

ANNEXATION PETITION INSTRUCTIONS

By City Council Resolution State Boundary Commission

Department of Licensing and Regulatory Affairs
Authority: 1968 PA 191

General instructions for preparation of an Annexation Petition by city council resolution, which consists of the following parts and forms:

Part I Map: Shall be labeled and prepared pursuant to State Boundary Commission General Rule 37; **attach sheets labeled "PART I"** [R123.37].

Part II Petition Certification: Requests that the State Boundary Commission annex the area described in Part III description to the adjacent City; **attach sheets labeled "PART II"** [MCL 117.6; MCL 117.7 and MCL117.9(7)(a)].

Part III Legal Description: Shall be labeled and prepared pursuant to State Boundary Commission General Rule 37; **attach sheets labeled "PART III"** [R123.37].

Part IV Resolution: Attach a copy of the resolution passed by the City Council requesting the annexation of the property shown on the "Part I" map and described in the "Part III" description certified by the City Clerk [R123.37(10)].

Part V Reason for Request: Petitioner(s) reason(s) for the annexation request and statement indicating that the annexation meets the conditions pursuant to Section 9 of The Home Rule City Act, 1909 PA 279 [MCL117.9(7)(a)]; **attach sheets labeled "PART V"** [R123.37].

Part VI: This part is not required on this type of petition.

Part VII Map: Shall contain a map showing the relationship of the area proposed for annexation to the balance of the involved and adjacent units of government; **attach sheets; attach sheets labeled "PART VII"** [R123.37].

Provide contact information of petitioner and involved local units of government; **attach sheets** [R123.32(1)].

The completed petition shall be filed with the State Boundary Commission. This may be done in person between the hours of 8:00 a.m. and 5:00 p.m., by mail or email to bccolsr@michigan.gov.

U.S. Postal Service

State Boundary Commission
c/o Office of Land Survey and Remonumentation
Department of Licensing and Regulatory Affairs
Lansing, MI 48909
P.O. Box 30254

Courier Other Than U.S. Postal Service

State Boundary Commission
c/o Office of Land Survey and Remonumentation
Department of Licensing and Regulatory Affairs
611 West Ottawa
Ottawa Building, 1st Floor
Lansing, MI 48933

RECEIVED

JUN 30 2016

Office of Land Survey &
Remonumentation

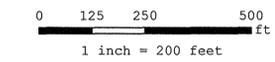
Part I Map



Part I: Proposed Annexation Map

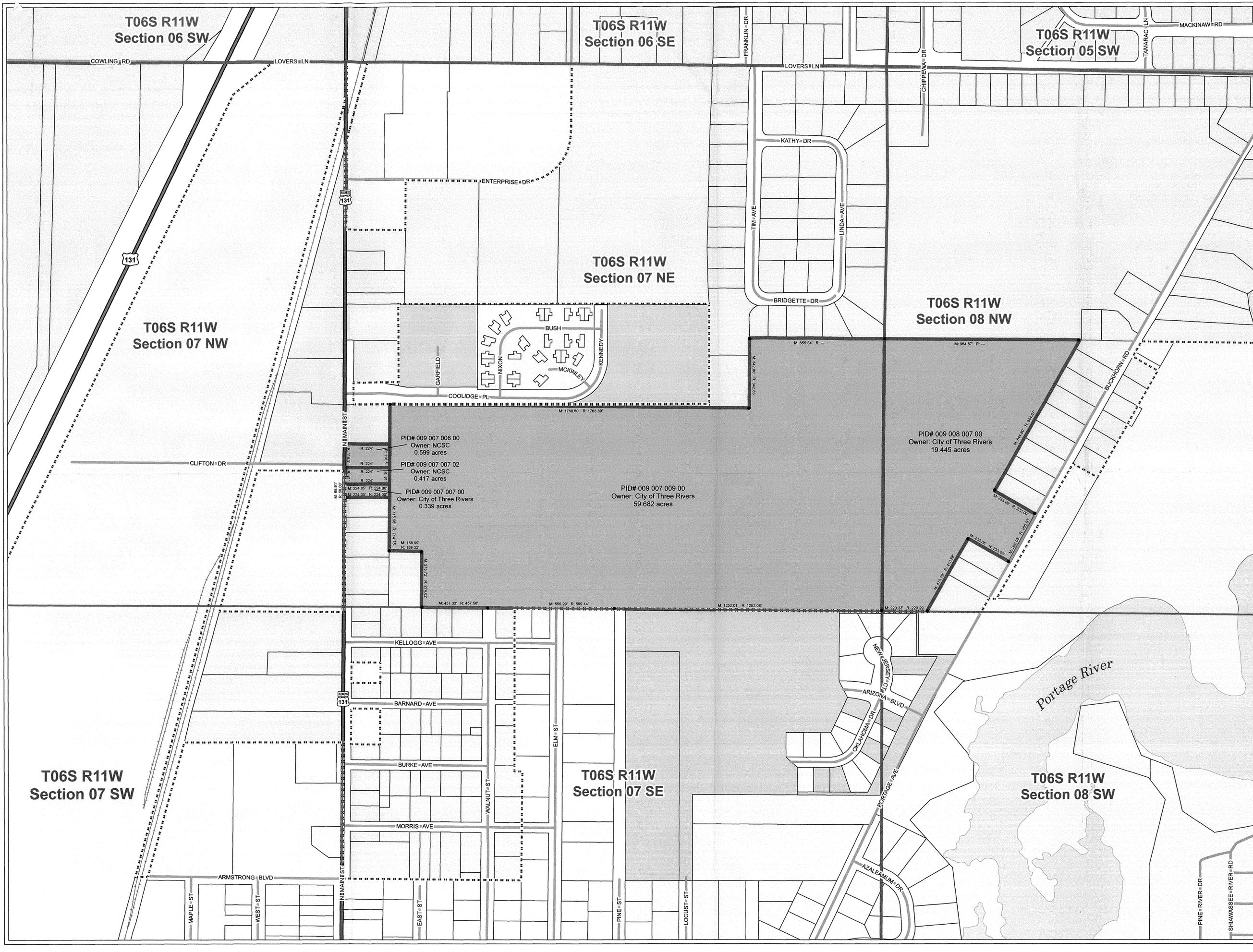
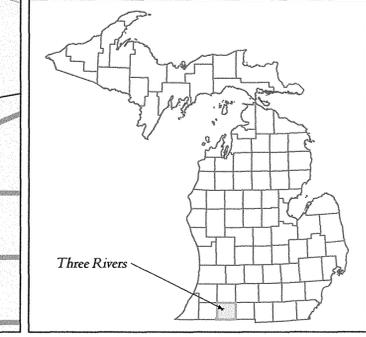
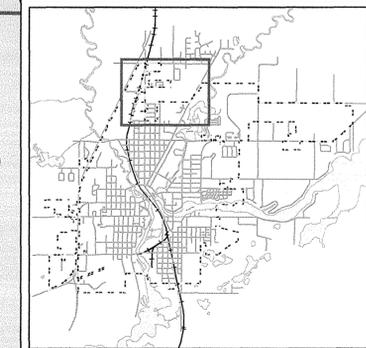
City of Three Rivers

- Section Lines
- Quarter Section Lines
- City Boundary
- Proposed Annexation
- City Owned Property
- City of Three Rivers Parcels
- Lockport Township Parcels
- Surface Water
- Highways
- Roads
- Railroads



Produced by: City of Three Rivers, MI
Department of Public Services - AE
Date Printed: 6/27/2016
Aerial Imagery Date: 2013

This map is provided by the City of Three Rivers (the "City"). The person or entity receiving this map (the "User") agrees: (1) that there are no warranties of any kind; (2) that use of this map is at the User's sole risk; (3) that the City shall not be liable for any damages to User or any third party; and (4) that this map may not be used by any third party without the specific written consent of the City.



Part IIa

It is the responsibility of the petitioner(s) to furnish the State Boundary Commission with the following contact information in order for the government units to receive notice of docket material, meetings, and public hearings. The importance of accurate and current information cannot be overemphasized. Processing of a petition may be delayed if inaccuracies cause improper notice.

If the petition should involve more than one county, city, village, and/or township, place the designated government contact information on a separate sheet(s) and attach it to this form.

Petitioner:	The City of Three Rivers	
Address:	333 West Michigan Avenue	
City, State, Zip:	Three Rivers, MI 49093	
Telephone:	269-273-1075 (xtn. 103)	Fax: 269-273-3132
Email:	jbippus@threeriversmi.org	

City:	The City of Three Rivers	Clerk: Melissa J. Bliss
Address:	333 West Michigan Avenue	
City, State, Zip:	Three Rivers, MI 49093	
Telephone:	269-273-1075 (xtn. 106)	
Fax:	269-273-3132	
Email:	mbliss@threeriversmi.org	

Township:	Lockport Township	Clerk: G. Wayne Timm
Address:	56767 Franklin Drive	
City, State, Zip:	Three Rivers, MI 49093	
Telephone:	269-279-2722	
Fax:	269-273-2693	
Email:	unknown	

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Office of Land Survey &
Remonumentation

County:	St. Joseph County	Clerk/Register: Lindsay Oswald
Address:	125 West Main Street, P.O. Box 109	
City, State, Zip:	Centreville, MI 49032	
Telephone:	269-467-5531	
Fax:	269-467-5558	
Email:	oswald@stjosephcountymi.org	

Part III

Legal Description

All that part of the Northeast 1/4 of Section 7 and the Northwest 1/4 of Section 8, T6S, R11W, Lockport Township, St. Joseph County, Michigan, described as follows:

Beginning at the East 1/4 corner of said Section 7 and running thence North 89 degrees 24 minutes 27 seconds West (recorded as North 89 degrees 58 minutes 57 seconds West), along the East-West 1/4 line as monumented, 1252.01 feet (recorded as 1252.08 feet) to a 5/8" rebar found at the Northeast corner of Sunnymede No. 1 (Liber 4 of Plats, page 67); thence North 89 degrees 34 minutes 19 seconds West (recorded as South 89 degrees 51 minutes 54 seconds West), along the East-West 1/4 line as monumented, 559.29 feet (recorded as 559.14 feet) to a concrete monument found at the Northwest corner of Sunnymede No. 1 and the Northeast corner of Fairview Park Addition (Liber 2 of Plats, page 10); thence North 89 degrees 33 minutes 45 seconds West (recorded as South 89 degrees 54 minutes 43 seconds West), along the East-West 1/4 line as monumented, 457.33 feet (recorded as 457.50 feet) to a 1/2" square bar found at a point South 89 degrees 33 minutes 45 seconds East 383.15 feet from the Center of Section 7; thence North 00 degrees 21 minutes 44 seconds East 273.72 feet (recorded as North 00 degrees 11 minutes 37 seconds West 274.02 feet) to a capped rebar found; thence North 89 degrees 32 minutes 58 seconds West 158.99 feet (recorded as South 89 degrees 56 minutes 02 seconds West 159.32 feet) to a capped rebar found; thence North 00 degrees 22 minutes 22 seconds East (recorded as North 00 degrees 11 minutes 37 seconds West) 259.47 feet to a capped rebar found; thence North 89 degrees 34 minutes 19 seconds West 224.05 feet (recorded as West 224 feet) to the North-South 1/4 line as monumented; thence North 00 degrees 22 minutes 42 seconds East (recorded as North), along said line, 65.91 feet (recorded as 66 feet); thence South 89 degrees 34 minutes 20 seconds East 224.05 feet (recorded as East 224 feet) to a capped rebar found; thence North 00 degrees 22 minutes 22 seconds East (recorded as North 00 degrees 11 minutes 37 seconds West) 390.60 feet to a capped rebar set in place of a bent 3/8" rebar found; thence South 89 degrees 29 minutes 01 seconds East 1768.60 feet (recorded as North 89 degrees 56 minutes 02 seconds East 1768.89 feet) to a 3/8" rebar found; thence North 00 degrees 24 minutes 18 seconds East 342.80 feet (recorded as North 00 degrees 10 minutes 30 seconds West 342.83 feet) to a 1/2" rebar found South 89 degrees 03 minutes 12 seconds East 18.91 feet from a concrete monument found at the Southwest corner of Glendale No. 2 (Liber 5 of Plats, page 36); thence South 89 degrees 26

minutes 57 seconds East (recorded as South 89 degrees 59 minutes 22 seconds East), along the North line of the South Half of the Northeast 1/4 of Section 7, 655.54 feet to a pointed blue stone at the Northeast corner of the South Half of the Northeast 1/4 of Section 7; thence South 89 degrees 23 minutes 49 seconds East (recorded as South 89 degrees 59 minutes 22 seconds East), along the North line of the South 1/2 of the Northwest 1/4 of Section 8 as monumented, 964.87 feet to a capped rebar found; thence South 29 degrees 31 minutes 01 seconds West 844.80 feet (recorded as South 28 degrees 57 minutes 00 seconds West 844.87 feet) to a capped rebar found; thence South 60 degrees 29 minutes 14 seconds East (recorded as South 61 degrees 03 minutes 00 seconds East) 233.00 feet to the centerline of Buckhorn Road; thence South 29 degrees 31 minutes 12 seconds West (recorded as South 28 degrees 57 minutes 00 seconds West), along said centerline, 266.05 feet (recorded as 266.03 feet); thence North 60 degrees 28 minutes 10 seconds West 233.05 feet (recorded as North 61 degrees 03 minutes 00 seconds West 233.00 feet) to a capped rebar found; thence South 29 degrees 32 minutes 30 seconds West 410.73 feet (recorded as South 28 degrees 57 minutes 00 seconds West 410.68 feet) to a capped rebar found on the East-West ¼ line of Section 8 as monumented; thence North 89 degrees 29 minutes 13 seconds West (recorded as South 89 degrees 58 minutes 57 seconds West), along said ¼ line, 220.33 feet (recorded as 220.29 feet) to the point of beginning; containing 79.127 acres more or less;

and also:

Parcel 1: Commencing 599 feet North of the Center of Section 7, Township 6 South, Range 11 West, thence North 81 feet, thence East 224 feet, thence South 81 feet, thence West 224 feet to the Place of Beginning.

