

Detroit Edison

Real Estate and Rights of Way
**Joint Underground Residential Distribution
Right of Way Agreement**

October 4, 19 89

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, MICHIGAN BELL TELEPHONE CO. a corporation of 444 Michigan Avenue, Detroit, Michigan and Columbia Cable of Michigan

of P.O. Box 998, Ann Arbor, Mi. 48106, a Michigan corporation 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 Ann Arbor City of Ann Arbor, County of Washtenaw

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 12 feet in width unless otherwise indicated and the route is described as follows:

All in accordance with Detroit Edison Drawing AS-6760, dated 9/21/89 which is attached hereto and made a part hereof.

RECORDED
WASHTENAW COUNTY MI
OCT 30 11 15 AM '89
ROBERT M. HARRISON
COUNTY CLERK/REGISTER

TIME RECORDED 11:15 A.M.
DATE OCT. 30 19 89
ROBERT M. HARRISON
WASHTENAW COUNTY CLERK/REGISTER

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 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:

[Signature]
DIANA R.A.M.
[Signature]
Rhonda P. Brown

Grantors:

BERGER AND DANIELS - A
MICHIGAN CO-PARTNERSHIP
[Signature]
William Berger, partner
[Signature]
Eugene Daniels, partner

~~COMMERCE DEVELOPMENT CO. - A Michigan Corporation~~

Prepared by: James M. Davenport
316 E. Grand River
Howell, Mi. 48843

Address: ~~Richard Raab, president~~
127 Adams
Ann Arbor, Michigan

Detroit Edison

Real Estate and Rights of Way

Joint Underground Residential Distribution Right of Way Agreement

October 4, 1989

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Said right of way shall be 12 feet in width unless otherwise indicated and the route is described as follows:

All in accordance with Detroit Edison Drawing AS-6760, dated 9/21/89 which is attached hereto and made a part hereof.

TIME RECORDED 11:15 A.M.
DATE Oct. 30 1989
ROBERT M. HARRISON
WASHTENAW COUNTY CLERK/REGISTER

RECORDED
WASHTENAW COUNTY MI
OCT 30 11 15 AM '89
ROBERT M. HARRISON
COUNTY CLERK/REGISTER

RECORDED RIGHT OF WAY NO. 39729

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 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:

[Signature]
DIANA RAAB

BERGER AND DANIELS - A MICHIGAN CO-PARTNERSHIP

[Signature]
William Berger, partner

[Signature]
Rhonda P. Dixon

[Signature]
Eugene Daniels, partner

COMMERCE DEVELOPMENT CO. - A Michigan CORPORATION

Prepared by: James M. Davenport

Address: Richard Raab, president

316 E. Grand River P.O. Box 998, Ann Arbor, Michigan

127 Adams
Ann Arbor, Michigan

Howell, Mi. 48843

STATE OF MICHIGAN

County of Washtenaw)SS

On this 14 day of October, 1989, the foregoing instrument was acknowledged before me, a Notary Public in and for said county by William Berger and Eugene Daniels partners, on behalf of Berger and Daniels, a Michigan Co-Partnership.

[Signature]
Notary Public, Washtenaw County, Mi.

My Commission Expires: 8-28-91

STATE OF MICHIGAN

County of _____)SS

On this _____ day of _____, 1989, the foregoing instrument was acknowledged before me, a Notary Public in and for said county by Richard Raab whose title is president of Commerce Development Co., a Michigan Corporation.

[Signature]
Notary Public, _____ County, Mi.

My Commission Expires: _____

APPENDIX "A"

Lots 16 and 17 of the Bedford-Buttner Commercial Subdivision. Part of the North 1/2 of the Northwest 1/4 of Section 31, T2S-R6E, city of Ann Arbor, Washtenaw County, Michigan, according to the Plat thereof as recorded in Liber 16 of Plats, Pages 8 and 9, Washtenaw County Records.

