

PEDESTRIAN-BICYCLE PATHWAY EASEMENT

Fifth Third Bank, a Michigan banking corporation, whose address is 1000 Town Center, Southfield, Michigan 48075, attention Vice President Corporation Facilities MD JTNW3D ("Grantor") grants to the CITY OF ROCHESTER HILLS, a Michigan municipal corporation, of 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309, ("the City"), an easement for the construction, operation, maintenance, repair and/or replacement of a pedestrian-bicycle pathway on, under, through and across land more particularly described as:

"Exhibit A," attached hereto and made a part of.

Tax I.D.#: Part of 15-23-152-015

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 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 12th day of July, 2006.

IN THE PRESENCE OF:

Fifth Third Bank, a Michigan banking corporation

By: 

Jeffrey Wagner
Vice President

Its:


STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 12TH day of July, 2006, by Jeffrey Wagner, Vice President, Corporate Facilities, Fifth Third Bank, a Michigan banking corporation.

Drafted by: Brad Newman
Fifth Third Bank
1000 Town Center
Southfield, MI 48075

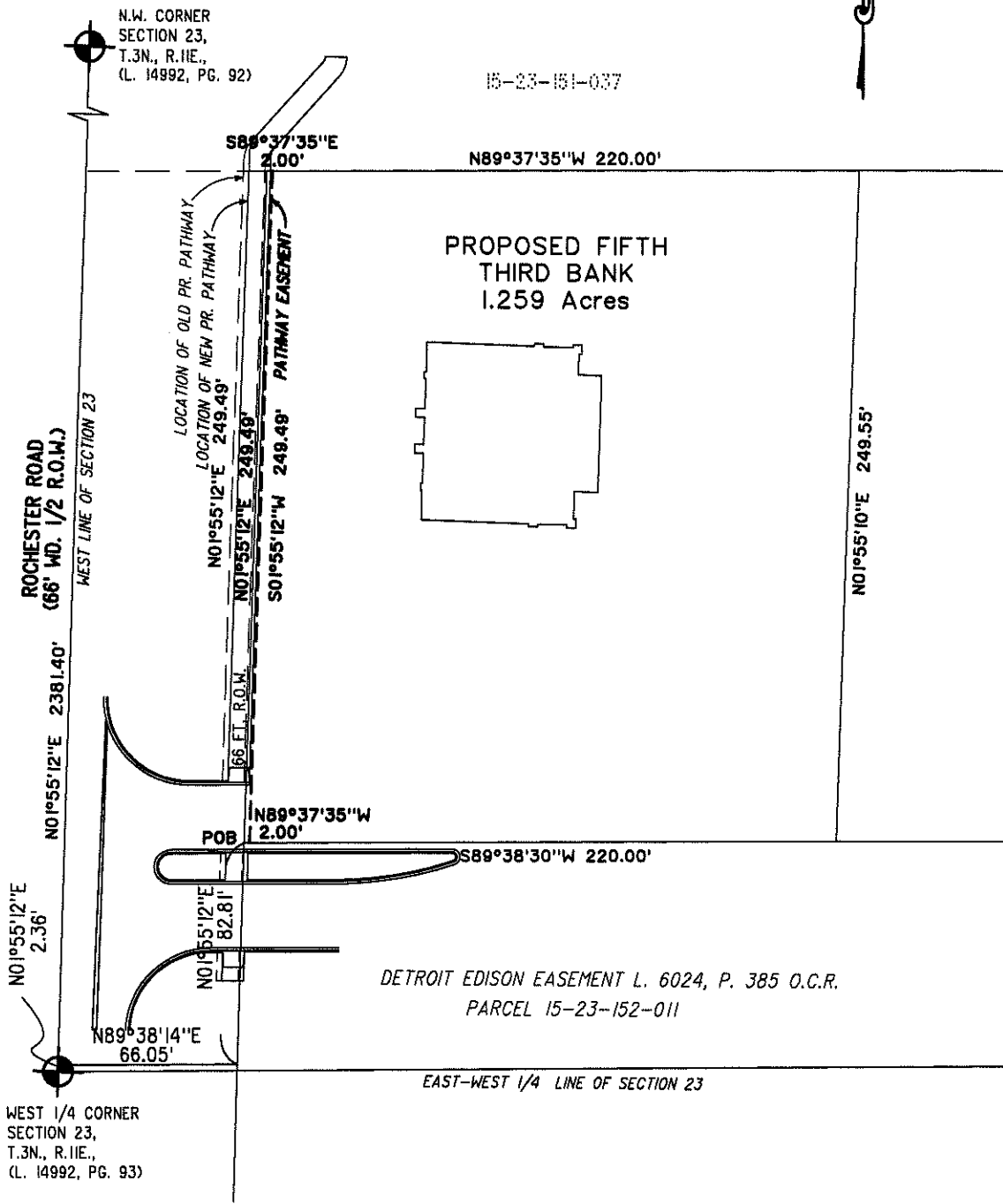
*OK'd by Stefan
9-6-06*

BRADLEY M. NEWMAN
Notary Public, Oakland County, MI
My Commission Expires Apr. 27, 2007

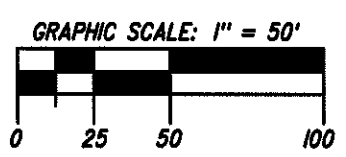

Bradley M. Newman, Notary Public
Oakland County, Michigan
My Commission Expires: 04/27/2007

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

EXHIBIT A



BC9C
M. Taus 09-12-06



JJ-06-249
SHEET 1 OF 2

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CLIENT:
K-4 ARCHITECTURE, LLC
DATE: 07-06-06
SCALE: 1" = 50'

JJ ASSOCIATES, INC.
Civil Engineering and Surveying

FORMERLY
MCS ASSOCIATES, INC.
44444 MOUND ROAD, SUITE 100
STERLING HEIGHTS, MICHIGAN 48314
TELEPHONE (586) 726-9111 FAX (586) 726-9112

EXHIBIT A

LEGAL DESCRIPTION: FIFTH-THIRD BANK

