STATEMENT OF ENCROACHMENTS

A — ADJACENT PARKING LOT PAVEMENT CONTINUES AGAINST THE RETAINING WALL AND EXTENDS ONTO THE SUBJECT PROPERTY LINE A MAXIMUM DISTANCE OF ±1.6' TO THE WEST.

B — METAL RAILING EXTENDS BEYOND THE PROPERTY LINE A MAXIMUM DISTANCE OF ±31.3' TO THE NORTH.

SURVEY REFERENCES

1. INSTRUMENT # DE2023-1714
2. MAP ENTITLED "SITE PLAN, TAKE 5 OIL CHANGE, 425 W. MAIN STREET, BATAVIA, NY" PREPARED BY COSTICH ENGINEERING, DATED JUNE 30, 2023. PROVIDED BY CLIENT.
3. GENESEE COUNTY WEB MAPPING, GENESEE COUNTY, NEW YORK.
4. CHICAGO TITLE INSURANCE COMPANY TITLE COMMITMENT NO. 2415-1363NCS DATED MARCH 3, 2025 AND THE SUPPLEMENTAL DOCUMENTATION REFERRED TO THEREIN.

ZONING INFORMATION

SOURCE OF INFORMATION: ZONING REPORT / CITY HALL
PHONE NUMBER: 405-595-7231 / 585-345-6300

THE CURRENT ZONING CLASSIFICATION IS "C-2", GENERAL COMMERCIAL DISTRICT.

THE CURRENT USE OF A AUTOMOBILE SERVICE (OIL CHANGE) IS A SPECIAL PERMIT USE WITHIN THE "C-2" DISTRICT. THE AUTO SERVICE (OIL CHANGE) USE IS PERMITTED WITH A SPECIAL USE PERMIT UNDER SECTION 190-13.C. SPECIAL USE PERMIT# 23-4 WAS APPROVED ON 7.25.23

THE CURRENT ZONING CHAPTER WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF BATAVIA 1-26-1981 AS CH. 30 OF THE 1981 CODE. AMENDMENTS NOTED WHERE APPLICABLE.

SITE REQUIREMENTS
MINIMUM LOT SIZE: 15,000 SQ. FT.
MINIMUM LOT WIDTH/FRONTAGE AND DEPTH: 125 FT. LOT FRONTAGE
MAXIMUM DENSITY: 20% LOT COVERAGE
MAXIMUM BUILDING HEIGHT: 18 FT.

SETBACK REQUIREMENTS
FRONT: 25 FEET
STREET SIDE: 25 FEET
INTERIOR SIDE: 25 FEET ONE SIDE, 50 FEET BOTH SIDES
REAR: 35 FEET

THE CURRENT PARKING REQUIREMENTS ARE:
MINIMUM NUMBER OF PARKING SPACES REQUIRED: 11 PARKING SPACES PER VARIANCE APPROVED 07.27.23

PARKING SPACE TABLE

TYPE	COUNT
REGULAR PARKING SPACES	10
HANDICAPPED PARKING SPACES	1
TOTAL PARKING SPACES	11

NOTES:
INFORMATION TAKEN FROM FINAL ZONING COMPLIANCE REPORT, 425A WEST MAIN STREET, NEW YORK 14020, DATED MARCH 10, 2025, GLOBAL ZONING JOB #: GZ 29281, PREPARED BY GLOBAL ZONING, PHONE: 405-955-7231.
BECAUSE THERE MAY BE A NEED FOR INTERPRETATION OF THE APPLICABLE ZONING CODE, WE REFER YOU TO THE CITY OF BATAVIA.

