

APARTMENTS

AGREEMENT - EASEMENT - RESTRICTIONS

This instrument made this 3rd day of May, 1974, 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 KENSINGTON PARK APARTMENTS, on land in the Township of Lyon, 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."

Lyon Twp.
Sec. 5, NW 1/4 of
(Kensington Park Apts.)

RECORDED
MAY 15 1974
CLERK

RECORDED BY OF MAY NO. 29429

15.00
9.00

- 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:

Diane Korman
DIANE KORMAN

T. Katherine Hayes
T. KATHERINE HAYES

Linda Perry
LINDA PERRY

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, Assistant Secretary

MICHIGAN BELL TELEPHONE COMPANY

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

STATE OF MICHIGAN)

SS

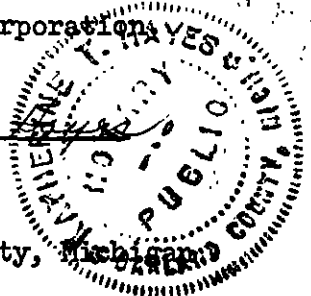
COUNTY OF WAYNE)

On this 14th day of May, 1974, 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, R/E & R/W Dept. and 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: _____

T. Katherine Hayes
Notary Public

T. KATHERINE HAYES
Notary Public, Jackson County, Mich.
Acting in Wayne County, Mich.
My Commission Expires 1-21-76



STATE OF MICHIGAN)

SS

COUNTY OF OAKLAND)

On this 21st day of May, 1974, 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

MELFORD HARTMAN
Notary Public, Wayne County, Michigan
Acting in Oakland County
My Commission Expires Sept. 15, 1974

_____ County, Michigan

RECORDED RIGHT OF WAY NO. 29429

Witness:

Shirley Korobkin
SHIRLEY KOROBKIN

June Goldberg
JUNE GOLDBERG

Melvin M. Kaftan
Melvin M. Kaftan, a married man

Sheldon H. Kaftan
Sheldon H. Kaftan, a married man

Irwin L. Goldfarb
Irwin L. Goldfarb, a married man

Charles B. Goldfarb
Charles B. Goldfarb, a married man

25130 Southfield
Southfield, Michigan 48075

STATE OF MICHIGAN)
) SS:
COUNTY OF OAKLAND)

On this 3 day of May 1974, before the undersigned, a Notary Public in and for said County, personally appeared Melvin M. Kaftan, a married man, Sheldon H. Kaftan, a married man, Irwin L. Goldfarb, a married man, Charles B. Goldfarb, a married man, known to me to be the persons who executed the foregoing instrument and acknowledged the same to be their free act and deed.

June A. Goldberg
JUNE A. GOLDBERG
Notary Public, Oakland County, Michigan

My Commission Expires: July 9, 1977

APPENDIX "A"

A parcel of land in the Northwest 1/4 of Section 5, Township 1 North, Range 7 East, Lyon Township, Oakland County, Michigan, being described as: Beginning at a point on the North and South 1/4 line of Section 5, said point being North 0°31'52" East, 862.09 feet from the center post of Section 5, Township 1 North, Range 7 East; thence continuing North 0°31'52" East 910.00 feet to the southerly line of Grand River Avenue (100 feet wide); thence North 86°59'00" West, 1020.0 feet, along said southerly line; thence South 0°31'52" West, 910.00 feet; thence South 86°59'00" East, 1020.00 feet to the point of beginning.

Prepared by:
John N. Waterloo
1970 Orchard Lake 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. 29429

Detroit
Edison

2600 Southfield
Detroit, Michigan 48221
Tel: 237-4000

July 1, 1974

Kaftan Enterprises Inc.
25130 Southfield Road, Suite 103
Southfield, Michigan 48075

Gentlemen:

RE: KENSINGTON PARK APT'S

We are enclosing herewith a copy of the "as installed" Drawing No.

U-63497 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/ls
Enclosure

RECORDED RIGHT OF WAY NO. 29429

THE DETROIT EDISON COMPANY

1970 ORCHARD LAKE ROAD

PONTIAC, MICHIGAN 48053

June 12, 1974


Kaftan Enterprises Inc.
25130 Southfield Rd., Suite 103
Southfield, Michigan 48075

RE: KENSINGTON PARK APT'S

Gentlemen:

We are enclosing herewith a fully executed copy of
the Agreement dated May 3, 1974 for the
underground electric and communication services for the above
named Project.

