

AMENDED AND RESTATED WATERMAIN EASEMENT

THIS AMENDED AND RESTATED WATERMAIN EASEMENT, is made as of this 26th day of July, 2023, by Nan Realty, Inc., an Ohio corporation (“**Grantor**”), whose address is 160 Commons Ct., #20, Chagrin Falls, Ohio 44022 and the City of Rochester Hills, a Michigan municipal corporation (“**City**”), whose address is 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309.

RECITALS:

A. Grantor owns the real property legally described on Exhibit A attached hereto and incorporated herein by reference (“**Property**”).

B. Grantor granted to the City a certain Watermain Easement dated October 11, 1995, as recorded in Liber 17674, Page 202 (“**Watermain Easement**”) over a portion of the Property as described in the Watermain Easement.

C. The parties desire to amend and restate the Watermain Easement on the following terms and conditions.

NOW THEREFORE, the parties agree as follows:

1. The Watermain Easement is hereby amended and restated in its entirety to terminate and abandon the Watermain Easement and replace it with the new watermain easement as legally described and cross-hatched as “Water Main Easement” on Exhibit B, attached hereto and incorporated herein by reference (“**New Watermain Easement**”).

2. In connection with the grant of the New Watermain Easement, Grantor waives and relinquishes any right, title or interest in the watermain, or the facilities incidental thereto, which may be located in the New Watermain Easement.

3. All property disturbed or altered, now or in the future, by treason 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.

4. The New Watermain Easement shall be irrevocable and non-exclusive, and Grantor and Grantor's successors and assigns may use and enjoy the easement are in common with the City.

5. 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 watermain within the New Watermain Easement: (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, with the condition that prior to such a grant written consent shall be obtained from the City.

6. This Amended and Restated Watermain Easement supersedes the Watermain Easement in its entirety. This Amended and Restated Watermain Easement may be signed in counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one instrument, and shall be recorded in the records of the Oakland County Register of Deeds.

7. This instrument is exempt from Michigan real estate transfer tax pursuant to MCL 207.526(a). This instrument is exempt from county real estate transfer tax pursuant to MCL 207.505(a).

[signatures on following pages]

IN WITNESS WHEREOF, the undersigned has executed this Amended and Restated Watermain Easement as of the date set forth above.

NAN REALTY, INC.
an Ohio corporation

By *Geoffrey E. Glazer* President
Geoffrey E. Glazer, President

STATE OF OHIO)
) ss.
COUNTY OF Cuyahoga)

The foregoing instrument was acknowledged before me this 26 day of July, 2023, by Geoffrey E. Glazer, President of Nan Realty, Inc., an Ohio corporation, on behalf of said corporation.



Emily Obryan-Murino
Notary Public
State of Ohio, County of Cuyahoga
My commission expires: 02/19/2024
Acting in the County of Cuyahoga

**CITY OF ROCHESTER HILLS,
a Michigan municipal corporation**

By _____
Bryan K. Barnett, Mayor

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Bryan K. Barnett, Mayor of the City of Rochester Hills, a Michigan municipal corporation, on behalf of said corporation.

Notary Public
Oakland County, Michigan
Acting in Oakland County, Michigan
My commission expires: _____

Drafted by:

John D. Gaber
Williams, Williams, Rattner & Plunkett, P.C.
380 N. Old Woodward Ave., Suite 300
Birmingham, Michigan 48009
(248) 642-0333

When recorded return to:

Clerk
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

*John Staron
Approved 8/8/23*

EXHIBIT "A"

LEGAL DESCRIPTION:

Part of the Northwest 1/4 of Section 35, T3N, R11E, City of Rochester Hills, Oakland County, Michigan, more particularly described as:

Commencing at the Northwest corner of said Section 35, thence along the North line of said Section 35 N87°47'36"E, 378.42 feet; Thence S02°36'28"E, 362.48 feet; Thence S87°47'31"W, 118.16 feet to the POINT OF BEGINNING; Thence S02°00'59"E 30.34 feet to a non-tangent point of curve also being the back of curb line; Thence following said back of curb line the following six (6) courses; Thence along a curve to the left 40.29 feet, having a radius of 79.74 feet, delta of 28°56'59", and a chord bearing of S57°18'58"W 39.86 feet, Thence S42°50'28"W 13.79 feet, Thence S27°53'28"W 44.28 feet, Thence along a curve to the right 26.64 feet, having a radius of 21.93 feet, a delta of 69°35'21", and a chord bearing of S62°41'08"W 25.03 feet, Thence N82°31'11"W 47.86 feet, Thence along a curve to the right 48.95 feet, having a radius of 65.74 feet, delta of 42°39'28", and a chord bearing of N61°11'28"W 47.82 feet to a non-tangent point also being a point on the East line of Rochester Road (variable width); Thence along the said east line of Rochester Road N02°00'59"W, 76.53 feet; Thence S87°47'31"W 15.00 feet; Thence N02°00'59"W 197.45 feet; Thence N87°47'31"E 192.00 feet; Thence S02°00'59"E 197.45 feet to the POINT OF BEGINNING. Containing 1.21 acres and subject to easements and restrictions of record, if any.

