

1975 DEC 12 PM 2:16

DEED NO. 413 PAGE NO. 221-224

MILDRED JOHNSON
REGISTER OF DEEDS

SUBDIVISIONS PLATTED

TALL PINES POINT SUBDIVISION, MICHIGAN

AGREEMENT - RESTRICTIONS

This instrument made this 27TH day of OCTOBER, 1975, 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 GENERAL TELEPHONE COMPANY OF MICHIGAN, a Michigan corporation of 455 E. Ellis Road, P.O. Box 119, Muskegon, Mich. 49743 hereinafter referred to as "GENERAL".

W I T N E S S E T H :

A parcel of land has been subdivided in the County of Lapeer, State of Michigan, described as:

Lots 1 through 9 inclusive, Tall Pines Point Subdivision, Part of the West 1/2 of the Southwest 1/4 of Section 11, Town 9 North, Range 9 East, Marathon Township.

And, WHEREAS EDISON and GENERAL 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 said underground utility services made by the parties hereto, it is hereby agreed:

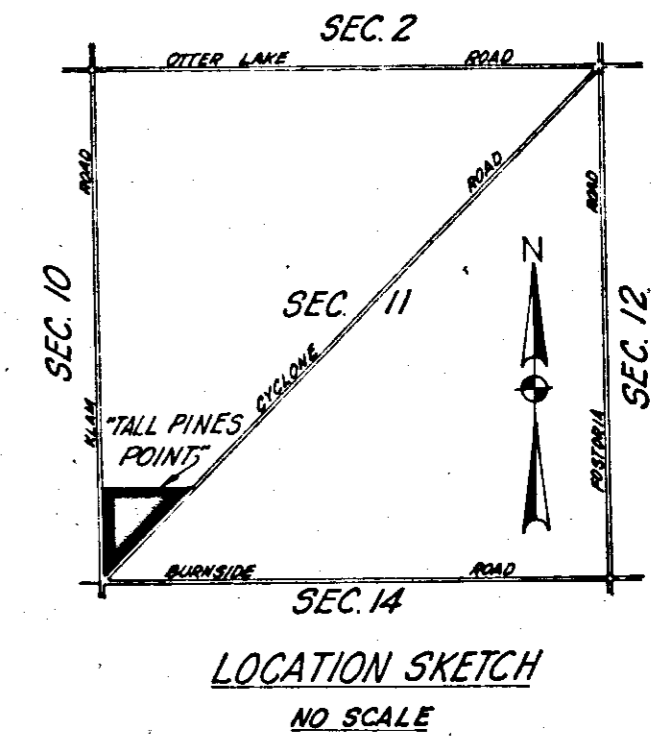
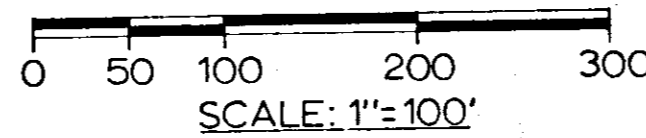
- (1) The installation, ownership and maintenance of electric services and the charges to be made therefor shall be subject to and in accordance with the Orders and Rules and Regulations adopted from time to time by the Michigan Public Service Commission.
- (2) In addition to the easements set forth in the plat, owners agree to grant by separate instrument, additional easements deemed necessary for electric and communication utilities.
- (3) Owners will place survey stakes indicating property lot lines before trenching.
- (4) Where sewer lines 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 for electric and communication facilities.
- (5) Owners must certify to EDISON and GENERAL 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 GENERAL. EDISON and GENERAL 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 GENERAL interfere with their facilities or when removal is necessary to repair and maintain their underground service facilities.

RECORDED FROM ORIGINAL 30268

RETURN TO
J. BROWN
THE DETROIT EDISON COMPANY
600 GRAND RIVER AVE.
PORT HURON, MICHIGAN 48060

"TALL PINES POINT"

PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 11,
T9N-R9E, MARATHON TOWNSHIP, LAPEER COUNTY, MICHIGAN



SURVEYOR'S CERTIFICATE

I, Bernard Henderson, Surveyor, certify:

That I have surveyed, divided and mapped the land shown on this plat described as follows: TALL PINES POINT, part of the West 1/2 of the Southwest 1/4 of Section 11, T9N-R9E, Marathon Township, Lapeer County, Michigan, described as beginning at the Southwest corner of said section; thence North 01° 27' 40" East 935 feet along the West line of said section; thence South 88° 01' 10" East 941.26 feet; thence South 46° 54' 50" West 1320.70 feet to the place of beginning. Contains 10.10 acres. Said plat contains 9 lots numbered 1 through 9 inclusive.

That I have made such survey, land-division, and plat by the direction of the owners of such land.

That such plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it.

That the required monuments and lot markers have been located in the ground & that surety has been deposited with the municipality, as required by Section 125 of the Act.

That the accuracy of survey is within the limits required by Section 126 of the Act.

That the bearings shown on the plat are expressed as required by Section 126 (3) of the Act as explained in the legend.

HENDERSON, BATES & ELRICH, INC.

Bernard Henderson
Bernard Henderson R.L.S. #16043, Principal
462 W. Genesee Street, Lapeer, Michigan 48446

MARCH 7, 1975
Date

PROPRIETOR'S CERTIFICATE:

We as proprietors certify that we caused the land embraced in this plat to be surveyed, divided, mapped and dedicated as represented on this plat and that the roads are for the use of the public; and that the public utility easements are private easements and that all other easements are for the uses shown on the plat.

