LEGAL DESCRIPTION

Lot 5, Benson Park Plaza Replat 1, located in the Northwest Quarter of Section 1, Township 15 North, Range 12 East of the 6th Principal Meridian, City of Omaha, Douglas County, Nebraska and being more particularly described as follows:

Referring to the Northwest corner of the Northwest Quarter of said Section 1; thence southerly on the West line of the Northwest Quarter of said Section 1, S 00°50'48" E, 1892.52 feet; thence easterly N 89°13'40" E, 57.41 feet, to the point of beginning for the described property; thence easterly N 89°13'40" E, 197.17 feet; thence southerly S 00°46'23" E, 228.00 feet; thence westerly S 89°13'40" W, 195.46 feet, to a point of intersection on the easterly right-of-way line of North 72nd Street, thence northerly N 01°13'54" W on said easterly line, 210.76 feet; thence northerly N 00°51'10" W on said easterly line 17.25 feet, to the point of beginning of the described property.

Containing a total calculated area of 44,772 sq. ft.. Subject to all Easements, Restrictions and Reservation of record.

UTILITY, DISCLAIMER

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE 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 THE INFORMATION AVAILABLE. THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

GENERAL NOTES

1. The Surveyor has not abstracted the subject property.
2. According to the Federal Emergency Management Flood Rate Map, Community-Panel No. 315274-0030 F, revised February 6, 1991, the subject tract is located in Zone "X", area determined to be outside the 500-year floodplain.
3. All curb shots are at back of curb. All curb is 6" integral unless otherwise specified.

SURVEYOR CERTIFICATE

I, Jayme M. Malone a registered land surveyor, License No. 440 NE, in and for the State of Nebraska and legally doing business in Lancaster County, does hereby certify to (I) IHOP Properties Inc. (II) Commonwealth Land Title Insurance Company.

(1) the accompanying survey ("Survey") represents a true an accurate survey made by me, or under my direct supervision on 10/05/00, of the land therein particularly described;

(2) the Survey and the information, courses and distances shown thereon are accurate;

(3) the title lines of actual possession are the same, except as noted otherwise;

(4) the land described in the Survey is the same as described in the title insurance commitment described below, any variations to this is noted in the Survey;

(5) the area of the subject property and the size, location and type of visible buildings and improvements situated on the subject property are as shown and all visible buildings and improvements are within the boundary lines and applicable setback lines on the property unless otherwise noted;

(6) there are no visible easements or uses affecting this property appearing from careful physical inspection of the same, other than those shown and depicted on the Survey;

(7) there are no visible encroachments on the adjoining properties, streets and alleys by any of said buildings, structures and improvements, other than that as shown on the Survey;

(8) there are no visible party walls or encroachments on said described property by streets, alleys or buildings, or structures or other improvements situated on adjoining property, except as shown on the Survey;

(9) all utility services required for the operation of the premises either enter the through adjoining public streets, or the Survey shows the point of entry and location of any utilities that pass through or are located on adjoining land per utility as builts plans or by visible evidence of utilities;

(10) any visible discharge into streams, rivers or or other conveyance system, is shown on the Survey;

(11) the parcel described in this Survey DOES NOT lie within flood hazard areas in accordance with any map entitled: "FLOOD HAZARD FLOOD WAY BOUNDARY MAP," FLOOD HAZARD BOUNDARY MAP," "FLOOD INSURANCE RATE MAP" or "FLOOD BOUNDARY AND FLOOD WAY MAP" published by Federal Emergency Management Agency or a flood hazard boundary map published by the U.S. Department of Housing and Urban Development. The Survey accurately indicates the zone designation of any area shown as being with a flood hazard area;

(12) the subject property has access to and from a duly dedicated and accepted public street or highway;

(13) [except as shown on the Survey] the subject property does not serve any adjoining property for ingress or egress; and

(14) the record description of the subject property forms a mathematically closed figure.

The undersigned has received and examined a copy of COMMONWEALTH LAND TITLE INSURANCE COMPANY'S COMMITMENT NO. OT38425; and the location of any survey related matter shown per Schedule "B" thereon, to the extent it can be located, has been shown on this Survey with the appropriate recording reference.

