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LEGAL DESCRIPTIONS FROM TITLE POLICY

Parcel I:

Part of Lot One (1), Certified Survey Map No. 4680 filed in the Office of the Register of Deeds for Winnebago County, Wisconsin on November 29, 2000, in Volume 1, on Page 4680, as Document No. 1112827, being part of the Northeast 1/4 of the Northeast 1/4 of Section 11, Township 20 North, Range 17 East, City of Menasha and Town of Menasha, Winnebago County, Wisconsin, and described as follows: Commencing at the Northeast corner of said Section 11; thence S89°37'06"W (recorded as S89°40'W), 210.00 feet along the North line of said Northeast 1/4; thence S01°11'22"E, 32.83 feet (recorded as S01°39'E, 33.00 feet) to the South right-of-way line of Midway Road and the Northwest corner of lands described in Document No. 1021159 and the point of beginning; thence continuing S01°11'22"E (recorded as S01°39'E), 300.00 feet along the West line of said described lands to the Southwest corner thereof; thence N89°40'00"E, 150.00 feet along the South line of said described lands to the Southeast corner thereof; thence S01°11'22"E, 86.34 feet (recorded as S01°39'E, 86.50 feet) along the West right-of-way line of Appleton Road (S.T.H. 47) to the Northeast corner of lands described in Volume 864 of Deeds on page 210; thence S89°40'00"W, 150.00 feet along the North line of said described lands to the Northwest corner thereof; thence S01°11'22"E (recorded as S01°39'E), 242.60 feet along the West line of said described lands and its extension Southerly to the start of a 1700.00 foot radius curve to the right; thence 144.78 feet (recorded as 145.8') along the arc of said curve having a 144.71 foot chord which bears S01°15'00"W to the Northeast corner of lands described in Document No. 705822 as evidenced and occupied and to a found 1" diameter iron pipe; thence N89°50'20"W, 150.85 feet (recorded as S89°40'W, 151.00 feet) along the North line of said described lands as evidenced and occupied to a found 1" diameter iron pipe and the start of a 50.00 foot radius curve to the right; thence 24.42 feet along the arc of said curve having a 24.18 foot chord which bears S74°30'31"W and to a found 1" diameter iron pipe; thence S00°50'01"E, 80.22 feet (recorded as S01°39'E, 80.00 feet) along the West line of said described lands as evidenced and occupied to the Southwest corner thereof and to a found 1" diameter iron pipe; thence S89°33'20"W, 283.88 feet (recorded as Westerly, 283.4 feet); thence N00°18'30"W (recorded as N01°39'W), 245.95 feet to the South right-of-way line of Parkside Drive; thence N89°40'00"E, 80.00 feet along said South line; thence N00°18'30"W, 818.84 feet along the East right-of-way line of said Parkside Drive to the South right-of-way line of Midway Road; thence N89°40'00"E, 381.18 feet along said South line to the point of beginning, less and excepting the following described premises conveyed for road purposes: Part of Lot One (1) of Certified Survey Map No. 4680 being part of the Northeast 1/4 of the Northeast 1/4 of Section 11, Township 20 North, Range 17 East, City of Menasha, Winnebago County, Wisconsin described as follows:

Beginning at the Northeast corner of Lot 1 of said Certified Survey Map No. 4680; Thence along the East line of Lot 1 of said Certified Survey Map No. 4680, S01°11'22"E, 18.00 feet; Thence S89°40'00"W, 280.00 feet; Thence N86°24'57"W, 131.73 feet; Thence along the East right-of-way of Parkside Drive, N00°18'30"W, 7.00 feet; Thence along the existing South right-of-way of C.T.H. "AP" (Midway Road), N89°40'00"E, 381.18 feet to the point of beginning.

