

SANITARY SEWER EASEMENT

Evangelical

Abiding Presence Lutheran Church, a Michigan corporation, of 1550 Walton Boulevard, Rochester Hills, Michigan 48307

grants to the CITY OF ROCHESTER HILLS, a Michigan municipal corporation, of 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309, 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 Attached exhibit 'A' Sidwell # 15-09-378-022

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)

IN WITNESS HEREOF, the undersigned have hereunto affixed their signatures on this 12 day of September, 2004.

Abiding Presence Evangelical Lutheran Church

Signature of Janet C. McBride, Janet McBride (Print Name)

President of the Congregation Abiding Presence Evangelical Lutheran Church

Signature of James C. Schock, Jim Schock (Print Name)

Chairman of the building committee Title

STATE OF MICHIGAN COUNTY OF Oakland

The foregoing instrument was acknowledged before me this 12 day of September 2004, by Janet McBride/Jim Schock who is the President of the Congregation Abiding Presence Lutheran Church, MI corporation, on behalf of the corporation. Evangelical

Drafted by: Mickalich & Associates, Inc. 2359 Avon Industrial Drive Rochester Hills, MI 48309

Signature of Cynthia K. Tieff, Cynthia K. Tieff Notary Public Wayne County, Michigan My Commission Expires: 10-NOV-10

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

APPROVED AS TO FORM J. Staron 2/1/05

ROCHESTER HILLS COUNSEL

