

Detroit Edison

Right of Way Agreement

A#36 REG/DEEDS PAID  
0001 MAR.26 '87 11:41AM  
1659 MISC .00

FEBRUARY 5, 19 87

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 Township \_\_\_\_\_ of West Bloomfield, 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: The exact location of said easements will be shown on a drawing to be recorded 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. If the lines or 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.
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:

*Beth Anne Schuster*  
Beth Anne Schuster  
*Ingrid Hogg*  
Ingrid Hogg

Grantors: BEZTAK CONSTRUCTION COMPANY, a Michigan Corporation

*Richard Murrene*  
By: Richard Murrene  
Its Vice President

A#12 REG/DEEDS PAID  
0001 FEB.12 '87 02:40PM  
1453 MISC 7.00

DECO

Prepared By: Stuart Chipman  
The Detroit Edison Company  
30400 Telegraph Road, #264  
Birmingham, MI 48010

Address: 31731 Northwestern, #200

Farmington Hills, MI 48018

2nd time This easement is re-recorded for purposes of showing the planned "as installed" centerlines of easements granted as shown on drawing attached hereto.

1st time Being re-recorded to show correct sidewalk

STATE OF MICHIGAN )  
 ) ss.  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of FEBRUARY, 1987, by RICHARD MARRONE, VICE PRESIDENT of Beztak Construction Company, a Michigan Coporation on behalf of the said corporation.

Beth Anne Schuster  
Notary Public, OAKLAND County, Michigan

My Commission Expires

December 3, 1990

BETH ANNE SCHUSTER  
Notary Public, Oakland County, MI  
My Commission Expires Dec. 3, 1990

RECORDED RIGHT OF WAY NO. 37399

APPENDIX "A"

A parcel of land being part of Section 29, T2N., R9E., West Bloomfield, Township, Oakland County, Michigan described as follows:

Beginning at the E 1/4 corner of Section 29, T2N., R9E., and proceeding thence along the E line of said Section 29, S 2°01'33" E., 500.00; thence N 75°35'26" W., 708.13, thence N 8°57'00" E., 315.85, thence N 5°24'00" W., 100.00, thence on a curve to the left, radius 420.00' central angle 37°02'06" (the chord of said curve bears N 79°28'57" E., 266.78') a distance of 271.48' thence N 60°57'54" E., 124.80', thence N 88°00'04" E., 190.00' to a point on the W line of Drake Road as said line presently exists 60.00' west of and parallel to the E line of said Section 29; thence along the W line of Drake Road, S 1°59'56" E., 206.57' to a point on the E and W 1/4 line of said Section 29; thence along said line N 87°39'04" E., 60.00' to the point of beginning containing 8.0778 acres, said parcel being subject to the rights of the public in Drake Road and being subject to easements of record.

Sidwell #18-20-276-007

18-29-426-007-E12

QUIT-CLAIM DEED FOR CORPORATION-605

88360 PAGE 807 TA 86-169260

The Grantor NEW COMMUNITY DEVELOPMENT GROUP CORPORATION

81 135942

a Florida corporation, whose address is 3300 University Drive, Coral Springs, Florida 33065 quit-claims to BEZTAK COMPANY, a Michigan co-partnership whose address is 31731 Northwestern Hwy., Suite 200, Farmington Hills, Michigan 48018 of West Bloomfield County of Oakland and State of Michigan:

A parcel of land being part of Section 29, T. 2 N., R. 9 E., West Bloomfield Township, Oakland County, Michigan, described as follows:

Beginning at the E. 1/4 corner of Section 29, T. 2 N., R. 9 E., and proceeding thence along the E. line of said Sec. 29, S. 2°01'33" E., 500.00 ft.; thence N. 75°35'26" W., 708.13 ft.; thence N. 8°57'00" E., 315.85 ft.; thence N. 5°24'00" W., 100.00 ft.; thence on a curve to the left, radius 420.00 ft.; central angle 37°02'06" (the chord of said curve bears N. 79°28'57" E., 266.78 ft.) a distance of 271.48 ft.; thence N. 60°57'54" E., 124.80 ft.; thence N. 88°00'04" E., 190.00 ft. to a point on the W. line of Drake Road as said line presently exists 60.00 ft. west of and parallel to the E. line of said Section 29; thence along the W. line of Drake Road, S. 1°59'56" E., 206.57 ft. to a point on the E. and W. 1/4 line of said Section 29; thence along said line N. 87°39'04" E., 60.00 ft. to the point of beginning containing 8.0778 acres. for the sum of Two Hundred Thirty Thousand Two Hundred Eleven and 95/100 Dollars (\$230,211.95)

Dated this 3rd day of December, 1984.

