

DETROIT EDISON

Real Estate and Rights of Way

Joint Overhead

Right of Way Agreement

MAY 7, 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, MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation of 444 Michigan Avenue, Detroit, Michigan, and UNITED CABLE TELEVISION OF OAKLAND COUNTY, LTD., a Michigan corporation of 4500 Delemere, Royal Oak, Michigan 48073, hereinafter referred to collectively as "GRANTEE", the right to construct, reconstruct, modify, add to, operate and maintain overhead line facilities consisting of poles, guys, anchors, wires, cables, transformers and accessories required to provide electric and communication services, in upon, over, and across the property located in the City of Rochester, County of Oakland, State of Michigan, and further described as follows:

Part of the Southeast 1/4 of Section 10, T3N, R11E, beginning at intersection of North line of "Sprague's Addition" and Southeast line of Paint Creek, said intersection being 269.50 feet west of the East Section line, thence West along North line of said addition to Northeast corner of Lot 45, thence North 02 30'00" West 52.85 feet along the extension of East line of Lot 45, thence South 86 00'00" West 60 feet, thence North along East line of Madison Avenue to North line of 7th Street, thence West 27.30 feet, thence North 359.24 feet, thence North 39 17'30" West 68.47 feet, thence South 84 38'00" East 897.80 feet to Southwest line of MC RR R/W, thence South 50 24'00" East along said right of way to Southeast line of creek, thence Southwesterly along Paint Creek to point of beginning.

RECORDED RIGHT OF WAY NO. 41532

Sidwell No. 15-10-477-031 *AVON*

B#92 REG/DEEDS PAID
0001 MAR.15'91 11:50AM
3447 MISC 11.00

The route of the line facilities is described as follows: In a Northwesterly and Southeasterly direction across said land, as shown on Detroit Edison Company drawing 0-9749 dated 1/11/90, which is attached herewith and shall be recorded with this document. Poles are to be installed generally in compliance with the alignment shown on attached drawing 09749, dated 1/11/90. Detroit Edison shall provide the City with a legal description with centerline of the right-of-way based upon the as-built conditions. The legal description and as-built shall be submitted within 30 days of the installation of the poles.

Deco)

The right of way is ten (10) feet in width.

B#92 REG/DEEDS PAID
0001 MAR.15'91 11:50AM
3447 RMT FEE 2.00

*11.00
2.00 RMT
AL*

The rights hereby granted include the right of access to and from the right of way and the right to trim, cut down or otherwise control brush and trees within the right of way. On property adjoining the right of way, the City will permit (based upon on-site concurrence by an authorized city representative) trimming and/or cutting of trees and brush within a ten (10) foot maintenance zone on either side of the right of way. It is expressly understood and agreed that the GRANTEE shall at no time, trim or cut down any trees within the maintenance zone without prior approval by the City. The GRANTEE shall restore premises to its original condition or as near as can be in the event of damages caused by its employees, contractors, vehicles and equipment entering premises for the purposes set forth herein. No buildings or structures are to be placed within said right of way herein granted without written consent of the GRANTEE, which shall not be unreasonably withheld. An additional 10' of bury (total of 20') is to be accomplished on the pole located south of the Paint Creek and said pole is to be located as far to the south of the stake placed by Dennis Doherty and verified by the City engineer.

Tree replacement shall be required as follows: Each tree removed with a diameter of 2" or greater shall be replaced with a 2" diameter tree. The planting of the replacement tree shall be by Detroit Edison or its contractor at no expense to the City. The estimate of tree replacement based on a visual inspection is 20 trees. The City Park Superintendent shall determine

APPROVED AS TO FORM 5/7/90 DATE
LEGAL DEPARTMENT *[Signature]*

O.K. — LM

Return on Back

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

LEGAL DEPARTMENT
APPROVED AS TO FORM _____ DATE _____

a location for the new trees. The new tree species shall be other than crab apples but may be low or slow growing if planted under the Edison wires. The City reserves the right to plant the replacement trees elsewhere in the park.

