

WATERMAIN EASEMENT

THE FRANK ARAGONA TRUST U/A/D DECEMBER 3, 1979, AS AMENDED AND TIENKEN Partners, LLC, a Michigan Limited liability company, both of 37020 Garfield Rd, Suite T-1, Clinton Township, MI 48036 grants to the CITY OF ROCHESTER HILLS, a Michigan municipal corporation, of 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309, an easement for the construction, operation, maintenance, repair and/or replacement of a water main on, under through and across land more particularly described as:

See Attached Exhibit "A" & "B"

Part of Tax Parcel No. 70-15-11-101-032 - Commonly known as South East Corner of Rochester Rd and Tienken Rd.

In connection with the grant of easement, Grantor waives and relinquishes any right, title or interest in the water main, 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 water main shall be restored by the City to its immediately prior condition, except to the extent permanent improvements or alterations 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 successors and assigns may use and enjoy the easement area in common with the City.

Grantor expressly reserves to Grantor and Grantor's successors and assigns, so long as there is no interference with the construction, operation, maintenance, repair and/or replacement of the water main: (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 parcel, with the condition that prior to such a grant written consent shall be obtained from the City.

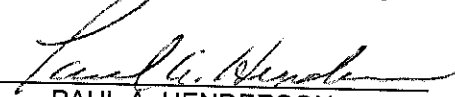
Exempt from Transfer Tax under MCLA 207.526(a)

IN WITNESS HEREOF, the undersigned have hereunto affixed their signatures on this 17th day of October, 2005.

THE FRANK ARAGONA TRUST U/A/D
December 3, 1979, AS AMENDED

By: 
PAUL V. ARAGONA,
Its: Executive Trustee

TIENKEN PARTNERS LLC
A Michigan limited Liability Company

By: 
PAUL A. HENDERSON,
Trustee, or his successors in trust, under the Paul
A. Henderson Living Trust u/a/d April 9, 1998, as
amended
Its: Member

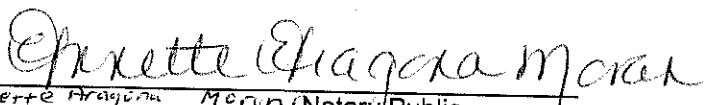
STATE OF MICHIGAN
COUNTY OF Oakland

The foregoing instrument was acknowledged before me this 17th day of October, 2005, by PAUL V. ARAGONA, and PAUL A. HENDERSON.

Drafted by:
Doug Kennedy
Atwell Hicks
56182 Schuonert
Shelby Twp, MI 48315

When recorded, return to:

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


Annette Aragona Moran, Notary Public
Acting in Oakland County, Michigan
My Commission Expires: 7/17/07
ANNETTE ARAGONA MORAN
NOTARY PUBLIC OAKLAND CO., MI
MY COMMISSION EXPIRES JUL 17, 2007

