

DESCRIPTION OF PARCEL NO. 5

Situated in the State of Ohio, County of Muskingum, Township of Brush Creek, being in the southwest quarter of Section 24, Range 13 West, Township 11 North, of "The Congress Lands East of The Scioto River", and being bounded and described as follows:

Commencing for Reference at a 3/4" iron pipe found capped "Biedenbach RLS-5718" at the southwest corner of Section 24 (Note: Reference bearing on the west line of the southwest quarter of Section 24 used as North 05°46'31" East.);

Thence, with the south line of Section 24, South 84°18'22" East a distance of 1,191.15 feet to an iron pin set, being **THE TRUE POINT OF BEGINNING** for this description;

Thence, from said Point of Beginning and leaving the section line, North 09°48'30" West a distance of 884.82 feet to an iron pin set at the south line of the residue property of Steve E. and Brenda Wayne and described in Deed Volume 1609, Page 532 of the Muskingum County Recorder's Office, passing over the centerline of Township Road No. 130 (Leffler Road) at a distance of plus 33.16 feet and passing through two iron pins set at a distances of plus 63.16 feet and plus 163.16 feet, respectively;

Thence, with the south line of said Steve Wayne residue property, South 85°57'57" East a distance of 300.00 feet to a 5/8" iron pin found capped "Binckley PS-7879" at the southwest corner of a 5.000 acres tract as conveyed to Steve E. and Brenda Wayne by Deed Volume 1609, Page 531 of the Muskingum County Recorder's Office, passing through an iron pin set at a distance of plus 159.09 feet;

Thence, leaving the lines of said 5.000 acres tract and running with the west line of said Steve Wayne residue property,, South 05°08'40" West a distance of 311.36 feet to an iron pin set;

Thence, with the south line of said Steve Wayne residue property, South 84°18'22" East a distance of 128.35 feet to an iron pin set;

Thence, leaving the Wayne property line, South 05°08'40" West a distance of 550.00 feet to an iron pin set in the south line of Section 24, passing through three iron pins set at distances of plus 100.00 feet, plus 303.44 feet, and plus 503.44 feet, respectively, and passing over the centerline of Township Road No. 130 (Leffler Road) at a distance of plus 533.44 feet;

Thence, with the south line of Section 24, North 84°18'22" West a distance of 200.00 feet to The Point of Beginning;

Containing 5.287 acres, more or less, being a new split of Parcel No. 08-08-40-24-28-002.

Subject to all legal right-of-ways, easement, restrictions, reservations, and zoning regulations of record.

Subject to a 50.00 feet wide easement being reserved unto the grantors (Bruner Land Company, Inc.), their heirs, and/or assigns, forever. Said easement being for the purpose of running utilities to other parcels of land on or near Township Road No 130. Said easement runs in an east-west direction across the south part of the above-described property with the south line of said easement being the centerline of Township Road No. 130. Containing 0.230 acre, more or less, of easement.

Subject to the right-of-way of Township Road No. 130.

Subject to the 100-Year Flood Plain restrictions, if applicable.

All iron pins set are 5/8" x 30" rebar capped and labeled "Claus 6-2-02"

**OFFICE COPY
NOT RECORDABLE**

DESCRIPTION APPROVED
FOR AUDITOR'S TRANSFER
BY [Signature]

3-21-2002

The bearings in this description are for angle calculations only and are based on the west line of the southwest quarter of Section 24 used as North 05°46'31" East.

A plat of the above-described survey has been submitted for file at the County Engineer's Office.

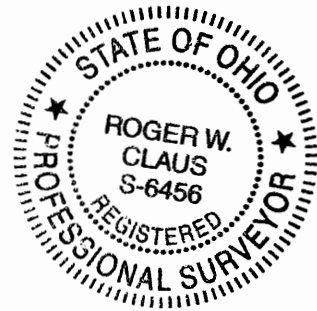
The above description prepared by Roger W. Claus, Registered Surveyor No. 6456, based on an actual field survey of February 21, 2002; said survey being subject to any facts that may be disclosed in a full and accurate title search.

Prior deed: Official Records Volume 1650, Page 70

Surveyor: _____

Date: _____

**OFFICE COPY
NOT RECORDED**
2-02



BRUNER-WAYNE SUBDIVISION

SHEET 1 OF 2

PLAT BOOK ____, PAGE ____

BRUNER - WAYNE SUBDIVISION PROTECTIVE COVENANTS:

THE FOLLOWING PROTECTIVE COVENANTS ARE COVENANTS RUNNING WITH THE LAND UNTIL JANUARY 1, 2075, AND MAY BE ENFORCED (THROUGH INJUNCTION OR OTHERWISE) BY ANY OWNER ACQUIRING ANY PART OF THE LAND ACQUIRED BY THE UNDERSIGNED IN BRUSH CREEK TOWNSHIP BY DEED RECORDED IN OFFICIAL RECORDS VOLUME 1650, PAGE 70 IN THE LAND RECORDS OF MUSKINGUM COUNTY, OHIO.

