

Real Estate and Rights of Way

Detroit Edison

Joint Underground Residential Distribution Right of Way Agreement 88 5460

AUGUST 3, 19 87

For good and valuable consideration of system betterment, the undersigned hereby grant and convey to CONSUMERS POWER COMPANY, a Michigan corporation of 242 West Michigan Avenue, Jackson, Michigan, THE DETROIT EDISON COMPANY, a Michigan corporation of 2000 Second Avenue, Detroit, Michigan, MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation of 444 Michigan Avenue, Detroit, Michigan, and Metrovision of Oakland County, a Michigan corporation of 37635 Enterprise Ct., Farmington Hills, MI 48018, hereinafter referred to collectively as "GRANTEE", the right to erect, lay, maintain, reconstruct, add to 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 required to provide gas, electric and communication services with the usual services, connections and accessories in, under, upon, over and across the property located in the City of Farmington Hills, County of Oakland, State of Michigan, and more particularly described on the attached Appendix "A"; with the full right to the GRANTEE of ingress and egress upon said property for the purposes of this grant, and the further right to trim, cut down or otherwise control brush and trees within the right of way herein described.

Said right of way shall be Ten (10') feet in width unless otherwise indicated and the route is described as follows:

The exact location of said easement shall be shown on a drawing to be recorded within 90 days after construction.

(H)

A#36 REG/DEEDS PAID 0001 JAN.12'88 02:23PM 7053 MISC 11.00

A#36 REG/DEEDS PAID 0001 AUG.19'87 11:16AM 1600 MISC 7.00

DEED

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

- 1. The right of way will be graded to within four inches of final grade before the GRANTEE'S lines are installed and this ground elevation must be maintained after installation of utilities to avoid the pooling of water in, on or around GRANTEE'S above ground equipment.
2. No buildings or structures other than GRANTEE'S equipment are to be placed within the right of way herein granted. No excavation is to be permitted within said right of way without approval of GRANTEE.
3. No shrubs or foliage shall be planted or grown within eight feet of the front door of transformers or switching cabinet enclosures. GRANTEE 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 right of way causing an interference with GRANTEE'S maintenance of their equipment.
4. If the lines or facilities of GRANTEE 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 property at the time the damage occurred.

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(s) on the date of this agreement.

Witnesses:

Grantors:

Albert P. Herzog
Linda A. Gardiner

Milo Properties, Inc.,
A Michigan Corporation
By: Frank Milo, President

Prepared by: Walter E. Touchie
The Detroit Edison Company
30400 Telegraph Road, #264
Birmingham, MI 48010

Address: 23290 Farmington Road
Farmington, MI 48024

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. 37972

Witnesses:

Orchard West
A Michigan Co-Partnership
30555 Northwestern Hwy., Suite 201
Farmington Hills, MI 48018

Robert E. Beauchamp
ROBERT E. BEAUCHAMP

By: Team Development
A Michigan Co-Partnership

Susan J. Beauchamp
SUSAN J. BEAUCHAMP

Manuel Jona
Manuel Jona, Co-Partnership

State of Michigan)
) SS:
County of OAKLAND)

Personally came before me this 30th day of November, 1987,
Manuel Jona, Co-Partner, Team Development, Co-Partner of the above named Co-Partnership,
to me known to be the person who executed the foregoing instrument, and to me known to be
such Co-Partner of said Co-Partnership and acknowledged that he executed the foregoing
instrument as such Co-Partnership as the free act and deed of said Co-partnership.