Parcel II:

That part of the North 27 acres of the Northeast 1/4 of Section 11, Township 20 North, of Range 17 East, in the Town of Menasha, Winnebago County, Wisconsin, described as follows, viz.: Commencing at the Northeast corner of said Section; thence West, along the North line of said Section, 60 feet, to the Westerly line of State Trunk Highway No. 47; thence South 139° East, along the Westerly line of said Highway, 843.5 feet, the place of beginning; thence West, parallel with the North line of said Section, 150 feet; thence South 139° East, 22.8 feet, to point of curvature of a 1700.00 foot radius curve to the right; thence Southwesterly along the line of said 1700.00 foot radius curve to the right, 145.8 feet; thence East, parallel with the North line of said Section, to the Westerly line of said Highway; thence Northerly along line Westerly line of said Highway, to the place of beginning.

Part of Tax Key No. 704-0783-09 (Parcel I) and all of 008-0337-03 (Parcel II)

Property Address: 1151 Midway Road (Parcel I), and 1434 Appleton Road (Parcel II), Menasha, WI *Address, as provided with application for title insurance and shown here only for reference*

NOTES:

THIS SURVEY HAS BEEN PREPARED USING A TITLE POLICY PREPARED BY EVANS TITLE COMPANIES, COMMITMENT NO. 748076, DATED MAY 3, 2004.

- 1) THIS PROPERTY IS SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS, IF ANY, AS SET FORTH IN INSTRUMENT RECORDED SEPTEMBER 12, 2003 AS DOCUMENT NO. 1277164 (PERPETUAL EASEMENT FOR THE PASSAGE OF VEHICLES OVER AND ACROSS THE ACCESS DRIVES OF THE PRIMARY PARCEL AND OUTPARCEL)
- 2) THIS PROPERTY IS SUBJECT TO A UTILITY EASEMENT GRANTED BY ARTHUR HUELSBECK AND IDA HUELSBECK TO WISCONSIN MICHIGAN POWER COMPANY BY AN INSTRUMENT DATED JANUARY 8, 1946, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS ON JANUARY 18, 1946 IN VOLUME 537, PAGE 147 AS DOCUMENT NO. 131382 (LOCATION OF EASEMENT SHOWN ON THE SURVEY MAP).
- 3) THIS PROPERTY IS SUBJECT TO AN EASEMENT AGREEMENT WITH COVENANTS AND RESTRICTIONS, RECORDED JANUARY 11, 2000 AS DOCUMENT NO. 1083173 (A NON-EXCLUSIVE, PERPETUAL EASEMENT FOR THE PASSAGE OF VEHICLES OVER AND ACROSS THE ACCESS DRIVES AFFECTING THE SUPERVALU TRACT AND THE CGT TRACT AS SHOWN ON THE SURVEY MAP)
- 4) THIS PROPERTY IS SUBJECT TO RESERVATIONS FOR EASEMENTS, BUILDING SETBACKS LINES AND OTHER MATTERS SHOWN ON THE RECORDED CERTIFIED SURVEY MAP NO. 4680 (AS SHOWN ON THE SURVEY MAP AND NOTED BELOW)

NOTE:

CROSS ACCESS EASEMENTS ARE TO BE DESCRIBED AND RECORDED BY A SEPARATE INSTRUMENT TO PROVIDE ACCESS OVER LOT 1 OF THIS CSM TO THE UNPLATTED PORTION OF LANDS AS DESCRIBED IN DOCUMENT NO. 1021159 LYING NORTHEAST OF AND ADJACENT TO SAID LOT 1. THE LOCATION OF THIS EASEMENT IS TO BE DETERMINED UPON THE MUTUAL AGREEMENT BETWEEN PROPERTY OWNERS AND DOCUMENTED BY A SEPARATE INSTRUMENT.

