

OAKWOOD PARK, PHASE I APARTMENTS

AGREEMENT - EASEMENT - RESTRICTIONS

3-11/19

This instrument made this 18TH day of SEPTEMBER, 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 OAKWOOD PARK, PHASE I, on land in the Township of Avon, County of Oakland, 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."

DE FORM LE 11 11 71 CS

Sec. 19, SE 1/4 of Oakwood Park - Phase I

RECORDED CENTER
 JUN 26 74
 CLASSIFIED
 5.00
 15.00

RECORDED RIGHT OF WAY NO. 29368

- 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:

George Williams
C. GEORGE WILLIAMS

Irene C. Kata
IRENE C. KATA

Diana Yezbick
DIANA YEZBICK

Marsha Pavelka
MARSHA PAVELKA

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)

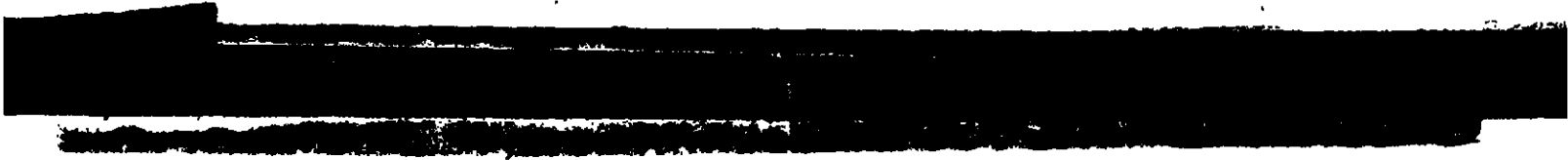
RECORDED RIGHTS OF WAY NO. 29368

STATE OF MICHIGAN)
) SS.
COUNTY OF WAYNE)

On this 25th day of September, 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. Katak
IRENE C. KATAK
Notary Public, Wayne County, Michigan

My Commission Expires: May 14, 1976



SS
COUNTY OF OAKLAND)

On this 3rd day of October, 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
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, Wayne County, Michigan
Acting in Oakland County
My Commission Expires Sept. 15, 1975

Melford Hartman
Notary Public
_____ County, Michigan

RECORDED RIGHT OF WAY NO. 29368

OAKWOOD DEVELOPMENT COMPANY
A Michigan Corporation
25 West Long Lake Road
Bloomfield Hills, Michigan 48013

Witness:

Marcia Lynn Williams
Marcia Lynn Williams

John J. Bourne
JOHN J. BOURNE, Vice President

Lorena A. Wahby
LORENA A. WAHBY

STATE OF MICHIGAN)
) SS.
COUNTY OF WAYNE)

On this 18th day of September, 1972, before me the undersigned, a Notary Public in and for said County, personally appeared JOHN J. BOURNE, to me personally known, who being by me duly sworn did say that he is the Vice President of OAKWOOD DEVELOPMENT COMPANY, a Michigan Corporation, and that the said instrument was signed on behalf of said corporation by authority of its Board of Directors and the said JOHN J. BOURNE acknowledged the said instrument to be the free act and deed of said corporation.

Marcia Lynn Williams
Marcia Lynn Williams
Notary Public, Oakland County, Michigan,
acting in Wayne County

My Commission Expires: November 12, 1974

APPENDIX "A"

Commencing at the S.E. corner of Section 19, T3N-R11E, Avon Twp, Oakland Co, Michigan, th N. 00°16' W. 1089.25 ft along the E. line of said Sec 19, which is th centerline of Adams Road to the Point of Beginning; th S. 75°32'52" W. 136.27 ft; th S. 34°00' W. 200 ft; th N. 77°00' W. 187 ft; th N. 14°53'24" W. 397.46 ft; th N. 77°00' W. 133 ft; th E. 33°37'13" W. 81.80 ft; th N. 02°16' W. 625 ft; th N. 72°44' E. 170 ft; th N. 44°14' E. 265 ft; th N. 00°16' W. 225 ft; th N. 89°44' E. 375 ft to a point on the E. line of said Sec 19, which is the centerline of Adams Road; th S. 00°16' E. 1416 ft along the E. line of said Sec 19 to the point of beginning, and containing 20.17 acres or 878,627 square feet, more or less.

