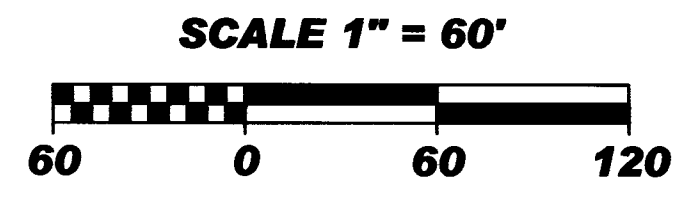
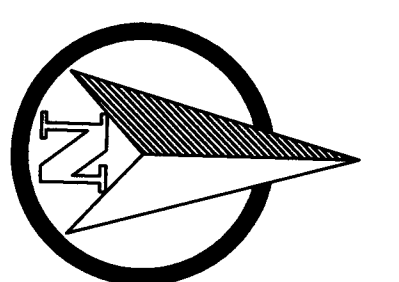
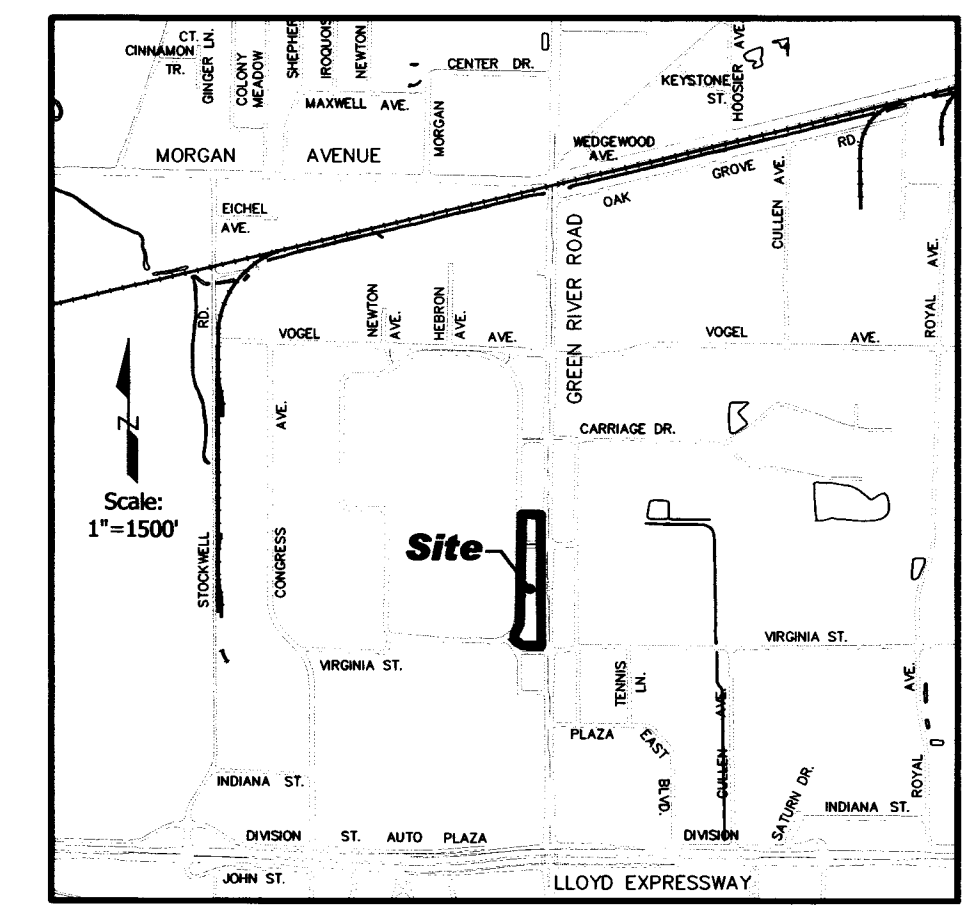


# Eastland Mall Adjacent Parcels 2

A Replat of Lot 3 of Eastland Mall Adjacent Parcels Recorded  
in Plat Book U, Page 176