Yours very truly,



John N. Waterloo
Real Estate and R/W Department

Enclosure

RECORDED RIGHT OF WAY NO. 29429

THE DETROIT EDISON COMPANY

1970 Orchard Lake Road

Pontiac, Michigan 48053

May 2, 1974

Mr. Mel Kaftan
25130 Southfield Road
Suite 103
Southfield, Michigan 48075

RE: KENSINGTON PARK APT'S

Enclosed is the original and two copies of the Agreement-Easement Restrictions for the above described project. Please have the original and one copy executed and returned to us. We will have the Agreement executed by Bell and Edison and return a fully executed copy to you. The third 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

Enclosures

RECORDED RIGHT OF WAY NO. 29429

THE DETROIT EDISON COMPANY

2000 SECOND AVENUE
DETROIT, MICHIGAN 48226

Date **October 10, 1973**

Mel Kaftan

25130 Southfield

Southfield, Michigan 48075

Regarding Kensington Park Apartments

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 July 10, 1973.

The cost to you for said electric line installation is \$ 5,160.00 based on 2,380 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.

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.

Page 1

DE FORM PL 101 4-72 CS

RECORDED RIGHT OF WAY NO. 27429

Page 2

The Detroit Edison Company

Date October 10, 1973

Kensington Park Apartments

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,

Jerry Price
Service Planner

JP/ep

ACCEPTED:

Name

Title

Name

Title

Date

Calvin Koff
Partner

10/23/73

RECORDED RIGHT OF WAY NO. 29429

THE DETROIT EDISON COMPANY

2000 SECOND AVENUE
DETROIT, MICHIGAN 48226

Date: October 10, 1973

Mal Kaftan

25130 Southfield

Southfield, Michigan 48075

Re: Kensington Park Apartments

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, if the field construction is done during the period of December 15 through March 31, winter construction charges will be assessed. These charges are \$1.00 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,

Jerry Price
Service Planner

10-11-73
Date

JP/ep

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 winter construction 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. U-63497 for this development is in my/our possession and will be used for this purpose.

Signed

Cyber Koff

Signed

Parlane

Title

10/23/73

Date

RECORDED RIGHT OF WAY NO. 29439

MEMORANDUM ORDER
FOR GENERAL USE
DE FORM 85 77 12-53

TO Engineering Coordinator Supervisors DATE MAY 7, 1974 TIME _____
Bldg. H - Room 250 W.S.C.

Re: Underground Service - ^NKESINGTON PARK APT'S, LYON TWP, OAKLAND COUNTY
Agreements and Easements obtained - OK to proceed with construction.

COPIES TO: P. CORTES - OAKLAND S.P.

SIGNED

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

REPORT _____

DATE RETURNED _____

TIME _____

SIGNED _____

RECORDED
RIGHT OF WAY NO. 29429

WATERLOO Supervisor Date 6-12-73
Real Estate and Rights of My Dept., OAKLAND District Application No. _____

For NE & NW Dept., NE - NW No. CE-3-52

We have included the following necessary material and information:

MINIMUM:

- A. Subdivision**
- 1. Copy of complete final proposed plat, or
 - 2. Recorded plat
 - a. Site plan
 - b. Title information (final, title commitment, contract, or title search)
- or
- 1. Other than subdivision **APARTMENTS**
 - 1. Property description ✓
 - 2. Site plan ✓
 - 3. Title information (final, title commitment, contract or title search) ✓

REQUIREMENTS:

- (1) Project name: KENSINGTON PARK APTS County: OAK
City/Township/Village: LYON Section No. 5
- (2) Name of developer: MEL KAFTAN
Address: 25130 SOUTHFIELD RD ^{SOITE-102} Phone No. 557-9620
SOUTHFIELD 48075
- (3) Date service is wanted: SEPT-29-73
- (4) Entire project will be developed at one time: No Yes
- (5) Utility poles on property: No Yes
- (6) Joint accounts required: No Yes
- (a) Name of other utilities: MICH BELL & C.P.
- (b) Other utility engineer names and phone numbers: MBT-DON WARREN
663-9981 - C.P. JOHN NAVAR - 427-5100 x244
- (7) Part of subdivision is fed from overhead service Yes No
- Lot No. _____

RECORDED RIGHT OF WAY NO

2942

(8) Additional information or comments: _____

NOTE: Tracking letter attached OR, will be submitted later

Signed: Jerry Price
(Service Planning Department)

