, 1993.

WITNESSES:

BEACHWOOD PLACE LIMITED PARTNERSHIP

By: Beachwood Place, Inc.,  
General Partner

By: R.D. Reidy  
Robert D. Reidy, Vice President

[Signature]  
Donald D. Carson

STATE OF OHIO )  
 )SS:  
COUNTY OF CUYAHOGA )

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named BEACHWOOD PLACE LIMITED PARTNERSHIP, an Ohio limited partnership, by Beachwood Place, Inc., a Maryland corporation, its General Partner, by Robert D. Reidy, its Vice President, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed individually and as Vice President of such General Partner and the free act and deed of said Partnership.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal at Cleveland, Ohio this 15<sup>th</sup> day of March, 1993.

Armond D. Arnson  
Notary Public Arnsah  
Armond D. Arnson  
Permanent Commissioner

ACCEPTANCE

The Council of the City of Beachwood, by Ordinance No. 1992-39, as amended, has accepted this Declaration of Restrictions which shall be promptly recorded.

Dale L. Davis  
Dale L. Davis, Clerk of Council

This Instrument Prepared By:

Armond D. Arnson, Esq.  
Kahn, Kleinman, Yanowitz & Arnson Co., L.P.A.  
2600 Tower at Erieview  
1301 East Ninth Street  
Cleveland, Ohio 44114-1824  
(216) 696-3311

LEGAL DESCRIPTION  
FOR THE RE-ZONING  
OF PARCEL "A"  
FROM U-1, A-1 TO U-4B

Situated in the City of Beachwood, County of Cuyahoga, State of Ohio, and being part of Original Warrensville Township Lot 10, further bounded and described as follows:

Beginning at the intersection of the centerlines of Richmond Road and Cedar Road, said point also being the Northwesterly corner of Original Warrensville Township Lot 10; Thence due South along the centerline of Richmond Road, 533.00 feet to a point; Thence due East 30.00 feet to a point on the Easterly sideline of Richmond Road, said point also being the Southwesterly corner of a parcel of land conveyed to Plaza Partnership Limited Partnership by deed recorded in Volume 87-1995, Page 55 of Cuyahoga County Deed Records; Thence due East, along the Southerly line of said Plaza Partnership Limited Partnership parcel, 220.00 feet to the principal place of beginning of the parcel herein described;

Course No. 1 - Thence continuing due East, along the southerly line of aforesaid Plaza Partnership Limited Partnership parcel, 240.00 feet to a point, said point being the Northeast corner of a parcel of land conveyed to the Beachwood Place Limited Partnership by deed recorded in Volume 14460, Page 175 of Cuyahoga County Deed Records;

Course No. 2 - Thence due South, 1120.00 feet to a point, said point being the Southeast corner of said Beachwood Place Limited Partnership parcel;

Course No. 3 - Thence due West, 180.00 feet to the Southeasterly corner of a parcel of land conveyed to Plaza Holding Corporation, by deed recorded on October 10, 1986 of Cuyahoga County Deed Records;

Course No. 4 - Thence continuing due East 60.00 feet along the Southerly property line of said Plaza Holding Corporation parcel to a point;

Course No. 5 - Thence due North, 1120.00 feet to the principal place of beginning, and containing 6.1708 Acres, be the same more or less but subject to all legal highways.

# CEDAR ROAD (VARIES)



741-24-17  
PLAZA PARTNERSHIP  
LIMITED PARTNERSHIP

SCALE:  
1" = 200'

RICHMOND ROAD (VARIES)

532.84'

30°

220.00'

240.00'  
EAST

"A"

NORTH 1120.00'

SOUTH 1120.00'

