

Suppl deft 2006-0958

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SER 23310 PAGE 53
CLERK MISC RECORDING
RECORD REFORMATION
RECORDED 09:32:58 A.M. RECEIPT #9631
RECORDED - OAKLAND COUNTY
SHELIAM GADDELL, CLERK/REGISTER OF DEEDS

Conservation Easement
St. Paul Albanian Catholic Church / Rochester Hills

THIS CONSERVATION EASEMENT, made this Third day of May 2000, by and between Adam J. Maida, Roman Catholic Archbishop of the Archdiocese of Detroit, its successors and assigns, whose address is 1234 Washington Boulevard, Detroit, Michigan 48226-1825 (hereinafter GRANTOR) and the City of Rochester Hills, a Michigan Municipal Corporation, its successors and assigns, whose address is 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309 (hereinafter GRANTEE).

WITNESSETH, for and in consideration of the sum or One (\$1.00) Dollar and no cents, the receipt of which is acknowledged; and other good and valuable consideration, GRANTOR hereby GRANTS AND CONVEYS TO GRANTEE a conservation easement on the terms and conditions stated below:

- 1. The premises subject to this Conservation Easement (hereinafter the EASEMENT PREMISES), are situated in the City of Rochester Hills, Oakland County, Michigan and are legally described as follows:

Refer to Exhibit 'A'

Handwritten initials

- 2. Except as agreed by the GRANTOR and GRANTEE, and as authorized by MDEQ Permit No. 99-10-0309, GRANTOR and its successors and assigns shall refrain from altering the topography of, placing fill material in, dredging, removing or excavating any soil or minerals from, draining surface water from, constructing or placing any structure on, plowing, tilling, cultivating, scarifying or otherwise altering or developing the easement premises.
- 3. The specific purpose of this easement is to maintain the EASEMENT PREMISES in their natural and undeveloped condition. GRANTOR, its successors and assigns, shall maintain the EASEMENT PREMISES in their natural and undeveloped condition, unless an alteration is approved by the GRANTEE or the MDEQ.
- 4. This easement does not grant or convey the GRANTEE or members of the general public any right of ownership, possession or use of the EASEMENT PREMISES.
- 5. Upon reasonable written notice to GRANTOR, its successors or assigns, at reasonable times, the GRANTEE, and its authorized employees and agents, may enter upon for inspection only the EASEMENT PREMISES to determine whether they are being maintained in compliance with the terms of this easement. The GRANTEE assumes all liability for the acts of any of its agents who enter the EASEMENT PREMISES and does hereby indemnify and hold the GRANTOR harmless from any loss, cost or expense incurred by the GRANTOR as a result of such acts.
- 6. This easement may be enforced by either an action at law or in equity and shall be enforceable against the owner of the EASEMENT PREMISES or any other person despite lack of privity of estate or contract.
- 7. This easement shall run with the land in perpetuity unless modified or terminated by written agreement of the parties.
- 8. GRANTOR shall indicate the existence of this easement on all deeds, mortgages, land contracts, plats and any other legal instrument(s) used to convey an interest in the EASEMENT PREMISES.
- 9. This easement shall be binding upon the successors and assigns of the parties.

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IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written.

Signed in the presence of:

Jeffrey Montforton
Jeffrey Montforton (Rev.)

Adam J. Maida
Adam J. Maida, Roman Catholic Archbishop
of the Archdiocese of Detroit

Donald J. Scheible
Donald J. Scheible, R.A.

STATE OF MICHIGAN)
COUNTY OF WAYNE)

This foregoing instrument was acknowledged before me this Third day of May 2000, by Adam J. Maida, Roman Catholic Archbishop of the Archdiocese of Detroit.

Drafted By:
Beth M. Ryan
Brown-Teefey & Assoc., PC
4190 Telegraph Rd., Ste. 2700
Bloomfield Hills, MI 48302

KATHEY PUENTE
NOTARY PUBLIC - WAYNE COUNTY, MI
MY COMMISSION EXPIRES 09/11/2001

Kathey Puente
Notary Public, Wayne County, Michigan
My commission expires on 9-11-2001

Signed in the presence of:

CITY OF ROCHESTER HILLS, MICHIGAN

Mary Jane Leslie
MARY JANE LESLIE

Pat Somerville

Jean Close
JEAN CLOSE

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

This foregoing instrument was acknowledged before me this 29th day of May 2000,
by PAT SOMERVILLE, on behalf of the City of Rochester Hills, Michigan.

