



# CITY of NOVI CITY COUNCIL

**Agenda Item I**  
**August 10, 2015**

**SUBJECT:** Approval of a resolution authorizing termination of a portion of an existing sanitary sewer easement (recorded at Liber 42324, Page 233 Oakland County Records) at the request Sun Valley, LTD., as part of the Buffalo Wild Wings Sanitary Sewer Relocation project located at 44375 Twelve Mile Road (parcel 22-15-200-110).

**SUBMITTING DEPARTMENT:** Department of Public Services, Engineering Division *BTC RA*

**CITY MANAGER APPROVAL:** *[Signature]*

**BACKGROUND INFORMATION:**

Sun Valley, LTD., the owner of Twelve Mile Crossing at Fountain Walk, has requested the termination of a portion of the existing sanitary sewer easement as part of the expansion plan for Buffalo Wild Wings located at 44375 Twelve Mile Road (parcel 22-15-200-110). The sanitary sewer previously located in this area has been relocated and placed in a new easement. As such, the applicant has requested that the City terminate and vacate a portion of the existing sanitary easement. The existing easement was recorded at Liber 42324, Page 233 with the Oakland County Register of Deeds. The easement for the relocated sanitary sewer has been approved by staff and the City Attorney administratively and will be recorded at the Oakland County Register of Deeds.

The enclosed resolution for authorizing the termination of a portion of the existing sanitary sewer easement in which the utility was abandoned has been prepared for consideration. The proposed easement has been favorably reviewed by the City Attorney (Beth Saarela's letter, attached) and is recommended for approval.

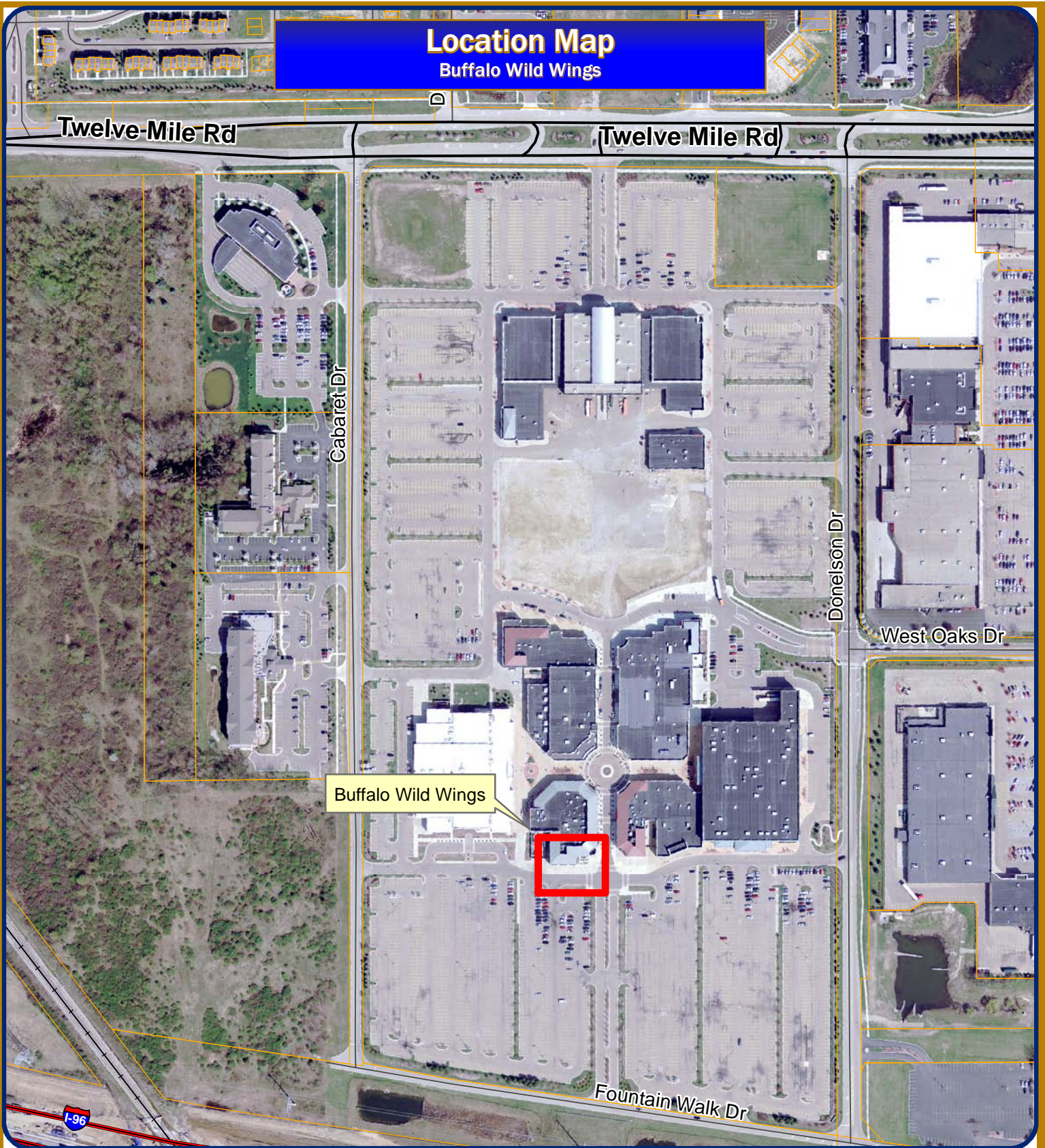
**RECOMMENDED ACTION:** Approval of a resolution authorizing termination of a portion of an existing sanitary sewer easement (recorded at Liber 42324, Page 233 Oakland County Records) at the request Sun Valley, LTD., as part of the Buffalo Wild Wings Sanitary Sewer Relocation project located at 44375 Twelve Mile Road (parcel 22-15-200-110).