741-24-3  
BEACHWOOD PLACE  
LIMITED PARTNERSHIP

741-24-4  
PLAZA HOLDING  
CORPORATION

741-24-11  
PLAZA HOLDING  
CORPORATION

240.00'  
WEST



DIVISION OF W.R.E.S. CORPORATION  
5620 BAKAL ROAD / CLEVELAND, OHIO 44135 / (216) 524-4968

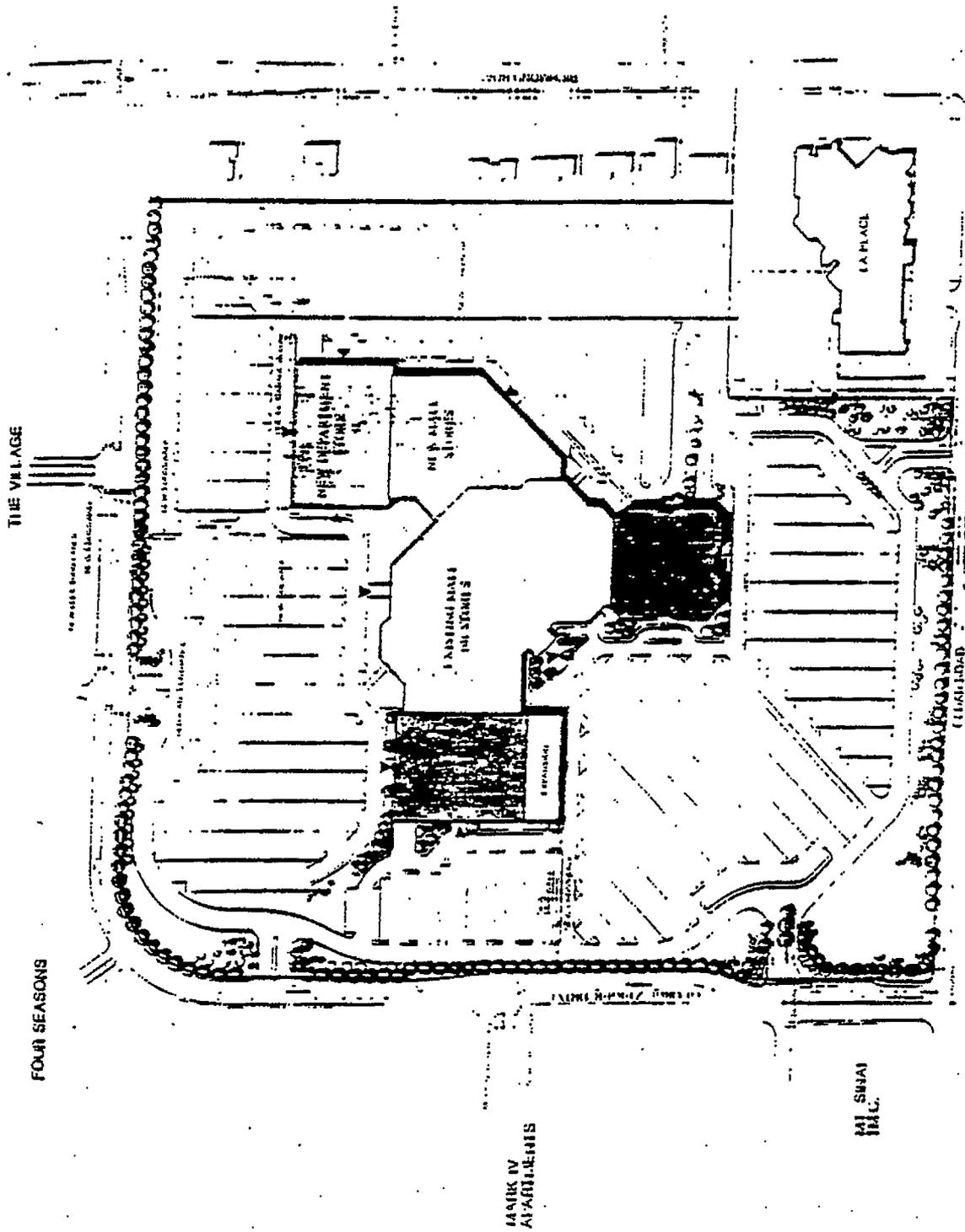
# GEORGE ZEIGER DRIVE

NOV. 26, 1991

## SKETCH FOR "A"

BE-1060

EXHIBIT "B"



