

Detroit Edison

Real Estate and Rights of Way

**Joint Underground Residential Distribution
Right of Way Agreement**

MARCH 1, 19 88

For good and valuable consideration of system betterment, the undersigned hereby grant and convey to **The Detroit Edison Company**, a Michigan corporation of 2000 Second Avenue, Detroit, Michigan and **General Telephone Company of Michigan**, a Michigan corporation of 455 E. Ellis, Muskegon, MI 49441 and **Greater Michigan Cablevision, Inc.**, a Michigan corporation of 3166 Martin Road, Walled Lake, MI 48088, 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 and appurtenances including the necessary above ground equipment connections, poles and accessories required in, under, upon, over and across the property located in the Township of White Lake, 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:

#1

B#92 REG/DEEDS PAID
0001 MAR.23.88 11:52AM
9917 MISC 9.00

See Attached Appendix "B"

RECORDED RIGHT OF WAY NO. 38003

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, employees or contractors, repairs shall be made by the granting 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:

9.00

_____ *Oker*

Omer V. Racine

Prepared by: The Detroit Edison Company
30400 Telegraph Rd., Suite 264
Birmingham, MI 48010

Address:

Ret
DECO

PROPOSED

APPENDIX "A"

"Lakewood Village No. 10" a subdivision of part of the S.W. 1/4 of Section 28, T3N, R8E, White Lake Township, Oakland County, Michigan, described as beginning at a point on the West line of Section 28, T3N, R8E located N. 01°26'13" W. previously recorded as N. 01°31'57" W. and N. 01°24'57" W. 441.25 ft. along said West line of Section 28 from the S.W. corner Section 28, T3N, R8E, thence N. 01°26'13" W. previously recorded as N. 01°31'57" W. and N. 01°24'57" W. 235.90 ft. along the West line of Section 28 to the S.W. corner of "Lakewood Village No. 9" as recorded in Liber 133 of Plats, Pages 19, 20 and 21, Oakland County Records, thence N. 88°19'50" E. 220.01 ft. along the South Line of said "Lakewood Village No. 9", thence S. 01°26'13" E. 294.15 ft., thence S. 56°55'50" E. 217.32 ft., thence S. 11°26'57" W. 202.24 ft., thence on a curve to the right (R = 387.38 ft., delta = 77°06'50" , L.C. + N. 39°59'38" W. 482.90 ft.) an arc distance of 521.37 ft., thence S. 88°33'47" W. 53.00 ft. to the point of beginning. Containing 6 lots, numbered 377 to 382, both inclusive. Containing 2.94 Acres.

*SIDWELL NO 12-28-351-017
019*

Witnesses:

Janus E. Dybert

JANUS E. DYBERT

Tommie E. Engle

TOMMIE E. ENGLE

Distinctive Land Developers and Associates, Inc.
A Michigan Corporation
950 Merit
Union Lake, MI 48085

Robert C. Soltman

Robert C. Soltman, President

Weldon L. Martin

Weldon L. Martin, Vice President

RECORDED RIGHT OF WAY NO. 38203

State of Michigan)
) SS:
County of OAKLAND)

Personally came before me this 15th day of MARCH, 1988, Robert C. Soltman, President, and Weldon L. Martin, Vice President of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such President, Vice President and Treasurer of said corporation and acknowledged that they executed the foregoing instrument as such officers as the free act and deed of said corporation, by its authority.

TOMMIE E. ENGLE
Notary Public, Oakland County, MI
My Commission Expires Jan. 5, 1992

My Commission Expires: _____

Tommie E. Engle

Notary Public,
County, Michigan

7/2/8/88/20.1

To (Supervisor, Rte. & R/W) B. FAIRLESS	For RE & R/W Dept. Use	Date Received 2-4-88	DE/Bell/C.P. No. OE 88-4
Division OAKLAND	Date 2-2-88	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 LAKWOOD VILLAGE NO. 10	County OAKLAND
City/Township/Village WHITE LAKE	Section No. 28

