

PROPOSED SUBDIVISIONS
(Not Platted)

LAKE WOOD GARDENS SUBDIVISION NO. 1

A542947

AGREEMENT - EASEMENT - RESTRICTIONS

This instrument made this 23rd day of September 1976,
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 MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation of 1365
Cass Avenue, Detroit, Michigan 48226, hereinafter referred to as "BELL."

W I T N E S S E T H :

WHEREAS, Owners are developing land for subdivision purposes in the
City of St. Clair Shores, Macomb County,
Michigan, as described in Appendix "A", attached hereto and made a part hereof, and

WHEREAS, the plat of said subdivision will not be recorded until a
later date and Owners desire EDISON and BELL to install their underground lines
and facilities prior to said recording.

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) Easements for installation of electric and communication
services are hereby granted by the Owners to EDISON and BELL as set forth in the
attached copy of proposed plat. Any additional easements needed by EDISON and
BELL shall be granted by Owners in a separate instrument.

(3) Owners will place survey stakes indicating property lot lines
before trenching.

(4) Where sewer lines will 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 by EDISON and BELL.

(5) 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.

(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 BELL.
EDISON and BELL 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 BELL,
interferes with their facilities or when removal is necessary to repair and maintain
the underground service facilities.

(7) Owners to provide for clearing the easements of trees, large
stumps and obstructions sufficient to allow trenching equipment to operate.

-1-

DE FORM LE 13 9-71 CS

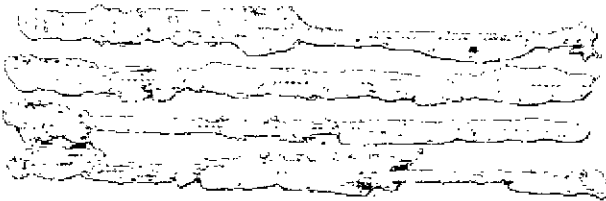
RETURN TO
R. R. CUNNINGHAM
DETROIT EDISON COMPANY
15600 NINETEEN MILE ROAD
MT. CLEMENS, MICHIGAN 48044

RECORDED IN MACOMB COUNTY
RECORDS AT: 12:56 P.M.

NOV 15 1978

Edna Miller
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED IN MACOMB COUNTY RECORDS AT 12:56 P.M. NOV 15 1978 32/35



11

(8) No shrubs or foliage shall be permitted on Owners property within five (5') feet of the front doors of transformers or switching cabinets.

(9) 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 plat 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 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 upon receiving a statement therefor. Owners are defined as those persons owning the land at the time damage occurred.

(10) Owners hereby grant EDISON and BELL the right to install their secondary service and communication lines from termination of utility facilities to the meter or communication building entrance point as the case may be. Owners to pay the cost of conduit for electric and/or communication facilities to accomodate patios or similar site conditions.

(11) Owners of each lot will pay EDISON for service lateral conductors an amount equal to the straight line measurement in feet from the termination of utility facilities at the front or rear property line to Owners meter entrance multiplied by \$1.25. Where special routing is required, the charge of \$1.25 per foot will apply to the route of the line as installed. These charges are subject to change and modification by Orders, from time to time, by the Michigan Public Service Commission.

(12) The Owner will pay to utility concerned the extra trenching costs involved if trenching is required while the ground is frozen.

(13) EDISON and BELL will own and maintain the secondary service and communication laterals from the property line to Owners meter location except such costs or expenses incurred as set forth in Paragraph (9) above shall be borne by Owners.

(14) Upon the further acceptance and recording of the plat for the above described land, the easement herein granted and all the terms and conditions hereof shall merge with and be part of the private easements for public utilities indicated on said plat, only on condition that there is no dedication to the use of the public for said easements. The utility making use of such easements shall pay all the costs incurred by all prior public utility users in relocating or rearranging their facilities to make the easements available for subsequent use.

This Agreement-Easement-Restriction shall run with the land and shall inure to the benefit of and be binding upon the respective heirs, administrators, executors, personal representatives, successors and assigns of the parties hereto.

