

HS-1452
OR

APARTMENTS

AGREEMENT - EASEMENT - RESTRICTIONS

This instrument made this 4 day of JANUARY, 1978, 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 Co., a Michigan corporation of 455 E. Ellis P.O. Box 149, Muskegon, Michigan, hereinafter referred to as General.

W I T N E S S E T H:

WHEREAS, Owners are erecting apartments known as Park Terrace, on land in the Township of Wheatfield, County of Ingham, State of Michigan, as described in Appendix "A", attached hereto and made a part hereof, and 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 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 General 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 General, 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 General upon receipt of a statement therefor. Further, if the lines or facilities of EDISON and General 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 General 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 General 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.

RECORDED RIGHT OF WAY NO. 32085

DE FORM LE 24 1-71 CB

- 1 -

This instrument is re-recorded to show "as installed" drawing as stipulated in Paragraph 4 above.

RE-RECORDED
SEP 6 3 22 PM '78

REGISTER OF DEEDS
Paula Johnson
INGHAM COUNTY, MICH.

RECORDED
FEB 9 11 05 AM '78
REGISTER OF DEEDS
Paula Johnson
INGHAM COUNTY, MICH.

RETURN TO

R.J. Ort

The Detroit Edison Company
2929 Plymouth Rd., Room 210
Ann Arbor, MI 48105

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The Detroit Edison Company
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Ann Arbor, MI 48105

LIBER 1266 PAGE 832

LIBER 1244 PAGE 488

- 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 General 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 General 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

William Mertz
WILLIAM MERTZ

Katherine Hayes
KATHERINE HAYES

E. Gordon
E. GORDON

Thomas F. Watterworth
THOMAS F. WATTERWORTH

THE DETROIT EDISON COMPANY

BY: Robert R. Tewksbury
ROBERT R. TEWKSBURY, DIRECTOR
Real Estate and Rights of Way Dept.

BY: Irene C. Kata
IRENE C. KATA, ASST. SECRETARY

BY: XXXXXXXXXXXX
GENERAL TELEPHONE COMPANY OF MICHIGAN

BY: J. R. Plaisier
J. R. PLAISIER
Asst Secretary & Asst Treasurer

RECORDED RIGHT OF WAY NO. 32085

RETURN TO
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The Detroit Edison Company
2929 Plymouth Rd., Room 210
Ann Arbor, MI 48105

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Ann Arbor, MI 48105

RE-RECORDED

LIBER 1266 PAGE 834

LIBER 1244 PAGE 490

Park Terrace Apartments Company - A Michigan Limited Partnership

Witness:

James Yockey

Lona J. Forsman

(Signed)

Thomas R. Runquist,

PARTNER

Prepared By:

James M. Davenport

2000 Second Avenue

Detroit, MI 48226

Address: P.O. Box 353

Okemos, MI 48864

STATE OF MICHIGAN)
COUNTY OF Ingham) SS.

On this 5th day of January A.D. 19 78, before the undersigned, a Notary Public in and for said County, personally appeared ✓

Thomas R. Runquist

known to me to be the person who executed the foregoing instrument and acknowledged the same to be his free act and deed. AS PARTNER OF PARK TERRACE APARTMENTS COMPANY - A MICHIGAN LIMITED PARTNERSHIP

Lona J. Forsman
Lona J. Forsman
Notary Public, Ingham County Michigan

My Commission Expires: March 5, 1979

A P P E N D I X "A"

Commencing at the East 1/4 corner of Section 2, T3N-R1E, Wheatfield Township, Ingham County, Michigan; thence South 88°44'41" West along the East-West 1/4 line of said Section 2, a distance of 838.22 feet; thence North 03°10'00" West 822.56 feet to the Southwest corner of Lot 6, Block 2 of Higbee and Barlow's Subdivision, as recorded in Liber 2 of Plats, Page 45, Ingham County Records; thence continuing North 03°10'00" West along the West line of said subdivision 398.06 feet to the point of beginning of this description; thence continuing North 03°10'00" West along said West line, 436 feet to a point on the southerly right-of-way line of the C&O Railroad; thence North 89°13'00" West along said Southerly right-of-way line 468.16 feet; thence South 03°10'00" East parallel with said West line of Higbee and Barlow's Subdivision 436.00 feet; thence South 89°13'00" East 468.16 feet to the point of beginning.

