

WATERMAIN EASEMENT

South Boulevard Properties, LLC, a Michigan limited liability company of 44199 Dequindre, Suite 108, Troy, Michigan 48085 ("Grantor") grants to the CITY OF ROCHESTER HILLS, a Michigan municipal corporation, of 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309 ("CITY"), a non-exclusive easement for the construction, operation, maintenance, repair and/or replacement of a watermain on, under, through and across land more particularly described as:

See Exhibit "A" attached hereto and incorporated herein by reference

sidwell # 15-36-452-008

In connection with the grant of easement, Grantor waives and relinquishes any right, title or interest in the watermain, or the facilities incidental thereto, which may be located in the easement and CITY shall be the owner thereof and shall repair and maintain the same.

All property disturbed or altered, now or in the future, by reason of the construction, operation, maintenance, repair and/or replacement of the watermain 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, including, without imitation, for the construction of improvements other than buildings, including without limitation, paved parking, paved ingress and egress and landscaping. This easement shall not increase or otherwise negatively impact the parking set back(s) or other set back requirements for the subject burdened property. Grantor expressly reserves to Grantor and Grantor's successors and assigns, so long as there is no material interference with the construction, operation, maintenance, repair and/or replacement of the watermain: (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, which consent shall not be unreasonably withheld, conditioned, or delayed; provided however, no such consent shall be required for easements granted for utilities (e.g. electric, phone, cable, natural gas, etc.). Grantor may move/relocate the location of the easement granted hereunder should the same become necessary or convenient as part of the site plan approval process for the subject burdened property with the condition that prior to such a relocation, written consent shall be obtained from CITY, which consent shall not be unreasonably withheld, conditioned, or delayed.

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

*off paper station
John
3-17-07*

IN WITNESS HEREOF, the undersigned have hereunto affixed their signatures on this 13th day of October, 2003.

South Boulevard Properties, LLC, a Michigan limited liability company

By: [Signature]
Sante Bologna, President

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 13 day of October, 2003 by Sante Bologna, who is the President of South Boulevard Properties, LLC a Michigan limited liability company, on behalf of the company.

[Signature]
MARSHA E. LADOMER, Notary Public
County, Michigan
My Commission Expires:

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

MARSHA E. LADOMER
Notary Public, Wayne County, MI
My Commission Expires 07-28-2005

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City of Rochester Hills

By: _____

Its: _____

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ____ day of _____, 2003, by _____, who is the _____ of the City of Rochester Hills, on behalf of the City of Rochester Hills.

Notary Stamp

Notary Signature

EXHIBIT "A" Page 3

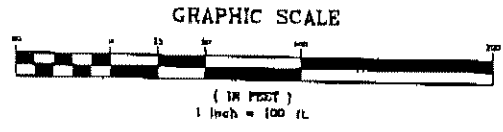
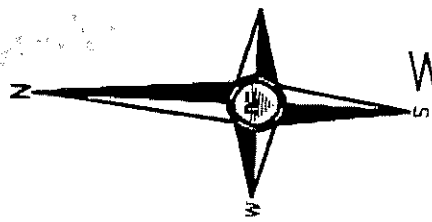
Legal Description for Watermain easement parallel to South Boulevard Rd. (east/west direction)

Twenty-two foot wide watermain easement whose centerline is described as part of the S.E. ¼ of Section 36, T.3N., R.11E., City of Rochester Hills, Oakland County, Michigan, being described as beginning at a point distant North 87 degrees 52 minutes 49 seconds East, 928.64 feet and North 02 degrees 13 minutes 01 seconds west, 44 feet from the South ¼ corner of said Section 36; thence North 87 degrees 52 minutes 49 seconds east 663.45 feet to the point of ending.

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APPROVED
Disc only by 11/5/03
ROCHESTER HILLS
ENGINEERING DEPT.

EXHIBIT "A" WATER MAIN EASEMENT



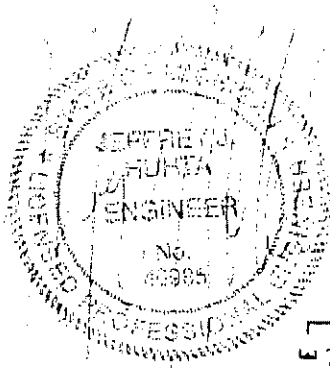
BEARING REFERENCE NOTE:
ALL BEARING ARE IN RELATION TO THE PREVIOUSLY ESTABLISHED SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 36, T.3N., R.11E., BEING N 87°52'49" E.

