

AGREEMENT

THIS AGREEMENT, made this 27th day of December, 1963, by and between ADVANCED VILLAGE HOUSING CO., a Michigan corporation, 21990 Greenfield Road, Detroit 37, Michigan, hereinafter referred to as "DEVELOPER", and THE DETROIT EDISON COMPANY, a New York corporation, with offices at 2000 Second Avenue, Detroit 26, Michigan, hereinafter referred to as "EDISON".

W I T N E S S E T H :

WHEREAS, DEVELOPER, is developing land in the City of Roseville, County of Macomb, State of Michigan, to be known as Gratiot-Thirteen Mile Road Village and further described as:

Parcel 1 Commencing at the Southwest corner of Section 4, Town 1 North, Range 13 East, thence South 89°58'23" East along the South line of Section 4, being also the centerline of 13 Mile Road, 1428.02 feet to the point of beginning; thence South 89°58'23" East along said South section line, 626.20 feet; thence North 0°01'37" East 310 feet to the South line of Shadowoods Subdivision as recorded in Liber 41, Pages 39 and 40, Macomb County Records; thence North 89°58'23" West along the South line of Shadowoods Subdivision 626.20 feet; thence South 0°01'37" West along the East line of Venetian Estates Subdivision as recorded in Liber 39, Pages 19 and 20, Macomb County Records, 310.00 feet to the point of beginning, subject to the South 60 feet for road purposes.

WHEREAS, DEVELOPER has submitted the plat plan of said Gratiot-Thirteen Mile Road Village and desires that EDISON install an electric distribution line for underground 240/120 volt service in an easement to serve DEVELOPER, in accordance with The Detroit Edison Company Underground Lines Department Drawing Number U2-3-1290, ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~, entitled, Gratiot-Thirteen Mile Village, which is attached hereto and made a part hereof.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein made between the DEVELOPER and EDISON, it is hereby agreed:

Responsibility of DEVELOPER

1. DEVELOPER shall furnish easement and restrictions satisfactory in form to EDISON for the installation and maintenance of its underground line and pad mounted transformer for the transmission and distribution of electricity.
2. Easement must have finished grade prior to installation of its underground ducts so that electrical distribution service can be properly installed in relation to finished grade.

RECORDED RIGHT OF WAY NO. 22587

3. Survey stakes indicating the route of EDISON transmission lines must be properly emplaced before and after trenching.

4. All trenching and backfilling (in accordance with EDISON specifications) required for installation of ducts for electric lines in easement provided shall be done by DEVELOPER without expense to EDISON. The trench for EDISON's line shall be separate from water and sewer trenches. The backfill shall be free of rubble and clods of hard or frozen dirt and shall not contain material which can damage emplaced conduit.

5. Install sanitary sewer and water lines, when required by governmental authorities, and sewer taps and water taps made three (3') feet beyond easement prior to installation of electrical underground line in easement so that sewer and water connection can be made without undermining electrical systems ducts.

6. DEVELOPER shall furnish, own, maintain and install all secondary service wire from pad mounted transformer and from secondary cable poles to meter point of customer's service.

Responsibility of EDISON

1. EDISON will own, furnish, install and maintain transformer, transformer pad, meters, primary cables, primary ducts and equipment for primary service.

2. EDISON reserves the right to meter and bill each individual occupant or tenant of owner.

In the Presence of:

Harriet Lyman

Evelyn Musto

Ernest W. Bronski

Beatrice M. Cabrera

ADVANCED VILLAGE HOUSING CO.,
a Michigan corporation

By: Paul Meorp - Pres.

By: John Lyman, Exec. V. P.

