

**WATERMAIN EASEMENT**

P.E.M. LLC, a Michigan limited liability company ("Grantor"), whose address is 300 Park Street, Suite 470, Birmingham, Michigan 48009, grants to the CITY OF ROCHESTER HILLS, a Michigan municipal corporation ("City"), of 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309, over Grantor's property described on Exhibit A attached hereto ("Property"), an easement for the construction, operation, maintenance, repair and/or replacement of a watermain on, under, through and across that portion of Grantor's property as described on Exhibit B attached hereto ("Easement").

In connection with the grant of Easement, Grantor waives and relinquishes any right, title or interest in the watermain, or the facilities incidental thereto, which may be located in the Easement.

All property disturbed or altered, now or in the future, by reason of the construction, operation, maintenance, repair and/or replacement of the watermain shall be restored by the City to its immediately prior condition, except to the extent permanent improvements or alternations 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 lessees, successors and assigns may use and enjoy the Easement in common with the City.

Grantor expressly reserves to Grantor and Grantor's lessees, successors and assigns, so long as there is no interference with the construction, operation, maintenance, repair and/or replacement of the watermain: (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 and (c) the right to use the Easement for parking and access to its Property and for any other purposes which do not interfere with the City's use of the Easement for the purposes for which the easement rights granted herein are being granted, which other purposes reserved by Grantor may include, but shall not be limited to, landscaping, installation of signs, installation of utilities, construction of driveways, curbing, curb cuts and related improvements; provided, however, that no permanent building shall be constructed upon the Easement.

The City agrees that all maintenance, repairs and replacements to be performed by it pursuant to this Easement shall be done in an expeditious, efficient and workmanlike manner, in accordance with all applicable laws, rules, ordinances and regulations, and in such a manner as to reasonably minimize any interference with the development and use of the Property, or any part thereof, by the City, its employees, agents and contractors.

APPROVED AS TO FORM

*J. Staran 7/25/07*

ROCHESTER HILLS COUNSEL

Exempt from Transfer Tax under MCLA 207.526(a); MSA 7.456(26)(a).

[signatures on following pages]

IN WITNESS WHEREOF, the undersigned have hereunder affixed their signatures on this 20TH  
day of MARCH, 2007.

P.E.M. LLC

By: Patrick E Moran  
Patrick E. Moran  
Its: Manager

STATE OF MICHIGAN )  
  ) SS:  
COUNTY OF OAKLAND )

**Michael J. Hoomaert, Notary Public**  
State of Michigan, County of Oakland  
My Commission Expires 8/31/2012  
Acting in the County of OAKLAND

This agreement was acknowledged before me on MARCH 20TH, 2007, by Patrick E. Moran, Manager of P.E.M. LLC on behalf of the Company.

Michael J. Hoomaert  
OAKLAND Notary Public,  
County, Michigan  
My Commission Expires: 8-31-2012  
(Acting in Oakland County)

CITY OF ROCHESTER HILLS

By: \_\_\_\_\_  
Bryan Barnett, Mayor

By: \_\_\_\_\_  
Jane Leslie, Clerk

STATE OF MICHIGAN        )  
                                  ) SS:  
COUNTY OF OAKLAND     )

This agreement was acknowledged before me on \_\_\_\_\_, 2007, by Bryan Barnett, Mayor, and Jane Leslie, Clerk, of the City of Rochester Hills, on behalf of the City.

\_\_\_\_\_  
Notary Public,  
County, Michigan  
My Commission Expires: \_\_\_\_\_  
(Acting in Oakland County)

When Recorded, Return to:

Clerk  
City of Rochester Hills  
1000 Rochester Hills Drive  
Rochester Hills, Michigan 48309



CONSENT BY LOWE'S HOME CENTERS, INC.

Lowe's Home Centers, Inc. as the Tenant for the Property pursuant to that certain Amended and Restated Ground Lease dated January 17, 2007, between P.E.M. LLC as Landlord, and Lowe's Home Centers, Inc., as Tenant, hereby consents to the foregoing Watermain Easement.

