

APARTMENTS

AGREEMENT

THIS AGREEMENT, made this 15<sup>th</sup> day of October, 1970 between JAMES BYNAN CO., a Michigan corporation, 700 W. Maple, Birmingham, Michigan

3-10  
15

hereinafter referred to as "DEVELOPER", and THE DETROIT EDISON COMPANY, a corporation organized and existing concurrently under the laws of Michigan and New York, with offices at 2000 Second Avenue, Detroit, Michigan 48226, hereinafter referred to as "EDISON", and MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation, with offices at 1365 Cass Avenue, Detroit, Michigan 48226, hereinafter referred to as "BELL".

WITNESSETH:

WHEREAS, DEVELOPER is developing apartments to be known as Pontiac Trace Apts. - Phase I, on land in the City of Pontiac, County of Oakland, State of Michigan, as described in Appendix "A", which is attached hereto and made a part hereof, and

WHEREAS, DEVELOPER desires EDISON and BELL to install their facilities for underground single phase electric service and communication services including necessary cable poles and above ground equipment.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein made between DEVELOPER and EDISON and BELL, it is hereby agreed as follows:

I

DEVELOPER AGREES:

1. To provide, prior to utility installations, a separate instrument granting private easements for public utilities and restrictions acceptable to EDISON and BELL for their utility facilities.
2. To grade easements to finished grade in accordance with local governmental regulations prior to installation of underground lines so that the facilities of the utilities can be properly installed in relation to finished grade. The grade established for the land at the time the utilities place their facilities in the easements shall be considered finished grade.
3. To place survey stakes indicating property lines and building plot lines before trenching to enable the utilities to properly locate their underground facilities and above ground equipment.
4. To install sanitary sewers prior to installation of electric underground lines. Sewer, water and gas lines placed underground may cross but shall not be installed parallel with electric lines within the easements used for electric and communication lines.
5. To remove at DEVELOPER's expense all trees, shrubbery or obstructions which may be necessary or required for installation of electric and communication facilities in the easements provided to EDISON and BELL, and to provide for trenching at DEVELOPER's expense in accordance with a separate letter agreement between DEVELOPER and EDISON.
6. DEVELOPER assures EDISON and BELL that the backfill shall be free of rubble and clods of hard or frozen dirt and shall not contain material which can damage emplaced lines.
7. To pay all extra costs incurred by utilities of paving is done before cable or conduit crossings are in place.

*James D. Allen*  
JAMES D. ALLEN  
DEPT. OF REGISTER OF DEEDS

1970 NOV 16 PM 4 34

RECORDED  
OAKLAND COUNTY MICHIGAN  
REGISTER OF DEEDS RECORDS

RECORDED RIGHT OF WAY NO. 89004

5.00

8. DEVELOPER further agrees that if subsequent to the installation of the utility's facilities by 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 made by DEVELOPER or at DEVELOPER's action or request, DEVELOPER will forthwith pay the cost and expense of repairing, moving, modifying, rearranging or relocating said facilities to EDISON or BELL upon receipt of a statement therefor. Further, that if the electric or communication utility facilities of EDISON or BELL, or the electric service conductors owned and installed by DEVELOPER or subsequent owners and which EDISON will maintain, are damaged by acts of negligence on the part of the DEVELOPER or subsequent owners, or by contractors engaged by DEVELOPER or subsequent owners, repairs shall be made by the utilities named herein at the cost and expense of DEVELOPER or subsequent owners and shall be paid forthwith to EDISON or BELL by DEVELOPER or subsequent owners upon receiving a statement therefor. DEVELOPER or subsequent owners are defined as those developing the land or those owning the land at time damages occur.

II

UTILITIES AGREE:

1. Upon completion of the above requirements, to furnish, install, own and maintain, at their own expense, (except costs and expenses set forth in Paragraphs 5, 7 and 8), their electric and communication facilities in the private easements located in the above described land.

2. To meter and bill each tenant individually at the standard rates established by the Michigan Public Service Commission.

