

SANITARY SEWER 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 sanitary sewer on, under through and across land more particularly described as:

See Attached Exhibits 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 sanitary sewer, 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 sanitary sewer 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 sanitary sewer: (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 25th day of APRIL, 2014.

Rochester Auburn Associates, LLC
Dorain Markus
Signature
DORAIN MARKUS
(Print Name)

Manager
Title

STATE OF MICHIGAN
COUNTY OF Oakland

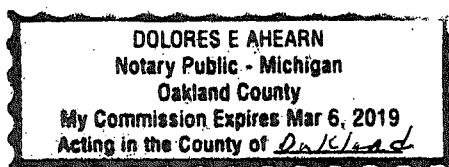
The foregoing instrument was acknowledged before me this 25th day of April, 2014, by *Dorain Markus* who is the manager of Rochester Auburn Associates, LLC, a Michigan limited liability company, on behalf of the company.

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.

PROFESSIONAL
ENGINEERING
ASSOCIATES

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	

EXHIBIT B
LEGAL DESCRIPTION OF EASEMENT

LEGAL DESCRIPTION – 20' WIDE SANITARY SEWER EASEMENT

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 parts of Lot 7 through 11 inclusive and also over parts of Lots 22 and 23 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, 402.78 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, 176.82 feet;
thence N06°36'00"W, 188.67 feet;
thence S90°00'00"W, 84.13 feet;
thence N90°00'00"E, 84.13 feet;
thence N06°36'00"W, 53.24 feet;
thence N01°58'39"E, 135.64 feet to proposed south line of W. Auburn road (60' half
width) and the POINT OF ENDING.

*Mike Tawt
Approved 4-1-14*

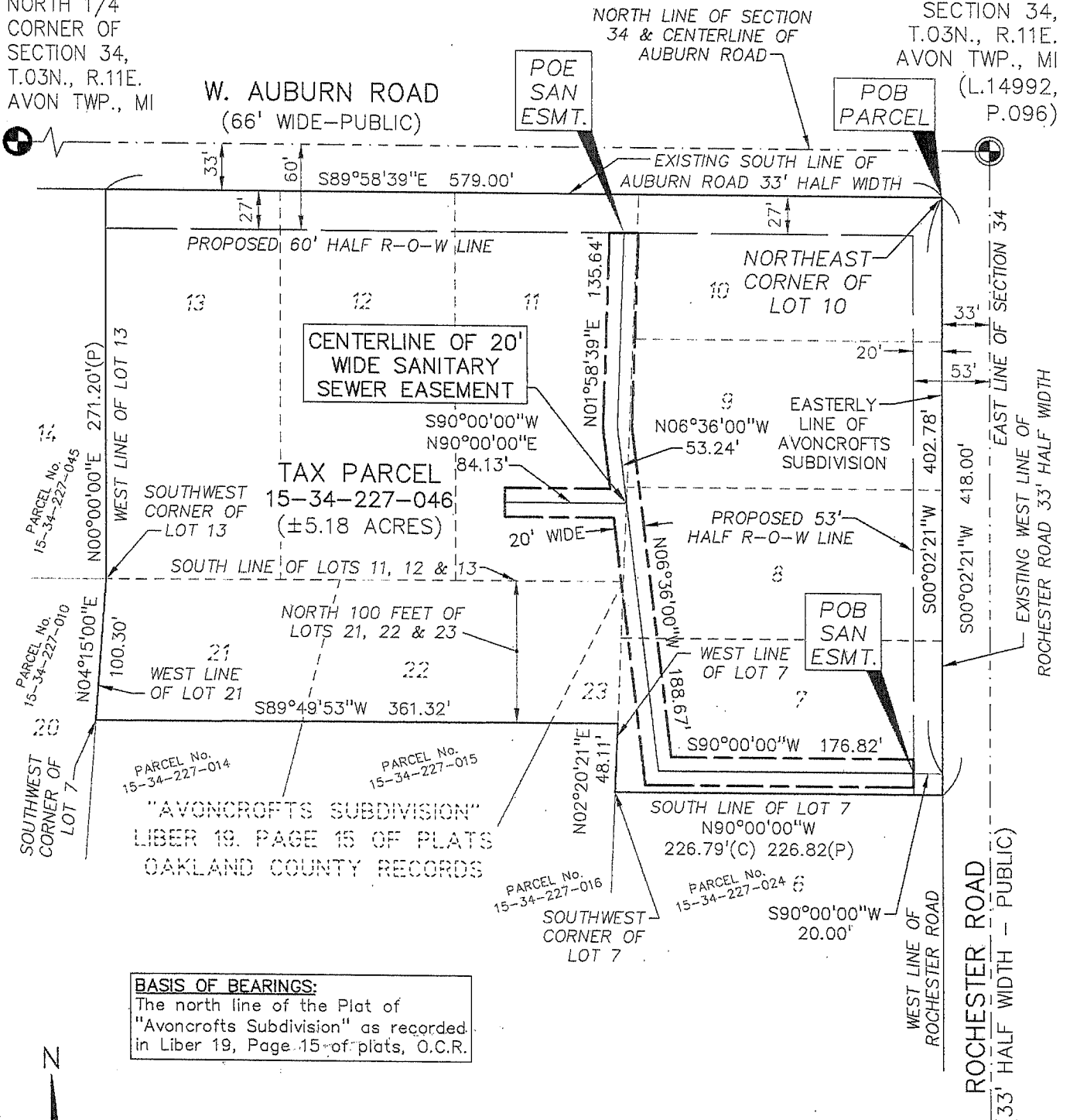
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**EXHIBIT C
SKETCH OF SANITARY SEWER EASEMENT**

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

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

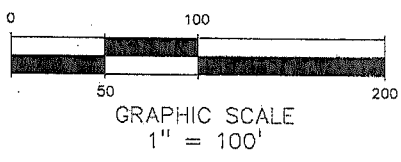


BASIS OF BEARINGS:
The north line of the Plat of
"Avoncrofts Subdivision" as recorded
in Liber 19, Page 15 of plats, O.C.R.



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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