

SECOND AMENDMENT TO WATER MAIN EASEMENT

On the 17th day of October, 1985. **BRG ASSOCIATES**, whose address was 2930 West Auburn Road, Auburn Hills, Michigan 48057, granted an easement for a water main favoring the **CITY OF ROCHESTER HILLS, MICHIGAN**, whose address is 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309, as recorded in Liber 10843, Pages 474 and 475, Oakland County Records (the "First Original Easement"). The legal description of the First Original Easement is:

LEGAL DESCRIPTION - WATER MAIN EASEMENT

A part of the Southwest $\frac{1}{4}$ of Section 29 and the Southeast $\frac{1}{4}$ of Section 30, T3N, R11E, Avon Township, Oakland County Michigan, being described as: Beginning at the Southwest corner of Section 29. being also the Southeast corner of Section 30; thence S 88°02'39" W 69.08 feet along the South line of Section 30, said line also being the Northerly line of "Hillcrest" Subdivision, as recorded in Liber 37 of Plats. Page 19, Oakland County Records; thence N 01°33'06" W 60.0 feet to a point on the North proposed right-of-way line of Auburn Road; thence N 88°02'39" E 69.08 feet; thence N 88°06'03" E 342.92 feet to a point on said right-of-way line 412.00 feet East of the West property line, said point being the point of beginning; thence N 01°33'06" W 55.00 feet; thence S 88°06'03" W 320.00 feet; thence N 01°33'06" W 80.00 feet; thence N 88°06'03" E 20.00 feet; thence S 01°33'06" E 60.00 feet; thence N 88°06'03" E 300.00 feet; thence N 01°33'06" W 85.00 feet; thence S 88°06'03" W 10.00 feet; thence N 01°33'06" W 20.00 feet; thence N 88°06'03" E 10.00 feet; thence N 01°33'06" W 340.00 feet; thence S 88°06'03" W 40.00 feet; thence N 01°33'06" W 20.00 feet; thence N 88°06'03" E 40 feet, thence N 01°33'06" W 15.00 feet; thence S 88°06'03" W 340.00 feet; thence S 01°33'06" E 75.00 feet; thence S 88°06'03" W 20.00 feet; thence N 01°33'06" W 95.00 feet; thence N 88°06'03" E 380.00 feet; thence S 01°33'06" E 575.00 feet to the proposed North right-of-way line of Auburn Road; thence S 88°06'03" W 20.00 feet to the point of beginning. Said described description being a 20.00 foot wide easement being 10.00 feet each side of the centerline of the on-site watermains and fire hydrants.

Part of Parcel ID 15-29-300-006.

Subsequent to the creation of that First Original water main easement, BRG Associates transferred to **MASTERCRAFT LEATHER COMPANY**, whose address was 2930 West Auburn Road, Auburn Hills, Michigan 48057, its ownership interest in the property over which this easement runs.

Additionally, on the 2nd day of June, 1995, Mastercraft Leather Company granted an easement for a water main favoring the City of Rochester Hills, Michigan, as recorded in Liber 16002, Pages 840-842, Oakland County Records (the "Second Original Easement"). The legal description of the Second Original Easement is:

LEGAL DESCRIPTION 20' WIDE WATERMAIN EASEMENT

The centerline of a twenty (20) foot wide watermain easement described as being part of the Southwest 1/4 of Section 29 and the Southeast 1/4 of Section 30, T3N R11E, City of Rochester Hills, Oakland County, Michigan, being more particularly described as beginning at a point distant N88°06'03"E 350.45 feet and N01°35'13"W 60.00 feet from the Southwest corner of Section 29; thence continuing N01°35'13"W 171.40 feet; thence N88°21'24"E 26.34 feet; thence S88°21'24"W 26.34 feet; thence N01°35'13"W 195.55 feet; thence S88°24'47"W 56.63 feet; thence N88°24'47"E 56.63 feet; thence N01°35'13"W 192.85 feet; thence S88°21'24"W 120.75 feet; thence N01°38'36"W 30.00 feet; thence S01°38'36"E 30.00 feet; thence S88°21'24"W 288.39 feet; thence S01°38'36"E 84.27 feet; thence N01°38'36"W 84.27 feet; thence S88°21'24"W 53.52 feet; thence S01°33'06"E 413.17 feet; thence S 46°38'35"E 119.50 feet; thence N88°21'24"E 119.68 feet; thence S01°38'36"E 29.50 feet; thence N01°38'36"W 29.50 feet; thence N88°21'24"E 205.14 feet to the point of ending.

