

WARRANTY DEED

Heritage Pointe Condominium Association (Grantor), whose address is 12587 East Ten Mile Road, Warren, MI 48089, conveys and warrants to the City of Warren, a Michigan Municipal Corporation (Grantee) whose address is One City Square, Suite 400, Warren, Michigan 48093-5285, the following described real property commonly known as Independence Trail, Constitution Avenue, Heritage South and Heritage North, situated in the City of Warren, County of Macomb, State of Michigan for right-of-way and utility easements and more particularly described as:

Complete description attached and marked as Exhibit 1

Together with any and all tenements, hereditaments, and appurtenances, expressly excluding any and all storm sewer facilities not located within the proposed dedicated right-of-way, for the sum of (\$1.00) one dollar.

The property transfer is exempt from taxation pursuant to MCLA 207.505(a) and 207.526(a).

Dated this 27th day of December, 2007.

Signed in the presence of:

Signed by:

Diane M. Martin
Diane M. Martin
Lisa Morrison
Lisa Morrison

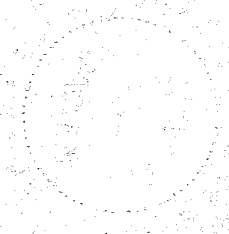
Marc Goodson
MARC GOODSON, President/Treasurer
HERITAGE POINTE CONDOMINIUM ASSOCIATION
12587 East Ten Mile Road, Warren, MI 48089

STATE OF MICHIGAN)
) SS.
COUNTY OF MACOMB)

The foregoing instrument was acknowledged before me this 27th day of December 2007, in Macomb County, Michigan by Marc Goodson, President/Treasurer of Heritage Pointe Condominium Association.

BELINDA BONDI
Notary Public, Macomb County, MI
My Commission Expires 9/9/13
Acting in Macomb County

Belinda Bondi
Belinda Bondi, Notary Public
Macomb County, Michigan
My Commission Expires: 09/09/13
Acting in the County of MACOMB



County Treasurer's Certificate		City Treasurer's Certificate
When Recorded Return to: City Attorney's Office One City Square, Suite 400 Warren, MI 48093-5285	Send Subsequent Tax Bills: Exempt	Drafted By: City Attorney's Office One City Square, Suite 400 Warren, MI 48093-5285

Tax Parcel # A part of 13-23-451-002 Recording Fee \$ Revenue Stamps N/A

**WAIVER OF LIABILITY AND COVENANT NOT TO SUE
FOR MUNICIPAL SERVICES**

BY HERITAGE POINTE CONDOMINIUM ASSOCIATION

Heritage Pointe Condominium Association, 12587 East Ten Mile Road, Warren, MI 48089, is the legal owner of land presently used as right-of-way within the Heritage Pointe condominium development commonly known as: Independence Trail, Constitution Avenue, Heritage South, and Heritage North, more particularly described in **Exhibit 1** as attached.

Heritage Pointe Condominium Association, 12587 East Ten Mile Road, Warren, MI 48089, has offered to dedicate the above listed right-of-way to the City of Warren to be used for public highway purposes and has represented that the roadway and right-of-way was developed to standard City specifications for public roads except barrier curbing was not provided.

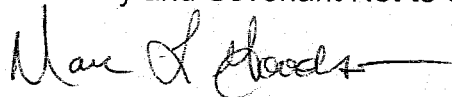
Independence Trail, Constitution Avenue, Heritage South, and Heritage North were not constructed with the traditional barrier curbing. As a result, the greenbelt areas are not protected from large service vehicles which may inadvertently cause damage to the greenbelt area including but not limited to any above surface structures, sod, landscaping or other property immediately adjacent to the roadway or driveway areas.

As a result, Heritage Pointe Condominium Association, 12587 East Ten Mile Road, Warren, MI 48089, acknowledges that the operation of water division vehicles and equipment; sanitation vehicles and equipment; snow plow vehicles and equipment; and emergency vehicles upon Independence Trail, Constitution Avenue, Heritage South, and Heritage North right-of-way may inadvertently cause damage to the greenbelt areas.