Type of Development	<input checked="" type="checkbox"/> Proposed Subdivision	<input 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 ROBERT C. SOLTMAN	Phone No. 363-4177
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Address 950 MERIT UNION LAKE, MI 48085
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Owner's Representative WELDON MARTIN	Phone No. 625-7977
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Date Service is Wanted APRIL 15, 1988

4. Entire Project will be developed at one time Yes No

5. Joint easements required — Michigan Bell Telephone **G.T.E.** Yes No
 -- Consumers Power Yes No

a. Name of Other Utilities If Not Michigan Bell Telephone or Consumers Power
GREATER MICHIGAN CABLEVISION LN.

b. Other Utility Engineer Names LISA STEEDMAN	Phone Numbers 669-2288
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Addresses
**3166 MARTIN RD.
WALLED LAKE MI. 48088**

6. Additional Information or Comments
**G.T.E. AL BARRY 1-653-9746
7362 DAVISON RD.
DAVISON MI. 42423**

Note: Trenching letter attached will be submitted later

Service Planner ROBERT SOUSA	Signed (Service Planning Supervisor) <i>[Signature]</i>
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Phone No. 645-4111	Address 240 084Q
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RECORDED RIGHT OF WAY NO. 38803



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

Phone 645-4388

February 8, 1988

Mr. Robert C. Soltman
950 Merit
Union Lake, MI 48085

Gentlemen:

Re: Lakewood Village No. 10 Subdivision

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,

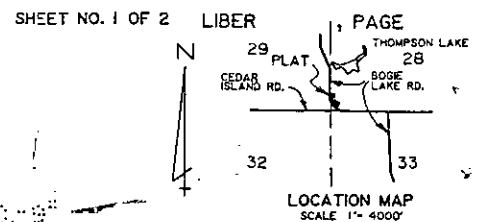
Omer V. Racine, Representative
Real Estate, Rights of Way & Claims

OVR/vkc
Enclosures

7/2-8-88/7.12

RECORDED RIGHT OF WAY NO. 38203

PROPOSED "LAKEWOOD VILLAGE NO.-10"



A SUBDIVISION OF PART OF THE SW 1/4 OF SEC. 28, T3N, R8E
WHITE LAKE TWP., OAKLAND CO., MICHIGAN

APPENDIX "B" RECORDING CERTIFICATE

STATE OF MICHIGAN) SS
COUNTY OF OAKLAND)

THIS PLAT WAS RECEIVED FOR RECORD ON THE
DAY OF _____, 198__, AT
M., AND RECORDED IN LIBER _____
OF PLATS ON PAGE _____.

LYNN D. ALLEN, REGISTER OF DEEDS

SURVEYOR'S CERTIFICATE

DELTON E. LOHFF, SURVEYOR, CERTIFY: THAT I HAVE SURVEYED, DIVIDED, AND MAPPED THE LAND SHOWN ON THIS PLAT, DESCRIBED AS FOLLOWS:

"LAKEWOOD VILLAGE NO. 10" A SUBDIVISION OF PART OF THE SW 1/4 OF SEC. 28, T3N, R8E, WHITE LAKE TOWNSHIP, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT A POINT ON THE WEST LINE OF SEC. 28, T3N, R8E LOCATED N 01°26'13"W 441.25 FT ALONG SAID WEST LINE OF SEC. 28 FROM THE SW CORNER SEC. 28, T3N, R8E: TH N 01°26'13"W 235.90 FT ALONG THE WEST LINE OF SEC. 28 TO THE SW CORNER OF "LAKEWOOD VILLAGE NO. 9" AS RECORDED IN LIBER 133 OF PLATS, PAGES 19, 20 AND 21, OAKLAND COUNTY RECORDS: TH N 88°19'50"E 220.01 FT ALONG THE SOUTH LINE OF SAID "LAKEWOOD VILLAGE NO. 9"; TH S 01°26'13"E 294.15 FT; TH S 56°55'50"E 217.32 FT; TH S 11°26'57"W 202.24 FT; TH ON A CURVE TO THE RIGHT (R = 387.38 FT, Δ = 77°06'50", LC = N 39°59'38"W 482.90 FT) AN ARC DISTANCE OF 521.37 FT; TH S 88°33'47"W 53.00 FT TO THE POINT OF BEGINNING. CONTAINING 6 LOTS, NUMBERED 377 TO 382, BOTH INCLUSIVE. CONTAINING 2.94 ACRES.

