

AMENDMENT TO WATER MAIN EASEMENT

WHEREAS, on May 6, 1994, SHERWOOD INVESTMENT COMPANY, a Michigan co-partnership; nka UNIVERSITY SQUARE INVESTMENT CO., LLC, a Michigan Limited Liability Company of 39520 Woodward Avenue, Bloomfield Hills, MI 48304 (hereinafter referred to as "UNIVERSITY SQUARE") granted an easement for the water main in favor of the CITY OF ROCHESTER HILLS, as recorded on September 26, 1994, in Liber 14997, Page 502, Oakland County Records (hereinafter referred to as the "Easement"); and

WHEREAS, the legal description of the recorded easement is described as:

A 20 ft. wide easement for the construction, operation, maintenance, and repair of a watermain over land in the Southeast $\frac{1}{4}$ of Section 7, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, the centerline of which is described as commencing at the Southeast corner of said Section 7; th along the South line of said section, S 89° 19' 25" W, 383.11'; th N 0° 11' 22" E, 60.00' to the Point of Beginning; th N 0° 11' 22" E, 260.00'; th S 89° 19' 25" W, 192.60'; th S 44° 19' 25" W, 15.13'; th S 89° 19' 25" W, 1.70'; th S 0° 11' 22" W, 49.30'; th N 0° 11' 22" E, 49.30'; th S 89° 19' 25" W, 159.30'; th N 45° 40' 35" W, 15.13'; th S 89° 19' 25" W, 35.00' to a Point of Branching; th S 0° 00' 35" E, 260.00'; thence returning to the Point of Branching; th N 0° 00' 35" W, 555.00'; th N 60° 00' E, 140.00', th N 89° 20' 19" E, 605.00' to a point on the West Right-of-Way line of Adams Road; th S 89° 20' 19" W, 27.00'; th S 0° 35' 44" E, 197.00'; th S 89° 20' 19" W, 257.00'; th S 0° 39' 41" E, 20.00'; th N 0° 39' 41" W, 20.00'; th S 89° 20' 19" W, 210.00'; th S 0° 39' 41" E, 430.00' to the Point of Ending.

WHEREAS, University Square Investment Company is commencing construction and it is now necessary to relocate the water main; and

WHEREAS, the legal description contained in the recorded easement does not accurately describe the location of the water main and the intended location of the easement; and

WHEREAS, the City of Rochester Hills and University Square Investment Company wish to amend the legal description of the easement to describe its new location.

NOW, THEREFORE, the parties hereto agree as follows:

1. The following legal description shall replace and supersede the legal description of the easement as recorded and the recorded legal description shall be of no further force or effect:

A 20-foot wide easement for the construction, operation, maintenance and repair of a water main over land in the Southeast $\frac{1}{4}$ of Section 7, Township 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, the centerline of which is described as commencing at the Southeast corner of said Section 7, thence along the South line of said section, S. 89° 19' 25" W., 383.11 feet; thence N. 00° 11' 22" E., 60.00 feet to the point of beginning; thence N. 00° 11' 22" E., 260.00 feet; thence S. 89° 19' 25" W., 192.60 feet; thence S. 44° 19' 25" W., 15.13 feet; thence S. 89° 19' 25" W., 1.70 feet; thence S. 00° 11' 22" W., 49.30 feet; thence N. 00° 11' 22" E., 49.30 feet; thence S. 89° 19' 25" W., 99.75 feet; thence S. 46° 26' 07" W., 16.76 feet; thence S. 89° 19' 25" W., 58.24 feet; thence N. 44° 27' 27" W., 30.61 feet, thence S. 89° 19' 25" W., 13.56 feet to a point of branching; thence S. 00° 00' 35" E., 260.00 feet; thence returning to the point of branching; thence N. 00° 00' 35" W., 555.00 feet; thence

N. 60° 00' 00" E., 140.00 feet; thence N. 89° 20' 19" E., 605.00 feet to a point on the West right-of-way line of Adams Road; thence S. 89° 20' 19" W., 27.00 feet; thence S. 00° 35' 44" E., 197.00 feet; thence S. 89° 20' 19" W., 257.00 feet; thence S. 00° 39' 41" E., 20.00 feet; thence N. 00° 39' 41" W., 20.00 feet; thence S. 89° 20' 19" W., 210.00 feet; thence S. 00° 39' 41" E., 323.94 feet; thence N. 89° 20' 19" E., 19.18 feet; thence N. 00° 27' 30" W., 12.50 feet; thence S. 00° 27' 30" E., 12.50 feet; thence S. 89° 20' 19" W., 19.18 feet; thence S. 00° 39' 41" E., 102.56 feet to the point of ending.

