

HIGHWAY EASEMENT

KNOW ALL PERSONS that **ROCHESTER COMMUNITY SCHOOLS** ("Grantor"), a Michigan general powers school district, whose address is 501 W. University Drive, Rochester, Michigan 48307-1944, hereby grants to the **CITY OF ROCHESTER HILLS** ("City"), a Michigan municipal corporation, whose address is 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309-3033, an easement for all public highway purposes and to construct, operate, maintain, repair, and/or replace roadways, utilities, and other infrastructure improvements in, over, under, upon, and through the area of land described in **Exhibit A** (the "Easement Area"), which is a portion of the land described and depicted in Exhibit A (the "Property"), all situated in the City of Rochester Hills, County of Oakland, State of Michigan.

Commonly known as: 270 W. Hamlin Road
Easement Area Part of Tax Parcel Nos.: 15-22-451-031; 15-22-451-007; & 15-22-451-020

**SEE PROPERTY DRAWING AND LEGAL DESCRIPTIONS
ATTACHED AS EXHIBIT "A"
WHICH IS INCORPORATED BY REFERENCE HEREIN**

This Highway Easement includes, but is not limited to, the consent of the Grantor to the removal of any trees, shrubs, and/or vegetation in or on the Easement Area, to grading, to the occupancy of the Easement Area by public utilities, and to other matters which, in the sole discretion of the City, may be necessary in connection with all public highway purposes and the construction, operation, maintenance, repair, and/or replacement of roadways, utilities, pedestrian walkways, and other infrastructure improvements in, over, under, upon, and through the Easement Area. City shall provide Grantor with reasonable notice of such actions.

As consideration for this Highway Easement, the undersigned Grantor hereby creates, confirms, and conveys the Highway Easement described herein for the sum of \$1.00. As additional consideration for Grantor granting this Highway Easement, the City agrees to: (i) install and maintain a deceleration lane adjacent to the Property; (ii) repave the driveway entrances along Hamlin Road for the Property; and (iii) install and maintain (including snow removal) 8 foot wide pedestrian walkways along the North side of Hamlin Road across the Property, all as depicted in **Exhibit A**.

If City's employees, contractors, vehicles or equipment damage Grantor's Property or non-improved areas of the Easement Area while entering Grantor's Property or the Easement Area for the purposes stated in this Highway Easement, then City shall restore Grantor's Property and/or the Easement Area as nearly as can be to its condition prior to such damage.

The City shall indemnify, defend and hold the Grantor harmless from and against any and all liability, damage, expense, causes of action, suits, claims, or judgments arising from personal injury, death, or property damage and occurring on or from its construction and use of the Highway Easement, provided however, that this duty shall not waive the defense of governmental immunity held by the City.

This Highway Easement runs with the land and shall bind the Grantor and the Grantor's heirs, representatives, successors, and assigns. This Highway Easement contains the entire understanding of the Grantor and the City, and there are no other verbal promises between the Grantor and the City except as shown herein.


IN WITNESS WHERE OF, the undersigned parties hereto have executed this Highway Easement as of the 8th day of December, 2014.

Rochester Community Schools

By: 
Name: _____
Its: _____

COUNTY OF OAKLAND)
SS
STATE OF MICHIGAN)

On this 8th day of December 2014, Daniel Romzek executed the foregoing document before me and, being duly sworn, stated that he/she is the Asst. Superintendent of Rochester Community Schools, and that he/she executed the foregoing document on behalf of Rochester Community Schools with its full authority and as its free act and deed.


Notary Public
My commission expires: 8-25-19
Oakland County, Michigan
Acting in the County of Oakland

City of Rochester Hills

By: _____
Name: _____
Its: _____

COUNTY OF OAKLAND)
SS
STATE OF MICHIGAN)

On this _____ day of _____ 2014, _____ executed the foregoing document before me and, being duly sworn, stated that he/she is the _____ of the City of Rochester Hills, and that he/she executed the foregoing document on behalf of City of Rochester Hills with its full authority and as its free act and deed.

