← Current sign is touching property line

New sign would be 4.5" set back because of smaller cabinet size

RECORD PROPERTY DESCRIPTION:

A TRACT OF LAND LOCATED IN BLOCK ONE (1), INTERSTATE ADDITION TO THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA,

ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE REGISTER OF DEEDS OF STARK COUNTY, NORTH DAKOTA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 525 FEET EAST AND 35 FEET NORTH OF THE SOUTHWEST CORNER OF BLOCK 1 OF INTERSTATE ADDITION TO THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA, THENCE NORTH 0 DEGREES 0 MINUTES EAST PARALLEL TO THE EAST BOUNDARY OF THE PROPERTY DESCRIBED IN THE AUGUST 26, 1975 DEED OF THE CITY OF DICKINSON TO MICHAEL O. KELLEY, RECORDED IN THE OFFICE OF THE STARK COUNTY REGISTER OF DEEDS IN BOOK 144 OF DEEDS, PAGE 657 A DISTANCE OF 356.35 FEET MORE OR LESS TO A POINT 45.25 FEET SOUTH OF THE RIGHT-OF-WAY LINE OF INTERSTATE 94, THENCE EASTERLY ON A LINE PARALLEL WITH THE SOUTH BOUNDARY OF SAID INTERSTATE ADDITION, 183 FEET, THENCE SOUTH 0 DEGREES 0 MINUTES WEST 336.55 FT. MORE OR LESS TO A POINT 35 FEET NORTHERLY OF THE SOUTH BOUNDARY OF SAID INTERSTATE ADDITION, THENCE WESTERLY 183 FEET TO THE POINT OF BEGINNING.

NOTE: THE PROPERTY SHOWN AND DESCRIBED HEREON IS THE SAME PROPERTY DESCRIBED ABOVE

SURVEYOR'S PROPERTY DESCRIPTION

A TRACT OF LAND BEING A PORTION OF BLOCK ONE (1), INTERSTATE ADDITION TO THE CITY OF DICKINSON, LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW1/4 SW1/4) OF SECTION 34, TOWNSHIP 140 NORTH, RANGE 99 WEST OF THE 5TH PRINCIPAL MERIDIAN, STARK COUNTY, STATE OF NORTH DAKOTA, BETTER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER SAID SECTION 34 (FOUND REBAR), THENCE NORTH 27 51'50" EAST A DISTANCE OF 1767.69' TO THE POINT OF BEGINNING,

THENCE, NORTH 01 56'17" EAST A DISTANCE OF 336.55 FEET

THENCE, SOUTH 88 59'10" EAST A DISTANCE OF 184.76 FEET

THENCE, SOUTH 01 56'19" WEST A DISTANCE OF 337.07 FEET

THENCE, NORTH 88 30'44" WEST A DISTANCE OF 184.94 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 62,270 SQUARE FEET, OR 1.430 ACRES MORE OR LESS

Newmark Title Services, LLC
Commitment No. NTS-201753-ND-1
Schedule B, Part II Exceptions

EXCEPTION 1: RIGHTS OR CLAIM OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORDS: NOT MATTERS OF SURVEY

EXCEPTION 2: EASEMENTS, OR CLAIMS OF EASEMENTS, WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS
NONE DISCOVERED OR REVEALED.

EXCEPTION 3: ENCROACHMENTS, OVERLAPS, BOUNDARY LINE DISPUTES, OR OTHER MATTERS WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY AND INSPECTION OF THE PREMISES. NO MATTERS AFFECTING THE BOUNDARY LINES WERE DISCOVERED IN THE COURSE OF THIS SURVEY

EXCEPTION 4: ANY LIENS, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS. NOT A MATTER OF SURVEY

EXCEPTION 5: ANY DISPUTE AS TO THE BOUNDARIES CAUSED BY A CHANGE IN THE LOCATION OF ANY WATER BODY WITHIN OR ADJACENT TO THE LAND PRIOR TO DATE OF POLICY, AND ANY ADVERSE CLAIM TO ALL OR PART OF THE LAND THAT IS, AT DATE OF POLICY, OR WAS PREVIOUSLY, UNDER WATER. DOES NOT AFFECT SUBJECT PROPERTY

EXCEPTION 6: ANY TITLES OR RIGHTS ASSERTED BY INCOME INCLUDING BUT NOT LIMITED TO PERSONS, CORPORATIONS, GOVERNMENTS OR OTHER ENTITIES, TO TIDE LANDS, OR LANDS COMPRISING THE SHORES OR BOTTOMS OF NAVIGABLE RIVERS, LAKES, BAYS, OCEAN OR GULF, OR LANDS BEYOND THE LINE OF THE HARBOR OR BULKHEAD LINES AS ESTABLISHED OR CHANGED BY THE UNITED STATES GOVERNMENT OR WATER RIGHTS, IF ANY. DOES NOT AFFECT SUBJECT PROPERTY.

