



COMMONWEALTH LAND TITLE INSURANCE COMPANY  
COMMITMENT #CL1309 1074 (A), Dated January 20, 2015  
LEGAL DESCRIPTION

Situated in the NW 1/4 of Section 31, Township 30 North, Range 13 East, Adams Township, City of Fort Wayne, Indiana on the south side of Tillman Road and the east side of South Anthony Blvd. being part of Lots 2-5 of Neuenschwander's Addition to the City of Fort Wayne (Plat Record 10, page 51) heretofore conveyed to Morning Star Partners, LLC by Document No. 2014010144 recorded at the Allen County Recorder's office in Fort Wayne, Indiana and being more particularly described as follows:

Commencing at an existing Mag nail at the northwest corner of Section 31, Township 30 North, Range 13 East, thence east along the north section line of Section 31 (Line "T" of Location Control Route Survey recorded as Document No. 2011038488) North 87°54'06" East 291.39 feet, thence leaving said section line (Line "T") South 02°09'54" East 45.73 feet to an existing 58" iron pin stamped "20100076" in the current southerly right-of-way of Tillman Road as established by Document 74-08933; thence leaving said right-of-way along the common line of Lot 5 & Lot 6 of Neuenschwander's Addition to the City of Fort Wayne, Lot 6 heretofore conveyed to Herbert & Laura Schaad (Document No. 980070005) South 02°08'08" East 9.48 feet to a set iron pin at the POINT OF BEGINNING, thence along the common line of Lots 2-6 of aforesaid subdivision South 02°08'08" East 286.15 feet to an existing 58" iron pin stamped "DA 0026" at the southeast corner of Lot 2 of aforesaid subdivision and in the north line of Lot 1 of aforesaid subdivision heretofore conveyed to Richard Downey (Document No. 201013438), thence along the common line of Lot 1 and Lot 2 South 87°51'16" West 244.91 feet to an existing 58" iron pin in the easterly right-of-way of South Anthony Blvd. as established by Document 74-08933 and Document 71-05943; thence along said easterly right-of-way North 02°08'08" West 250.23 feet to a set iron pin in the proposed southerly right-of-way of Tillman Road as established by a right-of-way parcel to be conveyed to the City of Fort Wayne pursuant to The City of Fort Wayne Six Mile Creek Trail-Phase 1 project and also Document No. 74-08933, Deed Book 722, page 530 & Deed Book 695 page 449 (prior right-of-way parcels conveyed to the City of Fort Wayne); thence along proposed southerly right-of-way North 15°13'12" East 15.21 feet to a set iron pin, thence North 82°46'01" East 241.32 feet to the point of beginning containing 1.55 acres more or less and being subject to all legal rights-of-way and easements of record.

Unless otherwise stated, any monument referred to herein as a set iron pin is a 5/8 inch diameter rebar twenty-four inches in length with a plastic cap stamped "Webster L.S. 21300010". All bearings referred to herein are based upon the north section line of Section 31, Township 30 North, Range 13 East referenced as Line "T" in a Location Control Route Survey recorded as Document 2011038488. The southerly proposed right-of-way of Tillman Road is based on a plan of The City of Fort Wayne Six Mile Creek Trail-Phase 1 prepared by A&Z Engineering and as of the date of this description the proposed right-of-way parcel has not been transferred to the City of Fort Wayne.

This description was prepared from a new survey made by Brent M. Webster, L.S. 21300010, January 2014.

NOTE: The property surveyed and shown hereon is the same property described in Title Commitment No. CL1309 1074 (A), dated January 20, 2015, prepared by Commonwealth Land Title Insurance Company.

SURVEYOR'S REPORT

Ordered By: Family Dollar Stores, Inc.  
Morning Star Partners, LLC  
7755 Five Mile Road  
Cincinnati, OH 45230

Current Owner of Record: Morning Star Partners, LLC  
Type of Survey: ALTA/A.C.S.M. Land Title Survey (Retraiment Survey)  
Purpose for Survey: For the purpose of insuring title to shown real property

In accordance with Title 865, Article 1, Chapter 12, Section 1 through 19 of the Indiana Administrative Code, 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:

- Availability and condition of reference monuments
- Occupation or possession lines
- Clarity or ambiguity of the record description used and of adjoining descriptions and the relationship of the lines of the subject tract with adjoining lines
- The relative positional accuracy of the measurements

A. All monuments marking the corners of the surveyed property referenced in ALTA/A.C.S.M. survey performed by Northpointe Engineering & Surveying dated 4/15/2013 were present and within tolerances as specified on said survey of the subject property.