THE DETROIT EDISON COMPANY

By: [Signature]
VICE PRESIDENT

By: [Signature]
ASST. SECRETARY

RECORDED RIGHT OF WAY NO. 22587

RIGHT OF WAY AND RESTRICTION AGREEMENT

659669

IN CONSIDERATION of the sum of One Dollar (\$1.00) and other valuable considerations, receipt of which is hereby acknowledged, the right is hereby granted and conveyed to THE DETROIT EDISON COMPANY, 2000 Second Avenue, Detroit, Michigan, and the MICHIGAN BELL TELEPHONE COMPANY, 1365 Cass Avenue, Detroit, Michigan, their licensees, lessees, successors and assigns to construct their line facilities underground for the purpose of providing electric service and communication service, including the necessary conduits, wires, cables, telephone terminals, transformer and equipment in, under, upon, over and across property located in the City of Roseville, County of Macomb, State of Michigan, to be known as Gratiot-Thirteen Mile Road Village, and further described as:

Commencing at the Southwest corner of Section 4, Town 1 North, Range 13 East, thence South 89°58'23" East along the South line of Section 4, being also the centerline of 13 Mile Road, 1428.02 feet to the point of beginning; thence South 89°58'23" East along said South section line, 626.20 feet; thence North 0°01'37" East 310 feet to the South line of Shadowoods Subdivision as recorded in Liber 41, Pages 39 and 40, Macomb County Records; thence North 89°58'23" West along the South line of Shadowoods Subdivision 626.20 feet; thence South 0°01'37" West along the East line of Venetian Estates Subdivision as recorded in Liber 39, Pages 19 and 20, Macomb County Records, 310.00 feet to the point of beginning, subject to the South 60 feet for road purposes.

RECORDED IN MACOMB COUNTY RECORDS AT 9:55 A.M. JAN 9 1964
Aaron Burr
REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

with full right and authority to the Grantees, their employes, agents and contractors to enter at all times upon said premises for the purpose of constructing, reconstructing, repairing, operating and maintaining their cables, telephone terminals, transformer, meters, lines and equipment. The rights granted by this instrument shall be an easement six (6') feet in width over the above described property and indicated as a heavy black line entitled, "DECo Primary Conduit", and running from a cable pole north of Building F to the proposed transformer mat as outlined on the drawing of The Detroit Edison Company Underground Lines Department No. U2-3-1290.

No excavations (except for public utility purposes), no structures, apparatus of any kind, except line fences, or changes of finished grade shall be allowed within the utility easement hereinabove described. Except as provided herein, the owner shall have the right to make any other use of the land subject to such easement which is not inconsistent with the right of the utilities; provided, however, that the owner shall not plant trees or large shrubs within the said utility easement. The public utilities shall have the right to trim or remove any trees, bushes, or plants

RECORDED RIGHT OF WAY NO. 22587

1.00

Sec. 4; 5/20/64 Gratiot-Thirteen Mile Village
- 1 -

of any kind which, in the sole opinion of the utility, interferes with the facilities thereto or is necessary for the installation, re-installation, repair, maintenance or removal of their facilities in the utility easement hereinabove described. The trimming or removal of such trees, bushes, or plants of any kind by a public utility for the purpose set forth above shall be without liability to the utility.

No shrubs or foliage shall be permitted on owner's property within five (5') feet of the transformer enclosure.

The original or subsequent owners shall own, install, maintain and replace, at their own expense, the single phase electric service conductors connecting the transformer located in said easement with the apartments erected on said land.

The installation of said underground electric service conductors shall comply and conform to the National Electrical Code and to the specifications of the public utility concerned.

All property in the subdivision which will receive telephone service by connection with underground telephone facilities located in the easement hereinabove described shall also be subject to the following additional restrictions:

a. Each owner of the property for whose property telephone service is requested shall be responsible for furnishing, at no cost to the utility, the trenching and backfilling necessary for the installation, re-installation, maintenance or repair of telephone facilities in the premises between the utility easement above described and the apartment buildings as required by the utility. The property owner for whose benefit the work is done and not the utility shall be responsible for injury or damage to persons or property caused by the trenching, existence or backfilling of the trench by such property owner.

b. No property owner shall make any change in grade in or near the easement when the change, in the opinion of the utility, interferes with the facilities already installed or which may be installed in the future.

The foregoing restrictions and covenants shall be covenants running with the land and shall not be subject to termination without the consent of the utilities herein concerned.

Enforcement shall be by proceeding by civil proceedings against any person or persons violating or attempting to violate any covenants, either to restrain violation or to recover damages.

