

APARTMENTS

(74 57031)

AGREEMENT - EASEMENT - RESTRICTIONS

This instrument made this 17TH day of JUNE, 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."

3-10/11

WITNESSETH:

WHEREAS, Owners are erecting apartments known as MEADOWBROOK APARTMENTS, PHASE I, on land in the Township of Pontiac, 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.

REGISTER OF DEEDS RECORDS
1975 APR 7 39
CLERK

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

Pontiac Twp.
Sec. 11, SE 1/4, NE 1/4 of
Super. Plat # 2
L 15/16
(Meadowbrook Apts. - Phase I)

RECORDS CENTER
RECEIVED JUN 6 1975
TICKLER MADE
CLASSIFIED

17.00

RECORDED RIGHT OF WAY NO. 30019

- 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:

Mary Ann Misiak
MARY ANN MISIAK

Irene C. Kria
IRENE C. KRIA

Marsha Pavelka
MARSHA PAVELKA

Melford Hartman
MELFORD HARTMAN

THE DETROIT EDISON COMPANY
By W. C. Arnold
W. C. Arnold, Director, Real Estate and Rights of Way Dept.

By Lillian J. H. Carroll 6-24-74
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 RIGHT OF WAY NO. 30012

STATE OF MICHIGAN)


SS

COUNTY OF WAYNE)

On this 1st day of July, 19 74, 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, 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 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: May 14, 1976

Irene C. Katalis
 Notary Public IRENE C. KATALIS
Wayne County, Michigan



STATE OF MICHIGAN)

SS

COUNTY OF OAKLAND)

On this 15th day of July, 19 74, 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
 _____ County, Michigan

MELFORD HARTMAN
 Notary Public, Wayne County, Michigan
 Acting in Oakland County
 My Commission Expires Sept. 15, 1975

RECORDED RIGHT OF WAY NO. 30019

WITNESS

STRICK STYLE HOMES INC.
A Michigan Corporation
23650 W. Seven Mile Road
Detroit, Michigan 48219

Eugene F. Zeimet
Eugene F. Zeimet
Thaddeus A. Wozniak
Thaddeus A. Wozniak

[Signature]
By: JACK STRICKSTEIN - Pres.
By:

STATE OF MICHIGAN)
COUNTY OF Oakland) SS:

On this 17 day of June 1974, before me appeared Jack Strickstein and _____ to me personally known, who being by me severally duly sworn, did say that ~~they are~~ respectively President and _____ of STRICK STYLE HOMES INC., A Michigan Corporation, and that the said instrument was signed in behalf of said corporation by authority of its Board of Directors and the said JACK STRICKSTEIN and _____ acknowledged the said instrument to be the free act and deed of the said STRICK STYLE HOMES INC.

Eugene F. Zeimet
Eugene F. Zeimet
Notary Public, Oakland County, Michigan

My Commission Expires: 10-12-76

RECORDED RIGHT OF WAY NO. 30019

WITNESS

SELLER:

BERT L. SMOKLER AND COMPANY
A Delaware Corporation
17515 West Nine Mile Road
Southfield, Michigan 48075

John S. Blanchard
JOHN S. BLANCHARD

Thomas J. Rogers
THOMAS J. ROGERS

Bert L. Smokler
Bert L. Smokler, Chairman of the Board

STATE OF MICHIGAN)
COUNTY OF Oakland) SS:

On this 12th day of June 1974, before me appeared Bert L. Smokler, to me personally known, who being by me severally duly sworn, did say that he is Chairman of the Board of Bert L. Smokler and Company, A Delaware Corporation, and that the said instrument was signed in behalf of said corporation by authority of its Board of Directors and the said Bert L. Smokler, acknowledged the said instrument to be the free act and deed of the said Bert L. Smokler and Company.

My Commission Expires: 10-12-76

Eugene F. Zimet
Eugene F. Zimet
Notary Public, Oakland County, Michigan

WITNESS

PURCHASER:

John S. Blanchard
JOHN S. BLANCHARD

James A. Williams
James A. Williams - A MARRIED MAN
4190 Telegraph Road
Suite 100
Bloomfield Hills, Michigan 48013

Thomas J. Rogers
THOMAS J. ROGERS

STATE OF MICHIGAN)
COUNTY OF Oakland) SS:

On this 12th day of June 1974, before the undersigned, a Notary Public in and for said County, personally appeared James A. Williams, a married man, known to me to be the person who executed the foregoing instrument and acknowledged the same to be his free act and deed.