RECORDED
WASHTENAW COUNTY MI
OCT 30 11 15 AM '89
ROBERT M. HARRISON
COUNTY CLERK/REGISTRAR

NUMB 308
MISC
8333 0333003 6264 11:13AM 10/30/89

RETURN TO:
RICHARD LONGWISH
THE DETROIT EDISON COMPANY
425 S. MAIN STREET, ROOM 332
ANN ARBOR, MI 48104

[Handwritten signatures]

[Handwritten mark]

Detroit
Edison

Date: 11-27-89

To: Record Center
130 General Offices

From: JAMES DAVENPORT JD
Real Estate and Rights of Way Department
Ann Arbor Division

Subject: Agreement-Easement-Restrictions for underground
residential distribution for COMMERCE DEVELOPMENT
located in CITY OF ANN ARBOR
WASHTENAW COUNTY

Attached for Records Center is the executed agreement dated
OCT 4, 1989 for the above named project. Also enclosed
are other pertinent papers relative to this project
Easements for this project were requested by ROD TURMAN

Service Planning Department, ANN ARBOR OFFICE
Ann Arbor Division.

JAMES M. DAVENPORT
ANN ARBOR

The agreement was negotiated by _____
of the Real Estate and Rights of Way Department
Ann Arbor Division.

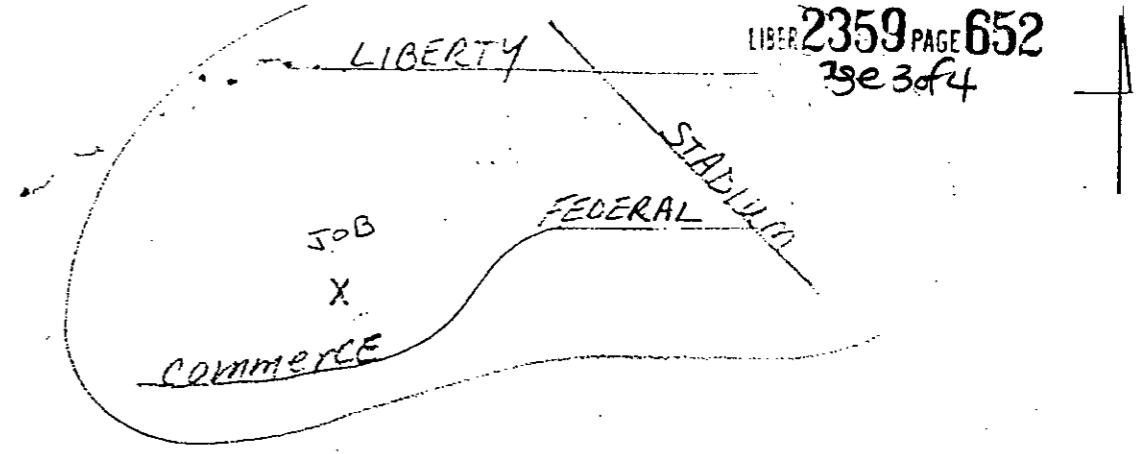
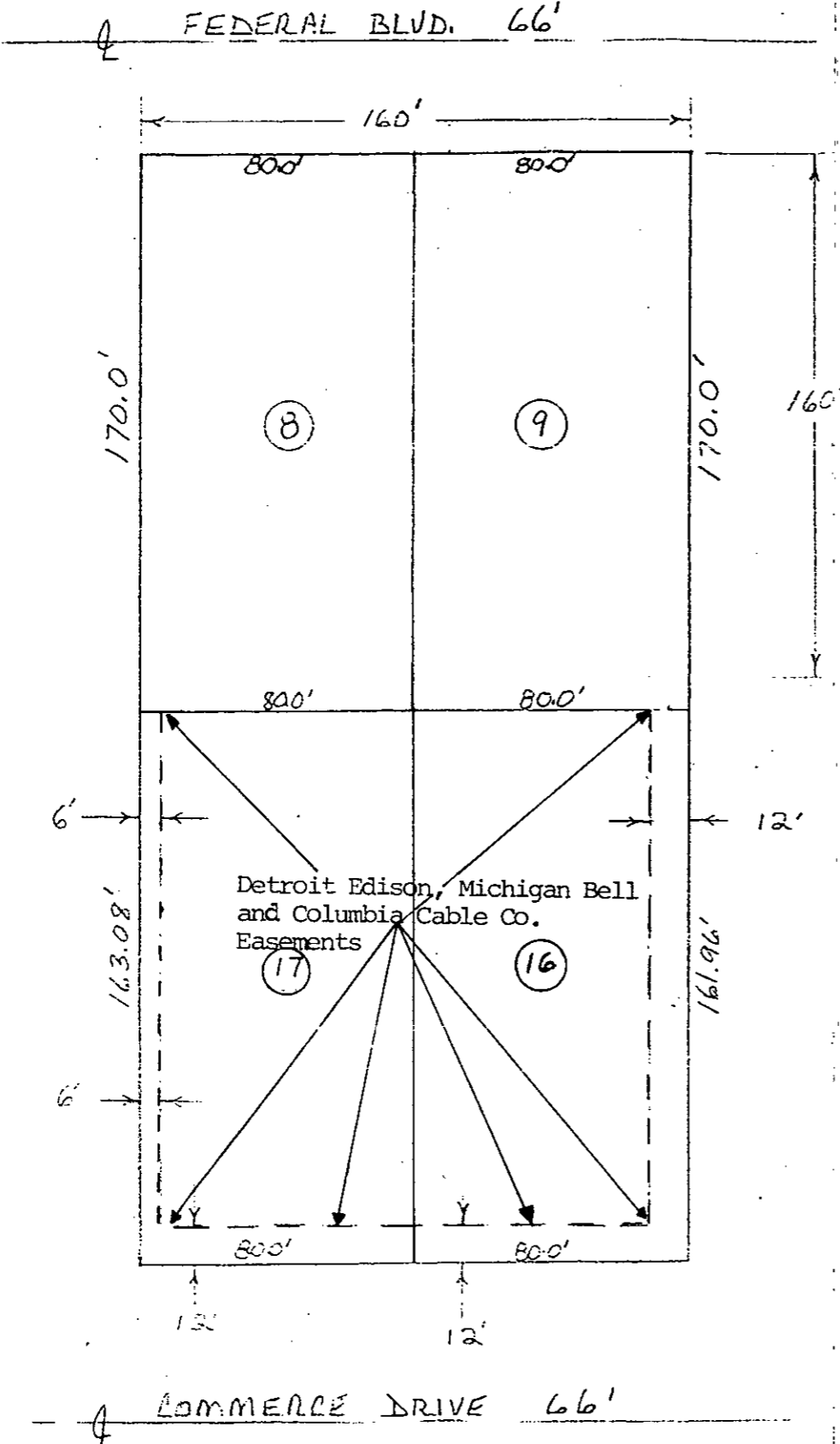
Please make the attached papers a part of recorded Right of Way file.

