

RECORDED

ST. CLAIR COUNTY REGISTER OF DEEDS 1107 PAGE 645

MAY 30 1974 9:35 at 0'clock AM. MURRAY EWART A. RICHARDS, Register of Deeds.

APARTMENTS 9 36 M

AGREEMENT - EASEMENT - RESTRICTIONS

This instrument made this 5th day of July, 1973, 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."

WITNESSETH:

WHEREAS, Owners are erecting apartments known as Blue Water Townhouses, on land in the City of Port Huron, County of St. Clair, 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 service 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.

555 5 704 000013.00 DE

(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.

Note: This easement is re-recorded for the purpose of showing the "as installed" centerlines and width of easements granted herein as shown on drawing attached.

555 5 30 505 000009.00 DE

RETURN TO J. BROWN THE DETROIT EDISON COMPANY 600 CONL D BENER AVE. PORT HURON, MICHIGAN 48060

RECORDED MICHIGAN DEPT OF TAX 33898

- 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.

33898

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:

Anthony A. Rucker  
ANTHONY A. RUCKER

Irene C. Kata  
IRENE C. KATA

Kathleen Popa  
KATHLEEN POPA

Marsha Pavelka  
MARSHA PAVELKA

THE DETROIT EDISON COMPANY  
By W. C. Arnold  
W. C. Arnold, Director, Real Estate and Rights of Way Dept.

By Lillian J. R. Carroll  
LILLIAN J. R. CARROLL, ASST. SECRETARY

MICHIGAN BELL TELEPHONE COMPANY  
By William F. Murray, Jr.  
WILLIAM F. MURRAY, JR.  
Staff Supervisor, Right of Way  
(authorized signature)

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF WAYNE )

On this 11th day of July, 1973, 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. Kata  
IRENE C. KATA  
Notary Public, Wayne County, Michigan

My Commission Expires: May 14, 1976

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF OAKLAND )

On this 16th day of July, 1973, 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.

Melford Hartman  
Notary Public, Oakland County, Michigan

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

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

RECORDED IN...  
33898

APPENDIX "A"

The Southwesterly 20 feet of Lot 12, Lots 13, 14, 15, 16, 17, 18, 19, 20, 21, that part of Lot 22 lying Easterly of the Easterly line of Lorry Street, that part of Lot 23 lying between the Easterly line of the Southbound lane of Port Huron West Belt Relocation and the Westerly line of Lorry Street, Lot 24, except beginning at its Southwest corner; thence Easterly on the Southerly lot line 81 feet; thence 8°16'40" E 57.75 feet to the Northerly lot line; thence Southwesterly along said lot line 104.35 feet to beginning, and Lots 25, 26, and 27, all in Assessor's Rural Street Plat, according to the Plat thereof as recorded in Liber 48 of Plats, Page 29, St. Clair County Register of Deeds Office.

Lots 17, 18, 19 and that part of Lots 20 thru 23, Block 2 lying South of South line of Assessor's Rural Street Plat, that part of Lot 12 and 13, Block 2, lying South of South line of Assessor's Rural Street Plat, including North 1/2 of vacated alley, Botsford's Lapeer Avenue Plat, according to the plat thereof as recorded in Liber 11 of Plats, Page 102, St. Clair County Register of Deeds Office.

Blue Water Limited Dividend Housing Association,  
a Michigan Limited Partnership

Witness: x W. Richard Smith  
W. Richard Smith  
Donald E. Fisher  
Donald E. Fisher

Signed: x Joel I. Ferguson  
Joel I. Ferguson, General Partner

END RIGHT OF WAY NO.

STATE OF MICHIGAN

County of St. Clair } s.s.

On this 5th day of July A. D. 19 73, before me, the undersigned,

a notary public in and for said county, personally appeared Joel I. Ferguson

known to me to be the person who executed the foregoing instrument, and acknowledged the same to be his free act and deed.

Donald E. Fisher  
Donald E. Fisher  
Notary Public St. Clair County, Michigan.