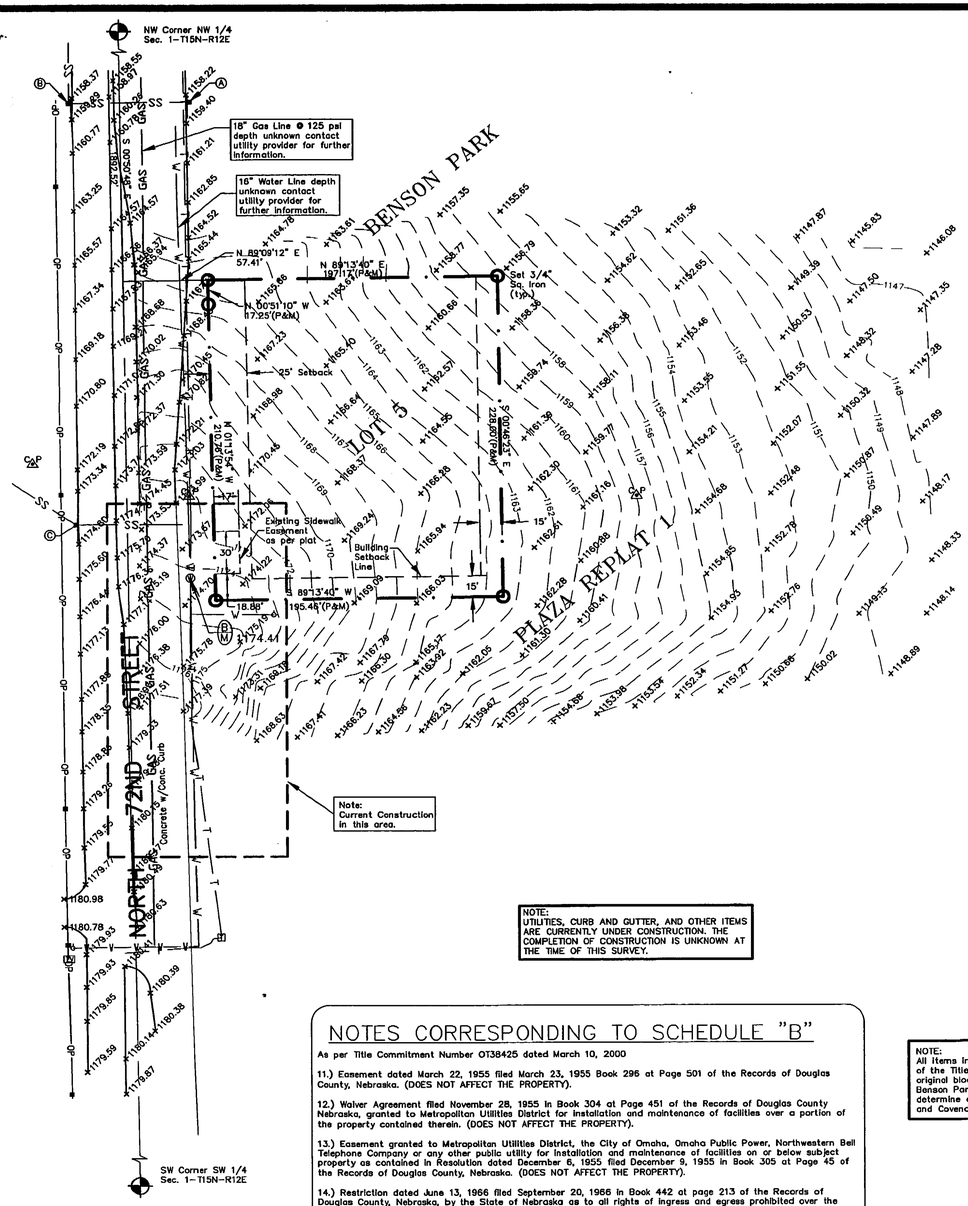
The parties listed above are entitled to rely on the Survey and this certificate as being true and accurate.

This Survey is made in accordance with the 1992 "Minimum Standard Detail Requirements For Land Surveys" jointly established and adopted by American Land Title Association ("ALTA") and the American Congress on Surveying and Mapping ("ACSM") and meets the requirements of an Urban Survey, as defined in the current accuracy standards jointly adopted by ALTA and ACSM and includes items 2, 3, 4, 6, 7(a), 7(b)(1), 8, 9, 10, 11 (less underground) and 13 of Table A thereof.

