

SANITARY SEWER EASEMENT

THE FRANK ARAGONA TRUST U/A/D DECEMBER 3, 1979, AS AMENDED AND TIENKEN Partners, LLC, a Michigan Limited liability company, both of 37020 Garfield Rd, Suite T-1, Clinton Township, MI 48036 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" & "B"  
Part of Tax Parcel No. 70-15-11-101-032 - Commonly known as South East Corner of Rochester Rd and Tienken Rd.

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.

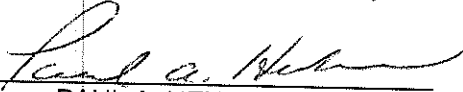
Exempt from Transfer Tax under MCLA 207.526(a)

IN WITNESS HEREOF, the undersigned have hereunto affixed their signatures on this 17th day of October, 2005.

THE FRANK ARAGONA TRUST U/A/D  
December 3, 1979, AS AMENDED

By:   
PAUL V. ARAGONA,  
Its: Executive Trustee

TIENKEN PARTNERS LLC  
A Michigan limited liability company

By:   
PAUL A. HENDERSON,  
Trustee, or his successors in trust, under the Paul A. Henderson Living Trust u/a/d April 9, 1998, as amended  
Its: Member

STATE OF MICHIGAN  
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of October, 2005, by PAUL V. ARAGONA and PAUL A. HENDERSON.

Drafted by:  
*Doug Kennedy*  
*Atwell-Hicks*  
*50182 Schoenherr*  
*Shelby Twp, MI 48315*

When recorded, return to:  
City of Rochester Hills  
1000 Rochester Hills Drive  
Rochester Hills, MI 48309  
2001.doc

  
Annette Aragona Moran Notary Public  
Acting in Oakland County, Michigan  
My Commission Expires: 7/17/07  
ANNETTE ARAGONA MORAN  
NOTARY PUBLIC OAKLAND CO., MI  
MY COMMISSION EXPIRES Jul 17, 2007

