

## AMENDMENT TO GRANT OF EASEMENT

This amendment is from **THE PUBLIC SCHOOLS OF THE CITY OF ANN ARBOR ("Grantor")**, a public body corporate organized and existing under the Michigan Revised School Code, whose address is 2555 S. State Street, Ann Arbor, MI 48103 and the **CITY OF ANN ARBOR ("City")**, a Michigan municipal corporation, with its address at 301 E. Huron Street, Ann Arbor, Michigan 48104.

### RECITALS

A. Grantor is the owner of real property located in the City of Ann Arbor, Washtenaw County, Michigan, commonly known as Forsythe Middle School and Wines Elementary School, 1655, 1701, and 1715 Newport Road, described as follows:

COM CEN SEC 19 TH N 0 DEG 15 MIN E 573.88 FT FOR POB TH N DEG 15 MIN E 931.36 FT TH S 89 DEG 05 MIN E 1329.7 FT TH S 0 DEG 15 MIN 30 SEC W 759.89 FT TH N 89 DEG 30 MIN 30 SEC W 330 FT TH S 0 DEG 14 MIN 30 SEC W 163.75 FT TH N 89 DEG 30 MIN 30 SEC W 574.91 FT TH N 89 DEG 14 MIN 30 SEC W 424.03 FT TO POB PRT W ½ OF NE ¼ SEC 19 T2S R6E.

AND

BEG N ¼ COR SEC 10 TH S 88 DEG 54 MIN E 665.61 FT TH S 0 DEG 13 MIN W 669.73 FT TH S 89 DEG E 665.10 FT TH ALG CL OF NEWPORT RD S 0 DEG 15 MIN 30 SEC W 348 FT TH N 89 DEG 36 MIN 30 SEC W 165 FT TH S 0 DEG 15 MIN 30 SEC W 75 FT TH N 89 DEG 32 MIN W 221.30 FT TH S 0 DEG 55 MIN W 78.58 FT TH N 89 DEG 05 MIN W 942.52 FT TH N 0 DEG 11 MIN 3 579.48 FT TH N 63 DEG 42 MIN 25 SEC E 270 FT TH N 69 DEG 28 MIN 10 SEC W 257.8 FT TH N 0 DEG 11 MIN E 388.58 FT TO POB EXC ELY 33 FT PART SEC 19 T2S R6E EXC

AND

COM SE COR W 1/2 OF NE 1/4 SEC 19 TH N IN C L NEWPORT RD 1501.21 FT FOR POB TH CONT N 81.72 FT TH N 89 DEG 32 MIN W 386.3 FT TH S 0 DEG 55 MIN W 78.58 FT TH E 387.18 FT TO POB EXC E 33 FT T2S R6E

B. Grantor granted to the City a permanent easement for a Public Utilities System in a grant of easement dated August 11, 2008, recorded January 22, 2009, in Liber 4714, page 323, Washtenaw County Records ("Easement").

C. In a letter dated March 14, 2017, Grantor consented to the City's co-location of data communications lines within the Easement.

#### AMENDMENT

1. Grantor hereby amends Section B. of the Easement to read as follows:

Grantor will grant (i) a temporary construction easement for the construction of a new water main and storm sewer and appurtenances thereto (the "New Construction") in, on or over the School Properties, as specifically described in attached Exhibit "A" (the "Construction Easement Area"), and (ii) a permanent easement for the operation, maintenance, repair, replacement and future construction as necessary of the new 24-inch water main, 30-inch storm sewer and 8-inch force main and appurtenances thereto, along with the existing water main, storm sewer, force main and appurtenances thereto presently in place, all of which are hereinafter referred to as the "Public Utilities System". The existing utilities are further described as a 24-inch water main, 8-inch force main and 8-inch sludge pipe in, on or over the School Properties, as specifically described in attached Exhibit "B" (the "Permanent Easement Area"). Said existing 8-inch sludge pipe will be abandoned but shall remain within the described easement area, and removed only if it is determined during construction that said sludge pipe interferes with the construction of the additions to the Public Utilities System. The definition of Public Utilities System shall also include conduit, data communication lines, and related appurtenances.

2. Except as stated in Section 1 of this amendment, the terms, conditions and provisions of the Easement remain in full force and effect.

3. This amendment shall run with the land and shall be binding on and inure to the benefit of Grantor, the City, and their respective successors and assigns. The City's consent to the terms in this amendment shall be effective upon acceptance of this amendment by resolution of the City Council.

4. This amendment is made for consideration less than \$100.00.

*(Signatures on the following page)*

**GRANTOR:**

**THE PUBLIC SCHOOLS OF THE CITY OF ANN  
ARBOR**

By: Jeanice K. Swift  
Dr. Jeanice K. Swift  
Its: Superintendent

Signed on 6-28-18, 2018 in the:  
State of Michigan  
County of Washtenaw

This instrument was acknowledged before me on June 28, 2018  
by Dr. Jeanice K. Swift, Superintendent of The Public Schools of the City of Ann Arbor.

Barbara J. Tebbutt  
Notary Public  
County of Washtenaw Michigan  
Acting in Washtenaw County  
My Commission Expires:

Prepared by and when recorded return to:

Christopher Frost (P70380)  
Senior Assistant City Attorney  
Office of the City Attorney  
City of Ann Arbor  
301 E. Huron Street, POB 8647  
Ann Arbor, MI 48107-8647

BARBARA J. TEBBUTT  
NOTARY PUBLIC - STATE OF MICHIGAN  
COUNTY OF WASHTENAW  
My Commission Expires Jan. 29, 2020  
Acting in the County of Washtenaw

Tax Parcel ID Nos.: 09-09-19-103-029  
09-09-19-103-030  
09-09-19-103-032