

**WATERMAIN EASEMENT**

Rochester Auburn Associates, LLC a Michigan limited liability company of 6750 Oak Hills Dr., Bloomfield Hills, MI 48301 grants to the CITY OF ROCHESTER HILLS, a Michigan municipal corporation, of 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309, an easement for the construction, operation, maintenance, repair and/or replacement of a watermain on, under through and across land more particularly described as:

See Attached Exhibit A, B & C

Sidwell # 15-34-227-046

In connection with the grant of easement, Grantor waives and relinquishes any right, title or interest in the watermain, 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 watermain 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.

To the fullest extent permitted by law, and provided that the Grantee does not cause the environmental contamination, the Grantor, for itself, its successors and assigns, shall indemnify, defend and hold harmless the Grantee against any liability, damages, costs, expenses, claims, causes of action, losses, settlements, fines, penalties and attorney's fees claimed against or incurred by the Grantee relating to (1) the existence, mitigation or remediation of environmental contamination in the easement area; (2) any corrective action and due care obligations with respect to existing contamination in the easement area; (3) the occurrence, disturbance or movement of environmental contamination resulting directly or indirectly from any work conducted by the Grantee within the scope, and in the exercise, of its easement rights.

The 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.

Grantor expressly reserves to Grantor and Grantor's successors and assigns, so long as there is no interference with the construction, operation, maintenance, repair and/or replacement of the watermain: (a) the right of ingress and egress over, through and across the easement, and (b) 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.

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

IN WITNESS HEREOF, the undersigned have hereunto affixed their signatures on this 25<sup>th</sup> day of APRIL, 2014.

Rochester Auburn Associates, LLC

*Doraied Markus*  
Signature  
DORAIED MARKUS  
(Print Name)  
Manager  
Title

STATE OF MICHIGAN  
COUNTY OF Darke

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of April, 2014 by Doraied Markus who is the manager of Rochester Auburn Associates, LLC, a Michigan limited liability company, on behalf of the company.

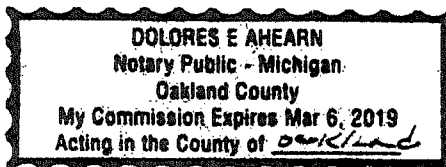
Drafted by:

Adele Swann  
City of Rochester Hills  
1000 Rochester Hills Dr.  
Rochester Hills, MI 48309

*John Staran*  
Approved 4/30/14

*Dolores E. Ahearn*  
Dolores E. Ahearn, Notary Public  
Oakland County, Michigan  
My Commission Expires: 03-06-2019

When recorded, return to:  
Clerks Dept.  
City of Rochester Hills  
1000 Rochester Hills Drive  
Rochester Hills, MI 48309



**EXHIBIT A  
LEGAL DESCRIPTION OVERALL PARCEL**

LEGAL DESCRIPTION – PARCEL 15-34-227-046

Land in part of the NE 1/4 of Section 34, Township 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan; including all of Lots 7 thru 13 inclusive; also including the North 100 feet of Lots 21, 22 and 23 of "AVONCROFTS SUBDIVISION" according to the Plat thereof, as recorded in Liber 19, Page 15, of Plats, Oakland County Records;

Being more particularly described as, BEGINNING at the Northeast corner of Lot 10 of said "AVONCROFTS SUBDIVISION"; thence S00°02'21"W, 418.00 feet along the west line of Rochester Road (33' half width) to the southeast corner of Lot 7 of said "AVONCROFTS SUBDIVISION"; thence N90°00'00"W, 226.79 feet along the south line of said Lot 7 to the southwest corner of said Lot 7; thence N02°20'21"E, 48.11 feet along the west line of said Lot 7; thence S89°49'53"W, 361.32 feet along a line 100 feet south of and parallel to the south line of Lots 11, 12 and 13 of the aforementioned "AVONCROFTS SUBDIVISION" to the west line of Lot 21 of said "AVONCROFTS SUBDIVISION"; thence along said west line N04°15'00"E, 100.30 feet to the southwest corner of Lot 13 of said "AVONCROFTS SUBDIVISION"; thence N00°00'00"E, 271.20 feet along the west line of said Lot 13 to the northwest corner of said Lot 13 and the south line of W. Auburn Road (66' wide); thence S89°58'39"E, 579.00 feet along said south line to the POINT OF BEGINNING.

