

# MILLS ADDITION TO BAXTER

## EXCELSIOR ROAD

### LEGAL DESCRIPTION

Parcel 1:  
Lot 1, Block 1, Kohls Addition.  
Crow Wing County, Minnesota  
Abstract Property

Parcel 2:  
Lot 3, Block 1, Kohls Addition.  
Crow Wing County, Minnesota  
Abstract Property

Parcel 3:  
Non-exclusive easement for vehicular and pedestrian ingress and egress as contained in Access Easement Agreement dated September 7, 2011, filed October 5, 2011, as Document No. 0802067.

### NOTES CORRESPONDING TO EASEMENTS:

8. Rights of tenants in possession under the terms of unrecorded leases. (NON-SURVEY MATTER)
9. Any lease, grant, exception or reservation of minerals or mineral rights appearing in the public records. (NON-SURVEY MATTER)
10. Mortgage dated May 28, 2024, filed June 3, 2024, as Document No. 997165, executed by Baxter Hotel Partners LLC, a Minnesota limited liability company, Mortgagee, and KodaBank, Mortgagee, in the original principal amount of \$1,312,500.00. (NON-SURVEY MATTER)
- (11) Drainage and utility easements shown on the recorded plat of Kohls Addition. (AS SHOWN ON SURVEY)
12. Terms and conditions of Variance dated May 15, 2002, filed May 20, 2002, as Document No. 0610640. (NOTHING TO GRAPHICALLY SHOW)
13. Terms and conditions of Conditional Use Permit Approval dated October 15, 2002, filed October 17, 2002, as Document No. 0620848. (NON-SURVEY MATTER)
14. Terms, conditions, covenants and restrictions contained in Declaration of Restrictive Covenant dated October 2, 2003, filed October 8, 2003, as Document No. 0649314. (NOTHING TO GRAPHICALLY SHOW)
15. Rights granted to Mills Properties, Inc., a Wisconsin corporation, set forth in Short Form Right of First Refusal dated October 3, 2003, filed October 14, 2003, as Document No. 0649855. As affected by Certificate of Conversion effective February 24, 2016, filed November 4, 2016, as Document No. A-880703, changing Mills Properties, Inc., to Mills Properties LLC, a Delaware limited liability company. Note: The terms indicate the right of first refusal shall be permanent and in full force and effect from and after the date thereof. (NON-SURVEY MATTER)
16. Terms, conditions, provisions and restrictions set forth in Conditional Use Permit Approval dated April 30, 2003, filed December 23, 2003, as Document No. 0654919. (NOTHING TO GRAPHICALLY SHOW)
17. Terms, conditions and prohibited uses provision therein, of Access Easement Agreement dated September 7, 2011, filed October 5, 2011, as Document No. 0802067. (AS SHOWN ON SURVEY)
- (18) Terms and conditions of City of Baxter Conditional Use Permit (CUP) Approval dated February 8, 2012, filed February 22, 2012, as Document No. 0808360. (NOTHING TO GRAPHICALLY SHOW)
19. Terms, conditions and provisions set forth in City of Baxter Conditional Use Permit (CUP) Approval dated February 8, 2012, filed February 22, 2012, as Document No. 0808361. (NOTHING TO GRAPHICALLY SHOW)
- (20) Subject to Easement Deed dated June 6, 2012, filed June 12, 2012, as Document No. 0813611. (AS SHOWN ON SURVEY)
21. Terms, conditions, covenants and restrictions contained in Restrictive Covenant dated December 22, 2016, filed December 28, 2016, as Document No. A883276. (NOTHING TO GRAPHICALLY SHOW)
- (22) Easement for trail purposes in favor of the City of Baxter, a Minnesota municipal corporation, set forth in Easement Deed dated January 29, 2020, filed June 16, 2020, as Document No. 933768. (AS SHOWN ON SURVEY)
- (24) Terms, conditions and prohibited uses provision therein, of Access Easement Agreement dated October 2, 2003, filed October 8, 2003, as Document No. 0649315, by and between Kohls Department Stores, Inc., a Delaware corporation and Mills Properties, Inc., a Wisconsin corporation. (Parcel 2) (AS SHOWN ON SURVEY)
- (26) Easement for trail purposes in favor of the City of Baxter, a Minnesota municipal corporation, set forth in Grant of Permanent Trail Easement dated April 29, 2020, filed June 16, 2020, as Document No. 933769. (Parcel 2) (AS SHOWN ON SURVEY) NOTE: TRAIL EASEMENT LOCATED AT SE CORNER OF LOT 3 IS NOT SHOWN ON SURVEY.
26. Terms and Conditions of Finding of Fact, Conclusions of Law, and Order Approving Petition and Appointing Commissioner recorded June 4, 2020, as Document No. 933100. (Parcel 2) (NON-SURVEY MATTER)

### STATEMENT OF POSSIBLE ENCROACHMENTS:

There are no visible above ground encroachments over or across any property lines of subject property.