Parcel 2: Commencing on the North-South Quarter line 680 feet North of the Center of Section 7, Township 6 South, Range 11 West, thence North on Quarter line 116.5 feet, thence East 224 feet, thence South 116.5 feet, thence West 224 feet to the Place of Beginning.

Part IV
Resolution

**RESOLUTION TO SUBMIT PETITION
TO STATE OF MICHIGAN BOUNDARY COMMISSION
TO ANNEX PROPERTY FROM LOCKPORT TOWNSHIP
TO THE CITY OF THREE RIVERS**

**Public Act 279 of 1909, as amended
and
Public Act 191 of 1968, as amended
MCL 117.9(7)(a)**

At a regular meeting of the City Commission of the City of Three Rivers, Michigan, held at the City Hall located at 333 East Michigan Avenue, Three Rivers, Michigan 49093, on May 3, 2016 at 6:00 P.M.

PRESENT: Commissioner Hoffmaster, Griffith, Clay, and Mayor Lowry

ABSENT: Commission Hart and McNary

The following Resolution was offered by Commission Member Hoffmaster and supported by Commission Member Griffith.

RESOLUTION

WHEREAS, the City of Three Rivers ("City") is a Home Rule City as provided by the Section 1.1 of the City of Three Rivers Charter and Michigan Home Rule City Act, Public Act 279 of 1909, MCL 117.1 *et seq.*;

WHEREAS, on February 1, 2016 the City acquired certain real property which was located in Lockport Township, County of St. Joseph, State of Michigan pursuant to a Warranty

Deed dated February 1, 2016, a copy of which is attached as **Exhibit A** (the “Acquired Property”). A survey depicting the Acquired Property is attached as **Exhibit B**.

WHEREAS, the Acquired Property was owned by the City, vacant, and located adjacent to and contiguous with the boundaries of the City;

WHEREAS, pursuant to MCL 117.9(8), property which is vacant and located adjacent to the boundaries of a City and which is owned by the City may be annexed to the City;

WHEREAS, on February 2, 2016, the City adopted a Resolution pursuant to MCL 117.9(8), a copy of which is attached as **Exhibit C**, annexing a portion of the Acquired Property located in Lockport Township to the City of Three Rivers (the “Annexed Property”).

WHEREAS, Lockport Township has filed litigation in the St. Joseph County Circuit Court captioned “Lockport Township v. The City of Three Rivers, Case No. 16-104-CZ” (“Litigation”) challenging the annexation by the City of the Annexed Property and asserting that the Annexed Property is not vacant and that the City cannot annex the Annexed Property pursuant to MCL 117.9(8). Lockport Township further asserts that a sub-surface water line located in a non-exclusive easement occupying .016% of the sub-surface of the Annexed Property renders the Annexed Property as occupied pursuant to MCL 117.9(8). The City denies the allegation and assertion of Lockport Township.

WHEREAS, the Assigned Judge, Hon. Jeffrey C. Middleton, granted summary disposition in favor of the City, finding that the Annexed Property is vacant pursuant to MCL 117.9(8); however, the Court entered a Stay Order during the pendency of the appeal by the Township in the Michigan Court of Appeals. A copy of the Stay Order is attached as **Exhibit D**;

WHEREAS, Lockport Township asserts in the Litigation that the legal effect of the annexation has been stayed by the entry of the Stay Order (**Exhibit D**). The City denies the

allegation and assertion of Lockport Township regarding the legal effect of the annexation;

WHEREAS, MCL 117.9(7)(a) permits the Boundary Commission to annex property from a township to a city by the resolution of the legislative body. This grant of authority to the Boundary Commission is separate and independent of MCL 117.9(8);

WHEREAS, the Acquired Property arguably creates islands or enclaves in Lockport Township which adversely affect the development of the Acquired Property for purposes of a youth sports complex by the City;

WHEREAS, the Petition for Annexation is necessary and desirable to validate the annexation of the Annexed Property, which is being challenged in the "Litigation," and to eliminate any islands or enclaves created by the Acquired Property for purposes of developing the site and obtaining jurisdiction and access to Buckhorn Road and Main Street;

WHEREAS, the Petition for Annexation is necessary to validate the annexation of the Annexed Property for a unitary site to permit the development of the youth sports complex in the City;

WHEREAS, the youth sports complex has a county-wide purpose and development and the County of St. Joseph has entered into a funding agreement with the City agreeing to advance the sum of \$2,800,000 for the development of the youth sports complex. A copy of the county funding agreement is attached as **Exhibit E**;

WHEREAS, Property owner Northern Construction Services, Corp. ("NCSC") has executed a Consent to the inclusion of property owned by NCSC of lots immediately north of the City-owned North Main Street Lot for annexation to the City of Three Rivers. A copy of the Consent is attached as **Exhibit F**;

WHEREAS, the boundaries of the property to be annexed are delineated on the attached

Exhibit G;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That a petition shall be submitted to the State Boundary Commission of the State of Michigan to consider the annexation of the territory delineated on **Exhibit G** to the City of Three Rivers in accordance with the provisions of 1909 Public Act 279 (Home Rule City Act; MCL 117.9) as amended; the provisions of 1968 Public Act 191 (Boundary Commission Act; MCL 123.1001 to 123.1020) as amended and MCL 117.9(7)(a);

2. That the City Manager, City Attorney, Special Legal Counsel, and the City Clerk be authorized to proceed with such petition, to obtain a legal description and survey of the property delineated on the attached **Exhibit G** for purposes of the Part I Map, to execute all required documents, and to take all other administrative actions necessary to pursue and complete the petition process and annexation.

After discussion, the vote was:

AYES: Commissioner Hoffmaster, Griffith, Clay, and Mayor Lowry

NAYS: None

ABSENT: Commission Hart and McNary

CITY OF THREE RIVERS

Dated: May 3, 2016

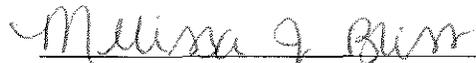
By: Melissa J. Bliss
Melissa J. Bliss, Its City Clerk

CERTIFICATE

STATE OF MICHIGAN)
)ss
COUNTY OF ST. JOSEPH)

I, the undersigned, the duly qualified City Clerk of the City of Three Rivers, State of Michigan, do hereby certify that the foregoing is a true and complete copy of proceedings taken at a regular City Commission Meeting of the Three Rivers City Commission, held on the 3rd day of May, 2016, insofar as the same relate to the Resolution Approving Annexation of Property, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in full compliance with Act 267, Public Act of 1976, as amended.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 3rd day of May, 2016.



Melissa J. Bliss, Its City Clerk



EXHIBIT A

**Warranty Deed dated February 1, 2016
(Acquired Property)**

By 135 ACT 206, 1993, as Amended, Sec. 17, 1929, Date: Feb 2, 2016
 hereby certify that there are no liens or titles held by the state on the lands
 described below, and that there are no tax liens or titles held by individuals
 on said lands for the five years preceding the 12 day of Feb 2016; and that the
 taxes for said period of five years are paid.
 This certificate does not apply to taxes if any now in process of collection by
 township, city, or Village collecting officers.
 St. Joseph County Treasurer: Matthew J. Hengstler



Lindsay Oswald Register Of Deeds
 STATE OF MICHIGAN St. Joseph County
 Recorded
 FEBRUARY 02, 2016 11:53:10 AM
 Liber 1812 Page 882-883 D01
 FEE: \$17.00
 Liber 1812 Page 882

STATE OF MICHIGAN
 ST JOSEPH COUNTY
 FEBRUARY 02, 2016 11:41:16 AM
 RECEIPT # 47465

REAL ESTATE
 TRANSFER TAX
 \$499.49 - CO
 \$5,962.50 - ST
 STAMP # 24323

WARRANTY DEED

The Grantor, NORTHERN CONSTRUCTION SERVICES, CORP., a Michigan Corporation, of P.O. Box 1299, Niles, Michigan 49120, warrants and conveys to THE CITY OF THREE RIVERS, a Michigan Municipal Corporation and Political Subdivision of the State of Michigan, of 333 W. Michigan Avenue, Three Rivers, Michigan 49093, the following described premises situated in the Township of Lockport, County of St. Joseph, State of Michigan:

All that part of the Northeast Quarter of Section 7 and the Northwest Quarter of Section 8, T6S, R11W, Lockport Township, St. Joseph County, Michigan, described as follows:

Beginning at the East Quarter corner of said Section 7 and running thence North 89 degrees 24 minutes 27 seconds West (recorded as North 89 degrees 58 minutes 57 seconds West), along the East-West Quarter line as monumented, 1252.01 feet (recorded as 1252.08 feet) to a 5/8" rebar found at the Northeast corner of Sunnymede No. 1 (Liber 4 of Plats, page 67); thence North 89 degrees 34 minutes 19 seconds West (recorded as South 89 degrees 51 minutes 54 seconds West), along the East-West Quarter line as monumented, 559.29 feet (recorded as 559.14 feet) to a concrete monument found at the Northwest corner of Sunnymede No. 1 and the Northeast corner of Fairview Park Addition (Liber 2 of Plats, page 10); thence North 89 degrees 33 minutes 45 seconds West (recorded as South 89 degrees 54 minutes 43 seconds West), along the East-West Quarter line as monumented, 457.33 feet (recorded as 457.50 feet) to a 1/2" square bar found at a point South 89 degrees 33 minutes 45 seconds East 383.15 feet from the Center of Section 7; thence North 00 degrees 21 minutes 44 seconds East 273.72 feet (recorded as North 00 degrees 11 minutes 37 seconds West 274.02 feet) to a capped rebar found; thence North 89 degrees 32 minutes 58 seconds West 158.99 feet (recorded as South 89 degrees 56 minutes 02 seconds West 159.32 feet) to a capped rebar found; thence North 00 degrees 22 minutes 22 seconds East (recorded as North 00 degrees 11 minutes 37 seconds West) 259.47 feet to a capped rebar found; thence North 89 degrees 34 minutes 19 seconds West 224.05 feet (recorded as West 224 feet) to the North-South Quarter line as monumented; thence North 00 degrees 22 minutes 42 seconds East (recorded as North), along said line, 65.91 feet (recorded as 66 feet); thence South 89 degrees 34 minutes 20 seconds East 224.05 feet (recorded as East 224 feet) to a capped rebar found; thence North 00 degrees 22 minutes 22 seconds East (recorded as North 00 degrees 11 minutes 37 seconds West) 390.60 feet to a capped rebar set in place of a bent 3/8" rebar found; thence South 89 degrees 29 minutes 01 seconds East 1768.60 feet (recorded as North 89 degrees 56 minutes 02 seconds East 1768.89 feet) to a 3/8" rebar found; thence North 00 degrees 24 minutes 18 seconds East 342.80 feet (recorded as North 00 degrees 10 minutes 30 seconds West 342.83 feet) to a 1/2" rebar found South 89 degrees 03 minutes 17 seconds East 18.91 feet from a concrete monument found at the Southwest corner of Glendale No. 2 (Liber 5 of Plats, page 36); thence South 89 degrees 26 minutes 57 seconds East (recorded as South 89 degrees 59 minutes 22 seconds East), along the North line of the South Half of the Northeast Quarter of Section 7, 655.54 feet to a pointed blue stone at the Northeast corner of the South Half of the Northeast Quarter of Section 7; thence South 89 degrees 23 minutes 49 seconds East (recorded as South 89 degrees 59 minutes 22 seconds East), along the North line of the South Half of the Northwest Quarter of Section 8 as monumented, 964.87 feet to a capped rebar found; thence South 29 degrees 31 minutes 01 seconds West 844.80 feet (recorded as South 28 degrees 57 minutes 00 seconds West 844.87 feet) to a capped rebar found; thence South 60 degrees 29 minutes 14 seconds East (recorded as South 61 degrees 03 minutes 00 seconds East) 233.00 feet to the centerline of Buckhorn Road; thence South 29 degrees 31 minutes 12 seconds West (recorded as South 28 degrees 57 minutes 00 seconds West), along said centerline, 266.05 feet (recorded as 266.03 feet); thence North 60 degrees 28 minutes 10 seconds West 233.05 feet (recorded as North 61 degrees 03 minutes 00 seconds West 233.00 feet) to a capped rebar found; thence South 29 degrees 32