Notary Public
My commission expires: _____
Oakland County, Michigan
Acting in the County of _____

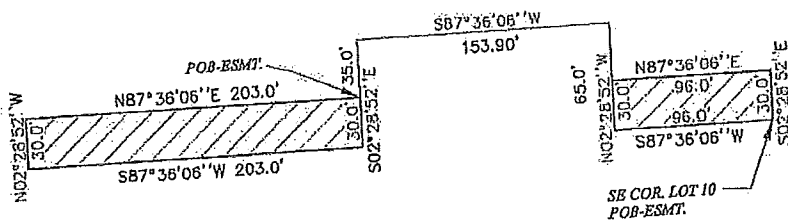
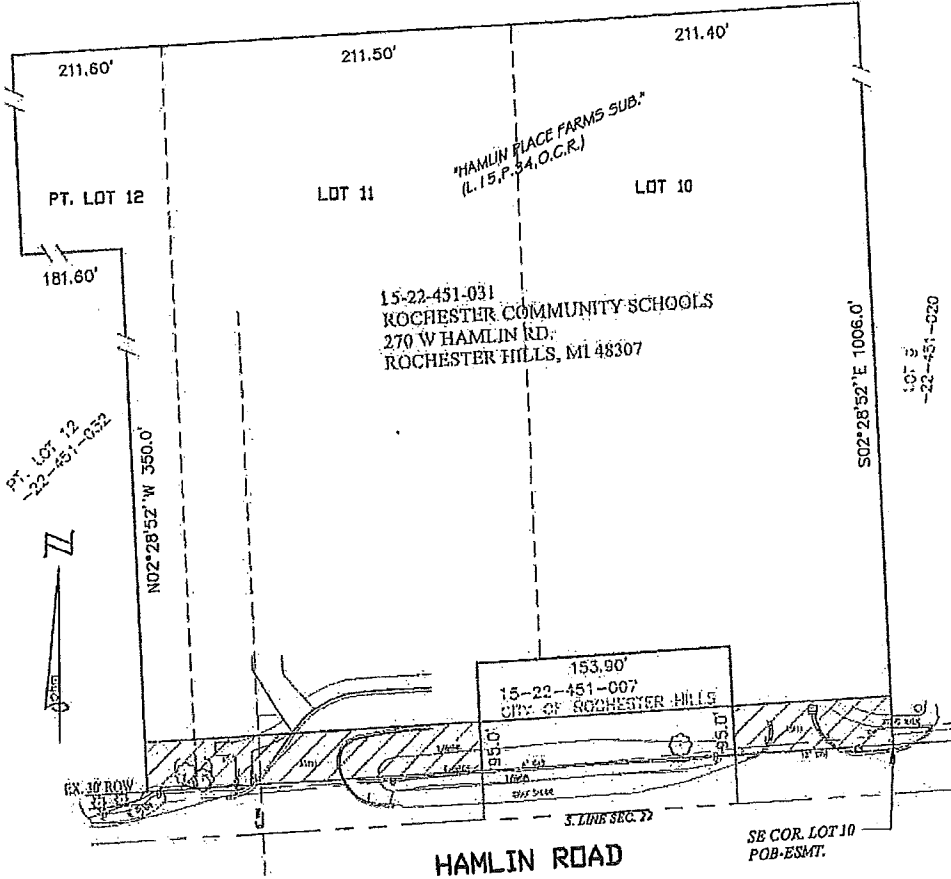
Drafted By:
James W. Isaacs, P.S.
Hubbell, Roth & Clark, Inc.
555 Hulet Drive
P.O. Box 824
Bloomfield Hills, Michigan 48303-0824

When Recorded, Return To:
City Clerk
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, Michigan 48309-3033

Recording Fee: \$ _____ Revenue Stamps: Exempt pursuant to MCL 207.505(h)(i) and 207.526(h)(i)

HIGHWAY EASEMENT ACQUISITION SKETCH

Exhibit "A"



DETAILS - HIGHWAY EASEMENTS

LEGEND

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



SCALE: 1" = 80'

LAND AREAS

PARENT PARCEL = 12.940 ACRES (563,683 SQ. FEET)
 HIGHWAY EASEMENT ACQUISITION = 0.206 ACRES (8,970 SQ. FEET)

