

SANITARY SEWER EASEMENT

Gianna Investments, LLC

a Michigan limited liability company of

59227 Van Dyke, Washington, MI 48094

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 of a sanitary sewer on, under through and across land more particularly described as:

See attached Exhibits A and B

Parcel ID# 15-28-300-029

In connection with the grant of easement, Grantor waives and relinquishes any right, title or interest in the sanitary sewer, 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 sanitary sewer 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 of the sanitary sewer: (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

3 day of June, 2019.

Gianna Investments, LLC



Signature

MICHAEL A. MAGNOLI

(Print Name)

OWNER

Title

Signature

(Print Name)

Title

STATE OF MICHIGAN
COUNTY OF Macomb

The foregoing instrument was acknowledged before me this 3 day of June, 2019, by Michael A. Magnoli who is a member of Gianna Investments LLC, a Michigan limited liability company, on behalf of the company.

Drafted by: John Dell'Isola
PEA, Inc.
2430 Rochester Ct., Ste. 100
Troy, MI 48083

When recorded, return to:

City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309



Notary Public
County, Michigan

My Commission Expires:

ANGELA L. TUDISCO
Notary Public, Macomb County, MI
My Commission Expires: 7/24/2021
Acting in the County of Macomb

John Staran
Approved 9/25/19

**EXHIBIT A
LEGAL DESCRIPTION**

LEGAL DESCRIPTION – TAX PARCEL ID # 15–28–300–029:
(Per PEA Inc.)

LANDS IN THE SOUTHWEST 1/4 OF SECTION 28, TOWN 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILLS, FORMERLY AVON TOWNSHIP, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE N89°23'17"E, 1598.44 FEET ALONG THE SOUTH LINE OF SAID SECTION 28 AND THE CENTERLINE OF AUBURN ROAD (VARIABLE WIDTH), TO THE POINT OF BEGINNING; THENCE N00°22'02"W, 831.90 FEET; THENCE N89°23'24"E, 261.20 FEET; THENCE S00°25'39"E, 831.89 FEET; THENCE S89°23'17"W, 262.07 FEET ALONG THE SOUTH LINE OF SAID SECTION 28 AND THE CENTERLINE OF SAID AUBURN ROAD TO THE POINT OF BEGINNING.

EXCEPT,

THE SOUTHERLY 33 FEET THEREOF FOR AUBURN ROAD, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE N89°23'17"E, 1598.44 FEET ALONG THE SOUTH LINE OF SAID SECTION 28, ALSO BEING THE CENTERLINE OF AUBURN ROAD (VARIABLE WIDTH) TO THE POINT OF BEGINNING; THENCE N00°22'02"W, 33.00 FEET; THENCE N89°23'17"E, 262.04 FEET; THENCE S00°25'39"E, 33.00 FEET TO THE AFOREMENTIONED SOUTH LINE OF SECTION 28; THENCE ALONG SAID SOUTH LINE, S89°23'17"W, 262.07 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT,

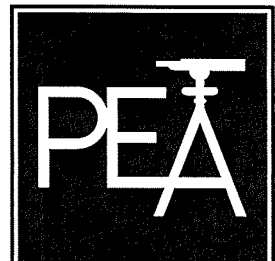
THE NORTHERLY 27 FEET OF THE SOUTHERLY 60 FEET THEREOF FOR AUBURN ROAD, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE N89°23'17"E, 1598.44 FEET ALONG THE SOUTH LINE OF SAID SECTION 28, ALSO BEING THE CENTERLINE OF AUBURN ROAD (VARIABLE WIDTH); THENCE N00°22'02"W, 33.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N00°22'02"W, 27.00 FEET; THENCE N89°23'17"E, 262.01 FEET; THENCE S00°25'39"E, 27.00 FEET; THENCE S89°23'17"W, 262.04 FEET TO THE POINT OF BEGINNING,

