

LEGAL DESCRIPTION

BEGINNING.

TITLE COMMITMENT FURNISHED BY FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. NCS-934649-ATL, DATED NOVEMBER 11, 2018 AT 8:00 AM

TO WAFFLE HOUSE, INC., A GEORGIA CORPORATION AND FIRST AMERICAN TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN

JOHN R. MCADEN 002002

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,

6(a), 7(a), 7(b1), 8, 9, 11, 13, 14, 16, AND 17 OF TABLE A THEREOF. THE FIELD WORK WAS

COMPLETED ON NOVEMBER 28, 2018.

11/28/2018

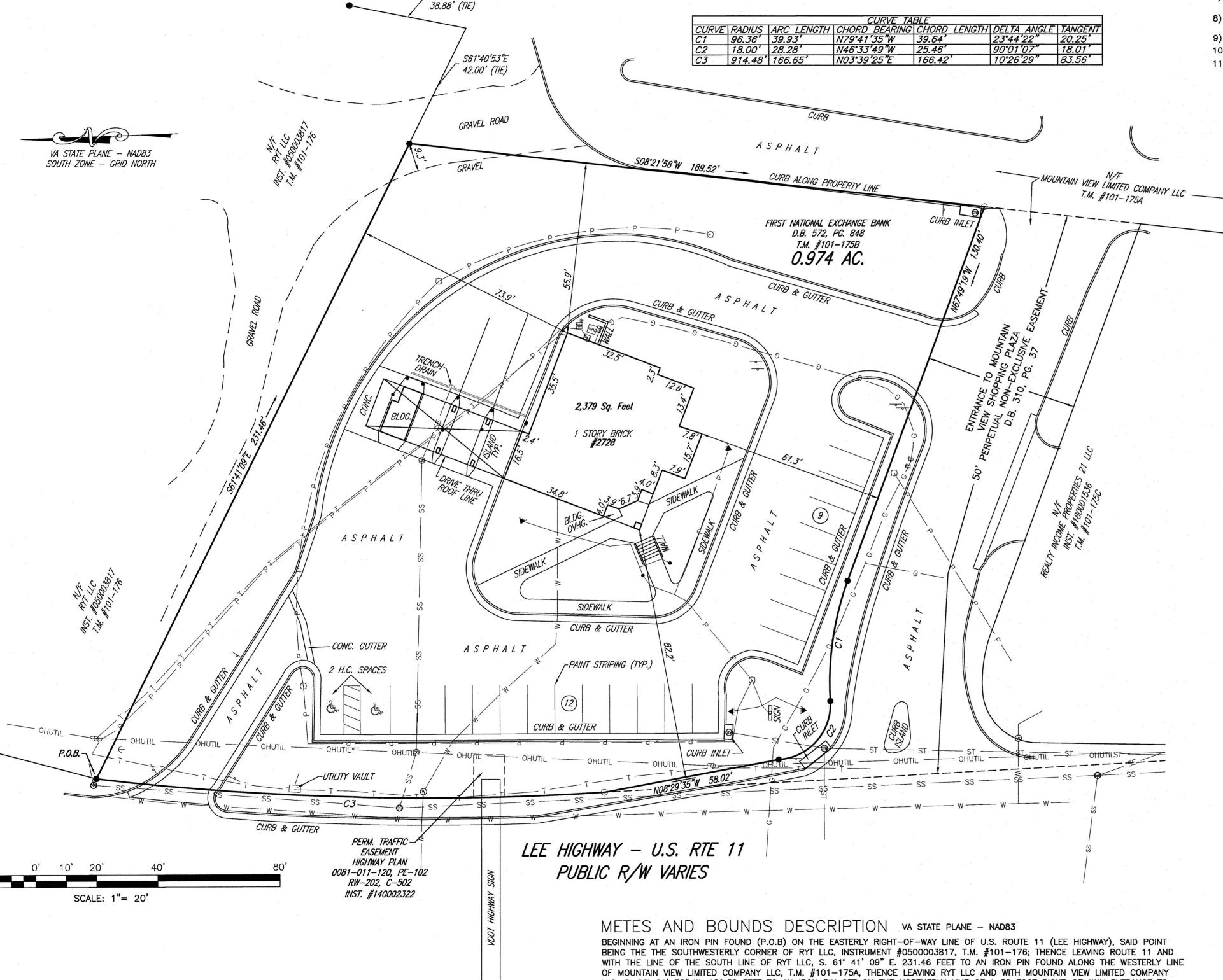
DATE

ALL OF THOSE LOTS OR PARCELS OF LAND LOCATED IN BOTETOURT COUNTY, VIRGINIA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, TOGETHER WITH ALL IMPROVEMENTS THEREON AND ALL EASEMENTS, APPURTENANCES AND HEREDITAMENTS THERETO BELONGING, LYING, SITUATED AND LOCATED IN BOTETOURT COUNTY, VIRGINIA, TO-WIT: BEGINNING AT A POINT MARKED BY AN IRON PIN ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. ROUTE #11 WHICH POINT CONSTITUTES THE SOUTHWESTERLY CORNER OF PROPERTY CONVEYED TO EXXON CORPORATION BY DEED OF RECORD IN DEED BOOK 191 AT PAGE 313 IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF BOTETOURT COUNTY, VIRGINIA (THE "CLERK'S OFFICE") AND NORTHWESTERLY CORNER OF A PARCEL SAID TO CONTAIN .964 ACRES CONVEYED TO TINKER MOUNTAIN ASSOCIATES, BY BILLY H. BRANCH, ET ALS, OF RECORD IN DEED

N12°58'26"

BOOK 286 AT PAGE 266 IN THE CLERK'S OFFICE; THENCE WITH THE LINE OF THE AFOREMENTIONED EXXON PROPERTY S. 61° 40' 18" E. 231.46 FEET TO AN IRON PIN, CORNER TO PROPERTY NOW OR FORMERLY OWNED BY QUOGUE-ROANOKE ASSOCIATES; THENCE S. 8° 22' 43" W. 189.52 FEET TO A POINT ON THE NORTHERLY LINE OF A 50 FOOT RIGHT-OF-WAY ENTRANCE TO MOUNTAIN VIEW SHOPPING PLAZA; THENCE WITH THE NORTHERLY LINE OF SAID 50 FOOT RIGHT-OF-WAY N. 67° 48' 34" W. 130.40 FEET TO A SPIKE; THENCE WITH A CURVE TO THE LEFT THE RADIUS OF WHICH IS 96.36 FEET FOR AN ARC DISTANCE OF 39.93 FEET TO A POINT OF REVERSE CURVE; THENCE WITH A CURVE TO THE RIGHT THE RADIUS OF WHICH IS 18 FEET FOR AN ARC DISTANCE OF 28.28 FEET TO A POINT; THENCE N. 08° 28' 50" W. 58.02 FEET TO A POINT OF CURVE ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. ROUTE #11; THENCE WITH A CURVE TO THE RADIUS OF WHICH IS 914.48 FEET FOR AN ARC DISTANCE OF 166.65 FEET TO AN IRON PIN, THE PLACE OF BEGINNING, CONTAINING 0.974 ACRES ACCORDING TO A SURVEY RECORDED IN DEED BOOK 310, PAGE 561 IN THE CLERK'S OFFICE, PREPARED BY CHARLES R. MURRAY, VIRGINIA C.L.S. UNDER DATE OF OCTOBER 31, 1985 AND WHICH PLAT IS, BY REFERENCE, MADE A PART HEREOF; AND TOGETHER WITH A PERPETUAL BUT NON-EXCLUSIVE EASEMENT OVER AND ACROSS THAT CERTAIN FIFTY (50) FOOT STRIP SHOWN, IN PART, ON THE ABOVE REFERENCED PLAT OF SURVEY UNDER THE DESIGNATION "MOUNTAIN VIEW SHOPPERS' PLAZA ENTRANCE 50' RIGHT OF WAY" AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING A SOUTHWESTERN CORNER OF THE BILLY H. BRANCH, ET. AL. PROPERTY ACQUIRED IN DEED BOOK 249, PAGE 134, AND BEING COMMON TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. ROUTE 11 AND THE NORTHERNMOST CORNER OF THE JOYCE H. WALLACE PROPERTY; THENCE WITH THE EASTERLY RIGHT-OF-WAY LINE OF U.S. ROUTE 11, NORTH 01° 33' 04" WEST, 262.60 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY LINE WITH NEW DIVISION LINES THROUGH THE BRANCH PROPERTY SOUTH 08° 28' 50" EAST, 58.02 FEET TO A POINT; THENCE WITH A LINE CURVING TO THE LEFT WITH A RADIUS OF 18.0 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 46' 33' 04" EAST 25.46 FEET AND AN ARC DISTANCE OF 28.27 FEET TO A POINT; THENCE WITH A LINE CURVING TO THE RIGHT WITH A RADIUS OF 96.36 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 79° 40' 50" EAST, 39.64 FEET AND AN ARC DISTANCE OF 39.93 FEET TO A POINT; THENCE SOUTH 67° 48' 34" EAST 130.40 FEET TO A POINT; THENCE SOUTH 08° 22' 43" WEST 51.49 FEET TO A POINT; THENCE NORTH 67' 48' 37" WEST 142.69 FEET TO A POINT; THENCE WITH A LINE CURVING TO THE LEFT WITH A RADIUS OF 46.36 FEET, A CHORD BEARING AND DISTANCE OF NORTH 79' 40' 51" WEST 19.07 FEET AND AN ARC DISTANCE OF 19.21 FEET TO A POINT; THENCE WITH A LINE CURVING TO THE LEFT WITH A RADIUS OF 18 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 43° 26' 56" WEST 25.46 FEET AND AN ARC DISTANCE OF 28.27 FEET TO A POINT; THENCE SOUTH 01° 48' 55" WEST 119.21 FEET TO THE PLACE OF



