SIDEWALK EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Western Michigan University (“Grantors”), whose address is 1903 West Michigan Avenue, Kalamazoo, Michigan 49008 party of the first part, for and in consideration of $1.00 paid to party of the first part by the City of Kalamazoo, (“City”) State of Michigan, party of the second part, located at 241 West South Street, Kalamazoo, Michigan 49007, do hereby grant to the said party of the second part a Permanent easement for the construction, operation, maintenance, repair and/or replacement, and public use of a Sidewalk over, on, through and across land more particularly described as:

Commonly known as: Western Michigan University
(Part of) Tax Parcel No. 06-20-281-001

AS PER THE PROJECT PLANS ON FILE WITH THE CITY OF KALAMAZOO

In connection with the grant of easement, Grantor waives and relinquishes any right, title or interest in the Sidewalk, or the facilities incidental thereto, which may be located in the easement.

All property disturbed or altered, now or in the future, by reason of the construction, operation, maintenance, repair and/or replacement of the Sidewalk shall be restored by the City to its immediately prior condition, except to the extent permanent improvements or alterations necessary to the use and exercise of easement rights granted hereunder are made.

This easement shall be irrevocable and non-exclusive, and Grantor and Grantor’s successors and assigns may use and enjoy the easement area in common with the City. The City shall hold the Grantor harmless from and against any claims, losses, and damages made and/or suffered by reason of, or in relation to, the construction and public use of the pathway on the above described property, unless caused by Grantor’s own acts or omissions.

Grantor expressly reserves to Grantor’s successors and assigns, so long as there is no interference with the construction, operation, maintenance, repair and/or replacement, and public use of the Sidewalk: (a) the right of ingress and egress over, and through and across the easement and the right to grant other non-exclusive easements and rights-of-way, across, over, under and through the easement parcel, with the condition that prior to such a grant written consent shall be obtained from the City.
WHEREFORE, upon approval by the City the undersigned Grantor hereby creates, confirms and conveys the Sidewalk Easement described herein.

IN WITNESS HEREOF, the undersigned have hereunto affixed their signatures on this _____ day of ______________________, 2018, by Western Michigan University.

By: __________________________________

______________________________
Please print name in black ink

Its: __________________________________

______________________________
Please print title in black ink

STATE OF MICHIGAN )
) ss
COUNTY OF KALAMAZOO )

On this ______ day of ______________________, 2018, ____________________________ executed the foregoing document before me and, being duly sworn, states that He/she is the ____________________________ of Western Michigan University and the he/she executed the foregoing document on behalf of Western Michigan University with its full authority and as its free act and deed.

______________________________
Notary Public, Kalamazoo County, Michigan

My Commission Expires ____________
Acting in Kalamazoo County.

Drafted by: City of Kalamazoo
Assistance by Hubbell, Roth & Clark. Inc.
555 Hulet Dr. P.O. Box 824
Bloomfield Hills, Michigan 48303-0824

Project: Howard Street Pedestrian Upgrades
(Part of) Tax Parcel No.: 06-20-281-001

Return to: City Clerk
City of Kalamazoo
241 West South St.
Kalamazoo, Michigan 49007

Project No.: HRC 20170557