

AMENDMENT TO EASEMENT for WATER MAIN and SANITARY SEWER

This Amendment to Easement is entered into on May 6, 2022, between the Enclaves of Rochester Hills Condominium Association (“Owner”), a Michigan nonprofit corporation, whose registered office is 2632 Pond Vallee Drive, Oakland, MI 48363, and the City of Rochester Hills (“City”), a Michigan municipal corporation, whose administrative office is located at 1000 Rochester Hills Drive, Rochester Hills, MI 48309.

RECITALS

On the 16th day of February, 2005, TJ Realvest, L.L.C., a Michigan limited liability company formerly of 35312 Connecticut Drive, Suite 100, Sterling Heights, Michigan 48310-4929, as the developer and predecessor-in-interest to Owner, granted to the City a fifty foot easement for the construction, operation, maintenance, repair and/or replacement of a Water Main and Sanitary Sewer on, under, through and across land more particularly described in the Easement for Water Main and Sanitary Sewer (the “Easement”), recorded at the Oakland County Register of Deeds on June 23, 2005, Liber 35734, Page 718, on parcel number 15-02-102-023.

Subsequent to the creation of the Easement, the property was developed into Condominiums (Parcel #15-02-102-023 and #15-02-177-001), known as The Enclaves of Rochester Hills Condominium, OCCP No. 2185, with Master Deed recorded at the Oakland County Register of Deeds on April 28, 2017, Liber 50617, Pages 504 through 564. It has been discovered that the Easement was depicted and noted incorrectly on the Exhibit B (Condo Plan) attached to the Master Deed, making it now necessary to amend the legal description of the easement, to modify the encroachment of the easement into Unit 21 of The Enclaves of Rochester Hills Condominium.

AMENDMENT

Based on these facts and circumstances, the Owner and the City agree through this document to amend the easement legal description as set forth in attached Exhibit A, which shall replace and supersede the legal description of the easement as originally recorded. The original legal description for the easement shall be of no further force or effect, and, except for the changed legal description, the City shall have the same easement rights as in the original easement.

In all other respects, the original easement is ratified, confirmed and re-declared. The recording of this document is exempt from Transfer Tax under MCL 207.505(a) and 207.526(a).

(Signatures on Following Page)

IN WITNESS HEREOF, the undersigned have hereunto affixed their signatures on this 6th day of May, 2022.

**THE ENCLAVES OF ROCHESTER HILLS
CONDOMINIUM ASSOCIATION**

By: 

Print Name: Jaroslaw B. Kisil

Its: President

STATE OF MICHIGAN }
 }SS
COUNTY OF OAKLAND }

The foregoing instrument was acknowledged before me on May 6, 2022, by Jaroslaw B. Kisil, the President of the Enclaves of Rochester Hills Condominium Association, a Michigan nonprofit corporation, on behalf of the corporation.



Maria Bell, notary public
Macomb County (acting in Oakland County), Michigan
My commission expires:

MARIA BELL
Notary Public, State of Michigan
County of Macomb
My Commission Expires Jul. 08, 2028
acting in the County of Oakland

CITY OF ROCHESTER HILLS

By: _____

Bryan K. Barnett

Its: Mayor

STATE OF MICHIGAN }
 }SS
COUNTY OF OAKLAND }

This agreement was acknowledged before me on _____, 2022, by Bryan K. Barnett, Mayor of the City of Rochester Hills, a Michigan Municipal Corporation, on behalf of the City.

Drafted By:
Adele Swann
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

_____, notary public
_____ County, Michigan
My commission expires:

When Recorded Return To:
Clerks Department
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

*John Staran
approved 5/25/22*

EXHIBIT A

LEGAL DESCRIPTION: PARCEL

Part of the northwest 1/4 of section 2, T.3N., R.11E., City of Rochester Hills, Oakland County, being more particularly described as follows: Commencing at the west 1/4 corner of said section 2; thence S89°03'01"E 60.01 feet along the east-west 1/4 line of said section to the POINT OF BEGINNING; thence N02°09'30"E 1143.30 feet along the east right-of-way line of Rochester Road; thence S88°16'53"E 560.00 feet; thence S02°09'30"W 322.60 feet; thence S88°16'53"E 763.39 feet to a concrete monument at the southwest corner of "Hillwood Subdivision" as recorded in Liber 58, page 7 of Plats, Oakland County Records; thence S01°08'06"W 802.76 feet to a point on the east-west 1/4 line of said section 2, said point also being on the north line of "Cross Creek Sub. No. 2", as recorded in Liber 217, pages 26 through 33 of Plats, Oakland County Records; thence N89°03'01"W 1337.99 feet along the east-west 1/4 line of said section 2 and following the north line of said "Cross Creek Sub. No. 2" and the north line of "Cross Creek Sub. No. 1" as recorded in Liber 198, pages 24 through 28 of plats, Oakland County Records to the POINT OF BEGINNING.

Containing 28.94 acres.

Subject to the rights of the public in Rochester Road.

#15-02-177-001 & #15-02-102-023

LEGAL DESCRIPTION: AMENDED WATER MAIN AND SANITARY SEWER EASEMENT

Part of the northwest 1/4 of section 2, T.3N., R.11E., City of Rochester Hills, Oakland County, Michigan, being more particularly described as follows: Commencing at the west 1/4 corner of said section 2; thence S89°03'01"E 60.01 feet along the east-west 1/4 line of said section 2 to a point on the east right-of-way line of Rochester Road; thence N02°09'30"E 826.49 feet along said east right-of-way line of Rochester Road to the POINT OF BEGINNING; thence continuing N02°09'30"E 48.27 feet along the east right-of-way line of Rochester Road; thence S88°28'48"E 560.02 feet; thence S02°09'30"W 41.21 feet; thence N86°48'50"W 259.90 feet; thence S88°44'00"W 300.66 feet to the point of beginning.