LLC, S. 08° 21' 58" W. 189.52 FEET TO AN IRON PIN SET ON THE NORTHERLY LINE OF A 50 FOOT RIGHT-OF-WAY ENTRANCE TO MOUNTAIN VIEW SHOPPING PLAZA; THENCE WITH THE NORTHERLY LINE OF SAID 50 FOOT RIGHT-OF-WAY N. 67° 49' 19" W. 130.40 FEET TO AN IRON PIN FOUND; THENCE WITH A CURVE TO THE LEFT THE RADIUS OF WHICH IS 96.36 FEET, AN ARC DISTANCE OF 39.93 FEET AND A CHORD BEARING AND DISTANCE OF N. 79° 41' 35" W. TO A POINT OF REVERSE CURVE; THENCE WITH A CURVE TO THE RIGHT THE RADIUS OF WHICH IS 18 FEET, AN ARC DISTANCE OF 28.28 FEET TO AN IRON PIN FOUND; THENCE N. 08° 29' 35" W. 58.02 FEET TO A POINT OF CURVE ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. ROUTE 11; THENCE LEAVING MIOUNTAIN VIEW LIMITED LLC WITH A CURVE TO THE RIGHT THE RADIUS OF WHICH IS 914.48 FEET, AN ARC DISTANCE OF 166.65 FEET AND A CHORD BEARING AND DISTANCE OF N. 03° 39' 25" E. 166.42 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.974 ACRES ACCORDING TO A SURVEY RECORDED IN DEED BOOK 310. PAGE 561 IN THE CLERK'S OFFICE, PREPARED BY CHARLES R. MURRAY, VIRGINIA C.L.S. UNDER DATE OF OCTOBER 31, 1985 AND ALSO SHOWN ON PLAT RECORDED IN PLAT BOOK 20, PAGE 117, SAID PARCEL BEING LYING IN BOTETOURT COUNTY, VIRGINIA

GENERAL NOTES

- TITLE COMMITMENT FURNISHED BY FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. NCS-934649-ATL, DATED NOVEMBER 11, 2018 AT 8:00 AM
- 2) OWNER OF RECORD: FIRST NATIONAL EXCHANGE BANK