(Additional Information) _____

Attachment

RECORDED RIGHT OF WAY NO.

39729



A 12' WIDE EASEMENT FOR DETROIT EDISON,
MICHIGAN BELL, AND COLUMBIA CABLE.

RECORDED RIGHT OF WAY NO. 597229

BEDFORD-BUTTNER COMMERCIAL SUBDIVISION
LIBER 16 PAGE 8 & 9

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	ANN ARBOR	WASHTENAW	NW 1/4 31	
○	PROPOSED POLE	MAP SECT.	TOWN	RANGE	JOINT R/W REQUIRED
○	EXIST. ANCHOR				YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
○	PROPOSED ANCHOR				R/W NO.
○	TREE				AS 6760
—	120/240 V LINE	PROJECT NAME	TEL. ENG'R. & DIST.	PROJ. OR PART NO.	
—	4800 V LINE		TONY WHITE		
—	13,200 V LINE	CIRCUIT		O.F.W. S.O. OR P.E. NO.	
—	40,000 V LINE	REASON		BUDGET ITEM NO.	
		PLANNER	SCALE	DATE	
		ROD TURMAN	1" = 50'	9/21/89	

RETURN TO:
RICHARD LONGWISH
THE DETROIT EDISON COMPANY
425 S. MAIN STREET, ROOM 332
ANN ARBOR, MI 48104

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RETURN TO:
RICHARD LONGWISH
THE DETROIT EDISON COMPANY
425 S. MAIN STREET, ROOM 332
ANN ARBOR, MI 48104

CORPORATE REAL ESTATE SERVICES

Project No. RWS0000632

Date: April 24, 2000
To: Phillip Martin, Records Center
From: Elaine Clifford, Ext.: 58313
Subject: Partial Release of an Edison easement

Attached are papers related to the Partial Release of an Edison underground easement for the property located in the NW ¼ of Section 31, City of Ann Arbor, Washtenaw County, Michigan, as recorded in Liber 2359, Page 650-653 and Liber 2772, Page 519-521 of WCR.

This partial release was granted to Bill Berger/Ann Arbor Paratransit.

Please incorporate these papers into the Right of Way File No. R39729 and R44480.



11-0
N

PARTIAL DISCLAIMER OF RIGHT OF WAY

On March 3, 2000, for one dollar and other valuable consideration, Edison disclaims some, but not all, of the rights that Edison has in a certain Right of Way.

