

SECOND AMENDMENT TO WATER MAIN EASEMENT

On or about the January 20, 1989, Stolaruk Corporation, a Michigan corporation of 1928 Star-Batt Drive, Rochester Hills, Michigan 48309 granted a water main 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 375 S. Eton Street, Apt. 404, Birmingham, Michigan 48009, the current owner of the relevant real property upon which the easement is located ("Property"), elected to commence construction activities on the Property. As a result, it became necessary to relocate the physical location of the original easement. The Easement Agreement was amended to change the physical location of the easement and said Amendment to Water Main Easement was recorded on March 9, 2017 in Liber 50453, Page 775 ("1st Amendment").

During construction activities performed by ESM PROPERTIES, LLC, the actual location of the water main and its connection point to the building were required to be relocated. Said relocation was approved by the City of Rochester Hills as part of the site plan approval process. As a result of the relocation of the water main, this Second Amendment to Water Main Easement ("2nd Amendment") is required.

Based on these facts and circumstances, by this document, the existing Easement Agreement and 1st Amendment are amended such that the 2nd Amendment to Water Main Easement (Sketch) and the legal description of the 2nd Amendment to Water Main Easement (Description) set forth in Exhibit A shall replace and supersede the original Easement Agreement and the 1st Amendment and the legal description of the original Easement Agreement and 1st Amendment 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 MCL 207.505 (a) and MCL 207.526(a).

****** SIGNATURES APPEAR ON THE FOLLOWING PAGE******

IN WITNESS HEREOF, the undersigned have hereunto affixed their signatures on this 28th day of June, 2019.

ESM PROPERTIES, LLC a Michigan limited liability company



By: Norman LePage
Its: Manager

STATE OF MICHIGAN

COUNTY OF OAKLAND

The forgoing instrument was acknowledged before me this 28th day of June, 2019 by Norman LePage, Manager of ESM Properties, LLC, a Michigan limited liability company, on behalf of the company.



_____, notary public
macomb county County, Michigan Acting in Oakland
My commission expires: Sept 26, 2020 County

ERIC B. HORNER
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES Sep 26, 2020
ACTING IN COUNTY OF Oakland

CITY OF ROCHESTER HILLS

By: Bryan K. Barnett
Title: Mayor

STATE OF MICHIGAN

COUNTY OF OAKLAND

This Agreement was acknowledged before me on _____, 2019, by Bryan K. Barnett, Mayor of the City of Rochester Hills, on behalf of the City.

_____, notary public

County, Michigan
My commission expires:

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

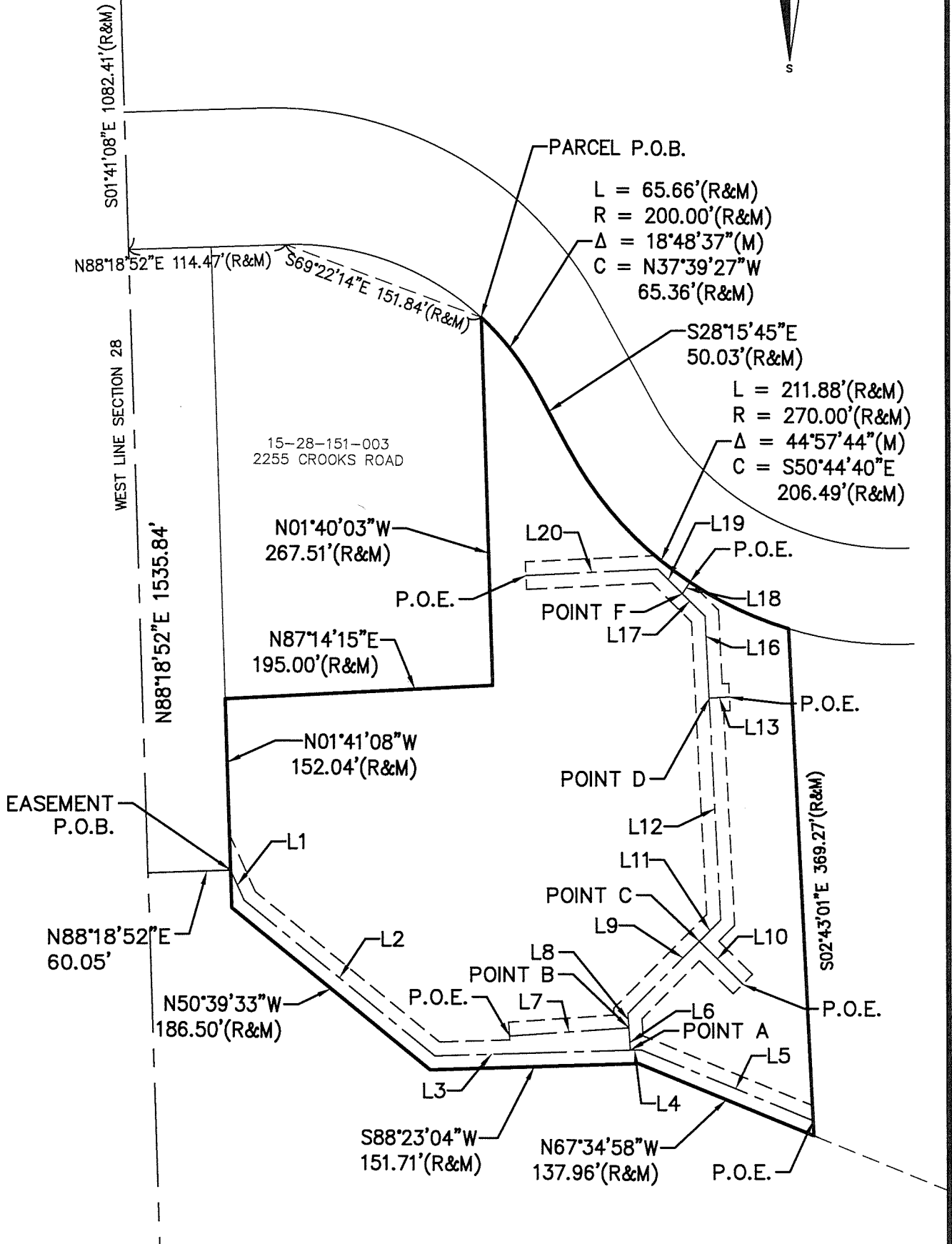
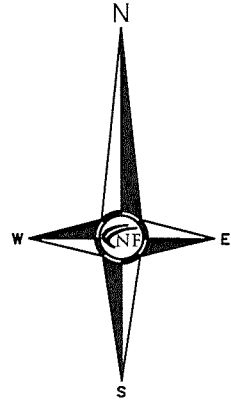
Drafted By:
Marc C. Swoish
Dean & Fulkerson, PC
801 W. Big Beaver; Fifth Floor
Troy, MI 48084

