

THIRD AMENDMENT TO WATER MAIN EASEMENT

THIS THIRD AMENDMENT TO WATERMAIN EASEMENT, is made as of this _____ day of _____, 2007, by and between **THRIFTY VAN DYKE, INC.**, a Michigan corporation (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. The Watermain Easement and Conveyance, the Amendment to Watermain Easement, and the Second Amendment to Water Main Easement are hereinafter together referred to as the "Easement".

B. On January 17, 2007, Grantor conveyed approximately 4.12 acres to P.E.M. LLC, as evidenced by a Warranty Deed dated January 10, 2007, recorded February 15, 2007 at Liber 38768, Page 580 of the Oakland County Records, for the development of a Lowe's retail facility.

C. In connection with the development of the Lowe's retail facility, Lowe's Home Centers, Inc. has requested that it be permitted to enhance three areas of the public water main (the "Additional Water Mains") and abandon one area of the public water main (the "Abandoned Main").

D. At the request of Lowe's Home Center, Inc., the City and Grantor have agreed to amend the Easement to reflect these modifications.

*ok'd per
J. Stinson
9-16-17*

**EXHIBIT A-1
TO
THIRD AMENDMENT TO WATERMAIN EASEMENT**

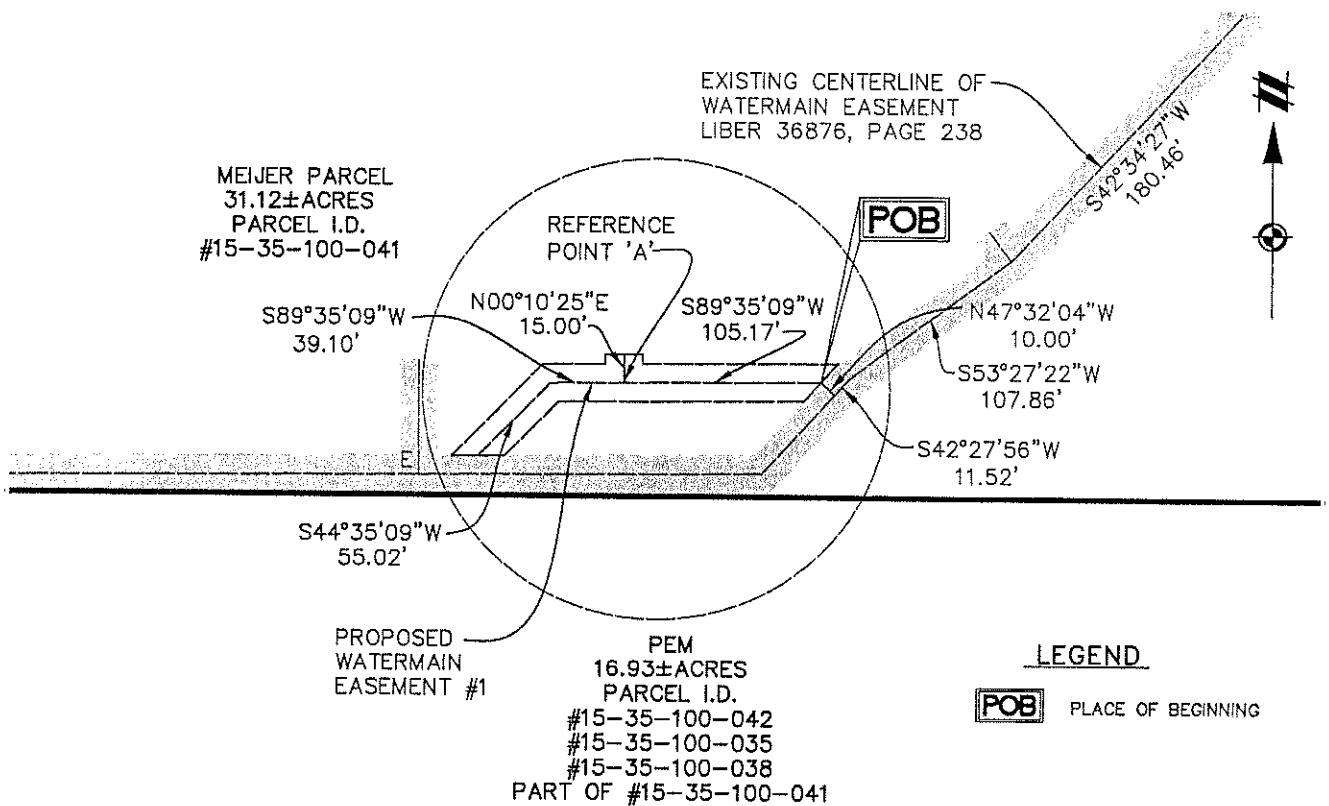
Tax Parcel Number: 70-15-35-100-041
Address: 3175 Rochester Road, Rochester Hills, Michigan 48307

