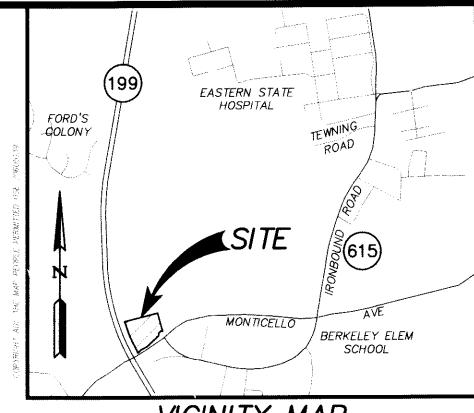
70015568

<u>SCHEDULE B — SECTION 2 EXCEPTIONS</u> (TITLE COMMITMENT NO. 10737511 FIRST REVISION) EFFECTIVE DATE OF COMMITMENT MAY 7, 2007

- RIGHTS OF OTHERS IN AND TO THE USE OF CASEY ROAD AS SHOWN ON THE MAP OF ROPER-TILLEGE SUBDIVISION, DATED DECEMBER 28, 1912, AND RECORDED IN PLAT BOOK 2,
 - (DOES NOT APPEAR TO AFFECT THIS PROPERTY)
- EASEMENTS GRANTED TO VIRGINIA ELECTRIC AND POWER COMPANY, DATED JULY 5, 1940, RECORDED DECEMBER 27, 1940, IN DEED BOOK 33, PAGE 84. (DOES NOT APPEAR TO AFFECT THIS PROPERTY)
- 7. EASEMENTS GRANTED IN DEED FROM CARLTON C. CASEY AND OLIVE D. CASEY, HUSBAND AND WIFE. TO WILLIAMSBURG BROADCASTING COMPANY, INCORPORATED DATED AUGUST 18. 1959, RECORDED SEPTEMBER 16, 1959, IN DEED BOOK 71, PAGE 176. AS MODIFIED BY DEED OF EASEMENT DATED DECEMBER 27, 1977, RECORDED MAY 16, 1978, IN DEED BOOK 184. PAGE 513. (AFFECTS THIS PROPERTY, SHOWN ON SURVEY)
- 8. EASEMENTS GRANTED BY CERTIFICATE OF TAKE BY COMMONWEALTH OF VIRGINIA DATED JUNE 14, 1966, RECORDED JUNE 16, 1966, IN DEED BOOK 106, PAGE 600. (DOES NOT AFFECT THIS PROPERTY)
- EASEMENT GRANTED TO THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF VIRGINIA, DATED JULY 7, 1971, RECORDED AUGUST 4, 1971, IN DEED BOOK 132, PAGE 266. (DOES NOT AFFECT THIS PROPERTY)
- 10. EASEMENT GRANTED TO VIRGINIA ELECTRIC AND POWER COMPANY, DATED JULY 7, 1971, RECORDED AUGUST 25, 1971, IN DEED BOOK 132, PAGE 523. (DOES NOT AFFECT THIS PROPERTY)
- PROFFER STATEMENT BY ROBERT T. CASEY. CARLTON D. CASEY AND C. LEWIS CASEY DATED SEPTEMBER 29, 1986, RECORDED FEBRUARY 25, 1987, IN DEED BOOK 331, PAGE 522. (DOES NOT AFFECT THIS PROPERTY)
- 12. CERTIFICATE OF TAKE NO. 596053, DATED MAY 20, 1996, RECORDED JUNE 4, 1996, IN DEED BOOK 790, PAGE 907, EVIDENCES THE TAKING OF THE FOLLOWING:
- EASEMENT TO BE CONVEYED TO VIRGINIA ELECTRIC POWER COMPANY (MAY AFFECT THIS PROPERTY, NOT PLOTTABLE) AND,
- ANY AND ALL EASEMENTS OF ACCESS, LIGHT OR AIR INCIDENT TO THE LAND ABUTTING SAID LIMITED ACCESS HIGHWAY 199, ANY RAMPS, LOOPS OR CONNECTIONS AT OR WITH INTERSECTION HIGHWAYS, PURSUANT TO ARTICLE 4, CHAPTER 1, TITLE 33.1 OF THE CODE OF VIRGINIA OF 1950, AS AMENDED. (AFFECTS THIS PROPERTY, NOT PLOTTABLE)
- 13. NOTICE OF THE CREATION OF THE NEW TOWN COMMUNITY DEVELOPMENT AUTHORITY AND THE NEW TOWN COMMUNITY DEVELOPMENT AUTHORITY TAX DISTRICT DATED JANUARY 21, 1998, RECORDED FEBRUARY 12, 1998, AS CLERK'S INSTRUMENT NO. 989992596, PROVIDES FOR SPECIAL ASSESSMENTS AND A SPECIAL ANNUAL IMPROVEMENT TAX AS WELL AS OTHER CONDITIONS AND RESTRICTIONS IN THE RESOLUTION REGARDING THE SUBJECT PROPERTY. (AFFECTS THIS PROPERTY, NOT PLOTTABLE)
- 14. NEW TOWN PROFFERS BY C. C. CASEY LIMITED COMPANY, A VIRGINIA LIMITED LIABILITY COMPANY DATED DECEMBER 9, 1997, RECORDED JANUARY 27, 1998, AS INSTRUMENT NO. 980001284.
 - (AFFECTS THIS PROPERTY, NOT PLOTTABLE)
- 15. RESTRICTIONS, EASEMENTS, CONDITIONS, ASSESSMENTS, ETC. AS FOUND IN:
- MASTER DECLARATION OF COVENANTS, EASEMENTS AND RESTRICTIONS BY C.C. CASEY LIMITED COMPANY, A VIRGINIA LIMITED LIABILITY COMPANY FOR NEW TOWN DATED JUNE 22, 1998. RECORDED JULY 27. 1998 AS INSTRUMENT NO. 980013868. (AFFECTS THIS PROPERTY, NOT PLOTTABLE)
- SUPPLEMENTAL DECLARATION OF COVENANTS, EASEMENTS AND RESTRICTIONS DATED JULY 22, 1998, RECORDED JULY 27, 1998, AS INSTRUMENT NO. 980013869, PAGE 151. (DOES NOT APPEAR TO AFFECT THIS PROPERTY)
- ASSIGNMENT OF DECLARANT RIGHTS DATED OCTOBER 23, 2001. RECORDED DECEMBER 7. 2001 AS CLERK'S INSTRUMENT NO. 010022621. (AFFECTS THIS PROPERTY, NOT PLOTTABLE)
- AMENDED AND RESTATED MASTER DECLARATION OF COVENANTS, EASEMENTS AND RESTRICTIONS FOR NEW TOWN COMMERCIAL PROPERTIES, DATED NOVEMBER 26, 2002, RECORDED DECEMBER 27, 2002 AS CLERK'S INSTRUMENT NO. 020031430. (AFFECTS THIS PROPERTY, NOT PLOTTABLE)

