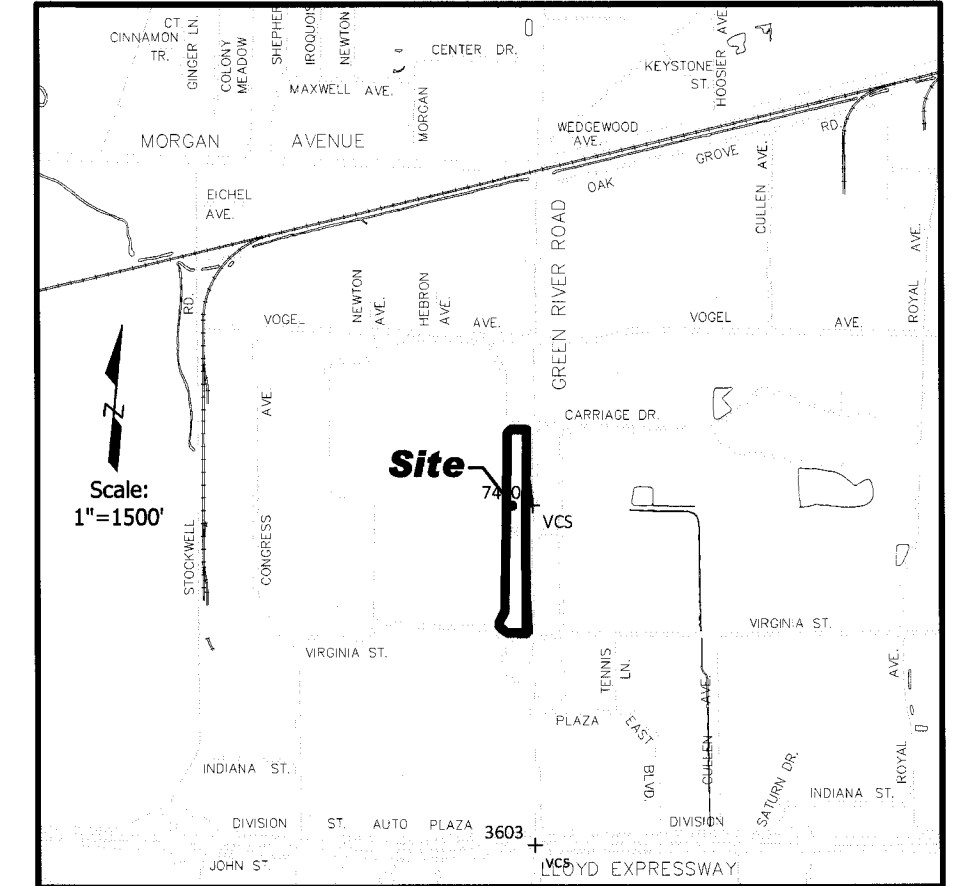
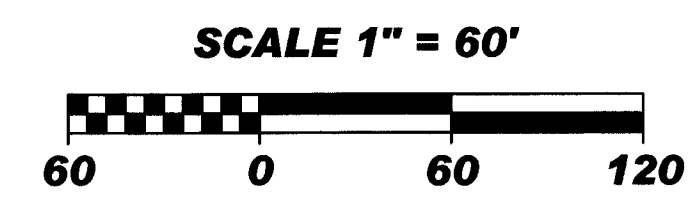


Eastland Mall Adjacent Parcels

DULY ENTERED FOR TAXATION PURPOSES TO FINAL ACCEPTANCE FOR TRANSFER
11/30/2018
 BRIAN GERTH AUDITOR
5894
 RECEIVED FOR RECORD
 DATE **11/30/2018**
 PLAT BOOK **99**
 PAGE **176**
 INSTR# **2018R00021518**
 DEBBIE STUCKI RECORDER
 VANDERBURGH COUNTY

