

AN ORDINANCE WAIVING CERTAIN DEED RESTRICTIONS, AUTHORIZING THE MAYOR TO ENTER INTO A DEVELOPMENT AGREEMENT WITH BEACHWOOD PLACE MALL, LLC; AND DECLARING AN EMERGENCY

WHEREAS, by Ordinance No. 1992-39, as amended, the Council of the City of Beachwood rezoned 6.178 acres of land from the boundary of LaPlace at the north to a point approximately 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; and

WHEREAS, said rezoning was conditioned inter alia upon the imposition of restrictions on the property being rezoned, to restrict the use of said property to the construction, reconstruction, maintenance, and operation of parking facilities, access driveways, and landscaping, as set forth in Exhibit A attached hereto; and

WHEREAS, at the time of the re-zoning, Beachwood Place Limited Partnership and Plaza Holding Corporation, also owned and controlled eight parcels of real property located on the east side of Richmond Road; and

WHEREAS, said rezoning was also conditioned upon the imposition of restrictions on said eight properties to limit their use to those uses permitted in Class U-1 (Single Family), as set forth in Exhibit B attached hereto; and

WHEREAS, by Ordinance 2013-51, this Council has now rezoned the parcels described in Exhibit B and certain other land, conditioned upon the execution and recording of a Development Agreement specifying certain site requirements not set forth in said rezoning; and

WHEREAS, by Ordinance 2013-82, this Council has authorized certain text changes to Chapter 1123, U-4B, Shopping Center District, also conditioned upon the execution of said Development Agreement; and

WHEREAS, in addition to the provisions of Chapter 1123 of the Beachwood Codified Ordinances as amended, the City and Beachwood Place Mall, LLC desire to set forth Beachwood Place Mall LLC's obligations with respect to the development of the 60' Buffer Area as shown on the Plans (the "Buffer Area") and to limit direct vehicular access from a public right-of-way to Beachwood Place so that such access is permitted only from Cedar Road and George Zeiger Drive.

WHEREAS, said additional conditions are set forth in pertinent part in the Conceptual Site Plan (SP-02A) and the Conceptual Landscape Plan (SP-02B), each revised October 3, 2013 (the "Plans"), as referenced in the Development Agreement.

WHEREAS, Beachwood Place Mall, LLC is the successor-in-interest to Beachwood Place Limited Partnership and Plaza Holding Corporation and has requested that the Declarations of Restriction attached hereto as Exhibits A and B be rescinded.

ORDINANCE NO. 2013-

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

Section 1: This Council hereby authorizes the Mayor to enter into a Development Agreement with Beachwood Place Mall, LLC in the form attached hereto as Exhibit C, which Development Agreement shall be recorded in the deed records of Cuyahoga County.

Section 2: The Declaration of Restrictions attached hereto as Exhibit A is hereby rescinded in its entirety.

Section 3: The Declaration of Restrictions attached hereto as Exhibit B is hereby rescinded in its entirety.

Section 4: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 5: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare; and for the further reason that the Development Agreement with Beachwood Place Mall, LLC is necessary to create and retain jobs in the City of Beachwood.

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

Attest: I hereby certify this legislation was duly adopted on the 18th day of November, 2013, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 19th day of November, 2013.

Clerk

Approval: I have approved this legislation this 19th day of November, 2013, and filed it with the Clerk.

Mayor

[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.

EXHIBIT A

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.

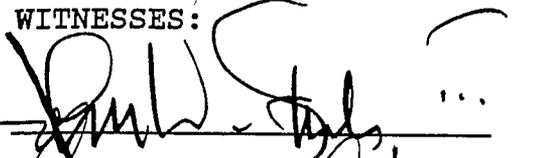
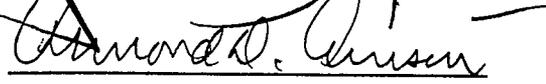
4. Notices. Every notice to the City which is required to be given or which may be given hereunder shall be deemed to have been sufficiently given or served by personal delivery or by being deposited, postage prepaid, registered or certified mail,

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

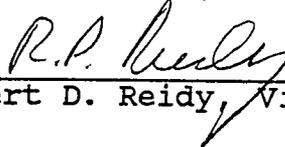
IN WITNESS WHEREOF, this Declaration of Restrictions is executed by Declarant this 15th day of March, 1993.

WITNESSES:

BEACHWOOD PLACE LIMITED PARTNERSHIP

By: Beachwood Place, Inc.,
General Partner

By: 
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 15th day of March, 1993.

Armond D. Arnson
Notary Public
Armond D. Arnson
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
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)

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



Western Reserve
Engineering &
Surveying Co.

