

Recorded MAY 17 1976 of 802
NEWARK, MICHIGAN, Register of Deeds
LIBER 1038 PAGE 401

LIBER 995 PAGE 221

AGREEMENT - EASEMENT - RESTRICTIONS

This instrument made this 30th day of January, 1973, 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 Wanderl Apts. ^{5557 - 535} ^{R00013.00} DE

, on land in the Township of Port Huron, County of St. Clair, 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.

THIS INSTRUMENT BEING
RECORDED TO SHOW
"AS INSTALLED" DRAWING "

55571576500 E00009.00 DE

RECORDED RIGHT OF WAY NO. 28474

1500

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

TO Engineering Coordinator Supervisors
Building H, Room 250 W.S.C.

DATE 2-1-73

TIME _____

RE: Underground Service - Wandelt Apartments, Port Huron Township, St. Clair
County, Michigan.

Agreements and Easements obtained - OK to proceed with construction.

COPIES TO M. Houghton, Port Huron Office

SIGNED

Gerald S. Misiak

Gerald S. Misiak

REPORT File

Real Estate and Rights of Way Dept.

DATE RETURNED _____

TIME _____

SIGNED _____

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:

THE DETROIT EDISON COMPANY

Gerald S. Misiak
GERALD S. MISIAK

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

Irene C. Kata
IRENE C. KATA

By Evelyn Lehman
Evelyn Lehman Assistant Secretary

MICHIGAN BELL TELEPHONE COMPANY

Diana Kingstrom
DIANA KINGSTROM

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

Marsha Pavelka
MARSHA PAVELKA

Roy D. Page
ROY D. PAGE

William B. Wandelt
William B. Wandelt

Melford Hartman
MELFORD HARTMAN

Evelyn E. Wandelt
Evelyn E. Wandelt, his wife
5351 Robinwood Rd.
North Street, Mich. 48049

PLEASE PRINT OR TYPE NAMES UNDER ALL SIGNATURES

RECORDED RIGHT OF WAY NO

28474

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

STATE OF MICHIGAN)
) SS
COUNTY OF ST. CLAIR)

LIBER 995 PAGE 227

On this 30th day of January, 1973, before me, the subscriber, a Notary Public in and for said County, personally appeared WILLIAM B. WANDELT and EVELYN E. WANDELT, a man and wife, to me known to be the persons, named in and who executed the within instrument as vendor and acknowledged that they executed the same as their free act and deed for the intents and purposes therein mentioned.

My Commission Expires: _____

MELFORD HARTMAN
Notary Public, Wayne County, Michigan
My Commission Expires Sept. 15, 1978

Melford Hartman
Notary Public
_____, County, Michigan

Appendix "A"

Wandelt Apts.

The Southerly 100 feet of the Northerly 198 feet of the Southerly 396 feet of the East 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 6, Town 6 North, Range 17 East, Port Huron Township, St. Clair County, Michigan; Containing 1.517 Acres, subject to easements of Record.

proofread mp

REGISTERS OFFICE, FEB 15 1973
ST. CLAIR COUNTY)
Received for record the _____
day _____ A.D. 19 _____
at 11:40'clock A. M., and recorded in
Liber 995 of Deeds
on page 227
[Signature]
REGISTER OF DEEDS

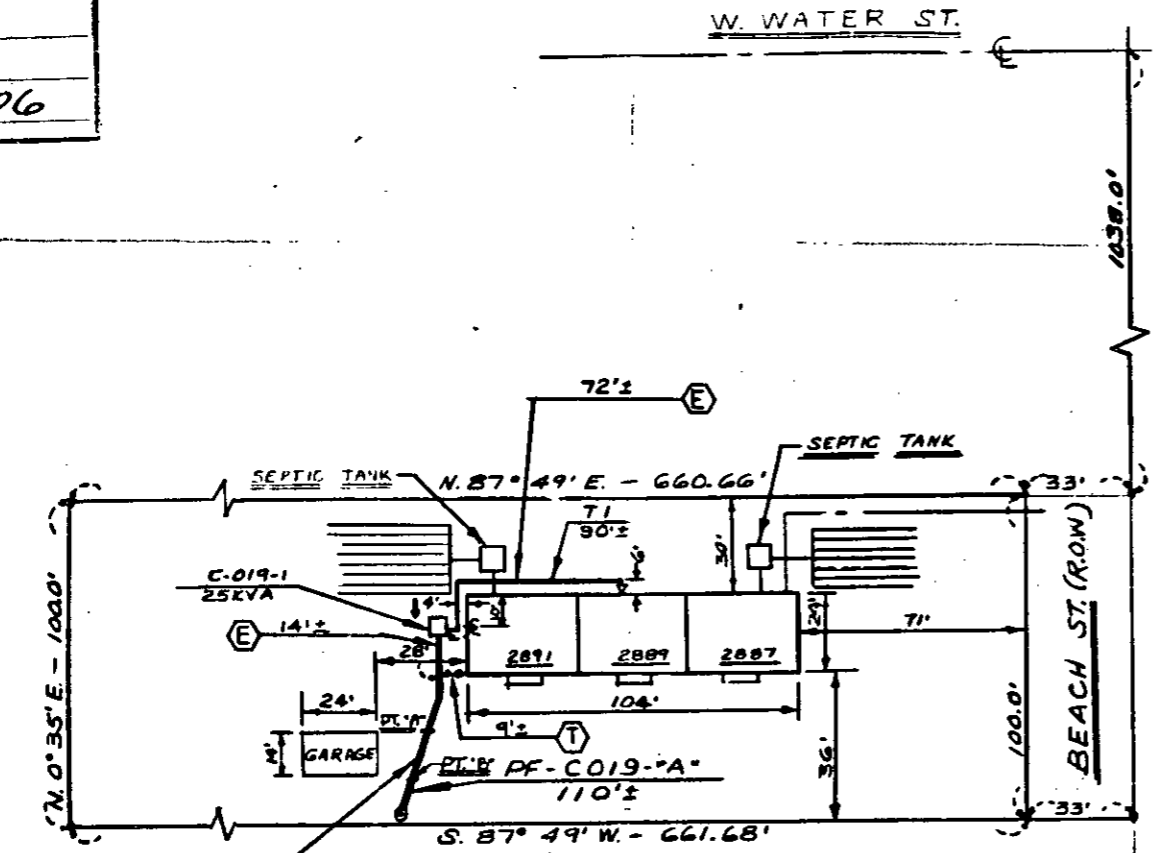
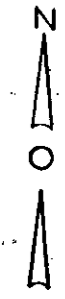
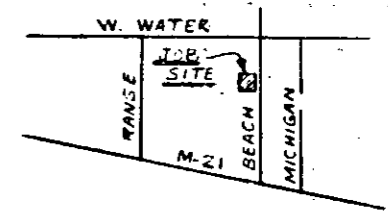
RECORDED PAGE OR MAY NO. 28494