EXCEPTION 7: ARE NOT MATTERS OF SURVEY

EXCEPTION 10: ANY INACCURACY IN THE AREA, SQUARE FOOTAGE, OR ACREAGE OF LAND DESCRIBED IN SCHEDULE A OR ATTACHED PLAT, IF ANY. THE COMPANY DOES NOT INSURE THE AREA, SQUARE FOOTAGE, OR ACREAGE OF THE LAND. AREA AS DETERMINED BY THIS SURVEY IS SHOWN HEREON.

EXCEPTION 11: RIGHTS OF TENANTS, AS TENANTS ONLY, UNDER ANY UNRECORDED LEASES. NOT A MATTER OF SURVEY

EXCEPTION 12: ZONING, LAND USE, BUILDING LAWS, REGULATIONS AND ORDINANCES. AS SHOWN HEREON.

EXCEPTION 13-15: ARE NOT MATTERS OF SURVEY

EXCEPTION 16: COUNTY ROAD EASEMENT IN FAVOR OF STARK COUNTY DATED MAY 27, 1913 AND FILED FOR RECORD MARCH 16, 1916 AT 1:57 P.M. IN BOOK 89 OF DEEDS ON PAGE 189, AS DOCUMENT NO. 81461. DOES NOT AFFECT SUBJECT PROPERTY.

EXCEPTIONS 17-20: DEDICATIONS AND EASEMENTS INVOLVING THE HIGHTS OF WAY FOR HIGHWAY 94, AS WELL AS ANY OTHER INFORMATION THAT MAY BE OBTAINED FROM A REVIEW OF THIS PLAT. DO NOT AFFECT SUBJECT PROPERTY.

EXCEPTION 21: DEDICATIONS, EASEMENTS, AND ANY AND ALL OTHER MATTERS THAT AFFECT THE LAND AS SHOWN ON THE PLAT OF THE INTERSTATE ADDITION TO THE CITY OF DICKINSON FILED FOR RECORD JUNE 6, 1968 AT 3:07 P.M. IN BOOK 5 OF PLAT, ON PAGE 42-45 DOCUMENT NO. 144884. SAID PLAT SHOWS NO DEDICATIONS OR EASEMENTS

EXCEPTION 22: AN ORDINANCE NO. 276 DISCONNECTING AND EXCLUDING CERTAIN TERRITORY FROM THE CITY OF DICKINSON, DATED ON DECEMBER 20, 1997, RECORDED ON NOVEMBER 29, 1997 IN BOOK A-26 OF MISC. PAGE 91, AS DOCUMENT NO. 153190, OF THE PUBLIC RECORDS OF STARK COUNTY, ND. THE SUBJECT PROPERTY LIES WITHIN THE AREA DESCRIBED HEREIN. THE AREA OF THE PARENT TRACT, PLATTED AS "INTERSTATE ADDITION TO THE CITY OF DICKINSON", REFERENCED IN EXCEPTION 21, WAS ADDED BACK INTO THE CITY OF DICKINSON BY ORDINANCE NO. 380, CITED ON THE FACE OF SAID PLAT

EXCEPTION 23: RESOLUTION BY AND BETWEEN NORTHWESTERN BELL TELEPHONE COMPANY, A CORPORATION AND BOARD OF CITY COMMISSIONERS OF THE CITY OF DICKINSON, NORTH DAKOTA, DATED ON MAY 6, 1963 RECORDED ON MAY 15, 1963 IN BOOK A 104 OF MISC. PAGE 69, AS DOCUMENT NO. 141606 OF THE PUBLIC RECORDS OF STARK COUNTY, ND. EASEMENT LOCATION UNKNOWN, RELEASED BY DOCUMENT IN EXCEPTION 29

