PARTIAL TERMINATION OF WATER MAIN EASEMENT

This Partial Termination of Water Main Easement ("Termination") is made on August ___, 2024, by **Rochester Hills Marketplace, LLC,** a Michigan limited liability company of 251 E. Merrill, Suite 205, Birmingham, Michigan 48009 ("Owner"), and the **CITY OF ROCHESTER HILLS**, a Michigan municipal corporation, of 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309 ("City").

RECITALS

A.   Owner is the owner of the real property legally described on **Exhibit A** attached hereto (the "Property").

B.   The City is the grantee of a watermain easement burdening the Property, which easement was recorded March 21, 1994, in Liber 14537, Page 717, Oakland County Records (the "Watermain Easement").

C.   A small portion of the Watermain Easement as is depicted and described on **Exhibit B** and **Exhibit B-1** attached hereto (hereinafter, the "Vacated Portion"), has been relocated and is no longer necessary for the operation of the Property.

D.   The City and the Owner desire to terminate the Vacated Portion of the Watermain Easement, as further set forth below.
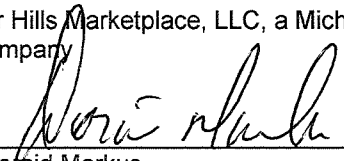
THEREFORE, the City and the Owner agree as follows:

TERMINATION

1. **Termination.**   The City and the Owner hereby consent and agree to the termination of the Vacated Portion of the Watermain Easement, and upon recordation of this Termination, the Vacated Portion shall be of no force and effect.

2. **Notice**.   By recording this Termination, notice is hereby given that the Vacated Portion of Watermain Easement has been terminated. For the avoidance of doubt, this Termination is only terminating the Vacated Portion of the Watermain Easement and not the Watermain Easement itself.

3. **Successors and Assigns**. This Termination shall run with the Property and shall be binding upon and inure to the benefit of Owner, the City and their respective successors, transferees, grantees and assigns.

IN WITNESS WHEREOF, the undersigned have hereunto affixed their signatures on this 23RD day of August, 2024.

Rochester Hills Marketplace, LLC, a Michigan limited
liability company

By: _____
       Donald Markus
Its: Manager

CITY OF ROCHESTER HILLS

P. Dan Christ
Approved 9/18/24

By: _____
       Bryan K. Barnett, Mayor

[Notarization Pages to Follow]

STATE OF MICHIGAN

COUNTY OF _OAKLAND_

The foregoing instrument was acknowledged before me this 23ʳᵈ day of August, 2024, by Doraid Markus, who is the Manager of Rochester Hills Marketplace, LLC, a Michigan limited liability company, on behalf of the company.

NATASHA OURO
My Commission Expires
April 18, 2030
County of Oakland
Acting in the County of _Oakland_

_____
Natasha Ouro, Notary Public
Oakland County, Michigan
My Commission Expires: _April 18, 2030_

STATE OF MICHIGAN

COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ day of _____ ,2024, by Bryan K. Barnett, who is the Mayor of the City of Rochester Hills, on behalf of the City.

Drafted by:
Bradley F. Scobel, Esq.
SK Detroit Law Partners, P.C.
2000 Town Center, Ste. 1500
Southfield, Michigan 48098

_____
_____, Notary Public
_____ County, Michigan
My Commission Expires: _____

When recorded, return to:
Clerks Dept.
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

{01890909.DOCX }

EXHIBIT A

LEGAL DESCRIPTIONS

PARENT PARCEL
(Per Amrock, LLC Commitment Order No.C000124785, Commitmtent Date September 22, 2021)

Land situated in the City of Rochester Hills in the County of Oakland in the State of Michigan

Part of Lot 1 of NORTH HILL SUBDIVISION, as recorded in Liber 78, Page 36 of Plats, Oakland County Records, and part of the Northeast 1/4 of Section 10, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, more particularly described as: Beginning at the Northwest corner of said Lot 1; thence along the Northerly lot line and the Southerly line of Tienken Road, 120 feet wide, South 89 degrees 10 minutes East 475.00 feet; thence South 1 degree 00 minutes West 135.00 feet; thence South 89 degrees 10 minutes East 125.00 feet; thence along the Easterly line of said Lot 1, also being the Westerly line of Rochester Road, 120.00 feet wide, South 1 degree 00 minutes West 630.40 feet; thence along the Southerly line of said Lot 1 and its extension Easterly North 89 degrees 10 minutes West 600.00 feet; thence along the Westerly line of said Lot 1, North 1 degree 00 minutes East 765.40 feet to the point of beginning.

