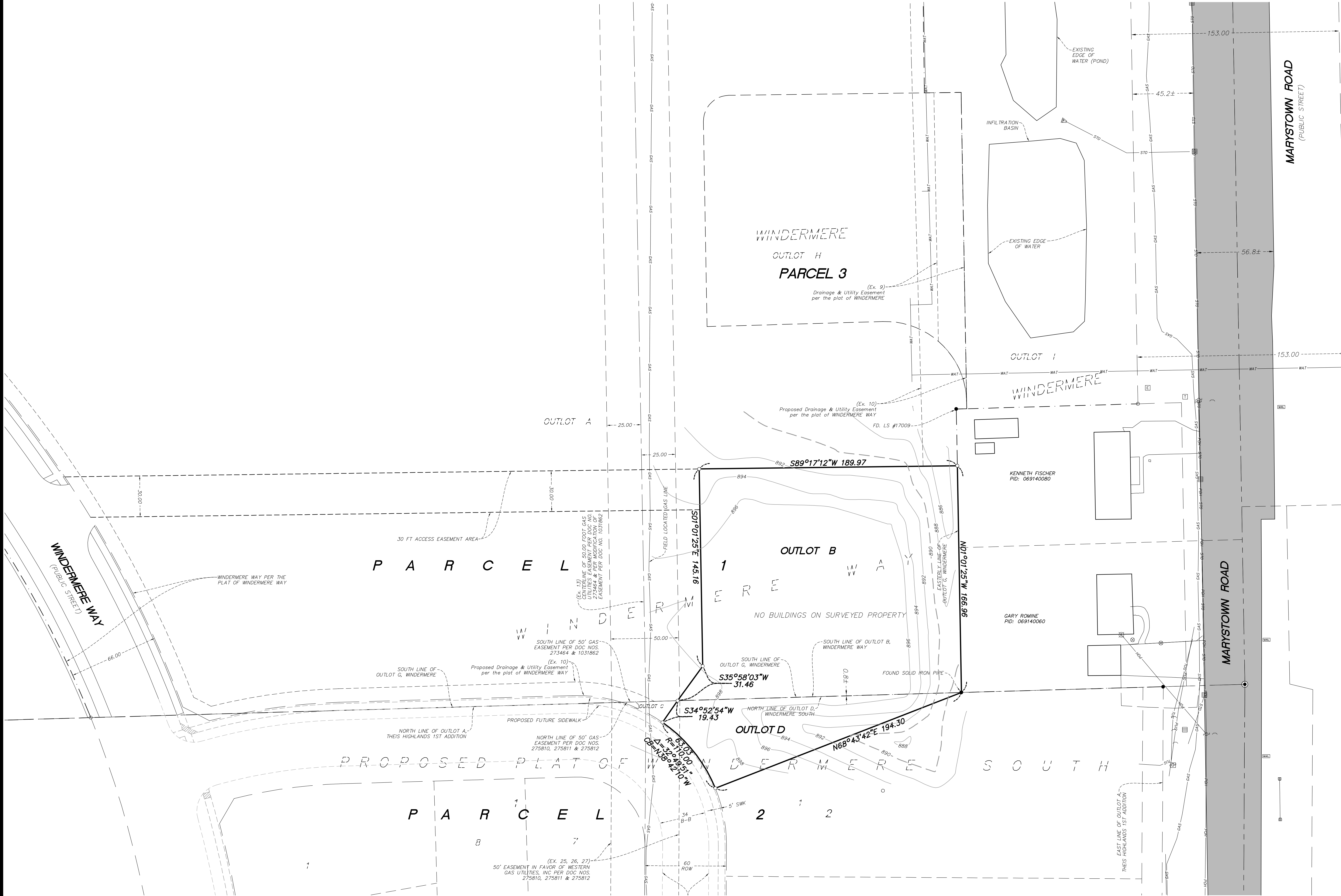




LEGAL DESCRIPTION

Parcel 1:
Outlot G, Windermere,
Scott County, Minnesota
Abstract Property

Parcel 2:
Outlot A, The Highlands 1st Addition,
Scott County, Minnesota
Abstract Property

Parcel 3:
Outlot H, Windermere,
Scott County, Minnesota
Abstract Property

NOTE: Title Company has been advised that the Land will be platted into two new plats as part of this transaction.

