



(16)

GRANT OF EASEMENT

254

This grant of easement is from the **BRE NIXON ROAD ASSOCIATES, LLC. ("Grantor")**, a Michigan limited liability company, whose registered office address is 260 E. Brown Street, Suite 200, Birmingham, MI 48009 to the **CITY OF ANN ARBOR ("City")**, a Michigan municipal corporation, whose address is 301 East Huron Street, Ann Arbor, Michigan 48104.

Grantor is the fee owner of real property located in the City of Ann Arbor, Washtenaw County, Michigan, commonly known as 2760 Nixon Road, described at Liber 4948, Page 180, Washtenaw County Records and as:

That part of the Northwest ¼ of the Southwest ¼ of Section 11, Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw County, Michigan, lying South of the South right of way line of US-23.

Variable Width Public Access Easement

Grantor grants to the City a permanent easement for public nonmotorized and pedestrian travel ("Public Access Easement"), illustrated on Exhibit A and described as follows:

Commencing at the S 1 / 4 Corner of Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 89°56'13" E 1316.52 feet along the South line of said Section 10; thence N 00°11'20" W 1622.91 feet along the West line of the E 1 / 2 of the SE 1 / 4 of said Section 10 and the centerline of Nixon Road (variable width); thence N 89°48' 40• E

60.00 feet; thence N 00°11'20• W 224.41 feet to the POINT OF BEGINNING;
thence continuing N 00°11'20" W 50.00 feet;
thence N 90°00'00" E 152.17 feet;
thence N 00°00'00" E 76.00 feet;
thence N 90°00'00" E 431.53 feet;
thence N 00°00'00" E 200.99 feet;
thence N 88°04'34" E 202.04 feet;
thence S 89°13' 38" E 147.52 feet;
thence S 86°35'38" E 327.06 feet;
thence S 00°05' 49• E 103.85 feet;



thence N 90°00'00• W 30.00 feet;
 thence N 00°05' 49• W 68.88 feet;
 thence N 85°27'00• W 60.55 feet;
 thence S 54°33'00• W 31.11 feet;
 thence N 86°35'38• W 202.98 feet;
 thence N 72°46'53• W 19.32 feet;
 thence N 89°13'38• W 136.78 feet;
 thence S 88°04' 34• W 145.51 feet;
 thence S 00°00·00• W 202.88 feet;
 thence S 90°00·00• W 438.53 feet;
 thence S 00°00·00• W 76.00 feet;
 thence S 90°00'00• W 202.01 feet to the POINT OF BEGINNING. Being a part of
 the NE 1 / 4 of the SE 1 / 4 of said Section 10, T2S, R6E, City of Ann Arbor,
 Washtenaw County, Michigan.

Grantor shall construct paved sidewalk within the easement in accordance with City standard specifications and the September 6, 2016 approved site plan. Grantor shall maintain the sidewalk in good repair and safe for the use of the public. Such maintenance and repair shall, at a minimum, be consistent with City of Ann Arbor Code standards for maintenance and repair of sidewalks adjacent to public streets, including winter snow and ice maintenance. The City shall have no obligation of maintenance or repair with respect to the sidewalk. If Grantor does not maintain or repair the sidewalk as required under this section, the City may, after notice to Grantor, perform maintenance or repairs and charge the cost to Grantor as a single lot assessment. The City agrees to accept the sidewalk, when constructed within the easement, on the following conditions:

- a. The City assumes no liability and Grantor shall not seek to hold the City liable for any claim arising from the construction, use, or maintenance of the sidewalk prior to its acceptance by the City.
- b. The sidewalks conveyed are located within the easement and according to plans submitted to and approved by the City's Public Services Area; otherwise Grantor shall pay for relocation or reconstruction.

Grantor shall not allow any sign or impediment to be placed within or near the easement that limits public nonmotorized or pedestrian access, except during construction of the sidewalk. This exception shall not apply to the City, which shall have the right at any time to cross the easement for the purpose of access to or conducting maintenance, repairs, improvements, and other activities necessary in connection with or for the adjacent City-owned property. Within the easement, the City may transport all necessary materials and equipment, including motor vehicles; remove vegetation, including trees, as necessary; and temporarily park vehicles and equipment, as necessary.

