

**AMENDMENT TO AGREEMENT FOR MAINTENANCE
FOR STORM WATER RETENTION SYSTEM**

This Amendment is made by NAN REALTY, INC., an Ohio corporation ("Owner"), of 2040 E. Camino Miravel, Tucson, Arizona 85718, and the CITY OF ROCHESTER HILLS, a Michigan municipal corporation ("City"), of 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309.

RECITALS:

A. Owner owns the property described on the attached Exhibit A ("Property"), which is comprised of (1) the original 0.87 +/- acre parcel owned by Owner ("Original Parcel") which was subject to a certain Agreement for Maintenance of Storm Water Retention System, dated October 11, 1995, recorded in Liber 17674, Page 186, Oakland County Records ("Maintenance Agreement"), for the purpose of providing for the maintenance of the storm water drainage and retention system on the Original Parcel (the "System" as defined in the Maintenance Agreement), and (2) an adjacent .34 +/- acre parcel recently acquired by Owner for the purpose of installing a driveway and additional parking to service the building on the Property ("Adjacent Parcel").

B. Owner and the City desire to amend the Maintenance Agreement to add the Adjacent Property to the System, on the terms and conditions set forth herein.

NOW, THEREFORE, the parties agree as follows:

The Maintenance Agreement is hereby amended to provide that the System is expanded to add all storm water drainage facilities on the Property, which facilities are depicted on the Utility Plan attached hereto at Exhibit B.

This Amendment is exempt from Transfer Taxes under MCL 207.505(a) and MCL 207.526(a).

IN WITNESS WHEREOF, the undersigned have hereunto affixed their signatures on this 28 day of July, 2015.

Nan Realty, Inc., an Ohio corporation

By: Geoffrey E. Glazer
Geoffrey E. Glazer, President

STATE OF MICHIGAN)
COUNTY OF OAKLAND) ss

The foregoing instrument was acknowledged before me this 28 day of July, 2015, by Geoffrey E. Glazer, President of Nan Realty, Inc., an Ohio corporation, on behalf of the corporation.

Nancy L. Maxwell
Notary Public:
My commission expires: 11-1-17
OAKLAND County, MICHIGAN.
Acting in OAKLAND, County, MI

NANCY L. MAXWELL
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Nov 1, 2017
ACTING IN COUNTY OF OAKLAND

John Staran
Approved 8/3/15

City of Rochester Hills,
a Michigan municipal corporation

By: _____
Bryan K. Barnett, Mayor

By: _____
Tina Barton, Clerk

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

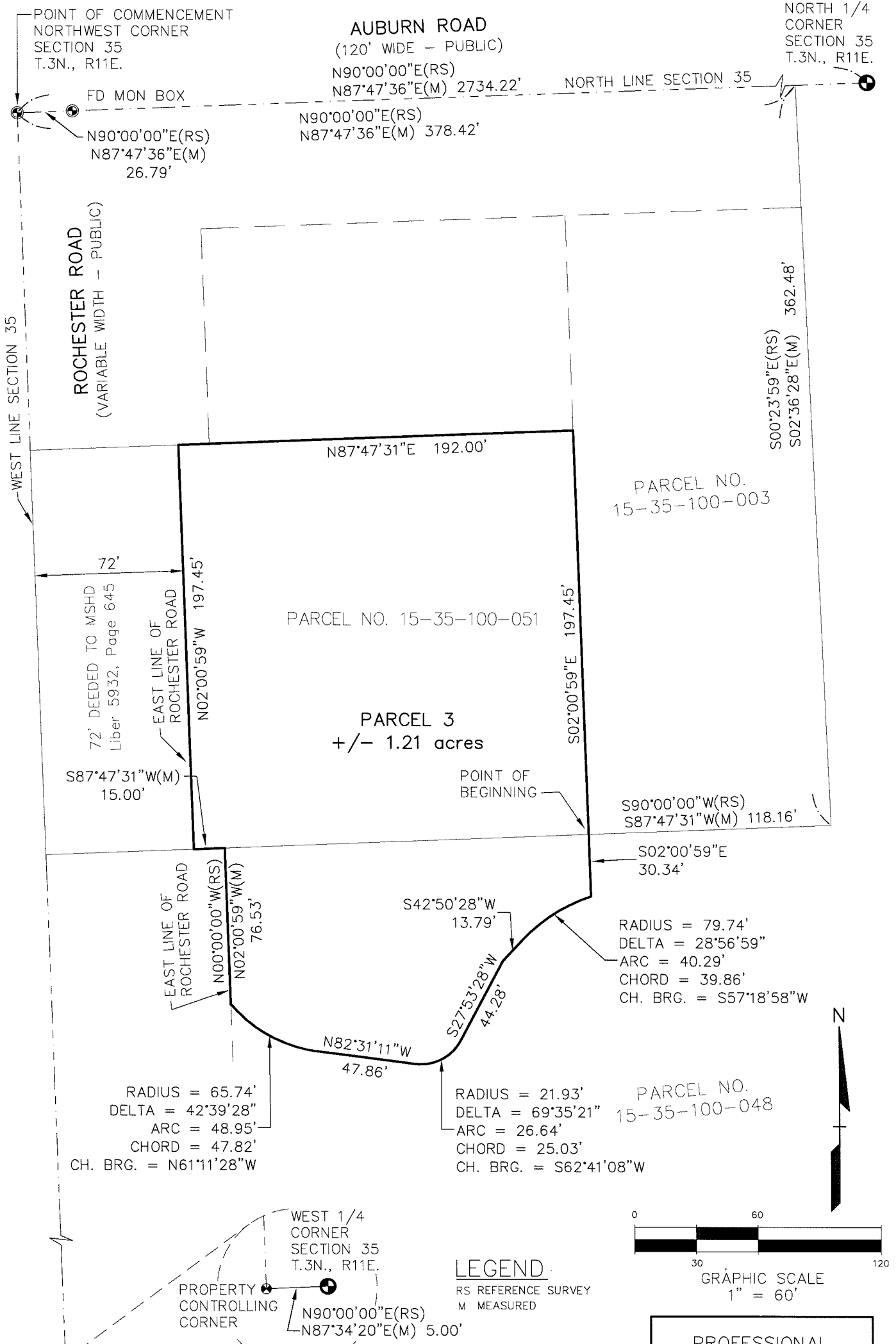
The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by Bryan K. Barnett, Mayor, and Tina Barton, Clerk of the City of Rochester Hills, a Michigan municipal corporation, on behalf of the corporation.