The legal description to be insured will be:
Parcel 1:
Outlot B, Windermere Way, Scott County, Minnesota.

Parcel 2:
Outlot D, Windermere South, Scott County, Minnesota.

NOTE: The preliminary plat of Windermere Way will be platted from Outlots G and H of Windermere, of which only Outlot G, being the portion of the underlying plat covering the property to be insured, is covered by this commitment.

GENERAL NOTES

- 1.) This survey was prepared using Chicago Title Insurance Company, Title Commitment Number 54464 First Supplemental, having an effective date of July 17, 2018 at 7:00 AM.
- 2.) The surveyed property does not have an address. (Table A Item 2)
- 3.) Subject property appears to be classified as Zone X when scaled from Flood Insurance Rate Map Community - Parcel Number 270428 010 C dated February 19, 1987. (Table A Item 3)
- 4.) Subject property contains 38,455 SqFt. or 0.91 acres. (Table A Item 4)
- 5.) No Zoning information provided by the client. (Table A Item 6 (a))
- 6.) Subject property contains no parking stalls. (Table A Item 9)
- 7.) The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantees that the underground utilities shown comprise 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. (State One Call Ticket No. 181711492 & 181711493). (Table A Item 11)
- 8.) As of the date the field work was completed for this survey, there was no observable evidence of current earth moving work, exterior building construction or building additions. (Table A Item 10)
- 9.) The surveyor did not locate any delineation markers observed in the process of conducting the fieldwork. No markers were observed. (Table A Item 18)
- 10.) Based on the information contained within title commitment listed above and a physical inspection of the subject property, the surveyor is not aware of any off site easements or servitudes other than shown hereon. (Table A Item 19)
- 11.) Bearings based on 1983NAD (1986ad) Scott County Coordinate System in US Survey Feet.
- 12.) No adjoining deeds were provided by Title Company.

- The following notes correspond to the numbering system of Schedule B of the above mentioned title commitment.
- 9.) Easement for utilities and drainage as shown on the recorded plat of Windermere (Only affects access easement area). LIES ON ADJACENT PROPERTY, AS SHOWN ON SURVEY.
 - 10.) Easement for utilities and drainage as shown on the plat Windermere Way (Only affects access easement area). LIES ON ADJACENT PROPERTY, AS SHOWN ON SURVEY.
 - NOTE: The above plat is not currently of record.
 - 11.) This exception has been deleted and will not appear on the final policy.
 - 12.) This exception has been deleted and will not appear on the final policy.
 - 13.) Terms and conditions of and easement for gas pipeline purposes, together with any incidental rights, in favor of Western Gas Utilities, Inc., a Minnesota corporation, contained in Option and Easement dated May 17, 1990, filed August 15, 1990, as Document Nos. 273463 and 273464.

As affected by the terms and conditions of Relocation Agreement No. 73610, by and between the State of Minnesota and Western Gas Utilities, Inc., a Minnesota corporation, contained in Supplemental Agreement No. 1 to Agreement No. 73610 Subordination of Right of Way Agreement filed July 22, 1990, as Document No. A453146, and filed December 5, 2000, as Document No. A490723.

Assigned to Northern States Power Company, a Minnesota corporation, d/b/a Xcel Energy, Inc. by Assignment and Assumption of Easements dated February 15, 2001, filed February 15, 2001, as Document No. 496469, and by Ratification and Assignment of Easements dated June 2, 2004, filed August 2, 2004, as Document No. 666487.

Modified by Modification of Easement dated August 22, 2017, filed August 24, 2017, as Document No. A1031862. LIES ON PROPERTY, AS SHOWN ON SURVEY.