"Edison" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226

The "Right of Way":

- a) Will remain in full effect except for the rights that are disclaimed in this partial disclaimer.
- b) Was granted to Detroit Edison, Michigan Bell Telephone Co., and Columbia Cable of Michigan by Berger and Daniels, a Michigan Co-Partnership, on October 4, 1989 and recorded in Liber 2359 Page 650-653, Washtenaw County Records.
- c) Concerns land described as: Lots 16 & 17 of the Bedford-Buttner Commercial Subdivision. Part of the North 1/2 of the NW 1/4 of Section 31, T2S-R6E, City of Ann Arbor, Washtenaw County, Michigan.

Rights Disclaimed by Edison

Edison disclaims an area 6'x 108.08' of Lot 17 **only** of the Right of Way. All of Lot 16 and the southwesterly 55' of Lot 17 must be retained as shown on Attachment "A".

Witnessed by: (type or print name under signature)

The Detroit Edison Company

Elaine Clifford
Elaine Clifford

Paul W. Potter
Paul W. Potter-Director,
Corporate Real Estate Services

Sharon M. Lollo
Sharon M. Lollo

Acknowledged before me in Wayne County, Michigan, on March 3, 2000, by Paul W. Potter, the Director of Corporate Real Estate of the Detroit Edison Company, a Michigan Corporation, for the corporation.

SHARON LOLLO
Notary Public, Wayne County
Acting in Washtenaw Co., MI
My Commission Expires Dec, 5, 2003

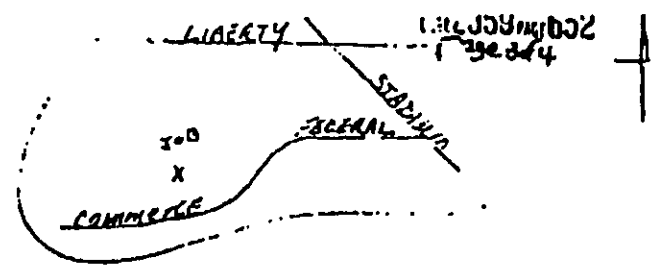
Notary's Stamp _____ Notary's Signature Sharon Lollo
(Notary's name, county, and date commission expires)

Prepared by: John C. Erb, 2000 Second Ave., Suite 2310 WCB, Detroit, Michigan 48226.
Return to: John C. Erb, 2000 Second Ave., Suite 2310 WCB, Detroit, Michigan 48226.

A 70590

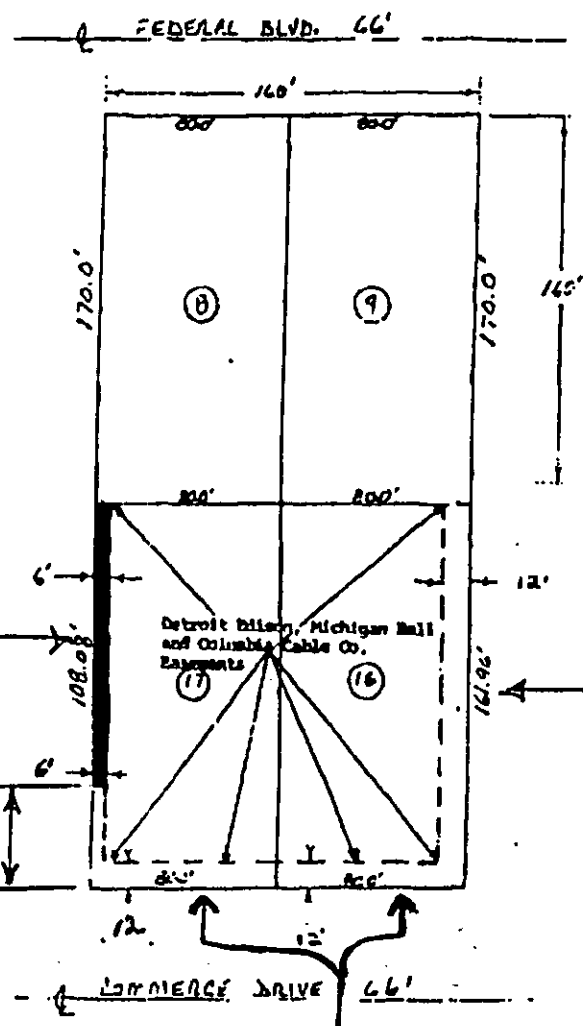
ATTACHMENT "A"

UNIVERSITY MICROFILMS
Page 4 of 4



A 12' WIDE EASEMENT FOR DETROIT Edison,
MICHIGAN BELL, AND COLUMBIA CABLE.

