

AGREEMENT - EASEMENT - RESTRICTIONS

This instrument made this 25th day of MARCH, 19 75, 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 MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation of 1365 Cass Avenue, Detroit, Michigan 48226, hereinafter referred to as "BELL."

W I T N E S S E T H :

WHEREAS, Owners are developing land for subdivision purposes in the Township of Shelby, Macomb County, Michigan, as described in Appendix "A", attached hereto and made a part hereof, and

WHEREAS, the plat of said subdivision will not be recorded until a later date and Owners desire EDISON and BELL to install their underground lines and facilities prior to said recording.

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) Easements for installation of electric and communication services are hereby granted by the Owners to EDISON and BELL as set forth in the attached copy of proposed plat. Any additional easements needed by EDISON and BELL shall be granted by Owners in a separate instrument.

(3) Owners will place survey stakes indicating property lot lines before trenching.

(4) Where sewer lines will parallel electric and communication lines, sewer taps must be extended into each lot for a distance of one (1') foot beyond the easement limits. Underground sewer and water lines may cross but shall not be installed parallel within the six (6') foot easements used by EDISON and BELL.

(5) 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.

(6) No excavations (except for public utility purposes) and no structures or permanent apparatus of any kind (except line fences and driveways) shall be allowed within the public utility easements used by EDISON and BELL. EDISON and BELL shall have no liability to Owners for removal of trees or plant life lying within said easements which, in the sole opinion of EDISON and BELL, interferes with their facilities or when removal is necessary to repair and maintain the underground service facilities.

(7) Owners to provide for clearing the easements of trees, large stumps and obstructions sufficient to allow trenching equipment to operate.

*Shelby Twp.
Sec. 10, SC 4 of
Hawald Haven Sub. #1*

RECORDED IN MACOMB COUNTY
RECORDS AT: 10:28 AM.
MAY - 8 1975

RECORDS CENTER
RECEIVED JUN 6 1975
TICKLER MADE
CLASSIFIED

[Signature]
REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 30026

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(8) No shrubs or foliage shall be permitted on Owners property within five (5') feet of the front doors of transformers or switching cabinets.

(9) 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 plat 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 upon receiving a statement therefor. Owners are defined as those persons owning the land at the time damage occurred.

(10) Owners hereby grant EDISON and BELL the right to install their secondary service and communication lines from termination of utility facilities to the meter or communication building entrance point as the case may be. Owners to pay the cost of conduit for electric and/or communication facilities to accomodate patios or similar site conditions.

(11) Owners of each lot will pay EDISON for service lateral conductors an amount equal to the straight line measurement in feet from the termination of utility facilities at the front or rear property line to Owners meter entrance multiplied by \$1.25. Where special routing is required, the charge of \$1.25 per foot will apply to the route of the line as installed. These charges are subject to change and modification by Orders, from time to time, by the Michigan Public Service Commission.

(12) The Owner will pay to utility concerned the extra trenching costs involved if trenching is required while the ground is frozen.

(13) EDISON and BELL will own and maintain the secondary service and communication laterals from the property line to Owners meter location except such costs or expenses incurred as set forth in Paragraph (9) above shall be borne by Owners.

(14) Upon the further acceptance and recording of the plat for the above described land, the easement herein granted and all the terms and conditions hereof shall merge with and be part of the private easements for public utilities indicated on said plat, only on condition that there is no dedication to the use of the public for said easements. The utility making use of such easements shall pay all the costs incurred by all prior public utility users in relocating or rearranging their facilities to make the easements available for subsequent use.

This Agreement-Easement-Restriction shall run with the land and 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 undersigned 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. Kata
IRENE C. KATA

Marsha Pavelka
MARSHA PAVELKA

Frances J. Michaels
FRANCES J. MICHAELS

By W. C. Arnold
THE DETROIT EDISON COMPANY
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 RIGHT OF WAY NO. 30026

STATE OF MICHIGAN)
COUNTY OF WAYNE) SS

On this 3rd day of April, 19 75, 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 G. Kata
Notary Public
Wayne County, Michigan
IRENE G. KATA
NOTARY PUBLIC
WAYNE COUNTY, MICHIGAN

STATE OF MICHIGAN)
COUNTY OF OAKLAND) SS

On this 9th day of April, 19 75, 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: _____

Francis J. Michaels
FRANCES J. MICHAELS Notary Public
Notary Public, Oakland County, Michigan
My Commission Expires October 8, 1977
_____ County, Michigan

RECORDED RIGHT OF WAY NO. 30026

WITNESSES:

Joseph W. Boardman
Joseph W. Boardman
Peter Miller
Peter Miller

Ihla M. Aulgur
Ihla M. Aulgur
60592 Miriam
Washington, Michigan 48094

STATE OF MICHIGAN)
) SS:
COUNTY OF MACOMB)