Notary Public:
My commission expires: _____
_____ County, Michigan
Acting in _____, County, Michigan

Drafted by:
John D. Gaber
Williams, Williams, Rattner & Plunkett, P.C.
380 N. Old Woodward Ave., Suite 300
Birmingham, Michigan 48009

When recorded return to:
City Clerk
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, Michigan 48309-3033

EXHIBIT "A"



REV: 04-15-15 REV: 04-24-15
REV: 03-30-15 REV: 04-02-15

REFERENCE DRAWING: BOUNDARY SURVEY FROM SAMBORN, STEKETEE, OTIS & EVANS, INC., JOB NO. 84376, DATED AUGUST 30, 1985.

CLIENT: NAN REALTY, INC 2040 E. Camino Miraval Tuscan, AZ. 85718	SCALE: 1"=60'	JOB No: 2014-186	2430 Rochester Ct. Suite 100 Troy, MI 48083 (248) 689-9090
	DATE: 03-03-2015	DWG. No: 1 of 2	

EXHIBIT "A"

PROPERTY DESCRIPTION – PARCEL 3
(PER PROFESSIONAL ENGINEERING ASSOCIATES)

Part of the Northwest 1/4 of Section 35, T3N, R11E, City of Rochester Hills, Oakland County, Michigan, more particularly described as:

Commencing at the Northwest corner of said Section 35, thence along the North line of said Section 35 N87°47'36"E(M), (surveyed as N90°00'00"E), 378.42 feet; Thence S02°36'28"E(M) S00°23'59"E(RS) 362.48 feet; Thence S87°47'31"W(M), (surveyed as S90°00'00"W), 118.16 feet to the Point of Beginning; Thence S02°00'59"E 30.34 feet to a non-tangent point of curve also being the back of curb line; Thence following said back of curb line the following six (6) courses; 1) along a curve to the left 40.29 feet, having a radius of 79.74 feet, delta of 28°56'59", and a chord bearing of S57°18'58"W 39.86 feet, 2) S42°50'28"W 13.79 feet, 3) S27°53'28"W 44.28 feet, 4) along a curve to the right 26.64 feet, having a radius of 21.93 feet, a delta of 69°35'21", and a chord bearing of S62°41'08"W 25.03 feet, 5) N82°31'11"W 47.86 feet, 6) along a curve to the right 48.95 feet, having a radius of 65.74 feet, delta of 42°39'28", and a chord bearing of N61°11'28"W 47.82 feet to a non-tangent point also being a point on the East line of Rochester Road (variable width); Thence along the said east line of Rochester Road N02°00'59"W 76.53 feet; Thence S87°47'31"W, 15.00 feet to the East line of Rochester Road (72 foot half width), Thence along the said east line of Rochester Road (72 foot half width) N02°00'59"W 197.45 feet; Thence N87°47'31"E 192.00 feet; Thence S02°00'59"E 197.45 feet to the Point of Beginning.

Containing 52,702 square feet (1.21 acres) more or less.

