

## PEDESTRIAN-BICYCLE PATHWAY EASEMENT

Nichols Investment Properties, L.L.C., a Michigan limited liability company, whose address is 490 Martell Drive, Bloomfield Hills, Michigan 48304-3452 For and in consideration of **\$5,000.00**, Grants to the CITY OF ROCHESTER HILLS, a Michigan Municipal Corporation located at 1000, Rochester Hills Drive, Rochester Hills Michigan 48309, a Permanent 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:

Commonly known as: No Address Available  
(Part of) Tax Parcel No.: 15-24-401-041

**SEE PARCEL DRAWING AND LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A,"  
BOTH OF WHICH ARE INCORPORATED BY REFERENCE HEREIN**

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.

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. The City shall hold the Grantor harmless from and against any claims, losses, and damages made and/or suffered by reason of, or in relation to, the construction and public use of the pathway on the above described property, unless caused by Grantor's own acts or omissions.



~~To the fullest extent permitted by law, and provided that Grantee does not cause the environmental contamination, the Grantor, for itself, its successors and assigns, shall indemnify, defend and hold harmless the Grantee against any liability, damages, costs, expenses, claims, causes of action, losses, settlements, fines, penalties and attorney's fees claimed against or incurred by the Grantee relating to (1) the existence, mitigation or remediation of environmental contamination in the easement area; (2) any corrective action and due care obligations with respect to existing contamination in the easement areas; (3) the occurrence, disturbance or movement of environmental contamination resulting directly or indirectly from any work conducted by the Grantee within the scope, and in the exercise, of its easement rights.~~

Grantor expressly reserves to 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, and through and across the easement and 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.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 16<sup>th</sup> day of January, A.D. 2015.

By: [Signature]

James A. Nichols  
Print or type name in black ink

Its: MANAGER

COUNTY OF OAKLAND )

) SS

STATE OF MICHIGAN )

On this 16<sup>th</sup> day of January, 2015, James A. Nichols executed the foregoing document before me and, being duly sworn, stated that he/she is the Manager of Nichols Investment Properties, L.L.C., a Michigan limited liability company, and that he/she executed the foregoing document on behalf of Nichols Investment Properties, L.L.C. with its full authority and as its free act and deed.

Notary Public:

\* Tina M Easley

My commission expires: \_\_\_\_\_  
Oakland County, Michigan  
Acting in the County of Oakland



By: \_\_\_\_\_

Print or type name in black ink

Its: \_\_\_\_\_

COUNTY OF OAKLAND )

) SS

STATE OF MICHIGAN )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, \_\_\_\_\_ executed the foregoing document before me and, being duly sworn, stated that he/she is the \_\_\_\_\_ of Nichols Investment Properties, L.L.C., a Michigan limited liability company, and that he/she executed the foregoing document on behalf of Nichols Investment Properties, L.L.C. with its full authority and as its free act and deed.

Notary Public:

\* \_\_\_\_\_

My commission expires: \_\_\_\_\_  
Oakland County, Michigan  
Acting in the County of Oakland

