Instr: 201805180067450 John J. Gleason Pg 1 of 31
Received: 5/18/2018 1:14 PM Genesee County Register RF RFILING
Recorded: 5/18/2018 4:27 PM Trans: T20180028549 Fee: $30.00

DECLARATION OF RESTRICTIVE COVENANT

Facility MID Number MID 005 356 712
and MID Number MID 270 010 044

This Declaration of Restrictive Covenant (Restrictive Covenant) is made to protect public health, safety, welfare or the environment pursuant to the provisions of Part 111, Hazardous Waste Management, Michigan Compiled Laws (MCL) 324.11101 *et seq.* (Part 111) and the applicable Sections of Part 201, Environmental Remediation, MCL 324.20101 *et seq.* (Part 201) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.101 *et seq.*, and the Administrative Rules promulgated pursuant to those Parts, Michigan Administrative Code (MAC) R 299.9101 *et seq.* and MAC R 299.51001 *et seq.*, and the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. §§ 6901 *et seq.* (RCRA) and the Toxic Substances Control Act, 15 U.S.C. §§ 2601 *et seq.* (TSCA).

This Restrictive Covenant is made on May 17, 2018 by RACER Properties LLC, whose address is 500 Woodward Avenue, Suite 2650, Detroit, MI 48226, the Grantor and an entity wholly owned by the Revitalizing Auto Communities Environmental Response Trust (RACER Trust), and the current fee title holder of the Property, for the benefit of the Grantee, State of Michigan, Department of Environment Quality (MDEQ), whose address is 525 West Allegan Street, P.O. Box 30473, Lansing, MI 48909-7973.

This Restrictive Covenant has been prepared to prohibit or restrict activities that could result in unacceptable exposure to environmental contamination present at the property commonly refererred to as 'Buick City," located at 902 East Hamilton Avenue and 902 East Leith Street, in the City of Flint, County of Genesee, Michigan, and legally described in Exhibit 1 (the Property) and depicted on Exhibit 2. Other addresses associated with the Buick City Site have included 1079 E Stewart Avenue, 1001 Leith Street, 1051 East Hamilton, 1101 Leith Street and 1002 East Hamilton. The property tax identification numbers associated with the Property include: 25-41-06-128-048, 25-41-06-179-048, 25-41-06-180-007, 25-41-06-326-050, 25-41-06-377-027, 25-41-06-401-019, 25-41-06-451-003, 25-41-06-127-046, 25-41-06-130-049, 25-41-06-130-051, 25-41-06-176-042, 25-41-06-201-018, 25-41-06-401-018, 25-47-31-401-008, 25-47-31-202-026, 25-47-31-257-020, 25-47-31-279-001 and 25-47-31-380-017.

The Buick City Site has been historically divided into the South End which refers to parcels located south of Leith Street and the North End which refers to parcels located north of

NCS-907400

Leith Street. The U.S. Environmental Protection Agency (USEPA) previously issued a Final Decision and Response to Comments (Final Decision) for the South End of the Site in May 2010, and is currently preparing a proposed Statement of Basis for the North End.

On March 31, 2011, RACER was established and assumed certain rights, title and interest of Motors Liquidation Company in and to the Property pursuant to an Environmental Response Trust Consent Decree and Settlement Agreement (Settlement Agreement) entered by the U.S. Bankruptcy Court for the Southern District of New York on March 29, 2011, in the case of *In re Motors Liquidation Company, etc. et al.*, Debtors, Case No. 09-50026 (REG), among the Debtors, the United States of America, certain states including the State of Michigan, the Saint Regis Mohawk Tribe and EPLET, LLC, (not individually but solely in its representative capacity as Administrative Trustee of the Trust (Administrative Trustee). RACER Trust and USEPA entered into a RCRA Section 3008(h) Performance-based Administrative Order on Consent, Docket Number RCRA-05-2011-0024 effective September 29, 2011, with respect to the Property (Agreement). Pursuant to this Agreement, RACER has worked in cooperation with USEPA to complete a RCRA Facility Investigation (RFI) of potential releases of hazardous wastes and/or hazardous constituents at or from the Property.

Based on the RFI, the Property contains hazardous substances in excess of the concentrations developed as the unrestricted residential criteria under Section 20120a(1)(a) or (17) of NREPA. MDEQ and USEPA recommend that prospective purchasers and users of the Property: 1) undertake appropriate due diligence prior to acquiring or using the Property; 2) undertake appropriate actions to comply with the requirements of Section 20107a of NREPA and any applicable federal due diligence and due care requirements; and 3) fully review and understand the regulatory and technical compliance obligations that apply to this Property under RCRA and the terms and conditions of the USEPA's South End Final Decision and any applicable conditions approved by MDEQ or USEPA for the North End.

Recording of this Restrictive Covenant is designed to: 1) restrict unacceptable exposures to potentially contaminated soil and groundwater on the Property; 2) assure that the use of Property is consistent with the exposure assumptions utilized in the development of nonresidential cleanup criteria; and 3) require any future work, or other activities on the Property allowed by, conducted by or for Owner, to be conducted in conformance with: i) applicable MDEQ soil relocation requirements including but not limited to MCL 324.20120c and any related Administrative Rules and MDEQ guidance; ii) applicable due care obligations under MCL 324.20107a and associated Administrative Rules and guidance, as well as the Hazardous Waste Operations and Emergency Response Standard (HAZWOPER), 29 C.F.R. 1910; iii) USEPA's Final Decision for the South End, and iv) any subsequent USEPA-approved Final Decision for the North End.

The land or resource use restrictions contained in this Restrictive Covenant are based upon information available to MDEQ and USEPA at the time this document was recorded. Future changes in the environmental condition of the Property or changes in the cleanup criteria; the discovery of environmental conditions at the Property that were not known at the time this document was recorded; or use of the Property in a manner inconsistent with the restrictions described herein, may result in this Restrictive Covenant not being protective of public health, safety or welfare, or the environment. Information pertaining to the environmental conditions at the Property and the corrective actions undertaken at

the Property is on file with the USEPA, Land and Chemical Division (DR-8J), at the address set forth in Section 5, below, and on RACER's website www.racertrust.org.

This Restrictive Covenant is required to: 1) restrict the land use to nonresidential use (as defined under Part 201) only; 2) prohibit the use of groundwater for any purpose beyond sampling and other related investigatory testing; and 3) if existing surface covers are removed the barrier must be replaced or soil with contaminant concentrations above nonresidential cleanup standards must be excavated and disposed. This Restrictive Covenant is also necessary for consistency with the exposure assumptions used for Buick City Remedy Recommendation Report prepared by RACER Trust, dated February 14, 2016, to: 1) ensure that the vapor intrusion pathway is considered in the future if Property conditions at that time justify evaluation of such pathway and taking action to address any unacceptable exposures; 2) restrict the management of contaminated soils in accordance with Part 111 and Part 201; and 3) restrict the treatment, storage or disposal of any hazardous substances.

Exhibit 3, attached hereto, includes a map of surveyed locations of specific restrictions and generally identifies the land use or resource use restrictions for each location as further described in Section 2.k., herein.

Summary of Corrective Measures

The hazardous substances listed in Exhibit 4 have been found in soils or groundwater at the Property in concentrations above the cleanup criteria for unrestricted residential use for relevant exposure pathways. Areas of the Property may contain hazardous substances in excess of the concentrations that satisfy the cleanup criteria for unrestricted residential use. Recording of this Restrictive Covenant is intended to serve as a corrective measure.

Definitions

"Agreement" shall mean the RCRA Section 3008(h) Performance-based Administrative Order on Consent, Docket Number RCRA-05-2011-0024 with respect to the Property between USEPA and RACER Trust effective September 29, 2011.

"Grantee" shall mean MDEQ, its respective successor entities, and those persons or entities acting on its behalf.

"Grantor" shall mean RACER Properties LLC, an entity wholly-owned by RACER Trust, and the current title holder of the Property at the time this Restrictive Covenant was executed, any persons or entities authorized to act on the title holder's behalf, and any future title holder of the Property or some relevant sub-portion of the Property.

"MDEQ" shall mean the Michigan Department of Environmental Quality, its successor entities, and those persons or entities acting on its behalf.

"NREPA" shall mean the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.101 *et seq.*

"Owner" shall mean at any given time the then current fee title holder of the Property or any portion thereof, including any lessees and those persons or entities authorized to act on the title holder's behalf.

"Part 111" shall mean Part 111, Hazardous Waste Management, of the NREPA in effect at the time of the recording of this Restrictive Covenant.

"Part 201" shall mean Part 201, Environmental Remediation, of NREPA;

"Property" shall mean the property legally described in Exhibit 1.

"Site" shall have the same meaning as "Property."

"USEPA" shall mean the United States Environmental Protection Agency, its successor entities, and those persons or entities acting on its behalf.

All other terms used in this document which are defined in Part 111 of the NREPA and the Part 111 Administrative Rules, or Part 201 of the NREPA and the Part 201 Administrative Rules solely to the extent not inconsistent with the definitions in Part 111 or the Part 111 Administrative Rules, shall have the same meaning in this document as in those statutes and rules as on the date this Restrictive Covenant is made.

NOW THEREFORE,

Declaration of Land Use or Resource Use Restrictions

Grantor as current fee title holder of the Property, hereby declares and covenants that the Property shall be subject to those restrictions on use described below, and intends that said restrictions and covenants shall run with the land and may be enforced in perpetuity against all present or future Owners of any portion thereof (including Grantor) by the following entities: (1) Grantor, if it is no longer owner, or Grantor's affiliate RACER Trust; (2) MDEQ; and (3) USEPA.

1. Land Use Prohibitions. Owner shall prohibit all uses of the Property that are not compatible with or are inconsistent with the exposure assumptions for the nonresidential cleanup criteria under MCL 324.20120a(1)(b). Uses that are compatible with nonresidential cleanup criteria are generally described in Exhibit 5 (Description of Allowable Uses).

2. Activities Prohibited. Owner shall prohibit any activities by any party who has any right to occupy or use the Property including Owner's representatives or agents for any purpose that may result in exposures above levels established for the nonresidential land use category. These prohibited activities include but are not limited to the following:

   a. Monitoring Wells. Owner shall not remove, disturb or damage any monitoring wells on the Property, except as provided by any Final Decision, without MDEQ or USEPA approval.

   b. Drinking Water Wells. No drinking water wells may be installed or used on the Property.

c. Groundwater Extraction Wells. No groundwater extraction wells may be installed or used on the Property except for wells and devices that are part of an MDEQ- or USEPA-approved response activity, and for short-term dewatering for construction purposes, provided the dewatering, including management and disposal of the groundwater, is conducted in accordance with all applicable environmental laws and does not cause or result in a new release, exacerbation of any pre-existing environmental condition, or any other violation of environmental laws.

d. Management of Hazardous Substances. Owner shall not "treat", "store", "dispose" or release any Hazardous Substances, on, at or below the Property, in a manner that would require a permit under RCRA or Part 111 of NREPA, except pursuant to a plan, permit or license approved in writing by MDEQ or USEPA, pursuant to these statutory authorities.

e. Impervious Surfaces. If Owner elects to remove, alter or disturb any slabs, pavement or other impervious surface on the Property Owner shall be responsible for any and all obligations under environmental laws resulting from such removal, alteration or disturbance, including proper management of any soils encountered. Grantor's obligations shall not be enlarged or diminished by the removal, alteration or disturbance by Owner.

f. Soil Vapor Management. Owner shall prohibit the construction and/or occupancy of any building or structures on the Property, unless such construction and/or occupancy incorporates engineering controls designed to eliminate the potential for subsurface vapor phase hazardous substances or contaminants to migrate into the structure at concentrations greater than the appropriate concentrations protective of public health; or unless prior to construction and/or occupancy of any structure, an evaluation of the potential for any hazardous substances or contaminants to volatilize into indoor air assures the protection of persons who may be present in the buildings. Prior to the potential for any human exposures, documentation of compliance with the above requirements must be submitted to MDEQ for approval.

g. Contaminated Soil Management. No contaminated soils, media and/or debris on the Property may be relocated on the Property except in compliance with the requirements of Part 111, Subtitle C of RCRA, the administrative rules promulgated pursuant to Part 111, and all other relevant state and federal laws, including, but not limited to, MCL 324.20120c. This includes if Owner elects to remove any slabs, pavement or other impervious surface on the Property.

h. Subsurface Construction. Owner shall not construct or install subsurface utilities, structures or other features (collectively, Subsurface Features), at the Property unless the construction is approved in writing in advance by MDEQ, USEPA and RACER Trust, and such construction incorporates engineering controls designed to eliminate the potential for the Subsurface Feature and/or the Subsurface Feature corridor to be a preferential contaminant migration pathway for impacted subsurface water or vapor, or for the Subsurface Feature to release fluids that could infiltrate through the subsurface and exacerbate impacts to groundwater.

i. Exposure Barrier. An exposure barrier may be present in areas of the Property where soil exceedances of applicable criteria are present. Any such barriers in these areas may serve to prevent exposure to contaminated soils. Any excavation or other intrusive activity that could affect the integrity of the barrier to soil containing criteria exceedances is prohibited without prior MDEQ, USEPA, and RACER Trust written approval. Any excavation or other intrusive activity, including removing, altering or disturbing a barrier, that could affect the integrity of the barrier, must be restored with a barrier that provides at least an equivalent degree of protection as the original barrier within fourteen (14) days of completion of the work. Repair and/or replacement of the barrier must be completed unless additional sampling is conducted that demonstrates that a barrier in the specified area is no longer necessary in accordance with the applicable provisions and requirements of Part 111 of NREPA.

j. Health and Safety Requirement. Owner shall follow and require that all contractors follow appropriate Health and Safety requirements, including 29 CFR Part 1910 (HAZWOPER) if applicable, for excavation and other intrusive activities at the Property.

k. Specfic Restrictions. Owner shall prohibit any activity in portions of the Property identified as Areas AOI 29-A (Area A), AOI 12-A (Area B), and AOI 02-C (Area C), as depicted on Exhibit 3, that could create a preferential pathway for migration, exacerbate existing site conditions, or affect the integrity, effectiveness, and/or operation of any corrective measure including storm sewer bulkheads. The Owner shall also prohibit any excavation or other intrusive activity that could affect the integrity of the surface cover that is present to prevent direct contact with contaminated material, except with using appropriate health and safety measures, during short-term construction or repair projects, or for purposes of further treating or remediating the subject contamination. Any excavation or other intrusive activity including removing, altering, or disturbing the surface cover, that could affect the integrity of the barrier, must be replaced with a cover that provides at least an equivalent degree of protection as the original barrier, upon completion of the work. Repair, and/or replacement of the barrier must be completed unless additional sampling is conducted that demonstrates that a barrier in the area is no longer necessary in accordance with the applicable provisions and requirements of Part 201 and Part 111. The Owner shall not conduct any intrusive activity on, under or within AOI 40-D (Area D) without first determining if any residual Polychlorinated Biphenyls or PCBs are present or without an appropriate plan to manage such contamination pursuant to any applicable legal requirement.

