

**No Further Action (NFA) Letter
and
Request for Covenant Not To Sue (CNS)
for
*College Hill Mid-District Development***

*5919 - 6031 Hamilton Avenue
Cincinnati, Hamilton County, Ohio 45224*



NFA Letter Issued: *October 2015*

By Certified Professional *Michael J. Luessen, CP267*, on behalf of the *City of Cincinnati*

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I. Administrative Information

Information or Component of NFA Letter	Provide response below
1. Property Information	
1.a. Name of NFA Letter Property:	College Hill Mid-District Development
1.b. All alias Property names (if any):	
1.c. Street address/location of the Property:	5919, 5921, 5943, 5951, 6009, 6013, 6015, 6017, 6021, 6031 Hamilton Avenue; 1610 Marlowe Avenue; 6024, 6030 Budmar Avenue
1.d. Total acreage on which the Voluntary Action is based:	2.06
1.e. Tax Parcel number(s)/Taxing District:	233-0002-0045-00, 233-0002-0094-00, 233-0002-0014-00, 233-0001-0064-00, 233-0001-0101-00, 233-0001-0098-00, 233-0001-0096-00, 233-0001-0095-00, 233-0001-0065-00, 233-0001-0071-00, 233-0001-0102-00, 233-0001-0063-00, 233-0001-0062-00
1.f. County/Ohio EPA District:	Hamilton County, Southwest District
1.g. Publicly available aerial photograph of site with the NFA Property boundary identified.	See attached
2. Payment Information and Fees	
2.a. Date NFA Letter fee paid:	October 30, 2015
2.b. Amount of NFA Letter fee paid:	\$18,200
2.c. Is the NFA fee waived because it is a Clean Ohio Revitalization Fund (CORF) project?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Note: Per ORC 3746.13(D) the NFA fee is waived for CORF projects only. Clean Ohio Assistance Fund projects must still pay the fee.	
2.d. Fees paid	<p>Standard NFA Letter</p> <input type="checkbox"/> NFA without environmental covenant (\$15,700) <input checked="" type="checkbox"/> NFA with environmental covenant (\$18,200)
	<p>MOA Track NFA Letter</p> <input type="checkbox"/> NFA without environmental covenant (\$10,000) <input type="checkbox"/> NFA with environmental covenant (\$12,500)

I. Administrative Information

6.a. Was any prior Ohio EPA Technical Assistance (TA) received? If YES , provide all the information that is available to the right.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of TA Received: Name(s) of Ohio EPA personnel providing TA: TA Billing Number:
7. BUSTR-regulated Underground Storage Tank Systems (USTs)		
7.a. Were BUSTR-regulated USTs still requiring corrective action addressed as part of this voluntary action? Note: Check the "No box" for USTs already addressed by a BUSTR no further action ("NFA") determination.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7.b. If yes, what were the BUSTR classifications of the USTs? Note: Attach BUSTR's NFA determination letter for each non-class C UST addressed by this NFA letter.	<input type="checkbox"/> Class C USTs <input type="checkbox"/> Non-class C USTs (must have other non-BUSTR VAP identified areas addressed as part this VAP NFA letter)	<u>BUSTR USTs release #:</u>
8. Remedy Support Documentation		
8.a. Is an Operation and Maintenance (O&M) Plan and proposed agreement included in the NFA Letter?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
8.b. Is a Risk Mitigation Plan included in the NFA Letter?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
8.c. Is a proposed environmental covenant (EC) included in the NFA Letter?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
9. Legislative Reporting Information (Optional)		
9.a. Describe any state/federal VAP/Brownfield financial assistance received in conjunction with this project:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Describe:
9.b. Describe the intended land use or end user of the Property, if known:	Mixed Use; Likely first floor commercial, upper floors residential	
9.c. Number of jobs created as a result of the Voluntary Action.	Projected permanent commercial jobs: Actual permanent commercial jobs Projected permanent industrial jobs: Actual permanent industrial jobs:	

II. Certified Professional (CP) Affidavit

State of Ohio)
)
County of Hamilton)

ss:

I, Michael J. Luessen, being first duly sworn according to law, state that, to the best of my knowledge, information and belief:

1. I am an adult over the age of eighteen years old and competent to testify herein.
2. I am a Certified Professional, No. 267, in good standing under Ohio Revised Code (ORC) Chapter 3746 and Ohio Administrative Code (OAC) Chapter 3745-300, also known as Ohio's Voluntary Action Program.
3. I have prepared a No Further Action (NFA) Letter for property referred to as College Hill Mid-District Development and located at 5919-6031 Hamilton Avenue, Cincinnati, Ohio 45224 (the "Property.")
4. I prepared the NFA Letter at the request of The City of Cincinnati. The Property is owned by The City of Cincinnati.
5. I have read the standards of conduct contained in OAC 3745-300-05, and met the standards while rendering professional services regarding the voluntary action at the Property.
6. The Property is eligible for the Voluntary Action Program pursuant to ORC 3746.02 and OAC 3745-300-02.
7. The voluntary action has been conducted and the NFA Letter has been issued in accordance with ORC Chapter 3746 and OAC Chapter 3745-300. As a result, I determined that the Property complies with the applicable standards contained in ORC Chapter 3746 and OAC Chapter 3745-300.
8. The voluntary action was conducted in compliance with all applicable local, state, and federal laws and regulations.
9. The NFA Letter and any other information, data, documents and reports submitted with the NFA Letter are true, accurate and complete.

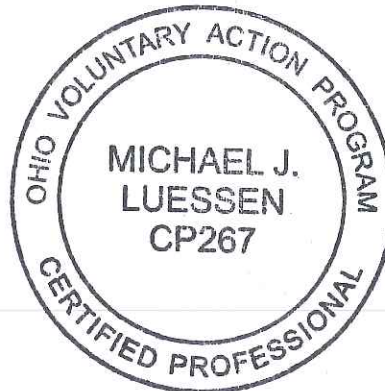
Further affiant sayeth naught.

Michael J. Luesen

Signature of Affiant

MICHAEL J. LUESSEN
CERTIFIED PROFESSIONAL (CP267)
ORC Section 3764.04 (B)(5) OAC
Rule 3745-300-05
My certification expires: Sept. 12, 2016

Certified Professional's Current Seal here:



Sworn to before me and subscribed in my presence this 30 day of OCTOBER, 2015.

[Handwritten Signature]

Notary Public



Susan C. Diballa
Notary Public, State of Ohio
My Commission Expires 09-11-2019

III. Transmittal letter from CP to Volunteer(s)

October 30, 2015

Director, Dept. of Community and Economic Development
c/o Greg Koehler, Senior Development Officer
City of Cincinnati
805 Central Avenue, Suite 7080
Cincinnati, Ohio 45202

**RE: No Further Action Letter Issuance Notification Letter
College Hill Mid-District Development Property
5919-6031 Hamilton Avenue, Cincinnati, Ohio 45224**

Dear Mr. Koehler:

Pursuant to the requirements of the Ohio Revised Code (ORC) 3746.11 and Ohio Administrative Code (OAC) 3745-300-13(F), in my role as Certified Professional (CP #267), I am providing you with a copy of a No Further Action (NFA) Letter that I issued for the College Hill Mid-District property located at 5919-6031 Hamilton Avenue, Cincinnati, Hamilton County, Ohio (the "Property"). The supporting documentation that I reviewed or developed and my findings are summarized in the NFA Letter.

On the basis of this information or my direct involvement in the voluntary action, I have determined that the Property meets the applicable standards under Ohio's Voluntary Action Program. This determination allows me to issue the NFA Letter

Please notify me in writing, as required by OAC 3745-300-13(G), if the City of Cincinnati wishes me to submit the NFA Letter to the Director of the Ohio EPA (Director) with a request for a covenant not to sue (CNS) on its behalf. I have prepared a form for your use to meet this written notice to submit obligation (see attached). A CNS may be issued by the Director pursuant to ORC 3746.12 only if the original NFA Letter is submitted to the Director with a request for a Covenant Not to Sue by a Certified Professional on the Volunteer's behalf.

Regards,



Michael J. Luessen, CP#267
Cardno ATC

Further affiant sayeth naught.

Gregory J. Koehler
Signature of Affiant

Gregory J. Koehler, Senior Development Analyst
Typed Name and Title of Affiant

Sworn to me and subscribed in my presence this 30 day of October, 2015.

Angel Taylor
Notary Public



Angel Taylor
Notary Public, State of Ohio
My Commission Expires 05-18-2019

V. NFA Letter

College Hill Mid-District
5919-6031 Hamilton Avenue, Cincinnati, Ohio
Volunteer: Director, Dept. of Trade and Development,
City of Cincinnati, 805 Central Ave., Suite 700,
Cincinnati, Ohio 45202
CP: Michael J. Luessen, Cardno, 11121 Canal Road, Cincinnati, Ohio 45241
(513) 771-2112

- A. Is the NFA Property eligible for participation under the Voluntary Action Program (VAP) pursuant to ORC 3746.02 and OAC 3745-300-02? Yes No
- B. Has a risk assessment been performed in accordance with OAC 3745-300-09? Yes No
- C. Identify the person(s) who performed work in support of the NFA Letter:

Name	Title	Company / Firm	Nature and Scope of Work Performed
Michael Bumgartner	Staff Geologist	Cardno	Boring and monitoring well installation, sampling, remedial supervision
Jennifer Lintz	Sr. Project Manager	Cardno	Field supervision
William Norris	Staff Geologist	Cardno	Technical support
Lauren Goff	Redevelopment Specialist	Cardno	Data evaluation, report preparation
Cherie Howell	Project Scientist	Cardno	Risk assessment
Michael J. Luessen	Principal Consultant	Cardno	Project management

- D. List of all data, records, and information relied upon for NFA Letter:

Keramida, Phase I Environmental Site Assessment of 6015 Hamilton Ave., December 2002

Keramida, Phase I Environmental Site Assessment of 6013 Hamilton Ave., January 2003

Keramida, Limited Phase II Assessment of 6013 & 6015 Hamilton Ave., October 2003
(Referenced in Dec. 2005 Phase II)

Encheck, Underground Storage Tank Closure Site Assessment Closure Report, for Maggie Rieger, 5919 Hamilton Avenue, Cincinnati, Ohio 45239, February 27, 2004.

BUSTR, NFA Letter, Release No. 31010601-N00001, 5919 Hamilton Avenue, Cincinnati, Ohio, April 15, 2004

Keramida, Limited Phase II Assessment of 6013 & 6015 Hamilton Ave., May 2005 (Referenced in Dec. 2005 Phase II)

Keramida, Limited Phase II Assessment of 6013 & 6015 Hamilton Ave., December 2005

Keramida, Phase I Environmental Site Assessment of 5923, 5939, 5941 Hamilton Ave. & 1605 Marlowe Ave., December 2009

Keramida, Phase II Assessment of 5923, 5939, 5941 Hamilton Ave. & 1605 Marlowe Ave., June 2010

Keramida, Phase I Environmental Site Assessment of 6024, 6030 Budmar Ave. & 6023 Hamilton Ave., July 2010 (Referenced in July 2010 Phase II)

Keramida, Phase II Assessment of 6024, 6030 Budmar Ave. & 6023 Hamilton Ave., July 2010

Keramida, Phase I Environmental Site Assessment of 6009 Hamilton Ave., October 2010

Keramida, Opinion Letter of 6009 Hamilton Ave., December 2010

Keramida, Phase I Environmental Site Assessment of 6031 Hamilton Ave., March 2011

Keramida, Phase II Assessment of 6031 Hamilton Ave., April 2011

Keramida, Supplemental Phase II Assessment of 6031 Hamilton Ave., May 2011

Keramida, Phase I Environmental Site Assessment of 5919, 5921, 5951, 6017, 6031 Hamilton Ave. & 1610 Marlowe Ave., July 2011

BUSTR, NFA Letter, Release No. 31010601-N00002, 5919 Hamilton Avenue, Cincinnati, Ohio, January 17, 2012.

ATC Associates, Inc. (Cardno), Phase I Property Assessment, Multi-Parcel Property 5919, 5921, 5943, 595, 6009, 6013, 6015, 6017, 6021, 6031 Hamilton Avenue, 6024 and 6030 Budmar Avenue, and 1610 Marlowe Ave, Cincinnati, Ohio, January 31, 2012

Pandey Environmental, LLC, Limited Phase II Property Assessment, College Hill Mid District Development 5951, 6009, 6013, 6015, 6017, 6021, 6031 Hamilton Ave., 6024 and 6030 Budmar Ave., and 1610 Marlowe Ave, Cincinnati, Ohio 45224, November 28, 2012

Cardno ATC (Cardno), Phase II Environmental Site Assessment, Commercial Property 5919 Hamilton Avenue, Cincinnati, Ohio, April 9, 2013

Cardno ATC (Cardno), UST Closure Form, 6015 Hamilton Avenue, Cincinnati, Ohio 45239, April 9, 2013

E. EXECUTIVE SUMMARY

Property: College Hill Mid-District Development

Alias Property Names: N/A

Property Address: 5919, 5921, 5943, 5951, 6009, 6013, 6015, 6017, 6021, 6031 Hamilton Avenue; 1610 Marlowe Avenue; 6024, 6030 Budmar Avenue, Cincinnati, Hamilton County, Ohio

Volunteer: City of Cincinnati, Dept. of Community and Economic Development, 805 Central Avenue, Suite 700, Cincinnati, Ohio 45202

Owner: Director, Dept. of Community and Economic Development, City of Cincinnati, 805 Central Ave., Suite 700, Cincinnati, Ohio 45202

NFA Letter and Executive Summary Issued by: Michael J. Luessen, VAP Certified Professional, #267, Cardno ATC, 11121 Canal Road, Cincinnati, Ohio 45241, (513) 842-3958

This No Further Action (NFA) letter executive summary serves as both a summary and recording document to meet the requirements of Ohio Revised Code (ORC) 3746.14(A)(1) and Ohio Administrative Code (OAC) 3745-300-13(J) under Ohio's Voluntary Action Program (VAP). Copies of the NFA letter and request for Covenant Not to Sue (CNS) may be obtained by contacting the Ohio EPA – Division of Environmental Response and Revitalization, Central Office Records Management Officer. A legal description of the approximately 2-acre property is included in the NFA letter (Section G).

SECTION 1.0 HISTORY

Section 1.1 Property History

Historic records indicate that the Property was predominantly used for mixed commercial and residential purposes since the early 1900s. Significant occupants of particular Property parcels are summarized below.

Automotive sales/repair were performed at 5919 Hamilton Avenue from 1930 through 1953 per historical records. Occupants included Webster and Brown Automobiles, Jamison Motors Inc., College Hill Motors, and Halaby Tire and Appliance. In the 1957 city directories this address was identified as "Amer Alum Prods". Three USTs have been removed from the Property, and the release numbers associated with these removals have been assigned a No Further Action (NFA) status through Ohio's Bureau of Underground Storage Tank Regulations (BUSTR).

5951 Hamilton Avenue was occupied by J. Schloemer Furniture (1953) and Wood Magic (1978) in city directory records. City directory listings between these years were inconsistent and did not indicate a furniture store based on facility names. Based on the size of footprint of the facility from historic Sanborn maps it is unlikely that this facility was involved in furniture manufacturing or refinishing operations.

Historic dry cleaning operations (Desh Cleaners) were conducted at 6015 Hamilton Avenue from 1947 through 1987 according to historical records.

Historic automotive operations were conducted at 6021 Hamilton Avenue from 1949 through 1973 (Honerkamp Motor Sales and Sky Pontiac). The 1978 city directories list 6021 Hamilton Avenue as Marschalls Dry Cleaning.

6024 and 6030 Budmar Avenue were identified as having been bought by the same company that owned 6021 Hamilton Avenue. Although owned in association with 6021 Hamilton Avenue, review of aerial photographs and Sanborn maps never indicated existence of any structures or operations taking place on these parcels.

According to city directory records and the 1937 Sanborn map, 6031 Hamilton Ave. operated as a photography facility (George Hoffman Photography) from 1931 through 1943.

The portion of the Property north of Marlowe Avenue is currently vacant and undeveloped except for a single vacant commercial building located on Marlowe Avenue. The portion of the Property south of Marlowe Avenue is occupied by two vacant commercial buildings.

Section 1.2 Surrounding Property History

Review of available records indicates that the surrounding area was historically densely developed for residential and small commercial/industrial use. Historical businesses of potential concern in close proximity to the Property include: a dry cleaner at 5907 ½ and 5911 Hamilton Ave. south of the Property from 1931 to 1968, and an automotive repair/filling station at 6014 Hamilton Ave. (Pearce's Automotive Care) located east of the Property from 1931 to present.

SECTION 2.0 GENERAL DESCRIPTION OF PROPERTY

Section 2.1 Phase I Property Assessment and General Information

The Property is located at 5919, 5921, 5943, 5951, 6009, 6013, 6015, 6017, 6021, 6031 Hamilton Avenue; 1610 Marlowe Avenue; 6024, and 6030 Budmar Avenue, in Cincinnati, Hamilton County, Ohio. The Property is currently vacant and unused. The area is generally flat. Properties in the surrounding area are mixed residential and small commercial, including a gasoline filling station east of the Property on the northeast corner of Hamilton and Marlowe Avenues.

