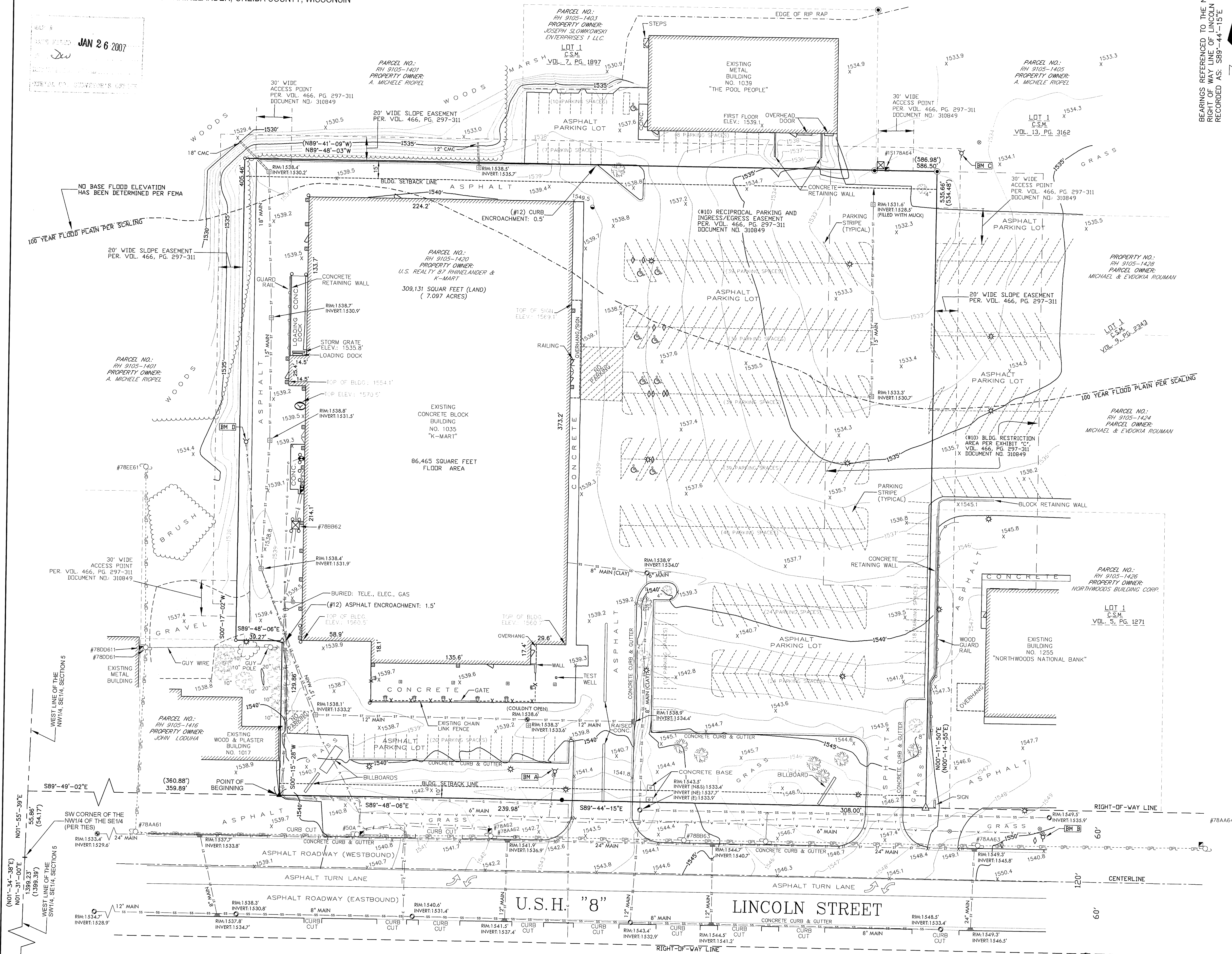


ALTA/ACSM LAND TITLE SURVEY

BEING A PART OF THE NW1/4 OF THE SE1/4, SECTION 5, T.36N., R.9E.,
CITY OF RHINELANDER, ONEIDA COUNTY, WISCONSIN

1875 FILED
JAN 26 2007
DEPT. OF LAND RECORDS
STATE OF WISCONSIN



BEARINGS REFERENCED TO THE NORTH
RIGHT-OF-WAY LINE OF LINCOLN STREET
RECORDED AS: S89-44-15 E

SURVEYED FOR:
EDWARDS AND KELCEY ENGINEERS, INC.
7300 METRO BOULEVARD, SUITE 400
MINNEAPOLIS, MN 55439

PROPERTY ADDRESS:
1035 LINCOLN STREET
RHINELANDER, WI 54501

PROPERTY OWNER:
U.S. REALTY 87 RHINELANDER ASSOC., LP.
K-MART
PO BOX 22799
HOUSTON, TX 77227-2799

TAX ROLL PARCEL NUMBER:
RH 9105-1420

DEED:
VOLUME 737, PAGE 9-10
DOCUMENT NO. 431991

ZONED:
B-3, GENERAL BUSINESS

BUILDING SETBACKS:
FRONT: 10'
REAR: 15'
HEIGHT RESTRICTION: 35'
NO SIDE YARD SETBACK REQUIRED
NO BULK RESTRICTION

LEGEND

- = 1.25" Outside Dia. x 24" IRON PIPE SET
- = 1.25" Outside Dia. IRON PIPE FOUND
- ▲ = "P.K." MASONRY NAIL FOUND
- △ = "P.K." MASONRY NAIL SET
- ⊕ = COUNTY MONUMENT FOUND
- ⊙ = 3/4" REBAR FOUND
- ⊠ = RAILROAD SPIKE FOUND (REPLACE W/1" IP)
- () = RECORDED INFORMATION
- ⊕ = HANDICAP PARKING
- ⊖ = DOWNSPOUT
- ⊙ = LIGHT POLE
- ⊕ = SIGN
- ⊖ = ELECTRIC METER
- ⊕ = TELEPHONE PEDESTAL
- ⊙ = SATELLITE DISH
- ⊖ = SPRINKLER CONTROL VALVE
- ⊕ = WATER VALVE
- ⊙ = FIRE HYDRANT
- ⊖ = STORM INLET (SQUARE)
- ⊕ = CURB STORM INLET
- ⊙ = STORM MANHOLE
- ⊖ = SANITARY SEWER
- ⊕ = GAS METER
- ⊙ = CONCRETE POST
- ⊖ = UTILITY MANHOLE
- ⊕ = ELECTRIC TRANSFORMER
- ⊙ = EXISTING GUY ANCHOR
- ⊖ = DOOR
- ⊕ = OVERHEAD ELECTRIC
- ⊙ = SANITARY SEWER
- ⊖ = STORM SEWER
- ⊕ = WATER MAIN
- ⊙ = BURIED GAS
- ⊖ = BURIED TELEPHONE
- ⊕ = BURIED FIBER OPTIC
- ⊙ = BURIED ELECTRIC
- ⊖ = PROPERTY LINE
- ⊕ = EXISTING TREE
- ⊙ = EXISTING ORNAMENTAL TREE

UTILITY PROVIDERS

TELEPHONE:
FRONTIER COMMUNICATIONS