CITY OF ROCHESTER HILLS

By: _____
Pat Somerville, Mayor

By: _____
Jane Leslie, Clerk

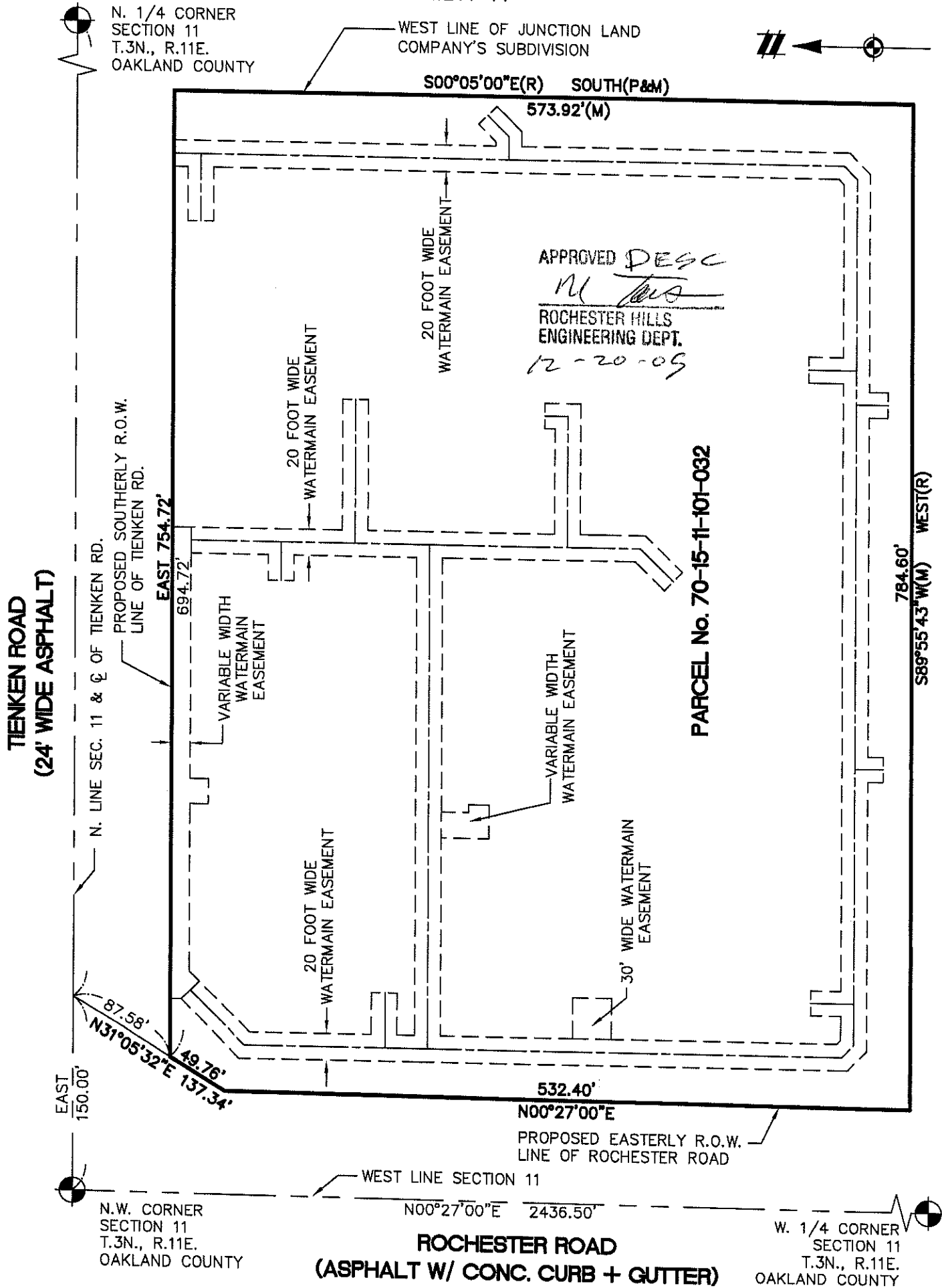
STATE OF MICHIGAN
COUNTY OF OAKLAND

This agreement was acknowledged before me on
_____, _____, by Pat Somerville, Mayor,
and Jane Leslie, Clerk, of the City of Rochester Hills, on behalf of the City.

My Commission expires:

, Notary Public
County, Michigan

EXHIBIT A



CLIENT	TIENKEN PARTNERS, LLC
	PROPOSED OVERALL WATERMAIN EASEMENT
SECTION 11, TOWN 3 NORTH, RANGE 11 EAST	CITY OF ROCHESTER HILLS
	OAKLAND COUNTY, MICHIGAN
SCALE:	0 50 100
1 INCH = 100 FEET	

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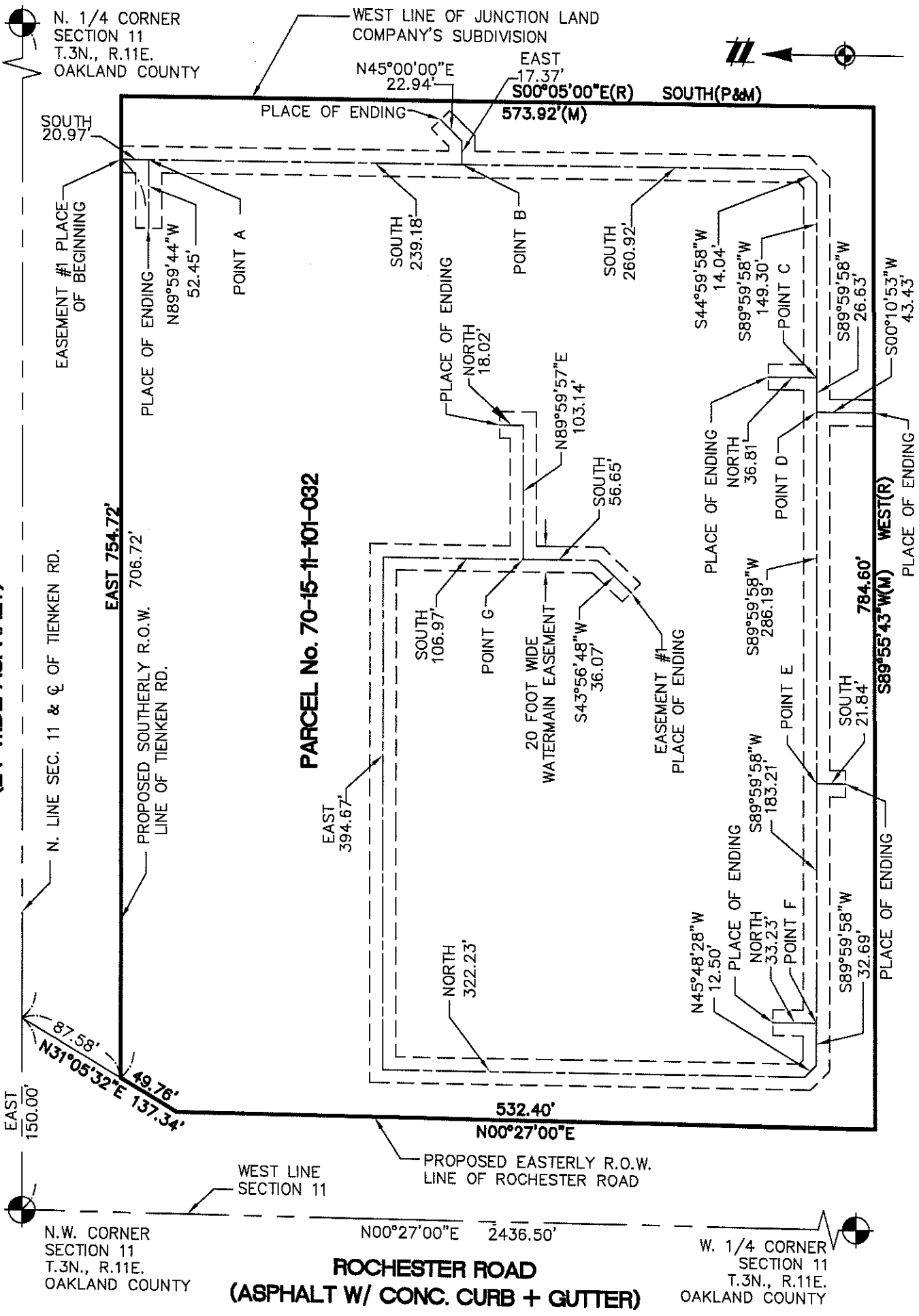
AH

