



## CITY OF PATASKALA BOARD OF ZONING APPEALS

City Hall, Council Chambers  
621 West Broad Street  
Pataskala, Ohio 43062

### STAFF REPORT

July 12, 2022

#### Conditional Use Application CU-22-006

<b>Applicant:</b>	Amber Keaton
<b>Owner:</b>	Shearer Investment Group LLC.
<b>Location:</b>	14952 E Broad Street, Reynoldsburg, OH 43068 (PID: 063-142050-00.001)
<b>Acreage:</b>	+/- 1.75-acres
<b>Zoning:</b>	GB – General Business
<b>Request:</b>	Requesting approval of a Conditional Use to allow for the operation of a Coffee Shop with a Drive-Through pursuant to Section 1249.04(18) of the Pataskala Code.

#### Description of the Request:

The applicant is seeking approval of a Conditional Use to allow for a Coffee Shop with a Drive-Through to be located within the structure at 14952 E Broad Street.

#### Staff Summary:

The property located at 14952 E Broad Street is currently occupied by the Licking Line Plaza, a 10,678-square foot multi-tenant commercial building. Current occupants are, from west to east; The Duggie Sports Bar at 14952, OX-B's (restaurant) at 14950, and Little Caesars (restaurant) at 14958. The westernmost unit, 14946, is currently unoccupied and is the subject of the Conditional Use request. Surrounding the structure is approximately 50,000-square feet of paved asphalt parking, with two (2) access points onto E Broad Street. One (1) two-way access on the east side of the property, and another two-way access on the west side. E Broad Street is the property's only frontage, and the rear of the parcel is bordered by a creek.

The Applicant is requesting a Conditional Use to use the unit on the western end of the building, address 14946 E Broad Street, as a coffee shop with a drive-through window. No exterior changes are proposed, aside from the installation of new signage. The existing structure does have a drive-through already present, however, it has not been used for some time. Previously, this unit was occupied by a tobacco and e-cigarette store. Pursuant to Section 1249.04(18) of the Pataskala Code, restaurants with drive-through facilities are a Conditional Use in the GB – General Business zoning district.

According to the Narrative Statement as submitted by the Applicant, the existing structure already contains a drive-through window that had been operated by former tenants. The Applicant stated that the structure and lot in combination are already designed to be harmonious with the appearance and character of the surrounding neighborhood. Further stated, the Applicant believes that the proposed use will not be hazardous or disturbing to existing or future neighboring uses, will not create excessive requirements at public cost, and will not create interference with traffic on surrounding public thoroughfares.

**Staff Review:** *The following summary does not constitute recommendations but merely conclusions and suggestions from the Staff Review, the full text of which follows the summary.*

Planning and Zoning Staff:

The Future Land Use map recommends this property as ‘Neighborhood Commercial’, which the Comprehensive Plan (2021) as being “small-scale retail and office uses that complement and support nearby residential uses” but that “drive-throughs, big box stores, gas stations and other auto-related uses are discouraged”. However, the property is already zoned GB – General Business, in which drive-throughs are a Conditional Use, and the structure is already set up for a drive-through which existed at one time.

As mentioned above, pursuant to Section 1249.04(18) of the Pataskala Code, restaurants with drive-through facilities are a Conditional Use in the GB – General Business zoning district. While a Coffee Shop may not typically be classified as a restaurant, Pataskala Code defines a “restaurant” as “A business establishment where food and *beverages* are prepared, served, and consumed primarily on the premises”. A drive-through use previously existed in this location, however, as the previous occupant did not utilize it, that specific use has since expired.

**Parking and Loading:**

Section 1291.16 of the Pataskala Code requires that “Restaurants with drive through facilities” shall provide one (1) parking space for each 85-square feet of gross indoor floor area, plus additional stacking spaces in the drive-through lane. The unit in which the Coffee Shop will be located is 1,199-square feet in size, therefore; 15 parking spaces are required for the Coffee Shop alone. Currently, there are 107 parking spaces available on site, which is shared between all tenants. Staff has reviewed the requirements of Chapter 1291.16 and found that the provided parking will exceed the minimum requirements.

Pataskala Code does not specify the amount of stacking spaces required, as such, it is left to the Planning and Zoning Commission to determine the appropriate number. As proposed by the Applicant, vehicles will enter the drive-through at the front of the structure, heading north, with the drive through window situated close to the front (south side) of the structure.