3. Access. Owner shall grant to MDEQ, USEPA and RACER the right to enter the Property at reasonable times for the purpose of determining and monitoring compliance with this Restrictive Covenant, including the right to take samples, inspect the operation of corrective measures and inspect any records relating thereto, and to perform any actions necessary to maintain compliance with Part 111, Part 201, and RCRA. Nothing in this Restrictive Covenant shall limit or otherwise affect MDEQ's right of entry and access, as defined in the NREPA, and any successor statutory provisions, or other state or federal laws.

4. Transfer of Interest. Owner shall provide notice at the addresses provided in this document to MDEQ and USEPA of Grantor's intent to transfer any interest in the Property, or any portion thereof, at least fourteen (14) business days prior to consummating the conveyance. A conveyance of title, easement, leasehold or any other interest in the Property shall not be consummated by Grantor without adequate and complete provision for compliance with the terms and conditions of this Restrictive Covenant and Part 111. Grantor shall include in any instrument conveying any interest in any portion of the Property, including, but not limited to, deeds, leases and mortgages, a notice which is in substantially the following form:

NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO A DECLARATION OF RESTRICTIVE COVENANT DATED _____, 2018, AND RECORDED WITH THE GENESEE COUNTY REGISTER OF DEEDS, AS INSTRUMENT NO. _____.

A copy of this Restrictive Covenant shall be provided to all future owners, heirs, successors, lessees, easement holders, assigns and transferees by the person transferring the interest.

5. Notices. Any notice, demand, request, consent, approval, or communication that is required to be made or obtained under this Restrictive Covenant shall be made in writing; include a statement that the notice is being made pursuant to the requirements of this Restrictive Covenant; include the Michigan facility identification number, MID 005 356 712 and MID 270 010 044 ; and shall be served either personally, or sent via first class mail, postage prepaid, as follows:

For Grantor:
Michigan Cleanup Manager
RACER Trust
500 Woodward Avenue, Suite 2650
Detroit, MI 48226

For MDEQ:
Hazardous Waste Section Chief
Waste Management and Radiological Protection Division
Michigan Department of Environmental Quality
P.O. Box 30241
Lansing, MI 48909-7741

For USEPA:
Director, Land and Chemicals Division (DR-8J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

with a copy to:
Office of Regional Counsel (C-14J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

6. Term. This Restrictive Covenant shall run with the Property and shall be binding on Owner, and all current and future successors, lessees, easement holders, their assigns, and their authorized agents, employees or persons acting under their direction and control.

7. Enforcement. RACER Trust or its successors are entitled to enforce the restrictions and covenants of this Restrictive Covenant by specific performance or other legal action in a court of competent jurisdiction against subsequent Owners of all or part of the Property. Grantor, on behalf of itself and its successors in title, intends and agrees that MDEQ and USEPA are entitled to enforce the restrictions and covenants in this Restrictive Covenant by specific performance or other legal action in a court of competent jurisdiction against Grantor, as Owner, and thereafter against subsequent Owners of all or part of the Property. All remedies available hereunder shall be in addition to any and all other remedies at law or equity. All remedies available hereunder shall be in addition to any and all other remedies at law or equity.

8. Third Party Beneficiary. Grantor, on behalf of itself and its successors, transferees and assigns, and any subsequent title holder by virtue of accepting title to the Property hereby agree the United States, acting by and through USEPA and its successors and assigns shall be a third party beneficiary (Third Party Beneficiary) of all the benefits and rights set out in the restrictions, covenants, easements, exceptions, notifications, conditions and agreements herein, and that the Third Party Beneficiary shall have the right to enforce the restrictions described herein as if it was a party hereto. No other rights in third parties are intended by this Restrictive Covenant, and no other person or entity shall have any rights or authorities hereunder to enforce these restrictions, terms, conditions or obligations beyond Grantor, MDEQ, their successors and assigns, and the Third-Party Beneficiary.

9. USEPA Entry and Access. Nothing in this Restrictive Covenant shall limit or otherwise affect USEPA's right of entry and access, or authority to undertake actions under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 42 U.S.C. §§ 9601 *et seq.* (CERCLA), the National Contingency Plan (40 C.F.R. Part 300), any successor statutory or regulatory provisions, or other state or federal law. Grantor consents to officers, employees, contractors and authorized representatives of USEPA entering and having continued access to this Property for the purposes described in Section 3, above.

10. Modification/Release/Rescission. Grantor or Owner may request in writing to MDEQ and RACER Trust, at the addresses provided in Section 5, above, modifications to, or release or rescission of, this Restrictive Covenant. This Restrictive Covenant may be modified, released or rescinded only with the written approval of MDEQ, USEPA and RACER Trust. Any approved modification to, or release or rescission of, this Restrictive Covenant shall be filed with the appropriate Register of Deeds by Grantor or Owner and a certified copy shall be returned to MDEQ, USEPA and RACER Trust at the addresses provided in Section 5, above.

11. Severability. If any provision of this Restrictive Covenant is held to be invalid by a court of competent jurisdiction, the invalidity of such provision shall not affect the

validity of any other provisions of this Restrictive Covenant and all other provisions shall continue to remain in full force and effect.

12. Limitation on Liability. RACER Trust's, RACER Properties LLC's and the Administrative Trustee's liability under this Restrictive Covenant is limited by the terms and conditions of the Settlement Agreement, which are incorporated herein by reference.

13. Authority to Execute Restrictive Covenant. The undersigned person executing this Restrictive Covenant represents and certifies that he or she is duly authorized and has been empowered to execute and deliver this Restrictive Covenant.

14. Compliance with this Restrictive Covenant and Applicable Due Care Obligations. Owner shall at all times comply with the conditions and restrictions of this Restrictive Covenant and the applicable Due Care obligations under MCL 324.20107a, R 299.51003 of the Part 201 Administrative Rules, and CERCLA. Owner agrees to maintain records of its activities to comply with this Restrictive Covenant and applicable Due Care obligations, and shall timely supply copies of any records documenting such compliance upon request from MDEQ, USEPA, or RACER Trust.

15. Miscellaneous.

a) Controlling Law. The interpretation and performance of this Restrictive Covenant shall be governed by the laws of the United States as to the obligations referred to in the Agreement and laws of the State of Michigan for all other purposes hereunder (without reference to choice of laws principles thereof). The right to enforce the conditions and restrictions in this Restrictive Covenant are in addition to other rights and remedies that may be available, including, but not limited to, administrative and judicial remedies under RCRA, CERCLA or Part 201 of NREPA.

b) Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Restrictive Covenant shall be liberally construed to affect the purpose of this Restrictive Covenant and the policy and purpose of RCRA and the land use restrictions and prospective use limitations required by Part 201. If any provision of this Restrictive Covenant is found to be ambiguous, an interpretation consistent with the purpose of this Restrictive Covenant that would render the provision valid shall be favored over any interpretation that would render it invalid.

c) Entire Agreement. This Restrictive Covenant and its attachments and appendices supersedes all prior discussions, negotiations, understandings or agreements relating specifically to this Restrictive Covenant, all of which are merged herein.

[signature page follows]

IN WITNESS WHEREOF, RACER Properties LLC has caused this Restrictive Covenant, to be executed on this 17 day of May, 2018.

RACER PROPERTIES LLC

By: Revitalizing Auto Communities Environmental Response Trust, Sole Member of RACER Properties LLC

By: EPLET, LLC, acting solely in its capacity as Administrative Trustee of Revitalizing Auto Communities Environmental Response Trust

By: _____
ELLIOTT P. LAWS, not individually, but acting solely in his capacity as Managing Member of EPLET, LLC

* * * * * * *

STATE OF Michigan)
) ss.
COUNTY OF Wayne)

The foregoing instrument was acknowledged before me this 17 day of May, 2018, by ELLIOTT P. LAWS, as Managing Member of EPLET, LLC, acting solely in its representative capacity as Administrative Trustee of Revitalizing Auto Communities Environmental Response Trust as Sole Member of RACER Properties LLC, a Delaware limited liability company, on behalf of the company.

TRACIE L. NICHOLS
Notary Public, State of Michigan
County Of Wayne
My Commission Expires 03-19-2023
Acting in the County of Wayne

_____
Notary Public Signature

Name of Notary Public Tracie L Nichols
Notary Public, State of Michigan
County of Wayne
My Commission Expires: 3/19/23

This document is exempt from state and county transfer taxes pursuant MCL 207.505(a) and MCL 207.526(a).

DRAFTED BY AND RETURN TO:
Carl Garvey, General Counsel
RACER Trust & RACER Properties LLC
500 Woodward Avenue, Suite 2650
Detroit, MI 48226

EXHIBIT 1

LEGAL DESCRIPTION OF PROPERTY

[See Exhibit 2 for depiction of each parcel]

Land situated in the City of Flint, County of Genesee, State of Michigan and more particularly described as follows:

"Parcel 1": Tax ID 25-47-31-202-026

Lot 363 of Cloverdale No. 2, according to the recorded plat thereof, as recorded in Plat Liber 5, Page 4, Genesee County Records.

Portion of Former "Parcel 2": Tax ID 25-47-31-257-020

Lots 247 through 305, inclusive, all in Maplewood Annex, including all or vacated Horton Street, platted as Sanford Street, lying adjacent thereto, also including all of vacated Black Avenue lying between Lots 271 to 274, and West of the East line of Horton (Sanford) Street, according to the recorded plat thereof, as recorded in Liber 4 of Plats, Page 35, Genesee County Records. Also, a contiguous part of Maplewood Annex No. 1, according to the recorded plat thereof, as recorded in Liber 5 of Plats, Page 21, Genesee County Records, described as: Lots 306 through 359, inclusive; also Lots 365 through 418, inclusive; also Lots 424 through 450, inclusive; also Lots 350 through 364, inclusive, and Lots 419 through 423, inclusive and a contiguous unplatted part of the Northeast ¼ of Section 31, Town 8 North, Range 7 East, described as follows: Beginning at a point on the Northerly line of Stewart Avenue, as originally platted, 8.70 feet, North 89 degrees 51 minutes West from its intersection with the Westerly line of C&O Railroad right-of-way (said Westerly line being 49.50 feet Westerly from and equal with the centerline of main track); thence North 11 degrees 54 minutes East, 576.60 feet; thence North 05 degrees 30 minutes East, 764.90 feet; thence South 89 degrees 51 minutes East, 30.46 feet; thence North 12 degrees 26 minutes 30 seconds East, 1,249.82 feet (record) 1,257.11 feet (calculated); thence North 89 degrees 16 minutes West 86.81 feet to the Easterly line of Cloverdale No. 2 (as recorded in Liber 5 of Plats, Page 4): thence Southerly along said Easterly line to the Southeasterly corner of said plat; thence Westerly along the southerly line of said plat and its Westerly extension to the Easterly line of Horton Avenue, as originally platted; thence Southerly a long said Easterly line, 30.00 feet, to the Northwesterly corner of the plat of Maplewood Annex No. 1 (as recorded in Liber 5 of Plats, Page 21); thence Easterly along the Northerly line of said plat to the Northeasterly corner of said plat; thence Southerly and Westerly and Southerly along the Easterly line of said plat to the Northerly line of Stewart Avenue, as originally platted; thence Easterly along said Northerly line to the place of beginning. Except: Beginning at the intersection of the Easterly line of Horton Avenue, as originally platted with said Northerly line of Stewart Avenue; thence North 00 degrees 19 minutes East along said Easterly line of Horton Avenue, 10.72 feet; thence South 89 degrees 51 minutes East, 202.19 feet; thence South 60 degrees 14 minutes 11 seconds East, 8.68 feet; thence South 42 degrees 50 minutes 34 seconds East, 8.79 feet; thence South 89 degrees 51 minutes East, 500.57 feet; thence South 11 degrees 54 minutes West, 5.62 feet to a point on the Northerly line of Stewart Avenue, as originally platted, North 89 degrees 51 minutes West, 8.70 feet from the intersection of said Northerly line of Stewart Avenue with the Westerly right-of-way line of

