

APARTMENTS
THIS INSTRUMENT IS RE-RECORDED
WITH "AS INSTALLED" DRAWING
AS STIPULATED IN PARAGRAPH 4.
F777161

G519847
RE-RECORD

LI 20915 PA 580
LI 18301 PA 59

AGREEMENT - EASEMENT - RESTRICTIONS

This instrument made this _____ day of _____, 19____, 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~~ ^{Condominiums} known as Rushmore Condominiums North _____, on land in the _____ City _____ of _____ Taylor _____

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 and 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 "as 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 accommodate 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 Orders 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.

F777161

RE-RECORD

G519847

28268

RECORDED JUL 29 1980 AT 351 P
FOREST E. YOUNGBLOOD, Register of Deeds
WAYNE COUNTY, MICHIGAN 48226

DRAFTED BY AND RETURN TO:
M. HARTMAN, MICHIGAN BELL
660 PLAZA DRIVE ROOM 1510
DETROIT, MICHIGAN 48226

RECORDED JAN 4 1973
BERNARD J. YOUNGBLOOD, Register of Deeds
WAYNE COUNTY, MICHIGAN 48226

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 assigned 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:

George Williams
GEORGE WILLIAMS

Irene C. Kata
IRENE C. KATA

Diana Kingstrom
DIANA KINGSTROM

Marsha Pavelka
MARSHA PAVELKA

Jason M. Horton
Jason M. Horton

Barbara E. Stewart
Barbara E. Stewart

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 ASST. SECRETARY

MICHIGAN BELL TELEPHONE COMPANY

By William F. Murray, Jr.
WILLIAM F. MURRAY, JR.
Staff Supervisor, Right of Way
(Authorized Signature)

FRANKLIN BUILDERS INC.
A Michigan Corporation
24315 Northwestern Hwy.
Southfield, Michigan

By Irving Seligman
Irving Seligman, President

By Jack Strickstein
Jack Strickstein, Executive Vice President

DRAFTED BY: AND RETURN TO:
MELFORD HARTMAN
MICHIGAN BELL TELEPHONE CO.
29350 SOUTHFIELD - ROOM 25
SOUTHFIELD, MICHIGAN 48076

PLEASE PRINT OR TYPE NAMES
UNDER ALL SIGNATURES

28268

STATE OF MICHIGAN)

SS

COUNTY OF WAYNE)

On this 26th day of December, 19 72, 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.

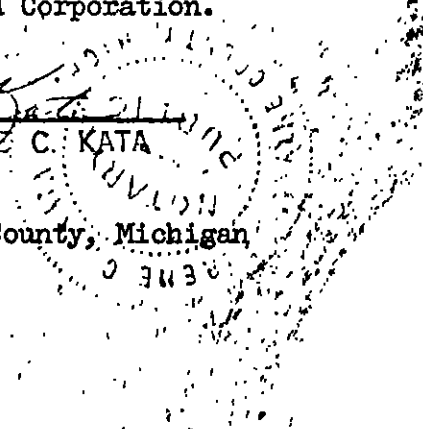
My commission expires: May 14, 1976

Irene C. Kata
Notary Public

IRENE C. KATA

Wayne

County, Michigan



STATE OF MICHIGAN)

SS

COUNTY OF OAKLAND)

On this 21st day of December, 19 72, 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 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 William F. Murray Jr. acknowledged said instrument to be the free act and deed of said corporation.

My commission expires: _____

Melford Hartman
Notary Public
County, Michigan

RECORDED
INDEXED
28268

STATE OF MICHIGAN)
)
) SS
COUNTY OF OAKLAND)

On this 20th day of December, 1972, before me appeared IRVING SELIGMAN and JACK STRICKSTEIN, to me personally known, who being by me severally duly sworn, did say that they are respectively PRESIDENT and EXECUTIVE VICE PRESIDENT of FRANKLIN BUILDERS 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 IRVING SELIGMAN and JACK STRICKSTEIN acknowledged the said instrument to be the free act and deed of the said corporation.

My Commission Expires: Sept. 8, 1973

Barbara E. Stewart

Notary Public Barbara E. Stewart

Wayne County, Michigan
Acting in Oakland County

Appendix "A"

Rushmore Condominiums North

Part of the Northwest 1/4 of Section 31, Town 3 South, Range 10 East, City of Taylor, Wayne County, Michigan, being more particularly described as follows: Beginning at a point which is along the North line of Section 31, N 85° 12' 00" E 2097.19 feet from the Northwest corner of Section 31, Town 3 South, Range 10 East; thence along the North line of Section 31, N 85° 12' 00" E 60.23 feet; thence S 00° 15' 06" W 809.90 feet; thence N 89° 23' 32" E 159.48 feet; thence N 00° 14' 55" E 21.60 feet; thence N 85° 12' 00" E 156.04 feet; thence S 00° 14' 45" W 906.28 feet; thence N 86° 11' 15" W 105.37 feet; thence S 87° 05' 23" W 446.98 feet; thence N 00° 15' 21" E 1292.66 feet; thence N 85° 12' 00" E 177.07 feet; thence N 00° 15' 06" E 383.00 feet to the point of beginning.

