

**SANITARY SEWER EASEMENT**

**CEDAR VALLEY LIVING, LLC**, a Michigan limited liability company of 31100 Telegraph Road, Suite 250, Bingham Farms, Michigan 48025, (“Grantor”) grants to the **CITY OF ROCHESTER HILLS**, a Michigan municipal corporation, of 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309, (“City” or “Grantee”) an easement for the construction, operation, maintenance, repair and/or replacement of a sanitary sewer on, under through and across land more particularly described as:

See attached Exhibits A and B

Parcel ID# 15-23-152-025

In connection with the grant of easement, Grantor waives and relinquishes any right, title or interest in the sanitary sewer, 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 sanitary sewer 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 sanitary sewer: (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 HEREOF, the undersigned have hereunto affixed their signatures on this 18 day of JULY, 2018.

**CEDAR VALLEY LIVING, LLC**



\_\_\_\_\_  
By: Bret Russell  
Its: Authorized Member

STATE OF MICHIGAN    )  
COUNTY OF OAKLAND   )

The foregoing instrument was acknowledged before me this 18 day of JULY 2018, by Bret Russell, Authorized Member CEDAR VALLEY LIVING, LLC of 31100 Telegraph Road, Suite 250, Bingham Farms, Michigan, 48025, a Michigan limited liability company, on behalf of the company.

Karen C.D. Cuthbertson  
Karen C.D. Cuthbertson, Notary Public  
Oakland County, Michigan  
My Commission Expires: February 27, 2020

*Drafted by:*  
Jeffrey T. Cuthbertson (P70483)  
Cuthbertson Law, PLC  
345 Diversion Street, Suite 410  
Rochester, MI 48307

*When recorded return to: Clerks Dept.*  
City of Rochester Hills  
1000 Rochester Hills Drive  
Rochester Hills, MI 48309

Tax parcel #15-23-152-025    Recording fee: \$ \_\_\_\_\_    Transfer tax: Exempt

*John Staraw  
Approved 7/23/18*

## Exhibit A

### PROPERTY AND PROPOSED 20' WIDE SANITARY SEWER EASEMENT LEGAL DESCRIPTIONS

#### LEGAL DESCRIPTION: PARCEL I.D. 15-23-152-025

PER FIRST AMERICAN TITLE INSURANCE COMPANY TITLE COMMITMENT NO. TC13-74918:

LAND SITUATED IN THE CITY OF ROCHESTER HILLS, COUNTY OF OAKLAND, STATE OF MICHIGAN DESCRIBED AS FOLLOWS:

PART OF THE NORTHWEST 1/4 OF SECTION 23, TOWN 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT (P.O.B. 1) WHICH IS NORTH 89 DEGREES 32 MINUTES 00 SECONDS EAST 286.15 FEET ALONG THE EAST-WEST 1/4 LINE OF SECTION 23 AND NORTH 00 DEGREES 28 MINUTES 00 SECONDS WEST 1.84 FEET; AND NORTH 01 DEGREES 55 MINUTES 10 SECONDS EAST 58.82 FEET FROM THE WEST 1/4 CORNER OF SECTION 23, TOWN 3 NORTH, RANGE 11 EAST; THENCE SOUTH 89 DEGREES 38 MINUTES 30 SECONDS WEST 30.00 FEET; THENCE NORTH 01 DEGREES 55 MINUTES 25 SECONDS EAST 60.00 FEET; THENCE NORTH 89 DEGREES 38 MINUTES 30 SECONDS EAST 30.00 FEET; THENCE NORTH 01 DEGREES 55 MINUTES 12 SECONDS EAST 213.52 FEET; THENCE NORTH 89 DEGREES 37 MINUTES 35 SECONDS EAST 615.67 FEET ALONG (IN PART) THE SOUTH LINE OF YORKTOWNE COMMONS SUBDIVISION, AS RECORDED IN LIBER 206, PAGES 13, 14, 15, 16, 17, 18 AND 19 OF PLATS, OAKLAND COUNTY RECORDS; THENCE SOUTH 01 DEGREES 55 MINUTES 12 SECONDS WEST 249.71 FEET ALONG THE WEST LINE OF EDDINGTON WOODS SUBDIVISION, AS RECORDED IN LIBER 287, PAGES 21, 22, 23, 24 AND 25 OF PLATS, OAKLAND COUNTY RECORDS; THENCE SOUTH 89 DEGREES 38 MINUTES 30 SECONDS WEST (SOUTH 85 DEGREES 53 MINUTES 06 SECONDS WEST RECORD) 615.68 FEET; THENCE SOUTH 01 DEGREES 55 MINUTES 10 SECONDS WEST 23.97 FEET TO THE POINT OF BEGINNING;

ALSO:

EDDINGTON WOODS MYSTIC PARK WEST, OF EDDINGTON WOODS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 287 OF PLATS, PAGES 21 THROUGH 25, BOTH INCLUSIVE, OAKLAND COUNTY RECORDS;

ALSO:

BEGINNING AT A POINT (P.O.B. 2) WHICH IS NORTH 01 DEGREES 55 MINUTES 12 SECONDS EAST 2.36 FEET AND NORTH 89 DEGREES 38 MINUTES 14 SECONDS EAST 66.05 FEET FROM THE WEST 1/4 CORNER OF SECTION 23, TOWN 3 NORTH, RANGE 11 EAST, SAID POINT BEING ON THE EAST LINE OF ROCHESTER ROAD; THENCE ALONG SAID EAST LINE NORTH 01 DEGREES 55 MINUTES 12 SECONDS EAST 82.61 FEET; THENCE NORTH 89 DEGREES 38 MINUTES 30 SECONDS EAST 190.00 FEET; THENCE SOUTH 01 DEGREES 55 MINUTES 25 SECONDS WEST 23.97 FEET; THENCE NORTH 89 DEGREES 38 MINUTES 30 SECONDS EAST 30.00 FEET; THENCE SOUTH 01 DEGREES 55 MINUTES 10 SECONDS WEST 58.82 FEET; THENCE SOUTH 89 DEGREES 38 MINUTES 14 SECONDS WEST 220.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A RECIPROCAL EASEMENT AGREEMENT RECORDED SEPTEMBER 13, 2005 IN LIBER 36245, PAGE 459.

#### LEGAL DESCRIPTION: 20' WIDE SANITARY SEWER EASEMENT

AN EASEMENT FOR PUBLIC SANITARY SEWER ACROSS THE PREVIOUSLY DESCRIBED PARCEL 15-23-152-025, MEASURING 20-FEET IN WIDTH AND CENTERED ON THE SANITARY SEWER AS CONSTRUCTED. THE CENTERLINE OF SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT (P.O.B. 1) WHICH IS NORTH 89 DEGREES 32 MINUTES 00 SECONDS EAST 286.15 FEET ALONG THE EAST-WEST 1/4 LINE OF SECTION 23 AND NORTH 00 DEGREES 28 MINUTES 00 SECONDS WEST 1.84 FEET AND NORTH 01 DEGREES 55 MINUTES 10 SECONDS EAST 58.82 FEET FROM THE WEST 1/4 CORNER OF SECTION 23, TOWN 3 NORTH RANGE 11 EAST; THENCE SOUTH 89 DEGREES 38 MINUTES 30 SECONDS WEST 30.00 FEET; THENCE NORTH 01 DEGREES 55 MINUTES 12 SECONDS EAST 44.28 FEET TO THE POINT OF BEGINNING FOR THE EASEMENT AND START OF CENTERLINE "A"; THENCE ALONG SAID CENTERLINE "A" NORTH 89 DEGREES 24 MINUTES 38 SECONDS EAST 268.69 FEET; THENCE NORTH 00 DEGREES 21 MINUTES 59 SECONDS WEST 161.95 FEET; THENCE NORTH 78 DEGREES 27 MINUTES 00 SECONDS EAST 72.89 FEET; THENCE NORTH 38 DEGREES 19 MINUTES 55 SECONDS EAST 43.90 FEET; THENCE NORTH 89 DEGREES 38 MINUTES 31 SECONDS EAST 144.55 FEET; THENCE NORTH 43 DEGREES 36 MINUTES 55 SECONDS EAST 24.64 FEET TO POINT OF ENDING OF EASEMENT CENTERLINE "A", SAID POINT ON NORTHERN PROPERTY LINE OF PARCEL.