This grant is declared to be binding upon 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:

Judith A. Dean
JUDITH A. DEAN
Andrea Wangelin
ANDREA WANGELIN

Prepared by:
Annie P. Grimmett/apg
Detroit Edison Company
30400 Telegraph Rd., Suite 277
Birmingham, Mi 48010

Revised by:
Kenneth A. Johnson, City Manager
City of Rochester
400 Sixth Street
Rochester, MI 48063

GRANTORS:

CITY OF ROCHESTER PARKLAND

Kenneth Johnson
KENNETH A. JOHNSON, ^{CITY}MANAGER
Nancy D. Miller
NANCY D. MILLER, CITY CLERK

Address:
400 Sixth Street
Rochester, Mi 48063

ACKNOWLEDGEMENT - CORPORATION

State of MICHIGAN
County of OAKLAND) SS.

On this 27th day of MAY, 1990, the foregoing instrument was acknowledged before me, a notary public in and for said county, by

KENNETH A. JOHNSON AND NANCY D. MILLER
whose title(s) is/are CITY MANAGER AND CITY CLERK

of THE CITY OF ROCHESTER, a MUNICIPAL

corporation, on behalf of the corporation.

My Commission Expires: _____
Betty Wilber
Notary Public, _____ County,

BETTY WILBER
Notary Public, Oakland Co., MI
My Comm. Expires May 9, 1993

RECORDED RIGHT OF WAY NO. 41532

NOTARY PUBLIC
OAKLAND COUNTY, MICHIGAN
BETTY WILBER
400 SIXTH STREET
ROCHESTER, MI 48063
COMM. EXPIRES MAY 9, 1993

APPROVED		DATE
Bldg. & Prop. Dept.		
Div. Org.	<i>J. D. McDonald</i>	5/10/8
Inv. Dept.		
Legal Dept.		
Sys. Eng. Dept.		
Tax Dept.		

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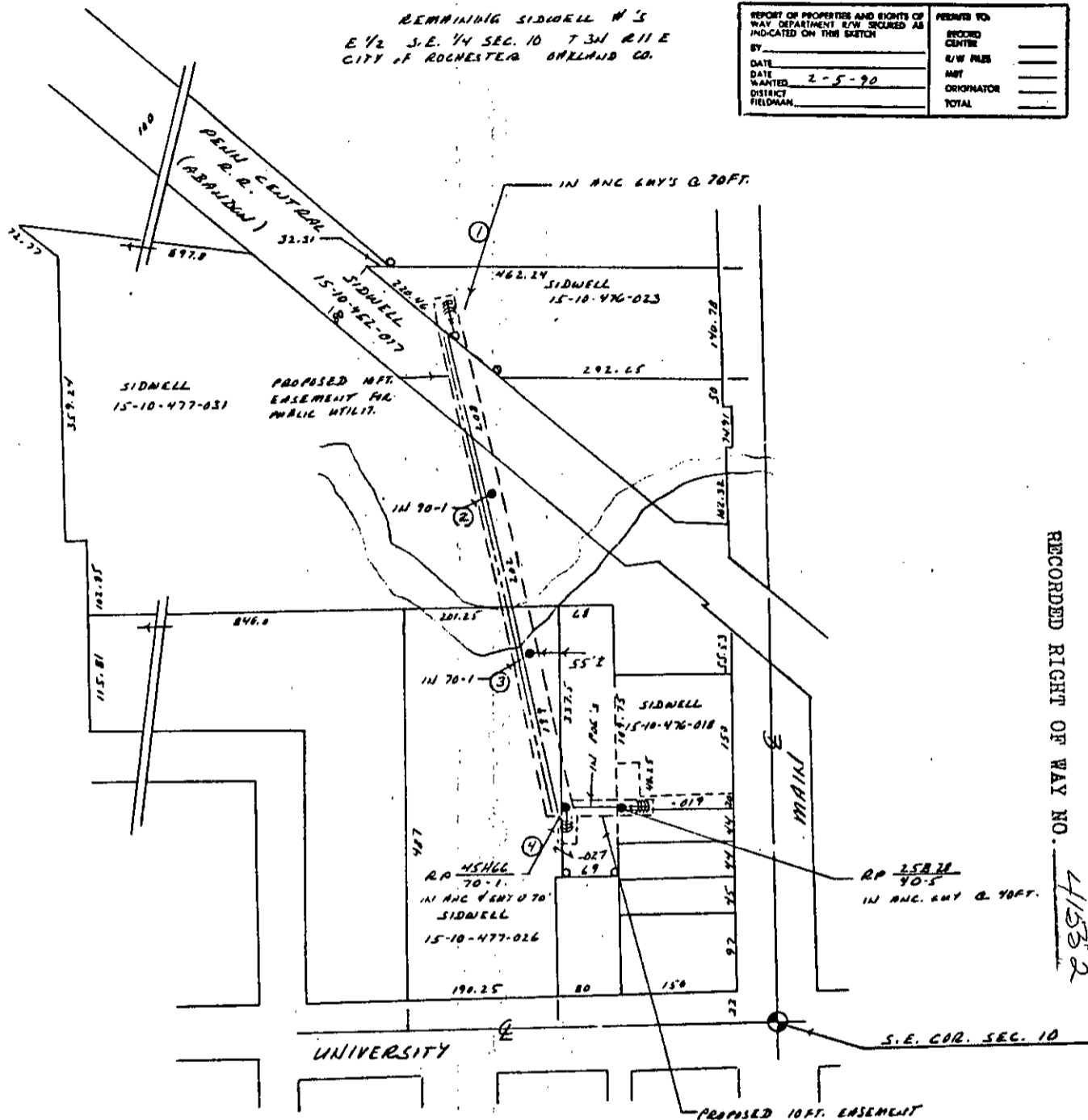


