

PEDESTRIAN-BICYCLE PATHWAY EASEMENT

Evangelical
Abiding Presence ✓ Lutheran Church a Michigan corporation, of
1550 Walton Boulevard, Rochester Hills, Michigan 48307

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-bicycle pathway over, on, through and across land more particularly described as:

See attached exhibit 'A'

Sidwell # 15-09-378-022

In connection with the grant of easement, Grantor waives and relinquishes any right, title or interest in the pedestrian-bicycle 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-bicycle pathway shall be restored by the City 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 City.

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, and public use of the pedestrian-bicycle pathway: (a) the right of ingress and egress over, through and across the easement, and (b) the right to grant other non-exclusive easements and rights-of-way, across, over, under and through the easement parcel, with the condition that prior to such a grant written consent shall be obtained from the City.

Exempt from Transfer Tax under MCLA 207.526(a); MSA 7.456 (26)(a).

IN WITNESS HEREOF, the undersigned have hereunto affixed their signatures on this 12 day of September, 2004.

Abiding Presence Evangelical Lutheran Church

Janet C. McBride
Signature
Janet McBride
(Print Name)
President of the Congregation

Abiding Presence Evangelical Lutheran Church

James C. Schock
Signature
Jim Schock
(Print Name)
Chairman of the building committee
Title

STATE OF MICHIGAN
COUNTY OF Oakland

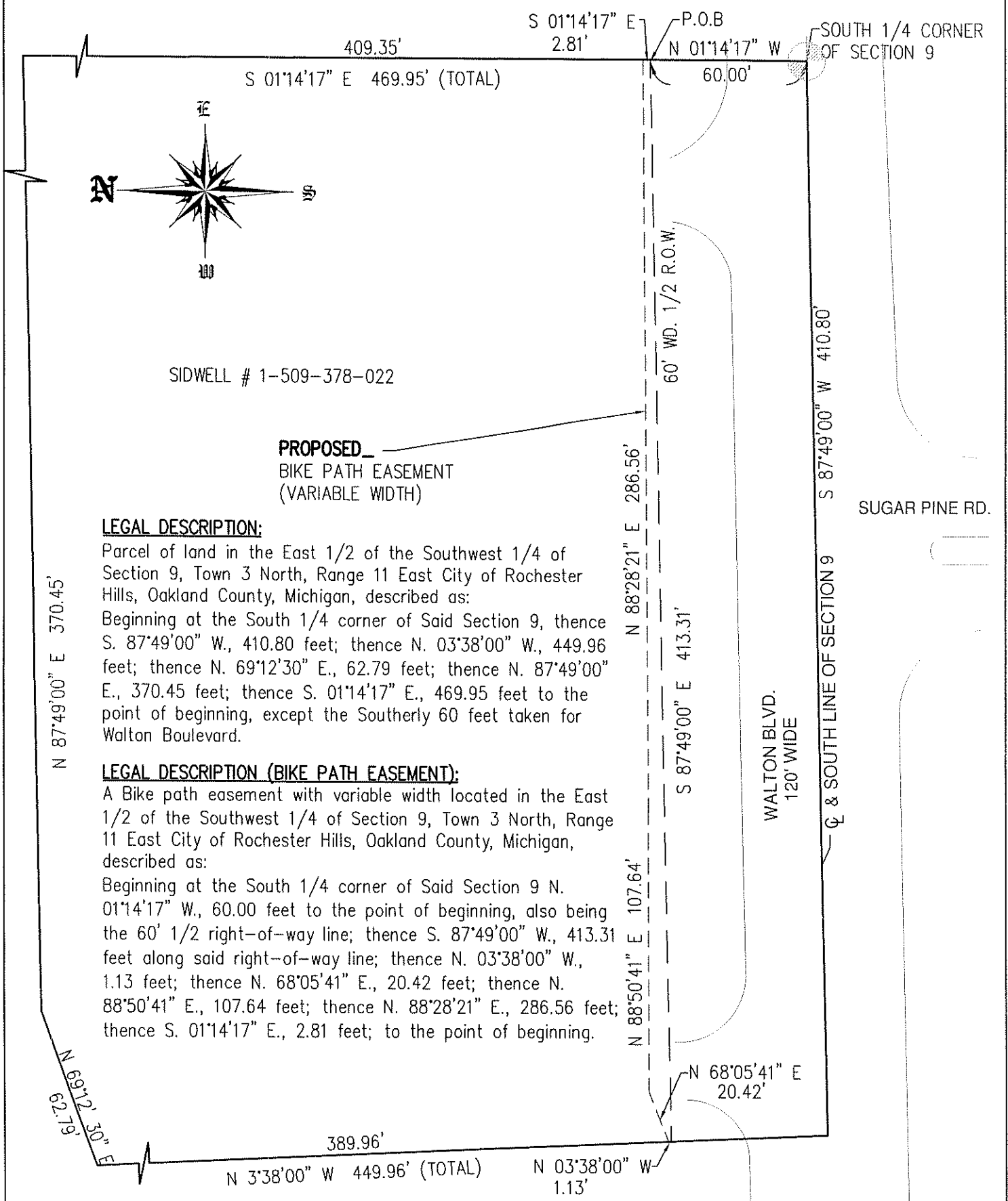
The foregoing instrument was acknowledged before me this 12 day of September, 2004, by Janet McBride/Jim Schock, who is the President of Congregation/Chairman of the of Abiding Presence Lutheran Church Michigan corporation, on behalf of the Building Committee corporation.

