

AMENDMENT TO SANITARY SEWER EASEMENT AGREEMENT

THIS AMENDMENT, made as of this \_\_\_ day of May, 2010, by and among Crittenton Hospital Medical Center, a Michigan nonprofit corporation, whose address is 1101 W. University Drive, Rochester Hills, Michigan 48309 ("Crittenton"), Steve Stolaruk, Trustee of the Steve Stolaruk Living Trust u/a/d 2/15/89, as amended and the same Steve Stolaruk, Trustee of the Vivian Stolaruk Living Trust u/a/d 5/9/89, as amended, as their interests may appear, (collectively hereafter referred to as "Stolaruk"), whose address is 1928 Star Batt Drive, Suite E, Rochester Hills, MI 48309 and the City of Rochester Hills, a Michigan municipal corporation, whose address is 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309 (the "City").

WITNESSETH:

WHEREAS, on December 29, 1987, Steve Stolaruk and Vivian Stolaruk granted the City an easement (the "Easement") for the placement and operation of a sanitary sewer across certain real property located in Rochester Hills, Michigan being more particularly described in the easement agreement recorded in Liber 12576, Page 357, Oakland County Records (the "Easement Agreement");

WHEREAS, Steve Stolaruk and Vivian Stolaruk subsequently transferred such real property to their trusts,

WHEREAS, Stolaruk subsequently conveyed a portion of the real property subject to the Easement to Crittenton (being identified as the Oncology Center Property on Exhibit A);

WHEREAS, Stolaruk retained the real property identified on the attached Exhibit A as the "Hotel Property",

WHEREAS, Crittenton is further developing its parcel and requires that the sanitary sewer be relocated;

WHEREAS, the parties desire to modify and amend the existing Easement Agreement as herein set forth.

NOW, THEREFORE, it is mutually agreed by, between and among the parties hereto, as follows:

015 'd by J Stolaruk  
5-20-10

1. The legal description of the easement for the sanitary sewer is hereby deleted and replaced with that set forth on Exhibit B.

2. Except as herein expressly modified, the Easement Agreement shall continue in full force and effect as originally written.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to Easement Agreement to be executed as of the day and year first above written.

CRITTENTON:

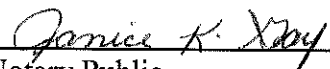
CRITTENTON HOSPITAL MEDICAL CENTER

By:   
Lynn C. Orfgen  
Its: Chief Executive Officer

STATE OF MICHIGAN

COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 14<sup>TH</sup> day of May 2010 by Lynn C. Orfgen, the Chief Executive Officer of Crittenton Hospital Medical Center, a non-profit corporation, on behalf of the corporation.

  
Notary Public  
Oakland County, Michigan  
My Commission Expires: 9-29-13  
Acting in Oakland County



JANICE K. GAY  
Notary Public, State of Michigan  
County of Macomb  
My Commission Expires Sep. 29, 2013  
Acting in the County of Oakland

STOLARUK:

Steve Stolaruk Trust u/a/d 2/15/89, as amended

Dated: May \_\_, 2010

By:   
Steve Stolaruk, Trustee

Vivian Stolaruk Trust u/a/d 5/9/89, as amended

Dated: May \_\_, 2010

By:   
Steve Stolaruk, Trustee

STATE OF MICHIGAN

COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me on May \_\_, 2010, by Steve Stolaruk, Trustee of the Steve Stolaruk Living Trust u/a/d 2/15/89, as amended and the same Steve Stolaruk, Trustee of the Vivian Stolaruk Living Trust u/a/d 5/9/89, as amended.



Douglas A. Tull  
Notary Public  
Oakland County, Michigan  
My Commission Expires: 1-4-2013  
Acting in Oakland County

CITY:

CITY OF ROCHESTER HILLS

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MICHIGAN

COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me on May \_\_\_\_, 2010, by \_\_\_\_\_, the \_\_\_\_\_ of the City of Rochester Hills., a Michigan municipal corporation on behalf of the corporation.

