

ALTA/NSPS Land Title Survey

A Part of the Northwest Quarter of Section 36,
Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana

Surveyor's Report

In accordance with Title 865, Article 1, Chapter 12, of the Indiana Administrative Code ("Rule 12"), the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of A) availability and condition of reference monuments, B) occupation or possession lines, C) clarity or ambiguity of the record description used and of adjacent descriptions and the relationship of the lines of the subject tract with adjacent lines, and D) the relative positional accuracy of the measurements.

The relative positional accuracy of the corners of the subject lot established in this survey meets the requirements for an URBAN survey as defined in IAC 865.

Comments: The purpose of this survey is to retrace the limits of Tracts A and B as described in Fidelity National Title Insurance Company Commitment No. 101900618, effective date October 7, 2019.

The theory of location:

All Corner monuments recovered were accepted in place except as shown. Basis of bearing for this survey is the north line of the Northwest Quarter of Section 36 as shown.

The following previous surveys and plats were referenced:

-- An ALTA/NSPS Land Title Survey prepared by Peter H. Schnaars, PS of Jones Petrie Rafinski, dated April 8, 2016, Job No. 2015-0080, drawing no. C-1459. This is a prior survey of the subject tracts. This survey was used to recover and/or verify existing monumentation as well as verify the existing site conditions. The surveyor's report from this previous survey is hereby incorporated into this new ALTA/NSPS Land Title Survey, including references to previously referenced surveys and plats.

Due to availability and condition of reference monuments, estimated uncertainty: 0.3 feet

Due to occupation or possession lines, estimated uncertainty: none.

Due to clarity or ambiguity of the record descriptions, estimated uncertainty: 0.1 feet based on variation between the record description for Tract A from the vesting deed (99-12841) and the title description shown on this and previous field surveys.

TABLE A ITEM 3: This property is located in Zone X (unshaded) as per information obtained from Flood Insurance Rate Map, National Flood Insurance Program, Community-Panel Number 18039C0232D, effective date of August 2, 2011.

TABLE A ITEM 16: No evidence of recent earth moving work, building construction, or building additions was observed in the process of conducting the fieldwork.

TABLE A ITEM 17: There are no proposed changes in street right-of-way lines made available to us by the controlling jurisdiction. No evidence of recent street or sidewalk construction or repairs was observed in the process of conducting the fieldwork.

TABLE A ITEM 18, Wetlands: The Retention Pond lying along the south line of Tracts A and B is identified on the on-line U.S. Fish and Wildlife Service National Wetlands Inventory Wetlands Mapper. It is designated "PUBX", a freshwater pond.

Certification

To: DFG-Willow Lakes, LLC, a Delaware limited liability company, The John A. Rogier RLT 1/20/03, a New York revocable living trust, and 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 1-4, 6(a), 6(b), 7(a), 7(b), 7(c), 8-9, 10(c), 8-11, 13, 14, 16-20 of Table A thereof. The field work was completed on October 23, 2019. Date of Plat of Map: November 19, 2019

I, Jeffrey S. Barnes, Registered Land Surveyor, licensed in accordance with the laws and statutes of the State of Indiana, hereby certify that the attached plat represents a survey done by me or under my supervision. In accordance with Title 865, Article 1, Chapter 12 of the Indiana Administrative Code.