# BEACHWOOD PLACE

REVISED PLAN "C"  
CONCEPT SITE PLAN



[RICHMOND ROAD FRONTAGE]

DECLARATION OF RESTRICTIONS

THIS DECLARATION made this 15th day of March, 1993 by BEACHWOOD PLACE LIMITED PARTNERSHIP, an Ohio limited partnership ("BPLP") and PLAZA HOLDING CORPORATION, an Ohio corporation ("PHC") (BPLP and PHC are sometimes hereinafter individually referred to as "Declarant" and collectively as "Declarants"), is to evidence the following.

W I T N E S S E T H:

WHEREAS, Declarants own and/or control eight (8) parcels of real property situated in the City of Beachwood, County of Cuyahoga, State of Ohio on the east side of Richmond Road, which are described in Exhibit "A-1" through "A-8 " attached hereto and made a part hereof and which are hereinafter referred to as the "Premises";

WHEREAS, BPLP owns and operates a retail shopping mall situated on real property in the vicinity of the Premises located in the City of Beachwood, County of Cuyahoga, State of Ohio, on Cedar Road, and known as Beachwood Place;

WHEREAS, PHC is an affiliate of BPLP;

WHEREAS, BPLP desires to enlarge and enhance Beachwood Place;

WHEREAS, the existing Beachwood Place and the proposed additions thereto as shown on the proposed site plan attached hereto as Exhibit "B" (the "Site Plan") are hereinafter referred to as the "Shopping Mall";

WHEREAS, the City of Beachwood on the 15th day of March, 1993, enacted an ordinance, being Ordinance No. 1992-39, as amended, the effect of which was to rezone certain real property owned by Declarant (located adjacent to the Premises) from Class U-1, Single Family District to Class U-4B, Shopping Center District, conditioned upon the receipt by the Law Director of the City of Beachwood of restrictions (in form satisfactory to said Law Director) restricting the use of the property being re-zoned pursuant to said ordinance;

WHEREAS, BPLP has made certain representations to the City of Beachwood by which BPLP agreed to execute and deliver to the City certain restrictions relating to the use of the Premises;

WHEREAS, the restrictions which are the subject of BPLP's representations to the City of Beachwood provide, in part, that the use of the Premises, which are currently zoned U-1 Single Family District, shall be restricted to the construction and maintenance of single-family residences and shall be used for no other purposes; and

WHEREAS, this Declaration of Restrictions is intended to satisfy the representations made by BPLP with respect to said restrictions and the regulations of the City of Beachwood.

NOW, THEREFORE, Declarants, for themselves and their respective successors and assigns, hereby, jointly and severally, covenant and declare that:

1. Definitions. The following words when used in this Declaration shall have the following meanings:

(a) "City". The City of Beachwood, Ohio, an Ohio municipal corporation.

(b) "Council". The Council of the City of Beachwood, Ohio.

2. Exclusive Use of Premises. The Premises shall be used, if at all, for the construction, reconstruction, occupancy and maintenance of single-family residences or for such other uses as are permitted in the Class U-1 ("Single Family") District under the Beachwood Planning and Zoning Code (Part Eleven of the Codified Ordinances of Beachwood).

3. General Provisions.

(a) The restrictions of this Declaration of Restrictions are intended for the sole benefit of the City and may be modified or amended by the Declarants, their respective successors and assigns, in whole or in part, only with the consent of the City.

(b) This Declaration of Restrictions shall run with the land and shall be binding upon the Declarants and their respective successors and assigns, but only with respect to the period of Declarants' interest in the Premises or any portion thereof, and only for so long as the real property on which the Shopping Mall is situated shall be used as a retail shopping mall.