\_\_\_\_\_  
Notary Public  
Oakland County, Michigan  
My Commission Expires: \_\_\_\_\_  
Acting in Oakland County

Drafted by and after recording return to:  
Brian H. Holt  
Miller, Canfield, Paddock & Stone, PLC  
840 W. Long Lake Road  
Suite 200  
Troy, MI 48098

The recording of this document is exempt from Transfer Tax under MCLA 207.526(a)



## EXHIBIT A

### LEGAL DESCRIPTION OF REAL PROPERTIES

#### **ONCOLOGY CENTER PROPERTY**

LEGAL DESCRIPTION ( Parcel ID #70-15-28-151-006):

Commonly known as: Vacant Land on Star-Batt Drive, Rochester Hills, MI

A parcel of land in the Northwest 1/4 of Section 28, T.3 N. - R.11 E., City of Rochester Hills, Oakland County, Michigan, described as:

Beginning at a point distant S.01°-41'-08" E., 1082.41 feet & N.88°-18'-52" E., 114.47 feet & S.69°-22'-14" E., 151.84 feet & S.37°-39'-27" E., 65.36 feet & S.28°-15'-45" E., 50.08 feet & S.50°-44'-40" E., 206.49 feet & 92.06 feet along a curve to the left, with a radius of 270.00 feet & a chord bearing of S.82°-59'-39" E., 91.62 feet, from the Northwest Corner of said Section 28; thence N.87°-14'-15" E., 662.52 feet; thence S.04°-52'-39" W., 290.75 feet; thence S.89°-47'-01" W., 327.25 feet; thence S.35°-19'-30" W., 271.96 feet; thence N.43°-44'-46" W., 258.77 feet; thence N.02°-43'-01" W., 130.84 feet; thence N.11°-17'-35" E., 166.48 feet to the point of beginning, containing 5.15 acres of land.

#### **HOTEL PROPERTY**

LEGAL DESCRIPTION (Parcel #70-15-28-151-007):

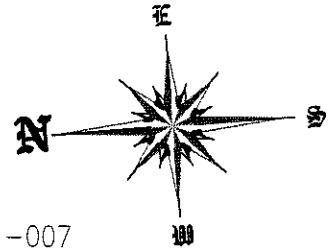
Commonly known as 1919 Star-Batt Drive, Rochester Hills, MI

A parcel of land in the Northwest 1/4 of Section 28, T.3 N. - R.11 E., City of Rochester Hills, Oakland County, Michigan, described as: Beginning at a point distant S.01°-41'-08" E., 1082.41 feet & N.88°-18'-52" E., 114.47 feet & S.69°-22'-14" E., 151.84 feet & S.37°-39'-27" E., 65.36 feet & S.28°-15'-45" E., 50.08 feet & S.50°-44'-40" E., 206.49 feet from the Northwest Corner of said Section 28; thence 92.06 feet along a curve to the left, with a radius of 270.00 feet & a chord bearing of S.82°-59'-39" E., 91.62 feet; thence S.11°-17'-35" W., 166.48 feet; thence S.02°-43'-01" E., 130.84 feet; thence S.43°-44'-46" E., 258.77 feet; thence N.35°-19'-30" E., 271.96 feet; thence N.89°-47'-01" E., 327.25 feet; thence N.04°-52'-39" E., 290.75 feet; thence N.87°-14'-15" E., 50.45 feet; thence S.04°-52'-39" W., 879.91 feet; thence N.72°-58'-39" W., 181.99 feet; thence N.57°-30'-57" W., 300.00 feet; thence N.43°-44'-46" W., 350.58 feet; thence N.67°-34'-58" W., 44.64 feet; thence N.02°-43'-01" W., 369.27 feet to the point of beginning, containing 6.41 acres.