My Commission Expires: Apr 17, 1989 Susan J. Beauchamp
SUSAN J. BEAUCHAMP
Notary Public, Oakland County,
Michigan

Appendix "A"

Proposed Orchard West Subdivision:
A replat of part of Lot 51 and 52 of "Park Hill Sub." a subdivision of part of the S.E.
1/4 of Section 10, T1N, R9E, City of Farmington Hills, Oakland County, Michigan, as
recorded in Liber 43, page 59 of Oakland County Records, also part of the E. 1/2 of the
N.E. 1/4 of said Section 10, T1N, R9E, City of Farmington Hills, Michigan. All being more
particularly described as beginning at a point on the East and West 1/4 line of said
Section 10, located distant S. 89°27'39" W. along said 1/4 line a distance of 360.00 ft.,
from the E. 1/4 corner of said Section 10, thence S. 00°05'00" W. 75.0 ft., thence S.
89°27'39" W. 235.35 ft., thence N. 00°27'50" E. 45.0 ft., thence S. 89°27'39" W. 256.39
ft., thence N. 23°59'31" W. 32.87 ft., thence S. 89°27'39" W. 454.88 ft., thence N.
00°12'41" E. 489.91 ft., thence N. 00°02'10" W. 173.11 ft., thence N. 89°31'00" E. 958.60
ft., thence S. 00°03'00" W. 301.37 ft., thence N. 89°27'39" E., 360.00 ft., thence S.
00°03'00" W. 60.00 ft. along the East line of Section 10, thence S. 89°27'39" W. 360.00
ft., thence S. 00°03'00" W., 300.70 ft. to the point of beginning. Containing 15.086
acres.

SIDWELL NO-23-10-277-043 - Lots 51, 52 and NE 1/4

43059

RECORDED RIGHT OF WAY NO. 37972

State of Michigan) SS.
County of)

On this 3rd day of August 1987, before me appeared _____

Frank Milo to me personally known, who being by me severally
duly sworn, did say that he is President of Milo Properties, Inc., A
Michigan Corporation, and that the said instrument was signed in behalf of said corporation
by authority of its Board of Directors and the said Frank Milo,
acknowledged the said instrument to be the free act and deed of the corporation.

My Commission Expires: 9-27-89

Albert P. Herzog
Albert P. Herzog

Notary Public, OAKLAND County, Michigan

Appendix "A"

The east one-half of Lots 16, 17, 18 and 19, except the east 60 feet of said lots,
"Supervisor's Plat No. 13", a part of the SE 1/4 of Sec. 34, T1N., R9E., as recorded in
Liber 61, page 36 of Plats, Oakland County Records.

SIDWELL NO. 23-34-476-020 - Lot 19
" " " -022 - Lot 18
" " " -051 - lots 16 and 17

61036

37972

Detroit
Edison

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

Phone 645-4388

July 21, 1987

Milo Properties Inc.
23290 Farmington Road
Farmington, MI 48024

Gentlemen:

Re: Orchard Lake Rd. Duplexes

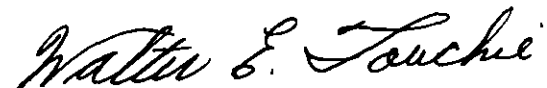
Enclosed is the original and one copy of the Right of Way Agreement for the above described project. Please have the original executed and returned to us. The copy should be retained by you for your records.

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: Walter E. Touchie, Room 264.

Sincerely,



Walter E. Touchie, Representative
Real Estate, Rights of Way & Claims

WET/vkc
Enclosures

RECORDED RIGHT OF WAY NO. 37922

MEMORANDUM ORDER
FOR GENERAL USE
DE FORM MS 77 12 53

TO Records Center

DATE 2-4-88 TIME _____

Please set up E/W file for: ORCHARD LAKE ROAD DUPLEXES
Being a part of SE 1/4 of Section 34. CITY OF FARMINGTON HILLS
Oakland County, Michigan

COPIES TO _____

SIGNED

Omer V. Racine
Omer V. Racine
264 Oakland Div. Hqtrs

REPORT _____

10.11.11
See 24 E/W SF

DATE RETURNED _____

TIME _____

SIGNED _____

RECORDED
INDEXED
FILE NO. 37472

| | | | |
|--|------------------------|---------|-----------|
| 1. Service Requester <u>J. McDonald</u> | Date <u>7-13 87</u> | 7-15-87 | OE 87-31J |
| Divis No. <u>OAKLAND</u> | | | |