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Markham				

	1	2	Y	N
Council Member Mutch				
Council Member Poupard				
Council Member Wrobel				

# Location Map

Buffalo Wild Wings



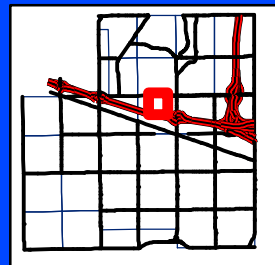
Buffalo Wild Wings

Map Author: A. Wayne  
Date: July 31, 2015  
Project:  
Version #:

Amended By:  
Date:  
Department:

#### MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.



## City of Novi

Engineering Division  
Department of Public Services  
26300 Lee BeGole Drive  
Novi, MI 48375  
cityofnovi.org

Feet  
0 70 140 280 420

1 inch = 336 feet





JOHNSON ROSATI SCHULTZ JOPPICH PC

27555 Executive Drive Suite 250 ~ Farmington Hills, Michigan 48331  
Phone: 248.489.4100 | Fax: 248.489.1726

Elizabeth Kudla Saarela  
esaarela@jrsjlaw.com

www.johnsonrosati.com

July 24, 2015

Rob Hayes, Public Services Director  
CITY OF NOVI  
45175 Ten Mile Road  
Novi, Michigan 48375

**Re: Buffalo Wild Wings JSP14-0006**  
***Review for Acceptance – Utilities***

Dear Mr. Hayes:

We have received and reviewed the following documents for the Buffalo Wild Wings:

- Sanitary Sewer System Easement
- Bill of Sale for Sanitary Sewer
- Commitment for Title Insurance
- Exhibits for Termination of Existing Sanitary Sewer Easement
- Maintenance and Guarantee Bond

**Sanitary Sewer System Easement**

In order to accommodate expansion of the existing building structure to include an outdoor patio, the property owner has requested to relocate portions of the existing public sanitary sewer system and terminate the corresponding portion of the Sanitary Sewer System Easement. We have prepared and enclosed the Resolution of the City Council Authorizing Termination of Sanitary Sewer Easement.

In connection with the termination of the portion of the sewer being relocated, the applicant has provided the Sanitary Sewer System Easement for the relocated facilities. The Sanitary Sewer System Easement is consistent with the City's standard easement format. The title commitment confirms that ownership is accurate as shown in the easement. Finally the City's Consulting Engineer has reviewed and approved the attached exhibits. Once a new Sanitary Sewer System Easement has been accepted by the City pursuant to affidavit, the enclosed Resolution may be placed on a City Council Agenda for approval.

Rob Hayes, Public Services Director  
July 24, 2015  
Page 2

The Bill of Sale provided for the purpose of conveying the relocated portion of the sanitary sewer to the City is satisfactory for the purpose provided.

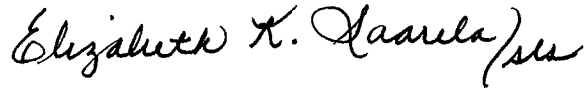
The Maintenance and Guarantee Bond for the relocated sanitary sewer system facilities, appears to be in the City's standard Bond Form and is acceptable subject to the confirmation of the amount by the City's Consulting Engineer.

