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PATRICIA NEWKIRK HARDY  
REGISTER OF DEEDS  
WASHTENAW COUNTY, MICH.

APARTMENTS

AGREEMENT - EASEMENT - RESTRICTIONS

This instrument made this 21st day of December, 19 71, 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", and MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation, of 1365 Cass Avenue, Detroit, Michigan, 48226, hereinafter called "BELL."

W I T N E S S E T H :

WHEREAS, Owners are erecting apartments known as Traverglen Apartments, on land in the City of Ann Arbor, County of Washtenaw, 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, 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 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.

(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.

\*This instrument re-recorded to show "as installed" drawings as stipulated in paragraph 4 above.

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- 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.
- 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:

Hazel L. Brandau  
Hazel L. Brandau

Irene C. Kata  
IRENE C. KATA

Linda M. Loffman  
LINDA M. LOFFMAN

Marsha Pavelka  
MARSHA PAVELKA

THE DETROIT EDISON COMPANY  
By W. C. [Signature]  
W. C. [Signature], DIRECTOR  
Real Estate and Rights of Way Dept.  
By Lillian J. H. [Signature]  
LILLIAN J. H. [Signature] ASST. SECRETARY

MICHIGAN BELL TELEPHONE COMPANY  
By Phillip G. Hilzinger  
Phillip G. Hilzinger, Area Engineer  
Staff Supervisor, Rights of Way  
(authorized signature)

RECORDED REGISTRY OF DEEDS NO. 38557

01 NOV 68  
RECORDED  
PAGE 3210  
RECORDED

Edward A. Wehner  
Notary Public, Kalamazoo County, Michigan  
My Commission Expires March 4, 1973  
(Acting in Washtenaw County, Michigan)

-3-

On this 21st day of December, 1971, before me the subscriber, a Notary Public in and for said County, personally appeared JOSEPH H. RICHARDS, who being by me duly sworn did say he is the Vice President of TRAVER LAKES, INC., a Michigan corporation, 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 JOSEPH H. RICHARDS acknowledged said instrument to be the free act and deed of said corporation.

STATE OF MICHIGAN )  
) SS. ( COUNTY OF WASHTEAW )

apartment units.

Land in the City of Ann Arbor, County of Washtenaw, State of Michigan described as: Commencing at the N 1/4 corner of Section 15, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence S 1°11'07" E 2139.87 feet along the N and S 1/4 line of said Section 15 to the center line of Traver Road; thence S 68°33'58" W 88.68 feet to a PLACE OF BEGINNING. Thence southerly 104.24 feet along the arc of a circular curve concave to the west, radius 430.00 feet, central angle 13°53'21", subtended by a chord which bears S 12°37'14" E 103.98 feet; thence S 5°40'34" E 444.44 feet to a point lying on the E and W 1/4 line of said Section 15; thence S 88°09'15" W 2110.61 feet along the E and W 1/4 line of said Section 15; thence northerly 503.97 feet along the easterly line of the Ann Arbor Railroad right of way and the arc of a circular curve concave to the west, radius 3869.72 feet, central angle 7°27'43", subtended by a chord which bears N 4°56'38" W 503.62 feet; thence N 80°39'38" E 265.93 feet; thence easterly 219.73 feet along the arc of a circular curve concave to the northwest, radius 450.00 feet, central angle 27°58'37", subtended by a chord which bears N. 66°40'20" E 217.55 feet; thence easterly 242.54 feet along the arc of a circular curve concave to the northeast, radius 350.00 feet, central angle 39°42'17", subtended by a chord which bears S 57°10'07" E 237.72 feet; thence S 77°01'16" E 303.00 feet; thence easterly 300.81 feet along the arc of a circular curve concave to the north, radius 1180.00 feet, central angle 14°36'22", subtended by a chord which bears S 84°19'26" E 300.00 feet; thence N 88°22'23" E 330.00 feet; thence easterly 365.53 feet, along the arc of a circular curve concave to the north, radius 605.00 feet, central angle 34°37'03", subtended by a chord which bears N 71°03'51" E 360.00 feet; thence easterly 131.83 feet along the arc of a circular curve concave to the south, radius 510.00 feet, central angle 14°48'38", subtended by a chord which bears N 61°09'39" E 131.47 feet; thence N 68°33'58" E 48.32 feet to the place of beginning, being a part of said section 15, T2S, R6E, and containing 21.71 acres of land more or less. This apartment agreement is limited to Lots 89, 90 and 91 of Proposed Traver Lakes Subdivision No. 1, but including Traver Lakes Community Building and 210 Garden