DESCRIPTION

SIDWELL - 15-10-477-026 AND 027
 SPRAGUES ADDITION - S.E. 1/4 SEC. 10
 T 3N R 11 E CITY OF ROCHESTER
 OAKLAND CO. - LIBER 3 PAGE 33

REMAINING SIDWELL N'S
 E 1/2 S.E. 1/4 SEC. 10 T 3N R 11 E
 CITY OF ROCHESTER OAKLAND CO.

REPORT OF PROPERTIES AND RIGHTS OF WAY DEPARTMENT E/W SECURED AS INDICATED ON THIS SKETCH		PERMITS FOR RECORD CENTRE
BY _____	DATE _____	E/W FILE _____
DATE WANTED 2-5-90	DISTRICT _____	ORIGINATOR _____
FIELDMAN _____		TOTAL _____



RECORDED RIGHT OF WAY NO. 41532

R/W REQUIRED

- 10 FT. RECORDED EASEMENT FOR 40KV LINE
- 30 FT. SWATH FOR TREE REMOVAL BETWEEN PILES 1 AND 3
- MEMO # 1818 TO MBT AND CATV FOR FUTURE JOINT-USE R/W
- 40KV CONST. TO BE ARMLESS
- 40KV CONST. TO BE CROSS-ARM

LEGEND		THE DETROIT EDISON COMPANY - SERVICE PLANNING DEPARTMENT	
○	PERMITS POLE	CITY OF ROCHESTER	ORLAND S.E. 1/4 10
○	EXIST. D.E. CO. POLE	PROJECT NO.	322-432
○	PROPOSED POLE	DATE	3/1/90
○	EXIST. ANCHOR	PROJECT NAME	TEL. ENG. & CITY
○	PROPOSED ANCHOR	CITY	156-6931-5-DC 1814-1823 ROCHESTER
○	TREE	PLANNED BY	162-LOCATE D.N. FOR NEW B.L.D.A.
—	15,000 V LINE	SCALE	1" = 100'
—	40,000 V LINE	DATE	1/1/90
—	60,000 V LINE	BY	D. JOHARTY

RECEIVED

1964

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