

**PERMANENT NON-EXCLUSIVE EASEMENT FOR PUBLIC SIDEWALK AND/OR  
PATHWAY AND PUBLIC INGRESS AND EGRESS**

This Permanent Non-Exclusive Easement for Public Sidewalk and/or Pathway and Public Ingress and Egress (“Easement”) is made this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between Brian E. Westrate, a single man, whose address is 385 Barker Road, Whitmore Lake, Michigan 48189 (hereinafter referred to as the “OWNER”) and the **TOWNSHIP OF NORTHFIELD**, whose address is 8350 Main Street, Suite A, Whitmore Lake, Michigan 48189, a Michigan municipal corporation (hereinafter referred to as the “TOWNSHIP”) who agree as hereinafter set forth:

**WHEREAS**, the TOWNSHIP proposes to install a non-motorized pathway upon OWNER’S property in accordance with and as part of the Northfield Barker Road Non-Motorized Path, Phase III Project;

**WHEREAS**, in order to construct said improvements it is necessary for the TOWNSHIP and/or its agents, licensees and contractors to enter upon a portion of the lands owned by OWNER to complete the construction;

**WHEREAS**, OWNER is the holder of marketable title to the property legally described as follows:

Beginning at a point on the East and West ¼ line of Section 6, T1S, R6E, Northfield Township, Washtenaw County, Michigan, said point being located 1297.63 feet due West of the East ¼ corner of said Section and running thence South 00 degrees 36’ East 396.02 feet; thence due West 120 feet; thence North 00 degrees 36’ West 396.02 feet to the East and West ¼ line of Section 6; thence due East along the said ¼ line 120 feet to the Point of Beginning. Subject to the rights of the public over the Northerly 33 feet.

**WHEREAS**, OWNER has agreed to allow the TOWNSHIP and/or its agents, licensees and contractors, to enter a portion of OWNER’S property to construct and complete the improvements contemplated herein; and

**WHEREAS**, the Easement is depicted and described in the attached Exhibit A drawing as prepared by Tetra Tech, Barker Road Non-Motorize Path - Phase 3 Project;

**NOW THEREFORE**, for the consideration of Twenty Thousand Dollars (\$20,000.00), it is agreed as follows:

1. OWNER hereby conveys and warrants to the TOWNSHIP a permanent, non-exclusive easement for public use upon and across and under the real estate which is situated in the Township of Northfield, County of Washtenaw, State of Michigan, more particularly described in Tetra Tech, Barker Road Non-Motorize Path - Phase 3 Project, Exhibit A attached hereto, including but not limited to, installation, maintenance, and repair of a public sidewalk and/or pathway, and appurtenances and equipment thereto; and use for non-motorized pedestrian and vehicular traffic.

2. The TOWNSHIP, its agents, employees, successors or assigns shall have the further right to enter upon sufficient land adjacent to the real estate which is the subject of the Easement for the purpose of installing, maintaining, repairing or replacing such of the improvements set forth above as the TOWNSHIP chooses to construct.

3. The improvements located within the Easement, which may include, but not be limited to, a sidewalk and/or pathway, will be owned by the TOWNSHIP.

4. The OWNER represents that it is the holder of marketable title to the real estate which is the subject of the Easement and has the authority to grant the Easement to the TOWNSHIP.

5. The OWNER acknowledges that the TOWNSHIP, by accepting the easements set forth herein, has no obligation to make any improvements other than those which presently exist in, over or upon the real estate which is the subject of the easements or any other real estate.

6. It is further acknowledged that the OWNER shall not construct any building or structure within the Easement as depicted and described on Exhibit A attached.

7. If the OWNER'S premises shall be disturbed by reason of the TOWNSHIP'S construction, then OWNER'S premises shall be restored to a reasonable likeness of its original condition by the TOWNSHIP. The installation, maintenance, and repair of a public sidewalk and/or pathway, and appurtenances and equipment thereto shall not be considered to be a disturbance for the purposes of this section.

8. The Easement shall run with the land and shall be binding on the OWNER, their tenants, heirs, successors or assigns.

**BRIAN E. WESTRATE,  
A SINGLE MAN**

\_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 )SS  
COUNTY OF \_\_\_\_\_ )

On this \_\_ day of \_\_\_\_\_, 2017, before me, a Notary Public, in and for said County and State, personally appeared Brian E. Westrate, a single man, and acknowledged said instrument to be their free act and deed.