My Commission expires July 5, 1975

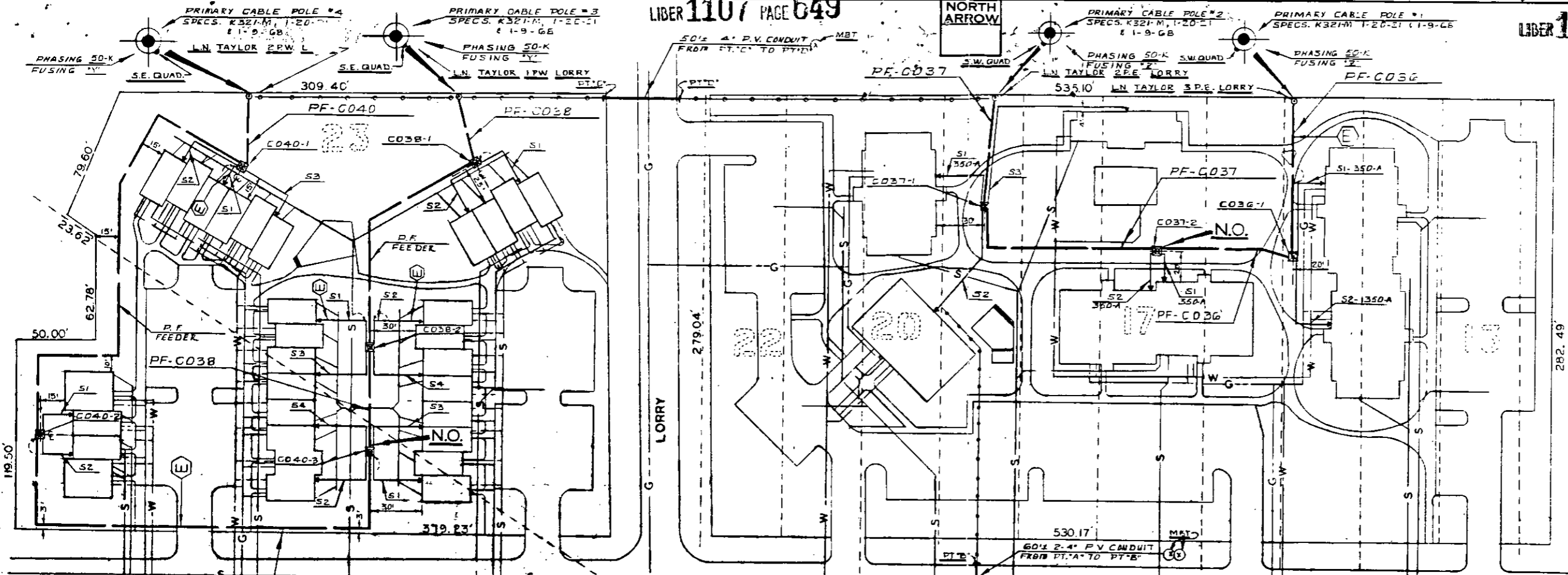
REGISTERS OFFICE  
ST. CLAIR COUNTY

Received for record this  
MAY 30 1974  
at 9:35 o'clock P.M. and recorded in  
L. 19 16 of Deeds  
on May 19 1974

Walter A. Smith  
REGISTER OF DEEDS

RETURN TO  
J. BROWN  
THE DETROIT EDISON COMPANY  
600 GRAND RIVER AVE.  
PORT HURON, MICHIGAN 48060

*Detroit Edison*



**TRANSFORMER DATA**

U.D.T. NO.	SIZE	ED. STK. NO.
C032-1	167KVA	661-115-0
C037-1	100KVA	661-115-3
C037-2	167KVA	661-115-4
C038-1	25KVA	661-115-1
C038-2	50KVA	661-115-2
C040-1	50KVA	661-115-2
C040-2	25 KVA	661-115-1
C040-3	50 KVA	661-115-2
C041-1	50KVA	661-115-2
C041-2	50KVA	661-115-2
C042-1	25 KVA	661-115-1
C042-2	50KVA	661-115-2

**PAUL R. MURRAY**  
REGISTER OF DEEDS S.S.  
ST. CLAIR COUNTY  
Received for record

**JUN 5 1981**  
Liber 1107 Page 649-650 Time 9:35

**JUL K. MURRAY** Register of Deeds  
TRANSFORMER SPEC. R-351E R-2  
PEDESTAL SPEC-R13  
NO. OF PEDESTALS

- 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
  - ⊙ PRIMARY CABLE POLE #5  
SPECS. K321-M, 1-20-21 1-9-GB

**CABLE SUMMARY**

ITEM#	DESCRIPTION	QUANTITY	LENGTH
AP2-300M	AP2-300M X 1 132 KV	713-0029	2650'±
AP2-300M	AP2-300M X 1-40 800 V.	713-0037	550'±
AP2-270	AP2-270 X 1-01 800 V.	713-0011	2550'±

