OAKLAHT CO

Detroit

Right₁oßWay Agreement

October 15,

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 of <u>Bloomfield Hills</u>,_ the City <u>Oakland</u> 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: The exact location of said easements will be shown 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 against and 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:

LMC DEVELOPMENT COMPANY Witnesses: Grantors: A Michigan Limited Partnership Carl Matthaei III, General Zertner Prepared By: James McDonald Address: 2100 N. Woodward, Suite 301 The Detroit Edison Company Bloomfield Hills, Michigan 48013 30400 Telegraph, Suite 264 Birmingham, Michigan 48010

"This easement is re-recorded for purposes of showing the planned "as installed" centerlines of easements granted as shown on drawing attached hereto." DE 963-4188 11-79CS (D.E.---C.P.---M.B.T U.R.D.)

Ret over

APPROVED DATE

BLDG. & PROP.
DEPT.

DIV. ORG.
INS. DEPT.
LEGAL DEPT.
RE & RIW DEPT.
SYSTEM ENG.
DEPT.
TAX DEPT.

RETURN TO

J. A. ROBERTSON
THE DETROIT EDISON COMPANY

90400 TELEGRAPH ROAD, 272 OAKDH 269 0.0.169
BIRMINGHAM, MICHIGAN 48010

LIBER 8833 PAGE 8**64**

STATE OF MICHIGAN

SS:

COUNTY OF bakland)

On this _______ day of _______ 1984, before me, the undersigned, a notary public in and for said county, personally appeared F. Carl Matthaei III, General Partner of LMC Development Company, a Michigan Partnership 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.

SANDRA J. CAMERANO Notary Public, Oakland County, Mich. My Commission Expires Dec. 7, 1985

Sandra J Camerano

Notary Public, County, Michigan

My Commission Expires:

APPENDIX "A"

Land in the City of Bloomfield Hills, County of Oakland, State of Michigan described as: Lots 4 and 6, Assessor's Plat No. 3, as recorded in Liber 51, Page 31 of Plats, Oakland County Records. Described as beginning at the northeast corner of said Lot 4; thence along the West line of Woodward Avenue 405.58 feet on a curve to the right, radius 5649.78 feet, chord South 26°28'42" East, 405.49 feet; thence South 24°25'20" East, 214.55 feet; thence along the South line of said Lot 6, South 89°26'10" West, 454.68 feet; thence along the South line of said Lot 6, South 89°26'10" West, 454.68 feet; thence 81.53 feet along a curve to the right on the West line of said Lot 6, radius 306.39 feet, chord North 28°28'35" West, 81.29 feet; thence North 20°51'10" West, 29.22 feet; thence 117.94 feet along a curve to the left, radius 260.40 feet, chord North 33°49'40" West, 116.93 feet; thence along the southwest lot line of said Lot 4, North 46°48'10" West, 20.00 feet; thence 99.30 feet along a curve to the left, radius 373.08 feet, chord North 54°25'40" West, 99.01 feet; thence North 62°03'10" West, 32.00 feet, thence along the North line of said Lot 4, North 54°59'50" East, 60.00 feet; thence along the North 11 ine of said Lot 4, North 54°59'50" East, 60.00 feet; thence along a curve to the left, radius 181.94 feet, chord North 39°37'50" East, 96.43 feet; thence North 24°15'50" East, 0.64 feet; thence 118.09 feet along a curve to the right, radius 270.27 feet, chord North 36°46'50" East, 117.15 feet; thence North 49°17'50" East, 34.00 feet; thence 87.65 feet along a curve to the right, radius 72.89 feet, chord North 83°44'50" East, 82.47 feet; thence South 61°48'10" East, 7.99 feet; thence 71.18 feet along a curve to the left, radius 62.58 feet, chord North 85°36'50" East, 67.40 feet; thence North 53°01'50" East, 74.77 feet to the point of beginning, containing 5.247 Acres.

Part of the northeast 1/4 of Section 15, Town 2 North, Range 10 East, City of Bloomfield Hills, Oakland County, Michigan.