SURVEY NOTES

1. PROPERTY SUBJECT TO DOCUMENTS OF RECORD.
2. ONLY SURFACE CONDITIONS ARE SHOWN, NO RESPONSIBILITY IS TAKEN FOR BURIED PIPES, WIRES, SEPTIC, WELLS, UST'S, ETC.
3. OFFSETS OR DIMENSIONS FROM THE PROPERTY LINES TO STRUCTURES OR IMPROVEMENTS ARE SHOWN FOR THE SPECIFIC PURPOSE OF INTERPRETATION OF COMPLIANCE WITH ZONING AND ARE NOT INTENDED TO MONUMENT THE PROPERTY LINES OR GUIDE THE ERECTION OF FENCES OR ANY OTHER IMPROVEMENTS TO THE LAND.
4. CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF, TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
5. THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK OR BUILDING CONSTRUCTION AT THE TIME OF THE SITE VISIT.
6. THERE ARE NO CHANGES IN STREET RIGHT OF WAY LINES EITHER COMPLETED OR PROPOSED TO THE BEST OF OUR KNOWLEDGE, AND AVAILABLE FROM CONTROLLING JURISDICTION.
7. THERE IS NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
8. THERE IS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL OR CEMETERY.
9. ALL UTILITIES APPEAR TO ENTER THE PROPERTY VIA A PUBLIC RIGHT-OF-WAY OR A UTILITY EASEMENT.
10. THE PROPERTY APPEARS TO DRAIN INTO A PUBLIC RIGHT-OF-WAY OR VIA AN EASEMENT.
11. THE ADDRESS OF THE PROPERTY, 425A WEST MAIN STREET, WAS PROVIDED PER RECORD DOCUMENTS. AT THE TIME OF THE SITE VISIT, AN ADDRESS OF 425 WAS POSTED AND OBSERVED ON THE BUILDING.
12. THERE IS INDIRECT PHYSICAL ACCESS TO THE SUBJECT PROPERTY TO WEST MAIN STREET, BEING A PUBLIC RIGHT-OF-WAY. ACCESS IS GRANTED VIA AN ACCESS EASEMENT SET FORTH IN EASEMENT AGREEMENT MADE BY 425 WEST MAIN ASSOCIATES (BATAVIA), L.P., A NEW YORK PARTNERSHIP, WITH QUATTRO BATAVIA, LLC, A NEW YORK LIMITED LIABILITY COMPANY, DATED SEPTEMBER 26, 2023, AND RECORDED OCTOBER 12, 2023, IN THE GENESEE COUNTY CLERK'S OFFICE IN INSTRUMENT # DE2023-1552.
13. THIS SURVEY MAP CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY.
14. 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 OR IN THE VESTING DEED (INSTRUMENT # DE2023-1714).
15. ALL CALLS HEREON ARE MEASURED AND RECORD UNLESS OTHERWISE NOTED.
16. THE BOUNDARY LINE DIMENSIONS AS SHOWN ON THIS SURVEY MAP FORM A MATHEMATICALLY CLOSED FIGURE WITHIN +/-0.1 FOOT WITH NO GAPS, GORES OR OVERLAPS.
17. THE BOUNDARY LINES OF THE PROPERTY ARE CONTIGUOUS WITH THE BOUNDARY LINES OF ALL ADJOINING PROPERTIES, ADJOINING STREETS, HIGHWAYS, RIGHTS OF WAY AND EASEMENTS, PUBLIC OR PRIVATE, AS DESCRIBED IN THEIR MOST RECENT RESPECTIVE LEGAL DESCRIPTIONS OF RECORD.
18. THE PROPERTY CONSISTS OF ONE TAX PARCEL.
19. NO WETLANDS FLAGS WERE OBSERVED ON THE SUBJECT PROPERTY AT THE TIME THE SURVEY WAS CONDUCTED, NOR HAVE WE RECEIVED ANY WETLANDS DELINEATION REPORT FOR THE SITE.
20. THERE ARE NO OBSERVABLE PARTY WALLS ON THE SUBJECT PROPERTY.

LEGEND

MONUMENT	▫	UNKNOWN MANHOLE	UM	WATER VALVE	WV
IRON PIPE/REBAR	o	ELECTRIC MANHOLE	EM	WATER METER	WM
BOOK	BK	SANITARY MANHOLE	SM	FIRE HYDRANT	FH
PAGE	PG	CLEAN OUT	CO	WATER SHUT OFF	WSO
RIGHT OF WAY	R.O.W.	TELEPHONE MANHOLE	TM	WELL	W
SIGN		STORM MANHOLE	DM	IRRIGATION CONTROL VALVE	ICV
FLAGPOLE		CATCH BASIN	CB	GAS VALVE	GV
MAILBOX	MBX	LIGHT POLE		GAS METER	GM
DUMPSTER	DMPSTR	WALL-MOUNTED LIGHT		UTILITY POLE	
HANDICAP SYMBOL		BOLLARD		GUY WIRE	
		TREE		ELECTRIC METER	ELEC

PROPERTY LINE (PQ)		WATER LINE	W
PROPERTY LINE		GAS LINE	G
SETBACK LINE		ELECTRIC LINE	E
WETLANDS BOUNDARY		TELEPHONE LINE	T
STREAM OR BROOK		OVERHEAD WIRES	OH WIRES
TREE LINE		SANITARY SEWER	SAN
CHAIN LINK FENCE	X X	STORM SEWER	ST
WOOD FENCE	o o	GUIDE RAIL	

SCALE : 1" = 20'

0' 20' 40'

NOTES CORRESPONDING TO SCHEDULE B, SECTION II

(9) EASEMENT GRANTED TO NEW YORK TELEPHONE COMPANY BY INSTRUMENT DATED OCTOBER 23, 1972, AND RECORDED JANUARY 9, 1973, IN THE GENESEE COUNTY CLERK'S OFFICE IN LIBER 422 OF DEEDS AT PAGE 751. THIS ITEM DOES AFFECT THE SUBJECT PROPERTY AND IS PLOTTED HEREON.