RECORDED RIGHT OF WAY NO. 32085

RETURN TO
R.J. Ort

The Detroit Edison Company
2929 Plymouth Rd., Room 210
Ann Arbor, MI 48105

RECORDED
834

000

1244-487

106
900
address
OK

106
682*980 *001550 KMS

Re - Booked
92286761 #066900 KMS
1550

[Faint, mostly illegible text from a document or letter, possibly a contract or agreement, with various lines and markings.]

APPROVED		DATE
BLDG. & PROP. DEPT.		
DIV. ORG.	R. Ort	1-11-78
INS. DEPT.		
LEGAL DEPT.		
RE & REV. DEPT.	J. H. Huber	1-9-78
SYSTEM ENG. DEPT.		
TAX DEPT.		

RETURN TO
R.J. Ort
The Detroit Edison Company
2929 Plymouth Rd., Room 210
Ann Arbor, MI 48105

RE-RECORDED

LIBER. 1266 PAGE 833

LIBER. 1244 PAGE 489

STATE OF MICHIGAN)
) SS.
COUNTY OF WAYNE)

On this 17th day of January, 1978, before me the subscriber,
a Notary Public in and for said County, appeared ROBERT R. Tewksbury and
Irene C. Kata, to me personally known, who being by me duly sworn
did say they are the Dir., 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 instru-
ment 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
R. R. Tewksbury and Irene C. Kata acknowledged said
instrument to be the free act and deed of said corporation.

T. KATHERINE HAYES
Notary Public, Oakland County, Mich.
Acting in Wayne
My Comm. Expires February 10, 1980

T. Katherine Hayes
Notary Public, Wayne County, Michigan

My Commission Expires: _____

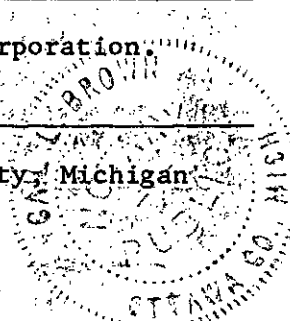
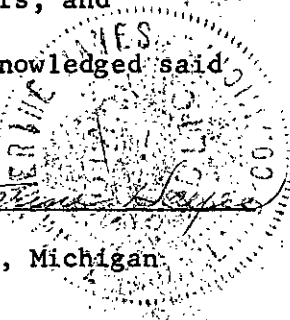
STATE OF MICHIGAN)
) SS.
COUNTY OF MUSKEGON)

On this 24th day of January, 1978, before me the subscriber,
a Notary Public in and for said County, appeared J. R. Plaisier
to me personally known, who being by me duly sworn did say that he is Asst Secretary
and Asst Treasurer authorized by and for General Telephone Co. of Michigan
a Michigan corporation, and that said instrument was signed in behalf of said cor-
poration, by authority of its Board of Directors, and J. R. Plaisier
acknowledged said instrument to be the free act and deed of said corporation.

Gail L. Brown
Gail L. Brown
Notary Public, County, Michigan

My Commission Expires: May 6, 1981

GAIL L. BROWN
Notary Public, Ottawa County, Mich.
Acting in Muskegon County, Mich.
My Commission Expires May 6, 1981



REC'D. 2.2 MICHIGAN OF WAY NO. 32085

RETURN TO
R.J. Ort

The Detroit Edison Company
2929 Plymouth Rd., Room 210
Ann Arbor, MI 48105

JAN 10 1964

ANN ARBOR MI 48105

RECEIVED

RETURN TO
R.J. Ort
The Detroit Edison Company
2929 Plymouth Rd., Room 210
Ann Arbor, MI 48105

Detroit
Edison

Date: November 15, 1978

To: Norman G. DeFauw

From: James J. Davenport *JJD*

Subject: Park Terrace Apts., Located in Williamston Township,
Ingham County.

We have completed all paper work for the underground installation for electric and telephone lines in the above named project. This is a joint installation with

General Telephone Company

P.O. Box 149

Muskegon, MI 49941

Please bill this telephone company Fifty (\$50.00) Dollars for our services in obtaining the Agreement-Easements and credit payment to Work Order:

788 AD 508

RECORDED
INDEXED
OF
WAY NO. 32085

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

TO Eng. Coordinator Supervisor
Bldg. H - Room 250 - W.S.C.

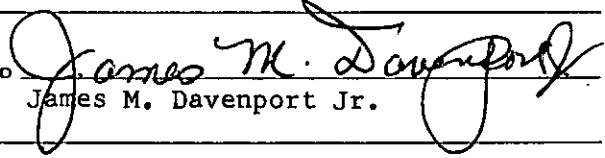
DATE 1-6-78

TIME _____

RE: Underground Service for Park Terrace Apartments located in Township of Wheatfield,
Ingham County. Agreement-Easement-Restrictions obtained. OK to proceed with construction.

