

# SURVEYOR'S REPORT

Prepared as a part of the foregoing survey.

Address: 1202 South Union Street, Auburn, IN 46706

This survey is intended to retrace the record boundaries of ten tracts of real estate described in a Warranty Deed from Norman E. Yoder and Peggy J. Yoder to Erie-Haven, Inc., dated June 19, 1992, and recorded in Deed Record 201, page 504, in the Office of the Recorder of DeKalb County, Indiana.

In Accordance with Title 865, Article 1.1, Chapter 12, Sec. 1 et. seq. of the Indiana Administrative Code, the following observations and opinions are submitted regarding various uncertainties in (a) reference monuments, (b) lines of occupation, (c) record descriptions, and (d) those uncertainties due to random errors in measurement ("relative positional accuracy"). There may be unwritten rights associated with these uncertainties

**REFERENCES:** A copy of the following documents were reviewed in completion of this survey:

-The deeds of the subject lot and any adjoining lots, as shown on the plat of survey. -DeKalb County Surveyor's Office Section corner records.

-The Original Plat of Auburn, Plat Book 3, page 132.

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- -Spangler's Addition to Auburn Indiana, Plat Book 3, page 127.
- Spangler's Out Lots to Auburn, Plat Book 3, page 65. -A survey of subject tract by Donovan Engineering, Survey Record 2, page 35.

(A) AVAILABILITY OF REFERENCE MONUMENTS

(1	A A AILADILITT OF REFERENCE MONOMENTS.	
The following monuments were accepted and held as controlling monuments at the following location		
	-The Northeast corner of subject tractRailroad spike found.	
	-The most Easterly right-of-way corner of the East adjoining tract#5 rebar found with Kline cap.	
	-The Southwest corner of Lot 270 in the O.P. of Auburn#4 rebar found with Donovan cap.	
	-The Northwest corner of Lot 27 in Spangler's Addition#4 rebar found with Donovan cap.	
	-The Northwest corner of Lot 194 in the O.P. of Auburn1 inch diameter pipe found.	

Uncertainties due to variances between all found monuments and record distances were determined to be 30 feet in any direction, as stated in Part (C).

### (B) OCCUPATION AND/OR POSSESSION LINES:

Occupation and/or possession lines near the perimeter of subject tract are shown on the plat of survey with the variances from the boundary lines as established in this survey. Encroachments and/or discrepancies may be buried or otherwise obscured by natural or man-made obstructions. A stone area from subject tract lies a maximum of 60 feet West of the most Southerly West line of subject tract, as shown on the Plat of Survey. A second stone area from subject tract lies a maximum of 7.5 feet South of the South line of subject tract, and a maximum of 16.0 feet East of the East line of subject tract, as shown on the Plat of Survey. A concrete foundation wall extends and lies from 4.3 feet to 5.6 feet North of the North line of subject tract, as shown on the Plat of Survey. Uncertainties based upon existing occupation and/or possession lines vary from the lines established in this survey by a maximum of 7.5 feet in the North-South direction and by a maximum of 60 feet in the East-West direction.

(C) AMBIGUITY OF RECORD DESCRIPTIONS:

An internal area of ambiguity exists between the Original Plat of Auburn (Plat Book 3, page 132), Spangler's Out Lots (Plat Book 3, page 65) and the most Easterly base tract. This area of ambiguity is due to said plats, when retraced using plat dimensions, extend East of the East line of the Northwest Quarter by nearly 30 feet, whereas the description of the most Easterly base tract is bounded by the West line of the Northeast Quarter, resulting in said area of ambiguity.

(D) RELATIVE POSITIONAL PRECISION:

The relative positional precision representing the uncertainty due to random errors in measurements of the corners established in this survey is less than or equal to the specifications for a Urban Survey (0.07 feet plus 50 ppm) as defined by IAC 865.

- (E) ESTABLISHMENT OF LINES AND CORNERS: 1. The East line of subject tract was established between a railroad spike at the Northeast corner of subject tract and a deed point on the
- South line of the East adjoining tract. 2. The most Southerly line of subject tract was established on and along the centerline of the Former Detroit, Eel River & Illinois Railroad, being parallel with and 50 feet normally distant Southward from the monumented North right-of-way line of said Railroad.
- 3. The most Westerly North line of subject tract, also being the South right-of-way line of East Nineteenth Street, was established between a point 33 feet South of the Northeast corner of subject tract and the Northwest corner of Lot 194 in the Original Plat of Auburn. The remaining North line of subject tract was established from the Northeast corner of subject tract, parallel with the most Westerly North line of said subject tract.
- 4. The most Northerly West line of subject tract was established from a deed point on the South right-of-way line of East Nineteenth Street, parallel with the East line of subject tract.
- 5. The West line of Lots Numbered 269 and 270 was established between a deed point on the South right-of-way line of East Nineteenth Street and a #4 rebar at the Southwest corner of said Lot Number 270. 6. The remaining West lines of subject tract were established parallel with and 16.5 feet and 33 feet respectively from the West line of
- Lots Numbered 269 and 270. 7. The Westerly projection of the South line of Lot Number 270 was established between found monuments. The remaining North line of subject tract was established parallel with the aforesaid line, at a deed point on the most Westerly line of subject tract.