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

In the Presence of:

Mary Ann Mistak
MARY ANN MISTAK

Irene C. Kaya
IRENE C. KAYA

Grace Cusmano
GRACE CUSMANO

Melford Hartman
MELFORD HARTMAN

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

MICHIGAN BELL TELEPHONE COMPANY
By K. H. Shelton
K. H. SHELTON
DIVISION STAFF ASSISTANT
(authorized signature)

RECORDED
INDEXED
MAY 10 1955
32/35

1934



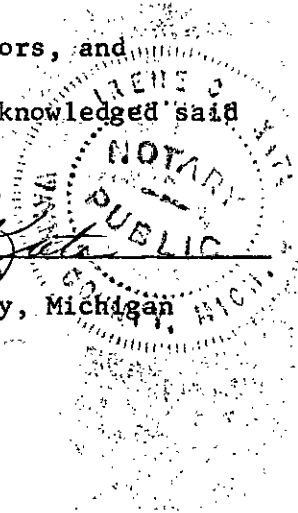
1934

RETURN TO
R. R. CUNNINGHAM
DETROIT EDISON COMPANY
15600 NINETEEN MILE ROAD
MT. CLEMENS, MICHIGAN 48044

STATE OF MICHIGAN)
) SS.
COUNTY OF WAYNE)

On this 19th day of October, 1976, 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 an 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. Kata
IRENE C. KATA
Notary Public, Wayne County, Michigan



My Commission Expires: April 12, 1980

STATE OF MICHIGAN)
) SS.
COUNTY OF MACOMB)

On this 28th day of October, 1976, before me the subscriber, a Notary Public in and for said County, appeared K. H. SHELTON to me personally known, who being by me duly sworn did say that he is the DIVISION STAFF ASSISTANT authorized by and for MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation, and that said instrument was signed in behalf of said corporation, by authority of its Board of Directors, and he acknowledged said instrument to be the free act and deed of said corporation.

Melford Hartman
Notary Public, Macomb County, Michigan

My Commission Expires: _____

MELFORD HARTMAN
Notary Public, Wayne County, Michigan
My Commission Expires July 9, 1979

RECORDED RIGHT OF WAY NO. 32135

APPENDIX "A"

The West 300 feet of Lots 131, 132, 133 and 134 and the South 32 feet of the West 300 feet of Lot 135 of Lake Wood Gardens Subdivision No. 1, of the East 1/2 of the East 1/2 of the Northeast 1/4 of Fractional Section 28, Town 1 North, Range 13 East, Lake Township, Macomb County, Michigan, according to the plat thereof recorded in Liber 7 of Plats, Page 52, Macomb County Records.

KODAN CONSTRUCTION COMPANY,
a Michigan Corporation
781 Fairford
Grosse Pointe Woods, Michigan 48236

Witness: x Patricia R. Bourjaily
Patricia R. Bourjaily

Signed: x Henry E. Kodan
Henry E. Kodan, President

x David R. Winfield
David R. Winfield

x Clara Marie Kodan
Clara Marie Kodan, Secretary

STATE OF MICHIGAN)
) SS
COUNTY OF Macomb)

On this 23rd day of September, 19 76, before me appeared Henry E. Kodan and Clara Marie Kodan, to me personally known, who being by me severally duly sworn, did say that they are respectively President and Secretary of Kodan Construction Company, a corporation created and existing under the laws of the State of Michigan and that the said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and the said Henry E. Kodan and Clara Marie Kodan acknowledged the said Kodan Construction Company.

David R. Winfield
David R. Winfield

Notary Public, St. Clair County, Michigan.
Acting in Macomb County

My Commission Expires: 5-5-77

RECORDED RIGHT OF WAY NO. 32135

**Detroit
Edison**

MACOMB DIVISION

Date: January 4, 1979

To: Margaret J. Horvath
Records Center

From: Robert R. Cunningham *RRC*
Supervisor, Real Estate, R/W & Claims
Macomb Division

Subject: Agreement-Easement-Restrictions for Underground
Residential Distribution for Lake Wood Gardens
Subdivision No. 1, located in Part of the East
1/2 of the East 1/2 of the Northeast 1/4 of
Fractional Section 28, Town 1 North, Range 13
East, Lake Township, Macomb County, Michigan.

Attached for Records Center is the executed Agreement dated
September 23, 1976 for the above named project. Also enclosed
are other pertinent papers relative to this project.

