



CITY COUNCIL AGENDA ITEM

Date: April 6, 2015

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of Two Permanent Easements from UrbanCal Oakland, LLC, and Vacation of Portions of Existing Easements, Sidwell #88-20-35-400-020

History

As part of the development of Dicks Sporting Goods, located in the southwest $\frac{1}{4}$ of Section 35 on the Oakland Mall property, the Engineering department has received two permanent easements for water mains and sanitary sewers from UrbanCal Oakland, LLC owner of the property having Sidwell #88-20-35-400-020.

The new water main and sanitary sewer will accommodate an addition to a new retail facility necessitating the vacation of portions of existing water main and sanitary sewer easements previously granted to the City.

The portion of water main easement to be vacated was previously granted to the City and recorded with Oakland County Register of Deeds in Liber 7656, Page 797. The portion of sanitary sewer easement to be vacated was previously granted to the City and recorded with Oakland County Register of Deeds in Liber 7656, Page 782.

The easement rights for these vacated utilities will be granted back to the property owner by means of a Quit Claim Deed.

The format and content of these easements and Quit Claim deeds is consistent with conveyance documents previously accepted or granted by City Council.

Financial

The consideration amount on each document is \$1.00

Recommendation

City Management recommends that City Council accept the attached permanent easements consistent with our policy of accepting easements for development and improvement purposes. Additionally, Management recommends that City Council vacate portions of water main and sanitary sewer easements previously granted to the City.



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

PERMANENT EASEMENT

Sidwell #88-20-35-400-020 (pt of)

URBANCAL OAKLAND, LLC, a Delaware limited liability company, whose address is 111 East Wacker Drive, #2400, Chicago, IL 60601 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084, grants to the Grantee the right to construct, operate, maintain, repair and/or replace a water mains, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

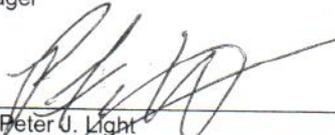
This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 20th day of March A.D. 2015.

URBANCAL OAKLAND, LLC,
a Delaware limited liability company

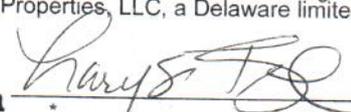
UrbanCal Oakland, LLC
a Delaware limited liability company
its managing member

By: Urban Retail Properties, LLC
a Delaware limited liability company
its manager

By 
*Peter J. Light
Its: Assistant Vice-President of Urban Retail Properties

COUNTY OF COOK)
STATE OF ILLINOIS)

The foregoing instrument was acknowledged before me this 20th day of March, 2015, by Peter J. Light, Assistant Vice President of Urban Retail Properties, LLC, a Delaware limited liability company on behalf of said company.

LARYSA FIGOL
Notary Public, Oakland County, Michigan 
Acting in Oakland County, Michigan Notary Public, _____ County, Illinois
My Commission Expires 05/02/2017 My Commission Expires _____
Acting in _____ County, Illinois

Prepared by: Larysa Figol, City of Troy, 500 W. Big Beaver, Troy, MI 48084
Return to: City Clerk, City of Troy, 500 W. Big Beaver, Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

EXHIBIT "A"

WATER MAIN EASEMENT DESCRIPTION

A 20 FT WIDE EASEMENT FOR WATER MAIN LOCATED IN PART OF THE SOUTHEAST 1/4 OF SECTION 35, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, THE CENTERLINE DESCRIBED AS BEGINNING AT A POINT LOCATED S 88°13'06" W 1485.84 FT AND N 01°46'54" W 950.00 FT AND N 07°17'00" E 383.08 FT AND N 01°46'54" W 38.49 FT FROM THE SE CORNER OF SECTION 35, T2N, R11E; TH FROM SAID P.O.B. S 82°03'52" E 10.05 FT; TH N 01°46'54" W 2.03 FT; TH N 52°14'04" E 120.26 FT TO POINT "A"; TH CONTINUING N 52°14'04" E 64.17 FT; TH N 01°57'15" W 101.94 FT TO THE POINT OF ENDING. ALSO BEGINNING AT SAID POINT "A" TH S 37°45'56" E 41.09 FT; TH N 52°14'04" E 15.00 FT TO THE POINT OF ENDING.

PERMANENT EASEMENT

Sidwell #88-20-35-400-020 (pt of)

URBANCAL OAKLAND, LLC, a Delaware limited liability company, whose address is 111 East Wacker Drive, #2400, Chicago, IL 60601 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084, grants to the Grantee the right to construct, operate, maintain, repair and/or replace a sanitary sewers, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

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.

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 20th day of March A.D. 2015.

