

**INDIANA LAW REQUIRES NOTIFICATION OF THE UNDERGROUND FACILITY OWNER AT LEAST TWO (2) WORKING DAYS BUT NOT MORE THAN TWENTY (20) CALENDAR DAYS BEFORE COMMENCING WORK**

**Indiana Underground Plant Protection Service**  
www.lupps.org  
811  
Holey Moley Says... "DIG SAFELY--IT'S THE LAW"

**ZONING:**  
Zoning Classification: (C-1) (Local Business)  
Permitted Use: Yes  
Building Setbacks:  
Front: 60'  
Side: 0'  
Rear: 15'  
Maximum Building Height: 35'  
Parking: 1 space per 125 square feet of floor area  
Source: City of New Castle, Indiana, Zoning (765) 529-7605

This information was taken from a Zoning Compliance Report prepared by Mauro Brett-Eiger, National Planning and Zoning Analyst, dated January 26, 2017.

**FLOOD ZONE:**  
By scaled map location and graphic plotting only, the subject property appears to lie partially in Zone X (Areas of 0.2% chance of annual flood), and partially in Zone AE (area where flood elevations have been determined), as the subject property scales onto the Flood Insurance Rate Map for the County of Henry, State of Indiana, Community Panel No. 18065001420, Revised Date March 2, 2015.

**BASIS OF BEARINGS:**  
The basis for all bearings shown hereon is the North line of the subject property, known as being North 89°46'03" West, per GPS static observations taken on January 17, 2017.

LINE	BEARING	DISTANCE
L1	S 00°27'00" W	50.00'
L2	S 89°33'00" E	112.00'
L3	N 00°27'00" E	50.00'
L4	S 89°33'00" W	112.00'
L5	N 89°33'00" W	34.00'
L6	N 00°27'00" E	10.00'
L7	S 89°33'00" W	34.00'

**PARKING:**  
497 Parking Spaces  
11 Handicapped Spaces  
508 Total Parking Spaces

**TOTAL LAND AREA:**  
558,354 Square Feet  
12.818 Acres

**MISCELLANEOUS NOTES:**

- There is direct access to the subject property via South Memorial Drive (SR 3), a public right-of-way. There is also access to the subject property through 2 points along the south line and 1 point along the north line to adjacent parking lots.
- With regard to Table A Item 11, on 811 utility locate request was made and markings found at the site, if any, have been noted. All underground utilities may not be shown and markings found at the site may not depict underground features accurately. Lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. In some jurisdictions, 811 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response.
- The posted address on site is 525 South Memorial Drive, New Castle, Indiana.
- At the time of this survey, there was no observable surface evidence of earth moving work, building construction or building additions within recent months.
- At the time of this survey, there was no observable evidence of the subject property being used as a solid waste dump, sump or sanitary landfill.

**FIDELITY NATIONAL TITLE INSURANCE COMPANY  
COMMITMENT NO. 16-009562/NACS16-281 - SCHEDULE A EXHIBIT A:**

A part of the west half of the northwest quarter of section 15, township 17 north, range 10 east, Henry County, Indiana, described as follows:  
Beginning on the west line of said quarter section south 02 degrees 09 minutes 30 seconds west, 1911.00 feet from the northwest corner of said quarter section; thence south 89 degrees 33 minutes 00 seconds east, and parallel to the north line of said quarter section, 705.90 feet to the west right of way of State Road 43; thence north 02 degrees 09 minutes 30 seconds east, along said right of way 17.89 feet (11.13 feet as described in Indiana State Highway Commission Parcel No. 95, Project F-176-4); thence north 04 degrees 07 minutes 30 seconds east along said right of way 550.09 feet; thence north 03 degrees 05 minutes 00 seconds east along said right of way 83.04 feet (89.32 feet as described in Indiana State Highway Commission Parcel No. 95, Project F-176-4); thence north 89 degrees 33 minutes 00 seconds west, and parallel to the north line of said quarter section 101.64 feet; thence north 03 degrees 05 minutes 00 seconds east, 150.00 feet; thence north 89 degrees 33 minutes 00 seconds west, and parallel to the north line of said quarter section 626.20 feet to the west line of said quarter section; thence south 02 degrees 09 minutes 30 seconds west along the west line of said quarter section 800.00 feet to the point of beginning and containing 12.828 acres, more or less.