B. No evidence of occupation or possession lines.

C. There does not appear to be any ambiguities in the recorded descriptions for either the subject parcel or the adjoining parcels.

D. The Relative Positional Accuracy of the corners of the subject parcel established per this survey is within the requirements for an Urban Survey (0.07 feet (21 millimeters) plus 50 parts per million) as defined by IAC 865.

The uncertainty per this survey relative to (A) availability and condition of reference monuments is 0.1 feet.

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SCHEDULE "B" - SECTION II  
EXCEPTIONS

- Sewer easement over the East 10 (10') feet of the West twenty five (25') feet of lots 3 through 5 inclusive, together with a sewer easement over the east twenty five (25') feet of Lot 2, all in Neuenschwander's Addition, as condemned by Sewer Resolution 118-1973. **PLOTTED AS SHOWN.**
- Environmental Restrictive Covenant dated November 3, 2014 and recorded November 6, 2014 as Instrument No. 2014053795. **AFFECTS SUBJECT PROPERTY. BLANKET IN NATURE. CANNOT BE PLOTTED.**
- Private stormwater facilities maintenance agreement recorded December 31, 2014 as Instrument No. 2014062771. **AFFECTS SUBJECT PROPERTY. BLANKET IN NATURE. CANNOT BE PLOTTED.**

GOVERNING AGENCIES

**ZONING**  
City of Fort Wayne  
Citizens Square Building  
200 East Berry St., Suite 210  
Fort Wayne, IN 46802  
(260) 449-7807

**WATER AND SEWER**  
City Engineering  
Citizens Square Building  
200 East Berry St., Suite 210  
Fort Wayne, IN 46802  
(260) 427-1234

**TRAFFIC**  
City Engineering  
Citizens Square Building  
200 East Berry St., Suite 210  
Fort Wayne, IN 46802  
(260) 427-1172

**SEWER**  
Lisa Ramos  
City Engineering  
Citizens Square Building  
200 East Berry St., Suite 210  
Fort Wayne, IN 46802  
(260) 427-2686

**FIRE**  
Shawn Fort  
shawn.fort@cityoffortwayne.org  
Fort Wayne Fire Department  
307 E. Murray St.  
Fort Wayne, IN 46803  
(260) 427-1170

**COMMUNICATIONS**  
Frontier  
Person of Contact: Lily (877) 433-3806  
Fort Wayne, IN 46802  
Customer Service: (888) 376-6243  
(260) 427-1234

**ELECTRIC**  
Rebecca Garth  
AEP Electric Power Company  
4500 County Road 59  
Butler, IN 46721  
(260) 408-3481  
(260) 427-1172

**NATURAL GAS**  
NIPSCO  
3725 Hilliges Road  
Fort Wayne, IN 46808  
(260) 462-6444

MISCELLANEOUS NOTES

- North and bearing system based upon the north section line of Section 31, Township 30 North, Range 13 East referenced as Line "T" in a Location Control Route Survey recorded as Document 2011038488.
- This survey does not constitute a title search by the surveyor. All information regarding record easements, and other documents that might affect the quality of title to the parcel shown hereon was obtained from title commitment order number CL1309 1074 (A), effective January 20, 2015 and prepared by Commonwealth Land Title Insurance Company.
- All underground utilities hereon are shown to the best of our knowledge and are based on locations taken from observed evidence, underground markings, prior surveys & the proposed site plan. Final installed utilities were not marked by a third-party underground utility locator and may be shown based solely on available evidence at the time of the survey.
- All data sources, documents and records shown hereon are on file in the office of the Allen County Recorder, Ft. Wayne, IN, unless otherwise noted.
- Survey prepared from fieldwork performed in November 2014. All monuments shown hereon is in good condition unless otherwise noted.
- This is not a recordable document for transfer of title.
- No evidence of encroachments.
- Survey performed to the boundary survey standards of practice for the state of Indiana as shown in Title 865, Article 1, Chapter 12.
- Site has direct access to St. Anthony Blvd. & Tillman Road.
- Please note the following comments with respect to Items 16-20 of Table A.

