

BARCLAY (SQUARE) CONDOMINIUM
BLDGS. 1, 2, 3, 4.

LIBER 9633 PAGE 274

86174449

87 157923

Detroit Edison

Right of Way Agreement

R#36 REG/DEEDS PAID
0001 AUG.19'87 11:16AM
1600 MISC 11.00

October 7, 1986

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 City of Rochester Hills, 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 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' equipment.

2. No buildings or structures other than UTILITIES equipment are to be placed within the easements here 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:

Grantors: BARCLAY SQUARE DEVELOPMENT COMPANY
A Michigan Corporation

Linda L. Linder
Linda L. Linder
Omer V. Racine
OMER V. RACINE

David R. Nelson
David R. Nelson, Vice President

Prepared By: Omer V. Racine
The Detroit Edison Company
30400 Telegraph Rd., 264 OAKDH
Birmingham, Michigan 48010

Address: 31390 Northwestern Hwy., Suite A
Farmington Hills, Michigan 48018

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

RECORDED RIGHT OF WAY NO. 37407

OAKLAND COUNTY REGISTERED

NOV 8 1986

Handwritten initials and numbers: 11-02, 200

Handwritten signature

Handwritten signature

COUNTY OF
Oakland

SS:

On this 7th day of October, 1986, the foregoing instrument was acknowledged before me, a notary public in and for said county, by David R. Nelson, whose title is Vice President of Barclay Square Development Company, a Michigan corporation, on behalf of the corporation.

My Commission Expires: 5/29/89

Katherine H. Wainwright
KATHERINE H. WAINWRIGHT
Notary Public, Washtenaw County, Michigan
acting in Oakland

Appendix "A"

Building No. 1

Part of the South 1/2 of Section 26, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, being more particularly described as follows: Beginning at a point which is South 89°35'00" West 20.00 feet along the South line of Section 26 and North 00°25'00" West 1160.00 feet and North 27°40'46" West 405.98 feet and North 17°05'30" West 96.28 feet from the South 1/4 corner of Section 26, Town 3 North, Range 11 East, thence along the boundary of "Hampton Office Park Sub. No. 2" (Liber 156, Pages 26 & 27, Oakland County Records), North 02°46'41" West 81.45 feet; thence North 71°10'44" East 193.41 feet; thence South 23°03'00" East 125.19 feet; thence South 21°57'00" West 69.51 feet; thence South 66°57'00" West 31.89 feet; thence westerly 180.05 feet along a curve concave to the South (radius of 643.00 feet; central angle of 16°02'37", long chord bears North 74°21'18" West 179.46 feet) to the point of beginning.

Building No. 2, 3, and 4

Part of the South 1/2 of Section 26, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, being more particularly described as follows: Beginning at a point which is South 89°35'00" West 20.00 feet along the South line of Section 26 and North 00°25'00" West 1160.00 feet and North 27°40'46" West 405.98 feet and North 17°05'30" West 96.28 feet and North 02°46'41" West 81.45 feet along the boundary of "Hampton Office Park Sub. No. 2" (Liber 156, Pages 26 and 27, Oakland County Records) from the South 1/4 corner of Section 26, Town 3 North, Range 11 East, thence, along the boundary of said "Hampton Office Park Sub. No. 2" North 02°46'41" West 134.50 feet and North 19°26'16" West 175.88 feet; thence North 66°57'00" East 107.90 feet; thence North 21°57'00" East 14.14 feet; thence North 66°57'00" East 126.00 feet; thence South 68°03'00" East 33.18 feet; thence South 23°03'00" East 324.99 feet; thence South 66°57'00" West 132.15 feet; thence North 23°03'00" West 22.49 feet; thence South 71°10'44" West 193.41 feet to the point of beginning.