Received, NE & NW Dept. on June 13 1973

-297

NORTH
ARROW

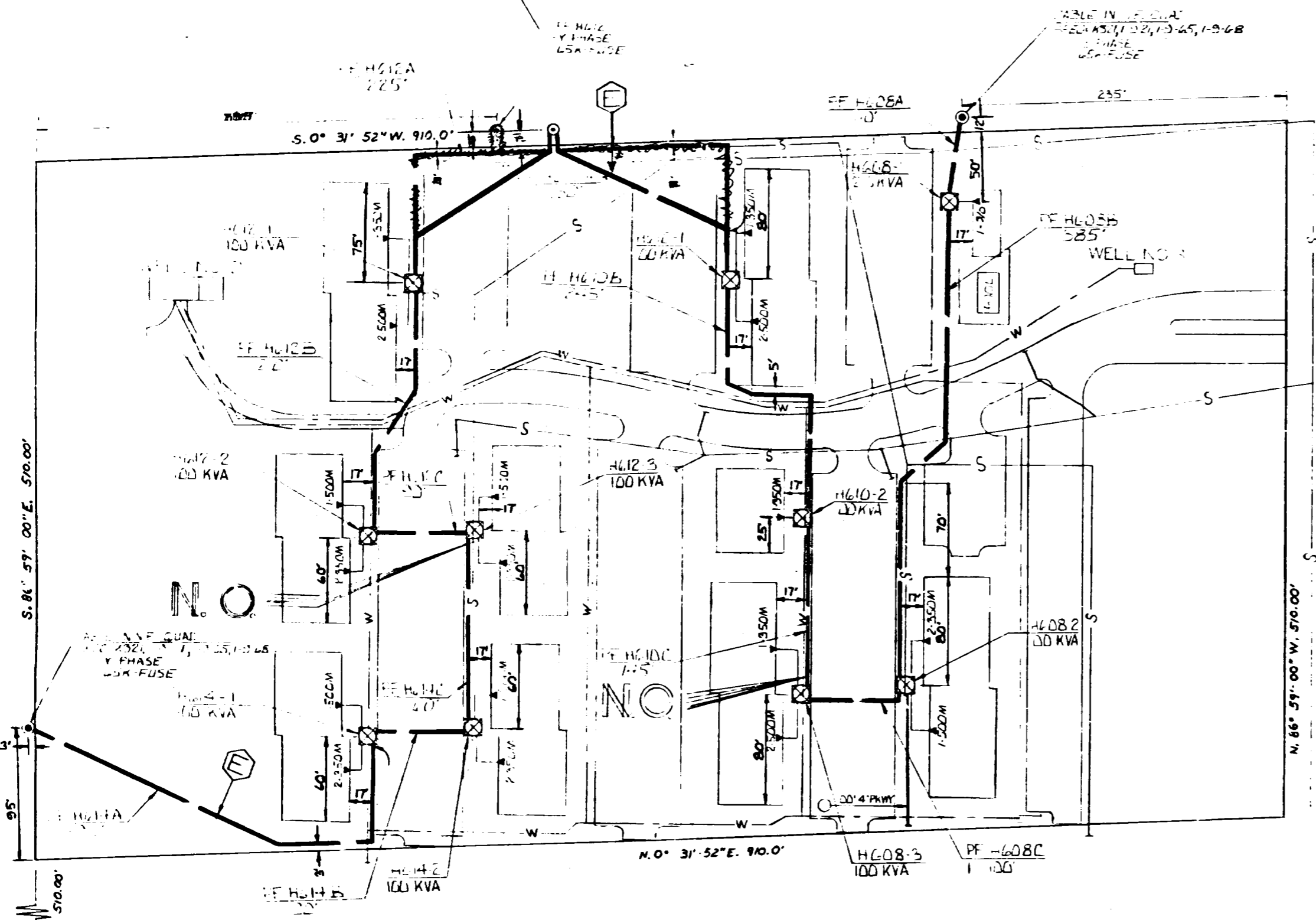
LOCATION SKETCH
U.G. MAP SEC NOS

LIBER 6312 PAGE 740

LIBER 6312 PAGE 741

LIBER 6312 PAGE 742

6-24-68



TRANSFORMER SPECS 1-52-67DE, 1-11-26-1
 PEDESTAL SPEC - R13
 NO. OF PEDESTALS _____

- CODE -
- TEMPORARY SECONDARY PEDESTAL
 - DFT (DEAD FRONT TYPE)
 - ▣ UDT (NON SWITCHING LIVE FRONT TYPE)
 - ▤ UDT (SWITCHING LIVE FRONT TYPE)
 - ← DIRECTION OF TRANSFORMER DOOR OPENING
 - SECONDARY PEDESTAL
 - ▲ SECONDARY TERMINAL
 - ⊙ CABLE POLE
 - ▢ PRIMARY SWITCH CABINET
 - BURIED PRIMARY CABLE ALL VOLTAGES
 - BURIED SECONDARY CABLE
