

WATERMAIN EASEMENT

SBI, LLC, a Michigan limited liability company of 550 Hulet Drive, Ste.103, Bloomfield Hills, Michigan 48302 ("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 # 15-36-452-006

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 reasonably 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.

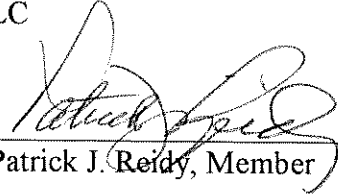
The easement shall be irrevocable and non-exclusive, and Grantor and Grantor's successors and assigns may use and enjoy the easement area in common with the CITY, for the construction of improvements other than buildings, or structures such as paved parking, paved ingress and egress and landscaping; provided that such improvements do not, in the CITY's reasonable judgment, interfere with the construction, operation, maintenance, repair or replacement of the watermain. 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. 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).

015 p/c
Tolson S. H. H.
3-17-07

IN WITNESS HEREOF, the undersigned have hereunto affixed their signatures on this ____ day of _____, 2003.

SBII, LLC

By: 
Patrick J. Reidy, Member

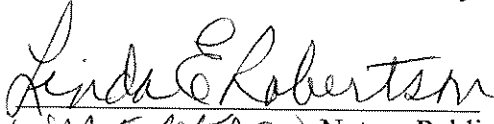
CITY OF ROCHESTER HILLS

By: _____

Its: _____

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 12TH day of DECEMBER 2003 by Patrick J. Reidy, who is a member of SBII, LLC a Michigan limited liability company, on behalf of the company.


LINDA E. ROBERTSON Notary Public
County, Michigan
My Commission Expires: 02/01/06

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

LINDA E. ROBERTSON
Notary Public, Oakland County, MI
My Commission Expires Feb. 1, 2006

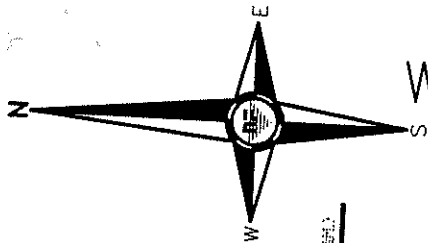
The foregoing instrument was acknowledged before me this ____ day of _____, 2003 by _____, who is the _____ of the City of Rochester Hills, on behalf of the City of Rochester Hills.

_____, Notary Public
County, Michigan
My Commission Expires:

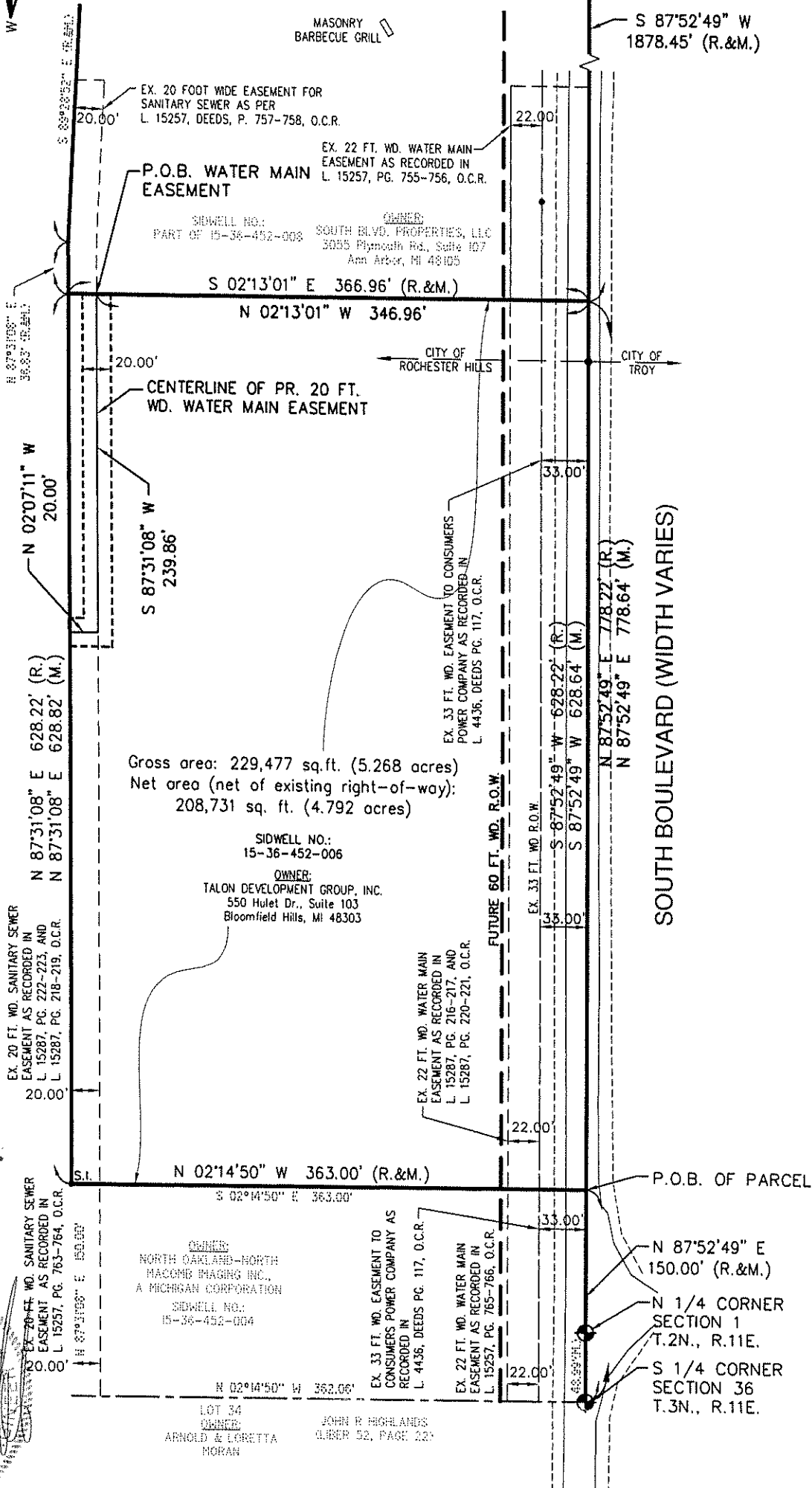
Drafted By:
Bradley J. Knickerbocker
Timmis & Inman PLLC
300 Talon Centre
Detroit, Michigan 48207