On this 25th day of MARCH 1975, before me appeared Ihla M. Aulgur to me known to be the person who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

My Commission Expires: My Commission Expires Jan. 24, 1978

Joseph W. Boardman
Joseph W. Boardman
Notary Public, Macomb County, Michigan

AULGUR BUILDING COMPANY
52195 Van Dyke Avenue
Utica, Michigan 48087

WITNESSES:

Joseph W. Boardman
Joseph W. Boardman
Peter Miller
Peter Miller

Lawrence M. Aulgur
Lawrence M. Aulgur, President
Ihla M. Aulgur
Ihla M. Aulgur, Secretary

STATE OF MICHIGAN)
) SS:
COUNTY OF MACOMB)

Personally came before me this 25th day of MARCH, 1975, Lawrence M. Aulgur, President, Ihla M. Aulgur, Secretary, of the above named corporation, to me known to be the persons who executed the foregoing instrument and to me known to be such President and Secretary of said Corporation, and acknowledged that they executed the foregoing instrument as such officers as the free act and deed of said Corporation, by its authority.

My Commission Expires: My Commission Expires Jan. 24, 1978

Joseph W. Boardman
Joseph W. Boardman
Notary Public, Macomb County, Michigan

APPENDIX "A"

Part of the S.E. 1/4 of Section 10, Township 3 North, Range 12 East, Shelby Township, Macomb County, Michigan; Commencing at the S.E. corner of Section 10, Township 3 North, Range 12 East, Shelby Township, Macomb County, Michigan; thence North 88°38'30" West 1321.73 feet along the South line of said Section 10 which is the centerline of 24 Mile Road to the point of beginning; thence continuing North 88°38'30" West 200.09 feet along the South line of said Section 10; thence North 00°07'03" East, 444.80 feet; thence North 89°49'20" West, 132.00 feet; thence North 00°29'29" East, 1144.86 feet; thence South 87°09'22" East, 272.06 feet; thence North 66°05'00" East, 60.00 feet; thence North 23°55'00" West 27.08 feet; thence North 66°05'00" East, 152.96 feet to a point on the southwesterly R.O.W. line of M-53 Expressway; thence South 24°51'51" East, 404.37 feet along said southwesterly R.O.W. line of M-53 Expressway to a point of curvature and continuing along said Expressway R.O.W. on a curve to the right of radius 7829.34, a central angle of 5°21'40", whose chord bears South 22°11'01" East 732.32 feet, an arc distance of 732.59 feet to a point on the North line of "Supervisor's Plat of Bonkowski Subdivision" as recorded in Liber 26, page 31 of the Macomb County Records; thence along the North line of said "Supervisor's Plat of Bonkowski Subdivision" North 88°52'37" West 577.80 feet to the N.W. corner of said subdivision; thence South 00°15'28" West 658.69 feet along the West line of said subdivision to a point on the South line of said Section 10 which is the centerline of 24 Mile Road, said point being the point of beginning, encompassing 19.25 acres.

RECORDED RIGHT OF WAY NO. 30026

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

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

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

DATE 4-1-75 TIME _____

Re: Underground Service - HAWAID HAVEN SUB. NO. 1 - SHELBY TWP, MACOMB COUNTY
Agreements and Easements obtained - OK to proceed with construction.

COPIES TO: A. LAWRENCE

SIGNED

John N. Waterloo
John N. Waterloo
Real Estate and R/W Department
Pontiac Service Center Annex

REPORT FILE

DATE RETURNED _____

TIME _____

SIGNED _____

THE DETROIT EDISON COMPANY

1970 ORCHARD LAKE ROAD

PONTIAC, MICHIGAN 48053

May 15, 1975


Ihla M. Aulgur
60592 Miriam
Washington, Michigan 48094

RE: HAWALD HAVEN SUB. NO. 1

Gentlemen:

We are enclosing herewith a fully executed copy of the Agreement dated March 25, 1975 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. 30026

THE DETROIT EDISON COMPANY

1970 Orchard Lake Road

Pontiac, Michigan 48053

March 17, 1975

Ihla M. Aulgur
60592 Miriam
Washington, Michigan 48094

RE: HAWALD HAVEN SUB. NO. 1

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. 9 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, Representative
Real Estate and R/W Department

Enclosures

RECORDED RIGHT OF WAY NO. 30026

INDUSTRIAL SERVICE CENTER
APPLICATION FOR U.R.D. EASEMENTS

TO: J. ROBERTSON, Supervisor Date 3-4-75
Real Estate and Rights of Way Dept., CENTRAL District Application No. _____

For RE & RW Dept. Use - DE-BEL No. CE-5-12

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
 - or b. Title information (deed, title commitment, contract, or title search)
- B. Other than subdivision
 - 1. Property description
 - 2. Site plan
 - 3. Title information (deed, title commitment, contract or title search)