John Staraw
Approved 7-9-19

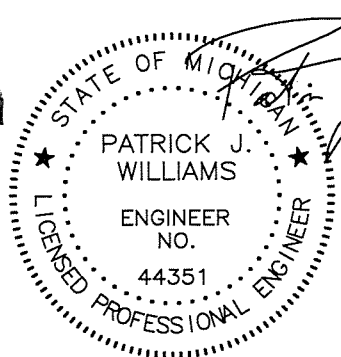
EXHIBIT A

WATER MAIN EASEMENT (SKETCH)

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



*Jenny M.
Approved 6/28/19*



SCALE: 1" = 100'

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

Revised: 06-27-2019
DATE DRAWN JOB NO. SHEET
06-13-2019 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

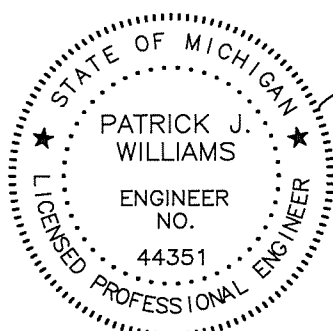
LEGAL DESCRIPTION - EASEMENT

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, 142.29 FEET TO POINT A; THENCE CONTINUING FROM SAID POINT A, NORTH 03 DEGREES 51 MINUTES 21 SECONDS WEST, 16.24 FEET TO POINT B; THENCE CONTINUING FROM SAID POINT B, NORTH 03 DEGREES 51 MINUTES 21 SECONDS WEST, 10.30 FEET; THENCE NORTH 44 DEGREES 46 MINUTES 36 SECONDS EAST, 74.15 FEET TO POINT C; 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 CONTINUING FROM SAID POINT D, NORTH 02 DEGREES 48 MINUTES 25 SECONDS WEST, 59.74 FEET; THENCE NORTH 45 DEGREES 15 MINUTES 30 SECONDS WEST, 23.26 FEET TO POINT F; 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; THENCE CONTINUING FROM SAID POINT A, 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, SOUTH 86 DEGREES 08 MINUTES 33 SECONDS WEST, 87.02 FEET TO A POINT OF ENDING; THENCE CONTINUING FROM SAID POINT C, SOUTH 45 DEGREES 13 MINUTES 24 SECONDS EAST, 44.34 FEET TO A POINT OF ENDING; THENCE CONTINUING FROM SAID POINT D, NORTH 86 DEGREES 52 MINUTES 37 SECONDS EAST, 14.78 FEET TO A POINT OF ENDING; THENCE CONTINUING FROM SAID POINT F, NORTH 33 DEGREES 42 MINUTES 45 SECONDS EAST, 9.91 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	142.29'
L4	N88°23'04"E	7.81'
L5	S67°34'58"E	135.40'
L6	N3°51'21"W	16.24'
L7	S86°08'33"W	87.02'
L8	N3°51'21"W	10.30'
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'
L16	N2°48'25"W	59.74'
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'

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



Patrick Williams

Revised: 06-27-2019

DATE DRAWN JOB NO. SHEET
 06-13-2019 AJE J143 2 of 2