(10) EASEMENT GRANTED TO NEW YORK TELEPHONE COMPANY BY INSTRUMENT DATED OCTOBER 19, 1999, AND RECORDED FEBRUARY 15, 2000, IN THE GENESEE COUNTY CLERK'S OFFICE IN LIBER 755 OF DEEDS AT PAGE 7. THIS ITEM DOES AFFECT THE SUBJECT PROPERTY AND IS APPROXIMATELY SHOWN HEREON. THE SKETCH OF THE EASEMENT IN THE DOCUMENT REFERS TO THE PRIOR BUILDING.

EASEMENT AGREEMENT MADE BY 425 WEST MAIN ASSOCIATES (BATAVIA), L.P., A NEW YORK PARTNERSHIP, WITH QUATTRO BATAVIA, LLC, A NEW YORK LIMITED LIABILITY COMPANY, DATED SEPTEMBER 26, 2023, AND RECORDED OCTOBER 12, 2023, IN THE GENESEE COUNTY CLERK'S OFFICE IN INSTRUMENT # DE2023-1552.

(11) NOTE: THE ABOVE EASEMENT AGREEMENT WAS MODIFIED BY THE AMENDMENT TO EASEMENT AGREEMENT MADE BY 425 WEST MAIN ASSOCIATES (BATAVIA), L.P., A NEW YORK PARTNERSHIP, WITH QUATTRO BATAVIA, LLC, A NEW YORK LIMITED LIABILITY COMPANY, DATED DECEMBER 18, 2024, AND RECORDED FEBRUARY 13, 2025, IN THE GENESEE COUNTY CLERK'S OFFICE IN INSTRUMENT # DE2025-239.

THIS ITEM DOES AFFECT THE SUBJECT PROPERTY AND IS PLOTTED HEREON.

RECORD DESCRIPTION

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE CITY OF BATAVIA, COUNTY OF GENESEE AND STATE OF NEW YORK, BEING PART OF LOT 5, SECTION 3, TOWNSHIP 12 AND RANGE 2 OF THE HOLLAND LAND COMPANY'S SURVEY AND BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS THE FOLLOWING TWO COURSES AND DISTANCES FROM THE INTERSECTION OF THE DIVISION LINE BETWEEN THE CITY OF BATAVIA ON THE EAST AND THE TOWN OF BATAVIA ON THE WEST AS EXTENDED NORTHERLY WITH THE SOUTHERLY BOUNDARY OF WEST MAIN STREET (N.Y.S. ROUTE 5) AS ORIGINALLY LAID OUT 99 FEET WIDE;

1. WESTERLY ALONG THE SOUTHERLY BOUNDARY OF WEST MAIN STREET (N.Y.S. ROUTE 5) 104.25 FEET, SAID POINT BEING THE NORTHEAST CORNER OF LAND SET OFF TO FRANK ARENA BY COURT ORDER RECORDED IN LIBER 25 OF JUDGMENTS AT PAGE 266;

2. SOUTH 14 DEGREES 11 MINUTES 38 SECONDS WEST ALONG THE EASTERLY LINE OF SAID ARENA'S LANDS, A DISTANCE OF 68.70 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 14 DEGREES 11 MINUTES 38 SECONDS WEST, ALONG THE EASTERLY LINE OF SAID ARENA'S LANDS AND ALONG A SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 164.23 FEET TO A POINT;

THENCE NORTH 59 DEGREES 17 MINUTES 09 SECONDS WEST, A DISTANCE OF 162.93 FEET TO A POINT;

THENCE NORTH 46 DEGREES 48 MINUTES 29 SECONDS EAST, A DISTANCE OF 18.26 FEET TO A POINT;

THENCE NORTH 55 DEGREES 11 MINUTES 24 SECONDS EAST, A DISTANCE OF 38.63 FEET TO A POINT;

