

WATER MAIN EASEMENT

1401 East South Boulevard, LLC, a Michigan limited liability company, whose address is 1800 Brinston Drive, Troy, Michigan 48083 ("Grantor"), grants to the CITY OF ROCHESTER HILLS, a Michigan municipal corporation, of 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309 (the "City"), an easement for the construction, operation, maintenance, repair and/or replacement of a water main on, under through and across the portions of said land more particularly described as:

See attached Exhibits A and B (*Legal Descriptions & Drawing*)

Parcel ID#: 15-36-376-014

(the "Property"). In connection with the grant of easement, Grantor waives and relinquishes any right, title or interest in the water man, or the facilities incidental thereto, which may be located in the easement area located on the Property.

All property disturbed or altered, now or in the future, by reason of the construction, operation, maintenance, repair and/or replacement of the water main 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. Notwithstanding the foregoing, the City shall work with Grantor in good faith and coordinate any such work in order to minimize interference with Grantor's development/construction on and use and enjoyment of the Property and not to unreasonably disturb or disrupt any tenant or occupant of the Property or the business operations then conducted thereon.

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 water main: (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 area, with the condition that prior to such a grant written consent shall be obtained from the City, which shall not be unreasonably withheld, conditioned or delayed.

Exempt from Transfer Taxes under MCL 207.505(a) and 207.526(a).

[signatures on following pages]

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0000000000
0000000000

IN WITNESS HEREOF, the undersigned have hereunto affixed their signatures on this 3rd day of June, 2021.

Owner:

1401 EAST SOUTH BOULEVARD, LLC, a
Michigan limited liability company

By: _____
Name: Bradley Chojnacki
Its: Managing Member

STATE OF MICHIGAN)
)ss
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 3rd day of June, 2021, by Bradley Chojnacki, the ~~Manager~~ Managing Member of 1401 East South Boulevard, LLC, a Michigan limited liability company, on behalf of said limited liability company.

~~Tary Firoz~~
~~Notary Public Oakland Co MI~~
~~Acting in Oakland Co MI~~
~~My Commission Expires June 20, 2021~~

Tary Firoz
TARY FIROZ, Notary Public
State of Michigan, County of Oakland
My Commission Expires: 6-20-2021
Acting in the County of Oakland

Drafted by:
Blair Gould
Cousino Law
402 South Lafayette Avenue, Suite 103
Royal Oak, MI 48067

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

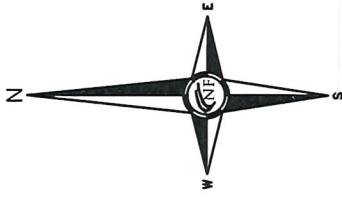
John Staran
Approved 6/10/21

RECEIVED
JUN 8 2021
CITY OF ROCHESTER HILLS
DEPT. OF PUBLIC SERVICES

Exhibit A

OVERALL PROPERTY

SOUTH 1/4 CORNER
SECTION 36
T.3N., R.11E. (L-13)
REMON IRON IN BOX
L.14992, P.111



EAST PARCEL LINE
(EAST LINE LOTS 33 & 34)

$S02^{\circ}35'28''W$ 328.97' (M)

P.O.B.
PARCEL

M-59 EXPRESSWAY (206' WIDE)

$S87^{\circ}29'03''E$ 457.61' (M)

SOUTH R.O.W. LINE M-59

LOT 33

LOT 34

PROPOSED
MEDICAL BUILDING

PARCEL ID NO.
15-36-376-014

FUTURE 60' 1/2 WIDTH R.O.W. LINE

$N86^{\circ}44'00''W$ 442.08' (M)

SOUTH LINE LOT 34

SOUTH LINE OF SECTION 36

SOUTH BOULEVARD EAST (WIDTH VARIES)

60.0'

EAST 1/2 OF VACATED ENFIELD ROAD
(POSSIBLE EASEMENT RETAINED)

$N03^{\circ}16'00''E$
20.00' (M)

CENTERLINE OF VACATED
ENFIELD ROAD

L = 303.70'(M)
R = 3044.60'(M)
 $\Delta = 5^{\circ}42'55''(M)$
CHD. BRG =
 $N00^{\circ}23'32''W$
303.57'(M)



NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257

PREPARED FOR:
1401 E. SOUTH BOULEVARD, LLC

SCALE
1" = 60'

DATE
05-26-2021

DRAWN
C.E.