My Commission Expires: 10-12-76

Eugene F. Zimet
Eugene F. Zimet
Notary Public, Oakland County, Michigan

APPENDIX "A"

Lot 16 and Part of Lot 15 of "Supervisor's Plat No. 2" as recorded in Liber 30, Page 48 Oakland Company, Records and Part of the N.E. 1/4 of the S.E. 1/4 of Section 11, Township 3 North, Range 10 East, Pontiac Township, Oakland County, Michigan, described as beginning at the East 1/4 corner of said Section 11; thence South 00°46'05" West 440.00 feet along the East line of said Section 11; thence North 89°13'55" West 585.00 feet, thence North 20°01'03" West 754.36 feet, thence North 03°15'28" West 400.00 feet, thence North 86°44'32" East 858.50 feet along the South line of Shimmons Road (50' wide) to the Northeast corner of said Lot 16, thence South 01°09'39" East 724.98 feet along the East line of said Lot 16 to the point of beginning and containing 20.0 acres more or less.

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

RECORDED RIGHT OF WAY NO. 30019

Detroit
Edison

2000 Second Avenue
Detroit, Michigan 48226
(313) 257-8000

April 11, 1975

Strick Style Homes, Inc.
23650 W. Seven Mile Road
Detroit, Michigan 48219

Gentlemen:

RE: MEADOWBROOK APT'S. - PHASE I

We are enclosing herewith a copy of the "as installed" Drawing No.
A-63944 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/lis
Enclosure

RECORDED RIGHT OF WAY NO. 30019

THE DETROIT EDISON COMPANY

1970 ORCHARD LAKE ROAD

PONTIAC, MICHIGAN 48053

August 7, 1974


Strick Style Homes, Inc.
23650 W. Seven Mile Road
Detroit, Michigan 48219

RE: MEADOWBROOK APARTMENTS - Phase I

Gentlemen:

We are enclosing herewith a fully executed copy of the Agreement dated June 17, 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. 30019

THE DETROIT EDISON COMPANY

1970 Orchard Lake Road
Pontiac, Michigan 48053

April 29, 1974

STRICK STYLE HOMES, INC.
23650 W. Seven Mile Road
Detroit, Michigan 48219

Attention: Mr. Richard Rogel

RE: MEADOWBROOK APT'S PHASE I

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 M. Waterloo

Enclosures

THE DETROIT EDISON COMPANY

2000 SECOND AVENUE
DETROIT, MICHIGAN 48226

Date August 29, 1974

Strick-Style Homes, Inc.

23650 W. Seven Mile Road

Detroit, Michigan 48219

Regarding MeadowBrook Apartments - Phase I, Pontiac Twp.
(A-63944)

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 2, 1974.

The cost to you for said electric line installation is \$8,280.00 based on 4,140 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. 30019

Page 2
The Detroit Edison Company
Date August 29, 1974


MeadowBrook Apartments - Phase I, Pontiac Twp.
(A-63944)

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~~^{one} of the enclosed copies and return them. You may retain the ~~fourth~~^{second} copy for your file.

Very truly yours,


Service Planner

AF:dp

ACCEPTED:

Name Richard Rygel

Title EXECUTIVE USE PREPARATION

Name _____

Title _____

Date _____

RECORDED RIGHT OF WAY NO. 30019

THE DETROIT EDISON COMPANY

2000 SECOND AVENUE

DETROIT, MICHIGAN 48226

Date: August 29, 1974

Strick-Style Homes, Inc.

23650 W. Seven Mile Road

Detroit, Michigan 48219

Re: Meadowbrook Apartments - 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~~^{higher} charges if involved, at a cost not to exceed \$1.00 per linear foot of trench.

Please sign and return ~~three~~^{one} copies of the certificate below. You may retain the ~~fourth~~^{second} copy for your file.

Very truly yours,



Service Planner

9-6-74

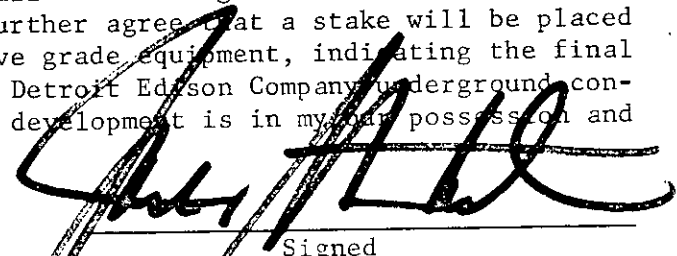
Date

AF:dp

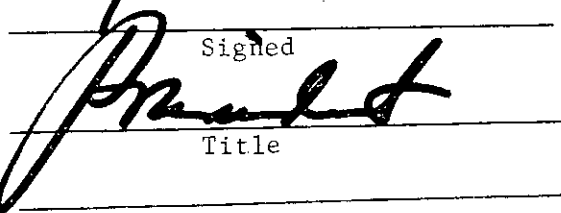
C-E-R-T-I-F-I-C-A-T-E

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. A-63944 for this development is in my/our possession and will be used for this purpose.



