

## FOURTH AMENDMENT TO WATER MAIN EASEMENT

THIS FOURTH AMENDMENT TO WATERMAIN EASEMENT, is made as of this 11<sup>th</sup> day of December, 2013, by and between **GOOD WILL CO., INC.**, a Michigan corporation (successor in interest to Thrifty Van Dyke, Inc. and hereinafter referred to as "Grantor"), of 2929 Walker Avenue, N.W., Grand Rapids, Michigan 49544, and the **CITY OF ROCHESTER HILLS**, a municipal corporation (hereinafter referred to as "City"), of 1000 Rochester Hills Drive, Rochester Hills, Michigan.

### RECITALS:

A. On April 17, 1986, Grantor and the City entered into a Watermain Easement and Conveyance, recorded in Liber 9405, Page 400 of the Oakland County, Michigan Records. The Watermain Easement and Conveyance was amended by Amendment to Watermain Easement on June 15, 1989, which was recorded in Liber 12915, page 128 of the Oakland County Records. The Watermain Easement and Conveyance was further amended by Second Amendment to Water Main Easement on August 18, 2005, which was recorded in Liber 36876, Page 238 of the Oakland County Records. In addition, the Watermain Easement and Conveyance was amended by Third Amendment to Water Main Easement, dated May 9, 2007, recorded on November 27, 2007 in Liber 39786, Page 269 of the Oakland County Records. The Watermain Easement and Conveyance, the Amendment to Watermain Easement, the Second Amendment to Water Main Easement, and Third Amendment to Water Main Easement, are hereinafter together referred to as the "Easement".

B. On November 12, 2013, Grantor entered into a Lease with Rochester M150, LLC, for approximately 1.946-acres, as evidenced by a Memorandum of Lease dated November 12, 2013, recorded November 18, 2013 at Liber 46550, Page 32 of the Oakland County Records, for the development of a retail strip center.

C. In connection with the development of the retail strip center, Rochester M150, LLC has requested that it be permitted to construct a connection to the public water main (the "Rochester M150 Water Main").

D. At the request of Rochester M150, LLC, the City and Grantor have agreed to amend the Easement to add and include the Rochester M150 Water Main.

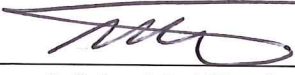
NOW THEREFORE, in consideration of the foregoing, the execution of this Fourth Amendment to Water Main Easement by the parties hereto and for other good and valuable consideration, the receipt of which is hereby acknowledged by the parties hereto, it is agreed as follows:


1. Effective upon the construction of the Rochester M150 Water Main, the easement area legally described and illustrated on **Exhibit A** attached to this Fourth Amendment to Water Main Easement, is added to the easement area in the Easement.

2. Except as amended hereby, the Easement remains in full force and effect in accordance with its terms and conditions.

IN WITNESS WHEREOF, the parties hereto have executed this Fourth Amendment to Watermain Easement as of the date set forth above.

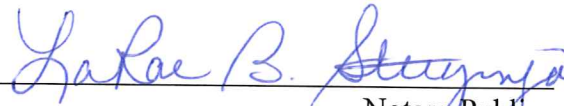
**GOOD WILL CO., INC.**

By   
Michael L. Kinstle  
Its: Vice President-Real Estate

Legal   
Bus. RDH

STATE OF MICHIGAN )  
                                  ) ss.  
COUNTY OF KENT     )

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of December, 2013, by Michael L. Kinstle, the Vice President-Real Estate of Good Will Co., Inc., a Michigan corporation, on behalf of said corporation.

  
Notary Public  
State of Michigan, County of Ottawa  
My commission expires: 2-17-17  
Acting in the County of Kent

John Staran  
Approved 1/20/14

LaRAE B. STEIGENJA  
Notary Public, Ottawa Co., MI  
Acting in Kent Co., MI  
My Commission Expires Feb 17, 2017

**CITY OF ROCHESTER HILLS**

By \_\_\_\_\_  
( Bryan K. Barnett )

Its: Mayor

STATE OF MICHIGAN )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by \_\_\_\_\_, the \_\_\_\_\_ of City of Rochester Hills, a municipal corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public  
State of Michigan, County of \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Acting in the County of \_\_\_\_\_

**DRAFTED BY**  
Glen M. VanderKooi, Atty.  
2929 Walker Avenue, N.W.  
Grand Rapids, MI 49544  
(616) 791-5055

**WHEN RECORDED RETURN TO:**  
City of Rochester Hills  
1000 Rochester Hills Drive  
Rochester Hills, MI 48309

**EXHIBIT A**  
**TO**  
**FOURTH AMENDMENT TO WATERMAIN EASEMENT**  
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NOTE: THE EASEMENT DESCRIPTION BEARINGS BASED ON RECORD WATER MAIN EASEMENTS IN LIBER 36876, PAGE 242 AND LIBER 39786, PAGE 272.

