



1 TITLE DESCRIPTION

3 SCHEDULE "B" ITEMS

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PARCEL A
ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE VILLAGE OF NEWFANE (FORMERLY CHARLOTTE), IN THE TOWN OF NEWFANE, NIAGARA COUNTY, AND STATE OF NEW YORK, BEING THE EAST PART OF VILLAGE LOT NUMBER TWENTY-SEVEN (27) ON THE WESTERLY SIDE OF MAIN STREET IN SAID VILLAGE, AS SHOWN UPON A MAP OR SURVEY OF SAID VILLAGE OF CHARLOTTE MADE BY JESSE P. HAINES, SURVEYOR, IN 1834 AND FILED IN NIAGARA COUNTY CLERK'S OFFICE, WHICH IS BOUNDED AND DESCRIBED AS FOLLOWS:

ON THE EAST BY MAIN STREET SEVENTY-THREE (73) FEET AND FOUR (4) INCHES; ON THE SOUTH BY THE NORTH BOUNDS OF FACTORY STREET SEVENTY-FOUR (74) FEET AND THREE (3) INCHES; ON THE WEST BY A LINE PARALLEL WITH THE FIRST MENTIONED BOUNDARY SEVENTY-THREE (73) FEET AND FOUR (4) INCHES, AND ON THE NORTH BY A LINE PARALLEL WITH SAID FACTORY STREET SEVENTY-FOUR (74) FEET AND THREE (3) INCHES, CONTAINING MORE OR LESS.

PARCEL B
ALL THAT TRACT OF PARCEL OF LAND, SITUATE IN THE TOWN OF NEWFANE, COUNTY OF NIAGARA AND STATE OF NEW YORK, AND BEING A PART OF LOT 27 AS SHOWN ON A MAP AND SURVEY OF THE VILLAGE OF NEWFANE BY JESSE P. HAINES, SURVEYOR, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST LINE OF SAID LOT 27 WHICH IS 73 FEET 4 INCHES NORTH OF THE SOUTHEAST CORNER OF SAID LOT (THE EAST LINE OF SAID LOT 27 BEING THE WEST LINE OF MAIN STREET) AND RUNNING THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID LOT 27, 74 FEET 3 INCHES;

THENCE NORTH PARALLEL TO THE EAST LINE OF SAID LOT, 9 FEET 2 INCHES TO THE NORTH LINE OF LOT 27;

THENCE EAST ALONG THE NORTH LINE OF SAID LOT 27, 74 FEET 3 INCHES TO THE EAST LINE OF SAID LOT AND THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 9 FEET 2 INCHES TO THE PLACE OF BEGINNING.

PARCEL C
ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE TOWN OF NEWFANE, COUNTY OF NIAGARA AND STATE OF NEW YORK, BEING PART OF LOT 6, TOWNSHIP 15, RANGE 7, AND ALSO BEING PART OF LOTS 25 AND 27 AS SHOWN ON A MAP OF THE VILLAGE OF CHARLOTTE MADE FOR GED R. DAVIS AND OTHERS BY J.P. HAINES, SURVEYOR, IN 1834, AND FILED IN THE NIAGARA COUNTY CLERK'S OFFICE, SEPTEMBER 15, 1875, IN BOOK 10 OF MAPS AT PAGE 116, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF MAIN STREET, WHICH POINT IS 82 FEET 6 INCHES NORTH OF THE INTERSECTION OF THE NORTHERLY LINE OF WEST AVENUE (FORMERLY FACTORY STREET) AND THE WESTERLY LINE OF SAID MAIN STREET, MEASURED ALONG THE WESTERLY LINE OF SAID MAIN STREET;

RUNNING THENCE SOUTHWESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 25, 74 FEET 3 INCHES TO A POINT;

THENCE SOUTHEASTERLY ON A LINE PARALLEL WITH THE WESTERLY LINE OF SAID MAIN STREET 9 FEET, 2 INCHES TO A POINT;

THENCE SOUTHWESTERLY ON A LINE PARALLEL WITH THE NORTHERLY LINE OF SAID WEST AVENUE, 74 FEET 3 INCHES TO A POINT;

THENCE NORTHWESTERLY ON A LINE PARALLEL WITH THE WESTERLY LINE OF SAID MAIN STREET, 4 FEET 8 INCHES TO A POINT;

THENCE SOUTHWESTERLY ON A LINE PARALLEL WITH THE NORTHERLY LINE OF SAID WEST AVENUE, 62 FEET 6 INCHES TO A POINT IN THE BROW OF A HILL, EAST OF THE EIGHTEEN MILE CREEK;

