SCALE 1" = 60'

60 0 60 120

FLOOD HAZARD STATEMENT: Part of the within described tract of land lies within that special Flood Zone A as said tract plots on Community Panel No. 18163C0118D of the Flood Insurance Rate Maps for Vanderburgh County Indiana, dated March 17, 2011. All line shown are subject to map scale accuracies.

Table A Items:

Item #16: There was no observed evidence of recent earth moving work, or building additions when completing the survey. However, there was an interior renovation in progress in one of the vacant spaces near the east end of the building.

Item #17: There are no known proposed right of way changes to any streets adjoining the property.

Item #18: The surveyor was not informed of any wetland delineation on the site.

SURVEYOR'S REPORT

PROJECT NO. 5312.1.002A

CLIENT: Hauppauge Properties, LLC

RECORD OWNER: Regency Evansville Consolidated LLC

RECORD DEED: Inst. No. 2007R00027633

BRIEF DESCRIPTION: Part of the North Half of Section 17, Township 7 South, Range 10 West, Pigeon Township, City of Evansville, Vanderburgh County, IN.

In accordance with **Title 865, Article 1, Chapter 12**, of the **Indiana Administrative Code**, the following opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

Variances in the reference monuments;
Discrepancies in record descriptions and plats;
Inconsistencies in lines of occupation and;

The purpose of this survey is to perform an ALTA/NSPS Land Title Survey and a Re-tracement Boundary survey.

A boundary retracement survey is a reasonable opinion on the location of the boundaries communicated in the form of a plat and marked on the ground in conformance with mandatory standards promulgated by the board of licensure. As in any professional opinion, there can be no guarantee of absolute certainty.

The following is a brief discussion of the key points used in this survey:

100 Found 5/8" rebar with Morley and Associates Control Cap near the Southeast corner of the intersection of Sherman Street and Negley Avenue. Established in 2002 survey by Morley and Associates, Inc. (Not shown on survey plat)

101 MAG Nail found flush near the Northeast corner of Diamond Ave. and Governor Street. Established in 2002 survey by Morley and Associates, Inc. (Not shown on survey plat)

The corners of this tract of land have been re- based on the control monuments used this survey.

Key points 100 and 101 were used to re-establish a previous survey performed by Morley and Associates, Inc. on the subject property. The property was surveyed by Morley and Associates, Inc. on September 13, 2002 under job number 5312-4B and recorded in Instrument No. 2002R00039421 (Surveyors Plat Drawer 1, card 1907). The survey was updated by Morley and Associates, Inc. on August 7, 2007 under job number 5312-4C. This survey was not recorded.

This survey meets the requirements of an Urban survey, which has an acceptable relative positional accuracy of 0.07 feet, plus 50 parts per million (865 I.A.C. 1-12-7). Additionally, it is my opinion that the uncertainties in the locations of the lines and corners established on this survey are as follows:

Due to **Variances** in reference monuments: See survey plat

Due to **Discrepancies** in the record description: See survey plat

Due to **Inconsistencies** in lines of occupation: See survey plat

TITLE EXCEPTIONS
Fidelity National Title Insurance Company
Commitment Number: 17-009860/NACS17-159
Effective Date: May 31, 2017

1. Rights or claims of parties in possession not shown by public records. **(May affect, unable to plot)**

2. Easements, or claims of easements, not shown by public records. **(May affect, unable to plot)**

3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land. **(Purpose of this survey)**

4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records. **(Not a survey item)**

5. Taxes or special assessments which are not shown as existing liens by the public records. **(Not a survey item)**

6. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this commitment. **(May affect, unable to plot)**

7. Taxes **(Not a survey item)**

8. Rights of way for drainage tiles, ditches, legal drains, feeders and laterals, if any. **(May affect, known observed on the subject property)**

9. Rights of the Public and others entitled thereto in and to the use of that portion of the property within the bounds of any road or highways. **(All known streets shown on survey plat)**

