

Vicinity Map

Not to Scale

SCHEDULE "B" ITEMS

- B. RIGHTS OF THE STATE OF TEXAS FOR CONTROLLED ACCESS FACILITY AND LIMITED ACCESS RIGHTS TO INTERSTATE 30 AS SET OUT IN ROW DEED DATED JANUARY 23, 1958, RECORDED IN VOLUME 58, PAGE 84, REAL PROPERTY RECORDS, ROCKWALL COUNTY, TEXAS IS NOW INCORPORATED INTO THE HIGHWAY R.O.W. AND DOES NOT AFFECT SUBJECT PROPERTY.
- C. WATERLINE EASEMENT AND SANITARY SEWER EASEMENT FROM JOHN DERRICK, ET AL TO THE CITY OF ROCKWALL, RECORDED IN VOLUME 126, PAGE 268, OF THE REAL PROPERTY RECORDS OF ROCKWALL COUNTY, TEXAS, DOES AFFECT AND IS SHOWN ON SURVEY.
- D. EASEMENT AND RIGHT OF WAY FROM JOHN EARNEST, ET AL D/B/A MR. CATFISH TO TEXAS POWER & LIGHT COMPANY, RECORDED IN VOLUME 127, PAGE 385, OF THE REAL PROPERTY RECORDS OF ROCKWALL COUNTY, TEXAS, DOES AFFECT AND IS SHOWN ON SURVEY.
- E. EASEMENT AND RIGHT OF WAY FROM JOHN EARNEST, ET AL D/B/A MR. CATFISH TO TEXAS POWER & LIGHT COMPANY, RECORDED IN VOLUME 128, PAGE 948, OF THE REAL PROPERTY RECORDS OF ROCKWALL COUNTY, TEXAS, DOES AFFECT AND IS SHOWN ON SURVEY.
- F. MEMORANDUM OF AGREEMENT WITH RIGHT OF ENTRY FROM DEH, A TEXAS GENERAL PARTNERSHIP, TO TEXAS DEPARTMENT OF TRANSPORTATION, RECORDED IN VOLUME 662, PAGE 203, THE REAL PROPERTY RECORDS OF ROCKWALL COUNTY, TEXAS, DOES AFFECT AND IS SHOWN ON SURVEY.

GENERAL NOTES

- 1. THE BEARING BASIS FOR THIS SURVEY IS THE NORTHEAST LINE OF SUBJECT PROPERTY BEING S 44°02'46" E PER PLAT, RECORDED IN CABINET A, SLIDE 270, PLAT RECORDS ROCKWALL COUNTY, TEXAS.
- 2. BENCH MARK: CONCRETE MONUMENT WITH BRASS CAP LOCATED AT THE SOUTHWEST INTERSECTION OF THE ROAD TO THE MARINA AND VILLAGE ROAD. BENCH MARK IS ONE FOOT WEST OF VILLAGE ROAD AND EIGHT FEET NORTHEAST OF AN EXISTING WYE INLET. ELEVATION = 506.0486

UTILITY NOTES

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISES ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

ZONING INFORMATION

ZONING: "C" COMMERCIAL
 "H-30 OV" INTERSTATE 30 OVERLAY
 BUILDING SETBACK = 25 FEET
 SIDE YARD SETBACK = 10 FEET
 REAR YARD SETBACK = 10 FEET
 MAXIMUM BUILDING HEIGHT = 240 FEET

STATEMENT OF ENCROACHMENT

NO OBSERVED, ABOVE GROUND ENCROACHMENTS NOTICED AT TIME OF SURVEY.

FEMA NOTE

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD RATE MAP NO. 480547 0005 C, EFFECTIVE DATE: JUNE 16, 1992.
 THE SUBJECT PROPERTY (SEE LEGAL DESCRIPTION SHOWN HEREON) APPEARS TO LIE WITHIN: ZONE "X" DEFINED THEREIN AS "AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD;

LEGAL DESCRIPTION


BEING A TRACT OF LAND SITUATED IN THE WILLIAM BLEVINS SURVEY, ABSTRACT NO. 9 AND THE JAMES SMITH SURVEY, ABSTRACT NO. 200, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND BEING ALL OF CATFISH SUBDIVISION, AN ADDITION TO THE CITY OF ROCKWALL, AS EVIDENCED BY PLAT RECORDED IN CABINET A, SLIDE 270 OF THE PLAT RECORDS OF ROCKWALL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT A 1/2-INCH IRON ROD SET IN THE NORTHWEST LINE OF INTERSTATE HIGHWAY 30 (A VARIABLE WIDTH RIGHT-OF-WAY) FOR THE MOST NORTHERLY SOUTHEAST CORNER OF SAID CATFISH SUBDIVISION, SAME POINT BEING THE SOUTH CORNER OF LOT 1, BLOCK 1 OF IHOP NO. 9448 ADDITION, AN ADDITION TO THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AS EVIDENCED BY PLAT RECORDED IN CABINET 199, SLIDE 200 OF THE PLAT RECORDS OF ROCKWALL COUNTY, TEXAS;