NOTE: THIS EXCEPTION OMITS ANY COVENANT, CONDITION OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN AS PROVIDED IN 42 U.S.C SECTION 3604, UNLESS AND ONLY TO THE EXTENT THAT THE COVENANT (A) IS NOT IN VIOLATION OF STATE OR FEDERAL LAW, (B) IS EXEMPT UNDER 42 U.S.C SECTION 3607, OR (C) RELATES TO A HANDICAP, BUT DOES NOT DISCRIMINATE AGAINST HANDICAPPED PEOPLE.

- 16. PLAT OF SURVEY PREPARED BY AES CONSULTING ENGINEERS, DATED MAY 26, 2000, REVISED JUNE 7, 2000, AND RECORDED JUNE 28, 2000, IN PLAT BOOK 77, PAGES 94-96, ENTITLED "ALTA/ACSM LAND TITLE SURVEY, PORTION OF PROPERTY OWNED BY C. C. CASEY LIMITED COMPANY, CONTAINING A TOTAL OF 300.714 ACRES, BERKELEY DISTRICT, JAMES CITY COUNTY. VIRGINIA" SHOW THE FOLLOWING MATTERS:
- A. UNRECORDED 20' JAMES CITY SERVICE AUTHORITY UTILITY EASEMENT AND 40' TEMPORARY CONSTRUCTION EASEMENT RUNNING THROUGH WESTERN PORTION OF SUBJECT PROPERTY; (DOES NOT AFFECT THIS PROPERTY)
- B. 15' TEMPORARY CONSTRUCTION EASEMENT, SLOPE EASEMENT AND GRAVEL DITCH ALONG A PORTION OF THE SOUTHERN PROPERTY LINE IN THE SOUTHWESTERN CORNER OF SUBJECT PROPERTY; AND 15' SLOPE EASEMENT AND 25' TEMPORARY CONSTRUCTION EASEMENT ALONG A PORTION OF THE SOUTHERN PROPERTY LINE IN THE SOUTHEASTERN CORNER OF SUBJECT PROPERTY. (AFFECTS THIS PROPERTY, SHOWN ON SURVEY)
- C. GRAVEL ROAD OUTSIDE OF 50' ACCESS EASEMENT IN SOUTHWESTERN CORNER OF SUBJECT PROPERTY: (AFFECTS THIS PROPERTY, SHOWN ON SURVEY)
- D. FENCE CROSSES PROPERTY LINE AND ENCROACHES 0.3' AT ITS GREATEST DISTANCE ALONG STATE ROUTE 199 IN THE NORTHWESTERN CORNER OF SUBJECT PROPERTY; (DOES NOT AFFECT THIS PROPERTY)
- E. BMP #1 COMMON AREA SHOWN IN CENTER PORTION OF SUBJECT PROPERTY NEAR THE SOUTHERN PROPERTY LINE; (DOES NOT AFFECT THIS PROPERTY)
- F. PONDING WATER, DITCH, WATER VALVE, FIRE HYDRANT, TELEPHONE PEDESTAL, AND PROPOSED SUBDIVISION OF 4.088 ACRES SHOWN IN THE NORTHEASTERN CORNER OF SUBJECT PROPERTY: (DOES NOT AFFECT THIS PROPERTY)
- G. SIGNS LOCATED IN THE SOUTHEASTERN CORNER OF SUBJECT PROPERTY; (DOES NOT AFFECT THIS PROPERTY)
