

RE-RECORD

G570905
F689767

BRISTOL HILL APARTMENTS

LI 18009 PA 805

APARTMENTS

LI 21095 PA 518

AGREEMENT - EASEMENT - RESTRICTIONS

This instrument made this 25th day of January, 1972, 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 BRISTOL HILL APARTMENTS, on land in the City of Trenton, County of Wayne, 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. However, secondary electric service and communication entrance line locations, as shown on an installed drawing are not guaranteed; actual locations can be determined after contact with utilities.

(5) Owners to pay the cost of conduit for electric and/or communication facilities to accomodate patios or similar site conditions.

(6) Easements herein granted are subject to the following restrictions and additional conditions:

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.

"THIS EASEMENT IS RE-RECORDED FOR PURPOSES OF SHOWING THE PLANNED "AS INSTALLED" CENTERLINES OF EASEMENTS GRANTED AS SHOWN ON DRAWING ATTACHED HERETO."

RECORDED MAR 10 1972 AT 1223 P M
BERNARD J. YOUNGBLOOD, Register of Deeds
WAYNE COUNTY, MICHIGAN 48226

RECORDED MAR 12 1972 AT 11 54 A M
BERNARD J. YOUNGBLOOD, Register of Deeds
WAYNE COUNTY, MICHIGAN 48226

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- 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.
- 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. Owners to pay to utility concerned the extra trenching costs involved if trenching is required while ground is frozen.
- 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

Linda M. Loffman
LINDA M. LOFFMAN

Marsha Pavelka
MARSHA PAVELKA

James J. Daskaloff
James J. Daskaloff

Joan P. Mingo
Joan P. Mingo

THE DETROIT EDISON COMPANY

By W.C. Arnold
W.C. ARNOLD, DIRECTOR
Real Estate and Rights of Way Dept.

By Lillian J.H. Carroll
Lillian J.H. Carroll, Assistant Secretary

MICHIGAN BELL TELEPHONE COMPANY

By William F. Murray, Jr.
WILLIAM F. MURRAY, JR.
ACTING Staff Supervisor, Right of Way
(authorized signature)

-2-

RIVER RAISIN VILLAS,
a Michigan Co-Partnership

By Clarence Petree
Clarence Petree, a
General Partner

RECORDED RIGHT OF WAY NO. 28190

STATE OF MICHIGAN)
) SS.
COUNTY OF WAYNE)

On this 10th day of February, 1972, 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 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 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. KATA
IRENE C. KATA
Notary Public, Wayne County, Michigan

My Commission Expires: June 24, 1972

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

On this 15th day of February, 1972, before me the subscriber,
a Notary Public in and for said County, appeared WILLIAM F. MURRAY, JR.
to me personally known, who being by me duly sworn did say that he is the ^{Acting} 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 WILLIAM F. MURRAY, JR.
acknowledged said instrument to be the free act and deed of said corporation.

Melford Hartman
Notary Public, Oakland County, Michigan

My Commission Expires: _____

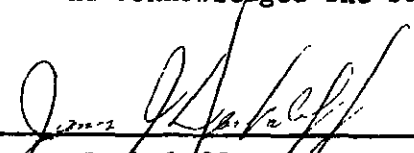
PREPARED BY: Robert W. Boelio
2000 Second Avenue
Detroit, Michigan 48226

MELFORD HARTMAN
Notary Public, Wayne County, Michigan
Acting In Oakland County
My Commission Expires Sept. 15, 1975

RECORDED RIGHT OF WAY CO. 28190

STATE OF MICHIGAN)
) SS.
COUNTY OF WAYNE)

On this 25th day of January, 1972, before me the subscriber, a Notary Public in and for said County, personally appeared CLARENCE PETREE, a general partner, doing business as RIVER RAISIN VILLAS, a Michigan Co-Partnership, to me known, and who executed the within instrument and acknowledged the same to be his free act and deed for the Co-Partnership.


