

GENERAL NOTES

- All bearing are observed magnetic north as of 2007.
- The surveyed premises contains 21.1 Acres or 919,952.1 square feet.
- The locus parcel is identified on the Town of Waterville, Tax Assessors Map 61, Lot 80.
- There are no observable evidences of Cemeteries.

SCHEDULE B TITLE EXCEPTION NOTES

This Survey is based on a title report prepared by First American Title Insurance Company, Policy No. 102202529 MEO, dated April 14, 2007 at 4:30 p.m. Items not listed below are standard title exceptions and/or are not matters or issues that pertain to this survey.

- Sewer easement from Jennie B. Flood and Charles A. Wood to Waterville Sewerage District as set forth in an instrument dated December 8, 1961 and recorded in the Kennebec County Registry of Deeds in Book 1248 Page 120. Affects property, but cannot be plotted.
- Rights and easements granted to Central Maine Power Company by Lewis Rosenthal and Robert Rosenthal, Trustees of the Waterville Shopping Trust in an instrument dated January 18, 1974 and recorded in the Kennebec County Registry of Deeds in Book 1707, Page 62, which rights were confirmed in an Easement granted to Elm Plaza Corporation as set forth in an instrument from Foresite, Inc. dated November 1, 1990 and recorded in the Kennebec County Registry of Deeds in Book 3840, Page 36. Affects property, but cannot be plotted.
- Rights and easements to use a 30 foot wide private sewer line as set forth in an instrument from Foresite, Inc. to Elm Plaza Corporation dated August 29, 1990 and recorded in the Kennebec County Registry of Deeds in Book 3798 Page 45. Affects property, as shown on plot.
- Rights, easements, covenants and conditions set forth in a Perpetual Drainage Easement by and between Foresite, Inc., Elm Plaza Corporation and Arlyne R. Sacks and Waterville Sewerage District as set forth in an instrument dated October 16, 1991 and recorded in the Kennebec County Registry of Deeds in Book 4005, Page 171. Affects property, but cannot be plotted.
- Rights, easements, restriction, terms, conditions related to non-exclusive access, drainage and limited use restrictions as set forth in Agreement of Easements and Restrictive Covenants and Memorandum of Option by and among OM Minot Associates, L.L.C., OM Crystal River Associates, L.L.C. and Lafayette Waterville, Inc. dated February 16, 2001 and recorded in the Kennebec County Registry of Deeds in Book 6408, Page 191. Affects property, but cannot be plotted.
- Such state facts as shown on a plan entitled *Subdivision Plat-Waterville Commons, Route 104 a.k.a. Main Street, City of Waterville, Kennebec County, State of Maine*, prepared by Survey & Geodetic Consultants, Inc., dated March 8, 2001, revised through March 27, 2001, and recorded in the Kennebec County Registry of Deeds in Book E-2001, Pages 035 and 036. Does not affect property.
- Rights, easements, obligations and restrictions set forth in a Reciprocal Easement and Operation Agreement ("REA") by and between Waterville Commons Associates, L.L.C. WCCA Associates, Inc., HD Waterville Commons Associates, L.L.C. and Home Depot U.S.A., Inc., dated June 22, 2001, and recorded in the Kennebec County Registry of Deeds in Book 6526, Page 154, as affected by a First Amendment to Reciprocal Easement and Operation Agreement dated June 22, 2004 and recorded in said registry in Book 8010, Page 252. Affects property, but cannot be plotted.
- Rights and easements granted to Central Maine Power Company and New England Telephone & Telegraph Company by Waterville Commons Associates, L.L.C. in an instrument dated September 6, 2001 and recorded in the Kennebec County Registry of Deeds in Book 6643, Page 241. Affects property, but cannot be plotted.
- Rights and easements granted to Central Maine Power Company and Verizon New England, Inc. by Waterville Commons Associates, L.L.C. in an instrument dated November 19, 2001 recorded in the Kennebec County Registry of Deeds in Book 6735, Page 262. Affects property, but cannot be plotted.
- Rights and easements as set forth in an instrument from WCCA Associates, Inc. to Webber Oil Company, dated July 25, 2002 and recorded in the Kennebec County Registry of Deeds in Book 7000, Page 161. Affects property, but cannot be plotted.
- Terms and conditions of a Department of Environmental Protection Site Location Order, dated November 18, 2003 and recorded in the Kennebec County Registry of Deeds in Book 7758, Page 321. Affects property, but cannot be plotted.

