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WALNUT SQUARE APARTMENTS **APARTMENTS**

LIBER 7028 PAGE 803 EASEMENT - RESTRICTIONS AGREEMENT

This instrument made this 12th day of September 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."

WITNESSETH:

WHEREAS, Owners are erecting apartments known as Walnut Square , on land in the <u>City</u> <u>Apartments</u> of Farmington Hills 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.

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, rearragement 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.
- Easements herein granted are subject to the following restriction and additional conditions:
 - a. Said easements shall be subject to Order of affit the Rules and Regulations adopted from time to time by the Michigan Public Service Commission.

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This easement is re-recorded for purposes of showing the planned "as installed" centerlines of easements granted as shown on drawing attached hereto.

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THE DETROIT EDISON COMPANY
30400 TELEGRAPH ROAD, 272 OAKDH
BIRMINGHAM, MICHIGAN (2011)

- Owners will place survey stakes indicating building plot lines and property lines before trenching.
- 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:

I. KATHERINE HAYES

THE DETROIT EDISON COMPANY

TEWKSBURY,

Real Estate and Rights of Way, Dept. By

IRENE C. KATA ASST. SECRETARY

ROBERT IL CROMMURST

Staff Supervisor, Right of Way (authorized signature)

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OT MAUTICA J. A. ROBERTSON THE DETROIT EDISON COMPANY 20400 THLEGRAPH ROAD, 272 CHADH BIRMINGHAM, MICHIGAN 48010

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RETURN TO
J. A. ROBERTSON
THE DETROIT EDISON COMPANY
30400 TELEGRAPH ROAD, 272 OAKDH
BIRMINGHAM, MICHIGAN 48010

LIBER 7028 PAGE 805

_____,19<u>77</u>, before me the

RECORDED RIGHT OF VAY NO.__

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Notary Public, LIVINGSTON County, Michigan

My Commission Expires: //sc.

STATE OF MICHIGAN

COUNTY OF WAYNE

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SS.

On this 14th day of September

AND SEPTIME

UBER 7025 HOE 305

ROBERT K. CROWHURST

ROBERT N. CROWHURSD

RETURN TO
J. A. ROBERTSON
THE DETROIT EDISON COMPANY
30400 TELEGRAPH ROAD, 272 CAKDH
BIRMINGHAM, MICHIGAN

WIFTESSES:

LER 7028 PAGE 806

W.S.F. ASSOCIATES

A Michigan Limited Partnership
G-3500 Flushing Road
Flint, Michigan 48504

Lucille M. Schmitt

STATE OF MICHIGAN
)
SS:

COUNTY OF OAKLAND

On this 12th day of September appeared Keith A. Lawrence, General Partner, doing business as W.S.F. Associates, A Michigan Limited Partnership to me known and who executed the

foregoing instrument and acknowledged the same to be the free act and deed for the partner-ship.

My Commission Expires:

JOHN C. GREENLEE Notary Public, Oakland County, Mich. My Commission Expires 12-19-77

County, Michigan

APPENDIX "A"

Land in the West 1/2 of the N.E. 1/4 of Section 15, Township 1 North, Range 9 East, City of Farmington Hills, Oakland County, Michigan, being further described as commencing at the N.E. corner of said Section 15; thence along Section Line South 88°21'00" West, 1454.42 feet; thence South 1°36'30" East, 33.00 feet to the South right-of-way line of 12 Mile Road and the point of beginning; thence along said South right-of-way line North 88°21'00" East, 160.00 feet; thence South 1°37'00" East, 267.00 feet; thence North 88°21'00" East, 82.13 feet; thence South 1°36'30" East, 697.40 feet to the northerly right-of-way line of I-696; thence along said northerly right-of-way line the following courses; South 86°07'19" West, "256.40 feet; thence South 87°22'53" West, 436.55 feet; thence leaving said right-of-way line North 1°35'45" West, 114.89'; thence North 88°21'25" East, 314.96 feet; thence North 1°33'25" West, 707.91; thence North 88°21'00" East, 134.90 feet; thence North 1°36'30" West, 158.99 feet to the point of beginning.

