

Located in the City of Roanoke, State of Virginia, to-wit:

BEGINNING at a point of the easterly side of Williamson Road (U.S. Highway No. 11), 80 foot wide, said Beginning point being 193.01 feet northerly from Mapleview Avenue; thence leaving Williamson Road and along the south line of property bearing Tax Map No. 2170301, N. 62° 47' W. 130.78 feet to a point; thence S. 62° 47' E. 50.79 feet to a point; thence S. 27° 13' E. 180 feet to a point on the north side of Mapleview Avenue; thence S. 62° 47' W. 208.54 feet to a point on Williamson Road; thence along the east side of Williamson Road, N. 35° 47' W. 100.00 feet to a point; thence S. 62° 47' W. 100.00 feet to a point made by David Dick and Harry A. Wall, Civil Engineers and Surveyors, dated December 1, 1971, showing property of Joseph Provenzano, Lots 34, 35, 36 and 37, Mountain Scenery, and adjoining parcel, of record in the County of Roanoke, State of Virginia, Court of the City of Roanoke, Virginia, in Deed Book 1303, page 748.

All that tract or parcel of land lying and being the the City of Roanoke, Roanoke County, Virginia and being more particularly described as follows:

COMMENCING at a 1/2" rebar found at the intersection of the northern right of way of Maplelawn Avenue (40' R/W) and the eastern right of way of Williamson Road (US Hwy 11, 80' R/W), said point being the POINT OF COMMENCEMENT; thence along said right of way of Williamson Road N61°25'11"W a distance of 186.50' to a 1/2" rebar set; thence S28°33'11"E a distance of 10.85' to a concrete nail found; thence S28°40'11"E a distance of 180.10' to a 1" rebar found on the northern right of way of Maplelawn Avenue S61°25'23"W a distance of 208.84' to a 1/2" rebar found at the intersection of the said right of way of Maplelawn Avenue and the eastern right of way of Williamson Road, said 1/2" rebar found, said point being the POINT OF COMMENCEMENT; thence along said right of way of Williamson Road (US HWY 11, 80' R/W) N37°07'11"W a distance of 186.50' to a 1/2" rebar set; thence along said northern right of way of said road, said point being the POINT OF BEGINNING.

Said tract of land contains 42,034 square feet or 0.965 acre of land, more or less.

ZONING AUTHORITY: ROANOKE CITY PLANNING,
BUILDING & DEVELOPMENT
ADDRESS: 215 CHURCH AVE SW
ROANOKE, VA 24011
CONTACT: NANCY SNODGRASS
TELEPHONE: (540) 853-1322
ZONING: CG
SETBACKS: CITY CODE (36.2-314)

FRONT: MIN 10', MAX 30'
 FROM DB 1303, PG 748
 MAPLELAWN AVE - 2
 WILLIAMSON ROAD - 6
 BUFFER YARD REQUIRED JOINING RM-2 PROPERTY:
 BUFFER YARD CATEGORY (C)