DEED BOOK 572, PAGE 848

0.974 ACRE - PLAT BOOK 20, PAGE 117 (PLAT) DEED BOOK 310, PAGE 561 (PLAT) T.M. #101-175B

- PROPERTIES CURRENTLY ZONED B1 (BUSINESS DISTRICT).
- MINIMUM SETBACK REQUIREMENTS: PRINCIPAL STRUCTURE:
 - FRONT YARD: 25 FEET MINIMUM SIDE YARD: 10' MINIMUM
- REAR YARD: 10' MINIMUM 2. ACCESSORY STRUCTURES
- SIDE YARD: 0' MINIMUM
- REAR YARD: O' MINIMUM 3. HEIGHT: 35 FEET
- 4. IMPERVIOUS SURFACE RATIO: 60% MAXIMUM
- 5. MINIMUM PARKING REQUIREMENT: DEPENDANT ON PROPERTY USE. SETBACKS LISTED ABOVE BASED UPON CURRENT BOTETOURT COUNTY ZONING (CHAPTER 25 - ZONING OF THE BOTETOURT COUNTY CODE). FOR ADDITIONAL ZONING REQUIREMENTS AND SETBACKS SEE CHAPTER 25
- 5) PROPERTY MAY CONTAIN UNDERGROUND UTILITY SERVICE LINES.
- 6) PROPERTY CONTAINS 21 REGULAR PARKING SPACES AND 2 HANDICAP ACCESSIBLE SPACES.
- 7) PROPERTY IS IN F.E.M.A. DEFINED ZONE "X" UNSHADED. THIS OPINION IS BASED UPON A VISUAL INSPECTION OF F.E.M.A. PANEL #51023C0369 C (EFFECTIVE DATE:12/17/2010).
- 8) NO OBSERVED EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS DURING THE TIME OF SURVEY.
- 9) NO OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS DURING THE TIME OF SURVEY.
- 10) PROPERTY CURRENTLY HAS DIRECT INGRESS AND EGRESS TO LEE HIGHWAY (PUBLIC) AND VIA RIGHT OF WAY EASEMENT.
- 11) PROPERTY SHOWN HEREON IS THE SAME PROPERTY AS DESCRIBED IN DEED BOOK 572, PAGE 848 AND IN TITLE COMMITMENT FURNISHED BY FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. NCS-934649-ATL, DATED NOVEMBER 11, 2018 AT 8:00 AM

TITLE COMMITMENT NOTES

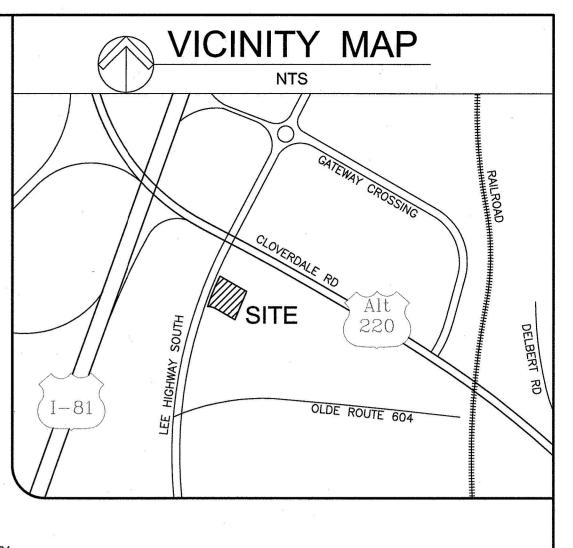
TITLE COMMITMENT FURNISHED BY FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. NCS-934649-ATL, DATED NOVEMBER 11, 2018 AT 8:00 AM

SCHEDULE B PART II EXCEPTIONS:

- A. ANY FACTS, RIGHTS, INTERESTS, OR CLAIMS WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS BUT WHICH COULD BE ASCERTAINED BY AN INSPECTION OF SAID LAND OR BY MAKING INQUIRY OF PERSONS IS POSSESSION THEREOF. NOT A SURVEY RELATED ITEM.
- B. DISCREPANCIES, CONFLICTS IN BOUNDARY LINES, SHORTAGE IN AREA, ENCROACHMENTS, OR ANY OTHER FACTS WHICH A CORRECT SURVEY WOULD DISCLOSE, AND WHICH ARE NOT SHOWN BY PUBLIC RECORDS. SEE THIS SURVEY FOR ACREAGE AND PHYSICAL IMPROVEMENTS.
- C. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL THERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS. NOT A SURVEY RELATED ITEM.
- ROADS, WAYS, STREAMS OR EASEMENTS, IF ANY, NOT SHOWN BY THE PUBLIC RECORDS, RIPARIAN RIGHTS AND THE TITLE TO ANY FILLED-IN LANDS. SEE THIS SURVEY FOR PHYSICAL IMPROVEMENTS.
- 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 OF RECORD FOR VALUE THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT. NOT A SURVEY RELATED ITEM.
- 1. TAXES SUBSEQUENT TO 2018 CALENDAR YEAR AND ANY AND ALL SUPPLEMENTAL TAXES A LIEN NOT YET DUE AND PAYABLE. NOT A SURVEY RELATED ITEM.
- 2. RIGHTS OF TENANTS IN POSSESSION UNDER UNRECORDED LEASES. NOT A SURVEY RELATED ITEM.
- PROPERTY MAY BE SUBJECT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED IN DEED BOOK 287 PAGE 135. BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A REFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS, OR RESTRICTIONS VIOLATE 42 USC 3604(C). MAY BE SUBJECT TO BUILDING HEIGHT AND SQUARE FOOTAGE RESTRICTIONS.
- 4. PROPERTY MAY BE SUBJECT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED IN DEED BOOK 310 PAGE 33, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS, OR RESTRICTIONS VIOLATE 42 USC 3604(C). MAY BE SUBJECT TO BUILDING HEIGHT AND SQUARE FOOTAGE RESTRICTIONS.
- 5. PROPERTY MAY BE SUBJECT TO AN EASEMENT GRANTED TO THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF VIRGINIA, DATED AUGUST 10, 1925, RECORDED IN DEED BOOK R, PAGE 239. EASEMENT IS BLANKET IN NATURE AND NOT PLOTTABLE.
- 6. PROPERTY MAY BE SUBJECT TO AN EASEMENT GRANTED TO ROANOKE RAILWAY AND ELECTRIC COMPANY. DATED APRIL 30, 1926, RECORDED IN DEED BOOK R, PAGE 434. EASEMENT IS BLANKET IN NATURE AND NOT PLOTTABLE.
- 7. PROPERTY MAY BE SUBJECT TO AN EASEMENT GRANTED TO APPALACHIAN ELECTRIC POWER COMPANY, DATED SEPTEMBER 3, 1931, RECORDED IN DEED BOOK V, PAGE 186. EASEMENT IS BLANKET IN NATURE AND NOT
- PROPERTY MAY BE SUBJECT TO AN EASEMENT GRANTED TO APPALACHIAN ELECTRIC POWER COMPANY, DATED SEPTEMBER 27, 1949, RECORDED IN DEED BOOK 101, PAGE 468. EASEMENT IS BLANKET IN NATURE AND NOT PLOTTABLE.
- PROPERTY MAY BE SUBJECT TO AN EASEMENT GRANTED TO APPALACHIAN ELECTRIC POWER COMPANY, DATED OCTOBER 6, 1958, RECORDED IN DEED BOOK 135, PAGE 327. EASEMENT IS BLANKET IN NATURE AND NOT
- 10. PROPERTY MAY BE SUBJECT TO AN EASEMENT GRANTED TO THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF VIRGINIA, DATED JULY 19, 1961, RECORDED IN DEED BOOK 148, PAGE 258. EASEMENT IS BLANKET IN NATURE AND NOT PLOTTABLE.
- 11. PROPERTY MAY BE SUBJECT TO AN EASEMENT GRANTED TO APPALACHIAN POWER COMPANY, DATED SEPTEMBER 17, 1962, RECORDED IN DEED BOOK 154, PAGE 520. EASEMENT IS BLANKET IN NATURE AND NOT PLOTTABLE.
- 12. PROPERTY MAY BE SUBJECT TO EASEMENT GRANTED TO APPALACHIAN POWER COMPANY, DATED JULY 10, 1963, RECORDED IN DEED BOOK 183, PAGE 193. EASEMENT IS BLANKET IN NATURE AND NOT PLOTTABLE.
- 13. PROPERTY IS NOT SUBJECT TO AN EASEMENT GRANTED TO TINKER MOUNTAIN ASSOCIATES, DATED JULY 10, 1983, RECORDED IN DEED BOOK 286, PAGE 266. EASEMENT SUPERSEDED BY DEED BOOK 310, PAGE 37. 14. PROPERTY BENEFITS FROM AN EASEMENT GRANTED TO QUOGUE-ROANOKE ASSOCIATES, DATED OCTOBER 17,