EXCEPTION 24: EASEMENT FOR ELECTRIC POLE LINE BY AND BETWEEN MONTANA-DAKOTA UTILITIES CO., A CORPORATION AND CITY OF DICKINSON, NORTH DAKOTA, A MUNICIPAL CORPORATION, DATED ON MARCH 24, 1965, RECORDED ON APRIL 17, 1965, IN BOOK A114 OF MISC. PAGE 321, AS DOCUMENT NO. 148205 OF THE PUBLIC RECORDS OF STARK COUNTY, ND AS SHOWN HEREON

EXCEPTION 25: AN ORDINANCE NO. 469 ANNEXING CERTAIN PROPERTY TO THE CITY OF DICKINSON, NORTH DAKOTA AND INCLUDING THE SAME WITHIN THE CORPORATE LIMITS OF SAID CITY OF DICKINSON, DATED JUNE 19, 1967 RECORDED ON JUNE 27, 1967 IN DOCUMENT NO. 155865 OF THE PUBLIC RECORDS OF STARK COUNTY, ND. DOES NOT AFFECT SUBJECT PROPERTY

EXCEPTION 26: ORDER OF THE COMMISSION IS SIGNED RECORDED ON SEPTEMBER 19, 1967 IN BOOK A 125 OF MISC. PAGE 183, AS DOCUMENT NO. 155657 OF THE PUBLIC RECORDS OF STARK COUNTY, ND. DOES NOT AFFECT SUBJECT PROPERTY

EXCEPTION 27: ZONING REGULATIONS BEING RECORDED ON MAY 15, 1968, IN BOOK A 132 OF MISC. PAGE 671, AS DOCUMENT NO. 160523 OF THE PUBLIC RECORDS OF STARK COUNTY, ND. THE CURRENT ZONING ORDINANCE DATED JULY 20, 2012, IS INCORPORATED AS CHAPTER 30 IN THE MUNICIPAL CODE CITY OF DICKINSON, ND. SETBACK AND ZONING ITEMS REQUESTED IN TABLE "A" ARE SHOWN HEREON.

EXCEPTION 28: THIS DOCUMENT CORRECTS THE ERROR IN THE WRITTEN DESCRIPTION OF THE PARENT TRACT ON THE PLAT REFERENCED IN EXCEPTION 21. IT DOES NOT AFFECT THE LOCATION OF THE SUBJECT PROPERTY

EXCEPTION 29: RELEASE OF EASEMENT BY AND BETWEEN DAVID K. GEROU, CITY AUDITOR AND NORTHWESTERN BELL TELEPHONE COMPANY, A CORPORATION, DATED JANUARY 31, 1973 RECORDED ON FEBRUARY 28, 1973 IN A 178 OF MISC., PAGE 161, AS DOCUMENT NO. 165968, OF THE PUBLIC RECORDS OF STARK COUNTY, ND. RELEASES THE EASEMENT CREATED BY THE DOCUMENT IN EXCEPTION 23

EXCEPTIONS 30-34: ARE NOT MATTERS OF SURVEY

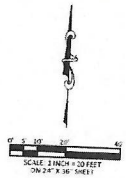
EXCEPTION 35: MATTERS AS SHOWN ON THE ALTA/NSPS LAND TITLE SURVEY PREPARED BY RICKY L. TAYLOR, PLS, REG. NO. 10650 FOR WHS ENGINEERING, SURVEYING, PLANNING, DATED JULY 8, 2022, LAST REVISED ON JULY 24, 2023 JOB NO. 22015, AS FOLLOWS:
• NO EASEMENT PROVIDED FOR EXISTING UTILITIES SHOWN ALONG THE WEST PROPERTY LINE. NO EASEMENT HAS BEEN FURNISHED TO THIS SURVEYOR AS OF THE DATE OF THIS REVISION FOR THE UTILITIES LOCATED ALONG THE WEST PROPERTY LINE

