

Recorded

AY 9 8 52 AM '75

JULIA C. BLACKBURN
REGISTER OF DEEDS
LIVINGSTON COUNTY, MICH.

APARTMENTS

AGREEMENT - EASEMENT - RESTRICTIONS

This instrument made this 13th day of Nov, 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 referred to
as "EDISON", and XXXXX, a Michigan corporation of XXXXX
XXXXX, hereinafter referred to as
XXXXX.

W I T N E S S E T H:

WHEREAS, Owners are erecting apartments known as Kleinschmidt
Apartments, on land in the Village of Fowlerville,
County of Livingston, State of Michigan, as described in Appendix "A", attached
hereto and made a part hereof, and EDISON and XXXXX 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 XXXXX 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 XXXXX, 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 XXXXX upon receipt of a statement therefor. Further, if the lines or facilities of EDISON and XXXXX 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 reimbursement shall be paid to EDISON or XXXXX 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 XXXXX 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.
- (5) Easements herein granted are subject to the following restrictions
 - 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.
 - b. Owners will place survey stakes indicating building plot lines and property lines before trenching.

DE FORM LE 24 1-71 CS

- 1 -

* This instrument is re-recorded to show "as installed" drawing as stipulated in paragraph 4 above, and attached hereto and made a part hereof.

*Handy Twp.
Sec. 14, NW 1/4, W 1/2 of
(Kleinschmidt Cysto.)*

RECORDS GENERAL

RECEIVED JUN 6 1975
TICKLER MADE
CLASSIFIED

JULIA C. BLACKBURN
REGISTER OF DEEDS
LIVINGSTON COUNTY, MICH.

RECORDED RIGHT OF WAY NO. 30009

VA 8 25 AM '15

LIVINGSTON COUNTY, MICH.
REGISTER T. DEWIS
JULIA C. BLACKBURN

242 TOM SIX BELL

WYNDHAM HOTEL
1825
DETROIT
MICHIGAN
MAY 20 1915

RETURN TO
R. J. ORT
THE DETROIT EDISON COMPANY
343 S. MAIN STREET
ANN ARBOR, MICHIGAN 48104

MAY 15 1915

- 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.
- g. EDISON and XXXXX 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 XXXXX 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

C. George Williams
C. GEORGE WILLIAMS

Irene C. Kata
IRENE C. KATA

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

BY: _____

BY: _____

DE FORM LE 24 1-71 CS

- 2 -

RECORDED

MAY 9 8 52 AM '75
JULIA C. BLACKBURN
REGISTER OF DEEDS
LIVINGSTON COUNTY, MICH.

CLARENCE BLACKBURN
REGISTER OF DEEDS
LIVINGSTON COUNTY, MICH.

1972 DEC 13 PM 4 05

RECORDED

RECORDED RIGHT OF WAY NO. 30009

SHI... ..

POST OFFICE

RETURN TO
R. J. CRT
THE DETROIT EDISON COMPANY
343 S. MAIN STREET
ANN ARBOR, MICHIGAN 48104

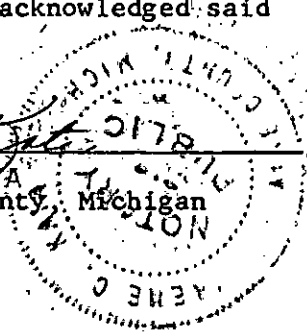
MAY 3 3 25 PM '12

RECORDED

STATE OF MICHIGAN)
) SS.
COUNTY OF WAYNE)

On this 20th day of November, 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 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 W. C. Arnold 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: May 14, 1976

STATE OF MICHIGAN)
) SS.
COUNTY OF)

On this _____ day of _____, 19____, before me the subscriber, a Notary Public in and for said County, appeared _____ to me personally known, who being by me duly sworn did say that he is _____ authorized by and for _____ corporation, and that said instrument was signed in behalf of said corporation, by authority of its Board of Directors, and _____ acknowledged said instrument to be the free act and deed of said corporation.