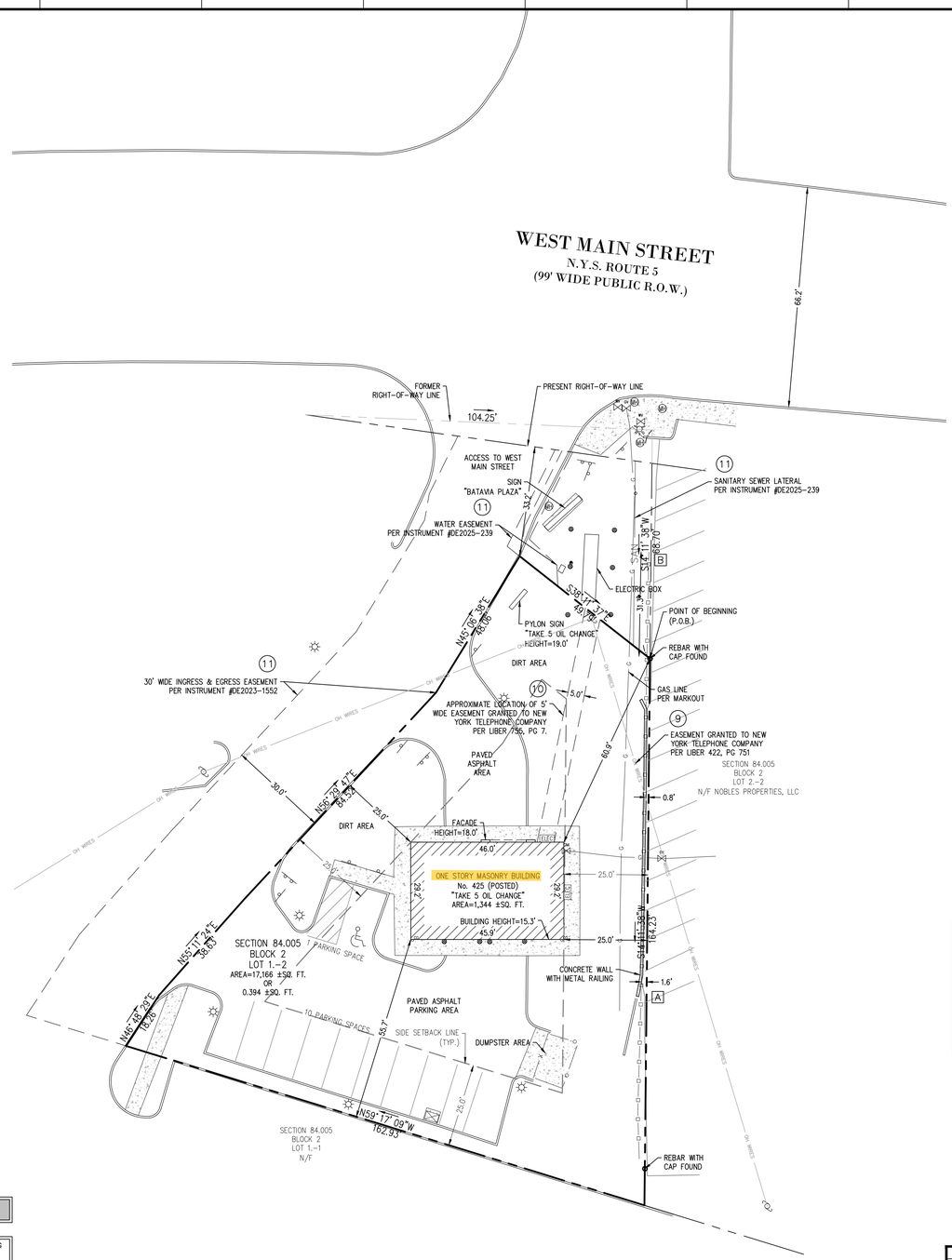
THENCE NORTH 56 DEGREES 29 MINUTES 47 SECONDS EAST, A DISTANCE OF 84.52 FEET TO A POINT;

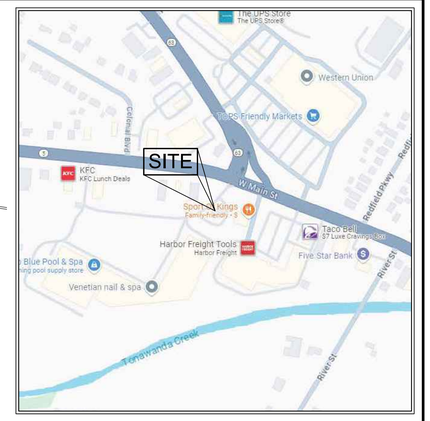
THENCE NORTH 45 DEGREES 06 MINUTES 38 SECONDS EAST, A DISTANCE OF 48.06 FEET TO A POINT;

THENCE SOUTH 38 DEGREES 11 MINUTES 37 SECONDS EAST, A DISTANCE OF 49.79 FEET TO THE POINT OR PLACE OF BEGINNING.