Once approved by City Council, the Resolution Terminating the existing Sanitary Sewer Easement should be recorded along with the replacement Sanitary Sewer System Easement.

Please feel free to contact me with any questions or concerns in regard to this matter.

Very truly yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.



Elizabeth Kudla Saarela

EKS

Enclosures

C: Maryanne Cornelius, Clerk (w/Enclosures)  
Charles Boulard, Community Development Director (w/Enclosures)  
Barb McBeth, Deputy Community Development Director (w/Enclosures)  
Sheila Weber, Treasurer's Office (w/Enclosures)  
Kristin Pace, Treasurer's Office (w/Enclosures)  
Aaron Staup, Construction Engineering Coordinator (w/Enclosures)  
Adam Wayne, Construction Engineer (w/Enclosures)  
Sarah Marchioni, Building Permit Coordinator (w/Enclosures)  
Brittany Allen and Ted Meadows, Spalding DeDecker(w/Enclosures)  
Sue Troutman, City Clerk's Office (w/Enclosures)  
Stanley Spigel, Spigel Properties, [Stanley@spigelproperties.com](mailto:Stanley@spigelproperties.com) (w/Enclosures)  
Jason W. Chozick, Esquire (w/Enclosures)  
Thomas R. Schultz, Esquire (w/Enclosures)

**RESOLUTION OF THE CITY COUNCIL AUTHORIZING  
TERMINATION OF SANITARY SEWER EASEMENT**

***RECITATIONS UNDERLYING THIS RESOLUTION:***

The easement for operating, constructing, maintaining and repairing a sanitary sewer granted to the City of Novi (the "City") whose address is 45175 Ten Mile Road, Novi, Michigan 48375, which easement is located in Section 15 of the City of Novi, as described on the attached and incorporated Exhibit B is the subject matter of this Resolution, and shall be referred to herein as the "Easement".

The owner of the property described in the attached and incorporated Exhibit A, upon which the Easement is located (the "Property"), granted an easement dated May 24, 2010, recorded on August 30, 2010 at Liber 42324, Pages 233 through 237, Oakland County Records, for a public sanitary sewer. Portions of the existing sanitary sewer have been abandoned pursuant to redevelopment of the site. The location of the sanitary sewer has adjusted and reconstructed to accommodate an expansion of the building serving the subject property. The abandoned portion of the sanitary sewer is no longer required to be maintained within a public sanitary sewer easement. As such, the City has offered to terminate and vacate portions of the existing easement. Any costs associated with terminating the easement shall be the Owner's expense.

The appropriate City Officials have investigated the need to maintain the Easement for the benefit of the City's public sanitary sewer system, for the benefit of the Property, and/or for the benefit of surrounding properties. The City Officials have determined it is not necessary to maintain the portions of Sanitary Sewer System Easement in the location shown on Exhibit B as "Area to be Abandoned", and hereby agree to terminate them.

***NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:***

- I. Those portions of the Sanitary Sewer System Easement described in the attached and incorporated Exhibit B, located in Section 15 of the City, described in the Easement which is recorded at Liber 42324, Pages 233 through 237, Oakland County Records, for operating, constructing, maintaining and repairing a sanitary sewer, be terminated as shown.
  
2. This Resolution shall be recorded with the Oakland County Register of Deeds evidencing the termination called for herein.

**AYES:**

**NAYES:**

**ABSTENTIONS:**

Resolution declared adopted.