Signed in presence of:

Rita M. Anderson

\* Rita M. Anderson

Nancy J. Kerst

\* Nancy J. Kerst

Signed: NEW COMMUNITY DEVELOPMENT GROUP CORPORATION, a Florida corporation (Name of Corporation) GRANTOR

By: W. Buntemeyer, President

By: A.N. Malanos, Secretary

FLORIDA STATE OF MICHIGAN } COUNTY OF BROWARD } ss.

The foregoing instrument was acknowledged before me this 3rd day of December, 1984.

by W. BUNTEMEYER and A.N. MALANOS (Name(s) of Officer(s)) the President and Secretary (Title(s) of Officer(s))

of New Community Development Group Corporation, a Florida corporation. (Name of Corporation) (State of Incorporation) on behalf of the corporation.

Notary Public: Nancy J. Kerst, Broward County, Florida. My commission expires: NOTARY PUBLIC STATE OF FLORIDA MY COMMISSION EXP. AUG 25, 1988 BOWARD THRU GENERAL 166, 000.

When Recorded Return To: Lawrence A. Kilgore (Name) 2500 Buhl Building (Street Address) Detroit, MI 48226 (City and State) Send Subsequent Tax Bills To: Besttak Company 31731 Northwestern Hwy. Suite 200 Farmington Hills, MI 48018 Drafted By: Lawrence A. Kilgore Business Address: 2500 Buhl Building Detroit, MI 48226

Tax Parcel # 18-29-426-007-NE Recording Fee 5.00 Transfer Tax 253.55

\* TYPE OR PRINT NAMES UNDER SIGNATURES.

RECORDED RIGHT OF WAY NO. 101

MEMORANDUM OF LAND CONTRACT

THIS MEMORANDUM OF LAND CONTRACT, made and entered into this 2nd day of January, 1979, between URBAN SYSTEMS DEVELOPMENT COMPANY, a Division of Westinghouse Electric Corporation, a Pennsylvania corporation, whose address is 3300 University Drive, Coral Springs, Florida, 33065 (hereinafter sometimes called "Seller") and BEZTAK COMPANY, a Michigan partnership, whose address is 23999 West Ten Mile Road, Southfield, Michigan, 48034 (hereinafter sometimes called "Purchaser").

## W I T N E S S E T H:

On the 5th day of December, 1978, the parties hereto entered into a Land Contract under which Seller agreed to sell to Purchaser land in the Township of West Bloomfield, Oakland County, Michigan, described as:

A part of Section 29, T-2-N, R-9-E, West Bloomfield Township, Oakland County, Michigan, being described as: Beginning at the east 1/4 corner of Section 29; thence S. 02° 01' 33" E., 500.00 feet along the east line of said section; thence N. 75° 35' 25" W., 2761.16; thence S. 01° 58' 05" E., 296.16 feet to the center post of Section 29. (the previous two courses being along the northerly line of property owned by United Jewish Charities and surveyed by M.L. Brown as recorded in Liber 6229, Page 745, Oakland County Records); thence S. 87° 41' 27" W., 337.10 feet along the east-west 1/4 line of Section 29; thence N. 65° 47' 48" W., 2238.17 feet along a line being 125 feet northerly of and parallel to the survey centerline of the proposed Northwestern Highway extension; thence N. 02° 04' 05" W., 55.76 feet; thence N. 65° 47' 48" W., 334.56 feet along a line 175 feet northerly of and parallel to the above mentioned survey line to a point on the west line of Section 29. (the previous three courses being described in Liber 3929, Page 667 and Liber 3800, Page 709, Oakland County Records); thence N. 02° 04' 05" W., 125.59 feet along said section line to the southwest corner of "Pleasant Lake Highlands" Subdivision as recorded in Liber 29, Page 9 of Plats, Oakland County Records; thence N. 87° 41' 46" E., 1561.43 feet and N. 87° 41' 45" E., 982.53 feet; and N. 87° 58' 46" E., 1939.75 feet along the south line of said subdivision; thence S. 16° 28' 00" W., 30.00 feet; thence S. 52° 26' 59" W., 24.70 feet;

RECORDED RIGHT OF WAY NO.