URBANCAL OAKLAND, LLC,
a Delaware limited liability company

UrbanCal Oakland , LLC
a Delaware limited liability company
its managing member

By: Urban Retail Properties, LLC
a Delaware limited liability company
its manager

By [Signature]
*Peter J. Light
Its: Assistant Vice-President of Urban Retail Properties

COUNTY OF COOK)
STATE OF ILLINOIS)

The foregoing instrument was acknowledged before me this 20th day of March, 2015, by Peter J. Light, Assistant Vice President of Urban Retail Properties, LLC, a Delaware limited liability company on behalf of said company.

LARYSA FIGOL
Notary Public, Oakland County, Michigan
My Commission Expires 03/02/2018

[Signature]
Notary Public, _____ County, Illinois
My Commission Expires _____
Acting in _____ County, Illinois

Prepared by: Larysa Figol, City of Troy, 500 W. Big Beaver, Troy, MI 48084
Return to: City Clerk, City of Troy, 500 W. Big Beaver, Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

EXHIBIT "A"

SANITARY SEWER EASEMENT DESCRIPTION

A 20 FT WIDE ~~EASEMENT~~ SANITARY SEWER EASEMENT LOCATED IN PART OF THE SOUTHEAST 1/4 OF SECTION 35, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, THE CENTERLINE DESCRIBED AS BEGINNING AT A POINT LOCATED S 88°13'06" W 1485.84 FT AND N 01°46'54" W 950.00 FT AND N 07°17'00" E 383.08 FT AND N 01°46'54" W 28.93 FT FROM THE SE CORNER OF SECTION 35, T2N, R11E; TH FROM SAID P.O.B. S 82°15'34" E 65.35 FT TO POINT "A"; TH S 31°17'28" E 10.85 FT; TH S 83°40'59" E 111.11 FT; TH S 03°17'02" E 102.19 FT TO THE POINT OF ENDING. ALSO BEGINNING AT SAID POINT "A" TH N 10°17'22" E 161.73 FT; TH N 60°25'14" E 89.81 FT; TH N 02°11'08" E 31.09 FT TO THE POINT OF ENDING.

KIEFT ENGINEERING, INC.

