

**PEDESTRIAN-BICYCLE PATHWAY EASEMENT**

**Homeowners Association of Vistas of Rochester Hills**, a Michigan corporation, of 40680 Garfield Road, Suite 1A, Clinton Township, Michigan 48038, grants to the **CITY OF ROCHESTER HILLS**, a Michigan municipal corporation, of 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309, an easement for the construction, operation, maintenance, repair and/or replacement, and public use of a pedestrian-bicycle pathway over, on, through and across land more particularly described as:

As shown on sketch attached hereto as Exhibit A.

In connection with the grant of easement, Grantor waives and relinquishes any right, title or interest in the pedestrian-bicycle pathway, or the facilities incidental thereto, which may be located in the easement. All property disturbed or altered, now or in the future, by reason of the construction, operation, maintenance, repair and/or replacement of the pedestrian-bicycle pathway shall be restored by the City to its immediately prior condition, except to the extent permanent improvements or alterations necessary to the use and exercise of easement rights granted hereunder are made.

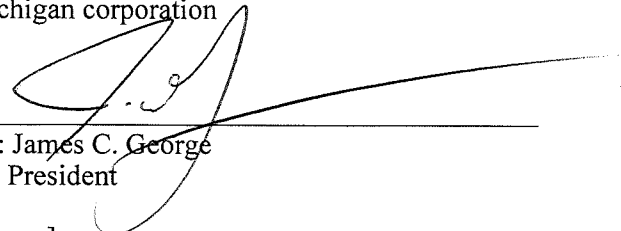
The easement shall be irrevocable and non-exclusive, and Grantor and Grantor's successors and assigns may use and enjoy the easement area in common with the City.

Grantor expressly reserves to Grantor and Grantor's successors and assigns, so long as there is no interference with the construction, operation, maintenance, repair and/or replacement, and public use of the pedestrian-bicycle pathway: (a) the right of ingress and egress over, through and across the easement, and (b) the right to grant other non-exclusive easements and rights-of-way, across, over, under and through the easement parcel, with the condition that prior to such a grant written consent shall be obtained from the City.

Exempt from Transfer Taxes under MCL 207.505(a) and 207.526(a).

IN WITNESS HEREOF, the undersigned have hereunto affixed their signatures on this 16<sup>th</sup> day of ~~January~~ <sup>FEBRUARY</sup>, 2014.

**Homeowners Association of Vistas of Rochester Hills, a Michigan corporation**



By: James C. George  
Its: President

3/11/14 John Staran  
Approved

[Notary on following page]

STATE OF MICHIGAN  
COUNTY OF Macomb

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of ~~January~~ <sup>FEBRUARY</sup>, 2014,  
by James C. George, who is the President  
of Homeowners Association of Vistas of Rochester Hills, a Michigan corporation, on behalf of the corporation.