LOWE'S HOME CENTERS, INC.,  
a North Carolina corporation

By: *Gary E. Wyatt*  
Its: Gary E. Wyatt  
Senior Vice President

*TE*  
*RE*

STATE OF NORTH CAROLINA )  
COUNTY OF Wilkes ) SS:

This agreement was acknowledged before me on March 23, 2007, by Gary E. Wyatt, Sr. Vice President of Lowe's Home Centers, Inc., on behalf of the Corporation.

*Sheila H. Vannoy*  
Notary Public,  
Wilkes County, North Carolina.  
My Commission Expires: 10-6-08  
(Acting in \_\_\_\_\_ County)

SHEILA H. VANNOY  
Notary Public  
North Carolina - Wilkes County  
My Commission Expires 10-6-08

Exhibit A

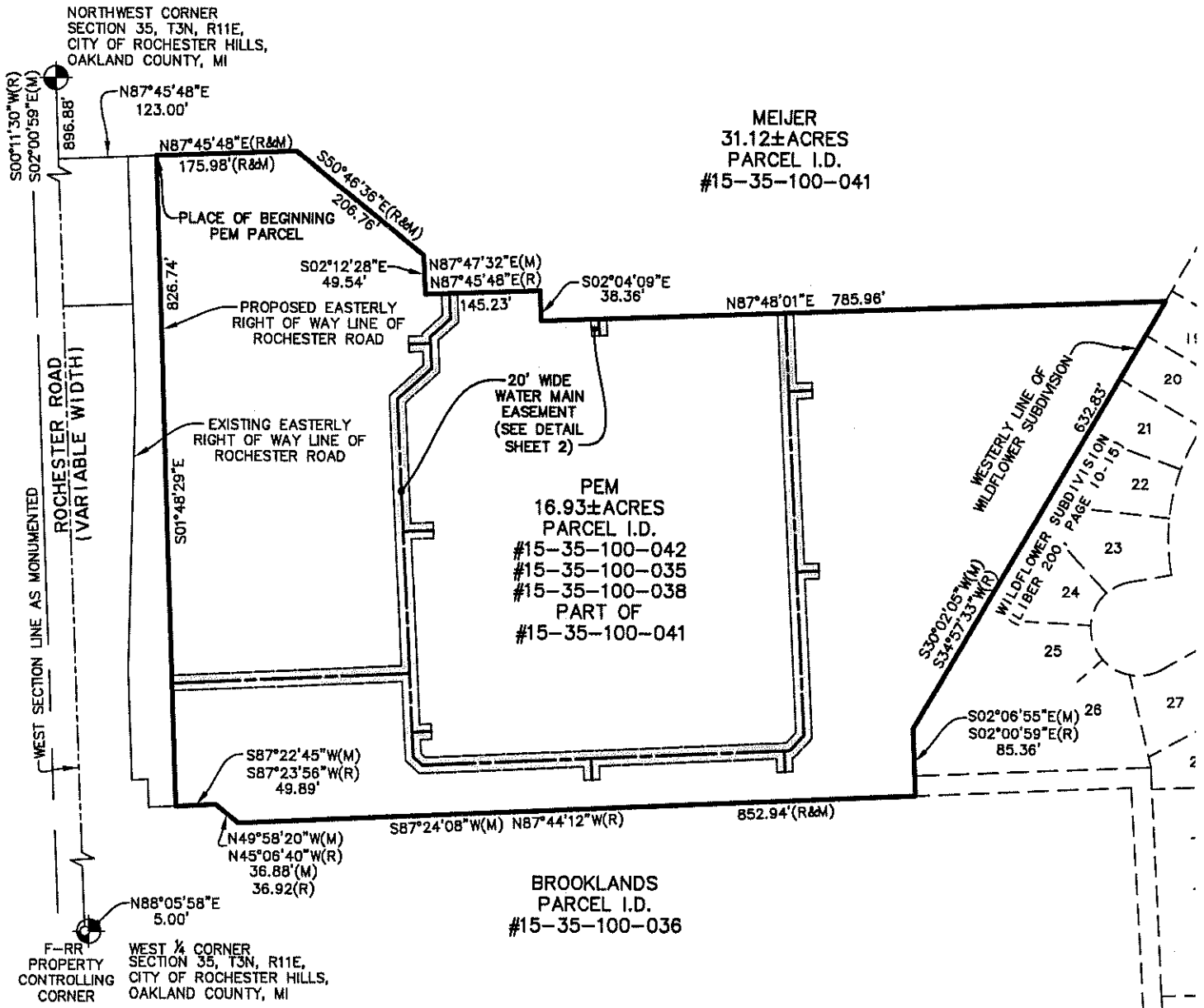
Legal Description of Grantor's Property

A parcel of land located in the Northwest 1/4 of Section 35, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County Michigan, described as: Commencing at the Northwest corner of said Section 35; thence S02°00'59"E (recorded as S00°11'30"W) 896.88 feet along the West line of said Section 35; thence N87°45'48"E 123.00 feet to the Easterly right of way line of Rochester Road (variable width) for a PLACE OF BEGINNING; thence N87°45'48"E 175.98 feet; thence S50°46'36"E 206.76 feet; thence S02°12'28"E 49.54 feet; thence N87°47'32"E 145.23 feet (recorded as N87°45'48"E); thence S02°04'09"E 38.36 