

Bernard J. Youngblood
Wayne County Register of Deeds

December 18, 2012 03:52 PM
Inst: 2012485492 DD Pages: 4
Liber: 50365 Page: 1447



Real Estate Transfer Tax



County: \$550.00
State: \$3,750.00
Receipt: 495306
Stamp: 283731

COVENANT DEED

1104135

Grantor, Detroit Connecting Railroad Company, A Michigan corporation, whose address is 38235 N. Executive Dr., Westland, MI 48185-1971,

Conveys and grant, bargains, remises, aliens, and confirms to

Grantee, the City of Detroit, a Michigan municipal corporation, whose address is 2 Woodward Avenue, Detroit, Michigan, 48226

Land located in the City of Detroit, Wayne County, Michigan, described in the attached Exhibit A, with all tenements, hereditaments, and appurtenances to it,

For five hundred thousand dollars (\$500,000.00),

Subject only to the "Railway Easement" described on the attached Exhibit B, and the "Permitted Exceptions" described on the attached Exhibit C.

Grantor, for itself and its successors, does covenant, promise and agree, to and with Grantee, and Grantee's successors and assigns, the Grantor has not done or suffered to be done, any act, matter or thing whereby the premises described herein or any part thereof are or may be in any manner encumbered or charged; and the Grantor will warrant and defend title to the Premises against all persons claiming or who may claim by, through or under Grantor, but against no other claims and no other persons.

LaMONT TITLE CORPORATION

Dated November 2, 2012

Detroit Connecting Railroad Company, a Michigan corporation

By: Mark W. Dobronski
Mark W. Dobronski
Its: President

STATE OF Michigan)
)ss.
COUNTY OF Wayne)

Kevin Q. Steele
Print: Kevin Q. Steele
Notary Public, State of Michigan, County of Oakland
My Commission expires: 10/31/2018
Acting in the County of: Wayne

The foregoing instrument was acknowledged before me on November 2, 2012, by Mark W. Dobronski, the President of Detroit Connecting Railroad Company, a Michigan corporation, on behalf of the company.

~~Drafted by and when recorded return to:~~ M.C.

Send Subsequent tax bills to:

Bruce N. Goldman
City of Detroit Law Department
1800 First National Building
Detroit, MI 48226

City of Detroit
Treasurers Office
2 Woodward Ave
Detroit, MI 48226

When recorded return to:
LaMONT TITLE CORPORATION
333 W. Fort Street
Suite 1750
Detroit, MI 48226

Recording Fee: \$ _____

Transfer Tax: \$ _____

Exhibit A

Legal Description

The land located in the City of Detroit, Wayne County, Michigan, more particularly described as follows (the "Property"):

All that part of the following described land lying North of Gratiot Street and South of Mack Avenue, being described as: All the right of way and property of the Grand Trunk Western Railroad Incorporated's Holly Subdivision (Dequindre Line) that extends in a generally Northerly direction in the City of Detroit, Wayne County, Michigan, said right of way varying in width and irregular in shape including any and all trackage, buildings, fences, culverts, bridges and signals as well as all other improvements and fixtures situated thereon in Private Claim No. 90 of Witherell Farms and Private Claim Nos. 8 & 17 of Dequindre Farms beginning on the Northerly line of Gratiot Avenue (120 feet wide) and extending Northerly through Fractional Sections 29 and 32, Town 1 South, Range 12 East, ending on a line 75 feet Northerly of the Northerly line of East Grand Boulevard (150 feet wide). EXCEPTING THEREFROM a parcel of land described as: Commencing at a point 20 feet Easterly of the Westerly line of the Witherell Farm (right angle measurements) and at a point 9.27 feet Northerly of the North line of Out Lot 32 thereof, said point being marked by a stake and being in the Easterly line of right of way of the Detroit, Grand Haven and Milwaukee Railway Company, as heretofore owned and occupied; thence Easterly on a line parallel to said North line of Lot 32, a distance of 173 feet to a stake; thence Southerly parallel with the said Westerly farm line, a distance of 1079.18 feet to a stake in Out Lot 30 of said farm; thence Westerly 173 feet to the said boundary of the Detroit, Grand Haven and Milwaukee Railway Company, which is 20 feet Easterly of the West line of farm; thence Northerly on last mentioned line 1079.18 feet to the Place of Beginning, said Westerly line of land hereby conveyed being now marked by the stubs of a row of fence posts and by a line of telegraph poles. ALSO, all that part of Dequindre Street, so-called, lying Northerly of the North line of Ferry Avenue, if extended Westerly, and Southerly of the North line of Medbury Avenue, if extended Westerly, previously described as the Westerly 20 feet of the Witherell Farm.