The original Phase I Property Assessment (PA) was completed on January 30, 2012. An update of the Phase I property assessment was completed on September 14, 2015 which is within 180 days prior to issuance of the NFA Letter. The certified professional conducted a walk-over of the property on July 29, 2015 which is within 180 days prior to issuance of the NFA Letter.

Subsurface materials consist mainly of silty clay with occasional thin lenses of coarser material. Depth to limestone/shale bedrock is approximately 20 feet below ground surface (bgs). No coarse-grained saturated units were observed in the subsurface. Static ground water level at the Property ranges from approximately 3 - 10 feet bgs. No other saturated zones were identified at depth. Regional ground water flow is to the northwest.

Five identified areas were identified on or beneath the Property in the Phase I PA, as summarized below.

Identified Area - Location	Description of Area/Source	COCs
IA-A: Former Automotive and Metals Facility - 5919 Hamilton Ave.	Historic land use: possible materials used included fuels, oils, batteries, solvents. Former USTs closed in 2004.	VOCs, PAHs, PCBs, metals, TPH
IA-B: Former Dry Cleaner - 6015 Hamilton Ave.	Historic land use: possible materials used included solvents. Two solvent USTs present during Phase I.	VOCs
IA-C: Former Automotive & Dry Cleaning Facility - 6021 Hamilton Ave.	Historic land use: possible materials used included fuels, oils, batteries, solvents	VOCs, PAHs, PCBs, metals, TPH
IA-D: Former Photography Facility - 6031 Hamilton Ave.	Historic land use: possible materials used included solvents	VOCs, metals
IA-E: Impacted Groundwater	VOC-impacted groundwater detected beneath Property during previous investigation.	VOCs

Three regulated USTs were removed from 5919 Hamilton Avenue (IA-A) and closed under BUSTR regulations. Two gasoline USTs were removed in 2004 and received an NFA letter from BUSTR in 2004. Closure sampling indicated no release of gasoline constituents. One orphaned UST of unknown contents was discovered during excavation, removed and closed in 2004 and received an NFA in 2012. An apparent dry cleaning solvent UST located at 6015 Hamilton Avenue was not removed prior to the Phase I and was included within IA-B. The solvent UST was removed in 2013.

Section 2.2 Proposed Land Use

The proposed use of the Property is for mixed commercial/residential purposes.

Section 2.3 Asbestos Survey and Abatement

Asbestos surveys and abatement were previously conducted of demolished buildings north of Marlowe Avenue. Asbestos surveys were conducted of the buildings located along Marlowe Avenue (1610 Marlowe Avenue and 5943 Hamilton Avenue). A survey was not conducted of the southern-most building (5919 Hamilton Avenue).

Section 2.4 Approvals Obtained Prior to Issuance of NFA Letter

Section 2.4.1 Urban Setting Designation (USD)

N/A

Section 2.4.2 Off-Property Pathway Omission after Applying Diligent Efforts

N/A

Section 2.4.3 Variance or Case-by-Case Determination

N/A

Section 2.5 Phase II Property Assessment

Soil:

Pathway	Suite of COCs for each pathway	Point of Compliance
Soil direct contact to residential occupants and excavation / construction workers	VOCs, PAHs, TPH, RCRA metals	10 feet bgs
Soil direct contact to commercial / industrial workers	VOCs, PAHs, TPH, RCRA metals	2 feet bgs
Soil to indoor air	VOCs	Indoor air
Soil leaching to groundwater	Metals	Groundwater

Six VAP-compliant investigations have been completed at the Property since 2010. The studies included the installation of 56 borings across the Property to depths between 0 and 20 feet below ground surface (bgs). Borings generally encountered silty clay approximately 12 to 20 feet thick overlying limestone and shale bedrock. Silty clay with sand and gravel lenses was encountered locally approximately 6 to 8 feet bgs. Samples collected from the borings were analyzed for VOCs and PAHs (samples from 30 borings), TPH (samples from 9 borings), and/or RCRA metal (samples from 42 borings). Six VOCs were detected in the samples analyzed, with maximum concentrations as follows: n-hexane at 2.1 mg/kg, isopropylbenzene at 0.065 mg/kg, p-isopropyltoluene at 0.081 mg/kg, n-propylbenzene at 0.11 mg/kg,

PCE at 0.472 mg/kg, and 1,3,5-trimethylbenzene at 0.17 mg/kg. Eleven PAHs were detected in the samples analyzed, with a maximum concentration of 0.392 mg/kg fluoranthene. TPH was detected at maximum concentrations of 39 mg/kg GRO (C6-C12), 100 mg/kg DRO (C10-C20), and 650 mg/kg ERO (C20-C34). The eight RCRA metals were detected at maximum concentrations of 91.2 mg/kg arsenic, 310 mg/kg barium, 1.6 mg/kg cadmium, 21 mg/kg chromium, 457 mg/kg lead, 0.43 mg/kg mercury, 4.9 mg/kg selenium and 1.3 mg/kg silver.

Ground water:

Ground water zone (depth range)	Suite of COCs in ground water	Classification	Complete exposure pathway	Response requirement
Silty clay above bedrock (3-20 feet bgs)	VOCs, RCRA metals	Class A	Groundwater to indoor air pathway; groundwater ingestion; direct contact.	Demonstrate compliance with applicable standards. Demonstrate pass-through impact (arsenic) and Restrict on-Property groundwater extraction.

Monitoring wells MW-1 through MW-6 were installed across the Property in October 2012. Wells MW-7 and MW-8 were installed in 2014 along the northern Property boundary to demonstrate that dissolved metals were not migrating off-Property.

Date Sampled	Wells Sampled	COCs Analyzed
October 8-9, 2012	MW-1 to MW-6	VOCs
November 21, 2013	MW-1	RCRA metals
February 4, 2014	MW-1, MW-2, MW-4, MW-7 and MW-8	VOCs, total and dissolved RCRA metals
May 16, 2014	MW-1, MW-2, MW-4, MW-7 and MW-8	VOCs, total and dissolved RCRA metals

Constituents detected and their maximum concentrations include: acetone (0.079 mg/L), cis-1,2-dichloroethene (0.0099 mg/L), total arsenic (0.049 mg/L), and total barium (0.18 mg/L). The distribution of dissolved arsenic suggests origination from an off-Property up-gradient source and that Property conditions are not contributing to concentrations of arsenic in groundwater beneath the Property.

Surface Water and Sediments:

N/A

Soil Gas / Indoor Air:

COCs	Type of sample	Pathways	Point of Compliance
VOCs	Soil gas and sub-slab	Soil and/or groundwater to indoor air	Indoor air

Two soil gas samples were collected from sub-slab locations below the former dry cleaners at IA-C and IA-B. Two additional soil gas samples were collected from exterior locations of the Property and one outdoor ambient air sample was collected outside of the former dry cleaning building. Concentrations of chloromethane, methylene chloride, and PCE were detected in sub-slab and soil gas samples. The maximum detected soil gas results were chloromethane (1.3 ug/m³ sub-slab and 0.81 ug/m³ external

soil), methylene chloride (77.6 ug/m³ sub-slab and 37.1 ug/m³ external soil) and PCE (187 ug/m³ sub-slab and 5.3 ug/m³ external soil).

Section 2.6 Background Evaluation and Findings

Soil samples were collected from twelve discrete sample locations in an area of the Property west of and remote from the area of known arsenic impact in the northern portion of the Property. Surficial samples were analyzed for arsenic by SW 846 Method 6010 to establish naturally occurring Property-specific background concentrations. Arsenic analytical data were used in statistical analysis which included both detected concentrations and detection limits for non-detect samples. Statistical analysis of the background data set was performed using USEPA'S ProUCL (Version 5.0.00). The analysis quantified Property-specific background concentration of 12 mg/kg of arsenic in soil, identical with the OEPA's GDCSS for arsenic for a residential scenario.

SECTION 3.0 SUMMARY OF DATA COLLECTION AND EVALUATIONS

Section 3.1 Summary of Receptors and Pathways On and Off Property

Potential receptors and associated exposure pathways for the Property (prior to applicable standards determination and/or remedy) are summarized below. A more detailed tabular summary is included in Table 3 of the Phase II PA.

Receptor / Pathway	On or off Property	Current or reasonably anticipated?
Residential / soil direct contact	On Property	Reasonably anticipated
Residential / airborne particulates	On Property	Reasonably anticipated
Residential / soil volatilization	On Property	Reasonably anticipated
Residential / soil leaching to groundwater (ingestion)	On Property	Reasonably anticipated
Residential / groundwater direct contact	On Property (from off-Property source)	Reasonably anticipated
Residential / groundwater volatilization	On Property	Reasonably anticipated
Commercial/Industrial / soil direct contact	On Property	Reasonably anticipated
Commercial/Industrial / airborne particulates	On Property	Reasonably anticipated
Commercial/Industrial / soil volatilization	On Property	Reasonably anticipated
Commercial/Industrial / soil leaching to groundwater (ingestion)	On Property	Reasonably anticipated
Commercial/Industrial / groundwater direct contact	On Property (from off-Property source)	Reasonably anticipated
Commercial/Industrial / groundwater volatilization	On Property	Reasonably anticipated
Construction/Excavation / soil direct contact	On Property	Reasonably anticipated
Construction/Excavation / airborne particulates	On Property	Reasonably anticipated
Construction/Excavation / soil volatilization	On Property	Reasonably anticipated
Construction/Excavation / soil leaching to groundwater (ingestion)	On Property	Reasonably anticipated
Construction/Excavation / groundwater direct contact	On Property (from off-Property source)	Reasonably anticipated
Construction/Excavation / groundwater volatilization	On Property	Reasonably anticipated

Groundwater flow direction in the area of monitoring wells with concentrations of arsenic exceeding UPUS (MW-4 and MW-1) was generally toward the northwest, away from the nearest property boundary (eastern boundary along Hamilton Avenue). Arsenic was not detected in monitoring wells downgradient of this area (MW-7 and MW-8). Such data suggests groundwater impact does not extend beyond the down-gradient Property boundary. The distribution of the arsenic impact in groundwater (highest concentration in an up-gradient well along the Property boundary, decreasing down-gradient) suggests an off-Property source and that soil conditions on the Property are not contributing to the exceedance of applicable standards. A specific off-Property source was not identified. According to OAC 3745-300-007(F)(10), when a release from an off-Property source area has affected the property, the volunteer is not responsible for compliance of applicable standards at or beyond the property boundary due to the excess contribution of COCs by the off-Property release.

Section 3.2 Models used

Several models were used to evaluate Property conditions relative to applicable standards, as documented in the Phase II PA. Model used are summarized in tabular form below, relative to the exposure pathways evaluated.

Model	Pathway Evaluated
Johnson and Ettinger Model	Soil to indoor air
Johnson and Ettinger Model	Soil gas to indoor air
Support Document for the Development of Generic Numerical Standards and Risk Assessment Procedures	Groundwater dermal contact

Property specific numerical standards (PSNSs) were developed using the Johnson and Ettinger Model to evaluate the vapor intrusion to indoor air pathway based on soil data and soil gas data (unrestricted/residential land use scenario). PSNSs were also developed for the groundwater dermal contact for excavation/construction workers using the model provided by the Ohio VAP's *Support Document for the Development of Generic Numerical Standards and Risk Assessment Procedures*.

Section 3.3 Human Health Risk Assessment

PSNSs were developed using the Johnson and Ettinger Model to evaluate the vapor intrusion to indoor air pathway for the unrestricted/residential land use scenario. Results from analysis of sub slab soil gas samples were used to develop PSNSs for the non-carcinogenic hazard and carcinogenic risk to residential and commercial/industrial receptors. COCs in soil gas samples included chloromethane, methylene chloride, and PCE. Concentrations of COCs in soil gas did not exceed the calculated PSNSs.

Laboratory analytical results from soil samples collected from IA-A and IA-D were used to calculate PSNSs for non-carcinogenic hazard and carcinogenic risk to residential receptors via the vapor intrusion to indoor air pathway from VOCs and mercury at IA-A, and one PAH (naphthalene) at IA-D. Not all COCs detected had associated toxicity values with which to run modelling. Representative maximum concentrations of COCs in soil did not exceed calculated PSNSs for residential indoor air.

Arsenic was quantified above UPUS in groundwater sampled from two monitoring wells in the northeastern portion of the Property (MW-1 and MW-4). Based on the potential for construction/excavation workers to come into contact with shallow groundwater during Property development, PSNSs were developed using the algorithm for dermal intakes in the development of generic UPUS standards to evaluate the direct contact to groundwater pathway under the construction/excavation worker scenario. Concentrations of COCs in groundwater did not exceed calculated PSNSs.

A property specific risk assessment was conducted to derive applicable standards for COCs with complete pathways for which generic numerical standards were not available. Multiple chemical effects on receptor populations were evaluated quantitatively for carcinogenic and non-carcinogenic COCs across exposure pathways. The summation of carcinogenic risk and non-carcinogenic hazard to the residential receptor (also protective of the commercial/industrial receptor) and construction/excavation worker did not exceed the cumulative multiple chemical adjustment standard of 1.

Section 3.4 Ecological Risk Assessment

N/A

Section 3.5 Protection of Ground Water Demonstration

Concentrations of total arsenic were quantified above the UPUS of 0.010 mg/L in groundwater sampled from monitoring well MW-1 during all four groundwater sampling events conducted at the Property, with a maximum concentration of 0.030 mg/L detected in May, 2014. Arsenic was also detected above UPUS at monitoring well MW-4 in February and May 2014 at concentrations of 0.040 mg/L and 0.049 mg/L, respectively.

Given the presence of groundwater impact beneath the Property in excess UPUS (arsenic in the northeast portion of the Property, apparently from an off-Property source as noted), the provisions of POGWMPUS do not apply to the Property.

SECTION 4.0 SUMMARY OF REMEDIAL ACTIVITIES IMPLEMENTED AND HOW THE ACTIVITIES COMPLY WITH APPLICABLE STANDARDS

Two media beneath the Property were found to be impacted by COCs at concentrations in excess of applicable standards: soil conditions in the northern portion of the Property and groundwater in the northeast portion of the Property (both by arsenic). Property conditions in each area, applicable standards, and remedies implemented are summarized below.

Section 4.1 Summary Table

Identified Area / Exposure Unit	Media	Representative Concentration of COCs in Identified Area <u>prior</u> to remediation by media* (mg/kg)		Applicable Standard (mg/kg)	Method Used for Deriving Applicable Standard	Method of Achieving Compliance with Applicable Standards or Remedy
IA-D: Former Photography Facility	Soil	Arsenic	91.2	12	GDCSSs/ background	Soil Removal
IA-E: Groundwater	Ground – water	Arsenic	0.049	0.01	UPUS	Environmental Covenant

Section 4.2 Summary of Remedial Activities

As noted above, soils exceeding arsenic direct contact standards and background values (both equal to 12 mg/kg) in IA-D were excavated and removed from the Property. Several phases of remedial

excavation were performed until residual soil conditions met applicable standards. Statistical evaluation of post-remedy soil conditions in the area did not exceed applicable standards.

An environmental covenant will be implemented to eliminate the groundwater ingestion exposure pathway. The covenant also effectively eliminates the soil leaching to groundwater pathway (though empirical groundwater data did not suggest impact to groundwater beneath the Property from on-Property sources).

SECTION 5.0 ENGINEERING CONTROLS / OPERATION AND MAINTENANCE PLAN AND AGREEMENT

No engineering controls are required.

SECTION 6.0 RISK MITIGATION MEASURES / RISK MITIGATION PLAN (RMP)

No risk mitigation measures are required.

SECTION 7.0 ACTIVITY AND USE LIMITATIONS / ENVIRONMENTAL COVENANT

The remedy includes activity and use limitations described in an environmental covenant that will prohibit ground water extraction for potable use.