Easement for this project was requested by Ralph Schneider
of the Service Planning Department, Macomb Division. The
Agreement was negotiated by David Winfield of Real Estate,
R/W and Claims, Macomb Division.

Detroit Edison Company and Michigan Bell Telephone Company
made this agreement with Henry E. Kodan, President, and
Clara Marie Kodan, Secretary, of Kodan Construction Company,
the developers of Lake Wood Gardens Subdivision No. 1.

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

RRC:pb

Attachments

RECORDED RIGHT OF WAY NO. 32/35



2000 Second Avenue
Detroit, Michigan 48226
(313) 237-8000

September 21, 1976

Macomb Division
76 South Gratiot Avenue
Mt. Clemens, Michigan 48043

Mr. Henry E. Kodan, President
Kodan Construction Company
781 Fairford
Grosse Pointe Woods, Michigan 48236

RE: Lake Wood Gardens Subdivision No. 1, City of St. Clair Shores,
Macomb County, Michigan

Dear Mr. Kodan:

Enclosed is the Agreement-Easement-Restrictions for the above described project prepared for signatures of owners of record as indicated on documents furnished by you. If there are now any additional owners involved, their signatures and evidence of their ownership are also required. Please have the original and 1 copy executed and returned to us. We will then have the Agreement executed by Edison and Michigan Bell Telephone Company. A copy should be retained by you until you receive a copy of the fully executed document 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. 9 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 executed, will assist in prompt scheduling of our work to be completed in your project. Please return document to David R. Winfield, 76 South Gratiot Avenue, Mt. Clemens, Michigan 48043, (465-6201, Ext. 303).

Sincerely,

David R. Winfield, Supervisor
Real Estate, R/W and Claims
Macomb Division

DRW:pb

Enclosure

RECORDED
INDEXED
32/35

MEMORANDUM ORDER

FOR GENERAL USE
DE FORM MS 77 12-53

TO David Pizar, Ser. Pl., Macomb Division

TE 10-7-76

TIME _____

RE: Underground Service - Lake Wood Gardens Subdivision No. 1, City of St. Clair

Shores, Macomb County, Michigan.

Agreement-Easement-Restrictions obtained. OK to proceed with construction.

COPIES TO: Lines Manager

SIGNED

David R. Winfield
David R. Winfield, Supervisor
Real Estate, R/W & Claims
Macomb Division

REPORT _____

DATE RETURNED _____

TIME _____

SIGNED _____

REC'D 10-10-76

FILED 10-10-76

APPLICATION FOR U.R.D. EASEMENT

DE FORM PR 11 5-73

FOF DEF	3 RW E	DATE REC'D 9-16-76	DE-BELL NO. ME6-24
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TO: DAVE WINKFIELD

REAL ESTATE AND RIGHTS OF WAY SUPERVISOR

Application No. A-74277

DISTRICT: MACOMB

Date 9-15-76

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 KODAN SUB County MACOMB

City/Township/Village ST CLAIR SHORES Section No. _____

Type of Development

Subdivision Mobile Home Park

Apartment Complex Other 886-6697

2. Name of Owner KODAN CONST CO. Phone No. 886-2206

Address 781 FAIRFORD GROSSE PT. WOODS 48236

Owner's Representative _____ Phone No. _____

3. Date Service is Wanted 9-27-76

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 M.B.T.

b. Other utility engineer names, addresses, phone numbers: B. SCHLenger - 777-9150

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

Lot No. _____

8. Additional information or comments: TITLE INFORMATION WITH KODAN CONST CO. CONTACT MR CODAN

NOTE: Trenching letter attached will be submitted later.

