

WATER MAIN EASEMENT

The Huntington National Bank, a national banking association, of 5555 Cleveland Avenue, Columbus, OH 43231 ("Grantor") grants to the CITY OF ROCHESTER HILLS, a Michigan municipal corporation, of 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309 ("Grantee"), an easement for the construction, operation, maintenance, repair and/or replacement of a water main on, under, through and across a limited portion of the land more particularly described as:

Parcel ID# 15-17-102-033

See Attached Exhibits A and B (*Legal Descriptions & Drawing*)

In connection with the grant of easement, Grantor waives and relinquishes any right, title or interest in the water main, 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 water main shall be promptly 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 but not limited to maintaining continuous access to the Grantor's property.

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 water main: (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.

Grantee hereby covenants and agrees that: (a) the operation, maintenance, repair and replacement of the water main and easement shall, in all material respects, be performed in compliance with any and all laws, rules, regulations, statutes, codes, ordinances, permits, certificates, orders and licenses of any and all applicable governmental authorities, (b) the water main and easement shall be maintained, repaired and replaced in a good and workmanlike manner, (c) the water main, easement and Grantor's property shall be kept free and clear of all mechanic's liens and materialmen's liens and any similar lien for provision of labor, work, materials, supplies, inputs, equipment and professional services, and Grantee agrees to discharge, or cause to be discharged, any such lien within thirty (30) days of receiving notice thereof.

Grantee shall protect, indemnify, defend, and hold Grantor, its members, directors, officers, shareholders, partners and employees harmless from and against any and all claims, costs, expenses, liabilities and losses accruing from, concerning, pertaining to, in relation to, in connection with, and/or resulting from the acts or omissions of Grantee, or its agents, representatives, employees, to the extent permitted at law, in relation to the construction, maintenance, repair, use and enjoyment of the water main and/or easement, except to the extent any such claims, costs, expenses, liabilities and losses result from the acts or omissions of Grantor, or Grantor's agents, representatives, employees, contractors or licensees.

Exempt from Transfer Taxes under MCL 207.505(a) and 207.526(a).

[Signature Page to Follow]

IN WITNESS HEREOF, the undersigned have hereunto affixed their signatures on this 3 day of April, 2024.

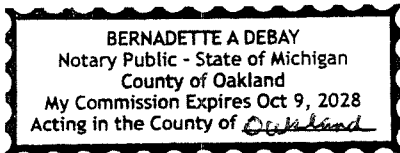
The Huntington National Bank

By: Jeanne Petty
Jeanne Petty
Construction Project Manager

STATE OF MICHIGAN }
COUNTY OF Oakland }SS

The foregoing instrument was acknowledged before me this 3^d day of April, 2024, by Jeanne Petty, who is the Construction Project Manager of The Huntington National Bank, a national banking association on behalf of the association.

Bernadette A. Debay
Notary Public
County, Michigan
My Commission Expires: 10-09-2028



CITY OF ROCHESTER HILLS

By: _____
Bryan K. Barnett, Mayor

STATE OF MICHIGAN }
COUNTY OF OAKLAND }SS

The foregoing instrument was acknowledged before me this _____ day of _____, 2024 by Bryan K. Barnett, Mayor, of the City of Rochester Hills, a Michigan municipal corporation on behalf of the corporation.

, Notary Public
County, Michigan
My Commission Expires:

Drafted by:
Jeanne Petty
2025 Woodward Ave
Detroit, MI 48226

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

P. Dau Christ
Approved 4/29/24

Exhibit "A"

Legal Description of Huntington National Bank Parcel:

A PARCEL OF LAND LOCATED IN AND BEING A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWN 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT A POINT A DISTANCE OF 440.00 FEET SOUTH 00 DEGREES 14 MINUTES 40 SECONDS EAST ALONG THE WEST LINE OF SAD SECTION 17, AND A DISTANCE OF 419.89 FEET DUE EAST OF THE NORTHWEST CORNER OF SAID SECTION 17; THENCE NORTH 00 DEGREES 14 MINUTES 40 SECONDS WEST, 302.14 FEET TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY LINE OF WALTON BOULEVARD; THENCE NORTH 83 DEGREES 51 MINUTES 46 SECONDS EAST, 148.79 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF WALTON BOUUEVARD; THENCE SOUTH 00 DEGREES 14 MINUTES 40 SECONDS EAST, 318.05 FEET; THENCE DUE WEST, 148.00 FEET TO THE POINT OF BEGINNING, AND ITS STORM SEWER PERPETUAL EASEMENT AS RECORDED IN UBER 6800, PAGES 433, 434, 435, OAKLAND COUNTY RECORDS, TOGETHER WITH THE EASEMENT TO THE FULL USE OF THE WATER RETENTION BASIN, WATER SHED AND EXISTING 42" STORM SEWER WHICH IS INCLUDED AS PART OF THIS CONVEYANCE FOR THE BENEFIT OF THE PURCHASER AND THEIR ASSIGNS FOREVER.

