

WSM Park 4

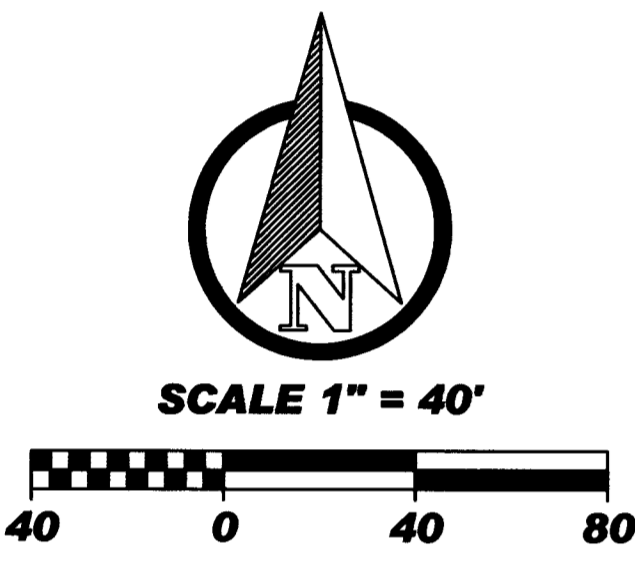
DULY ENTERED FOR TAXATION SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER
 12/10/2020
 BRIAN GERTH AUDITOR
 3269

RECEIVED FOR RECORD
 DATE 12/10/2020 8:25 AM
 PLAT BOOK V
 PAGE 077
 INSTR# 2020R00033129
 DEBBIE STUCKI RECORDER
 VANDERBURGH COUNTY

P.O.C. WSM Park 4 Plat
 P.O.C. Offsite Ingress-Egress easement
 S 89°08'42" E 1332.94'
 S 89°08'42" E 454.10'(R&C)
 N.W. Corner
 NW 1/4
 Section 36-6-10
 1" Pin in Monument Box (Fnd 0.03' N.
 Used for line only)

Legend

- Center Line
- Easement Line
- Property Boundary Line
- Right-of-way Line
- Mag Nail with Washer stamped "Morley ID#0023" (Set)
- Mag Nail with Washer stamped "Morley ID#0023" (Fnd.)
- Calculated Dimension
- East
- Inst. Instrument
- Measured Dimension
- North
- P.O.B. Point Of Beginning
- P.O.C. Point Of Commencement
- Range
- Record Dimension
- South
- Township
- West



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 **WSM Park 4**. All road right-of-ways shown and not previously dedicated are hereby dedicated to public use.

Strips or areas of land, of the dimensions shown on this plat and marked "DE" (Drainage Easement), are hereby dedicated for conveyance of surface water and/or subsurface water; provided however, that public utilities are hereby permitted to cross such Drainage Easements with utility facilities provided, that such facilities are not placed in such a manner as to impede the flow of water and further provided that such Drainage Easements may be used for ingress, egress and temporary staging areas for work by public utility so long as any damage caused to the drainage facility is repaired by the utility company. The property owner is responsible for maintenance and erosion control of said easements and shall not place landscaping, earth berms, fences or other obstructions that impede or reduce the flow of water.

Strips or areas of land, of the dimensions shown on this plat and marked "Offsite IEE" (Ingress and Egress Easement), are hereby dedicated as a non-exclusive easement for ingress and egress to the owner of Lot 1 across the parent tract of the remaining Washington Square Mall property. The owner of the property upon which the Offsite Ingress-egress easement is located shall be responsible for the maintenance of the drive located within the Ingress-egress easement area. No permanent structures shall be placed within the driving area that would prohibit the free flow of vehicular traffic to and from Lot 1.

All easements are dedicated with the right of ingress and egress over the lots within this subdivision to and from said easements for necessary construction, maintenance or reconstruction.