Staff have reviewed the proposed use, and the existing structure and lot in combination is in compliance with current Pataskala Code or has been grandfathered in as existing.

Any Signage the Applicant may want to install is subject to the requirements of Chapter 1295 and requires a Sign Permit prior to installation.

Pursuant to Section 1215.09 of the Pataskala Code a Conditional Use Approval shall become null and void if such use is not carried out within six (6) months after the date of approval. The Board of Zoning Appeals may grant one extension of a Conditional use for an additional six (6) months.

West Licking Joint Fire District (Full comments attached)

1. The owner / tenant shall contact the Fire District for an inspection of the business prior to opening.
2. We require a 48-hour notice for all inspections and building finals.

Other Departments and Agencies

No other comments were received.

**Surrounding Area:**

Direction	Zoning	Land Use
North	R-20 – Medium Density Residential	Single-Family Homes
East	GB – General Business	Auto Parts Store
South	CC- Community Commercial (Reynoldsburg)	Gas Station
West	GB – General Business	Future Dairy Queen

**Conditional Use Requirements:**

According to Section 1215.04 of the Pataskala Code, the Board of Zoning appeals shall consider whether the conditional use at the proposed location:

- 1. Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on the application.*
- 2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the City comprehensive plan and/or this Code.*
- 3. Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*
- 4. Will not be hazardous or disturbing to existing or future neighboring uses.*
- 5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
- 6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.*
- 7. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.*
- 8. Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.*
- 9. Will not result in destruction, loss or damage of a natural, scenic, or historic feature of major importance.*

Furthermore, Section 1215.05 allows other factors to be considered, when determining if a conditional use is appropriate. In Staff's opinion the following factors from Section 1215.05 are applicable to Conditional Use Application CU-22-006:

- None.

**Department and Agency Review**

- Zoning Inspector – No comments.
- Public Service – No comments.
- City Engineer – No comments.
- SWLCWSD – No comments.
- Police Department – No comments.
- West Licking Joint Fire District – See attached.
- Southwest Licking School District – No comments.

**Conditions:**

Should the Board choose to approve the applicant's request, the following conditions may be considered:

1. The Applicant shall obtain all necessary permits from the City of the Pataskala within six (6) months of the date of approval.
2. The Applicant shall obtain all necessary permits from the Licking County Building Code Department and the West Licking Joint Fire District within one (1) year of the date of approval.

**Resolution:**

For your convenience, the following resolution may be considered by the Board of Zoning Appeals when making a motion:

"I move to approve a Conditional Use pursuant to Section 1215.08 of the Pataskala Code for application CU-22-006 ("with the following conditions" if conditions are to be placed on the approval)."

**From:** [Doug White](#)  
**To:** [Jack Kuntzman](#); [Felix Dellibovi](#); [Jim Roberts](#); [Scott Haines](#); [Alan Haines](#)  
**Cc:** [Scott Fulton](#); [Lisa Paxton](#)  
**Subject:** RE: Pataskala BZA Review Memo for 07-12-2022  
**Date:** Thursday, June 23, 2022 8:35:30 AM

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**CAUTION: This email message came from an external (non-city) email account. Do not click on any links within the message or attachments to the message unless you recognize the sender's email account and trust the content.**

Jack,

The West Licking Fire District has reviewed the BZA memo and listed below is our comments.

VA-22-021: No comments

CU-22-006:

- 1) The owner / tenant shall contact the Fire District for an inspection of the business prior to opening.
- 2) We require a 48 hour notice for all inspections and building finals.

If you have any questions please feel free to contact me.