Gross area: 368,711 sq. ft. (8.464 acres)
Net area (net of existing right-of-way): 341,886 sq. ft. (7.848 acres)

SIDWELL NO.: PART OF 15-36-452-008
OWNER: SOUTH BLVD. PROPERTIES, LLC
3055 Plymouth Rd., Suite 107
Ann Arbor, MI 48105

M - 59 WIDTH VARIES

SOUTH BOULEVARD (WIDTH VARIES)
Watermain easement



on per B. Smith 11-5-05

NF NOWAK & FRAUS

Civil Engineering • Land Surveying • Land Planning

48777 Woodward Avenue Pontiac, MI. 48342
Phone (248) 332-7931

DATED 09/03/03 JOB NO. 9-C550 SCALE 1" = 100'
SHEET NO. 1 OF 2

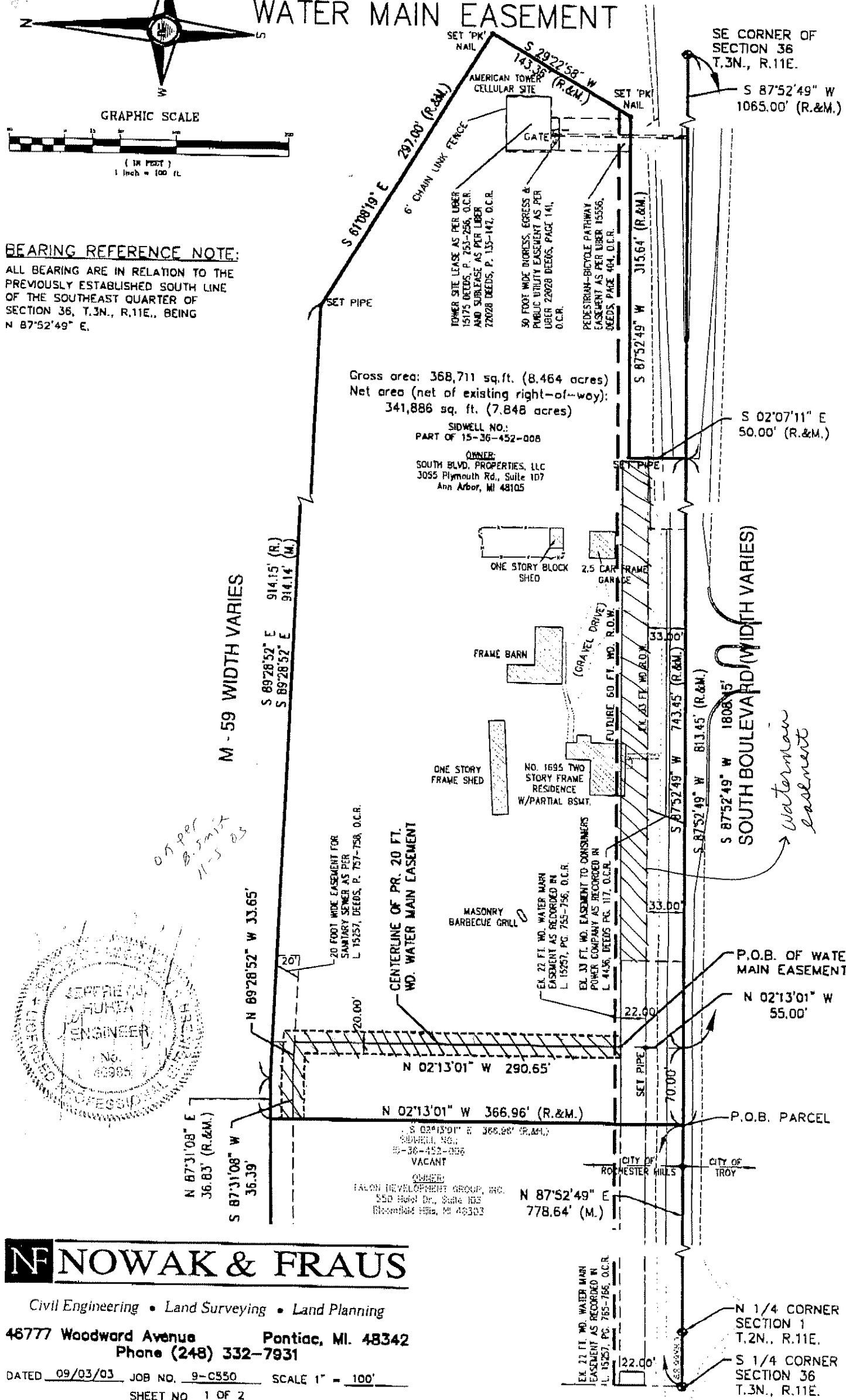


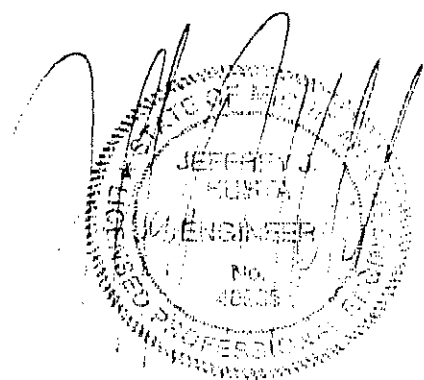
EXHIBIT "A"
WATER MAIN EASEMENT

LEGAL DESCRIPTION - PARCEL

Part of the Southeast 1/4 of Section 36, T. 3 N., R. 11 E., City of Rochester Hills, Oakland County, Michigan and being more particularly described as follows: beginning at a point on the South line of Section 36, T. 3 N., R. 11 E., City of Rochester Hills, Oakland County, Michigan, distant South 87° 52' 49" West, 1065.00 feet as measured along the South line of said Section 36 from the Southeast corner of said Section 36; proceeding thence from said point of beginning South 87° 52' 49" West, along the South line of said Section 36, 813.45 feet to a point; said point being distant North 87° 52' 49" East, 778.64 feet, as measured along the South line of said Section 36 from the South 1/4 corner of said Section 36; thence North 02° 13' 01" West, 366.96 feet to a point on the Southerly right-of-way line for the M-59 expressway; thence along the Southerly and Westerly right-of-way line for said M-59 expressway, North 87° 