PROFESSIONAL CIVIL ENGINEERS AND LAND SURVEYORS



5852 South Main Street, Ste #1
 Clarkston, Michigan 48346
 Tel: 248-625-5251
 Fax: 248-625-7110
 www.kiefteng.com

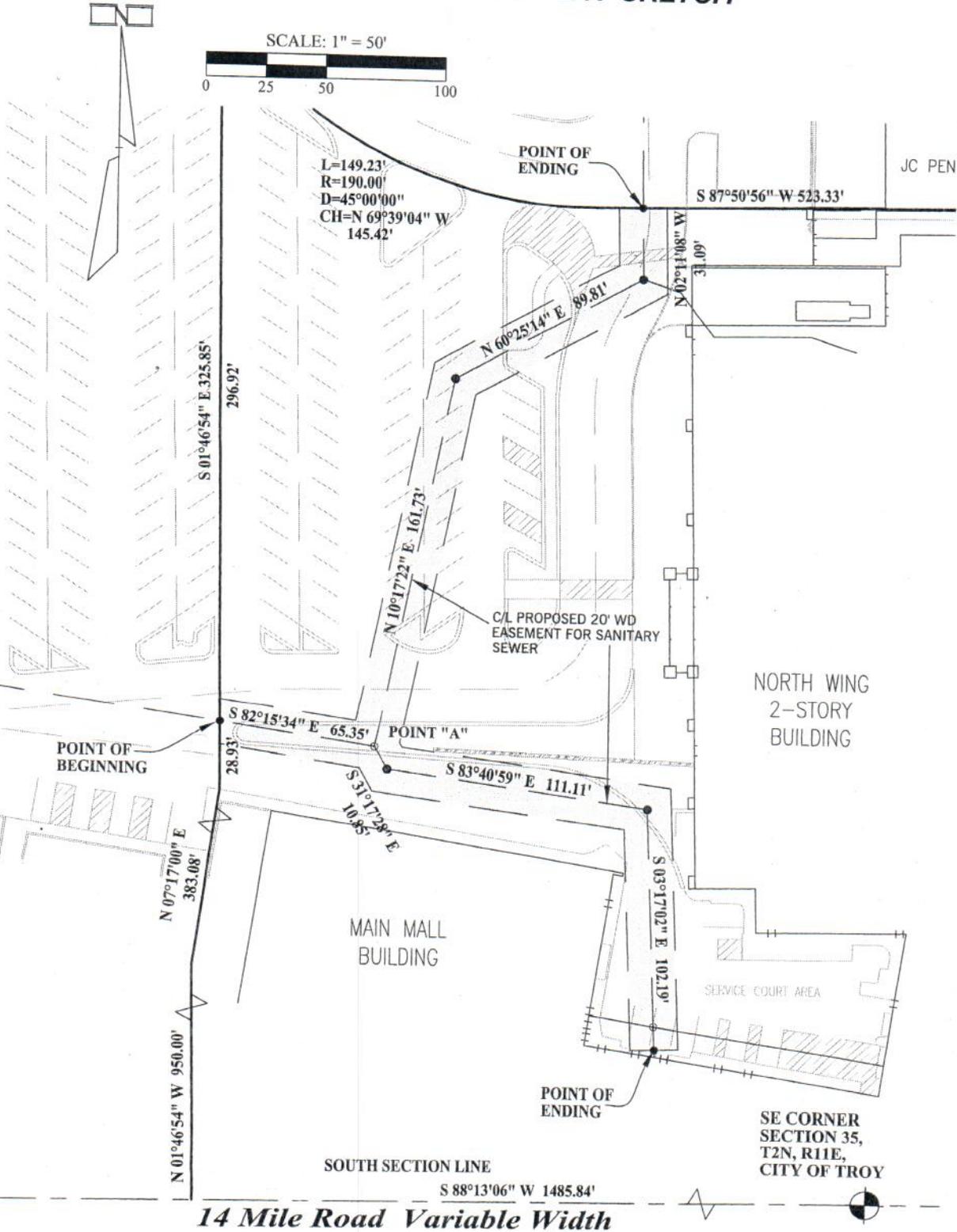
CERTIFICATE OF SURVEY



Survey for URBANICAL OAKLAND MALL, LLC Date 2-26-15
 Address 412 W. 14 MILE ROAD, TROY, MICHIGAN 48083 Job No. 2014.269

SHEET 2 OF 3

SANITARY SEWER EASEMENT SKETCH



QUIT CLAIM DEED

Sidwell # 20-20-35-400-020 (part of)
Resolution #

The Grantor, **CITY OF TROY**, a Michigan municipal corporation whose address is 500 West Big Beaver, Troy, MI 48084 quit claims to **URBANCAL OAKLAND, LLC**, a Delaware limited liability company whose address is 111 East Wacker Drive, #2400, Chicago, IL 60601, the following described easement rights situated in the City of Troy, County of Oakland and State of Michigan a portion of which was previously recorded in Liber 7656 Page 782 and a copy of which is attached hereto (Exhibit "B"):

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART OF

For the sum of One Dollar (\$ 1.00)

Dated this _____ day of _____, 2015.

CITY OF TROY
a Michigan municipal corporation

By _____
* Dane M. Slater, Mayor

By _____
* M. Aileen Dickson, City Clerk

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by Dane M. Slater, Mayor, and M. Aileen Dickson, City Clerk of The City of Troy, a Michigan municipal corporation, on behalf of the municipal corporation.

*
Notary Public, _____ County, MI
My commission expires: _____
Acting in _____ County, MI

County Treasurer's Certificate		City Treasurer's Certificate	
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel # 88-20-35-400-020 (pt of) Recording Fee _____ Transfer Tax _____

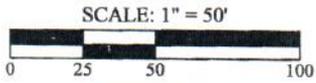
EXHIBIT "A"

VACATED WATER MAIN EASEMENT DESCRIPTION,

A PARCEL OF LAND, PART OF THE SOUTHEAST 1/4 OF SECTION 35, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED FROM THE SOUTHEAST CORNER OF SECTION 35, T2N, R11E; S 88°13'06" W 735.00 FT ALONG THE SOUTH LINE OF SECTION 35 AND N 02°09'04" W 1580.82 FT AND S 87°50'56" W 523.33 FT TO A POINT OF CURVE; TH ALONG THE ARC OF A CURVE TO THE RIGHT 1.38 FT TO THE TRUE POINT OF BEGINNING OF A 12 FT WIDE WATERMAIN EASEMENT, SAID CURVE HAVING A RADIUS OF 190.00 FT, CENTRAL ANGLE 00°25'01" AND CHORD BEARING AND DISTANCE S 88°03'25" W 1.38 FT; TH S 02°09'04" E 190.35 FT ALONG THE CENTERLINE OF SAID 12 FT WIDE WATERMAIN EASEMENT; TH S 87°50'56" W 24.83 FT ALONG THE CENTERLINE OF SAID 12 FT WIDE WATERMAIN EASEMENT FOR HYDRANT PURPOSES; TH N 87°50'56" E 24.83 FT ALONG THE CENTERLINE OF SAID 12 FT WIDE WATERMAIN EASEMENT FOR HYDRANT PURPOSES; TH S 02°09'04" E 57.55 FT ALONG THE CENTERLINE OF SAID 12 FT WIDE WATERMAIN EASEMENT TO THE POINT OF ENDING.

