

AMENDMENT TO WATER MAIN EASEMENT

Claridge Properties, a Michigan Limited Partnership, whose address is 6733 Bloomfield Lane, West Bloomfield, Michigan, 48322 (“Grantor”) and the City of Rochester Hills, a Michigan Municipal Corporation, whose address is 1000 Rochester Hills Drive, Rochester Hills, Michigan, 48309 (“Grantee”), hereby amend that certain Water Main Easement granted by Grantor to Grantee dated January 31st, 1995 and recorded in Liber 15556, Pages 200-202, Oakland County Records (“Existing Easement”) as hereinafter provided. The legal descriptions of the Existing Easement are set forth on **Exhibit A** attached hereto and made a part hereof.

During construction of improvements to the property, a section of water main will be built out side of the Existing Easement, specifically, **20 FEET WIDE WATERMAIN EASEMENT NO. 1**, and Grantor and Grantee now desire to relocate **20 FEET WIDE WATERMAIN EASEMENT NO. 1** and to amend the legal description of **20 FEET WIDE WATERMAIN EASEMENT NO. 1** to correctly describe its new location.

Based on the above-described facts and circumstances, Grantor and Grantee do hereby amend the Existing Easement to amend the description of **20 FEET WIDE WATERMAIN EASEMENT NO. 1**, as set, depicted and described on attached Exhibit B, which amended description shall replace and supersede the description of **20 FEET WIDE WATERMAIN EASEMENT NO. 1** set forth in the Existing Easement. The original description of **20 FEET WIDE WATERMAIN EASEMENT NO. 1** shall be of no further force or effect. **20 FEET WIDE WATERMAIN EASEMENT NO. 2**, as set forth on Exhibit A is and shall be unchanged.

Except as amended hereby, The Existing Easement and all rights granted to Grantee therein are ratified and confirmed. This instrument is exempt from transfer tax pursuant to MCL 207.505(a) and MCL 207.526(a).

[signature page follows]

2/2/14
John Staran
Approved

IN WITNESS WHEREOF, Grantor and Grantee have caused this instrument to be duly executed on the 27 day of JANUARY, 2014.

CLARIDGE PROPERTIES,
a Michigan limited partnership

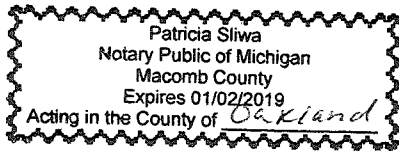
By: [Signature]
Paul B. Fried
Its: General Partner

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

This instrument was acknowledged before me on 1-27-2014 by Paul B. Fried, the General Partner of Claridge Properties, a Michigan limited partnership, on behalf of said limited partnership.

[Signature]
Print Name: Patricia Sliwa
Notary Public, State of MI, Oakland County

My Commission Expires: 01/02/2019



City of Rochester Hills,
a Michigan Municipal Corporation

By: _____
Bryan K. Barnett
Its: Mayor

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

This instrument was acknowledged before me on _____ by Bryan K. Barnett, Mayor of the City of Rochester Hills, a Michigan Municipal Corporation, on behalf of said corporation.

Print Name: _____
Notary Public, State of _____, _____ County

My Commission Expires: _____

Drafted by:
Kendall B. Lynchey, Attorney at Law
1938 E. Lincoln Highway, Suite 210
New Lenox, IL 60451

After Recording Return to:
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

EXHIBIT "A" WATER MAIN EASEMENT (Existing)

Situated in the City of Rochester Hills, Oakland County, Michigan, described as:

Land in the Township of Avon now known as the City of Rochester Hills, Oakland County, Michigan, part of the Northwest 1/4 of Section 15, Town 3 North, Range 11 East, described as follows:

Commencing at the Northwest corner of said Section 15, thence East along the North line of said Section 15, a distance of 200.00 feet; thence South 01 degrees 40 minutes 40 seconds West, 60.03 feet to the point of beginning of the lands herein described; thence East 403.36 feet; thence South 02 degrees 18 minutes 20 seconds West, 222.95 feet; thence East 100.00 feet; thence South 02 degrees 18 minutes 20 seconds West, 691.00 feet; thence North 87 degrees 57 minutes 08 seconds West, 633.09 feet to a point 60 feet East of the West line of said Section 15, thence North 01 degrees 40 minutes 40 seconds East 40.00 feet; thence South 87 degrees 57 minutes 08 seconds East, 160.00 feet; thence North 01 degrees 40 minutes 40 seconds East, 283.00 feet; thence North 87 degrees 57 minutes 08 seconds West, 160.00 feet to a point 60 feet East of the West line of said Section 15, thence North 01 degrees 40 minutes 40 seconds East, 378.00 feet; thence East 140.00 feet; thence North 01 degrees 40 minutes 40 seconds East 189.97 feet to the point of beginning. Subject to the rights of the public and of any governmental unit in any part thereof taken, used or dedicated for street, road or highway purposes.

Excepting therefrom the following described parcel:

The land lying Southerly of the existing building bounded on the East and West by extended building foundation lines and on the South by the South property line and described as: Land in the Township of Avon now known as the City of Rochester Hills, Oakland County, Michigan, part of the Northwest 1/4 of Section 15, Town 3 North, Range 11 East, described as follows: Commencing at the Northwest corner of said Section 15, thence East along the North line of said Section 15, a distance of 200.00 feet; thence South 01 degrees 40 minutes 40 seconds West, 60.03 feet; thence East 403.36 feet; thence South 02 degrees 18 minutes 20 seconds West, 222.95 feet; thence East 100.00 feet; thence South 02 degrees 18 minutes 20 seconds West, 691.00 feet; thence North 87 degrees 57 minutes 08 seconds West, 129.40 feet to the point of beginning; thence North 87 degrees 57 minutes 08 seconds West, 125.00 feet; thence North 02 degrees 18 minutes 20 seconds East, 30.67 feet to the Southwest corner of building; thence along building South 87 degrees 57 minutes 08 seconds East, 125.00 feet to the Southeast corner of building; thence South 02 degrees 18 minutes 20 seconds West, 30.11 feet to the point of beginning.