S.T.H. 47 SETBACK RESTRICTIONS:

NO IMPROVEMENTS OR STRUCTURES ARE ALLOWED BETWEEN THE RIGHT-OF-WAY LINE OF STATE HIGHWAY 47 AND THE HIGHWAY SETBACK LINE EXCEPT AS PROVIDED BELOW. IMPROVEMENTS AND STRUCTURES INCLUDE, BUT ARE NOT LIMITED TO, SIGNS, PARKING AREAS, WELLS, SEPTIC SYSTEMS, DRAINAGE FACILITIES, BUILDINGS AND RETAINING WALLS, EXCEPT THAT ONE PYLON SIGN, LANDSCAPING, AN ACCESS DRIVEWAY AND CURB CUT AND UTILITIES SHALL BE ALLOWED WITHIN THIS SETBACK BY A SEPARATE AGREEMENT WITH THE OWNER OF LOT 1 AND THE WISCONSIN DEPARTMENT OF TRANSPORTATION. IT IS EXPRESSLY INTENDED THAT THIS RESTRICTION IS FOR THE BENEFIT OF THE PUBLIC AS PROVIDED IN SECTION 236.293, WISCONSIN STATUTES AND SHALL BE ENFORCEABLE SOLELY BY THE WISCONSIN DEPARTMENT OF TRANSPORTATION OR ITS ASSIGNS.

ACCESS RESTRICTION:

AS OWNER I HEREBY RESTRICT LOT ONE (1) SO THAT NO OWNER, POSSESSOR, USER, LICENSEE OR OTHER PERSON MAY HAVE ANY RIGHT OF DIRECT VEHICULAR ACCESS OR EGRESS TO ANY HIGHWAY LINE WITHIN THE RIGHT-OF-WAY OF S.T.H. 47 EXCEPT FOR ONE ACCESS POINT AS PROVIDED BELOW. IT IS EXPRESSLY INTENDED THAT THIS RESTRICTION CONSTITUTE A RESTRICTION FOR THE BENEFIT OF THE PUBLIC AS PROVIDED IN S. 236.293 WISCONSIN STATUTES AND MAY BE ENFORCEABLE SOLELY BY THE DEPARTMENT OR ITS ASSIGNS.

IF OWNER ACQUIRES THE LOT DESCRIBED IN VOLUME 864 DEEDS, PAGE 431 ("UNPLATTED LANDS") AND THE USE OF THE UNPLATTED LANDS IS CHANGED TO COMMERCIAL, OWNER AGREES THAT THERE SHALL BE NO RIGHT OF ACCESS TO S.T.H. 47 OR APPLETON ROAD AND OWNER AGREES THAT INTERNAL ACCESS SHALL BE PROVIDED TO LOT 1 FROM SUCH UNPLATTED LANDS. OWNER AGREES TO PROVIDE INTERNAL ACCESS TO UNPLATTED LANDS ON THE CONDITION THAT THE WISCONSIN DEPARTMENT OF TRANSPORTATION SHALL PERMIT A SECOND ACCESS POINT TO STATE TRUNK HIGHWAY 47 OR APPLETON ROAD AT THE SOUTH END OF LOT 1 OVER LANDS AS DESCRIBED IN DOCUMENT NUMBER 01068646.

THE ENTRANCE TO THE INTERNAL ROAD FROM THE ACCESS POINT TO STATE HIGHWAY 47 OR APPLETON ROAD FROM LOT 1 AS SHOWN ON THE CSM SHALL BE AT LEAST 135 FEET FROM THE APPLETON ROAD EDGE OF PAVEMENT.

IN THE EVENT THAT THE WISCONSIN DEPARTMENT OF TRANSPORTATION OR THE CITY OF MENASHA EXTENDS THE MEDIAN ALONG STATE HIGHWAY 47 SUCH THAT THE ENTRANCE TO LOT 1 AS SHOWN ON THE CSM BECOMES A RIGHT-IN/OUT ENTRANCE ONLY, THEN A SECOND ACCESS POINT SHALL BE GRANTED AT THE SOUTH END OF LOT 1 OVER LANDS AS DESCRIBED IN DOCUMENT NUMBER 01068646.

