



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

CERTIFIED

May 15, 2014

Roberts C&DD Facility, Inc.
7271 Fallsburg Road
Newark, OH 43055

RE: Roberts C&DD Facility, Inc.
DFF&O
C&DD
Licking County
CDDL018866

Dear Sir or Madam:

Transmitted herewith are Final Findings & Orders of the Director concerning the matter indicated.

Sincerely,

A handwritten signature in cursive script that reads "Georgia Frakes".

Georgia Frakes, Management Analyst
Division of Materials and Waste Management

Enclosure

cc: Harry Smail, DMWM, CO
Janine Maney, Legal

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

OHIO E.P.A.

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

MAY 15 2014

ENTERED DIRECTOR'S JOURNAL

By: Dmy Casiter Date: 5-15-14

In the Matter Of:

Roberts C&DD Facility, Inc.	:	Director's Final Findings
7271 Fallsburg Road	:	and Orders
Newark, Ohio 43055	:	

Respondent

PREAMBLE

It is agreed by the Parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Roberts C&DD Facility, Inc. ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3714.12 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the Facility or Property as hereinafter defined shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3714 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Fallsburg Road Landfill (the "Facility") is a "construction and demolition debris facility" as that term is defined in OAC Rule 3745-400-01(G) located at 7271 Fallsburg Road, Newark, Ohio 43055.
2. Roberts C&DD Facility, Inc. is the property owner of the "Property", as described in Attachment A, attached hereto and incorporated herein.

3. Roberts C&DD Facility, Inc. is the "owner" of the Facility as that term is defined in OAC Rule 3745-400-01(EE).
4. Roberts C&DD Facility, Inc. is a "person" as that term is defined in ORC Section 3714.01(H) and in OAC Rule 3745-400-01 (DD).
5. The Licking County Health Department is an approved Health District and the "licensing authority" as that term is defined in OAC Rule 3745-400-01(Y).
6. On August 20, 2013, the Licking County Board of Health denied the license application for the Facility.
7. The Facility has triggered mandatory closure pursuant to OAC Rule 3745-400-12(B). To date, the owner or operator has not completed final closure of the Facility as required in OAC Rule 3745-400-12(E).
8. OAC Rule 3745-400-12(A) (4) provides: "An owner or operator shall complete closure of a construction and demolition debris facility in a manner that reasonably accomplishes the following: [...] does not create a nuisance or fire hazard."
9. On April 25, 2014, a representative of the Licking County Department of Health observed multiple hotspots on the plateau of the Facility that is just below the top. Most of the hotspots were on the area closer to the fire road on the eastern side; one hotspot was more central. Small flames were visible intermittently as shallow wood pieces were heated inside the hotspots. Settling was occurring, with the largest being about 4-5 foot deep and about 6 foot across. The above conditions have not been abated to date.
10. Following the April 25, 2014, inspection of the Facility by the Licking County Health Department, representatives from Ohio EPA inspected the Facility and confirmed the existence of a fire at the Facility.
11. Roberts C&DD Facility, Inc. is in violation of OAC Rule 3745-400-12(A) (4) for failing to complete closure of a construction and demolition debris facility in a manner that reasonably does not create a nuisance or fire hazard.
12. Pursuant to OAC Rule 3745-400-11(A): "The owner or operator shall comply with the requirements and operational criteria specified in this rule until final closure has been completed in accordance with rule 3745-400-12 of the Administrative Code, and the closure certification as required by paragraph (D) of rule 3745-400-08 of the Administrative Code has been submitted to and written

concurrence received from the licensing authority[...].”