APPENDIX "A"

Parcel L-2

Edward A. Wehner

*[Signature]*  
James L. Hart

In the Presence of:

By *[Signature]*  
Joseph H. Richards, Vice President

TRAVER LAKES, INC.  
A Michigan corporation  
2255 S. Industrial Highway  
Ann Arbor, Michigan 48104

LIBER 1383 PAGE 949

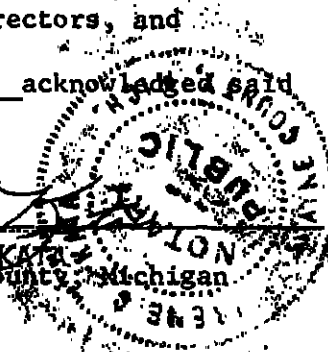
LIBER 1723 P 156  
PAGE 3210  
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STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF WAYNE )

On this 27th day of December, 1971, 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. K...*  
IRENE C. K...  
Notary Public, Wayne County, Michigan



My Commission Expires: June 24, 1972

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF OAKLAND )

On this 5th day of January, 1972, before me the subscriber, a Notary Public in and for said County, appeared Phillip G. Hilzinger to me personally known, who being by me duly sworn did say that he is the ~~staff~~ Area Engineer ~~Supervisor of Right of Way~~ 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 Phillip G. Hilzinger acknowledged said instrument to be the free act and deed of said corporation.

*Melford Hartman*  
Notary Public, Oakland County, Michigan

MELFORD HARTMAN  
Notary Public, Wayne County, Michigan  
Acting In Oakland County  
My Commission Expires Sept. 15, 1975

My Commission Expires: \_\_\_\_\_

PREPARED BY: Stephen A. McNamee  
2000 Second Avenue  
Detroit, Michigan 48226

RETURN TO: James C. Wetzel  
2000 Second Avenue - Rm. 226  
Detroit, Michigan 48226

