

(87001455)

**Detroit Edison**

**Right of Way Agreement**

87 125721

# (1)

December 22, \_\_\_\_\_, 1986

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 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 shall 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 centerlines of transformers or switching cabinet enclosures. UTILITIES shall not be responsible to Owners for damage 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:

Sharon M. Johnson  
Sharon M. Johnson

Dianne D. Denault  
Dianne D. Denault

Etkin and Company,  
A Michigan Co-Partnership

Harold J. Etkin Co-Partner

Omer V. Racine  
Prepared By: The Detroit Edison Company  
30400 Telegraph Road, #264  
Birmingham, MI 48010

Address: 29777 Telegraph Road, Suite 1555

Southfield, MI 48034

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

RECORDED RIGHT OF WAY NO. 37400

DECO  
Ret

1987  
DEC 22 12:22  
MICHIGAN  
SOS  
PROS  
700

STATE OF MICHIGAN)
COUNTY OF OAKLAND ) SS.

On this 22nd day of December 1986, a notary public in and for said county, personally appeared HAROLD J. ETKIN, Co-partner, doing business as Etkin and Company, A Michigan Co-Partnership, to me known to be the person who executed the foregoing instrument, and acknowledged that he executed the foregoing instrument as such Co-Partnership as the free act and deed of said Co-Partnership, by its authority.

My Commission Expires: DIANNE D. DENAULT
Notary Public, Oakland County, Michigan
My Commission Expires April 21, 1987

Dianne D. Denaault
Notary Public, Oakland County, Michigan

APPENDIX "A"

Part of the SW 1/4 of Section 30, T2N., R9E., West Bloomfield Township, Oakland County, Michigan, being more particularly described as follows: Beginning at a point which is N 89°41'28" E 783.18 ft., along the South line of Section 30, from the Southwest Corner of Section 30, T2N., R9E., thence N 00°18'32" W 1612.26 ft.; thence N 77°35'10" W 280.52 ft.; thence Westerly 158.07 ft. along a curve concave to the South (Radius of 1400.00 ft., central angle of 06°28'09", long chord bears N 80°49'15" W 157.99 ft.); thence N 00°04'57" W 956.85 ft.; thence along the East and West 1/4 line of Section 30, N 89°35'42" E 1,428.96 ft.; thence S 00°10'15" W 780.04 ft.; thence S 89°35'42" W 180.00 ft.; thence S 66°06'32" W 138.00 ft.; thence S 00°10'15" W 245.00 ft.; thence S 63°40'18" W 153.44 ft.; thence S 30°58'36" W 43.00 ft.; thence Southerly 485.31 ft. along a curve concave to the West (Radius of 343.00 ft., central angle of 81°04'05", long chord bears S 18°29'21" E 445.83 ft.); thence S 22°02'41" W 158.65 ft.; thence Southerly 133.82 ft. along a curve concave to the East (Radius of 343.00 ft., central angle of 22°21'13", long chord bears S 10°52'05" W 132.97 ft.); thence S 00°18'32" E 180.00 ft.; thence S 89°41'28" W 43.00 ft.; thence S 00°18'32" E 594.00 ft.; thence along the South line of Section 30, S 89°41'28" W 538.00 ft. to the point of beginning. Subject to rights of the public and of any governmental unit in any part there of taken, used or deeded for street, road or highway purposes and any easements of record.

Containing 2,350,796 square feet -- 53.967 acres.

SID WELL NO 18-30-326-008

RECORDED RIGHT OF WAY NO. 37480

To (Supervisor RE & R/W) <u>JIM McDONALD</u>	For RE & R/W Dept Use	Date Received <u>10-14-86</u>	DE/Bell/CP No <u>OE 86-23-T</u>
Division <u>OAKLAND</u>	Date <u>10-14-86</u>	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>SILVERBROOK VILLA APTS. PH. I</u>		County <u>OAKLAND</u>
City/Township/Village <u>WEST Bloomfield</u>		Section No <u>30</u>
Type of Development <input type="checkbox"/> Proposed Subdivision <input checked="" type="checkbox"/> Apartment Complex <input type="checkbox"/> Condominium <input type="checkbox"/> Subdivision <input type="checkbox"/> Mobile Home Park <input type="checkbox"/> Other		
2 Name of Owner <u>ETKIN &amp; Co.</u>		Phone No <u>352-5300</u>
Address <u>29777 TELEGRAPH RD. SUITE 1555 SOUTHFIELD MI 48034</u>		
Owner's Representative <u>HAROLD ETKIN</u>		Phone No <u>352-5300</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  
M.B.T. - SHIRLEY LESSL, C.P. - DENNIS CARTER