5101388
Page: 2 of 2
03/20/2000 07:31A
L-3935 P-371
Peggy M. Haines - Washtenaw Co. RP



MAINTAIN EASEMENT
NOT SHADED

ABANDON EASEMENT
SHADED

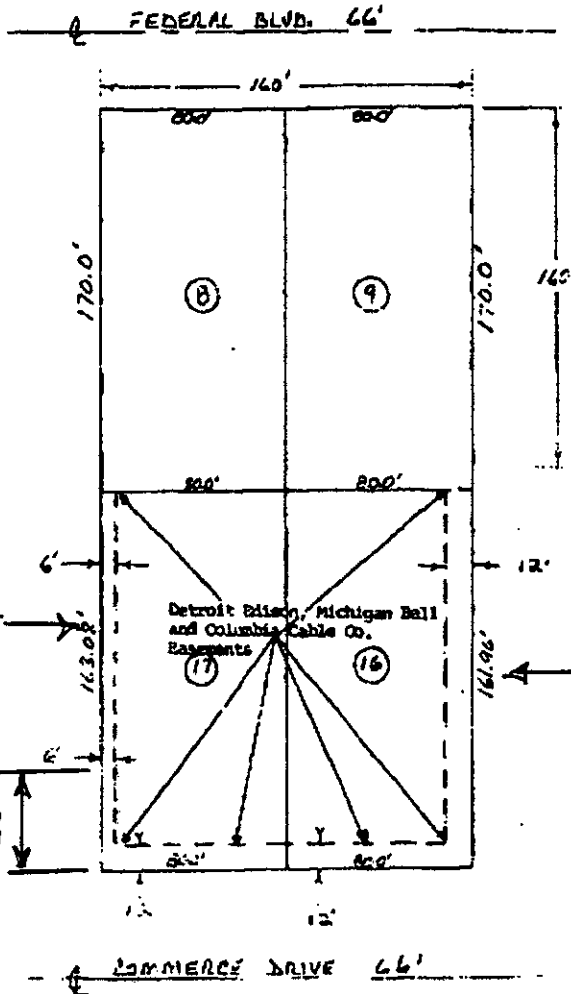
MAINTAIN
EASEMENT
NOT SHADED

MAINTAIN EASEMENT
NOT SHADED

ZEDFORC-BLITZER CONSULTING ENGINEERS
LIBERTY 66' 2'

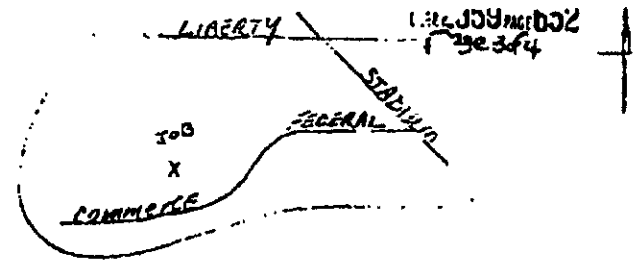
THE DETROIT EDISON COMPANY - SERVICE PLANNING DEPARTMENT			
DATE: 11/14/89	CITY: DETROIT	STATION: 11111	DEPT. NO. 31
PROJECT NO: 436760	PROJECT NAME: TONY WILSON	DATE: 11/14/89	BY: TONY WILSON
DESIGNED BY: TONY WILSON	CHECKED BY: TONY WILSON	SCALE: 1" = 50'	DATE: 1/21/89
DRAWN BY: TONY WILSON	SCALE: 1" = 50'	DATE: 1/21/89	

LIBERTY 66' 2'



ABANDON EASEMENT
IN PINK

MAINTAIN EASEMENT
IN YELLOW



A 12' WIDE EASEMENT FOR DETROIT EDISON,
MICHIGAN BELL, AND COLUMBIA CABLE.