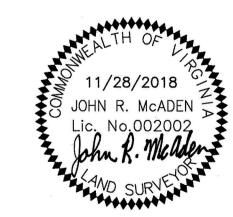
1985, RECORDED IN DEED BOOK 310, PAGE 37. 50' PERPETUAL NON-EXCLUSIVE RIGHT OF WAY EASEMENT

- SHOWN HEREON. 15. PROPERTY IS SUBJECT TO A CERTIFICATE NO. C-214010 RECORDED AS INSTRUMENT NO. 140002322, AND ORDER RECORDED AS INSTRUMENT NO. 180000267, EVIDENCES THE TAKING OF LAND FOR INTERSTATE 81 FOR PERMANENT TRAFFIC SIGNAL EASEMENT AS SET FORTH THEREIN. PERMANENT TRAFFIC SIGNAL EASEMENT
- 16. ANY CLAIM THAT THE TITLE IS SUBJECT TO A TRUST OR LIEN CREATED UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT (7 U.S.C. §§499A, ET SEQ.) OR THE PACKERS AND STOCKYARDS ACT (7 U.S.C. §§181 ET SEQ.) OR UNDER SIMILAR STATE LAWS. NOT A SURVEY RELATED ITEM.
 - 17. THE EXACT ACREAGE OR SQUARE FOOTAGE OF THE LAND DESCRIBED HEREIN IS NOT INSURED. SEE THIS SURVEY FOR ACREAGE.



These standard symbols will be found in the drawing.

- T UG TELECOMMUNICATION
- IRON PIN FOUND
- IRON PIN SET
- CLEANOUT SEWER MANHOLE
- SS UG SEWER LINE ____ p ___
- UG POWER STORM MANHOLE
- → SIGN
- ---- ST --- STORM PIPE
- GUY ANCHOR
- ----OHUTIL- OVERHEAD UTILITY
- [™] UTILITY POLE
- —— G —— UG GAS LINE
- UG WATERLINE
- UNDERGROUND POINT OF BEGINNING
- P.O.B.
- **∢** YARD LIGHT
- **Q** LIGHT POLE
- BOLLARD
- **WATER MANHOLE**
- ₩ WATER METER
- HVAC UNIT
- M POWER DISCONNECT
- MAILBOX



ALTA/NSPS LAND TITLE SURVEY

WAFFLE HOUSE, INC.,

A GEORGIA CORPORATION

SHOWING HEREON 0.974 ACRE (T.M. #101-175B) AS DESCRIBED IN DEED BOOK 572, PAGE 848

AND SHOWN ON PLAT RECORDED IN PLAT BOOK 20, PAGE 117 DEED BOOK 310, PAGE 561

SITUATE ALONG U.S. ROUTE 11 - LEE HIGHWAY VALLEY MAGISTERIAL DISTRICT BOTETOURT COUNTY, VIRGINIA

> SURVEYED NOVEMBER 28, 2018 SCALE: 1"= 20' JOB #04180114.00-ALTA



PLANNERS ARCHITECTS ENGINEERS SURVEYORS Balzer & Associates, Inc. 1208 Corporate Circle Roanoke Va. 24018

• ENGINEERS • SURVEYORS TEL: 540-772-9580 FAX: 540-772-8050 JRMCADEN@BALZER.CC SHEET 1 OF 1

