

**LEGEND**

- Right of Way
- P.O.B. — Point of Beginning
- (D) — Deed (Records)
- (M) — Measured
- Property Line
- — Found Monument
- — Set Monument
- Manhole
- Sanitary Sewer Manhole
- Storm Drainage Manhole
- Curb Inset
- Catch Basin
- Street Sign
- Fire Hydrant
- Water Valve
- Electric Meter
- Gas Meter
- Power Pole
- Light Pole
- Wall Lamp
- Guy Anchor
- Bollard
- Handicap Sign
- Handicap
- Regular Parking Spaces
- Handicap Parking Space
- No Parking
- Concrete
- Building Area

**ZONING**

Zoning Classification: Central Business - CB  
 Building Setbacks:  
 Front: N/A  
 Side: N/A  
 Rear: N/A  
 Lot Dimensions:  
 Minimum Lot Size : 6,000 sq. ft.  
 Minimum Lot Width : 40 Feet  
 Building Coverage : Maximum 100%  
 Building Height: 60 feet  
 Minimum 2 stories  
 Height Requirements:  
 To ensure that new and expanded buildings are designed to be compatible with the scale of historic buildings in the downtown, the minimum height for buildings within the CB District is 2 stories. The Development Review Board may, pursuant to Design Review under Table 3.19, allow the expansion of an existing building, or construction of a new building, of less than 2 stories providing the Board determines:  
 a. the proposed construction is a minor addition to an existing building, such as an attached shed or entryway; or  
 b. the proposed construction is an unenclosed addition to the existing building, such as a porch or fixed awning; or c. the proposed construction is a small (less than 500 square feet) accessory structure; or  
 b. the proposed construction is necessary to preserve the building's historic character  
 Parking: 1 space per 4 seats or patrons at capacity, and 1 space per employee on-site at one time  
 SOURCE:  
 This zoning information is taken from a zoning report compiled by Chris DeGaetano, National Planning & Zoning Analyst under #28 J6914, dated July 25, 2018  
 This zoning information is based upon current zoning regulations. These conditions may not reflect the zoning regulations on the time of building or site contraction.

**PARKING**  
 32 Parking Spaces  
 2 Handicap Spaces  
 34 Total Parking Spaces

**ENCROACHMENT**

At the time of Survey there is no visible encroachments onto the Property.

**BASIS OF BEARING**

North orientation is based on survey grade STATIC GPS observations made on June 26, 2018. The resultant horizontal datum is NAD 83. This realization is called NAD 83(2011) epoch 2010.0. Geoid model (Geoid12a). The resulting orthometric height is NAVD 88 (geoid12a).

**FLOOD ZONE**

By Scaled map location and graphic plotting only, the subject property appears to lie entirely in Zone X (Area of Minimal Flooding) according to the Flood Insurance Rate Map for the County of Bennington, Community Panel No. 50003C 0414D, Effective Date December 2, 2015

