

SANITARY SEWER EASEMENT

SELECTIVE – DELAWARE, L.L.C., a Delaware limited liability company, the address of which is 100 Galleria Officentre, Suite 200, Southfield, Michigan 48034 (“Grantor”), grants to the **CITY OF ROCHESTER HILLS**, a Michigan municipal corporation, of 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309 (“City”), an easement for the construction, operation, maintenance, repair and/or replacement of a sanitary sewer on, under, through and across land more particularly described as:

See **Exhibit A** attached hereto and made a part hereof.

Sidewell #

In connection with the grant of easement, Grantor waives and relinquishes any right, title or interest in the sanitary sewer, or the facilities incidental thereto, which may be located in the easement.

All property disturbed or altered, now or in the future, by reason of the construction, operation, maintenance, repair and/or replacement of the sanitary sewer shall be restored by the City to its immediately prior condition, except to the extent permanent improvements or alterations necessary to the use and exercise of easement rights granted hereunder are made.

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.

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 sanitary sewer: (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.

Exempt from Transfer Tax under MCLA 207.526(a); MSA 7.456(26)(a).

APPROVED AS TO FORM

J. Staron 12/9/2003

ROCHESTER HILLS COUNSEL

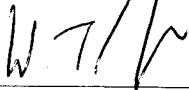
IN WITNESS WHEREOF, the undersigned have hereunto affixed their signatures on this _____ day of October, 2003.

“GRANTOR”

SELECTIVE – DELAWARE, L.L.C.,
a Delaware limited liability company

By: CENTEX HOMES, a Nevada general
partnership, its sole Member

**By: CENTEX REAL ESTATE
CORPORATION**, a Nevada
corporation, its Managing Partner


By: 

William T. Stapleton,
Division President

STATE OF MICHIGAN)
)SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 22nd day of October, 2003, by William T. Stapleton, the Division President of Centex Real Estate Corporation, a Nevada corporation, the Managing Partner of Centex Homes, a Nevada general partnership, the sole Member of Selective – Delaware, L.L.C., a Delaware limited liability company, on behalf of the company.

D. MACEACHERN
Notary Public, Oakland County, MI
My Commission Expires Nov. 22, 2005


_____, Notary Public
OAKLAND County, Michigan
My commission expires: 11-22-05

Drafted By:
Timothy M. Koltun, Esq.
Clark Hill PLC
500 Woodward Avenue, Ste. 3500
Detroit, Michigan 48226

When Recorded Return To:
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, Michigan 48309

EXHIBIT "A"

Legal Description

LEGAL DESCRIPTION OF A PRIVATE EASEMENT FOR SANITARY SEWER AND PUBLIC UTILITIES LOCATED IN SECTION 35, T3N, R11E, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN.

SANITARY EASEMENT NO. 1

Commencing at the NW corner of Lot 58 "Brooklands" Subdivision as recorded in Liber 25 of Plats, Page 10, Oakland County Records thence southerly 1813.04 feet along the west line of said Lot 58 in the arc of a circular curve to the right, radius 3066.82 feet, central angle 33°52'20", chord S 05°40'39" E 1786.75 feet to the POINT OF BEGINNING

thence S 80°08'34" E 120.07 feet;

thence S 56°22'33" W 28.33 feet;

thence N 78°32'45" W 100.00 feet;

thence northerly 16.72 feet along the west line of said Lot 58 in the arc of a non-tangential curve to the left, radius 3066.82, central angle 00°18'44", chord N 11°24'53" E 16.72 feet to the POINT OF BEGINNING. Being subject to easements and restrictions of record, if any.

DEAC
M. Cans
ENGINEERING
10-24-03

EXHIBIT "A"

Legal Description

LEGAL DESCRIPTION OF A 12 FOOT WIDE PRIVATE EASEMENT FOR SANITARY SEWER AND PUBLIC UTILITIES LOCATED IN SECTION 35, T3N, R11E, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN

SANITARY EASEMENT NO. 2

Commencing at the NW corner of Lot 58 of "Brooklands" Subdivision as recorded in Liber 25 of Plats, Page 10, Oakland County Records, thence southerly 2196.55 feet along the west line of said Lot 58 in the arc of a curve to the right, radius 3066.82 feet, central angle of 41°02'13", chord S 02°05'42" E 2149.90 feet; thence S 71°34'35" E 118.00 feet to the POINT OF BEGINNING,

thence continuing S 71°34'35" E 12.00 feet;

thence southerly 454.34 feet in the arc of a non-tangential curve to the right, radius 3196.82 feet, central angle 08°08'35", and chord S 22°29'43" W 453.96 feet;

thence N 63°26'00" W 12.00 feet;

thence northerly 452.64 feet in the arc of a non-tangential curve to the left, radius 3184.82 feet, central angle 08°08'35", and chord N 22°29'42" E 452.26 feet to the POINT OF BEGINNING. Being subject to easements and restrictions of record, if any.

DESC
M. [Signature]
10-24-03

EXHIBIT "A"

Legal Description

LEGAL DESCRIPTION OF A 25 FOOT WIDE PRIVATE EASEMENT FOR SANITARY SEWER, STORM SEWER AND PUBLIC UTILITIES LOCATED IN SECTION 35, T3N, R11E, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN

SANITARY EASEMENT NO. 3

Commencing at the NW corner of Lot 58 of "Brooklands" Subdivision as recorded in Liber 25 of Plats, Page 10, Oakland County Records, thence southerly 2632.41 feet along the west line of said Lot 58 in the arc of a curve to the right, radius 3066.82 feet, central angle of 49°10'48", chord S 01°58'36" W 2552.34 feet; thence S 63°26'00" E 105.00 feet to the POINT OF BEGINNING,

thence continuing S 63°26'00" E 25.00 feet;

thence southerly 302.36 feet in the arc of a non-tangential curve to the right, radius 3196.82 feet, central angle 05°25'09", and chord S 29°16'35" W 302.25 feet;

thence N 58°00'51" W 25.00 feet;

thence northerly 300.00 feet in the arc of a non-tangential curve to the left, radius 3171.82 feet, central angle 05°25'09", and chord N 29°16'35" E 299.89 feet to the POINT OF BEGINNING. Being subject to easements and restrictions of record, if any.

DESC
M. [Signature]
10-24-03

EXHIBIT "A"

Legal Description

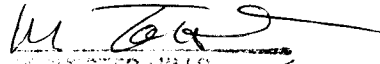
LEGAL DESCRIPTION OF A 25 FOOT WIDE PRIVATE EASEMENT FOR SANITARY SEWER, STORM SEWER AND PUBLIC UTILITIES LOCATED IN SECTION 35, T3N, R11E, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN.

SANITARY EASEMENT NO. 4

Commencing at the NW corner of Lot 58 of "Brooklands" Subdivision as recorded in Liber 25 of Plats, Page 10, Oakland County Records, thence southerly 2730.74 feet along the west line of said Lot 58 in the arc of a curve to the right, radius 3066.82 feet, central angle of 51°01'01", chord S 02°53'43" W 2641.42 feet; thence S 62°09'25" E 190.01 feet to the POINT OF BEGINNING,

thence continuing S 62°09'25" E 260.37 feet;
thence southeasterly 101.45 feet in the arc of a circular curve to the right, radius 220.00 feet, central angle 26°25'14", and chord S 48°56'48" E 100.55 feet;
thence S 48°16'57" W 25.15 feet;
thence northwesterly 92.54 feet in the arc of a non-tangential curve to the left, radius 195.00 feet, central angle 27°11'27", and chord N 48°33'42" W 91.68 feet;
thence N 62°09'25" W 260.70 feet;
thence northeasterly 24.99 feet in the arc of a non-tangential curve to the left, radius 3256.82 feet, central angle 00°26'23", and chord N 28°35'27" E 24.99 feet to the POINT OF BEGINNING. Being subject to easements and restrictions of record, if any.

LEGAL DESC


M. T. G.
ROCHESTER HILLS
ENGINEERING DEPT.

10-24-03

EXHIBIT "A"

Legal Description

LEGAL DESCRIPTION OF A 12 FOOT WIDE PRIVATE EASEMENT FOR SANITARY SEWER AND PUBLIC UTILITIES LOCATED IN SECTION 35, T3N, R11E, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN.

