

## AMENDMENT TO WATERMAIN EASEMENT

On or about the January 20, 1989, Stolaruk Corporation, a Michigan corporation of 1928 Star-Batt Drive, Rochester Hills, Michigan 48309 granted a watermain easement to the City of Rochester Hills, Michigan, whose address is 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309 (the "City") for the construction, operation, maintenance, repair and/or replacement of a water main on, under, through and across land more particularly in the WATERMAIN EASEMENT recorded by the Oakland County Register of Deeds on May 9, 1989 at Liber 10891, Page 300 (the "Easement Agreement").

Subsequent to the creation of that Easement Agreement, ESM PROPERTIES, LLC whose address is 3950 Maple Hill W, West Bloomfield, Michigan 48323, the current owner of the relevant real property upon which the easement is located ("Property"), has elected to commence construction activities on the Property. As a result, it has become necessary to relocate the physical location of the original easement and to amend the legal description of the Easement Agreement.

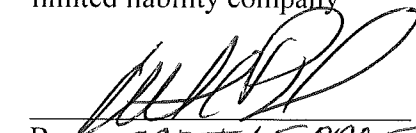
Based on these facts and circumstances, by this document, the existing Easement Agreement is amended such that the Water Main Easement (sketch) set forth in Exhibit A and the legal description of the Water Main Easement (Description) set forth in Exhibit B shall replace and supersede the original Easement Agreement and the legal description of the original Easement Agreement shall be of no further force or effect.

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

**\*\*\* SIGNATURES APPEAR ON FOLLOWING PAGE\*\*\***

IN WITNESS HEREOF, the undersigned have hereunto affixed their signatures on this 25<sup>TH</sup> day of October, 2016.

**ESM PROPERTIES, LLC** a Michigan limited liability company

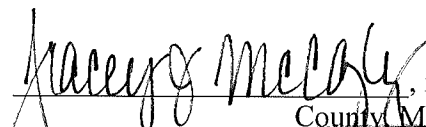
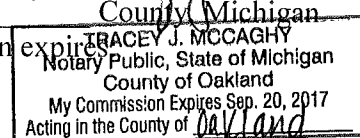
  
By: SCOTT LEPAGE  
Its: Manager

**CITY OF ROCHESTER HILLS**

\_\_\_\_\_  
By: Bryan K. Barnett  
Title: Mayor

STATE OF MICHIGAN  
COUNTY OF OAKLAND

The forgoing instrument was acknowledged before me this 25 day of October, 2016 by Scott LePage who is the Manager of ESM Properties, LLC, a Michigan limited liability company, on behalf of the company.

, notary public  
County, Michigan  
My commission expires \_\_\_\_\_  


STATE OF MICHIGAN  
COUNTY OF OAKLAND

This Agreement was acknowledged before me on \_\_\_\_\_, 2016, by Bryan K. Barnett, Mayor of the City of Rochester Hills, on behalf of the City.

\_\_\_\_\_, notary public  
\_\_\_\_\_, Michigan  
My commission expires:

Drafted by:  
Marc C. Swoish  
Dean & Fulkerson, P.C.  
801 Big Beaver Road; Fifth Floor  
Troy, Michigan 48084

