

**FIRST AMENDMENT
TO MAINTENANCE AGREEMENT**

THIS FIRST AMENDMENT TO MAINTENANCE AGREEMENT (this "Amendment") is made and entered into as of November 29, 2018, by and between the CITY OF DETROIT, a Michigan public body corporate, acting by and through its Department of Public Works, (the "City"), and MACK AVENUE INVESTORS, LLC, a Delaware limited liability company (referred to as "EZ Storage®").

RECITALS:

A. The City and EZ Storage® are parties to that certain Maintenance Agreement dated as of May 20, 2011, and recorded on August 5, 2011 in Liber 49309, Pages 537-542, Wayne County Records (the "Agreement").

B. The City and EZ Storage® desire to amend the Agreement to add certain property to the Agreement, all on the terms and provisions set forth in this Amendment.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements set forth herein, and for other good and valuable consideration, the receipt of which is hereby acknowledged, and subject to the terms and conditions contained herein, the City and EZ Storage® agree as follows:

1. Addition of 10' Alley to Agreement. The ten (10) feet wide area described in Exhibit B attached hereto (the "10' Alley") is hereby added to Exhibit B to the Agreement.

2. Conflicts; Ratification. In the event of a conflict between the terms, covenants, conditions and provisions of the Agreement and the terms, covenants, conditions and provisions of this Amendment, the terms, covenants, conditions and provisions of this Amendment shall govern. Except as modified by this Amendment, however, the terms, covenants, conditions and provisions of the Agreement are hereby ratified and confirmed and hereby are incorporated herein by this reference as if set forth herein.

3. Successors and Assigns; Modifications. This Amendment shall bind and inure to the benefit of the parties hereto and their successors and assigns. This Amendment may be modified only by an additional written document signed by the parties hereto or their successors and assigns.

4. Miscellaneous. This Amendment may be executed in counterparts each of which shall be deemed to be an original document but together shall constitute one instrument.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;
SIGNATURES APPEAR ON NEXT PAGE.]**

**SIGNATURE PAGE
TO
FIRST AMENDMENT TO
MAINTENANCE AGREEMENT
(CONTINUED)**

CITY:

CITY OF DETROIT,
a Michigan public body corporate

By: _____

Print: _____

Its: _____

Richard Doherty
Richard Doherty
City Engineer

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

The foregoing instrument was acknowledged before me in Wayne County, Michigan, on this 21 day of November, 2018, by Richard Doherty, the City Engineer of the CITY OF DETROIT, a Michigan public body corporate, on behalf of the City.

Myria Ross

Print Name: Myria Ross
Notary Public, Wayne County, MI
My Commission Expires: 9-3-2024
Acting in County of Wayne

