

# SCHEDULE B - TITLE EXCEPTION NOTES

Being the same tract of land described in a Title Report prepared by First American Title Insurance Company, Commitment No. NCS-86527-MICH dated 8/19/2017.

- The following pipeline easements: (a) Pipeline Easement, dated September 17, 1964, recorded March 23, 1965, in the office of the County Recorder in Book 77 of Miscellaneous, at page 389; (b) Pipeline Easement, dated March 17, 1965, recorded June 11, 2008, in the office of the Registrar of Titles as Doc. No. 629255, and recorded April 13, 1965, in the office of the County Recorder in Book 284 of Deeds, at page 510; and (c) Assignment of Easements from Northern Natural Gas Company, Division of InterNorth, Inc., to Minnesota Gas Company, dated November 14, 1985, recorded September 4, 2008, in the office of the Registrar of Titles as Doc. No. 629885, and recorded February 26, 1986, in the office of the County Recorder as Doc. No. 717470. Affects Parcels B1 and C2 of the subject property as shown on the map.
- Easement for telecommunications purposes as contained in the instrument dated February 10, 1947, recorded April 9, 1947, in the office of the County Recorder in Book 54 of Miscellaneous, at page 549, as assigned to Northwestern Bell Telephone Company, by the Assignment, dated November 29, 1983, recorded January 24, 1984, in the office of the County Recorder as Doc. No. 645741. Affects Parcel B1 and C2 of the subject property as shown on the map.
- Terms and conditions, including an easement for telecommunications purposes in favor of Northwestern Bell Telephone Company, as contained in the following: (a) Easement, dated July 16, 1974, recorded May 28, 1975, in the office of the Registrar of Titles as Doc. No. 71885; and (b) Encroachment Agreement, dated September 1, 1981, recorded March 3, 1991, in the office of the Registrar of Titles as Doc. No. 224616. Affects Parcels A and B1 of the subject property as shown on the map.
- Easement for power line purposes in favor of The Dakota County Electric Cooperative, as contained in the instrument dated May 24, 1983, recorded July 3, 1983, in the office of the County Recorder in Book 74 of Miscellaneous, at page 235. Affects Parcel C1 of the subject property as shown on the map.

- Lack of access to Interstate Highway 35W as contained in the following: (a) Final Certificate by the State of Minnesota, recorded March 10, 1989, in the office of the County Recorder as Doc. No. 880527; and (b) Quitclaim Deed, from the State of Minnesota, dated December 10, 1987, recorded February 23, 1988, in the office of the County Recorder as Doc. No. 4478197. Affects Parcels C1 and C2 of the subject property as shown on the map.
- Terms and conditions, including use restrictions as specified in the Declaration, dated December 15, 1988, recorded February 9, 1989, in the office of the Registrar of Titles as Doc. No. 212744. Does not affect the subject property.
- The following, which appears as a memorial on the Certificates of Title for Parcels A and B1: Affidavit, recorded October 10, 1989, in the office of the Registrar of Titles as Doc. No. 221077. Affects Parcel A of the subject property as shown on the map.