When Recorded Return to:
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

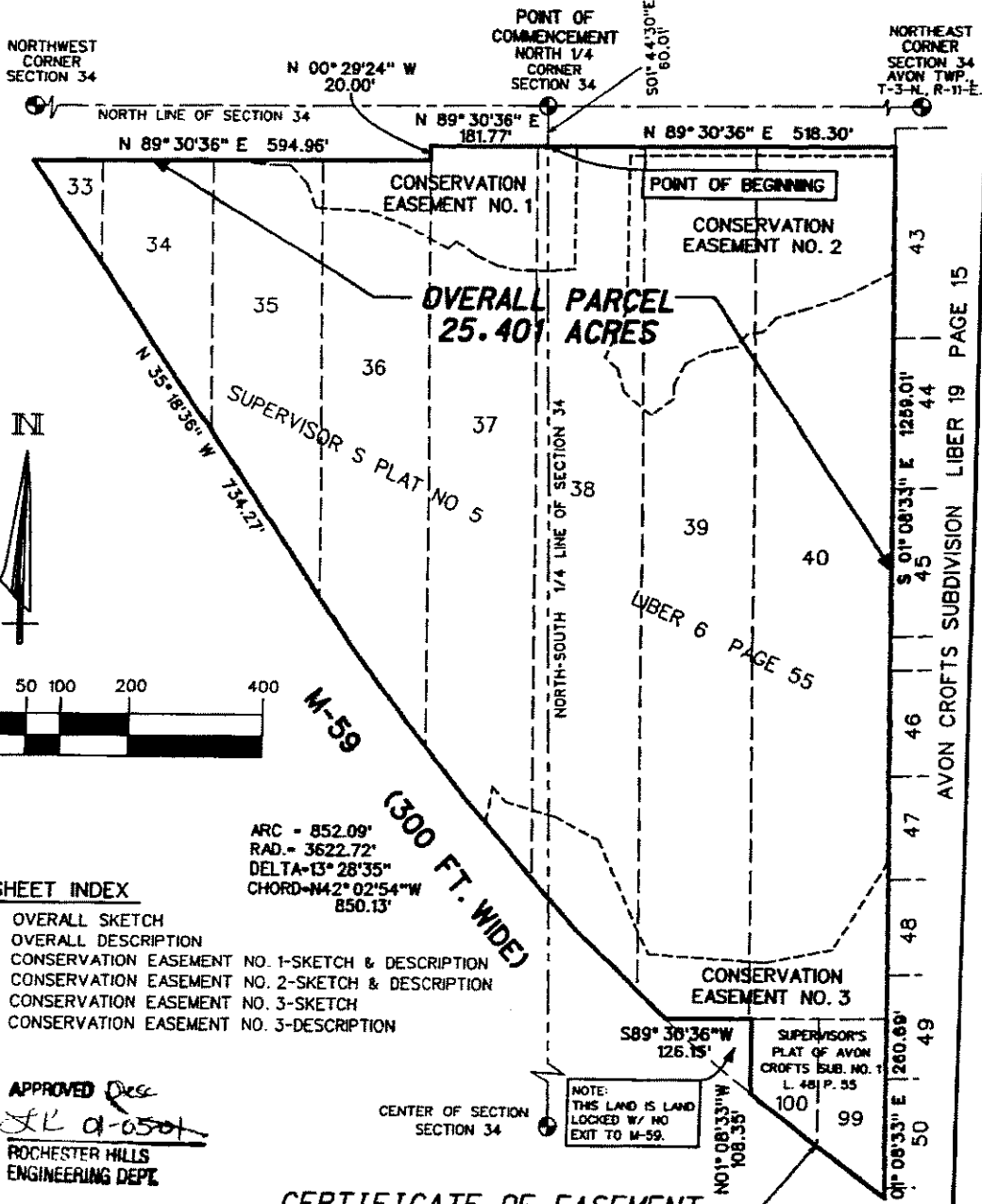
Jean Close
Notary Public, Oakland County, Michigan
My commission expires 8/30/2005

Jean Close
Notary Public, Oakland County, MI
My Commission Expires August 30, 2005

168R 23310PG055

EXHIBIT A

AUBURN ROAD (VARIABLE WIDTH)



OVERALL PARCEL
25.40 ACRES

ARC - 852.09'
RAD - 3622.72'
DELTA - 13° 28' 35"
CHORD - 142° 02' 54" W
850.13'

