

**LEGAL DESCRIPTION (TITLE)**

Unit No: DOA01  
 Address: 3476 Ross Clark Circle, N.W. Dothan, Houston County, Alabama 36303  
 Real property in the City of Dothan, County of Houston, State of Alabama, described as follows:

A Lot or Parcel of Land in the City of Dothan, Houston County, Alabama, and being more particularly described as follows: Commencing at the NE corner of the SE 1/4 of the SW 1/4 of Section 10, T3N, R26E, and thence N88°-45'W, 275.75 feet to the Southeast side of the Ross Clark Traffic Circle; thence S39°-57'W along said Traffic Circle, 125.00 feet to the Point of Beginning; thence on a chord bearing of S37°-34'-45"W along said Traffic Circle, a chord distance of 221.42 feet; thence N88°-23'-31"E, 244.0 feet; thence N43°-08'-11"E, 197.94 feet; thence N88°-45'W, 220.0 feet to the Point of Beginning and containing 0.90 acres, more or less. Said land lying in and being a part of the SE 1/4 of the SW 1/4 of Sec. 10, T3N, R26E, Dothan, Houston County, Alabama.

Subject to a non-exclusive ingress and egress easement described as follows: A lot or parcel of land in the City of Dothan, Houston County, Alabama, and being more particularly described as follows: Commencing at the NE corner of the SE 1/4 of the SW 1/4 of Section 10, T3N, R26E, and thence N88°-45'W, 275.75 feet to the Southeast side of the Ross Clark Traffic Circle; thence S39°-57'-45"W along said Traffic Circle 125.00 feet; thence S37°-34'-45"W, 156.42 feet to the Point of Beginning; thence S37°-34'-45"W, 65.00 feet; thence N88°-23'-31"E, 67.00 feet; thence N17°-03'-08"W, 39.16 feet; thence N52°-25'-15"W, 23.00 feet to the Point of Beginning. Said land lying in the SE 1/4 of the SW 1/4 of Section 10, T3N, R26E, Dothan, Houston County, Alabama.

Subject however to the proviso that said easement shall not be exercised or used in such a manner as to interfere with Grantees adjoining curb cut and access.

THIS IS THE SAME TRACT OF LAND DESCRIBED IN THE FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. 1002-28127-RTT WITH AN EFFECTIVE DATE OF SEPTEMBER 27, 2012.

**SURVEYED AREA**

39,221.9± SQ. FT.  
 0.900± ACRES

**SCHEDULE B ITEMS**

7. Subject to Non-Exclusive Ingress & Egress Easement dated August 6, 1982 and filed on August 6, 1982, in the Office of the Judge of Probate of Houston County, Alabama, in Deed Book 288, Page 517.
  8. Easement Agreement dated September 2, 1982 and filed on September 21, 1982 in the Office of the Judge of Probate of Houston County, Alabama, in Deed Book 289, Page 239.
  9. Agreement with Alabama Power Company dated August 10, 1982 and recorded in the Office of the Judge of Probate of Houston County, Alabama, in Miscellaneous Book 67, Page 834 as it relates to Miscellaneous Book 3, Page 374.
- APPLIES AND AFFECTS THE SUBJECT PROPERTY AS PLOTTED AND SHOWN HEREON.
- THIS EASEMENT DOES NOT LIE ACROSS THE SUBJECT PROPERTY, HOWEVER, IT ADJOINS THE SUBJECT PROPERTY AS PLOTTED AND SHOWN HEREON.
- APPLIES AND AFFECTS THE SUBJECT PROPERTY AS PLOTTED AND SHOWN HEREON.