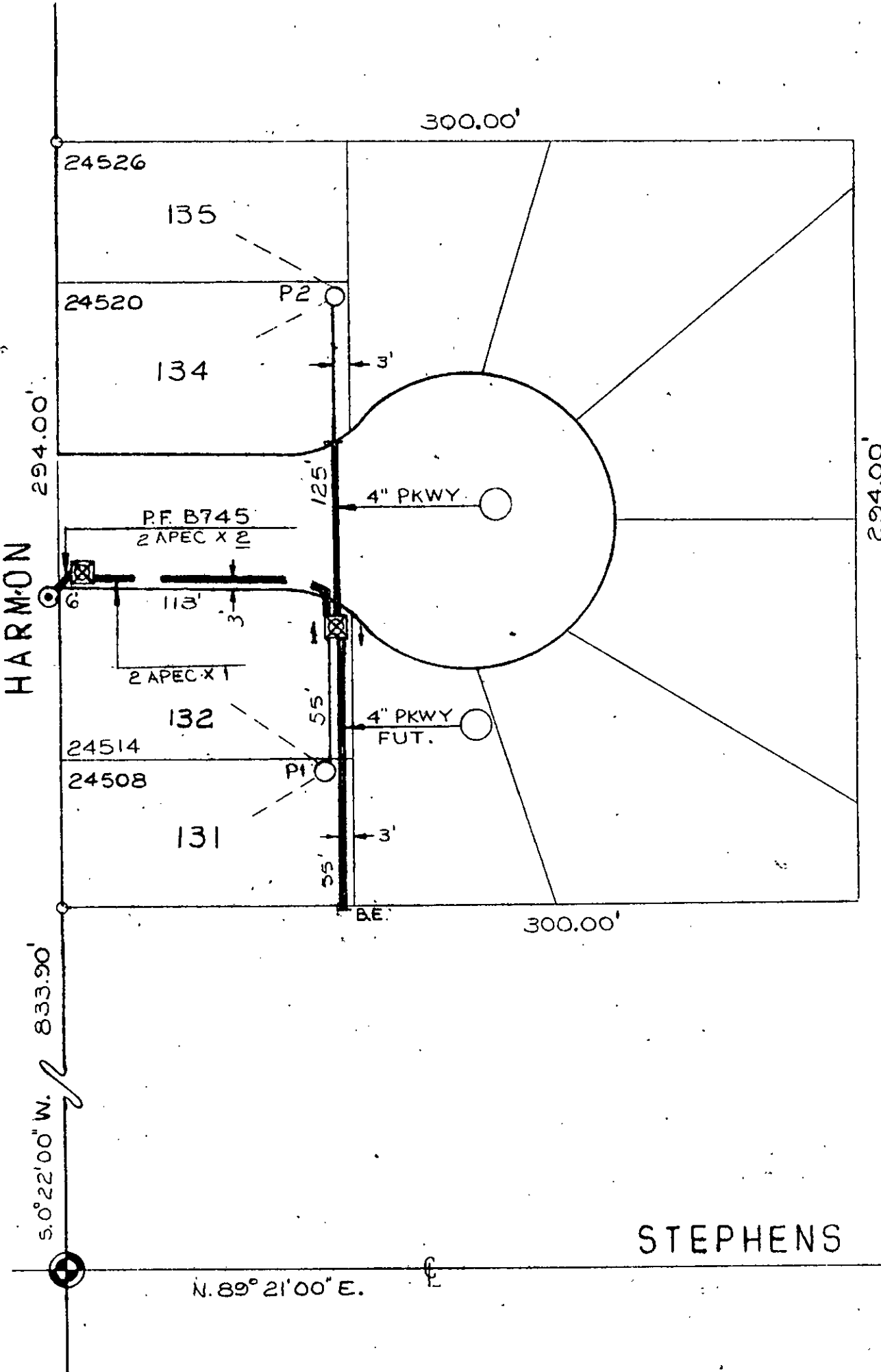
Signed [Signature]

SERVICE PLANNING DEPARTMENT

Address 162 S. GERRITTS Phone 182-270

ASAP BY 9-24-76

RECORDED RIGHTS OF WAY NO. 32135



RECORDED RIGHT OF WAY NO. 31235

STEPHENS ROAD

1944

RETURN TO
R. R. CUNNINGHAM
DETROIT EDISON COMPANY
15600 NINETEEN MILE ROAD
MT. CLEMENS, MICHIGAN 48044

MEMORANDUM ORDER

FOR GENERAL USE
DE FORM MS 77 12-53

TO Thomas T. Togan, 434 W.C.B.

DATE 10-7-76

TIME _____

RE: Lake Wood Gardens Subdivision No. 1, City of St. Clair Shores, Macomb County

Please have enclosed copies of Agreement-Easement-Restrictions signed by
Edison and Bell and the jurats completed.