James J. Daskaloff
Notary Public, Oakland County, Michigan
Acting in Wayne County
My Commission Expires September 22, 1974

APPENDIS "A"

A parcel of land being a part of the Southeast 1/4 of Section 23, Town 4 South, Range 10 East, City of Trenton, Wayne County, Michigan, more particularly described as:

Beginning at a point on the South Line of Section 23, Town 4 South, Range 10 East said point being North 89°50' West 336.10 feet from the Southeast corner of said Section 23; thence North 89°50' West along the South line of said Section 23 (centerline of Van Horn Road, 66 feet wide) 856.50 feet to a point, said point being South 89°50' East 1428.68 feet from the South 1/4 corner of said Section 23; thence North 0°04'30" West 696.93 feet to a point on the Southerly line of the D.T. & I.R.R. right-of-way; thence South 85°36'30" East along the Southerly line of said Right-of-way, 859.10 feet to a point; thence South 0°04'30" East 633.64 feet to the point of beginning, containing 13.081 acres of land. Subject to the rights of the public over and across the South 33.00 feet thereof, said South 33.00 feet being the North 1/2 of Van Horn Road. 66 feet wide.

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

RETURN TO:
Real Estate, R/W & Claims
8001 Haggerty Rd. South
Belleville, Michigan 48110

Rm 134

RECORDED RIGHT OF WAY NO. 28190

INTERDEPARTMENT CORRESPONDENCE

REAL ESTATE AND RIGHTS OF WAY DEPARTMENT

October 10, 1972

MEMORANDUM TO:

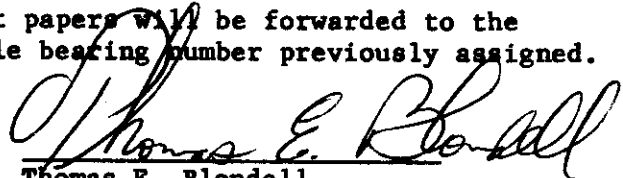
RUTH RUSH
Records Center
225 General Offices

Re: Agreement - Easement - Restrictions for underground residential distribution for Bristol Hill Apartments located in the SE ¼ of Section 23, T4S, R10E, City of Trenton, Wayne County, Michigan

Attached for the Records Center are the agreements covering the underground electric and communication services for the above named project. We are requesting the Records Center set up a file and forward to this department the Real Estate file number.

The agreement was negotiated by Thomas E. Blondell.

When the file is closed, all pertinent papers will be forwarded to the Records Center to be placed in the file bearing number previously assigned.