Phone Numbers	<u>M.B.T. 540-0201</u> <u>C.P. 549-5000 x 258</u>
---------------	--

6. Additional Information or Comments

---



---



---

Note: Trenching letter  attached  will be submitted later

Service Planner <u>DENNIS A McLEAN</u>	Signed (Service Planning Supervisor) <u>[Signature]</u>
Phone No <u>Ext. # 4119</u>	Address <u>10-14-86</u>

RECORDED RIGHT OF WAY NO. 37480

**Detroit  
Edison**

Oakland Division  
30400 Telegraph Road  
Birmingham, Michigan 48010  
(313) 645-4000

Phone 645-4388

October 21, 1986

Mr. Harold J. Etkin  
Etkin and Company  
29777 Telegraph Road, Suite 1555  
Southfield, MI 48034

Gentlemen:

Re: Silverbrook Villa Apts., Phase I

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: Omer V. Racine, Room 264.

Sincerely,



Omer V. Racine, Representative  
Real Estate, Rights of Way & Claims

OVR/kw  
Enclosures

RECORDED RIGHT OF WAY NO.

37492



EXHIBIT A TO WARRANTY DEED  
BY AND BETWEEN BLJ ASSOCIATES, A MICHIGAN  
CO-PARTNERSHIP AND  
ETKIN & CO., A MICHIGAN CO-PARTNERSHIP  
DATED MAY 7, 1986

## PARCEL 1

Part of the S.W. 1/4 of Section 30, T2N, R9E, West Bloomfield Township, Oakland County, Michigan, being more particularly described as follows:

Beginning at a point which is N89°41'28"E 783.18 ft., along the South line of Section 30, from the Southwest Corner of Section 30, T2N, R9E; thence N00°18'32"W 1612.26 ft.; thence N77°35'10"W 280.52 ft.; thence Westerly 158.07 ft. along a curve concave to the South (Radius of 1400.00 ft., central angle of 06°28'09", long chord bears N80°49'15"W 157.99 ft.); thence N00°04'57"W 956.85 ft.; thence along the East and West 1/4 line of Section 30, N89°35'42"E 1428.96 ft.; thence S00°10'15"W 780.04 ft.; thence S89°35'42"W 180.00 ft.; thence S66°06'32"W 138.00 ft., thence S00°10'15"W 245.00 ft.; thence S63°40'18"W 153.44 ft.; thence S30°58'36"W 43.00 ft.; thence Southerly 485.31 ft. along a curve concave to the West (Radius of 343.00 ft., central angle of 81°04'05", long chord bears S18°29'21"E 445.83 ft.); thence S22°02'41"W 158.65 ft.; thence Southerly 133.82 ft. along a curve concave to the East (Radius of 343.00 ft., central angle of 22°21'13", long chord bears S10°52'05"W 132.97 ft.); thence S00°18'32"E 180.00 ft.; thence S89°41'28"W 43.00 ft.; thence S00°18'32"E 594.00 ft.; thence along the South line of Section 30, S89°41'28"W 538.00 ft. to the point of beginning. ~~Subject to rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes and any easements of record. Containing 2,356,798 square feet --- 53.967 acres.~~

#18-30-326-008

RECORDED RIGHT OF WAY NO.

37900

Lis Pendens recorded June 19, 1980 in Liber 7805, Page 607, in an action to foreclose a mortgage executed and dated September 28, 1979 recorded October 3, 1979 in Liber 7636, Page 35, Oakland County Records.

Rights of the public, and any governmental authority in any part of the land taken, deeded, or used as a street, road or highway.

Easement in favor of the County of Oakland, as set forth in Easement dated May 24, 1967, recorded June 26, 1967 in Liber 5045, Page 21 and Liber 5045, Page 31 and as set forth in Easement dated January 30, 1968 recorded March 13, 1968 in Liber 5167, Page 872, Oakland County Records.

