

APARTMENTS AND SHOPPING MALL

AGREEMENT - EASEMENT - RESTRICTIONS

This instrument made this 24th day of June, 19 76, 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 :
and shopping mall

WHEREAS, Owners are erecting apartments known as Chesterfield Square, on land in the Township of Chesterfield, County of Macomb, 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 easement is re-recorded for the purpose of showing the planned "as installed" centerlines of easements granted as shown on drawing attached hereto." -1-

RECORDED RIGHT OF WAY NO. 33241

RECORDED IN MACOMB COUNTY RECORDS AT: 9:06 A.M.

RECORDED IN MACOMB COUNTY RECORDS AT: 9:41 A.M. JUN 13 1980

AUG - 6 1976

Edna M. Hill
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

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

~~RECORDED IN MACOMB COUNTY~~
~~RECORDS AT: 9:06 A.M.~~
~~AUG - 6 1976~~
~~CLERK - REGISTER OF DEEDS~~
~~MACOMB COUNTY, MICHIGAN~~

Edna M. Hill
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

- 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:

Mary Ann Misiak
MARY ANN MISIAK

Irene C. Kata
IRENE C. KATA

Marsha Pavelka
MARSHA PAVELKA

Dolores Ziegler
DOLORES ZIEGLER

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 William F. Murray, Jr.
WILLIAM F. MURRAY, JR.
Staff Supervisor, Right of Way
(authorized signature)

RECORDED RIGHT OF WAY NO. 33241

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

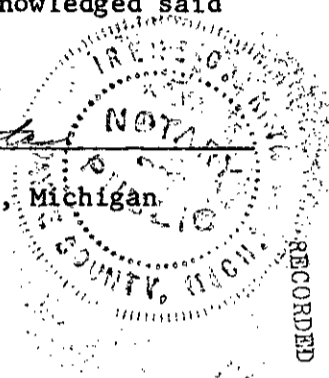
~~RECEIVED~~
~~DAVID R. WENTZEL~~
~~THE DETROIT EDISON COMPANY~~
~~15600 NINETEEN MILE ROAD~~
~~MT. CLEMENS, MICHIGAN 48044~~

STATE OF MICHIGAN)
) SS.
COUNTY OF WAYNE)

On this 30th day of June, 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 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



RECORDED RIGHT OF WAY NO. 33241

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

On this 9th day of July, 1976, before me the subscriber, a Notary Public in and for said County, appeared WILLIAM F. MURRAY, JR. to me personally known, who being by me duly sworn did say that he is the Staff 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 WILLIAM F. MURRAY, JR. acknowledged said instrument to be the free act and deed of said corporation.

Marsha Pavelka
Notary Public, Oakland County, Michigan

My Commission Expires: _____

MARSHA PAVELKA
Notary Public, Oakland County, Michigan
My Commission Expires April 17, 1979

NOTARY PUBLIC
R. E. CUNNINGHAM
DETROIT EDISON COMPANY
1000 EAST WILSON AVENUE
DETROIT, MICHIGAN 48207

TO: R.R. CUNNINGHAM

MARSHA PAVELKA
Notary Public, Oakland County, Michigan
My Commission Expires April 17, 1979

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

~~DETROIT EDISON COMPANY~~
~~15600 NINETEEN MILE ROAD~~
~~MT. CLEMENS, MICHIGAN 48044~~

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

~~RECEIVED~~
~~EDWARD R. WENNING~~
~~DETROIT EDISON COMPANY~~
~~7-5-CRATTON~~
~~MT. CLEMENS, MICHIGAN 48044~~

APPLICATION FOR U.R.D. EASEMENTS

DE FORM PR 11 5-73

FOR DEPT:	RW	DATE REC'D	DE-BELL NO
		5-28-76	ME-6-12

TO: MR. DAVE WINFIELD
REAL ESTATE AND RIGHTS OF WAY - SUPERVISOR

Application No. _____

DISTRICT MACOMB

Date MAY 28, 1976

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 CHESTERFIELD SQUARE County MACOMB
 City/Township/Village CHESTERFIELD TWP. Section No. _____
 Type of Development Subdivision Mobile Home Park
 Apartment Complex Other SHOPPING MALL

