

SHARED DRIVEWAY MAINTENANCE AGREEMENT AND DECLARATION OF PRIVATE ACCESS EASEMENT:

REMPEL'S GROVE SUBDIVISION PLAT

STATE ROUTE 664, LOGAN, OHIO 43138

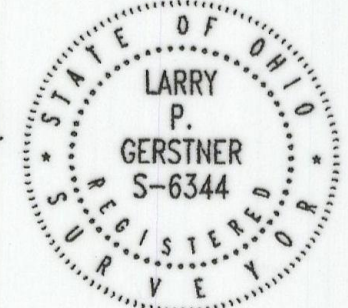
Situated in the City of Logan, Falls Township, Hocking County, Ohio; being part of Fractional Lot 4 of Section 10, Township 14, Range 17.

SURVEY DESCRIPTION OF A 12.716 ACRE TRACT FOR THE REMPEL'S GROVE SUBDIVISION

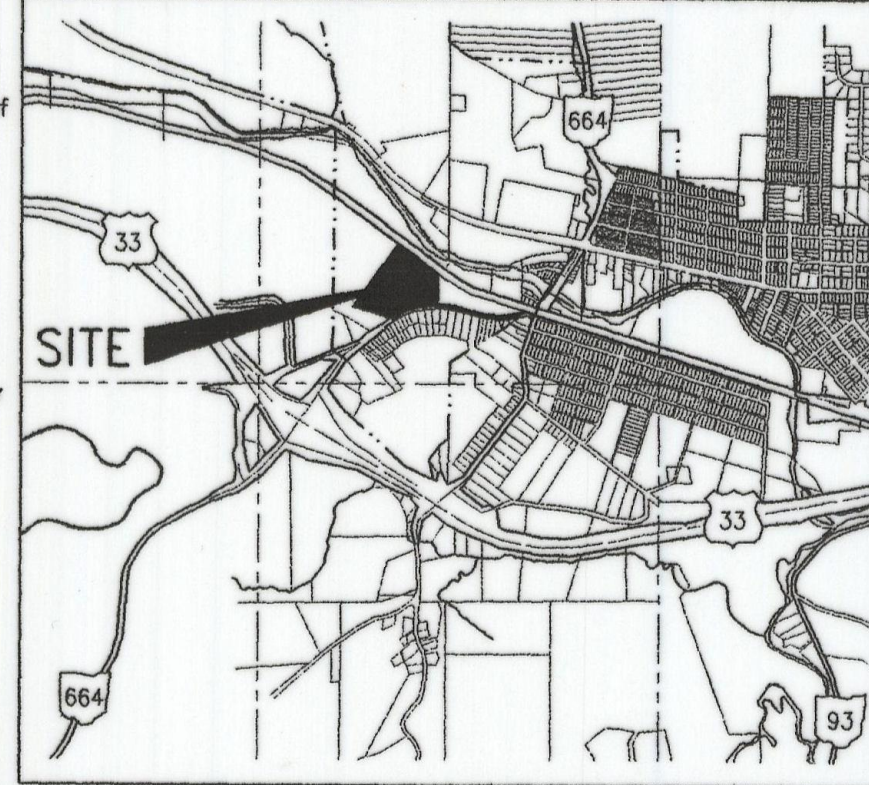
Situated in the City of Logan, Falls Township, Hocking County, Ohio; being part of Fractional Lot 4 of Section 10, Township 14, Range 17; and being more particularly described as follows:
 Commencing for reference at a point in the Hocking River at the Northwest corner of said Fractional Lot 4; thence with the West line of said Fractional Lot 4 South 5 degrees 32 minutes 59 seconds West a distance of 711.49 feet to a point on the South right of way of the C. & O. Railroad; thence leaving the West line of said Fractional Lot 4 and with the South right of way of the C. & O. Railroad South 52 degrees 37 minutes 47 seconds East a distance of 1044.42 feet to a 5/8" iron pin to be set in 6" diameter concrete, and being the point of Beginning of the tract of land to be described;
 thence continuing with the South right of way of the C. & O. Railroad South 52 degrees 37 minutes 47 seconds East a distance of 280.00 feet to a 5/8" iron pin previously set;
 thence South 37 degrees 22 minutes 13 seconds West a distance of 60.00 feet to a 5/8" iron pin previously set;
 thence South 52 degrees 37 minutes 47 seconds East a distance of 301.91 feet to a 5/8" iron pin to be set in 6" diameter concrete and passing a 5/8" iron pin previously set at 201.50 feet;
 thence South 0 degrees 11 minutes 19 seconds West a distance of 282.74 feet to a 5/8" iron pin previously set and passing a 5/8" iron pin previously set at a distance of 235.91 feet;
 thence South 19 degrees 01 minute 04 seconds West a distance of 129.16 feet to a point in the center of State Route 664;
 thence with the center of State Route 664 the following five bearings and distances:
 1) South 88 degrees 01 minute 07 seconds West a distance of 97.25 feet to a PK nail previously set;
 2) South 82 degrees 21 minutes 59 seconds West a distance of 55.57 feet to a PK nail previously set;