Grantor shall not grant any other easement that overlaps this easement without

first obtaining written approval from the City, which approval shall not be unreasonably withheld.

This grant of easement 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.

This grant of easement is made for consideration less than \$100.00.

BRE NIXON ROAD ASSOCIATES, LLC.

By: S. Pyett
Its: Stephen Pyett Also S. Pyett
Member / Agent

State of Michigan
County of Oakland) ss

Executed on: December 30, 2016 in:
State of Michigan
County of Oakland

This instrument was acknowledged before me on December 30, 2016 by
Stephen Pyett, Member / Agent of BRE Nixon Road Associates, LLC, a Michigan limited
liability company.

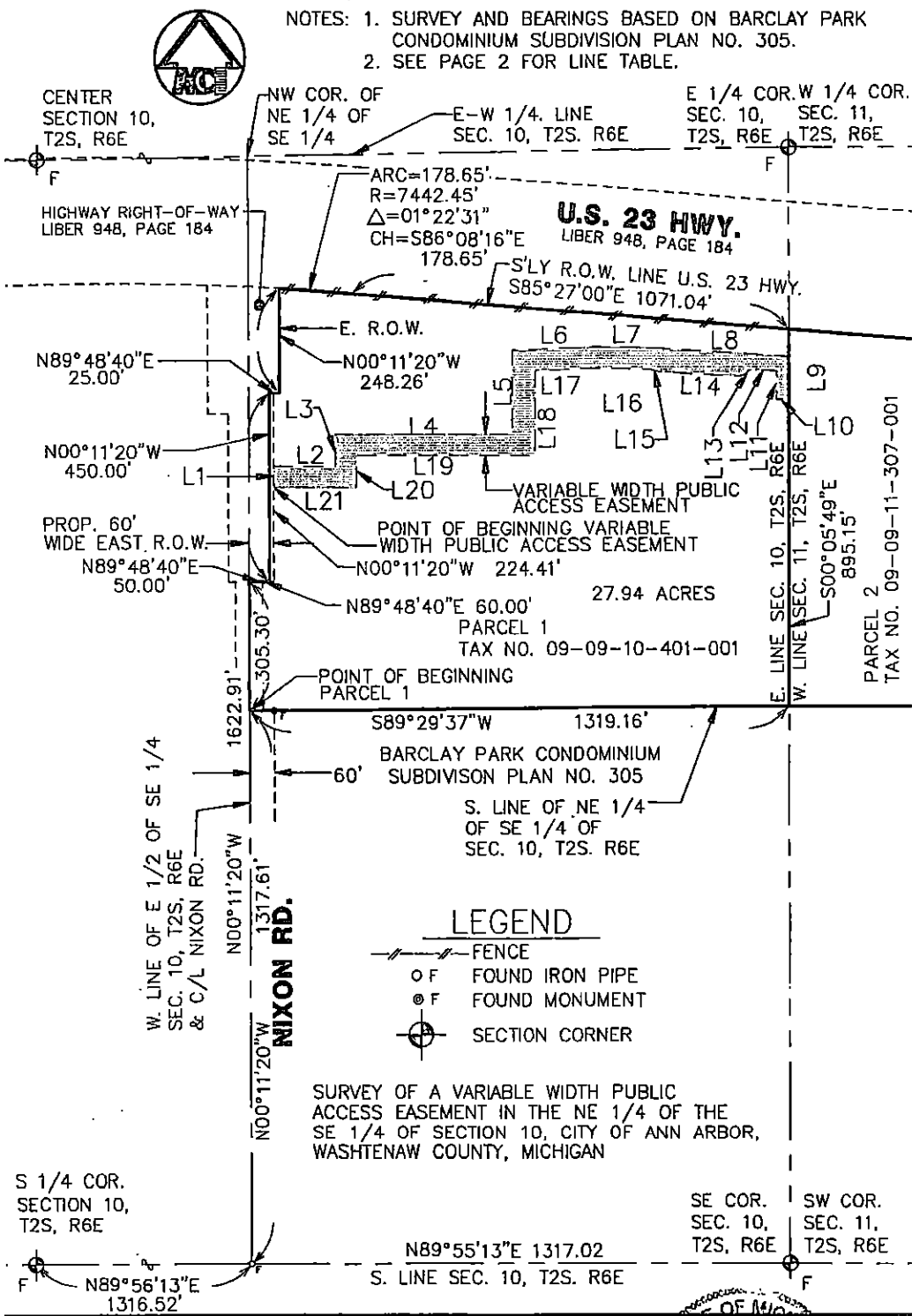
Michael S. Rambow

Michael S. Rambow, Notary Public
County of Oakland, Michigan
Acting in County of Oakland
My Commission Expires: 12-13-2022
Michael S. Rambow