Notary Public, _____ County, Michigan

My Commission Expires: _____

RECORDED RIGHT OF WAY NO. 30009

RECORDED

MAY 9 8 52 AM '75
JULIA C. BLACKBURN
REGISTER OF DEEDS
LIVINGSTON COUNTY, MICH.

CLARENCE BLACKBURN
REGISTER OF DEEDS
LIVINGSTON COUNTY, MICH.

1972 DEC 13 PM 4 05

RECORDED

1950

NOV 15 1950

NOV 15 1950

11/15/50

RETURN TO
R. J. CRT
THE DETROIT EDISON COMPANY
343 S. MAIN STREET
ANN ARBOR, MICHIGAN 48104

2700

050800

811. 120

APPENDIX "A"

Land in the Village of Fowlerville, County of Livingston, Michigan, described as: A part of the West 1/2 of the N.W. 1/4 of Section 14, T3N, R3E, Michigan, described as follows: Beginning on the West line of said Section 14 and in the centerline of Fowlerville Road 1249 feet North 2° 00' West from the West N.W. corner of said Section 14; running thence North 2, 00' West 295.2 feet along the West line of said Section 14 and in the centerline of said Fowlerville Road; thence North 88° 00' East 183 feet; thence South 2° 00' East 301.37 feet; thence South 89° 56' West 183 feet to the point of beginning.

Witness: Joseph C. Cox (Signed) Robert Kleinschmidt
Thelma J. Rossetter Elizabeth Kleinschmidt
 Robert K. Kleinschmidt
 Elizabeth Kleinschmidt, his wife

Prepared by: 2122 Bradley
 Webberville, Michigan 48892

James M. Davenport Jr.
 2000 Second Ave.
 Detroit, Michigan 48226

STATE OF MICHIGAN)
) SS.
 COUNTY OF Livingston)

On this X 13th day of X November A.D. 19 72, before the undersigned, a Notary Public in and for said County, personally appeared Robert K. Kleinschmidt and Elizabeth Kleinschmidt, his wife known to me to be the person s who executed the foregoing instrument and acknowledged the same to be their free act and deed.

Thelma J. Rossetter
 X Notary Public, Livingston County, Michigan

My Commission Expires: X March 5, 1973

RECORDED
 MAY 9 8 52 AM '73
 JULIA C. BLACKBURN
 REGISTER OF DEEDS
 LIVINGSTON COUNTY, MICH.

CLARENCE BLACKBURN
 REGISTER OF DEEDS
 LIVINGSTON COUNTY, MICH.
 1972 DEC 13 PM 4 05
 RECORDED

RECORDED RIGHT OF WAY NO. 3009

ANN ARBOR, MICHIGAN 48104
243 S. MAIN STREET
THE DETROIT EDIBLE COMPANY
R. C. ...
MAY 28 8 35 AM '75

RECORDED

RECORDED

MAY 9 8 52 AM '75
JULIA C. BLACKBURN
REGISTER OF DEEDS
LIVINGSTON COUNTY, MICH.

...
...
...

DEC 12 4 50 PM '75
CLARENCE BLACKBURN
REGISTER OF DEEDS
LIVINGSTON COUNTY, MICH.

RECORDED

FILED 575 671 279

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

TO Engineering Coordinator Supervisor
Building H - Room 250 - WSC

DATE 11-16-72 TIME _____

RE: Underground Service - Kleinschmidt Apartments - Village of Fowlerville - Livingston
County - Agreement-Easement-Restrictions Obtained -OK to proceed with construction.

COPIES TO P. Capling
file (2)

REPORT _____

SIGNED

James M. Davenport Jr.
James M. Davenport Jr.
RE & RW Dept Ann Arbor

DATE RETURNED _____


TIME _____

SIGNED _____

Detroit
Edison

Date: May 19, 1975

To: Records Center
130 General Offices

From: James M. Davenport Jr. 
Real Estate and Rights of Way Department
West District - Ann Arbor

Subject: Agreement-Easement-Restrictions for underground
residential distribution for Kleinschmidt Apts.
located in Fowlerville Village, County of Livingston

Attached for Records Center is the executed agreement dated 11-13-72 for the above named project. Also enclosed are other pertinent papers relative to this project. Easements for this project were requested by Phil. Capling

Service Planning Department, Ann Arbor Division
~~XXXXXXXX~~

The agreement was negotiated by James Davenport
of this Department.

