

SANITARY SEWER EASEMENT

This Sewer Easement ("Easement") is made and given this 19th day of January, 2016, by and between AMERICAN HOUSE ROCHESTER HILLS PROPERTY OWNER LLC, a Delaware limited liability company, of One Towne Square, Suite 1600, Southfield, Michigan 48076 ("15-31-301-036") and AMERICAN HOUSE ROCHESTER MC LLC, a Michigan limited liability company, of One Towne Square, Suite 1600, Southfield, Michigan 48076 ("15-31-301-037" and collectively with 15-31-301-036 the "Grantors"), and THE CITY OF ROCHESTER HILLS, a Michigan Municipal Corporation, and its successors and assigns ("Grantee"), of 1000 Rochester Hills Drive, Rochester Hills, MI 48309.

For and in consideration of One Dollar (\$1.00) the receipt, adequacy and sufficiency of which is specifically acknowledged, Grantors do hereby grant forever a non-exclusive permanent easement to Grantee, and its agents, successors and assigns, for the purpose of construction, operation, maintenance and inspection of sanitary sewer facilities to be located upon the subject property located in the City of Rochester Hills, Oakland County, Michigan, described on the attached Exhibit A.

Sidwell # 15-31-301-036 and 15-31-301-037

The permanent and temporary easement hereinafter described shall include the right of Grantee to enter upon the subject property to move equipment on and off the subject property, to perform excavations upon the subject property, to inspect piping, plumbing or related appurtenances, and to conduct and perform all tests, inspections, maintenance and repairs to insure proper construction, operation and maintenance of said sanitary facility.

Permanent Easement for Operation and Maintenance: An easement for operation, maintenance and repair of the facilities located upon the subject property shall include (A) an area ten (10) feet on either side of the pipe line as shown on Exhibit "B" attached hereto, (B) the right of the Grantee to enter upon, access and use any and all presently existing or future driveways or related vehicular access areas of the Premises, outside of the permanent easement area, for the purposes of providing access and work space for the operation, maintenance and repair and/or replacement of the sanitary sewer grinder pump system.

Upon completion of the construction, maintenance, replacement, repairs, or any other activities by the Grantee within the scope of this Easement, Grantee will reasonably restore the Grantors' property to substantially the same condition as existed prior to such construction, maintenance, replacement, repairs, or other such activity and the City obtain the consent of Key Bank National Association, a national banking corporation, its successors or assignees (the "Servicer") and/or the Federal National Mortgage Association ("Fannie Mae") prior to any relocation of this Easement or the facilities located therein.

Further, any shrubbery or bushes located in the permanent easement area may be trimmed or removed by the Grantee as necessary during construction, operation, maintenance, repair and/or replacement of said sanitary sewer grinder pump system. If said shrubbery or bushes are removed the Grantee shall replace those items removed with nursery stock of like variety.

Grantors shall not construct or cause to be constructed any new buildings or structures in, over, or upon the permanent easement and the facilities located therein.

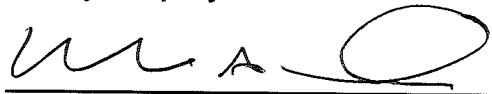
This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors, and assigns.

A map of the above described easements is attached hereto and made a part hereof.

Exempt from Transfer Taxes under MCL 207.505(a) and 207.526 (a).

IN WITNESS HEREOF, the respective parties have hereunto affixed their signatures on the day and year first above written.

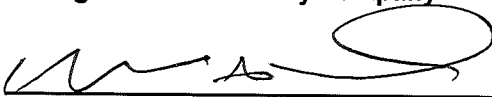
AMERICAN HOUSE ROCHESTER HILLS
PROPERTY OWNER LLC, a Delaware limited
liability company

Signature: 

Print or type name: PAUL A. STODULSKI

Title: AUTHORIZED REPRESENTATIVE

AMERICAN HOUSE ROCHESTER MC LLC, a
Michigan limited liability company

Signature: 

Print or type name: PAUL A. STODULSKI

Title: AUTHORIZED REPRESENTATIVE

CITY OF ROCHESTER HILLS, a Michigan
municipal corporation

Signature: _____

Print or type name: Bryan K. Barnett

Title: Mayor

STATE OF MICHIGAN

COUNTY OF DAKLAND

The foregoing instrument was acknowledged before me this 19th day of JANUARY, 2016, by PAUL A. STODULSKI who is a AUTHORIZED REP. of AMERICAN HOUSE ROCHESTER HILLS PROPERTY OWNER LLC, a Delaware limited liability company, on behalf of the company.