31' 26" East, 36.83 feet; thence continuing along the said right-of-way line South 89° 28' 52" East, 914.14 feet; thence South 61° 08' 19" East, 297.00 feet; thence South 29° 22' 58" West, 143.36 feet to a point on the North right-of-way line of South Boulevard; thence South 87° 52' 49" West, along the North right-of-way line of said South Boulevard, said line being 50.00 feet North of, as measured at right angles to and parallel with the South line of said Section 36, 315.64 feet; thence South 02° 07' 11" East, 50.00 feet to the point of beginning. Containing 368,711 sq. ft. or 8.464 acres, (net area less existing right-of-way 341,866 sq. ft. or 7.848 acres) more or less, of land in area.
Sidwell no.: 15-36-452-008

LEGAL DESCRIPTION - WATER MAIN EASEMENT (North/South direction)

20.00 feet wide easement for water main located in the SE. 1/4 of Section 36, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, where the centerline of said watermain easement being more particularly described as:
Beginning at a point distant S. 87° 52' 49" W., 1808.45 feet along the South line of said Section 36, and N. 02° 13' 01" W., 55.00 feet from the SE Corner of said Section 36; thence continuing N. 02° 13' 01" W., 290.65 feet; thence N. 89° 28' 52" W., 33.65 feet; thence S. 87° 31' 08" W., 36.39 feet to the point of ending. Containing 7,214 sq. ft. or 0.166 acres.
Sidwell No.: Part of 15-36-452-008



NF NOWAK & FRAUS

Civil Engineering • Land Surveying • Land Planning

46777 Woodward Avenue Pontiac, Mi. 48342
Phone (248) 332-7931

DATED 09/03/03 JOB NO. 9-C550 SCALE 1" = N/A
SHEET NO. 2 OF 2