Doug White  
[dwhite@westlickingfire.org](mailto:dwhite@westlickingfire.org)  
Fire Marshal  
West Licking Fire District  
851 E. Broad St.  
Pataskala Oh 43062  
Office Phone # 740-927-3046 Opt. 2  
[Westlickingfire.org](http://Westlickingfire.org)



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**From:** Jack Kuntzman <[jkuntzman@ci.pataskala.oh.us](mailto:jkuntzman@ci.pataskala.oh.us)>  
**Sent:** Wednesday, June 22, 2022 3:09 PM  
**To:** Felix Dellibovi <[fdellibovi@ci.pataskala.oh.us](mailto:fdellibovi@ci.pataskala.oh.us)>; Jim Roberts <[jroberts@hullinc.com](mailto:jroberts@hullinc.com)>; Scott Haines <[shaines@hullinc.com](mailto:shaines@hullinc.com)>; Bruce Brooks <[bbrooks@pataskalapolice.net](mailto:bbrooks@pataskalapolice.net)>; Doug White <[DWhite@westlickingfire.org](mailto:DWhite@westlickingfire.org)>; Philip Wagner <[pwagner@lhschools.org](mailto:pwagner@lhschools.org)>; 'Chris Gilcher' <[cgilcher@swlcws.com](mailto:cgilcher@swlcws.com)>; Alan Haines <[ahaines@ci.pataskala.oh.us](mailto:ahaines@ci.pataskala.oh.us)>



# CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

621 West Broad Street, Suite 2A  
Pataskala, Ohio 43062

## CONDITIONAL USE APPLICATION

(Pataskala Codified Ordinances Chapter 1215)

Property Information	
Address: 14952 E. Broad St. Reynoldsburg, OH 43068	
Parcel Number: 003-142050-00.001	
Zoning: GB	Acres: 1.75
Water Supply: <input checked="" type="checkbox"/> City of Pataskala <input type="checkbox"/> South West Licking <input type="checkbox"/> On Site	
Wastewater Treatment: <input checked="" type="checkbox"/> City of Pataskala <input type="checkbox"/> South West Licking <input type="checkbox"/> On Site	

Staff Use
Application Number: CU-22-006
Fee: 300
Filing Date: 6-17-22
Hearing Date: 7-12-22
Receipt Number: 000703

Applicant Information		
Name: Amber Keaton		
Address: 1131 Brookview Circle		
City: Pickerington	State: OH	Zip: 43147
Phone: (614) 390-9217	Email: amber.keaton@gmail.com	

Documents
<input checked="" type="checkbox"/> Application
<input checked="" type="checkbox"/> Fee
<input checked="" type="checkbox"/> Narrative
<input checked="" type="checkbox"/> Site Plan
<input checked="" type="checkbox"/> Deed
<input checked="" type="checkbox"/> Area Map

Property Owner Information		
Name: Shearer Investment Group LLC		
Address: 14952 E. Broad St.		
City: Reynoldsburg	State: OH	Zip: 43068
Phone:	Email:	

Conditional Use Information
Request (Include Section of Code): 1249.04.18
Describe the Project: coffee shop (drive-thru and inside)

## Documents to Submit

**Conditional Use Application:** Submit 1 copy of the conditional use application.

**Narrative Statement:** Submit 1 copy of a narrative statement explaining the following:

- The reason the conditional use has been requested.
- The specific reasons why the conditional use is appropriate as it pertains to Section 1215.04 of the Pataskala Code:
  1. *Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on this application.*
  2. *Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City comprehensive plan and/or this Code.*
  3. *Will be designed, constructed, operated and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*
  4. *Will not be hazardous or disturbing to existing or future neighboring uses.*
  5. *Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
  6. *Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.*
  7. *Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but not limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.*
  8. *Will have vehicular approaches to the property which shall be so designed as to not create interference with traffic on surrounding public thoroughfares.*
  9. *Will not result in destruction, loss, or damage of a natural, scenic, or historical feature of major importance.*
- Specific standards for conditional uses can be found in Section 1215.05 of the Pataskala Code.
- Wireless Telecommunication Facilities must also meet the requirements outlined in Section 1293.06(B) of the Pataskala Code.

**Site Plan:** Submit 1 copy (unless otherwise directed by staff) of a site plan to scale of the subject property indicating the following:

- All property lines and dimensions
- Location and dimensions of all existing and proposed buildings and structures.
- Setbacks from property lines for all existing and proposed buildings, structures and additions
- Easements and rights-of-way
- Driveways
- Floodplain areas
- Location of existing wells and septic/aerator systems.
- Any other information deemed necessary for the conditional use request

**Deed:** Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/paxworld/>

**Area Map:** Submit 1 copy of an area map showing the property and the surrounding area. Area maps can be obtained from the Licking County Auditor's website here: <https://www.lickingcountyohio.us/>

## Signatures

I certify the facts, statements and information provided on and attached to this application are true and correct to the best of my knowledge. Also, I authorize City of Pataskala staff to conduct site visits and photograph the property as necessary as it pertains to this conditional use request.