LESS AND EXCEPT, that portion of the above described real estate conveyed to BIG O DEVELOPMENT, INC., a Colorado corporation dated November 13, 1996 and recorded December 3, 1996 as Instrument No. 96010475, described as follows: A part of the West Half of the Northwest Quarter of Section 15, Township 17 North, Range 10 East, Henry County, Indiana, more particularly described as follows:  
Commencing at the Northwest Corner of said Northwest Quarter; thence South 02 degrees 09 minutes 30 seconds West (assumed bearing) along the West line of said Northwest Quarter 1911.00 feet; thence South 89 degrees 33 minutes 00 seconds East parallel with the North line of said Northwest Quarter 470.65 feet; thence North 00 degrees 27 minutes 00 seconds East perpendicular to the North line of said Northwest Quarter 25.00 feet to the POINT OF BEGINNING; thence continue North 00 degrees 27 minutes 00 seconds East perpendicular to the North line of said Northwest Quarter 50.00 feet; thence South 89 degrees 33 minutes 00 seconds East parallel with the North line of said Northwest Quarter 112.00 feet; thence South 00 degrees 27 minutes 00 seconds East perpendicular to the North line of said Northwest Quarter 50.00 feet; thence North 89 degrees 33 minutes 00 seconds West parallel with the North line of said Northwest Quarter 112.00 feet to the POINT OF BEGINNING, containing 0.129 acres, more or less.

ALSO LESS AND EXCEPT, that portion of the above-described property conveyed to K/S, LLC, an Indiana limited liability company by Special Warranty Deed dated February 15, 2013 and recorded February 28, 2013 as Instrument No. 201301545, described as follows:  
A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 17 NORTH, RANGE 10 EAST, HENRY COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER, THENCE SOUTH 02° 09' 30" WEST (ASSUMED BEARING) ALONG THE WEST LINE OF SAID NORTHWEST QUARTER 1911.00 FEET; THENCE SOUTH 89° 33' 00" EAST PARALLEL TO THE NORTH LINE OF SAID NORTHWEST QUARTER 470.65 FEET; THENCE NORTH 00° 27' 00" EAST PERPENDICULAR TO THE NORTH LINE OF SAID NORTHWEST QUARTER 25.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00 DEGREES 27 MINUTES 00 SECONDS EAST PERPENDICULAR TO THE NORTH LINE OF SAID NORTHWEST QUARTER 50.00 FEET; THENCE SOUTH 89 DEGREES 33 MINUTES 00 SECONDS EAST PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER 112.00 FEET; THENCE SOUTH 00 DEGREES 27 MINUTES 00 SECONDS EAST PERPENDICULAR TO THE NORTH LINE OF SAID NORTHWEST QUARTER 50.00 FEET; THENCE NORTH 89 DEGREES 33 MINUTES 00 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER 112.00 FEET TO THE POINT OF BEGINNING, CONTAINING 340 SQUARE FEET, MORE OR LESS.

