

**WATERMAIN EASEMENT**

**FIFTH THIRD BANK**, a Michigan banking corporation, of Fifth Third Center, 2000 Town Center, Suite 1600, MDJTW3D, Southfield, Michigan 48075, grants to the **CITY OF ROCHESTER HILLS**, a Michigan municipal corporation, of 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309, an easement for the construction, operation, maintenance, repair and/or replacement of a watermain on, under through and across land more particularly described as:

See Attached Exhibit "A"  
Sidwell # 15-23-152-015

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.

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.

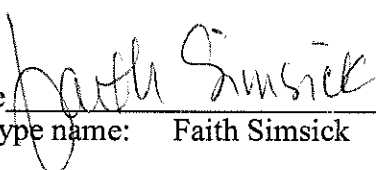
The easement shall be irrevocable and non-exclusive, and Grantor and Grantor's successors and assigns may use and enjoy the easement area in common with the City.

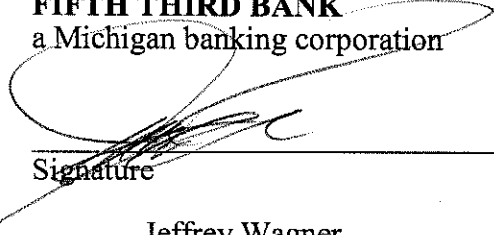
Grantor expressly reserves to Grantor and Grantor's successors and assigns, so long as there is no interference with the construction, operation, maintenance, repair and/or replacement of the watermain: (a) the right of ingress and egress over, through and across the easement, (b) the right to grant 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; and (c) the right to construct, maintain, repair and replace a parking lot, driveways and/or landscaping over the easement. Notwithstanding anything to the contrary contained herein, Grantor, at Grantor's sole cost and expense, shall be permitted to relocate the easement, the watermain and the facilities incidental thereto, provided Grantor obtains Grantee's prior written consent, which consent shall not be unreasonably withheld, delayed or conditioned. In the event Grantor grants a new easement to Grantee for the relocated watermain, Grantee shall cooperate with Grantor by executing and recording a written instrument that terminates this Watermain Easement.

Exempt from Transfer Tax under MCLA 207.526(a)

**IN WITNESS HEREOF**, the undersigned have hereunto affixed their signatures on this 5<sup>th</sup> day of October, 2005.

**IN THE PRESENCE OF:**

Signature   
Print or type name: Faith Simsick


**FIFTH THIRD BANK**  
a Michigan banking corporation  
  
Signature  
Jeffrey Wagner  
(Print Name)  
Vice President  
Title

STATE OF MICHIGAN  
COUNTY OF OAKLAND

)  
)ss  
)

The foregoing instrument was acknowledged before me this 5th day of October, 2005, by Jeffrey Wagner, who is the Vice President of Fifth Third Bank, a Michigan banking corporation, on behalf of the corporation.

**BRADLEY M. NEWMAN**  
Notary Public, Oakland County, MI  
My Commission Expires Apr. 27, 2007

  
Notary Public Bradley M. Newman  
Oakland County, Michigan  
My Commission Expires: 04/27/2007

Drafted by:

Bradley M. Newman  
Fifth Third Bank  
1000 Town Center  
Suite 1600  
Southfield, MI 48075

APPROVED AS TO FORM  
11/11/05  
J. Staran

When Recorded Return to:

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

ROCHESTER HILLS COUNSEL

# EXHIBIT A



N.W. CORNER  
SECTION 23,  
T.3N., R.11E.,  
(L. 14992, PG. 92)

15-23-151-037

N89°37'35"W 220.00'

PROPOSED FIFTH  
THIRD BANK  
1.259 Acres

ROCHESTER ROAD  
(66' WD. 1/2 R.O.W.)  
WEST LINE OF SECTION 23

N01°55'12"E 2381.40'

N01°55'12"E 249.49'

N01°55'10"E 249.55'

WATERMAIN EASEMENT

SANITARY EASEMENT  
0.01 Acres

66 FT. R.O.W.

N01°55'12"E 36.03'

N89°38'30"E 220.00'

N00°21'30"W 20.00'

N89°38'30"E 22.17'

S01°55'10"W 20.02'

APURTENANT  
INGRESS - EGRESS  
EASEMENT

S89°38'30"W 21.38'

P.O.B.

