

**Detroit
Edison**

MACOMB DIVISION

Date: January 29, 1979

To: Margaret Horvath
Records Center

From: Robert R. Cunningham *RR*
Supervisor - Real Estate, Rights of Way and Claims
Macomb Division

Subject: Agreement-Easement-Restrictions for Metro Tower High Rise, located in Part of Lot 40 of "Supervisor's Plat No. 1", part of fractional Sections 25 and 30, Township 2 North, Range 13 and 14 East, and part of Private Claims 149, 513, 601, 173, 229 and 602, Harrison Township, Macomb County, Michigan.

Attached for Records Center is the executed Agreement dated October 2, 1975, for the above named project. Also enclosed are other pertinent papers relative to this project.

Easement for this project was requested by Walter Bobcean of the Service Planning Department, Macomb Division. The Agreement was negotiated by John N. Waterloo, Representative of Real Estate, Rights of Way and Claims, Macomb Division.

Detroit Edison Company made this agreement with Herbert Chernick of Metro Tower Associates, the owners of Metro Tower High Rise.

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

RRC/ds

Attachment

RECORDED RIGHTS OF WAY NO. 32/23

METRO TOWER HIGH RISE

(A328081)

XXXXXXXXXX

AGREEMENT - EASEMENT - RESTRICTIONS

This instrument made this 2nd 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",

WITNESSETH:

WHEREAS, Owners are erecting/ a High Rise ~~apartment~~ known as Metro Tower on land in the Township of Harrison, County of Macomb, State of Michigan, as described in Appendix "A", attached hereto and made a part hereof, and EDISON 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 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 utilities named herein at the cost and expense of the Owners and reimbursement 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 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.

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

RETURN TO

DAVID R. WINFIELD
THE DETROIT EDISON COMPANY
76 S. GRATIOT
MT., CLEMENS, MICHIGAN 48043

RECORDED IN MACOMB COUNTY
RECORDS AT: 10.50 AM.

OCT 22 1975

Edna H. Miller
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

OCT. 1 1975

RECORDED COPY OF THIS INSTRUMENT

32/23

13

- 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 communication~~ 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 ~~xxxxxx~~ 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

Mary Ann Misiak
MARY ANN MISIAK

Irene C. Kata
IRENE C. KATA

Dorothy Stranler
Dorothy Stranler

Cheryl Lake
Cheryl Lake

THE DETROIT EDISON COMPANY

BY: W. C. Arnold
W. C. Arnold, Director, Real Estate and Rights of Way Dept.

BY: Lillian J. H. Carroll
LILLIAN J. H. CARROLL ASST. SECRETARY
METRO TOWERS ASSOCIATES, A Mich. Limited Partnership
16155 West 12 Mile Road
Southfield, Michigan 48075

BY: Herbert Chernick
Herbert Chernick G. P.

BY: _____

RECORDED IN MACOMB COUNTY
NO. 32123

RECORDED IN MACOMB COUNTY
RECORDS AT: 4:11 P. M.
FEB - 8 1978

Edna Miller
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

LIBRARY OF THE UNIVERSITY OF MICHIGAN

LIBRARY OF THE UNIVERSITY OF MICHIGAN

1950

RECORDED IN WACOMB COUNTY

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RETURN TO
DAVID R. WINFIELD
THE DETROIT EDISON COMPANY
76 S. GRATIOT
M.T. CLEMENS, MICHIGAN 48043

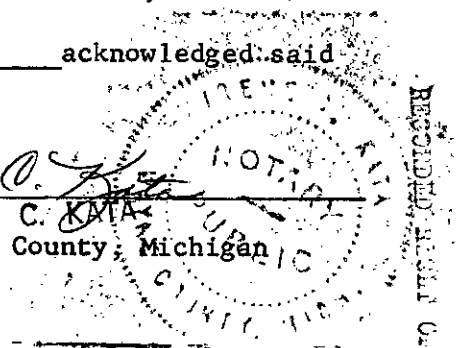
1950

STATE OF MICHIGAN)
) SS.
COUNTY OF WAYNE)

On this 13th day of October, 1975, before me the subscriber, a Notary Public in and for said County, appeared W. C. Arnold and Lillian J.H. Carroll, to me personally known, who being by me duly sworn did say they are the Director, RE & 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 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 W. C. Arnold and Lillian J.H. Carroll acknowledged said instrument to be the free act and deed of said corporation.