DIVISION OF W.R.E.S. CORPORATION
9630 CANTON ROAD / CLEVELAND, OHIO 44124 / (216) 524-4968

GEORGE ZEIGER DRIVE

NOV. 26, 1991

SKETCH FOR "A"

BE-1060

[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 15th day of March, 1993.

WITNESSES:

BEACHWOOD PLACE LIMITED PARTNERSHIP

Leonard D. Johnson
John W. [Signature]

By: Beachwood Place, Inc.,
General Partner

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

Leonard D. Johnson
John W. [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 15th 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 15th 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 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 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.

EXHIBIT "A-3"

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° 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.

EXHIBIT "A-5"

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 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; 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;

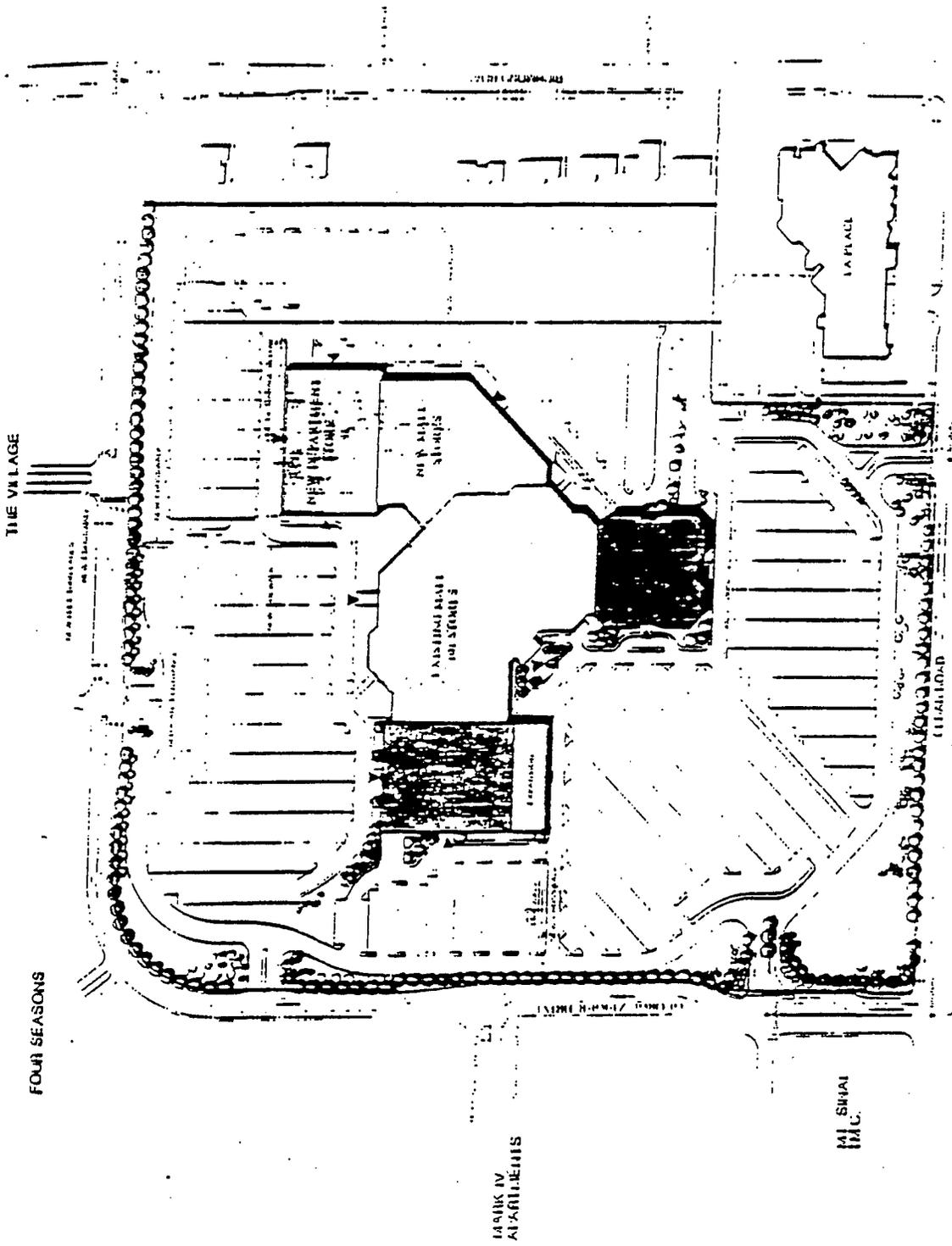
Course No. 2: Thence due South, 75.92 feet to a point on the Northerly sideline of George Zeiger Drive (80 feet wide), formerly known as Fashion Drive;

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.

EXHIBIT "B"



BEACHWOOD PLACE

REVISED PLAN "C"
CONCEPT SITE PLAN

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.