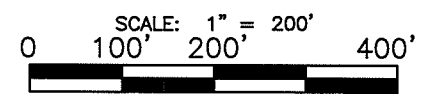
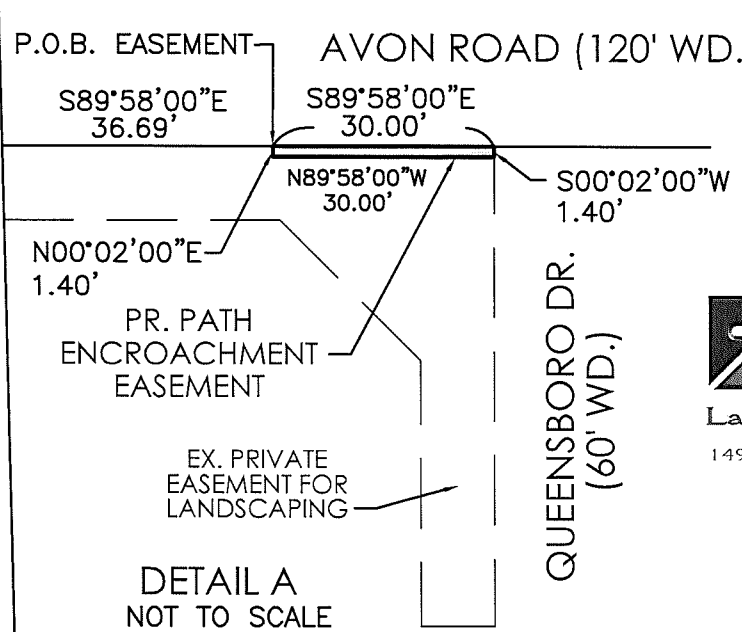
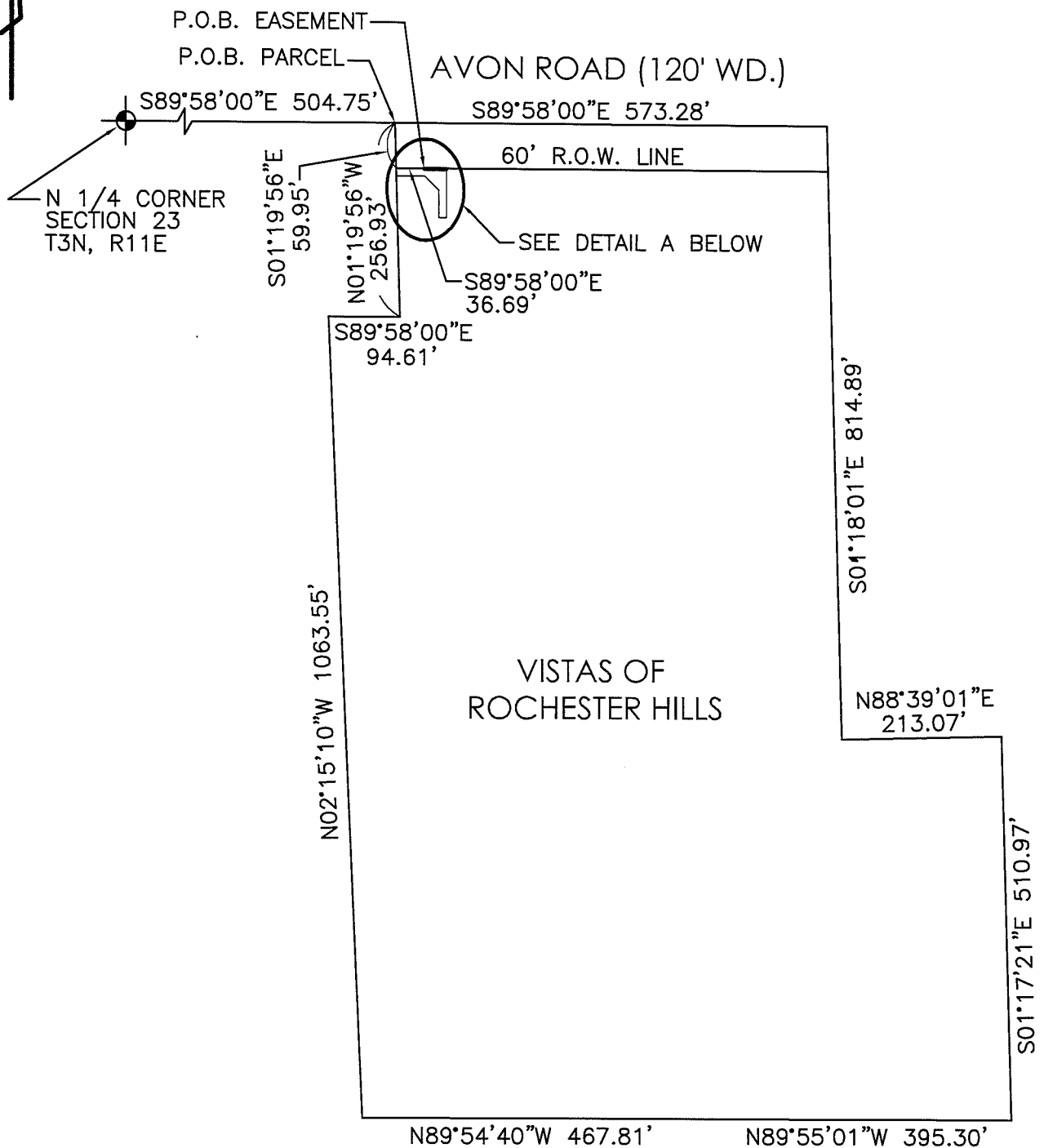
*Patricia H. Decker*  
PATRICIA H. DECKER, Notary Public  
Macomb County, Michigan  
My Commission Expires: 4-30-2017

