

Detroit Edison

Right of Way Agreement

9/28

LIBER 7825 PAGE 176

JUNE 6, 19 80

For valuable consideration, the receipt of which is hereby acknowledged, the undersigned hereby grant and convey to CONSUMERS POWER COMPANY, a Michigan corporation of 212 Michigan Avenue, Jackson, Michigan, 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, piping, venting, gas facilities and appurtenances including the necessary above ground equipment, connections, poles and accessories which may from time to time be required for transmitting and distributing electricity, providing communication services and gas facilities with the usual services connections and accessories in, under, upon, over and across the land located in the Township of Independence, Oakland 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 Ten (10) feet in width unless otherwise indicated and their route is described as follows:

See attached Appendix "B"

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. If the lines or facilities of UTILITIES' are damaged by the acts of Owners, their agents, employes 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.
4. No shrubs or 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.

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 date:

Witnesses:

Grantors:

1980 JUL 25 PM 2 43
 REC'D FILED
 TAX AND COUNTY MICHIGAN
 REGISTER OF DEEDS
 LYNN D. ALLEN
 CLERK-REGISTER OF DEEDS

Prepared By: Omer V. Racine
The Detroit Edison Company
30400 Telegraph Road
Birmingham, Michigan 48010

Address: _____

RECORDED RIGHT OF WAY NO. 33446

11-80

RETURN TO
J. A. ROBERTSON
THE DETROIT EDISON COMPANY
30400 TELEGRAPH ROAD, 272 OAKDE
BIRMINGHAM, MICHIGAN 48010

WITNESSES:

WINCHESTER REAL ESTATE INVESTMENTS, INC.
A Michigan Corporation
Post Office Box 137
Clarkston, Michigan 48016

Gary W. Sanders
Joan M. Barrett

Hubert S. Garner
Hubert S. Garner, President
Elsie J. Garner
Elsie J. Garner, Secretary

STATE OF MICHIGAN)
COUNTY OF OAKLAND) SS:

Personally came before me this 14th day of July 1979, 80
Hubert S. Garner, President and Elsie J. Garner, Secretary of the above
named Corporation, to me known to be the persons who executed the foregoing
instrument, and to me known to be such President and Secretary of said
Corporation, and acknowledged that they executed the foregoing instrument
as such officers as the free act and deed of said Corporation, by its
authority.

Joan M. Barrett
Joan M. Barrett
Notary Public, Wayne County, Michigan
Acting in Oakland County

My Commission Expires: May 24, 1983

WITNESSES:

M. A. BENSON COMPANY
A Michigan Corporation
556 North Saginaw
Pontiac, Michigan 48057

Judy Garnett
Mike Allan

M. A. Benson Jr.
M. A. Benson, Jr., President
M. A. Benson III
M. A. Benson III, Secretary

RECORDED RIGHT OF WAY NO.

33446

STATE OF MICHIGAN)
COUNTY OF OAKLAND) SS:

Personally came before me this 6th day of June 1979, 80
M. A. Benson, Jr., President, and M. A. Benson III, Secretary, of the above
named corporation, to me known to be the persons who executed the foregoing
instrument, and to me known to be such President and Secretary of said
Corporation and acknowledged that they executed the foregoing instrument
as such officers as the free act and deed of said Corporation, by its authority.

Judith A. Garnett
Notary Public, _____ County, Michigan

My Commission Expires: _____

JUDITH A. GARNETT
Notary Public, Oakland County, Mich.
My Commission Expires Sept. 25, 1982
SEPT 28, 1982.

RETURN TO
J. A. ROBERTSON
THE DETROIT EDISON COMPANY
30400 TELEGRAPH ROAD, 272 OAKDH
BIRMINGHAM, MICHIGAN 48010

APPENDIX "A"

Proposed "CHESTNUT HILL FARMS NO. 2", a subdivision of part of the southwest 1/4 of Section 28, Town 4 North, Range 9 East, Independence Township, Oakland County, Michigan, described as beginning at the West 1/4 corner of Section 28, Town 4 North, Range 9 East, and the northeast corner of "HI-WOOD VILLAGE" as recorded in Liber 91, Pages 12 and 13 of Plats of Oakland County Records; thence North 89°42'12" East (previously recorded as South 89°46'15" West) 302.35 feet along the South line of "Clarkston Ridge Estates" as recorded in Liber 79, Pages 38 of Plats of Oakland County Records and the East and West 1/4 line of Section 28, Town 4 North, Range 9 East; thence North 89°29'24" East 312.16 feet along said East and West 1/4 line to the southwest corner of "Stern & Seligman Subdivision" as recorded in Liber 84, Pages 23 and 24 of Plats of Oakland County Records; thence North 89°55'11" East 720.96 feet (previously recorded as North 89°56'55" West 721.36 feet) along the South line of said "Stern & Seligman Subdivision" and the East and West 1/4 line of Section 28; thence South 00°01'27" East 1059.85 feet to the North line of Detroit Edison Company 200 feet R.O.W.; thence North 89°05'50" West 1338.69 feet along said North line of Detroit Edison Company 200 feet R.O.W. to a point on the West line of Section 28, Town 4 North, Range 9 East and the East line of "HI-WOOD VILLAGE"; thence North 00°08'40" East 1033.42 feet along said East line of "HI-WOOD VILLAGE" to the point of beginning. Containing 68 lots, numbered 64 thru 131, both inclusive. Containing 32.15 acres.