COPIES TO _____

SIGNED _____

David R. Winfield
David R. Winfield, Supervisor
Real Estate, R/W & Claims
Macomb Division

REPORT _____

DATE RETURNED _____

TIME _____

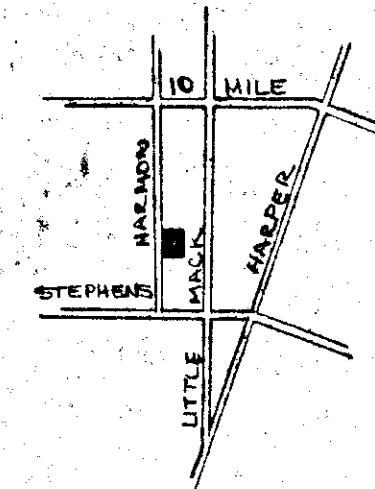
SIGNED _____

NORTH
ARROW

LOCATION SKETCH

U. G. MAP SEC. NOS. LAK - 25

NORTH



TRANSFORMER SPECS. _____
 PEDESTAL SPEC.-R13
 NO. OF PEDESTALS 2

- CODE -

- ⊙ TEMPORARY SECONDARY PEDESTAL
- ⊠ DFT (DEAD FRONT TYPE)
- ⊞ ISO - TRANSFORMER
- ⊞ 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
- s - SEWER
- w - WATER
- g - GAS
- - - PROPOSED CONDUIT

CABLE SUMMARY

5% Added

ITEM#	#2APEC X 1 13.2 KV	713-3029=	235' ±
ITEM#	AP2-350M & 1-4/0 600 V.	713-0537=	
ITEM#	AP2-3/0 & 1-#0 600 V.	713-0536=	195' ±