2. Name of Owner S.P.Q.R. LTD. Phone No. 949-1800
 Address 50752 PEGGY LANE . NEW BALTIMORE, MICH
 Owner's Representative WALTER R. PIETRZYK Phone No. 949-1800

3. Date Service is Wanted PART BY 7-1-76

4. Entire project will be developed at one time YES NO

5. Cable poles on property YES NO

6. Joint easements required PARTIAL YES NO

a. Name of other utilities MICHIGAN BELL TELEPHONE CO.

b. Other utility engineer names, addresses, phone numbers: DEAN WOLFE 100 So. GRATIOT, MT. CLEMENS, 463-8515

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

Lot No. _____

8. Additional information or comments: _____

RECORDED RIGHT OF WAY NO. 33241

NOTE: Trenching letter attached will be submitted later.

Signed Melvin F. Stockman
 SERVICE PLANNING DEPARTMENT
 Address 172 So. Gratiot Phone K-354

Date 6-23-76

S.P.Q.R. LTD

50752 Peggy Lane

New Baltimore, Michigan 48047

Re: Chesterfield Square Step I

Gentlemen:

Your request for three phase, underground electric service to the above stated project and location, is hereby granted subject to the following terms and conditions.

1. You will furnish and install primary ducts from the property line or three phase source if on your property, to the transformer location, including trenching and backfilling. You will also install the transformer foundation.
2. A property layout plan suitable for indicating the route of the cable and associated equipment must be provided. Rights of Way encompassing an area three feet each side of the cable and associated equipment as installed, must be granted herewith.
3. In addition to the Rights of Way set forth in Item 2 above, the owners agree to grant by separate instrument, additional Rights of Way deemed necessary for the extension of electric facilities.
4. The Detroit Edison Company will install, own and maintain the primary cable, the transformer, and will maintain the transformer foundation. Service cable requirements will be fulfilled as per our rules and rates as filed with the Michigan Public Service Commission and as shown in our current rate book.
5. The cost to you for said underground electric line and equipment installation is \$ 796.00 based on 398 trench feet for primary and/or secondary cable. Extra charges in addition to the above will be \$ ----- as your contribution for such items as boring under paved streets, line extensions onto private property exceeding three hundred (300) feet, providing cable on cable pole, providing primary mains, distribution laterals and primary switching cabinets. These extra charges will only be assessed if involved. All charges are based on rules and rates as filed with the Michigan Public Service Commission and as shown in our current rate book. We will require full payment of the aforementioned charges prior to energizing the system.

RECORDED RIGHT OF WAY NO. 33241

Page 2
The Detroit Edison Company
Date 6-23-76

S.P.Q.R. LTD

The future maintenance of our electric lines in the area set forth in Item 2 above does not include repair of damage to our lines and equipment caused by you, your contractors, agents, employees, successors, and assignees. If such damage should occur, we will require reimbursement for any such damage.

Notwithstanding anything herein to the contrary, the installation, ownership and maintenance of electric services and the rates, fees and charges to be made shall be subject to and in accordance with the orders and rules and regulations adopted and approved from time to time by the Michigan Public Service Commission.

Please sign three of the enclosed copies and return them. You may retain the fourth copy for your file.

Very truly yours,

Melvin F. Stockman
Service Planner

ACCEPTED:

NAME

TITLE

NAME

TITLE

DATE

Walter H. [Signature]
Secretary
Wm. J. Bucci
President
6-24-76

RECORDED RIGHT OF WAY NO. 33241

Date: **October 27, 1976**

S.P.Q.R. Ltd.

50752 Peggy Lane

New Baltimore, Michigan 48047

Re: Chesterfield Square Step II

The Detroit Edison Company will provide underground electric service to the above stated location pursuant to its rules and rates as currently filed with the Michigan Public Service Commission. It should be noted that these rules and charges are subject to change on the order of the Michigan Public Service Commission. Should such a change take place, this instrument is voided and a new instrument will be required to conform with the rules then in effect. These rules establish the following terms and conditions.

Subject to our agreement with you for the installation of underground electric lines in the above project, The Detroit Edison Company will own, install and maintain its electric lines and equipment and provide trenching in easements six feet (6') in width, which will be subsequently platted or provided by a separate easement instrument. Location of the lines and equipment will be as shown on the combined utility plan as approved by you on October 6, 1976.

