

Detroit Edison

Right of Way Agreement

87196136

LIBER 10161 PAGE 772

September 22, 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 hereinafter referred to as "EDISON", the easements 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 EDISON 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:

Underground lines are located in accordance with attached drawing which is made a part hereof.

It is specifically understood this easement is non-exclusive and the easement area will be paved.

A#36 REG/DEEDS PAID
0001 OCT.20 '87 02:44PM
3327 MISC 15.00

In order to provide for the proper maintenance and protection of EDISON, the undersigned covenant and agree that:

1. The easements will be graded to within four (4) inches of final grade before EDISON 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 EDISON equipment.
2. No buildings or structures other than EDISONS' equipment are to be placed within the easements herein granted. No excavation is to be permitted within said easements without approval of EDISON.
- ① 3. No shrubs or foliage shall be planted or grown within five (5) feet of the front door of transformers or switching cabinet enclosures. EDISON 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 EDISONS' maintenance of their equipment.
- # 4. If the lines of facilities of EDISON are damaged by the acts of Owners, their agents, employes or contractors, repairs shall be made by EDISON at the cost and expense of Owners. Owners are defined as those persons owning the land at the time the damage occurred.

RECORDED RIGHT OF WAY NO. 3763

THIS GRANT is declared to be binding upon the heirs, successors, lessees, licensees and assigns of the parties hereto.

IN WITNESS WHEREOF, the undersigned have hereunto set their hand and seal on this date:

Witnesses:

Grantors:

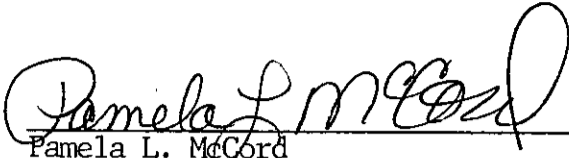
Prepared By: Omer V. Racine
The Detroit Edison Company
30400 Telegraph Rd., Suite 264
Birmingham, MI 48010

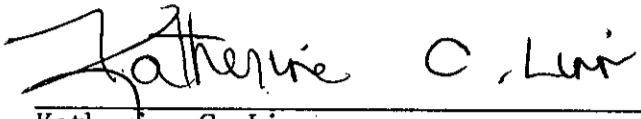
Address: _____
[Signature]

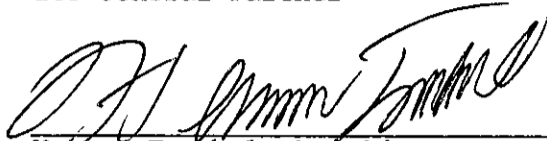
WITNESSES:

Simsbury Plaza Limited Partnership
A Michigan Limited Partnership
4900 Fairway Ridge South
West Bloomfield, Michigan 48033

By: Administrative Services, Inc.
A Michigan Corporation
4900 Fairway Ridge South
West Bloomfield, Michigan 48033
Its General Partner


Pamela L. McCord


Katherine C. Linn


Herman Frankel, President

State of Michigan)
) SS:
County of Oakland)

Personally came before me this 22nd day of September, 1987,
Herman Frankel, President, Administrative Services, General Partner of the above named
Limited Partnership to me known to be the person who executed the foregoing instrument
and to me known to be such General Partner and acknowledged that he executed the
foregoing instrument as such General Partner, as the free act and deed of said Limited
Partnership. ** SIMSBURY PLAZA*

My Commission Expires February 11, 1991


Pamela L. McCord
Notary Public, Oakland County, Michigan

APPENDIX "A"

A part of the southwest $\frac{1}{4}$ of Section 34, T2N, R9E, West Bloomfield Township, Oakland
County, Michigan, being described as: Commencing at the southwest corner of Section
34; thence due north, 60.00 feet along the westerly line of said Section 34; thence
north 89°45'13" east, 24.46 feet to the point of beginning on the easterly right-of-
way line of Farmington Road; thence the following four courses along the easterly
line of said Farmington Road (1) due north, 14.28 feet, and (2) along the arc of a
curve to the right 241.65 feet, said curve having a radius of 1696.02 feet, central
angle of 08°09'49" and long chord bearing of north 04°04'55" east, 241.45 feet, and
(3) along the arc of a curve to the left 258.13 feet, said curve having a radius of
1811.64 feet, central angle of 08°09'49" and long chord bearing of north 04°04'54"
east, 257.91 feet, and (4) due north, 197.46 feet; thence south 89°56'17" east,
130.82 feet; thence south 75°56'17" east, 250.00 feet; thence south 89°56'17" east,
365.00 feet; thence south 14°00'24" east, 164.95 feet; thence south 89°45'13" west,
335.61 feet; thence south 00°14'47" east, 485.00 feet to a point on the northerly
right-of-way line of Fourteen Mile Road; thence south 89°45'13" west, 480.29 feet
along said line to the point of beginning and containing 8.324 acres.

