

AGREEMENT

THIS AGREEMENT, made this 8th day of September, 1965, between
ROBERT E. CORK and IMOGENE CORK, his wife, of 126 Bella, Sandusky, Michigan,

hereinafter referred to as "DEVELOPER", and THE DETROIT EDISON COMPANY, a New York corporation, with offices at 2000 Second Avenue, Detroit, Michigan, 48226, hereinafter referred to as "EDISON".

WHEREAS, the DEVELOPER has developed (or is developing) land in the
Township of Watertown, Sanilac, County, Michigan,
described as: "Maple Knoll Subdivision", part of the Southeast 1/4, Section 5, Town 11
North, Range 14 East, according to the plat thereof recorded in Liber 4, Page 11,
Sanilac County Records.

AND, WHEREAS, DEVELOPER has submitted the plan of subdivision to EDISON for approval of private easements for public utilities described thereon and DEVELOPER desires that EDISON install its electric distribution lines underground, (except necessary cable pole - poles) single phase, 120/240 volt, three wire, 60 cycle service in said easements, except Lots 1 thru 18 ~~and~~ and Lots 36 & 37, which are to receive overhead electric service. Easements over the Northerly six (6') feet of Lot 5
shall have underground lines installed for
service beyond said Lots.

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

Responsibility of DEVELOPER

1. Record, prior to utility installation, the plat of subdivision with private easements for public utilities and easements for streetlight cables included thereon, acceptable to EDISON, and/or record separate instrument granting any additional private easements for public utilities deemed necessary by Edison and easements for underground streetlight cables, acceptable to EDISON.
2. Record restriction agreement containing requested language as to utilities marked "Appendix", attached hereto and made a part hereof.
3. Install sanitary sewers when required by governmental authority with sewer taps extending three (3') feet beyond easement limits for each lot prior to installation of electrical underground lines in easements so that sewer connections can be made.

RECORDED RIGHT OF WAY NO. 23380

Sec. 5, SE 1/4 of Maple Knoll Sub.

without undermining electrical system lines. Sewer lines may cross but may not be installed with the six (6') foot easements used for electric and telephone utilities.

4. DEVELOPER shall grade easements to finished grade prior to installation of underground lines so that electrical distribution service can be properly installed in relation to finished grade. The grade established for the subdivision at the time the utilities place their facilities in the easements shall be considered finished grade.

5. Survey stakes indicating property lot lines must be properly emplaced before and after trenching to enable EDISON to locate its facilities including lines, transformers and pedestals.

6. The DEVELOPER hereby agrees that if subsequent to the installation of cable poles, lines, transformers and service connection pedestals by EDISON, EDISON is required to repair, move, modify, rearrange or relocate any of its facilities to conform to a new plot plan or change of grade made by the DEVELOPER, or for any cause or changes attributable to DEVELOPER's action or request, the cost and expense of repairing, moving, modifying, rearranging or relocating EDISON's facilities shall be paid forthwith to EDISON by DEVELOPER upon receiving a statement therefor.

7. All trenching, backfilling and removal of trees, shrubbery, or obstructions required for installation of electric lines in the easements shall be done at the expense of DEVELOPER.

Location of trenches in easements and manner of backfilling to be in accordance with specifications furnished by EDISON. The backfill shall be free of rubble and clods of hard or frozen dirt and shall not contain material which can damage emplaced lines. All backfilling of road crossings to comply with all regulations of public authorities having jurisdiction over roads. DEVELOPER will pay all extra costs incurred by EDISON if paving is done before cable or conduit crossings are in place.

8. In the event electric service conductors to residences is furnished and installed by the DEVELOPER, between the transformers or service connection pedestals and the residences, the DEVELOPER shall furnish three (3) service conductors, type USE, in compliance with the National Electrical Code, at least 1/0 copper or 2 - #2/0 and 1 - #1 aluminum cables with cross-lined/^{polyethylene insulation} in size of a type suitable for direct burial and installed underground.

RECORDED RIGHT OF WAY NO. 23380

Responsibility of EDISON

Upon completion of the above requirements necessary for the installation of underground electrical distribution service, EDISON will furnish, install, own and maintain, at its expense, (except costs and expenses set forth in Article 6 above), all cables in easements (except the service conductors), cable pole or poles, transformers, service connection pedestals and equipment located in the private easements for public utilities.