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>ORCHARD LAKE RD DUPLEXES</u> | City <u>OAKLAND</u> |
| City/Transmission Voltage <u>FARMINGTON Hills</u> | Tran No. <u>34</u> |

Type of Development

- Proposed Subdivision
- Apartment Complex
- Condominium
- Subdivision
- Mobile Home Park
- Other

| | |
|--|------------------------------|
| 2. Name of Owner <u>MILQ PROPERTIES</u> | Phone No. <u>571-0711</u> |
|--|------------------------------|

Address
23372 FARMINGTON RD, FARMINGTON 48344

Owner's Representative
FRANK MILO

Date Service is Wanted
9-1-87

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
MEADCO CATV

b. Other Utility Engineer Names
BOB HUSWELL Phone No. 538-1123

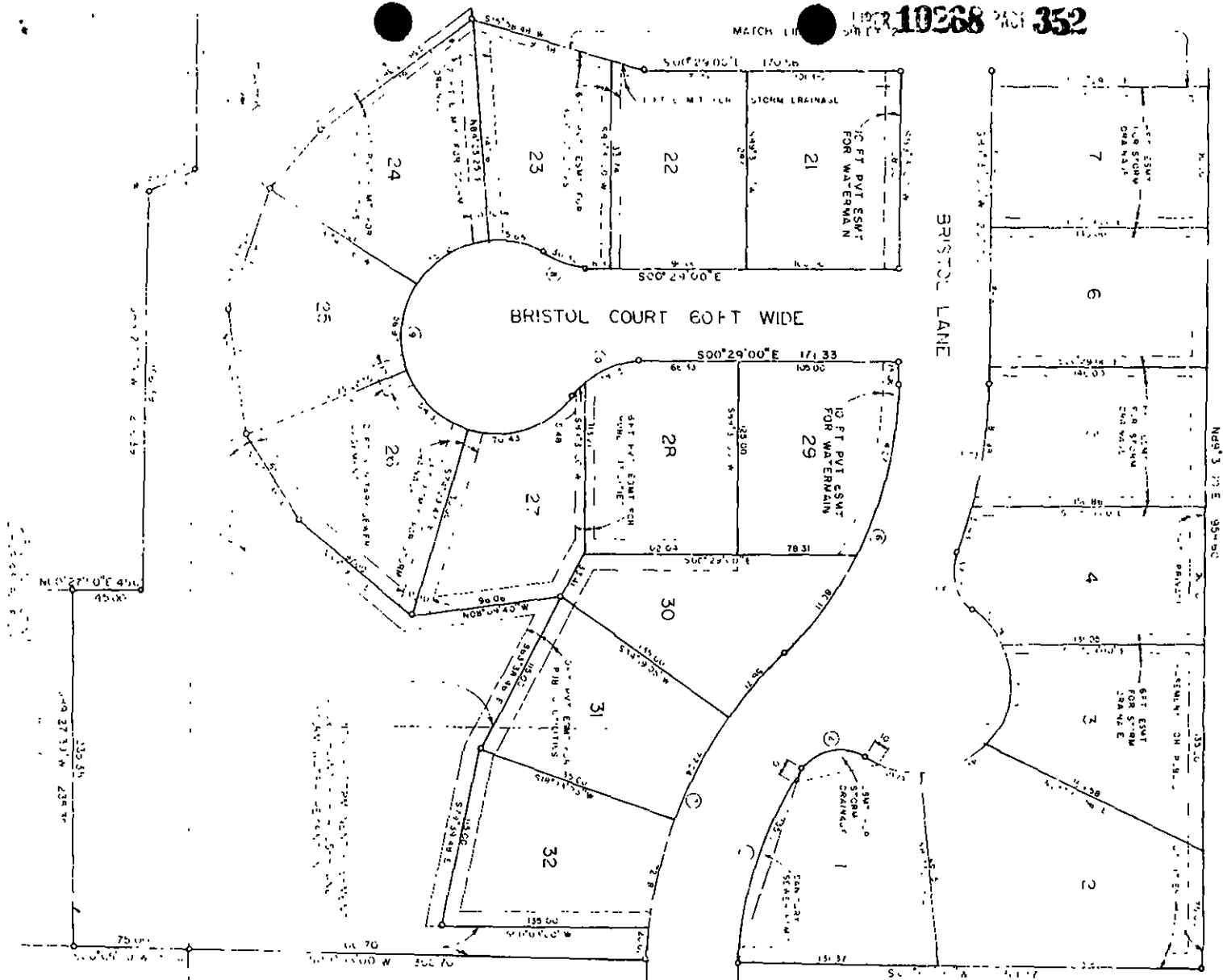
Addresses

6. Additional Information or Comments

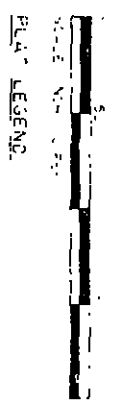
Note: Trenching letter attached will be submitted later

| | |
|---------------------------------------|--|
| Service Planner <u>Slomczynski</u> | Signed Service Planning Supervisor <u>[Signature]</u> |
| Phone No. | Address |

RECORDED RIGHT OF WAY NO. 37672



"Proposed"
ORCHARD WEST
 A SUBDIVISION OF PART OF THE EAST 1/2 OF SECTION
 10, T1N, R9E, CITY OF FARMINGTON HILLS, OAKLAND
 COUNTY, MICHIGAN