H-23 HIGHWAY EASEMENT ACQUISITION

PART OF THE SE 1/4 OF SECTION 22
 T.3N., R.11E., CITY OF ROCHESTER HILLS, OAKLAND COUNTY
 TAX ID NO.: 15-22-451-031

CLIENT: CITY OF ROCHESTER HILLS



Advancing Communities

34000 Plymouth Road | Livonia, MI 48160
 p (734) 622-6711 | f (734) 622-6427

DATE: 04-07-14	SHEET	JOB NO.
DRAWN BY: SH	1 OF 2	0190-13-0010
DWG: 22-451-031		

HIGHWAY EASEMENT ACQUISITION DESCRIPTION

Exhibit "A"

PARCEL DESCRIPTION (15-22-451-031)

(COMMITMENT No.: 63-14358255-SGP, ISSUED BY GRECO TITLE AGENCY)

A parcel of land situated in the SE 1/4 of Section 22, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, described as follows:

Lots 10 & 11, also Lot 12 except the Southerly 350 feet of the West 181.60 feet, "Hamlin Place Farms Subdivision", according to the plat thereof as recorded in Liber 15, Page 34 of Plat, Oakland County Records.

Contains 563,683 square feet or 12.940 acres of land, more or less. Subject to all easements and restrictions of record, if any.

HIGHWAY EASEMENT


A parcel of land situated in the SE 1/4 of Section 22, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, described as follows:

Beginning at the SE corner of Lot 10, "Hamlin Place Farms Subdivision", according to the plat thereof as recorded in Liber 15, Page 34 of Plat, Oakland County Records; thence S 87°36'06" W 96.0 feet along the South line of said Lot 10 and the North right of way line of Hamlin Road; thence N 02°28'52" W 30.0 feet; thence N 87°36'06" E 96.0 feet; thence S 02°28'52" E 30.0 feet along the East line of said Lot 10 to the Point of Beginning,

ALSO,

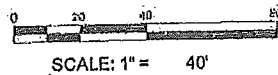
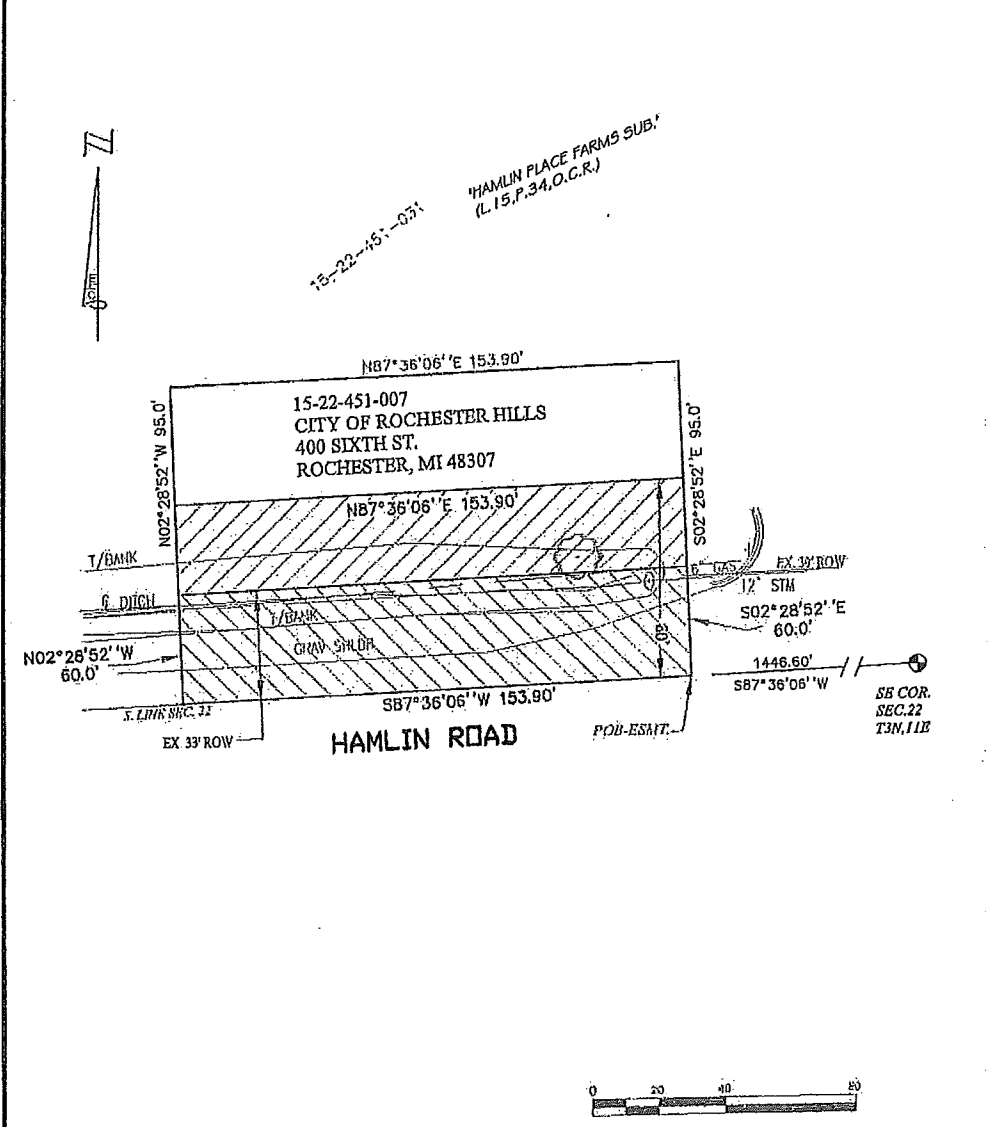
Commencing at the SE corner of said Lot 10; thence S 87°36'06" W 96.0 feet along the South line of said Lot 10 and the North right of way line of Hamlin Road; thence N 02°28'52" W 65.0 feet; thence S 87°36'06" W 153.90 feet; thence S 02°28'52" E 35.0 feet to the Point of Beginning; thence continuing S 02°28'52" E 30.0 feet to a point on the North right of way line of Hamlin Road; thence along said North line S 87°36'06" W 203.0 feet; thence N 02°28'52" W 30.0 feet; thence N 87°36'06" E 203.0 feet to the Point of Beginning.

