

ALTA/ACSM Land Title Survey

Stone Pointe Apartments

5050 SOM Center Road Willoughby, Ohio 44094



SOM CENTER ROAD 80' (A.K.A. S.R. 91-A PUBLIC HIGHWAY)
PLAT VOL. 0, PG. 20 LAKE CO. RECS.

ZONING INFORMATION

1135.05 SITE DEVELOPMENT REGULATIONS.

The following planning criteria are established to regulate the planning and development of multi-family units.

(a) **Setback from Project Boundary.** The setback of a dwelling from any project boundary shall be not less than the distance set forth in Schedule 1135.05. The project boundary shall include all lot lines that divide the tract of land developed for multi-family units from adjacent lots not included in the development and shall be the boundaries of the minimum area set forth in Section 1135.05(a).

(b) **Building Spacing.** For group developments, the minimum distance separating overlapping walls of buildings, or parts thereof, shall be not less than the distance set forth in Schedule 1135.05.

(c) **Non-overlapping walls shall have a minimum separation of twenty-five feet.**

(2) **Definitions.** The terms used in this section are defined as follows:

A. "Main wall" means any exterior wall, containing the principal windows of the living dining or sleeping room or rooms.

B. "Secondary wall" means an exterior wall, other than a main wall, containing minor windows of a dining or sleeping room, principal or minor windows of kitchen or bathrooms.

C. "Overlapping walls" means those portions of the exterior wall or walls which are directly opposite when two buildings parallel, or within forty-five degrees of parallel, face each other across an open yard or space.

(c) **Building Height.** The maximum height of a principal building shall be the height set forth in Schedule 1135.05 unless the Planning Commission approves a greater height as a conditional use.

Schedule 1135.05 Site Development Standards (In feet)

(a) Minimum Building Setback from Right-of-Way	R-HF	R-HF	R-HF
	Low-Rise	Mid-Rise	High-Rise
(1) Euclid, Lake Shore, S.R. 84, Lost Nation, S.R. 91	60	60	60
(2) All other streets	40	60	60
(b) Minimum Building Setback from:			
(1) Project boundary lines abutting an R-District	40	40	40(1)
(2) Project boundary line abutting all other districts	40	20	20
(c) Maximum Principal Building Height			
	35	45	80(3)

NOTES TO SCHEDULE 1135.05:
(1) Plus an additional 10 feet for every story over 3.
(2) Plus an additional 5 feet for each story over 3.
(3) The Planning Commission may permit a greater height as a conditional use.
(Ord. 1997-117, Passed 9-16-97)

Schedule 1135.06 Minimum Dwelling Unit Floor Area

Type of Dwelling	Minimum Floor Area (In square feet)		
	R-HF Low-Rise	R-HF Mid-Rise	R-HF High-Rise
(a) Attached One-Family and Multi-Family Dwellings			
A. Efficiency Unit	550	550	550
B. One Bedroom Unit	650	650	650
C. Two-Bedroom Unit	800	800	800
D. Three-Bedroom Unit	950	950	950

(Ord. 1997-117, Passed 9-16-97)

1161.04 REQUIRED OFF-STREET PARKING SPACES.

The required number of off-street parking spaces for each facility or use shall be determined by application of the standards noted in Schedule 1161.04. For a use not specified in Schedule 1161.04, the Planning Commission shall apply the standard for a specified use which the Commission determines to be most similar to the proposed use.

Schedule 1161.04 Required Off-Street Parking Spaces

Principal Building or Use	Minimum Spaces Required
(a) Residential Uses:	
(4) Multi-Family Units	2.5 spaces per dwelling unit of which one space per dwelling unit shall be enclosed

NOTES PERTAINING TO TITLE EXCEPTIONS

Commitment Number: 252082

SCHEDULE B - SECTION II EXCEPTIONS

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the company:

- Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records, or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this commitment.
- Rights or claims of parties in possession not shown by the public records.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Easements, or claims of easements, which are not shown by the public records.
- Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
- Any claim, which arises out of the transaction vesting in the insured the estate of interest, or creating the interest of the mortgage insured by this policy, by reason of the operation of the federal bankruptcy, state insolvency or other similar creditor's rights laws.
- Taxes and assessments which are not shown as existing liens by the public records.
- The lien of all taxes and assessments for the year 2012 and thereafter.
- Oil and gas leases, pipeline agreements or any other instruments related to the production or sale of oil and gas which may arise subsequent to the date of the Policy.
- Easement for Highway Purposes from Charles H. Connors, widower, and not remarried to the State of Ohio, filed for record July 3, 1964 in Volume 594, Page 154 of Lake County Records. (The area burdened by said easement has been platted hereon).
- Easement for Channel Purposes from Charles H. Connors, widower, and not remarried to the State of Ohio, filed for record July 3, 1964 in Volume 594, Page 154 of Lake County Records. (The area burdened by said easement has been platted hereon).