#15-17-102-033

Approved
SB
City of Rochester Hills
06/05/2024

EXHIBIT B

20' WIDE WATERMAIN EASEMENT

WALTON BLVD.
 VARIED WIDTH ASPHALT
 PUBLIC VARIABLE WIDTH R/W
 (AS SHOWN PER BK PLAT NO. 3306)

P.O.C.
 FOUND 5/8" REBAR
 WITH BRASS CAP
 NW CORNER, SEC. 17,
 T-3-N, R-11-E PER
 LCRC LIBER 22064,
 PAGE 386

20.91'
 FOUND 5/8" REBAR
 LEANING
 SOUTHWEST

N81°09'37"E 148.95'(M)
 N83°51'46"E 148.79'(R)

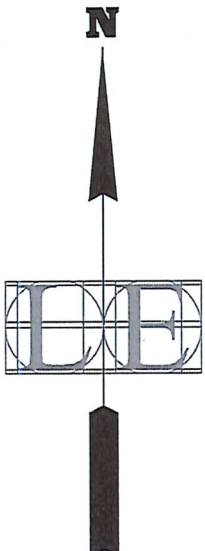
FOUND
 5/8" REBAR

N10°12'35"E 39.01'
 S10°12'35"W 43.27'

MCDONALDS CORPORATION
 ROCHESTER #2 INC.
 2985 WALTON BLVD.
 ROCHESTER HILLS, MI 48309
 APN: 70-15-17-102-094

SUBJECT PARCEL
 46290 SQ. FEET ±
 1.063 ACRES ±
 APN: 70-15-17-102-033

BENNETT & SHOWERS
 AVON INVEST LLC
 P.O. BOX 80112
 ROCHESTER, MI 48308
 APN: 70-15-17-102-034



WEST LINE SEC. 17, T-3-N, R-11-E
 S02°48'26"E 440.00'(M)
 S00°14'40"E 440.00'(R)

N02°20'38"W 301.55'(M)
 N00°14'40"W 302.14'(R)

263.99'
 S00°14'40"E 262.17'

S02°48'46"E 318.44'(M)
 S00°14'40"E 318.05'(R)

P.O.B. FOUND
 5/8" REBAR

FOUND
 1" PIPE

N87°26'45"E 419.03'(M)
 EAST 419.89'(R)

S87°40'02"W 150.60'(M)
 WEST 148.00'(R)

MEADOWBROOK DR.
 VARIED WIDTH ASPHALT
 PUBLIC 60' R/W
 (AS SHOWN PER BK PLAT NO. 3306)

Approved
 SB
 City of Rochester Hills
 06/04/2024

LEGEND	SECTION CORNER	SET IRON ROD	FOUND MONUMENT
	FENCE	FOUND IRON ROD/PIPE	SOIL BORING



LIVINGSTON ENGINEERING
 CIVIL ENGINEERING SURVEYING PLANNING
 3300 S. OLD U.S., BRIGHTON, MI 48114
 INTERNET: WWW.LIVINGSTONENG.COM PHONE: (810) 225-7100 FAX: (810) 225-7699



CLIENT Huntington Bank	0' 50' 100'	DATE 06/04/24
DESCRIPTION 2975 Walton Blvd Rochester Hills, MI 48309		REV.
	SCALE 1"=50'	CREW
	SHEET No.1 of 2	CHECK

EXHIBIT B

20 FOOT WIDE WATERMAIN EASEMENT

A Twenty (20) foot Watermain Easement located in the Northwest 1/4 of Section 17, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, more particularly described as follows: Commencing at the Northwest 1/4 Corner of said Section 17; thence along the West line of said Section 17, S 00°14'40" E, 440.00 feet, thence East, 419.89 feet to the POINT OF BEGINNING of the easement to be described; thence N 00°14'40" W, 263.99 feet along the West property line; thence N 10°12'35" E, 39.01 feet to the southerly right-of-way line of Walton Boulevard; thence N 83°51'46" E, 20.91 feet along said right-of-way line; thence S 10°12'35" W, 43.27 feet; thence S 00°14'40" E, 262.17 feet parallel with the West property line to the northerly right-of-way line of Meadowbrook Drive; thence West, 20.00 feet along said right-of-way line to the Point of Beginning.

Approved
SB
City of Rochester Hills
06/04/2024



LIVINGSTON ENGINEERING

3300 S. OLD U.S. 23, BRIGHTON, MICHIGAN 48114

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FAX: 810-225-7699