SANITARY EASEMENT NO. 5

Commencing at the NW corner of Lot 58 of "Brooklands" Subdivision as recorded in Liber 25 of Plats, Page 10, Oakland County Records, thence southerly 2730.74 feet along the west line of said Lot 58 in the arc of a curve to the right, radius 3066.82 feet, central angle of 51°01'01", chord S 02°53'43" W 2641.42 feet; thence S 62°09'25" E 450.38 feet; thence southeasterly 101.45 feet in the arc of a circular curve to the right, radius 220.00 feet, central angle 26°25'14", and chord S 48°56'48" E 100.55 feet to the POINT OF BEGINNING,

thence continue southeasterly 40.59 feet in the arc of a curve radius 220.00 feet, central angle 10°34'14", and chord S 30°27'04" E 40.53 feet;
thence southerly 49.25 feet in the arc of a circular curve to the right, radius 50.00 feet, central angle 56°26'23", and chord S 03°03'15" W 47.29 feet;
thence southerly 40.59 feet in the arc of a circular curve to the left, radius 73.00 feet, central angle 31°51'24", and chord S 15°20'44" W 40.07 feet;
thence S 70°24'59" W 12.59 feet;
thence northerly 51.36 feet in the arc of a non-tangential curve to the right, radius 85.00 feet, central angle 34°37'12", and chord N 13°57'49" E 50.58 feet;
thence northerly 37.43 feet in the arc of a circular curve to the left, radius 38.00 feet, central angle 56°26'23", and chord N 03°03'14" E 35.94 feet;
thence northwesterly 37.12 feet in the arc of a circular curve to the left, radius 208.00 feet, central angle 10°13'26", and chord N 30°16'41" W 37.07 feet;
thence N 48°16'57" E 12.07 feet to the POINT OF BEGINNING. Being subject to easements and restrictions of record, if any.

LEGAL DESC
M. A. [Signature]
ROCHESTER HILLS
ENGINEERING DEPT.
10-24-03

EXHIBIT "A"

Legal Description

LEGAL DESCRIPTION OF A 12 FOOT WIDE PRIVATE EASEMENT FOR SANITARY SEWER AND PUBLIC UTILITIES LOCATED IN SECTION 35, T3N, R11E, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN.

SANITARY EASEMENT NO. 6

Commencing at the NW corner of Lot 58 of "Brooklands" Subdivision as recorded in Liber 25 of Plats, Page 10, Oakland County Records, thence southerly 2922.48 feet along the west line of said Lot 58 in the arc of a curve to the right, radius 3066.82 feet, central angle of 54°35'57", chord S 04°41'11" W 2813.15 feet; thence S 58°00'51" E 118.00 feet to the POINT OF BEGINNING,

thence continuing S 58°00'51" E 12.00 feet;
thence southwesterly 46.39 feet in the arc of a non-tangential curve to the right, radius 3196.82 feet, central angle 00°49'52", and chord S 32°24'05" W 46.37 feet;
thence S 32°49'02" W 52.16 feet;
thence southerly 162.74 feet in the arc of a circular curve to the left, radius 280.00 feet, central angle 33°18'15", and chord S 16°09'55" W 160.47 feet;
thence S 89°30'47" W 12.00 feet;
thence northerly 169.73 feet in the arc of a non-tangential curve to the right, radius 292.00 feet, central angle 33°18'15", and chord N 16°09'55" E 167.35 feet;
thence N 32°49'02" E 52.16 feet;
thence northeasterly 46.20 feet in the arc of a circular curve to the left, radius 3184.82 feet, central angle 00°49'52", and chord N 32°24'06" E 46.20 feet to the POINT OF BEGINNING. Being subject to easements and restrictions of record, if any.

MITCHELL DEESC



ROCHESTER HILLS
ENGINEERING DEPT.

10-24-03

EXHIBIT "A"

Legal Description

LEGAL DESCRIPTION OF A 25 FOOT WIDE PRIVATE EASEMENT FOR SANITARY SEWER, STORM SEWER AND PUBLIC UTILITIES LOCATED IN SECTION 35, T3N, R11E, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN.