ARC - 252.85'
RAD - 3622.72'
DELTA - 03° 59' 56"
CHORD - N53° 25' 51" W
252.80'



SHEET INDEX

1. OVERALL SKETCH
2. OVERALL DESCRIPTION
3. CONSERVATION EASEMENT NO. 1-SKETCH & DESCRIPTION
4. CONSERVATION EASEMENT NO. 2-SKETCH & DESCRIPTION
5. CONSERVATION EASEMENT NO. 3-SKETCH
6. CONSERVATION EASEMENT NO. 3-DESCRIPTION

APPROVED *Dec*
JK 01-05-01
ROCHESTER HILLS
ENGINEERING DEPT.

CERTIFICATE OF EASEMENT
OVERALL SKETCH
PART OF THE NORTH 1/2 OF SECTION 34,
T-3-N., R-11-E., CITY OF ROCHESTER HILLS,
DAKLAND COUNTY, MICHIGAN

Giffels-Webster Engineers Inc. ENGINEERS-SURVEYORS-PLANNERS 2871 BOND STREET, ROCHESTER HILLS, MICHIGAN 48309 (248) 852-3180	DATE: 04-07-00	CKD. BY	DATE	SCALE 1" = 200'
	DRAWN: L.L.C.	J.N.R.	04-00	SHEET 1 OF 6
	DESIGN: -			
	SECTION: 34	T-3-N.	R-11-E.	GVE NO. 14793

6055
LEGAL DESCRIPTION - OVERALL PARCEL

6055
 A PART OF LOTS 33 THROUGH 40 OF "SUPERVISOR'S PLAT NO.5" AS RECORDED IN LIBER 6, PAGE 55 OF PLATS, OAKLAND COUNTY RECORDS, AND A PART OF LOTS 99 AND 100 OF "SUPERVISOR'S PLAT OF AVON CROFTS SUBDIVISION NO.1" AS RECORDED IN LIBER 48, PAGE 55 OF PLATS, OAKLAND COUNTY RECORDS, ALL BEING A PART OF THE NORTH 1/2 OF SECTION 34, T-3-N., R-11-E., CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 34; THENCE S.01° 44'30"E., 60.01 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 34 TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF AUBURN ROAD (VARIABLE WIDTH), SAID POINT BEING THE POINT OF BEGINNING; THENCE N.89° 30'36"E., 518.30 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO A POINT ON THE EAST LINE OF SAID "SUPERVISOR'S PLAT NO.5"; THENCE S1° 08'33" E., 1259.01 FEET ALONG SAID EAST LINE TO A POINT AT THE NORTHEAST CORNER OF SAID "SUPERVISOR'S PLAT OF AVON CROFTS SUBDIVISION NO.1"; THENCE S1° 08'33"E., 260.69 FEET ALONG THE EAST LINE OF SAID SUBDIVISION TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF M-59 (300.00 FEET WIDE); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE ALONG A CURVE TO THE RIGHT 252.85 FEET, SAID CURVE HAVING A RADIUS OF 3622.72 FEET, CENTRAL ANGLE OF 03° 59'56" AND LONG CHORD BEARING OF N53° 25'51"W., 252.80 FEET TO A POINT ON A LINE COMMON TO LOTS 100 AND 101 OF SAID "SUPERVISOR'S PLAT OF AVON CROFTS SUBDIVISION NO.1"; THENCE N.01° 08'33"W., 108.35 FEET ALONG SAID COMMON LOT LINE TO A POINT ON THE SOUTHERLY LINE OF LOTS 39 AND 40 OF SAID "SUPERVISOR'S PLAT NO.5"; THENCE S.89° 30'36"W., 126.15 FEET ALONG SAID SOUTHERLY LINE TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF M-59 (300 FEET WIDE); THENCE THE FOLLOWING TWO COURSES ALONG SAID NORTHERLY RIGHT-OF-WAY LINE: (1) ON A CURVE TO THE RIGHT 852.09 FEET, SAID CURVE HAVING A RADIUS OF 3622.72 FEET, CENTRAL ANGLE OF 13° 28'35" AND LONG CHORD BEARING OF N.42° 02'54"W., 850.13 FEET AND, (2) N. 35° 18'36"W., 734.27 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF AUBURN ROAD (VARIABLE WIDTH); THENCE THE FOLLOWING THREE COURSES ALONG SAID SOUTH RIGHT-OF-WAY LINE: (1) N89° 30'36"E., 594.96 FEET, AND (2) N00° 29'24"W., 20.00 FEET, AND (3) N89° 30'36"E., 181.77 FEET TO THE POINT OF BEGINNING AND CONTAINING 25.401 ACRES.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS OR RIGHTS OF WAY RECORDED OR OTHERWISE.

