

MEMORANDUM

To: Thomas Newkirk
From: Stephanie White
Date: May 20, 2018
Subject: Access Easement Area

1. **The Following Definitions are Applicable in this Memo:**

Access Easement Area: the area starting on the south side of Division Street 300' from the intersection with Broadway and being an area approximately 20 feet wide and running south from Division and parallel with Broadway approximately 334 feet.

Access Easement Area Owner: The Lofts (see definition below), as successor in interest to Franklin Square Condominiums, LLC, 10 Division Street Offices, LLC and MAPAT, LLC.

385 Bway: 385 Bway, LLC, owner of 385 Broadway, and successor interest to John Maio, Union Fern Incorporated and the Panzas.

The Lofts: The individual unit owners of The Lofts at 18 Division Street.

MHD: MHD, LLC, owner of the Border's parcel including the adjacent parking lot (commonly known as 395 Broadway), and successor in interest to MAPAT, LLC (as to the Border's parking lot) and other previous Hunt entities.

MAPAT: MAPAT, LLC, predecessor in interest to 18 Division Street 3 times removed of 18 Division Street.

2. **Public Records Relative to Easements in the Easement Area:**

Easement to 385 Broadway.

- In 1949 an easement was granted in a Deed from John Maio to Union Fern Incorporated for ingress and egress over the entire Easement Area.

- In 1999 the above easement was modified to extend the 1949 easement to the curb cut on Division Street as contained in an Easement Modification Agreement between MAPAT and the Panzas.

Easement to MHD/395 Broadway.

- In 1999 an easement was granted by MAPAT, the then owner of 18 Division Street, to MHD, owner of the Border's parcel (395 Broadway) for ingress and egress over the Access Easement Area but only in the northern portion thereof (or an area 133.99 x 20.44 from Division Street), as set forth in a Declaration of Easements and Restrictions between MAPAT and MHD.

Ownership of the Access Easement Area.

- Ownership of the Access Easement Area resides in The Lofts. Such fee interest is subject to the easements granted to each of 385 Broadway and the Border's parcel (395 Broadway).

3. Current Summary of Parties with Rights to Access Easement Area.

- The Lofts is the owner of the fee interest in the Access Easement Area, but that interest is subject to the easements granted to 385 Broadway and the Border's parcel.
- 385 Broadway has an easement for ingress and egress over the entire Access Easement Area including to the curb cut on Division Street.
- Border's parcel (395 Broadway) has an easement for ingress and egress over the Access Easement Area but only for the northern 198 feet of the Access Easement Area.

4. Documents Attached in Support of Rights to the Easement Area.

Exhibit A - 385 Broadway: 1949 Deed containing easement and Easement Modification Agreement.

Exhibit B - MHD Border's Parcel: 1999 Declaration of Easements and Restrictions

Exhibit C - 10 Division's 18 Division St.: 2004 Deed to 10 Division of 18 Division St.