Irene C. KITA
Notary Public, Wayne County, Michigan

My Commission Expires: May 14, 1976



32/23

STATE OF MICHIGAN)
) SS:
COUNTY OF OAKLAND)

On this 2 day of October 1975, before me, a Notary Public in and for said County, personally appeared Herbert Chernick ~~and~~ A GENERAL PARTNER ~~partners~~ doing business as METRO TOWERS ASSOCIATES, A Michigan Limited Partnership to me known and who executed the within instrument and acknowledged the same to be ~~their~~ ^{HIS} free act and deed for the above Limited Partnership.

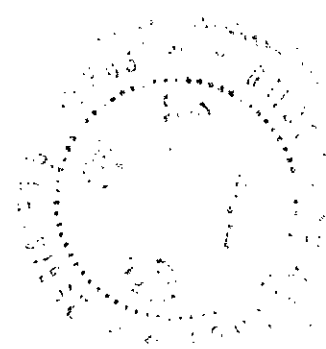
Ethel Margolis
Ethel Margolis
Notary Public, Oakland County, Michigan

My Commission Expires: 4-16-76

APPENDIX "A"

A parcel of land being part of Lot 40 of "Supervisor's Plat No. 1, part of fractional Sections 25 and 30, Township 2 North, Range 13 and 14 East, and part of Private Claims 149, 513, 601, 173, 229 and 602, Harrison Township, Macomb County, Michigan, as recorded in Liber 15 of Plats, Pages 46 and 47 of the Macomb County Records, and being more particularly described as follows: Commencing at the southwest corner of said Lot 40; thence along the westerly line of said Lot North 47°12'30" West 1826.04 feet to the point of beginning of this description, continuing thence North 47°12'30" West 286.29 feet; thence North 47°16'38" West 219.99 feet; thence North 43°30'30" East 522.49 feet to the point on the easterly line of said Lot 40 (Also being the westerly line of Crocker Boulevard, 100 feet wide), thence along said line South 46°29'30" East 506.24 feet; thence South 43°30'30" West 515.89 feet to the point of beginning.

Prepared by:
John N. Waterloo
1970 Orchard Lake Rd.
Pontiac, Michigan 48053



~~STATE OF MICHIGAN~~
~~COUNTY OF OAKLAND~~
~~PONTIAC, MICHIGAN 48053~~

OCT. 1 1975

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RETURN TO
DAVID R. WINFIELD
THE DETROIT EDISON COMPANY
76 S. GRATIOT
MT. CLEMENS, MICHIGAN 48043

THE DETROIT EDISON COMPANY

1970 ORCHARD LAKE ROAD

PONTIAC, MICHIGAN 48053

November 3, 1975

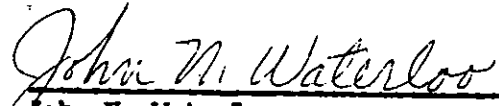
Jerome Building Company
P.O. Box 98
Lathrup Village, Michigan 48076

RE: METRO TOWER HIGH RISE

Gentlemen:

We are enclosing herewith a fully executed copy of the Agreement dated October 2, 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. 32123

DEVELOPERS AND BUILDERS
PROPERTY MANAGEMENT
FINANCING
INDUSTRIAL PARKS
SHOPPING CENTERS
APARTMENTS
SUBDIVISIONS

16155 W. 12 MILE RD. ● SOUTHFIELD, MI. 48076 ● 313: 557-0770

MAILING ADDRESS: POST OFFICE BOX 98 ● LATHRUP VILLAGE, MI. 48076

October 2, 1975

Detroit Edison Company
1970 Orchard Lake Road
Pontiac, MI 48053

Attn: John N. Waterloo
Real Estate & Rights of Way

Re: Metro Tower
Your Letter 9-29-75

With reference to subject request, I have signed and am returning herewith original and one copy of Agreement-Easement Restrictions concerned with the installation of underground utility service at Metro Tower in Harrison Township. This document has been witnessed and notarized in accordance with your instructions.