V. NFA Letter (continued)

F. Figures

1. Property location map (USGS topo map)
2. Property boundary map, as determined by a professional surveyor
3. Site map(s) – showing property boundary, buildings, roads, utilities, surface waters and other site features, as applicable
4. Geologic cross-section(s)
5. Ground water flow map(s)
6. Identified area/exposure unit map(s)
7. Sample location map(s)
8. Conceptual site model figure or diagram (if applicable)
9. Site Map(s) – showing location of remedial activities and portions of property subject to various controls, such as engineering controls or risk mitigation measures

G. Attachments

1. Legal description
2. Proposed Environmental Covenant

College Hill Mid-District Development

SECTION F

Figures

FIGURES

FIGURE 1 PROPERTY LOCATION MAP

FIGURE 2 BOUNDARY SURVEY MAP

FIGURE 3 PROPERTY PLAN

FIGURE 4A GEOLOGIC CROSS SECTION ROUTE MAP

FIGURE 4B GEOLOGIC CROSS SECTION A-A'

FIGURE 5A GROUNDWATER POTENTIOMETRIC MAP (SEPTEMBER 8, 2012)

FIGURE 5B GROUNDWATER POTENTIOMETRIC MAP (NOVEMBER 6, 2013)

FIGURE 5C GROUNDWATER POTENTIOMETRIC MAP (FEBRUARY 4, 2014)

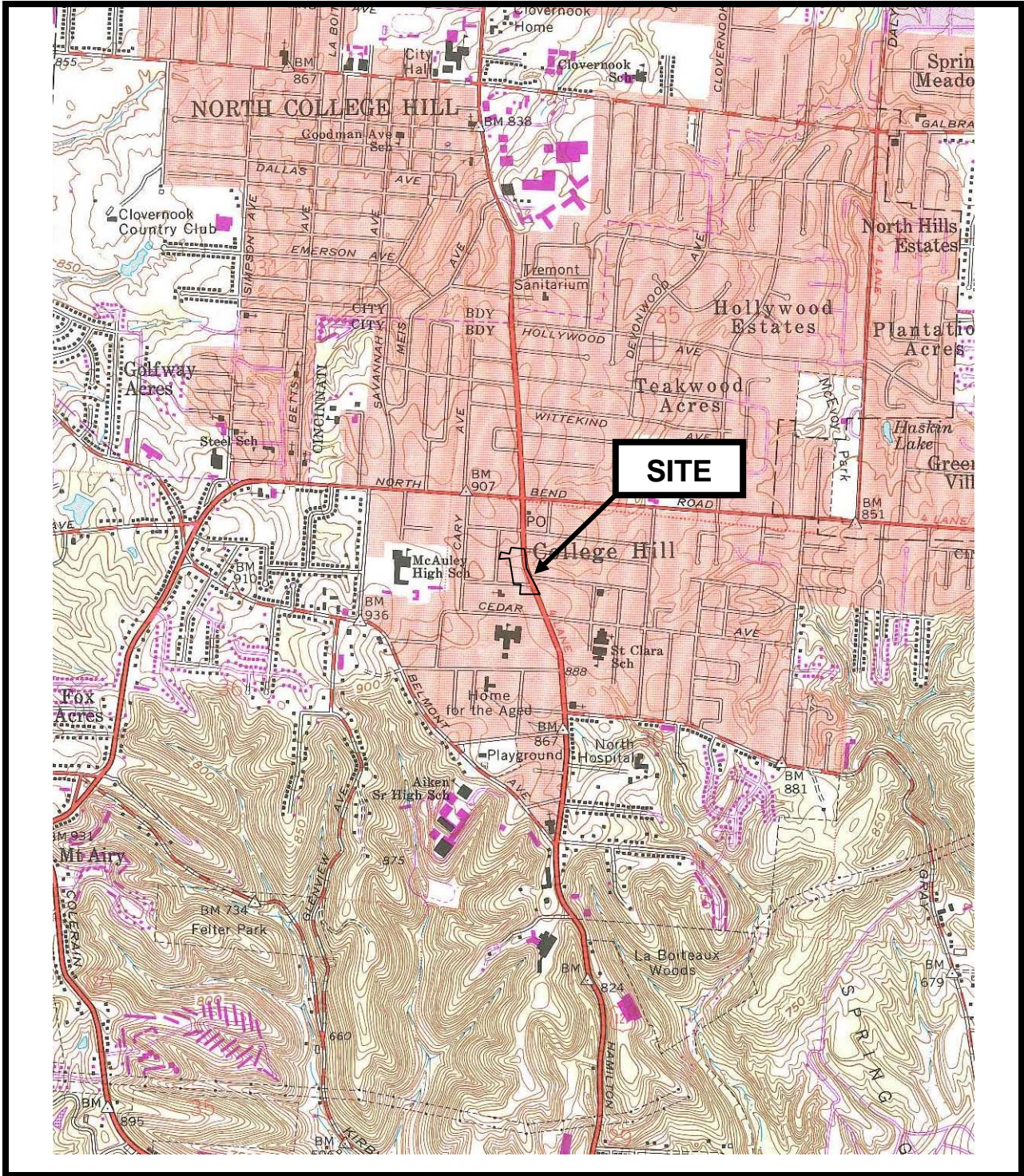
FIGURE 5D GROUNDWATER POTENTIOMETRIC MAP (MAY 16, 2014)

FIGURE 6 IDENTIFIED AREA MAP

FIGURE 7 SAMPLE LOCATION MAP

FIGURE 8 CONCEPTUAL SITE MODEL

FIGURE 9 REMEDIAL ACTIVITIES PLAN



SOURCE: USGS 7.5 Minute Series Topographic Map of Cincinnati West, Ohio Quadrangle, 1961, photorevised 1981.

PROPERTY LOCATION MAP
 Phase II Property Assessment
 College Hill Mid-District Development
 5919-6031 Hamilton Avenue
 Cincinnati, Ohio

PROJECT NO.
 Z072000035

DATE:
 2-12-15

DRAWN BY:
 WAN

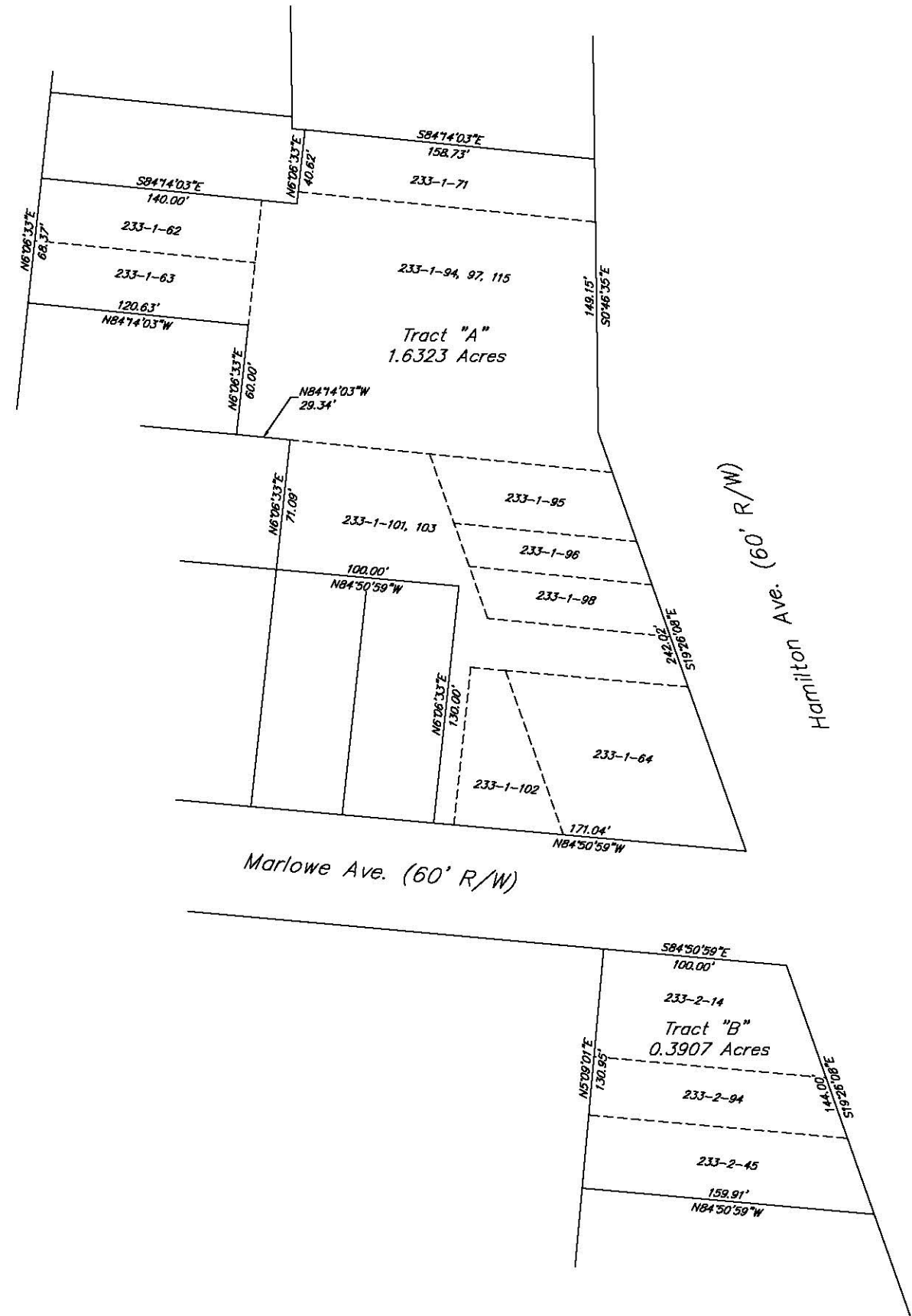
REVIEWED BY:
 Wan

SCALE:
 1 in. ~ 2000 ft.

FIGURE:
 1



Budmar Ave. (60' R/W)



Closure Tract "A"

North: 443627.7586	East: 1388341.4976
Course: N 84-50-59 W	Distance: 171.04
North: 443643.1122	East: 1388171.1481
Course: N 06-06-33 E	Distance: 130.00
North: 443772.3739	East: 1388194.9830
Course: N 84-50-59 W	Distance: 100.00
North: 443781.3208	East: 1388085.3967
Course: N 06-06-33 E	Distance: 71.09
North: 443852.0332	East: 1388092.9519
Course: N 84-14-03 W	Distance: 28.34
North: 443854.9906	East: 1388043.7824
Course: N 06-06-33 E	Distance: 60.00
North: 443914.6409	East: 1388070.1479
Course: N 84-14-03 W	Distance: 120.63
North: 443926.7589	East: 1387950.1258
Course: N 06-06-33 E	Distance: 68.37
North: 443994.7427	East: 1387957.4021
Course: S 84-14-03 E	Distance: 140.00
North: 443980.6781	East: 1388096.6923
Course: N 06-06-33 E	Distance: 40.62
North: 444021.0688	East: 1388101.0153
Course: S 84-14-03 E	Distance: 158.73
North: 444005.1221	East: 1388258.9481
Course: S 00-46-35 E	Distance: 148.15
North: 443853.9856	East: 1388260.9673
Course: S 19-26-08 E	Distance: 242.02
North: 443627.7586	East: 1388341.4976

Area: 71102 s.f. ± 1.6323 acres

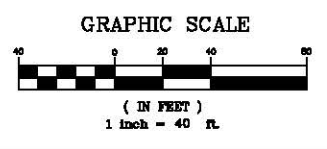
Closure Tract "B"

North: 443585.5366	East: 1388363.4527
Course: S 19-26-08 E	Distance: 144.00
North: 443426.7421	East: 1388411.3620
Course: N 84-50-59 W	Distance: 159.91
North: 443444.0868	East: 1388252.1020
Course: N 05-09-01 E	Distance: 130.95
North: 443574.5132	East: 1388263.8564
Course: S 84-50-59 E	Distance: 100.00
North: 443585.5366	East: 1388363.4527

Area: 17017 s.f. ± 0.3907 acres

Figure 2

Part of Lot 18, Farmer's College Sub., P.B. 2, Pg. 304-305
 Part of Lots 44, 45, 46 and 47, Cary's Homestead Sub., P.B. 13, Pg. 57
 Section 30, Town 4, Fractional Range 2, Milcreek Township
 City of Cincinnati, Hamilton County, Ohio

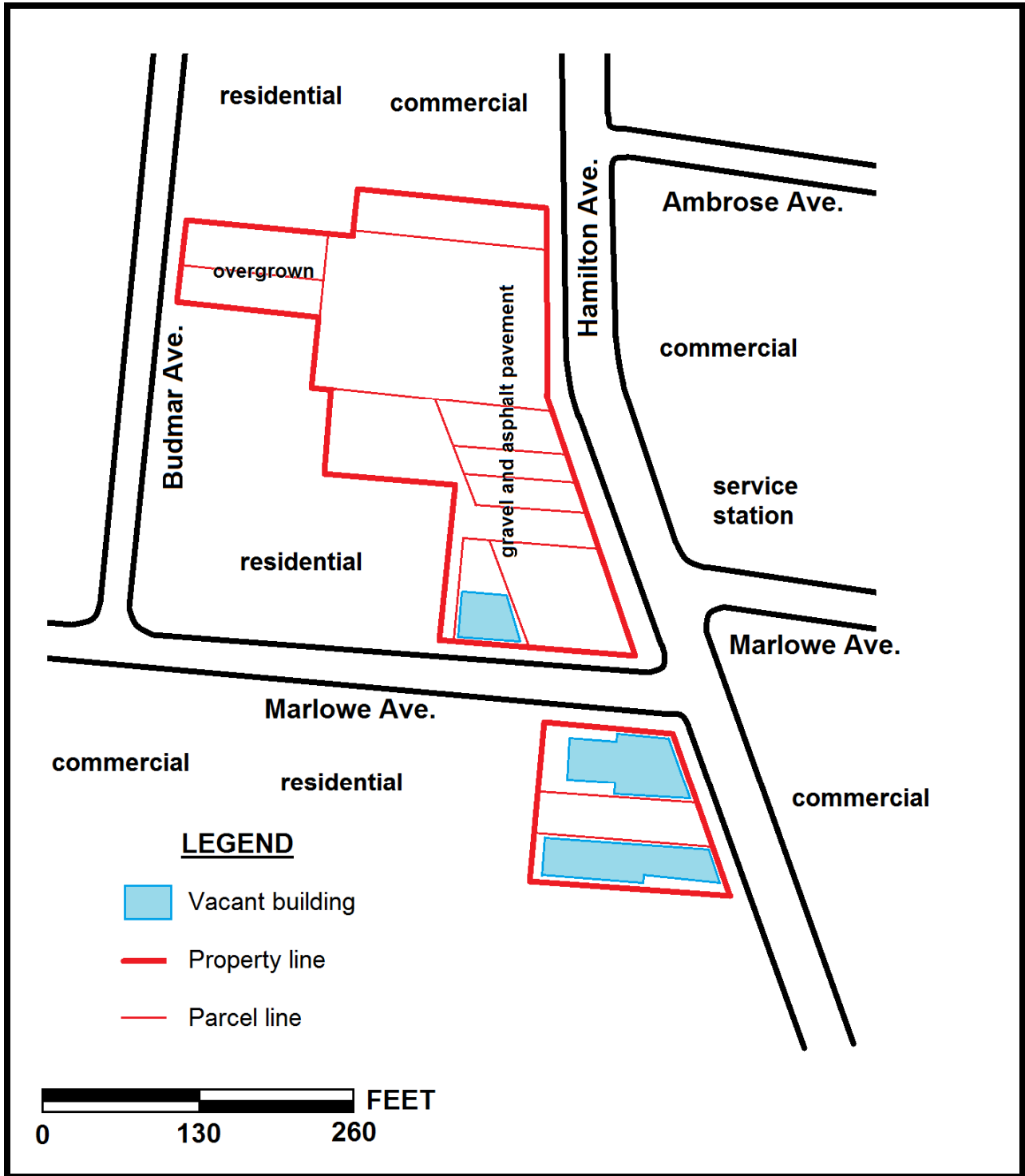


Joseph N. Koopman
 Ohio Reg. No. 7184



Department of
 Transportation
 and Engineering
 City of Cincinnati
 City Hall
 801 Plum Street
 Cincinnati, Ohio 45202

Boundary Survey	
233-1-62, 63, 64, 71	
233-1-94 thru 98	
233-1-101 thru 103, 115	
233-2-14, 45, 94	
Date: January, 2015	



PROPERTY PLAN

Phase II Property Assessment
 College Hill Mid-District Development
 5919-6031 Hamilton Avenue
 Cincinnati, Ohio