DESCRIPTION OF PROPOSED WATERMAIN EASEMENT#1

A 20 foot wide Watermain Easement located in the Northwest 1/4 of Section 35, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County Michigan, lying 10 feet on both sides of and parallel with the following described centerline, side lines of said Easement are to lengthen or shorten to match existing Easement recorded in Liber 36876, Page 238:

Commencing at the Northwest corner of said Section 35; thence EAST 1350.36 feet; thence SOUTH 60.00 feet; thence S01°21'01"W 190.19 feet; thence S45°00'00"W 29.20 feet; thence SOUTH 149.49 feet; thence S42°51'09"E 23.86 feet; thence S01°21'01"W 77.45 feet; thence S02°27'11"W 204.43 feet; thence S00°19'58"E 141.57 feet; thence S42°34'27"W 180.46 feet; thence S53°27'22"W 107.86 feet; thence S42°27'56"W 11.52 feet; thence leaving said centerline N47°32'04"W 10.00 feet for a **PLACE OF BEGINNING**; thence S89°35'09"W 105.17 feet to Reference Point 'A'; thence continuing S89°35'09"W 39.10 feet; thence S44°35'09"W 55.02 feet for a Place of Ending.

Also: Beginning at aforementioned Reference Point 'A'; thence N00°10'25"E 15.00 feet to the Place of Ending.



CLIENT LOWE'S HOMECENTERS, INC. SKETCH AND DESCRIPTION OF PROPOSED OFFSITE WATERMAIN EASEMENTS LOCATED IN SECTION 35 TOWN 3 NORTH, RANGE 11 EAST CITY OF ROCHESTER HILLS OAKLAND COUNTY	JOB: 05000184.20	CAD: 05000184EA06
	DR. ME	CH. DSB
	BOOK MA102-99	PG.
	SHEET 2 OF 4	DATE: 03-09-07
FILE NO. 5102-199A		
ATWELL-HICKS Engineering • Surveying • Planning Environmental • Water/Wastewater		
SCALE: 1 INCH = 100 FEET	0 50 100	866 850 4200 www.atwell-hicks.com MICHIGAN ILLINOIS OHIO FLORIDA