Easement in favor of the Detroit Edison and the Michigan Bell Telephone Company as set forth in Right of Way dated October 2, 1979 recorded February 21, 1980 in Liber 7734, Page 107 and dated April 9, 1964 recorded October 16, 1964 in Liber 4641, Page 75; Liber 4641, Page 77, Oakland County Records.

Easement in favor of the County of Oakland as set forth in Easement dated June 26, 1979 recorded September 6, 1979 in Liber 7611, Page 225; Liber 7611, Page 226; Liber 7611, Page 61 and recorded November 19, 1979 in Liber 7674, Page 359, Oakland County Records.

*d*

RECORDED RIGHT OF WAY NO. 3748-D

MEMORANDUM ORDER  
FOR GENERAL USE  
OF FORM NO 77 12-53

TO Records Center

DATE 8-6-87 TIME

Please set up N/W file for: SILVERBROOK VILLA APTS PHASE  
Being a part of Southwest 1/4 of Section 30 West Bloomfield  
Twp. Oakland County, Michigan

COPIES TO:

SIGNED

Omer V. Racine

Omer V. Racine  
264 Oakland Div. Hqtrs.

REPORT

WEST Bloomfield

SEC. 30; SW 1/4 of

DATE RETURNED

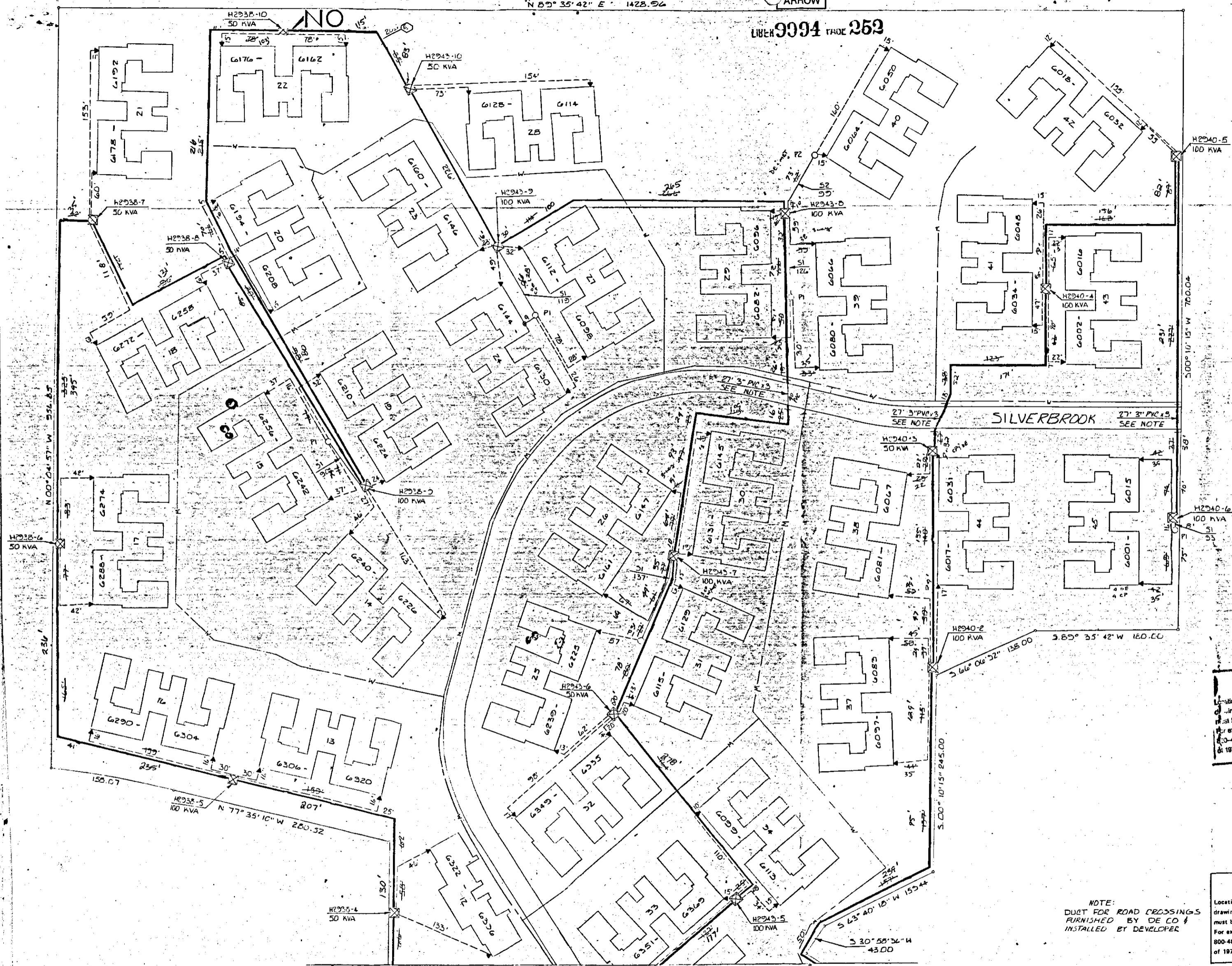
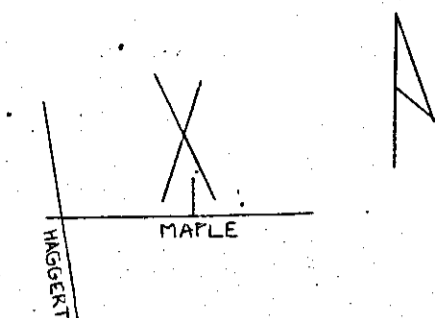
TIME