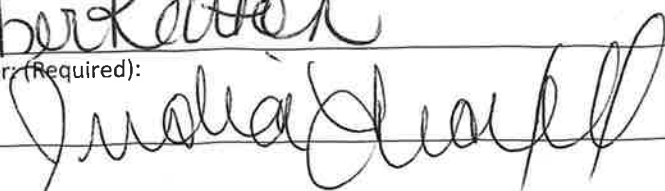
Applicant (Required):



Date:

6/16/22

Property Owner (Required):



Date:

6/20/22

### Narrative Statement

We are opening a coffee shop at 14925 E. Broad St in the plaza across from the Dollar General. Additionally, in that plaza on the far end you have Duggie's Bar, next to that you have Zaxby's chicken, next to that you have Little Ceaser's pizza. We are next to them on the far end. Our location has a drive thru we intend on using to service our customers. That is the reason we are requesting a conditional use presently. The drive thru has been operated by former tenants of the space with no issues. So, yes, this will be harmonious with and in accordance with the general objectives, or specific objective of the city comprehensive plan/ or this code. It is already designed, constructed and maintained as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area. This will not be hazardous or disturbing to existing or future neighboring uses. This will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. This will have vehicular approaches to the property which shall be so designed as to not create interference with traffic on surrounding public thoroughfares. This will not result in destruction, loss, or damage of a natural, scenic, or historical feature of major importance. Our mission is to service the community while providing great coffee.

Thank you!



Little Caesars Pizza

Busier than [red pin icon]



