

**STORM SEWER
EASEMENT AGREEMENT**

The CITY OF ROCHESTER HILLS, a Michigan municipal corporation, of 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309, grants to LRH Development, LLC, a Michigan limited liability company of 25101 Chagrin Blvd, #300 Beachwood OH 44122, an easement for the construction, operation, maintenance, repair and/or replacement of a 36-inch diameter storm sewer pipe and end section, and an overflow ditch, on, under through and across land more particularly described as:

See attached Exhibit A (the "Land")

Such storm sewer pipe and end section and overflow ditch shall be located on, in and through the Land in the area shown on attached Exhibit B and described on Exhibit A (the "Easement Area").

In connection with the grant of easement, Grantor waives and relinquishes any right, title or interest in the storm sewer, or the facilities incidental thereto, which Grantee may locate in the Easement Area. Grantee shall be and remain solely responsible and liable for the ongoing use, maintenance and repair of the storm sewer and overflow ditch and the facilities incidental thereto and shall defend, indemnify and hold the City harmless relating thereto.

Grantee's work in the Easement Area shall be performed in compliance with all Laws and Regulations at Grantee's expense. Grantee shall be responsible, at its sole cost and expense, for obtaining any consents, permits, accreditations, and licenses required to perform work in the Easement Area.

All property disturbed or altered, now or in the future, by reason of the construction, operation, maintenance, repair and/or replacement of the storm sewer shall be restored by the Grantee 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 Grantee and Grantee's successors and assigns. No structures shall be erected or placed, and no trees shall be planted, within 5 feet of the storm sewer and the overflow ditch..

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 storm sewer: (a) the right of ingress and egress over, through and across the Easement Area, and (b) the right to grant other non-exclusive easements and rights-of-way across, over, under and through the Easement Area.

Exempt from Transfer Taxes under MCL 207.505(h) and 207.526(h)(i).

IN WITNESS HEREOF, the undersigned have hereunto affixed their signatures on this _____ day of _____, 2019.

CITY OF ROCHESTER HILLS,
A Michigan municipal corporation (Grantor)

By: _____
Bryan K. Barnett
Its Mayor

By: _____
Tina Barton
Its: Clerk

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Bryan K. Barnett, Mayor, and Tina Barton, Clerk, of the CITY OF ROCHESTER HILLS, a Michigan municipal corporation.

, Notary Public

County, Michigan
My Commission Expires:

LRH DEVELOPMENT, LLC (Grantee)

By: _____

Its: Manager

Dated: _____

STATE OF OHIO
COUNTY OF CUYAHOGA

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by _____, the manager of LRH Development, LLC, a Michigan limited liability company.

, Notary Public

County, Ohio
My Commission Expires:

Drafted by:
Arthur Siegal
Jaffe Raitt Heuer & Weiss, PC

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

John Starav
Approved as to
FORM 3/14/19

EXHIBIT A

LEGAL DESCRIPTIONS

LEGAL DESCRIPTION

(Per City of Rochester Hills on-line tax records)

PARCEL NO. 15-29-101-021

T3N, R11E, SEC 20 & 29 PART OF SW 1/4 SEC 20 & PART OF NW 1/4 SEC 29 BEG AT PT DIST N88-28-20E 1387.07 FT & N87-41-22E 1653.16 FT & S03-21-54E 2498.18 FT & S04-39-02W 591.54 FT & N81-31-58W 343.45 FT & S80-29-39W 1112 FT FROM W 1/4 COR OF SEC 20, TH S80-29-39W 101.70 FT, TH N00-59-03E 676.72 FT, TH S88-08-08W 223.77 FT, TH N00-02-22W 100.05 FT, TH N88-08-08E 325.68 FT, TH S00-59-03W 763.30 FT TO BEG EXC THAT PART TAKEN FOR HAMLIN RD IN FOL DESC BEG AT PT DIST N88-28-20E 1387.07 FT & N87-41-22E 1653.16 FT & S03-21-54E 2498.18 FT & S04-39-02W 591.54 FT & N81-31-58W 343.45 FT & S80-29-39W 1112 FT FROM W 1/4 COR OF SEC 20, TH S80-29-39W 101.70 FT, TH N00-59-03E 123.80 FT, TH ALG CURVE TO RIGHT, RAD 6452 FT, CHORD BEARS N77-31-07E 102.83 FT, DIST OF 102.83 TH S00-59-03W 129.23 FT TO BEG