COPIES TO: C. Crane
file

SIGNED


James M. Davenport Jr.

REPORT _____

DATE RETURNED _____

TIME _____

SIGNED _____

APPLICATION FOR U.R.D. EASEMENT

DE FORM RR 11 5-73

FO DE	E & RW SE	DATE REC'D	DE-BELL NO.
----------	--------------	---------------	----------------

TO: Mr. S. Pitt
REAL ESTATE AND RIGHTS OF WAY SUPERVISOR

DISTRICT Ann Arbor

Application No. HS-1452

Date 12-8-77

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 with title commitment, or title search).

INFORMATION:

1. Project name Park Terrace Apartments County Ingham

City/Township/Village TOWNSHIP OF WHERIFIELD Section No. 2

- Type of Development
- Subdivision Mobile Home Park
- Apartment Complex Other

2. Name of Owner Mr. Tom Runquist Phone No. 1-517-349-1340

Address P.O. Box #353 - Okemos, Mich. - 48864

Owner's Representative James Hovey - Supt. Phone No. 1-655-2513

3. Date Service is Wanted March 1, 1978

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 General Telephone and Electronics Company

b. Other utility engineer names, addresses, phone numbers: Terry French - 1-517-723-0243 General Telephone Rep.

7. Part of subdivision is fed from overhead service. YES NO

Lot No. _____

8. Additional information or comments: _____

NOTE: Trenching letter attached will be submitted later.

CLYDE CRAIN

Signed [Signature]

SERVICE PLANNING DEPARTMENT

Address Howell Service Ctr. Phone 185-760

RECORDED RIGHT OF WAY 32085

Detroit
Edison

413 S. Main St.
XXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

2929 Plymouth Rd. - Suite 210
Ann Arbor, Michigan 48105

December 13, 1977

Mr. Tom Runquist
P.O. Box 353
Okemos, MI 48864

Re: **Park Terrace Apartments**

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. It appears to me from the evidence that you have furnished that the following parties should execute this agreement:

At least one partner of Park Terrace Apartments Co.

If any additional interest holders are now involved, their signatures are also required.

We will have the officers of General and Edison execute the Agreement and return a fully executed copy to you. The 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 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.

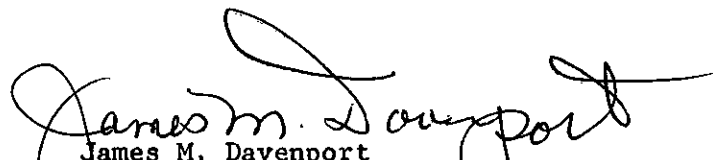
Your attention is called to paragraph No. 3 of this Agreement, whereby you would be responsible for any damages which might occur to the Company's underground lines after installation. It is, therefore, extremely important that not only you, but any contractors working for you, exercise due care to avoid any damage.

Prompt return of this instrument, fully completed, will assist in prompt scheduling of our work to be completed in your project. Please return signed document to:

James M. Davenport, c/o Detroit Edison Co., 2929 Plymouth, Suite 210, Ann Arbor, MI 48105

If there are any questions, please call me at: 769-5880 Ex. 255

Yours truly,


James M. Davenport
Real Estate and Rights of Way Representative

RECORDED RIGHT OF WAY NO. 32085

Enclosure:

**Detroit
Edison**

Date: November 15, 1978

To: Record Center
130 General Offices

From: James M. Davenport *JMD*
Real Estate and Rights of Way Department
Ann Arbor Division

Subject: Agreement-Easement-Restrictions for underground
residential distribution for Park Terrace Apt.
located in Wheatfield Township
- Ingham County

Attached for Records Center is the executed agreement dated January 4, 1978 for the above named project. Also enclosed are other pertinent papers relative to this project. Easements for this project were requested by W. Bingley

Service Planning Department, Howell Office
Ann Arbor Division.

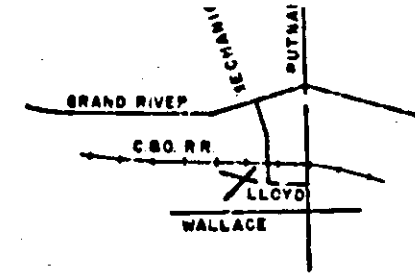
The agreement was negotiated by James M. Davenport
of the Real Estate and Rights of Way Department
Ann Arbor Division.