Executed 13th day of Dec., 2000

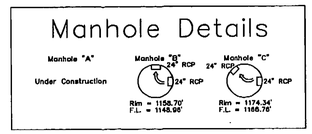
Jayme M. Malone R.L.S.
NE #440

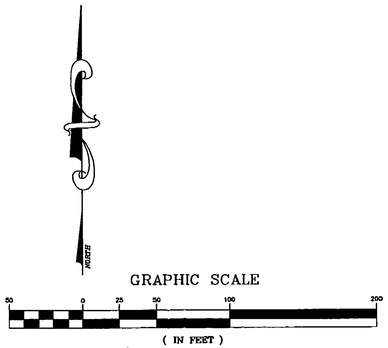
NEBRASKA REGISTERED LAND SURVEYOR JAYME M. MALONE LS-440



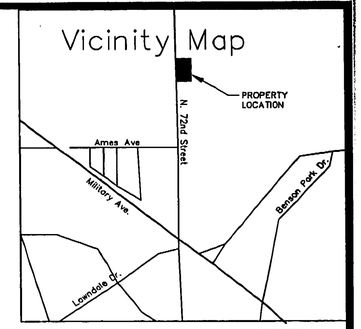
NOTE:
UTILITIES, CURB AND GUTTER, AND OTHER ITEMS ARE CURRENTLY UNDER CONSTRUCTION. THE COMPLETION OF CONSTRUCTION IS UNKNOWN AT THE TIME OF THIS SURVEY.

Manhole Details





Vicinity Map



UTILITY LEGEND

Metropolitan Utilities District
1723 Harney St.
Omaha, Nebraska
68102
Attn: Customer Service
(402) 554-6666

Omaha Public Power District
444 S. 16th St. Mall
Omaha, Nebraska
68172
Attn: Customer Service
(402) 536-4131

Cox Cable
11505 West Dodge Road
Omaha, Nebraska
68172
Attn: Customer Service
(402) 990-2314

U.S. West
3033 N. 3rd St. Suite 300
Phoenix, Arizona
85012
Attn: Todd Johnson
1-800-872-4658 Ext. 0885

City of Omaha
4303 S. 50th St.
Omaha, Nebraska
68117
Attn: Customer Service
(402) 444-7197

ZONING

MU - Mixed Use

Setbacks:
Front - 25'
Street Side - 15'
Rear - 15'

Information obtained from the City of Omaha Planning Department. For further information contact 1-402-444-5150.

SYMBOL KEY

- BENCH MARK
- FIRE HYDRANT
- CONTROL POINT
- MANHOLE
- POWER POLE
- SECTION CORNER
- EASEMENT LINE
- PROPERTY LINE
- CENTER LINE
- SET BACK LINE
- TELEPHONE PEDESTAL
- CABLE PEDESTAL
- WATER MANHOLE
- 3/4" IRON SET
- STORM SEWER LINE
- UNDERGROUND TELEPHONE LINE
- UNDERGROUND WATER LINE
- CURB LINE
- OVERHEAD POWER
- UNDERGROUND GAS LINE

ABBREVIATIONS

ABAN.	ABANDONED	NG	NATURAL GROUND
AC.	ACRES	OH	OVERHEAD LINES
ASPH	ASPHALT	PP	POWER POLE
B/C	BACK OF CURB	PVMT	PAVEMENT
BL	BUILDING LINE	R.O.W.	RIGHT OF WAY
℄	CENTER LINE	SAN	SANITARY
CO	CLEAN OUT	S.F.	SQUARE FEET
CONC	CONCRETE	TB	TOP OF BANK
DRWY	DRIVEWAY	TBM	TEMPORARY BENCHMARK
EOA	EDGE OF ASPHALT	TG	TOP OF GRATE
EX.	EXISTING	TOS	TOP OF SIDEWALK
FH	FIRE HYDRANT	TP	TOP OF PAVEMENT
FL	FLOW LINE	TR	TOP OF RIM(NORTH SIDE)
FND	FOUND	U/G	UNDERGROUND
G	GUTTER	WTR	WATER LINE
MH	MANHOLE	WV	WATER VALVE
MTL	METAL		

NOTES CORRESPONDING TO SCHEDULE "B"

As per Title Commitment Number OT38425 dated March 10, 2000

11.) Easement dated March 22, 1955 filed March 23, 1955 Book 296 at Page 501 of the Records of Douglas County, Nebraska. (DOES NOT AFFECT THE PROPERTY).