JOB NO.
L289

SHEET
1 of 2

Jenny M.
Approved 6/22/21

Exhibit A

OVERALL PROPERTY DESCRIPTION

LEGAL DESCRIPTION (TAX I.D. NO. 15-36-376-014)

PART OF LOTS 33 AND 34 OF "JOHN R. HIGHLANDS" (L.52, P.22 OF PLATS PER OAKLAND COUNTY RECORDS) A SUBDIVISION OF THE SOUTHWEST 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 THE SOUTHEAST CORNER OF SAID LOT 34; THENCE NORTH 86 DEGREES 44 MINUTES 00 SECONDS WEST 442.08 FEET ALONG THE SOUTH LINE OF LOT 34 TO THE CENTERLINE OF A VACATED ENFIELD ROAD (50 FEET WIDE); THENCE ALONG SAID CENTER LINE NORTH 3 DEGREES 16 MINUTES 00 SECONDS EAST 20.00 FEET AND 303.70 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE WEST RADIUS IS 3044.60 FEET AND WHOSE CHORD IS DESCRIBED AS NORTH 00 DEGREES 23 MINUTES 32 SECONDS WEST 303.57 FEET; THENCE LEAVING SAID CENTER LINE SOUTH 87 DEGREES 29 MINUTES 03 SECONDS EAST 457.61 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF M-59; THENCE SOUTH 02 DEGREES 35 MINUTES 28 SECONDS WEST 328.97 FEET ALONG THE EAST LINE OF LOTS 33 AND 34 TO THE POINT OF THE BEGINNING. CONTAINING 3.344 ACRES OF LAND.



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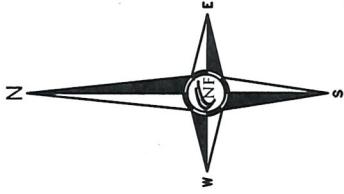
PREPARED FOR:
1401 E. SOUTH BOULEVARD, LLC

DATE DRAWN JOB NO. SHEET
05-26-2021 C.E. L289 2 of 2

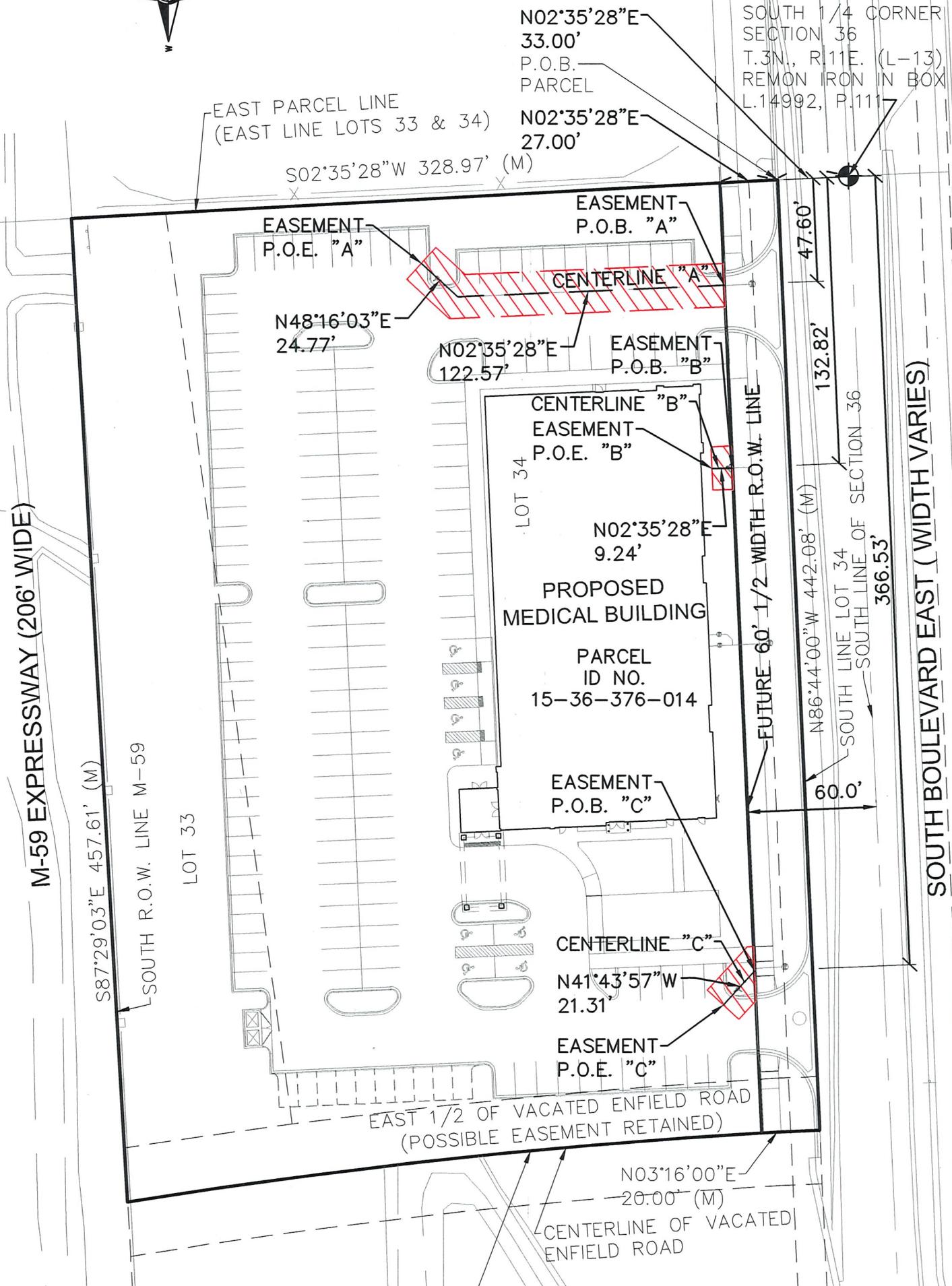
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JUN 11 2021
CITY OF ROCHESTER HILLS
DEPT. OF PUBLIC SERVICES

