

### AMENDMENT TO WATER MAIN EASEMENT

On the 17<sup>th</sup> day of October, 1985, **BRG Associates, whose address is 2930 W. Auburn Road, Auburn Hills, Michigan 48057**, granted an easement for a water main favoring the **City of Rochester Hills, Michigan, whose address is 1000 Rochester Hills Drive, Rochester Hills, MI 48309**, as recorded in Liber 10843, 474 and 475, Oakland County Records. The legal description of the original recorded easement is:

#### LEGAL DESCRIPTION – WATER MAIN EASEMENT

A part of the Southwest ¼ of Section 29 and the Southeast ¼ of Section 30, T. 3 N., R. 11 E., Avon Township, Oakland County Michigan, being described as: Beginning at the Southwest corner of Section 29, being also the Southeast corner of Section 30; thence S. 88° 02' 39" W., 69.08 feet along the South line of Section 30, said line also being the Northerly line of "Hillcrest" Subdivision, as recorded in Liber 37 of Plats, Page 19, Oakland County Records; thence N. 01° 33' 06" W., 60.0 feet to a point on the North proposed right-of-way line of Auburn Road; thence N. 88° 02' 39" E., 69.08 feet; thence N. 88° 06' 03" E., 342.92 feet to a point on said right-of-way line 412.00 feet East of the West property line, said point being the point of beginning; thence N. 01° 33' 06" W., 55.00 feet; thence S. 88° 06' 03" W., 320.00; thence N. 01° 33' 06" W., 80.00 feet; thence N. 88° 06' 03" E., 20.00 feet; thence S. 01° 33' 06" E., 60.00 feet; thence N. 88° 06' 03" E., 300.00 feet; thence N. 01° 33' 06" W., 85.00 feet; thence S. 88° 06' 03" W., 10.00 feet; thence N. 01° 33' 06" W., 20.00 feet; thence N. 88° 06' 03" E., 10.00 feet; thence N. 01° 33' 06" W., 340.00 feet; thence S. 88° 06' 03" W., 40.00 feet; thence N. 01° 33' 06" W., 20.00 feet; N. 88° 06' 03" E 40', thence N 01° 33' 06" W., 15.00; thence S. 88° 06' 03" W., 340.00 feet; thence S. 01° 33' 06" E., 75.00 feet; thence S. 88° 06' 03" W., 20.00 feet; thence N. 01° 33' 06" W., 95.00 feet; thence N. 88° 06' 03" E., 380.00 feet; thence S. 01° 33' 06" E., 575.00 feet to the proposed North right-of-way line of Auburn Road; thence S. 88° 06' 03" W., 20.00 feet to the point of beginning. Said described description being a 20.00 foot wide easement being 10.00 feet each side of the centerline of the on site watermains and fire hydrants.

Subsequent to the creation of that water main easement, BRG Associates transferred to **Mastercraft Leather Company, whose address is 2930 W. Auburn Road, Auburn Hills, Michigan 48057**, its own interest in the property over which this easement runs.

Additionally, on the 2nd day of June, 1995, **Mastercraft Leather Company, whose address is 2930 W. Auburn Road, Auburn Hills, Michigan 48057**, granted an easement for a water main favoring the **City of Rochester Hills, Michigan, whose address is 1000 Rochester Hills Drive, Rochester Hills, MI 48309**, as recorded in Liber 16002, Pages 840-842, Oakland County Records. The legal description of the recorded easement is:

OK by  
J. J. Jarama  
6-21-06

LEGAL DESCRIPTION 20' WIDE WATERMAIN EASEMENT

The centerline of a twenty (20) foot wide watermain easement described as being part of the Southwest ¼ of Section 29 and the Southeast ¼ of Section 30, T.3N., R.11E., City of Rochester Hills, Oakland County, Michigan, being more particularly described as beginning at a point distant N.88°06'03"E., 350.45 feet and N.01°35'13"W., 60.00 feet from the Southwest corner of Section 29; thence continuing N.01°35'13"W., 171.40 feet; thence N.88°21'24"E., 26.34 feet; thence S.88°21'24"W., 26.34 feet; thence N.01°35'13"W., 195.55 feet; thence S.88°24'47"W., 56.63 feet; thence N.88°24'47"E., 56.63 feet; thence N.01°35'13"W., 192.85 feet; thence S.88°21'24"W., 120.75 feet; thence N.01°38'36"W., 30.00 feet; thence S.01°38'36"E., 30.00 feet; thence S.88°21'24"W., 288.39 feet; thence S.01°38'36"E., 84.27 feet; thence N.01°38'36"W., 84.27 feet; thence S.88°21'24"W., 53.52 feet; thence S.01°33'06"E., 413.17 feet; thence S.46°38'35"E., 119.50 feet; thence N.88°21'24"E., 119.68 feet; thence S.01°38'36"E., 29.50 feet; thence N.01°38'36"W., 29.50 feet; thence N.88°21'24"E., 205.14 feet to the point of ending.