NOTES PERTAINING TO TITLE EXCEPTIONS

(CONTINUED)

12. Multifamily Mortgage, Assignment of Rents and Security Agreement from SOM Place Company, an Ohio general partnership to Capstone Realty Advisors, LLC, an Ohio limited liability company in the amount of \$1,750,000.00, dated January 31, 2005, filed for record January 31, 2005 at 03:02 PM as Instrument Number 2005R003795, Recorder's Office, Lake County, Ohio.
 - Assignment of Security Instrument by Capstone Realty Advisors, LLC, an Ohio limited liability company to Federal Home Loan Mortgage Corporation, dated January 31, 2005, filed for record January 31, 2005 at 03:02 PM as Instrument Number 2005R003796, Recorder's Office, Lake County, Ohio.
 - Modification to Multifamily Mortgage, Assignment of Rents and Security Agreement, filed for record February 18, 2005 at 03:36 PM as Instrument Number 2005R006464 of Lake County Records.
13. UCC-1 Financing Statement by and between SOM Place Company (Debtor) and Capstone Realty Advisors, LLC and simultaneously assigned to Federal Home Loan Mortgage Corporation (Secured Party), filed for record on January 31, 2005, bearing Lake County Recorder's Instrument Number 2005U0000333.
 - UCC-1 Financing Statement Amendment changing the Debtors name from SOM Place Company to SOM Place Co., filed for record February 18, 2005 bearing Lake County Recorder's Instrument Number 2005U0000353.
 - UCC Financing Statement Continuation, filed for record October 20, 2004 bearing Lake County Recorder's Instrument Number 2004U0000185. Note: Organization's Name should be: SOM Place Co.
14. The County Treasurer's Tax Duplicate shows:

Taxes for the Last Half 2011, listed in the name of SOM Place Co, Permanent Parcel No. 21-A-006-0-00-042-0, covering Caption, in the amount of \$66,456.58, are a lien, due and payable.

Included in the taxes shown above are the following Special Assessments:

TYPE: Lights Willoughby City PERIOD: Annual HALF YEAR AMOUNT: \$419.42

Taxes for the Year of 2012 are a lien, not yet due or payable.

FFN 21-A-006-0-00-031-0
M J N ASSOCIATES, INC.
DOC. NO. 2005R031266

Bearings used in this survey are based upon the reported bearing of the centerline of SOM Center Road (North 3°07'40" E) as recited in Instrument recorded in Volume 147, Page 1015 of Lake County Official Records.

The premises shown hereon is contained in an area designated as "ZONE C" according to the Federal Insurance Rate Map Community Panel No. 340322 0006 A dated January 16, 1981.

NOTES

- 1) Gross Floor Area is computed from exterior dimensions of buildings. The buildings contain an aggregate total of 124,400 Square Feet of gross floor area (exclusive of the area within the garages).
- 2) Information obtained from the owner's representatives indicates that the buildings consist of 146 dwelling units.
- 3) The Property has a total of 261 Parking Spaces, of which 19 are designated for use by handicapped individuals, 50 are contained within the enclosed garages, and 192 are striped but not otherwise marked.
- 4) The Property consists of the entirety of Lake County Auditor's Permanent Parcel No. 21-A-006-0-00-042-0 and no other property.
- 5) From observed evidence, there are no oil or gas wells or pipelines located on the Property.
- 6) From observed evidence as shown hereon, gas, electric, storm sewer, sanitary sewer, telephone, and water lines provide service for the subject Property.
- 7) There is no observable evidence of current earth moving work, building construction, or building additions.
- 8) There is no observable evidence of site use as a solid waste dump, sump or sanitary landfill.

