

PEDESTRIAN PATHWAY EASEMENT

Gateway Properties- Rochester Hills, LLC a Michigan limited liability company, as the owner of units 2 and 3 of Gateway of Rochester Hills, a condominium project established pursuant to the Master Deed recorded in Liber 52433, at Page 797, Oakland County Records, as amended ("Master Deed"), whose address is 38700 Van Dyke Ave, Suite 200, Sterling Heights, Michigan 48312 and **Gateway of Rochester Hills Association**, a Michigan non-profit corporation, as the administrator of Gateway of Rochester Hills and pursuant to rights reserved in Article VIII, Section 4 of the Master Deed with respect to Common Elements in the condominium, whose address is 38700 Van Dyke, Suite 200, Sterling Heights, Michigan 48312 (collectively "Grantor), 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 pathway over, on, under through and across land more particularly described as:

Parcel ID No(s). 15-34-477-018 (Unit 2) & 15-34-477-019 (Unit 3)
See attached Exhibit A

In connection with the grant of easement, Grantor waives and relinquishes any right, title or interest in the pedestrian 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 pathway shall be restored by the City to its immediately prior condition, except to the extent permanent improvements or alterations are installed pursuant to Exhibit A, which improvements are necessary to the use and exercise of easement rights granted hereunder.

The easement shall be irrevocable and non-exclusive, and Grantor and its successors and assigns may use and enjoy the easement area situated on its property in common with the City.

Grantor expressly reserves to itself and its successors and assigns, so long as there is no interference with the construction, operation, maintenance, repair and/or replacement of the pedestrian pathway: (a) the right of ingress and egress over, through and across the easement situated on its property, and (b) the right to grant other non-exclusive easements and rights-of-way across, over, under and through the easement parcel situated on its property, with the condition that prior to such a grant written consent shall be obtained from the City, which consent shall not be unreasonably withheld.

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 2nd day of May, 2019.

Gateway Properties – Rochester Hills, LLC



Signature
Emily D'Agostini Kunath

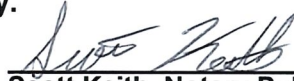
(Print Name)
Authorized Agent

Title

STATE OF MICHIGAN
COUNTY OF Macomb

The foregoing instrument was acknowledged before me this 2nd day of May, 2019, by Emily D'Agostini Kunath, Authorized Agent of Gateway Properties- Rochester Hills, LLC, a Michigan limited liability company, on behalf of the company.

John Staran
Approved 5/23/19



Scott Keith, Notary Public
Oakland County, Michigan
Acting in Macomb County
My Commission Expires: 11/19/2024

Gateway of Rochester Hills Association

Signature

Emily D'Agostini Kunath
(Print Name)

Board member
Title

STATE OF MICHIGAN
COUNTY OF Macomb

The foregoing instrument was acknowledged before me this 2nd day of May,
2019, by Emily D'Agostini Kunath, board member of Gateway of Rochester Hills
Association, a Michigan non-profit corporation, on behalf of the corporation.

Scott Keith

Scott Keith, Notary Public
Oakland County, Michigan
Acting in Macomb County
My Commission Expires: 11/19/2024

Drafted by:
Emily D'Agostini Kunath
38700 Van Dyke, Suite 200
Sterling Heights, MI 48312

When recorded, return to
Clerks Dept.
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

EXHIBIT A PATHWAY EASEMENT

EAST 1/4 CORNER
SECTION 34 T.03N., R.11E.
CITY OF ROCHESTER HILLS
OAKLAND COUNTY, MI

PARCEL NO.
15-34-429-021

N84°45'17"E
15.00'

N84°37'34"E 581.66'

UNIT 2
PARCEL ID
15-34-477-018

15-FOOT WIDE
PATHWAY EASEMENT

UNIT 1
PARCEL ID
15-34-477-017

GATEWAY OF ROCHESTER HILLS
LIBER 52433, PAGE 797

UNIT 3
PARCEL ID
15-34-477-019

PARCEL NO.
15-34-477-016

S88°02'35"W 200.00'