PROPERTY I.D. NUMBERS: 15-34-127-006 AND 15-34-201-014

6055
 Lt 33-37 Lt 38+39+40
 Lt 99-100

6055

**CERTIFICATE OF EASEMENT
 OVERALL DESCRIPTION**

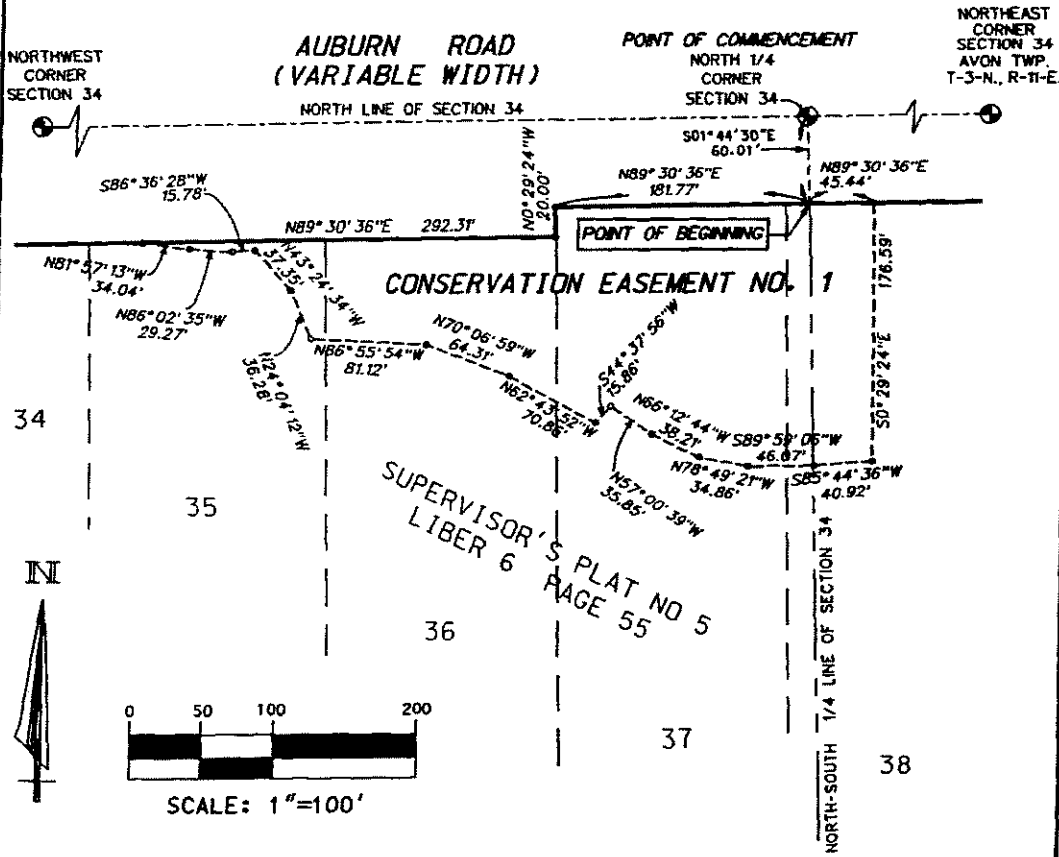
PART OF THE NORTH 1/2 OF SECTION 34,
 T-3-N., R-11-E., CITY OF ROCHESTER HILLS,
 OAKLAND COUNTY, MICHIGAN

Giffels-Webster Engineers Inc.
 ENGINEERS-SURVEYORS-PLANNERS
 2871 BOND STREET, ROCHESTER HILLS, MICHIGAN 48309
 (248) 852-3100

DATE: 04-07-00	CKD. BY	DATE	SCALE	N/A
DRAWN: L.L.C.	J.N.R.	04-00	SHEET 2 OF 6	
DESIGN: -				
SECTION: 34	T-	N-R-	E-	GWE NO. 14793

12-8-00 REVISED P.O.B. TO CONSERVATION EASEMENT
 1-8-01 ADDED PROPERTY I.D. NUMBERS.