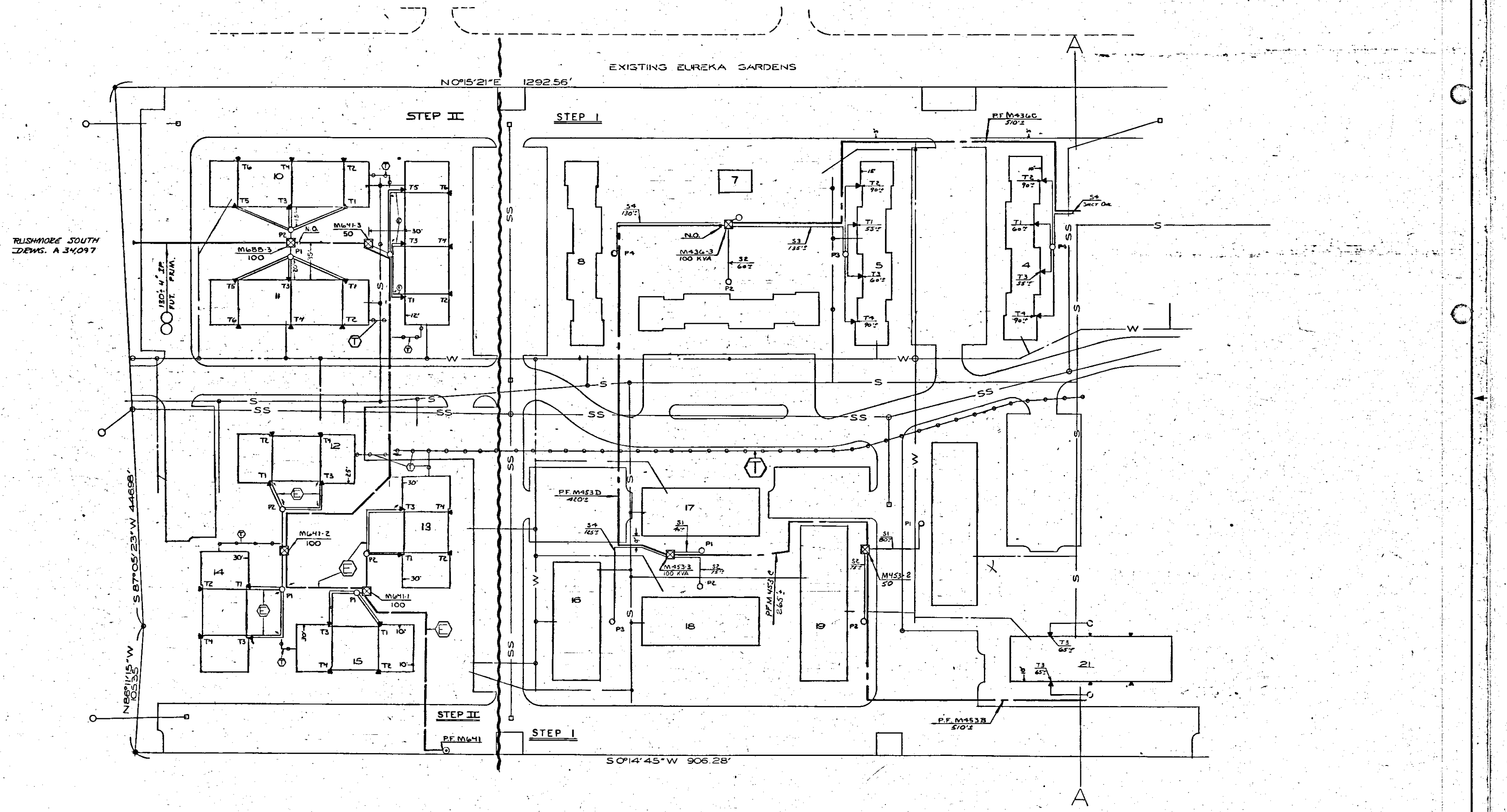
(607,553 Sq. Feet - 13.947 Acres)

proofread
RECORDED RIGHT OF WAY NO. 28268

L20915
P587

P588

P589



RUSHMORE SOUTH
DEWS. A 34,097

E	D	C	B	A	OTHER APPROVAL	DATE	STATION	THE DETROIT EDISON COMPANY SERVICE PLANNING DEPARTMENT	
AS INSTALLED IN FIELD FOR RECORDING	10116 M453-3 M453-2 TO 312 WALKER CHANGE SHOW PRESTALS.	ADD STEP II 367 B13 J-566	RELOCATED BLDG 19 AND PF M453-2 AS PER 367 B13 J-549	REVISED TO SHOW 3\"/>					
MADE BY 5-80	DATE 5-27-80	MADE BY 2-4-78	DATE 2-11-78	MADE BY 1-23-78	DATE 1-23-78	12-26-78	12-26-78	WAYNE CO	MICH
DRAWN BY CHECKED BY APPROVED BY								RUSHMORE NORTH PT. OF N.W. 1/4 SEC. 31 T3S R10E CITY OF TAYLOR	
DRAWING NUMBER UJ-30195								LAYOUT JOB NO. STEP II U-30195	
SHEET 2 OF 3								STEP III A-37-133	

RECORDED RIGHT OF WAY NO. 28268

RECORDED RIGHT OF WAY NO. 28268