

## TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS, BIC Ltd., a Michigan Corporation, whose address is 1835 S. Rochester Rd., Rochester Hills Michigan 48307-3533 ("Grantor"), for and in consideration of the sum of \$3,767.00 paid to Grantor by the City of Rochester Hills, a Michigan Municipal Corporation ("Grantee"), whose address is 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309-3033, does hereby grant to Grantee during the construction and restoration of the roadway, curbs, pathway storm drains and other utilities, the right to move men, equipment and materials on and through and the right to store equipment, material and excavated matter ("Construction Work") on the following described TEMPORARY CONSTRUCTION EASEMENT ("Easement"):

**SEE EXHIBIT "A" ATTACHED**  
SIDWELL NO. 15-23-300-004

The premises so disturbed by reason of the exercise of any of the foregoing powers shall be restored to substantially its original condition by Grantee during the term of this Easement. Grantee agrees to not interfere with the driveway access to Grantor's property from Hamlin Road or conduct any construction activities or otherwise limit access on Hamlin Road from Rochester Road to the Grantor's Hamlin Road driveway from May 1, 2015 through June 15, 2015. This Easement shall terminate upon the sooner of the completion of the Construction Work or December 31, 2015.

Grantee shall indemnify, defend, protect and hold Grantor harmless from and against any and all actual or potential claims, proceedings, lawsuits, liabilities, damages, losses, fines, penalties, judgments, awards, costs, and expenses, including, without limitation, reasonable attorney's fees and costs, that arise out of or relate to the Grantee's use and enjoyment or the rights granted herein.

*Grantee shall not permit any claim, lien, or other encumbrance arising from the Construction Work or Grantee's use of the Easement to accrue against or attach to the Grantor's property.*

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors, and assigns and the covenants contained herein shall run with the land.

[signatures on following page]



# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of San Diego

On Nov 20 2014 before me, Mary F. McGraw, Notary Public  
(Here insert name and title of the officer)

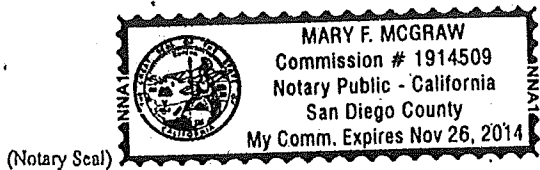
personally appeared Karl BORDINE

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

*[Handwritten Signature]*  
 \_\_\_\_\_  
 Signature of Notary Public



## ADDITIONAL OPTIONAL INFORMATION

### INSTRUCTIONS FOR COMPLETING THIS FORM

*Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.*

**DESCRIPTION OF THE ATTACHED DOCUMENT**

Temporary Construction  
(Title or description of attached document)

EASEMENT  
(Title or description of attached document continued)

Number of Pages 1 Document Date 11-20-14

\_\_\_\_\_  
(Additional information)

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they- is /are ) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

**CAPACITY CLAIMED BY THE SIGNER**

Individual (s)

Corporate Officer

\_\_\_\_\_  
(Title)

Partner(s)

Attorney-in-Fact

Trustee(s)

Other \_\_\_\_\_