AGREEMENT FOR WAIVER OF DAMAGES

THE FOLLOWING WAIVER IS HEREBY GRANTED:

THE STATE OF WISCONSIN, DEPARTMENT OF TRANSPORTATION, HEREBY AGREES TO GRANT A VARIANCE FOR THE CONSTRUCTION OF ONE SUPER VALUE SIGN APPROXIMATELY 16 FEET IN HEIGHT X 10 FEET IN WIDTH IN SIZE AND PLACED WHERE IT WILL NOT CAUSE A VISION PROBLEM WITHIN THE SETBACK LIMITS AS SET FORTH BY ADMINISTRATIVE RULE TRANS 233. GRANTEE(S) HEREBY AGREE(S) TO WAIVE ANY AND ALL CLAIMS AGAINST THE STATE OF WISCONSIN, DEPARTMENT OF TRANSPORTATION, FOR DAMAGES OR COSTS OF COMPENSATION HEREFTER INCURRED BY RECONSTRUCTION OF ANY OF THE PRESENT ADJUTING ROADWAYS. IT IS UNDERSTOOD THAT THIS WAIVER OF DAMAGES APPLIES TO BUILDINGS AND ANY OTHER IMPROVEMENTS CONSTRUCTED WITHIN THIS AREA BEING SOLD BY THE GRANTOR, WHICH IS ALSO THE SUBJECT OF THE VARIANCE. IN THE EVENT THAT THE STATE OF WISCONSIN WOULD REQUIRE ANY ADDITIONAL RIGHT-OF-WAY WITHIN THE AREA SUBJECT TO THE VARIANCE, THE STATE WOULD PAY ONLY FAIR MARKET VALUE OF THE LAND AS IF VACANT. THE STATE WOULD NOT BE OBLIGATED TO PAY FOR ANY IMPROVEMENTS CONSTRUCTED WITHIN THE AREA SUBJECT TO THE VARIANCE. FURTHER, THE STATE WOULD NOT BE OBLIGATED TO PAY ANY SEVERANCE DAMAGES TO THE LAND, BUILDINGS, OR OTHER IMPROVEMENTS REMAINING ON THE LOT AFTER THE RIGHT OF ACQUISITION SHOULD THE STATE DEEM IT NECESSARY TO ACQUIRE LAND LOCATED OUTSIDE THE AREA SUBJECT TO THE VARIANCE FROM THE GRANTEE. COMPENSATION SHALL BE AS PRESCRIBED BY THE RULES GOVERNING JUST COMPENSATION IN SECTION 32.09 OF THE WISCONSIN STATUTES.

WE FURTHER AGREE THAT THE ABOVE CONDITION SHALL APPLY TO AND BIND OUR HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS, AND ASSIGNS.

5) THIS PROPERTY IS SUBJECT TO A UTILITY EASEMENT GRANTED BY ARTHUR HUELSBECK AND IDA HUELSBECK TO WISCONSIN MICHIGAN POWER COMPANY AND WISCONSIN TELEPHONE COMPANY BY AN INSTRUMENT DATED JULY 27, 1959, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS ON AUGUST 10, 1959, IN VOLUME 816 MISCELLANEOUS PAGE 473. - ASSIGNMENT OF EASEMENT RIGHTS BY WISCONSIN ELECTRIC POWER COMPANY TO MENASHA ELECTRIC AND WATER UTILITIES BY ASSIGNMENT DATED JUNE 23, 2000 AND RECORDED DECEMBER 12, 2000 AS DOCUMENT NO. 1113807 (LOCATION SHOWN ON THE SURVEY MAP).