C&O Railroad; thence North 89 degrees 51 minutes West along Northerly line of Stewart Avenue, as originally platted, 716.33 feet to the place of beginning. Also including all of vacated Wager Avenue, Black Avenue, Newman Street, Cameron Street, and Behan Avenue, as platted in Maplewood Annex No. 1. Also, a contiguous part of Cloverdale, according to the recorded plat thereof, as recorded in Liber 2 of Plats, Page 25, Genesee County Records, described as: Lots 71 through 85, inclusive; also Lots 300 and 301; also that part of Lots 66 through 70, inclusive, Lots 251, 298, 299, 302 and 303 lying Easterly of a line which is 33.00 feet Easterly of and equal to the following described centerline: Beginning at the Northwest corner of Section 31, Town 8 North, Range 7 East; thence North 88 degrees 12 minutes East, 1,726.22 feet; thence North 89 degrees 30 minutes 45 seconds East, 809.00 feet; thence South 89 degrees 44 minutes 15 seconds East, 500.00 feet; thence South 00 degrees 23 minutes 45 seconds West, 556.20 feet along the centerline of Horton Avenue to the P.C. of a curve to the right, having a radius of 500.00 feet, a central angle of 27 degrees 20 minutes 53 seconds for a place of beginning; thence a distance of 238.66 feet along the circular arc to P.T. of said curve; thence South 27 degrees 44 minutes 38 seconds West, 322.67 feet to a P.C. of a curve to the left, having a radius of 500.00 feet, a central angle of 27 degrees 20 minutes 53 seconds; thence a distance of 238.66 feet along the circular arc to P.T. of said curve to the point of ending. Including all of vacated Horton Street (formerly Sanford Street), the North ½ of vacated Wager Avenue, Baltimore Boulevard (formerly Niles Avenue), lying adjacent to said lots and platted in said Cloverdale subdivision. Also, a contiguous part of Cloverdale No. 2, according to the recorded plat thereof, as recorded in Liber 5 of Plats, Page 4, Genesee County Records, described as: Lots 336 through 348, inclusive, Except Beginning at the Northeasterly corner of Lot 348; thence South 12 degrees 26 minutes 30 seconds West along the Easterly line of said lot, 28.00 feet; thence North 88 degrees 51 minutes 15 seconds West, 57.98 feet to a point on the Westerly line of Lot 348, 27.00 feet Southerly from the Northwesterly corner of said lot; thence North 89 degrees 16 minutes West, 160.00 feet to a point on the Easterly line of Lot 343, 27.00 feet, Southerly from the Northeasterly corner of said lot; thence North 86 degrees 01 minutes 23 seconds West, 300.44 feet to a point on the Easterly line of Lot 337, 10.00 feet Southerly from the Northeasterly corner of said lot; thence North 89 degrees 16 minutes West, 80.00 feet; thence North 00 degrees 52 minutes East, 10.00 feet to the Northwesterly corner of Lot 336; thence South 89 degrees 16 minutes East along the Southerly line of Pierson Road, 603.60 feet to the place of Beginning; Also Lots 349 through 360, inclusive; also Lots 381 through 405, inclusive; also Lots 423 through 447, inclusive; also Lots 456 through 528, inclusive. Including all of vacated Baltimore Boulevard (formerly Niles Avenue), Philadelphia Boulevard (formerly Rosetta Avenue), Marengo Avenue, Lomita Avenue, and Premier Street, lying adjacent to said lots and platted in said Cloverdale No. 2 subdivision.

Excepting therefrom the following 18.898 acres of land, more or less: Beginning at a point on the East line of Lot 335 of Cloverdale No. 2 subdivision (#5791), a found ½" iron & cap #24608 (distant South 00 degrees 56 minutes 29 seconds East, 9.84 feet from the Northeast corner of Lot 335); thence North 89 degrees 06 minutes 20 seconds East, 80.15 feet (recorded as North 89 degrees 01 minutes 47 seconds East, 80.00 feet) to a found PK & Tag #24608; thence South 87 degrees 44 minutes 40 seconds East, 300.38 feet (recorded as South 87 degrees 43 minutes 36 seconds East, 300.44') to a found PK & Tag #24608; thence North 88 degrees 59 minutes 14 seconds East, 159.98 feet (recorded as North 89 degrees 01 minutes 47 seconds East, 160.00 feet) to a found PK & Tag #24608; thence North 89 degrees 24 minutes 54 seconds East, 144.88 feet (recorded as North 89 degrees 26 minutes 32 seconds East, 144.81 feet) to a found ½" iron & Cap #24608, thence South 10 degrees 54 minutes 31 seconds West, 1,083.23 feet to a set ½" iron &

Cap #56048; thence South 89 degrees 01 minutes 41 seconds West, 1,181.97 feet (running along the entire length of the north edge of former GM Building #36) to a point on the east right-of-way of Horton Avenue (60-foot wide) to a set ½" iron & Cap #56048; thence along said right-of-way, along a curve to the right, having a radius of 469.17 feet, central angle of 04 degrees 56 minutes 32 seconds, length of 40.67 feet (chord: North 23 degrees 54 minutes 24 seconds East, 40.46 feet) to a set iron & Cap #56048; thence continuing along said right-of-way, North 26 degrees 22 minutes 49 seconds East, 283.18 feet to a found chiseled "X" in sidewalk; thence along the South right-of-way of Philadelphia Boulevard (60-foot wide) North 89 degrees 09 minutes 44 seconds East, 493.16 feet (recorded as North 89 degrees 09 minutes 27 seconds East, 492.94 feet) to a found PK & Tag #24608; thence along the East line of Lots 448 and 422 of Cloverdale No. 2 subdivision, North 00 degrees 59 minutes 24 seconds West, 259.87 feet (recorded as North 00 degrees 58 minutes 13 seconds West, 260.00 feet) to a found ½" iron (no cap); thence along the North line of Lot 423 of said subdivision, North 89 degrees 07 minutes 03 seconds East, 40.19 feet (recorded as North 89 degrees 01 minutes 47 seconds East, 40.00 feet) to a found PK & Tag #24608; thence along the West limits of vacated Marengo Avenue, and the East line of Lots 406 and 380 of said subdivision, North 01 degrees 02 minutes 56 seconds West, 260.27 feet (recorded as North 00 degrees 58 minutes 13 seconds West, 260.00 feet) to a found ½" iron & Cap #24608; thence along the North line of Lots 381 and 382, and the South right-of-way of Lomita Avenue (60-foot wide), North 89 degrees 01 minutes 47 seconds East, 79.99 feet (recorded as North 89 degrees 01 minutes 47 seconds East, 80.00 feet) to a found PK & Tag #24608; thence along the West limits of vacated Lomita Avenue, and the East line of Lot 361, North 00 degrees 58 minutes 13 seconds West, 159.98 feet (recorded as North 00 degrees 58 minutes 13 seconds West, 160.00 feet) to a found ½" iron & cap #24608; thence along the North line of Lot 361, South 89 degrees 02 minutes 38 seconds West, 40.05 feet (recorded as South 89 degrees 01 minutes 47 seconds West, 40.00 feet) to a found ½" iron & Cap #24608; thence along the East line of Lot 335, North 00 degrees 56 minutes 29 seconds West, 110.78 feet (recorded as North 00 degrees 58 minutes 13 seconds West, 110.80 feet) to the point of beginning.

"Parcel 3": Tax ID 25-47-31-279-001

Lots 126 through 128, inclusive; the North ½ of Lot 129, and Lots 152 through 157, inclusive, including all of vacated St. John Street adjacent to Lots 126 to 128, North ½ of Lots 129 and 152, also the West ½ of vacated St. John Street adjacent to the South ½ half of Lot 152; also the West ½ of vacated Appony Street adjacent to Lots 126 to 128 and North ½ of Lot 129; also the South ½ of vacated Black Avenue adjacent to the above described lands, Water Works Heights, according to the recorded plat thereof, as recorded in Liber 6, Page 1, Genesee County Records.

"Parcel 4": Tax ID 25-47-31-380-017

Lots 1 through 6, inclusive, also Lots 23 through 26, inclusive, Block 4, including the South ½ of the vacated alley lying adjacent to Lots 1 and 2, and all of the vacated alley adjacent to Lots 3 to 6, and 23 to 26, Parkland No. 2, according to the recorded plat thereof, as recorded in Liber 3 of Plats, Page 43, Genesee County Records.

"Parcel 5": Tax ID 25-47-31-401-008

Lots 1 through 262, inclusive, of Buick Park, according to the recorded plat thereof, as recorded in Plat Liber 4, Page 8, Genesee County Records. Also, a contiguous unplatted part of fractional Section 31, Town 8 North, Range 7 East, described as: That part of Government Lots 1 and 2 lying Westerly of Westerly line of C&O Railroad right-of-way and Southerly of Southerly line of Stewart Avenue; Except that part of Government Lot 1 described as: Commencing at intersection of North line of Stewart Avenue as platted and East line of Horton Avenue, as platted; thence North 00 degrees 19 minutes East along said East line, 60 feet; thence North 89 degrees 41 minutes West 30.00 feet to the centerline of said Horton Avenue; thence South 00 degrees 19 minutes West along said centerline 119.72 feet to South line of Stewart Avenue; thence North 89 degrees 48 minutes 45 seconds West along said South line 130.02 feet to point of beginning of this description; thence South 87 degrees 10 minutes 45 seconds East, 371.62 feet; thence North 00 degrees 38 minutes 45 seconds West, 15.52 feet; thence South 89 degrees 48 minutes 45 seconds East, 501.35 feet to Westerly right-of-way line of the C&O Railroad; thence North 11 degrees 57 minutes East along said Westerly line 1.60 feet to Southerly line of Stewart Avenue; thence North 89 degrees 48 minutes 45 seconds West along said Southerly line, 872.68 feet to point of beginning; Also except that part of Government Lot 1 and that part of Lots 1, 2, 55, 56, 57, 107, 108, 109, 159, 160, 161, 211, 212 and 213 of Buick Park, described as: Commencing at the intersection of North line of Stewart Avenue with East line of Horton Avenue as platted in Maplewood Annex No. 1, according to the recorded plat thereof, as recorded in Plat Liber 5, Page 21; thence North 00 degrees 19 minutes East along said East line 60.00 feet; thence North 89 degrees 41 minutes West, 30.00 feet to the centerline of said Horton Avenue; thence South 00 degrees 19 minutes West along said centerline 119.72 feet; thence North 89 degrees 48 minutes 45 seconds West, 150.00 feet; thence Sooth 00 degrees 11 minutes 15 seconds West, 5.58 feet; thence South 89 degrees 48 minutes 15 seconds West, 1,149.51 feet to East line of Industrial Avenue as platted in Buick Park; thence North 00 degrees 04 minutes 45 seconds West along said East line 6.00 feet to Northwest comer of Lot 213 of Buick Park; thence North 89 degrees 49 minutes 30 seconds East, 1,149.51 feet to point of beginning; Also that part of East ½ of Southeast ¼ of said fractional section lying Westerly of Westerly line of said Railroad and Southerly of Southerly line of Stewart Avenue; Also that part of East ½ of fractional Southwest ¼ of said fractional section lying South of Southerly line of plat of Buick Park; Also that contiguous unplatted part of fractional Section 6, Town 7 North, Range 7 East, lying Westerly of Westerly line of said Railroad right-of-way; Also that contiguous platted part of G.M. Dewey's and WM. Hamilton's Subdivision, of Section No. 1 Smith's Reservation, according to the recorded plat thereof, as recorded in Plat Liber 18, Page 9, 1ying Easterly of Easterly line of Industrial Avenue, Westerly of Westerly line of said Railroad right-of-way and Northerly of Northerly line of Leith Street (said Northerly line described as: commencing at Southeasterly corner of Lot 22, Block 11, Fairview, according to the recorded plat thereof, as recorded in Plat Liber 3, Page 17, Genesee County Records; thence North 11 degrees 56 minutes East along Easterly line of said lot, 30.00 feet; thence North 78 degrees 05 minutes West, 215.20 feet to Westerly line of said Railroad right-of-way; thence North 11 degrees 56 minutes East along said Westerly line 65.00 feet to Northerly line of Leith Street for point of beginning; thence North 78 degrees 05 minutes West 60.00 feet; thence South 11 degrees 56 minutes West, 15.00 feet; thence North 78 degrees 05 minutes West, 110.00 feet; thence North 83 degrees 44 minutes 16 seconds West, 165.00 feet; thence South 89 degrees 58 minutes 26 seconds West, 173.40 feet; thence South 89 degrees 55 minutes West, 734.40 feet to the Easterly line of Industrial Avenue for point of ending). Also, that contiguous platted part of Block 11 of Parkland, according to the recorded plat thereof, as recorded in Plat Liber 3, Page 18, Genesee County Records, lying Northerly of said Northerly line of Leith Street. Also

including that part of adjoining vacated Leith Street lying Northerly of the centerline of said street.

"Parcel 6": Tax ID 25-41-06-127-046

Lots 1, 2, 3, 4, 21, 22 and part of Lot 5 and part of vacated alley, all in Block 3 of Parkland No. 2, according to the plat thereof, as recorded in Liber 3, Page 43 of Plats, described as: Beginning at the Southeast corner of Lot 1, Block 3; thence North 89 degrees West, 164.0 feet along the North line of Dewey Street; thence North 01 degrees East, 107.5 feet; thence South 89 degrees East, 84.0 feet; thence North 01 degrees East, 107.5 feet to a point on the South line of Spencer Street; thence South 89 degrees East, 80.0 feet along said line to the West line of Industrial Avenue; thence South 01 degrees West, 215.0 feet along said line to the point of beginning.

"Parcel 7": Tax ID 25-41-06-128-048

Lots 1 through 6, inclusive, and Lots 21 through 27, inclusive, including part of vacated alley, all in Block 2 of Parkland No. 2, according to the plat thereof, as recorded in Liber 3, Page 43 of Plats, Genesee County Records.

"Parcel 8": Tax ID 25-41-06-130-049

All that part of Lots 1, 2, 3 and 21, Block 4 of Parkland, according to the recorded plat thereof, as recorded in Liber 3 of Plats, Page 18, Genesee County Records, lying Southeasterly of the following described line: Beginning at a point on the West line of Industrial Avenue, South 00 degrees 06 minutes 00 seconds West, 73.34 feet from the Northeast corner of said Lot 21; thence South 37 degrees 53 minutes 00 seconds West, 179.50 feet to a point on South line of said Lot 3, 110.01 feet West from the Southeast corner of said Lot 1 for place of ending.