15-29-300-006

Subsequent to the creation of that water main easement, Mastercraft Leather Company transferred **Eagle Ottawa Rochester Hills, Ltd., whose address is 2930 W. Auburn Road, Auburn Hills, MI 48057**, its ownership interest in the property over which this easement runs.

Due to changes made in the configuration and location of the water main as per the former description (Labeled Exhibits A and B) approved on January 16, 1998, an amendment to the easement previously issued is required.

The City of Rochester Hills and Eagle Ottawa Rochester Hills, Ltd., wish to amend the legal description of the easement to describe its new location.

Based on these facts and circumstances, the parties agree to and by this document to amend the easement so that the following legal description shall replace and supersede the legal description of the easements as originally recorded, the originally recorded legal description for the existing easements shall have no further force or effect and the City of Rochester Hills, Michigan, shall have those same easements as the following described easement:

**See Attached Exhibits A and B**

Sidewell # 15-29-300-006

other

In all respects, the original easement is ratified, confirmed and redeclared. The recording document is exempt pursuant to MCLA 207.505(a) and MCLA 207.526(a).

In Witness Whereof, the undersigned have executed this document on this 4<sup>TH</sup> day of MAY

In the Presence of:

Regina Becker  
REGINA BECKER  
Kathy Danke

Eagle Ottawa Rochester Hills, Ltd.

By: Bob F. Carlo  
Bob Carlo  
City of Rochester Hills

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)ss

On this 4<sup>TH</sup> day of ~~April~~<sup>May</sup>, 2006, before me appeared BOB CARLO who made oath that he is the Vice President of Eagle Ottawa Rochester Hills, Ltd., to me personally known and who acknowledged the within instrument on behalf of said Company.

Deanna L. Pollard  
Notary Public, Oakland County  
My Commission expires: 7/13/08

DEANNA L. POLLARD  
Notary Public, Michigan Commission #11  
My Commission Expires July 13, 2008

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)ss

On this \_\_\_\_\_ day of April, 2006, before me appeared \_\_\_\_\_ who made oath that \_\_\_\_\_ is the mayor of the City of Rochester Hills, Michigan, to me personally known and who acknowledged said instrument to be \_\_\_\_\_ free act and deed.

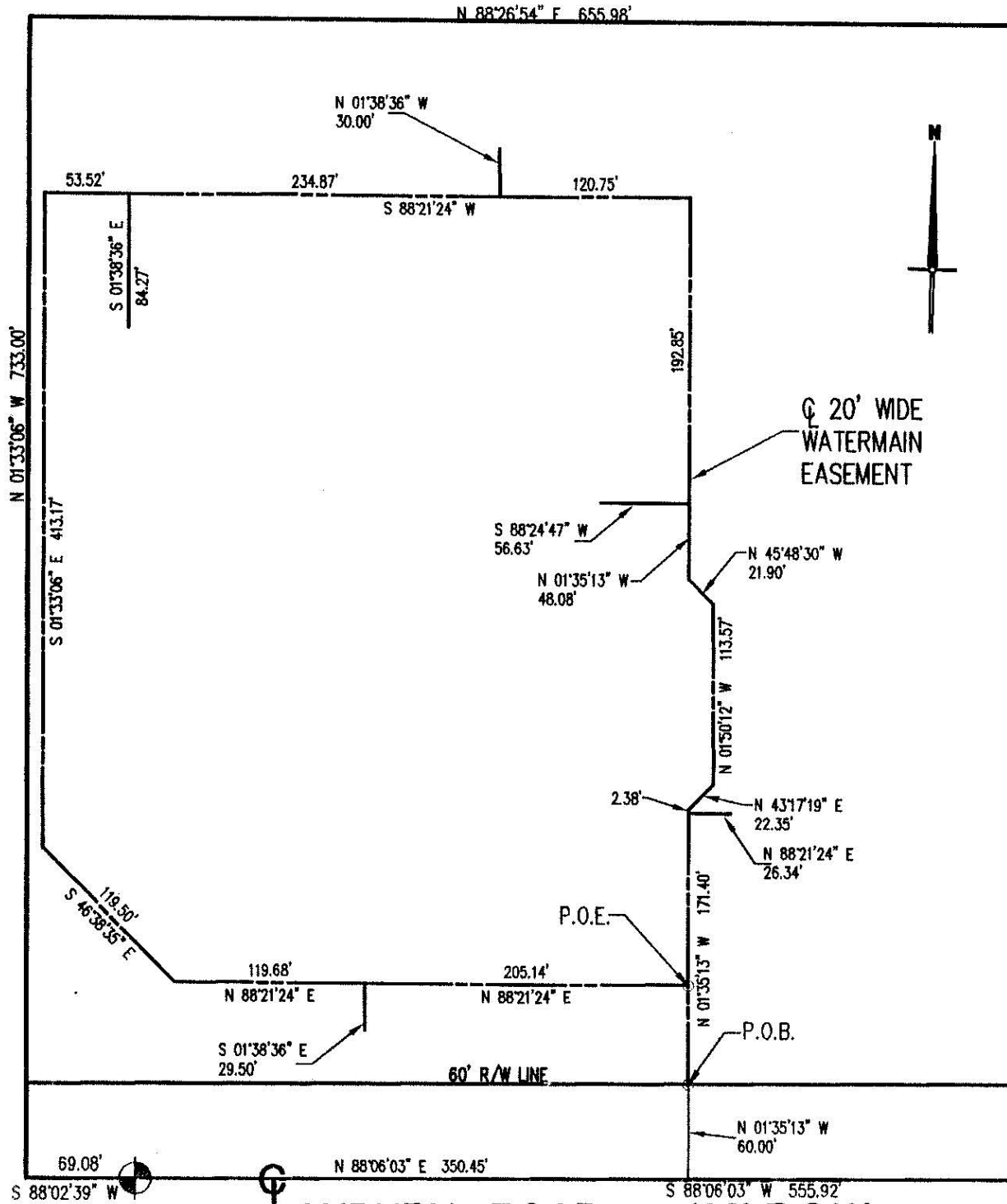
\_\_\_\_\_  
Notary Public, Oakland County  
My Commission expires: \_\_\_\_\_