PO BOX 340
RHINELANDER, WI 54501
(715) 365-2333

CABLE:
CHARTER COMMUNICATIONS
821 LINCOLN STREET
RHINELANDER, WI 54501
(715) 369-5007

GAS & ELECTRIC:
WI PUBLIC SERVICE
425 WEST DAVENPORT STREET
RHINELANDER, WI 54501
1-800-450-7260

SEWER & WATER:
DEPARTMENT OF PUBLIC WORKS
CITY OF RHINELANDER
644 WASHINGTON STREET
RHINELANDER, WI 54501
(715)-369-4727

CALL DIGGERS HOTLINE TOLL FREE:
1-800-242-8511
OPERATES 24 HOURS A DAY
365 DAYS A YEAR

WARNING
CALL BEFORE YOU DIG
48 HOURS BEFORE YOU DIG

I, Craig A. Keach, here by certify that upon review of the FEMA map, parcel No. 55085C0326 B, Dated 08-05-91, that a portion of the surveyed parcel is located within Flood Plain Zone "A", which is determined to be within the 100 year flood plain with no base flood elevation determined, as defined by FEMA (It appears that the flood plain is contained within the wooded area below asphalt drive)

SURVEYOR'S CERTIFICATE

I, Craig A. Keach, Wisconsin Registered Land Surveyor of Meridian Surveying, LLC, certify that I have surveyed the described property and that the map shown is a true and accurate representation thereof to the best of my knowledge and belief.

Dated this 11th day of DECEMBER 2006.

Craig A. Keach
WISCONSIN REGISTERED LAND SURVEYOR
Craig A. Keach, S-2333

BENCHMARK INFORMATION

SITE BENCHMARK: (BM A) TOP OF TAG BOLT ON HYDRANT, LOCATED WEST OF THE WEST ENTRANCE TO K-MART.
ELEVATION: 1543.02'

SITE BENCHMARK: (BM B) NORTHWEST CORNER OF BOLT ON HYDRANT, LOCATED EAST OF THE EAST ENTRANCE TO K-MART.
ELEVATION: 1551.75'

SITE BENCHMARK: (BM C) TOP OF TAG BOLT ON HYDRANT, LOCATED AT THE NORTHEAST CORNER OF PROPERTY.
ELEVATION: 1536.49'

SITE BENCHMARK: (BM D) TOP OF TAG BOLT ON HYDRANT, LOCATED IN BACK (WEST) OF K-MART BUILDING.
ELEVATION: 1540.20'

ELEVATION BASED ON CITY OF RHINELANDER DATUM = (U.S.G.S.)