JOB:	200714.13	CAD:	200714EA01
DR.	LKP	CH.	JIF
BOOK	-	PG.	-
SHEET	01 OF 09	DATE:	09-23-05
FILE NO.	5102-133-1		

STATE OF MICHIGAN
 ERIC W. BRAND
 PROFESSIONAL SURVEYOR
 No. 46655
 LICENSED PROFESSIONAL SURVEYOR

[Signature]

**TIENKEN ROAD
(24' WIDE ASPHALT)**



PARCEL No. 70-15-11-101-032

**ROCHESTER ROAD
(ASPHALT W/ CONC. CURB + GUTTER)**

CLIENT
TIENKEN PARTNERS, LLC
**PROPOSED WATERMAIN
EASEMENT #1**

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

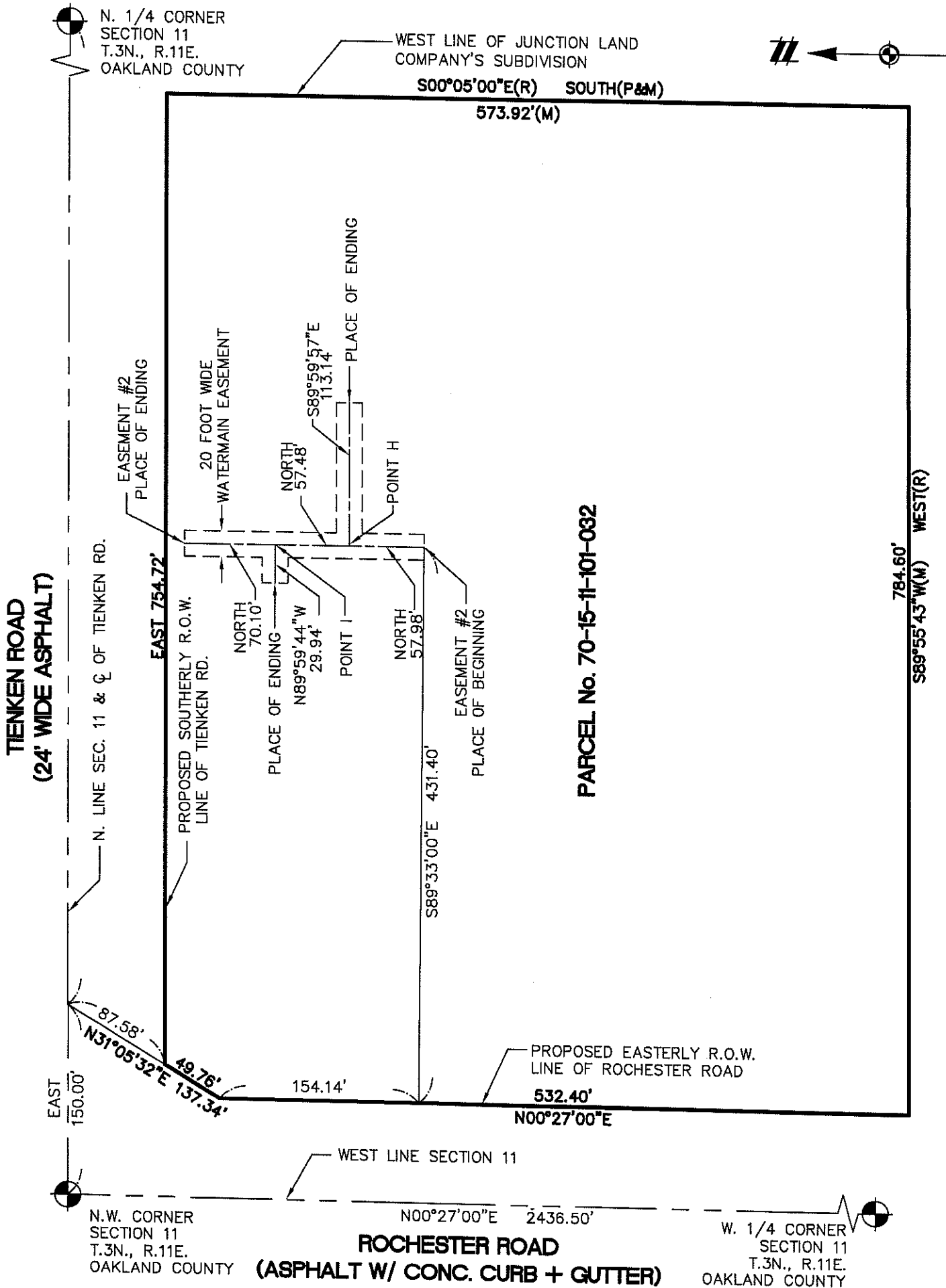
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SHEET 02 OF 09	DATE: 09-23-05
FILE NO. 5102-133-2	