Tax Identification No. 19-15-229-001

and 19-15-229-012-10-44

The Oaks Condo.

and 19-15-229-012-10+6-

9000375

ENT 19-15-229-000-

50031

SANDRA J. CAMERANO Notary Public, Oakland County, Mich. My Commission Expires Dec. 7, 1935

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15015

RETURN TO

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

STAR COUNTY TAN

2640.0.14g

lawyers litle Insurance Corporation

NATIONAL HEADQUARTERS RICHMOND, VIRGINIA

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

| | SCHEDULE A | | |
|----|--|-------------------|----------------|
| 1. | Effective date October 4, 1983 at 8:00 A.M. | Case No | T83-23405-F |
| 2. | Policy or policies to be issued: | | |
| | (a) ALTA Owner's Policy—Form B-1970 (Rev. 10-17-70) Proposed insured: | Amount \$ | 725,000.00 |
| | LMC DEVELOPMENT COMPANY, A MICHIGAN LIMITED PARTI | NERSHIP | (PURCHASER) |
| | (b) ALTA Loan Policy, 1970 (Rev. 10-17-70) Proposed insured: | Amount \$ | |
| | (c) Proposed insured: | Amount \$ | |
| 3. | Title to the fee simple established or referred to in this Commitment is at the effective date hereof vested in: | ate or interest i | n the land ORD |
| | Frederick C. Matthaei, Jr. and Marvin I. Danto, oundivided 50% interest (Titleholder) | each as t | o an RIGHT |

4. The land referred to in this Commitment is described as follows:

Land in the City of Bloomfield Hills, County of Oakland, State of Michigan, described as:

Lots 4 and 6, Assessor's Plat No. 3, as recorded in Liber 51, Page 31 of Plats, Oakland County Records.

(Plat attached)

Form No. 91-88 (SCH. A)

035-1-088-2100/1

| Countersigne | ed at. | | | | + | |
|--------------|--------|---------|-----|-------|--------|------|
| | | TRO | Y Y | 1ETRO | CENTER | |
| FOR | INF | 'ORMAT] | ON | CALL: | 649- | 3322 |

EXAMINING MATTERS: Mary Ann Falerios 10/13/83

Schedule A—Page 1—No. DC 486580

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177 2001

Authorized Officer or Agent

3 ·

(over)

Lawyers Title Insurance Grporation

NATIONAL HEADQUARTERS RICHMOND, VIRGINIA

COMMITMENT FOR TITLE INSURANCE

LAWYERS TITLE INSURANCE CORPORATION, a Virginia corporation, herein called the Company, for valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six (6) months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company. This Commitment shall not be valid or binding until countersigned by an authorized officer or age.

IN WITNESS WHEREOF, the Company has caused this Commitment to be signed and sealed, to become valid will countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws. This Commitment is effective as of the date shown in Schedule A as "Effective Date."

E A LORATO

Lawyers Title Insurance Grporation

Attest:

Secretary

NATIONAL HEADQUARTERS RICHMOND, VIRGINIA SCHEDULE B—Section 1

Case No. T83-23405-F

Requirements

The following are the requirements to be complied with:

Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

Item (c). Deed from the TITLE HOLDER(s) vesting fee simple title in the PURCHASER(s).

WIFE(S) IF ANY, TO JOIN IN THE ABOVE REQUIRED INSTRUMENT(S) TO RELEASE DOWER INTERESTS.

Item (d). Pay the following taxes, plus penalties, interest and collection fees, if any, or same will be shown on final policy.

County Tax 1982 - (1) Paid \$1,323.44 (2) Paid \$871.31 City Tax 1983 - (1) Due \$1,611.74 (2) Due \$1,070.30

Sidwell Nos. (1) 19-15-229-001 as to Lot 4 (2) 19-15-276-012 as to Lot 6

RECORDED RIGHT OF WAY NO.

