American National

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ALTA/ACSM Land Title Survey

Project New Cafe AN 284

Surveyor Certification

5017
4835 W Henrietta Rd
Henrietta, NY
County of Monroe

To: First American Title Insurance Company; AR Capital, LLC; Regent Bank; ARC CAFEHLD001, LLC; and American National, LLC,

This is to certify that this map or plat 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, 2, 3, 4, 6b, 7a, 7b1, 7c, 8, 9, 10a, 13, 16, 17, 18 of Table A thereof. The field work was completed on June 17, 2013.

Jack W. Shoemaker
Land Surveyor Number 50495-1
In state of New York
Date of Plat or Map: June 20, 2013
Date of last revision July 10, 2013
Date of this Printing July 10, 2013
Network reference #20130337-078

Survey Prepared By:
First Order, LLC
1700 Sullivan Trail
Easton, PA 18040
Phone 610-438-5840
Fax 610-438-0004
jshoemaker@firstorderllc.net
Project No. 078

Legal Description

ALL that track or parcel of land, situate in part of Town Lot 18, Township 12, Range 7, in the Town of Henrietta, Monroe County, State of New York and being more particularly described as follows:

COMMENCING at the intersection of center lines of Lehigh Station and West Henrietta Roads as marked by a railroad spike;
THENCE southerly along the center line of West Henrietta Road 682.86 feet to a point;
THENCE westerly at right angles to the first course a distance of 33.00 feet to a point being the northeast corner
of lands, now or formerly of Michael Cavalcanti and others, by deed recorded in the Monroe County Clerk.s Office
at Liber 8278 of Deeds, Page 341, and being the point of BEGINNING;
(1) THENCE westerly along a straight line, being a continuance of the aforesaid course, a distance of 348.00 feet;
(2) THENCE southerly along a line at right angles with course (1), a distance of 220.00 feet;
(3) THENCE easterly along a line at right angles with course (2), a distance of 188.00 feet;
(4) THENCE northerly along a line at right angles with course (3), a distance of 136.00 feet;
(5) THENCE easterly along a line at right angles with course (4), a distance of 160.00 feet to a point on the
westerly right-of-way line of West Henrietta Road;
(6) THENCE northerly along said right-of-way line, a distance of 84.00 feet to the point of BEGINNING.

EXCEPTING THEREFROM so much as was acquired by The People of the State of New York by appropriation proceeding for project entitled ,West Henrietta Road, S.H. 62, Monroe County, Town of Henrietta,, and shown as Parcel No. 320 on Map No. 317, for which a Notice of Appropriation dated 2/13/2002 was recorded 2/13/2002 in Liber 9578 of Deeds, Page 425.

Being the same tract of land described in a Title Report prepared by First American Title Insurance Company, Commitment No. NCS-605921NY10-PHX1, dated June 6, 2013

Legend of Symbols & Abbreviations

MONUMENT FOUND	POWERPOLE	SAN.SEWER LINE
MONUMENT SET	GUY WIRE	SEWER MANHOLE
P.K. NAIL FOUND	LIGHT POLE	CLEAN OUT
P.K. NAIL SET	STREET LIGHT POLE	STORM DRAIN LINE
FND X MARK	ELEC. TRANSFORMER	STORM DRAIN MANHOLE
SET X MARK	AIR CONDITIONER	STORM INLET
R.R. SPIKE FOUND	BURIED ELECTRIC	CURB INLET
R.R. SPIKE SET	OVERHEAD ELECTRIC	PAY PHONE
BENCHMARK	ELEC. MANHOLE	TELEPHONE BOX
CONC. R/W MARKER	ELECTRIC METER	TELEPHONE MANHOLE
(R) RECORD DATA	WATER LINE	TELEPHONE POLE
(M) MEASURED DATA	WATER MANHOLE	TELEPHONE LINE
(C) CALCULATED DATA	WATER VALVE	OVERHEAD TELEPHONE
R/W RIGHT OF WAY	WATER METER	UNDERGROUND TELEPHONE MARKER
BSL BACK SET LINE	HYDRANT	CABLE TELEVISION
RCP REINFORCED CONC PIPE	BACK FLOW PREVENTOR	OVERHEAD CABLE
CMP CORRUGATED METAL PIPE	GAS VALVE	CABLE BOX
PVC PLASTIC PIPE	GAS METER	UNDERGROUND CABLE MARKER
MTL METAL	UNDERGROUND GAS MARKER	TRAFFIC POLES
AGL ABOVE GROUND LEVEL	GAS MANHOLE	TRAFFIC SIGNAL
F.P. FOOTPRINT	GAS LINE	TRAFFIC MANHOLE
L/S LANDSCAPING	BOLLARD	TRAFFIC SIGNAL BOX
TREE	BORE HOLE	STOP SIGN
	MONITORING WELL	SIGN
	MAIL BOX	
	UNKNOWN MANHOLE	
	SQUARE METAL LID	
	FUEL TANK LID	
	FLAG POLE	

