

**SECOND AMENDMENT
TO AGREEMENT FOR MAINTENANCE
OF
STORM WATER RETENTION SYSTEM**

This Second Amendment to Agreement for Maintenance of Storm Water Retention System (“**Amendment**”) is made and entered into as of July 26th, 2023, by Nan Realty, Inc., an Ohio corporation (“**Nan Realty**”), whose address is 160 Commons Ct., #20, Chagrin Falls, Ohio 44022, and the City of Rochester Hills, a Michigan municipal corporation, the address of which is 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309 (“**City**”).

RECITALS:

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

B. Nan Realty entered into a certain Agreement for Maintenance of Storm Water Retention System with the City dated October 11, 1995, recorded in Liber 17674, Page 186, Oakland County Records, as amended by that certain Amendment to Agreement for Maintenance for Storm Water Retention System dated July 28, 2015, recorded in Liber 48672, Page 305, Oakland County Records (as amended, the “**Maintenance Agreement**”).

C. The parties desire to further amend the Maintenance Agreement to relocate a portion of the “**System**” as defined in the Maintenance Agreement to accommodate new improvements on the Property.

NOW, THEREFORE, for the mutual promises and agreements set forth herein, the parties agree as follows:

1. The Maintenance Agreement is hereby amended to expand the System to add the new storm water drainage facilities on the Property, and all such new and existing facilities covered by the Maintenance Agreement are depicted on the plan attached hereto at Exhibit B.

2. As amended hereby, the Maintenance Agreement shall remain in full force and effect. This Amendment may be signed in counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one instrument. This Amendment shall be recorded in the records of the Oakland County Register of Deeds.

3. 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).

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written 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.



[Signature]
Notary Public
State of Ohio, County of Cuyahoga
My commission expires: 02/19/2024
Acting in the County of Cuyahoga

Exhibit A

Legal Description of Property

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(M), (surveyed as N90°00'00"E), 378.42 feet; Thence S02°36'28"E(M) S00°23'59"E(RS) 362.48 feet; Thence S87°47'31"W(M), (surveyed as S90°00'00"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; 1) 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, 2) S42°50'28"W 13.79 feet, 3) S27°53'28"W 44.28 feet, 4) 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, 5) N82°31'11"W 47.86 feet, 6) 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 to the East line of Rochester Road (72 foot half width), Thence along the said east line of Rochester Road (72 foot half width) 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.

Commonly known as: 3035 South Rochester Road

Tax Parcel No.: 70-15-35-100-051

Jenny M.
Approved 7/18/23