**GENERAL NOTES**

- The Surveyor has not conducted a title examination and has relied upon the Title Commitment as to recorded matters of easements, setbacks and restrictions.
- All field measurements corresponded with record dimensions and are within the precision requirements of ALTA/ACSM specifications. The legal description within the title commitment does form a mathematically closed figure. The boundary line dimensions as shown on this Survey Map form a mathematically closed figure within +/-0.1 foot.
- All statements within the certification, and other references located elsewhere hereon, related to: utilities, easements, servitudes, and encroachments; are based solely on aboveground, visible evidence, unless another source of information is specifically referenced hereon.
- The developer and/or owner is responsible for any and all requirements and regulations for subdividing the subject property in accordance with the local, state, and federal governing agencies. See "Zoning Information" contained hereon this plat for further information.
- It is the intent to locate all structures visibly observed on the property. However, there may be structures or utilities present that were not visibly observed due to the size of the project, an obstruction by a larger object, or by very thick vegetation. For purposes of illustration, an example might be a sewer manhole located underneath a parked automobile or a meter obscured by vegetation. All large structures such as buildings, mobile storage facilities, etc. are shown on this plat.
- There was no observable evidence of the site used as a solid waste dump, sump or sanitary landfill.
- There was no observable evidence of earth moving work, building construction or building additions within recent months.
- There was no visible evidence that the subject property was used as a cemetery.
- There does not appear to be changes in street right-of-way lines that have been completed.
- The surveyor utilized rectified orthophotography, photogrammetric mapping, laser scanning and other similar products, tools or technologies as the basis for the location of certain features (excluding boundaries) where ground measurements are not otherwise necessary to locate those features to an appropriate acceptable accuracy relative to a nearby boundary.
- The zoning information shown hereon is based on current zoning for the subject property as obtained by the local governing agency (i.e. Planning & Zoning Department, Town Manager, etc.), unless shown or stated otherwise. The subject property may be "grandfathered" to other zoning restrictions or regulations within Planned Unit Developments, Covenants, or other recorded documents.
- All utilities appear to enter the property via a public right-of-way.
- The property appears to drain into a public right-of-way or drainage easement area.
- This Survey Map correctly represents the facts found at the time of the survey.
- There are no discrepancies between the boundary lines of the Property as shown on this Survey Map and as described in the legal description presented in the Title Commitment.
- The boundary lines of the Property are contiguous with the boundary lines of all adjoining streets, highways, rights of way and easements, public or private, as described in their most recent respective legal descriptions of record.
- The zoning information shown hereon is based on research performed by the surveyor. The client did not provide a zoning report to the surveyor.
- The building street number observed in the field is 3476 Ross Clark Circle NW.
- The subject property has direct access to Ross Clark Circle, a dedicated public road.

**STATEMENT OF ENCROACHMENTS**

- 1 CONCRETE CURB ENCROACHES ON THE SUBJECT PROPERTY 1.5' x 20'±.
- 2 MASONRY BLOCK STORAGE SHED ENCROACHES INTO THE MINIMUM BUILDING SETBACK.

**FLOOD DATA**

The subject property is located in Zone X, an area outside the 0.2% annual chance flood plain according to the Flood Insurance Rate Map (FIRM), Community Panel No. 01069C0206F with an effective date of 12/16/2005. A field survey of the subject site was not performed to determine this zone. An elevation certificate completed in accordance with the Federal Emergency Management Agency specifications may be required to determine the zone. Additional inquiries concerning the flood zone(s) for the subject site should be addressed to the Federal Emergency Management Agency.

**WETLAND NOTE**

No evidence of potential wetlands were observed on the subject property at the time the survey was conducted, nor have we received any documentation of any wetlands being located on the subject property.

**BASIS OF BEARING**

THE BEARING OF S 37°34'45" W ALONG THE EAST RIGHT-OF-WAY MARGIN OF ROSS CLARK CIRCLE IS THE BASIS OF BEARINGS FOR THE SUBJECT SURVEY AND IS FROM PLAT BOOK 288, PAGE 517, AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, HOUSTON COUNTY, ALABAMA.

**UTILITY DISCLAIMER**

THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE BY VISIBLE OBSERVATION. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ANY UNDERGROUND UTILITIES.

**SURVEYOR'S CERTIFICATION**

To: Clark Dothan, LLC, CFKRY LLC, a Delaware limited liability company, The Krystal Company, a Tennessee Corporation, First American Title Insurance Company, Republic Title of Texas, Inc., Wells Fargo Bank, N.A., its successors and assigns

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, 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 10(c), 11(a), 13, 15, 17, 18 and 21 of Table A thereof. The field work was completed on February 15, 2012.