2. In all other respects, the easement, recorded as aforesaid, is hereby ratified, confirmed and redeclared.

Exempt from Transfer Tax under M.S.A. 7.456(5A)

IN WITNESS HEREOF, the undersigned have hereunto affixed their signatures on this 13th day of APRIL, 2006.

IN THE PRESENCE OF:

UNIVERSITY SQUARE INVESTMENT CO. LLC,
A Michigan Limited Liability Company

[Signature]
Deborah Scott
[Signature]
Diene M. Scott

[Signature]
By: Thomas L. Giannico
Its: Member

CITY OF ROCHESTER HILLS

By:
Its:

STATE OF MICHIGAN }
 } :SS
COUNTY OF OAKLAND }

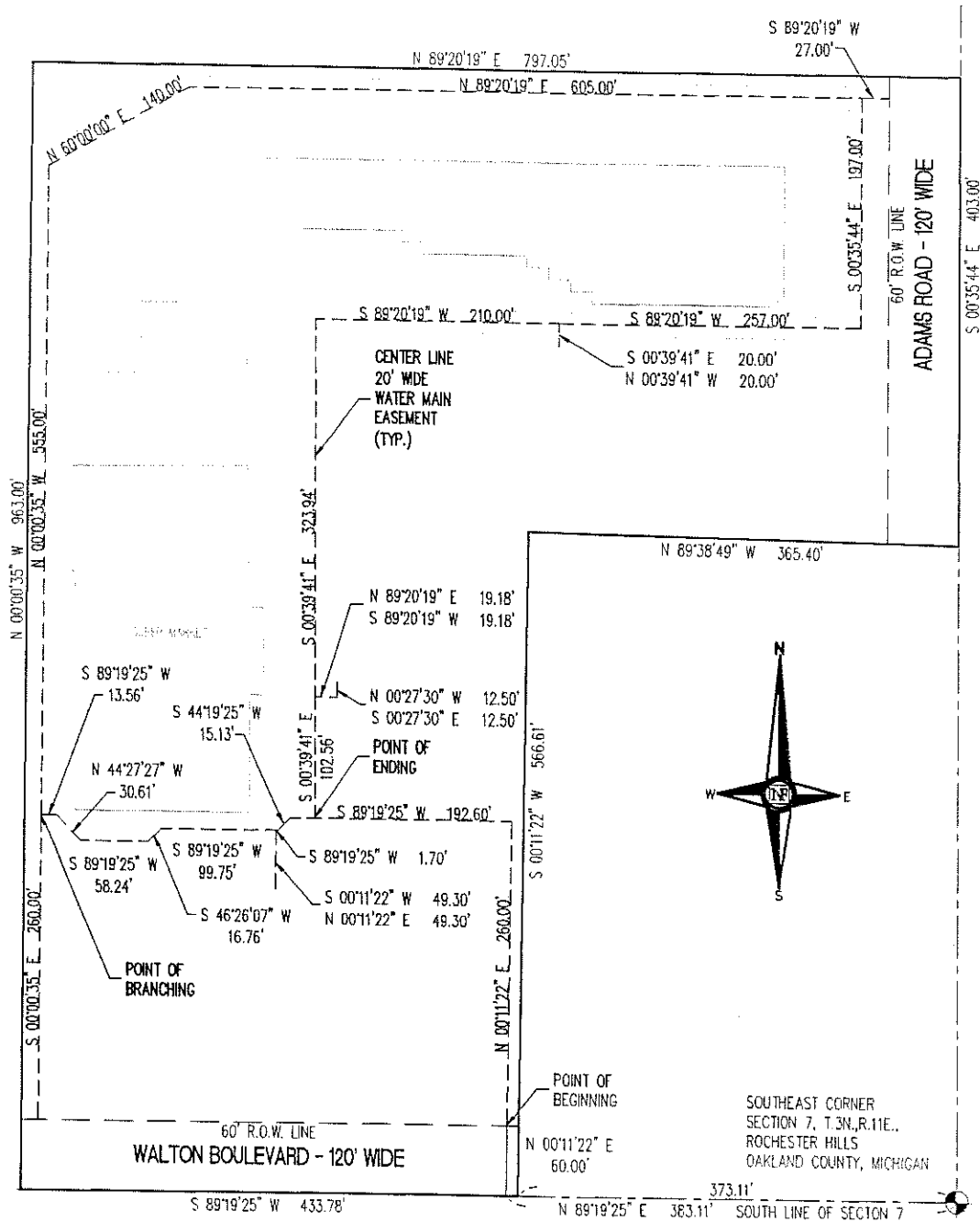
On this 13th day of April, 2006, before me personally appeared Thomas L. Giannico, personally known to me to be the person who executed the foregoing Agreement, as member of University Square Investment Company, a Michigan Limited Liability Company, on behalf of such company.

