

LIBER 4286 PAGE 0352
DELIVERED TO CALHOUN COUNTY
Received 12/26/2018 02:25:06 PM
Recorded 12/26/2018 02:26:27 PM
Anne B. Norlander
CALHOUN COUNTY REGISTER OF DEEDS
RECEIPT #: 25570
\$30.00 RECORDING
\$0.00 Tax Certificate Fee

Michigan Department
Of Transportation
2416 (05/16)

QUITCLAIM DEED

Page 1 of 4

The Michigan Department of Transportation (Grantor), whose address is P.O. Box 30050, Lansing, Michigan 48909, for the sum of One Dollar (\$1.00) quit claims to City of Battle Creek (Grantee), whose address is P.O. Box 1717, Battle Creek, Michigan 48016, the following described real property (the Property) situated in the City Battle Creek of Battle Creek County of Calhoun, State of Michigan, described as:

LEGAL DESCRIPTION:

SEE ATTACHED LEGAL DESCRIPTION

This deed is granted for the sole and exclusive purpose of correcting a typographical error resulting in a misstatement in Reservation #4 of a certain INSTRUMENT dated September 22, 2017 and recorded September 29, 2017 in Liber 4174, Page 934, Calhoun County Records.

Exempt from Michigan Real Estate Transfer Tax under 1966 Public Act 134 Section (5)(h)(i) as amended, MCLA 207.505(h)(i) and under 1993 Public Act 330 Section (6)(h)(i) as amended. MCLA 207.526(h)(i).

The Property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act, Act No. 93 of Public Acts of 1981, MCL 286.471 *et seq.*

Grantor grants to Grantee the right to make all available division(s) under section 108 of the land division act, Act No. 288 of Public Acts of 1967, MCL 560.101 *et seq.*

PROPERTY TAX CODE		
N/A		
CONTROL SECTION	PARCEL	JOB NUMBER
13121	301A pt. A	N/A
TRACT NUMBER	LAND CONTRACT NUMBER	
1443	N/A	

This conveyance is subject to the following reservations or restrictions which are binding on Grantee and its successors and assigns:

- 1. Grantor reserves such interest as may be necessary to permit invasion of the air space above the Property and any structure, by noise, vibrations, fumes, or dust arising from the construction maintenance, repair, removal or use of the adjacent highway or street. Upon acceptance of this conveyance, Grantee agrees not to assert any claim arising out of these reserved interests.
- 2. Upon acceptance of this conveyance, Grantee agrees not to change the physical condition of the Property so as to impede or interrupt the free flow of water run-off and drainage from the abutting highway right of way. Grantee agrees to reimburse Grantor for any and all amounts incurred by Grantor arising out of Grantee's noncompliance with this restriction including, but not limited to, design and construction costs, repair costs, highway defect claims, incidental damages, loss of use and attorney fees and court costs.
- 3. All easements of record and right to maintain any public utility facilities existing on, under or over the Property. Upon acceptance of this conveyance, Grantee agrees to permit the owners of these facilities to cross over the Property for maintenance purposes.
- 4. This conveyance is subject to a revisionary interest whereby Grantee, and his assigns and successors, agree that that the property ownership will revert to the MDOT if the Grantee wants to divest his interest.

See page 3 for reservation #5

Signed this 18th day of December, 2018



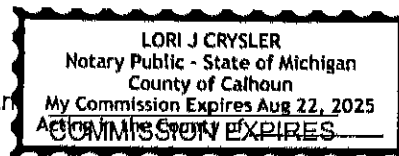
Signature Bradley C. Wieferich, Director, Bureau of Development
Michigan Department of Transportation

STATE OF MICHIGAN
COUNTY OF Ingham

The foregoing instrument was acknowledged before me this 18th Day of DECEMBER 2018

By Bradley C. Wieferich, Director of Development
Michigan Department of Transportation


 NOTARY PUBLIC ACTING IN INGHAM COUNTY, Michigan



Drafted by: Lori Cryslor Michigan Department of Transportation Development Services Division P.O. Box 30050 Lansing, MI 48909	When recorded return to: Greco Title Agency Recording Office, ATTN: Gloria Botaletto 36800 Gratiot Avenue Clinton Township, MI 48036
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PROPERTY TAX CODE N/A		
CONTROL SECTION 13121	PARCEL 301A pt. A	JOB NUMBER N/A
TRACT NUMBER 1443	LAND CONTRACT NUMBER N/A	

Reservation #5:

The grantee for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree, as a covenant running with the land, that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this deed for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the grantee, shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above non-discrimination covenants, the Michigan Department of Transportation shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Michigan Department of Transportation and its assigns.

LEGAL DESCRIPTION

That part of Sections 4, 5, 8, 9, and 17, Town 2 South, Range 8 West, City of Battle Creek, Calhoun County, Michigan described as: Commencing at the Northeast corner of Section 8, Township 2 South, Range 8 West, Calhoun County, Michigan; thence North 89°51'32" East along the North line of Section 9 a distance of 87.14 feet to the point of beginning; thence South 71°26'38" West 74.74 feet along the Easterly Right of way of I-94 BL as described in Liber 1648, Page 998 and along said right of way the following 5 courses; (thence South 63°38'01" West a distance of 163.74 feet; thence South 53°49'24" West a distance of 163.74 feet; thence South 45°00'27" West a distance of 163.74 feet; thence South 40°36'28" West a distance of 755.58 feet; thence South 37°21'28" West, a distance of 3,102.87 feet); thence North 58°38'32" West a distance of 228.94 feet; thence North 37°21'34" East, 4352.82 feet along the Southeasterly line of Lots 104, 113, & 117 of Battle Creek- Fort Custer Urban Renewal Plat No. 2 as monumented to a found concrete monument; thence North 01°30'42" East 403.27 feet along the Easterly line of Lot 104 of Battle Creek- Fort Custer Urban Renewal Plat No. 2; thence along a 2135.94 foot radius curve to the left 1200.84 feet with a chord bearing of South 56°39'26" East, 1185.09 feet; thence South 89°51'32" West, 619.79 feet along the North line of Section 9 to the point of beginning.