Exhibit B

WATER MAIN EASEMENT SKETCH



SOUTH 1/4 CORNER
SECTION 36
T.3N., R.11E. (L-13)
REMON IRON IN BOX
L.14992, P.111



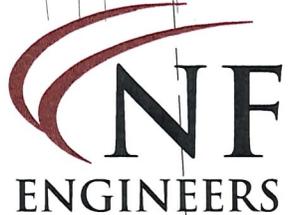
L = 303.70' (M)
R = 3044.60' (M)
Δ = 5°42'55" (M)
CHD. BRG =
N00°23'32"W
303.57' (M)

INDICATES LIMITS OF WATER MAIN EASEMENT

Jenny M. Approved 6/22/21

M-59 EXPRESSWAY (206' WIDE)

SOUTH BOULEVARD EAST (WIDTH VARIES)



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PREPARED FOR:
1401 E. SOUTH BOULEVARD, LLC

SCALE	DATE	DRAWN	JOB NO.	SHEET
1" = 60'	05-26-2021	C.E.	L289	1 of 2

Exhibit B

WATER MAIN EASEMENT DESCRIPTION

LEGAL DESCRIPTION: 20' WIDE WATER MAIN EASEMENT

AN EASEMENT FOR PUBLIC WATER MAIN ACROSS THE PREVIOUSLY DESCRIBED COMBINED PARCEL ID NO. 15-36-376-014 MEASURING 20- FEET IN WIDTH CENTERED ON THE WATER MAIN AS CONSTRUCTED, THE CENTERLINE OF SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT (P.O.B. PARCEL) WHICH IS N.02°35'28"E. 33.00 FEET FROM THE SOUTH 1/4 CORNER OF SECTION 36, TOWN 3 NORTH, RANGE 11 EAST; THENCE CONTINUING ALONG THE EAST PARCEL LINE N.02°35'28"E. 27.00 FEET; THENCE N.86°44'00"W. 47.60 FEET ALONG THE FUTURE 60' 1/2 WIDTH R.O.W. LINE TO THE EASEMENT POINT OF BEGINNING (P.O.B. "A") AND START OF CENTERLINE "A"; THENCE ALONG SAID CENTERLINE "A" N.02°35'28"E. 122.57 FEET; THENCE N.48°16'03"E. 24.77 FEET TO THE EASEMENT POINT OF ENDING (P.O.E. "A").

ALSO, COMMENCING AT A POINT (P.O.B. PARCEL) WHICH IS N.02°35'28"E. 33.00 FEET FROM THE SOUTH 1/4 CORNER OF SECTION 36, TOWN 3 NORTH, RANGE 11 EAST; THENCE CONTINUING ALONG THE EAST PARCEL LINE N.02°35'28"E. 27.00 FEET; THENCE N.86°44'00"W. 132.82 FEET ALONG THE FUTURE 60' 1/2 WIDTH R.O.W. LINE TO THE EASEMENT POINT OF BEGINNING (P.O.B. "B") AND START OF CENTERLINE "B"; THENCE ALONG SAID CENTERLINE "B" N.02°35'28"E. 9.24 FEET TO THE EASEMENT POINT OF ENDING (P.O.E. "B").

ALSO, COMMENCING AT A POINT (P.O.B. PARCEL) WHICH IS N.02°35'28"E. 33.00 FEET FROM THE SOUTH 1/4 CORNER OF SECTION 36, TOWN 3 NORTH, RANGE 11 EAST; THENCE CONTINUING ALONG THE EAST LINE PARCEL LINE N.02°35'28"E. 27.00 FEET; THENCE N.86°44'00"W. 366.53 FEET ALONG THE FUTURE 60' 1/2 WIDTH R.O.W. LINE TO THE EASEMENT POINT OF BEGINNING (P.O.B. "C") AND START OF CENTERLINE "C"; THENCE ALONG SAID CENTERLINE "C" N.41°43'57"W. 21.31 FEET TO THE EASEMENT POINT OF ENDING (P.O.E. "C").

SAID EASEMENT CONTAINS A TOTAL OF 3,544.00 SQUARE FEET OR 0.081 ACRES.



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PREPARED FOR:
1401 E. SOUTH BOULEVARD, LLC

DATE	DRAWN	JOB NO.	SHEET
05-26-2021	C.E.	L289	2 of 2