LIBER 23310 PC 057



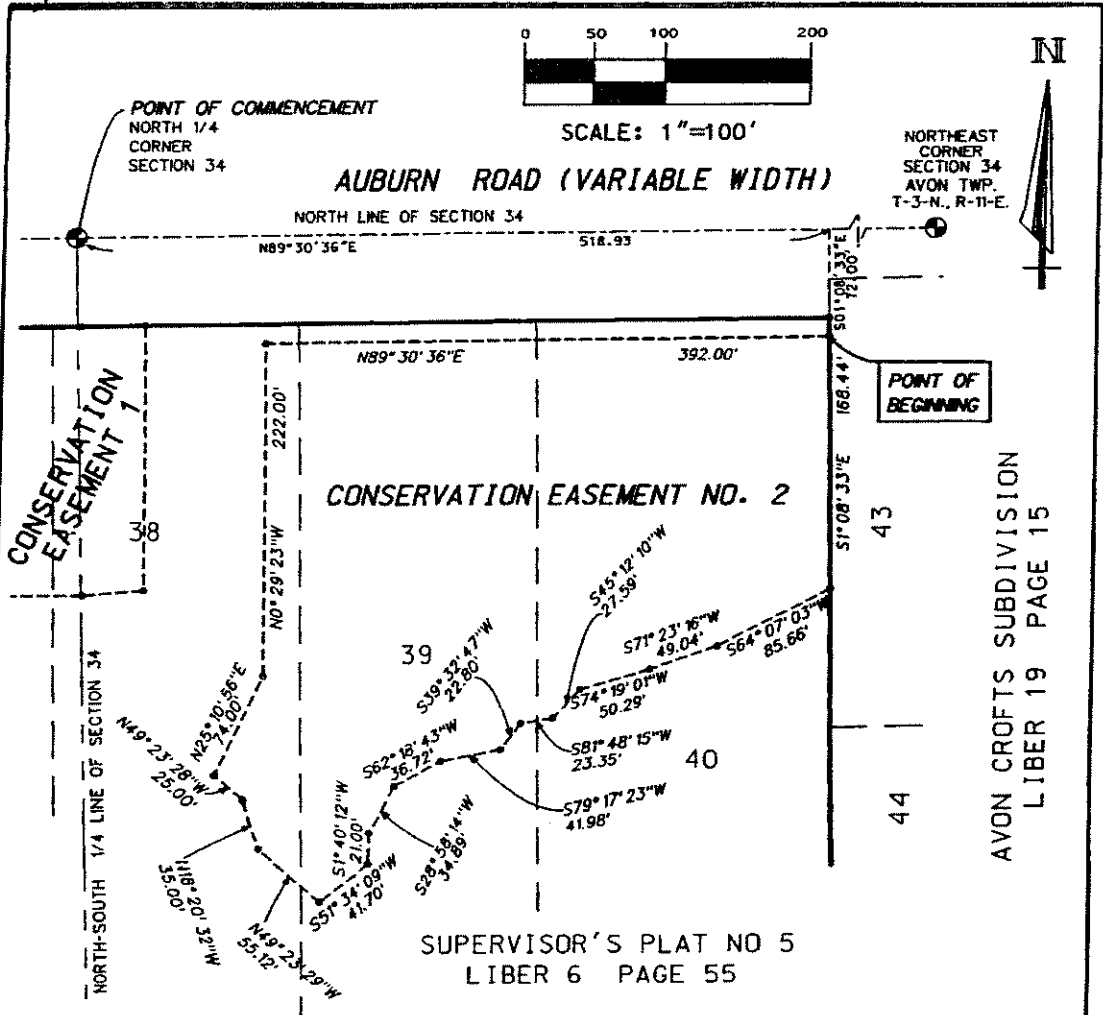
**CONSERVATION EASEMENT NO. 1
DESCRIPTION**