feet; thence N87°48'01"E 785.96 feet to the Westerly line of Wildflower Subdivision, as recorded in Liber 200, Page 10 through 15, Oakland County Records; thence S30°02'05"W 632.83 feet (recorded as S34°57'33"W) along said Westerly line; thence S02°06'55"E 85.36 feet (recorded as S02°00'59"E); thence S87°24'08"W 852.94 feet (recorded as N87°44'12"W); thence N49°58'20"W 36.88 feet (recorded as N45°06'40"W 36.92 feet); thence S87°22'45"W 49.89 feet (recorded as S87°23'56"W) to the Easterly right of way line of Rochester Road; thence N01°48'29"W 826.74 feet along said Easterly right of way line of Rochester Road to the Place of Beginning.

*M. Taus  
OK DEYE*

EXHIBIT B

Watermain Easements



**LEGEND**

- (R) RECORDED
- (M) MEASURED
- RR FOUND RE-ROD
- ⊙ SECTION CORNER

CLIENT <b>LOWE'S HOME CENTERS, INC.</b>
SKETCH AND DESCRIPTION OF A 20 FOOT WIDE WATERMAIN EASEMENT LOCATED IN
SECTION 35 TOWN 3 NORTH, RANGE 11 EAST CITY OF ROCHESTER HILLS OAKLAND COUNTY
SCALE: 1 INCH = 200 FEET

JOB: 05000184.20	CAD: 05000184EA02
DR. NLW	CH. MDE
BOOK MA102-99	PG.
SHEET 1 OF 4	DATE: 01-30-07
FILE NO: 5102-191-1	
<b>ATWELL-HICKS</b>	
Engineering • Surveying • Planning Environmental • Water/Wastewater	
866 850 4200 www.atwell-hicks.com	
MICHIGAN ILLINOIS OHIO FLORIDA	