THIS AGREEMENT shall be binding upon the heirs, executors, administrators, successors and assigns of the undersigned.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

In the Presence of:

THE DETROIT EDISON COMPANY

Stephen A. McNamee

By: M. Pease
M. PEASE
VICE PRESIDENT

Suzanne E. Keomath

Richard O. Smith

By: Robert E. Cork
Robert E. Cork

Reginald L. Brockmest

By: Imogene Cork
Imogene Cork, his wife

Prepared By Stephen A. McNamee
2000 Second Avenue
Detroit, Michigan, 48226

RECEIVED FOR RECORD

1965 SEP 15 AM 10:53

LIBER NO. 320 PAGE NO. 192
MAURICE D. TURNBULL
REGISTER OF DEEDS
SANILAC COUNTY, MICHIGAN

Declaration of Restrictions

WHEREAS, the undersigned, owners of land, and parties having interest in land in the Township of Watertown, County of Sanilac, State of Michigan, described as:

"Maple Knoll Subdivision", part of the Southeast 1/4, Section 5, Town 11 North, Range 14 East, According to the plat thereof recorded in Liber 4, Page 11, Sanilac County Records.

desire(s) to subject the said land to the restrictions, covenants, easements and charges as hereinafter set forth;

AND, WHEREAS, it is the intent and purpose of the (party)(parties) hereto to have telephone lines installed underground to serve Lots 19 through 35, and to have electric power distribution lines placed underground, (except necessary cable pole(s), transformers, secondary connection pedestals or switching cabinets to supply single phase, 120/240 volt, three wire, 60 cycle service, to serve Lots 19 through 35

Lots 1 thru 18 and Lots 36 and 37 are to be served from overhead electric lines, and shall not be subject to the restrictions contained herein, except that the public utilities shall have the right to trim or remove trees which interfere with the user of the easements in said lots, and except easements in lots receiving electric service overhead namely the Northerly six (6') feet of Lot 5

shall have underground lines installed therein for service to other lots in said sub-division and shall be subject to the following restrictions numbered 2, and 6 thru 10

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NOW, THEREFORE, the undersigned, hereby declare(s) that said premises shall be held, transferred, sold and conveyed subject to the restrictions, covenants, reservations, easements, charges, obligations and powers as follows:

1. Private easements for public utilities have been granted on the above described plat.

2. No excavations (except for public utility purposes), no changes of finished grade, and no structures or apparatus of any kind, except line fences, shall be allowed within the public utility easements of the subdivision. Except as provided herein, the owners shall have the right to make any use of the land, subject to such easements, which is not inconsistent with the right of the utilities; provided, however, that the owners shall not plant trees or large shrubs within the public utility easements. The public utilities shall have the right to trim or remove trees, bushes, or other plants of any kind within said easements and also shall have the right to trim the roots and foliage which grow into the easements belonging to trees, bushes or other plants of any kind lying outside of said easements and, which, in the sole opinion of the utilities, interferes with the facilities thereto or is necessary for the installation, reinstallation, modification, repair, maintenance or removal of their underground facilities in any public utility easement of the subdivision. A public utility shall incur no liability for its trimming or removal of such trees, shrubs, or plants of any kind or their roots for the purpose set forth above.

3. No shrubs or foliage shall be permitted on owner's property within five (5') feet of the front doors of the transformers or switching cabinets; nor shall such shrubs or foliage be permitted within five (5') feet of service connection pedestals.

4. The original or subsequent owners of Lots 19 thru 35

in this subdivision shall install underground, own, maintain and replace, at their own expense, the single phase electric service conductors lying between the transformers or service connection pedestals located in said easements and the residences erected on said lots.

5. The installation of all underground service conductors, type USE, shall be in compliance with the National Electrical Code for direct burial and consist of three service conductors at least 1/0 copper in size, type RHM, rubber insulated and neoprene jacketed, or 2 - #2/0 and 1 - #1 aluminum cable with cross-linked polyethylene insulation.

6. The grade established by the undersigned at the time the utilities place their underground facilities in the easements shall be considered final or finished grade.

No property owner shall make any change in such grade in or near easements or alter any ground conditions, including drainage, when the change in grade or alteration of ground conditions, in the opinion of the utility concerned, interferes with the facilities already installed.

7. Property owners shall pay to the utility concerned the cost of relocation or rearrangement of utility equipment, where in the opinion of the utility, such relocation or rearrangement is made necessary because of a violation by the property owner of any of the foregoing restrictions pertaining to utility underground installations.

8. The foregoing restrictions 1 through 7 shall be covenants running with the land and shall not be subject to termination without the consent of the utilities herein concerned.