12' WIDE VACATED WATER MAIN EASEMENT SKETCH



TOTAL
 L=149.23'
 R=190.00'
 D=45°00'00"
 CH=N 69°39'04" W
 145.42'

POINT OF
 BEGINNING
 VACATED
 EASEMENT

JC PENNEY

S 87°50'56" W 523.33'

ARC=1.38'
 RADIUS=190.40'
 DELTA=00°25'01"
 LC=S 88°03'25" W
 1.38'

C/L PROPOSED VACATED
 12' WD WATERMAIN
 EASEMENT

S 87°50'56" W 24.83'

N 87°50'56" E
 24.83'

S 02°09'04" E
 57.55'

NORTH WING
 2-STORY
 BUILDING

N 02°09'04" W 1580.82'

POINT OF
 ENDING

MAIN MALL
 BUILDING

SERVICE COURT AREA

SOUTH SECTION LINE

14 Mile Road Variable Width

SE CORNER
 SECTION 35,
 T2N, R11E,
 CITY OF TROY

S 88°13'06" W
 735.00'



EXHIBIT "B"

OCT. 29. 79

LIBER 7656 PAGE 797

EASEMENT

79 118204

KNOW ALL MEN BY THESE PRESENTS, That Oakland Mall Ltd., a Michigan Limited

Partnership whose address is:

1991 James Couzens Highway - Detroit, Michigan 49235

211/3/5

Hereinafter called The Grantor for an in consideration of the sum of One Dollar (\$1.00) paid to Oakland Mall Ltd. by the City of Troy, a Michigan Municipal Corporation, hereinafter called The Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, does hereby grant to the Grantee a permanent easement to construct, operate, maintain, repair and/or replace a water supply system across and through the following described land situated in the City of Troy, to-wit:

See Attached Exhibit "A"

Said easement is described as:

See Attached Exhibit "B" (Sheet #1 of 3, 2 of 3 and 3 of 3)

as to enter upon sufficient land adjacent to said water supply system for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

As further consideration the City of Troy agrees that anything contained herein to the contrary notwithstanding, Grantor shall have the right to use the surface of the easement area for parking lots, driveways, and landscaping purposes. Any work by Grantee in the easement area shall be done as expeditiously as possible and with a minimum of interference with Grantor's use of the adjoining property. The Easement area and adjoining properties shall be returned to their original condition by the Grantee. The original condition shall be known as the existing condition of the Easement area and adjoining property prior to the Grantee commencing with any work.

Parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

RECORDED
CITY AND COUNTY OF MICHIGAN
REGISTERED INSTRUMENTS

OCT 29 AM 8 33

13.00

OCT. 29. 79

LIBER 7656 PAGE 798

IN WITNESS WHEREOF, the undersigned hereunto affixed
Signature: this 27th day of April A.D. 19 79

In Presence of:

WITNESS

Dean E. Sutton OAKLAND MALL LTD. (L.S.)
Jay M. Kogan Jay M. Kogan, General Partner (L.S.)
Douglas Mossman (L.S.)
 DOUGLAS MOSSMAN
 STATE OF MICHIGAN
 COUNTY OF Oakland }

On this 27th day of April A.D. 19 79 before me
 personally appeared Jay M. Kogan to me personally known, who being by name sworn,
 did each for himself say that they are respectively the GENERAL PARTNER
Oakland Mall Ltd.

Corporation names in and which executed the within instrument, and that the seal affixed
 to said instrument is the corporate seal of said Corporation and that said instrument
 was signed and sealed on behalf of Oakland Mall Ltd.
 acknowledge said instrument to be the free act and deed of said Corporation.

This instrument drafted by:
 STAN CIMBERWORTH
 2300 Dixie Highway
 Pontiac, Michigan 48055

Eleanor C. Senkowski
 Notary Public, Oakland County, Michigan
 My Commission Expires Notary Public, Wayne County, Mich
 My Commission Expires April 15, 1984
 Acting in Oakland County, Mich.