- The following, which appears as a memorial on the Certificates of Title for Parcels A and B1: Warranty Deed, dated November 6, 1991, recorded November 15, 1991, in the office of the Registrar of Titles as Doc. No. 249288. Affects Parcel B2 of the subject property as shown on the map.
- Terms and conditions of the Conditional Use Permit by the City of Burnsville, recorded July 20, 1983, in the office of the Registrar of Titles as Doc. No. 282250; and recorded July 20, 1983, in the office of the County Recorder as Doc. No. 1150870. Affects Parcel C1 of the subject property as shown on the map.
- Terms and conditions of the Amended Conditional Use Permit by the City of Burnsville, recorded July 20, 1984, in the office of the Registrar of Titles as Doc. No. 307243, and recorded July 20, 1984, in the office of the County Recorder as Doc. No. 1228881. Affects Parcel C1 of the subject property as shown on the map.
- Terms and conditions of the Conditional Use Permit by the City of Burnsville, recorded November 22, 1986, in the office of the Registrar of Titles as Doc. No. 328863. Affects Parcel B1 of the subject property as shown on the map.
- Terms and conditions of the Amended Conditional Use Permit by the City of Burnsville, recorded November 28, 1986, in the office of the Registrar of Titles as Doc. No. 328850, as shown on the map.
- Terms and conditions of the Amended Conditional Use Permit by the City of Burnsville, recorded November 28, 1986, in the office of the Registrar of Titles as Doc. No. 328850, as shown on the map.
- Terms and conditions of the Amended Conditional Use Permit by the City of Burnsville, recorded January 13, 1989, in the office of the Registrar of Titles as Doc. No. 368978. Affects Parcel A of the subject property as shown on the map.
- Terms and conditions of the Amended Conditional Use Permit by the City of Burnsville, recorded September 6, 2000, in the office of the Registrar of Titles as Doc. No. 426154. Affects Parcel A of the subject property as shown on the map.
- Terms and conditions of the Amended Conditional Use Permit by the City of Burnsville, recorded September 6, 2000, in the office of the Registrar of Titles as Doc. No. 426155. Affects Parcel A of the subject property as shown on the map.
- Terms and conditions of the Amended Conditional Use Permit by the City of Burnsville, recorded February 14, 2006, in the office of the Registrar of Titles as Doc. No. 584912, and recorded February 14, 2006, in the office of the County Recorder as Doc. No. 2405700. Have been terminated and no longer affect subject parcel.

- Terms and conditions of the Conditional Use Permit by the City of Burnsville, recorded November 3, 2010, in the office of the Registrar of Titles as Doc. No. 671438. Affects Parcel A of the subject property as shown on the map.
- Drainage and utility easements as shown on the plat of Walker Second Addition. Affect all parcels of the subject property as shown on the map.
- Terms and conditions of the following Development Contract and related document: (a) Development Contract and Planned Unit Development Agreement between the City of Burnsville, Walker Real Estate, LLC, and Walker Real Estate III, LLC, dated November 5, 2012, recorded April 4, 2013, in the office of the Registrar of Titles as Doc. No. 714157. Affects all parcels of the subject property. Is blanketed in nature and is not shown on the map; and (b) Amended Planned Unit Development Agreement, dated August 3, 2015, recorded February 17, 2016, in the office of the Registrar of Titles as Doc. No. 757297. Affects Parcels C1 and C2 of the subject property. Is blanketed in nature and is not shown on the map.

- Minimum lot size: 20,000 S.F. (min. provided: 1,2897 acres)
- Minimum lot frontage: 100' (min. provided: 343')
- Maximum building height: No limit. (max. provided: 25'0")
- Maximum density: None specified
- Maximum floor area ratio: None specified
- Parking: Tabulation: 1 space per 150 square feet of floor area of customer sales and service, plus 1 space per 200 square feet of storage and/or office floor area. Minimum required: 59-400 sq./1500-336 spaces.
- Regular spaces provided: 788
- Handicap spaces provided: 5
- Total combined spaces provided: 793
- \*Note: Only striped parking spaces were counted.
- Survey Prepared By:

## ZONING NOTES

Zoned: B3, General Business District & B3, General Business District with a PUD, Planned Unit Development  
 Permitted Use Classification: Current use permitted by PUD approved November 5, 2012  
 Observed Use Classification: Retail Auto Dealer  
 According to a letter from the City of Burnsville dated August 28, 2017, the existing site conditions appear (from outside observations) to fall within permitted uses.  
 Zoning Regulations are subject to change and interpretation.  
 For further information, please contact the Planning Department, City of Burnsville, (phone: 951-895-4455)  
 Contact's Name: Jane Hovind, Planning Assistant