 3) South 75 degrees 46 minutes 13 seconds West a distance of 60.42 feet to a PK nail previously set and passing a PK nail previously set at a distance of 4.43 feet;
 4) South 65 degrees 26 minutes 12 seconds West a distance of 142.12 feet to a PK nail previously set and passing a PK nail previously set at a distance of 124.02 feet;
 5) South 59 degrees 06 minutes 30 seconds West a distance of 115.31 feet to a PK nail previously set and passing a PK nail previously set at a distance of 34.54 feet;
 thence leaving the center of State Route 664 North 72 degrees 54 minutes 53 seconds West a distance of 564.55 feet to a damaged 1/2" iron pin with 1-1/4" plastic ID cap stamped 6803 found and passing a 5/8" iron pin to be set in 6" diameter concrete at a distance of 131.45 feet;
 thence North 37 degrees 14 minutes 07 seconds East a distance of 984.40 feet to the point of beginning, passing a 5/8" iron pin to be set in 6" concrete at a distance of 353.34 feet, passing 5/8" iron pins previously set at distances of 220.49 feet, 422.58 feet, 470.51 feet, 568.51 feet, and 600.47 feet, containing 12.716 acres more or less, subject to the public easement of said State Route 664 and any other public or private easements of record.
 The above 12.716 acre survey is intended to describe part of the various surveyed tracts as deeded to Keith and Joyce Fox, Inc., and as deeded to the City of Logan, Ohio, as follows: American Legion Post No. 78, Volume OR12, Page 358; and Volume OR253, Page 838; The Old Dutch Restaurant, deed reference Volume OR35, Page 182 and OR158, Page 358; and API/Logan Ohio, Inc., deed reference Volume OR142, Page 877; all of the Hocking County Recorder's Office. This survey was based upon information obtained from tax maps, deed descriptions, previous surveys, existing monumentation, and an existing public road. The reference bearing for this survey is the West line of Fractional Lot 4 as South 5 degrees 32 minutes 59 seconds West. All iron pins to be set by this survey or previously set are capped by a 1-1/4" plastic identification cap. The above described property was last field surveyed by Larry P. Gerstner, Ohio Registered Surveyor No. 6344, on September 4, 2001.

SURVEYOR'S CERTIFICATION:

I certify that all permanent markers and monuments called for here or will be set upon completion of site work.