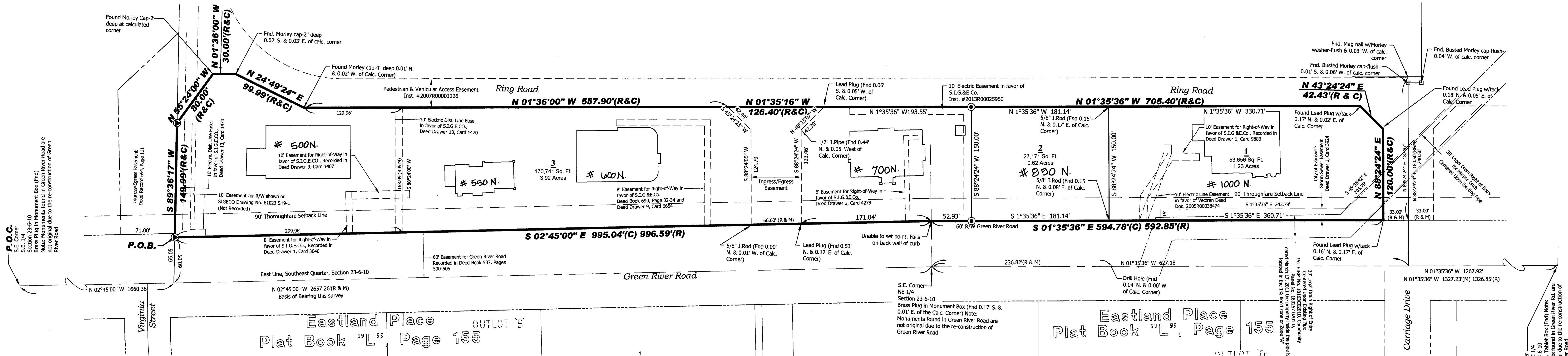


Boundary Description
 Parcel 1- Tract 5 of the Parcelization Plat recorded in Instrument Number 2018R00017917 being part of the Northeast Quarter of the Southeast Quarter and part of the Southeast Quarter of the Northeast Quarter of Section 23, Township 6 South, Range 10 West in Knight Township, in the City of Evansville, Vanderburgh County, Indiana being more particularly described as follows:
 Commencing at the Southeast Corner of the Southeast Quarter of said Section 23; thence along the East line of the East Half of the Southeast Quarter of said Section 23, North 02 degrees 45 minutes 00 seconds West 1,860.36 feet; thence South 89 degrees 36 minutes 17 seconds West 60.05 feet to a point on the West line of the right-of-way of Green River Road, said point being the point of beginning; thence continuing South 89 degrees 36 minutes 17 seconds West 149.99 feet; thence North 55 degrees 24 minutes 00 seconds West 80.00 feet; thence North 01 degrees 36 minutes 00 seconds West 30.00 feet; thence North 24 degrees 49 minutes 24 seconds East 99.99 feet; thence North 01 degrees 36 minutes 00 seconds West 557.30 feet; thence North 01 degrees 35 minutes 16 seconds West 126.40 feet; thence North 01 degrees 35 minutes 36 seconds West 705.40 feet; thence North 43 degrees 24 minutes 24 seconds East 42.43 feet; thence North 88 degrees 24 minutes 24 seconds East 120.00 feet to a point on said west right-of-way line of Green River Road; thence along said west right-of-way line, South 01 degrees 35 minutes 36 seconds East 594.78 feet; thence continuing along said west right-of-way line, South 02 degrees 45 minutes 00 seconds East 995.04 feet to the Point of Beginning containing 251,569 square feet (5.78 acres).



Legend

---	Building Setback Line	(C)	Calculated Dimension
---	Center Line	Cd	Card
---	Easement Line	D.R.	Deed Record
---	Property Boundary Line	Doc.	Document
---	Right-of-way Line	Dr.	Drawer
---		E	East
⊙	Mag Nail with Washer stamped "Morley & Assoc. ID. #0023" (Set)	(Fnd)	Found
⊙		Inst.	Instrument
⊙		L.A. RW	Limited Access Right-of-Way
⊙		N	North
⊙		(M)	Measured Dimension
⊙		Pg.	Page
⊙		P.O.B.	Point Of Beginning
⊙		P.O.C.	Point Of Commencement
⊙		R	Range
⊙		(R)	Record Dimension
⊙		S	South
⊙		T	Township
⊙		W	West