RECORDED RIGHT OF WAY NO. 22587

Am. 300 N.O.
RETURN TO
A
100 AVENUE
WARREN 25, MICHIGAN

Invalidation of these covenants by judgment or court order shall in no wise affect any of the other provisions, which shall remain in full force and effect.

The above described restrictions and covenants shall be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on this 27th day of December, 1963.

In the Presence of:

ADVANCED VILLAGE HOUSING CO.
a Michigan corporation
21990 Greenfield Road, Detroit 31, Mich.

Harriet Sylvan
Harriet Sylvan
Evelyn Musto
Evelyn Musto

By: Paul M. Corp - Pres.
Paul M. Corp, Pres.
By: Joseph Sylvan, Exec. V-P.
Joseph Sylvan, Exec. Vice Pres.

STATE OF MICHIGAN)
COUNTY OF Oakland) SS.

On this 27 day of December, A.D. 1963, before me, the subscriber, a Notary Public in and for said County, appeared Paul M Corp and Joseph Sylvan, to me personally known, who being by me duly sworn did say that they are the President and Vice President of ADVANCED VILLAGE HOUSING CO., a Michigan corporation, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors, and Paul M. Corp and Joseph Sylvan acknowledged said instrument to be the free act and deed of said corporation.

Phyllis J. Foster
Phyllis J. Foster
Notary Public, Oakland County, Michigan

My commission expires: 4-5-66

(ACCEPTED)

THE DETROIT EDISON COMPANY

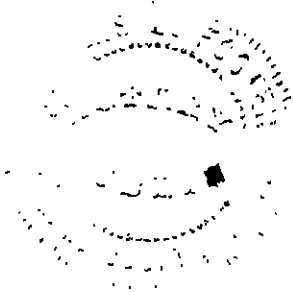
By: A. L. Kasameyer
A. L. KASAMEYER, DIRECTOR
PROPERTIES AND RIGHTS-OF-WAY DEPARTMENT
MICHIGAN BELL TELEPHONE COMPANY

By: Carl T. Hall
Carl T. Hall
Staff Supervisor

PREPARED BY: Eugene W. Bronski
2000 Second Avenue
Detroit 26, Michigan

RECORDED RIGHT OF WAY NO. 225817

Am. 300 150.
RETURN TO
A. L. KASAMEYER
The Detroit Edison Company
2000 Second Avenue
Detroit 26, MICHIGAN



THE DETROIT EDISON COMPANY

2000 SECOND AVENUE
DETROIT 26, MICHIGAN

December 24, 1963

Advanced Village Housing Company
21990 Greenfield
Detroit 37, Michigan

Gentlemen:

Enclosed are the Agreement and Right of Way for the Gratiot-Thirteen Mile Road Village Apartment Project. Will you please execute and return the original and one copy of the Agreement. The third copy may be retained as your temporary record. We will have the officers of this Company sign on behalf of The Detroit Edison Company and return one copy fully executed for your records.

In addition, I am enclosing the original and three copies of the Joint Right of Way. Would you please execute the original and first two copies and return these to me. The fourth copy may be retained as your temporary record.

After Michigan Bell Telephone Company and The Detroit Edison Company have accepted same, one fully executed copy will be returned for your permanent record.

Very truly yours,

Eugene W. Bronski
Staff Attorney

EWB:apm

Enclosures

22587

THE DETROIT EDISON COMPANY

2000 SECOND AVENUE
DETROIT 26, MICHIGAN

January 20, 1964

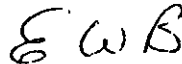
Advanced Village Housing Company
21990 Greenfield
Detroit 37, Michigan

Gentlemen:

Enclosed are the fully executed copies of the Agreement and Right of Way and Restriction Agreement for the Gratiot-Thirteen Mile Road Village Apartments for your permanent records.

The Right of Way and Restriction Agreement was recorded on January 9, 1964, in Liber 1535, Pages 223 through 227, with the Macomb Register of Deeds.