All contains 8,970 square feet or 0.206 acres of land. Subject to all easements and restrictions of record, if any.

<p>H-23 <u>HIGHWAY EASEMENT ACQUISITION</u> PART OF THE SE 1/4 OF SECTION 22 T.3N., R.11E., CITY OF ROCHESTER HILLS, OAKLAND COUNTY TAX ID NO.: 15-22-451-031</p>	 <p>34000 Plymouth Road Livonia, MI 48150 p (734) 522-6711 f (734) 622-6427 <i>Advancing Communities</i></p>									
<p>CLIENT: CITY OF ROCHESTER HILLS</p>	<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 33%;">DATE: 04-07-14</td><td style="width: 33%;">SHEET</td><td style="width: 33%;">JOB NO.</td></tr><tr><td>DRAWN BY: SH</td><td>2 OF 2</td><td>0190-13-0010</td></tr><tr><td>DWG: 22-451-031</td><td></td><td></td></tr></table>	DATE: 04-07-14	SHEET	JOB NO.	DRAWN BY: SH	2 OF 2	0190-13-0010	DWG: 22-451-031		
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DRAWN BY: SH	2 OF 2	0190-13-0010								
DWG: 22-451-031										

HIGHWAY EASEMENT ACQUISITION SKETCH

Exhibit "A"



LEGEND

- ROW RIGHT-OF-WAY
- ⊕ PUBLIC LAND CORNER
- POB POINT OF BEGINNING
- ▨ EXISTING ROAD EASEMENT
- ▨ HIGHWAY EASEMENT ACQUISITION (NET AFFECTED ROW)

LAND AREAS

PARENT PARCEL	= 0.338 ACRES (14,729 SQ. FEET)
HIGHWAY EASEMENT ACQUISITION (GROSS)	= 0.212 ACRES (9,234 SQ. FEET)
HIGHWAY EASEMENT ACQUISITION (EX. ROAD ESMT.)	= 0.117 ACRES (5,079 SQ. FEET)
HIGHWAY EASEMENT ACQUISITION (NET AFFECTED ROW)	= 0.095 ACRES (4,155 SQ. FEET)