*OK per J. J. Turner
12-20-05*

APPROVED *DESC*
M. Turner
ROCHESTER HILLS
ENGINEERING DEPT.
12-20-05



12-14-05 REVISE PER CITY AVD

CLIENT	TIENKEN PARTNERS, LLC PROPOSED WATERMAIN EASEMENT #2
SECTION 11, TOWN 3 NORTH, RANGE 11 EAST CITY OF ROCHESTER HILLS OAKLAND COUNTY, MICHIGAN	
SCALE: 1 INCH = 100 FEET	0 50 100

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BOOK	-	PG.	-
SHEET	03 OF 09	DATE:	09-23-05
FILE NO	5102-133-3		

APPROVED *DESC*
M [Signature]
 ROCHESTER HILLS
 ENGINEERING DEPT.
 12-20-05

TIENKEN ROAD
(24' WIDE ASPHALT)

N. 1/4 CORNER
SECTION 11
T.3N., R.11E.
OAKLAND COUNTY

WEST LINE OF JUNCTION LAND
COMPANY'S SUBDIVISION



S00°05'00"E(R) SOUTH(P&M)
573.92'(M)

PROPOSED SOUTHERLY R.O.W.
LINE OF TIENKEN RD.

N. LINE SEC. 11 & C. OF TIENKEN RD.

EAST 754.72'

PARCEL No. 70-15-11-101-032

784.60'
S89°55'43"W(M) WEST(R)

EASEMENT #3
PLACE OF ENDING

N44°59'58"E
59.46'

20 FOOT WIDE
WATERMAIN EASEMENT

POINT J

S89°59'58"E
42.92'

PLACE OF ENDING

NORTH
33.65'

EASEMENT #3
PLACE OF BEGINNING

S89°33'00"E
36.75'

PROPOSED EASTERLY R.O.W.
LINE OF ROCHESTER ROAD

532.40'
N00°27'00"E

EAST
150.00'

87.58'
N31°05'32"E 137.34'

49.76'

NORTH
108.90'

157.25'

WEST LINE SECTION 11

N00°27'00"E 2436.50'

N.W. CORNER
SECTION 11
T.3N., R.11E.
OAKLAND COUNTY

ROCHESTER ROAD

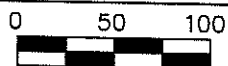
(ASPHALT W/ CONC. CURB + GUTTER)

W. 1/4 CORNER
SECTION 11
T.3N., R.11E.
OAKLAND COUNTY



12--14--05 REVISE PER CITY AVD

CLIENT TIENKEN PARTNERS, LLC PROPOSED WATERMAIN EASEMENT #3
SECTION 11, TOWN 3 NORTH, RANGE 11 EAST CITY OF ROCHESTER HILLS OAKLAND COUNTY, MICHIGAN
SCALE: 1 INCH = 100 FEET