13. OAC Rule 3745-400-11(F)(4) provides: “Debris that is burning or at a temperature likely to cause a fire or damage to any component of the facility shall be placed in a separate location at a sufficient distance from the working face and unloading zone to prevent fires from spreading to the working face. The owner or operator shall immediately cover the hot or burning debris with sufficient amount of earth or other material, or spray the debris with water or other fire suppressant to extinguish or prevent fire. When the debris has cooled and is no longer smoking, the owner or operator shall deposit the extinguished material on the working face.”
14. Roberts C&DD Facility, Inc. is in violation of OAC Rule 3745-400-11(F)(4) for failing to suppress, extinguish, or prevent the fire from debris at the Facility that is burning or at a temperature likely to cause a fire.
15. OAC Rule 3745-400-11(H) provides: “Fire Prevention. The owner or operator shall operate the facility in a manner that prevents fires [by] doing one of the following:
 - (1) Covering all disposed combustible debris on a weekly basis with soil, clean hard fill, or other material which is noncombustible. For the purpose of this rule, covering means to apply noncombustible material in a manner such that combustible debris is not visible.
 - (2) Preparing and utilizing an alternate fire prevention plan acceptable to the licensing authority. The plan shall include the monthly application of noncombustible cover plus another method(s) to prevent fires.”
16. Roberts C&DD Facility, Inc. is in violation of OAC Rule 3745-400-11(H) for failing “to operate the facility in a manner that prevents fires [by] doing one of the following:
 - (1) Covering all disposed combustible debris on a weekly basis with soil, clean hard fill, or other material which is noncombustible. For the purpose of this rule, covering means to apply noncombustible material in a manner such that combustible debris is not visible.
 - (2) Preparing and utilizing an alternate fire prevention plan acceptable to the licensing authority. The plan shall include the monthly application of noncombustible cover plus another method(s) to prevent fires.”
17. OAC Rule 3745-400-11(M) provides: “The owner or operator shall have available

at or near the facility, adequate fire control equipment, material, and services to control fire and explosion. The owner or operator shall act immediately to control or extinguish any fire."

18. Roberts C&DD Facility, Inc. is in violation of OAC Rule 3745-400-11(M) for failing to "have available at or near the facility, adequate fire control equipment, material, and services to control fire and explosion. The owner or operator shall act immediately to control or extinguish any fire."
19. All of the findings necessary for the issuance of these Orders pursuant to R.C. 3714.12 and R.C. 3745.01 have been made and are outlined above. Nothing in the findings shall be considered to be an admission by Respondent of any matter of law or fact.
20. In order to address the conditions at the Facility, Roberts C&DD Facility, Inc. and Ohio EPA agree to the issuance of these Orders and the work to be performed pursuant to these Orders.

V. ORDERS

1. Roberts C&DD Facility, Inc. grants and agrees to provide the Ohio EPA, its contractors, employees, agents, representatives, and assigns (hereinafter "Ohio EPA"), and the Licking County Health Department, its contractors, employees, agents, representatives, and assigns (hereinafter the "LCHD"), the right of full access to the Property for all purposes that Ohio EPA or LCHD may deem reasonable, necessary, or appropriate to address the conditions arising from or related to the fire at the Facility and Property, including but not limited to the following:
 - a. Roberts C&DD Facility, Inc. shall allow Ohio EPA or the LCHD access over all access roads, easements, easement appurtenant, and all portions of the Property;
 - b. Roberts C&DD Facility, Inc. shall allow Ohio EPA or the LCHD, and their respective trucks containing such off-site soils and equipment as Ohio EPA or the LCHD deem appropriate, access over all access roads, easements, easements appurtenant, and all portions of the Property;
 - c. Roberts C&DD Facility, Inc. shall allow Ohio EPA or the LCHD access to the Facility to perform excavation activities and to apply fire suppressants to attempt to extinguish the fire;
 - d. Roberts C&DD Facility, Inc. shall allow Ohio EPA or the LCHD at Ohio EPA's or the LCHD's discretion, the right to clear and process vegetation