37379

70

thence S. 21° 02' 56" E., 356.74 feet; thence N. 68° 57' 04" E., 490.65 feet; thence S. 01° 59' 56" E., 13.02 feet; thence N. 88° 00' 04" E., 160.00 feet to a point on the east line of Section 29; thence S. 01° 59' 56" E., 1081.20 feet along said line to the point of beginning and containing 131.92 acres. Subject to the rights of the public in Drake and Halstead Roads and subject to any easements or restrictions, recorded or unrecorded.

EXCEPT:

A parcel of land in the N.E. 1/4 of Section 29, T. 2 N., R. 9 E., West Bloomfield Township, Oakland County, Michigan, described as follows:

Commencing at the E. 1/4 corner of Section 29, T. 2 N., R. 9 E., and proceeding thence along the E. line of said Section 29, N. 1° 59' 56" W., 206.20 feet to the point of beginning; thence S. 88° 00' 04" W., 250.00'; thence S. 60° 57' 54" W., 124.80'; thence on a curve to the right, radius 420.00', central angle 37° 02' 06" (the chord of said curve bears S. 79° 28' 57" W., 266.78'), a distance of 271.48'; thence N. 82° 00' 00" W., 375.00'; thence N. 66° 26' 26" W., 286.17'; thence on a curve to the left, radius 400.00', central angle 35° 22' 34" (the chord of said curve bears N. 84° 07' 43" W., 243.07'), a distance of 246.97'; thence on a curve to the right, radius 420.00', central angle 32° 55' 00" (the chord of said curve bears N. 85° 21' 30" W., 237.99'), a distance of 241.29'; thence N. 68° 54' 00" W., 120.00'; thence on a curve to the right, radius 330.00', central angle 66° 52' 46" (the chord of said curve bears N. 35° 27' 37" W., 363.70'), a distance of 385.20'; thence N. 2° 01' 14" W., 603.76' to a point on the S. line of Pleasant Lake Highlands (a subdivision recorded in Liber 29, Plate, Page 9); thence on a course being in part along the S. line of said Pleasant Lake Highlands Sub., N. 87° 58' 46" E., 1,330.16'; thence S. 16° 28' 00" W., 30.00'; thence S. 52° 26' 59" W., 24.70'; thence S. 21° 02' 56" E., 356.74'; thence N. 68° 57' 04" E., 490.65'; thence S. 1° 59' 56" E., 13.02'; thence N. 88° 00' 04" E., 160.00' to a point on the E. line of said Section 29; thence along said line, S. 1° 59' 56" E., 875.00' to the point of beginning, containing 45.1571 acres, said parcel being subject to the rights of the public in Drake Road and being subject to easements of record.

This Memorandum of Land Contract has been executed and delivered by the parties hereto for the purpose of recording and giving notice that a contract for the purchase and sale of the said premises has been created between Seller and Purchaser in accordance with the terms and conditions of said Land Contract

LIBER 7435 PAGE 659

in the same manner as if said Land Contract had been fully set forth herein.

IN WITNESS WHEREOF, the parties hereto hereby execute this Memorandum of Land Contract the day and year first above written.

WITNESSES:

Elizabeth E. Anderson  
David W. Caldwell

SELLER:

URBAN SYSTEMS DEVELOPMENT COMPANY,  
a Division of Westinghouse Electric Corporation, a Pennsylvania corporation

By: Stephen A. Clayton  
Stephen A. Clayton  
Vice President

PURCHASER:

BEZTAK COMPANY, a Michigan co-partnership

Albion W. Thompson  
Carol Berwin

By: Harold Casper  
Harold Casper, General Partner

STATE OF FLORIDA )  
COUNTY OF BROWARD )

SS:

The foregoing instrument was acknowledged before me this 2nd day of January, 1979, by STEPHEN A. CLAYTON, Vice President of URBAN SYSTEMS DEVELOPMENT COMPANY, a Division of Westinghouse Electric Corporation, a Pennsylvania corporation, on behalf of the corporation.