SIDWELL NO 18-34-300-018

RECORDED RIGHT OF WAY NO.

37631

MEMORANDUM ORDER

FOR GENERAL USE
DE FORM MS 77 12-53

TO Records Center

DATE 10-29-87

TIME _____

Please set up R/W file for:

SIMSBURY PLAZA

Being a part of

SW 1/4

of Section 34

West Bloomfield Twp

Oakland County, Michigan

COPIES TO: _____

SIGNED

Omer V. Racine

Omer V. Racine

264 Oakland Div. Hqtrs.

REPORT _____

West Bloomfield Twp

Sec. 34; SW 1/4 OF

UNRECORDED RIGHT OF WAY NO. _____

W 7121

DATE RETURNED _____

TIME _____

SIGNED _____

Detroit
Edison

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

Phone 645-4388

May 29, 1987

Mr. Robert L. Biederman
1800 Travlers Tower
Southfield, MI 48076

Gentlemen:

Re: Simsbury Plaza

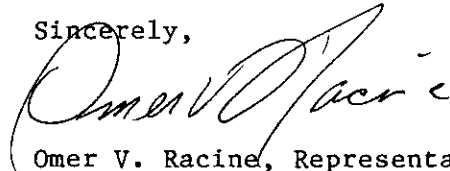
Enclosed is the original and one copy of the Right of Way Agreement for the above described project. Please have the original executed and returned to us. The copy should be retained by you for your records.

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. 4 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/vkc

Enclosures

RECORDED RIGHT OF WAY NO. 37631

1. Name of Applicant <i>JIM McDonald</i>	2. Date of Application <i>5-19-87</i>	3. Application No. <i>GE 87-6C</i>
Division <i>OAKLAND</i>	Date <i>4-6-87</i>	

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>Simsbury PLAZA</i>	County <i>OAKLAND</i>
City/Township/Village <i>West Bloomfield</i>	Station No. <i>34</i>
Type of Development <input type="checkbox"/> Proposed Subdivision <input type="checkbox"/> Subdivision	<input type="checkbox"/> Apartment Complex <input type="checkbox"/> Mobile Home Park <input type="checkbox"/> Condominium <input checked="" type="checkbox"/> Other <i>COMMERCIAL</i>
2. Name of Owner <i>Simsbury PLAZA Limited Partnership</i>	Phone No. <i>355-2158</i>
Address <i>1900 Fairway Ridge Dr., South West Bloomfield, MI 48035</i>	Phone No. <i>355-0300</i>
Owner's Representative <i>Robert BIEDERMAN</i>	
Date Service is Wanted <i>6-15-87</i>	
4. Entire Project will be developed at one time	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5. Joint easements required — Michigan Bell Telephone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
-- Consumers Power	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
a. Name of Other Utilities if Not Michigan Bell Telephone or Consumers Power	
b. Other Utility Engineer Names	Phone Numbers
Addresses	
6. Additional Information or Comments	

RECORDED SETTING USE FILE NO. 37631

Note Trenching letter attached will be submitted later

Service Planner <i>JIM Smith</i>	Signed (Service Planning Supervisor) <i>[Signature]</i>
Phone No.	Address

LAW OFFICES
SOMMERS, SCHWARTZ, SILVER & SCHWARTZ
PROFESSIONAL CORPORATION

1800 TRAVELERS TOWER
26555 EVERGREEN ROAD
SOUTHFIELD, MICHIGAN 48076-4355
(313) 355-0300
TELECOPIER (313) 355-2158

WAYNE COUNTY OFFICE
747 S. MAIN STREET
PLYMOUTH, MICHIGAN 48170
(313) 455-4250
OF COUNSEL
A. ALBERT SUGAR
BENJAMIN D. BURDICK