INFORMATION:

- (1) Project name: HAWAID HAVEN SUBDIVISION County: MACOMB
City/Township/Village: SHELBY Section No. 10
- (2) Name of developer: IHLA M. ALLGUR
Address: 60592 MIRIAM, WASHINGTON Phone No. 781-5677
- (3) Date service is wanted 9-1-75
- (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: MICH BELL TEL CO.
 - (b) Other utility engineer names and phone numbers: JOHN MARTIN
463-0031
- (7) Part of subdivision is fed from overhead service Yes No
Lot No. _____
- (8) Additional information or comments: REVISED LAYOUT OF 1972
PLAN ON 4-67339

NOTE: Trenching letter attached OR, will be submitted later

Signed: J. Lawrence
(Service Planning Department)

Received, RE & RW Dept. on: MAR. 14, 1975

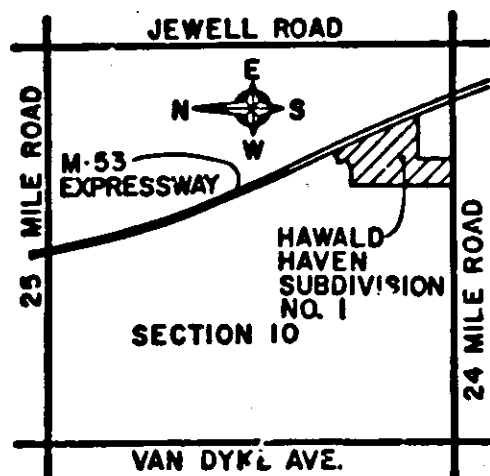
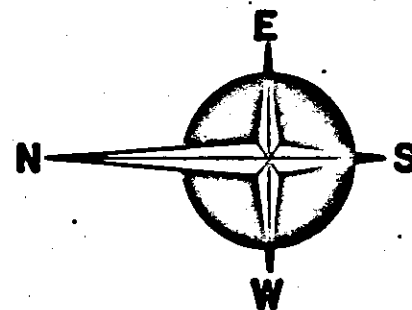
RECORDED RIGHT OF WAY NO. 30026

PROPOSED "HAWALD HAVEN SUBDIVISION NO. 1"

PART OF THE S.E. 1/4 SEC. 10, T.3N., R.12E.
 SHELBY TOWNSHIP, MACOMB CO. MICH.
 Prepared by: URBAN LAND CONSULTANTS, Utica Mich.

LIBER 2583 PAGE 511

LIBER 2583 PAGE 512



LOCATION MAP
NO SCALE

THIS PLAT IS SUBJECT TO RESTRICTIONS AS REQUIRED BY ACT 288 OF 1967, AS AMENDED ON CERTAIN LOTS WITH RESPECT TO THE REQUIREMENTS OF THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES AND/OR THE MICHIGAN DEPARTMENT OF PUBLIC HEALTH, WHICH ARE RECORDED IN LIBER _____, PAGE _____ OF RECORDS OF THIS COUNTY.