SIDWELL NO. 15-26-326-003 (NOW 005) Sward SE 1/4
004 Sec 3
AND
9000461

n/k/a Ent 15-26-326-000

Barclay Condominium
OCCP#461

RECORDED RIGHT OF WAY NO. 37407

Detroit
Edison

Oakland Division
30400 Telegraph Road
Birmingham, Michigan 48010
(313) 645-4000
Phone 645-4388

September 17, 1986

Barclay Square Associates
Mr. George Karos
31390 Northwestern Hwy., Suite "A"
Farmington Hills, Michigan 48018

Gentlemen:

Re: BARCLAY SQUARE CONDO, Phase I

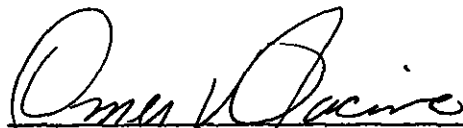
Enclosed is the original and one copy of the Right of Way Agreement for the above described project. Please have the original executed and returned to us. The copy should be retained by you for your records.

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. 37407

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

TO Records Center

DATE 9-8-87 TIME _____

Please set up R/W file for: BARCLAY SQUARE CONDO BLDGS 1 & 4
Being a part of South 1/4 of Section 26, CITY OF ROCHESTER HILLS
Oakland County, Michigan

RECORDED
RIGHT OF WAY NO.

COPIES TO _____

SIGNED

Omer V. Racine

Omer V. Racine
264 Oakland Div. Hqters

REPORT _____

• Non TWP

SEC. 26; 5 1/2 OF

DATE RETURNED _____

TIME _____

SIGNED _____

37407

To (Supervisor Rt & RIW) <i>J. McDONALD</i>	For Rt & RIW Dept Use	Date Received <i>9-8-86</i>	Of Brk C, P 1, 2 <i>OE 86-33 J</i>
Division <i>OAKLAND</i>	Date <i>9-5-86</i>	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 <i>BARCLAY SQUARE CONDO.'S PHASE I</i>	County <i>OAKLAND</i>
City/Township/Village <i>ROCHESTER HILLS</i>	Section No. <i>26</i>
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 <i>BARCLAY SQUARE ASSOCIATES</i>	Phone No. <i>855-8900</i>
Address <i>31390 NORTHWESTERN HWY SUITE "A" FARMINGTON HILLS, MI. 48018</i>	
Owner's Representative <i>GEORGE KAROS</i>	Phone No. <i>855-8900</i>
Date Service is Wanted <i>8-1-86</i>	