PREPARED BY:
Omer V. Racine
The Detroit Edison Company
30400 Telegraph Road
Birmingham, Michigan 48010

RECORDED RIGHT OF WAY NO.

33446

311-0571

3/25

APPROVED		DATE
BLDG. & PROP. DEPT.		
DIV. ORG.	<i>J. Robertson</i>	7/25/80
INS. DEPT.		
LEGAL DEPT.		
RE & RM. DEPT.		
SYSTEM ENG. DEPT.		
TAX DEPT.		

RETURN TO
J. A. ROBERTSON
THE DETROIT EDISON COMPANY
30400 TELEGRAPH ROAD, 272 OAKDH
BIRMINGHAM, MICHIGAN 48010

TO: OMER RACINE
REAL ESTATE AND RIGHTS OF WAY - SUPERVISOR

Application No. _____

DISTRICT OAKLAND

Date OCTOBER 10, 1979

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 CHESTNUT HILL FARMS #2 County OAKLAND

City/Township/Village INDEPENDENCE Section No. S.W. 1/4 of SECT. 28

Type of Development Subdivision Mobile Home Park
 Apartment Complex Other

2. Name of Owner MA. BENSON CO. INC. & WINCHESTER REAL EST. LTD. Phone No. 625-0777

Address P.O. BOX 137 CLARKSTON MICH. 48016

Owner's Representative HUGH GARNER Phone No. _____

3. Date Service is Wanted 11-13-79

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 & CONSUMER POWER

b. Other utility engineer names, addresses, phone numbers: MBT-JOHN CARRY 334-2360
CONSUMERS POWER-WILLIAM VERNAGUS 858-2222

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

Lot No. NONE

8. Additional information or comments: NOTE; GAS EASEMENT AND D.E.
CO. TOWER LINE EASE.

NOTE: Trenching letter attached will be submitted later.

Signed Joe Martin
SERVICE PLANNING DEPARTMENT

Address 240 ODHQ Phone 645-4138

RECORDED RIGHT OF WAY NO. 33446

PROPOSED

CHESTNUT HILL FARMS NO.-2

A SUBDIVISION OF PART OF THE SW1/4 OF SEC. 28, T4N, R9E
INDEPENDENCE TWP., OAKLAND CO., MICHIGAN



NO.	DELTA	RADIUS	ARC	LONGW.	L.C. BEARING
1	90°00'00"	200.00	314.16	282.84	N45°08'40"E
2	90°00'00"	260.00	408.41	367.70	N45°08'40"E
3	41°28'35"	60.00	43.36	42.43	S67°09'05"E
4	172°49'10"	60.00	180.98	119.76	N45°08'40"E
5	41°28'35"	60.00	43.36	42.43	N20°33'27"W
6	90°00'00"	49.37	71.55	67.82	N45°08'40"E
7	45°00'00"	400.00	314.16	306.15	N67°38'40"E
8	45°00'00"	400.00	314.16	306.15	N67°38'40"E
9	41°28'35"	60.00	43.36	42.43	N24°08'52"W
10	262°49'10"	60.00	275.22	90.00	N45°08'40"E
11	41°28'35"	60.00	43.36	42.43	N65°35'48"W
12	45°00'00"	400.00	314.16	306.15	N22°38'40"E
13	45°00'00"	400.00	314.16	306.15	N22°38'40"E
14	41°28'35"	60.00	43.36	42.43	N20°30'57"E
15	172°49'10"	60.00	180.98	119.71	N45°08'40"E
16	41°28'35"	60.00	43.36	42.43	S70°11'53"W
17	89°14'30"	50.42	78.58	70.83	N44°28'35"W

PLAT LEGEND

1. ALL DIMENSIONS ARE IN FEET.
2. ALL CURVILINEAR DIMENSIONS ARE SHOWN ALONG THE ARC.
3. (R) RADIAL LINES.
4. CONCRETE MONUMENTS AT ALL POINTS SHOWN "O".
5. LOT STAKES ARE 1/2" DIAMETER REINFORCING ROD 1/8" IN LENGTH.
6. BEARINGS ARE BASED ON RECORDED PLAT OF "HI-WOOD VILLAGE" LIBER 91, PAGES 124-15