A PART OF LOTS 35 THROUGH 38 OF "SUPERVISOR'S PLAT NO. 5", AS RECORDED IN LIBER 6, PAGE 55 OF PLATS, OAKLAND COUNTY RECORDS, ALL BEING A PART OF THE NORTH 1/2 OF SECTION 34, T-3-N., R-11-E., CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 34; THENCE S. 01° 44' 30" E., 60.01 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 34, TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF AUBURN ROAD (VARIABLE WIDTH), SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N. 89° 30' 36" E., 45.44 FEET ALONG SAID SOUTH LINE; THENCE S. 00° 29' 24" E., 176.59 FEET; THENCE S. 85° 44' 36" W., 40.92 FEET; THENCE S. 89° 59' 06" W., 46.07 FEET; THENCE N. 78° 49' 21" W., 34.86 FEET; THENCE N. 66° 12' 44" W., 38.21 FEET; THENCE N. 57° 00' 39" W., 35.85 FEET; THENCE S. 44° 37' 56" W., 15.86 FEET; THENCE N. 62° 43' 52" W., 70.86 FEET; THENCE N. 70° 06' 59" W., 64.31 FEET; THENCE N. 86° 55' 54" W., 81.12 FEET; THENCE N. 24° 04' 12" W., 36.28 FEET; THENCE N. 43° 24' 34" W., 37.35 FEET; THENCE S. 86° 36' 28" W., 15.78 FEET; THENCE N. 86° 02' 35" W., 29.27 FEET; THENCE N. 81° 57' 13" W., 34.04 FEET; THENCE N. 89° 30' 36" E., 292.31 FEET; THENCE N. 00° 29' 24" W., 20.00 FEET; THENCE N. 89° 30' 36" E., 181.77 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.22 ACRES.

**CONSERVATION EASEMENT NO. 1
SKETCH AND DESCRIPTION**

PART OF THE NORTH 1/2 OF SECTION 34,
T-3-N., R-11-E., CITY OF ROCHESTER HILLS,
OAKLAND COUNTY, MICHIGAN

Giffels-Webster Engineers Inc. ENGINEERS-SURVEYORS-PLANNERS 2871 BOND STREET, ROCHESTER HILLS, MICHIGAN 48309 (248) 852-3100	DATE: 04-07-00	CKD. BY	DATE	SCALE 1" = 100'
	DRAWN: L.L.C.	J.N.R.	04/00	SHEET 3 OF 6
	DESIGN: -			GWENO. 14793
	SECTION: 34	T-3-N., R-11-E.		