The cost to you for the extension of the underground distribution system consisting of primary and/or secondary main cable(s) and transformer capacity is \$ 4,770.00 based on 1300 trench feet or lot front feet and 575 KVA (nameplate) of transformer capacity.

Extra charges in addition to the above will be made if it is necessary to bore under roads or other paved areas and for trenching in water conditions, rocks, rubble or when other practical difficulties in trenching exist.

A winter construction charge of \$ 1.00 per linear foot of trench will be assessed for all trenching you require from December 15 through March 31.

Pursuant to establishing a field construction start date for the above named project, it is necessary that the conditions of the grade in the area of construction be determined. Work cannot start until grade is within 4" of final.

No later than five days prior to the start of construction that has been scheduled for 11-10-76, we will require receipt of the attached Certificate indicating the completion of grading and payment in the amount of \$ 4,770.00 as non-refundable Contribution in Aid of Construction for the above charges.

RECORDED HIGHWAY NO. 33241

Chesterfield Square Step II

Date October 27, 1976

If for any reason, beyond the control of the Utility, the construction start date indicated above is changed, charges will be adjusted to reflect conditions that exist at the time construction is actually started.

Service laterals necessary to link the above distribution system with individual meters will be billed after their installation and are not part of this agreement.

Installations of main feeder lines that are not covered under the mandatory underground provisions of the Michigan Public Service Commission Rules will be undergrounded only under the terms of a separate agreement.

Extensions of electric distribution facilities to vacant lots or to building sites not ready for service will require refundable construction deposits that will be negotiated in a separate agreement.

Community antenna systems or other cable systems shall not be installed in the same trench with Company and telephone cables without a separate signed agreement.

The future maintenance of our electric lines in the proposed easements does not include repair of damage to our lines and equipment caused by you, your contractors, agents, employes, successors and assignees. If such damage should occur, we will require reimbursement for any such damage.

Please sign ~~one~~^{two} of the enclosed copies and return to me. You may retain the carbon copy for your file.

Very truly yours,

Melvin F. Stockman
Service Planner

RECORDED RIGHT OF WAY NO. 33241

ACCEPTED:

Name [Signature]

Title SEC.

Name _____

Title _____

Date _____

Enc: Grading certificate



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

DATE: October 27, 1976

S.P.Q.R. Ltd.

50752 Peggy Lane

New Baltimore, Michigan 48047

RE: Chesterfield Square Step II

Gentlemen:

Pursuant to establishing a field construction date for the above named project, it is necessary that the conditions of the grade in the area of construction be determined. Work cannot start until this is accomplished.

Please sign and return two copies of the Certificate below. You may retain the third copy for your file.

Very truly yours,

Melvin F. Stockman

Service Planner

Oct. 27, 1976

Date

RECORDED RIGHT OF WAY NO.

33241

C-E-R-T-I-F-I-C-A-T-E

I/We, the undersigned, hereby certify to the Detroit Edison Company that all grading in utility easements and/or the routes of the underground facilities on the above subject development has been completed within four (4) inches of final grade.

I/We further agree that a stake will be placed at the location of each piece of above grade equipment, indicating the final grade to be achieved. A copy of the Detroit Edison Company underground construction drawing No. A-74309 for this development is in my/our possession and will be used for this purpose.

Name *[Signature]*

Title S.E.C.

