

82-114621

AMENDMENT NO. 3 TO
DECLARATION
OF
RECIPROCAL ROADWAY EASEMENT

THIS AMENDMENT NO. 3 TO DECLARATION OF RECIPROCAL ROADWAY EASEMENT ("this Amendment") made this 20th day of May, 1996 (which date is herein called the "date of this Amendment"), by (i) ISLAND LAKE ASSOCIATES, a Michigan general partnership (hereinafter called "Island Lake"), having its principal office at 21790 Coolidge Highway, Oak Park, Michigan 48237; (ii) FAIRWAY PINES LIMITED PARTNERSHIP, a Michigan limited partnership (hereinafter called "Fairway"), the successor-in-interest to, and assignee of, Biltmore Properties Corporation, a Michigan corporation, having its principal office at 2025 West Long Lake Road, Suite 104, Troy, Michigan 48098; (iii) SUNFLOWER SEVEN ASSOCIATES, a Michigan general partnership (hereinafter called "Sunflower"), the successor-in-interest to, and assignee of, Carrollton Arms, a Michigan general partnership, having its principal office at 21790 Coolidge Highway, Oak Park, Michigan 48237; and (iv) the CHARTER TOWNSHIP OF CANTON, a Michigan municipal corporation (hereinafter called the "Township"), having its principal office at 1150 South Canton Center Road, Canton, Michigan 48188.

96152857

W I T N E S S E T H:

The following is a recital of the facts and objectives underlying this Amendment:

\$ 4.00 REMONUMENTATION
\$ 46.00 DEED
12 JUN 96 2:42 P.M. RECD
RECORDED
FOREST E. YOUNGBLOOD, REGISTERED
JULIAN COUNTY, MI

[Handwritten signature]

(A) Island Lake, Fairway and Sunflower (collectively, the "Developers"), and the Township, respectively, did, on March 8, 1993, own the parcels of land in Sections 21 and 28 of the Township more particularly described on Exhibits "A", "B", "C" and "D" attached hereto (the "Island Lake Property", the "Fairway Property", the "Sunflower Property", and the "Township Property", respectively, and collectively, the "Parcels").

(B) The Island Lake Property, Fairway Property and Sunflower Property have each been, or will each be, used, separately, for the development (in one or more phases) of a single family residential subdivision (the "Subdivisions"), in each case with private interior roads, within named and dimensioned easement areas, including, without limitation, in the case of the Island Lake Property and Fairway Property, a continuous private boulevard road, ninety feet (90') in width ("Glengarry Boulevard"), extending from Canton Center Road to Beck Road.

(C) The Township property will be used and developed for a variety of residential, commercial, community and major recreational purposes, and will contain, and be served by, a continuous private boulevard road, ninety feet (90') in width ("Summit Parkway", formerly Glengarry Boulevard), extending from Glengarry Boulevard, Southerly and Easterly, to Canton Center Road.

(D) The Parcels are subject to the terms and provisions of a certain Declaration of Reciprocal Roadway Easement, dated March 8, 1993, and recorded March 9, 1993, in liber 26390, page 818, Register No. 93/054743, Wayne County Records, as amended by (i) Amendment No. 1 to Declaration of Reciprocal Roadway Easement, dated May 31, 1994, and recorded June 7, 1994, in liber 27419, page 786, Register No. 94/139499, Wayne County Records, and (ii) Amendment No. 2 to Declaration of Reciprocal Roadway Easement, dated October 11, 1994 ("Amendment No. 2"), and recorded October 31, 1994, in liber 27699, page 447, Register No. 94/253668, Wayne County Records (collectively, the "Declaration").

(E) The Declaration applies to the private roads within each Subdivision, including, without limitation, Glengarry Boulevard, and to Summit Parkway within the Township Property, and, in the case of Summit Parkway, including the Additional Roadway Parcel, as described in Amendment No. 2, and in Exhibit "E" attached hereto (collectively, the "Roadways").

(F) In accordance with, and upon the terms set forth in, the Declaration, the Developers and Township (i) have granted each to the others, and to the successors and/or assigns of each, including, without limitation, the Associations, other Owners, and the Occupants and Permittees (as each such term is defined in the Declaration), the perpetual right and easement to use the Roadways within each Subdivision, and the Township Property, for

the Permitted Purposes (as such term is defined in the Declaration), and (ii) have created a permanent committee (the "Roadway Manager"), as described in the Declaration, for the purpose of (a) exclusively administering the operation, maintenance, improvement, repair and replacement of the Roadways, and (b) prescribing reasonable rules and regulations (the "Rules and Regulations") for the use of the Roadways, and otherwise regarding the conduct of each Owner, Occupant and Permittee within the Roadways.