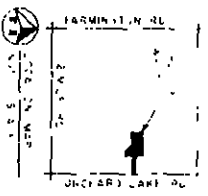


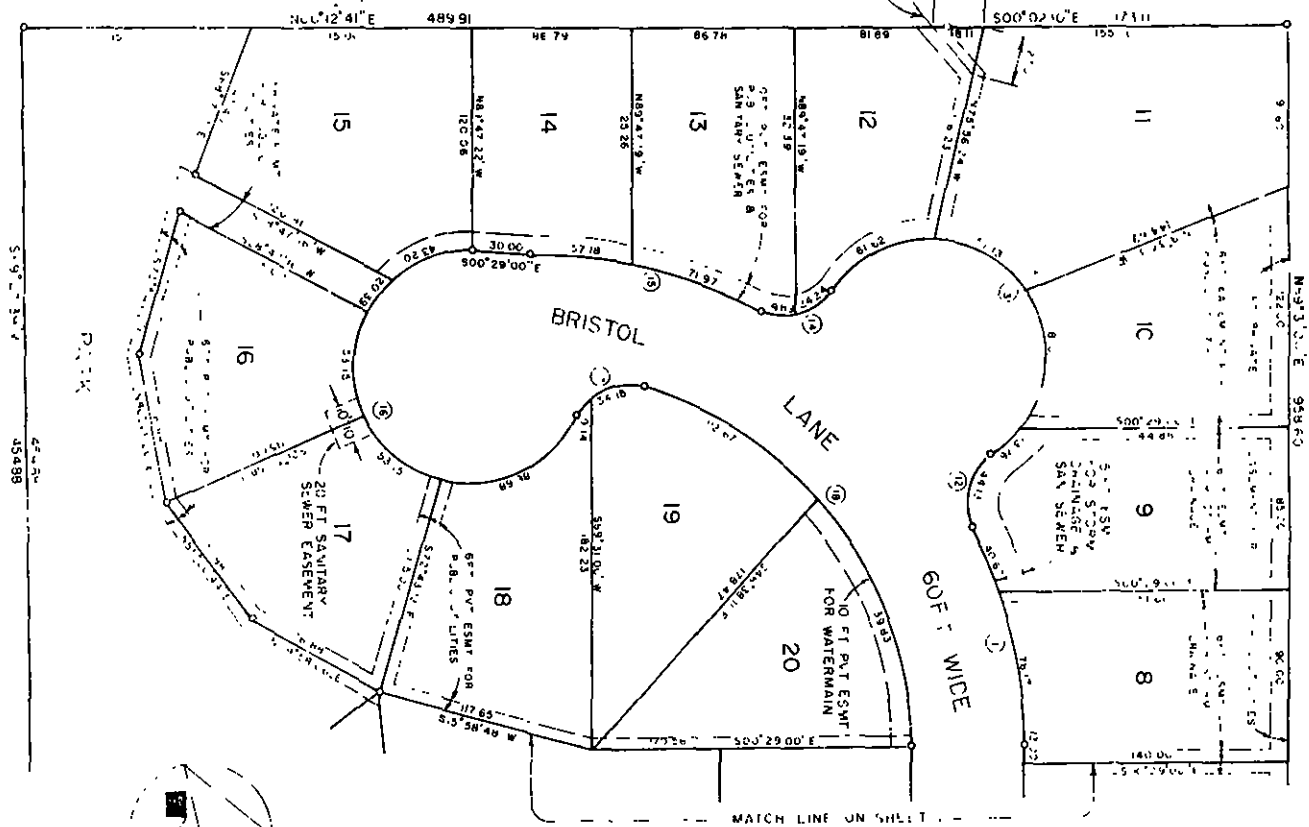
PLAT LEGEND

ALL LINES AND ANGLES SHOWN ON THIS PLAT ARE THE RESULT OF A SURVEY MADE BY THE ENGINEER AND THE ACCURACY OF THE SAME IS GUARANTEED BY HIM TO THE EXTENT OF HIS KNOWLEDGE AND BELIEF. THE BEARING AND DISTANCE OF EACH LINE IS SHOWN ON THE PLAT. THE AREA OF EACH LOT IS SHOWN IN SQUARE FEET. THE TOTAL AREA OF THE SUBDIVISION IS SHOWN IN SQUARE FEET. THE PLAT IS SUBJECT TO THE REVISIONS AND CORRECTIONS WHICH MAY BE MADE BY THE ENGINEER AT ANY TIME.

60 FT WIDE

| NO | RADIUS | ARC | CHORD | CHORD BEARING |
|----|--------|--------|--------|----------------------------|
| 1 | 220.00 | 150.02 | 347.73 | S 5.9° N 75° 25' 30" W |
| 2 | 30.00 | 46.47 | 89.07 | S 42° 0' 0" N 53° 30' 0" W |