\_\_\_\_\_, Notary Public  
\_\_\_\_\_, County, \_\_\_\_\_  
Acting in \_\_\_\_\_ County  
My Commission expires:

**ACCEPTANCE OF EASEMENT BY TOWNSHIP**

The Board of Trustees for the Township of Northfield has, by its action at the Board of Trustees meeting of \_\_\_\_\_, 2017, accepted the above grant of easement.

**NORTHFIELD TOWNSHIP**

\_\_\_\_\_  
BY: Kathy Manley  
ITS: Clerk

STATE OF \_\_\_\_\_ )  
 )SS  
COUNTY OF \_\_\_\_\_ )

On this \_\_ day of \_\_\_\_\_, 2017, before me, a Notary Public, in and for said County and State, personally appeared Kathy Manley, Clerk of Northfield Township, and acknowledged said instrument to be their free act and deed.

\_\_\_\_\_, Notary Public  
\_\_\_\_\_, County, \_\_\_\_\_  
Acting in \_\_\_\_\_ County  
My Commission expires:

Tax Identification No. B-02-06-400-020

Recording fee: \_\_\_\_\_

PREPARED BY AND WHEN  
RECORDED RETURN TO:

BRADFORD L. MAYNES (P68319)  
Attorney at Law  
LAW OFFICE OF PAUL E. BURNS  
133 West Grand River Avenue  
Brighton, Michigan 48116  
(810) 227-5000

## **RESOLUTION No. 17-561**

**WHEREAS**, the Township of Northfield (the “Township”) is a Michigan General Law Township, a public body organized to provide essential government services; and

**WHEREAS**, the Township proposes to install a non-motorized pathway upon Brian Westrate’s property in accordance with and as part of the Northfield Barker Road Non-Motorized Path, Phase III Project;

**WHEREAS**, in order to construct said improvements it is necessary for the Township and/or its agents, licensees and contractors to enter upon a portion of the lands owned by Westrate to complete the construction;

**WHEREAS**, Westrate is the holder of marketable title to the property legally described as follows:

Beginning at a point on the East and West ¼ line of Section 6, T1S, R6E, Northfield Township, Washtenaw County, Michigan, said point being located 1297.63 feet due West of the East ¼ corner of said Section and running thence South 00 degrees 36’ East 396.02 feet; thence due West 120 feet; thence North 00 degrees 36’ West 396.02 feet to the East and West ¼ line of Section 6; thence due East along the said ¼ line 120 feet to the Point of Beginning. Subject to the rights of the public over the Northerly 33 feet.

**WHEREAS**, Westrate has agreed to allow the Township and/or its agents, licensees and contractors, to enter a portion of Westrate’s property to construct and complete the improvements contemplated herein; and

**WHEREAS**, the Township has negotiated the fair market value for obtaining the easement attached hereto as Exhibit A (the “Easement”) for proposed construction of the Northfield Barker Road Non-Motorized Path, Phase III Project from Brian Westrate, and the Township and the party have both agreed that the fair market value is the following:

Brian Westrate	\$20,000.00
----------------	-------------

**AND WHEREAS**, members of the community have offered to contribute funds toward the easement at 385 Barker Rd. in order to allow the Non-Motorized Path to be fully constructed;

**BE IT THEREFORE RESOLVED**, as follows:

1. The Board of Trustees hereby authorizes acceptance of the Easement, contingent upon receipt of a donation in the amount of \$3,500.00 from members of the community.
2. The Board of Trustees authorizes the Treasurer of the Township, contingent upon receipt of a donation in the amount of \$3,500.00 from members of the community, to pay Brian Westrate in the amount of \$20,000.00, with \$16,500.00 coming from the General Fund,

and \$3,500.00 coming from community donation, in exchange for delivery of the Permanent Non-Exclusive Easement for Public Sidewalk and/or Pathway and Public Ingress and Egress for the proposed construction of the Northfield Barker Road Non-Motorized Path, Phase III Project.

This Resolution was adopted by the Board of Trustees action on May 17, 2017.

\_\_\_\_\_  
Marlene Chockley  
Northfield Township Supervisor

ATTEST:

\_\_\_\_\_  
Kathleen Manley  
Northfield Township Clerk

I, Kathleen Manley, Township Clerk for the Township of Northfield, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Northfield Township Board of Trustees at a regular meeting on May 17, 2017.

