

AGREEMENT - EASEMENT - RESTRICTIONS

This instrument made this 24th day of April, 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 called "EDISON".

W I T N E S S E T H :

WHEREAS, Owners are erecting Municipal Buildings known as Joint Ypsilanti Recreation Organization - Phase II Step III, on land in the Township of Ypsilanti, County of Washtenaw, State of Michigan, as described in Appendix "A", attached hereto and made a part hereof, and EDISON will install their electric facilities underground except necessary above ground equipment.

~~HOW, 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 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, 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 upon receipt of a statement therefor. Further, if the lines or facilities of EDISON are damaged by acts of negligence on the part of the Owners or by contractors engaged by Owners, repairs shall be made by the utility named herein at the cost and expense of the Owners and shall be paid to EDISON 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 easement for electric 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 easements by their centerlines. Easements herein granted shall be six (6') feet in width unless otherwise indicated on said drawing. However, secondary electric service, 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 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.
- 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.

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

- 1 -

RECEIVED FOR RECORD

JUN 13 2 04 PM '78

PATRICIA NEWKIRK HARDY  
REGISTER OF DEEDS  
WASHTENAW COUNTY, MICH.

RECEIVED FOR RECORD

OCT 16 3 09 PM '78

PATRICIA NEWKIRK HARDY  
REGISTER OF DEEDS  
WASHTENAW COUNTY, MICH.

*Re-recorded*

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FOR P...

JUN 13 2 04 PM '78  
WASHINGTON COUNTY MICH  
PATRICK J. HARDY  
RECORDS & COMM. SECT.

RECEIVED  
FOR P...

JUN 13 3 04 PM '78  
WASHINGTON COUNTY MICH  
PATRICK J. HARDY  
RECORDS & COMM. SECT.

RETURN TO  
R. J. Ort

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

LIBER 1677 PAGE 740  
Re-recorded  
Page 2 of 9

- d. Sanitary owners shall be installed prior to installation of electric lines. Sewer, water and gas lines may cross easements granted for electric 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 with the limits of the utility easements provided for electric 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 SHALL HAVE THE RIGHT of access at all times upon premises for the purposes of constructing, repairing, and maintaining their electric 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 EDISON unless and until the interest of the vendees, under any such contacts, have been forfeited and damage to utility lines and equipment occurs after such forfeiture.

RECORDED HIGHWAY NO.

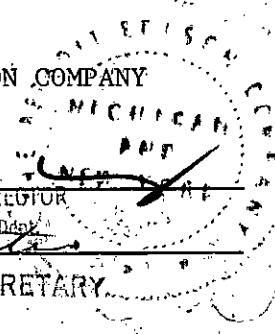
The provisions of this instrument shall run with the land and shall be binding upon and inure to the benefit of the respective heirs, administrators, executors, personal representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year first above written.

THE DETROIT EDISON COMPANY

*Leslie G. Sundstrom*  
 \_\_\_\_\_  
 LESLIE G. SUNDSTROM  
*Barbara Ann Maher*  
 \_\_\_\_\_  
 BARBARA ANN MAHER

By: *[Signature]*  
 \_\_\_\_\_  
 ROBERT R. TEWKSBURY, DIRECTOR  
 Real Estate and Rights of Way Dept.  
 By: *[Signature]*  
 \_\_\_\_\_  
 IRENE C. KATA ASST. SECRETARY



32089

OF THESE  
THE DETROIT EDISON COMPANY  
AND THE STATE OF MICHIGAN  
COUNTY OF WAYNE

City of Detroit

Dear Sirs:

Reference is made to your letter of the 11th day of August, 1944, in which you advised that you had received a copy of the report of the Detroit Edison Company dated August 10, 1944, regarding the proposed construction of a new transmission line between the city of Detroit and the city of Ann Arbor, Michigan.

The Detroit Edison Company has advised that the proposed line would be located on the right-of-way of the Detroit and Ann Arbor Road, and that the line would be located on the right-of-way of the Detroit and Ann Arbor Road, and that the line would be located on the right-of-way of the Detroit and Ann Arbor Road.

The Detroit Edison Company has advised that the proposed line would be located on the right-of-way of the Detroit and Ann Arbor Road, and that the line would be located on the right-of-way of the Detroit and Ann Arbor Road, and that the line would be located on the right-of-way of the Detroit and Ann Arbor Road.