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

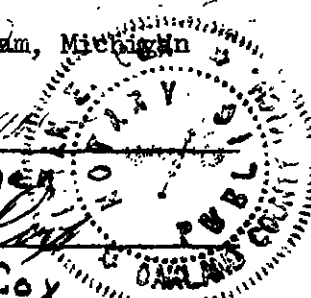
IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

In the Presence of:

*Vivian E. Cox*  
Vivian E. Cox  
*Thomas H. Quisenberry*  
Thomas H. Quisenberry

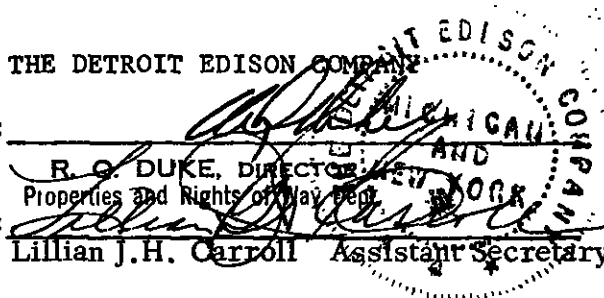
JAMES BYNAN CO.,  
a Michigan corporation,  
700 W. Maple, Birmingham, Michigan

By: *James J. Byner*  
James J. Byner  
By: *Charles R. Cox*  
Charles R. Cox



*Mary Lou Stickney*  
Mary Lou Stickney  
*Irene C. Kata*  
IRENE C. KATA

THE DETROIT EDISON COMPANY  
By: *R. O. Duke*  
R. O. DUKE, Director  
Properties and Rights of Way Dept.  
By: *Lillian J.H. Carroll*  
Lillian J.H. Carroll Assistant Secretary



*Marsha Pavelka*  
MARSHA PAVELKA  
*Karen Guenther*  
KAREN GUENTHER

MICHIGAN BELL TELEPHONE COMPANY  
By: *Carl T. Hall*  
CARL T. HALL  
Staff Supervisor, Right of Way  
(Authorized signature)

RECORDED RIGHT OF WAY NO. 29004

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF WAYNE )

On this 26th day of October, 1970, before me the subscriber,  
a Notary Public in and for said County, appeared R. Q. Duke and  
Lillian J.H. Carroll, to me personally known, who being by me duly sworn  
did say they are the Director, Prop. & 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  
R. Q. Duke 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 2 day of November, 1970, 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: \_\_\_\_\_

PREPARED BY: William S. Fambrough  
2000 Second Avenue  
Detroit, Michigan 48226

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

RECORDED RIGHT OF WAY NO. 29004

RETURN TO: James C. Wetzel  
2000 Second Avenue - Rm. 228  
Detroit, Michigan 48226

STATE OF Mich. )  
COUNTY OF Oakland ) SS.

On this 15<sup>th</sup> day of October, 1970, before me the subscriber, a Notary Public in and for said County, appeared James J. Bynan and Charles R. Cox, to me personally known, who being by me duly sworn did say they are the Pres. and Reg. Mgr. of JAMES BYNAN CO., a Michigan corporation, and the seal affixed to said instrument 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 James J. Bynan and Charles R. Cox acknowledged said instrument to be the free act and deed of said corporation.

Vivian E. Cox

**VIVIAN E. COX** Notary Public, Oakland County Mich.  
Notary Public, Oakland County, Mich.  
My Commission Expires: My Commission Expires Feb. 26, 1973

"APPENDIX A"

A parcel of land in part of the N.W. 1/4, of Sec. 15, T.3N., R.10E., City of Pontiac, Oakland Co., Michigan.

Beginning at a point on the North line of Sec. 15, T.3N., R.10E., distant N. 88°11'45" E., along the said north line, 788.0 ft. from the N.W. corner of said Sec. 15; thence continuing N. 88°11'45" E., along said north sec. line 538.11 ft.; thence S. 1°37' E., 1240.08 ft.; thence S. 88°23' W., 364.04 ft.; thence N. 1°37' W., 380.31 ft.; thence S. 75°49' W., 245.63 ft.; thence on a curve to the right (radius = 478.0 ft., along chord bears S. 79°07' W., 55.04 ft.) a distance of 55.09 ft.; thence N. 14°11' W., 328.06 ft.; thence on a curve to the right (radius = 404.64 ft., long chord bears N. 0°04' E., 199.21 ft.) a distance of 201.27 ft.; thence S. 75°41' E., 121.62 ft.; thence N. 14°19' E., 120.0 ft.; thence on a curve to the left (radius = 932.39 ft., long chord bears N. 6°15'22" E., 261.47 ft.) a distance of 262.34 ft.; thence N 1°48'15" W., 60.0 ft. to the point of beginning and containing 16.00 acres more or less.