### GENERAL NOTES:

1. The bearing system used is based on KOHLS ADDITION.
2. Utility Notes:  
a. The location of the underground utilities shown hereon, if any, are approximate only and can not be completely and reliably depicted. PURSUANT TO MSA 216D CONTACT GOPHER STATE ONE CALL AT (612) 454-0002 PRIOR TO ANY EXCAVATION. Gopher State One Call locate requests from surveyors for design may be ignored or result in an incomplete or untimely response. Note to the client and any other user of this survey: Source information from available plans and field markings (public or private) are combined with observed evidence to help develop a view of both above and below ground utilities. Without excavation, the location of any shown underground feature is approximate. Further verification may be required.  
b. Other underground utilities of which we are unaware may exist. Note: Verify all utilities critical to construction or design.
3. Subject property is identified as being in "Zone X, Other Areas" on Flood Insurance Rate Map No. 27035C0526C, effective date August 15, 2017.
4. Site Area = 86,134 square feet = 1.977 acres.
5. Pursuant to Table A Item 9 there are a total of 234 striped parking stalls on said property, of which there are 5 designated as handicap.
6. All field measurements matched recorded dimensions within the precision requirements of ALTA/NSPS specifications.
7. This survey was made on the ground and in accordance with the 2021 Minimum Standard Detail Requirements for Land Title Surveys as adopted by ALTA and NSPS.
8. There is no observable evidence of cemeteries in the field or of record.
9. The surveyor was not provided zoning information by the client pursuant to Table A Items 6a or 6b.
10. In preparing this survey I have relied upon the supporting documents and the Commitment for Title Insurance issued by Commercial Partners Title, a division of Fidelity National Title Insurance Company, having an effective date of April 28, 2025 and bearing file number CP74311 Supplement No. 2. NOTE: Updated title includes areas outside of the scope of current survey and are not included.
11. Distance to nearest intersection, site is located at the SE Quad of the intersection of Excelsior Road and State Trunk Highway No. 371.
12. There is no visible above ground evidence of earth moving work, building construction or building additions within recent months.
13. The Surveyor is unaware of any proposed changes to street right of ways. There was no observed evidence of recent street or sidewalk construction or repairs while conducting the field work.
14. There are no easements or servitudes of record or any observed during the field inspection that benefit subject property pursuant to Table A Item 18 except as shown.
15. Subject property has direct access to, and from Parcel 2 (allowing access to and from Excelsior Road) at the northeasterly corner of property and has indirect access from Excelsior Road, a public right of way via Lot 3, Block 1, Kohls Addition, northwest side of property, as shown on survey.
16. Extreme snow and ice cover of subject survey area may cause some improvements to be non visible at time of survey.
17. The "Property" as described is internally contiguous and contains no gaps, gores or overlaps.
10. Elevation datum is based on NAVD 88 data. HSY Benchmark #1 is located Top Nut Hydrant (AS SHOWN ON SURVEY) Elevation = 1203.81