10. Cross Easement - Parking Agreement between Janda, Inc. and Calvert Construction Corporation, dated January 27, 1971 and recorded April 8, 1971, in Deed Record 555, page 312, for the right in common with each other of mutual non-exclusive ingress and egress and parking. **(May not be valid since law of merger, the Janda and Calvert real estate are now owned by Regency)**

11. Prior grants for highway purposes to the State of Indiana by instrument dated May 31, 1960 and recorded November 17, 1960, in Deed Record 429, page 237; and supplementary right-of-way grants recorded in State Highway Grants Record 1, pages 339, 341 and 343. As amended by partial release of the temporary easements recorded May 8, 1967 in Book 100 page 127. **(Shown on survey plat)**

12. Restrictions and protective covenants imposed by the Agreement executed November 9, 1956 and recorded November 9, 1956, in Miscellaneous Record 3, page 288. Any covenant, condition, or restriction referred to herein indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin is omitted as provided in 42 U.S.C. Section 3604, unless and other to the extent that the restriction (a) is not in violation of state or federal law, (b) is exempt under 42 U.S.C. Section 3607, or (c) related to handicap, but does not discriminate against handicapped people. **(Affects north portion of the subject property, shown on survey plat)**

13. The possibility of there being easement grants in favor of Southern Indiana Gas and Electric Company, and/or in favor of an "operator", as defined in I.C. 8-1-26-10, which are of record but not otherwise made an exception to this policy. **(May affect unable to plot)**

14. Right of Way Grant dated July 29, 1960, recorded in Deed Record 429, page 235 in favor of the State of Indiana. **(Shown on survey plat)**

15. Right of Way Grant dated July 29, 1960, recorded in Deed Record 429, page 239 in favor of the State of Indiana, As amended by partial release of the temporary easements recorded May 8, 1967 in Book 100 page 127. **(Shown on survey plat)**

16. Easement for Right of Way dated December 5, 1971, recorded December 20, 1971, in Deed Record 566, page 110 in favor of Southern Indiana Gas and Electric Company. **(Shown on survey plat)**

17. Easement for Right of Way dated April 16, 1976, recorded May 14, 1976, in Deed Record 631, page 27 in favor of Southern Indiana Gas and Electric Company. **(Shown on survey plat)**

18. Electric Distribution Line Easement dated December 23, 1985, recorded February 7, 1986, in Deed Drawer 2, Card 7182 in favor of Southern Indiana Gas and Electric Company. **(Shown on survey plat)**

19. Easement for Right of Way recorded February 12, 1991, in Deed Drawer 6, Card 1210 in favor of Southern Indiana Gas and Electric Company. **(Shown on survey plat)**

20. Easement for Right of Way recorded December 19, 1991, in Deed Drawer 6, Card 10352 in favor of Southern Indiana Gas and Electric Company. **(Shown on survey plat)**

21. Lease by and between Regency Commercial Associates LLC, as Lessor, and The Sherwin-Williams Company, an Ohio corporation, as Lessee, as evidenced by Notice of Lease dated May 7, 2003, and recorded June 19, 2003, as Instrument No. 2003R00027974, providing for a term of 5 years with 3 options to renew for 5 years each.
NOTE: Subordination, Nondistrubance and Attornment Agreement dated October 4, 2007 and recorded October 23, 2007 as Instrument No. 2007R00032703, subordinating the lease to the Mortgage recorded August 31, 2007, as Instrument No. 2007R00027634. This' NOTE" to be deleted upon release of record of said Subordination, Nondistrubance and Attornment Agreement. **(Not a survey item, lease area is part of the subject property)**

22. Partial Limitation along Access Control Line as set forth in the Warranty Deed to the State of Indiana dated September 28, 2004 and recorded January 6, 2005 as Instrument 2005R00000456. **(Shown on survey plat)**

23. Utility Easement (Permanent) granted to the City of Evansville Indiana Water and Sewer Utility Department recorded May 2, 2007 as Instrument No. 2007R00012753. **(Shown on survey plat)**