POTENTIAL ENCROACHMENT NOTES

No Potential Encroachments Found.

ZONING NOTES

Zoned: Commercial-No Restrictions.
Existing site conditions appear to fall within permitted uses as listed in the City of Waterville's Zoning Regulations Section B-C.
Zoning Regulations are subject to interpretation, for further Zoning information contact:

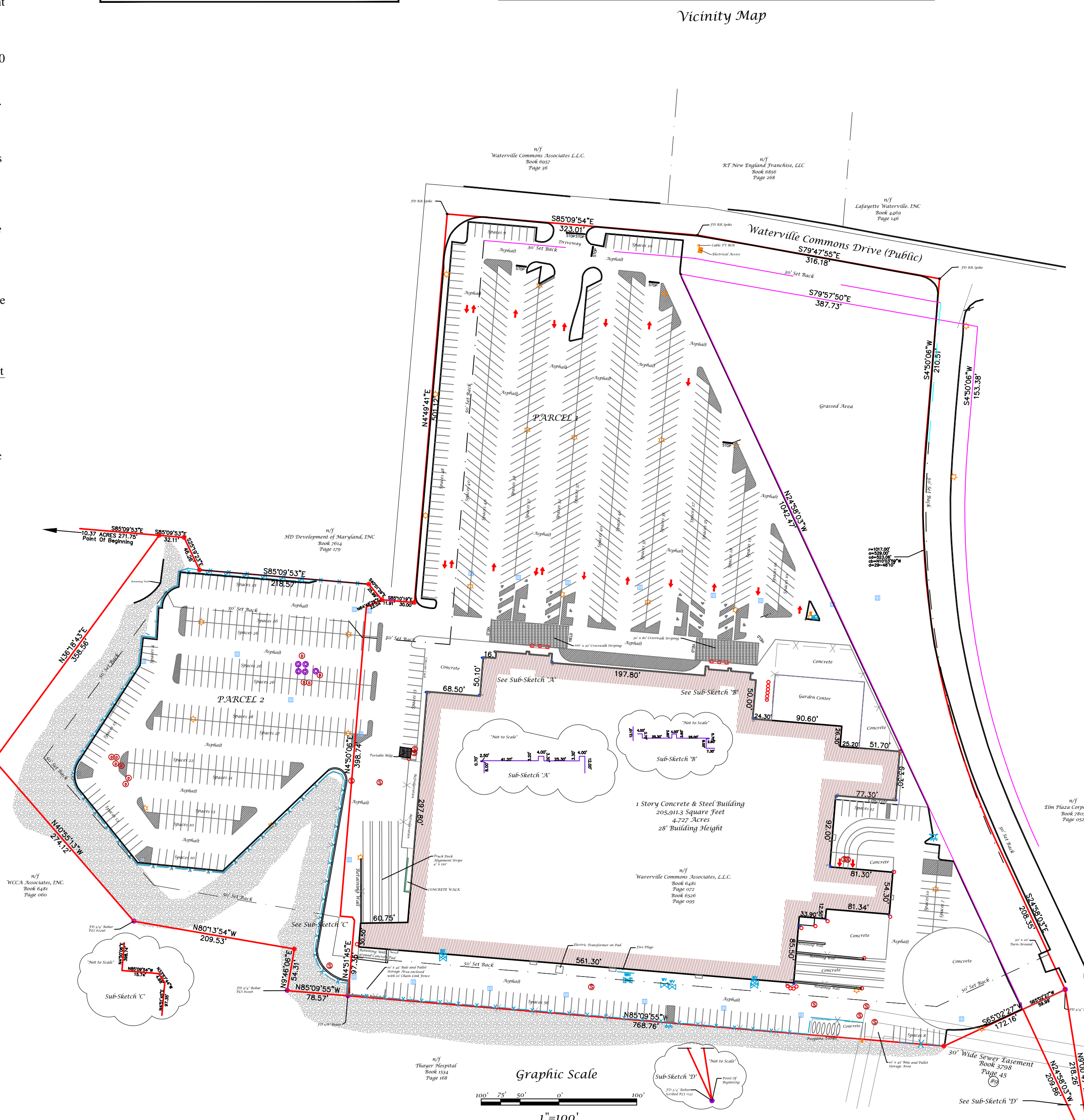
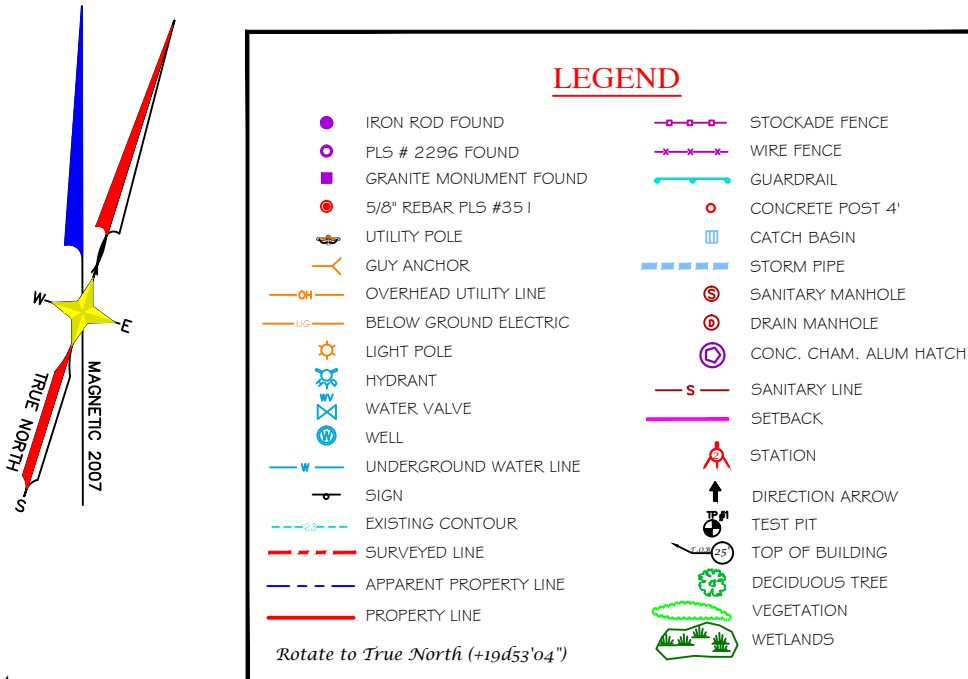
Garth W. Collins
Director of Inspections
(207) 680-4231