20 FEET WIDE WATERMAIN EASEMENT NO. 1

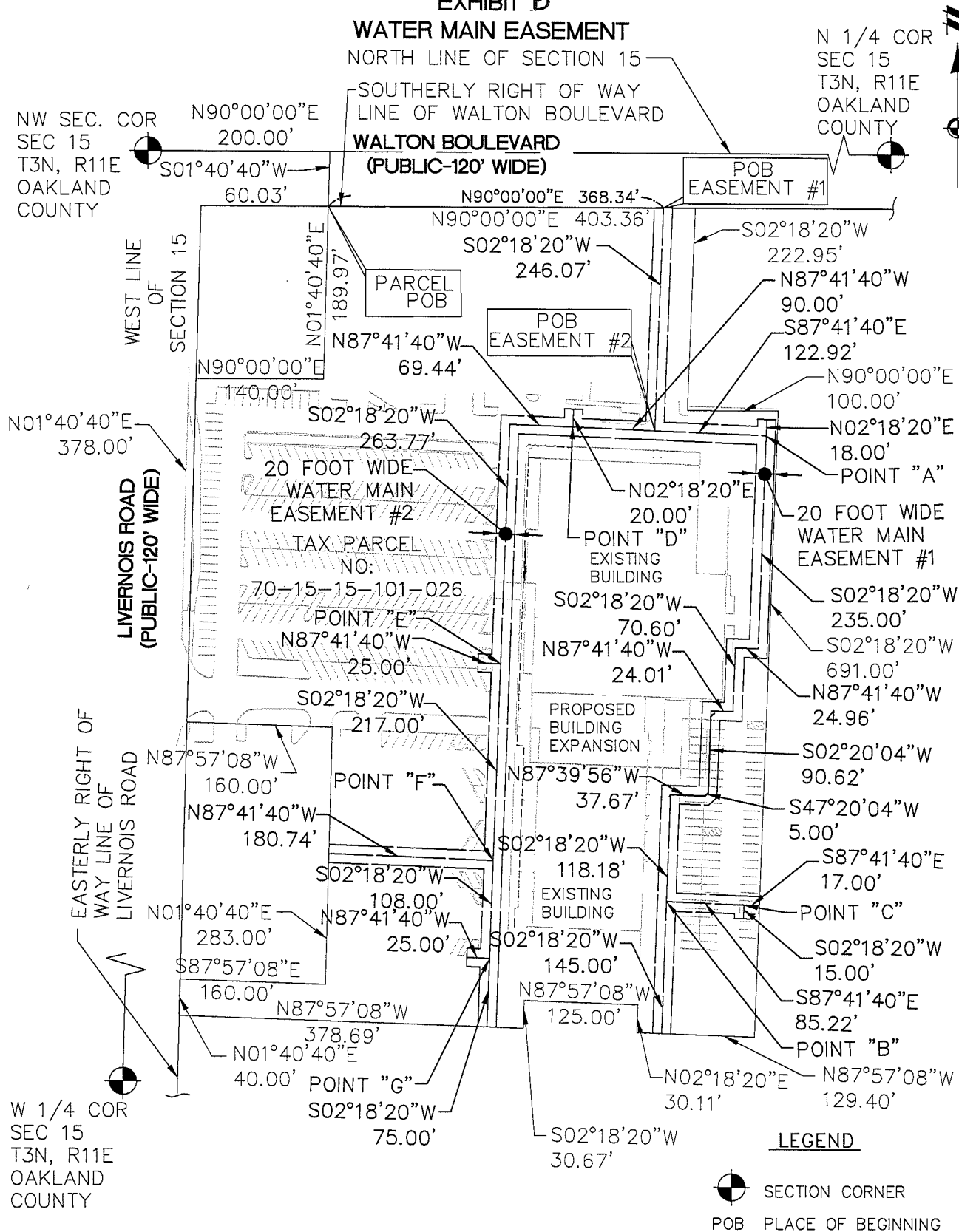
Commencing at the northeast corner of the above described parcel, thence WEST 35.03 feet to the point of beginning of the centerline of a 20 feet wide watermain easement: thence S.02°18'20"W. 246.07 feet; thence S.87°41'40"E. 122.92 feet; thence N.02°18'20"E. 13.00 feet; thence S.02°18'20"W. 253.00 feet; thence N.87°41'40"W. 24.96 feet; thence S.02°18'20"W. 70.60 feet; thence N.87°41'40"W. 65.26 feet; thence S.02°18'20"W. 212.31 feet; thence S.87°41'40"E. 102.22 feet; thence N.87°41'40"W. 17.00 feet; thence S.02°18'20"W. 15.00 feet; thence N.02°18'20"E. 15.00 feet; thence N.87°41'40"W. 85.22 feet; thence S.02°18'20"W. 145.00 feet to the point of ending of the centerline of said 20 feet wide watermain easement.


20 FEET WIDE WATERMAIN EASEMENT NO. 2

Commencing at the northeast corner of the above described parcel, thence WEST 35.03 feet, thence S.02°18'20"W. 246.07 feet to the point of beginning of the centerline of a 20 feet wide watermain easement: thence N.87°41'40"W. 90.00 feet; thence N.02°18'20"E. 20.00 feet; thence S.02°18'20"W. 20.00 feet; thence N.87°41'40"W. 69.44 feet; thence S.02°18'20"W. 263.77 feet; thence N.87°41'40"W. 25.00 feet; thence S.87°41'40"E. 25.00 feet; thence S.02°18'20"W. 217.00 feet; thence N.87°41'40"W. 180.74 feet; thence S.87°41'40"E. 180.74 feet; thence S.02°18'20"W. 108.00 feet; thence N.87°41'40"W. 25.00 feet; thence S.87°41'40"E. 25.00 feet; thence S.02°18'20"W. 75.00 feet to the point of ending of the centerline of a 20 feet wide watermain easement.

