

RIGHT-OF-WAY AND UTILITY EASEMENT

THIS EASEMENT (the “Easement”) is made as of _____, 2024 by the CITY OF MARQUETTE, a Michigan municipal corporation, whose address is 300 West Baraga Avenue, Marquette, MI 49855 (the “City”) to the MARQUETTE COUNTY ROAD COMMISSION, of 1610 North Second Street, Ishpeming, MI 49849 (the “County”).

RECITALS

A. City is the owner in fee of real property commonly known as a portion of County Road 498/Ontario Avenue, and legally described as:

Part of the SE 1/4 of the SW 1/4 and part of the SW 1/4 of the SE 1/4 of section 9, T48N-R25W, City of Marquette, Marquette County, Michigan being more particularly described as:

Beginning at the South 1/4 corner of Section 9, T48N-R25W also being the Point of Beginning; thence S89°51'57"E, 7.18' recorded as S89°51'50"E, 7.00' along the South line of Section 9 to the East Right-of-Way line of Ontario Avenue and the W'ly parcel line of Document 2011R-06086; thence N01°03'15"E, 207.19' recorded as N01°03'10"E, ±205.9' along the East Right-of-Way line of Ontario Avenue extended Northerly and said W'ly parcel line to a point on a curve along the South Right-of-Way line of Wright Street as recorded in Document 2016R-06096; thence 60.46' along the South Right-of-Way line of Wright Street on a curve to the left having a radius of 1518.07', a delta angle of 02°16'55", and a long chord of N81°52'42"W, 60.46' to the West Right-of-Way line of Ontario Avenue extended northerly; thence S01°03'15"W, 215.59' along the West Right-of-Way line of Ontario Avenue extended to the South line of Section 9; thence S89°51'35"E, 52.83' along the South line of Section 9 to the Point of Beginning. Containing 0.29 acre, more or less, and subject to easements and restrictions of record. (“Easement Parcel”).

The above described parcel contains 0.29 acre, more or less, is shown on the Easement Map attached hereto as Exhibit “A”, is hereby made part of this document and is subject to all mineral rights, mineral reservations, mineral exceptions, easements and building and use restrictions of record, and all other conditions, reservations, exceptions and restrictions as may be contained in any conveyance constituting the recorded chain of title to said premises, and further subject to all applicable zoning laws, ordinances and visible easements, if any.

B. City desires to grant a public right-of-way and utility easement on the Easement Parcel to the County.

DEDICATION OF EASEMENT

NOW, THEREFORE, the City grants an Easement to the County as follows:

1. Non-Exclusive Easement. City hereby grants to the County, for no consideration, a perpetual, non-exclusive easement for purposes of a public right-of-way and for constructing and maintaining utilities in, under, over and across the Easement Parcel. The Easement created herein is not exclusive, and City reserves the right to use the Easement Parcel for its own purposes, provided that such use shall not unreasonably interfere with the purposes of the easement created herein.

2. Interference and Obstruction. City shall have the right to grant additional easements to third parties in the Easement Parcel for purposes of installation, maintenance, and operation of utility facilities and utility infrastructure on, over, across, and through all or any portion of the Easement Parcel, provided that the same does not materially interfere with the rights created under this Agreement.

3. Miscellaneous Provisions:

A. Run with The Land. This Easement, and the rights and responsibilities set forth herein, are intended to and shall run with the land and shall be binding upon City, and its grantees, successors, and assigns.

B. Severability. The invalidity or enforceability of any part or provision hereof shall not affect the validity or enforceability of any other part or provision.

C. Governing Law. This Easement shall be governed by the laws of the State of Michigan.

D. Term. The term of this Easement shall continue in perpetuity; however this Easement may be amended or terminated upon the mutual written consent of the parties.

4. This Easement is exempt from transfer taxes pursuant to MCL 207.505(a) and 207.526(a).

The undersigned have executed this Right-of-Way and Utility Easement as of the day and year first above written.

CITY OF MARQUETTE

By: _____
Sally Davis, Mayor

By: _____
Kyle Whitney, City Clerk

STATE OF MICHIGAN)
)
COUNTY OF MARQUETTE)

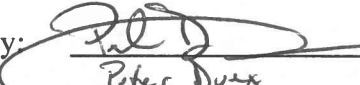
Acknowledged before me in Marquette County, Michigan, on this ___ day of _____, 2024, by Sally Davis, Mayor and Kyle Whitney, Clerk of the City of Marquette.

_____, Notary Public
State of Michigan, County of Marquette
My commission expires: _____
Acting in the County of Marquette

Approved as to Substance:


Karen Kovacs, City Manager

MARQUETTE COUNTY ROAD COMMISSION

By: 
Peter Dvex
Its: Managing Director

STATE OF MICHIGAN)
)
COUNTY OF MARQUETTE)

Acknowledged before me in Marquette County, Michigan, on this 25 day of March, 2024, by Peter Dvex, Managing Director of the Marquette County Road Commission.