## Site Restrictions:

- Front: Parcel A=36.6', Parcel B1=37.5' (1.5 x building height)
- Side: 10'
- Rear: 30'
- Maximum building height: No limit. (max. provided: 25'0")
- Maximum density: None specified
- Maximum floor area ratio: None specified
- Parking: Tabulation: 1 space per 150 square feet of floor area of customer sales and service, plus 1 space per 200 square feet of storage and/or office floor area. Minimum required: 59-400 sq./1500-336 spaces.
- Regular spaces provided: 788
- Handicap spaces provided: 5
- Total combined spaces provided: 793
- \*Note: Only striped parking spaces were counted.
- Survey Prepared By:

Healy Land Surveying  
 P.O. Box 221  
 Niagara, WI 54151  
 Phone: 715-548-0586  
 info@healysurveying.com

Surveyor's Drawing No.: 17-0522.dwg  
 Surveyor's Site Ref.: 17-0522  
 Checked by: TMH  
 Drawn by: TMH

GRAPHIC SCALE: 1" = 60'

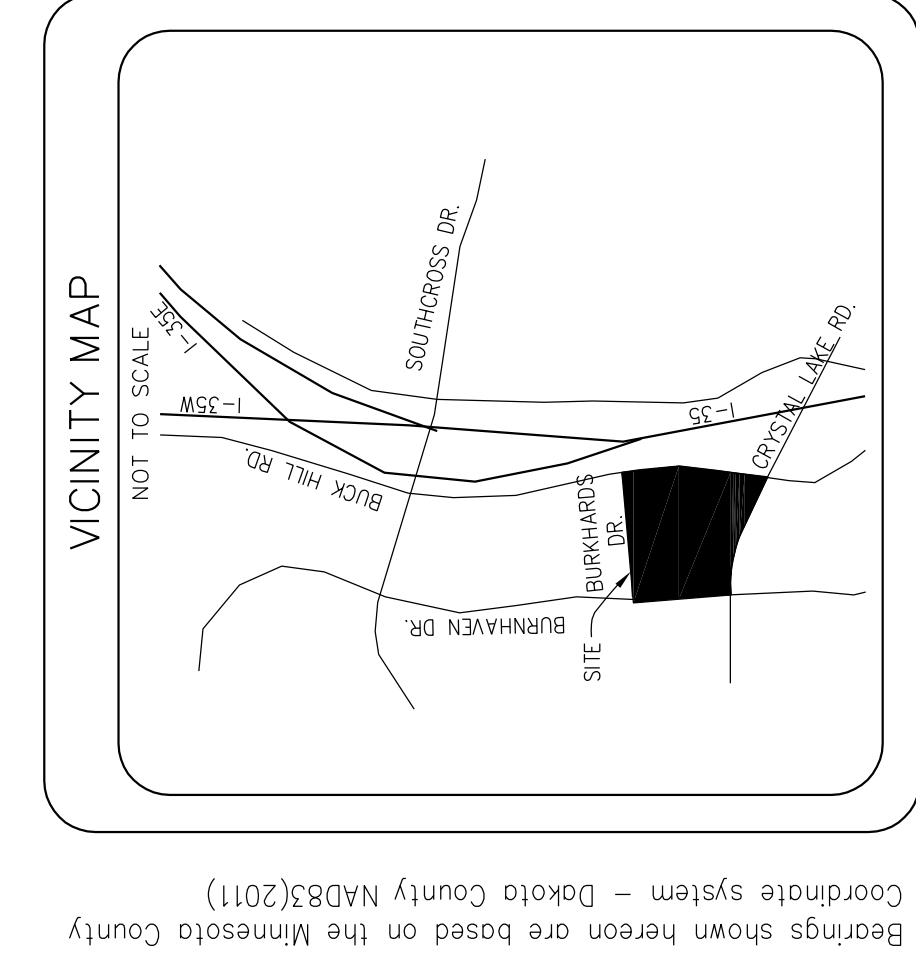
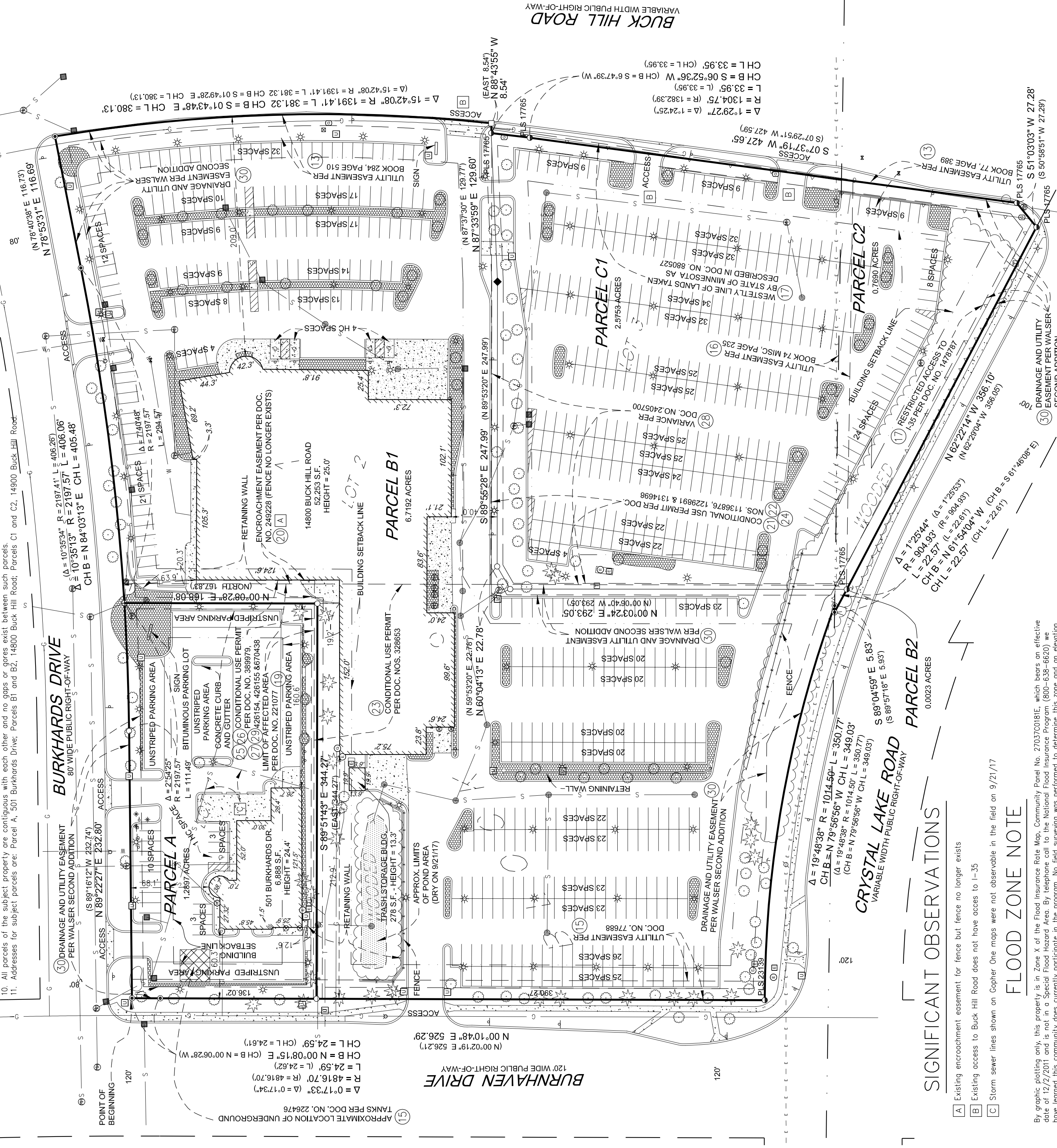
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### LEGEND OF SYMBOLS & ABBREVIATIONS

