

RE RECEIVED FOR RECORD

APARTMENTS 1971 OCT 26 PM 2:31

LIBER 350 PAGE 583

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RECEIVED FOR RECORD

26746

LIBER NO 355 PAGE NO 325 - 330

MILDRED JOHNSON
REGISTER OF DEEDS

1971 JUN 21 AM 9:43

Lapeer County, Michigan AGREEMENT - EASEMENT - RESTRICTIONS
LIBER NO 350 PAGE NO 583 - 586

MILDRED JOHNSON
REGISTER OF DEEDS

This instrument made this 21st day of May, 1971,
by and between the undersigned Owners and THE DETROIT EDISON COMPANY, a corporation
organized and existing concurrently under the laws of the states of Michigan and
New York, of 2000 Second Avenue, Detroit, Michigan, 48226, hereinafter called
"EDISON", and MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation, of 1365 Cass
Avenue, Detroit, Michigan, 48226, hereinafter called "BELL".

W I T N E S S E T H :

WHEREAS, Owners are erecting apartments known as Charbridge Arbor
Cooperative, on land in the City of Lapeer,
County of Lapeer, State of Michigan, as described in Appendix "A", attached
hereto and made a part hereof, and EDISON and BELL will install their electric and
communication facilities underground except necessary above ground equipment.

NOW, THEREFORE, in consideration of the mutual promises and covenants for
the installation of underground utility service made by the parties hereto, it is
hereby agreed:

(1) The installation, ownership and maintenance of electric services and
the charges to be made therefor shall be subject to and in accordance with the Orders
and Rules and Regulations adopted from time to time by the Michigan Public Service
Commission.

(2) Owners must certify to EDISON and BELL that the easements are graded
to within four (4") inches of final grade before the underground facilities are
installed.

(3) Owners further agree that if subsequent to the installation of the
utility facilities of EDISON and BELL, it is necessary to repair, move, modify,
rearrange or relocate any of their facilities to conform to a new plot plan or change
of grade or for any cause or changes attributable to public authority having
jurisdiction or to Owners action or request, Owners will pay the cost and expense of
repairing, moving, rearrangement or relocating said facilities to EDISON or BELL
upon receipt of a statement therefor. Further, if the lines or facilities of EDISON
and BELL are damaged by acts of negligence on the part of the Owners or by contractors
engaged by Owners, repairs shall be made by the utilities named herein at the cost
and expense of the Owners and reimbursement shall be paid to EDISON or BELL upon
receiving a statement therefor. Owners are defined as those persons owning the land
at the time damage occurred.

(4) Owners hereby grant to EDISON and BELL easement for electric and
communication underground services in land herein described. When utility lines are
installed, this instrument shall be re-recorded with an "as installed" drawing
showing the location of utility facilities in relation to building lines and indicating
the easements by their centerlines. Easements herein granted shall be six (6') feet
in width unless otherwise indicated on said drawing.

(5) Easements herein granted are subject to the following restrictions:

a. Said easements shall be subject to Order of and the Rules and Regulations
adopted from time to time by the Michigan Public Service Commission.

b. Owners will place survey stakes indicating building plot lines and
property lines before trenching.

c. No shrubs or foliage shall be permitted on Owners land within five
(5') feet of front door of transformers or switching cabinet enclosures.

This instrument is re-recorded with
"As-Installed" drawing as stipulated
in Paragraph 4.

RECORDED RIGHT OF WAY NO. 26746

d. Sanitary sewers shall be installed prior to installation of electric and communication lines. Sewer, water and gas lines may cross easements granted for electric and communication lines, but shall not be installed parallel within said easements.

e. Owners shall make no excavations nor erect any structures within the easements identified on the "as installed" drawing. No excavations for fences shall be allowed within the limits of the utility easements provided for electric and communication lines unless prior written approval is secured from the utilities.

f. Owners to provide for clearing the easements of trees, large stumps, and obstructions sufficiently to allow trenching equipment to operate.

g. EDISON and BELL shall have the right of access at all times upon premises for the purposes of constructing, repairing, and maintaining their electric and communication lines and facilities.

h. Any of the undersigned who are vendors on land contracts wherein a portion of the lands described herein are being sold shall not be liable to BELL or EDISON unless and until the interest of the vendees, under any such contracts, have been forfeited and damage to utility lines and equipment occurs after such forfeiture.