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

10. Invalidation of any one 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.

IN WITNESS WHEREOF, the undersigned hereto (has)(have) set (its)(their) hand and seal on this 8th day of September 1965.

Robert E. Cork
Robert E. Cork

Imogene Cork
Imogene Cork, his wife,
126 Bella, Sandusky, Michigan

Warren W. Balhoff
Warren W. Balhoff

Dorothy E. Balhoff
Dorothy E. Balhoff, his wife,
256 Lexington, Sandusky, Michigan
(land contract purchasers - Lot 30)

PREPARED BY S McNAMEE
2000 SECOND AVENUE
DETROIT 26. MICHIGAN

RECORDED RIGHT OF WAY NO. 23380

STATE OF MICHIGAN)
) SS.
COUNTY OF)

On this 8th day of September, 1965, before me the subscriber, a Notary Public in and for said County, appeared ROBERT E. CORK and IMOGENE CORK, his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Richard O Smith
Richard O. Smith
Notary Public, Lansing County, Michigan

My Commission Expires: 8-11-1969

STATE OF MICHIGAN)
) SS.
COUNTY OF)

On this 8th day of September, 1965, before me the subscriber, a Notary Public in and for said County, appeared WARREN W. BALHOFF and DOROTHY ~~W.~~ BALHOFF, his wife, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Richard O Smith
Richard O. Smith
Notary Public, Lansing County, Michigan

My Commission Expires: 8-11-1969

Prepared by: Stephen A. McNamee
2000 Second Avenue
Detroit, Michigan 48226

*Return to: Harold J. Pinales
2000 Second Ave.
Detroit 26, Michigan*

23380

EASEMENT

IN CONSIDERATION of the sum of One (\$1.00) Dollar and other valuable considerations, receipt of which is hereby acknowledged, by the undersigned, the right is hereby granted and conveyed to THE DETROIT EDISON COMPANY, a New York corporation, with offices at 2000 Second Avenue, Detroit, Michigan, 48226, and MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation, with offices at 1365 Cass Avenue, Detroit, Michigan, 48226, their licensees, lessees, successors and assigns to construct underground line facilities in, under and across the Westerly six (6') feet of Lot 31, Maple Knoll Subdivision, part of the Southeast 1/4, Section 5, Town 11 North, Range 14 East, Township of Watertown, County of Sanilac, Michigan, according to the plat thereof recorded in Liber 4, Page 11, Sanilac County Records.

The grantees, their employes, agents and contractors shall have full right and authority to enter, at all times, the said premises described above for the purpose of constructing, reconstructing, repairing, modifying, operating, maintaining and removing their underground lines.

In the event of any excavations for constructing, repairing or maintaining their underground lines, the grantees herein agree that they will promptly restore the surface of the land to the same condition, as near may be, as at the time excavations are made for said purposes.

IN WITNESS WHEREOF, the undersigned grantors have hereunto set their hands and seals on this 8th day of September, 1965.

In the Presence of:

Richard O. Smith
RICHARD O. SMITH

Reginald L. Backhurst
REGINALD L. BACKHURST

Robert E. Cork
Robert E. Cork

Imogene Cork
Imogene Cork, his wife
126 Bella
Sandusky, Michigan

RECEIVED FOR RECORD

1965 OCT 18 PM 1:47

LIBER NO. 320 PAGE NO. 530
MAURICE D. TURNBULL
REGISTER OF DEEDS
SANILAC COUNTY, MICHIGAN

RETURN TO
A. L. KASAMEYER
The Detroit Edison Company
2000 SECOND AVENUE
DETROIT, MICHIGAN 48226

23380

STATE OF MICHIGAN)
) SS.
COUNTY OF SANILAC)

On this 8th day of September, 1965, before me the subscriber,
a Notary Public in and for said County, appeared ROBERT E. CORK and IMOGENE CORK,
his wife, to me known to be the persons described in and who executed the foregoing
instrument, and acknowledged that they executed the same as their free act and deed.

Richard O. Smith
Notary Public, Sanilac County, Michigan
RICHARD O. SMITH

My Commission Expires: 8-11-1969

RECORDED WITH DEPT. OF REG. NO. 23380

PREPARED BY S. McNAMEE
2000 SECOND AVENUE
DETROIT 26, MICHIGAN

RETURN TO
A. L. KASAMEYER
The Detroit Edison Company
2000 SECOND AVENUE
DETROIT, MICHIGAN 48226

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

TO C. J. Bartholomew - 646 G. O.