- and excavate, contour, move, relocate, and otherwise obtain and use soils located on the Property to address conditions arising from or related to the fire at the Property;
- e. Roberts C&DD Facility, Inc. shall allow Ohio EPA or the LCHD at Ohio EPA's or the LCHD's discretion, the right to install temporary fencing, barriers, or signs on the Property to prevent unauthorized access to the Property or to otherwise facilitate on-site safety measures;
 - f. Roberts C&DD Facility, Inc. shall allow Ohio EPA or the LCHD at Ohio EPA's or the LCHD's discretion access to collections or ponds of liquids on the Property to perform fire abatement, containment, and prevention measures;
 - g. Roberts C&DD Facility, Inc. shall allow Ohio EPA or the LCHD at Ohio EPA's or the LCHD's discretion access to the Facility to perform leachate control, collection, and disposal measures;
 - h. Roberts C&DD Facility, Inc. shall allow Ohio EPA or the LCHD at Ohio EPA's or the LCHD's discretion access to the Property to conduct sampling and perform monitoring of air, soil, or surface or ground waters at the Property to address conditions arising from or related to the fire;
 - i. Nothing in this section shall be construed to limit the right of access of the Ohio EPA or the LCHD, their respective contractors, employees, agents, representatives, and assigns, to take additional measures that Ohio EPA or the LCHD may deem reasonable, necessary, or appropriate to address: the conditions arising from or related to the fire at the Facility, or any incidental conditions such as the need to facilitate safety conditions on the Property.
2. Roberts C&DD Facility, Inc. agrees not to interfere with, hinder, harm, or otherwise damage the fire abatement measures taken by Ohio EPA or the LCHD at the Property, including any operation and maintenance of those measures undertaken by Ohio EPA or the LCHD.

VI. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's Facility or the Property.

VII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders by Respondent shall be undertaken by Respondent in accordance with the requirements of all applicable local,

state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent, the Facility or the Property.

VIII. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

IX. RESERVATION OF RIGHTS

Ohio EPA reserves all rights, privileges, claims, causes of action, and defenses. Ohio EPA specifically reserves all rights in law or equity to take additional enforcement measures or actions against any and all liable parties, including but not limited to Respondent, for past, present or future violations of law arising from or related to the Facility or the Property. Ohio EPA specifically reserves all rights in law or equity to recover any public funds expended to address conditions arising from or related to the Facility or Property.

X. WAIVER

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity. Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

Respondent further waives any and all rights, privileges, claims, causes of action and defenses in law or equity that it may otherwise have with regard to any and all actions taken by Ohio EPA or the LCHD in accordance with these Orders or to otherwise address conditions arising from or related to the fire at the Facility or Property.

XI. COVENANT NOT TO SUE

Roberts C&DD Facility, Inc. agrees and covenants not-to-sue the State including Ohio EPA, its contractors, employees, agents, representatives, or assigns, and the LCHD, its contractors, employees, agents, representatives, or assigns, for any and all actions taken at the Facility or Property, and for any and all actions not taken by the State including Ohio EPA, its contractors, employees, agents, representatives, and assigns, and the LCHD, its contractors, employees, agents, representatives, and assigns at the Facility or Property, to address conditions arising from or related to the fire.

Roberts C&DD Facility, Inc. covenants not-to-sue and agrees not to assert any claim, demand, or cause of action against the Ohio EPA, its contractors, employees, agents, representatives, or assigns, or the Licking County Health Department, its contractors, employees, agents, representatives, or assigns, with respect to liability based upon ownership of the Property or natural resources thereon for loss, damage, diminution in value to the Property, mineral rights whether merged with the Property or severed, or natural resources, including timber, upon the Property.

Ohio EPA maintains, and Respondent agrees, that Ohio EPA, by issuance of these Orders, assumes no liability for any injuries or damages to persons or property resulting from actions taken, or not taken, by Ohio EPA, its contractors, employees, agents, representatives, or assigns, or for actions taken, or not taken, by the Licking County Health Department, its contractors, employees, agents, representatives, or assigns.

XII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIII. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Craig W. Butler, Director

5/14/19
Date

IT IS SO AGREED:

Roberts C&DD Facility, Inc.