Prepared by: Omer V. Racine The Detroit Edison Company 30400 Telegraph Birmingham, Michigan 48010 RECORDED MICHIGAN RECORDED RECORDED RECORDED RECORDED RECORDED PROMISE PARTY FOR PARTY PROMISE PARTY P

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Misth A. Lanzence, Coneral Parener

RIATE OF RICHIGAN

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On this 12th day of Leptoniur On this 12th day of the teptoming 1977, hefore me, a notary public in and for said county, personally appeared teith A. Laurence, Ganeral Partner, doing lushress as U.S.P. Associates, A Michigan Limited Partnership to me inorn and who executed the fourcyoing instinuint and acknowledyed the some to be the free act and deed for the partner-

My Commission Empirer:

Lotary Public,

County Kichigan

JOHN C. GREINLESS MY Natery Public To English County April 1967 (

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Land in the Pest 1/2 of the H.B. 1/4 of Section 15, Township I Borth, Panne 9 Mast, Ofty of Parnington Hills, (akland County, Michinan, being further described as conserving at the W.L. councy of said Section 15; thence along Section Line South IC 21'00" vert, 1454.62 feet; thence South 1'30'20" kert, 33.00 feet to the South right-of-ver line of 12 Mile Road and the point of teringing; thence close and South right-of-ver line Kotch 12 Mile Road and the point of teringing; thence close and South right-of-ver line Kotch 36°21'CO" Mast, 160.03 feet; thence South 1°37'CO" fact, 257.00 feet; thence North SE'LL' 00" hatt, 52.13 feet; thence Couth 1'36'30" East, 697.00 feet to the northerly right-of-vay line of I-694; thence along said northerly right-of-vay line the folio ing courses; South So'U7'19" feet, 256.40 feet; thence fouth 87'22'52" est, 636.55 feet; thence Resving said right-of-way line Morth 1:25'65" West, 114.69'; thence North 58'21'23" : East, 315.95 fogt; thence Worth 1:33'25" Mast, 767.51; thence houth 58'21'00" Bast, 136.90 feet; thence North 1:36'30" dest, 158.99 feet to the point of beginning.

> Proposed by: Cher V. Macine The Detroit Edicon Company 30K00 Telegraph Mindaghau, Michigan 48610

RETURN TO J. A. ROBERTSON THE DETROIT EDISON COMPANY 30400 TELEGRAPH ROAD, 272 OAKDH BIRMINGHAM, MICHIGAN 48010

MEMORANDUM ORDER FOR GENERAL USE DE FORM HS 77 12-83	TO Don of Harris	-4TE 9-12-77 TIME
R	e: Underground Service - Walnut Agreement and Easements obtained -	OK to proceed with construction.
OPIESTO: Donald EPORT File	Harris Service Planner	Omer V. Racine, Representative Real Estate, Rights of Way & Claims 272 Oakland Division Headquarters
ATE RETURNED	TIME	SIGNED

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Oakland Division 30400 Telegraph Road Birmingham, Michigan 48010 (313) 645-4000

Phone 645-4378

October 10, 1977

K & L Construction Inc. Mr. Keith Lawrence G-3500 Flushing Road Flint, Michigan 48504

Gentlemen:

Re: WALNUT SQUARE APARTMENTS

We are enclosing herewith a fully executed copy of the agreement dated September 12, 1977 for the underground electric and communication service for the above named project.

Sincerely,

Omer V. Racine, Representative Real Estate, Rights of Way & Claims

OVR/1s Enclosures



Oakland Division 30400 Telegraph Road Birmingham, Michigan 48010 (313) 645-4000

Phone 645-4378

August 26, 1977

K & L Construction Inc. Mr. Keith Lawrence G-3500 Flushing Road Flint, Michigan 48504

Gentlemen:

Re: WALNUT SQUARE 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. 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: Omer V. Racine, 30400 Telegraph Road, Birmingham, Michigan, 48010.

