

RIGHT OF WAY

Parcel No. **39R**

KNOW ALL MEN BY THESE PRESENTS, That **CITY OF ROCHESTER HILLS**, a Michigan Municipal Corporation, 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309, PARTIES OF THE FIRST PART, for and in consideration of the sum of **ONE (\$1.00) DOLLAR** receipt of which is hereby acknowledged, paid to them by the **REWOLD DRAIN DRAINAGE DISTRICT**, acting through the Drainage Board for the **REWOLD DRAIN** under Chapter 20 of Act No. 40 of the Public Acts of 1956, as amended, PARTY OF THE SECOND PART, whose address is One Public Works Drive, Waterford, Michigan 48328-1907, do hereby grant to the said Party of the Second Part the right to construct, operate, maintain, repair and/or replace the **REWOLD DRAIN** across and through the following described parcel of land situated in the City of Rochester Hills, Oakland County, Michigan, to-wit:

Land in the Township of Avon (*now City of Rochester Hills*), Oakland County, Michigan, being part of the Southwest $\frac{1}{4}$ of Section 24, T.3N., R.11E., described as follows:

Commencing at the South $\frac{1}{4}$ corner of said Section 24, thence N. $00^{\circ}11'04''$ W., along the North-South $\frac{1}{4}$ line, 2766.95 ft. to the center of the section (*as occupied*); thence N. $87^{\circ}44'46''$ W., along the East-West $\frac{1}{4}$ line, 786.77 ft. to the point of beginning, said point being on the centerline of the Honeywell Drain and the East-West $\frac{1}{4}$ line; thence Southwesterly along the centerline of the Honeywell Drain 830 ft., more or less; thence N. $87^{\circ}44'46''$ W., 23.00 ft. to a **Point "A"**, said point being located the following six bearings and distances from the point of beginning, to-wit: N. $87^{\circ}44'46''$ W., along the East-West $\frac{1}{4}$ line, 53.00 ft., and S. $52^{\circ}09'55''$ W., 165.28 ft., and S. $03^{\circ}07'16''$ W., 140.85 ft., and S. $23^{\circ}28'06''$ W., 196.70 ft., and S. $50^{\circ}05'19''$ W., 189.63 ft., and S. $09^{\circ}58'51''$ W., 75.75 ft.; thence N. $87^{\circ}44'46''$ W., 124.32 ft. to the East line of "**Fitzpatrick Subdivision**", a subdivision recorded in Liber 80 of Plats, Page 27; thence N. $00^{\circ}11'24''$ W., along said East line, 217.76 ft. to the Northeast corner of said subdivision said corner also being a corner of "**Ferryview Homelands**", a subdivision

recorded in Liber 27 of Plats, Page 22; thence along the East line of said subdivision N. 00°05'52"W., 415.79 ft. to the Northeast corner of said subdivision and the East-West ¼ line of Section 24; thence S. 87°44'46"E., along the East-West ¼ line, 554.16 ft. to the point of beginning, and containing 5.044 acres, more or less.

Sidwell No. 15-24-326-007

A PERMANENT EASEMENT DESCRIBED AS FOLLOWS:

Beginning at a point on the South 33.00 ft. right-of-way line of School Road said point located distant N. 00°11'04"W., 2766.95 ft. and N. 87°44'46"W., 812.25 ft. and S. 22°01'48"W., 35.07 ft. from the South ¼ corner of said Section 24; thence from said point of beginning S. 22°01'48"W., 44.10 ft.; thence S. 67°58'12"E., 24.64 ft. to a **Point "A"** the beginning of an intermediate traverse line; thence continuing S. 67°58'12"E., 15.00 ft. to the centerline of said existing **Honeywell Drain**, thence in a Northeasterly and Northwesterly direction 71.00 ft., more or less, along the centerline of said ditch; thence N. 87°44'46"W., 15.00 ft. to a **Point "B"**, the Northerly end of an intermediate traverse line; thence beginning at said **Point "A"** along said traverse line N. 11°40'38"E., 50.52 ft. to said **Point "B"**; thence N. 87°44'46"W., 16.54 ft. to the point of beginning.

A TEMPORARY EASEMENT DESCRIBED AS FOLLOWS:

A strip of land 20.00 ft. wide parallel to and adjoining the South edge and the West edge of the above-described permanent easement.

The Parties of the First Part herewith agree not to build or convey to others permission to build any permanent structures on the above-described permanent easement.

All trees within the permanent easement can be removed and not replaced.

Said temporary construction easement shall terminate upon the completion date of construction.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.

A map of the above-described easement is attached hereto and made a part thereof.

If the said premises shall be disturbed by reason of the exercise of any of the foregoing powers, then said premises shall be restored to substantially the condition that existed prior to the contractors entering upon said premises.

IN WITNESS WHEREOF, the Parties of the First Part have hereunto affixed their signatures this _____ day of _____, A.D., 2004.