**COMMITMENT FOR TITLE INSURANCE FORM SCHEDULE B SECTION TWO EXCEPTIONS**

- The following matters and all terms of the documents creating or offering evidence of the matters:
1. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land. (NOT A PLOTTABLE ITEM)
  2. Any Lien, or Right to a Lien, for Services, Labor or Material heretofore or hereafter furnished, imposed by law and not shown in the public records. (NOT A PLOTTABLE ITEM)
  3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
  4. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
  5. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records. (NOT A PLOTTABLE ITEM)
  6. Title to and rights of the public and others entitled thereto in and to those portions of the insured premises lying within the bounds of adjacent streets, roads, and ways.
  7. The exact acreage or square footage being other than as stated Schedule A or the plan(s) therein referred to.  
 Real property taxes for the property for the 2017 tax year were due in one installment in the amount of \$12,771.15. The 2017 and all prior tax years are paid in full. (NOT A PLOTTABLE ITEM)
  8. Terms and conditions of unrecorded Lease from Realty Income Corporation to Friendly Ice Cream Corporation. (AFFECTS THE SURVEYED PROPERTY - NOT A PLOTTABLE ITEM)
  9. Intentionally deleted as directed by Millman Surveying, Inc.
  10. Title to and rights of the public and others entitled thereto in and to those portions of the insured premises lying within the bounds of adjacent streets, roads and maps. (NOT A PLOTTABLE ITEM)
  11. Easements to Central Vermont Public Services and New England Telephone and Telegraph Company recorded with the Bennington Land Records on May 18, 1972, Book 0-197, Page 194 and on August 25, 1994 at Book 0-315, Page 50. (AFFECTS THE SURVEYED PROPERTY - SEE SURVEY HEREON)
  12. Memorandum of Lease between Realty Income Corporation and Friendly Ice Cream Corporation dated December 13, 2001 and recorded in Book 379 at Page 138 of the Bennington land records. (AFFECTS THE SURVEYED PROPERTY - EXHIBITION "A" LIMITS SHOWN HEREON)
  13. Zoning Permit 05-210 dated August 2, 2005 and recorded in Book 424 at Page 210 of the Bennington land records, together with a Certificate of Occupancy dated September 23, 2005. (AFFECTS THE SURVEYED PROPERTY - BUILDING HVAC SHOWN HEREON)
  14. Zoning Permit 05-215 dated August 8, 2005 and recorded in Book 452 at Page 15 of the Bennington land records, together with a Certificate of Occupancy dated September 23, 2005. (AFFECTS THE SURVEYED PROPERTY - NOT A PLOTTABLE ITEM)

**LEGAL DESCRIPTION (DEED)**

Real property in the City/Town of Bennington, County of Bennington, State of Vermont, described as follows:  
 All that certain lot or parcel of land lying at the Junction of South Street and Hillside Ave. in the Town of Bennington, State of Vermont and being more particularly described as follows:  
 Beginning at a point on the southerly right-of-way limit of Hillside Ave., said point bears North 31° 59' 12" East a distance of 2.25 feet from an iron pipe and marks the northwesterly corner of land of regional affordable housing corp. and the northeast corner of the parcel herein described.  
 Thence South 31° 59' 12" West passing through said iron pipe a distance of 82.65 feet to an iron pin;  
 Thence South 45° 34' 18" West a distance of 27.31 feet to an iron pin;  
 Thence North 72° 02' 47" West a distance of 180.21 feet to the easterly right of way limit of said south street. The previous 3 courses being along land of said regional affordable housing corp.;  
 Thence North 18° 12' 54" East following the easterly bound of said south street, a distance of 101.73 feet to the junction of the southerly right-of-way limit of said hillside ave.;  
 Thence South 72° 45' 45" East following the southerly right-of-way of said hillside ave. a distance of 212.46 feet to the place of beginning.  
 Said parcel is subject to utility easements conveyed to Central Vermont Public Service Corp. and New England Telephone and Telegraph Company dated Aug. 25, 1994, recorded in Book 0-315 at Page 50 and also April 5, 1972, recorded in Book 0-197 at Page 194.  
 Also being described as all and the same land situated in the Town of Bennington, State of Vermont as conveyed by Warranty Deed of Marion Warner Powers to Friendly Ice Cream Corporation dated Jan 29, 1972 and recorded in Deed Book 0192 at Page 33 of the Bennington land records.

Being the same lands and premises as were conveyed to Friendly Ice Cream Corporation, by deed of Marion Warner Powers, single, being the same person as Marion R. Warner, said deed dated January 29, 1971 and recorded in Book 0-192 at page 33 of the Bennington, Vermont Land Records and being therein described as follows:  
 Beginning at an iron rod driven in the ground at the point of intersection of the easterly line of South Street (U. S. Route No. 7) and the southerly line of Hillside Street in the Village of Bennington, Vermont; thence running south 75° 26' E 211.25 feet along the southerly line of Hillside Street to an iron rod driven in the ground marking a northwesterly corner of land of C. E. Realty Co.; thence turning an included angle of 76° 05' and running south 28° 29' W along the westerly line of said Realty Co. lands 80.69 feet to an iron rod driven in the ground;  
 Thence turning an included angle of 165° 36' and running south 42° 53' west along said Realty Co. lands 27.40 feet to an iron rod driven in the ground;  
 Thence turning an included angle of 117° 53' and running north 75° 00' west along a northerly line of said Realty Co. lands 180.22 feet to an iron rod driven in the ground in the easterly line of said South Street;  
 Thence turning an included angle of 89° 39' and running north 15° 21' east along the easterly line of said South Street 101.10 feet to the place of beginning.