LEGEND

- FOUND MONUMENT
- SET YPC ON #5 REBAR STAMPED "TAYLOR RLS 10650"
- SIGN
- LIGHT POLE
- FLAG POLE
- POWER POLE
- SANITARY MANHOLE
- HANDICAP PARKING GRAPHIC
- BOLLARD
- BUILDING OUTLINE
- SIDEWALK
- ASPHALT PAVING
- CONCRETE PAVING
- LANDSCAPED AREA
- BOUNDARY LINE
- GAS LINE
- LOW VOLTAGE LINE
- UNDERGROUND POWER LINE
- WATER LINE (APPROXIMATE)
- SEWER LINE (APPROXIMATE)
- CONCRETE CURB
- EDGE OF PAVEMENT
- EXISTING FENCE

ABBREVIATIONS:

LV	LOW VOLTAGE
G	GAS
W	WATER
SS	SANITARY SEWER
WHS	WILLIAM H. SMITH & ASSOCIATES, INC
AC	ALUMINUM CAP
YPC	YELLOW PLASTIC CAP
(R)	RECORDED



VICINITY MAP
NTS

PROPERTY ADDRESS:
188 W MUSEUM DRIVE

LAND AREA:
NET/GROSS: 1.430 AC

ZONING:
COMMUNITY COMMERCIAL

ZONING REQUIREMENTS
ORDINANCE CHAPTER 30 SECTABLE 4.38
CC - COMMUNITY COMMERCIAL
MINIMUM YARDS (FEET)

FRONT YARD	20
INTERIOR SIDE YARD	0
REAR YARD	0
MAXIMUM HEIGHT (FEET)	40
MAXIMUM BUILDING COVERAGE	60%
DEPTH OF LANDSCAPING ALONG STREET PROPERTY LINE	10'

TABLE "A" ITEMS:

THE FOLLOWING LIST CORRESPONDS TO THE OPTIONAL TABLE A ITEMS REQUESTED BY THE CLIENT

1 MONUMENTS FOUND/SET AS SHOWN HEREON

2 ADDRESS: 188 W MUSEUM DRIVE, DICKINSON, ND 58601

3 FLOOD ZONE: ZONE "X", AREAS OUTSIDE THE 500 YEAR FLOOD PLAIN, AS PER FIRM MAP NUMBER 38089C0165E, EFFECTIVE DATE NOVEMBER 4, 2010

4 GROSS LAND AREA 1.430 ACRES

5 UNDERGROUND UTILITIES SHOWN HEREON. SEE NOTE 2 BELOW FOR DATUM STATEMENT.

6 ZONING: COMMUNITY COMMERCIAL. SEE CITY OF DICKINSON MUNICIPAL CODE CHAPTER 30 FOR COMPLETE REQUIREMENTS

7 (a) BUILDING ENVELOPE SHOWN HEREON

8 SUBSTANTIAL FEATURES SHOWN HEREON

9 PARKING: 20 REGULAR, 5 HANDICAP, 1 SPACE PER 3 PERSON CAPACITY, AS SHOWN

10 NO DIVISION OF PARTY WALLS OBSERVED DURING SURVEY

11 GAS, ELECTRIC, WATER, TELEPHONE AND SEWER UTILITIES ACCESS THE PROPERTY VIA A PUBLIC RIGHT-OF-WAY OR AN EASEMENT LEADING TO A PUBLIC RIGHT-OF-WAY BASED ON OBSERVED EVIDENCE

(a) UTILITIES SHOWN FROM PLANS AND/OR REPORTS

(b) OBSERVED UTILITIES SHOWN FROM PRIVATE LOCATE REQUEST

13 NAMES OF ADJOINING OWNERS ACCORDING TO CURRENT TAX RECORDS, SHOWN

17 NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES MADE KNOWN AND EVIDENCE OF RECENT STREET OR SIDEWALK REPAIRS OBSERVED

18 THERE ARE NO PLOTTABLE OFFSITE OR APPURTENANT EASEMENTS

NOTES:

1 REFERENCE: RECORD PLAT OF INTERSTATE ADDITION TO THE CITY OF DICKINSON, DOCUMENT NO 144891, RECORDED JUNE 6TH, 1968, STARK COUNTY ND RECORDS. ALSO REFER TO ALTA SURVEY FOR PERKINS FAMILY RESTAURANT PREPARED JUNE 24, 1999 BY KADRMAS, LEE & JACKSON (KLJ)