(c) If, for any reason, (i) Ordinance No. 1992-39, as amended, does not become effective within a period of one (1) year from and after the date of recording of this Declaration of Restrictions, or (ii) BPLP elects not to proceed with the

expansion of the existing retail shopping mall and requests the City to re-zone the premises which are being re-zoned pursuant to said Ordinance, Declarants, by notice to the City, may declare this Declaration of Restrictions null and void, in which event, the City shall forthwith execute and deliver to Declarants an acknowledgment in recordable form declaring this Declaration of Restrictions to be null and void and of no further force and effect whatsoever.

4. Notices. Every notice to the City which is required to be given or which may be given hereunder shall be deemed to have been sufficiently given or served by personal delivery or by being deposited, postage prepaid, registered or certified mail, return receipt requested, in the United States mail addressed as follows or to such other address as the City may hereinafter designate in writing:

Mayor of the City of Beachwood  
2700 Richmond Road  
Beachwood, Ohio 44122

IN WITNESS WHEREOF, this Declaration of Restrictions is executed by Declarants this 15<sup>th</sup> day of March, 1993.

WITNESSES:

BEACHWOOD PLACE LIMITED PARTNERSHIP

Leonard H. [Signature]  
[Signature]

By: Beachwood Place, Inc.,  
General Partner

By: R. D. Reidy  
Robert D. Reidy, Vice President

Leonard H. [Signature]  
[Signature]

PLAZA HOLDING CORPORATION,  
an Ohio corporation

By: R. D. Reidy  
Robert D. Reidy, Vice-President

STATE OF OHIO )  
 )SS:  
COUNTY OF CUYAHOGA )

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named BEACHWOOD PLACE LIMITED PARTNERSHIP, an Ohio limited partnership, by Beachwood Place, Inc., a Maryland corporation, its General Partner, by Robert D. Reidy, its Vice President, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed individually and as Vice President of such General Partner and the free act and deed of said Partnership.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal at Cleveland, Ohio this 15<sup>th</sup> day of March, 1993.

Armond D. Arnsou  
Notary Public  
Armond D. Arnsou  
Permanent Commission

STATE OF OHIO )  
 )SS:  
COUNTY OF CUYAHOGA )

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named PLAZA HOLDING CORPORATION, an Ohio corporation, by Robert D. Reidy, its Vice President, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed individually and as such officer and the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal at Cleveland, Ohio this 15<sup>th</sup> day of March, 1993.

Armond D. Arnsou  
Notary Public  
Armond D. Arnsou  
Permanent Commission

ACCEPTANCE

The Council of the City of Beachwood, by Ordinance No. 1992-39, as amended, has accepted this Declaration of Restrictions which shall be promptly recorded.

  
\_\_\_\_\_  
Dale L. Davis, Clerk of Council

This Instrument Prepared By:

Armond D. Arnson, Esq.  
Kahn, Kleinman, Yanowitz & Arnson Co., L.P.A.  
2600 Tower at Erieview  
1301 East Ninth Street  
Cleveland, Ohio 44114-1824  
(216) 696-3311

Permanent Parcel No. 741-24-002

Owner: PLAZA HOLDING CORPORATION

Situated in the City of Beachwood, County of Cuyahoga and State of Ohio: and known as being part of Original Warrensville Township Lot No. 10 and bounded and described as follows: Beginning on the center line of Richmond Road, 60 feet wide, as a point distant 900 feet Northerly measured along said center line from the Northwestern corner of land conveyed to Betty Nichols Knutsen by deed dated March 24, 1946 and recorded in Volume 6058, Page 330 of Cuyahoga County Records; thence Northerly along the center line of Richmond Road, 120 feet; thence Easterly and at right angles with the center line of Richmond Road, 250 feet; thence Southerly and parallel with the center line of Richmond Road, 120 feet; thence Westerly in a direct line to the place of beginning.