Parcel ID 15-29-300-006

Subsequent to the creation of that Second Original water main easement, Mastercraft Leather Company transferred to **EAGLE OTTAWA ROCHESTER HILLS, LTD.**, whose address was 2930 West Auburn Road, Auburn Hills, Michigan 48057, its ownership interest in the property over which this easement runs.

On May 4, 2006, Eagle Ottawa Rochester Hills, Ltd. and the City of Rochester Hills signed an amendment to the Easement, recorded at Liber 38105, Page 220, Oakland County Records (the "2006 Easement"), changing the combined legal description of the First Original Easement and the Second Original Easement to:

LEGAL DESCRIPTION 20' WIDE WATERMAIN EASEMENT

The centerline of a twenty (20) foot wide watermain easement described as being part of the SW 1/4 of Section 29 and the SE 1/4 of Section 30, T3N, R11E, City of Rochester Hills, Oakland County, Michigan, being more particularly described as beginning at a point distant N 88°06'03" E 350.45 feet and N 01°35'13" W 60.00 feet from the SW corner of Section 29; thence continuing N 01°35'13" W 171.40 feet; thence N 88°21'24" E 26.34 feet; thence S 88°21'24" W 26.34 feet; thence N 01°35'13" W 2.38 feet; thence N 43°17'19" E 22.35 feet; thence N 01°50'12" W 113.57 feet; thence N 45°48'30" W 21.90 feet; thence N 01°35'13" W 48.08 feet; thence S 88°24'47" W 56.63 feet; thence N 88°24'47" E 56.63 feet; thence N 01°35'13" W 192.85 feet; thence S 88°21'24" W 120.75 feet; thence N 01°38'36" W 30.00 feet; thence S 01°38'36" E 30.00 feet; thence S 88°21'24" W 234.87 feet; thence S 01°38'36" E 84.27 feet; thence N 01°38'36" W 84.27 feet; thence S 88°21'24" W 53.52 feet; thence S 01°33'06" E 413.17 feet; thence S 46°38'35" E 119.50 feet; thence N 88°21'24" E 119.68 feet; thence S 01°38'36"

E 29.50 feet; thence N 01°38'36" W 29.50 feet; thence N 88°21'24" E 205.14 feet to the point of ending.

Subsequent to the 2006 Easement, Eagle Ottawa Rochester Hills, Ltd. conveyed its ownership interest in the property over which the easement runs to **EAGLE OTTAWA NORTH AMERICA, LLC**, whose address is 2930 West Auburn Road, Auburn Hills, Michigan 48057.

Due to further changes made in the configuration and location of the water main to accommodate an addition to the building located on Eagle Ottawa North America, LLC's property, an amendment to the easements previously issued is required.

The City of Rochester Hills and Eagle Ottawa North America, LLC wish to amend the legal description of the easement to describe its new location.

Based on these facts and circumstances, the parties agree to and by this document do amend the existing easement so that the following legal description shall replace and supersede the legal descriptions of the First Original Easement, the Second Original Easement and the 2006 Easement, all as originally recorded; all those recorded legal descriptions for the First Original Easement, the Second Original Easement and the 2006 Easement shall be of no further force or effect; and the City of Rochester Hills, Michigan, shall have those same easement rights in the following described easement:

See Attached Exhibits A and B

Sidwell # 15-29-300-006

In all other respects, the original easement is ratified, confirmed and redeclared. The recording of this document is exempt pursuant to MCLA 207.505(a) and MCLA 207.526(a).

The undersigned have executed this document on this ____ day of December, 2014.

EAGLE OTTAWA NORTH AMERICA LLC, a Wisconsin limited liability company authorized to conduct business in Michigan

CITY OF ROCHESTER HILLS, a Michigan municipal corporation

By: _____

By: _____

Bryan K. Barnett

Its Mayor

Its _____

(Acknowledgments contained on next page)

STATE OF MICHIGAN)
)SS
COUNTY OF OAKLAND)

Acknowledged before me this _____ day of December, 2014, by _____,
_____ of EAGLE OTTAWA NORTH AMERICA LLC, a Wisconsin limited liability
company, on behalf of the company.

