

AMENDED PUBLIC UTILITY RIGHT-OF-WAY AGREEMENT

This Amended Public Utility Right-of-Way Agreement is entered into on _____, 2004, by and between the Robert R. Smitha Trust and the City of Rochester Hills.

WHEREAS, The Robert R. Smitha Trust is the fee simple owner of property ("Property") within the City of Rochester Hills (North of Cloverport and West of Rochester Road) and identified as part of the Yawkey and Chapman's Addition Subdivision. (Parcel Nos. 15-15-426-018; 15-15-426-019; and 15-15-427-029). The complete legal description for the Property is attached hereto as Exhibit A.

WHEREAS, the City of Rochester Hills did vacate, discontinue and abolish that part of Childress Avenue described below by "Rochester Hills City Council Resolution", dated October 19, 1994, and recorded in Liber 15108, Pages 021-023, Oakland County Records. The legal description of the area of roadway vacated is as follows:

That part of Childress Avenue (a.k.a. Crescent Avenue) north of the north line of Cloverport Avenue (a.k.a. Oakland Avenue) extending to the north and to the east to the westerly line of Enid Street (a.k.a. Rose Street) extended northly to the north line of Childress Avenue. Said Childress Avenue being part of "Yawkey and Chapman's Addition to the Village of Rochester, Michigan" as recorded in Liber 5 of Plats, page 3, Oakland County records, being part of the SE 1/4 of Section 15, T.3N, R.11E., City of Rochester Hills, Oakland County, Michigan.

WHEREAS, in said Resolution the City of Rochester Hills reserved a public utility right-of-way in the vacated portion of the former road right-of-way.

WHEREAS, the parties now desire to extinguish the existing public utility right-of-way reserved through the aforesaid Resolution and replace it with a new public utility right-of-way in the location shown on the site plan approved by the City of Rochester Hills and as is more fully described in Exhibit B.

*OK'd per
John Staron
10-29-04*

NOW, THEREFORE, IT IS AGREED between the parties, as follows:

1. That the previously described public utility right-of-way reserved in the aforesaid Resolution is extinguished and replaced with a new public utility right-of-way in the location shown on the site plan approved by the City of Rochester Hills and described in attached Exhibit B.
2. That the legal description for the new public utility easements as set forth in Exhibit B shall be the public utility easements for all public utilities on the Property.

IN WITNESS WHEREOF, the parties hereto accept their hands as sealed as the date first above written.

ROBERT R. SMITHA TRUST

By: *Michael R. Smitha*
 Michael R. Smitha
 Its: Trustee

CITY OF ROCHESTER HILLS

By: _____
 Pat Somerville
 Its: Mayor

By: _____
 Beverly A. Jasinski
 Its: Clerk

STATE OF MICHIGAN }
 }SS
 COUNTY OF OAKLAND}

The foregoing was acknowledged before me this 14 day of October, 2004,
 by Michael Smitha, Trustee of the Robert R. Smitha Trust.

Linda Vermeulen
 , Notary Public

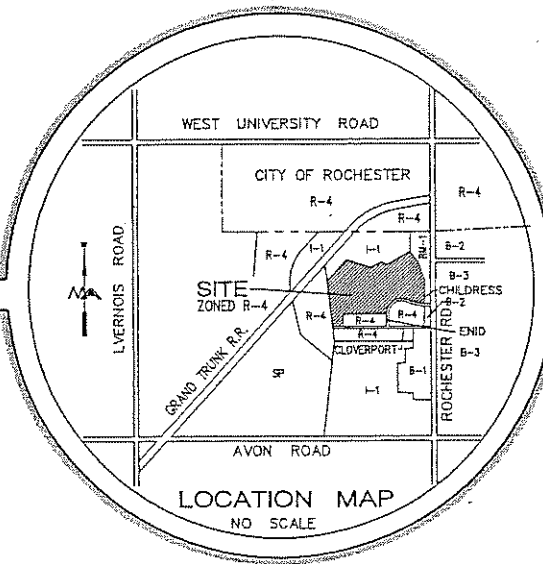
Oakland County Michigan
 My Commission Expires: _____