The provisions of this instrument shall run with the land and shall be binding upon and inure to the benefit of the respective heirs, administrators, executors, personal representatives, successors and assigns of the parties hereto.

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

IN THE PRESENCE OF:

Hazel L. Brandau
Hazel L. Brandau

Irene C. Katz
IRENE C. KATZ

Marsha Pavelka
MARSHA PAVELKA

Karen Guenther
KAREN GUENTHER

Carolyn A. Kovach
CAROLYN A. KOVACH

Emily L. Sutton
EMILY L. SUTTON

Emily L. Sutton

THE DETROIT EDISON COMPANY

By W. C. Arnold
W. C. ARNOLD, DIRECTOR
Real Estate and Rights of Way Dept.
By William J. H. Carroll
WILLIAM J. H. CARROLL ASST. SECRETARY

MICHIGAN BELL TELEPHONE COMPANY

By Carl T. Hall
CARL T. HALL
Staff Supervisor, Right of Way
(Authorized Signature)

Hel-Win Development Co., Inc.
A Michigan Corporation
2187 Orchard Lake Road
Pontiac, Michigan

By Frank Windham
FRANK WINDHAM
By Ronald Helin
RONALD HELIN

RECORDED RIGHT OF WAY NO. 26746

State of Michigan

County of OaklandOn this 30th day of May, 1971, before me appearedFrank Winham and Ronald Hill

to me personally known, who being by me severally duly sworn, did say that they are respectively Secretary - Winham and President of Hel-Win Development Co., Inc., a corporation created and existing under the laws of the State of Michigan and that the said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and the said Frank Winham and Ronald Hill acknowledged the said instrument to be the free act and deed of the said corporation.

My commission expires: 3/12/74

Emily Sutton
Notary Public EMILY SUTTON

Oakland County, Michigan

APPENDIX "A"

All of Lot 44, except the Southerly 10 ft., more or less, taken for Genesee Street (M-21), 99 ft. wide, and part of Lot 47 of Assessors Plat No. 1, a replat of all of Sime's Addition in Section 6, and parts of Blocks 67, 88 and 89 of the original plat of the NW 1/4, Section 5, also a subdivision of part of the SE 1/4 of the NE 1/4 of Section 6, T7N, R 10E, City of Lapeer, Lapeer County, Michigan, as recorded in Liber 1 of Plats, page 71, Lapeer County Records; described as: Beginning at the intersection of the Northerly line of Genesee St., as now established, with the west line of said Lot 44; thence along the west line of Lot 44, North 2° 10' 00" West, 100.83 ft.; thence along the line common to Lots 44 and 46, as recorded, South 87° 50' 00" West 70.90 ft.; thence along the most Westerly line of Lot 44, North 1° 15' 40" West 259.69 ft.; thence along the south line of Lot 47, as recorded, South 86° 29' 30" West 144.33 ft.; thence along the west line of said Lot 47 North 1° 40' 35" west 278.91 ft.; thence North 86° 29' 30" east 121.06 ft.; thence North 1° 40' 35" west 59.64 ft.; thence North 87° 50' 00" East 373.37 ft.; thence along the easterly line of said Lot 47, south 2° 25' 00" East 338.00 ft.; thence along the line common to Lots 43 and 47, as recorded, south 87° 50' 00" West 176.54 ft.; thence along easterly line of said Lot 44, South 1° 26' 10" East 360.32 ft.; thence along the northerly line of Genesee St. (M-21) 99 ft. wide as now established, South 87° 43' 40" West 106.55 ft. to the point of beginning, containing 5.0000 acres of land.