Jeffrey S. Barnes PS 2020084 _____ Date

2019-11-19 Pro-forma Survey

Notes Corresponding to Schedule B

- (15) The attached plat represents a survey done by me or under my supervision. In accordance with Title 865, Article 1, Chapter 12 of the Indiana Administrative Code.
- (16) Surface Water Easement by and between THE WILLOWS, L.P., an Indiana limited partnership and GEENEN/DEKOCK PROPERTIES, a Michigan co-partnership, recorded January 23, 2001 as Instrument No. 2001-01733. As shown on drawing.
- (17) Distribution Easement granted to American Electric Power Company, an Indiana corporation, recorded June 14, 2001 as Instrument No. 2001-017230. Fifteen foot wide easement, as shown on drawing by cross-hatching.
- (18) Operation and Easement Agreement between Target Corporation and Geenen Dekock Properties, recorded September 26, 2001 as Instrument No. 2001-30642. No specific description is given.
- (19) Grant of Easement to Comcast of Indiana/Michigan, LLC recorded May 25, 2011 as Instrument No. 2011-009636. This easement appear to be blanket in nature and falls south of this site and does not touch the subject tracts.
- (20) Rights of Koh's Indiana, L.P., a Delaware limited partnership as evidenced by the Subordination, Non-disturbance and Attornment Agreement, recorded May 4, 2016 as Instrument No. 2016-08216. Not plottable.
- (21) Rights of Michaels Stores, Inc., a Delaware corporation as evidence by the Subordination, Non-disturbance and Attornment Agreement, recorded May 5, 2016 as Instrument No. 2016-08217. Not plottable.
- (22) Grant of Permanent Right-of-Way to the board of Commissioners of the County of Elkhart, Indiana, recorded February 7, 1995 as Instrument No. 95-002515 and re-recorded to correct legal description, February 28, 1995 as Instrument No. 95-003847. This description is for a right of way acquisition at the southeast corner of C.R. 26 and C.R. 15 and does not touch the subject tracts.
- (23) Driveway, Cross parking and Utility Easement Declaration by Geenen Dekock Properties, a Michigan General Partnership, recorded May 11, 1999 as Instrument No. 99-15470. No specific location given for location of easement.
- (24) Right of Way Agreement granted to Trunkline Gas Company, a Delaware corporation, recorded December 3, 1959 in Deed Record 223, page 285. The location of this agreement appears to fall south of the site and does not touch the subject tracts.

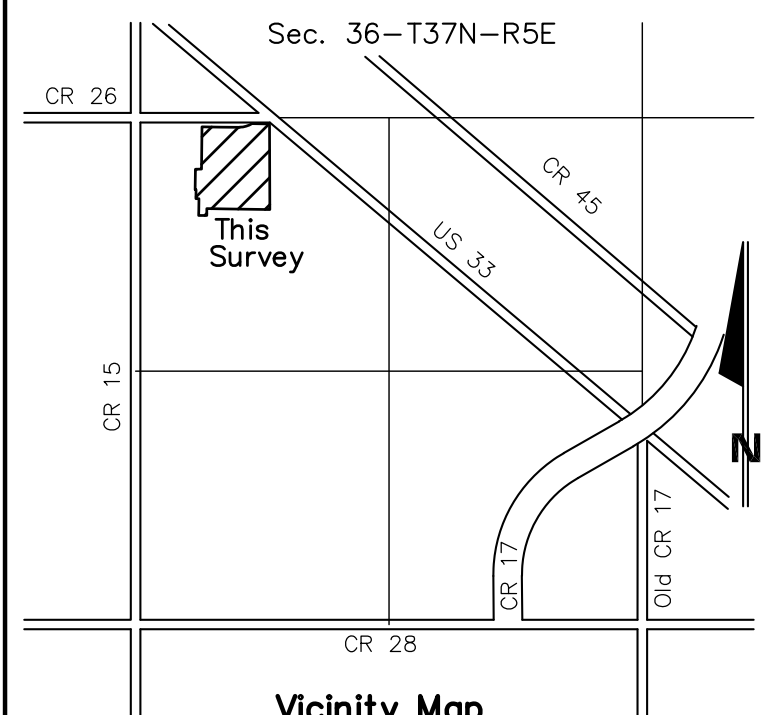
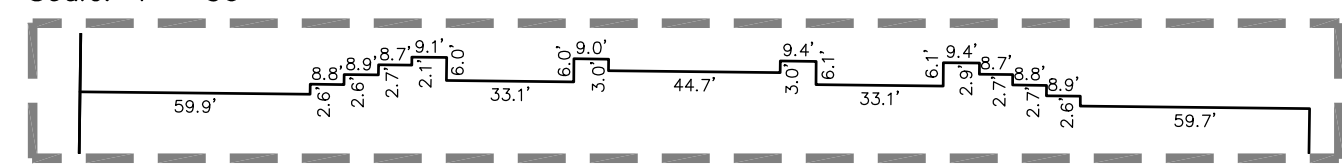
Notes:

There are three easements that appear on the previous ALTA survey prepared by Peter H. Schnaars, PS whose documentation did not appear in the current title commitment for this new ALTA Survey. I have shown the location of these easements on the survey. Refer to the Cross-hatched areas designated for Instrument Numbers 2001-17203, 2001-17231 and 99039984.