Melissa Picked up

115-109-107-009-10, 115-109-107-001-10, 115-109-107-008-10, 101-000

minutes 30 seconds West 410.73 feet (recorded as South 28 degrees 57 minutes 00 seconds West 410.68 feet) to a capped rebar found on the East-West 1/4 line of Section 8 as monumented; thence North 89 degrees 29 minutes 13 seconds West (recorded as South 89 degrees 58 minutes 57 seconds West), along said 1/4 line, 220.33 feet (recorded as 220.29 feet) to the point of beginning; containing 79.727 acres more or less;

subject to a permanent non-exclusive easement and right of way in which to construct, operate, remove, inspect, repair, maintain and replace a water transmission line, in, over, across, and through the above described property, as more specifically described in a Grant of Easement dated October 27, 2006, recorded November 3, 2006 in Liber 1405 Page 578, St. Joseph County Register of Deeds Records; together with and subject to other easements, restrictions, covenants and rights of way of record, if any;

Property Tax Code Nos. 75-009-007-009-00, 75-009-007-007-00, and 75-009-008-007-00;

for the sum of Seven Hundred Fifty-Five Thousand no/100 (\$755,000.00) Dollars.

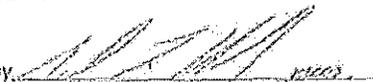
The Grantor grants to the Grantee the right to make the maximum number of divisions given the nature of the parent parcel and the terms of Section 108 of the Land Division Act, Act. No. 288 of the Public Acts of 1967 as amended by P.A. No. 591 of 1996.

This 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.

Dated this 1st day of February, 2016.

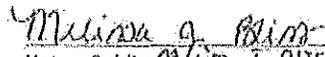
Signed by:

NORTHERN CONSTRUCTION SERVICES,
CORP.

by 
Daniel L. Kulwickski, Jr. President

STATE OF MICHIGAN)
) SS:
COUNTY OF ST. JOSEPH)

The foregoing instrument was acknowledged before me this 1st day of February, 2016, by Northern Construction Services, Corp., a Michigan Corporation by Daniel L. Kulwickski, Jr., its President, for and on behalf of said Corporation, as his free act and deed.


Notary Public: Melissa A. Blinn
St. Joseph County, MI
My Comm. Expires: 2-7-19

ABSTRACT NOT EXAMINED NOR TITLE OPINION RENDERED BY PREPARER OF THIS INSTRUMENT, NOR OPINION EXPRESSED AS TO THE RIGHT TO SPLIT THIS PARCEL, AS TO THE NUMBER OF SPLIT RIGHTS APPLICABLE TO THIS PARCEL NOR TO THE NUMBER OF SPLIT RIGHTS IN THE REMAINING PARCEL. TITLE INSURANCE COMMITMENT ISSUED BY St. Joseph County Abstract Office, Inc., Commitment No. B16-1541

This Instrument Prepared By:
William R. Landgraf (P30466)
Attorney at Law
224 N. Fourth Street
P.O. Box 159
Niles, Michigan 49120

Send Subsequent Tax Bills To:
City of Three Rivers
333 W. Michigan Ave.
Three Rivers, MI 49093

EXHIBIT B

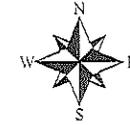
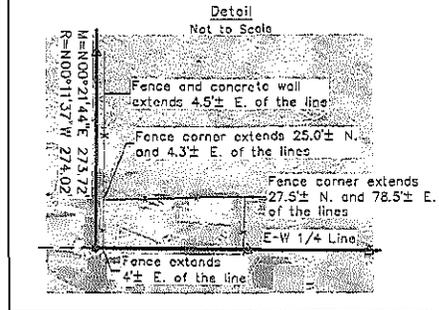
Survey of Acquired Property

Please see the attached.

NORTH 1/4 COR. SEC. 7 T6S, R11W
FOUND STD. REMON. COR. IN MON. BOX
SEE L.-6, P.-84 OF COR. RECORDS

SURVEYOR'S NOTES:

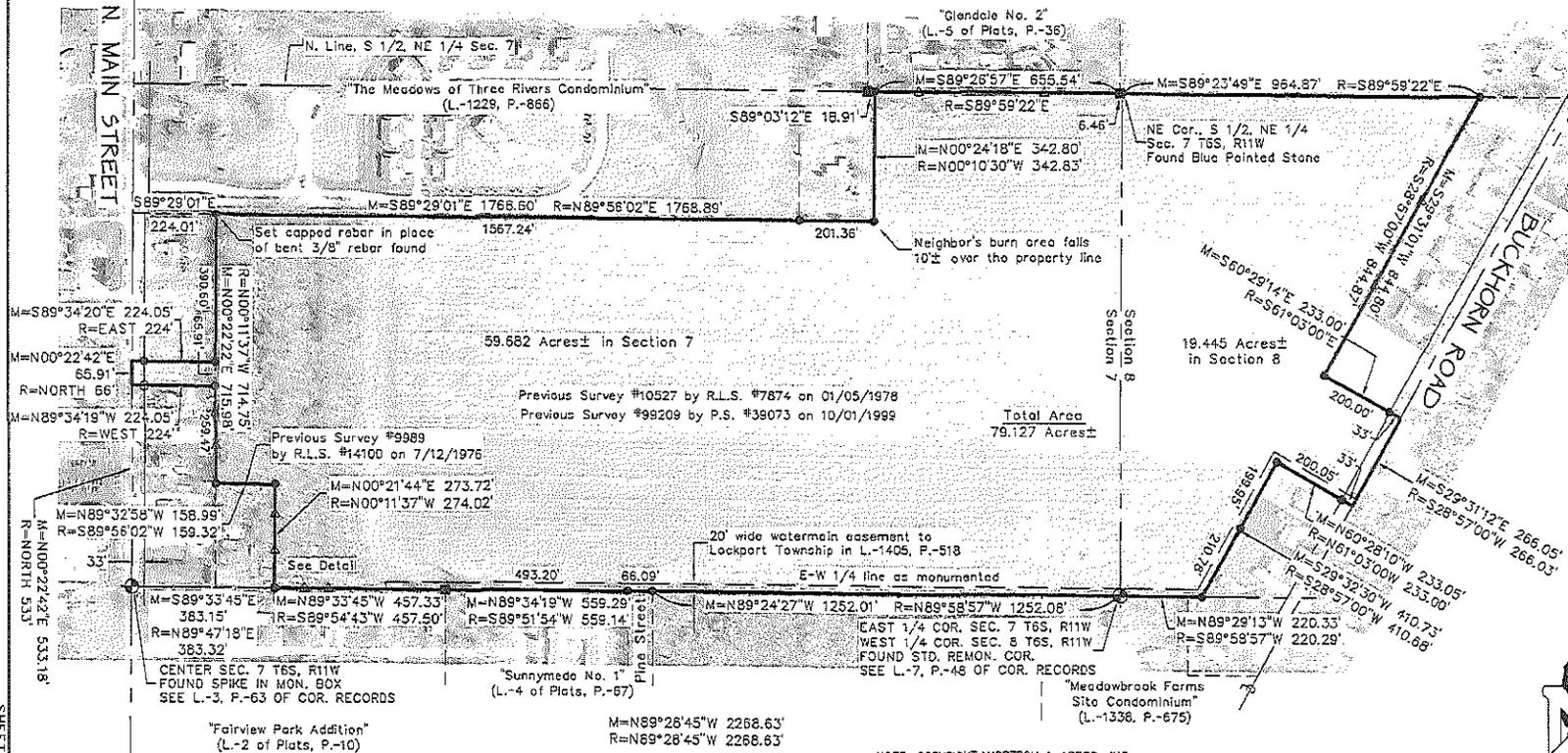
1. Bearings are based on the State Plane Coordinate System - Michigan South Zone.
2. The aerial photography was provided by The City of Three Rivers and was flown in April of 2013.
3. The existing driveway for Shear Hair Designs on N. Main Street extends over the line as shown.
4. Neighbor's fences extend over the line in the southwest corner of the property as shown.



Scale: 1" = 300 Feet
0 150 300'

LEGEND

- = MAG NAIL SET
- = MAG OR P.K. NAIL FOUND
- ⊙ = CAPPED REBAR SET
- ⊗ = REBAR FOUND
- △ = STAKE ON LINE
- = CONC. MONUMENT FOUND
- R = RECORDED DIMENSION
- M = MEASURED DIMENSION



PLAT OF SURVEY
RE: THE CITY OF THREE RIVERS
SECTIONS 7 & 8, LOCKPORT TWP.
ST. JOSEPH COUNTY, MI



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PLAT OF SURVEY

RE: THE CITY OF THREE RIVERS
SECTIONS 7 & 8, LOCKPORT TWP.
ST. JOSEPH COUNTY, MI

DESCRIPTION FURNISHED:

ALL THAT PART OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 7 AND THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 8, T 6 S, R 11 W, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 7 AND RUNNING THENCE N 89°58'57" W 1252.08 FEET (RECORDED AS N 89°57'00" W 1246.62 FEET) TO A CONCRETE MONUMENT AT THE NORTHEAST CORNER OF SUNNYMEDE NO. 1, THENCE S 89°51'54" W 559.14 FEET (RECORDED AS S 89°51'00" W 559.31 FEET) ALONG THE NORTHERLY BOUNDARY OF SAID PLAT TO A CONCRETE MONUMENT AT THE NORTHEAST CORNER OF FAIRVIEW PARK ADDITION, THENCE S 89°54'43" W 457.50 FEET (RECORDED AS S 89°41'40" W 457.48 FEET), THENCE N 00°11'37" W (RECORDED AS N 00°11'00" W), PARALLEL WITH THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 7, A DISTANCE OF 274.02 FEET (RECORDED AS 273.75 FEET), THENCE S 89°56'02" W 159.32 FEET (RECORDED AS S 89°56'53" W 159.12 FEET), THENCE N 00°11'37" W (RECORDED AS N 00°11'00" W), PARALLEL WITH SAID NORTH-SOUTH OF SECTION 7 AND ALONG A LINE 224 FEET EASTERLY THEREOF, 714.75 FEET (RECORDED AS 716.25 FEET), THENCE N 89°56'02" E (RECORDED AS N 89°56'53" E), ALONG THE NORTH LINE OF THE SOUTH 60 RODS OF THE WEST 120 RODS OF THE NORTHEAST 1/4 OF SAID SECTION 7, A DISTANCE OF 1768.89 FEET (RECORDED AS 1763.34 FEET), THENCE N 00°10'30" W 342.83 FEET (RECORDED AS N 00°08'16" W 343.00 FEET) TO A FOUND IRON MARKING THE NORTHWEST CORNER OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 7, THENCE S 89°59'22" E (RECORDED AS N 89°56'41" E) ALONG THE NORTH 1/8 LINE OF SECTION 7 AND 8, AS PREVIOUSLY ESTABLISHED, 1620.34 FEET, THENCE S 28°57'00" W 844.87 FEET, THENCE S 61°03'00" E 233.00 FEET TO THE CENTERLINE OF BUCKHORN ROAD, THENCE S 28°57'00" W 266.03 FEET, ALONG THE CENTERLINE OF BUCKHORN ROAD, THENCE N 61°03'00" W 233.00 FEET, THENCE S 28°57'00" W 410.68 FEET, THENCE S 89°58'57" W (RECORDED AS S 89°56'30" W) 220.29 FEET, ALONG THE EAST-WEST 1/4 LINE OF SECTION 8, TO THE POINT OF BEGINNING.

ALSO, THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 7, T 6 S, R 11 W, DESCRIBED AS FOLLOWS: COMMENCING 533 FEET NORTH OF THE CENTER OF SAID SECTION 7, THENCE NORTH 66 FEET, THENCE EAST 224 FEET, THENCE SOUTH 66 FEET, THENCE WEST 224 FEET TO THE POINT OF BEGINNING.