Permanent Parcel No. 741-24-006

Owner: PLAZA HOLDING CORPORATION

Situated in the City of Beachwood, County of Cuyahoga and State of Ohio: and known as being part of Original Warrensville Township Lot No. 10, bounded and described as follows: Beginning on the center line of Richmond Road, 60 feet wide, at a point distant 580 feet Northerly, measured along said center line, from the Northwesterly corner of land conveyed to Betty Nichols Knutsen by deed dated March 24, 1946, and recorded in Volume 6058, Page 330 of Cuyahoga County Records; thence Northerly along the center line of Richmond Road, 120 feet; thence Easterly and at right angles to the center line of Richmond Road, 250 feet; thence Southerly and parallel with the center line of Richmond Road, 120 feet; thence Westerly in a direct line to the place of beginning, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 741-240-007

Owner: PLAZA HOLDING CORPORATION

Situated in the City of Beachwood, County of Cuyahoga and State of Ohio: and known as being part of Original Warrensville Township Lot No. 10, and bounded and described as follows: Beginning at a stone monument at the intersection of the center lines of Cedar and Richmond Roads; thence Southerly along the center line of Richmond Road, a distance of 978.00 feet to a point, the true place of beginning in this description; thence Easterly making an angle of 90 degrees with the center line of Richmond Road, a distance of 250.00 feet to a point; thence Southerly parallel with the center line of Richmond Road, a distance of 135.00 feet to a point; thence Westerly parallel with course number 1 herein, a distance of 250.00 feet to a point in the center line of Richmond Road; thence Northerly along the center line of Richmond Road, a distance of 135.00 feet to the true place of beginning.

Permanent Parcel No. 741-24-014

Owner: BEACHWOOD PLACE LIMITED PARTNERSHIP

Situated in the Village of Beachwood, County of Cuyahoga and State of Ohio: and known as being part of Original Warrensville Township Lot No. 10, and bounded and described as follows:

Beginning at a stone monument at the intersection of the center lines of Cedar and Richmond Roads; thence Southerly along the center line of Richmond Road a distance of 1233 feet to a point, the true place of beginning.

Course No. 1: Thence Easterly, making an angle of  $90^{\circ}$  with the center line of Richmond Road, a distance of 250 feet to a point;

Course No. 2: Thence Southerly parallel with the center line of Richmond Road a distance of 120 feet to a point;

Course No. 3: Thence Westerly, parallel with Course No. 1 herein, a distance of 250 feet to a point in the center line of Richmond Road;

Course No. 4: Thence Northerly along the center line of Richmond Road a distance of 120 feet to the true place of beginning herein, and being further known as Sublot No. 8 in the Cedar Richmond Realty Company's, proposed Subdivision No. 1 of part of Original Warrensville Township Lot No. 10.

Permanent Parcel No. 741-24-015

Owner: BEACHWOOD PLACE LIMITED PARTNERSHIP

Situated in the Village of Beachwood, County of Cuyahoga, and State of Ohio: and known as being Sublot No. 9 in Cedar Richmond Realty Co's. Proposted Subdivision No. 1 of part of Original Warrensville Township Lot. No. 10, and bounded and described as follows:

Beginning in the center line of Richmond Road (60 feet wide) at the Northwesterly corner of land conveyed to Betty N. Knutsen by deed dated March 24, 1946 and recorded in Volume 6058, Page 330 of Cuyahoga County Records, which point is distant Southerly along said center line, 1,553 feet from the Northerly line of Original Warrensville Township Lot No. 10, which is also the center line of Cedar Road (60 feet wide); thence Northerly along said center line of Richmond Road, 320 feet to the principal place of beginning; thence continuing Northerly along said center line of Richmond Road, 120 feet to the Southwesterly corner of land conveyed to Edith S. Baker by deed dated June 15, 1950 and recorded in Volume 7023, Page 347 of Cuyahoga County Records; thence Easterly along said Southerly line of land conveyed to Edith S. Baker as aforesaid, 250 feet to the Southeasterly corner thereof; thence Southerly parallel to the center line of Richmond Road 120 feet to a point; thence Westerly parallel to the Southerly line of land conveyed to Edith S. Baker as aforesaid, 250 feet to the principal place of beginning, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 741-24-012