RECORDED RIGHT OF WAY NO. 89004

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

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

TO Eng. Ordinator Supervisor

DATE 11-18-70 TIME \_\_\_\_\_

RE: UNDERGROUND SERVICE - Pontiac Trace Apts. - City of Pontiac - Oakland Co.

Agreements and easements obtained. OK to proceed with construction.

COPIES TO: Jim Kelly - Pontiac Service Ctr.

SIGNED

*wsf*  
W. S. Fambrough  
Staff Attorney

REPORT \_\_\_\_\_

DATE RETURNED \_\_\_\_\_

TIME \_\_\_\_\_

SIGNED \_\_\_\_\_

**Detroit  
Edison**

2600 Second Avenue  
Detroit, Michigan 48226  
(313) 237-8000

December 18, 1973

Kassuba Development Corporation  
350 Royal Palm Way  
Palm Beach, Florida 33480

Att: Mr. S. G. Davidson

Re: Pontiac Trace Apt's.

We are enclosing herewith a copy of the "as installed" Drawing No. OU-2-6-2892A for the underground electric and communication services for the above named project.

Sincerely,

*John N. Waterloo*

John N. Waterloo  
1970 Orchard Lake Road  
Pontiac, Michigan 48053

JW/lb  
enclosure

RECORDED RIGHT OF WAY NO. 29004

# THE DETROIT EDISON COMPANY

2000 SECOND AVENUE  
DETROIT, MICHIGAN 48226

James Byman Co.  
700 W. Maple  
Birmingham, Michigan

October 12, 1970

Re: Pontiac Trace Apts. - Phase I

Enclosed is the original and three copies of the Agreement 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 addition, we are enclosing the original and two copies of the Easement-Restrictions. Please have the original and one copy executed and return same to us. The third copy is for your records. Note that this is a "blanket" easement. We will record same and then re-record with an "as installed" drawing when our lines are placed in the project. The "as installed" drawing will show six (6') foot easements along the planned centerlines. On re-recording the easement, the following language will be added to the easement instrument: "This easement is re-recorded for the purpose of showing the "as installed" centerlines and width of easements granted herein as shown on drawing attached hereto."

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. 8 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:

Mr. William S. Fambrough, Staff Attorney, Room 226, 2000 Second Avenue, Detroit, Michigan 48226 (phone number 962-2100, extension 2571).

Very truly yours,

  
William S. Fambrough  
Staff Attorney

:mnt  
Enclosures

RECORDED RIGHT OF WAY NO. 29004

604:  
WF  
E-0-96

Send to: Stephen A. McNamee  
226 G. O.

APARTMENT PROJECTS - UNDERGROUND SERVICE

- Name of Project PONTIAC TRACE APTS.
- 2. Name of Developer KASSUBA DEVELOPMENT CORP.
- Address 350 ROYAL PALM WAY PALM BEACH, FLORIDA
- Phone 305-655-0800
- 3. Description of Property (please attach description)
- 4. Primary or individual metering?
- 5. When is service wanted? Nov 1970
- 6. Will entire project be developed at one time? No - 3 PHASES
- 7. Single Phase X ? Three Phase \_\_\_\_\_ ?
- 8. Cable poles on property YES ?
- 9. Customer service cable No ?
- 10. Do we furnish trenching? YES
- 11. Are easements all joint with Bell? YES
- 12. Do we need additional easement drawings from Bell? YES
- 13. Bell Engineer PAUL DUGGAN Phone 332-5281
- 14. Sales Representative JIM KELLY Phone 75-221  
PONT. SER. CTR.