Sincerely,

Omes V. Racine, Representative

Real Estate, Rights of Way & Claims

OVR/1s Enclosures

TO JAMES A. ROBERTSON TO JAMES A. ROBERTSON DISTRICT OARY AND ARE SURVINOR DISTRICT OARY AND ARE SURVINOR DISTRICT OARY AND Date 5 · 2 6 · 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 committment, contract, or title search) or B. Other than subdivision 1. Property description. 2. Site plan 3. Title information (deed, title committment, contract with title committment, or title search). INFORMATION: 1. Project name WALNUT SQUARE APARTMENTS County OARLAND City/Township/Village FRAMINGTON Section No. 15 Type of Development Subdivision Mobile Home Park Apartment Complex Other 2. Name of Owner KFL CONSTRUCTION INC. Phone No. 733-14 Owner's Representative RICHARD A- PALMER Phone No. 733-14 4. Entire project will be developed at one time XYES NO Cable poles on praperty YES NO a. Name of other utilities MICHIGAN BELL TECHNERS b. Other utility engineer names, addresses, phone numbers: BOB TAZZIOLI 968-5813 7. Part of subdivision is fed from overhead service. PYES NO Lot No. 8. Additional information or comments: NOTE: Trenching latter autached Will be submitted layer. A population No. Application No. Date Service is Wanted Service. PYES NO NOTE: Trenching latter autached Will be submitted layer. A population of the property of the submitted layer. A population of the property of the submitted layer. A population of the property of the submitted layer. A population of the property of the submitted layer. A population of the property of the submitted layer. A population of the property of the property of the submitted layer. A population of the property of	· GE
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Signed Walter Company	€

K&L CONSTRUCTION inc.

FLINT, MICHIGAN 48504 •



LAND DEVELOPMENT . CONSTRUCTION . SALES . INVESTMENTS . DESIGN . MANAGEMENT

August 23, 1977

Mr. Omer Racine Detroit Edison 30400 Telegraph, Room 272 Birmingham, Michigan 48010

RE: Walnut Square Apartments, Farmington Hills, Michigan

Dear Mr. Racine:

Per our telephone conversation of August 23, 1977 enclosed is a copy of the first sheet showing legal ownership of the apartment project known as Walnut Square Farmington Hills.

If you have any questions regarding this please contact me.

Sincerely yours,

Keith A. Lawrence

President

K & L Construction Inc.

KAL/dw

Enclosure

RECORDED RIGHT OF WAY NO. 32//2



Phone 645-4378

June 13, 1977

K & L Construction Inc. Richard A. Palmar G-3500 Flushing Road Flint, Michigan 48504

Dear Mr. Palmer:

Re: Your Request for Underground Electrical Service for: Walnut Square Apartments

Pursuant to our telephone conversation of May 27, 1977, we have not received, as yet, the requested information necessary to proceed with your underground service for the aforementioned project.

Please submit the necessary paperwork at your earliest convenience.

If you have any questions, please call me.

Sincerely,

Omer V. Racine, Representative

Real Estate, Rights of Way & Claims

OVR/1s

32/18

tle Insurance Corpo

CV2F VAMREY 0-1965**32-F** REVISED

HOME OFFICE - RICHMOND, VIRGINIA MICHIGAN STATE OFFICE

3270 W. BIG BEAVER ROAD TROY, MICHIGAN 48084

lawyers Title Insurance Grporation, herein called the Company, hereby agrees to issue a policy of title insurance as hereinafter set forth upon satisfactory compliance with the requirements contained herein. This commitment is being furnished preliminary to the issuance of a policy of title insurance, and is an Agent or Authorized Officer of the Company.

The reverse side hereof is part of this commitment.

FORM OF POLICY TO BE ISSUED

A.L.T.A. MORTGAGE POLICY WITHOUT EXCEPTIONS

A.L.T.A. OWNER'S POLICY

A.L.T.A. MORTGAGE POLICY

351,000.00

PARTY TO BE INSURED KEITH A. LAWRENCE AND FRANCES L. LAWRENCE, HIS WIFE

lawyers

Location and Description of Subject Land

SEE RIDER NO. 1 ATTACHED

OWNER, ENCUMBRANCES, EXCEPTIONS TO TITLE, UNPAID TAXES OR ASSESSMENTS, AND REQUIREMENTS FOR ISSUANCE OF POLICY:

John Weiss, Trustee Under Agreement, executed June 11, 1971 1. OWNER:

NOME. WILL BE SHOWN IN FINAL POLICY.