Owner/Developer: Evansville Holdings, LLC

By: Joseph Weinberg, Managing Member
 2376 60th Street
 Brooklyn, NY 11204

Notary Certificate

STATE OF NEW YORK, COUNTY OF King's ss:

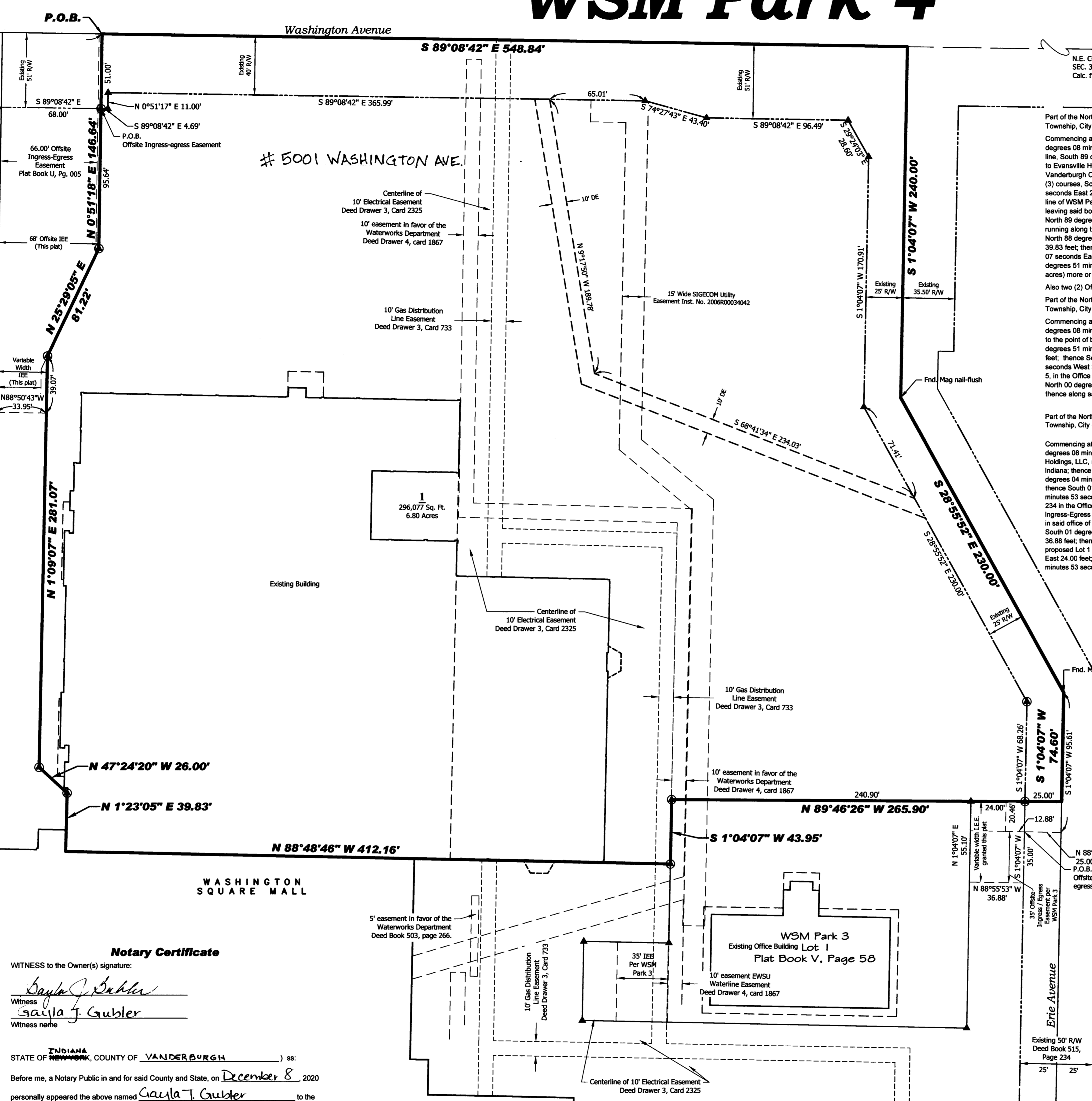
Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Joseph Weinberg, as Managing Member for Evansville Holdings LLC, the owner of the real estate shown and described hereon and acknowledge the execution of the foregoing plat with the dedications and restrictions thereon, express to be their voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal this 8 day of December, 2020

My Commission Expires: 7/19/2021

Notary Resides in King's County, New York

Notary Public: JUDY ZELKOVITZ
 Notary Public, State of New York
 No. 01ZE5015222
 Qualified in Kings County
 Commission Expires July 19, 2021



Notary Certificate

WITNESS to the Owner(s) signature:

By: Gayla J. Gubler
 Witness name

STATE OF INDIANA, COUNTY OF VANDERBURGH ss:

Before me, a Notary Public in and for said County and State, on December 8, 2020 personally appeared the above named Gayla J. Gubler 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.

