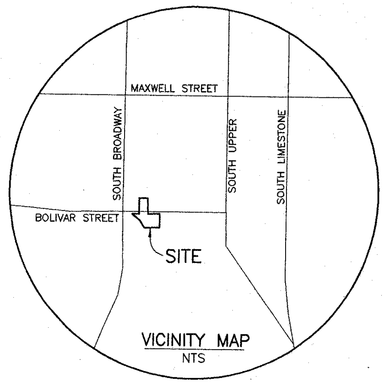


VICINITY MAP
NTS

LEGEND

- LIGHT POLE
- UTILITY POLE/ANCHOR
- OE ..... OVERHEAD ELECTRIC
- OT ..... OVERHEAD TELEPHONE
- CATV ..... OVERHEAD CABLE TV
- UE ..... UNDERGROUND ELECTRIC
- UT ..... UNDERGROUND TELEPHONE
- WATER METER
- WATER VALVE
- GAS VALVE
- GAS METER
- SANITARY MANHOLE
- CIRCULAR DRAINAGE BASIN
- FIRE HYDRANT
- ELECTRIC BOX
- CABLE TELEVISION
- TELEPHONE BOX
- WOOD FENCE
- WOVEN WIRE FENCE
- ROOF DRAIN
- SIGN
- FLOOD LIGHT
- BOLLARD

SCHEDULE B, SECTION 2 NOTES

1) 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. (NON SURVEY ITEM)

2) RIGHTS OR CLAIMS OF PARTIES OTHER THAN INSURED IN ACTUAL POSSESSION OF ANY OR ALL OF THE PROPERTY. (NON SURVEY ITEM)

3) UNRECORDED EASEMENTS, DISCREPANCIES OR CONFLICTS IN BOUNDARY LINES, SHORTAGE IN AREA AND ENCROACHMENTS WHICH AN ACCURATE AND COMPLETE SURVEY WOULD DISCLOSE. (UNRECORDED EASEMENTS NOT SHOWN)

4) UNFILED MECHANICS' OR MATERIALMEN'S LIENS. (NON SURVEY ITEM)

5) ANY INACCURACY IN THE SPECIFIC QUANTITY OF ACREAGE CONTAINED ON ANY SURVEY, IF ANY, OR CONTAINED WITHIN THE LEGAL DESCRIPTION OF THE PREMISES TO BE INSURED HEREIN.

6) 2003-2004 LEXINGTON-FAYETTE URBAN COUNTY AD VALOREM TAXES WHICH CONSTITUTE A LIEN THEREON, BUT ARE NOT YET DUE AND PAYABLE. (NON SURVEY ITEM)

7) COVENANTS, EASEMENTS AND RESTRICTIONS APPEARING ON THE FINAL RECORD PLAT OF THE MCTHOMAS, INC. PROPERTY, 245 BOLIVAR STREET, AS SHOWN BY PLAT THEREOF, OF RECORD IN PLAT CABINET "J", SLIDE 872 IN THE OFFICE OF THE FAYETTE COUNTY CLERK (AS TO TRACT I ONLY) (PROPERTY MUST DEVELOPED IN ACCORDANCE WITH APPROVED DEVELOPMENT PLAN)

△8 8) COVENANTS, EASEMENTS AND RESTRICTIONS APPEARING ON THE FINAL RECORD PLAT OF THE MCTHOMAS, INC. PROPERTY, 220-224 BOLIVAR STREET, AS SHOWN BY PLAT THEREOF, OF RECORD IN PLAT CABINET "L", SLIDE 869 IN THE OFFICE OF THE FAYETTE COUNTY CLERK (AS TO TRACT II ONLY) (PROPERTY MUST BE DEVELOPED IN ACCORDANCE WITH APPROVED DEVELOPMENT PLAN, ACCESS EASEMENT WHICH IS SHOWN, AND BLANKET UTILITY EASEMENT ACROSS ALL OPEN AREAS))

9) CERTIFICATE OF LAND USE RESTRICTION DATED DECEMBER 19, 1995 FOR DEVELOPMENT PLAT DP 95-73, OF RECORD IN LAND USE RESTRICTION BOOK 5, PAGE 319 IN THE OFFICE OF THE FAYETTE COUNTY CLERK (AS TO TRACT II ONLY) (NON SURVEY ITEM)