ALSO EXCEPT,

LANDS FOR BASIL DRIVE (VARIABLE WIDTH) AND SAGE LANE (60 FOOT WIDE) DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE N89°23'17"E, 1598.44 FEET ALONG THE SOUTH LINE OF SAID SECTION 28, ALSO BEING THE CENTERLINE OF AUBURN ROAD (VARIABLE WIDTH); THENCE N00°22'02"W, 60.00 FEET; THENCE N89°23'17"E, 24.26 FEET TO THE POINT OF BEGINNING; THENCE N00°22'02"W, 50.15 FEET; THENCE 85.30 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 125.00 FEET, A CENTRAL ANGLE OF 39°05'52", AND A CHORD WHICH BEARS N19°10'54"E 83.65 FEET; THENCE N38°43'50"E, 56.16 FEET; THENCE 40.94 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 39°05'52", AND A CHORD WHICH BEARS N19°10'54"E 40.15 FEET; THENCE N00°22'02"W, 381.83 FEET; THENCE S89°23'24"W, 101.10 FEET; THENCE N00°22'02"W, 60.00 FEET; THENCE N89°23'24"E, 261.32 FEET; THENCE S00°25'39"E, 60.00 FEET; THENCE S89°23'24"W, 100.29 FEET; THENCE S00°22'02"E, 397.94 FEET; THENCE 81.89 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 120.00 FEET, A CENTRAL ANGLE OF 39°05'52", AND A CHORD WHICH BEARS S19°10'54"W 80.31 FEET; THENCE S38°43'50"W, 43.85 FEET; THENCE 37.53 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 55.00 FEET, A CENTRAL ANGLE OF 39°05'52", AND A CHORD WHICH BEARS S19°10'54"W 36.81 FEET; THENCE S00°22'02"E, 49.85 FEET; THENCE S89°23'17"W, 70.00 FEET TO THE POINT OF BEGINNING,

CONTAINING ±3.387 ACRES OF LAND, MORE OR LESS.

*Jenny M.
Approved 10/9/19*



PEA, Inc.

2430 Rochester Ct, Ste 100
Troy, MI 48063-1872
t: 248.689.9090
f: 248.689.1044
www.peainc.com

CLIENT: GIANNA INVESTMENTS LLC 59227 VAN DYKE WASHINGTON, MI., 48094	SCALE: –	JOB No: 2016–137
	DATE: 5–10–19	DWG. No: 1 of 2

EXHIBIT A
SKETCH OF PARCEL

Tax Id. No.
15-28-352-005
NORTHFIELD INDUSTRIAL PARK
LIBER 167, PAGE 26

Tax Id. No.
15-28-377-021

Tax Id. No.
15-28-377-007
NORTHFIELD INDUSTRIAL PARK NO. 2
LIBER 183, PAGE 6

11.5' WIDE
SANITARY SEWER
EASEMENT B
(SEE EXHIBIT B)

$N89^{\circ}23'24"E$ 261.20'
PARCEL ID No.
15-28-300-029
(±3.387 ACRES)

SAGE LANE
(PUBLIC-60' WIDE)

Tax Id. No.
15-28-300-028



VARIABLE WIDTH
SANITARY SEWER
EASEMENT A
(SEE EXHIBIT B)

$N00^{\circ}22'02"W$ 831.90'

BASIL DRIVE
(PUBLIC-VARIABLE WIDTH)

Tax Id. No.
15-28-300-030

Tax Id. No.
15-28-300-031

$S00^{\circ}25'39"E$ 831.89'

NORTHERLY
R.O.W. LINE OF
AUBURN ROAD

SOUTH 1/4 CORNER
SECTION 28
T.03N. R.11E.
ROCHESTER HILLS

33' R.O.W. LINE

33' R.O.W. LINE

POB

$N89^{\circ}23'17"E$ 1598.44'




$S89^{\circ}23'17"W$ 262.07'

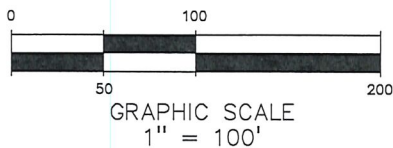
SOUTH LINE OF SECTION 28 &
CENTERLINE OF AUBURN RD.