THAT I HAVE MADE SUCH SURVEY, LAND DIVISION AND PLAT BY THE DIRECTION OF THE OWNERS OF SUCH LAND.

THAT SUCH PLAT IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE SUBDIVISION OF IT.

THAT THE REQUIRED MONUMENTS AND LOT MARKERS HAVE BEEN LOCATED IN THE GROUND OR THAT SURETY HAS BEEN DEPOSITED WITH THE MUNICIPALITY, AS REQUIRED BY SECTION 125 OF THE ACT.

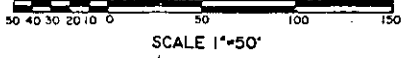
THAT THE ACCURACY OF SURVEY IS WITHIN THE LIMITS REQUIRED BY SECTION 126 OF THE ACT.

THAT THE BEARINGS SHOWN ON THE PLAT ARE EXPRESSED AS REQUIRED BY SECTION 126 (3) OF THE ACT AND AS EXPLAINED IN THE LEGEND.

4-20-87
DATE OF CERTIFICATION

KIEFT ENGINEERING, INC.
5852 SOUTH MAIN STREET
CLARKSTON, MICHIGAN 48016

Delton E. Lohff
DELTON E. LOHFF, #13791, PRESIDENT



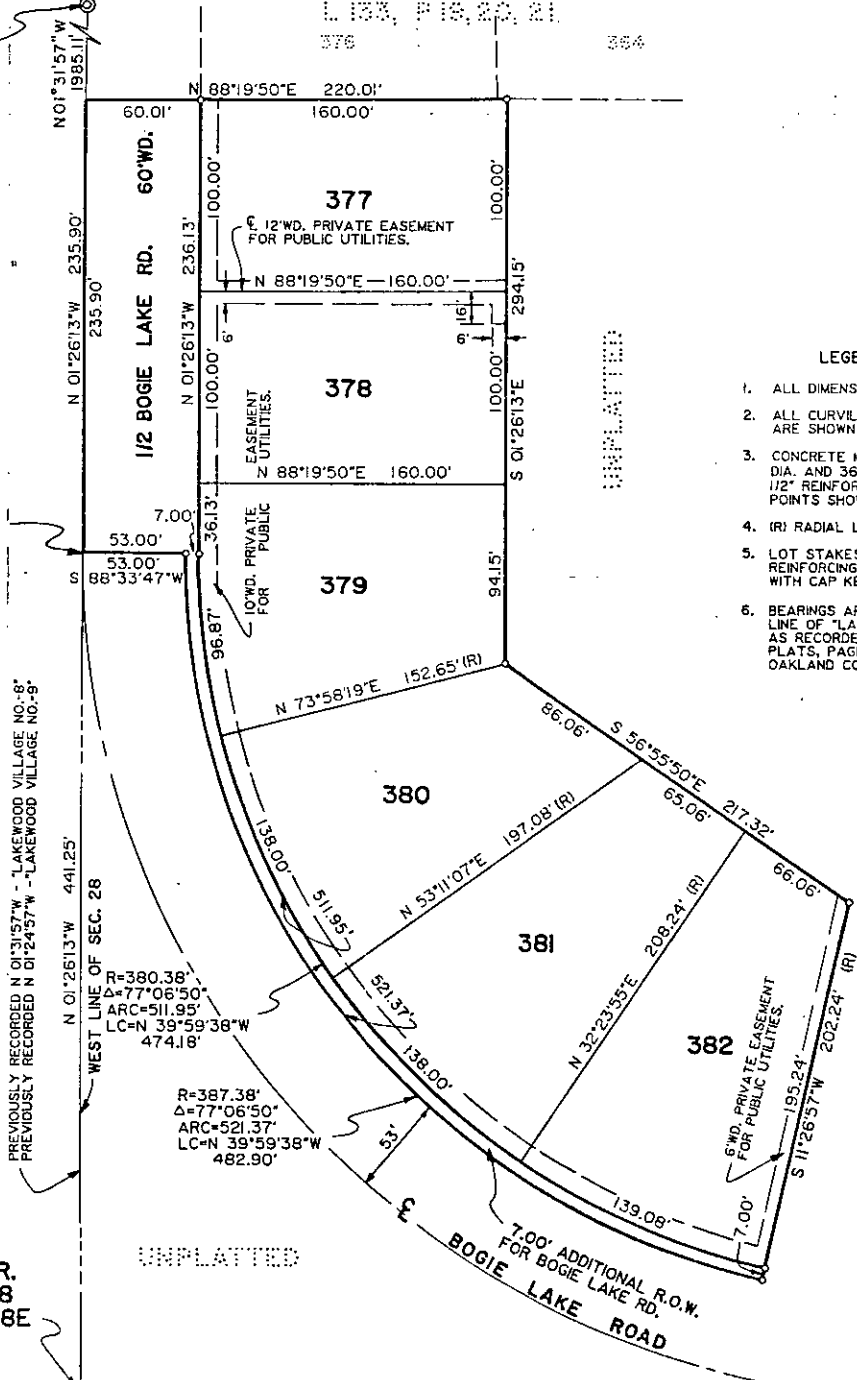
W 1/4 COR.
SEC. 28
T3N, R8E

UNPLATTED

PREV. RECD. AS N 01°31'57"W 1985.11' AND N 01°24'57"W

PREV. RECD. AS N 01°31'57"W AND N 01°24'57"W

POINT OF BEGINNING



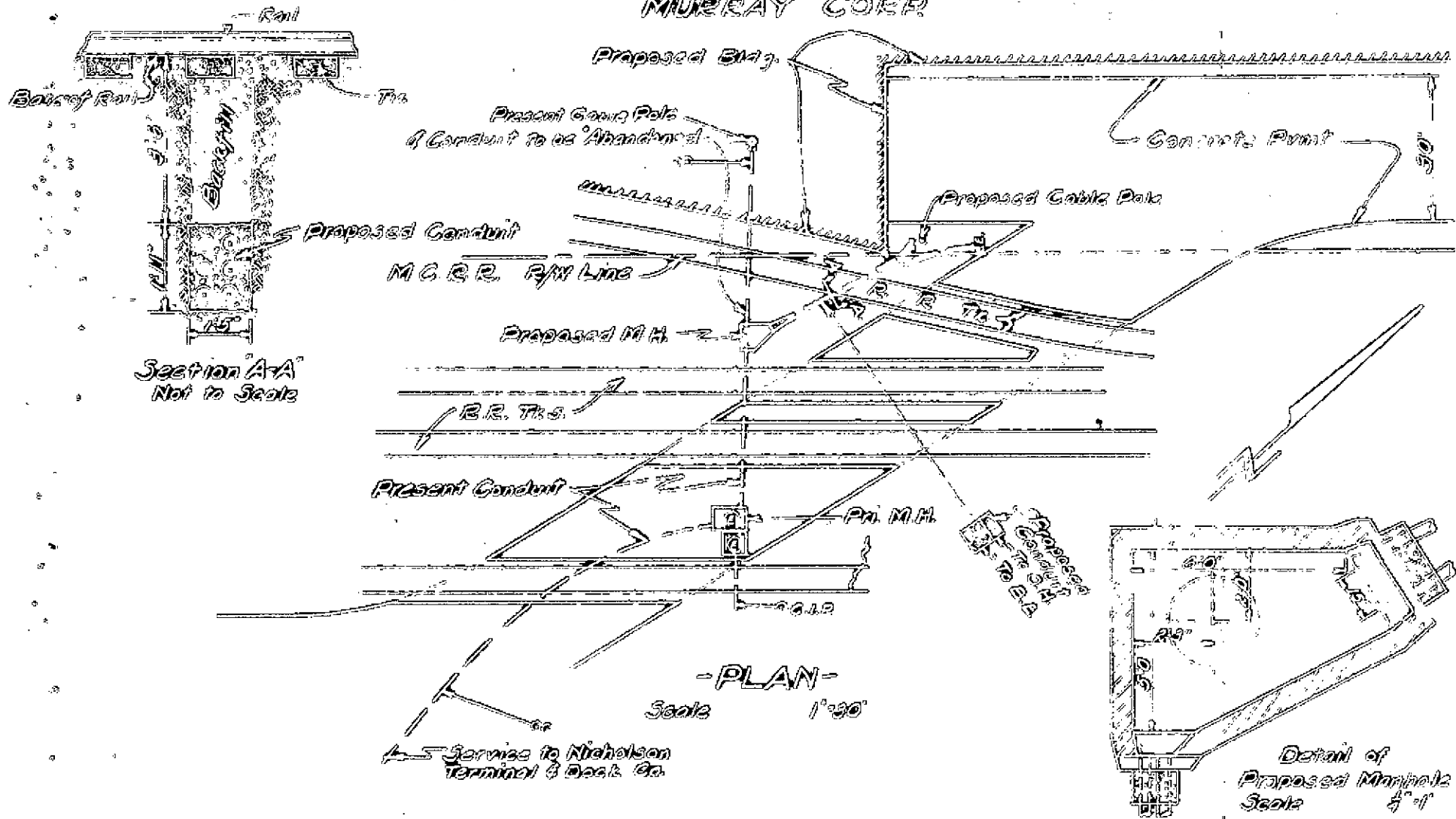
- ### LEGEND
1. ALL DIMENSIONS ARE IN FEET.
 2. ALL CURVILINEAR DIMENSIONS ARE SHOWN ALONG THE ARC.
 3. CONCRETE MONUMENTS ARE 4" DIA. AND 36" IN LENGTH ENCASED 1/2" REINFORCING ROD AT ALL POINTS SHOWN "O".
 4. (R) RADIAL LINES
 5. LOT STAKES ARE 1/2" DIAMETER REINFORCING ROD 18" IN LENGTH WITH CAP KE#13791 & 19843
 6. BEARINGS ARE BASED ON SOUTH LINE OF "LAKEWOOD VILLAGE NO.-9" AS RECORDED IN LIBER 133 OF PLATS, PAGES 19, 20 & 21 OAKLAND COUNTY RECORDS.

RECORDED RIGHT OF WAY NO. 38203