Larry P. Gerstner, P.E., P.S.
 Registered Surveyor No. 6344



Mathematically approved this 24th day of November 2003 by *Dee Kay*, Hocking County Engineer's Office.
 Approved this 24th day of November 2003 by *Dee Kay*, Regional Planning Office.
CERTIFICATE OF PLANNING COMMISSION
 We, the Planning Commission of the City of Logan, Ohio, hereby certify that at a meeting of the commission held in the 16th day of SEPTEMBER, 2003, a resolution was duly passed approving this plat.
 PLANNING COMMISSION, CITY OF LOGAN, OHIO
 By *Danny Mahaffey*, Chairman
APPROVAL OF COUNTY HEALTH DEPARTMENT
 This plat approved by the Board of Health, Hocking County, Ohio this day of November 23, 2003.
 BOARD OF HEALTH, HOCKING COUNTY, OHIO
 By *Wendy Hennes*, R.S.
AUDITOR'S CERTIFICATE
 Transferred on tax duplicate this 14th day of December, 2003.
Kenneth R. Wilson
 Kenneth Wilson, Hocking County Auditor
RECORDER'S CERTIFICATE
 Filed for record this 12 day of DEC 2003 at 3:11 P.M.
 Recorded this 12 day of DEC 2003 in Plat Cabinet 2 at Page 94
Donna R. Leach
 Donna Leach, Hocking County Recorder

1. These covenants shall be binding upon and will inure to the benefit of all persons, trustees, corporations, partnerships, administrators, executors, guardians, and other legal entities who own an interest in lots in this subdivision whose access is through the shared driveway of Lots 1 through 9, inclusive.
 2. Present and future owners of each of said lots, their heirs, executors, administrators, and assigns, shall have unrestricted use of the within described shared driveway from its beginning to and through each of said owners individual lot(s).
 3. Each present and future owner shall share equally in the responsibility for repair, maintenance, and improvement of the shared driveway.
 4. Notwithstanding the foregoing, the cost of repair maintenance, and improvement of the shared driveway shall be divided by the number of lots and that sum shall be assessed against each lot and its owner(s) thereof and shall be known as the "Assessment". Each person or entity owning more than one lot shall pay the amount of the assessment times the number of lots owned.
 5. An Association for the repair, maintenance and improvement of the shared driveway area may be created by an affirmative vote of two-thirds (2/3) of the lot owners, with each lot receiving one (1) vote. The Association may adopt by-laws, elect officers, conduct business to said shared driveway. Resolutions adopted at a meeting for which at least seven (7) days written notice has been given to each property owner shall be binding upon all of the owners of said lots whether or not they chose to participate in the Association. At said meetings each lot share has one vote and votes may be cast by proxy. Those members present at the meeting, either in person or by proxy shall constitute a quorum for conducting business to come before the Association.
 6. The Association shall have the right to assess a Late Charge of five percent (5%) on assessments more than fifteen (15) days overdue and charge statutory interest on unpaid assessment balances. Further, the Association may bring suit to enforce the collection of unpaid assessments more than sixty (60) days overdue, and, in addition, recover all costs, interests, and reasonable attorney fees expended therein.
 7. THIS DECLARATION AND AGREEMENT is made and entered into at Logan, Ohio, this ___ day of ___ by and between all of the owners of the tracts described below: Lots 1 through 9, inclusive of Rempel's Grove Subdivision. A shared driveway easement of ingress and egress is illustrated on said Subdivision Plat. The covenants, agreements, restrictions, and reservations included in this declaration agreement shall run with the real property described above and shall be binding upon and shall inure to the benefit of all subsequent grantees, their respective heirs, successors, and assigns. By declaring this access easement, the owners of the subject parcels do for themselves, and for their grantees, successors, heirs, executors, and assigns, agree to take permanent responsibility for the maintenance, repair, and upkeep of the subject driveway/easement. Therefore, at no time shall the current or future parcel owners seek to force the City of Logan to assume ownership or responsibility for the said driveway/easement. Easements that meet the standards included in the Logan City Subdivision Regulations may be dedicated as public roads as part of Subdivision plats or according to other procedures outlined in the Ohio Revised Code only if all parties, including the City of Logan, agree to said dedication. This declaration agreement may be modified or superseded so long as said modification or superseding agreement is in writing, approved by the unanimous consent of all parcel owners, and that said modifications or superseding agreements meet all conditions set out in the Logan City Subdivision Regulations. Also, said modifications or superseding agreements shall not remove any other restrictions which may have been required by the Logan City Planning Commission. Each modification or superseding agreement shall be recorded in the Hocking County Recorder's Office, Logan, Ohio.

