

LIBER 2558 PAGE 830

(4)

GRANT OF ACCESS EASEMENT

THIS EASEMENT AGREEMENT has been entered into on the 7<sup>th</sup> day of November, 1990, by and between DAVID R.M. FRIEDRICHS and KATHLEEN M. FRIEDRICHS, his wife, hereinafter referred to as "Friedrichs," whose address is 4975 Miller Road, Ann Arbor, Michigan, and STEVEN D. PEPE and FENLOPE A. HOMMEL, his wife, hereinafter referred to as "Pepe," whose address is 2019 Pontiac Trail, Ann Arbor, Michigan.

WITNESSETH:

WHEREAS, Friedrichs is the land contract purchaser of real property located in the City of Ann Arbor, Washtenaw County, Michigan, legally described as follows:

Commencing at the south 1/4 corner of Section 16, Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw County, Michigan; thence north 0°00'33" west 336.98 feet (recorded as north 0°00'30" west 337.50 feet) along the north-south 1/4 line of said Section 16 and the east line of Starwick Heights Number 2, as recorded in Liber 11 of Plats, Page 50, Washtenaw County Records, Washtenaw County, Michigan for a Place of Beginning; thence south 87°20'40" west 320.63 feet (recorded as south 87°17'00" west 320.51 feet) along the north line of said Starwick Heights Number 2; thence north 01°53'30" east 414.85 feet (recorded as north 01°53'30" east 414.89 feet); thence south 87°20'40" west 610.81 feet (recorded as south 87°17'00" west 610.00 feet); thence north 01°53'30" east 463.24 feet along the centerline of Pontiac Trail and the east line of Huron River Hills, a subdivision recorded in Liber 6 of Plats, Page 47 of said Washtenaw County Records; thence north 88°37'10" east 901.58 feet (recorded as north 88°37'10" east 900.62); thence south 0°00'33" west 856.18 feet (recorded as south 0°00'30" west 855.24 feet) along said north-south 1/4 line to the Place of Beginning, being a part of the southwest 1/4 of said Section 16, Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw County, Michigan, "Parcel A," and

WHEREAS, Pepe owns a parcel of real estate located in the Township of Ann Arbor, Washtenaw County, Michigan, which is legally described as follows:

Commencing at the South 1/4 corner of Section 16, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 86°-11'-40" W 1035.51 feet along the South line of said Section to a point on the centerline of Pontiac Trail; thence N 15°-27'-30" E 365.87 feet along said centerline; thence N 00°-46'-10" E 246.75 feet continuing along said centerline to the POINT OF BEGINNING; thence continuing N 00°-46'-10" E 160.00 feet along said centerline; thence N 86°-11'-40" E 610.00 feet; thence S 00°-46'-10" W 414.89 feet; thence S 86°-11'-40" W 260.40 feet; thence N 00°-46'-10" E 250.16 feet; thence S 86°-58'-10" W 349.25 feet to the Point of Beginning. Said parcel of land being part of the Southwest 1/4 of Section 16, T2S, R6E, Ann Arbor

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Township, Washtenaw County, Michigan, and containing 3.77 acres of land, more or less. Being subject to the rights of the public over the Easterly 33 feet of Pontiac Trail; also being subject to easements and restrictions of record, if any, "parcel B," and

WHEREAS, Parcel A and Parcel B adjoin one another, and

WHEREAS, Pepe desires to make use of a proposed future access easement, and all replacements thereof, the "Easement," over and across Parcel A, which Easement will run between future Brookside Drive, as shown on attached Exhibit B, and Parcel B, within the forty (40) foot wide strip of land immediately west of and adjacent to future unit 35, in Orchard Place, a proposed site condominium project whose site plan has been approved by the City of Ann Arbor and which is attached hereto as Exhibit B, which Easement ultimately reaches the common border of Parcel A and Parcel B, and as is more accurately depicted on Exhibit A, and

WHEREAS, Friedrichs is willing to grant Pepe a non-exclusive easement over the Easement.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, and intending to be legally bound, the parties agree as follows:

1. Friedrichs hereby grants Pepe, and their heirs, successors and assigns, as well as their guests and invitees, a perpetual non-exclusive easement, the "Easement" over the Easement for the purpose of ingress from and egress to future proposed Brookside Drive, and the maintenance of public utilities, provided that the City of Ann Arbor approves the location of the Easement.
2. The Easement shall be appurtenant to Parcel B and shall run with the land.
3. Once constructed, the Easement shall at all times be kept in a good and viable condition by Pepe, and their heirs, successors and assigns.

IN WITNESS WHEREOF, the undersigned have executed this Easement Agreement as of the day first above written.

WITNESSES:

Karl R. Frankena  
Karl R. Frankena

Susan K. Lathers  
Susan K. Lathers

Anna M. Burns  
Anna M. Burns

Susan Kaye Herman  
Susan Kaye Herman

David R.M. Friedrichs  
David R.M. Friedrichs

Kathleen M. Friedrichs  
Kathleen M. Friedrichs

Steven D. Pepe  
Steven D. Pepe

Penelope A. Hommel  
Penelope A. Hommel

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STATE OF MICHIGAN, COUNTY OF WASHTENAW

Subscribed and sworn to before me, a Notary Public, this 9<sup>th</sup> day of November, 1990 by David R.M. Friedrichs and Kathleen M. Friedrichs, his wife.

Karl R. Frankena  
Karl R. Frankena, Notary Public  
Washtenaw County, Michigan  
My Commission Expires: 3/17/91

STATE OF MICHIGAN, COUNTY OF WASHTENAW

Subscribed and sworn to before me, a Notary Public, this 9<sup>th</sup> day of November, 1990 by Steven D. Pepe and Penelope A. Hommel, his wife.

Susan Kaye Herman  
Susan Kaye Herman, Notary Public  
Washtenaw County, Michigan SUSAN KAYE HERMAN  
My Commission Expires: Notary Public, Washtenaw County, MI  
My Commission Expires April 7, 1992

This document prepared by:  
Karl R. Frankena  
700 City Center Building  
Ann Arbor, Michigan 48104

When recorded return to:  
Steven D. Pepe  
2018 Pontiac Trail  
Ann Arbor, Michigan 48105

S:OT:Grant-OP

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**LEGEND**

- 1. EXISTING BUILDING
- 2. EXISTING DRIVE
- 3. EXISTING SIDEWALK
- 4. EXISTING UTILITY
- 5. EXISTING CURB
- 6. EXISTING LANDSCAPE
- 7. EXISTING TREES
- 8. EXISTING LIGHTS
- 9. EXISTING SIGNAGE
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COUNTY CLERK/REGISTRAR

RECORDED  
NOV 25 11 57 AM '91

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REC'D BY M. HANCOCK