Further, it is acknowledged that the City's acceptance of the property proposed for dedication for right-of-way and utility easements together with all tenements, hereditaments, and appurtenances, expressly excludes any and all storm sewer facilities not located within the proposed dedicated right-of-way; and further shall not include any requirement or expectation that the City will purchase or acquire any water, sanitation or emergency vehicles designed specifically to provide services to the Heritage Pointe Condominium development.

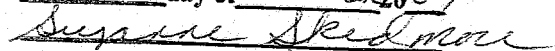
Therefore, the Heritage Pointe Condominium Association, 12587 East Ten Mile Road, Warren, MI 48089, on behalf of the association and all its members and its successors and assigns, upon the dedication of the property for public right-of-way and utility easements and in consideration of the City's acceptance of the dedication; covenants and agrees that they will never at any future time commence, cause or permit to be commenced, any action at law or in equity in any Court, against the City of Warren, its employees, the elected and appointed officials, and any agents, to charge the City or its employees, the elected and appointed officials, or any agents with any liability for or to recover any compensation for, damages sustained to any above surface structures, any sod, landscaping or other property immediately adjacent to the right-of-way, the roadway and the driveways as a result of the use and operation of the City of Warren vehicles and equipment within the condominium development, provided however, any pavement damaged as a result of the excavation for a watermain break repair, or sanitary sewer repair would be repaired by the City in like manner to pavement damaged during an excavation in any public right-of-way. The City of Warren shall be forever relieved and protected by this covenant from any action or proceeding according to the terms of this waiver by the Association or its members whatsoever.

This Waiver of Liability and Covenant Not to Sue shall be perpetual and shall run with the land.



Subscribed and sworn to before me, this

11th day of OCTOBER 2007



SUZANNE SKIDMORE

Notary Public, Macomb County, Michigan

My Commission Expires 04-06-2011

Acting in Macomb County

Dated this 11th day of October, 2007.

In the Presence of:

Marc L. Goodson
HERITAGE POINTE ASSOCIATION

Witnesses:

DIANNE M. MARTIN
Print Name
Dianne M. Martin

By: Marc L. Goodson
Print Name

Its: President/Treasurer

KATHY DOMBROWSKI
Print Name
Kathy Dombrowski

And: _____
Print Name

Its: _____

NOTARY

STATE OF MICHIGAN)
) SS.
COUNTY OF MACOMB)

On this 11th day of October, 2007, before me, a notary public in and for said County, personally appeared MARCIANER GOODSON, and _____, to me known to be the same person described in and who executed the within instrument and acknowledged the same to be their free act and deed.

Suzanne Skidmore
SUZANNE SKIDMORE, Notary Public
Macomb County, Michigan
Acting in the County of MACOMB
My Commission Expires: 04/06/11

SUZANNE SKIDMORE
Notary Public, Macomb County, MI
My Commission Expires 04-06-2011
Acting in Macomb County



CITY ATTORNEY'S OFFICE

ONE CITY SQUARE, SUITE 400

WARREN, MI 48093-5285

(586) 574-4671

FAX (586) 574-4530

www.cityofwarren.org

December 21, 2007

Mr. Mark Goodson
Heritage Pointe Association
12587 E. 10 Mile Road
Warren, Michigan 48089

Re: Dedication of Streets in Heritage Pointe Development to the City of Warren

Dear Mr. Goodson:

Enclosed please find a proposed deed to convey the streets located in the Heritage Pointe complex to the City. Please have the deed reviewed by your attorney and executed. Upon execution, please deliver the original to me. I will have it recorded with the Macomb County Register of Deeds.

Sincerely,

Nancy Cooper Green
Chief Assistant City Attorney

NCG/j Heritage Pointe street ded. ltr

Enclosure

cc: Edwin Bayer, Planning Director
Richard Sabaugh, Public Service Director
Todd Schaedig, Acting City Engineer