Brenda P. Phelps

Signature

5-8-14
Date

Brenda P. Phelps

Printed or Typed Name

President

Title

Instr: 1998063002720 06/30/1998
Pages: 3 Fee: \$16.00 8:57AM
Patty Ribery T19980620626
Licking County Recorder BXMORROW G

KNOW ALL MEN BY THESE PRESENTS That, BRENDA K. ROBERTS and MICHAEL A. ROBERTS, her husband, of Licking County, Ohio, the Grantors, for the consideration of One Dollar (\$1.00) and other good and valuable considerations received to its full satisfaction of ROBERTS C&DD FACILITY INC., an Ohio Corporation, the Grantee, does Give, Grant, Bargain, Sell and Convey unto the said Grantee, its successors and assigns, the following described premises:

Situated in the State of Ohio, County of Licking and Township of Mary Ann:

Parcel One: Being in the East half of Lot Number 16, Section or Quarter Township 1, Township 3, Range 11 in the United States Military District and appropriated to the support of common schools; beginning at the Northeast corner of said Lot Number 16; thence West along the North line of said Lot, 80 rods to a stone; thence South 59-1/2 rods to a stake; thence East 80 rods to the East line of said Lot; thence North along said east line 59-1/2 rods to the place of beginning, containing 29.75 acres of land.

Parcel Two: Being in the West half of Lot 17 in the Section or Quarter Township, Township and Range aforesaid; beginning at the Northwest corner of said Lot number 17; thence South along the West line of said lot, 59-1/2 rods to a stake; thence East 80 rods to a stake; thence North 49-1/2 rods to the corner of a Lot owned by M.C. Miller; thence West 8 rods to a stake; thence North 10 rods to the North line of said Lot Number 17; thence West along said North line 72 rods to the place of beginning, containing 29.25 acres of land.

SUBJECT to all legal highways, all limitations of access to public roads or highways, leases and rights of way, zoning regulations, easements of record and restrictive covenants.

EXCEPTING THEREFROM: Situated in the State of Ohio, County of Licking, Township of Mary Ann, and being a part of Lot 17 of the First Quarter, Township 3, Range 11 of the United States Military Lands. Being also a part of Parcel Two, as described in a deed to Brenda K. Roberts recorded in OR 397-306, all references to Official Record (OR), Deed Book (DB) and Instrument Number (Instr#) refer to the records of the Licking County Recorder's Office, Newark, Ohio. Said 5.000 acre parcel being further bounded and described as follows:

Beginning for a point of reference at a stone found in the north line of said Lot 17 marking the northeast corner of the west half of said Lot 17, said stone marking also the northeast corner of a tract of land described in a deed to Evelyn J. Soliday recorded in Instr# 199810070038202 and the northwest corner of a tract of land described in a deed to Rocky Fork Church of Christ, Inc., recorded in DB 827, Pg. 339;

Thence S 04 degrees 22'03"E with the east line of said Soliday Tract, and the west line of said Rocky Fork Church of Christ, Inc. Tract a distance of 165.00 feet to a 5/8" rebar found marking the southeast corner of said Soliday Tract, a northeasterly corner of said Brenda K. Roberts Tract, and being the True Point of Beginning for the 5.000 acre parcel herein described;

Thence S 04 degrees 22'03"E with the east line of said Brenda K. Roberts Tract, the west line of said Rocky Fork Church of Christ, Inc. Tract, crossing County Road 235 (also known as Soliday Rd.) a distance of 297.59 feet to a point in State Route 79 (also known as Fallsburg Rd.);

SEC. 918.202 COMPLIED WITH
J. TERRY EVANS, AUDITOR
BY *J. M. [Signature]*

TRANSFERRED
Date *June 30* 19 *99*
[Signature]
Licking County Auditor

#2
CONDITIONAL APPROVAL FOR THIS TRANSFER
CORRECTION REQUIRED FOR NEXT TRANSFER
TIM LELLO, LICKING COUNTY ENGINEER

Attachment
Ⓐ

Thence S 85 degrees 37'57"W leaving the east line of said Brenda K. Roberts Tract, crossing said County Road 235 (also known as Soliday Rd.), and with a new division line into said Brenda K. Roberts Tract, passing through a 5/8" rebar set at a distance of 90.11 feet, a total distance of 465.77 feet to a 5/8" rebar set;