| 3 | 60.00 | 96.05 | 174.41 | S 19.94° N 57° 59' 47" W |
| 4 | 300.00 | 392.6 | 745.03 | S 38.52° N 57° 59' 47" W |
| 5 | 240.00 | 194.38 | 462.41 | S 67° 16' 52" E |
| 6 | 280.00 | 226.78 | 462.41 | S 67° 16' 52" E |
| 7 | 280.00 | 226.78 | 462.41 | S 67° 16' 52" E |
| 8 | 60.00 | 30.32 | 59.72 | S 11° 59' 47" W |
| 9 | 60.00 | 30.32 | 59.72 | S 11° 59' 47" W |
| 10 | 60.00 | 30.32 | 59.72 | S 11° 59' 47" W |





RECORDED IN ORDER 19268 PAGE 353

APPENDIX "B"

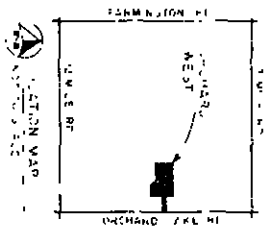
"PROPOSED"
ORCHARD WEST
 A SUBDIVISION OF PART OF THE EAST 1/2 OF SECTION 10, T1N, R9E, CITY OF FARMINGTON HILLS, OAKLAND COUNTY, MICHIGAN

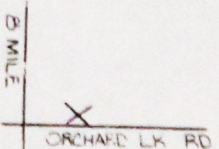
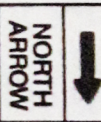