BASIS OF BEARING
MAGNETIC NORTH

Encroachment Statement

NONE OBSERVED

Site Data

THE SURVEYOR WAS NOT PROVIDED WITH ZONING INFORMATION BY THE INSURER PURSUANT TO TABLE A ITEM 6B.

PARKING PROVIDED –

–REGULAR = 67 SPACES
–HANDICAP = 4 SPACES
TOTAL SPACES PROVIDED = 71

2. PROPERTY IS KNOWN AS SBL 175.03-1-5.11 IN THE TOWN OF HENRIETTA, MONROE COUNTY, NEW YORK.

3. LOT AREA = 54,800 S.F. OR 1.2580 AC.

4. IN RESPONSE TO ALTA\ACSM TABLE A ITEM 16, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.

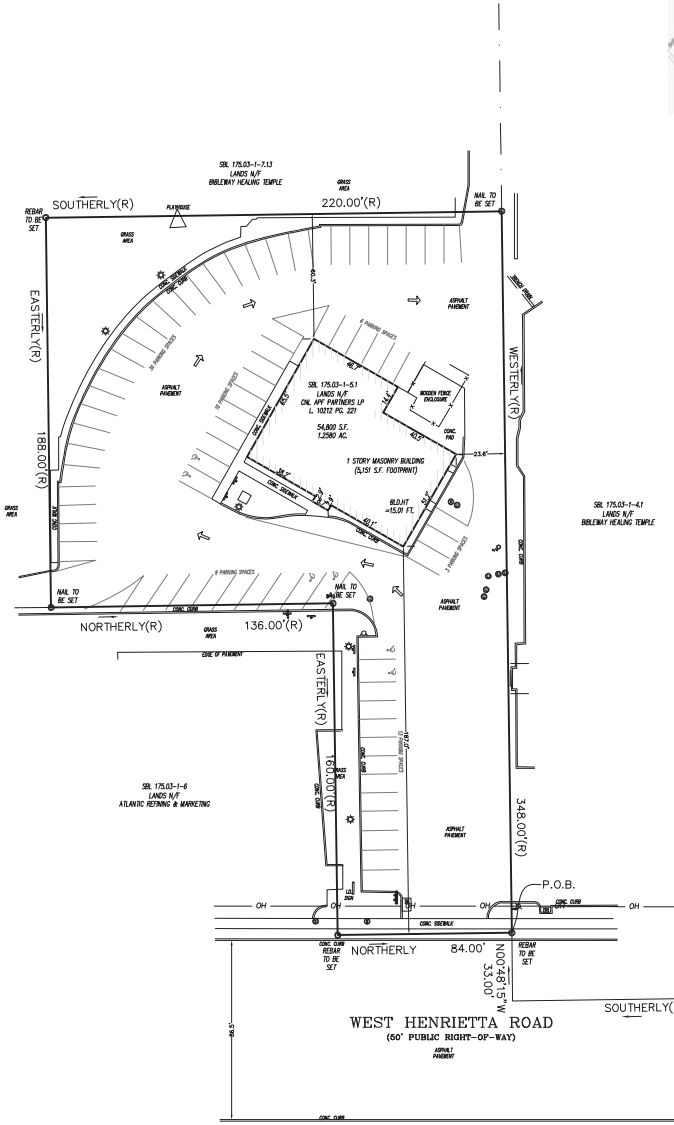
5. IN RESPONSE TO ALTA\ACSM TABLE A ITEM 17, THERE ARE NO KNOWN CHANGES IN STREET RIGHT OF WAY LINES EITHER COMPLETED OR PROPOSED, AND AVAILABLE FROM THE CONTROLLING JURISDICTIONS. THERE IS NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTIONS OR REPAIRS.