"Parcel 9": Tax ID 25-41-06-130-051

Lots 24 through 30 inclusive, also that part of Lots 3 through 10, inclusive, and Lots 22 and 23, Block 4 of Parkland, according to the recorded plat thereof, as recorded in Plat Liber 3, Page 18, Genesee County Records, lying Northwesterly of following described line: Beginning at a point on the South line of McClellan Street, North 89 degrees 59 minutes 30 seconds West, 48.21 feet from the Northeast corner of Lot 21 of said plat; thence South 00 degrees 00 minutes 30 seconds West, 14.83 feet; thence South 34 degrees 00 minutes 00 seconds West, 162.96 feet; thence on a curve to the right having a radius of 79.32 feet and a chord bearing and distance of South 62 degrees 01 minutes 00 seconds West, 74.52 feet; thence North 89 degrees 58 minutes 00 seconds West, equal with the North line of Leith Street, 195.93 feet to a point on West line of said Lot 10 for point of ending; Also, Lots 11 through 19, inclusive, Except the Southerly 30.00 feet; Also, Lot 20, Except the Southerly 30.00 feet, also Except the Westerly 20 feet, Block 4, of Parkland, according to the recorded plat thereof, as recorded in Plat Liber 3, Page 18, Genesee County Records.

"Parcel 10": 25-41-06-176-042

Lots 1 through 13, inclusive, also Lots 21 through 39, inclusive, Block 1; also Lots 1 through 19, inclusive, also Lots 21 through 39, inclusive, Block 2; also Lots 1 through 10, inclusive, also Lots 21 through 30, inclusive, also Southerly 30 feet of Lots 11 through 19, inclusive,

Block 3, Parkland, according to the recorded plat thereof, as recorded in Liber 3 of Plats, Page 18;

Also, a contiguous part of Durant-Dort Carriage Co.'s Replat of part of Blocks 12 and 27 and all of 13, 14, and 15 of Oak Park Subdivision, according to the recorded plat thereof, as recorded in Liber 4 of Plats, Page 37, described as: Lots 45 through 57, inclusive; Also that part of Lot 44 of said plat lying Easterly of following described line: Beginning at the Northwest corner of Lot 58 of said plat; thence North 17 degrees 22 minutes 05 seconds East along the East line of North Street, 175.45 feet for a place of ending. Also including all of vacated Parkland and Dartmouth Streets lying East of East line of North Street as widened, and lying West of the West line of Industrial Avenue; Also including the North ½ of vacated Taylor Street lying East of East line of North Street, as widened, and lying West of the West line of Industrial Avenue; Also including the South ½ of vacated Leith Street lying adjacent to Lots 21 to 23, Block 3 of Parkland; Also including the West ½ of vacated Industrial Avenue lying adjacent to Lots 1 and 21, Block 1, Lots 1 and 21, Block 2, and Lots 1 and 21, Block 3 of Parkland; Also including the vacated alleys adjacent to said Lots in Blocks 1, 2, and 3 of Parkland and in Durant-Dort Carriage Co.'s Replat.

"Parcel 11": 25-41-06-179-048

All of Block 13, of Parkland, according to the recorded plat thereof, as recorded in Plat Liber 3, Page 18, also a contiguous part of Durant-Dort Carriage Co.'s Replat, of part of Block 12 and 27, and all of Blocks 13, 14, and 15 of Oak Park Subdivision, according to the plat thereof, as recorded in Plat Liber 4, Page 37, Genesee County Records, described as Lots 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94 and 96; also the Northerly 100.00 feet of Lots 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, and 97, also that part of vacated Taylor Street described as: Beginning at the Northwest corner of said Lot 58; thence North 17 degrees 22 minutes 05 seconds East along the new East line of North Street, 31.42 feet to the centerline of vacated Taylor Street; thence South 89 degrees 56 minutes 28 seconds East along said centerline 802.12 feet to the West line of Industrial Avenue, as platted in said Parkland plat; thence South 01 degrees 40 minutes 57 seconds West along said West line to the Northeast corner of Lot 21, Block 13, Parkland; thence Westerly along the Southerly line of vacated Taylor Street to place of beginning.

"Parcel 12": Portion of Tax ID 25-41-06-180-007

A tract of land commencing at a point on the North side of Hamilton Avenue where the West side line of the Pere Marquette Railroad (now merged with CSX Transportation, Inc.) intersects same, running thence Westerly along the North side of Hamilton Avenue, 467.9 feet; thence Northerly at right angles along the Easterly line of the right-of-way owned by the Durant-Dort Carriage Company, 334 feet; thence Easterly at right angles along the Southerly line of property owned by the Oak Park Power Company, 120 feet; thence Northerly at right angles along the Easterly line of said property owned by the Oak Park Power Company, 323 feet; thence Westerly along the Northerly line of said property of the Oak Park Power Company, 120 feet to the Easterly line of the said right-of-way; thence Northerly along the Easterly line of said right-of-way, 833 feet; thence Westerly at right angles along the Northerly line of property owned by the Michigan Motor Castings Company to the Easterly line of Industrial Avenue; thence Northerly along said Easterly line of Industrial Avenue to the Southerly line of a tract of land conveyed by the Buick Motor Company to John C. Zimmerman by deed recorded in Volume 202 of Deeds on Page 371,

Genesee County Registry; thence Easterly along said line to the Southeast corner of said tract of land; thence Northerly along the Easterly line of said tract of land, 2,278.7 feet to a point in the East and West ¼ section line of Section 31, Town 8 North, Range 7 East, 1,447 feet West of the Westerly line of Pere Marquette Railroad (now merged with CSX Transportation, Inc.) Company's right-of-way; thence Southerly along said Westerly line of said right-of-way to the point of beginning. (Said description contains Part of Block 27 of Oak Park Subdivision, as recorded in Plat Liber 2, Pages 12 and 13, Genesee County Records, Block 11 of Parkland Subdivision, as recorded in Plat Liber 3, Page 18, Genesee County Records, Lot 98 of Durant-Dort Carriage Co.'s Replat of Parts of Blocks 12 and 27 and All of 13, 14, and 15 of Oak Park Subdivision, as recorded in Plat Liber 4, Page 37, Genesee County Records, and part of G.M. Dewey's and WM. Hamilton's Subdivision, as recorded in Plat Liber 18, Page 9, Genesee County Records.) Also, that part of Hamilton Avenue which is adjacent to Block 27 of Oak Park Subdivision, described as follows: Beginning at the Southwest corner of said Block 27; thence South 88 degrees 47 minutes East along the South line of Block 27 a distance of 256.58 feet; thence South 01 degrees 13 minutes West 10.00 feet; thence South 50 degrees 20 minutes 41 seconds West 17.88 feet to a point that is 242.58 feet Easterly of the Southerly extension of the West line of said Block 27 and 21.70 feet Southerly of said South line of Block 27; thence North 88 degrees 34 minutes 31 seconds West 221.70 feet to a point that is 20.90 feet Southerly of said South line of Block 27 and 20.00 feet Easterly of said Southerly extension of the West line of Block 27; thence North 44 degrees 25 minutes West 29.88 feet to the place of beginning. Also, that part of Hamilton Avenue vacated in the Instrument recorded in Deed Liber 1263, Page 259, described as follows: Commencing on the North line of Hamilton Avenue at a point 256.58 feet East of its intersection with the East line of Industrial Avenue; thence South 10 feet: thence East parallel with the North line of Hamilton Avenue, 372.21 feet; thence North 10 feet to the North line of Hamilton Avenue; thence West along the North line of Hamilton Avenue, 372.21 feet to the place of beginning. Also, that part of ½ of the vacated Industrial Avenue adjacent to the descriptions herein, as disclosed in the instrument recorded in Deed Liber 2212, Page 538, Genesee County Records.

"Parcel 12A": Portion of Tax ID 25-41-06-180-007

Commencing at a point on the North line of Hamilton Avenue in Block 27 of Oak Park Subdivision, as recorded in Plat Liber 2, Pages 12 and 13, Genesee County Records, 210 feet Easterly from the East line of Industrial Avenue; running thence Westerly along the North line of Hamilton Avenue, 26 feet; thence Northerly and parallel to the East line of Industrial Avenue, 885 feet to the South line of Dayton Street, if extended Easterly; thence East along the South line of Dayton Street, if extended Easterly, 26 feet; thence Southerly and parallel to the East line of Industrial Avenue, 885 feet to the place of beginning.

"Parcel 12B": Portion of Tax ID 25-41-06-180-007

Beginning at the Southwest corner of Block 27 of Oak Park Subdivision; thence Easterly along the Northerly line of Hamilton Avenue, 184 feet; thence Northerly parallel to Industrial Avenue to a point on the Southerly line of Dayton Street, if extended; thence Westerly along said Southerly line of Dayton Street, if extended, to the Easterly line of Industrial Avenue; thence Southerly along the Easterly line of Industrial Avenue to the place of beginning, being part of Block 27 of Oak Park Subdivision, as recorded in Plat Liber 2, Pages12 and 13, Genesee County Records.

"Parcel 12C": Portion of Tax ID 25-41-06-180-007

That portion of Block 27 of Oak Park Subdivision, as recorded in Plat Liber 2, Pages 12 and 13, Genesee County Records, commencing at a point on the East side line of Industrial Avenue, 945 feet North of the North side line of Hamilton Avenue, running thence North on the East side line of Industrial Avenue, 545 feet; thence East at right angles with said East side line of Industrial Avenue, 184 feet; thence South 545 feet; thence West at right angles with the East side line of Industrial Avenue to the place of beginning.

"Parcel 12D": Portion of Tax ID 25-41-06-180-007

That portion of Block 27 of Oak Park Subdivision, as recorded in Plat Liber 2, Pages 12 and 13, Genesee County Records, commencing at a point on the East line of a right-of-way belonging to the Durant-Dort Carriage Company, 334 feet North of the Northerly line of Hamilton Avenue and 25 feet west of the west-main wall of the Buick Motor Company; thence Easterly at right angles 120 feet; thence Northerly parallel with the said right-of-way 323 feet; thence Westerly at right angles 120 feet to the Easterly line of said right-of-way; thence Southerly along said Easterly line, 323 feet to the place of beginning.

"Parcel 12E": Portion of Tax ID 25-41-06-180-007

That part of Block 27 of Oak Park Subdivision, as recorded in Plat Liber 2, Pages 12 and 13, Genesee County Records, being 26 feet in width, more or less, East of and adjacent to that parcel described in Deed Liber 187, Page 56, Genesee County Records, and also, that part of said Block 27 being 60 feet in width, more or less, lying South of and adjacent to said parcel described in Deed Liber 187, Page 56, and also that part of said 60-foot wide parcel lying South of and adjacent to the 26-foot parcel described above.

"Parcel 13": Tax ID 25-41-06-201-018

Lots 6 through 10, inclusive, Lots 19 through 29, inclusive, Lots 37 through 56, inclusive, Lots 64 through 79, inclusive, Lots 86 through 101, inclusive, also that part of Lots 11, 30, 57, 80 and 105 lying Westerly of the following described line: Beginning at a point on the Northerly line of said Lot 105, 20.00 feet from the Northwesterly corner of said lot; thence Southerly to a point in the Northerly line of said Lot 80, as originally platted, 20.00 feet Easterly from the Northwesterly corner of said Lot 80; thence Southerly to the Northeasterly corner of said lot 57; thence Southerly to a point on the centerline of Easy Street, 827.75 feet Easterly from the Easterly line of St. John Street; thence South 12 degrees 44 minutes 01 seconds West, 532.18 feet; thence along a curve to the left having a radius of 1,050.00 feet, a chord bearing and distance of South 11 degrees 38 minutes 56 seconds West, 39.75 feet; thence South 10 degrees 33 minutes 52 seconds West, 271.60 feet to the Northerly line of Leith Street, as now established for place of ending; all in Northern Addition to Fairview, according to the recorded plat thereof, as recorded in Liber 3 of Plats, Page 34; also a contiguous part of River Addition to Fairview, according to the recorded plat thereof, as recorded in Liber 3 of Plats, Page 20A, Lots 1 through 6, inclusive, Lots 19 through 26, inclusive, Block 14; also, Lots 1 through 17, inclusive, Lots 36 through 47, inclusive, also that part of Lots 18, 19 and 35, all in Block 15, lying Westerly of the following described line: Beginning at a point on the Northerly line of Lot 105 of Northern Addition to Fairview, 20.00 feet Easterly from the Northwesterly corner of said lot; thence Southerly to a point on the Northerly line of Lot 80, as originally platted, of said subdivision, 20.00 feet Easterly from the Northwesterly comer of said Lot 80; thence Southerly to the Northeasterly corner of Lot 57 of said subdivision; thence Southerly to a point on the centerline of Easy

Street 827.75 feet Easterly from the Easterly line of St. John Street; thence South 12 degrees 44 minutes 01 seconds West, 532.18 feet; thence along a curve to the left having a radius of 1,050.00 feet, a chord bearing and distance of South 11 degrees 38 minutes 56 seconds West, 39.75 feet; thence South 10 degrees 33 minutes 52 seconds West, 271.60 feet to the Northerly line of Leith Street, as now established for point of ending; Also, Lots 1 through 16, inclusive, Lots 45 and 46, also that part of Lots 17, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 44, all in Block 16 lying Northerly and Westerly of the following described line: Commencing at a point on the Easterly line of St. John Street, 73.00 feet, North 01 degrees 01 minutes 43 seconds West, from the Southwesterly corner of Lot 5, Block 14 of said subdivision: thence North 88 degrees 56 minutes 12 seconds East along the centerline of vacated Easy Street, 831.53 feet to the Westerly line of St. John Parkway for a place of beginning; thence South 12 degrees 44 minutes 01 seconds West along said Westerly line, 532.18 feet; thence along a curve to the left having a radius of 1,050.00 feet, a chord bearing and distance of South 11 degrees 38 minutes 56 seconds West, 39.75 feet; thence South 10 degrees 33 minutes 52 seconds West, 271.60 feet to the Northerly line of Leith Street as now established; thence South 88 degrees 55 minutes 56 seconds West along said Northerly line, 641.62 feet to the Easterly line of St. John Street for place of ending; Also a contiguous part of Buick Heights, according to the recorded plat thereof, as recorded in Liber 3 of Plats, Page 25, described as: Lots 88 through 91,inclusive; also Lot 87, Except the Westerly 31.00 feet; Also a contiguous part of Fairview, being a subdivision of part of Lots 10, 11, 12, 13 and 14, Section 1, Smith's Reservation, according to the recorded plat thereof, as recorded in Liber 3 of Plats, Page 17, as transcribed from Deed Liber 55, Page 435, described as: Lots 1 through 18, inclusive, Block 7; also Lots 1 through 15, inclusive, Block 8; also Lots 1 through 13, inclusive, Block 9; also Lots 1 and 4, Also Lots 2 and 3, Block 10, Except that part lying Westerly and Northerly of the following line described as: Beginning at a point on the Southerly line of Everett Street, 246.65 feet, South 89 degrees 01 minutes 32 seconds West from its intersection with the Westerly line of St. John Street; thence South 10 degrees 56 minutes 51 seconds West, 48.87 feet; thence North 80 degrees 35 minutes 39 seconds West, 25.00 feet to the point of ending, on the centerline of vacated Michigan Avenue; also part of Block 11, described as: Lots 3 through 21, inclusive; also part of Lot 2, lying Southerly of the following described line: Beginning at a point on the Westerly line of said Lot 2, 10.00 feet South 10 degrees 56 minutes 51 seconds West from the Northwesterly corner of said lot; thence South 80 degrees 35 minutes 39 seconds East, 165.24 feet for a point of ending.

