



OFFICIAL SEAL

09/21/07

L-4646 P-419

Washtenaw Co., MI
Lawrence Kestenbaum
Clerk Register

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ACS-5812965-D-2007-6
Lawrence Kestenbaum, Washtenaw

03:43 P
09/21/07

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QUIT CLAIM DEED

The Grantor, **CITY OF ANN ARBOR**, a Michigan municipal corporation, whose address is 100 N. Fifth Avenue, Ann Arbor, MI 48104, quit claims to the Grantee, **MICHIGAN THEATER FOUNDATION, INC.**, a Michigan nonprofit corporation, whose address is 603 East Liberty Street, Ann Arbor, MI 48104, the premises in the City of Ann Arbor, Washtenaw County, Michigan, described as:

(Described in Exhibit A, which is attached and incorporated herein by reference)

commonly known as the Michigan Theater, located at 603 East Liberty Street, for the full consideration of One Dollar (\$1.00) and other valuable consideration,

subject to easements and building and use restrictions of record including, but not limited to, certain covenants and restrictions benefiting the City of Ann Arbor, attached as Exhibit B, and incorporated herein by reference, and

subject to the City of Ann Arbor's reservation of easement rights for public utilities, including emergency access to operate, repair, replace and maintain the public utilities in, on and over the property described in Exhibit A herein.

This instrument is exempt from Transfer Taxes pursuant to MCL207.505(a)(h)(i) and MCL 207.526(a)(h)(i).

CITY OF ANN ARBOR, a Michigan
Municipal Corporation

By: _____

John Piette, Mayor

By: _____

Jacqueline Beaudry, City Clerk



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**STATE OF MICHIGAN
COUNTY OF WASHTENAW**

The following instrument was acknowledged before me this 7th day of May, 2007 by John Hieftje and Jacqueline Beaudry, Mayor and City Clerk, respectively, of the City of Ann Arbor, a Michigan municipal corporation, on behalf of said corporation.

Marylou Zimmerman

Marylou Zimmerman, Notary Public
Washtenaw County, Michigan
Acting in Washtenaw County, MI
My Commission Expires: October 15, 2008

MARYLOU ZIMMERMAN
Notary Public, Washtenaw County, MI
My Commission Expires Oct. 15, 2008

Tax Parcel#: 09-29-108-023 and 09-29-108-025 and 09-29-108-174

* *applies to Parcels 1-7*

* *applies to Parcel # 8*

Drafted by and When Recorded Return To:

✓
Kevin S. McDonald
City Attorney's Office
City of Ann Arbor
PO BOX 8647
Ann Arbor, MI 48107-8647
734-994-2670

EXHIBIT A

Legal Description

Parcel 1

Commencing at the East ¼ corner, Section 29, T2S, R6E, in the City of Ann Arbor, Washtenaw County, Michigan; thence North 41.75 feet along the east line of said section and the center line of State Street; thence N 85° 46' W 240.43 feet along the centerline of East Liberty Street; thence N 4° 14' E 33.0 feet for a PLACE OF BEGINNING; then N 85° 46' W 32.06 feet along the north line of East Liberty Street; thence N 4° 14' E 5.20 feet thence S 85° 46' E 0.65 feet; thence N 4° 15' E 52.92 feet; thence N 85° 48' 30" W 170.60 feet; thence N 3° 58' 30" E 74.82 feet along the west line of Lot 15 of Assessor's Plat No. 27 as recorded in Liber 9 of Plats, Page 18, Washtenaw County Records; thence S 85 ° 46' E 203.77 feet along the north line of said lot; thence S 4° 10 '30" W 75.00 feet; thence N 85° 46' W 0.81 feet; then S 4° 18' W 52.73 feet; thence N 85° 46' W 0.7 feet; thence S 4° 14' W 5.20 feet to the Place of Beginning.

