

PEDESTRIAN-BICYCLE PATHWAY EASEMENT

NAN REALTY, INC., an Ohio corporation, of 2040 E. Camino Miravel, Tucson, Arizona 85718, 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:

See Exhibit A attached hereto

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 (except for temporary construction or maintenance purposes): (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.

The City shall indemnify, defend, protect and hold Grantor harmless from and against any and all actual or potential claims, proceedings, lawsuits, liabilities, damages, losses, fines, penalties, judgments, awards, costs, and expenses, including, without limitation, reasonable attorney's fees and costs, that arise out of or relate to the City's use and enjoyment or the rights granted herein.

The City shall not permit any claim, lien, or other encumbrance arising from the construction, operation, maintenance, repair and/or replacement of the pedestrian-bicycle pathway to accrue against or attach to Grantor's property.

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

IN WITNESS HEREOF, the undersigned have hereunto affixed their signatures on this 24 day of JUNE, 2015.

Nan Realty, Inc., an Ohio corporation

By: *Geoffrey E. Glazer*
Geoffrey E. Glazer, President

STATE OF MICHIGAN)
COUNTY OF OAKLAND) ss

The foregoing instrument was acknowledged before me this 24 day of JUNE, 2015, by Geoffrey E. Glazer, President of Nan Realty, Inc., an Ohio corporation, on behalf of the corporation.

Nancy Maxwell
Notary Public:
My commission expires: 11-1-17
OAKLAND County, MICHIGAN
Acting in OAKLAND, County, MI

NANCY L. MAXWELL
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Nov 1, 2017
ACTING IN COUNTY OF OAKLAND

John Staraw
Approved 7-16-15

City of Rochester Hills,
a Michigan municipal corporation

By: _____
Bryan K. Barnett, Mayor

By: _____
Tina Barton, Clerk

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by Bryan K. Barnett, Mayor, and Tina Barton, Clerk of the City of Rochester Hills, a Michigan municipal corporation, on behalf of the corporation.

Notary Public:
My commission expires: _____
_____ County, Michigan
Acting in _____, County, Michigan

Drafted by:
John D. Gaber
Williams, Williams, Rattner & Plunkett, P.C.
380 N. Old Woodward Ave., Suite 300
Birmingham, Michigan 48009

When recorded return to:
City Clerk
City of Rochester Hills
1000 Rochester Hills Dr.
Rochester Hills, MI 48309

SKETCH OF EASEMENT

PUBLIC PATHWAY EASEMENT
AUBURN ROAD

(120' WIDE - PUBLIC)

N90°00'00"E(RS)

N87°47'36"E(M) 2734.22'

NORTH LINE SECTION 35

NORTH 1/4
CORNER
SECTION 35
T.3N., R11E.

POINT OF COMMENCEMENT
NORTHWEST CORNER
SECTION 35
T.3N., R11E.

FD MON BOX

N90°00'00"E(RS)

N87°47'36"E(M)

26.79'

N90°00'00"E(RS)

N87°47'36"E(M) 378.42'

WEST LINE SECTION 35

ROCHESTER ROAD
(VARIABLE WIDTH - PUBLIC)

N87°47'31"E 192.00'

N87°47'31"E 15.00'

S02°00'59"E 112.02'

PUBLIC PATHWAY ESMT

N02°00'59"W 108.65'

PARCEL NO. 15-35-100-051

PARCEL 3

+/- 1.21 acres

S22°59'01"W 23.66'

N22°59'01"E 23.66'

S02°00'59"E 64.02'

N02°00'59"W 67.40'

POINT OF BEGINNING
PROPOSED PUBLIC
PATHWAY ESMT

POINT OF BEGINNING
PROPOSED
PARCEL 3

PARCEL NO.
15-35-100-003

S00°23'59"E(RS)
S02°36'28"E(M) 362.48'

72' DEEDED TO MSHD
Liber 5932, Page 645

72'

15'

10.00'

10.00'

15.00'

15.00'

76.53'

5'

47.86'

44.28'

47.86'

13.79'

44.28'

47.86'

47.86'

47.86'

47.86'

47.86'

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47.86'

47.86'

47.86'

47.86'

47.86'

47.86'

47.86'

290.16'

S02°00'59"E 30.34'

S42°50'28"W 13.79'

S27°53'28"W 44.28'

N82°31'11"W 47.86'

S02°00'59"E 82.27'

S02°00'59"E 76.53'

N02°00'59"W(RS)

N00°00'00"W(RS)

S87°47'31"W(M)

15.00'

15.00'

15.00'

15.00'

15.00'

15.00'

15.00'

15.00'

15.00'

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15.00'

15.00'

15.00'

15.00'

15.00'

15.00'

15.00'

15.00'

S90°00'00"W(RS)
S87°47'31"W(M) 118.16'

S02°00'59"E
30.34'

RADIUS = 79.74'
DELTA = 28°56'59"
ARC = 40.29'
CHORD = 39.86'
CH. BRG. = S57°18'58"W

RADIUS = 65.74'
DELTA = 6°37'29"
ARC = 7.60'
CHORD = 7.60'
CH. BRG. = N43°10'28"W

RADIUS = 65.74'
DELTA = 42°39'28"
ARC = 48.95'
CHORD = 47.82'
CH. BRG. = N61°11'28"W

RADIUS = 21.93'
DELTA = 69°35'21"
ARC = 26.64'
CHORD = 25.03'
CH. BRG. = S62°41'08"W

PARCEL NO.
15-35-100-048

WEST 1/4
CORNER
SECTION 35
T.3N., R11E.