Building and use restrictions recorded in Liber 1208, Page 420 of Deeds to Parcel "A" through "F" and in Liber 1207, Page 391 of Deeds as to as to Parcel Parcel "G".

REQUIREMENT: NONE. WILL BE SHOWN IN FINAL POLICY.

Easement to Township of Farmington for watermain over the North 20 feet of Parcels B and C as set forth in Liber 5091, Page 875.

WILL BE SHOWN IN FINAL POLICY. REQUIREMENT: NONE.

Easement to Township of Farmington for watermain over the South 20 feet of the North 53 feet of Parcel A as recited in Liber 5091, Page 873.

ABOVE TO BE SHOWN IN FINAL POLICY. REQUIREMENT: NONE.

Rights of the public in that portion of the land being used for road purposes.

REQUIREMENT: WILL BE SHOWN IN FINAL POLICY. NONE.

SEE RIDER NO. 2 ATTACHED

FOR INFORMATION CALL:

649-3322

CUSTOMER SERVICE:

J. Kaladjian

EXAMINING MATTERS:

Unless the policy is ordered within 90 days from the effective date hereof, this commitment shall cease to be effective.

In witness whereof, the Company has caused this commitment to be executed pursuant to its by-laws at Michigan, effective as of Troy March 3, 1977 at 8:00 A.M.

lawyers Title Insurance Corporation

COUNTERSIGNED BY

his rider is attached to and made a part of Commitment bearing Case # 0-196532-F

Land in the City of Farmington Hills, County of Oakland, State of Michigan, described as:

Commencing at a point located 1400 feet West of the Westerly line of Orchard Lake Road along the centerline of 12 Mile Road; thence South 2 degrees 11 minutes East 300 feet to a point; thence North 87 degrees 44 minutes 40 seconds East 82.23 feet to a point on the West line of Echo Valley Apartments; thence along the Westerly line of said apartments South 2 degrees 12 minutes 20 seconds East 697.50 feet more or less to the Northerly line of I-696 Highway; thence along the Northerly line of said highway South 85 degrees 33 minutes 17 seconds West 256.68 feet; thence continuing South 86 degrees 45 minutes 24 seconds West 436.99 feet to a point; thence North 2 degrees 11 minutes West 114.79 feet; thence North 87 degrees 44 minutes 40 seconds East 315 feet; thence North 2 degrees 11 minutes West 708 feet; thence North 87 degrees 44 minutes 40 seconds East 135 feet; thence North 2 degrees 11 minutes West 192 feet to the centerline of 12 Mile Road; thence along the centerline of 12 Mile Road North 87 degrees 44 minutes 40 seconds East 150 feet to the point of beginning.

COUNTERSIGNED BY

lawyers Title Insurance Corporation

Marles E. Broden

AGENT OR AUTHORIZED OFFICER

RECORDED RIGHT OF WAY NO. 32/18

6. Interest of Keith A. Lawrence and Frances L. Lawrence, his wife, land contract purchasers as recited on the application.

WILL BE SHOWN IN FINAL POLICY. REQUIREMENT: NONE.