NORMAN S. SOMMERS
STANLEY S. SCHWARTZ
HOWARD SILVER
LEONARD B. SCHWARTZ
LAWRENCE WARREN
STEVEN J. SCHWARTZ
PAUL GROFFSKY
DONALD R. EPSTEIN
JOHN F. VOS III
JEFFREY N. SHILLMAN
JEREMY L. WINER
DAVID R. GETTO
NORMAN D. TUCKER
ROBERT L. BIEDERMAN
ROBERT H. DARLING
JUSTIN C. RAVITZ
ALLEN J. KOVINSKY
DAVID L. NELSON
ROBERT G. PORTNOY
ROBERT F. AULO
JOSEPH A. GOLDEN
STEPHEN N. LEUCHTMAN
RICHARD D. TOTH
ELAINE GRAND STULBERG
PAUL W. HINES

ALLEN J. WALL
RICHARD D. FOX
PATRICK B. McCAULEY
DONALD J. GASIOREK
FRANK MAFRICE
MARC A. GOLDMAN
JAMES J. VLASIC
VICTOR A. COEN
MARIETTA S. ROBINSON
RICHARD L. GROFFSKY
MICHAEL J. CUNNINGHAM
DAVID J. WINTER
J. LEE TILSON
JAMES D. LEDBETTER
BARBARA A. PATEK
DEBORAH G. TYNER
PATRICK J. BURKETT
DAVID A. KOTZIAN
MATTHEW G. CURTIS
JOSS R. FILIAULT
CHARLES R. ASH III
ELIZABETH A. CABOT
ROBERT J. SCHWARTZ
JOHN L. RUNCO
ROBERT E. DICE, JR.

May 1, 1987

Mr. Jim Smith
Detroit Edison
30400 Telegraph Road
Birmingham, MI 48010

Re: Simsbury Plaza Limited Partnership

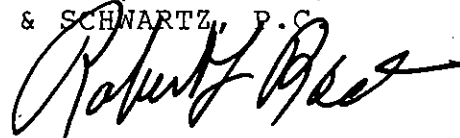
Dear Mr. Smith:

In accordance with our telephone conversation, I am enclosing a copy of a deed from one of the three partners to the above-referenced Limited Partnership which contains the legal description which you requested.

If you have any questions, please call me.

Very truly yours,

SOMMERS, SCHWARTZ, SILVER
& SCHWARTZ, P.C.



Robert L. Biederman

RLB:cv
Enclosure
RLB50

RECORDED RIGHT OF FAX NO. 37631

KNOW ALL MEN BY THESE PRESENTS: That ADMINISTRATIVE SERVICES, INC., a Michigan corporation
the address of which is 4900 Fairway Ridge South, West Bloomfield, Michigan
Quit Claims to SIMSBURY PLAZA LIMITED PARTNERSHIP, a Michigan limited partnership
whose street number and postoffice address is 4900 Fairway Ridge South, West Bloomfield, Michigan
the following described premises situated in the Township of West Bloomfield County of Oakland
and State of Michigan, to-wit:

#6

A PART OF THE SOUTHWEST 1/4 OF SECTION 34, T-2-N., R-9-E., WEST BLOOMFIELD TOWNSHIP, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF SECTION 34; THENCE DUE NORTH, 60.00 FEET ALONG THE WESTERLY LINE OF SAID SECTION 34; THENCE N. 89° 45' 13" E., 24.46 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF FARMINGTON ROAD; THENCE THE FOLLOWING FOUR COURSES ALONG THE EASTERLY LINE OF SAID FARMINGTON ROAD (1) DUE NORTH, 14.28 FEET, AND (2) ALONG THE ARC OF A CURVE TO THE RIGHT 241.65 FEET, SAID CURVE HAVING A RADIUS OF 1696.02 FEET, CENTRAL ANGLE OF 08° 09' 49" AND LONG CHORD BEARING OF N. 04° 04' 55" E., 241.45 FEET, AND (3) ALONG THE ARC OF A CURVE TO THE LEFT 258.13 FEET, SAID CURVE HAVING A RADIUS OF 1811.64 FEET, CENTRAL ANGLE OF 08° 09' 49" AND LONG CHORD BEARING OF N. 04° 04' 54" E., 257.91 FEET, AND (4) DUE NORTH, 197.46 FEET; THENCE S. 89° 56' 17" E., 130.82 FEET; THENCE S. 75° 56' 17" E., 250.00 FEET; THENCE S. 89° 56' 17" E., 365.00 FEET; THENCE S. 14° 00' 24" E., 164.95 FEET; THENCE S. 89° 45' 13" W., 335.61 FEET; THENCE S. 00° 14' 47" E., 545.00 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 34; THENCE S. 89° 45' 13" W., 505.00 FEET ALONG THE SOUTH LINE OF SECTION 34 AND FOLLOWING FOURTEEN MILE ROAD TO THE POINT OF BEGINNING.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of Five Hundred Forty-Four Thousand (\$544,000.00) Dollars.