TAX ID NO. 15-35-100-051




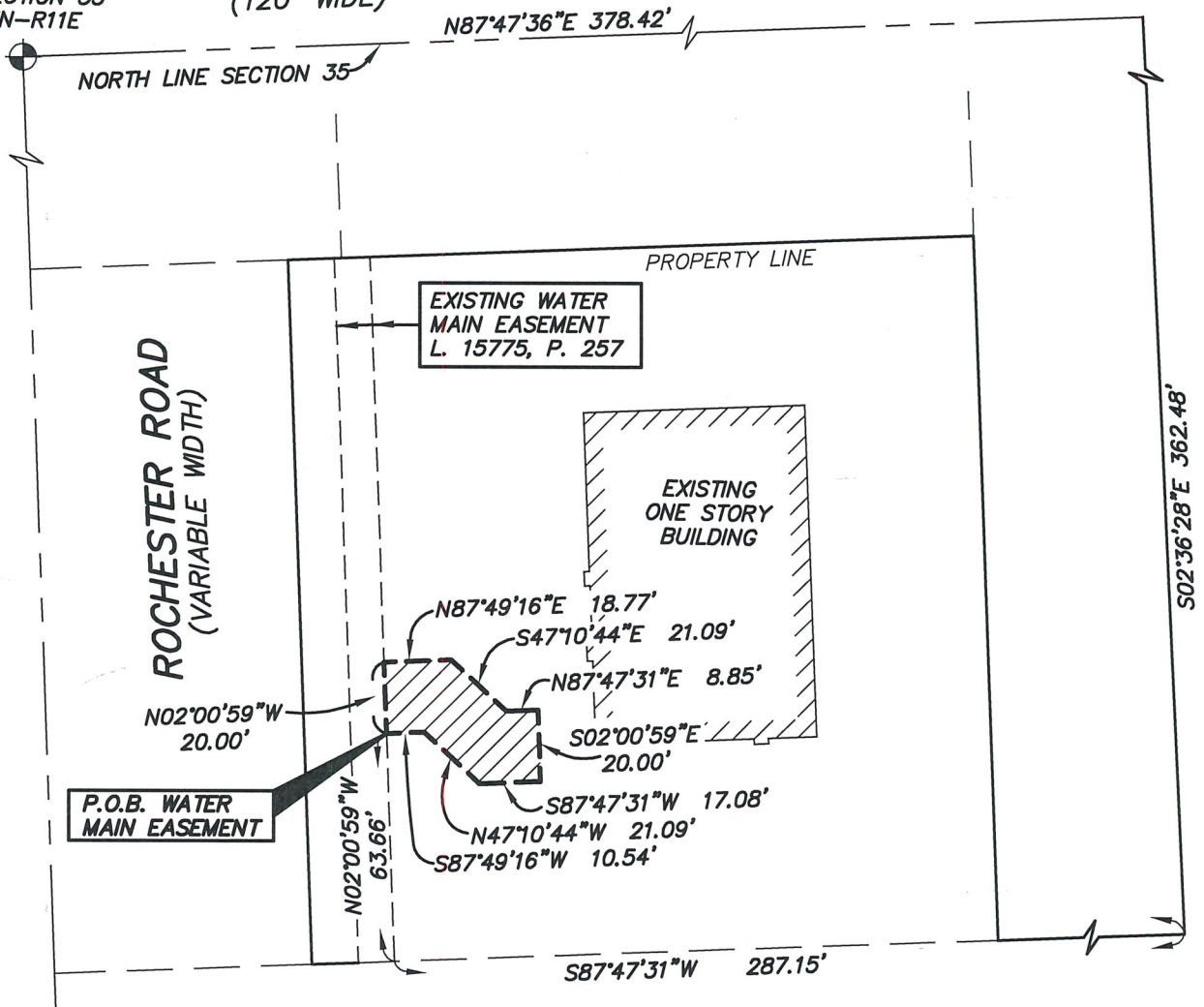
940 S. GRAND TRAVERSE ST FLINT, MI 48502 TEL: 810-339-6605 info@meridianls.com	
	
DATE: 06-22-23	FLD/OFC: DS/MA
JOB No. 2022121	SHEET: 1 of 1

EXHIBIT "B"
AMENDMENT TO WATER MAIN EASEMENT
PART OF THE NW 1/4 OF SECTION 35, T3N-R11E
CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN

NW COR.
SECTION 35
T3N-R11E

AUBURN ROAD
(120' WIDE)



LEGAL DESCRIPTION: WATER MAIN EASEMENT

A 20 foot wide private easement for the construction, operation, maintenance and repair of a water main over part of the Northwest 1/4 of Section 35, Town 3 North, Range 11 East, City of Rochester Hills, County of Oakland, Michigan, more particularly described as: Commencing at the Northwest corner of said Section 35, thence along the North line of said Section 35, N87°47'36"E, 378.42 feet; thence S02°36'28"E, 362.48 feet; thence S87°47'31"W, 287.15 feet; thence N 02°00'59" W, 63.66 feet to the POINT OF BEGINNING; thence N02°00'59"W, 20.00 feet; thence N 87°49'16" E, 18.77 feet; thence S 47°10'44" E, 21.09 feet; thence N87°47'31"E, 8.85 feet; thence S02°00'59"E, 20.00 feet; thence S 87°47'31" W, 17.08 feet; thence N 47°10'44" W, 21.09 feet; thence S87°49'16"W, 10.54 feet to the POINT OF BEGINNING.



0 25 50
SCALE: 1" = 50'

Approved
Jm
City of Rochester Hills
07/19/2023 7:49:53 AM

meridian LAND SURVEYING		940 S. GRAND TRAVERSE ST FLINT, MI 48502 TEL: 810-339-6605 info@meridianls.com
REV: 06-22-23	DATE: 04-14-23	FLD/OFCE: DS/LB
JOB No. 2022121	SHEET: 1 of 1	