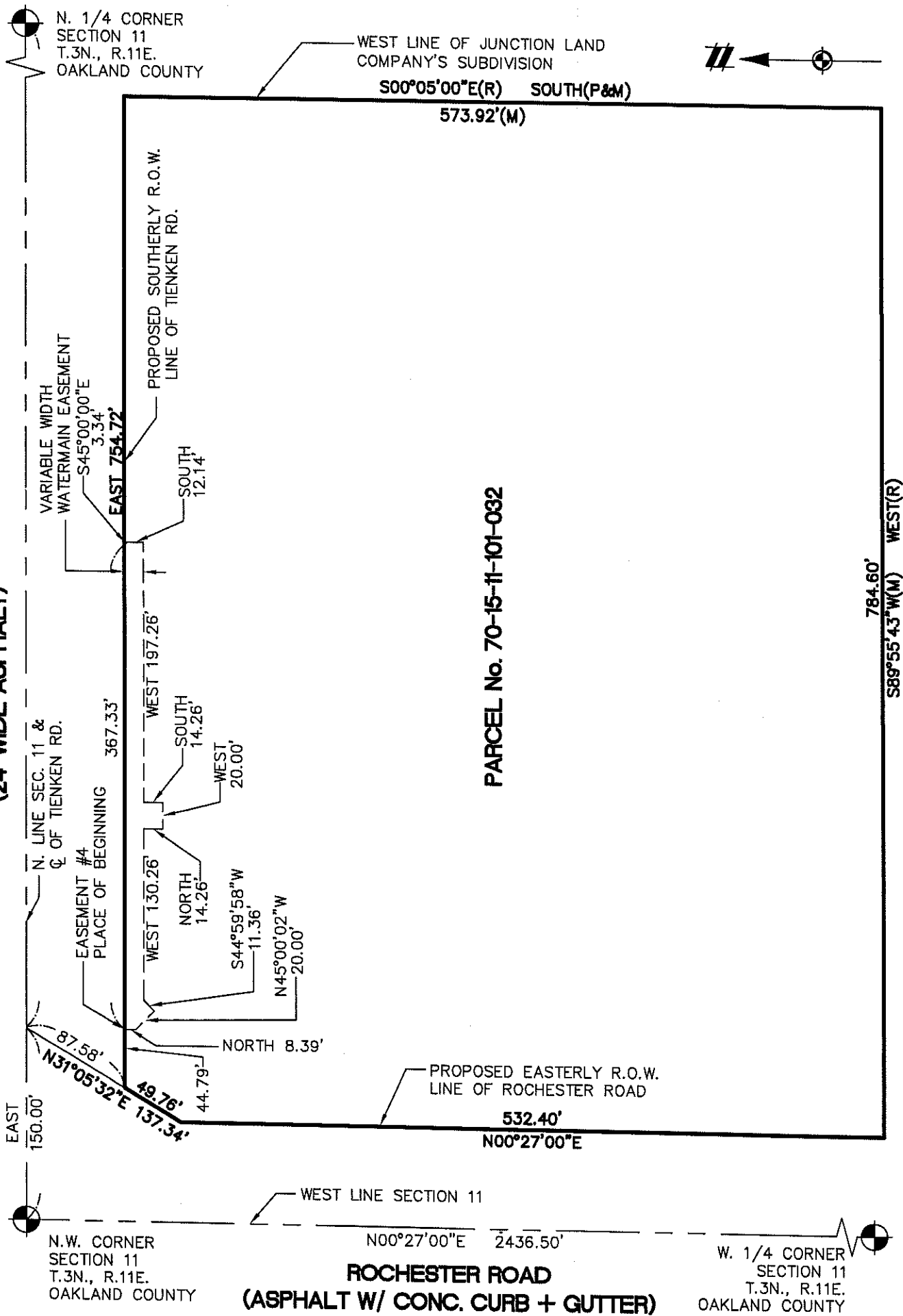


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FILE NO. 5102-133-4	

APPROVED DESC
M. Jif
ROCHESTER HILLS
ENGINEERING DEPT.
12-20-05

**TENKEN ROAD
(24' WIDE ASPHALT)**



12-14-05 REVISE PER CITY AVD

CLIENT	TIENKEN PARTNERS, LLC PROPOSED WATERMAIN EASEMENT #4
SECTION 11, TOWN 3 NORTH, RANGE 11 EAST CITY OF ROCHESTER HILLS OAKLAND COUNTY, MICHIGAN	
SCALE: 1 INCH = 100 FEET	0 50 100

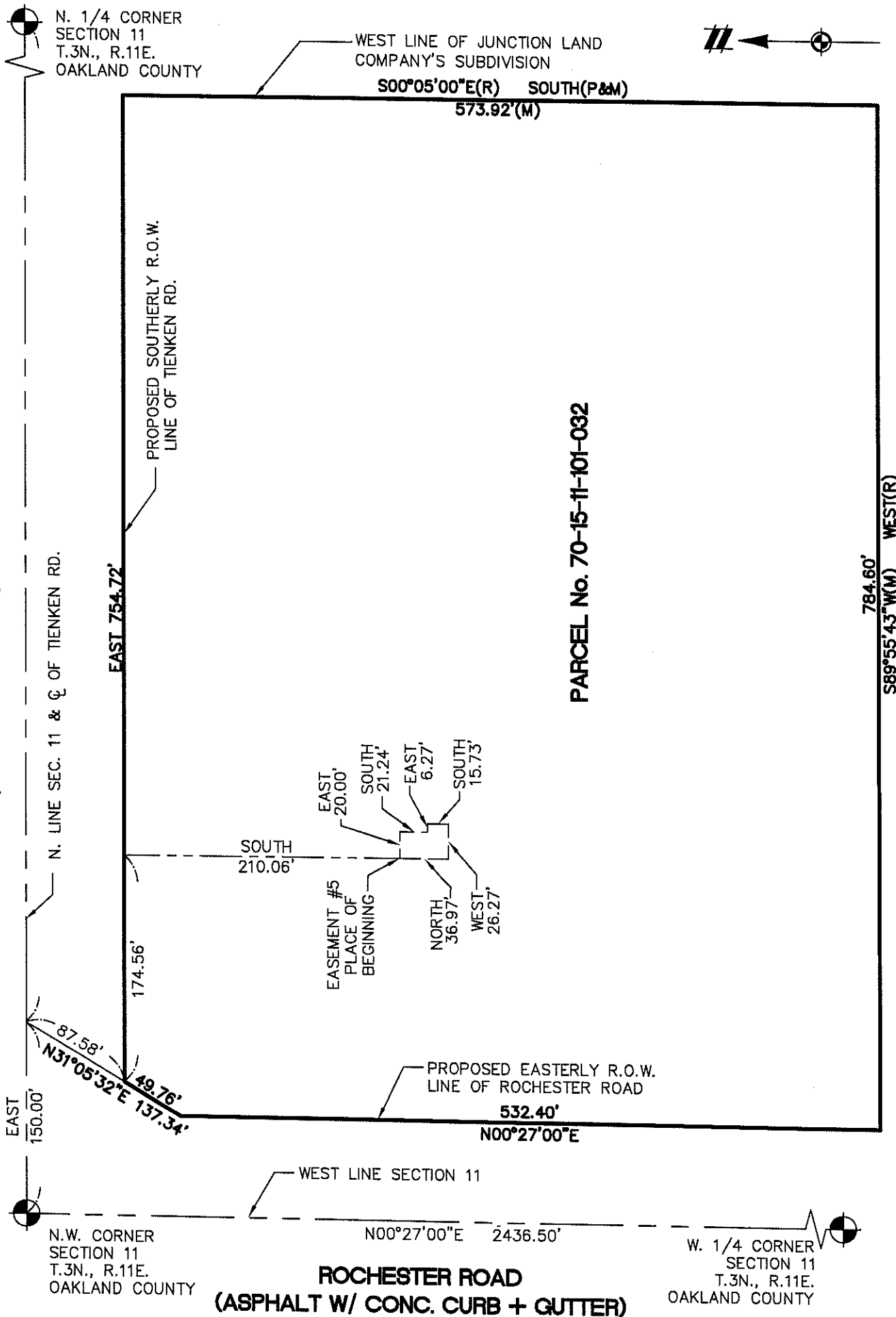
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BOOK -	PG. -
SHEET 05 OF 09	DATE: 09-23-05
FILE NO. 5102-133-5	