Thomas E. Blondell
Real Estate Representative

TEB/cc
Attachment

RECORDS CENTER
RECEIVED OCT 19 '72
TICKLER MADE
CLASSIFIED

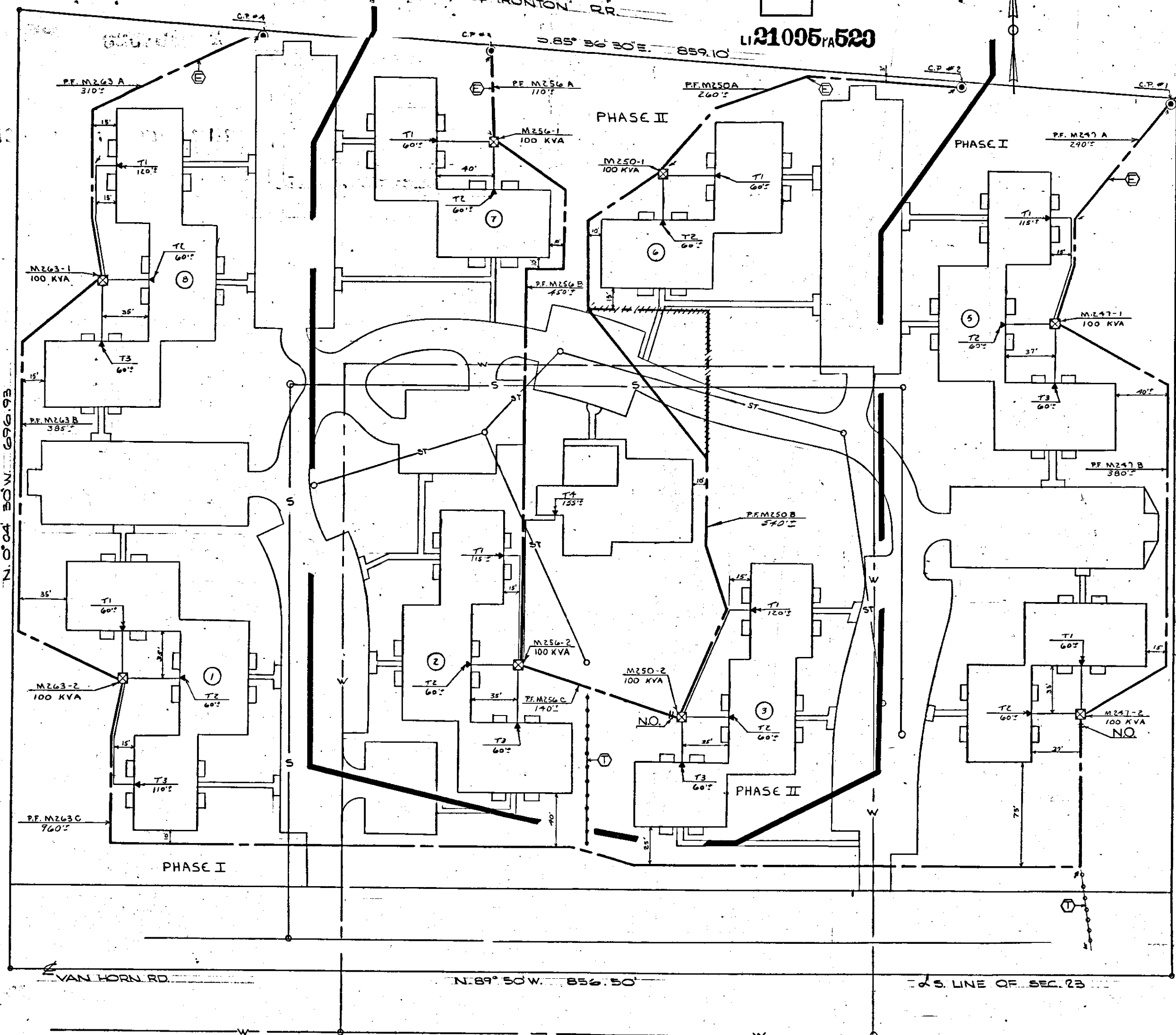
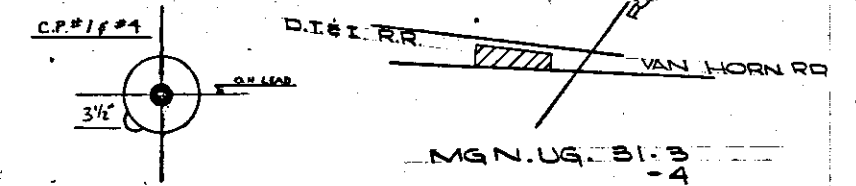
RECORDED RIGHT OF WAY NO. 28190

LI 21095 PA 522

LI 21095 PA 524

LI 21095 PA 523

DETROIT TOLEDO & IRONTON RR



- NOTE TO FOREMAN:
JOB SUPERINTENDENT
TELEPHONE NUMBER
- PAD MOUNT TRANSFORMER
 - PAD MOUNT TRANSFORMER REAR FRONT
 - PAD MOUNT TRANSFORMER WITH SWITCHING
 - SECONDARY METER
 - PRIMARY SWITCH CABINET
 - CABLE POLE
 - SECONDARY TERMINAL
 - DIRECTION TRANSFORMER DOOR OPENING
 - O.P.L. LIGHT FIXTURE
 - RUPED PRIMARY CABLE - ALL VOLTAGES
 - RUPED 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