Witness:

Joseph J. Phillips
1085 Snell Road
Rochester, Michigan 48063

Johanna Phillips, His Wife
1085 Snell Road
Rochester, Michigan 48063

ACKNOWLEDGEMENT:

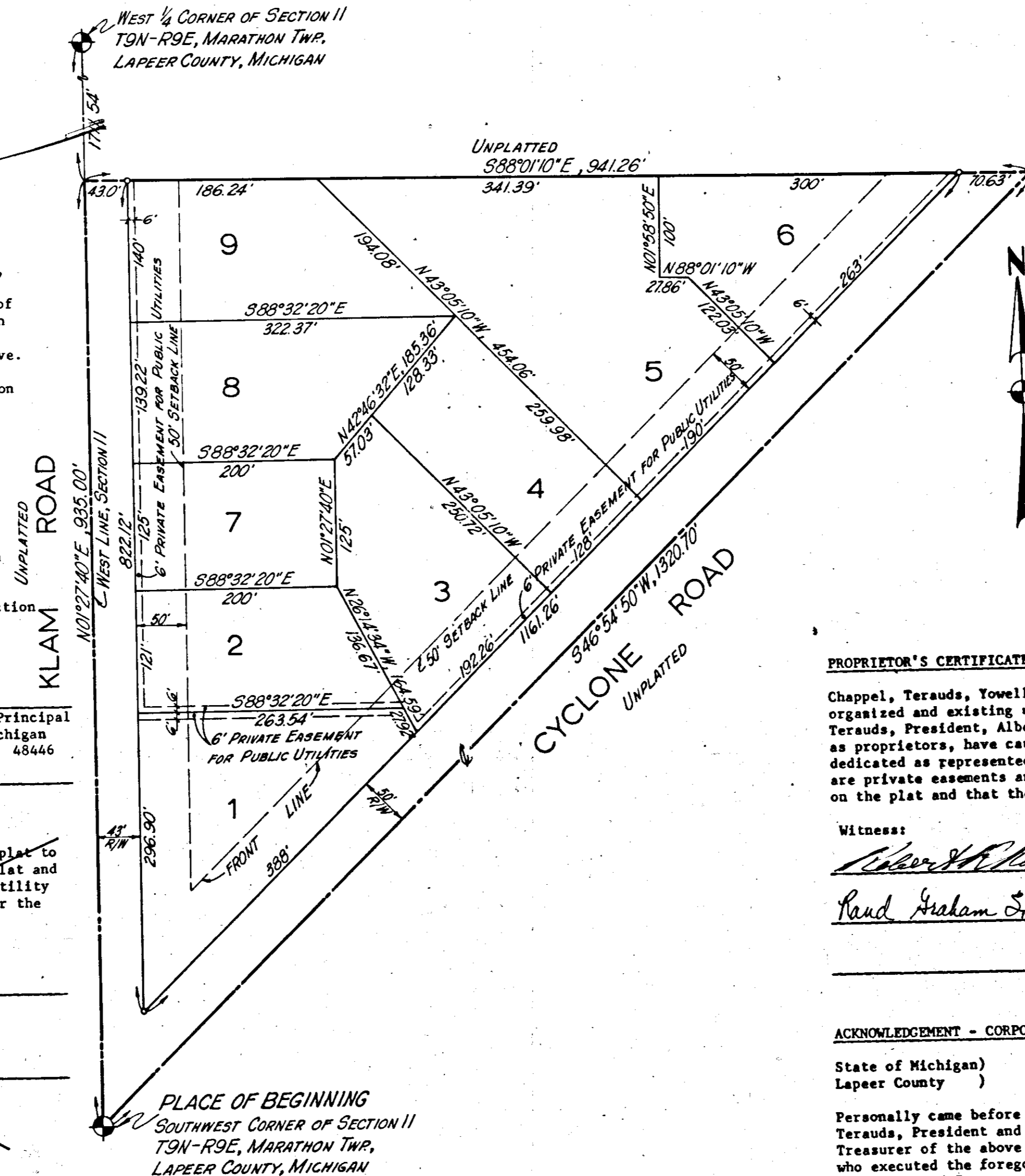
State of Michigan)
Lapeer County)

Personally came before me this _____ day of _____, 1975, the above named Joseph J. Phillips and Johanna Phillips, his wife, to me known to be the persons who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Notary Public

Leland D. Bates
Lapeer County, Michigan

My commission expires July 19, 1976.



LEGEND

1. All dimensions are in feet.
2. Concrete monuments have been placed at all points marked "o".
3. Lot corners have been marked with 1/2 inch diameter iron bars 18 inches in length.
4. Bearings were established from road plans for OTTER LAKE ROAD on file with the Lapeer County Road Commission.

PROPRIETOR'S CERTIFICATE - CORPORATION:

Chappel, Terauds, Yowell Construction Company, Inc., a corporation duly organized and existing under the laws of the State of Michigan by Uldis Terauds, President, Albert Chappel, Secretary and Gordon Yowell, Treasurer, as proprietors, have caused the land to be surveyed, divided, mapped and dedicated as represented on this plat and that the public utility easements are private easements and that all other easements are for the uses shown on the plat and that the roads shown are for the use of the public.

Witness:

Robert H. Block
Rand Graham Smith

Chappel, Terauds, Yowell Construction Co., Inc.

Uldis Terauds
Uldis Terauds, President
Albert Chappel
Albert Chappel, Secretary
Gordon Yowell
Gordon Yowell, Treasurer

ACKNOWLEDGEMENT - CORPORATION:

State of Michigan)
Lapeer County)

Personally came before me this 28 day of MAY, 1975, Uldis Terauds, President and Albert Chappel, Secretary, and Gordon Yowell, Treasurer 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, Secretary and Treasurer 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.

Notary Public *Leland D. Bates*
Leland D. Bates
Lapeer County, Michigan

My commission expires July 19, 1976.

HENDERSON, BATES & ELRICH, INC.
Lapeer, Michigan

RECORDED RIGHT OF WAY NO. 30268

30268