

PEDESTRIAN-BICYCLE PATHWAY EASEMENT

940 Rochester, LLC a Michigan Limited liability company of 600 N. Old Woodward, Suite 100, Birmingham, Michigan 48009 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 of a pedestrian-bicycle pathway on, under, through and across land more particularly described as:

See Exhibit 'A'

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 Taxes under MCL 207.505(a) and 207.526(a).

IN WITNESS WHEREOF, the undersigned have hereunto affixed their signatures on this 20th day of October, 2012.

Signature: (X) [Signature]
Print or Type Name: Brian Najor
Title: Member
Signature: _____
Print or Type Name: _____
Title: _____

STATE OF MICHIGAN
COUNTY OF Oakland

The foregoing instrument was acknowledged before me this 20th day of October, 2012, by Brian Najor, who is a member of 940 Rochester, LLC, a Michigan limited liability company, on behalf of the company.

Drafted by:
Shawn Blaszczak, P.E.
Zeimet Wozniak & Assoc.
5500 Grand River Ave, Ste. #100
New Hudson, MI 48165-9318

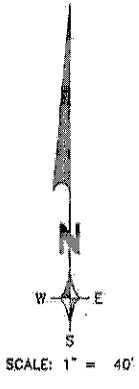
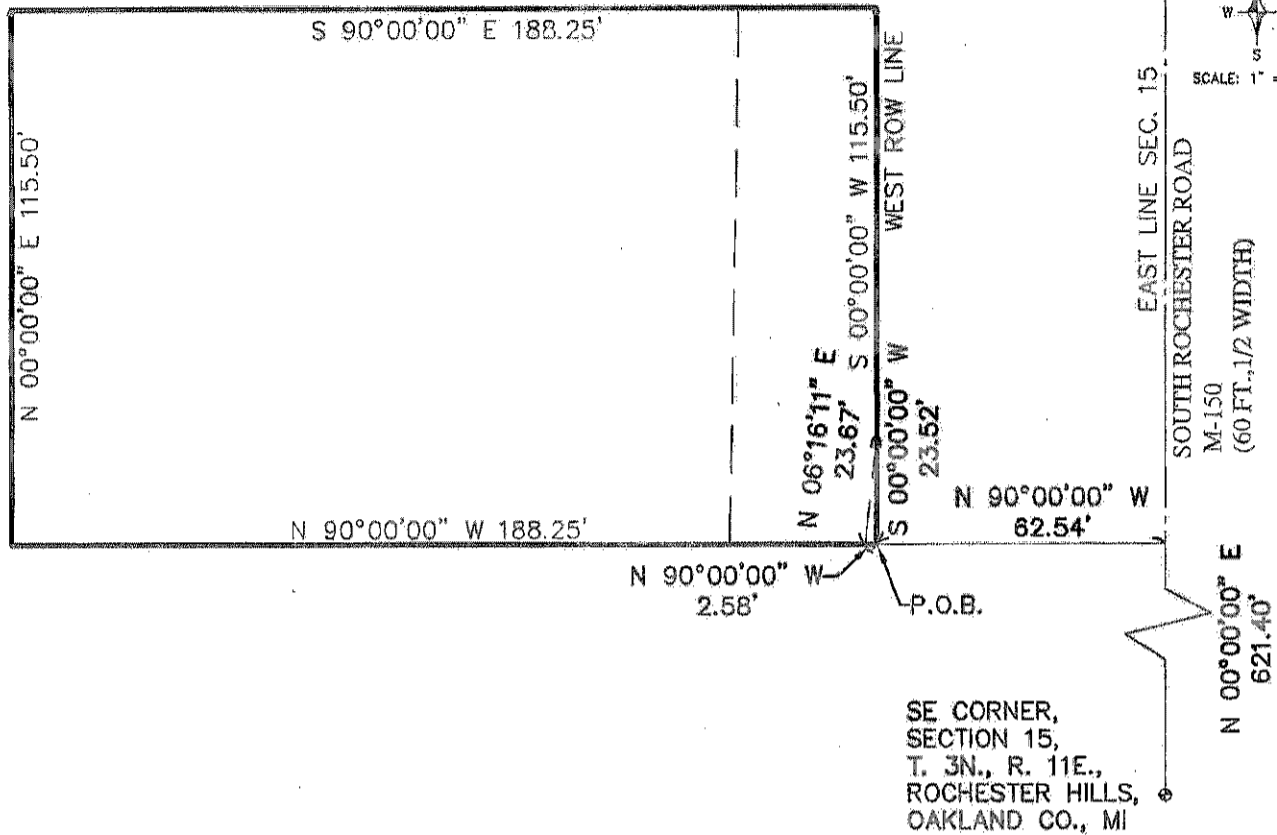
When recorded, return to:
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

KRISTINE E. DAVIS
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Sep 23, 2014
ACTING IN COUNTY OF Oakland

Kristine E. Davis
, Notary Public
County, Michigan
My Commission Expires:

I:\Eng\PRIV\ENG FORMS ONLY (MUST DO 'SAVE AS')\All Easements\PATHWAY EAS LLC revised 093011.doc

John Staran
App'd - 11/6/12



OVERALL PARCEL LEGAL DESCRIPTON
(AS SURVEYED)

PART OF THE SOUTHEAST 1/4 OF SECTION 15, TOWN 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILL, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT DISTANT NORTH 621.40 FEET AND THENCE WEST 62.54 (60.00 FEET RECORD) FEET TO A POINT OF BEGINNING ON THE WEST RIGHT-OF-WAY LINE OF ROCHESTER ROAD (60 FEET WIDE, 1/2 WIDTH) FROM THE SOUTHEAST CORNER OF SAID SECTION 15; THENCE WEST 188.25 FEET; THENCE NORTH 115.50 FEET; THENCE EAST 188.25 FEET; THENCE SOUTH 115.50 FEET TO THE POINT OF BEGINNING, CONTAINING 0.50 ACRES OF LAND MORE OR LESS.

PATHWAY EASEMENT LEGAL DESCRIPTON

AN EASEMENT FOR A PATHWAY ACROSS A PARCEL OF LAND MORE PARTICULARLY DESCRIBED AS:
PART OF THE SOUTHEAST 1/4 OF SECTION 15, TOWN 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILL, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT DISTANT NORTH 621.40 FEET AND THENCE WEST 62.54 (60.00 FEET RECORD) FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF ROCHESTER ROAD (60 FEET WIDE, 1/2 WIDTH), SAID POINT ALSO BEING THE POINT OF BEGINNING OF SAID EASEMENT; THENCE WEST 2.58 FEET; THENCE N. 06°16'11" E. 23.67 FEET; THENCE SOUTH 23.52 FEET ALONG SAID RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

*Mike Taunt App'd
4/2/12*

H:\Projects\12109\dwg\12109 ESMTS.dwg, PATHWAY, 11/1/2012 1:44:56 PM, SBiaszczyk

REVISIONS			PATHWAY EASEMENT TIM HORTONS ROCHESTER HILLS, MICHIGAN		DATE	SCALE HOR: 1" = 40'	
ITEM	DATE	BY	 Civil Engineers & Land Surveyors 55800 GRAND RIVER AVE, SUITE 100 NEW HUDSON, MICHIGAN 48165 P: (248) 437-5099 F: (248) 437-5222 www.zeimetwozniak.com		11/1/12	FIELD BOOK NO.	
							DESIGNED BY
					SRB	12109	
					DRAWN BY	SHEET NO.	
					SRB	1/1	