- 14.) Subject to the interests of DRH Energy, Inc., a Colorado corporation, in minerals and mineral interests as acquired and contained in the following documents: LIES ON PROPERTY, UNPLOTTABLE.
 - (a) Deed - Minerals, Resources and Groundwater Easement dated August 17, 2017, recorded September 12, 2007, as Document No. A 782885.
 - (b) Statement of Severed Mineral Interests recorded December 11, 2007, as Document No. A
 - (c) Deed - Minerals, Resources and Groundwater Easement dated June 13, 2017, recorded November 17, 2017, as Document No. A1037293.
 - (d) Statement of Severed Mineral Interests recorded November 17, 2017, as Document No. A1037293.
- 15.) Terms of Order Approving Annexation dated November 15, 2017, filed November 27, 2017, as Document No. A1037713. LIES ON PROPERTY, UNPLOTTABLE.
- 16.) Terms and conditions of Developer's Agreement dated August 15, 2017, recorded November 27, 2017, as Document No. A1037713, by and between the City of Shakopee, a Minnesota municipal corporation and D.R. Horton, Inc. - Minnesota. LIES ON PROPERTY, UNPLOTTABLE.
- 17.) Terms and conditions of Declaration dated January 24, 2018, filed February 8, 2018, as Document No. A1041770.

NOTE: Outlot G, Windermere is shown as additional real estate.

- 18.) Easement for trail and sidewalk purposes, together with any incidental rights, in favor of the County of Scott, as contained in the Trail and Sidewalk Easement dated October 6, 2017, recorded November 27, 2017, as Document No. A1037717. LIES ON ADJACENT PROPERTY, NOT SHOWN ON SURVEY.
- 19.) This exception has been deleted and will not appear on the final policy.
- 20.) Terms and conditions of Declaration of Access Easement dated _____, 2018, filed _____, 2018 as Document No. _____.

- 21.) Easement for utilities and drainage as shown on the recorded plat of The Highlands 1st Addition. LIES ON ADJACENT PROPERTY, AS SHOWN ON SURVEY.
- 22.) Easement for utilities and drainage as shown in the plat of Windermere South.

NOTE: The above plat being recorded as part of the current transaction.

- 23.) Terms, conditions, provisions and obligations contained in Developers Agreement for The Highlands First Addition dated October 22, 2002, filed November 6, 2002, as Document No. 9703497. LIES ON PROPERTY, UNPLOTTABLE.
- 24.) Terms and conditions of and easement for gas pipeline and related purposes, in favor of Northern States Power Company, a Minnesota corporation, d/b/a Xcel Energy, contained in Pipeline Easement dated August 5, 2004, filed September 8, 2004, as Document No. 670702. LIES ON ADJACENT PROPERTY, NOT SHOWN ON SURVEY. SURVEYOR BELIEVES THAT THE FIRST CALL IN THE EASEMENT DESCRIPTION MAY HAVE AN INCORRECT BEARING. SOUTH BY DEGREES 46 MINUTES 25 SECONDS WEST END UP BEING IN THE SOUTHWEST QUARTER OF SEC. 14. SURVEYOR BELIEVES THE BEARING SHOULD BE NORTH 87 DEGREES 46 MINUTE 25 SECONDS EAST. THIS CALL WOULD PUT THE EASEMENT IN THE SW 1/4 OF THE SE 1/4. NEEDS TO BE REVIEWED. LINE CALL IN DESCRIPTION ALSO CONFIRMS SAME, SHOWN AS IN SW 1/4 OF THE SE 1/4, MATCHING FIELD LOCATION OF GAS SINK.

