

WAIVER AND RELEASE

The undersigned fee owners of the premises hereinafter described for valuable consideration, the receipt of which is hereby acknowledged, for themselves, and their successors in interest and assigns release the City of Powell, and its successors in interest and assigns from any and all claims to date including but not limited to claims for trespass, temporary taking, or inverse condemnation regarding the premises hereinafter described.

Grantors acknowledge that Grantors own or control the entire interest in such premises and have the authority to execute this agreement which is valid for the uses and purposes contained herein.

The premises affected by this agreement is situated in the State of Ohio, County of Delaware and City of Powell bounded and described as follows:

SEE ATTACHED LEGAL DESCRIPTION

Dated this 13th day of October 2006.

Delaware Realty & Properties, Ltd.

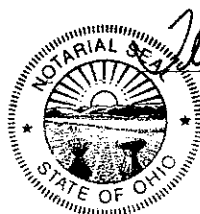
Delaware Land & Cattle Company, LLC

By: Stephen D. Martin
Stephen D. Martin, Managing Member

By: Larry C. Coolidge
Larry C. Coolidge, Sole Member

State Of Ohio
County Of Delaware ss:

On this 13th day of October 2006 before me a notary public in and for said county and state personally appeared **Delaware Realty & Properties, Ltd.** by **Stephen D. Martin** its managing member who acknowledged authority in the premises and that execution of the same is his voluntary act and deed and by virtue thereof the voluntary act and deed of such company.



Teresa J. Huffman
TERESA J. HUFFMAN
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES AUGUST 6, 2007

State Of Ohio

County Of Delaware ss:

On this 13th day of October 2006 before me a notary public in and for said county and state personally appeared **Delaware Land & Cattle Company, LLC** by **Larry C. Coolidge** its sole member who acknowledged authority in the premises and that execution of the same is his voluntary act and deed and by virtue thereof the voluntary act and deed of such company.

Teresa J. Huffman
Notary Public



TERESA J. HUFFMAN
NOTARY PUBLIC, STATE OF OHIO
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**LEGAL DESCRIPTION
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Situated in the County of Delaware, in the State of Ohio and in the City of Powell:

Being Lot No. 118 of the Case Addition to the Village of Powell, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 3, page 99, Recorder's Office, Delaware County, Ohio, and further described as follows:

Beginning at a point in the west line of Liberty Street, and 262.6 feet south of the centerline of Olentangy Street, and thence south along the west line of Liberty Street, 66 feet to a point, and thence west 152 feet to a point, thence north 66 feet to a point, and thence east 141.25 feet to the place of beginning.

Street address: 37 South Liberty Street, Powell, Ohio