We will appreciate return of a fully executed copy as mentioned in the last sentence of your first paragraph.

JEROME BUILDING COMPANY



Herbert Chernick

ds

enc

RECORDED RIGHT OF WAY NO. 32123

THE DETROIT EDISON COMPANY

1970 Orchard Lake Road

Pontiac, Michigan 48053

September 29, 1975

Jerome Building Company
P.O. Box 98
Lathrup Village, Michigan 48076

Gentlemen:

RE: METRO TOWER HIGH RISE

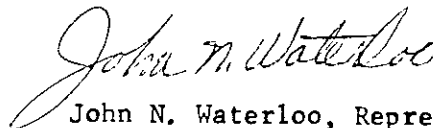
Enclosed is the original and two copies of the Agreement-Easement Restrictions for the above described project. Please have the original and one copy executed and returned to us. We will have the Agreement executed by ~~REXXXXXX~~ Edison and return a fully executed copy to you. The third copy should 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: John Waterloo, at 1970 Orchard Lake Road, Pontiac, Michigan 48053.

Yours very truly,



John N. Waterloo, Representative
Real Estate & Rights of Way

Enclosures

RECORDED RIGHT OF WAY NO. 32123

MEMORANDUM ORDER
FOR GENERAL USE
DE FORM M5 77 12-53

TO W. BOBCEAN

DATE 10-7-75 TIME _____

Re: Underground Service - METRO TOWER HIGH RISE - HARRISON TWP, MACOMB Co.
Agreement and Easements obtained - OK to proceed with construction.

COPIES TO: FILE

SIGNED

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

REPORT _____

DATE RETURNED _____

TIME _____

SIGNED _____

TO: JAMES ROBERTSON
REAL ESTATE AND RIGHTS OF WAY - SUPERVISOR

Application No. MC-3967

DISTRICT MACOMB

Date 9-18-75

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). ✓

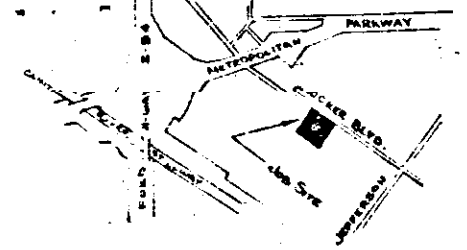
INFORMATION:

1. Project name METRO TOWER HIGH RISE County MACOMB
 City/Township/Village HARRISON TWP Section No. ---
 Type of Development Subdivision Mobile Home Park
 Apartment Complex Other
 2. Name of Owner JEROME BLDG. CO. Phone No. 557-0770
 Address P.O. Box 98, LATRUP VILLAGE, MICH 48076
 Owner's Representative HERB CHERNICK Phone No. 557-0770
 3. Date Service is Wanted 10-6-75
 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 _____
 b. Other utility engineer names, addresses, phone numbers: _____
 7. Part of subdivision is fed from overhead service. YES NO
 Lot No. _____
 8. Additional information or comments: _____

RECORDED
CITY NO. 52123

NOTE: Trenching letter attached will be submitted later.

