

HIGHWAY EASEMENT

JA Avon, LLC, a Michigan limited liability Company, of 400 Park Street, Troy, Michigan 48083 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 # 15-14-478-042
See Attached Exhibit A

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.

To the fullest extent permitted by law, and provided that the Grantee does not cause the environmental contamination, the Grantor, for itself, its successors and assigns, shall indemnify, defend and hold harmless the Grantee against any liability, damages, costs, expenses, claims, causes of action, losses, settlements, fines, penalties and attorney's fees claimed against or incurred by the Grantee relating to (1) the existence, mitigation or remediation of environmental contamination in the easement area; (2) any corrective action and due care obligations with respect to existing contamination in the easement area; (3) the occurrence, disturbance or movement of environmental contamination resulting directly or indirectly from any work conducted by the Grantee within the scope, and in the exercise, of its easement rights.

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 21 day of April, 2014.

Signature: [Handwritten Signature]
Print or type name: Jeffrey S. Allen
Title: Member

STATE OF MICHIGAN
COUNTY OF Oakland

The foregoing instrument was acknowledged before me this 21 day of April, 2014, by Jeffrey S. Allen, who is a member of JA Avon, LLC, a Michigan limited liability company, on behalf of the company.

Drafted by: Adele Swann
City of Rochester Hills
1000 Rochester Hills Dr.
Rochester Hills, MI 48309

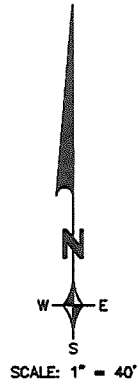
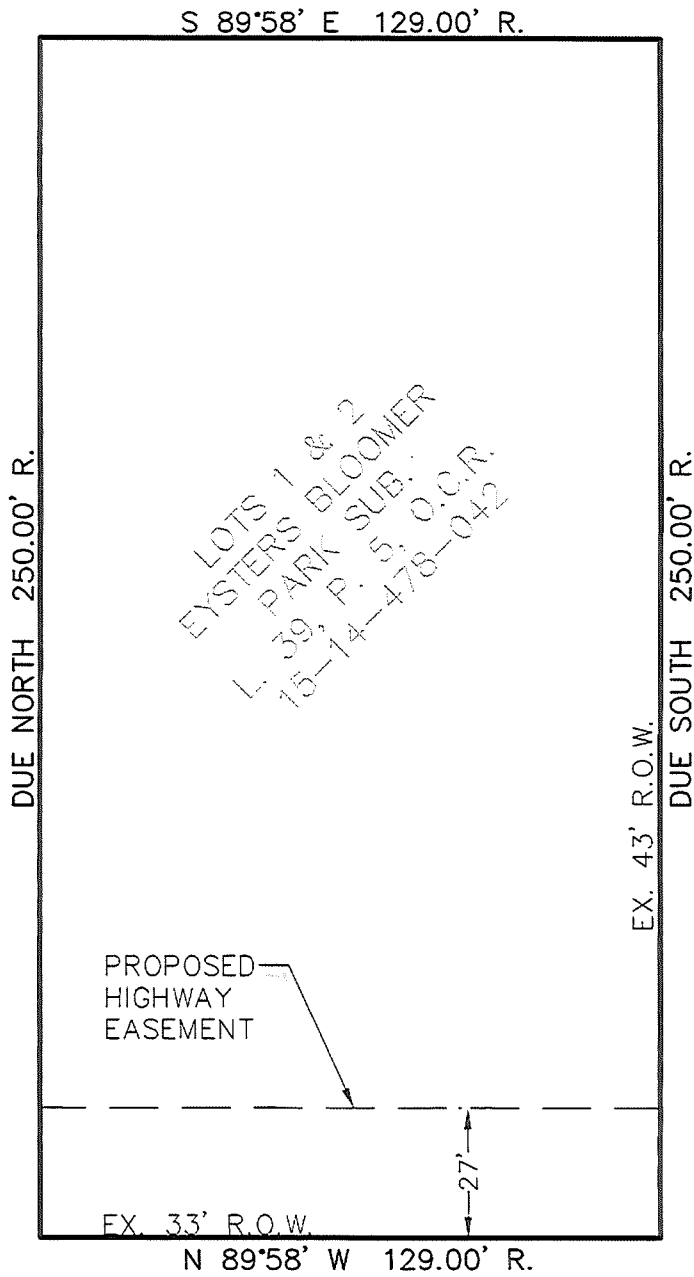
[Handwritten Signature: Nicole Rao]
Notary Public
Oakland County, Michigan
Commission expires: 10/5/2020

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

NICOLE RAO
Notary Public, State of Michigan
County of Oakland
My Commission Expires 10-05-2020
Acting in the County of Oakland

John Starav
Approved 4/23/14

EXHIBIT 'A'



JOHN R ROAD  
(86 FT. WIDE)  
CITY R.O.W.

E. AVON ROAD —  
(VARIABLE WIDTH)  
ROAD COMMISSION FOR OAKLAND COUNTY R.O.W.

HIGHWAY EASEMENT

DESCRIPTION OF A 27 FOOT WIDE HIGHWAY EASEMENT  
MORE PARTICULARLY DESCRIBED AS:  
THE SOUTH 27 FEET OF LOTS 1 & 2 OF "EYSTER'S  
BLOOMER PARK SUBDIVISION" BEING A SUBDIVISION  
OF PART OF THE SOUTHEAST 1/4 OF SECTION 14, T.  
3 N., R. 11 E., CITY OF ROCHESTER HILLS, OAKLAND  
COUNTY, MICHIGAN AS RECORDED IN LIBER 39, PAGE  
5 OF PLATS, OAKLAND COUNTY RECORDS OTHERWISE  
KNOWN AS PARCEL 15-14-478-042.

*Mike Tawnt  
Approved 4/9/14*

Z:\Projects\13125\Draw\13125 ENG.dwg, highway esmt. 4/7/2014 7:12:41 AM, sbiaszczuk

REVISIONS			HIGHWAY EASEMENT PROPOSED RETAIL ROCHESTER HILLS, MI		DATE	SCALE
ITEM	DATE	BY			4/3/14	HOR: 1" = 40'
						FIELD BOOK NO.
			<b>Z E I M E T W O Z N I A K</b> & ASSOCIATES Civil Engineers & Land Surveyors 55800 GRAND RIVER AVE. SUITE 100 NEW HUDSON, MICHIGAN 48165 P: (248) 437-5099 F: (248) 437-5222 www.zeimetwozniak.com		DESIGNED BY	JOB NO.
					SRB	13125
					DRAWN BY	SHEET NO.
			SRB	1/1	© COPYRIGHT 2007	