"Parcel 14": Tax ID 25-41-06-326-050

Lots 16 and 17, Block 16, Lots 10, 11, 12, and the West 40 feet of Lot 13, Lots 15 and 16, Block 17, Lots 5, 17, and 18, Block 18, Lot 16 and the Northerly 35 feet of Lot 17, Block 19, Oak Park Subdivision, according to the recorded plat thereof, as recorded in Plat Liber 2, Pages 12 and 13, Genesee County Records.

Also, part of Blocks 16, 17, 18, and 19, of Oak Park Subdivision, according to the recorded plat thereof as recorded in Plat Liber 2, Pages 12 and 13, Genesee County Records, and also all that part of vacated Dayton, Warren and Newall Streets adjacent to said Blocks, more particularly described as follows: Beginning at a point on the South line of Baker Street, said South line also being the North line of said Block 16 which is South 89 degrees 58 minutes 03 seconds East 60.00 feet from the Northwest corner of said Block 16; thence continuing along said line South 89 degrees 58 minutes 03 seconds East 690.20 feet to the Northwest corner of Lot 16 of said Block 16; thence South 01 degrees 11 minutes 20 seconds East along the West line of Lots 16 and 17 of Block 16 a distance of 289.97 feet to

the centerline of vacated Dayton Street; thence North 89 degrees 57 minutes 06 seconds West along the centerline of said Dayton Street, 49.99 feet to Point "A", said Point "A" being the intersection of the West line of Lot 15 of said Block 17 extended Northerly to the centerline of vacated Dayton Street; thence South 01 degrees 11 minutes 39 seconds East along said West line of Lot 15 of Block 17 and its extension Northerly 110.00 feet; thence South 89 degrees 57 minutes 06 seconds East 99.97 feet to the West line of Industrial Avenue, as platted in said plat; thence South 01 degrees 11 minutes 06 seconds East along said West line of Industrial Avenue, 355.69 feet to the Northeast corner of Lot 17 of said Block 18; thence North 89 degrees 54 minutes 13 seconds West along the North line of Lot 17 and Lot 18 of said Block 18 a distance of 99.93 feet to the Northwest corner of said Lot 18; thence South 01 degrees 11 minutes 11 seconds East along the West line of said Lot 18 a distance of 155.16 feet to the centerline of said vacated Newall Street; thence South 89 degrees 53 minutes 42 seconds East along said centerline 49.96 feet; thence South 01 degrees 10 minutes 54 seconds East along the West line of Lot 16 of said Block 19 extended Northerly 155.09 feet to the Southwest corner of said Lot 16 of Block 19; thence North 89 degrees 53 minutes 04 seconds West along the North line of Lots 18 through 23, inclusive, of said Bock 19 a distance of 299.82 feet to the Northwest corner of said Lot 23; thence South 01 degrees 09 minutes 57 seconds East along the West line of said Lot 23 a distance of 140.03 feet to the North line of Hamilton Avenue; thence North 89 degrees 52 minutes 26 seconds West along said North line of Hamilton Avenue, 389.78 feet to a point on the new East right-of-way line of North Street, said point also being South 89 degrees 52 minutes 26 seconds East 60.00 feet from the Southwest corner of Block 19 of Oak Park Subdivision; thence North 01 degrees 12 minutes 51 seconds West along said new East line of North Street, 1,204.88 feet to the point of beginning; Except Lots 10, 11, 12, and the West 40.00 feet of Lot 13 of Block 17 of said Oak Park Subdivision, more particularly described as commencing at the previously described Point "A"; thence North 89 degrees 57 minutes 06 seconds West along the centerline of vacated Dayton Street, 59.97 feet for the point of beginning; thence South 01 degrees 12 minutes 10 seconds East 155.21 feet to the South line of said Lot 13 of Block 17; thence North 89 degrees 55 minutes 55 seconds West along the South line of Lots 10 through 13 of said Block, 189.94 feet to the Southwest corner of said Lot 10; thence North 01 degrees 13 minutes 08 seconds West along the West line of said Lot 10 and said West line extended Northerly, 155.15 feet to the centerline of said vacated Dayton Street; thence South 89 degrees 57 minutes 06 seconds East along said centerline, 189.97 feet to the point of beginning of said exception; Also Except Lot 5, Block 18, and Lot 14, Block 19, Oak Park Subdivision.

Also, that part of ½ of the vacated Industrial Avenue adjacent to said description, as disclosed in the Instrument recorded in Deed Liber 2212, Page 538, Genesee County Records.

"Parcel 16": Tax ID 25-41-06-377-027

Lots 1 through 6, inclusive, Lots 8 through 14, inclusive, and the southerly 40 feet of Lot 7 of MacLaughlin's Addition to the City of Flint, according to the recorded plat thereof, as recorded in Plat Liber 2, Page 16, Genesee County Records.

Also,

Lot 9, except the West 50 feet, Block 23 and the East 44 feet of Lot 24, Block 23 of Oak Park Subdivision, according to the recorded plat thereof, as recorded in Plat Liber 2, Page 12, Genesee County Records.

"Parcel 19": Tax ID 25-41-06-401-019

All of Block 12, and part at Blocks 1, 2, 3 and 11 of Fairview, according to the recorded plat thereof, as recorded in Liber 3 of Plats, Page 17; Also part of Blocks 20 and 21 of River Addition to Fairview Plat, according to the recorded plat thereof, as recorded in Liber 3 of Plats, Page 20A; Also, Lots 1 through 7 of Durant-Dort Carriage Company's Replat of part of Block 28 of Oak Park Subdivision, according to the recorded plat thereof, as recorded in Liber 4 of Plats, Page 28, and part of Blocks 28 and 33 of Oak Park Subdivision, according to the recorded plat thereof, as recorded in Liber 2 of Plats, Pages 12 and 13,and part of following vacated streets and avenues: Campau Avenue, Garfield Avenue, Michigan Avenue and St. John Street, described as: Beginning at the Southeast corner of Lot 16, Block 1 of Fairview Plat, said plat also being the Westerly right-of-way line of James P. Cole Boulevard, and the Northeast corner of Lot 6 of the Durant-Dort Carriage Company's Replat of part of Block 28 at Oak Park Subdivision; thence along the Westerly right-of-way line of the said James P. Cole Boulevard, the following 8 courses being South 18 degrees 56 minutes 00 seconds West, 197.39 feet, and South 71 degrees 04 minutes 00 seconds East, 0.56 feet, and South 42 degrees 40 minutes 30 seconds West, 14.75 feet, and South 18 degrees 57 minutes 00 seconds West, 561.01 feet to a point of curvature and 334.58 feet along the arc of a curve concave to the Northwest having a radius of 360.00 feet and a chord bearing of South 45 degrees 34 minutes 30 seconds West, 322.67 feet and South 72 degrees 12 minutes 00 seconds West, 105.84 feet to the point of curvature and 180.01 feet along the arc of a curve concave to the Southeast having a radius of 440.00 feet and a chord bearing of South 60 degrees 28 minutes 46 seconds West, 178.76 feet, and continuing 99.01 feet along the arc of a curve concave to the Southeast having a radius of 440.00 feet and a chord bearing of South 42 degrees 18 minutes 45 seconds West 98.90 feet to the Northerly right-of-way line of Hamilton Avenue; thence North 65 degrees 47 minutes 00 seconds West, 225.00 feet along the Northerly right-of-way line of Hamilton Avenue, thence North 88 degrees 47 minutes 00 seconds West 100.98 feet to the Easterly right-of-way line of the C&O Railroad right-of-way; thence North 10 degrees 56 minutes 51 seconds East, 1,677.20 feet along the Easterly right-of-way line of the C&O Railroad right-of-way and the Westerly line of the Oak Park Subdivision and the Durant-Dort Carriage Company's Replat of part of Block 28 of Oak Park Subdivision and the Fairview Plat; thence South 87 degrees 32 minutes 57 seconds East, 1,044.06 feet along an existing fence line to the Westerly right-of-way line of the James P. Cole Boulevard, the following 4 courses being South 38 degrees 20 minutes 00 seconds West, 60.74 feet to a point of curvature; thence 292.17 feet along the arc of a curve concave to the Southeast having a radius of 872.16 feet and chord bearing of South 28 degrees 44 minutes 10 seconds West, 290.81 feet, and South 19 degrees 08 minutes 21 seconds West, 254.18 feet, and South 67 degrees 17 minutes 29 seconds East, 15.54 feet to the place of beginning.

"Parcel 20": Tax ID 25-41-06-451-003

Part of Block 33, Oak Park Subdivision, according to the recorded plat thereof, as recorded in Plat Liber 2, Pages 12 and 13, Genesee County Records, described as: Commencing at the Northwesterly comer of said block; thence South 18 degrees 56 minutes West, 100.80 feet; thence South 71 degrees 04 minutes East, 24.65 feet; thence South 18 degrees 57 minutes West, 208.59 feet for a place of beginning; thence South 18 degrees 57 minutes West, 462.54 feet; thence along a tangential curve to the right radius of 440.00 feet, a long chord bearing and distance of South 45 degrees 34 minutes 30 seconds West, 394.31 feet; thence South 72 degrees 12 minutes West, 105.84 feet; thence along a tangential curve to

the left having a radius of 360.00 feet, a long chord bearing and distance of South 64 degrees 50 minutes 06 seconds West, 92.30 feet; thence South 39 degrees 26 minutes 30 seconds West, 151.82 feet to the Northerly line of Hamilton Avenue, as occupied; thence South 50 degrees 33 minutes 30 seconds East, along said Northerly line to the Westerly bank of the Flint River; thence Northerly along said Westerly bank to a line bearing South 47 degrees 19 minutes 30 seconds East from place of beginning; thence North 47 degrees 19 minutes 30 seconds West to the place of beginning.

"Parcel 21": Tax ID 25-41-06-401-018

Part of Lots 6, 14 and 15, Block 6, and part of Lots 22 and 23, Block 11 of Fairview, according to the recorded plat thereof, as recorded in Liber 3 of Plats, Page 17, Genesee County Records, and part of vacated Michigan Avenue and vacated Leith Street (formerly Oakland Street), described as: Beginning at the Northeast corner of Lot 14, Block 6, Fairview Plat; thence South 01 degrees 10 minutes 19 seconds East, 8.85 feet along the East line of said Lot 14 to a point on an existing fence line; thence South 89 degrees 37 minutes 23 seconds West, 226.18 feet along an existing fence line to an existing fence corner; thence North 80 degrees 54 minutes 05 seconds West, 44.21 feet along an existing fence line to an existing fence corner; thence North 10 degrees 06 minutes 53 seconds East, 17.21 feet along an existing fence line to an existing fence corner; thence North 79 degrees 29 minutes 50 seconds West, 98.03 feet along an existing fence line to the West line of Block 11, Fairview Plat; thence North 10 degrees 56 minutes 51 seconds East, 33.85 feet along the West line of said Block 11 to the Northwest corner of Lot 22, Block 11, Fairview Plat; thence South 87 degrees 38 minutes 44 seconds East, 143.80 feet along the North line of said Lot 22 to the centerline of vacated Michigan Avenue; thence South 10 degrees 58 minutes 51 seconds West, 50.57 feet along the centerline of said vacated Michigan Avenue; thence South 87 degrees 38 minutes 44 seconds East, 222.69 feet along the North line of Block 6 Fairview Plat to the place of beginning. Except that portion thereof conveyed to the City of Flint by Deed of Gift recorded in Deed Liber 1464, Page 622, Genesee County Records.

Containing a total of 364.097 acres of land, more or less.