- Bulk Regulations:**
- Maximum building height: 35 foot maximum
 - Maximum floor area ratio: No restrictions
 - Minimum yard requirements:
Front: 30 foot minimum
Side: 50 foot minimum
Rear: 50 foot minimum

- Parking Tabulation:**
- 0 Regular parking spaces required - 922 spaces provided.
 - 0 Handicap parking spaces required - 18 spaces provided.
 - 0 Total parking spaces required - 940 spaces provided.

FLOOD ZONE NOTES

By graphic plotting only, this property is in Zone X of the Flood Insurance Rate Map, Community Panel No. 230070-00, which bears an effective date of May 7, 2001, and is not in a Special Flood Hazard Area. Zone X represents an area outside of the 100 year flood plain.



SEE SECOND SHEET FOR LARGER VIEW

Boynton & Pickett L.L.C.
PROFESSIONAL LAND SURVEYOR
922 East River Road Skowhegan, Maine 04976
Phone: (888) 474-0016 Fax: 207-474-8183
Email: whboynton@aol.com

DRAWING DATA	REVISION DATES
SCALE: 1" = 100'	4/13/07
DRAWN BY: WHB	4/17/07
CHECKED BY: JMP	4/18/07
DWG. No.: MKAWM040307WTVL	

LEGAL DESCRIPTION

Wal-Mart
Real Estate Business Trust
Book 8279 Page 324
Kennebec County, Maine

EXHIBIT A

Parcel 1

A certain lot or parcel of land, with the buildings or improvements thereon, situated southerly of Interstate 95 and westerly of Main Street in the City of Waterville, County of Kennebec and State of Maine, being more particularly described as follows:

Commencing at a point depicted on a plan entitled Standard Boundary Survey - Showing Tax Map Lots-61-60, 61-50, 61-60 61-70, 61-80, 62-3 And a Portion Of 61-90 - in Waterville, Maine - Kennebec County, prepared for Cedarwood Development, Inc., prepared by James W. Sewall Company, dated 21 July 1999, as the southeasterly corner of a parcel of land formerly of Foresite, Inc. Said parcel being depicted on the 1999 City of Waterville Tax Assessor's Map 61 as Lot 80. Said point is marked by a rebar with a cap marked "1132", 0.9' above ground, thence:

- N 09° 00' 47" W a distance of two hundred eighteen and 26/100 (218.26)' feet, to a point at the southeasterly corner of the herein described parcel. Said point being the Point of Beginning;
- Thence S 65° 02' 27" W a distance of one hundred seventy-two and 16/100 (172.16)' feet, to a point;
- Thence N 85° 09' 55" W a distance of seven hundred sixty-eight and 76/100 (768.76)' feet to a point;
- Thence N 04° 51' 45" E a distance of ninety-seven and 35/100 (97.35)' feet to a point;
- Thence N 33° 57' 44" W a distance of four and 68/100 (4.68)' feet, to a point;
- Thence N 85° 09' 54" W a distance of fifteen and 74/100 (15.74)' feet, to a point;
- Thence N 04° 50' 06" E a distance of three hundred ninety-eight and 74/100 (398.74)' feet, to a point;
- Thence N 64° 49' 41" E a distance of twenty-two and 04/100 (22.04)' feet to a point;
- Thence S 85° 10' 19" E a distance of eleven and 91/100 (11.91)' feet to a point;
- Thence S 85° 10' 19" E a distance of thirty and 00/100 (30.00)' feet to a point;
- Thence N 04° 49' 41" E a distance of five hundred one and 12/100 (501.12)' feet to a point;
- Thence S 85° 09' 54" E a distance of three hundred twenty-three and 01/100 (323.01)' feet, to a point;
- Thence S 79° 47' 55" E a distance of three hundred sixteen and 18/100 (316.18)' feet, to a point;
- Thence S 04° 50' 06" W a distance of two hundred ten and 51/100 (210.51)' feet to a point of curvature;
- Thence southerly and easterly along a curve to the left a delta angle of 29° 48' 10", a radius of one thousand seven hundred and 11/100 (1017.00)' feet and an arc distance of five hundred twenty-nine and 00/100 feet (529.00)' feet, to a point of tangency;
- Thence S 24° 58' 03" E a distance of two hundred eight and 35/100 (208.35)' feet to the point of beginning.

Parcel 2

ALSO, a certain lot or parcel of land, with the buildings or improvements thereon, situated southerly of Interstate 95 and westerly of Main Street in the City of Waterville, County of Kennebec and State of Maine, being more particularly described as follows:

BEGINNING at a point marking the southerly line of a 10.37 acre parcel of land designated as the "Home Depot Parcel" on a plan entitled *Subdivision Plat-Waterville Commons, Route 104 a.k.a. Main Street, City of Waterville, Kennebec County, State of Maine*, prepared by Survey & Geodetic Consultants, Inc. of Westbrook, Maine and recorded in the Kennebec County Registry of Deeds in Plat Book E-2001, Page 036. Said point is located N 85° 09' 53" E a distance of two hundred seventy-one and seventy-five hundredths (271.75)' feet from the southeasterly corner of said Home Depot Parcel;