10) CERTIFICATE OF LAND USE RESTRICTION DATED APRIL 11, 1996 FOR DEVELOPMENT PLAT DP 96-28, OF RECORD IN LAND USE RESTRICTION BOOK 5, PAGE 538 IN THE OFFICE OF THE FAYETTE COUNTY CLERK (AS TO TRACT II ONLY) (NON SURVEY ITEM)

11) CERTIFICATE OF LAND USE RESTRICTION DATED APRIL 29, 1996 FOR DEVELOPMENT PLAT DP 96-28 AND ZONING MAP AMENDMENT TO B-5 ZONE (MAR 96-8), OF RECORD IN LAND USE RESTRICTION BOOK 5, PAGE 607 IN THE OFFICE OF THE FAYETTE COUNTY CLERK (AS TO TRACT II ONLY) (NON SURVEY ITEM)

12) CERTIFICATE OF LAND USE RESTRICTION DATED FEBRUARY 28, 2003 FOR DEVELOPMENT PLAT DP 2002-112, OF RECORD IN LAND USE RESTRICTION BOOK 11, PAGE 73 IN THE OFFICE OF THE FAYETTE COUNTY CLERK (AS TO TRACT II ONLY) (NON SURVEY ITEM)

13) CERTIFICATE OF LAND USE RESTRICTION DATED APRIL 09, 2003 FOR DEVELOPMENT PLAT DP 2003-29, OF RECORD IN LAND USE RESTRICTION BOOK 11, PAGE 103 IN THE OFFICE OF THE FAYETTE COUNTY CLERK (AS TO TRACT II ONLY) (NON SURVEY ITEM)

14) SEWER LINE EASEMENT TO THE CITY OF LEXINGTON, DATED APRIL 4, PAGE 1934 OR RECORD IN DEED BOOK 282, PAGE 052, IN THE OFFICE OF THE FAYETTE COUNTY CLERK. (EASEMENT DOES NOT LIE WITHIN LIMITS OF SUBJECT PROPERTY)

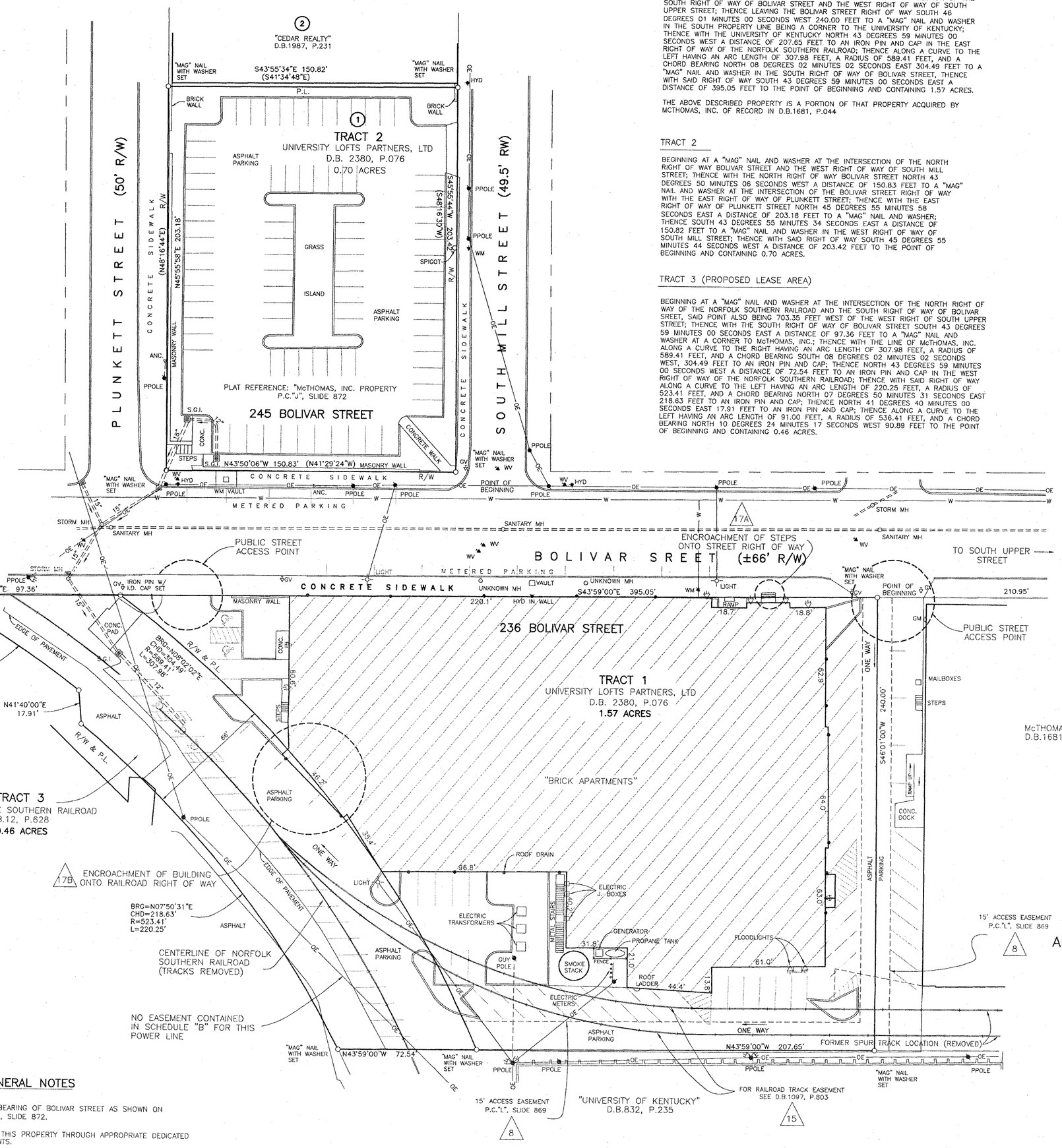
△15 15) COVENANTS REGARDING THE USE OF A PORTION OF TRACT II OF THE PROPERTY FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF RAILROAD SPUR TRACKS BY CINCINNATI, NEW ORLEANS AND TEXAS PACIFIC RAILWAY COMPANY, PURSUANT TO AN UNRECORDED AGREEMENT DATED DECEMBER 3, 1914, REFERENCED IN THE THE DEED FROM LIGGETT AND MYERS TOBACCO COMPANY TO ARTHUR E. ADSHIRE, OF RECORD IN DEED BOOK 1097, P.803 IN THE OFFICE OF THE FAYETTE COUNTY CLERK (AS TO TRACT II ONLY) (NON SURVEY ITEM)