6) PARCEL 2 IS SUBJECT TO COVENANTS CONDITIONS AND RESTRICTIONS CONTAINED IN WARRANTY DEED EXECUTED BY ARTHUR H. HUELSBECK AND IDA HUELSBECK, HIS WIFE TO OSCAR C. JOHNSON AND MARCELLA JOHNSON, HIS WIFE, DATED JANUARY 31, 1961 AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS ON FEBRUARY 15, 1961 IN VOLUME 958 OF RECORDS PAGE 319. (SHALL BE USED FOR RESIDENTIAL PURPOSES ONLY - MINIMUM FLOOR AREA OF 720 SQUARE FEET).

7) PARCEL 2 IS SUBJECT TO A UTILITY EASEMENT BY AN INSTRUMENT RECORDED NOVEMBER 19, 1999 AS DOCUMENT NO. 1079428. (LOCATION SHOWN ON THE SURVEY MAP)

ZONING CODES:

City of Menasha (Parcel 1 Zoned C-3 Business & Office District)

- (1) General Standards:
 - (A) Minimum Lot size = 20,000 square feet
 - (B) Minimum front yard setback: 25 feet for structures 10 feet for parking and paved areas.
 - (C) Minimum side yard: 10 feet for structures, parking and paved areas.
 - (D) Minimum rear yard: 25 feet for structures 10 feet for parking and paved areas
 - (E) Maximum building height: 45 feet or 3 stories.
 - (F) Maximum lot coverage of buildings shall not exceed thirty percent (30%).

ZONING CODES:

Town of Menasha (Parcel 2 Zoned B-3 General Business)

- (1) General Standards:
 - (A) Minimum street side setback: 50 feet for structures
 - (B) Minimum side yard: 7 feet for one side 10 feet on the other side.
 - (C) Minimum rear yard: 25 feet for structures
 - (D) Maximum building height: 35 feet.

NOTES:

THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.

SIXTEEN (16) FEET OF RIGHT-OF-WAY ACQUISITION IS PROPOSED ALONG THE SOUTH RIGHT-OF-WAY LINE OF MIDWAY ROAD. THIS CONVEYANCE IS CURRENTLY IN THE PROCESS. (THE LOCATION IS SHOWN ON THE SURVEY MAP). THERE IS OBSERVABLE EVIDENCE OF RECENT SIDEWALK CONSTRUCTION ALONG THE EAST RIGHT-OF-WAY LINE OF PARKSIDE DRIVE.

THERE IS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

AT THE TIME OF THIS SURVEY SNOW COVER AND/OR SNOW STOCKPILES EXISTED WHICH MAY AFFECT THE FIELD LOCATING OF SITE IMPROVEMENTS.