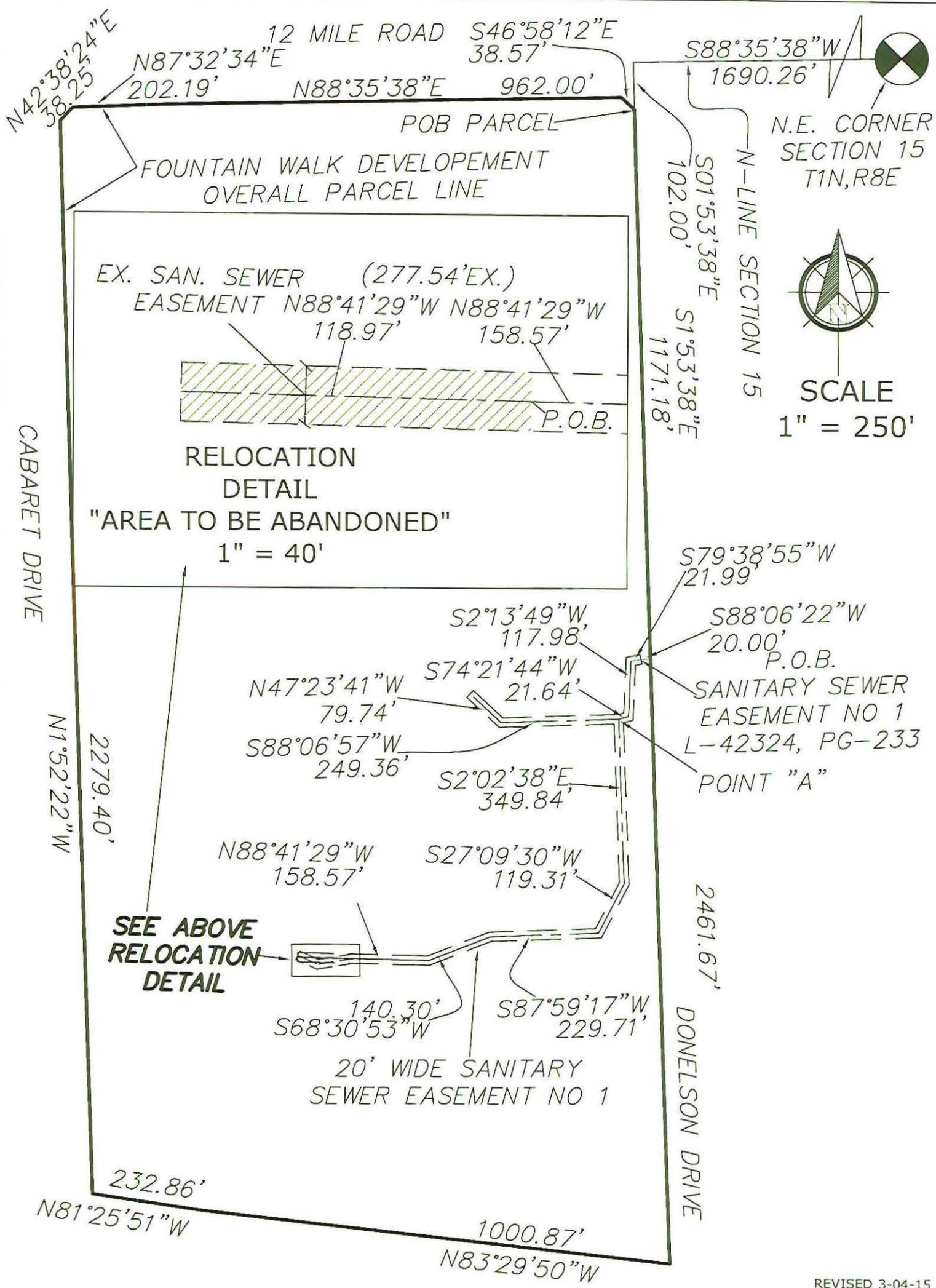
STATE OF MICHIGAN     )  
  ) ss.  
COUNTY OF OAKLAND    )

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the City Council of the City of Novi at the regular meeting held on \_\_\_\_\_, 2015.

\_\_\_\_\_  
MARYANNE CORNELIUS, CITY CLERK

Drafted by:  
Elizabeth Saarela  
Johnson, Rosati, Schultz & Joppich  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331

When recorded return to:  
Maryanne Cornelius, Clerk  
City of Novi  
45175 W. Ten Mile Rd.  
Novi, MI 48375



REVISED 3-04-15  
2-11-15  
9-30-14

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**BEFORE YOU DIG  
CALL MISS DIG  
1-800-482-7171**

**BUFFALO WILD WINGS - EXHIBIT "B"**  
**EASEMENT TO BE ABANDONED**  
CITY OF NOVI

NOTE: AS AN AID TO THE CONTRACTOR VARIOUS UTILITIES AND UNDERGROUND STRUCTURES ARE SHOWN ON THESE PLANS AND PROFILES. ALL INFORMATION CONCERNING ALL UTILITIES SHOWN ON THE PLANS AND PROFILES IS TAKEN FROM FIELD TOPD AND/OR AVAILABLE RECORDS, BUT THE OWNER AND ENGINEER DOES NOT GUARANTEE THEIR LOCATION/ELEVATION, OR THAT ADDITIONAL UNDERGROUND STRUCTURES OR UTILITIES MAY NOT BE ENCOUNTERED. IF THE CONTRACTOR DOES ENCOUNTER A PREVIOUSLY UNIDENTIFIED UTILITY AND/OR STRUCTURE, OR DETERMINES THAT ONE OF THE UTILITIES / STRUCTURES SHOWN ON THESE PLANS IS INCORRECTLY LOCATED, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER AND ENGINEER FOR DIRECTION ON HOW TO PROCEED. THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL DAMAGE TO EXISTING UTILITIES, NOTIY "MISS DIG" AT 1-800-482-7171, 72 HOURS PRIOR TO THE START OF ANY CONSTRUCTION.