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

(Additional Information) _____

Attachment

RECORDED
RIGHT OF WAY NO. 32085



Page 1-17-261
Page 1-56-101A

TRANSFORMER SPECS. - R13
PEDESTAL SPEC. - R13
NO. OF PEDESTALS - None

- 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

(Install x 2) #2 AXLP E x 1 (32KV 713-3062 = 2484' / 1242'
(Services) 500 PE x 2, 350 x 1 600 V. 713-0560 = 72'
AP2-210 & 1-#1 600 V. 713-0514 =

TRENCH SUMMARY

NOTE: IS ON SERVICE TRENCH OUR BY CONTRACTOR'S POWER TO FORWARD

JOINT USE	726'	TEL & TEL 36' (MAIN)
D. E. ONLY	345'	DE & TEL 36' (MAIN)
TEL ONLY	214'	DE & TEL 36' (MAIN)
GAS & TEL	214'	1301'
		1427' TOTAL TRENCH

SITE SUPT. Jim Hovey (517) 655-2513
Consumers Power (GAS) Bob Mann (517) 373-6100 Ext. 368

Title Block

W. O. 3-27-77
D. O. A-47-77
P. O. 2-1-77
Start 4-5-77
Complete 5-2-77
Labor D.E.C.
Foreman F. Youngs
Contractor HEALTH ENERGY
Records V. P. SCHLISER
Plans G. L. SKY
Plot G. L. SKY

TRANSFORMER DATA

U.D.T. NO.	SIZE	ED. STK. NO.
PO20-1	50 KVA	661-1157
-2	50 KVA	661-1157
	50 KVA	661-1157

NOTICE

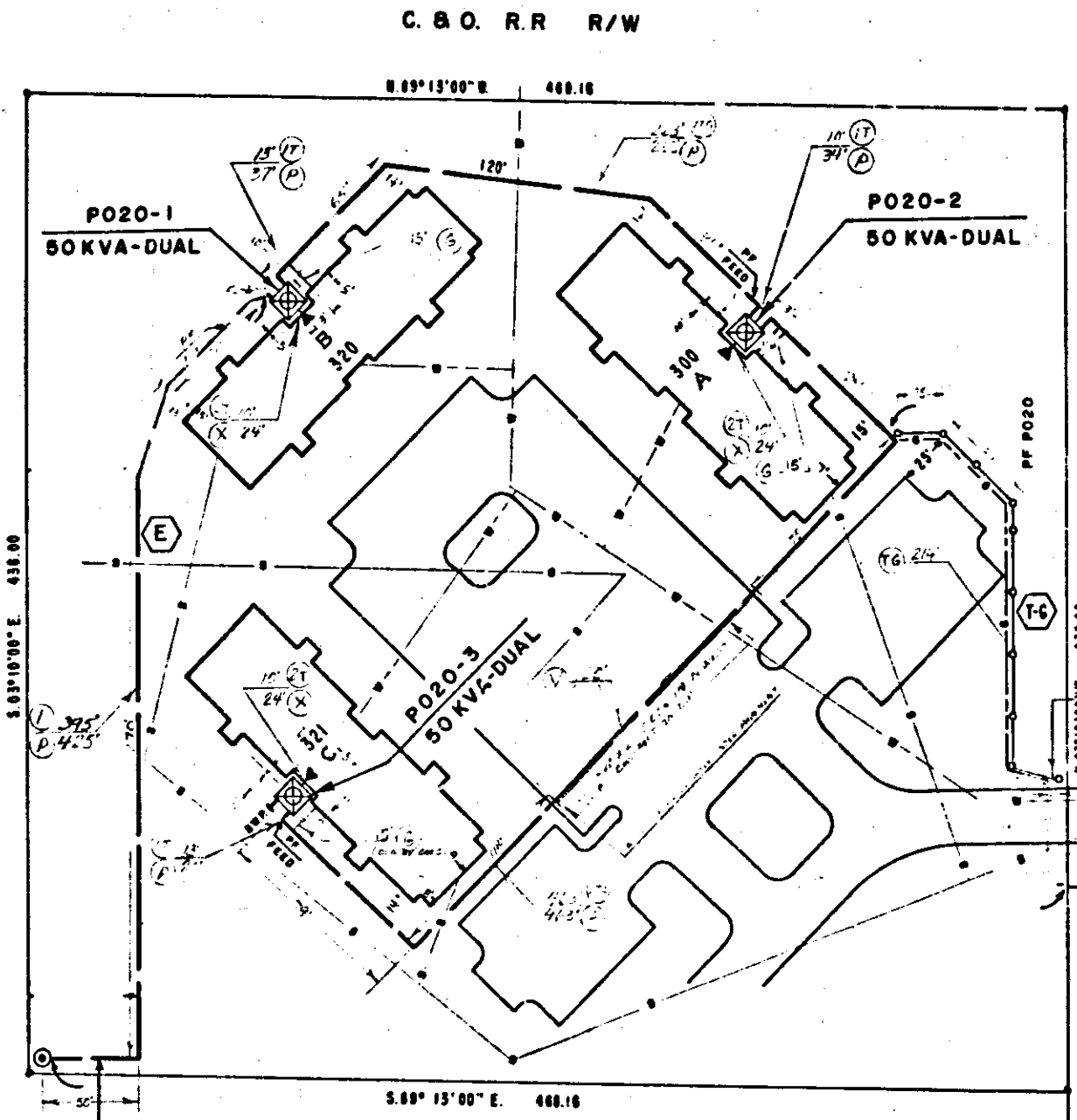
Locations of underground facilities on this drawing are only approx. Exact locations must be determined by the UTILITY COMPANIES. For exact locations, telephone MISS DIG on 800-482-7171 as required by Public Act 53 of 1974 before doing any power excavating.