- Item 16: No evidence of current earth moving, building construction or building additions.
- Item 17: No observed evidence of changes in street right of way lines or recent street or sidewalk construction or repairs.
- Item 18: No observed evidence of site being used as a solid waste dump, dump or sanitary landfill.
- Item 19: No evidence of potential wetlands were observed on the subject property at the time the survey was conducted, nor have we received any documentation of any wetlands being located on the subject property.
- Item 20: No offsite easements or servitudes benefitting the surveyed property were disclosed in the Record Documents provided.



SURVEYORS CERTIFICATE

To (1) Commonwealth Land Title Insurance Company, (2) Morning Star Partners, LLC, (3) ARCP Acquisitions, LLC, its successors, assigns and lenders, (4) Family Dollar Stores of Indiana, L.P., and (5) ARCP FD 2015 ALB Portfolio, L.L.C., a Delaware limited liability company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/A.C.S.M. Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1-5, 6(b), 8-9, 11(b), 13-14, 16-19, 20(a)(b), & 21 of Table A thereof. The field work was completed on November 17, 2014 & December 06, 2014.

Date of Plat: February 18, 2015

Surveyor (printed): Brent M. Webster

Surveyor Signature:

I, Brent M. Webster, hereby certify that I am a Licensed Land Surveyor, licensed in compliance with the laws of the State of Indiana; and that to the best of my knowledge and belief, the map or plat and the survey on which it is based was performed wholly under my direction in accordance with Title 865, Article 1, Rule 12 of the Indiana Administrative Code. The field work for said survey was completed on November 17, 2014 & December 06, 2014.

2/18/15  
Brent M. Webster, LS 21300010 Date

A.L.T.A./A.C.S.M. LAND TITLE SURVEY  
7401 ST. ANTHONY BOULEVARD  
FORT WAYNE, INDIANA 46816



WEBSTER LAND SURVEYING, L.L.C.

Surveying the Tri-State Area

2874 Presidential Drive Hebron, KY 41048  
brent@nkylandsurveyor.com 859.760.7794

ZONING C-3 GENERAL COMMERCIAL DISTRICT (CURRENT)

Current land use complies with current C-3 General Commercial District regulation.

Maximum Height	40 feet
Front Yard Setback	35 feet (through lot)
Side Yard Setback	25 feet (corner lot-street side)
40 feet (building less than 30 feet, adjacent to residential district)	
Rear Yard Setback	50 feet (outside activity behind primary building)
Parking	1 per 400 square feet (retail use) Section 157.407

Taken from Fort Wayne Zoning Ordinance Section 157.216, unless otherwise noted. Current as of 11/23/2014

ON-SITE PARKING

Regular: 30  
Handicap: 2  
Total: 32

FLOOD CERTIFICATE

The property shown on this Survey lies within Zone "X" of Flood Insurance Rate Map identified as Community Panel No. 18003C0315G bearing an effective date of August 3, 2009.

ON-SITE BENCHMARK

bm-1 Benchmark is an existing cut Mag nail located at the northwest corner of Section 31, Township 30 North, Range 13 East and also located 46 feet West and 71 feet north of the northwest corner of the survey parcel and further referenced on survey of parcel performed by Northpointe Engineering & Surveying, Inc. dated 4/15/2013.

Elevation = 786.93 NAVD 88

SPC SYSTEM INDIANA EAST ZONE  
TOPCON GRS-1 RECEIVER ON INDOT RTN NETWORK  
BASE: (RTCM 0009) USING GEOID 09 (CONUS)

PROJECT NO. 20150007

DATE February 18, 2015

SCALE 1" = 20'

DRAWING CESO/DWG/ALTA-TILLMAN ROAD FAMILY DOLLAR.2015.DWG

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