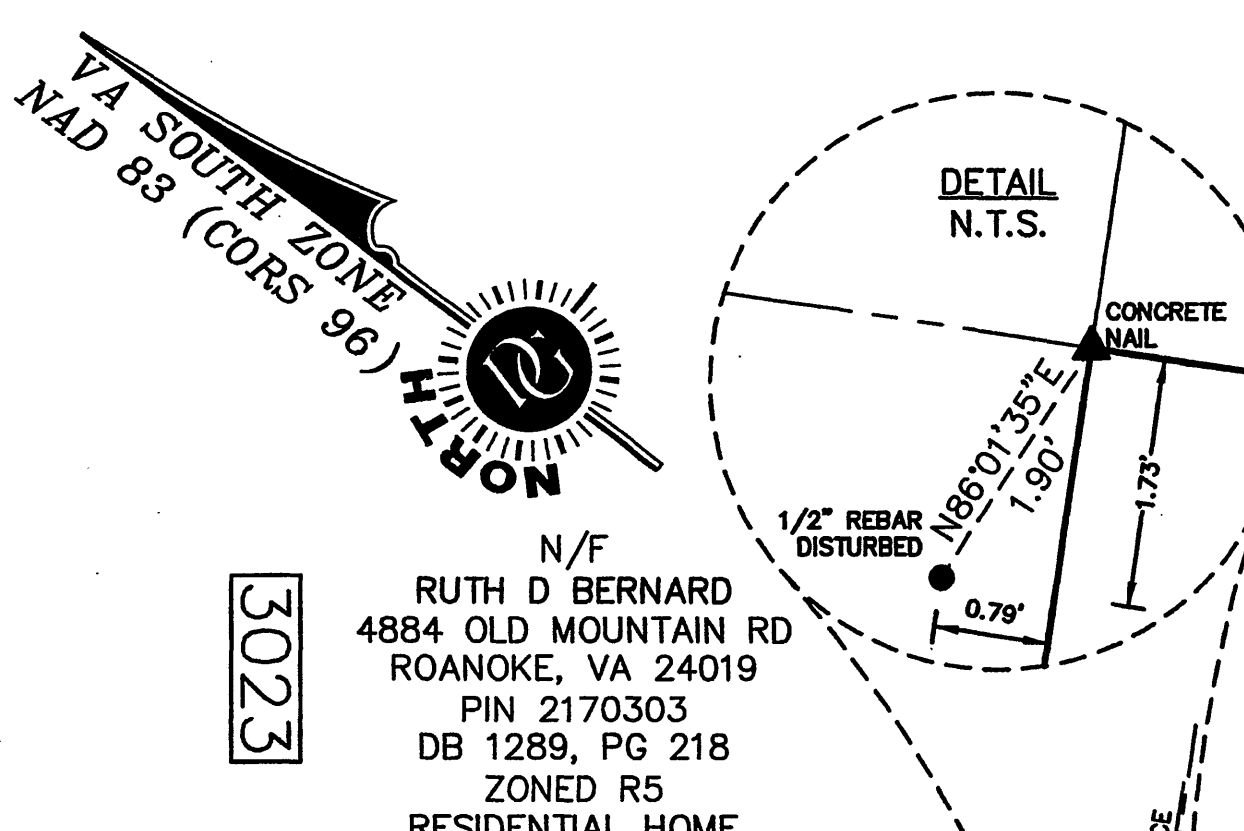
OPTION 1: 6-FOOT HIGH SCREENING 10-FOOT WIDE BUFFER YARD EVERGREEN TREES
15-FOOT WIDE BUFFER YARD EVERGREEN TREES AND ONE ROW OF
EVERGREEN SHRUBS

OR
OPTION 2: 15-FOOT WIDE BUFFER YARD EVERGREEN TREES AND ONE ROW OF
EVERGREEN SHRUBS
BUFFER YARD REQUIRED JOINING R-5 PROPERTY:

20-FOOT WIDE BUFFER YARD EVERGREEN TREES AND ONE ROW OF

OPTION 2: 20-FOOT WIDE BUFFER YARD EVERGREEN TREES AND ONE ROW OF
EVERGREEN SHRUBS
NO BUFFER REQUIRED FOR ADJOINING CG PROPERTY

<u>GAS</u>	
OPERATING AUTHORITY:	ROANOKE GAS COMPANY
ADDRESS:	519 KIMBALL AVE. ROANOKE, VA 24018
PHONE: (540) 777-3819	CONTACT: DOUG DILLARD
<u>WATER</u>	
OPERATING AUTHORITY:	WESTERN VIRGINIA WATER AUTHORITY (ENGINEERING)
ADDRESS:	215 CURCH AVENUE S.W. Municipal South - Room 350 ROANOKE, VA 24011
PHONE: (540) 853-1293	CONTACT: PHIL SCHIRMER, PE, RLS
<u>SEWER</u>	
OPERATING AUTHORITY:	WESTERN VIRGINIA WATER AUTHORITY
ADDRESS:	601 S JEFFERSON ST ROANOKE, VA 24011
PHONE: (540) 853-1293	CONTACT: PHIL SCHIRMER, PE, RLS
<u>TELEPHONE</u>	
OPERATING AUTHORITY:	VERIZON
ADDRESS:	4843 OAKLAND BLVD ROANOKE, VA 24012
PHONE: (540) 265-7506	CONTACT: BARBARA CARTER
<u>POWER</u>	
OPERATING AUTHORITY:	APPALACHIAN POWER
ADDRESS:	
PHONE: (888) 710-4237	CONTACT: CUSTOMER SERVICE



