

APARTMENTS

71 81572

AGREEMENT - EASEMENT - RESTRICTIONS

2-11/34

This instrument made this 27th day of June, 19 71, 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 590 and 610 Elmwood, on land in the City of Clawson, County of Oakland, 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 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.

RECORDED RIGHT OF WAY NO. 274859

DE FORM LE 11 1-71 CS

This easement is re-recorded for the purpose of showing the planned "as installed" centerlines of easements granted as shown on the drawing attached hereto.

-1-

1971 JUN 28 AM 8 40
 DETROIT COUNTY DEEDS RECORDS
 610 Elmwood - 590
 500 Wood Ave.
 8.00 sq. ft.

Subj: 1.50/3 (590E)

Ray R. 3d

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

Marsha Pavelka
MARSHA PAVELKA

Karen Guenther
KAREN GUENTHER

THE DETROIT EDISON COMPANY

By W. G. Arnold
By Lillian J. H. Carroll
W. G. ARNOLD, DIRECTOR
LILLIAN J. H. CARROLL, ASST. SECRETARY
Real Estate and Rights of Way Dept.

MICHIGAN BELL TELEPHONE COMPANY

By Carl T. Hall
By _____
CARL T. HALL STAFF SUPERVISOR
(Authorized Signature)

RECORDED RIGHT OF WAY NO. 17267

In the Presence of:

James J. Fardell
JAMES J. FARDELL
Celia M. Fardell
CELIA M. FARDELL

Elsworth F. Brown
Elsworth F. Brown
Florence E. Brown
Florence E. Brown, his wife
160 Jefferson, Clawson, Michigan

James W. Horton
James W. Horton
Doris L. Horton
Doris L. Horton, his wife
516 N. Wilson, Royal Oak, Michigan

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

On this 7th day of JUNE, 1971, before me the subscriber, a Notary Public in and for said County, personally appeared ELSWORTH F. BROWN and FLORENCE E. BROWN, his wife, known to me to be the persons who executed the foregoing instrument and acknowledged the same to be their free act and deed.

James J. Fardell
JAMES J. FARDELL
Notary Public, Oakland County, Michigan
My Commission Expires Feb 26, 1974

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

On this 7th day of JUNE, 1971, before me the subscriber, a Notary Public in and for said County, personally appeared JAMES W. HORTON and DORIS L. HORTON, his wife, known to me to be the persons who executed the foregoing instrument and acknowledged the same to be their free act and deed.

James J. Fardell
JAMES J. FARDELL
Notary Public, Oakland County, Michigan
My Commission Expires Feb 26, 1974

APPENDIX "A"

Land in the City of Clawson, City of Oakland, State of Michigan, described as: Lots 50, 51, 52 and 53, Samuel Groves Subdivision of a part of Section 34, Town 2 North, Range 11 East, Oakland County, Michigan, according to the plat thereof as recorded in Liber 18, Page 31 of Plats, Oakland County Records.

PREPARED BY: Peter A. Marquardt
2000 Second Avenue
Detroit, Michigan 48226

RETURN TO: James C. Wetzel
2000 Second Avenue - Rm. 226
Detroit, Michigan 48226

RECORDED RIGHT OF WAY NO. 87359

STATE OF MICHIGAN)
) SS.
COUNTY OF WAYNE)

On this 9th day of June, 1971, before me the subscriber,
a Notary Public in and for said County, appeared W. C. Arnold and
Lillian J.H. Carroll, to me personally known, who being by me duly sworn
did say they are the Dir., 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 instru-
ment is the corporate seal of 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.

Irene C. Kato
IRENE C. KATO
Notary Public, Wayne County, Michigan

My Commission Expires: June 24, 1972

1971 OCT 18 AM 10 37
LYNN D. ALLEN
CLERK-REGISTER OF DEEDS
MICHIGAN BELL TELEPHONE COMPANY
REGISTER OF DEEDS RECORDS

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

On this 14th day of June, 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 the Staff
Supervisor of Right of Way authorized by and for MICHIGAN BELL TELEPHONE COMPANY,
a Michigan corporation, and that said instrument was signed in behalf of said cor-
poration, by authority of its Board of Directors, and CARL T. HALL
acknowledged said instrument to be the free act and deed of said corporation.