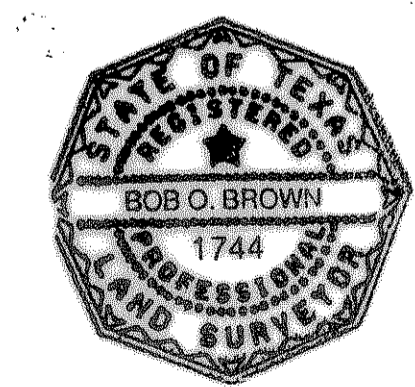
THENCE ALONG THE SAID NORTHWEST LINE OF INTERSTATE HIGHWAY 30 AS FOLLOWS:
 SOUTH 11 DEGREES 17 MINUTES 01 SECONDS WEST A DISTANCE OF 110.65 FEET TO A 1/2 INCH IRON ROD SET FOR THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID CATFISH SUBDIVISION;
 SOUTH 66 DEGREES 13 MINUTES 27 SECONDS WEST A DISTANCE OF 347.30 FEET TO A 1/2 INCH IRON ROD SET FOR CORNER;
 SOUTH 89 DEGREES 08 MINUTES 13 SECONDS WEST A DISTANCE OF 215.08 FEET TO A 1/2 INCH IRON ROD SET IN THE SOUTH RIGHT-OF-WAY LINE OF CATALINA DRIVE (A VARIABLE WIDTH RIGHT-OF-WAY) FOR THE SOUTHWEST CORNER OF SAID CATFISH SUBDIVISION;
 THENCE NORTH 54 DEGREES 31 MINUTES 00 SECONDS WEST, DEPARTING THE SAID NORTHWEST LINE OF INTERSTATE HIGHWAY 30 AND ALONG THE COMMON LINE BETWEEN SAID CATFISH SUBDIVISION AND THE SAID SOUTH RIGHT-OF-WAY LINE OF CATALINA DRIVE, A DISTANCE OF 52.09 FEET TO A 1/2-INCH IRON ROD SET FOR THE NORTHWEST CORNER OF SAID CATFISH SUBDIVISION;
 THENCE NORTH 44 DEGREES 36 MINUTES 49 SECONDS EAST CONTINUING ALONG THE SAID COMMON LINE BETWEEN CATFISH SUBDIVISION AND CATALINA DRIVE PASSING AT A DISTANCE OF 254.69 FEET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK A, LA JOLLA POINTE ADDITION, PHASE TWO, AN ADDITION TO THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AS EVIDENCED BY PLAT RECORDED IN CABINET E, SLIDE 279 OF THE PLAT RECORDS OF ROCKWALL COUNTY, TEXAS AND CONTINUING ALONG THE COMMON LINE BETWEEN SAID CATFISH SUBDIVISION AND SAID LOT 1, A TOTAL DISTANCE OF 583.25 FEET TO A 1/2 INCH IRON ROD SET FOR THE NORTHEAST CORNER OF SAID CATFISH SUBDIVISION, SAME POINT BEING THE NORTHWEST CORNER OF THE ABOVE MENTIONED LOT 1, BLOCK 1 OF IHOP NO. 9448 ADDITION AS EVIDENCED BY PLAT RECORDED IN CABINET 199, SLIDE 200 OF THE PLAT RECORDS OF ROCKWALL COUNTY, TEXAS;

THENCE SOUTH 44 DEGREES 02 MINUTES 46 SECONDS EAST DEPARTING THE SAID SOUTHEAST LINE OF LOT 1 OF LA JOLLA POINTE ADDITION AND ALONG THE COMMON LINE BETWEEN SAID CATFISH SUBDIVISION AND SAID LOT 1 OF IHOP NO. 9448 ADDITION A DISTANCE OF 269.43 FEET TO THE POINT OF BEGINNING;
 CONTAINING WITHIN THE METES RECITED 134,176 SQUARE FEET OR 3.080 ACRES OF LAND, MORE OR LESS.

SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY TO STEAK'N SHAKE, INC., NORTH AMERICAN TITLE COMPANY and its underwriter, AND BOBBY L. HOGUE AND LESLIE HOGUE THAT THIS SURVEY IS MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS" JOINTLY ESTABLISHED AND ADOPTED BY THE AMERICAN CONGRESS ON SURVEYING AND MAPPING (ACSM) AND BY THE AMERICAN LAND TITLE ASSOCIATION (ALTA) TO INCLUDE ITEMS 1, 2, 3, 4, 5, 6, 7A, 7B, 7C, 8, 9, 10, 11, 13, 14, 15, 16 AND 17 OF TABLE A AND PURSUANT TO THE ACCURACY STANDARDS (AS ADOPTED BY ALTA AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION) OF ALTA/ACSM SURVEY, THE RESULTS OF SAID FIELD SURVEY ARE SHOWN HEREON, THE EASEMENTS, COVENANTS AND RESTRICTIONS REFERENCED IN NORTH AMERICAN TITLE COMPANY COMMITMENT NO. TX047680631, DATED JUNE 17, 2004, ARE AS SHOWN HEREON AND THE LEGAL DESCRIPTION HEREON ACCURATELY DESCRIBES AND DEPICTS THE PROPERTY DESCRIBED IN SAID TITLE COMMITMENT.

Date: September 20, 2004

 Bob O. Brown
 Registered Professional Land Surveyor No. 1744
 State of Texas



Purchaser:
 Steak-n-Shake Operations
 500 Century Building
 36 S. Pennsylvania St.
 Indianapolis, IN 46204

Seller:
 Bobby L. Hogue
 and Leslie Hogue
 #2 Pintail Point
 Heath, TX 75032

REVISED	9-20-04	REVISIONS TO LEGAL DESCRIPTION PER CLIENT COMMENTS				
		7-26-04	BOB	JCW	SO	RJ
		DATE	PLS	DRW	FIELD	FIELD
STEAK-N-SHAKE						
CEI ENGINEERING ASSOCIATES, INC.						
ENGINEERS PLANNERS SURVEYORS						
12300 Ford Road, Suite 110 Dallas, TX 75235		(972) 488-3737 FAX (972) 488-6732		JOB NO.: 19434 DWS NAME: 9434SURV		
ALTA/ACSM Survey 568 E. Interstate Highway 30 Rockwall, Rockwall County, Texas				DATE	SHEET NO.	
				07-29-04	2 OF 2	