ITEM **DESCRIPTION**

1	6" POPLAR
2	8" POPLAR
3	QUAD 12" OAK
4	DOUBLE 18" SWEET GUM
5	18" OAK
6	20" SWEET GUM
7	20" OAK
8	24" OAK
9	24" SWEET GUM
10	30" OAK

TOP OF FIRE HYDRANT
SOUTH OF PROPERTY
ELEVATION=1087.09

**SUBJECT PROPERTY IS LOCATED
WITHIN FLOOD ZONE "X"; DEFINED AS
AREAS OF 0.2% ANNUAL CHANCE
FLOODPLAIN, AS DETERMINED BY THE
FEDERAL EMERGENCY MANAGEMENT
AGENCY (FEMA), COMMUNITY PANEL
NO. 51161C0154G, EFFECTIVE DATE
SEPTEMBER 28, 2007.**

N/F
SPIRIT MASTER FUNDING III, LLC
14631 N SCOTTSDALE RD, #200
SCOTTSDALE, AZ 85254
PIN 2170301
DB 7, PG 1697
ZONED CG
RESTAURANT

Fidelity National Title Insurance Company
Title No.: 20090302
Effective Date: March 6, 2009 at 8:00 AM

RSBH _____
LBNL 1091.38
INV(A) 107.13.18

9 Terms, provisions, covenants, conditions, restrictions and other matters, if any, appearing of record in Deed Book 214, Page 546. DOES NOT AFFECT THIS PROPERTY.

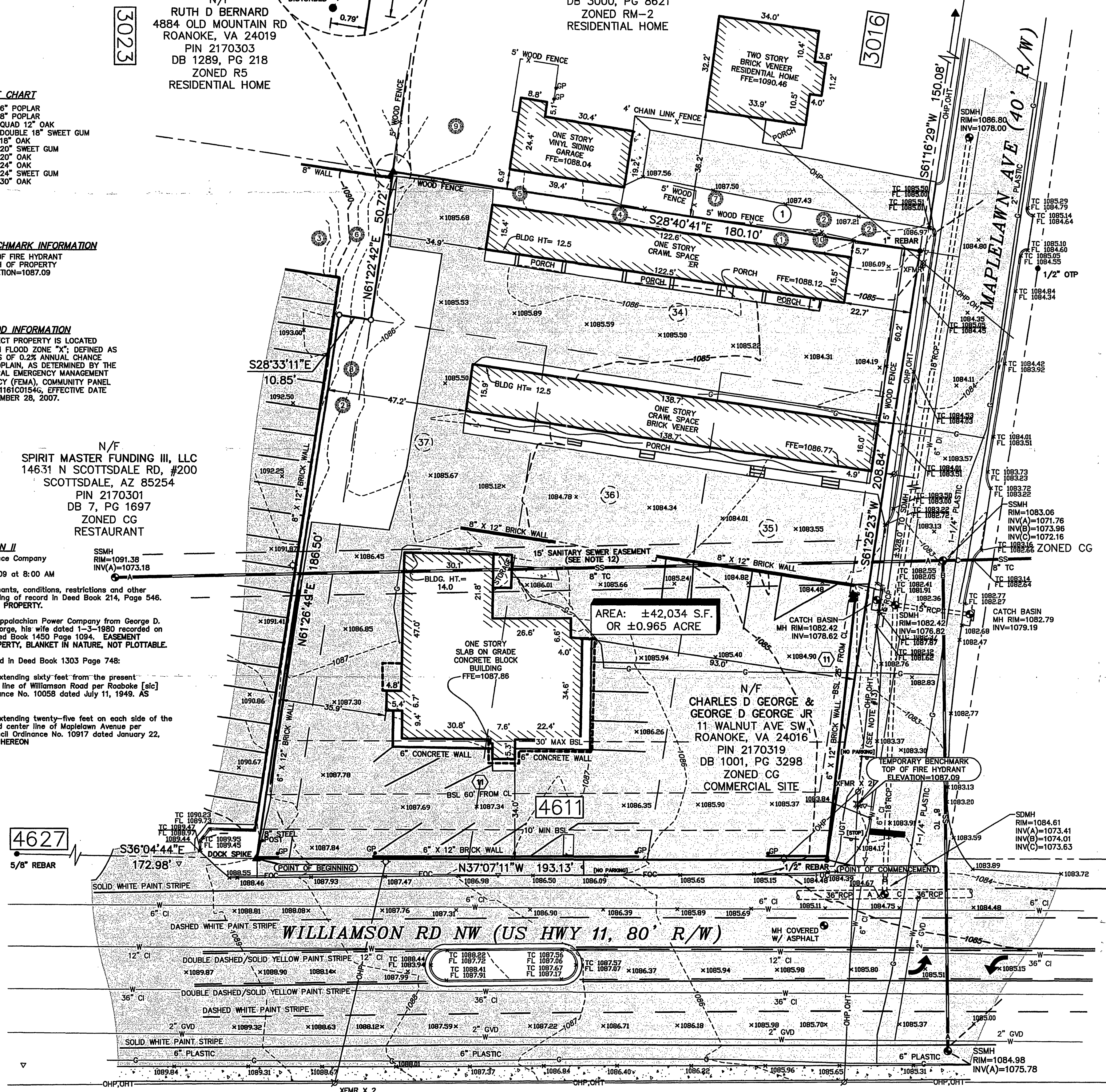
10 Easement granted to Appalachian Power Company from George D. Eose and Effie M. George, his wife, dated 1-3-1880 recorded on February 1, 1880 in Deed Book 1450 Page 1094. EASEMENT AFFECTS SUBJECT PROPERTY, BLANKET IN NATURE, NOT PLOTTABLE.