14946

Coffee Shop

O'Reilly Auto Parts  
Auto parts & services

Drive thru

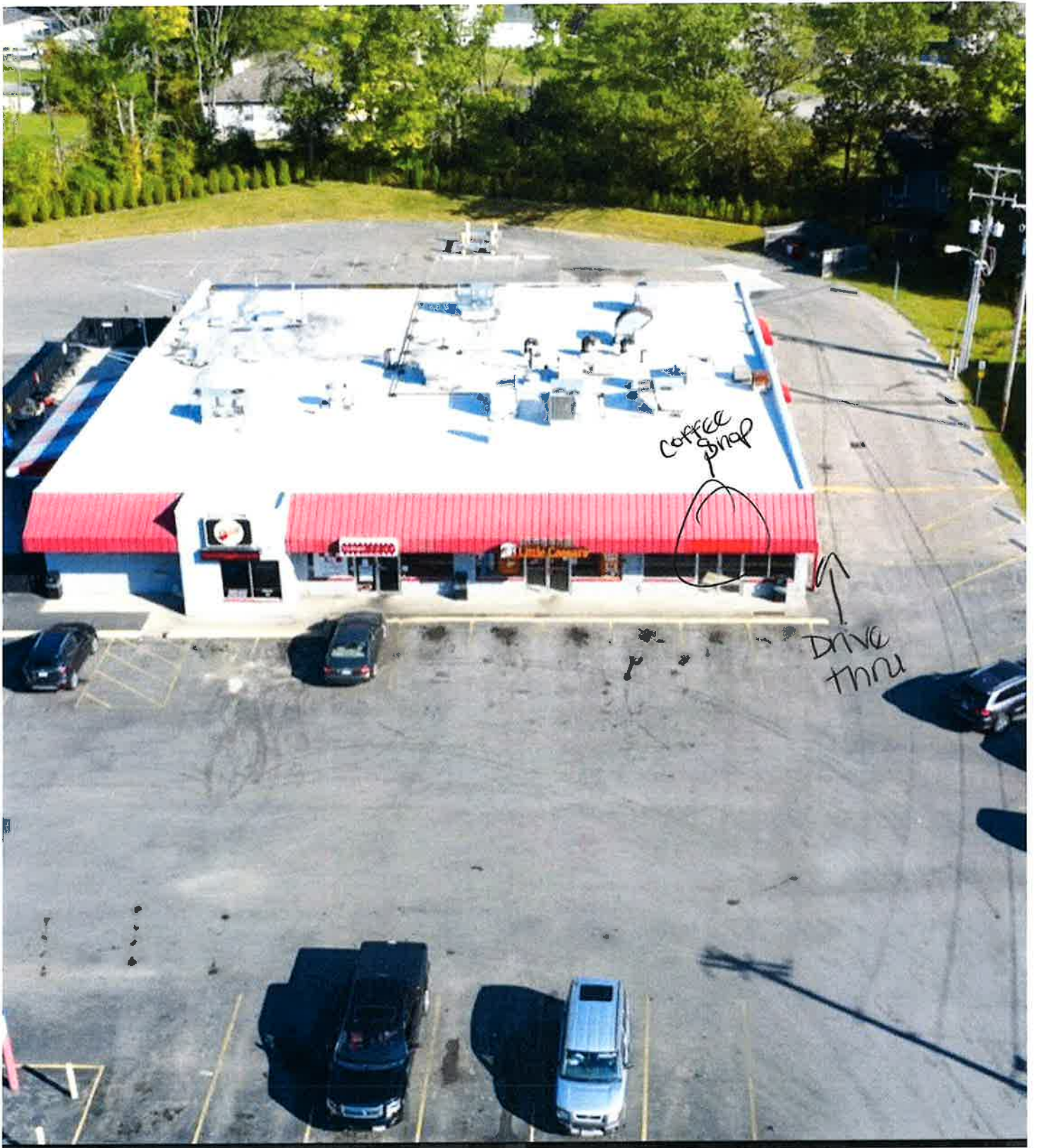
out

in

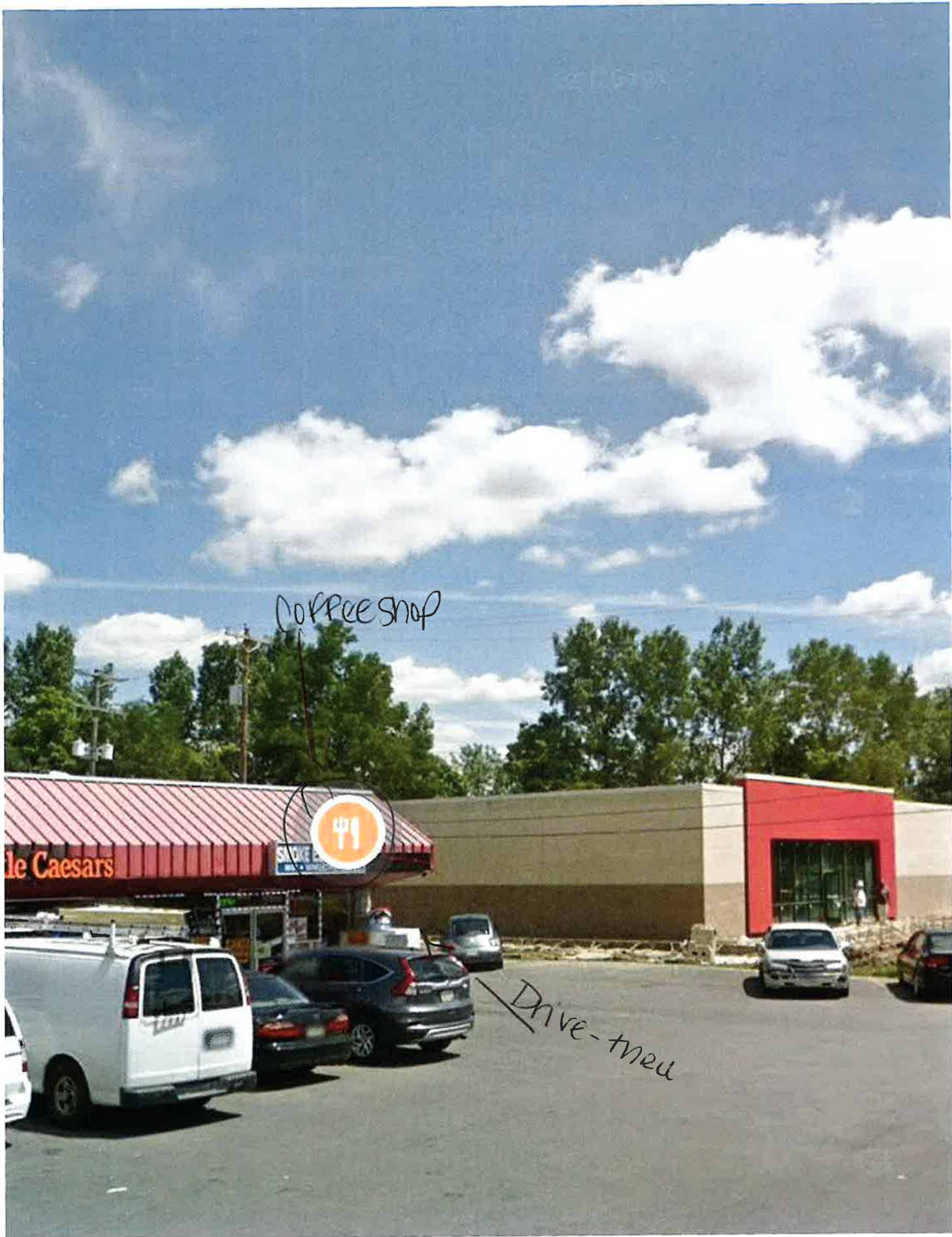
in

E Broadway St









Coffee shop

Drive-thru

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Order Number: 1903719

## **GENERAL WARRANTY DEED**

**County Line Plaza, LLC, an Ohio limited liability company**, for valuable consideration paid, grants, with general warranty covenants to **Richard L. Shearer, Sr.**

, whose tax mailing address is First Federal Savings and Loan Association of Newark, 2 North 2<sup>nd</sup> Street, P.O. Box 4460, Newark, Ohio 43058-4460 the following real property:

**"See Exhibit "A" attached hereto and made a part hereof...."**

Parcel Number: 063-142050-00.001

Property Address: 14952 East Broad Street, Reynoldsburg, Ohio 43068

Subject to taxes and assessments which are now or may hereafter become liens on said premises and except conditions and restrictions and easements, if any, contained in former instruments of record for said premises, subject to all of which this conveyance is made.

Prior Instrument Reference: Instrument 200605180014240, Recorder's Office, Licking County, Ohio.

Witness its hand this 26th day of October, 2012.

County Line Plaza, LLC, an Ohio limited liability company

BY: Nedal Jahshan  
Nedal Jahshan  
Its: Member

BY: Khaled Jahshan  
Khaled Jahshan  
Its: Member

BY: Jamal Mansour  
Jamal Mansour  
Its: Member

BY: Ghassan Suleiman  
Ghassan Suleiman  
Its: Member

BY: Amer Alwawi  
Amer Alwawi  
Its: Member