LANDSCAPING NOT SHOWN

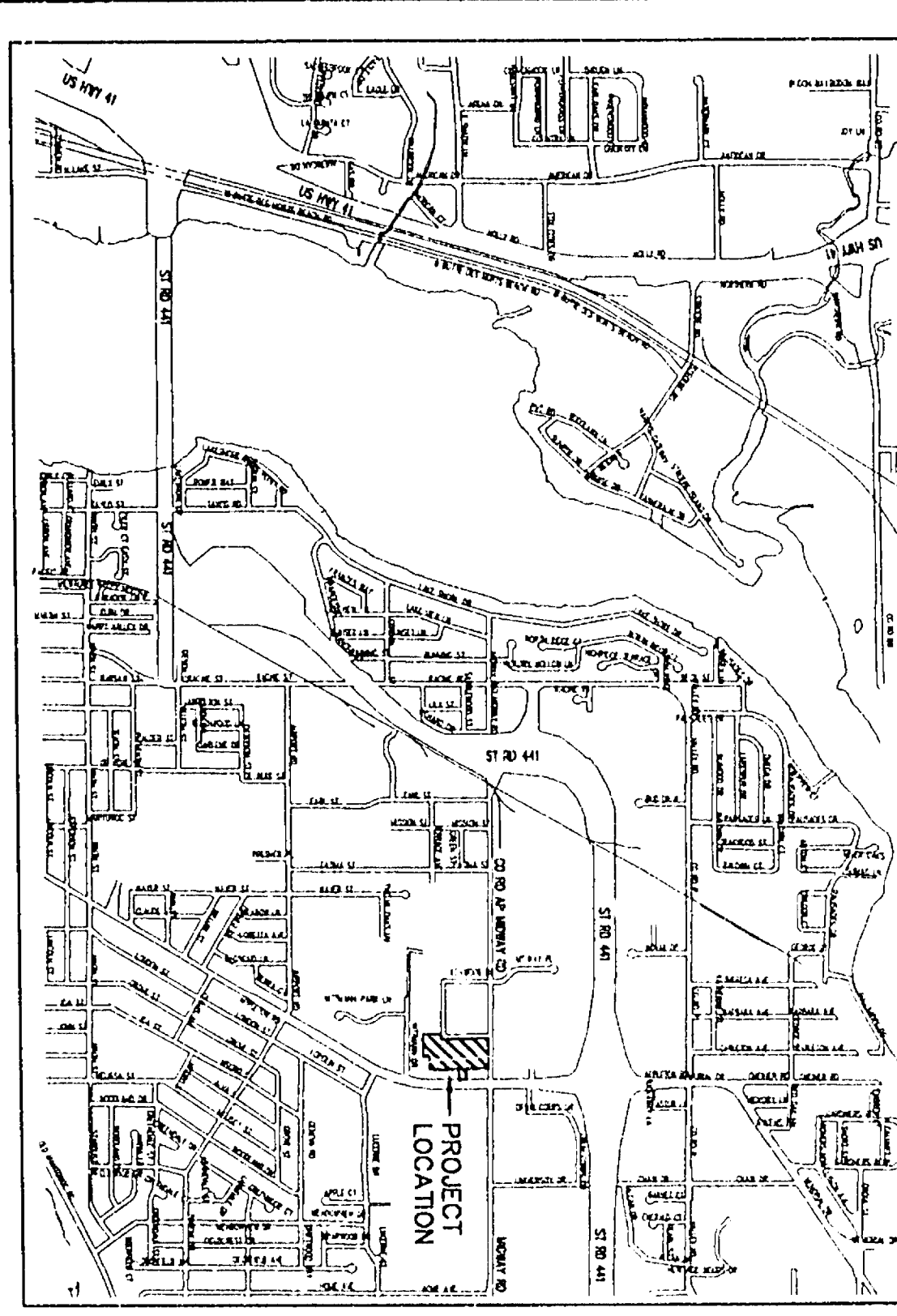
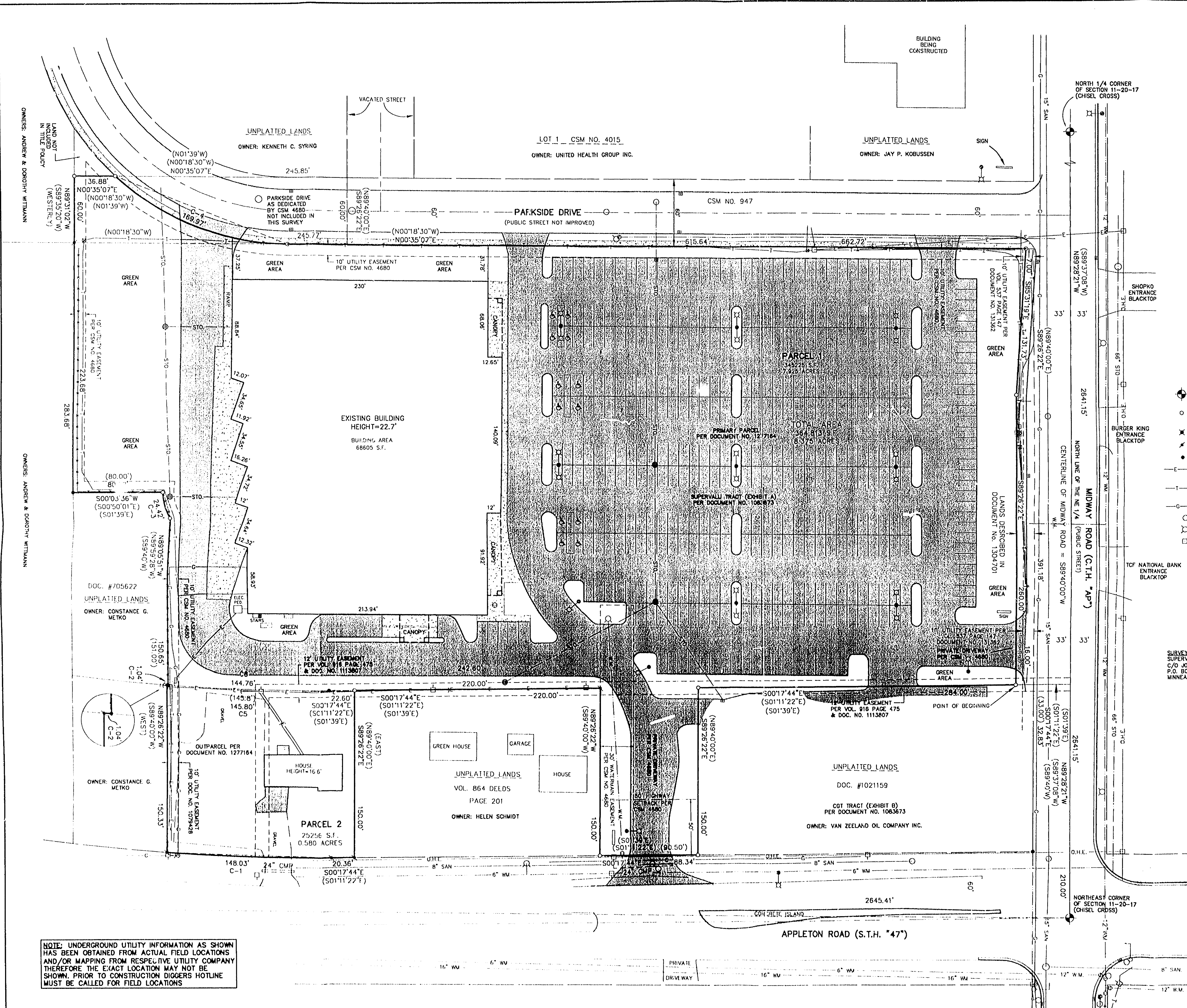
This property is not located within an area having a flood zone by The Federal Emergency Management Agency (FEMA), on flood insurance rate map No. 0110 E with a date of identification of March 17, 2003 for community No. 66136C0010 E, in Winnebago County, State of Wisconsin, which is the current flood insurance rate map for the community in which said premises is situated.



