

Received for record May 18, 1948  
10 A.M.

*Laura P. Dames*  
REGISTER  
OF DEEDS

THIS INDENTURE, made this 29th day of April, in the year of our Lord One Thousand Nine Hundred Forty-eight, between KATHARINE DEXTER MCGORMICK, 209 Lake Shore Drive, Chicago, Illinois, the Grantor, and the VILLAGE OF ELK RAPIDS, Michigan, the Grantee,  
WITNESSETH:

WHEREAS, the Grantor is the owner of certain land known as "the Island," in the Village of Elk Rapids, Antrim County, Michigan, together with the improvements located thereon, which land and improvements are suitable and adaptable for public use as a park, library, place of assembly, village hall, and for community center purposes generally; and

WHEREAS, the Grantor, in memory of her father, Wirt Dexter, desires to present said property to the Grantee, for the use and benefit of the Grantee and its residents and for any or all of the uses or purposes mentioned above, said property to be known as "The Elk Rapids Library"; and

WHEREAS, the Grantee desires to accept the gift of said property and has agreed with the Grantor upon the terms, provisions and restrictions of the within deed of gift as herein set forth,

NOW, THEREFORE, in consideration of the premises and for other good and valuable consideration, receipt whereof is hereby acknowledged, the undersigned Grantor does hereby grant, bargain, sell, convey, remise and forever quit claim, without any warranties whatsoever, and for the purposes and subject to the restrictions hereinafter specified, unto the Grantee, its successors and assigns, all those certain pieces or parcels of land situate and being in the Village of Elk Rapids, County of Antrim, State of Michigan, and described as follows, to wit:

Government Lot Four (4) of Section Twenty (20) in Town Twenty-Nine (29) North of Range 9 West and containing Four and eighty-two one hundredths (4.82) acres of land, more or less, according to the United States survey thereof, including all easements, rights of way and private roads, appurtenances thereto, and burdens in connection therewith, as specified in detail in the deed from Elk Rapids Iron Company to Josephine Dexter dated April 10, 1926, and recorded in the office of the Register of Deeds for Antrim County in Liber 67 of Deeds, on pages 385 et seq.

Also, a piece of land situated on Lot one (1) of Section twenty (20) in said Town Twenty-nine (29), North of Range Nine (9) West, described as follows: Commencing on the North line of River Street of the Village of Elk Rapids at a point on the North line of River Street, twenty (20) feet West of West line of Pine Street, extended north to the North line of said River Street, thence run North fifteen degrees (15°) East parallel to the said West line of Elk River; thence run Easterly along the North shore of Said Elk River to a point where the East line of said Pine Street extended North would intersect the North shore of said Elk River; thence run south fifteen degrees West (15° W) along the said East line of said Pine Street so extended North to the North line of River Street; thence run Westerly along the North line of River Street to the place of beginning, subject, however, to the right and easement of the Village of Elk Rapids, and its successors, to maintain a sewer along the westerly part of said parcel of land,

~~together with all and singular the hereditaments and appurtenances thereunto belonging or in any other wise appertaining, to have and to hold the said premises, as herein described, with the appurtenances, free and clear of any and all taxes and assessments payable during the year 1948 and for preceding years, unto the Grantee, its successors and assigns, forever, in trust, nevertheless, for the benefit of the residents of said Village and for use by said Village and its residents as a library, park, place of assembly, village hall, or community center, and the Grantee, its successors and assigns, does hereby covenant and agree that the said premises shall be contin-~~

(over)

(continued)

~~uously kept, maintained and used for one or more of the aforesaid public charitable uses or purposes and that in no event shall said premises be used for any other or inconsistent use or purpose and particularly that said premises shall not be used as a hospital, nursing home, convalescent home, home for the aged, or for any similar institution or purpose.~~

It is further understood and agree, by and between the Grantor and Grantee, that the aforesaid covenants and restrictions shall run with the land, in favor of the owner or owners of any parcel of land located within the Village of Elk Rapids, and that said covenants and restrictions are made for the benefit of all of said parcels of land and the several owners thereof, both present and future, and that in the event of any breach of any of the covenants, restrictions or agreements hereinabove set forth, any one of said owners may thereupon bring and prosecute a proceeding for the specific enforcement of any of said covenants, restrictions or agreements, or for other suitable remedy or relief, at law or in equity, to insure and protect the interests of himself and other beneficiaries hereunder in strict accordance with the intention of the parties as herein expressed.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, the day and year first above written.

Signed, Sealed and delivered  
in the presence of:

Natalie Evans  
Natalie Evans

Katharine Dexter McCormick (SEAL)  
Katharine Dexter McCormick

Sidney Hutton  
Sidney Hutton

In Presence of:

R.E. LaBonte

Kenneth E. Core

VILLAGE OF ELK RAPIDS

BY R.B. Zupen  
Village President

STATE OF CALIFORNIA ) SS:  
COUNTY OF SANTA BARBARA )

On this 29th day of April, 1948, before me, a notary public in and for said County, personally appeared KATHARINE DEXTER MCCORMICK, who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

My Commission expires May 22nd, 1949.

Wm.C. Burton  
Wm.C. Burton  
Notary Public