

WATERMAIN EASEMENT

CEDAR VALLEY LIVING, LLC, a Michigan limited liability company of 31100 Telegraph Road, Suite 250, Bingham Farms, Michigan, 48025 ("Grantor") grants to the **CITY OF ROCHESTER HILLS**, a Michigan municipal corporation, of 1000 Rochester Hills Drive, Rochester Hills, Michigan, 48309 ("Grantee" or "City") an easement for the construction, operation, maintenance, repair and/or replacement of a watermain on, under through and across land more particularly described as in Exhibit "A" and Exhibit "B".

- A. In connection with the grant of easement, Grantor waives and relinquishes any right, title or interest in the watermain, or the facilities incidental thereto, which may be located in the easement.
- B. All property disturbed or altered, now or in the future, by reason of the construction, operation, maintenance, repair and/or replacement of the watermain shall be restored by the City to its immediately prior condition, except to the extent permanent improvements or alterations necessary to the use of easement rights granted hereunder are made.
- C. The easement shall be irrevocable and non-exclusive, and Grantor and Grantor's successors and assigns may use and enjoy the easement area in common with the City.
- D. Grantor expressly reserves to Grantor and Grantor's successors and assigns, so long as there is no interference with the construction, operation, maintenance, repair and/or replacement of the watermain: (a) the right of ingress and egress over, through and across the easement, and (b) the right to grant other non-exclusive easements and rights-of-way across, over, under and through the easement parcel, with the condition that prior to such a grant written consent shall be obtained from the City, which shall not be unreasonably withheld.

Exempt from Transfer Taxes under MCL 207.505(a) and 207.526(a).

IN WITNESS HEREOF, Grantor has hereunto affixed its signature on July 18, 2018

CEDAR VALLEY LIVING, LLC



By: Bret Russell

Its: Authorized Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 18 day of JULY 2018, by Bret Russell, Authorized Member of CEDAR VALLEY LIVING, LLC of 31100 Telegraph Road, Suite 250, Bingham Farms, Michigan, 4802548025, a Michigan limited liability company, on behalf of the company.

Karen C.D. Cuthbertson
Karen C.D. Cuthbertson, Notary Public
Oakland County, Michigan
My Commission Expires: February 27, 2020

Drafted by:
Jeffrey T. Cuthbertson (P70483)
Cuthbertson Law, PLC
345 Diversion Street, Suite 410
Rochester, MI 48307

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

Tax parcel #15-23-152-025 Recording fee: \$ _____ Transfer tax: Exempt

John Staran
Approved 7/23/18

Exhibit A

PROPERTY AND PROPOSED 20' WIDE WATER MAIN EASEMENT LEGAL DESCRIPTIONS
LEGAL DESCRIPTION: PARCEL I.D. 15-23-152-025

PER FIRST AMERICAN TITLE INSURANCE COMPANY TITLE COMMITMENT NO. TC13-74918:

LAND SITUATED IN THE CITY OF ROCHESTER HILLS, COUNTY OF OAKLAND, STATE OF MICHIGAN DESCRIBED AS FOLLOWS:

PART OF THE NORTHWEST 1/4 OF SECTION 23, TOWN 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT (P.O.B. 1) WHICH IS NORTH 89 DEGREES 32 MINUTES 00 SECONDS EAST 286.15 FEET ALONG THE EAST-WEST 1/4 LINE OF SECTION 23 AND NORTH 00 DEGREES 28 MINUTES 00 SECONDS WEST 1.84 FEET; AND NORTH 01 DEGREES 55 MINUTES 10 SECONDS EAST 58.82 FEET FROM THE WEST 1/4 CORNER OF SECTION 23, TOWN 3 NORTH, RANGE 11 EAST; THENCE SOUTH 89 DEGREES 38 MINUTES 30 SECONDS WEST 30.00 FEET; THENCE NORTH 01 DEGREES 55 MINUTES 25 SECONDS EAST 60.00 FEET; THENCE NORTH 89 DEGREES 38 MINUTES 30 SECONDS EAST 30.00 FEET; THENCE NORTH 01 DEGREES 55 MINUTES 12 SECONDS EAST 213.52 FEET; THENCE NORTH 89 DEGREES 37 MINUTES 35 SECONDS EAST 615.67 FEET ALONG (IN PART) THE SOUTH LINE OF YORKTOWNE COMMONS SUBDIVISION, AS RECORDED IN LIBER 206, PAGES 13, 14, 15, 16, 17, 18 AND 19 OF PLATS, OAKLAND COUNTY RECORDS; THENCE SOUTH 01 DEGREES 55 MINUTES 12 SECONDS WEST 249.71 FEET ALONG THE WEST LINE OF EDDINGTON WOODS SUBDIVISION, AS RECORDED IN LIBER 287, PAGES 21, 22, 23, 24 AND 25 OF PLATS, OAKLAND COUNTY RECORDS; THENCE SOUTH 89 DEGREES 38 MINUTES 30 SECONDS WEST (SOUTH 85 DEGREES 53 MINUTES 06 SECONDS WEST RECORD) 615.68 FEET; THENCE SOUTH 01 DEGREES 55 MINUTES 10 SECONDS WEST 23.97 FEET TO THE POINT OF BEGINNING;