*Mike Tawnt Approved 4/1/14*

CLIENT: Rochester Auburn Assoc. 6750 Oakhills Drive Bloomfield Hills, MI., 48301	SCALE: 1"= 100'	JOB No: 2012074	2430 Rochester Ct. Suite 100 Troy, MI 48083-1872 (248) 689-9090
	DATE: 2-25-14	DWG. No: 1 of 3	

PROFESSIONAL  
ENGINEERING  
ASSOCIATES

**EXHIBIT B  
LEGAL DESCRIPTIONS OF EASEMENTS**

**LEGAL DESCRIPTION – 20' WIDE WATER MAIN EASEMENT "A"**

A twenty (20) foot wide easement over land and in part of the NE 1/4 of Section 34, Township 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan; said easement being over part of Lot 8 of "AVONCROFTS SUBDIVISION" according to the Plat thereof, as recorded in Liber 19, Page 15, of Plats, Oakland County Records; whose centerline is more particularly described as;

COMMENCING at the Northeast corner of Lot 10 of said "AVONCROFTS SUBDIVISION";  
thence S00°02'21"W, 224.06 feet along the easterly line of said AVONCROFTS SUBDIVISION, said line also being the west line of Rochester Road, (33' half width);  
thence S90°00'00"W, 20.00 feet to the proposed west line of Rochester Road (53' half width) and the POINT OF BEGINNING;  
thence continuing S90°00'00"W, 29.13 feet to the POINT OF ENDING.

**LEGAL DESCRIPTION – 20' WIDE WATER MAIN EASEMENT "B"**

A twenty (20) foot wide easement over land and in part of the NE 1/4 of Section 34, Township 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan; said easement being over part of Lot 7, also over parts of Lots 11 through 13 inclusive, and also over parts of Lots 21 through 23 inclusive of "AVONCROFTS SUBDIVISION" according to the Plat thereof, as recorded in Liber 19, Page 15, of Plats, Oakland County Records; whose centerline is more particularly described as;

COMMENCING at the Northeast corner of Lot 10 of said "AVONCROFTS SUBDIVISION";  
thence S00°02'21"W, 382.78 feet along the easterly line of said AVONCROFTS SUBDIVISION, said line also being the west line of Rochester Road, (33' half width);  
thence S90°00'00"W, 20.00 feet to the proposed west line of Rochester Road (53' half width) and the POINT OF BEGINNING;

thence continuing S90°00'00"W, 150.06 feet;  
thence N42°39'20"W, 96.77 feet; thence N00°00'00"E, 86.25 feet;  
thence S90°00'00"W, 8.51 feet; thence S00°00'00"W, 24.19 feet;  
thence N00°00'00"E, 24.19 feet; thence S90°00'00"W, 165.36 feet;  
thence S45°00'00"W, 66.10 feet; thence S90°00'00"W, 58.86 feet;  
thence N45°00'00"W, 21.41 feet; thence N00°00'00"E, 91.08 feet;  
thence N00°00'00"E, 62.17 feet; thence N45°00'00"E, 24.99 feet;  
thence S45°00'00"W, 24.99 feet; thence S00°00'00"W, 62.17 feet;  
thence S90°00'00"W, 48.50 feet to the west line of the aforementioned Lot 13 and the POINT OF ENDING.

**LEGAL DESCRIPTION – 20' WIDE WATER MAIN EASEMENT "C"**

A twenty (20) foot wide easement over land and in part of the NE 1/4 of Section 34, Township 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan; said easement being over part of Lots 9 through 11 inclusive of "AVONCROFTS SUBDIVISION" according to the Plat thereof, as recorded in Liber 19, Page 15, of Plats, Oakland County Records; whose centerline is more particularly described as;

COMMENCING at the Northeast corner of Lot 10 of said "AVONCROFTS SUBDIVISION";  
thence N89°58'39"W, 241.90 feet along the northerly line of said AVONCROFTS SUBDIVISION, said line also being the south line of W. Auburn Road, (33' half width);  
thence S00°23'52"W, 27.00 feet to the proposed south line of W. Auburn Road (60' half width) and the POINT OF BEGINNING;

thence continuing S00°23'52"W, 22.06 feet;  
thence S45°00'00"E, 66.56 feet to the POINT OF ENDING.