PROJECT NO.
Z072000035

DATE:
2-12-15

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WAN

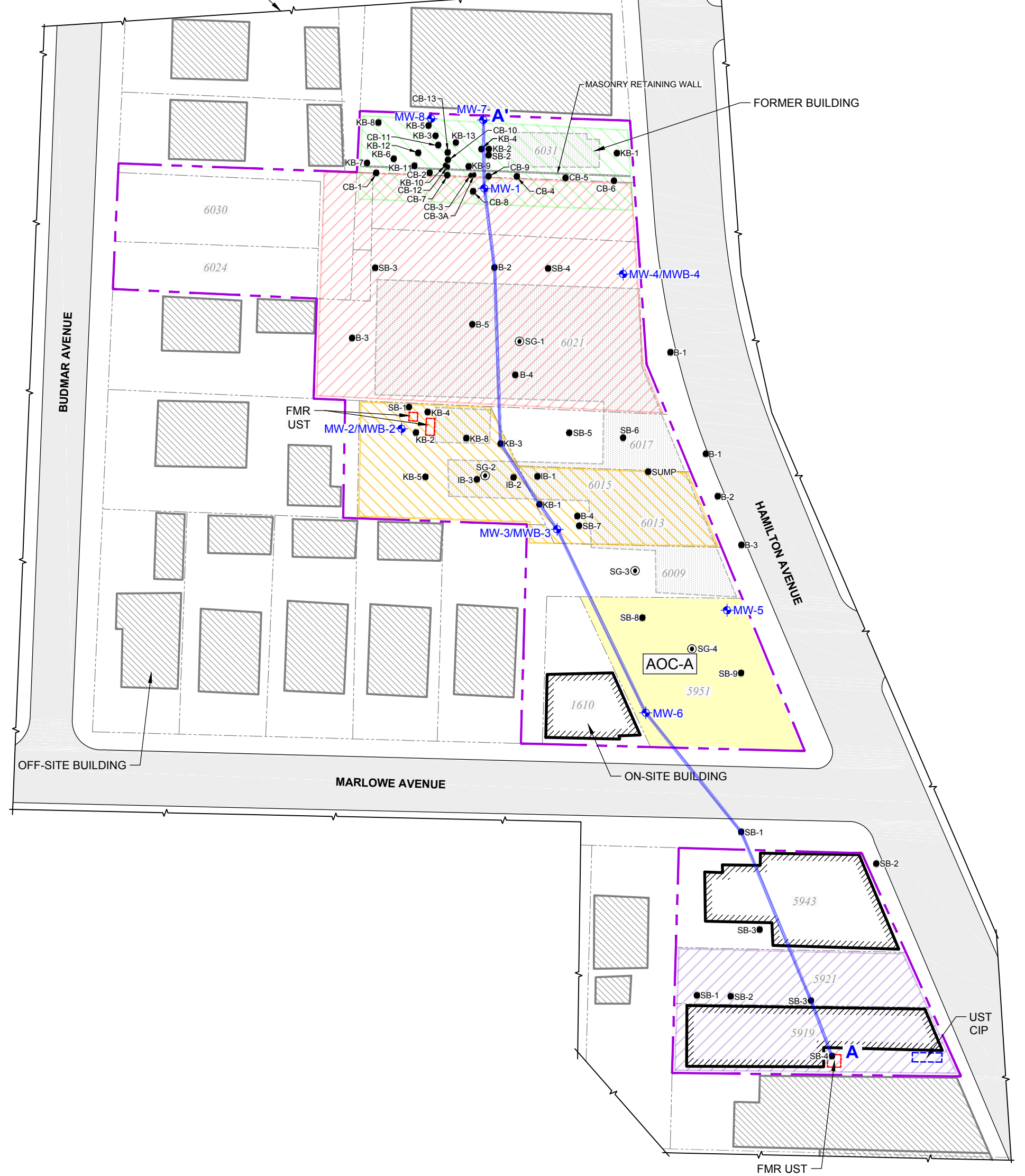
REVIEWED BY:
WAN

SCALE:
as indicated

FIGURE:
3



PARCELS AND IMPROVEMENTS BEYOND BREAKLINES NOT SHOWN



0 SCALE IN FEET 60

NAME/ADDRESS:

COLLEGE HILL MID-DISTRICT
DEVELOPMENT
5919-6031 Hamilton Avenue
Cincinnati, Hamilton County, Ohio

DRAWING TITLE:

**GEOLOGIC CROSS SECTION
ROUTE MAP**



11121 Canal Road
Cincinnati, OH 45241-1861
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(513) 782-6908 FAX
www.cardno.com

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CHECKED BY: L.G.
PROJECT NO. 2072000035

4a



LEGEND:

	OFF-SITE BUILDING
	FORMER BUILDING
	ON-SITE BUILDING
1610	STREET ADDRESS
	ASPHALT PAVED STREETS
	FORMER UST LOCATION (FMR UST)
	UST CLOSED IN PLACE (UST CIP)
	UST UNDERGROUND STORAGE TANK
	MONITORING WELL
	SOIL SAMPLE
	SOIL GAS SAMPLE

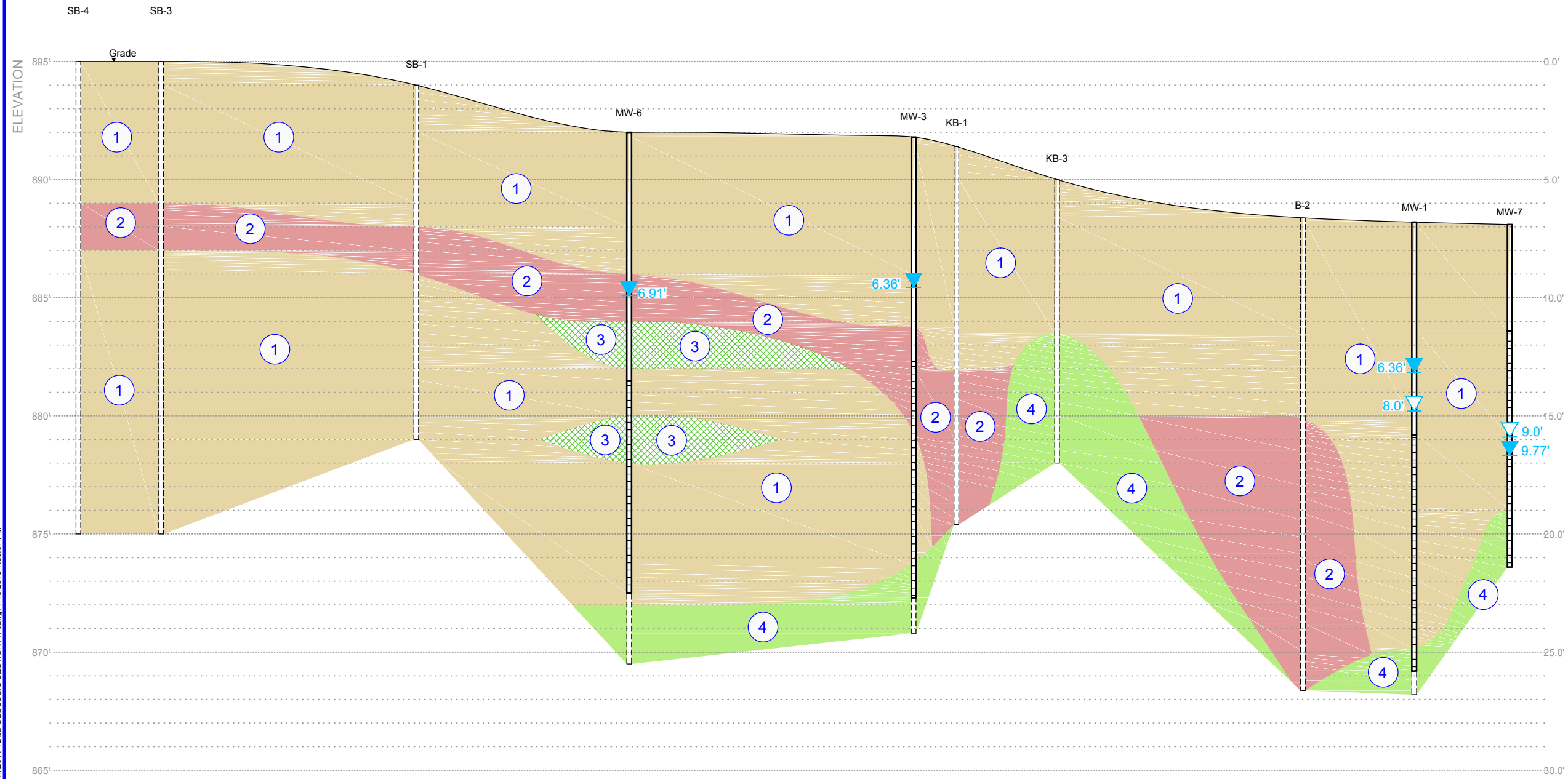
FORMER SITE FEATURES:

	IA-A FORMER AUTOMOTIVE AND METALS FACILITY
	IA-B FORMER DRY CLEANER
	IA-C FORMER AUTO SALES & DRY CLEANING FACILITY
	IA-D FORMER PHOTOGRAPHY FACILITY
	AOC-A HISTORIC FIRE, ASBESTOS CONCERN

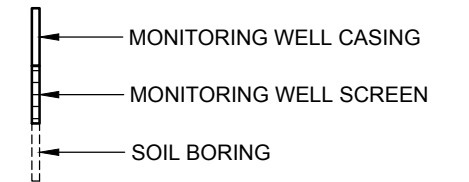
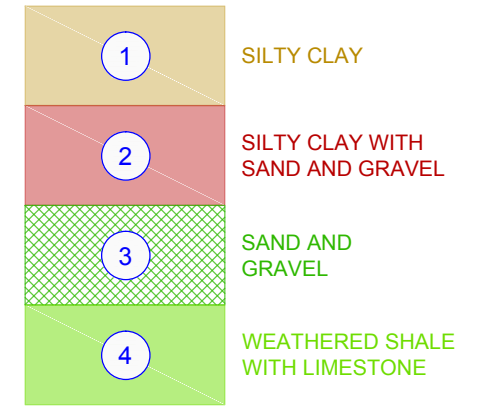
	APPROXIMATE SUBJECT PROPERTY PERIMETER
	APPROXIMATE PROPERTY BOUNDARY

A
(South)

A'
(North)



LEGEND



▽ STATIC WATER TABLE ELEVATION DURING DRILLING

▼ STATIC WATER TABLE ELEVATION AFTER DRILLING ON 2/4/2014.

SCALE:
 HORIZONTAL SCALE: 1" = 50'
 VERTICAL SCALE: 1" = 5'

0 SCALE IN FEET 50h-5v

NAME/ADDRESS:
 COLLEGE HILL MID-DISTRICT
 DEVELOPMENT
 5919-6031 Hamilton Avenue
 Cincinnati, Hamilton County, Ohio

DRAWING TITLE:
**GEOLOGIC
 CROSS SECTION A-A'**

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 PROJECT NO. Z072000035



BUDMAR AVENUE

HAMILTON AVENUE

MARLOWE AVENUE

OFF-SITE BUILDING
 PARCELS AND IMPROVEMENTS BEYOND BREAKLINES NOT SHOWN

FORMER BUILDINGS

ON-SITE BUILDING

LEGEND:	
	OFF-SITE BUILDING
	FORMER BUILDING
	ON-SITE BUILDING
1610	STREET ADDRESS
	ASPHALT PAVED STREETS
	FORMER UST LOCATION (FMR UST)
	UST CLOSED IN PLACE (UST CIP)
	UST UNDERGROUND STORAGE TANK
	MONITORING WELL

	APPROXIMATE SUBJECT PROPERTY PERIMETER
	APPROXIMATE PROPERTY BOUNDARY
	EQUIPOTENTIAL CONTOUR LINE CONTOUR INTERVAL 1.00 FEET
	GROUNDWATER FLOW DIRECTION
	RELATIVE WATER TABLE ELEVATION, COLLECTED BY PANDEY (PREV. CONSULTANT)
	HYDRAULIC GRADIENT
96.0 FT. - 93.0 FT.	= 0.0362 FT./FT.
82.8 FT.	

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COLLEGE HILL MID-DISTRICT DEVELOPMENT
 5919-6031 Hamilton Avenue
 Cincinnati, Hamilton County, Ohio

**GROUND WATER POTENTIOMETRIC MAP
 SEPTEMBER 8, 2012**

PROJECT NO.: Z072000035
 SCALE IN FEET 80

 DATE: 10/13/2015
 FIGURE NO.: 5a

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BUDMAR AVENUE

OFF-SITE BUILDING
PARCELS AND IMPROVEMENTS BEYOND BREAKLINES NOT SHOWN

FORMER BUILDINGS

HAMILTON AVENUE

MARLOWE AVENUE

ON-SITE BUILDING

LEGEND:	
	OFF-SITE BUILDING
	FORMER BUILDING
	ON-SITE BUILDING
1610	STREET ADDRESS
	ASPHALT PAVED STREETS
	FORMER UST LOCATION (FMR UST)
	UST CLOSED IN PLACE (UST CIP)
	UST UNDERGROUND STORAGE TANK
	MONITORING WELL

	APPROXIMATE SUBJECT PROPERTY PERIMETER
	APPROXIMATE PROPERTY BOUNDARY

	EQUIPOTENTIAL CONTOUR LINE CONTOUR INTERVAL 1.00 FEET
	GROUNDWATER FLOW DIRECTION
	RELATIVE WATER TABLE ELEVATION, COLLECTED BY CARDNO ATC
CNL	COULD NOT LOCATE WELL

HYDRAULIC GRADIENT
96.0 FT. - 93.0 FT. = 0.0432 FT./FT.
69.4 FT.

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COLLEGE HILL MID-DISTRICT DEVELOPMENT
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Cincinnati, Hamilton County, Ohio

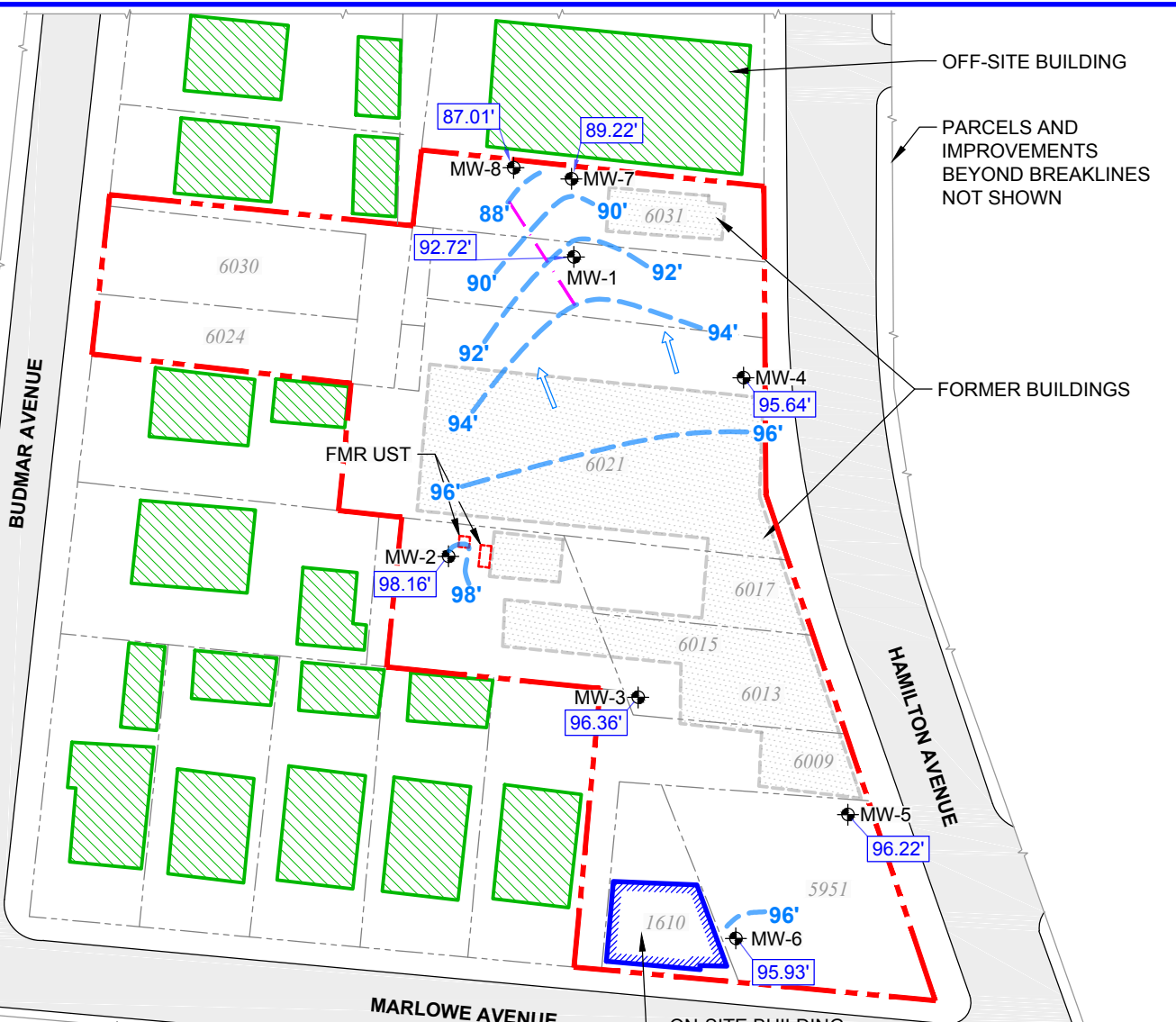
GROUND WATER POTENTIOMETRIC MAP NOVEMBER 6, 2013

PROJECT NO.:
Z072000035

SCALE IN FEET
0 80

DATE:
10/13/2015

FIGURE NO.:
5b



OFF-SITE BUILDING
 PARCELS AND IMPROVEMENTS BEYOND BREAKLINES NOT SHOWN

FORMER BUILDINGS

ON-SITE BUILDING

UST CIP

FMR UST

LEGEND:	
	OFF-SITE BUILDING
	FORMER BUILDING
	ON-SITE BUILDING
1610	STREET ADDRESS
	ASPHALT PAVED STREETS
	FORMER UST LOCATION (FMR UST)
	UST CLOSED IN PLACE (UST CIP)
	UST UNDERGROUND STORAGE TANK
	MONITORING WELL
	APPROXIMATE SUBJECT PROPERTY PERIMETER
	APPROXIMATE PROPERTY BOUNDARY
	EQUIPOTENTIAL CONTOUR LINE
	CONTOUR INTERVAL 2.00 FEET
	GROUNDWATER FLOW DIRECTION
	RELATIVE WATER TABLE ELEVATION, COLLECTED BY CARDNO ATC
	HYDRAULIC GRADIENT
94.0 FT. - 88.0 FT. = 0.1054 FT./FT.	
56.9 FT.	

