

# 15/2

Real Estate and Rights of Way

**Detroit Edison**

# Joint Underground Residential Distribution Right of Way Agreement

July 5, 1988

For good and valuable consideration of system betterment, the undersigned hereby grant and convey to CONSUMERS POWER COMPANY, a Michigan corporation of 212 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, [REDACTED]

[REDACTED], 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 Township of Genoa, County of Livingston, 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 12 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

FEB 13 10 13 AM '91

HANGY HAVILAND  
REGISTER OF DEEDS  
LIVINGSTON COUNTY, MI  
43843

NANCY HAVILAND  
REGISTER OF DEEDS  
LIVINGSTON COUNTY, MI  
43843

JUL 26 2 26 PM '88

RECORDED

41498

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.

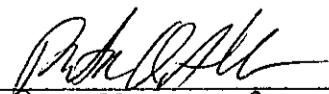
THIS GRANT is declared to be binding upon the heirs, successors, lessees, licensees and assigns of the parties hereto.

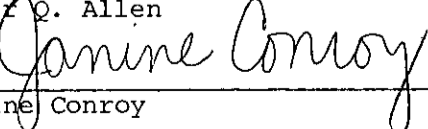
IN WITNESS WHEREOF, the undersigned have hereunto set their hand(s) on the date of this agreement.

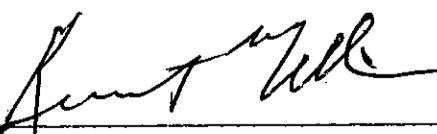
WITNESSES:

GRANTORS:

UNISYS CORPORATION,  
a Delaware corporation

  
Peter Q. Allen

  
Janine Conroy

  
By: Kenneth L. Miller  
Its: Vice President and Secretary

11/10/50

11/10/50

11/10/50

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

LIBER 1456 PAGE 376

LIBER 1293 PAGE 0714

BURROUGHS FARMS ASSOCIATES,  
a Michigan co-partnership

Denis C. Monahan  
Denis C. Monahan

John M. Donaldson  
By: John M. Donaldson  
Its: Managing Partner

Sherry Ann Reynolds-Hall  
Sherry Ann Reynolds-Hall

OAK POINTE DEVELOPMENT COMPANY,  
a Michigan corporation,

Denis C. Monahan  
Denis C. Monahan

John M. Donaldson  
By: John M. Donaldson  
Its: Secretary

Sherry Ann Reynolds-Hall  
Sherry Ann Reynolds-Hall

OAK POINTE HOLDINGS, LTD.,  
a Delaware corporation,

Denis C. Monahan  
Denis C. Monahan

John M. Donaldson  
By: John M. Donaldson  
Its: Secretary

Sherry Ann Reynolds-Hall  
Sherry Ann Reynolds-Hall

STATE OF MICHIGAN )  
                                  ) SS.  
COUNTY OF WAYNE )

The foregoing instrument was acknowledged before me  
this 5th day of July, 1988, by Kenneth L. Miller  
who is the vice President and Secretary  
of Unisys corporation, a Delaware corporation, on behalf of the  
corporation.

Marlene Adams  
Notary Public  
Oakland County, Michigan  
My Commission Expires: April 11, 1992

STATE OF MICHIGAN )  
                                  ) SS.  
COUNTY OF WAYNE )

MARLENE ADAMS  
Notary Public, Oakland County, Michigan  
Acting in Wayne County, Michigan  
My Commission Expires April 11, 1992

The foregoing instrument was acknowledged before me  
this 30th day of June, 1988, by John M. Donaldson  
who is a Managing Partner of Burroughs Farms Associates, a  
Michigan co-partnership, on behalf of the co-partnership.

Sherry Ann Reynolds-Hall  
Sherry Ann Reynolds-Hall  
Notary Public  
Wayne County, Michigan  
My Commission Expires: 5-22-90

RECORDED RIGHT OF WAY NO. 41498

POSTAGE WILL BE PAID BY ADDRESSEE  
NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES

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

LIBER 1456 PAGE 377

LIBER 1293 PAGE 0715

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF WAYNE )

The foregoing instrument was acknowledged before me  
this 31st day of June, 1988, by John M.  
Donaldson who is the Secretary of Oak Pointe Development  
Company, a Michigan corporation, on behalf of the corporation.

*Sherry Ann Reynolds-Hall*  
Sherry Ann Reynolds-Hall  
Notary Public  
Wayne County, Michigan  
My Commission Expires: 5-22-90

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF WAYNE )

The foregoing instrument was acknowledged before me  
this 31st day of June, 1988, by John M.  
Donaldson who is the Secretary of Oak Pointe Holdings, Ltd., a  
Delaware corporation, on behalf of said corporation.