W. AUBURN ROAD
(PUBLIC-VARIABLE WIDTH)

SW CORNER
SECTION 28
T.03N. R.11E.
ROCHESTER HILLS

LEGEND

-  SECTION CORNER
-  POB POINT OF BEGINNING
-  ROW RIGHT OF WAY



Jenny M.
Approved 10/9/19

CLIENT:
GIANNA INVESTMENTS LLC
59227 VAN DYKE
WASHINGTON, MI., 48094

SCALE: 1" = 100'

JOB No: 2016-137

DATE: 5-10-19

DWG. No: 2 of 2

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**EXHIBIT B
LEGAL DESCRIPTION**

LEGAL DESCRIPTION – VARIABLE WIDTH SANITARY SEWER EASEMENT A:
(Per PEA Inc.)

A variable width sanitary sewer easement over the previously described Tax Parcel ID No. 15-28-300-029, being part of the Southwest 1/4 of Section 28, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, said easement being more particularly described as:

Commencing at the Southwest Corner of said Section 28; thence N89°23'17"E, 1598.44 feet; thence N00°22'02"W, 60.00 feet to the North Line of W. Auburn Road (Public-Variable Width); thence along said North line, N89°23'17"E, 5.30 feet to the **POINT OF BEGINNING**;

thence along said easement the following ten (10) courses:

- 1) N12°06'16"E, 120.40 feet;
- 2) N38°43'50"E, 92.43 feet;
- 3) N00°22'02"W, 402.96 feet to the South line of Sage Lane (Public-60' wide);
- 4) along said South line, N89°23'24"E, 11.50 feet to the West line of Basil Drive (Public-Variable Width);
- 5) along said West line, S00°22'02"E, 381.83 feet;
- 6) continuing along said West line, 40.94 feet along the arc of a curve to the right, having a radius of 60.00 feet, a central angle of 39°05'52", and a chord bearing S19°10'54"W, 40.15 feet;
- 7) continuing along said West line, S38°43'50"W, 56.16 feet;
- 8) continuing along said West line, 85.30 feet along the arc of a curve to the left, having a radius of 125.00 feet, a central angle of 39°05'52", and a chord bearing S19°10'54"W, 83.65 feet;
- 9) continuing along said West line, S00°22'02"E, 50.15 feet to the aforementioned North line of W. Auburn Road;
- 10) along said North line, S89°23'17"W, 18.95 feet to the **POINT OF BEGINNING**.

LEGAL DESCRIPTION – 11.5 FOOT WIDE SANITARY SEWER EASEMENT B:
(Per PEA Inc.)

An 11.5 foot wide sanitary sewer easement over the previously described Tax Parcel ID No. 15-28-300-029, being part of the Southwest 1/4 of Section 28, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, the centerline of said easement being more particularly described as:

Commencing at the Southwest Corner of said Section 28; thence N89°23'17"E, 1598.44 feet; thence N00°22'02"W, 717.65 feet to the **POINT OF BEGINNING**;

thence along the centerline of said easement, N89°23'24"E, 261.32 feet to the **POINT OF ENDING**.

*Jenny M.
Approved 10/9/19*



PEA, Inc.