Notary Public, _____, Michigan
Acting in _____ County, Michigan
My Commission expires: _____

STATE OF MICHIGAN)
)SS
COUNTY OF OAKLAND)

Acknowledged before me this _____ day of December, 2014, by _____,
_____ of CITY OF ROCHESTER HILLS, a Michigan municipal corporation, on behalf of
the corporation.

Notary Public, _____, Michigan
Acting in _____ County, Michigan
My Commission expires: _____

Instrument drafted by:

Daniel M. Share, Atty.
Barris, Sott, Denn & Driker, PLLC
211 West Fort Street, 15th Floor
Detroit, MI 48226

When recorded return to:

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

EXHIBIT A

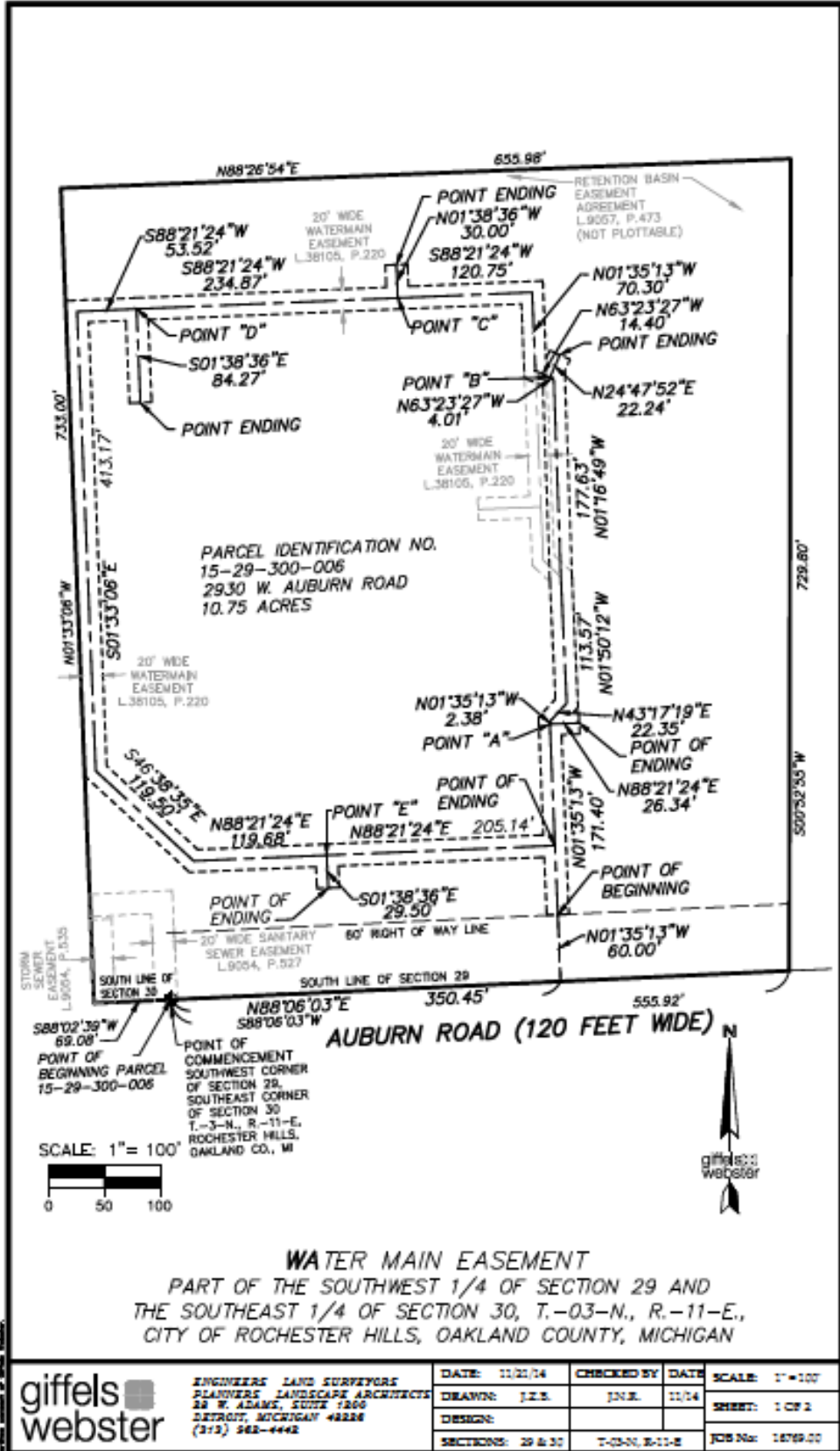


EXHIBIT B

PROPERTY DESCRIPTION

(BASED ON THE TAX DESCRIPTION FOR PARCEL IDENTIFICATION NUMBER 15-29-300-006)

