

**TERMINATION OF AGREEMENT FOR MAINTENANCE OF
STORM WATER RETENTION SYSTEM**

The City of Rochester Hills, a Municipal corporation (the "City"), whose address is 1000 Rochester Hills Drive, Rochester Hills, MI 48309, and D'Agostini Land Company, LLC a Michigan limited liability company ("D'Agostini") and O.L. Bolyard Lumber Co., Inc., a Michigan corporation ("Bolyard"), whose address is 38700 Van Dyke, Suite 200, Sterling Heights, MI 48312 entered into an Agreement for Maintenance of Storm Water Retention System.

RECITALS:

WHEREAS, The City, D'Agostini and Bolyard entered into an Agreement for Maintenance of Storm Water Retention System, recorded on December 13, 1999 in Liber 20878, Pages 127 through 132, Oakland County Records ("Existing Agreement") for the property described in the attached Exhibit "A" (the "Property") for which the rights, obligations and responsibilities under the Existing Agreement were to run with the land and bind all current and future owners of the Property; and

WHEREAS, Gateway Properties - Rochester Hills, LLC, a Michigan limited liability company, whose address is also 38700 Van Dyke, Suite 200, Sterling Heights, MI 48312 and RH Hospitality, LLC, a Michigan limited liability company, whose address is 29200 Northwestern Highway, Suite 450, Southfield, MI 48034 subsequently became fee simple owners of the Property (collectively "Owner"); and

WHEREAS, the Owners no longer intend to construct the storm water retention system and related facilities as described in the Existing Agreement; and

NOW THEREFORE, in consideration of the mutual promises the adequacy of which is hereby acknowledged, the undersigned hereby agree as follows:

1. That the City and Owners do hereby terminate in its entirety the Existing Agreement recorded in Liber 20878, Pages 127 through 132, Oakland County Records.

Dated this 25th day of April, 2019.

**CITY OF ROCHESTER HILLS,
a Michigan municipal corporation**

By: Bryan K. Barnett
Its: Mayor

STATE OF MICHIGAN }
 }ss.
COUNTY OF OAKLAND }

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Bryan K. Barnett, Mayor, of the City of Rochester Hills, known to me to be the person described in and who executed the foregoing instrument and acknowledged the execution thereof to be of his free act and deed.

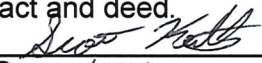
_____, Notary Public
_____, County, Michigan
My commission expires: _____

**GATEWAY PROPERTIES –
ROCHESTER HILLS, LLC
a Michigan limited liability company**


By: Emily D'Agostini Kunath
Its: Authorized Agent

STATE OF MICHIGAN }
 }ss.
COUNTY OF MACOMB }

The foregoing instrument was acknowledged before me this 25th day of April, 2019, by Emily D'Agostini Kunath, Authorized Agent of Gateway Properties – Rochester Hills, LLC, known to me to be the person described in and who executed the foregoing instrument and acknowledged the execution thereof to be of his free act and deed.



Scott Keith, Notary Public
Oakland County, Michigan, Acting in Macomb
My commission expires: 11/19/2024

**RH HOSPITALITY, LLC
a Michigan limited liability company**

By:
Its:

STATE OF MICHIGAN }
 }ss.
COUNTY OF MACOMB }

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by _____, _____ of RH Hospitality, LLC, known to me to be the person described in and who executed the foregoing instrument and acknowledged the execution thereof to be of his free act and deed.

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

*See Next page
for Signature*

Drafted by:
Emily D'Agostini Kunath
38700 Van Dyke, Suite 200
Sterling Heights, MI 48312

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

**GATEWAY PROPERTIES -
ROCHESTER HILLS, LLC**
a Michigan limited liability company

Emily D'Agostini Kunath
By: Emily D'Agostini Kunath
Its: Authorized Agent

STATE OF MICHIGAN }
 }ss.
COUNTY OF MACOMB }

The foregoing instrument was acknowledged before me this 25th day of April, 2019, by Emily D'Agostini Kunath, Authorized Agent of Gateway Properties - Rochester Hills, LLC, known to me to be the person described in and who executed the foregoing instrument and acknowledged the execution thereof to be of his free act and deed.

Scott Keith
Scott Keith, Notary Public
Oakland County, Michigan, Acting in Macomb
My commission expires: 11/19/2024

RH HOSPITALITY, LLC
a Michigan limited liability company

Majid Koza
By: MAJID KOZA
Its: MANAGER

STATE OF MICHIGAN }
 }ss.
COUNTY OF MACOMB }

The foregoing instrument was acknowledged before me this 9th day of MAY, 2019, by MAJID KOZA, MANAGER of RH Hospitality, LLC, known to me to be the person described in and who executed the foregoing instrument and acknowledged the execution thereof to be of his free act and deed.

Alan W. Baskins
_____, Notary Public
_____, County, Michigan
My commission expires: _____

ALAN W. BASKINS
Notary Public, State of Michigan
County of Oakland
My Commission Expires July 6, 2020
Acting in the County of OAKLAND

Drafted by:
Emily D'Agostini Kunath
38700 Van Dyke, Suite 200
Sterling Heights, MI 48312

John Staran
Approved 5/23/19

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

EXHIBIT A
(TERMINATION OF AGREEMENT FOR MAINTENANCE OF
STORM WATER RETENTION SYSTEM)

LEGAL DESCRIPTION

The land referred to in this document is described as follows:

City of Rochester Hills, County of Oakland, State of Michigan

Units 1, 2 and 3, "Gateway of Rochester Hills" Condominium, according to the Master Deed recorded in Liber 52433, Pages 797 through 839, inclusive, as amended, Oakland County Records and designated as Oakland County Condominium Subdivision Plan No. 2259, together with rights in common elements and limited common elements, as set forth in the above Master Deed (and amendments thereto) and as described in Act 59 of the Public Acts of 1978, as amended.

Jenny M.
Approved 5/14/19