Drafted by and when recorded return to:
Mary Joan Fales (P37142)
Sr. Assistant City Attorney
City of Ann Arbor
301 E. Huron St.
Ann Arbor, MI 48104

Part of Tax Parcel Id. No. 09-09-11-307-001

EXHIBIT A



CLIENT: BRE NIXON ROAD ASSOC.	DATE: 12/20/16
JOB NO.: 12088	SHEET 1 OF 2
SECTION: 10 TWN: 2S. RANGE: 6E.	SCALE: 1 in. = 500 ft.
CITY OF ANN ARBOR	BOOK: #
WASHTENAW COUNTY, MICHIGAN	BY: KMW

MIDWESTERN CONSULTING

Civil, Environmental and Transportation Engineers
Planners, Surveyors
Landscape Architects

3815 Plaza Drive
Ann Arbor, Michigan 48108
Phone: 734.995.0200
Fax 734.995.0599

PATRICK L. HASTINGS
PROFESSIONAL SURVEYOR
No. 37277

LINE TABLE		
LINE	BEARING	DISTANCE
L-1	N00°11'20"W	50.00
L-2	N90°00'00"E	152.17
L-3	N00°00'00"E	76.00
L-4	N90°00'00"E	431.53
L-5	N00°00'00"E	200.99
L-6	N88°04'34"E	202.04
L-7	S89°13'38"E	147.52
L-8	S86°35'38"E	327.06
L-9	S00°05'49"E	103.85
L-10	N90°00'00"W	30.00
L-11	N00°05'49"W	68.88
L-12	N85°27'00"W	60.55
L-13	S54°33'00"W	31.11
L-14	N86°35'38"W	202.98
L-15	N72°46'53"W	19.32
L-16	N89°13'38"W	136.78
L-17	S88°04'34"W	145.51
L-18	S00°00'00"W	202.88
L-19	S90°00'00"W	438.53
L-20	S00°00'00"W	76.00
L-21	S90°00'00"W	202.01

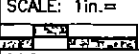

PARCEL 1:
Tax Item No. 09-09-10-401-001

That part of the Northeast 1/4 of the Southeast 1/4 of Section 10, Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw County, Michigan, lying South of the South right of way line of US-23. Except, All that part of the Northeast 1/4 of the Southeast 1/4 of said Section 10, described as: Beginning at a point which is South 01 degrees 22 minutes 57 seconds East along the centerline of Nixon Road 1011.81 feet from the Northwest corner of the Northeast 1/4 of the Southeast 1/4 of said Section 10; thence North 88 degrees 37 minutes 03 seconds East, 50 feet; thence North 01 degrees 22 minutes 57 seconds West, 450 feet; thence North 88 degrees 37 minutes 03 seconds East, 25.0 feet; thence North 01 degrees 22 minutes 57 seconds West, 248.26 feet to a point on the Southerly right-of-way line of Highway US-23; thence Westerly along said right of way line, to the centerline of Nixon Road; thence South 01 degrees 22 minutes 57 seconds East, 707 feet more or less, to the point of beginning.

Being Subject to:

1. State Trunkline Highway US-23 is a Limited Access Highway as disclosed by instrument recorded in Liber 948, page 184.
2. Any rights, title interest or claim thereof to that portion of the land taken, used or granted for streets, roads or highways.