SCALE 1" = 40'	DATE MARCH, 2004	PROJECT NO. ST012 940278.00
SHEET NO. 2		
FILE NO. L-09630		
DESIGNED DRAWN DEW CHECKED		
MADISON ENGINEERS & ARCHITECTS, INC. #PROFESSIONAL SURVEYORS ASSOCIATES, INC. #SURVEYORS 1445 Midway Drive Menasha, WI 54956 P.O. Box 1025 Menasha, WI 54957-1025 TEL 920-751-4200 FAX 920-751-4284		
REASON Certificate & Revised Title Policy		

ALTA/ACSM LAND TITLE SURVEY
SUPervalu INC, 1151 MIDWAY ROAD
CITY/TOWN OF MENASHA

city of menasha 5/11/2004



- LEGEND**
- CERTIFIED LAND CORNER WINNEBAGO COUNTY
 - 3/4" X 24" ROUND IRON REBAR WEIGHING 1.5 LBS./LINEAL FT. SET
 - 1 1/4" ROUND STEEL REBAR FOUND
 - 3/4" ROUND STEEL REBAR FOUND
 - 1" PIPE FOUND
 - UNDERGROUND AND/OR ABOVE GROUND ELECTRIC
 - UNDERGROUND AND/OR ABOVE GROUND TELEPHONE
 - UNDERGROUND GAS
 - MANHOLE
 - HYDRANT
 - POWER POLE
 - LIGHT POLE
 - ANCHOR
 - CATCH BASIN
 - TELEPHONE PEDESTAL
 - EXISTING CURB & GUTTER
 - FENCE LINE
 - W.M. - WATER MAIN
 - STO. - STORM SEWER
 - SAN. - SANITARY SEWER
 - CONCRETE PAVEMENT
 - AS. PAVEMENT
 - RECORDED BEARING AND/OR DISTANCE

BEARINGS ARE REFERENCED TO THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 20 NORTH, RANGE 17 EAST, CITY OF MENASHA, WINNEBAGO COUNTY, WISCONSIN, WHICH BEARS N89°28'21"W PER WINNEBAGO COUNTY COORDINATES.

SCALE - FEET

40 20 0 20 40

PARKING STALL COUNT
THIS SITE CONTAINS
392 STANDARD PARKING STALLS
12 HANDICAPPED STALLS

PER CITY OF MENASHA CODE OF ORDINANCES
ARTICLE "E", SECTION 13-1-1-5(C)(20)
SUPERMARKETS, DISCOUNT HOUSES, MAIL ORDER OUTLETS, RETAIL STORES, AND OTHER STORES WITH HIGH CUSTOMER VOLUME: AT LEAST ONE PARKING SPACE FOR EACH TWO HUNDRED SQUARE FEET OF PUBLICLY USED FLOOR AREA.
(68,605 S.F. / 200 = 343 REQUIRED PARKING STALLS)

CURVE DATA:

CURVE	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD LENGTH	ARC LENGTH
1	1850.08'	04°35'04"	S01°55'40"W	147.89'	148.03'
2	1700.08'	03°22'13"	N04°35'02"E	1.04'	1.04'
3	50.00'	27°59'00"	S75°33'08"W	24.18'	24.42'
4	230.00'	42°20'33"	N21°45'24"E	168.13'	169.67'
5	1700.08'	04°54'50"	N02°09'41"E	145.76'	145.80'
6	1700.08'	04°52'43"	S02°08'37"W	144.71'	144.76'

CERTIFICATION
The undersigned hereby certifies, as of May 26, 2004, to Wacheva Bank, National Association and its successors and assigns, Stoughton Plaza, LLC, a Wisconsin limited liability company, SUPERVALU Holdings Inc. (a Missouri Corporation), and First American Title Insurance Company that he is a duly registered land surveyor of the State of Wisconsin; that this plot of survey is made at least in accordance with the minimum standards established by said state for surveys and land surveys and with the minimum detail requirements for land title surveys as adopted by the American Land Title Association and American Congress on Surveying and Mapping; 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 is no visible easement or right of way across said premises or any other easement or right 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.

Dated: 5-26-04
[Signature]
Registered Land Surveyor
Registration No. 5-1284

DESIGNED		DRAWN		CHECKED	
NO.	DATE	NO.	DATE	NO.	DATE
1	5-26-04				

REVISION

NO.	DATE	REVISION
1	5-26-04	Certificate & Revised Title Policy

PROJECT INFORMATION

ENGINEERS: **McMahon Associates, Inc.**
PROJ. NO.: **1445**
SHEET NO.: **1**
DATE: **5-26-04**
PROJECT NO.: **ST013 940278.00**

CLIENT INFORMATION

ALTA/ACSM LAND TITLE SURVEY
SUPERVALU INC., 1151 MIDWAY ROAD
CITY/TOWN OF MENASHA

FILE NO.
L-09630

CITY OF MENASHA 5/11/2004 R10