SAID EASEMENT CONTAINS 14,332.72 SQUARE FEET OR 0.329 ACRES



NOWAK & FRAUS ENGINEERS  
46777 WOODWARD AVE.  
PONTIAC, MI 48342-5032  
TEL. (248) 332-7931  
FAX. (248) 332-8257

PREPARED FOR:  
MIF 2, LLC

SCALE	DATE	DRAWN	JOB NO.	SHEET
N.T.S.	05-24-2018	PT	J401	1 of 2

Scott W.  
Approved 5/16/18

# Exhibit B

## PROPOSED 20' WIDE SANITARY SEWER EASEMENT SKETCH

15-23-152-006  
SANTOSH PRABHU  
ANJANA NAYAK  
160 GROSVENDOR DR

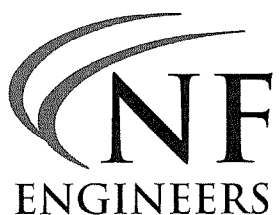
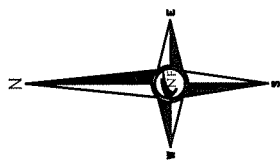
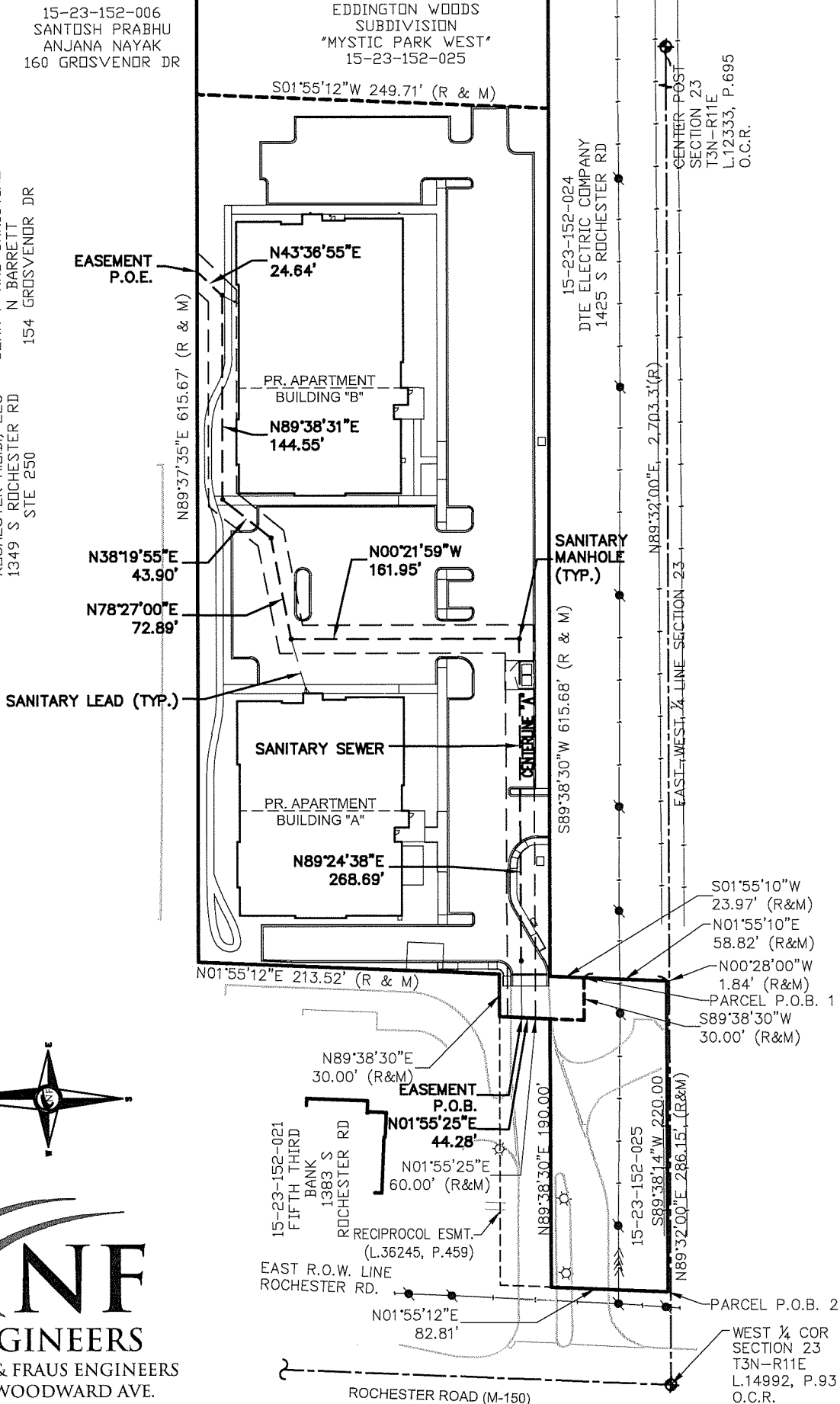
EDDINGTON WOODS  
SUBDIVISION  
"MYSTIC PARK WEST"  
15-23-152-025

15-23-152-005  
SEAN F AND CHRISTINE  
N BARRETT  
154 GROSVENDOR DR

15-23-153-001  
ROCHESTER MID.B., LLC  
1349 S ROCHESTER RD  
STE 250

15-23-152-024  
DTE ELECTRIC COMPANY  
1425 S ROCHESTER RD

GENTER POST  
SECTION 23  
T3N-R11E  
L.12333, P.695  
O.C.R.



**NOWAK & FRAUS ENGINEERS**  
46777 WOODWARD AVE.  
PONTIAC, MI 48342-5032  
TEL. (248) 332-7931  
FAX. (248) 332-8257

PREPARED FOR:  
MIF 2, LLC

SCALE DATE  
1" = 100' 05-24-2018

DRAWN JOB NO.  
PT J401

SHEET  
2 of 2