Melford Hartman
Notary Public, Oakland County, Michigan

My Commission Expires: _____

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

ORDERED RIGHT OF WAY NO: 24259

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

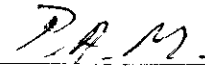
TO Eng. Coordinator Supervisor - H-250 W.S.C. DATE 6-8-71 TIME _____

Re: UNDERGROUND SL. ICE - 590 & 610 Elmwood - Claws - Oakland County

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

COPIES TO D. Harris - Pontiac Ser. Ctr.

SIGNED



**P. A. Marquardt
Law Department**

REPORT _____

DATE RETURNED _____

TIME _____

SIGNED _____

THE DETROIT EDISON COMPANY
2000 SECOND AVENUE
DETROIT, MICHIGAN 48226

May 25, 1971

**Mr. James Horton
516 N. Wilson
Royal Oak, Michigan**

Re: 590 and 610 Elmwood

Dear Mr. Horton:

Enclosed is the original and three copies of the Agreement-Easement-Restrictions for the above described project. Please have the original and two copies executed and returned to us. We will then have the officers of Bell and Edison execute the Agreement and return a fully executed copy to you. The fourth copy should be retained by you until you receive the fully executed copy from us

In order to comply with the recording statutes of the State of Michigan, please have two separate witnesses. The notary can be one of the witnesses. Also, print or type the names of all parties signing the documents, including witnesses and notary.

Your attention is called to Paragraph No. 3 of this Agreement, whereby you would be responsible for any damages which might occur to the Company's underground lines after installation. It is, therefore, extremely important that not only you, but any contractors working for you, exercise due care to avoid any damage.

Prompt return of these instruments, fully completed, will assist in prompt scheduling of our work to be completed in your project. Please return all documents to:

Peter A. Marquardt, Room 226, 2000 Second Avenue, Detroit, Michigan 48226 (phone number 962-2100, extension 2571).

Very truly yours,

P.A.M.

**Peter A. Marquardt
Law Department**

:ss

Enclosures

RECEIVED OF WAY NO. 4-7-75

May 24, 1971

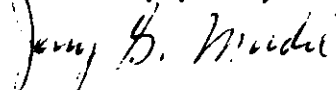
Mr. Richard Graham
City Engineer
City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084

Dear Mr. Graham:

We are enclosing herewith an application for a permit to construct underground residential distribution to Elmwood Avenue Apartments, located at Elmwood and Rochester Roads, City of Troy, as shown on Drawing U-63024.

It is understood that this application or the acceptance thereof by issuance of the permit requested will not in any way be construed to grant any rights to The Detroit Edison Company except as to the consent therein specifically given, nor to impair any wise any existing rights granted in accordance with the constitution or laws of this state.

Very truly yours,



Jerry G. Mudie
Supervisor
Civic and Community Affairs Dept.

JGM/gd
Encs.

bcc. R. R. Bond
J. C. Wetzel ✓

RECORDED INDEXED ON MAY NO. 27259

27259

THE DETROIT EDISON COMPANY

2000 SECOND AVENUE
DETROIT, MICHIGAN 48226

October 11, 1971

Mr. James Horton
516 N. Wilson
Royal Oak, Michigan

Re: Elmwood Avenue Apartments

Dear Mr. Horton:

We are enclosing herewith a copy of the "as installed" drawing number U-63024, for the underground electric and communication services for the above named project.

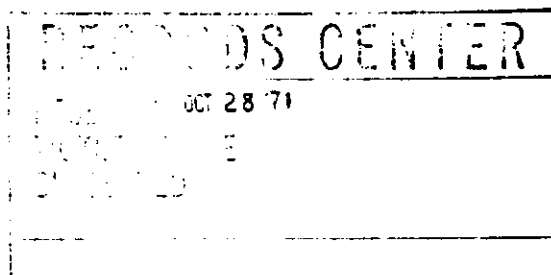
Very truly yours,

P. A. M.

Peter A. Marquardt
Law Department

PAM: lhd

Enclosure



RECORDED RIGHT OF WAY NO. 27259

THE DETROIT EDISON COMPANY
2000 SECOND AVENUE
DETROIT, MICHIGAN 48226

June 22, 1971

Mr. James Horton
516 N. Wilson
Royal Oak, Michigan

Re: 590 and 610 Elmwood

Dear Mr. Horton:

We are enclosing herewith a fully executed copy of the Agreement dated June 7, 1971, for the underground electric and communication services for the above named project.