RECORDED RIGHT OF WAY NO. 29004



**THE DETROIT EDISON COMPANY**  
2000 SECOND AVENUE  
DETROIT, MICHIGAN 48226

**November 11, 1970**

**James Bynum Company**  
700 W. Maple  
Birmingham, Michigan

Re: **Pontiac Trace Apts. - Phase I**

Gentlemen:

We are enclosing herewith a fully executed copy of the Agreement dated October 15, 1970 for the underground electric and communication services for the above named project.

Very truly yours,

  
**William S. Fambrough**  
Staff Attorney

: sa

Enclosure

RECORDED RIGHT OF WAY NO. 29004

6216 REC 213

PRIVATE DRIVE

TENNIS

POOL

REC BLDG

6216 REC 214

TRANSFORMER SPEC'S

R-3516 P21

ALL TRANSFORMERS ARE 750V

3701-1	100KVA	661-1153
3701-2	100KVA	661-1153
3701-3	100KVA	661-1153
3701-4	100KVA	661-1153
3701-5	100KVA	661-1153
3701-6	100KVA	661-1153
3701-7	100KVA	661-1153
3701-8	100KVA	661-1153
3701-9	100KVA	661-1153
3701-10	100KVA	661-1153

29004

UN. CON. 41 & 13

CODE

1	NO. OF TRANSFORMERS	1
2	NO. OF CUSTOMER W/IN SERVICE	1
3	NO. OF CUSTOMER CHARGE	1
4	NO. OF CUSTOMER CHARGE	1
5	NO. OF CUSTOMER CHARGE	1
6	NO. OF CUSTOMER CHARGE	1
7	NO. OF CUSTOMER CHARGE	1
8	NO. OF CUSTOMER CHARGE	1
9	NO. OF CUSTOMER CHARGE	1
10	NO. OF CUSTOMER CHARGE	1
11	NO. OF CUSTOMER CHARGE	1
12	NO. OF CUSTOMER CHARGE	1
13	NO. OF CUSTOMER CHARGE	1
14	NO. OF CUSTOMER CHARGE	1
15	NO. OF CUSTOMER CHARGE	1
16	NO. OF CUSTOMER CHARGE	1
17	NO. OF CUSTOMER CHARGE	1
18	NO. OF CUSTOMER CHARGE	1
19	NO. OF CUSTOMER CHARGE	1
20	NO. OF CUSTOMER CHARGE	1

NOTES

ALL TRENCHING & BACKFILLING TO BE DONE BY DE. CO.  
 ALL TRENCH & CABLE LENGTHS ARE APPROXIMATE  
 SEE DRAWING U-1-2369 FOR TRAYS MAT DETAIL  
 SEE DRAWING C.S.D. 635-2 DETAIL C-10E  
 ENTRY METHOD  
 MAT ENGINEER DRUG DUGGAN 904RE ST  
 PONTIAC MICHIGAN PHON: 332-5281  
 GAS IN FURNISH CONTRACT: CONSUMERS POWER  
 CO. PHONE: 333-1812

TRENCH SUMMARY

JOINT	2735'
EDISON ONLY	1265'
1781 ONLY	945'
TOTAL	4945'

CABLE SUMMARY

PRIMARY	ITEM NO	REC K1 132 KV (73-3029)	3593'
SECONDARY	ITEM NO	PEC 2 500 & 1 350 600 V (73-0560)	360'

CONSTRUCTION SUPERVISORS

DECO CHARION GOETS T&D DIST PH 134 1901 2ND  
 DETROIT PHONE 962-2100 EXT 1071  
 MAT CO CHARLIE COY 24255 TELEGRAPH RD  
 SOUTHFIELD PHONE 356-9866

