

APARTMENTS

AGREEMENT - EASEMENT - RESTRICTIONS

A655506

This instrument made this 15<sup>th</sup> day of September 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 :

WHEREAS, Owners are erecting apartments known as FATHER TAILLIEU SENIOR CITIZENS HOME, INC., on land in the City of Roseville, 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.

RECORDED RIGHT OF WAY NO. 33250

(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:

"This easement is re-recorded. Said easements shall be subject to Order of and the for the purpose of showing the Rules and Regulations adopted from time to time by planned "as installed" center- the Michigan Public Service Commission. lines of easements granted as shown on drawing attached hereto."

RECORDED IN MACOMB COUNTY RECORDS AT: 12:35 P. M.

JUN 18 1980

Edna Miller  
CLERK - REGISTER OF DEEDS  
MACOMB COUNTY, MICHIGAN

-1-  
RECORDED IN MACOMB COUNTY RECORDS AT: 12:43 P. M.

OCT 12 1976

Edna Miller  
CLERK - REGISTER OF DEEDS  
MACOMB COUNTY, MICHIGAN

DE FORM LE 11 11-71 CS

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

[REDACTED]

15  
MR. CLEMENS, MICHIGAN 48044  
RRC

- 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

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.

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 RIGHT OF WAY NO. 33250

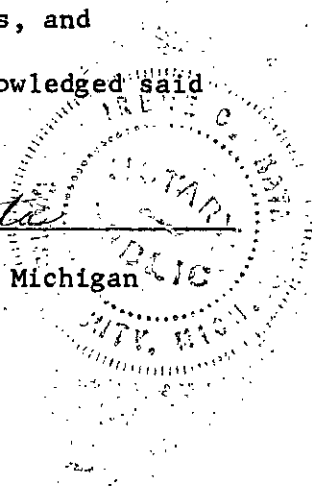
RETURN TO  
R. R. CUNNINGHAM  
DETROIT EDISON COMPANY  
15600 NINETEEN MILE ROAD  
MT. CLEMENS, MICHIGAN 48044

~~RETURN TO~~  
~~DAVID R. WINFIELD~~  
~~THE DETROIT EDISON COMPANY~~  
~~15600 NINETEEN MILE ROAD~~  
~~MT. CLEMENS, MICHIGAN 48044~~

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF WAYNE )

On this 23rd day of September, 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

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF MACOMB )

On this 30<sup>th</sup> day of September, 1977, 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 K. H. Shelton acknowledged said instrument to be the free act and deed of said corporation.

Melford Hartman

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

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

RECORDED RIGHT OF WAY NO. 33250







**Detroit  
Edison**

Macomb Division  
162 S. Gratiot  
Mt. Clemens, Michigan

Date: <sup>48043</sup> September 8, 1976

Mr. Rene DeSeranno

4600 Bellview

Detroit, Michigan

Re: Father Taillieu Senior Citizens Home - Phase I

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 Sept. 8, 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 \$ 3,134.20 based on 1,018 trench feet or - lot front feet and 300 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 \_\_\_\_\_, we will require receipt of the attached Certificate indicating the completion of grading and payment in the amount of \$ 3,134.20 as non-refundable Construction in Aid of Construction for the above charges.

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PL 101

RECORDED RIGHT OF WAY NO.

33250



Macomb Division  
162 S. Gratiot  
Mt. Clemens, Michigan 48043



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

DATE: September 8, 1976

Mr. Rene DeSeranno

4600 Bellview

Detroit, Michigan

RE: Father Taillieu Senior Citizens Home - Phase I

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,

Richard DeMara  
Service Planner

9-8-76  
Date

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-74273 for this development is in my/our possession and will be used for this purpose.

Name Rene J. Seranno  
Title pres.  
Name \_\_\_\_\_  
Title \_\_\_\_\_  
Date Sept. 8, 1976

RECORDED RIGHT OF WAY NO. 33250

APPLICATION FOR U.R.D. EASEMENTS

DE FORM RR 11 5-73

FC DE	F & RW SE	DATE REC'D	DE-BELL NO.
		8-30-76	ME-6-20

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

Application No. \_\_\_\_\_

DISTRICT MACOMB

Date \_\_\_\_\_

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. ON WARRANTY DEED
2. Site plan.
3. Title information (deed, title commitment, contract with title commitment, or title search).

INFORMATION:

1. Project name FATHER-TAILLIEU SENIOR CITIZENS HOME Inc. County MACOMB

City/Township/Village ROSEVILLE Section No. NE 1/4 SEC. 8 @ PART OF N.W. 1/4 OF SEC. 9

- Type of Development
- |   |   |
|---|---|
| <input type="checkbox"/> Subdivision                  | <input type="checkbox"/> Mobile Home Park |
| <input checked="" type="checkbox"/> Apartment Complex | <input type="checkbox"/> Other            |

2. Name of Owner FATHER-TAILLIEU SENIOR CITIZENS HOME Inc. Phone No. \_\_\_\_\_

Address 4600 BELLEVUE DETROIT MICH. 48207

Owner's Representative MR. R. DE SERANNO (Rene) Phone No. WA-37800

3. Date Service is Wanted OCTOBER 1st 1976 PHASE 1

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 MICHIGAN BELL TELEPHONE Co.

b. Other utility engineer names, addresses, phone numbers: LARRY GREENE  
18015 10 MILE RD - ROSEVILLE MICH - 777-9950

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

Lot No. \_\_\_\_\_

8. Additional information or comments: \_\_\_\_\_

RECORDED RIGHT OF WAY NO. 33250

NOTE: Trenching letter  attached  will be submitted later.

Signed Susan M. Hollenbeck RICH DEMERSE  
SERVICES PLANNING DEPARTMENT

Address 162 S. Gratiot Phone X266

**Father Taillieu Senior Citizens Home - Phase I**

Date September 8, 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 of the enclosed copies and return to me. You may retain the carbon copy for your file.

Very truly yours,

Richard D. Meram  
Service Planner

ACCEPTED:

Name Rene J. Seranno

Title pres.

Name \_\_\_\_\_

Title \_\_\_\_\_

Date 9/8/76

Enc: Grading Certificate

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DE Form PL 101 8-76

RECORDED RIGHT OF WAY NO. 33250



RECORDED RIGHT OF WAY NO. 33250

R 33250

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