Tax Parcel ID(s): 25-41-06-128-048, 25-41-06-179-048, 25-41-06-180-007, 25-41-06-326-050, 25-41-06-377-027, 25-41-06-401-019, 25-41-06-451-003, 25-41-06-127-046, 25-41-06-130-049, 25-41-06-130-051, 25-41-06-176-042, 25-41-06-201-018, 25-41-06-401-018, 25-47-31-401-008, 25-47-31-202-026, 25-47-31-257-020, 25-47-31-279-001, and 25-47-31-380-017

More commonly known as: 902 East Hamilton Avenue, Flint, Michigan 48550-0001

EXHIBIT 2
DEPICTION OF PROPERTY

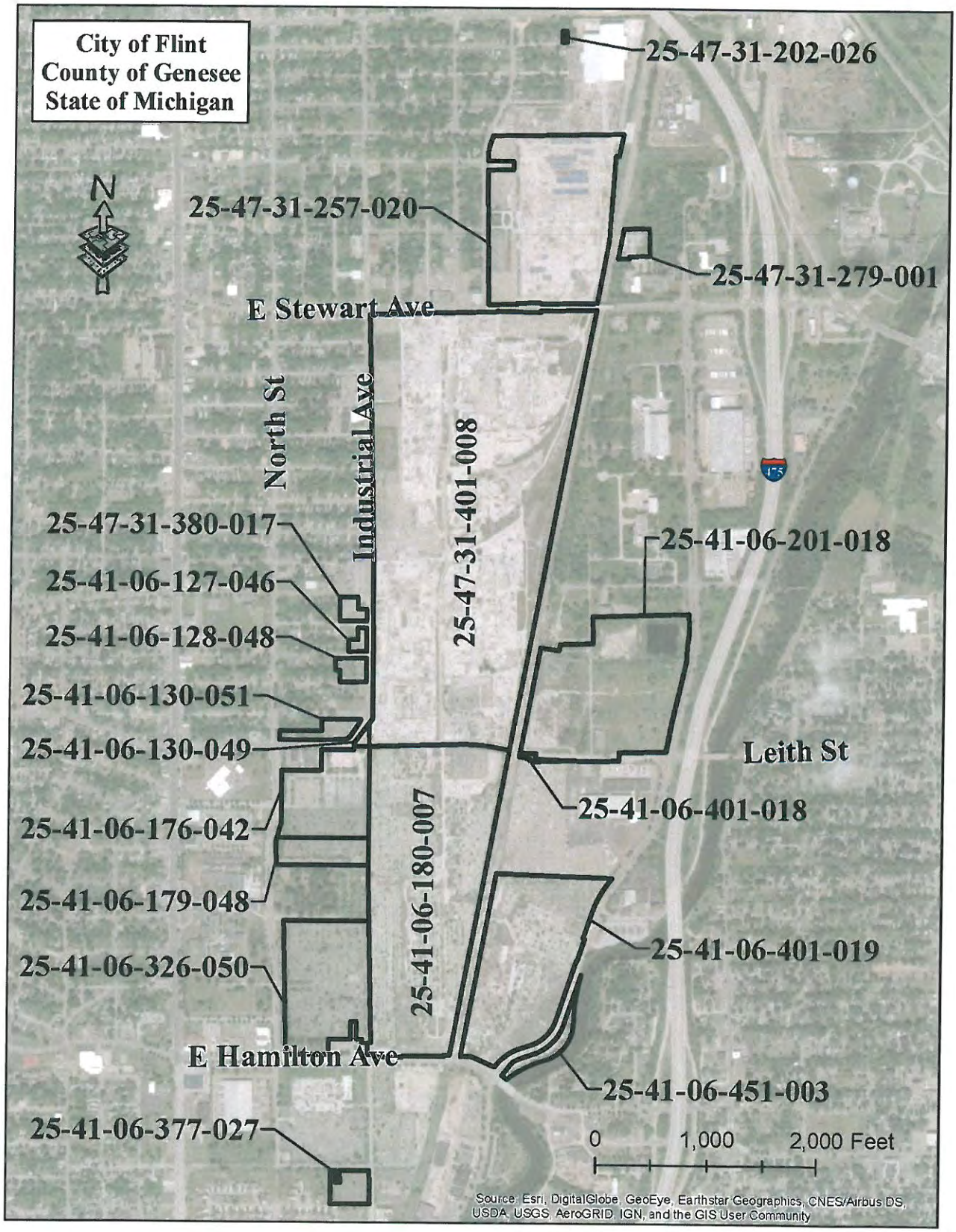
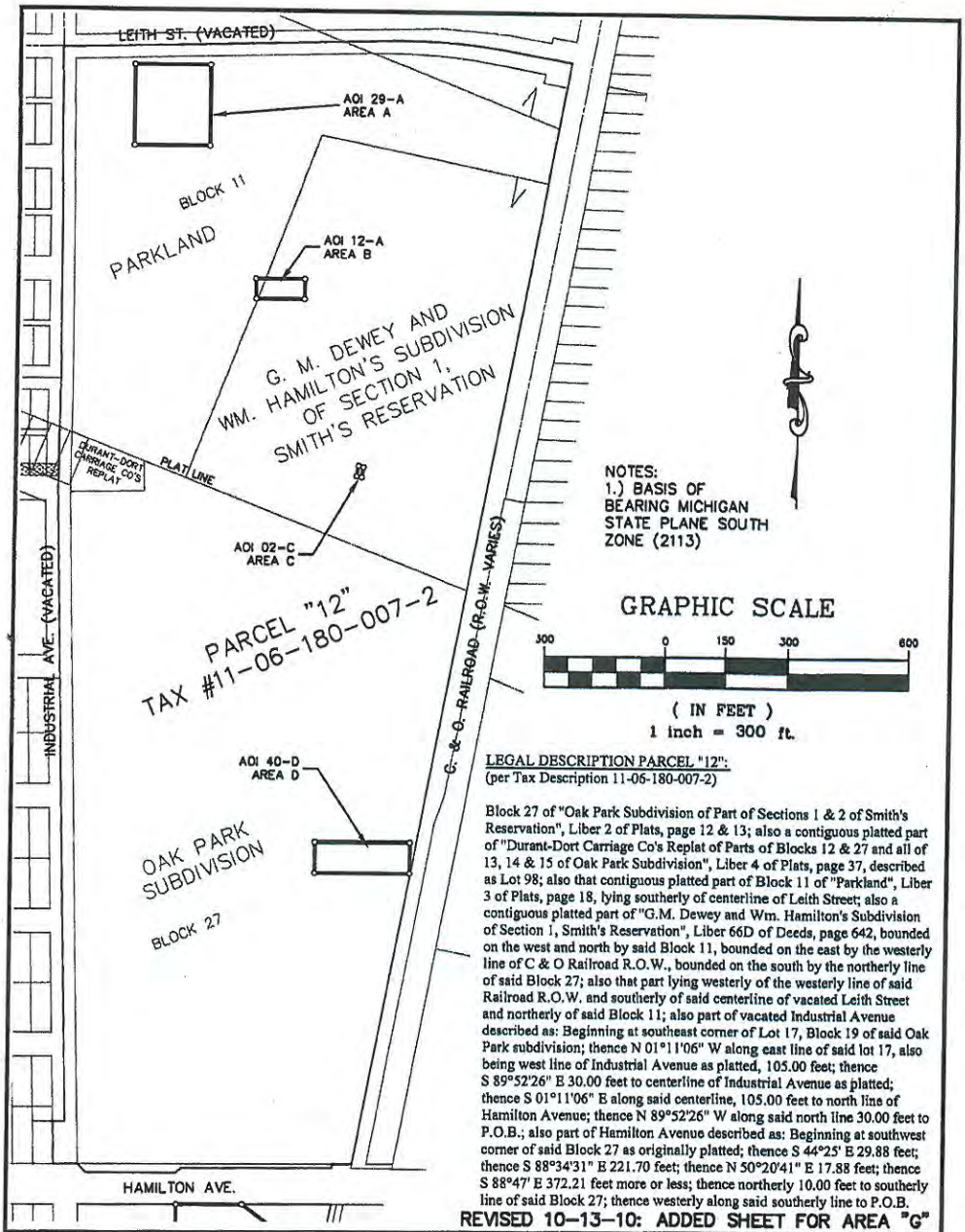


EXHIBIT 3



LEGAL DESCRIPTION PARCEL "12":
(per Tax Description 11-06-180-007-2)

Block 27 of "Oak Park Subdivision of Part of Sections 1 & 2 of Smith's Reservation", Liber 2 of Plats, page 12 & 13; also a contiguous platted part of "Durant-Dort Carriage Co's Replat of Parts of Blocks 12 & 27 and all of 13, 14 & 15 of Oak Park Subdivision", Liber 4 of Plats, page 37, described as Lot 98; also that contiguous platted part of Block 11 of "Parkland", Liber 3 of Plats, page 18, lying southerly of centerline of Leith Street; also a contiguous platted part of "G.M. Dewey and Wm. Hamilton's Subdivision of Section 1, Smith's Reservation", Liber 66D of Deeds, page 642, bounded on the west and north by said Block 11, bounded on the east by the westerly line of C & O Railroad R.O.W., bounded on the south by the northerly line of said Block 27; also that part lying westerly of the westerly line of said Railroad R.O.W. and southerly of said centerline of vacated Leith Street and northerly of said Block 11; also part of vacated Industrial Avenue described as: Beginning at southeast corner of Lot 17, Block 19 of said Oak Park subdivision; thence N 01°11'06" W along east line of said lot 17, also being west line of Industrial Avenue as platted, 105.00 feet; thence S 89°52'26" E 30.00 feet to centerline of Industrial Avenue as platted; thence S 01°11'06" E along said centerline, 105.00 feet to north line of Hamilton Avenue; thence N 89°52'26" W along said north line 30.00 feet to P.O.B.; also part of Hamilton Avenue described as: Beginning at southwest corner of said Block 27 as originally platted; thence S 44°25' E 29.88 feet; thence S 88°34'31" E 221.70 feet; thence N 50°20'41" E 17.88 feet; thence S 88°47' E 372.21 feet more or less; thence northerly 10.00 feet to southerly line of said Block 27; thence westerly along said southerly line to P.O.B.

REVISED 10-13-10: ADDED SHEET FOR AREA "G"

LEGEND

- ○ SET 1/2" IRON WITH CAP
- □ SET CONCRETE MONUMENT
- ● FOUND PROPERTY IRON
- ■ FOUND CONCRETE MONUMENT
- FENCE LINE
- GOVERNMENT CORNER
- CENTERLINE
- RIGHT-OF-WAY LINE
- (R) RECORDED DATA
- (M) MEASURED DATA
- (C) CALCULATED DATA

STATE OF MICHIGAN CAROLYN R. HUNTER PROFESSIONAL SURVEYOR No. 46670 LICENSED PROFESSIONAL SURVEYOR

SURVEYOR'S CERTIFICATE:
AS A PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN, I HEREBY STATE that the survey work hereon delineated has been performed under my supervision.

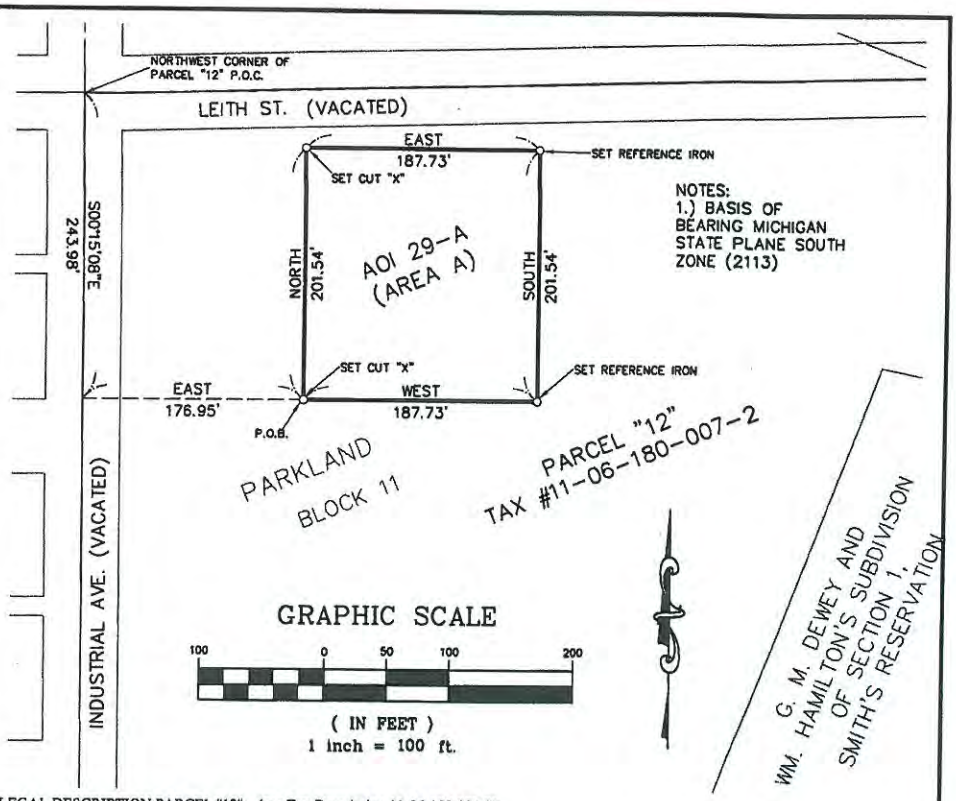
Carolyn R. Hunter, P.S. No. 46670

SKETCH OF DEED RESTRICTION

OVERALL SKETCH OF DEED RESTRICTIONS
AOI 29-A, AOI 12-A, AOI 02-C, &
AOI 40-D, OVER AND ACROSS PARCEL "12",
TAX # 11-06-180-007-02, CITY OF FLINT,
GENESEE COUNTY, MI
FOR: ARCADIS

BMJ ENGINEERS & SURVEYORS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
519 HURON AVE. PORT HURON, MI 48060
TEL: 810-984-5596 FAX: 810-984-8760
Web Page: www.bmjinc.com
Email: mail@bmjinc.com

