

## **AGREEMENT TO RELOCATE EASEMENT**

This Agreement is made March \_\_\_\_\_, 2004, by and between the City of Rochester Hills, a Michigan municipal corporation, the address of which is 1000 Rochester Hills Drive, Rochester Hills, MI 48309 ("Rochester Hills") and the Philip F. Greco Title Company, a Michigan corporation, the address of which is 118 Cass Avenue, Mt. Clemens, MI 48043 ("Greco"). This Agreement is based upon the following recitals which are material to it:

A. Rochester Hills is the successor to Avon Township, a municipal corporation and owner of certain cemetery commonly known as: \_\_\_\_\_, which is situated in the City of Rochester Hills (formerly the Township of Avon), County of Oakland, State of Michigan, to wit:

The west 1/2 of the northwest quarter of the northeast quarter of Section 11, Town 3 North, Range 11 East, Oakland County ("cemetery property").

Parcel Identification Number:

B. The ownership of the cemetery property is evidenced by a conveyance recorded in liber 3611, page 490, Oakland County Records, which also created an easement for "entering and leaving said cemetery, twenty-five (25) feet wide and extending east from the southeast corner of said land along the eighth section line to a point where said line intersects the road between Rochester and Stoney Creek ("old easement").

C. Greco is the owner of two parcels of land immediately adjacent to the cemetery property and described as:

### PARCEL ONE:

Part of the NE 1/4 of Section 11, T3N, R11E, City of Rochester, Oakland County, Michigan. Beginning at a point said point being distant N. 88°56'17" E. 604.26 feet along the north line of Section 11 and S. 01°03'43" E. 13.28 feet and S. 00°33'37" W. 1,026.17 feet along Stony Pointe North No. 1 as recorded in liber 281 of Plats, pages 4 through 8, Oakland County Records from the north 1/4 corner of said Section 11; thence from said point of beginning the following five (5) courses along said Stony Pointe North No. 1 N. 71°40'06" E. 130.82 feet and 150.69 feet along an arc of a curve to the left said curve having a radius of 70.00 feet, central angle 123°20'29" chord length 123.23 feet and a chord bearing of S. 80°00'09" E. and S. 51°30'23" E. 149.23 feet and 27.65 feet along an arc of a curve to the right, said curve having a radius of 405.80 feet, central angle 03°54'12" chord length 27.64 feet and a chord bearing of S. 38°19'06" W. and N. 87°12'22" E. 4.59 feet; thence 39.14 feet along an arc of a curve to the left, said curve having a radius of 473.00 feet, central angle 04°44'49" chord length 39.13 feet and a chord bearing of S. 47°29'55" W. also being the northerly right-of-way line of Romeo Road; thence S. 87°12'22" W. 322.92 feet; thence N. 00°33'37" E. 136.44 feet to the point of beginning. Containing 1.04 acres.

Parcel Identification No.

### PARCEL TWO:

Situated in the City of Rochester, Oakland County, Michigan, described as: Being part of the northeast 1/4 of Section 11, town 3 north, range 11 east, beginning at the center of said section; thence north along the north and south 1/4 line 309.81 feet to the center of Romeo Road; thence north 51 degrees 02 minutes 45 seconds east along the centerline of Romeo Road 870.13 feet to point, the point of beginning of the following described land; thence north 13 degrees 55 minutes west 379.8 feet; thence north 86 degrees 29 minutes 30 seconds east 363.7 feet; thence south 24 degrees 16 minutes 15 seconds west 295.6 feet to center of Romeo Road; thence south 51 degrees 02 minutes 45 seconds west along the centerline of said Road 193.16 feet to the point of beginning, except that part deeded to the City of Rochester for Road, as recorded in Quit Claim Deed recorded in liber 11184, page 70.

Parcel Identification No. 15-11-201-008

(collectively "Greco property").

D. Parcel One of the Greco property is subject to the twenty-five foot easement described in item B, above.

E. Rochester Hills and Greco desire to relocate the old easement so that it allows Rochester Hills the most direct route from the cemetery property to Romeo Road.

Now therefore, in consideration of the following and the mutual benefits to be derived, it is agreed:

1. Greco hereby grants to Rochester Hills a non-exclusive easement for ingress and egress to the cemetery property over the following described land:

Land in the City of Rochester, Oakland County, Michigan, described as: The west 10 feet of the south 15 feet of Parcel One and the West 25 feet of Parcel Two ("new easement").

2. Rochester Hills shall maintain any and all improvements it shall place upon the new easement property at its sole expense.

3. Rochester Hills hereby abandons and quit claims to Greco all of its right, title and interest in and to the easement created by the instrument recorded in liber 3611, page 490 such that said 25-foot easement along the east and west eighth section line is terminated and of no further force or effect.

4. This easement shall terminate upon the abandonment of same by Rochester Hills or if Rochester Hills, its successors or assigns no longer uses the dominant estate as a cemetery.

5. It is the express intention of Rochester Hills and Greco that the easement created in liber 3611, page 490 be terminated and that the easement created herein give ingress and egress to Rochester Hills from the southeast cemetery property corner to Romeo Road along the westerly property of the Greco property, therefore Rochester Hills and Greco agree that any flaws in the termination of the old easement and the creation of the new easement herein given such intention and effect.