BASIS OF BEARINGS

FEMA FLOOD ZONE DESIGNATION

LEGAL DESCRIPTION

DESCRIPTION OF BOUNDARY OF LANDS
FOR
STONE POINTE APARTMENTS, LLC
FFN 21-A-006-0-00-042-0

Situated in the City of Willoughby, County of Lake, and State of Ohio and known as being a part of Original Willoughby Township Lot 1, Tract II in the Township of the Tenth Range in the Connecticut Western Reserve and is bounded and described as follows:

Beginning in the centerline of SOM Center Road (State Route 91) at its intersection with the northerly line of a 3.125 acre parcel of land (FFN 21-A-006-0-00-025-0) conveyed to Thomas Casgar by instrument recorded in Document No. 2002R024454 of Lake County Records, said point of beginning being located South 3°07'40" West a distance of 1234.20 feet as measured along said centerline from a 5/8" inch diameter iron pin stake in a monument box found marking its intersection with the centerline of Euclid Avenue (U.S. Route 20) as shown by plat entitled Centerline Survey Plat-State Route 91 Sec. 212" recorded in Volume 0, Page 20 of the Lake County Plat Records;

COURSE I Thence North 3°07'40" East along said centerline of SOM Center Road a distance of 750.00 feet to its intersection with the prolongation of the southerly line of land (FFN 21-A-006-0-00-045-0) conveyed to KRK Auto Wash Ltd. by instrument dated March 14, 1991 and recorded in Document No. 1991R012861 of Lake County Records;

COURSE II Thence North 81°23'50" West along said prolongation of the southerly line of land of KRK Auto Wash Ltd. a distance of 40.00 feet to a 5/8" diameter iron pin stake found marking its intersection with the easterly line of land conveyed to the City of Willoughby by instrument recorded in Document No. 2002R02463 of Lake County Records;

COURSE III Thence South 3°07'40" West along said easterly line of land of the City of Willoughby, said line being parallel with and distant 40.00 feet westerly by normal measure from said centerline of SOM Center Road, a distance of 49.25 feet to the southerly corner of the same;

COURSE IV Thence North 1°26'10" East along the westerly line of said land of the City of Willoughby a distance of 49.25 feet to the aforesaid southerly line of land of KRK Auto Wash Ltd.;

COURSE V Thence North 81°23'50" West along said southerly line of land of KRK Auto Wash Ltd. and along the southerly line of land (FFN 21-A-006-0-00-026-0) conveyed to Geoffrey R. Baker by instrument recorded in Volume 220, Page 526 of Lake County Official Records and along the prolongation of the same, a distance of 493.20 feet to a 5/8" diameter iron pin stake found in the easterly line of land (FFN 21-A-006-0-00-038-0) conveyed to M.N. Associates, Inc. by instrument dated July 26, 2005 and recorded in Document No. 2005R031266 of Lake County Records;

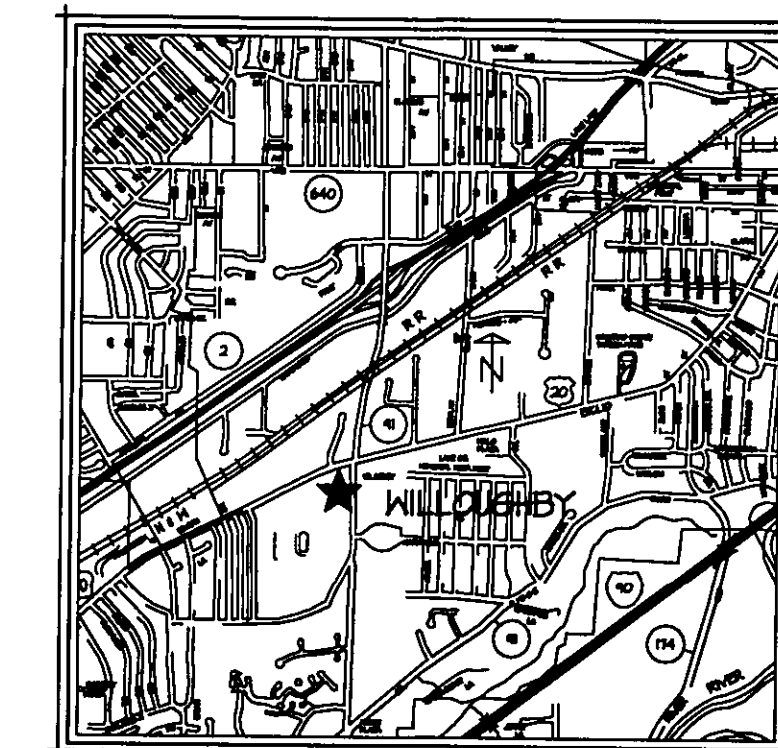
COURSE VI Thence South 3°28'20" West along said easterly line of land of M.N. Associates, Inc. 750.06 feet to a iron pin stake found at its intersection with the aforesaid northerly line of land of Casgar;

COURSE VII Thence South 81°23'50" East along said northerly line of land of Casgar a distance of 524.13 feet to the Point of Beginning, passing through a 5/8" diameter iron pin stake found at 494.13 feet, and containing 9.070 Acres (395,115 Square Feet) of land as described in November, 2012 by Timothy P. Hadden, Ohio Registered Surveyor No. 6786 from a survey by GT Consultants, Inc. by the same name or less, but subject to all legal highways.