PREPARED BY: John N. Waterloo
1970 Orchard Lk Rd
Pontiac, Michigan 48053

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

RECORDED RIGHT OF WAY NO

29368

SEARCHED
INDEXED
SERIALIZED
FILED
OCT 11 1972
PONTIAC, MICHIGAN

Detroit
Edison

June 11, 1974

Oakwood Development Company
25 W. Long Lake Road
Bloomfield Hills, Michigan 48013

Gentlemen:

RE: OAKWOOD PARK, Phase I

We are enclosing herewith a copy of the "as installed" Drawing No.
U-63248 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/l
Enclosure

RECORDED RIGHT OF WAY NO. 29368

THE DETROIT EDISON COMPANY

1970 ORCHARD LAKE ROAD

PONTIAC, MICHIGAN 48053

November 20, 1972

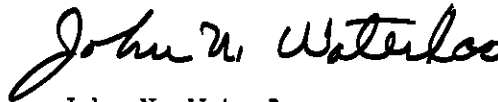
OAKWOOD DEVELOPMENT CO.
25 W. Long Lake Road
Bloomfield Hills, Michigan 48013

RE: OAKWOOD PARK, PHASE I

Gentlemen:

We are enclosing herewith a fully executed copy of the Agreement dated September 18, 1972 for the underground electric and communication services for the above named project.

Yours very truly,



John N. Waterloo
Real Estate and Rights of Way Dept

Enclosure

RECORDED RIGHT OF WAY NO. 29368

THE DETROIT EDISON COMPANY

1970 Orchard Lake Road

PONTIAC, MICHIGAN 48053

September 7, 1972

OAKWOOD DEVELOPMENT COMPANY
25 W. Long Ln Rd
Bloomfield Hills, MI 48013

Dear Mr. Bourne:

RE: OAKWOOD PARK, PHASE I

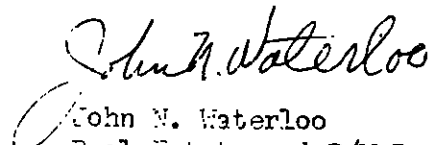
Enclosed is the original and three copies of the Agreement-Easement Restrictions for the above described project. Please have the original and two copies executed and returned to us. We will have the Agreement executed by Bell and Edison and return a fully executed copy to you. The fourth copy should be retained by you until you receive the fully executed copy from us.

In 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. 3 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: John Waterloo, at 1970 Orchard Lake Road, Pontiac, Michigan 48053.

Yours very truly,


John N. Waterloo
Real Estate and R/W Dept.

Enclosures

RECORDED RIGHT OF WAY NO. 29368

THE DETROIT EDISON COMPANY

2000 SECOND AVENUE
DETROIT, MICHIGAN 48226

Date **July 13, 1972**

Hel-Win Development Company

2187 Orchard Lake Road

Pontiac, Michigan

Regarding Oakwood Park Phase I

Gentlemen:

Subject to our agreement with you for the installation of underground electric lines in the above project, The Detroit Edison Company will own, install and maintain its electric lines and equipment and provide trenching in easements six feet (6') in width, which will be subsequently platted or provided by a separate easement instrument. Location of the lines and equipment will be as shown on the combined utility plan as approved by you on _____.

The cost to you for said electric line installation is \$ 10,600.00 based on 5300 trench feet or 0 lot front feet. Extra charges in addition to the above will be \$ 0 as your contribution for such items as providing primary mains, distribution laterals and primary switching cabinets. These extra charges will only be assessed if involved. All charges are based on rules and rates as filed with the Michigan Public Service Commission and as shown in our current rate book. We will require full payment of the aforementioned charges prior to energizing the system.

Service cable requirements will be fulfilled as per our rules and rates as filed with the Michigan Public Service Commission, and in the case of Multiple Occupancy buildings are included in the above costs.

Community antenna systems or other cable systems shall not be installed in the same trench with Company and telephone cables without a separate signed agreement.

If adverse soil or field conditions such as rock, frozen ground or other are encountered, and you require us to trench through, additional charges will be assessed and may be billed at a later date. Additional charges will also be assessed if it is necessary to bore under paved streets or other paved areas.

RECORDED RIGHT OF WAY NO. 29368

Page 2

The Detroit Edison Company

Date July 13, 1972

Oakwood Park Phase I

The future maintenance of our electric lines in the proposed easements does not include repair of damage to our lines and equipment caused by you, your contractors, agents, employes, successors and assignees. If such damage should occur, we will require reimbursement for any such damage.