LINDA VERMEULEN
 NOTARY PUBLIC MACOMB CO., MI
 MY COMMISSION EXPIRES Jan 8, 2008
 ACTING IN OAKLAND COUNTY, MI

LINDA VERMEULEN
 NOTARY PUBLIC MACOMB CO., MI
 MY COMMISSION EXPIRES Jan 8, 2008
 ACTING IN OAKLAND COUNTY, MI

HIDDEN RIDGE CONDOMINIUMS

A RESIDENTIAL P.U.D.
ROCHESTER HILLS
OAKLAND, MICHIGAN

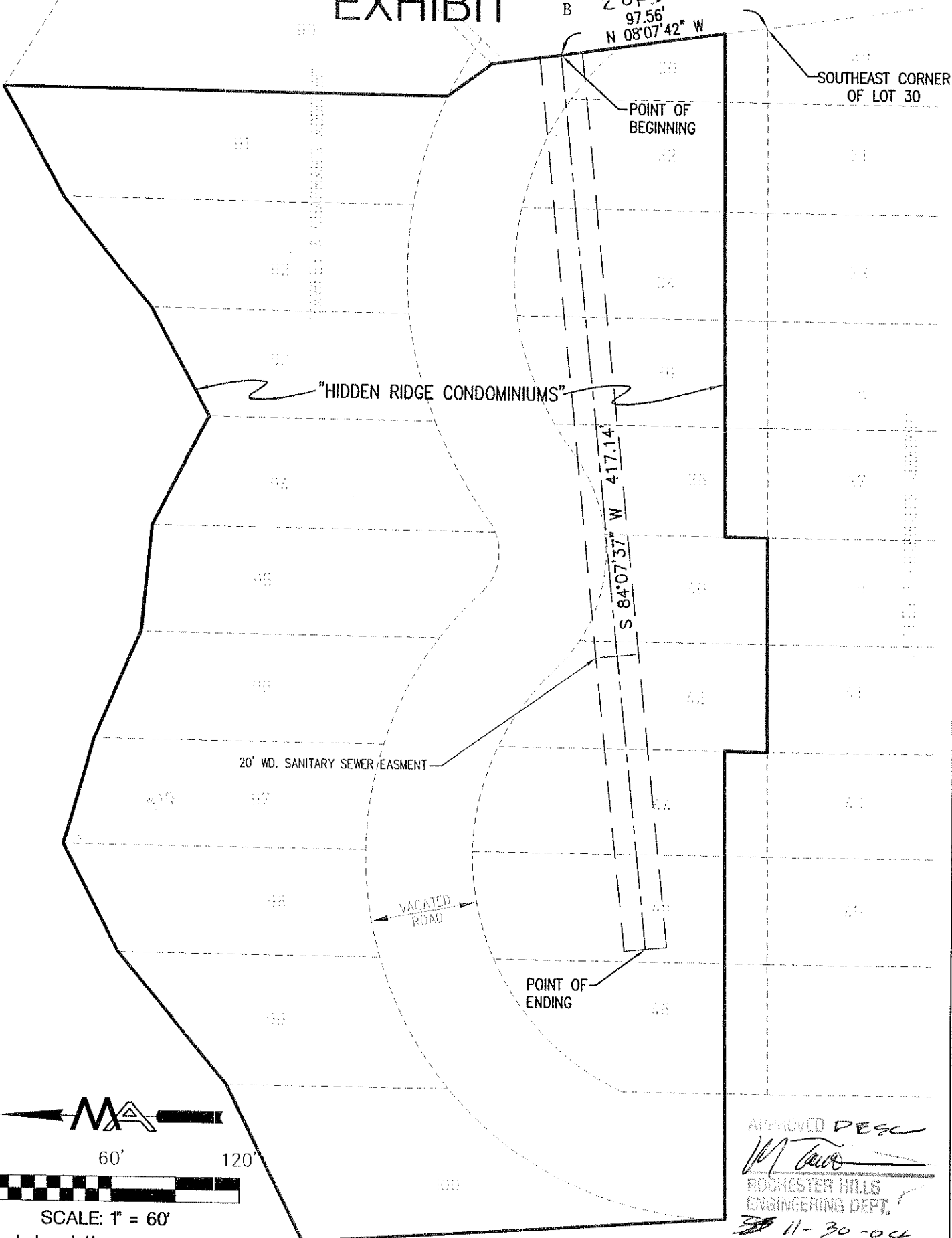


LEGAL DESCRIPTION

LEGAL DESCRIPTION (HIDDEN RIDGE CONDOMINIUMS):

