

17-009

152
975
LIBER 992
PAGE 001
Detroit Edison

Right of Way Agreement

April 9, 19 80

For valuable consideration, the receipt of which is hereby acknowledged, the undersigned hereby grant and convey to 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 and the MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation, of 444 Michigan Avenue, Detroit, Michigan 48226 hereinafter referred to as "UTILITIES", the easement and right to erect, lay, maintain, reconstruct and replace underground facilities consisting of wires, cables, conduits, fixtures and appurtenances including the necessary above ground equipment, connections, poles and accessories which may from time to time be required in, under, upon, over and across the land located in the City of Brighton, Livingston County, Michigan, and more particularly described on the attached Appendix "A", with the full right to the UTILITIES of ingress and egress upon said land for the purposes of this grant, and the further right to trim, cut down or otherwise control brush and trees within the easements herein described.

Said easements shall be Six (6) feet in width unless otherwise indicated and their route is described as follows: The exact location of said easements will be as shows on a drawing to be recorded within 90 days after construction.

In order to provide for the proper maintenance and protection of UTILITIES, the undersigned covenant and agree that:

1. The easements will be graded to within four (4) inches of final grade before the UTILITIES lines are installed and this ground elevation must be maintained after installation of utilities to avoid the pooling of water in, on or around above ground UTILITIES' equipment.
2. No buildings or structures other than UTILITIES equipment are to be placed within the easements herein granted. No excavation is to be permitted within said easement without approval of UTILITIES.
3. No shrubs of foliage shall be planted or grown within five (5) feet of the front door of transformers or switching cabinet enclosures. UTILITIES shall not be responsible to Owners for damages to or removal of trees or plant life planted in front of said door or within the easement causing an interference with UTILITIES maintenance of their equipment.
4. If the lines of facilities of UTILITIES are damaged by the acts of Owners, their agents, employees or contractors, repairs shall be made by the Utility company so damaged at the cost and expense of Owners. Owners are defined as those persons owning the land at the time the damage occurred.

THIS GRANT is declared to be binding upon the heirs, successors, lessees, licenses and assigns of the parties hereto.

IN WITNESS WHEREOF, the undersigned have hereunto set their hand and seal on this 9th day of April 1980.

Witnesses:

Grantors:

✓ Janet L. Graham
JANET L. GRAHAM

MILL POND MANOR ASSOCIATES
RECORDED Michigan Limited Partnership

✓ Charles P. Diliplane
CHARLES P. DILIPLANE

APR 22 1 23 PM '80

Laurence J. Fichter
LAURENCE J. FICHTER
operating general partner

NANCY HAVILAND
REGISTER OF DEEDS
LIVINGSTON COUNTY, MICH.

Prepared By:

James M. Davenport
2000 Second Avenue
Detroit, MI 48226

Address: 4021 W. Michigan Avenue

Lansing, Michigan 48917

This Instrument is re-recorded to show location of easements as stipulated above

RECORDED RIGHT OF WAY NO. 33362 RECORDED

SEP 11 3 38 PM '80
NANCY HAVILAND
REGISTER OF DEEDS
LIVINGSTON COUNTY, MICH.

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

LIBER 992 PAGE 002
LIBER 975 PAGE 153

STATE OF MICHIGAN)
County of Ingham) SS

On this 9th day of April, A.D. 1980, before me, the undersigned, a notary public in and for said county, personally appeared

Laurence J. Fichter of

Mill Pond Manor Associates known to me to be the person

who executed the foregoing instrument, and acknowledged the same to be his free act and deed of said Limited Partnership.

Curt Dombecky
Notary Public, Ingham County, Michigan

My commission expires: October 25, 1982

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APPENDIX "A"

A part of the SW fractional 1/4 of Section 30, T2N-R6E, City of Brighton, Livingston County, Michigan, described as follows: Commencing at the SW corner of Lot 9 of "Bright Haven", as recorded in Liber 8 on Page 25; thence South along the East line of Second Street, 187.00 feet to the Point of Beginning of the parcel to be described; thence S 88°13'35" E 360.05 feet to traverse point "A"; thence continuing S 88°13'35" E 17 feet more or less to the waters edge on the West side of the Mill Pond; thence Southerly along said Waters edge to traverse point "C", said point being South 155.95 feet and S 08°50'39" W 330.55 feet (previously described as S 07°41'30" W 331.75 feet) from the said traverse point "A"; thence S 01°16'51" W 12.50 feet to the North line of "Smith & McPherson's Addition" as recorded in Liber 1 on Page 20; thence N 89°36'33" W along said line 118.50 feet; thence N 01°04'26" E 24.92 feet; thence N 89°53'14" W 198.00 feet to the Easterly line of Second Street; thence N 01°16'51" E (previously described as North) 324.23 feet; thence North 155.95 feet to the Point of Beginning, and containing 4.01 acres more or less.

RECORDED RIGHT OF WAY NO. 33362

RECORDED

APR 22 1 23 PM '80

NANCY HAVILAND
REGISTER OF DEEDS
LIVINGSTON COUNTY, MICH.

NANCY HAVILAND
REGISTER OF DEEDS
LIVINGSTON COUNTY, MICH.

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NANCY HAVILAND
REGISTER OF DEEDS
LIVINGSTON COUNTY, MICH.

NANCY HAVILAND
REGISTER OF DEEDS
LIVINGSTON COUNTY, MICH.

SEP 11 3 38 PM '80

RECORDED

APPROVED		DATE
BLDG. & PROP. DEPT.		
DIV. ORG. DEPT.	<i>R. J. Ort</i>	4/21/80
INS. DEPT.		
LEGAL DEPT.		
RE & RIW DEPT.		
SYSTEM ENG. DEPT.		
TAX DEPT.		

SEP 11 3 38 PM '80

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

Detroit
Edison

Date: September 23, 1980

To: Record Center
130 General Offices

From: James M. Davenport *JMD*
Real Estate and Rights of Way Department
Ann Arbor Division

Subject: Agreement-Easement-Restrictions for underground
residential distribution for Mill Pond Manor Apartments
located in City of Brighton
Livingston County

Attached for Records Center is the executed agreement dated April 9, 1980
for the above named project. Also enclosed
are other pertinent papers relative to this project
Easements for this project were requested by Henry Darvishian

Service Planning Department,
Ann Arbor Division.

The agreement was negotiated by James M. Davenport
of the Real Estate and Rights of Way Department
Ann Arbor Division.

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

(Additional Information) _____

Attachment

RECORDED RIGHT OF WAY NO. 333622