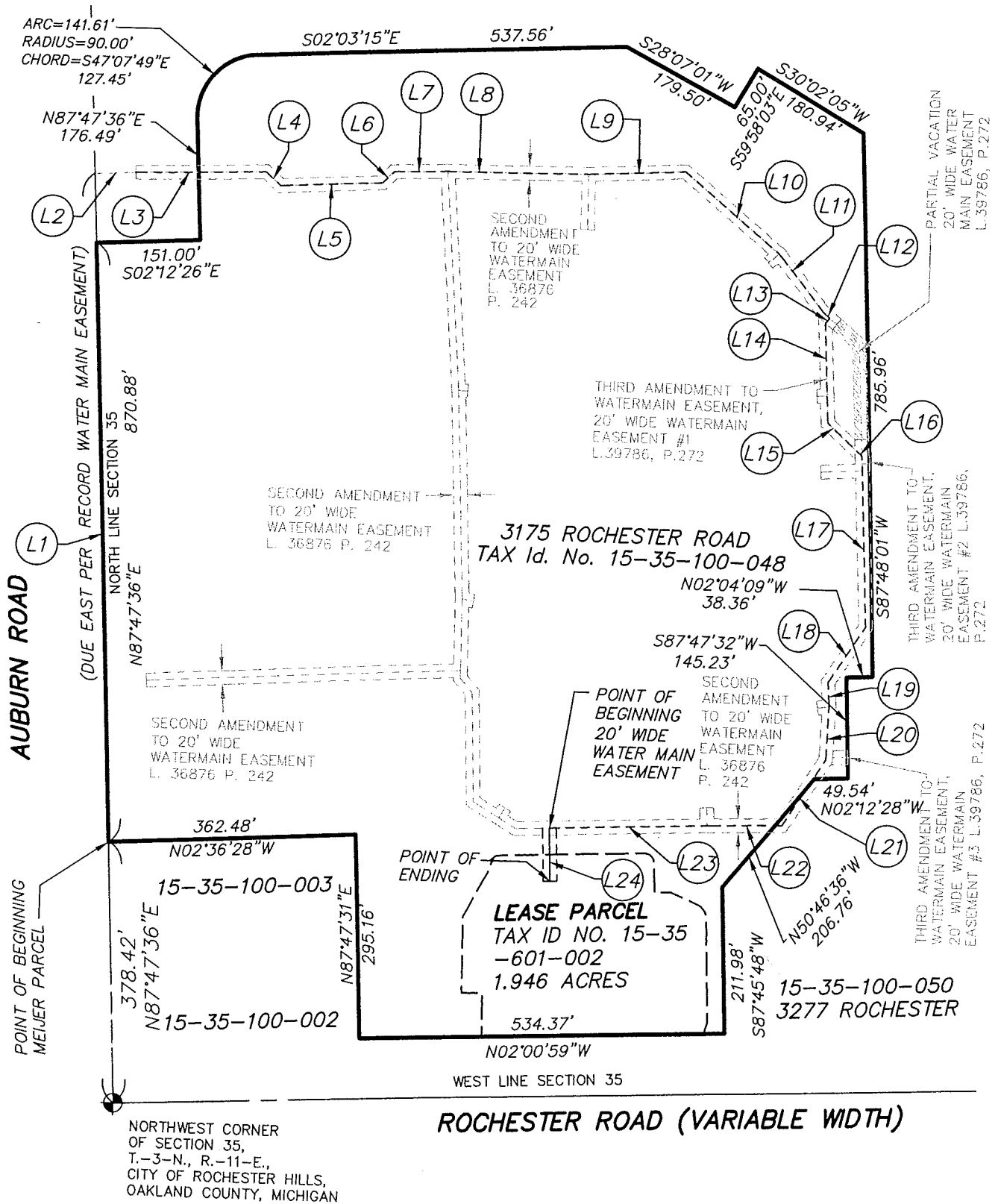
THE CENTERLINE OF A 20 FEET WATER MAIN EASEMENT, LOCATED IN THE NORTHWEST 1/4 OF SECTION 35, T.-3-N., R.-11 E., CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 35; THENCE EAST 1350.36 FEET, ALONG THE NORTH LINE OF SAID SECTION; THENCE SOUTH, 60.00 FEET TO A POINT ON THE CENTERLINE OF A 20 FEET WIDE WATER MAIN EASEMENT, AS RECORDED IN LIBER 36876, PAGE 238, OAKLAND COUNTY RECORDS; THENCE THE FOLLOWING TEN (10) COURSES ALONG SAID CENTERLINE: (1) S01'21'01"W, 190.19 FEET, AND (2) S45'00'00"W, 29.20 FEET, AND (3) SOUTH, 149.49 FEET, AND (4) S42'51'09"E, 23.86 FEET, AND (5) S01'21'01"W, 77.45 FEET, AND (6) S02'27'11"W, 204.43 FEET, AND (7) S00'19'58"E, 141.57 FEET, AND (8) S42'34'27"W, 180.46 FEET, AND (9) S53'27'22"W 107.86 FEET, AND (10) S42'27'56"W, 11.52 FEET; THENCE N47'32'04"W, 10.00 FEET TO A POINT ON THE CENTERLINE OF A 20 FEET WIDE WATER MAIN EASEMENT, AS RECORDED IN LIBER 39786, PAGE 272, OAKLAND COUNTY RECORDS; THENCE THE FOLLOWING TWO (2) COURSES ALONG SAID CENTERLINE: S89'35'09"W, 144.27, AND S44'35'09"W, 55.01 FEET THENCE CONTINUING S44'35'09"W, 14.15 FEET TO A POINT ON THE CENTERLINE OF SAID 20 FEET WIDE WATER MAIN EASEMENT, AS RECORDED IN LIBER 36876, PAGE 238, OAKLAND COUNTY RECORDS; THENCE THE FOLLOWING SEVEN (7) COURSES ALONG SAID CENTERLINE: (1) S89'34'14"W, 246.70 FEET, AND (2) N54'31'57"W, 96.54 FEET, AND (3) S88'57'15"W, 34.66 FEET, AND (4) N85'37'39"W, 77.14 FEET, AND (5) N54'53'24"W, 114.64 FEET, AND (6) N00'37'29"E, 109.10 FEET, AND (7) N00'05'35"E, 231.00 FEET TO THE POINT OF BEGINNING OF A 20 FEET WIDE WATER MAIN EASEMENT; THENCE N89'45'54"W, 77.38 FEET ALONG SAID CENTERLINE TO THE POINT OF ENDING.