- H. FIRE HYDRANT LOCATED ON SOUTHERN PROPERTY LINE IN SOUTHEASTERN CORNER OF SUBJECT PROPERTY. (DOES NOT AFFECT THIS PROPERTY).
- I. STREAMS LOCATED THROUGHOUT THE PROPERTY, EXCEPTION IS TAKEN TO THE RIGHTS OF UPPER AND LOWER RIPARIAN OWNERS IN AND TO THE USE OF THE WATERS OF THE STREAMS AND THE NATURAL FLOW THEREOF. (DOES NOT AFFECT THIS PROPERTY).
- 17. RIGHTS OF OTHERS IN AND TO THE USE OF THOSE ITEMS SHOWN IN ITEM 14. (AFFECTS THIS PROPERTY, NOT PLOTTABLE)
- 18. DECLARATION OF COVENANTS INSPECTION/MAINTENANCE OF DRAINAGE SYSTEM, DATED JULY 26, 2000, RECORDED AUGUST 8, 2000, AS CLERK'S INSTRUMENT NO. 000014769. (AFFECTS THIS PROPERTY, NOT PLOTTABLE)
- 19. EASEMENT GRANTED TO VIRGINIA ELECTRIC AND POWER COMPANY, DATED MAY 30, 2001, RECORDED JULY 27, 2001 AS CLERK'S INSTRUMENT NO. 010013217. (AFFECTS THIS PROPERTY, SHOWN ON SURVEY)
- 20. EASEMENT GRANTED TO JAMES CITY SERVICE AUTHORITY, DATED MAY 12, 2004, RECORDED JUNE 4, 2004, AS CLERK'S INSTRUMENT NO. 040014419. (AFFECTS THIS PROPERTY, NOT PLOTTABLE)
- 21. EASEMENT GRANTED TO JAMES CITY SERVICE AUTHORITY, DATED MARCH 31, 2005. RECORDED APRIL 6, 2005, AS CLERK'S INSTRUMENT NO. 050007644. (AFFECTS THIS PROPERTY, NOT PLOTTABLE)
- 22. TERMS AND PROVISIONS OF DECLARATION OF COVENANTS NEW TOWN PRICING OF RESIDENTIAL UNITS, DATED OCTOBER 26, 2004, RECORDED MAY 4, 2005 AS CLERK'S INSTRUMENT NO. 05-0009717. (AFFECTS THIS PROPERTY, NOT PLOTTABLE)
- 23. EASEMENT GRANTED TO NEW TOWN COMMERCIAL ASSOCIATION, A VIRGINIA NON-STOCK CORPORATION, DATED APRIL 26, 2005, RECORDED MAY 16, 2005, AS CLERK'S INSTRUMENT NO. 050010506. (AFFECTS THIS PROPERTY, NOT PLOTTABLE)
- 24. EASEMENT GRANTED TO JAMES CITY SERVICE AUTHORITY, DATED MAY 11, 2005, RECORDED MAY 16, 2005, AS CLERK'S INSTRUMENT NO. 050010508. (AFFECTS THIS PROPERTY, NOT PLOTTABLE)
- 25. EASEMENT GRANTED TO NEW TOWN RESIDENTIAL ASSOCIATION. INC. DATED JUNE 17. 2005. RECORDED JUNE 21, 2005, AS CLERK'S INSTRUMENT NO. 050013787. (AFFECTS THIS PROPERTY, NOT PLOTTABLE)
- 26. PROFFERS FOR SECTION 9, NEW TOWN RECORDED AS CLERK'S INSTRUMENT NO. 05-19046 AND AS CLERK'S INSTRUMENT NO. 060017870. (AFFECTS THIS PROPERTY, NOT PLOTTABLE)