 - BURIED SECONDARY SERVICE CABLE
 - DETROIT EDISON TRENCH ONLY
 - TELEPHONE TRENCH ONLY
 - SEWER
 - WATER
 - GAS
 - PROPOSED CONDUIT

CABLE SUMMARY

ITEM#	#2APEC X 1 13.7 KV	713 3029	2x85'
ITEM#	AP2 350M & 1 1/4" 600 V.	713 0537	520'
ITEM#	AP23/0 & 1 1/4" 600 V.	713 0536	20'
ITEM#	AP2 100' & 1 3/8" 600 V.	113-0560	510'

TRENCH SUMMARY

JOINT USE	0'00"
D. E. ONLY	520'
TEL ONLY	0'
TOTAL	520'

SITE SUPT. DANNY HAMPTON
 PHONE NO. 451-9620

TRANSFORMER DATA

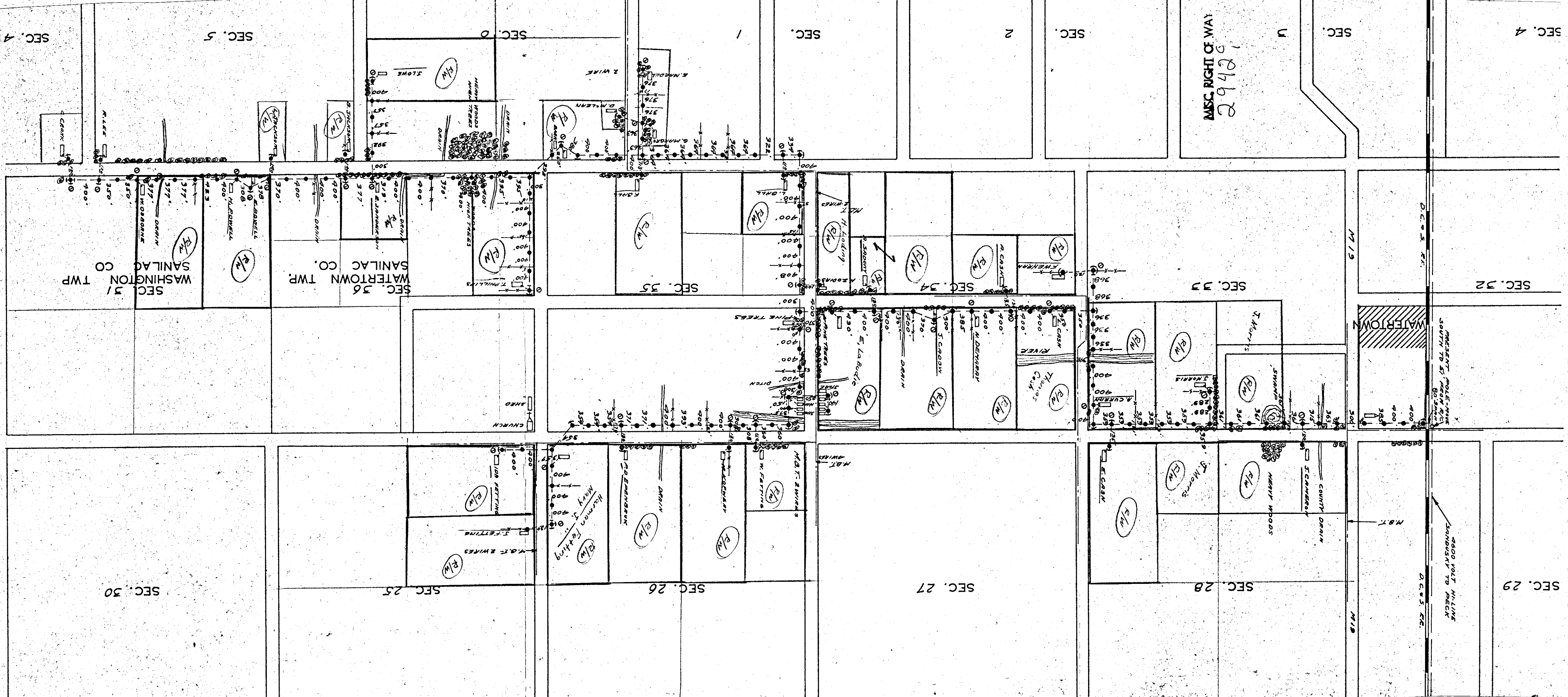
UDT NO.	SIZE	ED STK. NO.
H610-1	25 KVA	661-1151
-2	100 KVA	661-1153
-3		
H610-2		
-1		
-2		
-3		
H614		
-1		
-2		