- 25.) Terms and conditions of and easements, in favor of Western Gas Utilities, Inc., contained in Option and Easement Regulator Station and Block Valve dated August 27, 1990, filed October 31, 1990, as Document No. 275810. (Parcel 2) LIES ON PROPERTY, AS SHOWN ON SURVEY.
- 26.) Terms and conditions of and easements, in favor of Western Gas Utilities, Inc., contained in Option and Easement Regulator Station and Block Valve dated September 17, 1990, filed October 31, 1990, as Document No. 275811. (Parcel 2) LIES ON PROPERTY, AS SHOWN ON SURVEY.
- 27.) Terms and conditions of and easements, in favor of Western Gas Utilities, Inc., contained in Option and Easement Regulator Station and Block Valve dated August 23, 1990, filed October 31, 1990, as Document No. 275812. (Parcel 2) LIES ON PROPERTY, AS SHOWN ON SURVEY.
- 28.) Any lease, grant, exception or reservation of minerals or mineral rights appearing in the public records. (Parcel 2)
- 29.) Easement for highway purposes, in favor of the County of Scott, contained in Highway Easement dated June 23, 1992, filed July 20, 1992, as Document No. 298801. (Parcel 2) LIES ON ADJACENT PROPERTY, NOT SHOWN ON SURVEY. THE HIGHWAY EASEMENT IS FOR COUNTY ROAD NO. 78 (130TH STREET WEST).

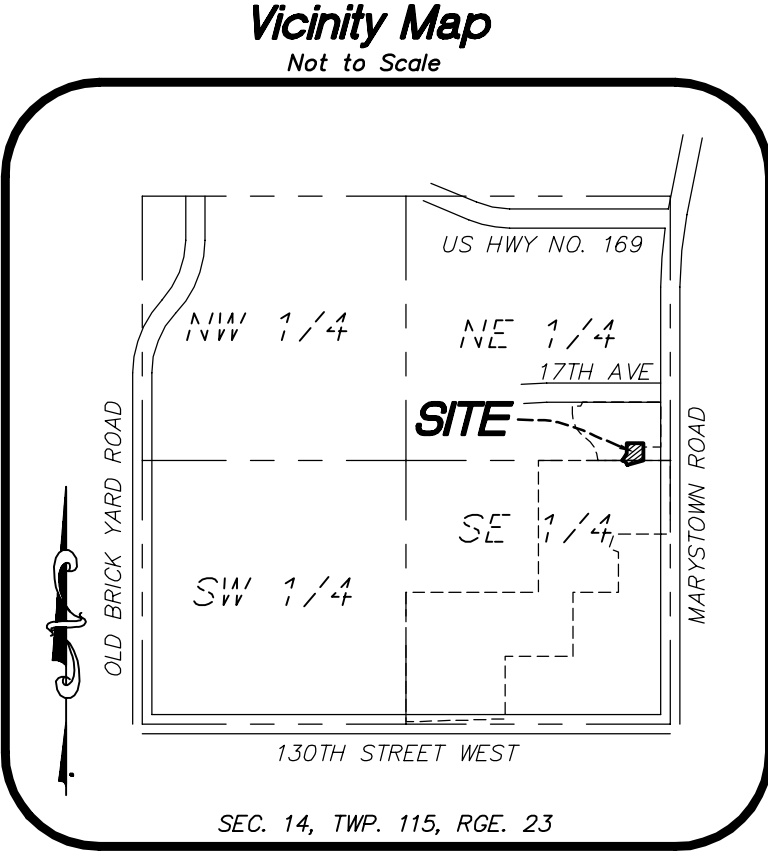
- 30.) Terms, conditions and reservations of and easements for highway purposes, in favor of the County of Scott, a Minnesota municipal corporation, contained in Land and Easement Exchange Agreement and Conveyance dated January 18, 2001, filed January 26, 2001, as Document No. A465078. (Parcel 2) LIES ON ADJACENT PROPERTY, NOT SHOWN ON SURVEY. THE HIGHWAY EASEMENT IS FOR COUNTY ROAD NO. 78 (130TH STREET WEST).
- 31.) This exception has been deleted and will not appear on the final policy.
- 32.) Order Granting Rezoning dated November 5, 2002, filed December 12, 2002, as Document No. A576676. (Parcel 2) LIES ON PROPERTY, UNPLOTTABLE.
- 33.) Terms of Order, regarding annexation dated November 16, 2006, filed November 22, 2006, as Document No. A707429, and by Order Approving Annexation dated February 1, 2018, filed February 21, 2018, as Document No. A1042437. (Parcel 2) LIES ON PROPERTY, UNPLOTTABLE.
- 34.) This exception has been deleted and will not appear on the final policy.