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

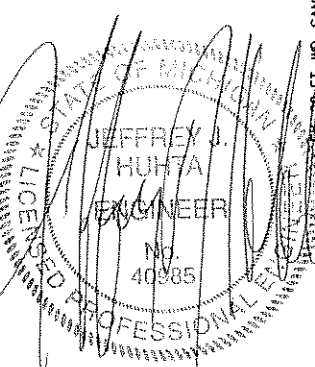
EXHIBIT "A" WATER MAIN EASEMENT



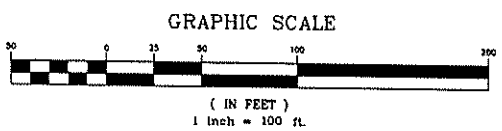
SE CORNER OF SECTION 36
T.3N., R.11E.
S 87°52'49" W
1878.45' (R.&M.)



10/22/03
Dana O'Leary
ROCHESTER HILLS
ENGINEERING DEPT.



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.



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" = 100'
SHEET NO. 1 OF 2

EXHIBIT "A" WATER MAIN EASEMENT

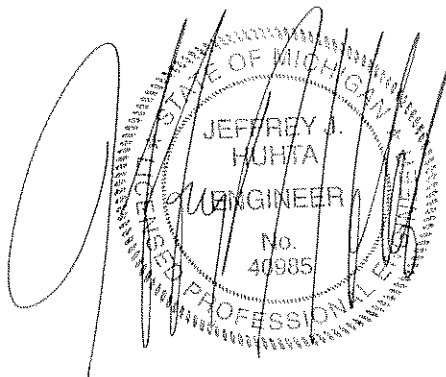
LEGAL DESCRIPTION - PARCEL

Part of the SE. 1/4 of Section 36, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, and being more particularly described as follows: Beginning at a point distant N. 87° 52'49" E., 150.00 feet along the South line of said Section 36, from the S 1/4 Corner of said Section 36; thence N. 02° 14'50" W., 363.00 feet to a point on the Southerly right-of-way line of M-59 Highway (width varies); thence N. 87° 31'08" E., 628.82 feet along the Southerly right-of-way line of M-59 Highway; thence S. 02°13'01" E., 366.96 feet to a point on the South line of said Section 36; thence S. 87°52'49" W. along the South line of said Section 36, 628.64 feet to the point of beginning. Containing 229,477 sq. ft. (5.268 acres) of gross area and 208,731 sq. ft. (4.792 acres) of net area (net of existing right-of-way).
Sidwell No.: 15-36-452-006

LEGAL DESCRIPTION - WATER MAIN EASEMENT

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 N. 87° 52'49" E., 778.64 feet along the South line of said Section 36, and N. 02°13'01" W., 346.96 feet from the S 1/4 Corner of said Section 36; thence S. 87° 31'08" W., 239.86 feet; thence N. 02° 07'11" W., 20.00 feet to the point of ending. Containing 5,197 sq. ft. or 0.119 acres.
Sidwell No.: Part of 15-36-452-006

10/30/03
Disc Only bjc
ROCHESTER HILLS
ENGINEERING DEPT.



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