Part of Lots 30, 32, 34, 36, 38, 44, 46, 48, and 91 and all of Lots 40, 42, and 92 thru 100 and that portion of vacated road adjacent to Lots 30, 32, 34, 36, 38, 40, 42, 46, 48 and 91 thru 100 of "Yawkey and Chapman's Addition" as recorded in Liber 5, Page 3 of Oakland County Records being more particularly described as part of the SE 1/4 of Section 15, City of Rochester Hills, Oakland County, Michigan, beginning at the NW corner of said Lot 100; thence the following 10 courses along the North line of said subdivision; N.63°54'58"E., 82.42 feet and N.49°37'25"E., 79.24 feet and N.62°36'05"E., 56.53 feet and S.74°12'53"E., 51.85 feet and S.66°23'36"E., 54.39 feet and S.84°45'54"E., 50.17 feet and S.62°08'51"E., 56.33 feet and N.61°24'39"E., 57.16 feet and N.50°29'45"E., 65.19 feet and N.60°35'35"E., 57.63 feet to the East line of proposed Unit 1; thence S.00°25'00"W., 208.00 feet; thence S. 36°49'04" E., 25.89 feet; thence S.08°07'42"E., 109.93 feet along the East line of Lot 30, in part; thence S.89°35'00"W., 232.00 feet along a line twenty feet North and parallel to the South line of said Lots 30, 32, 34, 36 and 38; thence S.00°25'00"W., 20.00 feet along the West line of said Lot 38; thence S.89°35'00"W., 100.00 feet along the South line of said Lots 40 and 42; thence N.00°25'00"E., 20.00 feet along the East line of Lot 44; thence S.89°35'00"W., 219.49 feet along a line twenty feet North and parallel to the South line of Lots 44, 46 and 48; thence N.03°43'00"W., 198.06 feet along the West line of said subdivision to the Point of Beginning. Containing 148,715 square feet or 3.412 acres and subject to any easements or restrictions of record.

EXHIBIT " B " 2 OF 3



APPROVED DESG
W. J. Judd
 ROCHESTER HILLS
 ENGINEERING DEPT.
 11-30-04

Legal description:

A 20 foot wide Sanitary Sewer Easement being part of Lots 30, 32, 34, 36, 38, 40, 42, 44, 46 and 48 and that portion of vacated road of "Yawkey and Chapman's Addition" part of the SE 1/4 of Section 15, City of Rochester Hills, Oakland County, Michigan, as recorded in Liber 5, Page 3 of Oakland County Records being more particularly described along its centerline as beginning at a point located distant N.08°07'42"W., 97.56 feet from the SE corner of said lot 30 of said plat to the point of beginning;
 Thence S 84°07'37" W 417.14' feet to the point of ending.

ISSUED FOR:	REVD BY:	ISSUED FOR:	REVD BY:
ISSUED FOR:	REVD BY:	ISSUED FOR:	REVD BY:

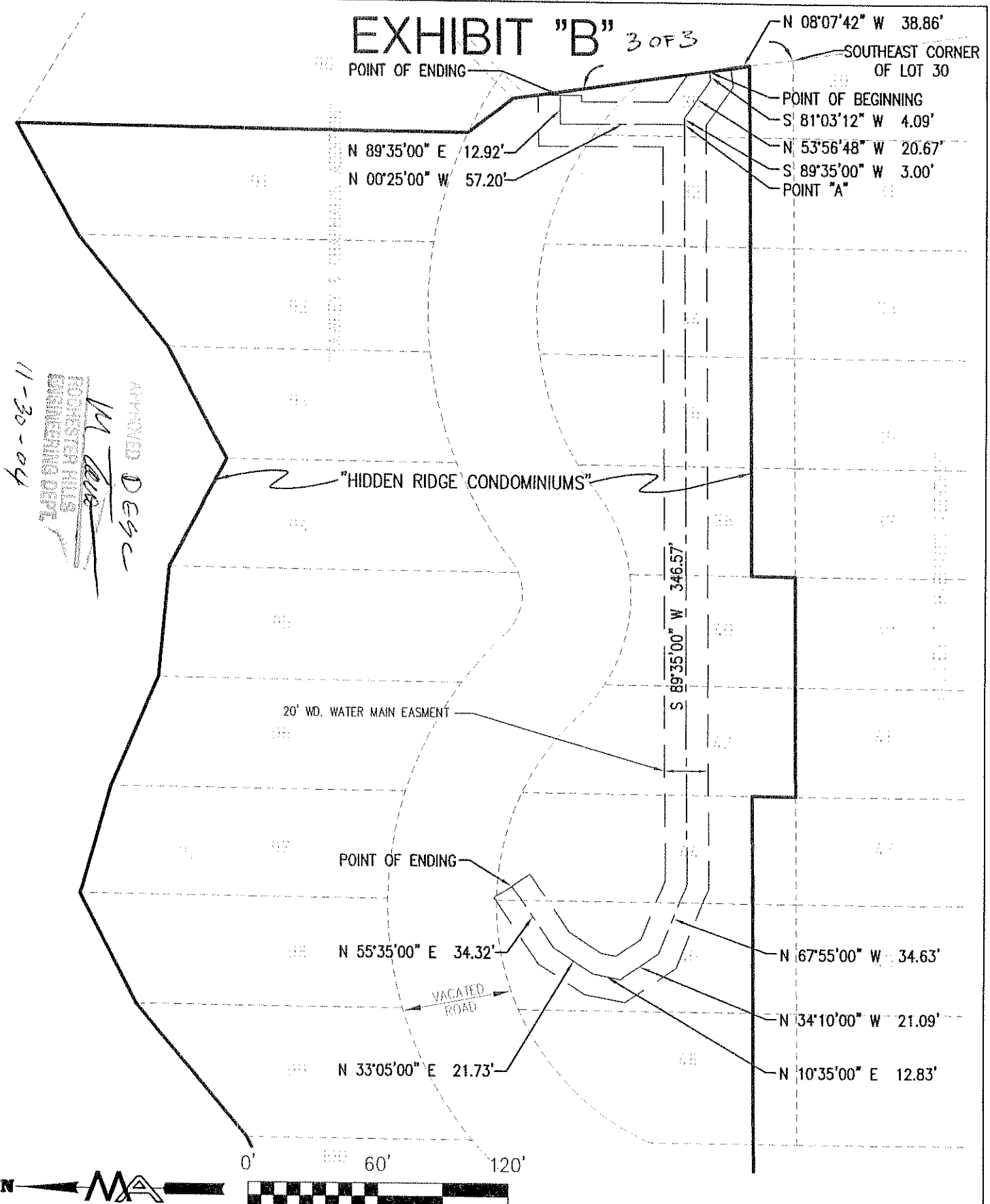
THOMAS M. SMITH
 LAND SURVEYOR
 NO. 31606
 SURVEYOR'S SEAL