Parcel 2

Commencing at the East ¼ corner, Section 29, T2S, R6E, in the City of Ann Arbor, Washtenaw County, Michigan; thence North 41.75 feet along the east line of said section and the centerline of State Street; thence N 85° 46' W 240.43 feet along the centerline of East Liberty Street; thence N 4° 14' E 33.0 feet; thence N 85° 46' W 32.06 feet; thence N 4° 14' E 5.20 feet; thence S 85° 46' E 0.65 feet; thence N 4° 15' E 43.82 feet for a PLACE OF BEGINNING; thence N 85° 48' 30" W 22.32 feet; thence N 4 ° 14' E 9.10 feet; thence S 85° 48' 30" E 22.32 feet; thence S 4° 15' W 9.10 feet to the Place of Beginning.

Parcel 3

Commencing at the East ¼ corner, Section 29, T2S, R6E, in the City of Ann Arbor, Washtenaw County, Michigan; thence North 41.75 feet along the east line of said section and the centerline of North State Street; thence N 85° 46' W 240.43 feet along the centerline of East Liberty Street; thence N 4° 14' E 38.20 feet; thence S 85 ° 46' E 0.70 feet; thence N 4 ° 18' E 48.51 feet for a PLACE OF BEGINNING; thence N 4 ° 18' E 4.22 feet; thence S 85 ° 46' E 0.81 feet; thence N 4 ° 10' 30" E 0.68 feet; thence S 85° 46' E 4.39 feet; thence S 4° 18'W 4.90 feet; thence N 85° 46' W 5.20 feet to the Place of Beginning.

Parcel 4

Commencing at the East ¼ corner, Section 29, T2S, R6E, in the City of Ann Arbor, Michigan; thence North 41.75 feet; thence N 85 ° 46' W 240.43 feet along the centerline of East Liberty Street; thence N 4 ° 14' E 33.00 feet for a PLACE OF BEGINNING; thence N 4 ° 14' E 5.2 feet; thence S 85 ° 46' E 0.70 feet; thence N 4 ° 18' E 52.73 feet; thence S 85 ° 46' E 0.81 feet; thence N 4° 10' 30" E 75.00 feet; thence S 85 ° 46' E 0.13 feet along the north line of said Lot 15; thence along the east line of said Lot 15, South 58.33 feet, S 85° 46' E 23.5 feet

and South 75.00 feet; thence N 85 ° 46' W 34.77 feet along the north line of Liberty Street to the Place of Beginning. EXCEPTING the southerly 52.73 feet.

Granting an easement for ingress, egress and public utilities over the easterly 3.79 feet of the southerly 52.73 feet.

Parcel 5

ALSO granting an easement for entry and egress from the above described land as follows: Commencing at the East ¼ corner, Section 29, T2S, R6E, in the City of Ann Arbor, Washtenaw County, Michigan; thence North 41.75 feet along the east line of said section and the centerline of State Street; thence N 85° 46' W 442.17 feet along the centerline of East Liberty Street; thence N 4° 14' E 33.0 feet; thence N 3 ° 56' 30" E 52.00 feet along the west line of Lot 15 of Assessor's Plat No. 27 as recorded in Liber 9 of Plats, Page 18, Washtenaw County Records for a PLACE OF BEGINNING; thence N 3° 58' 30" E 6.00 feet; thence S 85° 48' 30" E 148.28 feet; thence S 4 ° 14' W 6.00 feet; thence N 85 ° 48' 30" W 148.25 feet to the Place of Beginning.

Parcel 6

ALSO granting an easement for entry and egress through that space lying above elevation 872.49 feet Ann Arbor City Datum and below elevation 886.53 feet Ann Arbor City Datum bounded as follows:

Commencing at the East ¼ corner, Section 29, T2S, R6E, in the City of Ann Arbor, Washtenaw County, Michigan; thence North 41.75 feet along the east line of said section and the centerline of State Street; thence N 85 ° 46' W 442.17 feet; thence N 4° 14' E 33.00 feet for a PLACE OF BEGINNING; thence N 3 ° 56' 30" E 52.00 feet; thence S 85 ° 48' 30" E 11.40 feet; thence S 3 ° 54' 30" W 52.00 feet; thence N 85 ° 46' W 11.43 feet along the north line of East Liberty Street to the Place of Beginning, all being part of Lot 15 of the Assessor's Plat No. 27.