Permit #
 Recorded 5-17-76
 Liber 1038
 Pages 401-406



CODES

- ◻ PAD MOUNT TRANSFORMER
- ◻ PAD MOUNT TRANSFORMER WITH SWITCHING
- ◻ SECONDARY PEDESTAL
- ◻ PRIMARY SWITCH CABINET
- ◻ CABLE POLE
- ◻ SECONDARY TERMINAL
- ◻ DIRECTION TRANSFORMER DOOR OPENING
- ◻ BURIED PRIMARY CABLE - ALL VOLTAGES
- ◻ BURIED SECONDARY MAIN
- ◻ DETROIT EDISON TRENCH ONLY
- ◻ B.T. CO. TRENCH ONLY
- ◻ PROPOSED CONDUIT
- ◻ SEWER
- ◻ WATER
- ◻ GAS
- ◻ BURIED CUSTOMER CABLE



NOTES

- 1- D.E. CO TO DO TRENCHING & BACKFILLING
- 2- D.E. CO. SERVICE PLANNER - M. HOUGHTON
PT. HURON OFFICE - TEL. 982-0111 EXT. 232
- 3- D.E. CO. CONSTRUCTION SUPERVISOR
TED DAVIS - 1625 S. GRATIOT, N.T. CLIMENS
TELE. - 463-1511 - EXT. 82339
- 4- M.B.T. PLANT ENGINEER J. BALMER
2020 BANCROFT PT. HURON
TELE. - 985-9992

NOTE TO FOREMAN

JOB SUPERINTENDENT W. WANDELT
 PHONE NUMBER 985-5501

UDT. NO.	SIZE	ED STK NO
C019-1	25KYA	661-0486

TRANS. MAT DRWG. U1-1-2369
 TRANS. SPEC. K321, R14, R25

M.B.T. JOB # 2517

PERMITS

PT. HURON TWP
 (NOTIFICATION ONLY)

W.O. # 367 B10 J 327

CABLE SUMMARY

PRIMARY CABLE
 I.T. NO. 2PEG x2 15KY 713-3027 = 110'±

SECONDARY CABLE
 I.T. NO. AP 2-350 & 1-410 600V 713-0537 = 90'±

TRENCHING SUMMARY

JOINT TRENCHING = 50'±
 DECO TRENCHING ONLY = 90'±
 M.B.T. CO. TRENCHING ONLY = 9'±
 TOTAL TRENCHING = 149'±

DIST. CIR. 347 CHIPPEWA - 4.8KV

NOTE- THE LOCATION OF THE SECONDARY SERVICES ON THIS DRAWING ARE NOT GUARANTEED.
 CALL DETROIT EDISON BEFORE ADDING ANY EXCAVATION.

EASEMENTS INDICATED BY OUR CENTERLINES ARE (6) SIX FEET IN WIDTH UNLESS OTHERWISE NOTED.

D REVISION				C REVISION				B REVISION				A REVISION				REFERENCE	NAME	DATE	STATUS	THE DETROIT EDISON COMPANY SERVICE PLANNING DEPARTMENT						
<p>AS INSTALLED "IN THE FIELD"</p>																DRAWN BY	IAN JEBUS	1-25-73	<p>WANDELT APTS.</p> <p>N.W. 1/4 OF THE NE 1/4 - SEC. 6</p> <p>PORT HURON TWP ST. CLAIR CO. 11-79532</p>		SCALE	1" = 30'	LAYOUT JOB NO.			
																CHECKED BY		1-25-73			DRAWING NUMBER		SHEET	1	OF	1
																APPROVED BY		1-26-73								
MADE BY	CHK'D BY	APPROVED	APPROVED	MADE BY	CHK'D BY	APPROVED	APPROVED	MADE BY	CHK'D BY	APPROVED	APPROVED	MADE BY	CHK'D BY	APPROVED	APPROVED											

RECORDED RIGHT OF WAY NO. 28474