11 Shown on plot of record in Deed Book 1303 Page 748:

(a) Setback line extending sixty feet from the present established center line of Williamson Road per Roanoke [sic] City Council Ordinance No. 10058 dated July 11, 1949. AS PLOTTED HEREON.

(b) Setback line extending twenty-five feet on each side of the present established center line of Maplelawn Avenue per Roanoke City Council Ordinance No. 10917 dated January 22, 1951 AS PLOTTED HEREON

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UTILITIES SHOWN ARE AS MARKED WITH PAINT BY ITS UTILITY IN RESPONSE TO A REQUEST TO THE VIRGINIA UTILITY PROTECTION SERVICE, (800) 552-7001, TICKET # A907100283. ANY PIPE SIZES SHOWN ARE PER RECORD PLANS OR AS PROVIDED BY ITS UTILITY.

WILLAMSON RD NW (US HWY 11)	VA DOT SALEM DISTRICT
MAINTAINING AUTHORITY:	7311 HARRISON AVE
ADDRESS:	SALEM, VA 24153
PHONE: (540) 387-5320	CONTACT: DEBRA STEELE
R/W:	80' R/W
SPEED LIMIT:	45 MPH
CLASSIFICATION:	URBAN PRINCIPAL ARTERIAL
PLANNED IMPROVEMENTS:	NOT AT THIS TIME
PLANNED R/W ACQUISITION:	NOT AT THIS TIME
MAPLELAWN AVE NW	ROANOKE PUBLIC WORKS
MAINTAINING AUTHORITY:	1802 COURTLAND AVE
ADDRESS:	ROANOKE, VA 24012
PHONE: (540) 853-2291	CONTACT: MARK JAMISON
R/W:	40' R/W
SPEED LIMIT:	25 MPH
CLASSIFICATION:	MINOR PUBLIC ROAD
PLANNED IMPROVEMENTS:	NOT AT THIS TIME
PLANNED R/W ACQUISITION:	NOT AT THIS TIME

PROPERTY LINE
BUILDING SETBACK LINE
EASEMENT LINE
ORIGINAL LOT LINE
EXISTING CONTOUR
FENCE
WATER LINE
OVERHEAD POWER LINE
FIBER OPTIC CABLE
OVERHEAD TELEPHONE LINE
UNDERGROUND TELEPHONE LINE
GAS LINE
STORM SEWER
SANITARY SEWER
MANHOLE
FIRE HYDRANT
WATER VALVE
LIGHT POLE
UTILITY POLE W/ GUY WIRE
SIGN
GRADE POST
SPOT ELEVATION
(IRON/NAIL FOUND) (SIZE/TYPE NOTED)
1/2" REBAR SET
NAIL FOUND (TYPE NOTED)
REINFORCED CONCRETE PIPE
CAST IRON PIPE
DUCTILE IRON PIPE
GALVANIZED PIPE
TERRA COTTA PIPE
FINISHED FLOOR ELEVATION
TRANSFORMER

BSL
- - - -
-80-
X
W
OHP
FOC
OHT
UGT
G
S
●
X/X
V
P
GP
x 97.88
○
RCP
CI
DI
GVD
TC
FFE
XFMR

TREE (SEE CHART FOR SIZE & TYPE)

STREET ADDRESS

CONCRETE

ASPHALT

ORIGINAL LOT NUMBER

6411


(36)


① WOOD FENCE ALONG EASTERN PROPERTY LINE.

