

HIGHWAY EASEMENT

Just Burgers & Fries Holdings, LLC, a Michigan limited liability Company, of 4564 Oakhurst Ridge Rd. Clarkston MI, 48348 grant (s) to the City of Rochester Hills, a Michigan municipal corporation, of 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309, an easement for all public highway purposes, including public utilities, and the construction, operation, maintenance, repair, replacement and/or public use of water main, sanitary sewer, storm sewer, sidewalks and/or pathways in, over, under, upon, and through the following described premises situated in the City of Rochester Hills, Oakland County, Michigan:

Sidwell # Part of Tax ID #70-15-35-100-053

See Attached Exhibits A and B

In connection with the grant of easement, Grantor waives and relinquishes any right, title or interest in such public utilities or improvements, or the facilities incidental thereto, which may be located in the easement.

All property disturbed or altered by the City by reason of construction, operation, etc., 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 itself and Grantor's successors and assigns, so long as there is no interference with the City's easement rights: (1) right of ingress and egress across the easement, and (2) right to grant other non-exclusive easements and rights-of-way across, over and under 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 18 day of NOVEMBER, 2016.

Signature: [Handwritten Signature]
Print or type name: ANDREW ZIELKE
Title: MEMBER
Just Burgers & Fries Holdings, LLC

Signature:
Print or type name:
Title:

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 18 day of November, 2016, by Andrew Zielke, who is a member of Just Burgers & Fries Holdings, LLC, a Michigan limited liability company, on behalf of the company.

Drafted by:
Andrew Zielke
4564 Oakhurst Ridge Rd
Clarkston, MI 48348

[Handwritten Signature]
Notary Public
County, Michigan

LORAIN DAVIS
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES Jan 17, 2019
ACTING IN COUNTY OF OAKLAND

My Commission expires:

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

John Staran
Approved 11/22/16

EXHIBIT A



E. AUBURN ROAD 120 FT. PROP. RIGHT-OF-WAY

L=49.59'
R=40.00'
Δ=71°02'04"
C LEN=46.48'
BRG=S 56°41'27" E

378.42'
NORTHWEST CORNER
SECTION 35
T3N., R11E

128.19'
60.00'
60.00'
EASEMENT
165.60'
S 87°47'36" W

33.00'
S 02°12'24" E

60FT R/W LINE

L=13.24'
R=40.00'
Δ=18°57'56"
C LEN=13.18'
BRG=N 11°41'22" W

126.00'
S 02°12'24" E

PARCEL A:

323.87'
S 02°36'28" E

L=271.63'
R=186.00'
Δ=83°40'27"
C LEN=248.13'
BRG=N 39°37'49" E

Mike Tavit
Appd. 12/19/16

ISSUED FOR: 12-5-16: CITY	REV'D BY:	ISSUED FOR:	REV'D BY:
THOMAS M. SMITH P.S. PROFESSIONAL LAND SURVEYOR			
7559 OLDE STURBRIDGE TRAIL tsmith7559@yahoo.com CLARKSTON, MICHIGAN 48348 PHONE: (248) 625-3276			
DRAWN BY TMS	JOB No. 16-134		
DATE 11-10-16	SHEET No. 1 OF 2	SCALE 1"=50'	DESCRIPTION PART OF SECTION 35 T3N., R11E

SURVEYOR'S SEAL

EXHIBIT B

EASEMENT DESCRIPTION:

PART OF NORTHWEST 1/4 OF SECTION 35, T3N, R11E, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING N 87°47'36" E 378.42 FT FROM NORTHWEST CORNER OF SAID SECTION 35, THENCE N 87°47'36" E 128.19 FT, THENCE S 02°12'24" E 33.00 FEET, THENCE ALONG A CURVE TO THE RIGHT, A RADIUS OF 40.00 FEET, CHORD BEARS S 56°41'27" E 46.48 FEET, A DISTANCE OF 49.59 FEET, THENCE S 87°47'36" E 165.60 FEET, THENCE N 02°36'28" W, 60.00 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 8,425 SQUARE FEET OF LAND.

LEGAL DESCRIPTION-PARCEL A:

A PART OF THE NORTHWEST 1/4 OF SECTION 35, T3N, R11E, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 35, THENCE N 87°47'36" E 378.42 FEET ALONG THE NORTH LINE OF SAID SECTION 35 AND FOLLOWING AUBURN ROAD TO THE POINT OF BEGINNING, THENCE CONTINUING N 87°47'36" E 128.19 FEET ALONG SAID NORTH LINE AND FOLLOWING SAID AUBURN ROAD; THENCE S 02°12'24" E 33.00 FEET; THENCE ALONG A CURVE TO THE RIGHT 62.83 FEET, SAID CURVE HAVING A RADIUS OF 40.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A LONG CHORD BEARING OF S 47°12' 24" E 56.57 FEET; THENCE S 02°12'24" E 126.00 FEET; THENCE ALONG A CURVE TO THE RIGHT 271.63 FEET, SAID CURVE HAVING A RADIUS OF 186.00 FEET, A CENTRAL ANGLE OF 83°40'27" AND A LONG CHORD BEARING OF S 39°37'49" W 248.13 FEET; THENCE N 02°36'28" W 383.88 FEET TO THE POINT OF BEGINNING. CONTAINING 1.2 ACRES(GROSS) OR 1.08 ACRES (NET) EXCLUDING THE NORTHERLY 60 FEET FOR THE AUBURN ROAD

Mike Tavant
Approved 12/9/16

ISSUED FOR:12-5-16:CITY	REV'D BY:	ISSUED FOR:	REV'D BY:
THOMAS M. SMITH P.S. PROFESSIONAL LAND SURVEYOR			
7559 OLDE STURBRIDGE TRAIL tsmith7559@yahoo.com CLARKSTON, MICHIGAN 48348 PHONE: (248) 625-3276			
DRAWN BY TMS	JOB No. 16-134	DESCRIPTION	
DATE 11-10-16	SHEET No. 2 OF 2	SCALE NO SCALE	SURVEYOR'S SEAL