WITNESSES:

**CITY OF ROCHESTER HILLS,
A Michigan Municipal Corporation**

_____ (L.S.)

_____ (L.S.)

_____ (L.S.)

E-2 - Revised 8/3/01

ACKNOWLEDGEMENT

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

On this _____ day of _____, A.D., 2004, before me, a Notary Public in and for said County, personally appeared _____ and _____ to me personally known, who being by me severally duly sworn did say that they are respectively the _____ and _____ of the **CITY OF ROCHESTER HILLS, a Michigan Municipal Corporation**, a corporation created and existing under the laws of the **State of Michigan**, and that the said Easement Grant was signed and sealed in behalf of said corporation by authority of its Board of Directors, and the said _____ acknowledged the said instrument to be the free act and deed of the said Corporation.

Notary Public

County, _____
My Commission Expires: _____

This instrument drafted by:

Paul E. Dove, Right-of-Way Supervisor, Office of the
Oakland County Drain Commissioner
Building 95 West
One Public Works Drive
Waterford, Michigan 48328-1907

(C)-Corporation Ack.- Revised 10/18/01

GFS/DAL/kmb

Kimberly Brown's Files\D:\REWOLD.EAS\CORH'04.39R\3/2/04-(Dollar Amt. Added on 7/21/04)

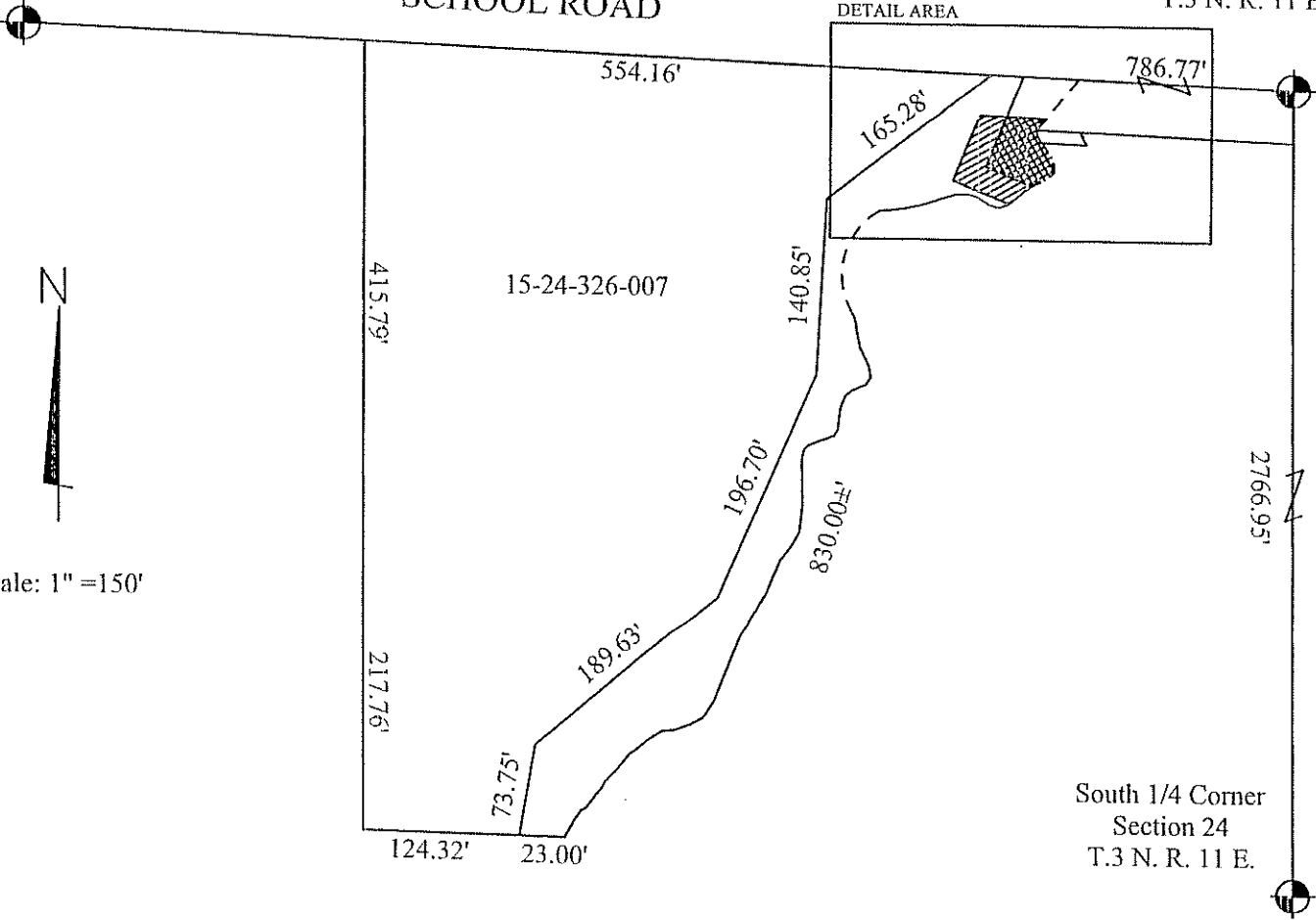
EASEMENT SKETCH

West 1/4 Corner
Section 24
T.3 N. R. 11 E.