(F) NOTES:

- 1. This survey is an opinion of a licensed land surveyor of the State of Indiana as to the actual location of the lines and corners outlined in the deed description. This opinion is based on logic, relevant field and research evidence, and established surveying principles. However, this opinion is subject to the interpretation of its deed description, and the boundaries of adjacent tracts may not be consistent with the boundaries of the subject tract. As a consequence, another surveyor may arrive at a different conclusion and different location of the boundaries.
- 2. A survey cannot resolve uncertainties in the position of the original boundaries that exist. Only courts may establish property lines. The boundaries were established from the most current recorded descriptions.
- 3. The flood statement hereon is for informational purposes only. Accurate determination of the flood hazard status of the property can only be made by an elevation study which is beyond the scope of this survey.
- 4. No attempt has been made to review or come to an opinion on the title or marketability of the title. Any appearance of an opinion on the title is unintentional.
- 5. Unplatted easements, setback lines, restrictive covenants, or land use regulations affecting the subject tract are shown only when documentation of such matters has been furnished by the client.
- 6. All documents of record and information from other public sources referred to in this survey are hereby incorporated as part of this survey as if fully set out.
- 7. Any fence or other evidence of possession which varies from the written title lines may constitute adverse possession or prescriptive
- 8. Subsurface and environmental conditions were not examined or considered as a part of this survey. 9. Any acreage shown is based on the boundaries established from the deed description and no certification is made that the land area shown on the survey is the exact acreage owned by the client.
- 10. Expression of distances to hundredths of a foot and angles to seconds of arc is solely to minimize errors introduced by rounding. Neither distances nor angles can be measured to the degree of precision implied by the stated units. No dimension on the survey can be interpreted to be of greater precision than the relative positional accuracy stated in Part (D) of the Surveyor's Report. 11. Since the last date of field work of this survey, conditions beyond the knowledge or control of Sauer Land Surveying, Inc. may have
- altered the validity and circumstances of matters shown or noted hereon. 12. Declaration is made to the parties set forth in the Certificate and is not transferable to additional institutions or subsequent owners. This survey is valid only with the surveyor's original or electronic signature and seal, full payment of invoice, and complete with all
- pages of survey. 13. No statement made by any employee or agent of Sauer Land Surveying, Inc. is valid unless written herein. 14. The survey was prepared following receipt of the Title Insurance Commitment by First American Title Insurance Company, dated
- February 6, 2017, and Numbered 4035-98640. A summary of Schedule B, Section II, Specific Exception items set forth in said ITEM 19: Easement granted to Indiana & Michigan Electric Company as disclosed by Document recorded May 19, 1986 by Deed Record
- 184, page 424, encumbers the surveyed parcel and is shown on the Plat of Survey. ITEM 20: The acreage shown on the survey was calculated from the survey geometry.
- ITEM 21: The most Northerly 33 feet of the East portion of the surveyed parcel is occupied by the apparent right-of-way easement of East Nineteenth Street. No documentation other than County assessor maps was found for this right-of-way. ITEM 22: According to the DeKalb County Drainage Map, there are no regulated drainage tiles, ditches, feeders, laterals, or legal drains and ditches located on or within 75 feet of the surveyed parcel.

Items 1-18, inclusive, deal with contractual and financial matters that are not survey-related.

**RECORD DESCRIPTION:** (as described in Commitment Number 4035-98640)

Being all that part of the Southeast Quarter of Section 32, Township 34 North, Range 13 East, Union Civil Township, DeKalb County, Indiana, lying Northerly and Westerly of the Northerly right-of-way line of the former Detroit Eel River & Illinois, former Pennsylvania, former Wabash, former Vandalia, and now abandoned railroad and more particularly described as follows:

Beginning at the Northwest corner of the Southeast Quarter of said Section 32, said point of beginning also known as the center of said Section 32; thence South 0 degrees 00 minutes 00 seconds West (assumed bearing and basis of all bearings in this description) on and along the West line of said Quarter Section, 31.5 feet to the Northerly right-of-way line of the aforesaid former railroad; thence North 64 degrees 38 minutes 50 seconds East on and along said former railroad Northerly right-of-way line, 72.8 feet to the North line of said Quarter Section; thence North 89 degrees 42 minutes 50 seconds West on and along the North line of said Quarter Section, 65.8 feet to the point of beginning. Said in previous deed to contain 1,026 square feet or 0.024 of an acre, more or less.