AH

APPROVED *DESC*
M. T. ...
ROCHESTER HILLS
ENGINEERING DEPT.
12-20-05

**TENKEN ROAD
(24' WIDE ASPHALT)**



2-14-05 REVISE PER CITY AVD

CLIENT
TIENKEN PARTNERS, LLC
PROPOSED WATERMAIN
EASEMENT #5

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

SCALE:
 1 INCH = 100 FEET

0 50 100

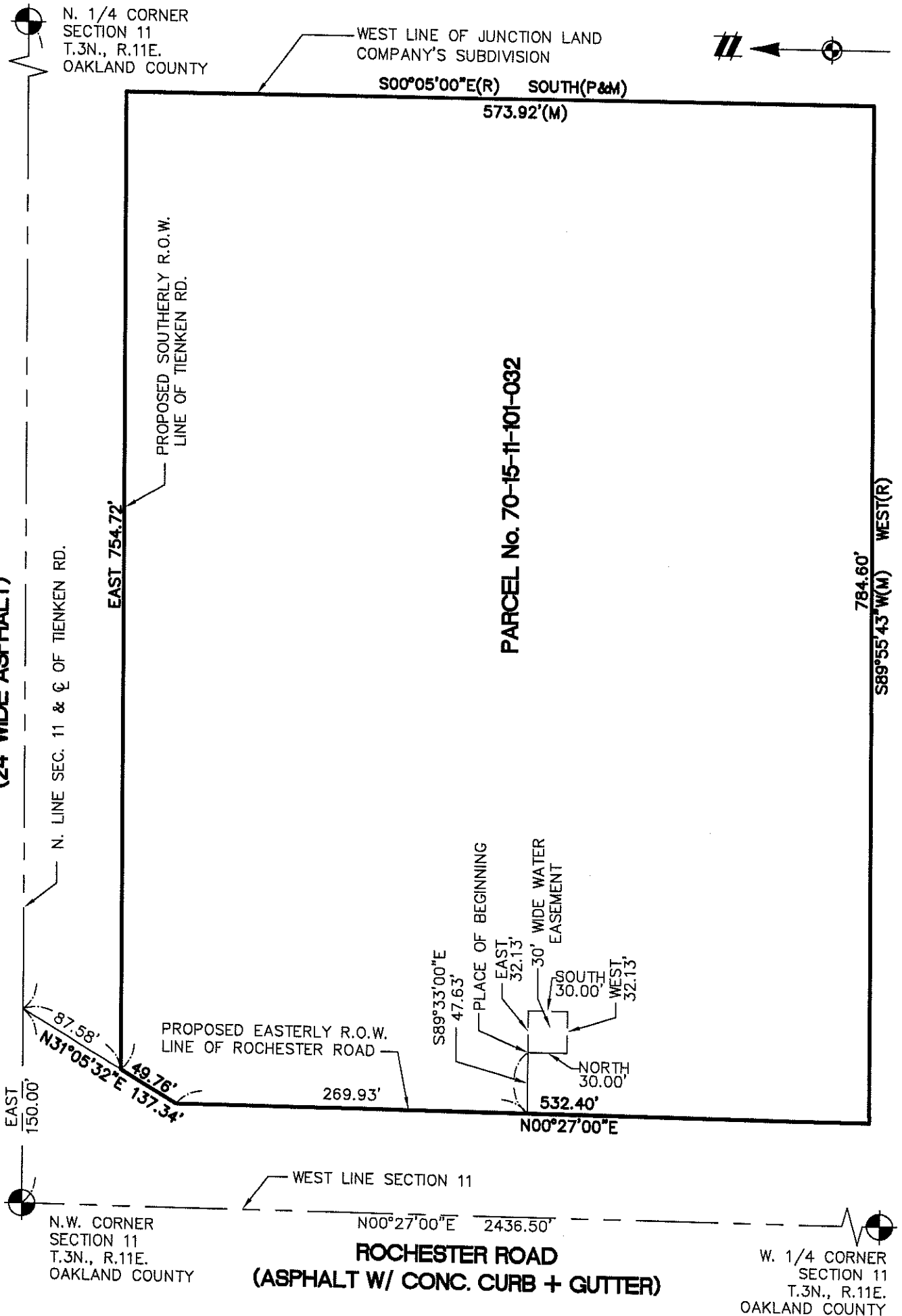
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DR. LKP	CH. JIF
BOOK -	PG. -
SHEET 06 OF 09	DATE: 09-23-05
FILE NO. 5102-133-6	