|   |                        |                     |                              |
|---|------------------------|---------------------|------------------------------|
| ○ SET 1/2" IRON ROD WITH PLASTIC CAP BEARING PLS NO. 41577        | ⊠ ELECTRIC TRANSFORMER | ■ CATCH BASIN       | * LIGHT POLE                 |
| □ SET P.K. W/AL IN CONCRETE CURB                                  | ⊕ ELECTRIC METER       | ⊕ FIRE DEPT ACCESS  | ⊕ TRAFFIC SIGNAL POLE        |
| ⊕ SET SCRIBED "X" ON CATCH BASIN                                  | ⊕ POWER POLE           | ⊕ FIRE HYDRANT      | ⊕ SPOT LIGHT                 |
| ⊕ FOUND 1" O.D. IRON PIPE   | ⊕ GAS METER            | ⊕ WATER VALVE       | ⊕ UNDERGROUND UTILITY ACCESS |
| ⊕ FOUND 1/2" IRON ROD   | ⊕ UNDERGROUND GAS      | ⊕ WATER METER       | ⊕ DECIDUOUS TREE             |
| ⊕ FOUND 1" IRON PIPE WITH PLASTIC CAP BEARING PLS NUMBER AS NOTED | ⊕ TELEPHONE PEDESTAL   | ⊕ FLAG POLE         | ⊕ CONIFEROUS TREE            |
| (XXX) RECORDED DATA   | ⊕ CONCRETE POST        | ⊕ POWER POLE        | ⊕ TREE LINE                  |
| ⊕ MANHOLE   | ⊕ WOOD POST            | ⊕ GUY WIRE          | ⊕ CONCRETE SURFACE           |
|   | ⊕ SIGN                 | ⊕ OVERHEAD ELECTRIC | ⊕ LANDSCAPED AREA            |

### GENERAL NOTES

- The bearing base for this survey originated from Minnesota County Coordinate system - Dakota County NAD83(2011)
- This property has an area of 494,646 square feet or 11,355.5 acres of land.
- This property is designated by Dakota County, as Tax Map Parcels 02-83446-01-020, 02-83446-01-031 and 02-83446-01-032.
- This survey is based on the Minnesota County Coordinate system - Dakota County NAD83(2011) and available maps per Copier One Call Ticket No. 112545700.
- There was no observable evidence of encumbrances found at the time of this survey.
- In response to Table A Items 16 and 17 there was no observable evidence of earth moving work, building construction or additions and no known proposed changes in right of way lines, recent street or sidewalk construction or repairs.
- The property has direct access along Buck Hill Road, Burkhardts Drive and Burnhaven Drive which are public right of way.
- Any matter shown thereon, to the extent it can be located, has been shown on this Survey with the appropriate recording reference. The parties listed in the Certification are entitled to rely on the survey and the Certification as being true and accurate.
- In response to Table A Item 18, no wetlands have been delineated on the site as of 7/18/17.
- In response to Table A Item 19, no wetlands have been delineated on the site as of 7/18/17.
- Access for subject parcels are: Parcel A, 501 Burkhardts Drive; Parcel B1 and B2, 14800 Buck Hill Road; Parcel C1 and C2, 14900 Buck Hill Road.



### LEGAL DESCRIPTION

Parcel A (Certificate of Title No. 158515);  
 Lot One (1), Block One (1), Walker Second Addition, according to the recorded plat thereof.

Parcel B1 (Certificate of Title No. 158573);  
 Lot Two (2), Block One (1), Walker Second Addition, except that part of said Lot 2, Block 1, lying south of the north line of the Northeast 1/4 of Section 36, Township 115, Range 21, according to the recorded plat thereof.

Parcel B2 (Abstract recording);  
 Lot 2, Block 1, Walker Second Addition, lying south of the north line of the Northeast Quarter of Section 26, Township 115, Range 21.

Parcel C1 (Certificate of Title No. 158574);  
 Lot Two (2), Block One (1), Walker Second Addition, except that part of said Lot 3, Block 1, lying south of the north line of the Northeast 1/4 of Section 36, Township 115, Range 21, according to the recorded plat thereof.

Parcel C2 (Abstract recording);  
 That part of Lot 3, Block 1, Walker Second Addition, lying south of the north line of the Northeast Quarter of Section 36, Township 115, Range 21.