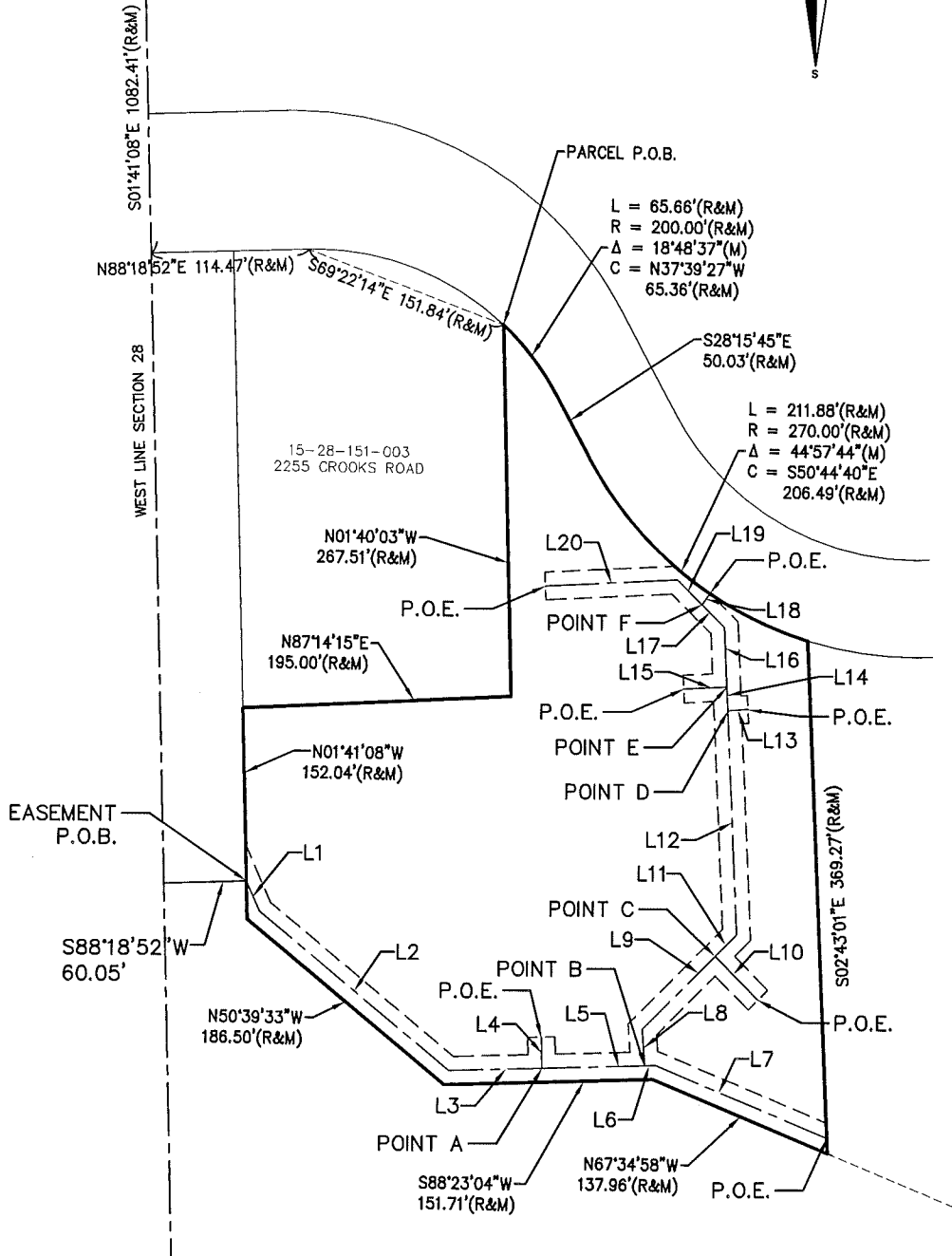
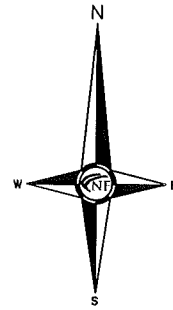
When recorded, return to:  
City of Rochester Hills  
1000 Rochester Hills Drive  
Rochester Hills, Michigan 48309

John W. Staraw  
Approved 11/2/16

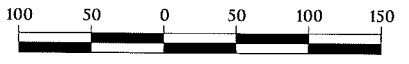
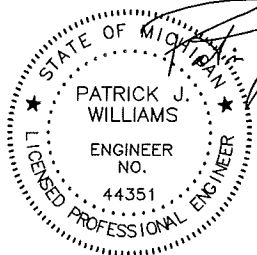
# EXHIBIT A

## WATER MAIN EASEMENT (SKETCH)

NORTHWEST CORNER  
SECTION 28  
T3N-R11E  
L22386, P339, O.C.R.



*Mike Taunt  
Approved 11/2/16*



SCALE: 1" = 100'

NOWAK & FRAUS ENGINEERS  
46777 WOODWARD AVE.  
PONTIAC, MI 48342-5032  
TEL. (248) 332-7931  
FAX. (248) 332-8257

DATE	DRAWN	JOB NO.	SHEET
10-05-2016	AJE	J143	1 of 2

# EXHIBIT A

## WATER MAIN EASEMENT (DESCRIPTION)

### LEGAL DESCRIPTION - PROPERTY

THE LAND REFERRED TO IN THIS SURVEY IS LOCATED IN THE NORTHWEST 1/4 OF SECTION 28, T3N, R11E, CITY OF ROCHESTER HILLS, COUNTY OF OAKLAND, STATE OF MICHIGAN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT DISTANT S01°41'08"E, 1082.41 FEET AND N88°18'52"E, 114.47 FEET AND S69°22'14"E, 151.84 FEET FROM THE NORTHWEST SECTION CORNER; THENCE ALONG A CURVE TO THE RIGHT (RADIUS 200.00 FEET, CHORD BEARS S37°39'27"E, 65.36 FEET, DISTANCE OF 65.66 FEET); THENCE S28°15'45"E, 50.03 FEET; THENCE ALONG A CURVE TO THE LEFT (RADIUS 270.00 FEET, CHORD BEARS S50°44'40"E, 206.49 FEET, DISTANCE OF 211.88 FEET); THENCE S02°43'01"E, 369.27 FEET; THENCE N67°34'58"W, 137.96 FEET; THENCE S88°23'04"W, 151.71 FEET; THENCE N50°39'33"W, 186.50 FEET; THENCE N01°41'08"W, 152.04 FEET; THENCE N87°14'15"E, 195.00 FEET; THENCE N01°40'03"W, 267.51 FEET TO THE POINT OF BEGINNING, CONTAINING 136,722 SQUARE FEET OR 3.139 ACRES OF LAND.