24. Rights of tenants in possession under unrecorded leases. **(Not a survey item)**

25. Acreage contained in the legal description of the subject real estate is shown solely for the purpose of identifying and describing the insured land and should not be construed as insuring the quantity of land as set forth in said description. **(Not a survey item)**

26. Any right, interest or claim that may exist, arise or be asserted against the Title under or pursuant to the Perishable Agricultural Commodities Act of 1930, as amended, 7 USC 499a et seq., the Packers and Stockyard Act of 1921, as amended, 7 USC 181 et seq., or any similar state laws. **(Not a survey item)**

Legend

Symbol	Description	Symbol	Description
PWP	POWER POLE	CI	CURB INLET
LP	LIGHT POLE	—x—x—	FENCE LINE
TP	TELEPHONE POLE	—UT—	UNDERGROUND TELEPHONE
UP	UTILITY POLE	—UW—	UNDERGROUND WATER
GYE	GYE WIRE	—UE—	UNDERGROUND ELECTRIC
TJ	UNDERGROUND TELEPHONE JUNCTION BOX		CENTER LINE
EM	ELECTRIC METER		BOUNDARY LINE
AP	ANCHOR POLE		EASEMENT LINE
GM	GAS METER		RIGHT-OF-WAY LINE
GV	GAS VALVE		SIGN
WV	WATER VALVE		PIPE BALLARD
WM	WATER METER	P.O.B.	POINT OF BEGINNING
MH	STORM SEWER MAN HOLE	●	FOUND 5/8" REBAR WITH CAP MARKED "MORLEY & ASSOC. ID #0023"
SSMH	SANITARY SEWER MAN HOLE		
FH	FIRE HYDRANT	##	SITE ADDRESS
AD	AREA DRAIN	CtC	Shopping Cart Corral
	SET MAG NAIL WITH MORLEY WASHER		

Zoning
Evansville, Indiana
Municipal Code

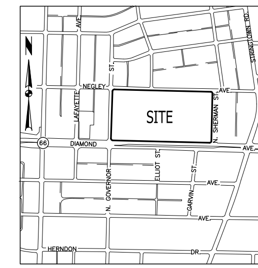
TABLE A

Standards for Principal Buildings on Individual Lots

District	Maximum Height (Feet)	Minimum Lot Size (Sq. Ft.)	Minimum Width (Feet)	Minimum Front Yard (Feet)	Minimum Side Yard (Feet)	Minimum Side Yard on a Street Side of a Corner Lot (Feet)	Minimum Rear Yard (Feet)	Lot Coverage
C-1/C-4	50	NONE	NONE	10	0	5	NONE	75%

Note: Above Zoning information is per the Planning & Zoning Resource Company - PZR Report - PZR Site #103287-1 dated 6/22/2017. It should be noted the the numbers provided do not differentiate between the two zoning classifications. There are separate setbacks per the actual zoning code. Parking Formula Per PZR Report, 5 spaces for each 1,000 Square feet.

Opinions as to compliance with or violation of zoning requirements and restrictions are legal or jurisdictional in nature, not surveying. All setback lines plotted are the opinions of the surveyor as they pertain to the current zoning ordinance. They may not represent the opinions of the current jurisdictional authority, the jurisdictional authority at the time the building was constructed, or the opinions of any future jurisdictional authority.



Location Map

Survey Notes:

1. A Boundary Survey Does Not Determine Land Ownership and the professional land surveyor only provides an 'Opinion' of the previously described boundary lines which may or may not be upheld by a court of law. Unwritten Rights may or may not exist on the subject real estate.

2. This is a Boundary Survey Plat and does not represent a subdivision or a division plat of the subject real estate. The subject real estate may need to go through the subdivision process in effect for the jurisdiction having authority where the real estate is located to be a legal conforming lot and shall meet the requirements of the Subdivision Control Ordinance of the City or County having jurisdiction for approval and recording.