THENCE NORTHERLY ALONG THE BROW OF SAID HILL TO A POINT ON THE NORTHERLY LINE OF SAID LOT 25, WHICH POINT IS 179.30 FEET SOUTHWESTERLY FROM THE WESTERLY LINE OF SAID MAIN STREET, MEASURED ALONG THE NORTHERLY LINE OF SAID LOT 25;

THENCE NORTHEASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 25, 179.30 FEET TO A POINT IN THE WESTERLY LINE OF SAID MAIN STREET;

THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF SAID MAIN STREET, 82 FEET 6 INCHES TO THE POINT OR PLACE OF BEGINNING.

EXCEPTING FROM SAID PARCELS, SO MUCH OF THE PREMISES AS WAS CONVEYED TO LINDA S. SMITH BY DEED DATED 8/19/1983 AND RECORDED 10/4/1983 IN LIBER 1864 CP 177.

The property described above is the same property that is described in Schedule A of First American Title Insurance Company Commitment No. NCS-401470-437-KCTY, having an effective date of October 9, 2015.

Numbers correspond with survey-related Schedule B exception items contained in the above referenced Title Commitment.

5. Encroachment Agreement made by and between Liberty National Bank and Trust Company and Isabelle M. Marsland dated 8/12/1977 and recorded 8/26/1977 in Liber 1604 Cp 392. AFFECTS THE SUBJECT PROPERTY - PLOTTED AND SHOWN HEREON

2 TITLE INFORMATION

The Title Description and Schedule B items shown hereon are from First American Title Insurance Company Commitment No. NCS-401470-437-KCTY, having an effective date of October 9, 2015.

5 FLOOD INFORMATION

By graphic plotting only, this property is located in Zone "X" of the Flood Insurance Rate Map, Community Panel No. 360630087E, which bears an effective date of September 17, 2010 and is not in a special flood hazard area. No field surveying was performed to determine this Zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

Zone "X" denotes areas outside the 0.2% annual chance floodplain.

- There is direct access to the subject property via Main Street, a public right-of-way.
- The address of the site is 2700 Main Street.
- The location of utilities shown on the survey are from observed evidence or above ground appurtenances only. The surveyor was not provided with underground utility plans or surface ground markings to determine the location of any subterranean uses.
- At the time of this survey there was no observable evidence of earth moving work, building construction, or building additions within recent months.
- At the time of this survey there was no evidence of any changes in the street right-of-way lines, either completed or proposed.
- At the time of this survey there was no observable evidence that the subject property is being used as a solid waste dump, pump, or as a sanitary landfill.
- At the time of this survey there was no observable evidence of cemeteries on the subject property observed in the field.
- All field measurements matched record dimensions within the precision requirements of ALTA/ACSM specifications unless otherwise shown.
- All statements within the certification, and other references located elsewhere hereon, related to: utilities, improvements, structures, buildings, party walls, parking, easements, servitudes, and encroachments; are based solely on above ground, visible evidence, unless another source of information is specifically referenced hereon.
- Only title surveys bearing the makers electronic red seal should be relied upon since other than electronic red seal copies may contain unauthorized and undetectable modifications, deletions, additions and changes.
- Reproduction or copying of this document may be a violation of copyright law unless permission of the author and/or copyright holder is obtained.
- A copy of this document without a proper application of the surveyor's electronic red seal should be assumed to be an unauthorized copy.
- Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 2209, Sub-division 2 of the New York State Education Law.
- Certifications on this boundary survey map signify that the map was prepared in accordance with the current existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc.
- The certification is limited to persons for whom the boundary survey map is prepared, to the title company, to the governmental agency and to the lending institution listed on the boundary survey map.

Zoning Classification: VB (Village Business)
Zoning Jurisdiction: Town of Newfane, NY

Setbacks:
Front: 5'
Side: None
Rear: 20'