### ALSO

Being a part of Section 32, Township 34 North, Range 13 East, Union Civil Township, DeKalb County, Indiana, and more particularly described as follows:

Beginning at the intersection of the North-South Quarter Section line through Section 32 and the Northerly right-of-way line of the former Detroit Eel River and Illinois, former Pennsylvania, former Wabash, former Vandalia, and now abandoned railroad, said point of beginning also being South 0 degrees 00 minutes 00 seconds West (assumed bearing and basis of all bearings in this description) on and along said North-South Quarter Section line, 31.5 feet from the center of said Section 32; thence North 64 degrees 38 minutes 50 seconds East on and along said former railroad Northerly right-of-way line, 124.6 feet to the Southeast corner of a tract of real estate conveyed to N.E. Yoder Construction Co., Inc. to Everett E. Yoder by Warranty Deed dated May 4, 1977 and recorded May 4, 1977 in Deed Record Volume 164 at page 509; thence South on and along the extended East line of said Yoder Construction Co. to Yoder tract of real estate, 55.3 feet to the centerline of said former railroad; thence South 64 degrees 38 minutes 50 seconds West on and along said former railroad centerline, 445.8 feet to the centerline of South Union Street as platted and established by the recorded plat of Spangler's Addition to the City of Auburn thence North on and along said street centerline, 116.6 feet to the Northerly right-of-way line of said former railroad; thence East on and along said former railroad Northerly right-of-way line, 129.4 feet; thence North 64 degrees 38 minutes 50 seconds West on and along said former railroad Northerly right-of-way line, 178.1 feet to the point of beginning. Said in previous deed to contain 26,257 square feet or 0.603 of an acre, more or less.

## ALSO

ALSO

Lot Numbered Two Hundred Seventy (270) in the Original Plat of the Town, now City of Auburn, DeKalb County, State of Indiana. ALSO

Lot Numbered Two Hundred Sixty-nine (269) in the Original Plat of the Town, now City of Auburn, DeKalb County, State of Indiana.

All that part of the Southwest Quarter (1/4) of the Northeast Quarter (1/4) of Section Thirty-two (32), Township Thirty-four (34) North,

Range Thirteen (13) East, in DeKalb County, State of Indiana, lying South of the center line of Mary Street (now 19th Street) in the City of

Auburn, extended East, and of the center line of the public highway extended East from and on the line of said Mary Street now located and established, said tract being nearly triangular inform in the Southwest corner of the Northeast Quarter and bounded on the North by the center line of said public highway, on the East by the center line of the public highway running from said City of Auburn to the Town of Spencerville, known as the Spencerville Road, on the South by the right-of-way of the Wabash St. Louis and Pacific Railroad and the South line of the Southwest Quarter of said Northeast Quarter, and on the West by the West line of said Southwest Quarter of the Northeast Quarter, said in previous deed to contain about Three Fourths of an acre, more or less.

> EXCEPTION THERFROM a tract of land in the Southwest Quarter of the Northeast Quarter of Section 32, Township 34 North, Range 1 East, bounded by a line beginning at the intersection of the center line of the Spencerville Road with the center line of the highway running Easterly in extension of East 19th Street in the City of Auburn; thence Southeasterly along the centerline of said Spencerville Road, 76 feet to the Northerly boundary line of the right-of-way of the Pennsylvania Railroad; thence Southwesterly along said right-of-way line 336 feet to an iron pin; thence Northerly at right angles with the center line of highway in extension of East 19th Street, 181 feet 6 inches to an iron pin on the center line of said extending highway; thence Easterly along said center line 240 feet to the place of beginning, said in previous deed to contain 0.71 acres, more or less.

An easement for driveway purposes in ingress and egress, over and upon a tract bounded by a line beginning at the iron pin at the Northwest corner of the above described tract; thence West on the center line of the highway 20 feet; thence South 50 feet; thence East 20 feet; thence North 50 feet to the place of beginning.

# ALSO

ALSO

An easement for driveway purposes in ingress and egress over an upon a tract bounded by a line beginning at an iron pin at the Northwest corner of the above described excepted tract; thence East on the center line of the highway 20 feet; thence South 50 feet; thence West 20 feet; thence North 50 feet to the place of beginning.

### ALSO

Lot Numbered Three Hundred Eight (308) and the East Twenty-three (23) feet of Lot Numbered Two Hundred Seventy-one (271) in the Original Plat of the City of Auburn.