3. This Boundary Plat represents an IAC Title 865 Retracement Boundary Survey and an ALTA/NSPS Land Title Survey made "on the ground" by the Surveyor. No attempt has been made by Morley to verify title, actual legal ownerships, deed restrictions, easements or other burdens on the property other than that furnished by the client or his representative. Notice: There may be additional restrictions that are not recorded on this survey that may be found in the public records of the County where the property is located. Property is subject to Zoning Setbacks and Restrictions of Record.

4. This survey plat does not represent evidence as to the location of underground features such as coal, oil, gas, tanks, wells or any other rights or claims that may exist underground and no claim or liability is expressed by the Surveyor..

5. This survey plat does not purport to indicate any evidence of hazardous or environmentally injurious materials and the surveyor expressly disclaims any responsibility or liability for the same.

6. This survey plat may indicate the possible presence of underground utility services. All Underground utility lines or features shown hereon are based on visible above ground features and or paint markings placed on the ground by the underground locate service and or maps provided by the operating companies. Additional underground utilities may exist and their locations may vary from those shown. All Contractors are required by law to contact the underground locate services prior to any digging or disturbance of the surface. Call 811.

7. The only easements shown hereon are those, **i)** for which information has been supplied to the surveyor by the owner or a title attorney, **ii)** which are contained in the current deed to the subject property, **iii)** for which the surveyor has special knowledge. No warranty or certification as to the presence or absence of any other easements is being made hereon by the surveyor or any approving agency including the Planning Commission or Local Building Authority.

8. Possible encroachment at Northeast corner of building 0.05' (using physical centerline of N. Sherman St.) to 0.30' (when holding monuments along east right-of-way line of N. Sherman St.). Possible encroachment at Southeast corner of building 0.10' (using physical centerline of N. Sherman St.) to 0.36' (when holding monuments along east right-of-way line of N. Sherman St.).

9. Morley and its employees have made no attempt to physically locate underground features such as footings and other underground improvements.

10. Additions or Deletions to Survey Maps or Reports by other than Signing Party or Parties are prohibited without the written consent of the Signing Party or Parties.

11. Usage for any other purpose, reproductions (in whole or part) shall not be made without the explicit written permission of the surveyor.

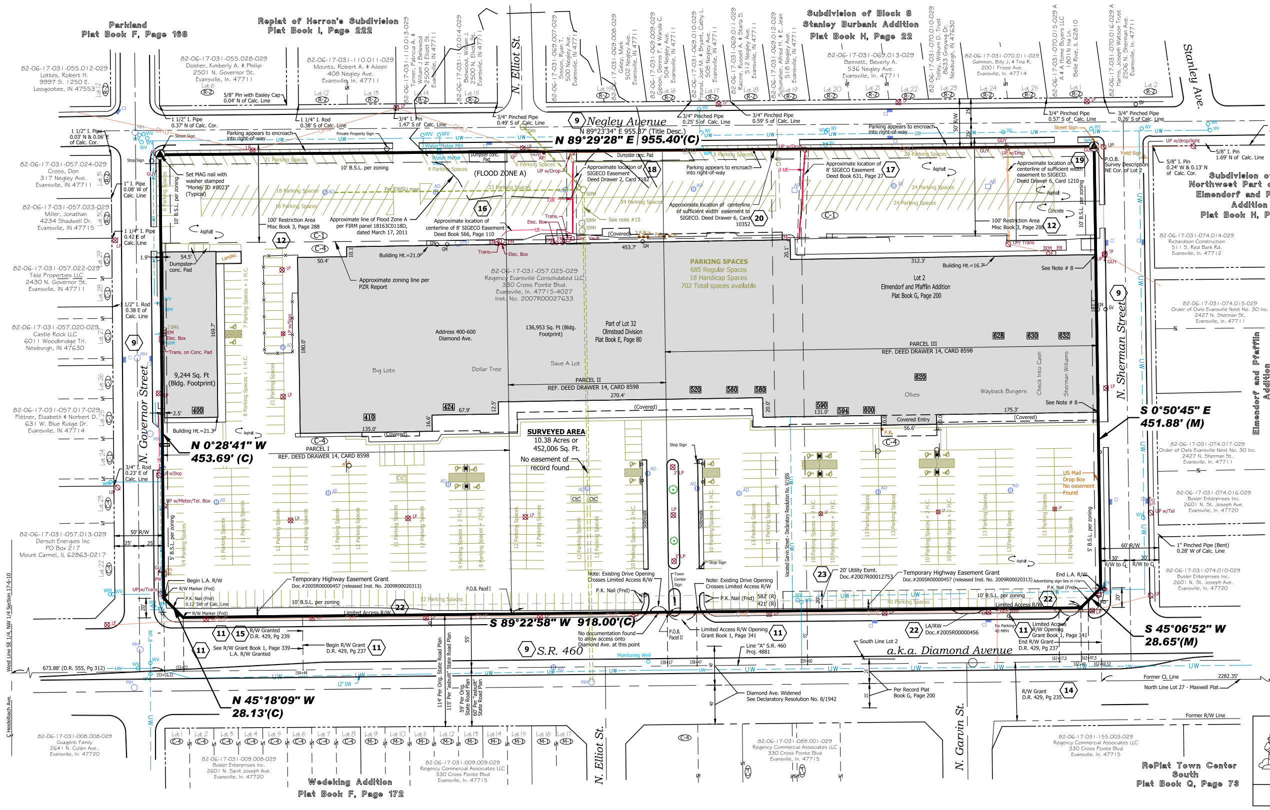
12. Zoning information was provided by the owner per the PZR Report, dated 6-22-17, PZR site number :103287-1; the subject property is zoned C-1 and C-4