**CONSERVATION EASEMENT NO. 2
DESCRIPTION**

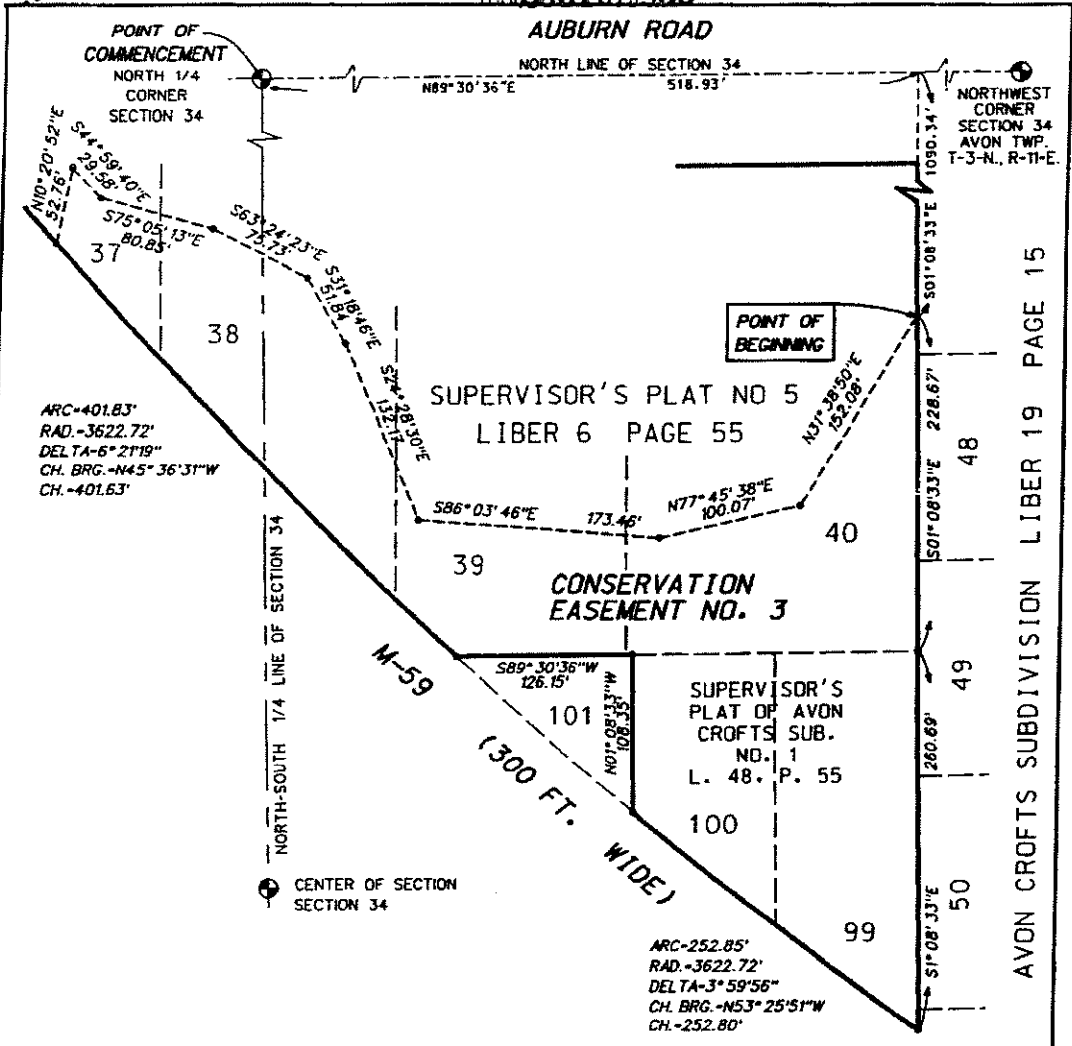
A PART OF LOTS 38 THROUGH 40 OF "SUPERVISOR'S PLAT NO. 5", AS RECORDED IN LIBER 6, PAGE 55 OF PLATS, OAKLAND COUNTY RECORDS, ALL BEING A PART OF THE NORTHEAST OF SECTION 34, T-3-N., R-11-E., CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 34; THENCE ALONG THE NORTH LINE OF SAID SECTION 34, N 89° 30' 36" E., 518.93 FEET; THENCE S. 01° 08' 33" E., 72.00 FEET TO A POINT ON THE EAST LINE OF SAID "SUPERVISOR'S PLAT NO. 5", SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE S. 01° 08' 33" E., 168.44 FEET ALONG SAID EAST LINE; THENCE S. 64° 07' 03" W., 85.66 FEET; THENCE S. 71° 23' 16" W., 49.04 FEET; THENCE S. 74° 19' 01" W., 50.29 FEET; THENCE S. 45° 12' 10" W., 27.59 FEET; THENCE S. 81° 48' 15" W., 23.35 FEET; THENCE S. 39° 32' 47" W., 22.80 FEET; THENCE S. 79° 17' 23" W., 41.98 FEET; THENCE S. 62° 18' 43" W., 36.72 FEET; THENCE S. 28° 58' 14" W., 34.89 FEET; THENCE S. 01° 40' 12" W., 21.00 FEET; THENCE S. 51° 34' 09" W., 41.70 FEET; THENCE N. 49° 23' 29" W., 55.12 FEET; THENCE N. 18° 20' 32" W., 35.00 FEET; THENCE N. 49° 23' 28" W., 25.00 FEET; THENCE N. 25° 10' 56" E., 74.00 FEET; THENCE N. 00° 29' 23" W., 222.00 FEET TO A POINT 12.00 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF AUBURN ROAD (VARIABLE WIDTH); THENCE N. 89° 30' 36" E., 392.00 FEET PARALLEL TO SAID RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING AND CONTAINING 2.39 ACRES.

**CONSERVATION EASEMENT NO. 2
SKETCH AND DESCRIPTION**

PART OF THE NORTH 1/2 OF SECTION 34,
T-3-N., R-11-E., CITY OF ROCHESTER HILLS,
OAKLAND COUNTY, MICHIGAN

Giffels-WebsterEngineers Inc. ENGINEERS-SURVEYORS-PLANNERS 2871 BOND STREET, ROCHESTER HILLS, MICHIGAN 48309 (248) 852-3100	DATE: 04-07-00	CKD. BY	DATE	SCALE 1" = 100'
	DRAWN: L.L.C.	J.N.R.	04/00	SHEET 4 OF 6
	DESIGN: -			
	SECTION: 34	T-3-N., R-11-E.		GWENO. 14793

12-8-00 REVISED P.O.B. TO CONSERVATION EASEMENT NO. 1 AND CORRECTED TYPO.