PERMITS PER'D

CITY OF PONTIAC

INITIAL & ULTIMATE IS&KV

DIST CIR. BOLT CAPTER

DIRECT RATED SYSTEM MPT TAB 1/6 G-272

PONTIAC T&D

PHASE I

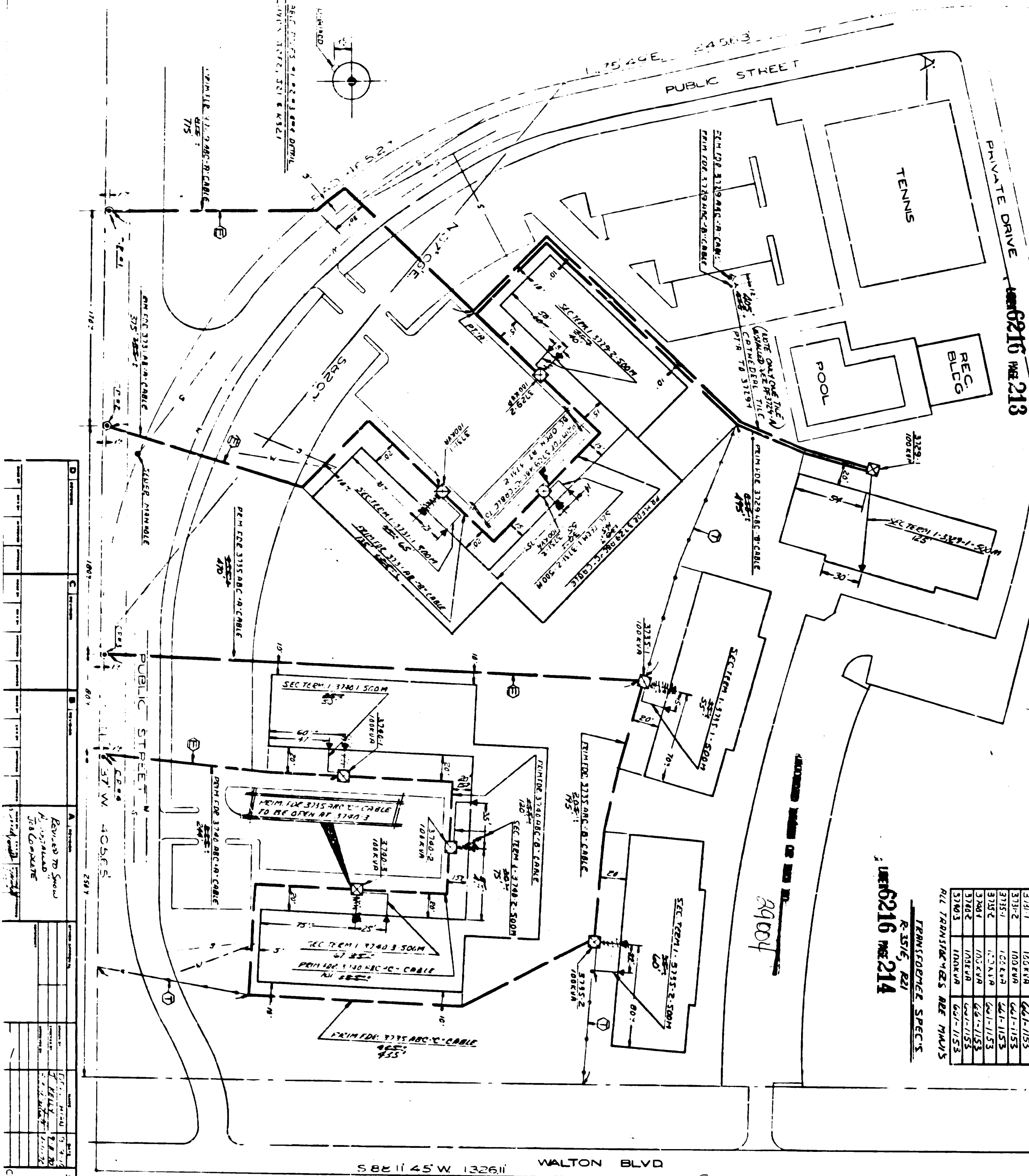
PART OF NMI/VA SEC'S

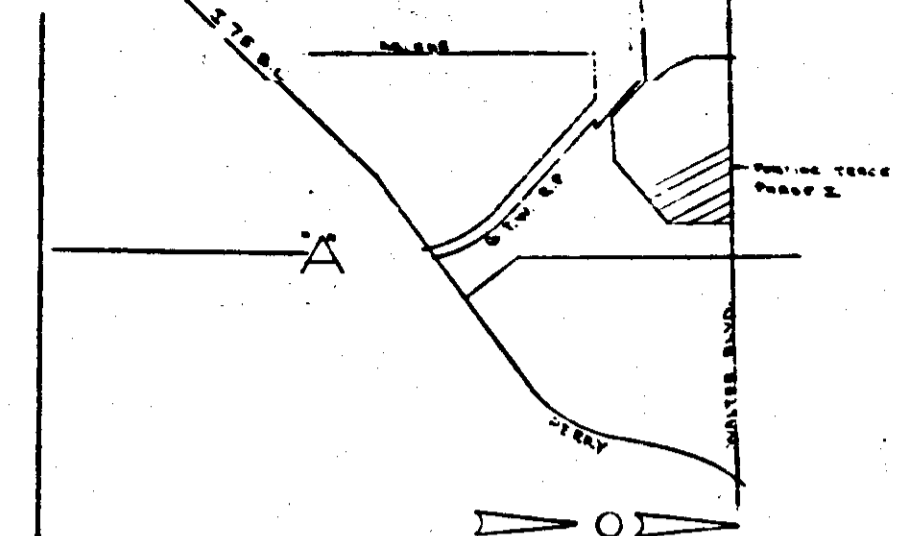
T&D

CITY OF PONTIAC

DIST. D-2892 D

NO.	DESCRIPTION	DATE	BY
1	REVIEWED TO SHOW	9-9-72	J. KELLY
2	APPROVED	8-8-72	J. KELLY
3	JOB COMPLETE	6-10-72	J. KELLY

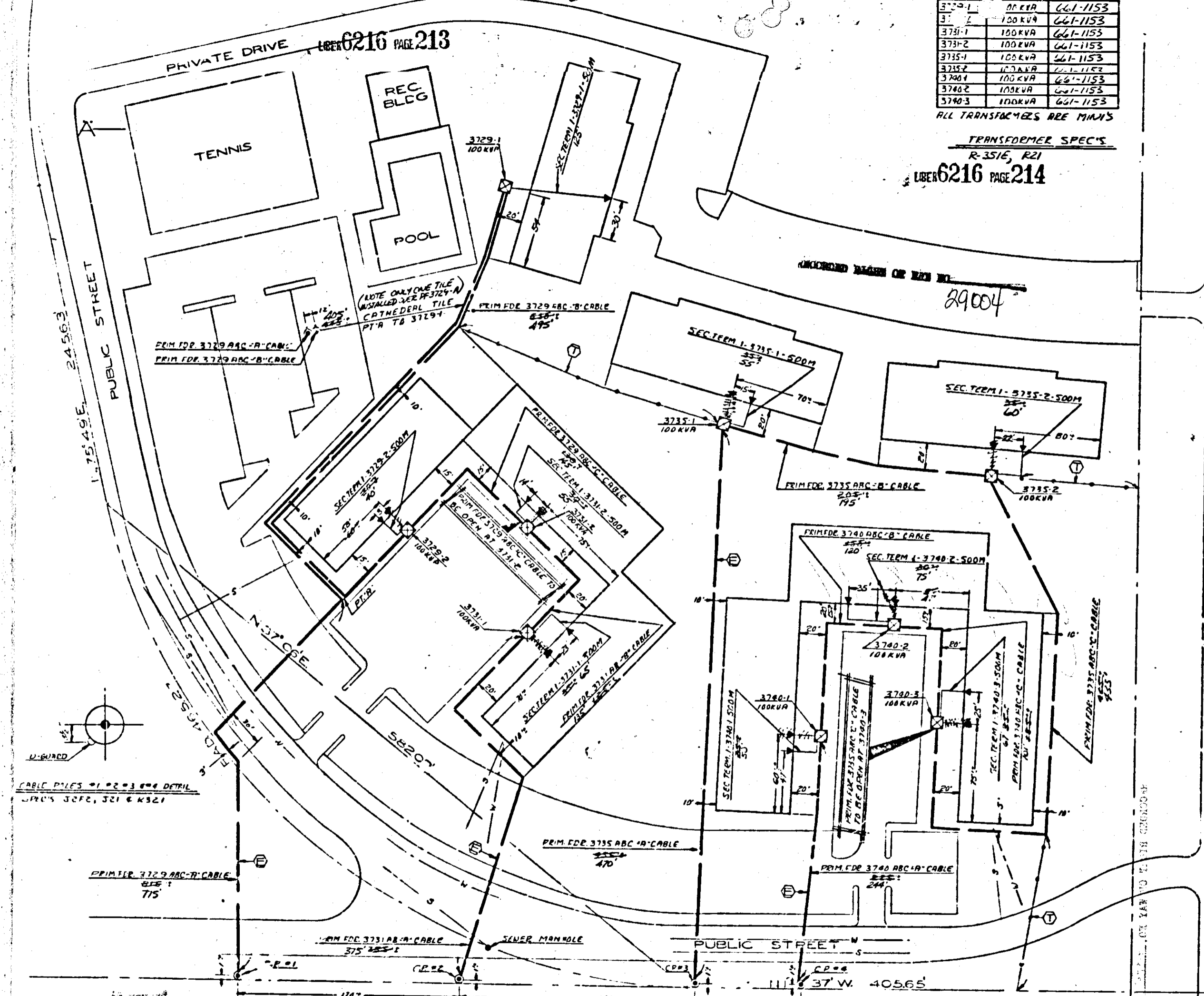




DFT	SIZE	ED. NO.
3729-1	100 KVA	661-1153
3735-1	100 KVA	661-1153
3735-2	100 KVA	661-1153
3740-1	100 KVA	661-1153
3740-2	100 KVA	661-1153
3740-3	100 KVA	661-1153

ALL TRANSFORMERS ARE MINIS