GENERAL NOTES

ALL TRENCHING AND BACKFILLING BY D.E. CO.
ALL CABLE LENGTHS ARE APPROXIMATE
SEE DRAWING UI-1-2369 FOR CONC. MAT. DETAIL
D.E. CO. CONSTRUCTION SUPERVISOR: MR. FELDMER
T.D. WANG DIST. OFF. PHONE 902-2100 EXT. 79-269
M.B.T. ENGINEER: MR. DREAN, 19366 ALLEN RD.
TRENTON - PHONE 282-9974
M.B.T. CONTROL FOREMAN PHONE 676-9905
NO. OF UNITS: 6B (PHASE I), 7G (PHASE II)
WORK ORDER 367B133-425

CABLE SUMMARY

PRIMARY CABLE	PHASE I	PHASE II
IT. NO. 155 #2 APCC x 1 13.2 K.V. (113-3024)	2,400'	1,150'
SECONDARY CABLE		
IT. NO. 137 350 AP x 2 40 x 1 600V. (113-0837)	875'	1,000'

TRANSFORMER SIZE

U.D.T.	SIZE	ED. NO.	PHASE
M247-1	100 KVA	661-1153	PH I
-2	100 KVA	661-1153	PH II
M250-1	100 KVA	661-1153	PH II
-2	100 KVA	661-1153	PH II
M256-1	100 KVA	661-1153	PH II
-2	100 KVA	661-1153	PH II
M263-1	100 KVA	661-1153	PH I
-2	100 KVA	661-1153	PH I

TRANS. SPEC'S: R21 R3516 & M321
PNEUM. SPEC.: R-13

TRENCHING SUMMARY

JOINT	PHASE I	PHASE II
Use	2,200'	1,350'
M.B.T. ONLY	60'	120'
D.E. CO. ONLY	290'	270'
TOTAL	2,550'	1,740'

CABLE POLE INFO

CP#1 L.N. VAN HORN 11 P.W. FORT... 65K FUSES... TAP "Y" D.
CP#2 L.N. VAN HORN 12 P.W. FORT... 65K FUSES... TAP "X" D.
CP#3 L.N. VAN HORN 14 P.W. FORT... 65K FUSES... TAP "Y" D.
CP#4 L.N. VAN HORN 15 P.W. FORT... 65K FUSES... TAP "Y" R.

PERMITS REQ'D
CITY OF TRENTON

D.C. #8093 ACME
13.2 K.V.

- LEGEND
- WATER - W
 - SAN. SEWER - S
 - STORM SEWER - ST

VALLEY RD.

D	C	B	A	OTHER APPROVAL	DATE	STATION
AS INSTALLED IN FIELD FOR RECORDING			RELOCATE T.P. M250A/B, RELOCATE UDT M250-1		7-5-72	BRISTOL HILL APTS.
					7-5-72	
					7-5-72	

CITY OF TRENTON WAYNE CO U-30130 SHEET 1 OF 1 SHEETS

THE DETROIT EDISON COMPANY
SERVICE PLANNING DEPARTMENT
SCALE: 1" = 30'
LAYOUT JOB NO. U-30130
DRAWING NUMBER U-30130

RECEIVED MICH.
WAYNE COUNTY

991 MAR 12 PM 1 54

FURST, YOUNGBLOOD
REGISTER OF DEEDS

1281-0336 000666 TA 000500

150

RECORDED RIGHT OF WAY NO. 28190

RETURN TO:
Real Estate, R/W & Claims
8001 Haggerty Rd. South
Belleville, Michigan 48111

RM 134

RETURN TO:
Real Estate, R/W & Claims
8001 Haggerty Rd. South
Belleville, Michigan 48111
RM 134