Thence N 04 degrees 22'03"W continuing with said new division line into said Brenda K. Roberts Tract a distance of 106.13 feet to a 5/8" rebar set;

Thence N 13 degrees 52'52"E continuing with said new division line into said Brenda K. Roberts Tract, along an existing fenceline, a distance of 147.75 feet to a 5/8" rebar set;

Thence S 84 degrees 23'12" W continuing with said new division line into said Brenda K. Roberts Tract, along an existing fenceline, a distance of 162.75 feet to a 5/8" rebar set;

Thence N 12 degrees 28'19"W continuing with said new division line into said Brenda K. Roberts Tract, along an existing fenceline, a distance of 216.88 feet to a 5/8" rebar set in the north line of said Brenda K. Roberts Tract, the north line of said Lot 17, and in the south line of a tract of land described in a deed to Robert D. Hilton recorded in OR 206-573;

Thence N 85 degrees 10'07"E with the north line of said Brenda K. Roberts Tract, the south line of said Robert D. Hilton Tract, the north line of said lot 17, the south line of a tract of land described in a deed to Fred and Sandra Angle recorded in OR 271-520, the south line of a tract of land described in a deed to Pansey W. Pickenpaugh recorded in OR 362-460, a distance of 480.81 feet to a 5/8" rebar found marking a northeasterly corner of said Brenda K. Roberts Tract and the northwest corner of said Soliday Tract;

Thence S 04 degrees 22'03" E with the line common to said Brenda K. Roberts Tract and said Soliday Tract, crossing County Road 202 (also known as Technigias Rd.), a distance of 165.00 feet to a 5/8" rebar found;

Thence N 85 degrees 10'07"E continuing with the line common to said Brenda K. Roberts Tract and said Soliday Tract a distance of 132.00 feet to the point of beginning and containing 5.000 acres of land, more or less. Subject to all easements, leases, conditions, covenants and right of way of record.

The 5/8" rebar set as mentioned herein is a 5/8" rebar, 30" in length, with a plastic cap stamped "MORRIS&ASSOC.-PS7437". The bearings are based on an assumed meridian and are to be used to denote angles only.

This description was prepared by Morris & Associates, Inc. from record information and an actual field survey of the premises in November, 1998.

Parcel Id No. 50-168570-00

TO HAVE AND TO HOLD the above granted and bargained premises, with the appurtenances thereunto belonging, unto the said Grantee, its successors and assigns forever.

And the said Grantors, does for themselves, their heirs and assigns, covenant with said Grantee, its successors and assigns, that at and until the ensealing of these presents, they are well seized of the above described premises, as a good and indefeasible estate in FEE SIMPLE and have good right to bargain and sell the same in manner and form as above written, and that the same are free and clear from all

Attachment
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incumbrances whatsoever.

And that it will Warrant and Defend said premises, with the appurtenances thereunto belonging, to the said Grantee, its successors and assigns, forever, against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, I have set my hand and seal this 21st day of June, 1999.

Signed and acknowledged in presence of:

Sharon K. McQueen
Sharon K. McQueen
Barbara J. Atherton
Barbara J. Atherton

Brenda K. Roberts
Brenda K. Roberts
Michael A. Roberts
Michael A. Roberts

STATE OF OHIO
COUNTY OF LICKING: ss

Before me, a notary public, in and for said County, personally appeared the above named BRENDA K. ROBERTS and MICHAEL A. ROBERTS, her husband who acknowledged that they signed the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at Newark, Ohio this 21st day of June, 1999.