Name _____

Title _____

Date _____

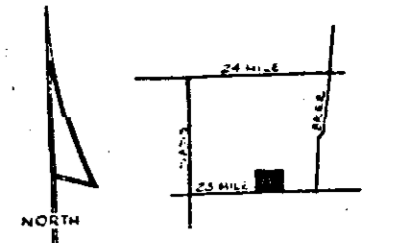


LIBER 3241 PAGE 343

LIBER 3241 PAGE 342

LIBER 3241 PAGE 341

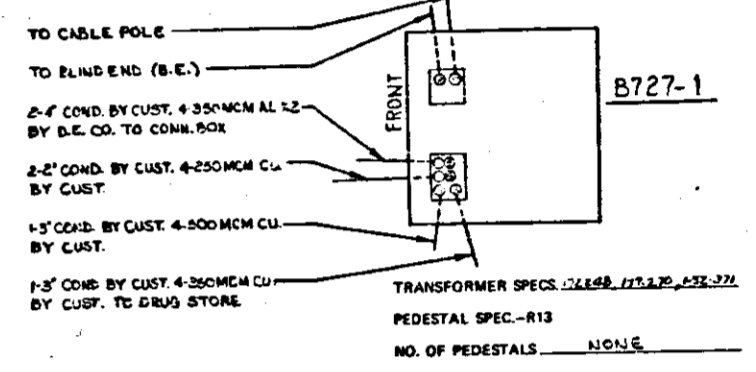
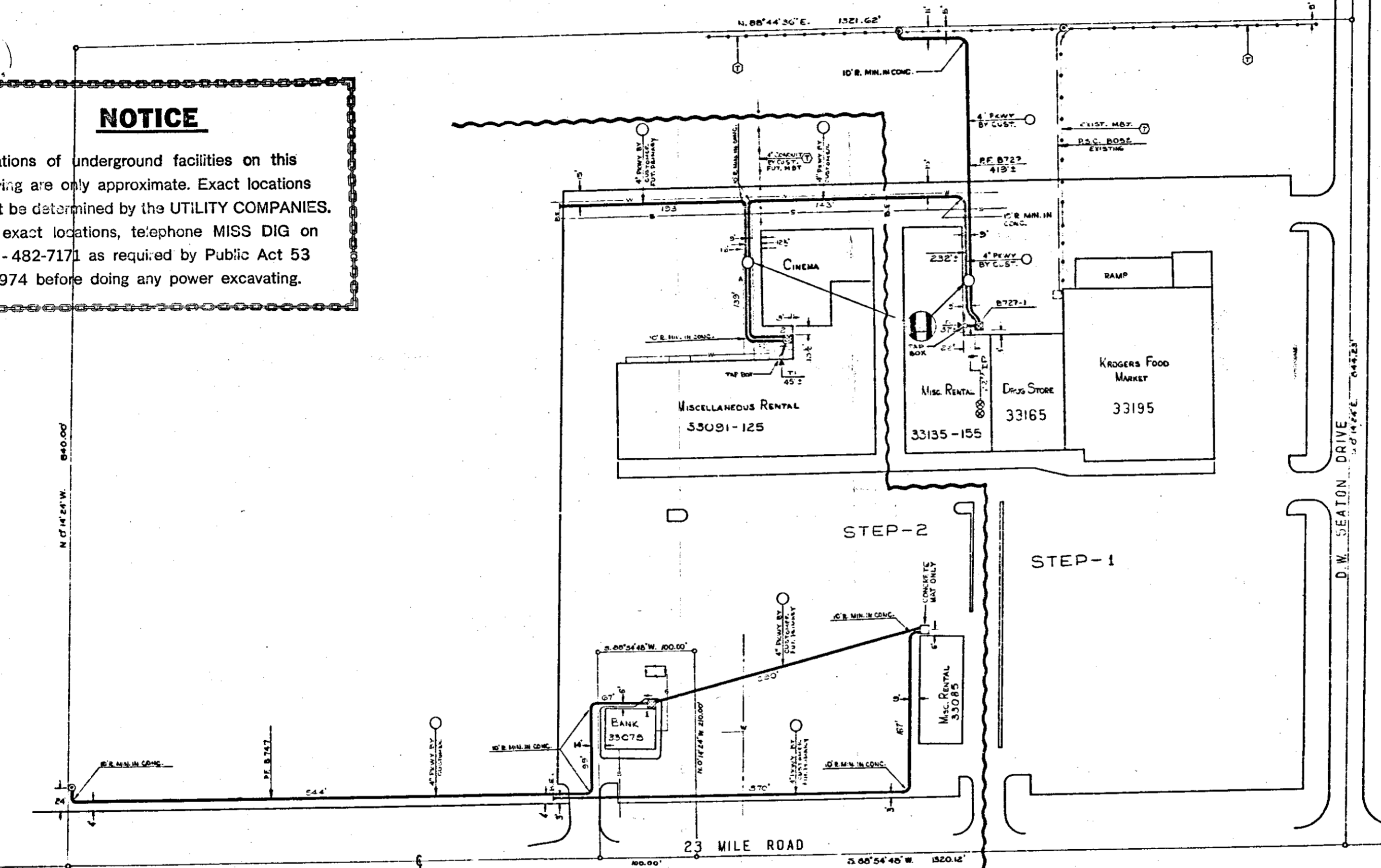
LOCATION SKETCH
U.G. MAP SEC. NOS. CHS-57