Notwithstanding anything herein to the contrary, the installation, ownership and maintenance of electric services and the rates, fees, and charges to be made shall be subject to and in accordance with the orders and rules and regulations adopted and approved from time to time by the Michigan Public Service Commission.

Please sign three of the enclosed copies and return them. You may retain the fourth copy for your file.

Very truly yours,

Richard Willis
Service Planner

ACCEPTED:

Name

Title

Name

Title

Date

RW/ep

RECORDED RIGHT OF WAY NO. 29368

THE DETROIT EDISON COMPANY

2000 SECOND AVENUE
DETROIT, MICHIGAN 48226

Date: **July 13, 1972**

Hal-Win Development Company

2187 Orchard Lake Road

Pontiac, Michigan

Re: Oakwood Park Phase I

Gentlemen:

Pursuant to establishing a field construction date for the above named project, it is necessary that the conditions of the grade in the area of construction be determined. Work cannot start until this is accomplished. In addition, you must agree to pay all frost charges if involved, at a cost not to exceed *** per linear foot of trench.

Please sign and return three copies of the certificate below. You may retain the fourth copy for your file.

Very truly yours,

Richard J. Wilkin
Service Planner

7-14-72
Date

C-E-R-T-I-F-I-C-A-T-E

I/We, the undersigned, hereby certify to The Detroit Edison Company that all grading in utility easements and/or the routes of the underground facilities on the above subject development has been completed within four (4) inches of final grade.

I/We, the undersigned, agree to pay all frost charges if involved, at a price not to exceed that shown above and further agree that a stake will be placed at the location of each piece of above grade equipment, indicating the final grade to be achieved. A copy of The Detroit Edison Company underground construction drawing No. _____ for this development is in my/our possession and will be used for this purpose.

RW/dp

[Signature]
Signed

Signed

Sec. Treas.
Title
July 17, 1972
Date

RECORDED RIGHT OF WAY NO. 29368

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

APARTMENT PROJECTS - UNDERGROUND SERVICE

1. Name of Project OAKWOOD PARK PHASE I
2. Name of Developer HEL-WIN DEVELOPMENT CO
Address 2187 ORCHARD LAKE RD
Phone 334-3211
3. Description of Property (please attach description)
4. Primary or individual metering? INDIVIDUAL
5. When is service wanted? ASAP 9-1-72
6. Will entire project be developed at one time? NO
7. Single Phase YES? Three Phase _____?
8. Cable poles on property NO?
9. Customer service cable _____?
10. Do we furnish trenching? MBT TO TRENCH
11. Are easements all joint with Bell? YES
12. Do we need additional easement drawings from Bell? _____
13. Bell Engineer V. WALSH Phone 338-0780
14. Sales Representative RICHARD WILLIS Phone 75 327

send 1 copy of print

MEMORANDUM ORDER
FOR GENERAL USE
DE FORM MS 70 12-53

TO Engineering Coordinator Supervisor

DATE 9-21-72

TIME _____

Bldg H. Room 250 W.S.C.

RE: Underground Service - Oakwood Park - Phase I, Avon Twp, Oakland Co.

Agreements and Easements obtained - OK to proceed with construction.

COPIES TO: R. Willis - Pontiac Service Planning

SIGNED

John N. Waterloo

**John N. Waterloo
Real Estate and R/W Dept**

REPORT File

RECORDED RIGHT OF WAY NO. 29368

DATE RETURNED _____

TIME _____

SIGNED _____

- 1. DEAD FRONT TYPE
- 2. NON SWITCHING - LIVE FRONT TYPE
- 3. SWITCHING - LIVE FRONT TYPE
- 4. LOCATION OF TRANSFORMER DOOR OPENING
- 5. SECONDARY PEDESTAL
- 6. SECONDARY TERMINAL
- 7. CABLE POLE
- 8. PRIMARY SWITCH CABINET
- 9. #10 PRIMARY CABLE - ALL VOLTAGES
- 10. #10 SECONDARY CABLE
- 11. #10 SECONDARY SERVICE CABLE
- 12. DETROIT EDISON TRENCH ONLY
- 13. TELEPHONE TRENCH ONLY
- 14. WATER
- 15. GAS
- 16. PROPOSED CONDUIT