DULY ENTERED FOR TAXATION SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER <b>11/30/2020</b> (DATE)	RECEIVED FOR RECORD
	DATE <b>11/30/2020 11:34AM</b>
	PLAT BOOK <b>U</b>
BRIAN GERTH AUDITOR	PAGE <b>076</b>
<b>3178</b> (AUDITOR NUMBER)	INSTR <b>2020R00031918</b>
	DEBBIE STUCKI RECORDER VANDERBURGH COUNTY



### 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.

**Flood Plain Data:** None of the within described tract of land lies within the Special Flood Hazard Area (SFHA) Zone "AE" as said tracts plots on Community Panel Number 18163C0201D of the Flood Insurance Rate Maps (FIRM) of Vanderburgh County, Indiana, dated March 17, 2011.

**Lots 1, 2, 3 and 4- Installation of Sidewalks with Letter of Credit:** Sidewalks for Lots 1, 2, 3, and 4 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.

**Monuments:** Monuments have been set at all boundary and lot corners with a 5/8" rebar with cap stamped "Morley ID#0023", unless otherwise noted.

**Prior Covenants and Restrictions:** The AREA PLAN COMMISSION does not participate in the creation or enforcement of private covenants and restrictions and therefore the recording of this replat has absolutely no effect on private covenants and restrictions that may or may not exist.

**Drainage Plan & Report:** The requirement for a Drainage Plan & Report was waived by the Board of Public Works on September 17, 2020.

**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 September 29, 2020.

### EWSU Variance

The Evansville Water and Sewer Utility Board approved a variance on September 29, 2020 to allow for Lots 1-4 to continue to use private sanitary sewer and water utilities. The variance is recorded in Instrument No. 2020R00027128. As a requirement of the variance, the following sections of the variance are to be shown on the face of this subdivision plat.

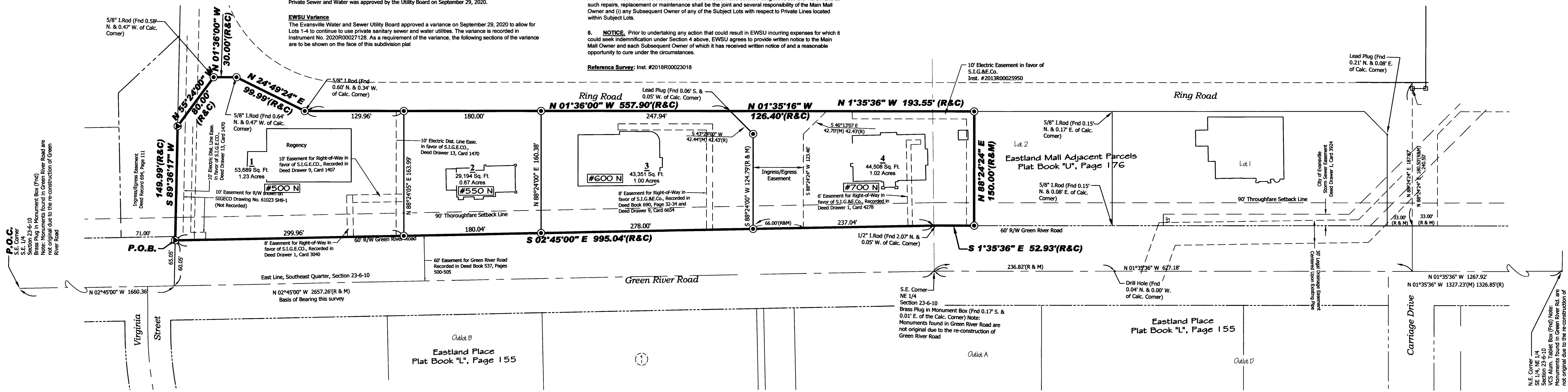
**2. REPRESENTATIONS AND WARRANTIES:** Eastland represents and warrants that it is unaware of any problems in the functionality of the Private Lines. Eastland, as the owner of the Private Lines covenants that it will neither grant nor permit any additional individual or entity outside the boundaries of the Real Estate to be 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 respective owners of each of the Subject Lots for any business within Subject Lots, 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 an 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 any of the Subject Lots with respect to Private Lines located within Subject Lots.