TRENCH SUMMARY

JOINT USE	345' ±
D. E. ONLY	NONE
TEL. ONLY	NONE
TOTAL	345' ±

SITE SUPT. H. KODAN
 PHONE NO. 886-2206

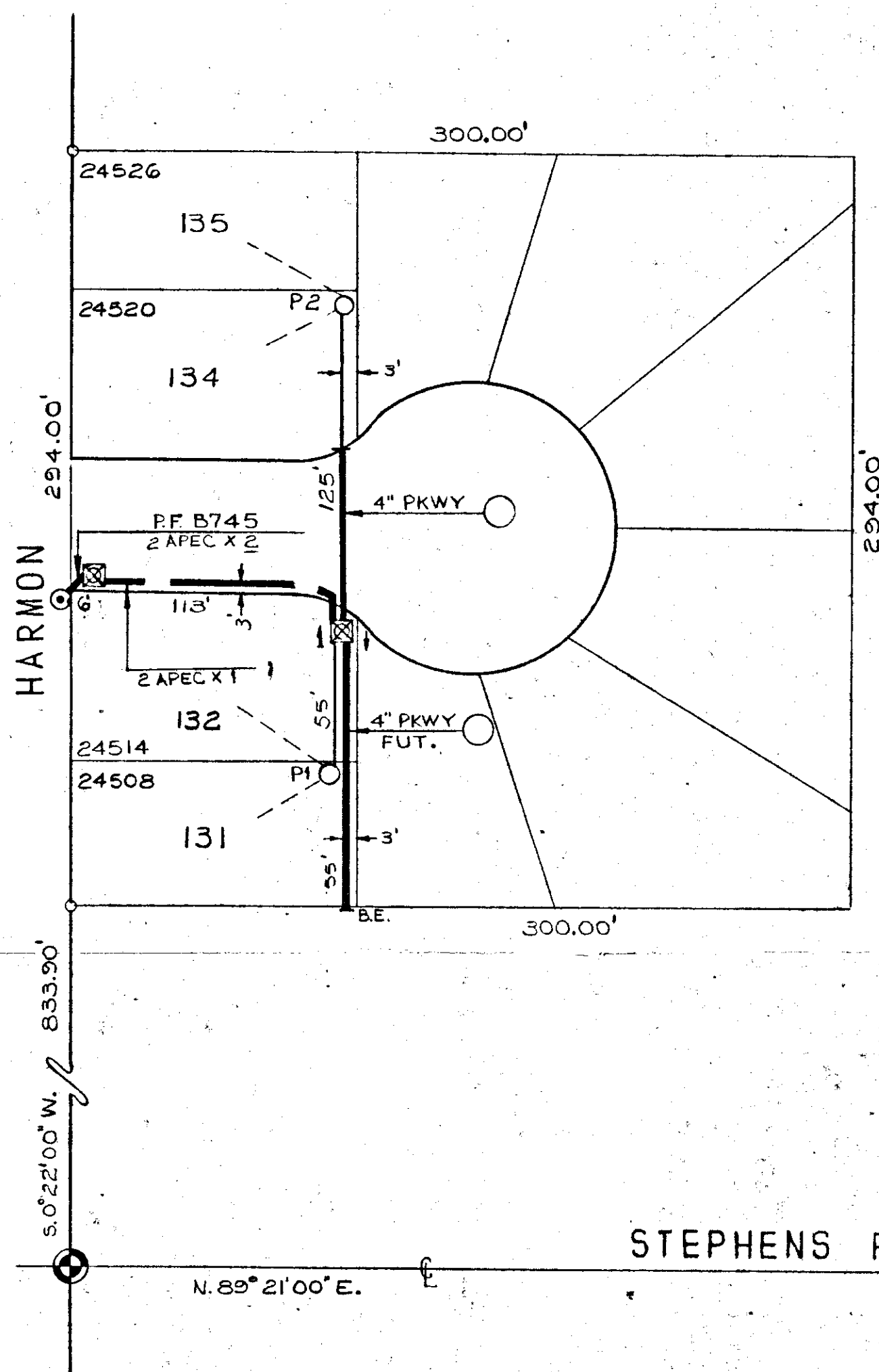
- GENERAL NOTES -

TRENCHING TO BE DONE BY D.E. Co.
 TRENCH AND CABLE LENGTHS ARE APPROXIMATE.
 SEE DRAWING UI-1-2369 FOR TRANS. MAT. DETAILS.
 SEE PAGE 3-2-11 (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: D. GIZAR 465-6201 X-270
 TEL. CO.: B. SCHLENER 777-9250

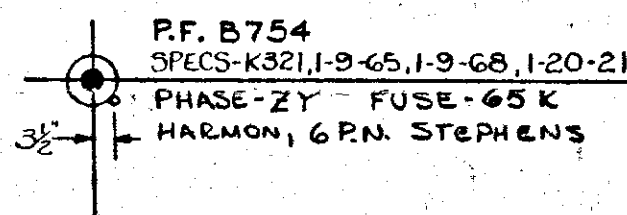
CONTACT "MISS DIG" (6477-344) BEFORE DOING ANY EXCAVATION.
 EASEMENTS INDICATED BY OUR CENTERLINES ARE (6') SIX FEET IN WIDTH UNLESS OTHERWISE NOTED.

PERMITS REQUIRED

NOTIFICATION OF LAKE TOWNSHIP



RECHECKED RIGHT OF WAY NO. 32135



TRANSFORMER DATA

U.D.T. NO.	SIZE	ED. STK. NO.
B745 - 1	25	661-1151
150-UP TRANS	250	661-0599

STEPHENS ROAD

N. 89° 21' 00" E.

A REVISION					REFERENCE	JOB TITLE DIRECT BURIED SYSTEM -URD-			THE DETROIT EDISON COMPANY SERVICE PLANNING DEPARTMENT		
						LAKE WOOD GARDENS SUB. NO 1			SCALE	NUMBER OF UNITS	WORK ORDER NUMBER
						PART OF THE E. 1/2 OF THE E. 1/2 OF THE NE. 1/4 OF FR. SECTION 28, T. 1 N., R. 13 E.			1" = 50'	4	367 B9J 995
						LAKE TOWNSHIP MACOMB COUNTY			LATEST REVISION	DISTRIBUTION CIRCUIT	
										1480 SHORES 13.2 KV 150-UP	
									DEPT. ORDER NUMBER	SHEET 1 OF 1 SHEETS	
									A-74277		

RECORDED RIGHT OF WAY NO. 52135

R 32135