**State of Ohio**  
**County of Fairfield ss:**

**Be It Remembered**, that on this 26th day of October, 2012, before me, the subscriber, a Notary Public in and for said State, personally appeared the above named County Line Plaza, LLC, an Ohio limited liability company, by Nedal Jahshan; Khaled Jahshan; Jamal Mansour; Ghassan Suleiman and Amer Alwawi, its Members, the grantor in the foregoing deed and acknowledged the signing thereof to be their voluntary act and deed, and the voluntary act and deed of said company.

**In Testimony Thereof**, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Caryl N. Caito  
Notary Public



**CARYL N. CAITO**  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES NOVEMBER 26, 2016

This instrument prepared by Magnuson & Barone Attorneys at Law  
570 Polaris Parkway, Suite 140, Westerville, Ohio 43082

## EXHIBIT 'A'

1903719

### LEGAL DESCRIPTION

Situated in the City of Pataskala, County of Licking, State of Ohio, and is described as follows:

PARCEL ONE (063-142050-00.001):

Being part of the same lands as conveyed to Miodrag Dragich, as recorded in Deed Book 830, page 89, and being part of the Third Quarter of the First Township in the 15th Range of the United States Military Lands, and being more particularly bounded and described as follows:

Beginning at a point in the center of St. Rt. 16, said point being N.  $81^{\circ} 59' 45''$  E. a distance of 70.00 feet from the Southeast corner of a tract of land conveyed to James R. & Judith A. Murray as recorded in Deed Book 806, page 240;

Thence, N.  $07^{\circ} 56' 03''$  W., passing a 5/8 inch rebar set on the North right-of-way line of St. Rt. 16, at a distance of 30.00 feet, a total distance of 386.71 feet to a 5/8 inch rebar set on the South line of a tract of land conveyed to Voelker-Belz Company as recorded in Deed Book 494, page 524;