**Drafted By:** Katherine M. Behm  
Assistant General Counsel  
Everett Smith Group, Ltd.  
330 East Kilbourn Avenue  
Suite 750  
Milwaukee, WI 53202

**Return To:** City of Rochester Hills  
1000 Rochester Hills Drive  
Rochester Hills, MI 48309

# WATERMAIN EASEMENT

## EXHIBIT "A"



S.W. COR.  
SEC. 29  
T.3N., R.11E.

AUBURN ROAD      120' R.O.W.

# *WATERMAIN EASEMENT*

## *EXHIBIT "B"*

### LEGAL DESCRIPTION AS SUPPLIED BY CLIENT

A part of the Southwest 1/4 of Section 29 and the Southeast 1/4 of Section 30, T.3N., R.11E., City of Rochester Hills, Oakland County, Michigan, being described as:

Beginning at the Southwest corner of Section 29, being also the Southeast corner of Section 30; thence S.88°02'39"W., 69.08' along the South line of Section 30, said line also being the Northerly line of "Hillcrest" Subdivision, as recorded in liber 37 of plats, page 19, Oakland County records; thence N.01°33'06"W., 733.00'; thence N.88°26'54"E., 655.98'; thence S.00°52'55"W., 729.80' to the Southerly line of Section 29; thence S.88°06'03"W., 555.92' along said line of the point of beginning and containing 10.75 acres. Subject to the rights of the public in Auburn Road. Also subject to any ea of record.

### LEGAL DESCRIPTION 20' WIDE WATERMAIN EASEMENT

The centerline of a twenty (20) foot wide watermain easement described as being part of the Southwest of Section 29 and the Southeast 1/4 of Section 30, T.3N., R.11E., City of Rochester Hills, Oakland County Michigan, being more particularly described as beginning at a point distant N.88°06'03"E., 350.45 feet and N.01°35'13"W., 60.00 feet from the Southwest corner of Section 29; thence continuing N.01°35'13"W., 171.40 feet; thence N.88°21'24"E., 26.34 feet; thence S.88°21'24"W., 26.34 feet; thence N.01°35'13"W., 2.38 feet; thence N.43°17'19"E., 22.35 feet; thence N.01°50'12"W., 113.57 feet; thence N.45°48'30"W., 21.90 feet; thence N.01°35'13"W., 48.08 feet; thence S.88°24'47"W., 56.63 feet; thence N.88°24'47"E., 56.63 feet; thence N.01°35'13"W., 192.85 feet; thence S.88°21'24"W., 120.75 feet; thence N.01°38'36"W., 30.00 feet; thence S.01°38'36"E., 30.00 feet; thence S.88°21'24"W., 234.87 feet; thence S.01°38'36"E., 84.27 feet; thence N.01°38'36"W., 84.27 feet; thence S.88°21'24"W., 53.52 feet; thence S.01°33'06"E., 413.17 feet; thence S.46°38'35"E., 119.50 feet; thence N.88°21'24"E., 119.68 feet; thence S.01°38'36"E., 29.50 feet; thence N.01°38'36"W., 29.50 feet; thence N.88°21'24"E., 205.14 feet to the point of ending.

APPROVED Desc.

W.D. 1-16-98

ROCHESTER HILLS  
ENGINEERING DEPT.