REVISION:
03-26-07 MDE

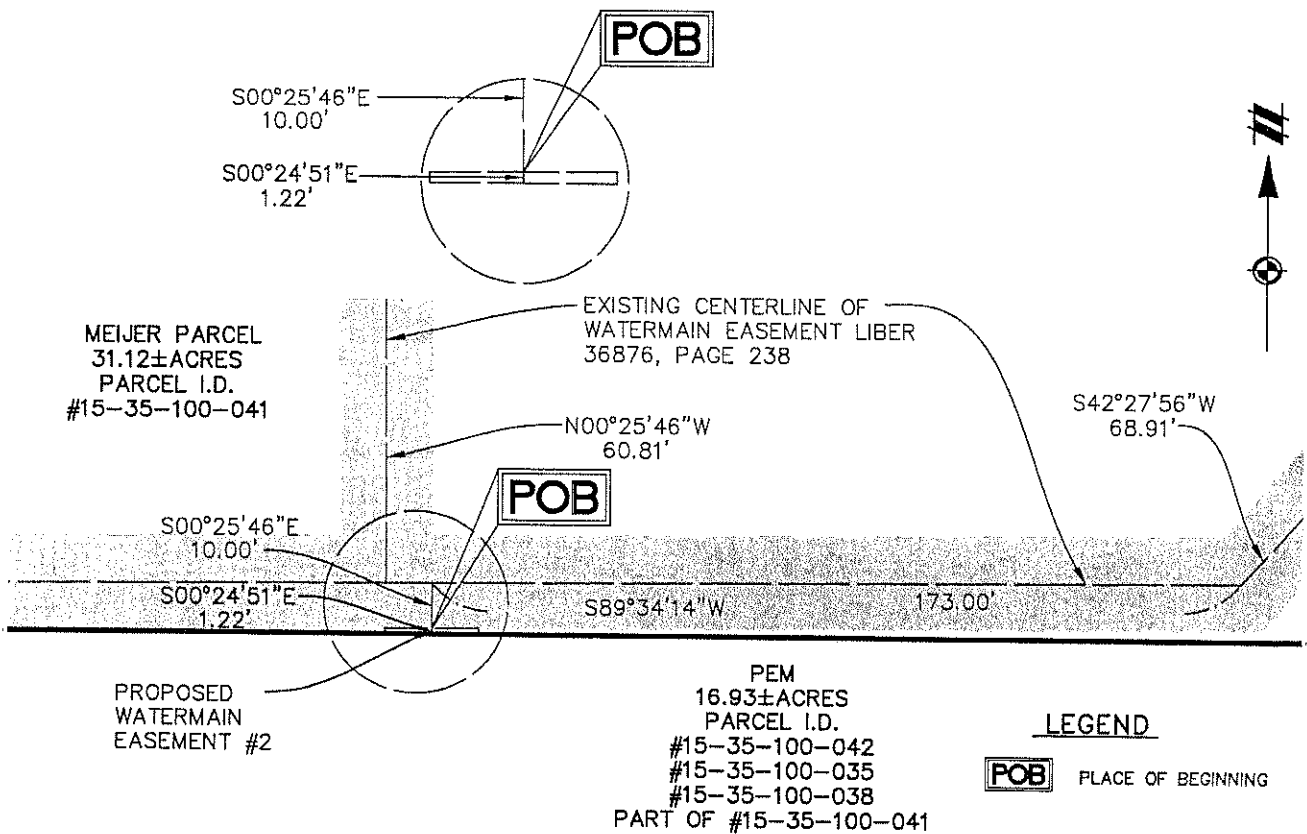
**EXHIBIT A-2
TO
THIRD AMENDMENT TO WATERMAIN EASEMENT**

Tax Parcel Number: 70-15-35-100-041
Address: 3175 Rochester Road, Rochester Hills, Michigan 48307

DESCRIPTION OF PROPOSED WATERMAIN EASEMENT#2

A 20 foot wide Watermain Easement located in the Northwest 1/4 of Section 35, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County Michigan, lying 10 feet on both sides of and parallel with the following described centerline, side lines of said Easement are to lengthen or shorten to match existing Easement recorded in Liber 36876, Page 238 and the South Boundary line of previously described 31.12 acre parcel of land:

Commencing at the Northwest corner of said Section 35; thence EAST 1350.36 feet; thence SOUTH 60.00 feet; thence S01°21'01"W 190.19 feet; thence S45°00'00"W 29.20 feet; thence SOUTH 149.49 feet; thence S42°51'09"E 23.86 feet; thence S01°21'01"W 77.45 feet; thence S02°27'11"W 204.43 feet; thence S00°19'58"E 141.57 feet; thence S42°34'27"W 180.46 feet; thence S53°27'22"W 107.86 feet; thence S42°27'56"W 68.91 feet; thence S89°34'14"W 173.00 feet; thence leaving said centerline S00°25'46"E 10.00 feet for a PLACE OF BEGINNING; thence S00°24'51"E 1.22 feet to the Place of Ending.



