

Detroit Edison

Clarkston Village West Condo*

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

90 (019213)
90 202715
LIBER (11252 PG 169)

LIBER 11682 PG 793

JANUARY 10, 1990

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 MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation of 444 Michigan Avenue, Detroit, Michigan, and INDEPENDENCE CABLE TV COMPANY, a Michigan corporation, of 4500 Delemere Blvd., Royal Oak, MI 438073, 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 Village of Clarkston, 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) ft in width unless otherwise indicated and the route is described as follows:

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

#2 In order to provide for the property 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 with the right of way herein granted. No excavation is to be permitted with 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:

A#36 REG/DEEDS PAID
0001 DEC.26'90 10:43AM
8531 MISC 15.00

See Next Page

O.K. LM

(A#36 REG/DEEDS PAID
0001 FEB.06'90 02:51PM)

RECORDED RIGHT OF WAY NO. 11252 PG 169

15.00

Prepared by: Omer V. Racine/vkc
The Detroit Edison Company
30400 Telegraph Road, Suite 277
Birmingham, Mi 48010

Address: _____

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

RETURN TO
J. D. McDONALD
THE DETROIT EDISON COMPANY
30400 TELEGRAPH ROAD, 277 OAKH
BIRMINGHAM, MICHIGAN 48010

Witness:

Vintage Construction Company, Inc.
A Michigan Corporation
2648 Lapeer Road
Auburn Hills, MI 48057

(1125270170)

LIBER 116827794

Jill M. Kaczor
Jill M. Kaczor

Judye J. Foltz
Judye J. Foltz

Roland H. Zilka
Roland H. Zilka, President

State of Michigan)
) SS:
County of Oakland)

Personally came before me this 10th day of January, 1990, Roland H. Zilka, President, of the above named corporation, to me known to be the person who executed the foregoing instrument and to me known to be such president, of said corporation, and acknowledged that he executed the foregoing instrument as such officer as his free act and deed of said corporation, by its authority.

My Commission Expires: 7-12-93

Judye J. Foltz
Judye J. Foltz
Notary Public,
Oakland County, Michigan

Witness:

Jill M. Kaczor
Jill M. Kaczor

Judye J. Foltz
Judye J. Foltz

Delwin B. Richardson
Delwin B. Richardson

Barbara J. Richardson
Barbara J. Richardson, his wife

State of Michigan)
) SS:
County of Oakland)

Personally came before me this 10th day of January, 1990, the above named Delwin B. Richardson and Barbara J. Richardson, his wife, to me known to be the persons who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

My Commission Expires: 7-12-93

Judye J. Foltz
Judye J. Foltz
Notary Public,
Oakland County, Michigan

RECORDED RIGHT OF WAY NO. 41226

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

891

891

RETURN TO
J. D. McDONALD
THE DETROIT EDISON COMPANY
30400 TELEGRAPH ROAD, 277 OAKHURST
BIRMINGHAM, MICHIGAN 48010

Witness:

LIBER 11682 PG 795

LIBER (11252 PG 171)

Jill M. Kaczor
Jill M. Kaczor

Donald H Arsen
Donald H. Arsen

Judye J. Foltz
Judye J. Foltz

Marjorie A. Arsen
Marjorie A. Arsen, his wife
2648 Lapeer Road
Auburn Hills, MI 48057

State of Michigan)
) SS:
County of Oakland)

Personally came before me this 10th day of January, 1990 the above named Donald H. Arsen and Marjorie A. Arsen, his wife, to me known to be the persons who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

My Commission Expires: 7-12-93

Oakland

Judye J. Foltz
Judye J. Foltz
Notary Public,
County, Michigan

Witness:

Qu Appelle Company
A Michigan Co-Partnership
2260 Private Drive
Pontiac, MI 48053

Jill M. Kaczor
Jill M. Kaczor

Gary J. Welsh
Gary J. Welsh, Partner

Judye J. Foltz
Judye J. Foltz

Barbara J. Welsh
Barbara J. Welsh, Partner

State of Michigan)
) SS:
County of Oakland)

On this 10th day of January, 1990 before me, a notary public in and for said county, personally appeared Gary J. Welsh and Barbara J. Welsh, partners doing business as Qu Appelle Company, a Michigan Co-Partnership, to me known to be the persons who executed the foregoing instrument and acknowledged that they executed the foregoing instrument as such Co-Partners, as the free act and deed of said Co-Partnership, by its authority.