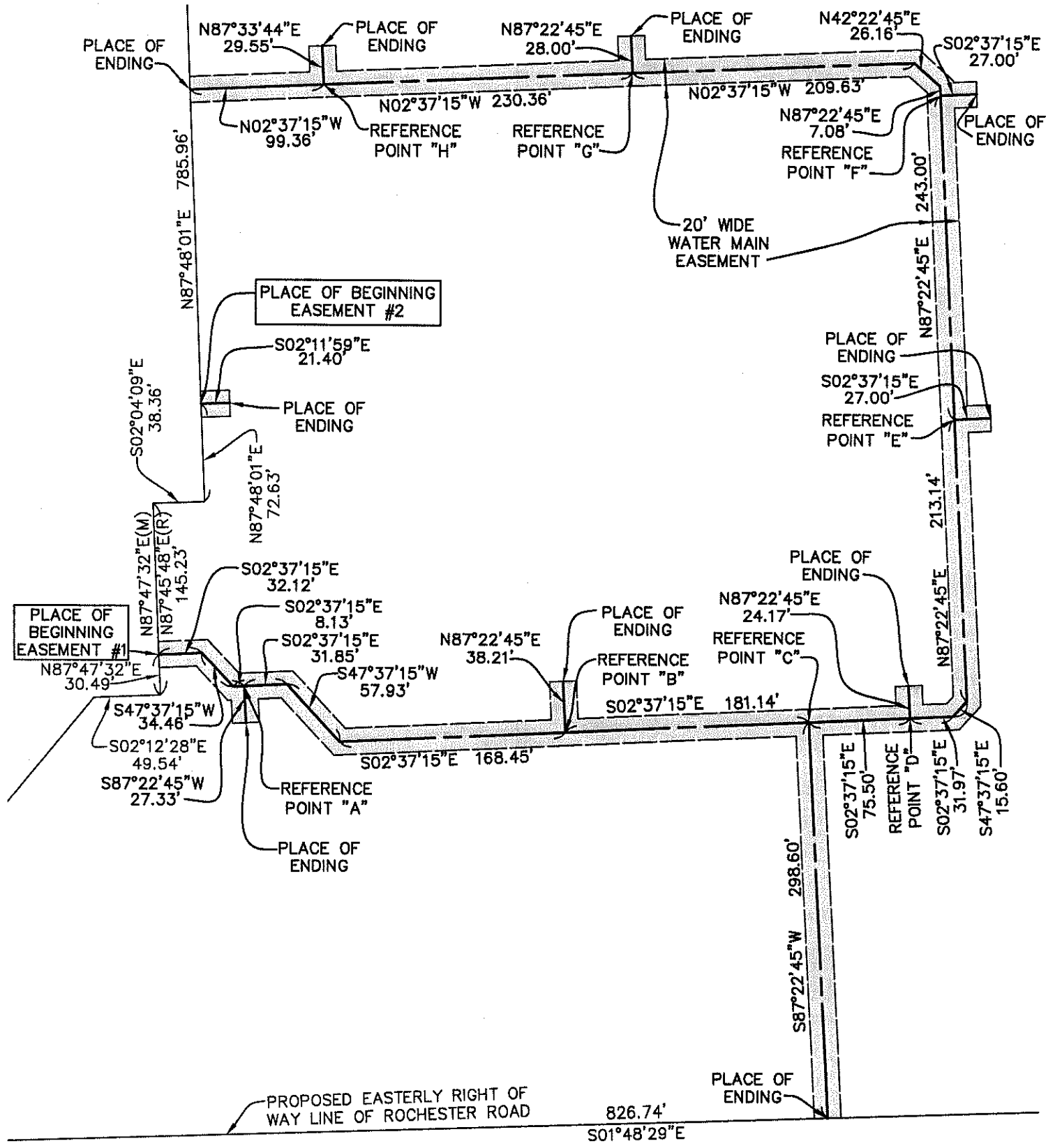
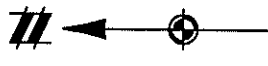


REVISION:  
06-08-07 MDE  
WATERMAIN EASEMENT #2

REVISION:  
03-21-07 MDE

*JPB 4-14-07*





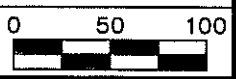
ROCHESTER ROAD  
(VARIABLE WIDTH)