City of Rochester Hills

Department of Public Services
1000 Rochester Hills Drive
Rochester Hills, MI 48309
Ph: 248.656.4640

Sheet Title

LEGAL
DESCRIPTIONS

City File #

03-009

Project

ENCLAVES

Date

9/15/2020

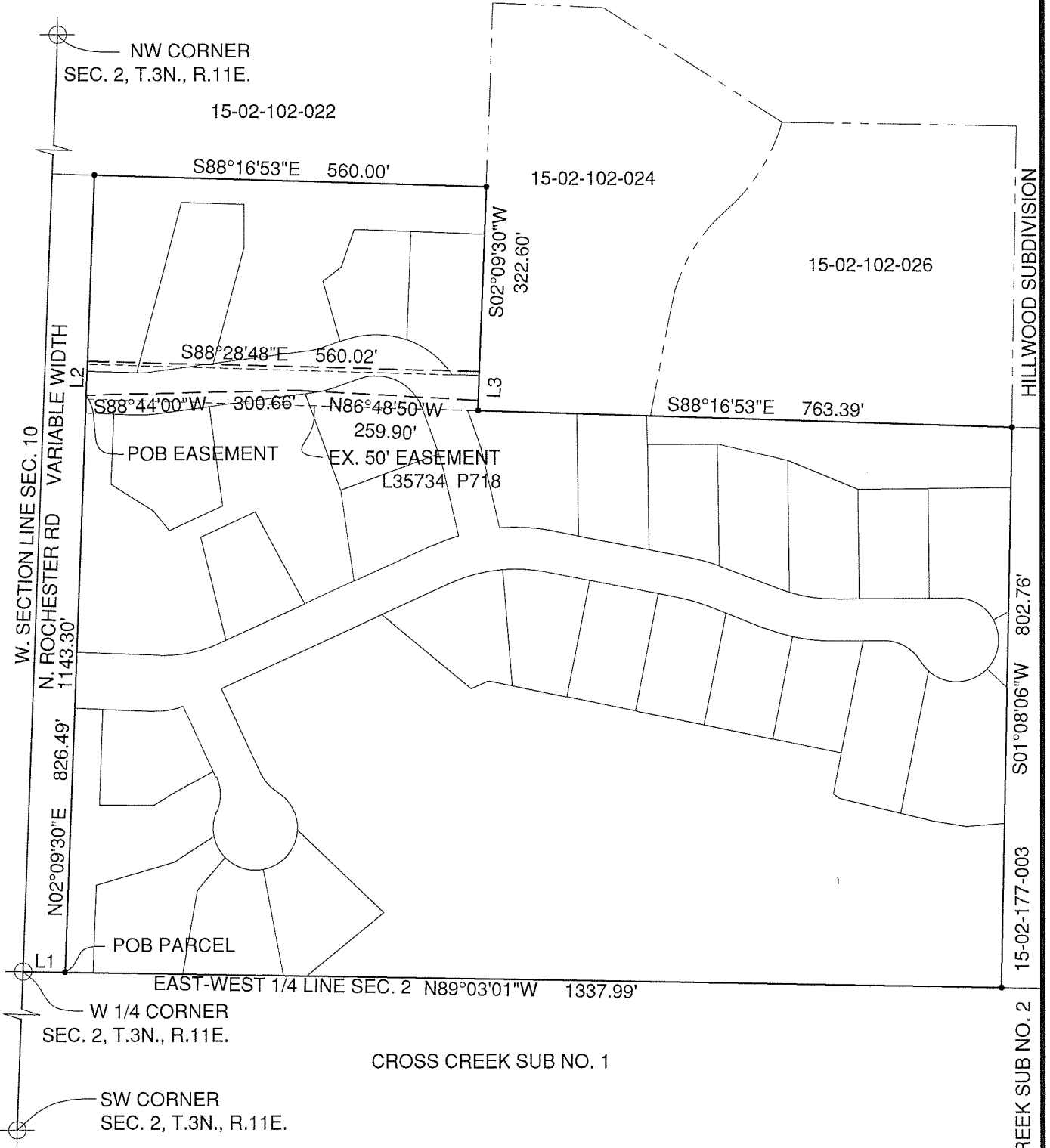
Scale

NOT TO SCALE

Sheet

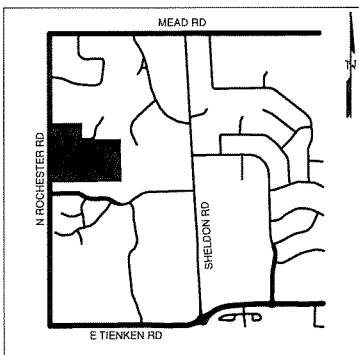
1

EXHIBIT A

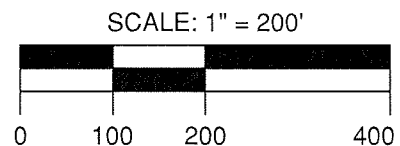


LOCATION MAP

NOT TO SCALE



LINE TABLE		
NO.	BEARING	DISTANCE
1	S89°03'01"E	60.01'
2	N02°09'30"E	48.27'
3	S02°09'30"W	41.21'



City of Rochester Hills
 Department of Public Services
 1000 Rochester Hills Drive
 Rochester Hills, MI 48309
 Ph: 248.656.4640

Sheet Title
PARCEL SKETCH
 City File #
 03-009

Project ENCLAVES	Sheet 2
Date 9/15/2020	
Scale 1" = 200'	