TRANSFORMER DATA		
U.D.T. NO.	SIZE	ED. STK. NO.
B727-1	500	661-0603

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 800-482-7171 as required by Public Act 53 of 1974 before doing any power excavating.



- 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#	2 DAL X 3 13.2 KV	713-3037	440'
ITEM#	AP2350M & 1-4/0 600 V.	713-0537	300'
ITEM#	AP2210 & 1-#1 600 V.	713-0614	

TRENCH SUMMARY

JOINT USE	485'
D. E. ONLY	NONE
TEL ONLY	NONE
TOTAL	485'

SITE SUPT. D. ANDER
PHONE NO. 725-6774

- GENERAL NOTES -

TRENCHING TO BE DONE BY CUSTOMER. TRENCH AND CABLE LENGTHS ARE APPROXIMATE. SEE DRAWING UI-2289 FOR TRANS. MAT. DETAILS. SEE PAGE 3211 (S.I.M.) DETAIL "—" FOR ENTRANCE POINT DETAILS (APTS. ONLY). SEE DRAWING UI-4-2283 FOR PLACEMENT OF CABLES, TRANSFORMERS AND PEDESTALS (SUDS ONLY). D.E. SERVICE PLANNER W. J. GIBSON 482-6251 4-25-84. TEL. CO. 57-2-1017 4-25-84.

CONTACT "MISS DIG" (8477-344) BEFORE DOING ANY EXCAVATION. EASEMENTS INDICATED BY OUR CENTERLINES ARE 16' SIX FEET IN WIDTH UNLESS OTHERWISE NOTED.

PERMITS REQUIRED
Notification of Chesterfield Twp.

STEP-2 TRANSFORMER DATA

U.D.T. NO.	SIZE	ED. STK. NO.
B727-2	500	661-0603
B747-1	75	661-0600

CABLE SUMMARY

ITEM#	2-1/2" X 3 FCN 13.2KV	713-3026	1120'
ITEM#	AP2350M & 1-4/0 600 V.	713-0537	120'
ITEM#	AP2210 & 1-#1 600 V.	713-0614	

TRENCH SUMMARY

JOINT USE	NONE
D. E. ONLY	NONE
TEL ONLY	NONE
TOTAL	NONE

DEPT. ORDER NO. A-74309
WORK ORDER NO. 30723-628
NO. OF PEDESTALS NONE
NO. OF UNITS NONE

NOTES:
CUST. TO INSTALL ALL CONDUIT & PACE D.E. CO. TO PLACE & INSTALL TRANS. & PEU. CABLE D.E. CO. TO MAKE ALL TERMINATIONS IN TRENCH & AT CABLE POLE. D.E. CO. TO INSTALL SERVICE TO CONNECTION BOX & TERMINATE.

"AS INSTALLED"

TITLE BLOCK
DD A-74309
NO 86782028
START 11-76
FINISH 11-76
TECH. R. KLUMBA
LABOR D.E.CO.
SPECIAL T. DAVIS
RECORD R. KLUMBA

REVISION	DATE	BY	DESCRIPTION
D			REVISION
C			REVISION
B			REVISION
A			REVISION

DRAWN BY	NAME	DATE	JOB TITLE
CHECKED BY			
APPROVED BY			

SCALE	1" = 50'
NUMBER OF UNITS	1
WORK ORDER NUMBER	30723-628
LATEST REVISION	B
DISTRIBUTION CIRCUIT	8025 CHESTERFIELD 13.2 KV
DEPT. ORDER NUMBER	3-74309 A-74309
SHEET	1 OF 1

RECORDED RIGHT OF WAY NO. 33241

R33241

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