PROPERTY
CONTROLLING
CORNER

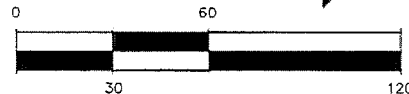
N90°00'00"E(RS)

N87°34'20"E 30.00'

REFERENCE DRAWING: BOUNDARY
SURVEY FROM SAMBORN, STEKETEE,
OTIS & EVANS, INC., JOB NO.
84376, DATED AUGUST 30, 1985.

LEGEND

RS REFERENCE SURVEY
M MEASURED



GRAPHIC SCALE
1" = 60'



PROFESSIONAL
ENGINEERING
ASSOCIATES

2430 Rochester Ct. Suite 100
Troy, MI 48083
(248) 689-9090

CLIENT:

NAN REALTY, INC
2040 E. Camino Miraval
Tuscan, AZ. 85718

SCALE: 1"=60'

JOB No: 2014-186

DATE: 04-27-2015

DWG. No: 1 of 2

EXHIBIT A

SKETCH OF EASEMENT
PUBLIC PATHWAY EASEMENT

PROPERTY DESCRIPTION – PARCEL 3
(PER PROFESSIONAL ENGINEERING ASSOCIATES)

Part of the Northwest 1/4 of Section 35, T3N, R11E, City of Rochester Hills, Oakland County, Michigan, more particularly described as:

Commencing at the Northwest corner of said Section 35, thence along the North line of said Section 35 N87°47'36"E(M), (surveyed as N90°00'00"E), 378.42 feet; Thence S02°36'28"E(M) S00°23'59"E(RS) 362.48 feet; Thence S87°47'31"W(M), (surveyed as S90°00'00"W), 118.16 feet to the Point of Beginning; Thence S02°00'59"E 30.34 feet to a non-tangent point of curve also being the back of curb line; Thence following said back of curb line the following six (6) courses; 1) along a curve to the left 40.29 feet, having a radius of 79.74 feet, delta of 28°56'59", and a chord bearing of S57°18'58"W 39.86 feet, 2) S42°50'28"W 13.79 feet, 3) S27°53'28"W 44.28 feet, 4) along a curve to the right 26.64 feet, having a radius of 21.93 feet, a delta of 69°35'21", and a chord bearing of S62°41'08"W 25.03 feet, 5) N82°31'11"W 47.86 feet, 6) along a curve to the right 48.95 feet, having a radius of 65.74 feet, delta of 42°39'28", and a chord bearing of N61°11'28"W 47.82 feet to a non-tangent point also being a point on the East line of Rochester Road (variable width); Thence along the said east line of Rochester Road N02°00'59"W 76.53 feet; Thence S87°47'31"W, 15.00 feet to the East line of Rochester Road (72 foot half width), Thence along the said east line of Rochester Road (72 foot half width) N02°00'59"W 197.45 feet; Thence N87°47'31"E 192.00 feet; Thence S02°00'59"E 197.45 feet to the Point of Beginning.

#15-35-100-051

Containing 52,702 square feet (1.21 acres) more or less.

LEGAL DESCRIPTION – PUBLIC PATHWAY EASEMENT
(PER PROFESSIONAL ENGINEERING ASSOCIATES)

A variable width Public Pathway Easement over part of the Northwest 1/4 of Section 35, T3N, R11E, City of Rochester Hills, Oakland County, Michigan

Said easement over the above described Proposed Parcel 3 more particularly described as:

Commencing at the Northwest corner of said Section 35, thence along the North line of said Section 35 N87°47'36"E 378.42 feet; thence S02°36'28"E 362.48 feet; thence S87°47'31"W 290.16 feet to the Point of Beginning; Thence S02°00'59"E 82.27 feet to a non-tangent point of curve; thence along a curve to the right 7.60 feet, having a radius of 65.74 feet, delta of 6°37'29", and a chord bearing of N43°10'28"W 7.60 feet to a non-tangent point also being a point on the East line of Rochester Road (variable width); thence along the said east line of Rochester Road N02°00'59"W 76.53 feet; thence S87°47'31"W 10.00 feet; thence N02°00'59"W 67.40 feet; thence N22°59'01"E 23.66 feet; thence N02°00'59"W 108.65 feet; thence N87°47'31"E 15.00 feet; thence S02°00'59"E 112.02 feet; thence S22°59'01"W 23.66 feet; thence S02°00'59"E 64.02 feet to the Point of Beginning.

*Mike Tawot
Approved 8/14/15*

EXHIBIT A

LEGEND

RS REFERENCE SURVEY
M MEASURED

PROFESSIONAL
ENGINEERING
ASSOCIATES

CLIENT: NAN REALTY, INC 2040 E. Camino Miraval Tuscan, AZ. 85718	SCALE: 1"=60'	JOB No: 2014-186	2430 Rochester Ct. Suite 100 Troy, MI 48083 (248) 689-9090
	DATE: 04-27-2015	DWG. No: 2 of 2	