SANITARY EASEMENT NO. 7

Commencing at the NW corner of Lot 58 of "Brooklands" Subdivision as recorded in Liber 25 of Plats, Page 10, Oakland County Records, thence southerly 3018.43 feet along the west line of said Lot 58 in the arc of a curve to the right, radius 3066.82 feet, central angle of 56°23'31", chord S 05°34'57" W 2898.07 feet; thence southerly 242.08 feet along the west line of said Lot 58 in the arc of a circular curve to the left, radius 461.48 feet, central angle 30°03'23", and chord S 18°45'02" W 239.32 feet; thence N 89°30'47" E 116.49 feet to the POINT OF BEGINNING,

thence continuing N 89°30'47" E 25.00 feet;

thence southerly 207.08 feet in the arc of a non-tangential curve to the left, radius 280.00 feet, central angle 42°22'29", and chord S 21°40'28" E 202.39 feet;

thence S 47°08'18" W 25.00 feet;

thence northerly 225.57 feet in the arc of a non-tangential curve to the right, radius 305.00 feet, central angle 42°22'29", and chord N 21°40'28" W 220.46 feet to the POINT OF BEGINNING. Being subject to easements and restrictions of record, if any.

APPROVED DESC
M. Taus
ROCHESTER HILLS
ENGINEERING DEPT.
10-24-03

EXHIBIT "A"

Legal Description

LEGAL DESCRIPTION OF A 12 FOOT WIDE PRIVATE EASEMENT FOR SANITARY SEWER AND PUBLIC UTILITIES LOCATED IN SECTION 35, T3N, R11E, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN

SANITARY EASEMENT NO. 8

Commencing at the NW corner of Lot 58 of "Brooklands" Subdivision as recorded in Liber 25 of Plats, Page 10, Oakland County Records, thence southerly 3018.43 feet along the west line of said Lot 58 in the arc of a curve to the right, radius 3066.82 feet, central angle of 56°23'31", chord S 05°34'57" W 2898.07 feet; thence southerly 566.04 feet along the west line of said Lot 58 in the arc of a circular curve to the left, radius 461.48 feet, central angle 70°16'42", and chord S 01°21'38" E 531.22 feet; thence N 47°08'18" E 160.84 feet to the POINT OF BEGINNING,

thence continuing N 47°08'18" E 12.00 feet;
thence southeasterly 137.10 feet in the arc of a non-tangential curve to the left, radius 280.00 feet, central angle 28°03'11", and chord S 56°53'17" E 135.73 feet;
thence S 70°54'53" E 46.39 feet;
thence S 19°05'07" W 41.75 feet;
thence southwesterly 238.73 feet in the arc of a circular curve to the right, radius 220.00 feet, central angle 62°10'21", and chord S 50°10'17" W 227.18 feet;
thence N 03°41'53" E 12.31 feet;
thence northeasterly 223.05 feet in the arc of a circular curve to the left, radius 208.00 feet, central angle 61°26'32", and chord N 49°48'23" E 212.52 feet;
thence N 19°05'07" E 29.75 feet;
thence N 70°54'53" W 34.39 feet;
thence northwesterly 142.97 feet in the arc of a circular curve to the right, radius 292.00 feet, central angle 28°03'11", and chord N 56°53'18" W 141.54 feet to the POINT OF BEGINNING. Being subject to easements and restrictions of record, if any.

LEGAL DESC
M. Cant
ROCHESTER HILLS, MI
REGISTERED DATE
10-24-03

EXHIBIT "A"

Legal Description

LEGAL DESCRIPTION OF A 12 FOOT WIDE PRIVATE EASEMENT FOR SANITARY SEWER AND PUBLIC UTILITIES LOCATED IN SECTION 35, T3N, R11E, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN

SANITARY EASEMENT NO. 9

Commencing at the NW corner of Lot 58 of "Brooklands" Subdivision as recorded in Liber 25 of Plats, Page 10, Oakland County Records, thence southerly 3018.43 feet along the west line of said Lot 58 in the arc of a curve to the right, radius 3066.82 feet, central angle of 56°23'31", chord S 05°34'57" W 2898.07 feet; thence southerly 555.39 feet along the west line of said Lot 58 in the arc of a circular curve to the left, radius 461.48 feet, central angle 68°57'18" and chord S 00°41'56" E 522.47 feet; thence N 90°00'00" E 347.15 feet to the POINT OF BEGINNING,