Part of the Northwest 1/4 of Section 23, T.3N., R.11E., City of Rochester Hills, Oakland County, Michigan, being more particularly described as follows:
Beginning at a point which is N01°55'12"E 2.36 ft. along the West line of said Section 23 and N89°38'14"E 66.05 and N01°55'12"E 82.81 ft. along said East R.O.W. line of Rochester Road (66 ft wd. 1/2 R.O.W.) from the West 1/4 corner of Section 23, T.3N., R.11E.; thence continuing N01°55'12"E 249.49 ft. along said East R.O.W. line of Rochester Road (66 ft wd. 1/2 R.O.W.); thence N89°37'35"E (N85°53'06"E Record) 220.00 ft.; thence S01°55'10"W 249.55 ft.; thence S89°38'30"W (S85°53'06"W Record) 220.00 ft. to the East R.O.W. line of Rochester Road (66 ft wd. 1/2 R.O.W.) also being the point of beginning.

Containing 54,850 Square Feet --- 1.26 Acres, more or less.

Subject to the rights of the public and of any governmental unit in any part of land taken thereof, used or deeded for street, road or highway purposes.

LEGAL DESCRIPTION: PATHWAY EASEMENT

Part of the NW 1/4 of Section 23, T.3N., R.11E., Rochester Hills, Oakland County, Michigan, being more particularly described as follows:
Beginning at a point which is N01°55'12"E 2.36 ft. along the West line of said Section 23 and N89°38'14"E 66.05 and N01°55'12"E 82.81 ft. along said East R.O.W. line of Rochester Road (66 ft wd. 1/2 R.O.W.) from the West 1/4 corner of Section 23, T.3N., R.11E.; thence continuing N01°55'12"E 249.49 ft. along said East R.O.W. line of Rochester Road (66 ft wd. 1/2 R.O.W.); thence S89°37'35"E 2.00 ft.; thence S01°55'12"W 249.49ft.; thence N89°37'35"W 2.00 ft. to the East R.O.W. line of Rochester Road (66 ft wd. 1/2 R.O.W.) also being the Point of Beginning.
Containing 499 square feet --- 0.012 acres, more or less.

009c
M. Law 09-12-06

JJ-06-249
SHEET 2 OF 2

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CLIENT:
K-4 ARCHITECTURE, LLC
DATE: 07-06-06 az
SCALE: 1" = 50'

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