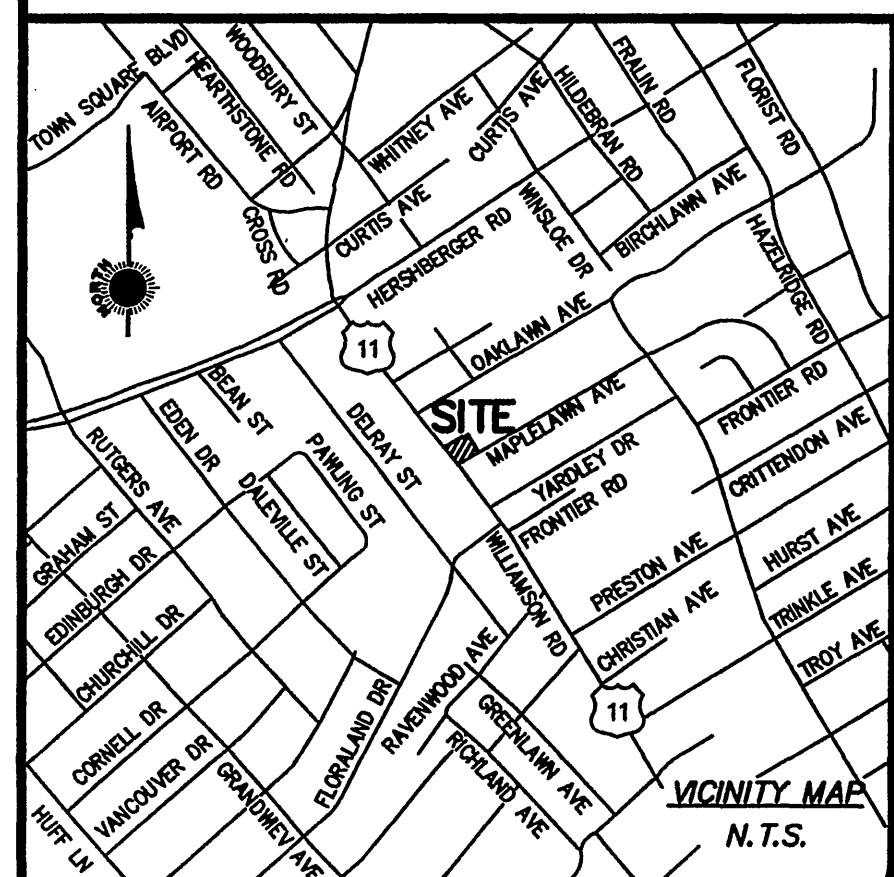
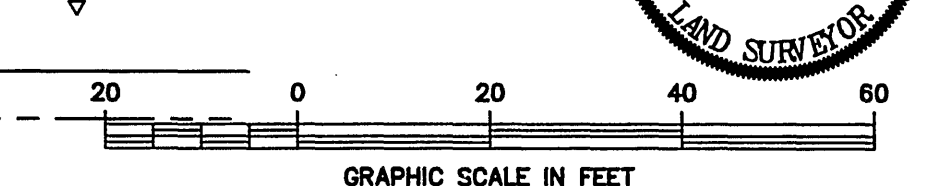
1. THE TAX PARCEL IDENTIFICATION NUMBERS FOR THE SUBJECT TRACT IS 2170319.
2. THE CURRENT STREET ADDRESS OF THE SUBJECT PROPERTY IS 4611 WILSON ROAD, DEERFIELD BEACH, FLORIDA.
3. THE AREA THIS PROPERTY WAS DETERMINED BY THE COORDINATE COMPUTATION METHOD.
4. DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES UNLESS NOTED OTHERWISE.
5. ANY UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED IN REFERENCE TO A ONE CALL TICKET NUMBER A907100283, FROM THE CITY OF DEERFIELD BEACH, FLORIDA, DATED 1-1-82 TO 1-1-82.
6. THIS SURVEY IS IN REFERENCE TO DEED BOOK 1001, PAGE 3298, ROANOKE COUNTY REGISTER OF DEEDS.
7. THE REFERENCE DRAWING IS BASED UPON THE VIRGINIA STATE PLANE COORDINATE SYSTEM.
8. ELEVATIONS SHOWN ARE BASED ON THE NAVD 88 DATUM, ONE FOOT ABOVE MEAN SEA LEVEL.
9. THIS PROPERTY IS LOCATED WITHIN THE LIMITS OF THE CITY OF ROANOKE, VIRGINIA.
10. WATER LINES SHOWN HEREON ARE APPROXIMATELY 3'-4" DEEP, PER THE WESTERN VIRGINIA WATER AUTHORITY.
11. THERE IS NO HIGHWAY STATIONING AVAILABLE FOR WILLIAMSON ROAD (US HWY 11).
12. SAID EJECTMENT EASEMENT IS PER PLAT FOR GEORGE E AND EFFIE GEORGE, BY JACK G. BESS, LAND SURVEYOR NO. 1070, DATED 1970, DATED 21, 1979, CITY OF ROANOKE ENGINEERING, MAPS & PLANS, PLAN NO. 10564.
13. LOWEST UTILITY LINE ON POWER POLES ARE APPROXIMATELY ±15 FEET FROM GROUND.
14. THE 6" x 12" AND 8" x 12" BRICK WALLS SHOWN ON THE DRAWING ARE FOR TRAFFIC FLOW CONTROL.