Witness my hand and seal this 8th day of December, 2020

My Commission Expires: 11-20-23

Notary Resides in Warrick County, Indiana

Notary Public: M. TERESA FRUIT
 Resident of Warrick County, IN
 Commission Expires: November 20, 2023
 Commission # 673469

Boundary Description

Part of the Northwest Quarter of the Northwest Quarter of Section 36, Township 6 South, Range 10 West, Knight Township, City of Evansville, Vanderburgh County Indiana, being more particularly described as follows:

Commencing at the Northwest Corner of said Quarter Quarter Section, thence along the north line thereof, South 89 degrees 08 minutes 42 seconds East 454.10 feet to the POINT OF BEGINNING; thence continuing along said north line, South 89 degrees 08 minutes 42 seconds East 548.84 feet to the Northeast corner of a tract of land conveyed to Evansville Holdings, LLC, recorded in Instrument No. 2016R00029214 in the office of the Recorder of Vanderburgh County, Indiana; thence along the boundary of said Evansville Holdings, LLC tract the following three (3) courses, South 01 degrees 04 minutes 07 seconds West 240.00 feet; thence South 28 degrees 55 minutes 52 seconds East 230.00 feet; thence South 01 degrees 04 minutes 07 seconds West 74.60 feet to the extended north line of WSM Park 3, as per plat thereof, recorded in Plat Book V, Page 58, in said Office of the Recorder; thence leaving said boundary line and running along the north extended line and north boundary line of said WSM Park 3, North 89 degrees 46 minutes 26 seconds West 265.90 feet to the northwest corner of said WSM Park 3; thence running along the west line of said WSM Park 3, South 01 degrees 04 minutes 07 seconds West 43.95 feet; thence North 88 degrees 48 minutes 46 seconds West 412.16 feet; thence North 01 degrees 23 minutes 05 seconds East 39.83 feet; thence North 47 degrees 24 minutes 20 seconds West 26.00 feet; thence North 01 degrees 09 minutes 08 seconds East 281.07 feet; thence North 25 degrees 29 minutes 05 seconds East 81.22 feet; thence North 00 degrees 51 minutes 18 seconds East 146.64 feet to the point of beginning, containing 332,329 square feet (7.63 acres) more or less.

Also two (2) Offsite Ingress-egress easements more particularly described as follows:

Part of the Northwest Quarter of the Northwest Quarter of Section 36, Township 6 South, Range 10 West, Knight Township, City of Evansville, Vanderburgh County Indiana, being more particularly described as follows:

Commencing at the Northwest Corner of said Quarter Quarter Section, thence along the north line thereof, South 89 degrees 08 minutes 42 seconds East 454.10 feet; thence South 00 degrees 51 minutes 18 seconds West 51.00 feet to the point of beginning, said point being on the south line of Washington Avenue; thence continuing South 00 degrees 51 minutes 18 seconds West 95.64 feet; thence South 25 degrees 29 minutes 05 seconds West 81.22 feet; thence South 01 degrees 09 minutes 07 seconds West 39.07 feet; thence North 88 degrees 50 minutes 43 seconds West 33.95 feet to the Southeast corner of WSM Park, as per plat thereof, recorded in Plat Book V, Page 5, in the Office of the Recorder of Vanderburgh County, Indiana; thence along the east line of said WSM Park, North 00 degrees 51 minutes 18 seconds East 208.37 feet to the south right-of-way line of Washington Avenue; thence along said South line, South 89 degrees 08 minutes 42 seconds East 88.00 feet to the point of beginning.

Part of the Northwest Quarter of the Northwest Quarter of Section 36, Township 6 South, Range 10 West, Knight Township, City of Evansville, Vanderburgh County Indiana, being more particularly described as follows:

Commencing at the Northwest Corner of said Quarter Quarter Section, thence along the north line thereof, South 89 degrees 08 minutes 42 seconds East 1002.94 feet to the Northeast corner of a tract of land conveyed to Evansville Holdings, LLC, recorded in Instrument No. 2016R00029214 in the office of the Recorder of Vanderburgh County, Indiana; thence along the boundary of said Evansville Holdings, LLC tract the following three (3) courses, South 01 degrees 04 minutes 07 seconds West 240.00 feet; thence South 28 degrees 55 minutes 52 seconds East 230.00 feet; thence South 01 degrees 04 minutes 07 seconds West 74.60 feet; thence leaving said boundary, North 88 degrees 55 minutes 53 seconds West 25.00 feet to the west right-of-way line of Erie Avenue as recorded in Deed Book 515, Page 234 in the Office of the Recorder of Vanderburgh County, said point being the beginning of an existing Offsite Ingress-Egress Easement dedicated on the plat of WSM Park 3, as per plat thereof, recorded in Plat Book V, Page 58 in said Office of the Recorder and said point being the POINT OF BEGINNING; thence along said west right-of-way line, South 01 degrees 04 minutes 07 seconds West 35.00 feet; thence North 88 degrees 55 minutes 53 seconds West 36.88 feet; thence North 01 degrees 04 minutes 07 seconds East 55.10 feet to a point on the southeast line of proposed Lot 1 in WSM Park 4; thence along said southeast proposed line, South 88 degrees 55 minutes 53 seconds East 24.00 feet; thence South 01 degrees 04 minutes 07 seconds West 20.46 feet; thence South 88 degrees 55 minutes 53 seconds East 12.88 feet to the point of beginning.

General Notes

Access: There shall be no new access points along Washington Avenue.

Cross References: A) Cross Access Easement and Temporary Construction Easement Agreement: Inst. #2019R00011515; B) Declaration Access, Crossover and Parking Easement: Inst. #2019R00026526

Installation of Sidewalks: Along Washington Avenue-Sidewalks exist at this location and it was determined at Subdivision Review on November 16, 2020 that this subdivision currently meets the minimum requirements for the installation of sidewalks as per the Evansville Municipal Code 17.05.150(B)(2).

Along Erie Avenue: Application for Modification/Waiver of Subdivision Standards: APC Docket Number WAV-2020-021 requesting to waive the installation of sidewalks, as per City Code 17.05.150(B)(2), was Approved at Subdivision Review on November 16, 2020.

Variance: APC Docket Number VAR-020-080 requesting a variance of the Zoning Ordinance, as per 18.130.010 Table A, 18.135.120(A)(1), and 18.135.080(A), was Approved by the Board of Zoning Appeals on November 16, 2020. This Variance was to allow for the relaxation of: 1) Relaxation of required front yard green space from 10' to 0' (For 2 years or until future retail opens, whichever occurs first); 2) Relaxation of required side yard green space from 5' to 0' (For 2 years or until future retail opens, whichever occurs first); 3) Relaxation of the landscaping ordinance requiring landscape islands (For 2 years or until future retail opens, whichever occurs first); 4) Relaxation of the required parking spaces from 440 to 230.

Flood Plain Data: None of the within described tract of land lies within that Special Flood Hazard Area (SFHA) Zone "A" as said tracts plots on Community Panel Number 18163C0205D, of the Flood Insurance Rate Maps (FIRM) of Vanderburgh County, Indiana, dated March 17, 2011.

Monuments: Monuments have been set at all boundary and lot corners with a Mag nail with washer stamped "Morley ID#0023", unless otherwise noted.

Reference Survey: Inst. #2002R00002136

Prior Covenants and Restrictions: THE AREA PLAN COMMISSION does not participate in the creation or enforcement of private covenants and restrictions that may or may not exist.

Public Utilities - Water: Water is available and is provided by the Evansville Water & Sewer Utility.