### CERTIFICATION:

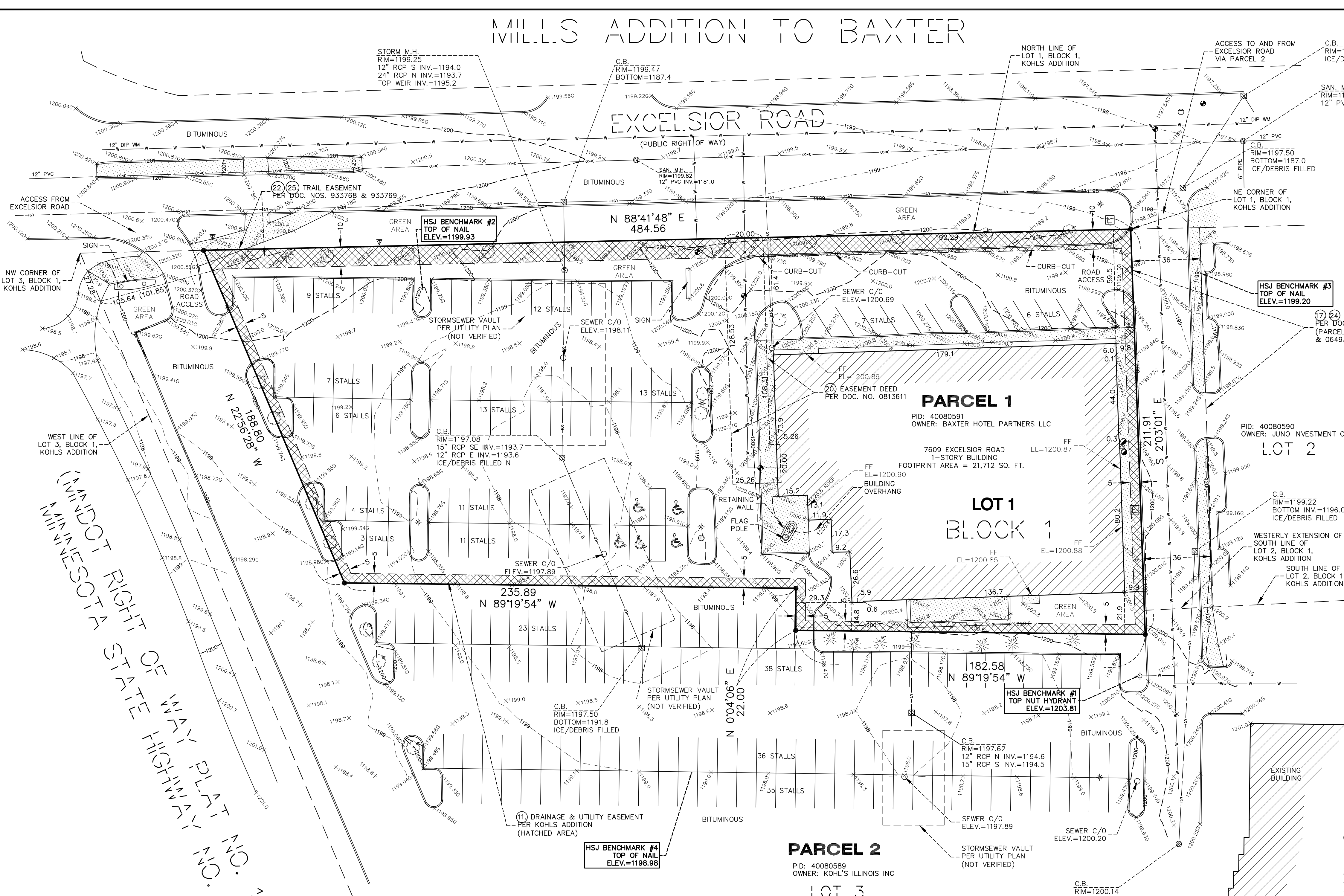
To Chick-fil-A, Inc., a Georgia corporation; Baxter Hotel Partners, LLC, a Minnesota limited liability company (Parcel 1); Kohl's Illinois, Inc., a Nevada corporation (Parcel 2); and Commercial Partners Title, a division of Fidelity National Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(a), 7(a), 7(b), 7(c), 8, 9, 11, 13, 16, 17 and 18 of Table A thereof.

The field work was completed on February 11, 2025.

Date of Plat or Map: March 7, 2025

*Thomas E. Hodorff*  
Thomas E. Hodorff, L.S.  
Minn. Reg. No. 23677



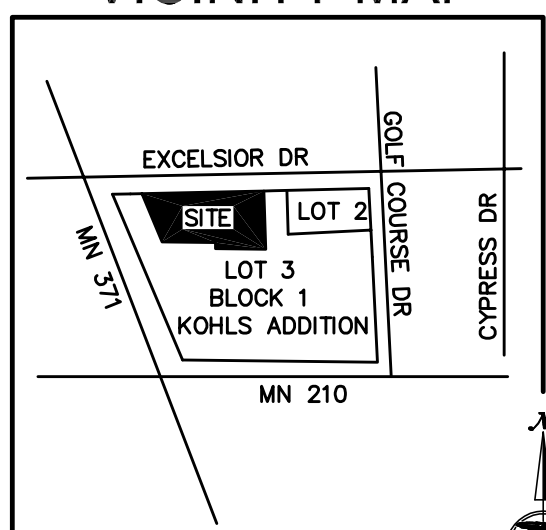
### LEGEND

- Property Corner
- Concrete
- Concrete Curb
- Fence
- Underground Electric
- Underground Telephone
- Water
- Gas
- Sanitary Sewer
- Storm Sewer
- Electric Meter
- Electric Box
- Electric Manhole
- Power Pole
- Hydrant
- Unknown Manhole
- Gate Valve
- Catchbasin
- Catchbasin
- Deciduous Tree (Dia. in in.)
- Coniferous Tree (Dia. in in.)
- Light Pole
- Gas Meter
- Telephone Manhole
- Telephone Box
- Sanitary Manhole
- Storm Manhole
- Existing Contour
- Existing Spot Elevation Gutter
- Existing Spot Elevation



SCALE IN FEET

### VICINITY MAP



NOT TO SCALE

SCALE: 1 INCH = 30 FEET

### REVISIONS

Date: 8-25-25 updated title includes Lot 3 (Parcel 2)

### ALTA/NSPS LAND TITLE SURVEY WITH TOPOGRAPHY

For:

HR GREEN

### SITE:

CFA BAXTER/BRAINERD

7609 EXCELSIOR ROAD  
BAXTER, MINNESOTA

CROW WING COUNTY

HARRY S. JOHNSON CO., INC.  
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