Very truly yours,



Eugene W. Bronski
Staff Attorney

EWB:apm

Enclosure

RECORDED
INDEXED
82587

MEMORANDUM ORDER
FOR GENERAL USE
DE FORM MS 77 12-53

TO C. J. Buckelmann - 446 G. O. DATE 12/30/43 TIME _____

Re: Underground Service - Contint-13 Mile Filings, City of Knoxville, Knox County

~~The Agreement for underground service has been executed. Necessary Right of Way and Restrictions for the above project have been obtained and forwarded to the Right of Way Department for recording. It is now in order to proceed with construction for the underground service.~~

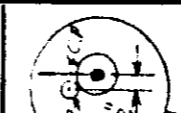
SIGNED *[Signature]*
Stephen A. Williams/sgn
Staff Attorney
Legal Department

- COPIES TO: I. A. Smyth - 1901 Second - Rm. 114
H. Stone - 437 G. O.
REPORT M. T. Shively - 714 G. O.
E. H. Sweeney - 724 G. O.
G. Richards - Sales - W. Clemens
 File

22587

DATE RETURNED _____ TIME _____ SIGNED _____

NORTH
ARROW



PROPOSED CABLE POLE
1-3" SWP
W. SIDE

12" SEWER - EXACT LOCATION UNKNOWN
DEVELOPER'S DWG. SHOWS APPROX. 12" DP AT INVERT.

6' PRIVATE EASEMENT FOR PUBLIC UTILITIES

BLDG. SHOWN THUS TO BE SERVICED
SECONDARY OVER HEAD.

GENERAL NOTES

1. SEE DWG. UI-3-2031 FOR TRANSFORMER MAT CONSTRUCTION DETAILS.
2. ALL BLIND ENDS TO BE CAPPED OR PLUGGED.
3. 3" PARKWAY CONDUIT TO BE USED FOR PRIMARY FEED FROM CABLE POLE TO TRANSFORMER EXCEPT AT DRIVE WAY FROM "X" TO "P". SEE PLAN.
4. CUSTOMER TO FURNISH ALL TRENCHING & BACKFILLING.
5. THE D.E. CO., TO FURNISH & INSTALL ALL CONDUIT FOR PRIMARY & SECONDARY CABLE.
6. CUSTOMER TO OWN, OPERATE, INSTALL & MAINTAIN ALL SERVICE CABLE.
7. D.E. CO., PRIMARY CONDUIT AS SHOWN TO BE 2" OF 6" WIDE EASEMENT.
8. FINISHED GRADE TO BE SET AT TRANS. MAT BY DEVELOPER.