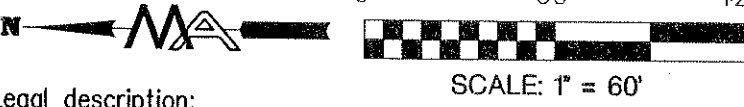
MICKALICH and ASSOCIATES, INC.
 CIVIL ENGINEERING SURVEYING PLANNING
 2359 AVON INDUSTRIAL DR, ROCHESTER HILLS, MI. 48309
 INTERNET: WWW.MICKALICH.COM PHONE: (248) 852-1900 FAX: (248) 852-1070

DRAWN BY <u>JH</u>	JOB No. <u>97037</u>	DESCRIPTION HIDDEN RIDGE OF ROCHESTER HILLS-SANITARY SEWER EASEMENT
DATE <u>11-23-04</u>	SHEET No. <u>1</u>	
SCALE 1"=60'		

EXHIBIT "B" 3 OF 3



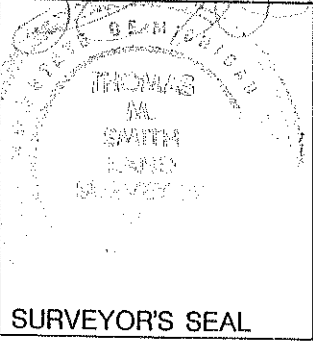
11-30-04
 ROCHESTER HILLS
 ENGINEERING DEPT.
 M. Dave
 APPROVED Desc



Legal description:

A 20 wide watermain Easement being part of Lots 30, 32, 34, 36, 38, 40, 42, 44 and 46 and that portion of vacated road of "Yawkey and Chapman's Addition" part of the SE 1/4 of Section 15, City of Rochester Hills, Oakland County, Michigan, as recorded in Liber 5, Page 3 of Oakland County Records being more particularly described along its centerline as beginning at a point located distant N.08°07'42"W., 38.86 feet from the SE corner of said lot 30 of said plat;
 thence S.81°03'12"W., 4.09 feet; thence N.53°56'48"W., 20.67 feet; thence S.89°35'00"W., 3.00 feet to point "A";
 thence S.89°35'00"W., 346.57 feet; thence N.67°55'00"W., 34.63 feet; thence N.34°10'00"W., 21.09 feet; thence N.10°35'00"E., 12.83 feet; thence N.33°05'00"E., 21.73 feet; thence N.55°35'00"E., 34.32 feet to a point of ending.
 Thence from point "A" N.00°25'00"W., 57.20 feet; thence N.89°35'00"E., 12.92 feet to a point of ending.

ISSUED FOR:	REVD BY:	ISSUED FOR:	REVD BY:
ISSUED FOR:	REVD BY:	ISSUED FOR:	REVD BY:



MICKALICH and ASSOCIATES, INC.
 CIVIL ENGINEERING SURVEYING PLANNING

2359 AVON INDUSTRIAL DR, ROCHESTER HILLS, MI. 48309
 INTERNET: WWW.MICKALICH.COM PHONE: (248) 852-1900 FAX: (248) 852-1070

DRAWN BY JH	JOB No. 97037	DESCRIPTION
DATE 11-23-04 SHEET No. 1		HIDDEN RIDGE OF ROCHESTER HILLS-WATER MAIN EASEMENT
SCALE 1"=60'		