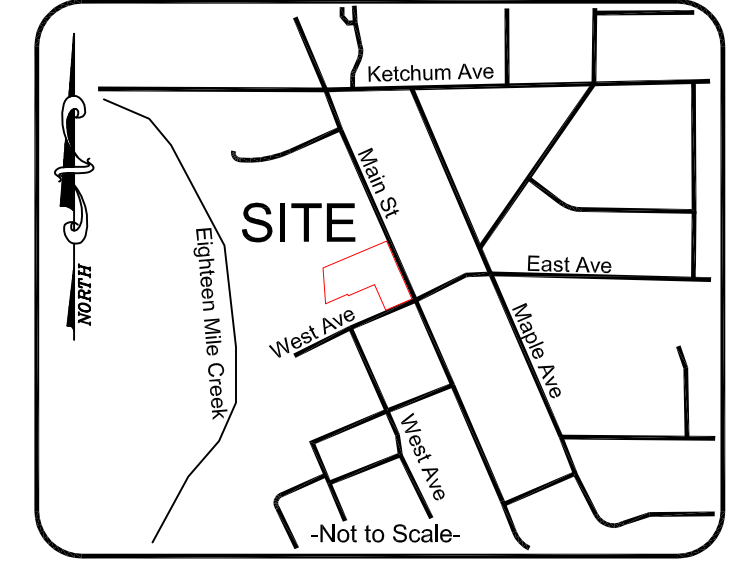
Maximum Building Height: 35'
Bulk Restrictions:
Minimum Lot Area: 5,000 sq.ft.
Minimum Lot Width: 60'
Maximum Coverage: 60%

Parking: Banks, saving and loan association: Same as office: 1 Space per 150 Sq. Ft. of gross floor area

Information provided by a zoning report issued by Commercial Due Diligence Services, Project #15-09-01516:21, dated November 4, 2015.

7 POSSIBLE ENCROACHMENTS

A Subjects building extends 3.6' beyond the setback line.



6 CEMETERY

There is no observable evidence of cemeteries.

4 SURVEYOR CERTIFICATION

To Bank of America, National Association, First American Title Insurance Company and Commercial Due Diligence Services:

This is to certify that this map or plot and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1 (except in states that require record monument plotting), 2, 3, 4, 6(b), 7(c), 7(b)(1), 7(c), 8, 9, 11(a), 13, 14, 16, 18, 21, 23 (to the extent possible, graphically depict on survey drawing the zoning setback lines), and 24 (graphically depict in relation to the subject tract or property any offsite easements or servitudes benefitting the surveyed property and disclosed in Record Documents provided to the surveyor as part of the Schedule "A") of Table A thereof. The field work was completed on October 25, 2015.

Date of Map or Plot: October 28, 2015

PRELIMINARY
Raymond B. Dawber, LS
Professional Land Surveyor No. 49350
In the State of New York

10 BASIS OF BEARINGS

The meridian for all bearings shown hereon is the north line of West Avenue, assumed as being South 70°00'00" West, and is used to denote angles only.

12 PARKING INFORMATION

- 30 Regular Parking Spaces
- 2 Handicap Parking Spaces
- 32 Total Parking Spaces

13 LAND AREA

0.534 Acres
23,251 Square Feet

14 BUILDING AREA

2,956 Sq. Ft.