7. County Tax - 1974 Paid \$3,863.38; 1975 Due \$4,618.50; 1976 Due City Tax - 1974 Paid (Included in County); 1975 Due (Included in County); 1976 Paid \$2,418.06

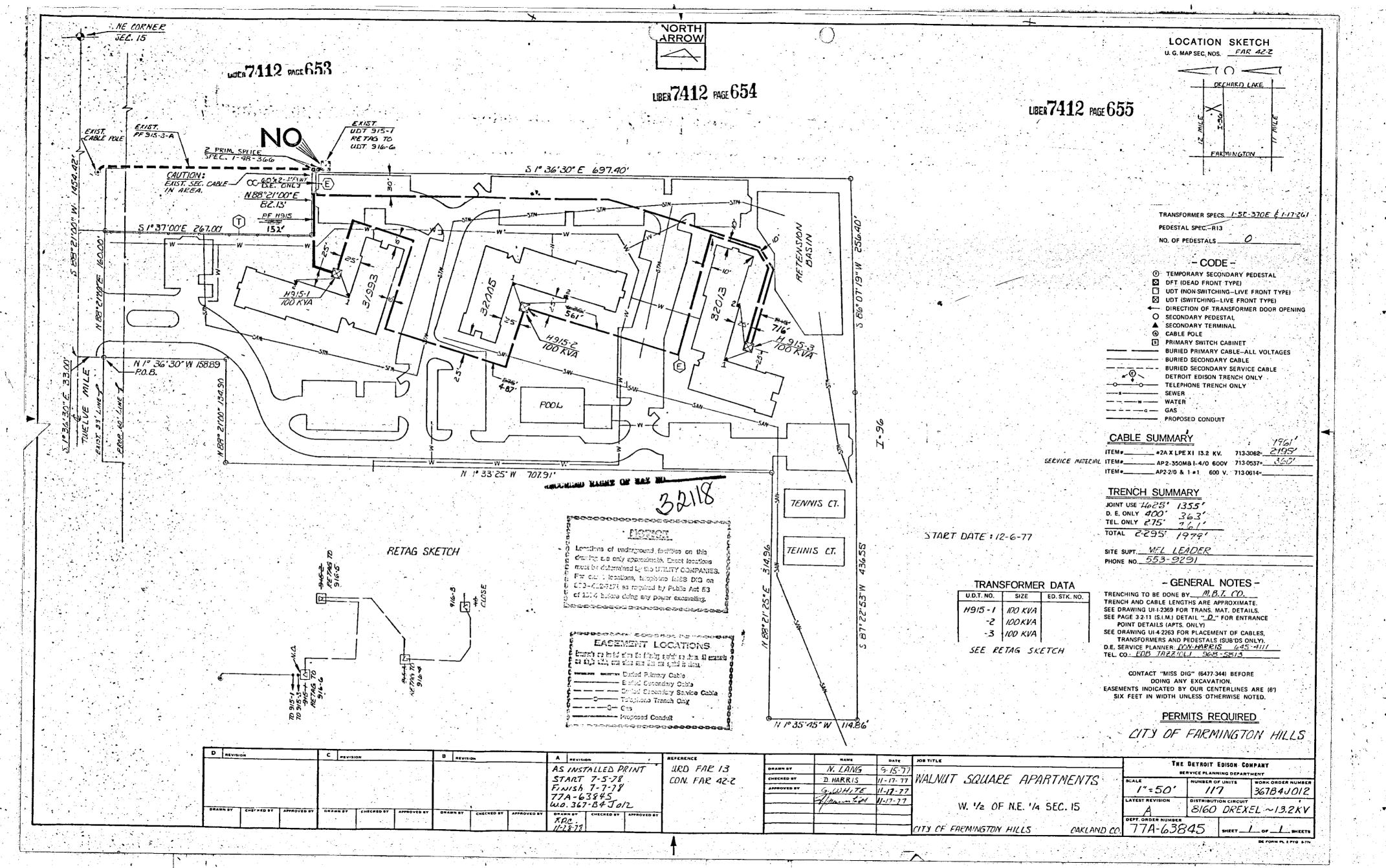
REQUIREMENT: PAY ABOVE TAXES OR THEY WILL BE SHOWN IN FINAL POLICY.

COUNTERSIGNED BY

lawyers Title Insurance Corporation

Murles E. Bro

AGENT OR AUTHORIZED OFFICER



BIRMINGHAM, MICHIGAN ALLE 80400 TELEGRAPH ROAD, 272 OAKDH THE DETROIT EDISON COMPANY
THE DETROIT EDISON COMPANY

81188