Tax Parcel Number: 70-15-35-100-048

Address: 3175 Rochester Road, Rochester Hills, Michigan 48307

*Mike Tavant  
Approved 12/18/13*

**EXHIBIT A**  
**TO**  
**FOURTH AMENDMENT TO WATERMAIN EASEMENT**  
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**EXHIBIT A  
TO  
FOURTH AMENDMENT TO WATERMAIN EASEMENT  
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LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	EAST	1350.36'
L2	SOUTH	60.00'
L3	S01°21'01"W	190.19'
L4	S45°00'00"W	29.20'
L5	SOUTH	149.49'
L6	S42°51'09"E	23.86'
L7	S01°21'01"W	77.45'
L8	S02°27'11"W	204.43'
L9	S00°19'58"E	141.57'
L10	S42°34'27"W	180.46'
L11	S53°27'22"W	107.86'
L12	S42°27'56"W	11.52'
L13	N47°32'04"W	10.00'
L14	S89°35'09"W	144.27'
L15	S44°35'09"W	55.01'
L16	S44°35'09"W	14.15'
L17	S89°34'14"W	246.70'
L18	N54°31'57"W	96.54'
L19	S88°57'15"W	34.66'
L20	N85°37'39"W	77.14'
L21	N54°53'24"W	114.64'
L22	N00°37'29"E	109.10'
L23	N00°05'35"E	231.00'
L24	N89°45'54"W	77.38'

***WATER MAIN EASEMENT***

*PART OF THE NORTHWEST 1/4 OF SECTION 35, T.-3-N., R.-11-E.,  
CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN*



*ENGINEERS LAND SURVEYORS  
PLANNERS LANDSCAPE ARCHITECTS  
28 W. ADAMS, SUITE 1200  
DETROIT, MICHIGAN 48226  
(313) 962-4442*

DATE:	11/25/13	CHECKED BY	DATE	SCALE:	N/A
DRAWN:	J.Z.B.	A.L.G.	11/13	SHEET:	2 OF 2
DESIGN:				JOB No:	18459.00
SECTION:	35	T-3-N, R-11-E			