CLIENT  
**LOWE'S HOME CENTERS, INC.**

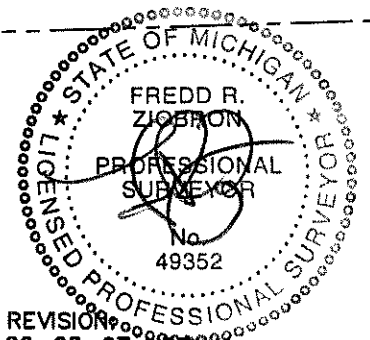
SKETCH AND DESCRIPTION  
OF A 20 FOOT WIDE  
WATERMAIN EASEMENT  
LOCATED IN

SECTION 35 TOWN 3 NORTH, RANGE 11 EAST  
CITY OF ROCHESTER HILLS  
OAKLAND COUNTY

SCALE:  
1 INCH = 100 FEET



JOB: 05000184.20	CAD: 05000184EA02
DR. NLW	CH. MDE
BOOK MA102-99	PG.
SHEET 2 OF 4	DATE: 01-30-07
FILE NO. 5102-191-2	
<b>ATWELL-HICKS</b>	
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REVISION:  
06-08-07 MDE  
WATERMAIN EASEMENT #2

REVISION:  
03-21-07 MDE

JB  
7-14-07

**LEGAL DESCRIPTION PEM PARCEL**

A parcel of land located in the Northwest ¼ of Section 35, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County Michigan, described as: Commencing at the Northwest corner of said Section 35; thence S02°00'59"E (recorded as S00°11'30"W) 896.88 feet along the West line of said Section 35; thence N87°45'48"E 123.00 feet to the Easterly right of way line of Rochester Road (variable width) for a PLACE OF BEGINNING; thence N87°45'48"E 175.98 feet; thence S50°46'36"E 206.76 feet; thence S02°12'28"E 49.54 feet; thence N87°47'32"E 145.23 feet (recorded as N87°45'48"E); thence S02°04'09"E 38.36 feet; thence N87°48'01"E 785.96 feet to the Westerly line of Wildflower Subdivision, as recorded in Liber 200, Page 10 through 15, Oakland County Records; thence S30°02'05"W 632.83 feet (recorded as S34°57'33"W) along said Westerly line; thence S02°06'55"E 85.36 feet (recorded as S02°00'59"E); thence S87°24'08"W 852.94 feet (recorded as N87°44'12"W); thence N49°58'20"W 36.88 feet (recorded as N45°06'40"W 36.92 feet); thence S87°22'45"W 49.89 feet (recorded as S87°23'56"W) to the Easterly right of way line of Rochester Road; thence N01°48'29"W 826.74 feet along said Easterly right of way line of Rochester Road to the Place of Beginning.

**LEGAL DESCRIPTION 20' WIDE WATER MAIN EASEMENT NO. 1**

A 20' wide Water Main Easement being 10' on both sides of the following described centerline: located in the Northwest ¼ of Section 35, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County Michigan, centerline of said easement described as: Commencing at the Northwest corner of said Section 35; thence S02°00'59"E (recorded as S00°11'30"W) 896.88 feet along the West line of said Section 35; thence N87°45'48"E 298.98 feet; thence S50°46'36"E 206.76 feet; thence S02°12'28"E 49.54 feet; thence N87°47'32"E 30.49 feet for a PLACE OF BEGINNING EASEMENT #1; thence S02°37'15"E 32.12 feet; thence S47°37'15"W 34.46; thence S02°37'15"E 8.13 feet to Reference Point "A"; thence continuing S02°37'15"E 31.85 feet; thence S47°37'15"W 57.93 feet; thence S02°37'15"E 168.45 feet to Reference Point "B"; thence continuing S02°37'15"E 181.14 feet to Reference Point "C"; thence continuing S02°37'15"E 75.50 feet to Reference Point "D"; thence continuing S02°37'15"E 31.97 feet; thence S47°37'15"E 15.60 feet; thence N87°22'45"E 213.14 feet to Reference Point "E"; thence continuing N87°22'45"E 243.00 feet to Reference Point "F"; thence continuing N87°22'45"E 7.08 feet; thence N42°22'45"E 26.16 feet; thence N02°37'15"W 209.63 feet to Reference Point "G"; thence continuing N02°37'15"W 230.36 feet to Reference Point "H"; thence continuing N02°37'15"W 99.36 feet for a Place of Ending.

And Beginning at said Reference Point "A"; thence S87°22'45"W 27.33 feet for a Place of Ending.