A PARCEL OF LAND IN THE SOUTHWEST 1/4 OF SECTION 29 AND THE SOUTHEAST 1/4 OF SECTION 30, T.-3-N., R.-11-E., CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 29, ALSO BEING THE SOUTHEAST CORNER OF SECTION 30; THENCE S88°02'39"W, 69.08 FEET ALONG THE SOUTH LINE OF SAID SECTION 30; THENCE N01°33'06"W, 733.00 FEET; THENCE N88°26'54"E, 655.98 FEET; THENCE S00°52'55"W, 729.80 FEET TO THE SOUTH LINE OF SAID SECTION 29; THENCE S88°06'03"W, 555.92 FEET ALONG SAID LINE TO THE POINT OF BEGINNING AND CONTAINING 10.75 ACRES.

20 FEET WIDE WATER MAIN EASEMENT

THE CENTERLINE OF A 20 FEET WIDE WATER MAIN EASEMENT BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 29 AND THE SOUTHEAST 1/4 OF SECTION 30, T.-3-N., R.-11-E., CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 29; THENCE N88°06'03"E, 350.45 FEET ALONG THE SOUTH LINE OF SAID SECTION; THENCE N01°35'13"W, 60.00 FEET TO THE POINT OF BEGINNING; THENCE N01°35'13"W, 171.40 FEET TO A POINT "A"; THENCE CONTINUING N01°35'13"W, 2.38 FEET; THENCE N43°17'19"E, 22.35 FEET; THENCE N01°50'12"W, 113.57 FEET; THENCE N01°16'49"W, 177.83 FEET; THENCE N63°23'27"W, 4.01 FEET TO A POINT "B"; THENCE CONTINUING N63°23'27"W, 14.40 FEET; THENCE N01°35'13"W, 70.30 FEET; THENCE S88°21'24"W, 120.75 FEET TO A POINT "C"; THENCE CONTINUING S88°21'24"W, 234.87 FEET TO A POINT "D"; THENCE CONTINUING S88°21'24"W, 53.52 FEET; THENCE S01°33'06"E, 413.17 FEET; THENCE S46°38'36"E, 119.50 FEET; THENCE N88°21'24"E, 119.68 FEET TO A POINT "E"; THENCE CONTINUING N88°21'24"E, 205.14 FEET TO THE POINT OF ENDING.

ALSO, BEGINNING AT THE ABOVE MENTIONED POINT "A"; THENCE N88°21'24"E, 28.34 FEET TO THE POINT OF ENDING.

ALSO, BEGINNING AT THE ABOVE MENTIONED POINT "B"; THENCE N24°47'52"E, 22.24 FEET TO THE POINT OF ENDING.

ALSO, BEGINNING AT THE ABOVE MENTIONED POINT "C"; THENCE N01°38'36"W, 30.00 FEET TO THE POINT OF ENDING.

ALSO, BEGINNING AT THE ABOVE MENTIONED POINT "D"; THENCE S01°38'36"E, 84.27 FEET TO THE POINT OF ENDING.

ALSO, BEGINNING AT THE ABOVE MENTIONED POINT "E"; THENCE S01°38'36"E, 29.50 FEET TO THE POINT OF ENDING.

WATER MAIN EASEMENT
 PART OF THE SOUTHWEST 1/4 OF SECTION 29 AND
 THE SOUTHEAST 1/4 OF SECTION 30, T.-03-N., R.-11-E.,
 CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN

GIFFELS WEBSTER ENGINEERS LAND SURVEYORS
 PLANNERS LANDSCAPE ARCHITECTS
 28 W. ADAMS, SUITE 1200
 DETROIT, MICHIGAN 48226
 (313) 562-4442



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DATE:	11/21/14	CHECKED BY:	DATE:	SCALE:	N/A
DRAWN:	J.E.S.	IN CHARGE:	11/14	SHEET:	1 OF 2
DESIGN:				JOB No:	15769.00
SECTIONS:	29 & 30	T-03-N, R-11-E			

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