- (1) NO MORE THAN TWO RESIDENCES PER TRACT SHALL BE PERMITTED.
- (2) ANY MOBILE HOME PLACED ON SAID PROPERTY SHALL NOT BE OVER 10 (ten) YEARS OF AGE AT TIME OF PLACEMENT, SHALL CONTAIN A MINIMUM OF 700 SQUARE FEET AND SHALL BE UNDER SKIRTED AT TIME OF PLACEMENT.
- (3) NO INOPERATIVE OR UNLICENSED VEHICLES MAY BE PLACED ON SAID LOTS. NO ACCUMULATION OF DISCARDED PERSONAL EFFECTS, DEBRIS, WASTE, GARBAGE, OR ANY UNSIGHTLY OBJECTS OR MATTER WILL BE PERMITTED ON ANY LOT.
- (4) NO NOXIOUS OR OFFENSIVE ACTIVITY SHALL BE CARRIED ON UPON ANY LOT.
- (5) BEFORE OCCUPANCY OF ANY HOUSE OR MOBILE HOME, A SEWAGE DISPOSAL SYSTEM SHALL BE INSTALLED IN CONFORMITY WITH THE MINIMUM STANDARDS REQUIRED BY THE COUNTY BOARD OF HEALTH.
- (6) BEFORE ANY CONSTRUCTION TAKES PLACE, THE PURCHASER MUST CONTACT THE LOCAL GOVERNMENT AUTHORITY TO MAKE SURE THEY ARE IN COMPLIANCE WITH THE LOCAL LAWS.
- (7) ALL LOTS ARE TO BE USED FOR RESIDENTIAL, AGRICULTURAL, OR RECREATIONAL PURPOSES, (THOUGH THE LOT OWNER MAY STORE EQUIPMENT AND MATERIAL USED IN A BUSINESS IN A WELL CONSTRUCTED AND ENCLOSED BUILDING ON THE PROPERTY). THE PROPERTY IS NOT TO BE USED FOR COMMERCIAL ENTERPRISES (WITH CUSTOMERS COMING AND GOING) WITH THE EXCEPTION OF CHURCHES, RIDING STABLES, HORSE FARM, CATTLE FARM, OR TRUCK FARM (FRUITS AND VEGETABLES).
- (8) NO SWINE ARE PERMITTED. LARGER DOMESTIC FARM ANIMALS (INCLUDING BUT NOT LIMITED TO HORSES, CATTLE, SHEEP, GOATS, AND LLAMAS) ARE PERMITTED, BUT SHALL BE LIMITED TO ONE (1) PER ONE (1) ACRE OF FENCED PASTURE. THE PASTURE SHALL NOT BE OVER GRAZED BUT SHALL BE HEALTHY AND THICK, AND WEEDS SHALL BE CONTROLLED. NOISE AND ODORS FROM ANY ANIMAL SHALL BE CONTROLLED SO THAT NEITHER SHALL BE OFFENSIVE TO ADJOINING NEIGHBORS.
- (9) DOGS, CATS, AND OTHER HOUSEHOLD PETS SHALL NOT BE BRED OR MAINTAINED FOR COMMERCIAL PUPOSES.
- (10) NO TENT, CAMPER, SCHOOL BUS, OR RECREATIONAL VEHICLES SHALL BE USED AS A RESIDENCE, EITHER TEMPORARY OR PERMANENT.
- (11) ANY RESIDENCE ERECTED ON SAID LOTS SHALL BE AT LEAST 700 SQUARE FEET OF INDOOR HEATED AREA (EXCLUDING BASEMENT AND GARAGE) AND SHALL HAVE A FINISHED SIDING SUCH AS RUSTIC WOOD, FRAME, BRICK VENEER, PRESS BOARD, OR CONTEMPORARY SIDING.
- (12) ANY BUILDING OR STRUCTURE PLACED ON SAID PROPERTY SHALL BE SET-BACK A MINIMUM OF 75 FEET FROM THE CENTER OF THE EXISTING ROAD UNLESS A LESSER SET-BACK IS REQUESTED BY PUBLIC AUTHORITY.
- (13) WHERE THESE PROTECTIVE COVENANTS AND THE ZONING ORDINANCES OF BRUSH CREEK TOWNSHIP IN MUSKINGUM COUNTY ARE IN CONFLICT, THE STRICTER REQUIREMENT WILL PREVAIL.
- (14) INVALIDATION OF ANY OF THESE COVENANTS BY JUDGEMENT OF COURT ORDER SHALL, IN NO WAY AFFECT ANY OF THE OTHER PROVISIONS, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.
- (15) ~~NOTHING CONTAINED HEREIN SHALL BE CONSTRUED AS CREATING ANY OBLIGATION ON THE PART OF BRUNER LAND COMPANY, INC. TO ENFORCE THESE PROTECTIVE COVENANTS.~~
- (16) THE PURCHASERS OF THIS FARM OR ANY LOT, FOR THEMSELVES, THEIR HEIRS AND ASSIGNS, BY THE ACCEPTANCE OF THE CONVEYANCE OF SAID FARM OR LOTS, AGREE TO BE BOUND BY THE COVENANTS CONTAINED HEREIN AND ARE THE PRIMARY ENFORCERS OF THESE CONVENANTS.