Return to:
 City Clerk, City of Troy
 500 W. Big Beaver Road
 Troy, Michigan 48084

OCT. 29. 79

EXHIBIT A

LIBER 7656 PAGE 799

A parcel of land, part of the Southeast 1/4 of Section 35, T.2N., R.11E., City of Troy, Oakland County, Michigan, described as follows:

Beginning at a point located from the Southeast corner of Section 35, T.2N., R.11E.; S 88°13'06" W 733.00 ft. along the South line of Section 35 and N 02°09'04" W 73.00 ft. to a point on the North line of 14 Mile Road, said point being the TRUE POINT OF BEGINNING; thence N 02°09'04" W 1303.82 ft.; thence S 87°30'56" W 323.33 ft. to a point of curve; thence along the arc of a curve to the Right 149.23 ft. to a point of tangent, said curve having a radius of 190.00 ft., central angle 45°00'00" and chord bearing and distance N 69°39'04" W 145.42 ft.; thence N 47°09'04" W 31.28 ft.; thence S 01°46'34" E 325.85 ft.; thence S 07°17'00" W 383.08 ft.; thence S 01°46'34" E 830.00 ft. to a point on the North line of 14 Mile Road; thence N 88°13'06" E 192.68 ft. along the North line of 14 Mile Road; thence S 01°46'34" E 23.00 ft.; thence N 88°13'06" E 337.68 ft. along the North line of 14 Mile Road to the TRUE POINT OF BEGINNING, containing 23.101 acres.

OCT. 29. 79

EXHIBIT 'B' (SHT 1 of 3)

OAKLAND MALL
TROY, MICHIGAN
(MALL WEST)

LIBER 7656 PAGE 800

12 FT. WIDE WATERMAIN EASEMENT

A parcel of land, part of the Southeast 1/4 of Section 35, T.2N., R.11E., City of Troy, Oakland County, Michigan, described as follows:

Beginning at a point located from the Southeast corner of Section 35, T.2N., R.11E.; S 88°13'06" W 735.00 ft. along the South line of Section 35 and N 02°09'04" W 1580.82 ft. and S 87°50'56" W 523.33 ft. to a point of curve; thence along the arc of a curve to the Right 1.38 ft. to the TRUE POINT OF BEGINNING, of a 12 ft. wide watermain easement, said curve having a radius of 190.00 ft., central angle 00°25'01" and chord bearing and distance S 88°03'35" W 1.38 ft; thence S 02°09'04" E 190.35 ft. along the centerline of said 12 ft. wide watermain easement; thence S 87°50'56" W 24.83 ft. along the centerline of said 12 ft. wide watermain easement, for hydrant purposes; thence N 87°50'56" E 24.83 ft. along the centerline of said 12 ft. wide watermain easement, for hydrant purposes; thence S 02°09'04" E 57.55 ft. along the centerline of said 12 ft. wide watermain easement to the Point of Ending.

OCT. 29. 79

EXHIBIT B (SHT 2 of 3)

LIBER 7656 PAGE 801

OAKLAND MALL
TROY, MICHIGAN
(MALL EAST)