PARCEL ID NO.: 15-28-151-004

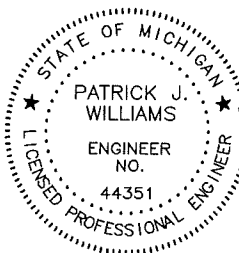
### LEGAL DESCRIPTION - EASEMENT

A 20 FOOT WIDE WATER MAIN EASEMENT LYING IN THE NORTHWEST 1/4 OF SECTION 28, T3N, R11E, CITY OF ROCHESTER HILLS, COUNTY OF OAKLAND, STATE OF MICHIGAN AND THE CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 29, T. 3N, R. 11E, AS RECORDED IN LIBER 22386, PAGE 339, OAKLAND COUNTY RECORDS; THENCE SOUTH 01 DEGREE 41 MINUTES 08 SECONDS EAST, 1535.84 FEET; THENCE NORTH 88 DEGREES 18 MINUTES 52 SECONDS EAST, 60.05 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 24 DEGREES 11 MINUTES 08 SECONDS EAST, 23.96 FEET; THENCE SOUTH 50 DEGREES 39 MINUTES 33 SECONDS EAST, 179.31 FEET; THENCE NORTH 88 DEGREES 23 MINUTES 04 SECONDS EAST, 67.66 FEET TO POINT A; THENCE NORTH 01 DEGREES 36 MINUTES 56 SECONDS WEST, 22.47 FEET TO A POINT OF ENDING; THENCE CONTINUING FROM SAID POINT A NORTH 88 DEGREES 23 MINUTES 04 SECONDS EAST, 74.63 FEET TO POINT B; THENCE NORTH 88 DEGREES 23 MINUTES 04 SECONDS EAST, 7.81 FEET; THENCE SOUTH 67 DEGREES 34 MINUTES 58 SECONDS EAST, 135.40 FEET TO A POINT OF ENDING; THENCE CONTINUING FROM SAID POINT B NORTH 03 DEGREES 51 MINUTES 21 SECONDS WEST, 26.54 FEET; THENCE NORTH 44 DEGREES 46 MINUTES 36 SECONDS EAST, 74.15 FEET TO POINT C; THENCE SOUTH 45 DEGREES 13 MINUTES 24 SECONDS EAST, 44.34 FEET TO A POINT OF ENDING; THENCE CONTINUING FROM SAID POINT C NORTH 44 DEGREES 46 MINUTES 36 SECONDS EAST, 21.97 FEET; THENCE NORTH 02 DEGREES 48 MINUTES 25 SECONDS WEST, 161.52 FEET TO POINT D; THENCE NORTH 86 DEGREES 52 MINUTES 37 SECONDS EAST, 14.78 FEET TO A POINT OF ENDING; THENCE CONTINUING FROM SAID POINT D NORTH 02 DEGREES 48 MINUTES 25 SECONDS WEST, 16.91 FEET TO POINT E; THENCE SOUTH 87 DEGREES 11 MINUTES 35 SECONDS WEST, 31.30 FEET TO A POINT OF ENDING; THENCE CONTINUING FROM SAID POINT E NORTH 02 DEGREES 48 MINUTES 25 SECONDS WEST, 42.83 FEET; THENCE NORTH 45 DEGREES 15 MINUTES 30 SECONDS WEST, 23.26 FEET TO POINT F; THENCE NORTH 33 DEGREES 42 MINUTES 45 SECONDS EAST, 9.91 FEET TO A POINT OF ENDING; THENCE CONTINUING FROM SAID POINT F NORTH 45 DEGREES 15 MINUTES 30 SECONDS WEST, 25.21 FEET; THENCE SOUTH 87 DEGREES 11 MINUTES 35 SECONDS WEST, 96.00 FEET TO A POINT OF ENDING.

Line Table		
Line #	Direction	Length
L1	S24°11'08"E	23.96
L2	S50°39'33"E	179.31
L3	N88°23'04"E	67.66
L4	N1°36'56"W	22.47
L5	N88°23'04"E	74.63
L6	N88°23'04"E	7.81
L7	S67°34'58"E	135.40
L8	N3°51'21"W	26.54
L9	N44°46'36"E	74.15
L10	S45°13'24"E	44.34
L11	N44°46'36"E	21.97
L12	N2°48'25"W	161.52
L13	N86°52'37"E	14.78
L14	N2°48'25"W	16.91
L15	S87°11'35"W	31.30
L16	N2°48'25"W	42.83
L17	N45°15'30"W	23.26
L18	N33°42'45"E	9.91
L19	N45°15'30"W	25.21
L20	S87°11'35"W	96.00

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*Patrick Williams*

DATE 10-05-2016    DRAWN AJE    JOB NO. J143    SHEET 2 of 2