

Founded in 1852
by Sidney Davy Miller

MILLER CANFIELD

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November 4, 2020

VIA Federal Express

MSU Federal Credit Union
3777 West Road
East Lansing, MI 48823
Attention: President

Re: Proposed Development of a Portion of Lots 24 and 25, Plat of Oakwood, City of East Lansing (Abbot Road)

Dear Sir/Madam:

Please be advised that the undersigned law firm represents 327 Abbott Road, LLC (“AR”) and Authentic Properties, LLC (“AP” together with AR, hereinafter “327”). AR owns property commonly known as 327 Abbot Road, East Lansing, Michigan, described on **Exhibit A** attached hereto (the “327 Parcel”), which is immediately adjacent to and north of a vacant municipal parking lot legally described on the attached **Exhibit B**, incorporated herein by reference (the “**Development Parcel**”). AP is a tenant in possession of the 327 Parcel on which it operates a restaurant called Dublin Square Irish Pub.

Upon information and belief, we understand that Michigan State University Federal Credit Union (“MSUFCU”) is under contract to purchase the Developmental Parcel and thereafter proposes to construct thereon a multi-story, mixed-use project (the “Development”). Previously, our client advised MSUFCU of its significant concerns that the Development will have significant and detrimental effects on and cause damage to the 327 Parcel. In response, 327 was advised by MSUFCU that, contrary to the reasonable and legitimate concerns raised, the proposed Development will in no way, shape, or form cause any damage to the 327 Parcel, interrupt the operations of AP or require any easements or intrusion on, over, or across the 327 Parcel.

While the assurances of MSCFCU are appreciated and will be relied upon by 327, in order to avoid confusion as to the position of 327, please be advised that in connection with the Development:

1. MSUFCU does not have any right, privilege, consent, license, or approval to enter upon, on, under, or over any portion of the 327 Parcel for any reason whatsoever in connection with the Development contemplated by MSUFCU.

2. MSUFCU is hereby specifically directed not to use any portion of the 327 Parcel for any purposes in connection with the Development. The foregoing prohibition includes but is not limited to the swinging of cranes or any other construction materials over the air space above the 327 Parcel (including the outside patio), the installation of anchors for lateral support girders below the surface of the 327 Parcel, the storage or transport of any materials on or over the 327 Parcel, or the accumulation of waste, garbage, or construction debris on any portion of the 327 Parcel.
3. No construction activities should affect the foundation components of the improvements on the 327 Parcel or otherwise block or impede vehicular or pedestrian access to the 327 Parcel.
4. In the event of any violation of any of the foregoing directives as same relate to the 327 Parcel, we have been directed to take such actions as are necessary to immediately enjoin such violations of the property rights of 327, whether by injunctive relief or otherwise, and thereafter to pursue all other remedies for damages as may be available at law or in equity.
5. In connection with such construction activities on the Developmental Parcel, 327 requires that MSUFCU shall comply with all applicable laws, rules, and regulations applicable to such development, as same benefit the 327 Parcel, including but not limited to the control of noise, construction debris, and timing of construction activities.
6. MSUFCU must take all required actions so as to assure 327 and its invitees that they shall not suffer any injury to persons or damages property resulting from the Development and in the event any such injuries or damage occur, MSUFCU and all other parties responsible for same shall be held liable to the full extent permitted by law.

All future communications in relation to this matter should be in writing and forwarded to the undersigned. Please govern yourselves accordingly.

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

MSU Federal Credit Union

-3-

November 4, 2020

Sincerely,

Miller, Canfield, Paddock and Stone, P.L.C.

By:


Joseph M. Fazio

JMF/mmp

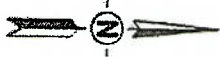
cc: 327 Abbott Road, LLC

MORTGAGE REPORT

For:
 Capital Community Credit Union
 4510 S. Pennsylvania
 Lansing, MI 48917

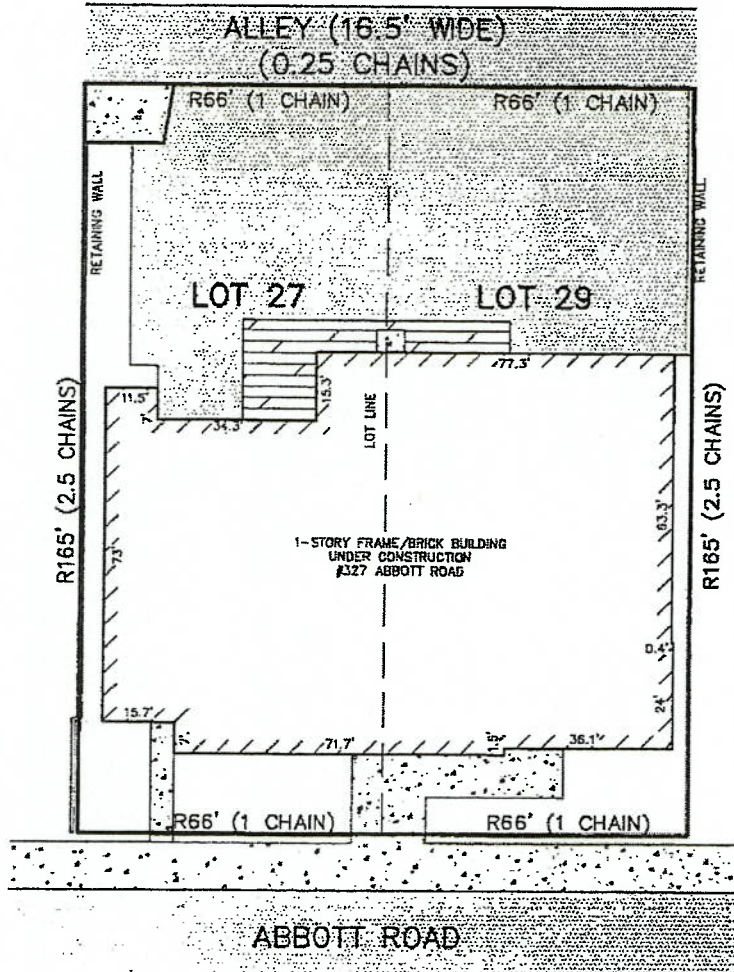
Buyers:
 Authentic Properties, LLC
 327 Abbott Road
 East Lansing, MI 48823

Legal Description (as provided): Lots 27 and 29 Plat of Oakwood, City of East Lansing, Ingham County, Michigan, according to the recorded plat thereof as recorded in Liber 2 of Plats, Page 33, Ingham County Records.