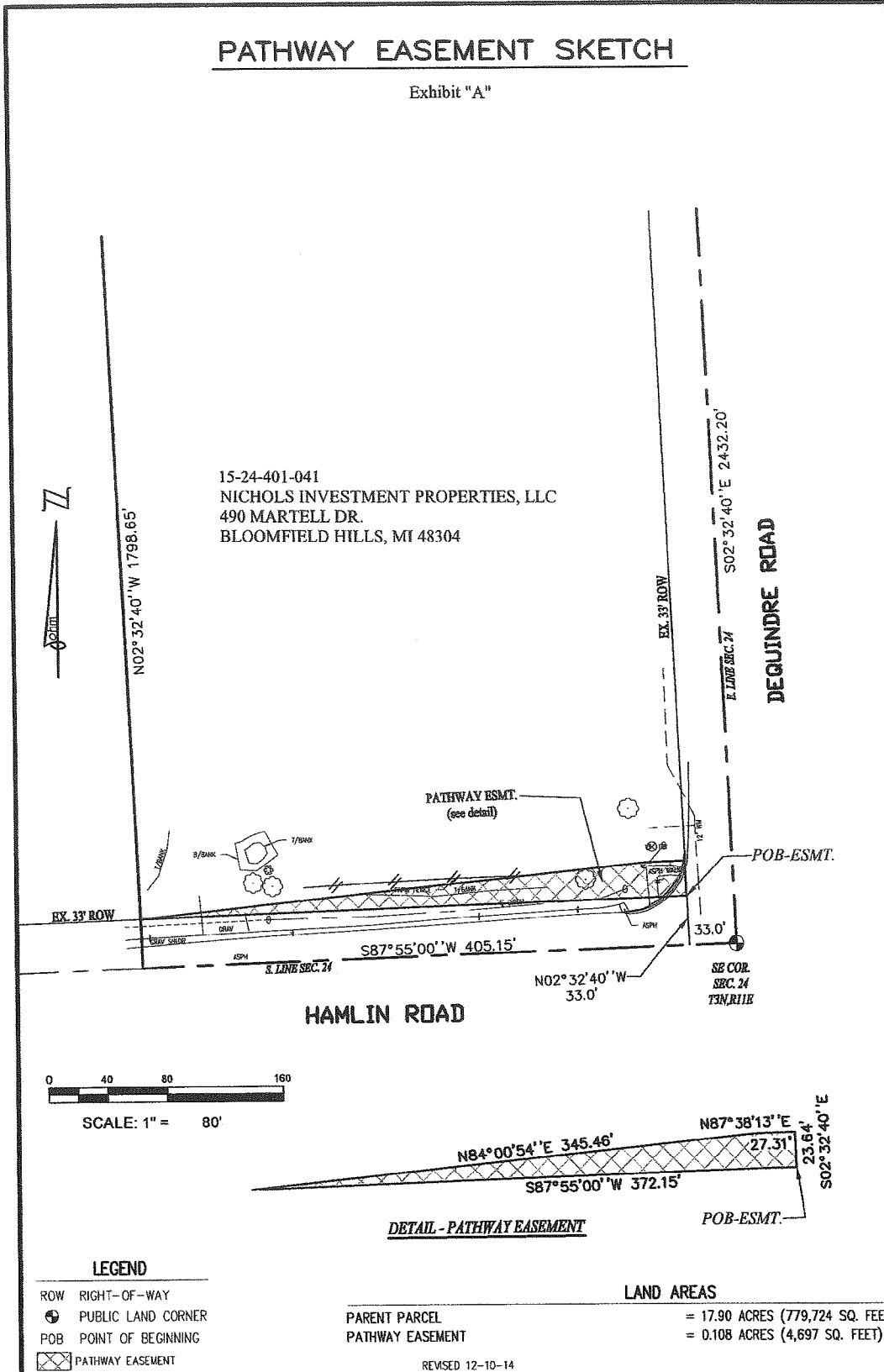
Drafted by:  
James W. Isaacs., P.S.  
Hubbell, Roth & Clark, Inc.  
555 Hulet Drive  
P.O. Box 824  
Bloomfield Hills, MI 48303-0824

When recorded return to:  
City Clerk  
City of Rochester Hills  
1000 Rochester Hills Drive  
Rochester Hills, MI 48309-3033

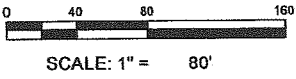
Project: Hamlin Road Parcel No. H-62

# PATHWAY EASEMENT SKETCH

Exhibit "A"



15-24-401-041  
 NICHOLS INVESTMENT PROPERTIES, LLC  
 490 MARTELL DR.  
 BLOOMFIELD HILLS, MI 48304



**LEGEND**

- ROW RIGHT-OF-WAY
- ⊕ PUBLIC LAND CORNER
- POB POINT OF BEGINNING
- ▨ PATHWAY EASEMENT

**LAND AREAS**

PARENT PARCEL = 17.90 ACRES (779,724 SQ. FEET)  
 PATHWAY EASEMENT = 0.108 ACRES (4,697 SQ. FEET)