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

LINE	DESCRIPTION	LENGTH	AREA
1
2
3

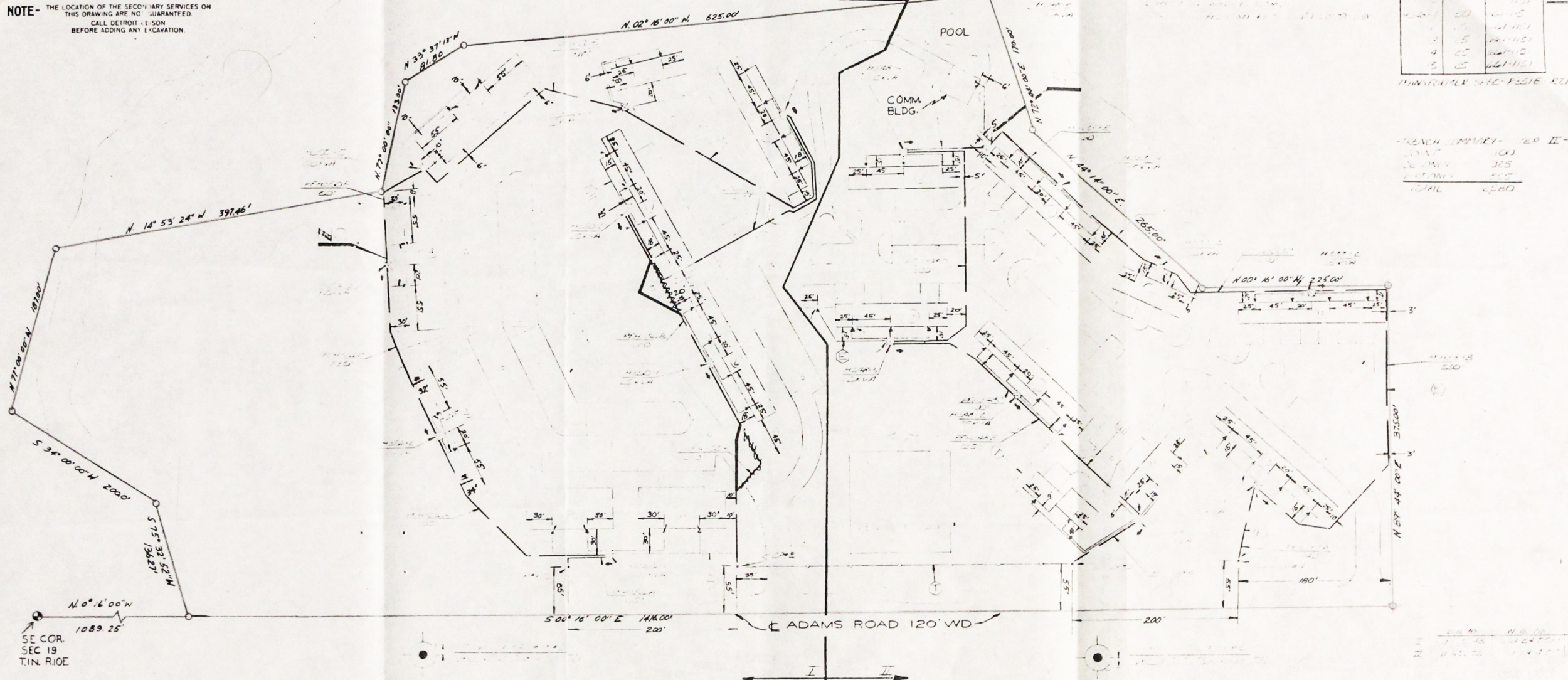
TRENCH SUMMARY - I -
 DET ONLY 100
 TRENCH 100
 TOTAL 200

LINE	DESCRIPTION	LENGTH	AREA
1
2
3

POINTS REQUIRED -
 AVOID EXCAVATION
 G.C.R.C.

TRENCH SUMMARY - II -
 DET ONLY 100
 TRENCH 100
 TOTAL 200

LINE	DESCRIPTION	LENGTH	AREA
1
2
3
4
5



<p>CHANGED VARIOUS CABLE ROUTES AND TRANSFORMER LOCATIONS.</p> <p>"AS-INSTALLED"</p>	<p>OAKWOOD PARK</p> <p>PART OF SE 1/4 SEC 19 T1N. R10E</p> <p>AVONTWP OAKLAND CO</p>	<p>THE DETROIT EDISON COMPANY</p> <p>SERVICE PLANNING DEPARTMENT</p> <p>SCALE 1" = 50'</p> <p>DATE 11-13-48</p>
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