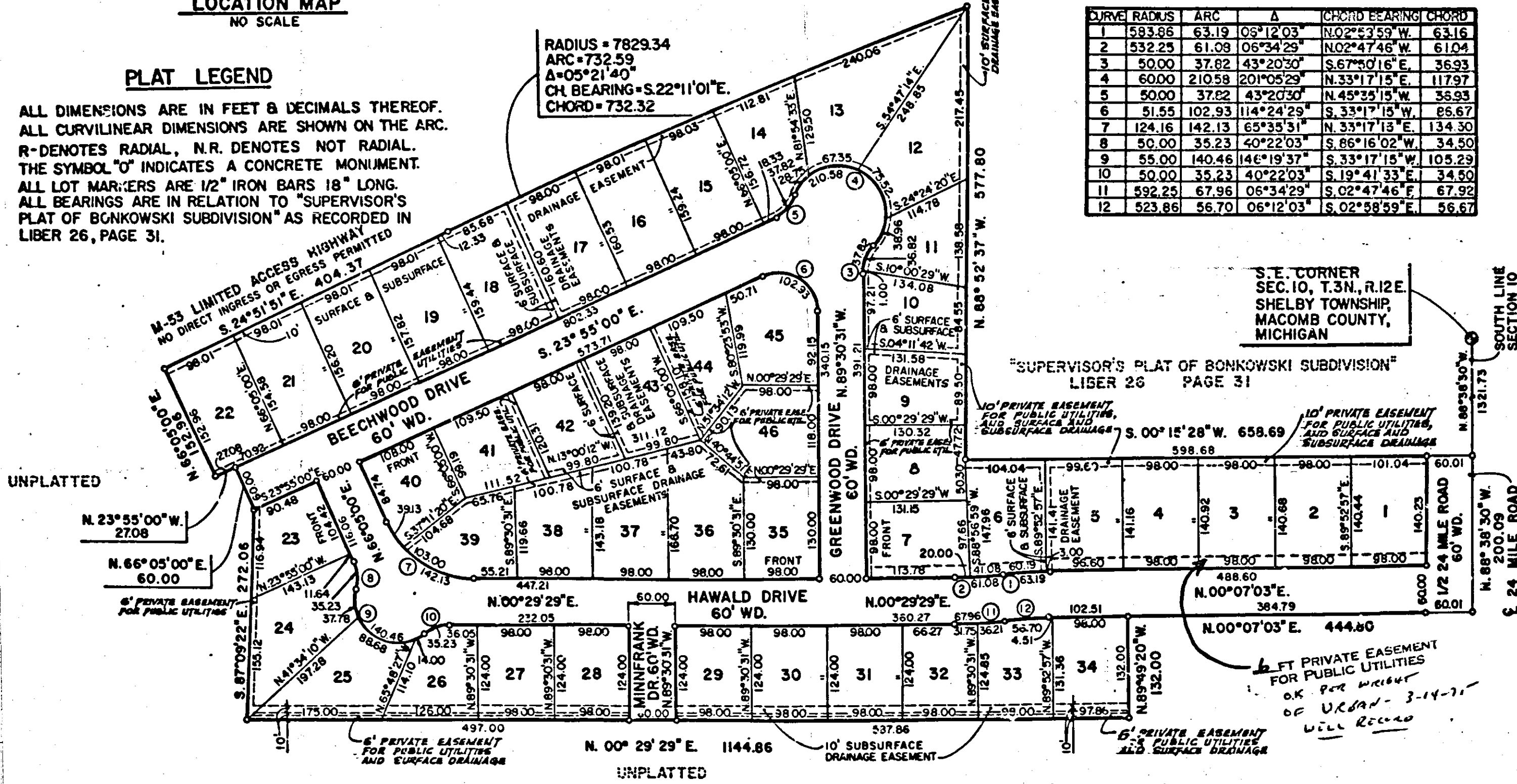
PLAT LEGEND

ALL DIMENSIONS ARE IN FEET & DECIMALS THEREOF.
 ALL CURVILINEAR DIMENSIONS ARE SHOWN ON THE ARC.
 R-DENOTES RADIAL, N.R. DENOTES NOT RADIAL.
 THE SYMBOL "O" INDICATES A CONCRETE MONUMENT.
 ALL LOT MARKERS ARE 1/2" IRON BARS 18" LONG.
 ALL BEARINGS ARE IN RELATION TO "SUPERVISOR'S PLAT OF BONKOWSKI SUBDIVISION" AS RECORDED IN LIBER 26, PAGE 31.

RADIUS = 7829.34
 ARC = 732.59
 Δ = 05°21'40"
 CH BEARING = S.22°11'01"E.
 CHORD = 732.32

CURVE DATA

CURVE	RADIUS	ARC	Δ	CHORD BEARING	CHORD
1	593.86	63.19	06°12'03"	N.02°53'59" W.	63.16
2	532.25	61.08	06°34'29"	N.02°47'46" W.	61.04
3	50.00	37.82	43°20'30"	S.67°50'16" E.	36.93
4	60.00	210.58	201°05'29"	N.33°17'15" E.	117.97
5	50.00	37.82	43°20'30"	N.45°35'15" W.	35.93
6	51.55	102.93	114°24'29"	S.33°17'15" W.	86.67
7	124.16	142.13	65°35'31"	N.33°17'13" E.	134.30
8	50.00	35.23	40°22'03"	S.86°16'02" W.	34.50
9	55.00	140.46	146°19'37"	S.33°17'15" W.	105.29
10	50.00	35.23	40°22'03"	S.19°41'33" E.	34.50
11	592.25	67.96	06°34'29"	S.02°47'46" E.	67.92
12	523.86	56.70	06°12'03"	S.02°58'59" E.	56.67



S.E. CORNER
 SEC. 10, T.3N., R.12E.
 SHELBY TOWNSHIP,
 MACOMB COUNTY,
 MICHIGAN

"SUPERVISOR'S PLAT OF BONKOWSKI SUBDIVISION"
 LIBER 26 PAGE 31

10' PRIVATE EASEMENT
 FOR PUBLIC UTILITIES,
 AND SURFACE AND
 SUBSURFACE DRAINAGE

6 FT PRIVATE EASEMENT
 FOR PUBLIC UTILITIES
 O.K. per WRIGHT
 OF URBAN - 3-14-71
 Will Record

RECORDED RIGHT OF WAY NO. 30026