TOGETHER WITH THE ACCESS RIGHTS UNDER THE EASEMENT AGREEMENT MADE BY 425 WEST MAIN ASSOCIATES (BATAVIA), L.P., A NEW YORK PARTNERSHIP, WITH QUATTRO BATAVIA, LLC, A NEW YORK LIMITED LIABILITY COMPANY, DATED SEPTEMBER 26, 2023, AND RECORDED OCTOBER 12, 2023, IN THE GENESEE COUNTY CLERK'S OFFICE IN INSTRUMENT # DE2023-1552.

THE PROPERTY DESCRIBED AND SHOWN HEREON IS THE SAME PROPERTY DESCRIBED IN CHICAGO TITLE INSURANCE COMPANY COMMITMENT NO. 2415-1363NCS DATED OF FEBRUARY 7, 2025.





VICINITY MAP

N.T.S.

SURVEYOR'S CERTIFICATION

TO: NS RETAIL HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, CHICAGO TITLE INSURANCE COMPANY AND THE MATTHEWS COMPANY, INC.:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 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, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 10, 13, 14, 16, 17 AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON SEPTEMBER 4, 2024.

DATE OF PLAT OR MAP: SEPTEMBER 13, 2024

BY: _____
MATTHEW M. WEBB, PLS
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 050851-1
WITHIN THE STATE OF NEW YORK
EMAIL: MATTHEW.WEBB@LANASSOCIATES.COM

STATE OF NEW YORK · MATTHEW MICHAEL WEBB · 050851 · LICENSED LAND SURVEYOR

THE PROPERTY DESCRIBED AND SHOWN HEREON IS THE SAME PROPERTY DESCRIBED IN CHICAGO TITLE INSURANCE COMPANY TITLE COMMITMENT NO. 2415-1363NCS DATED MARCH 3, 2025.

LAN ASSOCIATES
engineering • planning • architecture • surveying LLP
252 MAIN STREET, GOSHEN, NEW YORK 10924 (845)615-0350

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW. THESE DOCUMENTS REMAIN THE EXCLUSIVE PROPERTY OF THE ENGINEER, AND MAY NOT BE USED FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.

LAN JOB No. 4.1193.622

"ALTA/NSPS LAND TITLE SURVEY"

PREPARED FOR:

THE MATTHEWS COMPANY Inc.®

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

MARK	DATE	REVISION	BY	AP'V'D
4	3/13/25	PER COMMENTS	MMW	MMW
3	3/10/25	PER COMMENTS	MMW	MMW
2	10/15/24	PER COMMENTS	MMW	MMW

NetSTREIT

425A W. Main Street
Batavia, NY
(Take 5 Oil Change)

SCALE: 1"=20'	CHKD./AP'V'D:
DATE: SEPTEMBER 13, 2024	APPROVED:
DWN. BY: MAW	
CHKD. BY: MMW	

FLOOD NOTE:
BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 36037B0012B, WHICH BEARS AN EFFECTIVE DATE OF JANUARY 17, 1985 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. WE HAVE LEARNED THIS COMMUNITY DOES CURRENTLY PARTICIPATE IN THE PROGRAM. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

THIS SURVEY HAS BEEN PREPARED SOLELY FOR THE BENEFIT OF THE PARTIES SET FORTH IN THIS SURVEYOR'S CERTIFICATION AND MAY NOT BE QUOTED OR RELIED UPON BY, NOR MAY COPIES BE DELIVERED TO, ANY OTHER PARTY OR USED FOR ANY OTHER PURPOSE INCLUDING, WITHOUT LIMITATION, THE PREPARATION OF ZONING REPORTS OR ANY OTHER THIRD PARTY REPORTS, WITHOUT THE MATTHEWS COMPANY, INC. AND LAN ASSOCIATES, ENGINEERING, PLANNING, ARCHITECTURE, SURVEYING, LLP'S PRIOR WRITTEN CONSENT. THE MATTHEWS COMPANY, INC. AND LAN ASSOCIATES, ENGINEERING, PLANNING, ARCHITECTURE, SURVEYING, INC. EXPRESSLY DISCLAIMS ANY DUTY OR OBLIGATION TOWARDS ANY PARTY THAT IS NOT IDENTIFIED IN THIS SURVEYOR'S CERTIFICATION.

PLEASE BE ADVISED THAT THE MATTHEWS COMPANY, INC. AND LAN ASSOCIATES, ENGINEERING, PLANNING, ARCHITECTURE, SURVEYING, LLP WILL NOT INCLUDE THE PROVIDERS OF ANY THIRD PARTY REPORTS IN THE SURVEYOR'S CERTIFICATION.