Consulting Civil Engineers  
"Engineering A Better Michigan"

**Powell Engineering & Associates, LLC**

4700 Cornerstone Drive  
White Lake, MI 48383  
Office: 248.714.9895  
Email: info@powelleng.net

DRAWN	BBB
DESIGNED	BBB
APPROVED	MCP
P.E. JOB No.	14-412
SCALE	1"=250'
<b>1</b>	

LEGAL DESCRIPTION OF AREA TO BE ABANDONED FROM SANITARY SEWER EASEMENT NO. 1  
LIBER 42324, PG 233 O.C.R.

A PART OF THE NORTHWEST ¼ AND THE NORTHEAST ¼ OF SECTION 15, T1N, R8E, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SECTION 15 AND PROCEEDING S 88°35'38" W, 1690.26 FEET ALONG THE NORTH LINE OF SAID SECTION 15; THENCE S 01°53'38" E, 102.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL; THENCE S 01°53'38" E, 1171.18 FEET ALONG THE WEST LINE OF DONELSON DRIVE (VARIABLE WIDTH ); THENCE S 88°06'22" W, 20.00 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF A 20 FOOT WIDE EASEMENT FOR SANITARY SEWER PURPOSES; THENCE S 79°38'55" W, 21.99 FEET; THENCE S 02°13'49" W, 117.98 FEET; THENCE S 74°21'44" W, 21.64 FEET TO POINT "A"; THENCE S 02°02'38" E 349.84 FEET; THENCE S 27°09'30" W 119.31 FEET; THENCE S 87°59'17" W 229.71 FEET; THENCE S 68°30'53" W 140.30 FEET; THENCE N 88°41'29" W 158.57 FEET TO THE POINT OF BEGINNING OF THE AREA OF SAID EASEMENT TO BE ABANDONED; THENCE CONTINUING N 88°41'29" W 118.97 FEET TO THE POINT OF ENDING OF SAID PORTION TO BE ABANDONED.

REVISED 3-04-15  
2-11-15  
9-30-14

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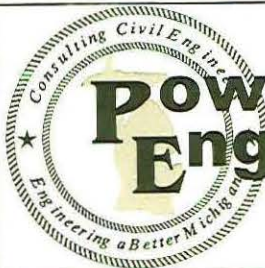


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**BUFFALO WILD WINGS - EXHIBIT "B"  
EASEMENT TO BE ABANDONED**

CITY OF NOVI

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DRAWN	BBB
DESIGNED	BBB
APPROVED	MCP
P.E. JOB No.	14-412
SCALE	1"=250'

**2**



New Easement to  
be Recorded

**SANITARY SEWER SYSTEM EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that **SUN VALLEY, LTD.**, a Texas limited partnership whose address is 70 N.E. Loop 410, Suite 185, San Antonio, Texas 78216, (hereinafter referred to as "Grantor"), being title holder to the following described parcel of land, to-wit:

*[See attached and incorporated Exhibit A]*

Tax Identification Number: 50-22-15-200-112

For and in consideration of One (\$1.00) Dollar, receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey to the City of Novi, a Michigan municipal corporation, whose address is 45175 W. Ten Mile, Novi, Michigan 48375, (hereinafter referred to as "Grantee"), a nonexclusive perpetual easement for sanitary sewer, over, upon, across, in, through, and under the following described real property, to-wit:

*[See attached and incorporated Exhibit B]*

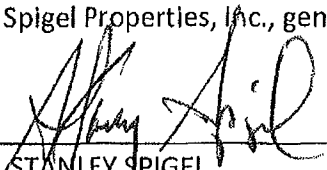
and to enter upon sufficient land adjacent to said sanitary sewer easement for the purpose of exercising the rights and privileges granted herein.

Grantee may install, repair, replace, improve, modify and maintain the sanitary sewer lines, and all necessary appurtenances thereto, within the easement granted herein.

Grantor agrees not to build or to convey to others permission to build any permanent structures on, over, across, in, through, or under the above-described easement, except that, subject to Grantee's approval as part of an approved site plan, the Grantor may construct and/or install surface improvements to the property, including paved driveways, parking and/or walkways; landscaping; utilities and/or similar improvements, which improvements do not interfere with use, operation, maintenance, repair and replacement of the sanitary sewer in the easement areas shown on the attached and incorporated Exhibit "B".