ALSO:
EDDINGTON WOODS MYSTIC PARK WEST, OF EDDINGTON WOODS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 287 OF PLATS, PAGES 21 THROUGH 25, BOTH INCLUSIVE, OAKLAND COUNTY RECORDS;

ALSO:
BEGINNING AT A POINT (P.O.B. 2) WHICH IS NORTH 01 DEGREES 55 MINUTES 12 SECONDS EAST 2.36 FEET AND NORTH 89 DEGREES 38 MINUTES 14 SECONDS EAST 66.05 FEET FROM THE WEST 1/4 CORNER OF SECTION 23, TOWN 3 NORTH, RANGE 11 EAST, SAID POINT BEING ON THE EAST LINE OF ROCHESTER ROAD; THENCE ALONG SAID EAST LINE NORTH 01 DEGREES 55 MINUTES 12 SECONDS EAST 82.81 FEET; THENCE NORTH 89 DEGREES 38 MINUTES 30 SECONDS EAST 190.00 FEET; THENCE SOUTH 01 DEGREES 55 MINUTES 25 SECONDS WEST 23.97 FEET; THENCE NORTH 89 DEGREES 38 MINUTES 30 SECONDS EAST 30.00 FEET; THENCE SOUTH 01 DEGREES 55 MINUTES 10 SECONDS WEST 58.82 FEET; THENCE SOUTH 89 DEGREES 38 MINUTES 14 SECONDS WEST 220.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A RECIPROCAL EASEMENT AGREEMENT RECORDED SEPTEMBER 13, 2005 IN LIBER 36245, PAGE 459.

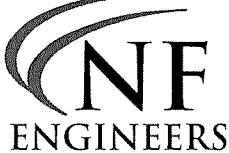
LEGAL DESCRIPTION: 20' WIDE WATER MAIN EASEMENT