-VICINITY MAP-

SPRING LAKE RD.
SAVAN
SITE
LINCOLN ST.
COON ST.
U.S.H. "B"
OHLSON LN.
OLD "B" RD.

MERIDIAN SURVEYING, LLC

18774 Frelang 1
Menasha, WI 54952

Office: 920-993-0881
Fax: 920-273-6037

DRAWN BY: J.D.
CHECKED BY: C.A.K.
JOB NO.: 5124-D5

DATE: 10-24-06
FIELD BOOK: M-4, 1-4
SHEET: 1 OF 2

BEING A PART OF THE NW1/4 OF THE SE1/4, SECTION 5, T.36N., R.9E.,
CITY OF RHINELANDER, ONEIDA COUNTY, WISCONSIN

RECORD LEGAL DESCRIPTION

A parcel of land located in part of the NW 1/4 of the SE 1/4, Section 5, Township 36 North, Range 9 East, City of Rhinelander, described as follows:

Commencing at the South 1/4 corner of said Section 5; thence N. 01° 34' 38" E. for a distance of 1399.39 feet to a point marking the Southwest corner of said NW 1/4 of the SE 1/4; thence N. 01° 55' 39" E. a distance of 54.17 feet to a point on the Northerly right of way line of Lincoln Street; thence Easterly along said right of way line S. 89° 49' 02" E. a distance of 360.88 feet to an iron pipe and POINT OF BEGINNING; thence continuing on said right of way line S. 89° 48' 06" E. a distance of 239.98 feet to an iron pipe; thence S. 89° 44' 15" E. a distance of 308.00 feet to an iron pipe; thence leaving said right of way line N. 00° 14' 55" E. a distance of 534.48 feet to an iron rod; thence N. 89° 41' 09" W. a distance of 586.98 feet to an iron rod; thence S. 00° 17' 02" W. a distance of 405.46 feet to a R. spike; thence S. 89° 48' 06" E. a distance of 39.27 feet to a P.K. nail; thence S. 00° 15' 28" W. a distance of 129.86 feet to the point of beginning.

AND

Easement rights contained in an Access and Reciprocal Cross-Easement Agreement entered into by and between Maisel & Associates of Michigan, a Michigan Co-Partnership, first party, and Gerrard Realty, Corp., a Wisconsin Corporation, et al, second party, dated December 1, 1980 and recorded December 18 1980 in Vol. 466 of Records on page 297-311 as Document No. 310849.

Being in Oneida County, Wisconsin.

Site Survey Certificate

Certificate attached to print of the survey made by the undersigned, last dated 11 / 06 / 2006 of the above described property. The property is located at 1035 LINCOLN STREET
RHINELANDER, WI 54501

The undersigned hereby certifies to CHICAGO TITLE INSURANCE COMPANY AND KOHL'S DEPARTMENT STORES, INC. of the above date, that:

- A. this survey (a) was made on the ground as per the field notes shown hereon and correctly shows the boundary lines and dimensions and area of the land indicated hereon, (b) correctly shows the location of all buildings, structures, and other improvements and visible items on the subject property, and (c) correctly shows the location and dimensions of all alleys, streets, roads, rights-of-way, easements, and other matters of record of which the undersigned has been advised affecting the subject property according to the legal description in such easements and other matters (with instrument, book, and page number indicated);
- B. except as shown there are no visible (a) easements, rights-of-way, party walls or conflicts, (b) encroachments on adjoining premises, streets, or alleys by any of said buildings, structures, or other improvements, and (c) encroachments on the subject property by building, structures or other improvements situated in adjoining premises;
- C. the distance from the nearest street intersection, street, and road is as shown hereon;
- D. the subject property does not serve any adjoining property for drainage, ingress and egress, or other purpose;
- E. all required building setback lines on the property are located as shown hereon;
- F. the subject property has access to and from a public roadway;
- G. the subject property is not located in a 100-Year Flood Plain or in a identified flood or mudslide hazard area as defined by the U.S. Department of Housing and Urban Development under the Flood Disaster Protection Act of 1973, as amended;
- H. The subject property contains 7.097 acres (309,131 square feet) of land; and that this survey conforms to the current standards of the surveyor's association in the state in which this subject is located for a land title survey.