RECORDED RIGHT OF WAY NO. 26746

STATE OF MICHIGAN)
) SS
COUNTY OF WAYNE)

On this 4th day of June, 1971, before me, the subscriber, a Notary Public in and for said County, personally appeared W. C. Arnold and Lillian J..H.Carroll to me personally known, who being by me duly sworn, did say that they are the Director, RE & R/W Dept. and an Assistant Secretary of THE DETROIT EDISON COMPANY, a corporation organized and existing concurrently under the laws of Michigan and New York, and that the seal affixed to said instrument is the corporate seal of the said corporation, and that said instrument was signed in behalf of said corporation by authority of its Board of Directors and W. C. Arnold and Lillian J.H. Carroll acknowledged said instrument to be the free act and deed of said Corporation.

My Commission expires: June 24, 1972

René C. Kata
Notary Public **RENE C. KATA**
Wayne County, Michigan

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

On this 27th day of May, 1971, before me, the subscriber, a Notary Public in and for said County, appeared CARL T. HALL to me personally known, who being by me duly sworn, did say that he is Staff Supervisor of Right of Way, authorized by and for MICHIGAN BELL TELEPHONE COMPANY, a Michigan Corporation, and that the said instrument was signed in behalf of said Corporation, by authority of its Board of Directors, and CARL T. HALL acknowledged said instrument to be the free act and deed of said Corporation.

My Commission expires: _____

Melford Hartman
Notary Public

County, Mich.

MELFORD HARTMAN
Notary Public, Wayne County, Mich.
Acting in Oakland County
My Commission expires Oct. 3, 1971

RECORDED RIGHT OF WAY NO. 26746

THE DETROIT EDISON COMPANY

LAPEER DISTRICT

May 4, 1971

DISTRICT OFFICE
315 CEDAR STREET
LAPEER MI 48446

SERVICE PLANNING DIVISION

RE: Charbridge Arbor
City of Lapeer

Hel-Win Developments
2187 Orchard Lake Road
Pontiac, Michigan, 48053

Gentlemen:

Subject to our agreement with you for the installation of underground electric lines in the above project, The Detroit Edison Company will own, install and maintain its electric lines and equipment and provide trenching in easements six (6') feet in width, which will be subsequently platted or provided by separate easement instrument at a cost to you of \$^{3,400.00} based on 1,700 estimated trench feet at the rate of \$2.00 per trench foot. This cost is based on the location of lines and equipment as shown on the combined utility plan as approved on 4-29-71. Any changes in these locations may require an adjustment in the cost figures. An Additional charge will be made if boring under pavement, etc., is required or sand backfill is requested.


Normally, trenching operations will not be undertaken during December, January, February, or March unless soil conditions are suitable. However, if you request us to trench under adverse conditions and will make payment to us for any additional costs to us over and above the trenching cost stated above, we will proceed with the installation.

The future maintenance of our electric lines in the proposed easements does not include repair of damage to our lines and equipment caused by you, your contractors, agents, employes, successors and assigns. If such damage should occur, we would expect reimbursement for repairs.

For your convenience, we will bill you on terms of thirty (30) days.

Please sign three of the enclosed copies and return them. You may retain the fourth copy for your file.

Very truly yours,


Title: John Turner
Service Planner
Lapeer Office

ACCEPTED


Sec. Plan.

Date: May 6/1971

PLEASE EXPEDITE THIS MATTER!!!

RECORDED RIGHT OF WAY NO. 216746

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

TO Eng. Coordinator Supervisor -H-250 W.S.C. DATE 6-2-71 TIME _____

RE: UNDERGROUND ADVICE - Charbridge Arbor Co-op - Lapeer - Lapeer County

Agreement-essment-restrictions obtained. OK to proceed with construction.

