

DHsfield Twp  
- Sec 5

**Detroit  
Edison**

**DATE:** 2-19-91

**TO:** Corporate Real Estate Services  
2310 W.C.B.

**FROM:** James M. Davenport *JMD*  
Real Estate & Rights-of-Way  
Howell Office  
Ann Arbor Division

**SUBJECT:** Agreement/Easement/Restrictions for underground  
residential distribution for BETZAR APTS

**Located In:** CITY OF ANN ARBOR  
**County:** WASHTENAW

Attached is the executed agreement dated 2-16-89  
for the above named project.

Easements for this project were requested by H. COLE  
Service Planning Department, Ann Arbor Division.

The agreement was negotiated by James M. Davenport of the  
Real Estate and Rights-of-Way Department, Ann Arbor  
Division.

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

**Additional Information:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

JMD:pg:wp

Attachment(s)

RECORDED RIGHT OF WAY NO. 41409

**Serving Customers**

*We're all a part of it!*

*Pittsfield 247*

*Page 1 of 1*  
*Re-Recorded*

Real Estate and Rights of Way

**Detroit Edison**

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

February 16, 1999

For good and valuable consideration of system betterment, the undersigned hereby grant and convey to MICHIGAN CONSOLIDATED GAS CO., One Woodward Avenue, Detroit, MI, A Michigan Corporation, THE DETROIT EDISON COMPANY, a Michigan corporation of 2000 Second Avenue, Detroit, Michigan, MICHIGAN BELL TELEPHONE COMPANY, A Michigan Corporation of 444 Michigan Ave., Detroit, MI and COLUMBIA CABLE OF MICHIGAN, a Michigan partnership of P. O. Box 998, Ann Arbor, Michigan 48106, 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 Ann Arbor, County of Washtenaw, 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 six feet in width unless otherwise indicated and the route is described as follows:

Easements to be as shown on a drawing to be recorded after construction.

THIS INSTRUMENT IS RE-RECORDED TO SHOW AS INSTALLED DRAWING AS STIPULATED.

**RECORDED**  
WASHTENAW COUNTY MI  
JAN 31 11 44 AM '91  
PEGGY H. HAINES  
COUNTY CLERK/REGISTER  
*Re-Recorded*

**RECORDED**  
WASHTENAW COUNTY MI  
FEB 21 12 09 PM '99  
ROBERT M. HARRISON  
COUNTY CLERK/REGISTER

RECORDED RIGHT OF WAY NO. 47429

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 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:

*[Signature]* Mark S. Davison  
*Brenda Fuson* Brenda Fuson

Grantors:

*[Signature]* Harold Beznos  
BEZTAK COMPANY,  
A Michigan Co-Partnership  
General Partner

Prepared by: James M. Davenport  
425 S. Main  
Ann Arbor, MI 48104

Address: 31731 Northwestern Hwy.  
Suite 201 E  
Farmington Hills, MI 48016

PART OF  
81-12-05-300-22

--Over--

Acknowledgement-Partnership

STATE OF MICHIGAN

County of Oakland

Page 2 of 3  
Re: Recorded

On this 16 day of February, 1989, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Harold Beznos

(a) general/managing partner(s), on behalf of BEZTAK COMPANY, A Michigan Co - partnership.

CINDY L. MARCINA  
NOTARY PUBLIC - OAKLAND COUNTY, MICHIGAN  
MY COMMISSION EXPIRES 11-4-92

[Signature]  
Notary Public, Oakland County, Michigan

My commission expires \_\_\_\_\_

DE 963-4181 9-86 CS

A P P E N D I X "A"

Commencing at the Southwest corner of Section 5, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 01°52'40" W 14.00 feet along the West line of said Section to the Point of Beginning; thence N 86°38'10" E 558.55 feet; thence N 08°07'05" W 204.64 feet; thence Northerly 234.09 feet along the arc of a 234.09 foot radius circular curve to the right, through a central angle of 46°05'25" having a chord which bears N 14°55'35" E 227.83 feet; thence N 37°58'20" E 74.53 feet; thence S 48°01'40" E 115.75 feet along the Southwesterly right-of-way line of the Eisenhower Parkway; thence continuing along said right-of-way line Southeasterly 742.81 feet along the arc of a 1793.86 foot radius circular curve to the left, through a central angle of 23°43'30", having a chord which bears S 59°53'25" E 737.52 feet; thence S 00°44'00" E 643.31 feet; thence S 86°38'10" W 915.16 feet; thence N 42°13'00" W 604.26 feet along the Northeasterly right-of-way line of the I-94 Freeway; thence N 30°55'10" W 108.62 feet continuing along said right-of-way line; thence N 86°38'10" E 61.38 feet to the Point of Beginning. Being a part of the Southwest ¼ of Section 5, a part of the Southeast ¼ of Section 6, a part of the Northeast ¼ of Section 7 and a part of the Northwest ¼ of Section 8, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan and containing 21.99 acres of land, more or less. Being subject to easements and restrictions of record, if any.

ROBERT J. HARRISON  
COUNTY CLERK/REGISTER

FEB 21 12 09 PM '89

WASHTENAW COUNTY MI

RECORDED

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

700

[Signature]  
Ret



RECORDED

WASHTENAW COUNTY MI

JAN 31 11 44 AM '91

PEGGY M. HAINES  
COUNTY CLERK/REGISTER

*11.00*  
*2.00*

*Miles*

*As a check*  
*80*

16/12/1 11:38AM 9993 0333003 9993 11.00 DEED

16/12/1 11:38AM 9993 0333003 9993 2.00 SSRF

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