Thence, N.  $52^{\circ} 37' 04''$  E., with the South line of said Voelker-Belz Company lands, a distance of 27.17 feet, to a 3/4 inch iron pipe found on the South line of said Voelker-Belz Company lands;

Thence, S.  $70^{\circ} 40' 30''$  E., with the South line of said Voelker-Belz Company lands, a distance of 153.63 feet, to a 3/4 inch iron pipe found on the south line of said Voelker-Belz Company lands;

Thence, S.  $08^{\circ} 02' 20''$  E., with the East line of said Voelker-Belz Company lands, passing the North right-of-way of St. Rt. 16 at a distance of 298.90 feet, passing a 3/4" Iron pipe found at a distance of 299.45 feet, a total distance of 328.90 feet to a point on a curve concave to the North on the centerline of St. Rt. 16;

Thence, S.  $81^{\circ} 42' 06''$  W., along the cord of a curve to the right, said curve having a Radius of 11459.16 feet, a Degree of curve of  $00^{\circ} 30'$ , and a chord distance of 117.67 feet to the P.C. of said curve at Highway Station 18+58.23 as shown on 1953 centerline survey, said point being Southerly 30.00 feet from and perpendicular to a St. Rt. 16 right-of-way monument found;

Thence s.  $81^{\circ} 59' 45''$  W., with the centerline of said St. Rt. 16, a distance of 43.16 feet to the Place of Beginning, and containing 1.36 acres, more or less, in Lima Township.

Subject, however, to all legal highways, rights-of-way, conditions, restrictions, and/or easements of previous record. Actual survey performed by, or under the supervision of, Oscar L. Willis, Professional Surveyor #5097, Central Surveying Co., Limited, 8563 E. Main Street, Reynoldsburg, Ohio 43068, on the 24th day of February, 1986.



Thence, S. 81° 42' 06" W., along the cord of a curve to the right, said curve having a Radius of 11459.16 feet, a Degree of curve of 00° 30', and a chord distance of 117.67 feet to the P.C. of said curve at Highway Station 18+58.23 as shown on 1953 centerline survey, said point being Southerly 30.00 feet from and perpendicular to a St. Rt. 16 right-of-way monument found;

Thence S. 81° 59' 45" W., with the centerline of said St. Rt. 16, a distance of 43.16 feet to the Place of Beginning, and containing 1.36 acres, more or less, in Lima Township.

Subject, however, to all legal highways, rights-of-way, conditions, restriction, and/or easements of previous record. Actual survey performed by, or under the supervision of, Oscar L. Willis, Professional Surveyor #5097, Central Surveying Co., Limited, 8563 E. Main Street, Reynoldsburg, Ohio 43068, on the 24th day of February, 1986.

**TRACT 2:**

Situated in the Township of Lima, County of Licking, State of Ohio, and in Section 3, Town 1, Range 15, and bounded and described as follows:

Beginning at the point in the centerline of Broad Street marking the Southwesterly corner of said Dragich tract and also marking the Southeasterly corner of those tracts as conveyed to Thomas P. and Deborah S. Jones by deed of record in Official Record volume 220, page 412 (centerline Station 389+32/15);

Thence, leaving said centerline North 8° 14' 00" West, along the Easterly line of said Jones tract, distance of 55.00 feet to a point (55.00 feet left of centerline Station 389+32/15);

Thence North 81° 46' 00" East, along a line parallel to and 55.00 feet Northerly of, as measured at right angles, the centerline of Broad Street, a distance of 70.07 feet to a point in the Westerly line of that 1.36 acre tract as conveyed to Maurine May Rotonda by deeds of record in Official Record Volume 103, page 531 and Official Record Volume 250, page 56 (55.00 feet left of centerline Station 390+02.22);

Thence South 8° 09' 27" East, along said Westerly line, a distance of 55.00 feet to a point in the centerline of Broad Street marking the Southwesterly corner of said 1.36 acre tract and also marking the Southeasterly corner of said Dragich tract (centerline Station 390+02.15);

Thence South 81° 46' 00" West, along said centerline, a distance of 70.00 feet to the Place of Beginning and containing 0.088 acres of which the existing right-of-way occupies 0.048 acres, leaving a net take of 0.40 acre, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record. The bearings in the above description are based upon the centerline of Broad Street as being North 81° 46' 00" East. This description is based on a survey made by E.M.H. & T. in April 1990, under the direction of Lawrence E. Ball, Registered Surveyor No. 6878.