\_\_\_\_\_  
Kathleen Manley  
Northfield Township Clerk

## **RESOLUTION No. 17-562**

**WHEREAS**, the Township of Northfield (the “Township”) is a Michigan General Law Township, a public body organized to provide essential government services; and

**WHEREAS**, the Township proposes to install a non-motorized pathway upon Joseph Stoyanovich’s property in accordance with and as part of the Northfield Barker Road Non-Motorized Path, Phase III Project;

**WHEREAS**, in order to construct said improvements it is necessary for the Township and/or its agents, licensees and contractors to enter upon a portion of the lands owned by Stoyanovich to complete the construction;

**WHEREAS**, Stoyanovich is the holder of marketable title to the property legally described as follows:

Part of the Southeast ¼ of Section 6, T1S, R6E, Northfield Township, Washtenaw County, Michigan, described as: Beginning at a point on the East and West ¼ line of Section 6, distant due West 2047.63 feet from the East ¼ corner of said Section 6 and proceeding thence South 00 degrees 36’ 00” East 396.02 feet; thence due West 99.74 feet; thence North 00 degrees 36’ 00” West 396.02 feet; thence along the East and West ¼ line of Section 6, due East 99.74 feet to the Point of Beginning.

**WHEREAS**, Stoyanovich has agreed to allow the Township and/or its agents, licensees and contractors, to enter a portion of Stoyanovich’s property to construct and complete the improvements contemplated herein; and

**WHEREAS**, the Township has negotiated the fair market value for obtaining the easement attached hereto as Exhibit A (the “Easement”) for proposed construction of the Northfield Barker Road Non-Motorized Path, Phase III Project from Joseph Stoyanovich, and the Township and the party have both agreed that the fair market value is the following:

Joseph Stoyanovich	\$20,000.00
--------------------	-------------

**AND WHEREAS**, members of the community have offered to contribute funds toward the easement at 415 Barker Rd. in order to allow the Non-Motorized Path to be fully constructed;

**BE IT THEREFORE RESOLVED**, as follows:

1. The Board of Trustees hereby authorizes acceptance of the Easement, contingent upon receipt of a donation in the amount of \$3,000.00 from members of the community.
2. The Board of Trustees authorizes the Treasurer of the Township, contingent upon receipt of a donation in the amount of \$3,000.00 from members of the community, to pay Brian Westrate in the amount of \$20,000.00, with \$17,000.00 coming from the General Fund,

and \$3,000.00 coming from community donation, in exchange for delivery of the Permanent Non-Exclusive Easement for Public Sidewalk and/or Pathway and Public Ingress and Egress for the proposed construction of the Northfield Barker Road Non-Motorized Path, Phase III Project.

This Resolution was adopted by the Board of Trustees action on May 17, 2017.

\_\_\_\_\_  
Marlene Chockley  
Northfield Township Supervisor

ATTEST:

\_\_\_\_\_  
Kathleen Manley  
Northfield Township Clerk

I, Kathleen Manley, Township Clerk for the Township of Northfield, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Northfield Township Board of Trustees at a regular meeting on May 17, 2017.

\_\_\_\_\_  
Kathleen Manley  
Northfield Township Clerk

**PERMANENT NON-EXCLUSIVE EASEMENT FOR PUBLIC SIDEWALK AND/OR  
PATHWAY AND PUBLIC INGRESS AND EGRESS**

This Permanent Non-Exclusive Easement for Public Sidewalk and/or Pathway and Public Ingress and Egress (“Easement”) is made this 15<sup>th</sup> day of May, 2017, by and between Joseph P. Stoyanovich, a single man, whose address is 415 Barker Road, Whitmore Lake, Michigan 48189 (hereinafter referred to as the “OWNER”) and the **TOWNSHIP OF NORTHFIELD**, whose address is 8350 Main Street, Suite A, Whitmore Lake, Michigan 48189, a Michigan municipal corporation (hereinafter referred to as the “TOWNSHIP”) who agree as hereinafter set forth:

**WHEREAS**, the TOWNSHIP proposes to install a non-motorized pathway upon OWNER’S property in accordance with and as part of the Northfield Barker Road Non-Motorized Path, Phase III Project;

**WHEREAS**, in order to construct said improvements it is necessary for the TOWNSHIP and/or its agents, licensees and contractors to enter upon a portion of the lands owned by OWNER to complete the construction;

**WHEREAS**, OWNER is the holder of marketable title to the property legally described as follows:

Part of the Southeast ¼ of Section 6, T1S, R6E, Northfield Township, Washtenaw County, Michigan, described as: Beginning at a point on the East and West ¼ line of Section 6, distant due West 2047.63 feet from the East ¼ corner of said Section 6 and proceeding thence South 00 degrees 36’ 00” East 396.02 feet; thence due West 99.74 feet; thence North 00 degrees 36’ 00” West 396.02 feet; thence along the East and West ¼ line of Section 6, due East 99.74 feet to the Point of Beginning.