And Beginning at said Reference Point "B"; thence N87°22'45"E 38.21 feet for a Place of Ending.

And Beginning at said Reference Point "C"; thence S87°22'45"W 298.60 feet to the proposed Easterly Right-of-Way line of Rochester Road for a Point of Ending.

And Beginning at said Reference Point "D"; thence N87°22'45"E 24.17 feet for a Place of Ending.

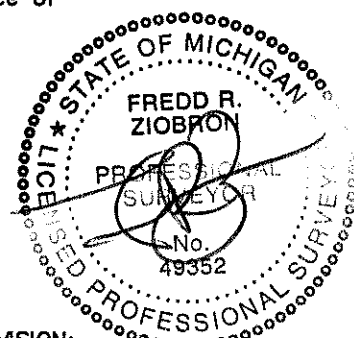
And Beginning at said Reference Point "E"; thence S02°37'15"E 27.00 feet for a Place of Ending.

And Beginning at said Reference Point "F"; thence S02°37'15"E 27.00 feet for a Place of Ending.

And Beginning at said Reference Point "G"; thence N87°22'45"E 28.00 feet for a Place of Ending.

And Beginning at said Reference Point "H"; thence N87°33'44"E 29.55 feet for a Place of Ending.

CLIENT <b>LOWE'S HOME CENTERS, INC.</b> SKETCH AND DESCRIPTION OF A 20 FOOT WIDE WATERMAIN EASEMENT LOCATED IN SECTION 35 TOWN 3 NORTH, RANGE 11 EAST CITY OF ROCHESTER HILLS OAKLAND COUNTY	JOB: 05000184.20	CAD: 05000184EA02
	DR. NLW	CH. MDE
	BOOK MA102-99	PG.
	SHEET 3 OF 4	DATE: 01-30-07
	FILE NO. 5102-191-3	
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REVISION:  
06-08-07 MDE  
WATERMAIN EASEMENT #2

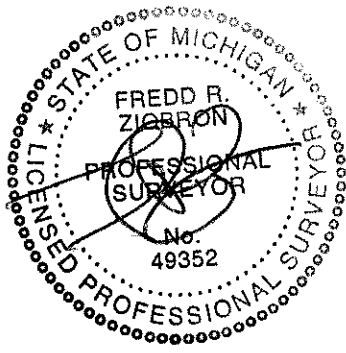
REVISION:  
03-21-07 MDE

JB  
9-14-07

LEGAL DESCRIPTION 20' WIDE WATER MAIN EASEMENT NO. 2

A 20' Wide Water Main Easement being 10' on both sides of the following described centerline: located in the Northwest 1/4 of Section 35, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County Michigan, centerline of said easement described as: Commencing at the Northwest corner of said Section 35; thence S02°00'59"E (recorded as S00°11'30"W) 896.88 feet along the West line of said Section 35; thence N87°45'48"E 298.98 feet; thence S50°46'36"E 206.76 feet; thence S02°12'28"E 49.54 feet; thence N87°47'32"E 145.23 feet; thence S02°04'09"E 38.36 feet; thence N87°48'01"E 72.63 feet for a PLACE OF BEGINNING EASEMENT #2; thence S02°11'59"E 21.40 feet for a Place of Ending.

CLIENT <b>LOWE'S HOME CENTERS, INC.</b>  SKETCH AND DESCRIPTION OF A 20 FOOT WIDE WATERMAIN EASEMENT LOCATED IN  SECTION 35 TOWN 3 NORTH, RANGE 11 EAST CITY OF ROCHESTER HILLS OAKLAND COUNTY	JOB: 05000184.20	CAD: 05000184EA02
	DR: NLW	CH: MDE
	BOOK: MA102-99	PG:
	SHEET: 4 OF 4	DATE: 01-30-07
FILE NO: 5102-191-4		
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REVISION:  
 06-08-07 MDE  
 WATERMAIN EASEMENT #2

REVISION:  
 03-21-07 MDE

*JB*  
*11-14-07*