AN EASEMENT FOR PUBLIC WATER MAIN ACROSS THE PREVIOUSLY DESCRIBED PARCEL 15-23-152-025, MEASURING 20- FEET IN WIDTH AND CENTERED ON THE WATER MAIN AS CONSTRUCTED. THE CENTERLINE OF SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT (P.O.B. 1) WHICH IS NORTH 89 DEGREES 32 MINUTES 00 SECONDS EAST 286.15 FEET ALONG THE EAST-WEST 1/4 LINE OF SECTION 23 AND NORTH 00 DEGREES 28 MINUTES 00 SECONDS WEST 1.84 FEET AND NORTH 01 DEGREES 55 MINUTES 10 SECONDS EAST 58.82 FEET FROM THE WEST 1/4 CORNER OF SECTION 23, TOWN 3 NORTH, RANGE 11 EAST; THENCE SOUTH 89 DEGREES 38 MINUTES 30 SECONDS WEST 30.00 FEET; THENCE NORTH 01 DEGREES 55 MINUTES 25 SECONDS EAST 60.00 FEET; THENCE NORTH 89 DEGREES 38 MINUTES 30 SECONDS EAST 30.00 FEET; THENCE NORTH 01 DEGREES 55 MINUTES 12 SECONDS EAST 54.41 FEET; THENCE SOUTH 88 DEGREES 04 MINUTES 48 SECONDS EAST 12.28 FEET TO THE POINT OF BEGINNING FOR THE EASEMENT AND START OF CENTERLINE "A"; THENCE ALONG SAID CENTERLINE "A" SOUTH 45 DEGREES 21 MINUTES 20 SECONDS EAST 37.63 FEET TO A TEE FOR HYDRANT LEAD BRANCH NO. 1 TO THE SOUTHWEST; THENCE SOUTH 44 DEGREES 38 MINUTES 29 SECONDS WEST 3.20 FEET; THENCE SOUTH 00 DEGREES 21 MINUTES 29 SECONDS EAST 13.00 TO POINT OF ENDING OF SAID BRANCH; THENCE REVERSING ALONG THE PREVIOUS TWO COURSES TO THE SAID PREVIOUS TEE FOR HYDRANT LEAD BRANCH NO. 1 AND CONTINUING ALONG CENTERLINE "A" SOUTH 45 DEGREES 21 MINUTES 20 SECONDS EAST 13.81 FEET; THENCE NORTH 89 DEGREES 38 MINUTES 30 SECONDS EAST 169.92 FEET TO A TEE FOR HYDRANT LEAD BRANCH NO. 2 TO THE NORTH; THENCE NORTH 00 DEGREES 20 MINUTES 43 SECONDS WEST 21.50' TO POINT OF ENDING OF SAID BRANCH; THENCE REVERSING ALONG THE PREVIOUS COURSE TO THE SAID PREVIOUS TEE FOR HYDRANT LEAD BRANCH NO. 2 AND CONTINUING ALONG CENTERLINE "A" NORTH 89 DEGREES 38 MINUTES 30 SECONDS EAST 80.51 FEET TO POINT "A"; THENCE NORTH 89 DEGREES 38 MINUTES 30 SECONDS EAST 18.26 FEET TO A TEE FOR HYDRANT LEAD BRANCH NO. 3 TO THE NORTH; THENCE NORTH 00 DEGREES 20 MINUTES 21 SECONDS WEST 21.49 FEET TO POINT OF ENDING OF SAID BRANCH; THENCE REVERSING ALONG THE PREVIOUS COURSE TO THE SAID PREVIOUS TEE FOR HYDRANT LEAD BRANCH NO. 3 AND CONTINUING ALONG CENTERLINE "A" NORTH 89 DEGREES 38 MINUTES 30 SECONDS EAST 59.98 FEET; THENCE NORTH 44 DEGREES 38 MINUTES 30 SECONDS EAST 39.60 FEET; THENCE NORTH 89 DEGREES 38 MINUTES 30 SECONDS EAST 124.87 FEET; THENCE NORTH 44 DEGREES 40 MINUTES 11 SECONDS EAST 12.14 FEET TO A TEE FOR HYDRANT LEAD BRANCH NO. 4 TO THE SOUTHEAST; THENCE SOUTH 45 DEGREES 21 MINUTES 30 SECONDS EAST 8.84 FEET; THENCE NORTH 89 DEGREES 38 MINUTES 30 SECONDS EAST 23.65 FEET TO POINT OF ENDING OF OF SAID BRANCH; THENCE REVERSING ALONG THE PREVIOUS TWO COURSES TO THE SAID PREVIOUS TEE FOR HYDRANT LEAD BRANCH NO. 4 AND CONTINUING ALONG CENTERLINE "A" NORTH 44 DEGREES 38 MINUTES 30 SECONDS EAST 14.27 FEET; THENCE NORTH 00 DEGREES 22 MINUTES 53 SECONDS WEST 98.02 FEET; THENCE NORTH 44 DEGREES 37 MINUTES 57 SECONDS EAST 15.29 FEET; THENCE NORTH 89 DEGREES 37 MINUTES 57 SECONDS EAST 15.00 FEET TO POINT OF ENDING "A".

ALSO, CONTINUING FROM POINT "A" ALONG CENTERLINE "B" NORTH 00 DEGREES 25 MINUTES 46 SECONDS WEST 120.69 FEET; THENCE NORTH 45 DEGREES 20 MINUTES 09 SECONDS WEST 32.75 FEET; THENCE SOUTH 89 DEGREES 38 MINUTES 01 SECONDS WEST 8.44 FEET TO A TEE FOR HYDRANT LEAD BRANCH NO. 5 TO THE SOUTH; THENCE SOUTH 00 DEGREES 21 MINUTES 59 SECONDS EAST 29.84 FEET TO POINT OF ENDING OF SAID BRANCH; THENCE REVERSING ALONG THE PREVIOUS COURSE TO THE SAID PREVIOUS TEE FOR HYDRANT LEAD BRANCH NO. 5 AND CONTINUING ALONG CENTERLINE "B" SOUTH 89 DEGREES 38 MINUTES 01 SECONDS WEST 38.53 FEET; THENCE NORTH 45 DEGREES 20 MINUTES 09 SECONDS WEST 20.16 FEET; THENCE NORTH 00 DEGREES 22 MINUTES 25 SECONDS WEST 37.79 FEET TO POINT OF ENDING "B", SAID POINT ON NORTHERN PROPERTY LINE OF PARCEL

SAID EASEMENT CONTAINS 20,145.98 SQUARE FEET OR 0.462 ACRES



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

PREPARED FOR:
MIF 2, LLC

SCALE DATE
N.T.S. 07-20-2018

DRAWN
PT

JOB NO. SHEET
J401 1 of 2

Scott W.
Approved 7/25/18