<p>H-24 HIGHWAY EASEMENT ACQUISITION</p>		<p>34000 Plymouth Road Livonia, MI 48150 p (734) 622-6711 f (734) 522-6427</p>	
<p>PART OF THE SE 1/4 OF SECTION 22 T.3N., R.11E., CITY OF ROCHESTER HILLS, OAKLAND COUNTY TAX ID NO.: 15-22-451-007</p>		<p><i>Advancing Communities</i></p>	
CLIENT:	CITY OF ROCHESTER HILLS	DATE: 04-07-14 DRAWN BY: SH DWG: 22-451-007	SHEET 1 OF 2 JOB NO. 0190-13-0010

HIGHWAY EASEMENT ACQUISITION DESCRIPTION

Exhibit "A"

PARCEL DESCRIPTION (15-22-451-007)

(COMMITMENT No.: 63-14358259-SGP, ISSUED BY GRECO TITLE AGENCY)

A parcel of land situated in the SE 1/4 of Section 22, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, described as follows:

The West 153.90 feet of the East 1600.50 feet of the South 95.0 feet of the SE 1/4 of said Section 22.


Contains 14,729 square feet or 0.338 acres of land, more or less. Subject to all easements and restrictions of record, if any.

HIGHWAY BASEMENT

A parcel of land situated in the SE 1/4 of Section 22, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, described as follows:

Commencing at the SE corner of said Section 22; thence S 87°36'06" W 1446.60 feet along the South line of said Section 22 to the Point of Beginning; thence continuing along said South line S 87°36'06" W 153.90 feet; thence N 02°28'52" W 60.0 feet; thence N 87°36'06" E 153.90 feet; thence S 02°28'52" E 60.0 feet to the Point of Beginning.

Contains 9,234 square feet or 0.212 acres (GROSS), 5,079 square feet or 0.117 acres (EX. ROAD BASEMENT), and 4,155 square feet or 0.095 acres (NET AFFECTED RIGHT OF WAY) of land. Subject to all easements and restrictions of record, if any.

<p>H-24 HIGHWAY EASEMENT ACQUISITION</p> <p>PART OF THE SE 1/4 OF SECTION 22 T.3N., R.11E., CITY OF ROCHESTER HILLS, OAKLAND COUNTY TAX ID NO.: 15-22-451-007</p>	 <p>34000 Plymouth Road Livonia, MI 48150 p (734) 522-6711 f (734) 522-6427</p> <p><i>Advancing Communities</i></p>									
<p>CLIENT:</p>	<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 33%;">DATE:</td><td style="width: 33%;">SHEET</td><td style="width: 33%;">JOB NO.</td></tr><tr><td>DRAWN BY:</td><td>2 OF 2</td><td>0190-13-0010</td></tr><tr><td>DWG: 72-451-007</td><td></td><td></td></tr></table>	DATE:	SHEET	JOB NO.	DRAWN BY:	2 OF 2	0190-13-0010	DWG: 72-451-007		
DATE:	SHEET	JOB NO.								
DRAWN BY:	2 OF 2	0190-13-0010								
DWG: 72-451-007										

HIGHWAY EASEMENT ACQUISITION DESCRIPTION

Exhibit "A"

PARCEL DESCRIPTION (15-22-451-020)

(COMMITMENT No.: 63-14358262-SGP, ISSUED BY GRECO TITLE AGENCY)

A parcel of land situated in the SE 1/4 of Section 22, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, described as follows:

Lot 9, except the South 175 feet of the East 90 feet of the West 181.30 feet, "Hamlin Place Farms Subdivision", according to the plat thereof as recorded in Liber 15, Page 34 of Plat, Oakland County Records.

Contains 212,673 square feet or 4.882 acres of land, more or less. Subject to all easements and restrictions of record, if any.