Kara Clisch, Notary Public
State of Michigan, County of Marquette
My commission expires: 06/10/2027
Acting in the County of Marquette

Drafted by:
Suzanne C. Larsen (P57107)
City Attorney, City of Marquette
300 W. Baraga Ave.
Marquette, Michigan 49855

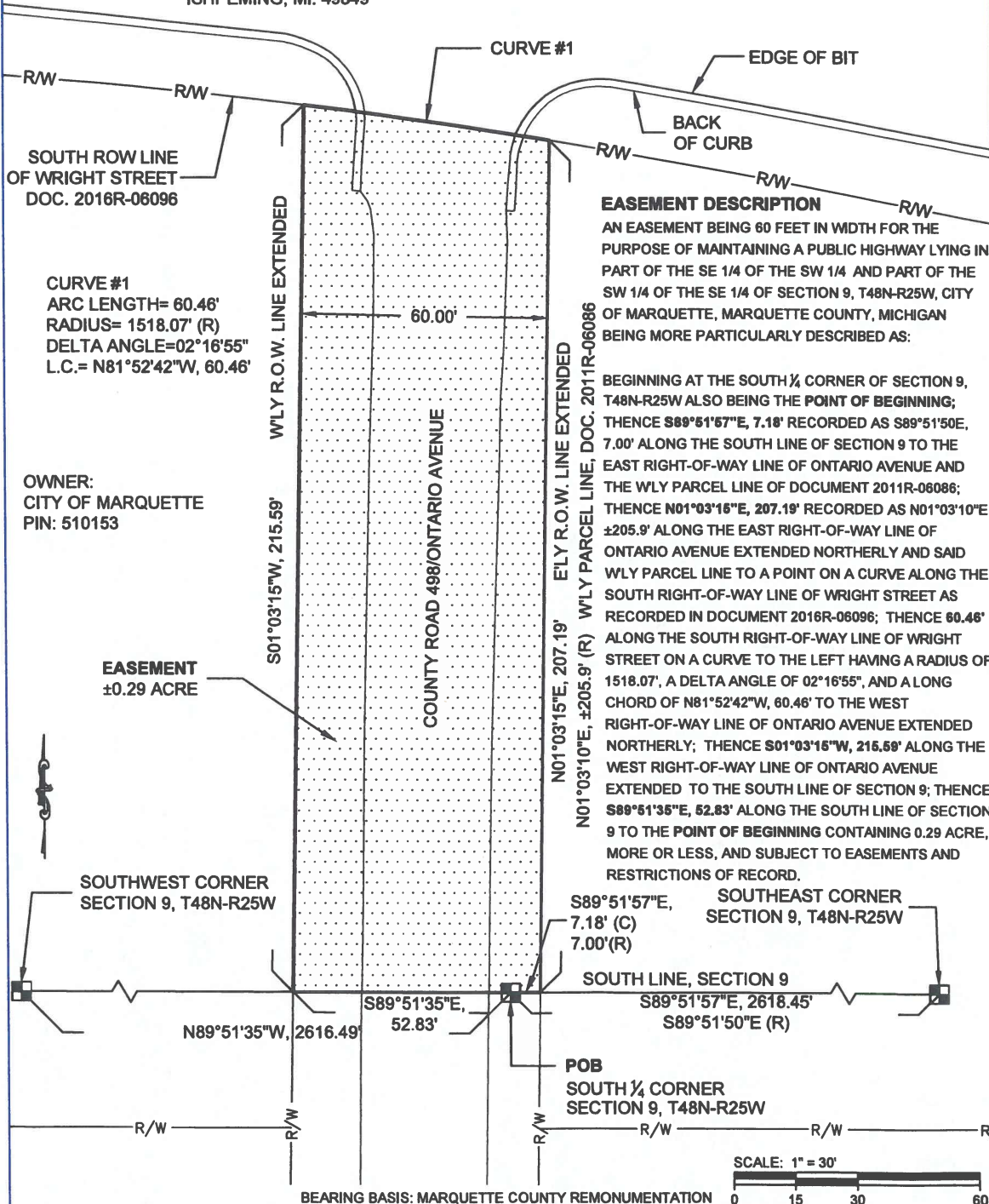


EXHIBIT "A"

EASEMENT MAP

PART OF THE SE 1/4 OF THE SW 1/4, AND PART OF THE SW 1/4 OF THE SE 1/4 SECTION 9,
T48N-R25W, CITY OF MARQUETTE, MARQUETTE COUNTY, MICHIGAN

PREPARED FOR: PETER DUEX, MANAGING DIRECTOR
MARQUETTE COUNTY ROAD COMMISSION
1610 NORTH SECOND STREET
ISHPEMING, MI. 49849



MARQUETTE COUNTY ROAD COMMISSION

"LARGEST IN MICHIGAN"
1610 NORTH 2ND STREET
ISHPEMING, MI 49849
PHONE: (906) 486-4491
FAX: (906) 486-4493



THIS SKETCH DOES NOT REPRESENT, AND IS NOT INTENDED TO REPRESENT, A LAND SURVEY UNDER THE PROVISIONS OF ACT 132, MICHIGAN P.A. 1970, AS AMENDED

- - FOUND IRON AS NOTED
- - SET 5/8" X 18" REBAR W/PS CAP
- - FOUND CONCRETE MONUMENT
- - SET CONCRETE MONUMENT
- - SECTION CORNER
- - SIXTEENTH CORNER
- (S) - RECORD DIMENSION
- (M) - MEASURED DIMENSION
- (C) - CALCULATED DIMENSION

DRAWN BY: DJL
SCALE: 1" = 30'
DATE: 02-07-2024
SHEET 1 OF 1
JOB: CO RD 498