SCALE: 1"=300'		DATE: 7-13-10	
SURVEYED: N/A	DRAWN: SWS	CHK'D: CRH	
JOB NO. 0212.1515	PAGE 1 OF 9		



LEGAL DESCRIPTION PARCEL "12": (per Tax Description 11-06-180-007-2)

Block 27 of "Oak Park Subdivision of Part of Sections 1 & 2 of Smith's Reservation", Liber 2 of Plats, page 12 & 13; also a contiguous platted part of "Durant-Dort Carriage Co's Replat of Parts of Blocks 12 & 27 and all of 13, 14 & 15 of Oak Park Subdivision", Liber 4 of Plats, page 37, described as Lot 98; also that contiguous platted part of Block 11 of "Parkland", Liber 3 of Plats, page 18, lying southerly of centerline of Leith Street; also a contiguous platted part of "G.M. Dewey and Wm. Hamilton's Subdivision of Section 1, Smith's Reservation", Liber 66D of Deeds, page 642, bounded on the west and north by said Block 11, bounded on the east by the westerly line of C & O Railroad R.O.W., bounded on the south by the northerly line of said Block 27; also that part lying westerly of the westerly line of said Railroad R.O.W. and southerly of said centerline of vacated Leith Street and northerly of said Block 11; also part of vacated Industrial Avenue described as: Beginning at southeast corner of Lot 17, Block 19 of said Oak Park subdivision; thence N 01°11'06" W along east line of said lot 17, also being west line of Industrial Avenue as platted, 105.00 feet; thence S 89°52'26" E 30.00 feet to centerline of Industrial Avenue as platted; thence S 01°11'06" E along said centerline, 105.00 feet to north line of Hamilton Avenue; thence N 89°52'26" W along said north line 30.00 feet to P.O.B.; also part of Hamilton Avenue described as: Beginning at southwest corner of said Block 27 as originally platted; thence S 44°25' E 29.88 feet; thence S 88°34'31" E 221.70 feet; thence N 50°20'41" E 17.88 feet; thence S 88°47' E 372.21 feet more or less; thence northerly 10.00 feet to southerly line of said Block 27; thence westerly along said southerly line to P.O.B.

DEED RESTRICTION AOI 29-A: (Area A)
A deed restriction being over and across the above described parcel: Commencing at the northwest corner of Parcel "12"; thence S 00°15'08"E 243.98 feet along the west line of said parcel; thence East 176.95 feet to the POINT OF BEGINNING; thence North 201.54 feet; thence East 187.73 feet; thence South 201.54 feet; thence West 187.73 feet to the point of beginning. Containing 0.87 acres and being subject to any and all easements of record.

REVISED 10-13-10: ADDED SHEET FOR AREA "G"

LEGEND

- O SET 1/2" IRON WITH CAP
- D SET CONCRETE MONUMENT
- ● FOUND PROPERTY IRON
- ■ FOUND CONCRETE MONUMENT
- FENCE LINE
- GOVERNMENT CORNER
- CENTERLINE
- RIGHT-OF-WAY LINE
- (R) RECORDED DATA
- (M) MEASURED DATA
- (C) CALCULATED DATA

SURVEYOR'S CERTIFICATE:
AS A PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN, I HEREBY STATE that the survey work hereon delineated has been performed under my supervision.

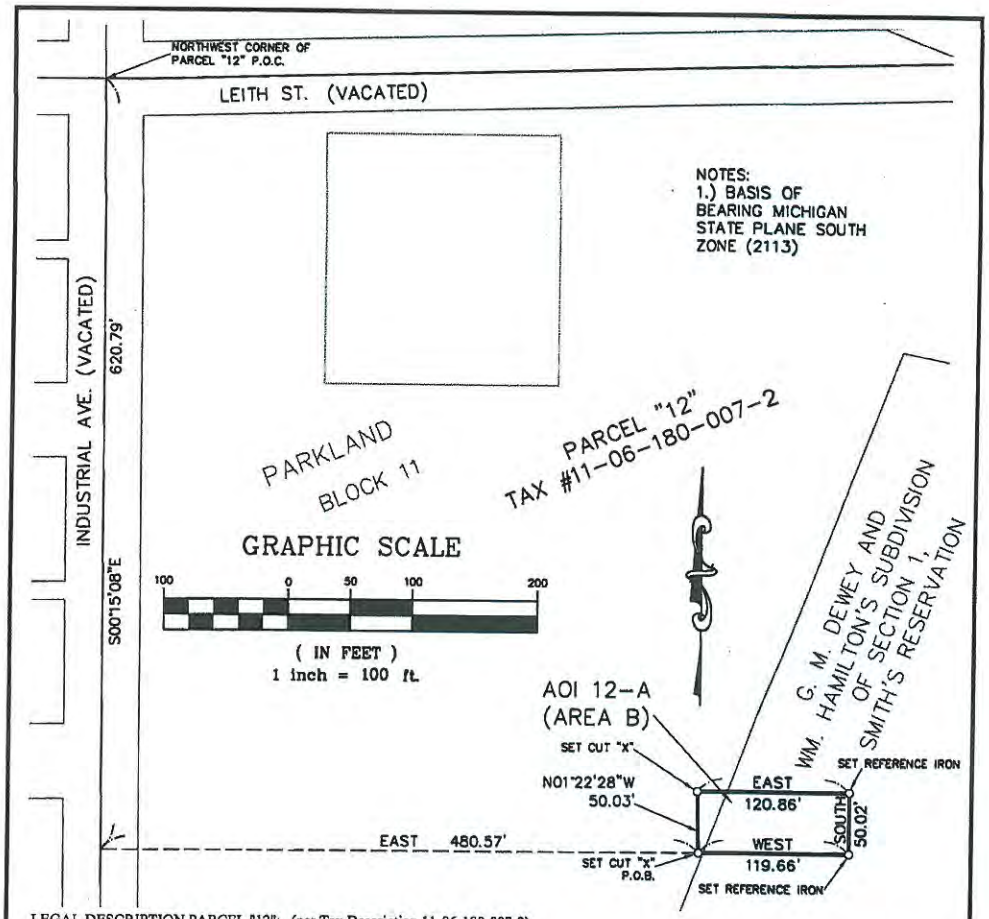
Carolyn R. Hunter, P.S. No. 46670

SKETCH OF DEED RESTRICTION

SKETCH OF DEED RESTRICTION
AOI 29-A (AREA A), OVER AND ACROSS PARCEL "12"
TAX #11-06-180-007-2,
CITY OF FLINT, GENESEE COUNTY, MI
FOR: ARCADIS

BMJ ENGINEERS & SURVEYORS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
519 HURON AVE. PORT HURON, MI 48060
TEL: 810-984-5596 FAX: 810-984-8760
Web Page: www.bmjinc.com
Email: mail@bmjinc.com

SCALE: 1"=100'		DATE:	7-19-10
SURVEYED: N/A	DRAWN: SWS	CHK'D:	CRH
JOB NO. 0212.1515	PAGE 2 OF 9		



LEGAL DESCRIPTION PARCEL "12": (per Tax Description 11-06-180-007-2)

Block 27 of "Oak Park Subdivision of Part of Sections 1 & 2 of Smith's Reservation", Liber 2 of Plats, page 12 & 13; also a contiguous platted part of "Durant-Dort Carriage Co's Replat of Parts of Blocks 12 & 27 and all of 13, 14 & 15 of Oak Park Subdivision", Liber 4 of Plats, page 37, described as Lot 98; also that contiguous platted part of Block 11 of "Parkland", Liber 3 of Plats, page 18, lying southerly of centerline of Leith Street; also a contiguous platted part of "G.M. Dewey and Wm. Hamilton's Subdivision of Section 1, Smith's Reservation", Liber 66D of Deeds, page 642, bounded on the west and north by said Block 11, bounded on the east by the westerly line of C & O Railroad R.O.W., bounded on the south by the northerly line of said Block 27; also that part lying westerly of the westerly line of said Railroad R.O.W. and southerly of said centerline of vacated Leith Street and northerly of said Block 11; also part of vacated Industrial Avenue described as: Beginning at southeast corner of Lot 17, Block 19 of said Oak Park subdivision; thence N 01°11'06" W along east line of said lot 17, also being west line of Industrial Avenue as platted, 105.00 feet; thence S 89°52'26" E 30.00 feet to centerline of Industrial Avenue as platted; thence S 01°11'06" E along said centerline, 105.00 feet to north line of Hamilton Avenue; thence N 89°52'26" W along said north line 30.00 feet to P.O.B.; also part of Hamilton Avenue described as: Beginning at southwest corner of said Block 27 as originally platted; thence S 44°25' E 29.88 feet; thence S 88°34'31" E 221.70 feet; thence N 50°20'41" E 17.88 feet; thence S 88°47' E 372.21 feet more or less; thence northerly 10.00 feet to southerly line of said Block 27; thence westerly along said southerly line to P.O.B.

DEED RESTRICTION AOI 12-A: (Area B)

A deed restriction being over and across the above described parcel: Commencing at the northwest corner of Parcel "12"; thence S 00°15'08"E 620.79 feet along the west line of said parcel; thence East 480.57 feet to the POINT OF BEGINNING; thence N 01°22'28"W 50.03 feet; thence East 120.86 feet; thence South 50.02 feet; thence West 119.66 feet to the point of beginning. Containing 0.14 acres and being subject to any and all easements of record.

REVISED 10-13-10: ADDED SHEET FOR AREA "G"

LEGEND

- ○ SET 1/2" IRON WITH CAP
- □ SET CONCRETE MONUMENT
- ● FOUND PROPERTY IRON
- ■ FOUND CONCRETE MONUMENT
- FENCE LINE
- GOVERNMENT CORNER
- CENTERLINE
- RIGHT-OF-WAY LINE
- (R) RECORDED DATA
- (M) MEASURED DATA
- (C) CALCULATED DATA

SURVEYOR'S CERTIFICATE:

AS A PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN, I HEREBY STATE that the survey work hereon delineated has been performed under my supervision.

Carolyn R. Hunter

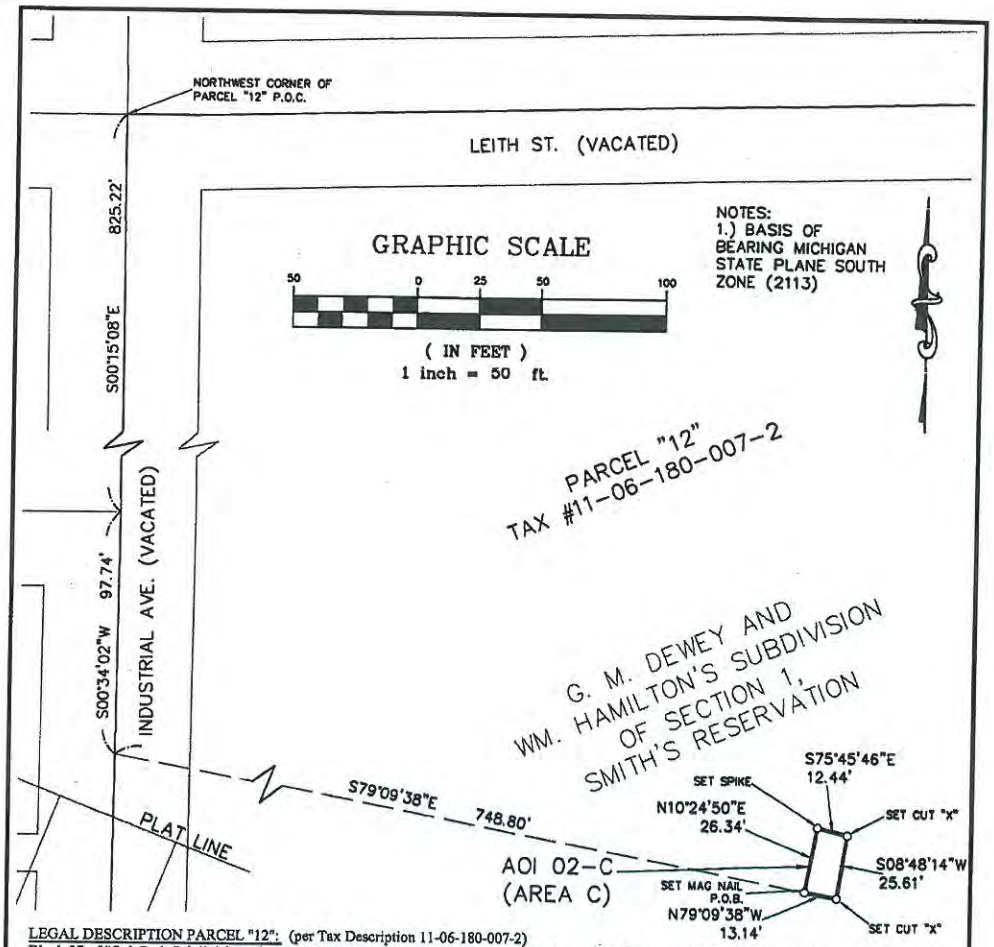
Carolyn R. Hunter, P.S. No. 46670

SKETCH OF DEED RESTRICTION

SKETCH OF DEED RESTRICTION
AOI 12-A (AREA B), OVER AND ACROSS PARCEL "12"
TAX #11-06-180-007-2,
CITY OF FLINT, GENESEE COUNTY, MI
FOR: ARCADIS

BMJ ENGINEERS & SURVEYORS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
519 HURON AVE. PORT HURON, MI 48060
TEL: 810-984-5596 FAX: 810-984-8760
Web Page: www.bmjinc.com
Email: mail@bmjinc.com

SCALE: 1"= 100'		DATE:	7-20-10
SURVEYED: NA	DRAWN: SWS	CHK'D:	CRH
JOB NO. 0212.1515	PAGE 3 OF 9		



LEGAL DESCRIPTION PARCEL "12": (per Tax Description 11-06-180-007-2)
Block 27 of "Oak Park Subdivision of Part of Sections 1 & 2 of Smith's Reservation", Liber 2 of Plats, page 12 & 13; also a contiguous platted part of "Durant-Dort Carriage Co's Replat of Parts of Blocks 12 & 27 and all of 13, 14 & 15 of Oak Park Subdivision", Liber 4 of Plats, page 37, described as Lot 98; also that contiguous platted part of Block 11 of "Parkland", Liber 3 of Plats, page 18, lying southerly of centerline of Leith Street; also a contiguous platted part of "G.M. Dewey and Wm. Hamilton's Subdivision of Section 1, Smith's Reservation", Liber 66D of Deeds, page 642, bounded on the west and north by said Block 11, bounded on the east by the westerly line of C & O Railroad R.O.W., bounded on the south by the northerly line of said Block 27; also that part lying westerly of the westerly line of said Railroad R.O.W. and southerly of said centerline of vacated Leith Street and northerly of said Block 11; also part of vacated Industrial Avenue described as: Beginning at southeast corner of Lot 17, Block 19 of said Oak Park subdivision; thence N 01°11'06" W along east line of said lot 17, also being west line of Industrial Avenue as platted, 105.00 feet; thence S 89°52'26" E 30.00 feet to centerline of Industrial Avenue as platted; thence S 01°11'06" E along said centerline, 105.00 feet to north line of Hamilton Avenue; thence N 89°52'26" W along said north line 30.00 feet to P.O.B.; also part of Hamilton Avenue described as: Beginning at southwest corner of said Block 27 as originally platted; thence S 44°25' E 29.88 feet; thence S 88°34'31" E 221.70 feet; thence N 50°20'41" E 17.88 feet; thence S 88°47' E 372.21 feet more or less; thence northerly 10.00 feet to southerly line of said Block 27; thence westerly along said southerly line to P.O.B.