Parcel 7

ALSO granting an easement for ingress and egress over Lot 9, Assessor's Plat No. 27, City of Ann Arbor, as recorded in Liber 9 of Plats Page 18, Washtenaw County Records.

Parcel 8

The southerly 20-feet of Lot 9, Assessor's Plat No. 27, City of Ann Arbor, as recorded in Liber 9 of Plats, Page 18, Washtenaw County Records.

EXHIBIT B

Covenants and Restrictions

These Covenants and Restrictions ("Covenants") are declared by the City of Ann Arbor, a Michigan municipal corporation ("City"), whose address is 100 North Main Street, Ann Arbor, Michigan 48104.

These Covenants apply to the Premises in the City of Ann Arbor, Washtenaw County, Michigan, described as:

(Described in Exhibit A, which is attached and incorporated herein by reference)

commonly known as the Michigan Theater, located at 603 East Liberty Street.

Purpose. The purpose of these Covenants is to have the premises remain a community theater in perpetuity for the benefit of the citizens of Ann Arbor, and to maintain the historic building without the option of removal and redevelopment of the building or property for a use other than as a theater, and to provide the City with occasional use of the property.

Restrictions. Grantor declares and establishes the following covenants and restrictions and this document provides record notice of these restrictions on the Premises:

1. The Premises shall be used solely as a community theater for the benefit of the citizens of the City of Ann Arbor and the surrounding community. Community theater uses shall include: staging performing arts events; exhibiting motion pictures; exhibiting events transmitted electronically to the theater; holding public or private meetings and events; and, accessory office uses for the management or operation of the theater.
2. The Premises shall be preserved as a historic building and maintained on the National Register of Historic Places. Preservation, replacement, repair, and reconstruction of the Premises shall be in accordance with the guidelines and recommendations of The United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as may be amended or replaced from time to time. Rehabilitation and restoration work on the exterior of the building shall be reviewed and approved by the City of Ann Arbor Historic District Commission, or other commission, board, service area, or individual as determined by the City Council.
3. The height of any building on the Premises shall not exceed the height of the existing building (which is six stories at its highest point).

4. The Premises shall be operated by the Michigan Theater Foundation, Inc., or a successor nonprofit corporation, whose purpose is to operate the theater in accordance with these Covenants. The City shall be granted the power to appoint two members of the Board of Trustees of the Michigan Theater Foundation, Inc., or a successor nonprofit corporation, and shall be granted additional appointments in the ratio of one additional trustee for every additional 10 trustees on the Board beyond 20 total trustees. The number of trustees that the City shall appoint shall not be less than two. The City may appoint members of City Council or other citizens of Ann Arbor to the Board.
5. In the event of an emergency or disaster, as defined and determined by Ann Arbor City Code or applicable state or federal laws, the Premises shall be used, at the City's request, as a site for emergency or disaster relief purposes and/or public shelter.
6. The Premises shall be used by the City up to 12 times per calendar year for meetings or events held by the City at no charge to the City.

Requirement of Title. Any and all future deeds, leases, and transfers of any interest in the premises shall be expressly made subject to all of the reservations, restrictions, and conditions contained in these Covenants. Compliance with the provisions of these Covenants shall be deemed to be a requirement of title.

Benefited Parties. These Covenants are made for the benefit of the City of Ann Arbor and its citizens and shall burden and run with the land.

Reversion of Premises. If, at any time, the Premises is not used in accordance with the these Covenants set forth herein, then the Premises shall revert to the City of Ann Arbor, or its heirs, successors, and assigns, and the City of Ann Arbor, its heirs, successors or assigns shall have all right, title, and interest in and to the Property.

Severability. If any provision of these Covenants shall be held by a court of proper jurisdiction to be invalid, illegal or unenforceable, the remaining provisions shall survive and their validity, legality or enforceability shall not in any way be affected or impaired.

SUBMITTED
FOR RECORDING

SEP 21 2007

Washtenaw County, MI
Clerk Register's Office