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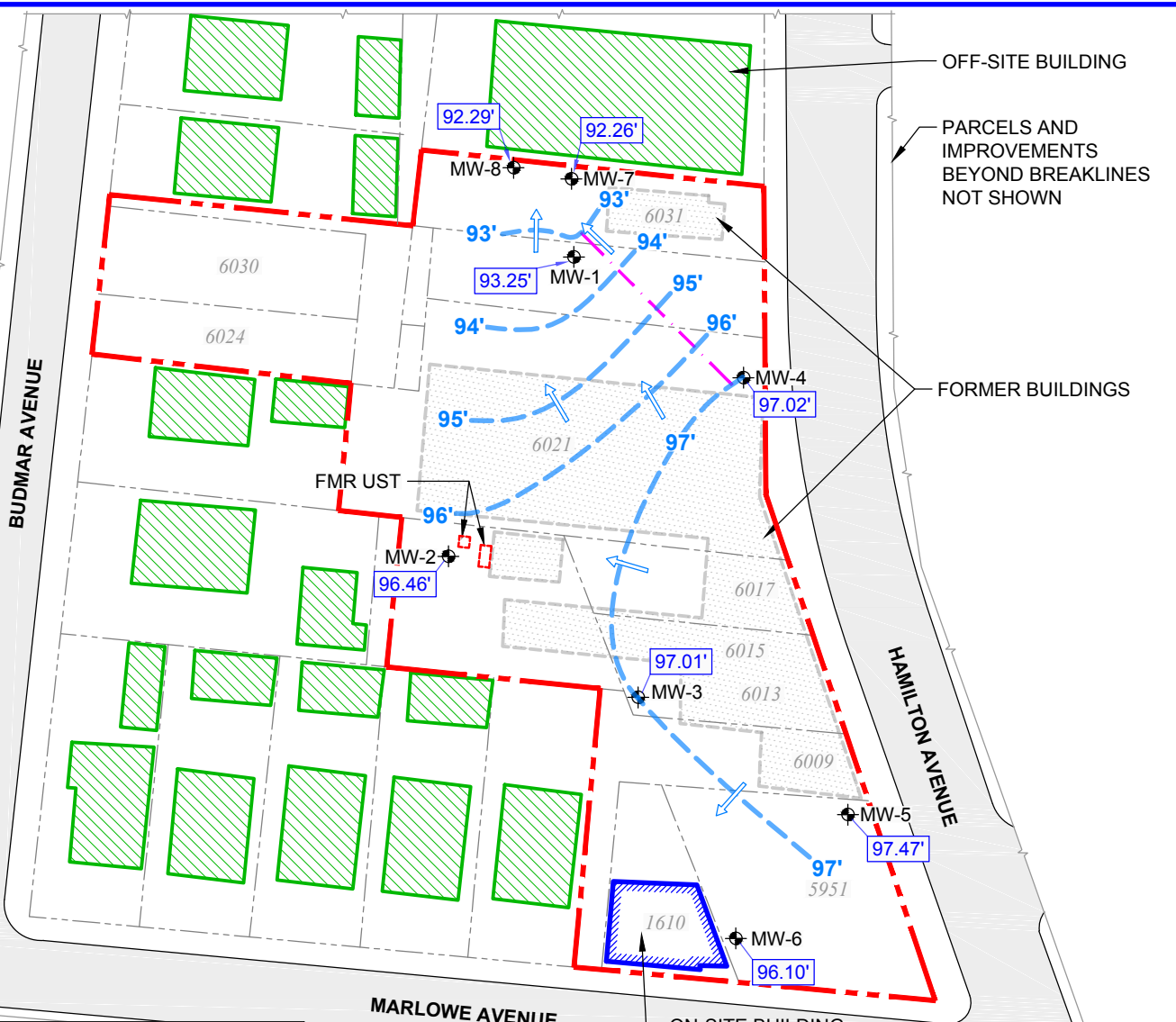
COLLEGE HILL MID-DISTRICT DEVELOPMENT
 5919-6031 Hamilton Avenue
 Cincinnati, Hamilton County, Ohio

GROUND WATER POTENTIOMETRIC MAP

FEBRUARY 4, 2014

PROJECT NO.: Z072000035
 SCALE IN FEET: 0 80
 DATE: 10/13/2015
 FIGURE NO.: 5c

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OFF-SITE BUILDING
 PARCELS AND IMPROVEMENTS BEYOND BREAKLINES NOT SHOWN

FORMER BUILDINGS

ON-SITE BUILDING

BUDMAR AVENUE

HAMILTON AVENUE

MARLOWE AVENUE

LEGEND:	
	OFF-SITE BUILDING
	FORMER BUILDING
	ON-SITE BUILDING
1610	STREET ADDRESS
	ASPHALT PAVED STREETS
	FORMER UST LOCATION (FMR UST)
	UST CLOSED IN PLACE (UST CIP)
	UST UNDERGROUND STORAGE TANK
	MONITORING WELL

	APPROXIMATE SUBJECT PROPERTY PERIMETER
	APPROXIMATE PROPERTY BOUNDARY

	EQUIPOTENTIAL CONTOUR LINE
	CONTOUR INTERVAL 1.00 FEET
	GROUNDWATER FLOW DIRECTION
	RELATIVE WATER TABLE ELEVATION, COLLECTED BY CARDNO ATC

HYDRAULIC GRADIENT
 97.0 FT. - 93.0 FT. = 0.0407 FT./FT.
 99.1 FT.

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COLLEGE HILL MID-DISTRICT DEVELOPMENT
 5919-6031 Hamilton Avenue
 Cincinnati, Hamilton County, Ohio

GROUND WATER POTENTIOMETRIC MAP
MAY 16, 2014

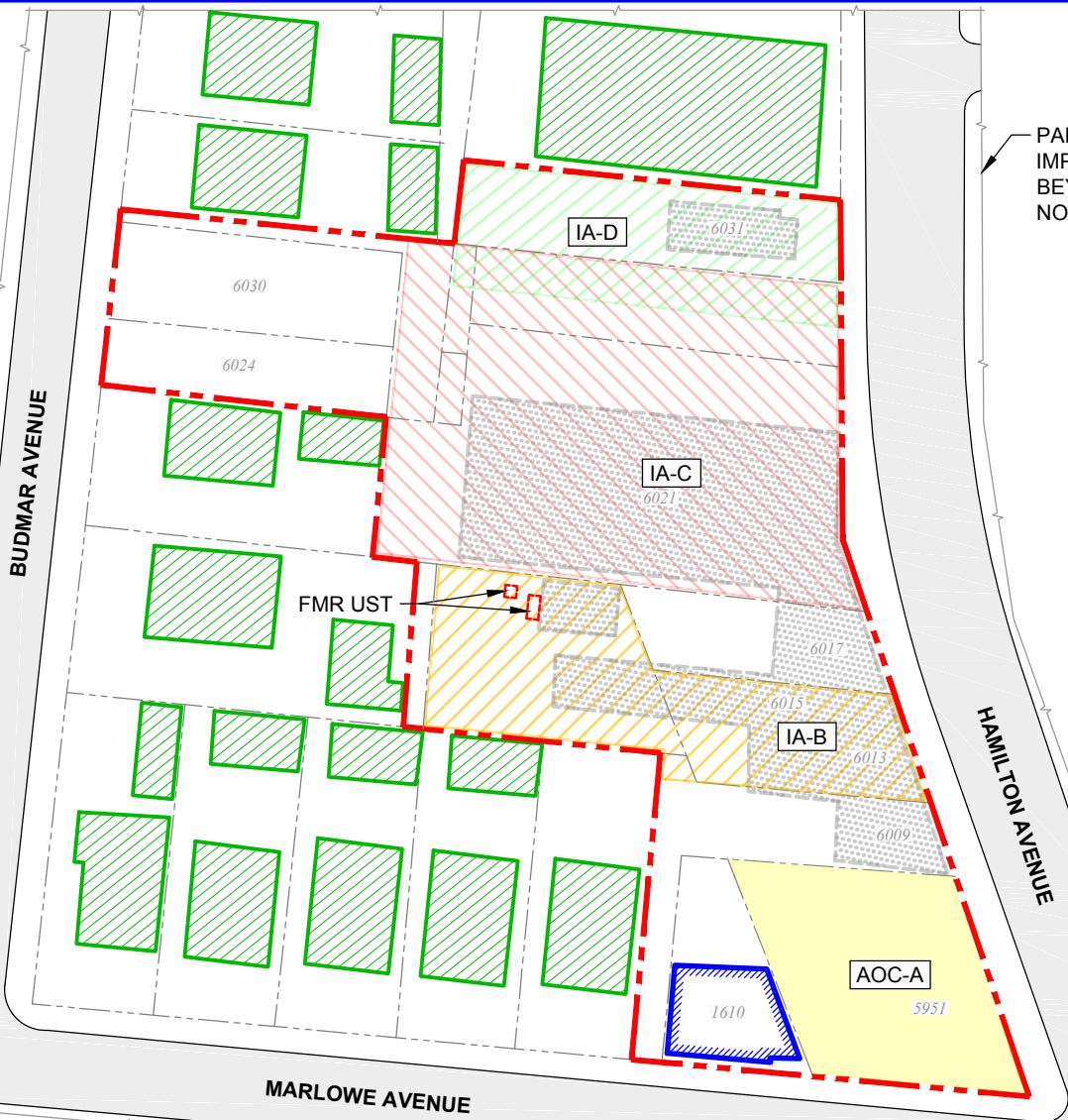
PROJECT NO.: Z072000035
 SCALE IN FEET 80

 DATE: 10/13/2015
 FIGURE NO.: 5d

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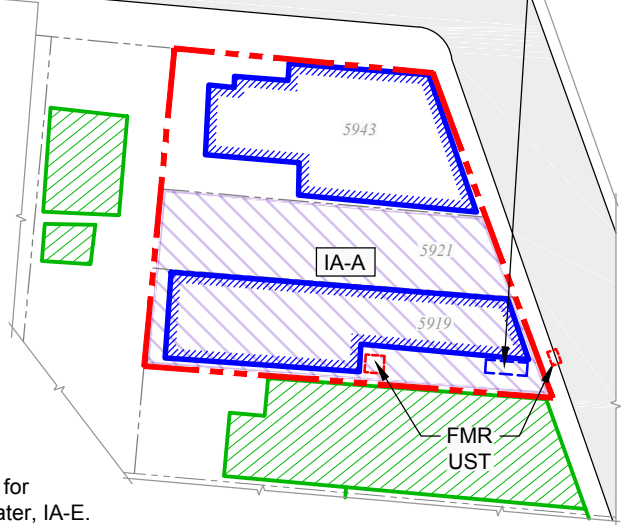

PARCELS AND IMPROVEMENTS BEYOND BREAKLINES NOT SHOWN



LEGEND:	
	OFF-SITE BUILDING
	FORMER BUILDING
	ON-SITE BUILDING
1610	STREET ADDRESS
	ASPHALT PAVED STREETS
	FORMER UST LOCATION (FMR UST)
	UST CLOSED IN PLACE (UST CIP)
	UST UNDERGROUND STORAGE TANK
	APPROXIMATE SUBJECT PROPERTY PERIMETER
	APPROXIMATE PROPERTY BOUNDARY

FORMER SITE FEATURES:	
	FORMER AUTOMOTIVE AND METALS FACILITY
	FORMER DRY CLEANER
	FORMER AUTO SALES & DRY CLEANING FACILITY
	FORMER PHOTOGRAPHY FACILITY
	HISTORIC FIRE, ASBESTOS CONCERN

Note:
See Figures 5e & 9 for Impacted Groundwater, IA-E.

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(513) 782-6908 FAX
www.cardno.com

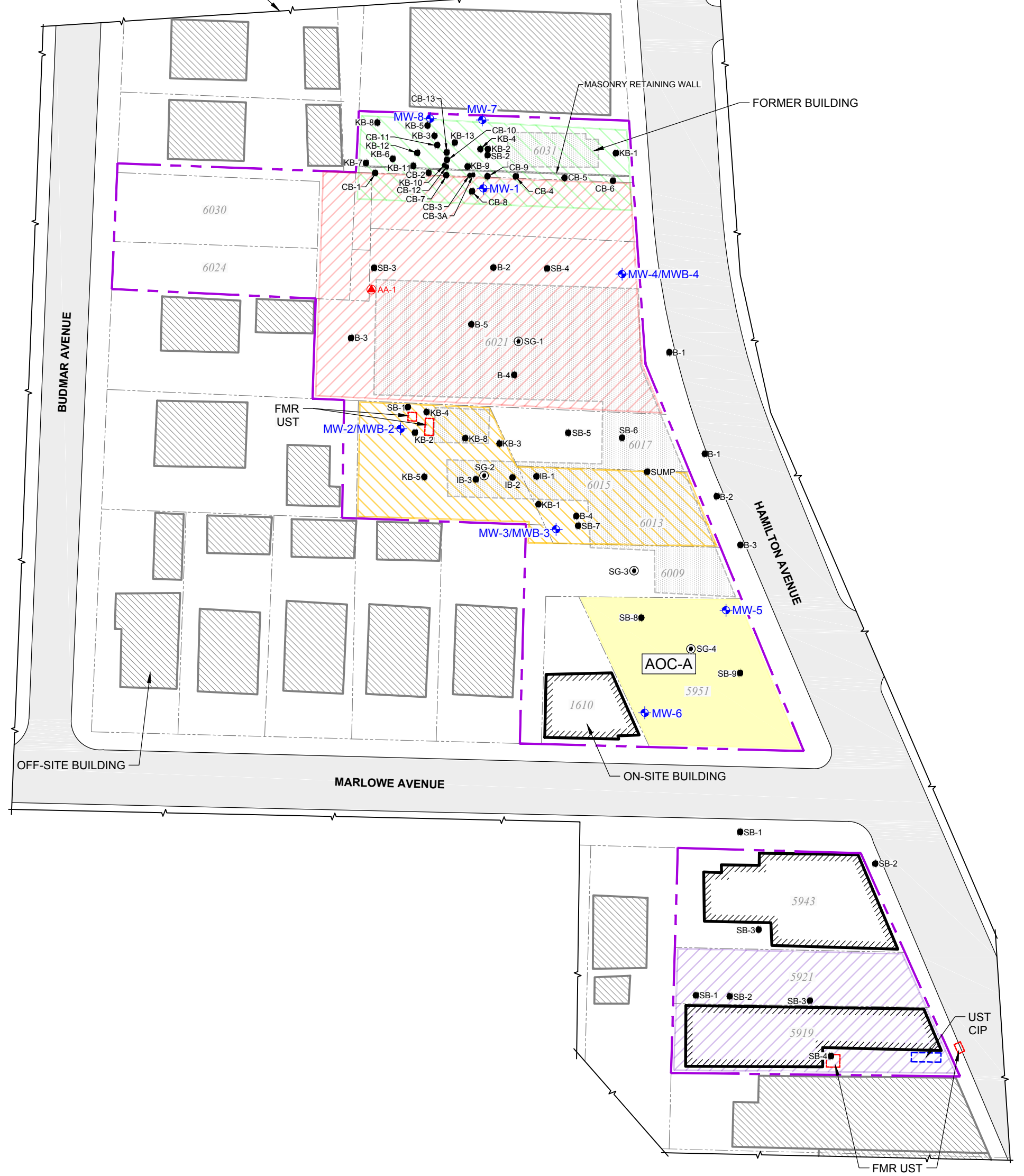
DRAWN BY: J.J.D. CHECKED BY: L.G.