#15-10-226-041

MARKUS MANAGEMENT GROUP, LLC
251 EAST MERRILL STREET
BIRMINGHAM, MI 48009

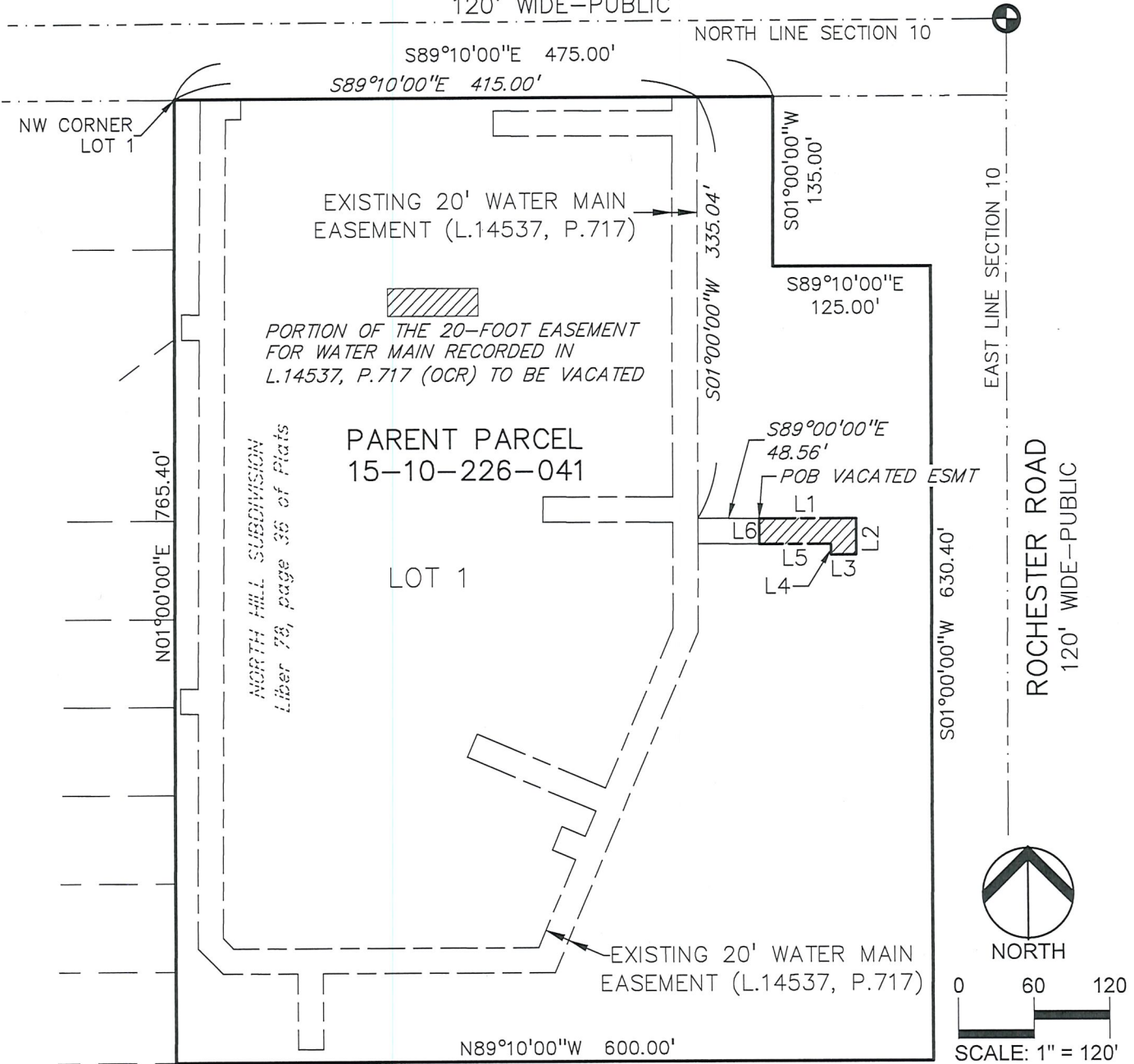**SHEET 1 OF 1**
SEPTEMBER 24, 2024
21-0512.02