General Notes
Access: No lots will have direct access to Green River Road. All access will be by the "Ring Road". Access is provided by Inst. #2007R00001226.
Basements: Any basements must be approved by the Vanderburgh County Building Commissioner.
Flood Hazard Statement: The portion of the property, being the NE corner of the subject tract which contains the enclosed pipe for Harper Ditch, is classified as having a "1% annual chance flood discharge contained in culvert" being special Flood Zone A as said tract plots on Community Panel No. 180257 0201 D, being Map No. 18163C0201D of the Flood Insurance Rate Maps for the City of Evansville, Indiana, dated March 17, 2011. Per said FIRM, no other portions of the property are located within Flood Zone A.
Property Corner Markers: All corners not already marked will be monumented with a 5/8" diameter iron rod with plastic cap stamped "Morley & Assoc. ID. #0023."
Reference Survey: Inst. #2018R00023018
Lots 1 & 2 - Installation of Sidewalks with Certificate of Occupancy:
 (i) Each purchaser of, or successor in interest to, an individual lot or lots from the owner of record at the time the plat is recorded must install the required sidewalk(s) on the purchased lot or lots within five years from the date of purchase or acquisition of interest.
 (ii) The owner of record at the time the plat is recorded must install the required sidewalk(s) on all lots to which the owner still holds title within 10 years from the date the plat is recorded.
 (iii) No certificate of occupancy will be granted for any new building on any lot in the subdivision unless and until the required sidewalk on that lot is installed.
 (iv) Sidewalks installed in a new subdivision must be installed to the standards meeting the latest edition of the Evansville Municipal Code and all applicable standards required by the Americans with Disabilities Act (ADA) and the regulations there under.
 (v) Failure to install a required sidewalk in accordance with all ordinances and in the time allotted in this subsection is an ordinance violation that may be corrected by City employees or contractors in accordance with the provisions of IC 36-1-6-2 and any amendment or reclassification thereof, with both the direct and administrative costs of such correction being a lien against the property and being eligible to be placed on the tax duplicate by the County Auditor in accordance with the procedures prescribed by state law.

Lot 3 Installation of Sidewalks with Letter of Credit:
 Sidewalks for Lot 3 will be installed along Green River Road to the satisfaction of the City Engineer prior to recording the plat, or an acceptable letter of credit that covers the cost of the required sidewalks will be provided to the APC prior to recording.
Utilities: Site is served by Private Sewer and Private Water. The variance to allow the continued use of Private Sewer and Water was approved by the Utility Board on October 2, 2018.
EWSU Variance:
 The Evansville Water and Sewer Utility Board approved a variance on October 2, 2018 to allow for Lots 1 and 2 to continue to use private sanitary sewer and water utilities. The variance is recorded in Instrument No. 2018R00022726. As a requirement of the variance, the following sections of the variance are to be shown on the face of this subdivision plat
2. REPRESENTATIONS AND WARRANTIES: Eastland represents and warrants that it is unaware of any problems in the functionality of the Private Lines. Eastland, as the owner of the Private Lines covenants that it will neither grant nor permit any additional individual or entity outside the boundaries of Eastland Mall to tie into, connect, or in any way utilize the Private Lines, except as shown on Exhibit "C" attached hereto and incorporated herein.
3. TAP FEES: Any and all usual and customary tap fees may be assessed by EWSU against the owner of Lot 1 for any business within Lot 1 and against the owner of Lot 2 for any business within Lot 2, in each case that connects to the Private Lines as if such were being newly tapped to the EWSU's existing Public Lines, thus assuring that the EWSU are not denied any usual and customary fees by this Variance.
4. INDEMNIFICATION: Eastland acknowledges and agrees that should any dysfunctionality or malfunction of, or damage to, the Private Lines occur (unless the same is caused by any intentional act of EWSU), EWSU shall not be responsible for any remediation or repair of such in any manner, and (a) the Main Mall Owner hereby covenants and agrees and (b) each Subsequent Owner hereby covenants and agrees jointly and severally with the Main Mall Owner but only with respect to the Private Lines located on the Real Estate owned by such Subsequent Owner, to promptly repair or replace (or to cause to be promptly repaired and replaced) the Private Lines and to swiftly and fully indemnify, defend, and hold harmless the City of Evansville, Indiana, including, but not limited to, EWSU, its officers, employees, and agents from and against all claims, demands, actions, suits, proceedings, judgments, losses, liabilities, damages, and costs of every kind and nature for bodily or personal injury, or for damage or destruction of property or for loss of service, including, but not limited to, reasonable attorneys' fees, and for all and any litigation costs and expenses directly or indirectly arising from, as a result of, or in connection with the Private Lines, as well as all obligations relating to the operation, maintenance, repair and replacement of the Private Lines. It is understood that the indemnification and defense obligations set forth herein and all such repairs, replacement or maintenance shall be the joint and several responsibility of the Main Mall Owner and (i) any Subsequent Owner of Lot 1 with respect to Private Lines located within Lot 1 and (ii) any Subsequent Owner of Lot 2 with respect to Private Lines located within Lot 2.