THIS PLAT IS SUBJECT TO RESTRICTIONS AS REQUIRED BY ACT 288 OF 1967, AS AMENDED ON CERTAIN LOTS WITH RESPECT TO THE REQUIREMENTS OF THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES AND/OR THE MICHIGAN DEPARTMENT OF PUBLIC HEALTH, WHICH ARE RECORDED IN LIBER _____, PAGE _____ OF RECORDS OF THIS COUNTY.

SW COR.
SEC. 28
T3N, R8E

MURRAY CORP.



NOTE REVISIONS - RETURN TO UNDERGROUND LINES DEPT. ALL PRINTS MADE PREVIOUS TO LAST REVISION				
A	REFERENCE DRAWINGS	DRAWN	REMBROCK	8-26-31
		TRACED		
DATE	O.K.	CHECKED	W.R.C.	8-26-31
B		O.K.	W.R.C.	8-26-31
	W.O. NO.	APPROVED	W.R.C.	8-26-31
DATE	O.K.	JOB NO.	USE DIMENSIONS ONLY	
			SCALE	1"=30'
			PRINTED	
			U378-1028	

**PRIMARY SERVICE TO NICHOLSON
TERMINAL & DOCK CO. - ECORSE, MICH.**

**THE DETROIT EDISON COMPANY
UNDERGROUND LINES DEPT. DETROIT, MICH.**