DATE 7-10-63

TITLE _____

Re: Underground Service - Maple Knoll Subdivision, Township of Westertown, Washtenaw County, Michigan.

Agreements, easements and restrictions have been obtained, and it is now in order to proceed with construction. Developer will provide his own trenching.

COPIES TO L. A. Bergsah - 1901 Second - Rm. 184
W. Stone - 637 G. O.
REPORT W. T. Shively - 714 G. O.
H. W. Priebe - 728 G. O.
R. L. Beckhurst - Sales - Embassy
File

SIGNED _____

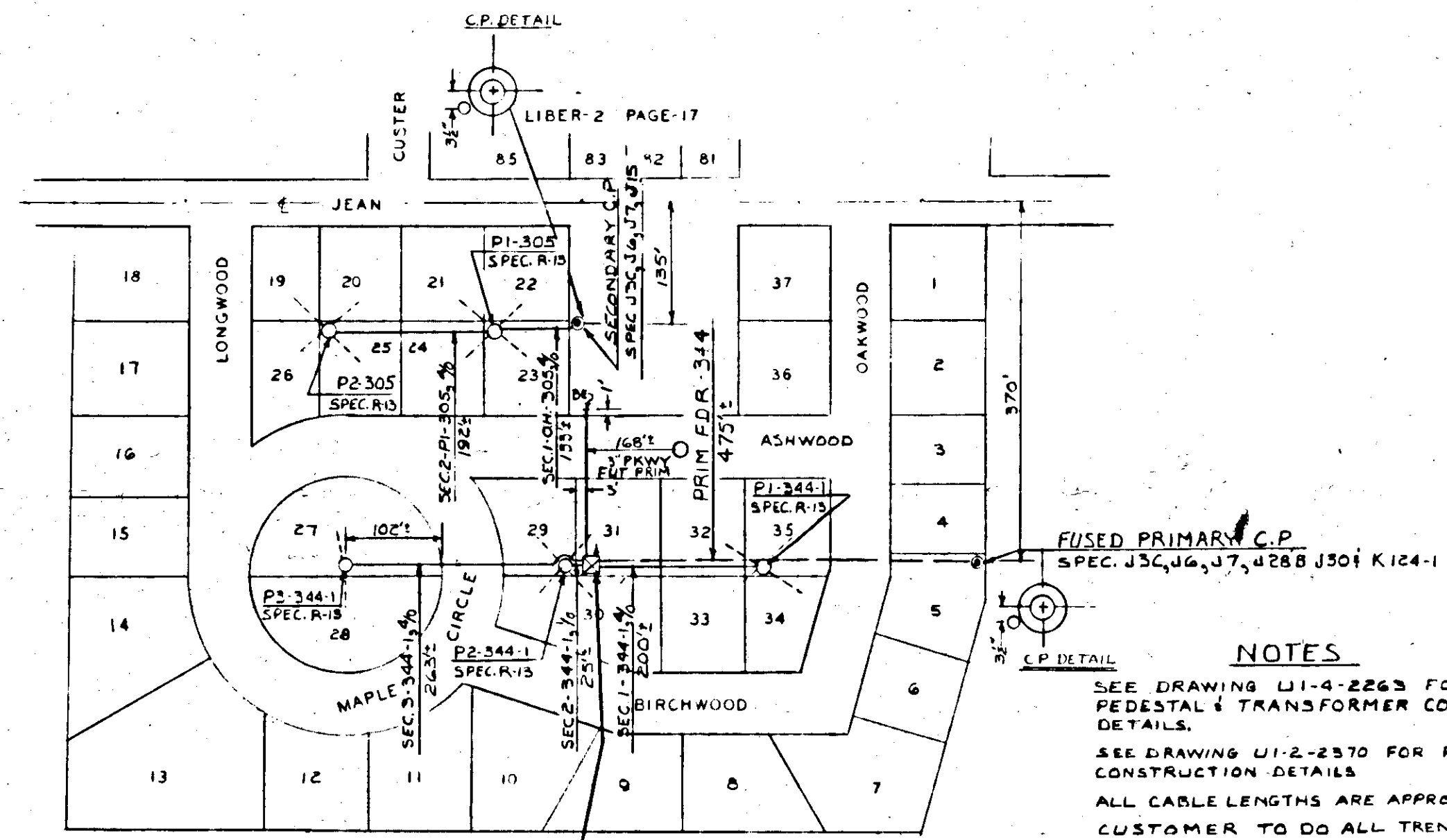
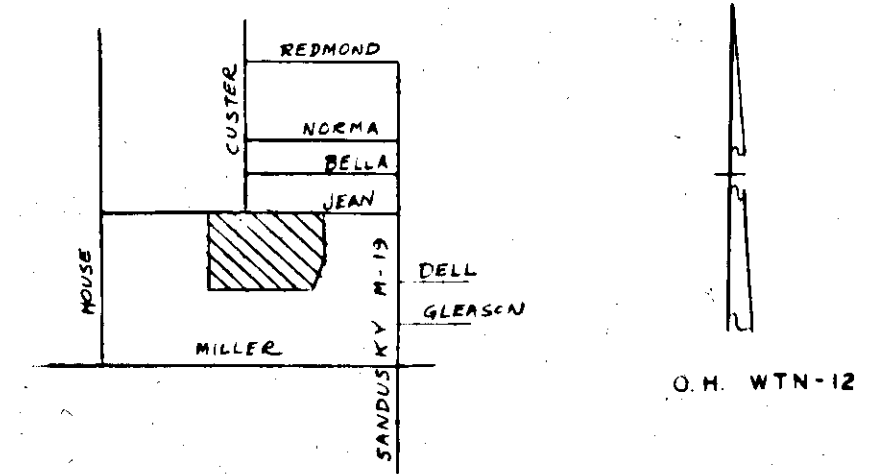
Stephen A. McNamee
Stephen A. McNamee
Staff Attorney
Legal Department