(G) Island Lake, Fairway, Sunflower and the Township desire to further modify and amend the Declaration (i) to make more definite the application to the Roadways of all of the relevant codes, statutes, ordinances and regulations of the State of Michigan (the "State"), the County of Wayne (the "County") and the Township pertaining to the use, speed, weight and condition of motor vehicles upon the Roadways, irregular or unlawful driving, and traffic and pedestrian control and safety (the "Codes and Ordinances"); (ii) to provide for the enforcement of the Codes and Ordinances upon the Roadways by all relevant governmental authorities, including, without limitation, the State Police, the County Sheriff and the Township Police Department (collectively, or separately, the "Police Authorities"); and (iii) to assure that all such Codes and Ordinances shall, in addition, be deemed to be Rules and Regulations application to the Roadways as if promulgated, adopted and published by the Roadway Manager.

(H) The Declaration may be modified or amended by a supplemental declaration in writing (i) executed and acknowledged by each Developer, and the Township, and (ii) duly recorded in the office of the Register of Deeds for Wayne County.

NOW, THEREFORE, the Developers and the Township hereby agree and declare, as follows:

(1) The Codes and Ordinances of the State, County and Township pertaining to use, speed, weight and condition of motor vehicles, irregular or unlawful driving, and traffic and pedestrian control and safety, shall apply to the Roadways as fully, and to the same extent, as if the Roadways were public streets.

(2) The Codes and Ordinances may be enforced upon the Roadways by all relevant governmental authorities, including, without limitation, the Police Authorities, as fully, and to the same extent, as if the Roadways were public streets.

(3) The Codes and Ordinances shall, in addition, be deemed to be Rules and Regulations applicable to the Roadways as if promulgated, adopted and published by the Roadway Manager.

(4) Except as herein expressly modified or amended, the Declaration shall continue in full force and effect according to its terms.

IN WITNESS WHEREOF, this Amendment has been made and executed by Island Lake, Fairway, Sunflower, and the Township, as at the date of this Amendment.

Signed in the presence of:

Signed by:

Kelly Ann Spencer
Kelly Ann Spencer
Colleen A. Mette
Colleen A. Mette

ISLAND LAKE ASSOCIATES, a Michigan general partnership

By: GLENGARRY DEVELOPMENT ASSOCIATES, a Michigan general partnership, Managing Partner

By: Richard M. Lewiston
Richard M. Lewiston, Managing Partner

Joyce E. Kuhn
Joyce E. Kuhn
Theresa D. Pate
Theresa D. Pate

FAIRWAY PINES LIMITED PARTNERSHIP, a Michigan limited partnership

By: BILTMORE ASSOCIATES, INC., a Michigan corporation, Managing Partner

By: Norman J. Cohen
Norman J. Cohen, President

Kelly Ann Spencer
Kelly Ann Spencer
Colleen A. Mette
Colleen A. Mette

SUNFLOWER SEVEN ASSOCIATES, a Michigan general partnership

By: LEWISTON-SMITH DEVELOPMENT ASSOCIATES, a Michigan general partnership, Managing Partner

By: Richard M. Lewiston
Richard M. Lewiston, Managing Partner

CHARTER TOWNSHIP OF CANTON, a Michigan municipal corporation

Deborah Zevallink
Deborah Zevallink
Anna M. Stump
Anna M. Stump

By:

Thomas J. Yaak
Thomas J. Yaak, Supervisor

And:

Terry E. Bennett
Terry E. Bennett, Clerk

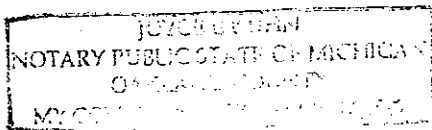
STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 20th day of May, 1996, by Richard M. Lewiston, who is a Managing Partner in GLENGARRY DEVELOPMENT ASSOCIATES, a Michigan general partnership, which is a Managing Partner in ISLAND LAKE ASSOCIATES, a Michigan general partnership (the "Partnership"), on behalf of the Partnership.

Kelly Ann Spencer
Kelly Ann Spencer, Notary Public
Macomb County, Michigan
Acting in Oakland County, Michigan
My Commission Expires: 6/5/2000

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 20th day of May, 1996, by Norman J. Cohen, who is the President of BILTMORE ASSOCIATES, INC., a Michigan corporation, which is the Managing Partner in FAIRWAY PINES LIMITED PARTNERSHIP, a Michigan limited partnership (the "Partnership"), on behalf of the Partnership.