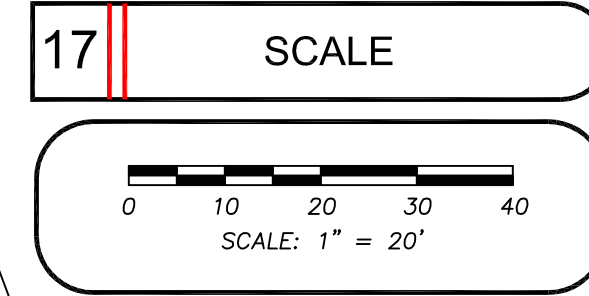
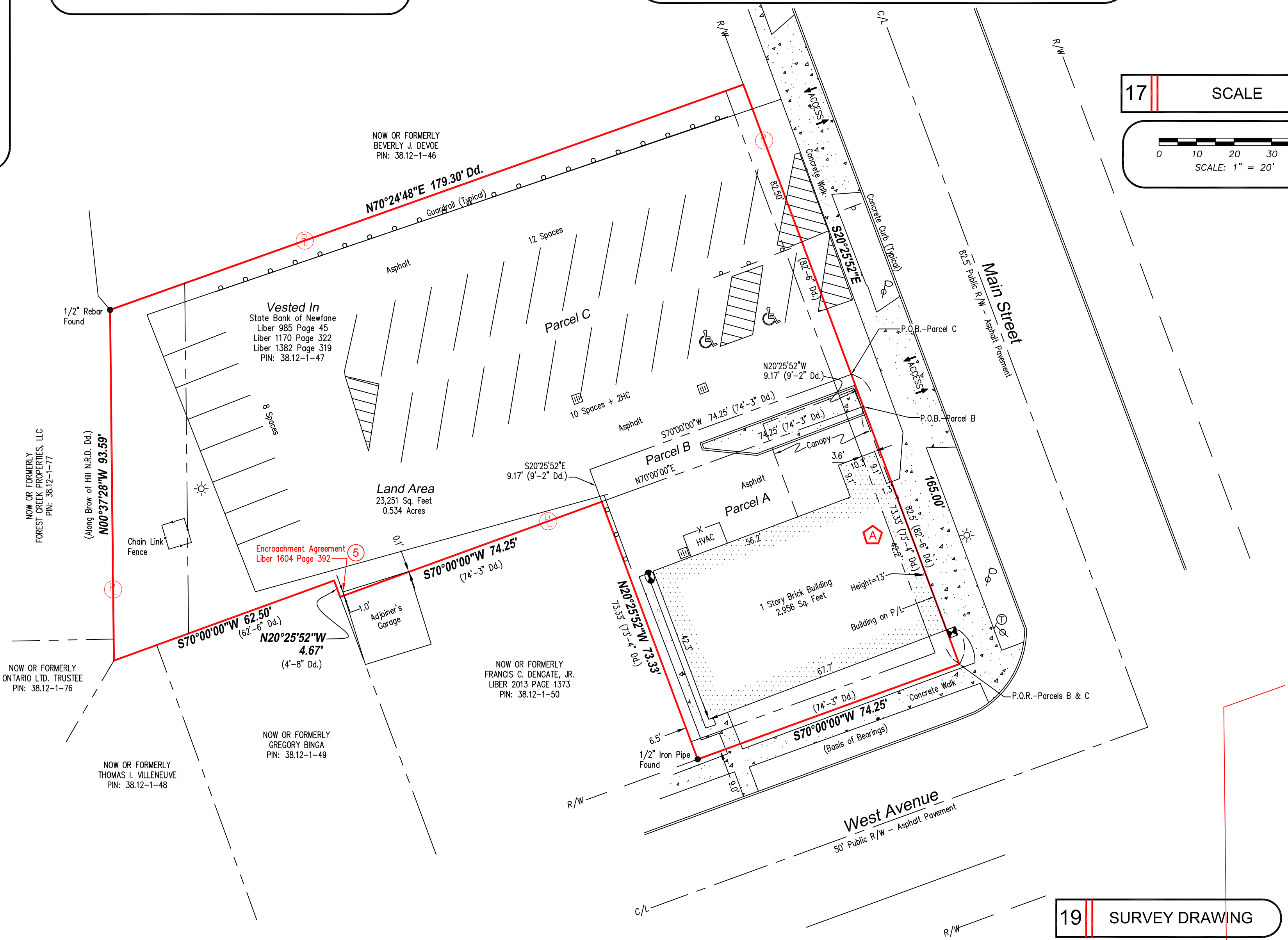
15 BUILDING HEIGHT

Height=13'

9 LEGEND

- R/W - Right-of-Way
- C/L - Centerline
- P - Property Line
- P.O.B. - Point of Beginning
- P.O.C. - Point of Commencement
- - Monumentation Found
- - 5/8" Rebar Set
- ▲ - Nail Found
- △ - MAG Nail Set
- Calc. - Calculated
- Msd. - Measured
- Gas Meter
- Catch Basin (Square)
- Electric Meter
- Traffic Manhole
- Power Pole
- Traffic Pole
- Light Pole
- Sign
- Handicapped Space
- Overhead Utility Line
- Fence
- Concrete Area
- No Parking Area
- Building Area

Approved CDS Surveyor
LMS SURVEYING LTD
P.O. Box 65 Sharon Center, OH 44274
Phone: 330-329-6812 / Fax: 330-239-1529



19 SURVEY DRAWING

Key to CDS ALTA Survey

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18 ALTA/ACSM Land Title Survey

This survey prepared in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys (Effective February 23, 2011)"

This Work Coordinated By:

1700 South Broadway, Bldg E
Moore, Oklahoma 73160
Office: 405.378.5800 - Fax: 405.703.1851
Toll Free: 888.457.7878

Drawn By: JUT	Date: 11.3.15
Surveyor Ref.No: B-150628	Revision: Client Comments
Approved By: TRD	Date: 11.5.15
Field Date: 10.25.15	Revision: Zoning Added
Scale: 1"=20'	Date:
	Revision:
	Date:
	Revision:

Prepared For:
Bank of America, National Association

Client Ref. No:

20 PROJECT ADDRESS
2700 Main Street
Newfane, NY 14108

Project Name:
NY7-127 Newfane
CDS Project Number:
15-09-12056:21