AH

APPROVED Desc
M. [Signature]
 ROCHESTER HILLS
 ENGINEERING DEPT.
 12-20-09

**TIENKEN ROAD
(24' WIDE ASPHALT)**



12-14-05 REVISE PER CITY AVD

CLIENT **TIENKEN PARTNERS, LLC**
PROPOSED WATERMAIN EASEMENT #6

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

SCALE:
 1 INCH = 100 FEET

0 50 100

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FILE NO. 5102-133-7	

AH

APPROVED *DGC*

Mr. [Signature]

ROCHESTER HILLS
 ENGINEERING DEPT.

12-20-05

**REMAINING CITY WALK PARCEL (EXCLUDING PROPOSED RIGHT-OF-WAY)
Parcel ID No. 70-15-11-101-032**

A parcel of Land in the Northwest 1/4 of Section 11, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, described as: Commencing at the Northwest Corner of said Section 11; thence East 150.00 feet along the North Line of said Section 11 and along the centerline of Tienken Road (variable width); thence S31°05'32"W 87.58 feet to the proposed Southerly Right-of-Way Line of said Tienken Road for a **PLACE OF BEGINNING**; thence East 754.72 feet along said proposed Southerly Right-of-Way Line, 75 feet south of, and parallel to said North Section Line, to the West Line of "Junction Land Company's Subdivision" as recorded in Liber 22, Page 28, Oakland County Records; thence South 573.92 feet along said West Subdivision Line; thence S89°55'43"W 784.60 feet (recorded as Due West) to the proposed Easterly Right-of-Way Line of Rochester Road (variable width); thence along said Easterly Right-of-Way Line the following two courses: N00°27'00"E 532.30 feet, 80 feet East of, and parallel to, the West Line of said Section 11, and N31°05'32"E 49.76 feet to the Place of Beginning, containing 10.30 acres of land, more or less, subject to easements, exceptions, conditions and requirements, if any.

PROPOSED WATERMAIN EASEMENT #1

A 20 foot wide easement for the installation and maintenance of watermain located in the Northwest 1/4 of Section 11, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan whose centerline is further described as: Commencing at the Northwest Corner of said Section 11; thence East 150.00 feet along the North Line of Section 11 and the centerline of Tienken Road; thence S31°05'32"W 87.58 feet to a point on the Proposed Southerly Right-of-Way line of Tienken Road; thence East 706.72 feet for a **PLACE OF BEGINNING**; thence South 20.97 feet to Point A; thence continuing South 239.18 feet to Point B; thence continuing South 260.92 feet; thence S44°59'58"W 14.04 feet; thence S89°59'58"W 149.30 feet to Point C; thence continuing S89°59'58"W 26.63 feet to Point D; thence continuing S89°59'58"W 286.19 feet to Point E; thence continuing S89°59'58"W 183.21 feet to Point F; thence continuing S89°59'58"W 32.69 feet; thence N45°48'28"W 12.50 feet; thence North 322.23 feet; thence East 394.67 feet; thence South 106.97 feet to Point G; thence continuing South 56.56 feet; thence S43°56'48"W, 36.07 feet for a Place of Ending.

- And **BEGINNING** at said Point "A"; thence N89°59'44"W 52.45 feet for a Place of Ending.
- And **BEGINNING** at said Point "B"; thence East 17.37 feet; thence N45°00'00"E 22.94 for a Place of Ending.
- And **BEGINNING** at said Point "C"; thence North 36.81 feet for a Place of Ending.
- And **BEGINNING** at said Point "D"; thence S00°10'53"W 43.43 feet for a Place of Ending.
- And **BEGINNING** at said Point "E"; thence South 21.84 feet for a Place of Ending.
- And **BEGINNING** at said Point "F"; thence North 33.23 feet for a Place of Ending.
- And **BEGINNING** at said Point "G"; thence N89°59'57"E, 103.14 feet; thence North 18.02 feet for a Place of Ending.