Drafted by:  
Daniel R. Boynton, Esq.  
2600 W. Big Beaver Road, Ste. 550  
Troy, Michigan 48084

When recorded, return to:  
City of Rochester Hills  
1000 Rochester Hills Drive  
Rochester Hills, MI 48309

# EXHIBIT "A"

## PATH ENCROACHMENT EASEMENT




**Fenn & Associates, Inc.**  
 Land Surveying and Civil Engineering  
 14933 Commercial Drive, Shelby Township, MI 48315  
 Phone: 586-254-9577 Fax: 586-254-9020  
[www.fennsurveying.com](http://www.fennsurveying.com)

**CLIENT:** ROCHESTER MEADOWS REAL ESTATES, LLC  
**DATE:** 11/06/13 **SCALE:** 1" = 200'  
**DRAWN:** J.SUTTER **CHECK:** T.D./J.S.R., P.E.  
**JOB NO.:** c12-020.06x **SHEET:** 1 OF 2

*Mike Tavant Approved 3/10/14*

# LEGAL DESCRIPTIONS

## PR. PATH ENCROACHMENT EASEMENT DESCRIPTION

PART OF THE NE 1/4 OF SECTION 23, T3N, R11E, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 23; THENCE S89°58'00"E 504.75 FEET ALONG THE NORTH LINE OF SAID SECTION 23; THENCE S01°19'56"E 59.95 FEET; THENCE S89°58'00"E 36.69 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S89°58'00"E 30.00 FEET; THENCE S00°02'00"W 1.40 FEET; THENCE N89°58'00"W 30.00 FEET; THENCE N00°02'00"E 1.40 FEET TO THE POINT OF BEGINNING.

## VISTAS OF ROCHESTER HILLS DESCRIPTION

PART OF THE NE 1/4 OF SECTION 23, T3N, R11E, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 23; THENCE S89°58'00"E 504.75 FEET ALONG THE NORTH LINE OF SAID SECTION 23 TO THE POINT OF BEGINNING; THENCE CONTINUING S89°58'00"E 573.28 FEET; THENCE S01°18'01"E 814.96 FEET; THENCE N88°39'01"E 213.07 FEET; THENCE S01°17'21"E 510.97 FEET TO A POINT ON THE NORTH LINE OF "EDDINGTON FARMS SUBDIVISION" A SUBDIVISION RECORDED IN LIBER 200 OF PLATS, PAGES 39-48, OAKLAND COUNTY RECORDS; THENCE N89°55'01"W 395.30 FEET ALONG THE SAID NORTH LINE TO THE NORTHWEST CORNER OF "EDDINGTON FARMS SUBDIVISION"; THENCE N89°54'40"W 467.81 FEET; THENCE N02°15'10"W 1063.55 FEET; THENCE S89°58'00"E 94.61 FEET; THENCE N01°19'56"W 257.00 FEET TO THE POINT OF BEGINNING. CONTAINING 21.946 ACRES OF LAND MORE OR LESS. SUBJECT TO THE RIGHTS OF THE PUBLIC OVER AVON ROAD AND ANY OTHER EASEMENTS, RESTRICTIONS AND RIGHTS OF WAYS OF RECORD, IF ANY.

#15-23-201-006, #15-23-201-010  
#15-23-201-011 + #15-23-201-012

Mike Tawnt  
Approved 3-18-14



Fenn  
&  
Associates, Inc.

Land Surveying and Civil Engineering

14933 Commercial Drive, Shelby Township, MI 48315

Phone: 586-254-9577 Fax: 586-254-9020

www.fennsurveying.com

CLIENT: ROCHESTER MEADOWS REAL ESTATES, LLC

DATE	11/06/13	SCALE	N/A
DRAWN	J.SUTTER	CHECK	T.D.
JOB NO.	c12-020.06x	SHEET	2 OF 2