**TRENCH SUMMARY**

ITEM	LENGTH
JOINT USE	3070'±
D. E. ONLY	420'±
TEL ONLY	710'±
<b>TOTAL</b>	<b>4200'±</b>

SITE SURT. **KENETH NOVAK**  
PHONE NO. **982-3494**

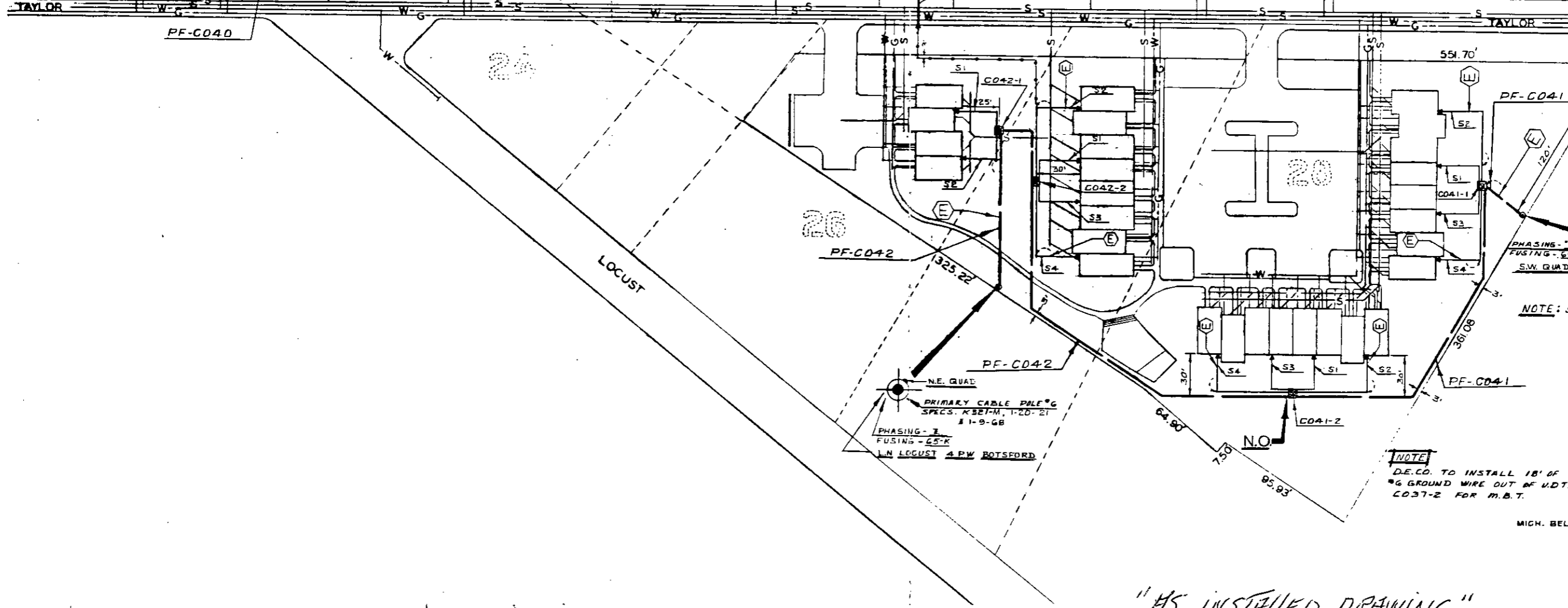
**- GENERAL NOTES -**

TRENCHING TO BE DONE BY D.E. CO.  
TRENCH AND CABLE LENGTHS ARE APPROXIMATE.  
SEE DRAWING U11-2300 FOR TRANS. MAT. DETAILS.  
SEE PAGE 3-2-11 (S.I.M.) DETAIL " " FOR ENTRANCE POINT DETAILS (APTS. ONLY).  
SEE DRAWING U14-2303 FOR PLACEMENT OF CABLES, TRANSFORMERS AND PEDESTALS (SUBS ONLY).  
D.E. SERVICE PLANNER: R. SMITH - 882-0111  
MICH. BELL TEL. CO.: ENG. J. BALMEK - 885-9992

CONTACT "MISS DIG" (4877-344) BEFORE DOING ANY EXCAVATION.  
EASEMENTS INDICATED BY OUR CENTERLINES ARE SIX FEET IN WIDTH UNLESS OTHERWISE NOTED.

**PERMITS REQUIRED**  
CITY OF FORT HURON  
(PLST. ONLY)

"AS INSTALLED DRAWING"



D	C	B	A	REFERENCE	DATE	JOB TITLE
DESIGNED BY	CHECKED BY	DRAWN BY	APPROVED BY		9-22-78	D. DEBUS
					9-24-78	R. SMITH
					9-24-78	UNL

NO.	DESCRIPTION	DATE
1	AS INSTALLED DRAWING	9-24-78

**BLUE WATER TOWNHOUSES**  
PT. OF ASSESSOR'S RURAL ST. PLAT  
LIBER PG. 48-29 CITY OF PT. HURON  
ST. CLAIR CO. MICHIGAN

**THE DETROIT EDISON COMPANY**  
SERVICE PLANNING DEPARTMENT

SCALE: 1"=30'  
NUMBER OF UNITS: 116  
WORK ORDER NUMBER: 1367 B10J340  
LAYOUT REVISION: 346 CHIPW.-150-UP  
DISTRIBUTION CIRCUIT: 152KV THRU  
DEPT. ORDER NUMBER: LL-79548  
SHEET 1 OF 1 SHEETS

RECORDED RIGHT OF WAY NO. 33898

RECEIVED FOR RECORD  
L. L. FOSTER COMPANY  
REGISTERED OFFICE  
LANSING, MICHIGAN

1981 JUN 2

1981

RECORDS SECTION

54.6