TOTAL FARM = 41.123 ACRES
NEW SURVEY FOR BRUNER LAND CO., INC.
O.R. VOL. 1650, PG. 70
NEW PARCEL NO. 08-08-40-24-28-002
PRIOR OWNERS:
STEVE E. AND BRENDA WAYNE
D.V. 1609, PG. 532
PART OF ORIGINAL
PARCEL NO. 08-08-40-24-28-001

PERTINENT DOCUMENTS

- (1) ALL DEEDS AS SHOWN.
- (2) COUNTY TAX MAPS.
- (3) U.S.G.S. QUAD. MAP "BRUSH CREEK"
- (4) ASCS AERIAL PHOTO
- (5) TWO SURVEY PLATS BY L. PETER DINAN
- (6) TWO SURVEY PLATS BY DONALD E. BINCKLEY II
- (7) SURVEY PLAT BY W. J. BIEDENBACH
- (8) SURVEY PLAT BY DENNIS P. HAGAN
- (9) THREE SURVEY PLATS BY R. L. DANIELS
- (10) SURVEY PLAT BY MICHAEL D. NICHOLS

- =
- ⊙ = 1/2" X 30" IRON PIN FOUND CAPPED "CLAUS 6456".
- = 5/8" X 30" IRON PIN SET CAPPED "CLAUS 6456"
- = 5/8" IRON PIN FOUND UNCAPPED.
- ◼ = 5/8 " IRON PIN FOUND CAPPED "DINAN 5451"
- ⦿ = 3/4" IRON PIPE FOUND CAPPED "BIEDENBACH RLS-5718"
- ▲ = 5/8" IRON PIN FOUND CAPPED "BINCKLEY PS-7879"
- ⊕ = CONCRETE MONUMENT FOUND
- ⊞ = MARKED STONE FOUND.
- = UN-MARKED STONE FOUND
- ⊕ = SURVEY ANGLE POINT
- ▲ = RAILROAD SPIKE SET
- ⦿ = RAILROAD SPIKE FOUND.
- ⊗ = TREE WITH WIRE FOUND
- = EXISTING PROPERTY LINES
- x-x- = FENCE EVIDENCE FOUND
- = LINES OF THIS SURVEY

DESCRIPTION APPROVED
FOR AUDITOR'S TRANSFER
BY *[Signature]*
4-17-2002

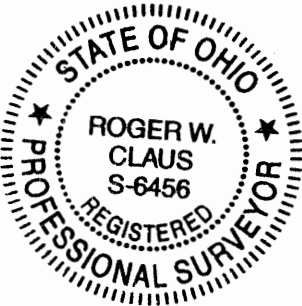
SURVEYORS CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT IT WAS PREPARED FROM AN ACTUAL FIELD SURVEY OF THE PREMISES ON THE 21 DAY OF FEBRUARY, 2002. ALL DIMENSIONS SHOWN IN FEET AND DECIMAL PARTS THEREOF. DIMENSIONS ON CURVES ARE ARC DISTANCES ON DRAWING AND WORD DISTANCES IN THE CURVE TABLE.

ROGER W. CLAUS, REG. SURVEYOR 6456
33310 CHRISTIAN RIDGE ROAD
LEWISVILLE, OHIO 43754
1-740-567-3168 1-740-567-3106 fax

04-05-02

DATE:



SUBJECT TO THE RIGHT-OF-WAY OF TOWNSHIP ROAD 130 (LEFFLER ROAD).
SUBJECT TO THE RIGHT-OF-WAY OF COUNTY ROAD 555-A (WENTWORTH ROAD).
THERE SHALL BE A 10.00 FEET WIDE BUILDING SETBACK LINE ALONG BOTH SIDES OF ALL SIDE LOT LINES AND ALONG ALL REAR LOT LINES WITHIN THIS SUBDIVISION.
THERE SHALL BE A 75.00 FEET BUILDING SETBACK LINE ALONG ALL PUBLIC ROADS WITHIN THIS SUBDIVISION. SAID 75.00 FEET TO BE MEASURED FROM THE CENTERLINE OF SAID ROADS.
THE AREA ENCOMPASSED WITHIN ALL OF THE ABOVE DESCRIBED 10.00 FEET WIDE SETBACK AND 75.00 FEET WIDE SETBACK SHALL ALSO BE RESERVED FOR THE RUNNING OF PUBLIC UTILITIES.
SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS, RESTRICTIONS, RESERVATIONS, AND ZONING REGULATIONS OF RECORD.
SUBJECT TO 100 YEAR FLOOD PLAIN RESTRICTIONS, IF APPLICABLE.
SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED IN A FULL AND ACCURATE TITLE SEARCH.