13. Apparent Encroachments are based upon field observations. No research has been made for any documentation for rights that may be associated with these apparent encroachments. Therefore, the surveyor takes no claim of responsibility as to the validity of these apparent encroachments.

14. This survey is based on documentation provided or found at the time of the survey. Any document or information that may be provided at a later date may change the surveyor's opinion as to the location of the lines and features shown on this survey.

15. Per Evansville Water & Sewer Utility maps, a sewer line runs North/South through the building. Per visual inspection, it does appear that a line does go under the building. Per an e-mail from Doug Ohning of the Evansville Water & Sewer Utility on July 31, 2017, they are aware of the line, but they do not know how the building was able to be built over the line.

16. No cemeteries, grave sites, or burial grounds were observed on the site.



TITLE DESCRIPTION
Fidelity National Title Insurance Company
Commitment Number: 17-009860/NACS17-159
Effective Date: May 31, 2017

Parcel I - To find the place of beginning, first commence at the intersection of the West line of Sherman Avenue and the South line of Negley Avenue; thence continue South along the West line of Sherman Avenue to a point Twenty (20) feet North of the North line extended of Diamond Avenue (U.S. No. 460 Bypass); thence Southwesterly along the Northwesterly intersection of Sherman Avenue and Diamond Avenue (U.S. No. 460 Bypass) to a point on the North line of Diamond Avenue (U.S. No. 460 Bypass) Twenty (20) feet West of the West line extended of Sherman Avenue; thence West, along the North line of Diamond Avenue (U.S. No. 460 Bypass) Five Hundred Eighty-two (582) feet to the point of beginning of subject real estate, from said point of beginning of subject real estate; thence North and parallel to the West line of Sherman Avenue (except for the angle at the intersection of Sherman Avenue and Diamond Avenue (U.S. No. 460 Bypass)) to the South line of Negley Avenue and which Easterly line which runs parallel to the West line of Sherman Avenue (except for the angle at the intersection of Sherman Avenue and Diamond Avenue (U.S. No. 460 Bypass)) passes in part along and through the center of an existing party wall of an existing building; thence Westerly along the South line of Negley Avenue to the East line of North Governor Street; thence Southerly along the East line of North Governor Street to a point Twenty (20) feet North of the North line extended of Diamond Avenue (U.S. No. 460 Bypass); thence Southeasterly along the Northeasterly intersection of North Governor Street and Diamond Avenue (U.S. No. 460 Bypass) to a point Twenty (20) feet East of the East line extended of North Governor Street; thence Easterly along the North line of Diamond Avenue (U.S. No. 460 Bypass) to the place of beginning.

