

HIGHWAY EASEMENT

Rochester College, a Michigan nonprofit corporation, of 800 West Avon Road, Rochester Hills, Michigan 48307, irrevocably grants to the City of Rochester Hills, a Michigan municipal corporation, of 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309, an easement for all public highway purposes, including public utilities, and the construction, operation, maintenance, repair, replacement and/or public use of water main, sanitary sewer, storm sewer, sidewalks and/or pathways in, over, under, upon, and through the following described premises situated in the City of Rochester Hills, Oakland County, Michigan:

See Exhibit "A"

In connection with the grant of easement, Grantor waives and relinquishes any right, title or interest in such public utilities or improvements, or the facilities incidental thereto, which may be located in the easement. All utilities installed in the easement must be installed underground.

All property disturbed or altered by the City by reason of construction, operation, etc., 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.

Grantor may continue to utilize and maintain all improvements currently located within the easement until such time as the easement is required for road improvements.

Grantor expressly reserves to itself and Grantor's successors and assigns, so long as there is no interference with the City's easement rights the right of ingress and egress across the easement.

Exempt from Transfer Tax under MCLA 207.526 (a).

The City may assign this Highway Easement to the Road Commission for Oakland County or any successor thereto.

[signature on following page]

EXHIBIT A

LEGAL DESCRIPTION

Description of Avon Road Right-of-Way Dedication being the Southerly 60 feet of Rochester College Parcels #15-15-376-001, #15-15-451-003 and #15-15-451-006, described as follows:

Land in part of the west half of the southeast $\frac{1}{4}$ and part of the south $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of Section 15, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, more particularly described by metes and bounds subsequent to a boundary survey by Raymond J. Donnelly & Associates (Project 2005-035) in May 2005:

Beginning at the south $\frac{1}{4}$ corner of said Section 15 and proceeding thence along the south line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15 and centerline of Avon Road, north $89^{\circ} 48' 25''$ West 1310.54 feet to the South $\frac{1}{8}$ corner of the SW $\frac{1}{4}$; thence continuing along the South line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15 and centerline of Avon Road, North $88^{\circ} 25' 10''$ West 443.79 feet to the intersection of said South line with the southeasterly line of the Clinton River "Trail" (formerly known as the Grand Trunk Western Railroad); thence along the Southeasterly line of said "Trail", North $42^{\circ} 34' 44''$ East 79.50 feet to the proposed Northerly R.O.W. line of Avon Road (60 feet North of the Centerline of Avon Road); thence along the proposed Northerly R.O.W. line of Avon Road, South $88^{\circ} 25' 10''$ East 390.91 feet, and South $89^{\circ} 48' 25''$ East 1309.71 feet, and due East 1002.28 feet to the Westerly line of the Rochester Church of Christ parcel (Tax ID #15-15-451-007); thence South $01^{\circ} 40' 04''$ West 60.03 feet to a point on the South line of Section 15; thence along the South line of Section 15 and Centerline of Avon Road, due West 1000.63 feet back to the point of beginning.

OK'd
per J. Sturim
12-31-09

OK'd
per M. Tarrant
1-6-10

Date: December 22, 2009

Rochester College, a Michigan nonprofit corporation

By: Rachel Shelly
Signature
(Print Name)
Rachel Shelly, President
Title

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 22 day of December, 2009, by Rachel Shelly, who is the President of Rochester College, a Michigan nonprofit corporation, on behalf of the corporation.

Cathrine L. Ries
Notary Public
Oakland County, Michigan
Acting in Oakland County, MI
My Commission expires: 8-1-2014

THIS INSTRUMENT DRAFT BY:
John D. Gaber
Williams, Williams, Rattner & Plunkett, P.C.
380 N. Old Woodward Ave., Suite 300
Birmingham, Michigan 48009

Cathrine L. Ries
Notary Public
Oakland County, Michigan
My Commission Expires 08 / 01 / 2014

WHEN RECORDED RETURN TO:
Clerks Office
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills MI 48309

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OK'd
Prof.
MIKI TAVAT
1-26-10