LEGAL DESCRIPTION

(Per City of Rochester Hills on-line tax records)

PARCEL NO. 15-29-101-020

T3N, R11E, SEC 20 & 29 PART OF SW 1/4 SEC 20 & PART OF NW 1/4 SEC 29 BEG AT PT DIST N88-28-20E 1387.07 FT & N87-41-22E 1653.16 FT & S03-21-54E 2078.68 FT FROM W 1/4 COR OF SEC 20, TH S03-21-54E 419.50 FT, TH S04-39-02W 591.54 FT, TH N81-31-58W 343.45 FT, TH S80-29-39W 1112 FT, TH N00-59-03E 763.30 FT, TH S88-08-08W 325.68 FT, TH N00-02-22W 1620.44 FT, TH SELY 3275 FT ALG CEN LINE OF CLINTON RIVER TO BEG EXC THAT PART TAKEN FOR HAMLIN RD IN FOL DESC BEG AT PT DIST S04-39-02W 402.36 FT FROM N 1/4 COR SEC 29, TH S04-39-02W 189.51 FT, TH N81-31-58W 343.45 FT, TH S80-29-39W 1112 FT, TH N00-59-08E 129.23 FT, TH ALG CURVE TO RIGHT, RAD 6452 FT, CHORD BEARS N79-09-27E 266.25 FT, DIST OF 266.27 FT, TH N80-20-23E 419.31 FT, TH N84-40-04E 778.07 FT TO BEG

LEGAL DESCRIPTION

(Per PEA, Inc)

VARIABLE WIDTH STORM SEWER EASEMENT

A variable width storm sewer easement over part of Parcel No. 15-29-101-021 and 15-29-101-020, being part of the Northwest 1/4 of Section 29 and the Southwest 1/4 of Section 20, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, said easement being more particularly described as:

Commencing at the Northwest corner of said Section 29; thence along the north line of said Section 29, as monumented, N88°07'26"E, 1601.18 feet to the westerly line of parcel No. 15-29-101-021; thence along said line, S00°58'53"W, 91.70 feet to the POINT OF BEGINNING; thence (L1) N54°09'47"E, 23.41 feet; thence (L2) N09°52'13"E, 132.01 feet; thence (L3) S80°07'47"E, 20.00 feet; thence (L4) S09°52'13"W, 124.65 feet; thence (L5) N56°26'30"E, 181.70 feet; thence (L6) S33°33'30"E, 20.00 feet; thence (L7) S56°26'30"W, 243.58 feet; thence along the westerly line of Parcel No. 15-29-101-021 (L8) N00°58'53"E, 33.35 feet to the POINT OF BEGINNING.

Jenny M.
Approved 3/14/19



PEA, Inc.

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

CLIENT:
GOLDBERG COMPANIES, INC
25101 CHAGRIN BOULEVARD
BEACHWOOD, OH 44122

SCALE: 1" = 80'