CERTIFICATION

To Shakopee Public Utilities Commission, a Minnesota municipal utility commission, D.R. Horton, Inc.-Minnesota, a Delaware corporation, Trustee(s) of the Richard B. and Elizabeth J. Theis Trust, dated September 2, 1997, as to an undivided 1/6 interest; Joseph A. Theis and Mary K. Theis, Trustees under the Joseph A. & Mary K. Theis Living Trust, dated August 24, 1995, as to an undivided 1/3 interest; Michael K. Thomas, or his successor, as Trustee of the Michael K. Thomas Trust dated December 19, 2007, as to an undivided 1/36 interest; John P. Thomas, or his successor, as Trustee of the John P. Thomas Trust dated December 19, 2007, as to an undivided 1/36 interest; Debra Jo Markus, or her successor, as Trustee of the Debra Jo Markus Trust dated December 19, 2007, as to an undivided 1/36 interest; John P. Thomas, as to an undivided 1/36 interest; Michael K. Thomas, as to an undivided 1/36 interest; Debra Jo Markus, as to an undivided 1/36 interest; Randolph M. Bongard, Audrey K. Brown, and/or Renee A. Menke, Trustees under the Kathleen A. Bongard Irrevocable Trust, dated August 25, 2004, as to an undivided 1/6 interest; and Carol Jean Theis, as trustee of the Carol Jean Theis Trust under Agreement dated December 1, 2005, as to an undivided 1/6 interest Chicago Title Insurance Company and Commercial Partners Title, LLC.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2018 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), 8, 9, 11, 13, 16 and 18 of Table A thereof. The field work was completed on August 1, 2018.

Craig W. Morse
August 15, 2018
Date
Craig W. Morse
Minnesota License Number: 23021
craig.morse@westwoods.com



LEGEND											
	SANITARY MANHOLE		ELECTRIC METER		GAS METER		TELEPHONE BOX		BUSH/SHRUB		TELEPHONE OVERHEAD
	SEWER CLEANOUT		ELECTRIC MANHOLE		STEEL/WOOD POST		TELEPHONE MANHOLE		WETLAND		TELEPHONE UNDERGROUND
	STORM MANHOLE		ELECTRIC TOWER		SIGN—TRAFFIC/OTHER		CABLE TV BOX		TREE LINE		WATERMAIN
	CATCH BASIN		GATE VALVE		SIGN—TRAFFIC/OTHER		TRAFFIC CONTROL BOX		CABLE TV		FENCE LINE
	BEEHIVE CATCH BASIN		HYDRANT		MAIL BOX		HAND HOLE		GAS LINE		CURB & GUTTER
	FLARED END SECTION		WATER METER		HANDICAPPED STALL		TRAFFIC LIGHT		POWER OVERHEAD		ACCESS CONTROL
	POWER POLE		CURB STOP BOX		PERC TEST		STREET LIGHT		POWER UNDERGROUND		CONCRETE SURFACE
	GUY WIRE		WATER MANHOLE		MONITORING WELL		CONIFEROUS TREE		SANITARY SEWER		BITUMINOUS SURFACE
	ELECTRIC BOX		WELL		FIRE HOSE CONNECTION		DECIDUOUS TREE		STORM SEWER		GRAVEL SURFACE
	CULVERT		SOIL BORING		FLOOD LIGHT		GAS VALVE		FIBER OPTIC		
											Denotes Iron Monument Set
											Denotes Iron Monument Found
											Denotes Cast Iron Monument Found