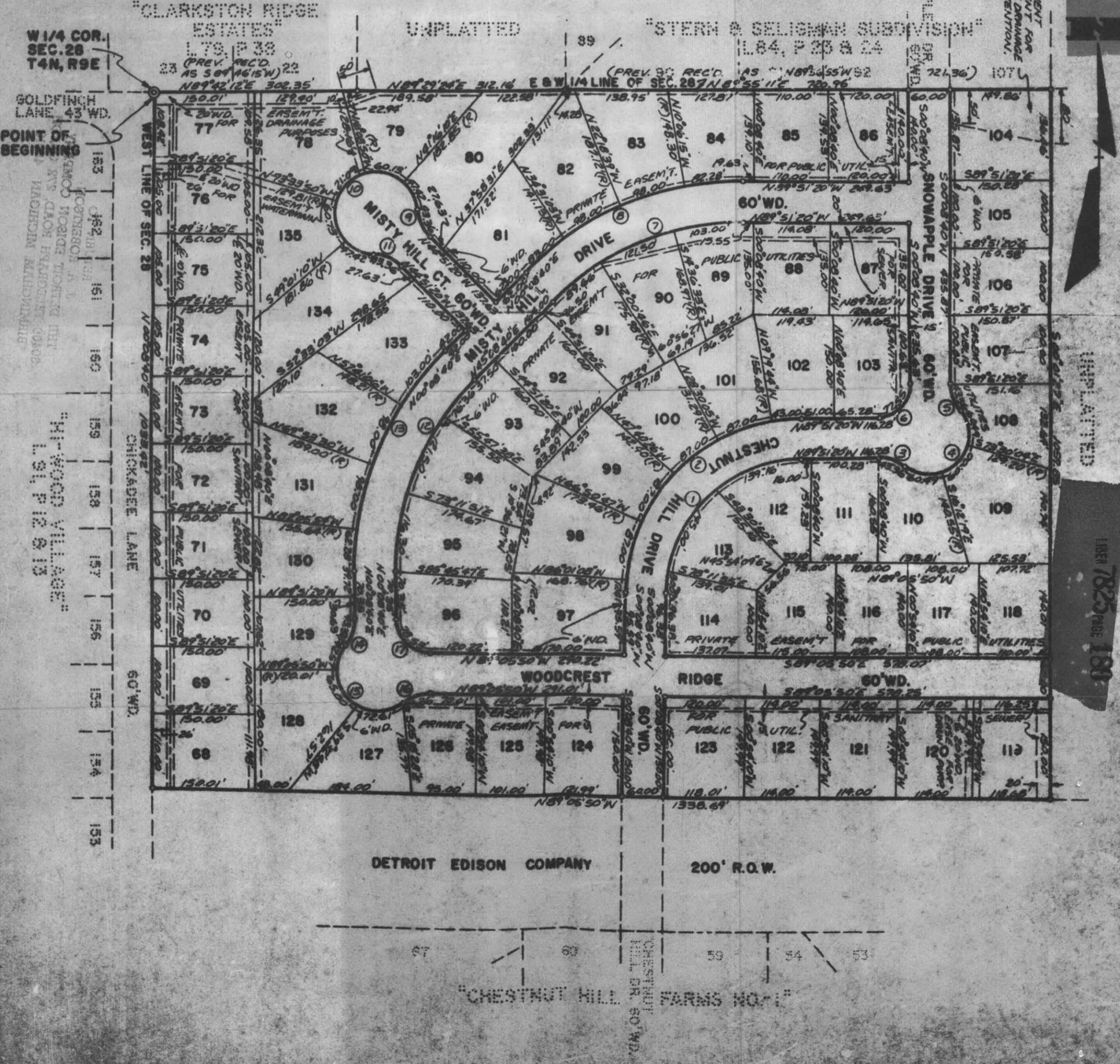
RECORDING CERTIFICATE

STATE OF MICHIGAN) SS
 COUNTY OF OAKLAND)

THIS PLAT WAS RECEIVED FOR RECORD ON THE
 DAY OF _____ 19____ AT
 _____ M, AND RECORDED IN LIBER
 OF PLATS ON PAGE _____

LYNN D. ALLEN, REGISTER OF DEEDS

APPENDIX "B"



LIBER 7825 PAGE 179

UNPLATTED

LIBER 7825 PAGE 180

RECORDED RIGHT OF WAY NO. 33446

R33446

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