6' PRV. EASEMENT FOR PUBLIC UTILITIES

12' PRV. EASEMENT FOR SEWER

190' SWP #1 TO PRIM SWP AT TRANSFORMER

D.E. CO. PRIMARY CONDUIT

2" GAS MAIN TO BE LOCATED 11.0" BACK OF 5' SIDEWALK

6' PRV. EASEMENT FOR SEWER

GREENHAVEN

310.00' S
250.00' S
100.00' S
M.A.E. 10.00' S

310.00' S
250.00' S
100.00' S
N. 0° 01' 37" E

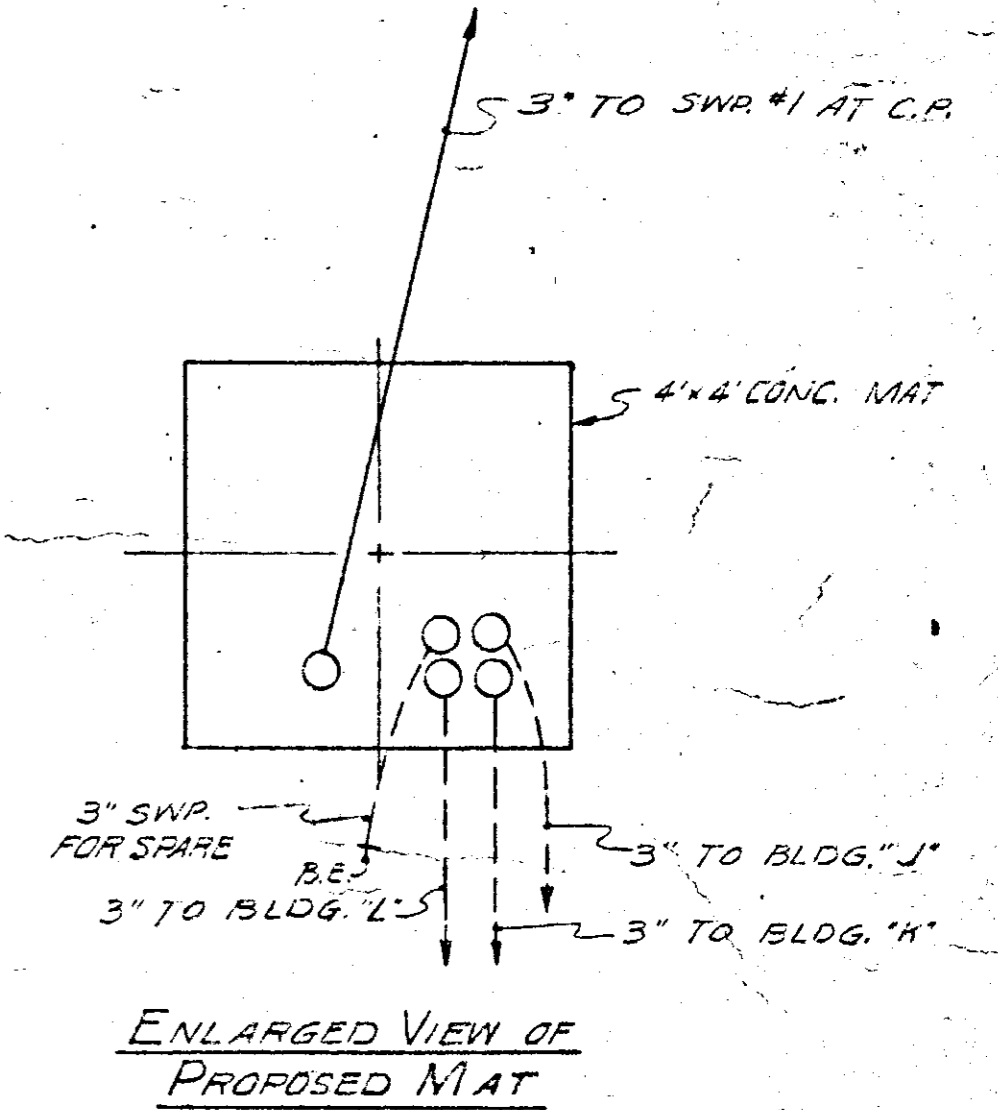
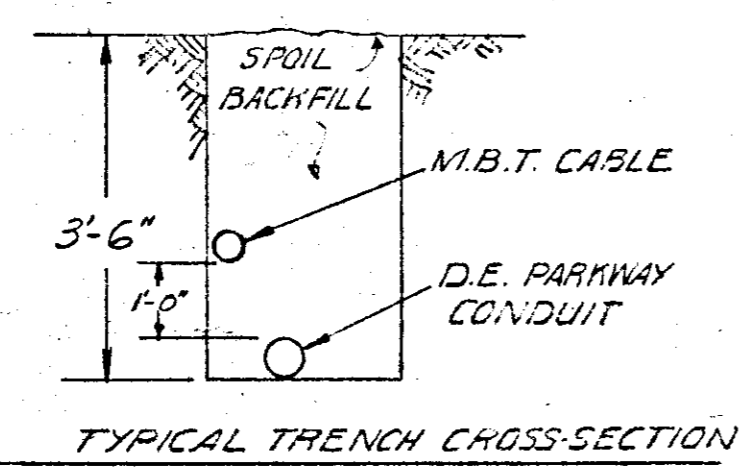
TO GRATIOT

S.W. CORNER SEC. 4, T. 1 N., R. 13 E.
S. 89° 58' 23" E. - 1428.02'

POINT OF BEGINNING

S. LINE OF SEC. 4 & E OF 13 MI. RD.

PROPOSED TRANSFORMER MAT



PERMIT REQUIRED
CITY OF ROSEVILLE
OWNER OF DESCRIBED PROPERTY

D REVISION				C REVISION				B REVISION				A REVISION			
MADE BY	CHK BY	APPROVED	APPROVED	MADE BY	CHK BY	APPROVED	APPROVED	MADE BY	CHK BY	APPROVED	APPROVED	MADE BY	CHK BY	APPROVED	APPROVED

