AGREEMENT - RESTRICTIONS

This instrument made this 5th day of November , 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 referred to as "EDISON" and MICHIGAN EELL TELEPHONE COMPANY, a Michigan corporation of 1365 Cass Avenue, Detroit, Michigan, 48226, hereinafter referred to as "HELL".

WITNESSETH:

A	parcel	of lar	nd has	been	subdivided	in	the	Tomship	of
Lepez				1	epeer		County,	State of Michig	an,
described as	9:								

Lori-Marie Subdivision: part of the S.E. 2 of Section 11, T/H, RlOE, Lapeer Township, Lapeer County, Michigan, as recorded in Liber 5, Page 32, Lapeer County Plat Records.

And, WHEREAS 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 said underground utility services 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) In addition to the easements set forth in the plat, owners agree to grant by separate instrument, additional easements deemed necessary for electric and communication utilities.
- (3) Owners will place survey stakes indicating property lot lines before trenching.
- (4) Where, sewer lines will parallel electric and communication lines, sewer taps must be extended into each lot for a distance of one (1') foot beyond the <u>easement</u> limits. Underground sewer and water lines may cross but shall not be installed parallel within the six (6') foot easements used for electric and communication facilities.
- (5) Owners must certify to EDISON and RELL that the easements are graded to within four (4") inches of final grade before the underground facilities are installed.

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- (6) No excavations (except for public utility purposes) and no structures or permanent apparatus of any kind (except line fences and driveways) shall be allowed within the public utility easements used by EDISON and BELL. EDISON and BELL shall have no liability to Owners for removal of trees or plant life lying within said easements which, in the sole opinion of EDISON and BELL, interfere with their facilities or when removal is necessary to repair and maintain their underground service facilities.
- (7) Owners to provide for clearing the easements of trees, large stumps and obstructions.
- (8) No shrubs or foliage shall be permitted on Owners property within five (5') feet of the front doors of transformers or switching cabinets.
- (9) Owners further agree that if subsequent to the installation of the utility facilities of EDISON or 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 time damage occurred.
- (10) Owners hereby grant EDISON and EELL the right to install their secondary service and communication lines from termination of utility facilities to meter or communication terminal point as the case may be.
- (11) Owners of each lot will pay EDISON for service lateral conductors an amount equal to the straight line measurement in feet from the termination of utility facilities at the front or rear property line to Owners meter entrance multiplied by \$1.25. Where special routing is required, the charge of \$1.25 per foot will apply to the route of the line as installed. These charges are subject to change and modification by Orders issued, from time to time, by the Michigan Public Service Commission.
- (12) EDISON will own and maintain the secondary service laterals from the property line to Owners meter location except such costs or expenses incurred as set forth in Paragraph (9) above shall be borne by Owners.

This Agreement-Restrictions shall run with the land and shall inure to the benefit of and be binding upon the respective heirs, administrators, executors, personal representatives, successors and assigns of the parties hereto.

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

THE DETROIT EDISON COMPANY. IN THE PRESENCE OF: ARNOLD, DIRECTOR state and Rights of Way Dept. THE MICHIGAN EELL TELEPHONE COMPANY (Authorized signature) CONFORT HOMES INC., A Michigan Corporation 3297 Orchard Lake Keego, Harbor, Michigan Pamela E. Pinter . Cornell, Mary A. Cornel 824 M. Vilder Lapour, Michigan AS TO LOT 3

RECORDED RIGHT OF WAY NO.

814 S. Wilder Lapeer, Michigan

Elmer Cornell Latina G Blake Patricia A. Blake Reverly L. Blake	Milland Pender Hilland Pender Hebrig Pender, his vife 1917 Clark Rel Lapoer, Michigan
Elmer Cornell Colucia Blake Patriola A. Blake Beverly K. Blake	James 19 James
severally duly sworn, did say that the President of Comfort Homes Inc., a of the State of Michigan and that the behalf of said corporation by suthout	\tilde{A}
a Notary Public in and for said Cou	November, 1971, before me, the subscriber aty, personally appeared Elmer Cernell and Mary norm to be the persons named in and who executed

the within instrument and acknowledged that they executed the same as their free

act and deed for the intents and purposes therein mentioned.

My Commission expires: 2/9/25

LADEER County, Michigan

RECORDED RIGHT OF WAY NO

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STATE OF MICHIGAN)
COUNTY OF WAYNE)
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subscriber, a Nothry Public in andersusyid County, Personally appeared
and
to me Whereoram gldmown, who being by me duly! diden, did Gayrellat they are
of THE PROPERTY COMPANY, a corporation organization of Sacretation 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 acknowledged sate of the free action and deed corporation.
acknowledged saturalistrument to be the free action deed correlated Corporation.
My Commission expires: June 24, 1972 Notary Public RENE C. KATA
County, Michigan
Wayne County, Filtingan
V
COMA DE ACCULTO AND A
STATE OF MICHIGAN) COUNTY OF OAKLAND) SS
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On this 28th day of January, 1972, before me the sub-
scriber, a Notary Public in and for said County, appeared Phillip G. Hilzinger
to me personally known, who being by me duly sworn, did say that he is Area
Engineer, 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 Phillip G. Hilzinger
acknowledged said instrument to be the free act and deed of said Corporation
Melfort Hartman Notary Molic
Notary Public
My Commission expires: County, Michigan

MELFORD HARTMAN

Notary Public, Weyne County, Michigan
Acting In Certified County

Vy Commission X 128 1 1975

MEMORANDUM ORDER FOR GENERAL USE DE FORM MS 77 12-53	TO Engineering Coordinator S	spervisors DATE 2-1-72 TIME
	Bldg. H * Room 250 W.S.C.	
	RE: Underground Service - Lo	ri-Marie Sub., Lapeer Twp., Lapeer County
		obtained - OK to proceed with construction.
COPIES TO: J. Turner	- Lapeer Office	SIGNED Brant W. Balli
REPORT File		Robert W. Boelio Staff Attorney
DATE RETURNED	TIME	SIGNED