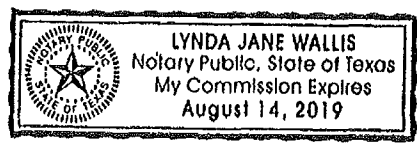
This instrument shall run with the land first described above and shall be binding upon and inure to the benefit of the Grantor, Grantee, and their respective heirs, representatives, successors and assigns.

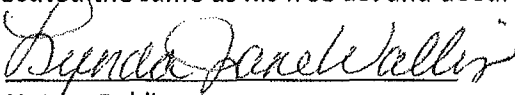
IN WITNESS WHEREOF, the undersigned Grantor has affixed its signature this 8<sup>th</sup>  
day of July, 2015.

GRANTOR:  
SUN VALLEY, LTD.  
By: Spigel Properties, Inc., general partner  
  
By: STANLEY SPIGEL  
Its: President

STATE OF TEXAS            )  
  ) ss.  
COUNTY OF BEXAR        )

On this 8 day of July, 2015, before me, personally appeared the above named STANLEY SPIGEL, President of Spigel Properties, Inc., general partner of Sun Valley, Ltd., a Texas limited partnership, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.



  
Notary Public  
Bexar County, Texas  
My Commission Expires: 08-14-2019

THIS INSTRUMENT DRAFTED BY:  
Jason W. Chozick, Attorney at Law  
70 N.E. Loop 410, Suite 185  
San Antonio, Texas 78216  
[jchozick@chozicklaw.com](mailto:jchozick@chozicklaw.com)

AND WHEN RECORDED RETURN TO:  
Jason W. Chozick, Attorney at Law  
70 N.E. Loop 410, Suite 185  
San Antonio, Texas 78216  
[jchozick@chozicklaw.com](mailto:jchozick@chozicklaw.com)

## EXHIBIT "A"

### Legal Description of Shopping Center

A part of the Northwest  $\frac{1}{4}$  and the Northeast  $\frac{1}{4}$  of Section 15, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as: Commencing at the Northeast corner Section 15 and proceeding South 88 degrees 35 minutes 38 seconds West, 1690.26 feet along the North line of said Section 15 to the point of beginning; thence South 01 degrees 53 minutes 38 seconds East, 2563.67 feet along the West line of Donelson Drive (70.00 feet wide); thence North 83 degrees 29 minutes 50 seconds West, 1000.87 feet to a point on the North-South  $\frac{1}{4}$  line of said Section 15; thence North 81 degrees 25 minutes 51 seconds West, 268.45 feet; thence North 01 degrees 52 minutes 22 seconds West, 2374.60 feet to a point on the North line of said Section 15; then North 87 degrees 32 minutes 34 seconds East, 264.01 feet along said North line to the North  $\frac{1}{4}$  of the said Section 15; thence continuing along said North line 88 degrees 35 minutes 28 seconds East, 989.28 feet to the point of beginning.

Except a part of the Northwest  $\frac{1}{4}$  and the Northeast  $\frac{1}{4}$  of Section 15, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as: Commencing at the Northeast corner of Section 15 and proceeding South 88 degrees 35 minutes 38 seconds West, 2679.54 feet along the North line of said Section 15 to the North  $\frac{1}{4}$  corner of Section 15; thence continuing South 87 degrees 32 minutes 34 seconds West, 229.01 feet along the North line; thence South 01 degrees 52 minutes 22 seconds East, 2306.40 feet; thence North 81 degrees 25 minutes 51 seconds West, 35.59 feet; thence North 01 degrees 52 minutes 22 seconds West, 2299.59 feet; thence North 87 degrees 32 minutes 34 seconds East, 35.00 feet to the point of beginning.