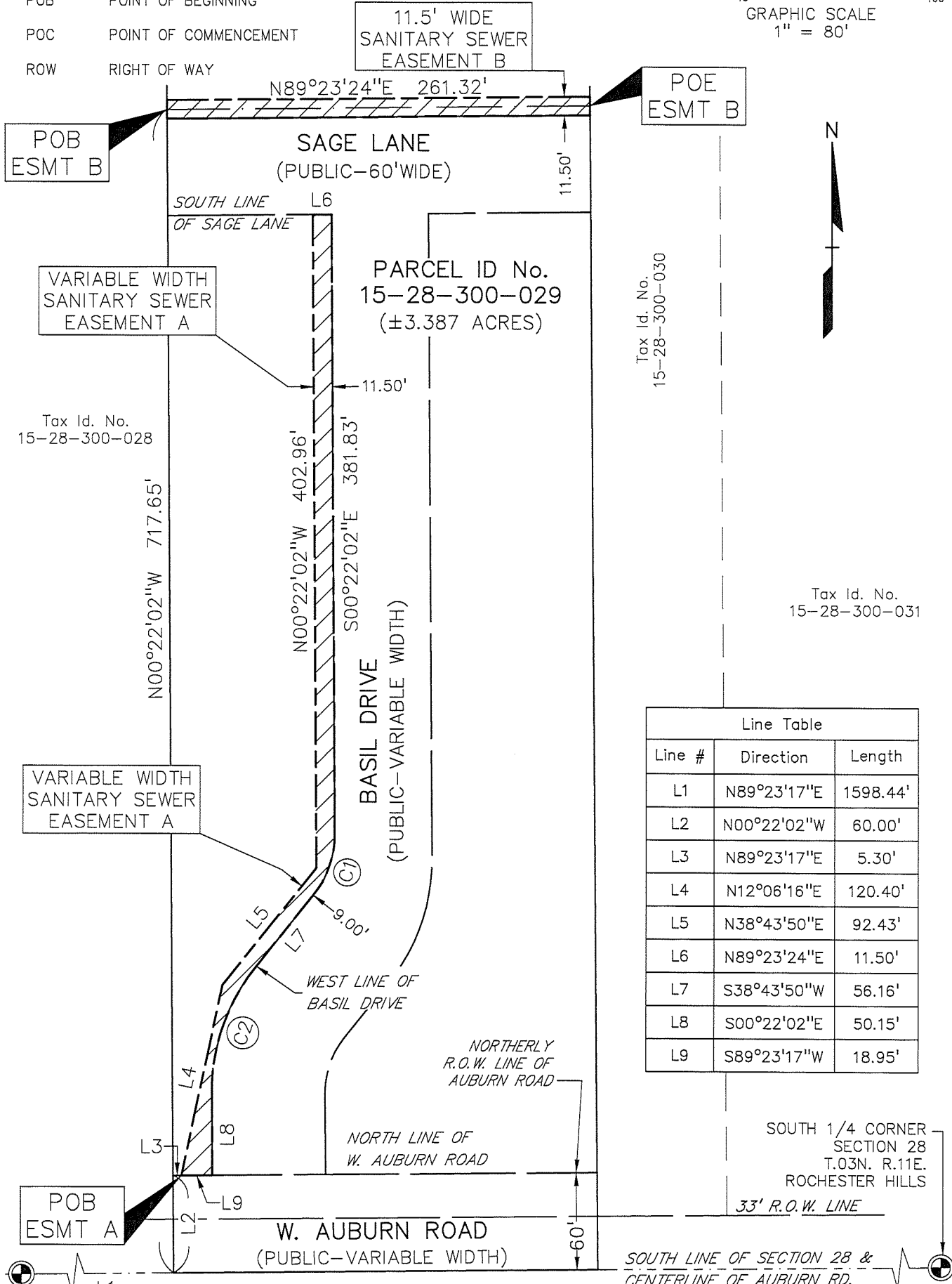
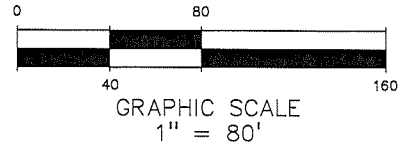
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CLIENT: GIANNA INVESTMENTS LLC 59227 VAN DYKE WASHINGTON, MI., 48094	SCALE: -	JOB No: 2016-137
	DATE: 5-10-19	DWG. No: 1 of 2

LEGEND

- ⊕ SECTION CORNER
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- ROW RIGHT OF WAY

**EXHIBIT B
SKETCH OF EASEMENT**



Line Table		
Line #	Direction	Length
L1	N89°23'17"E	1598.44'
L2	N00°22'02"W	60.00'
L3	N89°23'17"E	5.30'
L4	N12°06'16"E	120.40'
L5	N38°43'50"E	92.43'
L6	N89°23'24"E	11.50'
L7	S38°43'50"W	56.16'
L8	S00°22'02"E	50.15'
L9	S89°23'17"W	18.95'

Curve Table					
Curve #	Length	Radius	Delta	CH. BRG.	Chord
C1	40.94'	60.00'	39°05'52"	S19°10'54"W	40.15'
C2	85.30'	125.00'	39°05'52"	S19°10'54"W	83.65'

POC
SW CORNER
SECTION 28
T.03N. R.11E.
ROCHESTER HILLS

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CLIENT: GIANNA INVESTMENTS LLC 59227 VAN DYKE WASHINGTON, MI., 48094	SCALE: 1" = 80'	JOB No: 2016-137
	DATE: 5-10-19	DWG. No: 2 of 2