- GENERAL NOTES -
 TRENCHING TO BE DONE BY D.E. CO.
 TRENCH AND CABLE LENGTHS ARE APPROXIMATE.
 SEE DRAWING UI 12369 FOR TRANS. MAT. DETAILS.
 SEE PAGE 3211 (51M) DETAIL " " FOR ENTRANCE POINT DETAILS (APTS ONLY).
 SEE DRAWING UI 42263 FOR PLACEMENT OF CABLES, TRANSFORMERS AND PEDESTALS (SUB'DS ONLY).
 D.E. SERVICE PLANNER D. COATES-44-3040 EXT 75-236
 TEL. CO. - LN WAREN - 663-9381

CONTACT "MISS DIC" (6477 344) BEFORE DOING ANY EXCAVATION.
 EASEMENTS INDICATED BY OUR CENTERLINES ARE (6) SIX FEET IN WIDTH UNLESS OTHERWISE NOTED.

PERMITS REQUIRED
 LYON TWP

D	REVISION	C	REVISION	B	REVISION	A	REVISION	REFERENCE	NAME	DATE	JOB TITLE	THE DETROIT EDISON COMPANY SERVICE PLANNING DEPARTMENT		
								"AS-INSTALLED"	DRAWN BY	8-21-73	KENSINGTON PK APTS. PART OF THE N.W. 1/4 OF SEC 5 LYON TWP. T.I.N. R7E.	SCALE	NUMBER OF UNITS	WORK ORDER NUMBER
									CHECKED BY	9-7-73		1" = 50'	136	36784J734
									APPROVED BY	9-7-73		LATEST REVISION	DISTRIBUTION INCL	
													3077 INLAND-13 2 KV	
												DEPT ORDER NUMBER		
														OAKLAND CO. MICH. U-63497 SHEET 1 OF 1 SHEETS



SEC. 29

SEC. 28

SEC. 27

SEC. 26

SEC. 25

SEC. 30

SEC. 32

SEC. 33

SEC. 34

SEC. 35

SEC. 36

SEC. 31

SEC. 4

SEC. 5

SEC. 2

SEC. 1

SEC. 0

SEC. 4

MISC. RIGHT OF WAY
2942'

D.C.S. R.R.

M19

PRESENT POLE LINE
SOUTH TO E. FROM R.C.
80' WIDE

4500 VOLT HILLING
SANDUSTRY TO PECK

M18

M.B.T.

COUNTY DRAIN

HARRIS WOODS

J. CAMBERO

J. MORRIS

R/W

R/W

J. CASH

T. MORRIS

R/W

J. MORRIS

R/W

H. DENNERY

R/W

J. CROOK

R/W

E. LaBodie

R/W

H. T. H. Loding

R/W

M. CASH

R/W

J. MORRIS

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H. DENNERY

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J. MORRIS

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E. BARWELL

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H. DENNERY

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W. OSBORNE

R/W

J. FETTING

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M.B.T. WIRES

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HARRIS WOODS

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CHURCH

SWAMP

CASH RIVER

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2 WIRE

HARRIS WOODS

R/W

J. MORRIS

R/W

H. DENNERY

R/W

J. MORRIS

R/W

H. DENNERY

R/W

J. MORRIS

R/W

H. DENNERY

R/W

CHURCH

SWAMP

CASH RIVER

THORNS CREEK

MISC. RIGHT OF WAY FILE No. 29424-29.

R. 29429

GENERAL FILES
RECEIVED: MAR 3 1941
FILED: Misc. Rights of Way - Sanilac County
WATER TOWN TOWNSHIP