

**TERMINATION OF PEDESTRIAN-BICYCLE PATHWAY EASEMENT**

D'Agostini Land Company, LLC, a Michigan limited liability company ("D'Agostini") and O.L. Bolyard Lumber Co., Inc., a Michigan corporation ("Bolyard"), whose address is 38700 Van Dyke, Suite 200, Sterling Heights, MI 48312 granted to The City of Rochester Hills, a Municipal corporation ("Grantee"), whose address is 1000 Rochester Hills Drive, Rochester Hills, MI 48309 a Pedestrian-Bicycle Pathway Easement.

**RECITALS:**

WHEREAS, D'Agostini and Bolyard granted to Grantee, a Pedestrian-Bicycle Pathway Easement, recorded on December 13, 1999 in Liber 20878, Pages 145 through 146, Oakland County Records ("Existing Easement") for the property more particularly described in **Exhibit A** (the "Property"); and

WHEREAS, Gateway Properties - Rochester Hills, LLC, a Michigan limited liability company ("Grantor"), whose address is 38700 Van Dyke, Suite 200, Sterling Heights, MI 48312 subsequently became fee simple owner of Unit 2 (Parcel ID No. 15-34-477-018) and Unit 3 (Parcel ID No. 15-34-477-019) of the Property; and

WHEREAS, Grantee no longer intends to construct the Pedestrian-Bicycle Pathway as described in the Existing Easement; and

NOW THEREFORE, in consideration of the mutual promises the adequacy of which is hereby acknowledged, the undersigned hereby agree as follows:

1. That Grantee hereby terminates and releases in its entirety the Existing Easement recorded in Liber 20878, Pages 145 through 146, Oakland County Records.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**CITY OF ROCHESTER HILLS**

By: \_\_\_\_\_  
Bryan K. Barnett, Mayor

STATE OF MICHIGAN        }  
                                      }SS.  
COUNTY OF OAKLAND    }

This agreement was acknowledged before me on \_\_\_\_\_, 2019 by Bryan K. Barnett, Mayor of the City of Rochester Hills, on behalf of the City.

\_\_\_\_\_, Notary public

\_\_\_\_\_ County, Michigan

My commission expires: \_\_\_\_\_

**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

*John Staran  
Approved 5/23/19*

**EXHIBIT A**  
(TERMINATION OF PEDESTRIAN-BICYCLE PATHWAY EASEMENT)

**LEGAL DESCRIPTION**

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

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

Units 1, 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.

Jenny M.  
Approved 5/14/19