RE: ST. JOSEPH COUNTY ABSTRACT OFFICE; CENTREVILLE, MI #B16-1541

DESCRIPTION OF PARCEL AS STAKED

ALL THAT PART OF THE NORTHEAST 1/4 OF SECTION 7 AND THE NORTHWEST 1/4 OF SECTION 8, T6S, R11W, LOCKPORT TOWNSHIP, ST. JOSEPH COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST 1/4 CORNER OF SAID SECTION 7 AND RUNNING THENCE N89°24'27"W (RECORDED AS N89°58'57"W), ALONG THE EAST-WEST 1/4 LINE AS MONUMENTED, 1252.01 FEET (RECORDED AS 1252.08 FEET) TO A 5/8" REBAR FOUND AT THE NORTHEAST CORNER OF SUNNYMEDE NO. 1 (LIBER 4 OF PLATS, PAGE 67); THENCE N89°34'19"W (RECORDED AS S89°51'54"W), ALONG THE EAST-WEST 1/4 LINE AS MONUMENTED, 559.29 FEET (RECORDED AS 559.14 FEET) TO A CONCRETE MONUMENT FOUND AT THE NORTHWEST CORNER OF SUNNYMEDE NO. 1 AND THE NORTHEAST CORNER OF FAIRVIEW PARK ADDITION (LIBER 2 OF PLATS, PAGE 10); THENCE N89°33'45"W (RECORDED AS S89°54'43"W), ALONG THE EAST-WEST 1/4 LINE AS MONUMENTED, 457.33 FEET (RECORDED AS 457.50 FEET) TO A 1/2" SQUARE BAR FOUND AT A POINT S89°33'45"E 383.15 FEET FROM THE CENTER OF SECTION 7; THENCE N00°21'44"E 273.72 FEET (RECORDED AS N00°11'37"W 274.02 FEET) TO A CAPPED REBAR FOUND; THENCE N89°32'58"W 158.99 FEET (RECORDED AS S89°56'02"W 159.32 FEET) TO A CAPPED REBAR FOUND; THENCE N00°22'22"E (RECORDED AS N00°11'37"W) 259.47 FEET TO A CAPPED REBAR FOUND; THENCE N89°34'19"W 224.05 FEET (RECORDED AS WEST 224 FEET) TO THE NORTH-SOUTH 1/4 LINE AS MONUMENTED; THENCE N00°22'42"E (RECORDED AS NORTH), ALONG SAID LINE, 65.91 FEET (RECORDED AS 66 FEET); THENCE S89°34'20"E 224.05 FEET (RECORDED AS EAST 224 FEET) TO A CAPPED REBAR FOUND; THENCE N00°22'22"E (RECORDED AS N00°11'37"W) 390.60 FEET TO A CAPPED REBAR SET IN PLACE OF A BENT 3/8" REBAR FOUND; THENCE S89°29'01"E 1768.60 FEET (RECORDED AS N89°56'02"E 1768.89 FEET) TO A 3/8" REBAR FOUND; THENCE N00°24'18"E 342.80 FEET (RECORDED AS N00°10'30"W 342.83 FEET) TO A 1/2" REBAR FOUND S89°03'12"E 18.91 FEET FROM A CONCRETE MONUMENT FOUND AT THE SOUTHWEST CORNER OF GLENDALE NO. 2 (LIBER 5 OF PLATS, PAGE 36); THENCE S89°26'57"E (RECORDED AS S89°59'22"E), ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 7, 655.54 FEET TO A POINTED BLUE STONE AT THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 7; THENCE S89°23'49"E (RECORDED AS S89°59'22"E), ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 8 AS MONUMENTED, 984.87 FEET TO A CAPPED REBAR FOUND; THENCE S29°31'01"W 844.60 FEET (RECORDED AS S28°57'00"W 844.87 FEET) TO A CAPPED REBAR FOUND; THENCE S60°29'14"E (RECORDED AS S61°03'00"E) 233.00 FEET TO THE CENTERLINE OF BUCKHORN ROAD; THENCE S29°31'12"W (RECORDED AS S28°57'00"W), ALONG SAID CENTERLINE, 266.05 FEET (RECORDED AS 266.03 FEET); THENCE N60°28'10"W 233.05 FEET (RECORDED AS N61°03'00"W 233.00 FEET) TO A CAPPED REBAR FOUND; THENCE S29°32'30"W 410.73 FEET (RECORDED AS S28°57'00"W 410.68 FEET) TO A CAPPED REBAR FOUND ON THE EAST-WEST 1/4 LINE OF SECTION 8 AS MONUMENTED; THENCE N89°29'13"W (RECORDED AS S89°58'57"W), ALONG SAID 1/4 LINE, 220.33 FEET (RECORDED AS 220.29 FEET) TO THE POINT OF BEGINNING.

THIS PARCEL CONTAINS 79.127 ACRES, MORE OR LESS.
SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

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SURVEYOR'S CERTIFICATE:

I hereby certify exclusively to the City of Three Rivers that I have surveyed the above described property; that the plat hereon delineated is a correct representation of the same; that all surface encroachments were noted; that said survey was performed with an error closure of one in 5000+ and that I have fully complied with the provisions of section 3, P.A. 132 of 1970.



MOSTROM & ASSOC., INC.

DAVID W. MOSTROM, Professional Surveyor No. 32339
P.O. BOX 85, Centreville, Michigan 49032 (269)467-6348

EXHIBIT C

Annexation Resolution pursuant to MCL 117.9(8)

Please see the attached.

2016 FEB -3 AM 10:18

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF THREE RIVERS,
MICHIGAN, APPROVING ANNEXATION OF PROPERTY

MCL 117.9(8)

The City of Three Rivers / Lockport Township

At a regular meeting of the City Commission of The City of Three Rivers, Michigan, held at the City Hall located at 333 West Michigan Avenue, Three Rivers, Michigan 49093, on February 2, 2016 at 6:00 p.m.

PRESENT: Thomas J. Lowry, Mayor
Janell J. Hart, At-Large Commissioner
Daryl Griffith, At-Large Commissioner
Jared Hoffmaster, First District Commissioner
Alison Haigh, Second District Commissioner
Diane Haley-Clay, Third District Commissioner

ABSENT: Carolyn McNary, Fourth District Commissioner

The following Resolution was offered by Commission Member Hoffmaster and supported by Commission Member Griffith.

RESOLUTION

WHEREAS, The City of Three Rivers ("City") is a Home Rule City as provided by the Section 1.1 of The City of Three Rivers Charter and Michigan Home Rule City Act, Public Act 279 of 1909, MCL 117.1 *et seq.*;

WHEREAS, the City owns and desires to annex into the City certain vacant, contiguous property owned by the City and located in the Township of Lockport, County of St. Joseph, State of Michigan, which is legally described on the attached **Exhibit A** and depicted on the attached **Exhibit B** ("Property");

WHEREAS, such Property may be annexed into the City and thereby expanding its current boundaries as provided by Section 1.2 of the City Charter;

WHEREAS, pursuant to MCL 117.9(8) the Property may be annexed into The City of Three Rivers upon passage of a Resolution by the City authorizing such annexation;

WHEREAS, the City has undertaken repeated communications with Lockport Township and the public for the development of the Property as a Youth Sports Complex facility, including, but not limited to, the following:

- 1-12-2015 The City presented information to the Lockport Township Board on the proposed Sports Complex, including land location options.
- 1-21-2015 The City hosted three (3) public "Visioning Sessions" regarding the Sports
2-11-2015 Complex.
2-25-2015
- 3-20-2015 The City Manager met with the Lockport Township Supervisor to discuss Sport Complex project options.
- 4-13-2015 The City presented information to Lockport Township regarding an area wide recreational authority, designated as "River Country Recreation Authority" (RCRA). Lockport Township voted in favor of joining Authority by vote of 4-0.
- 7-13-2015 The City presented a request for a Public Act 425 Agreement to Lockport Township for development of a site in the Township for Sports Complex.
- 7-16-2015 The Lockport Township Planning Commission voted against entering into a Public Act 425 Agreement with the City for use of land within Township for the Sports Complex.
- 8-10-2015 The Lockport Township Board voted against entering a Public Act 425 Agreement with the City for use of land within Township for Sports Complex.
- 9-14-2015 The Lockport Township Board rejects City's request for an Urban Cooperation Agreement as relating to land use within the Township for Sports Complex.
- 9-25-2015 The City requested Township officials to meet with City administrative staff to review options for development of Sports Complex property.
- 9-25-2015 Lockport Township amends its Zoning Ordinance to require special use authorization before lands may be used for recreational or park uses, including "Sports Complex".

- 11-11-2015 Lockport Township withdraws from River Country Recreational Authority.
- 12-3-2015 Lockport Township conducted Special Meeting for purposes of planning incorporation as a Charter Township to inhibit annexation.

WHEREAS, the City and Lockport Township have been unable to agree on a plan for the use of the Property as a Sports Complex while remaining within the Township's jurisdiction;

WHEREAS, the City Commission of The City of Three Rivers determines that it is in the best interest of the City to adopt this Resolution and to annex the Property pursuant to MCL 117.9(8).

NOW, THEREFORE, the City Commission of The City of Three Rivers, pursuant to MCL 117.9(8), adopts the following Resolution relating to the Property:

1. That the vacant, unoccupied, and contiguous Property, which is owned by the City, described in **Exhibit A** and depicted on **Exhibit B**, shall be annexed from the Township of Lockport to the City of Three Rivers.

2. That the City Clerk, pursuant to MCL 117.9(8), shall file a certified copy of this Resolution with the Office of the Great Seal, the State Boundary Commission and the office of the County Clerk / Register of Deeds as required by statute.

3. That this Resolution revokes any prior Resolution of The City of Three Rivers which is in conflict with this Resolution and relates to the same subject matter.

4. After discussion, the vote was:

AYES: Hoffmaster, Griffith, Clay, Haigh, Hart, and Mayor Lowry

NAYS: _____

ABSENT: _____

Resolution approved and adopted this 2nd day of February, 2016.

Attest:

Thomas J. Lowry
Thomas J. Lowry, Mayor

Melissa J. Bliss
Melissa J. Bliss, City Clerk

Reviewed for Administration:

Approved as to Form:

Joseph A. Bippus
Joseph A. Bippus, City Manager

J. Patrick O'Malley
J. Patrick O'Malley, City Attorney

CERTIFICATE

STATE OF MICHIGAN)
)ss
COUNTY OF ST. JOSEPH)

I, the undersigned, the duly qualified City Clerk of The City of Three Rivers, State of Michigan, do hereby certify that the foregoing is a true and complete copy of proceedings taken at a regular City Commission Meeting of the Three Rivers City Commission, held on the 2nd day of February, 2016, insofar as the same relate to the Resolution Approving Annexation of Property, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in full compliance with Act 267, Public Act of 1976, as amended.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and seal of the City of Three Rivers on this 2nd day of February, 2016.