OWNERS:
 OLDE DUTCH RESTAURANT, Inc. 12791 STATE ROUTE 664N LOGAN, OHIO 43138
 API/LOGAN OHIO, Inc. 12819 STATE ROUTE 664N LOGAN, OHIO 43138
 KEITH & JOYCE FOX 35330 LINTON ROAD LOGAN, OHIO 43138

OWNERS DEDICATION:
 We the undersigned owners of Rempel's Grove Subdivision do hereby dedicate the private roadway easement known as Rempel's Drive with attached maintenance agreement and declaration as shown hereon by shading and all shown utility easements.

IN WITNESS WHEREOF, Olde Dutch Restaurant, Inc., an Ohio corporation, by and through its Chairman, Keith Fox, hereunto caused this acknowledgment to be executed this 9th day of December, 2003.
 Signed and Acknowledged in the presence of: *Susan Picker*, Olde Dutch Restaurant, Inc. Ohio Corporation; *Keith Fox*, Keith Fox, Chairman.

NOTES:
 1) There are no covenants or restrictions on this property except as shown hereon.
 2) This property is to be a commercial subdivision.
 3) City water and sanitary sewers are available on this subdivision to each lot.
 4) Since this property is outside of the 100-year flood plain there are no flood control provisions. Storm drainage is provided.
 5) Unless variances are granted or without grandfathering the building set backs are 50' front, 20' side, and 25' rear.
 6) The developer insures that electrical and telephone services are existing in the subdivision.
 7) None of the owners of this property have any plans to further subdivide this or adjacent properties.
 8) This entire plat is subject to a blanket type utility easement covering ingress and egress water, sanitary sewer, storm sewer, electric, and telephone utilities that are now existing. This easement is in favor of all lots 1 thru 9 inclusive.
 9) This entire plat is subject to a blanket type shared parking easement covering all existing parking spaces and is in favor of all lots 1 thru 9 inclusive. The elimination of any existing parking space must be replaced or approved by all lot owners. Lots 2 and 9 provide for the additional combined parking required for those businesses existing at the time of platting. Any future development of Lots 2, 5, and 9 must exclude said parking area when determining the minimum building requirements as set by all applicable Logan City Zoning Ordinances.
 10) The following buildings, existing just prior to platting, which did not meet all setback requirements at the time of annexation, will be required to meet all setback and zoning requirements should they be destroyed or damaged beyond 51%. The buildings are as follows: Amerihost Inn on Lot 1, Hocking Hills Craft Mall on Lot 3, Shelter on Lot 7, and Ice Cream Shoppe on Lot 8.
 11) The Logan City Zoning Board of Appeals granted the following variances:
 1) Lot 4, 10' front setback allowed (4-28-03) & 32% lot coverage (6-24-03).
 2) A combination of all parking spaces at Rempel's Grove Subdivision is to meet 80% of the Zoning parking requirements (6-24-03).