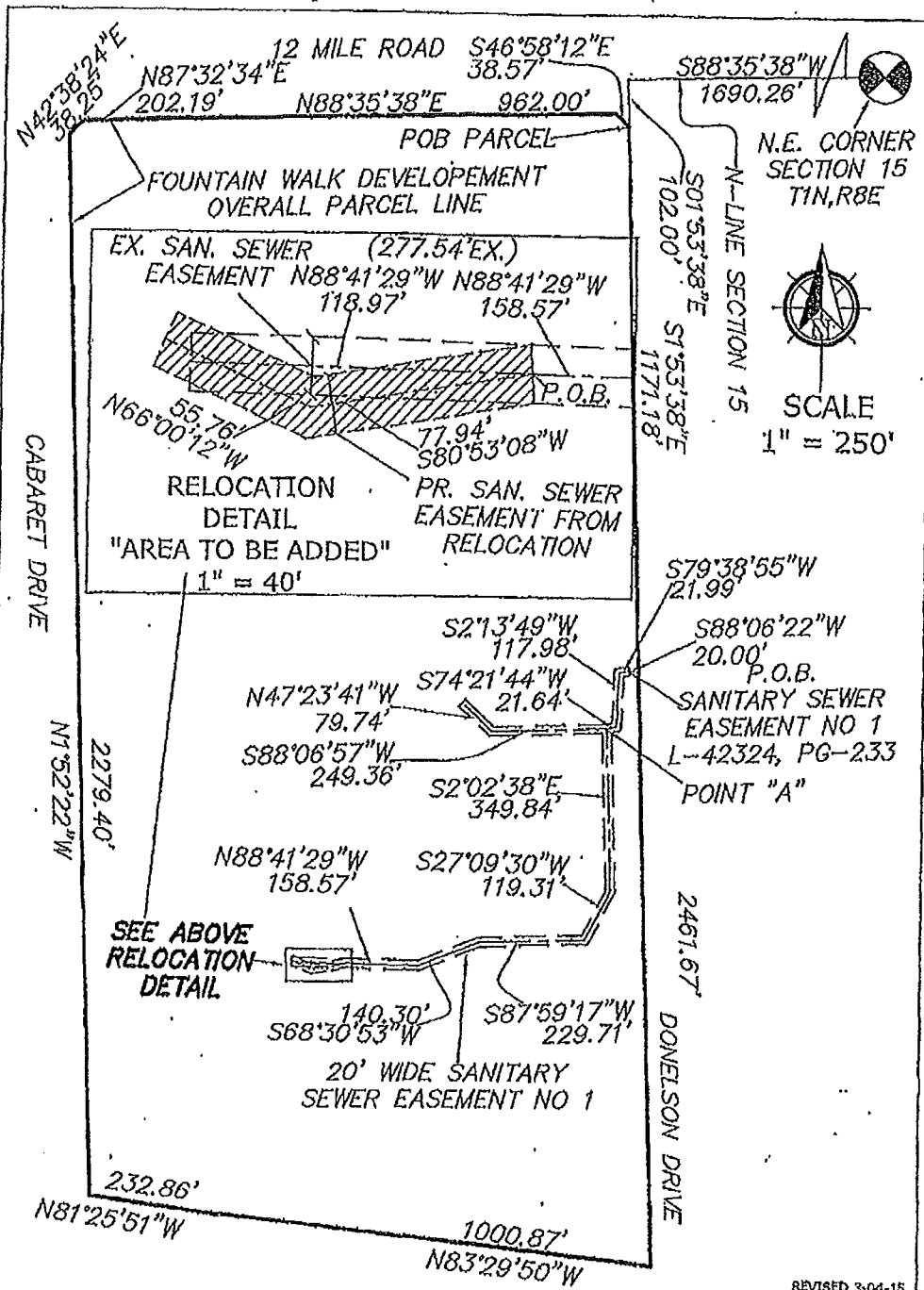
Also except a part of the Northwest  $\frac{1}{4}$  and the Northeast  $\frac{1}{4}$  of Section 15, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as: Beginning at the North  $\frac{1}{4}$  corner of Section 15; thence North 88 degrees 35 minutes 38 seconds East, 989.28 feet along the North line of said Section 15; thence South 01 degrees 53 minutes 38 seconds East, 102.00 feet; thence North 46 degrees 58 minutes 12 seconds West, 38.57 feet, thence South 88 degrees 35 minutes 38 seconds West, 962.00 feet to a point on the North-South  $\frac{1}{4}$  line of said Section 15, thence South 87 degrees 32 minutes 34 seconds West, 202.19 feet; thence South 42 degrees 38 minutes 24 seconds West, 38.25 feet; thence North 01 degrees 52 minutes 22 seconds West, 27.00 feet; thence South 87 degrees 32 minutes 34 seconds West, 35.00 feet, thence North 01 degrees 52 minutes 22 seconds West, 75.00 feet to a point on the North line of said Section 15; thence North 87 degrees 32 minutes 34 seconds East, 264.01 feet along the North line of said Section 15 to the point of beginning.