Melissa J. Bliss
Melissa J. Bliss, City Clerk

EXHIBIT A

RE: THE CITY OF THREE RIVERS
SECTIONS 7 & 8, LOCKPORT TWP.
ST. JOSEPH COUNTY, MI

ANNEX DESCRIPTION:

ALL THAT PART OF THE NORTHEAST 1/4 OF SECTION 7 AND THE NORTHWEST 1/4 OF SECTION 8, T6S, R11W, LOCKPORT TOWNSHIP, ST. JOSEPH COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST 1/4 CORNER OF SAID SECTION 7 AND RUNNING THENCE N89°24'27"W (RECORDED AS N89°20'52"W), ALONG THE EAST-WEST 1/4 LINE AS MONUMENTED, 1252.01 FEET (RECORDED AS 1252.08 FEET) TO A 3/8" REBAR FOUND AT THE NORTHEAST CORNER OF SUNNYMEDE NO. 1 (LIBER 4 OF PLATS, PAGE 87), THENCE N89°34'12"W (RECORDED AS S89°21'54"W), ALONG THE EAST-WEST 1/4 LINE AS MONUMENTED, 399.29 FEET (RECORDED AS 380.14 FEET) TO A CONCRETE MONUMENT FOUND AT THE NORTHWEST CORNER OF SUNNYMEDE NO. 1 AND THE NORTHEAST CORNER OF FAIRVIEW PARK ADDITION (LIBER 2 OF PLATS, PAGE 10); THENCE N89°33'45"W (RECORDED AS S89°54'43"W), ALONG THE EAST-WEST 1/4 LINE AS MONUMENTED, 378.33 FEET; THENCE N00°21'44"E 28.00 FEET; THENCE N89°33'45"W 79.00 FEET; THENCE N00°21'44"E (RECORDED AS N00°11'37"W) 245.72 FEET TO A CAPPED REBAR FOUND; THENCE N89°32'58"W 158.99 FEET (RECORDED AS S89°56'02"W 169.32 FEET) TO A CAPPED REBAR FOUND; THENCE N00°22'22"E 718.88 FEET (RECORDED AS N00°11'37"W 714.75 FEET) TO A CAPPED REBAR SET IN PLACE OF A 3/8" REBAR FOUND; THENCE S89°22'01"E 1768.60 FEET (RECORDED AS N89°56'02"E 1768.89 FEET) TO A 3/8" REBAR FOUND; THENCE N00°24'10"E 342.80 FEET (RECORDED AS N03°10'35"W 342.83 FEET) TO A 1/2" REBAR FOUND S89°03'12"E 10.01 FEET FROM A CONCRETE MONUMENT FOUND AT THE SOUTHWEST CORNER OF GLENDALE NO. 2 (LIBER 5 OF PLATS, PAGE 36); THENCE S89°26'57"E (RECORDED AS S89°59'22"E), ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 7, 635.54 FEET TO A POINTED BLUE STONE AT THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 7; THENCE S89°23'49"E (RECORDED AS S89°50'22"E), ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 8 AS MONUMENTED, 964.67 FEET TO A CAPPED REBAR FOUND; THENCE S29°31'34"W 1521.61 FEET (RECORDED AS S28°57'00"W 1521.58 FEET) TO A CAPPED REBAR FOUND ON THE EAST-WEST 1/4 LINE OF SECTION 8 AS MONUMENTED; THENCE N89°29'13"W (RECORDED AS S89°58'57"W), ALONG SAID 1/4 LINE, 220.33 FEET (RECORDED AS 220.29 FEET) TO THE POINT OF BEGINNING.

THIS PARCEL CONTAINS 77.314 ACRES, MORE OR LESS.
SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

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All rights reserved. No part of this map may be reproduced by photocopying, recording or by any other means, or stored, processed or transmitted in or by any computer or other system, without the prior written permission of the surveyor. Copies of this plan without an original signature and seal are not valid.

SURVEYOR'S CERTIFICATE:

I hereby certify exclusively to the City of Three Rivers that I have surveyed the above described property; that the plat hereon delineated is a correct representation of the same; that all surface encroachments were noted; that said survey was performed with an error closure of one in 5000+ and that I have fully complied with the provisions of section 3, P.A. 132 of 1970.



DAVID W. MOSTROM, Professional Surveyor No. 32339
P.O. BOX 65, Centerville, Michigan 49032 (269)467-6348

EXHIBIT D

**Order of 45th Circuit Court dated March 23, 2016
in
Lockport Township vs. City of Three Rivers,
Case No. 16-104-CZ**

Please see the attached.

STATE OF MICHIGAN
IN THE 45TH CIRCUIT COURT
FOR THE COUNTY OF ST. JOSEPH

LOCKPORT TOWNSHIP,

Plaintiff

Hon. Jeffrey C. Middleton
by assignment
Case. No. 16-104-CZ

v.

THE CITY OF THREE RIVERS,

Defendant.

Seth Koehes (P71761)
Roxanne Seeber (P51374)
Attorneys for Lockport Township
BAUCKHAM, SPARKS, THALL,
SEEBER & KAUFMAN
458 W. South Street
Kalamazoo, MI 49009-4621
269-382-4500

Andrew Mulder (P26280)
CUNINGHAM DALMAN P.C.
Attorney for Defendant
321 Settlers Rd., P.O. Box 1767
Holland, MI 49422-1767
616-392-1821

FILED

MAR 23 2016

ORDER

LINDSAY OSWALD
ST. JOSEPH COUNTY CLERK

At a session of said Court held in the Village of Centreville
County of St. Joseph, State of Michigan
on this 23 day of March, 2016.

PRESENT: JEFFREY C. MIDDLETON, CIRCUIT JUDGE BY ASSIGNMENT

WHEREAS, after reviewing the briefs and hearing oral arguments this Court finds that justice requires to immediately stay the entry of this Court's Order dated February 17, 2016 denying the Plaintiff's request for preliminary injunction and granting summary disposition on the Plaintiff's Complaint until the Court of Appeals decides this case;

NOW THEREFORE IT IS HEREBY ORDERED: that pursuant to MCR 7.209(A)(1) the Order of this Court dated February 17, 2016 denying the Plaintiff's request for preliminary



2016000104CZ

injunction and granting summary disposition on the Plaintiff's Complaint is stayed until the Court of Appeals decides this case for the reasons stated on the record dated March 11, 2016.

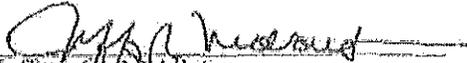

Jeffrey A. Middleton
Circuit Judge, by
assignment *PJF/LS*

EXHIBIT E

**Recreation Facility Agreement
between
The City of Three Rivers and St. Joseph County**

Please see attached.

RECREATION FACILITY AGREEMENT

This Agreement ("Agreement") is made effective as of January 19, 2016 by and between the City of Three Rivers, a Michigan Home Rule City, 333 West Michigan Avenue, Three Rivers, Michigan 49093 ("City") and the County of St. Joseph, Michigan, a Michigan Governmental Entity, 125 West Main Street, Centreville, Michigan 49032 ("County").

RECITALS

A. The City and the County are "local governmental entities" as defined by 2011 P.A. 258, as amended, Act 258 (MCL 124.112 et seq.) ("Act"). The Act enables two local governmental entities to enter into a contract with each other to form a joint endeavor to perform or exercise any function, service, power or privilege that the local governmental entity could each exercise separately.

B. Pursuant to the Recreation and Playgrounds Act, MCL 123.51 et seq., both the City and the County are authorized to operate a system of public recreation.

C. The City and the County have agreed to assist in jointly developing a system of public youth recreation pursuant to the provisions of this Agreement whereby the County will fund, in part, the acquisition and development of a recreational facility ("Recreation Facility"), and the City will obtain property upon which the Recreational Facility will be located and on which the City will provide youth sports facilities and recreational programs.

D. By June 1, 2016, the City shall have selected a qualified and licensed Engineer/Architect ("Engineer") and an experienced construction manager ("Construction Manager") to plan and construct the Recreational Facility.

E. This Agreement has been approved by resolution of the City Commission and the County Board of Commissioners.

NOW, THEREFORE, in consideration of the mutual covenants set forth in this Agreement, the parties agree as follows:

1. City Responsibilities - Site Development: The City shall be responsible for the following:

(a) Acquiring, on or before April 1, 2016, approximately eighty (80) acres of vacant property in Lockport Township described on Exhibit "A" attached hereto and incorporated herein by reference ("Property") upon which the Recreational Facility shall be constructed.

(b) Annexing the Property into the City on or before June 1, 2016.

(c) Granting to the County, at the closing of the Property acquisition transaction, a real estate mortgage upon the Property substantially in compliance with the mortgage form attached hereto securing the performance by the City of its obligations set forth in this Agreement and providing mortgagee title insurance on the Property in the amount of \$755,000.

(d) Obtaining engineering plans from its Engineer for the Recreation Facility on or before July 1, 2016.

(e) Commencing construction of the Recreation Facility on or before September 1, 2016.

(f) Completing of the construction of the Recreation Facility on or before July 1, 2017.

(g) Paying for all costs and expenses associated with the maintenance, repair and operation of the Recreational Facility.

2. City Responsibilities – Recreational Programming.

(a) Engaging with the various youth sports and other recreational programs (“Recreational Programs”) to be offered to all residents of the Three Rivers Community as well as all other residents of St. Joseph County on like terms and conditions.

(b) Establishing, modifying and assessing, in its sole discretion, fees for participating in the Recreational Programs.

(c) Maintaining books and records regarding the participation of county residents in the Recreational Programs, together with all income and expenses associated with the Recreational Programs.

(d) Reporting annually each December to the County Board of Commissioners regarding the revenue, expenses, and participation levels in the Recreational Programs.

(e) Paying for costs and expenses related to the management and operation of the Recreational Programs, provided however, that the City may charge reasonable fees for use of the Recreational Facility and participation in Recreational Programs.

3. County Responsibilities: The County shall be responsible for disbursing up to \$2,800,000 to the City for the acquisition of the Property and construction of the Recreational Facility as follows:

(a) \$755,000 for the acquisition of the Property, payable under the following conditions:

(i) The City shall acquire the Property and furnish the County with a Title Insurance Policy showing that the City has acquired marketable title to the Property;

(ii) The County shall deposit in escrow with the Title Agency issuing the Title Policy the sum of \$755,000, pending the annexation of the Property into the City;

(iii) The escrowed funds, under paragraph (ii) above, shall be released to the City promptly following the effective date of the annexation of the portion of the Property described on Exhibit "B" attached hereto and incorporated herein by reference ("Annexed Property") into the City under MCL 117.9(8) ("Act") and the execution on behalf of the City of a mortgage to the County covering the Property to secure the performance by the City of this Agreement. For purposes of this paragraph, the effective date of the annexation of the Annexed Property shall be the later of the dates certified copies of the Resolution of the City adopted under MCL 117.9(8) are filed with the State Boundary Commission, the County Clerk, and the Michigan Secretary of State (Office of the Great Seal) and the date of delivery to the County of an Opinion Letter executed by the City Attorney confirming the following:

- The City had the authority under the Act to annex the Annexed Property;
- The Resolution to annex the Annexed Property was duly adopted by the City and constitutes a binding action of the City; and
- The Annexed Property has been annexed into the City.

(b) Up to \$2,045,000 in monthly draws for the construction of the Recreation Facility once the Annexed Property has been transferred into the City boundaries, payable upon certification from the Construction Manager and/or Engineer that the requested draws are for approved construction costs relating to the Recreational Facility and that all proper waivers of lien have been provided by all contractors and subcontractors.

4. Construction Process: The following process will be utilized in the construction of the Recreational Facility:

333 W. Michigan Avenue
Three Rivers, MI 49093

If to County: County of St. Joseph
County Administrator
125 W. Main Street
Centreville, MI 49032

11. Counterparts: This Agreement may be executed in any number of counterparts and each such counterpart shall be considered a valid original.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date stated below by authority of the respective City Commission and County Board of Commissioners.

Dated: January 19, 2016

CITY OF THREE RIVERS

By: Thomas J. Lowry
Thomas J. Lowry, Its Mayor

By: Melissa J. Bliss
Melissa J. Bliss, Its City Clerk
"City"

COUNTY OF ST. JOSEPH

Dated: January 19, 2016

By: Allen J. Balog
Allen J. Balog
Its Chairman

"County"

EXHIBIT "A" TO RECREATION FACILITY AGREEMENT

Parcel One: Commencing 990 feet North of the center of Section 7, Township 6 South, Range 11 West, Lockport Township, St. Joseph County, Michigan; Thence East 224 feet to the point of beginning (being the Northeast corner of the parcel of land, known as 57357 North Main Street, and shown on tax records as parcel # 75-009-007-003-00); Thence continuing East 1,763.34 feet; Thence South 990 feet; Thence West 1,624.22 feet; Thence North 273.75 feet; Thence West 159.12 feet; Thence North 716.25 feet to the point of beginning. Consisting of 39.07 acres, more or less.

PIN 75-009-007-009-00 (split)

Parcel Two Commencing 533 feet North of center of Section 7, Township 6 South, Range 11 West, Lockport Township, St. Joseph County, Michigan; Thence North 66 feet; Thence East 224 feet; Thence South 66 feet; Thence West 224 feet to the point of beginning. Consisting of 00.8075 acres, more or less.