TRANSFORMER SPECS  
R-351E, R21  
LIBER 6216 PAGE 214



TITLE BLOCK  
LD-3678505  
DD-21841  
START-10-27-70  
FINISH-1-8-71  
COUT-UNION EXC  
FOREMAN- W. GRAUSTADT  
LABOR- DECO  
SUPERVISOR- C. SOELS  
RECORDS- P. KELVIN

U.G. P.O.N. 41 & 42

CODE

○	PAD MOUNT TRANSFORMER
○	PAD MOUNT TRANSFORMER WITH SWITCHING
○	SECONDARY FEEDS
○	PRIMARY SW. ON 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 CUMBER
○	SEWER
○	WATER
○	GAS
○	BURIED CUSTOMER CABLE

NOTES  
ALL TRENCHING & BACKFILLING TO BE DONE BY D.E. CO.  
ALL TRENCH & CABLE LENGTHS ARE APPROXIMATE  
SEE DRAWING U1-1-2369 FOR TRANS. MAT. DETAIL  
SEE DRAWING C.S.D. 675-2 DETAIL "C" FOR ENTRANCE METHOD  
M.B.T. ENGINEER PAUL DUGGAN 90 LAKE ST. PONTIAC, MICHIGAN PHONE 332-5281  
GAS INFORMATION CONTACT CONSUMERS POWER CO. PHONE 333-7812

TRENCH SUMMARY

JOINT	2735'
EDISON ONLY	1265'
M.B.T. ONLY	445'
TOTAL	4445'

CABLE SUMMARY

PRIMARY	ITEM NO. APECK 1 13.2 KV (713-3029)	3583'
SECONDARY	ITEM NO. PEC 2-500 & 1-350 600 V (713-0560)	3204'

CONSTRUCTION SUPERVISORS  
D.E. CO. CLAYTON GOERS T&E DEPT. RM. 136 1901 2ND DETROIT PHONE 962-2100 EXT. 3071  
M.B.T. CO. CHARLIE COX 24255 TELEGRAPH RD. SOUTHFIELD PHONE 356-9966

PERMITS REQ'D  
CITY OF PONTIAC  
(FOR NOTIFICATION ONLY)