Signed



Signed

Title

Date

RECORDED RIGHT OF WAY NO. 30019

APPLICATION FOR U.R.D. EASEMENTS

TO: MR. J.A. ROBERTSON, Supervisor Date 4-25-74

Real Estate and Rights of Way Dept., OAKLAND District Application No. _____

For RE & RW Dept. Use - DE-BEL No. CE-4-34

We have included the following necessary material and information:

MATERIAL:

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

INFORMATION:

(1) Project name: MEADOWBROOK APT'S. PHASE I County: OAKLAND

City/Township/Village: PONTIAC TWP. Section No. 11

(2) Name of developer: RICHARD ROGEL "STRICK STYLE HOMES INC."
23650 - W. SEVEN MILE RD.

Address: DETROIT, MICH. 48219 Phone No. 255-1350

(3) Date service is wanted _____

(4) Entire project will be developed at one time: Yes No

(5) Cable poles on property: Yes No

(6) Joint easements required: Yes No

(a) Name of other utilities: MICHIGAN BELL TEL. CO.

(b) Other utility engineer names and phone numbers: MR. ART BARTZ
338-0590

(7) Part of subdivision is fed from overhead service: Yes No

Lot No. _____

(8) Additional information or comments: _____

NOTE: Tranching letter attached OR, will be submitted later

Signed: Armando J. Foli
(Service Planning Department)

Recorded in RE & RW Dept. on: 4/25/74

RECORDED RIGHT OF WAY NO. 36019

MEMORANDUM ORDER
FOR GENERAL USE
OF FORM NO 77 12-53

TO Engineering Coordinator Supervisors
Bldg. H - Room 250 W.S.C.

DATE June 24, 1974 TIME _____

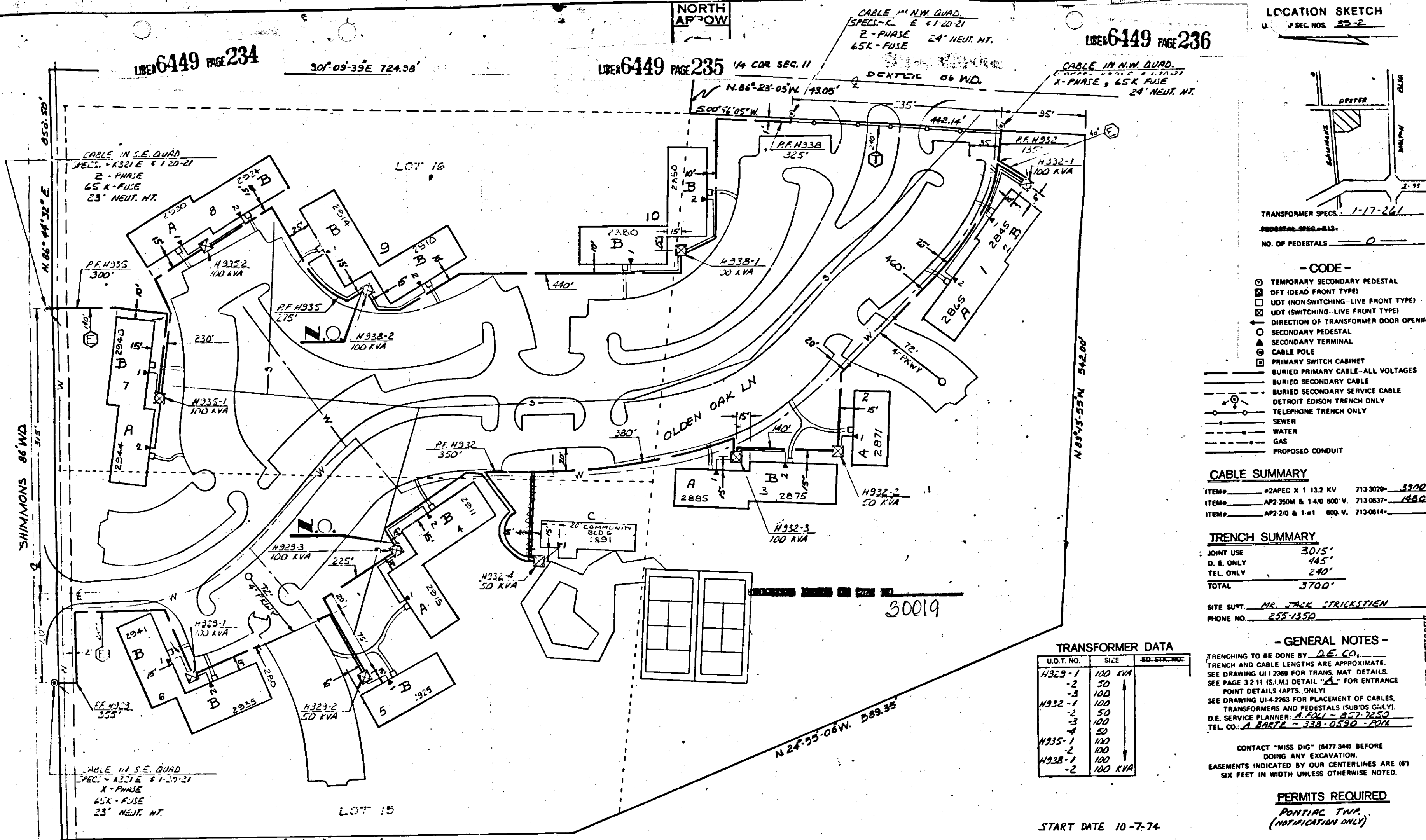
Re: Underground Service - MEADOWBROOK ART'S - PHASE I - PONTIAC TWP, OAK CO.
Agreements and Easements obtained - OK to proceed with construction.