PROPOSED WATERMAIN EASEMENT #2

A 20 foot wide easement for the installation and maintenance of watermain located in the Northwest 1/4 of Section 11, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan whose centerline is further described as: Commencing at the Northwest corner of said Section 11; thence East 150.00 feet along the North Line of Section 11 and the centerline of Tienken Road; thence S31°05'32"W 137.34 feet; thence S00°27'00"W 154.14 feet along the Proposed Easterly Right of Way line of Rochester Road; thence S89°33'00"E 431.40 feet for a **PLACE OF BEGINNING**; thence North 57.98 feet to Point H; thence continuing North 57.48 feet to Point I; thence continuing North 70.10 feet for a Place of Ending.

- And **BEGINNING** at said Point "H": thence S89°59'57"E 113.14 feet for a Place of Ending.
- And **BEGINNING** at said Point "I"; thence N89°59'44"W 29.94 feet for a Place of Ending..

2-14-05 REVISE PER CITY AVD

CLIENT	TIENKEN PARTNERS, LLC
	PROPOSED WATERMAIN LEGAL DESCRIPTIONS
	SECTION 11, TOWN 3 NORTH, RANGE 11 EAST CITY OF ROCHESTER HILLS OAKLAND COUNTY, MICHIGAN

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FILE NO. 5102-133-8	

AH

APPROVED *Resc*
M. T. [Signature]
ROCHESTER HILLS
ENGINEERING DEPT.
12-20-09

PROPOSED WATERMAIN EASEMENT #3

A 20 foot wide easement for the installation and maintenance of watermain located in the Northwest 1/4 of Section 11, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan whose centerline is further described as: Commencing at the Northwest corner of said Section 11; thence East 150.00 feet along the North Line of Section 11 and the centerline of Tienken Road; thence S31°05'32"W 137.34 feet; thence S00°27'00"W 157.25 feet along the Proposed Easterly Right of Way line of Rochester Road; thence S89°33'00"E 36.75 feet for a **PLACE OF BEGINNING**; thence North 33.65 feet to Point J; thence continuing North 108.90 feet; thence N44°59'58"E 59.46 feet for a Place of Ending.

And **BEGINNING** at said Point "J"; thence S89°59'58"E 42.92 feet for a Place of Ending.

PROPOSED WATERMAIN EASEMENT #4

A variable width watermain easement for the installation and maintenance of watermain located in the Northwest 1/4 of Section 11, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan further described as: Commencing at the Northwest Corner of said Section 11; thence East 150.00 feet along the North Line of Section 11 and the centerline of Tienken Road; thence S31°05'32"W 87.58 feet to a point on the proposed Southerly Right-of-Way line of Tienken Road; thence East 44.79 feet for a **PLACE OF BEGINNING**; thence continuing East 367.33 feet along said proposed Southerly Right-of-Way Line; thence S45°00'00"E 3.34 feet; thence South 12.14 feet; thence West 197.26 feet; thence South 14.26 feet; thence West 20.00 feet; thence North 14.26 feet; thence West 130.26 feet; thence S44°59'58"W 11.36 feet; thence N45°00'02"W 20.00 feet; thence North 8.39 feet to a point of the proposed Southerly Right-of-Way Line of Tienken Road and to the Place of Beginning.

PROPOSED WATERMAIN EASEMENT #5

A variable width easement for the installation and maintenance of watermain located in the Northwest 1/4 of Section 11, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan further described as: Commencing at the Northwest Corner of said Section 11; thence East 150.00 feet along the North Line of Section 11 and the centerline of Tienken Road; thence S31°05'32"W 87.58 feet to a point on the proposed Southerly Right-of-Way line of Tienken Road; thence East 174.56 feet along said Southerly Right-of-Way Line; thence South 210.06 feet for a **PLACE OF BEGINNING**; thence East 20.00 feet; thence South 21.24 feet; thence East 6.27 feet; thence South 15.73 feet; thence West 26.27 feet; thence North 36.97 feet to the Place of Beginning.

PROPOSED WATERMAIN EASEMENT #6

A 30 foot wide easement for the installation and maintenance of watermain located in the Northwest 1/4 of Section 11, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan further described as: Commencing at the Northwest Corner of said Section 11; thence East 150.00 feet along the North Line of Section 11 and the centerline of Tienken Road; thence S31°05'32"W 47.76 feet; thence S00°27'00"W 269.93 feet along the proposed Easterly Right-of-Way Line of Rochester Road; thence S89°33'00"E 47.63 for a **PLACE OF BEGINNING**; thence East 32.13 feet; thence South 30.00 feet; thence West 32.12 feet; thence North 30.00 feet to the Place of Beginning.

-14-05 REVISE PER CITY AVD

CLIENT
TIENKEN PARTNERS, LLC
PROPOSED WATERMAIN
LEGAL DESCRIPTIONS
SECTION 11, TOWN 3 NORTH, RANGE 11 EAST
CITY OF ROCHESTER HILLS
OAKLAND COUNTY, MICHIGAN

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	FILE NO. 5102-133-9	

APPROVED *PESC*
[Signature]
ROCHESTER HILLS
ENGINEERING DEPT.
12-20-05