More Particulary Described By Survey:

All that part of the Easterly forty feet (40 feet) of the Antoine Dequindre Farm, same being Private Claim 8 & 17, and the Westerly twenty feet (20 feet) of the Witherell Farm, same being Private Claim 90, located in the City of Detroit, Wayne County, Michigan, being more particularly described as:

Commencing at a point on the line common of the Antoine Dequindre Farm (Private Claim 8 & 17) and the Witherell Farm (Private Claim 90), located at the intersection of the centerline of Alexandrine Street as monumented by a Wayne County Remonumentation monument recorded in Liber 30836, Page 34, Wayne County Records; thence along the common line of said Dequindre and Witherell Farms, said line being common to Private Claim 8 & 17 and Private Claim 90, South 27 degrees 01 minutes 53 seconds East 1106.81 feet to a set iron pipe on the Southerly right of way of Mack Avenue as platted in Liber 1, Page 23, Wayne County records, said point being the POINT OF BEGINNING; thence along the Southerly right of way of Mack Avenue, North 62 degrees 54 minutes 58 seconds East 20.00 feet to a set iron pipe on the Easterly Dequindre railroad right of way, said point being distant from the common farm line and private claim line by twenty feet; thence along the Easterly line of the Dequindre railroad right of way, parallel to the common line of the Dequindre and Witherell Farms and the common line of Private Claim 8 & 17 and Private Claim 90, South 27 degrees 01 minutes 53 seconds East 2769.78 feet to a set iron pipe on the Northerly right of way of Gratiot Avenue (120 feet wide); thence along the Northerly Gratiot right of way, South 28 degrees 41 minutes 59 seconds West 72.60 feet to a set iron pipe at the intersection of the Northerly Gratiot Avenue right of way and the West line of the Dequindre railroad right of way, said point being distant forty feet (40 feet), as measured perpendicularly from the common line of the Dequindre and Witherell Farms and the common line of Private Claim 8 & 17 and Private Claim 90; thence along the Westerly line of the Dequindre railroad right of way parallel with the Easterly line of the line common to the Dequindre and Witherell Farms and Private Claim 8 & 17 and Private Claim 90, North 27 degrees 01 minutes 53 seconds West 2810.61 feet to a set iron pipe on the Southerly Mack Avenue right-of-way, said point being distant forty feet (40 feet), measured perpendicularly from the line common to the Dequindre and Witherell Farms and Private Claim 8 & 17 and Private Claim 90; thence along the Southerly Mack Avenue right of way, North 62 degrees 54 minutes 58 seconds east 40.00 feet to a point on the common line of the Dequindre and Witherell Farms and Private Claim 8 & 17 and Private Claim 90, said point being the Point of Beginning.

Exhibit B

"Railway Easement"

Grantor reserves for itself, and Grantee grants to Grantor, a right-of-way easement solely for railroad purposes for so long as the same is used solely for railroad purposes (the "Railway Easement"), over the surface of approximately the east one-half (1/2) of the Property described in Exhibit A hereto, the "Easement Area" being more particularly described as: land in the City of Detroit, Wayne County, Michigan:

All that part of the Easterly forty feet (40 feet) of the Antoine Dequindre Farm, same being private Claim 8 & 17, and the Westerly twenty feet (20 feet) to the Witherell Farm, same being Private Claim 90, located in the City of Detroit, Wayne County, Michigan, being more particularly described as:

Commencing at a point on the common line to the Antoine Dequindre farm (Private Claim 8 & 17) and the Witherell Farm (Private Claim 90), located at the intersection of the centerline of Alexandrine Street as monumented by a Wayne County Remonumentation monument recorded in Liber 30836, Page 34, Wayne County Records; thence along the common line of said Dequindre and Witherell Farms, said line being common to Private Claim 8 & 17 and Private Claim 90 hereinafter referred to as the common farm and claim line, South 27 degrees 01 minutes 53 seconds East 1106.81 feet to a set iron pipe on the Southerly Mack Avenue right of way as platted in Liber 1, Page 23, Wayne County Records, said point being the POINT OF BEGINNING; thence along the Southerly right-of-way of Mack Avenue, North 62 degrees 54 minutes 58 seconds East 20.00 feet to a set iron pipe on the Easterly Dequindre railroad right of way, said point being distant from the common farm and claim line by twenty feet; thence along the Easterly line of the Dequindre railroad right of way, parallel to the common farm claim line, South 27 degrees 01 minutes 53 seconds East 2769.78 feet to a found iron pipe on the Northerly Gratiot Avenue right of way (120 feet wide); thence along the Northerly Gratiot Avenue right of way, South 28 degrees 41 minutes 59 seconds West 36.30 feet to a set iron pipe; thence North 27 degrees 01 minutes 53 seconds West 251.20 feet parallel and distant Westerly 10.00 feet from the common farm and claim line; thence North 62 degrees 58 minutes 07 seconds East 4.00 feet; thence North 27 degrees 01 minutes 53 seconds West 51.79 feet; thence South 62 degrees 58 minutes 07 seconds West 4.00 feet; thence North 27 degrees 01 minutes 53 seconds West 229.16 feet parallel and distant 10.00 feet from the common farm and claim line; thence North 62 degrees 58 minutes 07 seconds East 4.00 feet; thence North 27 degrees 01 minutes 53 seconds West 50.87 feet; thence South 62 degrees 58 minutes 07 seconds West 4.00 feet; thence North 27 degrees 01 minutes 53 seconds West 218.29 feet parallel and distant 10.00 feet from the common farm and claim line; thence North 62 degrees 58 minutes 07 seconds East 4.00 feet; thence North 27 degrees 01 minutes 53 seconds West 51.79 feet; thence South 62 degrees 58 minutes 07 seconds West 4.00 feet; thence North 27 degrees 01 minutes 53 seconds West 218.21 feet parallel and distant 10.00 feet from the common farm and claim line; thence North 62 degrees 58 minutes 07 seconds East 4.00 feet; thence North 27 degrees 01 minutes 53 seconds West 51.79 feet; thence South 62 degrees 58 minutes 07 seconds West 4.00 feet; thence North 27 degrees 01 minutes 53 seconds West 200.46 feet parallel and distant 10.00 feet from the common farm and claim line; thence North 62 degrees 58 minutes 07 seconds East 4.00 feet; thence North 27 degrees 01 minutes 53 seconds West 65.12 feet; thence South 62 degrees 58 minutes 07 seconds West 4.00 feet; thence North 27 degrees 01 minutes 53 seconds West 1401.52 feet parallel and distant 10.00 feet from the common farm and claim line, to a set iron pipe on the Southerly Mack Avenue right of way; thence along the Southerly Mack Avenue right of way North 62 degrees 54 minutes 58 seconds East 10.00 feet to the Point of Beginning.

If Grantor ceases to use the Railway Easement for railroad purposes, the right-of-way shall terminate and Grantor will, at Grantee's option but at no cost to the Grantee, cause Grantor's rail line to either be abandoned or railbanked in accordance with the rules and regulations of the Surface Transportation Board.

Prior to the commencement of Grantee's use of the Property as a bicycle/pedestrian path open to the public, Grantee shall erect and maintain such fence, wall, or other barrier as Grantee determines to be necessary and sufficient to separate the railroad use from the bicycle/pedestrian path use; provided, however, that Grantee shall have no obligation to maintain any such fence, wall, or other barrier after the termination of the Railway Easement.

Grantee and its successors and assigns may connect to and use any storm sewer, lateral lines, and catch basins located on and beneath the Property, without additional payment to Grantor. Grantor shall maintain and repair all such storm sewer, lateral lines, and catch basins and shall restore any of Grantee's property and improvements disturbed in the course of such maintenance and repairs; provided, however, that Grantee shall bear the cost of upgrades or improvements, if any, undertaken by Grantee for its sole benefit.

Exhibit C

"Permitted Exceptions"

Reservation of oil, gas, and mineral rights, and any other terms, covenants and conditions disclosed by the instruments recorded in Liber 32725, Page 76, and in Liber 30268 Page 3035, Wayne County Records.

Access Easement Agreement granted to Grand Trunk Western Railroad Incorporated, and the terms and conditions contained therein, as disclosed by instrument recorded in Liber 30268, Page 3040, Wayne County Records.

Right-Of-Way Occupancy Agreement granted to US Sprint Communications Company, and the terms and conditions contained therein, as disclosed by instrument recorded in Liber 25284, Page 292, Wayne County Records.

Memorandum of Lease granted to Litel Telecommunications Corporation, and the terms and conditions contained therein, as disclosed by instrument recorded in Liber 23569, Page 388, Assignment recorded in Liber 24473, Page 948, Wayne County Records.

Lease granted to Mutual Signal Corp. for telecommunications transmission system, and the terms and conditions contained therein, as disclosed by instrument recorded in Liber 22711, Page 726, and in Liber 22952, Page 467, Wayne County Records.

Agreement and Plan of Merger, dated June 26, 1981, and recorded December 8, 1981 in Liber 21299, Page 632, Wayne County Records.

Easement for public utilities over that part of subject property within the vacated streets as set forth in the resolution recorded in Liber 21550, Page 274, Wayne County Records.

Subject to the terms and conditions of the Petition approved February 12, 1855, in the Matter of Detroit Monroe & Toledo Railroads, as disclosed in the Law File 7059 1/2, Wayne County Records.

Subject to the terms and conditions of the Grant to Pontiac Railroad Company, dated April 2, 1836, recorded March 19, 1842, in Liber 14 of City Records, Page 7, Wayne County Records.

Subject to the terms and conditions of an Easement for Storm Sewer across subject parcel as disclosed on the ALTA Title Survey by JJR, LLC, of Ann Arbor, Michigan, dated 11/30/2011, and 01/09/2012, Project Number 50434.000

Building and use restrictions and easements of record.