#### SAVE AND EXCEPT: (GFS Marketplace Realty Five LLC),

Situated in the County of Oakland, City of Novi, State of Michigan, is described as follows:

A part of the Northeast  $\frac{1}{4}$  of Section 15, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as: Commencing at the Northeast corner of said Section 15; thence along the North line of said Section, South 88 degrees 35 minutes 38 seconds West, 1690.26 feet; thence South 01 degrees 53 minutes 38 seconds East, 102.00 feet to a point on the West right of way line of Donelson Drive (70 feet wide) also being the point of beginning; thence continuing along said West line South 01 degrees 53 minutes 38 seconds East, 278.00 feet, thence South 88 degrees 35 minutes 38 seconds West, 309.80 feet; thence North 01 degrees 24 minutes 22 seconds West, 305.00 feet to a point on the South right of way line of 12 Mile Road (75 feet  $\frac{1}{2}$  width); thence along said South right of way North 88 degrees 35 minutes 38 seconds East, 279.89 feet, thence South 46 degrees 58 minutes 12 seconds East, 38.57 feet to the point of beginning.

Part of Tax Item No. 50-22-15-200-112



REVISED 3-04-15  
 REVISED 2-11-15  
 9-30-14

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**BUFFALO WILD WINGS - EXHIBIT "B"**  
**EASMENT TO BE ADDED**  
 CITY OF HOVI



Consulting Civil Engineers  
 "Engineering A Better Michigan"

**Powell Engineering & Associates, LLC**

1700 Commerce Drive  
 Westland, MI 48185  
 Office 734.714.9995  
 Email: info@powelleng.com

DATE	03/04/15
DESIGNED	WSP
APPROVED	WSP
P.E. NO.	14-313
SCALE	1"=250'
	<b>1</b>

EXHIBIT "B"

**LEGAL DESCRIPTION OF AREA TO BE ADDED TO EXISTING SANITARY SEWER EASEMENT NO. 1  
LIBER 42324, PG 233 O.C.R.**

A PART OF THE NORTHWEST ¼ AND THE NORTHEAST ¼ OF SECTION 15, T1N, R8E, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SECTION 15 AND PROCEEDING S 88°35'38" W, 1690.26 FEET ALONG THE NORTH LINE OF SAID SECTION 15; THENCE S 01°53'38" E, 102.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL; THENCE S 01°53'38" E, 1171.18 FEET ALONG THE WEST LINE OF DONELSON DRIVE (VARIABLE WIDTH); THENCE S 88°06'22" W, 20.00 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF A 20 FOOT WIDE EASEMENT FOR SANITARY SEWER PURPOSES; THENCE S 79°38'55" W, 21.99 FEET; THENCE S 02°13'49" W, 117.98 FEET; THENCE S 74°21'44" W, 21.64 FEET TO POINT "A"; THENCE S 02°02'38" E 349.84 FEET; THENCE S 27°09'30" W 119.31 FEET; THENCE S 87°59'17" W 229.71 FEET; THENCE S 68°30'53" W 140.30 FEET; THENCE N 88°41'29" W 158.57 FEET TO THE POINT OF BEGINNING OF THE AREA TO BE ADDED TO SAID EASEMENT; THENCE S 80°53'08" W 77.94 FEET; THENCE N 66°00'12" W 55.76 TO THE POINT OF ENDING OF SAID AREA TO BE ADDED.

REVISED 3-04-15  
REVISED 2-11-15  
9-30-14

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**BUFFALO WILD WINGS - EXHIBIT "B"  
EASEMENT TO BE ADDED**

CITY OF NOVI



Consulting Civil Engineers  
*Engineering A Better Michigan*  
**Powell Engineering**  
& Associates, LLC  
1705 Commercial Drive  
Westland, MI 48093  
Office: 248.714.9395  
Fax: 248.714.9396

DESIGNED	EBB
DRAWN	EBB
APPROVED	MCP
PLOT NO.	14-113
SCALE	AS SHOWN
	<b>2</b>

THIS PLAN IS THE PROPERTY OF POWELL ENGINEERING & ASSOCIATES, LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND LOCATION SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, REPRODUCED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF POWELL ENGINEERING & ASSOCIATES, LLC. ANY UNAUTHORIZED USE OF THIS PLAN IS STRICTLY PROHIBITED. THE USER OF THIS PLAN ASSUMES ALL LIABILITY FOR ANY DAMAGE OR INJURY RESULTING FROM THE USE OF THIS PLAN. THE USER OF THIS PLAN SHALL INDEMNIFY AND HOLD HARMLESS POWELL ENGINEERING & ASSOCIATES, LLC FROM AND AGAINST ALL SUCH DAMAGES AND INJURIES. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF POWELL ENGINEERING & ASSOCIATES, LLC.

EXHIBIT "B"