1" = 30'

A LOT SURVEY IS REQUIRED FOR THE EXACT LOCATION OF FENCE AND PROPERTY LINES.



This report is intended solely for mortgage purposes and no property lines were monumented. No dimensions hereon are to be used to establish property lines or in the building of structures or fences. I hereby certify that we have inspected the above described parcel of land and that all visible encroachments of a permanent nature upon said parcel are as shown on this report. Said parcel and or lot subject to all easements and restrictions if any.

- R = Recorded Distance
- M = Measured Distance
- = Distance Not to Scale
- = Deed Line
- ▨ = Deck Areas
- ▭ = Concrete Areas
- ▩ = Asphalt Areas

Larry A. Bryan
 LARRY A. BRYAN DATE 2-2-07
 PROFESSIONAL SURVEYOR No. 25832

	KESB, INC. KYES ENGINEERING BRYAN LAND SURVEYS	
	2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047	
Charlotte Office Ph. 517-543-7076		Marshall Office Ph. 289-781-9800
DRAWN BY SLH	SECTION 13, T4N, R2W	
FIELD WORK BY RDF	JOB NUMBER: 80197.MTG	
SHEET 1 OF 1		

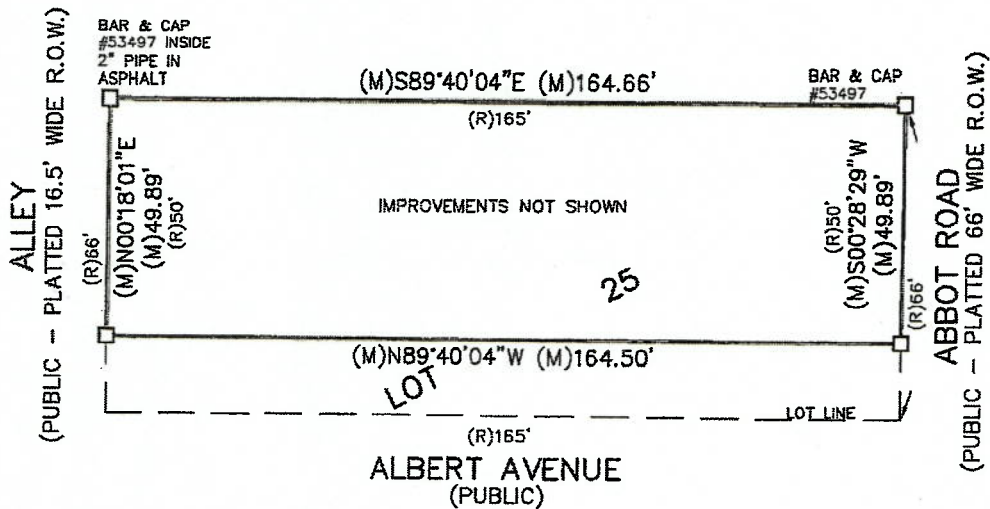
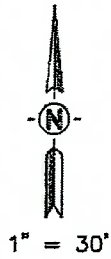
Exhibit A

LOT SURVEY

For:
 Ghafari//Concept Design
 89 Monroe Center Street NW
 Grand Rapids, MI 49503

Survey Address:
 Vacant - Albert Avenue
 East Lansing, MI 48823
 ID: 33-20-01-13-229-011

Legal Description (as provided): PART OF LOT 25 - BEG. AT NE COR OF LOT 25 - W 165 FT - S 50 FT - E 165 FT - N 50 FT TO BEG OAKWOOD



NOTES:
 1. EASEMENTS, IF ANY, NOT SHOWN

I hereby certify only to the parties hereon that we have surveyed, at the direction of said parties, the above described lot, and that we have found or set, as noted hereon, permanent markers to all corners of said lot and that all visible encroachments of a permanent nature upon said lot are as shown on this survey. Said lot subject to all easements and restrictions of record.

- R = Recorded Distance
- M = Measured Distance
- = Distance Not to Scale
- = Deed Line
- ⊙ = Set 1/2" Bar with Cap
- = Found PK Nail Unless Noted
- ▨ = Concrete, Asphalt, Deck, and Porch
- *- = Fence
- 0.0'± = Denotes Distance to the Survey Line

Erick R. Friestrom
 ERICK R. FRIESTROM
 PROFESSIONAL SURVEYOR NO. 53497

DATE
 07/11/19

KEBS, INC. KYES ENGINEERING
 BRYAN LAND SURVEYS

2116 HASLETT ROAD, HASLETT, MI 48840
 PH. 517-339-1014 FAX. 517-339-8047

13432 PRESTON DRIVE, MARSHALL, MI 49068
 PH. 269-781-9800 FAX. 269-781-9805

DRAWN BY SSF	SECTION 13, T4N, R2W
FIELD WORK BY ---	JOB NUMBER: 94546.LOT-5
SHEET 1 OF 1	

Exhibit B