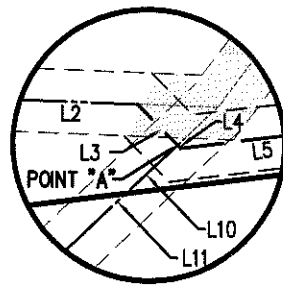
# EXHIBIT "B"

"INDUSTRIALPLEX" SUBDIVISION

SUBDIVISION



TAX #70-15-28-151-007



BLOW-UP DETAIL  
SCALE: 1"=60'

5.15 ACRES  
224,164 SQ. FT.  
PARCEL I.D. 70-15-28-151-006

SOUTHERLY RIGHT-OF-WAY LINE  
STAR BATT DRIVE  
70' WD. R.O.W. - ASPHALT

N 87°14'15" E 662.52' (overall)

S 04°52'39" W 290.75'

S 89°47'01" W  
327.25'  
(OVERALL)

S 35°19'30" W 277.96'

☉ OF PR./EX. 20' WIDE EASEMENT

☉ OF EX. 20' WIDE ESMNT BEING REMOVED

POINT OF ENDING

☉ OF PR./EX. 20' WIDE EASEMENT

☉ OF PROPOSED 20' WIDE ESMNT

POINT OF BEGINNING

N 87°14'15" E 17.38'

POINT OF BEGINNING PARCEL

L=92.06'  
R=270.00'  
Δ=19°32'11"  
C=91.62'  
B=S 82°59'39" E

L1 L2 L3 L4 L5 L6 L7 L8 L9

N 117°35" E 166.48'

N 02°43'01" W 130.84'

POINT "A"

POINT OF ENDING

S 28°15'45" E 50.03'

S 50°44'40" E 206.49'

TAX #70-15-28-151-004  
ESM PROPERTIES INC.  
L.35010, P.423

WEST LINE SECTION 28

W 1/4 CORNER OF SECTION 28 T.3N., R.11E.

NW CORNER OF SECTION 28 T.3N., R.11E.

CROOKS ROAD

S 01°41'08" E 1082.41'

S 37°39'27" E 65.36'

S 69°22'14" E 151.84'

N 88°18'52" E 114.47'

LINE	BEARING	DISTANCE
L1	S 02°22'18" E	27.60'
L2	S 06°28'01" W	189.50'
L3	S 50°21'28" W	17.74'
L4	S 50°21'28" W	1.37'
L5	S 02°43'01" E	62.51'
L6	S 54°57'58" E	88.67'
L7	S 81°23'01" E	63.04'
L8	S 48°50'16" E	102.47'
L9	S 48°50'16" E	31.87'
L10	N 38°46'46" W	22.24'
L11	N 38°46'46" W	96.60'

☉ OF PR/EX ESMNT

☉ OF EX. ESMNT BEING REMOVED

☉ OF PR. ESMNT

PORTION OF EXISTING EASEMENT (OCDR Liber 1257, PGS 357-358) BEING REMOVED

OK'd by  
M. TAUNT 3-2-10

ISSUED FOR:

REV'D BY:

ISSUED FOR:

REV'D BY:

**Sujak Engineering PLC.**

CIVIL ENGINEERING - DESIGNING - PLANNING  
4031 COOLIDGE HIGHWAY  
TROY, MI 48098  
PHONE: (248) 885-8431  
FAX: (248) 885-8432  
EMAIL: SUJAK ENGINEERING@COMCAST.NET

DRAWN BY TCS JOB No. 09-019

DATE 2-14-10 SHEET No. 1 OF 2 SCALE 1"=120'