16) EASEMENTS APPEARING ON THE INITIAL ENDORSEMENT SURVEY PREPARED BY WESLEY B. WITT, INC., DATED FEBRUARY 10, 2003.

17) THE COMPANY HEREBY INSURES THE INSURED AGAINST THE LOSSES OR DAMAGES RESULTING IN THE REMOVAL OF THE FOLLOWING ENCROACHMENTS APPEARING ON THE INITIAL ENDORSEMENT SURVEY PREPARED BY WESLEY B. WITT, INC., DATED FEBRUARY 10, 2003:

△17A A) ENCROACHMENT ONTO PUBLIC RIGHT OF WAY BY THE STEPS IN THE FRONT OF THE BUILDING AT 224 BOLIVAR STREET

△17B B) ENCROACHMENT BY THE BUILDING AT 224 BOLIVAR STREET ON THE RIGHT OF WAY OF THE CINCINNATI, NEW ORLEANS AND TEXAS PACIFIC RAILROAD.



GENERAL NOTES

BASIS OF BEARINGS IS THE BEARING OF BOLIVAR STREET AS SHOWN ON PLAT OF RECORD IN P.C. "J", SLIDE 872.

ALL UTILITY SERVICES ENTER THIS PROPERTY THROUGH APPROPRIATE DEDICATED RIGHTS-OF-WAY OR EASEMENTS.

PROPERTY LINE DIMENSIONS SHOWN AND CONTAINED IN THE LEGAL DESCRIPTIONS ABOVE ARE BASED ON FIELD SURVEYED DIMENSIONS. WHERE FIELD DIMENSIONS DIFFER FROM RECORD DIMENSIONS, THE RECORD DIMENSIONS ARE SHOWN IN PARENTHESIS