N01°55'12"E 36.03'

S89°38'30"W 220.00'

N01°55'10"E 12.01'

DETROIT EDISON EASEMENT L. 6024, P. 385 O.C.R.  
PARCEL 15-23-152-011

N01°55'12"E 85.05'

EAST-WEST 1/4 LINE OF SECTION 23

N89°38'14"E 66.07'

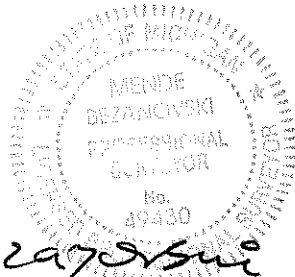
WEST 1/4 CORNER  
SECTION 23,  
T.3N., R.11E.,  
(L. 14992, PG. 93)

APPROVED DESC

*M. [Signature]*

ROCHESTER HILLS  
ENGINEERING DEPT.

10-07-05



*M. Peragassie*

GRAPHIC SCALE: 1" = 50'



DB-04-6709  
SHEET 1 OF 2

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CLIENT: G & V PROPERTIES  
DATE: 12-06-04 AP.  
REV: 10-03-05 P.B.  
SCALE: 1" = 50' MB

**MCS ASSOCIATES, INC.**  
CIVIL ENGINEERING AND SURVEYING  
44444 MOUND ROAD, SUITE 100  
STERLING HEIGHTS, MICHIGAN 48314  
TELEPHONE (586) 726-6310 FAX (586) 726-0042

# EXHIBIT A

## LEGAL DESCRIPTION: SANITARY EASEMENT

Part of the Northwest 1/4 of Section 23, T.3N., R.11E., City of Rochester Hills, Oakland County, Michigan, being more particularly described as follows:

Beginning at a point which is N89°38'14"E 66.07 ft. and N01°55'12"E 85.05 ft. along East line of Rochester Road (66 ft. Wide 1/2 R.O.W.) and N89°38'30"E 220.00 ft. and N01°55'10"E 12.01 ft from the West 1/4 corner of Section 23, T.3N., R.11E.; thence S89°38'30"W 21.38 ft.; thence N00°21'30"W 20.00 ft.; thence N89°38'30"E 22.17 ft.; thence S01°55'10"W 20.02 ft. to the point of beginning.

Containing 435 Square Feet --- 0.01 Acres more or less.

## LEGAL DESCRIPTION: FIFTH-THIRD BANK

Part of the Northwest 1/4 of Section 23, T.3N., R.11E., City of Rochester Hills, Oakland County, Michigan, being more particularly described as follows:

Beginning at a point which is N89°32'00"E 66.07 ft. along the East-West 1/4 line of Section 23 to the East R.O.W. line of Rochester Road (66 ft wd. 1/2 R.O.W.) and N01°55'12"E 85.05 ft. along said East R.O.W. line of Rochester Road (66 ft wd. 1/2 R.O.W.) from the West 1/4 corner of Section 23, T.3N., R.11E.; thence continuing N01°55'12"E 249.49 ft. along said East R.O.W. line of Rochester Road (66 ft wd. 1/2 R.O.W.); thence N89°37'35"E (N85°53'06"E Record) 220.00 ft.; thence S01°55'10"W 249.55 ft.; thence S89°38'30"W (S85°53'06"W Record) 220.00 ft. to the East R.O.W. line of Rochester Road (66 ft wd. 1/2 R.O.W.) also being the point of beginning.

Containing 54,850 Square Feet --- 1.26 Acres, more or less.

Subject to the rights of the public and of any governmental unit in any part of land taken thereof, used or deeded for street, road or highway purposes.

## LEGAL DESCRIPTION: INGRESS - EGRESS EASEMENT

Part of the NW 1/4 of Section 23, T.3N., R.11E., Rochester Hills, Oakland County, Michigan, being more particularly described as follows:

Beginning at a point which is N89°32'00"E 66.07 feet along the East-West 1/4 line of Section 23 to the East R.O.W. line of Rochester Road (66 ft wd. 1/2 R.O.W.) and N01°55'12"E (N01°50'00"W R.) 85.05 feet along said East R.O.W. line of Rochester Road (66 ft wd. 1/2 R.O.W.) from the West 1/4 corner of Section 23; thence continuing N01°55'12"E 36.03 feet along said East R.O.W. line of Rochester Road (66 ft wd. 1/2 R.O.W.); thence N89°38'30"E 220.00 feet; thence S01°55'10"W 36.03 feet; thence S89°38'30"W 220.00 feet to the East R.O.W. line of Rochester Road (66 ft wd. 1/2 R.O.W.) also being the Point of Beginning.

Containing 7920 square feet --- 0.182 acres, more or less.

APPROVED *DESC*

*M. Cz*

ROCHESTER HILLS  
PUBLIC WORKS DEPT.

10-07-05



*M. Cz*

DB-04-6709  
SHEET 2 OF 2

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CLIENT: G & V PROPERTIES  
DATE: 12-06-04 *AP*  
REV: 10-03-05 *MB*  
SCALE: 1" = 50'

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