32551



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

RECORDED RETURN TO SENDER  
32551

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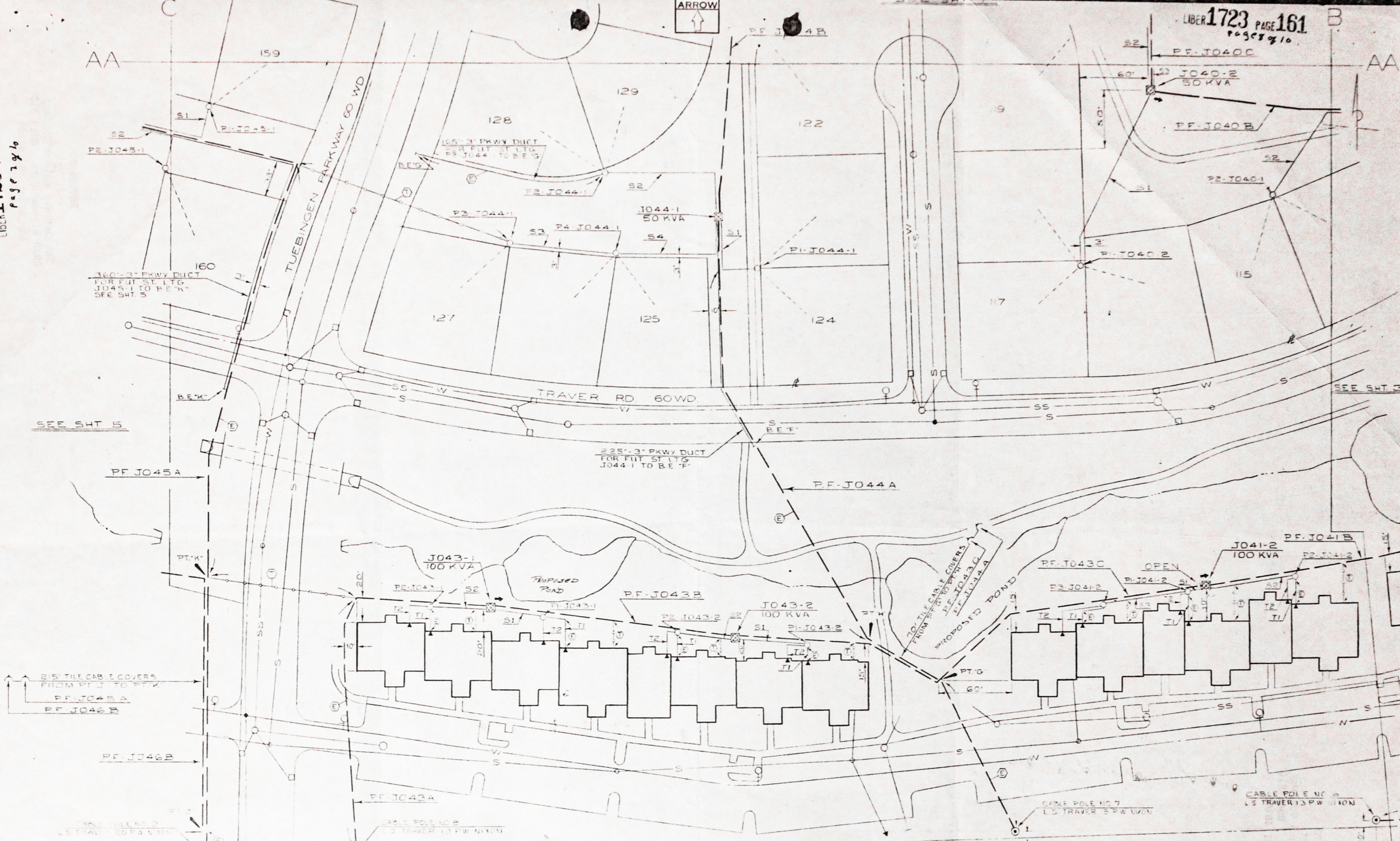
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PATRICIA HEWKIRK HARDY  
REGISTER OF DEEDS  
WASHTENAW COUNTY, MICH.

*Rp - Recorded*

*mate*

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



**NOTICE**  
Locations of underground facilities on this drawing are only approximate. Exact locations must be determined by the UTILITY COMPANIES. For exact locations, telephone MISS DIG on 800-482-7711 as required by Public Act 53 of 1974 before doing any power excavating.

DESIGNED BY	CHECKED BY	APPROVED BY	DATE	OTHER APPROVAL	DATE	STATION	PROJECT	THE DETROIT EDISON COMPANY
							TRAVER LAKES SUB #1 PT. OF N.W. SEC. 15 T2S R6E ANN ARBOR TWP	SERVICE PLANNING DEPARTMENT
							SYSTEM NO.	U-38058
							SHEET	4 OF 3

1157  
RETURN TO  
R. J. Ort  
The Detroit Edison Company  
2929 Plymouth Rd., Room 210  
Ann Arbor, MI 48105

RECORDED RIGHT OF WAY NO. 32551

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R. J. Ort  
The Detroit Edison Company  
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Ann Arbor, MI 48105





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