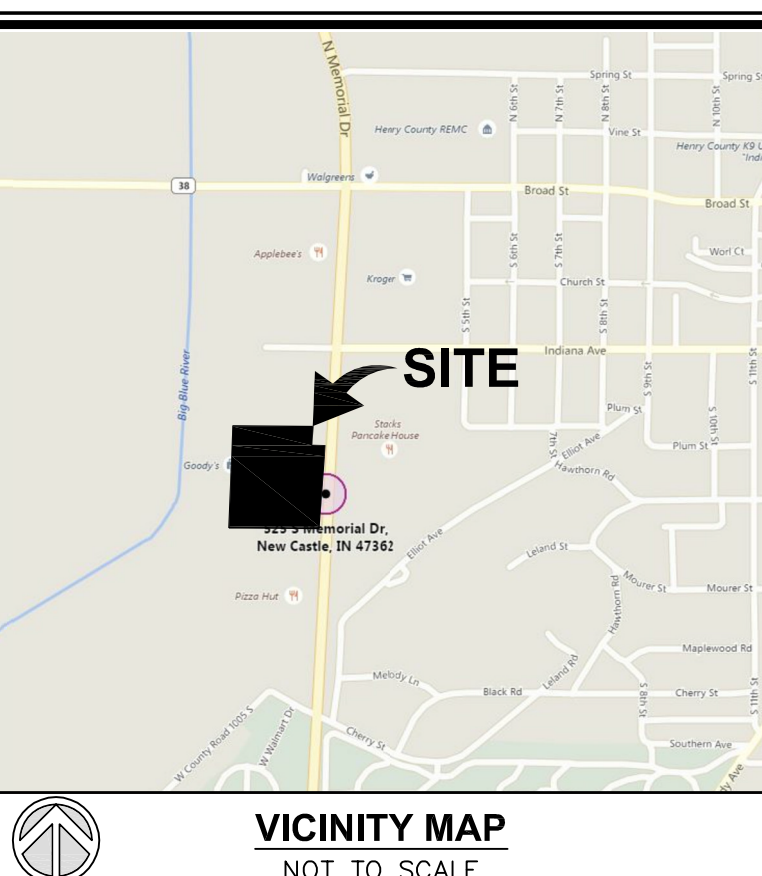
**FIDELITY NATIONAL TITLE INSURANCE COMPANY  
COMMITMENT NO. 16-009562/NACS16-281 - SCHEDULE B, SECTION II:**

Numbers correspond with survey-related Schedule B exception items contained in the above referenced Title Commitment.

- Sewer easement granted to the City of New Castle, Indiana, dated October 20, 1938, and recorded October 31, 1938 in Miscellaneous Record 24, page 259 and also set out in Plat Book 10, page 237. (ENCUMBERS SUBJECT PROPERTY ~ PLOTTED AND SHOWN HEREON)
- Restrictive covenant set forth in Warranty Deed dated January 18, 1965, and recorded January 18, 1965, in Deed Record 192, page 133, records of Henry County, Indiana. (ENCUMBERS SUBJECT PROPERTY ~ BLANKET IN NATURE)
- Anti-Barrier Agreement by and between New Castle Development Corporation and Mesa Realty, Inc., dated July 28, 1969, and recorded August 5, 1969, in Miscellaneous Record 55, page 420, records of Henry County, Indiana. (ENCUMBERS SUBJECT PROPERTY ~ PLOTTED AND SHOWN HEREON)
- Right of way easement for sewer granted to the City of New Castle, dated June 17, 1982, and recorded July 21, 1982, in Deed Record 263, pages 313-317, and set out in above-noted plat. (ENCUMBERS SUBJECT PROPERTY ~ PLOTTED AND SHOWN HEREON)
- Right of way easement for sewer granted to the City of New Castle, dated June 17, 1982, and recorded July 21, 1982, in Deed Record 263, pages 313-317, and set out in above-noted plat. (ENCUMBERS SUBJECT PROPERTY ~ PLOTTED AND SHOWN HEREON)
- Right of way easement for sewer granted to the City of New Castle, dated June 17, 1982, and recorded July 21, 1982, in Deed Record 263, pages 313-317, and set out in above-noted plat. (ENCUMBERS SUBJECT PROPERTY ~ PLOTTED AND SHOWN HEREON)
- Easement granted to Indiana Gas Company, Inc., dated November 14, 1983, and recorded November 29, 1983 in Deed Record 267, pages 246-248 and set out in above-noted plat. (ENCUMBERS SUBJECT PROPERTY ~ PLOTTED AND SHOWN HEREON)
- Any assessments for utilities and incidental purposes shown on plan recorded at Plat Book 10, page 237 and not already set out above. (ENCUMBERS SUBJECT PROPERTY ~ PLOTTED AND SHOWN HEREON)
- Cross Easement Agreement with Temporary Easement by and between New Castle Development Corporation and WAL-MART STORES, INC., dated July 15, 1991, and recorded November 7, 1991, in Deed Record 299, pages 107-122. (ENCUMBERS SUBJECT PROPERTY ~ BLANKET IN NATURE)
- Anti-Barrier Agreement by and between New Castle Plaza, Inc. and Simon Property Group, L.P., dated August 9, 1996 and recorded September 23, 1996, as Instrument No. 96008122. (ENCUMBERS SUBJECT PROPERTY ~ PLOTTED AND SHOWN HEREON)
- Covenants, Conditions and Restrictions Agreement for New Castle Plaza dated November 27, 1996, and recorded December 3, 1996, as Instrument No. 96010476. (ENCUMBERS SUBJECT PROPERTY ~ BLANKET IN NATURE)
- Memoandum of Lease by and between Simon Property Group, L.P. and Blockbuster, Inc., dated September 20, 2002 and recorded November 15, 2002 as Instrument No. 22010544, records of Henry County, Indiana. (MAY ENCUMBER SUBJECT PROPERTY ~ LEASE ORIGINATED IN 2002 FOR 5 YEARS, WITH (2) 5-YEAR EXTENSION OPTIONS ~ SITE SPECIFIC LOCATION FOR STORE AND TENANT RIGHTS BLANKET IN NATURE)
- Sanitary Sewer Easement by and between Simon Property Group, L.P. and K/S, LLC dated February 15, 2013 and recorded February 28, 2013 as Instrument No. 201301546. (ENCUMBERS SUBJECT PROPERTY ~ PLOTTED AND SHOWN HEREON)
- Rights, if any, of the property owners abutting riparian waters, the State of Indiana, the County, and/or the public in and to the water of Big Blue River, and to the uninterrupted natural flow thereof free of pollution from the insured premises and subject to the possibilities of accretion or avulsion which might change boundaries established by water waters. (ENCUMBERS SUBJECT PROPERTY ~ BLANKET IN NATURE)