For Informational Purposes only:

Property Address: 14952 East Broad Street Reynoldsburg, Ohio 43068

Parcel No.:063-142050-00.001

## OWNER'S AFFIDAVIT

STATE OF OH  
COUNTY OF Fairfield , SS

The undersigned is/are the owner or is an authorized representative of the owner who personally knows the facts that relate to the matters attested to herein. The undersigned If an authorized representative(s) of the owner(s) attests that he/she is empowered by the owner(s) to bind the owner to the representations and undertakings made herein. The undersigned, in consideration of First American Title Insurance Company issuing its Policy(ies) of title insurance insuring an interest in or title to the real estate described herein, and, if applicable, to induce buyer to purchase the following described premises, and, if applicable, to induce any mortgagee to disburse loan proceeds, and being first duly sworn an oath, deposes, states and warrants as follows:

### **SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF**

1. All taxes, assessments or other charges now a lien against the Premises are shown on the Treasurer's duplicate, and no improvements (site or area) have been installed by public authority, the costs of which may be assessed against the Premises. Owner has not been notified within the period of two years immediately preceding the date hereof of contemplated improvements (site or area) to the Premises by public authority, the costs of which are to be assessed against the Premises in the future nor has Owner any notice of condemnation or other exercise of the power of eminent domain. Owner represents that all bills for water and sewer charges issued prior to the date hereof for water and sewer services to the Premises have been fully paid.

2. No unpaid-for work or labor has been performed on the Premises and no unpaid-for materials have been furnished or fabricated in furtherance of any improvement to or on the Premises within seventy-five (75) days (or, in the case of a one or two family home or a residential condominium unit, sixty (60) days) immediately preceding the date hereof which might form the basis of a mechanic's lien against the Premises.

3. Owner has no knowledge of any encumbrances on title to the Premises other than those set forth in the evidence of the title provided to Mortgagee, nor does Owner have any knowledge of off-record or undisclosed legal or equitable interests in the Premises owned or claimed by any other person or entity, except the rights of tenants, if any, which have been fully disclosed to Mortgagee and to any title insurance company issuing title insurance in reliance thereon.

4. To Owner's best knowledge and belief the improvements on the Premises are located within the boundary lines of the Premises and all utility service lines serving the Premises are located either within the boundary lines of the Premises or within lands dedicated to public use or within recorded easements for the same.


5. With respect to the improvements located on the Premises, Owner has no knowledge of hidden structural defects or uncomplied with orders or notices of civil authority concerning health, building or fire code violations, and to the extent that Owner has made any structural or non-structural alteration or modifications to the improvements located on the Premises, Owner has, to Owner's knowledge, obtained all necessary building permits and variances for the same.

6. Owner is not now under any legal disability which would impede or void any of Owner's contractual obligations nor is Owner a debtor in any proceeding under the bankruptcy laws of the United States. All former spouses of Owner, if any, are deceased and/or all prior marriages, if any, have been legally terminated. If Owner is a partnership or corporation, its officials consummating this transaction are properly authorized to do so, and the partnership or corporation and the undersigned, shall be bound by this affidavit.





The Owner agrees to hold First American Title Insurance Company and its policy-issuing agent harmless from any loss or claim arising because of title insurance protection provided a purchaser or lender in reliance in whole or in part on the completeness and correctness of the representations or attestations made herein.

County Line Plaza, LLC, an Ohio limited liability company

  
By: Nedal Jahshan, Member

  
By: Khaled Jahshan, Member

  
By: Jamal Mansour, Member


  
By: Ghassan Suleiman, Member

  
By: Amer Alwawi, Member

Sworn to before me and subscribed in my presence this 26 day of October, 2012.



CARYL N. CAITO  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES NOVEMBER 26, 2016

  
Notary Public

WARNING: Transactions involving property in excess of \$300,000 or property that is not to be used as a residence by Buyer, a separate affidavit should be executed in accordance with Internal Revenue Code Sec. 1445 and the Regulations promulgated thereunder (FIRPTA).