LEGAL DESCRIPTIONS

TRACT 1

BEGINNING AT A "MAG" NAIL AND WASHER IN THE SOUTH RIGHT OF WAY OF BOLIVAR STREET, SAID POINT BEING LOCATED 210.95 FEET WEST OF THE INTERSECTION OF THE SOUTH RIGHT OF WAY OF BOLIVAR STREET AND THE WEST RIGHT OF WAY OF SOUTH UPPER STREET; THENCE LEAVING THE BOLIVAR STREET RIGHT OF WAY SOUTH 46 DEGREES 01 MINUTES 00 SECONDS WEST 240.00 FEET TO A "MAG" NAIL AND WASHER IN THE SOUTH PROPERTY LINE BEING A CORNER TO THE UNIVERSITY OF KENTUCKY; THENCE WITH THE UNIVERSITY OF KENTUCKY NORTH 43 DEGREES 59 MINUTES 00 SECONDS WEST A DISTANCE OF 207.65 FEET TO AN IRON PIN AND CAP IN THE EAST RIGHT OF WAY OF THE NORFOLK SOUTHERN RAILROAD; THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 307.98 FEET, A RADIUS OF 589.41 FEET, AND A CHORD BEARING NORTH 08 DEGREES 02 MINUTES 02 SECONDS EAST 304.49 FEET TO A "MAG" NAIL AND WASHER IN THE SOUTH RIGHT OF WAY OF BOLIVAR STREET, THENCE WITH SAID RIGHT OF WAY SOUTH 43 DEGREES 59 MINUTES 00 SECONDS EAST A DISTANCE OF 395.05 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.57 ACRES.

THE ABOVE DESCRIBED PROPERTY IS A PORTION OF THAT PROPERTY ACQUIRED BY MCTHOMAS, INC. OF RECORD IN D.B.1681, P.044

TRACT 2

BEGINNING AT A "MAG" NAIL AND WASHER AT THE INTERSECTION OF THE NORTH RIGHT OF WAY BOLIVAR STREET AND THE WEST RIGHT OF WAY OF SOUTH MILL STREET; THENCE WITH THE NORTH RIGHT OF WAY BOLIVAR STREET NORTH 43 DEGREES 50 MINUTES 06 SECONDS WEST A DISTANCE OF 150.83 FEET TO A "MAG" NAIL AND WASHER AT THE INTERSECTION OF THE BOLIVAR STREET RIGHT OF WAY WITH THE EAST RIGHT OF WAY OF PLUNKETT STREET; THENCE WITH THE EAST RIGHT OF WAY OF PLUNKETT STREET NORTH 45 DEGREES 55 MINUTES 58 SECONDS EAST A DISTANCE OF 203.18 FEET TO A "MAG" NAIL AND WASHER; THENCE SOUTH 43 DEGREES 55 MINUTES 34 SECONDS EAST A DISTANCE OF 150.82 FEET TO A "MAG" NAIL AND WASHER IN THE WEST RIGHT OF WAY OF SOUTH MILL STREET; THENCE WITH SAID RIGHT OF WAY SOUTH 45 DEGREES 55 MINUTES 44 SECONDS WEST A DISTANCE OF 203.42 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.70 ACRES.

TRACT 3 (PROPOSED LEASE AREA)

BEGINNING AT A "MAG" NAIL AND WASHER AT THE INTERSECTION OF THE NORTH RIGHT OF WAY OF THE NORFOLK SOUTHERN RAILROAD AND THE SOUTH RIGHT OF WAY OF BOLIVAR SREET, SAID POINT ALSO BEING 703.35 FEET WEST OF THE WEST RIGHT OF SOUTH UPPER STREET; THENCE WITH THE SOUTH RIGHT OF WAY OF BOLIVAR STREET SOUTH 43 DEGREES 59 MINUTES 00 SECONDS EAST A DISTANCE OF 97.36 FEET TO A "MAG" NAIL AND WASHER AT A CORNER TO McTHOMAS, INC.; THENCE WITH THE LINE OF McTHOMAS, INC. ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 307.98 FEET, A RADIUS OF 589.41 FEET, AND A CHORD BEARING SOUTH 08 DEGREES 02 MINUTES 02 SECONDS WEST, 304.49 FEET TO AN IRON PIN AND CAP; THENCE NORTH 43 DEGREES 59 MINUTES 00 SECONDS WEST A DISTANCE OF 72.54 FEET TO AN IRON PIN AND CAP IN THE WEST RIGHT OF WAY OF THE NORFOLK SOUTHERN RAILROAD; THENCE WITH SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 220.25 FEET, A RADIUS OF 523.41 FEET, AND A CHORD BEARING NORTH 07 DEGREES 50 MINUTES 31 SECONDS EAST 218.63 FEET TO AN IRON PIN AND CAP; THENCE NORTH 41 DEGREES 40 MINUTES 00 SECONDS EAST 17.91 FEET TO AN IRON PIN AND CAP; THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 91.00 FEET, A RADIUS OF 536.41 FEET, AND A CHORD BEARING NORTH 10 DEGREES 24 MINUTES 17 SECONDS WEST 90.89 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.46 ACRES.