Dated this 16th day of March

A#36 REG/DEEDS PAID
0001 MAR.24'87 11:10AM
1987 DEEDS 5.00

Signed in the presence of:

Signed by:

Laurie R. Frankel
Laurie R. Frankel
Pamela L. McCord
Pamela L. McCord

ADMINISTRATIVE SERVICES, INC.
By Herman Frankel
Its President

OAKLAND COUNTY 282771
STATE OF MICHIGAN
Dept. of Taxation MAR24'87
REAL ESTATE TRANSFER TAX 598.40
PB.10548

The foregoing instrument was acknowledged before me this 16th day of March

1987 by Herman Frankel
President of Administrative Services, Inc.
(Corporate Name)
Michigan corporation, on behalf of the corporation.
(State of Incorporation)

My Commission expires February 11, 1991
Pamela L. McCord Oakland Notary Public, County, Michigan

When Recorded Return To: Robert L. Biederman 1800 Travelers Tower Southfield, MI 48076	Send Subsequent Tax Bills To:	Drafted by: Paul Groffsky Business Address 1800 Travelers Tower Southfield, MI 48076
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Tax Parcel # 18-34-300-018 Recording Fee 5.00 Revenue Stamps \$598.40

BURTON ABSTRACT AND TITLE COMPANY HAS OPERATED CONTINUOUSLY SINCE 1866

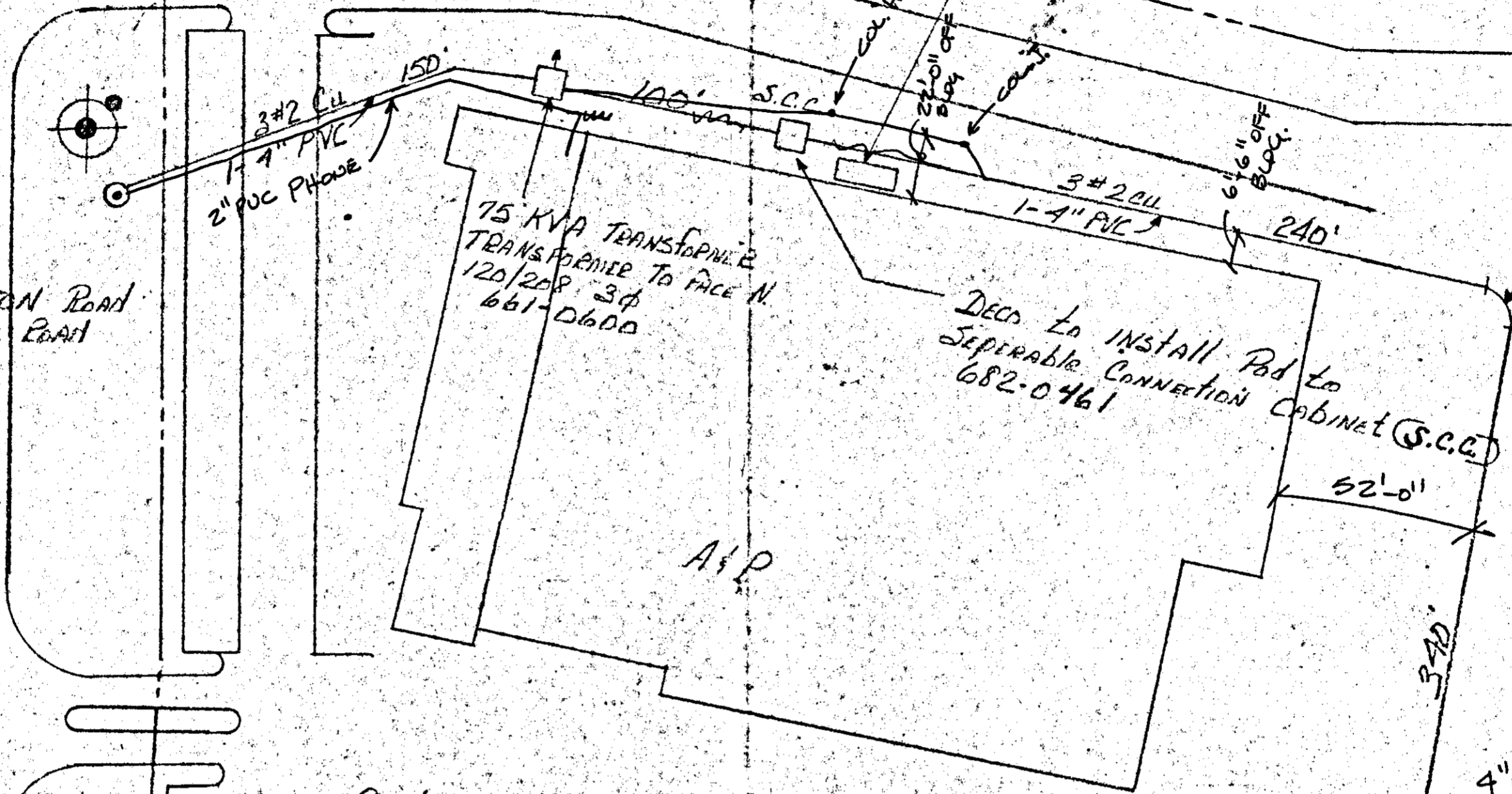
MAKE YOUR REAL ESTATE TRANSFERS SAFE BY USING BURTON TITLE INSURANCE

RECORDED RIGHT OF WAY NO. 3273

Pr Cable - #2 cu 1X3 - 713-3076
 TRANS SPEC 1-17-270
 Pg. 1-17-224 Conn. # 18
 ALL terminations at Poles &
 TRANSFORMERS
 Pad for S.C.C. #682-0462

P.F. H-2995
 ES FARMINGTON ROAD
 SP N 14 mile ROAD

CUSTOMER OWNED TRANSFORMER
 P.S. # H-521



DECS to install Pad to
 Separable Connection Cabinet (S.C.C.)
 682-0461

Customer to install all 4" PVC
 from P.F.H-2995 to P.F.H-2963.