ORIGINAL FILED IN _____
DATE _____
BY _____
OFFICE OF WAY _____
23380

DATE RETURNED _____

TIME _____

SIGNED _____



CABLE SUMMARY
PRIMARY CABLE
 #2 1C X 2 POLY-CONC. (713-10B2) = 475'
SECONDARY CABLE
 #1/2 1C X 3 POLY (713-0533) = 25'
 #1/4 1C X 3 POLY (713-0534) = 790'

UDT	SIZE	STOCK NO
344-1	37KVA	661-0427

FUSE ACCORDING TO SCHEDULE

NOTES
 SEE DRAWING U1-4-2263 FOR PEDESTAL & TRANSFORMER CONSTRUCTION DETAILS.
 SEE DRAWING U1-2-2570 FOR PAD CONSTRUCTION DETAILS.
 ALL CABLE LENGTHS ARE APPROX
 CUSTOMER TO DO ALL TRENCHING & BACKFILLING

CODE
 ☒ TRANSFORMER WITH SWITCHING
 ○ PEDESTAL
 ● CABLE POLE
 ——— PRIMARY CABLE
 ——— SECONDARY CABLE
 → ARROW AT TRANS INDICATES DOOR OPENING

UDT 344-1
 37 KYA
 SPEC. K118-1, R14A/R-25

TRENCH SUMMARY
 900'

PERMITS REQ'D
 SANILAC COUNTY ROAD COMM.
 WATERTOWN TWP

DIST. CIR 305 SANDUSKY
 INITIAL & ULTIMATE 4800 VOLTS

DIRECT BURIED SYSTEM

D REVISION				C REVISION				B REVISION				A REVISION				OTHER APPROVAL		NAME		DATE		STATION		THE DETROIT EDISON COMPANY GENERAL ENGINEERING DEPARTMENT T & D DIVISION UNDERGROUND LINES DEPARTMENT		
MADE BY	CHK BY	APPROVED	APPROVED	MADE BY	CHK BY	APPROVED	APPROVED	MADE BY	CHK BY	APPROVED	APPROVED	MADE BY	CHK BY	APPROVED	APPROVED	MADE BY	CHK BY	APPROVED	APPROVED	DRAWN BY	R. ROSE	8-25-65	MAPLE KNOLL SUB.		SCALE	LAYOUT JOB NO.
																				CHECKED BY	R. SUNDWELL	8-25-65	LIBER-4 PAGE-11		1" = 100'	65-436
																				APPROVED BY	<i>[Signature]</i>	8-25-65	S.E. 1/4 SEC. 5		ORDER FOR WORK	43058
																					<i>[Signature]</i>	8-25-65	WATERTOWN TWP.		DRAWING NUMBER	TD 734
																					<i>[Signature]</i>	8-25-65	SANILAC CO		ORDER FOR WORK	43058
																							MICH.		DRAWING NUMBER	TD 734
																							SHEET _____ OF _____ SHEETS			

U2-3-1486 U.G WTN-124

RECORDED RIGHT OF WAY NO. 23380