Joyce E. Kahn
Notary Public
County, Michigan
My Commission Expires:

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 20th day of May, 1996, by Richard M. Lewiston, who is a Managing Partner in LEWISTON-SMITH DEVELOPMENT ASSOCIATES, a Michigan general partnership, which is the Managing Partner in SUNFLOWER SEVEN ASSOCIATES, a Michigan general partnership (the "Partnership"), on behalf of the Partnership.

Kelly Ann Spencer
Kelly Ann Spencer, Notary Public
Macomb County, Michigan
Acting in Oakland County, Michigan
My Commission Expires: 6/5/2000

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

The foregoing instrument was acknowledged before me this 20th day of May, 1996, by Thomas J. Yack and Terry G. Bennett, who are the Supervisor and Clerk, respectively, of the CHARTER TOWNSHIP OF CANTON, a Michigan municipal corporation (the "Township"), on behalf of the Township.

ANNA M. STUMP
Notary Public, Wayne County, MI
My Commission Expires Sept. 28, 2000

Anna M Stump
Notary Public
County, Michigan
My Commission Expires:

Drafted by, and when
recorded, return to:

Richard M. Lewiston
21790 Coolidge Highway
Oak Park, Michigan 48237

Description of the Island Lake Property

The Northwest one-quarter (1/4) of Section 21, Town 2 South, Range 8 East, Canton Township, Wayne County, Michigan, being more particularly described as follows:

Beginning at the Northwest corner of Section 21, Town 2 South, Range 8 East, thence North 89 degrees 53 minutes 16 seconds East, 2,594.81 feet along the North line of Section 21 and the centerline of Cherry Hill Road (66.00' wide) to the North one-quarter (1/4) corner of said Section 21; thence South 00 degrees 12 minutes 04 seconds West, 2,642.98 feet along the North/South one-quarter (1/4) line of Section 21 to the center of said Section 21; thence South 89 degrees 27 minutes 08 seconds West, 2,572.43 feet along the East/West one-quarter (1/4) line of said Section 21 and the centerline of Proctor Road (66.00' wide) to the West one-quarter (1/4) corner of said Section 21; thence North 00 degrees 17 minutes 04 seconds West, 2,662.51 feet along the West line of Section 21 and the centerline of Beck Road (66.00' wide) to the point of beginning, containing 157.334 acres;

Commonly known as (i) Tax Parcel No. 71-082-99-0001-000, and (ii) Tax Parcel No. 71-082-99-0002-000.

Island Lake Associates
(3/16/92)

ks/277

Exhibit "B"Description of the Fairway Property

The Northeast one-quarter (1/4) of Section 21, Town 2 South, Range 8 East, Canton Township, Wayne County, Michigan, described as:

Beginning at the Northeast corner of said Section 21; thence South 00 degrees 03 minutes 08 seconds East, 2,644.89 feet along the East line of said Section 21, said line also being the centerline of Canton Center Road (width varies), to the East one-quarter (1/4) corner of said Section 21; thence North 89 degrees 58 minutes 40 seconds West, 2,650.22 feet along the East/West one-quarter (1/4) line of said Section 21, said line also being the centerline of Proctor Road (66 feet wide) to the center of said Section 21; thence North 00 degrees 12 minutes 04 seconds East, 2,642.98 feet along the North/South one-quarter (1/4) line of said Section 21 to the North one-quarter (1/4) corner of said Section 21; and thence North 89 degrees 58 minutes 50 seconds East, 2,638.54 feet along the North line of said Section 21, said line also being the centerline of Cherry Hill Road (66 feet wide) to the point of beginning, containing 160.5000 acres;

Commonly known as (i) Tax Parcel No. 71-081-99-0001-000, and (ii) Tax Parcel No. 71-081-99-0002-000.

Exhibit "C"Description of the Sunflower Property

Part of the Southwest one-quarter (1/4) of Section 21, and part of the Northwest one-quarter (1/4) of Section 28, Town 2 South, Range 8 East, Canton Township, Wayne County, Michigan, described as follows:

Beginning at the Southwest corner of Section 21, and the Northwest corner of Section 28, Town 2 South, Range 8 East, and proceeding thence along the West line of Section 21, North 00 degrees 09 minutes 33 seconds East, 1,595.91 feet; thence North 89 degrees 27 minutes 08 seconds East, 1,292.13 feet; thence South 00 degrees 10 minutes 51 seconds East, 1,615.34 feet to a point on the South line of Section 21 and the North line of Section 28; thence South 00 degrees 15 minutes 22 seconds East, 1,324.73 feet; thence North 89 degrees 54 minutes 49 seconds West, 1,306.77 feet; thence along the West line of Section 28, North 00 degrees 01 minutes 57 seconds West, 1,329.82 feet to the point of beginning, containing 87.5394 acres;

Commonly known as (i) Tax Parcel No. 71-083-99-0002-000, and (ii) Tax Parcel No. 71-110-99-0005-000.