### SURVEYOR'S DESCRIPTION

Lots 1, 2 and 3 of Block 1, WALKER SECOND ADDITION, according to the recorded plat thereof, Dakota County, Minnesota described as follows:

Beginning at the northeast corner of said Lot 1; thence North 89°22'27" East, assumed bearing along the north line of said Lots 1 and 2, a distance of 232.80 feet; thence 496.06 feet along a tangential curve, concave to the north, having a radius of 297.57 feet and a central angle of 107°51'31" and a chord which bears North 84°03'13" East a distance of 405.48 feet; thence North 78°53'31" East, not tangent to said curve, a distance of 116.69 feet to the northeast corner of said Lot 2; thence North 1391.41 feet, a central angle of 15°42'08" and a chord which bears South 01°33'48" East a distance of 380.13 feet to the southeast corner of said Lot 2; thence North 88°43'55" West, not tangent to said curve on the south line of said Lot 2, a distance of 8.54 feet to the northeast corner of said Lot 3; thence southerly, along the east line of said Lot 3, a distance of 33.95 feet along a non-tangential curve, concave to the west, having a radius of 1391.41 feet, a central angle of 15°42'08" and a chord which bears South 06°52'36" West a distance of 33.95 feet; thence South 07°37'19" West, along said east line, a distance of 427.65 feet to a southeasterly corner of said Lot 3; thence South 51°03'03" West, along the southeasterly line of said Lot 3, a distance of 27.28 feet to a southeasterly corner of said Lot 3; thence North 62°22'14" West, along the south line of said Lot 2 being a tangential curve, concave to the south, having a radius of 894.93 feet, a central angle of 17°25'44" and a chord which bears North 61°54'04" West a distance of 22.57 feet; thence North 89°43'55" East, along said south line, not tangent to said curve, a distance of 5.83 feet; thence westerly a distance of 390.77 feet along said south line on a non-tangential curve, concave to the south, having a radius of 1014.50 feet, a central angle of 19°48'38" and a chord which bears North 79°56'36" West a distance of 349.03 feet to the southwest corner of said Lot 2; thence North 00°10'48" East, not tangent to said curve along the west line of said Lots 2 and 1, a distance of 526.29 feet; thence 24.59 feet, along said east line on a tangential curve having a radius of 4816.70 feet, a central angle of 07°33" and a chord which bears North 00°08'15" East a distance of 24.59 feet to the northwest corner of said Lot 1 and the point of beginning.

Containing 11,355.55 acres, more or less and subject to all easements, restrictions and reservations of record, if any.

Being the same tract of land described in a Title Report prepared by First American Title Insurance Company, Commitment No. NCS-86527-MICH, dated 8/19/2017.

### ALTA/NSPS LAND TITLE SURVEY

Waiser Experienced Auto and Waiser Honda  
 501 Burkhardts Drive and 14800 Buck Hill Road  
 Burnsville, Minnesota

### Surveyor's Certification

To: CAR WAL MN BUJR LLC, a Delaware limited liability company, its successors and assigns, and assigns.  
 Borloys Bank PLC, as Administrative Agent, its successors and assigns, and First American Title Insurance Company, its successors and assigns and MKAAssociates, Inc.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(c), 7(a), 7(c), 8, 9, 10(c), 11, 13, 14, 16, 17, 18, 19 and 20 of Table A thereof.

The field work was completed on September 21, 2017.  
 Date of Plat or Map: September 22, 2017

Registered Surveyor: Thomas M. Healy  
 Registration Number: 41577  
 In the State of: Minnesota

PROJ. NAME: Waiser Experienced Auto and Waiser Honda MKA PROJECT No.: 1064-17-46635:001  
 ADDRESS: 501 Burkhardts Dr. & 14800 Buck Hill Road CITY: Burnsville STATE: Minnesota

For Inquiries Concerning This Survey Contact MKA  
 National Coordinators of Land Survey Services  
 6593 Commerce Court - Worrenton, Virginia 20187  
 Phone: (540) 428-3550 Fax: (540) 428-3560  
 Email: comments@mkaassociates.com  
 www.mkaassociates.com

HEALY LAND SURVEYING  
 A National Land Services Group