

**TEMPORARY EASEMENT – ROSE TOWNSHIP PROPERTY**

1. **Division/Department:** Finance and Administration, Facilities Management
2. **Introduction:** Oakland University (“University”) owns approximately 121 acres of real property in Rose Township, Michigan (the “Property”) that it received as a gift on August 29, 1984.

The Property is undeveloped except for one single-family home located on the Property’s western boundary, which the University has rented to the same tenant for many years.

The Property is subject to a permanent easement over the northeast tip of the Property, which is held by Consumers Energy Company (“Consumers”) pursuant to a Right of Way granted by the Donor in 1951 (“Permanent Easement”). The Permanent Easement grants Consumers the right to construct, repair and maintain up to two (2) gas mains within the Permanent Easement. Attachment A is a diagram depicting the boundaries of the Property (solid lines) and the location of the Permanent Easement (dotted line).

Consumers constructed a gas main in the Permanent Easement before the University received the Property as a gift and intends to construct a second gas main in 2010 alongside and approximately thirty (30) feet south of the first gas main. In connection with construction of the second gas main, Consumers has asked the University to enter into an Agreement Regarding Easement.

The Agreement Regarding Easement has been reviewed and approved by the Office of Legal Affairs and complies in all respects with the Board of Trustees Policy and Procedures for Disposal, Acquisition, Lease, and Other Transfer of Real Property Interests, with the law and other University policies and regulations, and conforms to the legal standards and requirements of the University’s General Counsel. The Agreement Regarding Easement provides in part:

- (i) A more detailed description of the Permanent Easement;
- (ii) Grants Consumers a fifteen (15) foot wide temporary work space easement (“Temporary Easement”) during construction of the second gas main;
- (iii) Consumers will pay the University \$5,000 covering: (a) use of the Temporary Easement; (b) any damage to trees and landscaping within the Temporary Easement; and (c) the amount specified in the Right of Way that Consumers must pay to construct the second gas main (\$160 per mile);

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- (iv) Requires Consumers to maintain appropriate insurance coverage and defend, indemnify and hold the University harmless from any claims arising out of Consumers use of the Permanent and/or Temporary Easements; and
  - (v) Provides that all rights to the Property, including both the Permanent and Temporary Easements, will revert to the University when the need for the easement ceases.
3. **Previous Board Action:** On October 1, 1992, the Board authorized a three (3) year Access Agreement with Chrysler Corporation for the purpose of performing remediation activities at the Rose Township DeMode Road Superfund Site adjacent to the Property, which was subsequently extended for six (6) months. On April 11, 1996, the Board extended the term of that Access Agreement for an additional two (2) years, which ended in May, 1998.
4. **Budget Implications:** Consumers will pay the University \$5,000.
5. **Educational Implications:** None.
6. **Personnel Implications:** None.
7. **University Reviews/Approvals:** This recommendation was formulated by the Associate Vice President for Facilities Management, reviewed by the Vice President for Finance and Administration, and President, and the Agreement Regarding Easement was reviewed and approved by the Vice President for Legal Affairs and General Counsel.
8. **Recommendation:**

RESOLVED, that the Vice President for Finance and Administration be authorized to execute the Agreement Regarding Easement on the University's behalf.

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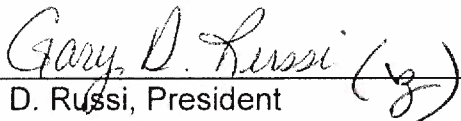
9. Attachments:

A. Diagram of Property and Permanent Easement

Submitted to the President  
on 4/2, 2010 by

  
\_\_\_\_\_  
John W. Beaghan  
Vice President for Finance and Administration  
and Treasurer to the Board of Trustees

Recommended on 4/2, 2010  
to the Board for approval by

  
\_\_\_\_\_  
Gary D. Russi, President



SALMER

FISHLAKE



ATTACHMENT A