DEED RESTRICTION AOI 02-C: (Area C)
A deed restriction being over and across the above described parcel: Commencing at the northwest corner of Parcel "12"; thence S 00°15'08"E 825.22 feet along the west line of said parcel; thence continuing along said west line S 00°34'02"W 97.74 feet; thence S 79°09'38"E 748.80 feet to the POINT OF BEGINNING; thence N 10°24'50"E 26.34 feet; thence S 75°45'46"E 12.44 feet; thence S 08°48'14"W 25.61 feet; thence N 79°09'38"W 13.14 feet to the point of beginning. Containing 0.01 acres and being subject to any and all easements of record.

REVISED 10-13-10: ADDED SHEET FOR AREA "G"

LEGEND
- O SET 1/2" IRON WITH CAP
- □ SET CONCRETE MONUMENT
- ● FOUND PROPERTY IRON
- ■ FOUND CONCRETE MONUMENT
- FENCE LINE
- GOVERNMENT CORNER
- CENTERLINE
- RIGHT-OF-WAY LINE
- (R) RECORDED DATA
- (M) MEASURED DATA
- (C) CALCULATED DATA

SURVEYOR'S CERTIFICATE:
AS A PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN, I HEREBY STATE that the survey work hereon delineated has been performed under my supervision.

Carolyn R. Hunter, P.S. No. 46670

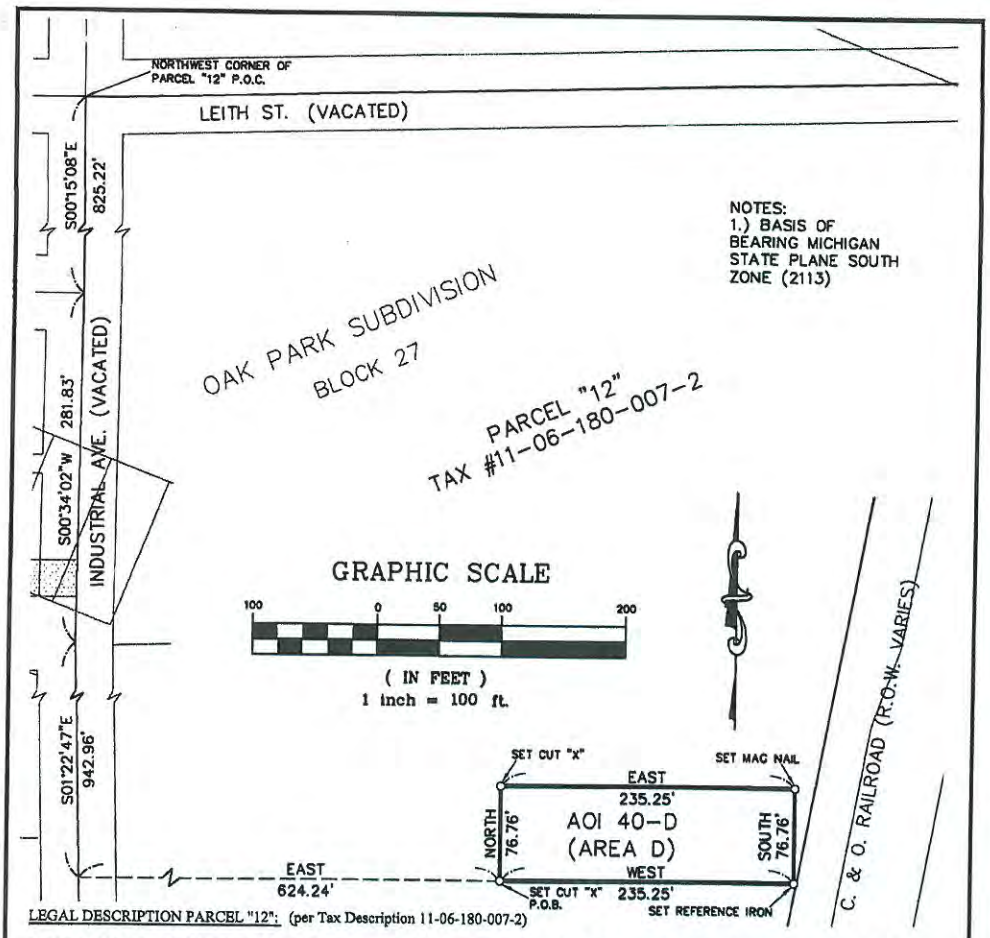
SKETCH OF DEED RESTRICTION

SKETCH OF DEED RESTRICTION
AOI 02-C (AREA C), OVER AND ACROSS PARCEL "12"
TAX #11-06-180-007-2,
CITY OF FLINT, GENESEE COUNTY, MI
FOR: ARCADIS

BMJ ENGINEERS & SURVEYORS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
519 HURON AVE. PORT HURON, MI 48060
TEL: 810-984-5596 FAX: 810-984-8760
Web Page: www.bmjinc.com
Email: mail@bmjinc.com

SCALE: 1"= 50'		DATE: 7-20-10	
SURVEYED: NA	DRAWN: SWS	CHK'D: CRH	
JOB NO. 0212.1515		PAGE 4 OF 9	

\\SERVER\2\Surveys\0212-1515\dwg\0212-1515 Sketch Revised 10-13-10.dwg, 10/18/2010 10:06:52 AM, SWS



LEGAL DESCRIPTION PARCEL "12": (per Tax Description 11-06-180-007-2)

Block 27 of "Oak Park Subdivision of Part of Sections 1 & 2 of Smith's Reservation", Liber 2 of Plats, page 12 & 13; also a contiguous platted part of "Durant-Dort Carriage Co's Replat of Parts of Blocks 12 & 27 and all of 13, 14 & 15 of Oak Park Subdivision", Liber 4 of Plats, page 37, described as Lot 98; also that contiguous platted part of Block 11 of "Parkland", Liber 3 of Plats, page 18, lying southerly of centerline of Leith Street; also a contiguous platted part of "G.M. Dewey and Wm. Hamilton's Subdivision of Section 1, Smith's Reservation", Liber 66D of Deeds, page 642, bounded on the west and north by said Block 11, bounded on the east by the westerly line of C & O Railroad R.O.W., bounded on the south by the northerly line of said Block 27; also that part lying westerly of the westerly line of said Railroad R.O.W. and southerly of said centerline of vacated Leith Street and northerly of said Block 11; also part of vacated Industrial Avenue described as: Beginning at southeast corner of Lot 17, Block 19 of said Oak Park subdivision; thence N 01°11'06" W along east line of said lot 17, also being west line of Industrial Avenue as platted, 105.00 feet; thence S 89°52'26" E 30.00 feet to centerline of Industrial Avenue as platted; thence S 01°11'06" E along said centerline, 105.00 feet to north line of Hamilton Avenue; thence N 89°52'26" W along said north line 30.00 feet to P.O.B.; also part of Hamilton Avenue described as: Beginning at southwest corner of said Block 27 as originally platted; thence S 44°25' E 29.88 feet; thence S 88°34'31" E 221.70 feet; thence N 50°20'41" E 17.88 feet; thence S 88°47' E 372.21 feet more or less; thence northerly 10.00 feet to southerly line of said Block 27; thence westerly along said southerly line to P.O.B.

DEED RESTRICTION AOI 40-D: (Area D)

A deed restriction being over and across the above described parcel: Commencing at the northwest corner of Parcel "12"; thence S 00°15'08"E 825.22 feet along the west line of said parcel; thence continuing along said west line the following two courses S 00°34'02"W 281.83 feet and S 01°22'47"E 942.96 feet; thence East 624.24 feet to the POINT OF BEGINNING; thence North 76.76 feet; thence East 235.25 feet; thence South 76.76 feet; thence West 235.25 feet to the point of beginning. Containing 0.41 acres and being subject to any and all easements of record.

REVISED 10-13-10: ADDED SHEET FOR AREA "G"

LEGEND

- ○ SET 1/2" IRON WITH CAP
- □ SET CONCRETE MONUMENT
- ● FOUND PROPERTY IRON
- ■ FOUND CONCRETE MONUMENT
- FENCE LINE
- GOVERNMENT CORNER
- CENTERLINE
- RIGHT-OF-WAY LINE
- (R) RECORDED DATA
- (M) MEASURED DATA
- (C) CALCULATED DATA

SURVEYOR'S CERTIFICATE:

AS A PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN, I HEREBY STATE that the survey work hereon delineated has been performed under my supervision.

Carolyn R. Hunter

Carolyn R. Hunter, P.S. No. 46670

SKETCH OF DEED RESTRICTION

SKETCH OF DEED RESTRICTION
AOI 40-D (AREA D), OVER AND ACROSS PARCEL "12"
TAX #11-06-180-007-2,
CITY OF FLINT, GENESEE COUNTY, MI
FOR: ARCADIS

BMJ ENGINEERS & SURVEYORS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
519 HURON AVE. PORT HURON, MI 48060
TEL: 810-984-5596 FAX: 810-984-8760
Web Page: www.bmjinc.com
Email: mail@bmjinc.com

SCALE: 1"=100'		DATE:	7-20-10
SURVEYED: NA	DRAWN: SWS	CHK'D:	CRH
JOB NO. 0212.1515		PAGE 5 OF 9	

EXHIBIT 4
LIST OF CONTAMINANTS OF CONCERN ABOVE CRITERIA IN SOILS OR GROUNDWATER

The following contaminants of concern have been found in soils or groundwater at the Property in concentrations above the cleanup criteria for unrestricted residential use for relevant exposure pathways.

Contaminant of Concern	CAS	Applicable Criteria Exceeded
Arsenic	7440-38-2	GSIP, RDWP, NDWP
Barium	7440-39-3	GSI
Benzene	71-43-2	RDW, NDW
I Cadmium	7440-43-9	GSI, RDW, NDW
Chromium	7440-47-3	GSIP
Cobalt	7440-48-4	GSIP, RDW, RDWP, NDWP
Copper	7440-50-8	GSI, NDWP
Lead	7439-92-1	RDW, NDW
Manganese	7439-96-5	GSI, GSIP, RDW, RDWP, NDW, NDWP
Mercury	7439-97-6	GSI, RDW, NDW
Methylene Chloride	75-09-2	RDWP, NWDP
Nickel	7440-02-0	GSI, RDW, NDW
Selenium	7782-49-2	GSI
Silver	7440-22-4	GSI
Vanadium	7440-62-2	RDW

EXHIBIT 5
DESCRIPTION OF ALLOWABLE USES

Nonresidential Land Use: This land use is characterized by any use which is not residential in nature and is primarily characterized by industrial and commercial uses. Industrial uses typically involve manufacturing operations engaged in processing and manufacturing of materials or products. Other examples of industrial uses are utility companies, industrial research and development, and petroleum bulk storage. Commercial uses include any business or income-producing use, such as commercial warehouses, lumber yards, retail gas stations, auto dealerships and service stations, as well as office buildings, banks, and medical/dental offices (not including hospitals). Commercial uses also include retail businesses whose principal activity is the sale of food or merchandise within an enclosed building and personal service establishments which perform services indoors such as health clubs, barber/beauty salons, photographic studios, etc.

Any residential use is specifically prohibited from the non-residential land use category. This would include the primary use of the Property for human habitation and includes structures such as single family dwellings, multiple family structures, mobile homes, condominiums, and apartment buildings. Any uses which are intended to house, educate, or provide care for children, the elderly, the infirm, or other sensitive populations, and therefore could include day care centers, educational facilities, hospitals, elder care facilities, and nursing homes, may not fit the nonresidential exposure assumptions. Residential or site specific environmental protection standards may need to be considered. The use of any accessory building or portion of an existing building as a dwelling unit permitted for a proprietor or storekeeper and their families, located in the same building as their place of occupation, or for a watchman or caretaker is also prohibited. Any authority that allows for residential use of the Property as a legal non-conforming use is also restricted per the prohibitions contained in this restrictive covenant.