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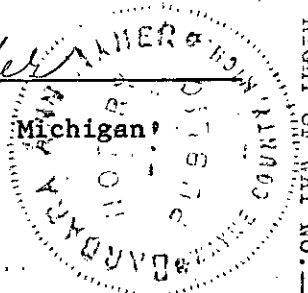
RETURN TO  
R.J. Ort  
The Detroit Edison Company  
2929 Plymouth Rd., Room 210  
Ann Arbor, MI 48105

STATE OF MICHIGAN )  
                          ) SS.  
COUNTY OF WAYNE )

On this 5th day of June, 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 Director, Real Estate and and Assistant Secretary Rights of Way Dept. 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 Robert R. Tewksbury and Irene C. Kata acknowledged said instrument to be the free act and deed of said corporation.

*Barbara Ann Maher*  
**BARBARA ANN MAHER**  
Notary Public, Wayne County, Michigan

My Commission Expires: August 23, 1978



RECORDED RIGHT OF WAY NO. 32089

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  
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SEARCHED  
SERIALIZED  
MAY 15 1978  
MICHIGAN STATE ARCHIVES

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STANDARD INFORMATION

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







A P P E N D I X "A"

Township of Ypsilanti  
 Township Three (3) South, Range Seven (7) East  
 Section Twenty-three (23). All that part of Northwest fractional quarter (NW 1/4) lying southerly of the Six Hundred Eighty-six (686) for contour, mean sea level datum, on the southerly side of the Huron River, except a parcel commencing at the West quarter post of said Section Twenty-three (23), thence North No Degrees (0°) Fifty-four Minutes (54') Twenty Seconds (20") West Two Hundred Fifty-one and One Hundredths (251.01) feet along West Section line of said Section Twenty-three (23), thence South Fifty-six Degrees (56°) Fifty-one Minutes (51') Twenty Seconds (20") East Sixty and Thirty-five Hundredths (60.35) feet, thence North No Degrees (0°) Fifty-four Minutes (54') Twenty Seconds (20") West Six Hundred Eighty-four and Forty-six Hundredths (684.46) feet, thence South Forty-two Degrees (42°) Fourteen Minutes (14') Twenty Seconds (20") East One Hundred Forty-five (145.0) feet, thence North Forty-seven Degrees (47°) Forty-five Minutes (45') Forty Seconds (40") East Seventy (70.0) feet to the place of beginning of this exception, thence Southeasterly Seventy-five and Fifty-nine Hundredths (75.59) feet in the arc of a curve to the right, radius Seventy (70) feet, chord South Eleven Degrees (11°) Eighteen Minutes (18') Nineteen Seconds (19") East Seventy-one and Ninety-eight Hundredths (71.98) feet, thence South Forty-two Degrees (42°) Fourteen Minutes (14') Twenty Seconds (20") East Two Hundred Seven and Twenty-seven Hundredths (207.27) feet, thence Southeasterly Thirty-three (33.0) feet in the arc of a curve to the left, radius Six Hundred Sixty-seven and Fifty-two Hundredths (667.52) feet, thence North Forty Degrees (40°) East to a point on contour of Six Hundred Eighty-six (686) feet mean sea level datum, thence North Sixty-three Degrees (63°) One Minute (01') West Forty-one and Thirty Hundredths (41.30) feet, thence North Twenty-eight Degrees (28°) Six Minutes (06') Forty Seconds (40") West Two Hundred Seventy-one and Seventy-five Hundredths (271.75) feet, thence North Forty-three Degrees (43°) One Minute (01') West One and Sixty-seven Hundredths (1.67) feet, thence South Forty Degrees (40°) West to Place of Beginning  
 Containing Forty and Eighty-two Hundredths (40.82) acres

AND

Township of Ypsilanti  
 Township Three (3) South, Range Seven (7) East  
 Section Twenty-two (22) That part of East half of Northeast quarter (E 1/2 NE 1/4) described as beginning at the intersection of the East line of said Section Twenty-two (22) and the centerline of Huron River Drive, thence Northerly along said section line One Thousand Ninety-seven and Four Tenths (1,097.4) feet, thence North Seventy Degrees (70°) Eight Minutes (08') Ten Seconds (10"), West One Hundred Two and Sixty-nine Hundredths (102.69) feet, thence South Eighty-six Degrees (86°) Six Minutes (06') Twenty Seconds (20") West Two Hundred Eleven and Nineteen Hundredths (211.19) feet, thence South Eighty-six Degrees (86°) Thirty-six Minutes (36') Forty-nine Seconds (49") West One Hundred Thirty-eight and Three Hundredths (138.03) feet, thence South Fifty-six Degrees (56°) Twenty-three Minutes (23') Twenty Seconds (20") West Seventy-five and Five Hundredths (75.05) feet, thence Southerly Nine Hundred Seventy-eight and Fifty-six Hundredths (978.56) feet to a point in the centerline of Huron River Drive Five Hundred Eighteen and Thirty Hundredths (518.30) feet Westerly as measured along said centerline from the point of beginning, thence Easterly Five Hundred Eighteen and Thirty Hundredths (518.30) feet along said centerline to point of beginning.  
 Containing Twelve and Twenty-eight Hundredths (12.28) acres