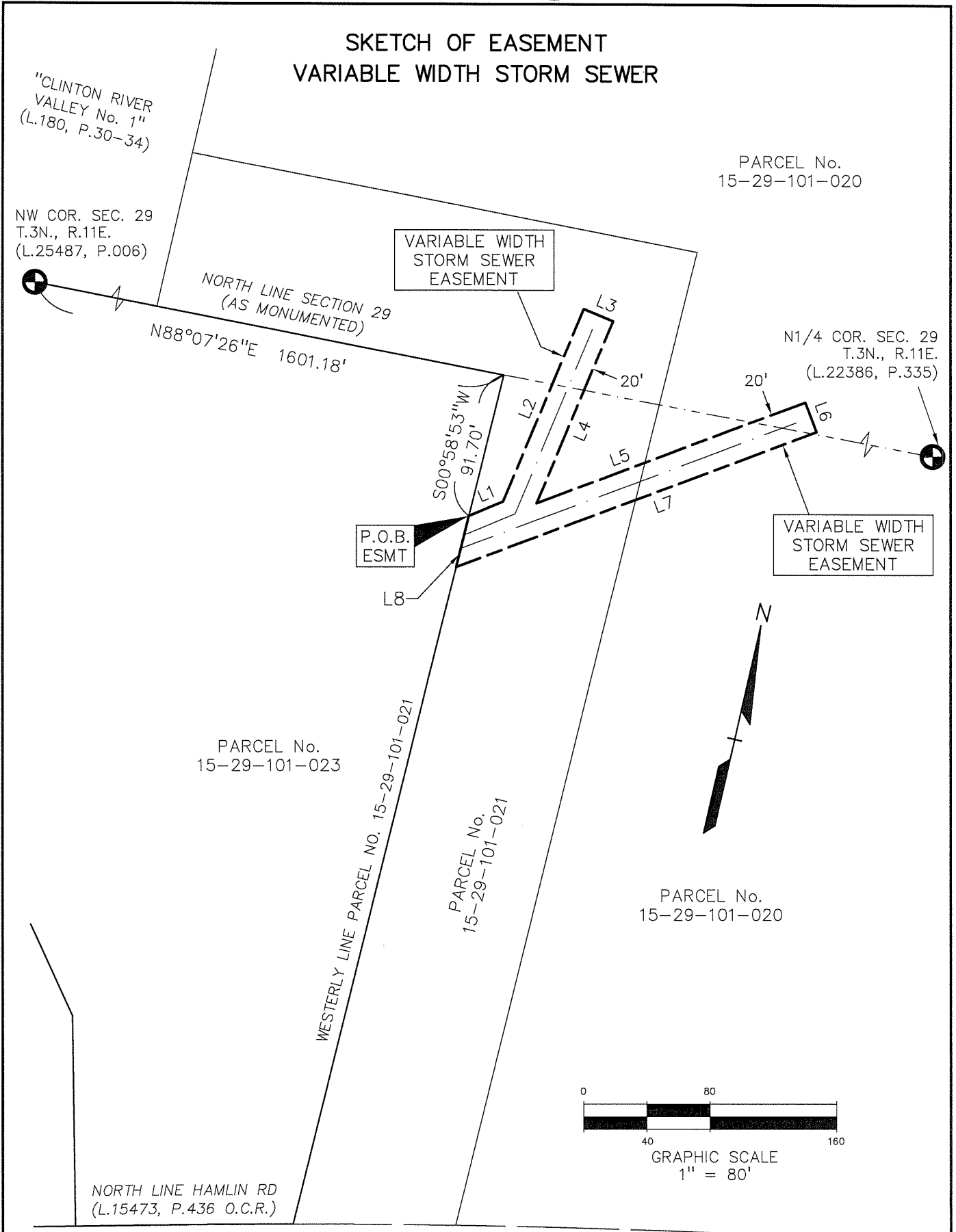
JOB No: 2017037

DATE: 3/14/19

DWG. No: 1 of 1

EXHIBIT B

SKETCH OF EASEMENT VARIABLE WIDTH STORM SEWER



HAMLIN ROAD (VARIABLE WIDTH - PUBLIC)

Line Table		
Line #	Direction	Length
L1	N54°09'47"E	23.41'
L2	N09°52'13"E	132.01'
L3	S80°07'47"E	20.00'
L4	S09°52'13"W	124.65'

Line Table		
Line #	Direction	Length
L5	N56°26'30"E	181.70'
L6	S33°33'30"E	20.00'
L7	S56°26'30"W	243.58'
L8	N00°58'53"E	33.35'



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