Utilities shown on this survey are based on observed evidence during the field investigation and the previous survey mentioned above.

Detail N. Face of Kohl's Bldg.

Scale: 1" = 50'



Record Legal Description (per Order #101900618)

Tract A
A part of the Northwest Quarter of Section 36, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at a Harrison Monument marking the northwest corner of said Section 36; thence South 89 degrees 13'21" East, along the north line of said Section 36 a distance of 1,129.57 feet to the point of beginning; thence South 89 degrees 13'21" East, continuing along said north line, 168.11 feet to a point on a non-tangent curve on the westerly right-of-way line of U.S. Highway No. 33; thence southeasterly along said westerly right-of-way line on an 11,514.16 foot radius curve to the left a distance of 13.42 feet, subtended by a chord bearing South 47 degrees 50'42" East, 13.42 feet, to a point on the east line of the West Half of said Northwest Quarter; thence South 0 degrees 12'34" East, along said east line, 852.53 feet; thence North 89 degrees 13'21" West, 460.55 feet to a point lying South 0 degrees 47'08" West, 87.73 feet from the exterior southwest corner of the Kohl's building as it existed on December 10, 1998; thence North 0 degrees 47'08" East, 87.73 feet to said exterior southwest building corner; thence continuing North 0 degrees 47'08" East, 278.00 feet along the exterior west building line to the exterior northwest corner of the Kohl's building as it existed on December 10, 1998; thence continuing North 0 degrees 47'08" East, 70.39 feet; thence North 80 degrees 35'08" West, 15.83 feet; thence North 0 degrees 56'37" East, 346.62 feet; thence North 89 degrees 23'30" West, 50.55 feet; thence North 0 degrees 56'37" East, 66.39 feet to a point on the south right-of-way line of County Road 26; thence South 89 degrees 13'21" East, along said right-of-way, 199.44 feet; thence continuing along said right-of-way, northeasterly along a 240.00 foot radius curve to the left, 140.56 feet, subtended by a chord bearing North 73 degrees 59'56" East, 138.56 feet to the point of beginning. Containing 9.28 acres, more or less.

Together with a surface water easement and associated rights granted to Geenen Dekock Properties, a Michigan co-partnership by the Willows, L.P., an Indiana limited partnership as recorded in Instrument Record 2001-01733.

Together with ingress, egress, parking and utility easements as contained in the operation and easement agreement between Target corporation and Geenen Dekock Properties recorded in Instrument Record 2001-30642.

Tract B
A part of the Northwest Quarter of Section 36, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at a Harrison Monument marking the northwest corner of said Section 36; thence South 89 degrees 13'21" East, along the north line of said Section 36, a distance of 1,129.57 feet to the southerly right-of-way of County Road 26; thence southwesterly along said right-of-way and a 240.00 foot radius curve to the right, 140.56 feet, subtended by a chord bearing South 73 degrees 59'56" West 138.56 feet; thence North 89 degrees 13'21" West, continuing along said right-of-way, 199.44 feet to the point of beginning of this description; thence South 0 degrees 56'37" West 66.39 feet; thence South 89 degrees 23'30" East 50.55 feet; thence South 0 degrees 56'37" West 346.62 feet; thence South 80 degrees 35'08" East 15.83 feet; thence South 0 degrees 47'08" West 70.39 feet to the exterior northwest corner of the Kohl's building; thence continuing South 0 degrees 47'08" West 278.00 feet along the exterior west building line to the exterior southwest corner of the Kohl's building; thence continuing South 0 degrees 47'08" West 87.73 feet; thence North 89 degrees 13'21" West 195.44 feet; thence South 0 degrees 00'00" East 70.52 feet; thence North 90 degrees 00'00" West 85.40 feet; thence North 0 degrees 49'58" East 58.01 feet to the southeast corner of that parcel of land conveyed to Target Corporation by Warranty Deed recorded on Sept. 26, 2001, Deed Record 2001-30641, Elkhart County Recorder's Office; thence North 0 degrees 49'58" East along the easterly line of said Target parcel 116.65 feet; thence South 89 degrees 10'02" West along said easterly line 30.70 feet; thence North 0 degrees 49'58" East along said easterly line 33.34 feet; thence South 89 degrees 10'02" West along said easterly line 10.00 feet; thence North 0 degrees 49'58" East along said easterly line 214.37 feet; thence North 89 degrees 51'54" East along said easterly line 62.89 feet; thence North 0 degrees 47'16" East along said easterly line 440.72 feet to the south right-of-way of County Road 26; thence South 89 degrees 13'21" East along said south right-of-way 192.20 feet to the point of beginning.