CERTIFICATION

1. FINCAL CLOSING SURVEY: (INSURANCE OF ADVANCES)

A) "I HEREBY CERTIFY TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), McTHOMAS, INC., PIKEVILLE NATIONAL BANK AND TRUST COMPANY, AND COMMONWEALTH LAND TITLE INSURANCE COMPANY, AND THEIR SUCCESSORS AND ASSIGNS, THAT:

B) I MADE AN ON THE GROUND SURVEY PER RECORD DESCRIPTION OF THE THE LAND SHOWN HEREON LOCATED IN LEXINGTON, FAYETTE COUNTY, KENTUCKY ON OCTOBER 18, 2002; AND THAT IT AND THIS MAP WAS MADE IN ACCORDANCE WITH THE HUD SURVEY INSTRUCTIONS AND CERTIFICATE, FORM HUD92457, AND MEET THE REQUIREMENTS FOR AN URBAN SURVEY, AS DEFINED BY THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEY", DATED 1999.

C) "TO THE BEST OF MY KNOWLEDGE, BELIEF, AND INFORMATION, EXCEPT AS SHOWN HEREON: THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS PROPERTY LINES; TITLE LINES AND LINES OF ACTUAL POSSESSION ARE THE SAME; AND THE PREMISES ARE FREE OF ANY 100/500 YEAR RETURN FREQUENCY FLOOD HAZARD, AND SUCH FLOOD FREE CONDITION IS SHOWN ON THE FEDERAL FLOOD INSURANCE RATE MAP 210067-0080C.

Wesley B. Witt — 09/10/04

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE SURVEY DEPICTED ON THIS DRAWING WAS PREPARED UNDER MY SUPERVISION BY METHOD OF RANDOM TRAVERSE WITH SOESHOTS. THE UNADJUSTED ERROR OF CLOSURE EXCEEDED 1:10000 AND WAS NOT ADJUSTED. THIS SURVEY MEETS THE ACCURACY REQUIREMENTS OF A CLASS "A" (URBAN) SURVEY.

Wesley B. Witt — 09/10/04
SURVEYOR — DATE

THE LOCATIONS OF UNDERGROUND UTILITIES WERE DETERMINED BY VISUAL INSPECTION AND REFERENCE TO SELECTED RECORD DRAWINGS AND MAPS. THE LOCATIONS AS SHOWN SHOULD BE CONSIDERED APPROXIMATE ONLY. IT IS ALSO POSSIBLE THAT UNDERGROUND UTILITY LINES EXIST WHICH ARE NOT SHOWN. NO EXCAVATION SHOULD TAKE PLACE ON THIS PROPERTY WITHOUT FIRST NOTIFYING ALL UTILITY COMPANIES AND KENTUCKY UNDERGROUND PROTECTION (B.U.D.) AT 1-800-752-6007.

STATE OF KENTUCKY
WESLEY B. WITT
2187
LICENSED PROFESSIONAL LAND SURVEYOR

AS-BUILT DRAWING

ALTA/ACSM LAND TITLE FINAL AS-BUILT SURVEY

FOR:

UNIVERSITY LOFTS PARTNERS, LTD.,
THE PHARES COMPANY,
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,
NATIONAL CITY BANK OF KENTUCKY
COMMUNITY DEVELOPMENT ASSOCIATION,
GREENEBAUM DOLL & MCDONALD, PLLC,

AND

COMMONWEALTH LAND TITLE INSURANCE COMPANY

236 & 245 BOLIVAR STREET

LEXINGTON, FAYETTE COUNTY, KENTUCKY

PREPARED BY:
WESLEY B. WITT, INC.
3320 CLAYS MILL ROAD
SUITE 112
LEXINGTON,KENTUCKY 40514
PHONE 859-296-5558 FAX 859-296-5558

SCALE 1"= 30' OCTOBER 2002
REVISED AUGUST 2004
REVISED SEPTEMBER 10, 2004