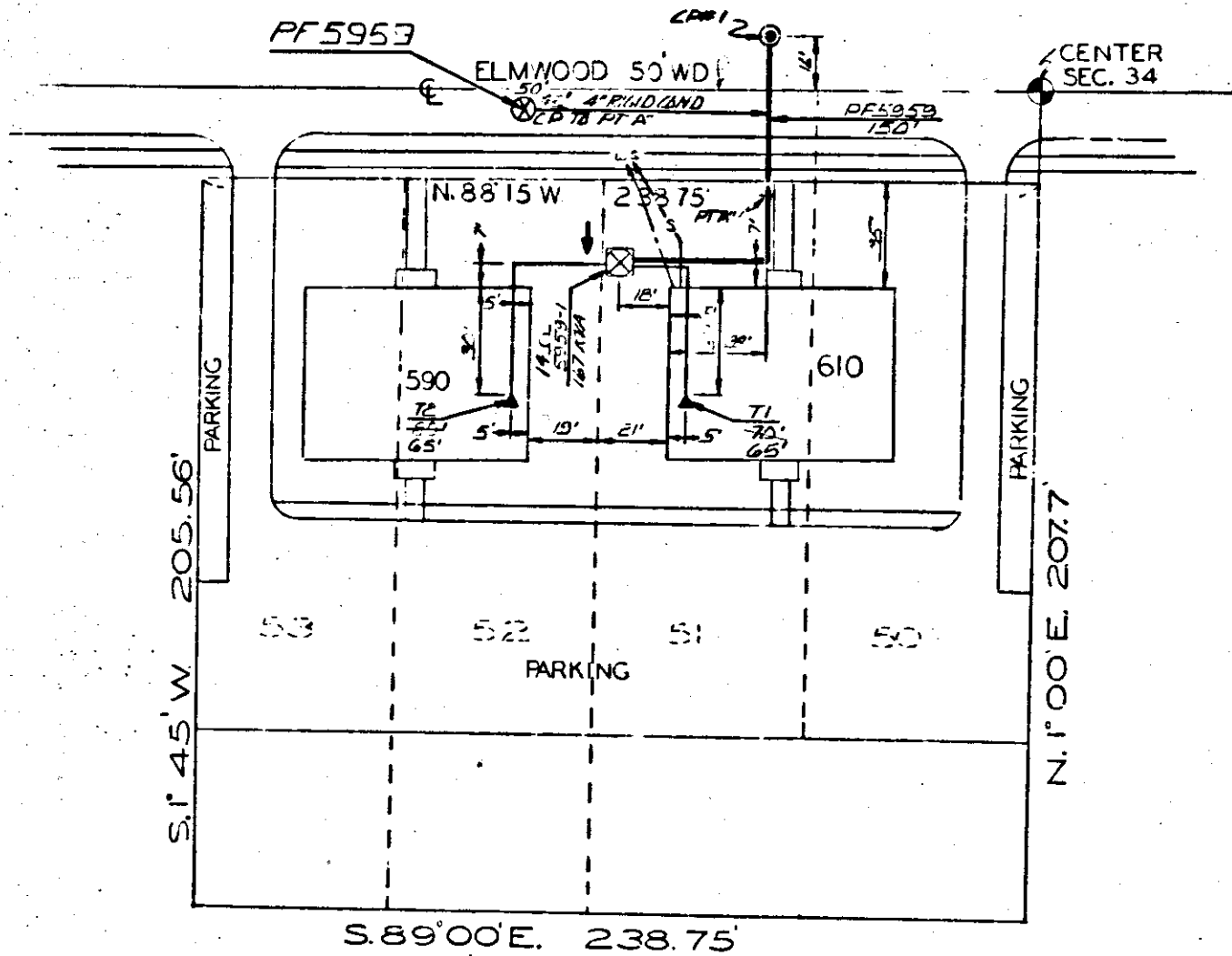
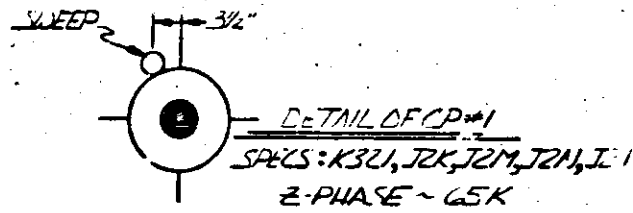
Very truly yours,

P. A. M.
Peter A. Marquardt
Law Department

/sa
Enc.