- Thence S 85° 09' 53" E by and along the southerly line of said Home Depot Parcel a distance of thirty-two and eleven hundredths (32.11)' feet to an angle point;
- Thence S 25° 19' 23" E by and along the southerly line of said Home Depot Parcel a distance of forty-six and twenty-six hundredths (46.26)' feet to an angle point;
- Thence S 85° 09' 53" E by and along the southerly line of said Home Depot Parcel a distance of two hundred eighteen and fifty-seven hundredths (218.57)' feet to an angle point;
- Thence S 40° 01' 29" E by and along the southerly line of said Home Depot Parcel a distance of twenty-five and ninety nine hundredths (25.99)' feet to a point on the westerly line of a 16.98 acre Retained Parcel as shown on the above referenced Subdivision Plat;
- Thence S 64° 48' 29" W by and along the westerly line of said Retained Parcel a distance of twenty-two and four hundredths (22.04)' feet to an angle point;
- Thence S 04° 50' 06" W by and along the westerly line of said Retained Parcel a distance of three hundred ninety-eight and seventy-four hundredths (398.74)' feet to an angle point;
- Thence S 85° 09' 54" E by and along the westerly line of said Retained Parcel a distance of fifteen and seventy-four hundredths (15.74)' feet to an angle point;
- Thence S 33° 57' 44" E by and along the westerly line of said Retained Parcel a distance of four and sixty-eight hundredths (4.68)' feet to an angle point;
- Thence S 04° 51' 45" W by and along the westerly line of said Retained Parcel a distance of ninety-seven and thirty-five hundredths (97.35)' feet to a point marking the southwest corner of said retained parcel;
- Thence N 85° 09' 55" W a distance of seventy-eight and fifty-seven hundredths (78.57)' feet to a point on the easterly line of a 1.84 acre Preservation Easement as shown on the above referenced Subdivision Plat;
- Thence N 09° 46' 06" E by and along the easterly line of said Preservation Easement a distance of fifty-four and thirty-one hundredths (54.31)' feet to the northeasterly corner of said preservation easement;
- Thence N 80° 13' 54" W by and along the northerly line of said Preservation Easement a distance of two hundred nine and fifty-three hundredths (209.53)' feet to a point;
- Thence N 40° 55' 13" W a distance of two hundred seventy-four and twelve hundredths (274.12)' feet to a point;
- Thence N 36° 18' 43" E a distance of three hundred fifty-eight and fifty-six hundredths (358.56)' feet to the POINT OF BEGINNING.

Being the same tract of land described in the title prepared by First American Title Company Policy No. 102202529 MEO dated April 14, 2005 at 4:30 p.m.

EXHIBIT B

- The foregoing parcels are benefited by the following appurtenant rights and easements:
- a non-exclusive easement and right to the use of the curb cuts, roadways, driveways, aisles, walkways and sidewalks (but not parking areas) of the other Parcels shown on said subdivision plans for purposes of ingress, egress, passage and delivery by vehicles and pedestrians;
 - non-exclusive easements in, to, over, under and across the other Parcels in the development wherein no building structures are located for the purpose of installation, operation, maintenance, repair, replacements, removal and relocation of underground storm sewer lines, sanitary sewer pipes, septic systems, water and gas mains, electric power lines, telephone lines, and other underground utility lines ("Utility Lines") and signage; and
 - non-exclusive easements in, to, over, under and across the Common Parcels for the purpose of installation, operation, maintenance, repair, replacements, removal and relocation of drainage ponds and systems, including underground Utility Lines; all as more particularly described in an Agreement of Easements and Restrictive Covenants and Memorandum of Option dated February 16, 2001, and recorded in the Kennebec County Registry of Deeds in Book 6408, Page 191; and in a Reciprocal Easement and Operation Agreement dated June 22, 2001, and recorded in said registry in Book 6526, Page 154, as the latter has been amended by a First Amendment to Reciprocal Easement and Operation Agreement dated June 22, 2004 and recorded in said registry in Book 8010, Page 252.

ALTA/ACSM LAND TITLE SURVEYS CERTIFICATION

WAL-MART STORE, INC.
STORE #2013
80 WATERVILLE COMMONS DRIVE
KENNEBEC COUNTY, MAINE

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005, AND INCLUDES ITEMS 1-4, 6, 7(a), 7(b)(1), 7(c), 8, 9, 10, 11(B), AND 15 OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS, AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, THE UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF MAINE, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

JOHN M. PICKETT
STATE OF MAINE
PLS # 351
Date Of Survey: January 17, 2007
Date Of Last Revision: April 18, 2007

SURVEYORS SEAL

PROJECT NAME: Wal-Mart Stores, Inc. PROJECT No.: 1045-07-1173
ADDRESS: 80 Waterville Commons Drive CITY: Waterville STATE: Maine

MKA Associates, Inc.
A National Land Services Group

FOR INQUIRIES CONCERNING THIS SURVEY CONTACT:
6593 COMMERCE COURT - SUITE 100
WARRENTON, VIRGINIA 20187
PHONE: (540) 428-3550
FAX: (540) 428-3560

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