Barbara J. Atherton
Notary Public

THIS INSTRUMENT PREPARED BY:

MORROW, GORDON & BYRD, Ltd.
Attorneys at Law
33 West Main Street
P.O. Box 4190
Newark, Ohio 43058-4190



BARBARA J. ATHERTON
Notary Public, State of Ohio
My commission expires 7/29/2003

A Attachment
(A)

WARRANTY DEED
Lane LegalWare

Instr: 200001030000075 01/03/2000
Pages: 4 Fee: \$22.00 10:18AM
Patty Ribery T20000000044
Licking County Recorder MEPSOUTHER

Know all Men by these Presents

That Russell L. Kirkbride, and Eleanor B. Kirkbride, Husband and Wife, for valuable consideration paid, hereby grant, bargain, sell, and convey, with **General Warranty Covenants**, to Roberts C & DD Facility, Inc., whose tax mailing address is: Techniglas Road, Newark, Ohio 43055, the following real property, situated in the Township of Mary Ann, County of Licking, and State of Ohio, to-wit:

Situated in the State of Ohio, County of Licking, Township of Mary Ann, and being a part of Lot 15 and Lot 16, of the First Quarter, Township 3, Range 11, of the United States Military Lands. Being also a 31.049 acre parcel out of that tract of land as described in a deed to Russell L. & Eleanor B. Kirkbride recorded in Deed Book 749 Page 235, all references to Deed Book (DB), Official Record (OR), and Instrument Number (Instr#) refer to the records of the Licking County Recorder's Office, Newark, Ohio. Said 31.049 acre parcel being further bounded and described as follows:

Beginning at a stone w/"x" found at an existing fence corner in the north line of said Lot 16, marking the northeast corner of the west half of said Lot 16, said stone marking also the northwest corner of a tract of land described in a deed to Roberts C & DD Facility, Incorporated, an Ohio Corporation, recorded in Instr#199906300027381, said stone being also a southeasterly corner of the said Russell L. & Eleanor B. Kirkbride Tract;

Thence S 04 deg. 38' 29" E with the west line of said Roberts C & DD Facility, Inc. Tract, with an easterly line of the said Russell L. & Eleanor B. Kirkbride Tract, and with an existing fenceline, a distance of 573.00 feet to a 20" dia. Maple tree found at an existing fence corner, and being the northeast corner of a tract of land described in a deed to Jeffrey W. Barcus recorded in OR.638-231;

Thence S 86 deg. 34' 50" W with the southerly line of the said Russell L. & Eleanor B. Kirkbride Tract, the north line of the said Jeffrey W. Barcus Tract, and with an existing fenceline, a distance of 990.48 feet to a 1/2" iron pipe found marking the northwest corner of the said Barcus Tract and a southwesterly corner of the said Russell L. & Eleanor B. Kirkbride Tract;

Thence N 05 deg. 04' 39" W with a westerly line of the said Russell L. & Eleanor B. Kirkbride Tract, the east line of a tract of land described as Parcel 3 in a deed to The Newark Trust Company, Trustee recorded in DB 513 PG 105, and with an

TRANSFERRED
Date 03/03/2000
[Signature]
Licking County Auditor

SEC.519.202 COMPLIED WITH
J. TERRY EVANS, AUDITOR
BY KM 02.20

Attachment
(A)

existing fenceline, a distance of 547.14 feet to a 1/2" iron pipe found in the line common to said Lot 15 and Lot 16, marking the northeast corner of said Parcel 3 and a southwesterly corner of the said Russell L. & Eleanor B. Kirkbride Tract;

Thence S 83 deg. 59' 29" W with a southerly line of the said Russell L. & Eleanor B. Kirkbride Tract, the northerly line of said Parcel 3, the line common to said Lot 15 and Lot 16, and with an existing fenceline, a distance of 338.00 feet to a 26" dia. Hickory tree found at an existing fence corner at a southwesterly corner of the said Russell L. & Eleanor B. Kirkbride Tract;