PIN 75-009-007-007-00

Parcel Three All that part of the South $\frac{1}{2}$ of Northeast $\frac{1}{4}$ of Section 7, and the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 8, Township 6 South, Range 11 West, described as follows:
Commencing at the East $\frac{1}{4}$ corner of said Section 7, and running thence North 8958'57" West, 1252.08 feet (recorded as North 8957'00" West, 1246.62 feet) to a concrete monument at the Northeast corner of Sunnymede No. 1; Thence South 8951'54" West, 559.14 feet (recorded as South 8951'00" West 559.31 feet) along the Northerly boundary of said plat to a concrete monument at the Northeast corner of Fairview Park Addition; Thence South 8954'43" West, 457.50 feet (recorded as South 8941'40" West, 457.48 feet); Thence North 0011'37" West (recorded as North 0011'00" West) , parallel with the North-South $\frac{1}{4}$ line of said Section 7, a distance of 274.02 feet (recorded as 273.75 feet); Thence South 8956'02" West, 159.32 feet, (recorded as South 8956'53" West, 159.12 feet); Thence North 0011'37" West (recorded as North 0011'00" West) parallel with said North-South $\frac{1}{4}$ line of Section 7 and along a line 224 feet Easterly thereof, 714.75 feet (recorded as 716.25 feet); Thence North 8956'02" East (recorded as North 8956'53" East), along the North line of the South 60 rods of the West 120 rods of the Northeast $\frac{1}{4}$ of said Section 7, a distance of 1768.89 feet (recorded as 1763.34 feet); Thence North 0010'30" West, 342.83 feet (recorded as North 0008'18" West, 343.00 feet) to a

found iron found marking the Northwest corner of the East ½ of the Southeast ¼ of the Northeast ¼ of said Section 7; Thence South 8959'22" East (recorded as North 8958'41" East) along the North ¼ line of Sections 7 and 8, as previously established 1620.34 feet; Thence South 2857'00" West, 844.87 feet; Thence South 6103'00" East, 233.00 feet to the centerline of Buckhorn Road; Thence South 2857'00" West, 266.03 feet along the centerline of Buckhorn Road; Thence North 6103'00" West, 233.00 feet; Thence South 2857'00" West, 410.68 feet; Thence South 8958'57" West, (recorded as South 8956'30" West), 220.29 feet along the East-West ¼ line of Section 8 to the point of beginning. Containing 78.63 acres of land and being subject to the rights of public over Buckhorn Road and any other easements of record.

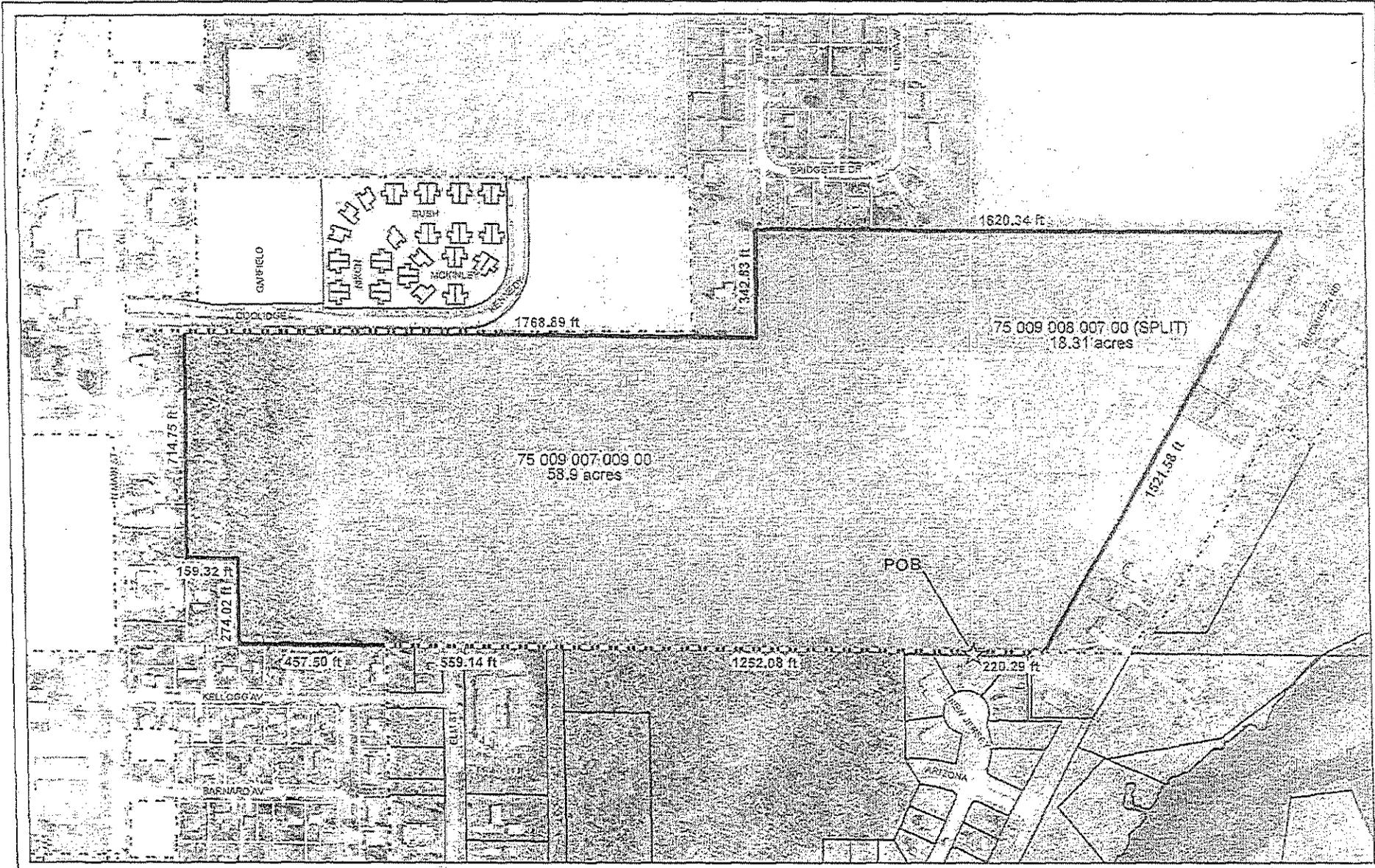
EXCEPT, Commencing 990 feet North of the center of Section 7, Township 6 South, Range 11 West, Lockport Township, St. Joseph County, Michigan; Thence East 224 feet to the point of beginning (being the Northeast corner of the parcel of land, known as 57357 North Main Street, and shown on tax records as parcel # 75-009-007-003-00); Thence continuing East 1,763.34 feet; Thence South 990 feet; Thence West 1,624.22 feet; Thence North 273.75 feet; Thence West 159.12 feet; Thence North 716.25 feet to the point of beginning. Consisting of 39.07 acres, more or less.

EXHIBIT "B" TO RECREATION FACILITY AGREEMENT

Land situated in the Township of Lockport, County of St. Joseph, State of Michigan, described as follows:

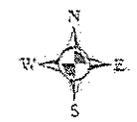
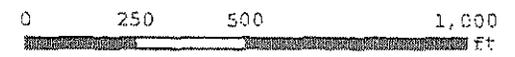
All that part of the South 1/2 of the Northeast 1/4 of Section 7 and the South 1/2 of the Northwest 1/4 of Section 8, Township 6 South, Range 11 West, Lockport Township, St. Joseph County, Michigan, more particularly described as follows: Commencing at the East 1/4 corner of said Section 7 and running thence North 89 degrees 58 minutes 57 seconds West 1252.08 feet (recorded as North 89 degrees 57 minutes 00 seconds West 1246.62 feet) to a concrete monument at the Northeast corner of Sunnymede No: 1, thence South 89 degrees 51 minutes 54 seconds West 559.14 feet (recorded as South 89 degrees 51 minutes 00 seconds West 559.31 feet) along the Northerly boundary of said plat to a concrete monument at the Northeast corner of Fairview Park Addition, thence South 89 degrees 54 minutes 43 seconds West 457.50 feet (recorded as South 89 degrees 41 minutes 40 seconds West 457.48 feet), thence North 00 degrees 11 minutes 37 seconds West (recorded as North 00 degrees 11 minutes 00 seconds West), parallel with the North-South 1/4 line of said Section 7, a distance of 274.02 feet (recorded as 273.75 feet), thence South 89 degrees 56 minutes 02 seconds West 159.32 feet (recorded as South 89 degrees 56 minutes 53 seconds West 159.12 feet), thence North 00 degrees 11 minutes 37 seconds West (recorded as North 00 degrees 11 minutes 00 seconds West), parallel with said North-South 1/4 line of Section 7 and along a line 224 feet Easterly thereof, 714.75 feet (recorded as 716.25 feet), thence North 89 degrees 56 minutes 02 seconds East (recorded as North 89 degrees 56 minutes 53 seconds East), along the North line of the South 60 rods of the West 120 rods of the Northeast 1/4 of said Section 7, a distance of 1768.89 feet (recorded as 1763.34 feet), thence North 00 degrees 10 minutes 30 seconds West 342.83 feet (recorded as North 00 degrees 08 minutes 18 seconds West 343.00 feet) to a found iron mark marking the Northwest corner of the East 1/2 of the Southeast 1/4 of the Northeast 1/4 of said Section 7, thence South 89 degrees 59 minutes 22 seconds East (recorded as North 89 degrees 58 minutes 41 seconds East) along the North 1/8 line of Section 7 and 8, as previously established, 1620.34 feet, thence South 28 degrees 57 minutes 00 seconds West 1521.58 feet more or less, thence South 89 degrees 58 minutes 57 seconds West (recorded as South 89 degrees 56 minutes 30 seconds West) 220.29 feet, along the East-West 1/4 line of Section 8, to the point of beginning.

Tax Parcel Numbers: 75-009-007-009-00 and a portion of 75-009-008-007-00



-  City of Three Rivers Boundary
-  Proposed Annexation Area
-  City of Three Rivers Parcels
-  Lockport Township Parcels
-  Transferred to City (Act 425)

Proposed Annexation



Produced by: City of Three Rivers, MI
 Department of Public Services - AE
 Date Printed: 1/28/2015
 Aerial Date: 2013

This map is provided by the City of Three Rivers (the "City"). The person or entity receiving this map (the "User") agrees: (1) that there are no warranties of any kind; (2) that use of this map is at the User's sole risk; (3) that the City shall not be liable for any damages to User or any third party; and (4) that this map may not be used by any third party without the specific written consent of the City.

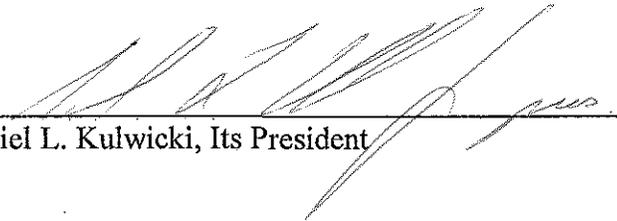
EXHIBIT F

Northern Construction Services Corp. Consent

CONSENT TO CITY ANNEXATION RESOLUTION AND PETITION

NORTHERN CONSTRUCTION SERVICES, CORP., a Michigan Corporation, hereby consents to the inclusion of its property in the City Annexation Resolution and Petition for Annexation by The City of Three Rivers, which is legally described on the attached **Exhibit A**, for filing with the State Boundary Commission of the State of Michigan.

NORTHERN CONSTRUCTION SERVICES, CORP.

By: 
Daniel L. Kulwicki, Its President

STATE OF MICHIGAN)
)ss
COUNTY OF Cass)

Acknowledged before me in Cass County, Michigan on May 3rd, 2016,
by Daniel L. Kulwicki, Jr., President of NORTHERN CONSTRUCTION SERVICES CORP. , a
Michigan corporation, on behalf of the corporation.

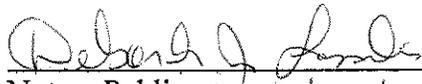

Notary Public: Deborah J. Lundis
State of Michigan, County of Van Buren
My commission expires: 9-15-2017
Acting in the County of Cass

Exhibit A

TO NORTHERN CONSTRUCTION SERVICES CORP., CONSENT TO CITY OF THREE RIVERS, MICHIGAN, ANNEXATION RESOLUTION AND PETITION:

Parcels of Real Estate owned by Northern Construction Services Corp., a Michigan corporation; situated in the Township of Lockport, St. Joseph County, Michigan, described as follows:

Parcel 1: Commencing 599 feet north of the Center of Section 7, Township 6 South, Range 11 West; Thence North 81 feet; thence East 224 feet; thence South 81 feet; Thence West 224 feet to the place of beginning.