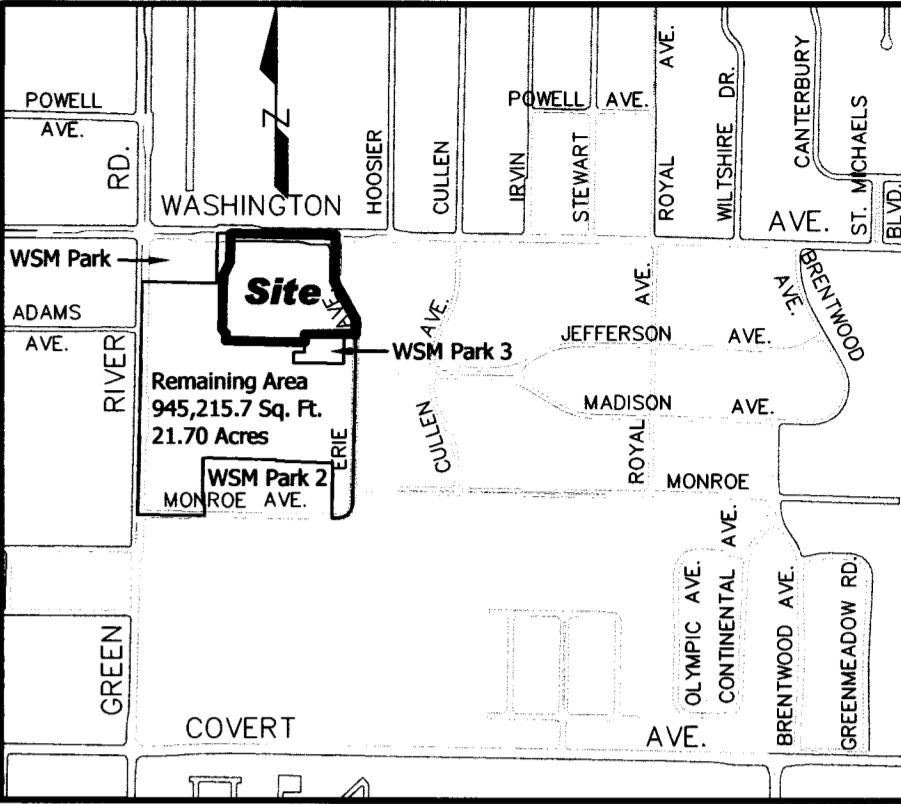
Public Utilities - Sewer: See below Variance Info.

EWSU Variance

The Evansville Water and Sewer Utility Board approved a variance on June 23, 2020 to allow for a private sewer main located on Lot 1 of WSM Park 3 and on the parent tract to remain as is, ("the "Variance"). Capitalized terms not otherwise defined in this Note shall have the same meaning as set forth in the Variance. The real estate described on this plat (the "Real Estate") and the Owner noted below and each and every subsequent owner of the Real Estate is and shall remain subject to and bound by the terms and conditions of the Variance. The variance is recorded in Instrument No. 2020R00016292. 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.** EH, LLC represents and warrants that it is unaware of any problems in the functionality of the Private Line. EH, LLC, as the owner of the Private Line covenants that it will neither grant nor permit any additional individual or entity outside the boundaries of the Real Estate to tie into, connect, or in any way utilize the Private Line.

3. **INDEMNIFICATION-EH, LLC.** EH, LLC acknowledges and agrees that should any dysfunctionality or malfunction of, or damage to, the Private Line 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 EH, LLC does hereby covenant and agree to promptly repair or replace the Private Line at its sole cost and expense and to swiftly and fully indemnify, defend, and hold harmless the City of Evansville, Indiana, including, but not limited to, EWSU and their respective 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 Line, as well as all obligations relating to the operation, maintenance, repair and replacement of the Private Line. It is understood that the indemnification and defense obligations set forth herein and all such repairs replacement or maintenance shall be the sole responsibility of EH, LLC with respect to Private Line located within Lot 1 and on the Real Estate.



Location Map
 Scale: 1"=100'



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 November 16 2020 at Subdivision Review.

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

Plat Release for APC Docket No. MIN-2020-029

Secondary Plat complies with the Ordinance and is released for Recording.

Executive Director: Ronald S. London
 PLAT RELEASE DATE: 12/19/2020

Surveyor's Certificate

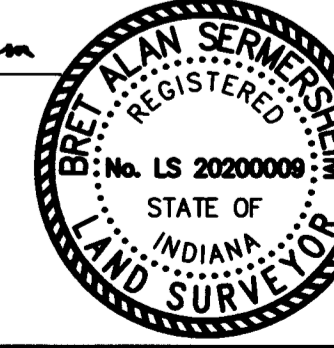
I, Bret Alan Sermersheim, do hereby certify that I am a land surveyor licensed in compliance with the laws of the State of Indiana, and further certify that this plat correctly represents a survey completed by me on June 19, 2020 and that all monuments shown exist at locations as noted.

Affirmation Statement

I affirm, under the penalties of perjury, that I have taken reasonable care to read each Social Security number in this document, unless required by law.

Witness my hand and seal this 4th day of December, 2020.

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



Secondary Plat

Designed by: B.A.S. Job Number: 10728.4.005A
 Drawn by: J.E.V. Date: 12/04/2020
 File name: 10728 WSM4 Secondary Plat

MORLEY
 ARCHITECTS | ENGINEERS | SURVEYORS
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