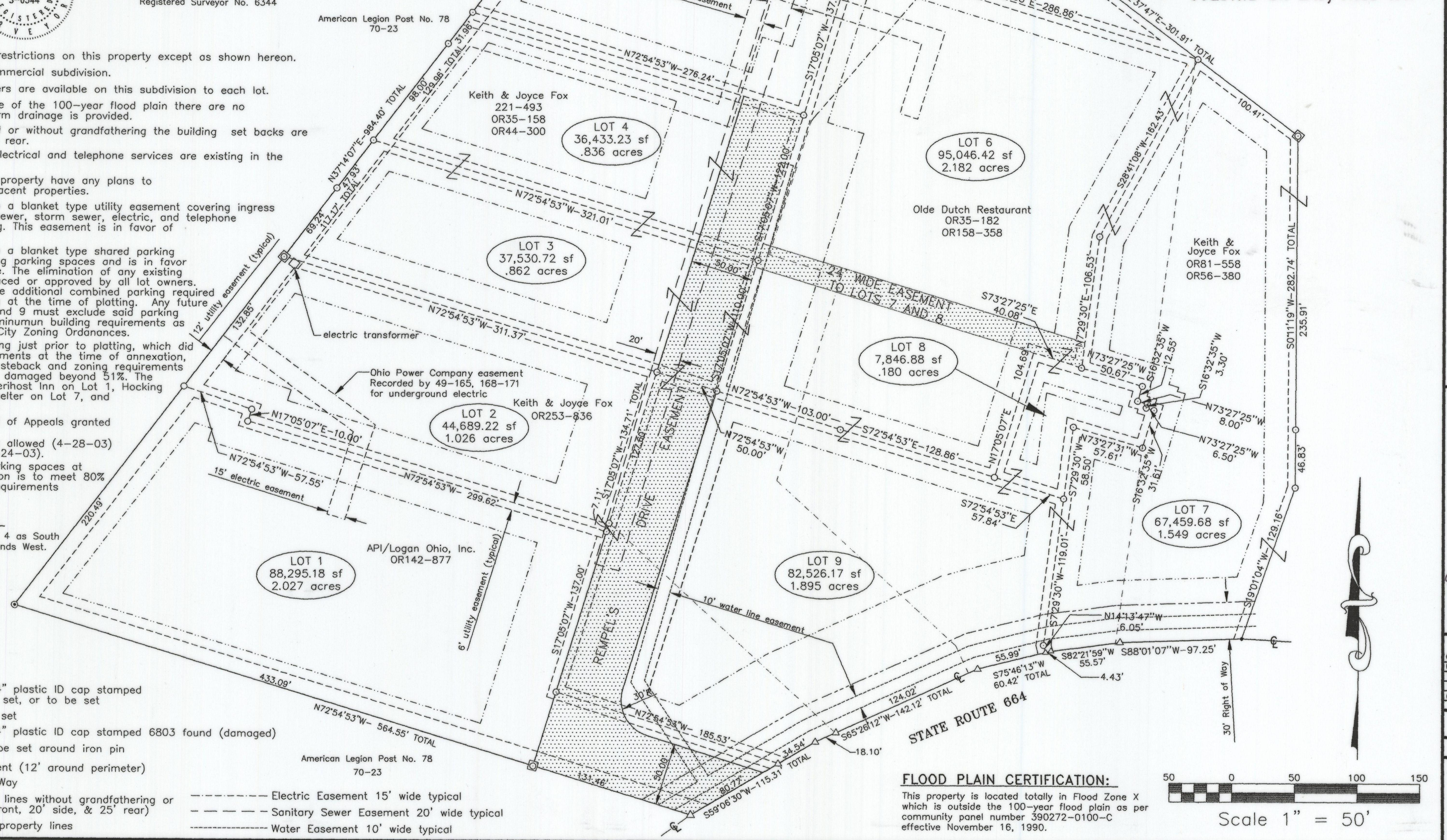
STATE OF OHIO, COUNTY OF HOCKING, SS:
 The foregoing instrument was acknowledged before me this 9th day of December 2003, by Keith Fox, Chairman of Olde Dutch Restaurant, Inc., an Ohio Corporation on behalf of said corporation.
Susan Picker, Notary Public, State of Ohio, My Commission Expires 05-27-07.