6. IN RESPONSE TO ALTA\ACSM TABLE A ITEM 18, THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

7. ALL FIELD MEASUREMENTS MATCHED RECORD DIMENSIONS WITHIN THE PRECISION REQUIREMENTS OF ALTA/ACSM SPECIFICATIONS UNLESS OTHERWISE SHOWN.

8. BASED ON VISUAL OBSERVATION, THE SUBJECT PROPERTY IS SERVICED BY ALL THE NECESSARY UTILITIES REQUIRED TO MAINTAIN NORMAL OPERATION. THE UTILITY LOCATIONS SHOWN HEREON WERE DETERMINED BY OBSERVED ABOVE GROUND EVIDENCE ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR ABOVE GROUND MARKINGS TO DETERMINE ANY SUBSURFACE LOCATION. CONTACT LOCAL UTILITY COMPANY PRIOR TO CONSTRUCTION

FLOOD NOTE: By graphic plotting only, this property is in Zone(s) "X" 36055C0342G 08/28/2008 of the Flood Insurance Rate Map,Community Panel No. ,which bears an effective date of and is/is not in a Special Flood Hazard Area.



SCALE: 1" = 30'
0' 15' 30' 60'

Vicinity Map

Notes Corresponding to Schedule B

First American Title Insurance Company, Commitment No. NCS-605921NY10-PHX1, dated June 6, 2013

2. Terms, Covenants, Conditions and Provisions of Utility Easement Agreement to Rochester Gas and Electric Corporation dated March 22, 1923 and recorded April 12, 1923 in Liber 1195 of Deeds, page 472. – DOCUMENT NOT PROVIDED.
3. Terms, Covenants, Conditions and Provisions of Sanitary Sewer Easement Agreement to the Town Board of the Town of Henrietta, as Sewer Commissioners for Henrietta Sewer District No. 1, dated September 27, 1961 and recorded September 27, 1961 in Liber 3360 of Deeds, page 474. – DOCUMENT NOT PROVIDED.
4. Terms, Covenants, Conditions and Provisions of Sanitary Sewer Easement Agreement to the Town Board of the Town of Henrietta, as Sewer Commissioners for Henrietta Sewer District No. 1, dated October 12, 1961 and recorded October 24, 1961 in Liber 3367 of Deeds, page 345. – DOCUMENT NOT PROVIDED.
5. Terms, Covenants, Conditions and Provisions of Sanitary Sewer Easement Agreement to the Town Board of the Town of Henrietta, as Sewer Commissioners for Henrietta Sewer District No. 1, dated November 16, 1961 and recorded November 21, 1961 in Liber 3374 of Deeds, page 487. – DOCUMENT NOT PROVIDED.
6. Covenants and Restrictions set forth in Deed made by The Atlantic Refining Company to Monroe Leasing Corporation dated November 19, 1964 and recorded February 11, 1965 in Liber 3620 of Deeds, page 133. – DOCUMENT NOT PROVIDED.

With Respect Thereto:

A) Terms, Covenants, Conditions and Provisions of Modification and License Agreement made between Atlantic Richfield Company, formerly Atlantic Refining Company and 210 Monroe Avenue Realty Inc., successor to Monroe Leasing Corporation dated as of March 22, 1968 and recorded July 18, 1968 in Liber 3916 of Deeds, page 217. – DOCUMENT NOT PROVIDED.

7. Terms, Covenants, Conditions and Provisions of Declaration of Easement made between Lodging Management, Inc., Lodging Management, Inc. and The Bank of New York dated as of February 23, 1983 and recorded February 25, 1983 in Liber 6279 of Deeds, page 1. – DOCUMENT NOT PROVIDED.
8. Terms, Covenants, Conditions and Provisions of Declaration of Cross Easements made by Gateway Enterprises, recorded December 1, 1994 in Liber 8553 of Deeds, page 644. – DOCUMENT NOT PROVIDED.
9. Terms, Covenants, Conditions, Provisions and Agreements of the Lease, dated as of June 30, 1995, a memorandum of which is dated as of June 30, 1995 and recorded on July 10, 1995 in Liber 8627 of Deeds, page 538 made by FFCA Acquisition Corporation, as landlord, to Brambury Associates, as tenant. Memorandum of Assignment of Lease made by GE Capital Franchise Finance Corporation f/k/a FFCA Acquisition Corporation to CNL APF Partners, LP, dated September 27, 2005 and recorded on /2006 in Liber 10342 of Deeds, page 277. – DOCUMENT NOT PROVIDED.