Signed Walter Bobean
SERVICE PLANNING DEPARTMENT
Address 162 S. GRATIOT Phone 182-225



TRANSFORMER DATA

U.G. NO.	SIZE	ED STK. NO.
B490-1	300	55-0602

* D.E. SWITCH CABINET 682-0457

TRANSFORMER SPECS. 1-17-291
 PEDESTAL SPEC. 1-8-291
 NO. OF PEDESTALS

- 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

ITEM#	AP220V X3 132 KV	713-3025	62'-2 3/4'
ITEM#	AP2350M & 14/0 600 V.	713-0537	
ITEM#	AP220 & 1-#1 600 V.	713-0614	

TRENCH SUMMARY

JOINT USE	542'
D. E. ONLY	004E
TEL. ONLY	004E
TOTAL	642'

SITE SUPT. TAKEN FROM
 PHONE NO. 462-7000

- GENERAL NOTES -

TRENCHING TO BE DONE BY CUSTOMER.
 TRENCH AND CABLE LENGTHS ARE APPROXIMATE.
 SEE DRAWING U-2369 FOR TRANS. MAT. DETAILS.
 SEE PAGE 32-11 (S.I.M.) DETAIL " " FOR ENTRANCE POINT DETAILS (APTS. ONLY).
 SEE DRAWING U-4283 FOR PLACEMENT OF CABLES, TRANSFORMERS AND PEDESTALS (SUBS ONLY).
 D.E. SERVICE PLANNER: W. DORRIGAN, 423-6201 K228.
 TEL. CO.:

CONTACT "MISS DIG" (6477-344) BEFORE DOING ANY EXCAVATION.
 EASEMENTS INDICATED BY OUR CENTER LINES ARE 6" SIX FEET IN WIDTH UNLESS OTHERWISE NOTED.

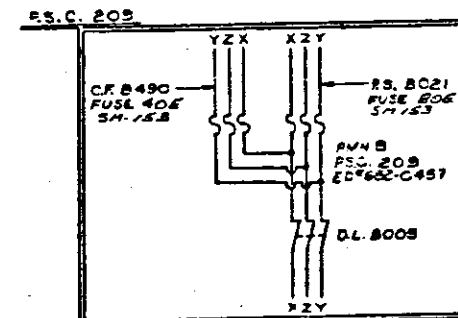
PERMITS REQUIRED

HARRISON TWP. NOTIFICATION ONLY

TITLE BLOCK
 D.D. A-74048
 W.D. 367893 823
 START: 1-13-75
 FINISH: 1-18-75
 TECH. - R. KLIMBAL
 LABOR - D.E. CO.
 SURVEY - T. DAVIS
 RECORDS - R. KLIMBAL

NOTE:

- D.E. CO. TO FURNISH & INSTALL CABLE FOR D.L. & C.P.
- D.E. CO. TO FURNISH & INSTALL TRANSFORMER.
- D.E. CO. TO TERMINATE ALL CABLES IN UDT B490-1 & PRIMARY SWITCH CABINET.
- SEE D.D. A-74049 FOR TERMINATION OF P.S. B021



"AS INSTALLED"

REVISION			REVISION			REVISION			REVISION			REFERENCE			THE DETROIT EDISON COMPANY			
D	C	B	A	DATE	BY	DATE	BY	DATE	BY	DATE	BY	DATE	BY	DATE	BY	DATE	BY	
										DRAWN BY: E.W.R. CHECKED BY: J.H.B. APPROVED BY: J.H.B.			NAME: JOSEPH E. MARTIN JR. DATE: 8-2-75 JOB TITLE: DIRECT BURED SYSTEM - URD			SERVICE PLANNING PREPARATION # NUMBER OF UNITS: 263 WORK ORDER NUMBER: 367 834 823		
										DRAWN BY: E.W.R. CHECKED BY: J.H.B. APPROVED BY: J.H.B.			PROJECT: METRO TOWER HIGH RISE PART OF LOT 40 OF SUPERVISOR'S PLAT NUMBER 1 HARRISON TOWNSHIP, MACOMB CO.			LATEST REVISION: D.C. B416 BEACH 13.2 KV DEPT. ORDER NUMBER: A-74048 SHEET 1 OF 1 SHEETS		

100-322123

R 32123

RECORDED COPY FILED IN

RECORDED RIGHT OF WAY NO. 32123

RETURN TO
DAVID H. WINFIELD
THE DETROIT EDISON COMPANY
76 S. GRAYSON
DETROIT, MICHIGAN 48226