HIGHWAY EASEMENT

A parcel of land situated in the SE 1/4 of Section 22, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, described as follows:

Beginning at the SE corner of Lot 9, "Hamlin Place Farms Subdivision", according to the plat hereof as recorded in Liber 15, Page 34 of Plat, Oakland County Records; thence S 87°36'06" W 30.0 feet along the South line of said Lot 9 and the North right of way line of Hamlin Road; thence N 02°28'52" W 30.0 feet; thence N 87°36'06" E 30.0 feet; thence S 02°28'52" E 30.0 feet along the East line of said Lot 9 to the Point of Beginning.

ALSO,

Commencing at the SW corner of said Lot 9; thence N 02°28'52" W 30.0 feet along the West line of said Lot 9; thence N 87°36'06" E 91.30 feet; thence S 02°28'52" E 30.0 feet to a point on the North right of way line of Hamlin Road and the South line of said Lot 9; thence along said line S 87°36'06" W 91.30 feet to the Point of Beginning.

All contains 3,639 square feet or 0.084 acres of land. Subject to all easements and restrictions of record, if any.

H-25
HIGHWAY EASEMENT ACQUISITION

PART OF THE SE 1/4 OF SECTION 22
T.3N., R.11E., CITY OF ROCHESTER HILLS, OAKLAND COUNTY
TAX ID NO.: 15-22-451-020

CLIENT: CITY OF ROCHESTER HILLS



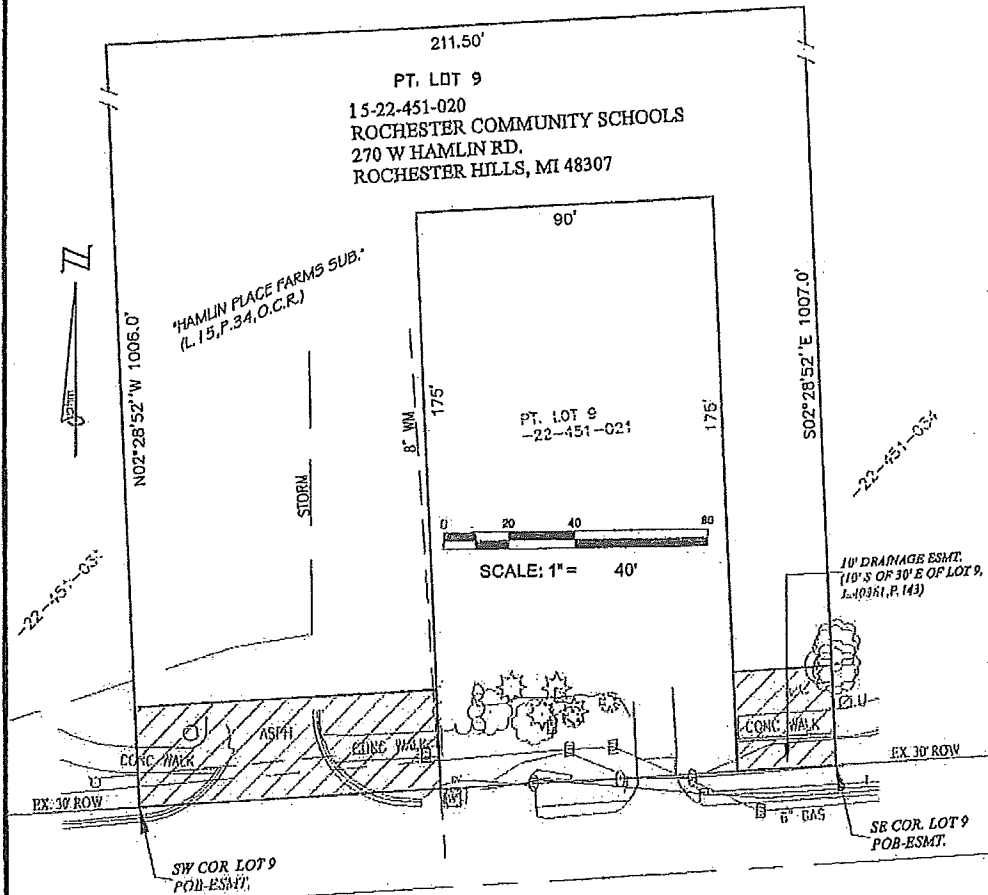
34000 Plymouth Road | Livonia, MI 48150
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Advancing Communities