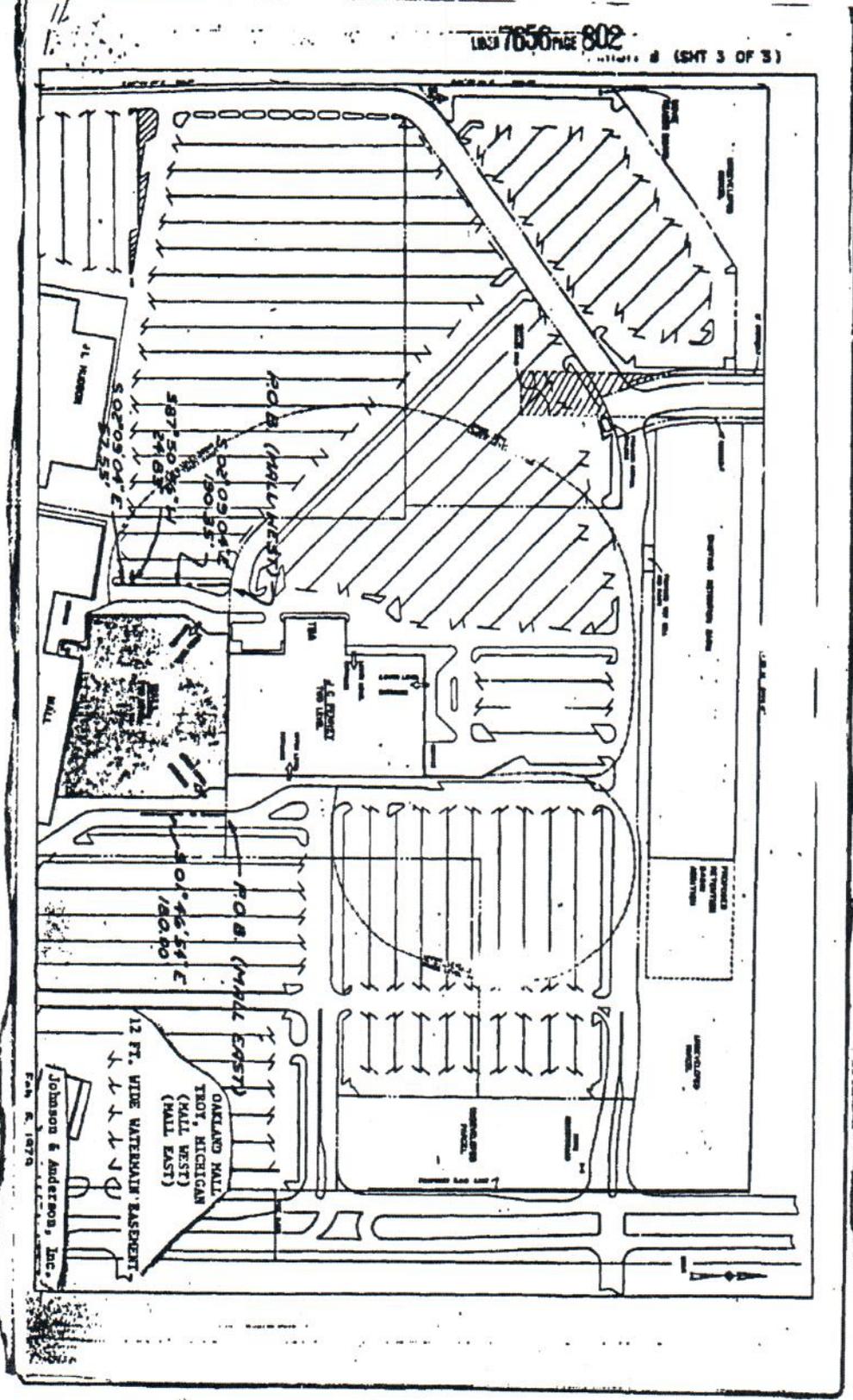
12 FT. WIDE WATERMAIN EASEMENT

A parcel of land, part of the Southeast 1/4 of Section 35, T.2N., R.11E., City of Troy, Oakland County, Michigan, described as follows:

Beginning at a point located from the Southeast corner of Section 35, T.2N., R.11E.; S 88°13'06" W 735.00 ft. along the South line of Section 35 and N 02°09'04" W 1580.82 ft. and S 87°50'56" W 66.07 ft. to the TRUE POINT OF BEGINNING, of a 12 ft. wide watermain easement; thence S 01°46'54" E 180.00 ft. along the centerline of said 12 ft. wide watermain easement to the Point of Ending.

OCT. 29. 79

LSJ 7656 PAGE 802
SHEET 4 (SHT 3 OF 3)



QUIT CLAIM DEED

Sidwell # 20-20-35-400-020 (part of)
Resolution #

The Grantor, **CITY OF TROY**, a Michigan municipal corporation whose address is 500 West Big Beaver, Troy, MI 48084 quit claims to **URBANAL OAKLAND, LLC**, a Delaware limited liability company whose address is 111 East Wacker Drive, #2400, Chicago, IL 60601, the following described easement rights situated in the City of Troy, County of Oakland and State of Michigan a portion of which was previously recorded in Liber 7656 Page 797 and a copy of which is attached hereto (Exhibit "B"):

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART OF

For the sum of One Dollar (\$ 1.00)

Dated this _____ day of _____, 2015.

CITY OF TROY
a Michigan municipal corporation

By _____
* Dane M. Slater, Mayor

By _____
* M. Aileen Dickson, City Clerk

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by Dane M. Slater, Mayor, and M. Aileen Dickson, City Clerk of The City of Troy, a Michigan municipal corporation, on behalf of the municipal corporation.

*
Notary Public, _____ County, MI
My commission expires: _____
Acting in _____ County, MI

County Treasurer's Certificate		City Treasurer's Certificate
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084