- GENERAL NOTES -

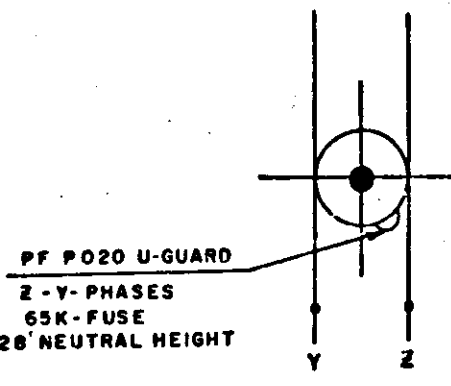
TRENCHING TO BE DONE BY Detroit Edison
TRENCH AND CABLE LENGTHS ARE APPROXIMATE. SEE DRAWING UI-1-2369 FOR TRANS. MAT. DETAILS. SEE PAGE 32-11 (S.I.M.) DETAIL " " FOR ENTRANCE POINT DETAILS (APTS. ONLY)
SEE DRAWING UI-4-2263 FOR PLACEMENT OF CABLES, TRANSFORMERS AND PEDESTALS (SUB'DS ONLY).
D.E. SERVICE PLANNER: Clyde Craig (517) 546-5440 Ext. 755
TEL. CO.: Terry French (Owosso) (517) 723-0243
General Telephone Co. Job No. 369418
All PEDESTALS ARE INSTALLED AS LOCATED AS NOTED IN CABLE SUMMARY (R2)
EASEMENTS INDICATED BY OUR CENTERLINES ARE 10' SIX FEET IN WIDTH UNLESS OTHERWISE NOTED.

PERMITS REQUIRED

CITY OF WILLIAMSTON (NOTIFICATION ONLY)
EST. START DATE: 3-1-78



CABLE POLE DETAIL
Page 1-20-22a



(PHASE II)

RECORDED RIGHT OF WAY
32085

D REVISION			C REVISION			B REVISION			A REVISION			REFERENCE	NAME	DATE	JOB TITLE	THE DETROIT EDISON COMPANY		
												U.R.D. Oper. Map WTD-1	Don Blake	12-9-77	PARK TERRACE APARTMENTS	SERVICE PLANNING DEPARTMENT		
													Checked by: [Signature]	1-10-78	PART OF THE N.E. 1/4	SCALE	NUMBER OF UNITS	WORK ORDER NUMBER
													Approved by: [Signature]	1-10-78	SECTION 2	1" = 50'	48	36786J618
															T.3.N.-R.1E.	LATEST REVISION	DISTRIBUTION CIRCUM	
																	311 WILLIAMSTON 4.8KV	
																DEPT. ORDER NUMBER		
																A-49781	SHEET 1 OF 1 SHEET	
																CITY OF WILLIAMSTON INGHAM CO.		

RETURN TO
R. J. Ott
The Detroit Edison Company
Room 210
2929 Plymouth Rd.
Ann Arbor, MI 48105

R 32085

RECORDED RIGHT OF WAY NO. 32085