VICINITY MAP SCALE: $1'' = 2000' \pm$

1. PROPERTY IS ALL OF TAX MAP PARCEL # 3840100052.

- 2. SITE ADDRESS: 5244 MONTICELLO AVENUE
- 3. THIS PROPERTY LIES WITHIN ZONE X, (AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN) AS SHOWN ON COMMUNITY PANEL #510201-0035 B, DATED 2/6/91 OF THE FLOOD INSURANCE RATE MAPS FOR JAMES CITY COUNTY, VIRGINIA.
- THIS PROPERTY IS ZONED MU, MIXED USE WITH PROFFERS, BY RESOLUTION APPROVED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY ON MAY 9, 2006. REFERENCE JAMES CITY COUNTY CASE NUMBERS Z-16-05 AND MP-13-05.
- 5. ZONING ORDINANCE RESTRICTIONS: (BASED UPON JAMES CITY COUNTY, VIRGINIA ZONING ORDINANCE, DIVISION 15, MIXED USE, MU)

BUILDING SETBACK REQUIREMENTS: (SEC. 24-527)

MAXIMUM BUILDING HEIGHT: 60' (SEC. 24-525)

- 6. PROPERTY HAS DIRECT ACCESS TO MONTICELLO AVENUE.
- 7. THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN HEREON.
- JAMES CITY COUNTY 8. HORIZONTAL DATUM:

GEODETIC CONTROL NETWORK

va. State plane coordinate system — south zone

NAD83 (1994 VA HARN)

JAMES CITY COUNTY VERTICAL DATUM:

GEODETIC CONTROL NETWORK

VA. STATE PLANE COORDINATE SYSTEM — SOUTH ZONE

NGYD29

- 9. EVIDENCE OF SITE CLEARING OPERATIONS. (SHOWN ON SURVEY)
- 10. NO OBSERVABLE EVIDENCE OF SITE BEING USED AS A SOLID WASTE DUMP.
- 11. THE PROPERTY DEPICTED ON THIS SURVEY IS THE SAME PARCEL OF LAND DESCRIBED IN LAWYERS TITLE INSURANCE CORPORATION TITLE COMMITMENT NO. 10737511, EFFECTIVE DATE OF COMMITMENT: MAY 7, 2007, EXHIBIT "A" LEGAL DESCRIPTION.