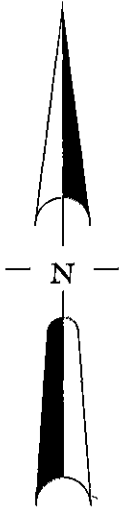
Contains 29.47 acres, more or less.

Per the survey by Eric Schnepf, PS, Licensed Professional Surveyor, Michigan License number 45503

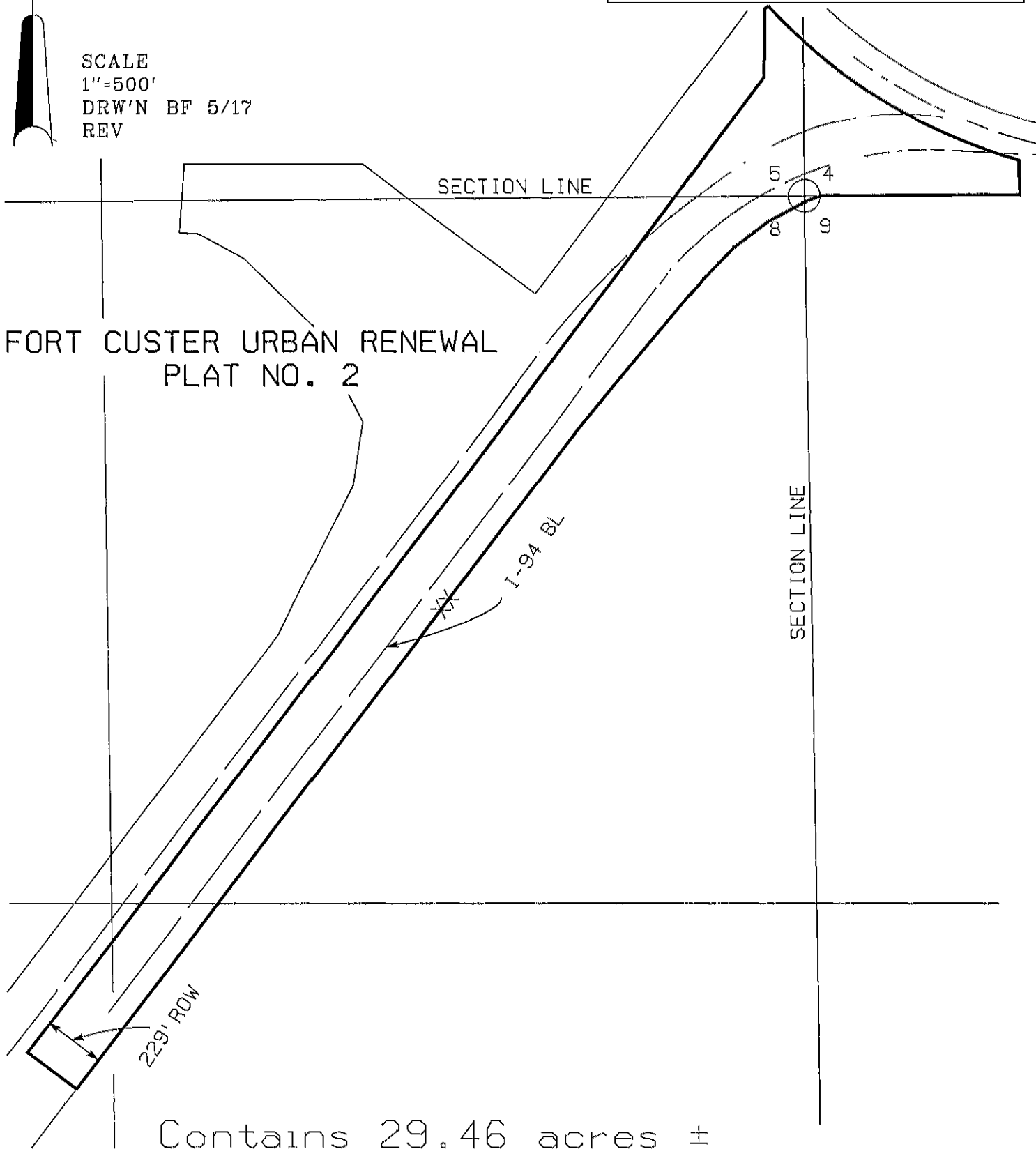
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SEC.8 , T2S , R8W
CITY OF BATTLE CREEK
CALHOUN COUNTY

CONTROL 13121
JOB NO.
PARCEL 301A pt. A
Tract 1443



SCALE
1"=500'
DRW'N BF 5/17
REV



FORT CUSTER URBAN RENEWAL
PLAT NO. 2

SECTION LINE

SECTION LINE

I-94 BL

229' ROW

Contains 29.46 acres ±