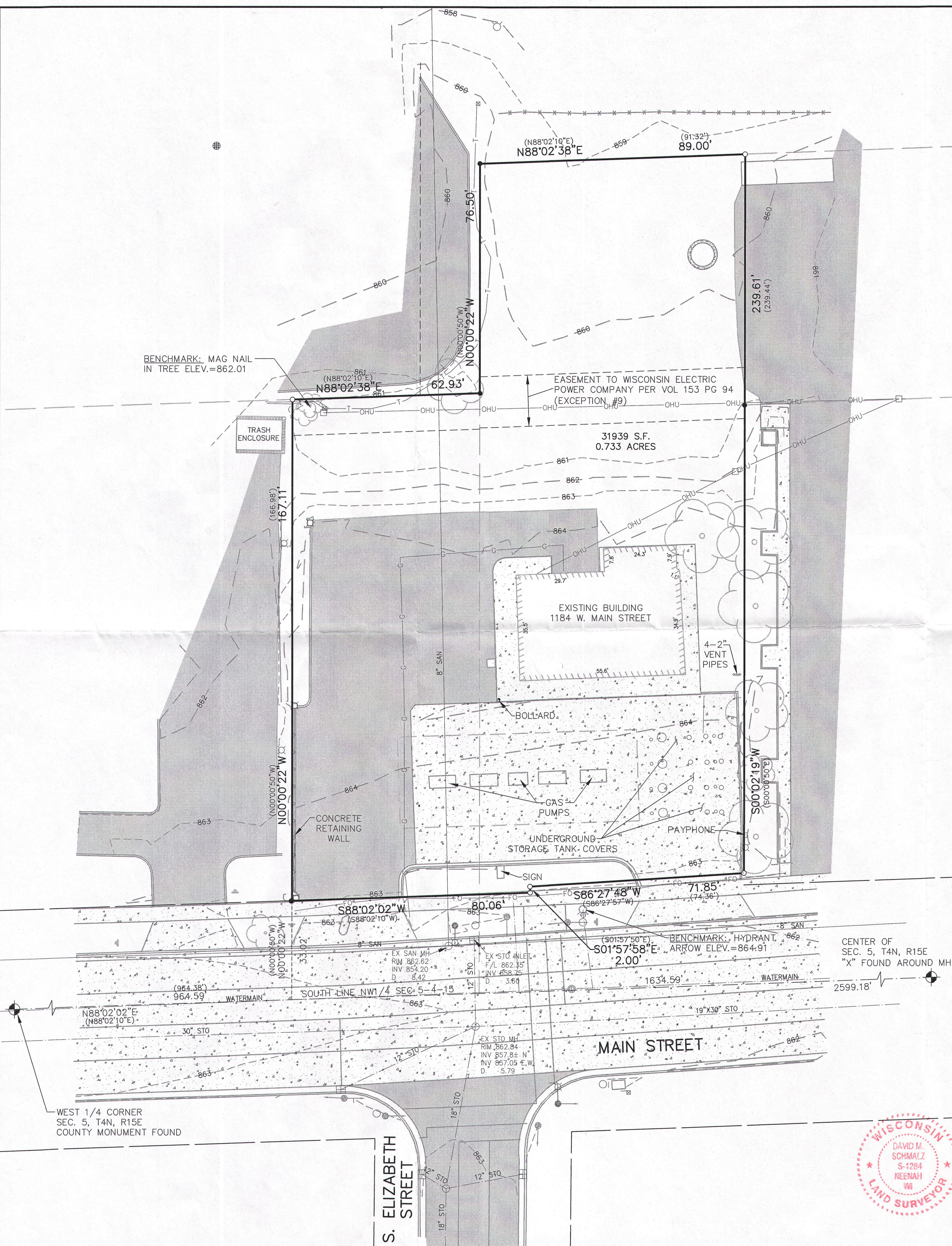


dwg:elz, W:\PROJECTS\H1038\91500660\04 AAP ALTA Survey.dwg, alta, Plot Date: 12/2/2015 12:39 PM, xrefs: (x-existing shade cap whitewater, x-existing topo cap whitewater, bndry comps.dwg)