COPIES TO: J. Turner - Lapeer Office

SIGNED P.A.M.
P. A. Marquardt
Law Department

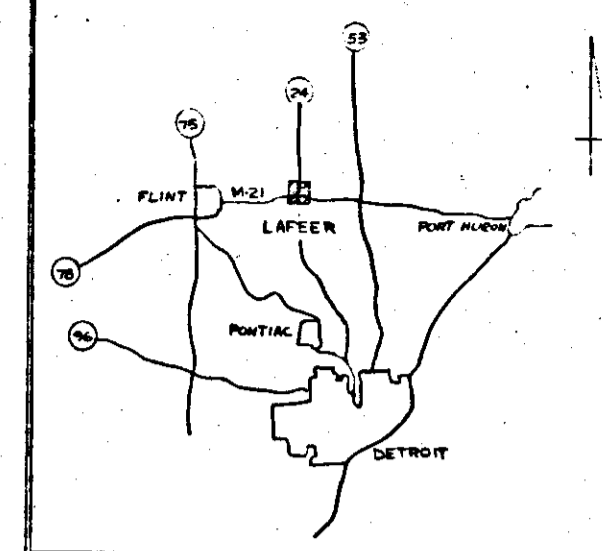
REPORT _____

DATE RETURNED _____ TIME _____ SIGNED _____

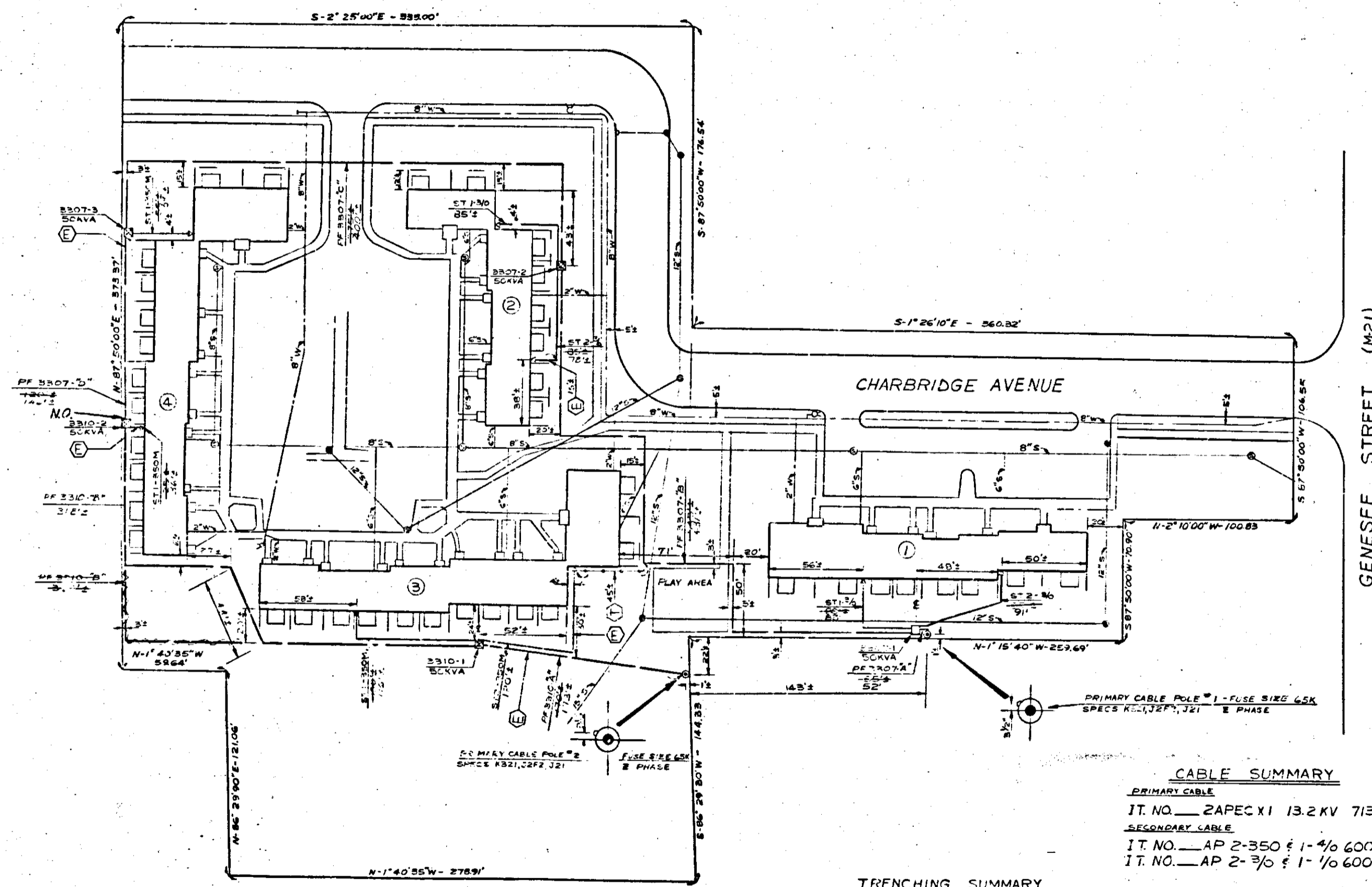
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MAP LOCATION
NO SCALE