N05°13'47"W 172.95'

GATEWAY POB

60' RIGHT-OF-WAY LINE

S88°02'35"W 401.38'

S88°02'35"W 15.03'

SOUTH LINE OF SECTION 34

N05°34'41"W 60.12'

SOUTH 1/4 CORNER
SECTION 34
T.03N., R.11E.
CITY OF ROCHESTER HILLS
OAKLAND COUNTY, MI

SOUTH BLVD.
(WIDTH VARIES-PUBLIC)

SOUTHEAST CORNER
SECTION 34
T.03N., R.11E.
CITY OF ROCHESTER HILLS
OAKLAND COUNTY, MI

ROCHESTER ROAD
(WIDTH VARIES - PUBLIC)
EAST LINE OF SECTION 34

WEST LINE OF
ROCHESTER ROAD

POB PATHWAY
EASEMENT

S88°02'35"W
60.12'

"MARTIN FARMS SUBDIVISION"

LOT 94

LOT 95

LOT 96

LOT 97

LOT 98

LOT 99

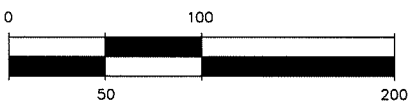
N05°13'47"W 537.62'

N05°14'43"W
136.92'

S05°14'43"E
136.88'

N05°34'41"W
608.60'

S05°34'41"E
609.50'



GRAPHIC SCALE
1" = 100'

Jenny M.
Approved 5/14/19



PEA, Inc.

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

CLIENT: GATEWAY PROPERTIES -
ROCHESTER HILLS, LLC
38700 VAN DYKE AVE., SUITE 200
STERLING HEIGHTS, MICHIGAN

SCALE: 1" = 100'

JOB No: 2017-237

DATE: 3-5-19

DWG. No: 1 OF 2

**EXHIBIT A
PATHWAY EASEMENT**

LEGAL DESCRIPTIONS

GATEWAY OF ROCHESTER HILLS

The land referred to in this document is described as follows:

City of Rochester Hills, County of Oakland, State of Michigan

Units 2 and 3, "Gateway of Rochester Hills" Condominium, according to the Master Deed recorded in Liber 52433, Pages 797 through 839, inclusive, as amended, Oakland County Records and designated as Oakland County Condominium Subdivision Plan No. 2259, together with rights in common elements and limited common elements, as set forth in the above Master Deed (and amendments thereto) and as described in Act 59 of the Public Acts of 1978, as amended.

PATHWAY EASEMENT

A 15-foot wide pathway easement in a part of the Southeast 1/4 Section 34, Town 03 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, described as:

Commencing at the southeast corner of said Section 34, thence South 88 degrees 02 minutes 35 seconds West, 60.12 feet along the south line of said Section 34 to the extension of the west line of Rochester Road (width varies); thence along said west line North 05 degrees 34 minutes 41 seconds West 60.12 feet to the north 60-foot right-of-way line of South Boulevard (width varies) and the **POINT OF BEGINNING** of this 15-foot wide easement for pathway; thence along said line South 88 degrees 02 minutes 35 seconds West 15.03 feet; thence North 05 degrees 34 minutes 41 seconds West 608.60 feet; thence North 05 degrees 14 minutes 43 seconds West 136.92 feet to the west right-of-way line of Rochester Road (width varies); thence the following three courses and distances along said west line; 1) North 84 degrees 45 minutes 17 seconds East, 15.00 feet; 2) South 05 degrees 14 minutes 43 seconds East, 136.88 feet; and 3) South 05 degrees 34 minutes 41 seconds East, 609.50 feet to the **POINT OF BEGINNING** of this 15-foot wide pathway easement.



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ROCHESTER HILLS, LLC
38700 VAN DYKE AVE., SUITE 200
STERLING HEIGHTS, MICHIGAN

SCALE: NTS

JOB No: 2017-237

DATE: 3-5-19

DWG. No: 2 of 2