PROFESSIONAL  
ENGINEERING  
ASSOCIATES

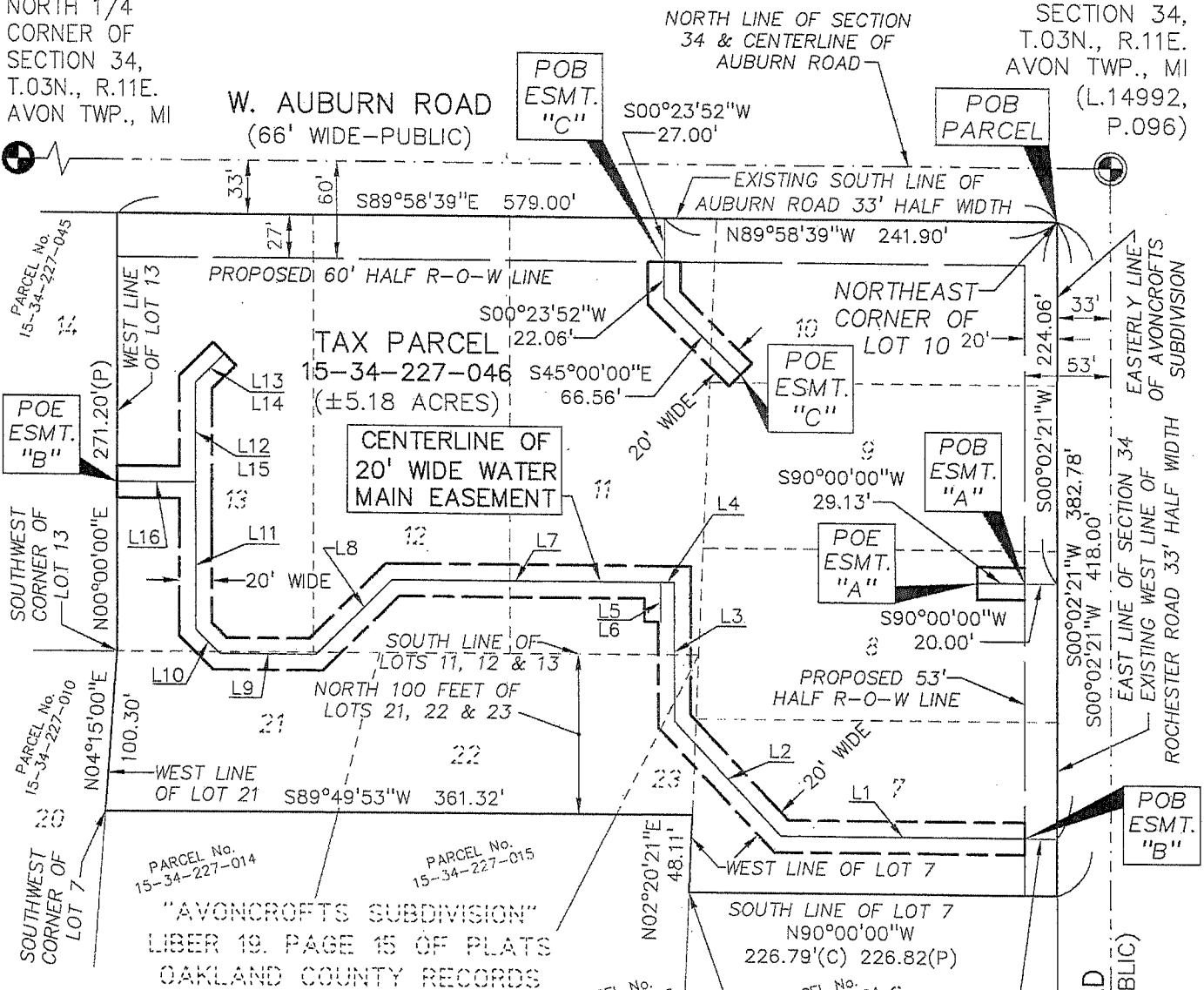
CLIENT: Rochester Auburn Assoc. 6750 Oakhills Drive Bloomfield Hills, MI., 48301	SCALE: 1"= 100'	JOB No: 2012074
	DATE: 2-25-14	DWG. No: 2 of 3

2430 Rochester Ct. Suite 100  
Troy, MI 48063-1872  
(248) 689-9090

## EXHIBIT C SKETCH OF WATER MAIN EASEMENT

CALCULATED  
NE CORNER OF  
SECTION 34,  
T.03N., R.11E.  
AVON TWP., MI  
(L.14992,  
P.096)

NORTH 1/4  
CORNER OF  
SECTION 34,  
T.03N., R.11E.  
AVON TWP., MI

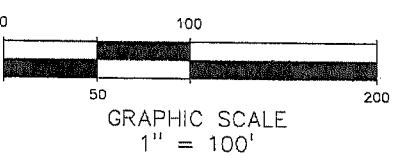


LINE	BEARING	DIST.
L1	S90°00'00"W	150.06
L2	N42°39'20"W	96.77
L3	N00°00'00"E	86.25
L4	S90°00'00"W	8.51
L5	S00°00'00"W	24.19
L6	N00°00'00"E	24.19
L7	S90°00'00"W	165.36
L8	S45°00'00"W	66.10
L9	S90°00'00"W	58.86
L10	N45°00'00"W	21.41
L11	N00°00'00"E	91.08
L12	N00°00'00"E	62.17
L13	N45°00'00"E	24.99
L14	S45°00'00"W	24.99
L15	S00°00'00"W	62.17
L16	S90°00'00"W	48.50

**BASIS OF BEARINGS:**  
The north line of the Plat of  
"Avoncrofts Subdivision" as recorded  
in Liber 19, Page 15 of plats, O.C.R.

**LEGEND**

- (P) PLAT
- (C) CALCULATED
- SECTION CORNER FOUND
- SECTION CORNER RECORD



EAST 1/4 CORNER  
OF SECTION 34,  
T.03N., R.11E.  
AVON TWP., MI

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ENGINEERING  
ASSOCIATES**

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CLIENT: Rochester Auburn Assoc. 6750 Oakhills Drive Bloomfield Hills, MI., 48301	SCALE: 1" = 100'	JOB No: 2012074
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S:\PROJECTS\2012\2012074 ROCHESTER AND AUBURN-JPB\SURVEY-DEPT\12074BND-ROT\dwg\12074 WM ESMT.dwg;DN