Being more particularly described as:

CLIENT: BRE NIXON ROAD ASSOC.	DATE: 12/20/16	
JOB NO.: 12088	SHEET 2 OF 3	
SECTION: 10 TWN: 2S. RANGE: 6E.	SCALE: 1 in. =  ft.	
CITY OF ANN ARBOR	BOOK: #	
WASHTENAW COUNTY, MICHIGAN	BY: KMW	
<div><div>MIDWESTERN CONSULTING</div><div><div>Civil, Environmental and Transportation Engineers Planners, Surveyors Landscape Architects</div></div><div>3815 Plaza Drive Ann Arbor, Michigan 48108 Phone: 734.695.0200 Fax 734.695.0599</div></div>		

Commencing at the S 1/4 Corner of Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 89°56'13" E 1316.52 feet along the South line of said Section 10; thence N 00°11'20" W 1317.61 feet along the West line of the E 1/2 of the SE 1/4 of said Section 10 and the centerline of Nixon Road (variable width) to the POINT OF BEGINNING;

thence continuing N 00°11'20" W 305.30 feet along said line;
 thence N 89°48'40" E 50.00 feet;
 thence N 00°11'20" W 450.00 feet;
 thence N 89°48'40" E 25.00 feet;
 thence N 00°11'20" W 248.26 feet;
 thence along the Southerly right-of-way line of U.S. 23 Highway in the following two (2) courses:

Southeasterly 178.65 feet along the arc of a circular curve to the right, radius 7442.45 feet, central angle 01°22'31", long chord S 86°08'16" E 178.65 feet;

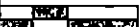

S 85°27'00" E 1071.04 feet;

thence S 00°05'49" E 895.15 feet along the East line of said Section 10;
 thence S 89°29'37" W 1319.16 feet along the South line of the NE 1/4 of the SE 1/4 of said Section 10 to the POINT OF BEGINNING. Being a part of the NE 1/4 of the SE 1/4 of said Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, and containing 27.94 acres of land, more or less. Being subject to the rights of the public over the Westerly 33.00 feet thereof as occupied by said Nixon Road. Being subject to easements and restrictions of record, if any.

Proposed Variable Width Public Access Easement, described as follows:

Commencing at the S 1/4 Corner of Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 89°56'13" E 1316.52 feet along the South line of said Section 10; thence N 00°11'20" W 1622.91 feet along the West line of the E 1/2 of the SE 1/4 of said Section 10 and the centerline of Nixon Road (variable width); thence N 89°48'40" E 60.00 feet; thence N 00°11'20" W 224.41 feet to the POINT OF BEGINNING;

thence continuing N 00°11'20" W 50.00 feet;
 thence N 90°00'00" E 152.17 feet;
 thence N 00°00'00" E 76.00 feet;
 thence N 90°00'00" E 431.53 feet;
 thence N 00°00'00" E 200.99 feet;
 thence N 88°04'34" E 202.04 feet;
 thence S 89°13'38" E 147.52 feet;
 thence S 86°35'38" E 327.06 feet;
 thence S 00°05'49" E 103.85 feet;
 thence N 90°00'00" W 30.00 feet;
 thence N 00°05'49" W 68.88 feet;
 thence N 85°27'00" W 60.55 feet;
 thence S 54°33'00" W 31.11 feet;
 thence N 86°35'38" W 202.98 feet;
 thence N 72°46'53" W 19.32 feet;
 thence N 89°13'38" W 136.78 feet;
 thence S 88°04'34" W 145.51 feet;
 thence S 00°00'00" W 202.88 feet;
 thence S 90°00'00" W 438.53 feet;
 thence S 00°00'00" W 76.00 feet;
 thence S 90°00'00" W 202.01 feet to the POINT OF BEGINNING. Being a part of the NE 1/4 of the SE 1/4 of said Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan. Being subject to easements and restrictions of record, if any.

CLIENT: BRE NIXON ROAD ASSOC.	DATE: 12/20/16	
JOB NO.: 12088	SHEET 3 OF 3	
SECTION: 10 TWN: 2S. RANGE: 6E.	SCALE: 1in. =  ft.	
CITY OF ANN ARBOR	BOOK: #	
WASHTENAW COUNTY, MICHIGAN	BY: KMW	
MIDWESTERN CONSULTING  Civil, Environmental and Transportation Engineers Planners, Surveyors Landscape Architects 3815 Plaza Drive Ann Arbor, Michigan 48108 Phone: 734.993.0200 Fax 734.993.0599		