IN WITNESS WHEREOF, API/Logan Ohio, Inc., an Ohio corporation, by and through its Secretary, James B. Dale, hereunto caused this acknowledgment to be executed this 2nd day of December, 2003.
 Signed and Acknowledged in the presence of: *Araditi Shamma*, API/Logan, Ohio, Inc. Ohio Corporation; *James B. Dale*, Secretary.
Araditi Grammas, Notary Public, State of Ohio, My Commission Expires 05-27-07.
Thay K. Rashin, Notary Public, State of Ohio, My Commission Expires 05-27-07.
Nancy K. Bashiri, Notary Public, State of Ohio, My Commission Expires 05-27-07.

STATE OF IL., COUNTY OF COOK, SS:
 The foregoing instrument was acknowledged before me this 2nd day of December 2003, by James B. Dale, Secretary of API/Logan, Ohio, Inc., an Ohio Corporation on behalf of said corporation.
Leon M. Vannikos, Notary Public, State of Illinois, My Commission Exp. 07/11/2005.

IN WITNESS WHEREOF, Keith and Joyce Fox, owners, hereunto caused this acknowledgment to be executed this 9th day of December, 2003.
 Signed and Acknowledged in the presence of: *Susan Picker*, Keith and Joyce Fox Owners; *Keith Fox*, Keith Fox; *Joyce Fox*, Joyce Fox.
Larry P. Gerstner, Notary Public, State of Ohio, My Commission Expires 05-27-07.

STATE OF OHIO, COUNTY OF HOCKING, SS:
 The foregoing instrument was acknowledged before me this 9th day of December 2003, by Keith Fox and Joyce Fox.
Susan Picker, Notary Public, State of Ohio, My Commission Expires 05-27-07.

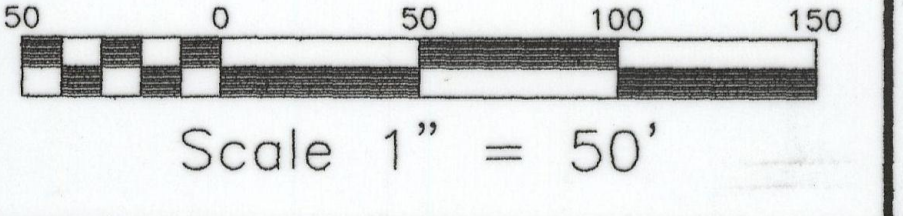


REFERENCE BEARING:
 The West line of Fractional Lot 4 as South 5 degrees 32 minutes 59 seconds West.

REFERENCES:
 Tax maps
 Deed descriptions
 Previous surveys
 Existing monumentation
 Existing railroad
 Existing public road

LEGEND:
 • Point
 ○ 5/8" iron pin with 1-1/4" plastic ID cap stamped LPG-6344 set, previously set, or to be set
 △ PK nail set or previously set
 ⊙ 1/2" iron pin with 1-1/4" plastic ID cap stamped 6803 found (damaged)
 ⊠ 6" diameter concrete to be set around iron pin
 --- 6' Utility easement (12' around perimeter)
 --- Street Right of Way
 --- Building Setback lines without grandfathering or variances (50' front, 20' side, & 25' rear)
 --- Existing interior property lines
 --- Electric Easement 15' wide typical
 --- Sanitary Sewer Easement 20' wide typical
 --- Water Easement 10' wide typical

FLOOD PLAIN CERTIFICATION:
 This property is located totally in Flood Zone X which is inside the 100-year flood plain as per community panel number 390272-0100-C effective November 16, 1990.



REMPLE'S GROVE SUBDIVISION PLAT
 STATE ROUTE 664 SOUTH
 LOGAN, OHIO 43138
 FINAL PLAT

Larry P. Gerstner
 Ohio P.E. #39713
 Ohio P.S. #6344

REVISIONS
 08/22/03 03/10/03
 09/18/01 07/14/03
 10/03/01 09/05/03
 12/12/02 10/15/03
 01/27/03

Scale: 1" = 50'
 SHEET FP-1