COLLEGE HILL MID-DISTRICT DEVELOPMENT
5919-6031 Hamilton Avenue
Cincinnati, Hamilton County, Ohio

PROJECT NO.:	Z072000035
SCALE IN FEET	0 80
DATE:	1/24/2015
FIGURE NO.:	6

F:\AutoCAD\Cardno-ATC_projects\Cincinnati\OH\2072000035 College Hill\2014-123 IDENTIFIED AREA MAP.dwg, 1/24/2015 5:15:56 PM

PARCELS AND IMPROVEMENTS BEYOND BREAKLINES NOT SHOWN



0 SCALE IN FEET 60

NAME/ADDRESS:
COLLEGE HILL MID-DISTRICT DEVELOPMENT
 5919-6031 Hamilton Avenue
 Cincinnati, Hamilton County, Ohio

DRAWING TITLE:
SAMPLE LOCATION MAP

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DRAWN BY: J.J.D. FIGURE NO. **7**
 CHECKED BY: L.G.
 PROJECT NO. 2072000035

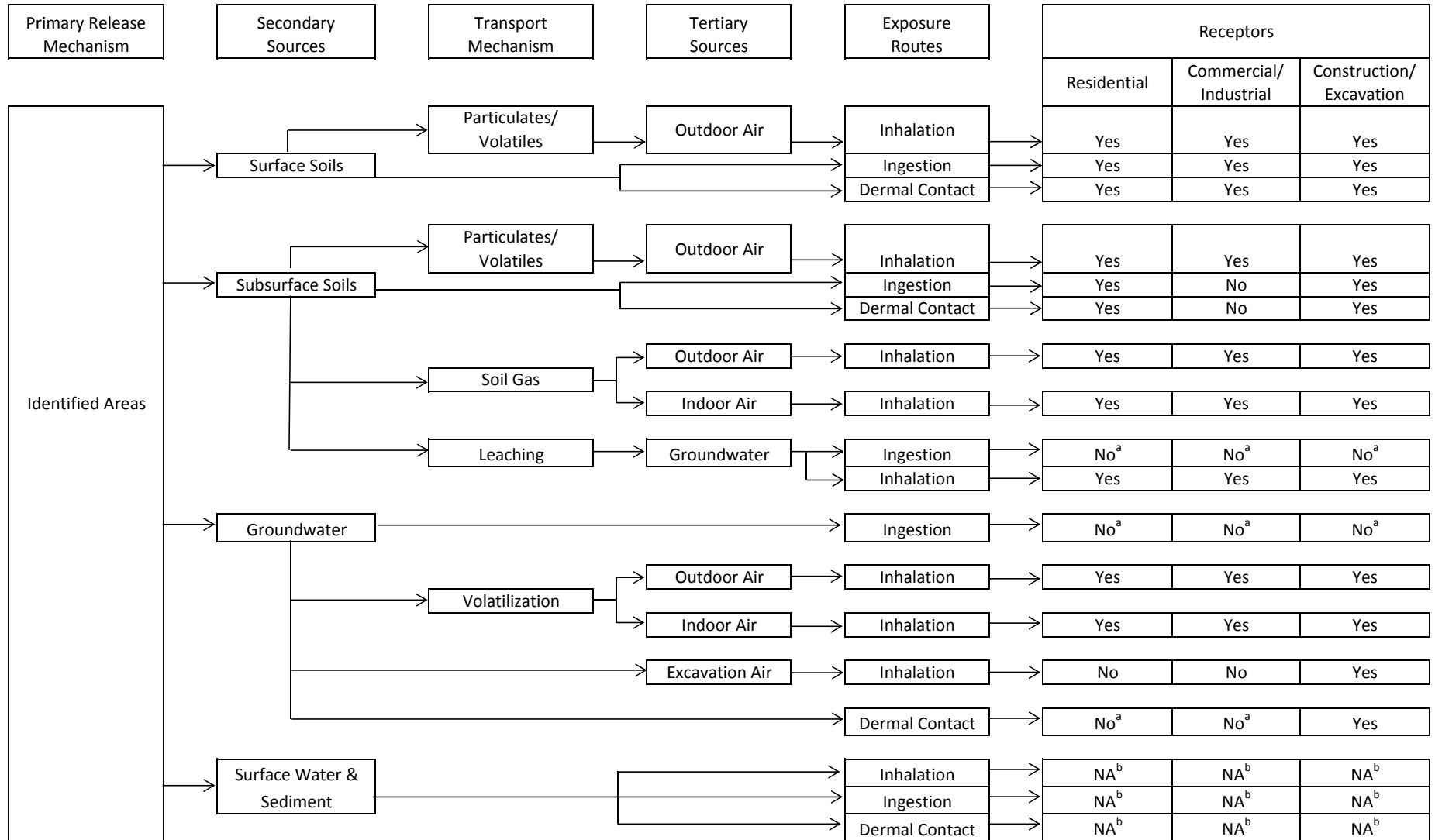
LEGEND:	
	OFF-SITE BUILDING
	FORMER BUILDING
	ON-SITE BUILDING
1610	STREET ADDRESS
	ASPHALT PAVED STREETS
	FORMER UST LOCATION (FMR UST)
	UST CLOSED IN PLACE (UST CIP)
	UST
	MONITORING WELL
	SOIL SAMPLE
	SOIL GAS SAMPLE
	AMBIENT AIR SAMPLE

FORMER SITE FEATURES:	
	IA-A FORMER AUTOMOTIVE AND METALS FACILITY
	IA-B FORMER DRY CLEANER
	IA-C FORMER AUTO SALES & DRY CLEANING FACILITY
	IA-D FORMER PHOTOGRAPHY FACILITY
	AOC-A HISTORIC FIRE, ASBESTOS CONCERN

	APPROXIMATE SUBJECT PROPERTY PERIMETER
	APPROXIMATE PROPERTY BOUNDARY

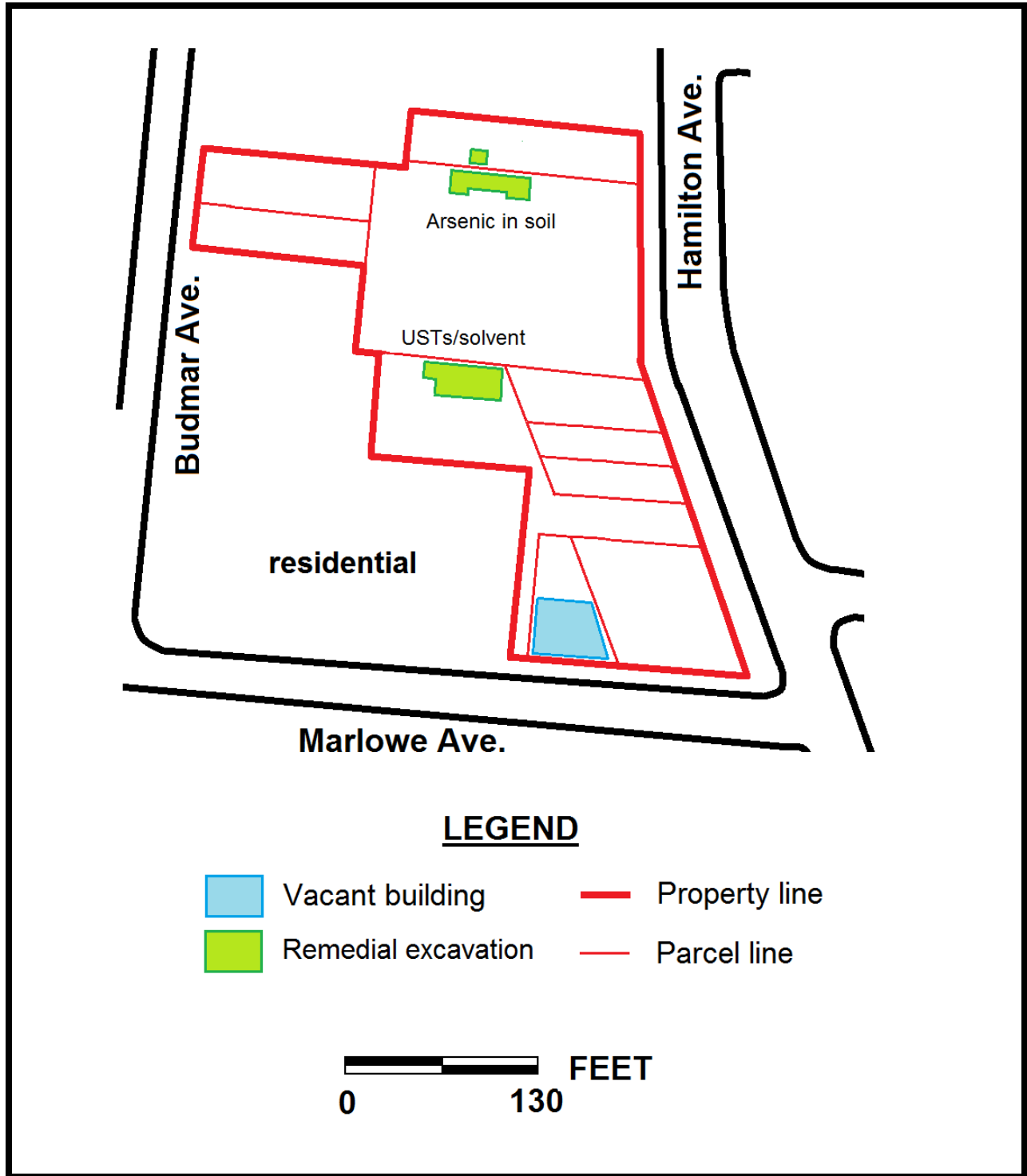


**Figure 8 - Conceptual Site Model
College Hill Mid-District Development
Hamilton Avenue, Cincinnati, OH**



a: Entire property will be subject to an environmental covenant restricting groundwater use and extraction

b: NA - Not applicable, no sediment or surface water present on site



REMEDIAL ACTIVITIES PLAN
 Phase II Property Assessment
 College Hill Mid-District Development
 5919-6031 Hamilton Avenue
 Cincinnati, Ohio

PROJECT NO.
Z072000035

DATE:
2-12-15

DRAWN BY:
WAN

REVIEWED BY:
WAN

SCALE:
as indicated

FIGURE:
9



College Hill Mid-District Development

SECTION G

Tables

Table 1 - Summary of Exposure Point Concentrations in Soil^a

College Hill Mid-District Development
Hamilton Avenue, Cincinnati, OH
(results in mg/kg)

Identified Area		Volatile Organic Compounds						Polynuclear Aromatic Hydrocarbons										
		n-Hexane	Isopropylbenzene ^b	p-Isopropyltoluene ^c	n-Propylbenzene	Tetrachloroethene (PCE)	1,3,5-Trimethylbenzene	Benzo(a)anthracene	Benzo(a)pyrene	Benzo(b)fluoranthene	Benzo(g,h,i)perylene	Benzo(k)fluoranthene	Chrysene	Fluoranthene	Indeno(1,2,3-cd)pyrene	Naphthalene	Phenanthrene ^d	Pyrene
IA-A	Reasonable Maximum Exposure (RME) Concentrations	2.1	0.065	0.081	0.11	BDL	0.17	BDL	BDL	BDL	BDL	BDL	BDL	0.034	BDL	BDL	BDL	BDL
IA-C		BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	0.392	BDL	BDL	BDL	BDL
IA-B	RME Concentrations Remedial Areas	BDL	BDL	BDL	BDL	0.472	BDL	0.0845	0.0995	0.123	0.0818	0.0877	0.113	0.214	0.0727	BDL	0.0756	0.175
IA-D		BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	0.13	BDL	BDL
Generic direct-contact - residential		140	270	--	260	170	180	12	1.24	12	3,400	120	1,200	4,600	12	90	34,000	3,400
Generic direct-contact - commercial / industrial		140	270	--	260	170	180	58	5.8	58	45,000	580	5,800	60,000	58	450	450,000	45,000
Generic direct-contact - construction / excavation		140	270	--	260	170	180	1200	120	1200	390,000	12,000	120,000	160,000	1,200	560	1,000,000	390,000
Leach-based values ^e		104	--	--	--	0.11	--	--	--	--	--	--	--	--	--	--	--	--
Soil to Indoor Air, Property Specific Numerical Standards ^h		80300	45000	--	115000	-- ⁱ	--	--	--	--	--	--	--	--	--	1620	--	--

Identified Areas		TPH-GRO (C6-C12)	TPH-DRO (C10-C20)	TPH-ERO (C20-C34)	RCRA Metals							
					Arsenic	Barium	Cadmium	Chromium ^g	Lead	Mercury	Selenium	Silver
IA-A	RME Concentrations	39	100	650	8.9	88	1.6	20	28	0.031	4	1.3
IA-C		NA	72.3	180	8.2	79	BDL	15.5	97.8	0.43	BDL	BDL
IA-B	RME Concentrations Remedial Areas	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
IA-D		BDL	BDL	BDL	11.52 ^e	310	BDL	17.08	224	BDL	BDL	BDL
Generic direct-contact - residential		1000	2000	5000	12	--	140	24	400	3.1	780	780
Generic direct-contact - commercial / industrial		1000	2000	5000	77	--	2600	210	800	3.1	20000	20000
Generic direct-contact - construction / excavation		1000	2000	5000	690	--	1000	1200	400	3.1	11000	11000
Calculated Background Level		--	--	--	12	--	--	--	--	--	--	--
Leach-based values ^w		--	--	--	6	110000	42	113	178	23	4.3	6240
Soil to Indoor Air, Property Specific Numerical Standards ^g		--	--	--	--	--	--	--	--	57.7	--	--

Bold, italicized text indicates results above applicable, relevant and appropriate regulatory standards

BDL - Below Detection Limit

NA - Not Analyzed

a: Concentrations reflect a 10 ft Point of Compliance for Residential and Construction/Excavation scenarios

b: Standards based on Supplemental Criteria for Propylbenzene as listed on the VAP Chemical Information Database and Applicable Regulatory Standards (CIDARS)

c: According to 40CFR302.4 and Ohio EPA (12/10/2014), this is a non-hazardous substance, therefore generic numerical standards are not available from the VAP and Property Specific Numerical Standards need not be calculated

d: Supplemental Criteria as listed on the VAP CIDARS, based on surrogate of Anthracene

e: Generic Leach-Based Soil Values for Organic Chemicals listed are most conservative values per Ohio EPA VAP Derived Leach-Based Soil Values TGD October 2008

f: Value based on the 95% UCL for chemical of concern per IA

g: Chromium standard listed is the VAP GNSs for Chromium VI

h: Property Specific Numerical Standard (PSNS) listed is for non-carcinogenic risk. Of the COCs with PSNSs listed, only Naphthalene has an associated carcinogenic risk (371 mg/kg)

i: PSNS not calculated for soil to indoor air pathway. COC was evaluated via soil gas sampling

Table 2 - Summary of Exposure Point Concentrations in Groundwater for current and reasonably anticipated pathways – post-remedy

<i>Ground water direct-contact – upper saturated zone, construction worker scenario*</i>			
COC	Single Chemical Applicable Standard (mg/L)		Exposure point concentration (µg/L)
			<i>Property Wide (IA-5)</i>
<i>Acetone</i>	<i>2.87E+6</i>	<i>Property-specific</i>	<i>0.079</i>
<i>Arsenic</i>	<i>2.42</i>	<i>Property-specific</i>	<i>0.049</i>

* An Environmental Covenant will deed restrict groundwater extraction and use at the Property. Groundwater direct contact is an incomplete pathway for the residential receptor.

Table 3: Summary of Exposure Point Concentrations for current and reasonably anticipated vapor intrusion pathways – post-remedy

Vapor intrusion for on-property residential receptors: Soil to Indoor Air				
COC	Single Chemical Applicable Standard (mg/kg) ^a		Exposure point concentration (mg/kg)	
			IA-A	IA-D
<i>n</i> -Hexane	8.03E+01	Property-specific	2.1	NA
Isopropylbenzene	4.50E+1	Property-specific	0.065	NA
<i>p</i> -Isopropyltoluene	-- ^a	Property-specific	0.081	NA
<i>n</i> -Propylbenzene	1.15E+02	Property-specific	0.11	NA
1,3,5-Trimethylbenzene	-- ^a	Property-specific	0.17	NA
Naphthalene	1.62E+00	Property-specific	--	0.13

a: Standard reflects most conservative PSNS (either carcinogenic or non-carcinogenic)

b: Toxicity information not available, therefore, PSNS was not determined

NA – Not Analyzed

Vapor intrusion for on-property residential receptors: Soil Gas to Indoor Air (Sub Slab Soil Gas)

COC	Single Chemical Applicable Standard (ug/m ³) ^a		Exposure point concentration (ug/m ³)	
			IA-B	IA-C
Chloromethane	1.80E+06	Property-specific	-- ^b	1.3
Methylene Chloride	1.80E+07	Property-specific	77.6	1.7
Tetrachloroethene	8.40E+06	Property-specific	187	11.6

a: Standard reflects most conservative PSNS (either carcinogenic or non-carcinogenic)

b: No concentration found at IA-B sub slab

Vapor intrusion for on-property residential receptors: Soil Gas to Indoor Air (Deep Soil Gas Sample)

COC	Single Chemical Applicable Standard (ug/m ³) ^a		Exposure point concentration (ug/m ³)	
			IA-B	IA-C
Chloromethane	2.4E+06	Property-specific	0.81	-- ^b

a: Standard reflects most conservative PSNS (either carcinogenic or non-carcinogenic)

b: No deep soil gas sample was collected

College Hill Mid-District Development

SECTION H

Attachments

Attachment 1
Legal Description

5919 and 5921 Hamilton Avenue, Parcels 233-0002-0045-00 and 233-002-0094-00

EXHIBIT "A"

Parcel 233-2-45 *CS*

Situate in the City of Cincinnati, County of Hamilton and State of Ohio, formerly in the Village of College Hill and being a part of Lot Number Eighteen (18) of the Farmers College Subdivision, a plat of which is recorded in Plat Book No. 2, Page 304 and 305, of the Hamilton County, Ohio, Plat Records and bounded and described as follows:

Beginning at a point in the West line of Hamilton Avenue, One Hundred (100) feet Southwardly corner of Hamilton and Marlowe Avenues, said beginning point being the Southeast corner of a lot conveyed to Maggie Van Pelt by deed recorded in Deed Book 1010, Page 304 of the Hamilton County, Ohio Deed Records; thence along the Westerly line of Hamilton Avenue, Forty-four (44) feet; thence Westwardly parallel to the South line of the lot conveyed to Maggie A. Van Pelt One Hundred and Sixty (160) feet to an East line of said Van Pelt lot; thence Northwardly at right angles along the East line of said lot Forty and Forty-seven hundredths (40.47) feet to the South line of said Van Pelt lot thence Eastwardly on a line of the lot conveyed to said Maggie A. Van Pelt One Hundred Forty-one and Sixty-two hundredths (141.62) feet to the place of beginning.