In witness whereof the parties have executed this Agreement on \_\_\_\_\_, 2004.

"ROCHESTER HILLS"  
City of Rochester Hills, a Michigan  
municipal corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

Attest:

By: \_\_\_\_\_

Its: \_\_\_\_\_

"GRECO"  
Philip F. Greco Title Company, a Michigan corporation

By: Thomas E. Strasz

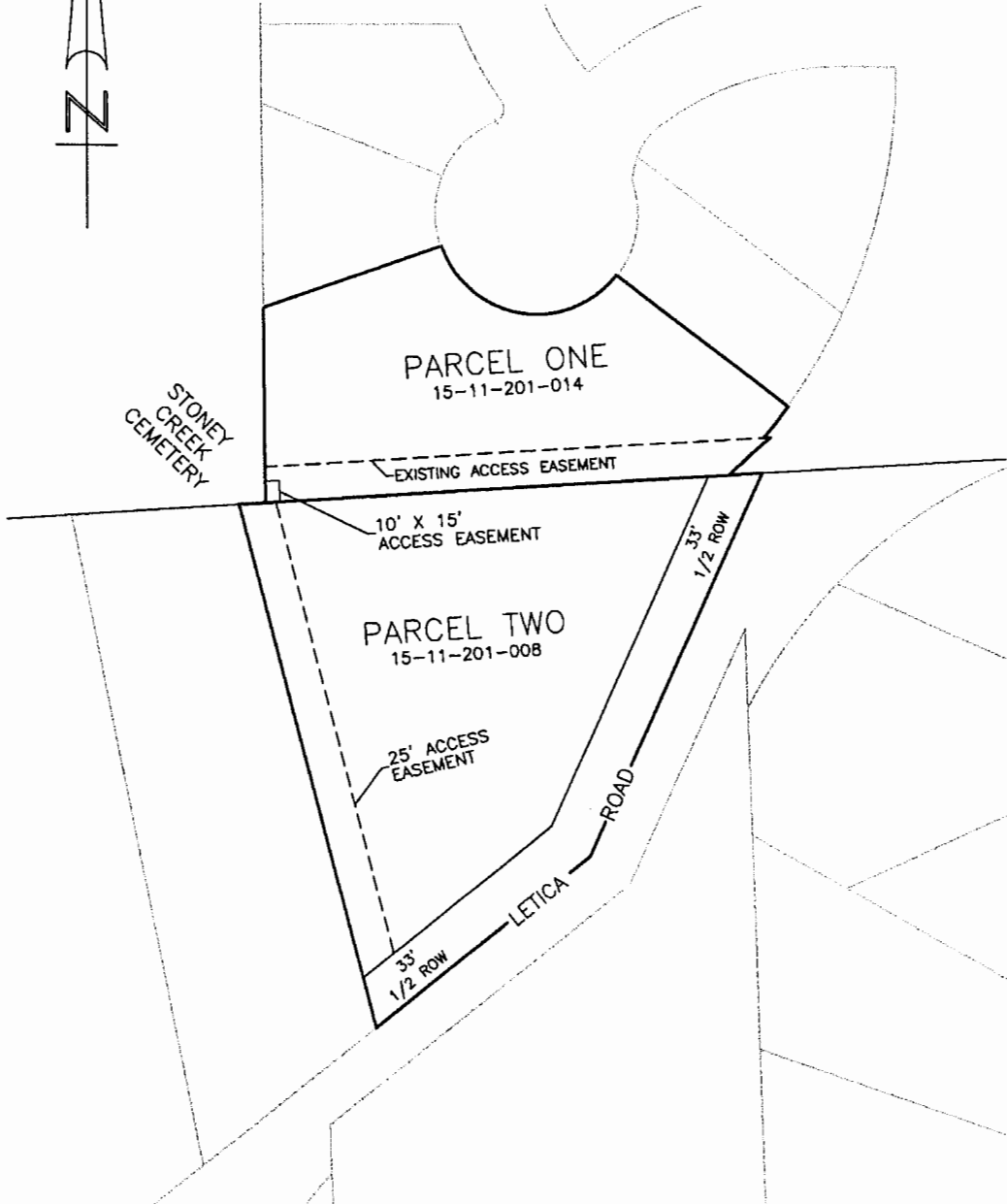
THOMAS E. STRASZ

Its: Senior Vice President and Chief Operating Officer

Maureen K. Franey  
MAUREEN K. FRANNEY



# EXHIBIT A



APPROVED BY \_\_\_\_\_  
CITY COUNCIL, DATE: \_\_\_\_\_  
PREPARED BY ENGINEERING SERVICES  
DEPARTMENT OF PUBLIC SERVICE

**City of Rochester Hills**  
1000 Rochester Hills Drive  
Rochester Hills, Michigan 48309

**ACCESS EASEMENT**  
**STONEY CREEK CEMETERY**

NOT TO SCALE  
DATE: 06/27/04  
SHEET 1 OF 1