Drafted by:
Mickalich & Associates, Inc.
2359 Avon Industrial Drive
Rochester Hills, MI 48309

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

Cynthia K. Tiefry
Cynthia K. Tiefry, Notary Public
Wayne County, Michigan
My Commission Expires: 10-Nov-10

BIKE PATH EASEMENT



SIDWELL # 1-509-378-022

PROPOSED
BIKE PATH EASEMENT
(VARIABLE WIDTH)

LEGAL DESCRIPTION:

Parcel of land in the East 1/2 of the Southwest 1/4 of Section 9, Town 3 North, Range 11 East City of Rochester Hills, Oakland County, Michigan, described as:
Beginning at the South 1/4 corner of Said Section 9, thence S. 87°49'00" W., 410.80 feet; thence N. 03°38'00" W., 449.96 feet; thence N. 69°12'30" E., 62.79 feet; thence N. 87°49'00" E., 370.45 feet; thence S. 01°14'17" E., 469.95 feet to the point of beginning, except the Southerly 60 feet taken for Walton Boulevard.

LEGAL DESCRIPTION (BIKE PATH EASEMENT):

A Bike path easement with variable width located in the East 1/2 of the Southwest 1/4 of Section 9, Town 3 North, Range 11 East City of Rochester Hills, Oakland County, Michigan, described as:
Beginning at the South 1/4 corner of Said Section 9 N. 01°14'17" W., 60.00 feet to the point of beginning, also being the 60' 1/2 right-of-way line; thence S. 87°49'00" W., 413.31 feet along said right-of-way line; thence N. 03°38'00" W., 1.13 feet; thence N. 68°05'41" E., 20.42 feet; thence N. 88°50'41" E., 107.64 feet; thence N. 88°28'21" E., 286.56 feet; thence S. 01°14'17" E., 2.81 feet; to the point of beginning.

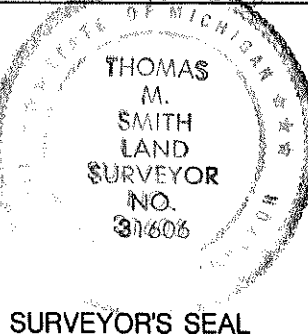


scale: 1" = 50'

OK PER John Simon 12-30-04

APPROVED *DESC*
M. Taus
ROCHESTER HILLS
ENGINEERING DEPT.
04-08-2004

ISSUED FOR:	REVD BY:	ISSUED FOR:	REVD BY:
ISSUED FOR:	REVD BY:	ISSUED FOR:	REVD BY:



MICKALICH and ASSOCIATES, INC.
CIVIL ENGINEERING SURVEYING PLANNING
2359 AVON INDUSTRIAL DR., ROCHESTER HILLS, MI. 48309
INTERNET: WWW.MICKALICH.COM PHONE: (248) 852-1900 FAX: (248) 852-1070

DRAWN BY <u>HART</u>	JOB No. <u>03317</u>	DESCRIPTION BIKE PATH EASEMENT
DATE <u>8-27-04</u>	SHEET No. <u>1</u>	