*Sherry Ann Reynolds-Hall*  
Sherry Ann Reynolds-Hall  
Notary Public  
Wayne County, Michigan  
My Commission Expires: 5-22-90

6505/02/sig.jt.und

RECORDED RIGHT OF WAY NO. 41498

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

APPENDIX "A"

PHASE III  
PINE EAGLES CONDOMINIUMS

A part of the Southeast and Southwest 1/4 of Section 28, Town 2 North - Range 5 East, Genoa Township, Livingston County, Michigan, described as follows:

Commencing at the Northwest Corner of Lot 1 of "Oak Pointe South" as recorded in Liber 23 of Plats, Pages 42-45 of Livingston County Records, said point being North 86 degrees 44 minutes 57 seconds East, 2227.16 feet and North 689.69 feet from the South 1/4 corner of said Section 28; thence South 21 degrees 32 minutes 00 seconds West, along the West line of said Lot 1, 155.00 feet; thence North 77 degrees 28 minutes 00 seconds West, 655.00 feet; thence South 85 degrees 32 minutes 00 seconds West, 320.37 feet; thence South 74 degrees 28 minutes 19 seconds West, 125.49 feet; thence South 83 degrees 24 minutes 15 minutes West, 187.66 feet; thence North 83 degrees 21 minutes 50 seconds West, 503.74 feet; thence North 67 degrees 37 minutes 14 seconds West, 338.25 feet to the Point of Beginning of the parcel to be described; thence North 61 degrees 52 minutes 55 seconds West, 454.40 feet; thence North 86 degrees 39 minutes 22 seconds East, 37.52 feet; thence North 03 degrees 17 minutes 52 seconds West, 197.40 feet; thence South 87 degrees 56 minutes 52 degrees West, 204.29 feet; thence North 48 degrees 02 minutes 00 seconds East, 711.21 feet; thence North 00 degrees 00 minutes 00 seconds East, 493.29 feet; thence North 40 degrees 38 minutes 39 minutes West, 85.00 feet; thence North 20 degrees 49 minutes 56 seconds East, 155.68 feet to the Southerly Right-Of-Way of "Oak Pointe Drive" (66 feet wide) as recorded in Liber 1183, pages 738-750, Livingston County Records; thence along said Right-Of-Way on the following (10) courses; 1) Southeasterly on an arc right having a length of 29.89 feet, a central angle of 03 degrees 44 minutes 28 seconds, a radius of 457.73 feet and a chord which bears South 42 degrees 30 minutes 53 degrees East, 29.88 feet; 2) South 40 degrees 38 minutes 39 seconds East, 292.55 feet; 3) Southeasterly on an arc left having a length of 162.04 feet, a central angle of 28 degrees 44 minutes 37 seconds, a radius of 323.00 feet and a chord which bears South 55 degrees 00 minutes 58 seconds East, 160.35 feet; 4) South 69 degrees 23 minutes 16 seconds East, 336.02 feet; 5) Southeasterly on an arc right having a length of 104.78 feet, a central angle of 30 degrees 28 minutes 25 seconds, a radius of 197.00 feet and a chord which bears South 54 degrees 09 minutes 04 seconds East, 103.55 feet; 6) South 38 degrees 54 minutes 51 seconds East, 180.30 feet; 7) Southeasterly on an arc right having a length of 49.30 feet, a central angle of 14 degrees 20 minutes 21 seconds, a radius of 197.00 feet and a chord which bears South 31 degrees 44 minutes 41 seconds East, 49.17 feet; 8) South 24 degrees, 34 minutes 30 seconds East, 119.43 feet; 9) Southeasterly on an arc left having a length of 138.27 feet, a central angle of 30 minutes 07 minutes 20 seconds, a radius of 263.00 feet and a chord which bears South 39 degrees 38 minutes 10 seconds East, 136.68 feet; 10) South 54 degrees 41 minutes 50 seconds East, 114.79 feet; thence South 33 degrees 03 minutes 02 seconds West, 106.09 feet; thence North 77 degrees 16 minutes 05 seconds West, 178.16 feet; thence South 14 degrees 29 minutes 25 seconds West, 392.00 feet; thence North 87 minutes 40 minutes 48 seconds West, 359.41 feet; thence North 69 degrees 52 minutes 27 seconds West, 176.20 feet; thence South 39 degrees 04 minutes 39 seconds West, 326.87 feet; containing 27.03 acres, more or less.

RECORDED RIGHT OF WAY NO. 21498

6504/00/Legals/PhaseIIICo

LIBER 1293 PAGE 0716

LIBER 1456 PAGE 378

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

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



Genoa Twp  
Sec. 28

Detroit  
Edison

DATE: 3-11-91

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 PINE EAGLES  
CONDOS - PHASE 3  
Located In: GENOA TOWNSHIP  
County: LIVINGSTON

RECORDED RIGHT OF WAY NO.

41498

Attached is the executed agreement dated 7-5-88  
for the above named project.

Easements for this project were requested by DAVID  
EISELE  
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)

Serving Customers

*We're all a part of it!*



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