**WHEREAS**, OWNER has agreed to allow the TOWNSHIP and/or its agents, licensees and contractors, to enter a portion of OWNER’S property to construct and complete the improvements contemplated herein; and

**WHEREAS**, the Easement is depicted and described in the attached Exhibit A drawing as prepared by Tetra Tech, Barker Road Non-Motorize Path - Phase 3 Project;



**NOW THEREFORE**, for the consideration of Twenty Thousand Dollars (\$20,000.00), it is agreed as follows:

1. OWNER hereby conveys and warrants to the TOWNSHIP a permanent, non-exclusive easement for public use upon and across and under the real estate which is situated in the Township of Northfield, County of Washtenaw, State of Michigan, more particularly described in Tetra Tech, Barker Road Non-Motorize Path - Phase 3 Project, Exhibit A attached hereto, including but not limited to, installation, maintenance, and repair of a public sidewalk and/or pathway, and appurtenances and equipment thereto; and use for non-motorized pedestrian and vehicular traffic.

2. The TOWNSHIP, its agents, employees, successors or assigns shall have the further right to enter upon sufficient land adjacent to the real estate which is the subject of the Easement for the purpose of installing, maintaining, repairing or replacing such of the improvements set forth above as the TOWNSHIP chooses to construct.

3. The improvements located within the Easement, which may include, but not be limited to, a sidewalk and/or pathway, will be owned by the TOWNSHIP.

4. The OWNER represents that it is the holder of marketable title to the real estate which is the subject of the Easement and has the authority to grant the Easement to the TOWNSHIP.

5. The OWNER acknowledges that the TOWNSHIP, by accepting the easements set forth herein, has no obligation to make any improvements other than those which presently exist in, over or upon the real estate which is the subject of the easements or any other real estate.

6. It is further acknowledged that the OWNER shall not construct any building or structure within the Easement as depicted and described on Exhibit A attached.

7. If the OWNER'S premises shall be disturbed by reason of the TOWNSHIP'S construction, then OWNER'S premises shall be restored to a reasonable likeness of its original condition by the TOWNSHIP. The installation, maintenance, and repair of a public sidewalk and/or pathway, and appurtenances and equipment thereto shall not be considered to be a disturbance for the purposes of this section.

8. The Easement shall run with the land and shall be binding on the OWNER, their tenants, heirs, successors or assigns.

JOSEPH P. STOYANOVICH,  
A SINGLE MAN



STATE OF Michigan )  
 )SS  
COUNTY OF Washtenaw )

On this 15<sup>th</sup> day of May, 2017, before me, a Notary Public, in and for said County and State, personally appeared Joseph P. Stoyanovich, a single man, and acknowledged said instrument to be their free act and deed.

Marlene R. Chockley  
\_\_\_\_\_, Notary Public  
Washtenaw County, Michigan  
Acting in Washtenaw County  
My Commission expires: 2-26-2019

**ACCEPTANCE OF EASEMENT BY TOWNSHIP**

The Board of Trustees for the Township of Northfield has, by its action at the Board of Trustees meeting of \_\_\_\_\_, 2017, accepted the above grant of easement.

**NORTHFIELD TOWNSHIP**

\_\_\_\_\_  
BY: Kathy Manley  
ITS: Clerk

STATE OF \_\_\_\_\_ )  
 )SS  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_ day of \_\_\_\_\_, 2017, before me, a Notary Public, in and for said County and State, personally appeared Kathy Manley, Clerk of Northfield Township, and acknowledged said instrument to be their free act and deed.

\_\_\_\_\_, Notary Public  
\_\_\_\_\_ County, \_\_\_\_\_  
Acting in \_\_\_\_\_ County  
My Commission expires:

Tax Identification No. B-02-06-400-019

Recording fee: \_\_\_\_\_

PREPARED BY AND WHEN  
RECORDED RETURN TO:

BRADFORD L. MAYNES (P68319)  
Attorney at Law  
LAW OFFICE OF PAUL E. BURNS  
133 West Grand River Avenue  
Brighton, Michigan 48116  
(810) 227-5000