Tax Parcel # 88-20-35-400-020 (pt of) Recording Fee _____ Transfer Tax _____

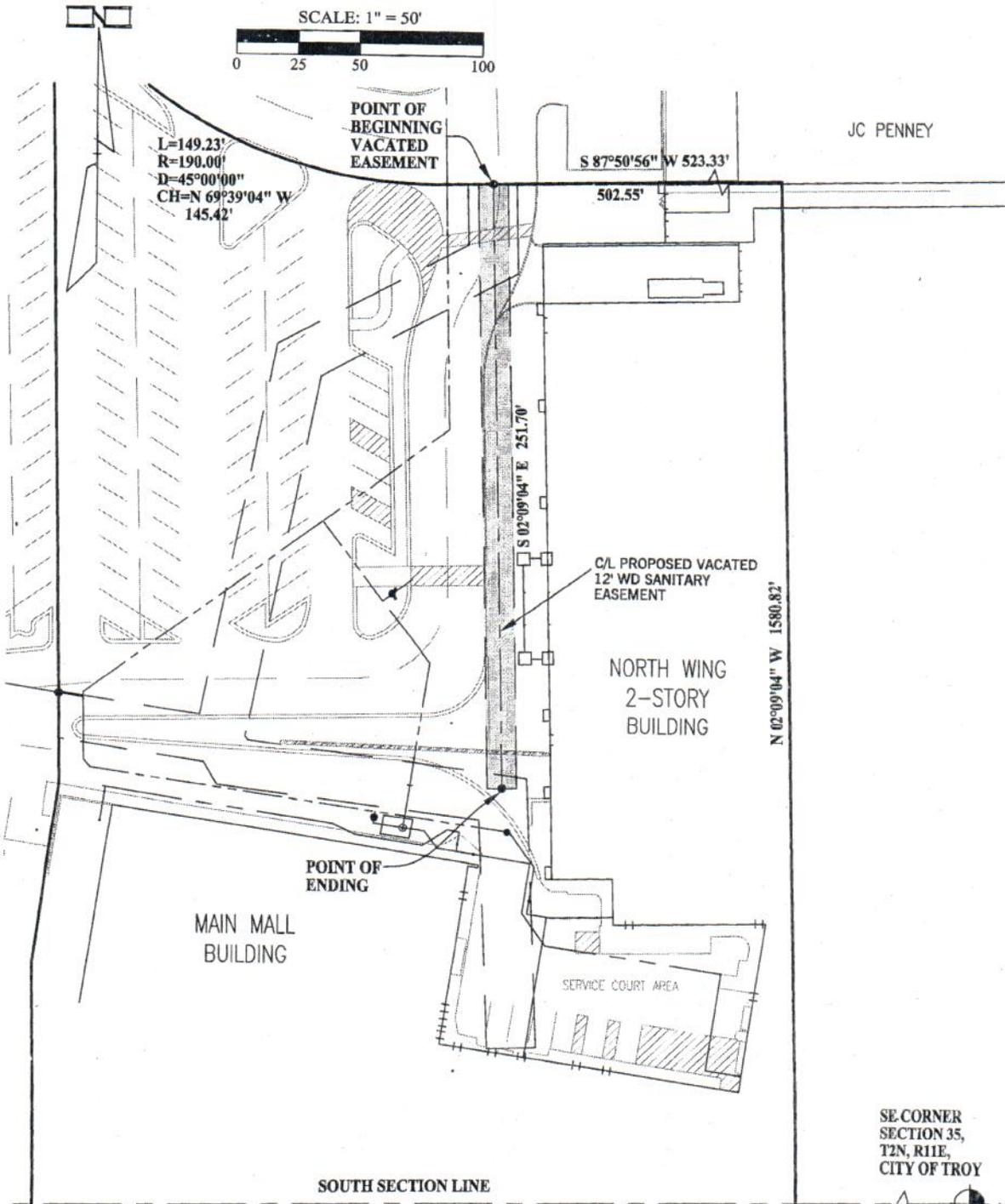
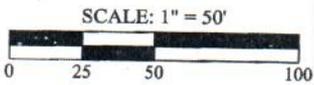
EXHIBIT "A"

VACATED SANITARY SEWER EASEMENT DESCRIPTION

*A PARCEL OF LAND, PART OF THE SOUTHEAST 1/4 OF SECTION 35, T2N, R11E,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:*

*BEGINNING AT A POINT LOCATED FROM THE SOUTHEAST CORNER OF
SECTION 35, T2N, R11E; S 88°13'06" W 735.00 FT ALONG THE SOUTH LINE OF
SECTION 35 AND N 02°09'04" W 1580.82 FT AND S 87°50'56" W 502.55 FT TO THE
TRUE POINT OF BEGINNING OF A 12 FT WIDE SANITARY SEWER EASEMENT; TH
S 02°09'04" E 251.70 FT ALONG THE CENTERLINE OF SAID SANITARY SEWER
EASEMENT TO THE POINT OF ENDING.*

12' WIDE VACATED SANITARY SEWER EASEMENT SKETCH



14 Mile Road Variable Width

SE CORNER
SECTION 35,
T2N, R11E,
CITY OF TROY

S 88°13'06" W
735.00'

EXHIBIT "B"

OCT. 29. 79

LIBER 7656 PAGE 782 EASEMENT

79 118201

KNOW ALL MEN BY THESE PRESENTS, That Oakland Mall Ltd., a Michigan Limited

Partnership whose address is.