- PAD MOUNT TRANSFORMER
- PAD MOUNT TRANSFORMER WITH SWITCHING
- SECONDARY PEDestal
- PRIMARY SWITCH CABINET
- CABLE POLE
- SECONDARY TERMINAL
- DIRECTION TRANSFORMER DOOR OPENING
- D.P.L. LIGHT FIXTURE
- BURIED PRIMARY CABLE ALL VOLTAGES
- BURIED SECONDARY MAIN OR D.P.L. CABLE
- DETROIT SECTION TRENCH ONLY
- M.B.T. CO. TRENCH ONLY
- PROPOSED CONDUIT
- SEWER
- WATER
- GAS
- BURIED CUSTOMER CABLE

NOTES

1. M.B.T. TO DO ALL TRENCHING & BACKFILLING
2. DE CO SERVICE PLANNER JOHN TURNER LAPEER OFFICE EXT 4257
3. DE CO CONSTRUCTION SUPERVISOR TED DAVIS RM 417 BLDG "A" WSC EXT 82413 OR 82416
4. M.B.T. PLANT ENGINEER GENE GARWOOD 664-6931 502 BEACH FLINT, MICH.
5. FOR TRENCHING DETAIL SEE SPEC R-100U DET "B" FOR PRIMARY & R-100A-JU DETAIL "A" FOR SECONDARY
6. FOR TRANSFORMER CONSTRUCTION METHODS SEE SPEC. R-7

TITLE BLOCK

D.O.	11 94500
R.D.	36787300
START	6-14-71
FIN.	6-15-71
FORERMAN	R. KLIMBERL
NOTES	R. KLIMBERL
SUPERVISOR	T. DAVIS
RECORDS	A. SAWICKI

DET. NO.	SIZE	ED STK. NO.
3307-1	SOKVA	661-1152
3307-2	"	"
3307-3	"	"
3310-1	"	"
3310-2	"	"

TRANS. MAT DRWG. UI-1-2369
TRANS. SPEC. R-351-E & R21

CABLE SUMMARY

PRIMARY CABLE
IT. NO. — ZAPEC X1 13.2KV 713-3029 = 1430±

SECONDARY CABLE
IT. NO. — AP 2-350 & 1-1/0 600V 713-0537 = 365± 331'
IT. NO. — AP 2-3/0 & 1-1/0 600V 713-0536 = 335± 337'

TRENCHING SUMMARY

JOINT TRENCHING = 975± 993'
D.E.CO TRENCHING ONLY = 670± 680'
M.B.T. TRENCHING ONLY = 45± 45'
TOTAL TRENCHING = 1690± 1718'

PERMITS

CITY OF LAPEER
(NOTIFICATION ONLY)

M.B.T. JOB NO. T-92496

WO 36787300

8300
DIST. CIR. 14670 RIFLE 13.2KV

D	C	B	A	OTHER APPROVAL	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE
"CHANGE TO SHOW AS INSTALLED IN THE FIELD"				DRAWN BY: D. DEBUS 5-12-71		CHECKED BY: J. TURNER 5-7-71		APPROVED BY: [Signature] 5-7-71		STATE: DIRECT BURED		PROJECT: CHARBRIDGE ARBOR COOP		SCALE: 1" = 30'		SHEET: 1 OF 1 SHEETS		DRAWING NUMBER: U-94500	
CITY OF LAPEER										THE DETROIT Edison COMPANY SERVICE PLANNING DEPARTMENT									

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