AMENDMENT TO AND RESTATEMENT OF PEDESTRIAN - BICYCLE PATHWAY EASEMENT

The Pointe Group, Inc.

pathway

a Michigan corporation, of 2185 Crooks Road, Rochester Hills, MI 48309, the owner of a parcel of land situated in the City of Rochester Hills, Oakland County, Michigan and described in the attached Exhibit -A Legal Description Rider, which parcel of land is subject to an existing Bicycle Easement in favor of the CITY OF ROCHESTER HILLS, which was recorded with the Oakland County Register of Deeds at Liber 14865, Page 533, hereby amends and restates that Bicycle Easement in its entirety, and substitutes it with and 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 on the attached Exhibit A - Legal Description Rider, Sidwell No. __15-34-477-015

In connection with this amended and restated 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 to the City are made.

This 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).

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IN WITNESS HEREOF, the t	undersigned have hereunto	affixed their signatures on this /strain day of
Witnesses;	Signed by:	The same of the sa
1 1 1 1 2 2 2 7 7 7 7 7 7 7 7 7 7 7 7 7	The Pointe Group Inc.	a Michigan Corporation
CHARLES E.	1.1AND BY: Gal	ry Piontowski, President

State of Michigan

) ss

County of Oakland

This agreement was acknowledged before me on May 1 a Michigan Corporation, on behalf of the corporation.

The Pointe Group, Inc.

, 2002 by Gary Piontowski as President of

ા માયડ , Notary Public Oakland County, Michigan

My Commission Expires: 2/6/2005

Drafted by:

Douglas A. Tull, Attorney at Law,

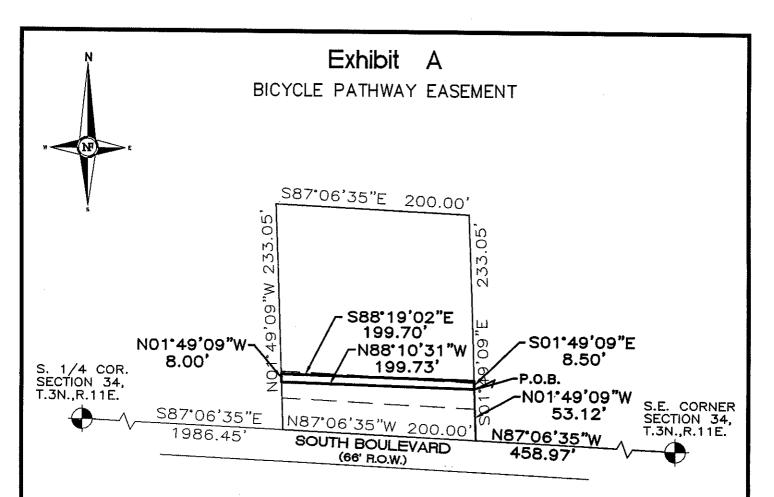
44841 Van Dyke Avenue,

P.O. Box 180912,

Utica, Michigan 48318-0912

Return to:

City of Rochester Hills 1000 Rochester Hills Drive Rochester Hills, MI 48309



Legal Description - Parcel

Part of the East ½ of the East ½ of the Southeast ¼ of Section 34, T.3N., R.11E., City of Rochester Hills, Oakland County, Michigan, being more particularly described as: Beginning at a point on the South line of said Section 34, N. 87° 06′ 35″ W., 458.97 feet from the S.E. corner of Section 34; thence N. 87° 06′ 35″ W., 200.00 feet along the South section line to the S.E. corner of "Martin Farms Subdivision"; thence N. 01° 49′ 09″ W., 233.05 feet along the east line of "Martin Farms Subdivision;" thence S. 87° 06′ 35″ E., 200.00 feet; thence S. 01° 49′ 09″ E., 233.05 feet to the Point of Beginning.

Subject to the rights of the public in South Boulevard Road. Containing 46,456 square feet or 1.066 acres.

Legal Description - Bicycle Pathway Easement

Land in the aforementioned parcel for the purpose of a bicycle pathway easement, which is more particularly described as follows:

Commencing at the Southeast corner of the aforementioned parcel, thence N. 01° 49' 09" W., 53.12 feet to the Point of Beginning; thence N. 88° 10' 31" W., 199.73 feet; thence N. 01° 49' 09" W., 8.00 feet; thence S. 88° 19' 02" E., 199.70 feet; thence S. 01° 49' 09" E., 8.50 feet to the Point of Ending.

NOWAK & FRAUS

S.E. 1/4 of Section 34 T. 3 N., R. 11 E., City of Rochester Hills, Oakland Co., MI Consulting Engineers • Land Surveyors • Land Planners

46777 Woodward Avenue Pontiac, Michigan 48342 Tel. (248) 332-7931 Fax. (248) 332-8257

SCALE DATE 1" = 100' 04-19-02 DRAWN JOB No. SHEET

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