COPIES TO: A. FOLD - OAK S.P.

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

REPORT _____

DATE RETURNED _____ TIME _____ SIGNED _____



TRANSFORMER SPECS. 1-17-261
 PEDESTAL SPEC. - R13
 NO. OF PEDESTALS 0

- 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 13.2 KV	713-3028	3900'
ITEM#	AP2-350M & 1-4/0 600 V.	713-0637	1480'
ITEM#	AP2-2/0 & 1-#1 600 V.	713-0614	

TRENCH SUMMARY

JOINT USE	3015'
D. E. ONLY	445'
TEL ONLY	240'
TOTAL	3700'

SITE SUPT. MR. JACK STRICKSTIEN
 PHONE NO. 255-1350

- GENERAL NOTES -

TRENCHING TO BE DONE BY D.E. CO.
 TRENCH AND CABLE LENGTHS ARE APPROXIMATE.
 SEE DRAWING UI-1-2369 FOR TRANS. MAT. DETAILS.
 SEE PAGE 3-2-11 (S.I.M.) DETAIL "A" FOR ENTRANCE POINT DETAILS (APTS. ONLY)
 SEE DRAWING UI-4-2263 FOR PLACEMENT OF CABLES, TRANSFORMERS AND PEDESTALS (SUB'DS CH'LY).
 D.E. SERVICE PLANNER: A. FOLL - 857-7250
 TEL. CO.: A. BARTZ - 338-0590 - POH

CONTACT "MISS DIG" (847-344) BEFORE DOING ANY EXCAVATION.
 EASEMENTS INDICATED BY OUR CENTERLINES ARE (6) SIX FEET IN WIDTH UNLESS OTHERWISE NOTED.

PERMITS REQUIRED

PONTIAC TWP.
 (NOTIFICATION ONLY)

START DATE 10-7-74

TRANSFORMER DATA

U.D.T. NO.	SIZE	80-STEP NO.
H932-1	100 KVA	
-2	50	
-3	100	
H932-1	100	
-2	50	
-3	100	
H935-1	100	
-2	100	
H938-1	100 KVA	
-2	100 KVA	

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

D	C	B	A	REFERENCE

AS-INSTALLED

NAME	DATE	JOB TITLE
DRAWN BY: L. J. ITRACCA	9-3-74	
CHECKED BY: R. J. FOW	9-16-74	
APPROVED BY: J. J. ...	9-17-74	

PHASE I
 MEADOWBROOK APTS
 E V2 SEC II T3N. R10E
 SUPERVISORS PLAT NO. 2 L30 P48
 PONTIAC TWP OAKLAND CO.

THE DETROIT EDISON COMPANY SERVICE PLANNING DEPARTMENT		
SCALE 1" = 50'	NUMBER OF UNITS 138	WORK ORDER NUM. 367847956
LATEST REVISION	DISTRIBUTION CIRCUIT 8040 CARTER - 13.2	
DEPT. ORDER NUMBER A-63944		SHEET 1 OF 1 SHEET