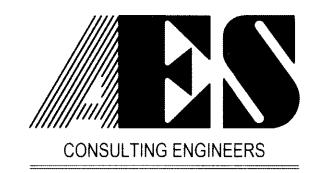
SURVEY CERTIFICATION

THE UNDERSIGNED HEREBY CERTIFIES, AS OF MAY 14, 2007, TO WACHOVIA BANK, NATIONAL ASSOCIATION AND ITS SUCCESSORS AND ASSIGNS, DEVELOPERS REALTY CORPORATION, AND LAWYERS TITLE INSURANCE CORPORATION THAT HE IS A DULY REGISTERED LAND SURVEYOR OF THE STATE OF VIRGINIA; THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IS BASED WERE MADE IN ACCORDANCE WITH THE MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005 AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6, 7(A)(B)(1),7(C), 8, 9, 10, AND 11(A) OF TABLE A THEREOF. THAT THIS SURVEY CORRECTLY SHOWS THE LOCATION OF ALL BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS SITUATED ON THE SUBJECT PREMISES; AND THAT, EXCEPT AS SHOWN, THERE ARE NO VISIBLE EASEMENTS OR RIGHTS OF WAY ACROSS SAID PREMISES OR ANY OTHER EASEMENTS OR RIGHTS OF WAY OF WHICH THE UNDERSIGNED HAS BEEN ADVISED, NO PARTY WALLS, NO ENCROACHMENTS ONTO ADJOINING PREMISES, STREETS OR ALLEYS BY ANY OF SAID BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS, AND NO ENCROACHMENTS ONTO SAID PREMISES BY BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS SITUATED ON ADJOINING PREMISES.