RECORDED - RIGHT OF WAY NO.

27259



NOTES
 TRENCHING BY DECO
 ALL TRENCH & CABLE LENGTHS ARE APPROXIMATE
 SEE DRWG U1-1-2369 FOR TRANS MAT DETAIL
 SEE CSD 675-2 DEF "D" FOR SERVICE ENTRANCE METHOD
 DELO SERVICE PLANNER: R. BOND ~ PHONE: 334-4101 EXT 75231
 MBT ENGINEER: I. CEGAREK ~ PHONE 542-9957
 CONTACT CONSUMERS POWER CO. PRIOR TO CONSTRUCTION
 FOR STAKING OF GAS MAINS

CABLE SUMMARY
PRIMARY
 ITEM NO. 2APEX1 132KV 713-3029 = 150'
SECONDARY
 ITEM NO. AP2-35DM 1/2 1-3/8 600V 713-0537 = 130'

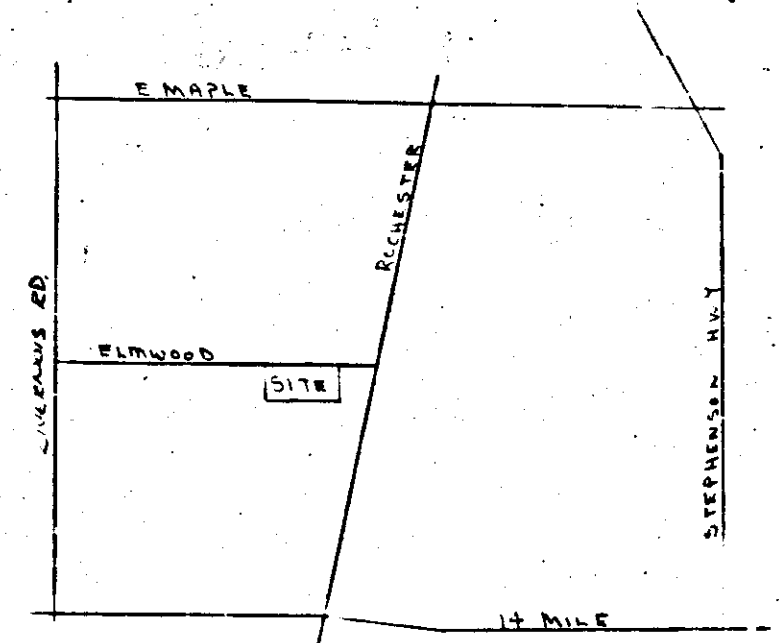
TRENCH SUMMARY
 ALL JOINT - 140' - 166'
 TOTAL - 140' - 166'

TRANSFORMER DATA			21 UNITS TO BE SERVED
DFT	SIZE	ED. STR. NO.	
5953-1	167K. 7	641-1154	

TRANSFORMER SPECS: R. 35E, R. 21

DIST CIR 8241 MAUMEE 132KV

PERMITS REQUIRED
 CITY OF TROY
 CITY OF CLAWSON



UG TRY 105-1

CODE

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

TITLE BLOCK

DD U-63024
 WD 367B4J323
 START-8-9-71
 FINISH-8-12-71
 LABOR-DE CO
 EXCAVATOR-UNION EXC.
 FOREMAN-S FRONTIERA
 SUPERVISOR-C GEDERS
 RECORDS-P ERWIN

D REVISION				C REVISION				B REVISION				A REVISION				REFERENCE	NAME	DATE	STATION	THE DETROIT EDISON COMPANY SERVICE PLANNING DEPARTMENT	
REVISED TO SHOW AS INSTALLED JOB COMPLETE												ELMWOOD AVE. APTS PART OF SEC. 34 T2N. R11E.	SPENCE	4-28-71		SCALE 1"=30'	LAYOUT NO. NO.				
DRAWN BY				CHECKED BY				APPROVED BY				DATE	DATE	DATE	DATE	DATE	DATE	DATE	DRAWING NUMBER	SHEET	
MADE BY				MADE BY				MADE BY				DATE	DATE	DATE	DATE	DATE	DATE	U-63024	1	OF 1	

WD# 367B4 J 323
 MBT JOB NO 1578
 LAYER REVISION A

RECORDED RIGHT OF WAY NO. 27259