Parcel 233-2-94 *CS*

Also the following described real estate situated in Section Thirty(30), Town Three (3), Fractional Range Two (2), Miami Purchase, City of Cincinnati, Hamilton County, Ohio and being a part of Lot Eighteen (18) on the Plat of Farmers College Subdivision, as the same is recorded in Plat Book 2, Pages 304 and 305, Hamilton County Recorder's Office and being described as follows:

Beginning at a point in the Westerly line of Hamilton Avenue, South Twenty-four degrees, Thirty minutes East (S 24 30 E) Sixty-five (65) feet from the intersection of the Westerly line of Hamilton Avenue and the South line of Marlowe Avenue (as measured in the Westerly line of Hamilton Avenue); thence south Twenty-four degrees thirty minutes East (S 24 30 E) in the Westerly line of Hamilton Avenue, Thirty-five (35) feet; thence North Eighty-nine degrees, Fifty-four minutes West (N 89 54 W) parallel with the South line of Marlowe Avenue, One Hundred Forty-one and Sixty-two hundredths (141.62) feet; thence North no degrees, six minutes East (N 0 6 E) Thirty-two (32) feet; thence South Eighty-nine degrees, Forty-nine minutes East (S 89 49 E) One Hundred Twenty-seven and five Hundredths (127.05) feet to the point of beginning.

DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER

Tax Map - 2/6/06 *Dr*

CAGIS - *Ry Row*

10173 436

5943 Hamilton Avenue, Parcel 233-0002-0014-00

EXHIBIT "A"

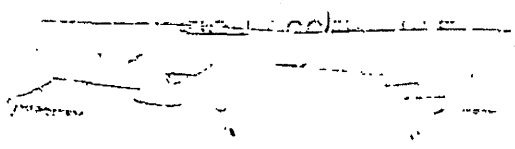
Situated in the City of Cincinnati, County of Hamilton and State of Ohio, and being part of lot No. Eighteen of Farmer's College Hill Subdivision as recorded in Plat Book 2, Page 304, Recorder's Office and described as follows:

233-2-14 ST MR

Beginning at the intersection of the south line of Marlow Avenue (formerly Woodward Avenue) with the west line of Hamilton Avenue; thence west along the south line of Marlow Avenue one hundred (100) feet; thence south $0^{\circ} 06'$ west and at right angles to Marlow Avenue to a point of fifty-eight and $92/100$ (58.92) feet more or less south of the south line of Marlow Avenue and one hundred seventeen and $93/100$ (117.93) feet north of the south line of said Lot No. 18, and which point is in the northwest corner of a lot conveyed to Wade Burns by deed recorded in Deed Book 2121, page 477 of said county records; thence south $89^{\circ} 49'$ east along the north line of said lot conveyed to Wade Burns one hundred twenty-seven and $05/100$ (127.05) feet to the west line of Hamilton Avenue; thence north $24^{\circ} 30'$ west and along the west line of Hamilton Avenue sixty-five (65) feet to the place of beginning.

DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEERS

Tax Map - 12/29/00 MR
CAGIS - _____



8455 2684

5951 Hamilton Avenue, Parcel 233-0001-0064-00

Gen. Ind. 8th Ser. ^{PK 15 EP 28 B} **Know All Men by These Presents** ⁴²⁸⁴⁸⁸
191616 ^{JUL 16 1974 31 96 1} ^{EST. 1907 -- H}

That **WILLIAM RIVITZ and FRIEDA B. RIVITZ, husband and wife,**
of **Sarasota** ^{Florida}
^{County, XH00X}
in consideration of One (\$1.00) Dollar and other good and valuable considerations
to them in hand paid by **EDWARD F. DEVOTO and ELIZABETH L. DEVOTO, husband**
and wife,
whose address is **3337 Sumac Terrace, Cincinnati, Ohio 45239**
do hereby **Grant, Bargain Sell and Convey**
to the said **EDWARD F. DEVOTO and ELIZABETH L. DEVOTO,**
his or her heirs
and assigns forever, the following described **Real Estate,**"

Lying and being in Section 30, Township 3, Fractional Range 2, in
the City of Cincinnati, County of Hamilton and State of Ohio, and
being more particularly described as follows, to-wit:

Beginning at the point of intersection of the west line of Hamilton
Avenue and the North line of Marlowe Avenue; thence North 24 degrees
40 minutes West, along the West line of Hamilton Avenue, 95 feet to
a point; thence South 89 degrees 57 minutes West, parallel with the
North line of Marlowe Avenue, 100 feet to a point; thence South 24
degrees 40 minutes East, parallel with the west line of Hamilton
Avenue, 95 feet to the North line of Marlowe Avenue; thence North
89 degrees 57 minutes East, along the North line of Marlowe Avenue,
100 feet to the point and place of beginning.

Subject to easements and restrictions of record and 1974 real estate
taxes.

Prior Deed Reference: Deed Book 3131, page 147

233-1-64 ST J.P.

Examined & Complied with
RC 113.02 (B.E.)

71007072

JOS. L. DE COURCY, JR., AUDITOR
HAMILTON COUNTY, OHIO
TAX 2950 35 ✓

and all the Estate, Right, Title and Interest of the said grantor B in and to said premises; To have and
to hold the same, with all the privileges and appurtenances thereunto belonging, to said grantees .

EDWARD F. DEVOTO and ELIZABETH L. DEVOTO, his or her
heirs and assigns forever. And the said **WILLIAM RIVITZ and FRIEDA B. RIVITZ**

do hereby **Covenant and Warranty** that the title so conveyed is **Clear, Free and Unin-**
cumbered, and that they will **Defend** the same against all lawful claims of all persons whomsoever,
excepting taxes due and payable in June, 1974, and thereafter all of which
the grantees herein assume and agree to pay.

BOOK 3972 PAGE 417

6009 Hamilton Avenue, Parcel 233-0001-0101-00

EXHIBIT A

Lying and being in Section 30, Town 3, Fractional Range 2, in the City of Cincinnati, County of Hamilton, State of Ohio, and being more particularly described as follows:

Beginning at a point in the west line of Hamilton Avenue, North 24° 40' West 95 feet from the intersection of the west line of Hamilton Avenue and the north line of Marlowe Avenue; thence North 24° 40' West along the west line of Hamilton Avenue 29.14 feet; thence North 89° 29' West, 100 feet; thence North 24° 40' West, parallel with Hamilton Avenue, 17.74 feet; thence South 89° 57' West parallel with Marlowe Avenue 9.72 feet; thence South 0° 55-1/2' West, parallel with Budmar Avenue 130 feet to a point in the north line of Marlowe Avenue; thence North 89° 57' East, along the north line of Marlowe Avenue. 11.04 feet; thence North 0° 55-1/2' East, parallel with Budmar Avenue, 86.37 feet; thence North 89° 57' East, parallel with Marlowe Avenue 118.96 feet to the west line of Hamilton Avenue and the place of beginning.

233-1-101

DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER
Tax Map - 12-23-10-B
CAGIS - _____

11612 2442

6013 Hamilton Avenue, Parcel 233-0001-0098-00

GENERAL WARRANTY DEED
STATUTORY FORM ORC 5302.06

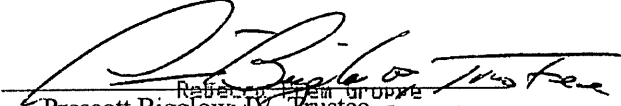
Prescott Bigelow, IV, Trustee, for valuable consideration paid grants, with general warranty covenants, to the City of Cincinnati, whose tax mailing address is 801 Plum Street, City Hall, Cincinnati, Ohio, 45202, the following real property:

Situate in the City of Cincinnati, in Section 30, Township 3, Fractional Range 2, Miami Purchase, Hamilton County, Ohio, and being more particularly described as follows: Beginning at a point in the west line of Hamilton Avenue, 124.14 feet northwardly from the point of intersection of the west line of Hamilton Avenue and the north line of Marlowe Avenue; thence northwardly along the west line of Hamilton Avenue 30 feet to a point; thence westwardly on a line parallel with the north line of a tract of land conveyed to William Dittus by deed recorded in Deed Book 1808, Page 608, of the Hamilton County Deed Records (which line is also the south line of Cary's Homestead Subdivision as recorded in Plat Book 13, Page 57 of the Plat records of Hamilton County, Ohio) 100 feet to a point; thence southwardly parallel with the west line of Hamilton Avenue 30 feet to a point, thence eastwardly parallel with the said north line of tract of land conveyed to William Dittus by deed recorded in Deed Book 1808, Page 608 of the Hamilton County, Ohio Deed Records (which line is also the south line of said Cary's Homestead Subdivision) 100 feet to the west line of Hamilton Avenue and the point of beginning; and being part of the premises conveyed to William Dittus by deed recorded in Deed Book 1808, Page 608 of the Deed Records of Hamilton County, Ohio.

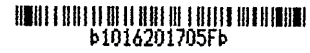
86-1-332
ST

Prior Instrument Reference: Official Record Book 8136, Page 1365.

Executed this 31 day of January, 2006.

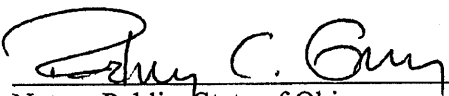

Prescott Bigelow, IV, Trustee
Records Office
Doc #: 06-0020790 Type: DE
Filed: 02/08/06 09:00:09 AM \$28.00
Off.Rec.: 10162 01705 F C22 1 266

STATE OF OHIO, COUNTY OF HAMILTON, SS:



The foregoing instrument was acknowledged before me this 31st day of January, 2006 by Prescott Bigelow, IV, Trustee

Signature Fee: 0.50
Recording Fee: 0.50
Notary Fee: 0.00
Total: 1.00


Notary Public, State of Ohio

APPROVED AS TO FORM:


Assistant City Solicitor



RODNEY C. GRAY
Notary Public, State of Ohio
My Commission Expires April 12, 2009

Deed number: 81748
Instr. number: 84547
Transfer date: 02/08/2006
Sec. 319.202, R.C.
Sec. 322.02, R.C.
Dusty Rhodes
Hamilton County Auditor
Sales amount: 0
Domestic fee: 0.00

DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER

Tax Map - 2/8/06 DV
CAGIS - _____

10162 1705

6015 Hamilton Avenue, Parcel 233-0001-0096-00

It is further **ORDERED, ADJUDGED AND DECREED**, that the Defendants' interests in, over, and upon the premises described herein, to wit:

PARCEL ONE:

Situated in Section 30, Township 3, Fractional Range 2, Miami Purchase, the City of Cincinnati, Hamilton County, State of Ohio and being more particularly described as follows: Beginning at a point in the west line of Hamilton Avenue one hundred fifty-four and 14/100 (154.14) feet northwardly from the point of intersection of the west line of Hamilton Avenue and the north line of Marlowe Avenue; thence northwardly along the west line of Hamilton Avenue twenty-five (25) feet to a point; thence westwardly on a line parallel with the north line of tract of land conveyed to William Dittus by deed recorded in Deed Book 1808, Page 608, of the Hamilton County deed records (which line is also the south line of Cary's Homestead Subdivision) as recorded in Plat Book 13, Page 57 of the Plat Records of Hamilton County, Ohio, one hundred (100) feet to a point; thence southwardly parallel with the west line of Hamilton Avenue twenty-five (25) feet to a point; thence eastwardly parallel with the said north line of tract of land conveyed to William Dittus by deed recorded in Deed Book 1808, Page 608 of the Hamilton County, Ohio deed records (which line is also the south line of said Cary's Homestead Subdivision) one hundred (100) feet to the west line of Hamilton Avenue and the point of beginning

233-1-96, 103 + 105 conts

96

PARCEL TWO:

Lying and being in Section 30, Township 3, Fractional Range 2, in the City of Cincinnati, County of Hamilton, and State of Ohio and being more particularly described as follows: Beginning at a point in the north line of Marlowe Avenue South 89° 57' West two hundred seventy-one and 04/100 feet (271.04') from the intersection of the north line of Marlowe Avenue and the west line of Hamilton Avenue (the above two hundred seventy-one and 04/100 feet (271.04') being measured along the north line of Marlowe Avenue); thence North 0° 55-1/2' East, parallel with Budmar Avenue, one hundred thirty feet (130') to a point and the real point of beginning for this conveyance: thence from said real point of beginning South 89° 57' West ten feet (10') to a point; thence North 0° 55-1/2' East seventy-two and 47/100 feet (72.47') to a point in the north line of a tract conveyed by deed recorded in Deed Book 1808, Page 608 of the Deed Records of Hamilton County, Ohio; thence South 89° 29' East, along said north line of

80

105

11585 2190 2

DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER

Tax Map - 11/18/10

CAGIS -

said tract, ten feet (10') to a point; thence South 0° 55-1/2' West, parallel with Budmar Avenue, seventy-two and 47/100 feet (72.47') to the real point of beginning

PARCEL THREE:


Situate in the City of Cincinnati, in Section 30, Township 3, Fractional Range 2, Miami Purchase, Hamilton County, Ohio, and being more particularly described as follows: Beginning at a point in the north line of Marlowe Avenue South 89° 57' West two hundred seventy-one and 04/100 feet (271.04') from the intersection of the north line of Marlowe Avenue and the west line of Hamilton Avenue (the above two hundred seventy-one and 04/100 feet (271.04') being measured along the north line of Marlowe Avenue); thence North 0° 55-1/2' East, parallel with Budmar Avenue, one hundred thirty feet (130') to a point and the real point of beginning for this conveyance: thence from said real point of beginning North 89° 57' East parallel with Marlowe Avenue one hundred nine and 72/100 feet (109.72') to a point; thence North 24° 40' West , parallel with Hamilton Avenue seventy-seven and 26/100 feet (77.26') to a point in the north line of a tract conveyed by deed recorded in Deed Book 1808, Page 608 of the Deed Records of Hamilton County, Ohio; thence North 89° 29' West along said north line of said tract seventy-six and 32/100 feet (76.32') to a point; thence South 0° 55-1/2' West, parallel with Budmar Avenue, seventy-two and 47/100 feet (72.47') to the real point of beginning,

103

are hereby vested in the City of Cincinnati, upon deposit of \$74,000.00 with the Clerk of Courts or payment by the agreement of the parties, free and clear of all claims of the legal and equitable owners of the property and any persons having an interest therein, such owners more fully described as follows, to wit:

1. Defendant Al Gammarino, Trustee has or may claim to have an interest in the subject property by virtue of being the grantee in a deed recorded in Official Record Book 6099, Page 3038, Hamilton County, Ohio Recorder's Office.

DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER

Tax Map - 11/18/10 

CAGIS - _____

11585 2191

6017 Hamilton Avenue, Parcel 233-0001-0095-00

EXHIBIT "A"

Situate in Section 30, Township 3, Fractional Range 2, Miami Purchase, in the City of Cincinnati, Hamilton County, Ohio and beginning at a point in the west line of Hamilton Avenue 179.14 feet northwardly from the point of intersection of the west line of Hamilton Avenue and the north line of Marlowe Avenue; thence northwardly along the west line of Hamilton Avenue 40 feet to the northeast corner of the tract of land conveyed to William Dittus by deed recorded in Deed Book 1808, Page 608, Hamilton County Deed Records; thence westwardly along the north line of said Dittus Tract (which line is also the south line of Cary's Homestead Subdivision as recorded in Plat Book 13, Page 57, Hamilton County, Ohio Plat Records) 100 feet to a point; thence southwardly parallel with the west line of Hamilton Avenue 40 feet to a point; thence eastwardly parallel with the north line of said Dittus Tract (which latter line is also the south line of said Cary's Homestead Subdivision) 100 feet to the west line of Hamilton Avenue and the place of beginning.

Commonly known as: 6017 Hamilton Avenue
Cincinnati, OH

APN: 233-1-95

**DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER**

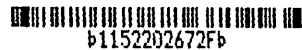
Tax Map - 11/1/11

CAGIS - _____

*6021 Hamilton Avenue and 6024 and 6030 Budmar Avenue,
Parcels 233-0001-0065-00, 233-0001-0063-00, and 233-0001-0062-00*

Convey number: 218116
Deed number: 221229
Instr. number: 09/03/2010
Transfer date: 09/03/2010
Sec. 319.202, R.C.
Sec. 322.02, R.C.
Dusty Rhodes
Hamilton County Auditor
Sales amount: 0
Domestic fee: 0.00

Wayne Coates
Hamilton County Recorders Office
Doc #: 10-0103293 Type: DE
Filed: 09/03/10 02:15:58 PM \$28.00
Off.Rec.: 11522 02672 F C22 2 562



----- space above for Recorder's Office -----

GENERAL WARRANTY DEED

VINCENT A. EVERS and MARILYN EVERS-LINDER, husband and wife, of Hamilton County, Ohio, for valuable consideration paid, hereby grant and convey, with general warranty covenants, to the **CITY OF CINCINNATI**, an Ohio municipal corporation, the tax-mailing address of which is 801 Plum Street, Cincinnati, Ohio 45202, the following real property:

All that lot of land in the City of Cincinnati, Hamilton County, Ohio, situated in Section 30, Town 3, Fractional Range 2, Miami Purchase and being Lot 45 and parts of Lots 44, 46 and 47 of The Cary Homestead Subdivision as recorded in Plat Book 13, page 57, Hamilton County, Ohio Records.