Shirley E. Casper  
Notary Public, Broward County, Florida  
My Commission Expires: \_\_\_\_\_

RECORDED  
979 FEB 6 AM 10 20  
NOTARY PUBLIC  
SHIRLEY E. CASPER  
BROWARD COUNTY, FLORIDA  
MY COMMISSION EXPIRES SEP. 6 1981  
SHOULD FILE GENERAL REG. UNDERWRITERS

STATE OF MICHIGAN )  
COUNTY OF WAYNE ) SS:

The foregoing instrument was acknowledged before me this 15th day of December, 1978, by Harold Casper, General Partner of BEZTAK COMPANY, a Michigan co-partnership, on behalf of the co-partnership.

PATRICIA A. RUTKOWSKI  
Notary Public, Macomb County, Michigan  
Acting in Wayne County, Michigan  
My Commission Expires December 2, 1981

Patricia A. Rutkowski  
Notary Public, (Wayne County), Michigan  
Patricia A. Rutkowski  
My Commission Expires: \_\_\_\_\_

INSTRUMENT DRAFTED BY:

MICHAEL J. MEHR  
2500 Buhl Building  
Detroit, Michigan 48226  
963-9625

WHEN RECORDED RETURN TO:

Drafter

Detroit  
EDISON

Out and B. S. M.  
30400 Telegraph Road  
Birmingham, Michigan 48010  
(313) 648-4000

June 18, 1986

Beztak Corporation  
Charlie James  
31731 Northwestern, #200  
Farmington Hills, MI 48018

Gentlemen:

RE: Aldingbrook Condo's #3

Enclosed is the original and one copy of the Right of Way Agreement for the above described project. Please have the original executed and returned to us. The copy should be retained by you for your records.

In order to comply with the recording statutes of the State of Michigan, please have two separate witnesses. The notary can be one of the witnesses. Also, print or type the names of all parties signing the documents, including witnesses, and notary.

Your attention is called to Paragraph No. 3 of this agreement, whereby you would be responsible for any damages which might occur to the Company's underground lines after installation. It is, therefore, extremely important that not only you, but any contractors working for you, exercise due care to avoid any damage.

Prompt return of this instrument, fully completed, will assist in prompt scheduling of our work to be completed in your project. Please return all documents addressed to: The Detroit Edison Company, 30400 Telegraph Road, Birmingham, Michigan, 48010. Attn: Stuart R. Chipman, Room 264.

Sincerely,

Stuart R. Chipman, Representative  
Real Estate, Rights of Way & Claims

SRC:lh  
Enclosures

RECORDED  
RIGHT OF WAY  
31399

MEMORANDUM ORDER  
FOR GENERAL USE  
OF FORM 962-0808 (MS-77) 12-53

TO DEANUS McLEAN DATE 2-9-87 TIME \_\_\_\_\_

Re: Underground Service ALDING BROOK CONDO Phase 103  
Agreement and Easements obtained - OK to proceed with construction.

COPIES TO: \_\_\_\_\_

SIGNED



Omer V. Racine, Representative  
Real Estate, Rights of Way & Claims  
264 Oakland Division Headquarters

REPORT \_\_\_\_\_

DATE RETURNED \_\_\_\_\_

TIME \_\_\_\_\_

SIGNED \_\_\_\_\_



MEMORANDUM ORDER  
FOR GENERAL USE  
OF FORM MS 77 12-53

TO Records Center

DATE 8-6-87 TIME

Please set up R/w file for: ALDINGBROOK Condo Phase 3

Being a part of EAST 1/2 of Section 29, WEST BLOOMFIELD

Township, Oakland County, Michigan

COPIES TO:

SIGNED

*Omer V. Racine*

Omer V. Racine  
264 Oakland Div. Hqtrs.

REPORT

West Bloomfield

SEC. 29

DATE RETURNED

TIME

SIGNED

RECORDED  
RIGHT OF WAY NO.

37399

To (Supervisor RE & R/W) <u>JIM McDONALD</u>	For RE & R/W Dept Use	Date Received <u>6-17-86</u>	DE/Bell/CP No <u>OE 86-23J</u>
Division <u>OAKLAND</u>	Date	Application No	

We have included the following necessary material and information:

**Material:**

- A. Proposed Subdivision
  - 1. copy of complete final proposed plat - All pages
- or
- B. Other than proposed subdivision (condo, apts, mobile home park — other)
  - 1. Property description.
  - 2. Site plan.
  - 3. 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 <u>ALDINGBROOK CONDOS PH. III</u>		County <u>OAKLAND</u>
City/Township/Village <u>WEST Bloomfield</u>		Section No <u>29</u>
Type of Development		
<input type="checkbox"/> Proposed Subdivision	<input type="checkbox"/> Apartment Complex	<input checked="" type="checkbox"/> Condominium
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Mobile Home Park	<input type="checkbox"/> Other
2. Name of Owner <u>BEZTAK COMPANY</u>		Phone No <u>855-6400</u>
Address <u>31731 NORTHWESTERN</u>		
Owner's Representative <u>CHARLIE JAMES</u>		Phone No <u>855-6400</u>
Date Service is Wanted		

- 4. Entire Project will be developed at one time ...  Yes  No
- 5. Joint easements required — Michigan Bell Telephone ...  Yes  No  
 — Consumers Power ...  Yes  No

a. Name of Other Utilities If Not Michigan Bell Telephone or Consumers Power

b. Other Utility Engineer Names <u>SHIRLEY LESSL</u> <u>MOB</u> <u>MESLO NOWAK</u>	Phone Numbers <u>540 0201</u>
Addresses	

6. Additional Information or Comments

Note: Trenching letter  attached  will be submitted later

Service Planner <u>DENNIS M McLEAN</u>	Signed (Service Planning Supervisor) <u>[Signature]</u>
Phone No.	Address