SUBJECT PROPERTY PER SCHEDULE A OF COMMITMENT No. 2682131 WITH AN EFFECTIVE DATE OF August 24, 2015 AT 7:00 AM. PREPARED BY First American Title Insurance Company - Evans Title Division

PARCEL 1

A parcel of land being part of the Southwest 1/4 of the Northwest 1/4 of Section 5, Township 4 North, Range 15 East, in the City of Whitewater, County of Walworth, State of Wisconsin, being more particularly described as follows:

Commencing at the West 1/4 corner of said Section 5, thence North 88° 02' 10" East along the East-West 1/4 line and the centerline of West Main Street (U.S.H. 12-S.T.H. 89), 964.38 feet; thence N. 0° 00' 50" W. 33.02 feet to the Northern right-of-way line of West Main Street (U.S.H. 12-S.T.H. 89), and to the point of beginning; thence continuing N. 0° 00' 50" W. 166.98 feet; thence N. 88° 02' 10" E. 62.93 feet; thence N. 0° 00' 50" W. 76.50 feet; thence N. 88° 02' 10" E. 91.32 feet; thence S. 0° 00' 50" E. 239.44 feet of Northern right-of-way line of West Main Street (U.S.H. 12-S.T.H. 89); thence S. 86° 27' 57" W. along said right-of-way, 74.36 feet; thence S. 1° 57' 50" E. along said right-of-way line, 2.00 feet; thence S. 88° 02' 10" W. along said right-of-way line, 80.06 feet to the point of beginning. Said land being in the City of Whitewater, County of Walworth, and State of Wisconsin.

PARCEL 1 DESCRIPTION PER THIS SURVEY

A parcel of land being part of the Southwest 1/4 of the Northwest 1/4 of Section 5, Township 4 North, Range 15 East, in the City of Whitewater, County of Walworth, State of Wisconsin, containing 31,939 square feet (0.733 acres) of land and described as follows:

Commencing at the West 1/4 corner of said Section 5, thence N88°02'02"E (recorded as N88°02'10"E) along the East-West 1/4 line and the centerline of West Main Street (U.S.H. 12-S.T.H. 89), 964.59 feet (recorded as 964.38 feet); thence N00°00'22"W (recorded as N00°00'50" W), 33.02 feet to the Northern right-of-way line of West Main Street (U.S.H. 12-S.T.H. 89), and to the point of beginning; thence continuing N00°00'22"W, 167.11 feet, (recorded as N00°00'50"W, 166.98 feet); thence N88°02'38"E (recorded as N88°02'10"E), 62.93 feet; thence N00°00'22"W (recorded as N00°00'50"W) 76.50 feet; thence N88°02'38"E 89.00 feet (recorded as N88°02'10"E, 91.32 feet); thence S00°02'19"W 239.91 feet (recorded as S00°00'50"E, 239.44 feet) to the Northern right-of-way line of West Main Street (U.S.H. 12-S.T.H. 89); thence S86°27'48"W along said right-of-way, 71.85 feet (recorded as S86°27'57"W, 74.36 feet); thence S01°57'58"E (recorded as S01°57'50"E), along said right-of-way line, 2.00 feet; thence S88°02'02"W (recorded as S88°02'10"W) along said right-of-way line, 80.06 feet to the point of beginning. Said land being in the City of Whitewater, County of Walworth, and State of Wisconsin.