(PIN: 75-009-007-007-02)

Commonly known as 57379 North Main Street, Three Rivers, Michigan

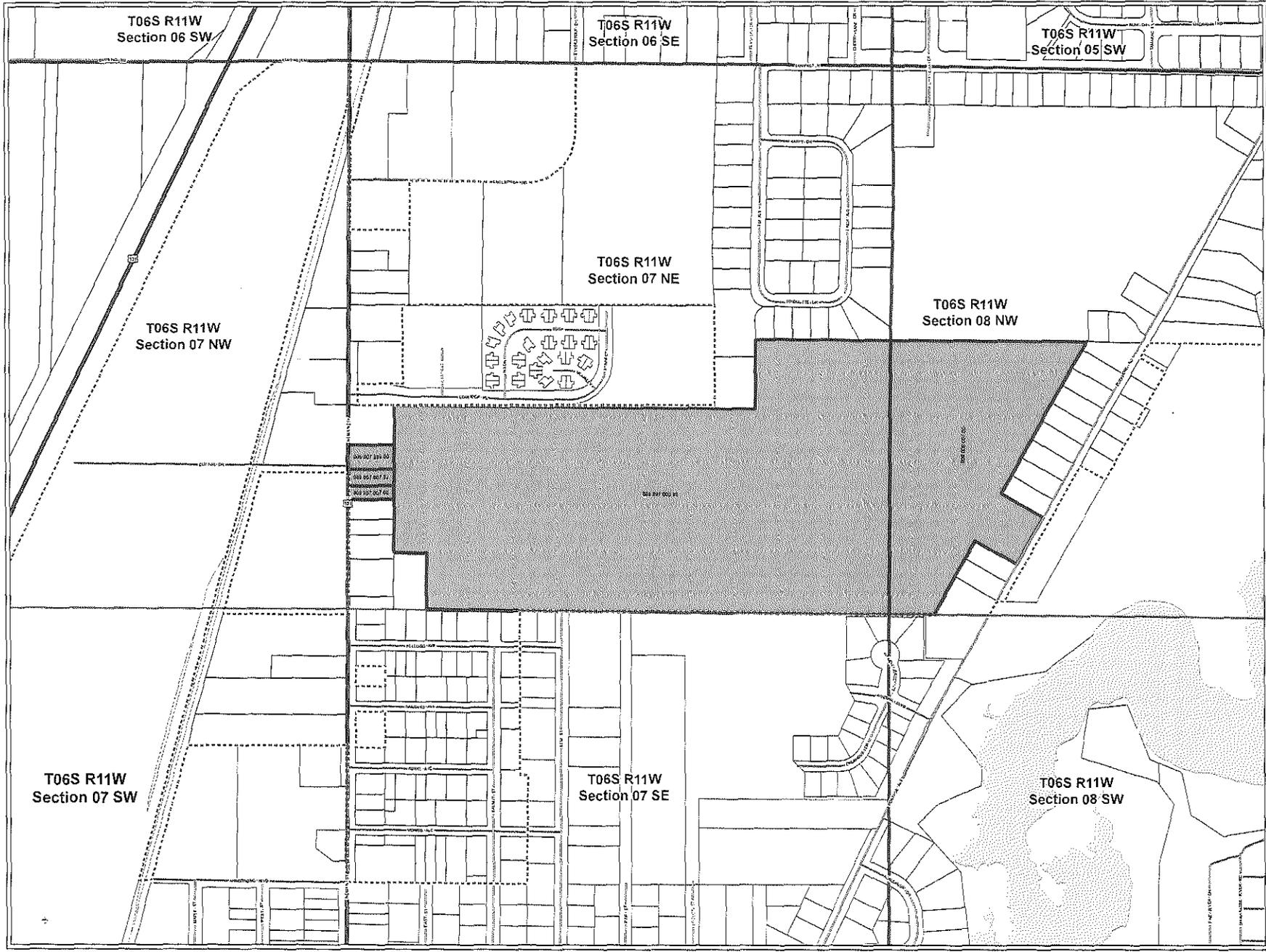
Parcel 2: Commencing on the North-South Quarter line 680 feet North of the Center of Section 7, Township 6 South, Range 11 West; Thence North 116.5 feet; thence East 224 feet; thence South 116.5 feet; Thence West 224 feet to the place of beginning.

(PIN: 75-009-007-006-00)

Commonly known as 57363 North Main Street, Three Rivers, Michigan

EXHIBIT G

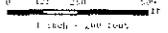
Boundaries of the Property to be Annexed



Part I: Proposed Annexation Map

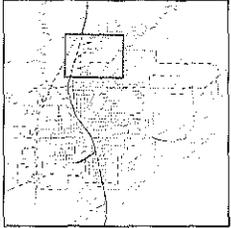
City of Three Rivers

- Section Lines
- Quarter Section Lines
- City Boundary
- Proposed Annexation
- City of Three Rivers Parcels
- Lookport Township Parcels
- Surface Water
- Highways
- Roads
- Railroads



Prepared by: City of Three Rivers, MI
 Department of Public Services - AG
 Date Printed: 10/09/2013
 Aerial Imagery Date: 2013

This map is provided by the City of Three Rivers (the "City"). The purchaser or entity receiving this map (the "User") agrees that there are no warranties of any kind. (1) that use of this map by the User shall not (2) that the City shall not be liable for any damages to User or any third party; and (3) this map may not be used for any third party without the specific written consent of the City.



Part V
Reason for Request
MCL 117.9(7)

The property proposed to be annexed into The City of Three Rivers is contiguous and adjacent by land within The City of Three Rivers' jurisdiction. The property legally described on a deed dated February 1, 2016, a copy of which is attached as **Exhibit A**, is owned by The City of Three Rivers. The property legally described on a deed dated July 1, 2011, a copy of which is attached as **Exhibit B**, is owned by Northern Construction Services Corp. , which has signed a Consent to this City Petition. This petition for annexation pursuant to MCL 117.9(7)(a) includes both parcels.

STATEMENT OF FACTS

Since January, 2015, the City of Three Rivers ("the City") has engaged Lockport Township ("the Township") in discussions concerning the procurement and development of property for a youth sports recreational complex ("Youth Complex") which would provide county wide participation. Once it became apparent that the Township would not work with the City to develop the community desired Youth Complex, the City proceeded with annexing and acquiring adjacent and vacant lands with assistance of St. Joseph County for purposes of developing this vacant land area adjacent to the City as a \$2.8 million youth recreational sports complex.

On February 2, 2016, the City passed a resolution, pursuant to MCL 117.9(8) ("Resolution") which authorizes the annexation of vacant and contiguous property which is owned by a city by resolution. This statutory authorization is independent from MCL 117.9(7)(a). The Resolution made specific fact findings as to the significant efforts to develop a Youth Sports Complex (*with the Township*) prior to acting on the annexation. A summary of the efforts by the City to work cooperatively with the Township is delineated as follows:

- | | |
|------------|--|
| 1-12-2015 | The City presented information to the Lockport Township Board on the proposed Sports Complex, including land location options. |
| 1-21-2015 | The City hosted three (3) public |
| 2-11-2015 | "Visioning Sessions" |
| 2-25--2015 | regarding the Sports Complex. |

- 3-20-2015 The City Manager met with the Lockport Township Supervisor to discuss Sport Complex project options.
- 4-13-2015 The City presented information to Lockport Township regarding an area wide recreational authority, designated as "River Country Recreation Authority" (RCRA). Lockport Township voted in favor of joining Authority by vote of 4-0.
- 7-13-2015 The City presented a request for a Public Act 425 Agreement to Lockport Township for development of a site in the Township for Sports Complex.
- 7-16-2015 The Lockport Township Planning Commission voted against entering into a Public Act 425 Agreement with the City for use of land within Township for the Sports Complex.
- 8-10-2015 The Lockport Township Board voted against entering a Public Act 425 Agreement with the City for use of land within Township for Sports Complex.
- 9-14-2015 The Lockport Township Board rejects City's request for an Urban Cooperation Agreement as relating to land use within the Township for Sports Complex.
- 9-25-2015 The City requested Township officials to meet with City administrative staff to review options for development of Sports Complex property.
- 9-25-2015 Lockport Township amends its Zoning Ordinance to require special use authorization before lands may be used for recreational or park uses, including "Sports Complex".
- 11-11-2015 Lockport Township withdraws from River Country Recreational Authority.
- 12-3-2015 Lockport Township conducted Special Meeting for purposes of planning incorporation as a Charter Township to inhibit annexation.

The property at issue is a 77.314 acre parcel (the "Annexed Property"). The Annexed Property is part of a greater land area acquired by the City on February 1, 2016. **In this proceeding before the State Boundary Commission, the City seeks to annex the entire parcel which it purchased on February 1, 2016, including additional property owned by Northern Construction Services Corporation, which has consented to the inclusion of its property in this proceeding.**

The City Commission approved the Resolution authorizing the annexation on February 2, 2016 during its 6:00 PM meeting. A certified copy of the Resolution **was then filed** with the Michigan Secretary of State, Office of the Great Seal on February 3, 2016 at 10:18 AM. The City has been completely transparent and inclusive in its efforts to pursue this legitimate government project and secure the needed commitments for financing and project location from a variety of public entities. Moreover, the City sought cooperation from the Township in the form of a Public Act 425 Agreement and an Urban Cooperation Agreement – both efforts were rejected by the Township in September and August of 2015, respectively. After the Township rejected the City's request for jurisdictional transfer agreements for property to be used as a Youth Sports Complex, the Township then amended its zoning regulations to create greater restrictions on the use of land it knew the City had an option to acquire for such development.

The Township's efforts to prevent the Youth Complex culminated in the Township calling for an election to attain charter township status in March, 2016, ostensibly for the purpose of preventing further annexation. The Township's effort to become a charter township was soundly rejected by the voters. The City and St. Joseph County, recognizing the need for a county wide youth complex, entered into a \$2.8 million inter-governmental agreement which requires the City to acquire certain lands and develop a Youth Complex available for use by all residents of the St. Joseph County.

The Township filed an action for declaratory relief and preliminary injunction in St. Joseph County Circuit Court challenging the annexation by the City. At the preliminary injunction hearing, the Circuit Judge denied the Township's request for the issuance of a preliminary injunction and granted summary disposition, finding that the City had complied with the provisions of MCL 117.9(8). The Circuit Judge has entered a stay order holding in abeyance its decision during the pendency of an appeal to the Michigan Court of Appeals. The Township has appealed the decision of the Trial Court and the case remains pending in the Court of Appeals.

The City of Three Rivers requests annexation of the property delineated on the attached **Part 1 Map** and legally described on the **Part III** legal description pursuant to MCL 117.9(7)¹. The purpose of this annexation is to annex the entire property purchased by The City of Three Rivers and also to eliminate boundaries or enclaves relating to the proposed annexed property. This proposed annexation includes vacant and adjacent property, and no persons reside on the property proposed for annexation. The City of Three Rivers initiated annexation of this property by City Council Resolution on May 3, 2016, as shown on **Part IV**. The necessary conditions as identified in MCL 117.9(7) have been met.

¹ Please note that MCL 117.9(7) is a independent authorization for a city petition for annexation through the State Boundary Commission, and is separate and autonomous from MCL 117.9(8), which is the statutory authorization which is being challenged by the Township in the Michigan Court of Appeals. There is no overlap of jurisdiction, since MCL 117.9(7) is a separate authorization for annexation.

EXHIBIT A

ACT 205, PUBLIC ACTS OF 1997, dated February 11, 1997, which require that the grantor of a deed be a natural person, and that the deed be signed by the grantor or by a duly authorized agent of the grantor, and that the deed be recorded in the public records of the State of Michigan, and that the deed be a copy of the original deed, and that the deed be a copy of the original deed, and that the deed be a copy of the original deed.



Lindsay Oswald Register Of Deeds
STATE OF MICHIGAN St. Joseph County

Recorded
FEBRUARY 02, 2016 11:53:10 AM
Liber 1812 Page 082-883 0101
FEE: \$17.00

Liber 1812 Page 882

STATE OF MICHIGAN
ST. JOSEPH COUNTY
FEBRUARY 02, 2016 11:53:10 AM
RECEIPT # 41453



REAL ESTATE
TRANSFER TAX
\$494.64 - CO
\$1,882.60 - ST
STAMP # 26193

WARRANTY DEED

The Grantor, NORTHERN CONSTRUCTION SERVICES, CORP., a Michigan Corporation, of P.O. Box 1299, Niles, Michigan 49120, warrants and conveys to THE CITY OF THREE RIVERS, a Michigan Municipal Corporation and Political Subdivision of the State of Michigan, of 333 W. Michigan Avenue, Three Rivers, Michigan 49093, the following described premises situated in the Township of Lockport, County of St. Joseph, State of Michigan:

All that part of the Northeast Quarter of Section 7 and the Northwest Quarter of Section 8, T6S, R11W, Lockport Township, St. Joseph County, Michigan, described as follows:

Beginning at the East Quarter corner of said Section 7 and running thence North 89 degrees 24 minutes 27 seconds West (recorded as North 89 degrees 58 minutes 57 seconds West), along the East-West Quarter line as monumented, 1252.01 feet (recorded as 1252.08 feet) to a 5/8" rebar found at the Northeast corner of Sunnymede No. 1 (Liber 4 of Plats, page 67); thence North 89 degrees 34 minutes 19 seconds West (recorded as South 89 degrees 51 minutes 54 seconds West), along the East-West Quarter line as monumented, 559.29 feet (recorded as 559.14 feet) to a concrete monument found at the Northwest corner of Sunnymede No. 1 and the Northeast corner of Fairview Park Addition (Liber 2 of Plats, page 10); thence North 89 degrees 33 minutes 45 seconds West (recorded as South 89 degrees 54 minutes 43 seconds West), along the East-West Quarter line as monumented, 457.33 feet (recorded as 457.50 feet) to a 1/2" square bar found at a point South 89 degrees 33 minutes 45 seconds East 383.15 feet from the Center of Section 7; thence North 00 degrees 21 minutes 44 seconds East 273.72 feet (recorded as North 00 degrees 11 minutes 37 seconds West 274.02 feet) to a capped rebar found; thence North 89 degrees 32 minutes 58 seconds West 158.99 feet (recorded as South 89 degrees 56 minutes 02 seconds West 159.32 feet) to a capped rebar found; thence North 00 degrees 22 minutes 22 seconds East (recorded as North 00 degrees 11 minutes 37 seconds West) 259.47 feet to a capped rebar found; thence North 89 degrees 34 minutes 19 seconds West 224.05 feet (recorded as West 224 feet) to the North-South Quarter line as monumented; thence North 00 degrees 22 minutes 42 seconds East (recorded as North), along said line, 65.91 feet (recorded as 66 feet); thence South 89 degrees 34 minutes 20 seconds East 224.05 feet (recorded as East 224 feet) to a capped rebar found; thence North 00 degrees 22 minutes 22 seconds East (recorded as North 00 degrees 11 minutes 37 seconds West) 390.60 feet to a capped rebar set in place of a bent 3/8" rebar found; thence South 89 degrees 29 minutes 01 seconds East 1768.60 feet (recorded as North 89 degrees 56 minutes 02 seconds East 1768.89 feet) to a 3/8" rebar found; thence North 00 degrees 24 minutes 18 seconds East 342.80 feet (recorded as North 00 degrees 10 minutes 30 seconds West 342.83 feet) to a 1/2" rebar found South 89 degrees 03 minutes 17 seconds East 18.91 feet from a concrete monument found at the Southwest corner of Glendale No. 2 (Liber 5 of Plats, page 36); thence South 89 degrees 26 minutes 57 seconds East (recorded as South 89 degrees 59 minutes 22 seconds East), along the North line of the South Half of the Northeast Quarter of Section 7, 655.54 feet to a pointed blue stone at the Northeast corner of the South Half of the Northeast Quarter of Section 7; thence South 89 degrees 23 minutes 49 seconds East (recorded as South 89 degrees 59 minutes 22 seconds East), along the North line of the South Half of the Northwest Quarter of Section 8 as monumented, 964.87 feet to a capped rebar found; thence South 29 degrees 31 minutes 01 seconds West 844.80 feet (recorded as South 28 degrees 57 minutes 00 seconds West 844.87 feet) to a capped rebar found; thence South 60 degrees 29 minutes 14 seconds East (recorded as South 61 degrees 03 minutes 00 seconds East) 233.00 feet to the centerline of Buckhorn Road; thence South 29 degrees 31 minutes 12 seconds West (recorded as South 28 degrees 57 minutes 00 seconds West), along said centerline, 266.05 feet (recorded as 266.03 feet); thence North 60 degrees 28 minutes 10 seconds West 233.05 feet (recorded as North 61 degrees 03 minutes 00 seconds West 233.00 feet) to a capped rebar found; thence South 29 degrees 32

Melissa Picked up

CO 1812-882-1812-883-0101

St. Joseph County Register of Deeds
Delivered 2/2/16 Time 4:00 PM

minutes 30 seconds West 410.73 feet (recorded as South 28 degrees 57 minutes 00 seconds West 410.62 feet) to a capped meter found on the East-West 1/4 line of Section 8 as monumented; thence North 29 degrees 29 minutes 18 seconds West (recorded as South 89 degrees 53 minutes 57 seconds West), along said 1/4 line, 220.33 feet (recorded as 220.29 feet) to the point of beginning, containing 79.127 acres more or less;

subject to a permanent non-exclusive easement and right of way in which to construct, install, remove, inspect, repair, maintain and replace a water transmission line, in, over, across, and through the above described property, as more specifically described in a Grant of easement dated October 27, 2006, recorded November 8, 2006 in Liber 1405 Page 518, St. Joseph County Register of Deeds Records; together with and subject to other easements, restrictions, covenants and rights of way of record, if any;

Property Tax Code Nos. 75-009-007-009-00, 75-009-007-007-00, and 75-009-008-007-00;

for the sum of Seven Hundred Fifty-Five Thousand no/100 (\$755,000.00) Dollars.

The Grantor grants to the Grantee the right to make the maximum number of divisions given the nature of the parent parcel and the terms of Section 108 of the Land Division Act, Act. No. 288 of the Public Acts of 1967 as amended by P.A. No. 591 of 1996.

This 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.

Dated this 1st day of February, 2016.

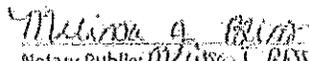
Signed by:

NORTHERN CONSTRUCTION SERVICES,
CORP.


Daniel L. Kulwicki, Jr., President

STATE OF MICHIGAN)
) SS:
COUNTY OF ST. JOSEPH)

The foregoing instrument was acknowledged before me this 1st day of February, 2016, by Northern Construction Services, Corp., a Michigan Corporation by Daniel L. Kulwicki, Jr., its President, for and on behalf of said Corporation, as his free act and deed.


Notary Public: Melissa A. Blum
St. Joseph County, MI
My Comm. Expires: 2-7-19

ABSTRACT NOT EXAMINED NOR TITLE OPINION RENDERED BY PREPARER OF THIS INSTRUMENT, NOR OPINION EXPRESSED AS TO THE RIGHT TO SPLIT THIS PARCEL, AS TO THE NUMBER OF SPLIT RIGHTS APPLICABLE TO THIS PARCEL NOR TO THE NUMBER OF SPLIT RIGHTS IN THE REMAINING PARCEL. TITLE INSURANCE COMMITMENT ISSUED BY St. Joseph County Abstract Office, Inc., Commitment No. D16-1541

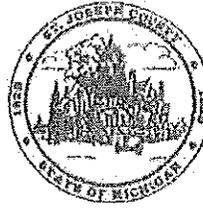
This Instrument Prepared By:
William R. Landgraf (P30466)
Attorney at Law
224 N. Fourth Street
P.O. Box 159
Niles, Michigan 49120

Send Subsequent Tax Bills To:
City of Three Rivers
333 W. Michigan Ave.
Three Rivers, MI 49093

EXHIBIT B

JSEC. 135 ACT 206.1893, as Amended - Sec. C.L. 1929) Date July 17, 2011
I hereby certify that there are no tax liens of titles held by the state on the lands
Described below, and that there are No tax liens or titles held by individuals
on said lands for five years proceeding 1 day July 2011 and that the
taxes for said period of five years are paid.
This certificate does not apply to taxes if any now in process of collection by
township, city or Village collecting officers.
St. Joseph County Treasurer [Signature]

Jennifer L. Wall Register of Deeds
STATE OF MICHIGAN St. Joseph County



RECORDED
July 19, 2011 03:42:35 PM
Liber 1620 Page 462-463 D01
FEE: \$17.00



Liber 1620 Page 462

WARRANTY DEED

The Grantor, CONKAMP, LLC, a Michigan Limited Liability Company, of 57363 N. Main Street, Three Rivers, Michigan 49093, by Lee Kamp and Jeff Coniglio, its Members, warrants and conveys to NORTHERN CONSTRUCTION SERVICES, CORP., A Michigan Corporation, of 2580 E. Detroit Road, P.O. Box 1299, Niles, Michigan 49120, the following described premises situated in the Township of Lockport, County of St. Joseph, State of Michigan:

Parcel 1:

Commencing 599 feet North of the Center of Section 7, Township 6 South, Range 11 West, thence North 81 feet, thence East 224 feet, thence South 81 feet, thence West 224 feet to the place of beginning;

Parcel 2:

Commencing on the North-South Quarter line 680 feet North of the Center of Section 7, Township 6 South, Range 11 West, thence North on Quarter line 116.5 feet, thence East 224 feet, thence South 116.5 feet, thence West 224 feet to the place of beginning;

All subject to interests of others in oil, gas and mineral rights, if any, recorded in the public records or unrecorded; also subject to any rights, title, interest or claim thereof to that portion of the land taken, used or granted for streets, roads or highways; also together with and subject to other easements, restrictions, covenants and rights of way of record, if any;

For the sum of Twenty Thousand (\$20,000.00) Dollars.

The Grantor grants to the Grantee the right to make the maximum number of divisions given the nature of the parent parcel and the terms of Section 108 of the Land Division Act, Act. No. 288 of the Public Acts of 1967 as amended by P.A. No. 591 of 1996.

This 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.

Dated this 1st day of July, 2011.

STATE OF MICHIGAN
St. Joseph County County
July 19, 2011 03:42:35 PM
Receipt # 15270



REAL ESTATE
TRANSFER TAX
\$22.00 - CO
\$158.00 - ST
Stamp # 28924

75-001-007-007-02
75-000-007-001-00

- PPR/TR

VT

St. Joseph County Register of Deeds
Delivered 7/19/11 Time 1:47 PM

Signed by:

CONKAMP, LLC

by

[Signature]
Lee Kamp, its Member

by

[Signature]
Jeff Coniglio, its Member

STATE OF MICHIGAN)
COUNTY OF St. Joseph) SS:

The foregoing instrument was acknowledged before me this 1st day of July, 2011, by Conkamp, LLC, by Lee Kamp and Jeff Coniglio, its Members, as their free act and deed for and on behalf of the Limited Liability Company.

[Signature]

MARY A. STEVENS
NOTARY PUBLIC - ST. JOSEPH COUNTY
STATE OF MICHIGAN
My Commission Expires August 4, 2014
Acting in the County of St. Joseph

Notary Public, _____ County, MI
Acting in _____ County
My Comm. Expires: _____

ABSTRACT NOT EXAMINED NOR TITLE OPINION RENDERED BY PREPARER OF THIS INSTRUMENT, NOR OPINION EXPRESSED AS TO THE RIGHT TO SPLIT THIS PARCEL, AS TO THE NUMBER OF SPLIT RIGHTS APPLICABLE TO THIS PARCEL NOR TO THE NUMBER OF SPLIT RIGHTS IN THE REMAINING PARCEL. TITLE INSURANCE COMMITMENT ISSUED BY PPR TITLE AGENCY, Commitment No. 4003-71216

This Instrument Prepared By:
William R. Landgraf (P30466)
Attorney at Law
224 N. Fourth Street
P.O. Box 159
Niles, Michigan 49120

Send Subsequent Tax Bills To:
Northern Constructions Services, Corp.
P.O. Box 1299
Niles, Michigan 49120

Part VI
Not Required

Part VII

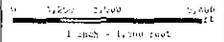
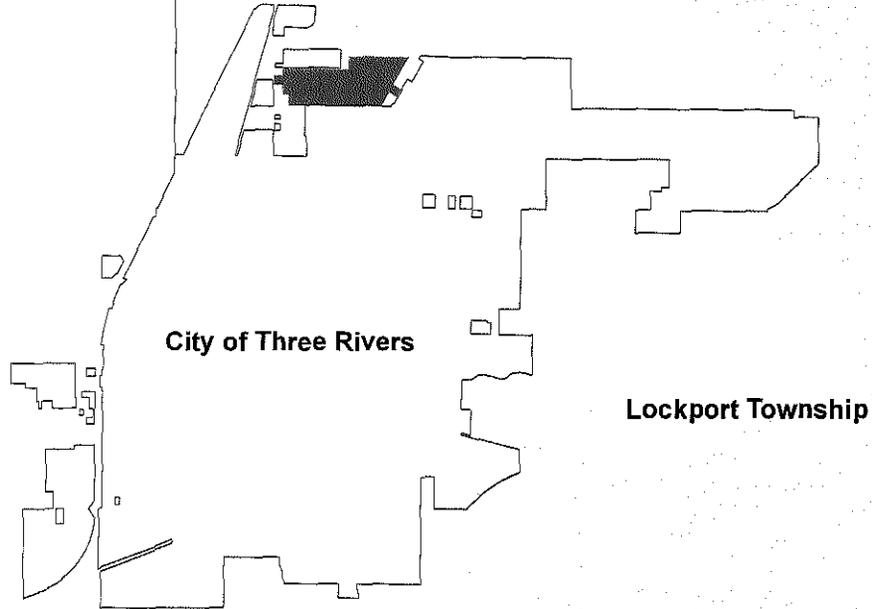
Map



Part VII: Proposed Annexation Map

City of Three Rivers

-  St. Joseph County Townships
-  Proposed Annexation
-  Lockport Township
-  City Boundary



Produced by: City of Three Rivers, MI
Department of Public Services-AE
Date Printed: 4/23/2013
Aerial Imagery Date: 2013

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