EXECUTED on the 11th day of December, 2006
[NAME] [SURVEYOR]
[SEAL]

By: Craig A. Keach
Print Name: CRAIG A. KEACH
Registration No.: S-2333
State of: WISCONSIN

AS SURVEYED LEGAL DESCRIPTION

A part of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section Five (5), Township Thirty-Six (36) North, Range Nine (9) East, City of Rhinelander, Oneida County, Wisconsin containing 309,131 square feet (7.097 acres) of land and being described by:

Commencing at the South Quarter Corner of said Section 5; thence N01°-31'-00"E 1399.23 feet (recorded as N01°-34'-38"E 1399.39 feet) along the West line of the SW1/4 of the SE1/4 of said Section 5 to the Southwest Corner of the NW1/4 of the SE1/4 of said Section 5; thence N01°-55'-39"E 55.86 feet (recorded as 54.17 feet) along the West line of the NW1/4 of the SE1/4 of said Section 5 to a point on the Northerly Right-of-Way line of Lincoln Street; thence S89°-49'-02"E 359.89 feet (recorded as 360.88 feet) along said Right-of-Way line to the Point of Beginning; thence S89°-48'-06"E 239.98 feet along said Right-of-Way line; thence S89°-44'-15"E 308.00 feet along said Right-of-Way line; thence N00°-11'-50"E 535.66 feet (recorded as N00°-14'-55"E 534.48 feet); thence N89°-48'-03"W 586.50 feet (recorded as N89°-41'-09"W 586.98 feet); thence S00°-17'-02"W 405.46 feet; thence S89°-48'-06"E 39.27 feet; thence S00°-15'-28"W 129.86 feet to a point on said Northerly Right-of-Way line of Lincoln Street and the Point of Beginning.

AND

Easement rights contained in an Access and Reciprocal Cross-Easement Agreement entered into by and between Maisel & Associates of Michigan, a Michigan Co-Partnership, first party, and Gerrard Realty, Corp., a Wisconsin Corporation, et al, second party, dated December 1, 1980 and recorded December 18 1980 in Vol. 466 of Records on page 297-311 as Document No. 310849.

TITLE REPORT REVIEW

Title Report : Chicago Title Insurance Company Commitment No.: ON-37064

Effective Date: October 16, 2006

Fee Simple Title Vested In: U.S. Realty 87 Rhinelander Associates Limited Partnership,
a Wisconsin Limited Partnership

Schedule B - Section 2: Exceptions


(1-9) These are general statements and not specific encumbrances.


- (10) Terms, provisions, covenants, conditions, restrictions and easements contained in Access and Reciprocal Cross-Easement Agreement dated December 1, 1980 and recorded December 18, 1980 in Vol. 466 of Records on page 297-311 as Document No. 310849. (Does apply and is plotted and shown)
- (11) Restrictive Covenants dated October 20, 1981 and recorded October 20, 1981 in Vol. 477 of Records on page 98 as Document No. 316031.
- (12) Encroachments as disclosed on the survey by Genisot & Associates, Inc. No. 9329 dated February 3, 1994. (Does apply and is plotted and shown)
- (13) Memorandum of Lease, dated December 16, 1980 and recorded December 18, 1980 in Vol. 466 of Records on page 316 as Document No. 310852, and dated December 18, 1980 and recorded December 18, 1980 in Vol. 466 of Records on page 323 as Document No. 310854, and dated May 22, 1987 and recorded June 8, 1987 in Vol. 563 of Records on page 821 as Document No. 359338. Memorandum of First Amendment to Lease, dated May 17, 1991 and recorded September 11, 1991 in Vol. 646 of Records on page 129 as Document No. 397425, and in Vol. 646 of Records on page 136 as Document No. 397426. Lease Subordinated by Subordination, Nondisturbance and Attornment Agreement dated March 23, 2004 and recorded April 7, 2004 as Document No. 596016.
- (14) Mortgage, dated April 1, 2004 and recorded April 7, 2004 as Document No. 596014. Security agreement dated April 1, 2004 and recorded April 7, 2004 as Document No. 596015.
- (15) Financial Statement dated April 7, 2004 as Document No. 596017.

SURVEYOR'S CERTIFICATE

I, Craig A. Keach, Wisconsin Registered Land Surveyor of Meridian Surveying, LLC., certify that I have surveyed the described property and that the map shown is a true and accurate representation thereof to the best of my knowledge and belief.

Dated this 11th day of DECEMBER 2006.


WISCONSIN REGISTERED LAND SURVEYOR
Craig A. Keach, S-2333

		DRAWN BY: <i>J.D.</i>		DATE: <i>10-24-06</i>	
SURVEYING, LLC		CHECKED BY: <i>C.A.K.</i>		FIELD BOOK: <i>M-4, 1-4</i>	
N8774 Firelane 1 Menasha, WI 54952		Office: 920-993-0881 Fax: 920-273-6037		JOB NO.: <i>5124-D5</i>	
				SHEET <i>2</i> OF <i>2</i>	