12.) Waiver Agreement filed November 28, 1955 in Book 304 at Page 451 of the Records of Douglas County Nebraska, granted to Metropolitan Utilities District for installation and maintenance of facilities over a portion of the property contained therein. (DOES NOT AFFECT THE PROPERTY).

13.) Easement granted to Metropolitan Utilities District, the City of Omaha, Omaha Public Power, Northwestern Bell Telephone Company or any other public utility for installation and maintenance of facilities on or below subject property as contained in Resolution dated December 6, 1955 filed December 9, 1955 in Book 305 at Page 45 of the Records of Douglas County, Nebraska. (DOES NOT AFFECT THE PROPERTY).

14.) Restriction dated June 13, 1966 filed September 20, 1966 in Book 442 at page 213 of the Records of Douglas County, Nebraska, by the State of Nebraska as to all rights of ingress and egress prohibited over the subject property as described therein. (DOES NOT AFFECT THE PROPERTY).

15.) Easement dated May 19, 1967 filed May 26, 1967 in Book 449 at Page 565 of the Records of Douglas County, Nebraska, granted to Sanitary and Improvement District No. 170 of Douglas County, Nebraska, for installation and Maintenance of storm sewers and appurtenances thereto over a portion of the subject property as contained therein. (DOES NOT AFFECT THE PROPERTY).

16.) Declaration of Covenants dated October 17, 1968 filed October 22, 1968 in Book 469 at Page 449 of the Records of Douglas County, Nebraska, which contains certain restrictions therein. (DOES AFFECT THE PROPERTY).

17.) Reservation of Easement as contained within Deed dated July 9, 1974 filed October 25, 1974 in Book 1511 at Page 637 of the Records of Douglas County, Nebraska. (DOES NOT AFFECT THE PROPERTY).

18.) Restrictions as to ingress and egress over a portion of Lots 2 and 3 in Block 94, in Benson Park as contained within Quit Claim Deed filed February 16, 1999 in Book 2113 of the Records of Douglas County, Nebraska. (DOES NOT AFFECT THE PROPERTY).

NOTE:
All items in the Schedule "B" section of the Title Commitment, refer to the original blocks. Current Subdivision is Benson Park Plaza Replat 1. Can not determine easements, Right-of-Ways, and Covenanges.

ENCROACHMENTS

There appear to be no encroachments on Subject Property.

BENCHMARK

Top of Water Manhole SE of Lot 5 Elevation = 1174.41

RECEIVED
DEC 2 2000
SURVEY RECORD REPOSITORY
Douglas County
477-803

APPROVED ILS SURVEYOR

COMMUNITY LAND SURVEYING

LINCOLN OFFICE
1232 High Street, Suite B
Lincoln, NE 68502
Phone: 1(402)441-5790
Fax: 1(402)441-5791

SEWARD OFFICE
149 South 6th Street
Seward, NE 68434
Phone: 1(402)643-5531
Fax: 1(402)643-6918

BEATRICE OFFICE
1824 North 6th Street
Beatrice, NE 68310
Phone: 1(402)223-3550
Fax: 1(402)223-2038

DIGGERS HOTLINE of NEBRASKA
1-800-331-5666

The Utilities as shown on this drawing were developed from the information available. This is not implied nor intended to be the complete inventory of utilities in this area. It is the clients/contractors responsibility to verify the location of all utilities (whether shown or not) and protect said utilities from any damage.

ALTA/ACSM LAND TITLE SURVEY

Sheet 1 of 1

This Work Coordinated By:

International Land Services, Inc.

INTERNATIONAL LAND SERVICES, INC.
621 24th Avenue S.W.
Norman, Oklahoma 73069
(405) 364-9352

Using Our Expertise to Complement Yours

Prepared For:
INTERNATIONAL HOUSE OF PANCAKES RESTAURANTS

Project Location
72ND & AMES AVE. OMAHA, NEBRASKA

Project Address

Project Name

Job Order Number

Dwn. By: CWD	Aprvd. By: JMM	Date:	Revision 1: October 11, 2000	Date:	Revision 2: October 12, 2000	Date:	Revision 3:
Dwg. No. 12516	Scale: 1"=50'		Initial Issue Preliminary		Utility Information Added		

Date:	Revision 4:	Date:	Revision 5:		