Date of Map: October 29, 2012

*Christopher S. Denham*  
 Christopher S. Denham, PLS  
 Alabama License No. 21171



Denham Land Surveyors LLC  
 1733 Winchester Road  
 Huntsville, AL 35811  
 (256) 851-2623  
 (256) 851-2633 Fax  
 chris@denham-surveyors.com

**"ALTA/ACSM LAND TITLE SURVEY"**  
 PREPARED FOR:



17220 Newhope Street, Suites 108-110, Fountain Valley, CA 92708  
 Tel: (714)979-7181 Fax: (714)641-2840  
 www.themattthewscompany.com

MARK	DATE	REVISION	BY	AP/VD
A	3/14/12	Client comments dated 3/23/2012 and new title		csd
B	4/3/12	Client comments dated 4/3/2012		csd
C	10/29/12	Added new utility		csd

**FORTRESS INVESTMENT GROUP**

3476 Ross Clark Circle  
 Dothan, Alabama  
 (Krystal's)

SCALE: 1" = 20'  
 DATE: 15 February 2012  
 DWN. BY: *Jessica W. Rowland*  
 CHKD. BY: Chris Denham

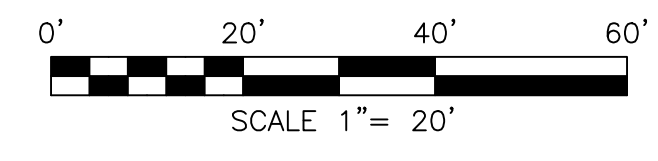
CHKD./AP/VD:  
 APPROVED:  
 UNIT NO.: DOA01  
 J.N.: 37682

**ZONING INFORMATION**

Zoned: B-2 (HIGHWAY COMMERCIAL DISTRICT)  
 Current Use: Krystal Restaurant  
 Permitted Use: Restaurant  
 Setbacks  
 Front - 25 feet  
 Side - 5 feet  
 Rear - 10 feet  
 Maximum Building Height: 145 feet or 10 Stories  
 Maximum Building Area: 50%  
 Parking Requirements - 1 space per 200 square feet or 1 space per 2.5 occupants.  
 Per a letter from the City of Dothan, Alabama, Planning & Development Department, dated February 14, 2012 and signed by Timothy W. Brown, AICP, Staff Planner:  
 There are not present any violations of the provisions of the Zoning Ordinance with respect to the Property and the Property conforms to all requirements of the Zoning Ordinance. The Zoning Ordinance was adopted by the Dothan City Commission on September 21, 2010 and went into effect on November 1, 2010.  
 All Zoning regulations are subject to interpretation by the City of Dothan, Alabama, Planning & Zoning Department, Phone 334-615-4412.

**PARKING SPACE TABLE**

TYPE OF SPACE	TOTAL EXISTING	REQUIRED BY ZONING
REGULAR	52	See Zoning
HANDICAP	2	See Zoning
TOTAL	54	See Zoning



© COPYRIGHT 2012 DENHAM LAND SURVEYORS, LLC  
 This plat is protected by Copyright and all rights are reserved. No part of this plat may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the written consent and permission of DENHAM LAND SURVEYORS, LLC.

**DENHAM** Since 1978  
 Land Surveyors LLC  
 1733 Winchester Road  
 Huntsville, Alabama 35811  
 (256) 851-2623  
 (256) 851-2633 Fax  
 chris@denham-surveyors.com  
 www.denham-surveyors.com  
 Point of Beginning For Your Surveying Needs

**LEGEND / ACRONYM**

- X FENCE
- OE OVERHEAD UTILITIES
- ] - ] GUARD RAIL
- UTILITY POLE
- STANDARD PARKING
- HANDICAP PARKING
- LIGHT POLE
- GAS VALVE
- GAS METER
- GUY WIRE
- LIGHT POLE BASE
- ELECTRIC BOX
- WATER FAUCET
- GARBAGE DUMPSTER
- GRATE INLET
- HVAC UNIT
- TRAFFIC SIGNAL POLE
- TRAFFIC SIGNAL
- TRAFFIC SIGNAL SWITCH BOX
- RIGHT-OF-WAY
- RECORD DATA
- MEASURED DATA
- C CENTERLINE
- M.B.S.L. MINIMUM BUILDING SETBACK LINE
- CONCRETE BOLLARD
- CLEAN OUT
- LIGHT / LIGHT POLE
- HANDICAP
- SIGN
- STORM MANHOLE
- SEWER MANHOLE
- MANHOLE
- WATER METER
- WATER VALVE
- TELEPHONE RISER
- GATE
- 1/2 INCH REBAR FOUND
- CONCRETE MONUMENT FOUND
- FIRE HYDRANT
- 4x4 CONCRETE DRAINAGE INLET WITH MANHOLE ACCESS
- SEWAGE FIT
- FUEL PUMP
- TRANSFORMER
- SPEAKER BOX
- GREASE BIN
- AIR RELIEF VENTS