Owner's Certificate
 The undersigned owners of the real estate shown and described hereon, do hereby plat and subdivide said real estate as shown and designate the same as **Eastland Mall Adjacent Parcels**.
 The land owned by Owner within Lot 3, of the dimensions shown on this plat and marked **Ingress/Egress Easement**, is hereby dedicated for a private drive only for the purpose of ingress and egress to and from Eastland Mall as shown hereon. Drive must be constructed with impervious material. The owner of Lot 3 shall be responsible for the maintenance of the drive located within the Ingress/Egress Easement area. No permanent structures shall be placed within the Ingress/Egress Easement area that would prohibit the free flow of vehicular traffic to and from Eastland Mall.
 SM Eastland Mall LLC:
 By: *Douglas H. Morrow*
 Douglas H. Morrow, Senior Vice President - Real Estate Services
 1175 Pittsford Victor Road
 Pittsford, New York 14534
Notary Certificate
 STATE OF NEW YORK) ss.
 COUNTY OF **Monroe**
 On this **9th** day of **November**, 2018, before me personally came, Douglas H. Morrow, to be known and known to me to be the person described in and who executed the foregoing instrument and he/she acknowledged to me that he/she executed the same.
Wanda J. Albert
 Notary Public
 Wanda J. Albert
 Notary Public
 State of New York
 No. 0146297597
 Qualified in Monroe County
 My Commission Expires 6/15/2020

Area Plan Commission Certificate
 Under the authority provided by the Acts of 1981, Public Law #309, and enacted by the General Assembly of the State of Indiana, proper notice was given and this plat has been given PRIMARY APPROVAL BY THE AREA PLAN COMMISSION OF EVANSVILLE AND VANDERBURGH COUNTY at a meeting held on, September 6, 2018.
 Prepared By: *Bret Alan Sermersheim*
 President: Stacy Stevens
Ronald S. London
 Attest Executive Director: Ronald S. London
Plat Release for APC Docket No. MAJ-2018-010
 Secondary Plat complies with the Ordinance and is released for Recording.
Ronald S. London
 Executive Director: Ronald S. London
 PLAT RELEASE DATE: **NOVEMBER 30, 2018**

Surveyor's Certificate
 I, Bret Alan Sermersheim, do hereby certify that I am a land surveyor licensed in compliance with the laws of the State of Indiana, and further certify that this plat correctly represents a survey completed by me on October 10, 2018 and that all monuments shown exist at locations as noted.
Affirmation Statement
 I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.
 Bret A. Sermersheim
 Witness my hand and seal this 6th day of November, 2018.
Bret Alan Sermersheim
 Bret Alan Sermersheim
 Registered Professional Land Surveyor
 No. LS 20200006
 STATE OF INDIANA
 MORLEY
 4800 Rosebud Lane
 Newburgh, IN 47630
 Phone: (812) 464-9555
 Fax: (812) 464-2514
 brets@morleycorp.com

Secondary Plat
 Designed By: **D.A.S.** Job Number: **10566.3.001B**
 Drawn By: **J.E.V.** Date: **11/08/2018**
 File Name: **10566 Secondary Plat**
MORLEY
 ARCHITECTS | ENGINEERS | SURVEYORS
 4800 Rosebud Ln., Newburgh, IN 47630
 812.464.9555 phone 812.464.2514 fax
 morleycorp.com