Please make the attached papers a part of recorded Right of Way file.

(Additional information) _____

Attachment

RECORDED RIGHT OF WAY NO. 30009

THE DETROIT EDISON COMPANY

2000 SECOND AVENUE

DETROIT, MICHIGAN 48226 Nov. 10, 1972

Mr. & Mrs. R. Kleinschmidt
2122 Bradley
Webberville, Mich. 48892

Re: **Kleinschmidt Apartments**

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. It appears to me from the evidence you have furnished the following parties have an interest in this land:

Mr. and Mrs. Kleinschmidt

We will then have the officers of XXXX X and Edison execute the Agreement and return a fully executed copy to you. The fourth copy should be retained by you until you received the fully executed copy from us.

In order to comply with the recording statutes of the State of Michigan, please have two separate witnesses sign where indicated. The Notary can be one of the witnesses. Also, print or type the names of all parties signing the document, 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.

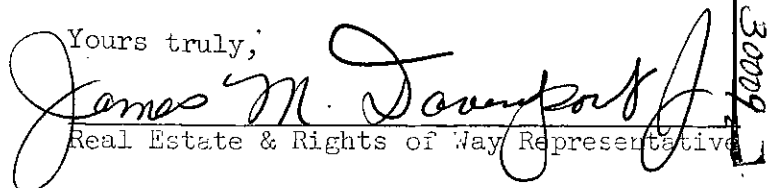
Prompt return of these instruments, fully completed, will assist in prompt scheduling of our work to be completed in your project. Please return all signed documents to:

James M. Davenport Jr.

c/o Detroit Edison
Curtis Building - Suite 212
343 S. Main Street
Ann Arbor, Michigan 48108

If there are any questions, please call me at 769-5880, ext. 355 or 356. or 1-313-769-9877

Yours truly,


Real Estate & Rights of Way Representative

Enclosure:

RECORDED RIGHT OF WAY NO.

30009

THE DETROIT EDISON COMPANY

2000 SECOND AVENUE

DETROIT, MICHIGAN 48226

Date **October 5, 1972**

Mr. Robert Kleinschmidt

2122 Bradley

Webberville, Mich. 48892

Regarding Kleinschmidt 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 10-6-72.

The cost to you for said electric line installation is \$550.00 based on 275 trench feet or ----- lot front feet. Extra charges in addition to the above will be \$----- 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. 30709

Page 2
The Detroit Edison Company
Date 10-5-72

Kleinschmidt 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,

P.J. Capling
Service Planner
P.J. Capling

ACCEPTED:

Name Robert H. Kleinschmidt

Title owner

Name _____

Title _____

Date _____

RECORDED RIGHT OF WAY NO. 30009

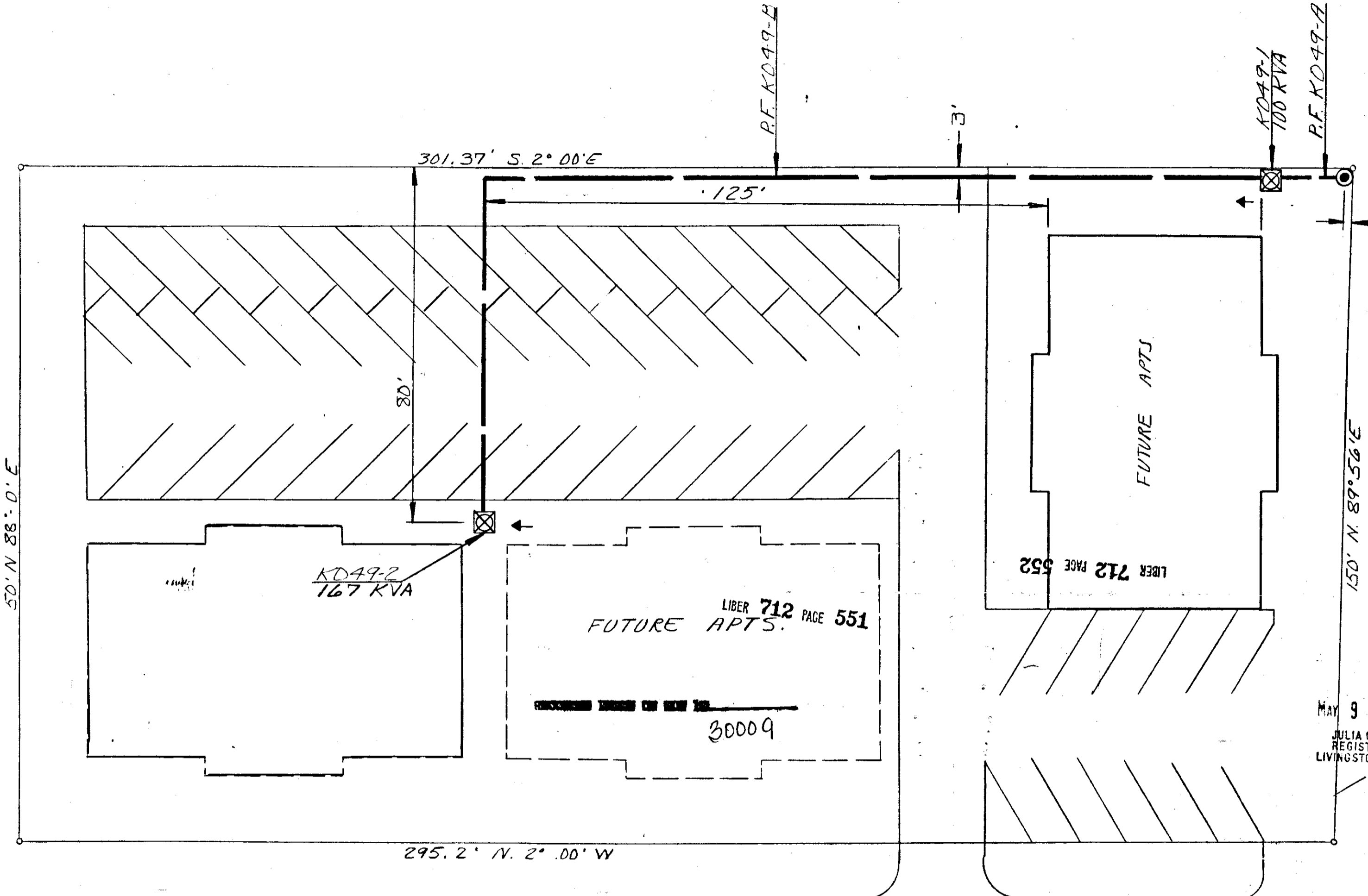
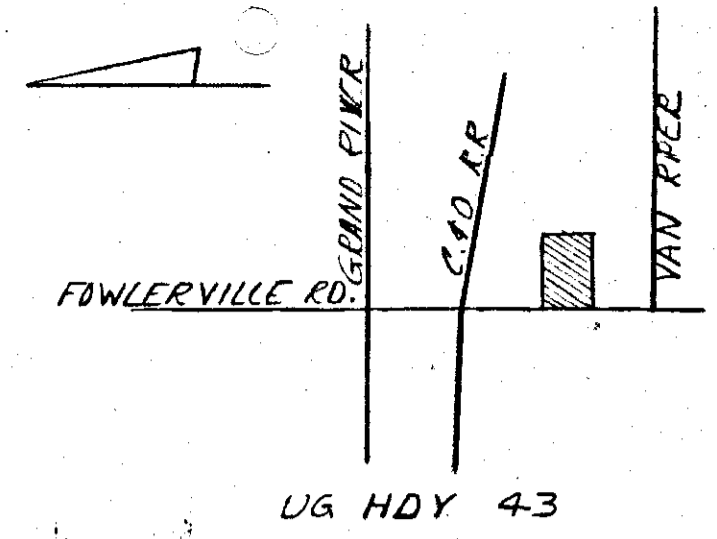
DICK ORT