2 BEARINGS ARE GRID BEARINGS BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, FROM GPS MEASUREMENTS AT THE PROJECT ORIGIN, LOCATED AT A WHS CONTROL POINT (5/8" REBAR), LATITUDE: 46°51'55.69" NORTH, LONGITUDE: 102°47'50.53" WEST HAVING A NAVD 88 ELEVATION OF 2451.931. PROJECT ELEVATIONS ARE BASED ON GPS OBSERVATIONS DERIVED USING GEOID 12B HELD ON THE CONTROL POINT

3 DISTANCES SHOWN ARE GROUND DISTANCES.

4 THIS PROPERTY HAS DIRECT ACCESS TO W. MUSEUM DRIVE, A DEDICATED PUBLIC RIGHT OF WAY

5 THE WORD "CERTIFY" OR "CERTIFICATION" AS SHOWN AND USED HEREON IS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTY, EXPRESSED OR IMPLIED

6 NO EASEMENT DOCUMENT PROVIDED FOR EXISTING UTILITIES SHOWN ALONG THE WEST PROPERTY LINE SERVING THE WEST ADJOINER

7 EXISTING UTILITIES SHOWN ARE BASED ON SURVEYED PORTIONS FROM ABOVE GROUND FEATURES, OVERALL INTERNATIONAL ACTUAL LOCATIONS MAY VARY AND ADDITIONAL UTILITIES MAY BE PRESENT. PRIOR TO ANY EXCAVATION AND CONSTRUCTION, PERSONNEL SHALL VERIFY EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES IN AREA OF WORK

8 FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY AND TITLE OF RECORDS, WILLIAM H. SMITH AND ASSOC. INC. RELIED UPON TITLE COMMITMENT NUMBER ND-2216001, DATED DECEMBER 13TH, 2022, AS PREPARED BY BOSTON NATIONAL TITLE AGENCY, LLC TO DELINEATE THE AFORESAID INFORMATION

SURVEYOR'S CERTIFICATE

TO NEWMARK TITLE SERVICES, LLC., FIRST AMERICAN TITLE INSURANCE LLC., DICKINSON RETAIL MANAGEMENT LLC., A MICHIGAN LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND ASSIGNS, BCI-CRE 3 LLC, AN ILLINOIS LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND/OR ASSIGNS

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, 6a, 6b, 7a, 8, 9, 10, 11a, 11b, 13, 17 & 18 TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JANUARY 26, 2023. UPDATED JULY 24, 2023

DATE OF PLAT: 7/26/23

RICKY L. TAYLOR, PLS NO LICENSE LS 10650
FOR AND ON BEHALF OF WILLIAM H. SMITH & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYOR RICKY L. TAYLOR NORTH DAKOTA LS-10650 7/26/23

PROPERTY CONFIGURATION REVISED SITE PLAN	JMA	RLT	12/13/22
NEW SCHEDULE B, PART I EXCEPTIONS	JMA	RLT	1/6/23
ISSUED TO CLIENT FOR REVIEW	JMA	RLT	1/12/23
NEW OR REVISED SCHEDULE B, PART I EXCEPTIONS	JMA	RLT	1/20/23
ADDED EXCEPTION 35 AND MINOR REVISIONS	JMA	RLT	1/27/23
INITIAL DRAWING	MJH	RLT	7/7/23
REVISED SITE PLAN	JMA	RLT	7/24/23
REVISED SCHEDULE B, PART I EXCEPTIONS	JMA	RLT	7/26/23
REVISION	BY	CHK	DATE

CLIENT REVISED SCHEDULE B, LISTED OPEN APPROVAL
CLIENT FOR APPROVAL
CLIENT REVISED SCHEDULE B
REVISED SCHEDULE B, PART I EXCEPTIONS
REVISION | BY | CHK | DATE

WHS ENGINEERING SURVEYING PLANNING
5155 S. STREET, STE A, ROCK SPRINGS, WY 82901
307-362-8065 | 866.938.3082 | www.whsmithpc.com
INC.CO# 5316

ALTA/NSPS LAND TITLE SURVEY

A PORTION OF BLOCK 1, INTERSTATE ADDITION TO THE CITY OF DICKINSON, LOCATED IN NW1/4 SW1/4, SECTION 34, T140N, R99W, 5TH PRINCIPAL MERIDIAN
CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA

PROJECT #	22015
DRAFTED ON	07/07/2022
DRAWN BY	MJH/JA
CHECKED BY	RLT
REVISION	SHEET
1/27/2023	1 OF 1