**MISCELLANEOUS NOTES:**

- At the time of this survey, there was no observable evidence of any recent changes in street right-of-way lines either completed or proposed, and available from the controlling jurisdiction.
- At the time of this survey, there was no observable evidence of any recent street or sidewalk construction or repairs.
- No rectified orthophotography, photogrammetric mapping, remote sensing, airborne/mobile laser scanning, or other similar products, tools or technology was used in the performance of this survey.
- There are no party or division walls on the subject property.
- The north entrance into the subject property is located approximately 300 feet south of Indiana Avenue.
- There are no off-site easements benefiting the subject property that were supplied for this survey.
- The Property surveyed and shown hereon is the same property described in Schedule A of Fidelity National Title Insurance Company Title Commitment No. 16-009562/NACS16-281 with an effective date of December 1, 2016.



**SYMBOL LEGEND**

R/W	Right-of-Way	⊙	Ballard Post
P/L	Adj. Property Line	⊙	Handicap Space
⊙	Centerline	⊙	Electric Meter
P.O.B.	Place/Point of Beginning	⊙	Electric Transformer
P.O.C.	Place/Point of Commencement	⊙	Utility Pole
⊙	Surveyor's Observation	⊙	Light Pole
⊙	Schedule B-Section II Item	⊙	Cleanout
Mst.	Measured	⊙	Gas Meter
Dd.	Deed	⊙	Air Condition Unit
⊙	Monumentation Found as Noted	⊙	Wall (As Noted)
⊙	PK/MAG Nail or Railroad Spike Found as Noted	⊙	Water Valve
⊙	Section Corner Found as Noted	⊙	Sanitary Sewer
⊙	No. of Regular Parking Spaces	⊙	Storm Sewer
⊙	No. of Handicap Parking Spaces	⊙	Water Line
⊙	Sanitary Manhole	⊙	Gas Pipeline
⊙	Storm Manhole	⊙	Overhead Utilities
⊙	Catch Basin	⊙	Concrete Area
⊙	Monitoring Well	⊙	No Parking Area
⊙	Utility Vault	⊙	Building Area
		⊙	Approximate Area of Flood Zone AE

**SURVEYOR'S OBSERVATIONS:**

- Curb and asphalt pavement for the parking lot of the subject property extends south of the east 145 feet of the south line of the subject parcel a maximum distance of 2.0 feet.
- The building of the out-lot parcel extends into the subject parcel 0.1 feet.
- The covered sidewalk extends into the 25' Public Sewer Easement 14.8 feet.
- The building extends into the 25' Public Sewer Easement 4.3 feet.