# ALSO

ALSO

That part of Lot Numbered Twenty-seven (27) in Spangler's Addition to the City of Auburn, lying North of the right-of-way of the Wabash St. Louis and Pacific Railroad, excepting the following:

Commencing at the Northwest corner of Lot Numbered 27; thence South 68 feet along the West line of said Lot; thence East 156 feet 6 inches parallel with the North line of said Lot; thence North 68 feet to the North line of said Lot; thence West on the North line of said Lot to the place of beginning.

Lot Numbered Two Hundred Seventy-one (271) in the Original Plat of the Town, now City, of Auburn, DeKalb County, State of Indiana, excepting therefrom Twenty-three (23) feet off the entire East side thereof. ALSO

That part of Lot Numbered Twenty-seven (27) in Spangler's Out Lots to the Town, now City of Auburn, DeKalb County, State of Indiana, described as follows:

Commencing at the Northwest corner of said Lot Numbered 27; thence South Sixty-eight (68) feet along the West line of said Lot; thence East One Hundred Fifty-six (156) feet and Six (6) inches parallel with the North line of said Lot; thence North Sixty-eight (68) feet to the North line of said Lot; thence West on the North line of said Lot to the place of beginning.

# THE FOREGOING being described by consolidated perimeter description as:

Parts of Section 32, Township 34 North, Range 13 East, DeKalb County, Indiana, together with Lots Numbered 269, 270, 271, and 308, in the Original Plat of the Town, now City, of Auburn, DeKalb County, State of Indiana, also together with part of Lot Number 27 i Spangler's Out Lots to the Town, now City, of Auburn, DeKalb County, State of Indiana, all together being more particularly described as follows, to wit:

Beginning at the Northwest corner of said Lot Number 269, marked by a #5 rebar; thence North 87 degrees 22 minutes 06 seconds East (GPS Grid basis of bearings), on and along the North lines of said Lots Numbered 269, 271, and 308 being also the South right-of-way line of East Nineteenth Street, a distance of 280.50 feet to a #5 rebar at the Northeast corner of said Lot Number 308; thence North 02 degrees 27 minutes 26 seconds West, a distance of 33.00 feet to a survey nail on the centerline of East Nineteenth Street; thence North 87 degrees 22 minutes 06 seconds East, on and along said centerline, a distance of 83.50 feet to a railroad spike at the Northwest corner of a 0.71 acre tract described in a deed to Jeffery L. Seiss in Document Number 201700960 in the Office of the Recorder of DeKalb County, Indiana; thence South 02 degrees 27 minutes 26 seconds East, on and along the West line of said 0.71 acre tract and the Southerly projection thereof, a distance of 236.80 feet to a #5 rebar on the centerline of the former Detroit Eel River & Illinois Railroad; thence South 62 degrees 38 minutes 55 seconds West, on and along said centerline, a distance of 436.04 feet to a #5 rebar at the point of intersection of said Railroad centerline with the centerline of South Union Street; thence North 02 degrees 40 minutes 32 seconds West, on and along said South Union Street centerline, a distance of 116.60 feet to a #5 rebar at the point of intersection of said centerline with the North right-of-way line of the former Detroit Eel River & Illinois Railroad; thence North 87 degrees 09 minutes 05 seconds East, on and along said North right-of-way line, a distance of 16.50 feet to a #5 rebar on the West line of said Lot Number 27; thence North 02 degrees 40 minutes 32 seconds West, on and along said West line, a distance of 134.07 feet to a #4 rebar at the Northwest corner of said Lot Number 27; thence North 87 degrees 09 minutes 05 seconds East, on and along the North line of said Lot Number 27, a distance of 16.50 feet to a #4 rebar at the Southwest corner of said Lot Number 270; thence North 02 degrees 40 minutes 32 seconds West, on and along the West lines of said Lots Numbered 270 and 269, also being the East right-of-way line of said South Union Street, a distance of 135.35 feet to the point of beginning, containing 2.595 acres of land, subject to legal right-of-way for East Nineteenth Street and South Union Street, and subject to all easements of record. This description is based on an original consolidated survey by Sauer Land Surveying, Inc., numbered 119-169 and dated April 13, 2017, and last revised April 19, 2017.

ALTA/NSPS Land Title Survey of Part of Section 32, Township 34 North, Range 13 East, DeKalb County, Indiana			
<b>Revisions:</b> 04/17/2017 - Revised certification. 04/19/2017 - Consolidated perimeter	<sup>For:</sup> Erie-Haven, Inc.		
description added.	By:	Drawn By: JJB	
	<u>Sauer Land Surveying, Inc.</u>	Checked By: JCS	
	14033 ILLINOIS ROAD, SUITE C FORT WAYNE, IN 46814 TEL: 260/469-3300 / FAX: 260/469-3301	Scale: 1" = 40'	
		Job No.	
	Date: April 13, 2017	119-169	