Center
Section 24
T.3 N. R. 11 E.

SCHOOL ROAD

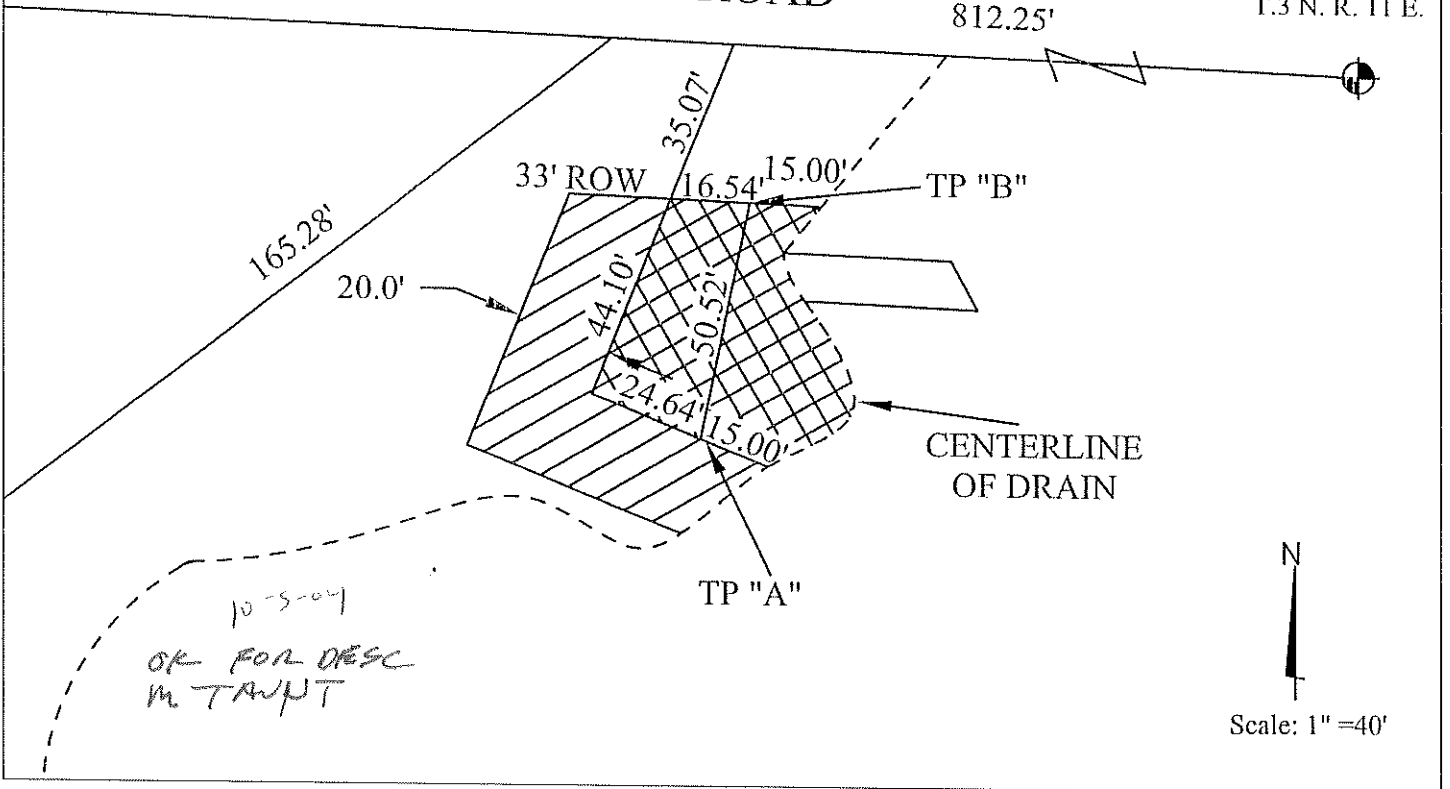
DETAIL AREA



DETAIL AREA

SCHOOL ROAD

Center
Section 24
T.3 N. R. 11 E.



PROJECT: Rewold Drain

2/27/04

PERMANENT EASEMENT  EASEMENT PARCEL NO. 39R DWG. 1 OF 1

TEMPORARY EASEMENT  SIDWELL NO. 15-24-326-007

Part of the East 1/2 of the Southwest 1/4 of Section 24

JOHN P. McCULLOCH
OAKLAND COUNTY DRAIN COMMISSIONER
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Rev.:08/01/01