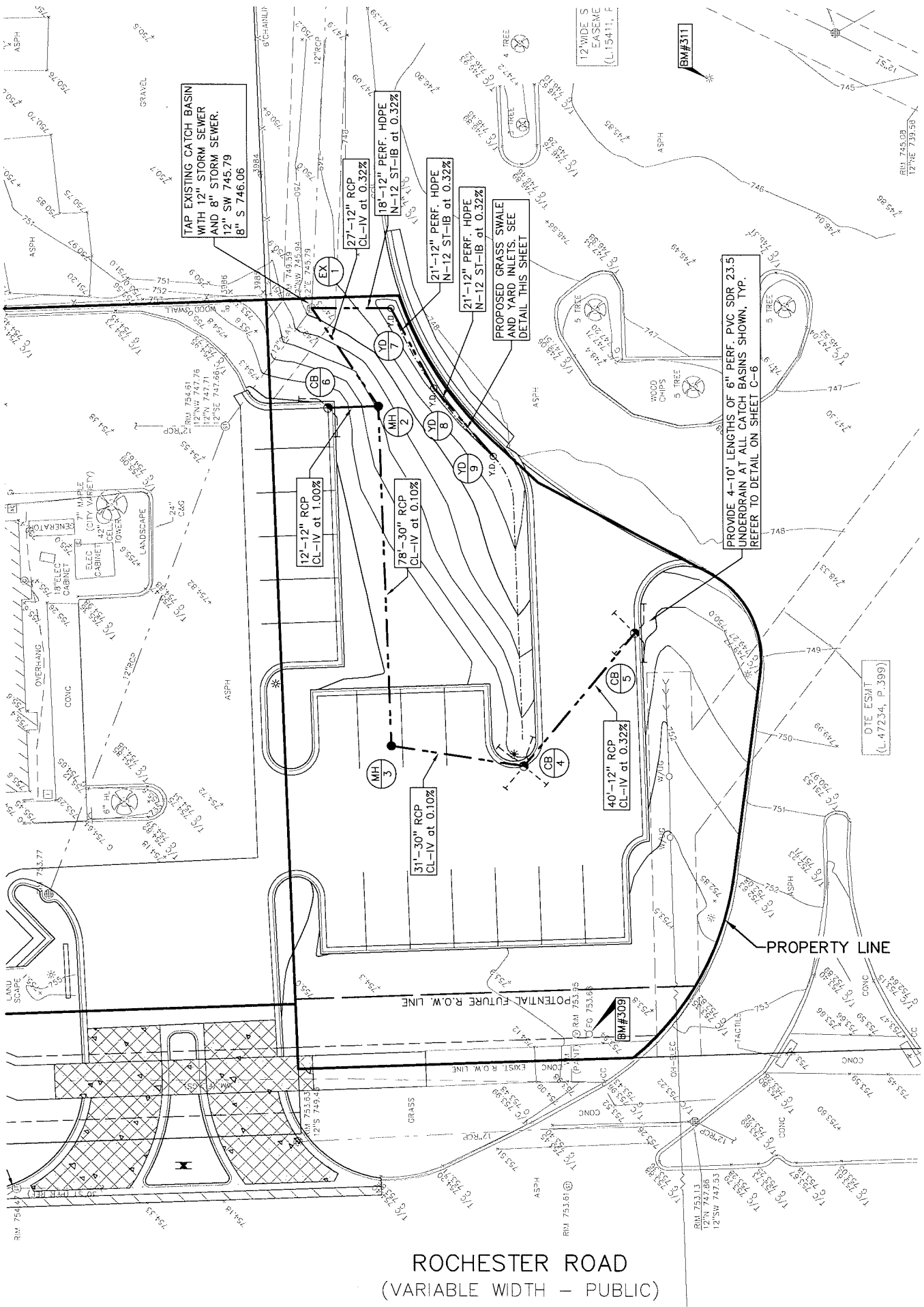
#15-35-100-051



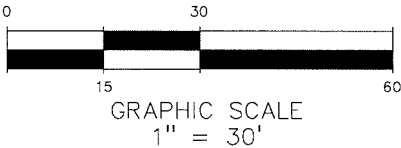
Mike Taurt
Approved 8/12/15

REV: 04-24-15 REV: 04-15-15 REV: 04-02-15 REV: 03-30-15	REFERENCE DRAWING: BOUNDARY SURVEY FROM SAMBORN, STEKETEE, OTIS & EVANS, INC., JOB NO. 84376, DATED AUGUST 30, 1985.	<u>LEGEND</u> RS REFERENCE SURVEY M MEASURED	PROFESSIONAL ENGINEERING ASSOCIATES 2430 Rochester Ct. Suite 100 Troy, MI 48083 (248) 689-9090
CLIENT: NAN REALTY, INC 2040 E. Camino Miraval Tuscan, AZ. 85718	SCALE: 1"=60' DATE: 03-03-2015	JOB No: 2014-186 DWG. No: 2012	

EXHIBIT "B"



ROCHESTER ROAD
(VARIABLE WIDTH - PUBLIC)



PROFESSIONAL
 ENGINEERING
 ASSOCIATES
 2430 Rochester Ct. Suite 100
 Troy, MI 48083
 (248) 689-9090

CLIENT: NAN Realty, Inc. 2040 E. Camino Miraval Tuscan, AZ. 85718	SCALE: 1" = 30'	JOB No: 2014-186
	DATE: 07-28-2015	DWG. No: 1 of 1