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SCALE: 1"=100'

CONSERVATION EASEMENT NO. 3
SKETCH AND DESCRIPTION
PART OF THE NORTH 1/2 OF SECTION 34,
T-3-N., R-11-E., CITY OF ROCHESTER HILLS,
OAKLAND COUNTY, MICHIGAN

Giffels-Webster Engineers Inc.
ENGINEERS-SURVEYORS-PLANNERS
2871 BOND STREET, ROCHESTER HILLS, MICHIGAN 48309
(248) 852-3100

DATE: 04-07-00	CKD. BY	DATE	SCALE 1" = 100'
DRAWN: L.L.C.	J.N.R.	04/00	SHEET 5 OF 6
DESIGN: -			GWENO. 14793
SECTION: 34	T-3-N., R-11-E.		

**CONSERVATION EASEMENT NO. 3
DESCRIPTION**

A PART OF LOTS 37 THROUGH 40 OF "SUPERVISOR'S PLAT NO. 5", AS RECORDED IN LIBER 6, PAGE 55 OF PLATS, OAKLAND COUNTY RECORDS, AND A PART OF LOTS 99 AND 100 OF "SUPERVISOR'S PLAT OF AVON CROFTS SUBDIVISION NO. 1", AS RECORDED IN LIBER 48, PAGE 55 OF PLATS, OAKLAND COUNTY RECORDS, ALL BEING A PART OF THE NORTH 1/2 OF SECTION 34, T-3-N., R-11-E., CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 34; THENCE ALONG THE NORTH LINE OF SAID SECTION 34, N. 89° 30' 36" E., 518.93 FEET; THENCE S. 01° 08' 33" E., 1,090.34 FEET TO A POINT ON THE EAST LINE OF SAID "SUPERVISOR'S PLAT NO. 5", SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE S. 01° 08' 33" E., 228.67 FEET ALONG SAID EAST LINE TO A POINT AT THE NORTHEAST CORNER OF SAID "SUPERVISOR'S PLAT OF AVON CROFTS SUBDIVISION NO. 1"; THENCE S. 01° 08' 33" E., 260.69 FEET ALONG THE EAST LINE OF SAID SUBDIVISION TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF M-59 (300 FEET WIDE); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE ALONG A CURVE TO THE RIGHT 252.85 FEET, SAID CURVE HAVING A RADIUS OF 3,622.72 FEET, CENTRAL ANGLE OF 03° 59' 56" AND LONG CHORD BEARING OF N. 53° 25' 51" W., 252.80 FEET TO A POINT ON A LINE COMMON TO LOTS 100 AND 101 OF SAID "SUPERVISOR'S PLAT OF AVON CROFTS SUBDIVISION NO. 1"; THENCE N. 01° 08' 33" W., 108.35 FEET ALONG SAID COMMON LOT LINE TO A POINT ON THE SOUTHERLY LINE OF LOTS 39 AND 40 OF SAID "SUPERVISOR'S PLAT NO. 5"; THENCE S. 89° 30' 36" W., 126.15 FEET ALONG SAID SOUTHERLY LINE TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF M-59 (300 FEET WIDE); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT 401.83 FEET, SAID CURVE HAVING A RADIUS OF 3,622.72 FEET, CENTRAL ANGLE OF 06° 21' 19" AND LONG CHORD BEARING OF N. 45° 36' 31" W., 401.63 FEET; THENCE N. 10° 20' 52" E., 52.76 FEET; THENCE S. 44° 59' 40" E., 29.58 FEET; THENCE S. 75° 05' 13" E., 80.85 FEET; THENCE S. 63° 24' 23" E., 75.73 FEET; THENCE S. 31° 18' 46" E., 51.84 FEET THENCE S. 24° 28' 50" E., 132.17 FEET; THENCE S. 86° 03' 46" E., 173.46 FEET; THENCE N. 77° 45' 38" E., 100.07 FEET; THENCE N. 31° 38' 50" E., 152.08 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.35 ACRES OF LAND.

**CONSERVATION EASEMENT NO. 3
SKETCH AND DESCRIPTION**

PART OF THE NORTH 1/2 OF SECTION 34,
T-3-N., R-11-E., CITY OF ROCHESTER HILLS,
OAKLAND COUNTY, MICHIGAN

Giffels-Webster Engineers Inc.
ENGINEERS-SURVEYORS-PLANNERS
2871 BOND STREET, ROCHESTER HILLS, MICHIGAN 48309
(248) 852-3100

DATE: 04-07-00	CKD. BY	DATE	SCALE N/A
DRAWN: L.L.C.	J.N.R.	04/00	SHEET 6 OF 6
DESIGN: -			
SECTION: 34	T-3-N., R-11-E.		GWENO. 14793