DIST. CIR. 8012 CARTER  
INITIAL & ULTIMATE 13.2KV

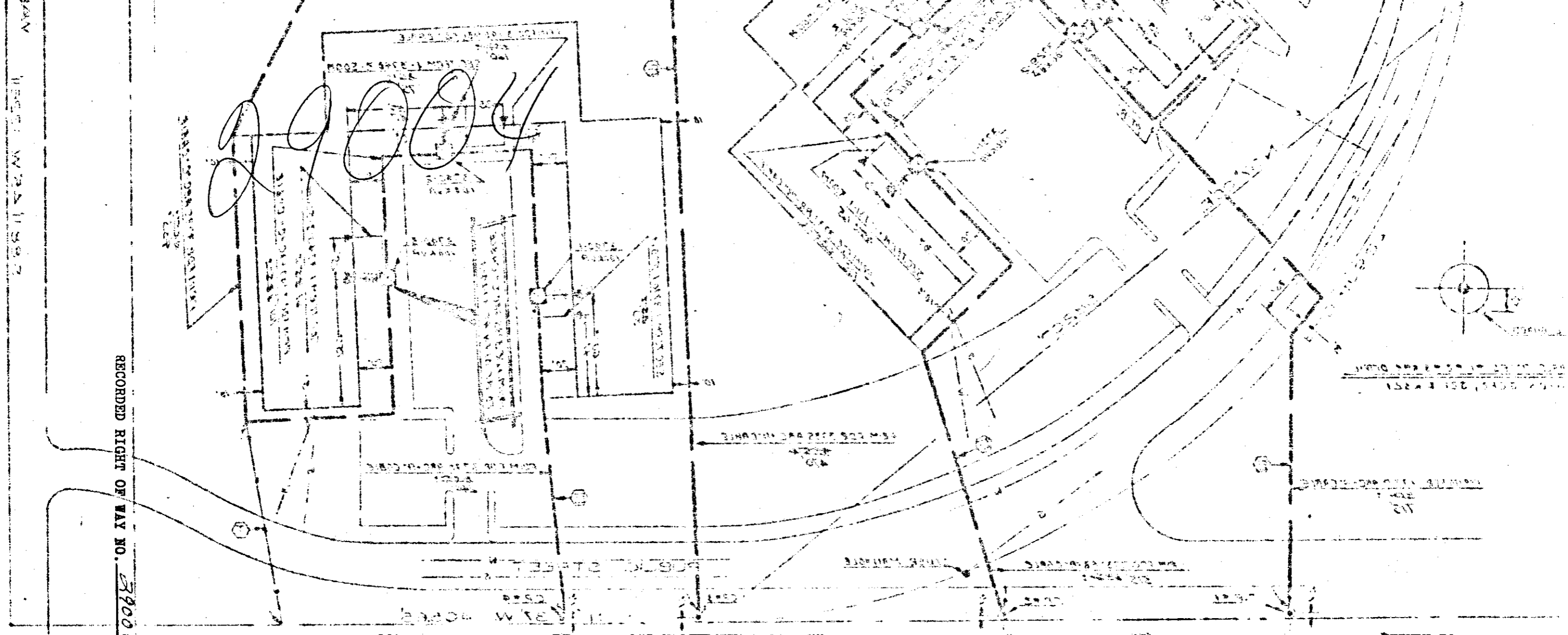
DIRECT BURIED SYSTEM M.B.T. JOB NO. 6222

CABLE PILES #1, #2, #3 SEE DETAIL  
SPEC'S 302F, 301 & 4521

OF RECORD  
KOBACHIAN, A. J.  
PONTIAC NORTH TOWER BLDG  
6000 WADSWORTH, PONTIAC

D	C	B	A	OTHER APPROVAL	DATE	BY	STATION
			REVISED TO SHOW AS INSTALLED JOB COMPLETE		9-9-70	J. KELLY	PONTIAC TRACE APTS PHASE I PART OF N.W. 1/4 SEC. 15 T 3N R 10E CITY OF PONTIAC OAKLAND CO.
					9-8-70		
					1-11-70		

THE DETROIT EDISON COMPANY  
UNDERGROUND LINES DEPARTMENT  
SCALE 70'-988'  
DRAWING NO. 002-A-2892-A SHEET 1 OF 2



RECORDED RIGHT OF WAY NO. 29001


RETURN TO  
 J. A. ROBERTSON  
 THE DETROIT EDISON COMPANY  
 1970 ORCHARD LAKE ROAD  
 PONTIAC, MICHIGAN 48053