Bearings contained herein are based upon the reported bearing of the centerline of SOM Center Road (North 3°07'40" East) as recited in Instrument recorded in Volume 147, Page 1015 of Lake County Official Records.

The above described 9.070 Acres of land, of which the present roadway occupies 0.204 Acres (or 8,900 Square Feet), constitutes all of the land presently designated as Lake County Auditor's Permanent Parcel No. 21-A-006-0-00-042-0.

Stone Pointe Apartments, LLC claims title to the above described lands by or through instrument dated July 18, 2012 and recorded in Document No. 2012R014217 of Lake County Records.



Location Map
(No Scale)

LEGEND	
IRON PIN - IP	•
SANITARY MANHOLE - SAN MH	⊙
FIRE HYDRANT - FH	⊕
WATER LINE VALVE - WLV	⊗
STORM MANHOLE - STM MH	⊖
LIGHT POLE - POLE (L.T.)	⊙
RIGHT-OF-WAY - R/W	—
CENTERLINE - C	—
PROPERTY LINE - P	—

GENERAL NOTES

Size, type and location of all underground utilities are approximate and are based upon available plans or information supplied by the various utility companies and governmental agencies or, where possible, on field location of visible structures (catch basins, manholes, valves, etc.).

Where the location or elevation of said utilities may be critical to proposed improvements on the site, arrangements to expose or uncover the utility must be made through the companies involved.

PROPERTY INFORMATION

Property shown is the same as described in Schedule A of Commonwealth Land Title Insurance Company Commitment Number 252082 issued by U.S. Title Agency, Inc. dated June 12, 2012.

Title to the subject premises is vested in Stone Pointe Apartments LLC, an Ohio limited liability company, as shown by deed recorded in Document Number 2012R014217 of Lake County Records.

The title lines and the lines as determined by survey are the same and there are no gaps, gaps, or overlaps between the parcels shown hereon. The subject premises is contiguous to SOM Center Road, a dedicated public highway, and there are no gaps or grass between the parcel and said right-of-way.

The property contains a total of 9.070 Acres (395,115 Sq. Ft.).

CERTIFICATION

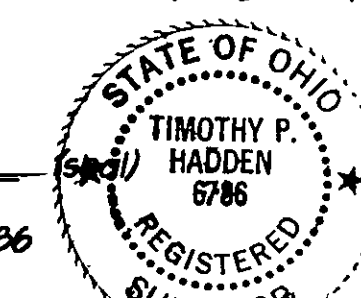
To: Freddie Mac and its successors and assigns; Bellwether Enterprise Real Estate Capital, LLC; Stone Pointe Apartments, LLC; Commonwealth Land Title Insurance Company; U.S. Title Agency, Inc.; and Dismore & Shohi, LLP.

This is to certify that this map or plat or the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 11(a), 16, 17, and 18 of Table A thereof. The field work was completed on July 10, 2012.

The undersigned certifies that he re-inspected the Property on September 17, 2012.

Date of Plat or Map: November 7, 2012.

Signed: *Timothy P. Hadden*
Timothy P. Hadden
Ohio Registered Surveyor No. 6786
hadden@ctconsultants.com



ALTA / ACSM LAND TITLE SURVEY
OF
STONE POINTE APARTMENTS
IN PART OF ORIGINAL WILLOUGHBY TOWNSHIP
LOT NO. 1, TRACT NO. II
WILLOUGHBY CITY - LAKE COUNTY - OHIO

Commonwealth
Land Title Insurance Company
Commitment for Title Insurance
File No. 252082
Date: September 18, 2012

CT Consultants
engineers | architects | planners
8109 Sterling Court, Mentor, Ohio 44060
440.571.9800 www.ctconsultants.com

DATE: 7-5-12
DRAWN BY: TPH
CHECKED BY: TPH
APPROVED BY:
F.I.B. No. 1199 Pg. 71
SCALE: 1" = 40'
HOR. - N/A
VERT. - N/A
CONTRACT NO. 12266
SHEET NO. OF