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JUN 13 2 04 PM '78

PATRICIA NEWKIRK HARDY REGISTER OF DEEDS WASHTEAW COUNTY, MICH.

11/1/78

As directed

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As noted

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OCT 18 3 09 PM '78

PATRICIA NEWKIRK HARDY REGISTER OF DEEDS WASHTEAW COUNTY, MICH.

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APPROVED		DATE
BLDG. & PROP. DEPT.		
DIV. ORG.	R. Ort	5/30/78
INS. DEPT.		
LEGAL DEPT.		
RE & RIW DEPT.	A.M.S.	5/31/78
SYSTEM ENG. DEPT.		
TAX DEPT.		

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

2929 Plymouth Road, Room 210  
Ann Arbor, Michigan 48105

**Detroit  
Edison**

March 28, 1978

Joint Ypsilanti Recreation Organization  
9075 E. Huron River Drive  
Ypsilanti, MI 48197

Re: JYRO PARK Step III

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 officer of JYRO

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

We will have the officers of ~~xxxxxxxx~~ 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. \_\_\_ 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 Davenport, 2929 Plymouth Rd., Suite 210, Ann Arbor, MI 48105

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

Yours truly,

  
James M. Davenport  
Real Estate and Rights of Way Representative

Enclosure:

32089

APPLICATION FOR U.R.D. EASEMENTS

TO: RICHARD ORT, Supervisor

Date MARCH 14 1978

Real Estate and Rights of Way Dept., ANN ARBOR District

Application No. AS4170

For RE & RW Dept. Use - DE-BEL No.

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: JYRO PARK STEP III County: WASHTENAW

City/Township/Village: YPSILANTI TOWNSHIP Section No. 22

(2) Name of developer: JOINT YPSILANTI RECREATION ORGANIZATION

Address: 9075 E HURON RIVER DR Phone No. 485-6880

(3) Date service is wanted: 4-17-78

(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: EDISON ONLY

(b) Other utility engineer names and phone numbers: \_\_\_\_\_

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

Lot No. \_\_\_\_\_

(8) Additional information or comments: FINAL STEP

NOTE: Trenching letter attached  OR, will be submitted later

Signed: \_\_\_\_\_  
(Service Planning Department)

Received, RE & RW Dept. on: \_\_\_\_\_

32089

**Detroit  
Edison**

Ann Arbor Division  
401 South Main Street  
Post Office Box 18  
Ann Arbor, Michigan 48107  
(313 763-3000)

September 1, 1978

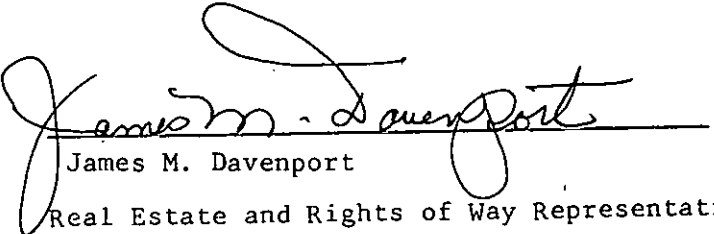
Joint Ypsilanti Recreation Organization  
9075 E. Huron River Drive  
Ypsilanti, Mich. 48197

Re: Jyro Park Development, Phase 2, Step 3

Gentlemen:

We are enclosing herewith a fully executed copy of the Agreement dated April 24, 1978 for the underground electric and communication services for the above named project.

Very truly yours,

  
James M. Davenport  
Real Estate and Rights of Way Representative  
Ann Arbor Division

Enclosure:

RECORDED RIGHT OF WAY NO. 32089

**Detroit  
Edison**

Date: January 2, 1979

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 Jyro Park Development Phase 2 3  
located in Ypsilanti Township  
- Washtenaw County

Attached for Records Center is the executed agreement dated April 24, 1978 for the above named project. Also enclosed are other pertinent papers relative to this project. Easements for this project were requested by A. McCartney

Service Planning Department, Ann Arbor 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. 32089