PER SCHEDULE B SECTION TWO (Exceptions) OF COMMITMENT No. 2682131 WITH AN EFFECTIVE DATE OF August 24, 2015 AT 7:00 AM. PREPARED BY First American Title Insurance Company - Evans Title Division

- Any facts, rights, interests, or claims that are not shown by the public records but that could be ascertained by an inspection of the land or by making inquiry of persons in possession of the land.
- Easements, claims of easements or encumbrances that are not shown in the Public Records.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title including discrepancies, conflict in boundary lines, shortages in area, or any other facts that would be disclosed by an accurate and complete land survey of the land, and that are not shown in the public records.
- Any lien, or right to a lien, for services, labor or material theretofore and hereafter furnished, imposed by law and not shown in the public records.
- 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.
- The lien of the general real estate taxes for the year 2015 and thereafter.
- The lien of any special assessments, special taxes or special charges.
- Delinquent taxes for the year(s) 2014 in the sum of \$6,681.81, plus interest, and penalty.
- Easement to WISCONSIN ELECTRIC POWER COMPANY dated January 26, 1976 and recorded in the office of the Register of Deeds for Walworth County, Wisconsin on February 19, 1976 in Volume 153 of Records, page 94. [AFFECTS PARCEL - LOCATION SHOWN ON SURVEY MAP]
- Deed Restriction dated March 27, 2002 and recorded in the office of the Register of Deeds for Walworth County, Wisconsin on March 28, 2002 as Document No. 505340. [AFFECTS PARCEL]
- Agreement as Release dated April 3, 2002 and recorded in the office of the Register of Deeds for Walworth, Wisconsin on October 1, 2002 as Document No. 525290. [AFFECTS PARCEL]
- Public or private rights, if any, in such portion of the premises described herein as may be used, laid out or dedicated in any manner for street, highway or road purposes.

NOTES:

PER THE FLOOD INSURANCE RATE MAP, MAP NUMBER 55127C0009E, COMMUNITY NAME - WALWORTH COUNTY (550462) CITY OF WHITEWATER (550200) WITH AN EFFECTIVE DATE OF SEPTEMBER 3, 2014, THE SUBJECT PROPERTY IS MAPPED WITHIN ZONE X (UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

THE SUBJECT PROPERTY IS ZONED: B-1, COMMUNITY BUSINESS PER CITY OF WHITEWATER ZONING ORDINANCE CHAPTER 19.27

19.27.040 - Lot area.

Minimum lot area in the B-1 district is seven thousand square feet for lots existing at the time of adoption of the ordinance codified in this chapter, and fifteen thousand square feet for all other lots.

19.27.060 - Yard requirements.

Minimum required yards for principal buildings, outside storage, and Dumpsters in the B-1 district are:

- Front and street side, thirty feet;
- Interior side, ten feet, except that no side yard will be required for buildings designed for common wall construction;
- Rear, twenty feet, except the rear yard setback to any railroad right-of-way shall be at least fifteen feet under a conditional use;
- Shore yard, seventy-five feet;
- Any yard abutting a residential district or residential use, thirty feet or the height of the nearest principal building or structure on the lot being developed, whichever is greater. Such yards shall be subject to the landscape buffer yard requirements of Section 19.57.140, except where abutting a railroad right-of-way with the approval of the plan and architectural review commission;
- There shall be no parking areas, circulation drives or accessory buildings within the required front yard.

19.27.070 - Lot coverage.

Maximum building lot coverage in the B-1 district is fifty percent. Minimum landscaped surface area is thirty percent. The plan and architectural review commission may reduce the minimum landscaped surface area by up to ten percent if the project provides plantings in highly visible locations and includes ten canopy trees, twenty understory and/or evergreen trees, and sixty-four shrubs per acre, or fraction thereof.

19.27.080 - Building height.

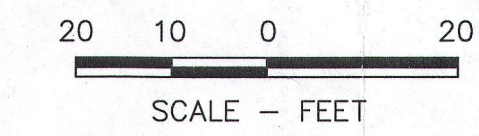
Maximum building height in the B-1 district is three stories or forty-five feet, whichever is less.



Toll Free (800) 242-8511
Milwaukee Area (414) 259-1181
Hearing Impaired TDD (800) 542-2289
www.DiggersHotline.com

UTILITY LOCATES PER DIGGERS HOTLINE TICKET 20154215348. DUE TO SITE CONDITIONS AND INCOMPLETE MARKINGS, THE UTILITY INFORMATION AS SHOWN MAY NOT BE ACCURATE.

BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 15 EAST WHICH BEARS N88°02'02"E PER WISCONSIN STATE PLANE COORDINATE SYSTEM GRID. SOUTH ZONE (NAD 27)



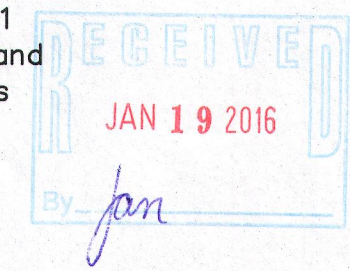
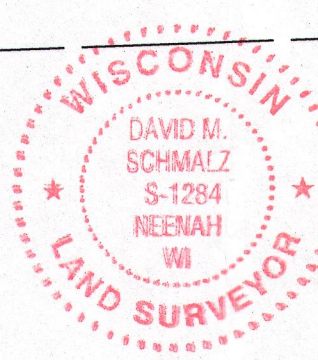
- LEGEND**
- - 3/4" x 24" ROUND IRON REBAR WEIGHING 1.5 lbs./lineal ft. SET
 - - 1" IRON PIPE FOUND (1.315" O.D.)
 - FO - BURIED FIBER OPTIC CABLE
 - E - BURIED ELECTRIC CABLE
 - T - BURIED TELEPHONE CABLE
 - G - BURIED GAS MAIN
 - OHU - OVERHEAD UTILITY
 - ST - EXISTING TELEPHONE PEDESTAL
 - GR - EXISTING GUARD RAIL
 - FE - EXISTING FENCE
 - SP - EXISTING SIGNAL POLE
 - GW - EXISTING GUY WIRE
 - PP - EXISTING POWER POLE
 - LP - EXISTING LIGHT POLE
 - HY - EXISTING HYDRANT
 - SI - EXISTING SIGN
 - MA - EXISTING MANHOLE
 - SS - EXISTING STORM SEWER
 - IN - EXISTING INLET
 - WM - EXISTING WATER MAIN
 - SV - EXISTING WATER VALVE
 - SS - EXISTING SANITARY SEWER
 - CG - EXISTING CURB & GUTTER
 - CO - EXISTING CONTOURS
 - PL - PROPERTY LINES
 - RW - EXISTING RIGHT OF WAY
 - EA - EXISTING EASEMENT
 - SL - EXISTING SECTION LINE
 - TR - EXISTING TREE
 - AP - EXISTING ASPHALT PAVEMENT
 - CP - EXISTING CONCRETE PAVEMENT

SURVEYOR'S ALTA CERTIFICATE:

I hereby certify to: SEWAH Enterprises, LTD., a Wisconsin corporation its successors and/or assigns, as their interests may appear; Whitewater 1184 Inc., a Wisconsin corporation its successors and/or assigns, as their interests may appear; and First American Title Insurance Company - Evans Title Division;

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/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(a), 6(b), 7(a), 8, 11(b), 13 and 20 of Table A thereof. The field work was completed on October 21st, 2015 at 5:00 PM.

David M. Schmalz
date Dec 2, 2015 David M. Schmalz
Professional Land Surveyor (S-1284)
David M. Schmalz



FOR: -HERBECK DEVELOPMENT
-ATTN: DAVE HERBECK
-2801 E. GATEWOOD DRIVE
-APPLETON, WI 54915
-(920) 428-9028

McMAHON
ENGINEERS ARCHITECTS
1445 McMAHON DRIVE NEENAH, WI 54956
Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025
Tel: (920) 751-4200 Fax: (920) 751-4284
www.mcmahon.com

DESIGNED	DRAWN
DEW	MJA
PROJECT NO.	
H1038 9-15-00660.04	
DATE	
NOV., 2015	
SHEET NO.	
1	

ALTA/ACSM LAND TITLE SURVEY
HERBECK DEVELOPMENT - ADVANCE AUTO PARTS
CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN

WUP-163A 010-985