APPROVED AS TO FORM
J. Staran 5/3/06
ROCHESTER HILLS COUNCIL

[Signature]
Deborah Scott Notary
Oakland County, MI
My Commission Expires: 9-27-06
Acting in Oakland County

Water Main Easement

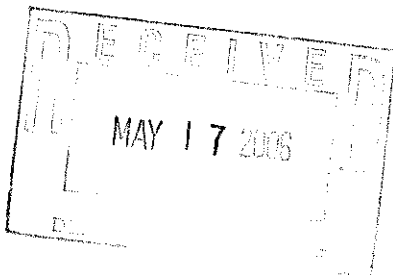
UNIVERSITY SQUARE



LEGAL DESCRIPTION

A 20-FOOT WIDE EASEMENT FOR THE CONSTRUCTION, OPERATION, MAINTENANCE AND REPAIR OF A WATER MAIN OVER LAND IN THE SOUTHEAST ¼ OF SECTION 7, TOWNSHIP 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, THE CENTERLINE OF WHICH IS DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 7, THENCE ALONG THE SOUTH LINE OF SAID SECTION, S. 89° 19' 25" W., 383.11 FEET; THENCE N. 00° 11' 22" E., 60.00 FEET TO THE POINT OF BEGINNING; THENCE N. 00° 11' 22" E., 260.00 FEET; THENCE S. 89° 19' 25" W., 192.60 FEET; THENCE S. 44° 19' 25" W., 15.13 FEET; THENCE S. 89° 19' 25" W., 1.70 FEET; THENCE S. 00° 11' 22" W., 49.30 FEET; THENCE N. 00° 11' 22" E., 49.30 FEET; THENCE S. 89° 19' 25" W., 99.75 FEET; THENCE S. 46° 26' 07" W., 16.76 FEET; THENCE S. 89° 19' 25" W., 58.24 FEET; THENCE N. 44° 27' 27" W., 30.61 FEET, THENCE S. 89° 19' 25" W., 13.56 FEET TO A POINT OF BRANCHING; THENCE S. 00° 00' 35" E., 260.00 FEET; THENCE RETURNING TO THE POINT OF BRANCHING; THENCE N. 00° 00' 35" W., 555.00 FEET; THENCE N. 60° 00' 00" E., 140.00 FEET; THENCE N. 89° 20' 19" E., 605.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF ADAMS ROAD; THENCE S. 89° 20' 19" W., 27.00 FEET; THENCE S. 00° 35' 44" E., 197.00 FEET; THENCE S. 89° 20' 19" W., 257.00 FEET; THENCE S. 00° 39' 41" E., 20.00 FEET; THENCE N. 00° 39' 41" W., 20.00 FEET; THENCE S. 89° 20' 19" W., 210.00 FEET; THENCE S. 00° 39' 41" E., 323.94 FEET; THENCE N. 89° 20' 19" E., 19.18 FEET; THENCE N. 00° 27' 30" W., 12.50 FEET; THENCE S. 00° 27' 30" E., 12.50 FEET; THENCE S. 89° 20' 19" W., 19.18 FEET; THENCE S. 00° 39' 41" E., 102.56 FEET TO THE POINT OF ENDING.

APPROVED *[Signature]*
 M. [Signature]
 ROCHESTER HILLS
 ENGINEERING DEPT.
 05-17-2006



NOWAK & FRAUS

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DATED 2-23-06 JOB NO. E035 SCALE 1" = 150'