19901 James Couzens Highway - Detroit, Michigan 48235

Hereinafter called The Grantor for an in consideration of the sum of One Dollar (\$1.00) paid to Oakland Mall Ltd. by the City of Troy, a Michigan Municipal Corporation, hereinafter called The Grantee, whose address is 300 West Big Beaver Road, Troy, Michigan, does hereby grant to the Grantee a permanent easement to construct, operate, maintain, repair and/or replace a sanitary sewer system across and through the following described land situated in the City of Troy, to-wit:

211/35

See Attached Exhibit "A"

Said easement is described as:

See Attached Exhibit "B" (Sheet #1 of 2 and #2 of 2)

as to enter upon sufficient land adjacent to said sanitary sewer system for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

As further consideration the City of Troy agrees that anything contained herein to the contrary notwithstanding, Grantor shall have the right to use the surface of the easement area for parking lots, driveways, and landscaping purposes. Any work by Grantee in the easement area shall be done as expeditiously as possible and with a minimum of interference with Grantor's use of the adjoining property. The Easement area and adjoining properties shall be returned to their original condition by the Grantee. The original condition shall be known as the existing condition of the Easement area and adjoining property prior to the Grantee commencing with any work.

Parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

RECORDED
INDEXED
MICHIGAN
RECORDS
1979 OCT 29 AM 9 33
James D. Grier
CLERK OF COURTS

OCT. 29. 79

LIBER 7656 PAGE 783

IN WITNESS WHEREOF, the undersigned hereunto affixed His
Signature, this 27th day of April A.D. 19 1979.

In Presence of:

WITNESS

Dean E. Sutton (L.S.)

Jay M. Kogan, General Partner (L.S.)

Douglas Mossman (L.S.)

DOUGLAS MOSSMAN
STATE OF MICHIGAN
COUNTY OF Oakland

On this 27th day of April A.D. 19 79 before me personally appeared Jay M. Kogan to me personally known, who being by name sworn, did each for himself say that they are respectively the GENERAL PARTNER Oakland Mall Ltd.

Corporation names in and which executed the within instrument, and that the seal affixed to said instrument is the corporate seal of said Corporation and that said instrument was signed and sealed on behalf of Oakland Mall, Ltd. acknowledge said instrument to be the free act and deed of said Corporation.

This instrument drafted by:

STAN CUMBERWORTH
2300 Dixie Highway
Pontiac, Michigan 48055

Eleanor G. Senkowski
Notary Public, Oakland County, Michigan
My Commission Expires April 18, 1980
ELEANOR G. SENKOWSKI
Notary Public, Wayne County, Mich.
My Commission Expires April 18, 1980
Acting in Oakland County, Mich.

Return to:

City Clerk, City of Troy
500 W. Big Beaver Road
Troy, Michigan 48064

OCT. 29. 79

EXHIBIT A
LIBER 7656 PAGE 784

A parcel of land, part of the Southeast 1/4 of Section 35, T.2N., R.11E., City of Troy, Oakland County, Michigan, described as follows:

Beginning at a point located from the Southeast corner of Section 35, T.2N., R.11E.; S 88° 13' 06" W 735.00 ft. along the South line of Section 35 and N 02° 09' 04" W 75.00 ft. to a point on the North line of 14 Mile Road, said point being the TRUE POINT OF BEGINNING; thence N 02° 09' 04" W 1505.82 ft.; thence S 87° 50' 56" W 523.33 ft. to a point of curve; thence along the arc of a curve to the Right 149.23 ft. to a point of tangent, said curve having a radius of 190.00 ft., central angle 45° 00' 00" and chord bearing and distance N 69° 39' 04" W 143.42 ft.; thence N 47° 09' 04" W 31.28 ft.; thence S 01° 46' 54" E 325.85 ft.; thence S 07° 17' 00" W 383.08 ft.; thence S 01° 46' 54" E 850.00 ft. to a point on the North line of 14 Mile Road; thence N 88° 13' 06" E 192.68 ft. along the North line of 14 Mile Road; thence S 01° 46' 54" E 25.00 ft.; thence N 88° 13' 06" E 357.68 ft. along the North line of 14 Mile Road to the TRUE POINT OF BEGINNING, containing 25.101 acres.

OCT. 29. 79

EXHIBIT B (SHT 1 OF 2)

OAKLAND MALL
TROY, MICHIGAN
(MALL WEST)

LIBER 7656 PAGE 785

12 FT. WIDE SANITARY SEWER EASEMENT

A parcel of land, part of the Southeast 1/4 of Section 35, T.2N., R.11E., City of Troy, Oakland County, Michigan, described as follows:

Beginning at a point located from the Southeast corner of Section 35, T.2N., R.11E.; S 88°13'06" W 733.00 ft. along the South line of Section 35 and N 02°09'04" W 1580.82 ft. and S 87°50'56" W 502.55 Ft. to the TRUE POINT OF BEGINNING, of a 12 ft. wide sanitary sewer easement; thence S 02°09'04" E 251.70 ft., along the centerline of said sanitary sewer easement to the Point of Ending.