CLIENT LOWE'S HOMECENTERS, INC. SKETCH AND DESCRIPTION OF PROPOSED OFFSITE WATERMAIN EASEMENTS LOCATED IN SECTION 35 TOWN 3 NORTH, RANGE 11 EAST CITY OF ROCHESTER HILLS OAKLAND COUNTY	JOB: 05000184.20 DR. ME BOOK MA102-99 SHEET 3 OF 4 FILE NO. 5102-199B	CAD 05000184EA06 CH. DSB PG. DATE: 03-09-07
	ATWELL-HICKS Engineering • Surveying • Planning Environmental • Water/Wastewater	
	SCALE: 1 INCH = 40 FEET 0 20 40	
	866 850 4200 www.atwell-hicks.com MICHIGAN ILLINOIS OHIO FLORIDA	

Pass
M. [Signature]
04-16-07
REVISION:
03-26-07 MDE

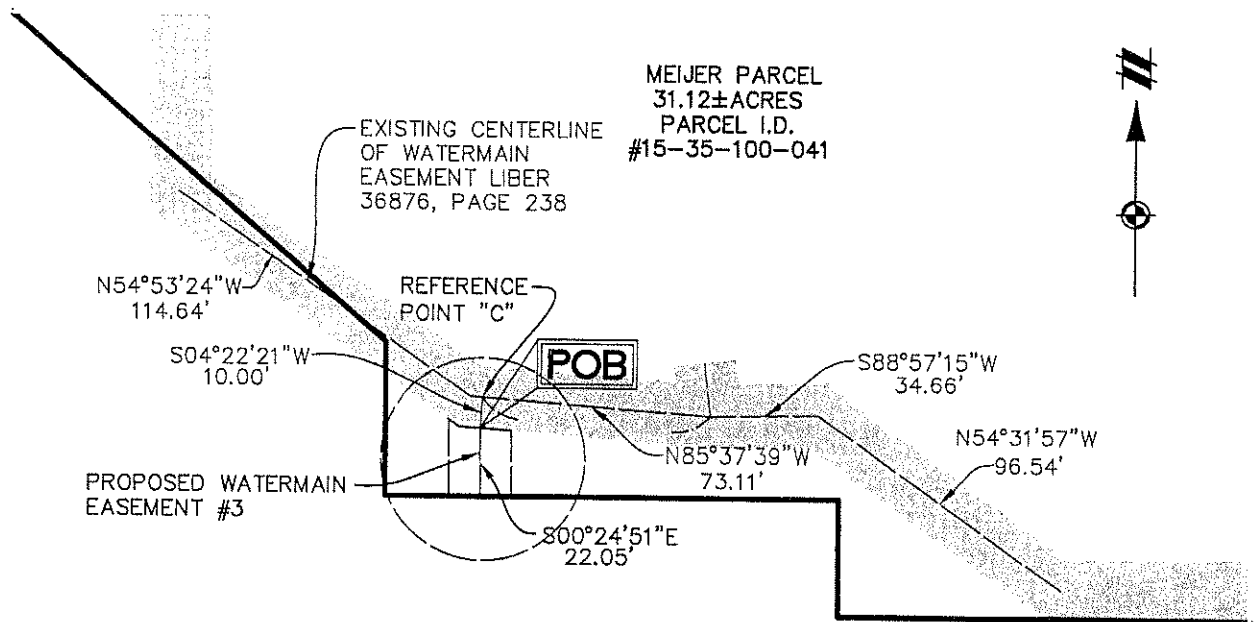
**EXHIBIT A-3
TO
THIRD AMENDMENT TO WATERMAIN EASEMENT**

Tax Parcel Number: 70-15-35-100-041
Address: 3175 Rochester Road, Rochester Hills, Michigan 48307

DESCRIPTION OF PROPOSED WATERMAIN EASEMENT#3

A 20 foot wide Watermain Easement located in the Northwest 1/4 of Section 35, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County Michigan, lying 10 feet on both sides of and parallel with the following described centerline, side lines of said Easement are to lengthen or shorten to match existing Easement recorded in Liber 36876, Page 238 and the South Boundary line of previously described 31.12 acre parcel of land:

Commencing at the Northwest corner of said Section 35; thence EAST 1350.36 feet; thence SOUTH 60.00 feet; thence S01°21'01"W 190.19 feet; thence S45°00'00"W 29.20 feet; thence SOUTH 149.49 feet; thence S42°51'09"E 23.86 feet; thence S01°21'01"W 77.45 feet; thence S02°27'11"W 204.43 feet; thence S00°19'58"E 141.57 feet; thence S42°34'27"W 180.46 feet; thence S53°27'22"W 107.86 feet; thence S42°27'56"W 68.91 feet; thence S89°34'14"W 408.15 feet; thence N54°31'57"W 96.54 feet; thence S88°57'15"W 34.66 feet; thence N85°37'39"W 73.11 feet; thence leaving said centerline S04°22'21"W 10.00 feet for a PLACE OF BEGINNING; thence S00°24'51"E 22.05 feet to the Place of Ending.



PEM
16.93±ACRES
PARCEL I.D.
#15-35-100-042
#15-35-100-035
#15-35-100-038
PART OF #15-35-100-041

LEGEND

POB PLACE OF BEGINNING

CLIENT LOWE'S HOMECENTERS, INC. SKETCH AND DESCRIPTION OF PROPOSED OFFSITE WATERMAIN EASEMENTS LOCATED IN SECTION 35 TOWN 3 NORTH, RANGE 11 EAST CITY OF ROCHESTER HILLS OAKLAND COUNTY	JOB: 05000184.20 DR. ME BOOK MA102-99 SHEET 4 OF 4 FILE NO. 5102-199C	CAD 05000184EA06 CH. DSB PG. 3-7 DATE: 05-09-07
	ATWELL-HICKS Engineering • Surveying • Planning Environmental • Water/Wastewater	
	SCALE: 1 INCH = 60 FEET 0 30 60	
	MICHIGAN ILLINOIS OHIO FLORIDA	