Tract C
Non-exclusive easements for driveways, cross parking areas and utilities as created by a certain driveway, cross parking and utility easement declaration recorded May 11, 1999 as Instrument No. 0099-15470.

Zoning Information

Zoning information provided by the Planning & Zoning Resource Company (PZR):
See PZR Report for:
Willow Lake Shopping Center
3802 Midway Road
Goshen, Indiana
PZR Site Number 134049-1
Dated 10/30/2019

Existing Zoning Designation: "B-4" Commercial District (Planned Shopping Center)

1. Building Set-Back Lines:
 - a. Front Buildings: Primary and Accessory Building: 50 feet Parking: 20 feet
 - b. Side Buildings: Abutting a Street: 50 feet Abutting Residential: 25 feet
 - c. Rear Buildings: Abutting a Street: Same as Front yard Setbacks Abutting Residential: 25 feet
2. Building Size
 - a. Maximum Building Height or Stores: 2 1/2 stories.
3. Density
 - a. Maximum Building Coverage: 40%
4. Parking
 - a. Parking Spaces Required: 710 Total Parking Spaces

Parking Spaces Tract A

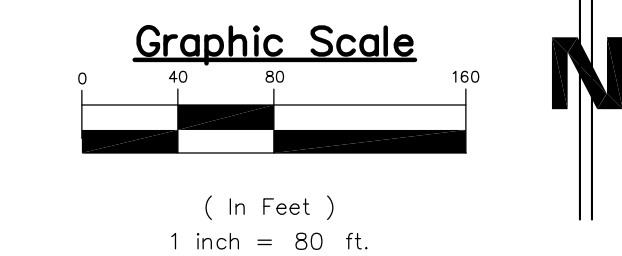
508 Regular Parking Spaces
14 Handicapped Parking Spaces
522 Total Parking Spaces

Parking Spaces Tract B

227 Regular Parking Spaces
7 Handicapped Parking Spaces
234 Total Parking Spaces

Legend

- | | | | |
|---|--|-----------------------|--|
| P.O.C. Point of Commencement | | Electric Meter | |
| P.O.B. Point of Beginning | | Guy Anchors | |
| Harrison Monument | | Light Pole | |
| Existing Monument (Origin Unknown Unless Otherwise Noted) | | Power Pole | |
| PK Nail Found | | Telephone Pedestal | |
| X' X' Scribbled | | Fire Hydrant | |
| (r) Record Dimension | | Water Valve | |
| (m) Measured Dimension | | Sign | |
| Fl. Mon. Flush with Ground | | Stop Sign | |
| -0.1' Elev. of Mon. above Ground (Typ.) | | Sanitary Line | |
| Clean Out | | Storm Line | |
| Sanitary Manhole | | Gas Line | |
| Catch Basin | | Overhead Line | |
| Iron Grate | | Electric Line | |
| Storm Manhole | | Telephone Line | |
| Gas Meter | | Water Line | |
| Gas Valve | | Wood Fence | |
| | | Chain Link Type Fence | |



JONES PETRIE RAFINSKI	Hauppauge Properties, LLC 1975 Hempstead Tpke, Suite 309 East Meadow, NY 11554			Elkhart, IN p. 574.293.7762 South Bend, IN p. 574.232.4388 Fort Wayne, IN p. 260.242.2322
	DFG-Willow Lakes, LLC 10100 Waterville Street Whitehouse, OH 43571			
	© 2019 JPR - All Rights Reserved DOC. NO.: See Drawing SCALE: 1" = 80' DRAWN BY: jsb SURVEYED: 10/23/2019 DATE: 11/18/2019 CHECKED BY: mdc JOB NO. 2019-0304			
	PROJ: 3802 Midway Road, Goshen, IN DESC: ALTA/NSPS Land Title Survey LOC: NW 1/4 Sec. 36-T37N-R5E, Concord Twp.			X-3039
	OWNER CLIENT DRAWING NO. SHEET NO. TOTAL SHEETS			