Send to: Stephen A. McNamee
226 G.O. A2 RW

APARTMENT PROJECTS - UNDERGROUND SERVICE

1. Name of Project KLEINSCHMIDT APARTMENTS
2. Name of Developer ROBERT KLEINSCHMIDT
- Address 2122 BRADLEY WEBBERVILLE, MICH. 48892
- Phone (517) 223-8202
3. Description of Property (please attach description)
4. Primary or individual metering?
5. When is service wanted? 12/1/72
6. Will entire project be developed at one time? YES
7. Single Phase 120/240 ? Three Phase _____ ?
8. Cable poles on property YES (ONE) ?
9. Customer service cable _____ ?
10. Do we furnish trenching YES ?
11. Are easements all joint with Bell NO JOINT USE ?
12. Do we need additional easement drawings from Bell NO ?
13. Bell Engineer _____ Phone _____
14. ~~Sales Representative~~ P. CAPLING Phone 759
SER. PLAN

RECORDED RIGHT OF WAY NO. 30009



GENERAL NOTES
 DE TO DO TRENCHING
 DE CONSTRUCTION: P. SCHMIDT
 DE SERVICE PLANNER: P. CAPLING
 PHONE: 1-517-546-5880 x-759
 SEE DRAWING U1-12369 FOR TRANS
 MAT DETAIL

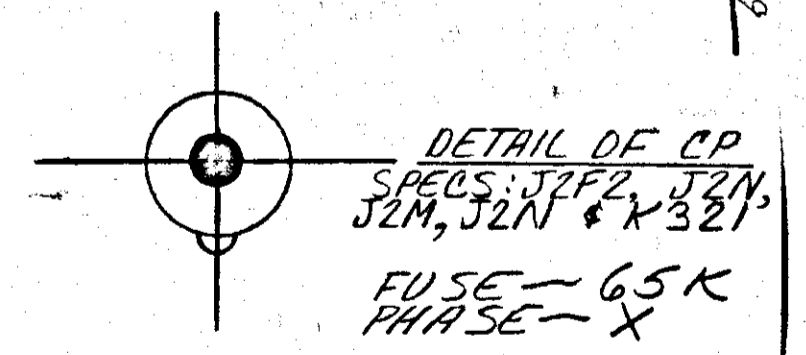
CABLE SUMMARY
 ITEM NO. — *2APEL x 1 13.2 713-3029-325

TRANSFORMER DATA
 KD49-1 100KVA 661-1153
 KD49-2 167 KVA 661-1154
 SPECS: R14G R21 R25 R351E
 R367 & R369

RECORDED

MAY 9 8 52 AM '75
 JULIA C. BLACKBURN
 REGISTER OF DEEDS
 LIVINGSTON COUNTY, MICH.

TRENCH SUMMARY
 DEED ONLY — 270'



- CODE**
- ☒ UDT (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

FOWLERVILLE RD.

"AS
 INSTALLED"
 KLEINSCHMIDT APTS
 DIST. CIP. 301 FOWLERVILLE
 LIBER 712 PAGE 552 13.2 KV THRU 150-UP

PERMITS REQUIRED
 HANDY TOWNSHIP
 (NOTIFICATION ONLY)

DE WO 367 B6 J357
 590 A20 J104

DRAWN	DGH	11-1-72	APTS. NW 1/4 SEC 14 T.3N., R. 3E.	THE DETROIT EDISON COMPANY SERVICE PLANNING DEPARTMENT
OK	BJC	1/12/72		
APPROVED	[Signature]	1/12/72	HANDY TWP. LIVINGSTON CO. MICH.	SCALE 1"=20'
USE DIMENSIONS ONLY				PRINTED 11-38169

RECORDED RIGHT OF WAY NO. 30009