Regina M. Horn
Notary Public - Michigan
Oakland County
My Commission Expires Sept 8, 2017
Acting in the County of DAKLAND

Regina M. Horn
REGINA M. HORN, Notary Public
DAKLAND County, Michigan
My Commission Expires: 9-8-17

STATE OF MICHIGAN

COUNTY OF DAKLAND

The foregoing instrument was acknowledged before me this 19th day of JANUARY, 2016, by PAUL A. STODULSKI who is a AUTHORIZED REP. of AMERICAN HOUSE ROCHESTER MC LLC, a Michigan limited liability company, on behalf of the company.

Regina M. Horn
Notary Public - Michigan
Oakland County
My Commission Expires Sept 8, 2017
Acting in the County of DAKLAND

Regina M. Horn
REGINA M. HORN, Notary Public
DAKLAND County, Michigan
My Commission Expires 9-8-17

STATE OF MICHIGAN

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by Bryan K. Barnett who is the Mayor, of the CITY OF ROCHESTER HILLS, a Michigan municipal corporation, on behalf of the company.

Drafted By:
Adam P. Lundberg
Sullivan, Ward, Fisher & Patton, PC
25800 Northwestern Hwy, #1000
Southfield, MI 48075-8412

, Notary Public
County, Michigan
My Commission Expires

When recorded, return to:

City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

John Staran
Approved 2/16/16

Exhibit A

EXHIBIT A

PROPERTY DESCRIPTION PARCEL ID. 15-31-301-036

(BASED ON WARRANTY DEED, LIBER 40292, PAGE 028, FOR PARCEL IDENTIFICATION NUMBER 15-31-301-036)

COMMENCING OF THE WEST 1/4 CORNER OF SECTION 31, TOWN 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 463.15 FEET ALONG THE WEST LINE OF SAID SECTION 31 AND THE CENTERLINE OF ADAMS ROAD (VARIABLE WIDTH) FOR A PLACE OF BEGINNING; THENCE NORTH 88 DEGREES 44 MINUTES 58 SECONDS EAST 199.83 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 134.44 FEET; THENCE NORTH 88 DEGREES 41 MINUTES 38 SECONDS EAST 493.58 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 18 SECONDS EAST 164.32 FEET; THENCE NORTH 88 DEGREES 44 MINUTES 58 SECONDS EAST 300.39 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 164.26 FEET; THENCE NORTH 88 DEGREES 44 MINUTES 58 SECONDS EAST 331.17 FEET; THENCE SOUTH 00 DEGREES 14 MINUTES 45 SECONDS EAST 235.56 FEET; THENCE NORTH 89 DEGREES 54 MINUTES 34 SECONDS WEST 108.00 FEET; THENCE SOUTH 00 DEGREES 14 MINUTES 45 SECONDS EAST 50.00 FEET; THENCE NORTH 89 DEGREES 54 MINUTES 34 SECONDS WEST 205.00 FEET; THENCE NORTH 00 DEGREES 14 MINUTES 45 SECONDS WEST 50.00 FEET; THENCE NORTH 89 DEGREES 54 MINUTES 34 SECONDS WEST 513.90 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST 239.61 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS WEST 255.00 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST 107.50 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 08 SECONDS WEST 244.50 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 51.17 FEET ALONG THE WEST LINE OF SAID SECTION 31 AND THE CENTERLINE OF SAID ADAMS ROAD TO THE PLACE OF BEGINNING, TOGETHER WITH THE BENEFIT OF i) DECLARATION OF EASEMENTS RECORDED IN LIBER 40199, PAGE 667 AND ii) EASEMENT AGREEMENT RECORDED IN LIBER 40199, PAGE 690, OAKLAND COUNTY RECORDS.

PROPERTY DESCRIPTION PARCEL ID. 15-31-301-037

(BASED ON WARRANTY DEED, LIBER 47826, PAGE 489, FOR PARCEL IDENTIFICATION NUMBER 15-31-301-037)