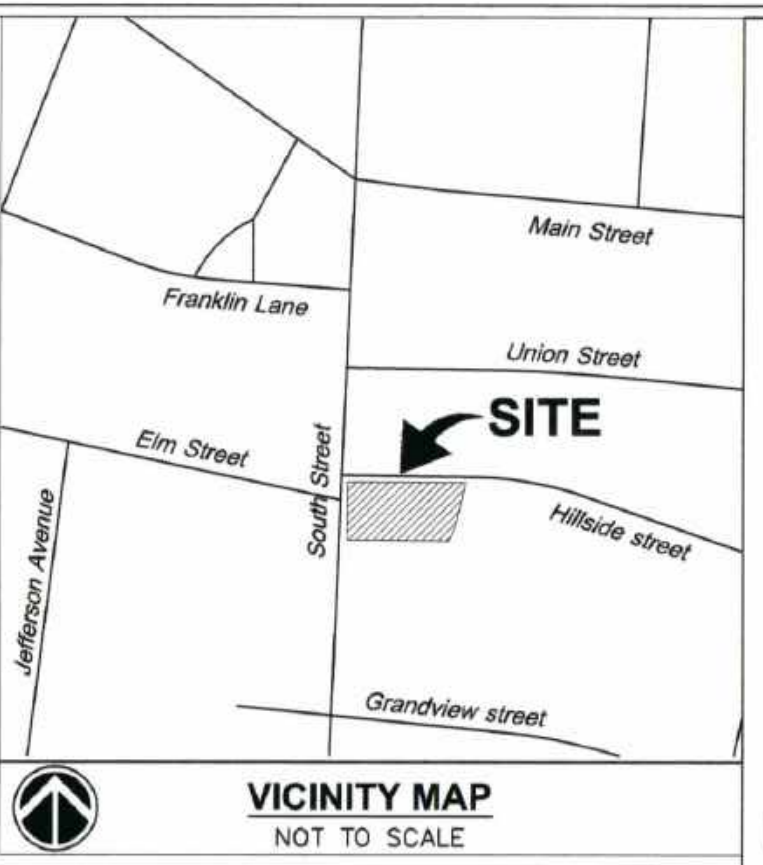
The above description is taken from a survey map entitled "Map of Property for Friendly Ice Cream Corporation, Bennington, Vermont" by the office of Gerald E. Morrissey, Inc. dated January, 1971.  
 Being the same tract of land as described in a Title Report by First American Title Insurance Company Commitment No. 31063 dated October 19, 2001.  
 The property shown and described on the survey is the same property contained in the title insurance commitment issued by First American Title Insurance Company, dated June 20, 2018, Commitment Number NCS-911316VT1-HOU1

**LEGAL DESCRIPTION (MEASURED)**

Real property in the Town of Bennington, County of Bennington, State of Vermont, described as follows:  
 All that certain lot or parcel of land lying at the Junction of South Street and Hillside Ave. in the Town of Bennington, State of Vermont and being more particularly described as follows:  
 Beginning at a point on the southerly right-of-way limit of Hillside Ave. and the easterly right-of-way of South Street, marked by a 3/8" rebar found, 0.2' above Grade, marking the northwesterly corner of the parcel herein described;  
 Thence South 87° 28' 44" East, in and along the southerly right-of-way of Hillside Avenue, 210.22 feet, more or less, to a corner of Downtown Crossing Housing, LP;  
 Thence turning to the right, South 15° 58' 08" West a distance of 80.7 feet, more or less, in and along the westerly property line of Downtown Crossing Housing, LP, to a 5/8" Rebar Found, 0.1' above grade;  
 Thence continuing in and along the westerly property line of Downtown Crossing Housing, LP, South 29° 39' 36" West a distance of 27.29 feet, more or less, to a 5/8" Rebar Found, 0.3' above grade;  
 Thence turning to the right, in and along the northerly property line of Downtown Crossing Housing, LP, North 87° 24' 13" West, 180.46 feet, more or less, to an unmarked point, at the northwesterly corner of Downtown Crossing Housing, LP, in the easterly right-of-way of South Street;  
 Thence turning to the right, in and along the easterly right-of-way of South Street, North 03° 19' 19" East, 102.55 feet, more or less, to the POINT OF BEGINNING for the above described land, containing 0.47 Acres (20,315 Square Feet) but subject to all legal highways, easements and restrictions as surveyed by Leonard H. Amblo, LS Vermont Licensed Land Surveyor No. 695 for and behalf of Millman Surveying, Inc. dated July, 2018.  
 The new description describes the same real estate as the record description.  
 Legal description forms a mathematically closed figure.