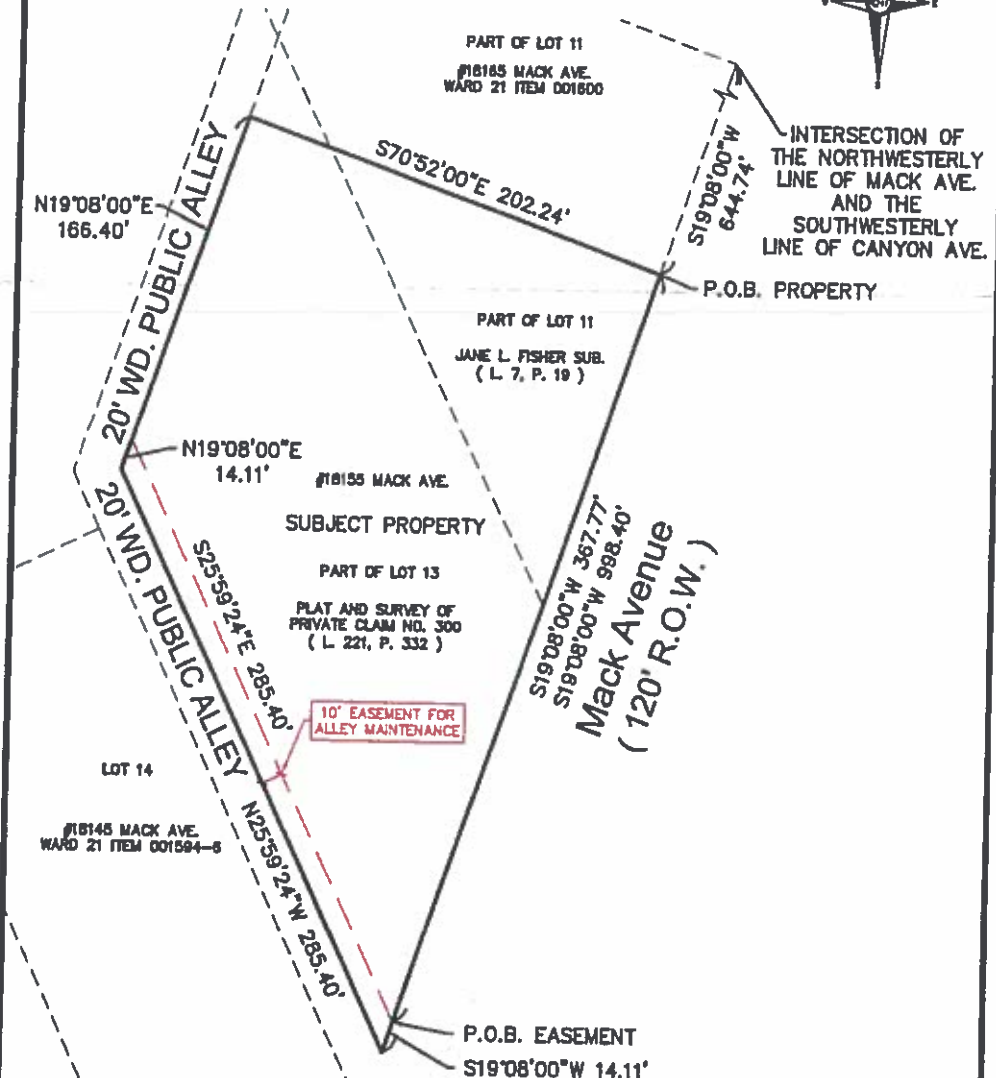
Drafted by and when recorded, return to:

Honigman Miller Schwartz and Cohn LLP
2290 First National Building
660 Woodward Avenue
Detroit, Michigan 48226
Attention: Paul W. Mardirosian, Esq

MYRIA ROSS Notary Public, State of Michigan County of Wayne My Commission Expires Sep. 03, 2024 Acting in the County of <u>Wayne</u>
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Exhibit B

ALLEY MAINTENANCE EASEMENT



LEGAL DESCRIPTION - ALLEY MAINTENANCE EASEMENT

A TEN (10) FOOT WIDE EASEMENT FOR ALLEY MAINTENANCE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PART OF LOT 13 OF PLAT AND SURVEY OF PRIVATE CLAIM 300, AS RECORDED IN LIBER 221 OF DEEDS, PAGES 332 AND 333, WAYNE COUNTY RECORDS; COMMENCING AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF MACK AVENUE (120 FEET WIDE) AND THE SOUTHWESTERLY LINE OF CANYON AVENUE (60 FEET WIDE); THENCE $S.19^{\circ}08'00''W$. 998.40 FEET ALONG THE NORTHWESTERLY LINE OF SAID MACK AVENUE TO THE POINT OF BEGINNING; THENCE CONTINUING $S.19^{\circ}08'00''W$. 14.11 FEET ALONG THE NORTHWESTERLY LINE OF SAID MACK AVENUE; THENCE $N.25^{\circ}59'24''W$. 285.40 FEET; THENCE $N.19^{\circ}08'00''E$. 14.11 FEET; THENCE $S.25^{\circ}59'24''E$. 285.40 FEET TO THE POINT OF BEGINNING.

NOWAK & FRAUS ENGINEERS
 46777 WOODWARD AVE
 PONTIAC, MI 48342-5032
 TEL. (248) 332-7931
 FAX. (248) 332-8257

SCALE	DATE	DRAWN	JOB NO.	SHEET
1" = 60'	3-6-2018	M.C.	J893	1 of 1