**5. NOTICE:** Prior to undertaking any action that could result in EWSU incurring expenses for which it could seek indemnification under Section 4 above, EWSU agrees to provide written notice to the Main Mall Owner and each Subsequent Owner of which it has received written notice of and a reasonable opportunity to cure under the circumstances.

Reference Survey: Inst. #2018R00023018



### Boundary Description

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 1,660.36 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 557.90 feet; thence North 01 degrees 35 minutes 16 seconds West 126.40 feet; thence North 01 degrees 35 minutes 36 seconds East 193.55 feet; thence North 88 degrees 24 minutes 24 seconds East 150.00 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 52.93 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 170,741 square feet (3.92 acres).

### 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 2**.

The land owned by Owner within Lot 4, 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 4 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 V.P.  
1162 Pittsford-Victor Road, Suite 100  
Pittsford, NY 14534

### Notary Certificate

STATE OF NEW YORK ) ss.  
COUNTY OF MONROE

On this 21 day of OCTOBER, 2020, 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.

CHARLES W. KRUEGER  
Notary Public, State of New York  
Qualified in Livingston County  
Commission Expires March 30, 20 23

### Witness to the Owner(s) signature:

*David J. Hofmeister*  
Witness  
DAVID J. HOFMEISTER  
Witness name

### Notary Certificate

STATE OF NEW YORK ) ss.  
COUNTY OF MONROE

On this 21 day of OCTOBER, 2020, before me personally appeared the above named DAVID HOFMEISTER to the foregoing instrument, who, being by me duly sworn, did depose and say that he/she knows Owner(s) to be the individual(s) described in and who executed the foregoing instrument, that said WITNESS was present and saw said Owner(s) execute the same; and that said WITNESS at the same time subscribed his/her name as a witness thereto.

*Charles W. Krueger*  
Notary Public  
CHARLES W. KRUEGER  
Notary Public, State of New York  
Qualified in Livingston County  
Commission Expires March 30, 20 23

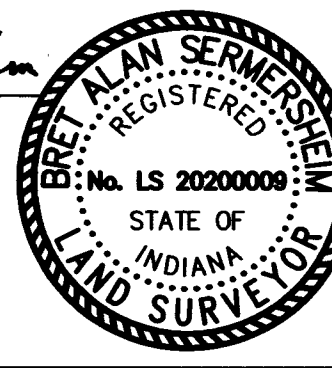
### Surveyor's Certificate

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.

Witness my hand and seal this 21st day of October, 2020.

*Bret Alan Sermersheim*  
Bret Alan Sermersheim, P.S.  
Prepared By:  
**MORLEY**  
4800 Rosebud Lane  
Newburgh, IN 47630  
Phone: (812) 464-9585  
Fax: (812) 464-2514  
brets@morleycorp.com



### 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 October 1, 2020.

President: Stacey Stevens  
*Stacey Stevens*  
Attest Executive Director: Ronald S. London

### Plat Release for APC Docket No. MAJ-2020-009

Secondary Plat complies with the Ordinance and is released for Recording.  
*Ronald S. London*  
Executive Director: Ronald S. London  
PLAT RELEASE DATE: 11/30/2020



Secondary Plat	
Designed By: B.A.S.	Job Number: 10566.1.003A
Drawn By: J.E.V.	Date: 10/21/2020
10566 Secondary Plat2	

**MORLEY**  
ARCHITECTS | ENGINEERS | SURVEYORS  
4800 Rosebud Ln., Newburgh, IN 47630  
812.464.9585 Phone 812.464.2514 Fax  
morleycorp.com