Lawyers Title Insurance Grporation

NATIONAL HEADQUARTERS RICHMOND, VIRGINIA SCHEDULE B-Section 2

Case No. T83-23405-F

Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

- 1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
- 2. Easement granted to County of Oakland to construct, operate and maintain sanitary sewer across and through the land as recited in Liber 7778, Page 127 and consents to Easement grant recorded in Liber 7778, Page 128 and in Liber 7778, Page 129.
- 3. Interest of George W. and Lenore L. Romney as Lessee as recited in consent to Easement Grant, dated April 29, 1980 and recorded May 1, 1980 in Liber 7778, Page 128. (As to Lot 4)
- 4. Interest of Roy E. and Alice T. Stringer, as Lessee as recited in consent to Easement Grant, dated April 30, 1980 and recorded May 1, 1980 in Liber 7778, Page 129. (As to Lot 4)
- 5. Easements for water main granted to the County of Oakland as set forth in Liber 5549, Page 570, and Liber 5549, Page 751, Oakland County Records. (Affects Lots 4 and 6)
- 6. Restrictions, easements, terms and conditions of Agreement to vacate Easements and Restrictions and to create New Easements and Restrictions as set forth in Liber 7346, Page 462, Oakland County Records.

RECORDED RIGHT OF WAY NO. 055

NOTE: If policy is to be issued in support of a mortgage loan, attention is directed to the fact that the Company can assume no liability under its policy, the closing instructions, or Insured Closing Service for compliance with the requirements of any consumer credit protection or truth in lending law in connection with said mortgage loan.