PEA GROUP
t: 844.813.2949
www.peagroup.com

EXHIBIT B
WATER MAIN EASEMENT VACATION

NE CORNER
SECTION 10
T.03N., R.11E.
ROCHESTER HILLS
OAKLAND CO., MI

TIENKEN ROAD
120' WIDE—PUBLIC

NORTH LINE SECTION 10

S89°10'00"E 475.00'

S89°10'00"E 415.00'

NW CORNER
LOT 1

S01°00'00"W
135.00'

EXISTING 20' WATER MAIN
EASEMENT (L.14537, P.717)

S01°00'00"W 335.04'

S89°10'00"E
125.00'

EAST LINE SECTION 10

PORTION OF THE 20-FOOT EASEMENT
FOR WATER MAIN RECORDED IN
L.14537, P.717 (OCR) TO BE VACATED

N01°00'00"E 765.40'

NORTH HILL SUBDIVISION
Liber 78, page 35 of Plats

PARENT PARCEL
15-10-226-041

LOT 1

S89°00'00"E
48.56'
POB VACATED ESMT

L1
L6 L2
L5 L3
L4

S01°00'00"W 630.40'

ROCHESTER ROAD
120' WIDE—PUBLIC

EXISTING 20' WATER MAIN
EASEMENT (L.14537, P.717)

N89°10'00"W 600.00'

NORTH

0   60   120

SCALE: 1" = 120'

Line Table					
Line #	Direction	Length	Line #	Direction	Length
L1	S89°00'00"E	76.88'	L4	N01°00'00"E	8.00'
L2	S01°00'00"W	28.00'	L5	N89°00'00"W	56.88'
L3	N89°00'00"W	20.00'	L6	N01°00'00"E	20.00'

MARKUS MANAGEMENT GROUP, LLC
251 EAST MERRILL STREET
BIRMINGHAM, MI 48009

SHEET 1 OF 2
SEPTEMBER 24, 2024
21-0512.02

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EXHIBIT B
WATER MAIN EASEMENT VACATION

LEGAL DESCRIPTION

VACATE A PORTION OF AN EXISTING 20-FOOT WIDE WATER MAIN EASEMENT
A VACATED portion of the existing 20-foot wide easement for water main recorded L.14537, P.717 (OCR) located in a part of Lot 1 of "NORTH HILL SUBDIVISION", as recorded in Liber 78, Page 36 of Plats, Oakland County Records, Northeast 1/4 of Section 10, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, more particularly described as:

Beginning at the Northwest corner of said Lot 1, thence along the Northerly lot line of said Lot 1 and the Southerly line of Tienken Road (120 feet wide), South 89°10'00"E, 415.00 feet to the east line of said existing 20-foot wide easement for water main; thence along said east line S01°00'00"W, 335.04 feet and S89°00'00"E, 48.56 feet to the **POINT OF BEGINNING** of the vacated portion of said recorded easement; thence S89°00'00"E, 76.88 feet; thence S01°00'00"W, 28.00 feet; thence N89°00'00"W, 20.00 feet; thence N01°00'00"E, 8.00 feet; thence N89°00'00"W, 56.88 feet; thence N01°00'00"E, 20.00 feet to the **POINT OF BEGINNING** of this portion of vacated water main easement.

MARKUS MANAGEMENT GROUP, LLC
251 EAST MERRILL STREET
BIRMINGHAM, MI 48009

SHEET 2 OF 2
SEPTEMBER 24, 2024
21-0512.02

PΞΛ
GROUP

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