- 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

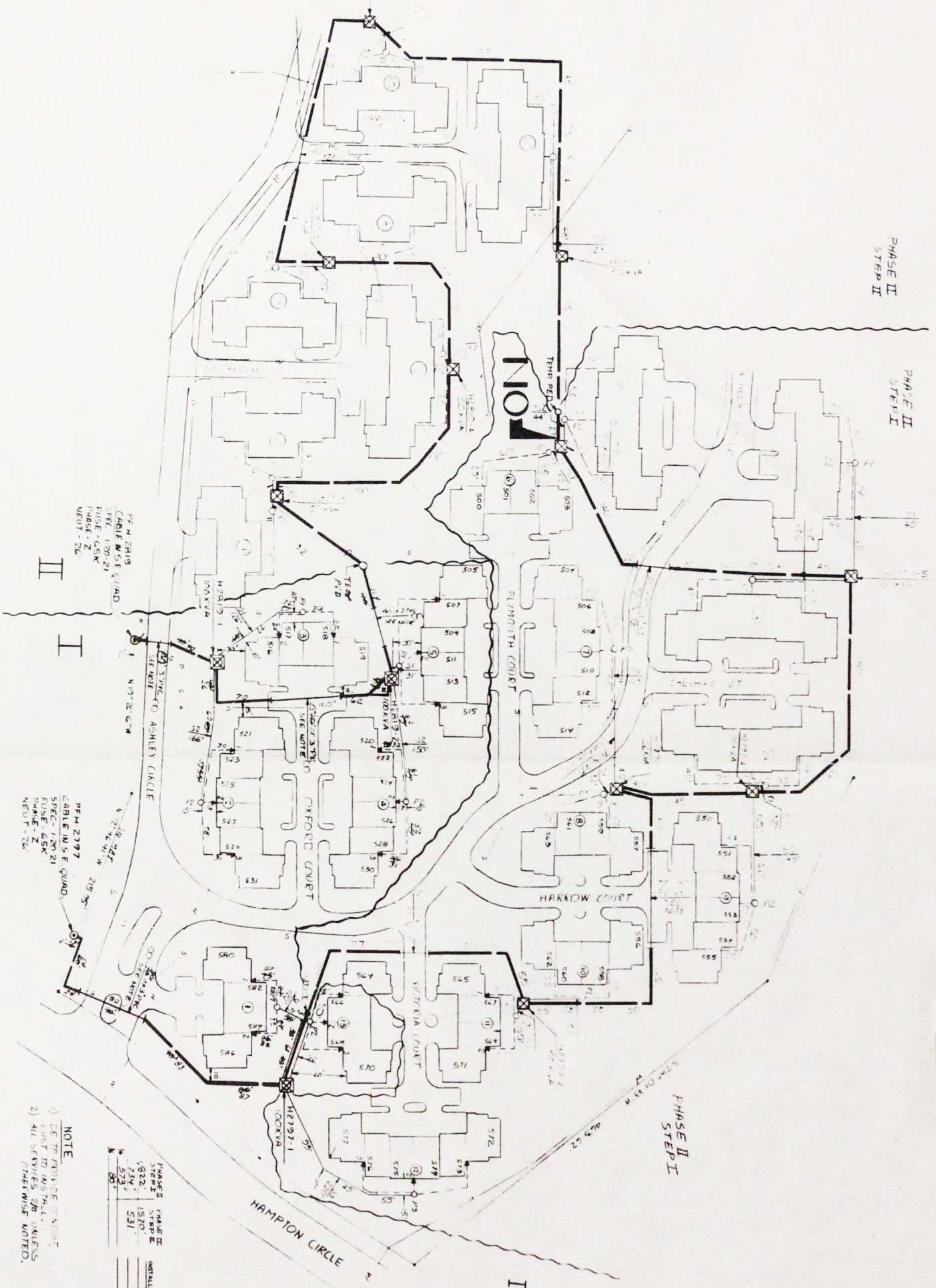
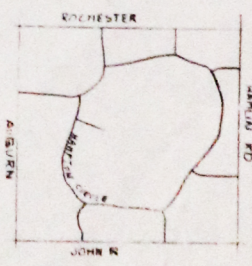
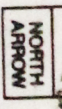
b Other Utility Engineer Names <i>M. NADOLNY MBT</i>	Phone Numbers <i>540-0201</i>
Addresses	

6 Additional Information or Comments

Note Trenching letter attached will be submitted later

Service Planner <i>DENNIS DOHERTY</i>	Signed (Service Planning Supervisor) <i>[Signature] 9/8/86</i>
Phone No	Address

RECORDED RIGHT OF WAY NO. 37407



TRANSFORMER DATA

JIT NO.	SIZE	EO YR MO
H2797-1	100 VVA	
H2819-1	100 VVA	
H2819-2	100 VVA	

TRANSFORMER DATA

TRANSFORMER NO.	TYPE	EST. YR.
H2797-1	100 VVA	
H2819-1	100 VVA	
H2819-2	100 VVA	

CABLE SUMMARY

TYPE	QUANTITY	ESTIMATED COST
PHASE II	1,932'	1,932.00
PHASE I	1,375'	1,375.00
TOTAL	3,307'	3,307.00

TRENCH SUMMARY

TYPE	QUANTITY	ESTIMATED COST
PHASE II	1,932'	1,932.00
PHASE I	1,375'	1,375.00
TOTAL	3,307'	3,307.00

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 DIG on 800-482-7171 as required by Public Act 53 of 1974 before doing any power excavating.

START DATE 10-2-06

NO.	DATE	BY	REVISION
1	10/2/06
2
3
4
5
6
7
8
9
10

BARCLAY SQUARE PHASE I
PART OF S. 1/2 OF SEC. 26

CITY OF WESTON
COUNTY OF DAYLAND

PERMITS REQUIRED

NOTIFICATION TO:

NOTICE TO BE DONE BY: DE CO.

GENERAL NOTES

REMARKS TO BE DONE BY: DE CO.

REVISIONS:

SCALE: 1" = 50'

DATE: 10/2/06

PROJECT NO.: B940 SENECRA 13.2

RECORDED RIGHT OF WAY NO. 37407