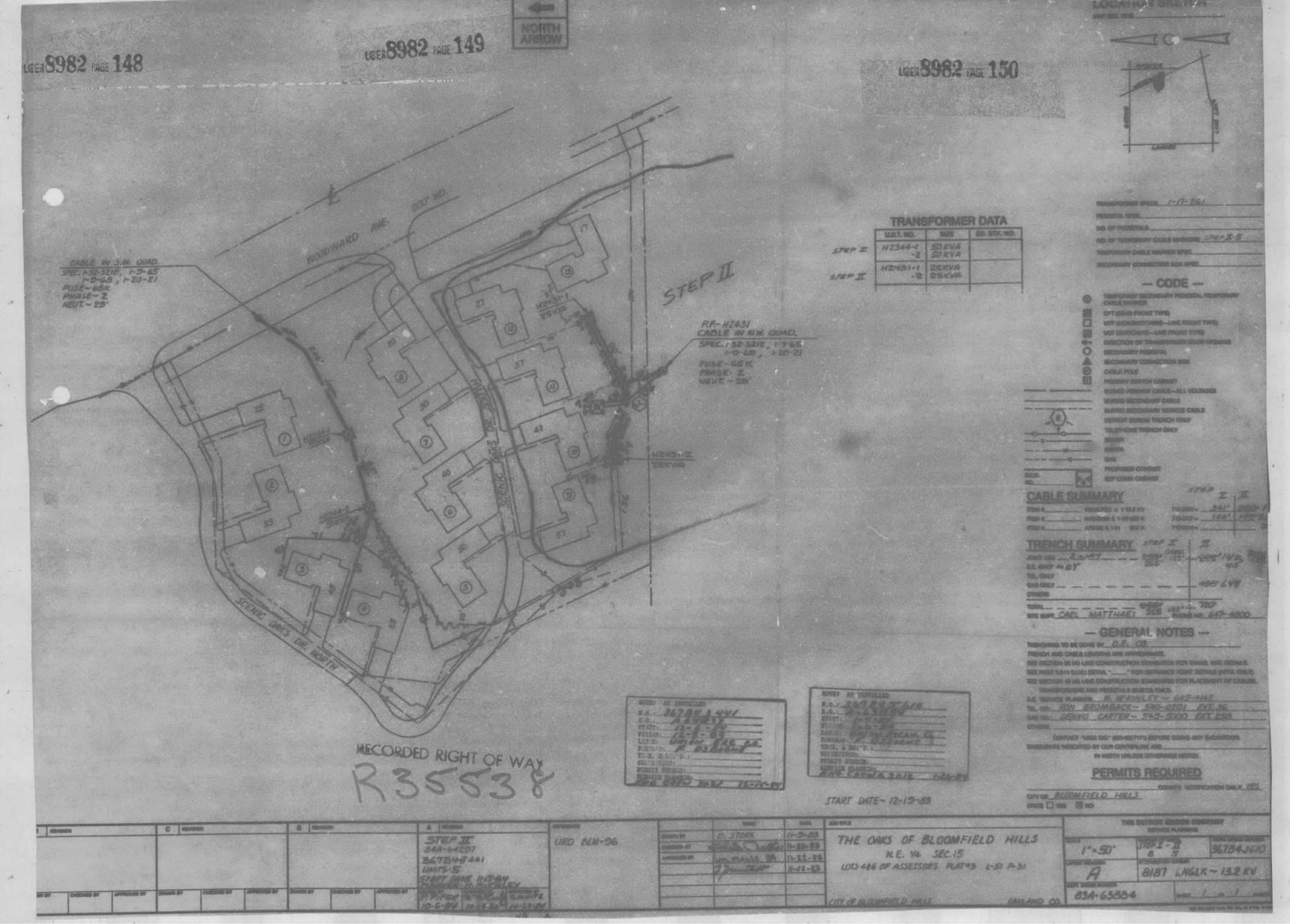
Application for U.R.D. Easements

| Edison | U.R.D. Easements | | | | |
|---|---|--|------------------|--|--|
| To (Supervisor, RE & R/W) F. ROBERTSON | For RE & R/W Dept. Use | Date Received 10-5-84 | DE/Bell/C.P. No. | | |
| Division | Date 9-21-84 | Application No. OE 84- | 12T | | |
| We have included the following necessary material and information: | | | | | |
| Material: A. Proposed Subdivision | | | | | |
| copy of complete final proposed plat - All pages | | | | | |
| or | · | | | | |
| B. Other than proposed subdivision (condo., apts. mobile home park — other) | (| _ | | | |
| Property description. | | | | | |
| Site plan. title information (deed, title commitment, contract with title). | | | | | |
| commitment, or title search). | | | | | |
| Note: Do not submit application for URD easements until all above material has been acquired. | | | | | |
| Information 1. Project Name | | Cough | | | |
| · · | VILLE (STEPITE | ONKLA | 1//) | | |
| City / Ownship / village | 203 (0.0) | Section No. | | | |
| BLO DAKIBLIS HILLS Type of Development | | 15. | · | | |
| Proposed Subdivision Apartment Com | nnlev | ondominium | | | |
| □ Subdivision □ Mobile Home P | | Other | Ş | | |
| 2. Name of Owner | | Phone-No. | 800 | | |
| L.M.C DEVELOPMENT COMPA | | | | | |
| 2/00 N. WOODWARD SUITE Owner's Representative | 5 301 , BLM. | HILLS, MI. | 48013 | | |
| CARL MATHHAE! | • | 647-48 | 200 | | |
| Date Service-is Wanted | | | | | |
| [11-1-84] | | | | | |
| 4. Entire Project will be developed at one time | | | | | |
| 5. Joint easements required Michigan Bell Telephone | , | . , , , , | | | |
| Consumers Power | , | | | | |
| a. Name of Other Utilities If Not Michigan Bell Telephone or Consumers Power | | | | | |
| b Other Utility Engineer Names | | Phone Numbers | EXT 27 | | |
| Consumer Power Consumer | I BROMBACH D. DOWNS CARTE | Phone Numbers 540-0201 | | | |
| Addresses | | | | | |
| MBT- 30700 TELLERADH LOOM 340 | | 8010 | | | |
| QP Co 4660 Cool 1060 Hwy, RayA | ONK, MI | | | | |
| | | | | | |
| | · | and the state of t | | | |
| | | | | | |
| | | | | | |
| Note: Trenching letter attached will be submitted later | | | | | |
| Service Planner M. NCKWLEY | Signed (Service Planning S | Supervisor) Maule | | | |
| Phone No. 645-4142 Room | 240 (| JAK DIV | HDQTS | | |

VILLAGE OF BLOOMFIELD HILLS. DAKLAND COUNTY, MICHIGAN.

"ASSESSOR'S PLAT NO. 3"

PART OF THE SE $\frac{1}{4}$ OF SEC 10 AND PART OF THE N.E. $\frac{1}{4}$ OF SEC 15. T 2N. RIDE



RECORDED RIGHT OF WAY NO. 35538

35538