**SURVEYOR'S NOTES**

1. No observable evidence of earth moving work, building construction or building additions within recent months.
2. No observable evidence of changes in street right of way lines completed, and available from the controlling jurisdiction and no observable evidence of recent street or sidewalk construction or repairs.
3. No observable evidence of site use as a solid waste dump, sump or sanitary landfill.
4. Property has direct physical access to South Street and Hillside Avenue, duly dedicated public right of ways.
5. All statements within the certification, and other references located elsewhere hereon, related to: utilities, improvements, structures, buildings, party walls, parking, easements, servitudes, and encroachments are based solely on above ground, visible evidence, unless another source of information is specifically referenced hereon.
6. The subject tract has a physical address of 300 South St. Bennington, VT.
7. By location of visible above ground water meters and manholes, as shown on the survey, the subject property appears to be connected to onsite water and sewer facilities.
8. According to the U.S. Fish & Wildlife Service - National Wetland Inventory Website, the subject property does not contain wetland areas.
9. There is no visible evidence of cemeteries on the subject property at the time of survey.
10. The surveyed boundary shown hereon is closed and are contiguous with adjoining properties and/or right-of-ways without any gaps, pores, or overlaps.
11. South Street is a public right of way per Center Line Surveys Book Page 119 and assumed to be 3 rods (49.5 feet) wide based on curb and sidewalk evidence and existing monumentation.
12. Hillside Street is a public right of way and assumed 3 rods (49.5 feet) wide per statute and existing monumentation and building location.

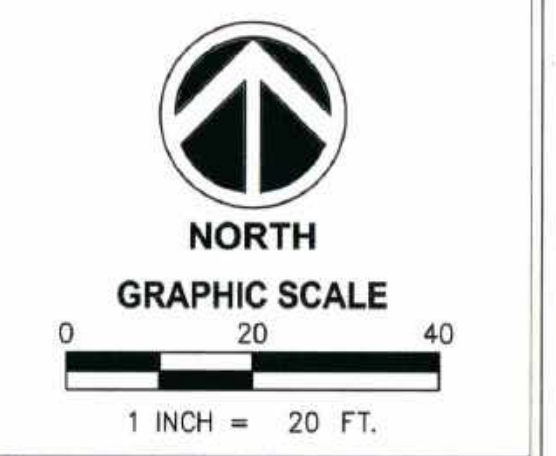


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ALTA/NSPS LAND TITLE SURVEY PREPARED FOR:

**SIC PROPERTY, LLC**  
 300 SOUTH STREET  
 BENNINGTON, VERMONT 05201

**Friendly's**  
 Store Number 337  
 300 South Street  
 City of Bennington  
 County of Bennington  
 State of Vermont



**TITLE INFORMATION**  
 PROPOSED INSURED: SIC PROPERTY, LLC  
 TITLE COMPANY: FIRST AMERICAN TITLE INSURANCE COMPANY  
 COMMITMENT NUMBER: NCS-911316VT1-HOU1  
 EFFECTIVE DATE: OCTOBER 17, 2018  
 ISSUED DATE:  
 To:  
 SIC PROPERTY, LLC  
 SIC PROPERTY FINANCE, LP  
 FIRST AMERICAN TITLE INSURANCE COMPANY  
 FRIENDLY'S RESTAURANTS, LLC  
 This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSP Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 2, 3, 4, 6(a), 7(a), 7(b)(1), 7c, 8, 9, 13, 15, 16 and 17 of Table A thereof.  
 The field work was completed on July 13, 2018.  
 Date of survey: July 16, 2018.

Surveyor's Seal  
 Sheet No. **1** of **1**  
 MSI Project No. 43320  
 PM: KAW Drafter: SSP