LAND LOCATED IN THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN

COMMENCING AT THE WEST 1/4 CORNER OF SECTION 31, T3N, R11E, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN; THENCE S00°00'00"E 514.32 FEET ALONG THE WEST LINE OF SAID SECTION 31 AND THE CENTERLINE OF ADAMS ROAD (VARIABLE WIDTH) FOR A PLACE OF BEGINNING; THENCE S89°55'08"E 244.50 FEET; THENCE S00°00'00"E 107.50 FEET; THENCE S89°55'08"E 255.00 FEET; THENCE S00°00'00"E 239.61 FEET; THENCE N89°54'34"W 155.57 FEET; THENCE S00°00'00"E 40.50 FEET; THENCE N89°54'34"W 136.00; THENCE N00°00'00"E 40.50 FEET; THENCE N89°54'34"W 207.93 FEET; THENCE N00°00'00"E 347.03 FEET ALONG THE WEST LINE OF SAID SECTION 31 AND THE CENTERLINE OF SAID ADAMS ROAD TO THE PLACE OF BEGINNING, CONTAINING 3.48 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE WESTERLY 60 FEET THERE OF AS OCCUPIED BY SAID ADAMS ROAD, BEING PART OF THE SOUTHWEST ¼ OF SAID SECTION 31, TOGETHER WITH THE BENEFITS AFFORDED BY i) DECLARATION OF EASEMENTS RECORDED IN LIBER 40199, PAGE 667 AND ii) EASEMENT AGREEMENT RECORDED IN LIBER 40199, PAGE 690, OAKLAND COUNTY RECORDS.

Mike Taunt
Approved 2/12/16

SANITARY SEWER EASEMENT

PART OF THE SOUTHWEST 1/4 SECTION 31, T.-03-N., R.-11-E.,
CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN

REV. 12-17-15



ENGINEERS LAND SURVEYORS
PLANNERS LANDSCAPE ARCHITECTS
28 W. ADAMS, SUITE 1200
DETROIT, MICHIGAN 48226
(313) 962-4442

DATE:	08/06/15	CHECKED BY	DATE	SCALE:	N/A
DRAWN:	JZB	ALG	08/15	SHEET:	1 OF 1
DESIGN:				JOB No:	17568.02
SECTION:	31	T-03-N, R-11-E			

Exhibit B

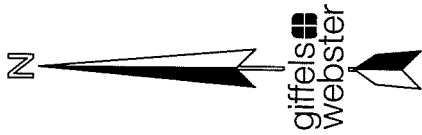
EXHIBIT B

CENTERLINE OF 20' WIDE SANITARY SEWER EASEMENT

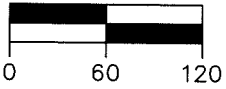
(PART OF PARCEL IDENTIFICATION NUMBERS
15-31-301-036 AND 15-31-301-037)

THE CENTERLINE OF A 20' WIDE SANITARY SEWER EASEMENT, BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 31, T.-3-N., R.-11-E., CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 31; THENCE S00°00'00"E, 463.15 FEET ALONG THE WEST LINE OF SAID SECTION 31 AND THE CENTERLINE OF ADAMS ROAD (VARIABLE WIDTH); THENCE N88°44'58"E, 33.01 FEET; THENCE S00°00'00"E, 10.00 FEET TO THE POINT OF BEGINNING; THENCE N88°44'58"E, 186.09 FEET; THENCE N75°20'19"E, 68.72 FEET; THENCE S89°50'54"E, 209.08 FEET; THENCE S00°25'20"W, 195.24 FEET; THENCE N89°45'24"E, 312.13 FEET; THENCE S00°29'00"W, 131.58 FEET; THENCE N89°11'54"E, 184.61 FEET TO THE POINT OF ENDING.



SCALE: 1" = 120'



LEGEND

- P.O.B. POINT OF BEGINNING
- P.O.E. POINT OF ENDING

POINT OF COMMENCEMENT
WEST 1/4 CORNER OF SECTION 31, T.-3-N., R.-11-E., AVON TOWNSHIP, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MI

WEST LINE OF SECTION 31
EAST LINE OF SECTION 36
PONTIAC TWP.

P.O.B. SANITARY SEWER EASEMENT
S00°00'00"E 10.00'
N88°44'58"E 33.01'
S00°00'00"E 514.32'

ADAMS ROAD (VARIABLE WIDTH)

SANITARY SEWER EASEMENT

PART OF THE SOUTHWEST 1/4 SECTION 31, T.-03-N., R.-11-E., CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN

REV. 12-17-15



ENGINEERS LAND SURVEYORS
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28 W. ADAMS, SUITE 1200
DETROIT, MICHIGAN 48226
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DATE:	08/06/15	CHECKED BY:	ALG	DATE:	08/15
DRAWN:	JZB				
DESIGN:					
SECTION:	31	T-03-N, R-11-E			

SCALE:	1" = 120'
SHEET:	1 OF 1
JOB No:	17568.02