PLAT LEGEND

ALL DIMENSIONS ARE IN FEET
 ALL CURVILinear DIMENSIONS ARE SHOWN ALONG THE ARC
 THE SYMBOL "R" INDICATES A MOVEMENT WHICH IS A 1/2" DIAMETER
 STEEL BAR 36" LONG, ENCASED IN 4" DIAMETER CONCRETE
 ALL LOT MARKERS ARE IRON RODS 48" LONG AND 1/2" IN
 DIAMETER
 ALL BEARINGS ARE IN RELATION TO "PARK HILLS" SUBDIVISION
 AS RECORDED IN ORDER 43 OF PLATS PAGE 59 O.C.R.

| NO | RADIUS | ARC | DELTA | CHORD | CHORD BEARING |
|----|--------|--------|--------------|--------|---------------|
| 1 | 260.00 | 189.4 | 26°17'23" | 117.81 | S78°25'18"W |
| 2 | 30.00 | 44.13 | 84°16'4" | 40.26 | N74°32'02"W |
| 3 | 60.00 | 213.33 | 203°54'21" | 117.40 | S45°39'07"W |
| 4 | 30.00 | 44.13 | 94°16'4" | 40.26 | S14°09'42"E |
| 5 | 260.00 | 129.15 | 28°27'38" | 127.83 | S15°44'49"W |
| 16 | 60.00 | 256.54 | 245°00'55.1" | 10.20 | N57°00'32"E |
| 17 | 30.00 | 43.29 | 82°40'39" | 39.83 | N24°09'37"W |
| 8 | 200.00 | 250.51 | 72°20'11" | 236.07 | N63°22'51"E |





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 58 of 1974 before doing any power excavating.

TRANSFORMER DATA

| UT. NO. | SIZE | ED. STK. NO. |
|---------|--------|--------------|
| H3108 | 50 KVA | |

TRANSFORMER SPEC. 1-11-261
 FEDERAL SPEC. 2
 NO. OF FEEDLINES
 NO. OF TEMPORARY CABLE NUMBERS
 TEMPORARY CABLE MAPPER SPEC.
 SECONDARY CONNECTION BOX SPEC.

CODE

- ⊕ TRANSFORMER SECONDARY FEEDLINE/TEMPORARY CABLE MAPPER
- ⊖ DPT DEAD FRONT TYPE
- ⊗ DPT NON-SWITCHING - LIVE FRONT TYPE
- ⊘ DPT SWITCHING - LIVE FRONT TYPE
- ⊙ DIRECTION OF TRANSFORMER DOOR OPENING
- ⊚ SECONDARY FEEDLINE
- ⊛ 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 | LENGTH |
|--------|----------------------|----------|--------|
| 1 | EXCISED x 1132 KV | 73 | 404' |
| 2 | AP-330M & 140 800 V. | 70 | 214' |
| 3 | AP-230 & 141 800 V. | 70 | 214' |

TRENCH SUMMARY

JOINT USE: ELECTRICAL 421'

DE. ONLY

TEL. ONLY

GAS ONLY

OTHERS:

GENERAL NOTES

TRENCHING TO BE DONE BY D.E.C.O.

TRENCH AND CABLE LENGTHS ARE APPROXIMATE.

SEE SECTION 98 UG LINE CONSTRUCTION STANDARDS FOR TRENCH WALL DETAILS.

SEE SECTION 32-11 (SUL) DETAIL - FOR ENTRANCE POINT DETAILS (APTS ONLY).

SEE SECTION 43 UG LINE CONSTRUCTION STANDARDS FOR PLACEMENT OF CABLES.

TRANSFORMERS AND FEEDLINES (SIZES ONLY)

DE. SERVICE PLANNER: J. SLOMOWSKI

TEL. CO.: C.O.D. 645-4110

GAS CO.: 532-2123

OTHERS: B. HINSELL

CONTACT "MISS DIG" (800-482-7171) BEFORE DOING ANY EXCAVATION.