Mike Tavit
Approved 2/21/14

EXHIBIT B
WATER MAIN EASEMENT



CLIENT THE KROGER COMPANY	JOB: 12001167	CAD: 12001167EA-02
	DR. TRP	CH. ME
SKETCH AND DESCRIPTION OF 20 FOOT WIDE WATER MAIN EASEMENTS LOCATED IN	BOOK XX	PG. XX
	SHEET 1 OF 3	DATE: 12-13-13
SECTION 15 TOWN 03 NORTH, RANGE 11 EAST CITY OF ROCHESTER HILLS OAKLAND COUNTY, MICHIGAN	FILE CODE: EA-02-WATER	
SCALE: 1 INCH = 150 FEET	 ATWELL <small>866.850.4200 www.atwell-group.com OFFICES IN NORTH AMERICA AND ASIA</small>	

*Mike Taunt
Approved 3/12/14*

**EXHIBIT B
WATER MAIN EASEMENT**


DESCRIPTION OF TAX PARCEL 70-15-15-101-026 (PROVIDED BY OTHERS):

Land in the Township of Avon now known as the city of Rochester Hills, Oakland County, Michigan, part of the Northwest 1/4 of Section 15, Town 3 North, Range 11 East, described as follows:

Commencing at the Northwest corner of said Section 15, thence East along the North line of said Section 15, a distance of 200.00 feet; thence South 01 degrees 40 minutes 40 seconds west, 60.03 feet to the point of beginning of the lands herein described; thence East 403.36 feet; thence South 02 degrees 18 minutes 20 seconds West, 222.95 feet; thence East 100.00 feet; thence South 02 degrees 18 minutes 20 seconds West, 691.00 feet; thence North 87 degrees 57 minutes 08 seconds West 633.09 feet to a point 60 feet East of the West line of said Section 15; thence North 01 degrees 40 minutes 40 seconds East 40.00 feet; thence South 87 degrees 57 minutes 08 seconds East 160.00 feet; thence North 01 degrees 40 minutes 40 seconds East 283.00 feet; thence North 87 degrees 57 minutes 08 seconds West 160.00 feet to a point 60 feet East of the West line of said Section 15; thence North 01 degrees 40 minutes 40 seconds East 378.00 feet; thence East 140.00 feet; thence North 01 degrees 40 minutes 40 seconds East 189.97 feet to the point of beginning. Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.

Excepting therefrom the following described parcel:

The land lying Southerly of the existing building bounded on the East and West by extended building foundation lines and on the South by the South property line and described as: Land in the Township of Avon now known as the city of Rochester Hills, Oakland County, Michigan, part of the Northwest 1/4 of Section 15, Town 3 North, Range 11 East, described as follows: Commencing at the Northwest corner of said Section 15, thence East along the North line of said Section 15, a distance of 200.00 feet; thence South 01 degrees 40 minutes 40 seconds west, 60.03 feet to the point of beginning of the lands herein described; thence East 403.36 feet; thence South 02 degrees 18 minutes 20 seconds West, 222.95 feet; thence East 100.00 feet; thence South 02 degrees 18 minutes 20 seconds West, 691.00 feet; thence North 87 degrees 57 minutes 08 seconds West 129.40 feet to the point of beginning; thence North 87 degrees 57 minutes 08 seconds West 125.00 feet; thence North 02 degrees 18 minutes 20 seconds East 30.67 feet to the Southwest corner of building; thence along building South 87 degrees 57 minutes 08 seconds East 125.00 feet to the Southeast corner of building; thence South 02 degrees 18 minutes 20 seconds West 30.11 feet to the point of beginning.

CLIENT THE KROGER COMPANY SKETCH AND DESCRIPTION OF 20 FOOT WIDE WATER MAIN EASEMENTS LOCATED IN SECTION 15 TOWN 03 NORTH, RANGE 11 EAST CITY OF ROCHESTER HILLS OAKLAND COUNTY, MICHIGAN	JOB: 12001167	CAD 12001167EA-02
	DR. TRP	CH. ME
	BOOK XX	PG. XX
	SHEET 2 OF 3	DATE: 12-13-13
	FILE CODE: EA-02-WATER	
 ATWELL <small>866.850.4200 www.atwell-group.com OFFICES IN NORTH AMERICA AND ASIA</small>		