**SURVEYOR'S REPORT:**

The purpose of this project was to provide an ALTA/ACSM Land Title Survey of United Properties Corp. property located at 525 South Memorial Drive, New Castle, Indiana. Research was conducted at the office of the Henry County Recorder and within Millman Surveying, Inc. in-house records. Field work was conducted during January of 2017. The basis of bearing for this survey is derived from GPS static observations in accordance with the requirements of the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12 of the Indiana Administrative Code. The following observations and opinions are submitted with reference to the uncertainties in the locations of the lines and corners established on this survey.

**RECORD DESCRIPTION:**  
Record descriptions were checked for agreement with the subject property description. The west line of the subject property is defined by the west line of section 15. The east line of the subject property is defined by State Road 3 (South Memorial Drive); the north and south lines of the subject property were checked against the descriptions of the adjacent and were found to create no uncertainty.

**REFERENCE MONUMENTATION:**  
No monumentation was found for the Northwest corner of Section 15. However, several of the monuments for the subject property were found, and the uncertainty in the location of these monuments is 0.25 feet. There were two capped rebar found at the southeast corner of the subject property lying 0.17 feet apart. The south rebar measured 0.07 feet long and the north rebar measured 0.08 feet short of the deed distance to the monument found immediately to the north. The north rebar was used as the southeast corner of the property.

**OCCUPATION/POSSESSION:**  
There is no uncertainty in the location of the lines and corners for the north, east and west lines of the subject property due to lines of occupation.

There is a curb line for the parking lot along the south line of the property, at the east 138.5 feet, which extends 2 feet south of the boundary line. The uncertainty in the location of the corners and line along the south line is 2.0 feet.

**RELATIVE POSITIONAL ACCURACY:**  
The relative positional accuracy of the location of the corners of this tract is within the specifications for an Urban Survey (0.07 foot) as defined in Title 865, Article 1, Rule 12, Sections 1 through 29 of the Indiana Administrative Code (IAC 11-12-7(d)(1)).

**CERTIFICATION:**  
To: New Castle Equities LLC; Fidelity National Title Insurance Company; Title Commitment No. 16-009562/NACS16-281; Island Abstract Inc.; Community Trust Bank, its successors and/or assigns.

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 2, 3, 4, 6(a), 6(b), 7(c), 7(b)(1), 7(b)(2), 7(c), 8, 9, 11, 13, 14, 15, 16, 17 and 19 of Table A thereof. This work was completed on January 17, 2017.

Date of Plat or Map: January 26, 2017.

By: *Kenneth Gregory Garrison*  
Kenneth Gregory Garrison, PLS  
Indiana Land Surveyor No. LS29300014  
For and on behalf of Millman Surveying, Inc.

**REVISION HISTORY**

BY:	DATE:	COMMENT:

**Surveyor's Seal**

Sheet No. **1** of **1**

MSI Project No. 39593  
PC: KW  
PM: GG  
Drafter: GG

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**ALTA/NSPS LAND TITLE SURVEY PREPARED FOR:**

**UNITED PROPERTIES CORP.**  
1975 Hempstead Turnpike  
Suite 309  
East Meadow, New York 11554

525 South Memorial Drive  
City of New Castle  
County of Henry  
State of Indiana

**NORTH**  
GRAPHIC SCALE  
0 50 100  
1 INCH = 50 FT.

**REGISTERED**  
No. 9300014  
STATE OF INDIANA  
LAND SURVEYOR

**Surveyor's Seal**

Sheet No. **1** of **1**

MSI Project No. 39593  
PC: KW  
PM: GG  
Drafter: GG