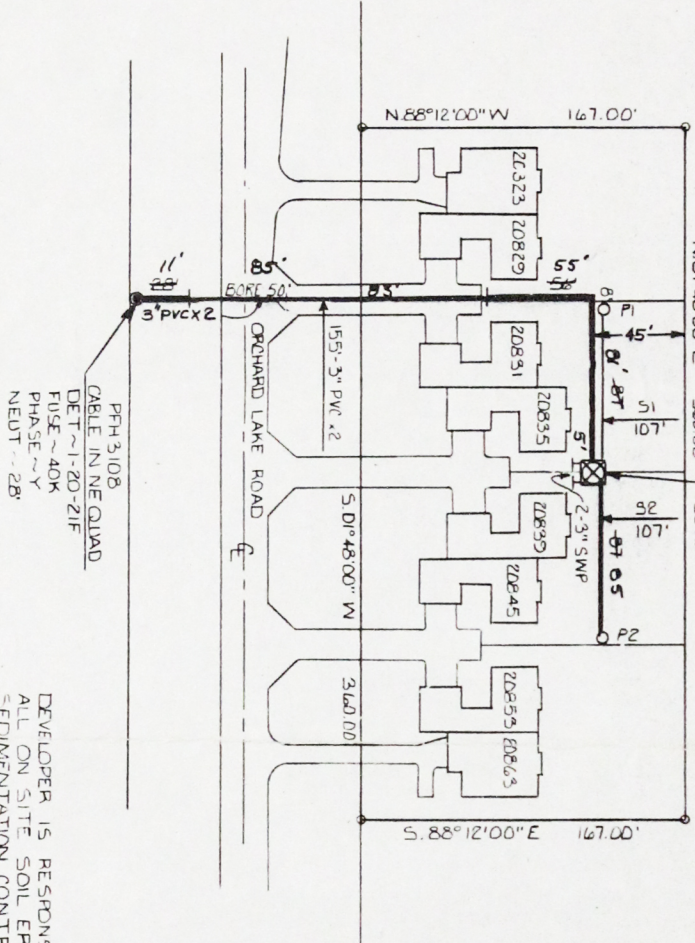
EASEMENTS INDICATED BY OUR CENTERLINE ARE IN WIDTH UNLESS OTHERWISE NOTED.

PERMITS REQUIRED

CARL AND CO. ROAD COMM. COUNTY NOTIFICATION ONLY

CITY OF WARREN

STATE YES NO



PH 3108
 CABLE IN NE GLAD
 DET ~ 1-20-21F
 PHASE ~ 40K
 NEUT ~ 28'

DEVELOPER IS RESPONSIBLE FOR ALL ON SITE SOIL EROSION AND SEDIMENTATION CONTROL.

| REVISION | DATE | BY | DESCRIPTION |
|----------|---------|-------------|---------------|
| A | 8-28-87 | R. H. W. H. | AS IN STALLED |
| B | | | |
| C | | | |
| D | | | |

| NAME | DATE | JOB TITLE |
|--------------|---------|-----------|
| RALPH WINGEL | 7-29-87 | |
| GEO. WHITE | 8-4-87 | |
| R. H. W. H. | 8-5-87 | |
| E. G. W. H. | 8-5-87 | |

| NO. OF FEEDLINES | NO. OF TEMPORARY CABLE NUMBERS | TEMPORARY CABLE MAPPER SPEC. | SECONDARY CONNECTION BOX SPEC. |
|------------------|--------------------------------|------------------------------|--------------------------------|
| 2 | | | |

| SCALE | SERVICE PLANNING | THE DETROIT EDISON COMPANY |
|----------|-------------------|---------------------------------------|
| 1" = 50' | NUMBER OF LOTS: 8 | WORK ORDER NUMBER: 367848588 |
| | LATEST REVISION: | DISTRIBUTION CIRCUIT: 8880 FARMINGTON |
| | | DPT. ORDER NUMBER: 87A-14726 |