2128 9/4/63 H.P.F. 9-4-63

OTHER APPROVAL	NAME	DATE
	A. SHEAR	8-29-63
	C.P. Felletini	8-29-63
	J. J. Boston	9-4-63
	W. J. Mackin	9-5-63
	C. J. Bartolomeo	9-5-63
	J. J. Boston	9-5-63

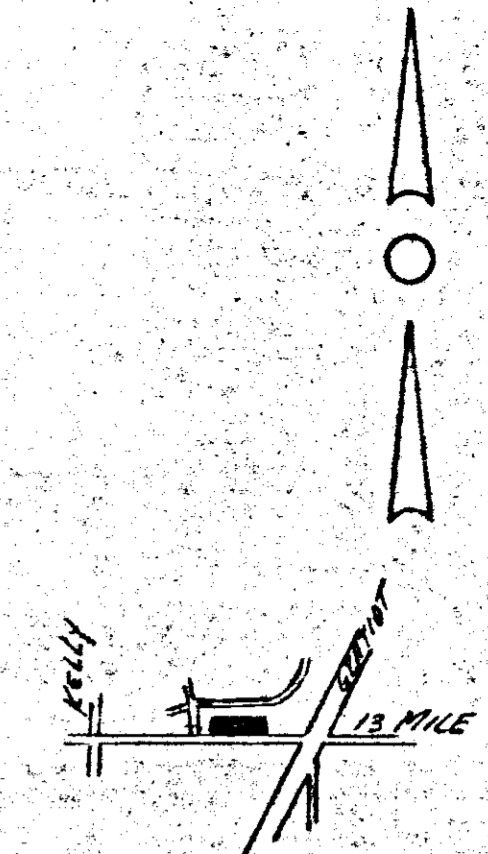
STATION GRATIOT- 13 MILE ROAD VILLAGE
CITY OF ROSEVILLE N. SIDE OF 13 MI. ROAD
BETWEEN GREENHAVEN & GRATIOT
INSTALL PAD MOUNT
TRANSFORMER

THE DETROIT EDISON COMPANY UNDERGROUND LINES DEPARTMENT	
SCALE 1" = 30'	LAYOUT JOB NO. 1668
ORDER FOR WORK 42227	DRAWING NUMBER U2-3-1290
SHEET 1 OF 1 SHEETS	

RETURN TO
A. L. KASAMEYER
The Detroit Edison Company
2000 SECOND AVENUE
DETROIT 26, MICHIGAN