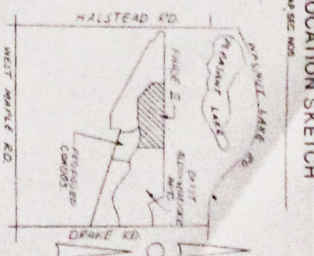
RECORDED & RIGHT OF WAY NO. 57395

TABLE IN S.W. QUAD  
 DET. 7-30-22E  
 PHASE - X72  
 NEUT. -  
 X-PR-H2713  
 Y-PR-H2717  
 Z-PR-H2720

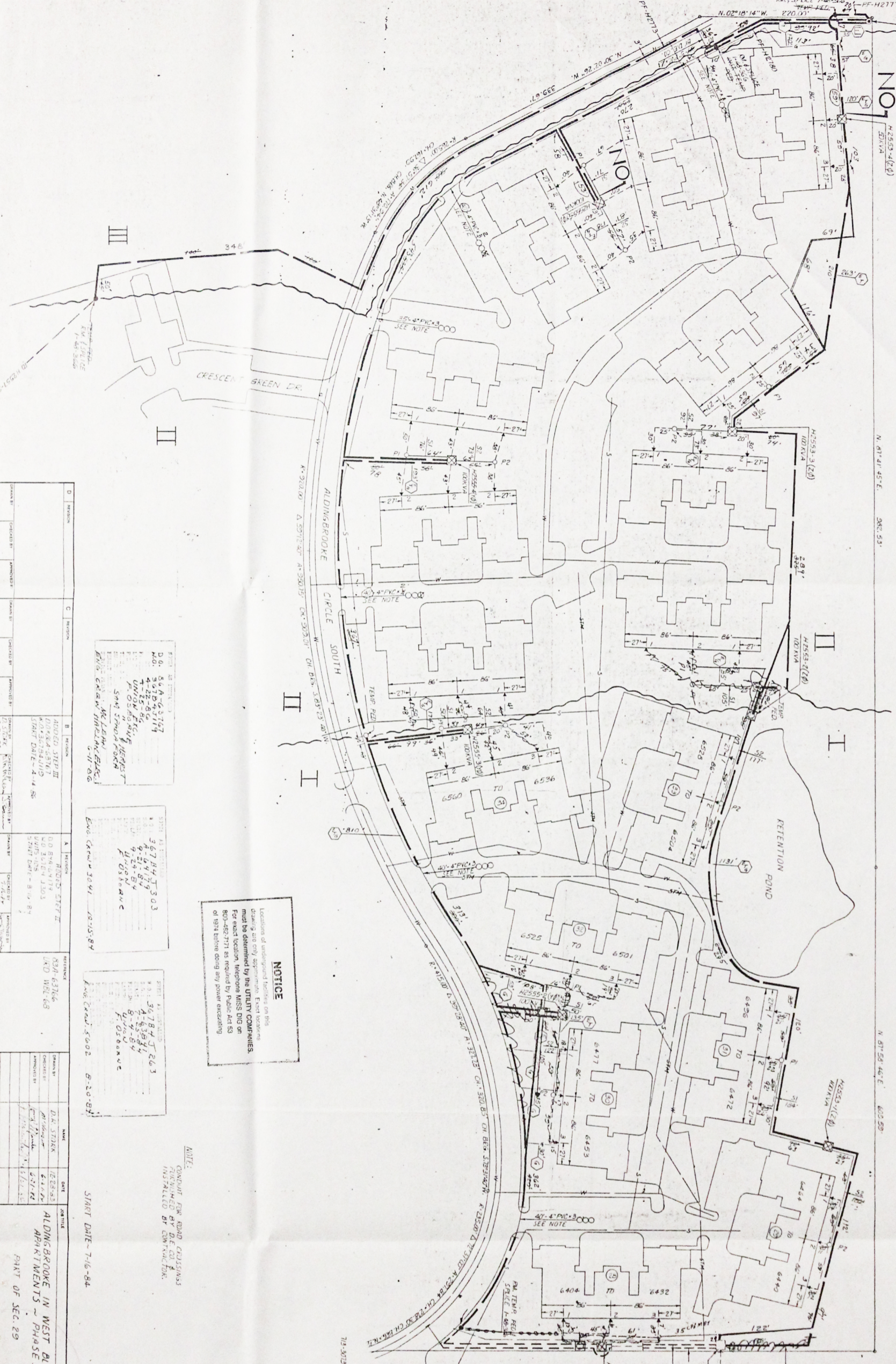
III  
 II



LOCATION SKETCH



N. 81° 41' 45" E. 280.53'  
 N. 81° 51' 46" E. 600.59'



**NOTICE**  
 Locations of underground facilities on this drawing are only approximate. Exact locations must be determined by the UTILITY COMPANIES. For exact location, telephone MISS DING on 800-482-2171 as required by Public Act 53 of 1974 before doing any power excavating.

**NOTE**  
 CONDUIT FOR ROAD CROSSINGS TO BE Laid BY DATE CO. F. NOT FALLOD BY CONTRACTOR.

STREET NO. 3678-3703  
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START DATE - 7-16-84

**TRANSFORMER DATA**

U.D. NO.	SIZE	ED. STK. NO.
H2555-1(2) (200KVA)	200KVA	STEP I
H2555-2(2) (200KVA)	200KVA	STEP II
H2555-3(2) (200KVA)	200KVA	STEP I
H2555-4(2) (200KVA)	200KVA	STEP II

**INSTALL**  
 50 KVA  
 CUT & SWICE  
 Y-CABLE

**EXIT** R.F.-H2555-1 X 0  
 H 230'-1

**EXIT** R.F.-H2555-1 0

**III CABLE SUMMARY**  
 1175 JOINT USE U.E. TEL. 7-450  
 1175 JOINT USE U.E. TEL. 7-450  
 1175 JOINT USE U.E. TEL. 7-450

**GENERAL NOTES**  
 TRENCHING TO BE DONE BY DATE CO.  
 TRENCH AND CABLE LENGTHS ARE APPROXIMATE  
 SEE SECTION 96.00 LINE CONSTRUCTION STANDARDS FOR TRENCH MAT DETAILS  
 SEE SECTION 96.01 LINE CONSTRUCTION STANDARDS FOR TRENCH MAT DETAILS  
 SEE SECTION 96.02 LINE CONSTRUCTION STANDARDS FOR TRENCH MAT DETAILS  
 SEE SECTION 96.03 LINE CONSTRUCTION STANDARDS FOR TRENCH MAT DETAILS  
 SEE SECTION 96.04 LINE CONSTRUCTION STANDARDS FOR TRENCH MAT DETAILS  
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 SEE SECTION 96.100 LINE CONSTRUCTION STANDARDS FOR TRENCH MAT DETAILS

NO.	REVISION	DATE	BY	CHKD.
1	ADDED STEP III	7-16-84	D.R. STOKER	DEE-5-3
2	ADDED STEP II	7-16-84	D.R. STOKER	DEE-5-3
3	ADDED STEP I	7-16-84	D.R. STOKER	DEE-5-3

ALDINGBROOKE IN WEST BLOOMFIELD  
 APARTMENTS - PHASE II  
 PART OF SEC. 29

THE DETROIT EDISON COMPANY  
 SERVICE PLANNING  
 3678-3703  
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