Beginning at a point in the intersection of the westerly line of Hamilton Avenue with the southerly line of said Lot 45; thence along the southerly line of said Lots 45 and 46, N. 89° 24' W. 205.90 feet; thence N. 0° 36' E. 129.00 feet; thence S. 89° 24' E. parallel with the southerly line of said Lots 45 and 46, 20.18 feet to a point in the west line of said Lot 44; thence N. 0° 57' E. along the west line of said Lot 44, 6.00 feet; thence S. 89° 24' E. parallel with the southerly line of said Lot 45, 162.55 feet to the westerly line of Hamilton Avenue; thence S. 5° 53' E. along the westerly line of Hamilton Avenue 113.95 feet; thence continuing along said westerly line S. 24° 37' E. 24.07 feet to the place of beginning.

Subject to a sewer easement as recorded in Deed Book 2387, Page 335, Hamilton County, Ohio Records.

Do hereby convey to the following described parcel:

That lot of land in the City of Cincinnati, Hamilton County, Ohio, situated in Section 30, Town 3, Fractional Range 2, Miami Purchase and being part of Lots 46 and 47 of The Cary Homestead Subdivision as recorded in Plat Book 13, page 57, Hamilton County, Ohio Records.

Beginning at a point in the easterly line of Budmar Avenue S. 0° 57' W. 321 feet from the southeasterly corner of Budmar and Elkton Avenues; thence S. 0° 57' W. along the easterly line of Budmar Avenue 69 feet to a point 60 feet northwardly from the southwest corner of said Lot 46; thence S. 89° 24' E. parallel with the southerly line of said Lot 46, 120.24 feet; thence N. 0° 36' E. 69 feet; thence N. 89° 24' W. 119.82 feet to the place of beginning.

Property Address: 6024 & 6030 Budmar Avenue; 6021 Hamilton Avenue

Auditor's Parcel Nos: 233-1-62, 63 & 65

**DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER**

Tax Map - 9-3-10

CAGIS - _____

11522 2672

233-1-62 & 63 & 65 - 66-94-97-115 cons

6031 Hamilton Avenue, Parcel 233-0001-0071-00

EXHIBIT A

Situated in the City of Cincinnati, Hamilton County, Ohio, and being more particularly described as follows:

233-1-71

Beginning at a point on the west side of Hamilton Avenue, 45.5 feet south of the northeast corner of Lot 44 of the William Carey Homestead Subdivision, said starting point being the northeast corner of the property formerly owned by Dr. Mark N. Kerr; thence north along the west line of Hamilton Avenue, 35 feet to a point; thence from said two points last mentioned on Hamilton Avenue, westwardly between parallel lines 160 feet, the southern of said parallel lines being also the northern boundary line of said property formerly belonging to Mark N. Kerr, and the property herein described being the south 35 feet of the northern half of Lot 44 of said William Carey Homestead Subdivision.

Commonly known as: 6031 Hamilton Avenue
Cincinnati, OH 45224

APN: *233*
233-1-71

SE

**DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER**

Tax Map - *6/20/11*

CAGIS - _____

11753 1131

1610 Marlowe Avenue, Parcel 233-0001-0102-00

255554

065808

NOV-10-76

66917

LST-DEED - K

1.00

Know All Men by These Presents:

Gen. Ind. 8th Ser. Bk

151, 28B

That

THE INTERNATIONAL THESPIAN SOCIETY,
an Ohio non-profit corporation, formerly known as
THE NATIONAL THESPIAN SOCIETY
(Said change of name recorded in Deed Book 3660,
page 376, Hamilton County, Ohio Deed Records) *the grantor,*

a corporation organized and existing under the laws of the State of Ohio

in consideration of

One Dollar (\$1.00) and other good and valuable considerations

to it paid by

EDWARD F. DEVOTO and ELIZABETH L. DEVOTO,
Husband and Wife

whose address is

3337 Sumac Terrace, Cincinnati, Ohio 45239

the receipt whereof is hereby acknowledged, does hereby **Grant, Bargain, Sell and Convey** to the said

EDWARD F. DEVOTO and ELIZABETH L. DEVOTO

their *heirs, successors' and assigns forever,*

the following described Real Estate:

Lying and being in Section 30, Town 3, Fractional Range 2, in the City of Cincinnati, County of Hamilton and State of Ohio, and being more particularly described as follows:

Beginning at a point in the North line of Marlowe Avenue, South 89° 57' West 100 feet from the intersection of the North line of Marlowe Avenue and the West line of Hamilton Avenue (the above mentioned 100 feet being measured along the North line of Marlowe Avenue); thence South 89° 57' West along the North line of Marlowe Avenue, 60 feet; thence North 0° 55-1/2' East, parallel with Budmar Avenue, 86.37 feet; thence North 89° 57' East, parallel with Marlowe Avenue, 18.96 feet; thence South 24° 40' East, parallel with Hamilton Avenue, 95 feet to the North line of Marlowe Avenue and the place of beginning.

Subject to the following restriction as contained in deed from Cohill Theater, Inc., an Ohio corporation, to William Dittus, recorded in Deed Book 1808, Page 608 of the Hamilton County, Ohio Records: "No part of these premises shall at any time be used for the purposes of a moving picture show or theater."

Being the same premises conveyed to the grantor herein by deed recorded in Deed Book 3630, Page 788, Hamilton County, Ohio Deed Records.

FILE FOR TRANS

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HAMILTON COUNTY OHIO

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TRANSFERRED

233-1-102 STP

Examined & Compliance with Sec. 519.202 R.C.

76015531

W. L. DE COURCY, JR., AUDITOR
HAMILTON COUNTY, OHIO

2700

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DEED BOOK 4063pc 967

Said to be done

Attachment 2

Proposed Environmental Covenant

ENVIRONMENTAL COVENANT

This Environmental Covenant is entered into by the City of Cincinnati, College Hill Community Urban Redevelopment Corporation ("CHCURC"), and the Ohio Environmental Protection Agency ("Ohio EPA") pursuant to Ohio Revised Code ("ORC") §§ 5301.80 to 5301.92 for the purpose of subjecting the Property described herein ("the Property") to the activity and use limitations set forth herein.

WHEREAS, the City of Cincinnati has undertaken a voluntary action with respect to the Property under Ohio's Voluntary Action Program ("VAP"), pursuant to ORC Chapter 3746 and Ohio Administrative Code ("OAC") Chapter 3745-300.

WHEREAS, the Property is owned by the City of Cincinnati; CHCURC is not an owner of the Property.

WHEREAS, the City of Cincinnati and CHCURC have entered into a Property Sale and Development Agreement for the Property described herein.

WHEREAS, the voluntary action remedy for the Property includes the activity and use limitations set forth in this Environmental Covenant. Certified Professional Michael J. Luessen, CP. No. 267, issued a no further action letter ("NFA Letter") for the Property on October 30, 2015 and submitted the NFA Letter to Ohio EPA (No. 15NFA###) with a request for a covenant not to sue.

WHEREAS, the activity and use limitations support the issuance of the NFA Letter and a covenant not to sue for the Property; the limitations protect against exposure to hazardous substances in ground water (specifically, dissolved arsenic at concentrations exceeding unrestricted potable use standards) underlying the Property.

WHEREAS, the NFA Letter's executive summary contains an overview of the voluntary action. The executive summary may be reviewed as an exhibit to the covenant not to sue issued for the Property, recorded in the deed records for the Property in the Hamilton County Recorder's Office. The covenant not to sue and the NFA Letter (No.

15NFA###) may also be reviewed, by contacting the Records Management Officer for the Division of Environmental Response and Revitalization, at Ohio EPA's Central Office, 50 West Town Street, Columbus, OH 43216, 614-644-2924, or at Ohio EPA's Southwest District Office at 401 E. Fifth Street, Dayton, Ohio 45402; 937-285-6357, or by contacting Cardno ATC, 11121 Canal Road, Cincinnati, Ohio 45241; 513-771-2112 or the City of Cincinnati, Department of Community and Economic Development, 805 Central Avenue, Centennial II, Suite 700, Cincinnati, Ohio 45202; 513-352-1596.

Now therefore, the City of Cincinnati, CHCURC and Ohio EPA agree to the following:

1. Environmental Covenant. This instrument is an environmental covenant developed and executed pursuant to ORC §§ 5301.80 to 5301.92.

2. Property. This Environmental Covenant concerns an approximately 2.06-acre tract of real property located at 5919, 5921, 5943, 5951, 6009, 6013, 6015, 6017, 6021 and 6031 Hamilton Avenue, 1610 Marlowe Avenue, 6024 and 6030 Budmar Avenue, in Hamilton County, Ohio, and more particularly described in Attachment #1 attached hereto and incorporated by reference herein ("Property").

3. Owner. This Property is owned by the City of Cincinnati ("Owner"), with a place of business located at 805 Central Avenue, Centennial II, Suite 700, Cincinnati, Ohio 45202.

4. Holder. Pursuant to ORC § 5301.81, the holders of this Environmental Covenant ("Holders") are the Owner listed above and CHCURC, a non-profit corporation, the address of which is P.O. Box 24219, Cincinnati, Ohio 45224.

5. Activity and Use Limitations. As part of the voluntary action remedy described in the NFA Letter, Owner hereby imposes and agrees to comply with the following activity and use limitations:

Limitation Prohibiting Ground Water Extraction and Use. Ground water underlying the Property shall not be extracted or used for any purpose, potable or otherwise, except for investigation, monitoring or remediation of the ground water, or for extraction in conjunction with construction or excavation activities or maintenance of subsurface utilities such as to dewater a trench.

6. Running with the Land. This Environmental Covenant shall be binding upon the Owner, during the time that the Owner owns the Property or any portion thereof, and upon all assigns and successors in interest, including any Transferee, and shall run with the land, pursuant to ORC § 5301.85, subject to amendment or termination as set forth herein. The term "Transferee," as used in this Environmental Covenant, shall mean any future owner of any interest in the Property or any portion thereof, including, but not limited to, owners of an interest in fee simple, mortgagees, easement holders, and/or lessees.

7. Compliance Enforcement. Compliance with this Environmental Covenant may be enforced pursuant to ORC § 5301.91 and other applicable law. Failure to timely enforce compliance with this Environmental Covenant or the activity and use limitations contained herein by any party shall not bar subsequent enforcement by such party and shall not be deemed a waiver of the party's right to take action to enforce against any non-compliance. Nothing in this Environmental Covenant shall restrict the Director of Ohio EPA from exercising any authority under applicable law. Pursuant to ORC § 3746.05, if the Property or any portion thereof is put to a use that does not comply with this Environmental Covenant, the covenant not to sue issued for the Property by the Director of Ohio EPA under ORC § 3746.12 is void on and after the date of the commencement of the noncompliant use.

8. Rights of Access. Owner hereby grants to Ohio EPA's authorized representatives and Holder the right of access to the Property for implementation or enforcement of this Environmental Covenant and shall require such access as a condition of any transfer of the Property or any portion thereof.

9. Compliance Reporting. Owner or Transferee, if applicable, shall, upon request by Ohio EPA, submit to Ohio EPA and Holder written documentation verifying that the activity and use limitations set forth herein remain in place and are being complied with.

10. Notice upon Conveyance. Each instrument hereafter conveying any interest in the Property or any portion thereof shall contain a notice of the activity and use limitations set forth in this Environmental Covenant, and provide the recorded location of this Environmental Covenant. The notice shall be substantially in the following form:

THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL COVENANT, RECORDED IN THE DEED OR OFFICIAL RECORDS OF HAMILTON COUNTY RECORDER'S OFFICE ON [REDACTED], 2015, IN [DOCUMENT ____, or BOOK ____, PAGE ____]. THE ENVIRONMENTAL COVENANT CONTAINS THE FOLLOWING ACTIVITY AND USE LIMITATIONS:

Limitation Prohibiting Ground Water Extraction and Use. Ground water underlying the Property shall not be extracted or used for any purpose, potable or otherwise, except for investigation, monitoring or remediation of the ground

water, or for extraction in conjunction with construction or excavation activities or maintenance of subsurface utilities such as to dewater a trench.

Owner or Transferee, if applicable, shall notify Ohio EPA and Holder within ten (10) days after each conveyance of an interest in the Property or any portion thereof. The notice shall include the name, address, and telephone number of the Transferee, a copy of the deed or other documentation evidencing the conveyance, and a survey map that shows the boundaries of the property being transferred.

11. Representations and Warranties. Owner hereby represents and warrants to the other signatories hereto:

- A. that the Owner is the sole owner of the Property;
- B. that the Owner holds fee simple title to the Property and that the Owner conducted a current title search that shows that the Property is not subject to any interests or encumbrances that conflict with the activity and use limitations set forth in this Environmental Covenant;
- C. that the Owner has the power and authority to enter into this Environmental Covenant, to grant the rights and interests herein provided and to carry out all obligations hereunder;
- D. that this Environmental Covenant will not materially violate or contravene or constitute a material default under any other agreement, document or instrument to which Owner is a party or by which Owner may be bound or affected;
- E. that the Owner has identified all other persons that own an interest in or hold an encumbrance on the Property, and, if applicable, notified such persons of the Owner's intention to enter into this Environmental Covenant.

12. Amendment or Termination. This Environmental Covenant may be amended or terminated by consent of all of the following: the Owner, or a Transferee, if applicable; Holder, and the Director of the Ohio EPA, pursuant to ORC §§ 5301.82 and 5301.90 and other applicable law. The term, "Amendment," as used in this Environmental Covenant, shall mean any changes to the Environmental Covenant,

including the activity and use limitations set forth herein, or the elimination of one or more activity and use limitations so long as there is at least one limitation remaining. The term, "Termination," as used in this Environmental Covenant, shall mean the elimination of all activity and use limitations set forth herein and all other obligations under this Environmental Covenant.

This Environmental Covenant may be amended or terminated only by a written instrument duly executed by the Director of Ohio EPA and by the Owner or Transferee, if applicable, of the Property or any portion thereof, and Holder or their assignees. Within thirty (30) days of signature by all requisite parties on any amendment or termination of this Environmental Covenant, the Owner or Transferee, if applicable, shall file such instrument for recording with the Hamilton County Recorder's Office, and shall provide a file- and date-stamped copy of the recorded instrument to Ohio EPA and Holder or their assignees.

13. Severability. If any provision of this Environmental Covenant is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

14. Governing Law. This Environmental Covenant shall be governed by and interpreted in accordance with the laws of the State of Ohio.

15. Recordation. Within thirty (30) days after the date of the final required signature, Owner shall file this Environmental Covenant for recording, in the same manner as a deed to the Property, with the Hamilton County Recorder's Office.

16. Effective Date. The effective date of this Environmental Covenant shall be the date upon which the fully executed Environmental Covenant has been recorded as a deed record for the Property with the Hamilton County Recorder's Office.

17. Distribution of Environmental Covenant. Owner shall distribute a file- and date-stamped copy of the recorded Environmental Covenant to: Ohio EPA and and the CHCURC.

18. Notice. Unless otherwise notified in writing by any party hereto or Ohio EPA, any document or communication required by this Environmental Covenant shall be submitted to:

As to Ohio EPA:

Ohio EPA – Central Office
Division of Environmental Response and Revitalization
50 West Town Street
Columbus, Ohio 43216
Attn.: DERR Records Management Officer, regarding 15NFA###

Or, send electronically to: records@epa.ohio.gov

And

Ohio EPA – Southwest District Office
401 E. Fifth Street
Dayton, OH 45402
Attn.: DERR Site Coordinator for 15NFA###

As to Owner:

City of Cincinnati
Department of Community & Economic Development
805 Central Avenue, Centennial II, Suite 700
Cincinnati, Ohio 45202
Attn: Director

As to Holder:

CHCURC
1551 Marlowe Avenue
Cincinnati, OH 45224
Attn: President

[Remainder of page left intentionally blank]

OHIO ENVIRONMENTAL PROTECTION AGENCY

Craig W. Butler, Director

State of Ohio)
) ss:
County of Franklin)

Before me, a notary public, in and for Franklin County, Ohio, personally appeared Craig W. Butler, the Director of Ohio EPA, who acknowledged to me that he did execute the foregoing instrument on behalf of Ohio EPA.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this _____ day of _____, 201__.

Notary Public

This instrument was prepared by:

City of Cincinnati
Department of Law
801 Plum Street
Cincinnati, OH 45202

Ms. Sue Kroeger
Ohio EPA-Legal Office
50 West Town Street
Columbus, OH 43215

Attachment