DESCRIPTION

SANITARY SEWER EASEMENT

SEAL

# EXHIBIT "B"

**LEGAL DESCRIPTION (PARCEL I.D. 70-15-28-151-006):**

A parcel of land in the Northwest 1/4 of Section 28, T.3 N. R.11 E., City of Rochester Hills, Oakland County, Michigan, described as: Beginning at a point distant S.01°41'08"E. along the West line of said Section 28 a distance of 1082.41 feet & N.88°18'52"E., 114.47 feet & S.69°22'14"E., 151.84 feet & S.37°39'27"E., 65.36 feet & S.28°15'45"E., 50.03 feet & S.50°44'40"E., 206.49 feet to a point on the Southerly Right-of-Way line of Star-Batt Drive (70 feet wide) & 92.06 feet along Said Right-of-Way line along a curve to the left, with a radius of 270.00 feet & a chord bearing of S.82°59'39"E., 91.62 feet, from the Northwest Corner of said Section 28; thence N.87°14'15"E., 662.52 feet; thence S.04°52'39"W., 290.75 feet; thence S.89°47'01"W., 327.25 feet; thence S.35°19'30"W., 271.96 feet; thence N.43°44'46"W., 258.77 feet; thence N.02°43'01"W., 130.84 feet; thence N.11°17'35"E., 166.48 feet to the point of beginning, containing 5.15 acres of land.

**LEGAL DESCRIPTION (20' WD. SANITARY SEWER EASEMENT):**

A 20 foot wide Sanitary Sewer Easement located in the Northwest 1/4 of Section 28, T.3 N. R.11 E., City of Rochester Hills, Oakland County, Michigan, the centerline of which being described as:  
 Beginning at a point distant S.01°41'08"E., along the West line of said Section 28 a distance of 1082.41 feet & N.88°18'52"E., 114.47 feet & S.69°22'14"E., 151.84 feet & S.37°39'27"E., 65.36 feet & S.28°15'45"E., 50.03 feet & S.50°44'40"E., 206.49 to a point on the Southerly Right-of-Way line of Star-Batt Drive (70 feet wide) & 92.06 feet along Said Right-of-Way line along a curve to the left, with a radius of 270.00 feet & a chord bearing of S.82°59'39"E., 91.62 feet & along Said Right-of-Way line N.87°14'15"E., 17.38 feet from the Northwest Corner of said Section 28;  
 thence S.02°22'18"E., 27.60 feet along the previously recorded Sanitary Sewer Easement (OCRD Liber 1257, Pages 357-358); thence S.06°26'01"W., 189.50 feet; thence diverging from said recorded Sanitary Sewer Easement centerline and continuing S.50°21'28"W., 17.74 feet to a point hereafter referred to as "Point A". thence continuing S.50°21'28"W., 1.37 feet; thence S.02°43'01"E., 62.51 feet; thence S.54°57'58"E., 88.67 feet; thence S.81°23'01"E., 63.04 feet to a point converging with the aforementioned previously recorded Sanitary Sewer Easement; thence along said easement S.48°50'16"E., 102.47 feet to the property line for parcel; thence S.48°50'16"E., 31.87 feet to a point of ending;  
 thence from Point "A" N.38°46'46"W., 22.24 feet along the previously recorded Sanitary Sewer Easement (OCRD Liber 1257, Pages 357-358) to the property line for the parcel; thence continuing N.38°46'46"W., 96.60 feet to a point of ending.

Drawn by M. Tarrant J-2-10

<b>ISSUED FOR:</b>	<b>REV'D BY:</b>	<b>ISSUED FOR:</b>	<b>REV'D BY:</b>
<b>Sujak Engineering PLC.</b> CIVIL ENGINEERING - DESIGNING - PLANNING 4031 COOLIDGE HIGHWAY TROY, MI 48098 PHONE: (248) 885-8431 FAX: (248) 885-8432 EMAIL: SUJAK_ENGINEERING@COMCAST.NET			
<b>DRAWN BY</b> TCS <b>JOB No.</b> 09-019		<b>DESCRIPTION</b> SANITARY SEWER EASEMENT	
<b>DATE</b> 2-14-10 <b>SHEET No.</b> 2 OF 2 <b>SCALE</b> 1" = 120'			

**SEAL**