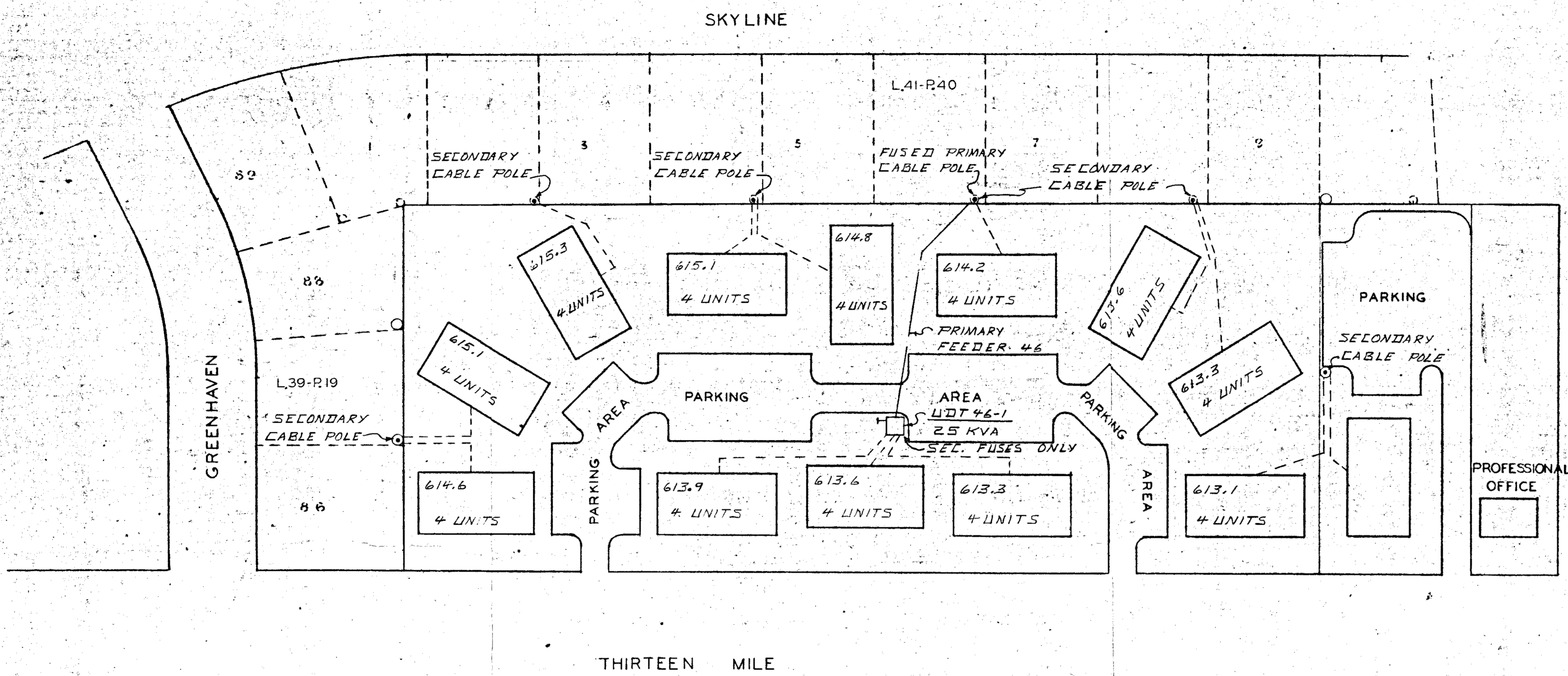
Am. 301 B.O.
RETURN TO
A. L. KASAMEYER
The Detroit Edison Company
2000 SECOND AVENUE
DETROIT 26, MICHIGAN

RECORDED RIGHT OF WAY NO. 22581



OH. ERN 9

DIST. CIR. 1720 FRASER
INITIAL & ULTIMATE - 4800 VOLTS



CODE

- ⊙ CABLE POLE
- PRIMARY CABLE IN CONDUIT
- TRANSFORMER
- - - CUSTOMER OWNED SERVICE CABLE
- 3" SECONDARY SWEEP

DO NOT USE FOR CONSTRUCTION
JOINT RIGHTS-OF-WAY REQUIRED
BUILD ORDER ISSUED BY SALES
SERVICE WANTED - SOON AS POSSIBLE

D REVISION				C REVISION				B REVISION				A REVISION				OTHER APPROVAL		NAME		DATE		STATION		THE DETROIT EDISON COMPANY	
MADE BY	CHK BY	APPROVED	APPROVED	MADE BY	CHK BY	APPROVED	APPROVED	MADE BY	CHK BY	APPROVED	APPROVED	MADE BY	CHK BY	APPROVED	APPROVED			Layout By	R.V. Frank	7-18-63	GRATIOT - THIRTEEN MILE VILLAGE		GENERAL ENGINEERING DEPT. T.&D. DIVISION		
																Checked By	W. Van Buren	7-18-63	SW 1/4 OF SEC. 4		SCALE 1" = 50'		LAYOUT JOB NO.		
																Approved By	W. Van Buren	7-18-63	CITY OF ROSEVILLE		ORDER FOR WORK				
																	W. Van Buren	7-18-63	MACOMB CO.		DRAWING NUMBER				
																	W. Van Buren	7-18-63			T.D. 369				
																					SHEET _____ OF _____ SHEETS				

G. H. Blossell

RECORDED RIGHT OF WAY NO. 22587