BEING A TOTAL OF 41.123 ACRES WHICH IS A NEW SURVEY OF ALL OF THE LAND DESCRIBED IN THE DEED TO BRUNER LAND COMPANY, INC. BY OFFICIAL RECORDS VOLUME 1650, PAGE 70 OF THE MUSKINGUM COUNTY RECORDER'S OFFICE.

KNOW ALL MEN BY THEIR PRESENCE, THAT WE, BRUNER LAND COMPANY, INC., THE UNDERSIGNED OWNERS OF THE LAND SHOWN ON THIS PLAT, DO HEREBY ACKNOWLEDGE THAT MAKING OF THE SAME TO BE OUR FREE ACT AND DEED, AND DO HEREBY DEDICATE THE EASEMENTS FOR PUBLIC USE, FOREVER.

[Signature]
KAREN CHAPMAN

[Signature]
HARRY E. BRUNER

[Signature]
CAROLYN WAITE

[Signature]
DOUGLAS R. BRUNER

WITNESSES



KAREN CHAPMAN
Notary Public, State of Ohio
My Commission Expires 10-28-03

OWNERS

[Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES

APPROVED BY COUNTY ENGINEER:
DATE: _____

COUNTY ENGINEER

APPROVED BY BOARD OF HEALTH:
DATE: _____

REGISTERED SANITARIAN

DATE: _____

HEALTH COMMISSIONER

BRUNER-WAYNE SUBDIVISION

PLAT BOOK ___, PAGE __

SHEET 2 OF 2

SITUATED IN THE STATE OF OHIO, COUNTY OF MUSKINGUM,
TOWNSHIP OF BRUSH CREEK, BEING IN THE SOUTHWEST
QUARTER OF SECTION 24, RANGE 13 WEST, TOWNSHIP 11
NORTH, OF "THE CONGRESS LANDS EAST OF THE SCIOTO
RIVER".

- = 1/2" X 30" IRON PIN FOUND CAPPED "CLAUS 6456".
- = 5/8" X 30" IRON PIN SET CAPPED "CLAUS 6456"
- = 5/8" IRON PIN FOUND UNCAPPED.
- ◻ = 5/8" IRON PIN FOUND CAPPED "DINAN 5451"
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- ▲ = RAILROAD SPIKE SET
- ▲ = RAILROAD SPIKE FOUND.
- ⊙ = TREE WITH WIRE FOUND
- = EXISTING PROPERTY LINES
- x-x- = FENCE EVIDENCE FOUND
- = LINES OF THIS SURVEY



0' 150' 300'
SCALE 1" = 150'

Line	Bearing	Distance	Line	Bearing	Distance
1	S 84°18'22"E	100.00'	17	S 2°25'32"W	37.66'
2	S 84°18'22"E	30.00'	18	S 85°57'57"E	176.89'
2A	S 84°18'22"E	23.60'	19	S 85°57'57"E	162.00'
3	N 84°18'22"W	28.08'	20	S 9°48'30"E	100.00'
4	N 84°18'22"W	30.00'	21	S 9°48'30"E	30.00'
5	N 84°18'22"W	75.00'	22	S 9°48'30"E	33.16'
6	N 84°18'22"W	60.00'	23	S 85°57'57"E	159.09'
7	S 10°29'46"E	100.00'	24	S 85°57'57"E	140.91'
8	S 10°29'46"E	30.00'	25	S 84°18'22"E	128.35'
9	S 10°29'46"E	13.50'	26	S 5°08'40"W	100.00'
10	S 3°30'51"W	113.36'	27	S 5°08'40"W	30.00'
11	S 3°30'51"W	100.00'	28	S 5°08'40"W	16.56'
12	S 3°30'51"W	13.36'	29	S 5°08'40"W	150.81'
13	S 3°30'51"W	28.16'	30	S 5°08'40"W	30.00'
14	N 84°18'22"W	155.83'	31	S 5°08'40"W	5.28'
15	S 2°25'32"W	100.00'	32	S 84°18'22"E	100.00'
16	S 2°25'32"W	30.00'	33	S 5°08'40"W	110.00'
			34	S 5°08'40"W	100.00'
			35	S 5°08'40"W	30.00'
			36	S 5°08'40"W	8.00'