EDFORD HUNTER COMPANY, LLC
LIBER 16 2012

LEGEND		THE DETROIT EDISON COMPANY - SERVICE PLANNING DEPARTMENT			
○	PERM POLE	CITY	COUNTY	ST. & V. SEC. NO.	DEPT. ORDER NO.
○	EMV. O.E. CO. POLE	ANN ARBOR	LIVESTONE	11W 21	
○	PERM POLE	PROJECT	TRAC	BLK	LOT
○	EMV. POLE	PROJECT NAME	TEL. TRAC. DIST.	TRAC. NO. 1	TRAC. DEPT. NO.
○	PERM ANCHOR	TRAC	TRAC	TRAC	TRAC
○	TRAC	CIRCUIT	TRAC	TRAC	TRAC
○	10/10 V LINE	WEATHER	TRAC	TRAC	TRAC
○	400 V LINE	PLANNED	SCALE	DATE	
○	1500 V LINE	BOB TURMAN	1" = 50'	7/21/89	
○	3500 V LINE				

Memorandum



1-5-00

DE 983-2087 4-97

To	ELAINE CLIFFORD	From	TERRY SMART
	CORPORATE REAL ESTATE		SERVICE PLANNING
	2310 WCB		ANN ARBOR SERVICE CENTER

Subject RELEASE of EASEMENT N.W. 1/4 of SECTION 31 CITY of ANN ARBOR

Message PLEASE ACCEPT THIS RESPONSE AS MY APPROVAL TO RELEASE THE DETROIT EDISON COMPANY EASEMENT AS REQUESTED BY MARA KENT IN A LETTER DATED OCTOBER 16, 1998 THAT WAS SENT TO JOHN ERB. DETROIT EDISON HAS REMOVED THE EQUIPMENT FROM THE AREA OF THE EASEMENT THAT IS TO BE ABANDONED.

PH. 332-3321	Signature	Jerry Smart
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Reply

Signature	Date
-----------	------

Sender: Remove Yellow Copy - Forward White & Pink

Recipient: Remove Pink Copy - Return White to file

STEIN, MORAN, RAIMI & GOETHEL, P.C.

ATTORNEYS AND COUNSELLORS AT LAW
320 NORTH MAIN STREET, SUITE 101
ANN ARBOR, MICHIGAN 48104
(734) 769-6836
FACSIMILE (313) 769-7933

RICHARD C. MORAN
EDWARD R. STYBIS
SARAH RAIMI

STEPHEN GOETHEL
JOSEPH A. SIMON
MARA E. KENT

October 16, 1998

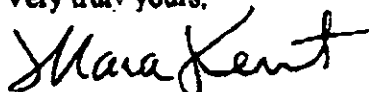
10/16 4:24 pm
FAX
MIC

John Erb or
Tom Wilson
Detroit Edison

Dear Messers Erb and Wilson:

At the suggestion of Tom Wilson and pursuant to a voice mail message left for you on Friday, October 16, 1998, attached is a copy of the existing easement for our client's property. Our client would like to move the site for the transformer that is on his property, which would in turn necessitate the "shortening" of the length of the existing easement. We would like to discharge or release the portion of the easement what will no longer be necessary to reach the transformer. A complete description of what we would like done is set forth in the letter from Reuter Associates Architects, which will be faxed to you today. Reuter Associates Architects will also be faxing to you a copy of the site plans. Apparently the site plans have already been forwarded to you at a previous date; however, Reuter Associates Architects will be faxing them to you again because we would appreciate your prompt attention to this matter. If you are able to discharge or release the portion of the easement our client would like, please call me as soon as possible so that I may send to you the appropriate release agreement to have it properly recorded. You may reach me at (734)769-6836 if you have any question regarding this matter. Thank you for your prompt attention to this matter.

Very truly yours,



Mara Kent

3/9/08

- Terry Smart said there is still equipment in the easement so we cannot release it yet. When the equipment is moved we can release the Northaly 110ft (we need the Saturday staff).

- LM for Terry re. time frame.

- Called Diana Hirmi she said okay but was wondering about a time frame. I told her I would check and get back to her.

3/10/08

Terry said they are in control. When he gets word from their electricians, we can go do our work. Approximately 4-6 weeks after we can do our work.

33

734 ~~322~~ 3321

Detroit

Edison 2000 Second Ave., Detroit, MI 48226

Date: 3/9/99

To: Terry Smart

Location: _____

Fax Number: (8) 332 - 3033

From: John C. Erb

Corporate Real Estate
2310 WCB
(313) 235- 8321

Fax Number: (313) 235-0105

Message:

Here is the "issue" we just talked about

Thanks
John

This transmission contains 5 pages. If there is a problem with this transmission please contact me as soon as possible.