Exhibit "D"Description of the Township Property

Part of the South one-half (1/2) of Section 21 and part of the Northeast one-quarter (1/4) of Section 28, Town 2 South, Range 8 East, Canton Township, Wayne County, Michigan, described as:

Beginning at the Southeast corner of said Section 21 said point also being the Northeast corner of said Section 28; thence North 89 degrees 57 minutes 23 seconds West 660.00 feet along the North line of said Section 28 said line also being the South line of said Section 21; thence South 00 degrees 22 minutes 25 seconds East 330.00 feet; thence South 89 degrees 57 minutes 23 seconds East 660.00 feet to a point on the East line of said Section 28 said line also being the centerline of Canton Center Road (66 feet wide); thence South 00 degrees 22 minutes 25 seconds East 330.00 feet along said East line; thence North 89 degrees 57 minutes 23 seconds West 660.00 feet; thence South 00 degrees 22 minutes 25 seconds East 792.00 feet; thence South 89 degrees 57 minutes 23 seconds East 660.00 feet to a point on said East line; thence South 00 degrees 22 minutes 25 seconds East 469.00 feet along said East line; thence North 89 degrees 57 minutes 23 seconds West 660.00 feet; thence South 00 degrees 22 minutes 25 seconds East 165.00 feet; thence South 89 degrees 57 minutes 23 seconds East 660.00 feet to a point on said East line; thence South 00 degrees 22 minutes 25 seconds East 555.26 feet along said East line to the East one-quarter (1/4) corner of said Section 28; thence North 89 degrees 59 minutes 51 seconds West 2626.76 feet along the East/West one-quarter (1/4) line of said Section 28 to the center of said Section 28; thence North 00 degrees 28 minutes 02 seconds West 2639.41 feet along the North/South one-quarter (1/4) line of said Section 28 to the North one-quarter (1/4) corner of said Section 28 said point also being the South one-quarter (1/4) corner of said Section 21; thence North 89 degrees 41 minutes 15 seconds West 1302.08 feet along the South line of said Section 21 said line also being the North line of said Section 28; thence North 00 degrees 10 minutes 33 seconds West 2629.21 feet to a point on the East/West one-quarter (1/4) line of said Section 21 said line also being the centerline of Proctor Road (66 feet wide); thence North 89 degrees 27 minutes 08 seconds East 683.69 feet along said East/West one-quarter (1/4) line of Section 21; thence South 00 degrees 03 minutes 22 seconds East 1117.62 feet; thence North 89 degrees 54 minutes 38 seconds East 611.62 feet to a point on the North/South one-quarter (1/4) line of said Section 21; thence South 00 degrees 31 minutes 00 seconds East 828.86 feet along said North/South one-quarter (1/4) line of Section 21; thence North 89 degrees 14 minutes 48 seconds East 2111.43 feet; thence North 00 degrees 06 minutes 08 seconds West 306.47 feet; thence North 54 degrees 33 minutes 17 seconds East 643.38 feet to a point on the

East line of said Section 21 said line also being the centerline of Canton Center Road (66 feet wide); and thence South 00 degrees 06 minutes 08 seconds East 1402.70 feet along the East line of said Section 21 to the point of beginning, containing 251.68 acres of land, more or less;

Being part of (i) Tax Parcel No. 71-083-99-0004-002; (ii) Tax Parcel No. 71-083-99-0003-003; and (iii) Tax Parcel Identification No. 71-083-99-0003-002.

Charter Township of Canton

Exhibit "E"Description of the Additional Roadway Parcel

A parcel of land in the Southwest one-quarter (1/4) of Section 21, Town 2 South, Range 8 East, Canton Township, Wayne County, Michigan, described as follows:

Commencing at the West one-quarter (1/4) corner of Section 21, Town 2 South, Range 8 East, and proceeding thence along the East and West one-quarter (1/4) line of said Section 21, North 89 degrees 27 minutes 08 seconds East, 1,196.12 feet to the point of beginning of the parcel herein described; thence continuing along said line, North 89 degrees 27 minutes 08 seconds East, 90.00 feet; thence South 00 degrees 10 minutes 33 seconds East, 1,013.73 feet; thence South 89 degrees 27 minutes 08 seconds West, 90.00 feet; thence North 00 degrees 10 minutes 33 seconds West, 1,013.73 feet to the point of beginning, containing 2.0945 acres;

Being part of Tax Parcel No. 71-083-99-0001.

Addition to Charter Township
of Canton

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