CITY OF ROCHESTER HILLS

By: \_\_\_\_\_  
Pat Somerville, Mayor

By: \_\_\_\_\_  
Jane Leslie, Clerk

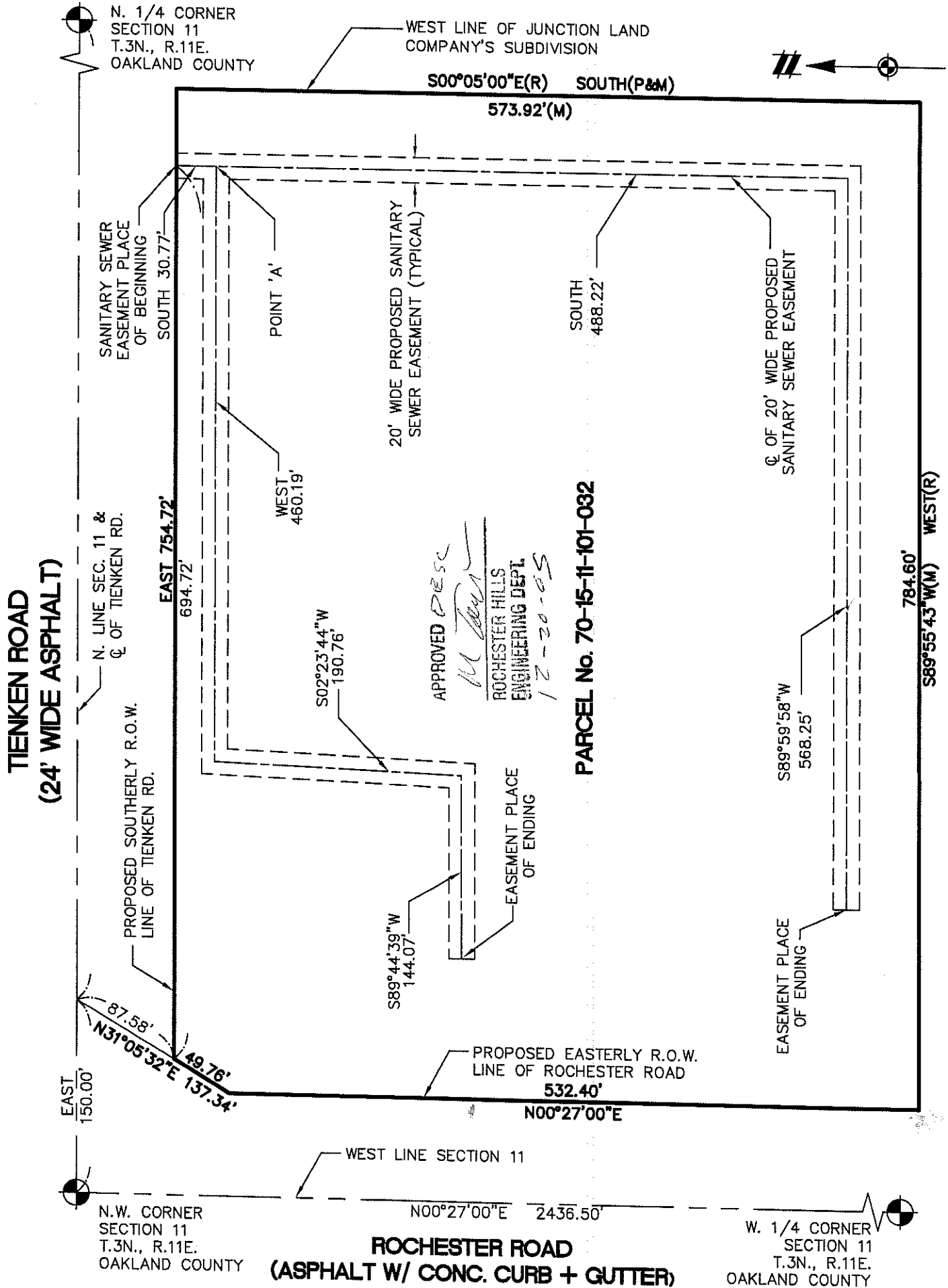
STATE OF MICHIGAN  
COUNTY OF OAKLAND

This agreement was acknowledged before me on  
\_\_\_\_\_, \_\_\_\_\_, by Pat Somerville, Mayor,  
and Jane Leslie, Clerk, of the City of Rochester Hills, on behalf of the City.

\_\_\_\_\_  
My Commission expires:

, Notary Public  
County, Michigan

EXHIBIT A



CLIENT TIENKEN PARTNERS, LLC  
 PROPOSED SANITARY SEWER EASEMENT  
 SECTION 11, TOWN 3 NORTH, RANGE 11 EAST  
 CITY OF ROCHESTER HILLS  
 OAKLAND COUNTY, MICHIGAN  
 SCALE: 1 INCH = 100 FEET

**ATWELL-HICKS**  
 Engineering • Surveying • Planning  
 Environmental • Water/Wastewater  
 866 850 4200  
 www.atwell-hicks.com  
 MICHIGAN ILLINOIS OHIO

JOB: 200714.13	CAD: 200714EA01
DR: LKP	CH: JIF
BOOK: -	PG: -
SHEET: 01 OF 02	DATE: 09-23-05
FILE NO: 5102-131-1	



**REMAINING CITY WALK PARCEL (EXCLUDING PROPOSED RIGHT-OF-WAY)**  
**Parcel ID No. 70-15-11-101-032**

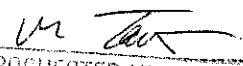
A parcel of Land in the Northwest 1/4 of Section 11, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, described as: Commencing at the Northwest Corner of said Section 11; thence East 150.00 feet along the North Line of said Section 11 and along the Centerline of Tienken Road (variable width); thence S31°05'32"W 87.58 feet to the Proposed Southerly Right-of-Way Line of said Tienken Road for a **PLACE OF BEGINNING**; thence East 754.72 feet along said Proposed Southerly Right-of-Way Line, 75 feet south of, and parallel to said North Section Line, to the West Line of "Junction Land Company's Subdivision" as recorded in Liber 22, Page 28, Oakland County Records; thence South 573.92 feet along said West Subdivision Line; thence S89°55'43"W 784.60 feet (recorded as Due West) to the Proposed Easterly Right-of-Way Line of Rochester Road (variable width); thence along said Easterly Right-of-Way Line the following two courses: N00°27'00"E 532.40 feet, 80 feet East of, and parallel to, the West Line of said Section 11, and N31°05'32"E 49.76 feet to the Place of Beginning, containing 10.30 acres of land, more or less, subject to easements, exceptions, conditions and requirements, if any.


**PROPOSED SANITARY SEWER EASEMENT**

A 20 foot wide easement for the installation and maintenance of sanitary sewer in the Northwest 1/4 corner of Section 11, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan whose centerline is furtherly described as: Commencing at the Northwest 1/4 corner of said Section 11; thence East 150.00 feet along the North Line of Section 11 and the Centerline of Tienken Road; thence S31°05'32"W 87.58 feet to a point on the Proposed Southerly Right-of-Way line of Tienken Road; thence East 694.72 along said Proposed Southerly Right-of-Way line of Tienken Road for a **PLACE OF BEGINNING**; thence South 30.77 feet to Point A; thence continuing South 488.22 feet; thence S89°59'58"W 568.25 feet for a Place of Ending

And **BEGINNING** at said Point 'A'; thence West 460.19 feet; thence S02°23'44"W 190.76 feet; thence S89°44'39"W 144.07 feet for a Place of Ending.

*013 per  
 J-Stark  
 12-20-09*

APPROVED DESC  
  
 ROCHESTER HILLS  
 ENGINEERING DEPT.  
 12-20-09

CLIENT TIENTKEN PARTNERS, LLC	<b>ATWELL-HICKS</b>	
	Engineering • Surveying • Planning Environmental • Water/Wastewater 866 850 4200 www.atwell-hicks.com MICHIGAN ILLINOIS OHIO	
PROPOSED SANITARY SEWER EASEMENT		JOB: 200714.13
SECTION 11, TOWN 3 NORTH, RANGE 11 EAST CITY OF ROCHESTER HILLS OAKLAND COUNTY, MICHIGAN		CAD: 200714EA01
		DR. LKP
		CH. JIF
	BOOK -	PG. -
	SHEET 02 OF 02	DATE: 09-23-05
	FILE NO. 5102-131-2	