My Commission Expires: 7-12-93

Oakland

Judye J. Foltz
Judye J. Foltz
Notary Public,
County, Michigan

RECORDED RIGHT OF WAY MN. 41226

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

1883

1881

RETURN TO
J. D. McDONALD
THE DETROIT EDISON COMPANY
30400 TELEGRAPH ROAD, 277 OAKDALE
BIRMINGHAM, MICHIGAN 48010

LIBER 11682 PG 796

LIBER (11252 PG 172)

Appendix "A"

Land situated in the Village of Clarkston and Township of Independence, County of Oakland, and State of Michigan, to-wit:

Parcel 1: Lot 107 of Assessor's Plat of Clarkston, according to the recorded plat thereof, as recorded in Plat Liber 35, pages 47 to 47C, Oakland County Records. 35047

Parcel 2: Part of the Southwest 1/4 of the Southwest 1/4 of Section 20, T4N, R9E, Independence Township, Oakland County, Michigan, described as follows: Beginning at the Southeast corner of said Southwest 1/4 of the Southwest 1/4 of Section 20, said point of beginning also being at the intersection of the Northerly and Westerly lines of Lot 107 of Assessor's Plat of Clarkston, thence North 01°30' East 370.53 ft., thence South 69°30' West 64.71 ft., thence South 01°30' West 105.45 ft., thence South 79°27'30" West 244.22 ft., thence South 01°25'50" West to South Section line, thence Easterly along South Section line 300 ft. to the point of beginning.

Sidwell No. 08-20-380-006, and 08-20-356-011 - SW 1/4
Lot 107

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. 40006

RETURN TO
J. D. McDONALD
THE DETROIT EDISON COMPANY
30400 TELEGRAPH ROAD, 277 OAKDH
BIRMINGHAM, MICHIGAN 48010

MEMORANDUM ORDER
FOR GENERAL USE
DE FORM MS 77 T2-53

TO Recon Center

E 1-16-91 TIME

Please set up R/W file for: CLARKSTON VILLAGE WEST CONDO
Being a part of SW 1/4 of the SW 1/4 of Section 20, INDEPENDENCE TWP.
Oakland County, Michigan

RECORDED
RIGHT OF WAY NO. 41226

COPIES TO:

SIGNED

Omer V. Racine
Omer V. Racine

277 Oakland Division Headquarters

REPORT

DATE RETURNED

TIME

SIGNED

To (Supervisor RE & R/W) MCDONALD	For RE & R/W Dept Use	Date Received 11-27-89	DE/Bell/C.P. No. OB 89-40J
Division	Date 11-20-89	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 CLARKSTON VILLAGE WEST CONDO'S	County OAK
City/Township/Village INDEPENDENCE	Section No. 8

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 VINTAGE CONSTRUCTION CO	Phone No. 373-1002
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Address
2648 LAPEER AUBURN HILLS 48057

Owner's Representative RON ZILKA	Phone No. SAME
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Date Service is Wanted
JAN 15 -90

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

5. Joint easements required — Michigan Bell Telephone **R. RODRIGUEZ 456-0817** Yes No
 — Consumers Power Yes No

a Name of Other Utilities If Not Michigan Bell Telephone or Consumers Power
INDEPENDENCE CABLE TV CO

b Other Utility Engineer Names JIM KREMER	Phone Numbers 549 8288
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Addresses
**4500 DELEMERE BLVD PO Box 1049
ROYAL OAK 48073**

6. Additional Information or Comments

Note: Trenching letter attached will be submitted later

Service Planner SHERYL SLAVIN	Signed (Service Planning Supervisor) Laurence L. Davis, III
Phone No. 4134	Address

RECORDED RIGHT OF WAY NO.

4134