Thence N 05 deg. 26' 33" W with the west line of said Lot 15, the west line of the said Russell L. & Eleanor B. Kirkbride Tract, the east line of a tract of land described in a deed to Michael R. & Sandra K. Corbett recorded in DB 747 PG 816, and with an existing fenceline, a distance of 300.00 feet to a 5/8" rebar set;

Thence N 84 deg. 45' 05" E leaving the west line of said Lot 15, and with a new division line into and across the said Russell L. & Eleanor B. Kirkbride Tract, a distance of 2661.85 feet to a 5/8" rebar set in an existing fenceline in the east line of the said Russell L. & Eleanor B. Kirkbride Tract, the west line of a tract of land described in a deed to Robert D. Hilton recorded in OR 206-573, and the east line of said Lot 15;

Thence S 05 deg. 03' 37" E with the east line of the said Russell L. & Eleanor B. Kirkbride Tract, the west line of the said Hilton Tract, and with an existing fenceline, passing through a 1/2" iron pipe found at 298.54 feet, a total distance of 300.00 feet to a point at the southeasterly corner of the said Russell L. & Eleanor B. Kirkbride Tract, and in the north line of the said Roberts C & DD Facility, Inc. Tract;

Thence S 84 deg. 41' 44" W with a southerly line of the said Russell L. & Eleanor B. Kirkbride Tract, the north line of the said Roberts C & DD Facility, Inc. Tract, and with the line common to said Lot 15 and Lot 16, passing through a 5/8" rebar found at 7.47 feet, a total distance of 1327.47 feet to the point of beginning, and containing 31.049 acres of land, more or less.

The 5/8" rebar set as mentioned herein is a 5/8" rebar, 30" in length, with a plastic cap stamped "Morris & Assoc.-PS 7347". The bearings are based on an assumed meridian and are to be used to denote angles only. This description was prepared by Morris & Associates, Inc., from record information and an actual field survey of the premises in December of 1999.

Attachment
A

Subject to building restrictions, zoning restrictions, leases and easements of record, taxes and assessments which are a lien, and determination by the Tax Map Department of the Licking County Engineer's Office and the Licking County Regional Planning Commission.

Taxes shall be pro-rated to the date of closing.

The Grantees, their heirs, and assigns do hereby acknowledge and agree that this conveyance is subject to the covenant and agreement of the grantees, their heirs, and assigns that this lot does not constitute a building site and that no building shall be constructed on the said premises without the prior written approval of the Licking County Planning Commission.

The Grantees, their heirs, and assigns do hereby acknowledge and agree that this conveyance is subject to the covenant and agreement of the grantees, their heirs, and assigns that the above described tract may not be used to expand Grantee's landfill operation except for use as home sites (if the same are approved in accordance with the proceeding covenant), and for use as fire roads.

Prior Instrument Reference: Volume 749, Page 235.

Witness their hands this 30th day of December, 1999.

Signed and Acknowledged
in the Presence of:

Albert D. Colton
ALBERT D. COLTON
Witness - Sign Above and Print Name Below:

Russell L. Kirkbride
Russell L. Kirkbride

Kathy Y. Yerman
KATHY Y. YERMAN
Witness - Sign Above and Print Name Below:

Eleanor B. Kirkbride
Eleanor B. Kirkbride

Attachment
(A)

State of Ohio

ss.

Knox County

Before me, a Notary Public in and for the County and State aforesaid, personally appeared the above named Russell L. Kirkbride, and Eleanor B. Kirkbride, who acknowledged that they did sign the foregoing instrument, and that the same is their free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, at Mount Vernon, Ohio this 30th day of December, 1999.



KATHY Y. YARMAN
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES SEPT. 13, 2004

Kathy Y. Yarman
Notary Public

This Instrument Prepared By: Kenneth E. Lane, Attorney at Law, Mount Vernon, Ohio

DESCRIPTION APPROVED	
TIM LOLLO	
LICKING COUNTY ENGINEER	
TAX MAP DRAWING NO	APPROVED BY
2	wlc

Attachment
A