SIGNED

RECORDED  
RIGHT OF WAY NO.

39400





**TRANSFORMER DATA**

U.O.T. NO.	SIZE	ED. STK. NO.
H2935-4	50 KVA	661-1152
H2935-7	50	661-1153
H2935-8	50	661-1152
H2935-9	50	661-1152
H2935-10	50	661-1152
H2935-11	50	661-1152
H2935-12	50	661-1152
H2935-13	50	661-1152
H2935-14	50	661-1152
H2935-15	50	661-1152
H2935-16	50	661-1152
H2935-17	50	661-1152
H2935-18	50	661-1152
H2935-19	50	661-1152
H2935-20	50	661-1152
H2935-21	50	661-1152
H2935-22	50	661-1152
H2935-23	50	661-1152
H2935-24	50	661-1152
H2935-25	50	661-1152
H2935-26	50	661-1152
H2935-27	50	661-1152
H2935-28	50	661-1152
H2935-29	50	661-1152
H2935-30	50	661-1152
H2935-31	50	661-1152
H2935-32	50	661-1152
H2935-33	50	661-1152
H2935-34	50	661-1152
H2935-35	50	661-1152
H2943-2	100 KVA	661-1153
H2943-D	100	661-1153
H2943-4	100	661-1153
H2940-5	50 KVA	661-1152
H2940-6	100 KVA	661-1153
H2940-7	100 KVA	661-1153
H2940-8	100 KVA	661-1153
H2940-9	100 KVA	661-1153
H2940-10	100 KVA	661-1153
H2940-11	100 KVA	661-1153
H2940-12	100 KVA	661-1153
H2940-13	100 KVA	661-1153
H2940-14	100 KVA	661-1153
H2940-15	100 KVA	661-1153
H2940-16	100 KVA	661-1153
H2940-17	100 KVA	661-1153
H2940-18	100 KVA	661-1153
H2940-19	100 KVA	661-1153
H2940-20	100 KVA	661-1153
H2940-21	100 KVA	661-1153
H2940-22	100 KVA	661-1153
H2940-23	100 KVA	661-1153
H2940-24	100 KVA	661-1153
H2940-25	100 KVA	661-1153
H2940-26	100 KVA	661-1153
H2940-27	100 KVA	661-1153
H2940-28	100 KVA	661-1153
H2940-29	100 KVA	661-1153
H2940-30	100 KVA	661-1153
H2940-31	100 KVA	661-1153
H2940-32	100 KVA	661-1153
H2940-33	100 KVA	661-1153
H2940-34	100 KVA	661-1153
H2940-35	100 KVA	661-1153

**NOTICE**  
Locations of underground facilities on this drawing are only approximate. Exact locations must be determined by the UTILITY COMPANIES. For exact locations, telephone MISS DIG on 800-482-7171 as required by Public Act 53 of 1974 before doing any power excavating.