Parcel II - To find the place of beginning, first commence at the intersection of the West line of Sherman Avenue and the South line of Negley Avenue; thence continue South along the West line of Sherman Avenue to a point Twenty (20) feet North of the North line extended of Diamond Avenue (U.S. No. 460 Bypass); thence Southwesterly along the Northwesterly intersection of Sherman Avenue and Diamond Avenue (U.S. No. 460 Bypass) to a point on the North line of Diamond Avenue (U.S. No. 460 Bypass) Twenty (20) feet West of the West line extended of Sherman Avenue; thence West along the North line of Diamond Avenue (U.S. No. 460 Bypass) Four Hundred Twenty-one (421) feet to the point of beginning of subject real estate; from said point of beginning of subject real estate, thence North and parallel to the West line of Sherman Avenue (except for the angle at the intersection of Sherman Avenue and Diamond Avenue (U.S. No. 460 Bypass)) to the South line of Negley Avenue, and which Easterly line which runs parallel to the West line of Sherman Avenue (except for the angle at the intersection of Sherman Avenue and Diamond Avenue (U.S. No. 460 Bypass)) passes in part along and through the center line of an existing party wall of an existing building; thence Westerly along the South line of Negley Avenue One Hundred Sixty-one (161) feet; thence Southerly and parallel to the West line of Sherman Avenue (except for the angle at the intersection of Sherman Avenue and Diamond Avenue (U.S. No. 460 Bypass)) to the North line of Diamond Avenue (U.S. No. 460 Bypass), and which Westerly line which runs parallel to the West line of Sherman Avenue (except for the angle at the intersection of Sherman Avenue and Diamond Avenue (U.S. No. 460 Bypass)) passes in part along and through the center of an existing party wall of an existing building; thence Easterly along the North line of Diamond Avenue (U.S. No. 460 Bypass) to the place of beginning.

Parcel III - Beginning at the intersection of the West line of Sherman Avenue and the South line of Negley Avenue; thence South along the West line of Sherman Avenue to a point Twenty (20) feet North of the North line extended of Diamond Avenue (U.S. No. 460 Bypass); thence Southwesterly along the Northwesterly intersection of Sherman Avenue and Diamond Avenue (U.S. No. 460 Bypass) to a point on the North line of Diamond Avenue (U.S. No. 460 Bypass) Twenty (20) feet West of the West line extended of Sherman Avenue; thence West along the North line of Diamond Avenue (U.S. No. 460 Bypass) Four Hundred Twenty-one (421) feet thence North and parallel to the West line of Sherman Avenue (except for the angle at the intersection of Sherman Avenue and Diamond Avenue (U.S. No. 460 Bypass)) to the South line of Negley Avenue, and which Westerly line which runs parallel to the West line of Sherman Avenue (except for the angle at the intersection of Sherman Avenue and Diamond Avenue (U.S. No. 460 Bypass)) passes in part along and through the center line of an existing party wall of an existing building; thence Easterly along the South line of Negley Avenue to the place of beginning.

Parcels I, II & III above are also described as follows:

Part of Lot 2 of Elmendorf and Pfafflin Addition, as per plat thereof recorded in Plat Book G, Page 200 in the Office of the Recorder of Vanderburgh County, Indiana; also part of Lot 32 of Olmstead Division, as per plat thereof, recorded in Plat Book E, Page 80 in the office of said recorder; also vacated Garvin Street, vacated per Declaratory Resolution 9-1956 and part of the North Half of Section 17, Township 6 South, Range 10 West in Vanderburgh County, Indiana, being more particularly described as follows:

Beginning at the intersection of the west right-of-way line of Sherman Avenue and the south right-of-way line of Negley Avenue, said point being the Northeast Corner of Lot 2 in Elmendorf and Pfafflin Addition; thence along the west right-of-way line of Sherman Avenue, South 00 degrees 50 minutes 45 seconds East 451.88 feet to a point 20 feet north of the north right-of-way line of Diamond Avenue; thence continue along said Sherman Avenue right-of-way line, South 45 degrees 06 minutes 52 seconds West 28.65 feet to the north right of way line of Diamond Avenue; thence along the north line thereof, South 89 degrees 22 minutes 58 seconds West 918.00 feet to the east right-of-way line of N. Governor Street; thence along said right-of-way, North 45 degrees 18 minutes 09 seconds West 28.13 feet to a point 20 feet north of the north right-of-way line of Diamond Avenue; thence continue along the east right-of-way of N. Governor Street, North 00 degrees 28 minutes 41 seconds West 453.69 feet to the South right-of-way of Negley Avenue; thence along the south right-of-way line of Negley Avenue, North 89 degrees 29 minutes 34 seconds East 955.37 feet to the Point of Beginning, containing 10.38 acres (452,005 sq. ft.).

ALTA/NSPS Land Title Survey

To : New Castle Equities LLC; Commercial Bank, its successors and/or interests
Title Commitment #17-009860/NACS17-159; Island Abstract Inc.;
Fidelity National Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6a, 6b, 7a, 7b1, 7c, 8, 9, 11, 13, 14, 16, 17, and 18 of Table A thereof.

The fieldwork was completed on June 15, 2017.

Date of Plat or Map: August 23, 2017

Bret Alan Sermersheim

Prepared by: Bret Alan Sermersheim, PS
Indiana License Number: LS20200009

4800 Rosebud Ln.
Newburgh, Indiana 47630
812-464-9585
MORLEY
brets@morleycorp.com

BRET ALAN SERMERSHEIM
REGISTERED
No. LS 20200009
STATE OF INDIANA
LAND SURVEYOR

I, Bret Alan Sermersheim, hereby certify that I am a Registered Professional Land Surveyor, of the State of Indiana, and that the above survey was performed wholly under my direct supervision, and to the best of my knowledge and belief, said survey was executed according to the requirements required in Rule 12 of Title 865 IAC. Field work completed on June 15, 2017.

Indiana Underground Plant Protection Services
Notified:06-13-17
Ticket Numbers: 1706131430 & 1706131435

The underground utility information shown is approximate and has been located from marking placed the ground by the Indiana Underground Plant Protection Service, drawings provided by the operating utility companies and visible above ground features and may not represent all the underground utility lines that may be in place. No on site pot holing has been performed to verify the locations or depths. All contractors are required by law to contact the underground locate service prior to any digging or disturbance of the surface.

A. Utilities as marked on ground shown on survey.
B. Contractor is responsible to contact the above at 811 prior to any work on site.

811

MORLEY
ARCHITECTS | ENGINEERS | SURVEYORS

All ideas, designs, calculations, and arrangements indicated or represented by this drawing are owned by and are the property of Morley and Associates, Inc. and were created as instruments of service for use on and in connection with the specified project. Morley and Associates retains all common law, statutory law and other rights, including copyrights. No drawings or electronic files shall be reused for any purpose other than the project. They shall not be disclosed to or be used by any other person or firm without the written prior consent of Morley and Associates, Inc.
Written dimensions on these drawings shall have precedence over scale dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job and Morley and Associates, Inc. must be notified of any variations from the dimensions and conditions shown by these drawings.
If differences exist between electronic files and the signed and sealed hard copy drawings, the hard copy shall govern.

4800 Rosebud Ln., Newburgh, IN 47630
812.464.9585 Phone 812.464.2514 Fax
morleycorp.com

Hauppauge Properties, LLC

ALTA/NSPS Land Title Survey

Town Center North Mall
400-632 E. Diamond Ave.
Evansville, IN.
Part of the N 1/2 of Section 17-6S-10W
Pigeon Twp.
Vanderburgh County

No.	By	Date

Revisions

Scale: 1" =60'

Designed By: BAS	Job Number: 5312.1.002A
Drawn By: ELO	Date: 8-23-2017
Filename: 5312-ALTA-Base-2017	
Sheet Number: **01** OF 01	