thence S 70°54'53" E 47.34 feet;
thence easterly 103.38 feet in the arc of a circular curve to the left, radius 330.00 feet, central angle 17°56'58", and chord S 79°53'22" E 102.96 feet;
thence S 88°51'51" E 8.33 feet;
thence southeasterly 63.26 feet in the arc of a circular curve to the right, radius 50.00 feet, central angle 72°29'37", and chord S 52°37'03" E 59.13 feet;
thence easterly 146.82 feet in the arc of a circular curve to the left, radius 73.00 feet, central angle 115°14'10", and chord S 73°59'19" E 123.30 feet;
thence S 41°36'25" E 12.00 feet;
thence westerly 170.96 feet in the arc of a circular curve to the right, radius 85.00 feet, central angle 115°14'10", and chord N 73°59'20" W 143.56 feet;
thence northwesterly 48.08 feet in the arc of a non-tangential curve to the left, radius 38.00 feet, central angle 72°29'37", and chord N 52°37'04" W 44.94 feet;
thence N 88°51'51" W 8.33 feet;
thence westerly 107.14 feet in the arc of a circular curve to the right, radius 342.00 feet, central angle 17°56'58", and chord N 79°53'22" W 106.70 feet;
thence N 70°54'53" W 47.34 feet;
thence N 19°05'07" E 12.00 feet to the POINT OF BEGINNING. Being subject to easements and restrictions of record, if any.

ATTACHED DESC
M. [Signature]
ROCHESTER HILLS
ENGINEERING DEPT.
10-24-03

EXHIBIT "A"

Legal Description

LEGAL DESCRIPTION OF A 20 FOOT WIDE PRIVATE EASEMENT FOR SANITARY SEWER LOCATED IN SECTION 35, T3N, R11E, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN

SANITARY EASEMENT NO. 10

Commencing at the NW corner of Lot 58 of "Brooklands" Subdivision as recorded in Liber 25 of Plats, Page 10, Oakland County Records, thence southerly 3018.43 feet along the west line of said Lot 58 in the arc of a curve to the right, radius 3066.82 feet, central angle of 56°23'31", chord S 05°34'57" W 2898.07 feet; thence southerly 710.87 feet along the west line of said Lot 58 in the arc of a circular curve to the left, radius 461.48 feet, central angle 88°15'33" and chord S 10°21'04" E 642.64 feet; thence N 90°00'00" E 550.04 feet to the POINT OF BEGINNING,

thence northeasterly 20.06 feet in the arc of a non-tangential curve to the left, radius 73.00 feet, central angle 15°44'49", and chord N 48°23'35" E 20.00 feet;
thence S 41°36'25" E 87.19 feet;
thence S 66°37'09" E 31.54 feet;
thence S 36°30'16" W 20.54 feet;
thence N 66°37'09" W 31.32 feet;
thence N 41°36'25" W 91.63 feet to the POINT OF BEGINNING. Being subject to easements and restrictions of record, if any.

APPROVED DESC
M. Lamb
ROCHESTER HILLS
ENGINEERING DEPT.
10-24-03

EXHIBIT "A"

Legal Description

LEGAL DESCRIPTION OF A PRIVATE EASEMENT FOR SANITARY SEWER AND WATERMAIN LOCATED IN SECTION 35, T3N, R11E, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN.

SANITARY EASEMENT NO. 11

Commencing at the NW corner of Lot 58 "Brooklands" Subdivision as recorded in Liber 25 of Plats, Page 10, Oakland County Records thence southerly 2922.49 feet along the west line of said Lot 58 in the arc of a circular curve to the right, radius 3066.82 feet, central angle 54°35'57", chord S 04°41'11" W 2813.15 feet to the POINT OF BEGINNING,

thence S 58°00'51" E 130.00 feet;
thence southwesterly 46.39 feet in the arc of a non-tangential curve to the right, radius 3196.82 feet, central angle 00°49'52", and chord S 32°24'05" W 46.38 feet;
thence S 32°49'02" W 16.70 feet;
thence N 50°06'59" W 131.00 feet;
thence northeasterly 45.08 feet along the west line of said Lot 58 in the arc of a non-tangential curve to the left, radius 3066.82 feet, central angle 00°50'32", and chord N 32°24'25" E 45.08 feet to the POINT OF BEGINNING. Being subject to easements and restrictions of record, if any.

APPROVED DESC
M. T. [Signature]
ROCHESTER HILLS
ENGINEERING DEPT.
10-24-03