DESIGN
05/09/07
REVISION:
 03-26-07 MDE

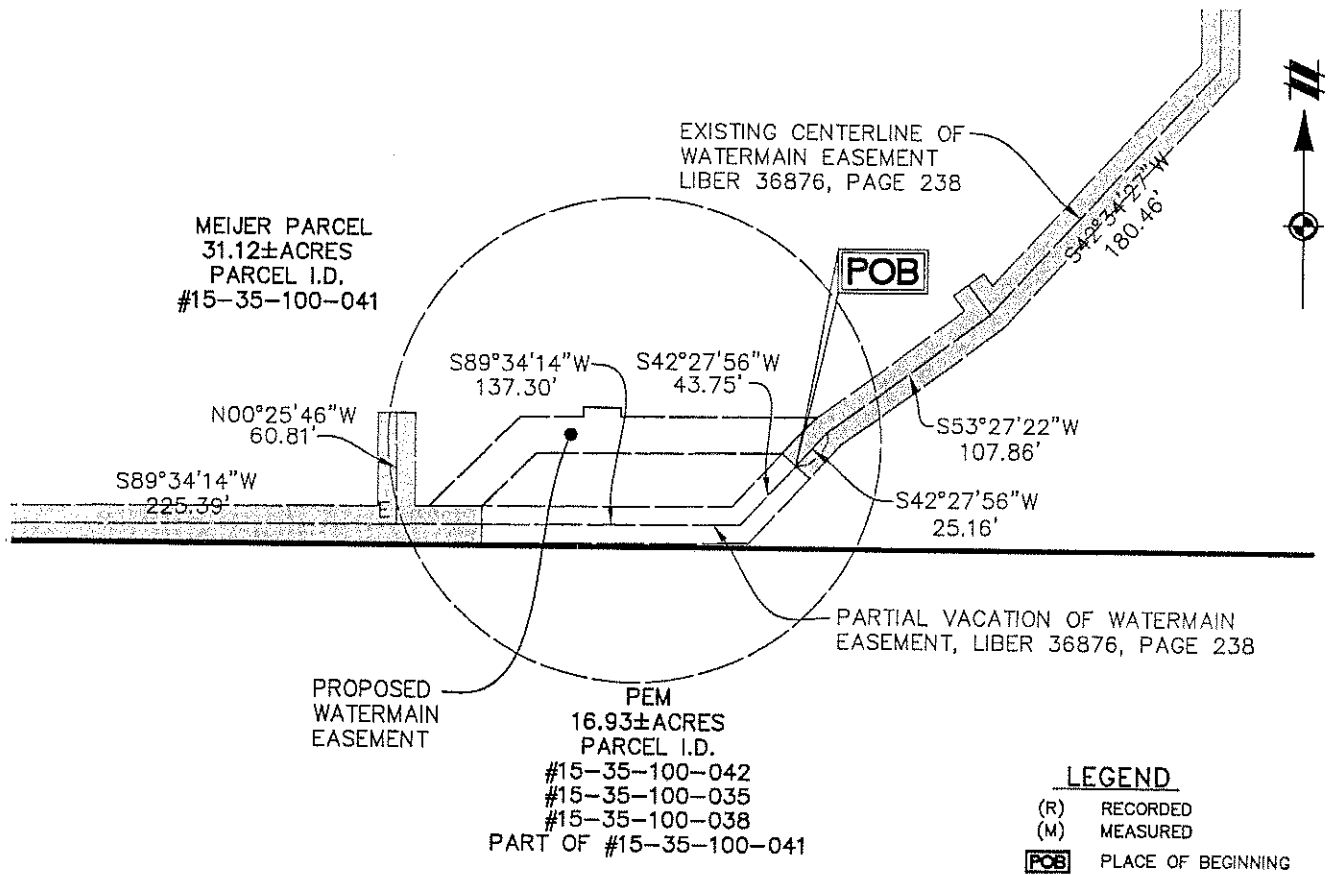
**EXHIBIT B
TO
THIRD AMENDMENT TO WATERMAIN EASEMENT**

Tax Parcel Number: 70-15-35-100-041
Address: 3175 Rochester Road, Rochester Hills, Michigan 48307

DESCRIPTION OF PROPOSED WATERMAIN EASEMENT#1

Partial vacation of a 20 foot wide Watermain Easement located in the Northwest 1/4 of Section 35, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County Michigan, lying 10 feet on both sides of and parallel with the following described centerline, side lines of said Easement are to lengthen or shorten to match existing Easement recorded in Liber 36876, Page 238:

Commencing at the Northwest corner of said Section 35; thence EAST 1350.36 feet; thence SOUTH 60.00 feet; thence S01°21'01"W 190.19 feet; thence S45°00'00"W 29.20 feet; thence SOUTH 149.49 feet; thence S42°51'09"E 23.86 feet; thence S01°21'01"W 77.45 feet; thence S02°27'11"W 204.43 feet; thence S00°19'58"E 141.57 feet; thence S42°34'27"W 180.46 feet; thence S53°27'22"W 107.86 feet; thence S42°27'56"W 25.16 feet for a **PLACE OF BEGINNING**; thence continuing S42°27'56"W 43.75 feet; thence S89°34'14"W 137.30 feet for the Place of Ending.



CLIENT LOWE'S HOMECENTERS, INC. SKETCH AND DESCRIPTION OF PARTIAL VACATION OF OFFSITE WATERMAIN EASEMENT LOCATED IN SECTION 35 TOWN 3 NORTH, RANGE 11 EAST CITY OF ROCHESTER HILLS OAKLAND COUNTY	JOB: 05000184.20 DR. ME	CAD 05000184EA07 CH. DB
	BOOK MA102-99 SHEET 2 OF 2	PG. DATE: 03-21-07
	FILE NO. 5102-198A	
	ATWELL-HICKS Engineering • Surveying • Planning Environmental • Water/Wastewater 866 850 4200 www.atwell-hicks.com MICHIGAN ILLINOIS OHIO FLORIDA	
SCALE: 1 INCH = 100 FEET	0 50 100	REVISION: 3-26-07 ME

Deer
H. Hicks
04-16-07