- TRANSFORMER SPECS. 1-17-261**
- PEDESTAL AMOUNT \_\_\_\_\_ SPEC \_\_\_\_\_
  - TEMPORARY CABLE MARKERS AMOUNT \_\_\_\_\_ SPEC \_\_\_\_\_
  - SECONDARY CONNECTION BOX AMOUNT \_\_\_\_\_ SPEC \_\_\_\_\_
- CODE**
- ⊙ TEMPORARY SECONDARY PEDESTAL/TEMPORARY CABLE MARKER
  - ⊠ DPT IDEAL FRONT TYPE
  - ⊡ UOT NON-SWITCHING-LIVE FRONT TYPE
  - ⊣ UOT SWITCHING-LIVE FRONT TYPE
  - ⊢ DIRECTION OF TRANSFORMER DOOR OPENING
  - ⊞ SECONDARY PEDESTAL
  - ⊟ SECONDARY CONNECTION BOX
  - ⊠ 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
  - ⊟ SEP CONN CABINET

**CABLE SUMMARY**

ITEM #	DESCRIPTION	QUANTITY	UNIT	ESTIMATED
ITEM 1	2#X1/2" PVC x 132' KV			
ITEM 2	AP230M & 1-40 800 V.			
ITEM 3	AP230 & 1-41 800 V.			

**TRENCH SUMMARY**

JOINT USE  
D.E. ONLY  
TEL. ONLY  
GAS ONLY  
OTHERS  
TOTAL  
SITE SUPT. HAROLD ETKIN PHONE NO. 352-5300

**NOTICE**  
Locations of underground facilities on this drawing are only approximate. Exact locations must be determined by the UTILITY COMPANIES. For exact locations, telephone MISS DIG on 800-482-7171 as required by Public Act 53 of 1974 before doing any power excavating.

**GENERAL NOTES**

TRENCHING TO BE DONE BY...  
TRENCH AND CABLE LENGTHS ARE APPROXIMATE.  
SEE SECTION 48 UG LINE CONSTRUCTION STANDARDS FOR TRANS. MAT. DETAILS.  
SEE SECTION 38 UG LINE CONSTRUCTION STANDARDS FOR DETAILS (APTS. ONLY).  
SEE SECTION 43 UG LINE CONSTRUCTION STANDARDS FOR PLACEMENT OF CABLES.  
TRANSFORMERS AND PEDESTALS (SUBS ONLY)  
D.E. SERVICE PLANNER: DENNIS McLEAN 454-4119  
TEL. CO.: SHIRLEY LESH 540-0201  
GAS CO.: DENNIS CARTER 540-5000 & 258  
OTHERS:

**NOTE:**  
DUCT FOR ROAD CROSSINGS FURNISHED BY DE CO & INSTALLED BY DEVELOPER

SEE SHEET 1

START DATE 3-6-87

D	C	B	A	REFERENCE	NAME	DATE	JOB TITLE	THE DETROIT EDISON COMPANY		
REVISION	REVISION	REVISION	REVISION					SERVICE PLANNING		
			AS INSTALLED		PAUL M. WINDEL	11-22-86		SILVERBROOK VILLA APTS. PHASE I		
			W.D. 4-78-87		DAVID McLEAN	3-18-87		SCALE	NUMBER OF UNITS	WORK ORDER NUMBER
			W.D. 8-14-87		DAVID McLEAN	3-18-87		1" = 50'		
			5-9-87		DAVID McLEAN	3-18-87		LATEST REVISION	DISTRIBUTION CIRCUIT	
			5-9-87		DAVID McLEAN	3-18-87			8198 HANCOCK	
			5-9-87		DAVID McLEAN	3-18-87			13.2	
			5-9-87		DAVID McLEAN	3-18-87		DEPT. ORDER NUMBER		
			5-9-87		DAVID McLEAN	3-18-87		86A-64232		
			5-9-87		DAVID McLEAN	3-18-87			SHEET 2 OF 2 SHEETS	

RECORDED RIGHT OF WAY NO. 37400



RECORDED RIGHT OF WAY NO. 37400

1958

1958