Owner: BEACHWOOD PLACE LIMITED PARTNERSHIP

Situated in the City of Beachwood, County of Cuyahoga and State of Ohio, and known as being Sublot No. 6 in Cedar Richmond Realty Co's Proposed Subdivision No. 1 of part of Original Warrensville Township Lot No. 10, and bounded and described as follows:

Beginning in the center line of Richmond Road (60 feet wide) at the Northwestern corner of land conveyed to Betty N. Knutsen by deed dated March 24, 1946 and recorded in Volume 6058, Page 330 of Cuyahoga County Records, which point is distant Southerly along said center line, 1,553 feet from the Northerly line of Original Warrensville Township Lot No. 10; thence Easterly along the Northerly line of said land conveyed to Betty N. Knutsen as aforesaid, 250 feet to a point; thence Northerly and parallel to the center line of Richmond Road, 100 feet to a point; thence Westerly and parallel to the Northerly line of said land conveyed to Betty N. Knutsen as aforesaid, 250 feet to the center line of said Richmond Road; thence Southerly along the center line of said Richmond Road, 100 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 741-24-011

Owner: BEACHWOOD PLACE LIMITED PARTNERSHIP

Situated in the City of Beachwood, County of Cuyahoga and State of Ohio, and being part of Original Warrensville Township Lot No. 10, further bounded and described as follows: BEGINNING at the intersection of the centerlines of Richmond Road and Cedar Road, said point also being the Northwesterly corner of Original Warrensville Township Lot No.10; thence due South, along the centerline of said Richmond Road, 1653.00 feet to a point; thence due East, 50.00 feet to a point on the Easterly sideline of Richmond Road and the true place of beginning of the parcel herein described;

Course No. 1: Thence due East, 200.00 feet along the Southerly line of a parcel of land conveyed by deed recorded in Volume 6058, Page 330 of Cuyahoga County deed Records;

Course No. 2: Thence due South, 75.92 feet to a point on the Northerly sideline of George Zeiger Drive (80 feet wide), formerly known as Fashion Drive;

Course No. 3: Thence due West, along the Northerly sideline of said George Zeiger Drive (80 feet wide), 180.00 feet to a point of curvature therein;

Course No. 4: Thence along the arc of a curve deflecting to the right having a radius of 20.00 feet, a chord bearing N 45 deg. 00 min. 00 sec. W, 28.28 feet, an arc distance of 31.42 feet to a point of tangency in the Easterly sideline of Richmond Road;

Course No. 5: Thence due North, along the Easterly sideline of Richmond Road, 55.92 feet to the true point of beginning.





Permanent Parcel No. 741-24-004

Owner: PLAZA HOLDING CORPORATION

Situated in the City of Beachwood, County of Cuyahoga and State of Ohio: and known as being Sublot No. 5 in Cedar Richmond Realty Company's proposed Subdivision No. 1 of part of Original Lot No. 10, Warrensville Township and bounded and described as follows:

Beginning at a stone monument at the intersection of the center lines of Cedar and Richmond Roads; thence Southerly along the center line of Richmond Road a distance of 1553.00 feet to a point, the true place of beginning in this description:

Course No. 1: Thence Easterly, making an angle of 90 degrees with the center line of Richmond Road, a distance of 310.00 feet to a point;

Course No. 2: Thence Southerly, parallel with the center line of Richmond Road a distance of 100.00 feet to a point;

Course No. 3: Thence Westerly, parallel with Course No. 1, herein a distance of 310.00 feet to a point in the center line of Richmond Road;

Course No. 4: Thence Northerly, along the center line of Richmond Road, a distance of 100.00 feet to the true place of beginning herein, be the same more or less, but subject to all legal highways.