DATE

5/14/07 ROBERT D. MANN REG. LAND SURVEYOR NO. 002509

AL UNOS A PERS HOCK 120001 20 1 070015568

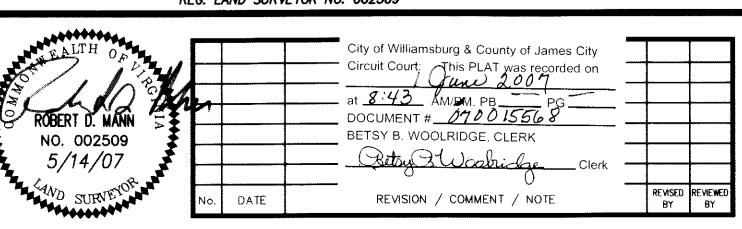


WILLIAMSBURG • RICHMOND • GLOUCESTER

5248 Olde Towne Road, Suite 1 Williamsburg, Virginia 23188 (757) 253-0040 Fax (757) 220-8994

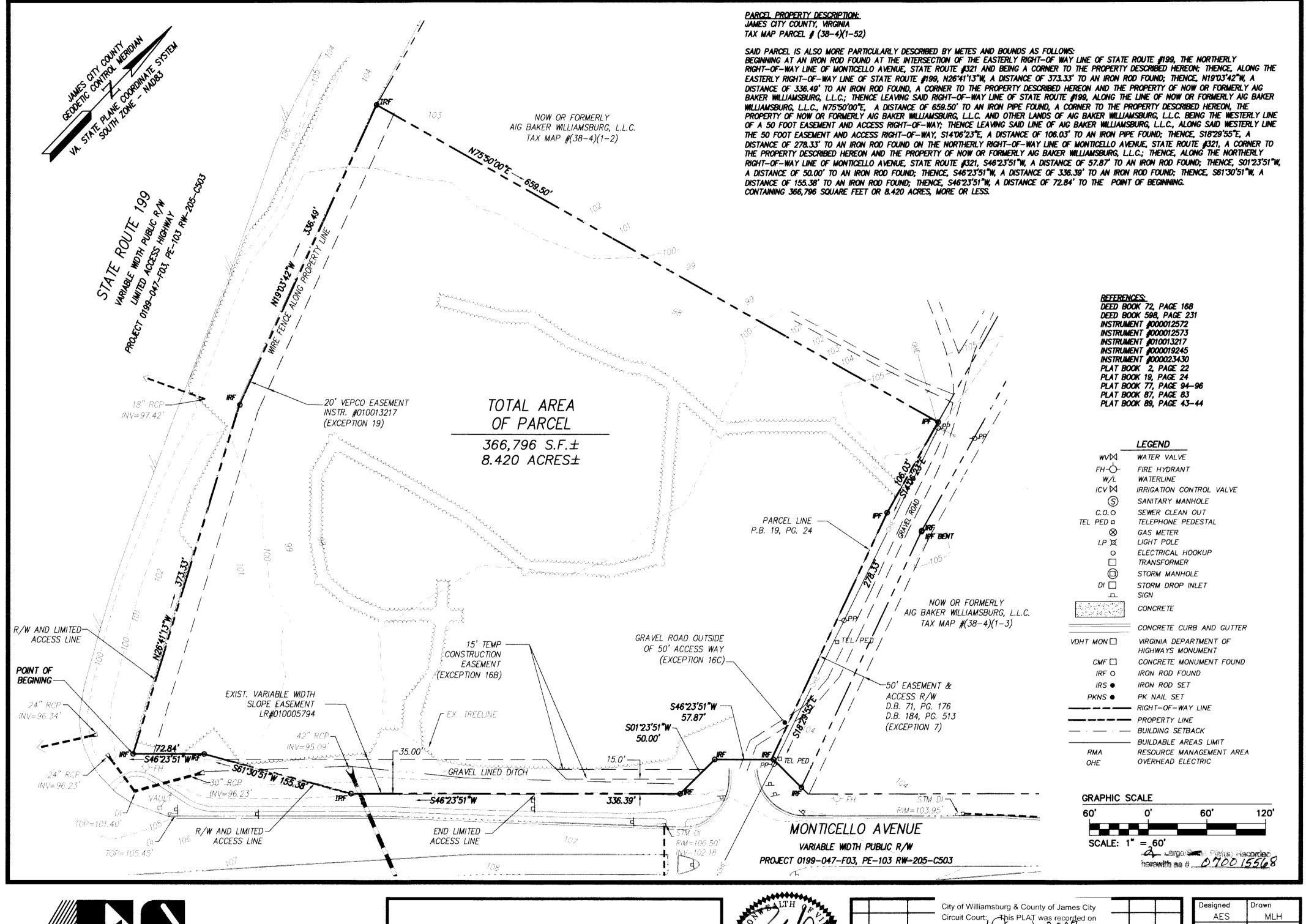
ALTA / ACSM LAND TITLE SURVEY OF **5244 MONTICELLO AVENUE** PARCEL OF LAND CONTAINING 8.420 ± ACRES

BERKELEY DISTRICT JAMES CITY COUNTY VIRGIN



	Designed	Drawn	
ı	AES	MLH	
	Scale	Date	
	N/A	5/14/07	
	Project No.		
	6632-9-01-B		
	Drawing No.		
	1 OF 2		

#070015568





5248 Olde Towne Road, Suite 1 Williamsburg, Virginia 23188 (757) 253-0040 Fax (757) 220-8994 ALTA / ACSM LAND TITLE SURVEY OF
5244 MONTICELLO AVENUE
PARCEL OF LAND
CONTAINING 8.420 ± ACRES

JAMES CITY COUNTY

BERKELEY DISTRICT

الد.	LTH OF	% [
100		九
13	ROBERT D. MAN	
	NO OOSEOO	3
	5/14/07	2 24 2
יר	5/14/07	

DATE

VIRGINIA

City of Williamsburg & County of James City		
 Circuit Court: This PLAT was recorded on	 	
 at <u>8:43</u> AM/PM/. PB PG =	 	
 DOCUMENT # 070015568 -	 	
 BETSY B. WOOLRIDGE, CLERK		
 Retsy & Woodridge Clerk -		
REVISION / COMMENT / NOTE	REVISED By	reviewed By

Designed	Drawn	
AES	MLH	
Scale	Date	
1"=60'	5/14/07	
Project No.		
6632-9-01-B		
Drawing No.		
2 OF 2		