REVISED 12-10-14

<p><b>H-62</b>  <b>PATHWAY EASEMENT</b></p> <p>PART OF THE SE 1/4 OF SECTION 24                  T.3N., R.11E., CITY OF ROCHESTER HILLS, OAKLAND COUNTY  <b>TAX ID NO.: 15-24-401-041</b></p>		 34000 Plymouth Road   Livonia, MI 48150 p (734) 522-6711   f (734) 522-6427 Advancing Communities								
<p>CLIENT: CITY OF ROCHESTER HILLS</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>DATE: 04-02-14</td> <td>SHEET</td> <td>JOB NO.</td> </tr> <tr> <td>DRAWN BY: SH</td> <td>1 OF 2</td> <td>0190-13-0010</td> </tr> <tr> <td>DNW: 24-401-041</td> <td></td> <td></td> </tr> </table>		DATE: 04-02-14	SHEET	JOB NO.	DRAWN BY: SH	1 OF 2	0190-13-0010	DNW: 24-401-041	
DATE: 04-02-14	SHEET	JOB NO.								
DRAWN BY: SH	1 OF 2	0190-13-0010								
DNW: 24-401-041										

# PATHWAY EASEMENT DESCRIPTION

Exhibit "A"

## PARCEL DESCRIPTION (15-24-401-041)

(COMMITMENT No.: 63-14358422-SGP, ISSUED BY GRECO TITLE AGENCY)

A parcel of land situated in the SE 1/4 of Section 24, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, described as follows:

Beginning at a point on the East line of said Section 24, distant S 02°32'40" E 234.05 feet from the East 1/4 corner of said Section 24; thence S 02°32'40" E 2432.20 feet along said East line to the SE corner of said Section 24; thence S 87°55'00" W 405.15 feet along the South line of said Section 24; thence N 02°32'40" W 1798.65 feet; thence S 87°55'00" W 405.15 feet; thence N 54°44'40" E 235.40 feet; thence N 30°57'40" E 6.20 feet; thence N 02°34'00" W 716.03 feet; thence along the South right of way line of School Road (66 ft. wide) on a curve to the right, radius 539.96 feet, chord bears S 68°37'02" E 222.08 feet, an arc distance of 223.68 feet and S 56°45'00" E 28.03 feet and on a curve to the left, radius 605.96 feet, chord bears S 74°50'00" E 376.18 feet, an arc distance of 382.50 feet and N 87°05'00" E 26.85 feet to the Point of Beginning, except the North 776.55 feet, as measured from the East-West 1/4 lines of said Section 24, thereof.

Contains 779,724 square feet or 17.90 acres of land, more or less. Subject to all easements and restrictions of record, if any.


## PATHWAY EASEMENT

A parcel of land situated in the SE 1/4 of Section 24, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, described as follows:

Commencing at the SE corner of said Section 24; thence S 87°55'00" W 33.0 feet along the South line of said Section 24; thence N 02°32'40" W 33.0 feet to the Point of Beginning; thence S 87°55'00" W 372.15 feet along the North right of way line of Hamlin Road; thence N 84°00'54" E 345.46 feet; thence N 87°38'13" E 27.31 feet; thence S 02°32'40" E 23.64 feet along the West right of way line of Dequindre Road to the Point of Beginning.

Contains 4,697 square feet or 0.108 acres of land. Subject to all easements and restrictions of record, if any.

REVISED 12-10-14

<b>H-62</b> <b>PATHWAY EASEMENT</b>		 34000 Plymouth Road   Livonia, MI 48150 p (734) 522-6711   f (734) 522-6427 <i>Advancing Communities</i>			
PART OF THE SE 1/4 OF SECTION 24 T.3N., R.11E., CITY OF ROCHESTER HILLS, OAKLAND COUNTY <b>TAX ID NO.: 15-24-401-041</b>					
CLIENT:	CITY OF ROCHESTER HILLS	DATE: DRAWN BY: DWS:	04-02-14 SH 24-401-041	SHEET <b>2 OF 2</b>	JOB NO. <b>0190-13-0010</b>