I hereby certify to Fidelity National Title Insurance Company and O'Reilly Automotive, Inc. that:

1. The plat of survey prepared by me entitled "ALTA/ACSM Land Title Survey for O'Brien, et al." is a true and accurate depiction of the ground and that it and the information, courses and distances shown thereon are correct;
2. The title lines and lines of actual possession are the same;
3. The size, location, area and boundaries of the buildings are as shown and all are within the boundary lines of the property;
4. There are no violations of zoning ordinances, restrictions or other governmental regulations with reference to the location of said buildings and improvements;
5. There are no discrepancies, conflicts, shortages in area or boundary line conflicts, easements, encroachments, driveways, cemetaries, etc. of any kind or kindred of any kind on the property;
6. I have made a careful physical inspection of the same, other than those shown and depicted thereon;
7. All improvements shown actually exist, and the location, size and type of materials are correctly shown;
8. The distance from the nearest intersecting street or road is as shown;
9. This property has direct access to Williamson Road (US Highway 11), a publicly dedicated street.
10. All utility services required for the operation of the property either shown on the property or adjoining the public streets or the survey shows the point of entry and location of any utilities that pass through or are on adjoining private land;
11. The parcels described herein do not lie within flood hazard areas according to the maps of the Federal Emergency Management Agency and the Department of Housing and Urban Development; and
12. This is to certify that this map or plat and the survey on which it is based were made in accordance with the ALTA and NSPS and with the Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and includes Items 1-6, 7-6, 8-14 of Table A thereof. Pursuant to the Accuracy and Reliability of the Survey as a Condition of the Survey on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Missouri, the Reliability of the Survey of this survey does not exceed that which is specified therein.


 John M. Story Lic. No. 1938
 MAY 20, 2009
 Date

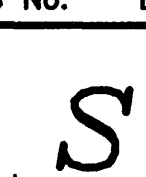

 COMMONWEALTH OF VIRGINIA
 JOHN M. STORY
 Lic. No. 1938



ALTA/ACSM LAND TITLE SURVEY
FOR
O'REILLY AUTOMOTIVE, INC.
4611 WILLIAMSON ROAD (US HWY 11)
CITY OF ROANOKE ROANOKE COUNTY VIRGINIA

DATE	REVISIONS
04/04/09/2008	ADDRESSES CLIENT COMMENTS. (JWS)
05/19/2008	ADDRESSES CLIENT COMMENTS.

3 PART THEREOF MAY BE USED OR REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION.

SCALE:	
HORIZONTAL: 1"=20'	
VERTICAL: N/A	
DATE:	03-20-2009
DRAWING #:	NC009-09-D
PROJ. #:	4539-152-NM1
DSGN:	N/A
DRWN:	CBW
CHKD:	JMS
APVD:	JMS
RLS No:	L-3840
<div style="text-align: center;">  <p>SV1 <i>A RAZ 5/22/09</i></p> </div>	
SHEET 1 OF 1	