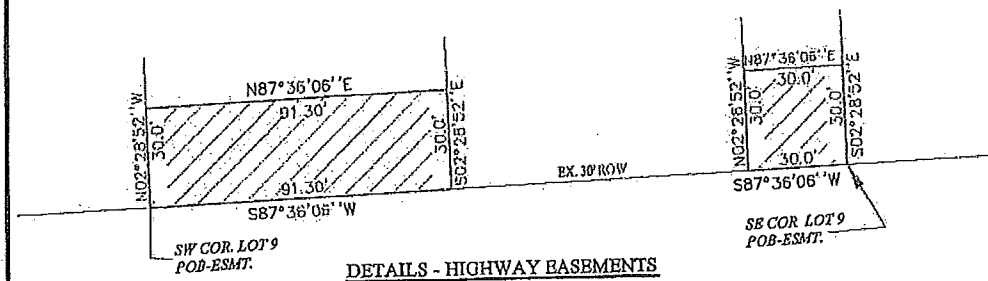
DATE:	04-07-14	SHEET	JOB NO.
DRAWN BY:	SH	2 OF 2	0190-13-0010
DWG. NO.:	22-451-020		

HIGHWAY EASEMENT ACQUISITION SKETCH

Exhibit "A"



HAMLIN ROAD



DETAILS - HIGHWAY BASEMENTS

LEGEND

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

LAND AREAS

- PARENT PARCEL = 4.882 ACRES (212,673 SQ. FEET)
- HIGHWAY EASEMENT ACQUISITION = 0.084 ACRES (3,639 SQ. FEET)

H-25 HIGHWAY EASEMENT ACQUISITION

PART OF THE SE 1/4 OF SECTION 22
T.3N., R.11E., CITY OF ROCHESTER HILLS, OAKLAND COUNTY
TAX ID NO.: 15-22-451-020

CLIENT: CITY OF ROCHESTER HILLS



34000 Plymouth Road | Livonia, MI 48150
p (734) 522-6711 | f (734) 522-6427

Advancing Communities

DATE:	04-07-14	SHEET:	JOB NO.
DRAWN BY:	SH	1 OF 2	0190-13-0010
DWG:	22-451-020		



Robert Shaner, Ph.D.
Superintendent

Debi Fragomeni
Assistant Superintendent for Instruction

College Ready. Career Ready.
Life Ready

501 W. University Drive • Rochester, MI 48307
Phone: 248.726.3000 • Fax: 248.726.3105
www.rochester.k12.mi.us

Daniel B. Romzek
Assistant Superintendent for Business Affairs

Elizabeth A. Davis
Chief Human Resource Officer

MEMORANDUM
December 1, 2014

TO: Dr. Robert Shaner, Superintendent

FROM: Daniel Romzek, Assistant Superintendent for Business Affairs
John Stoner, Director of Operations

RE: Recommendation for Approval of Highway Easement at Hamlin Elementary School

The district has received a request from the City of Rochester Hills to grant them a highway easement along Hamlin Road at the Hamlin Elementary School site for the city's 2015 Hamlin Road Reconstruction project. In order for the City to complete this project, an additional Right of Way is needed at the school property and permission must be granted by the District to the City through an easement document.

The project includes constructing a new roadway on Hamlin Road between Rochester and Livernois Roads with a pedestrian pathway along the road with some drainage improvements in 2015. Hamlin Road will be repaved and widened in front of the school to three lanes, thus making turning into and out of the school drives substantially easier. The drive entrances will be repaved and an 8-foot wide pedestrian pathway will be installed across the whole north side of Hamlin Road and across the school frontage. The City of Rochester Hills will be covering the entire cost of this project. The school will not be responsible for any maintenance or snow removal.

This work is of mutual benefit to both the City and Rochester Community Schools. Consequently, the City is requesting that the District grant the easement for a nominal fee of \$1.00. We are supportive of this nominal fee, due to the mutual benefit to the District.

The district's legal counsel with Clark Hill has been working with the City's legal counsel on drafting the highway easement document, attached.

Based on this information, we recommend THAT the Board of Education approves the Highway Easement to the City of Rochester Hills, and authorize the administration to negotiate and execute the final easement document, subject to review of legal counsel.