**EXHIBIT B
WATER MAIN EASEMENT**

DESCRIPTION OF THE CENTERLINE OF A 20 FOOT WIDE WATER MAIN EASEMENT #1 LOCATED IN THE NORTHWEST 1/4 OF SECTION 15, T3N, R11E, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN


A 20 foot wide Water Main Easement being 10 feet on both sides and at right angles to the following described Centerline: Commencing at the Northwest corner of Section 15, T3N, R11E, City of Rochester Hills, Oakland County, Michigan; thence N90°00'00"E 200.00 feet along the North line of said Section 15; thence S01°40'40"W 60.03 feet; thence N90°00'00"E 368.34 feet along the Southerly line of Walton Boulevard (120 feet wide) for a PLACE OF BEGINNING; thence S02°18'20"W 246.07 feet; thence S87°41'40"E 122.92 feet to Point "A"; thence S02°18'20"W 235.00 feet; thence N87°41'40"W 24.96 feet; thence S02°18'20"W 70.60 feet; thence N87°41'40"W 24.01 feet thence S02°20'04"W 90.62 feet; thence S47°20'04"W 5.00 feet; thence N87°39'56"W 37.67 feet; thence S02°18'20"W 118.18 feet to Point "B"; thence continuing S02°18'20"W 145.00 to a Point of Ending;

ALSO from Point "A"; thence N02°18'20"E 18.00 feet to a Point of Ending;
 ALSO from Point "B" S87°41'40"E 85.22 feet to Point "C"; thence continuing S87°41'40"E 17.00 feet to a Point of Ending;
 ALSO from Point "C"; thence S02°18'20"W 15.00 feet to a Point of Ending, said easement to trim and extend to Property Lines.

DESCRIPTION OF THE CENTERLINE OF A 20 FOOT WIDE WATER MAIN EASEMENT #2 LOCATED IN THE NORTHWEST 1/4 OF SECTION 15, T3N, R11E, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN

A 20 foot wide Water Main Easement being 10 feet on both sides and at right angles to the following described Centerline: Commencing at the Northwest corner of Section 15, T3N, R11E, City of Rochester Hills, Oakland County, Michigan; thence N90°00'00"E 200.00 feet along the North line of said Section 15; thence S01°40'40"W 60.03 feet; thence N90°00'00"E 368.34 feet along the Southerly line of Walton Boulevard (120 feet wide); thence S02°18'20"W 246.07 feet for a PLACE OF BEGINNING; thence N87°41'40"W 90.00 feet to Point "D"; thence continuing N87°41'40"W 69.44 feet; thence S02°18'20"W 263.77 feet to Point "E"; thence continuing S02°18'20"W 217.00 feet to Point "F"; thence continuing S02°18'20"W 108.00 feet to Point "G"; thence continuing S02°18'20"W 75.00 feet to a Point of Ending;

ALSO from Point "D"; thence N02°18'20"E 20.00 feet to a Point of Ending;
 ALSO from Point "E"; thence N87°41'40"W 25.00 feet to a Point of Ending;
 ALSO from Point "F"; thence N87°41'40"W 180.74 feet to a Point of Ending;
 ALSO from Point "G"; thence N87°41'40"W 25.00 feet to a Point of Ending, said easement to trim and extend to Property Lines.

CLIENT THE KROGER COMPANY SKETCH AND DESCRIPTION OF 20 FOOT WIDE WATER MAIN EASEMENTS LOCATED IN SECTION 15 TOWN 03 NORTH, RANGE 11 EAST CITY OF ROCHESTER HILLS OAKLAND COUNTY, MICHIGAN	JOB: 12001167	CAD 12001167EA-02
	DR. TRP	CH. ME
	BOOK XX	PG. XX
	SHEET 3 OF 3	DATE: 12-13-13
FILE CODE: EA-02-WATER		
 <b style="font-size: 1.2em; margin-left: 10px;">ATWELL <small>866.850.4200 www.atwell-group.com OFFICES IN NORTH AMERICA AND ASIA</small>		