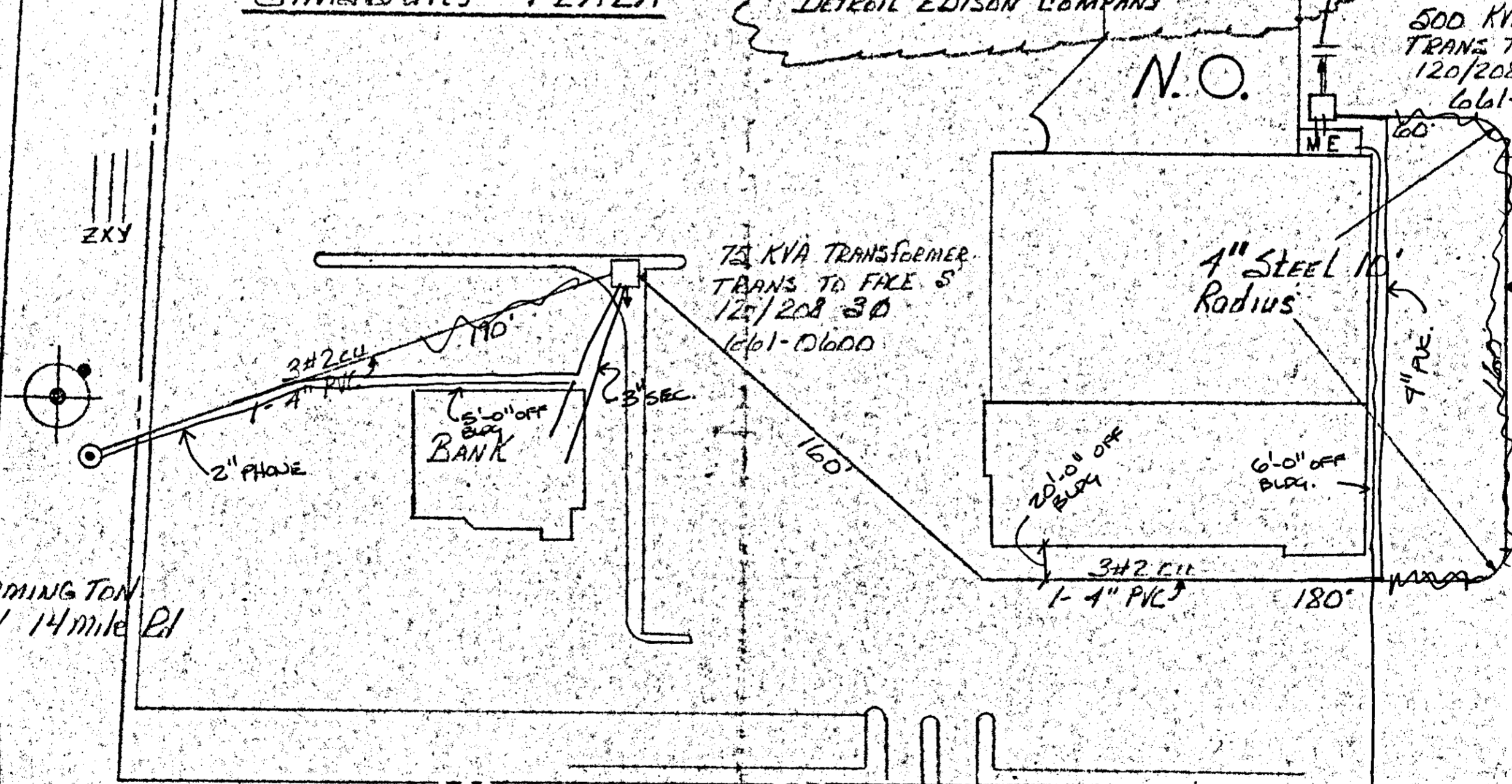
Customer to install Secondary
 Cable, Primary Duct, Transformer
 Pad, & First Line in all ducts.

Contractor Note

It is your RESPONSIBILITY
 to dimension placed CONDUITS
 AND RETURN this DRAWING to the
 DETROIT EDISON COMPANY

SIMSBURY PLAZA

FARMINGTON ROAD



P.F. H-2963
 ES of FARMINGTON
 Road SP N 14 mile Rd

500 KVA Transformer
 TRANS TO FACE N
 120/208 3Ø
 661-D600

RECORDED RIGHT OF WAY

R37631
 14 Mile Road

LEGEND		THE DETROIT EDISON COMPANY - SERVICE PLANNING DEPARTMENT			
○	FOREIGN POLE	CITY OR TWP.	COUNTY	QTR. & TWP. SECT. NO.	DEPT. ORDER NO.
○	EXIST. D.E. CO. POLE	W. R.M.	CARLAND		A-64123
○	PROPOSED POLE	MAP SECT.	TOWN	RANGE	JOINT R/W REQUIRED
○	EXIST. ANCHOR	L-256-376			YES <input type="checkbox"/> NO <input type="checkbox"/>
○	PROPOSED ANCHOR	PROJECT NAME	TEL. ENGR. & DIST.	PROJ. OR PAR. NO.	
○	TREE	SIMSBURY PLAZA			
—	120/240 V LINE	CIRCUIT	O.F.W. S.O. OR P.E. NO.		
—	4800 V LINE	D.C. 8231 DAVIS	BUDGET ITEM NO.		
—	13,800 V LINE	REASON	DATE		
—	80,000 V LINE	NEW BUSINESS			
		PLANNER	J. SMITH	SCALE	1"=40'

R.37631

RECORDED RIGHT OF WAY NO. 37631